



SENATE BILL 14: Academic Standards/Rules Review/Coal Ash/Funds, Secs. 7, 8, and 9

2015-2016 General Assembly

Committee:

Introduced by:

Analysis of: Secs. 7, 8, and 9 of S.L. 2015-7

Date:

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Staff Attorney

SUMMARY: *Secs. 7, 8, and 9 of S.L. 2015-7 clarify the appropriation of funds from the Coal Combustion Residuals Management Fund and amends several dam safety provisions from the Coal Ash Management Act of 2014 as follows:*

- *Clarifies that 26.5% of the funds in the Coal Combustion Residuals Management Fund must be used by the Coal Ash Management Commission and that the remainder must be used by the Department of Environment and Natural Resources (DENR).*
- *Provides that up to 25, rather than exactly 25, positions are created in DENR to carry out the duties imposed by G.S. 130A-309.202. It also clarifies the amount of the appropriation to support the positions and provides that if there is a shortfall in the fund, appropriations to DENR and Department of Public Safety must be reduced in equal proportions.*
- *Effective retroactively to September 20, 2014, amends several dam safety provisions from the Coal Ash Management Act of 2014 to:*
 - *Provide that the downstream inundation map prepared as part of a dam Emergency Action Plan need not be prepared by a licensed professional engineer unless the dam is associated with a coal ash impoundment.*
 - *Change the date for submission of dam Emergency Action Plans for dams not associated with coal ash impoundments from March 1, 2015, to December 1, 2015.*
 - *Direct DENR to study whether and under what circumstances downstream inundation maps should be prepared by licensed professional engineers and to report the results of the study to the Environmental Review Commission no later than March 31, 2016.*

Except as otherwise provided, these sections became effective July 1, 2014.

ANALYSIS OF ENVIRONMENTAL PROVISIONS:

Section 7 clarifies that 26.5% of the funds in the Coal Combustion Residuals Management Fund will be used by the Coal Ash Management Commission and that the remainder will be used by the Department of Environment and Natural Resources (DENR).

Section 8 provides that up to 25, rather than exactly 25, positions are created in DENR to carry out the duties imposed by G.S. 130A-309.202. It also clarifies the amount of the appropriation to support the positions and provides that if there is a shortfall in the fund, appropriations to DENR and DPS are to be reduced in equal proportions.

Section 9 amends several dam safety provisions from the Coal Ash Management Act of 2014 as follows:

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- Provides that the downstream inundation map prepared as part of a dam Emergency Action Plan does not have to be prepared by a licensed professional engineer unless the dam is associated with a coal ash impoundment.
- Changes the date for submission of dam Emergency Action Plans for dams not associated with coal ash impoundments from March 1, 2015 to December 1, 2015.
- Directs DENR to study whether and under what circumstances downstream inundation maps should be prepared by licensed professional engineers. DENR is required to report the results of the study to the Environmental Review Commission no later than March 31, 2016.

EFFECTIVE DATE: Sections 7 and 8 of S.L. 2015-7 became effective July 1, 2014. Section 9 of S.L. 2015-7 was retroactively effective to September 20, 2014.