



2015-2016 General Assembly

SENATE BILL 716: Mountain Energy Act of 2015, Sec. 2: Modifications to Certain Requirements for Coal Ash Management at the Asheville Steam Electric Generating Plant

Committee:
Introduced by:
Analysis of: Sec. 2 of S.L. 2015-110

Date:
Prepared by: Jennifer McGinnis
Staff Attorney

SUMMARY: *Sec. 2 of S.L. 2015-110 modifies certain requirements under the Coal Ash Management Act of 2014 for coal combustion residuals surface impoundments and electric generating facilities located at the Asheville Steam Electric Generating Plant located in Buncombe County, if certain criteria concerning construction of a gas-fired generating facility and cessation of coal-fired facilities at the site are met.*

This section would become effective August 1, 2016, if, on or before that date, the North Carolina Utilities Commission has issued a certificate of public convenience and necessity to Duke Energy Progress for a new natural gas-fired generating facility, based upon written notice submitted to the Commission from Duke Energy Progress that it will permanently cease operations of all coal-fired generating units at the Asheville Steam Electric Generating Plant located in Buncombe County no later than January 31, 2020.

CURRENT LAW: designates coal combustion residuals surface impoundments (impoundments) located at the Asheville Steam Electric Generating Plant in Buncombe County, owned and operated by Duke Energy Progress, and impoundments located at three other facilities, as high-priority, and requires these impoundments to close no later than August 1, 2019, as follows:

- The impoundments must be dewatered.
- All coal combustion residuals (CCRs) must be removed from the impoundments and transferred for: (i) disposal in a combustion products landfill or coal combustion residuals landfill, industrial landfill, or municipal solid waste landfill; or (ii) use in a structural fill, or other beneficial use as allowed by law.
- Where groundwater quality is degraded as a result of the impoundment, corrective action is required to restore groundwater quality.

In addition, current law imposes various restrictions on the generation, disposal, and use of CCRs, including:

- Prohibiting the discharge of stormwater into an impoundment: (i) at an electric generating facility where the coal-fired generating units are no longer producing CCRs on or after December 31, 2018; and (ii) at an electric generating facility where the coal-fired generating units are actively producing CCRs on or after December 31, 2019.
- Requiring all electric generating facilities owned by a public utility to convert to disposal of "dry" fly ash, or retire the facility on or before December 31, 2018.
- Requiring all electric generating facilities owned by a public utility to convert to disposal of "dry" bottom ash, or retire the facility on or before December 31, 2019.

Karen Cochrane-
Brown
Director



Research Division
(919) 733-2578

Senate Bill 716

Page 2

BILL ANALYSIS:

Section 2 (i) changes the date by which closure of the impoundments located at the Asheville Steam Electric Generating Plant is required from August 1, 2019 to August 1, 2022; and (ii) exempts impoundments and electric generating facilities located at the Asheville Steam Electric Generating Plant located in Buncombe County from the prohibitions related to stormwater discharge and requirements for conversion to "dry" fly and bottom ash as previously described.

EFFECTIVE DATE: Section 2 would become effective August 1, 2016, if, on or before that date, the Commission has issued a certificate of public convenience and necessity to Duke Energy Progress for a new natural gas-fired generating facility, based upon written notice submitted to the Commission from Duke Energy Progress that it will permanently cease operations of all coal-fired generating units at the Asheville Steam Electric Generating Plant located in Buncombe County no later than January 31, 2020.