



# SENATE BILL 107: Streamline Dam Removal.

2017-2018 General Assembly

<b>Committee:</b>		<b>Date:</b>	September 7, 2017
<b>Introduced by:</b>		<b>Prepared by:</b>	Jeff Hudson Staff Attorney
<b>Analysis of:</b>	S.L. 2017-145		

**OVERVIEW:** *S.L. 2017-145 amends State law on dam removal to expedite the removal process under certain circumstances. This provision became effective July 1, 2017.*

*The act also directs the Department of Environmental Quality and the Department of Public Safety to study the dam removal process and recommend changes to reduce regulatory barriers to obsolete dam removal and consolidate permit processes. The report shall be submitted to the Environmental Review Commission by March 1, 2020. This provision became effective July 20, 2017.*

### PREVIOUS LAW:

Under previous State law, removal of a dam generally required the approval of the Department of Environmental Quality (DEQ). An application to DEQ for dam removal would have stated the name and address of the applicant, described the proposed removal process, and included maps, plans, specifications, and other such information as required by DEQ.

### BILL ANALYSIS:

Section 1 exempts professionally supervised dam removals from the requirement that a dam removal be approved by DEQ. A professionally supervised dam removal is the removal of a low or intermediate hazard mill dam or run-of-river dam that is not operated primarily for flood control or hydroelectric power generation purposes and the removal of which is designed and supervised by an engineer licensed under North Carolina law, and complies with all of the following:

- The engineer determines that the removal of the dam can be accomplished safely and certifies that the dam is a low or intermediate hazard dam.
- The person proposing the removal of the dam notifies the director of the Division of Energy, Mineral, and Land Resources in DEQ no less than 60 days prior to removal.
- The person proposing the removal of the dam notifies the North Carolina Floodplain Mapping Program of the Department of Public Safety (DPS), the North Carolina Department of Transportation, adjacent property owners of the dam and reservoir, and all impacted local governments of the dam removal no less than 60 days prior to removal.

Section 1 also establishes a fee for a professionally supervised dam removal of \$500.00 and makes other conforming changes.

Section 2 provides that, except as required by federal law, DEQ will not require mitigation for impacts associated with the removal of a dam that is done in compliance with State law. Section 2 also directs DEQ to develop a water quality certification that would allow short term sediment releases associated

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with a professionally supervised dam removal if the sediment to be released has a similar or lower levels of contamination than the sediment downstream of the dam.

Section 3 directs DEQ and DPS to jointly study the dam removal process in North Carolina and recommend further changes in statutes or rules to reduce the regulatory barriers to the removal of obsolete and unwanted dams and consolidate duplicative permit processes. The Departments will jointly report the results of the study to the Environmental Review Commission no later than March 1, 2020.

**EFFECTIVE DATE:** The study provision in Section 3 became effective July 20, 2017. The remainder of the act became effective July 1, 2017.