

# FAILED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 729

AMENDMENT NO. A2  
(to be filled in by  
Principal Clerk)

S729-ARI-192 [v.3]

Page 1 of 2

Comm. Sub. [YES]  
Amends Title [YES]  
Second Edition

Date \_\_\_\_\_, 2014

Senator Woodard

1 moves to amend the bill on page 1, lines 2 through 4,  
2 by rewriting those lines to read:

3 "AN ACT TO (1) PROHIBIT RECOVERY OF COSTS RELATED TO THE  
4 MANAGEMENT OF COAL COMBUSTION RESIDUALS AND UNLAWFUL  
5 DISCHARGES FROM COAL COMBUSTION RESIDUALS SURFACE  
6 IMPOUNDMENTS;"

7  
8 and by renumbering the Long Title accordingly;

9  
10 and on page 3, lines 1 through 28,  
11 by rewriting those lines to read:

12  
13 **"PART I. PROHIBIT RECOVERY OF COSTS RELATED TO THE MANAGEMENT**  
14 **OF COAL COMBUSTION RESIDUALS AND UNLAWFUL DISCHARGES FROM**  
15 **COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS**

16 **SECTION 1.** Article 7 of Chapter 62 of the General Statutes is amended by adding  
17 a new section to read:

18 **"§ 62-133.13. Recovery of costs related to the management of coal combustion residuals**  
19 **and unlawful discharges from coal combustion residuals surface**  
20 **impoundments to the surface waters of the State.**

21 (a) For the purposes of this section, "coal combustion residuals surface impoundment"  
22 has the same meaning as in G.S. 130A-309.201. For the purposes of this section, "costs related  
23 to unlawful discharges to the surface waters of the State" include any corrective actions  
24 required of the electric public utility under State or federal law.

25 (b) The Commission shall not allow an electric public utility to recover from the retail  
26 electric customers of the State any of the following costs:

27 (1) Costs incurred on or after January 1, 2014, that are related to the  
28 management of coal combustion residuals disposed of in coal combustion  
29 residuals surface impoundments, including costs associated with complying  
30 with the provisions of Part 2I of Article 9 of Chapter 130A of the General  
31 Statutes.



\* S 7 2 9 - A R I - 1 9 2 - V - 3 \*

NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 729

**FAILED**

AMENDMENT NO. A2  
(to be filled in by  
Principal Clerk)

S729-ARI-192 [v.3]

Page 2 of 2

- 1           (2)   Costs incurred on or after January 1, 2014, that are related to an unlawful  
2                   discharge to the surface waters of the State from a coal combustion residuals  
3                   surface impoundment, unless the Commission determines the discharge was  
4                   due to an event of force majeure."

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_    FAILED \_\_\_\_\_    TABLED \_\_\_\_\_

**The official copy of this document, with signatures  
and vote information, is available in the  
Senate Principal Clerk's Office**