

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 729

AMENDMENT NO. A12  
(to be filled in by  
Principal Clerk)

S729-ARI-209 [v.1]

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Comm. Sub. [YES]  
Amends Title [NO]  
Second Edition

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

Senator Apodaca

1 Moves to amend the bill on page 18, lines 3 through 29,  
2 by rewriting those lines to read:

3  
4 "a. Convert the coal combustion residuals impoundment to an industrial landfill  
5 by removing all coal combustion residuals and contaminated soil from the  
6 impoundment temporarily, safely storing the residuals on-site, and  
7 complying with the requirements for such landfills established by this  
8 Article and rules adopted thereunder. At a minimum, the landfills shall have  
9 a design with a leachate collection system, a closure cap system, and a  
10 composite liner system consisting of two components: the upper component  
11 shall consist of a minimum 30-ml flexible membrane (FML), and the lower  
12 components shall consist of at least a two-foot layer of compacted soil with a  
13 hydraulic conductivity of no more than 1 X 10<sup>-7</sup>cm/sec. FML components  
14 consisting of high density polyethylene (HDPE) shall be at least 60-ml thick.  
15 The landfill shall otherwise comply with the construction requirements  
16 established by Section .1624 of Subchapter B of Chapter 13 of Title 15A of  
17 the North Carolina Administrative Code, and the siting and design  
18 requirements for disposal sites established by Section .0503 of Subchapter B  
19 of Chapter 13 of Title 15A of the North Carolina Administrative Code,  
20 except with respect to those requirements that pertain to buffers. In lieu of  
21 the buffer requirement established by Section .0503(f)(2)(iii) of Subchapter  
22 B of Chapter 13 of Title 15A of the North Carolina Administrative Code, the  
23 owner of the impoundment shall establish and maintain a 300-foot buffer  
24 between surface waters and disposal areas. After the temporarily displaced  
25 coal combustion residuals have been returned for disposal in the industrial  
26 landfill constructed pursuant to the requirements of this sub-subdivision, the  
27 owner of the landfill shall comply with the closure and post-closure  
28 requirements established by Section .1627 of Subchapter B of Chapter 13 of  
29 Title 15A of the North Carolina Administrative Code. A landfill constructed  
30 pursuant to this sub-subdivision shall otherwise be subject to all applicable  
31 requirements of this Chapter and rules adopted thereunder. Prior to closure,  
32 the Department may allow the disposal of coal combustion residuals, in



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addition to those originally contained in the impoundment, to the landfill constructed pursuant to this sub-subdivision, if the Department determines that the site is suitable for additional capacity and that disposal of additional coal combustion residuals will not pose an unacceptable risk to public health, safety, welfare; the environment; and natural resources."

and on page 18, line 47, through page 19, line 6,  
by rewriting those lines to read:

"(3) Low-risk impoundments shall be closed as soon as practicable, but no later than December 31, 2029. A proposed closure plan for such impoundments must be submitted as soon as practicable, but no later than December 31, 2018. Such impoundments shall be dewatered. The Department shall require such sites to comply with the closure and post-closure requirements established by Section .1627 of Subchapter B of Chapter 13 of Title 15A of the North Carolina Administrative Code. Specifically, the owner of an impoundment shall install and maintain a cap system that is designed to minimize infiltration and erosion in conformance with the requirements of Section .1624 of Subchapter B of Chapter 13 of Title 15A of the North Carolina Administrative Code, and, at a minimum, shall be designed and constructed to: (i) have a permeability no greater than 1 x 10<sup>-5</sup> cm/sec; (ii) minimize infiltration by the use of a low-permeability barrier that contains a minimum 18 inches of earthen material; and (iii) minimize erosion of the cap system and protect the low-permeability barrier from root penetration by use of an erosion layer that contains a minimum of six inches of earthen material that is capable of sustaining native plant growth. In addition, the owner of an impoundment shall: (i) install and maintain a leachate collection system; (ii) install and maintain a groundwater monitoring system; (iii) establish financial assurance that will ensure that sufficient funds are available for closure pursuant to this subdivision, post-closure maintenance and monitoring, any corrective action that the Department may require, and to satisfy any potential liability for sudden and nonsudden accidental occurrences arising from the impoundment, and subsequent costs incurred by the Department in response to an incident, even if the owner becomes insolvent or ceases to reside, be incorporated, do business, or maintain assets in the State; and (iv) conduct post-closure care for a period of 30 years, which period may be increased by the Department upon a determination that a longer period is necessary to protect public health, safety, welfare; the environment; and natural resources, or decreased upon a determination that a shorter period is sufficient to protect public health, safety, welfare; the environment; and natural resources. The Department may require implementation of any other measure it deems necessary to protect public

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1 health, safety, and welfare; the environment; and natural resources, including  
2 imposition of institutional controls that are sufficient to protect public health,  
3 safety, and welfare; the environment; and natural resources."

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

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

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

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and vote information, is available in the  
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