

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 729

AMENDMENT NO. A19
(to be filled in by
Principal Clerk)

S729-ASB-130 [v.3]

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

Date _____, 2014

Representative G. Martin

1 moves to amend the bill on page 40, line 35 through page 41, line 35,
2 by rewriting those lines to read:

3
4 "SECTION 8.(a) G.S. 143-215.31 reads as rewritten:

5 "§ 143-215.31. **Supervision over maintenance and operation of dams.**

6 (a) The Commission shall have jurisdiction and supervision over the maintenance and
7 operation of dams to safeguard life and property and to satisfy minimum streamflow
8 requirements. The Commission may adopt standards for the maintenance and operation of
9 dams as may be necessary for the purposes of this Part. The Commission may vary the
10 standards applicable to various dams, giving due consideration to the minimum flow
11 requirements of the stream, the type and location of the structure, the hazards to which it may
12 be exposed, and the peril of life and property in the event of failure of a dam to perform its
13 function.

14 (a1) The owner of a dam classified by the Department as a high-hazard dam or an
15 intermediate-hazard dam shall develop an Emergency Action Plan for the dam as provided in
16 this subsection.

17 (1) The owner of the dam shall submit a proposed Emergency Action Plan for
18 the dam within 90 days after the dam is classified as a high-hazard dam or an
19 intermediate-hazard dam to the Department and the Department of Public
20 Safety for their review and approval. The Department and the Department of
21 Public Safety shall approve the Emergency Action Plan if they determine
22 that it complies with the requirements of this subsection and will protect
23 public health, safety, and welfare; the environment; and natural resources.

24 (2) The Emergency Action Plan shall include, at a minimum, all of the
25 following:

- 26 a. A description of potential emergency conditions that could occur at
27 the dam, including security risks.
- 28 b. A description of actions to be taken in response to an emergency
29 condition at the dam.
- 30 c. Emergency notification procedures to aid in warning and evacuations
31 during an emergency condition at the dam.



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d. A downstream inundation map depicting areas affected by a dam failure and sudden release of the impoundment.

(3) The owner of the dam shall update the Emergency Action Plan annually and shall submit it to the Department and the Department of Public Safety for their review and approval within one year of the prior approval.

(4) The Department shall provide a copy of the Emergency Action Plan to the regional offices of the Department that might respond to an emergency condition at the dam.

(5) The Department of Public Safety shall provide a copy of the Emergency Action Plan to all local emergency management agencies that might respond to an emergency condition at the dam.

(6) Information included in an Emergency Action Plan that constitutes sensitive public security information, as provided in G.S. 132-1.7, shall be maintained as confidential information and shall not be subject to disclosure under the Public Records Act. For purposes of this section, "sensitive public security information" shall include Critical Energy Infrastructure Information protected from disclosure under rules adopted by the Federal Energy Regulatory Commission in 18 C.F.R. § 333.112.

...."

SECTION 8.(b) Notwithstanding G.S. 143-215.31, as amended by Section 8(a) of this act, the owners of all high-hazard dams and intermediate-hazard dams in operation on the effective date of this act shall submit their proposed Emergency Action Plans to the Department of Environment and Natural Resources and the Department of Public Safety no later than March 1, 2015.

SECTION 8.(c) G.S. 143-215.30 reads as rewritten:

"§ 143-215.30. Notice of completion; certification of final ~~approval~~approval; notice of transfer.

(a) Immediately upon completion, enlargement, repair, alteration or removal of a dam, notice of completion shall be given the Commission. As soon as possible thereafter supplementary drawings or descriptive matter showing or describing the dam as actually constructed shall be filed with the Department in such detail as the Commission may require.

(b) When an existing dam is enlarged, the supplementary drawings and descriptive matter need apply only to the new work.

(c) The completed work shall be inspected by the supervising engineers, and upon finding that the work has been done as required and that the dam is safe and satisfies minimum streamflow requirements, they shall file with the Department a certificate that the work has been completed in accordance with approved design, plans, specifications and other requirements. Unless the Commission has reason to believe that the dam is unsafe or is not in compliance with any applicable rule or law, the Commission shall grant final approval of the work in accordance with the certificate, subject to such terms as it deems necessary for the protection of life and property.

(d) Pending issuance of the Commission's final approval, the dam shall not be used except on written consent of the Commission, subject to conditions it may impose.

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- 1 (e) The owner of a dam shall provide written notice of transfer to the Department
- 2 within 30 days after title to the dam has been legally transferred. The notice of transfer shall
- 3 include the name and address of the new dam owner".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
House Principal Clerk's Office**