

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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SENATE BILL DRS45243-MHa-43

Short Title: Structural Fill Remediation Pilot. (Public)

Sponsors: Senator Sawyer (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH AND FUND A PILOT PROGRAM FOR THE REMEDIATION OF  
3 CERTAIN COAL COMBUSTION PRODUCTS STRUCTURAL FILL SITES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** Findings. – The General Assembly finds that, though the use of coal  
6 combustion products in structural fill is a safe and effective beneficial reuse of those products  
7 when conducted in compliance with applicable law, certain structural fill sites in the State have  
8 not resulted in the beneficial use that was intended when the coal combustion products were  
9 placed at the site. The General Assembly further finds that deterioration of these structural fill  
10 sites due to erosion, failure of stormwater structures, or failure to maintain proper soil cover have  
11 resulted in threats to public health and safety. Therefore, the appropriation of funds to conduct a  
12 pilot program for assessment and initial remediation activities to stabilize these failing structural  
13 fill sites is a proper and necessary public purpose.

14 **SECTION 1.(b)** There is appropriated the sum of one million dollars (\$1,000,000)  
15 in nonrecurring funds for the 2023-2024 fiscal year to the Department of Environmental Quality  
16 to conduct a pilot program for assessment and initial remediation of high-risk coal combustion  
17 products structural fill sites (CCP sites) where coal combustion products were placed prior to the  
18 enactment of the Coal Ash Management Act of 2014. The program shall include the following  
19 components:

- 20 (1) Study scope. – The Department shall study sites managed under any of the  
21 following programs:
- 22 a. Sites managed by the Division of Waste Management under Section  
23 .1700 of Subchapter 13B of Title 15A of the North Carolina  
24 Administrative Code (Requirements for Beneficial Use of Coal  
25 Combustion By-Products).
  - 26 b. Sites managed by the Division of Water Quality under Section .1200  
27 of Subchapter 2T of Title 15A of the North Carolina Administrative  
28 Code (Coal Combustion Products Management) as those rules existed  
29 in 2014.
  - 30 c. Sites where coal combustion products were placed pursuant to a  
31 Distribution of Residual Solids permit issued to a coal ash generating  
32 facility under the authority of G.S. 143-215.1(d).
- 33 (2) Study contents. – The study shall include, at a minimum, the following:
- 34 a. A summary of existing site uses, site conditions, and cap stability data  
35 from site inspections compiled either from existing data or new field  
36 inspection results.



- 1           b.       With respect to sites that are deficient based on site inspections, any
- 2                    necessary site assessment, groundwater testing, or surface water
- 3                    testing necessary to prioritize sites with the greatest need for
- 4                    immediate remediation and to determine the most cost-effective
- 5                    remedial approach that is protective of public health and safety.
- 6           c.       The Department may take immediate corrective action such as
- 7                    restoration of protective cover or removal of ash from streams prior to
- 8                    the remedial action process described in subdivision (2) of this section
- 9                    at any site found to be a present risk to public health, safety, or the
- 10                  environment.
- 11       (3)       Remedial activities. – Based on the study findings, the Department shall select
- 12                  up to five sites for further action based upon the following criteria:
- 13                  a.       The potential for known risk to public health or the environment.
- 14                  b.       The potential for exposure from airborne or subsurface contamination.
- 15                  c.       The practical ability of the property owner to contribute to the
- 16                          remediation.
- 17                  d.       The source of the ash.
- 18                  e.       The age of the fill.
- 19                  f.       The end use or potential end use of the property.
- 20       (4)       Report. – The Department will provide an interim report no later than April 1,
- 21                  2024, and a final report no later than December 1, 2024, to the Joint
- 22                  Legislative Oversight Committee on Agriculture and Natural and Economic
- 23                  Resources and the Fiscal Research Division. The report shall include a
- 24                  summary of the activities funded by this act, a list of the sites selected for
- 25                  further remedial activities, and a description of the work undertaken at the
- 26                  selected sites. The report may also include the Department's recommendations
- 27                  on the necessity, potential scope, and funding needs for a permanent program
- 28                  to address CCP sites.
- 29                **SECTION 1.(c)** Personnel. – The Department may establish up to two time-limited
- 30                positions to fund the activities authorized by this act.
- 31                **SECTION 1.(d)** Nonrevert. – Funds appropriated by this act shall not revert at the
- 32                end of the fiscal year but shall remain available to fund the completion of the study and remedial
- 33                projects authorized by this act.
- 34                **SECTION 2.** This act becomes effective July 1, 2023.