

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

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SENATE BILL DRS15272-MH-109A

Short Title: Revise Dam Safety Requirements.

(Public)

Sponsors: Senators Lazzara, Sawyer, and Johnson (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY THE EMERGENCY ACTION PLAN REQUIREMENTS FOR  
3 CERTAIN DAMS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 143-215.31(a1) reads as rewritten:

6 "(a1) The owner of a dam classified by the Department as a high-hazard dam or an  
7 intermediate-hazard dam shall develop an Emergency Action Plan for the dam as provided in this  
8 subsection:

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

16 (2) The Emergency Action Plan shall include, at a minimum, all of the following:  
17 a. A description of potential emergency conditions that could occur at  
18 the dam, including security risks.  
19 b. A description of actions to be taken in response to an emergency  
20 condition at the dam.  
21 c. Emergency notification procedures to aid in warning and evacuations  
22 during an emergency condition at the dam.  
23 d. A downstream inundation map depicting areas affected by a dam  
24 failure and sudden release of the impoundment. ~~A downstream~~  
25 ~~inundation map prepared pursuant to this section does not require~~  
26 ~~preparation by a licensed professional engineer or a person under the~~  
27 ~~responsible charge of a licensed professional engineer unless the dam~~  
28 ~~is associated with a coal combustion residuals surface impoundment,~~  
29 ~~as defined by G.S. 130A-309.201.~~The requirement to prepare a  
30 downstream inundation map as part of an Emergency Action Plan does  
31 not apply to a dam that is less than 15 feet in height or that has an  
32 impoundment capacity of less than 50 acre-feet, unless the  
33 Commission finds the Department has demonstrated that site-specific  
34 factors warrant the inclusion of a downstream inundation map in the  
35 Emergency Action Plan.



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- 1           (2a) A downstream inundation map prepared as part of an Emergency Action Plan  
2           under subdivision (2) of this section does not require preparation by a licensed  
3           professional engineer or a person under the responsible charge of a licensed  
4           professional engineer unless the dam is associated with a coal combustion  
5           residuals surface impoundment, as defined by G.S. 130A-309.201.
- 6           (3) The owner of the dam shall update the Emergency Action Plan annually and  
7           shall submit it to the Department and the Department of Public Safety for their  
8           review and approval within one year of the prior approval.
- 9           (4) The Department shall provide a copy of the Emergency Action Plan to the  
10          regional offices of the Department that might respond to an emergency  
11          condition at the dam.
- 12          (5) The Department of Public Safety shall provide a copy of the Emergency  
13          Action Plan to all local emergency management agencies that might respond  
14          to an emergency condition at the dam.
- 15          (6) Information included in an Emergency Action Plan that constitutes sensitive  
16          public security information, as provided in G.S. 132-1.7, shall be maintained  
17          as confidential information and shall not be subject to disclosure under the  
18          Public Records Act. For purposes of this section, "sensitive public security  
19          information" shall include Critical Energy Infrastructure Information  
20          protected from disclosure under rules adopted by the Federal Energy  
21          Regulatory Commission in 18 C.F.R. § 388.112."

22           **SECTION 2.** This act becomes effective July 1, 2025, and applies to Emergency  
23   Action Plans required to be submitted or updated on or after that date.