

April 9, 2009

**H 1354. INCREASE PUBLIC SAFETY FOR COAL ASH DISPOSAL.** Filed 4/8/09. (1) TO CLARIFY AND EXPAND THE REQUIREMENTS FOR THE PERMITTING OF COMBUSTION PRODUCTS LANDFILLS AND STRUCTURAL FILL FACILITIES IN ORDER TO ADEQUATELY PROTECT THE PUBLIC HEALTH AND THE ENVIRONMENT; (2) TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO CHARGE AND COLLECT FEES FROM OPERATORS OF COMBUSTION PRODUCTS LANDFILLS AND STRUCTURAL FILL FACILITIES; (3) TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REQUIRE MONITORING AND CORRECTIVE ACTION FOR EXISTING COMBUSTION PRODUCTS SURFACE IMPOUNDMENTS, PROHIBIT THE CONSTRUCTION OF NEW COAL COMBUSTION PRODUCTS SURFACE IMPOUNDMENTS, AND PROVIDE FOR THE PHASING OUT OF EXISTING COMBUSTION PRODUCTS SURFACE IMPOUNDMENTS; AND (4) TO REMOVE THE EXEMPTION FROM THE DAM SAFETY ACT FOR EXISTING COMBUSTION PRODUCTS SURFACE IMPOUNDMENTS.

Amends GS 130A-290(a)(2b) to include within the definition of *combustion products* the solid and liquid waste generated by the burning of coal and the solid and liquid waste that is generated through the process of controlling the emissions that result from the burning of coal, including, but not limited to, scrubber sludge and waste from fluidized bed combustion. Amends GS 130A-290(a)(2c) to redefine *combustion products landfills* as any facility or unit for the disposal of combustion products other than a combustion products surface impoundment. Enacts new GS 130A-290(a)(2d) defining *combustion products surface impoundments*. Amends GS 130A-295.4 to prohibit the issuance of a permit to construct or expand a combustion products landfill within specified floodplains, wetlands, fault areas, etc, to prohibit the construction or expansion of a waste disposal unit beneath the seasonal high groundwater table, and to impose additional requirements with respect to waste disposal units. Provides that remedial action is not complete until water quality standards have been restored and maintained for at least three consecutive years. Prohibits the construction of a combustion products surface impoundment on or after January 1, 2010. Requires the Department of Environment and Natural Resources (DENR) to require monitoring and corrective action for combustion products surface impoundments constructed before January 1, 2010 and to develop a program to phase out such combustion products surface impoundments. Enacts new GS 130A-295.3A requiring DENR to develop a permit system governing the establishment, operation, and closure of structural fill facilities. Amends GS 143-215.25A(a) to remove the exemption from the Dam Safety Act for existing combustion products surface impoundments. Transfers from the NC Utilities Commission to DENR's Division of Waste Management the duty of regulating combustion products surface impoundments. Effective January 1, 2010.

**Intro. by Harrison Fisher.**

GS 130A, 143