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SENATE BILL DRS25061-MH-123B (03/31)

Short Title: Study Hexavalent Chromium in Groundwater. (Public)

Sponsors: Senator Harrington (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO STUDY ADVERSE IMPACTS ON DRINKING WATER OF RESIDENTS IN
3 DIVIDED NEIGHBORHOODS SURROUNDING COAL COMBUSTION RESIDUALS
4 SURFACE IMPOUNDMENTS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 130A-309.211 reads as rewritten:
7 "§ 130A-309.211. Groundwater assessment and corrective action; drinking water supply
8 well survey and provision of alternate water supply; reporting.

9 ...
10 (c1) Provision of Permanent Water Supply. – As soon as practicable, but no later than
11 October 15, 2018, the owner of a coal combustion residuals surface impoundment shall
12 establish permanent replacement water supplies for (i) each household that has a drinking water
13 supply well located within a one-half mile radius from the established compliance boundary of
14 a coal combustion residuals impoundment, and is not separated from the impoundment by the
15 mainstem of a river, as that term is defined under G.S. 143-215.22G, or other body of water
16 that would prevent the migration of contaminants through groundwater from the impoundment
17 to a well and (ii) each household that has a drinking water supply well that is located in an area
18 in which contamination resulting from constituents associated with the presence of a coal
19 combustion residuals impoundment is expected to migrate, as demonstrated by groundwater
20 modeling and hydrogeologic, geologic, and geotechnical investigations of the site, conducted in
21 accordance with the requirements of G.S. 130A-309.214(a)(4), and the results of other
22 modeling or investigations that may have been submitted pursuant to G.S. 130A-309.213(b)(4).
23 Preference shall be given to permanent replacement water supplies by connection to public
24 water supplies; provided that (i) a household may elect to receive a filtration system in lieu of a
25 connection to public water supplies and (ii) if the Department determines that connection to a
26 public water supply to a particular household would be cost-prohibitive, the Department shall
27 authorize provision of a permanent replacement water supply to that household through
28 installation of a filtration system. For households for which filtration systems are installed, the
29 impoundment owner shall be responsible for periodic required maintenance of the filtration
30 system.

31 (c2) Implementation of Permanent Water Supply. – No later than December 15, 2016, an
32 impoundment owner shall submit information on permanent replacement water supplies
33 proposed to be provided to each household to the Department, including, at a minimum, the
34 type of permanent water supply proposed; the location of the household and its proximity to the
35 nearest connection point to a public water supply; projected cost of the permanent water supply
36 option proposed for the household; and any proposal to connect to a public water supply. The



1 Department shall evaluate information submitted by the impoundment owner and render a final
2 decision to approve or disapprove the plan, including written findings of fact, no later than
3 January 15, 2017. If disapproved, an impoundment owner shall resubmit a plan for the
4 Department's approval within 30 days. No later than April 15, 2017, an impoundment owner
5 shall notify all residents identified in the approved plan of their eligibility for establishment of a
6 permanent water supply. Until such time as an impoundment owner has established a
7 permanent water supply for each household required by this subsection, the impoundment
8 owner shall supply the household with an alternate supply of potable drinking water and an
9 alternate supply of water that is safe for other household uses. Nothing in this section shall be
10 construed to (i) require an eligible household to connect to a public water supply or receive a
11 filtration system or (ii) obviate the need for other federal, State, and local permits and
12 approvals. All State entities and local governments shall expedite any permits and approvals
13 required for such projects. The Department may grant an impoundment owner an extension of
14 time, not to exceed one year, to establish permanent water supplies as required by this section,
15 if the Department determines that it is infeasible for the impoundment owner to establish a
16 permanent water supply for a household by October 15, 2018, based on limitations arising from
17 local government resources, including limitations on water supply capacity and staffing
18 limitations for permitting and construction activities.

19 (c3) Study of Additional Households. – The Department of Environmental Quality shall
20 conduct a study of the distribution and levels of hexavalent chromium in the groundwater
21 beneath a divided neighborhood in order to determine if all households in the partially impacted
22 neighborhood should receive a permanent replacement water supply as provided in subsection
23 (c1) of this section. For purposes of this subsection, a "divided neighborhood" is a subdivision
24 or other grouping of homes making up a neighborhood that meets all of the following
25 requirements:

26 (1) The neighborhood is located (i) on a peninsula surrounded by a surface
27 impoundment created by the damming of a river and (ii) in a county that
28 borders another state.

29 (2) Part, but not all, of the neighborhood has drinking water supply wells located
30 within a one-half mile radius from the established compliance boundary of a
31 coal combustion residuals impoundment and meet the other requirements for
32 a permanent replacement water supply as provided in subsection (c1) of this
33 section.

34"

35 **SECTION 2.** This act is effective when it becomes law.