

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 1093

Short Title: Funds for Emergency Release Notifications. (Public)

Sponsors: Representatives Logan, Alexander, and Clark (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Energy and Public Utilities, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

May 14, 2020

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPROVE AND FUND IMPROVEMENTS IN NOTIFICATION OF
3 EMERGENCY RELEASES FROM CERTAIN FEDERALLY LICENSED
4 HYDROELECTRIC PROJECTS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Part 3 of Article 21 of Chapter 143 of the General Statutes is amended
7 by adding a new section to read:

8 "**§ 143-215.31A. High Flow notifications for releases from certain federally licensed project**
9 **reservoirs.**

10 (a) Rule Adoption Required. – The Environmental Management Commission shall adopt
11 permanent rules and may adopt temporary rules applicable to High Flow notifications for releases
12 from dams located in the State and licensed by the Federal Energy Regulatory Commission
13 (FERC). The rules shall apply only to dams that are (i) associated with a hydroelectric generating
14 station also licensed by FERC and (ii) located adjacent to or less than two miles upstream from
15 either the corporate limits of a city with a population greater than 500,000 or the boundaries of a
16 county of the State with a population greater than 750,000.

17 (b) Content of Required Rules. – The rules required by this section shall, to the extent not
18 inconsistent with existing FERC rules, require the FERC licensee to provide notification to local
19 first responders and emergency management personnel serving an impacted area at least three
20 hours prior to high flow releases for which a High Flow notification is required by FERC rules.
21 The rules may provide for a shorter period for the advance notification if needed to avoid
22 significant damage to the dam or associated hydroelectric generating station.

23 (c) Definition. – For purposes of this section, "impacted area" is the area downstream of
24 the dam where flooding due to the high flow has the potential to cause loss of human life or
25 significant damage to property."

26 **SECTION 2.** The sum of one million dollars (\$1,000,000) is appropriated on a
27 nonrecurring basis for the 2020-2021 fiscal year from the General Fund to the Division of
28 Emergency Management of the Department of Public Safety for the development and purchase
29 of emergency notification systems and equipment by fire departments and local government
30 emergency management departments subject to notification under G.S. 143-215.31A, as enacted
31 by Section 1 of this act.

32 **SECTION 3.** Section 2 of this act becomes effective July 1, 2020. The remainder of
33 this act is effective when it becomes law.

