

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015**

**SESSION LAW 2015-110  
SENATE BILL 716**

AN ACT TO: (1) DIRECT THE NORTH CAROLINA UTILITIES COMMISSION TO RENDER AN EXPEDITED DECISION, UNDER CERTAIN CONDITIONS, ON AN APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR AN APPLICANT TO CONSTRUCT A GENERATING FACILITY THAT USES NATURAL GAS AS THE PRIMARY FUEL AND (2) MODIFY CERTAIN REQUIREMENTS UNDER THE COAL ASH MANAGEMENT ACT OF 2014 FOR COAL ASH SURFACE IMPOUNDMENTS LOCATED ON SITES AT WHICH ALL COAL-FIRED GENERATING UNITS PRESENT ON THOSE SITES WILL PERMANENTLY CEASE OPERATIONS BY JANUARY 31, 2020.

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding G.S. 62-110.1, the Commission shall provide an expedited decision on an application for a certificate to construct a generating facility that uses natural gas as the primary fuel if the application meets the requirements of this section. A public utility shall provide written notice to the Commission of the date the utility intends to file an application under this section no less than 30 days prior to the submission of the application. When the public utility applies for a certificate as provided in this section, it shall submit to the Commission an estimate of the costs of construction of the gas-fired generating unit in such detail as the Commission may require. G.S. 62-110.1(e) and G.S. 62-82(a) shall not apply to a certificate applied for under this section. The Commission shall hold a single public hearing on the application applied for under this section and require the applicant to publish a single notice of the public hearing in a newspaper of general circulation in Buncombe County. The Commission shall render its decision on an application for a certificate, including any related transmission line located on the site of the new generation facility, within 45 days of the date the application is filed if all of the following apply:

- (1) The application for a certificate is for a generating facility to be constructed at the site of the Asheville Steam Electric Generating Plant located in Buncombe County.
- (2) The public utility will permanently cease operations of all coal-fired generating units at the site on or before the commercial operation of the generating unit that is the subject of the certificate application.
- (3) The new natural gas-fired generating facility has no more than twice the generation capacity as the coal-fired generating units to be retired.

**SECTION 2.(a)** Section 3(b) of S.L. 2014-122 reads as rewritten:

**"SECTION 3.(b)** Notwithstanding G.S. 130A-309.211 or G.S. 130A-309.212, as enacted by Section 3(a) of this act, and except as otherwise preempted by the requirements of federal law, the following coal combustion residuals surface impoundments shall be deemed high-priority and, ~~as soon as practicable, but no later than August 1, 2019, and~~ shall be closed in conformance with Section 3(c) of this ~~act~~act as follows:

- (1) Coal combustion residuals surface impoundments located at the Dan River Steam Station, owned and operated by Duke Energy Progress, and located in ~~Rockingham County~~County, as soon as practicable, but no later than August 1, 2019.
- (2) Coal combustion residuals surface impoundments located at the Riverbend Steam Station, owned and operated by Duke Energy Carolinas, and located in ~~Gaston County~~County, as soon as practicable, but no later than August 1, 2019.



- (3) Coal combustion residuals surface impoundments located at the Asheville Steam Electric Generating Plant, owned and operated by Duke Energy Progress, and located in Buncombe ~~County~~ County, as soon as practicable, but no later than August 1, 2022.
- (4) Coal combustion residuals surface impoundments located at the Sutton Plant, owned and operated by Duke Energy Progress, and located in New Hanover ~~County~~ County, as soon as practicable, but no later than August 1, 2019."

**SECTION 2.(b)** The requirements of subsections (c) through (f) of G.S. 130A-309.210 shall not apply to coal combustion residuals surface impoundments and electric generating facilities located at the Asheville Steam Electric Generating Plant in Buncombe County.

**SECTION 2.(c)** This section becomes effective August 1, 2016, if, on or before that date, the North Carolina Utilities Commission has issued a certificate of public convenience and necessity to Duke Energy Progress for a new natural gas-fired generating facility, pursuant to Section 1 of this act, based upon written notice submitted to the Commission from Duke Energy Progress that it will permanently cease operations of all coal-fired generating units at the Asheville Steam Electric Generating Plant located in Buncombe County no later than January 31, 2020.

**SECTION 3.** Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 15<sup>th</sup> day of June, 2015.

s/ Daniel J. Forest  
President of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

s/ Pat McCrory  
Governor

Approved 10:15 a.m. this 24<sup>th</sup> day of June, 2015