



CHAPTER 143
ARTICLE 21 - WATER AND AIR RESOURCES

N.C.G.S. § 143-215.32.

Inspection of dams.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2025-25, s. 29(5) — seventh act in the lineage	RETRIEVED 21 September 2026, 06:39 UTC	SOURCE FINGERPRINT 6f749e71ec6f483f3f94b3b4 - 6826d9ae41f3c2097fcd713a - 579f5fbdcbd8adc5
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§ 143-215.32(a) The Department may at any time inspect any dam, including a dam that is otherwise exempt from this Part, upon receipt of a written request of any affected person or agency, or upon a motion of the Environmental Management Commission. Within the limits of available funds the Department shall endeavor to provide for inspection of all dams at intervals of approximately five years.

§ 143-215.32(a1) Coal combustion residuals surface impoundments, as defined by G.S. 130A-309.201, shall be inspected as provided in this subsection:

- (1) The Department shall inspect each dam associated with a coal combustion residuals surface impoundment at least annually.
- (2) The owner of a coal combustion residuals surface impoundment shall inspect the impoundment weekly and after storms to detect evidence of any of the following conditions:
 - a.Deterioration, malfunction, or improper operation of spillway control systems.
 - b.Sudden drops in the level of the contents of the impoundment.
 - c.Severe erosion or other signs of deterioration in dikes or other containment devices or structures.
 - d.New or enlarged seeps along the downstream slope or toe of the dike or other containment devices or structures.
 - e.Any other abnormal conditions at the impoundment that could pose a risk to public health, safety, or welfare; the environment; or natural resources.

- (3) If any of the conditions described in subdivision (2) of this subsection are observed, the owner shall provide documentation of the conditions to the Department and a registered professional engineer. The registered professional engineer shall investigate the conditions and, if necessary, develop a plan of corrective action to be implemented by the owner of the impoundment. The owner of the impoundment shall provide documentation of the completed corrective action to the Department.
- (4) The owner of a coal combustion residuals surface impoundment shall provide for the annual inspection of the impoundment by an independent registered professional engineer to ensure that the structural integrity and the design, operation, and maintenance of the impoundment is in accordance with generally accepted engineering standards. Within 30 days of the inspection, the owner shall provide to the Department the inspection report and a certification by the engineer that the impoundment is structurally sound and that the design, operation, and maintenance of the impoundment is in accordance with generally accepted engineering standards. The owner and the Department shall each place the inspection report and certification on a publicly accessible website.

§ 143-215.32(b) If the Department upon inspection finds that any dam is not sufficiently strong, is not maintained in good repair or operating condition, is dangerous to life or property, or does not satisfy minimum streamflow requirements, the Department shall present its findings to the Commission and the Commission may issue an order directing the owner or owners of the dam to make at his or her expense maintenance, alterations, repairs, reconstruction, change in construction or location, or removal as may be deemed necessary by the Commission within a time limited by the order, not less than 90 days from the date of issuance of each order, except in the case of extreme danger to the safety of life or property, as provided by subsection (c) of this section.

§ 143-215.32(c) If at any time the condition of any dam becomes so dangerous to the safety of life or property, in the opinion of the Environmental Management Commission, as not to permit sufficient time for issuance of an order in the manner provided by subsection (b) of this section, the Environmental Management Commission may immediately take such measures as may be essential to provide emergency protection to life and property, including the lowering of the level of a reservoir by releasing water impounded or the destruction in whole or in part of the dam or reservoir. The

Environmental Management Commission may recover the costs of such measures from the owner or owners by appropriate legal action.

§ 143-215.32(d)

An order issued under this Part shall be served on the owner of the dam as provided in G.S. 1A-1, Rule 4.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I

7 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1967		1996		2025	
TICK HEIGHT = ACTS IN THAT YEAR		DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER		
01	1967	c. 1068, s. 10	ENACTED		
02	1973	c. 1262, s. 23	AMENDED		
03	1977	c. 878, s. 3	AMENDED		
04	1987	c. 827, s. 154	AMENDED		
05	1993	c. 394, s. 7	AMENDED		
06	2014	S.L. 2014-122, s. 10	AMENDED		
07	2025	S.L. 2025-25, s. 29(5)	AMENDED		

APPARATUS II

2 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 130A-309.201	(a1)	"residuals surface impoundments, as defined by"
G.S. 1A-1	(d)	"of the dam as provided in"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 143-215.32 (2025).

PINPOINT

N.C. Gen. Stat. § 143-215.32(a) (2025).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1967, c. 1068, s. 10; 1973, c. 1262, s. 23; 1977, c. 878, s. 3; 1987, c. 827, s. 154; 1993, c. 394, s. 7; 2014-122, s. 10; 2025-25, s. 29(5).)

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