

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 972
May 17, 2018
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40698-RIa-25A

Short Title: Water Safety Act. (Public)

Sponsors: Representatives Davis, Grange, Iler, and Brisson (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT MEASURES TO ADDRESS PER- AND POLY-FLUOROALKYL
3 SUBSTANCES, INCLUDING GENX, AND OTHER EMERGING CONTAMINANTS.
4 The General Assembly of North Carolina enacts:

5
6 **AUTHORIZE THE GOVERNOR, UNDER CERTAIN CIRCUMSTANCES, TO**
7 **REQUIRE A FACILITY TO CEASE ALL OPERATIONS AND ACTIVITIES THAT**
8 **RESULT IN THE PRODUCTION OF A POLLUTANT**

9 SECTION 1.(a) G.S. 143-215.3 reads as rewritten:

10 "**§ 143-215.3. General powers of ~~Commission and Department~~; Commission, Department,**
11 **and Governor; auxiliary powers.**

12 ...
13 (g) The Governor is authorized to require a facility to cease all operations and activities
14 in the State that result in the production of a pollutant if all of the following circumstances exist:

- 15 (1) The facility has a National Pollutant Discharge Elimination System (NPDES)
16 permit.
17 (2) The facility has received more than one notice of violation from the
18 Department within a two-year period.
19 (3) The Department has determined that the facility has had unauthorized
20 discharges of per- and poly-fluoroalkyl substances (PFAS) into the air, surface
21 water, and groundwater and these discharges have resulted in the violation of
22 federal drinking water standards or health goals established by the North
23 Carolina Department of Health and Human Services.
24 (4) The Department has been unable to stop all further unauthorized discharges
25 from the facility that may result in the violation of federal drinking water
26 standards or health goals established by the North Carolina Department of
27 Health and Human Services within one year from the time the Department
28 first learned of the unauthorized discharges."

29 SECTION 1.(b) This section is effective when it becomes law and expires December
30 31, 2020.

31
32 **REQUIRE ESTABLISHMENT OF PERMANENT REPLACEMENT WATER**
33 **SUPPLIES FOR HOUSEHOLDS WITH DRINKING WATER WELLS**
34 **CONTAMINATED BY PER- AND POLY-FLUOROALKYL SUBSTANCES**

35 SECTION 2.(a) Article 21 of Chapter 143 of the General Statutes is amended by
36 adding a new section to read:



* D R H 4 0 6 9 8 - R I A - 2 5 A *

1 **"§ 143-215.2A. Relief for contaminated private drinking water wells.**

2 (a) The Secretary shall, upon direction of the Governor, order any person who the
3 Secretary finds responsible for the discharge of industrial waste that includes per- and
4 poly-fluoroalkyl substances (PFAS), including the chemical known as "GenX" (CAS registry
5 number 62037-80-3 or 13252-13-6), into the air, groundwater, surface water, or onto the land
6 that results in contamination of a private drinking water well, as that term is defined in
7 G.S. 87-85, to establish permanent replacement water supplies for each household with such a
8 well. For purposes of this section, the term "contamination" means an exceedance of a health
9 goal established by the Department of Health and Human Services or an exceedance of a health
10 advisory standard established by the United States Environmental Protection Agency, for any
11 chemical classified as a PFAS.

12 (b) If the Secretary orders a person responsible for the discharge of a PFAS that results
13 in contamination of a private drinking water well to establish a permanent replacement water
14 supply for a household with such a well pursuant to subsection (a) of this section, the replacement
15 water supply shall be established by connection to a public water supply, except that an affected
16 household may elect to receive a whole house filtration system in lieu of a connection to public
17 water supply, in which case the person responsible shall install a filtration system. For households
18 for which filtration systems are installed, the person responsible shall be liable for any periodic
19 required maintenance of the filtration system. An order issued by the Secretary pursuant to
20 subsection (a) of this section shall include a deadline by which the responsible person must
21 establish the permanent replacement water supply for the household or households subject to the
22 order.

23 (c) An order issued by the Secretary pursuant to subsection (a) of this section shall be
24 delivered by registered or certified mail, or by any means authorized by G.S. 1A-1, Rule 4, to the
25 person ordered to establish the permanent replacement water supply and shall include detailed
26 findings of fact and conclusions in support of the order. A person to whom such order is issued
27 may commence a contested case by filing a petition under G.S. 150B-23 within 30 days after
28 receipt of notice of the order. If the person does not file a petition within the required time, the
29 Secretary's decision is final and is not subject to review.

30 (d) A person required to establish a permanent replacement water supply pursuant to this
31 section shall be jointly and severally liable for all costs associated with establishment of the
32 permanent replacement water supply. The remedy under this section is in addition to those
33 provided by existing statutory and common law.

34 (e) Nothing in this section shall be construed to (i) require an eligible household to
35 connect to a public water supply or receive a filtration system or (ii) obviate the need for other
36 federal, State, and local permits and approvals.

37 (f) All State entities and local governments shall expedite any permits and approvals that
38 may be required for establishment of permanent replacement water supplies ordered pursuant to
39 this section."

40 **SECTION 2.(b)** In order to ensure the expeditious establishment of alternative
41 permanent water supplies for each household that has a private drinking water well with
42 contamination from the discharge of industrial waste that includes PFAS, in accordance with the
43 requirements of G.S. 143-215.2A, the sum of two million dollars (\$2,000,000) in nonrecurring
44 funds for the 2017-2018 fiscal year is appropriated from the unappropriated balance remaining
45 in the General Fund to the Division of Water Infrastructure of the Department of Environmental
46 Quality to provide funding to local governments for necessary expenditures that local
47 governments may incur as a result of activities to connect such households to public water
48 supplies pursuant to an order issued under G.S. 143-215.2A. The funds appropriated herein shall
49 be deposited into the PFAS Recovery Fund, which shall be established within the Department.
50 Funds appropriated by this section shall not revert but shall remain available for nonrecurring
51 expenses. The Department may distribute funds to local governments solely for the purposes of

1 planning and analysis and surveying of waterline extensions for households subject to an order
2 issued pursuant to G.S. 143-215.2A. No later than 30 days after completion of a local
3 government's activities to connect a household to a public water supply pursuant to
4 G.S. 143-215.2A, the Secretary shall deliver a statement of all funds paid from the PFAS
5 Recovery Fund to the local government and the costs expended by the local government for such
6 activities and issue an order demanding reimbursement from the person responsible to whom an
7 order was issued under G.S. 143-215.2A. The statement shall be delivered by registered or
8 certified mail, or by any means authorized by G.S. 1A-1, Rule 4, to the responsible person. If the
9 responsible person refuses to pay the sum identified, or fails to pay such sum within the time
10 specified in the order, the Secretary shall bring an action for reimbursement of the PFAS
11 Recovery Fund in the name of the State in the superior court of the county in which the funds
12 were expended to recover such sum and the cost of bringing the action. Funds appropriated by
13 this section shall not revert but shall continue to be available. The Department shall report on
14 activities conducted and funds expended pursuant to this section on a quarterly basis to the
15 Environmental Review Commission beginning September 1, 2018.

16
17 **FUNDS TO THE CAPE FEAR PUBLIC UTILITY AUTHORITY FOR WATER**
18 **QUALITY SAMPLING, AND TESTING OF TREATMENT TECHNIQUES, TO**
19 **ADDRESS PER- AND POLY-FLUOROALKYL SUBSTANCES, INCLUDING GENX,**
20 **AND OTHER CONTAMINANTS**

21 **SECTION 3.** The sum of four hundred fifty thousand dollars (\$450,000) in
22 nonrecurring funds for the 2018-2019 fiscal year is appropriated from the unappropriated balance
23 remaining in the General Fund to the Division of Water Resources of the Department of
24 Environmental Quality for grants to be allocated to the Cape Fear Public Utility Authority to
25 implement a program to:

- 26 (1) Perform nontargeted sampling of finished drinking water from the Authority's
27 Sweeney Water Treatment Plant and in its Aquifer Storage and Recovery Well
28 (ASR) to identify levels of per- and poly-fluoroalkyl substances ("PFAS"),
29 including the chemical known as "GenX" (CAS registry number 62037-80-3
30 or 13252-13-6), that may be included in the water and identify whether and to
31 what degree other contaminants may be present, including 1,4-dioxane, total
32 organic halogens, and proxies of wastewater contaminants (including
33 sucralose and pharmaceuticals) in water samples.
- 34 (2) After establishing the baseline pursuant to testing conducted pursuant to
35 subdivision (1) of this section, the Authority shall test the effectiveness of ion
36 exchange and activated carbon technologies for treatment of PFAS and any
37 other contaminants that may be identified in the baseline testing. In so doing,
38 the Authority shall (i) install temporary ion exchange and carbon treatment
39 systems suitable to treat 500 gallons per minute (GPM) flow as a minimum
40 capacity and modify existing piping from the Plant and ASR to connect to the
41 temporary treatment systems; (ii) after installation of the temporary treatment
42 systems, test the water treated weekly, before and after treatment by ion
43 exchange and activated carbon, over a period of six weeks at increasing flow
44 rates to determine the relative effectiveness of the two technologies at
45 reducing contaminants; and (iii) after determination of the most successful
46 treatment technology at a high flow of 500 GPM, continue sampling water
47 treated by the technology at two-week intervals thereafter.

48 The Authority shall submit an interim report on activities conducted pursuant to this
49 section to the House Select Committee on North Carolina River Quality, the Senate Select
50 Committee on North Carolina River Water Quality, and the Environmental Review Commission

1 no later than December 1, 2018, and a final report with sampling results and treatment data no
2 later than June 1, 2019.

3
4 **REQUIRE THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO DEVELOP A**
5 **PLAN FOR REMEDIATION OF GROUNDWATER AND SURFACE WATER**
6 **CONTAMINATED WITH PER- AND POLY-FLUOROALKYL SUBSTANCES,**
7 **INCLUDING GENX**

8 **SECTION 4.(a)** The Department of Environmental Quality shall develop a plan for
9 the remediation of groundwater and surface water for which testing has demonstrated the
10 presence of per- and poly-fluoroalkyl substances (PFAS), including the chemical known as
11 "GenX" (CAS registry number 62037-80-3 or 13252-13-6), from the discharge of industrial
12 waste. The plan shall include:

- 13 (1) A process for identifying all groundwater and surface water sources for which
14 testing has demonstrated the presence of PFAS from the discharge of
15 industrial waste.
- 16 (2) A process for identifying all private and public drinking water supplies that
17 (i) are currently impacted by the presence of PFAS in groundwater or surface
18 water sources or (ii) may be expected to be impacted by the presence of PFAS
19 in groundwater or surface water sources based upon groundwater modeling
20 and hydrogeologic, geologic, and geotechnical investigations, and the results
21 of other modeling or investigations that may be conducted, which provide a
22 reasonable basis to predict that a drinking water supply may be adversely
23 impacted by the presence of PFAS at a future date.
- 24 (3) Proposed methods for developing information on the source, known or
25 suspected, for the PFAS present in each groundwater or surface water
26 identified.
- 27 (4) Proposed methods for eliminating the presence of PFAS in groundwater or
28 surface waters.
- 29 (5) A proposed schedule for implementation of plans for corrective action for
30 groundwater or surface water contaminated with PFAS from the discharge of
31 industrial waste by persons responsible for such discharge.
- 32 (6) A monitoring plan for evaluating the effectiveness of a proposed corrective
33 action and detecting movement of any contaminant plumes.
- 34 (7) Any other information related to the remediation of groundwater or surface
35 water with the presence of PFAS that the Department deems relevant.

36 **SECTION 4.(b)** The Department shall submit the plan to the Environmental Review
37 Commission no later than January 1, 2019.

38
39 **DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONSULT**
40 **WITH FEDERAL AGENCIES, AS WELL AS THE NORTH CAROLINA POLICY**
41 **COLLABORATORY, WHICH SHALL COORDINATE RELEVANT FACULTY**
42 **EXPERTISE WITHIN INSTITUTIONS OF HIGHER EDUCATION ACROSS THE**
43 **STATE, ON THE PROCESS FOR THE ESTABLISHMENT OF HEALTH GOALS FOR**
44 **PER- AND POLY-FLUOROALKYL SUBSTANCES, INCLUDING GENX**

45 **SECTION 5.** The Department of Health and Human Services shall consult with the
46 United States Environmental Protection Agency, the Centers for Disease Control and Prevention,
47 the Agency for Toxic Substances and Disease Registry, as well as the North Carolina Policy
48 Collaboratory at the University of North Carolina at Chapel Hill, which shall coordinate with
49 faculty experts in institutions of higher education across the State, including the Universities of
50 North Carolina at Chapel Hill and Wilmington, North Carolina State University, North Carolina
51 A&T State University, Duke University, and other public and private institutions, on the

1 Department's process for the establishment of health goals for per- and poly-fluoroalkyl
2 substances, including the chemical known as "GenX" (CAS registry number 62037-80-3 or
3 13252-13-6).

4
5 **FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO**
6 **ESTABLISH A WATER HEALTH AND SAFETY UNIT**

7 **SECTION 6.** The sum of five hundred thirty thousand eight hundred thirty-nine
8 dollars (\$530,839) in recurring funds for the 2018-2019 fiscal year shall be appropriated from
9 the unappropriated balance remaining in the General Fund to the Department of Health and
10 Human Services to establish a Water Health and Safety Unit in the Division of Public Health for
11 the assessment of the toxicity of and impacts on human health from per- and poly-fluoroalkyl
12 substances, including the chemical known as "GenX" (CAS registry number 62037-80-3 or
13 13252-13-6), and other emerging contaminants. The Unit may include a medical risk assessor, a
14 toxicologist, an epidemiologist or informatics expert, and a health educator.

15
16 **FUNDING TO ADDRESS PER- AND POLY-FLUOROALKYL SUBSTANCES,**
17 **INCLUDING GENX/USE OF EXPERTISE AND TECHNOLOGY AVAILABLE IN**
18 **INSTITUTIONS OF HIGHER EDUCATION LOCATED WITHIN THE STATE**

19 **SECTION 7.(a)** The General Assembly finds that (i) emerging contaminants that
20 impair drinking water quality have been detected in several of the State's watersheds, such as
21 per- and poly-fluoroalkyl substances (PFAS), including the chemical known as "GenX" (CAS
22 registry number 62037-80-3 or 13252-13-6); 1,4-dioxane, and bromide; and (ii) these
23 contaminants have been discovered largely through academic research not through systematic
24 water quality monitoring programs operated by the Department of Environmental Quality or
25 other State or federal agencies. The General Assembly finds that the profound, extensive, and
26 nationally recognized faculty expertise, technology, and instrumentation existing within the
27 Universities of North Carolina at Chapel Hill and Wilmington, North Carolina State University,
28 North Carolina A&T State University, Duke University, and other public and private institutions
29 of higher education located throughout the State should be maximally utilized to address the
30 occurrence of emerging contaminants in drinking water resources.

31 **SECTION 7.(b)** The North Carolina Policy Collaboratory at the University of North
32 Carolina at Chapel Hill (NCPC) shall identify faculty expertise, technology, and instrumentation,
33 including mass spectrometers, located within institutions of higher education in the State,
34 including the Universities of North Carolina at Chapel Hill and Wilmington, North Carolina State
35 University, North Carolina A&T State University, Duke University, and other public and private
36 institutions, and coordinate these faculty and resources to conduct targeted and nontargeted
37 analysis of emerging contaminants, including, at a minimum, measurement of targeted PFAS,
38 including GenX, and other emerging contaminants such as 1,4-dioxane, total organic halogens,
39 and proxies of wastewater contaminants (including sucralose and pharmaceuticals), at all public
40 water supply surface water intakes and one public water supply well selected by each municipal
41 water system that operates groundwater wells for public drinking water supplies as identified by
42 the Department of Environmental Quality, to establish a water quality baseline for all sampling
43 sites. NCPC, in consultation with the participating institutions of higher education, shall establish
44 a protocol for the baseline testing required by this subsection, as well as a protocol for periodic
45 retesting of the municipal intakes and additional public water supply wells. No later than July 1,
46 2019, NCPC shall report the results of such sampling by identifying chemical families detected
47 at each intake to the Environmental Review Commission, the Department of Environmental
48 Quality, the Department of Health and Human Services, and the United States Environmental
49 Protection Agency.

50 **SECTION 7.(c)** Beginning October 1, 2018, NCPC shall report no less than
51 quarterly to the Environmental Review Commission, the Department of Environmental Quality,

1 and the Department of Health and Human Services on all activities conducted pursuant to this
2 section, including any findings and recommendations for any steps the Department of
3 Environmental Quality, the Department of Health and Human Services, the General Assembly,
4 or any other unit of government should take in order to address emerging contaminants.

5 **SECTION 7.(d)** The sum of eight million dollars (\$8,000,000) in nonrecurring funds
6 for the 2017-2018 fiscal year shall be appropriated from the unappropriated balance remaining
7 in the General Fund to the Board of Governors of The University of North Carolina to be
8 allocated to the NCPC to manage and implement the requirements of this act, which shall include
9 distribution to the NCPC and participating institutions of higher education (i) to cover costs
10 incurred as a result of activities conducted pursuant to this section, (ii) for acquisition or
11 modification of essential scientific instruments, or (iii) for payments of costs for sample
12 collection and analysis, training or hiring of research staff and other personnel, method
13 development activities, and data management, including dissemination of relevant data to
14 stakeholders. No overhead shall be taken from these funds from the participating institutions that
15 receive any portion of these funds. Funds appropriated by this section shall not revert but shall
16 remain available for nonrecurring expenses.

17 **SECTION 7.(e)** The NCPC should pursue relevant public and private funding
18 opportunities that may be available to address the impacts of emerging contaminants on surface
19 water and groundwater quality, as well as air quality, in order to leverage funds appropriated by
20 this section, or any other funds provided to the NCPC, including the Challenge Grant authorized
21 in Section 27.5 of S.L. 2016-94, as amended by Section 10.4(a) of S.L. 2017-57.

22 **SECTION 8.(a)** In the event that the United States Environmental Protection Agency
23 no longer provides access to its analytical instrumentation at no cost to the State for water quality
24 sampling analysis related to per- and poly-fluoroalkyl substances (PFAS), including the chemical
25 known as "GenX" (CAS registry number 62037-80-3 or 13252-13-6), and other emerging
26 contaminants, or if the Department of Environmental Quality determines that such analysis is not
27 being performed in a sufficiently timely manner, NCPC shall coordinate such analysis in the
28 most cost-effective manner using relevant faculty expertise, technology, and instrumentation,
29 including mass spectrometers, existing throughout institutions of higher education located
30 throughout the State, until such time as the Department of Environmental Quality is able to
31 perform such analysis with instrumentation acquired pursuant to Section 11 of this act. NCPC,
32 in consultation with the Department and relevant experts across institutions of higher education
33 in the State, including the Universities of North Carolina at Chapel Hill and Wilmington, North
34 Carolina State University, North Carolina A&T State University, Duke University, and other
35 public and private institutions, shall establish a protocol for delivery of such samples taken by
36 the Department to the entity designated to perform analysis of the samples, chain of custody
37 protocols, and other matters to ensure proper handling and processing of the samples, which
38 protocols shall be subject to approval by the United States Environmental Protection Agency, if
39 such approval is required pursuant to authority delegated from the United States Environmental
40 Protection Agency to the Department to administer federal environmental law.

41 **SECTION 8.(b)** NCPC shall identify faculty expertise within institutions of higher
42 education in the State, including the Universities of North Carolina at Chapel Hill and
43 Wilmington, North Carolina State University, North Carolina A&T State University, Duke
44 University, and other public and private institutions, and use technology and instrumentation
45 existing throughout the institutions to conduct the following research (i) develop quantitative
46 models to predict which private wells are most at risk of contamination from the discharge of
47 GenX, and other emerging contaminants; (ii) test the performance of granular activated carbon
48 in removing such compounds; and (iii) study the air emissions and atmospheric deposition of
49 GenX and other emerging compounds. In addition, NCPC may, using relevant faculty expertise,
50 technology, and instrumentation existing throughout institutions identified, evaluate other
51 research opportunities and conduct such research for improved water quality sampling and

1 analyses techniques, data interpretation, and potential mitigation measures that may be necessary,
2 with respect to the discharge of GenX, and other emerging contaminants.
3

4 **FUNDS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

5 **SECTION 9.(a)** One million three hundred thousand dollars (\$1,300,000) in
6 nonrecurring funds appropriated to the Department of Environmental Quality for the 2016-2017
7 fiscal year and allocated for in situ nutrient management by Section 14.13(e) of S.L. 2016-94, as
8 amended by Section 13.24 of S.L. 2017-57, is reallocated for the purposes described in subsection
9 (c) of this section.

10 **SECTION 9.(b)** Twenty-five thousand dollars (\$25,000) in nonrecurring funds
11 appropriated to the Rural Economic Development Division of the Department of Commerce for
12 the 2017-2018 fiscal year and provided as a grant-in-aid to the Town of Stedman by subdivision
13 (15) of Section 15.8(b) of S.L. 2017-57 is transferred to the Department of Environmental Quality
14 and allocated for the purposes described in subsection (c) of this section.

15 **SECTION 9.(c)** The funds provided to the Department of Environmental Quality by
16 subsections (a) and (b) of this section shall be allocated for the 2017-2018 fiscal year as follows:

- 17 (1) Six hundred thirteen thousand dollars (\$613,000) to the Division of Water
18 Resources for time-limited positions and operations support of water quality
19 sampling and targeted analysis of samples related to per- and poly-fluoroalkyl
20 substances (PFAS), including the chemical known as "GenX" (CAS registry
21 number 62037-80-3 or 13252-13-6), and other emerging contaminants, and to
22 purchase supplies for operation of the mass spectrometer acquired pursuant to
23 Section 11 of this act to perform targeted analysis of water samples related to
24 discharges of PFAS, including GenX, and other emerging contaminants.
- 25 (2) Two hundred thousand dollars (\$200,000) to the Division of Water Resources
26 for time-limited positions and operations support to address permitting
27 backlogs.
- 28 (3) Two hundred thirty-two thousand nine hundred fifty dollars (\$232,950) to the
29 Division of Air Quality for sampling and analysis of atmospheric deposition
30 of PFAS, including GenX, and other emerging contaminants.
- 31 (4) Two hundred seventy-nine thousand fifty dollars (\$279,050) to the Division
32 of Waste Management for sampling and analysis of PFAS, including GenX,
33 and other emerging contaminants in groundwater wells, soil, and sediment.

34 **SECTION 9.(d)** Funds reallocated by this section shall not revert but shall remain
35 available for nonrecurring expenses.

36 **SECTION 10.** The sum of four hundred seventy-nine thousand seven hundred
37 thirty-six dollars (\$479,736) in recurring funds for the 2017-2018 fiscal year is appropriated from
38 the unappropriated balance remaining in the General Fund to the Department of Environmental
39 Quality to support sampling and analysis activities in response to the statewide sampling and
40 analysis conducted pursuant to Section 7 of this act.

41 **SECTION 11.** The sum of five hundred thirty-seven thousand dollars (\$537,000) in
42 nonrecurring funds for the 2017-2018 fiscal year is appropriated from the unappropriated balance
43 remaining in the General Fund to the Department of Environmental Quality to support the
44 acquisition by the Department of a triple quadrupole (QqQ) mass spectrometer to perform
45 targeted analysis of water samples related to discharges of per- and poly-fluoroalkyl substances,
46 including the chemical known as "GenX" (CAS registry number 62037-80-3 or 13252-13-6), and
47 other emerging contaminants that are identified by testing conducted pursuant to Section 7 of this
48 act. Funds appropriated by this section shall not revert but shall remain available for nonrecurring
49 expenses.
50

1 **NPDES PERMIT HOLDERS TO SUBMIT DOCUMENTATION OF POLLUTANTS**
2 **IDENTIFIED AT TIME OF PERMIT APPLICATION**

3 **SECTION 12.** Every person with an individual National Pollutant Discharge
4 Elimination System (NPDES) permit issued by the Department of Environmental Quality shall,
5 no later than September 1, 2018, submit documentation to the Department in an electronic format
6 as prescribed by the Department that will facilitate immediate public disclosure of the pollutants
7 included in the person's discharge that the person identified in the application for the person's
8 current NPDES permit. The chemical abstracts service (CAS) number shall be provided for every
9 pollutant identified, if available. If the CAS number is unavailable, the pollutant shall otherwise
10 be described in sufficient detail so as to adequately identify the pollutant's characteristics. The
11 person submitting such documentation shall certify under oath that, to the best of the person's
12 knowledge and belief, the data is complete and accurate.

13
14 **EXEMPTION FROM STATUTORY PROVISION CONCERNING ORDER OF**
15 **APPROPRIATIONS BILLS**

16 **SECTION 13.** The provisions of G.S. 143C-5-2 do not apply to this act.
17

18 **SEVERABILITY CLAUSE AND EFFECTIVE DATE**

19 **SECTION 14.(a)** If any section or provision of this act is declared unconstitutional
20 or invalid by the courts, it does not affect the validity of this act as a whole or any part other than
21 the part declared to be unconstitutional or invalid.

22 **SECTION 14.(b)** Except as otherwise provided, this act is effective when it becomes
23 law.