

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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BILL DRAFT 2017-SBz-21 [v.13] (12/04)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
01/02/2018 11:16:06 AM

Short Title: Short Term Response to Emerging Contaminants.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT SHORT-TERM MEASURES TO RESPOND TO EMERGING
3 CONTAMINANTS IN THE ENVIRONMENT.

4 The General Assembly of North Carolina enacts:

5
6 **DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONSULT
7 WITH THE SECRETARIES' SCIENCE ADVISORY BOARD IN THE
8 DEVELOPMENT OF HEALTH GOALS FOR CONTAMINANTS**

9 **SECTION 1.(a)** For purposes of this section, the Secretaries' Science Advisory
10 Board shall mean the Science Advisory Board established by the Secretary of Environmental
11 Quality and the Secretary of Health and Human Services on July 28, 2017.

12 **SECTION 1.(b)** The Department of Health and Human Services shall consult with
13 the Secretaries' Science Advisory Board on the Department's process for the establishment of
14 health goals for contaminants. The Secretaries' Science Advisory Board shall review the
15 process by which the Department establishes health goals for contaminants and make
16 recommendations on how to improve the process, including how to promote greater public
17 understanding of and confidence in the health goals.

18 **SECTION 1.(c)** To the extent practicable, the Department of Health and Human
19 Services shall notify the Chair of the Secretaries' Science Advisory Board prior to issuing a
20 provisional health goal for a contaminant. The Department of Health and Human Services
21 shall submit all newly issued provisional health goals to the Secretaries' Science Advisory
22 Board at their next scheduled meeting.

23
24 **STUDY NPDES PERMIT PROGRAM**

25 **SECTION 2.** The Department of Environmental Quality shall study the State's
26 National Pollutant Discharge Elimination System (NPDES) permitting program to ensure that
27 associated requirements are sufficient to protect public health, safety, welfare, and the
28 environment. In conducting the study, the Department shall examine the adequacy of:

- 29 (1) Requirements for persons applying for individual NPDES permits to fully
30 disclose in applications for new permits, permit renewals, or permit
31 modifications, all pollutants, including emerging chemicals for which an
32 applicable discharge standard has not been established under State or federal
33 law, included in their discharge.



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- 1 (2) Monitoring, sampling, and laboratory analytical requirements applicable to
2 persons holding current NPDES permits, and to persons applying for new
3 NPDES permits. In assessing the adequacy of analytical requirements, the
4 Department shall evaluate the consistency of analytical methods used by
5 private labs to detect and quantify pollutants, including emerging chemicals
6 for which an applicable discharge standard has not been established under
7 State or federal law. And, based on information gathered in that regard,
8 whether, to ensure the accuracy of discharge sampling results, it would be
9 feasible and advisable for the Department to develop a certified list of
10 laboratories through which dischargers must obtain laboratory analyses of
11 their discharge, or whether the Department should require submission of
12 discharge samples to the Department for laboratory analyses by the
13 Department.
- 14 (3) Existing processes for developing standards or limitations for emerging
15 chemicals for which an applicable discharge standard has not previously
16 been established under State or federal law, included in a permittee's
17 discharge.
- 18 (4) Internal permit review processes to ensure thorough and timely review of
19 permit applications.

20 The Department shall submit an interim report with findings, including any
21 recommendations for legislative action, to the House Select Committee on North Carolina
22 River Quality, the Senate Select Committee on North Carolina River Water Quality, and the
23 Environmental Review Commission no later than April 1, 2018, and a final report with
24 findings, including any recommendations for legislative action, to the House Select Committee
25 on North Carolina River Quality, the Senate Select Committee on North Carolina River Water
26 Quality, and the Environmental Review Commission no later than December 1, 2018.

27
28 **DIRECT THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO COORDINATE**
29 **AND SHARE WATER QUALITY DATA WITH STATES IN THE REGION**

30 **SECTION 3.** Article 21 of Chapter 143 of the General Statutes is amended by
31 adding a new section to read:

32 **"§ 143-215.1D. Coordination with neighboring states.**

33 The Department of Environmental Quality shall coordinate with the Georgia Department of
34 Natural Resources, the South Carolina Department of Health and Environmental Control, the
35 Tennessee Department of Environment and Conservation, the Virginia Department of
36 Environmental Quality, and the West Virginia Department of Environmental Protection to
37 improve processes for sharing information about contaminants identified in surface water or
38 groundwater shared by or passing or flowing across the border of those states and this State. As
39 needed, the Department shall share with those agencies water quality data for, and information
40 about any contaminant identified in, surface water or groundwater shared by or passing or
41 flowing across the border of those states and this State."

42
43 **DEPARTMENT OF ENVIRONMENTAL QUALITY REPORTING AND NOTICE**
44 **STUDY**

45 **SECTION 4.** The Department of Environmental Quality shall study the statutory
46 requirements for dischargers of untreated wastewater, untreated waste, and other substances to
47 notify the Department and the public of discharges, including the volumetric thresholds that
48 trigger the reporting requirements, to ensure that the requirements are sufficient to protect
49 public health and provide adequate notice to the Department and the public. The Department
50 shall consider whether there are any conflicts or redundancies in the statutory notice and
51 reporting requirements. The Department shall also study its processes for notifying the General

1 Assembly and the Environmental Management Commission of the presence in the environment
2 of emerging chemicals for which an applicable discharge standard has not been established
3 under State or federal law. The Department shall report its findings, including any legislative
4 recommendations, to the House Select Committee on North Carolina River Quality, the Senate
5 Select Committee on North Carolina River Water Quality, and the Environmental Review
6 Commission, no later than April 1, 2018.

7
8 **WATER UTILITY CIVIL LIABILITY STUDY**

9 **SECTION 5.** The School of Government at the University of North Carolina at
10 Chapel Hill shall study the extent to which public and private water utilities may be held civilly
11 liable for distribution of drinking water contaminated by a pollutant without applicable
12 discharge standards established under State or federal law, and the extent to which public water
13 utilities and private water utilities are treated differently for purposes of civil liability. The
14 School of Government shall submit the results of the study to the House Select Committee on
15 North Carolina River Quality, the Senate Select Committee on North Carolina River Water
16 Quality, and the Environmental Review Commission, no later than April 1, 2018.

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18 **EFFECTIVE DATE**

19 **SECTION 6.** Except as otherwise provided, this act is effective when it becomes
20 law.

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