

# NORTH CAROLINA GENERAL ASSEMBLY



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## HOUSE SELECT COMMITTEE ON NORTH CAROLINA RIVER QUALITY

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**REPORT TO THE  
2018 SESSION  
of the  
2017 GENERAL ASSEMBLY  
OF NORTH CAROLINA**

**APRIL 26, 2018**

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# TRANSMITTAL LETTER

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April 26, 2018

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TO THE MEMBERS OF THE 2018 REGULAR SESSION  
OF THE 2017 GENERAL ASSEMBLY

**The House Select Committee on North Carolina River Quality, pursuant to G.S. 120-19.6(a1) and Rule 26(a) of the Rules of the House of Representatives of the 2017 General Assembly, respectfully submits the following report to the 2018 Regular Session of the 2017 General Assembly.**

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**Representative Ted Davis, Jr.**  
Senior Chair

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**Representative Holly Grange**  
Co-Chair

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**Representative Frank Iler**  
Co-Chair

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## COMMITTEE MEMBERSHIP

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### 2017-2018

The Committee consists of fourteen members appointed by the Speaker of the House of Representatives. The membership of the Committee shall include legislators as specified below. Members serve at the pleasure of the Speaker of the House of Representatives. The Speaker of the House of Representatives may dissolve the Committee at any time. Vacancies are filled by the Speaker of the House of Representatives. A Chair, Vice Chair, or other member of the Committee continues to serve until a successor is appointed.

#### **Senior Chair**

Representative Ted Davis

[Ted.Davis@ncleg.net](mailto:Ted.Davis@ncleg.net)

#### **Co-Chairs**

Representative Holly Grange

[Holly.Grange@ncleg.net](mailto:Holly.Grange@ncleg.net)

Representative Frank Iler

[Frank.Iler@ncleg.net](mailto:Frank.Iler@ncleg.net)

#### **Legislative Members**

Representative William Brisson

[William.Brisson@ncleg.net](mailto:William.Brisson@ncleg.net)

Representative Jimmy Dixon

[Jimmy.Dixon@ncleg.net](mailto:Jimmy.Dixon@ncleg.net)

Representative Elmer Floyd

[Elmer.Floyd@ncleg.net](mailto:Elmer.Floyd@ncleg.net)

Representative Kyle Hall

[Kyle.Hall@ncleg.net](mailto:Kyle.Hall@ncleg.net)

Representative Pricey Harrison

[Pricey.Harrison@ncleg.net](mailto:Pricey.Harrison@ncleg.net)

Representative Pat McElraft

[Pat.McElraft@ncleg.net](mailto:Pat.McElraft@ncleg.net)

Representative Chuck McGrady

[Chuck.McGrady@ncleg.net](mailto:Chuck.McGrady@ncleg.net)

Representative Bob Muller

[Bob.Muller@ncleg.net](mailto:Bob.Muller@ncleg.net)

Representative Bob Steinburg

[Bob.Steinburg@ncleg.net](mailto:Bob.Steinburg@ncleg.net)

Representative Scott Stone

[Scott.Stone@ncleg.net](mailto:Scott.Stone@ncleg.net)

Representative Larry Yarborough

[Larry.Yarborough@ncleg.net](mailto:Larry.Yarborough@ncleg.net)

#### **Commission Staff:**

[Jeff Hudson](#), Commission Counsel

[Jennifer McGinnis](#), Commission Counsel

[Chris Saunders](#), Commission Counsel

[Mariah Matheson](#), Commission Assistant

Commission Clerk: [Judy Lowe](#)

#### **Commission Contact Information:**

545 Legislative Office Building

300 North Salisbury Street

Raleigh, North Carolina 27603

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# COMMITTEE CHARGE

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**Section 1.** The House Select Committee on North Carolina River Quality (hereinafter "Committee") is established by the Speaker of the House of Representatives pursuant to Rule 26(a) of the Rules of the House of Representatives of the 2017 General Assembly.

**Section 2.** The Committee consists of fourteen members appointed by the Speaker of the House of Representatives. The membership of the Committee shall include legislators as specified below. Members serve at the pleasure of the Speaker of the House of Representatives. The Speaker of the House of Representatives may dissolve the Committee at any time. Vacancies are filled by the Speaker of the House of Representatives. A Chair, Vice Chair, or other member of the Committee continues to serve until a successor is appointed.

Representative Ted Davis, Senior Chair	Representative Kyle Hall
Representative Holly Grange, Co-Chair	Representative Pricey Harrison
Representative Frank Iler, Co-Chair	Representative Pat McElraft
Representative Scott Stone	Representative Chuck McGrady
Representative William Brisson	Representative Bob Muller
Representative Jimmy Dixon	Representative Bob Steinburg
Representative Elmer Floyd	Representative Larry Yarborough

**Section 3.** The Committee, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes. The Committee may contract for professional, clerical, or consultant services, as provided by G.S. 120-32.02

**Section 4.** Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1.

**Section 5.** The expenses of the Committee including per diem, subsistence, travel allowances for Committee members, and contracts for professional or consultant services shall be paid upon the written approval of the Speaker of the House of Representatives pursuant to G.S. 120-32.02(c) and G.S. 120-35 from funds available to the House of Representatives for its operations. Individual expenses of \$5,000 or less, including per diem, travel and subsistence expenses of members of the Committee, and clerical expenses shall be paid upon the authorization of a Chair of the Committee. Individual expenses in excess of \$5,000 shall be paid upon the written approval of the Speaker of the House of Representatives.

**Section 6.** The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The Director of Legislative Assistants of the House of Representatives shall assign clerical support staff to the Committee.

**Section 7.** The Committee may meet at various locations around the State in order to promote greater public participation in its deliberations.

**Section 8.** The Committee may submit an interim report on the results of the study, including any proposed legislation, to the members of the House of Representatives at any time. The Committee shall submit a final report on the results of its study, including any proposed legislation to the members of the House of Representatives on or before December 31, 2018. The Committee may advise the House to concur or not to concur on legislation within the Committee's possession. Reports shall be submitted by filing a copy of the report with the Office of the Speaker of the House of Representatives, the House Principal Clerk, and the Legislative Library. The Committee terminates on December 31, 2018, or upon the filing of its final report, whichever occurs first.

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# COMMITTEE PROCEEDINGS

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The House Select Committee on North Carolina River Quality met six times after the 2017 Regular Session. The following is a brief summary of the Committee's proceedings. Detailed minutes and information from each Committee meeting are available in the Legislative Library.

## AGENDA

**9:00 a.m. Thursday, September 28, 2017**

Room 643 Legislative Office Building  
Raleigh, North Carolina

1. Call to order  
Representative Davis, presiding
2. Introductory remarks by Cochairs  
Representative Davis  
Representative Grange  
Representative Iler
3. Presentation on the regulatory history of the Chemours Fayetteville Works facility including:
  - The permitting and enforcement history of the facility at the State and federal levels
  - All legal action taken by the State relative to the Chemours Fayetteville Works facility
  - Water quality test results for wells adjacent to the Chemours Fayetteville Works facility and efforts to address contamination
  - Investigation into potential air emissions*(1 hour 30 minutes)*  
Sheila Holman, Assistant Secretary for Environment  
Department of Environmental Quality
4. Presentation of action plan to implement Section 20(a)(1) of House Bill 56 (GenX Response Measures); report on the GenX contamination of the Cape Fear Public Utility Authority's aquifer storage *(1 hour)*  
Mike Brown, Chairman of the Board  
Cape Fear Public Utility Authority Board  
  
Frank Styers, Chief Operations Officer  
Cape Fear Public Utility Authority

5. Presentation of action plan to implement Section 20(a)(2) of House Bill 56 (GenX Response Measures) (30 minutes)

Mark Lanier, Assistant to the Chancellor  
University of North Carolina Wilmington

Dr. Ralph Mead, Professor, Department of Chemistry and Biochemistry  
University of North Carolina Wilmington

Lunch break (1 hour)

6. Presentation on the presence and health effects of GenX and related compounds in the Lower Cape Fear River Basin (1 hour)

Mark Benton, Deputy Secretary for Health Services  
Department of Health and Human Services

Zack Moore, MD, MPH  
State Epidemiologist and Epidemiology Section Chief  
Division of Public Health, Department of Health and Human Services

7. Presentation on emerging compounds and federal regulations, State regulations, and regulatory gaps related to emerging compounds (1 hour 30 minutes)

Tracy Skrabal, Coastal Scientist and Manager of the Southeast Regional Office  
North Carolina Coastal Federation

Dr. Lee Ferguson, Associate Professor, Department of Civil and Environmental Engineering  
Duke University

8. Commission discussion and announcements

9. Adjourn

The first meeting of the House Select Committee on North Carolina River Quality was held on Thursday, September 28, 2017, at 9:30 a.m. in Room 643 of the Legislative Office Building. Representative Davis presided.

Ms. Sheila Holman, Assistant Secretary for Environment, Department of Environmental Quality (DEQ), presented on the regulatory history of the Chemours Fayetteville Works facility, including State and federal permitting, enforcement actions taken, and ongoing and future investigations.

The Committee discussed emerging contaminants, data collected by DEQ so far, the link between C8 and GenX, issued Notice of Violations and potential enforcement actions, comparisons between GenX and perfluorooctanoic acid (PFOA), air quality and possible emissions testing, DEQ's staff, the National Pollutant Discharge Elimination System

(NPDES) permitting backlog, private well water contamination and potential monitoring, and federal emerging contaminant standards.

Mr. Mike Brown, Chairman of the Board, Cape Fear Public Utility Authority (CFPUA), and Mr. Frank Styers, Chief Operations Officer, CFPUA, reported on CFPUA's implementation of GenX response measures as directed by House Bill 56 (S.L. 2017-209).

The Committee discussed the Authority's use of reverse osmosis to treat contamination, Dr. Knappe's report on treatment options for emerging contaminants, and the Authority's ongoing and future testing and treatment operations.

Mr. Mark Lanier, Assistant to the Chancellor, University of North Carolina Wilmington (UNCW), and Dr. Ralph Mead, Professor, Department of Chemistry and Biochemistry, UNCW, reported on UNCW's implementation of GenX response measures as directed by House Bill 56 (S.L. 2017-209).

The Committee discussed UNCW's use of funding, establishment of health goals, possible bioaccumulation of GenX, the process to identify new chemicals, and similarities between C8, GenX and PFOA.

After a lunch break, Mr. Mark Benton, Deputy Secretary, Department of Health and Human Services (DHHS), Division of Public Health (DPH), and Dr. Zack Moore, State Epidemiologist, DHHS, DPH, presented on the presence and health effects of GenX and related compounds in the Lower Cape Fear River Basin.

The Committee discussed the health effects of GenX on humans versus animals, how DPH began its investigation and the starting point for controlled laboratory studies, guidance for setting health standards, and establishing health standards and goals for GenX.

Ms. Tracy Skrabal, Coastal Scientist and Manager, Southeast Regional Office, North Carolina Coastal Federation, and Dr. Lee Ferguson, Associate Professor, Department of Civil and Environmental Engineering, Duke University, presented on emerging compounds and federal regulations, State regulations, and regulatory gaps.

The Committee discussed possible regulatory, technological, research, and infrastructure gaps in addressing emerging contaminants, where the burden of proof lies for proving certain discharges, other emerging contaminant monitoring systems, GenX detection in other states, whether GenX is included in the federal Safe Drinking Water Act, whether the Toxic Substances Control Act needs reform, and bioaccumulation of GenX in the environment.

**AGENDA**  
**9:30 a.m. Thursday, October 26, 2017**  
Room 643 Legislative Office Building  
Raleigh, North Carolina

1. Call to order  
Representative Davis, presiding
2. Introductory remarks by Cochairs  
Representative Davis  
Representative Grange  
Representative Iler
3. Presentation on research into emerging compounds, including:
  - Explanation of targeted versus nontargeted screening
  - Work in the Cape Fear River watershed on testing for emerging compounds  
(1 hour 15 minutes)Dr. Detlef Knappe, Professor, Department of Civil, Construction, and Environmental Engineering, North Carolina State University
4. Department of Environmental Quality update on response to emerging compounds and responses to previous questions, including:
  - Latest surface water and groundwater monitoring results
  - Information on air emissions from the Chemours Fayetteville Works facility
  - How wastewater from the closed-loop system at the Chemours Fayetteville Works facility is disposed of
  - Improving the disclosure process for National Pollutant Discharge Elimination System (NPDES) permits
  - Impact of interbasin transfers
  - Description of Departmental resources devoted to the monitoring, analysis, and regulation of emerging compounds  
(1 hour 30 minutes)Sheila Holman, Assistant Secretary for Environment  
Department of Environmental Quality  
  
Linda Culpepper, Deputy Director, Division of Water Resources  
Department of Environmental Quality  
  
Michael Scott, Director, Division of Waste Management  
Department of Environmental Quality  
  
Mike Abraczinskas, Director, Division of Air Quality  
Department of Environmental Quality

Lunch break (1 hour)

5. Department of Health and Human Services update on response to emerging compounds and responses to previous questions, including:
  - Description of Departmental resources devoted to the monitoring, analysis, and regulation of emerging compounds
  - Overview of research and studies that contributed to the 140 parts per trillion health goal for GenX
  - Description of the Science Advisory Board and its work*(45 minutes)*

Elizabeth Cuervo Tilson, MD, MPH  
State Health Director, Chief Medical Officer  
Department of Health and Human Services

Danny Staley, MS  
Director, Division of Public Health  
Department of Health and Human Services

Zack Moore, MD, MPH  
State Epidemiologist and Epidemiology Section Chief  
Division of Public Health, Department of Health and Human Services
6. Update on the action plan to implement Section 20(a)(1) of House Bill 56 (GenX Response Measures) and testing conducted by the Cape Fear Public Utility Authority for the filtration and removal of GenX and other emerging compounds from drinking water *(45 minutes)*

Jim Flechtner, Executive Director  
Cape Fear Public Utility Authority

Frank Styers, Chief Operations Officer  
Cape Fear Public Utility Authority
7. Presentation on issues concerning emerging compounds *(30 minutes)*

Kemp Burdette, Cape Fear Riverkeeper  
Cape Fear River Watch
8. Commission discussion and announcements
9. Adjourn

The second meeting of the House Select Committee on North Carolina River Quality was held on Thursday, October 26, 2017, at 9:30 a.m. in Room 643 of the Legislative Office Building. Representative Davis presided.

Dr. Detlef Knappe, Professor, Department of Civil, Construction, and Environmental Engineering, North Carolina State University, presented on research into emerging

compounds, including an explanation of targeted versus non-targeted screening and his work in the Cape Fear River watershed.

The Committee discussed when sampling occurred, effects of lifetime exposure, availability of filtering technology, reverse osmosis, ongoing monitoring efforts, screening priority lists and testing, the relationship between perfluorooctane sulfonate (PFOS) and firefighting foam, biosolids, and ongoing health studies.

Ms. Sheila Holman, Assistant Secretary for the Environment, Department of Environmental Quality (DEQ), reported on the Department's ongoing response to GenX contamination. Her presentation included updates on DEQ's water and air testing, interbasin transfers, potential improvements to the NPDES disclosure process, and a description of DEQ resources devoted to addressing emerging compounds.

The Committee discussed DEQ's message on GenX to the public, biosolids, DEQ's enforcement authority concerning air emissions, DEQ staff dedicated to NPDES permitting and water quality monitoring, mass spectrometers, air quality permitting and testing at the Chemours facility, and the wide-ranging effects of any potential changes to the water quality permit process.

After a lunch break, Dr. Elizabeth Tilson, State Health Director, Department of Health and Human Services (DHHS), Mr. Danny Staley, DHHS, Division of Public Health (DPH), and Dr. Zack Moore, State Epidemiologist, DHHS, DPH, presented on the Departments response to emerging contaminants, including DHHS resources devoted to the issue, research and studies that contributed to the established health goal, and a description of the Science Advisory Board.

The Committee discussed coordinating information between the various entities addressing emerging contaminants, the toxicologists working at DHHS, potentially joining the Interstate Chemical Clearinghouse, rationale and discussion behind revising GenX health goals, and the long-term environmental outlook regarding emerging contaminants.

Mr. Jim Flechtner, Executive Director, Cape Fear Public Utility Authority (CFPUA), and Mr. Frank Styers, Chief Operations Officer, CFPUA, reported on CFPUA's implementation of GenX response measures as directed by House Bill 56 (S.L. 2017-209).

The Committee discussed whether GenX clean-up measures could be used to address other contaminants, tests for other contaminants, and consultants used by CFPUA.

Mr. Kemp Burdette, Cape Fear Riverkeeper, Cape Fear River Watch, presented on issues concerning emerging compounds, including a primer on the "precautionary principle."

The Committee discussed the Cape Fear River Watch's sampling efforts, funding sources, and whether it ever filed lawsuits against polluters.

**AGENDA**  
**9:30 a.m. Thursday, November 30, 2017**  
Room 643 Legislative Office Building  
Raleigh, North Carolina

1. Call to order  
Representative Davis, presiding
2. Introductory remarks by Cochairs  
Representative Davis  
Representative Grange  
Representative Iler
3. Department of Environmental Quality update on response to emerging compounds and responses to previous questions, including:
  - Latest surface water and groundwater monitoring results
  - Information on air emissions from the Chemours Fayetteville Works facility
  - Enforcement actions, including enforcement actions related to an unreported chemical spill at the Chemours Fayetteville Works facility
  - Discovery of additional emerging compounds
  - Information on Departmental water quality monitoring  
(2 hours)

Sheila Holman, Assistant Secretary for Environment  
Department of Environmental Quality

Linda Culpepper, Deputy Director, Division of Water Resources  
Department of Environmental Quality

Michael Scott, Director, Division of Waste Management  
Department of Environmental Quality

Mike Abraczinskas, Director, Division of Air Quality  
Department of Environmental Quality
4. Discussion of schedule and plans for future committee meetings
5. Announcements
6. Adjourn

The third meeting of the House Select Committee on North Carolina River Quality was held on Thursday, November 30, 2017, at 9:30 a.m. in Room 643 of the Legislative Office Building. Representative Davis presided.

Ms. Sheila Holman, Assistant Secretary for the Environment, Department of Environmental Quality (DEQ), presented on the Department's response to emerging contaminants and provided answers to previous Committee questions. The presentation included information on water monitoring results, air emissions, enforcement actions, additional emerging contaminants, and the water quality monitoring process.

The Committee discussed the effect an earlier release would have on additional GenX testing, larger context for the numbers, further DEQ responses to Chemours, whether other contaminants could be confounding groundwater tests for GenX, whether Chemours was paying for bottled water for residents affected by contaminated groundwater, additional context for the air quality numbers reported by the Division, the decision to not join an interstate chemical clearinghouse, and the day-to-day experience of NPDES monitoring staff, including testing procedures and guidelines.

The Committee then discussed future meetings, and expressed a desire to have a legislative proposal ready for the January 10, 2018 Special Session.

**AGENDA**  
**9:30 a.m. Thursday, January 4, 2018**  
Room 643 Legislative Office Building  
Raleigh, North Carolina

1. Call to order  
Representative Ted Davis, presiding
2. Introductory remarks by Cochairs  
Representative Ted Davis  
Representative Holly Grange  
Representative Frank Iler
3. Committee consideration and vote on short-term legislative proposals for the January 10, 2018 Session  
Representative Ted Davis  
  
Public Comment
4. Committee discussion on non-agenda items and announcements
5. Adjourn

The fourth meeting of the House Select Committee on North Carolina River Quality was held on Thursday, January 4, 2018, at 9:30 a.m. in Room 643 of the Legislative Office Building. Representative Davis presided.

Mr. Jeffrey Hudson, Committee Counsel, House Select Committee on North Carolina River Quality, summarized a Proposed Committee Substitute, 2017-SBz-21 [v.13], that would implement short-term legislative proposals to address water quality issues relating to the Chemours discharge of GenX into the Cape Fear River. The entire PCS, 2017-SBz-21 [v. 13], is included in this report's Recommendations, on page 27.

The Committee discussed the requirement that the Department of Health and Human Services (DHHS) work with the Science Advisory Board to develop “health goals,” and whether health goals were legal/regulatory standards.

Public comment on the proposals focused on requesting funding for DEQ. Representative Davis said that the Committee was working to secure appropriations to address GenX, but could not promise the size or timing of the appropriation at the time of the meeting.

Representative McGrady echoed comments from the rest of the Committee, saying that the PCS was a good first step to move towards addressing the GenX issue, but that it is not intended to solve the GenX problem entirely.

Representative Dixon made a motion to recommend the PCS to the House for consideration. The motion passed unanimously.

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**AGENDA**  
**9:30 a.m. Wednesday, February 21, 2018**  
Room 643 Legislative Office Building  
Raleigh, North Carolina

1. Call to order  
Representative Ted Davis, presiding
2. Introductory remarks by Cochairs  
Representative Ted Davis  
Representative Holly Grange  
Representative Frank Iler
3. Department of Environmental Quality update on response to emerging compounds and responses to previous questions, including:
  - Spikes in GenX concentrations near the Cape Fear Public Utility Authority Plant in December, 2017
  - Potential use of private drinking water well filtration systems
  - Update on enforcement actions taken*(1 hour 15 minutes)*

Sheila Holman, Assistant Secretary for Environment  
Department of Environmental Quality

Linda Culpepper, Deputy Director, Division of Water Resources  
Department of Environmental Quality

Michael Scott, Director, Division of Waste Management  
Department of Environmental Quality

Mike Abraczinskas, Director, Division of Air Quality  
Department of Environmental Quality
4. Interim report on implementation of Section 20(a)(1) of S.L. 2017-209 (House Bill 56) (GenX Response Measures); report on spikes in GenX concentrations near the Cape Fear Public Utility Authority Plant in December, 2017 *(30 minutes)*

Jim Flechtner, Executive Director  
Cape Fear Public Utility Authority

Frank Styers, Chief Operations Officer  
Cape Fear Public Utility Authority
5. Interim report on implementation of Section 20(a)(2) of S.L. 2017-209 (House Bill 56) (GenX Response Measures) *(45 minutes)*

Dr. Robert Keiber, Professor and Graduate Coordinator  
Department of Chemistry and Biochemistry,

University of North Carolina Wilmington

Lunch break (*1 hour*)

6. Use and availability of high resolution mass spectrometers for detection and analysis of GenX and other emerging contaminants (*1 hour*)  
Mark Strynar, Physical Scientist  
National Exposure Research Laboratory, United States Environmental Protection Agency  
  
Andy Miller, Director of Legislative Affairs  
Department of Environmental Quality
7. Discussion of House Bill 189 (Water Safety Act) (*1 hour*)
8. Committee discussion and announcements
9. Adjourn

The fifth meeting of the House Select Committee on North Carolina River Quality was held on Thursday, February 21, 2018, at 9:30 a.m. in Room 643 of the Legislative Office Building. Representative Davis presided.

During preliminary remarks, Representative Dixon asked the Department of Environmental Quality (DEQ) to produce any public comments received related to the permitting of the DuPont/Chemours facility. He noted that review of those comments would be enlightening as to awareness of potential problems that may have existed during the permitting process.

Ms. Sheila Holman, Assistant Secretary for the Environment, DEQ, reported on DEQ's response to GenX, including spikes in GenX concentration, potential private well filtration systems, and additional enforcement actions.

There was Committee discussion on water quality samples at private wells, investigations into other potential sources of GenX contamination, the economic impact of GenX, the implementation of home filtration systems, private well testing, U.S. Environmental Protection Agency's (EPA) turnaround time for water sample testing, the lifetime health advisory, media coverage, DEQ's enforcement authority, cooperation from Chemours, potential legislative measures to aid DEQ's enforcement, and air quality testing throughout the State.

Mr. Jim Flechtner, Executive Director, Cape Fear Public Utility Authority (CFPUA), and Mr. Frank Styers, Chief Operations Officer, CFPUA, reported on CFPUA's implementation of GenX response measures, as directed by S.L. 2017-209.

The Committee discussed the ability of citizens to use private wells, the difference in test results between CFPUA and DEQ, the potential of publishing test results outside of CFPUA's website, possible collaboration between CFPUA, DEQ, and Chemours, installing home filtration systems, fluctuating GenX levels, potential non-point sources of GenX, comparisons between GenX levels upstream and after filtration, notice to the public of ongoing filtration efforts, and additional research on GenX and other contaminants.

Dr. Robert Keiber, Professor, Department of Chemistry and Biochemistry, University of North Carolina Wilmington (UNCW), reported on UNCW's implementation of GenX response measures, as directed by S.L. 2017-209. Dr. Keiber updated the Committee on UNCW's research and contaminant sampling.

The Committee discussed CFPUA's efforts below the Cape Fear dam, how GenX could still show up in the Cape Fear River after Chemours moved to a closed-loop system, how UNCW has addressed GenX in sediment, and the extent and range of GenX and other emerging contaminants found throughout the State.

After a lunch break, Mr. Mark Strynar, Physical Scientist, National Exposure Research Laboratory, EPA, presented on the use and availability of high-resolution mass spectrometers at EPA's Raleigh-Durham facility.

The Committee discussed West Virginia's experience with C8 processors, bottled water, various mass spectrometers, the University system's capability and capacity to handle water quality testing, targeted versus non-targeted testing, Senate discussions on mass spectrometers, and water sample testing for pharmaceuticals.

Mr. Andy Miller, Director of Legislative Affairs, DEQ, presented on the current availability of mass spectrometers in State government.

The Committee discussed funding for DEQ and the Department of Health and Human Services, staffing changes because of GenX contamination, the H189 proposal from earlier in the year, and continued support for addressing the GenX contamination.

Chairman Ted Davis, presented an overview of the differences between the House and Senate versions of H189.

There was extensive Committee discussion about ongoing university research, the need for DEQ to have a mass spectrometer, legislative strategies for working with the Senate to address GenX contamination, and how to move forward into the short session.

**AGENDA**  
**9:30 a.m. Thursday, March 22, 2018**  
Room 643 Legislative Office Building  
Raleigh, North Carolina

1. Call to order  
Representative Ted Davis, presiding
2. Introductory remarks by Cochairs  
Representative Ted Davis  
Representative Holly Grange  
Representative Frank Iler
3. Department of Environmental Quality update on response to emerging compounds and responses to previous questions (*1 hour*)  
  
Sheila Holman, Assistant Secretary for Environment  
Department of Environmental Quality  
  
Linda Culpepper, Deputy Director, Division of Water Resources  
Department of Environmental Quality  
  
Michael Scott, Director, Division of Waste Management  
Department of Environmental Quality  
  
Mike Abraczinskas, Director, Division of Air Quality  
Department of Environmental Quality
4. Committee discussion and announcement
5. Adjourn

**SITE VISIT:**

The business meeting will be followed by a tour of the Department of Environmental Quality's Water Sciences and Air Quality Lab Complex at 4403 Reedy Creek Road, Raleigh, North Carolina. The tour will begin at approximately 11:00 a.m. and is expected to last approximately one hour. This is a site visit; no votes will be taken. Subject to space limitations and operational requirements of the Lab Complex, members of the press and the public will also be accommodated for purposes of the site visit.

The sixth meeting of the House Select Committee on North Carolina River Quality was held on Thursday, March 22, 2018, at 9:30 a.m. in Room 643 of the Legislative Office Building. Representative Davis presided.

Ms. Sheila Holman, Assistant Secretary for the Environment, Department of Environmental Quality (DEQ), reported on DEQ's ongoing response to GenX contamination. Her presentation included specific updates on testing and enforcement actions from the Divisions of Water Resources, Waste Management, and Air Quality.

The Committee discussed how water sampling was conducted, possible explanation for spikes in GenX concentration in stormwater runoff, previous public comment on Chemours' wastewater permit applications, timelines for certain action by Chemours, funding requests from DEQ and the Department of Health and Human Services, providing clean water to affected citizens, developing health goals for GenX, potential enforcement mechanisms against Chemours, historical health goals for GenX, and additional funding.

The business meeting was followed by a tour of the Department of Environmental Quality's Water Sciences and Air Quality Lab Complex at 4403 Reedy Creek Road, Raleigh, North Carolina.

Agenda and proceedings for the April 26th meeting will be included.

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# RECOMMENDATIONS

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**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017**

**U**

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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)

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Sponsors:

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Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT SHORT-TERM MEASURES TO RESPOND TO  
3 EMERGING CONTAMINANTS IN THE ENVIRONMENT.  
4 The General Assembly of North Carolina enacts:

5  
6 **DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO**  
7 **CONSULT 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  
11 Environmental 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  
13 with the Secretaries' Science Advisory Board on the Department's process for the  
14 establishment of health goals for contaminants. The Secretaries' Science Advisory Board  
15 shall review the process by which the Department establishes health goals for contaminants  
16 and make recommendations on how to improve the process, including how to promote  
17 greater public understanding of and confidence in the health goals.

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

23  
24 **STUDY NPDES PERMIT PROGRAM**

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

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

30          The Department shall submit an interim report with findings, including any  
31 recommendations for legislative action, to the House Select Committee on North Carolina  
32 River Quality, the Senate Select Committee on North Carolina River Water Quality, and  
33 the Environmental Review Commission no later than April 1, 2018, and a final report with  
34 findings, including any recommendations for legislative action, to the House Select  
35 Committee on North Carolina River Quality, the Senate Select Committee on North  
36 Carolina River Water Quality, and the Environmental Review Commission no later than  
37 December 1, 2018.

38  
39 **DIRECT THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO**  
40 **COORDINATE AND SHARE WATER QUALITY DATA WITH STATES IN THE**  
41 **REGION**

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

44 **"§ 143-215.1D. Coordination with neighboring states.**

45           The Department of Environmental Quality shall coordinate with the Georgia  
46 Department of Natural Resources, the South Carolina Department of Health and

1 Environmental Control, the Tennessee Department of Environment and Conservation, the  
2 Virginia Department of Environmental Quality, and the West Virginia Department of  
3 Environmental Protection to improve processes for sharing information about  
4 contaminants identified in surface water or groundwater shared by or passing or flowing  
5 across the border of those states and this State. As needed, the Department shall share with  
6 those agencies water quality data for, and information about any contaminant identified in,  
7 surface water or groundwater shared by or passing or flowing across the border of those  
8 states and this State."  
9

## 10 **DEPARTMENT OF ENVIRONMENTAL QUALITY REPORTING AND NOTICE** 11 **STUDY**

12 **SECTION 4.** The Department of Environmental Quality shall study the  
13 statutory requirements for dischargers of untreated wastewater, untreated waste, and other  
14 substances to notify the Department and the public of discharges, including the volumetric  
15 thresholds that trigger the reporting requirements, to ensure that the requirements are  
16 sufficient to protect public health and provide adequate notice to the Department and the  
17 public. The Department shall consider whether there are any conflicts or redundancies in  
18 the statutory notice and reporting requirements. The Department shall also study its  
19 processes for notifying the General Assembly and the Environmental Management  
20 Commission of the presence in the environment of emerging chemicals for which an  
21 applicable discharge standard has not been established under State or federal law. The  
22 Department shall report its findings, including any legislative recommendations, to the  
23 House Select Committee on North Carolina River Quality, the Senate Select Committee  
24 on North Carolina River Water Quality, and the Environmental Review Commission, no  
25 later than April 1, 2018.  
26

## 27 **WATER UTILITY CIVIL LIABILITY STUDY**

28 **SECTION 5.** The School of Government at the University of North Carolina  
29 at Chapel Hill shall study the extent to which public and private water utilities may be held  
30 civilly liable for distribution of drinking water contaminated by a pollutant without  
31 applicable discharge standards established under State or federal law, and the extent to  
32 which public water utilities and private water utilities are treated differently for purposes  
33 of civil liability. The School of Government shall submit the results of the study to the  
34 House Select Committee on North Carolina River Quality, the Senate Select Committee  
35 on North Carolina River Water Quality, and the Environmental Review Commission, no  
36 later than April 1, 2018.  
37

## 38 **EFFECTIVE DATE**

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

DRAFT