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

The General Assembly of North Carolina enacts:

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

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

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

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

STUDY NPDES PERMIT PROGRAM

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

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

(2) Monitoring, sampling, and laboratory analytical requirements applicable to persons holding current NPDES permits and to persons applying for new NPDES permits. In assessing the adequacy of analytical requirements, the
Department shall evaluate the consistency of analytical methods used by private labs to detect and quantify pollutants, including emerging chemicals for which an applicable discharge standard has not been established under State or federal law. And, based on information gathered in that regard, whether, to ensure the accuracy of discharge sampling results, it would be feasible and advisable for the Department to develop a certified list of laboratories through which dischargers must obtain laboratory analyses of their discharge or whether the Department should require submission of discharge samples to the Department for laboratory analyses by the Department.

(3) Existing processes for developing standards or limitations for emerging chemicals for which an applicable discharge standard has not previously been established under State or federal law, included in a permittee’s discharge.

(4) Internal permit review processes to ensure thorough and timely review of permit applications.

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

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

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

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

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

DEPARTMENT OF ENVIRONMENTAL QUALITY REPORTING AND NOTICE STUDY

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

**WATER UTILITY CIVIL LIABILITY STUDY**

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

**GENX FUNDING**

**SECTION 6.(a)** The General Assembly finds that the discharges of the
poly-fluoroalkyl chemical known as "GenX" (CAS registry number 62037-80-3 or 13252-13-6)
demonstrate the need for supplemental funding to support the identification, characterization,
and monitoring by scientists, engineers, and other professionals of GenX and other emerging
contaminants in the land, air, and waters of the State. The purpose of this section is to
repurpose existing funds to address these critical needs.

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

**SECTION 6.(c)** Twenty-five thousand dollars ($25,000) in nonrecurring funds
appropriated to the Rural Economic Development Division of the Department of Commerce for
the 2017-2018 fiscal year and provided as a grant-in-aid to the Town of Stedman by
subdivision (15) of Section 15.8(b) of S.L. 2017-57 is transferred to the Department of
Environmental Quality and allocated for the purposes described in subsection (d) of this
section.

**SECTION 6.(d)** The funds provided to the Department of Environmental Quality
by subsections (b) and (c) of this section shall be allocated for the 2017-2018 fiscal year as
follows:

1. Eight hundred thirteen thousand dollars ($813,000) to the Division of Water
   Resources for time-limited positions and operations support of water quality
   sampling related to GenX and other emerging contaminants and to address
   permitting backlogs.
2. Two hundred thirty-two thousand nine hundred fifty dollars ($232,950) to
   the Division of Air Quality for sampling and analysis of atmospheric
   deposition of GenX and other emerging contaminants.
3. Two hundred seventy-nine thousand fifty dollars ($279,050) to the Division
   of Waste Management for sampling and analysis of GenX and other
   emerging contaminants in groundwater wells, soil, and sediment.

**SECTION 6.(e)** Funds reallocated by this section shall not revert but shall remain
available for nonrecurring expenses, including the establishment of time-limited positions,
through June 30, 2019.

**EFFECTIVE DATE**
SECTION 7. Except as otherwise provided, this act is effective when it becomes law.