



HOUSE BILL 189: Short Term Response to Emerging Contaminants.

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2017-2018 General Assembly

Committee:	House Appropriations	Date:	January 10, 2018
Introduced by:	Reps. Davis, Hardister, Clampitt, Grange	Prepared by:	Jeff Hudson
Analysis of:	PCS to First Edition H189-PCS40667-SB-32		Jennifer McGinnis Chris Saunders Jeff Cherry Staff Attorneys

OVERVIEW:

The Proposed Committee Substitute (PCS) for House Bill 189 would provide for the following measures related to emerging contaminants:

- *Direct the Department of Health and Human Services to consult with the Secretaries' Science Advisory Board in the development of health goals for contaminants*
- *Direct the Department of Environmental Quality to study the State's National Pollutant Discharge Elimination System (NPDES) permitting program to ensure that it is sufficient to protect public health, safety, welfare, and the environment*
- *Direct the Department of Environmental Quality to coordinate and share water quality data with neighboring states*
- *Direct the Department of Environmental Quality to study reporting and notice requirements for discharges of pollutants*
- *Direct the School of Government at the University of North Carolina at Chapel Hill to study the civil liability of water utilities that distribute contaminated drinking water*
- *Reallocate \$1,325,000 appropriated to the Departments of Environmental Quality and Commerce to the Department of Environmental Quality to be used for various purposes related to emerging contaminants*

BACKGROUND:

Sections 1 through 5 of the PCS for House Bill 189 are recommendations of the House Select Committee on North Carolina River Quality. The House Select Committee met four times on issues related to emerging chemicals: September 28, 2017, October 26, 2017, November 30, 2017, and January 4, 2018. Information on the work of the House Select Committee can be found at:

<http://www.ncleg.net/gascripts/DocumentSites/browseDocSite.asp?nID=362&sFolderName=\Meetings>

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BILL ANALYSIS:

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

The Secretaries' Science Advisory Board was established by the Secretary of Environmental Quality and the Secretary of Health and Human Services on July 28, 2017, for the purpose of achieving and maintaining clean air, water, and land, with particular attention to be paid to emerging contaminants.

Section 1 would direct the Department of Health and Human Services (DHHS) to consult with the Secretaries' Science Advisory Board (Board) on DHHS's process for establishing health goals for contaminants. The Board would review the process by which DHHS establishes health goals for contaminants and make recommendations on how to improve the process. Section 1 would also require DHHS, to the extent practicable, to notify the Chair of the Board prior to issuing a provisional health goal for a contaminant and would require DHHS to submit all newly issued provisional health goals to the Board at the Board's next scheduled meeting.

STUDY NPDES PERMIT PROGRAM

Section 2 would direct the Department of Environmental Quality (DEQ) to study the State's National Pollutant Discharge Elimination System (NPDES) permitting program to ensure that it is sufficient to protect public health, safety, welfare, and the environment. DEQ is specifically directed to examine issues related to:

- Full disclosure of information by permit applicants
- Monitoring, sampling, and laboratory analytical requirements applicable to permit holders and new permit applicants
- Processes for developing standards and limitations for emerging contaminants
- The NPDES permit review process

DEQ would submit an interim report on this 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, and a final report on this study to the same committees 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 would direct DEQ to coordinate and share water quality information with its following sister agencies:

- The Georgia Department of Natural Resources
- The South Carolina Department of Health and Environmental Control
- The Tennessee Department of Environment and Conservation

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- The Virginia Department of Environmental Quality
- The West Virginia Department of Environmental Protection

DEPARTMENT OF ENVIRONMENTAL QUALITY REPORTING AND NOTICE STUDY

Section 4 would direct DEQ to study the requirements for dischargers of untreated wastewater, untreated waste, and other substances to notify DEQ and the public of discharges. DEQ would also study the process for notifying the General Assembly and the Environmental Management Commission of the presence in the environment of emerging contaminants. DEQ would submit a report on this 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.

WATER UTILITY CIVIL LIABILITY STUDY

Section 5 would direct the School of Government at the University of North Carolina at Chapel Hill to study the civil liability of water utilities for distribution of contaminated drinking water. The School of Government would submit a report on this 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 would reallocate \$1,325,000 of nonrecurring funds previously appropriated in the 2016 and 2017 Appropriations Acts for in situ nutrient management by DEQ and for an unused grant from the Department of Commerce's Rural Economic Development Division. The reallocated funds would be distributed among the Divisions of Water Resources, Air Quality, and Waste Management in DEQ to address permitting backlogs and to provide for increased sampling and analysis of GenX and other emerging contaminants in surface water, groundwater, and soils.

EFFECTIVE DATE: This act would become effective when it becomes law.