



# HOUSE BILL 189: Water Safety Act.

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

2017-2018 General Assembly

<b>Committee:</b>	Senate Rules and Operations of the Senate	<b>Date:</b>	February 7, 2018
<b>Introduced by:</b>	Reps. Davis, Hardister, Clampitt, Grange	<b>Prepared by:</b>	Jeff Hudson
<b>Analysis of:</b>	PCS to Second Edition H189-CSRI-27 [v.21]		Jennifer McGinnis 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 (DHHS) to consult with federal agencies, as well as the North Carolina Policy Collaboratory at the University of North Carolina at Chapel Hill (Collaboratory), which shall coordinate relevant faculty expertise in the University of North Carolina System, on the process for the establishment of health goals for per- and poly-fluoroalkyl substances*
- *Direct the Department of Environmental Quality (DEQ) to cooperate with any United States Environmental Protection Agency (USEPA) audit of DEQ's National Pollutant Discharge Elimination System (NPDES) permit program*
- *Direct DEQ to review the State's NPDES permitting program*
- *Direct DEQ to coordinate and share water quality data with neighboring states*
- *Provide for funding and research related to GenX and other emerging contaminants*

## BILL ANALYSIS:

**Section 1** would direct DHHS to consult with USEPA, the Centers for Disease Control and Prevention, the Agency for Toxic Substances and Disease Registry, as well as the North Carolina Policy Collaboratory at the University of North Carolina at Chapel Hill, which will coordinate with faculty experts across the University of North Carolina System, on DHHS's process for the establishment of health goals for per- and poly-fluoroalkyl substances.

**Section 2** would direct DEQ to cooperate with any audit of its NPDES permitting program by USEPA and require it to work with USEPA to examine the adequacy of the program.

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**Section 3** would direct DEQ to review its NPDES permitting program from October 19, 1975, the date on which DEQ assumed authority to implement the program under delegation from USEPA, to the present. DEQ is specifically directed to examine issues related to:

- Full disclosure of information by permit applicants
- Processes for developing standards and limitations for emerging contaminants
- The NPDES permit review process
- The time required to process NPDES permit applications

DEQ would submit a final report with findings, including steps DEQ plans to take to improve its implementation of the program, 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 June 1, 2018. These reports would include any information related to an audit of the NPDES permitting program by USEPA.

**Section 4** 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
- The Virginia Department of Environmental Quality
- The West Virginia Department of Environmental Protection

**Section 5** is a finding by the General Assembly that relevant faculty expertise, technology, and instrumentation, including mass spectrometers, existing throughout the University of North Carolina System should be made available for:

- The analysis of water quality sampling with respect to the discharge of GenX and other emerging contaminants
- Related research on improved water quality sampling and analysis techniques, data interpretation, and potential mitigation measures that may be necessary, with respect to the discharge of GenX and other emerging contaminants

The General Assembly also finds that repurposing existing funds to facilitate these activities is an efficient utilization of State funds and resources.

**Section 6.(a)** would provide that in the event that USEPA no longer provides access to its analytical instrumentation at no cost to the State for water quality sampling analysis related to GenX and other emerging contaminants, or if DEQ determines that such analysis is not being performed in a sufficiently timely manner, the Collaboratory will coordinate such analysis in the most cost-effective manner using relevant faculty expertise, technology, and instrumentation, including mass spectrometers, existing throughout the University of North Carolina System. The Collaboratory, in consultation with DEQ and relevant experts across the University of North Carolina System, would establish a protocol for delivery

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of such samples taken by DEQ to the entity designated to perform analysis of the samples, chain of custody protocols, and other matters to ensure proper handling and processing of the samples.

**Section 6.(b)** would direct the Collaboratory to identify faculty expertise within the University of North Carolina System, and use technology, and instrumentation, including mass spectrometers, existing throughout the University of North Carolina System, to conduct the following research:

- Develop quantitative models to predict which private wells are most at risk of contamination from the discharge of GenX and other emerging contaminants
- Test the performance of household water filters in removing such compounds

The Collaboratory may, using relevant faculty expertise, technology, and instrumentation existing throughout the University of North Carolina System, evaluate other research opportunities and conduct such research for improved water quality sampling and analyses techniques, data interpretation, and potential mitigation measures that may be necessary, with respect to the discharge of GenX and other emerging contaminants.

**Section 6.(c)** would authorize the Collaboratory to use for the purposes set forth in this act no more than one million dollars (\$1,000,000) for the 2017-2018 fiscal year and no more than one million dollars (\$1,000,000) for the 2018-2019 fiscal year of funds allocated for use as matching funds by the Collaboratory.

**Section 7** would appropriate the sum of \$2,400,000 in nonrecurring funds for the 2017-2018 fiscal year from the unappropriated balance remaining in the General Fund to DEQ to implement the act. DEQ would report no later than June 1, 2018, and quarterly thereafter, to the Joint Legislative Committee on Governmental Operations on how funds appropriated under this section will be and are being used.

**EFFECTIVE DATE:** Except as otherwise provided, the act would become effective when it becomes law.