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HOUSE BILL 569
Committee Substitute Favorable 4/16/25
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Short Title: PFAS Pollution and Polluter Liability.

(Public)

Sponsors:

Referred to:

April 1, 2025

A BILL TO BE ENTITLED
AN ACT TO PROTECT THE CITIZENS OF NORTH CAROLINA FROM DRINKING
WATER CONTAMINATED BY GENX AND OTHER PFAS COMPOUNDS.

The General Assembly of North Carolina enacts:

PART I. ABATEMENT OF PFAS EXCEEDANCES IN PUBLIC WATER SYSTEMS

SECTION 1. Article 1 of Chapter 130A of the General Statutes is amended by
adding a new section to read:

"§ 130A-19.1. Abatement of PFAS exceedances.

(a) The following definitions apply in this section:

(1) Permissible concentration level. – For an individual per- and polyfluoroalkyl
substances (PFAS) compound, or combined PFAS compounds, any maximum
contaminant level that may be established by the United States Environmental
Protection Agency for the PFAS compound in question, or combined
compounds.

(2) PFAS manufacturer. – Persons that originally make PFAS compounds
through processes including, but not limited to, electrochemical fluorination
(ECF), telomerization, fluorocarbon polymerization, and production of
fluoropolymers. The term shall not include a person that uses previously made
PFAS compounds obtained from a PFAS manufacturer to produce
commercial or consumer goods, or as intermediary products for use in the
manufacture of commercial goods, such as: weatherproof caulking; as a
greaseproof coating for a pizza box stain; water-repellent used on carpets,
upholstery, clothing, and other fabrics; cleaning products; non-stick
cookware; paints, varnishes, and sealants; and personal care products,
including in certain shampoo, dental floss, and cosmetics.

(3) Responsible party. – A PFAS manufacturer: (i) whose direct discharge of
PFAS into surface waters of the State has caused or contributed to the presence
of PFAS in a public water system as described in subsection (b) of this section;
and (ii) who has entered a consent order that establishes required compliance
measures to address discharges of PFAS to surface water.

(4) Secretary. – Means the Secretary of Environmental Quality.

(b) Pursuant to the Secretary's enforcement powers under G.S. 130A-19, authority to
adopt rules under G.S. 130A-315, and federally delegated duty to enforce the Federal Safe



Drinking Water Act in North Carolina, if the Secretary finds all of the following by sufficient evidence, the Secretary may order a responsible party to pay a public water system any actual and necessary costs incurred by the public water system to remove, correct, or abate any adverse effects upon the water supply resulting from contamination for which the person is responsible:

- (1) The person is a PFAS manufacturer.
- (2) The PFAS manufacturer discharged or released PFAS into the environment that has caused or contributed to the presence of PFAS in the public water system.
- (3) The concentration of PFAS in the public water system, including any raw water intake, regardless of the system's raw water source, including surface water, public well, or pumped groundwater storage, has exceeded a permissible concentration level.
- (4) The public water system has incurred costs in excess of fifty million dollars (\$50,000,000) to remove, correct, or abate adverse effects upon the water supply resulting from contamination by the responsible party.

Such costs shall include costs to procure, implement, maintain, and operate technology to reduce PFAS concentrations in finished drinking water below the permissible concentration level.

(c) An order issued by the Secretary pursuant to subsection (b) of this section shall include findings of fact detailing the evidence to support the Secretary's determination with respect to subdivisions (1), (2), and (3) of subsection (b) of this section. If a responsible party refuses to comply with an order, the Secretary may institute an action in the superior court of the county where the public water system exists to enforce the order.

(d) A responsible party shall be jointly and severally liable for all actual and necessary costs imposed by the Secretary pursuant to subsection (b) of this section. Nothing in this section shall limit or diminish any rights of contribution for costs incurred herein.

(e) A public water system shall reimburse ratepayers of the system through refunds or credits to customers, or a reduction in future rates charged, in a manner that will not impair any existing financing obligations that may be associated with the public water system if (i) the public water system has previously expended funds to remove, correct, or abate any adverse effects upon its water supply resulting from PFAS contamination, (ii) the amount of funds expended by the public water system for that purpose has been included in rates charged to its ratepayers, and (iii) the funds expended by the public water system are subsequently reimbursed by the responsible party as the result of an order issued pursuant to subsection (b) of this section.

(f) The remedy under this section is in addition to those provided by existing statutory and common law."

PART II. EFFECTIVE DATE

SECTION 2. Section 1 of this act is effective when it becomes law and applies retroactively to costs incurred by a public water system on or after January 1, 2017, to remove, correct, or abate any adverse effects upon a water supply resulting from contamination, irrespective of when a maximum contaminant level was established by the United States Environmental Protection Agency for the PFAS compound in question. The remainder of this act is effective when it becomes law.