



North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh, NC 27601-2808

January 23rd, 2018

Mr. Trey Glenn
Regional Administrator
EPA Region 4
61 Forsyth Street SW
Atlanta, GA 30303

Dear Regional Administrator Glenn,

As you may know, North Carolina is dealing with a number of water quality and public health issues following the discovery of per- and polyfluoroalkyl substances (PFASs) in drinking water extracted from the Cape Fear River.

We now find ourselves in a public dialogue about potential health risks associated with exposure to PFASs and other "emerging contaminants," in our state's drinking water. This dialogue includes questions about the ability of our National Pollutant Discharge Elimination System (NPDES) Permitting Program and the state's Public Water Supply (PWS) Program to adequately protect the public health and the natural environment of North Carolina.

We understand that both the NPDES Program and PWS Program are federally mandated programs that are implemented by North Carolina's Department of Environmental Quality (DEQ) under the auspices of the federal Clean Water Act (CWA) and Safe Drinking Water Act (SDWA), but the regulatory response by DEQ has raised a number of questions:

- Does the Clean Water Act allow regulation of these compounds when there are no Federal standards?
- What are the specific disclosure obligations of permit holders?
- What is the appropriate level of public involvement in settlement agreements regarding enforcement actions under the CWA?

Because these are federally mandated programs, it is our belief that EPA is in the best position to evaluate and advise us on the adequacy of North Carolina's programs to protect public health and the natural environment.

Additionally, EPA has access to a wide range of resources that are unavailable to North Carolina and can rely upon the technical expertise of its personnel that have spent years successfully guiding the implementation of these programs throughout all of the States in Region 4 and through a myriad of challenges. In fact, EPA is already helping North Carolina in many of the technical and scientific issues surrounding this challenge. We are especially grateful that the EPA office at Research Triangle Park has offered DEQ access to its mass spectrometer at no cost, allowing the agency to quickly perform water quality analysis without the extra time delay or cost of purchasing duplicative equipment with state tax dollars.

For those reasons, we are asking for your help.

We request that you provide the following assistance to North Carolina:



- Conduct an audit of North Carolina's NPDES Permitting Program to determine if this program as it is being implemented by the NC DEQ is adequately protecting the public health and the environment under the requirements of the Clean Water Act. In particular we request that you provide guidance on the following critical areas of our NPDES Program:
 - Is there adequate public notice and access as required under Federal law?
 - Are the State's existing requirements for disclosure from entities submitting application for new discharge permits, permit renewals, or permit modifications sufficient?
 - Does the NPDES program give NC DEQ the authority to regulate substances despite no Federal Standards having been defined?
 - Are the State's existing monitoring, sampling, and laboratory analysis requirements under its NPDES Permitting Program sufficient?
 - Are there improvements needed in DEQ's internal review process of permit applications that would lead to a more thorough and timely review of these applications?
 - What advice and guidance can you provide to North Carolina in regards to addressing the issues of emerging contaminants and chemicals, for which there are no existing State or federal water quality standards, in its NPDES Program?
- Conduct an audit of North Carolina's Public Water Supply (PWS) Program to determine if this program is adequately protecting the public health under the requirements of the Safe Drinking Water Act. In particular, any advice and guidance you can provide in regards to addressing the issue associated with emerging contaminants, for which there are no State or federal standards, in the PWS Program, would be especially valuable.
- Provide any information or guidance that is available from the federal government, including the EPA, the Center for Disease Control and Prevention (CDC), and the Agency for Toxic Substances and Disease Registry (ATSDR) regarding the public health threat posed by PFASs and any health standards that have been established for these compounds, or the status of the development of these standards.

Thank you for your consideration of our requests, and we look forward to your response. If you have any questions, please contact the Chairperson of the Senate Select Committee on North Carolina River Water Quality, Senator Trudy Wade, at 919-733-5856, or at Trudy.Wade@ncleg.net.

Senator Andy Wells



Senator Michael Lee



Senator Bill Rabon



Senator Trudy Wade

