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PFAS Liability/Drinking Water Exceedances: Legislation Submitted to North Carolina General Assembly Allocating Liability

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House Bill 569 has been submitted to the General Assembly of North Carolina which is styled:

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

The Bill would allow the North Carolina Secretary of Environmental Quality to order the responsible body to pay the public water system removal and abatement costs as described, when he or she determines:

1. The person is a PFAS manufacturer;
2. The PFAS manufacturer discharged or releases PFAS into the environment that has caused or contributed to the presence of PFAS in the public water system; and,
3. That the concentration of any per- and polyfluoroalkyl substances in a 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.

A responsible party is deemed jointly and severally liable for all actual and necessary costs.

The Bill also requires that a public water system reimburse ratepayers by reducing that rate charge in the future if:

1. The public water system has previously expended funds to remove, correct, or abate any adverse effects upon its water supply resulting from PFAS contamination,
2. The amount of funds expended by the public water system for that purpose has been included in rates charged to its ratepayers, and,
3. The funds expended by the public water system are subsequently reimbursed by the responsible party as the result of an order.

A copy of HB 569 can be downloaded [here](#).