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SENATE BILL DRS35445-MHa-125

Short Title: 2026 Water Safety Act.

(Public)

Sponsors: Senators Lee and Britt (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FUNDS FOR EMERGING CONTAMINANT MITIGATION AND
3 RESEARCH.

4 The General Assembly of North Carolina enacts:

5
6 **EMERGING CONTAMINANT MITIGATION GRANTS**

7 **SECTION 1.(a)** Mitigation Grants. – Article 9 of Chapter 130A of the General
8 Statutes is amended by adding a new Part to read:

9 "Part 9. Emerging Contaminant Mitigation.

10 **"§ 130A-310.80. Definitions.**

11 In addition to the definitions in G.S. 130A-2 and G.S. 130A-290, the following definitions
12 apply in this Part:

13 (1) Distressed unit. – As defined in G.S. 159G-20.

14 (2) Emerging contaminant. – PFAS and 1,4-Dioxane.

15 (3) Fund – The Emerging Contaminant Mitigation Fund established in
16 G.S. 130A-310.84.

17 (4) PFAS. – Per- and polyfluoroalkyl substances, including perfluorooctanoic
18 acid (PFOA), perfluorooctanesulfonate (PFOS), hexafluoropropylene oxide
19 dimer acid (HFPO-DA, also known as GenX), perfluorohexanesulfonic acid
20 (PFHxS), perfluorononanoic acid (PFNA), and perfluorobutanesulfonic acid
21 (PFBS).

22 (5) Significant Industrial User. – Defined in 40 CFR 403.3.

23 (6) SWIA. – The State Water Infrastructure Authority established in Article 5 of
24 Chapter 159G of the General Statutes.

25 **"§ 130A-310.82. Purpose.**

26 The purpose of this Part is to provide funding to support the mitigation of the impacts of
27 emerging contaminants on local public water and wastewater systems.

28 **"§ 130A-310.84. Emerging Contaminant Mitigation Fund.**

29 (a) Fund Established. – The Emerging Contaminant Mitigation Fund is established within
30 the Department. The purpose of the Fund is to support statewide efforts to detect, reduce,
31 mitigate, and prevent exposure to emerging contaminants and to support scientific research and
32 technology development related to the removal, treatment, monitoring, and precursor
33 identification for emerging contaminants. The fund consists of any funds appropriated to it by
34 the General Assembly and grants from federal agencies or other non-State entities.



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1 **(b) Uses of Fund.** – The Fund may only be used by SWIA to provide grants to units of
 2 local government operating public water or wastewater treatment systems for any of the
 3 following:

- 4 **(1)** Emerging contaminant sampling and monitoring in drinking water,
 5 wastewater, surface water, and groundwater.
 6 **(2)** Installation or upgrade of water treatment technologies for emerging
 7 contaminant removal.
 8 **(3)** Emergency response and remediation of emerging contaminant contamination
 9 in soil, surface water, and groundwater.
 10 **(4)** Provision of technical assistance to significant industrial users for the purpose
 11 of eliminating discharges of PFAS and 1,4-dioxane to publicly owned
 12 treatment works.

13 **(c) Funding Criteria and Oversight.** – SWIA shall establish criteria and application
 14 procedures for local emerging contaminant response grants, and shall prioritize grants to public
 15 water systems and public wastewater systems (i) for which emerging contaminants have caused
 16 the greatest impacts on public health and the environment and (ii) that are or meet the criteria to
 17 be categorized as a distressed unit.

18 **(d) Report.** – SWIA shall report annually as a part of the report required by G.S. 159G-72
 19 regarding projects funded under this section. The report shall include the project type (sampling
 20 and monitoring, treatment technologies, or emergency response), the project recipient, a brief
 21 description of project and the amount of funding provided."

22 **SECTION 1.(b) Conforming Change.** – G.S. 159G-71 reads as rewritten:

23 **"§ 159G-71. State Water Infrastructure Authority; powers and duties.**

24 The Authority has the following additional duties:

25 ...

- 26 **(13)** To award grants to mitigate the impacts of environmental contamination due
 27 to PFAS and 1,4-dioxane on local public water and wastewater systems."

28 **SECTION 2. Funding.** – The sum of fifty-six million dollars (\$56,000,000) in
 29 recurring funds for the 2026-2027 fiscal year is appropriated from the General Fund to the
 30 Department of Environmental Quality for the PFAS Mitigation Fund established in Part 9 of
 31 Article 9 of Chapter 130A of the General Statutes, as enacted by Section 1 of this act.

32 **RESEARCH GRANTS**

34 **SECTION 3.(a) PFAS Research Funding.** – The sum of fourteen million dollars
 35 (\$14,000,000) in recurring funds for the 2026-2027 fiscal year is appropriated from the General
 36 Fund to the North Carolina Collaboratory at the University of North Carolina (Collaboratory).
 37 These funds will be used to support scientific research on emerging contaminants, as defined in
 38 G.S. 130A-310.80, conducted by or in collaboration with public or nonprofit academic
 39 institutions, including any of the following:

- 40 **(1)** Detection methods for known and emerging PFAS and 1,4-dioxane.
 41 **(2)** Fate and transport of PFAS and 1,4-dioxane in environmental media.
 42 **(3)** Innovative remediation, filtration, and destruction technologies for PFAS and
 43 1,4-dioxane.
 44 **(4)** Public health and toxicological impact assessments of PFAS and 1,4-dioxane.
 45 **(5)** Evaluation of the health impacts of PFAS mixtures and 1,4-dioxane found in
 46 the State's drinking water to more closely model real-world public health
 47 scenarios.
 48 **(6)** Replacement compounds for PFAS and 1,4-dioxane.

49 **SECTION 3.(b) Directive.** – The Collaboratory shall consult with affected
 50 stakeholders, scientific experts, and State and local officials to ensure funding is targeted to
 51 research in areas of highest environmental and public health impact.

1 **SECTION 3.(c)** Restrictions. – The restrictions of G.S. 116-255(c) apply to funds
2 appropriated by this section.

3 **SECTION 3.(d)** Report. – The Collaboratory shall include in the report required by
4 G.S. 116-256 documentation of its use of the funds allocated by this section and updates
5 regarding the research funded by this section.

6 7 **FUNDING FOR FIREFIGHTER PROTECTION**

8 **SECTION 4.(a)** Firefighter Protection Funding. – The sum of twenty-five million
9 dollars (\$25,000,000) in nonrecurring funds for the 2026-2027 fiscal year is appropriated to the
10 Board of Governors of The University of North Carolina to be allocated to the North Carolina
11 Collaboratory (Collaboratory) at the University of North Carolina at Chapel Hill. The
12 Collaboratory shall use these funds for any of the following research, development, and remedial
13 activities related to per- and polyfluoroalkyl substances (PFAS):

- 14 (1) Groundwater studies of areas at or adjacent to fire stations with elevated levels
15 of PFAS including the purchase and deployment of analytical instrumentation
16 or mobile platforms utilizing analytical equipment to analyze and assess PFAS
17 levels in the environment.
- 18 (2) The provision of temporary water supplies to fire stations currently or
19 formerly on water wells with elevated levels of PFAS including, but not
20 limited to, mobile tankers of food-grade water.
- 21 (3) The provision of longer-term filtration systems for water wells at fire stations
22 with elevated levels of PFAS including reverse osmosis, granular activated
23 carbon, anion exchange resins, or other novel sorbent media developed by the
24 University of North Carolina at Chapel Hill.
- 25 (4) Short- or long-term voluntary human exposure studies to assess levels of
26 PFAS in the bodies of firefighters and their families.
- 27 (5) Sampling and assessment of drinking water wells at residences of firefighters
28 and at locations formerly used as fire stations and other wells of concern to
29 better understand local and regional impact of PFAS in groundwater.
- 30 (6) Supplemental support of the Bernard Allen Emergency Drinking Water Fund
31 in areas surrounding fire stations with elevated levels of PFAS in their water
32 wells.
- 33 (7) Funding of a partnership with the Office of the State Fire Marshall and North
34 Carolina State University to develop and develop and and implement a pilot
35 program for deep cleaning of firefighter protective gear to mitigate PFAS
36 exposure; and
- 37 (8) Any other projects of opportunity deemed relevant by the Collaboratory
38 related to PFAS, firefighters, and the communities they serve.

39 **SECTION 4.(b)** Report. – As a part of the report required by G.S. 116-256, the
40 Collaboratory shall summarize activities funded by this section, including a listing of the projects
41 of opportunity deemed relevant under section 4.(a)(9) of this act.

42 43 **ESTABLISH PFAS STANDARDS FOR DRINKING WATER**

44 **SECTION 5.** Article 10 of Chapter 130A of the General Statutes is amended by
45 adding a new section to read:

46 **"§ 130A-315.1. Maximum contaminant levels for certain contaminants established.**

- 47 (a) Maximum contaminant levels are established for all of the following contaminants:
 - 48 (1) Perfluorooctanoic acid (PFOA) at 4.0 parts per trillion (ppt).
 - 49 (2) Perfluorooctanesulfonic acid (PFOS) at 4.0 ppt.
 - 50 (3) Perfluorononanoic acid (PFNA) at 10 ppt.

- 1 (4) Hexafluoropropylene oxide dimer acid (HFPO-DA, also known as GenX) at
2 at 10 ppt.
3 (5) Perfluorohexanesulfonic acid (PFHxS) at 10 ppt.
4 (6) Mixtures containing two or more of PFHxS, PFNA, HFPO-DA, and PFBS at
5 1 (unitless).

6 (b) The Commission shall adopt rules to establish a compliance schedule with respect to
7 the maximum contaminants levels set forth in subsection (a) of this section for all public water
8 systems, including community water systems and transient and non-transient non-community
9 water systems that is substantially identical to the compliance schedule set forth in 40 C.F.R. Part
10 141, Subpart Z."

11
12 **ESTABLISH PFAS STANDARDS FOR DIRECT INDUSTRIAL DISCHARGERS AND**
13 **SIGNIFICANT INDUSTRIAL USERS**

14 **SECTION 6.(a)** No later than October 1, 2026, the Department of Environmental
15 Quality, in consultation with the North Carolina Collaboratory, shall develop:

- 16 (1) Science-based PFAS concentration limits for commonly detected PFAS,
17 which shall be used to establish monitoring, permitting, and pollution
18 reduction requirements for direct dischargers to surface waters and significant
19 industrial users ("regulated entities") as provided in subsection (c) of this
20 section. Concentrations limits for significant industrial users shall be made
21 applicable through a pretreatment permit to be issued by the applicable
22 publicly owned treatment works (POTW).
23 (2) Source reduction and treatment requirements to be imposed, including
24 requiring regulated entities to do one or more of the following, as applicable:
25 a. Conduct a PFAS source identification and minimization plan,
26 approved by the Department, to reduce PFAS inputs into their
27 wastewater streams.
28 b. Install and operate pretreatment technology to remove or reduce PFAS
29 to below concentration limits before discharge.
30 c. Submit to enhanced monitoring and reporting as required by the
31 Department.
32 d. Cease discharge of identified PFAS compounds where the Department
33 determines that feasible alternatives exist.
34 (3) A compliance schedule of up to 36 months to begin no later than January 1,
35 2027, for regulated entities to achieve the requirements developed pursuant to
36 subdivisions (1) and (2) of this Section. During this time, the Department shall
37 coordinate with the North Carolina Collaboratory to do all of the following:
38 a. Provide technical assistance for PFAS treatment technologies.
39 b. Assess cost-effective alternatives.
40 c. Develop sector-based PFAS guidance for best available technology
41 (BAT).

42 **SECTION 6.(b)** All National Pollutant Discharge Elimination System (NPDES)
43 permits and pretreatment permits, as applicable, for regulated entities subject to this section shall
44 include enforceable limits or conditions for PFAS discharges based on the concentration limits
45 established pursuant to subsection (a) of this section and available treatment options, as
46 determined by the Department. The Department may, however, exempt regulated entities from
47 the requirements of this subsection, and requirements established under subdivision (2) of
48 subsection (a) of this section, if the regulated entity demonstrates, through sampling and analysis
49 verified by the Department, that PFAS discharge concentrations are below background levels or
50 that the discharges do not contribute to PFAS exceedances downstream.

51 **SECTION 6.(c)** This section applies only to the following regulated entities:

- 1 (1) Significant industrial users, as that term is defined under 15A NCAC 02H
2 .0903, that:
3 a. Discharge wastewater containing PFAS compounds to a POTW; and
4 b. Have exceedances of PFAS concentration limits established pursuant
5 to subsection (a) of this section.
6 (2) Direct industrial dischargers that:
7 a. Discharge wastewater containing PFAS compounds to surface waters
8 of the State under an NPDES permit; and
9 b. Have exceedances of PFAS concentration limits established pursuant
10 to subsection (a) of this section.

11 **SECTION 6.(d)** The Environmental Management Commission shall adopt
12 temporary and permanent rules to implement the provisions of this section. Permanent rules
13 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the
14 General Statutes. The Department may issue interim guidance pending rule adoption.
15

16 **MORATORIUM ON NEW OR INCREASED INTERBASIN TRANSFERS FROM THE** 17 **UPPER REACHES OF THE CAPE FEAR RIVER BASIN**

18 **SECTION 7.(a)** Definitions. – The definitions set forth in G.S. 143-215.22G apply
19 to this section.

20 **SECTION 7.(b)** Moratorium on New or Increased Interbasin Transfers. – There is
21 hereby established a moratorium on the initiation of new surface water transfers or increases in
22 existing surface water transfers from any source in the Cape Fear River Basin located upstream
23 of Cape Fear Lock and Dam #2 in Bladen County. The Environmental Management Commission
24 shall not issue a certificate authorizing a new surface water transfer or an increase in an existing
25 surface water transfer from any source in the Cape Fear River Basin located upstream of Cape
26 Fear Lock and Dam #2.

27 **SECTION 7.(c)** Exceptions. – The moratorium established by subsection (b) of this
28 section shall not prohibit the following surface water transfers from the Cape Fear River Basin:

- 29 (1) Any existing transfers authorized by the Environmental Management
30 Commission or else lawfully initiated prior to the effective date of this act. No
31 person who maintains an existing transfer under this subdivision shall increase
32 the amount of surface water transferred to another river basin.
33 (2) Any emergency transfer of surface water authorized by the Secretary of
34 Environmental Quality under G.S. 143-215.22L(q) or G.S. 143-355.3.

35 **SECTION 7.(d)** Moratorium Duration. – This section is effective when it becomes
36 law and expires June 1, 2030.
37

38 **CAPE FEAR RIVER BASIN STUDY**

39 **SECTION 8.(a)** Study. – The North Carolina Collaboratory at the University of
40 North Carolina at Chapel Hill (Collaboratory) shall study the Cape Fear River Basin to determine
41 its reliable yield of water supply and make recommendations for any legislative changes
42 necessary to ensure the sustainability of existing and future in-basin water uses. The
43 Collaboratory shall include all of the following in its study:

- 44 (1) A catalog of the existing water uses and users of the Cape Fear River Basin.
45 (2) An assessment of the reliable yield of water supply of the Cape Fear River
46 Basin, including an assessment for each of its subbasins and major tributaries.
47 This assessment shall include a scientific evaluation of the quantity of water
48 that can be dependably withdrawn or transferred under current and projected
49 future hydrologic conditions without causing unacceptable environmental or
50 economic impacts to in-basin uses.

- 1 (3) An analysis of the adequacy of the environmental impact study requirements
- 2 for interbasin transfers from sources in the Cape Fear River Basin located
- 3 upstream of Cape Fear Lock and Dam #2.
- 4 (4) An assessment of the economic equity of interbasin transfers for affected
- 5 communities within the Cape Fear River Basin.
- 6 (5) An examination of any anticipated water quality and ecological impacts from
- 7 approved and proposed interbasin transfers from the Cape Fear River Basin.

8 **SECTION 8.(b)** Consultation. – In collecting and analyzing data relevant to
9 determining reliable yield of water supply from the Cape Fear River Basin, the Collaboratory
10 shall consult with the United States Army Corps of Engineers, the Department of Environmental
11 Quality, the Environmental Management Commission, the State Water Infrastructure Authority,
12 the North Carolina League of Municipalities, and other relevant public and private entities
13 responsible for impoundments and water supply infrastructure in the Cape Fear River Basin.

14 **SECTION 8.(c)** Report. – The Collaboratory shall report its findings, together with
15 any proposed legislation, to the General Assembly no later than July 1, 2029.

16 **SECTION 8.(d)** Appropriation. – There is appropriated from the General Fund to
17 the Board of Governors of The University of North Carolina the sum of one million five hundred
18 thousand dollars (\$1,500,000) in nonrecurring funds for the 2026-2027 fiscal year to be allocated
19 to the North Carolina Collaboratory to fund the study of the Cape Fear River Basin described in
20 subsection (a) of this section. These funds shall not revert to the General Fund at the end of the
21 2026-2027 fiscal year but shall remain available until the end of the 2028-2029 fiscal year.

22 23 **STUDY OF PFAS IN INFLUENT AND EFFLUENT OF PUBLICLY OWNED OR** 24 **OPERATED WASTEWATER TREATMENT WORKS**

25 **SECTION 9.(a)** The General Assembly finds that contamination of biosolids by
26 Per- and Polyfluoroalkyl Substances (PFAS) produced by wastewater facilities, as well as the
27 origin of the PFAS themselves, present significant environmental, economic, and public health
28 concerns. To address PFAS influent and effluent related to publicly owned or operated
29 wastewater treatment works facilities in the State, the North Carolina Collaboratory at the
30 University of North Carolina at Chapel Hill (Collaboratory) will carry out a collaborative
31 research effort in partnership with utilities and State regulators for the purposes of providing
32 utilities, State regulators, and other relevant entities with the knowledge, data, and strategies they
33 need for utility management and decision-making. As part of this collaborative research effort,
34 the Collaboratory shall study all of the following:

- 35 (1) The impact of land application of biosolids generated at a publicly owned or
- 36 operated wastewater treatment works facilities across the State including the
- 37 amount of biosolids generated; types and concentrations of Per- and
- 38 Polyfluoroalkyl Substances (PFAS) found in the biosolids; the locations of the
- 39 final disposition of biosolids generated at, and removed by, the wastewater
- 40 facilities; the amount of PFAS contributed by the biosolids to surface and
- 41 groundwater sources; current and alternative biosolids management options;
- 42 the development of new management practices and technologies to minimize
- 43 or remove PFAS; and any other variables related to biosolids management
- 44 deemed relevant by the Collaboratory and its research partners.
- 45 (2) The concentrations and types of PFAS influent and effluent at wastewater
- 46 treatment works facilities across the State including identification of sources
- 47 contributing to PFAS in facility influents; the fate and transport of PFAS
- 48 effluent from the facilities; best management practices for identifying,
- 49 managing, reducing, mitigating, and removing both PFAS from the influent
- 50 and effluent at these wastewater facilities; development or deployment of
- 51 PFAS reduction, mitigation, or destruction technologies to mitigate influent

1 or effluent; and any other variables related to PFAS deemed relevant by the
2 Collaboratory and its research partners.

- 3 (3) The feasibility of developing PFAS reduction strategies for industrial
4 discharges into either surface or groundwater in the State that may include
5 analytical methods, targeted compounds, concentration thresholds, best
6 available control technologies, development of new detection and reduction
7 technologies, benefit-cost calculations, a proposed regulatory framework, and
8 any other components deemed relevant by the Collaboratory and its research
9 partners necessary to achieve PFAS reduction goals and standards.

10 **SECTION 9.(b)** Publicly owned or operated wastewater treatment works and the
11 Department of Environmental Quality shall partner with the Collaboratory to carry out the study
12 authorized by this section to the extent permitted under public records laws, the requirements for
13 protection of confidential information under G.S. 143-215.3C, or the terms of any delegation of
14 enforcement authority under federal or State law or memoranda of agreement or understanding
15 setting forth the delegation.

16 **SECTION 9.(c)** The Collaboratory is authorized to use any prior or future funds
17 appropriated by the General Assembly for PFAS-specific research, or other discretionary funds,
18 to carry out this study and shall present the final results of this study to the Department of
19 Environmental Quality, the Environmental Review Commission and the Environmental
20 Management Commission no later than January 31, 2029.

21
22 **BERNARD ALLEN FUNDS**

23 **SECTION 10.** There is appropriated from the General Fund to the Department of
24 Environmental Quality the sum of ten million dollars (\$10,000,000) in nonrecurring funds and
25 two hundred thousand dollars (\$200,000) in recurring funds for the 2026-2027 fiscal year for the
26 Bernard Allen Drinking Water Fund established by G.S. 87-98 for purposes consistent with that
27 section.

28
29 **ADDITIONAL DEQ FUNDING**

30 **SECTION 11.** There is appropriated from the General Fund to the Department of
31 Environmental Quality the sum of two million six hundred thirteen thousand nine hundred
32 twenty-five dollars (\$2,613,925) in nonrecurring funds and one million six hundred fifty-nine
33 thousand three hundred ninety-three dollars (\$1,659,393) in recurring funds for the 2026-2027
34 fiscal year. The Department shall use these funds for lab operations and field work, including
35 the development of new sampling and testing protocols, to identify, reduce and remediate PFAS
36 contamination.

37
38 **SEVERABILITY AND EFFECTIVE DATE**

39 **SECTION 12.** If any provision of this act or the application thereof to any person or
40 circumstances is held invalid, such invalidity shall not affect other provisions or applications of
41 this act that can be given effect without the invalid provision or application, and, to this end, the
42 provisions of this act are declared to be severable.

43 **SECTION 13.** Except as otherwise provided, this act is effective July 1, 2026.