



# Ensure Clean Water Access Across the State

## NCACC Advocacy Brief

*Seek legislation for clean water funds throughout the state and to hold chemical manufacturers producing emerging contaminants such as PFOA, PFOS, and other PFAS chemicals, and coal ash producers financially responsible for cleanup and mitigation of pollutants.*

### Issue At-A-Glance

- PFAS (per- and poly-fluoroalkyl substances) are a group of over 5,000 different types of man-made chemicals for industrial and commercial use. PFAS are often found in firefighter foam, kitchen utensils, cleaning supplies, herbicides, textiles, and other common products due to their indestructible, non-stick, and waterproof properties.
- A chemical plant built and operated for decades by DuPont USA has released unregulated GenX and other PFAS compounds into the air and water, possibly since the 1980s, near the Cape Fear River in Fayetteville. The Chemours Company, a DuPont spin-off, has operated the facility since 2015. While limited information exists, laboratory studies of PFAS show potential human health risks.

### Issue Background

For decades, two chemical companies, 3M and DuPont (later Chemours), have manufactured products with various PFAS – notably PFOA and PFOS – to create their signature Scotchgard and Teflon products. In 2008, DuPont's facility in Fayetteville, North Carolina began manufacturing PFOA, PFOS, adding GenX when the facility became Chemours. Numerous other industrial, military, and airport sources of PFAS also contribute to contamination in North Carolina.

In July 2018, Cape Fear River Watch, an environmental protection organization, sued the North Carolina Department of Environmental Quality (NCDEQ) to force Chemours to stop depositing wastewater in the Cape Fear River which posed a significant risk to Fayetteville and downstream residents. In August 2019, Cape Fear River Watch, represented by the Southern Environmental Law Center, filed a federal lawsuit against Chemours for violating the Clean Water Act and Toxic Substances Control Act. The suit was later dropped as part of a settlement which resulted in a consent order that required Chemours to cease its discharges and add scrubbers to its smokestacks to prevent airborne PFAS pollution.

In response to these and other water quality concerns, in 2018 the North Carolina General Assembly directed the North Carolina Policy Collaboratory to study the occurrence, distribution, and remediation of PFAS in water across

the state. In a collaboration between Governor Cooper's administration, Triangle researchers, and local NGOs, the General Assembly allocated \$5 million to fund 20 Triangle university researchers to conduct baseline PFAS water quality testing. The group of researchers was named North Carolina's PFAS Testing Network. The original intent was to create an integrated framework to transition emerging contaminant testing and analysis capacity from academic institutions to NCDEQ.

Since that time, Counties have had to take measures to ensure drinking water is safe. For example, in 2020, the Brunswick County Commissioners approved a \$122 million contract to install an advanced low-pressure reverse osmosis water treatment system at the Northwest Water Treatment Plant – low pressure reverse osmosis is considered the most advanced and effective method to treat and remove both regulated and unregulated materials from drinking water, including PFAS and GenX. Brunswick County has also joined other utilities in the region to sue DuPont and Chemours. The County is seeking monetary damages from Chemours to hold it responsible for the millions of dollars it is spending to install a new treatment system necessary to remove PFAS contaminants. The lawsuit remains active and ongoing.

### County Recommendation

Additional state resources are needed to defray the costs of local governments upgrading water systems and facilities to ensure clean drinking water across the state.

