

CAROLINA BEACH

Town Council Workshop

Tuesday, May 27, 2025 — 9:00 AM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



AGENDA

CALL TO ORDER

DISCUSSION ITEMS

1. Resolution Supporting HB 569 Regarding PFAS
2. Consider Letter of Support for the State Park Living Shoreline Restoration Project
3. FY25/26 Town Manager's Budget Message

COUNCIL COMMENTS

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: MPT Deb LeCompte

DEPARTMENT: Legislative

MEETING: Town Council 5/27/2025

SUBJECT: Resolution Supporting HB 569 Regarding PFAS

BACKGROUND:

Discussion and consideration of supporting House Bill 569 PFAS Pollution and Polluter Responsibility.

ACTION:

Motion to support Resolution 25-2333.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 569
Committee Substitute Favorable 4/16/25
Committee Substitute #2 Favorable 5/6/25
Fourth Edition Engrossed 5/7/25

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 add 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.

Resolution



Town of Carolina Beach
Town Council

RESOLUTION NO. 25-2333

A RESOLUTION OF THE TOWN COUNCIL OF CAROLINA BEACH, NORTH CAROLINA IN SUPPORT OF NC HOUSE BILL 569 (HB 569) – PFAS POLLUTION AND POLLUTER RESPONSIBILITY

WHEREAS, PFAS (per- and polyfluoroalkyl substances), often referred to as “forever chemicals,” are synthetic compounds that persist in the environment and human body, and have been linked to cancer, liver damage, immune system dysfunction, and other serious health risks;

WHEREAS, residents of Carolina Beach and the surrounding Cape Fear region have been directly impacted by PFAS contamination in their drinking water, primarily stemming from industrial discharges into the Cape Fear River;

WHEREAS, North Carolina House Bill 569, titled “PFAS Pollution and Polluter Responsibility,” would require those responsible for PFAS pollution to bear the costs of cleanup, improve public access to water quality data, and empower the North Carolina Department of Environmental Quality (NCDEQ) to take stronger enforcement action;

WHEREAS, the Town of Carolina Beach believes that clean water is a fundamental right and supports legislative efforts that prioritize environmental accountability and public health protection;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF CAROLINA BEACH, NORTH CAROLINA:

1. **The Town Council supports North Carolina House Bill 569** and urges members of the North Carolina General Assembly to pass this critical legislation to address PFAS pollution statewide.
2. **The Town Council affirms its commitment to protecting the public health of Carolina Beach residents** and will continue to advocate for responsible environmental practices and policies that safeguard natural resources.

ADOPTED this 27th day of May 2025, by the Town Council of Carolina Beach, North Carolina.

Albert L. Barbee, Mayor

ATTEST:

Kimberlee Ward, Town Clerk



AGENDA ITEM COVERSHEET

PREPARED BY: MPT Deb LeCompte

DEPARTMENT: Legislative

MEETING: Town Council 5/27/2025

SUBJECT: Consider Letter of Support for the State Park Living Shoreline Restoration Project

BACKGROUND:

Discussion and consideration of sending a letter of support to Congressman David Rouzer for the State Park Shoreline Restoration Project.

ACTION:

Motion to approve the letter of support.

Lynn Barbee
Mayor

Joe Benson
Council Member

Jay Healy
Council Member



Deb LeC
Mayor Pro Tem

Mike Hoffer
Council Member

Bruce Oakley
Town Manager

Town of Carolina Beach
1121 N. Lake Park Blvd.
Carolina Beach, NC 28428
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May 27, 2025

The Honorable David Rouzer
2333 Rayburn House Office Building
Washington, DC 20515

Re: Support for Community Project Funding – Carolina Beach State Park Living Shoreline Restoration

Dear Congressman Rouzer,

On behalf of the Carolina Beach Town Council, I am writing to express our full support for the North Carolina Coastal Federation's request for Congressional Community Project Funding for the Carolina Beach State Park Living Shoreline Restoration Project in New Hanover County, North Carolina.

Carolina Beach State Park is one of the most heavily used state parks in North Carolina, offering diverse recreational opportunities while protecting over 750 acres of vital coastal habitat. This park plays a critical role in the Cape Fear region's economy, drawing visitors to hike, fishing, boating, and nature education.

Since 2015, the North Carolina Coastal Federation has collaborated with Carolina Beach State Park and the NC Division of Parks and Recreation on a series of shoreline and habitat restoration projects within the park and along the Cape Fear River. Many of these projects have extended onto lands owned by the U.S. Department of Defense's Military Ocean Terminal Sunny Point (MOTSU) and the U.S. Army Corps of Engineers (USACE), which are leased and managed by the park.

These efforts have been primarily funded through the Natural Resources Damages Assessment (NRDA) Restoration Plan for the Kerr-McGee (Tronox) EPA Superfund site in Navassa—approximately 15 miles upriver. This strategic use of federal restoration funds has already yielded significant environmental benefits, but much more remains to be done.

Roughly 2,000 linear feet of the park's shoreline along the Cape Fear River and Snows Cut have been identified as experiencing severe erosion, driven by boat wake, storm surge, and seasonal king tides. These areas serve as the park's last natural barrier against flooding and storm damage for critical infrastructure including the marina, buildings, parking areas, and popular trails.

Plans for a nature-based solution—a Living Shoreline—have been fully developed and permitted. These designs feature low-profile sills and marsh plantings to stabilize the shoreline while supporting native habitat. Unfortunately, current funding will only allow for the implementation of approximately 400 linear feet of the protection needed. That leaves more than 1,600 linear feet of vulnerable shoreline at risk.

This additional funding request will enable the completion of the shoreline protection project, ensuring long-term resilience of the park's infrastructure while restoring valuable coastal habitat. The economic, recreational, and environmental benefits to the region cannot be overstated.

We respectfully urge your office to support the North Carolina Coastal Federation's request for this critical investment in coastal resilience. Thank you for your continued leadership in supporting conservation and public lands in southeastern North Carolina.

Sincerely,

Mayor Lynn Barbee

Carolina Beach Town Council

1121 North Lake Park Boulevard

Carolina Beach, NC 28428

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AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council Workshop 5/27/2025

SUBJECT: FY25/26 Town Manager's Budget Message

BACKGROUND:

Town Manager Bruce Oakley will present the FY25/26 budget message.

ACTION REQUESTED:

Presentation and discussion – no action needed