

**41st Session
of the
University of North Carolina at Asheville
Student Senate**

SSB 009-019

Resolution Against the Limited Liability of CTS Corporation

Initiator: Former President Nicholas K. Ladd

Submitter: Senator Miranda Wilson

Sponsors: President Cortland Mercer, Executive David Kaufman-Moore, Executive Evan Edwards, Executive Courtney Galatioto, Senator Stephen Greenslade, Senator Cantrell Brown, Senator Steven C. Quinn, Senator Jon Griffin, Senator Rachel Lawless, Senator Raj Bowers-Racine, Senator J. Adam Caudill

Recipient: Ms. Bonnie S. Ware (Project Manager-Superfund Section), David Dorian (EPA On-Scene Coordinator), Representative Heath Shuler, Representative Jane Whilden, Representative Bruce Goforth, Representative Susan Fisher, Senator Tom Apadoca, Senator Martin Nesbitt, Tate MacQueen (CTS Community Monitoring Council)

Action on the Bill
DATE Introduced by
DATE Passed on

Whereas, CTS Corporation (CTS) owned and operated an electroplating facility at its Mills Gap Rd location (Site) from 1959 to 1985, making extensive use of trichloroethylene (TCE) for its solvent properties.,,

Whereas, prior to 1978 CTS had no wastewater treatment system, with only a gravel filter bed being used for the disposal of the TCE. This subsequently allowing for direct saturation into the local soil, and consequently into the surrounding streams and groundwater aquifers.,

Whereas, in 1991 high levels of nickel, cadmium, iron, magnesium, manganese potassium, silver, vanadium, beryllium, barium, copper, and zinc were found in soils and surface waters on the Site. Additionally High levels of 1,2-dichlorethene, trichloroethene, vinyl chloride, polycyclic aromatic hydrocarbons (PAH), and several unidentified organic compounds were also found. , 1,2-Dichloroethene and vinyl chloride are degradation products of trichloroethene, which was used as a primary solvent, and in the case of vinyl chloride are more deadly than TCE itself.

Whereas, such levels of contaminant are of particular concern due to the approximately 397 wells within a three mile radius, and the over 3,880 residents who live within a mile of the Site.

Whereas, in 1999 local residents complained about their drinking water resulting in testing by

the Environmental Protection Agency (EPA), who found concentrations of 21,000 ppb of TCE. This quantity is over 4,000 times higher than the EPA's Maximum Contaminant Level (MCL) of 5 ppb ,

Whereas, in its 9th Report on Carcinogens, the National Toxicology Program (NTP) determined that trichloroethylene is “reasonably anticipated to be a human carcinogen.” The International Agency for Research on Cancer (IARC) has determined that trichloroethylene is “probably carcinogenic to humans.” EPA concludes that TCE is “highly likely” to cause cancer in humans. This cancer classification is supported by increased risks seen in TCE-exposed workers to various cancers, including cancer of the kidney, liver, lymphatic system, prostate and cervix. Additional support is provided by notable similarity between tumors in lab animals and in workers exposed to high levels of TCE.

Whereas, the following statistically significant increases in the exposed population under the Agency for Toxic Substances & Disease Registry were found when compared to the broader population:

- ☒ Speech impairment and hearing impairment reporting rates for children under 10 years of age
- ☒ Anemia and other blood disorders, particularly for those aged less than 10 years and people aged 35 through 64 years.
- ☒ Stroke with the greatest increases being for females aged 10 through 54 years and males 25 through 44 years.
- ☒ Urinary tract disorders were reported at a higher rate for females in all age groups, and for males aged 10 through 25 years.
- ☒ Reported rates for liver problems were elevated or significantly higher for females aged 45 through 64 years; kidney problems were also reported in excess at baseline for females aged 55 through 64 years.
- ☒ Diabetes rates were higher for females aged 18 through 24 years and 45 through 54 years.

- ☒ Skin rashes, eczema, and other skin allergies with the two youngest age groups (less than 17 years) having the highest rates.

Whereas, in 2002 EPA, CTS, and Mills Gap Road Associates (MGRA) entered into an Administrative Order on Consent (AOC) to conduct a Time-Critical Removal Action at the site. This required CTS and MGRA to address contamination on the Site.

Whereas, on April 6, 2009 The Division of Waste Management (DWM) proposed an Administrative Agreement which DWM would enter into with CTS Corporation.

Whereas, DWM moved for such an Administrative Agreement on the foundation of the North

Carolina's Inactive Hazardous Sites Response Act of 1987 (North Carolina General Statutes (N.C.G.S.) 130A310), which states in section 130A-310.9 (a)

No one owner, operator, or other responsible party who voluntarily participates in the implementation of a remedial action program under G.S. 130A310.3 or G.S. 130A310.5 may be required to pay in excess of three million dollars (\$3,000,000) for the cost of implementing a remedial action program at a single inactive hazardous substance or waste disposal site.

Whereas, subsequent remediation efforts above and beyond the three million dollars would become the responsibilities of the tax payers of the great state of North Carolina.

Whereas, responsible action on the part of CTS in a timely fashion would have not only significantly reduced the risk of detrimental health impacts, but would additionally have reduced the spread of the contaminant thus reducing the cost of remediation.

Whereas, it should not be necessary to incentivize corporations to be responsible for their actions.

Whereas, the impacted community has collected over 600 signature from citizens of Buncombe County, including many students of the University of North Carolina at Asheville.

Therefore be it resolved, that the University of North Carolina at Asheville Student Government Association resolve to support the impacted community through their struggle to eliminate limited liability for CTS, and to ensure that the responsible parties be held to task.

Adopted by the Student Senate on the _____ day of _____ Two Thousand and Nine

Legislative Librarian Approval		Chief of Staff Approval

Miranda Wilson
Legislative Librarian

David Kaufman-Moore
Chief of Staff

Vice Presidential Approval		Presidential Approval

Asha Purohit
Student Government Vice-President

Cortland Mercer
Student Government President