

SENATE BILL NO. 1513

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

4329S.02I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 640, RSMo, by adding thereto one new section relating to the release of contaminants into public water systems or drinking water sources.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 640, RSMo, is amended by adding thereto
2 one new section, to be known as section 640.106, to read as
3 follows:

**640.106. 1. As used in this section, the following
2 terms shall mean:**

3 (1) "Contaminant", any physical, chemical, biological,
4 or radiological substance in a public water system
5 including, but not limited to, those substances for which
6 maximum contaminant levels are established by the department
7 pursuant to this chapter;

8 (2) "Drinking water source", any waters of the state
9 as defined in section 644.016 that are designated by the
10 department of natural resources as drinking water supply
11 under 10 CSR 20-7.031, or have been identified by the
12 department as a public water system;

13 (3) "Public utility", every pipeline corporation, gas
14 corporation, electrical corporation, telecommunications
15 company, water corporation, heating company or refrigerating
16 corporation, and sewer corporation, as defined in section
17 386.020, and subject to the jurisdiction, control, and

18 regulation of the public service commission and to the
19 provisions of chapter 386.

20 2. Whenever the department of natural resources
21 receives a complaint that a person has released a
22 contaminant into a public water system or a drinking water
23 source, the department shall, as soon as feasible, initiate
24 an investigation to determine whether the contaminant
25 presents a risk to public health and safety, or if the
26 presence of the contaminant will require modification of
27 operations, installation of new treatment equipment, or
28 elimination of the use of wells, intakes, or treatment
29 facilities by a public water system.

30 3. If the department makes the determination pursuant
31 to the provisions of subsection 2 of this section, the
32 department shall request that the attorney general bring a
33 civil action in a court of competent jurisdiction against
34 the person to recover the cost of remediation and actual
35 damages, as well as any other appropriate injunctive or
36 equitable relief. The operator of a public water system
37 affected by the contaminant may intervene in any such civil
38 action brought by the attorney general.

39 4. If a court finds that the person released the
40 contaminant into a public water system or a drinking water
41 source, the court shall order that the person pay the cost
42 of remediation, actual damages, injunctive relief, and any
43 other relief the court finds appropriate.

44 5. If the person found responsible for releasing the
45 contaminant is a public utility, the public utility shall
46 not pass any damages or costs assessed against the public
47 utility under this section onto the customers in a rate
48 making proceeding under chapter 393.

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