

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 334

90TH GENERAL ASSEMBLY

1999

L1453.04T

AN ACT

To repeal section 260.565, RSMo 1994, relating to environmental remediation, and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Section 260.565, RSMo 1994, is repealed and two new sections enacted in lieu thereof, to be known as sections 260.565 and 644.143, to read as follows:

260.565. As used in sections 260.565 to 260.575, the following terms mean:

(1) "Hazardous substance", any hazardous substance specified in the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. sections 9601(14) (A)-(F), as amended, **petroleum and petroleum products, except where such petroleum and petroleum products were released to the environment from tanks subject to regulation by the department of natural resources or located on property which is eligible for moneys from the petroleum storage tank insurance fund pursuant to section 319.131, RSMo,** and any hazardous waste as defined in section 260.360 or any rules promulgated under sections 260.350 to 260.480;

(2) "Person", any individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust estate, political subdivision or any agency, board, department or bureau of the state or federal government, or any other legal entity whatever which is recognized by law as the subject of rights and duties;

(3) "Phase I environmental site assessment", a noninvasive physical assessment of the real property and a records review conducted by a technical consultant who is familiar with the nature of the operations and activities that have occurred on the real property;

(4) "Real property", any **residential or** nonresidential real property;

(5) "Remediation" or "remedial action", all appropriate actions taken to clean up contaminated real property, including but not limited to removal, remedial actions, and response actions as such terms are defined by the federal Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9601).

644.143. Notwithstanding any other provision of law to the contrary, the clean water commission shall establish procedures for determining whether remediation of groundwater, based on risk to human health and the environment, is appropriate for any particular site. The procedures for making such determination shall be made by rule and shall consider the following:

(1) Impacts of the ground water contamination on any public or private water supply for drinking water;

(2) Likelihood that the contaminated ground water will be a suitable public or private water supply based on its potability, background chemical constituents, or other factors not relating to the contamination;

(3) Impact of the ground water contamination on any natural spring, or any water which contributes to a natural spring, which is recognized for its recreational or aesthetic value and located in a state park, national park, conservation area, or any area protected by a conservation easement;

(4) The appropriateness of natural attenuation and other methods to remediate the ground water contamination; and

(5) Any other scientific factors the commission deems relevant.

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