

1 H.116

2 Introduced by Representative Botzow of Pownal

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; public water supply; hazardous  
6 substances; assessment of expenses

7 Statement of purpose of bill as introduced: This bill proposes to provide that a  
8 person who is responsible for the release of a hazardous material shall be liable  
9 for the costs of remediating a public water system or potable water supply  
10 contaminated by the release. The bill would also authorize a public water  
11 system to require a person who caused a hazardous material release to pay the  
12 costs incurred by the public water system in response to the threat to public  
13 health or the environment presented by the hazardous material release.

14 An act relating to contamination of a public water system or a potable water  
15 supply by a hazardous material release

16 It is hereby enacted by the General Assembly of the State of Vermont:

17 Sec. 1. 10 V.S.A. § 1682 is amended to read:

18 § 1682. PRIVATE RIGHT OF ACTION; REIMBURSEMENT OF PUBLIC  
19 WATER SYSTEM RESPONSE COSTS

20 (a) The provisions of 18 V.S.A. § 122 shall apply to this chapter.

1       (b) In addition to a response action required under section 6615 or 6615b of  
2       this title, any person who the Secretary determined released a hazardous  
3       material into the air, groundwater, surface water, or onto the land shall be  
4       strictly, jointly, and severally liable for the costs of remediating a public water  
5       system that the Secretary determines:

6           (1) is, due to the release of the hazardous material, contaminated or  
7       exceeds applicable maximum contaminant levels adopted by the Department of  
8       Health; or

9           (2) is likely to be contaminated by the hazardous material due to the  
10       proximity of the public water system to other public water systems or potable  
11       water supplies contaminated by the hazardous material release or due to other  
12       relevant factors.

13       (c)(1) A public water system, after approval of the Secretary under  
14       subdivision (3) of this subsection, may require a person who caused a  
15       hazardous material release to pay the costs incurred by the public water system  
16       in response to the threat to public health or the environment presented by the  
17       hazardous material release.

18           (2) A public water system may only require payment under this  
19       subsection of costs incurred in excess of \$500.00.

1           (3) Prior to seeking payment of costs incurred, the public water system  
2           shall submit to the Secretary an itemized list of response actions taken. The  
3           Secretary shall approve the submission of the request for costs if:

4                   (A) the response actions were reasonable practices in response to the  
5           hazardous material release; and

6                   (B) the costs incurred for the listed practices are reasonable and not  
7           excessive.

8           (d) As used in this section, “hazardous material” and “release” shall have  
9           the same meanings as provided in section 6602 of this title.

10          Sec. 2. 10 V.S.A. § 1982 is added to read:

11          § 1982. LIABILITY FOR CONTAMINATION OF POTABLE WATER

12                   SUPPLY

13           (a) In addition to a response action required under section 6615 or 6615b of  
14           this title, any person who the Secretary has determined released a hazardous  
15           material into the air, groundwater, surface water, or onto the land shall be  
16           strictly, jointly, and severally liable for the costs of remediating a potable water  
17           supply that the Secretary determined:

18                   (1) is a failed supply under this chapter 64 due to the release of the  
19           hazardous material; or

1           (2) is likely to be contaminated by the hazardous material due to the  
2           proximity of the public water supply to other public water supplies  
3           contaminated by the hazardous material or due to other relevant factors.

4           (b) As used in this section, “hazardous material” and “release” shall have  
5           the same meanings as provided in section 6602 of this title.

6           Sec. 3. EFFECTIVE DATE

7           This act shall take effect on passage.