

HCS HB 343 -- HAZARDOUS SUBSTANCES

SPONSOR: Munzlinger

COMMITTEE ACTION: Voted "do pass" by the Special Committee on Agri-Business by a vote of 10 to 0.

This substitute specifies that when a hazardous substance release occurs the person having control of the hazardous substance is liable for the reasonable and necessary costs for the clean up or containment incurred by the political subdivision or volunteer fire protection association providing the emergency services. No later than 60 days after completion of the hazardous substance cleanup, the emergency services provider is required to furnish the liable person with an itemized statement of all costs associated with the hazardous substance release. A clean-up cost statement may be appealed to the Director of the Department of Natural Resources with the burden of proof on the political subdivision or the emergency services provider.

FISCAL NOTE: No impact on state funds in FY 2008, FY 2009, and FY 2010.

PROPONENTS: Supporters say that the bill will limit an individual's liability associated with a hazardous substance spill to the reasonable and necessary costs associated with the emergency containment or clean up, notify the individual of the costs in a timely manner, and provide an appeal procedure if the costs are deemed unreasonable by the liable individual.

Testifying for the bill were Representative Munzlinger; and Missouri Agriculture Industries Council.

OPPONENTS: Those who oppose the bill say that someone ultimately must pay for securing the release and clean up of the hazardous substance, and the associated costs cannot be absorbed by the local governmental entity. Timely response to a hazardous substance release can reduce the cost of the clean up.

Testifying against the bill were Greg Brown, Eureka Fire Protection District and Fire Services Alliance; and Larry Boyle, Fenton Fire District of St. Louis County.

OTHERS: Others testifying on the bill say that the local governmental entity can't absorb the costs associated with a hazardous substance release and the costs must be paid by someone.

Testifying on the bill was Division of Fire Safety, Department of Public Safety.