

HCS SS SB 22 -- CONTAMINATED HOMES

SPONSOR: Chappelle-Nadal (Matthiesen)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Budget by a vote of 24 to 2 with 1 present. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 11 to 2.

This bill modifies provisions relating to contaminated homes.

MISSOURI CONTAMINATED HOME ACQUISITION PROGRAM

This bill creates the Missouri Contaminated Home Acquisition Program. Under this program, any homeowner whose home is determined by a federal or state environmental agency to be uninhabitable due to contamination of radium in the groundwater above maximum contaminant level that is not naturally occurring, may apply to sell their home for fair market value, less any cash settlement previously received or awarded, to the Department of Natural Resources (DNR). Application criteria and time line requirements for application decisions from DNR are set forth in the bill. In addition, the bill sets forth an order of priority for the department to follow when purchasing homes. Funding for the program will be from the sale of DNR lands purchased in FY 2016 to FY 2018 with legal settlement funds administered in whole or in part by the Department of Natural Resources and will be subject to appropriation to the Missouri Contaminated Home Acquisition Program Fund.

The bill specifies that if DNR and the homeowner disagree with the homeowners' appraisal of fair market value of the home, the department will also perform an appraisal on the home. Concurrently, the department and homeowner must mutually agree on an appraiser to perform a third appraisal. The fair market value of the home will be determined by averaging the fair market value of all three appraisals. In the event that a party is dissatisfied by the averaged fair market value, they may seek expedited review in any court of competent jurisdiction.

The bill caps the Missouri Contaminated Home Acquisition Program costs at \$12.5 million (Sections 260.850-260.865, and 640.780).

RADIOACTIVE MATERIAL DISCLOSURE

The bill requires that any seller or renter of a premise that was contaminated with radioactive material, who knows that such premise was contaminated with radioactive material, to disclose such radioactive contamination to any buyer or lessee in writing. Any

person failing to make such a disclosure shall be guilty of a class A misdemeanor (Section 441.236).

This is similar to SCS SB 600 (2016).

This bill contains an emergency clause.

PROPONENTS: Supporters say that the bill will allow the owners of homes determined to have unhealthy levels of radioactive contamination with high levels of dissolved radium in the groundwater to sell their homes to the Department of Natural Resources. Residents of the area have experienced major issues from the West Lake Landfill and Bridgeton Landfill including cancers and various sickness, children with brain cancer and other serious illnesses, miscarriages, respiratory problems, odors, gases, smoke, fire, and dump juice in area because of radioactive materials disposed of in the landfills in the 1970s. The radioactive materials were byproducts of uranium enrichment done by Mallinckrodt Chemical works for early atomic weapons as part of the Manhattan Project. Illnesses are 300 times higher than other zip codes. The landfill has been burning and smoldering continuously for 10 years in this neighborhood leading to chronic stress and fear. While some scientific reports from environmental agencies are conflicting and several corporations have studies that reflect differing view points of the level of contamination, the area needs help and if the Environmental Protection Agency will not help, then the state needs to step in.

Testifying for the bill were Senator Chappelle-Nadal; Karen Nickel; Ed Smith, Missouri Coalition for the Environment; Debi Disser; Robbin L. Dailey; Dawn Chapman; Christen Cummuso; Brianne McCormick; and Meagen Beckerman.

OPPONENTS: Those who oppose the bill say that after thousands of samples and measurements of air and ground water, no significant radiation levels have been found. If this site needs a buyout, there are at least 40 other sites across Missouri that also need attention. The Environmental Protection Agency (EPA) has jurisdiction over this Superfund site, but after proposing to cap the landfill, residents and environmental groups didn't think that would solve the problem. The cancer cluster and radiation concerns in the area might be from Coldwater Creek, which is currently being cleaned up by the U.S. Army Corps of Engineers. This bill and buyout program could negate the need for continued testing and remediation of contamination in the Coldwater Creek area. Homes are still selling in North St. Louis County. This bill could lead to fiscal concerns for the area such as vacant homes, higher crimes, losing population and decreased economic growth. The bill puts additional, unnecessary financial burden on Missouri

taxpayers, rather than the responsible parties.

Testifying against the bill were Paul Rosasco, Engineering Management Support Inc.; Erin Fanning, Bridgeton Landfill LLC; Casey Powers, Republic Services; Maryann Manion; Victoria Warren, Republic Services; and the Missouri Chamber of Commerce and Industry.