

FIRST REGULAR SESSION

# HOUSE BILL NO. 837

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CHRISTOFANELLI.

1963H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

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

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

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

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

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

(2) "Public utility", every pipeline corporation, gas corporation, electrical corporation, telecommunications company, water corporation, heating company or refrigerating corporation, and sewer corporation, as defined in section 386.020, and subject to the jurisdiction, control and regulation of the public service commission and to the provisions of chapter 386.

2. (1) When the department of natural resources receives a complaint that a person or entity has released a contaminant into a public water system and the department finds a preponderance of evidence to support that the presence of a hazardous level of the contaminant in the public water system was proximately caused by some act or omission by the person or entity, the department shall request that the attorney general bring a civil action against the person or entity to recover the cost of

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

17 **remediation and actual damages as well as any other appropriate injunctive or equitable**  
18 **relief.**

19 **(2) Upon the final judgment of a court finding such person is responsible for**  
20 **releasing a contaminant into a public water system, the court shall order that the person**  
21 **pay the cost of remediation and actual damages along with any other appropriate**  
22 **injunctive or equitable relief.**

23 **(3) If the person found responsible for releasing the contaminant is a public**  
24 **utility, such public utility shall not pass any damages or costs assessed against the public**  
25 **utility under this section onto its customers in a ratemaking proceeding under chapter**  
26 **393.**

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