

FIRST REGULAR SESSION

SENATE BILL NO. 483

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

1491S.02I

KRISTINA MARTIN, Secretary

AN ACT

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

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

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

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

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

8 (2) "Public utility", every pipeline corporation, gas
9 corporation, electrical corporation, telecommunications
10 company, water corporation, heating company or refrigerating
11 corporation, and sewer corporation, as defined in section
12 386.020, and subject to the jurisdiction, control and
13 regulation of the public service commission and to the
14 provisions of chapter 386.

15 2. Whenever the department of natural resources
16 receives a complaint that a person has released a
17 contaminant into a public water system and the department
18 finds the presence of a contaminant in such public water

19 system that may be hazardous to public health and safety
20 with regard to drinking water supplies pursuant to this
21 chapter, the department shall request that the attorney
22 general bring a civil action against the person to recover
23 the cost of remediation and actual damages as well as any
24 other appropriate injunctive or equitable relief. The
25 operator of a public water system affected by a contaminant
26 may intervene in any such civil action brought by the
27 attorney general.

28 (1) Upon the final judgment of a court finding such
29 person is responsible for releasing a contaminant into a
30 public water system, the court shall order that the person
31 pay the cost of remediation and actual damages along with
32 any other appropriate injunctive or equitable relief.

33 (2) If the person found responsible for releasing the
34 contaminant is a public utility, such public utility shall
35 not pass any damages or costs assessed against the public
36 utility under this section onto its customers in a rate
37 making proceeding under chapter 393.

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