

Act No. 154 (H.595). Conservation and land development; potable water supply; hazardous material; natural resource damages

An act relating to potable water supplies from surface waters

This act amends provisions related to potable water supplies and hazardous material releases. The Agency of Natural Resources (ANR) is required to approve a surface water as a source of a potable water supply for a single family residence if specific criteria are satisfied. ANR shall adopt rules to administer permitting of surface waters as a residential potable water supply. ANR is also required to seek the recommendations of the Technical Advisory Committee on Wastewater Systems and Potable Water Supplies regarding whether and how to test for contamination groundwater used by a potable water supply.

The act authorizes ANR to disburse funds from the Environmental Contingency Fund for the costs of assessment of a natural resource damaged by a release of a hazardous material and costs of restoration or rehabilitation of a natural resource damaged by a hazardous material release. The act authorizes ANR, prior to initiation of litigation, to require a person who may be liable for a hazardous material release to furnish certain information. A person receiving a request may assert available privileges, and trade secret or financial information shall not be public records.

The act authorizes ANR to assess damages for injury, destruction, or loss of natural resources against a person who is liable for a hazardous material release. Natural resource damages (NRD) shall include the costs of restoring or rehabilitating the injured, damaged, or destroyed natural resources to their baseline condition. After consultation with interested person and NRD experts, ANR shall adopt rules to implement the NRD authority. The rules shall include a methodology for assessment and value of natural resources, including preassessment, damage assessment, and postdamages assessment. A person shall not be subject to NRD if he or she identifies the nature of NRD in a permit application and operates under the terms of the permit.

The act requires ANR to establish a working group to recommend how to improve the State's ability to: prevent exposure to toxic chemicals or hazardous materials; identify and regulate use of currently unregulated toxic chemicals or hazardous materials; and inform communities and citizens of potential exposure to toxic chemicals, including contaminated groundwater, public drinking water systems, and potable water supplies. The act also extends until January 1, 2017 the date by which a manufacturer of a children's product containing a chemical of high concern must report to the Department of Health.

The act requires the Secretary of Administration to amend the Standard State Provisions for Contracts and Grants to require an applicant for a State-funded grant to certify that the applicant is in good standing with ANR and the Agency of Agriculture, Food and Markets. "Good standing" means the applicant is in

compliance with federal and State water quality laws and the applicant is not a named party to any administrative order, consent decree, or judicial order related to water quality.

Multiple effective dates, beginning on July 1, 2016