

1 H.731

2 Introduced by Representatives Masland of Thetford, Cheney of Norwich,  
3 Christie of Hartford, Clarkson of Woodstock, Greshin of  
4 Warren, Olsen of Jamaica, Ram of Burlington and Wilson of  
5 Manchester

6 Referred to Committee on

7 Date:

8 Subject: Conservation and development; waste management; liability;  
9 innocent purchaser

10 Statement of purpose: This bill would propose that a regional development  
11 corporation that owns or operates a facility where a threatened release occurred  
12 is not liable for the release if the corporation had no knowledge or reason to  
13 know that the release or threatened release was located on the facility.

14 An act relating to innocent purchaser exemption as applied to regional  
15 development corporations

16 It is hereby enacted by the General Assembly of the State of Vermont:

17 Sec. 1. 10 V.S.A. § 6615 is amended to read:

18 § 6615. LIABILITY

19 (a) Subject only to the defenses set forth in subsections (d) and (e) of this  
20 section, the following persons shall not be liable for the abatement of a lease or

1 threatened release of hazardous materials or for the costs of investigation,  
2 removal, and remedial actions incurred by the state which are necessary to  
3 protect the public health or the environment:

4 (1) the owner or operator of a facility, or both;

5 (2) any person who at the time of release or threatened release of any  
6 hazardous material owned or operated any facility at which such hazardous  
7 materials were disposed of;

8 (3) any person who by contract, agreement, or otherwise arranged for  
9 disposal or treatment, or arranged with a transporter for transport for disposal  
10 or treatment, of hazardous materials owned or possessed by such person, by  
11 any other person or entity, at any facility owned or operated by another person  
12 or entity and containing such hazardous materials; and

13 (4) any person who accepts or accepted any hazardous materials for  
14 transport to disposal or treatment facilities selected by such persons, from  
15 which there is a release, or a threatened release of hazardous materials ~~shall be~~  
16 ~~liable for:~~

17 ~~(A) abating such release or threatened release; and~~

18 ~~(B) costs of investigation, removal, and remedial actions incurred by~~  
19 ~~the state which are necessary to protect the public health or the environment.~~

20 \* \* \*

1 (e) Any person who is the owner or operator of a facility where a release or  
2 threatened release existed at the time that person became owner or operator  
3 shall be liable unless;

4 (1) he or she can establish by a preponderance of the evidence that after  
5 making diligent and appropriate investigation of the facility; he or she had no  
6 knowledge or reason to know that ~~said~~ the release or threatened release was  
7 located on the facility; or

8 (2) when the owner or operator of the facility is a regional development  
9 corporation, as that term is defined in 24 V.S.A. § 2781, the corporation had no  
10 knowledge or reason to know at the time of acquisition that the release or  
11 threatened release was located on the facility.

12 \* \* \*

13 Sec. 2. EFFECTIVE DATE

14 This act shall take effect on passage.