
This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Council without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 55 (S.10). Conservation and land development; waste management; water supplies; PFOA contamination; Brownfields

An act relating to liability for the contamination of potable water supplies

This act authorizes the Agency of Natural Resources (ANR) to initiate a proceeding to determine if a person who released PFOA is liable for extending a public water system to a property with a well that is failed or likely to fail due to PFOA contamination. ANR's authority applies to any PFOA release regardless of the date of release, including releases before the effective date of the act.

The act amends the definition of "hazardous material" under ANR's hazardous waste authority to allow ANR by rule to designate a chemical as hazardous when the chemical poses a risk to human health or living organisms. The act also amends the definition of "disposal" under ANR's solid waste and hazardous waste authority to clarify that emitting waste constitutes disposal.

The act authorizes ANR to establish land use restrictions in a certificate of completion for a Brownfields property, but prohibits ANR from establishing the land use restrictions by acquiring an interest in the Brownfields property. When remediation of a Brownfields property is complete, the owner shall not be liable for natural resource damages on the property, provided that the owner complies with the certificate of completion, including land use restrictions in the certificate.

The act authorizes ANR to allow use of Class IV groundwater as a source of a potable water supply or other use under a reclassification order. The act also deletes an outdated requirement that ANR file groundwater rules with the Natural Resources Board for review.

Effective Date: June 2, 2017