

\* \* \* Accrual of Environmental Contamination Claims \* \* \*

Sec. [X]. 10 V.S.A. § 8222 is added to read:

- (a) A common-law or statutory claim based on environmental contamination shall accrue each day the contamination remains on or in an affected property or natural resource.
- (b) As used in this section:
  - 1) “Environmental contamination” means any hazardous material or hazardous waste as defined in 10 V.S.A. § 6602, or other substance or material that has the potential to adversely affect human health or the environment (A) on or in an affected property, including in buildings or other structures, or (B) on or in a natural resource.
  - 2) “Natural resource” has the same meaning as in 10 V.S.A. § 6615d(a)(8).
- (c) Nothing in this section shall shorten or otherwise limit any later accrual date that may apply under other source of law.

Sec. [X]. Notwithstanding 1 V.S.A. § 214 or any other law, Section [X-above section] shall apply to (a) any action or proceeding commenced on or after the effective date, and (b) any action or proceeding that is pending on the effective date. Section [X-above section] shall not revive claims subject to a final, non-appealable judgment rendered prior to the effective date.

Sec. [X]. 10 V.S.A. § 8015 is amended to read:

Notwithstanding any other provision of law, actions brought under this chapter or chapter 211 of this title shall be commenced within the later of:

- (1) six years from the date the violation is or reasonably should have been discovered; ~~or~~
- (2) six years from the date a continuing violation ceases; or
- (3) six years from the date of accrual under 10 V.S.A. § 8222.