

By Senator Jones

13-199A-03

1 A bill to be entitled
 2 An act relating to liability under the
 3 drycleaning solvent cleanup program; amending
 4 s. 376.301, F.S.; defining the term "nearby
 5 real property owner" with respect to protection
 6 and restoration of lands and surface and ground
 7 waters; amending s. 376.3078, F.S.; providing
 8 additional legislative findings with respect to
 9 drycleaning facility restoration; exempting
 10 certain real property owners and nearby real
 11 property owners from liability for damages
 12 arising from contamination by drycleaning
 13 solvents in certain circumstances; providing
 14 for retroactive application; amending s.
 15 376.30781, F.S.; conforming a cross-reference;
 16 amending s. 376.3079, F.S.; redefining the term
 17 "third-party liability" with respect to
 18 third-party liability insurance; amending s.
 19 376.308, F.S.; revising applicability of
 20 provisions that set out liabilities and
 21 defenses of facilities; amending s. 376.313,
 22 F.S.; revising provisions that provide
 23 nonexclusiveness of remedies and individual
 24 causes of action; providing an effective date.

25
 26 Be It Enacted by the Legislature of the State of Florida:

27
 28 Section 1. Subsection (47) is added to section
 29 376.301, Florida Statutes, to read:
 30 376.301 Definitions of terms used in ss.
 31 376.30-376.319, 376.70, and 376.75.--When used in ss.

1 376.30-376.319, 376.70, and 376.75, unless the context clearly
2 requires otherwise, the term:

3 (47) "Nearby real property owner" means the individual
4 or entity that is vested with ownership, dominion, or legal or
5 rightful title to real property, or that has a ground lease in
6 real property, onto which drycleaning solvent has migrated
7 through soil or groundwater from a drycleaning facility or
8 wholesale supply facility eligible for site rehabilitation
9 under s. 376.3078(3) or from a drycleaning facility or
10 wholesale supply facility that is approved by the department
11 for voluntary cleanup under s. 376.3078(11).

12 Section 2. Subsections (1), (3), and (11) of section
13 376.3078, Florida Statutes, are amended to read:

14 376.3078 Drycleaning facility restoration; funds;
15 uses; liability; recovery of expenditures.--

16 (1) FINDINGS.--In addition to the legislative findings
17 set forth in s. 376.30, the Legislature finds and declares
18 that:

19 (a) Significant quantities of drycleaning solvents
20 have been discharged in the past at drycleaning facilities as
21 part of the normal operation of these facilities.

22 (b) Discharges of drycleaning solvents at such
23 drycleaning facilities have occurred and are occurring, and
24 pose a significant threat to the quality of the groundwaters
25 and inland surface waters of this state.

26 (c) Where contamination of the groundwater or surface
27 water has occurred, remedial measures have often been delayed
28 for long periods while determinations as to liability and the
29 extent of liability are made, and such delays result in the
30 continuation and intensification of the threat to the public
31 health, safety, and welfare; in greater damage to the

1 environment; and in significantly higher costs to contain and
2 remove the contamination.

3 (d) Adequate financial resources must be readily
4 available to provide for the expeditious supply of safe and
5 reliable alternative sources of potable water to affected
6 persons and to provide a means for investigation and
7 rehabilitation of contaminated sites without delay.

8 (e) It is the intent of the Legislature to encourage
9 real property owners to undertake the voluntary cleanup of
10 property contaminated with drycleaning solvents and that the
11 immunity provisions of this section and all other available
12 defenses be construed in favor of real property owners.

13 (f) Strong public interests are served by subsections
14 (3) and (11). These include improving the marketability and
15 use of, and the ability to borrow funds as to, property
16 contaminated by drycleaning solvents and encouraging the
17 voluntary remediation of contaminated sites. The extent to
18 which claims or rights are affected by subsections (3) and
19 (11) is offset by the remedies created in this section. The
20 limitations imposed by these subsections on such claims or
21 rights are reasonable when balanced against the public
22 interests served. The claims or rights affected by subsections
23 (3) and (11) are speculative, and these subsections are
24 intended to prevent judicial interpretations allowing windfall
25 awards that thwart the public-interest provisions of this
26 section.

27 (3) REHABILITATION LIABILITY.--

28 (a) In accordance with the eligibility provisions of
29 this section, a ~~no~~ real property owner, nearby real property
30 owner, or ~~no~~ person who owns or operates, or who otherwise
31 could be liable as a result of the operation of, a drycleaning

1 facility or a wholesale supply facility is not liable for or
2 ~~shall be~~ subject to:

3 1. Claims of any person, except for any governmental
4 entity, for property damage of any kind, including, but not
5 limited to, diminished value of real property or improvements;
6 lost or delayed rent, sale, or use of real property or
7 improvements; or stigma to real property or improvements
8 caused by drycleaning-solvent contamination; or

9 2. Administrative or judicial action brought by or on
10 behalf of any state or local government or agency thereof or
11 by or on behalf of any person to compel rehabilitation or pay
12 for the costs of rehabilitation of environmental contamination
13 resulting from the discharge of drycleaning solvents.

14
15 Subject to the delays that may occur as a result of the
16 prioritization of sites under this section for any qualified
17 site, costs for activities described in paragraph (2)(b) shall
18 be absorbed at the expense of the drycleaning facility
19 restoration funds, without recourse to reimbursement or
20 recovery from the real property owner, nearby real property
21 owner, or the owner or operator of the drycleaning facility or
22 the wholesale supply facility. Notwithstanding any other
23 provision of this chapter, this subsection applies to causes
24 of action accruing on or after the effective date of this act
25 and applies retroactively to causes of action accruing before
26 the effective date of this act for which a lawsuit has not
27 been filed before the effective date of this act.

28 (b)(a) With regard to drycleaning facilities or
29 wholesale supply facilities that have operated as drycleaning
30 facilities or wholesale supply facilities on or after October
31 1, 1994, any such drycleaning facility or wholesale supply

1 facility at which there exists contamination by drycleaning
2 solvents shall be eligible under this subsection regardless of
3 when the drycleaning contamination was discovered, provided
4 that the drycleaning facility or the wholesale supply
5 facility:

6 1. Has been registered with the department;

7 2. Is determined by the department to be in compliance
8 with the department's rules regulating drycleaning solvents,
9 drycleaning facilities, or wholesale supply facilities on or
10 after November 19, 1980;

11 3. Has not been operated in a grossly negligent manner
12 at any time on or after November 19, 1980;

13 4. Has not been identified to qualify for listing, nor
14 is listed, on the National Priority List pursuant to the
15 Comprehensive Environmental Response, Compensation, and
16 Liability Act of 1980 as amended by the Superfund Amendments
17 and Reauthorization Act of 1986, and as subsequently amended;

18 5. Is not under an order from the United States
19 Environmental Protection Agency pursuant to s. 3008(h) of the
20 Resource Conservation and Recovery Act as amended (42 U.S.C.A.
21 s. 6928(h)), or has not obtained and is not required to obtain
22 a permit for the operation of a hazardous waste treatment,
23 storage, or disposal facility, a postclosure permit, or a
24 permit pursuant to the federal Hazardous and Solid Waste
25 Amendments of 1984;

26
27 and provided that the real property owner or the owner or
28 operator of the drycleaning facility or the wholesale supply
29 facility has not willfully concealed the discharge of
30 drycleaning solvents and has remitted all taxes due pursuant
31 to ss. 376.70 and 376.75, has provided documented evidence of

1 contamination by drycleaning solvents as required by the rules
2 developed pursuant to this section, has reported the
3 contamination prior to December 31, 1998, and has not denied
4 the department access to the site.

5 (c)~~(b)~~ With regard to drycleaning facilities or
6 wholesale supply facilities that cease to be operated as
7 drycleaning facilities or wholesale supply facilities prior to
8 October 1, 1994, such facilities, at which there exists
9 contamination by drycleaning solvents, shall be eligible under
10 this subsection regardless of when the contamination was
11 discovered, provided that the drycleaning facility or
12 wholesale supply facility:

13 1. Was not determined by the department, within a
14 reasonable time after the department's discovery, to have been
15 out of compliance with the department rules regulating
16 drycleaning solvents, drycleaning facilities, or wholesale
17 supply facilities implemented at any time on or after November
18 19, 1980;

19 2. Was not operated in a grossly negligent manner at
20 any time on or after November 19, 1980;

21 3. Has not been identified to qualify for listing, nor
22 is listed, on the National Priority List pursuant to the
23 Comprehensive Environmental Response, Compensation, and
24 Liability Act of 1980, as amended by the Superfund Amendments
25 and Reauthorization Act of 1986, and as subsequently amended;
26 and

27 4. Is not under an order from the United States
28 Environmental Protection Agency pursuant to s. 3008(h) of the
29 Resource Conservation and Recovery Act, as amended, or has not
30 obtained and is not required to obtain a permit for the
31 operation of a hazardous waste treatment, storage, or disposal

1 facility, a postclosure permit, or a permit pursuant to the
2 federal Hazardous and Solid Waste Amendments of 1984;
3
4 and provided that the real property owner or the owner or
5 operator of the drycleaning facility or the wholesale supply
6 facility has not willfully concealed the discharge of
7 drycleaning solvents, has provided documented evidence of
8 contamination by drycleaning solvents as required by the rules
9 developed pursuant to this section, has reported the
10 contamination prior to December 31, 1998, and has not denied
11 the department access to the site.

12 (d)~~(c)~~ For purposes of determining eligibility, a
13 drycleaning facility or wholesale supply facility was operated
14 in a grossly negligent manner if the department determines
15 that the owner or operator of the drycleaning facility or the
16 wholesale supply facility:

17 1. Willfully discharged drycleaning solvents onto the
18 soils or into the waters of the state after November 19, 1980,
19 with the knowledge, intent, and purpose that the discharge
20 would result in harm to the environment or to public health or
21 result in a violation of the law;

22 2. Willfully concealed a discharge of drycleaning
23 solvents with the knowledge, intent, and purpose that the
24 concealment would result in harm to the environment or to
25 public health or result in a violation of the law; or

26 3. Willfully violated a local, state, or federal law
27 or rule regulating the operation of drycleaning facilities or
28 wholesale supply facilities with the knowledge, intent, and
29 purpose that the act would result in harm to the environment
30 or to public health or result in a violation of the law.

31

1 (e)~~(d)~~1. With respect to eligible drycleaning solvent
2 contamination reported to the department as part of a
3 completed application as required by the rules developed
4 pursuant to this section by June 30, 1997, the costs of
5 activities described in paragraph (2)(b) shall be absorbed at
6 the expense of the drycleaning facility restoration funds,
7 less a \$1,000 deductible per incident, which shall be paid by
8 the applicant or current property owner. The deductible shall
9 be paid within 60 days after receipt of billing by the
10 department.

11 2. For contamination reported to the department as
12 part of a completed application as required by the rules
13 developed under this section, from July 1, 1997, through
14 September 30, 1998, the costs shall be absorbed at the expense
15 of the drycleaning facility restoration funds, less a \$5,000
16 deductible per incident. The deductible shall be paid within
17 60 days after receipt of billing by the department.

18 3. For contamination reported to the department as
19 part of a completed application as required by the rules
20 developed pursuant to this section from October 1, 1998,
21 through December 31, 1998, the costs shall be absorbed at the
22 expense of the drycleaning facility restoration funds, less a
23 \$10,000 deductible per incident. The deductible shall be paid
24 within 60 days after receipt of billing by the department.

25 4. For contamination reported after December 31, 1998,
26 no costs will be absorbed at the expense of the drycleaning
27 facility restoration funds.

28 (f)~~(e)~~ The provisions of this subsection shall not
29 apply to any site where the department has been denied site
30 access to implement the provisions of this section.

31

1 (g)~~(f)~~ In order to identify those drycleaning
2 facilities and wholesale supply facilities that have
3 experienced contamination resulting from the discharge of
4 drycleaning solvents and to ensure the most expedient
5 rehabilitation of such sites, the owners and operators of
6 drycleaning facilities and wholesale supply facilities are
7 encouraged to detect and report contamination from drycleaning
8 solvents related to the operation of drycleaning facilities
9 and wholesale supply facilities. The department shall
10 establish reasonable guidelines for the written reporting of
11 drycleaning contamination and shall distribute forms to
12 registrants under s. 376.303(1)(d), and to other interested
13 parties upon request, to be used for such purpose.

14 (h)~~(g)~~ A report of drycleaning solvent contamination
15 at a drycleaning facility or wholesale supply facility made to
16 the department by any person in accordance with this
17 subsection, or any rules promulgated pursuant hereto, may not
18 be used directly as evidence of liability for such discharge
19 in any civil or criminal trial arising out of the discharge.

20 (i)~~(h)~~ The provisions of this subsection shall not
21 apply to drycleaning facilities owned or operated by the state
22 or Federal Government.

23 (j)~~(i)~~ Due to the value of Florida's potable water, it
24 is the intent of the Legislature that the department initiate
25 and facilitate as many cleanups as possible utilizing the
26 resources of the state, local governments, and the private
27 sector. The department is authorized to adopt necessary rules
28 and enter into contracts to carry out the intent of this
29 subsection and to limit or prevent future contamination from
30 the operation of drycleaning facilities and wholesale supply
31 facilities.

1 ~~(k)(j)~~ It is not the intent of the Legislature that
2 the state become the owner or operator of a drycleaning
3 facility or wholesale supply facility by engaging in
4 state-conducted cleanup.

5 ~~(l)(k)~~ The owner, operator, and either the real
6 property owner or agent of the real property owner may apply
7 for the Drycleaning Contamination Cleanup Program by jointly
8 submitting a completed application package to the department
9 pursuant to the rules that shall be adopted by the department.
10 If the application cannot be jointly submitted, then the
11 applicant shall provide notice of the application to other
12 interested parties. After reviewing the completed application
13 package, the department shall notify the applicant in writing
14 as to whether the drycleaning facility or wholesale supply
15 facility is eligible for the program. If the department denies
16 eligibility for a completed application package, the notice of
17 denial shall specify the reasons for the denial, including
18 specific and substantive findings of fact, and shall
19 constitute agency action subject to the provisions of chapter
20 120. For the purposes of ss. 120.569 and 120.57, the real
21 property owner and the owner and operator of a drycleaning
22 facility or wholesale supply facility which is the subject of
23 a decision by the department with regard to eligibility shall
24 be deemed to be parties whose substantial interests are
25 determined by the department's decision to approve or deny
26 eligibility.

27 ~~(m)(l)~~ Eligibility under this subsection applies to
28 the drycleaning facility or wholesale supply facility, and
29 attendant site rehabilitation applies to such facilities and
30 to any place where drycleaning-solvent contamination migrating
31 from the eligible facility is found. A determination of

1 eligibility or ineligibility shall not be affected by any
2 conveyance of the ownership of the drycleaning facility,
3 wholesale supply facility, or the real property on which such
4 facility is located. Nothing contained in this chapter shall
5 be construed to allow a drycleaning facility or wholesale
6 supply facility which would not be eligible under this
7 subsection to become eligible as a result of the conveyance of
8 the ownership of the ineligible drycleaning facility or
9 wholesale supply facility to another owner.

10 (n)~~(m)~~ If funding for the drycleaning contamination
11 rehabilitation program is eliminated, the provisions of this
12 subsection shall not apply.

13 (o)~~(n)~~1. The department shall have the authority to
14 cancel the eligibility of any drycleaning facility or
15 wholesale supply facility that submits fraudulent information
16 in the application package or that fails to continuously
17 comply with the conditions of eligibility set forth in this
18 subsection, or has not remitted all fees pursuant to s.
19 376.303(1)(d), or has not remitted the deductible payments
20 pursuant to paragraph(e)~~(d)~~.

21 2. If the program eligibility of a drycleaning
22 facility or wholesale supply facility is subject to
23 cancellation pursuant to this section, then the department
24 shall notify the applicant in writing of its intent to cancel
25 program eligibility and shall state the reason or reasons for
26 cancellation. The applicant shall have 45 days to resolve the
27 reason or reasons for cancellation to the satisfaction of the
28 department. If, after 45 days, the applicant has not resolved
29 the reason or reasons for cancellation to the satisfaction of
30 the department, the order of cancellation shall become final
31 and shall be subject to the provisions of chapter 120.

1 (p)~~(o)~~ A real property owner shall not be subject to
2 administrative or judicial action brought by or on behalf of
3 any person or local or state government, or agency thereof,
4 for gross negligence or violations of department rules prior
5 to January 1, 1990, which resulted from the operation of a
6 drycleaning facility, provided that the real property owner
7 demonstrates that:

8 1. The real property owner had ownership in the
9 property at the time of the gross negligence or violation of
10 department rules and did not cause or contribute to
11 contamination on the property;

12 2. The real property owner was a distinct and separate
13 entity from the owner and operator of the drycleaning
14 facility, and did not have an ownership interest in or share
15 in the profits of the drycleaning facility;

16 3. The real property owner did not participate in the
17 operation or management of the drycleaning facility;

18 4. The real property owner complied with all discharge
19 reporting requirements, and did not conceal any contamination;
20 and

21 5. The department has not been denied access.
22

23 The defense provided by this paragraph does not apply to any
24 liability under a federally delegated program.

25 (q)~~(p)~~ A person whose property becomes contaminated
26 due to geophysical or hydrologic reasons from the operation of
27 a nearby drycleaning or wholesale supply facility and whose
28 property has never been occupied by a business that utilized
29 or stored drycleaning solvents or similar constituents is not
30 subject to administrative or judicial action brought by or on
31 behalf of another to compel the rehabilitation of or the

1 payment of the costs for the rehabilitation of sites
2 contaminated by drycleaning solvents, provided that the
3 person:

4 1. Does not own and has never held an ownership
5 interest in, or shared in the profits of, the drycleaning
6 facility operated at the source location;

7 2. Did not participate in the operation or management
8 of the drycleaning facility at the source location; and

9 3. Did not cause, contribute to, or exacerbate the
10 release or threat of release of any hazardous substance
11 through any act or omission.

12

13 The defense provided by this paragraph does not apply to any
14 liability under a federally delegated program.

15 (r)~~(q)~~ Nothing in this subsection precludes the
16 department from considering information and documentation
17 provided by private consultants, local government programs,
18 federal agencies, or any individual which is relevant to an
19 eligibility determination if the department provides the
20 applicant with reasonable access to the information and its
21 origin.

22 (11) VOLUNTARY CLEANUP.--A real property owner is
23 authorized to conduct site rehabilitation activities at any
24 time pursuant to department rules, either through agents of
25 the real property owner or through responsible response action
26 contractors or subcontractors, whether or not the facility has
27 been determined by the department to be eligible for the
28 drycleaning solvent cleanup program. A real property owner or
29 any other person who ~~that~~ conducts site rehabilitation may not
30 seek cost recovery from the department or the Water Quality
31 Assurance Trust Fund for any such rehabilitation activities. A

1 real property owner who ~~that~~ voluntarily conducts such site
2 rehabilitation, whether commenced before or on or after
3 October 1, 1995, shall be immune from and have no liability
4 for claims of any person, except for any governmental entity,
5 for property damages of any kind, including, but not limited
6 to, diminished value of real property or improvements; lost or
7 delayed rent, sale, or use of real property or improvements;
8 or stigma to real property or improvements caused by
9 drycleaning-solvent contamination or be subject to any
10 administrative or judicial action brought by or on behalf of
11 ~~to~~ any person, state or local government, or agency thereof to
12 compel or enjoin site rehabilitation or pay for the cost of
13 rehabilitation of environmental contamination, and ~~or~~ to pay
14 any fines or penalties regarding rehabilitation, as soon as
15 the real property owner:

16 (a) Conducts contamination assessment and site
17 rehabilitation consistent with state and federal laws and
18 rules;

19 (b) Conducts such site rehabilitation in a timely
20 manner according to a rehabilitation schedule approved by the
21 department; and

22 (c) Does not deny the department access to the site.
23 Upon completion of such site rehabilitation activities in
24 accordance with the requirements of this subsection, the
25 department shall render a site rehabilitation completion
26 order.

27
28 The immunity set forth in this subsection also applies to any
29 nearby real property owner. This immunity shall continue to
30 apply to any real property owner who transfers, conveys,
31 leases, or sells property on which a drycleaning facility is

1 located so long as the voluntary cleanup activities continue.
2 Notwithstanding any other provision of this chapter, this
3 subsection applies to causes of action accruing on or after
4 the effective date of this act and applies retroactively to
5 causes of action accruing before the effective date of this
6 act for which a lawsuit has not been filed before the
7 effective date of this act.

8 Section 3. Subsection (4) of section 376.30781,
9 Florida Statutes, is amended to read:

10 376.30781 Partial tax credits for rehabilitation of
11 drycleaning-solvent-contaminated sites and brownfield sites in
12 designated brownfield areas; application process; rulemaking
13 authority; revocation authority.--

14 (4) To claim the credit, each applicant must apply to
15 the Department of Environmental Protection for an allocation
16 of the \$2 million annual credit by December 31 on a form
17 developed by the Department of Environmental Protection in
18 cooperation with the Department of Revenue. The form shall
19 include an affidavit from each applicant certifying that all
20 information contained in the application, including all
21 records of costs incurred and claimed in the tax credit
22 application, are true and correct. If the application is
23 submitted pursuant to subparagraph (2)(a)2., the form must
24 include an affidavit signed by the real property owner stating
25 that it is not, and has never been, the owner or operator of
26 the drycleaning facility where the contamination exists.
27 Approval of partial tax credits must be accomplished on a
28 first-come, first-served basis based upon the date complete
29 applications are received by the Division of Waste Management.
30 An applicant shall submit only one application per site per
31 year. To be eligible for a tax credit the applicant must:

1 (a) Have entered into a voluntary cleanup agreement
2 with the Department of Environmental Protection for a
3 drycleaning-solvent-contaminated site or a Brownfield Site
4 Rehabilitation Agreement, as applicable; and

5 (b) Have paid all deductibles pursuant to s.
6 376.3078(3)(e)~~s. 376.3078(3)(d)~~for eligible
7 drycleaning-solvent-cleanup program sites.

8 Section 4. Subsection (3) of section 376.3079, Florida
9 Statutes, is amended to read:

10 376.3079 Third-party liability insurance.--

11 (3) For purposes of this section and s. 376.3078, the
12 term:

13 (a) "Third-party liability" means the insured's
14 liability, other than for site rehabilitation costs and
15 property damage, for bodily injury ~~or property damage~~ caused
16 by an incident of contamination related to the operation of a
17 drycleaning facility or wholesale supply facility.

18 (b) "Incident" means any sudden or gradual discharge
19 of drycleaning solvents arising from the operation of a
20 drycleaning facility or wholesale supply facility that results
21 in a need for site rehabilitation or results in bodily injury
22 or property damage neither expected nor intended by the
23 drycleaning facility owner or operator or wholesale supply
24 facility.

25 Section 5. Subsection (6) of section 376.308, Florida
26 Statutes, is amended to read:

27 376.308 Liabilities and defenses of facilities.--

28 (6) This section may not ~~Nothing herein shall~~ be
29 construed to affect cleanup program eligibility under ss.
30 376.305(6), 376.3071, 376.3072, 376.3078, and 376.3079. Except
31 as otherwise expressly provided in this chapter, nothing in

1 this chapter shall affect, void, or defeat any immunity of any
2 real property owner or nearby real property owner under s.
3 376.3078.

4 Section 6. Subsection (3) and paragraph (a) of
5 subsection (5) of section 376.313, Florida Statutes, are
6 amended to read:

7 376.313 Nonexclusiveness of remedies and individual
8 cause of action for damages under ss. 376.30-376.319.--

9 (3) Except as provided in s. 376.3078(3) and (11)
10 ~~Notwithstanding any other provision of law~~, nothing contained
11 in ss. 376.30-376.319 prohibits any person from bringing a
12 cause of action in a court of competent jurisdiction for all
13 damages resulting from a discharge or other condition of
14 pollution covered by ss. 376.30-376.319. Nothing in this
15 chapter shall prohibit or diminish a party's right to
16 contribution from other parties jointly or severally liable
17 for a prohibited discharge of pollutants or hazardous
18 substances or other pollution conditions. Except as otherwise
19 provided in subsection (4) or subsection (5), in any such
20 suit, it is not necessary for such person to plead or prove
21 negligence in any form or manner. Such person need only plead
22 and prove the fact of the prohibited discharge or other
23 pollutive condition and that it has occurred. The only
24 defenses to such cause of action shall be those specified in
25 s. 376.308.

26 (5)(a) In any civil action against the owner or
27 operator of a drycleaning facility or a wholesale supply
28 facility, or the owner of the real property on which such
29 facility is located, if such facility is not eligible under s.
30 376.3078(3) and is not involved in voluntary cleanup under s.
31 376.3078(11), for damages arising from the discharge of

1 drycleaning solvents from a drycleaning facility or wholesale
2 supply facility, the provisions of subsection (3) shall not
3 apply if it can be proven that, at the time of the discharge
4 the alleged damages resulted solely from a discharge from a
5 drycleaning facility or wholesale supply facility that was in
6 compliance with department rules regulating drycleaning
7 facilities or wholesale supply facilities.

8 Section 7. This act shall take effect upon becoming a
9 law.

10 *****

11 SENATE SUMMARY

12 Limits the liability of property owners for cleaning up
13 property contaminated as a result of operation of a
14 drycleaning facility or wholesale supply facility and
15 liability to other persons resulting from such
16 contamination and provides such limits on the liability
17 of nearby real property owners, as defined.