

By: Representative Moody

To: Conservation and Water Resources

HOUSE BILL NO. 1084

1 AN ACT TO PROVIDE IMMUNITY TO CERTAIN PERSONS SEEKING TO  
2 REMEDIATE PROPERTY ON SITES THAT ARE ON THE NATIONAL PRIORITIES  
3 LIST OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OR THAT  
4 ARE PROPOSED TO BE ON THE LIST OR THAT ARE ELIGIBLE TO BE ON THE  
5 LIST; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** For purposes of this act, the following words and  
8 phrases shall have the meanings ascribed in this section, unless  
9 the context clearly indicates otherwise:

10 (a) "NPL property subject to restoration" means any property  
11 on a site that is (i) proposed by the United States Environmental  
12 Protection Agency for the National Priorities List (NPL) but not  
13 listed on the NPL; (ii) eligible to be listed on the NPL; or (iii)  
14 listed on the NPL, except those NPL sites for which the United  
15 States Environmental Protection Agency has issued certificates of  
16 completion of the remediation set forth in the records of decision  
17 for those sites.

18 (b) "Bona fide prospective purchaser" means a person who  
19 acquires ownership of a facility located on NPL property subject  
20 to restoration and who establishes the criteria set forth in 42  
21 USCS Section 9601(40).

22 (c) "Owner of NPL property subject to restoration" means a  
23 person who has purchased or otherwise is the owner of record of  
24 NPL property subject to restoration.

25 **SECTION 2.** (1) If a person who is a bona fide prospective  
26 purchaser or an owner of NPL property subject to restoration  
27 complies with all requirements of the United States Environmental  
28 Protection Agency or federal law which may be imposed with regard



29 to the property, then he shall not be liable to persons other than  
30 the United States or the state for contamination or remediation of  
31 the NPL property subject to restoration.

32 (2) The immunity provided under this section applies to the  
33 following persons to the same extent as to the bona fide  
34 prospective purchaser or owner of the NPL property subject to  
35 restoration:

36 (a) Any person under the direction or control of the  
37 bona fide prospective purchaser or owner of NPL property subject  
38 to restoration with regard to the remediation or redevelopment of  
39 the NPL property subject to restoration;

40 (b) Any future owner of the NPL property subject to  
41 restoration;

42 (c) Any person who develops, redevelops or lawfully  
43 occupies the NPL property subject to restoration;

44 (d) Any lender or fiduciary that provided financing for  
45 remediation or redevelopment of the NPL property subject to  
46 restoration; and

47 (e) Any successor or assign of a person to whom the  
48 immunity granted under this section applies.

49 (3) The immunity provided under this section shall be void  
50 if a person to whom it is granted fails to comply with any order,  
51 rule or regulation of the United States Environmental Protection  
52 Agency or the Department of Environmental Quality pertaining to  
53 the NPL property subject to restoration, or any state or federal  
54 law pertaining to the environment.

55 (4) This section shall not create a defense against the  
56 imposition of criminal, civil or administrative penalties for  
57 violations of law on the part of the person to whom the immunity  
58 is provided. Further, this section shall not affect the right of  
59 any person alleged to have suffered damages in connection with the  
60 NPL property subject to restoration to seek relief against a



61 person other than those described in this section as protected by  
62 the immunity.

63 (5) The immunity granted under this section shall not  
64 relieve any person from liability for payment of all costs  
65 reasonably related to the remediation of the NPL property subject  
66 to restoration which are required by the United States  
67 Environmental Protection Agency and the Department of  
68 Environmental Quality.

69 **SECTION 3.** This act shall take effect and be in force from  
70 and after passage.

