

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0241.01 Kate Meyer

HOUSE BILL 10-1187

HOUSE SPONSORSHIP

Balmer,

SENATE SPONSORSHIP

Bacon,

House Committees
Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ALLOCATION OF ENVIRONMENTAL REMEDIATION COSTS
102 INCURRED BY CERTAIN PUBLIC UTILITIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

This bill establishes when a gas and electric public utility (public utility) may recover from a customer certain costs to remediate environmental contamination incurred when providing service to that customer. "Gas and electric public utility" is defined as an investor-owned public utility that is the sole available provider of either

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

gas or electric services to a Colorado customer in the area where the customer's property is located.

For commercial customers requesting new gas or electric service or relocation of existing utility facilities:

- ! The customer may perform the necessary work in which case the public utility may neither charge the customer nor retain any moneys paid to the public utility by the customer for such work;
- ! The customer can identify a mutually acceptable alternative alignment on which to install or relocate the facilities, if the customer can demonstrate, through a phase I or phase II site assessment, that environmental contamination is not reasonably likely to be present on the alternative alignment; or
- ! The customer can reimburse the public utility for managing and disposing of the environmental contamination; except that, if the nature or extent of environmental contamination warrants, the public utility may require the customer to perform that work.

If a dispute about the presence, nature, or extent of environmental contamination arises, the public utility must provide reasonable evidence of the contamination. The public utilities commission must adopt rules regarding procedures to hear such disputes on an expedited basis.

The public utilities commission may establish a uniform fee paid by all of the public utility's customers to recover the actual costs of addressing environmental contamination of public rights-of-way and other locations for which recovery of such costs is not otherwise authorized.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Article 3 of title 40, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SECTION to read:

4 **40-3-116. Allocation of environmental liability - scope - fee -**
5 **definitions - legislative declaration - rules.** (1) THE GENERAL
6 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

7 (a) IT IS IN THE BEST INTEREST OF THE STATE TO ENCOURAGE THE
8 REUSE OF PROPERTIES IN COLORADO;

9 (b) INAPPROPRIATE SHIFTING OF ENVIRONMENTAL LIABILITIES BY

1 GAS AND ELECTRIC PUBLIC UTILITIES WOULD INTERFERE WITH THE USE OF
2 URBAN AND RURAL PROPERTIES AND INFILL DEVELOPMENT IN THE STATE,
3 DAMPEN THE REAL ESTATE MARKET GENERALLY, AND DETER INFILL
4 DEVELOPMENT IN THE STATE BY IMPOSING UNMANAGEABLE RISK ON
5 PROPERTY OWNERS;

6 (c) INFILL DEVELOPMENT AND BROWNFIELD REDEVELOPMENT
7 CONSERVE ENERGY RESOURCES AND OTHER RESOURCES AND REDUCE AIR
8 POLLUTION BECAUSE THESE TYPES OF DEVELOPMENT ARE TYPICALLY
9 MORE EFFICIENT THAN GREENFIELD DEVELOPMENT AND REDUCE THE
10 HOURS AND MILES TRAVELED BY RESIDENTS AND WORKERS;

11 (d) REUSE OF PROPERTIES AND INFILL DEVELOPMENT:

12 (I) PROVIDE CRUCIAL HOUSING OPPORTUNITIES CLOSE TO JOBS,
13 SCHOOLS, CHURCHES, BUSINESSES, AND OTHER EXISTING
14 INFRASTRUCTURE;

15 (II) CREATE VITAL JOBS FOR COLORADANS AND OPPORTUNITIES
16 FOR COLORADO BUSINESSES;

17 (III) PROVIDE COLORADANS WITH ADDITIONAL AFFORDABLE
18 HOUSING OPTIONS;

19 (IV) INCREASE THE LOCAL TAX BASE; AND

20 (V) PROVIDE OPPORTUNITIES TO REUSE EXISTING
21 INFRASTRUCTURE;

22 (e) INFILL DEVELOPMENT PROVIDES HOUSING, COMMERCIAL, AND
23 MIXED-USE OPPORTUNITIES AND TRANSIT CORRIDORS WITH GOOD
24 PEDESTRIAN AND BICYCLE CONNECTIONS CLOSE TO EXISTING HOMES,
25 BUSINESSES, AND SOCIAL INSTITUTIONS;

26 (f) BROWNFIELD REDEVELOPMENT CAN EXPEDITE CLEAN-UPS OF
27 CONTAMINATED PROPERTIES, BENEFITTING THE PUBLIC HEALTH AND

1 REDUCING URBAN BLIGHT;

2 (g) GAS AND ELECTRIC PUBLIC UTILITIES WITHIN THE STATE HAVE
3 SOUGHT TO REQUIRE THEIR CUSTOMERS TO INDEMNIFY THE PUBLIC
4 UTILITIES FOR ALL COSTS ASSOCIATED WITH ENVIRONMENTAL
5 CONTAMINATION FOUND BOTH WITHIN AND OUTSIDE OF THE CUSTOMERS'
6 PROPERTIES, INCLUDING IN PUBLIC RIGHTS-OF-WAY, AND FOR
7 ENVIRONMENTAL CONTAMINATION CAUSED OR EXACERBATED BY THE
8 PUBLIC UTILITIES, EVEN IF THE CUSTOMER NEITHER KNEW OF NOR CAUSED
9 THE CONTAMINATION;

10 (h) SUCH REQUIREMENTS ARE UNFAIR AND UNREASONABLE TO
11 CUSTOMERS, MAY STIGMATIZE A PROPERTY OR A NEIGHBORHOOD, ARE NOT
12 NECESSARY TO PROTECT THE GAS AND ELECTRIC PUBLIC UTILITIES FROM
13 LIABILITY OR EXCESSIVE COSTS, AND CONSTITUTE AN ABUSE OF THE
14 MONOPOLY POWER POSSESSED BY PUBLIC UTILITIES; AND

15 (i) IT IS THEREFORE APPROPRIATE TO ESTABLISH REASONABLE
16 GUIDELINES, RELATED TO ENVIRONMENTAL LIABILITY ASSOCIATED WITH
17 THE PROVISION OF GAS AND ELECTRIC UTILITY SERVICES, TO PROTECT
18 CONSUMERS, GAS AND ELECTRIC PUBLIC UTILITIES, AND THE
19 ENVIRONMENT.

20 (2) THIS SECTION SHALL APPLY ONLY TO GAS AND ELECTRIC
21 PUBLIC UTILITIES.

22 (3) AS USED IN THIS SECTION ONLY:

23 (a) "ASTM" MEANS ASTM INTERNATIONAL, FORMERLY KNOWN
24 AS THE AMERICAN SOCIETY FOR TESTING AND MATERIALS.

25 (b) "COMMERCIAL CUSTOMER" MEANS ANY CUSTOMER OF, OR
26 APPLICANT FOR, GAS OR ELECTRIC UTILITY SERVICE; EXCEPT THAT
27 "COMMERCIAL CUSTOMER" SHALL NOT INCLUDE A RESIDENTIAL CUSTOMER

1 OR RESIDENTIAL HOMEOWNERS' ASSOCIATION.

2 (c) "ENVIRONMENTAL CONTAMINATION" MEANS THE PRESENCE OF
3 POLLUTANTS OR CONTAMINANTS IN SOIL, GROUNDWATER, OR AIR AT
4 CONCENTRATIONS SUFFICIENT TO TRIGGER WORKER PROTECTION,
5 CLEAN-UP, OR SOLID OR HAZARDOUS WASTE DISPOSAL OR REMOVAL
6 REQUIREMENTS UNDER ANY APPLICABLE FEDERAL OR STATE LAW.

7 (d) "GAS AND ELECTRIC PUBLIC UTILITY" OR "PUBLIC UTILITY"
8 MEANS AN INVESTOR-OWNED PUBLIC UTILITY THAT PROVIDES BOTH GAS
9 AND ELECTRIC SERVICE TO CONSUMERS IN COLORADO AND THAT IS THE
10 SOLE AVAILABLE PROVIDER OF EITHER GAS OR ELECTRIC SERVICES IN THE
11 AREA WHERE THE CUSTOMER'S PROPERTY IS LOCATED. "GAS AND
12 ELECTRIC PUBLIC UTILITY" DOES NOT INCLUDE A MUNICIPAL UTILITY AS
13 DEFINED IN SECTION 40-3.5-101 OR A COOPERATIVE ELECTRIC
14 ASSOCIATION THAT HAS VOTED TO EXEMPT ITSELF FROM REGULATION
15 PURSUANT TO SECTION 40-9.5-103.

16 (e) "INFILL" MEANS THE DEVELOPMENT OR REDEVELOPMENT OF
17 VACANT LAND WITHIN A CURRENTLY DEVELOPED AREA.

18 (f) "PHASE I OR PHASE II ENVIRONMENTAL SITE ASSESSMENT"
19 MEANS AN ENVIRONMENTAL SITE ASSESSMENT CONFORMING IN ALL
20 MATERIAL RESPECTS TO THE STANDARDS SET FORTH UNDER 40 CFR 312
21 AND ANY AMENDMENTS THERETO OR UNDER APPLICABLE ASTM
22 STANDARDS FOR SUCH ASSESSMENTS.

23 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, NO GAS AND
24 ELECTRIC PUBLIC UTILITY SHALL:

25 (a) REQUIRE, AS A CONDITION FOR SERVICE, THE EXECUTION OF AN
26 AGREEMENT BY A CUSTOMER OR APPLICANT FOR SERVICE THAT REQUIRES
27 THE CUSTOMER OR APPLICANT TO INDEMNIFY THE PUBLIC UTILITY FOR THE

1 COSTS OR LIABILITIES INCURRED BY THE PUBLIC UTILITY, OR OTHERWISE
2 BEAR THE COSTS OR LIABILITIES, ARISING OUT OF ENVIRONMENTAL
3 CONTAMINATION ENCOUNTERED BY THE PUBLIC UTILITY DURING
4 INSTALLATION, MAINTENANCE, RELOCATION, OR ANY OTHER ACTIVITY
5 PERFORMED BY THE PUBLIC UTILITY TO PROVIDE SERVICE OR EQUIPMENT
6 TO THE CUSTOMER OR APPLICANT; OR

7 (b) ADOPT A TARIFF, RULE, REGULATION, OR PRACTICE THAT
8 REQUIRES CUSTOMERS OR APPLICANTS FOR SERVICE TO INDEMNIFY THE
9 PUBLIC UTILITY FOR THE COSTS OR LIABILITIES INCURRED BY THE PUBLIC
10 UTILITY, OR OTHERWISE BEAR THE COSTS OR LIABILITIES, ARISING OUT OF
11 ENVIRONMENTAL CONTAMINATION ENCOUNTERED BY THE PUBLIC UTILITY
12 DURING INSTALLATION, MAINTENANCE, RELOCATION, OR ANY OTHER
13 ACTIVITY PERFORMED BY THE PUBLIC UTILITY TO PROVIDE SERVICE OR
14 EQUIPMENT TO THE CUSTOMER OR APPLICANT.

15 (5) A GAS AND ELECTRIC PUBLIC UTILITY MAY REQUIRE A
16 COMMERCIAL CUSTOMER TO REIMBURSE THE PUBLIC UTILITY'S
17 REASONABLE DIRECT COSTS OF MANAGING AND DISPOSING OF
18 ENVIRONMENTAL CONTAMINATION ENCOUNTERED WHILE MAINTAINING
19 EXISTING UTILITY FACILITIES ON THE COMMERCIAL CUSTOMER'S PROPERTY
20 AND OF OBTAINING OR PLACING APPROPRIATE BACKFILL MATERIAL.
21 REIMBURSABLE COSTS UNDER THIS SUBSECTION (5) SHALL NOT INCLUDE
22 THE COST OF PROVIDING PERSONNEL TO SCREEN FOR CONTAMINATION
23 PRIOR TO ENCOUNTERING ENVIRONMENTAL CONTAMINATION OR LEGAL
24 FEES INCURRED BY THE PUBLIC UTILITY.

25 (6) A GAS AND ELECTRIC PUBLIC UTILITY MAY REQUIRE A
26 COMMERCIAL CUSTOMER REQUESTING NEW SERVICE OR RELOCATION OF
27 EXISTING UTILITY FACILITIES TO SELECT ONE OF THE FOLLOWING OPTIONS

1 FOR MANAGING ENVIRONMENTAL CONTAMINATION IN LOCATIONS WHERE
2 THE CONTAMINATION IS KNOWN TO BE PRESENT OR WHERE THE PUBLIC
3 UTILITY HAS ENCOUNTERED THE CONTAMINATION ON PROPERTY OWNED
4 OR LEASED BY THE COMMERCIAL CUSTOMER OR WITHIN PROPERTY
5 DEDICATED OR CONVEYED TO A GOVERNMENTAL ENTITY AS A PUBLIC
6 RIGHT-OF-WAY BY THE COMMERCIAL CUSTOMER NO EARLIER THAN ONE
7 YEAR PRIOR TO THE REQUEST:

8 (a) THE COMMERCIAL CUSTOMER MAY PERFORM TRENCHING,
9 MANAGE SPOILS, AND SUPPLY BACKFILL NECESSARY TO INSTALL OR
10 RELOCATE UTILITY FACILITIES. IF THE COMMERCIAL CUSTOMER SELECTS
11 THIS OPTION, THE GAS AND ELECTRIC PUBLIC UTILITY SHALL NOT CHARGE
12 THE COMMERCIAL CUSTOMER FOR ANY TRENCHING OR BACKFILLING
13 PERFORMED BY THE COMMERCIAL CUSTOMER AND SHALL REFUND ANY
14 MONEYS PAID BY THE COMMERCIAL CUSTOMER TO THE PUBLIC UTILITY FOR
15 SUCH ACTIVITIES.

16 (b) THE COMMERCIAL CUSTOMER MAY IDENTIFY AN ALTERNATIVE
17 AND MUTUALLY ACCEPTABLE LOCATION ON THE COMMERCIAL
18 CUSTOMER'S PROPERTY ON WHICH TO INSTALL OR RELOCATE UTILITY
19 FACILITIES. FOR ANY SUCH ALTERNATE LOCATION, THE COMMERCIAL
20 CUSTOMER SHALL DEMONSTRATE, THROUGH A PHASE I OR PHASE II
21 ENVIRONMENTAL SITE ASSESSMENT OR OTHER SUITABLE SITE ASSESSMENT
22 OR SAMPLING DATA, THAT ENVIRONMENTAL CONTAMINATION IS NOT
23 REASONABLY LIKELY TO BE PRESENT.

24 (c) (I) THE COMMERCIAL CUSTOMER MAY REIMBURSE THE GAS AND
25 ELECTRIC PUBLIC UTILITY FOR THE REASONABLE DIRECT COSTS OF
26 MANAGING AND DISPOSING OF ENVIRONMENTAL CONTAMINATION
27 ENCOUNTERED WHILE INSTALLING OR MAINTAINING UTILITY FACILITIES

1 ON, AND PROVIDING CLEAN BACKFILL TO, THE COMMERCIAL CUSTOMER'S
2 PROPERTY. IF THE COMMERCIAL CUSTOMER SELECTS THIS OPTION, THE
3 COMMERCIAL CUSTOMER SHALL SIGN ALL MANIFESTS FOR SPOILS THAT
4 ORIGINATE ON THE COMMERCIAL CUSTOMER'S PROPERTY AND ARE
5 TRANSPORTED FOR OFF-SITE DISPOSAL AND SHALL MAKE COMMERCIALY
6 REASONABLE EFFORTS TO PROVIDE THE PUBLIC UTILITY ANY MATERIAL
7 INFORMATION IN THE COMMERCIAL CUSTOMER'S POSSESSION OR CONTROL
8 REGARDING:

9 (A) THE PRESENCE OF ANY KNOWN OR SUSPECTED
10 ENVIRONMENTAL CONTAMINATION; OR

11 (B) THE PRESENCE OF ANY REMEDIATION OR MONITORING
12 EQUIPMENT OR SUBTERRANEAN STRUCTURES LOCATED ON, UNDER, OR
13 ADJACENT TO, OR THAT COULD IMPACT, THE SUGGESTED AREA OF
14 INSTALLATION OR RELOCATION.

15 (II) THE GAS AND ELECTRIC PUBLIC UTILITY MAY REQUIRE THE
16 COMMERCIAL CUSTOMER TO PERFORM THE WORK DESCRIBED IN
17 SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) IF THE PUBLIC UTILITY CAN
18 PROVIDE REASONABLE EVIDENCE THAT THE NATURE OR EXTENT OF
19 ENVIRONMENTAL CONTAMINATION:

20 (A) NECESSITATES THE REMOVAL OR MANAGEMENT OF
21 CONTAMINATION OUTSIDE THE DIMENSIONS OF THE STANDARD TRENCH
22 REQUIRED FOR RELOCATION OR INSTALLATION OF UTILITY FACILITIES;

23 (B) REQUIRES THE DISPOSAL OF THE ENVIRONMENTAL
24 CONTAMINATION AS HAZARDOUS WASTE, AS THAT TERM IS DEFINED IN
25 SECTION 25-15-101, C.R.S.;

26 (C) REQUIRES THE INSTALLATION OF STRUCTURES, FACILITIES, OR
27 OTHER ENGINEERED BARRIERS, INCLUDING DAMS, LINERS, AND CULVERTS,

1 TO PREVENT THE MIGRATION OF ENVIRONMENTAL CONTAMINATION INTO
2 THE TRENCH FOLLOWING THE COMPLETION OF INSTALLATION OR
3 RELOCATION ACTIVITIES.

4 (7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
5 NO CUSTOMER OR APPLICANT FOR UTILITY SERVICE SHALL BE REQUIRED BY
6 A GAS AND ELECTRIC PUBLIC UTILITY TO BEAR ANY COST, NOR SHALL A
7 PUBLIC UTILITY RECEIVE REIMBURSEMENT FROM A CUSTOMER OR
8 APPLICANT FOR SERVICE, FOR COSTS ASSOCIATED WITH ENVIRONMENTAL
9 CONTAMINATION:

- 10 (a) INTRODUCED TO ANY LOCATION BY THE PUBLIC UTILITY; OR
- 11 (b) NEGLIGENCE OR WILLFULLY EXACERBATED BY THE PUBLIC
12 UTILITY.

13 (8) (a) (I) IF A DISPUTE ARISES BETWEEN A GAS AND ELECTRIC
14 PUBLIC UTILITY AND A COMMERCIAL CUSTOMER REGARDING THE
15 PRESENCE, NATURE, OR EXTENT OF UNREMIEDIATED ENVIRONMENTAL
16 CONTAMINATION ON THE COMMERCIAL CUSTOMER'S PROPERTY, INCLUDING
17 THE EXISTENCE OF THE CONDITIONS DESCRIBED IN SUBPARAGRAPH (II) OF
18 PARAGRAPH (c) OF SUBSECTION (6) OF THIS SECTION, THE PUBLIC UTILITY
19 SHALL BEAR THE BURDEN OF PROVIDING REASONABLE EVIDENCE OF THE
20 CONTAMINATION AS A CONDITION OF SEEKING REIMBURSEMENT UNDER
21 SUBSECTION (5) OF THIS SECTION OR IMPOSING A REQUIREMENT UNDER
22 SUBSECTION (6) OF THIS SECTION. FOR THE PURPOSES OF THIS SUBSECTION
23 (8), REASONABLE EVIDENCE INCLUDES SAMPLING DATA OR OTHER
24 DOCUMENTATION INDICATING UNREMIEDIATED ENVIRONMENTAL
25 CONTAMINATION OR DOCUMENTATION OF HISTORIC USES OF THE PROPERTY
26 OR ADJACENT PROPERTY THAT ARE REASONABLY INDICATIVE OF ACTUAL
27 OR POTENTIAL ENVIRONMENTAL CONTAMINATION.

1 (II) THE COMMISSION SHALL ADOPT RULES REGARDING
2 PROCEDURES TO HEAR DISPUTES UNDER THIS PARAGRAPH (a) ON AN
3 EXPEDITED BASIS. SUCH RULES SHALL BE CONSISTENT WITH ARTICLE 4 OF
4 TITLE 24, C.R.S.

5 (b) NO PROPERTY SHALL BE CONSIDERED TO HAVE
6 ENVIRONMENTAL CONTAMINATION IF A PHASE I OR PHASE II
7 ENVIRONMENTAL SITE ASSESSMENT OR OTHER SITE SAMPLING DATA
8 INDICATES THAT THERE IS NOT A REASONABLE LIKELIHOOD OF
9 ENCOUNTERING ENVIRONMENTAL CONTAMINATION DURING INSTALLATION
10 OR RELOCATION OF UTILITY FACILITIES OR IF THE UNITED STATES
11 ENVIRONMENTAL PROTECTION AGENCY OR AN AGENCY OF THE STATE WITH
12 JURISDICTION OVER THE ENVIRONMENTAL CONTAMINATION OR CONDITION
13 AT ISSUE, INCLUDING THE COLORADO DEPARTMENT OF PUBLIC HEALTH
14 AND ENVIRONMENT OR THE COLORADO DEPARTMENT OF LABOR AND
15 EMPLOYMENT, HAS ISSUED A WRITTEN "NO ACTION" OR "NO FURTHER
16 ACTION" DETERMINATION FOR THE PROPERTY, UNLESS:

17 (I) THE GAS AND ELECTRIC PUBLIC UTILITY ENCOUNTERS
18 ENVIRONMENTAL CONTAMINATION DURING INSTALLATION OR RELOCATION
19 OF UTILITY FACILITIES; OR

20 (II) THE "NO ACTION" OR "NO FURTHER ACTION" DETERMINATION
21 INDICATES THAT CONTAMINATION HAS BEEN LEFT IN PLACE AND
22 DOCUMENTED CONTAMINATION REASONABLY COULD BE ENCOUNTERED
23 DURING THE INSTALLATION OR RELOCATION OF UTILITY FACILITIES.

24 (9) A GAS AND ELECTRIC PUBLIC UTILITY MAY ESTABLISH A
25 UNIFORM FEE, TO BE CHARGED TO ALL ITS CUSTOMERS, TO REIMBURSE THE
26 PUBLIC UTILITY FOR THE ACTUAL COSTS OF ADDRESSING ENVIRONMENTAL
27 CONTAMINATION ENCOUNTERED ON PUBLIC RIGHTS-OF-WAY AND OTHER

1 LOCATIONS FOR WHICH RECOVERY OF SUCH COSTS IS NOT OTHERWISE
2 AUTHORIZED BY THIS SECTION. THE FEE SHALL BE ADOPTED IN
3 ACCORDANCE WITH THIS ARTICLE AND APPLICABLE RULES ADOPTED BY
4 THE COMMISSION.

5 (10) A GAS AND ELECTRIC PUBLIC UTILITY SHALL NOT REQUIRE OR
6 DEMAND A NEW EASEMENT FROM ANY CUSTOMER OR APPLICANT FOR
7 SERVICE WHEN THE PUBLIC UTILITY ALREADY HOLDS AN EASEMENT OR
8 OTHER ACCESS RIGHT THAT, BY ITS TERMS, REASONABLY CAN BE UTILIZED
9 BY THE PUBLIC UTILITY TO PROVIDE THE SERVICE OR EQUIPMENT TO THE
10 CUSTOMER OR APPLICANT. FOR THE PURPOSES OF THIS SUBSECTION (10),
11 "OTHER ACCESS RIGHT" INCLUDES THE RIGHT TO USE A PUBLIC
12 RIGHT-OF-WAY GRANTED UNDER A FRANCHISE AGREEMENT WITH A LOCAL
13 GOVERNMENTAL ENTITY OR AN EXISTING ACCESS RIGHT ON OR OUTSIDE
14 THE CUSTOMER'S OR APPLICANT'S PROPERTY.

15 (11) ALL AGREEMENTS, CONTRACTS, COVENANTS, OR
16 ARRANGEMENTS IN VIOLATION OF THIS SECTION ARE VOID AS AGAINST
17 PUBLIC POLICY AND UNENFORCEABLE.

18 (12) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE
19 RIGHT OF A PUBLIC UTILITY CUSTOMER, AN APPLICANT FOR UTILITY
20 SERVICE, OR A GAS AND ELECTRIC PUBLIC UTILITY TO PURSUE REMEDIES
21 UNDER OTHER FEDERAL, STATE, OR LOCAL LAWS FOR RECOVERY OF COSTS
22 OR OTHER DAMAGES ASSOCIATED WITH ENVIRONMENTAL
23 CONTAMINATION.

24 **SECTION 2. Applicability.** This act shall apply to conduct
25 occurring on or after the effective date of this act.

26 **SECTION 3. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.