



S.B. 105

124th General Assembly
(As Introduced)

Sens. Hottinger, Spada, Wachtmann, Mumper

BILL SUMMARY

- Establishes a five-year statute of limitations for civil actions brought under certain environmental laws.

CONTENT AND OPERATION

The bill provides that any action under any of several specified environmental laws (see below) for civil penalties or costs of any kind brought by an agency or department of the state or by any other authority charged with enforcing environmental laws must be commenced within five years of the time when the agency, department, or authority knew or, in the exercise of due diligence, should have known that the occurrence that is the basis of the cause of action transpired. However, the five-year time period must be tolled for the period during which the identity and location of the person who is allegedly responsible for the occurrence that is the basis of the cause of action are unknown to the enforcing agency, department, or authority, thus preventing proper service of process from being given to the person in accordance with the Rules of Civil Procedure. (Sec. 3745.31(B).) The bill defines "environmental law" to mean provisions related to national pollutant discharge elimination system permits issued under the Concentrated Animal Feeding Facilities Law, the Air Pollution Control Law, the Solid, Hazardous, and Infectious Waste Law, the Environmental Protection Agency Law, the Emergency Planning Law, the Hazardous Substances Law, the Cessation of Regulated Operations Law, the Risk Management Program Law, the Safe Drinking Water Law, the Water Pollution Control Law, any rule adopted under those laws or adopted for the purpose of implementing those laws, and any applicable provisions of the Nuisance Law when an environmentally related nuisance action is brought (sec. 3745.31(A)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	05-08-01	p. 351

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