

455I.11 Enforcement of environmental covenant.

1. A civil action for injunctive or other equitable relief for violation of an environmental covenant may be maintained by any of the following:

- a. A holder or grantor.
- b. The agency or, if the agency is not the agency with authority to determine or approve the environmental response project, the department of natural resources.
- c. Any person to whom the environmental covenant expressly grants power to enforce the environmental covenant.
- d. A person whose interest in the real property or whose collateral or liability may be affected by the alleged violation of the environmental covenant.
- e. A municipality or other unit of local government in which the real property subject to the environmental covenant is located.

2. This chapter does not limit the regulatory authority of an agency under law other than this chapter with respect to an environmental response project.

3. A person is not responsible for or subject to liability for environmental remediation or flood control solely because it has the right to enforce an environmental covenant.

2005 Acts, ch 102, §15; 2006 Acts, ch 1030, §44; 2012 Acts, ch 1018, §6, 7

Referred to in §455I.4

[P] Validity and enforceability under this chapter of certain instruments entered into on or after July 1, 1992, and before July 1, 2012, and declared as environmental covenants by July 1, 2013; 2012 Acts, ch 1018, §7

[T] Subsection 3 amended