

2010 -- H 7674

LC01936

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO HEALTH AND SAFETY -- HAZARDOUS WASTE CLEANUP

Introduced By: Representatives Walsh, Azzinaro, and Kennedy

Date Introduced: February 25, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-19.8-2, 23-19.8-3 and 23-19.8-4 of the General Laws in  
2 Chapter 23-19.8 entitled "Hazardous Waste Cleanup" are hereby amended to read as follows:

3 **23-19.8-2. Definitions.** -- As used in this chapter:

4 (1) "Discharge" includes, but is not limited to, leakage and seepage.

5 (2) "Hazardous materials" include all materials and substances which are now or  
6 hereafter designated as hazardous by any state or federal law or by the regulations of any state or  
7 federal government agency.

8 (3) "Person" includes any individual, partnership, corporation, association, or any other  
9 entity.

10 (4) "Oil" includes any material derived from petroleum distillate.

11 **23-19.8-3. Exemption from liability.** -- (a) Notwithstanding any provision of law to the  
12 contrary, no qualified or trained person who voluntarily or in the course of their normal  
13 governmental duties and at the request of:

14 (1) A governmental agency;

15 (2) The person responsible for any discharge;

16 (3) The person responsible for preventing, cleaning up, or disposing of any discharge; or

17 (4) The agent or authorized representative of any agency or person, provides assistance  
18 or advice in mitigating the effects of an accidental or threatened discharge of hazardous materials,  
19 or in preventing, cleaning up, or disposing of the discharge, shall be subject to civil liabilities or

1 penalties of any type.

2 (b) The exemption set forth in this section shall apply to oil spill pollution prevention  
3 activities and/or activities dedicated to the containment, clean up or abatement of hazardous  
4 materials.

5 (c) The exemptions to liabilities set forth in this section shall apply to any city or town  
6 fire department, fire district, volunteer fire association or their hazardous materials and/or  
7 decontamination teams, or representatives from Rhode Island department of environmental  
8 management.

9 **23-19.8-4. Exemptions to immunities.** -- The immunities provided in section 23-19.8-3  
10 shall not apply to any person who:

11 (1) Is under a legal duty to respond to the incident.

12 (2) Receives compensation, other than reimbursement for out-of-pocket expenses, for its  
13 services in rendering assistance or advice under contract for the responsible party.

14 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would exempt from liability a person who in the normal course of government  
2 duties provides assistance or services in mitigating hazardous discharge, to further include local  
3 fire departments, districts and representatives of the Rhode Island department of environmental  
4 management. The act would not provide immunity to individuals who are under a legal duty or  
5 contract to provide services to the responsible party.

6           This act would take effect upon passage.

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