

2010 -- H 7783

LC01454

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO HEALTH AND SAFETY -- HAZARDOUS WASTE

Introduced By: Representative Robert A. Watson

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) "Oil" includes any material derived from petroleum distillate.

9 ~~(3)~~ (4) "Person" includes any individual, partnership, corporation, association, or any  
10 other entity.

11 **23-19.8-3. Exemption from liability.** -- 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 oil, or in preventing, cleaning up, or disposing of the discharge, shall be subject to civil

1 liabilities or penalties of any type.

2 (5) 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 as defined in section 23-19.8-2.

5 **23-19.8-4. Exemptions to immunities.** -- The immunities provided in section 23-19.8-3  
6 shall not apply to any person who:

7 (1) Is under a legal duty as a responsible party to respond to the incident.

8 (2) Receives compensation, other than reimbursement for out-of-pocket expenses, for its  
9 services in rendering assistance or advice.

10 (3) The exemptions to immunities set forth in this section shall not apply to any fire  
11 department or volunteer fire association or their hazardous materials and/or decontamination  
12 teams in any city, town or fire district nor shall they apply to representatives of the Rhode Island  
13 department of environmental management as defined in section 23-19.8-2.

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 provide an exemption from civil liabilities or penalties to persons who in
- 2   the normal course of their governmental duties participate in the clean up of oil spills.
- 3           This act would take effect upon passage.

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