

2010 -- H 7367

LC00955

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, Kennedy, and Driver

Date Introduced: February 04, 2010

Referred To: House Environment and Natural Resources

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, and

1 shall be subject to civil liabilities or 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 **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 to respond to the incident; or

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

10 (3) Works for any fire department or volunteer fire association or their hazardous
11 materials and/or decontamination teams in any city, town, or fire district nor to representatives of
12 the Rhode Island department of environmental management.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- HAZARDOUS WASTE CLEANUP

1 This act would exempt oil spill pollution prevention activities from the application of the
2 “Waste Cleanup Good Samaritan Act.” It would also make the immunity created by the act
3 applicable to local fire departments and districts and state department of environmental
4 management representatives.

5 This act would take effect upon passage.

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