

2009 -- H 5061

LC00157

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO HEALTH AND SAFETY - INDUSTRIAL PROPERTY AND REMEDIATION  
REUSE

Introduced By: Representatives Edwards, Malik, Gallison, Pollard, and Silva

Date Introduced: January 13, 2009

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-19.14-16 of the General Laws in Chapter 23-19.14 entitled  
2 "Industrial Property Remediation and Reuse Act" is hereby amended to read as follows:

3 **23-19.14-16. Penalties for noncompliance.** -- (a) Any person or responsible party who  
4 fails, without sufficient cause, to properly provide for removal or remedial action pursuant to a  
5 final order of the director of the department of environmental management may be liable to the  
6 state for punitive damages in an amount at least equal to, and not more than, three (3) times the  
7 amount of any costs incurred by the state as a result of the failure to take proper action, in  
8 addition to liability for any response costs incurred by the state as a result of the failure to take  
9 action. The state is authorized to commence an administrative or a civil action against any ~~person~~  
10 responsible party who fails to take proper action in order to recover the punitive damages, which  
11 shall be in addition to any costs recovered from that person.

12 (b) Any money received by the state pursuant to this chapter shall be deposited in the  
13 environmental response fund established pursuant to chapter 19.1 of this title ~~and may be used to~~  
14 achieve the purposes of this chapter.

15 (c)(1) In addition to being liable for punitive damages and response costs as set forth in  
16 subsection (a) above, any person or responsible party who fails to take proper action or fails to  
17 comply with any provision of this chapter or any rule, regulation, or order issued pursuant to this  
18 chapter, shall also be subject to an administrative or civil penalty of not more than twenty-five

1 thousand dollars (\$25,000). In the case of a continuing violation, each day's continuance of the  
2 violation shall be deemed to be a separate and distinct offense.

3 (2) All penalties assessed pursuant to this subsection shall be assessed in accordance with  
4 the provisions of chapter 42-17.6.

5 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 expand the scope of liability and penalties for violations of the Industrial
- 2 Property Remediation and Reuse Act.
- 3 This act would take effect upon passage.

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