

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO HEALTH AND SAFETY -- INDUSTRIAL PROPERTY REMEDIATION
AND REUSE ACT

Introduced By: Senators Felag, Paiva-Weed, Metts, Sosnowski, and Pichardo

Date Introduced: January 14, 2009

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-19.14-16 and 23-19.14-18 of the General Laws in Chapter 23-
2 19.14 entitled "Industrial Property Remediation and Reuse Act" are hereby amended to read as
3 follows:

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

13 (b) Any money received by the state pursuant to this chapter shall be deposited in the
14 environmental response fund established pursuant to chapter 19.1 of this title.

15 (c)(1) In addition to being liable for punitive damages and response costs as set forth in
16 subsection (a) above, any responsible party or person who fails to assess, to properly assess, to
17 remediate, to properly remediate, to take any other action that may be required by the director
18 pursuant to this chapter, or to comply with any provision of this chapter, or any rule, regulation or

1 order issued pursuant to this chapter shall also be subject to a civil penalty of not more than
2 twenty-five thousand dollars (\$25,000). In a case of a continuing violation, each day's
3 continuance of the violation shall be a separate and distinct offense.

4 (2) All penalties assessed pursuant to this subsection shall be assessed in accordance with
5 chapter 42-17.6 and the rules and regulations of the department for the assessment of
6 administrative penalties.

7 **23-19.14-18. Powers and duties of the director.** -- (a) The director of the department of
8 environmental management is authorized to exercise all powers, direct and incidental, necessary
9 to carry out the purposes of this chapter. The director of the department of environmental
10 management may adopt any plans, rules, regulations, fees, procedures, and standards that may be
11 necessary to meet the declared policies and requirements of this chapter and receives all desired
12 federal grants, aid, and other benefits.

13 (b) Any rules or policies promulgated pursuant to this chapter shall, to the maximum
14 extent practical, be compatible with the rules, regulations, procedures, and standards promulgated
15 by the U.S. environmental protection agency pursuant to the comprehensive environmental
16 response, compensation and liability act of 1980, 42 U.S.C. section 9601 et seq. ("CERCLA" or
17 Superfund) or other applicable federal or state statutes.

18 (c) The director may institute administrative or civil proceedings, or may request the
19 attorney general to do the same, to enforce any provision of this chapter or any rule, regulation or
20 order issued pursuant to this chapter.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
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- 1 This act would provide for a civil penalty of not more than twenty-five thousand dollars
2 against any responsible party who fails to assess, remediate or take any action that may be
3 required by the director of the department of environmental management under the industrial
4 property remediation and reuse act.
5 This act would take effect upon passage.

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