

ACT 324

S.B. NO. 728

A Bill for an Act Relating to Oil Spills.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 128D-1, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

““Federal on-scene coordinator” means the federal official predesignated by the United States Environmental Protection Agency or the United States Coast Guard to coordinate and direct federal responses under subpart D, or the official designated by the lead agency to coordinate and direct removal under subpart E, of the National Contingency Plan.

“State on-scene coordinator” means the state official designated by the department of health to coordinate and direct responses under this chapter.”

SECTION 2. Section 128D-6, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) No person shall be liable under this chapter or otherwise under the laws of the State or any of the counties, including the common law, to any government or private parties for costs, damages, or penalties as a result of actions taken or omitted in the course of rendering care, assistance, or advice in [accordance] compliance with this chapter, the National Contingency Plan, or at the

direction of [an] a federal or state on-scene coordinator, with respect to an incident creating a danger to public health or welfare or the environment as a result of any release of a hazardous substance or pollutant or contaminant or the threat thereof. This subsection shall not preclude liability for costs, damages, or penalties as the result of gross negligence or intentional misconduct on the part of such person.’’

SECTION 3. Section 128D-23, Hawaii Revised Statutes, is amended to read as follows:

“**[[§128D-23]] Exemption from state and county permits.** No state or county permit shall be required for the portion of any removal or remedial action conducted entirely on site where such response action is carried out in compliance with this chapter[,], or where such removal or remedial action is in response to a release of a hazardous substance or pollutant or contaminant that occurred in or on the coastal waters of the State and such removal or remedial action is carried out in compliance with this chapter, the National Contingency Plan, or at the direction of a federal or state on-scene coordinator.’’

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 22, 1993.)