

TITLE 3: HUMAN RESOURCES
DIVISION 5: PUBLIC SAFETY

§ 5142. Definitions.

For the purposes of this chapter, the terms:

(a) “Damages” means damages of any kind for which liability may arise under the laws of the Commonwealth or the common law resulting from, arising out of, or related to the discharge or threatened discharge of oil or hazardous material;

(b) “Discharge” means any emission (other than natural seepage), intentional or unintentional, and includes, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying or dumping;

(c) “State (Commonwealth) on-scene coordinator” means the chairperson of the Commonwealth Area Contingency Planning Committee, who co-chairs the planning meetings and will direct and coordinate the response activities of Commonwealth agencies in the event of a discharge;

(d) “Federal on-scene coordinator” means the federal official pre-designated by the Oil Pollution Act of 1990 [33 U.S.C. § 2701] and identified in the area contingency plan (captain of the port for Guam and the Commonwealth) to ensure immediate and effective response and coordinate and direct federal agencies in the event of a discharge;

(e) “Hazardous materials” means toxic, chemical and other sorts of substances commonly considered to be innately hazardous to the environment in general and particularly to living things;

(f) “National contingency plan” means the national contingency plan prepared and published under Section 311(d) of the federal Water Pollution Control Act [33 U.S.C. § 1321(d)], as amended by the Oil Pollution Act of 1990 (33 U.S.C. § 2701);

(g) “Oil” means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged oil;

(h) “Oil spill or hazardous material response organization” means an organization of private persons which is established for the primary purpose and activity of preventing or rendering care, assistance, equipment or advice in response to a discharge or threatened discharge of oil or hazardous material;

(i) “Person” means an individual, corporation, partnership, association, federal agency, state, territory, municipality, commission, or political subdivision of a state or territory;

(j) “Removal costs” means the costs of removal that are incurred after a discharge of oil or hazardous material has occurred or in any case in which there is a substantial threat of a discharge of oil or hazardous material, the costs to prevent, minimize, or mitigate oil pollution from such an incident;

(k) “Responsible party” means the following:

(1) *Vessels*. In the case of a vessel, any person owning, operating, or demise chartering the vessel.

(2) *Onshore Facilities*. In the case of an onshore facility (other than a pipeline), any person owning or operating the facility, except a federal agency, a

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state, territory, municipality, commission, or political subdivision of a state or territory, or any interstate body, that as the owner transfers possession and right to use the property to another person by lease, assignment, or permit.

(3) *Offshore Facilities.* In the case of an offshore facility (other than a pipeline or a deepwater port licensed under the Deepwater Port Act of 1974 [33 U.S.C. § 1501 et seq.]), the lessee or permittee of the area in which the facility is located or the holder of a right of use and easement granted under applicable state or territorial law or the Outer Continental Shelf Lands Act (43 U.S.C. §§ 1301-1356) for the area in which the facility is located (if the holder is a different person than the lessee or permittee), except a federal agency, state, territory, municipality, commission, or political subdivision of a state or territory, or any interstate body, that as owner transfers possession and right to use the property to another person by lease, assignment, or permit.

(4) *Deepwater Ports.* In the case of a deepwater port licensed under the Deepwater Port Act of 1974 (33 U.S.C. §§ 1501-1524), the licensee.

(5) *Pipelines.* In the case of a pipeline, any person owning or operating the pipeline.

(6) *Abandonment.* In the case of an abandoned vessel, onshore facility, deepwater port, pipeline, or offshore facility, the persons who would have been responsible parties immediately prior to the abandonment of the vessel or facility.

Source: PL 9-49, § 3.