

**10 GCA HEALTH AND SAFETY
CH. 54A GUAM OIL SPILL RESPONDERS ACT**

**CHAPTER 54A
GUAM OIL SPILL RESPONDERS ACT**

NOTE: The Legislature enacted this Chapter as Chapter 54A in P.L. 22-38:3 (9/28/93). Yet the sections assigned were §453xx. These sections are more properly found in Chapter 45. Therefore, the Compiler has renumbered this Chapter to use §§ 54300 et seq.

§ 54300. Title.

§ 54301. Definitions

§ 54302. Exemption from Liability for Persons Responding to Discharges of Oil.

§ 54300. Title.

This chapter shall be known as the *Guam Oil Spill Responder Act* .

§ 54301. Definitions.

For the purposes of this chapter, the terms:

(1) *Damages* means damages of any kind for which liability may arise under the laws of Guam or the common law resulting from, arising out of, or related to the discharge or threatened discharge of oil;

(2) *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;

(3) *Federal On-Scene Coordinator* means the Federal official predesignated by the U.S. Environmental Protection Agency or the U.S. Coast Guard to coordinate and direct removal under Subpart E of the National Contingency Plan;

(4) *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);

(5) *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 spoil;

(6) *Oil Spill Response Organization* means an organization of private persons which is established for the primary purpose and activity of

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preventing or rendering care, assistance, equipment or advice in response to a discharge or threatened discharge of oil;

(7) *Person* means an individual, corporation, partnership, association, Federal agency, state, territory, municipality, commission, or political subdivision of a state or territory;

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

(9) *Responsible party* means the following:

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

(b) 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 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.

(c) 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.

(d) 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.

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

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(f) 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.

§ 54302. Exemption from Liability for Persons Responding to Discharges of Oil.

(a) No person, including but not limited to an oil spill response organization, its agents, subcontractors and employees, shall be liable under the laws of Guam or the common law to any person for costs, damages, and any other claims and expenses as a result of actions taken or omitted to be taken in the course of rendering care, assistance and advice consistent with the National Contingency Plan, or at the direction of an on-site coordinator, Federal On-Scene Coordinator or the U.S. Coast Guard or as otherwise directed by the President, or the Governor of Guam, in response to a discharge or threatened discharge of oil.

(b) Subsection (a) of this § 54302 shall not apply:

- (1) To a responsible party;
- (2) To actions for personal injury or wrongful death;
- (3) If the person commits acts of gross negligence or willful misconduct in connection with the cleanup of a discharge of oil.

(c) A responsible party is liable for any removal costs and damages that another person or oil spill response organization is relieved of under subsection (a) of this § 54302.
