CHAPTER 44

South Carolina Oil Spill Responders Liability Act

**SECTION 48‑44‑10.** Short title.

 This chapter may be cited as the South Carolina Oil Spill Responders Liability Act.

HISTORY: 1992 Act No. 372, Section 1.

Federal Aspects

Oil Pollution Act of 1990, and Oil Pollution Liability and Compensation, see 33 U.S.C.A. Sections 2701 et seq.

Library References

Environmental Law 214, 436.

Westlaw Topic No. 149E.

C.J.S. Health and Environment Sections 170, 172.

**SECTION 48‑44‑20.** Definitions.

 For purposes of this chapter:

 (1) “Damages” means damages of any kind for which liability may exist under the laws of this State resulting from, arising out of, or related to the discharge or threatened discharge of oil.

 (2) “Discharge” means an 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 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.

 (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, Public Law No. 101‑380, 104 Stat. 484 (1990).

 (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) “Person” means an individual, a corporation, a partnership, an association, the State, a municipality, a commission, or a political subdivision of the State, or an interstate body.

 (7) “Removal costs” means the costs of removal incurred after a discharge of oil or, when there is a substantial threat of a discharge of oil, the costs to prevent, minimize, or mitigate oil pollution from an incident.

 (8) “Responsible party” means a responsible party as defined under Section 1001 of the Oil Pollution Act of 1990, Public Law No. 101‑380, 104 Stat. 484 (1990).

HISTORY: 1992 Act No. 372, Section 1.

Federal Aspects

Oil Pollution Act of 1990, and Oil Pollution Liability and Compensation, see 33 U.S.C.A. Sections 2701 et seq.

Section 1001 of Public Law No. 101‑380, see 33 U.S.C.A. Section 2701.

**SECTION 48‑44‑30.** Liability of persons responding to oil spill.

 (A) Notwithstanding other provisions of law, a person is not liable for removal costs or damages which result from actions taken or omitted to be taken in the course of rendering care, assistance, or advice consistent with the National Contingency Plan or as otherwise directed by the federal on‑scene coordinator or by the state official with responsibility for oil spill response.

 (B) Subsection (A) does not apply:

 (1) to a responsible party;

 (2) with respect to personal injury or wrongful death; or

 (3) if the person is grossly negligent or engages in wanton or wilful misconduct.

 (C) A responsible party is liable for removal costs and damages that another person is relieved of under subsection (A).

 (D) Nothing in this section affects the liability of a responsible party for oil spill response under state law.

HISTORY: 1992 Act No. 372, Section 1.

Federal Aspects

Navigable waters, oil pollution, submerged oil removal, see 33 U.S.C.A. Section 2762.

Navigable waters, oil pollution, vessels, liability limits, see 33 U.S.C.A. Section 2704.

Oil Pollution Act of 1990, and Oil Pollution Liability and Compensation, see 33 U.S.C.A. Sections 2701 et seq.

Library References

Environmental Law 214, 436.

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