

#### **411.490 Definitions for KRS 411.490 and 411.493.**

As used in this section and KRS 411.493, unless the context otherwise requires:

- (1) "Damages" means damages of any kind for which liability may exist under the laws of the Commonwealth resulting from, arising out of, or related to the discharge or threatened discharge of oil.
- (2) "Discharge" means any emission, other than natural seepage, whether the emission is intentional or unintentional, which includes, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying, or dumping.
- (3) "Federal on-scene coordinator" means the federal official designated by the lead federal agency or predesignated by the United States Environmental Protection Agency or the United States Coast Guard to coordinate and direct responses under 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. sec. 1321(d)), as amended by the Oil Pollution Act of 1990, Pub. L. No. 101-380, 104 Stat. 484 (1990) or revised under Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. sec. 9605).
- (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 but does not include petroleum, including crude oil or any fraction thereof, which is specifically listed or designated as a hazardous substance under subparagraph (A) through (F) of Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. sec. 9601).
- (6) "Removal" means containment and removal of oil or a hazardous substance from water and shorelines or the taking of other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, actions to minimize or mitigate damage to fish, shellfish, wildlife, and public or private property, shorelines, and beaches.
- (7) "Removal costs" means the costs of removal that are incurred after a discharge of oil has occurred, or, when there is a substantial threat of a discharge of oil, the costs to prevent, minimize, or mitigate the threat.
- (8) "Responsible party" means a responsible party as defined under Section 1001 of the Oil Pollution Act of 1990, Pub. L. No. 101-380, 104 Stat. 484 (1990).

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**History:** Created 1996 Ky. Acts ch. 173, sec. 1, effective July 15, 1996.