§ 23-1717. Training and qualification of municipal fire department personnel; strict liability.

1. The legislature finds that liquefied natural and petroleum gas, in view of its extreme volatility, high flammability, and dangerous qualities if mishandled resulting in accidental release, poses problems of the control thereof related to the lack of current training and qualification of municipal fire department personnel responsible for control and extinguishment of fire resulting from mishandling and accidental release during its storage, transportation, and conversion.

2. Within thirty days after this title shall become effective, every utility or other person subject to the jurisdiction of the public service commission and which is engaged in the storage, transportation, or conversion of liquefied natural or petroleum gas within the state shall give notice to the department that it is a person subject to this title, and shall specify by geographical description the municipality or municipalities, or parts thereof, within the state where it is handling or otherwise using liquefied natural or petroleum gas, with the nature of such use, storage, transportation, or conversion, with the amounts thereof in each location, on a monthly and annual basis, with any projected increase or decrease in the use or handling thereof at such location or locations within the state on a five year basis from date of report.

3. Within sixty days thereafter, the department, in consultation with the municipal fire department or departments indicated to be those required to be trained and qualified under this title to control and extinguish fires related to the reported facilities and transportation of liquefied natural or petroleum gas, shall determine and report what, if any, programs are necessary to enable such municipal fire department or departments to be adequately prepared to control and extinguish such fires and to protect persons and property within their municipality or municipalities who might be subject to such danger.

4. The report of the department shall detail the capability and preparedness, or lack thereof, of such fire department or departments

effectively to prevent or extinguish a fire at or related to any of the reported facilities, or in connection with the transportation of liquefied natural or petroleum gas; proposals for further training and qualification of personnel which, if implemented, would enable such fire department or departments effectively to carry out such responsibilities; and a detailed analysis of the cost of training and qualification of such municipal fire department personnel to do so, including those related to additional manpower, new or additional equipment, or training of such personnel, although not limited thereto. Such report, in its cost analysis and in making recommendations with respect thereto, shall report separately with regard to projected hiring of additional personnel, the purchase of new or additional equipment and supplies, and necessary training courses, on an initial and continuing basis, together with any other proposals in implementation of this section; and, in addition, shall make specific finding, with regard to the particular municipal fire department or departments involved, which of said proposals is or are required to be implemented to be carried out to comply with the requirements of subdivision three of this section, together with the reasonable cost thereof.

5. Notice of the department's determination with regard to implementation of the training and qualification requirements of this section and of the cost thereof shall be given to the utility or other person subject to this section under subdivision two hereof and to the municipal fire department or departments identified to be with jurisdiction under subdivision three hereof. If a hearing is requested within thirty days, a hearing shall be held promptly with regard to the program and the cost thereof and, on the basis of the record of the hearing the department, by its commissioner, may modify the program and adjust the cost thereof to be charged against the utility, utilities, or other persons subject to this title in accordance with the provisions of subdivisions two and three of section 23-1715. Such cost, as related to the training and qualification requirements of this title may, at the option of the department, be paid to the department under subdivision three of section 23-1715, or by the utility or other person directly to the chief fiscal officer or officers of the municipality or municipalities involved pursuant to this section; and, in any event,

shall be expended only on programs thus approved by the department for the purpose of carrying out the requirements of this section.

6. Upon application for an environmental safety permit under section 23-1707 or for certification of a transportation route under section 23-1713, the procedure of notification, consultation, and report and determination with regard to municipal fire department training program and cost thereof shall be integrated with the application and the determination of the department, if to grant the permit or certificate or certificates, shall include the determination thereof with regard to implementation of the training and qualification requirements of this section and the allocation of the cost thereof, with respect to the particular permit or certificate or certificates granted, to the utility or other person subject to the requirements of this title.

7. In the event that more than one utility or other person is determined to be charged with the cost of training and qualification under this section, said charge or charges may be apportioned by the department between or among them on an equitable basis related to the degree to which each is responsible, based on the degree and complexity of the cost of training and qualification involved. In no event shall the department of environmental conservation, or its commissioner, by virtue of this section, be determined to have any jurisdiction over the operation or administration of any municipal fire department reimbursed under this title and section, or over its fire fighting methods, deployment of personnel, fiscal policies, or other aspects of its administration. The department is authorized to promulgate rules and regulations necessary to effectuate the purposes of this section.

8. The storage, transportation, and conversion of liquefied natural and petroleum gas within the state, in view of its extreme volatility, high flammability, and dangerous qualities if mishandled resulting in accidental release, is determined to be hazardous and entails strict liability on the part of any person, as defined under this title, that undertakes such activities in the state. Neither compliance with the requirements of this title, nor the exercise of due care, shall excuse any such person from liability for personal or property damage

determined to be caused by the accidental release of liquefied natural or petroleum gas within the state, and neither proof of means of ignition nor distinctions between direct and consequential damage shall relieve such person of absolute liability without regard to intent or negligence for any personal or property damage thereby caused.