

SUPREME COURT OF RHODE ISLAND

Whitehouse v. Davis

774 A.2d 816 (R.I. 2001) · No. No. 2000-10-Appeal · Decided June 5, 2001

SUMMARY

The Supreme Court of Rhode Island held that the state's Oil Spill Prevention, Administration and Response Fund could be used to remove a large tire pile that posed a substantial risk of an oil or petroleum-product discharge if ignited. The court deferred to the Department of Environmental Management's reasonable interpretation of the governing statute and affirmed the Superior Court's judgment.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Justice Goldberg; Chief Justice Lederberg; Justice Bourcier; Justice Flanders
JURISDICTION	Rhode Island
DECIDED	June 5, 2001
DOCKET	No. 2000-10-Appeal
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a Superior Court declaratory judgment permitting the Rhode Island Department of Environmental Management to use the Oil Spill Prevention, Administration and Response Fund to remove the Davis tire pile.
STANDARD OF REVIEW	The Supreme Court deferred to the agency's interpretation of the statute because the agency was charged with administering and enforcing it. When statutory provisions are unclear or reasonably subject to more than one interpretation, the agency's construction receives weight and deference unless clearly erroneous or unauthorized.
PRECEDENTIAL VALUE	Published opinion; binding precedent of the Supreme Court of Rhode Island.
PARTIES	William Davis, Eleanor V. Davis, Mobil Oil Corporation, Exxon Corporation, doing business as Exxon Company, USA, Motiva

TOPICS

environmental law

statutory interpretation

chevron deference

mootness

appellate procedure

PRACTICE AREAS

environmental law

administrative law

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether the appeal remained justiciable after the tire pile had been fully remediated.
2. Whether the Oil Spill Prevention, Administration and Response Fund could be used to remove the tire pile when no oil had yet been released from the site.
3. Whether the Department of Environmental Management's interpretation of the governing statute was entitled to deference.

HOLDINGS

1. The appeal was justiciable under the capable-of-repetition-yet-evading-review exception because the use of the fund for other tire fields presented an issue of extreme public importance that could recur while evading review.
2. The fund could be used to dismantle the Davis tire pile because preventing a foreseeable fire and resulting discharge of oil and petroleum by-products constituted prevention of an oil spill or threatened oil spill within the statute's purposes.
3. DEM's interpretation of the act was entitled to deference and was reasonable, not clearly erroneous or unauthorized.

KEY QUOTATIONS

"[W]here the provisions of a statute are unclear or subject to more than one reasonable interpretation, the construction given by the agency charged with its enforcement is entitled to weight and deference as long as that construction is not clearly erroneous or unauthorized." (819)

"The act, however, is necessarily a prophylactic measure, with the intended purpose of preventing oil spills and the discharge of petroleum by-products into the environment." (819)

"For these reasons, we uphold the decision allowing the Oil Spill Prevention, Administration and Response Fund to be used to dismantle the Davis tire pile, thereby preventing an oil spill and its concomitant damage to the environment." (820)

FACTUAL BACKGROUND

William and Eleanor Davis owned a Smithfield, Rhode Island, site where approximately ten million automobile tires had been dumped. The Department of Environmental Management determined that the site posed an extreme environmental hazard because a fire could melt the tires and release oil and petroleum by-products into Narragansett Bay, to which the site was hydrologically connected. After funds for the existing site-stabilization plan were depleted, the agency sought to use the Oil Spill Prevention, Administration and Response Fund to continue removing the tires and prevent a potential oil spill.

PROCEDURAL HISTORY

The Department of Environmental Management filed an action in Superior Court concerning the Davis tire pile and later sought a declaratory judgment authorizing expenditures from the Oil Spill Prevention, Administration and Response Fund after existing remediation funds were depleted. The Superior Court granted declaratory relief and entered final judgment on December 17, 1999. The defendants and intervenors appealed. During the appeal, the site was fully remediated, but the Supreme Court retained the case under the capable-of-repetition-yet-evading-review exception to mootness.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The papers in the case were remanded to the Superior Court. The Supreme Court otherwise affirmed the judgment and denied and dismissed the appeal.

CASES CITED

- Witt v. Moran, 572 A.2d 261, 264 (R.I. 1990)
- Morris v. D'Amario, 416 A.2d 137, 139 (R.I. 1980)
- Associated Builders & Contractors of Rhode Island Inc. v. City of Providence, 754 A.2d 89, 90 (R.I. 2000)
- Sullivan v. Chafee, 703 A.2d 748, 752 (R.I. 1997)
- In re Lallo, 768 A.2d 921, 926 (R.I. 2001)
- In re Advisory Opinion to the Governor, 732 A.2d 55, 76 (R.I. 1999)
- Pawtucket Power Associates Limited Partnership v. City of Pawtucket, 622 A.2d 452, 456 (R.I. 1993)
- Defenders of Animals, Inc. v. Department of Environmental Management, 553 A.2d 541, 543 (R.I. 1989)
- Gallison v. Bristol School Committee, 493 A.2d 164, 166 (R.I. 1985)
- State v. Flores, 714 A.2d 581, 583 (R.I. 1998)
- Brennan v. Kirby, 529 A.2d 633, 637 (R.I. 1987)