

WHETHER SUCH DAMAGE BE IN THE NATURE OF ACTUAL DAMAGE SUSTAINED THROUGH LOSS OF FISH AND WILDLIFE OR INJURY TO PROPERTY, OR REASONABLE COST OF NECESSARY REMEDIAL MEASURES UNDERTAKEN BY THE COMMISSION OR OTHER GOVERNMENTAL AGENCY FOR THE AMELIORATION OF THE EFFECTS OF THE CHANGE OR THE POLLUTANTS, OR TO PREVENT THE CHANGE OR THE ENTRY OF SUCH POLLUTANTS INTO THE WATERS.

(B) THE COMMISSION MAY ASCERTAIN THE EXTENT OF ANY SUCH DAMAGE SUFFERED BY IT AND MAKE CLAIM UPON EACH PERSON OR GOVERNMENTAL AGENCY RESPONSIBLE THEREFOR. UPON THE REQUEST OF ANY OTHER GOVERNMENTAL AGENCY WHICH HAS SUFFERED ANY SUCH DAMAGE THE COMMISSION MAY, IN COLLABORATION WITH SUCH AGENCY, ASCERTAIN THE EXTENT OF SUCH DAMAGE AND MAKE CLAIM ON BEHALF OF THE AGENCY UPON EACH PERSON OR GOVERNMENTAL AGENCY RESPONSIBLE THEREFOR. IN THE EVENT THE DAMAGES SO ASCERTAINED AND CLAIMED BY THE COMMISSION ARE NOT PAID BY THE PERSON OR GOVERNMENTAL AGENCY RESPONSIBLE, THE COMMISSION MAY INSTITUTE AN ACTION TO RECOVER THE SAME.

(C) EXCEPT IN CASE OF EMERGENCY REMEDIAL MEASURES, THERE SHALL BE NO CIVIL LIABILITY PURSUANT TO THIS SECTION FOR THE COST OF REMEDIAL MEASURES UNLESS SUCH MEASURES HAVE BEEN ORDERED OR APPROVED BY THE COMMISSION AFTER HEARING FOLLOWING NOTICE TO THOSE PERSONS AND GOVERNMENTAL AGENCIES FROM WHOM DAMAGES ARE TO BE CLAIMED.

(D) SUBJECT TO ITS DEDUCTION OF ALL COSTS AND EXPENSES INCURRED IN CONNECTION THEREWITH, THE COMMISSION SHALL PAY PROMPTLY TO EACH GOVERNMENTAL AGENCY SO ENTITLED ALL MONEYS COLLECTED BY THE COMMISSION PURSUANT TO THIS SECTION ON BEHALF OF SUCH GOVERNMENTAL AGENCY AS THE LOSS OR DAMAGE SUSTAINED OR THE COST OF REMEDIAL MEASURES UNDERTAKEN BY SUCH GOVERNMENTAL AGENCY IN COUNTERACTING OR PREVENTING SUCH CHANGE OR IN MITIGATING THE EFFECTS OF SUCH CHANGE, OR IN HANDLING, TREATING, REMOVING, OR PREVENTING THE ENTRY OF, SUCH POLLUTANTS, OR OF OTHERWISE RENDERING ANY SUCH POLLUTANTS SUITABLE FOR INTRODUCTION INTO, OR RETENTION IN, THE WATERS OF THE BASIN.

(E) THE PROVISIONS OF THIS SECTION SHALL NOT SUPERSEDE ANY OTHER PROVISION IN THIS COMPACT OR CONTAINED IN ANY OTHER LAW, BUT SHALL BE IN ADDITION THERETO.