

Immediate Response Activities

Section xxxxx: Immediate Response Activities

- (1) A person who is subject to the obligations of this section shall conduct obligations within time-frames specified as follows:
 - (a) A person conducting immediate response activities pursuant to section xxxxx (*Release reporting*) shall conduct the obligations in subsection (2), (4), and (5) as soon as the exigencies of the situation require, but not later than 48 hours from the release,.
 - (b) A person conducting immediate response activities pursuant to section xxxxx (*Due care obligations*) shall conduct the obligations in subsection (2), (4), and (5) as soon as the exigencies of the situation require, but not later than 48 hours from the earliest of becoming the owner, operator, or foreclosure date,.
 - (c) A person conducting immediate response activities pursuant to section xxxxx (*Remedial obligations*) shall conduct the obligations in subsection (2) to (5) as soon as the exigencies of the situation require, but not later than 48 hours from determination that a property is a facility.

- (2) A person shall conduct response activities, pursuant to subsection (1), to evaluate the existence of the following conditions, to mitigate or prevent the threat or exposure, and to continue as necessary to abate the threat or exposure:
 - (a) Conditions that are or may become immediately dangerous to life or health.
 - (b) Fire and explosion hazards in the area of the release and at surface and/or subsurface utilities, vaults, structures, or confined spaces into which regulated substances may have migrated. The following specific actions are required:
 - (i) Immediately notify the local fire department of the hazard.
 - (ii) Take other steps as are reasonable and prudent under the circumstances to mitigate or eliminate the hazard.
 - (iii) If initial action does not permanently abate fire and explosion hazard, then within 7 days after notice is provided under the notice under (a) of this paragraph, the owner or operator shall provide written notice to the department. The notice shall include all of the following information:
 - 1) A description of the conditions that resulted in a fire or explosion hazard.
 - 2) The date and time that notice was provided to the local fire department.
 - 3) A description of the response provided by the local fire department.
 - 4) A description of conditions which remain that may require additional action to mitigate fire or explosion hazards due to hazardous substances at the property.
 - (c) Acute inhalation hazards in the area of the release and at surface or subsurface utilities, vaults, structures, or confined spaces into which regulated substances may have migrated.
 - (d) Acute direct contact hazards.
 - (e) Existing contamination in or imminent threat to a drinking water supply. An alternative water supply shall be provided whenever contamination is present above applicable criteria in a water supply system.
 - (f) Take any other action necessary to abate an immediate threat to public health, safety, welfare, or the environment.

- (3) A person who is subject to this obligation pursuant to subsection (1) shall take the following response activities:
 - (a) Initiate the recovery of NAPL upon the observation of NAPL in an open excavation, borehole, well, or on surface water. NAPL recovery shall be conducted pursuant to section xxxxx (*NAPL recovery*).

Immediate Response Activities

- (b) Mitigate observable impacts to ecological receptors. Exceedance of a water quality standard based on acute effects shall be immediately mitigated when knowledge of the exceedance is obtained.
- (4) A person who is subject to this obligation pursuant to subsection (1) shall disclose to employees, tenants, lessees, public and private easement holders, holders of severed subsurface mineral rights or severed subsurface formations, contractors, and other affected parties, the activity and use limitations that adequately describe the precautions that must be taken or activities that cannot be conducted in order to prevent or mitigate the condition or exposure. A person who is subject to this obligation and holds the severed subsurface mineral rights or severed subsurface formation must also disclose this information to the surface owner.
- (5) When initiating immediate response activities, provide notification to the department as soon as practical without delaying the immediate response activities taken pursuant to section xxxxx (*48 hour notification*).