

Liability for a release from a licensed part 111 facility

Section XXXXX Liability for a release from a hazardous waste treatment, storage, or disposal facility regulated pursuant to part 111; corrective actions; exceptions.

- (1) The owner or operator of a hazardous waste treatment, storage, or disposal facility regulated pursuant to part 111 from which there is a release or threat of release of any contaminant as defined in MCL 324.11102(2) from any portion of the facility that is subject to the corrective action requirements of MCL 324.11115a is not liable for the performance of response activities required under section xxxxx (*Remedial Obligations*) for that release or threat of release. This exclusion does not apply to any of the following:
 - (a) A release or threat of release of any hazardous substance not included in the definition of contaminant noted above, at or emanating from any portion of the hazardous waste treatment, storage, or disposal facility.
 - (b) Any person's obligation to comply with the requirements of section xxxxx (Inquiry) or section xxxxx (Due Care).
 - (c) In the event that an owner or operator subject to the corrective action requirements of MCL 324.11115a fails to comply with those requirements, actions taken by any other person to address unacceptable risks that result from that failure constitute response activity under this part. The owner or operator subject to the corrective action requirements of MCL 324.11115a is liable for the costs of those response activities.
- (2) An owner or operator subject to the corrective action requirements of MCL 324.11115a who is also liable for a release of a hazardous substance not subject to those requirements may petition the department to address that release as a component of their performance of corrective actions pursuant to MCL 324.11115a.