

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.12111 Incidents threatening public health, safety, and welfare, or environment; duties of generator, transporter, or owner or operator of facility; exemptions.

Sec. 12111.

(1) If a fire, explosion, or discharge of liquid industrial by-product occurs that could threaten the public health, safety, and welfare, or the environment, or when a generator, transporter, or owner or operator of a designated facility first has knowledge that a spill of by-product has reached surface water or groundwater, the generator, transporter, or owner or operator of the designated facility shall take appropriate immediate action to protect the public health, safety, and welfare, and the environment, including notification of local authorities and the pollution emergency alerting system using the telephone number 800-292-4706, unless the incident is reported to this state under another state law.

(2) The generator, transporter, or owner or operator of a designated facility shall, within 30 days, prepare and maintain as part of his or her records a written report documenting the incident described in subsection (1) and the response action taken, including any supporting analytical data and cleanup activities. The report shall be provided to the department upon request. Both the initial notification, as appropriate, and the report shall include all of the following information:

- (a) The name and telephone number of the person reporting the incident.
- (b) The name, address, and telephone number of the generator, transporter, or designated facility, and the site identification number of the transporter or designated facility.
- (c) The date, time, and type of incident.
- (d) The name and quantity of liquid industrial by-product involved and discharged.
- (e) The extent of injuries, if any.
- (f) The estimated quantity and disposition of recovered materials that resulted from the incident, if any.
- (g) An assessment of actual or potential hazards to human health or the environment.
- (h) The response action taken.

(3) Incidents occurring in connection with activities regulated under part 615 or the rules, orders, or instructions under that part or regulated under part C of title XIV of the public health service act, 42 USC 300h to 300h-8, or the regulations promulgated under that act are exempt from the requirements of this section.

History: 1994, Act 451, Eff. Mar. 30, 1995 ;-- Am. 2008, Act 8, Imd. Eff. Feb. 20, 2008 ;-- Am. 2015, Act 224, Eff. Mar. 16, 2016

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