

19-6-309 Emergency provisions.

- (1)
 - (a) If the executive director has reason to believe any hazardous materials release that occurred after March 18, 1985, is presenting a direct and immediate threat to public health or the environment, the executive director may:
 - (i) issue an order requiring the owner or operator of the facility to take abatement action within the time specified in the order; or
 - (ii) bring suit on behalf of the state in the district court to require the owner or operator to take immediate abatement action.
 - (b) If the executive director determines the owner or operator cannot be located or is unwilling or unable to take abatement action, the executive director may:
 - (i) reach an agreement with one or more potentially responsible parties to take abatement action; or
 - (ii) use fund money to investigate the release and take abatement action.
- (2) The executive director may use money from the fund created in Section 19-6-307:
 - (a) for abatement action even if an adjudicative proceeding or judicial review challenging an order or a decision to take abatement action is pending; and
 - (b) to investigate a suspected hazardous materials release if he has reason to believe the release may present a direct and immediate threat to public health.
- (3) This section takes precedence over any conflicting provision in this part.

Amended by Chapter 30, 1992 General Session