

**19-6-314 Remedial investigations of priority list sites -- Parties involved -- Powers of the executive director.**

- (1) All remedial investigations conducted under the authority of this section shall:
  - (a) meet the substantive requirements of CERCLA;
  - (b) follow procedures established by the National Contingency Plan to avoid inconsistent state and federal action; and
  - (c) include recommendations for remedial action.
- (2)
  - (a) After determining that a hazardous substance release is occurring from a national priority list site or proposed national priority list site, and identifying responsible parties under Section 19-6-312, the executive director shall make reasonable efforts to reach an agreement with the identified responsible parties to conduct a remedial investigation.
  - (b) The executive director may define in the agreement the scope of the remedial investigation, the form of the report, and the time limits for completion of the investigation.
  - (c) If any responsible party fails to perform as required under an agreement entered under the authority of this section, the executive director may take action to enforce the agreement.
- (3)
  - (a) If the executive director is unable to reach an agreement with one or more responsible parties to perform a remedial investigation, the executive director may issue an order directing one or more responsible parties to perform the remedial investigation.
  - (b) The executive director may define in the order the scope of the remedial investigation, the form of the report, and the time limits for completion of the remedial investigation.
- (4)
  - (a) If the executive director is unable to obtain an agreement with one or more responsible parties to perform a remedial investigation, chooses not to order any responsible party to perform the remedial investigation, or determines that the remedial investigation performed by a responsible party does not meet the substantive requirements of CERCLA, he may direct the department to conduct or correct the remedial investigation.
  - (b) The executive director may recover the costs incurred in conducting a remedial investigation from responsible parties according to the standards contained in Section 19-6-316.

Renumbered and Amended by Chapter 112, 1991 General Session