

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

**324.21308a Initial assessment report; discovery of migrating or mobile NAPL; additional information; supporting documentation upon request.**

Sec. 21308a. (1) Within 180 days after a release has been discovered, the owner or operator that is liable under section 21323a shall complete an initial assessment report and submit the report to the department on a form created pursuant to section 21316. The report shall include the following information:

- (a) Results of initial actions taken under section 21307(2).
- (b) Site information and site characterization results. The following items shall be included as appropriate given the site conditions:
  - (i) The property address.
  - (ii) The name of the business, if applicable.
  - (iii) The name, address, and telephone number of a contact person for the owner or operator that is liable under section 21323a.
  - (iv) The time and date of release discovery.
  - (v) The time and date the release was reported to the department.
  - (vi) A site map that includes all of the following:
    - (A) The location of each underground storage tank in the leaking underground storage tank system.
    - (B) The location of any other known current or former underground storage tank system on the site.
    - (C) The location of fill ports, dispensers, and other pertinent system components for known current or former underground storage tank systems on the site.
    - (D) Soil and groundwater sample locations, if applicable.
    - (E) The locations of nearby buildings, roadways, paved areas, or other structures.
  - (vii) A description of how the release was discovered.
  - (viii) A list of regulated substances the underground storage tank system contained when the release occurred.
  - (ix) A list of the regulated substances the underground storage tank system contained in the past other than those listed in subparagraph (viii).
  - (x) The location of nearby surface waters and wetlands.
  - (xi) The location of nearby underground sewers and utility lines.
  - (xii) The component of the underground storage tank system from which the release occurred (e.g., piping, underground storage tank, overfill).
  - (xiii) Whether the underground storage tank system was emptied to prevent further release.
  - (xiv) A description of what other steps were taken to prevent further migration of the regulated substance into the soil or groundwater.
  - (xv) Whether toxic or explosive vapors or migrating or mobile NAPL was found and what steps were taken to evaluate those conditions and the current levels of toxic or explosive vapors or migrating or mobile NAPL in nearby structures.
  - (xvi) The extent to which all or part of the underground storage tank system or soil, or both, was removed.
  - (xvii) Data from analytical testing of soil and groundwater samples.
  - (xviii) A description of the mobile or migrating NAPL investigation and evaluation conducted pursuant to section 21307(2)(c) and, if the evaluation of NAPL concludes that NAPL is recoverable and removal is necessary under this part to abate an unacceptable risk pursuant to the provisions outlined in RBCA, a description of the removal, including all of the following:
    - (A) A description of the actions taken to remove any NAPL.
    - (B) The name of the person or persons responsible for implementing the NAPL removal measures.
    - (C) The estimated quantity, type, and thickness of NAPL observed or measured in wells, boreholes, and excavations.
    - (D) The type of NAPL recovery system used.
    - (E) Whether any discharge will take place on site or off site during the recovery operation and where this discharge will be located.
    - (F) The type of treatment applied to, and the effluent quality expected from, any discharge.
    - (G) The steps that have been or are being taken to obtain necessary permits for any discharge.
    - (H) The quantity and disposition of the recovered NAPL.
  - (xix) Identification of any other contamination on the site not resulting from the release and the source, if known.
  - (xx) An estimate of the horizontal and vertical extent of on-site and off-site soil contamination exceeding

the applicable RBSL for tier I sites or the applicable SSTL for tier II or tier III sites.

(xxi) The depth to groundwater.

(xxii) An identification of potential migration and exposure pathways and receptors.

(xxiii) An estimate of the amount of soil in the vadose zone that is contaminated.

(xxiv) If the on-site assessment indicates that off-site soil or groundwater may be affected, report the steps that have been taken or will be taken including an implementation schedule to expeditiously secure access to off-site properties to complete the delineation of the extent of the release if the contamination exceeds the applicable RBSL or the applicable SSTL.

(xxv) Groundwater flow rate and direction.

(xxvi) Laboratory analytical data collected. The owner or operator may elect to obtain groundwater samples utilizing a grab sample technique for initial assessment and monitoring purposes that do not represent initial delineation of the limit of contamination or closure verification sampling.

(xxvii) The vertical distribution of contaminants that exceed the applicable RBSL or applicable SSTL.

(c) Site classification under section 21314a.

(d) Tier I or tier II evaluation according to the RBCA process.

(e) A work plan, including an implementation schedule for conducting a final assessment report under section 21311a, to determine the vertical and horizontal extent of the contamination that exceeds the applicable RBSL or applicable SSTL as necessary for preparation of the corrective action plan.

(2) If migrating or mobile NAPL is discovered at a site after the submittal of an initial assessment report pursuant to subsection (1), the owner or operator that is liable under section 21323a shall do both of the following:

(a) Perform initial actions identified in section 21307(2)(c).

(b) Submit to the department an amendment to the initial assessment report within 30 days of discovery of the migrating or mobile NAPL that describes response actions taken as a result of the migrating or mobile NAPL discovery.

(3) The department shall not require any additional information beyond that required under this section to be included in an initial assessment report. The owner or operator that is liable under section 21323a shall provide supporting documentation to the data and conclusions of the initial assessment report upon request by the department.

**History:** Add. 1995, Act 22, Imd. Eff. Apr. 13, 1995;—Am. 1996, Act 116, Imd. Eff. Mar. 6, 1996;—Am. 2012, Act 110, Imd. Eff. May 1, 2012;—Am. 2012, Act 446, Imd. Eff. Dec. 27, 2012.

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