

(a) If any hazardous substance is released or there is a substantial threat of a release into the environment [that may present an imminent and substantial danger to the public health or welfare], unless the Secretary determines that a removal and remedial action will be done properly and in a timely manner by the owner or operator of the facility from which the release or threat of release emanates, or by any other responsible party, the Secretary may:

(1) Act consistent with the State Hazardous Substance Response Plan to remove or arrange for the removal of and provide for remedial action relating to the hazardous substance at any time, including its removal from any contaminated natural resources; [or]

(2) Take WHEN THE SECRETARY DETERMINES THAT THERE MAY BE AN IMMINENT AND SUBSTANTIAL ENDANGERMENT TO THE PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, TAKE any other response measure consistent with the State Hazardous Substance Response Plan that the Secretary considers necessary to protect the public health or welfare or the environment; OR

(3) ENTER ANY SITE OR FACILITY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

(b) The Department in any removal or remedial action under this subtitle may not duplicate removal or remedial actions taken under the federal act.

(C) IF ENTRY TO ENABLE THE SECRETARY TO CARRY OUT THE PROVISIONS OF THIS SECTION IS DENIED, THE SECRETARY MAY:

(I) OBTAIN A SEARCH WARRANT PURSUANT TO § 7-256.1 OF THIS SUBTITLE; OR

(II) OBTAIN AN INJUNCTION TO ENTER.

7-256.

(a) At any reasonable time, a representative of the Department or a representative of the health department of the political jurisdiction where the hazardous substance facility is located may enter any hazardous substance facility:

(1) To inspect the hazardous substance facility;

(2) To obtain water, WASTE, SOIL, OR AIR samples;

(3) To drill test wells; and

(4) To measure the volume and kinds of substances that are received, treated, stored, or disposed of.