

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

~~{(c)}~~ ~~(D)~~ If entry to enable the Secretary to carry out the provisions of this section is denied, the Secretary may:

- (1) Obtain a search warrant pursuant to § 7-256.1 of this subtitle; or
- (2) Obtain an injunction to enter.

~~(E) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.~~

(D) (1) ON OR AFTER OCTOBER 1, 2009, A RESPONSIBLE PERSON THAT POSSESSES A SAMPLE RESULT OR OTHER ENVIRONMENTAL ASSESSMENT THAT INDICATES THE RELEASE OF A HAZARDOUS SUBSTANCE INTO THE ENVIRONMENT, AT OR ABOVE A THRESHOLD ESTABLISHED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, SHALL REPORT THE FINDING IMMEDIATELY TO THE DEPARTMENT.

(2) IN DETERMINING A REPORTABLE THRESHOLD OF A RELEASE OF A HAZARDOUS SUBSTANCE, THE DEPARTMENT SHALL CONSIDER:

- (I) THE QUANTITY OF A HAZARDOUS SUBSTANCE;
- (II) THE ASSOCIATED RISK FACTORS OF A HAZARDOUS SUBSTANCE; AND
- (III) ANY OTHER FACTOR DETERMINED NECESSARY BY THE DEPARTMENT.

(3) ON OR BEFORE JUNE 30, 2009, THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, April 8, 2008.