START\_STATUTE49-286.  Mitigation of non-hazardous releases

A.  If the director determines that a drinking water source is being or is about to be rendered unusable without treatment as a drinking water source by a non-hazardous substance that was disposed by a person that would be a responsible party under section 49‑283 if the substance were a hazardous substance, the director may order that person to perform one or more of the following mitigation measures:

1.  Providing an alternative water supply.

2.  Mixing or blending if economically practicable.

3.  Economically and technically practicable treatment before ingesting the water.

4.  Such other mutually agreeable mitigation measures as are necessary to achieve the purposes of this section.

B.  The director's selection of mitigation measures shall balance the short‑term and long‑term public benefits of mitigation with the cost of each alternative measure.  The director may only require the least costly alternative if more than one alternative may render water usable as a drinking water source.

C.  A mitigation order issued under this section is enforceable under sections 49‑261 and 49‑264. END\_STATUTE