

Disclosure and Notices

324.XXXXX Requirements for disclosures and notices; notice of environmental contamination; transfer of interest in real property; dissolution.

- (1) All disclosures and notices required under this part made to a person other than the department shall satisfy all of the following:
 - (a) Be provided on a form created pursuant to section xxxxx [*MDEQ Authorities*], if applicable;
 - (b) Unless specifically provided otherwise, be provided to the person by a means that provides proof of delivery.
 - (c) If the person to whom the disclosure is required to be made is not an individual, then the notice or disclosure shall be provided to the chief executive officer of the corporation, the managing member of a limited liability company, or the registered agent for the corporation or limited liability company.

- (2) Prior to the transfer of an interest in property, a person who owns property and has knowledge that a facility exists on the property shall record a notice of environmental contamination on a form created pursuant to section xxxxx [*MDEQ Authorities*] with the register of deeds for the county in which the property is located. Proof that the notice required under this subsection has been filed with the register of deeds shall be provided to the department within 30 days of filing the notice with the register of deeds. A person is not required to record the notice of environmental contamination if a substantially similar notice has already been recorded on the deed to the property in question.

- (3) The owner of real property for which a notice required in subsection (2) has been recorded may, upon completion of appropriate response activities, seek a determination from the department that the property is no longer a facility or that a facility no longer exists on the property. Upon concurrence that a facility no longer exists, the department will issue a written determination that may be recorded with the register of deeds for the county in which the property is located. A person seeking a department determination under this section shall provide all documentation that the department determines necessary to make a determination under this subsection.

- (4) A person who has knowledge or information or is on notice through a recorded instrument that a parcel of his or her real property is a facility, shall not transfer an interest in that real property unless he or she provides written notice that the real property is a facility and has disclosed to the purchaser or other persons to which the interest is transferred all information concerning (5)(a) through (e) known to the person transferring the interest:
 - (a) The environmental conditions at the property.
 - (b) The nature and extent of the environmental contamination at the property.
 - (c) The risks to public health, safety, and welfare, and the environment posed by the environmental contamination at the property.
 - (d) The activities currently being conducted to comply with the requirements of sections xxxxx [*Remedial Obligations*] and xxxxx [*Due Care Obligations*], as applicable.
 - (e) Any activity and use limitations that apply to that real property as a part of response activity that has been or is being implemented in compliance with this part.

- (5) Upon request of a person to whom information is provided through a notice or disclosure required under this part, the owner or operator of the property who provided the notice or disclosure shall provide all information in their possession about the environmental contamination at the property.
- (6) A person who is liable under this part and is eligible to dissolve under the provisions of the business corporation act of 1972, 1972 PA 284, as amended, Michigan Compiled Laws (MCL) 450.4101 et seq., of the or section 806(4) of the Michigan limited liability company act of 1993, 1993 PA 23, as amended, MCL 450. 1101 et seq., shall provide notice to the department director upon dissolution, regardless of the action or inaction that resulted in the dissolution. Notices provided under this subsection shall:
 - (a) Identify that the notice is being provided in accordance with this part;
 - (b) Include the information required under section MCL 450.1841a(1) or section 450.4806(1), as applicable; and
 - (c) Indentify all properties within the state owned or operated by the person.