

1 (2) “Release” means any intentional or unintentional action or omission
2 that results in the spilling, leaking, pumping, pouring, emitting, emptying,
3 dumping, or disposing of a toxic substance into the air, onto the land, into a
4 surface water, or into groundwater.

5 (3) “Toxic substance” means any substance, mixture, or compound that
6 has the capacity to produce personal injury or illness to humans through
7 ingestion, inhalation, or absorption through any body surface and that satisfies
8 one or more of the following:

9 (A) the substance, mixture, or compound is listed on the U.S.
10 Environmental Protection Agency Consolidated List of Chemicals Subject to
11 the Emergency Planning and Community Right To-Know Act, Comprehensive
12 Environmental Response, Compensation and Liability Act, and Section 112(r)
13 of the Clean Air Act;

14 (B) the substance, mixture, or compound is defined as a “hazardous
15 material” under 10 V.S.A. § 6602 or under rules adopted under 10 V.S.A.
16 chapter 159;

17 (C) biological testing has produced evidence, recognized by the
18 National Institute for Occupational Safety and Health or the U.S.
19 Environmental Protection Agency, that the substance, mixture, or compound
20 poses acute or chronic health hazards;

- 1 (D) the Department of Health has issued a public health advisory for
- 2 the substance, mixture, or compound; or
- 3 (E) the Secretary of Natural Resources has designated the substance,
- 4 mixture, or compound as a hazardous waste under 10 V.S.A. chapter 159.