

SENATE BILL NO. 609

October 24, 2023, Introduced by Senators MCCANN, IRWIN, SHINK, MCMORROW, MOSS, BAYER, GEISS, POLEHANKI, CHANG and SANTANA and referred to the Committee on Energy and Environment.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20140 (MCL 324.20140), as amended by 2000 PA 254.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 20140. (1) Except as provided in subsections (2) and (3),
- 2 the limitation period for filing actions under this part is as
- 3 follows:
- 4 (a) For the recovery of response activity costs and natural

1 resources damages ~~pursuant to~~**under** section 20126a(1) (a), (b), or
2 (c), within 6 years ~~of~~**after** initiation of physical on-site
3 construction activities for the remedial action selected or
4 approved by the department at a facility, except as provided in
5 ~~subdivision~~**subdivisions (b) and (d)**.

6 (b) For 1 or more subsequent actions for recovery of response
7 activity costs ~~pursuant to~~**under** section 20126, at any time during
8 the response activity, if commenced not later than 3 years after
9 the date of completion of all response activity at the facility.

10 (c) For civil fines under this part, within 3 years after
11 discovery of the violation for which the civil fines are assessed.

12 (d) **For an action seeking natural resources damages or**
13 **recovery of response activity costs related to a hazardous**
14 **substance that was not regulated by this state or the federal**
15 **government as a hazardous substance on or before July 1, 1994,**
16 **within 6 years after initiation of physical on-site construction**
17 **activities for a remedial action selected or approved by the**
18 **department to address the previously unregulated hazardous**
19 **substance.**

20 (2) ~~For~~**Except for natural resources damages related to a**
21 **hazardous substance that was not regulated by this state or the**
22 **federal government on or before July 1, 1994, for the** recovery of
23 natural resources damages that accrued ~~prior to~~**before** July 1,
24 1991, the limitation period for filing actions under this part is
25 July 1, 1994.

26 (3) For recovery of response activity costs that were incurred
27 ~~prior to~~**before** July 1, 1991, the limitation period for filing
28 actions under this part is July 1, 1994.

29 (4) Subsection (3) is curative and intended to clarify the

1 original intent of the legislature and applies retroactively.