

Limitation Periods

324.XXXXX Limitation Periods

- (1) Except as provided in subsections (2), (3), and (4), the limitation periods for filing actions under this part are as follows:
 - (a) For the recovery of response activity costs pursuant to sections xxxxx [*Civil Actions – State*] and section xxxxx [*Civil Actions – Non-State*], within 6 years after the response activity costs sought in the action are incurred by the person performing the response activities.
 - (b) For the recovery of natural resource damages pursuant to section xxxxx [*Civil Actions - State*], within 6 years of completion of the response activities for the facility that meet the requirements of a controlled risk category pursuant to section xxxxx (*Remedial Obligations*). For purposes of this subsection, completion of the response activities shall mean that all physical components of the response activities have been constructed, have been demonstrated to be functioning effectively, are capable of meeting the requirements applicable for the category cleanup, and the department has been notified in writing that the person performing the response activities believes that the requirements of the clean up category at the facility has been achieved.
 - (c) For a contribution action for response activity costs or natural resource damages within 6 years of:
 - (i) The date of judgment against the person bringing the action under this part for recovery of such response activity costs or natural resource damages.
 - (ii) The date of an administrative order under section xxxxx [*Administrative Actions – Written Demands and Administrative Orders*] of this part issued against the person bringing the action.
 - (iii) Entry by the person bringing the action under this part of a judicially approved settlement, or a voluntary settlement with respect to such response activity costs or natural resource damages.
 - (d) Civil fines for violations under this part may be sought for a period beginning no more than 6 years preceding any action seeking civil fines.
 - (e) Administrative penalties for violations under this part may be sought for a period of no more than 6 years preceding any administrative action seeking administrative penalties.
 - (f) For injunctive relief in an action, there shall be no statute of repose or statute of limitations; and injunctive relief can be sought at any time, as long as a facility, as defined in this part, exists.
- (2) For recovery of natural resources damages that accrued prior to July 1,1991, the limitation period for filing actions under this part was July 1,1994.
- (3) For recovery of response activity costs that were incurred prior to July 1,1991, the limitation period for filing actions under this part was July 1,1994.
- (4) For response activity costs incurred after July 1,1991, but prior to the effective date of this part, the limitation period for filing an action under this part shall be the

time period set forth in subsection (1)(a) or 6 years from the effective date of this part, whichever is later.

- (5) For purposes of this section a response activity cost is incurred on the date it is paid by a plaintiff who performs the response activity.