

**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)**  
**Act 451 of 1994**

**324.21323 Commencement of civil action by attorney general; return or retention of federal funds.**

Sec. 21323. (1) The attorney general may, on behalf of the department, commence a civil action seeking any of the following:

- (a) A temporary or permanent injunction.
- (b) Recovery of all costs incurred by the state for taking corrective action.
- (c) Damages for the full injury done to the natural resources of this state along with enforcement and litigation costs incurred by the state.
- (d) Declaratory judgment on liability for future corrective action costs.
- (e) Subject to section 21313a, a civil fine of not more than \$10,000.00 for each underground storage tank system for each day of noncompliance with a requirement of this part or a rule promulgated under this part. A fine imposed under this subdivision shall be based upon the seriousness of the violation and any good faith efforts by the violator to comply with the part or rule.
- (f) A civil fine of not more than \$25,000.00 for each day of noncompliance with a corrective action order issued pursuant to this part. A fine imposed under this subdivision shall be based upon the seriousness of the violation and any good faith efforts by the violator to comply with the corrective action order.
- (g) Recovery of funds provided to the state from the United States environmental protection agency's leaking underground storage tank trust fund.

(2) A civil action brought under subsection (1) may be brought in the circuit court for the county where the release occurred or for the county where the defendant resides.

(3) The state may, when appropriate, return to the United States environmental protection agency any federal funds recovered under this part. The state may also retain any federal funds recovered under this part in a separate account for use in implementing this part, with such use subject to approval of the United States environmental protection agency.

**History:** 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1995, Act 22, Imd. Eff. Apr. 13, 1995;—Am. 2012, Act 112, Imd. Eff. May 1, 2012.

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