

**INCREASE WATER POLLUTION
PENALTIES**

House Bill 4007

Sponsor: Rep. Edward Gaffney

Committee: Land Use and Environment

Complete to 1-28-03

A SUMMARY OF HOUSE BILL 4007 AS INTRODUCED 1-8-03

House Bill 4007 would amend the Natural Resources and Environmental Protection Act to increase the penalties for water pollution violations, doubling the minimum and maximum penalties.

More specifically, following an action brought by the attorney general under the law, a court has jurisdiction to restrain the violation and to require compliance. Further, a court is required to impose a civil fine of not less than \$2,500 and may award reasonable attorney fees and costs to the prevailing party; however, the maximum fine imposed cannot be more than \$25,000. House Bill 4007 would increase the civil fine to not less than \$5,000, and increase the maximum allowable fine to \$50,000.

Further, the law specifies that a person who knows or should have known that he or she discharged a substance into the water contrary to a permit, order, rule or stipulation, or who intentionally makes a false statement, or renders inaccurate a monitoring device is guilty of a felony and must be fined not less than \$2,500 and not more than \$25,000 for each violation. In addition, the court can impose an additional fine of not more than \$25,000 for each day during which the unlawful discharge occurs. However, the law specifies that if the conviction is for a violation following a first conviction, then the court must impose a fine of not less than \$25,000 per day, and not more than \$50,000 per day of violation. House Bill 4007 would double all of these fines, to not less than \$5,000 or more than \$50,000 for each violation; additionally not more than \$50,000 for each day the unlawful discharge occurred; and, following a first conviction, not less than \$50,000 per day, and not more than \$100,000 per day of violation.

In addition, current law specifies that upon a finding by the court that the actions of a *civil* defendant poses a substantial endangerment to the public health, safety, or welfare, the court must impose, in addition, a fine of not less than \$500,000 and not more than \$5,000,000. House Bill 4007 would double these amounts, so that the court would be required to impose an additional fine of not less than \$1 million and not more than \$10 million. Current law also specifies that upon a finding by the court that the actions of a *criminal* defendant poses a substantial endangerment to the public health, safety, or welfare, then a court must impose a fine of not less than \$1 million, and in addition to the fine, a sentence of five years imprisonment. House Bill 4007 would require a fine of not less than \$2 million and five years imprisonment.

MCL 324.3115

Analyst: J. Hunault