

**SUBSTITUTE FOR
SENATE BILL NO. 783**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 11546 (MCL 324.11546), as amended by 2004 PA
41.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11546. (1) The department or a health officer may request
2 that the attorney general bring an action in the name of the people
3 of the state, or a municipality or county may bring an action based
4 on facts arising within its boundaries, for any appropriate relief,
5 including injunctive relief, for a violation of this part or rules
6 promulgated under this part.

7 (2) In addition to any other relief provided by this section,
8 the court may impose on any person who violates any provision of

1 this part or rules promulgated under this part or who fails to
2 comply with any permit, license, or final order issued pursuant to
3 this part a civil fine as follows:

4 (a) Except as provided in subdivision (b), a civil fine of not
5 more than \$10,000.00 for each day of violation.

6 (b) For a second or subsequent violation, a civil fine of not
7 more than \$25,000.00 for each day of violation.

8 (3) In addition to any other relief provided by this section,
9 the court may order a person ~~violating~~ **WHO VIOLATES** this part or
10 the rules promulgated under this part ~~either~~ to restore, or to
11 pay to the state an amount equal to the cost of restoring, the
12 natural resources of this state affected by the violation to their
13 original condition before the violation, and to pay to the state
14 the costs of surveillance and enforcement incurred by the state as
15 a result of the violation.

16 (4) **IN ADDITION TO ANY OTHER RELIEF PROVIDED BY THIS SECTION,**
17 **THE COURT SHALL ORDER A PERSON WHO VIOLATES SECTION 11526E TO**
18 **RETURN, OR TO PAY TO THE STATE AN AMOUNT EQUAL TO THE COST OF**
19 **RETURNING, THE SOLID WASTE THAT IS THE SUBJECT OF THE VIOLATION TO**
20 **THE COUNTRY IN WHICH THAT WASTE WAS GENERATED.**

21 (5) ~~—(4)—~~ This part does not preclude any person from
22 commencing a civil action based on facts that may also constitute a
23 violation of this part or the rules promulgated under this part.

24 Enacting section 1. This amendatory act does not take effect
25 unless House Bill No. 5176 of the 93rd Legislature is enacted into
26 law.