

SUBSTITUTE FOR
HOUSE BILL NO. 4043

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 1511.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1511. (1) SUBJECT TO SUBSECTION (2) AND NOTWITHSTANDING
2 ANY OTHER PROVISION OF THIS ACT, BEFORE INITIATING A CIVIL
3 ENFORCEMENT ACTION UNDER THIS ACT AGAINST A PERSON HOLDING A
4 PERMIT, THE DEPARTMENT SHALL CONTACT THE PERMITTEE AND EXTEND AN
5 OFFER FOR STAFF OF THE DEPARTMENT TO MEET WITH THE PERSON TO
6 DISCUSS THE POTENTIAL CIVIL ENFORCEMENT ACTION AND POTENTIAL
7 RESOLUTION OF THE ISSUE. IF THE PERMITTEE AGREES TO MEET WITH THE
8 DEPARTMENT, THE DEPARTMENT SHALL NOT INITIATE A CIVIL ENFORCEMENT
9 ACTION UNTIL AFTER THE MEETING IS HELD, UNLESS THE MEETING IS NOT
10 HELD WITHIN A REASONABLE TIME AS DETERMINED BY THE DEPARTMENT.

1 (2) SUBSECTION (1) DOES NOT APPLY UNDER ANY OF THE FOLLOWING
2 CIRCUMSTANCES:

3 (A) THE CIVIL ENFORCEMENT ACTION IS A CIVIL INFRACTION ACTION.

4 (B) THE DEPARTMENT DETERMINES THAT THE VIOLATION THAT IS THE
5 SUBJECT OF THE POTENTIAL CIVIL ENFORCEMENT ACTION CONSTITUTES AN
6 IMMINENT AND SUBSTANTIAL ENDANGERMENT OF THE PUBLIC HEALTH, SAFETY,
7 OR WELFARE OR OF THE ENVIRONMENT.

8 (3) AS USED IN THIS SECTION:

9 (A) "DEPARTMENT" MEANS THE DEPARTMENT, AGENCY, OR OFFICER
10 AUTHORIZED BY THIS ACT TO APPROVE OR DENY AN APPLICATION FOR A
11 PERMIT.

12 (B) "PERMIT" MEANS A PERMIT OR OPERATING LICENSE ISSUED UNDER
13 THIS ACT.