

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

324.30111d Issuance of written emergency order; violation of Part 301.

Sec. 30111d. (1) The director of the department may issue a written emergency order that requires any person that the department determines to be in violation of this part to take emergency action necessary to prevent significant harm to public health, safety, welfare, property, or natural resources or the public trust in natural resources. The emergency action may include, but is not limited to, immediate repair or removal of a structure or fill owned by the person and located on bottomlands. This subsection does not expand the department's authority under part 315 as limited by section 31506(2)(a). If a person fails to comply with an order under this subsection, or is unavailable or unable to be contacted, the department may take the action necessary and may recover the costs incurred from that person in a civil action in a court of competent jurisdiction. The director of the department may modify an emergency order. The director of the department may terminate an emergency order upon a determination in writing that all necessary emergency actions have been completed and that an emergency no longer exists.

(2) Within 15 days after the director of the department issues an emergency order to a person under subsection (1), the department shall provide the person with an opportunity for a hearing pursuant to chapter 4 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.288. At the hearing, the director of the department shall determine, based on information and fact, if the emergency order must be continued, modified, suspended, or terminated as necessary for or consistent with the protection of public health, safety, welfare, property, or natural resources or the public trust in natural resources.

(3) Before taking action to recover costs incurred under subsection (1), the department shall consider any evidence, provided by the person liable for the costs, that the person is unable to pay the costs.

History: Add. 2024, Act 102, Eff. Apr. 2, 2025.

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