

**SUBSTITUTE FOR
SENATE BILL NO. 500**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 11546 and 11549 (MCL 324.11546 and
324.11549).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1 to this part a civil fine as follows:

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

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

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

14 (4) A person who does any of the following is responsible for
15 a state civil infraction and may be ordered to pay a civil fine
16 of not more than \$5,000.00 or, for a second or subsequent
17 violation of the same statutory provision or rule promulgated
18 thereunder, not more than \$10,000.00:

19 (a) Operates a solid waste transport vehicle in violation of
20 section 11527 or 11528 or related rules promulgated under this
21 part.

22 (b) Delivers waste for disposal in violation of section
23 11514(2)(a) or (3).

24 (c) Permits the disposal of waste in violation of section
25 11514(2)(a) or (d) or (3)(a), (b), (e), (f), or (h).

26 (d) Transports or disposes of waste in violation of an order
27 issued by the director under section 11526c.

1 (e) Conducts open burning in violation of this part or
2 related rules promulgated under this part.

3 (f) Disposes of solid waste in an open dump, as defined in R
4 299.4104 of the Michigan administrative code, in violation of
5 this part or related rules promulgated under this part.

6 (5) A person who delivers waste for disposal or who permits
7 the disposal of waste in violation of section 11514(2)(b) or (c)
8 is responsible for a state civil infraction and may be ordered to
9 pay a civil fine of not more than \$100.00 or, for a second or
10 subsequent violation, not more than \$500.00.

11 (6) ~~(4)~~ This part does not preclude any person from
12 commencing a civil action based on facts that may also constitute
13 a violation of this part or the rules promulgated under this
14 part.

15 Sec. 11549. ~~A~~ Except as provided in section 11546(4) and
16 (5), a person who violates this part, a rule promulgated under
17 this part, or a condition of a permit, license, or final order
18 issued pursuant to this part is guilty of a misdemeanor
19 punishable by a fine of not more than \$1,000.00 for each
20 violation and costs of prosecution and, if in default of payment
21 of fine and costs, imprisonment for not more than 6 months. Each
22 day upon which a violation occurs is a separate offense.

23 Enacting section 1. This amendatory act does not take
24 effect unless all of the following bills of the 92nd Legislature
25 are enacted into law:

26 (a) Senate Bill No. 98.

27 (b) Senate Bill No. 497.

- 1 (c) Senate Bill No. 498.
- 2 (d) Senate Bill No. 502.
- 3 (e) Senate Bill No. 505.