

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2011**

Introduced by Reps. MacMaster, Shirkey, Tyler and Somerville

ENROLLED HOUSE BILL No. 4043

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," (MCL 324.101 to 324.90106) by adding section 1511.

The People of the State of Michigan enact:

Sec. 1511. (1) Subject to subsection (2) and notwithstanding any other provision of this act, before initiating a civil enforcement action under this act against a person holding a permit, the department shall contact the permittee and extend an offer for staff of the department to meet with the person to discuss the potential civil enforcement action and potential resolution of the issue. If the permittee agrees to meet with the department, the department shall not initiate a civil enforcement action until after the meeting is held, unless the meeting is not held within a reasonable time as determined by the department.

(2) Subsection (1) does not apply under any of the following circumstances:

(a) The civil enforcement action is a civil infraction action.

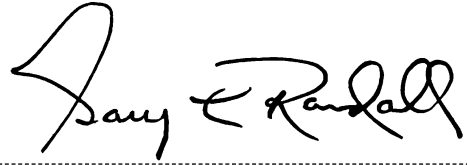
(b) The department determines that the violation that is the subject of the potential civil enforcement action constitutes an imminent and substantial endangerment of the public health, safety, or welfare or of the environment.

(3) As used in this section:

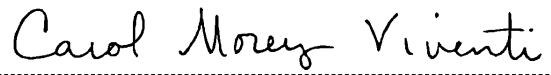
(a) "Department" means the department, agency, or officer authorized by this act to approve or deny an application for a permit.

(b) "Permit" means a permit or operating license issued under this act.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor