

**SUBSTITUTE FOR
HOUSE BILL NO. 4783**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 11546 (MCL 324.11546), as amended by 2006 PA
56.

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~~ **\$20,000.00** for each day of violation.

6 (b) For a second or subsequent violation, a civil fine of not
7 more than ~~\$25,000.00~~ **\$40,000.00** for each day of violation.

8 (3) In addition to any other relief provided by this section,
9 the court may order a person who violates this part or the rules
10 promulgated under this part to restore, or to pay to the state an
11 amount equal to the cost of restoring, the natural resources of
12 this state affected by the violation to their original condition
13 before the violation, and to pay to the state the costs of
14 surveillance and enforcement incurred by the state as a result of
15 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) This part does not preclude any person from commencing a
22 civil action based on facts that may also constitute a violation of
23 this part or the rules promulgated under this part.

24 Enacting section 1. This amendatory act takes effect 90 days
25 after the date it is enacted into law.