

HOUSE BILL No. 6160

September 9, 2004, Introduced by Reps. Koetje, Tabor and Farhat and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 30112 (MCL 324.30112), as added by 1995 PA
59.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 30112. (1) The department may commence a civil action
2 in the circuit court of the county in which a violation occurs to
3 enforce compliance with this part, to restrain violation of this
4 part or any action contrary to an order of the department denying
5 a permit, **or** to enjoin the further performance of ~~—, or order the~~
6 ~~removal of,~~ any project that is undertaken contrary to this part
7 or after denial of a permit by the department. ~~—, or to order the~~
8 ~~restoration of the affected area to its prior condition.~~

9 (2) In a civil action commenced under this part, the circuit
10 court, in addition to any other relief granted, may assess a

1 civil fine of not more than \$5,000.00 per day for each day of
2 violation.

3 (3) Except as provided in subsection ~~-(4)-~~ (5), a person who
4 violates this part or a permit issued under this part is guilty
5 of a misdemeanor, punishable by a fine of not more than
6 \$10,000.00 per day for each day of violation.

7 (4) In addition to the sanctions provided under subsections
8 (1), (2), and (3), the court may order a person who violates this
9 part to do either or both of the following:

10 (a) Remove a project undertaken contrary to this part or
11 offer denial of a permit by the department.

12 (b) Restore as nearly as possible the area affected by the
13 violation to its original condition immediately before the
14 violation. The restoration may include the removal of all fill
15 material or the replacement of soil, sand, or minerals.

16 (5) ~~-(4)-~~ A person who commits a minor offense is guilty of a
17 misdemeanor, punishable by a fine of not more than \$500.00 for
18 each violation. A law enforcement officer may issue and serve an
19 appearance ticket upon a person for a minor offense pursuant to
20 sections 9a to 9g of chapter IV of the code of criminal
21 procedure, ~~Act No. 175 of the Public Acts of 1927, being~~
22 ~~sections 764.9a to 764.9g of the Michigan Compiled Laws 1927 PA~~
23 **175, MCL 764.9a to 764.9g.**

24 (6) ~~-(5)-~~ A person who knowingly makes a false statement,
25 representation, or certification in an application for a permit
26 or in a notice or report required by a permit, or a person who
27 knowingly renders inaccurate any monitoring device or method

1 required to be maintained by a permit, is guilty of a
2 misdemeanor, punishable by a fine of not more than \$10,000.00 per
3 day for each day of violation.

4 (7) ~~-(6)-~~ Any civil penalty assessed, sought, or agreed to by
5 the department shall be appropriate to the violation.