

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994
Part 15
ENFORCEMENT

324.1501 Conservation officers as peace officers; powers, privileges, prerogatives, and immunities.

Sec. 1501.

Conservation officers appointed by the department and trained and certified pursuant to the Michigan law enforcement officers training council act of 1965, Act No. 203 of the Public Acts of 1965, being sections 28.601 to 28.616 of the Michigan Compiled Laws, are peace officers, and except as otherwise provided by law, are vested with all the powers, privileges, prerogatives, and immunities conferred upon peace officers as provided in this act, in Act No. 109 of the Public Acts of 1986, being sections 300.21 to 300.22 of the Michigan Compiled Laws, and in the general laws of this state.

History: 1994, Act 451, Eff. Mar. 30, 1995

Popular Name: Act 451

Popular Name: NREPA

324.1502 Service and execution of criminal process; fees.

Sec. 1502.

Except as otherwise provided by law, conservation officers appointed by the department have the same power to serve criminal process and to require aid in executing criminal process as sheriffs, and are entitled to the same fees as sheriffs in performing those duties under this act, under Act No. 109 of the Public Acts of 1986, being sections 300.21 to 300.22 of the Michigan Compiled Laws, and under the general laws of this state.

History: 1994, Act 451, Eff. Mar. 30, 1995

Popular Name: Act 451

Popular Name: NREPA

324.1505 Inspection; sampling process; exceptions; report; explanation and reasons; opportunity to provide comments; "department" defined.

Sec. 1505.

(1) The department shall use a fair and equitable sampling process to select persons whose operations or facilities will be inspected.

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

(a) An inspection performed in response to a complaint from a third party.

(b) An inspection performed because the department has evidence that a violation has occurred.

(c) A follow-up inspection to determine whether violations identified in a previous inspection have been corrected.

(d) An inspection required for the issuance of a permit.

(e) Any inspection otherwise required under state or federal law.

(3) The department shall annually submit to the legislature a report on all of the following:

(a) The methods used to comply with this section.

(b) The number of inspections subject to subsection (1) and the number of inspections described in subsection (2) that were performed by the department during the prior year.

(4) Before conducting an inspection under this act, the department shall provide the person whose operation or facility will be inspected with both of the following:

(a) An explanation of the person's rights and responsibilities with respect to the inspection.

- (b) The reasons for conducting the inspection.
- (5) After conducting an inspection under this act, the department shall give the person whose operation or facility was inspected an opportunity to provide comments to the department on the quality of the inspection and the professionalism of the inspector.
- (6) As used in this section, "department" means the department of environmental quality.

History: Add. 2011, Act 235, Imd. Eff. Dec. 1, 2011

Popular Name: Act 451

Popular Name: NREPA

324.1511 Written list of violations; meeting to discuss potential civil enforcement action and potential resolution; requirement; exception; definitions.

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, the department shall do both of the following:

(a) Beginning May 1, 2019, provide the person in writing a list of each specific provision of statute, rule, or permit that the person is alleged to have violated and a statement of the facts constituting the violation.

(b) Contact the person 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 person 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 of not less than 60 days.

(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.

History: Add. 2011, Act 237, Imd. Eff. Dec. 1, 2011 ;-- Am. 2018, Act 631, Eff. Mar. 29, 2019

Popular Name: Act 451

Popular Name: NREPA