

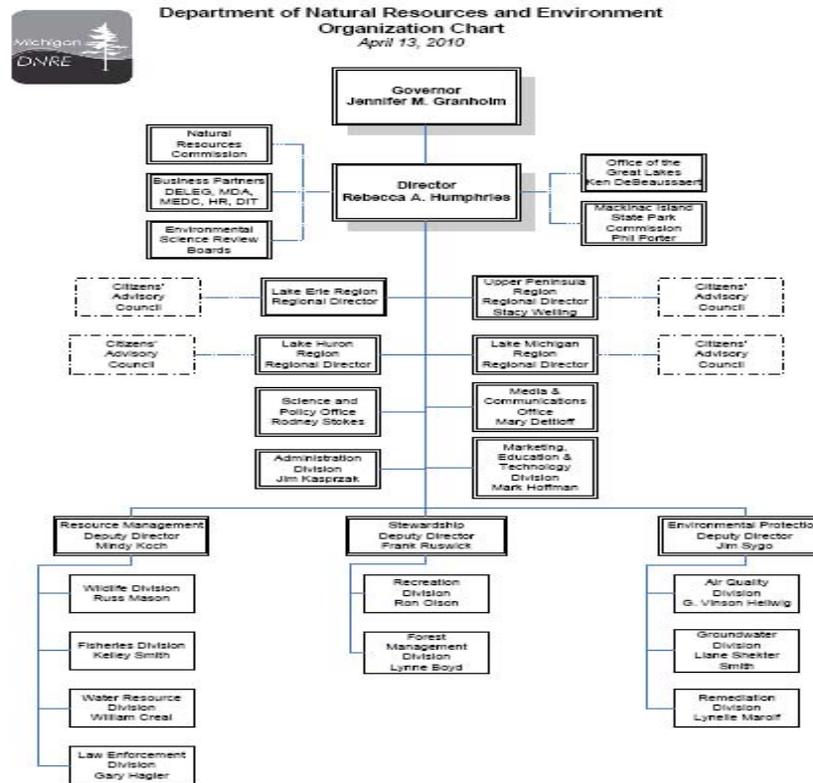
# Enforcement Overview



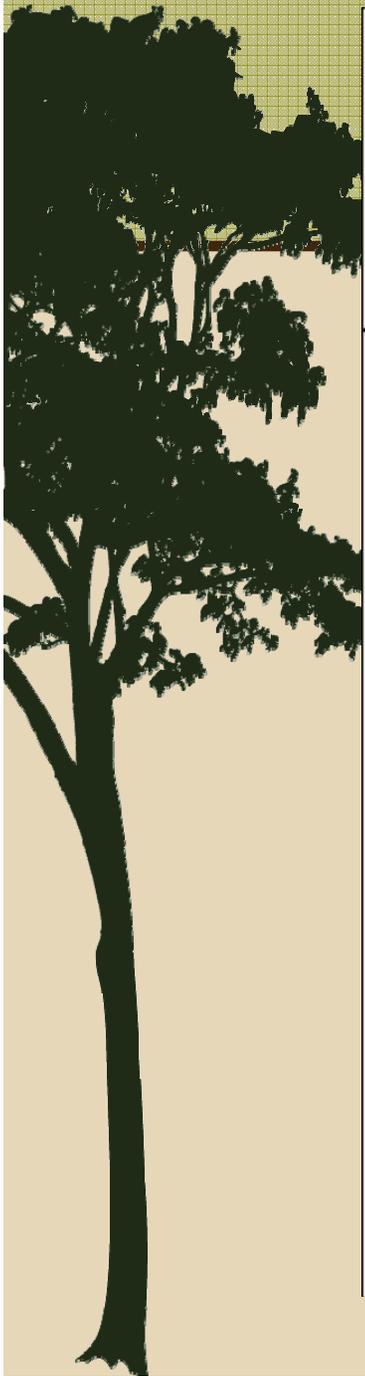
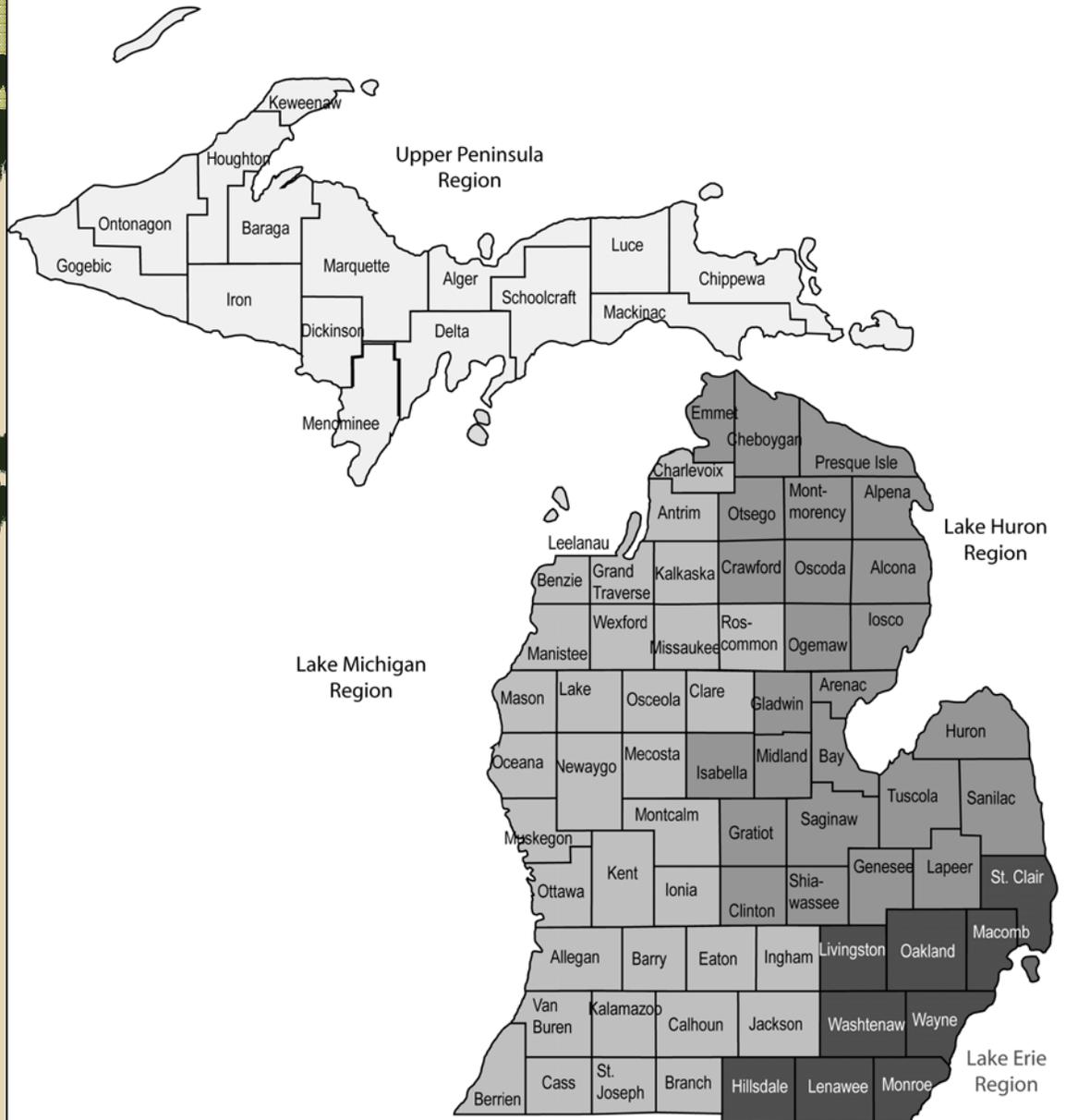
2010 Michigan Environmental Compliance Conference

Michigan Department of Natural Resources and Environment  
[www.michigan.gov/dnre](http://www.michigan.gov/dnre)

# MDNRE Organizational Structure



# DNRE Management Regions



# Key Regulatory Offices and Divisions



- Air Quality
- Remediation
- Groundwater
- Water Resource
- Law Enforcement
- Legal Services

# Regulatory Programs



- Air Quality Stationary sources, asbestos, and dry cleaners
- Remediation Brownfields, storage tanks, and contaminated site investigation and cleanup
- Groundwater Solid and hazardous waste, scrap tires, oil and gas, radioactive waste, and mining

# Regulatory Programs



- Water Resource

Surface and groundwater discharges, wetlands, nonpoint source discharges, inland lakes and streams

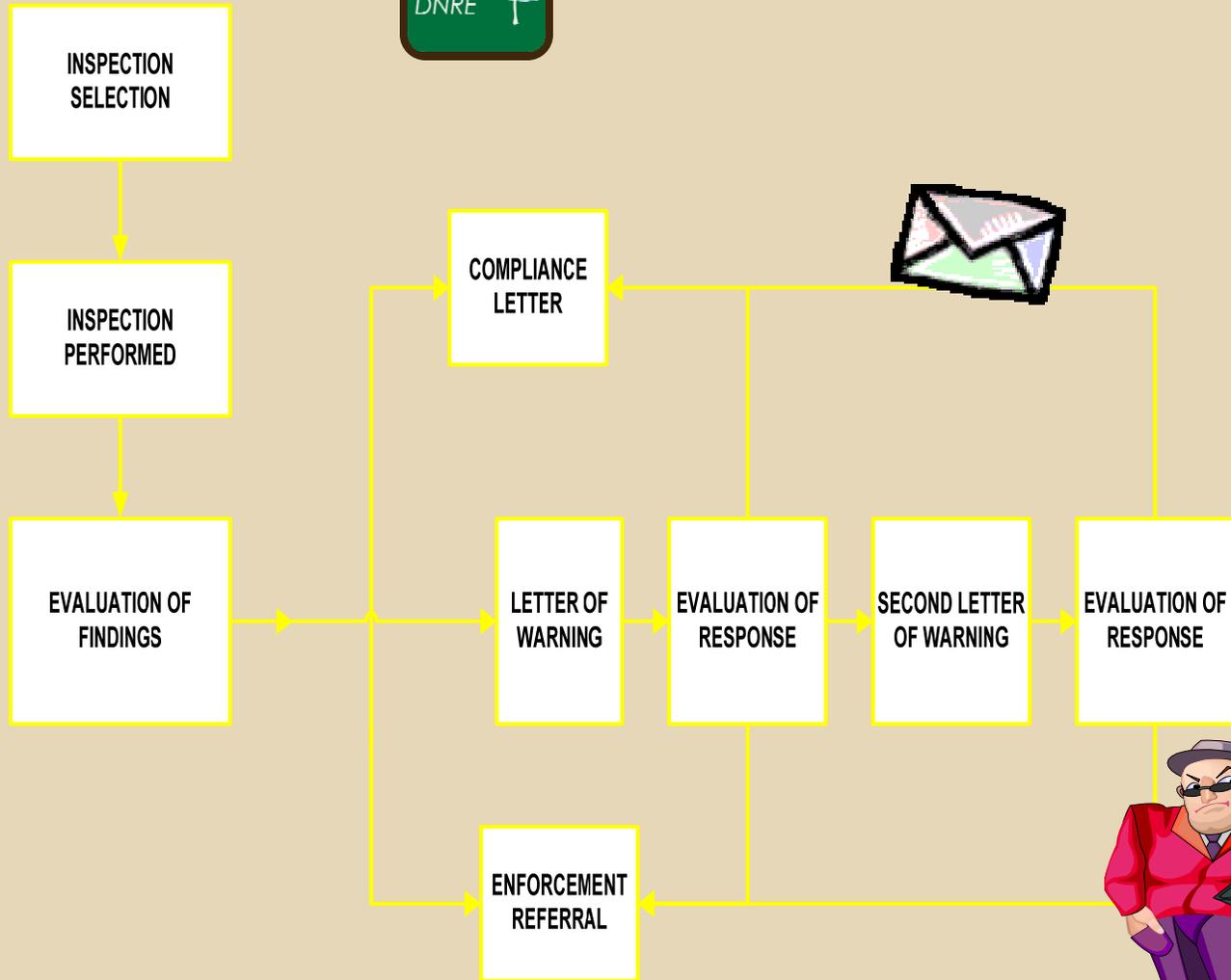
- Legal Services

High profile and/or and multimedia enforcement cases

- Law Enforcement

Criminal investigations

# Field Components: Compliance and Enforcement Process



# Inspection Selection



- Discretion of field inspector, district supervisor, multimedia coordinator, Department of Attorney General, and/or Office of Science and Policy
- Based on statute, policy, or in response to a complaint
- Monthly district review meetings

# Inspection Performed



- Unannounced and can consist of one multimedia inspection or several separate program inspections
- Are documented with a written report which may contain sketches and photographs (if necessary)

# Evaluation of Response



- Compliance letters and violation notices may require a response
- Response evaluated by Department
- Acceptable responses managed by inspecting entity
- Unacceptable or non-response may be referred for additional enforcement

# Evaluation of Findings



- Results of inspection evaluated by Department
- Considerations include:
  - previous inspection results
  - ongoing violations
  - corrective actions
  - cooperation

# Preparation of Response

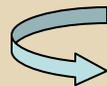


- Directly related to results of inspection
  - compliance letter  
(no action required)
  - violation notice  
(first written notice)
  - enforcement referral  
(impending legal action)

# Enforcement Process

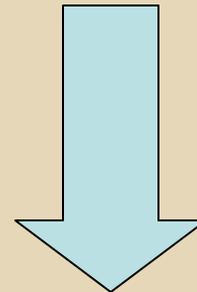


- Inspection
- Verbal notice
- Violation notice



Fast Track Orders

- Referral for civil/administrative action and/or criminal prosecution
- Parallel proceedings



# Enforcement Process



- Once case referred:
  - Escalation letter
  - Administrative Consent Order (ACO)
  - Referral to Department of Attorney General and/or U.S. Environmental Protection Agency

# Enforcement Process



- Other Enforcement Tools or Options
  - Penalty order
  - Director's final order
  - Cease and desist order
  - Unilateral administrative order
  - Stipulated penalties

# Penalty Factors



- Damage to environment, public health and welfare
- Extent of violation
- Duration of violation

# Penalty Factors



- Importance to regulatory scheme or integrity of regulatory program
- Economic benefit of non-compliance
- Size of violator

# Penalty Adjustments



- Violator's degree of willfulness or negligence
- Violator's cooperation or responsiveness to remediation
- Compliance history of violator

# Penalty Adjustments



- Financial ability to pay
- Litigation risk
- Voluntary performance of non-mandatory remediation or improvements before violation

# Supplemental Environmental Projects



- Discretionary program
- Proposal must be made by violator and approved by Department
- Projects allow violators to use a portion of penalty to improve and participate in their own community

Thank you!



Questions?

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