

MICHIGAN ENVIRONMENTAL CRIMES HANDBOOK FOR LAW ENFORCEMENT PERSONNEL



MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

Michigan.gov/EGLE | 800-662-9278

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Michigan's Environmental Justice Policy promotes the fair, non-discriminatory treatment and meaningful involvement of Michigan's residents regarding the development, implementation, and enforcement of environmental laws, regulations, and policies by this state. Fair, non-discriminatory treatment intends that no group of people, including racial, ethnic, or low-income populations, will bear a disproportionately greater burden resulting from environmental laws, regulations, policies, and decision-making. Meaningful involvement of residents ensures an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health.

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ENFORCEMENT CONTACTS

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY (EGLE)

Pollution Emergency Alerting System (PEAS)800-292-4706
Environmental Assistance Center800-662-9278

MICHIGAN DEPARTMENT OF NATURAL RESOURCES (DNR)

Law Enforcement Division (LED)
Environmental Investigation Section (EIS)
Lansing Headquarters
Chief, DNR, LED, EIS.....517-284-6000
DNR, LED, EIS Section Supervisors
F/Lt. Vencent Woods989-705-3449
2nd Lt. Erick Thorson586-753-3720
2nd Lt. Trey Luce906-250-9516

MICHIGAN STATE POLICE OPERATIONS (24 hours)517-336-6604

MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICE800-648-6942

US ENVIRONMENTAL PROTECTION AGENCY

Pollution Hotline.....800-621-8431
Lynn Rademacher, Special Agent734-692-7651
Rich Porter, Special Agent in Charge734-692-7659

CHEMTREC (24 hours)800-424-9300

CANUTEL (Canada)613-996-6666

US COAST GUARD

National Response Center (24 hours).....800-424-8802

POISON CONTROL CENTER800-222-1222

FEDERAL BUREAU OF INVESTIGATION313-965-2323

What Is Environmental Crime?

Typically, it is the intentional, knowing, reckless, or criminally negligent violation of our environmental laws and regulations. Criminal liability for environmental violations can occur at any stage in the generation, treatment, transportation, and disposal of pollution. Although one important basis for criminal prosecution of these crimes is Michigan's [Natural Resources and Environmental Protection Act](#) (known as the NREPA, which will be discussed in greater detail later), criminal prosecutions for these violations may also be brought under several different parts of state and federal criminal codes.

What Are the Motives?

Money, greed, the desire to make money or to save money. Proper storage, treatment, and disposal of pollution can be expensive. For example, the cost of legal disposal of hazardous waste can range up to approximately \$1,500 per 55-gallon drum, depending on the chemicals involved. Some generators choose to dispose illegally rather than pay the high cost of legitimate disposal. On the other hand, hazardous waste transporters often collect fees to properly dispose of the waste but choose to illegally dispose of it and increase their profits.

Potential Offenders

Major generators of pollution include large manufacturing or industrial companies that make cars, furniture, and clothes, and chemical industries that produce acids, cyanide, heavy metals, ignitables, reactives, and solvents. Although large manufacturers, like the chemical industries, account for a majority of all hazardous waste produced, they comprise only a small portion of all generators. So, who are some of the other generators?

Water pollution, hazardous waste, household garbage, solid wastes, and medical wastes are products of our society. They are generated in large manufacturing facilities, as well as in the local community, including neighborhood households. Many small- and medium-sized businesses in the local community are producers of pollution and are subject to liability. These include furniture builders or refinishers, electroplaters or metal stampers, automotive repair and body shops, gas stations, analytical laboratories, photo shops, funeral homes, dry cleaners, agricultural pesticide dealers, and hospitals. Virtually all types of industry or manufacturing generate some type of waste in producing their finished product or delivering their services.

Why Should Police Officers Be Concerned?

First and foremost, environmental crime scenes can be dangerous -- officer and public safety are of paramount concern. And, because it is against the law. All states have felony and misdemeanor level criminal provisions of their environmental laws. Second, environmental crimes threaten the health and environment of your community. Further, it is not unusual that people who engage in environmental crimes also are involved in other criminal activity. Finally, the consequences and impacts of response and clean-up activities that relate to these types of crimes could place a severe economic drain on the community and, therefore, your department. Environmental crimes can affect the community where you live and work.

Illegally disposed pollutants harm the environment and human health through:

- Surface water contamination
- Ground water contamination via seepage
- Air pollution via burning or evaporation
- Fires and explosions
- Poisoning via food chain
- Poisoning via exposure or direct human contact

Multi-Agency Coordination

Successful environmental crime enforcement requires a teamwork approach. Special inter-agency cooperation and coordination are needed, with each member of the "environmental enforcement team" bringing their unique expertise to the investigation. This team includes regulators, law enforcement officers, prosecutors, toxicologists, chemists and others. None of the team members can successfully enforce these violations alone. Do not attempt to operate outside of your expertise and training. Contact the other members of the enforcement team and develop a teamwork approach to environmental crime enforcement.

State Statutes

The charts on pages 8-15 summarize many of the environmental statutes typically encountered by law enforcement personnel who investigate and prosecute environmental crimes. The charges are intended as a reference guide only and it is strongly recommended that you consult the actual statutes if you have a case that you believe may involve environmental criminal conduct. The charts break the statutes into the following categories:

1. Air Pollution
2. Hazardous Waste
3. Water Pollution
4. Solid Waste
5. Wetlands
6. Environmental Remediation
7. Liquid Industrial By-product
8. Transporter Violations
9. Scrap Tires, Batteries, Used Oil

Also, be sure to refer to your local ordinances for other regulations and enforcement tools.

How to Recognize Potential Violations

Sometimes it will be easy to identify activities that are violations of the environmental laws and regulations, while at other times it will be more difficult without sophisticated equipment. Environmental crime is often reported by citizens who observe suspicious activity, company employees, or former employees who have observed, or participated in, environmental violations, and environmental regulatory inspectors. Local law enforcement officers can also encounter signs of potential environmental criminal activity. The following general guidelines can be used to assist officers in identifying potential criminal activity:

UNUSUAL

Does the type or source of the pollution seem unusual, i.e., something that is different from how similar things appear to work or from how they worked previously?

ODOR

Does the pollution present a strong odor or smell that is unpleasant? If the odor from the pollution burns your eyes, mouth, nose, or skin, you should immediately leave the area, contact local public health officials and EGLE, and seek medical attention if it continues.

SIGHT

Does the pollution look particularly nasty or foul? While everyone will have their own views on what this means, many of us will agree that certain things are offensive. For example, is there a strongly colored water discharge from a pipe going into a clear stream or are there dead fish or animals in the area of the pollution? Is there an area of dead grass or damaged vegetation near the pollution? Is dark black smoke coming out of a smokestack, so dark in fact that you cannot see through it at all? This is a likely air pollution violation. Similarly, is there a pipe discharging wastewater containing foam and visible solids or that leaves a visible oil sheen on the water? This is likely a water pollution violation.

SECRETIVE

Is there something secretive or suspicious about the potential pollution causing activity? For example, is a bulldozer operating at night in a marsh or wetland? This might be an indication that someone is illegally filling a wetland. Is a truck pouring wastewater into a sewer on the side of a road? This might be an indication that someone is illegally dumping hazardous waste. Is someone dumping garbage (in barrels, cans, or bags) at a site where it probably should not go, for example, in the back of a parking lot, in an alley, in a vacant city lot, in the woods, or in someone else's trash dumpster?

If the answer to these kinds of questions is yes, further investigation may be warranted. Your initial observations and referral may be the key to the subsequent successful investigation and prosecution.

Response Tips for Patrol Officers

In environmental crime investigations, as in most cases, your best tool is standard investigative technique with an environmental twist. Environmental investigations entail the same basic criminal investigation techniques as traditional law enforcement.

Most of the following procedures are common sense. *However, if any are contrary to your agency's standard operating procedure, verbal and/or written agency instructions, or local ordinances, the S.O.P. instructions or ordinance of your agency or locale should be followed.*

Never Jeopardize Your Safety or the Safety of the General Public.

Approach all potential environmental crime scenes with caution, as you would any other crime scene. This is for your safety and the preservation of physical evidence, and it conveys that you and your department are serious about these potential dangers. Do not attempt to enter a site unless you have had the proper training!

DO NOT BECOME A VICTIM!

Preliminary Evaluation of the Scene...Hazardous or Not?

IF IT IS A POTENTIALLY HAZARDOUS SITUATION

- Immediately contact the authorities/professionals identified in this booklet.
- Secure the crime scene (see next section).
- Do not move or disturb anything.
- Stay out of the immediate area, be careful where you walk, and what you breathe.

IF THE SCENE INVOLVES NON-HAZARDOUS WASTE

- Follow the investigative tips in the next section of this booklet.

Investigative Tips

SECURE THE CRIME SCENE

Request assistance from other members of the environmental enforcement team. You may need the assistance of several other agencies: environmental or health regulatory agency, state police or environmental crime investigators, hazardous materials response units or fire departments, state or local prosecutors, etc. Remember, a multi-agency response is usually necessary to ensure a successful investigation and prosecution of these types of crimes. Do not hesitate to contact these other agencies.

LOOK FOR PHYSICAL EVIDENCE

Look for evidence such as tire impressions, footprints, mail with addresses or names on boxes in the debris pile, lot numbers on drums, and all types of traditional evidence that you would collect from any crime scene.

CHECK WITH AREA RESIDENTS

Area residents may have witnessed the illegal activity or know who owns the property in question. The property owner could be a prime suspect or a victim. Either way, you will want to talk to them.

TAKE PHOTOGRAPHS

Take photographs of the crime scene, evidence found, vehicle(s) and/or equipment involved, and the suspect. When in doubt, photograph.

IDENTIFY AND INTERVIEW ALL SUSPECTS

Make a taped statement, if possible, or obtain written statements. If you have requested the assistance of other law enforcement agencies, you may want to detain all suspects until they arrive for further questioning.

SEIZE PAPERWORK

Seize paperwork or items such as invoices, manifests, shipping papers, proposals, checks, business cards, etc. from any vehicle(s) involved.

TRY TO SATISFY THE ELEMENTS OF THE OFFENSE

Satisfy as many elements of the violation as you possibly can using familiar police investigative techniques. Remember, do not hesitate to request assistance from other members of the “environmental enforcement team” in completing your investigation. You may want to contact local or state prosecutors as soon as possible to ensure that all elements of the offense are covered.

Michigan Criminal Environmental Enforcement Statutes 1994

PUBLIC ACT 451

THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (MCL 324)

I. Air Pollution...[Part 55](#)

Prohibited Act	Level of Violation	Maximum Imprisonment	Maximum Fine
<p>Section 5531 (4) Knowingly releases into the outdoor air a hazardous air pollutant, contrary to law/permit, and because of the quantities or concentrations, knew or should have known that the release placed another in imminent danger of death or serious bodily injury.</p>	Felony	2 years	\$10,000/day
<p>Section 5531 (5) Knowingly releases or causes the release of any hazardous air pollutant contrary to law/permit, knew or should have known at the time of the release that the release places another in imminent danger of death or serious bodily injury and results in death or serious bodily injury.</p>	Felony	6 years	\$25,000/day
<p>Section 5531 (6) Knowingly releases into the ambient air a hazardous air pollutant contrary to law/permit, and who intended at the time to place another in imminent danger of death or serious bodily injury and results in death or serious bodily injury.</p>	Felony	15 years	\$250,000/day

II. Hazardous Waste...[Part 111](#)

Prohibited Act	Level of Violation	Maximum Imprisonment	Maximum Fine
<p>Section 11151(3) Knowingly stores, treats, transports or disposes of hazardous waste and at that time placed another in imminent danger of death or serious bodily injury and manifested unjustifiable and inexcusable disregard or extreme indifference for human life.</p>	Felony	2-5 years	<p>Individual: \$250,000/day</p> <p>Corporation: \$1 Million/day plus costs</p>
<p>Section 11123 Conducting, managing, maintaining or operating a hazardous waste treatment, storage or disposal (TSD) facility without a license.</p>	Misdemeanor	1 year	\$25,000/day
<p>Section 11137 A TSD facility accepting waste without proper manifests.</p>	Misdemeanor	1 year	\$25,000/day
<p>Section 11135 and 11138 Failure to comply with the hazardous waste generator requirements.</p>	Misdemeanor	1 year	\$25,000/day
<p>Section 11144 Failure to notify EGLE that hazardous waste is being treated, disposed of, or stored in violation of the hazardous waste regulations.</p>	Misdemeanor	1 year	\$25,000
<p>Section 11132a(1)(b) As a transporter of hazardous waste, failure to carry a copy of the registration and permit authorizing the transport.</p>	Misdemeanor	90 days	\$500
<p>Section 11149 Willfully tears down, removes, or destroys any sign or notice warning of the presence of hazardous waste or marking the boundaries of a TSD facility.</p>	Misdemeanor	90 days	\$500

III. Water Pollution...[Part 31](#)

Prohibited Act	Level of Violation	Maximum Imprisonment	Maximum Fine	Subsequent Violation
<p>Section 3109 Discharge contaminants into state waters. - A person shall not directly or indirectly discharge into the waters of the state a substance that is or may become injurious to:</p> <ul style="list-style-type: none"> a) public health, safety or welfare b) to domestic commercial, industrial, agricultural, recreational or other uses that are or may be made of such waters c) value or utility of riparian rights d) livestock, wild animals, birds, aquatic life, plants e) value of fish and game 	Felony	2 years (5 years if the court finds substantial endangerment to public health)	\$2,500 to \$25,000/day, plus potential additional \$25,000/day per violation (\$1 million if the court finds substantial endangerment)	\$25,000 to \$50,000/day
<p>Section 3115 Intentionally makes any false statement, representation, or certification in application for or form relating to a permit or renders inaccurate any monitoring device or record required.</p>	Felony	2 years	<p>Individual - \$2,500 to \$25,000/day, plus potential additional \$25,000/day</p> <p>Corporation - \$25,000 to \$50,000/day</p>	\$25,000 to \$50,000/day
<p>Section 3115(a)</p> <ul style="list-style-type: none"> • Failure to obtain a floodplain permit or a violation of an issued permit. • Alters or causes the alteration of a floodplain. • Willfully or recklessly violates a condition of a floodplain permit. 	Misdemeanor		\$2,500	

IV. Solid Waste...[Part 115](#)

Prohibited Act	Level of Violation	Maximum Imprisonment	Maximum Fine
Section 11509 Constructing a solid waste storage, treatment, or disposal operation without a permit.	Misdemeanor	6 months (if in default of payment of fine)	\$1,000/violation
Section 11512 A person shall dispose of solid waste at a disposal area licensed under this part unless permit allows otherwise.	Misdemeanor	6 months (if in default of payment of fine)	\$1,000/day
Section 11513 A person shall not accept solid waste generated outside of the county unless authorized by both solid waste county plans.	Misdemeanor	6 months (if in default of payment of fine)	\$1,000/day
Section 11522 A person shall not burn grass clippings or leaves unless local ordinance permits.	Misdemeanor	6 months (if in default of payment of fine)	\$1,000/day
Section 11527 A transporter of solid waste must deliver to a licensed transfer facility or disposal area.	Misdemeanor	6 months (if in default of payment of fine)	\$1,000/day
Section 11514 Improper disposal of medical waste.	Misdemeanor	6 months (if in default of payment of fine)	\$1,000/day

Note: Open Dumping and Open Burning are two of the most commonly filed environmental misdemeanor charges brought in Michigan.

IV. Solid Waste...[Part 89](#)

Prohibited Act	Level of Violation	Maximum Imprisonment	Maximum Fine
Section 8903 A person shall not throw any object or allow it to fall into the path of or to hit a vehicle traveling upon a highway.	Misdemeanor	1 year	\$500
Section 8905 A person shall not dump, deposit, place, throw, or leave, or cause litter produced at a health facility, health agency or laboratory as defined in Act 368 on public or private property or water	Misdemeanor	6 months	\$1,000

Prohibited Act	Level of Violation	Maximum Imprisonment	Maximum Fine
<p>Section 8905a A person who litters refuse, if the amount of the litter is less than 1 cubic foot in volume</p>	Civil infraction		\$800
<p>Section 8905a A person who litters refuse if the amount of litter is 1 cubic foot or more but less than 3 cubic feet in volume, is responsible for a state civil infraction and is subject to a civil fine of not more than \$1,500.00.</p>	Civil infraction		\$1,500
<p>Section 8905a A person who litters refuse if the amount of litter if the amount of the litter is 3 cubic feet or more in volume is subject to a civil fine of not more than \$2,500.00.</p>	Civil infraction		\$2,500.00, subsequent violations \$5,000
<p>Section 8905a A person shall not dump, deposit, place, throw, or leave, or cause any of the following to be litter:</p> <ul style="list-style-type: none"> V. A vehicle that is considered abandoned under section 252a of the Michigan Vehicle Code, 1949 PA 300, MCL 257.252a if the vehicle has been disposed of under section 252g of the Michigan Vehicle Code, 1949 PA 300, MCL 257.252g. VI. An abandoned vessel as defined in section 80130f if the abandoned vessel has been disposed of under section 80130k. VII. An ORV that is considered abandoned under section 80130f as made applicable in section 81151 if the ORV has been disposed of under section 80130k as made applicable in section 81151. VIII. A snowmobile that is considered abandoned under section 80130f as made applicable in section 82161 if the snowmobile has been disposed of under section 80130k as made applicable in section 82161. 	Misdemeanor		\$500 to \$2,500, subsequent violations \$1,000 to \$5,000

V. Inland Lakes and Streams...[Part 301](#)

Prohibited Act	Level	Maximum Imprisonment	Maximum Fine
<p>Section 30102(1) A person without a permit from the department shall not do any of the following:</p> <ul style="list-style-type: none"> a) dredge or fill bottomland. b) Construct, enlarge, remove, or place a structure on bottomland c) construct, reconfigure or expand a marina. d) create, enlarge, or diminish an inland lake or stream. e) interfere with natural flow of inland lake or stream. f) construct, dredge, commence, extend, or enlarge an artificial canal, channel, ditch, lagoon, pond, lake. g) connect waterway to an existing inland lake or stream. 	Misdemeanor		\$10,000 per day
<p>Section 30111(b) Public road end; prohibited use:</p> <ul style="list-style-type: none"> a) construction, installation, maintenance, or use of boat hoists or boat anchorage device. b) mooring or docking of a vessel between 12 midnight and sunrise. c) obstruct ingress or egress from inland lake or stream. 	Misdemeanor		\$500 per 24 hours

VI. Wetland...[Part 303](#)

Prohibited Act	Level	Maximum Imprisonment	Maximum Fine	Subsequent Violation
<p>Section 30304 A person shall not do any of the following without a permit:</p> <ul style="list-style-type: none"> 1) deposit or permit the depositing of fill material in a wetland. 2) dredge, remove, or permit the removal of soil/minerals from a wetland. 3) construct, operate, or maintain any use or development in a wetland. 4) drain surface water from a wetland. 	Misdemeanor		\$2,500	
<p>Section 30316 If a willful or reckless violation or of permit. (Note: All Section 30316 violations may include restoration.)</p>	Misdemeanor	1 year	\$2,500 to \$25,000	Felony 2 years and/or \$50,000

VII. Environmental Remediation...[Part 201](#)

Prohibited Act	Level of Violation	Maximum Imprisonment	Maximum Fine	Subsequent Violation
Section 20139 A person shall not release or cause a release of a hazardous substance, contrary to law/permit if that person knew or should have known that such releases could cause personal injury or property damage.	Felony	2 years	\$2,500 to \$25,000 per violation	2 years and/or \$25,000 to \$50,000
Section 20139 Violations are same as above, but defendant posed a substantial endangerment to public health, safety, or welfare.	Felony	5 years	\$1 million	

VIII. Liquid Industrial By Product...[Part 121](#)

Prohibited Act	Level of Violation	Maximum Imprisonment	Maximum Fine	Subsequent Violation
Section 12113 Failure to manage liquid industrial waste to prevent any of the following: <ul style="list-style-type: none"> • Discharge or liquid industrial waste into the soil. • Discharge of liquid industrial waste into surface water or groundwater. • Discharge of liquid industrial waste into a drain or sewer. • Discharge or liquid industrial waste in violation of part 55. 	Misdemeanor	6 months	\$1,000 minimum, \$2,500 maximum	Each day that a violation continues constitutes a separate violation
Section 12116(2) A person who knowingly makes or causes to be made a false statement or entry in a license application, a manifest, or a shipping document.	Felony	2 years	\$2,500 minimum, \$10,000 maximum	Each day that a violation continues constitutes a separate violation

IX. Transportation Violations... [Part 111](#) and [Part 121](#); and Public [Act 138](#), Michigan Hazardous Materials Transportation Act, of 1998

TRANSPORTER – Transporter regulations affect the movement of hazardous waste and liquid industrial by-products from the place of generation to the point of treatment, storage, or disposal. Transporters must obtain a site identification number from EGLE. They must also keep a copy of the Uniform Hazardous Waste Manifest for hazardous waste shipment or a copy of the shipping document for liquid industrial by-product transport shipments. Rail or water transportation also requires shipping papers. All of these must be maintained for three years. Shipping papers must include the proper shipping name of hazardous material, the proper hazardous class for each (flammable, corrosive, etc.), the correct identification number for each, the correct total quantity by weight, volume, or as otherwise appropriate. Shippers must also ensure that applicable placarding requirements have been met for the materials being shipped. A 10-3/4-inch diamond decal must be visibly displayed on each of the four sides of the exterior of the transport container for the hazardous materials. A copy of the EGLE issued permit and registration must also be available in each transport vehicle used for transport.

Prohibited Act	Level of Violation	Maximum Imprisonment	Maximum Fine	Subsequent Violation
Part 121, Section 12116(2) A person who knowingly makes or causes to be made a false statement or entry in a license application or a shipping document is guilty of a felony.	Felony	2 years	\$2,500 minimum, \$10,000 maximum	Each day that a violation continues constitutes a separate violation
Part 121, Section 12107 A vehicle used to transport liquid industrial by-product, if transporting by public roadway, shall carry a copy of the registration and permit issued in accordance with Act 138 and shall produce it upon request of the department or peace officer.	Misdemeanor	6 months	\$1,000 minimum, \$2,500 maximum	Each day that a violation continues constitutes a separate violation
Act 138, Section 29.473(2) A motor carrier shall register with and obtain a permit from EGLE or a participating Alliance state prior to transporting hazardous waste and/or liquid industrial by-products within the state of Michigan.	Civil Infraction	NA	\$2,500	

Prohibited Act	Level of Violation	Maximum Imprisonment	Maximum Fine	Subsequent Violation
<p>Act 138, Section 29.473(2) A motor carrier shall have and maintain financial responsibility for bodily injury, property damage, or environmental damage to third parties caused by accidental occurrences arising from the transport of hazardous waste and liquid industrial by-product on the MCS-90 form. Hazardous waste transporters must maintain liability coverage for not less than \$1 million per occurrence. Liquid industrial by-products transporters must maintain liability coverage of:</p> <ul style="list-style-type: none"> not less than \$750,000.00 per occurrence for motor carrier fleets with 10,000 pounds gross vehicle weight or more; and not less than \$300,000.00 for fleets less than 10,000 pounds gross vehicle fleet weight. 	Civil Infraction	NA	\$2,500	

X. Other Violations

Prohibited Act	Level of Violation	Maximum Imprisonment	Maximum Fine	Subsequent Violation
<p>Scrap Tires, Part 169</p> <p>Section 16902 Illegal disposal of a scrap tire; Unapproved site.</p> <p>Section 16903 A person who owns or operates a tire collection site must accumulate tires in a manner comporting with height, width, depth, covering, and health and fire requirements.</p>	Misdemeanor	<50 Tires up to 90 days >50 Tires up to 180 days and/or 100 hours of community service	<50 \$200-\$500 >50 \$500-\$10,000	Up to 1 year or \$1,000 - \$25,000 or both per violation
<p>Section 16908c Intentional burning prohibited.</p>	Misdemeanor	180 days and/or 100 hours of community service	\$500 - \$10,000	1 year or \$1,000 - \$25,000 or both per violation

Prohibited Act	Level of Violation	Maximum Imprisonment	Maximum Fine	Subsequent Violation
<p>Used Batteries, Part 171</p> <p>Section 17107 A person other than a retailer, distributor, or manufacturer who knowingly disposes of lead acid or mercuric acid batteries in violation of this. Each battery that is unlawfully disposed of is a separate violation.</p>	<p>Misdemeanor</p>		<p>Individual - \$25 per battery</p> <p>Corporation - \$1,000 and/or 60 days</p>	
<p>Used Oil, Part 167</p> <p>Section 16704 A person shall not dispose of or cause the disposal of used oil by dumping used oil onto the ground; discharging, dumping, or depositing used oil into sewers, drainage systems, surface waters, groundwaters, or other waters of this state.</p>	<p>Misdemeanor</p>	<p>90 days (or recycling-related community service, number of hours determined by the court)</p>	<p>Individual - \$1,000 maximum</p> <p>Corporation - \$2,500 maximum</p>	

Terms and Definitions

CERCLA - Comprehensive Environmental Response, Compensation and Liability Act of 1980. CERCLA, also known as "Superfund," provides authority and funding for the cleanup of past hazardous waste activities.

CFR - Code of Federal Regulations. Final compilation of federal regulations promulgated by different agencies that have the legal effect of law. The regulations are published in the CFR after initial publication in the Federal Register.

DISPOSAL FACILITY - A disposal facility is where solid or hazardous waste is discharged, deposited, injected, dumped, spilled, or otherwise placed in an acceptable manner so that any constituent thereof may not enter the environment or be emitted into the air or discharged into any waters including groundwater.

DOT - Department of Transportation - regulates the transportation of hazardous materials.

GENERATOR - The State of Michigan defines a generator as any person whose act or process produces waste. Under the Resource Conservation and Recovery Act [(RCRA) see below], a generator is an entity that produces a hazardous waste or whose actions initially cause hazardous waste to be regulated. Most criminal charges for environmental violations are brought against generators. Relatively small-sized generators (under 50 employees) dominate the number of criminally charged generators. Small-sized generators include auto body shops, metal treatment plating operations, tank car refurbishing, printers and small manufacturers. Generators must obtain a U.S. EPA identification number and, if required, a state identification number. Hazardous waste can be stored for up to 90 days on site without a permit, but a permit is required if the waste is stored for a longer period.

HAZARDOUS MATERIAL - A substance or material listed at 49 CFR 172.101, including a hazardous substance, which has been determined by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce. Regulated by the Department of Transportation.

HAZARDOUS SUBSTANCE - Any element, compound, mixture, solution or substance which, when released into the environment, may present substantial danger to public health/welfare or the environment. The definition excludes petroleum, natural gas, natural gas liquids, liquefied natural gas or synthetic gas usable for fuel. The CERCLA definition of hazardous substance is more inclusive than the RCRA definition of hazardous waste.

HAZARDOUS WASTE - A solid waste or combination of solid wastes that, because of its quantity, concentration, or physical, chemical, or infectious characteristics: (a) causes or significantly contributes to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness; or (b) poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Hazardous waste is regulated under the RCRA. The U.S. EPA has developed three lists of hazardous waste: (1) hazardous waste from nonspecific sources, (2) hazardous waste from specific sources, and (3) discarded commercial chemical products. A waste can also be classified as hazardous if it is not listed, provided it exhibits one of four characteristics: ignitability, corrosivity, reactivity, or toxicity. Exemptions from the definition of hazardous waste include household waste, agricultural waste returned as fertilizer, mining overburden returned to mining site, utility waste from coal combustion, oil and natural gas, and cement kiln dust wastes.

MANIFEST - The shipping documents that are prepared and signed by the generator in accordance with the RCRA, Part 111 and Part 121. It designates the facilities to which the waste is being shipped, an alternate site, the name of the transporter, and all identification numbers. The manifest must be signed by all parties that have incurred responsibility for the waste during the course of shipment and must accompany the shipment.

NPDES - National Pollutant Discharge Elimination System. NPDES is the effluent discharge permit program of the Federal Water Pollution Control Act. For a pollution discharge to be lawful, it must be in compliance with an NPDES permit, which may be issued by the U.S. EPA or the state environmental regulatory agency. Anyone discharging pollutants into United States' waterways must have a permit and the discharge must be in compliance with that permit.

OSHA - Occupational Safety and Health Administration. OSHA is a division of the Department of Labor. It regulates workplace safety through the establishment of threshold limits on exposure to designated hazardous chemicals including asbestos and carcinogens.

POLLUTANT - The term "pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. This term does not mean (A) "sewage from vessels" or (B) water, gas, or other material which is injected into a well to facilitate production of oil.

RCRA - Resource Conservation and Recovery Act of 1976. This act establishes an extensive hazardous waste regulatory system from the creation of the waste through its final disposal. This is done through an extensive manifest system that records the wastes location, designation and responsible parties. The RCRA gives officers, employees, or representatives of the U.S. EPA or states with an authorized hazardous waste program, the right to inspect the premises and data of anyone who generates, stores, treats, or disposes of hazardous waste.

RUBBISH – This means non-putrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to public health and safety.

RELEASE – This includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of a hazardous substance into the environment, or the abandonment or discarding of barrels, containers, and other closed receptacles containing a hazardous substance.

REMEDIAL ACTION - Actions taken in an effort to effect a permanent remedy at a hazardous waste site taken instead of, or in conjunction with, removal actions in an effort to minimize or prevent the release or threat of release so that hazardous substances will not migrate to cause substantial danger.

REMOVAL ACTION - Includes removal of hazardous substances from a hazardous waste site and other activities necessary to protect human health and the environment. Removal action includes monitoring, site evaluation and emergency assistance.

SARA - Superfund Amendments and Reauthorization Act of 1986. Amendments to CERCLA which include Title III. Title III establishes the Emergency Planning and Community Right to Know Act, which

gives the public greater access to information concerning specific hazardous chemicals and establishes emergency response contacts and reporting requirements at the state and local levels.

SHIPPING DOCUMENT – Under Part 121, a manifest is no longer required for document proper disposal or recycling of liquid industrial by-product. Since 2016, a shipping document, which may be a manifest, must be prepared and signed by the generator and transporter in accordance with Part 121. The receiving facility is not required to sign the shipping document, but they are required to notify the generator they received the shipment. In addition to the generator and transporter signatures, the shipping document must include: .1) the name and address of the generator; 2) the name of the transporter; 3) the type and volume of liquid industrial by-product in the shipment; 4) the date the by-product was shipped off site from the generator; and 5) the name, address and Site Identification Number of the designated facility. Like the manifest, a shipping document must accompany the shipment when it is in transport.

SHIPPING PAPERS - Regulated by the Department of Transportation, must correctly include the proper shipping name of each hazardous material, the proper hazard class for each (i.e., flammable, corrosive), the correct identification number for each, and the correct total quantity by weight, volume, or as otherwise appropriate. After marking, the shipper must properly label each package, overpack, or freight container containing a hazardous material.

SOLID WASTE – this means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, and animal waste other than organic waste generated in the production of livestock and poultry.

STORAGE FACILITY - A storage facility is used to hold hazardous waste for a temporary period, after which time it is treated, stored, or disposed of elsewhere. The waste may be stored either outside or within a designated structure. However, each storage facility must be equipped with a security system.

TRANSPORTER - Transporter regulations affect the movement of hazardous waste from the place of generation to the point of treatment, storage, or disposal. Transporters must obtain U. S. EPA identification numbers and are required to keep a copy of the manifest, or in the event of rail or water transportation, shipping papers for three years. Shipping papers must include the proper shipping name of hazardous material, the proper hazardous class for each (i.e., flammable, corrosive), the correct identification number for each, the correct total quantity by weight, volume, or as otherwise appropriate. Shippers must also ensure that applicable placarding requirements have been met for the materials being shipped. A 10-3/4-inch diamond decal must be visibly displayed on each of the four sides of the exterior of the transport container for the hazardous materials.

TSD FACILITIES - Treatment, storage, and disposal facilities are the last link in the cradle-to-grave hazardous waste management system.

Environmental Crime Enforcement

While some pollution is an unfortunate consequence of modern industrial life, there are laws that limit the amount and kinds of pollution that can be emitted, or discharged, into the environment. State and federal environmental laws set standards for what people and institutions must do to control or prevent pollution.

Enforcement is the governmental response when people or institutions fail to obey the laws. Criminal enforcement of environmental violations has become increasingly important in recent years, as it has become apparent that civil and administrative enforcement is not always sufficient to ensure compliance. Criminal enforcement may be appropriate for several reasons:

THE VIOLATION MAY BE EXTREMELY SERIOUS

Environmental criminal activities often can involve hazardous waste and other extremely toxic chemicals. Improper handling of pollution often has a detrimental effect on the public. Terminal illness and genetically transmitted disease can result.

CIVIL ENFORCEMENT ALONE IS NOT A DETERRENT

Civil enforcement generally results in fines for the violation. Unfortunately, companies often consider such fines a cost of doing business and calculate this into the retail cost. Consequently, the public indirectly pays for the violations. Criminal enforcement can result in incarceration, an extremely effective deterrent.

ILLEGAL PROFITS/FINANCIAL INCENTIVE FOR IMPROPER DISPOSAL

Those who generate and/or dispose of pollution often find it profitable to dispose of the pollution illegally. Additionally, some companies may defraud other legitimate businesses by improperly disposing waste they have contracted to legally dispose.

THE VIOLATION MAY SERIOUSLY UNDERMINE THE REGULATORY PROGRAM

Environmental regulatory programs rely on companies to submit self-monitoring data and to honestly comply with other reporting requirements. If a company fails to report, or submits false information to the regulatory program, the effectiveness of the program is severely impacted.



Environmental Crime Enforcement ENVIRONMENTAL INVESTIGATION SECTION

MISSION:

The Environmental Investigation Section (EIS) Mission is to protect the public health and natural resources in a professional manner, utilizing proactive methods, teamwork and partnerships delivering prompt, high quality and thorough investigations of suspected violations of environmental laws.

VISION:

EIS strives to be a key component of Michigan's law enforcement mainstream, consistently solving complex violations of environmental laws, and providing a resource for local communities faced with environmental conflicts of a criminal nature.

OVERVIEW:

The EIS serves as the investigative and law enforcement specialist for the Michigan Departments of Natural Resources (DNR) and Environment, Great Lakes, and Energy (EGLE). This includes conducting, supervising, and coordinating criminal, civil, and administrative investigations into suspected violations of Michigan's environmental statutes and cooperating with other divisions, departments, and agencies. The EIS is comprised of specially trained Conservation Officers who determine appropriate regulations, initiate legal actions, and represent the department in negotiations for restitution, penalties and damages. The EIS conducts training to help local law enforcement officers and other enforcement personnel to develop community partnerships to combat illegal dumping at the local level. The EIS has two units: Southeastern and Northwestern.

CONTACT INFORMATION

Please see the following map for EIS contact information.



Law Enforcement Division Environmental Investigation Section



LANSING HEADQUARTERS ★
Chief David Shaw: 517-284-6017
Section Supervisor
F/Lt. Vence Woods: 989-705-3449

1 CADILLAC DISTRICT OFFICE
Det. Holly Pennoni: 231-775-3960

2 GRAND RAPIDS DISTRICT OFFICE
Det. Dan Lee: 616-356-0029

3 JACKSON DISTRICT OFFICE
Det. Joe Myers: 517-780-7483

4 KALAMAZOO DISTRICT OFFICE
Det. James Zellinger: 269-567-3505

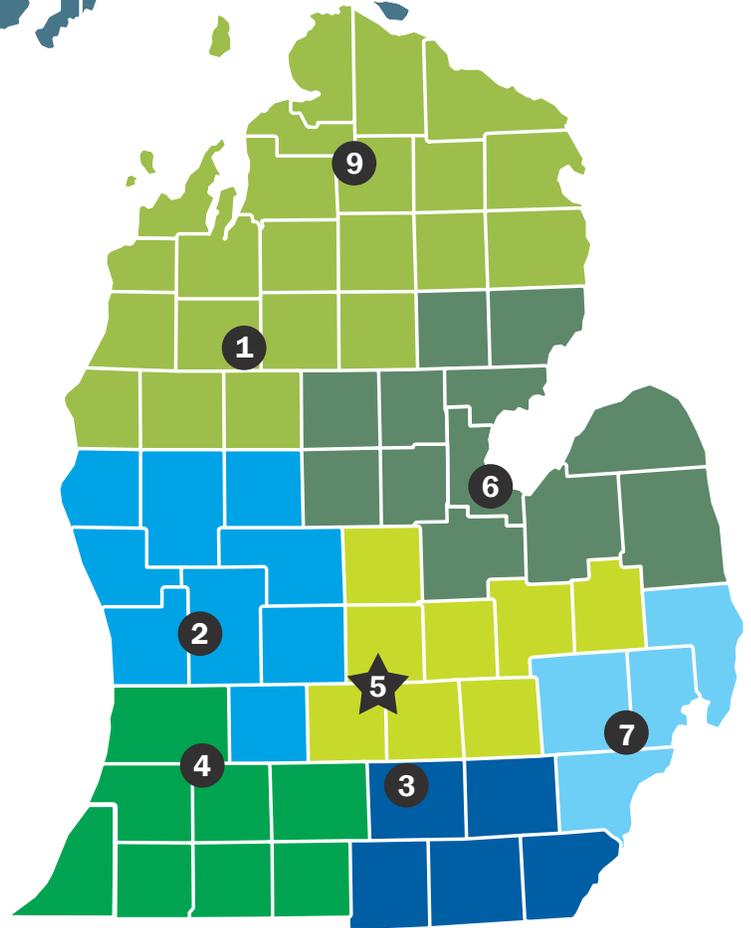
5 LANSING DISTRICT OFFICE
Det. Daniel Kennedy: 517-284-6640

6 BAY CITY DISTRICT OFFICE
Det. Quincy Gowenlock: 989-894-6239

7 WARREN DISTRICT OFFICE
Det. Jacob Griffin: 586-753-3704

8 MARQUETTE DISTRICT OFFICE
Det. Joshua Boudreaux: 906-228-2907

9 GAYLORD DISTRICT OFFICE
Det. Chris Bowen: 989-705-3452



Southeastern Unit Supervisor
2nd Lt. Erick Thorson: 586-753-3720

Northwestern Unit Supervisor
2nd Lt. Trey Luce: 906-250-9516

Pollution Emergency Alerting System (PEAS)
Jay Eickholt, Emergency Management Coordinator
517-284-6706 | EickholtJ1@michigan.gov

OTHER CONTACTS

Emergency Planning and Community Right-to-Know (EGLE): 517-284-7272

SARA Title III Program

Phone: (517) 373-8481

Web page: Michigan.gov/EGLEsara (select SARA Title III - *Toxic Chemical Release Inventory*)

E-mail: deq-ead-tri@michigan.gov

U.S. EPA Toxics Release Program

Web page: www.epa.gov/tri

EPCRA Call Center

Phone: 800-424-9346

Web page: www.epa.gov/emergencies/contact_us.htm#InfoCenter

National Pesticide Telecommunications: 800-858-7378

(Health effects, environmental effects, spill handling and disposal clean-up, Poison Control Center Information)

National Institute of Environmental Health Sciences: 800-643-4794

(Pesticides, drinking water, indoor air quality, radon, multiple chemical exposures, industrial emissions, electromagnetic fields)

Materials for this guide were taken from the following publications:

- New Jersey Office of the State Environmental Prosecutors' Environmental Offenses course for New Jersey Police Officers.
- Midwest Environmental Enforcement Association's Environmental Awareness for Local Law Enforcement Officers Manual.
- Environmental Investigations – An Introduction for Road Patrol Personnel by James Pearsall, Palm Beach County Sheriff's Office.
- US EPA Office of Enforcement's Environmental Criminal Enforcement – A Law Enforcement Officer's Guide.
- National Association of Attorneys General Summaries of Federal and State Environmental Criminal Enforcement Statutes.
- Environmental Crime Enforcement – An Awareness Guide for Alabama Local Law Enforcement Officers.
- New York State Attorney General Environmental Crimes Handbook.
- Illinois Environmental Crimes Handbook.

