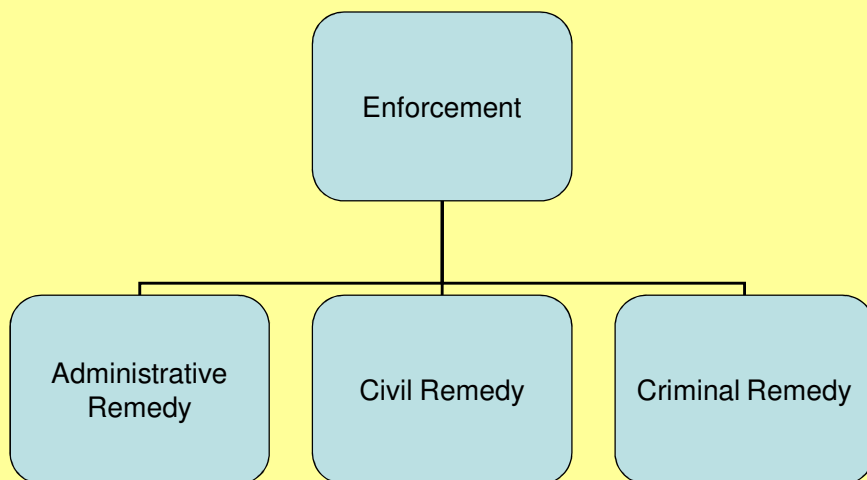


MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

WATER BUREAU ENFORCEMENT

What Is Enforcement

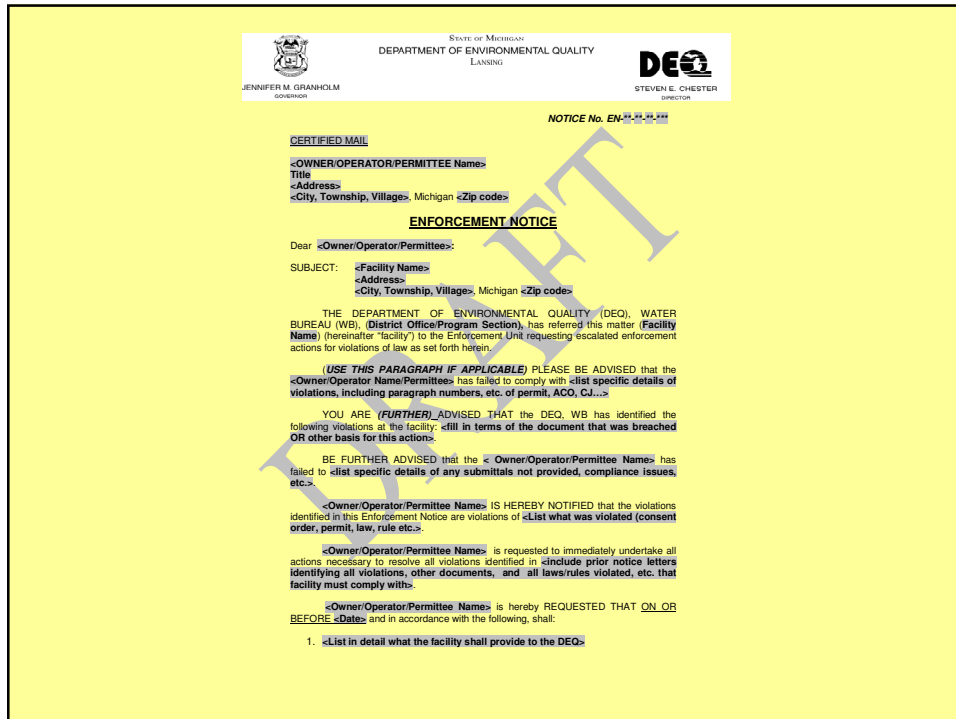


Administrative Process

- District Actions
 - Identify Potential Civil and/or Criminal Violations
 - Violation Notice-1st
 - Violation Notice-2nd
 - Determine if “Parallel Proceedings” are Appropriate
 - District Administrative Consent Order

Referral To Enforcement

- Enforcement Notice
- Initial Settlement Meeting
- Enter Enforceable Agreement if Negotiations are Successful



ENFORCEMENT/SETTLEMENT PROCESS "MUTUAL AGREEMENT"

- A. Initial Discussions
- B. Document Framework Selection
- C. Final Negotiations
 - Factual Recitation
 - Compliance Requirements
 - Penalty/Fine Resolution
- D. Enforceable Agreement—Administrative Consent Order

FINES/PENALTIES

- ADMINISTRATIVE FINES—SET BY STATUTE, ASSESSED BY THE DEQ AND NOT THE COURT
- CIVIL FINES—MINIMUM AND MAXIMUM AMOUNT SET BY STATUTE, OBTAINED THROUGH COURT ACTION
- OTHER PENALTIES—COST REIMBURSEMENT; INJUNCTIVE RELIEF...ie T.R.O., AND PRELIMINARY AND PERMANENT INJUNCTIONS

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER BUREAU

In the matter of: _____ ACO-*****
Date Entered: _____
Name
Address
City, State Zip Code _____

ADMINISTRATIVE CONSENT ORDER

This document results from allegations by the Department of Environmental Quality (DEQ), Water Bureau (WB). The DEQ alleges (**Name of violator**) located at (**address, City, State, County**), is in violation of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.3101 et seq. (**Name of Violator**) is a person, as defined by Section 301 of the NREPA, and is registered with the Michigan Department of Energy, Labor, and Economic Growth as able to conduct business in the State of Michigan under identification number (**number**). (**Name of violator**) and the DEQ agree to resolve the violations set forth herein through entry of an Administrative Consent Order (Consent Order).

I. STIPULATIONS

The (**Name of violator**) and the DEQ stipulate as follows:

- 1.1 The NREPA MCL 324.101 et seq., is an act that controls pollution to protect the environment and natural resources in the state.
- 1.2 Pollution Control, Part 31, Water Resources Protection, of the NREPA (Part 31), MCL 324.3101 et seq., and the rules promulgated pursuant thereto, provides for the protection, conservation, and the control of pollution of the water resources of the state.
- 1.3 The DEQ is authorized by Section 3112(4) of Part 31 of the NREPA to enter orders requiring persons to abate pollution, and the director of the DEQ may

Consent Orders

- General ACO
 - ACO developed for a specific program or regulated industry—i.e. some types of unpermitted discharges requires submission of a DEQ “Certificate of Entry” form
- Individual ACO
 - Negotiated by Enforcement Staff, District Staff, Assistant Attorney General and Defendant
- District ACO
 - Specific to certain programs/violations

LITIGATION

- Civil Action
 - Attorney General Files Complaint
 - Settle with Consent Judgment—mutual agreement
 - Trial