

Legislative Analysis



DEQ: FAIR AND EQUITABLE SAMPLING PROCESS

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Senate Bill 279 (S-1)

Sponsor: Sen. Phil Pavlov

House Committee: Regulatory Reform

Senate Committee: Economic Development

Complete to 11-1-11

A SUMMARY OF SENATE BILL 279 AS PASSED BY THE SENATE 5-5-11

The bill would amend Part 15 (Enforcement) of the Natural Resources and Environmental Protection Act to require the Department of Environmental Quality to use a fair and equitable sampling process to select people whose operations of facilities would be inspected by the department. The requirement would not apply to any of the following:

- An inspection performed in response to a complaint from a third party.
- An inspection performed because the department has evidence that a violation has occurred.
- A follow-up inspection to determine whether violations identified in a previous inspection have been corrected.
- An inspection required for the issuance of a permit.
- Any inspection otherwise required under state or federal law.

The department would be required to submit an annual report to the Legislature detailing (1) the methods used in each program to comply with this new section and (2) for each program, the number of inspections of each type described above that was performed by the department during the prior year

Before conducting an inspection the department would be required to provide the person whose operation will be inspected with an explanation of the person's rights and responsibilities with respect to the inspection and the reasons for conducting the inspection.

After conducting an inspection the department would be required to provide the person whose operation was inspected with an opportunity to provide comment to the department on the quality of the inspection and the professionalism of the inspector.

MCL 324.101 to 324.90106

FISCAL IMPACT:

Senate Bill 279 would have an indeterminate fiscal impact on the Department of Environmental Quality. Any increased costs to the department would be related to

additional administrative workload from the bill's provisions that the department use a sampling process when choosing persons for all routine inspections and from the requirement for an annual report to the Legislature.

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