



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 279 (Substitute S-1 as reported)
Sponsor: Senator Phil Pavlov
Committee: Economic Development

CONTENT

The bill would amend Part 15 (Enforcement) of the Natural Resources and Environmental Protection Act to require the Department of Environmental Quality (DEQ) to use a fair and equitable sampling process to select people whose operations or facilities would be inspected. 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 DEQ had evidence that a violation had occurred.
- A follow-up inspection to determine whether violations identified in a previous inspection had been corrected.
- An inspection required for the issuance of a permit
- Any inspection otherwise required under State or Federal law.

The DEQ would have to submit an annual report to the Legislature on all of the following:

- The methods used in each program to comply with the bill.
- For each program, the number of inspections subject to fair and equitable sampling, and the number of inspections for which fair and equitable sampling would not be required (as described above) that the Department performed during the prior year.

Before conducting an inspection under the Act, the DEQ would have to give a person whose operation or facility would be inspected both of the following:

- An explanation of the person's rights and responsibilities with respect to the inspection.
- The reasons for conducting the inspection.

After conducting an inspection, the DEQ would have to give the person an opportunity to provide comments to the Department on the quality of the inspection and the professionalism of the inspector.

Proposed MCL 324.1505

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 5-4-11

Fiscal Analyst: Josh Sefton