

SUBSTITUTE FOR
SENATE BILL NO. 279

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 1505.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1505. (1) THE DEPARTMENT SHALL USE A FAIR AND EQUITABLE
2 SAMPLING PROCESS TO SELECT PERSONS WHOSE OPERATIONS OR FACILITIES
3 WILL BE INSPECTED.

4 (2) SUBSECTION (1) DOES NOT APPLY TO ANY OF THE FOLLOWING:

5 (A) AN INSPECTION PERFORMED IN RESPONSE TO A COMPLAINT FROM A
6 THIRD PARTY.

7 (B) AN INSPECTION PERFORMED BECAUSE THE DEPARTMENT HAS
8 EVIDENCE THAT A VIOLATION HAS OCCURRED.

9 (C) A FOLLOW-UP INSPECTION TO DETERMINE WHETHER VIOLATIONS
10 IDENTIFIED IN A PREVIOUS INSPECTION HAVE BEEN CORRECTED.

1 (D) AN INSPECTION REQUIRED FOR THE ISSUANCE OF A PERMIT.

2 (E) ANY INSPECTION OTHERWISE REQUIRED UNDER STATE OR FEDERAL
3 LAW.

4 (3) THE DEPARTMENT SHALL ANNUALLY SUBMIT TO THE LEGISLATURE A
5 REPORT ON ALL OF THE FOLLOWING:

6 (A) THE METHODS USED IN EACH PROGRAM TO COMPLY WITH THIS
7 SECTION.

8 (B) FOR EACH PROGRAM, THE NUMBER OF INSPECTIONS SUBJECT TO
9 SUBSECTION (1) AND THE NUMBER OF INSPECTIONS OF EACH TYPE DESCRIBED
10 IN SUBSECTION (2) THAT WERE PERFORMED BY THE DEPARTMENT DURING THE
11 PRIOR YEAR.

12 (4) BEFORE CONDUCTING AN INSPECTION UNDER THIS ACT, THE
13 DEPARTMENT SHALL PROVIDE THE PERSON WHOSE OPERATION OR FACILITY
14 WILL BE INSPECTED WITH BOTH OF THE FOLLOWING:

15 (A) AN EXPLANATION OF THE PERSON'S RIGHTS AND RESPONSIBILITIES
16 WITH RESPECT TO THE INSPECTION.

17 (B) THE REASONS FOR CONDUCTING THE INSPECTION.

18 (5) AFTER CONDUCTING AN INSPECTION UNDER THIS ACT, THE
19 DEPARTMENT SHALL GIVE THE PERSON WHOSE OPERATION OR FACILITY WAS
20 INSPECTED AN OPPORTUNITY TO PROVIDE COMMENTS TO THE DEPARTMENT ON
21 THE QUALITY OF THE INSPECTION AND THE PROFESSIONALISM OF THE
22 INSPECTOR.

23 (6) AS USED IN THIS SECTION, "DEPARTMENT" MEANS THE DEPARTMENT
24 OF ENVIRONMENTAL QUALITY.