

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.1505 Inspection; sampling process; exceptions; report; explanation and reasons; opportunity to provide comments; "department" defined.

Sec. 1505.

(1) The department shall use a fair and equitable sampling process to select persons whose operations or facilities will be inspected.

(2) Subsection (1) does not apply to any of the following:

(a) An inspection performed in response to a complaint from a third party.

(b) An inspection performed because the department has evidence that a violation has occurred.

(c) A follow-up inspection to determine whether violations identified in a previous inspection have been corrected.

(d) An inspection required for the issuance of a permit.

(e) Any inspection otherwise required under state or federal law.

(3) The department shall annually submit to the legislature a report on all of the following:

(a) The methods used to comply with this section.

(b) The number of inspections subject to subsection (1) and the number of inspections described in subsection (2) that were performed by the department during the prior year.

(4) Before conducting an inspection under this act, the department shall provide the person whose operation or facility will be inspected with both of the following:

(a) An explanation of the person's rights and responsibilities with respect to the inspection.

(b) The reasons for conducting the inspection.

(5) After conducting an inspection under this act, the department shall give the person whose operation or facility was inspected an opportunity to provide comments to the department on the quality of the inspection and the professionalism of the inspector.

(6) As used in this section, "department" means the department of environmental quality.

History: Add. 2011, Act 235, Imd. Eff. Dec. 1, 2011

Popular Name: Act 451

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