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Title 22@ Social Security

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Division 4.5@ Environmental Health Standards for the Management of Hazardous Waste

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Chapter 22@ Enforcement, Inspections, and Informant Rewards

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Article 1@ Inspection Authority, Designation of Enforcement Authority, and Awards

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Section 66272.1@ Inspections

66272.1 Inspections

(a)

The Director or any duly authorized representative of the Department may, at any reasonable hour of the day, do any of the following: (1) enter a factory, plant, construction site, waste disposal site, transfer facility, establishment or any other area, place or environment where wastes are stored, handled, treated, processed, disposed of, or treated to recover resources, inspect the premises and gather evidence on existing conditions and procedures; (2) carry out any sampling activities necessary to carry out chapter 6.5, commencing with section 25100, of division 20 of the Health and Safety Code, including obtaining samples from any individual or taking samples from the property of any person or from any vehicle which any authorized representative of the department or a local health officer reasonably believes has transported or is transporting hazardous waste. However, upon request, split samples shall be given to the person from whom, or from whose property or vehicle, the samples were obtained; (3) stop and inspect any vehicle reasonably suspected of transporting hazardous wastes when accompanied by a uniformed police officer in a clearly marked vehicle; (4) conduct tests, analyses and evaluations to determine whether the waste is hazardous waste or whether the requirements of chapter 6.5 of division 20 of the Health and Safety Code are met; (5) photograph any waste, waste container, waste container label, vehicle, waste treatment process, waste disposal site, or condition constituting a

violation of law found during an inspection; (6) inspect and copy any records, reports, test results, or other information required to carry out chapter 6.5 of division 20 of the Health and Safety Code.

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(2)

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stop and inspect any vehicle reasonably suspected of transporting hazardous wastes when accompanied by a uniformed police officer in a clearly marked vehicle;

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conduct tests, analyses and evaluations to determine whether the waste is hazardous waste or whether the requirements of chapter 6.5 of division 20 of the Health and Safety Code are met;

(5)

photograph any waste, waste container, waste container label, vehicle, waste treatment process, waste disposal site, or condition constituting a violation of law

found during an inspection;

(6)

inspect and copy any records, reports, test results, or other information required to carry out chapter 6.5 of division 20 of the Health and Safety Code.

(b)

During the inspection, the inspector shall comply with all reasonable security, safety and sanitation measures. In addition, the inspector shall comply with reasonable precautionary measures specified by the operator.

(c)

A report listing any violations found during the inspection shall be prepared by the inspector and shall be kept on file in the Department. A copy of the report shall be provided to the operator.

(d)

If corrections are needed, the operator shall provide to the Department, as directed, a written plan of correction which states the actions to be taken and the expected dates of completion.

(e)

Upon request of the inspector, the operator of the facility being inspected shall retain evidence as instructed by the inspector for a period not to exceed 30 days.