

PIMA COUNTY DEPARTMENT OF ENVIRONMENTAL QUALITY TECHNICAL PROCEDURE

POLICY NO.: Technical Procedure, TECH-201 EFFECTIVE DATE: April 5, 2002

POLICY: INSPECTION PROCEDURES

In order to provide the public with a consistent interpretation of the Pima County Codes, and ensure the safety of PDEQ staff, departmental protocol shall be followed when entering a facility or property for inspection purposes.

PURPOSE: The purpose of this technical policy is to establish procedures for obtaining entry into a facility or property for the purpose of inspecting, monitoring, sampling or copying records in accordance with A.R.S. §41-1009.J. This policy does not apply to criminal environmental investigations or any activities listed in Attachment One, Exempt Activities.

PROCEDURE:

1. Observe property as you arrive and approach facility.
2. Introduce yourself to employees and ask to speak with Manager/Owner/On-site Representative upon entering the property or facility. Give On-site Representative your County business card and present your County identification card. (If there is no one on-site, leave and call the business to determine when someone will be there.)
3. Advise On-site Representative of inspection rights (See Attachment Two, Entry Script for Inspectors). The inspection rights consists of:
 - a. The purpose of the inspection.
 - b. The legal authority for conducting the inspection.
 - c. Any applicable fees that may be charged for the inspection.
 - d. The On-site Representative is entitled to accompany you during the inspection, including being present for any employee interview, except confidential interviews.
 - e. If the inspector requests a photocopy of any original documents during the inspection, the On-site Representative is responsible to provide the inspector with a copy.
 - f. The On-site Representative is entitled to a split of any sample(s) taken during the inspection unless the split of the sample(s) would prohibit the analysis from being conducted or render the analysis inconclusive.
 - g. The On-site Representative is entitled to copies of any analysis performed on samples taken during the inspection. PDEQ will provide such copies at its expense.
4. Provide On-site Representative with the appropriate "Notice of Inspection Rights" form (Attachment Three).
5. Review "Notice of Inspection Rights" form and request that the On-site Representative sign two copies of the form. If the On-site Representative refuses to sign the form, note that on the form. One copy will be given to the On-site Representative and the other filed in PDEQ's file for the facility. If

the On-site Representative is not present, note on form and both copies shall be placed in PDEQ's file.

6. Prior to interviewing any person during an inspection, inform them that any statements made are not confidential and may be included in the inspection report. If a tape recorder is used, inform employees that the conversation is being recorded.
7. Inform On-site Representative that PDEQ will provide a copy of the inspection report, upon request, following the conclusion of the investigation.
8. DO NOT put yourself in danger. If you suspect illegal activity, document it and report it to your supervisor either by telephone or when you return to the office. If you observe an imminent health risk, report it to the On-site Representative and request that it be corrected immediately. Report the situation to your supervisor at once.

If you observe illegal activity or are threatened in any way, use any excuse and leave the area immediately. Report the incident to your supervisor right away, either by telephone or when you return to the office.

If you are denied entry to the property or to any part of the property, this constitutes a denial of entry. Document the denial by recording the name of the individual who denied access, their title and the reason for the denial. Return to the PDEQ and report the incident to your Supervisor or Manager. The Supervisor or Manager will report the incident to the Director.

UPON YOUR RETURN

1. Document any and all findings in a site inspection report and forward to your supervisor for review.

APPROVED BY:

Ursula Kramer
Director

Date

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Date(s) Revised: March 10, 2000, April 5, 2002