

Appendix I (cont.)
MULTI-MEDIA CHECKLISTS

TITLE	DATE	SOURCE
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Table 1

INVESTIGATION AUTHORITY UNDER THE MAJOR ENVIRONMENTAL ACTS

CAA - § 114(a)(2)

"...the Administrator or his authorized representative, upon presentation of his credentials - shall have a right of entry to, upon, or through any premises of such person or in which any records required to be maintained. . .are located, and may at reasonable times have access to and copy any records, inspect any monitoring equipment and method. . .and sample any emissions. . ."

CWA - § 308(a)(4)(B)

"...the Administrator or his authorized representative. . .upon presentation of his credentials - (i) shall have a right of entry to, upon, or through any premises in which an effluent source is located or in which any records required to be maintained. . .are located, and(ii) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method. . .any sample any effluents which the owner or operator of such source is required to sample. . ."

RCRA - § 3007(a)

"...any such person who generates, stores, treats, transports, disposes of or otherwise handles or has handled hazardous wastes shall upon request of any. . .employee or representative of the Environmental Protection Agency. . .furnish information relating to such wastes and permitsuch person at all reasonable times to have access to, and to copy all records relating to such wastes."

"...such employees or representatives are authorized. . .to enter at reasonable times any establishment or other place where hazardous wastes are or have been generated, stored, treated,or disposed of or transported from; to inspect and obtain samples from any person of any such wastes and samples of any containers or labeling for such wastes."

- § 9005(a)(1)

"...representatives are authorized. . .to enter. . .inspect and obtain samples. . ."

TSCA - § 11(a)(b)

"...any duly designated representative of the Administrator, may inspect any establishment. . .in which chemical substances or mixtures are manufactured, processed, stored, or held before or after their distribution in commerce and any conveyance being used to transport chemical substances, mixtures, or such articles in connection with distribution in commerce. Such an inspection may only be made upon

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the presentation of appropriate credentials and of a written notice to the owner, co-operator, or agent in charge of the premises or conveyance to be inspected."

FIFRA - § 8 and 9

". . .any person who sells or offers for sale, delivers, or offers for delivery any pesticide. . .shall, upon request of any officer or employee of the Environmental Protection Agency. . .furnish or permit such person at all reasonable times to have access to, and to copy: (1) all records showing the delivery movement, or holding of such pesticide or device, including the quantity, the date of shipment and receipt, and the name of the consignor and consignee. . ."

". . .officers or employees duly designated by the Administrator are authorized to enter at reasonable times, any establishment or other place where pesticides or devices are held for distribution or sale for the purpose of inspecting and obtaining samples of any pesticides or devices, packaged, labeled, and released for shipment and samples of any containers or labeling for such pesticides or devices."

"Before undertaking such inspection, the officers or employees must present to the owner, operator, or agent in charge of the establishment. . .appropriate credentials and a written statement as to the reason for the inspection, including a statement as to whether a violation of the law is suspected."

". . .employees duly designated by the Administrator are empowered to obtain and too execute warrants authorizing entry. . .inspection and reproduction of all records. . .and the seizure of any pesticide or device which is in violation of this Act."

SDWA - § 1445

". . .the Administrator, or representatives of the Administrator. . .upon presenting appropriate credentials and a written notice to any. . .person subject to. . .any requirement. . .is authorized to enter any establishment, facility, or other property. . .in order to determine. . .compliance with this title, including for this purpose, inspection, at reasonable times, of records, files, papers, processes, controls, and facilities or in order to test any feature of a public water system, including its raw water source."

CERCLA (Superfund) - § 104(e)

"Any officer, employee, or representative of the President. . .is authorized to . . .

require any person.. .to furnish. . .information or documents relating to. . .identification, nature, and quantity of material. . .generated, treated, stored, or disposed. . .or transported.. .nature or extent of a release. . .ability of a person to pay. . ."

". . .access. . .to inspect and copy all documents or records. . ."

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". . .to enter. . .place or property where any hazardous substance or pollutant or contaminant may be or has been generated, stored, treated, disposed of, or transported from. . .needed to determine the need for response. . ."

". . .to inspect and obtain samples. . ."

SUMMARY OF FEDERAL ENVIRONMENTAL ACTS REGARDING RIGHT OF ENTRY, INSPECTIONS, SAMPLING, TESTING, ETC.

Act/Section	Designated Representative	Presentation of Credentials	Notice of Inspection	Sampling Permitted	Inspection of Records	Sample Splits	Receipt for Agency's Samples	Return of Analytical Results
Clean Water Act - § 308(a)	Yes, auth. by Administrator	Required	Not required	Yes (effluents which the owner is required to sample)	Yes	Not required	Not required	Not required
FIFRA - § 8(b) (Books and Records)	Yes, designated by Administrator	Required	Written notice required with reason and suspected violation note	Access and copy records	Yes	N/A	N/A	N/A
FIFRA - § 9(a) (Inspections of Establishments)	Yes, designated by Administrator	Required	Written notice required with reasons for inspection	Yes	See § 8	Required, if requested	Required	Required, promptly
Clean Air Act - § 114(a)	Yes, auth. by Administrator	Required	Not required except notify State for SIP sources	Yes	Yes	Not required	Not required	Not required
RCRA - § 3007(a) § 9005(a)	Yes, designated by Administrator	Not required	Not required	Yes	Yes	Required, if requested	Required	Required, promptly
SDWA - § 1445(b)	Yes, designated by Administrator	Required	Written notice required, must also notify State with reasons for entry if State has primary enforcement responsibility	Yes	Yes	Not required	Not required	Not required
TSCA - § 11(a, b)	Yes, designated by Administrator	Required	Written notice required	(The Act does not mention samples or sampling in this section. It does state an inspection shall extend to all things within the premise of conveyance.)	Yes	N/A		N/A
CERCLA - § 104(e)	Yes, designated by President	Not required	Upon reasonable notice for information	Yes	Yes	Required, if request	Required	Required, promptly

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