

## CHAPTER Env-Hw 900 INSPECTIONS AND ENFORCEMENT

Statutory Authority: RSA 147-A:3; RSA 147-A:7

## PART Env-Hw 901 APPLICABILITY

Env-Hw 901.01 Applicability. Any person, as defined in Env-Hw 104, who is subject to the hazardous waste rules and who violates the requirements of, or refuses to comply with any of the provisions of the rules, shall be subject to the enforcement, liability, confiscation, and penalty provisions set forth in RSA 147-A.

## PART Env-Hw 902 RIGHT OF INSPECTION

Env-Hw 902.01 Right of Inspection. As authorized by RSA 147-A:7, I, the department through its personnel or other authorized representatives shall, upon presentation of appropriate credentials and at any reasonable time:

- (a) Inspect any property or premises, including generator, treatment, storage, or disposal facilities and transporter vehicles and transfer facilities;
- (b) Gather evidence on existing conditions and procedures;
- (c) Obtain representative samples of containers, materials, or wastes;
- (d) Conduct tests, analyses, and evaluations;
- (e) Photograph containers, tanks, labels, processes, or conditions related to hazardous waste generation, treatment, storage, transportation, or disposal; and
- (f) Inspect and copy any pertinent records, reports of information, or test results relating to the requirements of the hazardous waste rules.

## PART Env-Hw 903 INSPECTION PROCEDURE

Env-Hw 903.01 Credential Presentation.

(a) In conducting investigations and inspections, department personnel or other authorized representatives shall present their credentials to the property owner or representative or to the company representative present.

(b) Upon being presented with credentials, the property owner or representative or company representative shall allow department personnel to enter the premises. Under no circumstances shall any department personnel be required to sign a waiver or confidentiality agreement as a condition of entering and inspecting the facility.

Env-Hw 903.02 Inspection Reports. Upon conducting an investigation or an inspection, the department shall:

- (a) Make a report listing the violations found during the inspection;
- (b) Maintain the report on file at the department; and
- (c) Provide a copy of the report to the owner or operator or the owner's or operator's agent, if requested, upon completion of the final inspection report.

## APPENDIX A: STATE STATUTES, FEDERAL REGULATIONS IMPLEMENTED

Rule Section(s)	State Statute(s)	Federal Regulation(s)
Env-Hw 900	RSA 147-A:7	