

28-31-12. Inspections. (a) Upon presentation of credentials and stating the purpose of the visit, the following actions may be performed at any reasonable hour of the day by the secretary or any duly appointed representative:

- (1) Enter any factory, plant, construction site, hazardous waste storage, treatment, or disposal facility, or other location where hazardous wastes may potentially be generated, stored, treated, or disposed, and inspect the premises to gather information regarding existing conditions and procedures;
- (2) obtain samples of actual or potential hazardous waste from any person or from the property of any person, including samples from any vehicle in which hazardous wastes are being transported;
- (3) stop and inspect any vehicle, if there is reasonable cause to believe that the vehicle is transporting hazardous wastes;
- (4) conduct tests, analyses, and evaluations of wastes to determine whether or not the wastes are hazardous wastes and whether or not the requirements of these regulations are being met;
- (5) obtain samples from any containers or making facsimiles of container labels;
- (6) inspect and copy any records, reports, information, or test results relating to wastes generated, stored, transported, treated, or disposed;
- (7) photograph or videotape any hazardous waste management facility, device, structure, or equipment;
- (8) drill test wells or groundwater monitoring wells on the property of any person where hazardous wastes are generated, stored, transported, treated, disposed, discharged, or migrating off-site and obtaining samples from the wells; and

(9) conduct tests, analyses, and evaluations of soil, groundwater, surface water, and air to determine whether or not the requirements of these regulations are being met.

(b) If, during the inspection, unsafe or unpermitted hazardous waste management procedures are discovered, the operator of the facility may be instructed by the secretary's representative to retain and properly store hazardous wastes, pertinent records, samples, and other items. These materials shall be retained by the operator until the waste has been identified and the secretary determines the proper procedure to be used in handling the waste.

(c) When obtaining samples, the facility operator shall be allowed to collect duplicate samples for separate analyses.

(d) During the inspection, all reasonable security, safety, and sanitation measures employed at the facility shall be followed by the secretary's representative.

(e) A written report listing all deficiencies found during the inspection and stating the measures required to correct the deficiencies shall be prepared and sent to the operator.

(Authorized by and implementing K.S.A.2000 Supp. 65-3431; effective May 1, 1982; amended, T-85-42, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1987; amended June 4, 1999.)