

WAC 173-360A-0250 Compliance monitoring, investigation, and access. (1) The department's compliance monitoring program, including procedures for inspections and recordkeeping, must be consistent with and no less stringent than the program required by 40 C.F.R. Sec. 281.40, as amended, and section 9005 of the Solid Waste Disposal Act (42 U.S.C. Sec. 6991d).

(2) If necessary to determine compliance with the requirements of this chapter or chapter 90.76 RCW, an authorized representative of the state engaged in compliance inspections, monitoring or testing may, by request, require an owner or operator to submit relevant information or documents. The department may subpoena witnesses, documents, and other relevant information that the department deems necessary. In the case of any refusal to obey the subpoena, the superior court for any county in which the person is found, resides, or transacts business has jurisdiction to issue an order requiring the person to appear before the department and give testimony or produce documents. Any failure to obey the order of the court may be punished by the court as contempt.

(3) Any authorized representative of the state may require an owner or operator to conduct monitoring or testing.

(4) Upon reasonable notice, an authorized representative of the state may enter a premises or UST facility subject to regulation under this chapter or in which records relevant to the operation of an UST system are kept. In the event of an emergency or in circumstances where notice would undermine the effectiveness of an inspection, notice is not required. The authorized representative may copy records, obtain samples of regulated substances, and inspect or conduct monitoring or testing of an UST system.

(5) Owners and operators of UST systems must cooperate fully with inspections, monitoring, and testing conducted by the department, as well as requests for document submission, testing, and monitoring by the owner or operator under this section.

(6) For purposes of this section, the term "authorized representative" or "authorized representative of the state" means an enforcement officer, employee, or representative of the department.

[Statutory Authority: Chapter 90.76 RCW. WSR 18-15-083 (Order 16-02), § 173-360A-0250, filed 7/18/18, effective 10/1/18.]