

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 8 - GENERAL OPERATIONS
PART 8.7 - STORM WATER CONTROL
SECTION 8.75 - AUTHORITY TO INSPECT

(a) Authority to Inspect. Whenever it is necessary to investigate the source of any Discharge to any street, inlet, gutter or Storm Water Conveyance System within the jurisdiction of the Authority, to verify compliance with this Storm Water Code, or to enforce any of its provisions, or perform any duty imposed by this Storm Water Code or other applicable law, the President/CEO is hereby authorized to enter such property at any reasonable time and perform such inspection or investigation. Prior to performing any authorized inspections, entry to property shall be obtained as follows:

(1) If such building or premises is occupied, the President/CEO shall first present proper credentials of identification and obtain either the consent of the owner or occupant of the property or shall obtain an administrative warrant or criminal search warrant or other mechanism allowed by law to secure entry and inspect the building or premises; or

(2) If such building or premises is unoccupied, the President/CEO shall make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry, explaining the reasons therefor. If such entry is refused or cannot be obtained because the owner or other person having charge or control of the building or premises cannot be found, the President/CEO shall have recourse to every remedy provided by law to secure entry and inspect the building or premises.

(3) Notwithstanding the foregoing, if the President/CEO has reasonable belief that the Discharges emanating from the premises are so hazardous, unsafe or dangerous as to require immediate inspection or remedial actions to abate conditions that endanger the public health and safety, the President/CEO shall have the right to immediately enter the premises. Any reasonable means may be used to effect such entry to make the necessary inspection or abate the dangerous condition, whether the property is occupied or unoccupied and whether or not formal permission to inspect has been obtained. If the property is occupied, the President/CEO shall first present proper credentials of identification to the occupant and demand entry, explaining the reasons therefor and the purpose of the inspection.

(A) In accordance with this subsection, no person shall refuse, resist, restrict, delay or interfere with the President/CEO in the performance of his or her duties.

(b) Inspection Duties. Upon securing entry into a property, the President/CEO shall be allowed to perform the following duties during an inspection:

(1) To inspect, take samples of any area runoff, process Discharge or

materials within any exposed operational or storage area and perform tests for the purpose of determining the potential for the contribution of Pollutants to the Storm Water Conveyance System or Receiving Waters;

(2) To place on the property of the inspected facility or site any such devices as are necessary to sample, monitor, measure and record flows of Discharge or threatened Discharge;

(3) To inspect, examine and copy all records of the owner or occupant of inspected property that pertains to any Discharge to the Storm Water Conveyance System, including records relating to; chemicals or processes presently or previously occurring on the site; a NPDES Permit; an application to obtain coverage under a NPDES Permit; waste Discharge records; waste manifests; SWPPPs; monitoring and or inspection plans, tests and results; any corrective actions implemented; any records or plans relating to Discharge connections to the Storm Water Conveyance System; and any other information required to carry out the provisions of this Storm Water Code;

(4) To photograph any materials, storage or process areas, wastes, waste containers, vehicles, connections, BMPs, treatment systems, Discharge locations or any violations discovered during the inspection; and

(5) To abate, correct or prevent Pollutants from entering the Storm Water Conveyance System or surface waters.

(c) Defined Terms. Capitalized terms not defined in this Section are defined in Section 8.71 of this Code.

[Amended by Resolution No. 2018-0053 dated June 7, 2018.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]