

Understanding Ohio EPA's Inspection Authority

The Ohio Revised Code (ORC) contains the authority for Ohio EPA inspectors, as authorized representatives of the director, to enter public and private properties to conduct inspections and investigations. Generally speaking, an Ohio EPA inspector is authorized to conduct activities to determine compliance with environmental laws and regulations, including:

- entering a premises at any reasonable time;
- completing inspections of facilities, equipment and activities;
- investigating environmental conditions;
- taking samples or conducting tests;
- examining records or reports; and
- taking photographs, accessing and copying records.

Applicable ORC sections include, but are not limited to:

- Air Inspection Authority - [ORC § 3704.03 \(L\)](#)
- Construction and Demolition Debris Inspection Authority - [ORC § 3714.08 \(C\)](#)
- Drinking Water Inspection Authority - [ORC § 6109.34](#)
- Solid and Hazardous Waste Inspection Authority - [ORC § 3734.07 \(C\)](#)
- Surface Water Inspection Authority - [ORC § 6111.05](#)
- Voluntary Action Program Site Inspection Authority - [ORC § 3746.21](#)

Most Ohio EPA permits contain conditions that require the permittee to grant access to Ohio EPA to conduct an inspection. For example, wastewater National Pollutant Discharge Elimination System (NPDES) permits and air permits contain right of entry and compliance conditions that require the permittee to allow site access for inspection purposes.

For many of Ohio EPA's programs, the ORC outlines the authority of the Ohio EPA director, or an authorized representative, to obtain an inspection warrant from the court if entry or inspection is refused, hindered or thwarted. For some programs, the Agency can also seek the recovery of costs associated with obtaining a warrant from the entity denying access.

Denying access to an Ohio EPA inspector may result in the Agency seeking a warrant and, in some cases, may also be a direct violation of an entity's permit conditions. Ohio EPA strives to work with regulated entities in a cooperative manner, and the majority of inspections are completed with consent to access the site. Ohio EPA inspectors should, however, be familiar with and clearly communicate their inspection authority upon arriving at a site for an inspection. For questions about Ohio EPA's inspection authority, contact Ohio EPA's Legal Section at (614) 644-3037.

While an inspector has the legal right to inspect, a site should not be entered if there are conditions that make it unsafe or dangerous to proceed in conducting an inspection.