

AIR POLLUTION CONTROL DISTRICT
REGULATORY COMPLIANCE DIVISION

POLICIES AND PROCEDURES

Policy No. III.A
Supersedes Date 05-15-90
Date August 27, 1990

Draft _____
Final X
Pages 1

Topic: When To Take Samples

Distribution: All Policy Holders

This policy and procedures document provides guidance on when to take samples.

The legal basis for obtaining samples is provided in Health and Safety Code Section 41510 which authorizes the Air Pollution Control Officer or an authorized representative to enter the premises of any emission source for inspection, sampling and obtaining records.

Unless otherwise directed by the Regulatory Compliance Division Manager, samples will be collected only during routinely scheduled inspections (e.g., quarterly, semiannual, annual or grid surveillance). Samples should be taken if there are no other readily available means of determining whether the source or person is in compliance with permit conditions or District Rules and Regulations. For example, if a source has laboratory analysis results acceptable to the District which document the fuel sulfur content, then sampling would not be necessary. On the other hand, as coatings may be thinned prior to application, a product information sheet is often inadequate for determining compliance. Whether or not sampling is necessary to determine compliance of a specific category is delineated in the inspection procedure for that category.

If an inspector or engineer is refused permission to obtain a sample, Policy and Procedure I.B.2 (When and How to Obtain an Inspection Warrant) is to be followed.

Caution should be taken if there is reasonable suspicion that a sample will demonstrate that a violation of a state or local law, rule or regulation has or is occurring and if it existed, would be an immediate threat to health or safety¹. In this situation, criminal prosecution may be considered by the District Attorney or County Counsel and any samples taken as evidence should be collected under the auspices of a search warrant. The inspector or engineer must report any such suspicions immediately to his/her supervisor and the Regulatory Compliance Division Manager. County Counsel should be informed so that an appropriate course of action can be planned. Specific sample collection techniques and chain of custody procedures are discussed in Policy and Procedure documents III.C and III.B, respectively.

¹ If there is a reasonable suspicion of a violation which does not pose an immediate threat to health or safety, the inspector or engineer may take a sample.