**74:50:03:04.  Search warrants.** The secretary shall obtain a search warrant from the magistrate court in the area of the involved facility before conducting an inspection if an operator has withdrawn permission to inspect, unless the involved violation can be discerned by the secretary without entering the operator's property. If the secretary is investigating a complaint alleging waste, pollution, or noncompliance with the provisions of SDCL chapter 34A-2 or articles 74:51 to 74:56, inclusive, an inspection may be conducted by the secretary only if the operator consents to the inspection or if a search warrant is obtained.

**Source:** 14 SDR 86, effective December 24, 1987; transferred from § 74:03:14:04, July 1, 1996.

**General Authority:** SDCL 34A-2-93.

**Law Implemented:** SDCL 34A-2-45, 34A-2-46.