

PROCEEDINGS ON WHICH THE SECRETARY BASED HIS DETERMINATION.

(2) IF THE PETITIONER APPLIES TO THE COURT FOR LEAVE TO ADDUCE ADDITIONAL EVIDENCE, AND SHOWS TO THE SATISFACTION OF THE COURT THAT THE ADDITIONAL EVIDENCE IS MATERIAL AND THAT THERE WAS NO OPPORTUNITY TO ADDUCE THE EVIDENCE IN THE PROCEEDING BEFORE THE SECRETARY, THE COURT MAY ORDER THE ADDITIONAL EVIDENCE AND EVIDENCE IN REBUTTAL THEREOF TO BE TAKEN BEFORE THE SECRETARY IN A HEARING OR IN ANY OTHER MANNER, AND UPON OTHER TERMS AND CONDITIONS THE COURT DEEMS PROPER. THE SECRETARY MAY MODIFY HIS FINDINGS AS TO THE FACTS, OR MAKE NEW FINDINGS, BY REASON OF THE ADDITIONAL EVIDENCE SO TAKEN, AND HE SHALL FILE THE MODIFIED OR NEW FINDINGS, AND HIS RECOMMENDATION, IF ANY, FOR THE MODIFICATION OR SETTING ASIDE OF HIS ORIGINAL DETERMINATION, WITH THE RETURN OF THE ADDITIONAL EVIDENCE.

(3) UPON THE FILING OF THE PETITION UNDER THIS SUBSECTION, THE COURT HAS JURISDICTION TO REVIEW THE DETERMINATION OF THE SECRETARY. IF THE COURT ORDERED ADDITIONAL EVIDENCE TO BE TAKEN UNDER SUBSECTION (C)(2) ABOVE, THE COURT ALSO SHALL REVIEW THE SECRETARY'S DETERMINATION TO DETERMINE IF, ON THE BASIS OF THE ENTIRE RECORD BEFORE THE COURT PURSUANT TO SUBSECTIONS (C)(1) AND (2), IT IS SUPPORTED BY SUBSTANTIAL EVIDENCE. IF THE COURT FINDS THE DETERMINATION IS NOT SO SUPPORTED, THE COURT MAY SET IT ASIDE. WITH RESPECT TO ANY DETERMINATION REVIEWED UNDER THIS SUBSECTION, THE COURT MAY GRANT APPROPRIATE RELIEF PENDING CONCLUSION OF THE REVIEW PROCEEDINGS.

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(A) FOR THE PURPOSES OF ENFORCEMENT OF THIS SUBTITLE, OFFICERS OR EMPLOYEES DULY DESIGNATED BY THE SECRETARY, UPON PRESENTING APPROPRIATE CREDENTIALS TO THE OWNER, OPERATOR, OR AGENT IN CHARGE, MAY ENTER, AT REASONABLE TIMES, ANY FACTORY, WAREHOUSE, OR ESTABLISHMENT IN WHICH ALLEGED HAZARDOUS SUBSTANCES ARE MANUFACTURED, PROCESSED, PACKED, OR HELD FOR INTRODUCTION INTO COMMERCE OR ARE HELD AFTER INTRODUCTION, OR TO ENTER ANY VEHICLE BEING USED TO TRANSPORT OR HOLD HAZARDOUS SUBSTANCES IN COMMERCE; AND TO INSPECT AT REASONABLE TIMES, AND WITHIN REASONABLE LIMITS AND IN A REASONABLE MANNER, THE FACTORY, WAREHOUSE, ESTABLISHMENT, OR VEHICLE, AND ALL PERTINENT EQUIPMENT, FINISHED AND UNFINISHED MATERIALS, AND LABELING THEREIN; AND TO OBTAIN SAMPLES OF THE MATERIALS OR PACKAGES THEREOF, OR OF THE LABELING.

(B) IF THE OFFICER OR EMPLOYEE OBTAINS ANY SAMPLE, PRIOR TO LEAVING THE PREMISES, HE SHALL PAY OR OFFER TO PAY THE OWNER, OPERATOR, OR AGENT IN CHARGE FOR THE SAMPLE AND GIVE A RECEIPT DESCRIBING THE SAMPLES OBTAINED.