

Environmental Protection Division's Inspection Guide



**Prepared by
Georgia Small Business Assistance Program
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ENVIRONMENTAL PROTECTION DIVISION'S INSPECTION GUIDE

Under Georgia's Laws, the Environmental Protection Division (EPD) has the authority and responsibility to inspect a company/facility or an unauthorized disposal site at any reasonable time. This fact sheet will help you understand and be better prepared for an EPD inspection when it happens at your company/facility.

EPD is divided into seven branches, each with its cadre of knowledgeable professionals. This means that one or more different EPD inspectors could visit a company subject to air, waste and water regulations during a year. EPD routinely conducts unannounced inspections, so an inspector may arrive at your company without prior notice. The inspection process usually includes the four areas described below.



PRE-INSPECTION MEETING

A meeting is often conducted at the beginning of an inspection. During the meeting, the inspector may ask for a description of the company's processes or services, or a list of the waste streams. The inspector may ask about the raw materials used and wastes or discharges from the facility.

The inspector may review records that relate to environmental regulations. EPD's inspection authority includes obtaining photocopies of records. Some common records reviewed during inspections include:

- Permit
- Inspections logs
- Equipment and operation records
- Waste shipping papers
- Sampling or monitoring data
- Material safety data sheets
- Control equipment operating parameters
- Monthly usage and/or waste disposal records

FACILITY WALK-THROUGH

If your company has a liability waiver that visitors are required to sign before entering the premises, please note that EPD inspectors cannot sign such waivers. The inspector will observe processes and activities (how the company collects and handles wastes, for example), and may walk around outside the building(s), looking for air emissions, water discharges or to inspect areas where wastes are handled. They will also be looking for newly constructed processes that may not be included in your existing permit(s).

During the walk-through, the inspector might ask employees (e.g., shop supervisor) questions about the company's processes or practices. The inspector will usually take notes during all phases of the inspection, including the walk-through. The inspector might take photographs during the inspection. Typical areas photographed include process or waste units (e.g., tanks, containers), areas where spills or leaks have occurred, discharges/emissions, etc. If you feel that these materials may reveal trade secrets, you may request that the materials be classified as confidential. Such a request must be made in writing immediately after the inspection occurs. Sometimes an inspector will take samples

(soil, water, or waste materials) during an inspection. If you wish, your company may request that samples be split so that you may have them analyzed independently for comparison.



CLOSING MEETING

During the closing meeting, the inspector generally will summarize his or her findings. The inspector cannot always give a complete summary of the inspection, particularly if a situation requires more information or additional research. The inspector will usually describe the general paperwork procedures that follow the inspection (e.g., issuing the inspection report, follow-up letter).

WRITTEN SUMMARY

A report may be left at the facility or mailed to the company after the inspection, however, some inspectors only do this when problems are observed. The report will generally include a summary of the inspection results and it may identify violations or other problem areas found during the inspection. A copy of the inspector's field checklist might also be included with the report. If there are violations noted during the inspection, these will generally be handled with a formal Warning Letter, Notice of Violation or other formal notification procedure.

Understanding the inspection process can help prepare your company for an EPD visit. Other guidelines to help decrease the possibility of violations or of having your company subject to legal action are outlined below.

BEFORE THE INSPECTION



- Be prepared. Monitor your company's activities and keep up-to-date records demonstrating compliance with the environmental regulations and EPD permit requirements.
- Ask questions. Call the EPD technical staff or EPD's Small Business Assistance Program and ask questions if you are unsure which regulations apply to your company or whom you should talk to from the regulatory staff. Call 1-888-373-5947 or 404/362-4842.
- Make sure there is someone at the company who can accompany an inspector if you are away. EPD staff can conduct an inspection even if the business owner is not on site.
- Make sure your environmental records are up-to-date and in order so you can easily find them during the inspection. Many companies keep separate records for different program areas (i.e., separate files for air, waste and water related records). How you organize your records is up to you; the key is making sure that records can be easily retrieved during an inspection.

WHEN THE INSPECTOR ARRIVES ON SITE...

Be sure to see the inspector's identification and get a business card. Inspectors may be from different EPD offices, branches or programs so it's important for you to know exactly who the inspector is and what branch or program he or she represents.



- Accompany the inspector at all times. The inspector may not recognize unique safety hazards at your company such as ladders, roofs and walkways.
- Be cooperative. The inspector is on-site to assess compliance with environmental regulations in a spirit of cooperation. A reciprocal cooperative attitude from the company is helpful in getting the inspection done quickly and efficiently.
- Ask for a written follow-up letter or inspection report. This is usually standard procedure, but ask when you will receive the letter or report. Inspection reports are public records and you have a right to the findings.

COMMON AIR QUALITY VIOLATIONS

- Installing/operating equipment without permits.
- Not keeping records or having incomplete records, required by permits or not having records available during inspection.
- Discharging air contaminants (pollutants) in excess of permit limits.
- Not maintaining pollution control equipment.
- Modifying operation, processes or control equipment without authorization.

COMMON HAZARDOUS WASTE VIOLATIONS

- Not evaluating wastes to find out if they are hazardous.
- Missing or inaccurate records (e.g., manifests, inspection logs, training records).
- Containers of hazardous waste open or in poor condition.

- Improperly disposing of waste (e.g., throwing in trash dumpster, on the ground).
- Improperly treating wastes (e.g., allowing solvents to evaporate off rags, filters).

COMMON SOLID WASTE VIOLATIONS

- Waste not properly covered in accordance with landfill permit.
- Cover not adequately compacted in accordance with permit.
- Records not adequately maintained.

COMMON WASTEWATER VIOLATIONS

- Discharging wastewater without a permit.
- Discharge of wastewater to a local sewer without permission of the local authority.
- Unpermitted discharges into drains, storm sewers or on-site septic systems.
- Violations of discharge permit limitations or conditions.
- Making process changes that could affect the permit without notifying EPD.
- Inadequate best management practices (BMP) plans required under general storm water permits.

COMMON DRINKING WATER VIOLATIONS

- Drilling a well or installing water treatment equipment without approval.
- Not performing bacteriological or chemical sampling.

AFTER THE INSPECTION

If your company receives a Warning Letter (WL) or Notice of Violation (NOV) after an inspection, here are some simple **DOs** and **DON'Ts** to remember:

DO.....

- Be sure that you read and understand the WL or NOV. If you have any questions about anything in the letter, call the inspector directly. You may want to call the inspector shortly after getting the letter to acknowledge that you received it.
- Follow the instructions in a NOV and take timely actions to correct violations. As violations are corrected, document and submit this information to the inspector.
- Most NOVs include a deadline for response. Ask for additional time if you feel the company needs this time to prepare a response to the NOV or to correct violations. EPD provides some flexibility to companies in responding to NOVs, if it is known that the company is working on the problem.
- Keep the inspector informed of your progress in correcting violations. Remember though that your company remains in violation (and subject to enforcement action) even if additional time in responding to the NOV is granted. It is still important to return to compliance as quickly as possible.
- Most NOVs will state what the company needs to do to correct violations; however, if what is needed is not clear you may want to contact the inspector. The company may be able to correct the violations on its own without hiring outside help. However, if an outside consultant is necessary, be sure to engage a professional who is qualified and experienced in the particular area of need.



- Ask for an explanation of the enforcement process. Receiving a NOV is to be taken seriously; however, it doesn't necessarily mean that the company will also receive a penalty. A NOV is one step in the enforcement process.

DON'T.....

- Throw the letter away. Many NOVs are sent certified mail, which provides proof that you received the letter. In addition, failure to respond to the NOV and take corrective measures will usually result in a more serious enforcement action (which could mean fines or penalties).
- Wait until the last day to respond. Responding before a deadline demonstrates a higher standard of care on the company's part. This could be important in penalty situations where standard of care is factored into the decision on the amount of a monetary penalty.
- Cut off communication with EPD. Even though your company has been inspected and received a NOV, the inspector is still available for assistance. The inspector may be able to help you in identifying measures needed to correct problems.