

Surviving an Agency Inspection

Presented to:

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Presented by: The WCM Group, Inc.
Mr. Donny Hearn (dhearn@wcmgroup.com)

Why Am I Being Inspected?

- ▶ An Agency environmental inspection is an investigation to determine your level of compliance with an environmental regulation(s) or permit(s), or of a perceived noncompliance or a compliant
- ▶ An inspection may be the result of:
 - A single issue (i.e. compliance with an environmental regulatory agency issued permit)
 - A multi-media inspection (i.e. all applicable environmental laws)
 - A response to a complaint (due to neighbors or disgruntled employees)

WHY?



Who Can Conduct An Agency Inspection?

- ▶ Local, State or Federal levels
- ▶ Broad inspection authority to determine a company's compliance with environmental laws and regulations
- ▶ Inspect processes and monitoring equipment, copy records, and take samples of materials stored or used at the facility as well as discharges and emissions from the facility
- ▶ Assume that an environmental investigation could occur at any time and have a general plan of action for when an inspector arrives



Why Should YOU Be Concerned?

- ▶ Like death and taxes, an environmental agency inspection is inevitable
- ▶ Take an inspection seriously -inspections are the primary tool of enforcement
- ▶ Substantial civil and criminal liability at stake



What To Expect


- ▶ Maintain compliance with all applicable environmental laws, regulations, and permits
- ▶ Know company operations, keep all permits current, and understand facility responsibilities
- ▶ If you do not have the necessary environmental expertise in-house, consult with experienced environmental consultants
- ▶ Periodic internal environmental audits



What To Expect

- ▶ Routine inspection = more than an hour
Comprehensive = multi-day event
- ▶ Review everything that pertains to the permit or issue in question
- ▶ KEY to surviving an agency inspection

...BE PREPARED



"Before anything else, preparation is the key to success."

~ Alexander Graham Bell

Be Prepared

- ▶ Contact your corporate EH&S representatives for assistance, DO NOT try to handle an agency inspection solo
- ▶ What areas the inspection will focus on?
- ▶ Prepare your records, facility and staff

Don't Panic



File Preparation

- ▶ Identify and segregate the environmental records
- ▶ Organize the environmental records and prepare them for easy access
 - Gives the inspector a good impression of the operation of the facility
 - Ensure permits and records are up to date
 - Organize the permits and records by media
 - Organize monitoring records and testing records
 - Maintaining records in a readily accessible format



Facility Preparation

- ▶ Designate a meeting or conference room away from normal business activity
- ▶ Limit employee contact with the inspection and pre-designate who will escort the inspector. The escort should:
 - Always accompany the inspector during the inspection (even during smoke breaks)
 - Be friendly, but not talkative
 - If the inspector takes photographs or samples, the escort must do the same
 - Not interfere with the inspection, but also not assist the inspector



Starting the Inspection

- ▶ Gather identification/credentials
- ▶ “Opening” conference to determine the scope of the inspection
- ▶ Be safe. Ensure all inspectors take the same types of safety precautions that employees and visitors are required to take (i.e. hard hats, safety goggles, etc.)
- ▶ Review the schedule of events
- ▶ Be respectful. Be responsive but also be careful.



Monitoring the Inspection

- ▶ DO NOT allow the inspector to be unattended
- ▶ Escort should take notes of everything the inspector says or does (sampling, copying records, photographs)
 - Do not let the inspector take original documents
 - Make copies of any documentation the inspector takes



Monitoring the Inspection

- ▶ Tell the truth but DO NOT make admissions
- ▶ Limit the inspection of records or areas related to the scope of the inspection. The inspector is not entitled to see every single document at the facility as many documents will be unrelated.



Ending the Inspection



- ▶ Initiate a closing conference to review the findings
- ▶ Determine if there are any items or issues requiring any follow-up
- ▶ **DO NOT** admit that any potential non-compliance items identified are violations
- ▶ Verbal or written report summarizing the inspection findings or Notice of Violation (NOV)
- ▶ Do not make promises you cannot keep

Follow-Up on the Inspection

- ▶ Prepare and file an internal written record of the inspection
- ▶ Contact EH&S corporate staff to discuss who and how to respond to potential non-compliance items
- ▶ Confirm in writing any verbal requests made by the inspector



TOP 10 Reoccurring Violations

1. Container Labeling & Open Containers
2. Housekeeping
3. Used Oil Violations
4. Universal Waste Violations
5. Proper & Documented Employee Training
6. Tracking outside the wash bays
7. Satellite Accumulation Violations
8. Proper Hazardous Waste Determinations
9. Failure to Perform Inspections
10. Outdated Plans



Hazardous Waste Generator Improvements US EPA Final Rule Stringency

More stringent:

- ▶ Identifying hazards of wastes being accumulated & labeling
- ▶ Satellite accumulation areas (SAAs)
- ▶ Small quantity generator (SQG) re-notification
- ▶ Quick reference guide for contingency plans
- ▶ Contingency plan elements required for SQGs
- ▶ Biennial reporting for whole year, not just months the generator was a LQG
- ▶ Closure as a landfill for LQGs accumulating hazardous wastes in containers that cannot meet closure performance standards
- ▶ Notice of closure



Questions?



The WCM Group, Inc.
110 S. Bender Avenue
Humble, TX 77338
(281) 446-7070
wcmgroup.com

Mr. Donny Hearn
(dhearn@wcmgroup.com)