



What to Expect From an Environmental Compliance Inspection

Information presented in this publication is intended to provide a general understanding of the statutory and regulatory requirements governing inspections. This information is not intended to replace, limit or expand upon the complete statutory and regulatory requirements found in the Illinois Environmental Protection Act and Title 35 of the Illinois Administrative Code. These requirements can be found on line at www.ipcb.state.il.us.

Representatives of the Illinois Environmental Protection Agency (Illinois EPA) may show up at your door one day to conduct an environmental compliance inspection. Knowing what to expect during and after the inspection can help reduce the apprehension you may have about the process. While the scope and intent of environmental compliance inspections may vary, this fact sheet will help answer frequently asked questions about the inspection process and provide you with contacts for further information.

? What Should I Expect When an Inspector Knocks on My Door?

The inspector has the legal authority to enter a facility or private property to conduct an inspection to determine compliance with Illinois environmental laws, rules, and regulations. Inspections are usually not pre-arranged but generally occur during regular business hours. In the event of a spill or other emergency, however, an after-hours inspection may be necessary. Upon arriving at the business, the inspector will ask for the facility environmental coordinator or person in charge. The inspector will identify his or her official title, and discuss the scope of the inspection activities; all inspectors have official photo identification. In most cases, a single inspector will evaluate only one area of environmental compliance. One or more inspectors may show up to evaluate compliance with all environmental media laws such as those relating to air, water, and waste. This type of inspection is called a multi-media inspection.

Environmental inspections generally follow the same format; an opening conference, review of records, an interview and facility tour, and a closing conference. These inspection components and information about sampling and photographing during the inspection are discussed below.

? Why Is My Business Being Inspected?

Inspections may be conducted for numerous reasons, including the following:

- Compliance inspection for an Agency-permitted activity or permit application filed for your facility
- Other inspections of regulated activities by Illinois EPA to determine compliance with specific requirements
- Follow-up inspections to check on prior violations
- Response to a citizen or employee complaint
- Referral from another federal, state, or local agency

? What Should I Expect During the Opening Conference?

Each inspection begins with an opening conference. This may range from a formal meeting to a brief, informal discussion of the plan for the inspection. It is helpful to include the environmental and safety officer and any other employees who have knowledge of the environmental activities at your facility at the conference. The inspector may ask about facility operations, including plant layout and processes, management structure, plant safety, and other information relevant to the inspection. The inspector will also identify records he or she will want to review and may either make copies of the records or discuss how copies will be made.

Since the inspector will prepare a written report after the inspection, he or she will take notes throughout the entire inspection. The inspector will record information such as facility contacts, plant operations and discussions with facility representatives.

TIP

During the opening conference, ask the inspector about any questions or concerns you may have about an inspection, such as business confidentiality issues. Also be sure to inform the inspector of any safety procedures established for your facility.

? What Kinds of Records Will the Inspector Review?

The inspector has the legal authority to have access to and copy records and will generally review records included in the list that follows. The specific records reviewed depend on the area of environmental compliance evaluated by the inspector. For example, a water inspector most likely will not review air emission data. For multi-media inspections, the inspector(s) may review all of the following records:

- Facility process information
- Material purchasing records
- Hazardous and nonhazardous waste manifests
- Analytical results for waste determinations
- Air emissions data, wastewater discharge data, and other monitoring data required by permits held by your facility
- Annual reports
- Self-monitoring records
- Operation records
- Training records
- Waste handling and disposal information

- Emergency response and spill control procedures and plans
- Engineering assessments
- Landfill receipts or other bills of lading

Inspectors will be looking for past records (up to 3 to 5 years old) as well as current records. The inspector will compare information contained in the records with what he or she has observed at the facility. It is likely that the inspector will request copies of most of the documents he or she reviews. If you do not have a copy machine at your facility, you and the inspector can discuss other options for making copies.

TIP

Keep your environmental records organized and readily accessible. This will keep the inspection time-efficient and enhance your ability to comply with recordkeeping requirements.

? What should I Expect During the Interview and Facility Tour?

The interview and the facility tour are the main tools that the inspector will use to gather information about your facility and its operations. If the inspection is multi-media, all environmental aspects of your facility will be covered during the inspection. In general, the inspectors will ask about the following:

- * Facility processes
- * Waste generation
- * Air emissions
- * Wastewater generation and discharge
- * Problems experienced by the business
- * Permit requirements

It is important to provide accurate answers to the inspector's questions. If you do not know the answer, either obtain the answer from someone who can respond or tell the inspector that you will provide a response at a future time after talking to appropriate facility personnel.

? Will the Inspector Collect Samples of Anything?

The inspector has the legal authority to obtain samples of environmental media such as wastewater discharges, waste materials, or air emissions. Sampling is often conducted to document potential evidence of noncompliance or compliance with laws or a permit but can be conducted at the discretion of the inspector. The inspector will carefully document all sampling activities and chain-of-custody procedures will be followed to ensure the validity of the sampling results.

If the inspector collects samples, you will be offered the opportunity to collect duplicate or split samples of the inspector's samples and have them analyzed. You will be required to provide your own sample containers and analytical services.

? Will the Inspector Take Photographs?

The inspector may take photographs of facility operations and environmental activities such as waste treatment, disposal, or storage areas; air pollution control devices; and wastewater treatment equipment. Photographs document activities the inspector observes during the inspection and provide a valuable record of your facility's environmental compliance.

If the inspector takes photographs, you can also take photographs of the subject. You may request that the inspector refrain from photographing proprietary processes not essential to the inspection. If the inspector requests to take photographs of a confidential activity or operation, inform the inspector immediately so that he or she can document the request for business confidentiality. A request for business confidentiality of any information including photographs obtained during the inspection, will be evaluated by Illinois EPA. After the inspection, Illinois EPA will inform you if information and photographs will be kept confidential.

? What Should I Expect During the Closing Conference?

After the inspector has interviewed facility personnel, toured the facility, and collected samples (if necessary), he or she will conduct a closing conference. This conference may range from a formal meeting to a brief, informal discussion. The inspector may review his or her observations and request clarification. The inspector will also identify if further information is needed and coordinate with you regarding when that information will be provided. The inspector will provide general observations about any problems observed at this time, but the final compliance evaluation will be performed after the inspection.

TIP

Consider developing a self-assessment program at your facility to ensure that you are complying with environmental requirements. The self-assessment can improve your compliance and also identify pollution prevention opportunities that can reduce your operating costs.

? What Happens After the Inspection?

Businesses are often concerned about what may happen after the inspection if problems are found. Illinois EPA will not take steps to stop activities at a business unless those activities are causing or contributing substantial harm to the environment or public health and welfare.

If violations are found during the inspection, Illinois EPA will follow up with actions aimed at correcting the problems. A written notification will be sent to the facility that explains the alleged violations and recommends how to correct the problems. The facility may request a meeting with Illinois EPA to discuss the alleged violations, the recommended corrective actions, and the timeframes for implementation of corrective actions.

? Where Do I Go For More Information?

For additional information on environmental inspections and other environmental requirements, please call the Office of Small Business at 1-888-EPA-1996. All calls are considered confidential, and the caller can remain anonymous. You may also contact your regional Illinois EPA office for more information about environmental inspections and regulations. Further information including the telephone numbers for regional EPA offices is available at the Illinois EPA website at www.epa.state.il.us.

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