What to expect when we’re inspecting
Who Do We Inspect?

- Review resources for

  - Non-filers
    - EPCRA (Tier II, TRI, and release notifications)
    - Internet searches and sector information
  - Late filers (miss the 5-year update)
  - “High Risk” facilities
    - Significant population in worst-case scenario
    - Hazard index > 25
    - Significant accident (on RMP or should be on RMP)
  - Tips and complaints
How to Prepare for CAA 112(r) Inspection

- Have current copy of RMP submittal
- MSDS’s for chemicals used on-site
- Collect key documents
  - OCA data
  - Prevention program elements
    - Especially compliance audits
  - Accident/incident information
  - Emergency response plans
- Review inspection checklist
Typical Inspection

- Begin with document review
  - Inspector may request copies (electronic and/or hard) of documents
- Facility walk-through
- Interview employees
- Closing conference
  - Inspector will leave a list of preliminary findings
Post-Inspection

- Inspector will write report
- Report will be mailed to facility
- Case Review Officer (CRO) will determine what enforcement actions are needed
  - Most common are finding of violation, expedited settlement agreement, and administrative actions
- Facility will be contacted
Enforcement Trends

- Moving away from expedited settlements
- Penalties have risen since June 1999 due to
  - Duration of violations
  - Inspecting larger/more complex facilities
- More DOJ involvement during the past few years than previously
Exercise

☐ What are the possible “red flags” with this RMP?
CAA 112(r) Enforcement

- Subject to penalties of up to $37,500 per day per violation
EPA Self-Disclosure Audit Policy

- Must meet all 9 conditions of audit policy
  - Systematic discovery of the violation through environmental audit or due diligence
  - Voluntary discovery
  - Prompt disclosure
  - Discovery and disclosure independent of government or third party
  - Correction and remediation
  - Prevent recurrence
  - No repeat violations
  - Other violations excluded
  - Cooperation

- In the last 5 years alone, over 2600 entities have self-disclosed violations at over 7000 facilities under EPA’s Compliance Incentive Policies
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Questions?
Your Presenters

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