

Inspection Tips For Regulated Facilities

NEBRASKA

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This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

To make compliance easy, the Nebraska Department of Environment and Energy (NDEE) has developed the following tips to help regulated facilities make the inspection process more effective. Note that for the drinking water program, inspections are generally referred to as “surveys.” This document applies to both inspections and surveys.

NDEE’s vision is to see everyone living in, working in, and enjoying a healthy Nebraska environment, and this is achieved through our mission: protect and improve human health, the environment, and energy resources.

To make this vision and mission possible, NDEE has also updated its Return to Compliance process in order to provide clear, consistent, and concise feedback for facilities. More information can be found on page 2 under “What happens after an inspection?” and in a separate document titled “A Guide to NDEE’s Return to Compliance Process.”

? How can I be prepared for an inspection?

NDEE typically conducts unannounced inspections to assure an inspector observes the facility as it normally operates. However, there are best practices facilities can use in their day-to-day operations that lead to better compliance with their permits and make the inspection process more efficient. Please note that all operations are different, so not all of these tips may apply to you.

1) If you have a permit, read and understand it and the regulations that apply to your facility

A permit is your primary tool for meeting environmental regulations, so it’s important that the permit is understood. If you have questions, do not hesitate to reach out to your permit writer or inspector.

Be sure to plan ahead and apply for a new or reissued permit on time, according to regulation time frames. This ensures a prompt reissuance of the revised or new permit.

2) Keep documents organized and easy to find

Record keeping requirements are essential. Accurate, organized records save time during inspections and help facilities remedy concerns before a problem occurs.

3) Regularly check all required equipment

A well-maintained facility and properly functioning control equipment and operations are better for the environment and your community. A maintenance log and a log of equipment and meter readings can help you keep track of completed work and prevent violations.

4) Have backup staff available

A second person with knowledge about records and the facility’s process can answer questions and lead the tour during an inspection, save time, and help the facility stay in compliance in the event

? Why does NDEE conduct facility inspections?

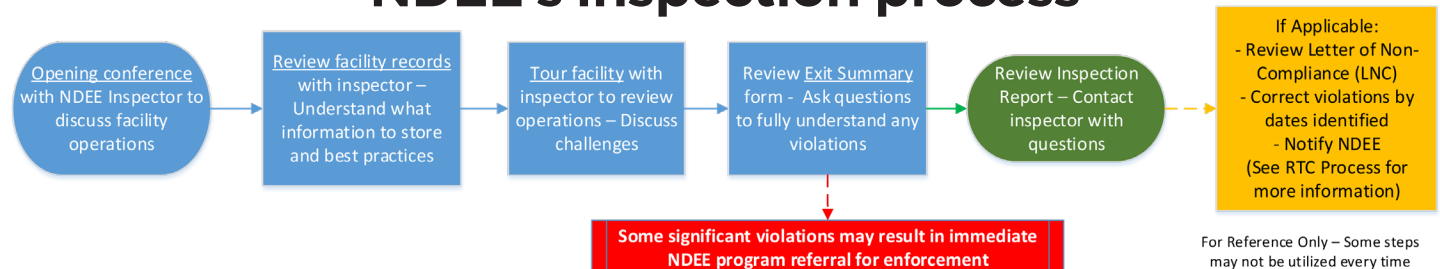
Inspections are tools used to collect information about a facility’s operations, waste streams, and air emissions to ensure they are in compliance with the environmental regulations that make NDEE’s vision possible. State law allows NDEE to conduct inspections, where the inspector has legal authority to enter a facility to determine compliance with state environmental permits, laws, and regulations.

? What is NDEE’s inspection process?

Inspections generally consist of an opening conference, a records review, a facility tour, and an exit interview. Inspectors are not required to sign waivers to enter facilities. They also may take photographs, conduct tests, and take samples during the inspection for documentation and to ensure their findings are accurate.

NDEE conducts several types of inspections: routine, partial, desk audit, and complaint. A routine inspection is done regularly

NDEE’s inspection process



the primary is not available. Keep in mind, some operators/installers are required to have a state license or certification.

5) Label equipment or materials properly and make sure those labels are consistent with your records (when applicable).

? What kinds of records will an inspector review?

The inspector has the legal authority to access and copy records. Specific records the inspector needs to see depend on which NDEE program is conducting the inspection. Some programs may need to review records from 3-5 years ago, depending on your permit. If you're unsure of how long your records need to be retained, please contact your inspector or permit writer.

You may have records you keep confidential for business reasons. NDEE inspectors may need to review these records during an inspection to ensure the facility is in compliance. If a record is needed to verify compliance, it must be made available to the inspector, but a claim for confidentiality may be made at the same time the information is requested. The department will evaluate the claim in accordance with NDEE regulation and state law. For more information on confidentiality regarding trade secrets, please visit <http://deq.ne.gov/publica.nsf/pages/14-009>.

Records that may be reviewed during an inspection

Records depend on the program conducting the inspection. This list is not comprehensive.

• Facility process information	• Maintenance schedules and records
• Analytical results for waste determinations	• Material purchasing records
• Annual reports	• Hazardous and nonhazardous waste manifests
• Self-monitoring reports	• Air emissions data, water discharge data, and other monitoring data
• Operation records	• Emergency response and spill control procedures and plans
• Training records	• Engineering assessments
• Waste handling and disposal information	• Landfill receipts or other bills of lading
• Current permits or fact sheets	
• Previous non-compliance letters	
• Supplemental documents for applications/permits	

? What can I expect during the opening conference and facility tour?

The opening conference and the facility tour are the main tools the inspector will use to gather information about your facility and its operations. Most inspections focus on one NDEE program—air, energy, land, or water—but some may cover multiple programs. Depending on the type of inspection, the inspectors may ask about the following:

- Facility processes
- Waste generation
- Air emissions
- Wastewater generation and discharge
- Problems experienced by the business
- Permit requirements
- Other environmental aspects of the business

It is important to provide accurate answers to the inspector's questions. If you do not know the answer, it is OK to ask another

knowledgeable person at your facility, or tell the inspector you will have an answer in the near future. Be sure to follow up in the time frame provided.

? What can I expect during the exit interview?

Inspectors will discuss their preliminary findings with facility representatives at the end of their inspection. At this time, the inspector will provide you with an Exit Summary form that briefly describes what was observed and discussed in an effort to provide clarity and certainty.

The Exit Summary form is intended to ensure there is a common understanding of the results of an inspection and provide facilities with information about their observed compliance immediately. This is not a legal document or a citation; in some cases, additional review is needed before a compliance determination is made. To read more about the Exit Summary, visit <http://deq.ne.gov/publica.nsf/pages/EAD012>.

? What happens after an inspection?

Following an inspection, NDEE will send an inspection report to you by mail or email. If you have any questions regarding your report, contact your inspector.

If violations are found at your facility, you may also receive a Letter of Non-Compliance (LNC). An LNC identifies any violations, recommends corrective action to be taken, and establishes a reasonable schedule to return to compliance. The agency's aim with the LNC is to promote a prompt return to compliance and minimize harm to human health and the environment through cooperative efforts. You are encouraged to contact NDEE with any questions regarding your LNC.

The LNC is a key part of NDEE's updated Return to Compliance (RTC) process. It takes the place of varying notifications and is the single tool NDEE will use to outline violations at a facility. This helps ensure consistency across the agency and improves clarity in communications between NDEE and facilities.

For more information about the LNC and the RTC process, see "A Guide to NDEE's Return to Compliance Process" document.

? Does NDEE provide other resources to ensure my facility is in compliance?

Yes. NDEE intends to make compliance easy for facilities, which in turn helps protect the environment and Nebraska residents' health. NDEE offers a Compliance Assistance Program that provides assistance across all agency divisions. This program is designed to help facilities and businesses understand applicable regulations and how to comply with them.

NDEE also provides Compliance Assistance Visits. If a facility requests a visit, NDEE compliance assistance staff, or other staff, will come to your facility and advise you on regulatory obligations and possible options to help you maintain compliance. For more information or for assistance, call NDEE at (402) 471-2186, email NDEE.assistance@nebraska.gov, or visit <http://deq.ne.gov/Publica.nsf/pages/06-193>.