

Environmental
Compliance
Navigator

2024™

Presented by

AARCHER®
Nashville | September 9-10



Environmental Inspectors are Knocking on the Door—Are You Ready to Open it?

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September 10, 2024

Overview

- ✓ Preparing for the Knock
- ✓ Immediate Responses to the Knock
- ✓ Responding to Problems After the Knock
- ✓ Discussion: Questions And Answers

Preparing for the Knock



Know Your Facility



Know Your Public Facing Data



Know Why You May Get a Knock



Know Who will Lead your Inspection Team

OECA National Compliance Initiatives

Air

- Creating Cleaner Air for Communities by Reducing Excess Emissions of Harmful Pollutants
- Stopping Aftermarket Defeat Devices for Vehicles and Engines

Hazardous Chemicals

- Reducing Hazardous Air Emissions from Hazardous Waste Facilities
- Reducing Risks of Accidental Releases at Industrial and Chemical Facilities

Water

- Reducing Significant Non-Compliance with National Pollutant Discharge Elimination System (NPDES) Permits
- Reducing Non-Compliance with Drinking Water Standards at Community Water Systems

Current National Priorities

Community Engagement

Environmental Justice

Polyfluoralkyl Substances (PFAS)

Lead

Coal Combustion Residuals (CCR)

National Compliance Initiatives

Imports

Wetlands

Immediate Responses to a Knock

Why is this inspection being conducting?

- Routine inspection
- May be acting on a complaint by a neighbor, former site employee, competitor, environmental group, other.

Entrance and Exit Conferences?

What information/evidence is sought?

- Checklists/samples/records

Nightmare Scenario

“Do you want both sets
of records?”



Physical Inspection

- Looking for problems
- Observing work practices
- Facility worker interaction



Nightmare Scenario

“Everything is so neat
around here, where do
you put your junky
stuff?”

Collecting Evidence



Split Samples?



Records Log?



Dual Photography?

Keeping Up with Technology

<https://www.youtube.com/watch?v=HanXGD2NJxk>

Record Keeping

- KEEP ENVIRONMENTAL COMPLIANCE RECORDS CURRENT AND ORGANIZED
- Separate out ANY records NOT subject to inspection review.



Nightmare Scenario

“What do you mean –
we don’t even have a lab
on-site?”

Keys to a Fair Inspection

Active Communication with Inspection Team

- “If you see any concerns, please let me know so I can address it ASAP”
- “I am happy to answer any questions, especially to clear up any misunderstanding on what we are doing to comply”

More Keys to a Fair Inspection

- DO NOT let a “compliance concern” go unaddressed
 - Once it makes it into a report, MUCH harder to resolve
- Use the Exit Conference to catch any additional “issues”
- Written follow-ups to inspection issues – timely and legal concurrence

Responding to Problems after the Knock

- Pre or Post Inspection Information Request(s)
- Notification of Violation(s)
- Non-Enforcement Resolution
- Administrative Compliance Order
- Penalty Action
 - Administrative
 - Judicial Referral
 - Criminal



Keys to a Fair Enforcement Resolution

- Know the LAW
- Address proposed violations with FACTS
- Seek a Technical Solution first
- Know when to “Fight or Flee”
- Use all Settlement Tools Available

Nightmare Scenario

...Then he took off his shoe and started slamming the table: it was right out of the Khrushchev handbook.

Or....

We need to let you know that (the Respondent) will not face you today.



And Don't Be Surprised

...When you get more frequent attention for a while



Happy Scenario

“Well, I would like to withdraw the \$500k settlement offer and ask that you dismiss this case against these nice folks.”



Discussion: Questions & Answers

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