DEPARTMENT OF ENVIRONMENTAL PROTECTION

**BUREAU OF WASTE MANAGEMENT**

**DOCUMENT NUMBER:** 254-3120-001

# EFFECTIVE DATE: Upon publication as final in the *Pennsylvania Bulletin*

**TITLE:** Performing Municipal and Residual Waste Facility Inspections

**AUTHORITY:** Solid Waste Management Act, Act of July 7, 1980, P.L. No. 380, Act 97 as amended; the Municipal Waste Planning, Recycling & Waste Reduction Act, Act of 1988, P.L. 556, No. 101, as amended.

**POLICY:** It is the policy of the Department of Environmental Protection (DEP or Department) to conduct inspections of municipal and residual waste management facilities located in the Commonwealth. The number, frequency and type of inspection will be in accordance with the requirements of 25 Pa. Code § 271.421 and 287.421 (relating to administrative inspections) of the Commonwealth’s municipal and residual waste regulations. While it may not always be possible to meet the stated inspection frequency, Bureau of Waste Management (BWM) staff should always attempt to maintain the frequency. Regional solid waste environmental protection specialists should perform the inspections following the inspection protocols identified in this document.

**PURPOSE:** The purpose of this policy is to establish a formalized procedure for Department staff to conduct municipal and residual waste facility inspections across the six regions of the Department.

**APPLICABILITY:** This document applies to BWM staff performing inspections of municipal and residual waste facilities that generate, treat, store, transport, recycle, process, or dispose of municipal waste or residual waste within the Commonwealth.

**DISCLAIMER:** The policies and procedures outlined in this guidance are intended to supplement existing requirements. Nothing in the policies or procedures shall affect regulatory requirements.

The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in these policies that weight or deference. The policies and procedures merely announce the framework within which DEP will exercise its administrative discretion in having staff perform field inspections of municipal and residual waste facilities. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

**PAGE LENGTH:** 5

**DEFINITIONS, TERMS AND ABBREVIATIONS:**

*Inspection Checklist* – A department form used to guide an inspector in performing a facility inspection. The checklists are specific to the type of facility being inspected.

*Municipal Waste* – Garbage, refuse, industrial lunchroom or office waste and other material, including solid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and sludge not meeting the definition of residual or hazardous waste under this section from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility.

*Follow up or Partial Inspection* – Inspection conducted to insure a particular item of non-compliance or deficiency previously identified is corrected, or to inspect a particular aspect of a municipal or residual waste facility.

*eFACTS* – The Environment, Facility Application, Compliance Tracking System developed to combine electronic data from legacy systems into one department-wide database to provide the means for a holistic view of the clients and sites (including facilities) that DEP regulates.

*Facility*– Land, structures and other appurtenances or improvements where municipal or residual waste disposal, processing or beneficial use is permitted or takes place.

PROCEDURES:

**Preparing for the Inspection**

The frequency of routine administrative inspections will be in accordance with 25 Pa. Code § 271.421 and 287.421 of the Commonwealth’s municipal and residual waste regulations. The Department may reduce the frequency of inspections for those entities having an accredited ISO 14001, or other comprehensive Environmental Management System, that is reviewed or certified by a third party in place, and the inspection indicates no violation of the Department’s rules, regulations or of the current permit conditions issued to the facility.

Prior to leaving the office:

1. The inspector should discuss the upcoming inspection with their supervisor. Discuss the facility type, the facility itself and what may or may not be expected at the location.

2. Thoroughly review the facility file paying special attention to the permit itself, the permit conditions, allowable daily volumes and leachate collection and management systems. Note whether all required monitoring systems are in place and functional.

3. Review previous inspection reports, complaints and note any violations. Review past and existing enforcement actions such as orders, consent orders, etc. and NOVs present in the file and in eFACTS to determine the status of the action.

1. Review the facility bonding, insurance, and all forms of financial assurance to ensure that they are current and sufficient.
2. Review facility quarterly and annual operation reports.

6. Review the regulations that pertain to that specific type of facility (e.g. landfill, processing facility, etc.).

7. Ensure that copies of the proper inspection forms, checklists, and copies of the

regulations are present in the vehicle.

8. Ensure any equipment necessary for the inspection is present in the vehicle –

sample bottles, sampling devices, cooler, safety equipment, camera, etc.

9. Ensure that a camera with charged batteries and sufficient available memory for the inspection. A photographic log should be maintained with date, time, location, photo number and an accurate description of each photo taken.

# Conducting the Inspection

Except for special instances determined by discussion with the supervisor, all municipal and residual waste inspections should be unannounced, and the appropriate inspection checklist should be used. Inspections are generally conducted at a reasonable time or at least during normal business hours of the facility. Occasionally inspections are conducted at other than normal working hours in order to verify that the facility is meeting the requirements of the regulations at times when BWM inspectors are not expected.

The inspector should locate the designated facility and present their identification to the proper facility authority. They should also inform the official of their desire to conduct an inspection of the facility.

The inspection should begin with a meeting with company officials, to explain the purpose of the inspection. The inspector should explain how the inspection will be conducted and answer questions of company officials at that time. This should be followed up with a review of any records, reports, and other paperwork that the company may have pertaining to municipal and residual waste management. After completion of the pre-inspection meeting, the inspector should begin the physical inspection of the facility. It is important to note that the order in which the inspection is conducted may vary depending upon circumstances, as long as all parts of the inspection are completed.

Authorized representatives of the company should always accompany the inspector. The inspector should never tour the facility alone. If accompanied by someone other than the environmental manager, or other official in authority at the facility, the inspector should arrange to meet with those individuals at a post inspection meeting prior to leaving the facility. The inspector should tour the entire facility during the inspection. When at a landfill, while at the working face, the inspector should make note of any special waste accepted by the facility and whether they are approved for acceptance by the facility’s permit. Similar observations should be noted at inspections of all other municipal or residual waste facilities (e.g. transfer facilities, processing facilities). The inspector may or may not complete the checklists during the inspection. The checklists serve as a useful reminder to the inspector to ensure that all areas of a facility are inspected.

Environmental samples may or may not be taken during the inspection. If samples are taken, the inspector should review proper sampling and shipping requirements prior to the inspection. The chain of custody must be maintained, and a sampling log completed.

After completing the tour of the facility, the inspector should write up the inspection report. Comments should be added where necessary. The inspection is not complete until the report is written. All violations should be noted on the inspection report, on both the checklist and the comments page. A detailed explanation of the violation should be written on the comments page. All violations should be documented even if they were corrected during the inspection. After the report is written, the inspector should return to the facility and meet again with authorized facility personnel. At the post inspection meeting, the findings of the inspection should be discussed. If violations are present, they should be noted on the report, and the reasons and citations explained. A suggested timeframe for correction should be discussed. The overall report should be reviewed and signed by the facility representative and the inspector. A copy of the report should be left with the facility representative and the inspector returns to the office.

In instances where an inspection is not completed, or a violation may not be determined or is pending (e.g. sample results), the inspector should note the circumstance on the inspection report. The complete inspection report should be sent to the facility within 14 days of the receipt of the information.

The data from the inspection should be entered into eFACTS within 10 working days after the inspection is complete.

Preparation for conducting multi-media inspections such as joint water, waste, and air inspections should be the same as for an administrative inspection.

# Preparing for the Follow up or Partial Inspection

The purpose of the follow up inspection is to determine whether or not compliance with an existing enforcement document or NOV has been achieved or whether or not an existing violation has been corrected. The follow up inspection should generally be unannounced.

Prior to leaving the office the inspector should review the upcoming inspection with their supervisor. The review should center on the violations noted in the existing enforcement document, or previous inspection report or conditions that should be corrected within a specific timeframe.

When arriving at the facility to be inspected the inspector should present their identification and credentials to the proper facility authority. At this time the inspector should meet with facility personnel to explain the reason for the inspection and answer any questions they may have regarding the inspection. Once the pre-inspection meeting is completed the inspector, accompanied by an authorized facility representative, should inspect the specific area or item determined to be deficient on the previous inspection, or that which is the subject of the enforcement document or NOV. If the deficiency has been corrected, the inspector should complete that area of the inspection report checklist, or at a minimum the narrative portion, and have the facility representative sign it. The inspector should give a copy to the facility representative. If the deficiency remains uncorrected, this should also be explained to the facility and noted on the inspection report.

The inspector should discuss all uncorrected deficiencies with their supervisor and a formal Notice of Violation (NOV) issued if the Supervisor feels it is warranted. The NOV should be issued within the 14-day timeframe referenced in guidance document 250-4110-001 Notices of Violation.