



# CAA 112(r) Inspections

*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



# Region 7 Self Disclosure Contact

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# Questions?





# Your Presenters

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