

Compliance Inspections

Access Rights, Best Management Practices, and Preparing for an Inspection



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Agency Access Rights

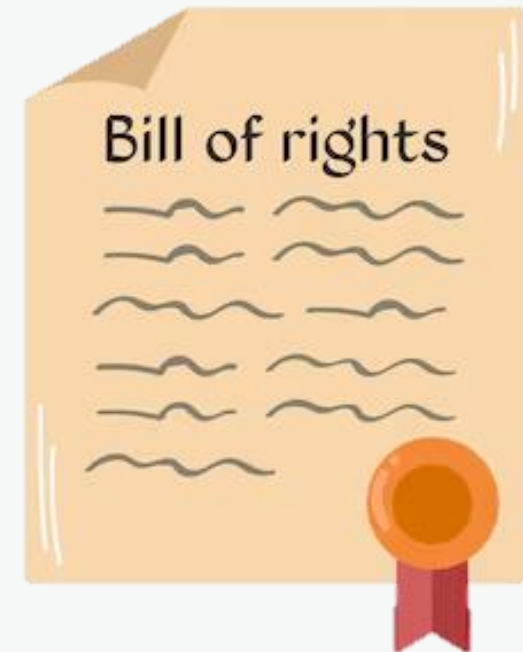


- The Constitutional Right to Privacy
- Department of Ecology's Access Authority
- Other WA Agency's Access Authority

The Constitutional Right to Privacy

The Fourth Amendment

- Government access to private property (including administrative inspections) is subject to the 4th Amendment
- 4th Amendment prohibits “unreasonable” searches and seizures.
- Under the Washington Constitution, a warrantless administrative search is valid if authorized by statute.



Ecology's Access Authority

The federal and state Clean Water Act



- Both provide for warrantless searches.
- The Sand & Gravel Permit provides for warrantless entry and inspections by the government (Condition G5).
- Under the Washington Constitution, a warrantless administrative search is valid if authorized by statute.



Ecology's Access Authority

The federal and state Clean Air Act



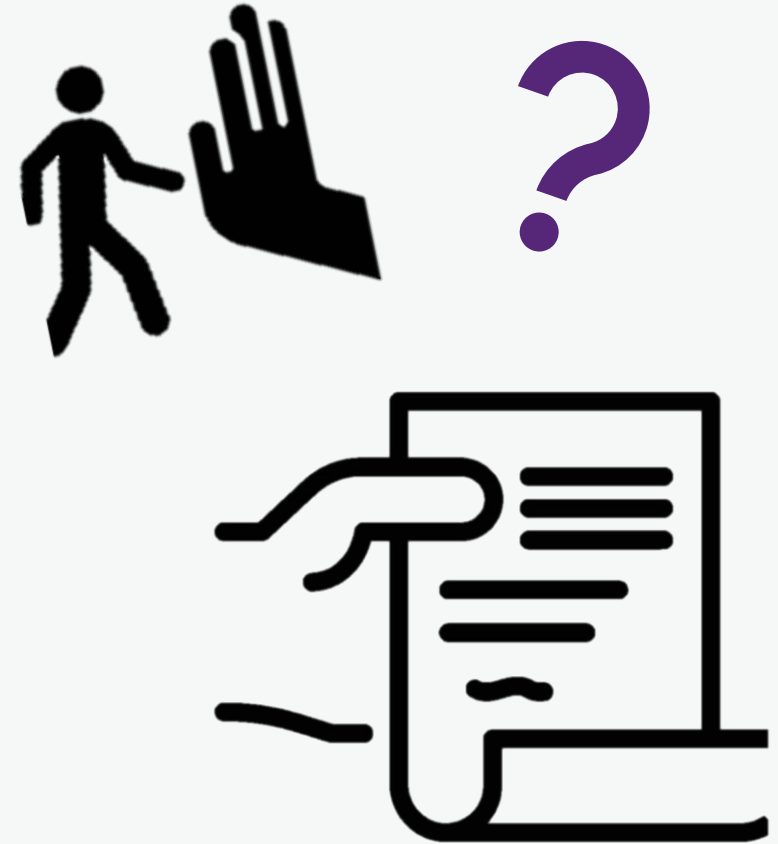
- Both provide for warrantless searches, like the Clean Water Act.
- Washington Operating Permit Regulations (Chapter 173-401 WA)
 - Each operating permit contains inspection and entry requirements



Can you deny Ecology's inspection?

Administrative Searches and Court Orders

- Can Ecology obtain a warrant from a court?
- Ecology has obtained court orders prohibiting property owners from denying access.



Environmental Programs subject to inspections:



Stormwater/Wastewater (e.g., Sand and Gravel Permit, Industrial Stormwater General Permit, Individual NPDES Permit)



Spill Prevention, Control and Countermeasure (SPCC) / Facility Response Plan (FRP)



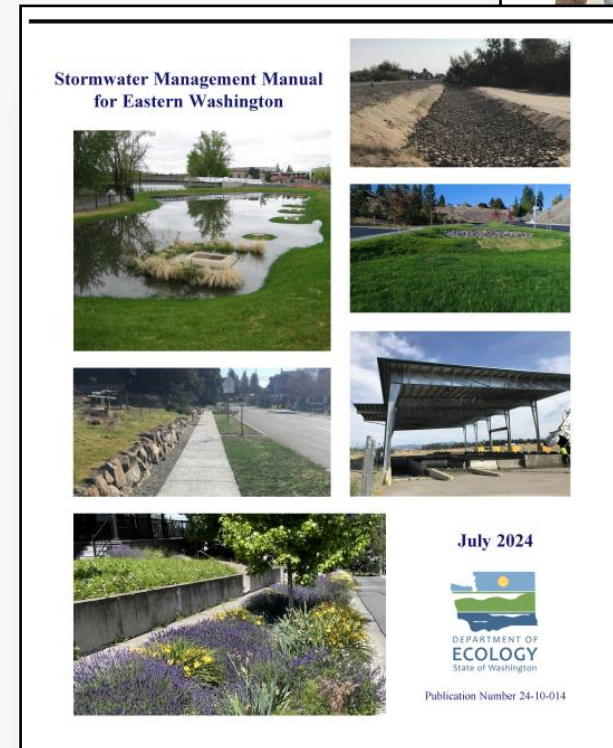
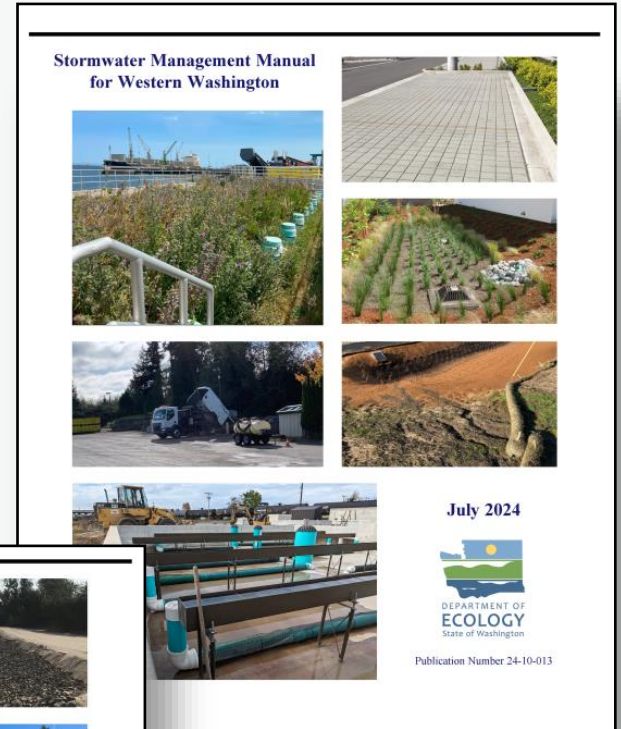
Hazardous Waste/Dangerous Waste



Air Quality

Best Management Practices

- Selected from the Stormwater Management Manual for Western/Eastern Washington
 - Different requirements for Type 1, 2 and 3 Stormwater and Process Wastewater
- Outlined in a site-specific “living document/plan”:
 - Site Management Plan
 - Erosion and Sediment Control Plan
 - Monitoring Plan
 - Stormwater Pollution Prevention Plan
- Shown on a Site Map



Best Management Practices

Source Control

- Pavement sweeping and sediment control
- Dust control and soil stabilization
- Spill containment
- Spill response
- Good housekeeping practices
- Keep waste dumpsters lids closed
- Hazardous waste storage
- Separate stormwater from washwater and wastewater



Best Management Practices

Source Control

- Fueling
- Loading/unloading
- Storage and transfer of materials
- Liquid/chemical storage and ASTs
- Dust control
- High use parking areas
- Concrete recycling



Best Management Practices

Treatment

- Must be designed consistent with the Stormwater Management Manual for Western/Eastern Washington and permit requirements
- Wastewater ponds/impoundments
- pH adjustment systems
- Chemical treatment
- Stormwater ditches, swales, and sediment traps
- Treatment and infiltration ponds
- Oil/water separators



Best Management Practices

Preventative Measures

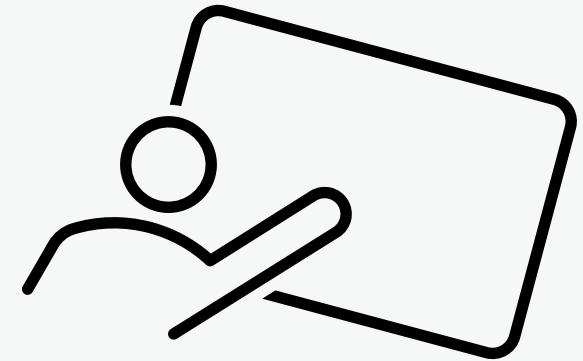
- Maintain well-stocked and accessible/visible spill kits
- Conduct and document site inspections
- Preventative maintenance
 - Conveyance system (e.g., ditches, catch basins)
 - Stormwater treatment
 - Oil/water separator
 - Wastewater treatment



Best Management Practices

Administrative

- Employee training program
- Review and updates to SMP/SWPPP/SPCC
- Recordkeeping
 - Inspections
 - Preventative maintenance
 - Sampling and corrective actions
 - Visual monitoring and corrective actions
 - Spills and spill response
 - Notices of violations
 - Discharge monitoring reports and annual reports
 - Solid waste disposal





Before an Inspection

Facility Assessment

- Schedule a pre-inspection and compliance document review
 - Few days before
 - 1 – 2 hours before
- Check containment and material/waste storage areas
- Check housekeeping
- Sweep paved areas including off-site tracking



Before an Inspection

Documentation Review

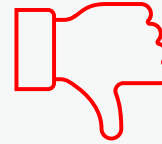
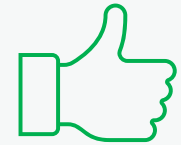
- Make sure “living” documents and plans are up-to-date and reflect current site conditions!
 - Site Management Plan
 - SWPPP
 - SPCC Plan
- Make sure all BMPs are properly implemented and maintained



Before an Inspection

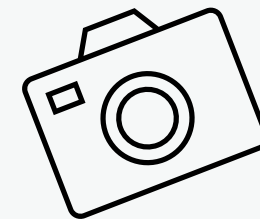
Documentation Review

- Organize records (past 3-5 years)
- Verify completeness of:
 - Maintenance logs
 - pH/turbidity meter calibration records
 - Inspection reports
 - Laboratory results
 - Discharge Monitoring Reports (DMRs)
 - Training records
 - Corrective actions
 - Spills



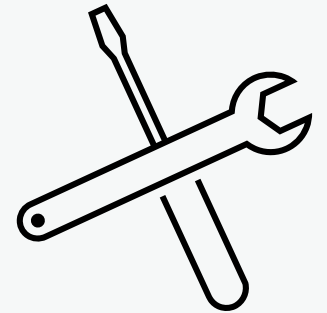
During an Inspection

- Have the “right” people present
 - Document review
 - Site inspection
- Have a route planned out and try to “keep it moving”
- Halt unnecessary site activities but not BMPs (e.g., sweeping)
- Provide concise, direct answers to questions
- Take photos of what the inspector photographs
- Ask if they see any issues
- Take notes on required actions



After an Inspection

- Review inspection letter
 - Request an inspection report, if needed
- If required, implement improvements within the given timeline
- Document all improvements and summarize in a written response letter
 - Address each item noted in the inspection letter and include documentation (e.g., photos, invoices)



Questions?

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