
2. INSPECTION PROCEDURES

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<http://intranet.epa.gov/oeca/oc/campd/inspector/index.html>
- I. EPA's Memorandum on Deficiency Notice Guidance
- J. NPDES Compliance Inspection Report Form 3560-3

Related Website

U.S. EPA's Office of Compliance Inspector Website:
<http://intranet.epa.gov/oeca/oc/campd/inspector/index.html>

2. A. Pre-Inspection Preparation

Pre-planning is necessary to ensure that the inspection is focused properly and is conducted smoothly and efficiently. It involves:

- Review of facility background information
- Development of an inspection plan
- Notification of the facility, if applicable
- Notification to the State of Federal inspection
- Preparation of Equipment

Review of Facility Background Information

Collection and analysis of available background information on the candidate facility are essential to the effective planning and overall success of a compliance inspection. Materials from available files, company web sites, and other information sources will enable inspectors to familiarize themselves with facility operations; conduct a timely inspection; minimize inconvenience to the facility by not requesting data previously provided; conduct a thorough and efficient inspection; clarify technical and legal issues before entry; and develop a sound and factual inspection report. The types of information that may be available for review are listed below. The inspector must determine the amount of background information necessary for the inspection and in collecting this information, should focus on the characteristics unique to the permittee: design, historical practices, legal requirements, etc.

General Facility Information

- Maps showing facility location, plumbing including wastewater discharge pipes, sampling points, overflow and bypass points, and geographic features
- Plant layout and process flow diagram
- Names, titles, and telephone numbers of responsible facility officials
- Any special entry requirements
- Any safety requirements
- Description of processing operations and wastewater discharges
- Production levels—past, present, and future
- Hydrological data
- Geology/hydro-geology of the area
- Changes in facility conditions since previous inspection/permit application
- Available aerial photographs.

Requirements, Regulations, and Limitations

- Copies of existing permits, regulations, requirements, and restrictions placed on permittee discharges
- Monitoring and reporting requirements and available monitoring stations
- Special exemptions and waivers, if any
- Receiving stream water quality standards
- Information concerning sludge, air, solid, and hazardous waste treatment and disposal.

Facility Compliance and Enforcement History

- Previous inspection reports
- Correspondence among facility, local, State, and Federal agencies
- Complaints and reports, follow-up studies, findings, and remedial action
- Documentation on past compliance violations, exceedences, status of requested regulatory corrective action, if any
- Enforcement actions such as compliance schedules and consent orders
- Status of current and pending litigation against facility
- Self-monitoring data and reports
- Previous Environmental Protection Agency (EPA), State, or consultant studies and reports
- Previous deficiency notices issued to facility
- Laboratory capabilities and analytical methods used by the facility
- Name(s) of contract laboratories, if applicable
- Previous Discharge Monitoring Report (DMR)—Quality Assurance (QA) files and reports
- Permit Compliance System (PCS) information
- Reports from special studies (e.g., stream monitoring, internal audits) or compliance schedules.

Pollution Control and Treatment Systems

- Description and design data for pollution control system and process operation, if available

- Sources and characterization of discharge
- Type and amount of wastes discharged
- Spill prevention contingency plans, if available
- Available routes for bypasses or diversions, and spill containment facilities
- Pollution control units, treatment methods, and monitoring systems.

Pretreatment Information

- Information concerning compliance schedule to install technologies (industrial facilities) or develop a pretreatment program (Publicly Owned Treatment Works [POTWs])
- Pretreatment reports as required by the National Pollutant Discharge Elimination System (NPDES) permit and the General Pretreatment Regulations, regional, State, or local requirements
- The POTW's enforcement response plan and sewer use ordinance, including local discharge limits
- Information concerning industrial discharges to POTWs, such as:
 - Industrial monitoring and reporting requirements
 - POTW monitoring and inspection program
 - Waste contribution to the POTW
 - Compliance status of industry with pretreatment requirements
 - POTW enforcement initiatives.

Chapter Nine of this manual discusses pretreatment program requirements in greater detail.

Sources of Facility Background Information

Previous Inspections

Previous inspection reports can provide general facility information, as well as problems or concerns noted in previous inspections. Inspectors who have visited the facility for NPDES, pretreatment, or other regulatory programs may also provide information on the facility.

Laws and Regulations

The Clean Water Act (CWA) and related NPDES regulations establish procedures, controls, and other requirements applicable to a facility. In addition, State's may have additional regulations, and sometimes even local ordinances, are applicable to the same facility. Refer to Table 1-2 for a list of applicable NPDES-related Federal statutes and regulations.

Permits and Permit Applications

Permits provide information on the limitations, requirements, and restrictions applicable to discharges; compliance schedules; and monitoring, analytical, and reporting requirements. Permit applications provide technical information on facility size, layout, and location of pollutant sources; treatment and control practices; contingency plans and emergency procedures; and pollutant characterization—types, amounts, applicability of effluent guidelines, and points/locations of discharge. Permit applications for air, solid, and hazardous waste treatment and disposal permits may provide additional information to the inspector that is not available elsewhere.

Regional and State Files and Personnel

Files of Regional and State personnel often can provide correspondence; facility self-monitoring data; inspection reports, Quarterly Noncompliance Reports (QNCRs), and DMR QA reports; and permits and permit applications applicable to individual facilities. They can provide compliance, enforcement, and litigation history; special exemptions and waivers applied for and granted or denied; citizen complaints and action taken; process operational problems/solutions; pollution problems/solutions; laboratory capabilities or inabilities; and other proposed or historical remedial actions. This information can provide design and operation data, recommendations for process controls, identification of pollutant sources, treatment/control systems improvement, and remedial measures.

Technical Reports, Documents, and References

These information sources provide generic information on waste loads and characterization, industrial process operations, and pertinent specific data on available treatment/control techniques, such as their advantages or disadvantages and limits of application and pollutant removal efficiencies. Such sources include Development Documents for Effluent Standards and Guidelines.

Company Data Sources

Many companies maintain individual web sites that contain valuable information regarding the company's financial status, significant purchases and sales, new business ventures, etc.

Other Statutory Requirements

Facility files maintained by EPA and the State pursuant to other statutes (e.g., Toxic Substances Control Act [TSCA]; Resource Conservation and Recovery Act [RCRA]; Comprehensive Environmental Response, Compensation and Liability Act [CERCLA]; Federal Insecticide, Fungicide and Rodenticide Act [FIFRA]; Clean Air Act [CAA]) may also contain information useful to the NPDES inspection.

Development of an Inspection Plan

Plans are helpful tools for organizing and conducting compliance inspections. A plan is recommended to effectively conduct a compliance inspection. After reviewing the available background information, the inspector prepares a comprehensive plan to define inspection objectives, tasks and procedures, resources required to fulfill the objectives, inspection schedule, and when findings and conclusions on the work will be reported. At least the following items need to be considered:

- Objectives
 - What is the purpose of the inspection?
 - What is to be accomplished?
- Tasks
 - What tasks are to be conducted?
 - What information must be collected?
 - What records will be reviewed?
- Procedures
 - What procedures are to be used?
 - Will the inspection require special procedures?
- Resources
 - What personnel will be required?
 - What equipment will be required?

- Schedule
 - What will be the time requirements and order of inspection activities?
 - What will be the milestones?

- Coordination
 - What coordination with laboratories or other regulatory agencies will be required?

An outline of tentative inspection objectives, meetings to be held, and records that will be reviewed can be prepared and presented to the facility officials during the opening conference.

Notification of the Facility

With regard to the EPA-administered NPDES program, the permittee is sometimes notified by a Section 308 Letter or "308 Letter" that the facility is scheduled for an inspection. (Appendix E is an example of a typical 308 Letter.) The signature authority for a 308 Letter may be delegated to a section chief. The 308 Letter advises the permittee that an inspection is imminent and usually requests information regarding onsite safety regulations to avoid problems concerning safety equipment at the time of inspection. This information may include such items as names, addresses, and updated process information. The 308 Letter may specify the exact date of inspection, if coordination with the permittee is required. The 308 Letter also is used to inform the permittee of the right to assert a claim of confidentiality. EPA conducts both announced and unannounced inspections. Depending upon the specific circumstances the permittee may or may not be notified prior to the inspection in writing or by telephone. Each region uses different criteria to determine whether to announce inspections.

State Notification of Federal Inspection

The inspector must be certain that the appropriate State regulatory agency is notified in a timely manner of inspections to be conducted in its jurisdiction. The State should be notified of all Federal inspections unless disclosing inspection information would jeopardize an unannounced inspection. This responsibility may vary depending on the region.

Preparation of Equipment and Supplies

If sampling is to be performed, part of the pre-inspection process may involve preparing sampling equipment and the development of a Quality Assurance Project Plan (QAPP). The type of equipment may vary according to the facility inspected and the type of inspection. Table 2-1 includes a list of field sampling equipment that may be needed. All equipment must be checked, calibrated, and tested before use. The inspector also must ensure that all materials necessary to complete an inspection are taken to the inspection site. The inspector or

designated person is responsible for maintaining the equipment properly, in accordance with operating instructions.

Safety equipment and procedures required for a facility will be based on the response to the 308 Letter or standard safety procedures. Safety requirements must be met, not only for safety reasons, but to ensure that the inspector is not denied entry to the facility or parts of it. See Table 2-1 for list of protective clothing and safety equipment.

Photocopies of appropriate checklists to be used during the inspection should be obtained during the pre-inspection preparation.

Table 2-1
List of Field Sampling Equipment

Field Equipment	
<p>Documents and Recordkeeping Tools</p> <ul style="list-style-type: none"> • Credentials • File • Checklists • Log book • Shipping labels • Analysis request forms • Waterproof pen • Calculator • QAPP & Sampling plan 	<p>Protective Clothing¹</p> <ul style="list-style-type: none"> • Hard hat • Hearing protection • Safety shoes • Gloves • Coveralls • Reflective safety vest • Safety glasses/goggles • Rainwear
<p>Sampling Materials</p> <ul style="list-style-type: none"> • Automatic samplers • Tubing • Sample containers, including extras • Batteries/extension cords • Sample bottle labels/sample seals • Plastic security tape • Chain-of-custody forms • Dissolved oxygen meters • pH meter • TRC meter • pH buffer • Deionized water • Chart paper • Thermometer • Coolers/ice • Preservatives 	<p>Safety Equipment¹</p> <ul style="list-style-type: none"> • First-aid kit • Meters (oxygen content, explosivity, and toxic gas) • Safety harness and retrieval system • Ventilation equipment • Respirator • Filter cartridges • Self-contained breathing apparatus (if appropriate)
<p>Sample Transportation Materials</p> <ul style="list-style-type: none"> • Bubble pack material • Filament tape • Airbill/bill of lading 	<p>Tools</p> <ul style="list-style-type: none"> • Multi-tooled jack knife (Swiss Army type) • Electrical and duct tape • Tape measure • Hand-held range finder and level • Camera/film, digital camera, video camera • Flashlight • Screwdriver • Adjustable wrench and vise grips • Bucket (plastic or stainless steel, as appropriate)
<p>Flow Measurement Devices</p> <ul style="list-style-type: none"> • Measurement devices (e.g., flumes, weirs, portable ultrasound or bubble systems) • Flow discharge tables • Level • Ruler • Stopwatch or watch with second hand 	<ul style="list-style-type: none"> • Nylon cord • GPS • Laptop computer • Cell phone

¹ List of Protective Clothing and Safety Equipment is not limited to only Sampling Inspections.



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2. B. Offsite Surveillance

Considerations

Often many potential concerns can be identified prior to entering the facility, such as illegal discharges, stressed vegetation, spills, smoke, or illegal dumping. Offsite surveillance also provides an opportunity for the inspector to determine the direction North, which can be used to reference photos, locations, violations, etc., and allows the inspector to determine the layout of the facility and make judgements about how to prioritize the inspection.

Specific questions the inspector should answer when conducting offsite surveillance include:

1. Is the offsite surveillance conducted from a public right-of-way?
2. Where is the direction North?
 - A brief sketch of the layout and orientation (as viewed from the public right-of-way) should be noted.
3. What are some obvious concerns visible from public right-of-way (e.g., containers, loading areas, tanks, obvious discharges, improper disposal)?



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2. C. Entry

Entry Procedures

Authority

The authority for entry into a wastewater facility is found in section 308(a)(4)(B) of the CWA which states:

the Administrator or his authorized representative . . . upon presentation of his credentials (i) shall have a right of entry to, upon, or through any premises in which an effluent source is located or in which any records are required to be maintained . . . and (ii) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method . . . and sample any effluents which the owner or operator of such source is required to sample. . . .

In addition, NPDES permits contain inspection authority provisions.

Arrival

Arrival at the facility and the facility inspection should occur during normal working hours. The facility owner or agent in charge should be located as soon as the inspector arrives on the premises. Prior to entering a facility, inspectors should observe it as thoroughly as possible from public grounds.

Credentials

When the proper facility officials have been located, the inspector must introduce himself or herself as an EPA inspector and present the proper EPA credentials. These credentials indicate that the holder is a lawful representative of the regulatory agency and is authorized to perform NPDES inspections. The credentials must be presented whether or not identification is requested.

If the facility officials question the inspector's credentials after the credentials have been reviewed, the officials may telephone the appropriate State or EPA Regional Office for verification of the inspector's identification. Credentials should never leave the sight of the inspector or be photo-copied. For more detailed information on the use of EPA Credentials, please refer to the fact sheet "The Do's and Don'ts of Using EPA Credentials"(Appendix F).

Consent

Consent to inspect the premises must be given by the owner or operator at the time of the inspection. As long as the inspector is allowed to enter, entry is considered voluntary and consensual, unless the inspector is expressly told to leave the premises. Expressed consent is not necessary; absence of an expressed denial constitutes consent.

Reluctance to Give Consent

The receptiveness of facility officials toward inspectors is likely to vary among facilities. Most inspections will proceed without difficulty. In other cases, officials may be reluctant to give entry consent because of misunderstood responsibilities, inconvenience to a firm's schedule, or other reasons that may be overcome by diplomacy and discussion. If consent to enter is denied, the inspector should follow denial of entry procedures (see p.2-13).

Whenever there is a difficulty in gaining consent to enter, inspectors should tactfully probe the reasons and work with officials to overcome the problems. Care should be taken, however, to avoid threats of any kind, inflammatory discussions, or deepening of misunderstandings. If the situation is beyond the authority or ability of the inspector to manage, the inspector's supervisor/ Office of Regional Counsel should be contacted for guidance.

Claims of Confidentiality

The inspector should explain the permittee's right to claim material as confidential and that the inspector may examine areas related to effluent production or storage even if the permittee has asserted claims of confidentiality. Confidential information is discussed in greater detail later in this chapter.

Waivers, Releases, and Sign-In Logs

When the facility provides a blank sign-in sheet, log, or visitor register, it is acceptable for inspectors to sign it. However, EPA employees must not sign any type of "waiver" or "visitor release" that would relieve the facility of responsibility for injury or that would limit the rights of EPA to use data obtained from the facility. The inspector may cross-out and initial any wording that is unacceptable due to its restrictive nature.

If such a waiver or release is presented, the inspectors should politely explain that they cannot sign and request a blank sign-in sheet. If the inspectors are refused entry because they do not sign the release, they should leave and immediately report all pertinent facts to the appropriate supervisor and/or legal staff. All events surrounding the refused entry should be fully documented. Problems should be discussed cordially and professionally.

Problems With Entry or Consent

Because a facility may consider an inspection to be an adversarial proceeding, the legal authority, techniques, and competency of inspectors may be challenged. Facility officials also may display antagonism toward EPA personnel. In all cases, inspectors must cordially explain the authorities and the protocols followed. If explanations are not satisfactory or disagreements cannot be resolved, the inspectors should leave and obtain further direction from his EPA supervisor or legal staff. Professionalism and politeness must prevail at all times. Appendix G contains EPA's Memorandum on Entry Procedures – "Conduct Inspections After the Barlow's Decision."

Entry Procedures

EPA developed the following inspection procedures as a result of the 1978 U.S. Supreme Court decision in Marshall v. Barlow's, Inc.

- Ensure that all credentials and notices are presented properly to the facility owner or agent in charge.
- If entry is not granted, ask why. Ask the reason for the denial to see if obstacles (such as misunderstandings) can be cleared. If resolution is beyond the authority of the inspector, he or she may suggest that the officials seek advice from their attorneys to clarify EPA's inspection authority under Section 308 of the CWA.
- If entry is still denied, the inspector should withdraw from the premises and contact his or her supervisor or Regional Counsel. The supervisor will confer with attorneys to discuss the desirability of obtaining an administrative warrant.
- All observations pertaining to the denial are to be carefully noted in the field notebook and inspection report. Include such information as the facility name and exact address, name and title of person(s) approached, name and title of the person(s) who refused entry, date and time of denial, detailed reasons for denial, facility appearance, and any reasonable suspicions of regulatory violations. All such information will be important should a warrant be sought.

Important Considerations

Under no circumstances should the inspector discuss potential penalties or do anything that may be construed as coercive or threatening.

Inspectors should use discretion and avoid potentially threatening or inflammatory situations. If a threatening confrontation occurs, the inspector should document it and then report it immediately to the supervisor or staff attorney. If feasible, statements from witnesses should be obtained and included in the documentation.

Withdrawal of Consent During Inspection

If the facility representative asks the inspector to leave the premises after the inspection has begun, the inspector should leave as quickly as possible following the procedures discussed previously for denial of entry. All activities and evidence obtained before the withdrawal of consent are valid. The inspector should ensure that all personal and government equipment is removed from the facility.

Denial of Access to Some Areas of the Facility

If, during the course of the inspection, access to some parts of the facility is denied, the inspector should make a notation of the circumstances surrounding the denial of access and of

the portion of the inspection that could not be completed. He or she then should proceed with the rest of the inspection. After leaving the facility, the inspector should contact his or her

supervisor or staff attorney at the Regional Office to determine whether a warrant should be obtained to complete the inspection.

Warrants

The inspector may be instructed by EPA attorneys, under certain circumstances, to conduct an inspection under search warrant. A warrant is a judicial authorization for appropriate persons to enter specifically described locations to inspect specific functions. A pre-inspection warrant possibly could be obtained where there is reason to believe that entry will be denied when the inspector arrives at the facility or when the inspector anticipates violations that could be hidden during the time required to obtain a search warrant. This would be done only in unusual circumstances.

2. D. Opening Conference

Once credentials have been presented and legal entry has been established, the inspector can proceed to outline inspection plans with facility officials. At the opening conference, the inspector provides names of the inspectors, the purpose of the inspection, authorities under which the inspection is being conducted, and procedures to be followed. EPA encourages cooperation between the inspectors and the facility officials in order to facilitate assignments and ensure the success of the inspection.

Considerations

Inspection Objectives

An outline of inspection objectives will inform facility officials of the purpose and scope of the inspection and may help avoid misunderstandings.

Order of Inspection

A discussion of the order in which the inspection will be conducted will help eliminate wasted time by allowing officials time to make records available and start up intermittent operations.

Meeting Schedules

A schedule of meetings with key personnel will allow facility officials adequate time to spend with the inspector.

List of Records

A list of facility records that will need to be reviewed as part of the inspection should be provided to facility officials. (i.e., permit, discharge monitoring report, chain-of-custody form, sampling data, operation and maintenance records, training records, lab data sheets, and other records can be requested depending on the inspections type being performed.) This will allow the officials adequate time to gather the records and make them available for the inspector.

Accompaniment

It is important that a facility official accompany the inspector during the inspection not only to answer questions and describe the plant and its principal operating characteristics, but also for safety and liability considerations. Discussion of such needs with facility officials will provide them the opportunity to allocate personnel for this purpose. It is also advisable that the inspector talk to the personnel actually responsible for performing sample collection and analysis to gather specific information on these procedures.

Permit Verification

The inspector should verify pertinent information included in the permit, such as facility name and address, receiving waters, and discharge points. The inspector should also validate (or obtain) accurate outfall locational data (i.e., the precise latitude and longitude of each outfall).

Safety Requirements

Inspector should be prepared with the appropriate safety equipment which may include hard hat, safety shoes, safety glasses, etc.) The inspector should reaffirm which Occupational Safety and Health Administration (OSHA) and facility safety regulations will be involved in the inspection and should determine whether his safety equipment is adequate.

Closing Conference

A post-inspection meeting should be scheduled with appropriate officials to provide a final opportunity to gather information, answer questions, present findings and deficiencies, and complete administrative duties.

New Requirements

The inspector should discuss and answer questions pertaining to any new rules and regulations that might affect the facility. If the inspector is aware of proposed rules that might affect the facility, he or she may wish to encourage facility officials to obtain a copy.

Split Samples

Facility officials should be informed during the opening conference of their right to receive a split or duplicate of any physical sample collected for laboratory analysis if sufficient sample volume is collected. Officials should indicate at this point their desire to receive split and duplicate samples so that arrangements can be made to secure the samples during inspection. Duplicate samples will be collected at all sites suspected of potential violations and offered to the permittee.

Photography

Photography is an essential tool used to assist the inspector in preparing a thorough and accurate inspection report, to present evidence in enforcement proceedings, and to document conditions found at a site. The Federal Water Pollution Control Act (FWPCA) gives the inspector the authority to collect and copy records including photographic images during an inspection. During special circumstances such as Confidential Business Information (CBI) claims, the inspector may take the photographs, but he/she must handle the photographs following all CBI procedures. If there are other circumstances such as national security issues, the inspector should try to collect the evidence needed without taking photographs. The inspector must inform the site representative that he or she will be taking photographs as a routine part of their inspection.

If the facility representative expresses reservations about allowing the inspector to take photographs, these concerns should be discussed to seek a mutually acceptable solution. This can be as simple as agreeing to avoid photographing sensitive items which are irrelevant to the inspection, and/or allowing the representative to look through the camera's viewfinder prior to taking the photograph. With digital and video photography it is possible to immediately show the representative your image with the option to delete it if deemed unacceptable. As a general rule, it is considered a denial of entry when a facility imposes any photographic restrictions which limit the inspector from properly performing the inspection.

Under no circumstances should the inspector discuss potential penalties or do anything that may be construed as coercive or threatening. If the inspector is unable to reach an acceptable solution, then he or she should withdraw from the premises and immediately contact his or her supervisor for assistance.

If entry is denied, it is legal for the inspector to photograph areas of the facility exposed to public view.



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2. E. Documentation

Providing documentary support of discrepancies discovered in an inspection is an inspector's basic responsibility. Documentation serves to "freeze" the actual conditions existing at the time of inspection so that evidence can be examined objectively by compliance personnel.

Documentation is a general term referring to all printed information and mechanical media produced, copied, or taken by an inspector to provide evidence of suspected violations. Forms of documentation include the field notebook, statements, photographs, videotapes, drawings, maps, printed matter, mechanical recordings, and copies of records.

Inspector's Field Notebook

The core of all documentation relating to an inspection is the field notebook, which provides accurate and inclusive documentation of all inspection activities. A bound notebook should be used, and entries should be made in permanent ink. The notebook will form the basis for written reports and should contain only facts and pertinent observations.

Note the date and time of arrivals and departures each day. Language should be objective, factual, and free of personal feelings or terminology that might prove inappropriate. Cross out and initial any errors in the notebook. The field notebook should never leave the inspector's possession during the inspection. Do not allow a facility to copy the field notebook. Notebooks become an important part of the evidence package and are admissible in court. The field notebook is a part of government records and is not to be considered the inspector's personal record. Hold notebooks indefinitely pending disposition instructions. There have been instances, although not frequent, where an inspector needed to look back at their field note some 10 to 20 years later for related enforcement work.

Inspection Notes

An inspector may need to testify in an enforcement proceeding. Therefore, it is imperative that each inspector keep detailed records of inspections, investigations, samples collected, and related inspection functions. Types of information that should be entered into the field notebook include the following:

Observations

Record all conditions, practices, and other observations that will be useful in preparing the inspection report or that will validate evidence. Note weather conditions such as rain/snowfall events prior to and during the inspection. These data will assist the inspector in determining whether inflow/infiltration (I&I) is a problem with the facility.

Documents and Photographs

Photographs taken during an inspection are used to supplement the testimony of the inspector as a witness during a court proceeding. The photographs are not intended to refute testimony but rather to aid the witness in recalling actual conditions onsite. All documents taken or prepared by the inspector such as the completed checklists for the inspection report should be noted and related to specific inspection activities. The inspector should adequately document each photograph so that its content can be properly identified with the site, date, and who took the photograph. This can be recorded in the inspector's field notebook or a separate photo log. Some cameras have a photo specific data which allow this information to be permanently imprinted on the photograph. Video cameras and some digital cameras allow this information to be voice recorded with the photograph. All the statements in this section, regarding digital camera use, should be checked with the EPA's Policy on the Use of Digital Cameras for Inspections (Appendix H).

Unusual Conditions and Problems

Note describe in detail unusual conditions and problems.

General Information

List names and titles of facility personnel and the activities they perform should be listed along with statements they have made and other general information. Record weather conditions. Information about a facility's recordkeeping procedures may also be useful in later inspections.

Samples

For the analysis of a sample to be admissible as evidence, a logical and documented connection must be shown between samples taken and analytical results reported. This connection is shown by using a chain-of-custody form that identifies and accompanies a sample between the time it is collected and the time it is analyzed. Sampling techniques and procedures are discussed in Chapter Five, "Sampling."

Statements

Inspectors may attempt to obtain a formal statement from a person who has personal, firsthand knowledge of facts pertinent to a potential violation. Request the person making the statement to sign and date the statement or a certification that the document reflects an accurate summary of what they said.

The principal objective of obtaining a statement is to record in writing, clearly and concisely, relevant factual information.

Procedures and Considerations

- Determine the need for a statement. Will it provide useful information? Is the person making the statement qualified to do so by personal knowledge?
- Ascertain all the facts. Make sure all information is factual and firsthand. Record statements that are relevant and that the person can verify in court. Avoid taking statements that cannot be personally verified.
- In preparing a statement, use simple narrative style; avoid stilted language.
 - Narrate the facts in the words of the person making the statement.
 - Use the first-person singular ("I am manager of . . .").
 - Present the facts in chronological order (unless the situation calls for another arrangement).
- Positively identify the person making the statement (name, address, position).
- Show why the person is qualified to make the statement.
- Present the pertinent facts.
- Have the person read the statement and make any necessary corrections before signing. If necessary, read the statement to the person in the presence of a witness.
 - All mistakes that are corrected must be initialed by the person making the statement.
- Ask the person making the statement to write a brief concluding paragraph indicating that he or she read and understood the statement. This safeguard will counter a later claim that the person did not know what he or she was signing.
- Have the person making the statement sign it.
- If he or she refuses to sign the statement, elicit an acknowledgment that it is true and correct. Ask for a statement in his or her own hand ("I have read this statement and it is true, but I am not signing it because . . ."). Failing that, declare at the bottom of the statement that the facts were recorded as revealed and that the person read the statement and avowed it to be true. Attempt to have any witness to the statement sign the statement including the witness' name and address.
- Provide a copy of the statement to the signer if requested.

Photographs

The documentary value of photographs ranks high as admissible evidence. Clear photographs of relevant subjects provide an objective record of conditions at the time of inspection. If

possible, keep "sensitive" operations out of the photographed background. Photographs showing confidential operations or information must be handled as confidential information.

When a situation dictates the use of photographs, the inspector should obtain the permittee's approval before taking them. The inspector should be tactful in handling any concerns or objections a permittee may have about the use of a camera. In some cases, the inspector may explain to the permittee's representative that wastestreams, receiving waters, and wastewater treatment facilities are public information, not trade secrets. In the event the permittee's representative still refuses to allow photographs, and the inspector believes the photographs will have a substantial impact on future enforcement proceedings, the inspector supervisor or Regional attorneys should be consulted for further instructions.

The primary objective of inspection photography is to create an image which accurately documents their observations and can be used to testify that the image is a "true and accurate representation of what he or she saw on that date." To accomplish this goal, the inspector needs to be familiar with their camera so that the image not only is captured but is properly exposed and in-focus.

There are myriad choices of cameras and image recording media to pick from. The highest quality photographs are typically from 35mm single-lens reflex cameras, but most non bottom-of-the-line point-and-shoot range finder type cameras produce acceptable images. Disposable film cameras and instant print (e.g., Polaroid) may give poorer quality images but may be used photo is representative of what the inspector saw. Color film is the standard type of film used, but there may be situations where slide film is preferred. Good quality prints can also be made from slide film.

Digital cameras offer the advantage of immediate viewing of the image to assure proper composition and exposure. As mentioned above, they can also be shown to the facility representative to mitigate their photographic concerns. Digital photography presents unique issues which are addressed in the EPA's Policy on the Use of Digital Cameras for inspections (See Appendix H).

Equipment

A single-lens reflex camera will take high-quality photographs, enable the inspector to use a variety of film speeds, and allow the use of appropriate lenses. Fully automatic 35-mm and pocket cameras can also be used for routine inspections to record the conditions of the facility during the inspection.

All photographs should be made with color print film because additional equipment, such as a projector and screen, is not needed to review them. Also, the negatives from color print film are easily duplicated and the prints can be enlarged and distributed as needed.

A digital camera may be used in conjunction with or instead of a single-lens reflex camera. Digital images require no processing or printing. Digital photographers have the advantage of reviewing images immediately and verifying the results, and if the digital images are not satisfactory, new images may be taken without the substantial delay entailed in processing and printing of traditional photographic images.

When final the digital camera policy will be located at the US EPA's Office of Compliance Inspector web site: <http://intranet.epa.gov/oeca/oc/campd/inspector/index.html>

Scale, Location, and Direction Depending on the situation, there are normally three types of photographs which can be taken: 1) the establishing shot, 2) the subject, and 3) the detail shot. The “establishing shot” or wide angle shot is a photograph taken from a distance which shows the subject in relation to permanent landmarks that can be used for reference in establishing the location of the subject. The “subject” shot emphasizes a specific object or event. The “detail” shot or close-up is typically a particular area of interest within the subject, such as a nameplate or leaky valve. It may be helpful to include an object of known size for scale reference such as a notebook or pen.

Safety

In areas where there is a danger of explosion, flash photographs should not be taken. If there is a danger of electrical shock, photographs should be taken from a distance known to be safe.

Videotapes

For some inspections, video cameras can be more effective in documenting your findings. Video cameras not only can document motion relative to a violation, but record sound, have extreme zoom capabilities, and can operate in very low light conditions. When recording sound, inspectors must be aware that all comments are recorded.

Drawings and Maps

Schematic drawings, maps, charts, and other graphic records can be useful in supporting violation documentation. They can provide graphic clarification of site location relative to the overall facility, relative height and size of objects, and other information which, in combination with samples, photographs, and other documentation, can produce an accurate, complete evidence package.

Drawings and maps should be simple and free of extraneous details. Include basic measurements and compass points to provide a scale for interpretation. Identify drawings and maps by source, inspector's initials, and date.

Printed Matter

Brochures, literature, labels, and other printed matter may provide important information regarding a facility's conditions and operations.

Collect these materials as documentation if, they are relevant. Identify all printed matter with date, inspector's initials, and origin.

Mechanical Recordings

Properly date and sign printouts of electronic records so they can be entered as evidence. Charts, graphs, and other hard copy documents produced from computer output should be treated as documentation and handled accordingly.

Copies of Records

The inspector may store records in a variety of information retrieval systems, including written or printed materials, computer or electronic systems, or visual systems such as microfilm and microfiche.

Obtaining Copies of Necessary Records

When copies of records are necessary for an inspection report consider, storage and retrieval methods.

Written or printed records generally can be photocopied onsite. Portable photocopy machines may be available to inspectors through the Regional Office. When necessary, inspectors should get authorized in advance via procurement request, travel authorization, or phone call to the appropriate EPA authority. Each inspector should find who is their approval official. Authorization will allow the inspector to pay a facility a "reasonable" price for use of copying equipment. If the facility does not have a photocopier and a portable photocopier is not available, a photocopy machine is usually accessible at a nearby site (e.g., post office, convenience store). However, inspectors must obtain permission from the permittee prior to taking records offsite for copying.

- At a minimum, all copies made for or by the inspector should be initialed and dated for identification purposes. (See identification details below.)
- When photocopying is impossible or impractical, closeup photographs or videotape or hand copying may be taken to provide suitable copies.
- Computer or electronic records may require the generation of hard copies for inspection purposes. Arrangements should be made during the opening conference, if possible, for these copies.
 - Photographs of computer screens may provide adequate copies of records if other means do not exist.
- Visual systems (microfilm, microfiche) may have photocopying capacity built into the viewing machine, which can be used to generate copies. Photographs of the viewing screen may provide adequate copies if hard copies cannot be generated.

Identification Procedures Immediate and adequate identification of records reviewed is essential to ensure the identification of records throughout the EPA custody process and their

admissibility in court. When inspectors are called to testify, they must be able to identify each particular document and state its source and the reason for its collection if asked.

The inspector should initial, date, number, and enter the facility's name on each record, and log these items into the field notebook.

Initialing/Dating

Each inspector should develop a unique system for initialing (or coding) and dating records and copies of records so that he or she can easily verify their validity. This can be done by initialing each document in a similar position, or by another method, at the time of collection. All record identification notations should be made on the back of the document. The inspector must be able to identify positively that he or she so marked the document.

Numbering

As necessary to keep proper track each document or set of documents substantiating a suspected violation(s) should be assigned an identifying number unique to that document. The number should be recorded on each document and in the field notebook.

Logging

Documents obtained during the inspection should be entered in the field notebook by a logging or coding system. The system should include the identifying number, date, and other relevant information:

- The reason for copying the material (i.e., the nature of the suspected violation or discrepancy)
- The source of the record (i.e., type of file, individual who supplied record)
- The manner of collection (i.e., photocopy, other arrangements).

General Considerations

- Return originals to the proper person or to their correct location.
- Group related records together.
- Handle Confidential business records according to the special confidential provisions discussed below.

Routine Records

The inspector may find it convenient to make copies of records, such as laboratory analysis sheets and data summaries, to refresh his or her memory when preparing the inspection report. It is not always necessary to follow the formal identification and logging requirements when such records are obtained for general information purposes or to aid in the preparation of routine inspection reports.

Confidential Information

Confidentiality

When conducting compliance inspections, an inspector may have to deal with claims of confidentiality as authorized under Section 308 of the CWA and as defined under 40 CFR Part 2. This section of the statute is designed to protect confidential business information from unauthorized disclosure. Confidential business information includes information considered to be trade secrets (including chemical identity, processes, or formulation) that could damage a company's competitive position if they became publically known.

Any business being inspected has the right to claim all or any part of the information gathered during that inspection, other than effluent data, as confidential. See CWA section 308(b); 40 C.F.R. § 2.302(e). In fact, as a matter of policy, EPA notifies the business of its right to assert a claim of confidentiality at the time of 308 letter. Frequently, the 308 letter is used for this notification. After the business has responded to the 308 letter and, in that response, has asserted whatever claims of business confidentiality for eligible information it intends to make, EPA generally will be aware of any potential confidentiality problems.

The affected business may assert a claim of confidentiality at any time, according to 40 CFR 2.203(c). The business can make such a claim at the time of the inspection or at any time subsequent to the inspection. This claim must be in writing and signed by a responsible company official. While the business is entitled to make a claim of confidentiality on all information which an inspector requests or has access to while onsite (other than effluent data), claims of confidentiality are subject to review by the EPA's Office of General Counsel or Office of Regional Counsel and the business may be asked to substantiate its claims. See 40 C.F.R. § 2.204(e). If a claim of confidentiality for certain information is received by EPA after the information itself is received by EPA, EPA will make such efforts as are administratively practicable to associate the late claim with copies of the previously submitted information in EPA's files. See 40 C.F.R. § 2.203(c). However, EPA cannot assure that such efforts will be effective, in light of the possibility of prior disclosure or widespread prior dissemination of the information.

When a business makes the confidentiality claim, the Regional office normally will not determine the validity of that claim under 40 CFR Part 2 until there is a request for the information from a third party or if EPA believes that the information should be included in the public record in connection with a proceeding. The exact procedures for making and handling CBI determinations are contained in 40 CFR Part 2. Until such a time as that determination is made, the information shall be treated as confidential information.

In some cases, entry to a facility may be denied based on the claim by a permittee that there is confidential information at the facility. In such cases, the inspector should recite the relevant subsections of 308 so they are clearly understood by all parties involved. The inspector should then explain the provisions of 40 CFR Part 2 concerning confidentiality. For example, the inspector could suggest that the protected material or process be segregated from other disclosable information or processes. The inspector should also have in his/her possession a copy of both the 308 letter which was sent to the business and the business' response. If the facility representative still refuses entry, the inspector should not contest the issue but should treat the matter in the same manner as any denial of entry and immediately notify the appropriate EPA enforcement office for instructions.

Types of Information Excluded from Confidential Treatment

In order to understand claims of confidentiality, an inspector should know the types of information considered confidential. These types of information are defined in 40 CFR Part 2. The regulations specifically exclude certain types of information from confidential treatment. In particular, this "public information" includes the NPDES permit application and all "effluent data" as defined in 40 CFR 2.302(a)(2)(i). According to this definition, effluent data include all information necessary to determine the identity, amount, frequency, concentration, temperature, and other characteristics (to the extent related to water quality) of:

- Any pollutant which has been discharged by the source (or any pollutant resulting from any discharge from the source) or any combination of the foregoing
- The pollutant which, under an applicable standard or limitation, the source was authorized to discharge (including, to the extent necessary for such purpose, a description of the manner or rate of operation of the source).

Effluent data may also include a general description of the location and/or nature of the source to the extent necessary to distinguish it from other sources (e.g., a description of the device, installation, or operation constituting the source). For additional clarification about confidentiality, EPA Regional policy on the issue should be consulted.

Secrecy Agreements and Nondisclosure

Inspectors, whether EPA, the State, or EPA contractors conducting NPDES compliance inspections, shall not sign any pledge of secrecy or confidentiality agreements or any agreement which would limit the Agency's ability to disclose information received while inspecting a facility. Section 308 does not specify that a secrecy agreement must be executed as a condition of entry. Unauthorized disclosure of confidential information by EPA or State employees and authorized contractors is prohibited by law [33 U.S.C. 1318(b)]. In addition, all contractor inspectors must sign a statement that they will be personally bound by 40 CFR Part 2 and not disclose trade secrets.

It is not appropriate for the compliance inspector to determine whether a permittee's claim of confidentiality is justified. Once such a claim is made, the information must not be disclosed and must be kept confidential until a determination is made by the appropriate EPA legal office. EPA employees who violate these requirements may be subject to dismissal,

suspension, or fines. Criminal action may be taken against EPA employees and authorized contractors who disclose confidential business information.

Trade Secrets and Confidential Business Information Section 308(b)(2) of the CWA in Title 40, *Code of Federal Regulations*, Part 2 (40 CFR Part 2) protects and defines trade secrets and confidential business information from public disclosure.

Section 308(a)(4) of the CWA states that an inspector may sample an effluent, request information, have access to the location of the effluent, and inspect any monitoring equipment. The information that is collected is available to the public. If a permittee does not want inspection information to be available to the public, he or she must request that EPA consider the information confidential. Confidential information includes trade secrets, such as chemical identity, processes, or formulae. The permittee must show that the information, if made available, would divulge trade secrets. The information then may be classified confidential, but still may be disclosed to authorized representatives of EPA.

Therefore, a business is entitled to a claim of confidentiality for all information that an inspector requests or has access to; however, a business may not refuse to release information requested by the inspector under the authority of Section 308 of the Act on the grounds that the information is considered confidential or a trade secret. The claim of confidentiality relates only to the public availability of such data and cannot be used to deny facility access to inspectors performing duties under Section 308 of the Act. A claim of confidentiality may be made at the time of the inspection or at any time subsequent to the inspection. Claims must be made in writing and signed by a responsible company official. Information claimed as confidential can be later reviewed to determine whether the claim is valid.

Handling Confidential Business Information

Routine security measures will help ensure that reasonable precautions are taken to prevent unauthorized persons from viewing confidential information. When practical circumstances prohibit the inspector from following the procedures exactly, he or she should take steps to protect the information. He or she should mark all confidential information received as such and placed in a locked filing cabinet or a safe immediately after the inspection is completed. Maintain a chain-of-custody record for all confidential information. Since confidential information requires special handling procedures, it may be useful to keep it in a separate notebook in a secure/locked location. By doing this, only the confidential material, and not the entire notebook of inspection findings, would have to be kept in a locked filing cabinet.

While Traveling. The inspector may be on the road for several days while conducting inspections. The inspector is responsible for ensuring that the information collected is handled securely.

- Documents and field notes are considered secure if they are in the physical possession of the inspector and are not visible to others while in use.
- Keep inspection documents which contain sensitive information in a locked briefcase. If it is impractical to carry the briefcase store the briefcase in a locked area, such as the trunk of a motor vehicle.

- Place physical samples in locked containers and store in a locked portion of a motor vehicle. The chain-of-custody procedures provide further protection for ensuring the integrity of the sample.

In the Office. Indicate who is authorized to have access, only personnel authorized by the Regional Administrator, Division Director, or Branch Chief. An access log should be maintained for all transactions. Do not copy information marked "trade secret" and/or "confidential" unless there is written authority from the Regional Administrator, Division Director, or Branch Chief. Requests for access to confidential information by any member of the public, or by an employee of a Federal, State, or local agency, must be handled according to the procedures contained in the Freedom of Information Act regulations (40 *CFR* Part 2). All such requests should be referred to the responsible Regional organizational unit.

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2. F. Closing Conference

To achieve the most effective results from compliance inspections, the inspector should communicate results promptly to the facility management and/or operating personnel. The inspector should limit the discussion to preliminary findings of inspection. If appropriate, the inspector may compare findings with the permittee's NPDES permit requirements, consent decrees, administrative orders, and other enforcement actions.

Facility officials are usually anxious to discuss the findings of an inspection before the inspector(s) leave. Inspectors should hold a closing meeting or conference for the presentation and discussion of preliminary inspection findings. The closing conference provides an opportunity to describe deficiencies found and identify areas of concern (e.g., unpermitted discharge, parts of a SWPPP missing; inspections not being done; silt fence not installed; discharge to a storm drain, etc...). During this meeting or conference, inspectors can answer final questions, prepare necessary receipts, provide information about the NPDES program, and request the compilation of data that were not available at the time of the inspection. It also presents an opportunity to deliver compliance assistance materials and/or information in accordance with the National Policy on the Role of the EPA Inspector in Providing Compliance Assistance During Inspections, June, 2003. Inspectors should be prepared to discuss follow-up procedures, such as how results of the inspection will be used and what further communications the region, state, tribe, or locality may have with the facility. Inspectors should conduct closing conferences in accordance with any applicable guidelines or SOPs established by the EPA Regional Administrator, State Commissioner, Tribal Official or Local Director.

Precautions and Guidelines

Although a discussion of the inspection results is important, certain precautions are essential:

- The inspector should follow the guidelines described in the National Policy on the Role of the EPA Inspector in Providing Compliance Assistance During Inspections, June, 2003.

These guidelines are subject to standard operating procedures developed by the Administrator/delegated party or State Director regarding permittee contacts in the Region/State.

Deficiency Notice

The inspector may issue a Deficiency Notice that specifies existing or potential problems in a permittee's self-monitoring program. Issuing a Deficiency Notice onsite or after the site inspection provides a swift and simple method for improving the quality of data from NPDES self-monitoring activities. An example Deficiency Notice and EPA's Memorandum on Deficiency Notice Guidance are provided in Appendix I. Notices allow the inspector to formally assign responsibility to the permittee and to track each step of the compliance/enforcement process. The Deficiency Notice also helps the permittee to comply with the self-monitoring requirements of the permit.

This tool should be used in conjunction with any type of NPDES compliance inspection during which the inspector identifies problems with the permittee's self-monitoring activities. It is to be used by the inspector only to alert permittees to deficiencies in their self-monitoring activities. The enforcement office of the regulatory authority, not the inspector, handles effluent violations.

Inspectors can issue the Deficiency Notice to a permittee immediately following a compliance inspection, or after the site visit is completed, if they discover any permit deficiencies in the following seven categories that the Notice addresses:

- Monitoring location
- Flow measurement
- Sample collection/holding time
- Sample preservation
- Test procedures, Section 304(h), 40 *CFR* Part 136
- Recordkeeping
- Other self-monitoring deficiencies.

2. G. Inspection Report

The adequacy of compliance follow-up to correct problems or deficiencies noted during the inspection greatly depends on the report prepared by the inspector. The sections of this chapter detail procedures for collecting and substantiating the information used to prepare this report. Once collected, however, the inspector should organize and arrange the material so that compliance personnel can make maximum use of the evidence or inspection information. The information presented in this section provides general guidelines for organizing evidence and preparing an inspection report.

Objective of the NPDES Inspection Report

The objective of a NPDES inspection report is to organize and coordinate all inspection information and evidence into a comprehensive, usable document. To meet this objective, information in an inspection report must be presented in a clear, well-organized manner. The information should be objective and factual; the report must not speculate on the ultimate result of the inspection findings. Of particular importance are the following:

- Include only accurate information in the report. It should be factual and based on sound inspection practices. Observations should be the verifiable result of firsthand knowledge. Compliance personnel must be able to depend on the accuracy of all information.
- Information in an inspection report should be relevant to the subject of the report. Irrelevant facts and data will clutter a report and may reduce its clarity and usefulness. Avoid personal comments and opinions.
- Substantiated suspected violation(s) be by as much factual, relevant information as is feasible to gather. Organize all information pertinent to the subject into a complete package. Reference documentary support (e.g., photographs, statements, sample documentation) accompanying the report should be referenced clearly so that anyone reading the report will get a complete, clear overview of the situation. The more comprehensive the evidence is, the better and easier to determine compliance or noncompliance.

Effectively Communicate and Document an Alleged Violation in the Inspection Report

This is especially critical when the findings and observations support that a potential violation occurred. The following includes procedures and examples of how to effectively communicate potential violations.

1. First, state the requirement in the actual language of the statute, permit, or regulation and then describe and present the evidence that shows how the facility failed to meet the requirement. Each potential violation should be made obvious to the reader by thoroughly and clearly describing all documents, photographs, statements, and other evidence in the inspection report. This should include the inspector's own observations. For example:

- I. ***Failure to Meet Missouri State Operating Permit (MSOP) Conditions - The Missouri MSOP, MO0023456, issued to the City of Pollutionville, at Section C. Special Conditions, Subsection 6. General Criteria, contains the following requirement: "a) Waters shall be free from substances in sufficient amounts to cause formation of putrescent, unsightly or harmful bottom deposits or prevent full maintenance of beneficial uses." On January 5, 2002, at the WWTP's outfall 32 (see map - attachments 3), I observed the receiving water body, Greenfoot Stream, to have approximately 4-5 inches of sludge deposit on the bottom 9 (see photos #10-14, approximation of depth made with 12" ruler) as well as significant blood worm populations (photos #15-16, estimate of blood worm population based on counting the number of blood worms per square foot of water surface to a depth of about one foot). Greenfoot Stream is on the Missouri 303(d) list for nutrient content. Mr. Smith, the plant operator, signed a statement that the plant had been losing solids to the stream for four months due to an increased organic load from Acme Meat Packing Co. (see attachment 5)....***
 - II. ***NOV #4 - Failure to Close Hazardous Waste Satellite Accumulation Container - While in the aerosol fill area (see map - attachment 3), I observed one full 55-gallon satellite accumulation container that was open (photo 1). I verified that the drum was full by looking inside of it. Mr. Helpful, the Aerosol Can Fill Operator, said that he used the container to collect spent line flushing solvent. He said the solvent consisted of Mecos laquer thinner and that the thinner was used to wash the paint out of the fill equipment (MSDS - attachment 9). I asked Mr. Helpful if he considered the spent laquer thinner a hazardous waste. He said yes, that he managed it as F003/F005 hazardous waste. Containers holding hazardous waste are required to be closed per 40 CFR 262.34(a)(1)(I) ref. 40 CFR 265.173(a).***
2. Use a separate, indented paragraph to highlight each violation along with an obvious font change. As in the above example, each violation was in **bold face type** and *italicized*. Other formats may be used as long as each violation is made clearly obvious to the reader.
 3. The inspector should write the report as soon as possible after returning from the field. As noted earlier, excessive delays or reports not written "near-in-time" to the inspection can seriously compromise EPA's ability to conduct timely enforcement.

Each inspector should use the following techniques to ensure a well-documented inspection report:

1. Write the report as soon as possible upon return from the field.
2. Write the report in the first person and in a "compare and contrast" style, i.e., each violation identified should be stated in a manner where the facts are presented and then compared, against the statute, permit or regulatory requirement.
3. Use simple, direct language, and short sentences.
4. Identify, by name and relationship to the facility, who said what and when.
5. Clearly identify all potential violations observed during the inspection or evaluated prior to the report write-up.
6. Reference the applicable statute, permit, or regulation for each potential violation identified. If the inspection is conducted in a state that is authorized to implement the regulation, then the applicable state law or regulation should be co-referenced.

7. Provide a complete and detailed description of all materials gathered to support the alleged violation, e.g., all photographs, maps, diagrams, etc.
8. Identify, number, and reference all attachments in the text of the field report.
9. Use consistent word choice, e.g., if a particular device is called a “Waste-o-matic,” use the term “Waste-o-Matic” throughout the report to describe that particular device.
10. Do not use negative inferences. For example, avoid saying “...the only drums found were...,” which is not first person and implies that no other drums were at the facility. Simply state what was observed, e.g., “During the inspection, I observed five drums which were...”
11. Do not use vague and ambiguous terms or statements. For example, avoid using words like *indicated, implied, suggested, several, many, some, or it was determined*.
12. Do not use absolute terms like *all, always, or every*, unless the findings and observations have been fully verified and documented (be as precise and accurate as possible).
13. Do not repeat or use information obtained from previous inspection reports that was not verified during the inspection.
14. Describe all actions (including time frames) that the facility said they would complete as a result of the inspection.

Elements of a Report

Although specific information requirements for an inspection report will vary, most reports will contain the same basic elements:

- NPDES Compliance Inspection Report Form
- Supplementary narrative information
- Copies of completed checklists
- Documentary support
- Inspection Conclusion Data Sheet

NPDES Compliance Inspection Report Form

The inspector is responsible for reporting all compliance inspection activities by completing the current NPDES Compliance Inspection Report Form 3560-3 as soon as possible after the inspection. A copy of the form is included as Appendix J. The EPA should forward the inspection report form (Form 3560-3) to the regulatory authority no later than 30 days after completion of the inspection. Copies should be sent to the permittee in a timely manner (generally within 30 days of inspection date) except when formal enforcement procedures are underway. In this instance, the case attorney will direct any disclosure of data.

Supplementary Narrative Information

Supplementary narrative information could be a memorandum in the case of routine inspections or a narrative report when major violations are detected. When a narrative report is necessary to fully describe a compliance inspection, the contents of the report should focus on supporting or explaining the information provided in the Compliance Inspection Report Form.

The narrative report should be a concise, factual summary of observations and activities, organized logically and legibly, and supported by specific references to accompanying documentary support.

A work plan will simplify preparation and will help ensure that information is organized in a usable form. Basic steps in writing the narrative report include the following:

Reviewing the Information

The first step in preparing the narrative is to collect all information gathered during the inspection. Review the inspector's field notebook in detail. Review all evidence for relevance and completeness. A telephone call or, in unusual circumstances, a follow-up visit may be needed to obtain additional or supplementary information. Record any phone call relating to the inspection in the inspector's log book with date and time.

Organizing the Material

Organize the information according to need, present it logically and comprehensively. Organize the narrative so that it is easily understood.

Referencing Accompanying Material

Reference all documentary support accompanying a narrative report clearly so that the reader will be able to easily locate the items. The "Documentation" section in this chapter provides details on document identification. The inspector should check all documentary support for clarity before writing the report.

Writing the Narrative Report

Once all the material is collected the reviewing, organizing, and referencing, the narrative can be written. The purpose of the narrative is to factually record the procedures used in, and findings resulting from, the evidence-gathering process. The inspector should refer to routine procedures and practices used during the inspection, but should detail facts relating to potential violations and discrepancies. The field notebook is a guide for preparing the narrative report.

If the inspector has followed the steps presented in this manual, the report will develop logically from the organizational framework of the inspection. In preparing the narrative, the inspector should make simplicity paramount.

- Write simply; avoid stilted language.
- Use the active, not passive, voice: (e.g., "He said that . . ." rather than "It was said that...").
- Keep paragraphs brief and to the point.
- Avoid repetition.

- Proofread the narrative carefully.

Copies of Completed Checklists

Refer to comprehensive checklists in the technical chapters of this manual and in the appendices. When appropriate use these checklists to collect information during the inspection, the Region may modify these to specific concerns. Include copies of all completed checklists in the inspection report.

Documentary Support

Include all documentation produced or collected by the inspector to provide evidence of suspected violations in the inspection report. The "Documentation" section in this chapter provides details on obtaining and organizing this material.

The Permit Compliance System (PCS)/Integrated Compliance Information System (ICIS)

The inspection office should ensure that all data listed in Section A of the NPDES Compliance Inspection Report Form 3560-3 are entered into the PCS, which is used for national tracking of NPDES permit information. EPA does not credit the inspection until it is coded/entered into PCS. Therefore, timely completion of reports and data entry into PCS is essential to effectively follow up a compliance inspection. Make every effort to ensure that data are entered no later than 30 days after the inspection is completed.

Inspection Conclusion Data Sheet (ICDS)

In FY 2002, EPA began collecting information on EPA NPDES compliance inspection outcomes using a manual ICDS form. Regional inspectors completed these forms and sent to Headquarters. The information on the forms was then entered into a national ICDS database. In FY 2003, Office of Enforcement and Compliance Assurance (OECA) launched the Integrated Compliance Information System (ICIS) Phase I to electronically capture compliance and enforcement information, including ICDS data. ICIS Phase I includes data fields for entering both general inspection information (for example, facility name, address, SIC code, media) and ICDS information (for example, deficiencies, actions taken, and compliance assistance provided). Appendix BB contains the Compliance Monitoring Screens required and directions to follow to enter both types of information. Regions must decide whether EPA inspectors or central data entry personnel will be responsible for entering the data into ICIS. If EPA inspectors enter the data, no manual ICDS form will be needed since the information to fill out the form should be included in the inspector's notes. If central data entry personnel enter the data, EPA inspectors will have to complete the manual ICDS form and forward it to their first-line supervisor for review prior to data entry into ICIS.

Integrated Compliance Information System (ICIS)

The Integrated Compliance Information System (ICIS) supports the information needs of the National Enforcement and Compliance program as well as the unique needs of the NPDES program. ICIS will integrate data that is currently located in more than a dozen separate data systems. The web-based system will eventually enable individuals from states, communities, facilities, and EPA to access integrated enforcement and compliance data from any desktop connected to the Internet. EPA's ability to target the most critical environmental problems will improve as the system integrates data from all media.

ICIS features include:

- Desktop access
- Internet access
- Integrated data
- Real time entry and retrieval of data
- Powerful reporting capabilities
- User friendly.