

Writing Inspection Reports

Ways To Ensure Enforceability

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Agenda

- Explain reasons for importance of writing enforceable inspection reports
- Review critical components of inspection reports
- Provide communication tips
- Analyze sample inspection report wording

Why Should You Bother?

- If you do not:
 - Wastes your time & effort
 - Reflect poorly on credibility
 - Could result in continued noncompliance
 - Could cause you to lose in court



Critical Components

- Clear communication of:
 - Areas of concern, including regulations
 - Support that regulations apply
 - Evidence to prove that areas of concern occurred



Clear Communication

- Stick to the facts
- Include specifics – names, dates, ...
- Explain how you know the facts
- Use language that others will understand

How Do You Know What You Say You Know ?



Types of Evidence

- Copies of Records
- Photographs
- Video Clips
- Personal testimonies
- Sample analysis
- Monitoring results



Language

- Keep in mind that inspection reports may be considered public records
- Be aware that others may not have the same technical knowledge
- Ensure that your message is clear

Words/Phrases To Avoid

- “In full compliance”
- “Seems”
- “I think” and “I feel”
- “Maybe” and “might have”

Double-Take

- The facility failed to submit a report of the hours that the scrubber did not operate when it operated during 2005.
- The facility failed to submit a report of the hours during 2005 that the scrubber did not operate.

Report Nos. 1 & 2

- Background
 - Concrete plant
 - Complaint-based inspection
 - Fugitive dust allegedly leaving site



Report No. 1's Conclusions

- “Based on our visual observations of particulate emissions from truck loading at the time of our investigation, it appeared that the PM mass emission limit of 1 lbs/hr maximum was being exceeded.”
- “Therefore, the facility failed to operate the source in accordance with all terms and conditions of the permit as required by LAC 33:III.501.C.4.”

Report No. 2's Conclusion

- “Prior to our arrival, the old bag filters that were removed were thrown down to the ground from the top of the silo causing hardened cement material and dry cement dust to spill out of the bags...(see attached photos). Although not observed, fugitive dust emissions were generated from the improper handling of the old bag filters...”

Report No. 3

- Background
 - Gasoline & diesel distribution terminal
 - Unannounced routine inspection

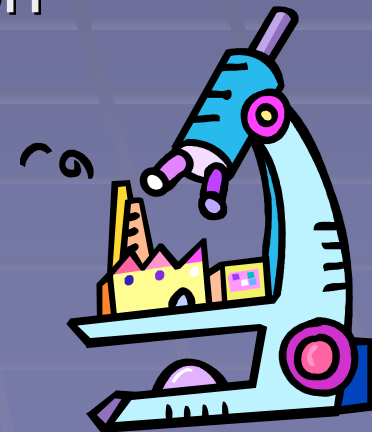


Clear & Not So Clear

- “Three years of emission inventory plant summaries were reviewed (attachment II).”
- “The tanks do not store a product with a vapor pressure higher than 11.1 psia.”
- “The facility improperly certified compliance with Standard Condition III.C and Specific Condition 6 in the ACC submitted...”

Report No. 4

- Background
 - Natural gas cryogenic plant
 - Routine full compliance evaluation



Weak Points?

- “No testing has been conducted at [facility]” ... “No testing has been conducted that showed emissions above the limits in condition 1.”
- “No further action is required of [company] for this enforcement case.”

Strong Points?

- “A stain tube was pulled on March 1, 2006 and showed a sulfur concentration of 0.2 parts per million (“ppm”) (attachment 3).”
- “Mr. Howard stated that the last time the turbine ran was in 2003 for less than one hundred hours.”
- “Based on the information obtained during the evaluation, no deviations were noted.”

Report No. 5

- Background
 - Natural gas transmission facility
 - Routine full compliance evaluation



Room For Improvement?

- “At the time of the inspection, the facility’s processing rate was 840 mmcf/day of natural gas, 0 bbls of condensate/day, and 2.2 mmcf/day of fuel usage.”
- “At the time of the inspection, the facility appeared to be in general compliance with applicable sections of the Louisiana Air Quality Regulations.”

Case Study No. 1

- Background
 - Sandblasting, painting, & coating facility
 - Routine compliance evaluation



Findings of the Inspection

- Overages in products used
- Permit modification application submitted 1 ½ years prior to the inspection

Original FIF Issued to Facility

- “Facility appears to be in full compliance, w/ slight overages in some of the products used, but within limits of a ... request to drastically increase these limits ([Department] has not yet responded).”

What Happened Next

- Referred to Enforcement in an inspection report
- File review indicated:
 - Facility operating as a major source of TAPs
 - Facility operating under a minor source permit
- Compliance Order & Notice of Potential Penalty issued

Responses Resulting

- Received complaint that FIF stated “in full compliance”, but action issued
- Redacted the original FIF & issued another
 - “The facility has exceedances of its present permit as follows in [year]: 18,517 g/y of paints (9,750 allowed); 10,119 g/y of thinners/solvents (3,840 allowed).”
- Reflected on inspector’s & Department’s credibility

Case Study No. 2

- Background
 - Mid-stream bulk grain product transfer facility
 - Complaint-based inspection

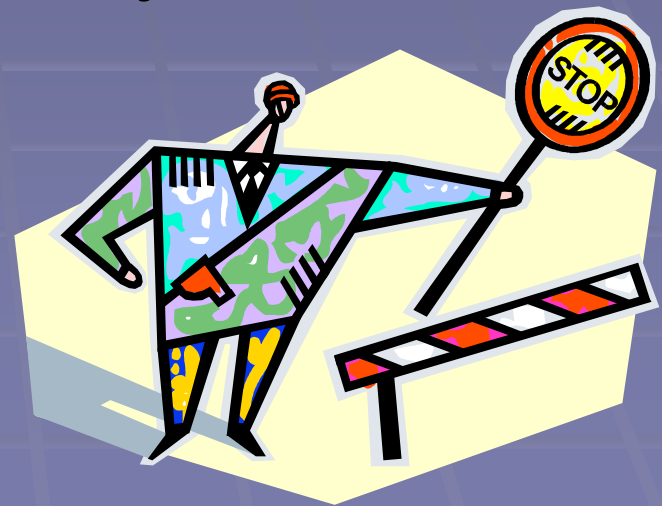


Complaint & Response

- Fugitive dust on the complainant's property
- Visit to the complainant's property
- Photographs of dust on truck
- Dust samples from truck & porch analyzed

Potential Roadblocks

- No way to know if dust was from another operation, natural, from months before, ...
- No way to link dust on truck/porch to fugitive emissions from facility so no enforceable citation



What Could Have Been Done?



Take Home Messages

- To ensure enforceability, when writing facts:
 - Be specific
 - State origin of facts
 - Include names, dates, data, EVIDENCE, ...



Take Home Messages

- To ensure enforceability, do not draw conclusions – let the evidence lead the reader to an obvious conclusion.
- Avoid using opinions
- Avoid using value adjectives such as “slight” or “drastic”
- Use phrases like “appeared to be in compliance” and “no deviations noted at the time of the inspection”



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