

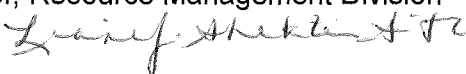
MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE COMMUNICATION

OPERATIONAL MEMO 111-4

Revision 5

TO: All Resource Management Division Supervisors

FROM: Liane J. Shekter Smith, P.E., Chief, Resource Management Division


DATE: June 27, 2011

SUBJECT: Groundwater Monitoring Evaluations (GME) and Operation and Maintenance (O&M) Inspections Notification and Reporting Process

INTRODUCTION:

Hazardous Waste Section (HWS), Permit and Corrective Action Unit (PCAU), staff has the primary responsibility for conducting GME/O&M inspections. Because the District is the primary Department of Environmental Quality (DEQ) contact with the regulated facilities, it is important that the PCAU inform District compliance staff of the upcoming GME/O&M so that District compliance staff may participate as appropriate.

Any inspection must be carefully arranged, scheduled, and performed with the District's knowledge. The District thus becomes aware of any specialized investigation or inspection in order to maintain good coordination of hazardous waste program issues with regulated facilities.

INSPECTION PROCESS:

Inspections will be scheduled by PCAU staff based upon the facility's routine sampling schedule and the grant work plan schedule for Michigan Resource Conservation and Recovery Act of 1976 (RCRA). A list of the GME/O&M inspections to be conducted during the fiscal year is contained in the grant work plan. The U.S. Environmental Protection Agency (U.S. EPA) guidance on conducting GME inspections is available on the Internet at <http://www.epa.gov/compliance/resources/policies/civil/rcra/frcracmedoc-rpt.pdf> and the U.S. EPA guidance on conducting O&M inspections is available at <http://www.epa.gov/compliance/resources/policies/civil/rcra/rcrainspectguid-rpt.pdf>. PCAU staff will notify the facility that a GME/O&M has been scheduled. This notification may be in the form of a letter, an e-mail communication, or a telephone call. The District must also be notified, either by being copied on the letter, e-mail, or in a separate telephone call. Upon receipt of the notification, District staff and U.S. EPA RCRA Enforcement, staff will research their files to determine whether the facility is bound by any enforcement action (e.g., consent decree) that may affect the outcome of the GME/O&M inspection. District staff and U.S. EPA Enforcement staff will be responsible for contacting PCAU staff prior to the GME/O&M inspection to discuss their findings on this matter.

All laboratory scheduling, file reviews, checklists, field testing, and data analysis will be conducted by PCAU staff. PCAU staff will provide the District with the option to participate in

field sampling and evaluation. PCAU staff is to keep the District informed on the status and progress of the GME/O&M inspection.

If a violation potentially qualifying the facility as a Significant Noncomplier (SNC) is suspected during the field inspection of a facility (even if laboratory analysis is not complete), PCAU staff will immediately arrange for a conference call with the District Supervisor and the RMD Enforcement Section to determine the facility's status and the action to be taken. Specific areas of responsibility will be determined during this conference call. The SNC determination must be made within one week of the field inspection. The definition of an SNC is available at S:\RMD_All\Operational Memos\Part 111\erp-snc-definition-summary-mdeq.doc. Enforcement procedures for SNCs are summarized at S:\RMD_All\Operational Memos\Part 111\erp-summary-mdeq.

If the facility is determined not to be a SNC, then at the technical completion of the GME/O&M inspection (typical two to three month time frame due to preparations, scheduling, field activities, laboratory time, and data review), PCAU staff will prepare a letter to the facility. The letter will include a chronology of the site's groundwater monitoring program and summarize the facility's groundwater compliance status. If PCAU staff prepares a violation notice (VN) notifying the facility that it is in noncompliance, the VN must include language consistent with the VN template but modified, as appropriate, for a GME or O&M inspection. The VN template is available by opening Microsoft Word, and clicking on, respectively, "File", "New" "From Template", "More" tab, "RMD", and "111 VN INSP." The letter, accompanied by a copy of the GME/O&M report, will be sent to the facility with copies forwarded to the District. The original GME/O&M report will be filed in the HWS's Monitoring Data file for the facility.

REPORTING:

Once the GME/O&M is completed, PCAU staff will enter GME/O&M inspections into the CME Module in the Waste Data System (WDS) database.

FOLLOW UP:

When PCAU staff receives a response from a facility regarding a GME/O&M, they will determine if the time frame specified in the original letter was met. PCAU staff will review technical submittals within 30 days from receipt of the facility's response to remain in compliance with grant time frames. If technical field issues need to be addressed, PCAU staff will inform the District of a follow-up inspection and then conduct it as soon as possible. Any subsequent correspondence between PCAU staff and the facility regarding the issues raised in the GME/O&M will be entered into WDS as Nonfinancial Record Reviews (NRR).

Following the technical review and/or follow-up inspection, PCAU staff may contact the District to discuss their findings, to indicate whether there are any items that need to be verified during the District's next Compliance Evaluation Inspection (CEI), and to discuss whether or not PCAU staff is needed during the CEI to conduct the groundwater monitoring portion. If the facility continues to be in violation, PCAU staff may contact the District and discuss the situation. Based upon this discussion, PCAU staff may need to contact the RMD Enforcement Section to determine how to proceed. If the technical review shows that the facility has corrected the violations, PCAU staff will send the facility a letter acknowledging the return to compliance.

PCAU staff will be responsible for providing the District with copies of all responses to the facility.

SUMMARY:

This operating procedure identifies staff responsibilities for conducting GME/O&M inspections. It should be emphasized that these types of inspections require close coordination between PCAU and District staff so as to officially notify the facility of its groundwater monitoring compliance status and to properly notify the U.S. EPA of progress made to fulfill grant commitments.

