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## What to Expect From an Environmental Compliance Inspection

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Representatives of the Michigan Department of Environmental Quality (DEQ) may arrive at your door one day to conduct an environmental compliance inspection. Knowing what to expect during and after the inspection can help reduce the apprehension you may have about the process. While the scope and intent of environmental compliance inspections may vary, this guide will help answer frequently asked questions about the inspection process and provide you with contacts for further information.



### What should I expect when an inspector knocks on my door?

The inspector has the legal authority to enter a facility or private property to conduct an inspection to determine compliance with Michigan environmental laws and rules. Inspections may or may not be prearranged but generally occur during regular business hours. In the event of a spill or other emergency, however, an after-hours inspection may be necessary. Upon arriving at the business, the inspector will ask for the environmental coordinator or person in charge. The inspector will identify the program he or she is from and discuss the scope of the inspection activities. All inspectors have official photo identification. In most cases, a single inspector will evaluate only one area of environmental compliance such as air, water, or waste regulations. One or more inspectors may also arrive to evaluate compliance with all environmental media laws, such as those relating to air, water, and waste. This type of inspection is called a multi-media inspection. Environmental inspections generally follow the same format: an opening conference, review of records, an interview and facility tour, and a closing conference. The order and depth of review may vary depending on the reason for the inspection. These inspection components and information about sampling and photographing during the inspection are discussed below.



### Do I have to allow the inspector into my business?

Fulfilling the legal requirements of monitoring compliance with environmental regulations is best achieved through mutual cooperation between the DEQ and the business. However, if an inspector is refused entry, the DEQ can petition the court for a warrant authorizing entry or access to records and samples. If the environmental coordinator or other relevant personnel are not working on the day of the inspection, you can discuss with the DEQ whether another time for an inspection might be allowed, but such a decision is at the discretion of the DEQ personnel. In some cases, the inspection will be conducted as planned but a follow-up visit will occur when key personnel are available.



### Why is my business being inspected?

Inspections may be conducted for numerous reasons, including the following:

- Determining compliance of a DEQ-permitted activity or in response to a permit application filed for your facility.
- Determining compliance with specific requirements.
- Evidence that a violation has occurred.
- Follow-up to check on prior violations.
- Response to a citizen or employee complaint.
- Referral from another federal, state, or local agency.



## What should I expect during the opening conference?

### TIP

During the opening conference, ask the inspector any questions or concerns you may have about an inspection, such as business confidentiality issues. Also be sure to inform the inspector of any safety procedures or other procedures (e.g., emergency egress in the case of a release at a chemical plant) established for your facility. You are encouraged to take notes at this meeting and throughout the inspection.

Each inspection begins with an opening conference. This may range from a formal meeting to a brief, informal discussion of the plan for the inspection. It is helpful to include the environmental and safety officer and any other employees who have knowledge of the environmental activities at your facility at the conference. The inspector may ask about facility operations, including layout and processes, management structure, safety, and other information relevant to the inspection. The inspector will also identify records he or she will want to review and may either make copies of the records or discuss how copies will be made. Since the inspector will prepare a written report after the inspection, he or she will take notes throughout the entire inspection. The inspector will record information, such as facility contacts, descriptions of operations, and discussions with facility representatives.



## What kinds of records will the inspector review?

### TIP

Keep your environmental records organized and readily accessible. This will keep the inspection time-efficient and enhance your ability to comply with recordkeeping requirements.

The inspector has the legal authority to have access to, and copy, records and will generally review records included in the list that follows. The specific records reviewed depend on the area of environmental compliance evaluated by the inspector. For example, a water inspector most likely will not review air emissions data.

- Facility process information
- Material and/or fuel purchasing records
- Hazardous and nonhazardous waste manifests
- Analytical results for waste characterizations
- Analytical results for material and/or fuel characterizations
- Air emissions data, wastewater discharge data, and other monitoring data required by permits held by your facility
- Annual reports
- Self-monitoring records
- Operation and maintenance records
- Training records
- Waste handling and disposal information
- Emergency response and spill control procedures and plans
- Landfill receipts or other bills of lading
- Laboratory Quality Assurance/Quality Control records
- Treatment system personnel licenses/certificates

The inspector will be looking for past records (up to 3 to 5 years old, depending on the law) as well as current records. The inspector will compare information contained in the records with what he or she has observed at the facility. It is likely that the inspector will request copies of the documents he or she reviews.



## What should I expect during the interview and facility tour?

The interview and the facility tour are the main tools that the inspector will use to gather information about your facility and its operations. In general, the inspectors will ask about the following:

- Facility processes
- Waste generation
- Waste/wastewater treatment systems
- Air emissions
- Wastewater discharges
- Environmental problems experienced by the business
- Permit requirements
- Complaint calls from outside parties

It is important to provide accurate answers to the inspector's questions. If you do not know the answer, either obtain the answer from someone who can respond or tell the inspector that you will provide a response at a future time after talking to appropriate facility personnel.



## Will the inspector collect samples of anything?

The inspector has the legal authority to obtain samples of environmental media, such as wastewater discharges, waste materials, raw materials or fuels. Sampling is often conducted to document potential evidence of noncompliance or compliance with laws or a permit, but can be conducted at the discretion of the inspector. The inspector will carefully document all sampling activities, and chain-of-custody procedures will be followed to ensure the validity of the sampling results.

If the inspector collects samples, you may also want to collect samples and have them analyzed. You will be required to provide your own sample containers and analytical services. You may need to have a consultant who is prepared for that specific sampling meet the inspector on-site.



## Will the inspector take photographs?

The inspector may take photographs of facility operations and environmental activities, such as waste treatment, disposal, or storage areas; air pollution control devices; and wastewater treatment equipment. Photographs document activities the inspector observes during the inspection and provide a valuable record of your facility's environmental compliance.

If the inspector takes photographs, you can also take photographs of the subject. You may request that the inspector refrain from photographing proprietary processes not essential to the inspection. If the inspector requests to take photographs of a confidential activity or operation, inform the inspector immediately so that he or she can document the request for business confidentiality.



## What should I expect during the closing conference?

### TIP

Consider developing a self-assessment program at your facility to ensure that you are complying with environmental requirements. The self-assessment can improve your compliance and also identify pollution prevention opportunities that can reduce your operating costs.

After the inspector has reviewed records, interviewed facility personnel, toured the facility, and collected samples (if necessary), he or she will conduct a closing conference. This conference may range from a formal meeting to a brief, informal discussion. The inspector may review his or her observations and request clarification. The inspector will also identify if further information is needed and coordinate with you regarding when that information will be provided. The inspector will provide general observations about any problems observed at this time, but the final compliance determination may not be made until after the inspection. The inspector will provide a general time frame for when you can expect to receive communication regarding the inspection results (generally within 30 days) but longer for complex evaluations such as audits. If no problems were observed, the inspector may inform you that a follow-up letter will not be sent.

This is an opportunity for you to ask questions about the inspection or general questions pertaining to environmental rules, laws, reports, or permit requirements. Compliance assistance tools and guidance may be available that address your concerns. The inspector may also be able to provide appropriate contact information for personnel who can assist you.



## How can I provide feedback on the inspection?

The DEQ is striving to deliver excellent customer service at every opportunity. Please complete the appropriate inspection survey located at [www.michigan.gov/deqsurveys](http://www.michigan.gov/deqsurveys). The surveys are identified by DEQ division. Please provide constructive remarks on how the DEQ may improve the inspection process. During the closing conference, you may also take the opportunity to provide direct feedback to the inspector.



## What happens after the inspection?

Businesses are often concerned about what may happen after the inspection if problems are found. The DEQ will not take steps to stop operations at a business unless those activities are causing or contributing substantial harm to the environment or public health and welfare.

If violations are found during the inspection, the DEQ will follow up with actions aimed at correcting the problems. A written notification will be sent to the facility that explains the alleged violations. The facility may request a meeting with the DEQ to discuss the alleged violations, the corrective actions, and the time frames for implementation of corrective actions.

**? Where do I go for additional information?**

The DEQ’s Environmental Assistance Center (EAC) serves as a single point of entry into all DEQ programs. By calling the EAC at 1-800-662-9278 from 8 a.m. to 4:30 p.m., Monday through Friday, businesses can receive direct one-on-one assistance or referral to a network of technical staff within the DEQ. The EAC can help with topics related to air, land, waste, and water.

You may also contact your DEQ District or Field Office for more information about environmental inspections and regulations. Further information, including the telephone numbers for District and Field Offices, is available on the DEQ Web site at [www.michigan.gov/deq](http://www.michigan.gov/deq). Select “Locations” at the top of the Web page.

For more information about DEQ inspections, please visit [www.michigan.gov/deq](http://www.michigan.gov/deq), and select “About the DEQ,” then “DEQ Inspections.”

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The information contained in this document is largely derived from the Illinois Environmental Protection Agency. The DEQ would like to thank the state of Illinois for sharing this information.

<sup>i</sup> Office of Small Business-Publications, Illinois Environmental Protection Agency, “What to Expect from an Environmental Compliance Inspection,” July 2002, <http://www.epa.state.il.us/small-business/compliance-inspection/compliance-inspection.pdf> (accessed 1-10-12)

This document is intended to provide a general understanding of the statutory and regulatory requirements governing inspections. This information is not intended to replace, limit or expand upon the complete statutory and regulatory requirements found in the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. These requirements can be found online at [www.michigan.gov/deqlaws](http://www.michigan.gov/deqlaws).

The Michigan Department of Environmental Quality (MDEQ) will not discriminate against any individual or group on the basis of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. Questions or concerns should be directed to Quality of Life Human Resources, PO Box 30473, Lansing, MI 48909.