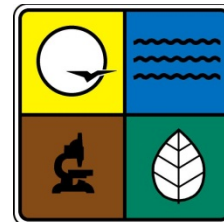


Compliance Inspections Before, During and After

How you can control them

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MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

A compliance inspection consists of two fundamental components

1. Is the facility inspected compliant?

A compliance inspection consists of two fundamental components

1. Is the facility inspected compliant?
2. Are the individuals participating competent?
(either you or me)

**Table 1. Total Number of Final Rules Published in Recent Years,
1997-2012 Calendar Year Number of Final Rules**

1997	3,930	2005	3,301
1998	4,388	2006	3,065
1999	4,336	2007	2,947
2000	4,079	2008	3,085
2001	3,423	2009	3,471
2002	3,559	2010	3,261
2003	3,744	2011	3,835
2004	3,661	2012	2,482

Source: Government Accountability Office's Federal Rules Database; data retrieved on February 22, 2013. Data provided are the numbers of rules published each year in the *Federal Register* and submitted to GAO under Section 801 of the Congressional Review Act, which requires that agencies submit their rules to GAO and to both houses of Congress before they can take effect (5 U.S.C. §§ 801-808).

So, given it is impossible to
know all the rules the
government writes, how can
you influence an inspector to
where you win?

Hit the High Points/ Low Hanging Fruit Principle

Make sure you can cover both the important and easy things related to each set of regulatory standards.

1. Know your permits/status
2. Get copies of checklists
3. Know who inspects you
4. Ask questions of them
5. Get written answers

“Due Diligence”

Do the best you can to know
the major rules which apply
and keep record of your efforts.

Find out what items on a checklist are the ones which trigger enforcement actions and focus your efforts on always getting those correct.

Resource Conservation and Recovery Act

“failure to determine”

“disposal without a permit”

Clean Water Law

“unpermitted discharges”

Clean Air Act

“failure to obtain a permit”

Solid Waste Management Law

“disposal without a permit”

Safe Drinking Water Law

“failure to pay fees”

Little known fact



Little known fact



You control much more of the
inspection than you realize

How do you give up control?

How do you give up control?

You say
“I don’t know”

What do you say other than
“I don’t know”?

“John knows the answer; can I get back with you?”

“Amy is responsible for this area, we can talk to
her now or later if you’d like.”

“That is in the files, can I email it to you?”

If you don't know the answer, find someone who does and answer the question. It is better to delay for a moment to get the information as opposed to answering the question with an "I don't know"

What else matters?

What about other things to
influence the direction of the
inspection, both during and after?



Is it documented?

Is it consistent?



Where does that drain go?



Simple thing - Safety procedures?



Mark Twain - "A lie can travel
half way around the world while
the truth is putting on its shoes."

“Attitude is a little thing that
makes a big difference”

Winston Churchill

Missouri Department of
Natural Resources



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What about after the inspection?

Do you still have influence?

Most people don't realize you can influence the content of a report of inspection until it is mailed.

What are our policies?
What guides do we follow?

Operations Manual

Compliance Manual

Conference, Conciliation and Persuasion

Conference, Conciliation & Persuasion Required by State Statutes

“...a process of verbal or written communications consisting of meetings, reports, correspondence or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at a minimum, consist of one offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance.”

Talk to the Inspector

Clearly understand what is in the report and being requested of you.

How much documentation?

The best compliance data may not
equate well with “billable”

What if you get a penalty letter

Deviation from Rule

H
A
R
M

Major Major \$8K - \$10K	Major Moderate \$6K - \$8K	Major Minor \$4K-\$6K
Moderate Major \$6K - \$8K	Moderate Moderate \$4K - \$6K	Moderate Minor \$2K - \$4K
Minor Major \$2K - \$4K	Minor Moderate \$750 - \$2K	Minor Minor \$0 - \$750

Make an offer

If you aren't throwing bait,
you aren't catching fish

How else can you prepare?

Mock inspections

Share knowledge

Share responsibility

Designate contacts for specific issues

Missouri Department of
Natural Resources





Space heater and flammables

Questions?

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