

	WISCONSIN EMERGENCY MANAGEMENT	
	Directive Number:	3010.2
	Reference Section:	EPCRA
	Subject/Description:	EPCRA Site Inspections Procedure
	Effective Date:	10 Nov 2016
	Revision Date:	N/A
	Approved By:	Brian M. Satula, Administrator

PROCEDURE: EPCRA SITE INSPECTIONS

I. PURPOSE

As provided in s. 323.60(7m), Wis. Stats., an inspector authorized by Wisconsin Emergency Management (WEM) or the Local Emergency Planning Committee (LEPC) may enter and inspect any facility or request and view any pertinent record relating to a facility at any reasonable time for the purpose of determining whether the facility is complying with s. 323.60, Wis. Stats., and rules promulgated under this section.

The purpose of an inspection is to determine whether facilities are compliant with the Emergency Planning and Community Right-to-Know Act (EPCRA) reporting requirements. The purpose of this procedure is to establish a uniform process for conducting inspections performed to meet the responsibilities of Wisconsin Emergency Management (WEM) and Local Emergency Planning Committees (LEPCs) under EPCRA laws and regulations.

This procedure will aid in the completion of inspection work products by:

- Helping inspectors to conduct high quality inspections to support improvements in facility compliance, proper reporting of hazardous substances, and referral for further action to other state and federal enforcement agencies, if necessary.
- Ensuring the effectiveness, consistency and completeness of all inspections and reports.
- Ensuring the safety of inspectors while conducting site inspections.

II. REPORTING REQUIREMENTS

EPCRA site inspectors shall provide a written inspection report to the WEM Administrator via the WEM Planning Section Supervisor and to the LEPC for the county in which the facility is located within 10 business days of the completion of the inspection. The report format and content shall follow the guidance detailed in Section V.G. of this document.

III. APPLICATION

This procedure is applicable to all authorized inspectors planning, coordinating, conducting, and reporting inspections. Under state law, inspectors may only be authorized by WEM or the LEPC. Only inspectors who have been certified as having met the inspection requirements in Wis. Admin. Code § WEM 2 will be authorized to conduct EPCRA compliance inspections.

This procedure will be followed as closely as possible during inspections; however, the inspector may deviate from the described procedures if unexpected or unique problems occur in the field. Such deviations from the inspection procedure should only occur after consulting with the supervisor.

Deviations from the established procedure will be discussed in the inspection report.

IV. AUTHORIZATION OF INSPECTORS

A. Experience and Training Requirements

1. WEM or an LEPC may authorize an individual to conduct inspections who meets the experience or training requirements of Wis. Admin. Code § WEM 2:
 - a. Individuals who are authorized to conduct inspections relating to hazardous chemicals under the authority of another state agency or a local government unit shall be deemed to have the experience necessary to conduct inspections under s. 323.60, Wis. Stats.
 - b. Individuals shall be deemed to have the necessary training to conduct inspections under s. 323.60, Wis. Stats., who have completed the approved WEM EPCRA Inspector course, which covers the following:
 - i. Requirements of s. 323.60, Wis. Stats., and any implementing rules.
 - ii. Requirements of Wis. Admin. Codes § WEM 1-6.
 - iii. Methods and procedures of conducting inspections.
 - iv. First responder awareness/Hazardous Materials (HazMat) awareness.
2. Prior to authorizing an individual to conduct inspections, an LEPC shall provide the WEM Planning Section Supervisor with the inspector candidate's name and proof of qualifications. WEM shall review the qualifications to determine if the individual meets the requirements of Wis. Admin. Code § WEM 2. WEM shall advise the LEPC whether the individual may be authorized as an inspector. If the individual does not meet the necessary requirements, WEM shall advise the LEPC that the individual may not be authorized as an inspector until the qualifications have been met. The specific deficiencies in the qualifications will be provided to the LEPC.
3. WEM shall make the EPCRA Inspector training course available at least once per year and regionally assessable based on demand. WEM will publish the course schedule on the WEM training portal.

B. Authorized Jurisdiction

1. An inspector authorized by an LEPC to conduct inspections, may only conduct inspections within the jurisdiction of the LEPC. However, an individual may be authorized to conduct inspections by more than one LEPC.
2. Only WEM's authorized inspectors may conduct inspections on a statewide basis.
3. Each LEPC and WEM shall maintain at least one authorized inspector. Counties may designate WEM as their authorized inspector. WEM shall annually publish a list of authorized inspectors.

C. Renewal and Termination

1. WEM or an LEPC may authorize any individual who meets the criteria established in Wis. Admin. Code § WEM 2 to conduct inspections for a period of two years from the date of authorization. The division may terminate, without showing cause, the authorization of an individual to conduct inspections.
2. The LEPC may terminate, at its discretion and without showing cause, the authorization of an individual to conduct inspections on its behalf. The LEPC shall notify the WEM EPCRA section, via the county emergency manager and regional director, within 10 business days in writing of any termination of an LEPC's inspector.
3. If an LEPC terminates their designated inspector's authorization, that inspector shall be removed from the WEM authorized inspector list unless the individual is authorized to conduct inspections for other LEPCs.
4. At the end of an individual's two year authorization to conduct inspections, WEM or an LEPC may renew the authorization for an individual to conduct inspections for an additional two-year period upon the individual's completion of a WEM-approved inspector refresher training course.

V. INSPECTION PROCESS

A. Overview

1. Inspections are conducted at facilities that store, or are reasonably believed to store, hazardous or extremely hazardous substances (EHS) as defined under federal EPCRA law and s. 323.60, Wis. Stats.
2. Inspections include reviewing a facility's records, reports and other documents; making observations of the quantities and types of hazardous materials stored at a facility; and recording and documenting the information collected at a facility. Where appropriate, the inspection results may support EPCRA compliance or further enforcement actions to ensure full compliance of regulated facilities.
3. In order to provide the most cost-effective, time-efficient and environmentally beneficial inspections possible, the following concepts are incorporated into this procedure:
 - a. Information about a facility's hazardous substances should be collected, using data gathering methods that may include photographs, checklists, and written statements.
 - b. The inspection will be reported in a clear, concise and comprehensive standard format document that will minimize the use of unnecessary and potentially confusing verbiage.
 - c. This procedure will allow for all information collected prior to, during and after the inspection to be organized and transmitted as one complete package for further enforcement action.
4. Inspectors should be thoroughly familiar with the applicable federal and state EPCRA laws and regulations. It is important that inspectors complete WEM's EPCRA training requirements of s. 323.60, Wis. Stats and Wis. Admin. Codes § WEM 1-6 prior to conducting inspections. The inspector should conduct a file review/desk audit prior to the inspection being performed so all applicable historical information is known by the inspector before the inspection.

5. At the completion of an inspection, the inspector shall prepare a report. This report will be supplied to the facility and to the compliance staff and will include observations such as:
 - a. Firsthand information about hazardous substances present at the facility.
 - b. Information that identifies and documents regulatory compliance issues.
 - c. Information which acts to develop and support enforcement actions, i.e., witness names, statements, photographs and copies of facility records

B. Selection and Coordination

1. Facilities may be selected for a site inspection when WEM or an LEPC has reason to believe that the facility is required to comply with s. 323.60, Wis. Stats. and there is evidence of a potential violation and the alleged violation has not been resolved through prior compliance actions. Random inspections may also be conducted at the discretion of WEM or an LEPC.
2. Prior to any inspection being conducted by WEM, the WEM Administrator or his/her designee must approve the inspection.
3. WEM EPCRA compliance staff will notify the LEPC via the applicable county emergency management director when a facility is to be inspected by WEM.
4. The LEPC shall notify, in advance, the Regional Director when a facility is to be inspected by an LEPC inspector. The Regional Director shall subsequently notify the WEM Planning Section Supervisor. If a county LEPC inspector is not available, the LEPC may request that a WEM inspector conduct an inspection of the facility.

C. General Inspection Procedures

The inspection process is divided into three major groups of procedures: the pre-inspection procedures, the site inspection procedures, and the post-inspection procedures.

1. During the pre-inspection portion of the inspection, the inspector will:
 - a. Collect information about the facility compliance and reporting history.
 - b. Contact the facility representative, county emergency management director and the Local Emergency Planning Committee (LEPC) chair, and other state, federal, and local agency staff as needed in order to coordinate the inspection.
 - c. Plan the sequence of the inspection.
 - d. Identify and collect the equipment needed to conduct the inspection.
2. The major site inspection procedures that take place in the field include:
 - a. Site entry.
 - b. Introductory briefing.
 - c. Records review.
 - d. Visual inspection.
 - e. Interviews.
 - f. Exit briefing.
3. The post-inspection procedures outline the necessary steps required to prepare and transmit the results of the inspection and include:
 - a. Inspection procedures.
 - b. Report writing.
 - c. Data transmittal.

4. All inspections will be conducted in a manner that furthers WEM's and the LEPC's mission and supports the legitimate endeavors of the facility being inspected. Inspectors are directed to:
 - a. Be fully aware of inspection safety procedures and carry all appropriate safety equipment needed to conduct a thorough and complete inspection. It is emphasized that an inspector should never conduct an activity at a facility in a manner that would jeopardize personal safety. The inspector is ultimately responsible for his or her own safety in the field and may have to reschedule the inspections if unsafe conditions are encountered (Section VI.F. Imminent Hazards).
 - b. Conduct the on-site inspection in an efficient, effective, and professional manner and adhere to these procedures to the maximum extent possible.
 - c. Conduct the inspection in a manner to minimize the disruption of the facility's normal operations. The inspector will conduct all necessary activities to ensure a thorough inspection.
 - d. Manage the course of the inspection so as not to be diverted from accomplishing the objectives of the inspection, as safety allows.
 - e. Remain non-confrontational and show a high level of respect for the rights of the facility and its employees throughout the course of the inspection. Inspectors must remember they officially represent the State of Wisconsin.
 - f. As an official representative of the government, do not give the appearance of acting inappropriately on any issue that may present ethical dilemmas.
 - g. Conduct a complete inspection, unless a situation is encountered preventing proper completion. Due to the unpredictable nature of the circumstances and conditions encountered in the field, or at the request of the supervisor, the in-depth nature of an inspection may vary. The inspector will notify the facility of those areas of the inspection not thoroughly evaluated and identify those areas in the inspection report.
 - h. Appropriately receive, handle, and control all documentation, including confidential information, and establish chain-of-custody for all documents.
 - i. Fully describe in the inspection report any deviations from established inspection procedures.
 - j. Notify the supervisor when methods or procedures are identified that may improve the inspection process.

D. Pre-Inspection Procedures

1. During the pre-inspection preparation, the inspector should:
 - a. Review the facility record in WHOPRS and any other program files that might indicate the overall compliance history of the facility. Collect the Safety Data Sheets (SDS) for the facility, if appropriate.
 - b. Contact the LEPC chair and Regional Director, and other appropriate state, federal, or local officials, to coordinate the inspection and share relevant compliance information. If necessary, conduct a pre-inspection briefing with inspection partners.

- c. Notify the facility and schedule the inspection, unless an unannounced inspection is being conducted. (See Attachment 3010.2.1 for a Sample Notice of Inspection and additional information in Section VI.G.)
 - d. Maintain communication with the section supervisor on all aspects of the site inspection, including the schedule, any expected challenges, safety concerns, or issues that may cause deviation from inspection procedures.
 2. To maximize inspection time at the facility, the inspector should fill out as many of the necessary forms as possible before arriving at the facility.
 3. The inspector will collect and organize all equipment, including safety equipment, required to adequately conduct and document the inspection. The inspector will verify that this equipment is in working order and that all supplies are present and, if of limited shelf-life, are current. The inspector will ensure adequate equipment is taken so the inspection is conducted efficiently, and should contact the facility to determine what equipment will be required and what, if any, will be provided by the facility.

E. Site Inspection Procedures

1. Site Entry
 - a. The inspector should use a public entrance and present an official credential to a facility employee, if one is present. Upon initial identification to the first facility employee, the inspector will attempt to contact an official facility representative. The inspector will note the time of arrival at the facility and will note all observations made from a public right-of-way.
 - b. The inspection should be conducted when an official facility representative is present if possible. Due to the varying circumstances that may arise during the initial site entry, the inspector should use best judgment in determining how long to wait for a facility representative to become available or in determining what constitutes an excessive delay (under normal circumstances a delay of more than 15-30 minutes may be considered excessive). If excessive delays are encountered, the inspector shall follow the Denial of Access procedures (see Section VI.C).
 - c. During the initial site entry, a facility's policy may request all visitors to sign a visitor's log. If this is requested by the facility for safety and tracking purposes only, then the inspector may sign the log. The inspector will not sign any document provided by the facility to ensure that there is no waiver of any personal rights or rights of the government. Examples include: liability releases and information related to confidentiality requirements. If there is any doubt about the purpose of the sign-in, the inspector should not sign in. An inspector should never sign any type of waiver or release related to safety or liability. Department attorneys or supervisors will be immediately consulted prior to signing any documents provided by the facility.
 - d. **If the inspector has any reason to believe that the environment in the facility is unsafe, the inspector should not enter the facility.** The inspector should exit the area and contact the WEM Planning Section Supervisor. If access is necessary, a qualified HazMat response professional will be called to evaluate the facility and determined that it is safe for entry. (See Imminent Hazards, Section VI.F.)

2. Introductory Briefing

- a. The inspector will hold an introductory briefing with the official facility representative to explain the inspection procedures. The inspector should provide the representative with a copy of the EPCRA booklet and s. 323.60, Wis. Stats. The inspector should discuss:
 - i. The purpose, scope and authority to conduct the inspection.
 - ii. Which facility documents will be reviewed, which areas will be examined, and the order in which the inspection will be conducted.
 - iii. Facility personnel who will accompany the inspector and provide information and documents, such as the operations manager, safety coordinator, and purchasing manager.
 - iv. The means of documenting the findings through field notes, data gathering sheets, photographs, and other means as necessary.
 - v. The process for handling documents and confidential information
 - vi. Any special or personal safety considerations at the facility.
 - vii. If asked, the facility's right to claim that specific chemical information is a trade secret under Wis. Admin. Code § WEM 3.07, and the process for making this claim.
 - viii. The fact that all findings and observations made during the inspection will be based on the inspector's current knowledge of the regulations, interpretations, and guidance and the final findings of the inspection may differ from the initial findings.
 - ix. Explain that a summary of preliminary findings will be provided during the exit briefing.
- b. The inspector may answer questions related to actions necessary to achieve EPCRA compliance, but should be careful not to provide information about safety or operational recommendations or other activities outside the scope of EPCRA compliance.
- c. If the inspector is denied access, or if limitations are placed on the scope of the inspection, such as restrictions to take photographs, at this or any other time during the inspection, the inspector will follow the Denial of Access procedures (see Section VI.C).

3. Records Review

- a. The inspector will review all records, reports and other documents required to determine EPCRA compliance. Records that may be reviewed include but are not limited to Safety Data Sheets (SDS), purchasing records (invoices, receipts, manifests, shipping papers, and contracts) and records of hazardous releases. Obtain copies of documents, as needed.
- b. The inspector should complete the appropriate EPCRA Site Inspection Form (Attachment 3010.2.2) for the particular records being reviewed. The inspector will:
 - i. Determine the location of the records.
 - ii. Note the portion of total records reviewed.
 - iii. Note the name and title of the person responsible for the completion and maintenance of the particular records being reviewed.
 - iv. Determine, if applicable, why certain records were not fully reviewed.

4. Visual Inspection

- a. During the visual inspection the inspector will observe, evaluate, and document the types and quantities of hazardous substances present. Any observed potential hazardous substances should be clearly identified and thoroughly documented. The location, types, and quantities should be clearly described. Unless impractical, take pictures of all observed hazardous substances and locate on a map or diagram.
- b. Extreme care should be exercised by the inspector while working with or around hazardous materials.
- c. If the inspector believes there are imminent hazards due to substances present, the inspector should follow the Imminent Hazards procedure (see Section VI.F).

5. Interviews

- a. The inspector may conduct interviews of individuals responsible for managing the facility operations, facility safety, and purchasing in order to provide clarification of information obtained through records review and visual inspection. Note: Interviews of individuals are voluntary in nature and cannot be compelled. Questions may include:
 - i. What hazardous chemicals are purchased and used in facility operations?
 1. In what quantities are they purchased?
 2. How often are they purchased?
 3. What is the quantity present when they are restocked?
 - ii. What types of hazardous chemicals are stored at the facility?
 1. What types of storage are used?
 2. What is the capacity of each?
 3. Where are these hazardous chemicals located?
 4. What is the maximum quantity of each hazardous chemical present at any one time?
 - iii. When have hazardous releases occurred?
 1. What hazardous chemicals were released?
 2. What amount was released?
 3. How did the release occur?
 4. Where did the release occur?
 5. What emergency release notifications were made?
 6. Was testing conducted? What were the results?
 7. Were investigations of such releases conducted? What were the conclusions?

6. Exit Briefing

- a. During the exit briefing the inspector will provide the facility officials with a summary of the preliminary findings of the inspection, answer any questions, and describe the next steps in the compliance process.
- b. Before the exit briefing, the inspector should review all field notes, data gathering forms and other documents to ensure sufficient information is collected and adequately documented to determine the compliance status of the facility.

- c. Discussion should be limited to specific findings of the inspection (e.g., factual observations and measurements). Statements on compliance status, legal aspects, or future enforcement consequences of noncompliance will not be discussed with the facility representative.
- d. The inspector will emphasize the findings and observations made during the inspection are only preliminary and the final findings of the inspection may differ. The inspector will explain to the facility representative that WEM will make the final compliance determinations based on the information collected during the inspection and reported in the inspection report.
- e. Discussion may include observed deviations from prescribed or recommended procedures. Informing the facility representative of any leaks, spills, or other problems that require immediate attention is permissible. Under no circumstances should recommendations, instructions or orders be given that repairs be undertaken or how they should be done.
- f. The inspector should use caution when answering questions, identifying applicable regulations or providing recommendations, to ensure that the information remains within the scope of EPCRA compliance.
- g. Neither notes nor evidence gathered by the inspector during the field inspection may be turned over to, or examined by the facility representative under any circumstances.
- h. During the exit briefing, the facility representative may ask if there will be a penalty. The inspector should never answer with a definite yes or no to this question. The decision to pursue penalties is often made at a later date.
- i. The facility may present information and clarifications that could alter the information and observations made by the inspector (up to this point in the inspection). If information or opinions are presented by the facility that alters the beliefs of the inspector, the inspector should document this new information in the data gathering forms or checklists. The inspector may need to re-evaluate the draft summary of the inspection results while at the facility or upon return to the office.
- j. Remain professional and do not argue with the facility representative.
- k. State the anticipated timing of the completion of the inspection report and the next steps.
- l. Thank the facility representative for assistance with the inspection and leave a business card or other contact information

F. Documentation

1. Documentation is the process of collecting and recording information about a facility's hazardous materials. Data or information may be recorded through the use of one or more of the following: field notes, copies of facility documents, data gathering sheets, signed statements from facility personnel, photographs and through audio or video recordings.
2. Proper documentation is absolutely essential for the compliance and enforcement staff to make strong and legally defensible cases where regulatory violations occur. The procedures employed by the inspector must ensure all information collected is complete and technically accurate. Inspectors should remember they must be able to

testify to the information collected in a court of law. Documentation should use simple, direct language and short sentences.

3. The EPCRA Site Inspection Form must be used during inspections. The form contains the prompts for the collection of critical information. The form is included as Attachment 3010.2.2.

G. Post-Inspection Report

1. The inspection report must be written, completed and submitted to the WEM Planning Section Supervisor within 10 business days of the inspection. The Planning Section Supervisor will in turn provide a copy of the inspection report to the LEPC Chair, also within 10 business days of the inspection. The primary objective of the inspection report is to organize all of the information obtained during the inspection process into a clear and comprehensive report package.
2. Upon request, a copy of the report shall be furnished by the WEM Administrator to the owner or operator of the facility within two weeks from the receipt of the request. The owner or operator of the facility may provide WEM with a written response to the inspector's report.
3. If this is a high priority enforcement action, the report will be provided directly to the Department of Justice by WEM's Legal Counsel. Any delays should be discussed with and approved by the Planning Section Supervisor.
4. The WEM compliance officer will enter the inspection date and upload the completed report into WHOPRS and attach it to the facility's record. If the facility has not been reported to WEM, WEM staff will create a new facility in WHOPRS and attach the report.
5. An inspection report provides a permanent record in clear, concise, factual language suitable for the intended audience. See Supplementary Resources for WEM Directive 3010.2 for a sample inspection report.
6. The primary objectives in generating the report are to document and explain the inspector's observations, organizing and coordinating all findings and documentation, including any potential evidence, in a comprehensive, understandable and usable manner. See Supplementary Resources for WEM Directive 3010.2 for a sample inspection report.
7. The following outline specifies the generic format for inspection reports.
 - a. Heading - The heading should include the facility name, address, ID, case number, the date of the inspection, and the name(s) of the EPCRA authorized inspector(s).
 - b. Introduction - This section provides the purpose of the inspection and the authority under which the inspection was conducted. It should include the date and time of the inspection and who was present. If applicable, this section may also include a brief description of the facility, its compliance history, any follow-up issues from previous inspections, or any changes that have occurred since the previous inspection. The history of the facility, site location, processes, and ownership may all be pertinent to the report description of facility and operation.
 - c. Inspection Narrative - This section provides the details of the inspection. Include specific dates and times of each action taken.
 - i. Inspection preparation - file(s) reviewed and information obtained.

- ii. Entry Procedures - how the inspector gained entry; whether and how an inspection warrant was obtained; the manner of escort provided, including names and titles of facility personnel interviewed; a summary of the opening conference that explained the inspection authority and procedure.
- iii. Review of Facility and Operations – provide factual observations and statements by facility representatives in chronological order of inspector directed tour.
- iv. Records Review – describe what documents were requested, reviewed, and copied.
- d. Inspection Findings – These are the inspector’s preliminary findings. The findings should detail specific chemicals and quantities present at the facilities, as evidenced in observations and facility records.
- e. Summary – The summary should include a statement as to whether or not the facility is in compliance with applicable EPCRA laws and regulations and identify any issues that require additional analysis or follow-up.
- f. Signature - The inspector(s) is required to sign and date the report.
- g. Attachments - List and identify all notes, documents, photographs (see Section VI.H.), notices and other documentation appended to the inspection report, such as the Site Inspection Form.

VI. DEFINITIONS AND ADDITIONAL GENERAL INFORMATION

This section provides information, guidance and additional procedures integral to conducting high quality inspections.

A. Confidential Material

1. During the introductory briefing the inspector should explain the purpose of the inspection is to observe and collect information on regulated activities and not to collect extraneous information proprietary in nature.
2. A compliance inspector may request to see Tier Two Confidential Storage location information. However, this information is not public information. The inspector will follow the current procedures for safeguarding all confidential information collected during the inspection. Note: Disclosure of such information could result in substantial fines to the inspector or anyone who discloses this information.

B. Trade Secrets

Specific chemical identity, under sections 311, 312 and 313 can be withheld as a trade secret per Wis. Admin. Code § WEM 3.07, provided the facility has completed and submitted the appropriate trade secret substantiation form to EPA.

C. Denial of Access

1. The inspector may be denied access to the facility in full or partial form. Examples of denial of access may include:
 - a. Failure of facility to provide a facility employee escort or official facility representative at the scheduled time.

- b. Denial by facility to come onto facility property.
 - c. Denial by facility to look at records, regulated activities, or other aspects of the facility.
 - d. Special restrictions imposed on the inspector by the facility, such as not allowing photographs to document violations, or requiring the signing of inappropriate waivers or releases in order to conduct the inspection.
2. Remember, as an inspector, you are not required to sign any type of liability release or safety waiver in order to conduct the inspection. The facility may not make entry conditional upon unreasonable health, safety, or other issues.
 3. When a representative of the facility to be inspected refuses to allow the inspector to conduct the scheduled inspection or establishes conditions on the inspector that limit the scope of the inspection, the inspector should:
 - a. Remain non-confrontational and professional.
 - b. Give the facility representative a copy of the relevant law and explain the authority to conduct the inspection.
 - c. Obtain the reason for denial of access.
 - d. Obtain the name and title of the facility representative denying access.
 - e. Record the time, date and the name of the individual denying access.
 - f. Leave the facility.
 - g. As soon as possible after leaving the facility, the inspector will call the WEM Planning Section Supervisor and report the details of the denial of access.
 - h. The supervisor is responsible for contacting the department's legal counsel and coordinating further efforts to gain access to the facility.
 - i. In those cases where a partial denial of access occurs, such as a refusal to allow photographs, the inspector should continue the inspection after consulting with the WEM Planning Section Supervisor.
 - j. If voluntary access cannot be obtained, further action may be pursued by legal counsel.
 4. If an inspection warrant is obtained to inspect a facility where no facility representative is present to provide an escort (e.g., the facility is no longer in operation), the inspector should contact a qualified hazardous materials (HazMat) professional, such as a local HazMat response team representative or Department of Natural Resources (DNR) representative to first conduct a safety evaluation of the facility. The inspector should not enter the facility until a qualified HazMat response professional has evaluated the facility and determined that it is safe for entry

D. Facility Representative

The facility representative should be authorized to speak in an official capacity for the facility. That individual must have the authority to make factual statements regarding the practices observed at the facility.

E. Facility Statements

The inspector may want to obtain formal statements from a facility representative or employee in order to document specific issues. The inspector should ask the facility representative to write a statement describing the particular issue, or alternatively, write the statement and obtain the facility representative's signature.

F. Imminent Hazards

If the inspector encounters what reasonably appears to be an imminently hazardous condition, such as the presence of unsecured chemicals or the presence of chemical odors, the inspector should immediately leave the facility and contact the WEM Planning Section Supervisor. If the supervisor is not available, the inspector should contact the WEM Duty Officer. The DNR Spills Coordinator may also be contacted for further action. Other follow-up actions may include a letter to the facility identifying the observed health and safety concerns or contact with other regulatory agencies such as local fire departments, public health, or safety officials, etc. All concerns should be well documented and included in the report.

G. Notification of Inspection

In most cases, notification for inspections should be given to the facility, but it is not required by law. Under Sec. 323.60, Wis. Stats., random or unannounced inspections are allowed. The initial contact is usually by phone with follow-up written confirmation of the anticipated inspection period. See Attachment 3010.2.1 for a Sample Notice of Inspection.

In cases where there is concern that physical conditions may be altered prior to the inspection or that records may be destroyed, an unannounced inspection should be conducted.

H. Photographs

All photographs must accurately represent your observations. Take as many photographs as necessary to clearly document your observations. Photographs should include labels or otherwise clearly identify quantities and types of specific materials, if possible. Keeping a photograph log is recommended. Digital Photos will be incorporated within the written inspection labeled with the following information:

1. Date.
2. Photographer.
3. Comments - a brief description of the photograph, including an identification of the violations documented by the photograph, or what observations were recorded.

I. Threats to Government Employees

If the inspector or another government employee is threatened during an inspection, immediately leave the facility and contact the LEPC Chair, their immediate supervisor, and the WEM Planning Section Supervisor.

VII. REFERENCES

Hazardous substances information and EPCRA inspections references:

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| § 323.60, Wis. Stats. | Hazardous substances information and emergency planning |
| Wis. Admin. Code § WEM 2 | Inspections |

VIII. CONCLUSION

Questions about any aspect of this procedure may be directed to the WEM Planning Section Supervisor. Feedback from the participants in the inspection and enforcement activities is encouraged and solicited in order to ensure this procedure is updated as needed.

IX. ATTACHMENTS

3010.2.1 – Sample Notice of Inspection

3010.2.2 – EPCRA Site Inspection Form

SUPPLEMENTARY RESOURCES

SR-3010.2 - Supplementary Resources-Inspection Guidance & Sample Report

SR1-3010.2 – EPCRA Inspection Guidance

SR2-3010.2 – Sample EPCRA Inspection Report