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Polychlorinated Biphenyl Inspection Manual

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Office of Compliance
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http://www.epa.gov/compliance/resources/publications/monitoring/manuals.html

Chapter Three

Inspection Procedures

3.0 Inspection Procedures

This chapter includes general inspection procedures, entry and denial of entry, opening conference, compliance assessments, and closing conference.

3.1 Entry

Consent to inspect the premises must be given by the owner or operator at the time of the inspection. As long as the inspector is allowed to enter, entry is considered voluntary and consensual, unless the inspector is expressly told to leave the premises. Expressed consent is not necessary; absence of an expressed denial constitutes consent. See Sections 2.4.4-2.4.6 below for details on denials of entry and warrant and subpoena procedures to be followed when entry or access to records is denied.

Under section 11(a), the inspection team must start and complete the inspection with reasonable promptness and conduct it at reasonable times, within reasonable limits, and in a reasonable manner. When an inspection is likely to continue beyond the facility's customary close-of-business, EPA recommends that the inspection continue on the following business day. If facility officials do not object to the inspector working past regular working hours, the inspection can conclude the same day. In general, the inspector should arrive at the facility during regular working hours unless the inspection's purpose is to investigate special circumstances, such as suspected illegal activity at night.

Upon arrival at the facility, the inspector should locate the facility official or agent-in-charge (i.e., president, owner, or plant manager) and present his/her credentials, a written Notice of Inspection, and a TSCA Inspection Confidentiality Notice.

3.1.1 Credentials

The inspector must present appropriate credentials whether identification is requested or not. Credentials are identifying documents that identify that the holder of the papers (i.e., the inspector) is a duly designated representative of the Administrator. A letter of authorization and photo identification or EPA-issued credentials may be used. The inspector should make a note in his/her field logbook of the fact that credentials and a Notice of Inspection were presented, the date and time of presentation, and the name and title of the facility official to whom they were presented. Credentials should never leave the possession of the inspector, nor should they be photocopied. Inspectors should safeguard where they store their credentials and should immediately report lost or stolen EPA credentials to their immediate supervisor. For more information on credentials, refer to the *Final Fact Sheet: The United States Environmental*

Protection Agency Credentials Fact Sheet, June 1, 2000. This document can be found in the inspector website at: http:intranet.epa.gov/oeca/oc/campd/inspector.

3.1.2 Notice of Inspection

Section 11(a) of TSCA requires that the inspector present a written Notice of Inspection to the owner, operator, or agent-in-charge. The notice, EPA Form 7740-3, should include the date and time of inspection. A blank Notice of Inspection is presented in Appendix A.

3.1.3 Withdrawal of Consent and Denial of Access

If the facility representative asks the inspector to leave the premises after the inspection has begun, the inspector should leave as quickly as possible following the procedures discussed previously for denial of entry. All activities and evidence obtained before the withdrawal of consent are valid. The inspector should ensure that all personal and government equipment is removed from the facility.

If, during the course of the inspection, access to some parts of the facility is denied, the inspector should make a notation of the circumstances surrounding the denial of access and of the portion of the inspection that could not be completed. He or she then should proceed with the rest of the inspection. After leaving the facility, the inspector should contact his or her supervisor or staff attorney at the Regional Office to determine whether a warrant should be obtained to complete the inspection.

3.1.4 TSCA Inspection Confidentiality Notice

The EPA inspector may present the facility official with the TSCA Inspection Confidentiality Notice (Appendix A) at the start of the opening conference or during the closing conference and have the authorized facility official complete and sign the appropriate sections. This notice informs the facility representative of the right to claim any information (e.g., documents, records, physical samples, or other material) collected from the facility during the inspection as confidential. The facility makes confidential business information (CBI) claims by completing the Declaration of Confidential Business Information form (Appendix A). The notice informs the official of his/her right to claim as CBI any information (e.g., documents, photographs, physical samples) collected during the inspection.

The inspector should inform the facility official that an authorized facility official may declassify information claimed as CBI in the original submission of the Declaration of Confidential Business

Information. The facility must send a separate letter to the EPA Document Control Officer (DCO) for each item for which confidentiality is waived.

3.1.5 Problems with Entry or Initial Consent

Because a facility may consider an inspection to be an adversarial proceeding, the legal authority, techniques, and competency of inspectors may be challenged. If explanations are not satisfactory or disagreements cannot be resolved, the inspectors should leave and obtain further direction from his EPA supervisor or legal staff. Professionalism and politeness must prevail at all times.

If entry is not granted, the inspector should ask why to see if obstacles (such as misunderstandings) can be removed. If resolution is beyond the authority of the inspector, he or she may suggest that the officials seek advice from their attorneys to clarify EPA's inspection authority under TSCA. If entry is still denied, the inspector should withdraw from the premises and contact his or her supervisor or Regional Counsel. Generally, the supervisor will confer with attorneys to discuss the desirability of obtaining an administrative warrant.

All observations pertaining to the denial are to be carefully noted in the field notebook and inspection report. The inspector should include such information as the facility name and exact address, name and title of person(s) approached, name and title of the person(s) who refused entry, date and time of denial, detailed reasons for denial, facility appearance, and any reasonable suspicions of regulatory violations. All such information will be important should a warrant be sought.

Under no circumstances should the inspector discuss potential penalties or do anything that may be construed as coercive or threatening.

Inspectors should use discretion and avoid potentially threatening or inflammatory situations. If a threatening confrontation occurs, the inspector should document it and then report it immediately to the supervisor or staff attorney. If feasible, statements from witnesses should be obtained and included in the documentation.

3.1.6 Warrants and Warrant Procedures

A warrant is a judicial authorization for an appropriate official (e.g., EPA inspector, U.S. Marshal) to enter a specifically described location and perform specifically described functions. A magistrate at EPA issues an administrative warrant to enter and inspect a facility subject to

TSCA and the PCB regulations. EPA's authority to conduct inspections under section 11 of TSCA serves as the basis for requesting the issuance of an administrative warrant.

Once the inspector has contacted his/her supervisor about the circumstances surrounding the refusal of entry, the supervisor will contact the Regional Counsel (for the Region in which the facility is located), to decide whether to obtain a warrant.

In addition to the observations pertaining to the denial of consent, if applicable, the inspector should supply the supervisor/Regional Counsel with the following:

- Information specifically describing the premises to be searched
- Information specifically describing the items to be seized
- Identification of the particular regulatory provisions suspected of being violated (if any) or, in the alternative, the particular predetermined inspection schedule (i.e., the neutral scheme) upon which the inspection was to be based.

If the decision is to seek a warrant, the Regional Counsel will contact the U.S. Attorney's office for the district in which the facility to be inspected is located. The Regional Counsel will brief the U.S. Attorney (or Assistant U.S. Attorney) on the particular inspection, entry refusal, and apparent need for a warrant. Finally, the Regional Counsel should arrange for the U.S. Attorney (or Assistant U.S. Attorney) to meet with the inspector as soon as possible.

3.2 Opening Conference

Once the PCB inspector has presented, upon entry, his/her credentials and the required Notice of Inspection (see Section 2.4.2 above), it is time for the opening conference. The inspector should request the use of a conference room or office to conduct the opening conference with a facility representative and review facility records with a facility representative.

The opening conference provides an opportunity for the inspector to strengthen EPA-industry relations. The inspector's role, in addition to that of determining compliance problems at subject facilities, can be that of an educator and EPA public relations representative. The inspector can serve in this role throughout the inspection, but especially during the opening and closing conferences (see Section 2.13).

It is important that the inspector have a thorough understanding of PCB regulations. This is because facility officials may have questions and will probably be familiar with the provisions of the regulations. The inspector should be at least as well informed as the regulated community

concerning TSCA's PCB provisions and the applicable regulations. For this reason, inspectors should have a copy of the regulation on hand.

The inspector should keep in mind the following objectives during the opening conference:

- Inform facility officials of the purpose and scope of the inspection.
- Conduct the meeting on a positive and professional note.
- Collect and document general facility information.
- Establish a rapport with facility officials.

The inspector should describe the planned inspection. By providing a general description of how the inspection will proceed, the inspector can foster an atmosphere of trust and cooperation between EPA and the facility. The following are topics that the inspector should address during the opening conference pertaining to the inspection:

- **General Information**
  - Information regarding facility official (e.g., position, length of time in position, familiarity with facility operations)
  - General operations conducted at the facility
  - General history of the company
  - History of the site
  - Ownership of the business
  - Ownership of the property
  - Corporate structure
  - Whether the company is a subsidiary.
- **PCB Activities at the Facility**. Discuss how and where the facility stores and uses PCBs. If the facility official is not familiar with PCBs or PCB regulations, questions about electrical equipment may provide enough information to locate PCBs in use or storage at the facility. Other questions may include the following:
  - Is the facility using or storing any of the liquid-filled equipment identified below?
    -- Transformers
    -- Railroad transformers
    -- Capacitors
    -- Containers of PCBs or PCB Items
    -- Hydraulic equipment
    -- Heat transfer systems
    -- Mining equipment
    -- Electromagnets

-- Other electrical equipment (regulators, switches).
- Are transformers serviced on the facility premises? If so, by whom?
- Is the facility aware of any PCB spills on the premises?
- Has the facility ever manufactured PCBs or PCB Items?
- Does the site have a PCB storage area?
- Does the facility produce PCBs as a by-product of any of its manufacturing processes?

! **Inspection Objectives**. After going over the inspection objectives, discuss the order in which the inspector will inspect activities at the facility.

! **Meeting Schedules**. If meetings with facility personnel are necessary, schedule them during this conference.

! **Access/Accompaniment**. Request access to all areas of the facility potentially involving PCB activities. Request that a facility official accompany you throughout the inspection.

! **Safety Requirements**. Determine what safety precautions (e.g., the use of protective clothing or hard hats) should be observed during the inspection. Some industries and facilities may have specific safety issues and requirements.

! **Photographs**. The inspector should advise facility officials that the inspector may use cameras or electronic recording devices to gather evidence of compliance/non-compliance. However, the inspector should also advise facility officials that the facility may claim as CBI photographs and other data gathered through such means. If a facility official forbids the inspector to take photographs, the inspector should continue to conduct the inspection without taking photographs, make sketches, if relevant, and, after leaving the premises, contact his/her supervisor to report the incident and determine next steps. Note: Inspectors should keep a log of the photographs taken with name of facility, date, time, and name of inspector taking the photographs.

! **Samples**. Inform facility officials that the inspection may require samples.

! **Records**. Identify records needed to review.

3.3 Records Assessment

The purpose of a records assessment is to develop an inventory of PCBs and PCB Items at the facility. The assessment also will help determine compliance with the recordkeeping provisions. The inspector should maintain a record of all discrepancies, such as missing or incomplete records, in the field notebook. The inspector should obtain copies of any records necessary.

3.3.1 Inventory

The inspector should develop a PCB Inventory, which will become part of the PCB Inspection Report (see Chapter Seven), that identifies the type, quantity, and status of PCBs and PCB Items at the facility from the facility's records. The inventory information will be the same type of information found in the annual document log required for certain facilities under §761.180. The inspector can use the facility's annual document log as a framework to develop the PCB Inventory.

3.3.2 Compliance Assessment

Based on the type of facility being inspected, the inspector should evaluate the records required by the regulations to determine compliance. (See Chapter Five for specific recordkeeping requirements.) In conducting this evaluation, the inspector should address the following considerations:

- Is the facility meeting all of the annual document requirements?
  - Does the facility meet the minimal threshold (a PCB Transformer, 50 PCB Capacitors, or 45 kilograms of PCB in a container) to be required to keep an annual document log? (see §761.180(a) for more detailed information).
  - Is the necessary information provided in the annual document log?
  - Are annual document logs available for the past three years?
  - Are copies of signed manifests maintained; do they match the annual document log?
  - Is the three-year retention requirement for manifests being met?
  - Are Certificates of Disposal maintained?

- Is the facility keeping PCB Transformer inspection records?

- Is the facility keeping transformer registration records?

- Have there been any spills? Are there any spill reports?

- If the facility conducted decontamination, are records of confirmatory sampling after decontamination available for the last three years?

- Are there any unmanifested waste reports that indicate that the disposer rejected waste sent offsite for disposal due to PCBs?

- Do the records (and/or correspondence file) indicate areas needing further investigation?

- Is the facility operating under a distribution-in-commerce authorization?
  - If so, is the facility meeting the specific requirements listed in the authorization?
  - If not, do the shipping records indicate transfer of PCBs to other than storage or disposal facilities?

- Is the facility using PCBs/PCB Items under use authorizations and if so, is it using them correctly?

3.4 Records Verification

The objective of records verification is to assess the accuracy of records by physically inspecting selected items listed in the records inventory. Although the facility records document the number of PCB items, the facility records may be incomplete, and the inspector should check for PCB Items that are not documented. The inspector should document in the field notebook any inaccuracies in the records. The inspector may need to take samples to establish PCB concentrations of any suspect substance or material. If the facility conducted laboratory testing of PCB concentrations, the inspector should obtain copies of the results. The inspector should also take photographs at appropriate locations to document observations.

3.4.1 Selection of PCB Items for Verification

From the PCB Inventory developed in the records assessment, the inspector should select a group of items (e.g., PCB Transformers, PCB containers, PCB large capacitors) to examine. (This will depend on the type of facility being inspected.) Chapter Four provides equipment-specific information, including background information, common locations, and maintenance and repair activities relating to the specific equipment types.

- If the items are grouped in the facility records by location, select one or more groups for examination.

- If records list only totals of each item, select a percentage of each total. Ascertain from facility officials the location(s) of the items.

- Consider the following in making the selection:
  - Practicality of inspection
  - Discrepancies indicated in the records assessment
  - Suspicions raised during the records assessment
  - Facility violation history, if any.

Presented below is a sample equipment inspection list. The inspector should refer to the following list to target specific areas of potential non-compliance with PCB regulations. The inspector should not rely on this list to determine compliance with all PCB regulatory provisions (see Chapter Five). Inspectors should check for:

- Condition of PCB-containing or PCB-contaminated equipment.

- Leaks and spills

- Storage areas (particularly incoming storage site)
- Maintenance operations sites
- Floor drains that empty into a sewer or outfall to ditches or streams.
- Facility drainage systems, storm water systems, discharge points, sumps, and areas adjacent to surface waters, which should be inspected and, if suspect, sampled for PCB contamination.
- Transport vehicles
- Nearby operating equipment.

If the inspector encounters a leak or spill, he/she should note the actual amounts of PCBs present in the ground. If the actual amounts are unknown, the inspector should provide a range (e.g., 25 to 125 kg). The inspector should also provide the approximate area of contamination.

! Compliance with marking requirements (§761.40).

! Enhanced electrical protection at the facility.

! Compliance with recordkeeping requirements (§761.180 - §761.218). Facilities must maintain the following records for at least three years (Note: Disposal facilities must keep records for at least three years after ceasing the use/storage of PCBs):
  - Annual Document Logs
  - Manifests
  - Maintenance records
  - Inspection records and frequency of inspections
  - Record of registration.

! Maintenance and repair operations of PCB-containing equipment.

! Compliance with storage regulations at sites storing PCB-containing equipment
  - Storage for reuse (§761.35)
  - Storage for disposal (bulk, long-term, temporary) (§761.65).

! Improper disposal of PCBs including:
  - Scrap areas and dumps
  - Abandoned buildings
  - Leachate from landfills
  - Maintenance areas.

! Compliance with PCB transport requirements (Department of Transportation requirements 49 CFR 171 through 180).

! Compliance with retrofilling requirements (i.e., fluid less than 50 ppm PCB).

3.4.2 Verification

The inspector should locate the group(s) of items selected for verification and compare information in the records with actual conditions, noting the following:

- Are items accurately described in the records?
  - Type (transformer, capacitor, etc.)
  - Status (in use, removed from service, stored for disposal)
  - PCB ppm content
  - PCB weight (if applicable).

- Is the number of items correct?

Safety Note. Inspectors should use extreme caution when in the vicinity of live electrical equipment. They should NOT sample live equipment.

3.5 Inspecting for Compliance with Disposal Requirements

The inspector should check for and evaluate the extent of improper disposal while conducting the physical assessment of the facility. The inspector should document in the field notebook all evidence of improper disposal and sample when necessary to establish PCB concentrations (see Chapter Six for guidance). Inspectors should note if the facility has or has had any PCB spills, since these constitute improper disposal. The inspector should photograph all sample locations and all suspected violations and obtain statements when possible to document where the disposal violation occurred. Drawings, sketches, diagrams, or maps can be helpful. The inspector should discuss prior spills and cleanup with the facility representatives and ask to examine spill cleanup reports.

3.5.1 Indicators of Disposal Violations

A number of signs, including the following, may indicate disposal violations:

- Abandoned or discarded potential PCB-contaminated equipment, parts, or containers.
  - Transformers
  - Capacitors
  - Fluorescent light ballasts
  - Drums

- Obvious spills or leaks
  - Discoloration of the soil near PCB Items, in drainage systems, or on the banks of streams
  - Oil films on the surface of streams or standing water

- Highly saturated soils
- Oily rags, debris, or other material
- Puddles or drips on or near equipment, containers, drip pans, or floors
- Dead grass or other dead vegetation
- Odor of chlorinated solvents - especially of trichlorobenzene, the principal solvent for PCBs (the presence of detectible odor may indicate concentrations of PCBs over 5000 ppm)
- Stains on equipment near spigots, cooling tubes, ganges, or insulators. Older stains may have dust accumulations on them.

3.5.2 Sources of Potential Violations

Housekeeping Practices

Attitudes toward housekeeping may reflect attitudes toward compliance in general and may provide an indication of potential disposal violations. The questions listed below will be helpful in gauging these attitudes:

- Are PCB handling areas orderly and in good repair?
- How long has PCB waste (if any) been in storage? (A facility can store waste for no longer than one year unless EPA issues an extension.)
- Are cleanup materials disposed of properly?
- Are oily rags, debris, or other material stored near PCB Items?

Worker Knowledge

A low level of worker knowledge of the hazards of PCBs may result in poor PCB handling practices. The inspector may uncover actual or potential disposal violations by asking managers and workers questions about PCBs. Questions to ask the managers include:

- Who deals with leaks and spills? Is training available to those employees?
- Who is responsible for conducting and recording required inspections of transformers and storage areas?

Questions to ask the workers include:

- Are you trained to deal with leaks and spills?
- If you are not trained, who is trained to deal with leaks and spills?

Maintenance and Repair Operations

Maintenance and repair operations may take place at various locations throughout the facility and will generate significant amounts of PCB waste. The inspector should consider the following in assessing their effectiveness:

- Does the facility have written maintenance and repair procedures?
- Are maintenance sites located, constructed, and maintained to minimize the risk of contamination of surrounding areas?
- Are there indications of leaks or spills at these sites?
- Are there provisions for spill containment (such as a copy of 40 CFR 761, Subpart G [PCB Spill Cleanup Policy] or any other written policies/materials governing spill cleanup and containment) at the facility? Do the procedures note the requirement to report spills of one pound or more of PCBs to the National Response Center? Has the facility in fact reported such spills? (Ask for records or interview responsible personnel.)
- Are draining/filling operations conducted in a manner to prevent spills?
- Are containers used in the maintenance process of adequate size and in good condition?
- Is maintenance equipment in good condition?
- Are waste PCBs, testing samples, filter media, and contaminated parts, among other substances, handled, stored, and disposed of properly?
- Are oily rags, debris, or other contaminated material handled, stored, and disposed of properly?

Decontamination Operations

Decontamination operations will often take place in conjunction with equipment maintenance and repair and involve extensive handling of PCBs. The following issues should be addressed during the inspection by referring to §761.79 (pertaining to decontamination generally):

- Does the facility have written decontamination procedures? (If so, the inspector should obtain a copy.) Do the procedures meet the requirements of §761.79?
- Are the solvents used among those listed in §761.79 or have they undergone the validation study set out in Subpart T of Part 761?
- Does the facility drain or clean PCB equipment prior to disposal?

- Is the site adequate to protect surrounding areas from leaks and spills?
- Does the facility properly store and dispose of drained substances and solvents?
- Does the facility properly decontaminate movable equipment?
- Does the facility properly decontaminate drums and pallets prior to reuse?

Reclassification Operations

PCB authorization regulations (§761.30) allow for reclassification of specific types of PCB equipment (e.g., transformers with a PCB concentration of greater than 500 ppm may be reclassified to a PCB-Contaminated Electrical Equipment or to a non-PCB Transformer). For reclassification in general, the inspector should ascertain compliance with regulations by ensuring that the facility:

- Follows applicable regulatory procedures governing reclassification
- Documents that adequate loading conditions occurred or that they used an EPA-approved alternative method to simulate loading
- Meets disposal requirements.

Drainage Systems

Contaminated drainage systems, which may include storm water systems, discharge points, sumps, and areas adjacent to surface waters, are a source of direct discharge of PCBs into the environment. Therefore, it is important to consider these issues:

- Is there evidence of leaks or spills near the systems?
- Are small spills washed into drainage systems by rain or by workers unaware of the contamination risks?
- Is any oil mixed with motor fuels, waste solvents, other waste oils, etc.?
- Are PCB Items located in or near drainage systems?

Waste Oil Use

The regulations specifically prohibit the use of waste oil containing any amount of PCBs for road oiling, dust control, pesticide carriers, sealant, or rust prevention. However, waste oil may be

burned for energy recovery in accordance with §761.20(e). In general, when ensuring compliance with waste oil provisions, the inspector should ascertain the following:

- Does the facility use waste oil for any of these purposes?
- What is the source of the waste oil?
- Does the facility burn waste oil for energy recovery (e.g., space heaters, boilers, furnaces)? If so and the facility has a history of PCB spills and/or leaks, consider sampling the waste oil.

Sites

The inspector may find evidence of leaks, spills, and illegally discarded PCB Items at various sites throughout the facility:

- Scrap areas and/or dumps
- Abandoned buildings and vehicles
- Outbuildings
- Construction sites
- Warehouses
- Loading docks
- Basement sumps/underground tanks.

3.6 Marking Assessment (§§ 761.40 and 761.45)

The objective of the marking assessment is to determine that all items are marked in accordance with the regulations so that PCBs and PCB Items are clearly identified. The inspector should document in the field notebook all evidence of non-compliance and sample when necessary to establish the PCB level. The inspector should identify the exact location of each item in violation. The inspector should photograph the item and its nameplate and all sample locations and photograph suspected areas of non-compliance and document these areas in the field notebook. (See Chapter Five for regulatory requirements and inspection procedures pertaining to marking.)

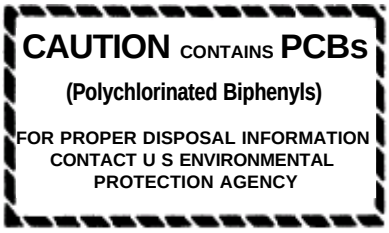

Figure 2-1. Small PCB Mark, also referred to as M_S. See Appendix D for a Large PCB Mark (M_L) that is six inches by six inches, the size required by the regulations at §761.45(a).

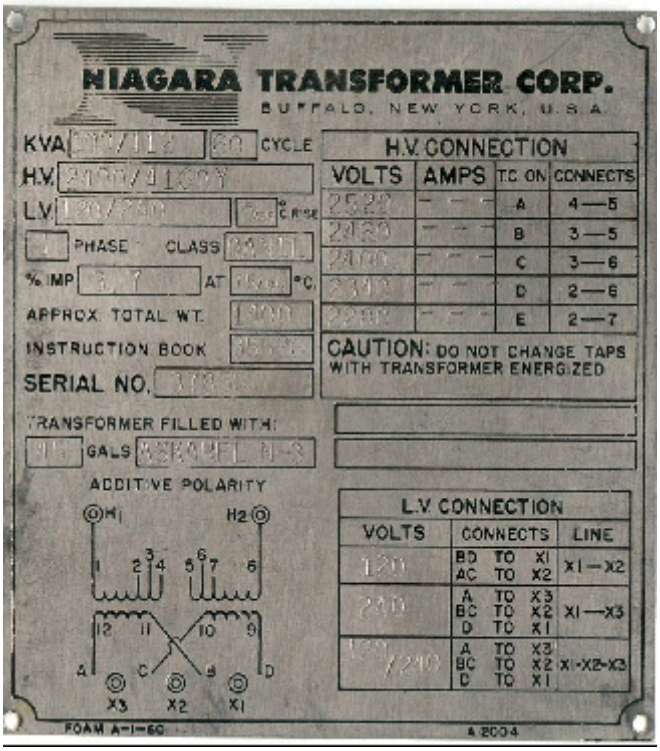

Figure 2-2. PCB Transformer nameplate.

Throughout the physical assessment, the inspector should check compliance with the marking requirements, giving particular attention to:

- How all required items, including the transformer, transformer accesses, capacitors, and PCB Containers are marked
- How transport vehicles are marked
- How storage areas, including temporary storage areas, are marked.

3.7 Storage Assessment (§ 761.65)

The objective of the storage assessment is to determine whether the facility properly stores all PCBs and PCB Items. The inspector should check to see whether storage operations comply with the regulations, document all discrepancies in the field notebook, and sample when necessary to establish the PCB level. The inspector should identify the location of items suspected to be in violation and take photographs of these items when appropriate. In addition, the inspector should inspect the storage site(s) on the facility premises. If the site is not within the facility boundaries, the inspector should note the address and operator of the site. (See Chapter Five for specific requirements pertaining to storage.)

Safety Note. The inspector should exercise caution prior to entering a closed storage area or vault. The storage area should be ventilated sufficiently before entering because hazardous conditions may exist (e.g., low oxygen content, explosive vapors).

3.7.1 Storage Facility

In evaluating the storage facility, the inspector should consider:

- How is the facility marked for PCB?
- Does the facility have adequate roof and walls to prevent rain water from reaching the stored PCBs or PCB Items?
- Is the containment volume sufficient for quantity of PCBs stored?
- Is the containment area free of drains, valves, joints, or other openings?
- Are flooring and curbing requirements met?
- Is the site above the 100-year flood elevation?

Figure 2-3. PCB Transformers in storage.

3.7.2 Storage Containers

The inspector should determine the following when checking containers:

- Do containers meet DOT specifications 49 CFR Subchapter I?
  For liquid PCBs: Specification 5 container without removable head, Specification 5B container without removable head, Specification 6D over pack with specification 2S or 2SL polyethylene containers or specification 17E container.
  For non-liquid PCBs: Specification 5 container, Specification 5B container or Specification 17C container.
- Are storage containers dated and marked?
- Are other containers used?
  - If yes, have design review requirements been met? Has a Spill Prevention Control and Countermeasure (SPCC) Plan been prepared? Are required records being kept? Has a registered professional engineer certified the SPCC Plan?

3.7.3 Storage Facility Operation

A number of issues pertain to this area of the assessment:

- Does the facility have written storage procedures?
- Are articles and containers checked for leaks every 30 days?
- Are leaking articles and containers transferred to nonleaking containers?
- Is spilled or leaked material cleaned up immediately?
- Is movable equipment properly decontaminated prior to being removed from the facility?
- Are containers and articles handled in a manner that protects them from accidental damage or breakage?
- Are the containers/articles dated with the out-of-service date?
- Are the containers/articles carrying PCBs properly marked?
- Is the storage-for-disposal area properly marked?

3.7.4 Outside Storage

Outside storage is overflow from a permanent storage location. The inspector should make sure that outside storage areas meet all applicable regulations:

- Are large high voltage PCB Capacitors and PCB-Contaminated Electrical Equipment that have not been drained of free flowing dielectric fluid the only items stored outside the prescribed storage area?
  - Are they on pallets?
  - Are they structurally undamaged and free of leaks?
  - Are they checked weekly for leaks?
- Is the outside area adjacent to the prescribed storage area?
- Does the facility maintain immediately available space in the prescribed storage area to accommodate 10 percent of the volume of capacitors and transformers stored outside?

3.7.5 Temporary Storage

Temporary storage is any storage location used for less than 30 days. The use of temporary storage also raises a number of issues:

- Is the temporary storage area properly marked?

- Are only nonleaking articles and containers in temporary storage?
  - Have articles and containers been in the storage area less than 30 days?
  - Do they have attached notations indicating the date they were removed from service?
  - Are PCB liquids below 500 ppm being stored using a SPCC Plan? The inspector should keep in mind that liquid PCBs containing more than 500 ppm PCBs may not be temporarily stored.
  - Do containers of PCB-contaminated liquid bear notations of PCB content?

3.8 Closing Conference

The inspector should hold a closing conference with the facility officials. The inspector should limit the discussion to specific findings of the inspection. The inspector should note to the facility officials that the Regional Office, not the inspector, determines overall compliance upon final review of the report and other pertinent information. Therefore, the inspector should not discuss compliance status, legal effects, or enforcement consequences of non-compliance, unless this authority has been delegated to the inspector. Generally only the Division Director or whoever has been delegated authority may make compliance determinations after reviewing all of the evidence. The inspector may refer facility officials to approved compliance assistance sources and documents. At this meeting, an inspector may request additional data, ask questions, and secure necessary receipts (see Section 2.11.2).

3.8.1 Discussions

The inspector should discuss and clarify any questions or problems relating to the inspection. The inspector should:

- Without using the term violation, inform facility officials of any leaks, spills, or other problems that may need immediate attention and relay information to the facility official concerning any conditions which may require corrective action.

- Respond to questions regarding TSCA and the PCB regulations and refer any questions that exceed his/her knowledge or authority to other EPA personnel.

- Ensure the EPA sample chain-of-custody form is completed and maintain sample integrity until the sample is delivered or shipped to laboratory.

- *Do not advise* that no violations were found (even if he/she believes this is the case) unless this authority has been delegated to him/her. The inspector should explain to facility official(s) that EPA makes compliance determinations after reviewing all of the evidence.

3.8.2 Required Receipts

Under TSCA, inspectors must give written receipts for samples and documents taken from the facility. These include the following:

- **Receipts for Samples and Documents.** Inspectors should list and describe all samples taken and all documents taken or copied during the inspection, sign the receipt, obtain facility official signatures, and distribute the appropriate copies to facility officials.

- **Declaration of Confidential Business Information.** Inspectors should list and describe all information the facility declares as confidential, sign the receipt, obtain facility official signatures, and distribute the appropriate copies to facility officials.

Note: Inspectors may not send any CBI documents via U.S. mail. Documents must be hand delivered to the DCO.

3.9 Compliance Assistance

Since inspectors are often the only contact between EPA and the regulated industries, they should be aware of opportunities to promote compliance with EPA regulations. After an inspection, the inspector will have first-hand knowledge of the inspection site, as well as knowledge of any specific questions or problems the site officials may have. The inspector can use this time to answer those questions and/or convey information that will move the site toward improving compliance and acting in an environmentally responsible manner. Please refer to the National Policy: The Role of the EPA Inspector in Providing Compliance Assistance During Inspections (Appendix B) for more information.

3.9.1 General Outreach Activities

Since the purpose of the inspection process is to promote future compliance as well as to identify past and current violations, it is important for the inspector to help raise the level of a facility's awareness of both PCB regulations and other EPA regulations. The inspector may leave EPA listings of the names and telephone numbers of other media programs (i.e., air, water) to help promote compliance with other EPA programs.

Depending on the particular situation, specific EPA or State initiatives may be applicable to the facility. Examples of such initiatives include pollution prevention or EPA's Green Lights program. The inspector can give the facility contact names, brochures, publications, or other materials that address topics of concern to the site.

3.9.2 Information Sources

The inspector has a broad selection of information sources from which to obtain outreach/ educational materials. These sources include:

- EPA OECA Website. www.epa.gov/oeca/monitoring/index.html.
- EPA's PCB Home Page. EPA's internet site at http://www.epa.gov/pcb/ includes links to statutory and regulatory language, question and answer documents, spill cleanup policy guidance, regional contact lists, and other information sources. Versions of the PCB Transformer Registration Database and the PCB Activity Database are available for download. The site also includes listings of approved commercial storers and disposers.
- Pollution Prevention Information Clearinghouse (PPIC). On EPA's internet site at http://www.epa.gov/opptintr/library/ppicindex.htm. PPIC is a free, nonregulatory clearinghouse focusing on source reduction and recycling of industrial wastes. It contains technical, policy, programmatic, legislative, and financial information.
- Inspectors Compliance Assistance Resources Guide. Located on EPA Inspector Website at http://intranet.epa.gov/oeca/oc/campd/inspector.