



SUBJECT: Act 1990-165 Facility and Vehicle Inspections	DATE: March 15, 2000
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I. PURPOSE

- A. This Directive establishes standards and prescribes procedures for the conduct of facility and vehicle hazardous material inspections as authorized by Section 211 of the Hazardous Material Emergency Planning and Response Act, Act 1990-165 (hereinafter Act 165).
- B. This Directive supports compliance and enforcement activities as described in PEMA Guidance and Information Circular No. C2000-4: "Guidance for Enforcement of the Hazardous Material Emergency Planning and Response Act (Act 1990-165)," dated March 15, 2000.

II. SCOPE

- A. Whenever the Local Emergency Planning Committee (LEPC) suspects that a facility or vehicle owner or operator has failed to comply with the provisions of SARA Title III and Act 165, the LEPC is authorized by Section 211 of Act 165 to send one or more representatives, qualified and appointed as specified herein, to the facility or vehicle to obtain any information which may be necessary for emergency planning and response purposes.
- B. This Directive establishes standards for selecting, training, certifying, and defining the responsibilities of LEPC representatives who will perform the facility or vehicle inspections.

III. AUTHORITY

- A. Hazardous Material Emergency Planning and Response Act. (35 P.S. § 6022.101 - 6022.307).
- B. Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. § 11001 et. seq.).

IV. SELECTION OF LEPC INSPECTOR AND ASSISTANT INSPECTORS

- A. The responsibility for the selection of a county LEPC inspector rests with the County Emergency Management Coordinator (EMC) following consultations with the county LEPC. Only an experienced, responsible individual who meets the requirements of Section 211(e) of Act 165 should be selected as the LEPC's inspector. Other persons who have been appointed by either the county emergency management coordinator or the LEPC may accompany and assist the LEPC inspector in the performance of his or her duties during a facility or vehicle inspection.

Individuals with the following job classifications or professional qualifications should be considered for the positions of LEPC inspector and his/her inspection assistants.

1. An LEPC member who has an extensive educational background, training, and/or experience in handling or dealing with hazardous materials.
 2. The chief or a senior member of the state-certified hazmat team serving the county.
 3. A Pennsylvania Department of Environmental Protection (DEP) employee.
 4. A fire chief or senior line officer from a paid or volunteer fire company.
 5. A Pennsylvania Department of Transportation (PennDOT), State Police (PSP), or Public Utilities Commission (PUC) employee (See Sections VII and IX).
 6. The county EMC or his/her deputy coordinator.
- B. The LEPC inspector and his/her assistants will be formally appointed as official representatives of the LEPC by the county emergency management coordinator following consultations with the county LEPC. The county LEPC appointment letter(s) will be taken by the LEPC inspector to the subject facility or vehicle in order to substantiate the inspection team's credentials.

V. INSPECTOR TRAINING/QUALIFICATION REQUIREMENTS

- A. Inspection team members will need to have individual areas of expertise. For example, the EMC is well-versed in Act 165 and SARA Title III requirements as they pertain to hazardous materials planning and reporting. The fire fighter knows emergency response, safety, and the capabilities of on-site emergency response equipment. The hazmat team representative is able to identify hazardous substances and various types of hazmat containers. The DEP representative knows incident mitigation and clean-up procedures as well as substance handling.
- B. The minimum training/qualification standards for the LEPC inspector and other specialist inspection team members are, in accordance with 29 CFR 1910.120:
1. LEPC inspector - First Responder Operations Level.
 2. Fire chief or senior line officer - First Responder Operations Level.
 3. Hazmat team chief or designated representative - Hazmat Technician level.
 4. DEP representative - Technician Level.
 5. Other essential LEPC members - First Responder Operations Level.
 6. Specialist inspection team members (PennDOT, PSP, PUC, etc.) - At least First Responder Awareness Level.

- C. Prior to participating in an inspection, the LEPC inspector and his/her assistants will complete their portions of the Hazardous Material Inspector/Assistant Inspector Certification Training/Qualification Record (Enclosure 1). Copies will be part of the inspection report maintained in the LEPC files.

VI. CONFLICT OF INTEREST STANDARD AND PROCEDURES

- A. Individual Conflict of Interest Certification forms will be signed by each inspection team member prior to each inspection (Enclosure 2).
- B. Copies of team member certifications will be taken by the LEPC inspector to the inspection site to be available should they be requested by an official representative of the owner or operator.
- C. Individual Conflict of Interest Certification forms will be part of the inspection report maintained in the LEPC files.

VII. VEHICLE INSPECTIONS

- A. The inspection of vehicles transporting hazardous materials for compliance with federal and state safety laws is the responsibility of PennDOT supported by the PSP and the PUC. These vehicle inspections involve the actual transportation of hazardous materials. Normally they are not conducted at facilities and they generally do not involve SARA Title III or Act 165 issues unless there is a release.
- B. When important aspects of an Act 165 facility inspection include vehicles on-site in the process of loading/off-loading, the LEPC inspector should coordinate the inspection with the PennDOT Enforcement Office (717-787-7445) concerning the appropriateness of PennDOT, PSP, and PUC involvement.

VIII. INSPECTOR ACCIDENT COVERAGE

As official representatives of the LEPC, the LEPC inspector and his/her assistants are considered to be duly enrolled emergency management volunteers of their county for the purposes of 35 Pa. C.S. § 7706 compensation benefits. If an inspector's or assistant's death or injury occurs because of the performance of their duties, they are eligible for benefits under § 7706 unless they are already covered by their county Workers' Compensation benefits.

IX. GENERAL INSPECTION SEQUENCE

- A. When a facility is suspected of failing to comply with the reporting requirements of SARA Title III, the first attempt to resolve the matter will be the county/LEPC SARA planner's normal, routine procedures for obtaining information from the facility. Such activity should be fully documented.

- B. In the next step, the LEPC will send a certified letter to the facility owner/operator requesting a meeting to discuss the facility's suspected noncompliance (a sample letter is at Enclosure 3). The letter should request a response within 15 business days from the date of the letter.
- C. If the second attempt/request fails to achieve the desired meeting, or if a meeting is held but information is not provided by the facility owner/operator in sufficient detail to satisfy Act 165 planning or reporting requirements, the LEPC should instruct the LEPC inspector to conduct an inspection of the facility.

The LEPC inspector will establish the date and time for the inspection, which must be accomplished during normal business hours. An advance written notice of no more than seven (7) calendar days and no less than three (3) business days should be provided to the facility owner/operator by forwarding the Inspection Confirmation Letter (Enclosure 4) via certified mail.

- D. The LEPC inspector and his/her assistants should arrive and depart the facility together, preferably in an official vehicle; e.g., County EMA vehicle. The LEPC inspector will present the Notice of Inspection (Enclosure 5) to the facility representative, and obtain his signature in order to document the acknowledgment of the facility to be inspected. The LEPC inspector will also offer to show the appropriate LEPC Appointment Letter(s) to the facility representative.
 - 1. The objective of the inspection will be to obtain the required information to fulfill Act 165 requirements. As appropriate, the inspection will focus on type, amount and location(s) of hazardous materials, records of hazardous chemicals, documentation of notifications and release reports, and information on safety/response procedures as required for the facility's off-site emergency response plan.
 - 2. The LEPC inspector should make every effort to identify the hazardous materials while at the facility. However, if samples of suspected hazardous material(s) are needed for testing, the LEPC inspector or a specialist team member is authorized by Act 165 to obtain the necessary samples in order to be tested by an outside chemical laboratory. In cases where the likelihood of taking samples is high, a DEP representative should be asked in advance to join the inspection team. Samples shall be split with the facility, labeled, and documented to establish a legal chain of custody. (See Receipt for Samples and Documents at Enclosure 6.)
 - 3. If the LEPC inspector finds that the potential exists for a hazardous material spill or release exists at the facility, a certified hazmat team may be dispatched to the facility in order to help mitigate the problem.
 - 4. The facility owner or operator is required by Act 165 to pay for testing and laboratory analysis costs incurred by the LEPC.
 - 5. If a facility owner or operator or a facility employee intentionally obstructs or impairs the inspection activities of the LEPC inspector and/or his/her assistants by either force, violence, physical interference or obstacle, that person commits a misdemeanor of the second degree which, upon conviction in a court of law, carries a possible fine of not less than \$1,000 and not more than \$5,000 for each separate offense, or imprisonment in the county jail for a period of not more than two years, or both.

X. ENFORCEMENT

If the scheduled inspection can not be completed or the required information can not be obtained due to facility owner/operator obstruction or noncompliance, the LEPC shall take appropriate enforcement action as described in Section 303 of Act 165, and in the PEMA Circular No. C2000-4, or its successor.

XI. GENERAL RESPONSIBILITIES OF INSPECTION TEAM MEMBERS

A. LEPC Inspector

1. Supervise and conduct the inspection.
2. Supervise and conduct the taking of any hazardous material samples for testing purposes.
3. Conduct all discussions with the facility or vehicle owner or operator and make all requests for records and other documentation of hazardous materials manufactured, produced, used, stored or distributed at the facility.
4. Perform any other duties or functions that are deemed necessary to complete the LEPC's inspection of the facility or vehicle.

B. Emergency Management Coordinator or Deputy

1. Organize the inspection team and supervise the completion of Inspector Training/Qualification Requirements and the Conflict of Interest Certifications.
2. Train and brief inspection team members on inspection procedures and responsibilities.
3. Debrief inspection team members after the inspection in order to consolidate and record information obtained from the inspection.
4. Prepare report and brief the LEPC on the findings and recommendations of the inspection team.
5. File the inspection report with inspection team Appointment Letters, Inspector Training/Qualification Reports and Conflict of Interest Certifications. Maintain the inspection report file for five years after the date of the inspection.
6. Decertify an inspection team member after consultation with the county LEPC whenever that member fails to meet certification requirements. (See paragraph XII).

C. Fire chief or senior line officer:

1. Inspect emergency lighting systems, fire alarms and fire extinguishing apparatus.
2. Inspect passageways, stairways and exits for obstructions that may prevent the safe exit of persons from the facility.

3. Assist the LEPC inspector as necessary.

D. Hazmat team chief or senior member:

1. Determine the location of hazardous material(s) at the facility.
2. Assist the LEPC inspector in identifying hazardous material(s) on the facility premises.
3. Assist the LEPC inspector in inspecting hazardous material(s) containers for adequacy and storage integrity.
4. As appropriate, recommend to the LEPC inspector that hazardous material samples be taken for testing purposes.
5. When appropriate, in the absence of a DEP representative, take samples from the facility or vehicle for testing (one half of samples are left with the facility or vehicle owner or operator.)
6. Arrange to provide sample(s) to DEP for passing to testing laboratory and preparation of reports of results to the Emergency Management Coordinator.

E. DEP Representative (if appropriate):

1. Inspect facility procedures for hazardous material incident mitigation and cleanup.
2. When appropriate, take samples from the facility or vehicle for testing purposes (one half of samples are left with the facility or vehicle owner or operator.)
3. Deliver samples to the testing laboratory and prepare reports to the EMC.
4. Provide technical assistance to the LEPC inspector as requested.

F. Specialist Team Members:

Other inspection team members shall perform various duties as assigned by the LEPC inspector.

G. Specialist Team Members for vehicles (PennDOT, PSP, PUC):

Provide the LEPC inspector and inspection team with information concerning proper packing, vehicle safety, documentation and placarding requirements.

XII. INSPECTOR DECERTIFICATION

An inspection team member can be decertified at any time by the county EMC. The EMC should first obtain the concurrence of the LEPC. A letter of decertification should be sent to the individual stating the reason for the decertification and a copy of the letter should be retained on file.

XIII. DETAILED OUTLINE FOR THE PREPARATION, CONDUCT, AND REPORTING OF AN INSPECTION

Enclosure 7 is a detailed outline for the preparation, conduct and reporting of an Act 165 inspection. It is compatible with SARA Title III inspection procedures used by the U.S. Environmental Protection Agency (EPA).

XIV. INSPECTION REPORT

The LEPC inspector shall prepare a written report which summarizes the results of the facility or vehicle inspection. The report shall be maintained in the county LEPC files for five years after the date of the inspection. The report is a basis for the LEPC to work with the facility owner or operator to bring the facility into compliance with the requirements of Act 165 and/or initiate legal action if appropriate.

XV. INFORMATION

Questions concerning procedures or guidelines described in this Directive should be directed to the appropriate PEMA Area Office or to PEMA in Harrisburg, Pennsylvania (717-651-2218).

XVI. SUPERCESSION

This Directive supercedes Emergency Management Directive D97-2, *Act 1990-165 Facility and Vehicle Inspections*, July 25, 1997.

David L. Smith
Director

Enclosures

Distribution: Chair, County Commissioners
Chair, County LEPCs
County EMCs
PEMA Area Offices
Office of Environmental Emergency Response, DEP
Motor Carrier Enforcement Division, PennDOT
Bureau of Patrol, Pennsylvania State Police
Bureau of Safety and Compliance, Public Utility Commission
CEPP and Site Assessment Office, EPA Region III
Bureau of PennSafe, Department of Labor & Industry
State Fire Commissioner
PEMA General Counsel
PEMA Bureaus
Chiefs, State-certified Hazmat Teams

5. Training Verification:

I verify that I have completed the appropriate training indicated above. I further state that I accept this appointment and will conscientiously perform the hazardous material inspection duties and responsibilities assigned to me by the _____ County LEPC.
(County)

Name

Signature

Date

6. On behalf of the _____ County Local Emergency Planning Committee, I
(County)
hereby declare that _____ has been appointed to the position of
(Name)
_____ for the _____ County
(Inspector/Assistant Inspector) (County)

Local Emergency Planning Committee. With this appointment, the above-named individual is authorized to perform all of the duties and responsibilities of that position as set forth in Act 1990-165 and PEMA Directive No. D2000-5.

Name

County
Emergency Management Coordinator

Signature

Date

**CONFLICT OF INTEREST POLICY
FOR
LEPC INSPECTORS AND ASSISTANT INSPECTORS**

A conflict of interest exists whenever an inspector or assistant inspector has a personal or private interest, direct or indirect, in a matter which is related to his or her official duties and responsibilities or when knowledge gained by virtue of conducting his official duties would have an economic value to the inspector or assistant inspector. Inspectors and their assistants must strive to avoid even the appearance of a conflict of interest because such appearance damages the integrity of the entire Commonwealth hazardous material response program in the eyes of the public. All inspectors and assistants must, therefore, be constantly aware of situations which are, or give the appearance of being, conflicts of interest in conducting inspections and must refrain from conducting inspections where these situations may occur.

A conflict of interest also exists whenever the performance of the official duties of the inspector or assistant inspector has or appears to have a direct and predictable effect upon a financial interest of that person or his/her spouse, employer, business or organization with which he is associated.

Based upon the above stated policy, the inspector or assistant inspector agrees to comply with the following provisions of the Public Officials Ethics Act (65 P.S. § 401 et. seq.):

(a) No public official or public employee shall use his public office or any confidential information received through his holding public office to obtain financial gain other than compensation provided by law for himself, a member of his immediate family, or a business with which he is associated.

(b) No person shall offer or give to a public official or public employee or candidate for public office or a member of his immediate family or a business with which he is associated, and no public official or public employee or candidate for public office shall solicit or accept, anything of value, including a gift, loan, political contribution, reward, or promise of future employment based on any understanding that the vote, official action, or judgment of the public official or public employee or candidate for public office would be influenced thereby.

(c) No public official or public employee or a member of his immediate family or any business in which the person or a member of the person's immediate family is a director, officer, owner or holder of stock exceeding 5% of the equity at fair market value of the business shall enter into any contract valued at \$500 or more with a governmental body unless the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. Any contract made in violation of this subsection shall be violable by a court of competent jurisdiction if the suit is commenced within 90 days of making of the contract.

(d) No former official or public employee shall represent a person, with or without compensation, on any matter before the governmental body with which he has been associated for one year after he leaves that body.

(e) No person shall use for any commercial purpose information copied from statements of financial interests required by this act or from lists compiled from such statements.

(f) Any individual who holds an appointive office in any political subdivision shall not have any interest in any contract or construction in which that political subdivision shall enter or have an interest.

OATH AND SIGNATURE

I, _____, do solemnly swear (or affirm) that I have read the above Conflict of Interest Policy Statement and provisions of the Public Officials Ethics Act. I agree to abide by said policy and the various restrictions set forth in the Ethics Act. I understand that a violation of this policy and Act may result in the permanent revocation of my appointment as an inspector or assistant inspector for the _____ County Local Emergency Planning Committee as authorized by Act 1990-165 and PEMA Directive No. 2000-5.

Name of Inspector/Assistant Inspector
(Please Print or Type)

Signature of Inspector/Assistant Inspector

Witnessed by:

_____ County Emergency
Management Coordinator

(Date)

SAMPLE LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Dear _____:

The _____ County Local Emergency Planning Committee (LEPC) has directed me to write this letter to you to formally request a meeting with you to obtain required information to comply with Federal and State law, to wit: the Federal Emergency Planning and Community Right-To-Know Act of 1986 and the Pennsylvania Hazardous Material Emergency Planning and Response Act (Act 1990-165).

My office has attempted to obtain the required information from _____ of your facility. We have been unsuccessful in this effort. Please contact me at your earliest convenience -- but no later than _____ -- to arrange a meeting.
(date)

In order that we may obtain the needed information about your facility, please answer the questions that are attached to this letter.* I would appreciate it if you would have the answers to these questions available during our meeting. We cannot complete our required off-site emergency response plan for your facility until the information is provided.

I must inform you that should you fail to respond to this letter, a formal inspection of your facility may be undertaken. Your cooperation will be appreciated.

Sincerely,

County EMC

Enclosure:

cc: Director, _____ Area , PEMA

* (Questions to be determined by the county as needed to fulfill Act 165 requirements)

INSPECTION PREPARATION GUIDANCE

TO: _____

To aid in preparation for the upcoming PA Act 1990-165 inspection relative to SARA Title III, Sections 302 to 312, the following guidance is provided:

Please have available a list of all the hazardous chemicals, mixtures, and/or extremely hazardous substances for the past three years that require the preparation of a Material Safety Data Sheet (MSDS). Quantities of these substances should also be provided. Please do this for years: ____, ____, and ____. Mixtures should be broken down into components by percentages. Include the CAS numbers (if available) for all hazardous chemicals. Some of these numbers can be found in EPA's "Title III, List of Lists." The table below lists examples and a recommended format.

RECOMMENDED FORMAT

CHEMICAL FROM ALL PRODUCTS ON-SITE	% COMPOSITION	CAS NUMBER	1991 MAX AMT (LBS.)	1992 MAX AMT (LBS.)	1993 MAX AMT (LBS.)
Pure Chemical OR Chemical Name from product from product from product					
Sulfuric Acid	100%	7664-93-9	12,500 (total)	12,000 (total)	13,000 (total)
Methyl vinyl ketone from degreaser A12 from paint stripper ABC	50% 5%	78-94-4	11,000 (total) 8,000 3,000	10,500 (total) 7,500 3,000	12,800 (total) 9,800 3,000
Xylene from yellow paint #2 from degreaser A12 pure	25% 35% 100%	1330-20-7	25,500 (total) 8,000 8,500 9,000	22,000 (total) 9,000 8,400 4,600	13,300 (total) 7,150 2,150 4,000
Toluene from degreaser A12 from yellow paint #2 from orange paint #5 pure	50% 20% 5% 100%	108-88-3	35,600 (total) 9,300 9,200 8,100 9,000	37,000 (total) 9,300 9,200 8,100 10,400	37,000 (total) 9,300 9,200 8,100 10,400

This information should be presented on letterhead, including the date and facility SIC Code.

In addition, the facility should be prepared to provide the inspectors with copies of the MSDSs, chemical inventories, and invoices for chemical purchases.

This recommended format is offered as a guide to summarize information required. Additional information may be necessary for review at a later date.

(Enclosure to Inspection Confirmation Letter)

NOTICE OF INSPECTION

_____ COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

Pennsylvania Hazardous Material Emergency Planning and Response Act
(Act 1990-165)
and
the Federal Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA)

1. Investigation Identification		2. Time	3. County
Date	Inspected Facility Name		
4. Inspected Facility Address		5. LEPC Address	

REASON FOR INSPECTION: The purpose of this inspection is to determine compliance with the Hazardous Material Emergency Planning and Response Act (Act 1990-165) and the Emergency Planning and Community Right-to-Know Act of 1986. The scope of this inspection may include, but is not limited to: reviewing and obtaining copies of hazardous material documents, inventories and records; interviewing facility personnel; reviewing the facility's chemical manufacturing, processing, storage, and usage techniques; taking hazardous material samples and photographs; and any other relevant inspection activities needed to determine compliance with the Acts.

Inspector Signature		Facility Owner or Operator	
Name		Name	
Title	Date Signed	Title	Date Signed

RECEIPT FOR SAMPLES AND DOCUMENTS
_____ COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

Pennsylvania Hazardous Material Emergency Planning and Response Act (Act 1990-165)
and the
Federal Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA)

1. Investigation Identification		2. Time	3. County
Date	Inspected Facility Name		
4. Inspected Facility Address		5. LEPC Address	

The documents and samples of hazardous substances and/or materials described below were collected on the date stated above in connection with the administration and enforcement of PA Act 1990-165 and the Emergency Planning and Community Right-to-Know Act of 1986. (Half of the collected samples are identified by the numbers listed below and were left with the facility owner or operator.)

Receipt of the Document(s) and/or Sample(s) Described is hereby Acknowledged:

NUMBER	DESCRIPTION		
Inspector Signature		Facility Owner or Operator	
Name		Name	
Title	Date Signed	Title	Date Signed

**OUTLINE FOR THE
PREPARATION, CONDUCT AND REPORTING
OF AN ACT 1990-165 INSPECTION**

- I. The LEPC inspector and his/her assistants should begin the inspection process by reviewing the emergency planning and reporting requirements set forth in SARA Title III and Act 1990-165. Those sections are:
 - A. Sections 302, 303, 304, 311, 312, 313, and 323 of SARA Title III.
 - B. Sections 205, 206, and 211 of Act 1990-165.
- II. Review PEMA Guidance and Information Circular C2000-4 concerning the enforcement of Act 1990-165 emergency planning and reporting requirements.
- III. Pre-Inspection Activities.
 - A. Before initiating a formal inspection of a facility, attempt to obtain the required information through a meeting with the facility owner or operator.
 1. The LEPC should send a letter to the facility requesting a meeting to resolve issues.
 2. If the LEPC fails to receive a response from the facility or obtains inadequate information from a meeting, the LEPC may decide to conduct a facility inspection.
 3. Following the guidelines set forth in this Directive, the LEPC designates the LEPC inspector and assistant inspectors for the planned inspection.
 - B. Review the facility case file.
 1. Determine the purpose of the inspection (e.g., chemical identification and document search, taking of chemical samples for testing, etc.)
 2. Verify possible Act 165 violations/non-compliance by the facility through PEMA/L&I and/or LEPC records.
 3. What type of inspection will be conducted (i.e., SARA Title III § 302-312 or § 304.)
 4. If the facility is suspected of a possible § 304 release.
 - a) Determine if the hazardous substance is reportable under § 304 and/or CERCLA § 103.
 - b) Note the date and time of the suspected or reported release.
 - c) Determine when and to whom the notifications were made.
 - d) Obtain all pertinent information from available resources (e.g., EPA file, NRC Notification Reports, 104(e) Responses, Dun and Bradstreet Report, PEMC/L&I/LEPC report, reports from other state and/or local agencies.)

- e) Contact the appropriate PEMA Area Office and PEMA's Bureau of Plans for additional information about the release.
- C. Review the facility's emergency response plan, submitted Tier II forms, and other documents maintained by the LEPC.
- D. Ready appropriate inspection equipment (e.g., hard hats, flashlights, reference books, forms, clipboards, pencils, camera, tape recorders, camcorder, chemical sampling equipment, etc.).
- E. Plan to use official transportation and wear uniforms (as appropriate).
- F. Prepare and conduct a training/briefing session for all inspection team members. The session should include:
 - 1. Specific objectives of the inspection.
 - 2. Inspection sequence (e.g., initial conference with facility representatives, use of facility escorts, team responsibilities, exterior followed by interior inspection, use of field sketches).
 - 3. Review of Act 165/SARA Title III requirements.
 - 4. Review of the facility's history and chemical documentation.
 - 5. Ensure that all inspection team member Appointment Letters, Training/Qualification Records, and Conflict of Interest and Standards of Conduct documents are complete.
 - 6. Review pertinent aspects of this Directive.

IV. Scheduling the Inspection

- A. Contact the facility owner or operator before the date of the inspection in order to:
 - 1. Explain the purpose of the inspection.
 - 2. Explain what the facility should have prepared for the inspection.
 - 3. Set up a mutually convenient date and time for the inspection.
 - 4. Obtain directions to the facility.
 - 5. Document date/time and content of telephone call.
 - 6. Draft a "Confirmation Letter" confirming the date and time of the inspection and detailing what the facility should have available for the inspection team.
 - 7. Mail the Inspection Confirmation Letter, "Recommended Format," and a SARA Title III and PA Act 165 Facility Compliance Manual.

B. Make appropriate travel arrangements.

V. Section §302-312 Inspection Procedures

A. Upon arrival at the facility, the LEPC Inspector should present the inspection team Appointment Letters to the facility owner or operator or designated representative. While doing this, the LEPC inspector should briefly explain the purpose of the inspection and let the facility representatives know you are there to gather facts as representatives of the County LEPC under Act 165. Show Conflict of Interest Certifications if asked.

B. Record the names and titles of the facility representatives.

C. Present and obtain signatures on the Notice of Inspection.

D. Obtain the exact name and address of the facility, as well as the facility's headquarters location.

1. Determine which person, business, or corporation owns and operates the facility. This information is necessary to issue a Notice of Alleged Violation if later required.

2. Be certain to document the relationship between the owners and operators.

E. Obtain and Review the following facts about the facility:

1. Owner/operator of the facility (as well as other owners/operators and key officials).

2. Incorporation date and location.

3. Other facilities owned by the company.

4. Size of the facility.

5. Number of employees.

6. SIC Code.

7. Start date of operations.

8. Local Fire Department (LFD).

9. Facility Emergency Coordinator.

10. Other pertinent information.

F. Obtain the facility's Maximum Storage of Products (MSP) document (i.e., inventory) with supporting documentation (see G. below)

1. The document must include the facility name (e.g., company letterhead).

2. The document must state "maximum amount at any one time" and the units of measure (preferably in pounds).
- G. Verify the product quantities listed on the MSP with supporting documentation.
1. Obtain product purchase orders, monthly inventories, etc.
 2. Calculate the MSP based upon documentation.
- H. Verify if the facility submits Tier II Reports.
1. Were they sent to the PEMC, LEPC, and local fire department? When - in relation to Act 165 requirements?
 2. Obtain copies of Tier II Reports and cover letters to each agency for each applicable year.
 3. Obtain copies of certified mail receipts, if applicable.
- I. Request appropriate Material Safety Data Sheets (MSDSs) if appropriate. Make certain that names on MSDSs match the names on the MSP.
- J. Does the facility store any Extremely Hazardous Substances (EHSs) at or above their Threshold Planning Quantities (TPQs)?
1. Verify if the facility has notified the PEMC and/or LEPC. When - in relation to Act 165 requirements?
 2. Obtain copies of the notification letters and certified mail receipts if applicable.
- K. Does the facility have a designated Facility Emergency Coordinator?
1. Verify if the facility has notified the LEPC or PEMC of this person in relation to Act 165 requirements.
 2. Obtain copies of the notification letters and certified mail receipts if applicable.

VI. Section §304 Inspection Procedures.

- A. Same as paragraph V. A. through E. above.
- B. Obtain the name and Chemical Abstract Service (CAS) Number of the hazardous substance released.
- C. Determine the cause of the release.
- D. Was the release considered by the owner/operator to be on or offsite. What are the facts.
- E. When did the facility representative first become aware of the release (i.e., time and date) - describe if this is different than the occurrence of the release.

- F. Were the PEMC and the LEPC immediately notified of the release. When - date and time for each notification - relate to the Act 165 requirements. Obtain log notes or other means of verification to determine immediate notification.
- G. Were follow-up letters sent to the PEMC and LEPC? Obtain copies of the follow-up letters and certified mail receipts if applicable.

VII. Completion of Inspection Procedures.

A. Complete the Receipt for Chemical Samples and Documents.

- 1. Identify any other documents and planning information which the facility representatives have agreed to forward to inspectors.
- 2. Identify a date by which this information should be forwarded.
- 3. Advise the facility representatives that inspectors will be following up if additional documentation is not received by the agreed upon date.
- 4. Conduct appropriate tests of chemical samples.

B. Photocopy the Notice of Inspection and the Receipt for Chemical Samples and Documents.

- 1. Retain the original copies.
- 2. Provide the photocopies to the facility representatives.

C. The LEPC inspector may review the findings of the inspection with the facility owner, operator, or representative but should not reveal whether there are considered to be violations or areas of non-compliance.

D. The LEPC inspector may provide the facility representative with the telephone number of an LEPC official to contact for further information.

VIII. Preparation of LEPC Inspection Team Report.

A. Review the facility case file and inspection team notes.

B. Understand all of the possible facility violations or areas of non-compliance.

C. Arrange supporting documentation/attachments into an organized fashion to meet the layout of the report (i.e., emergency planning {§302/§303}, release {§304}, right-to-know {§312}).

D. Prepare the inspection report using the following items as an outline for the report.

- 1. Facility Name and Address.
- 2. Date of Inspection.

3. Inspectors' Names.
4. Facility Representatives.
5. Purpose of Inspection.
6. Opening Conference with Facility Representatives.
 - (a) Procedures and General Information
 - (b) Facility Description
7. Act 165/SARA Title III Deficiencies (if any).
8. Description of Inspection.
9. Closing Conference with Facility Representatives.
10. Summary of Findings.
11. Recommendations to LEPC.
12. Attachments and other relevant documentation (i.e. photographs, chemical analysis and test results, correspondence with facility, etc.).

IX. Preparation of Notice of Alleged Violation.

- A. If appropriate, complete and send transmittal letter with inspection report and other appropriate documentation to PEMC recommending possible enforcement action. (See PEMA Guidance and Information Circular C2000-4).
 - B. Based upon coordination with PEMA, complete "Notice of Alleged Violation," and send it to the facility. (See PEMA Guidance and Information Circular C2000-4).
- X. If the LEPC inspection team report determines that no further action is required, file the inspection report and maintain it for five years in the county LEPC files.

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