

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WASTE MANAGEMENT**

DOCUMENT NUMBER: 250-4000-001

EFFECTIVE DATE: January 14, 2023

TITLE: Citing Inspection Violations

AUTHORITY: The Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, as amended; the Municipal Waste Planning, Recycling & Waste Reduction Act, Act of 1988, P.L. 556, No. 101, as amended.

POLICY: It is the Department of Environmental Protection's policy (DEP or Department) to cite all violations found during an inspection of a regulated facility.

PURPOSE: The purpose of this guidance is to establish a uniform methodology across all DEP regions for citing violations within municipal, residual, and hazardous waste programs.

APPLICABILITY: This document applies to all Bureau of Waste Management (BWM) personnel and activities including but not limited to: permitting, enforcement, resource recovery and planning, grants, monitoring, administration, state and federal Superfund activities, emergency response special programs and inter-agency bureau agreements.

DISCLAIMER: The policies and procedures outlined in this guidance are intended to supplement existing requirements. Nothing in the policies or procedures shall affect regulatory requirements.

The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in these policies that weight or deference. This document establishes the framework within which DEP will exercise its authority to cite violations uncovered during inspections of regulated facilities. DEP reserves the discretion to deviate from this policy if circumstances warrant.

PAGE LENGTH: 2 Pages

PROCEDURES:

When conducting an inspection, if the inspector notes a violation of the regulations, statutes, enforcement orders, agreements or permit conditions, the violation will be brought to the attention of the regulated facility on the date of the inspection and will be noted in the inspection report. All such violations should be cited in writing, including those violations that are immediately corrected or corrected before the inspection is completed. A copy of the inspection report should be left with the facility at the completion of the inspection. This copy of the inspection report serves as an immediate written notification of the violations that were documented during the inspection.

Occasionally, due to a required regulatory clarification, sample results, records production, etc. it may not be feasible to cite a violation on the initial date of inspection. In these instances, the inspector will mark the inspection report checklist for the potential violation under the column headed "Not Determined." A copy of this 'preliminary report' should be left with the facility; however, in these and similar cases it may not be practical to complete an inspection report and leave a copy with the facility on that day. When the regulatory clarification or sample result, etc., is received by the inspector, the inspector will complete the inspection report for the facility. If after the receipt of the clarifying information additional violations are determined to have occurred during the facility inspection, they should be cited on the inspection report with an explanation on the comments page. If the unresolved issues are determined not to be violations after the receipt of sample results or regulatory clarification, the facility will be noted as "in compliance" on the inspection report.

The final inspection report should be completed within 14 days of the conclusion of the inspection at the facility or, if additional information is required to determine if a violation has occurred, within 14 days of receiving that information. A copy of the final report will be provided to the facility.

All violations should be cited to ensure that, during future inspections, special attention is paid to the conditions that caused these violations to occur. Should future inspections discover the same types of violations as those discovered during the previous inspections, the inspector, along with input from the inspector's supervisor, may decide that a more formal enforcement action is required.