

## ENVIRONMENTAL MANAGEMENT SYSTEM OPERATING PROCEDURE

### Compliance Assessments

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**ATTACHMENTS:** None

## **A. PURPOSE AND APPLICABILITY**

The purpose of this Operating Procedure (OP) is to establish a uniform process for reviewing the compliance status of the Region's facilities, with emphasis on environmental management programs (EMPs) and sustainability management programs (SMPs), as appropriate, relative to all applicable legal and other requirements developed within the stated scope of the EPA Region 7 Environmental Management System (EMS). Compliance with these requirements is of paramount importance to the Region and is one of the foundational commitments established in the environmental policy statement.

This OP applies does not apply to periodic walkthrough inspections that are conducted in accordance with other Regional guidance documents such as SOP 2440.1 (*Hazardous Waste Management Plan for Region 7 Science and Technology Center*); however, the results from these inspections will be used to assess overall program compliance.

## **B. DEFINITIONS**

All definitions may be found in the document titled *US Environmental Protection Agency Region 7 Environmental Management System Terms and Definitions* contained in the EMS Manual. For the purposes of this OP, the following terms apply:

- Compliance
- Designated Safety, Health, and Environmental Management Official (DSHEMO)
- EMS Coordinator
- EMS Document
- EMS Record
- Environmental Management Program (EMP)
- Legal and Other Requirements
- Senior Management
- Sustainability Management Program (SMP)

## **C. PROCEDURAL STEPS**

1. External Compliance Assessments. These assessments are typically conducted for the Region by personnel from Headquarters EPA's Safety, Health, and Environmental Management Division (SHEMD) using the most current version of the Agency's *Safety, Health, and Environmental Management Audit Program Document: EPA Audit Policies, Authorities, and Procedures*. SHEMD provides advanced notification of these assessments and typically conducts them on a three year cycle for the Science and Technology Center (STC) and a five year cycle for the Regional Office (which includes the Training & Logistics Center (TLC)). External compliance inspections may also be conducted by federal, state, and/or local government regulators. These inspections are formal evaluations to determine if operations and procedures are being performed in accordance with specific laws, regulations, and / or local ordinances. They may be pre-planned or conducted with limited or no advance notice.

- a. SHEMD will typically notify the Region 7 SHEMP Manager or STC Chemical Hygiene Officer (CHO) of an impending external assessment. They will notify the EMS Coordinator, who will in turn notify the Region 7 Designated Safety, Health, and Environmental Management Official (DSHEMO), the Facility Manager, and others as necessary; the DSHEMO will notify the other members of Senior Management. The Region 7 SHEMP Manager or CHO will typically coordinate all pre-visit actions.
  - b. If an inspector arrives without prior notice, the guard should immediately notify the appropriate staff (*i.e.*, Laboratory Director, CHO, and/or Security Manager) in accordance with posted orders. These individuals should, in turn, notify the other persons identified in Paragraph C.1.a above as soon as practical.
  - c. The EMS Coordinator, SHEMP Manager, or CHO (if the STC is involved) will facilitate the assessment / inspection by providing access for the assessor(s) / inspector(s) to the facility(ies), staff, and relevant information and data.
  - d. Any environmental deficiencies noted during the assessment / inspection will be managed using the Region's Corrective and Preventative Action Process as defined in the current version of OP 006.7210.12, *Corrective/Preventive Action Process*.
  - e. The EMS Coordinator will assign an EMS Document Control Code to any issued assessment / inspection reports in accordance with the current version of SHEMS 006.7210.02, *Document Control & Records Management*.
2. Internal Compliance Assessments. The purpose of the internal Compliance Assessment is to evaluate compliance with legal requirements and other requirements that are imposed on or accepted by the Region. These assessments are typically conducted by Region 7 personnel; however, they may be conducted by others working on behalf of the Region. They may be comprehensive in that they examine all EMS management programs or they may focus only on specific programs. The EMS Coordinator has responsibility for ensuring that each program with legal and / or other requirements is assessed at least once during each EMS cycle (24 months). NOTE: The National Environmental Policy Act (NEPA) Management Program will only be assessed if at least one project has been managed through the program in the previous 12 months. Internal assessments are considered to be informal reviews (*i.e.*, compliance assistance visits).
- a. The EMS Coordinator will identify one or more Compliance Assessors for each area to be assessed depending on the complexity of the area. Assessors must have compliance experience, knowledge in the area being assessed, and be able to conduct the assessment in a fair and impartial manner. The EMS Coordinator will secure permission from the Assessor's supervisor to participate in the assessment. The EMS Coordinator and the Assessor will establish the assessment scope and schedule, and determine the protocol to be used. Typically, the protocol will be the

same protocol used by SHEMD during their external assessments; however, a multimedia protocol used by the Region's compliance inspectors may be used instead.

- b. Prior to conducting the assessment the EMS Coordinator and/or their designee will conduct an informal training/review session with the Assessors to familiarize them with the scope of the assessment, coordinate on the protocol that will be used, and finalize procedures for conducting it.
- c. All instances of potential non-compliance will be documented as a potential finding. Assessors are encouraged to include observations related to practices that could be improved upon and recommend best management practices (BMPs).
- d. At the conclusion of the assessment, the Assessors will meet with the EMS Coordinator (and others at the discretion of the Coordinator) to review the accuracy and significance of any potential findings and to review observations and BMPs. All findings, as well as observations and best management practices (BMPs) will be documented in the assessment report (an EMS document). Notes created by the Assessors will be given to the EMS Coordinator as part of the final assessment report.
- e. The EMS Coordinator will review the assessment report and develop a disposition memorandum that provides background information on the findings, observations, and BMPs. The memorandum will also identify whether or not they will be followed-up on and, if so, if they will be managed using the Region's Corrective and Preventative Action Process, as defined in the current version of EMS 006.7210.12 or some other mechanism.

#### **D. RECORDS MANAGEMENT**

This OP requires the generation of the following record:

<u>Record</u>	<u>Responsible Person</u>	<u>Record Location</u>
Compliance Assessment Disposition Memorandum	EMS Coordinator	EMS Files

This OP may also result in the generation of additional EMS records. Any records created will be managed in accordance with the most current version of SHEMS 006.7210.02, *Document Control & Records Management*.

#### **E. QUALITY ASSURANCE AND QUALITY CONTROL**

The quality assurance and quality control (QA/QC) success of the procedure for assessing environmental compliance, as detailed in this OP, will be determined through the internal and

external EMS conformance audit processes. Deficiencies noted during these audits will be managed through the Region's EMS Corrective/Preventive Action Process as defined in the current version of OP 006.7210.12.

## **F. REFERENCES**

Current versions of the following references are assumed if no date is provided.

1. ISO 14004:2004(E); *Environmental Management Systems – General Guidelines on Principles, Systems, and Support Techniques*; November 15, 2004
2. US EPA SHEMD, *Safety, Health, and Environmental Management Audit Program Document: EPA Audit Policies, Authorities, and Procedures*
3. *US Environmental Protection Agency Region 7 Environmental Management System Terms and Definitions*
4. US EPA R7, *Document Control & Records Management*, SHEMS 006.7210.02
5. US EPA R7, *Corrective/Preventive Action Process*, SHEMS 006.7210.12