

NPDES Compliance Inspection Manual

Appendix A



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Appendix A –
EPA Order 3500.1, Training and Development for
Individuals who lead Compliance
Inspections/Field Investigations



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TRAINING REQUIREMENTS FOR EPA PERSONNEL WHO ARE AUTHORIZED TO CONDUCT CIVIL COMPLIANCE INSPECTIONS/FIELD INVESTIGATIONS AND EPA INSPECTOR SUPERVISORS

1. **PURPOSE.** This order establishes minimum training requirements for U. S. Environmental Protection Agency employees to obtain and maintain the EPA authorization to conduct civil compliance inspections/field investigations or collect compliance samples under federal environmental statutes. It also addresses the inclusion of certain requirements in agency administered contracts and Senior Environmental Employment Program cooperative agreements if individuals are to be authorized to conduct inspections on behalf of the agency. This order also requires that first-line supervisors of compliance inspectors/field investigators complete minimum training. Finally, Item 3 of this order references state and tribal inspector training and credential issuance requirements.
2. **POLICY.** Prior to conducting environmental compliance inspections/field investigations, individuals must complete training as required by Item 4 of this order; in addition, the decision as to whether it is appropriate to issue a credential to the individual resides with the individual's supervisor, and is based on the supervisor's assessment of the employee's ability to conduct inspections and represent the agency. Supervisors of compliance inspectors/field investigators and compliance sampling specialists must complete and document completion of training requirements, even if they do not receive a credential or conduct compliance inspections/field investigations.
3. **APPLICABILITY.** This order applies to all agency personnel who are authorized or seeking authorization to conduct civil compliance inspections/field investigations or to collect compliance samples under any of the agency's statutes and their supervisors; in addition, the order requires that assistant administrators and regional administrators are responsible for ensuring that the training requirements found in Item 4 of this order are met by the agency employees affected by this order. All agency administered contract statements of work and SEE program cooperative agreements, which govern the activities of contractor employees and SEE enrollees conducting compliance

inspections or civil investigations. Training requirements for employees of state and tribal governments who are authorized to conduct compliance inspections/field investigations on behalf of the agency are established in the agency's *Guidance for Issuing Federal EPA Inspector Credentials to Authorize Employees of State/Tribal Governments to Conduct Inspections on Behalf of EPA* issued September 30, 2004 and any subsequent updates. This order does not apply to credentials issued by the Office of Inspector General, or those issued to agency criminal investigators/special agents.

4. **TRAINING REQUIREMENTS.** The agency's training program for persons being authorized to conduct compliance inspections/field investigations consists of four parts: occupational health and safety curriculum, basic inspector curriculum, program-specific curriculum and annual refresher course requirements. Note: For agency employees seeking authorization as compliance sampling specialists, abbreviated training requirements are defined in the memorandum entitled *Guidance for Documenting Required Inspector Training for EPA Employees Prior to Issuing Credentials (pursuant to EPA Order 3500.1 and 3510) If Training Certificates Are Not Available* issued by Lisa Lund, Director, Office of Compliance, on December 2, 2009.
 - a. **Occupational health & safety curriculum:** All agency employees are required to complete applicable occupational health and safety training as required by Order 1440.2, *Safety and Health Environmental Management Guidelines* 51 and 56, and associated guidance²² before engaging in any field activities. The agency's Safety, Health and Environmental Management Program defined in Order 1440.1, establishes basic, intermediate, advanced and refresher level training requirements for compliance inspectors/field investigators in its directives and guidelines. Note: Separate from this training requirement, Order 1440.2 requires occupational medical monitoring for certain field activities.
 - b. **Basic inspector curriculum:** This training provides a comprehensive overview of the knowledge and skills needed to conduct compliance inspections/field investigations under agency statutes. It consists of the basic inspector-training course, which integrates legal, technical, and administrative subjects with communication skills. The basic inspector curriculum also includes a requirement for reading and being aware of compliance monitoring policies that apply to all individuals who conduct inspections/field investigations including Department of Transportation Hazardous Materials Training Requirements, Small Business Regulatory Enforcement Fairness Act information sheet requirements, routine agricultural biosecurity procedures and training on data collection and reporting procedures and regional quality assurance plans.

²² Flexibility in the requirements of Order 1440.2 can be found in the July 19, 2009 memorandum from Howard O. Wilson to Phyllis Flaherty entitled "Safety and Health Training Requirements for EPA Compliance Inspectors and Field Investigators" and the December 4, 2009 memorandum from Wesley J. Carpenter to Phyllis Flaherty entitled "Update on Safety and Health Training Requirements." For more information, see the agency's [Safety, Health, and Environmental Management website](#).

- c. Program-specific curriculum: This curriculum establishes the required and recommended training in legal, programmatic and technical subjects for each major media program or specific program compliance inspection/field investigation activity. If the program-specific curriculum for each major media program or specific program compliance inspection/field investigation activity is not specified, e.g., new statutes, then a minimum of 24 hours of appropriate and relevant program-specific training and completion of a minimum of two (8 hour) days of on-the-job training or two compliance inspections/field investigations (whichever is longer) must be completed. The supervisor shall determine the appropriateness and relevance of the training based on the type and nature of work to be performed. Additional program-specific specialized training is recommended to further develop inspection skills.
- d. Refresher course requirements: All individuals who are authorized to conduct compliance inspections/field investigations on behalf of the agency (which may include first-line supervisors or team leaders) must complete annual refresher training as follows:
 - i. Occupational health and safety training as established by SHEMP. Existing requirements include a minimum of eight hours of refresher hours annually for compliance inspectors/field investigators, as found in SHEMP directives and guidelines;
 - ii. Basic inspector and program-specific curriculum identified by first-line supervisors as relevant to their compliance inspectors/field investigators and training identified in the mandatory refresher training section for each media; and
 - iii. Additional training identified by first-line supervisors to improve proficiency in specialized areas. This includes training necessary for the inspector to become more proficient in a specific media program, qualified in additional regulations, qualified for inspecting additional industries or to become proficient in multi-media work.
- e. Exceptions to the training requirement:
 - i. Occupational health & safety courses: Any exceptions to the required occupational health and safety curriculum must be in accordance with SHEMP requirements.
 - ii. Basic inspector and program-specific curricula: Any exceptions to the basic inspector or program-specific curricula must be approved in writing by the appropriate assistant administrator or regional administrator based on an evaluation by the first-line supervisor or team leader of the compliance inspector/field investigator's knowledge, experience and relevant training. Exceptions should be given only in unusual circumstances, and copies of the approval should be maintained.

5. **RESPONSIBILITIES.** This section lists the primary responsibilities for implementing this order.
- a. **Compliance inspectors/field investigators:** Any individuals who are authorized or seeking authorization to conduct compliance inspections/field investigations on a full or part-time basis are responsible for:
 - i. Completing all applicable training listed in Item 4 of this order before applying for a new or renewal credential, or conducting an inspection in a specific media. (Note: The process for applying for and issuing credentials is detailed in Order 3510: *EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes.*) Prior completion of on-the-job training is not required to apply for an inspector-in-training credential (agency employees only) or a Temporary Letter of Authorization. Individuals who have not completed the media specific training for the specific program under which a compliance inspection/field investigation is being conducted and who are using an inspector-in-training credential or Temporary Letters of Authorization must be accompanied by a credentialed inspector who has completed the required training for the program under which they will be conducting their compliance inspection/field investigation;
 - ii. Providing documentation to their first-line supervisor of completion of relevant training, including dates completed;
 - iii. As needed, assisting in the preparation of an individual development plan or other training plan, which addresses training necessary to continue to meet the requirements of this order; and
 - iv. Applying and maintaining the knowledge, skills, and techniques acquired through training to ensure that compliance inspections/field investigations are accomplished in a technically and legally sound manner.
 - b. **Compliance sampling personnel:** Any individuals who are authorized or seeking authorization to collect samples during a compliance inspection/field investigation are responsible for:
 - i. Completing all applicable training for compliance sampling personnel as defined in the memorandum entitled *Guidance for Documenting Required Inspector Training for EPA Employees Prior to Issuing Credentials (pursuant to Order 3500.1 and 3510) If Training Certificates Are Not Available* issued by Lisa Lund, Director, Office of Compliance on December 2, 2009;
 - ii. Providing certificates or appropriate documentation in accordance with the December 2, 2009 memorandum to their first-line supervisor of completion of required training, including dates completed;
 - iii. Assisting, as needed, in the preparation of an IDP which addresses training necessary to continue to meet the requirements of this order; and

- iv. Applying and maintaining the knowledge, skills, and techniques acquired through training to ensure that compliance samples are collected in a technically and legally sound manner.
- c. First-line supervisors or team leaders: All first-line supervisors or team leaders of compliance inspectors/field investigators and of compliance sampling specialists are responsible for:
 - i. Completing the following minimum training requirements within one year of assuming a first-line supervisor or team leader position:
 - (i) Health and safety requirements (knowledge and understanding), unless performing any field activities. If any agency employee including a first-line supervisor or team leader engages in field activities, they are required to complete applicable occupational health and safety training as defined in SHEMP directives and guidelines under Orders 1440.1 and 1440.2;
 - (ii) Basic inspector curriculum, Item 4(b) of this order;
 - (iii) Environmental Statute Review course or equivalent training course on environmental statutes;
 - (iv) Documented self-study (such as participating in on-the-job training) of the media they are responsible for, resulting in development of a “working knowledge,” as defined in Item 6(h) of this order;
 - (v) Self-study to ensure knowledge of Order 3510: *EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities*;
 - (vi) *Self-study of the Supervisor’s Guide to Order 3500.1*; and
 - (vii) Training to ensure knowledge of the region’s data collection/reporting procedures for inspection information, including the Inspection Conclusion Data Sheet;
 - ii. Obtaining knowledge and understanding of multi-media regional specific procedures and criminal environmental issues;
 - iii. Completing all applicable training listed in Item 4 of this order if first-line supervisors or team leaders are also responsible for conducting compliance inspections/field investigations;
 - iv. Providing oversight, quality assurance, and quality control of inspection/field reports, including sampling information. This responsibility may be delegated to a senior inspector with significant experience in that same program;
 - v. Ensuring quality compliance inspections/field investigations by using performance standards, periodic appraisals and appropriate assignments to

- provide for the development and recognition of personnel engaged in the compliance monitoring function;
- vi. Identifying employees who require training, ensuring that employees comply with the requirements of this order, and maintaining applicable records;
 - vii. Identifying additional program-specific training as appropriate for the type of work that is being conducted;
 - viii. Reviewing and evaluating previously trained credentialed inspectors/field investigators and compliance sampling specialists, on an annual basis, to determine if they are in need of additional training for professional skills development, including training in new or revised policies, guidelines or legislation;
 - ix. Documenting and placing in the compliance inspector/field investigator or compliance sampling specialist's personnel file any approved exceptions, signed by the regional or assistant administrator, to this order;
 - x. Requiring compliance inspectors/field investigators provide documentation of completed training to their first-line supervisor/team leader for approval prior to entry into a data tracking system that meets the requirements in 5(f)(8)(i-v) of this order;
 - xi. Documenting and maintaining a list of authorized compliance inspectors/field investigators and compliance sampling specialists;
 - xii. Ensuring that compliance inspector/field investigator or compliance sampling specialists credentials are only requested for personnel whose first-line supervisors have determined there is a need for a credential, have completed their necessary training requirements, have documentation of training completion and are deemed qualified by their first-line supervisor to conduct quality compliance inspections/field investigations or collect compliance samples on behalf of the agency. (Note: Prior completion of on-the-job training is not required to request an inspector-in-training credential (agency employees only) or a Temporary Letter of Authorization, but training must be completed prior to requesting a compliance inspector/field investigator credential.);
 - xiii. Ensuring that compliance inspectors/field investigators and compliance sampling specialists have the appropriate credential and have documented completion of program-specific training for the program in which they will be conducting their inspection/field investigation or collecting compliance samples;
 - xiv. Ensuring that individuals who have not completed the training requirements, but for whom their first-line supervisor has determined there is a need to participate in a compliance inspection/field investigation, for such purposes as on-the-job training or providing specialized expertise:

- (viii) Only conduct inspections when accompanied by a credentialed inspector who has completed the required training for the program; and
- (ix) Have either:
 - (a) A Temporary Letter of Authorization, as defined in Item 6(d), signed by the appropriate assistant administrator or regional administrator or their appropriate delegated authority;
 - (b) An inspector-in-training credential (agency employees only), as defined in Item 6(e), for the program in which they will be conducting their compliance inspections/field investigations; or
 - (c) A current credential (agency employees only) issued based on completion of training for another media program;
- xv. Ensuring when the first-line supervisor has determined there is a critical need in emergency situations, individuals who have completed the training requirements, but have not received an agency credential, have a Temporary Letter of Authorization, as defined in Item 6(d), signed by their assistant administrator or regional administrator, or their appropriate delegated authority before conducting all or part of a compliance inspection/field investigation; and
- xvi. Ensuring that compliance inspectors/field investigators and compliance sampling specialists are knowledgeable in the region's data collection and reporting procedures for inspection information.
- d. Assistant administrator for Enforcement and Compliance Assurance: The assistant administrator for OECA is responsible for:
 - i. Updating this order, overseeing and evaluating implementation of the overall program requirements, including updating the training requirements required by this order, as needed;
 - ii. Developing, updating and disseminating student materials and instructor guides for the basic inspector curriculum to the regions and coordinating the selection of and maintaining a list of instructors from the regions and headquarters through the National Enforcement Training Institute e-Learning Center; and
 - iii. Identifying and approving data systems for headquarters and the regions that will enable first-line supervisors, team leaders, and compliance inspectors/field investigators to track annual training accomplishments in order to meet the requirements of this order.
- e. Assistant administrator for Administration and Resources Management: The assistant administrator for OARM is responsible for:

- i. Updating and providing sufficient materials for occupational health and safety training or approving non-agency courses to meet the requirements of SHEMP and reviewing program-specific health and safety training;
 - ii. Training and evaluating agency personnel designated as instructors for delivering the occupational health and safety training; and
 - iii. Coordinating and disseminating a timely schedule of occupational health and safety classes, in consultation with OECA, program offices and the regions.
- f. Assistant administrators: The assistant administrators of offices which engage in compliance monitoring are responsible for:
- i. Developing, updating, and disseminating materials and schedules for classes under the program-specific curriculum, in consultation with regions and the States;
 - ii. Implementing the requirements of this order within their areas of jurisdiction, including periodically evaluating implementation;
 - iii. Responding to individual requests for training exceptions. (Note: This can only be delegated to the deputy assistant administrator);
 - iv. Ensuring that agency administered contracts and SEE Program cooperative agreements, involving compliance inspections/civil investigations that the completion of training, as required by this order, is incorporated into the appropriate contract statements of work or SEE program cooperative agreements and enrollee position descriptions;
 - v. Collaborating with the regions and OECA in the development and update of program-specific curriculum requirements;
 - vi. Requesting credentials from OARM for personnel whose supervisors have determined there is a need for a credential, have completed their necessary training requirements, have documentation of training completion, and are deemed qualified by their first-line supervisor to conduct quality compliance inspections/field investigations on behalf of the agency and ensuring that individuals conducting compliance inspections/field investigations have the appropriate credentials;
 - vii. Identifying a single point-of-contact responsible for auditing the office to ensure the requirements of this order are being met, for coordinating with OECA;
 - viii. Maintaining training information in a data system that can:
 - (i) Track names of compliance inspectors/field investigators and their supervisors;
 - (ii) Maintain a list of courses and other training with course names, hours, required frequency of completion, and descriptions;

- (iii) Record completion dates and due dates for required courses and other training for inspectors;
 - (iv) Produce reports that list due dates for required refresher training for compliance inspectors/field investigators within user defined time periods; and
 - (v) Provide e-mail alerts to supervisors that inform them of when their staff's refresher training is due;
- ix. Requesting inspector-in-training credentials, as defined in Item 6(e), from OARM for those personnel whose supervisors have determined there is a need for a credential to complete on-the-job training requirements; and
- x. Providing Temporary Letters of Authorization, as defined in 6(d), on an as-needed basis, and ensuring that records of such authorization are maintained, if issued.
- g. Regional administrators: The regional administrators are responsible for:
 - i. Implementing the requirements of this order within their areas of jurisdiction, including periodically evaluating implementation;
 - ii. Responding to individual requests for training exceptions. (Note: This can only be delegated to the deputy regional administrator);
 - iii. Ensuring that agency administered contracts and cooperative agreements awarded under the SEE program, involving compliance inspections/civil investigations that the completion of training, as required by this order is incorporated into appropriate contract statements of work or SEE program cooperative agreements and enrollee position descriptions;
 - iv. Supporting in-house instruction for the basic inspector curriculum by working with OECA to identify regional personnel to serve as classroom instructors;
 - v. Requesting credentials from OARM for personnel whose supervisors have determined there is a need for a credential, have completed their necessary training requirements, have documentation of training completion, and are deemed qualified by their first-line supervisor to conduct quality compliance inspections/field investigations on behalf of the agency and ensuring that individuals conducting compliance inspections/field investigations have the appropriate credentials;
 - vi. Identifying a single point-of-contact responsible for auditing the region to ensure the requirements of this order are being met, for coordinating with OECA, and for maintaining information in a tracking system that meets the requirements in 5(f)(8)(i-v) of this order;
 - vii. Requesting inspector-in-training credentials, as defined in Item 6(e), from OARM for those agency employees whose supervisors have determined

there is a need for a credential to complete on-the-job training requirements; and

- viii. Providing Temporary Letters of Authorization, as defined in 6(d), on an as-needed basis and ensuring that records of such authorization are maintained, if issued.

6. DEFINITIONS

- a. Compliance inspector/field investigator: Any individual authorized, through the issuance of a credential, to conduct or oversee for the purpose of investigating and documenting the compliance status of facilities or sites with applicable laws, standards, regulations, permits, and/or of supporting appropriate enforcement action (administrative, civil judicial or criminal).

Any credentialed agency employee performing these activities regardless of job or credential title or program shall be considered a compliance inspector/field investigator for the purpose of this order. The terms compliance inspector/field investigator will be used throughout this order. This does not include individuals who engage in field activities or investigations for purposes such as observing the inspection, research and development or programmatic activities unrelated to compliance monitoring or enforcement, or investigations that do not involve field work. This also does not include individuals who receive credentials issued by OIG or to agency criminal investigators/special agents.

Individuals performing work as on-scene coordinators and remedial project managers under the Comprehensive Environmental Response Compensation and Liability Act program who do not conduct inspections/field investigations as part of their job function, are not covered by the definition of the compliance inspection/field investigator. Those on-scene coordinators and remedial project managers will receive credentials that authorize them to carry out the functions of their position; however, on-scene coordinators and remedial project managers who do conduct field inspections/field investigations are covered by this definition and are subject to this order. Additional program guidance has been developed to assist regions in distinguishing these functions from other programmatic responsibilities.

- b. Compliance sampling specialist: Any individual authorized and issued a credential to collect samples for the purpose of documenting compliance with applicable laws, standards, regulations, permits, and/or of supporting appropriate enforcement action (administrative, civil judicial or criminal). The situations under which an agency employee may receive credentials as a compliance sampling specialist are defined in the memorandum entitled *Guidance for Documenting Required Inspector Training for EPA Employees Prior to Issuing Credentials (pursuant to EPA Order 3500.1 and 3510) If Training Certificates Are Not Available* issued by Lisa Lund, Director, Office of Compliance on December 2, 2009.
- c. First-line supervisors of inspectors: This includes:

- i. An individual who is the immediate supervisor of the day-to-day work of personnel authorized to conduct civil compliance inspections/field investigations.
 - ii. An individual in a team leader position, if they perform similar functions as a first-line supervisor.
- d. Temporary Letter Credential (also known as a Temporary Letter of Authorization):²³ A letter credential signed by an assistant administrator or regional administrator or their appropriate delegated authority that authorizes an individual to conduct all or part of a compliance inspection/field investigation under a specific statute. Temporary Letters of Authorization will only be issued for the purposes of obtaining on-the-job training, providing specialized expertise in the program area or for emergency situations. When a Temporary Letter of Authorization is issued to an individual who has not completed the required training, that individual must be accompanied by a credentialed compliance inspector/field investigator who has completed the required training for the program in which they will be conducting their inspection/field investigation. The letters will not be used for individuals who conduct inspections on a routine basis. The letters will be valid for the time period outlined in Order 3510, and are not renewable.
- e. Inspector-in-training credential: A credential issued to agency employees only by OARM that authorizes an individual to conduct all or part of a compliance inspection/field investigation under specific statutes in order to complete on-the-job training requirements. When an individual issued an inspector-in-training, credential participates in an inspection, that individual must be accompanied by a credentialed compliance inspector/field investigator who has completed the required training for the program in which they will be conducting their inspection/field investigation on all inspections. Inspector-in-training credentials will be valid for a maximum of one year.
- f. Curriculum: The defined content presented in a sequence of supervised self-study, formal on-the-job and/or classroom training:
 - i. Supervised self-study: Knowledge gained through independent, personal study (such as computer-based training or web-based training) with oversight by a first-line supervisor, team leader, and/or an experienced inspector/investigator.
 - ii. On-the-job training: Structured training that relates to principles, theories or work-related skills which are demonstrated and applied in the field environment during an actual compliance inspection/field investigation.

²³ A Temporary Letter Credential is also known, and commonly referred to, as a Temporary Letter of Authorization or Letter of Authorization.

- iii. Classroom/classes: Any form of instruction, (flexible in format and size to include seminars, workshops, lecture-type or video-assisted classes, or question-and-answer sessions following prior independent self- study) that foster group interaction with an instructor or an experienced inspector/investigator.
- iv. e-Learning: Comprises all forms of electronically supported learning and teaching, including but not limited to training found on the NETI e-Learning Center.
- g. Completing required training: Satisfactorily completing all training, as defined in Item 4 of this order.
- h. Working knowledge: A sufficient knowledge of statutory/regulatory requirements, field inspection methods, and some experience accompanying an inspector/investigator for a particular program. This knowledge would be required as the minimum needed to be able to evaluate the completeness and quality and sign-off on inspection reports.

7. REFERENCES

- a. Order 1440.2, *Health and Safety Requirements for Employees Engaged in Field Activities* issued April 23, 2013.
- b. Order 1440.1, *Safety, Health and Environmental Management Program (SHEMP)* issued November 20, 2012.
- c. Safety, Health, and Environmental Management Guidelines 51: Safety, Health and Environmental Management Training, and 56: Job Hazard Analysis.
- d. *Guidance for Documenting Required Inspector Training for EPA Employees Prior to Issuing Credentials (pursuant to Order 3500.1 and 3510) If Training Certificates Are Not Available*, memorandum from Lisa Lund, Director, Office of Compliance, issued December 2, 2009.
- e. *EPA Credential and Inspector Training Policy Compendium*, Office of Enforcement and Compliance Assurance, Office of Compliance. Contact: Compliance Policy Staff, 202-564-7002.
- f. Order 3510, *EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities* revised October 31, 2012.
- g. [Guidance for Issuing Federal EPA Inspector Credentials to Authorize Employees of State/Tribal Governments to Conduct Inspections on Behalf of EPA](#) issued September 2004.

- h. *Guidance for Issuing Federal EPA Inspector Credentials to Employees of Contractors to Conduct Inspections on Behalf of EPA* issued May 31, 2013.
- i. *Guidance for Issuing Federal EPA Inspector Credentials to Senior Environmental Employment Program Enrollees to Conduct Inspections on Behalf of EPA* issued September 30, 2013.
- j. *Supervisor's Guide to Order 3500.1*, issued October 2003.