



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

August 3, 2022

MEMORANDUM

SUBJECT: Final Policy on Civil Inspection Report Timeliness

FROM: Lawrence E. Starfield
Acting Assistant Administrator

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Date: 2022.08.03
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TO: Regional Enforcement and Compliance Assurance Directors and Deputies
Superfund Division Directors and Deputies, HQ/Regions
Office of Land and Emergency Management – Underground Storage Tanks and Office of
Emergency Management
Office of Air and Radiation – Waste Isolation Pilot Plant Management
Office of Enforcement and Compliance Assurance Office Directors and Deputies

The attached Final Policy on Civil Inspection Report Timeliness (Final Policy) replaces the June 29, 2018 Interim Policy on Inspection Report Timeliness and Standardization (Interim Policy). The Final Policy builds on four years of successfully implementing the Interim Policy the Quality Assurance Field Activity Procedures. **As we issue this Final Policy, we want to reiterate that for the remainder of Fiscal Year 2022, conducting inspections is the number one priority for inspectors. Accordingly, Regions and program offices should prioritize their inspectors getting out into the field over completing inspection reports within the timeliness goals of the Final Policy.**

The Final Policy reflects feedback from the Regions and program offices on their experiences implementing the Interim Policy. The feedback and results from the pilot indicated that finalizing inspection reports within 60 days and timely sending them to the facility benefits both EPA and the regulated community and more promptly leads to the protection of human health and the environment. However, the feedback also indicated that posting inspection reports online is resource-intensive and consumes inspector time that could be spent addressing facility noncompliance or conducting additional inspections. The ability of our inspectors to utilize their time addressing noncompliance and conducting more inspections is of utmost importance to protect human health and the environment. The feedback also indicated that creating an inspection report free of confidential business information (CBI) may lead to incomplete inspection reports. Accordingly, the Final Policy focuses on the timeliness of completing inspections reports and releasing them to facilities, but it does not call for the posting of inspection reports online. Additionally, the Final Policy does not address CBI, standardization of procedures for opening and closing conferences, or standardization of inspection reports.

Under the Final Policy, we are maintaining the goal for Regions and program offices to finalize inspection reports within 60 days after an inspection is completed and send them to facilities within 10

days of finalization at least 75% of the time. Additionally, Regions and program offices are expected to report all data regarding these time frames in accordance with the Integrated Compliance Data Information System reporting requirements.

Regions and program offices have made significant progress in these areas since the Interim Policy was developed, and they continue to implement the CBI notice pilots and steadily increase the number of available standardized inspection report templates primarily through development of the electronic Smart Tools efforts. We will continue to partner in these areas, and inspectors should continue to keep CBI out of, or separated from, inspection reports to the extent practicable. OECA will keep Regions and program offices apprised as more progress is made in the areas of good CBI management practices and inspection report standardization.

If you have any questions regarding this Final Policy, please contact Chad Carbone, Director, Compliance Policy Staff, at (202) 564-2523.

Attachment

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Final Policy on Civil Inspection Report Timeliness Effective August 3, 2022

I. Introduction

This Final Policy on Inspection Report Timeliness (Final Policy) replaces the June 29, 2018 Interim Policy on Inspection Report Timeliness and Standardization (Interim Policy). This Final Policy establishes timeframes for the timely completion of EPA inspection reports and the timely release of those reports to facilities. This Final Policy builds on the successful implementation of the Quality Assurance Field Activity Procedures (QAFAP) and four years of implementing the Interim Policy.

Results from the Interim Policy implementation demonstrate that, at least 75% of the time, EPA finalizes inspections reports within 60 days after an inspection is completed and sends these reports to facilities within 10 days of finalization. This Final Policy is based on those results and supports the goals of:

1. Ensuring EPA completes inspection reports in a timely manner;
2. Ensuring that EPA provides facilities with timely notice of any potential deficiencies or areas of concern that EPA inspectors identify during an inspection;
3. Reducing the time it takes for facilities to take corrective action; and
4. Increasing compliance with environmental regulations.

This Final Policy applies to on-site inspections or other field location where EPA is the lead for an inspection or a co-lead with an authorized state or tribe for an inspection to determine compliance. This includes inspection conducted by EPA employees, Senior Environmental Employees, and contractor inspectors who conduct inspections on behalf of EPA with a federal credential. It does not apply to state, tribal, or inter-tribal consortia inspectors who conduct inspections on behalf of EPA with a federal credential.

II. Policy Elements

A. Inspection Reports

An inspection report is a document written by inspectors to record their observations during an inspection. The report, along with other associated information from an inspection, may be used to determine a facility's compliance with applicable environmental statutes, permits, or regulations.¹ Inspection reports often include any observed potential deficiencies or areas of concern identified during an inspection. An inspection report may, but does not need to, include information requested by the inspector after leaving a facility through a formal or informal information request, as these requests are considered part of the case development process.

Regions and program offices conducting inspections should ensure that inspection reports:

1. Are completed in accordance with national program guidance and applicable QAFAP Standard Operating Procedures regarding what must be included in an inspection report (i.e., name, date,

¹ An inspection report does not include Notices of Oil Inspections and attachments, NPDES Compliance Inspection Report Form 3560-3, Notice of Deficiencies, Warning Letters, or Notices of Violations.

location of inspection, name of the inspector, narrative observations of fact, documented evidence, etc.);

2. Are free of violation determinations (statements of compliance or noncompliance);²
3. Are free of Personally Identifiable Information (PII),³ and
4. Are signed and dated by the inspector and approved (signed and dated) by the inspector's supervising manager or designee.⁴

Supervisors are responsible for ensuring that the quality of inspection reports are maintained and that they meet all the elements above.

Where appropriate, Regions and program offices should use common inspection report templates for statute-specific programs.⁵ Common templates for inspection reports can make it easier for inspectors to timely complete their inspection while ensuring that the inspection reports contain the necessary information. As programs evolve and new templates are created, Regions and program offices should consider incorporating these templates into program and regional QAFAPs, where applicable.

B. Timeliness Expectations for Completing Inspection Reports

The most effective way for inspectors to accurately document their observations, their discussions with facility officials, and their review of files and documents is to promptly complete their inspection reports. Therefore, EPA expects that all inspection reports in all programs will be completed as soon as possible after an inspection is conducted, but not later than 60 calendar days after the inspection. In addition, to facilitate prompt corrective action by facilities, EPA expects inspectors to provide copies of inspection reports to affected facilities within 10 days of completing their reports.

However, EPA recognizes that it will not always be possible to complete all inspection reports within this timeline or to provide copies of the reports to the affected facilities within 10 days. It is important to note that inspectors may need to conduct numerous inspections at one time, may need several days or weeks to properly evaluate a facility, and may need extra time to complete complex technical evaluations. Therefore, EPA has set a goal to meet both timelines at least 75% of the time.

C. Release of Inspection Reports to Facilities

This Final Policy establishes a nationally consistent expectation that Regions and program offices will release all inspection reports across all programs to the facility.⁶ However, there may be limited

² Inspectors should still reference issuance of field citations in inspection reports, and any observations or instructions provided to a facility regarding delivery prohibitions or imminent and substantial endangerment situations, without stating in the inspection report that the facility was "out of compliance."

³ PII is information that can be used to distinguish or trace an individual's identity, such as a social security number, driver's license number, credit card number, fingerprints, or a birthday or birthplace. PII for the purposes of this document does not include information normally listed in an inspection report, such as an inspector's name, title, employment address, and telephone number. It also does not include an inspected facility's address, owner/operator, public telephone number, or other publicly accessible information.

⁴ "Designee" includes a person acting in place of the usual the supervising manager. For example, a person serving as an acting branch chief, while a vacancy is waiting to be filled, would be considered a designee.

⁵ For example, the CWA SPCC and 404 programs developed national inspection templates for all Regions to use. Other programs may develop additional templates in the future.

⁶ For inspections conducted by contractors, it is the responsibility of the EPA Region/program office, not the contractor, to release the inspection report to the facility. Contractor Officer Representatives need to take into account the 60-calendar day

situations due to extenuating circumstances when EPA does not provide an inspection report to a facility upon completion (e.g., national security implications, market implications, etc.). Regions and program offices must evaluate those limited situations on a case-by-case basis and may withhold an inspection report if approved at the Division Director level or higher by the Region or program office that conducted the inspection. Additionally, Regions and program offices must notify OECA's Office of Compliance that the Region or program office decided to withhold the inspection report. The Office of Compliance will track these instances and provide periodic updates to the OECA Assistant Administrator.

III. Data Entry of Policy Elements

Regions and program offices are expected to enter three key dates into the Integrated Compliance Information System (ICIS) for all inspection programs:⁷ the date of the last day of the inspection, the date of inspection report completion, and the date that the inspection report is provided to the facility.

Regions and program offices are expected to enter into ICIS the date of the last day of the inspection within 10 business days of that date and inspection report completion and release dates within 10 business days of those activities. To enter the completion and release data into ICIS, users go to the "sub Activities" page for the inspection, using the sub activity type "Inspection Report Completed" and "Inspection Report Sent to Facility." ICIS queries will take into account the 10-business day period.

If you have any questions about this Final Policy, please contact Chad Carbone, Director, Compliance Policy Staff, at carbone.chad@epa.gov or (202) 564-2523.

deadline to finalize the report, so draft reports from contractors should be provided to the Region/program office with enough time for review and comment to meet the 60-day deadline.

⁷ Currently, no mechanism exists for automatic transfer of data from non-ICIS inspection databases (e.g., RCRAInfo and the National Oil Database) to ICIS. Until a solution is developed, data entry into ICIS will be required for certain data elements (e.g., facility identification, date of inspection, date of inspection report completion, date of inspection report release to facility) to measure results.