



Permitting and Inspections: How to Survive the Process

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ENGINEERING | COMPLIANCE | CONSTRUCTION





Introduction



Definition

- A regulatory assessment conducted by the Department of Environmental Quality
- Ensure compliance with environmental laws regarding air, water, and land quality

Purpose

- Make sure facilities in compliance
 - State regulations
 - Federal regulations
- Compare actual operations with operating air permit

Open-Book Test

- Date is unknown, BUT
- You have all the answers in your permit!
- DEQ has “office hours”



Inspection Procedure



Starting

- Unannounced
- Typically only one inspector
- If more, don't panic!
 - Likely a training exercise

Denial of Entry

- **DO NOT DENY THEM ENTRY**
- Denying access means coming back with:
 - More inspectors (NOT training)
 - Legal advice from attorneys

Confidential Business Information Part 1

- Inspectors are used to dealing with this
- Protocol is in place to ensure protection
- Not every record and piece of equipment covered
 - Must file request for CBI coverage
 - File BEFORE inspection

Confidential Business Information Part 2

- Rarely need picture of equipment
 - Typically for a blatant violation
 - Will let facility know and know why
- Issue: some personnel told everything is CBI
 - Sign-in sheet forbidding pictures
 - Inspector cannot sign this!

Confidential Business Information Part 3

- Prefer to review records on-site
 - Avoid need for legal channels
 - Records not recorded
 - Noted whether within permitted limits
- If records sent:
 - Redacted through ePortal
 - Unredacted to lawyers, then inspector review

Recordkeeping

- **KEEP YOUR RECORDS IN ORDER!!!**

Recordkeeping

- **If it's not recorded, it didn't happen.**
- Multiple people should have access.
 - If possible, shared drive
- Up-to-date
- Matching SAM report submissions
- Rolling-12 doesn't restart at January
- Keep Excel spreadsheets, not just PDFs

Emission Sources

- Includes permitted sources and insignificant activities
- Includes stack and fugitive emission sources
- Two major areas of concern:
 - Existence of unpermitted source
 - Source permitted, but incorrectly

Emission Sources

- Have multiple people know what sources are
- Suggestions:
 - Stenciled numbers on sources
 - Map of source locations
 - Permitted names match what facility calls sources

Replacements

- Leave existing equipment in permit until removed or disconnected.

Fugitive Emissions

- Still must be permitted
- Best to know sources of these

Control Devices

- Ensure that these are:
 - Operating as intended and permitted
 - Controlling emissions to the degree permitted
 - Undergoing maintenance accordingly

Testing

- Test according to dates listed in permit
 - **12 months ≠ calendar year!!**
- Ensure you have production data
 - Without rate, can't get percentage
 - **CAN INVALIDATE TEST**



Inspection Findings and Responses



Post-Inspection Contact

- Site environmental manager is first point of contact
- DEQ will obtain information it needs
- Yearly update of contact list
 - Administrative permit amendment
- Writing a facility up is more work
 - Inspectors WANT you to be in compliance

Letter

- Within 30 days, receive letter
 - Non-compliance items found
 - Link to SEEK to fill out response
 - May be shorter window soon
 - Important to give information timely

SEEK Response

- Response due in 30 days
- Any authorized user can submit in SEEK

Corrective Action

- Response form asks about corrective action
 - Date
 - What actions taken?
 - Evidence, if applicable
- Examples
 - Permit modification
 - Implementing reminders
 - Performing maintenance

Why it Matters

- Completing form on-time can mitigate penalties
- Avoid escalation to formal enforcement action
 - Potential Consent Administrative Order(CAO)
 - Financial penalties

Assistance

- Consulting services can assist:
 - Completing the form
 - Determining which corrective action to take
 - Implementing corrective action
 - Correspondence with DEQ



Preventative Measures





Keep good records!!!!

Third-Party Audit

- Invite third-party to perform site audit
- Can take advantage of DEQ self-disclosure policy

Reach Out

- DEQ permit engineers can explain condition interpretations
- Inspectors can explain what they're looking for
 - Note that they cannot give legal advice
 - Suggestions can still be helpful



Key Takeaways



The DEQ is not your enemy.

- Every inspector is different
 - All want the same thing
 - Different methods of searching
- Respect goes both ways

Preventative Action

- Preventative measures always beat corrective measures
- Take advantage of resources
- Stay well-informed on permit

Keep the records!

- If you don't have records, you didn't do it.
- Keeps inspection and post-inspection correspondence smooth.



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Questions?

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