

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

**DOCUMENT NUMBER:** 250-4000-001

**EFFECTIVE DATE:** ~~September 17, 2005~~ Upon publication as final in the *Pennsylvania Bulletin*

**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; ~~the Hazardous Sites Cleanup Act, Act of October 18, 1988, P.L. 756, No 108; Storage Tank and Spill Prevention Act (Tank Act) of 1989, P.L. 169, No. 32, as amended.~~

**POLICY:** It ~~shall should be~~ is the policy of the Bureau of Waste Management (BWM) to cite all violations found during an inspection of a regulated facility.

**PURPOSE:** 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 personnel and activities of the BWM 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 should 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

**LOCATION:** Volume 5, Tab 75

**~~DEFINITIONS, TERMS AND ABBREVIATIONS:~~**

~~None~~

**PROCEDURES:**

When, ~~during the course while conducting~~ of an inspection, if the inspector notes a violation of the regulations, statutes, enforcement orders, agreements or permit conditions, ~~the inspector shall bring the violation shall~~ will be brought to the attention of the regulated facility on the date of the inspection and ~~shall~~ will be noted ~~the violation~~ in the inspection report ~~on the date of the inspection.~~ All such violations ~~shall~~ 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' will be left with the facility.~~ 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 ~~will~~ 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. ~~necessary for determining if a violation has occurred and a~~ A copy of the report will be delivered 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.