



# How to Handle a RCRA Inspection

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# Keys to Success

- Understand your goals
- Be prepared
- Manage the process
- Respond promptly and effectively

# #1 Goal: Earn Confidence

- Show that you are:
  - Knowledgeable, not ignorant
  - Compliance-oriented, not indifferent
  - Transparent, not slippery, secretive or dishonest
  - Respectful, not arrogant, exasperated or dismissive
- Show that you can and will comply without being beat over the head

## #2 Goal: Don't Make it Worse!

- Don't be the one to raise, expand, or escalate issues
- Even the *perception* of efforts to cover-up or mislead can dramatically escalate your problems
- Antagonizing or belittling regulators is stupid, duh

# #3 Goal: Damage Control

- Address any compliance issues as promptly and effectively as possible
- Position yourself to follow up as necessary to avoid escalation
  - By ensuring that you understand the issues and the basis for concern
  - By encouraging regulators to suspend judgment until you have provided additional information

# Preparation

- Know your important issues
  - High-stakes issues
  - Unusual issues
  - Previous compliance issues
- Have your records in order
- Have designated people (including back-ups) that are trained to handle inspections

# Manage the Process to Ensure:

- You understand who you are dealing with and what they are interested in
- You know exactly what information was requested, provided, or obtained
- Communication is clear and accurate
- You understand what issues or concerns you may need to address

# Opening Meeting

- Identify the inspectors (names/agencies/programs)
- Determine scope of inspection (should reflect your generator status)
- Determine the reason for the inspection (routine, initiative or complaint)

# Along the Way

- One conversation at a time
- Take notes
- Split samples
- Photograph what inspectors photograph
- Keep an exact duplicate of all records provided

# Rules of Engagement

- Listen, think, THEN talk
- Make sure all information provided is accurate and not misleading
- Address issues immediately if you can
  - Provide information/sound explanations
  - Fix the readily fixable (e.g., close the stupid container right now)
- Stay calm: getting mad = getting stupid

# Closing Meeting

- Review exit summary and requested follow-up
  - Listen for concerns
  - Clarify issues and requests
- Discuss response to identified issues
  - Completed
  - Planned
- Be sure you are clear on deadlines

# Addressing Clear Violations

- Immediately agree to address the issue
  - Don't wait to be asked
  - Don't wait to be told how
- Explain your own plan, addressing:
  - The immediate fix
  - The root cause
- Agree to follow up

# Clear Violations (Cont'd)

- Don't admit violations – you can address the issues cooperatively without any legal admissions
- Explain any technical defenses or mitigating circumstances, but:
  - Don't make stupid arguments
  - Make it clear that compliance going forward isn't an issue

# If You Have Good Arguments

- Try to make your case before the agency locks into a position (don't wait for an NOV)
- Make your case respectfully, clearly, and completely
  - Clarify the relevant facts
  - Explain and document the basis for your position
  - Make it easy for the agency to agree

# Follow-Up

- Keep communication open and constructive
- Make reasonable accommodations if necessary: the goal is to resolve concerns, not win arguments
- But being reasonable entitles you to be firm