

***“Sir...the Air Quality inspector is in the lobby...”:  
A Mock Inspection***

**Carolinas Air Pollution  
Control Association**

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# The words that no Plant Manager wants to hear...

*Uhhh...Sir...the air quality inspector is  
in the lobby and says they want to do an  
inspection of the plant...*



# Are you ready for that inspection?

- Are you familiar with your Air Quality Permit?
- Do you know which state and federal regulations apply to your facility?
- Do you know what limitations and/or required operating parameters apply to your processes, emission sources, and emission control equipment?



# Are you ready for that inspection?

- Are you aware of any required inspection and maintenance (I/M) or work practices that apply to your facility?
- Are you aware of any monitoring/recordkeeping requirements for your facility and where those records are being stored?



# **5 Phases of an Air Quality Inspection**

- 1. Professional Introductions**
- 2. Entrance Interview**
- 3. Facility Walkthrough**
- 4. Data and Records review**
- 5. Exit Interview**



# Professional Introductions

The Good...

The Bad...

The Ugly...



# Professional Introductions

## Things to remember:

- Inspectors will always offer to show you their State ID.
- Inspectors will always come equipped with their own PPE.
- Please make us aware of any additional safety considerations.



# Professional Introductions

## Things to remember:

- Generally speaking, Inspectors will not sign Confidentiality or Non-Disclosure Agreements.
- The details of our inspections, as they are related to your facility's compliance with state and federal air quality regulations and your Air Quality Permit, will go into our inspection report and are public record.



# Professional Introductions

- If it isn't related to your compliance status, it doesn't go into our inspection reports...
- Refusal of entry
- Please read the Conditions of your Air Quality Permit.
- Refusal of entry could be grounds for permit revocation and civil penalty assessment.
- We're not your enemy...we're just doing our job...



# Entrance Interview

The Good...

The Bad...

The Ugly...



# Entrance Interview

## Things to remember:

- The entrance interview is our opportunity to discuss the goals of the inspection and formulate a “game plan” for its completion.
- Whenever possible, it is best conducted in a safe, quiet place.
- Whenever possible, any facility personnel with duties related to compliance with the Air Quality Permit and applicable regulations should be present.



# Entrance Interview

## Things to remember:

- Inspectors will discuss the various elements of your Air Quality Permit and/or applicable regulations.
- Special safety concerns should be discussed, including appropriate PPE.



# Facility Walkthrough

- Some of the things we'll be observing:
  - All emission sources (i.e., permitted, exempt, unpermitted), whether operating or not.
  - All emission points, checking for visible emissions and evidence of excess emissions.
  - Raw materials in use (fuels, finishes, raw process stock, etc.).



# Facility Walkthrough

- Some of the things we'll be observing:
  - Instrumentation indicating process rates, operating parameters, etc.
  - Some inspectors will ask to follow the flow of raw materials, from where they are received to where the finished product is shipped out.



# Facility Walkthrough

- Some of questions we may ask:
  - Current process rate?
  - Current operating schedule of the facility?
  - Some federal rules require employee training. Subject employees may be interviewed about that training.



# Facility Walkthrough

- Some of questions we may ask:
  - How process, fuel usage, and raw materials usage data is collected and processed for recordkeeping?

We will be respectful of your time and conduct the inspection as efficiently as possible. Please don't rush the inspector...



# Records Review

The Good...

The Bad...

The Ugly...



# Data and Records Review

## Things to remember:

- Your Air Quality Permit requires you to have a copy of that permit onsite at all times.
- Required records should be available to the inspector at the time of the inspection.
- It is wise for your facility to have at least one staff member onsite at all times who knows where the records are located and has access to them at the time of the inspection.



# Data and Records Review

- This means having more than one person at your facility with records access...
- Electronic records are perfectly acceptable...if they are made available during the inspection.
- Carefully review the recordkeeping requirements in your Air Quality Permit and in any federal regulations to which your facility are subject. Most requirements are explicit in the type of data that must be collected and the frequency of data collection.



# Data and Records Review

- Recordkeeping should be up-to-date. Don't let several months go by before updating your records.
- Electronic work order systems are great for maintaining inspection/maintenance (I/M) records...but they are not required.



# Data and Records Review

Required recordkeeping is dictated by your Air Quality Permit and/or specific federal regulation. Some examples of types of records:

- Operating hours
- Fuel usage and fuel certification records
- Process rate records
- Parametric monitoring data
- Emission source and pollution control equipment inspection and maintenance (I/M) records



# Data and Records Review

Required recordkeeping is dictated by your Air Quality Permit and/or specific federal regulation. Some examples of types of records:

- Raw material usage and composition records (i.e., coatings, etc.)
- Visible emissions (VE) observations
- Monthly emissions records
- Employee training records

*It is not unusual for the records review to take longer than the facility walkthrough!!*



# Exit Interview

The Good...

The Bad...

The Ugly...



# Exit Interview

## Things to remember:

- The exit interview is an opportunity to summarize the results of the inspection. Pay attention to their comments and take them seriously.
- Our inspectors will try very hard to make a final compliance determination during the inspection and discuss it with you. Occasionally (but infrequently), compliance can't be determined until later.



# Exit Interview

- Even if your facility is found to be in compliance, the Inspector may have suggestions to ensure continued compliance and/or make the next inspection run more smoothly.
- Inspectors will remind you of pending reports and permit renewal applications that will be due in the future.
- Inspectors will remind you of pending reports and permit renewal applications that will be due in the future.



# Exit Interview

- If your facility is found in violation...NO...we won't discuss if there will be a civil penalty assessment or how much it will be.
  - The inspector will discuss the violation with their supervisor **AFTER** the inspection.
  - Many factors will be considered (history, severity, etc.) when determining civil penalties.



# Final Thoughts

- Your Inspector has one job to do: Determine your facility's compliance with its Air Quality Permit and any applicable state and federal regulations.
- We're not your enemy. We won't hesitate to let you know if we find violations, but we would MUCH rather find your facility to be in compliance.
- Inspectors will do a thorough job during the inspection, but they also understand that time is a precious commodity...both YOUR time and OUR time.



# Final Thoughts

- SAFETY is a continuous consideration at all times during an Air Quality inspection.
- Awareness and organization on the part of the Inspector and facility personnel make for a smooth inspection.
- Know how to contact your Inspector via telephone and email.



# But Wait...There's More...

- Most inspections go pretty well, but sometimes we find problems.
- Let's examine some of those situations...



**But Wait...There's More!!**

**It Could Be Worse...**

**What Were You Thinking?**

**OMG!!!**



# Let's Consider the Scenario

- Remember the “OMG!!!” portion of the skit?
- Let's imagine what happens after that inspection.
  - The inspector discusses it with their supervisor.
  - NC DAQ decides to send an NOV/NRE to the facility.



# Let's Consider the Scenario

- **The Notice of Violation/Referral of Enforcement (NOV/NRE) cites the following violations:**
  - A violation of a Special Condition of the facility's Title V Permit requiring annual internal I/M bagfilter inspections. This is the 2<sup>nd</sup> violation in the last 5 years.
  - A violation of the “general duty clause” in the General Conditions of the facility's Title V Permit due to leaky ductwork and improperly operating bagfilters.



# Let's Consider the Scenario

- The Notice of Violation/Referral of Enforcement (NOV/NRE) cites the following violations:
  - 3 separate violations of NESHAP Subpart DDDDD (Boiler MACT):
    - Failure to submit the initial startup notification ( $\leq 15$  days).
    - Failure to perform initial performance testing ( $\leq 180$  days).
    - Failure to submit the Notification of Compliance Status  $\leq 60$  days of the initial performance testing.



# Let's Consider the Scenario

- The Notice of Violation/Referral of Enforcement (NOV/NRE) cites the following violations:
  - 2 violations of a Special Condition of the facility's Title V Permit requiring semiannual deviations reports of the facility's bagfilter I/M activities:
    - 1 violation for a semiannual report that was received, but was inaccurate (failed to report deviations).
    - 1 violation for the failure to submit the same semiannual report that was due 6 months later.



# Let's Consider the Scenario

- The Notice of Violation/Referral of Enforcement (NOV/NRE) cites the following violations:
  - 1 violation of the General Condition of the facility's Title V Permit that requires an Annual Compliance Certification (ACC) for the previous calendar year.
    - The ACC was received, but inaccurately reported that the facility was in compliance with its Title V Permit during entire previous calendar year.



# Let's Consider the Scenario

- The NOV/NRE was sent to and was received by the facility.
- The NOV/NRE gave the facility 10 days to respond and the facility did so.
  - The facility agreed to some of the violations, but strenuously disagreed with other violations.
- The specific Regional Office of NC DAQ prepares documentation related to a potential civil penalty assessment for consideration by the Director of NC DAQ.



# Mock Inspection Presenters

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**Next...**

**The Director's Enforcement  
Conference**





NORTH CAROLINA  
*Environmental Quality*

ROY COOPER  
*Governor*

MICHAEL S. REGAN  
*Secretary*

MICHAEL ABRACZINSKAS  
*Director*

September 30, 2019

CERTIFIED MAIL NUMBER 7013 1710 0002 1922 7854  
RETURN RECEIPT REQUESTED

William Coyote, Chief Operating Officer  
ACME Engineered Wood Products Company  
123 Desolation Row  
Fennario, North Carolina 27291

**SUBJECT: Notice of Violation and Notice of Recommendation for Enforcement  
ACME Engineered Wood Products Company  
Roadrunner, North Carolina  
Caswell County  
04-1700022-Title V                      Air Permit No. 10865T12**

Dear Mr. Coyote:



# Assessment Factors

1. The degree and extent of harm to the natural resources of the State, to the public health, or to private property resulting from the violation;
2. The duration and gravity of the violation;
3. The effect on ground or surface water quantity or quality or on air quality;
4. The cost of rectifying the damage;
5. The amount of money saved by noncompliance;
6. Whether the violation was committed willfully or intentionally;
7. The prior record of the violator in complying or failing to comply with programs over which the Environmental Management Commission has regulatory authority; and
8. Cost to the State of the enforcement procedures;



# Violation 1 & 2

\$ 2000

•A violation of a Special Condition of the facility's Title V Permit requiring annual internal I/M bagfilter inspections. This is the 2<sup>nd</sup> violation in the last 5 years.

\$ 2000

•A violation of the “general duty clause” in the General Conditions of the facility's Title V Permit due to leaky ductwork and improperly operating bagfilters.



# Violation 3-5

3 separate violations of NESHAP Subpart DDDDD (Boiler MACT):

\$ 1000

• Failure to submit the initial startup notification ( $\leq 15$  days).

\$ 4000

• Failure to perform initial performance testing ( $\leq 180$  days).

\$ 0

• Failure to submit the Notification of Compliance Status  $\leq 60$  days of the initial performance testing.



# Violation 6&7

2 violations of a Special Condition of the facility's Title V Permit requiring semiannual deviations reports of the facility's bagfilter I/M activities:

\$ 1000

- 1 violation for a semiannual report that was received, but was inaccurate (failed to report deviations).

\$ 0

- 1 violation for the failure to submit the same semiannual report that was due 6 months later.



# Violation 8

1 violation of the General Condition of the facility's Title V Permit that requires an Annual Compliance Certification (ACC) for the previous calendar year.

\$ 2000

- The ACC was received, but inaccurately reported that the facility was in compliance with its Title V Permit during entire previous calendar year.



# Civil Penalty Assessment

\$ 12,000

- Total Civil Penalty, which is 8 percent of the maximum penalty authorized by G.S. 143-215.114A.

\$ 387

- Investigation Costs

\$ 13,387

- Total Amount Due



# Civil Penalty Assessment

- The Civil Penalty Assessment letter is sent to the facility with a response required within 30 days. The facility may choose one of the following 3 options:
  1. Pay the penalty
  2. Request remission of the penalty – Stipulate to the facts of the case but request a reduction in the penalty
  3. Contest the facts of the case via the Office of Administrative Hearings (OAH)

