

# What to Expect When an Environmental Officer Inspects Your Facility

## A brief guide for business owners, officials and employees

This fact sheet provides a general description of what to expect from and how to prepare for an inspection by an Environmental Officer from the Ministry of the Environment. Knowing what to expect during and after an environmental inspection can help reduce the apprehension you may have about the process. This fact sheet also answers frequently asked questions about the inspection process and provides you with useful tips and contact information.

### What can I expect from an inspection?

An Environmental Officer (EO) is a provincial officer who has the legal authority to enter a facility to conduct an inspection under environmental legislation in Ontario. Ministry EOs are committed to performing their duties according to the Code of Professionalism developed for provincial inspectors and investigators. The Code promotes respect for the law and ensures that inspections are conducted in a timely, consistent, impartial and courteous manner.

EOs administer programs and enforce legislation to protect air and water, manage wastes, control the use of pesticides and promote healthier ecosystems in the commercial, industrial, municipal, institutional and agricultural sectors.

Generally, an EO will schedule the inspection in advance by consulting with you. However, in certain circumstances, it is necessary for an EO to arrive unannounced, for example, in the event of a spill or unregulated release to the environment.



Upon arriving at your facility, an EO will identify her/himself. The EO will ask to speak to the person in charge or a facility operator/environmental coordinator. The EO will explain the purpose of the inspection and any areas that may be of specific concern.

The EO may ask to interview personnel, review records, tour the facility, collect samples, take photographs and copy documents.

While on site, the EO will collect information to evaluate compliance and will make notes to record details of the inspection.

**TIP**

If you have any questions or something is not clear, ask the EO for clarification at any time during the inspection. Also be sure to inform the inspector of your site safety procedures.

**Why is my business being inspected?**

There are several reasons why an EO may inspect your business:

- to evaluate compliance with legislative requirements and/or the conditions of an environmental approval;
- to conduct a routine site inspection;
- in response to a citizen/employee complaint, or a referral from another government agency;
- as part of a follow-up inspection from prior violations; or
- to assess spill or environmental incident resulting from business operations.

**How should I prepare for the inspection?**

Keep your environmental records organized and readily accessible. This will keep the inspection time to a minimum.

**What will be looked at during the inspection?**

Depending on the purpose of the inspection, the EO will look at some or all of the following:

- facility operations;
- waste management systems;
- air emission discharge points;
- wastewater discharges;
- pollution control equipment; and
- water treatment and distribution systems.

In addition to the facility tour and interview, the EO has authority to access and copy relevant records such as:

- process or equipment information;
- operation log books;
- equipment maintenance records;
- environmental reports;

- analytical results or records for wastes, drinking water, air emissions, wastewater discharges; and
- other environmental data required to be held by your facility.

**TIP**

It is important to provide accurate answers and information to the EO. If you do not know the answer, either obtain the answer from someone who can respond or tell the EO when and how you will get an answer.

**What legislation is the EO using?**

While there are over a dozen acts in Ontario which the Ministry of the Environment administers, the EO is a provincial officer under one or more of the following legislation:

- Environmental Protection Act;
- Ontario Water Resources Act;
- Pesticides Act;
- Environmental Assessment Act;
- Safe Drinking Water Act; and
- Nutrient Management Act.

**What happens after the inspection?**

After the EO has concluded the inspection, there will be a closing meeting. This may range from a formal meeting to a brief, informal discussion.

The EO will review observations and if necessary, request clarification. The EO will also tell you if more information is needed and will arrange with you how that information is to be provided.

The EO will tell you about any non-compliance and explain the next steps to be taken.

Sometimes it takes several days to complete a final compliance evaluation. In this situation, you will be advised by the EO when to expect a report.

**What happens if non-compliance is identified?**

Businesses are often concerned about what happens if non-compliance is identified.

If the facility's operation complies with environmental legislation, the EO will take no action unless pollution prevention measures are necessary.

However, every non-compliance situation identified will be promptly evaluated to determine whether it constitutes:

- a known or anticipated human health or environmental impact (ie. emergency or spill); or
- a potential, uncertain environmental hazard.

If an emergency or spill poses an immediate danger to human health or to the environment such that immediate action is warranted, the EO may force action, including curtailing or stopping a company's operations.

If the EO believes there is an environmental impact or an immediate danger to human health or to the environment, but the nature of the problem is uncertain (e.g., buried hazardous wastes), the EO may require you to take action to identify the nature and extent of the problem.

A Provincial Officer Order is typically used to deal with serious non-compliance, although circumstances may cause an EO to issue an Order for lesser offenses. An Order is a legal document setting out obligations for a specific person or persons in relation to a specific operation.

Some non-compliance may warrant a ticket under Part I of the Provincial Offences Act. These are similar to speeding tickets, and have preset fines.

In other non-compliance situations, you could receive a verbal or written request to correct this within a certain time period. This is known as an abatement program. Such requests are typically used for minor issues.

When the EO is of the opinion that there is serious non-compliance, the matter may be referred to the ministry's Investigations and Enforcement Branch (IEB) for investigation and potential prosecution. If the IEB lays charges, then you will receive a Part III Information and Summons under the Provincial Offences Act. The penalties that may be imposed

upon conviction are more severe than those under a Part I ticket.

#### **TIP**

Consider conducting a self-assessment of your facility to ensure that you are complying with environmental requirements. This can help improve your compliance and identify pollution prevention opportunities that can reduce your operating costs.

#### **Where do I go for more information?**

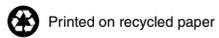
For more information about the ministry visit our website at: [www.ene.gov.on.ca](http://www.ene.gov.on.ca).

Information regarding the Municipal Drinking Water Inspections Protocol is available from the ministry website under the Monitoring and Compliance section of the Water menu.

You may also contact your local District MOE office for more information about environmental inspections and regulations.

Spills and emergencies are to be reported to the Spills Action Centre toll-free at 1-800-268-6060.

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