



*Photo courtesy of SCS Engineers.*

## **When the Air Inspector Comes to the Landfill How to Turn an Inspection into a Welcome Visit**

This article offers management guidance, organizational recommendations, and helpful tips for landfill owners in demonstrating compliance during an air-compliance inspection.

**Your morning looks busy;** a drilling contractor is due to arrive on site soon at your landfill, a truck broke down on your main haul road, and now, you receive word that a state environmental regulator just arrived to conduct an air inspection. Your day just got busier, but you are confident that due to your previous efforts and the well-trained staff at the landfill, this will go smoothly.

However, even when all is in order, an edgy feeling is common when a regulator visits a landfill, especially for an air inspection. For a variety of reasons, including the highly specific nature of landfill air regulations, the fact that an active landfill is a type of in-progress construction project, and the common situation that an air inspector may lack extensive experience with landfill sources (rather than more common sources in a region), an air inspection can pose a challenge for all involved. Landfills can also receive surprise inspections following odor nuisance complaints of which the landfill may be unaware. Because the burden is on the landfill to demonstrate compliance, you may even feel broadly defensive, like the inspector is on a “fishing expedition,” looking to find fault. Regardless of the emotions surrounding an air inspection, the rules themselves can be complicated for both the landfill and the inspector. For municipal solid waste landfills subject to applicable federal air rules, an air inspection means many records to review and many acres to view.

This article offers management guidance, organizational recommendations, and helpful tips for landfill owners in demonstrating compliance during an air-compliance inspection, with a particular focus on landfills subject to federal air quality regulations, namely the requirement to maintain a

federal Title V Operating Permit, and regulations limiting emissions to the air of methane and non-methane organic compounds (NMOCs), including New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP).

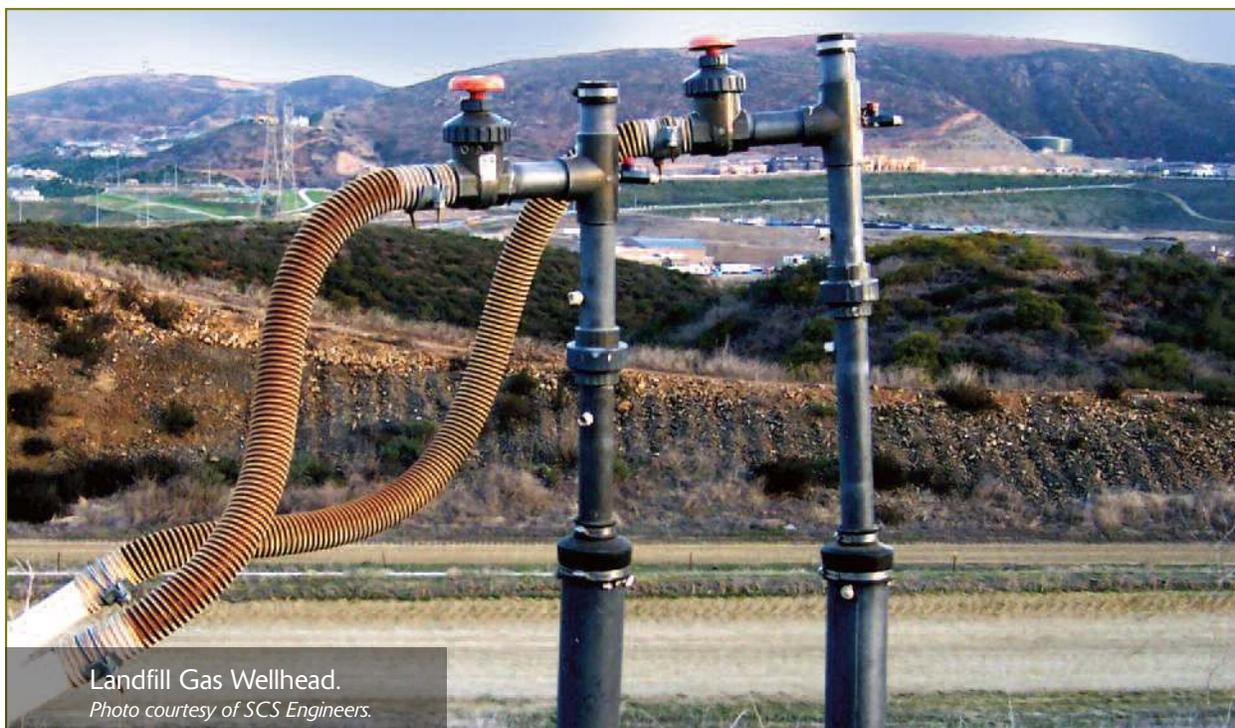
### Knowledge and Organization

The first step to positive inspection outcomes is to be prepared with knowledge, be organized with that knowledge, and model effective behavior during the inspection.

More specifically:

- Knowledge of what compliance information is required by regulators of the landfill;
- Effective organization of that knowledge: compliance activities, records, and communication to demonstrate that the landfill is following those requirements; and
- Professional behavior during the inspection.

The landfill's Title V Operating Permit is the key document. Title V's purpose is to specify all applicable federal, state, and local requirements necessary for air compliance; in short, if the landfill is in compliance with its Title V, it is in compliance with air rules. Therefore, the air inspector is checking for compliance with the landfill's Title V permit. However, many rules are complicated, changeable, and open to interpretation. The current state of confusion and flux in the primary regulation that drives landfill air work, the federal NSPS/NESHAP air rule, amplifies the difficulty of this effort. Keeping up to date, having compliance resources to access, such as in-house



Landfill Gas Wellhead.  
Photo courtesy of SCS Engineers.

support or from a qualified air consultant familiar with landfill rules, and maintaining a constructive relationship with the regulatory agency are necessities for a successful inspection.

Know your landfill's Title V permit and understand the requirements it imposes. Take time to read the permit, then take advantage of corporate resources, past inspection reports, and resources offered by the landfills' air consultant. The U.S. Environmental Protection Agency (EPA) can also inspect a landfill, which can increase the tension and can be a more extensive inspection. If you have an EPA inspection, it will be helpful to have the landfill's in-house permitting staff (corporate or municipal) and your air consultant on-hand for

the inspection, if possible. The more complete your understanding of the air-permit requirements, the more you can accurately assess your landfill's compliance obligations, deal effectively with questions raised by inspectors, and more productively manage disagreements, should they arise.

### Records

After obtaining a solid understanding of the requirements to which the landfill is subject, effective organization of relevant records is critical. Organized records are key to explaining the landfill's compliance status and in responding to questions of compliance. The appearance of orderly, easy to access, and understandable records can increase the inspector's comfort

**Table 1.** Typical Records Reviewed During Air Regulatory Inspections at Landfills.

Issue	Rule Reference*	Records to Have
Title V Operating Permit	U.S. Clean Air Act	A copy of the current permit
Landfill Cover Integrity (inspections to occur monthly)	60.765(c)(5)	Cover Integrity Plan, Cover Integrity inspection logs
Initial Performance Testing for Emissions Control (e.g., via Flaring)	60.762(b)(2)(iii)(B)	Control device(s) test report(s), proof of test submittal, & acceptance of results
NMOC Report (If NESHAP has not been triggered)	60.762(b)(2)	Copy of NMOC report, proof of submittal, and acceptance of results
Odors	Driven by State or local rules	Unless regulation is more prescriptive, maintain list of complaints, if any, and subsequent investigations
Surface Emissions Monitoring (SEM)	60.765(c)	SEM reports for past 5 years, re-monitoring efforts if necessary, due to emission exceedances
Gas Wellhead Monitoring	60.765	Reporting records, root cause analysis if non-compliance, corrective action reports and timelines
Semiannual Compliance Reporting	NSPS & Title V Requirement	Maintain at least 5 yrs. of submittals on hand w/proof of submittal
Title V Annual Compliance Certifications	Title V Requirement	Maintain at least 5 yrs. of submittals on hand w/proof of submittal
Relevant Correspondence with Regulatory Agency	N/A	Maintain records of correspondence that document rule interpretations, compliance explanations, and variances claimed.

*Notes:* \* As the applicability of the NSPS/NESHAP rules continues to evolve, its citation here refers only to their applicability per NSPS Subpart XXX and NESHAP AAAAA.



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that your landfill is compliant. Untidy, confused, and generally disorganized records send a message that environmental performance is either not well understood or not taken seriously, regardless of the actual state of the compliance.

A good way to remain prepared with recordkeeping is to conduct self-audits. Some landfill owners hire outside specialists, often through an attorney, to conduct compliance audits. Such third-party audits, while valuable for compliance, can be expensive and time-consuming. However, a landfill can attain some of this benefit by internally reviewing its records periodically. In addition to helping maintain compliance, such self-audits can serve as “practice” for a real inspection. Whether via outside audit or self-audit, the idea is the same: inspect yourself before someone else does.

Fortunately, you are probably not alone in this. You may have support from in-house environmental staff at higher levels within your organization. Your employees may be interviewed by the inspector. Be sure that your employees understand when an inspector is on site and that the inspector should be treated respectfully and truthfully. Employees should also be counselled not to volunteer more information about the landfill and its operations than is requested by the inspector.

There may be legal counsel or corporate/municipal environmental managers who can help you prepare for an inspection. For example, legal counsel can help you understand both what you need to provide to an inspector and what you are not required to offer. Although an inspector has wide latitude in pursuing records and interviews, the inspector’s authority is not unlimited.

The vast array of records necessary to show compliance with the landfill NSPS/NESHAP air regulations is beyond the scope of this article. Table 1 provides examples of common records reviewed during an unannounced inspection at a landfill. Landfills often include auxiliary equipment to which highly specific air rules apply. Ensure that permit conditions pertaining to such air emissions sources are understood and the relevant records are maintained. Sources include emergency generators, portable rock crushers, landfill gas engines, air curtain burners, and solidification equipment.

## The Inspection

An air regulatory compliance inspection is fact of life for landfills, and the inspector has an important job to do. Prepare for it by training yourself and your landfill staff for the visit. An inspection typically proceeds through the five steps listed below. Tips for success are included.

### Arrival/Site Visit Protocols

Establish a protocol for receiving an inspector: Ensure that your entry point staff know to check the person’s identification (inspectors are typically trained to provide ID) and notify the key environmental manager for the landfill. Your receiving staff should obtain the inspector’s name, affiliation, and stated purpose of the visit. An inspector must observe appropriate safety protocols (i.e., PPE, safety videos, etc.), and the landfill should make guest PPE available.

Although inspectors have wide authority to conduct their work, an inspector does not command unlimited power. The inspector must follow a protocol instituted by the regulatory agency. Work with your legal counsel to understand the landfill’s rights and how these rights affect an inspection (e.g., how long can an inspector wait until the inspection begins, can the inspector remove documents, what ID must be presented, what if the inspector refuses wear proper PPE). Normally, inspectors do not push the limits of their authority and are reasonable, possibly notifying a site ahead of an inspection, allowing for follow-up emails of records, even coming back another day if a site unexpectedly encounters a truly urgent operational problem on the day of an inspection. Have a staff member trained to step-in during an inspection for those times when you are away.

### Entrance Interview

This provides an opportunity to start off on the right foot. An entrance interview allows the inspector to state the purpose of the inspection, state your desire to help the inspector in his or her job, and note any relevant activities occurring that could affect the inspection (e.g., “the second flare is down for maintenance today” or “there is ongoing road maintenance”). Be sure to ask if there are any special areas the inspector wishes to examine or any special issues to address.

Establishing professional rapport is key. This is an opportunity

to promote trust. Be professional, appear patient, and never lie to an inspector. You, or a trained colleague skilled in the air rules and with an appropriate demeanor, should accompany the inspector at all times.

### Records Review

If possible, maintain a room or a dedicated portion of an office, for the inspector to use during the site visit. Ensure that all required records are maintained, or are easily accessible, in this space. Many landfills use specialty software to manage environmental recordkeeping; however, physical documentation is often relied upon during an inspection. The inspector should be accompanied during records review by someone who can access records and effectively address questions related to air records.

### Observational Tour

A tour of the landfill facility is used to provide evidence that the landfill is complying with, among other requirements, cover integrity, odor nuisance prevention, presence of permitted equipment, and general housekeeping. If an inspector wishes to walk around, know which areas are unsafe. If the inspector takes photographs, be sure to take similar photographs to inform your documentation. If the inspection is an EPA audit conducting surface emissions monitoring (SEM), take pictures and document procedures observed (and if time and budget allow, you may consider conducting simultaneous SEM efforts). Appearances matter, even if not

explicitly related to a permit condition; the appearance of a well-maintained landfill can create a powerful impression, so make it a good one.

### Exit Interview

An exit interview should conclude the inspection visit. The interview format can be either formal or informal, but it provides an opportunity to learn what the inspector found, what follow-up is needed, and what to expect moving forward. Use the inspection results to improve the landfill's overall environmental performance. If a serious problem is noted by the inspector, this is an opportunity to learn about it and how to address the problem, or alternatively, to prepare for a possible challenge if you disagree. When received, compare the inspection report to your exit interview notes and documentation for any inconsistencies.

### Conclusion

Unannounced air regulatory inspections are an inevitable part of the life of a landfill. Know your Title V permit requirements, train your staff in how to effectively engage with an inspector, organize your records and maintain them, observe professional etiquette during an inspector's visit, and the inspection should not be something to fear. Following such steps will not prevent challenges and disagreements from arising, but such preparation can prevent some problems and help resolve others. Good luck at your next inspection. **em**

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