

## POSSIBLE CONTENTS OF AN INSPECTION SITE VISIT

### 1. Administrative check (examination/collection of documentation)

In case an inspector has to check the administration, the following items will be for example verified:

- Identification of the person responsible for environmental issues and monitoring.
- Documentation described in "Rights and obligations of the operator during inspections".

### 2. Interviews (operator + other staff members)

### 3. Physical inspection

For the inspectors' personal safety he or she shall comply with the internal safety regulations of the entity inspected. These may include the need to wear a helmet or protective clothes (e.g. when inspecting some part of a production line in food or chemical industry) as well as going only on special and dedicated paths in a factory. The operator is obliged to provide the inspector with the appropriate safety equipment if necessary.

While conducting a visual inspection important locations include the direct surrounding of the installation, the production lines, the emission points to air and water, all required equipment used to protect the environment (e.g. air filters) and areas and buildings used for waste storage.

Everything that can be found during inspections may be worth being collected and treated as evidence (e.g. photographs, videos and documents such as environmental reports, registries, results of self-monitoring, sampling reports, etc.).

For sampling there is a special procedure. For the operator it is important to take into account that he or she may ask for an extra sample. This allows him or her to object to the results of the analysis if he or she does not agree with the outcome of the analysis from the first sample.

### 4. Observations, minutes and signing

At the end of the inspection site visit the inspector presents his observation by preparing minutes. The inspector signs them, and the operator is also asked to sign the minutes. If the operator agrees with the findings he or she should sign the minutes. If an operator refuses to sign the minutes, the inspector shall state the reasons for refusal.

Sometimes it is not possible to sign the minutes on site. The inspector has to send them within three days after the inspection to the operator, including the reasons behind the delay. If the operator does not react to the inspector within eight days, it is considered that the operator agrees with the minutes of the inspection. And if an operator refuses to sign the minutes, the inspector shall state the reasons for refusal.

## FOLLOW-UP OF THE INSPECTION (in cases of non compliance)

### Decision

If during the inspection the inspector determines that a law or other rule has been breached, he or she has to give a set of instructions about measures with the corresponding deadlines. The inspector shall prepare the decision, based on facts determined during the inspection, no later than eight days from the completion of the inspection. Depending on the kind of breach detected, the inspector may request the start of a misdemeanour procedure, a mediation procedure or a criminal case.

In exceptional circumstances, to remove an immediate life-endangering or health-endangering situation, the inspector may determine inspection measures with an oral decision during the site visit, when he or she assesses that it is necessary. In such cases, the inspector is obliged to prepare a written decision within three days from the day of making the oral decision.

An appeal may be lodged against the inspector's decision within eight days from the day of receiving the decision, if no shorter term has been determined by law.

### Conclusion

The procedure of inspection finalises by drafting a **conclusion**. The conclusion is used to resolve issues of procedure arising during the inspection. A written conclusion is not issued only for exports of goods, where the control has not started in the Republic of Macedonia.

The conclusion has to be sent to the operator within eight days. If the operator is not satisfied with the conclusion, he or she has the right to appeal it.

### MORE INFORMATION AND RELEVANT DOCUMENTS

More detailed information, relevant documents (e.g. legislation) and interesting links are on the website of the State Environmental Inspectorate, [www.sei.gov.mk](http://www.sei.gov.mk), where there is as well a frequently asked questions (FAQ) section and a digital post box for suggestions and to give input on good practices ([d.blinkov@sei.gov.mk](mailto:d.blinkov@sei.gov.mk)). You can also find there multiple inspection factsheets and checklists of different sectors, which the inspectors use for inspections.



[www.sei.gov.mk](http://www.sei.gov.mk)

### Introduction

Operators carrying out activities likely to produce impacts on human health and in the different environmental topics, must comply with environmental requirements provided in the environmental legislation on these topics. Some of them hold specific environmental permits. In the case of IPPC-A and IPPC-B installations, integrated environmental permits are issued, which include provisions and conditions on all environmental topics. The purpose of inspections is to check if the operator complies with the applicable legislation and with the conditions laid down in the permits. IPPC-A installations under the scope of Chapter XV of the Law on Environment on prevention and control of major accidents involving hazardous substances have additional requirements regarding inspections.

This leaflet contains summarized information about:

- Rights and obligations of the operator during the inspections
- What can the inspector do during an inspection
- Description of an inspection site-visit
- Follow-up of the inspection
- Where to find relevant documents and more information

**The RIGHTS** of the operator during inspections **include:**

- The right to give comments and notes to the minutes.
- The right not to accept to sign the minutes if he disagrees with the facts, although this refusal does not obstruct the further performance of the inspection procedure.
- To request a concurrent 2<sup>nd</sup> sample for each sample taken/requested by the inspector.
- To submit an appeal against the inspector's decision (within eight days from the day of receiving the decision).

**The OBLIGATIONS** of the operator during the inspections **include:**

- To provide all necessary updated documentation needed for the execution of the inspection: self-monitoring records/reports, production process schemes/lines, topography of the facility (positions of treatment plants/air emission points/waste water discharge pipelines/waste storage facilities/raw material loading areas), Environmental Management System certificate, communications to authorities about incidents/accidents, mass balance records, waste inputs/outputs register, documentation of transboundary shipment of wastes, supporting data on power/fuel, water, raw materials consumption, maintenance operations register.
- To be available for being interviewed during the inspection and to answer the relevant questions honestly and clearly.
- To answer any complementary questions relevant to the facility's operation (working hours, number of employees, names of suppliers, marketing of the products etc.).
- To allow any staff member of the company to be interviewed following the inspector's request.
- To provide access to the premises and to the products handling area for the inspector.
- To perform sampling in certain points (through an accredited laboratory) following the inspector's instructions.
- To stop the work during the inspection, if it is impossible in another way to perform the inspection.
- To sign the minutes of the inspection if there is no disagreement about the facts stated.

### **WHAT CAN THE INSPECTOR DO during an inspection**

During the performance of the inspection the inspector is authorized to:

- Inspect general and special acts, files, documents, evidences and information related to the object of the inspection.
- Supervise the official premises and other facilities that are not used for living as well as transportation means and products.
- Inspect identification documents of persons for confirming their identity according to the law.
- Ask from the operator or from his employees a written or oral explanation
- Ask from operator or from his employees to submit all data that have available of their suppliers.
- Ask for professional opinion when it is needed.
- Request the operator to perform a further sampling through an accredited laboratory to cross-check monitoring results, or in case of incident/ accident.
- Provide audio and video recordings.
- Make an inventory list on the existing goods and products.
- Provide other necessary evidences.

Regarding the collection of samples, the inspector has also some obligations, including the collection a maximum of 3 samples (the first for analysis, the second for second analysis at the request of the operator and the third for super analysis), the sealing and properly marking of samples, the drafting of a report on the collection and the submission of samples without delay to the appropriate expertise institution at the request of the operator.

### **TYPES OF INSPECTION**

1. Integrated inspection: checking compliance with all permit conditions
2. Compliance with legislation or with specific permit conditions related to one (or more) environmental topic (e.g. waste)

3. Coordinated inspections: inspectors from several Inspectorates collaborate with each other, to verify compliance with legislation and conditions laid down in permits arising from different fields, mainly environment, labour, safety (e.g. installations under the scope of Chapter XV of the Law on Environment on prevention and control of major accidents involving hazardous substances).

### **TOPICS THAT MAY BE INSPECTED**

- Emissions to air including greenhouse gases.
- Emissions to water.
- Emissions to soil and groundwater.
- Noise & vibrations emissions.
- Waste input/output, storage and off-site transfers.
- Consumption of energy, fuel, raw material, water and other resources.
- Proper implementation of best available techniques (BAT) in the production process, for those BATs specified in the environmental permit

### **FREQUENCY OF INSPECTION SITE VISITS**

The frequency of ordinary site visits is based on a risk assessment calculated with a specific software (IRAM) used by inspectorates in the EU. In this risk-based approach, most inspection effort will be focused on the activities/installations with the highest risks (highest risk first).

The risk can be influenced by a set of factors. One of the important factors is the performance of the operator. That means that meeting the permit's conditions is reduces the possibility of frequent inspections.

In addition to the ordinary inspections, extraordinary or control (follow-up) inspections may be performed, as a function of complaints received, non-compliances detected during inspections, and incidents or accidents occurring in the installations.