



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Neutral Selection of Regulated Entities for Routine Compliance Inspections

OLQ Compliance and Response Branch

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Description:

- Each year inspection programs within Indiana Department of Environmental Management's (IDEM) Office of Land Quality (OLQ), Compliance and Response Branch, select regulated entities for routine compliance inspections.
- This fact sheet applies to the selection of compliance inspections by OLQ's Agricultural-Solid Waste (Ag-SW) Section, Industrial Waste Sections 1 and 2, and the Underground Storage Tank (UST) Section.
- The way a regulated entity is neutrally selected for inspection should be neutral (i.e. un-biased, without prejudice).
- A neutral selection process is not a random selection process.
- Following a neutral selection process helps eliminate bias or the appearance of bias from the selection of a specific regulated entity for a compliance inspection.
- Compliance programs strive to achieve an adequate inspection presence while not creating undue burden on the regulated community.
- Several compliance programs are subject to federal requirements for the number of inspections conducted annually.
- There are numerous means to accomplish a neutral selection. Examples include, but are not limited to;
 1. Using a percentage of the total regulated entities;
 2. Inspecting all (or a percentage) of regulated entities within an industrial sector,;
 3. Selection in a geographic area; or,
 4. Inspecting all of the regulated entities.
- The most common method to achieve a neutral selection process uses a percentage of the regulated universe to be inspected each year. When using this method specific regulated entities are selected based on two (2) criteria:
 1. Regulated entities that have never been inspected are selected first; then,
 2. Regulated entities with the oldest inspection date (longest time since the previous complete inspection) are selected until the desired percentage is achieved.

Additional Compliance Inspections:

Regulated entities may be inspected more frequently than would be indicated by a neutral selection process, for the following reasons:

1. The Agency receives a complaint.
2. A visit by an IDEM permit writer.
3. The entity is regulated under multiple programs managed by other IDEM offices (such as Office of Water Quality or Office of Air Quality).
4. Inspections are needed to follow up on violations.
5. The regulated entity may be part of an initiative such as an industry sector or geographic area.
6. A compliance status check is required due to a regulated entity renewing or modifying their permit.
7. Certain sectors or activities may be inspected more frequently due to size, complexity and considered high risk or otherwise problematic.

Environmental Impacts:

- Indiana's environmental statutes and regulations are designed to protect our air, land and water quality. By consistently complying with these statutes and regulations, regulated entities can limit potential impacts on Indiana's environment.

IDEM's Role:

- IDEM is responsible for protecting human health and the environment while providing for safe industrial, agricultural, commercial and governmental operations vital to a prosperous economy.
- IDEM regulates and monitors entities throughout the State of Indiana that have the potential to impact the environment.
- IDEM has developed regulations that protect air, land and water.

Regulated Entity's Role:

- Regulated entities are responsible for understanding and complying with Indiana's statutes and regulations at all times.

More Information:

- For questions and concerns, please call IDEM's Office of Land Quality, Compliance and Response Branch at (317) 232-8857 or (800) 451-6027 and request extension 2-8857.