

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY

**FINAL APPROVAL OF August 9, 2001 REVISION**

**FIELD OPERATIONS MANUAL FOR AIR INSPECTORS**  
**Air Standard Operating Procedures (ASOPs)**

**ASOP-1: COMPLAINTS**

**Per Collaboration Process Development Memo Dated July 20, 2000**

- Revision coordinated by Manager, Office of Air Compliance Coordination
- Reviewed by regional Air Compliance Managers and designees
- Presented to Senior Management Team for review and comment
- Finalized by Manager, Office of Air Compliance Coordination



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08/24/2001

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Date

- Approved by Division Director of Air Programs



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Date

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**ASOP - 1  
COMPLAINTS**

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**I. INTRODUCTION AND PURPOSE**

The Air Pollution Control Law of Virginia, Title 10.1, Chapter 11(1183) states "It shall be the policy of the Department of Environmental Quality (DEQ) to protect the environment of Virginia in order to promote the health and well-being of the Commonwealth's citizens". Further, in §10.1-1307, the Law states "... (The Board) shall have the power to: (I) initiate and receive complaints as to air pollution...". In addition, the DEQ Enforcement Manual, under the Enforcement Mission and Goals section, states that "Compliance assurance activities and enforcement actions should be undertaken in a timely, appropriate and consistent manner to ensure compliance with Virginia's environmental laws, enacted to protect human health, human welfare and the environment." Therefore, as incorporated by Law and mission, DEQ responds to air quality complaints from the constituents of the Commonwealth.

The purpose of this guideline is to establish complaint processing procedures for:

1. Effective receipt and tracking of air pollution complaints
2. Timely and efficient response to complaints depending on agency resources
3. Effectively communicating complaint actions to the complainant

**II. COMPLAINTS**

Complaints are usually received from citizens of the Commonwealth, but may originate from anyone, including persons representing complainants, such as attorneys, physicians, or members of the State or Federal Legislature. Complaints, within the context of this guidance document, are generally allegations of poor air quality or violations of the Air Pollution Control Board (SAPCB) Regulations. Poor air quality may be descriptive of bad odors, excessive visible emissions from air pollution processes, open burning conditions, or some other condition. Complaints requiring further DEQ investigation are recorded. However, not all complaints are valid or will result in compliance action within the authority granted to DEQ.

**III. REFERRALS**

Referrals originate from other DEQ regions or government entities. Examples include the U.S. Environmental Protection Agency, local or Virginia Health Department, or the Virginia Department of Labor and Industry. Referrals are handled in the same manner as complaints. A DEQ employee may also send referrals to other government entities, depending upon which agency has primary jurisdiction. The DEQ employee has the option of recording and tracking these referrals, as directed by his or her supervisor.

#### IV. PROCESSING COMPLAINTS

##### A. Recording Complaints

Most complaints are received in the regional offices by telephone, but may also be submitted by letter, fax, e-mail or in person. In order to provide the most efficient services to our customers, it is important that the person receiving the complaint record all pertinent data associated with the complaint conditions. Because regions may differ slightly in their infrastructure, complaints may be recorded and processed by clerical staff or deferred to specific media staff for action.

The complaint should be recorded on an "Environmental Pollution Incident Report" (IR) form (Exhibit 1-A). All media (air, waste, and water) use this form for documenting and tracking complaint information. When receiving a complaint, as many data fields as possible should be filled out on the IR form. An IR tracking number should be obtained by the Pollution Reports Program (PREP) contact as soon as possible after the complaint is received by DEQ personnel. The IR form is then forwarded to the Air Compliance Manager (ACM) or designee for evaluation and response.

##### B. Confidentiality

Some complainants will want to remain anonymous or have their complaints treated as confidential information. Complaint information is not protected under the confidentiality laws and can be disclosed when requested under the Freedom of Information Act (FOIA). Consequently, the complainant should be informed of that fact when the complaint is made. If confidentiality is desired, then the complainant should not reveal their identity for recording on the complaint form. An anonymous complaint does not lessen the validity of the complaint allegations.

##### C. Evaluating Complaints

All complaints are evaluated for appropriate action and response. Actions will depend on the nature of the complaint. Allegations are evaluated regarding their applicability to SAPCB Regulations, Air Pollution Control Law of Virginia or some other statutory authority granted to DEQ. Complaints that are not covered by authority granted to DEQ are considered **invalid**; either no action is pursued, or the complaint is transferred (referred) to the agency that does have authority. If an IR form is generated, an "invalid" determination, or transfer, should be noted on the form.

Allegations that are too vague or with insufficient information to determine if a violation or hazard exists will be considered invalid. Such a determination should also be noted on the IR form. Complaints received in one region that are alleging valid concerns in another region should be recorded prior to being transferred to the appropriate regional office for action. Transfer notes should be documented on the IR form.

*Examples of invalid complaints include: open burning that is not in violation of SAPCB Regulations, allegations of air contaminants that directly affect workers (which would result in a transfer to the Department of Labor and Industry); conditions regarding indoor air quality (which is not under DEQ's jurisdiction and can be referred to the U.S. EPA Indoor Air Quality website located at [www.epa.gov/iaq](http://www.epa.gov/iaq)).*

##### D. Complaint Actions

Generally, actions used in addressing a complaint will be determined by the means most effective in dealing with the problem, while taking into consideration agency resources. Such actions may take the form of phone calls to the source requesting information, letters to the source requesting corrective action, or physical site inspections. The DEQ air inspector or person responsible for investigating the complaint should begin addressing the complaint within 5 business days of receipt. The complaint investigation should be completed, and the complaint addressed, to the extent possible, within 15 business days of receipt. (Inspection procedures are covered in ASOP-2).

Those investigations that require a longer time period should be discussed with the supervisor, and some interim reporting schedule may be used to document the progress of the investigation. The back of the IR form, or attachments, can be used for recording additional investigation findings. A thorough description of conditions observed or facts found is important not only for establishing documentation for possible enforcement action but also for providing the complainant with feedback of actions taken.

The complainant shall be contacted by any appropriate means and informed of the investigation results. This action (how and when the complainant was informed of results) shall be documented on the complaint form.

Once the complaint has been addressed, the IR form is completed and submitted to the supervisor for review. After reviewing the report, the supervisor signs and dates the form in the bottom right corner. The IR form, or copy of the form, is then given to the PREP contact for data entry. If the complaint regards a registered air facility, a copy of the IR form is filed in the air facility's compliance file.

E. **Field Logbooks**

The DEQ staff person responding to a complaint is responsible for recording information about the investigation and any samples collected in a field logbook (or equivalent, as directed by supervisor). The logbook should be bound and, preferably, have sequential pre-numbered pages. Field notes can include:

1. Complainant's name (unless he or she requests anonymity)
2. Site location
3. Date/time of arrival and departure from site
4. General description of findings and any actions taken on site
5. Names of persons contacted on site, and who they represent, if applicable
6. If samples are collected, record type of sample, sample location, time collected, container used, weather conditions, and sample contents (if unknown, give description)

F. **Customer Service and Safety**

Courtesy is a priority in all phases of complaint processing, and skills of tact and diplomacy are essential in many cases. However, verbally abusive persons should not be tolerated. Instances of such abuse should be immediately transferred to the supervisor or the person informed that their complaint will no longer be accepted under the abusive conditions. Any such abuse shall be thoroughly documented.

Occasionally inspectors may find themselves in situations that require caution and judgement regarding the potential for unsafe conditions. Such conditions may occur when dealing with irate

or emotional persons during a complaint investigation. Other conditions may pose an immediate danger to health. Careful consideration should be given to such conditions during any complaint investigation and inspectors should document deviations from normal procedures. Staff should never place themselves in danger. Field responses should only be undertaken when it is safe to do so.

If unsafe conditions are suspected, document the conditions and do not enter that portion of the facility. The inspector should then contact his or her supervisor as soon as possible for further suggestions or recommendations. If the inspector perceives a threat during the investigation, he or she should leave the scene and contact their supervisor for further instructions.

Exhibit 1-A  
 VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY  
 ENVIRONMENTAL POLLUTION INCIDENT REPORT

IR 2001-\_\_-

<b>Assigned To:</b> Air <input type="checkbox"/> Water <input type="checkbox"/> Solid Waste <input type="checkbox"/> Haz Waste <input type="checkbox"/> Petroleum <input type="checkbox"/> Sewage <input type="checkbox"/> Fish Kill <input type="checkbox"/>		
<b>Call Recv'd. By:</b>	<b>Date:</b>	<b>Time:</b>
<b>Reported By:</b>	<b>Phone:</b>	
<b>Address:</b>		
<b>City:</b>	<b>State:</b>	<b>Zip:</b>
<b>Responsible Party:</b>	<b>Phone:</b>	
<b>Address:</b>		
<b>City:</b>	<b>State:</b>	<b>Zip:</b>
<b>Site Name:</b>	<b>Facility ID:</b>	
<b>Site Address/Location:</b>	<b>Phone:</b>	
	<b>Map Name:</b>	
	<b>Map No.:</b>	
<b>City/County:</b>		
<b>Contact on Scene:</b>	<b>Phone:</b>	
<b>Property Owner:</b>	<b>Phone:</b>	
<b>Description of Incident:</b>	<b>Date:</b>	<b>Time:</b>
<b>Site Visit</b> ____ <b>Phone Call</b> ____ <b>Date:</b> _____ <b>Action Taken:</b> _____ <b>See Memo:</b> Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>Possible Receptors/Affected Water Body:</b>		
<b>Amount of Material/Units:</b>		
<b>Description of Materials:</b>		
<b>Referral/Notification of Local Gov't. Administrator (Name/Agency)-required for imminent threat:</b>		
<b>Phone:</b>		
<b>Closed by / Date:</b>		