



CHAPTER 5 – INVESTIGATING ENVIRONMENTAL CONCERNS

5.1 PURPOSE AND OVERVIEW

The department's regulatory responsibilities include the investigation of environmental concerns. These concerns may originate from the general public, elected officials, industry representatives, other agencies, the media or almost any other imaginable source. This investigative role, found in many of the department's enabling statutes, is an important regulatory function of government. Most environmental concerns are investigated by the department's regional and satellite offices, and are considered a high priority in accomplishing daily work assignments.

The department receives several thousand environmental concerns each year. Most of these concerns are received directly by staff in the regional and satellite offices with lesser numbers received through contacts by the Environmental Emergency Response Spill Line, central office programs, and the offices of elected officials. While most concerns are still received by telephone, an increasing trend is noted via receipt of concerns through the department's Web site. Regardless of origin, all concerns must be given serious consideration and will be investigated accordingly by department personnel.

Ideally the concern will be investigated, environmental assistance provided and the matter resolved prior to environmental damage or serious violation of the law or regulations have occurred. While investigations will sometimes find minor to moderate violations, most do not rise to a level of immediate harm. It is expected that these concerns can be resolved amicably within reasonable timeframes. However, in circumstances where serious violations are found staff are expected to intervene promptly using the many enforcement tools which are available. Refer to the compliance manual of the specific program for further guidance regarding the selection and use of the appropriate enforcement tools and response.

5.2 OFFICE PROCEDURES FOR PROCESSING CONCERNS

Managing concerns in a timely and efficient manner is important to establish the department's credibility and to accomplish environmental protection. From an operational perspective, it is also important that a consistent approach is used to manage our investigations and resources. To accomplish this consistency the following business process will be adopted in each of the regional offices:

- **Call Received by Receptionist or Staff**

Most concern calls are usually received through the main office number. Each regional office must establish a written procedure for routing incoming concern calls within their office. Calls are to be routed to a staff person who can take the information and address questions. Concern calls are not to be sent to a voice mailbox. Always refer the caller to a staff member who is



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available to provide immediate assistance. Adequate staffing levels to receive concern calls must be maintained at all times, including during the lunch hour, on all days of normal business operations.

- **Concern Form is Completed - Assignment of Tracking Number**
All information is to be recorded using the [Environmental Concerns and Investigations](#) form. A tracking number is automatically generated when a new form is opened and will appear in the "Tracking No." box. This tracking number is permanently assigned to the concern form when you hit the "save" button. Be certain to give tracking number to the caller for use in future inquiries regarding the status of the concern. You will also use this number in tracking the concern within your office and when searching for the concern in the department's database. A shortened version of the tracking number is under development and may be available soon.
- **Initial Data Entry**
All new concerns must be entered into the department's database within one (1) business day of receipt. This increases accountability and also serves as a crucial backup system in the unlikely event that a concern form is misplaced or lost.
- **Assignment of Concern for Investigation**
Each concern is reviewed by a designated staff person(s) and assigned for investigation. The assigning staff can be a knowledgeable clerk, concerns coordinator or supervisor. Upon assignment, the concern record in the department database will be amended to show the name of the assigned investigator.
- **Investigation**
Whenever a concern is brought to the attention of the department it should be investigated with priority. Some concerns need almost immediate attention while others can wait several days. As an example, a concern regarding drinking water or, open burning will be of higher priority than the investigation of a longstanding promiscuous roadside dump. Staff will work with office supervisors to determine the priorities for investigation of concerns while keeping in mind the goal of maximizing work assignments and travel efficiencies. Even low priority concerns should be investigated within 30 days of receipt.
- **Review of Outcome by Supervisor**
Upon completion of the investigation the concern form along with the applicable remedy and associated paperwork is routed to the employee's supervisor for review. Incomplete or unsatisfactory work is returned to the employee for further action. Completed concerns are approved by the supervisor and routed for final data entry.
- **Final Data Entry**



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The final data entry of completed concerns forms is to be completed within one (1) business day of review and approval by the supervisor.

- **Filing of Concern Forms**

A hard copy of the concern form will be filed in accordance with local office protocol. The filing method shall allow for easy retrieval and review of concern documents.

5.3 RECEIVING THE INCOMING CONCERN

Concerns may be received by the regional offices by telephone, e-mail or letter. Sometimes concerns are also received directly from a member of public while at meetings or from a citizen stopping by the office. While most persons will identify themselves when making a concern some choose to remain anonymous for a variety of reasons. Often concerns are interwoven with many other issues and at times may not lie completely within the department's jurisdiction. Sometimes these concerns are expressed with deep emotions. Handle the contact in a professional manner and remain neutral in your judgment and handling of the concern. Experience shows that there are often several viewpoints regarding an issue. The trained investigator will concentrate on determining the facts and avoid emotional involvement with the concern. Staff members with a real or perceived conflict of interest should talk with their supervisor and request that the case be reassigned.

Each concern, upon receipt, will be recorded using the [Environmental Concerns and Investigations](#) form. When receiving a concern, especially through a direct contact, it is important to obtain as much information as possible. Gathering this information is a good illustration of the principle of the 5W's; Who, What, When, Where and Why (or How). Strive for accuracy, especially when gathering directions to the site of the concern. Refer to a map when recording the directions and repeat them back to the person making the concern. Whenever possible, attach a copy of the map or a sketch to assist the investigator in finding the correct location.

Satellite Offices

Staff at satellite offices may receive incoming concerns as long as they are processed in accordance with section 5.2, [Office Procedures for Processing Concerns](#).

5.4 Investigating the Concern

Arrival and Site Entry

Similar to inspections, the investigation of concerns will normally be conducted without providing advance notice of your visit. This may sometimes result in difficulty gaining access to the site. If you know that advance notification will make access more likely and it will not result in loss of evidence or, otherwise adversely affect the outcome, you may make a prior appointment. At other locations you may need to



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make more than one attempt or, schedule your visit before or after normal business hours. If in doubt, discuss the appropriate course of action with your supervisor.

Upon arrival and prior to entry, use good investigative technique to fully observe as much of the site as possible. This can sometimes be accomplished by driving the public roads around the perimeter of the site. Alternately, stopping at or near the site entrance and observing for a few minutes will help acquaint you with the surroundings. Think safety first, looking for any signs of threats to your personal well-being such as physical hazards, vicious dogs, etc.. You should also begin looking for any signs of non-compliance, especially those issues identified in the concern.

Be also alert for the "posting" of properties, for example, "no trespassing" signs, which may limit your ability to fully investigate. In rural areas, the painting of trees or fence posts with purple paint is a common symbol, meaning that no trespassing laws are enforced by the property owner.

Contacting the Responsible Party Upon Arrival

Upon entering the site your first business is to contact the responsible party, usually the property or business owner. For homes, this means knocking at the front or entry door. For businesses, this means a visit to the manager's or business office. When the property is occupied by a renter or lessee, lawful access may be granted by an individual that is in control of the property. If you are unable to make contact to gain permission it is usually advisable to leave and try again at another time. As discussed earlier, sometimes this will require that you contact the responsible party to make prior arrangements.

Identify yourself using your department issued identification card. In addition to showing your official credentials, you may also supplement with a business card as a matter of courtesy. Explain the reason for your visit, for example, "My visit today is because a concern has been raised about the handling of trash" or, "we received a report that a cloud of black smoke was seen coming from the property". It is important to link these statements with something like "the department has the responsibility to investigate such concerns and determine whether or not the concerns are valid".

At all times be professional in your conduct, demeanor and tone of voice. First impressions will often determine the degree of cooperation and the responsible party's willingness to allow access to the site. In most cases the responsible party will allow you to enter and collect the information needed to complete the investigation. If access is denied or, site access is withdrawn during the visit, refer to Chapter 6, Search Warrants. Be certain that you observe and document any obvious signs of non-compliance as you leave the property, for example, as you are walking back to your vehicle. You may also document, especially with photos, any non-compliance that can be observed from the public right-of-way.



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Discovery of Violations

If violations are discovered during an investigation a compliance assistance visit will be conducted. If acute violations are discovered, as identified in [Chapter 2, Environmental Assistance Visits](#), conduct an inspection.

Request by Others to Accompany You During the Investigation

As a general rule, only those persons that have an official, legally authorized capacity directly related to the environmental investigation should be allowed to accompany you during your visit. Common examples include local city or health officials. Upon arrival at the site, you should be able to clearly explain to the responsible party the purpose of everyone in your group. In most cases, it will not be appropriate for media or other third parties to accompany you onto the property of the responsible party. Your authority to gain access to conduct an investigation does not allow another person the same privilege.

During the initial investigation emotions can sometimes rise. The presence of both the concerned and responsible party at the same time and location should be avoided. If the threat of violence or, violence does occur, withdraw from the situation and immediately report to the appropriate law enforcement officials. Also be certain that your supervisor is made aware of this situation as soon as practical. In some cases it may be necessary for you to enter the property only with the assistance of a law enforcement official.

Request from Responsible Party for a Copy of the Concern

Upon arrival at the site you may receive a request for a copy of the concern form. Providing the requestor a copy is a requirement of [Missouri's Open Records Statutes \(Sunshine Law\)](#). However, the copy of the form does not have to be provided at the time you are conducting your site visit and investigation. Politely acknowledge any request and return to the office to discuss with your supervisor. In most cases a copy of the concern can be provided within a few business days. In certain cases you may need to seek the advice of department counsel for a determination.

Get the Facts

The primary purpose of your investigation is to get the facts and, resolve the concern. Getting the facts usually requires a site visit, collection of evidence, interviewing involved persons and, sometimes requires environmental sampling. While not always possible, try to get all the information you need at the time of your first visit. Have your thoughts organized, your equipment available and calibrated, and be ready for your investigation.

Collection of GPS Coordinates

The inspector shall use a GPS unit to collect location coordinates when conducting an investigation. Follow the GIS standards, which can be found on the department's intranet. Collect this information using UTM (Universal Transverse Mercator) and record in the appropriate boxes on the addendum. This information should be gathered from as close to the problem area as possible. For example, if you are investigating a promiscuous dump, take the reading as close to the actual dump site as



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is practical. If you are collecting a drinking water sample from a residence take the reading as close to the house as possible, i.e., the front gate or driveway. Most GPS units will not function correctly inside a dwelling or in a location otherwise heavily obscured.

Completing Your Investigation

You must conclude your investigation by taking the appropriate official action. This includes a wide array of responses including no further action, sending the responsible party a letter, issuing a letter of warning, a notice of violation or, an immediate enforcement referral. In some cases you may need to refer the concern to another agency for action, for example, the local health agency. Be sure to include all of the information from your investigation with your referral. This may save valuable time and resources of the receiving jurisdiction. If you are requiring an action by the responsible party be certain that you place the demands in writing, including clearly established deadlines. Also, always contact the concerned party and inform them of the outcome.

Be certain to also complete the concern form so that information will be uploaded to the department's database.

Forms

[Environmental Concerns and Investigations Form](#) - 780-1249