

COMPLAINTS MANUAL

I'd like to register
a complaint.....

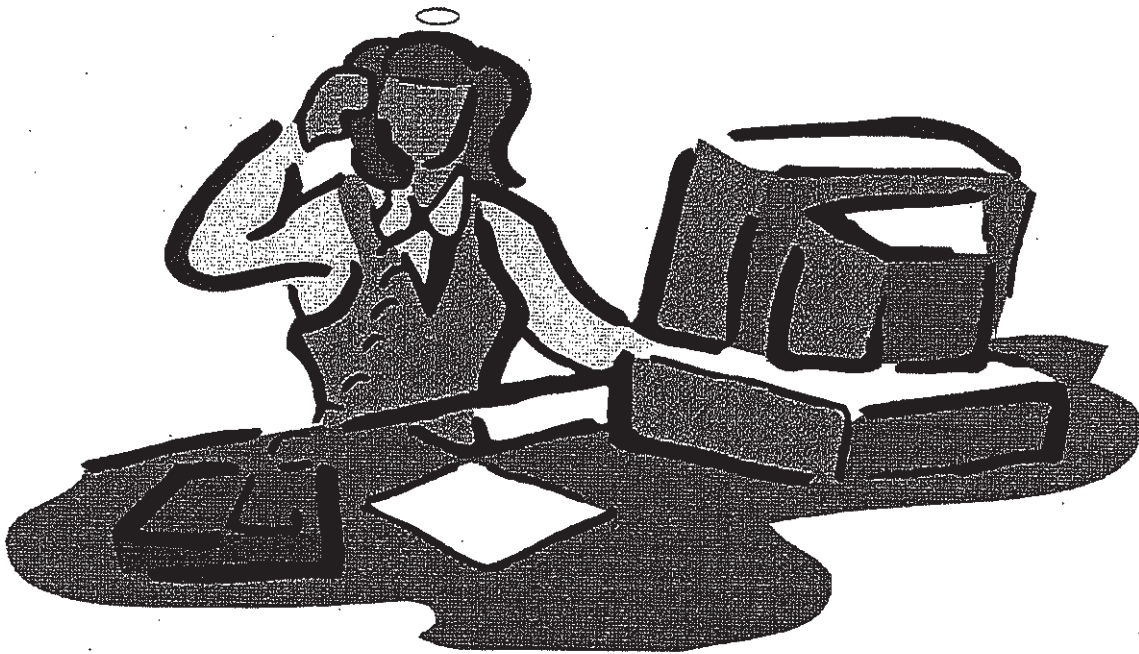


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DEFINING A COMPLAINT

A complaint is a formal allegation against a person, company or party requesting an investigation by the Department claiming that an environmental law may have been broken or there is a risk of environmental harm. Complaints are submitted by telephone, letters, e-mail, DEP Web Page, legislative inquiries, referrals from other agencies, DEP employees, etc.

When you receive a complaint and you are unsure whether the incident is an emergency that is to be responded to by Emergency Response or by a Program, you can contact the Emergency Response Program Manager, Assistant Emergency Response Program Manager or the Service Representative to make the determination.

EMERGENCY RESPONSES (During Regular Working Hours 8:00 – 4:00):

When an emergency is received during regular working hours, it is to be handled through the Service Representative. Any chemical or unknown spills or drums with unknown contents are to be referred to the Emergency Response Program.

Obtain as much information as possible from the caller. Most of the time the incident is being reported by County 911's or County EMA's and you are provided with limited information. Before you hang-up with them try to get a contact name and cell phone number from the person in-charge of scene (if they don't have it they will usually call you back with it). You may have to contact the person in-charge of scene to obtain most of the information.

1. Time incident was reported to Department
2. Location such as address, roadway and mile marker
3. Contact person or person in-charge at scene (like fire chief or state police)
4. Contact persons cell phone number
5. Time incident occurred
6. Amount of spill (if it is a liquid)
7. What type of fluid is down and is it contained
8. Is it in a water course (get name if possible), storm drain, soil or pavement
9. Responsible Party Name, Address, Telephone Number and Contact Person
10. Ask if a contractor has been notified to conduct cleanup, if not you may tell them that one may be required to clean up site. (We do have a list of Clean-up Contractors/Consultants if they are not aware of any and you can provide them with names and phone numbers).
11. If so, get name, telephone number and ask if they are en-route to scene
12. Ask if they are requesting DEP Response to scene

Once you have obtained the information, you are to relay it to the appropriate Program Supervisor or Field Inspector as soon as possible. Do not leave a message on anyone's voice mail or cell phone voice mail. You must speak with someone.

NOTE: When spills are reported to the Department it does not necessarily mean there will always be a field response. In some cases, it depends on the amount of the spill and/or the type of surface affected as to whether a response is required. See instructions below. In addition, some calls are reported because it is a requirement and is considered a "Notification of a Spill" which, would then just go to the appropriate program as a FYI.

Non-DEP Field Response to Fuel Spills:

If a fuel spill occurs and it does not require a field investigation per the appropriate supervisor, then it will be entered into CTS with the following procedures. (Only spills larger than 10 gallons, unless a waterway or storm drain has been impacted).

- Document the same information as a routine complaint; caller, responsible party (trucking company), county, municipality and location.
- Document the time Department received call and/or when it occurred.
- Document if the spill has been contained.
- Indicate whether a waterway or storm drain has been impacted.
- Document who will be conducting the cleanup. (i.e. Fire department, facility and/or if a cleanup company has or needs to be contacted)
 - If a contractor has been hired or needs to be, obtain contact name, phone number, company name and address.
 - Find out when the cleanup will occur.
- Assign to the Service Representative.
- Assign to the appropriate supervisor for that field area.
- It will be assigned a:
 - Priority 1 – If the cleanup has been completed within the same day and no reports are required.
 - Priority 2 – If the cleanup will be completed within 10 working days and no reports are required.
 - Priority 3 – If the cleanup will require a Final Closure Report to be submitted.

Investigation Information: The outcome of the investigation will determine the procedure you will follow in order to properly handle and close out the complaint.

- **Priority 1 Assigned:** Enter in **Date First Response** (Date action was taken) and **Date Resolved** (date cleanup completed, which should be the same date as Date of First Response). For **Inspection Type** field use “Other” and for **Inspector** use “SR” unless otherwise noted. In the **Investigation Description**, document the details of the spill and the details pertaining to the action taken regarding the cleanup.
- **Priority 2 Assigned:** Enter in **Date First Response** (Date action was taken) and **Date Resolved** (this will be the date the cleanup has been completed). For **Inspection Type** field use “Other” and for **Inspector** use “SR” unless otherwise noted. In the **Investigation Description**, document the details of the spill and the details pertaining to the action taken regarding the cleanup.
- **Priority 3 Assigned:** Enter in **Date First Response** (Date action was taken) and **Date Resolved** (date closure report has been received by the Department). For **Inspection Type** field use “Other” and for **Inspector** use “SR” unless otherwise noted. In the **Investigation Description**, document the details of the spill and the details pertaining to the action taken regarding the cleanup. **NOTE:** Send a copy of Detail Form to assigned supervisor, hold the Detail Form until the Final Closure Report is received, update CTS, attach Final Closure Report to Detail Form and send to file.

Follow-up to an Emergency Response Incident: When ER responds to an incident and it's sent to a program(s) for follow up, then the follow procedures will be followed.

- Emergency Response will enter the incident into CTS, print out Detail Form with their investigation information and forward it to the appropriate program(s) for follow up. The appropriate Supervisor will determine whether a field response is required.
 - **“NO” Field Response Required:**
 - Document **“No Further Action Required”** on the Detail Form, send to SR and it will be entered into CTS.
 - Send the completed Detail Form to the SR for closing it out in CTS (Resolution Date).
 - If no further action is required other than receipt of the final closure report, indicate **“No Further Action Required, Hold for Final Closure Report”** on Detail Form and send to SR. SR will hold until report is received and close out complaint in CTS.
 - **“YES” Field Response Required:**
 - If a site visit is required, then the SR will re-assign the incident to the appropriate program(s), inspector and supervisor.
 - After your site visit, complete the remaining information on the Detail Form (i.e. Date First Response and the Investigation Information portion of Detail Form) just as you would for a routine complaint.
 - Send the completed Detail Form to the SR to update into CTS. If no further action is required other than receipt of the final closure report, then indicate **“No Further Action Required, Hold for Final Closure Report”** on the Detail Form. SR will hold until final closure report is received, will update CTS, attach Final Closure Report to Detail Form and then send to file.

EMERGENCY RESPONSE PROGRAM:

- Any spill occurring after regular work hours; 4:00 pm or an excessive amount; 1,000 gallons.
- In-door air problems; chemical and/or malodors involving petroleum products.
- Anything needing an immediate response that a program and/or programs can't provide.

If the call is deemed an “Emergency”, forward it to an Emergency Response Personnel following the chain of command: (Reception area will have who is available for ER)

1. Emergency Response Program Manager
2. Assistant Emergency Response Program Manager
3. Designated employee in-charge of Emergency Response

ER Incidents:

1. If the call is determined to be an Emergency Response, it will be registered in the CTS by the Emergency Response Program.
2. If a complaint is received after hours by ER and it is not investigated but requires an investigation by a program, then this is to be logged into CTS by S.R..
3. Any reports received by ER after hours that the Department does not regulate are the responsibility of ER to inform the caller, refer the incident, etc. It is not the responsibility of the S.R. to make the referral.

PROGRAM DEFINITIONS

The following is a general breakdown of what type of complaints each program handles. Management decided what program would handle those types of complaints that would technically fall under two programs. It was based on what program had the more appropriate rule or regulation. If the complaint is difficult to determine what program it should be assigned to, contact a Program Supervisor or Compliance & Monitoring Manager and they will make that determination.

Some complaints will result in the assigning of more than one program due to the nature of the problem(s). Joint investigations should be arranged between the programs at that time.

Air Quality Program:

- **Open Burning** – any waste other than residential garbage or any waste from a business that was produced on site.
- **Asbestos** – removal or demolition from a business or dwelling with five or more apartments or visible asbestos emissions.
- **Dust** – sandblasting, stone quarry roads, dirt roads or trucks tracking dirt onto a road from a business.
- **Fugitive Emissions** – smoke or dust leaking from a process other than a stack or quarry operation. Emissions from “Outdoor Wood Burning Units” that are affecting a resident. First, point of contact is with local government if they have an ordinance in place.
- **Odor** – any malodor from a business but not including odors generated and detected w/in the same building. (Landfills are first covered by Waste Management & Sewage Treatment Plants are first covered by Water Quality)
- **Stack Emissions** – any air emissions from a business such as heavy smoke, soot or particulate matter from a stack or duct.
- **Vapor Recovery** – fumes from filling of gasoline storage tanks excluding dispensing fuel to a motor vehicle. “Idling of Diesel-Powered Motor Vehicles” for longer than 5 minutes and proper signage is required (see exemptions).
- **Act 124 Anti-idling Law** – pertains to diesel-powered motor vehicles with a gross weight of 10,001 or more causing odors or idling for longer than 5 minutes (see exemptions).
- **Outdoor Wood Boiler** – any odors produced by these units from a residential or commercial property.
- **Schools** – odor problem occurring within a school that is not the result of heating system.
- **General** – an issue that may not fall under any of the above.

Waste Management Program:

- **Burning** – any waste that is brought from one location to another and burned or any waste that is not normal household generated waste.
- **Disposal** – municipal waste, residual/industrial, tires and/or infectious waste that is not properly bagged/contained, and commercial, demolition, hazardous, infectious and sludge-type wastes must be brought to an approved site for that waste type.
- **Dumping/Burying** – any waste other than clean fill that has been deposited on the surface of the ground or buried in the ground or dumped into a waterway or water body. (Clean fill; trees, grass, stumps and vegetative material from same property, ashes, brick, block, concrete, rock stone and used asphalt)
- **Landfill** – odors, litter, tracking of mud on roadways, dust and operational hours or accepting unapproved waste.
- **Storage** – hazardous waste stored in drums must be properly marked and labeled, and tires must be stacked and stored properly.
- **Transportation** - waste transferred from one place to another and placed on the ground without being contained. The vehicle hauling waste must be properly labeled. Odors/leakage – nuisances and must be enclosed/tarped from vehicle transporting waste. Vehicles not licensed to haul hazardous waste. Waste hauling vehicles parked in residential areas causing a nuisance and/or parked for more than 4 hours. Contaminated soil from tank removals transferred to another location/site.

Water Management Program:

- **Agriculture** – manure improperly stored near a body of water or water supply from a farming operation.
- **Biosolids** – sewage/septage problems resulting in nuisances, no prior notification or no permit for land application.
- **Industrial Waste** – chemical discharge to a body of water.
- **On-lot Sewage** – “DO NOT LOG” refer caller to local municipality, if they indicate that they have and nothing is being done, then refer them to Darryl Fritz.
- **Sewage** – any sewage discharge from a main sewer line, pump station, manhole or sewage treatment plant. (Later lines are responsibility of homeowner or municipality). Malodors from a main sewer-line, pump station, manhole or sewage treatment plant.
- **Water-body** – fish kills, oil sheens or discoloration on lakes or in streams, or odors in lakes or streams.
- **Water Quality (General)** – any fuel spill from vehicles (accidents) or any regulated substance that is received during normal working hours.

Water Supply Management Program:

- **Public Water Supply** – any incident involving or affecting the water supply (15 or more dwellings or 25 people equal a public water supply) including bottled water.
- **School** – general sanitation problems.
- **Water** – private well if it was affected by a regulated substance or activity.

Environmental Clean-up Program:

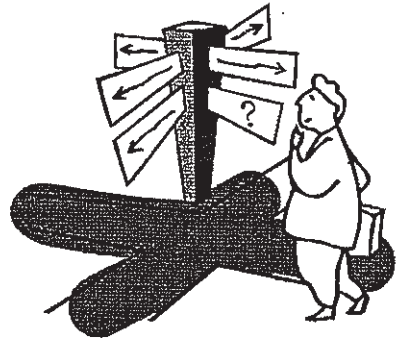
- **Aboveground/Underground Registration** – all regulated tanks must be registered. Regulated tanks are an aboveground storage tank 250 gallons or greater, underground storage tank 110 gallons or greater containing a regulated substance (see exemptions).
- **Closure/Removal & Installer/Inspector** – the Department must be notified prior to the removal of all regulated aboveground or underground storage tanks. Also, a certified installer must conduct the removal or installation of a regulated tank.
- **Leaking Aboveground/Underground Storage Tanks & Spill Response** – leak, spill or overflow from any tank regardless of size.
- **Groundwater** – contamination resulting from a leak, spill or overflow from any source where a water supply is present and maybe impacted.
- **General** – contaminated soil at the site of a tank removal or remediation remaining on site greater than 90 days. Improper contaminated soil storage where soils not placed on or covered by plastic. (NOTE: Waste Management covers contaminated soil transferred to another site).
- **Tank Upgrade** – any regulated storage tank that has not been improved to meet current regulations.
- **Industrial Waste** – a regulated tank containing a hazardous substance that was not regulated by Waste Mgt. or Water Mgt. would fall under the storage tank act.

Soil and Waterways:

- **Dams/Ponds** – problems with an on stream dam with a drainage area > 100 acres or off stream dam > 15' deep and 50 acre-feet of volume or constructed without a permit. A pond constructed without a permit or constructed in a wetland.
- **Earth Disturbance** – erosion and sedimentation problems refer to the County Conservation District.
- **Floodway/Watercourse/Encroachments** – excavating or changing a watercourse, constructing a bridge or culvert, fill placed in a floodway.
- **Wetlands** – filling, draining, excavating or clearing/grubbing (removing stumps).

COMPLAINT PROCEDURES

When a complaint is received the Service Representative will make the determination if it is a regulated or non-regulated activity.



1. **Regulated Complaint:** The required information will be obtained from the complainant when applicable. **Required information:** detailed description of the nature of the complaint, directions to site, municipality and county. Any additional information you can obtain such as the complainant's name, address, telephone, the responsible party's name, address, telephone will help assist the field inspector in conducting a more proficient investigation.
 - If the nature of the complaint can be covered by local government that has the appropriate ordinance I will refer it to them (I check my list of municipalities to see if they have the ordinance). I instruct them to contact me back with the results of their investigation.
 - If after they investigate it and the situation is beyond the scope of what they can handle I will write it up as a complaint. Their investigation results will be entered and the reason why we are handling it. If it is something that we still should not get involved with then I will inform them of such.
 - At times, I will request the assistance of local government, local police, state police, other state agencies, etc. to respond on behalf of the Department. This is in cases where the Department is unable to make an immediate response or if it is not classified as a priority according to the Department's standards but maybe at a local level, etc. I will inform them of the complaint, instruct them on what assistance the Department is requesting and ask that they contact me back with the results of their investigation. The complaint will be entered into the CTS.
 - If no follow-up by the Department is necessary I will enter the results of their investigation and then close it out. I will be listed as the inspector with the investigation type as phone call or other. A copy of the complaint will be forwarded to the program for their information.
 - If after their response the Department still needs to investigate it or conduct follow-up, I will assign it to the appropriate program. I will enter the results of their investigation. I will be listed as the initial inspector with the investigation type as phone call or other. It will be the be forwarded to the program.

NOTE: If the complaint is regarding malodors then all of the following information/criteria are **mandatory**:

- The odors must be occurring at the time of the call. (document the time). If the odors are not present at time of call, then instruct the caller to contact the Department the next time they detect the odors & also inform them of the below requirements. (DO NOT REGISTER THE COMPLAINT.)
- The complainant must be present for the field inspector to conduct the investigation. (Meaning, they must be at the site of where they are detecting the odors)
- Complainant's name, address & telephone number.

2. Inform the complainant that their information has been logged, approximately how long it could take for an investigation (this depends on the priority level assigned) and that the field inspector will contact them back with the results of their investigation. **NOTE:** Any information pertaining to the complainant or information that could identify the complainant is strictly “**Confidential**” and for no reason should it be given out.

3. **Assign Program(s) and Inspector(s):** The S.R. will enter the complaint information into the Complaint Tracking System and assign the appropriate program(s). The S.R. will determine what program(s) the complaint will be assigned. See Program Definitions if assistance is needed in determining the program(s).

Then the Field Inspector(s) will be assigned to the complaint. This is determined by what program(s) it was assigned to and what municipality and/or county it is located in. (See Field Inspector’s Assigned Work Area to see what field inspector is assigned to what area(s)).

4. **Assign Priority Level:** A Priority Level (See “Priority Level Definitions” on pages 11 - 12) will be assigned to every complaint. The level is established by the severity of the complaint.

If you think the complaint requires an immediate program response (Priority Level 1) then contact the appropriate supervisor, section chief and/or field inspector via, work phone or cell phone and they will determine if the complaint warrants immediate attention. If it does, then you may either give them the information over the telephone if they are not in the office or they may come and pickup the complaint form. Make sure you are informed as to who will be assigned the complaint if they know. (In some cases the field inspector initially assigned the complaint may not be the one that will be responding because of not being available). If this program has no one available to respond or you cannot get someone from the program then another program should be contacted to see if they have someone available. **NOTE: Do not leave a message for anyone to call you back; you must get a hold of someone.** If you are unable to get someone then contact the program secretary and ask that they find the person in-charge and have him or her contact you back. (Only wait a few minutes for a call back, if you have not heard from someone then try again. This will ensure that the complaint is not forgotten and it doesn’t allow for too much time to pass, ensuring a more timely response.)

If it is determined that an immediate response is not warranted then the complaint will be assigned as a routine complaint according to the level indicated for that program.

The “X” in the box indicates the Priority Level that is to be assigned to a routine complaint.	Priority Level	AQ	S & W	WQ	WM	ECP	WSM
	1						
	2	X		X		X	X
	3				X		
	4		X				

NOTE: Some levels may change depending on the type of complaint. Once a level has been assigned to a complaint it can only be changed by a Supervisor’s request. A Field Inspector is not authorized to change a Priority Level.

5. **Print Detail Form & Send to Program(s):** Once all the above information and requirements have been met a Detail Form(s) will be printed. The complaint form(s) will be taken to the mailroom and placed in the appropriate program(s) mailbox. This will be done twice a day, once before lunch and then before the end of the day.

6. Field Inspector(s) Investigates: The assigned field inspector(s) will conduct their investigation. There are three types of investigation responses, Site Visit, Phone Call and Other. The field inspector is required to perform one of those investigation responses.

NOTE: A “phone call” or “other” does not constitute a “Date of First Response” unless it closes out the complaint. Ex. A phone call to the complainant to request directions, additional information or to set up a meeting cannot be used as a Date of First Response.

1. Fills Out Complaint Form:

- The field inspector is to write a description of what they found upon their investigation into the complaint. If a site visit was not warranted then the description should include the reason as to why one was not necessary.
- Upon their investigation if any additional information or corrections to information reported on the form was obtained this should be written on the form. The S.R. will make changes in CTS. This would include any information under the Complaint Information, Complainant Information, Responsible Party Information, and Response Information sections.
- If there is a complainant listed on the complaint form the field inspector is required to notify the complainant of the results of their investigation and the date should be noted on the form. Notification can be done by a phone call, in person, an email, or letter. The type of notification should be noted in the description field

8. Investigation Conclusion: The outcome of the investigation will determine the procedure you will follow in order to properly handle and close out the complaint. Below are the different routes you are to follow. Follow the color-coded “Complaint Flow Chart” on Page 14 for assistance.

Referral To:

- **Another DEP Program:** The complaint has been investigated and it is determined that it should be referred to another Departmental Program. The field inspector makes note of the Program it is to be referred to in the “Referred To:” field on the complaint form. The S.R. will re-assign the complaint to the new program and a copy of the completed complaint form from the original program it was assigned to will be attached for their information. The field inspector needs to follow the appropriate steps (starting from “Violation) below to ensure the complaint is properly handled and closed out.
- **Another Agency, etc:** The complaint has been investigated and it is determined that it should be referred to another agency, etc. The field inspector makes note of the agency, etc. they are referring it to in the “Referred To:” field on the complaint form and the date it was referred. Field inspector is responsible for forwarding the information. The complainant information is not to be referred unless the agency, etc. follows the same “Confidentiality Standards” as the Department. The field inspector needs to follow the appropriate steps (starting from “Violation) below to ensure the complaint is properly handled and closed out.
- **Violation:**
 - **NO:** The complaint has been investigated and it has been determined that there are no violations. Was the complaint against a permitted facility?
 - If “YES” then this complaint needs to be entered into Efacts first and the Efacts Inspection ID# needs to be written on the form in it’s assigned field. It does not matter if the facility is permitted in your program or not, as long as it has a permit from the Department it needs to be entered.
 - If “NO” then the complaint can be closed.

As long as the Complaint Form has been properly filled out (See Closing Out a Complaint, Page 12) it can be sent to the S. R. for data entry. (If your supervisor requires that it be sent through them first, then it goes to them and they will route it to me).

- **YES:** The complaint has been investigated and it has been determined that there was a violation of the Department's Regulations. Was enforcement action taken?
 - If an NOV is being sent then this complaint needs to be entered into Efacts first and the Efacts Inspection ID# needs to be written on the form in it's assigned field. The Responsible Party information is required to be filled in on the form unless the R.P. cannot be determined.
 - If it was a permitted facility then it must be entered into Efacts first. It does not matter if the facility is permitted in your program or not, as long as it has a permit from the Department it needs to be entered. If a violation exists but not enforcement action (non-permitted only) is being taken, then this does not need to be entered into Efacts, but it needs to be noted in the investigation description that "An NOV was not Warrant".

Follow-up Required:

- **NO:** If no follow-up inspection is required then the complaint can be closed out. See "Closing Out a Complaint", Page 12. It can then be sent to the S. R. for data entry. (If your supervisor requires that it be sent through them first, then it goes to them and they will route it to me).
- **YES:** If a follow-up inspection(s) is required then the field inspector will make a copy of the Complaint Form with the information from the initial investigation and send it to the S.R. for data entry. (If your supervisor requires that it be sent through them first, then it goes to them and they will route it to me).
- **Reinvestigate:** The field inspector conducts a follow-up investigation(s). The new information and dates are entered on the complaint form. If the violation is "resolved" then the complaint can be closed out. See "Closing Out a Complaint", Page 12. It can then be sent to the S. R. for data entry. (If your supervisor requires that it be sent through them first, then it goes to them and they will route it to me). If the violation has not been corrected then you continue the above steps until the violation is resolved and/or comes into compliance.

9. Closing Out a Complaint: In order to properly close out a complaint certain fields must be filled in. The Date of First Response, Date Resolved, Date Investigated, Type, Inspector, Violation, and Investigation Description are all required fields for every complaint. Again, if there is a violation with enforcement action then the Responsible Party field is required (when applicable) and an Efacts Inspection ID#. If the complaint is against a permitted facility it always needs an Efacts Inspection ID#. Remember the complaint is not closed out until the compliance obligation has been met. **Exceptions:** If the violation(s) noted are going to take an outstanding (greater than 180 days) amount of time to come into compliance then the complaint can be closed for tracking purposes only. This should be noted in the investigation description field along with a notation that follow-up is being conducted by the program.

Examples: (1) A tank release that has contaminated a well. This may take several months or longer for the violation to be corrected. In this case the complaint can be resolved once the complainant and/or responsible party have been notified. (2) An odor complaint comes in against a STP. The odors are documented and the source of the odors is a malfunctioning "scrubber". The scrubber needs to be replaced and it will take a number of months before the problem is corrected. In this case the complaint can be closed after the NOV, etc. has been issued. Any additional complaints that are registered thereafter will be entered as a new complaint and can be closed out after they have been investigated.

The S.R. is responsible to review the findings to distinguish if the inspector's investigation results are what the Department considers to be a "Quality Response". (See "Defining a Quality Response" on page 15.) All information will be entered into the CTS and any additional instructions by the inspector(s) and/or supervisor will be followed. NOTE: The S.R. will only refer complaints via e-mail or by telephone. No letters will be sent. The S.R. is responsible for entering the Resolution Date when they feel the complaint is completely closed. At this time the S.R. will forward the Complaint Form to Records Management for filing. If for any reason a complaint needs to be re-opened, the S.R. is the only one that can reactive it into an "Open Status".

NOTE: When a complaint is assigned to a field inspector it is their responsibility to make sure that the form is filled out correctly and returned to the Service Rep. for updating. If a Supervisor assigns a complaint to another field inspector rather than the one whom covers that area normally, they must notify the S.R. This will ensure that the appropriate field inspector is listed on the complaint form, which will prohibit complications that could arise later. If a complaint appears on the Overdue/Unresolved Report it is up to the field inspector it was assigned to track down any information in order to properly close out the complaint. A helpful hint: If you get a complaint that was assigned to you while you were on vacation or other type of leave, you should check with your supervisor to see if it had been assigned to another inspector for any reason.

NOTE: *The CTS is used by other; DEP Regions, District Mining Offices, and Bureaus. So all procedures that apply in this region may not apply in others. Also, fields in the system and on the detail form are not all for the sole purpose of regional office use.*

Related Complaints Registered in the same day or within a few days of one another:

Same Complaint:

If complaints are received on the same day, against the same responsible party and are of the same nature, they are to be recorded as one complaint with additional complainants. The time of each call should be documented.

If a complaint is received on one day and an additional complaint comes in after that, as long as it is prior to the field inspector conducting the initial investigation it is to be logged as the same complaint. Document the additional complainant(s), the new date(s) and time(s).

New Complaint:

If a complaint comes in one day and it has been investigated, then another complaint comes in regarding the same or different activity it is to be logged as a new complaint. The exception is if the R.P. had not yet been notified by the Department. The rule of thumb to use is that once the complaint has been investigated and another complaint comes in after that it should be logged as a new complaint.

Delegated Counties for Soil & Waterways Complaints:

Counties that have been entrusted the responsibility to investigate Soil & Waterways complaints are "Delegated County Conservation District's" and are not to be entered into the CTS. The complaint and/or caller should be referred to the appropriate conservation district. The only time these complaints are to be entered into CTS is after the District conducted the initial investigation and cannot get compliance or if seeking assistance from the Department.

PRIORITY LEVELS

Priority 1 - Refers to complaints requiring an immediate program response. This is a same day response. This does not include Emergency Responses.

Ex: Date Received 1/01/2010 – First Response 1/01/2010

Priority 2 - Refers to complaints that are serious but are not likely to escalate within 7-10 days but pose an existing or potential adverse impact on the environment or public health. They must be investigated within 10 working days.

Ex: Date Received 1/01/2010 – First Response 1/15/2010

Priority 3 - Refers to complaints that would not result in environmental harm if not investigated within a few weeks. These complaints require a phone call within 10 days and if the complaint is not resolved by that phone call, then an investigation of the site must follow within the initial 30 days.

Ex: Date Received 1/01/2005 – First Response 2/12/2005

Priority 4 - Refers to complaints that are ongoing and require a long-term solution. If a complaint was received and initially investigated under a Priority 1, 2, or 3 and will require a long-term solution it will then be down graded to this level. Also, a complaint that the Department is aware of and is going to take time for it to become resolved will be assigned this level. The complaints are to be left open until they are completely closed. They must be investigated within 40 working days. A phone call or a letter must be sent to the complainant explaining the conditions surrounding the complaint.

Ex: Date Received 1/01/2005 – First Response 2/26/2005

DEFINING A QUALITY RESPONSE:

A Quality Response will consist of the following:

- All required fields on the Detail Form are properly filled in.
- Investigation description clearly indicates the problem was inspected.
- Investigation description is clearly explained.
- Complainant was advised accordingly of findings and notification type, date and time documented. A message left on an answering machine/voice will suffice. If complainant has neither and several attempts were made with no answer, then no additional attempts are required. Document date and times of attempts. (Exceptions: Anonymous, no phone number).
- Responsible Party information is complete when there is a violation.
- Efacts Investigation ID# is filled when the Responsible Party is permitted or enforcement action has been taken.
- If the location could not be found, documentation should be noted as to additional measures taken to try to locate the site.
- Timely response.

The S.R. will view the inspector's findings and differentiate if the response is adequate and acceptable by the Department or not. The guidelines the S.R. will be following are those listed above. If the S.R. deems the response inadequate she will notify the Assistant Regional Director. He and the inspector's supervisor will make the final determination if the response is adequate. The Detail Form will be returned to the inspector if the decision was deemed inadequate. He or she will then make the proper corrections.

OIL & GAS REGULATED COMPLAINTS:

When an Oil & Gas call is received by this region, the following criteria will determine what region will handle the investigation. NOTE: If it is determined that the complaint will be handled by this region then you will follow the procedures for handling a routine complaint. Northeast Region's ERT will investigate all after hours and weekend O & G complaints and emergencies.

Northcentral Region:

- An incident when it is a result of the actions on a well site, access roads, spills on well site, private property roads, water withdrawals, malodors, or problems dealing with the preparation of a well site.
- If it is determined to be handled by the Northcentral Regional Office you are to forward the caller to the Scranton O & G District Office at (570)346-5530 and then follow up with an email with the callers name and phone number to Alice Adams, Jennifer Means and Marc Cooley.

Northeast Region:

- All spills that occur off the well site, access roads, private roads, etc.
- Malodors from compressor station emissions.
- ERT will investigate unknown substance discharges into ditches, streams, etc.
- Timbering conducted on a property "rumored" to be a future pad site will be investigated by the County Conservation District.

NON-REGULATED COMPLAINTS:

When a complaint is received by the S.R. and it is determined the Department does not regulate it, one of the following methods are conducted. The complainant is notified that this is not a regulated activity. They will be informed of what agency has jurisdiction (in some cases they will be informed it is a civil matter) and they will be provided their telephone number when it is available. In other cases, the S.R. will respond back via e-mail or letter informing them of the same. If no complainant information is available, the S.R. will forward the complaint directly. The S.R. will not forward complainant information unless the complainant has authorized it or if the receiving agency is state or federal and they follow the same confidentiality policy as ours.

Office of Field Operations

GUIDANCE

Kris Lutz 717-787-9240
6/30/2003

epconfs03/Field Ops/fieldops/Complaint
Tracking System

I. Guidance

A policy for input of complaints into Efacts was issued August 24, 1999 by Terry Fabian, Deputy Secretary for Field Operations. Based upon input of this data since 1999, this policy is being updated to provide further guidance on entering the data.

II. POLICY

The following methodology should eliminate duplicate tracking of open complaints, prevent the creation of Efacts sites and clients that we do not regulate or against whom we have NOT taken an enforcement action, and ensure that Efacts accurately reflect our enforcement efforts.

Complaints that we receive about a regulated site should be referred to the appropriate program on the Complaint Tracking System and they should be entered in as a complaint inspection type on Efacts and tracked there. The Complaint ID field is available in the Efacts inspections screen and the Inspection ID field from Efacts is available on the CTS Response screen. These two fields in the future will be auto populated so that you will be able to toggle back and forth between Efacts and CTS. Both systems should be populated with the appropriate ID number. The detailed description data about the results of the inspection still must be documented in the CTS system. Based upon the regional office's business process, either the Service Representative or the field inspector will enter this data.

Complaints that we receive about non-regulated (non-permitted) sites should be retained on the Complaint Tracking system for closure when the site has come back into compliance unless an enforcement action (including an NOV) is taken. If an enforcement action is taken, the details of the enforcement action for this complaint should be in the Complaint Tracking System and the inspection and enforcement record created in Efacts.

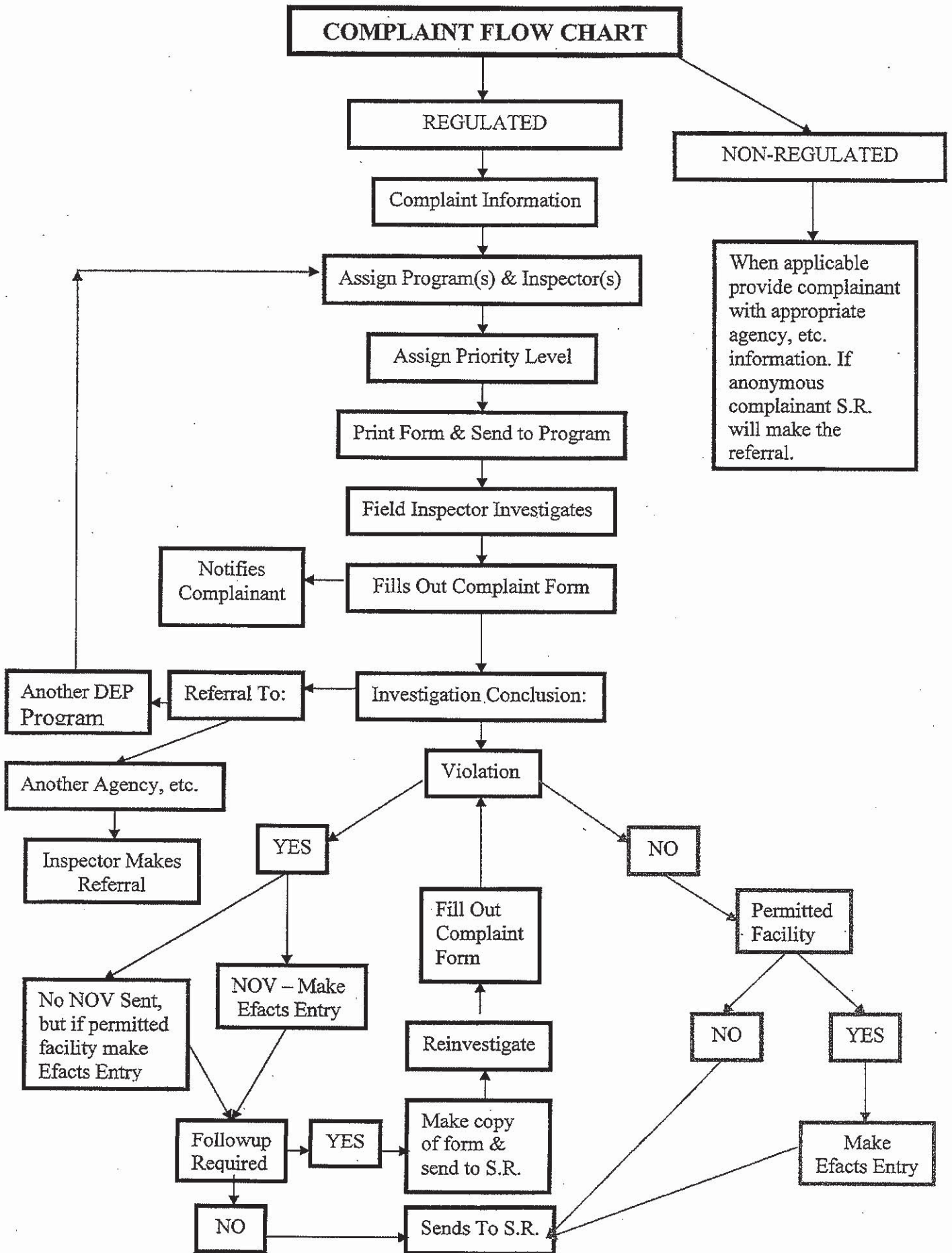
III. APPLICABILITY

Applicable to all Field Operations regional staff that input complaint data into the Complaint Tracking System and into Efacts.

IV. Effective

This Policy will take effect and be implemented immediately.

COMPLAINT FLOW CHART



COMPLAINT FORM

Complaint Information

EP NE Rgnl Off Wilkes Barre
Complaint Id: 55493 Related Complaint Id: None
Municipality: Taylor Boro County: Lackawanna
Entered By: MARY A OLIVER ER Related (Y/N): N After Hours Ind(Y/N): N
Source: Phone Call
Date Received: 09/19/1994 Date Acknowledged: -
Abbrev Description: HIGH CHLORINE CONTENT IN WATER
Long Description: -
Site Location: -

Complainant Information

Seq No: 0 Company: -
Name: MARGETH NESTOR e-Mail: -
Address: 1004 RILEY ST Confidential Yes (Y/N):
TAYLOR, PA 16817 Mobile Phone: -
Home Phone: 717-562-2319 Work Phone: - Ext: -
Date/Time Received: 09/19/1994

Responsible Party Information

Name: -
Home Phone: - Work Phone: - Ext: -
Company Name: PA AMERICAN WATER CO - LAKE
Address: SCRANTON Mobile Phone: -
RR 4 BOX 4414 RT 307 Permit#: 2359026
Municipality: MOSCOW, PA 18444 County: Lackawanna
Scranton City

Response Information

Priority: 2
Program: Safe Drinking Water
Complaint Type: Public Water Supply
Date Resp Assigned: 09/20/1994
Date Response Due: 10/04/1994
Date First Response: 09/20/1994
Date Received: 11/21/1994
Date Referred: -
Referred To: -
Comments: -
Inspector: MICHAEL S JAROLIN Supervisor: DAWSON N JENKINS

Investigation Information

Date Investig Assigned: 09/20/1994 Date Investigated: 09/20/1994 Type: Phone Call
Inspector: MICHAEL S JAROLIN Violation(Y/N): No
eFACTS Inspection Id: Investigation Id: 59556
Investigation Description: CONTACTED JERRY DAVIES, PG&W. MR. DAVIES INDICATED THAT HE WOULD SAMPLE THE DRINKING WATER ON SITE. AM AWAITING THE CORRESPONDENCE FROM MR. DAVIES BEFORE CONTACTING THE COMPLAINANT. THE PENNSYLVANIA SAFE DRINKING WATER REGULATIONS DO NOT SET AN UPPER OR LOWER LIMIT ON CHLORINE RESIDUAL. THE REGULATIONS ONLY STATE A RESIDUAL ACCEPTABLE TO THE DEPARTMENT. I WILL INDICATE TO THE COMPLAINANT THAT I AM NOW HANDLING ALL OF PENNSYLVANIA GAS AND WATER COMPANY WATER SUPPLIES IN THE SCRANTON DISTRICT OFFICE. RECEIVED THE SAMPLE RESULTS FROM JERRY DAVIES' OFFICE. ALL OF THE RESULTS WERE BELOW LIMITS INCLUDING THE CHLORINE RESIDUAL.

*** End of Report ***

COMPLAINT FORM FIELDS:

Complaint Information Section:

Complnt Id: This is a system-generated number for the purpose of tracking the complaint.

Related Complnt Id: If a previous complaint was registered by the same complainant and against the same R.P., this is where you would put the other Complaint ID#.

Municipality: This is the local Township, Borough or City that the complaint is located.

County: This is the County in which the complaint is located.

Entered By: This is the name of the S.R. that entered the complaint into the CTS.

ER Related (Y/N): This would indicate if this is an Emergency Response (Field used by ER).

After Hours Ind (Y/N): This would indicate if the call was reported after working hours (Field used by ER).

Confidential (Y/N): All regional complaints are "Confidential", this is a n/a field for our region.

Source: How the complaint was received by the Department. The choices: Email, Fax, Legislative Contact, Letter, Other, Phone Call, Web Page

Date Received: This is the day in which the Department received the complaint.

Date Acknowledged: If the field inspector contacted the complainant prior to their investigation they may document the date in this field.

Abbrv Description: This is a brief description of the nature of the complaint.

Long Description: This is a more detailed description of the nature of the complaint.

Site Location: This is where directions, street address, etc. to the site location would be documented.

Complainant Information Section:

Seq No: This is the number used to identify the complainant throughout the remainder if the complaint when there is more than one complainant associated to the same complaint.

Company: If the complainant is associated with a municipality, company, etc. this is where the name would be documented.

Name: This is the name of the person whom registered the complaint. There can be more than one complainant. Also, if this entire section is blank then the complainant was anonymous.

Address: This is the address of the complainant.

e-Mail: This is used to document the complainant's email address if they submitted their complaint via the web page, etc.

Mobile Phone: This is the cell phone number of the complainant.

Home Phone: This is the home phone number of the complainant.

Work Phone & Ext: This is the work phone number of the complainant.

Confidential (Y/N): This will always be "Yes" because complainant information is not to be accessible to anyone other than the Department.

Date/Time Received: This is the date and time the complaint was received by the Department.

Responsible Party Information Section:

Name: This is the name of the person whom the complaint is against or contact person. There can be more than one responsible party.

Home Phone: This is the R.P.'s home phone number.

Work Phone & Ext: This is the R.P.'s work phone and ext.

Company Name: This is the facility or organization of the alleged violator.

Address: This is the address of the R.P.

Permit#: This is the permit number of the R.P. if they have one.

Municipality: This is the local Twp. or Boro the responsible party is located.

County: This is the county the R.P. is located in & it can be out of our region or the state.

Response Information Section:

Priority: *This is the level in which the complaint was assigned; it determines the amount of time the inspector has to investigate the complaint.*

Program: *This is the program that was assigned the complaint. There can be more than one program assigned to a complaint.*

Complaint Type: *The coding that is used to categorize the nature of the complaint. They are different per program.*

Date Resp Assigned: *This is the date the complaint was assigned to the field inspector.*

Date Response Due: *This is the date the field inspector needs to have the investigation conducted by.*

Date First Response: *This is the date the field inspector conducted their investigation.*

Date Resolved: *This is the date the complaint is closed out by the program.*

Date Referred: *This is the date the program referred the complaint, if applicable.*

Referred To: *This is the name of the agency, program, etc. that the complaint is being referred to.*

Comments: *This is an area that confidential information may be documented and it would only be privy to DEP personnel, it does not print out on the complaint form.*

Inspector: *This is the field person assigned to investigate the complaint.*

Supervisor: *This is the field inspector's superior.*

Investigation Information Section:

Date Investn Assigned: *This is the date the field inspector receives the complaint.*

Date Investigated: *This is the date the complaint was investigated; it is usually the same date as the First Response Date.*

Type: *This is the kind of investigation that was conducted. Site Visit, Phone Call or Other, they are the only choices.*

Inspector: *The name of the field inspector who conducted the investigation. It may vary if this is not the person initially assigned.*

Violation (Y/N): *This is the field to indicate whether a violation existed during the investigation or not.*

EFACTS Inspection Id: *This is the ID# associated with the inspection that is entered into Efacts as a result of the complaint.*

Investigation Id: *This is the ID# associated to the investigation that is entered into the CTS.*

Investigation Description: *This is the narrative that is written by the field inspector indicating the outcome of their investigation.*

REPORTS

Listed below are the system-generated reports that are available to all Management and Inspectors. The name of the report, a description of what the report produces, the report parameters and the fields on the report are listed for each one. Each report will provide only data that falls under the criteria requested for that time frame. Also, S.R. was trained in Discoverer and has the capability of designing and creating reports at anyone's request.

Joint Inspection Report: This report is used to view those complaints that have been assigned to more than one program where a combined investigation was conducted.

Report Parameters:

- Region
- County
- Responsible Party
- Program
- Date Range

Fields on Report:

- *County*
- *Program*
- *Complaint ID #*
- *Date Received* (The day the complaint was received by the Department)
- *Joint Inspection* (The other program(s) assigned to the complaint)
- *Complaint Type* (The program code type identifying the classification)
- *Municipality* (Local Twp. or Boro the complaint is located)
- *Responsible Party* (The alleged person/company)
- *Inspection ID* (The number that is used to identify the investigation that is associated with a complaint)

Log Report: This report is primarily used to view complaints assigned to a particular inspector in a specified time frame. It gives related data concerning those complaints.

Report Parameters:

- Region
- Program
- County
- Supervisor
- Inspector
- Date Received From & Date Received To

Fields on Report:

- *Region*
- *Program*
- *Complaint ID #*
- *Date Assigned* (Date complaint was appointed to inspector)
- *Complainant* (The person whom reported the complaint)
- *Responsible Party* (The alleged person/company)
- *County*
- *Abbreviated Description* (Brief explanation of the complaint)
- *Inspector*
- *First Response* (The date the inspector responded to the complaint)
- *Date Resolved* (The date the program closed the complaint)

Managers Report: This report is used to view the number of complaints assigned to each inspector, if they were investigated, resolved or referred.

Report Parameters:

- Region
- Program
- Supervisor
- Inspector
- Date Received From & Date Received To

Fields on Report:

- *Region*
- *Program*
- *Supervisor*
- *Inspector*
- *# Assigned* (Number of complaints assigned to inspector according to date range)
- *# First Responses* (Number of complaints inspector investigated)
- *# Of First Responses Investigated:*
 - *Before Due Date:* How many were investigated before the due date
 - *After Due Date:* How many were investigated beyond the due date
- *# Resolved* (The number of complaint's that are closed out)

- # *Referred* (The number of complaints forwarded to another agency, etc.)
- # *Violations* (The number of complaints resulting in violations)
- *Supervisors Totals* (The total number of each column for supervisors staff)
- *Program Totals* (The total number of the each column for program)
- *Grand Totals* (The total number of the each column for the entire region)

Overdue/Unresolved Complaints Report: This report is used to check on those complaints that have not been investigated and/or have not been closed out. **NOTE:** The complaints that show up on this report are not all due to not being investigated; it is mostly that the complaint form was not sent to the S.R. for updating.

Report Parameters:

- Region
- Program
- County
- Responsible Party
- Supervisor
- Inspector
- Date Received From & Date Received To

Fields on Report:

- *Region*
- *Program*
- *Supervisor*
- *County*
- *Complaint ID #*
- *Inspector*
- *Date Assigned* (Date complaint was appointed to inspector)
- *First Response* (The date the inspector responded to the complaint)
- *Due Date* (The date the complaint must be investigated by)
- *Days Overdue* (The # of days the complaint is beyond the Due Date)
- *Days Unresolved* (The #of days the complaint remains open)
- *Complainant* (The person whom reported the complaint)
- *Responsible Party* (The alleged person/company)
- *Municipality* (Local Twp. or Boro the complaint is located)
- *Abbreviated Description* (Brief explanation of the complaint)

Response Performance Report: This report is used to view how programs response times are for investigating and resolving complaints. Fields are based on averages.

Report Parameters:

- Region
- Program
- Supervisor
- Inspector

- Date Received From & Date Received To

Fields on Report:

- *Region*
- *Program*
- *# Complaints Received* (The number of complaints received per program)
- *# Responses* (The number of investigations performed out of number received)
- *Average Initial Response Time* (Average # of days to conduct a First Response)
- *Responses Resolved* (The # of closed complaints out of number investigated)
- *Average Time Resolved* (Average # of days to close out a complaint)
- *Program Totals* (The totals of the above columns per program)
- *Region Totals* (The totals of the above columns for a regional office)
- *Grand Totals* (The totals of the above columns if report requested for more than one region)

Statistical Report: This report shows programs performance based on priority levels assigned to the complaints. It shows the number investigated before the due date, after the due date, those that are overdue, not yet overdue and the number of violations.

Report Parameters:

- Region
- Program
- County
- Supervisor
- Date Received From & Date Received To

Fields on Report:

- *Program*
- *Level* (The Priority Level's - 1, 2, 3, 4)
- *# Complaints Received* (The # of complaints assigned per priority level)
- *First Responses Investigated "Before"* (The # of complaints per priority level where the investigation was before it's due date)
- *First Responses Investigated "After"* (The # of complaints per priority level where the investigation was after it's due date)
- *First Responses Not Investigated "Beyond"* (The # of complaints per priority level that have no First Response Date and are beyond it's due date)
- *First Responses Not Investigated "Within"* (The # of complaints per priority level that have no First Response Date and not beyond the due date)
- *# Violations* (The # of violations per priority level)
- *Program Totals* (The total # of each above column per program)
- *ICS Org & Running Totals* (The # of each column adding consecutively the previous total of another region or mining office)

Summary Report: This report can be used to view complaints against a specific Responsible Party and/or County. It can also be used if you are looking for a complaint and you don't have much information pertaining to it.

Report Parameters:

- Region
- Program
- County
- Responsible Party
- Date Received From & Date Received To

Fields on Report:

- *County*
- *Complaint ID #*
- *Abbreviated Description* (This is the brief explanation of the complaint)
- *Responsible Party* (The alleged person/company)
- *Permit ID#* (This is the R. P. permit number if they have one)
- *Inspector*
- *Supervisor*
- *Description* (This is the detailed explanation of the complaint)
- *Date Received* (The day the complaint was received by the Department)
- *Municipality*
- *First Response* (The date the inspector responded to the complaint)
- *Date Res/Ref* (The date the program closed the complaint or referred it)
- *Program* (The program assigned the complaint)
- *Date Due* (The date the complaint must be investigated by)

Supervisors Summary Report: This report is used for a Supervisor to view the complaints assigned to his or her staff.

Report Parameters:

- Region
- Program
- Responsible Party
- Supervisor
- Date Received From & Date Received To

Fields on Report:

- *Supervisor*
- *Complaint ID #*
- *Abbreviated Description* (This is the brief explanation of the complaint)
- *Program*
- *Responsible Party* (The alleged person/company)
- *Priority Level*
- *Inspector*
- *Date Received* (The day the complaint was received by the Department)
- *Municipality*

- *First Response* (The date the inspector responded to the complaint)
- *Date Res/Ref* (The date the program closed the complaint or referred it)
- *Due Date* (The date the complaint must be investigated by)
- *Permit ID#* (This is the R. P. permit number if they have one)

New Inspector Instructions: When a new inspector is hired they will need to come to see the Service Representative for instructions on the Complaint Procedures. There is certain information that is required so that an employee can be added to the System.

Regardless if the inspector is a trainee, specialist or transferring from another region, program, etc. they are to be sent to the Service Representative prior to assigning him/her complaints.

If the inspector is not sent for training the program will then become responsible for any problems they may arise.



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Field Operations:	Standard Procedure for Complaint Response Management		
Issued By:	Deputy Secretary for Field Operations <i>[Signature]</i>	Last Revised: 04.07.2011	Document No: FO 2010-07

Purpose: To provide Field Operations regional staff with a consistent approach for receiving, investigating and resolving environmental complaints.

Scope: This guidance applies to all DEP Field Operations personnel except Radiation Protection, who have an approved procedure: "Complaint Processing Procedure BRP-ALL-01"

Standard Procedure: DEP receives more than 5000 environmental complaints each year. Each complaint received is an attempt by a citizen at describing an alleged event, incident, wrongdoing, or concern perceived as a threat to public safety, human health or the environment, which may be in violation of an environmental law. It may take the form of a concern, tip, or request for an investigation. Some complaints do not include enough information or evidence to determine if a violation has occurred, but most complaints warrant investigation*. Field Operations personnel should treat complainants with respect and conduct investigations in a professional and confidential manner. After the investigation is completed, complainants should receive the results of that investigation, when they request them.

** An "investigation" is an examination of facts, circumstances, and opinions relative to the environmental complaint that may or may not require a physical inspection.*

Compliance & Enforcement: Investigations and reports for some complaints may supplement compliance efforts undertaken by program(s). If violations are found during a complaint investigation, follow the formal department policy found in "Standards and Guidelines for Identifying, Tracking and Resolving Violations", issued April 6, 2004, as amended, and program / bureau guidance documents to track and resolve the violations.

Goals: Timely and professional investigation and resolution of environmental complaints will benefit environmental protection and regulatory compliance efforts. This Guidance document describes the working relationships between Regional Service Representatives, program staff and complainants. Using the existing Electronic Facility, Application and Facility Tracking System (e-FACTS) and Complaint Tracking System (CTS) database systems, staff at Regional and District offices will strive to provide high quality public service through a consistent approach.

Workforce Protection: Field Operations personnel are not required to respond to, or investigate, complaints from any complainant who exhibits irrational, ranting, abusive or threatening behaviors. If a field inspector encounters a complainant who threatens his/her health and safety during an investigation, the inspector should stop investigating, retreat to a safe area, notify law enforcement officials, then notify his / her supervisor. Additionally, Field Operations personnel should not enter sites where hazardous environmental conditions will compromise their personal safety. Employees are reminded to follow the steps outlined in the Threats Directed Toward DEP Employees policy.

Responsibilities*:

1. Regional Service Representatives will receive all complaints (excludes emergency incidents), assign priority levels and forward the complaint to the appropriate program(s) in a timely manner.
2. Managers and/or supervisors will review complaints forwarded to them by the Regional Service Representative, validate the information, and verify that the priority level is appropriate. They will then assign appropriate staff and resources, and establish the timeframe for completion of the investigation.
3. All staff involved in investigating complaints will ensure confidentiality of the investigation process, complainant information, and other parties as needed.
4. Supervisors, with assistance from the Regional Service Representative, will ensure that reports, E-FACTS / CTS entries and correspondence documenting the results of the investigation are complete and if appropriate, submitted / communicated to the complainant.
5. Regional Service Representatives should act as liaisons between program staff and the complainant, ensure confidentiality is maintained, and provide CTS training and assistance to program staff.
6. Managers and supervisors will ensure that all complaints are reviewed / investigated and either resolved or referred for enforcement action within established timeframes. When violations are identified, ensure staff follows formal department policy.
7. Program staff who investigate a complaint (or other designated staff) will document the results of the investigation in e-FACTS or CTS, and prepare reports / correspondence within established timeframes.
8. Regional Service Representatives should notify managers / supervisors when assigned deadlines are not met or when confidentiality of the investigation process, complainant, or other persons may be jeopardized.

** Complaint information and requests received by any DEP personnel should be forwarded to the appropriate Regional Service Representative as soon as possible.*

Priority Levels / Timeframes

1. Priority Levels:

CTS Priority 1 – Reserved for complaints and emergency incidents that require an immediate program response or dispatch of the emergency response team. (Definition of emergency provided below.) Complaints in this category describe conditions that are imminent or likely to cause severe impacts to public safety, human health or the environment, or are a priority to legislative representatives or DEP executive staff (includes the Regional Director).

CTS Priority 2 – High priority complaints. The condition(s) described in the complaint do not constitute an “emergency”, are unlikely to escalate to Priority 1, and are likely to cause moderate or severe impact(s) to public safety, human health or the environment. May also be used for time-sensitive complaints.

CTS Priority 3 – Routine complaints. The condition(s) described in the complaint do not constitute a high priority complaint and may cause impacts to public safety, human health or the environment.

CTS Priority 4 – Low priority complaints describing ongoing minor activities that are unlikely to cause

impacts to public safety, human health or the environment. These complaints are usually known conditions that require long-term solutions. Complaints that will result in moderate or severe impacts to public safety, human health or the environment should be assigned priority level 1, 2, or 3.

Complaints that are without merit or are not within DEP's purview should not be entered into CTS nor should they be investigated. Complaints (non-emergencies) about activities that are regulated by DEP but for which enforcement is delegated to another agency or municipality (i.e., municipal stormwater, on-lot sewage, erosion and sediment control) should be referred to the delegated agency or municipality. Repetitive complaints from a person or group that are determined by prior investigation to be without merit may be disregarded at the discretion of Regional Director.

A DEP "Emergency" is any incident within the Department's purview which meets any of the following:

- An unforeseen significant event requiring prompt Departmental action to avoid or recover from great damage, loss or destruction OR
- An unforeseen combination of circumstances or the resulting state that requires immediate action for the protection of the health and safety of the citizens of the Commonwealth and/or the environment of the Commonwealth OR
- A sudden, urgent need for DEP oversight in the field to protect the environment or the interests of the Commonwealth or the Department OR
- An urgent tasking from the Governor's Office, the Director of PEMA of the Lead State Official acting under the Commonwealth's Emergency Operation Plan and its Emergency Support Functions.

2. Assigning Priority Level:

Regional programs should provide the criteria and examples for priority level 1 (immediate) and priority level 2 (high priority) complaints to the service representative, to assist in their initial assignment of the priority level. Certain types of complaints with temporary conditions may warrant assigning a higher priority in order to detect or observe the conditions in question.

Program managers / supervisors who receive complaints from the service representative should verify the assigned priority level using experience and knowledge in a systematic approach. *(example below)*

What is the Probability that the reported condition has / will result in unwanted impact(s):*



What is the estimated Severity of those unwanted impact(s):*



* "Impact" to public safety, human health or the environment - may include environmental justice considerations.

3. Time Frames: Investigations for routine complaints should begin within 10 days*. The table below

provides guidelines for CTS milestones (days = calendar days) for all priority levels:

CTS Milestone	Priority 1 (ASAP / Emergency)	Priority 2 (High Priority)	Priority 3 (Routine)	Priority 4 (Low Priority)
First Response (start investigation)	Immediate	3 days	10 days	28 days
Response Due (assigned by CTS)	1 day	14 days	42 days	56 days
Date Resolved (end investigation)	7 days	28 days	84 days	112 days

“First Response” is a data entry field in CTS for the actual date when an investigation begins.

“Response Due” is a date assigned by CTS that is the latest date allowed to start an investigation.

“Date Resolved” is a data entry field in CTS for the actual date when an investigation is complete.

** Complaints regarding facilities that are routinely inspected should be assigned to the program(s) that have compliance authority for that facility. Violations identified during a complaint investigation must be handled in accordance with formal department policy and specific program / bureau guidance.*

Communications with Complainants:

1. Verbal communications (face-to-face, telephonic), and written correspondence may be used for general communications and to investigate complainants. Use of e-mail by anyone other than the Regional Service Representative to communicate with complainant is discouraged, unless that is the type of communication requested by the complainant.
2. Prior to commencing an investigation, participating staff should discuss how they will investigate the complaint AND protect the confidentiality of the complainant and the complaint process. Information that could be used to identify the complainant should not be included in inspection reports, enforcement documents, or associated correspondence*.
3. Non-anonymous complainants should be notified by program staff when the investigation is initiated.
4. Non-anonymous complainants should be provided a verbal or written report by program staff that summarizes the findings of the complaint investigation*.
5. Public records* (i.e., inspection reports, NOVs, correspondence) may be shared with the complainant, redacted as needed to protect third parties and safeguard ongoing enforcement actions.

** A complainant's identity (or any information that enables someone to identify the complainant) is confidential and should not be shared with the public. Other non-identifying information related to a complaint is a public record and may be provided. Contact the regional counsel for guidance. Section 708 (b)(17) of the Pennsylvania Right-to-Know Law (RTKL), 65 P.S. §67.708(b)(17), provides that complaints and other records related to a non-criminal investigation are exempt from access by a requestor. However, there may be circumstances where DEP will release complaint related information with the complainant's identifying information redacted. Contact the regional RTKL attorney for guidance.*

Reevaluating Complaints:

1. Complainants who are dissatisfied with the results of an investigation, or who request further action by DEP, should be asked if there is any relevant information that was not initially provided, and why they are dissatisfied.
2. The Service Representative will notify the Program Manager and the Assistant Regional Director of any cases in which complainants insist on a reevaluation or reinvestigation of their complaint.

3. If warranted, a quality control review by program management staff may take place to determine if the complaint will be reevaluated or reinvestigated.

4. Findings and recommendations of the quality control review should be communicated by program staff to the complainant.

Responsibility for this SOP resides with the Field Operations Deputate

Questions and Comments may be E-mailed to kleib@state.pa.us.