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Follow-up Review of WMATA's Environmental Management  
Program

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Final Report



**Internal Operations No. 13-001**  
**October 23, 2012**

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**Washington Metropolitan Area Transit Authority**  
**Office of Inspector General**

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# M E M O R A N D U M

## FINAL AUDIT REPORT WITH RECOMMENDATIONS

Internal Operations No.13-001



**SUBJECT:** Follow-up Review of WMATA's Environmental Management Program      **DATE:** October 23, 2012

**FROM:** OIG – Helen Lew /S/

**TO:** GM/CEO – Richard Sarles

This **Final Audit Report** entitled, *Follow-up Review of the Washington Metropolitan Area Transit Authority's (WMATA) Environmental Management Program*, presents the results of our audit. The objectives of the audit were to determine whether there are adequate controls in WMATA's Environmental Management Program to ensure proper handling and disposal of hazardous waste, and if the Program is in compliance with policies and procedures, as well as applicable federal, state, and local government requirements.

### **BACKGROUND**

The mission of WMATA is to operate and maintain a safe, reliable, and effective transit system that enhances mobility, improves the quality of life, and stimulates economic development in the Washington metropolitan area. Safety shall be a major consideration in every stage of all WMATA activities, including planning, design, construction, testing, operations, and maintenance of the coordinated Metrorail, Metrobus, and MetroAccess Systems to ensure the highest practical level of safety for customers, employees, first responders, and the general public.

The United States Environmental Protection Agency's (EPA) Resource Conservation and Recovery Act (RCRA) govern the management and disposal of solid and hazardous waste. RCRA defines hazardous waste as a solid waste, or combination of solid waste, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may (a) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Under EPA regulations, a product is considered to be a hazardous waste if it exhibits one or more of the following characteristics: ignitability, corrosivity, reactivity, and toxicity.

WMATA's Department of System Safety and Environmental Management (SAFE) is responsible for: (a) communicating and updating the agency about local and federal safety requirements, (b) providing identification, elimination, and proper disposal of chemical, environmental, and other related hazards, (c) recommending the design and fabrication of safety equipment, and (d) conducting a systematic proactive approach to analysis and surveillance of operational safety for passengers and employees, as well as all agency facilities, operational work areas, and equipment.

The Office of Environmental Management and Industrial Hygiene (EMIH) is located in SAFE and has direct responsibility for WMATA's Environmental Management Program. EMIH identifies EPA regulations that apply to WMATA so that the necessary procedures and programs are established to ensure environmental regulatory compliance.

According to WMATA's Environmental Standard Operating Procedures (SOPs), hazardous materials can be broken down into several main categories. Some examples are listed below:

### **Main Categories of Hazardous Materials**

<b>Hazard Category</b>	<b>Material Examples</b>
Flammables	Spray paint, gasoline, starter fluid
Combustibles	Diesel, oils, greases
Compressed gases	Nitrogen, freon, argon, oxygen
Oxidizers	Peroxides
Acids	Sulfuric acid, hydrochloric acid
Caustics	Ammonia, sodium hydroxide
Toxics	Solvents, adhesives

One RCRA requirement is proper labeling of hazardous waste. This primary label must be completely filled out and affixed to the hazardous waste container when the first drop enters the container.

Senior Managers at each facility are assigned collateral duties as Environmental Compliance Officers (ECOs) and Deputy Compliance Officers (DCOs). These individuals are responsible for ensuring compliance with applicable environmental regulations. ECOs report to the Assistant General Manager, Department of Transit Infrastructure and Engineering Services (TIES) and/or the Managing Director of Bus Maintenance. DCOs report to the ECOs at their facilities. EMIH is responsible for providing technical advice to the ECOs and DCOs and for ensuring regulatory compliance.

In recent years, WMATA incurred the following environmental violations or penalties.

- On September 14, 2011, WMATA was one of approximately 1,500 potentially responsible parties that received a letter of notice from the Marine Shale Processor Site, Potentially Responsible Parties (PRP) Group in Amelia, Louisiana. The notice stated EPA found untreated hazardous waste at the abandoned Marine Shale Processor waste disposal site. Hazardous waste manifests found showed that WMATA was a generator of waste at the site. The letter of notice stated that the potentially responsible parties were eligible for an early “de minimus cash-out settlement” of \$8,000, for remediation of the site, in exchange for a general release and avoidance of any further involvement and costs associated with the remediation. On November 28, 2011, WMATA submitted a payment of \$8,000 to the Marine Shale Processor Site PRP Group and received a General Release dated, December 22, 2011.
- On May 3, 2010, EPA found a WMATA underground storage tank lacked a secondary containment wall, a RCRA violation. WMATA self-disclosed to EPA that they had two additional storage tanks that met the same condition. Because of WMATA’s self-disclosure, the resulting penalty was reduced. WMATA was required to pay a civil penalty of \$18,305 to EPA.
- In October 2003, the Washington Suburban Sanitation Commission issued WMATA a Notice of Violation for discharging a hazardous substance from a Rail car wash system into the sanitation sewer system, a violation of the Clean Water Act. The enforcement action was undertaken by the U.S. Department of Justice on behalf of EPA.

WMATA paid a penalty of \$200,000 to the United States, and was placed on probation for 18 months. According to EMIH's Supervisor for Environmental Engineering, all WMATA Rail car wash systems are now adequately equipped to treat wastewater before it is released into the wastewater systems. WMATA Bus garages do not use harsh chemicals in their auto-wash systems.

The Office of Auditor General, our predecessor office, issued a report, entitled *Review of WMATA's Environmental Management Program* (AUD 04-0038), dated December 12, 2003. The report found the Department of System Safety and Risk Protection (SARP) and the Environmental Service Branch (ENSV), two former WMATA offices, had developed and established an environmental management program to address compliance with federal, state, and local government environmental regulations. The report also found improvements could be made in conducting compliance inspections and communicating environmental activities.

### **AUDIT RESULTS**

We found WMATA's Environmental Management Program has an internal control process in place to ensure proper handling of hazardous waste. Although there are internal controls in place, we found staff did not adequately follow WMATA policies and procedures in six areas, including periodic compliance inspections, mandatory training, labeling, and the reporting of spills of hazardous materials.

The lack of adherence to policies and procedures increases WMATA's risk of non-compliance with federal, state, and local environmental regulations and the safety of employees, passengers, and the general public. WMATA could also be subject to fines and penalties for the violation of environmental laws.

Based on the above findings we made six recommendations to improve internal controls.

We provided a draft of this report to the General Manager & Chief Executive Officer (GM/CEO) for review and comment on October 15, 2012. In the GM/CEO's October 18, 2012 response, he generally concurred with the findings and identified some areas for correction. The GM/CEO concurred with all six recommendations and provided information on corrective actions taken and/or planned. The complete text of the GM/CEO's response is included as Attachment 1 to this report.

We reviewed the GM/CEO's comments and made revisions to the report, where appropriate.

### **Finding 1 - Non-Compliance with WMATA's Policies and Procedures**

WMATA did not adequately follow policies and procedures in the following six areas:

- Weekly and monthly compliance inspections are not conducted at some facilities.
- ECOs and DCOs did not complete mandatory environmental training.
- Labels were not applied and spill containment kits were not used for the transport and storage of non-hazardous waste materials.
- Spills of hazardous materials are not consistently reported to the Maintenance Operation Center.
- Environmental training records are not properly maintained by the Department of Human Resources (HR).

- Final copies of hazardous waste manifests are not maintained in facility environmental files.

The above six areas are summarized in detail below.

### **1A-Weekly and monthly compliance inspections are not conducted at some facilities**

We reviewed weekly and monthly compliance reports prepared by ECOs and DCOs for five<sup>1</sup> WMATA facilities. We found some ECOs and DCOs did not conduct weekly and monthly inspections, as required. Specifically, for the five facilities we visited, we calculated that a total of 780 weekly walkabout checklists, and 180 monthly environmental checklists should have been prepared for the period July 1, 2010, through December 31, 2011.<sup>2</sup> We found the ECOs/DCOs did not prepare and/or maintain 742 or 95 percent of the weekly checklists and 60 or 33 percent of the monthly environmental checklists.

According to WMATA's Environmental SOPs, the weekly walkabout is a compilation of items that must be addressed on a weekly basis. The items include storage areas, underground storage tank reconciliation, battery rooms, and hazardous waste. The facilities are required to maintain completed and signed weekly checklists in their environmental files as these checklists are needed to support the monthly facility inspections. Additionally, the weekly inspection is a regulatory requirement by EPA for hazardous waste storage facilities.

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<sup>1</sup> The five facilities were West Falls Church Rail Yard, Bladensburg Heavy Overhaul Shop and Service Vehicle Shop, Carmen Turner Facility, Jackson Graham Building, and Bladensburg Bus Division. There are 10 organizational units located within the five facilities we visited.

<sup>2</sup> We calculated the expected weekly/monthly checklists as follows: 10 organizational units times the 78 weeks in the period analyzed equals 780 weekly checklists; and 10 organizational units times the 18 months in the period we analyzed equals 180 monthly checklists.



In addition, WMATA's Environmental SOPs define the Monthly Environmental Compliance Checklist as a comprehensive list of items that must be addressed on a monthly basis during the facility inspection. The checklist includes (a) hazardous waste container/satellite accumulation areas, (b) spill kit inspection, (c) universal waste, and (d) hazardous waste. Facilities are required to maintain copies of the monthly environmental checklist onsite upon completion of the inspection. The Monthly Compliance Checklist is required to be submitted to the Office of Environmental Management Industrial Hygiene by the 5<sup>th</sup> day of the following month.

According to Section 5.3.3 of the Environmental Management Policy Manual dated, December 18, 2002, facility inspections shall be conducted and documented monthly by operating facility management personnel. Furthermore, EPA regulation, 40 CFR 265.174, states that the owner or operator of a facility must conduct a weekly inspection for leaks and deterioration of containers.

According to the ECOs we interviewed, weekly and monthly inspections were not conducted because some ECOs and DCOs were not trained and did not understand their responsibilities. In addition, EMIH did not provide oversight to ensure weekly and monthly compliance inspections were conducted and documented.

Failure to conduct weekly and monthly inspections increases the risk of facilities not being in compliance with the Environmental SOPs and state and federal hazardous waste disposal regulations. This can result in WMATA paying fines and penalties for violations of federal, state, and local government environmental laws which may be considered a felony.

### **1B-ECOs and DCOs did not complete mandatory environmental training**

We found some ECOs and DCOs had not completed three of the four mandatory courses in environmental management and safety. We reviewed the Office of Training and Organizational Development's (T&OD) training records for 20 ECOs/DCOs working at five facilities.

We found:

- Thirteen of the ECOs/DCOs or 65 percent had not completed the 20-hour Hazardous Waste Management course.
- Eleven of the ECOs/DCOs or 55 percent had not completed the OSHA First Responder Operations course.
- Twenty ECOs/DCOs or 100 percent had not completed the OSHA On-Scene Incident Command course.
- All 20 ECOs/DCOs had taken the Annual ECO/DCO Refresher Training course.

According to The Office of Environmental Management and Industrial Hygiene's Environmental SOPs, ECOs and DCOs are required to have the following training: (a) Annual ECO/DCO meeting (refresher training), (b) 20-hour Hazardous Waste Management, (c) OSHA First Responder Operations, and (d) OSHA On-Scene Incident Command.

EPA regulation 40 CFR 265.16 states facility personnel must successfully complete a program of classroom instruction, or on-the-job training that teaches them to perform their duties in a way which ensures the facility's compliance with the regulation.

Occupational Safety and Health Administration (OSHA) regulation 29 CFR 1910.120 states training shall be based on the duties and function to be performed by each responder of an emergency response organization.

Based on our audit, we determined that EMIH did not provide oversight to ensure the ECOs and DCOs completed mandatory training requirements. Failure to train employees in required environmental courses can result in employees not performing their duties and responsibilities correctly and WMATA not being in compliance with EMIH's policies and procedures, and state and federal regulations. Additionally, failure to receive such training can result in employees not responding effectively to emergencies, and carrying out the facility's contingency plan.

**1C-Labels were not applied and spill containment kits were not used for the transport and storage of non-hazardous waste materials**

The Office of Elevator and Escalator (ELES) personnel frequently transported non-hazardous oily wastewater and sludge materials across the District of Columbia, Maryland, and Virginia jurisdictions in containers without descriptive labels and accompanying safety spill kits. We found 28 containers (55 gallon drums) of ELES's non-hazardous waste materials stored on a truck bed at the Carmen Turner Facility in March 2012. The containers were awaiting pick-up by a contractor for disposal. The containers either had no labels to describe the contents, or the labels attached had no description, or were illegible. ELES workers informed us that the wastewater is also transported without accompanying safety spill kits for containment in the event of a spill.

The non-hazardous wastewater that collects in the elevator pits results from the mixture of oily residue from the operation of motors and gears on WMATA's elevators and the seepage of rain and ground waters into the elevator pits. To avoid interference with the safe operation of the elevators and potential damage to the environment, the wastewater and sludge must be pumped-out periodically. ELES workers pump two to three elevator pits per week and store the wastewater and sludge in 55 gallon metal containers. The containers are hoisted onto a truck bed and transported across town to WMATA's Carmen Turner Facility. A contractor is then notified for pick-up and disposal of the waste. The General Superintendent of ELES stated his workers had not received training on how to properly label and safely transport the waste materials. Other staff personnel at ELES, with whom we discussed the issue, stated that a lack of oversight by management and a lack of policy and procedures contributed to the failure to use descriptive labels and safety spill kits. EMIH has no policy and procedures for the storage, handling, and disposal of non-hazardous wastewater at WMATA. It only has policy and procedures regarding hazardous waste materials.

We did not identify any specific federal, state, or local regulations regarding the labeling and transport of non-hazardous waste. WMATA did not have policies and procedures that addressed the handling, storage, and disposal of non-hazardous waste. It would be beneficial for WMATA to have labels attached to each container prior to transport and a safety spill kit stationed aboard vehicles during each transport. These safety precautions would enable emergency responders who would not know the content of the containers, to avoid uncertainty and to protect WMATA's employees, the public, and the environment in the event of a spill.

## **1D-Spills of hazardous materials are not consistently reported to the Maintenance Operation Center**

We found that spills of hazardous materials, such as, fuels and lubricants are not always reported to WMATA's Maintenance Operation Center (MOC) and EMIH, as required. WMATA did not sufficiently enforce policies and procedures that would ensure all hazardous spills are reported to MOC.

Section 5.2.2, of the Environmental Management Policy Manual requires workers in WMATA operations, maintenance, and support functions to immediately report all spills of hazardous substances to MOC. The Environmental SOP, page 1, "Spill Response and Reporting," requires the ECO/DCOs to contact MOC immediately whenever a spill is discovered. MOC is responsible for obtaining details on the location, nature, and status of hazardous spills and reporting this information to EMIH. MOC is also responsible for notifying emergency fire and police services, if needed. EMIH determines and implements the necessary safety response for WMATA. Also, Maryland environmental regulation (COMAR 26.10.01.03) requires that all spills of hazardous substances be reported to the Maryland Department of the Environment.

Spills of hazardous oils or lubricants that result from accidents or breakdowns involving Metro buses and nonrevenue vehicles are generally not reported directly to MOC. Bus and nonrevenue vehicle accidents or breakdowns are required to be reported directly to the Bus Operation Control Center (BOCC). BOCC documents these calls on accident report forms. Large spills from bus or nonrevenue vehicle accidents that cannot be contained or cleaned-up by a Bus Service unit are reported to MOC. Also, according to an EMIH representative, many of the hazardous spills calls from workers at WMATA facilities are made to an EMIH representative, instead of directly to MOC.

As a result of unreported spills, EMIH cannot provide a full accounting of all hazardous spills at WMATA. EMIH needs an accounting of all hazardous spills at WMATA for state and local government environmental reporting. The non-reporting of some hazardous spills could be a violation of federal, state, or local environmental laws and can result in a court injunction against WMATA and possible penalty or fine.

**1E-Environmental training records are not properly maintained by the Department of Human Resources**

We found the Office of Training and Organizational Development (T&OD) did not maintain some environmental and safety training records for ECOs/DCO's in the On-Line Training Server database. EMIH personnel stated they maintain the training rosters for the annual ECO/DCO refresher course. However, the former Deputy Chief, EMIH stated she was unable to provide us with the rosters for the 2010 annual ECO/DCO refresher course, when requested, because her office had flooded and the original documents were not available. SAFE's Office of Occupational Safety and Health maintains training records of some courses for employees who work in the hazardous waste program.

According to Section 4.6 of the Environmental Management Policy Manual (EMPM), the former Assistant General Manager for the Department of Workforce Development and Diversity Programs (currently Human Resource Strategy and Development) is responsible for maintaining training records in support of WMATA's environmental management training programs. The EMPM further states SARP (currently SAFE) identifies those employee groups that require EPA, the U.S. Department of Transportation, and OSHA mandatory training.

During discussions with a HR supervisor, we were told that some department training coordinators are not updating the On-Line Training Server with the courses that employees have completed. The Manager of T&OD informed us that there is a lack of communication between T&OD and SAFE regarding the training requirements for all levels of the environmental team. In addition, the manager of T&OD stated the On-Line Training Server is an old system that is unable to provide EMIH with reports of training completed by employees.

As a result, accurate and complete training records are not maintained for employees who received training. EMIH is unable to verify that employees have completed required training or determine WMATA's status regarding compliance with EPA regulations. Failure to maintain training records in a centralized location can result in records being misplaced.

#### **1F-Final copies of hazardous waste manifests are not maintained in facility environmental files**

We reviewed the environmental files at five facilities and found that some ECOs did not maintain all copies of the hazardous waste manifests in the facility's environmental files. Specifically, we reviewed 12 hazardous waste manifests at four facilities and found that four or 33 percent of manifests maintained in the ECOs' files did not have a copy of the final manifest that had all required signatures. The manifest consists of required signatures for those who generated the waste, transported the waste, and the contractor that disposed of the waste.

EMIH's Environmental SOPs require each facility to attach the original copy of each hazardous waste manifest with the *Land Disposal Restriction* form and the *Facility Waste Disposal Certification* form. All three documents should be retained in the facilities' environmental files.

Additionally, 40 CFR 262.22, states the manifest consists of at least the number of copies which will provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records and another copy to be returned to the generator.

We asked the responsible ECOs why the final manifest copies with all signatures were not in the facility environmental files. According to the ECOs, they had not received the final copy from EMIH. The EMIH Maintenance Coordinator stated if ECOs do not have a copy of the final manifest at their facility, they should request the manifest from EMIH's file.

Failure to maintain adequate records of the final copy of the hazardous waste manifest makes it difficult for the ECOs to verify that the facilities' waste was properly disposed, and no waste has been lost or unaccounted for in the process.

### **Recommendations**

We recommend that the General Manager and Chief Executive Officer:

1A - Direct the Chief Safety Officer (CSO), working with the Deputy General Manager Operations (DGMO) and Assistant General Manager (AGM), Bus Services, to ensure compliance with EMIH policies and procedures and applicable state and federal regulations for weekly and monthly inspections of facilities generating hazardous waste.

1B - Direct the CSO, working with the DGMO and AGM, Bus Services, to ensure ECOs and DCOs complete mandatory environmental training requirements.



1C - Direct the CSO, working with the DGMO, to develop and implement policy and procedures for the safe storage, handling, and disposal of non-hazardous oily wastewater and sludge material generated at WMATA.

1D - Direct the CSO, working with the DGMO and AGM, Bus Services, to ensure that all calls regarding spills of hazardous materials at WMATA are reported immediately to WMATA's Maintenance Operation Center. Also, develop and implement policy and procedures that require BOCC to collect information regarding the potential spill of hazardous fuels and lubricants when taking calls on the reporting of accidents and damages to Metro buses and nonrevenue vehicles, and that BOCC report the spill calls to MOC.

1E - Direct the Chief of HR, working with the CSO, to develop and implement procedures and controls to ensure that ECO/DCOs environmental training records are accurate, complete, and documented in T&OD's training server.

1F - Direct the CSO, working with the DGMO and AGM, Bus Services, to ensure the ECOs maintain the final copy of all hazardous waste manifest in each facility's files in accordance with EMIH policies and state and federal regulations.

### **OBJECTIVES, SCOPE, AND METHODOLOGY**

The objectives of the audit were to determine whether there are adequate controls in WMATA's Environmental Management Program to ensure proper handling and disposal of hazardous waste, and if the Program is in compliance with policies and procedures, as well as applicable federal, state, and local government requirements.

The audit was conducted from February 2012 to June 2012. We held an exit conference with management on August 29, 2012. To accomplish our audit objectives, we examined activities that occurred from July 1, 2010, through December 31, 2011. We reviewed WMATA's Environmental Management and Industrial Hygiene office documents, policies, and procedures that relate to the identification and proper handling of hazardous waste. To obtain an understanding of how hazardous waste material is handled, we visited the West Falls Church Rail yard, BUS Heavy Overhaul Shop, the Carmen Turner Facility, Jackson Graham Building, BUS Service Vehicle Maintenance Shop, and the Bladensburg Bus Division. We selected these locations so that we could have contact with staff in Rail Car Maintenance, Bus Maintenance, the Office of Elevator and Escalator, Plant Maintenance, and Systems Maintenance. These locations represent key stakeholders in WMATA's hazardous waste disposal program. All ECOs and DCOs at the five facilities were selected for the audit.

We reviewed environmental and safety records. We interviewed ECOs and DCOs, staff from EMIH, SAFE, Rail Transportation, BUS, Human Resources, and T&OD. In addition, we reviewed EPA regulations, the Code of Maryland Regulations, the District of Columbia Municipal Regulations, and the Virginia Administrative Code. We reviewed the previously issued report of the Office of Auditor General (our predecessor office) entitled, *Review of WMATA's Environmental Management Program* (AUD 04-0038), dated December 12, 2003.

We conducted our audit in accordance with *Government Auditing Standards* appropriate to our scope. Those standards require that we plan and perform the audit to afford a reasonable basis for our judgments and conclusions regarding the organization, program activity or function under audit. An audit

also includes assessments of applicable internal controls and risks, and compliance requirement of laws and regulations when necessary to satisfy our audit objectives. We believe that our audit provides a reasonable basis for our conclusions.

### **ADMINISTRATIVE MATTERS**

Corrective actions proposed (resolution phase) and implemented (closure phase) by the affected Departments/Offices will be monitored and tracked through the Office of Inspector General's Audit Accountability and Resolution Tracking System. OIG policy requires that you develop a final corrective action plan (CAP) for our review in the automated system within 30 days of the issuance of this report. The CAP should set forth the specific action items and targeted completion dates necessary to implement final corrective actions on the findings and recommendations contained in this report.

We appreciate the cooperation and assistance extended by your staff during the audit. Should you or your staff have any questions concerning this draft report, please contact Andrew Clemmons, Assistant Inspector General for Audits, on (202) 962-1014 or me on (202) 962-2515.

Attachment

cc: SAFE - J. Dougherty  
DGMO - D. Kubicek  
BUS - J. Requa  
COUN - C. O'Keeffe  
CHOS - B. Richardson  
HR - T. Moore-McGee

# ATTACHMENT 1

## M E M O R A N D U M



SUBJECT: IO No. 13-001: Follow-up  
Review of WMATA's  
Environmental Management  
Program

DATE: October 18, 2012

FROM: GM/CEO – Richard Sarles

TO: OIG – Helen Lew

The Draft Audit Report – Follow-up Review of WMATA's Environmental Management Program (Internal Operations No. 13-001), was issued on October 15, 2012. The report identified that WMATA did not always comply with WMATA's environmental policies and procedures, but the report did not identify violation of federal, state, and local regulations or laws. As requested, the following comments and responses are provided.

### Comments - Background

On Page 2, the report reads "Under EPA regulations, a product is considered to be a hazardous waste if it exhibits one or more of the following characteristics: ignitability, corrosivity, reactivity, and toxicity." In fact, the U.S. Environmental Protection Agency (EPA) divides hazardous waste into "listed" wastes, "characteristic" wastes, "universal" wastes, and mixed wastes; there are exemptions within each of these divisions. The OIG draft report references only the four types of "characteristic" wastes. This distinction should be noted and clarified.

On Page 5, the second to last sentence in the bulleted paragraph is a true statement; however, it incorrectly implies that at the time of the violation, WMATA's rail car wash systems were not equipped to treat wastewater before it was released to the sanitary sewer system. The affected rail car wash system was equipped at the time to treat the wastewater when the train wash was operated in automatic wash mode; however, the system was found to be inadequate to treat the hand wash operation that commenced at that site. That pretreatment system was subsequently modified.

**Comments - Audit Results**

**Finding 1 – Non-Compliance with WMATA's Policies and Procedures**

**Finding 1A – Weekly and monthly compliance inspections are not conducted at some facilities**

Management concurs with the finding; however, there are corrections required in the text to be consistent with WMATA policies and procedures.

The OIG inspected five WMATA facilities, where there are a total of six Environmental Compliance Officers (ECOs) assigned. If each ECO prepared a weekly walkabout checklist and a monthly walkabout checklist during the period audited (a total of 18 months), the correct number should be 468 weekly checklists [6 times 78 weeks (1.5 years)] and 108 monthly checklists (6 times 18), not 780 and 180, respectively, as presented in the draft report.

The OIG report indicates that the ECOs interviewed stated that weekly and monthly inspections were not conducted because some ECOs and Deputy Compliance Officers (DCOs) were not trained and did not understand their responsibilities. However, the OIG report later indicates that all the ECOs audited had completed the Annual ECO/DCO Refresher training; therefore, all ECOs audited had completed the initial ECO/DCO training course. During the initial training, ECOs receive instructions on the Environmental Standard Operating Procedures (ESOPs), including the weekly and monthly walkabout checklists. During the Annual ECO/DCO Refresher training, requirements to maintain documentation on site, including the weekly and monthly checklists, are discussed.

**Finding 1B – ECOs and DCOs did not complete mandatory environmental training**

Management concurs with the finding.

It should be noted that Environmental Management and Industrial Hygiene (EMIH) is currently working to clarify the requirements for mandatory environmental training classes for Operations facility staff, including ECOs and DCOs. Following required revisions to the Environmental Management Policy Manual (EMPM) and ESOPs, the ECOs and DCOs will be in compliance with the mandatory training requirements.

**Finding 1C – Labels were not applied and spill containment kits were not used for the transport and storage of non-hazardous waste materials**

Management concurs with the finding.

The ELES General Superintendent stated to OIG that his workers had not received training on how to properly label and safely transport the waste materials, consistent

with industry best practice. However, the workers who transport the wastewater report to the ELES Parts Manager who is assigned by the ELES General Superintendent as the ELES DCO for the Carmen Turner Facility, that is the destination where the drums of oily wastewater are transported to and stored pending subsequent proper disposal. The ELES DCO has completed the initial ECO/DCO training and attended the most recent Annual ECO/DCO Refresher training. It should also be noted in the report that on February 24, 2010, EMIH managers attended an ELES Supervisors Staff Meeting to review environmental issues associated with ELES maintenance activities. The agenda included a discussion of "oily water removal from pits."

**Finding 1D – Spills of hazardous materials are not consistently reported to the Maintenance Operations Center**

Management concurs with the finding.

**Finding 1E – Environmental training records are not properly maintained by the Department of Human Resources**

Management concurs with the finding.

**Finding 1F – Final copy of hazardous waste manifests are not maintained in facility environmental files**

Management concurs with the finding.

It should be noted that to comply with environmental regulations, EMIH maintains complete records of hazardous waste manifests within its office at the Carmen Turner Facility. Upon receipt of final copies of manifests (signed by the disposal facility), EMIH sends a copy of the manifest via in-house mail to the facility for its environmental files.

Responses and comments to the recommendations provided in the draft report (and below in italics) are provided heretofore in this memorandum and below. Management concurs with the recommendations in the Draft Audit Report. Upon issuance of the final report by the OIG, the follow-up Corrective Action Plans (CAPs) will be provided. However, some corrective actions have already been implemented; other actions will be implemented and an implementation schedule will be provided later with the CAPs.

**Recommendations**

*We recommend that the General Manager and Chief Executive Officer:*

*1A – Direct the Chief Safety Officer (CSO), working with the Deputy General Manager Operations (DGMO) and Assistant General Manager (AGM), Bus Services,*

*to ensure compliance with the EMIH policies and procedures and applicable state and federal regulations for weekly and monthly inspection of facilities generating hazardous waste.*

ECOs and DCOs will complete weekly and monthly walkabout checklists and will maintain these records in each facility's environmental files. To comply with this policy/procedure requirement, the following actions have been undertaken.

- DGMO - At his Staff Meeting held September 28, 2012, and in a memorandum issued that same day, the AGM, TIES directed CMNT, TRST, SMNT, PLNT and ELES ECOs and DCOs to complete weekly and monthly inspections, to complete the required checklists and to maintain a copy of the completed checklists in each facility's environmental files. The AGM, TIES further directed his Offices' representatives to submit the checklist completed for each facility to SAFE/EMIH by the 5<sup>th</sup> day of the subsequent month.
- AGM, Bus Services - BMNT has requested that EMIH provide a presentation on this audit's findings at BMNT's next quarterly meeting to be held on October 31, 2012. EMIH will remind BMNT ECOs and DCOs to regularly complete the weekly and monthly inspections, to complete the required checklists and to maintain a copy of the completed checklists in each facility's environmental files.

*1B – Direct the CSO, working with the DGMO and AGM, Bus Services, to ensure ECOs and DCOs complete mandatory environmental training requirements.*

ECOs and DCOs will complete all mandatory training. To comply with this policy/procedure requirement, the following actions will be undertaken.

- EMIH has been working to clarify the training requirements for mandatory environmental training classes for ECOs and DCOs. For most ECOs and DCOs, the initial ECO/DCO training course and the annual ECO/DCO refresher will be the only training required.

*1C – Direct the CSO, working with the DGMO, to develop and implement policy and procedures for the safe storage, handling, and disposal of non-hazardous oily wastewater and sludge material generated at WMATA.*

EMIH will develop procedures for the safe storage, handling, and disposal of non-hazardous oily wastewater and sludge material generated by ELES. The following actions have been undertaken.

- SAFE/EMIH prepared an Environmental Toolbox Bulletin for oily wastewater generated by ELES from elevator and escalator pits. This bulletin was posted on the EMIH intranet site.
- On September 5, 2012, an ELES DCO distributed the Environmental Toolbox Bulletin to ELES employees at the Quarterly ELES Employees Meeting held during multiple shifts at JGB.

*1D – Direct the CSO, working with the DGMO and AGM, Bus Services, to ensure that all calls regarding spills of hazardous materials at WMATA are reported immediately to WMATA's Maintenance Operation Center (MOC). Also, develop and implement policy and procedures that require WMATA's Bus Operation Center (BOCC) to collect information regarding the potential spill of hazardous fuels and lubricants when taking calls on the reporting of accidents and damage to Metrobuses and nonrevenue vehicles, and that BOCC report the spill calls to the MOC.*

The CSO, DGMO and AGM, Bus Services will work to ensure that all calls regarding spills of hazardous materials at WMATA are reported immediately to WMATA's MOC. To comply with this policy/procedure requirement, the following actions have been undertaken.

- CSO - EMIH continues to notify all individuals who report spills directly to EMIH staff that the caller must immediately also call MOC to provide information about the spill.
- DGMO - DGMO has directed all its employees to immediately report all spills at WMATA facilities or along the roadway/right-of-way to MOC.
- AGM, Bus Services - BOCC has already implemented procedures to ensure that spills from buses or service vehicle accidents that are reported to BOCC are subsequently reported to MOC. When the BTRA SOM contacts BOCC, BOCC first asks about personal injury or property damage then asks about fluid spills from the vehicle. BOCC then forwards information collected about reported fluid spills to MOC.

*1E – Direct the Chief of HR, working with the CSO, to develop and implement procedures and controls to ensure that ECO/DCOs environmental training records are accurate, complete, and documented in T&OD's training server.*

HR, in cooperation with SAFE, will develop and implement procedures and controls to ensure that environmental training records are accurate, complete, and documented in T&OD's training server. The following actions have been undertaken.



- In 2010, SAFE began to enter environmental training courses into the training server and began to maintain environmental training records for ECOs and DCOs in iCertainty to supplement T&OD's training server. SAFE will continue to maintain the iCertainty server as a stop gap measure until HR implements a new training documentation system.
- HR has been working to develop the PeopleSoft 9.1 Enterprise Learning Module to maintain training records, including environmental training for ECOs and DCOs.

*1F – Direct the CSO, working with the DGMO and AGM, Bus Services, to ensure the ECOs maintain the final copy of all hazardous waste manifests in each facility's files in accordance with EMIH policies and state and federal regulations.*

ECOs will maintain all copies of hazardous waste manifests in each facility's environmental files. To comply with this policy/procedure requirement, the following actions have been undertaken.

- DGMO - At his Staff Meeting held September 28, 2012, and in a memorandum issued that same day, the AGM, TIES directed CMNT, TRST, SMNT, PLNT and ELES ECOs and DCOs to maintain complete copies of hazardous waste manifests in the facility's environmental files. In the event that ECOs do not receive the final manifest (signed by the disposal facility) within 45 days of signing the disposal manifest, ECOs will contact EMIH to request a copy.
- AGM, Bus Services - BMNT has requested that EMIH provide a presentation on this audit's findings at BMNT's next quarterly meeting to be held on October 31, 2012. EMIH will remind BMNT ECOs and DCOs to properly file and maintain the manifests in the facility's environmental site files. In the event that ECOs do not receive the final manifest (signed by the disposal facility) within 45 days of signing the disposal manifest, ECOs will contact EMIH to request a copy.
- CSO - Upon receipt from the disposal contractor, EMIH continues to distribute, via in-house mail, a copy of the final manifest (signed by the disposal facility) to ECOs for the facility's environmental files.