



Compliance Self Assessments: The Environmental Audit Privilege and Immunity Law

Intro Webinar – May 2, 2013

Dave Drullinger
www.mi.gov/envaudit

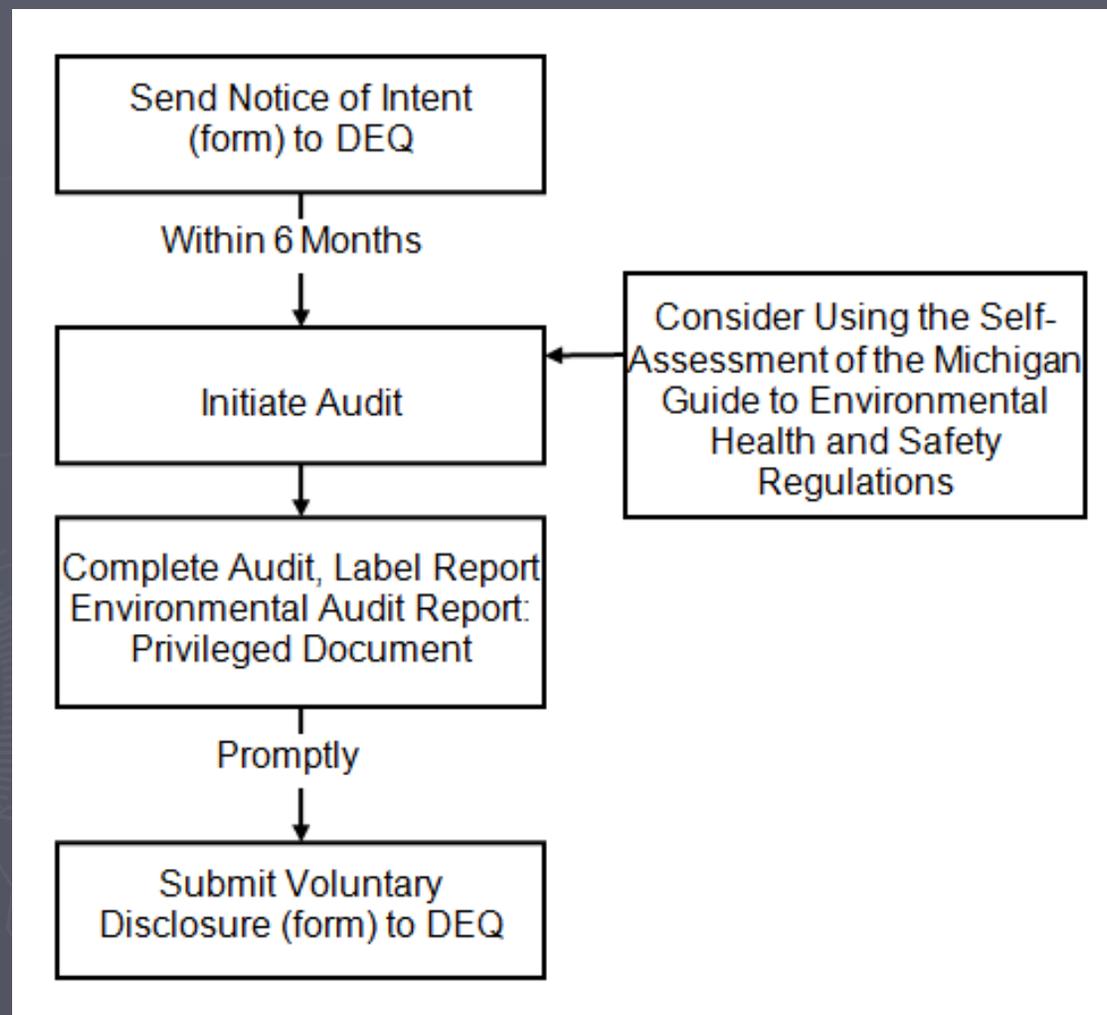


Why was the Law Passed?

Part 148 of NREPA, November 13, 1997
MCL 324.14801 – 14809



Environmental Audit: The Process to Seek Immunity



Immunity

- ▶ Freedom from penalty or judgment
- ▶ From identified State civil and administrative fines and penalties, some criminal fines and penalties (not for gross negligence nor various criminal parts of NREPA)
- ▶ Must correct the violation, remediate or pay damages. No immunity from that.

Step 1: Send Notice

www.mi.gov/envaudit

Important:

- Submit the Notice of Intent before conducting the Audit
- Required for Immunity
- Can be “focused on” parts of NREPA

DEQ
ENVIRONMENTAL SCIENCE AND SERVICES DIVISION
MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

NOTICE OF INTENT TO DO AN ENVIRONMENTAL AUDIT
(Authority: PA 457 of 1994, as amended; completion is voluntary)

In accordance with Section 14802(7) of Part 148 of the Natural Resources and Environmental Protection Act, PA 451 of 1994; MCL 324.14901, et seq., in order to receive immunity under Part 148, a facility conducting an environmental audit under Part 148 shall give notice to the Michigan Department of Environmental Quality (DEQ) of the fact that it is planning to commence the audit. This document is designed to assist a person in making that notification, and its use is voluntary.

NAME OF FACILITY TO BE AUDITED:			
STREET ADDRESS OF FACILITY TO BE AUDITED:			
CITY	COUNTY	STATE	ZIP CODE
GENERAL SCOPE OF THE AUDIT:			
ANTICIPATED DATE AUDIT WILL BEGIN (Month/Day/Year):			
SUBMITTED BY: (Print or Type Name)			
TITLE		PHONE NUMBER ()	
SIGNATURE		DATE	
SUBMIT TO: Michigan Department of Environmental Quality Environmental Science and Services Division Pollution Prevention and Compliance Assistance Section P.O. Box 30457 Lansing, Michigan 48900-7957			

PERMISSIBLE TO MAKE COPIES FROM THIS COPY

DEQ 1011 (09/08)

Part 148 Applies to NREPA (Not Federal)

PARTS OF NREPA COVERED BY PART 148

Article II Pollution Control

Chapter 1: Point Source Pollution Control

Part	Description
31	Water Resources Protection
33	Contamination of Waters
35	Iron Ore Beneficiation
37	Water Pollution Control Facilities
39	Cleaning Agents
41	Sewerage Systems
43	Waterworks Systems, Sewers, and Disposal Plants
47	Sewage Disposal and Water Supply Districts
49	Construction of Collecting Sewers
51	Wastewater Disposal
53	Clean Water Assistance
55	Air Pollution Control
67	Motor Fuels Quality

Chapter 2: Nonpoint Source Pollution Control

81	General Nonpoint Source Pollution Control
83	Pesticide Control
85	Fertilizers
87	Groundwater and Freshwater Protection
89	Littering
91	Soil Erosion and Sedimentation Control
95	Watercraft Pollution Control

Chapter 3: Waste Management

111	Hazardous Waste Management
113	Landfill Maintenance Trust Fund
115	Solid Waste Management
117	Septage Waste Services
119	Waste Management and Resource Recovery Finance
121	Liquid Industrial Wastes

Chapter 4: Pollution Prevention

147	PCB Compounds
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Chapter 5: Recycling and Related Subjects

161	Plastic Products Labeling
163	Plastic Degradable Containers
167	Used Oil Recycling
169	Scrap Tires
171	Battery Disposal

Chapter 7: Remediation

201	Environmental Response
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Chapter 8: Underground Storage Tanks

211	Underground Storage Tank Regulations
213	Leaking Underground Storage Tanks
215	Underground Storage Tank Financial Assistance

Article III: Natural Resources Management

Chapter 1: Habitat Protection

301	Inland Lakes and Streams
303	Wetlands Protection
305	Natural Rivers
307	Inland Lake Level
309	Inland Lake Improvement
311	Local River Management
313	Surplus Waters
315	Dam Safety
321	The Great Compact
323	Shorelands Protection and Management
325	Great Lakes Submerged Lands
327	Great Lakes Preservation
329	Great Lakes Protection
333	Coastal Beach Erosion
335	Surplus Waters Management
337	Flood, Drainage, or Beach Erosion Control
339	Control of Certain State Lands
341	Irrigation Districts
343	Great Lakes Conservation
353	Sand Dunes Protection and Management

Chapter 3: Management of Nonrenewable Resources

615	Supervisor of Wells
617	Unitization
619	Drilling in the Pigeon River State Forest
625	Mineral Wells
631	Reclamation of Mining Lands
635	Surface and Underground Coal Mine Reclamation
637	Sand Dune Mining
641	Peat Extraction From State Owned Lands

Federal Programs

- ▶ Spill Prevention, Control and Countermeasures
SPCC (40 CFR Part 112).
- ▶ Superfund Amendments and Reauthorization Act,
(SARA) Title III (Emergency Planning and
Community Right to Know Act, (EPCRA))
- ▶ Occupational Safety and Health Standards
(29 CFR 1910)
- ▶ Some companies consider: "Is My Inspector DEQ
or Federal?"

For Federal Violations: US EPA Policy

Incentives for Self Disclosure: Discovery,
Disclosure, Correction and Prevention of
Violations

Contact: Jodi Wilson
wilson.jodi@epa.gov
Phone: (312) 886-0879

U.S. EPA Region 5 - Mail Code E-19J
77 West Jackson Blvd., Room R1918
Chicago, IL 60604-3507

Step 2: Conduct the Audit

- ▶ Audit must take place within a reasonable time **not to exceed 6 months** from Filing the Notice of Intent
- ▶ If more time is needed, then an extension can be requested (based upon reasonable grounds)

Tools to Conduct the Audit

- Michigan EHS
Guidebook
- Online tutorials and
webinars
- Sector-specific guides
and workbooks

[www.mi.gov/
environmentalassistance](http://www.mi.gov/environmentalassistance)

**7th
Edition**

**April
2012**

Michigan Guide to Environmental, Health, and Safety Regulations



Michigan Department of Environmental Quality

Michigan Department of Licensing and Regulatory Affairs



Conduct the Audit

Self-Assessment Tools in the EHS Guidebook

FACILITY-ASSESSMENT SURVEY

6. Are you renovating or demolishing a building?	<input type="checkbox"/> Yes 1.16.6	<input type="checkbox"/> No continue
7. Is your facility subject to a federal New Source Performance Standard (NSPS)? (see Appendix 1-C for a listing of source categories subject to a NSPS)	<input type="checkbox"/> Yes 1.17	<input type="checkbox"/> No continue
8. Do you sell electricity to the grid and burn fossil fuel?	<input type="checkbox"/> Yes 1.18	<input type="checkbox"/> No continue
9. Do you use or store any substance regulated under Section 112(r) of the Clean Air Act (CAA)? (CAA Section 112(r) substances are defined in Appendix B.)	<input type="checkbox"/> Yes 1.19	<input type="checkbox"/> No continue
10. Do you have equipment or processes that utilize chlorofluorocarbons (CFCs) or hydrochlorofluorocarbons (HCFCs) as a refrigerant? (e.g., refrigeration units)	<input type="checkbox"/> Yes 1.20	<input type="checkbox"/> No continue

Chapter 2: Waste Management

11. Every facility generates solid waste (e.g. garbage, rubbish, yard wastes, etc.); therefore, it is important that you are aware of the disposal requirements and options. It is recommended that you read Chapter 2.2	<input checked="" type="checkbox"/> Read 2.2	
12. Do you open-burn any wastes?	<input type="checkbox"/> Yes 2.2.1	<input type="checkbox"/> No continue
13. Do you store scrap tires on your property?	<input type="checkbox"/> Yes 2.2.2	<input type="checkbox"/> No continue
14. Do you generate liquid industrial waste at your facility? (Liquid industrial waste is waste that is not regulated as a hazardous waste and includes industrial wastewater, used oil that is being recycled, sewer clean-out residue, grease trap clean-out residue, and other liquid wastes.)	<input type="checkbox"/> Yes 2.3	<input type="checkbox"/> No continue
15. Do you know or suspect you may be generating hazardous waste at your facility? (Hazardous waste is defined in Chapter 2.4.1.)	<input type="checkbox"/> Yes 2.4	<input type="checkbox"/> No continue
16. Do you generate any universal waste at your facility? (Universal waste includes electric lamps [fluorescent, sodium vapor, mercury vapor, neon and incandescent], computer monitors, television tubes, batteries, and some pesticides.)	<input type="checkbox"/> Yes 2.4.1.c	<input type="checkbox"/> No continue
17. Do you have or dispose of any of the following materials at your facility?		
• Used oil.....	<input type="checkbox"/> Yes 2.4.9.a	<input type="checkbox"/> No continue
• Used oil filters.....	<input type="checkbox"/> Yes 2.4.9.b	<input type="checkbox"/> No continue
• Lead acid batteries.....	<input type="checkbox"/> Yes 2.4.9.c	<input type="checkbox"/> No continue
• Dry cell batteries.....	<input type="checkbox"/> Yes 2.4.9.d	<input type="checkbox"/> No continue
• Fluorescent lamps or other lights.....	<input type="checkbox"/> Yes 2.4.9.e	<input type="checkbox"/> No continue
• Small capacitors and ballasts.....	<input type="checkbox"/> Yes 2.4.9.f	<input type="checkbox"/> No continue
• Sorbents.....	<input type="checkbox"/> Yes 2.4.9.g	<input type="checkbox"/> No continue
• Shop towels and other textiles.....	<input type="checkbox"/> Yes 2.4.9.h	<input type="checkbox"/> No continue

Part 111 Self Assessment

14. Do you know or suspect you may be generating hazardous waste at your facility? (*Hazardous waste is defined in Chapter 2.4.1.*)

Yes
2.4

No
continue

Record Keeping:

2.4.5 Manifest & Shipping Records, includes a Maintenance Checklist

Labeling:

2.4.8 Labeling Requirements & 2.4.9 Specific Waste Streams

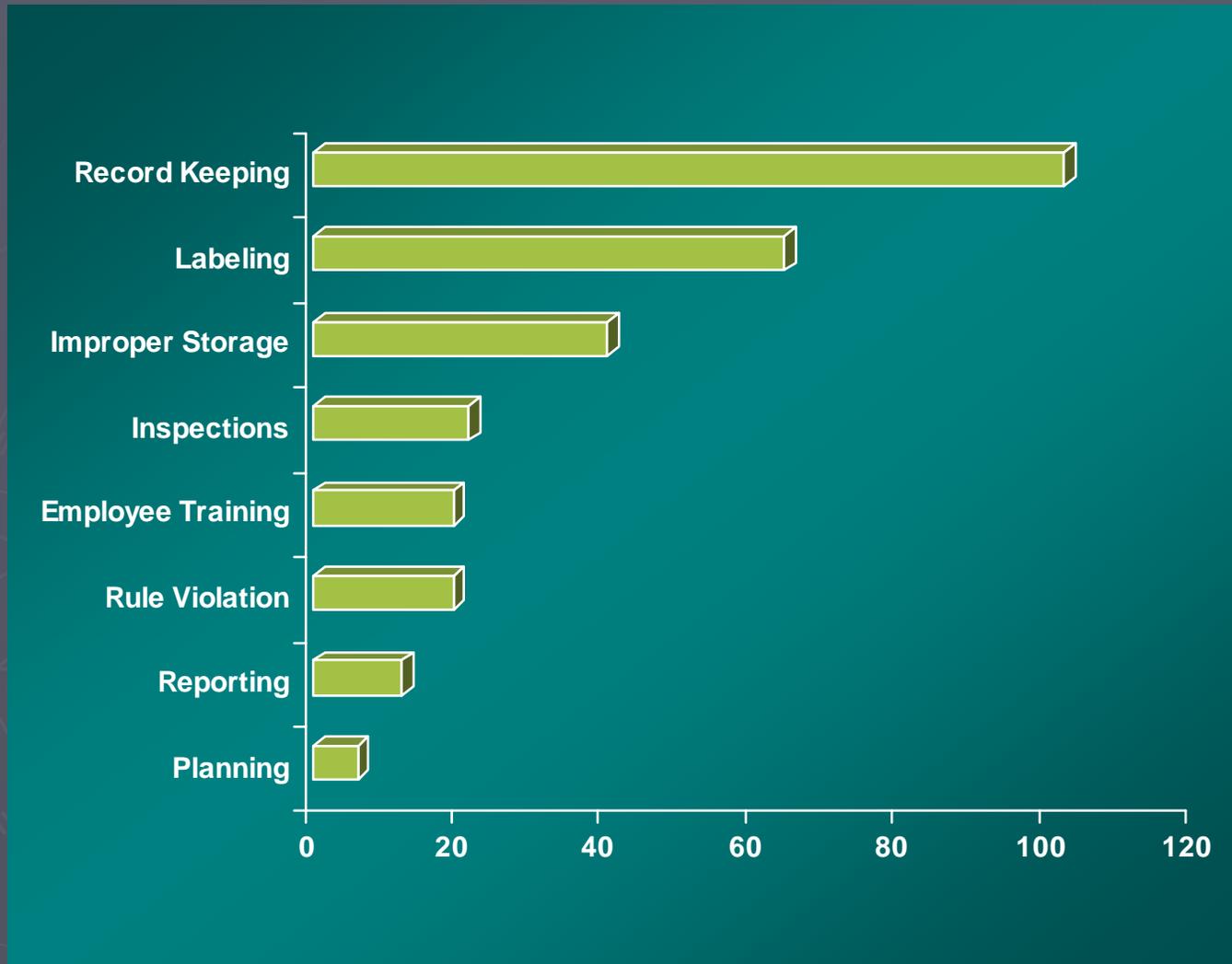
Storage:

2.4.7 Hazardous Waste and Universal Waste Accumulation On-Site

Inspections:

2.4.7.b Container and Tank Requirements

Reported Hazardous Waste Violations Over 3 Year Period



Part 111 Self Assessment



Labeling

Part 111 Self Assessment



Waste Storage

Part 31 Self Assessment

Chapter 3: Wastewater

22. It is important for you to be aware of what type of wastewater is discharged from your facility and how it is treated. It is recommended that you read Chapter 3.1.

Read 3.1

23. Is your wastewater discharged to a publicly owned treatment works facility?

Yes
3.2.1

No
continue

24. Do you employ a hazardous or liquid industrial waste transporter to dispose of wastewater generated at your facility?

Yes
3.2.2

No
continue

25. Is any wastewater discharged into surface waters? (Includes direct discharge to a lake, stream, river, or drain, and indirect discharges via a storm sewer or ditch.)

Yes
3.2.3

No
continue

26. Does your facility's storm water discharge to a separate storm sewer system or direct to waters of the state?

Yes
3.2.3.d

No
continue

27. Is any wastewater discharged into the ground or groundwater? (Includes seepage lagoons, septic tanks/tile field systems, and irrigation systems.)

Yes
3.2.4

No
continue

28. Do you have a wastewater treatment system on-site?

Yes
3.5

No
continue



Part 31 Self Assessment

Failure to Create or Update a Plan

41. Do you store or use any of the following polluting materials at thresholds listed:

- **salt** = 5 tons solid form or 1,000 gallons liquid form?
- **other polluting materials** = 440 pounds outdoors or 2,200 pounds indoors
- **oil-DEQ** = 660 gallon storage tank capacity or 1,320 gallon total above ground storage capacity

Yes
6.2.2

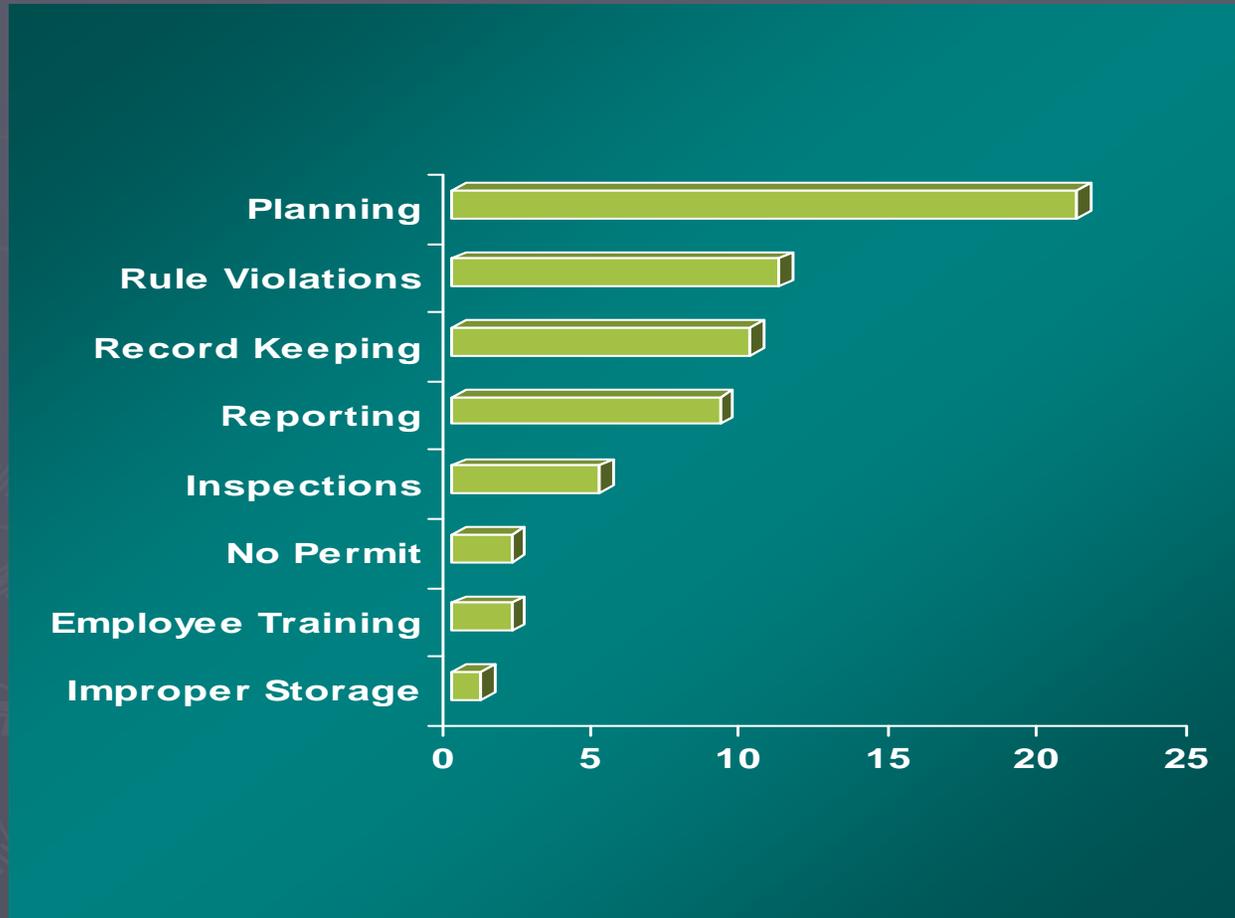
No
continue

Part 31 Self Assessment



Rule Violation – Cracked Containment

Part 31 Violations Over 3 Year Period

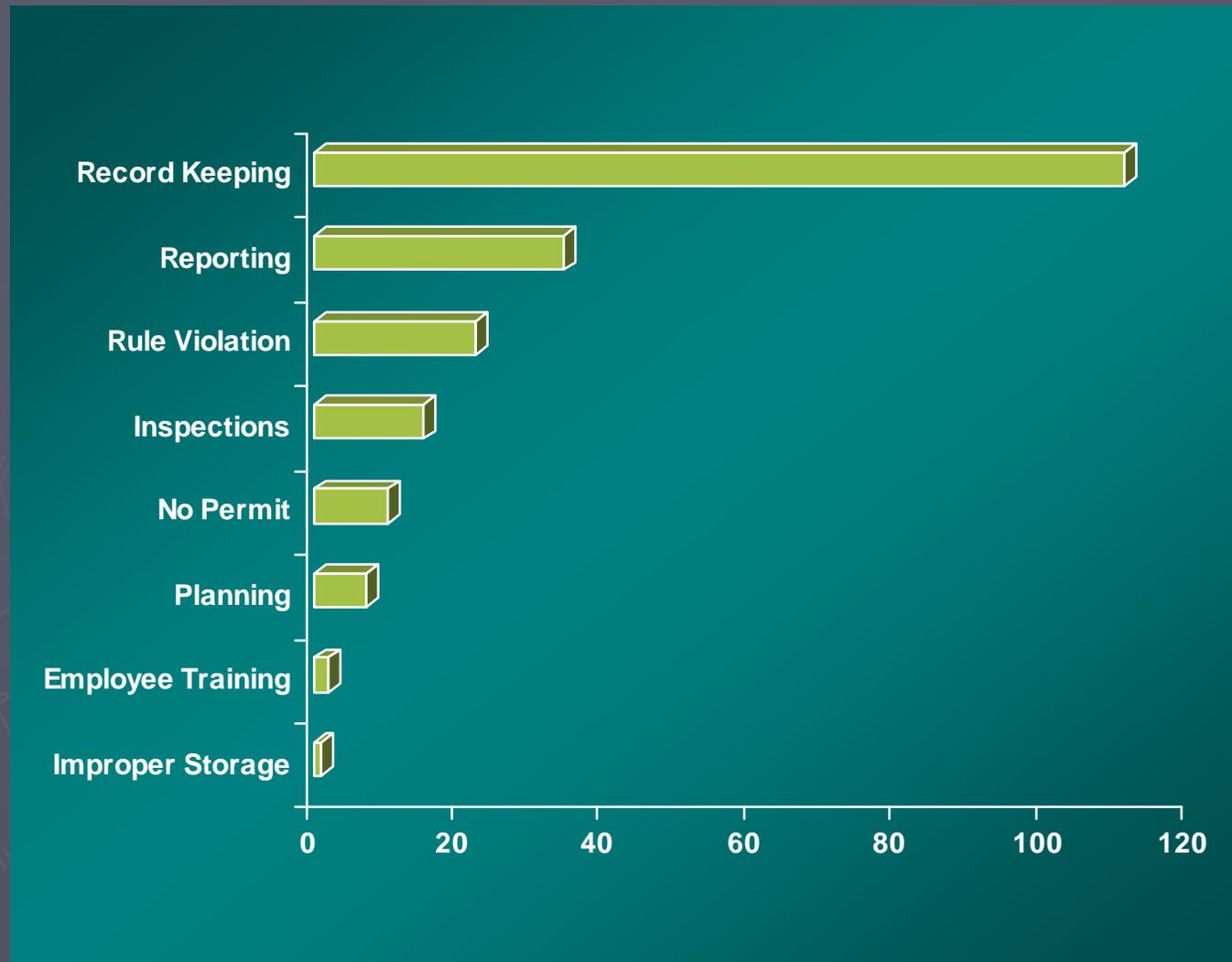


Part 55 (Air) Self Assessment

Chapter 1: Air-Quality Regulations^α

1. → Do you have, or intend to install, equipment or processes that generate air pollution? (e.g., incinerator, boiler, solvent degreaser, coating booth, grinding operations, material storage piles, etc.) → → ^α	<input type="checkbox"/> Yes- [¶] 1.2.1 ^α	<input type="checkbox"/> No- [¶] continue ^α
2. → Do any activities at your facility generate dust or particulate? ^α	<input type="checkbox"/> Yes-1.3 ^α	<input type="checkbox"/> No- continue ^α
3. → Do you open-burn any waste? ^α	<input type="checkbox"/> Yes- 1.3.3 ^α	<input type="checkbox"/> No- continue ^α
4. → Do any of your processes emit volatile organic compounds (VOCs)? ^α	<input type="checkbox"/> Yes- [¶] 1.5 & 1.6 ^α	<input type="checkbox"/> No- continue ^α
5. → Are you interested in learning about the benefits to be gained through environmental stewardship? ^α	<input type="checkbox"/> Yes- 1.11 ^α	<input type="checkbox"/> No- continue ^α

Part 55 (Air) Violations Over 3 Year Period



Step 3 - The Environmental Audit Report: Privileged Document

- ▶ Results of the Audit
- ▶ A “Return to Compliance” Plan
- ▶ The Act requires the report to be labeled:

**Environmental Audit Report:
Privileged Document**

Privilege

Protection from Disclosure

Privileged Information in the Audit Report

Not subject to discovery in civil or administrative legal proceedings

Not admissible evidence in civil or administrative legal proceedings

Privilege also provides protection to persons from testifying about the report

Environmental Audit Report: Privileged Document

- ▶ Do NOT send an Audit Report to DEQ
- ▶ Use the Voluntary Disclosure Form for reporting violations to the DEQ. Form available at:

www.mi.gov/envaudit

Exceptions to Privilege

Information and data required by statute, rule or permit

Information obtained by regulatory agency via observation, sampling, or monitoring

Industrial Pretreatment Program monitoring results

Information from a person not associated with the audit

Machinery and equipment records

The background is a dark blue-grey color with a subtle pattern of light grey topographic map lines. In the lower-left corner, there is a faint, semi-transparent illustration of a compass rose with a needle pointing towards the top-left. The text is centered and written in a light yellow-green color.

Make a Good Faith Effort
(try hard)
to achieve compliance and
promptly correct noncompliance

Condition – Good Faith Effort

324.14809(5)

“In those cases where the conditions of voluntary disclosure are not met but a good-faith effort was made to voluntarily disclose and resolve a violation detected in a voluntary environmental audit, the
. authorities shall consider the nature and extent of any good-faith effort in deciding the appropriate enforcement response and shall mitigate any civil penalties based on a showing that 1 or more of the conditions for voluntary disclosure have been met.”

Step 4: The Voluntary Disclosure Form



OFFICE OF POLLUTION PREVENTION AND COMPLIANCE ASSISTANCE
MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

VOLUNTARY DISCLOSURE

ABOUT THE DISCLOSURE

All voluntary disclosures pursuant to Part 145, Environmental Audit Privilege and Immunity, of the Natural Resources and Environmental Protection Act, P.A. 451 of the Public Acts of 1994 as amended (NREPA), being Sections 324.145(1) to 324.145(10) of the Michigan Compiled Laws Annotated (Part 145), must be submitted to the agency in writing.

This document is provided by the Department of Environmental Quality (DEQ) to be used to voluntarily disclose a violation under Part 145. It is not required that the document be used; however, it is recommended as it will facilitate processing of the disclosure. Disclosure in another format should include the information requested in this document.

A separate disclosure must be submitted for each different property location even if the violations found at the different locations were discovered during the same environmental audit.

VOLUNTARY DISCLOSURE

To be considered voluntary, the disclosure must meet all of the following criteria:

- The disclosure of the information arises out of an environmental audit.
- An environmental audit is defined in Part 145 of the Natural Resources and Environmental Protection Act as an evaluation conducted on or after March 15, 1996, of one or more facilities or an activity at one or more facilities regulated by environmental laws. The collection of information or data required by a permit, order, or regulation cannot be considered a part of an environmental audit because it is not a voluntary act. For example, discharge or emission sampling required by a state permit is not a part of an environmental audit.
- The environmental audit occurs before the person is made aware that he or she is under investigation by a regulatory agency for potential violations of NREPA.
- The disclosure is made promptly after knowledge of the environmental violation is obtained by the person.
- The person initiates an appropriate and good-faith effort to achieve compliance, pursues compliance with due diligence, and promptly corrects the violation after its discovery.

IMPORTANT

Receipt of this disclosure by the DEQ is not an admission on the part of the state that the disclosure meets the requirements of Part 145 of NREPA to qualify for immunity from fines and penalties under state law or that the items disclosed, including the violation resolution/response strategy, are appropriate or acceptable. DEQ also does not waive any responsibilities as provided by applicable law to correct the violation(s), conduct necessary remediation, or pay damages.

Part 145 does NOT provide any immunity from federal laws or regulations. However, EPA has delegated many federal environmental programs to DEQ to administer under the authority of state laws. Immunity from state penalties does apply to violations of these (joint state/federal) requirements where the violations are voluntarily disclosed pursuant to Part 145. In the event that EPA would pursue an independent action under federal law, Michigan's immunity law would not apply. The federal policy on voluntary disclosures is contained in the EPA policies "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations" and "Policy on Compliance Incentives for Small Businesses." Questions regarding the federal policy on voluntary disclosures should be directed to the U.S. Environmental Protection Agency, Region 5 Enforcement Coordinator, R15, 77 West Jackson Boulevard, Chicago, IL 60604. You may call the Region 5 Enforcement Coordinator at 312-566-5295.

For questions regarding how to complete the disclosure, where to submit the disclosure, or general questions about Part 145, call the Environmental Assistance Center at 1-800-662-9278.

Read the instructions for each item before completing the disclosure.

Please print or type all information.

1. GENERAL INFORMATION. The property location can be a street address or a township, range, section and quarter-section location. The location should be specific. Identifying the county is necessary to assure that the appropriate DEQ district office receives the disclosure. It is very important to provide the name and phone number of a person who can be contacted to answer questions about the voluntary disclosure.

COMPANY NAME			
STREET ADDRESS/LOCATION			
TOWNSHIP & RANGE		SECTION	QUARTER SECTION
CITY	STATE	ZIP CODE	COUNTY
MAILING ADDRESS (if different from above)		CITY	STATE ZIP CODE
CONTACT PERSON REGARDING THIS DISCLOSURE	TITLE	PHONE NO.	FAX NO.

2. ENVIRONMENTAL AUDIT INFORMATION. The information provided in this section must support the claim that an audit was conducted and that the information disclosed arose from that audit. It is not required that the audit report be submitted. If the environmental audit report is limited, it is a disclosure and not subject to privilege (confidentiality) unless it is submitted with an executed confidentiality agreement.

OF PERSON FOR WHOM THE AUDIT WAS CONDUCTED	TITLE
OF PERSON (FIRM) WHO CONDUCTED THE AUDIT	
IF AUDIT PERFORMED (START-END)	DATE NOTICE OF INTENT WAS SUBMITTED TO DEQ
STATEMENT OF AUDIT SCOPE AND DIRECTION TO AUDITORS	

3. DISCLOSURE INFORMATION. Each violation¹ should be described completely and include the following applicable information: the part of NREPA that was violated, if known. (A list of the parts of NREPA covered by Part 145 is located on page 3 of this disclosure.) description of the rule or permit condition that was involved. description of the type and amount of the exceedance, if any. description of the type and extent of contamination, if any. (If a description cannot be provided at this time, indicate unknown.) an indication of whether the violation is past or ongoing. the cause of the event, if known.

¹ The submission of a Voluntary Disclosure on this form is not an admission the information is a violation of NREPA if the person making the disclosure was responsible for the violation.

OF VIOLATION	PART OF NREPA VIOLATED (if known)	DETAILED DESCRIPTION OF EACH ISSUE BEING DISCLOSED, INCLUDING DATES AND LOCATION ON THE PROPERTY. (ATTACH EXTRA SHEETS AND/OR MAPS IF NEEDED.)

4. VIOLATION(S) RESOLUTION/RESPONSE STRATEGY. Describe the action taken and/or proposed to resolve the violation(s). Include dates by which each violation has been or will be resolved and compliance achieved; schedule for achieving compliance, if appropriate; time maintenance schedule, if appropriate; or in the case of an unpermitted operation, the date by which a complete permit application will be filed with the DEQ.

ENVIRONMENTAL ASSISTANCE DIVISION, MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

VOLUNTARY DISCLOSURE (continued)

5. SIGNATURE

I have the authority to make this disclosure and related statements contained in this form.

(Signature)	
TITLE	DATE

WHERE TO SUBMIT VOLUNTARY DISCLOSURES

Voluntary disclosures should be submitted to Michigan Department of Environmental Quality, Office of Pollution Prevention and Compliance Assistance, Pollution Prevention & Compliance Assistance Section, P.O. Box 30457, Lansing, Michigan 48909-7957.

It is recommended that voluntary disclosures be sent by certified mail. This will assure that the disclosure is received by the DEQ. There will be no other confirmation from the DEQ that the disclosure was received.

QUESTIONS

For questions regarding how to complete, where to submit, or general questions about disclosures or Part 145, call the Environmental Assistance Center (EAC) at 1-800-662-9278. Operators at the EAC will provide assistance or referral to DEQ staff who can answer questions.

PARTS OF NREPA COVERED BY PART 145

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A separate disclosure must be submitted for each different property location even if the violations found at the different locations were discovered during the same environmental audit.

VOLUNTARY DISCLOSURE

To be considered voluntary, the disclosure must meet all of the following criteria:

- 1) The disclosure of the information arises out of an environmental audit.
An environmental audit is defined in Part 148 as a voluntary and internal evaluation conducted on or after March 18, 1996, of one or more facilities or an activity at one or more facilities regulated by environmental laws. The collection of information or data required by a permit, order, or regulation cannot be considered a part of an environmental audit because it is not a voluntary act. For example, discharge or emission sampling required by a state permit is not a part of an environmental audit.
- 2) The environmental audit occurs before the person is made aware that he or she is under investigation by a regulatory agency for potential violations of NREPA.
- 3) The disclosure is made promptly after knowledge of the environmental violation is obtained by the person.
- 4) The person initiates an appropriate and good-faith effort to achieve compliance, pursues compliance with due diligence, and promptly corrects the violation after its discovery.

IMPORTANT

Receipt of this disclosure by the DEQ is not an admission on the part of the state that the disclosure meets the requirements of Part 148 of NREPA to qualify for immunity from fines and penalties under state law or that the items disclosed, including the violation resolution/response strategy, are appropriate or acceptable. DEQ also does not waive any responsibilities as provided by applicable law to correct the violation(s), conduct necessary remediation, or pay damages.

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Read the instructions for each item before completing the disclosure.

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It is very important to provide the name and phone number of a person who can be contacted to answer questions about the voluntary disclosure.

COMPANY NAME			
STREET ADDRESS/LOCATION			
TOWNSHIP & RANGE	SECTION	QUARTER SECTION	
CITY	STATE	ZIP CODE	COUNTY
MAILING ADDRESS (if different from above)		CITY	STATE ZIP CODE
CONTACT PERSON REGARDING THIS DISCLOSURE	TITLE	PHONE NO.	FAX NO.

Facility Identification

Date of Audit

Contact Person

2. ENVIRONMENTAL AUDIT INFORMATION. The information provided in this section must support the claim that an audit was conducted and that the information disclosed arose from that audit. ~~It is not required that the audit report be submitted.~~ If the environmental audit report is submitted, it is a disclosure and not subject to privilege (confidentiality) unless it is submitted with an executed confidentiality agreement.

NAME OF PERSON FOR WHOM THE AUDIT WAS CONDUCTED	TITLE
NAME OF PERSON (FIRM) WHO CONDUCTED THE AUDIT?	
DATE(S) AUDIT PERFORMED (START-END)	DATE NOTICE OF INTENT WAS SUBMITTED TO DEQ:
BRIEF STATEMENT OF AUDIT SCOPE AND DIRECTION TO AUDITORS	
<hr/> <hr/> <hr/> <hr/>	

3. DISCLOSURE INFORMATION. Each violation¹ should be described completely and include the following applicable information:
 •The part of NREPA that was violated, if known. (A list of the parts of NREPA covered by Part 148 is located on page 3 of this disclosure.)
 •A description of the rule or permit condition that was involved.
 •A description of the type and amount of the exceedance, if any.
 •A description of the type and extent of contamination, if any. (If a description cannot be provided at this time, indicate unknown.)
 •An indication of whether the violation is past or ongoing.
 •The cause of the event, if known.

***Note:** The submission of a Voluntary Disclosure on this form is not an admission the information is a violation of NREPA or that the person making the disclosure was responsible for the violation.

DATE OF VIOLATION	PART OF NREPA VIOLATED (if known)	DETAILED DESCRIPTION OF EACH ISSUE BEING DISCLOSED, INCLUDING DATES AND LOCATION ON THE PROPERTY. (ATTACH EXTRA SHEETS AND/OR MAPS IF NEEDED.)
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4. VIOLATION(S) RESOLUTION/RESPONSE STRATEGY. Describe the action taken and/or proposed to resolve the violation(s). Include the estimated date by which each violation has been or will be resolved and compliance achieved; schedule for achieving compliance, if appropriate; compliance maintenance schedule, if appropriate; or in the case of an unpermitted operation, the date by which a complete permit application will be filed with the DEQ.

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Who conducted the Audit?

Identify Part of NREPA violated and describe the violation (Check the EHS Guidebook)

Describe the corrective action and schedule to achieve compliance

Describe the Violation

3. DISCLOSURE INFORMATION. Each violation¹ should be described completely and include the following applicable information:

- The part of NREPA that was violated, if known. (A list of the parts of NREPA covered by Part 148 is located on page 3 of this disclosure.)
- A description of the rule or permit condition that was involved.
- A description of the type and amount of the exceedance, if any.
- A description of the type and extent of contamination, if any. (If a description cannot be provided at this time, indicate unknown.)
- An indication of whether the violation is past or ongoing.
- The cause of the event, if known.

¹Note: The submission of a Voluntary Disclosure on this form is not an admission the information is a violation of NREPA or that the person making the disclosure was responsible for the violation.

DATE OF VIOLATION	PART OF NREPA VIOLATED (if known)	DETAILED DESCRIPTION OF EACH ISSUE BEING DISCLOSED, INCLUDING DATES AND LOCATION ON THE PROPERTY. (ATTACH EXTRA SHEETS AND/OR MAPS IF NEEDED.)
Ongoing since May 10, 2010	Part 111	1) Found 4 manifests from the month of April 2010 that were not submitted by May 10, 2010.
Ongoing – 3 yrs	Part 31	2) Failed to provide Employee Training as required for Storm Water Pollution Prevention Plan along with refresher training. (NPDES Permit MIS31000, Part 1, Section C.2.f)
Ongoing since January 2009	Part 55	3) Purchased bulb crusher for our maintenance room in January, 2009; it may need a Permit to Install

Describe the Corrective Action

4. VIOLATION(S) RESOLUTION/RESPONSE STRATEGY. Describe the action taken and/or proposed to resolve the violation(s). Include the estimated date by which each violation has been or will be resolved and compliance achieved; schedule for achieving compliance, if appropriate; compliance maintenance schedule, if appropriate; or in the case of an unpermitted operation, the date by which a complete permit application will be filed with the DEQ.

1) Mailed the manifests to the DEQ on May 2, 2013.

2) SWPPP training is scheduled for June 23, 2013. Employee Training section was added to the SWPPP, annual review of SWPPP will trigger necessity of refresher trainings.

3) Stopped use, completing Permit to Install application form and will submit it to DEQ by June 10, 2013.

Sign and submit
the voluntary
disclosure form
to seek immunity

VOLUNTARY DISCLOSURE (continued)

5. SIGNATURE.	
<i>I have the authority to make this disclosure and related statements contained in this form.</i>	
(Signature)	
TITLE	DATE

WHERE TO SUBMIT VOLUNTARY DISCLOSURES

Voluntary disclosures should be submitted to Michigan Department of Environmental Quality, Office of Pollution Prevention and Compliance Assistance, Pollution Prevention & Compliance Assistance Section, P.O. Box 30457, Lansing, Michigan 48909-7957.

It is recommended that voluntary disclosures be sent by certified mail. This will assure that the disclosure is received by the DEQ. There will be no other confirmation from the DEQ that the disclosure was received.

QUESTIONS

For questions regarding how to complete, where to submit, or general questions about disclosures or Part 148, call the Environmental Assistance Center (EAC) at 1-800-662-9278. Operators at the EAC will provide assistance or referral to DEQ staff who can answer questions.

PARTS OF NREPA COVERED BY PART 148

Article II Pollution Control	Chapter 7: Remediation
Chapter 1: Point Source Pollution Control	201 Environmental Response
Part Description	Chapter 8: Underground Storage Tanks
31 Water Resources Protection	211 Underground Storage Tank Regulations
33 Contamination of Waters	213 Leaking Underground Storage Tanks
35 Iron Ore Beneficiation	215 Underground Storage Tank Financial Assistance
37 Water Pollution Control Facilities	
39 Cleaning Agents	Article III: Natural Resources Management
41 Sewerage Systems	Chapter 1: Habitat Protection
43 Waterworks Systems, Sewers, and Disposal Plants	301 Inland Lakes and Streams
47 Sewage Disposal and Water Supply Districts	303 Wetlands Protection
49 Construction of Collecting Sewers	305 Natural Rivers
51 Wastewater Disposal	307 Inland Lake Level
53 Clean Water Assistance	309 Inland Lake Improvement
55 Air Pollution Control	311 Local River Management
67 Motor Fuels Quality	313 Surplus Waters
	315 Dam Safety
Chapter 2: Nonpoint Source Pollution Control	321 The Great Compact
81 General Nonpoint Source Pollution Control	323 Shorelands Protection and Management
83 Pesticide Control	325 Great Lakes Submerged Lands
85 Fertilizers	327 Great Lakes Preservation
87 Groundwater and Freshwater Protection	329 Great Lakes Protection
89 Littering	333 Coastal Beach Erosion
91 Soil Erosion and Sedimentation Control	335 Surplus Waters Management
95 Watercraft Pollution Control	337 Flood, Drainage, or Beach Erosion Control
	339 Control of Certain State Lands
Chapter 3: Waste Management	341 Irrigation Districts
111 Hazardous Waste Management	343 Great Lakes Conservation
113 Landfill Maintenance Trust Fund	353 Sand Dunes Protection and Management
115 Solid Waste Management	
117 Septage Waste Services	Chapter 3: Management of Nonrenewable Resources
119 Waste Management and Resource Recovery Finance	615 Supervisor of Wells
121 Liquid Industrial Wastes	617 Utilization
Chapter 4: Pollution Prevention	619 Drilling in the Pigeon River State Forest
147 PCB Compounds	625 Mineral Wells
	631 Reclamation of Mining Lands
Chapter 5: Recycling and Related Subjects	635 Surface and Underground Coal Mine Reclamation
161 Plastic Products Labeling	637 Sand Dune Mining
163 Plastic Degradable Containers	641 Peat Extraction From State Owned Lands
167 Used Oil Recycling	
169 Scrap Tires	
171 Battery Disposal	

4 Steps to Pursue Immunity

1. File Notice of Intent (must be before the audit)
2. Conduct the Audit/Self Assessment within 6 mo.
3. Environmental Audit Report, Privileged Document:
 - Results of Audit, "Return to Compliance" Plan, Responsible People, etc. Labeled properly!
4. Promptly File a Voluntarily Disclosure ('promptly' = when you learn of the violations)

Conditions to Receive Immunity

- ▶ Gave prior “Notice of Intent” to DEQ
- ▶ Violations must be disclosed to DEQ
- ▶ Disclosure must be voluntary

Conditions of Voluntary Disclosure

- ▶ Violations disclosed arose out of the audit
- ▶ Audit occurred prior to being aware of an investigation by DEQ
- ▶ Disclosure is made promptly after being made aware of the violation
- ▶ Compliance/corrective actions initiated are appropriate and in good-faith to achieve compliance promptly

Exclusions to Immunity Provisions

Knowingly
committed a
criminal act

Pattern of
continuous
or repeated
significant
violations
within three
year period

Violations
resulted in
substantial
economic
benefit

Violations
resulted in
serious harm
or imminent
and
substantial
endangerment

Violations
were terms of
administrative
or judicial
order

Why Should I Participate in the Environmental Audit Program (Part 148)?

- You're responsible for a new company
- You're a new Environmental Manager
- Part of an EMS
- Today you learned about lots of things you are going to consider after the webinar

Questions

Dave Drullinger
drullingerd@michigan.gov

Environmental Assistance Program

1-800-662-9278