



MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

Voluntary Disclosure

About the Disclosure

All voluntary disclosures pursuant to Part 148, 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 324.14801 to 324.14810 of the Michigan Compiled Laws Annotated (Part 148), **must be submitted to the agency in writing.**

This document is provided by the Department of Environment, Great Lakes and Energy (EGLE) to be used to voluntarily disclose a violation under Part 148. It is not required that this 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:

- 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 Note

Receipt of this disclosure by EGLE 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. EGLE also does not waive any

responsibilities as provided by applicable law to correct the violation(s), conduct necessary remediation, or pay damages.

Part 148 does not provide any immunity from federal laws or regulations. However, EPA has delegated many federal environmental programs to EGLE 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 148. 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. **Read the instructions for each item before completing the disclosure.**

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 EGLE 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 and Range: _____ Section: _____

Quarter Section: _____ County: _____

Street Address: _____

City: _____ State: _____ ZIP Code: _____

Mailing Address (if different): _____

City: _____ State: _____ ZIP Code: _____

Contact Person Regarding This Disclosure: _____

Title: _____ Phone: _____ Email: _____

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 EGLE: _____

Brief statement of audit scope and direction to auditors:

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.

Table 1. Violation Information

Date of Violation	Part of NREPA (if known)	Detailed description of each issue being disclosed, including dates and location on the property. (attach extra sheets and/or maps if needed.)

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 EGLE.

Signature

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

Signature

Print Name

Date

Title: _____

Submittal

Please submit completed Voluntary Disclosures to the below email:

EGLE-NREPA-Part148@michigan.gov

Questions

For questions regarding how to complete this form, or general questions about disclosures, **call the Environmental Assistance Center (EAC) at 1-800-662-9278.**

Parts of NREPA Covered by Part 148

Article II Pollution Control

Chapter 1: Point Source Pollution Control

<u>Part</u>	<u>Description</u>
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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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

If you need this information in an alternate format, contact EGLE-Accessibility@Michigan.gov or call 800-662-9278.

EGLE does not discriminate on the basis of race, sex, religion, age, national origin, color, marital status, disability, political beliefs, height, weight, genetic information, or sexual orientation in the administration of any of its programs or activities, and prohibits intimidation and retaliation, as required by applicable laws and regulations.

This form and its contents are subject to the Freedom of Information Act and may be released to the public.