



MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

Annual Report of Voluntary Disclosure Submittals

Pursuant to Part 148, Environmental Audit Privilege and Immunity, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended

Report Period: January 1, 2020 through December 31, 2020

Authority

Section 14810(1) of Part 148, Environmental Audit Privilege and Immunity, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), requires the Michigan Department of Environment, Great Lakes, and Energy (EGLE) to annually publish a report that summarizes, in general categories, the types of violations voluntarily disclosed under Part 148 and the time projected to achieve compliance.

INTRODUCTION

Michigan recognizes the importance of businesses, municipalities, and public agencies that take initiative in evaluating their environmental compliance. To encourage self-evaluation, Part 148 gives organizations incentive to conduct and disclose the results of environmental audits by offering special protections and immunities against violation, fines, and penalties.

Environmental audits are voluntary, internal evaluations of a facility regulated by environmental laws aiming to:

- Identify past or current noncompliance.
- Prevent noncompliance or improve compliance.
- Identify an existing or potential hazard, contamination, or adverse environmental condition.
- Improve an environmental management system or process.

Environmental audit reports are resulting documents that include all relevant information about the audit. Information must be included in the audit report to be eligible for confidentiality and immunity. The audit report may also include an implementation plan that corrects past noncompliance, improves existing compliance management systems, or prevents future noncompliance.

Part 148 contains two major provisions:

- Establishes limited privilege status for an environmental audit. Certain information contained in the environmental audit report can be held confidential (privileged) and is not accessible to a state or local government agency or the public.
- Provides immunity from state administrative or civil fines and penalties and certain criminal penalties and fines for negligent acts or omissions (except in the case of gross negligence) for violations that are discovered through an environmental audit, provided they are voluntarily and promptly corrected and disclosed to the appropriate agencies.

PART ONE: NOTICES OF INTENT TO CONDUCT AN ENVIRONMENTAL AUDIT

A total of **36** Notices of Intent were received from January 1, 2002 through December 31, 2020.

TYPES OF FACILITIES SUBMITTING NOTICES:

- Industrial: 36
- Municipal: 0

NOTICE OF INTENT SUBMISSIONS BY COUNTY

County	Notices Submitted
Eaton	1
Isabella	1
Kent	1
Macomb	3
Midland	16
Oakland	4
Ottawa	3
Saginaw	1
Wayne	6
TOTAL:	36

PART TWO: VOLUNTARY DISCLOSURE SUBMISSIONS

A total of 11 Voluntary Disclosure submissions were received from January 1, 2020 through December 31, 2020.

Submissions by County

County	Notices Submitted
Isabella	6
Midland	3
Macomb	1
Oakland	1
TOTAL:	11

VIOLATIONS DISCLOSED

A total of 53 violations were disclosed in submitted reports.

Types of Violations and Time Projected to Achieve Compliance

NREPA, Part 55: Air Pollution Control

Type of Violation	At disclosure	1 - 2 months after disclosure	3 - 6 months after disclosure	7 - 9 months after disclosure	More than 9 months after disclosure
Training	-	1			
Record Keeping	11	2			
Other	1	1			

NREPA, Chapter 2: Nonpoint Source Pollution Control

Type of Violation	At disclosure	1 - 2 months after disclosure	3 - 6 months after disclosure	7 - 9 months after disclosure	More than 9 months after disclosure
Storage		1			

NREPA, Part 111: Hazardous Waste Management

Type of Violation	At disclosure	1 - 2 months after disclosure	3 - 6 months after disclosure	7 - 9 months after disclosure	More than 9 months after disclosure
Training			2		
Record Keeping	1	17	11		

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NREPA, Part 121: Liquid Industrial By-products

Type of Violation	At disclosure	1 - 2 months after disclosure	3 - 6 months after disclosure	7 - 9 months after disclosure	More than 9 months after disclosure
Record Keeping		3			

40 CFR 370: Tier II Chemical Reporting

Type of Violation	At disclosure	1 - 2 months after disclosure	3 - 6 months after disclosure	7 - 9 months after disclosure	More than 9 months after disclosure
Record Keeping	2				

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