



MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

Legislative Report

Annual Report of Voluntary Disclosure Submittals

Report Period:

January 1, 2023, through December 31, 2023

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)**

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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 of the NREPA 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 **50** Notices of Intent were received from January 1, 2023, through December 31, 2023.

TYPES OF FACILITIES SUBMITTING NOTICES

- Industrial: 50
- Municipal: 0

NOTICE OF INTENT SUBMISSIONS BY COUNTY

| County | Notice(s) Submitted |
|---------------|----------------------------|
| Bay | 1 |
| Genesee | 1 |
| Huron | 1 |
| Ingham | 1 |
| Ionia | 1 |
| Kalamazoo | 1 |
| Kent | 6 |
| Lapeer | 1 |
| Lenawee | 2 |
| Livingston | 2 |
| Macomb | 1 |
| Midland | 15 |
| Montcalm | 1 |
| Oakland | 2 |
| Oceana | 1 |
| Ottawa | 2 |
| Saginaw | 2 |
| Sanilac | 2 |
| Van Buren | 1 |
| Washtenaw | 1 |
| Wayne | 5 |
| TOTAL: | 50 |

PART TWO: VOLUNTARY DISCLOSURE SUBMISSIONS

A total of 7 Voluntary Disclosure submissions were received from January 1, 2023, through December 31, 2023.

| County | Notice(s) Submitted |
|----------------|---------------------|
| Alpena | 1 |
| Grand Traverse | 1 |
| Huron | 1 |
| Kent | 1 |
| Midland | 2 |
| Saginaw | 1 |
| TOTAL: | 7 |

VIOLATIONS DISCLOSED

A total of 44 violations were disclosed in submitted reports.

Types of Violations and Time Projected to Achieve Compliance

| Violation Type | Time Projected to Achieve Compliance | | | | |
|--|--------------------------------------|--------------------------------|--------------------------------|--------------------------------|-------------------------------------|
| | At Disclosure | 1 to 2 Months After Disclosure | 3 to 6 Months After Disclosure | 7 to 9 Months After Disclosure | More Than 9 Months After Disclosure |
| NREPA, Part 31: | | | | | |
| Water Resources Protection | 5 | 1 | 3 | | |
| NREPA, Part 55: | | | | | |
| Air Pollution Control | 18 | 3 | 4 | | |
| NREPA, Part 111: | | | | | |
| Hazardous Waste Management | 9 | | | | |
| Not NREPA: | | | | | |
| Emergency Planning and Community Right-to-Know Act, Sections 311 and 312 | 1 | | | | |
| Totals: | 33 | 4 | 7 | 0 | 0 |