



ENVIRONMENTAL SCIENCE AND SERVICES DIVISION
MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

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 Environmental Quality (DEQ) 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

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.

Part 148 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 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, R19J, 77 West Jackson Boulevard, Chicago, IL 60604. You may call the Region 5 Enforcement Coordinator at 312-886-9296.

For questions regarding how to complete the disclosure, where to submit the disclosure, or general questions about Part 148, 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 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
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NAME OF PERSON (FIRM) WHO CONDUCTED THE AUDIT?

DATE(S) AUDIT PERFORMED (START-END)

BRIEF STATEMENT OF AUDIT SCOPE AND DIRECTION TO AUDITORS

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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.

¹**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.)
	
	
	

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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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, Environmental Science & Services Division, 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 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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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