

**SELF-AUDIT/SELF-DISCLOSURE AGREEMENT
BY AND BETWEEN**

AND

THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

I. INTRODUCTION

Environmental auditing plays a critical role in protecting human health and the environment by identifying, correcting, and ultimately preventing violations of environmental regulations; and

_____ wants to obtain the benefits of the policy of the United States Environmental Protection Agency (“EPA”) entitled “Incentives for Self-Policing: Discovery, Disclosure, Correction, and Prevention of Violations.” See 65 Federal Register 19618 (April 11, 2000) (the “Policy”); and

To obtain the benefits of the Policy, _____ is willing to conduct a self-audit for compliance with the regulations promulgated or authorized by the EPA set forth in Section III below, to disclose any and all violations found to the EPA and to correct said violations; and

The performance of the self-audit by _____, and the disclosure and correction of any and all regulatory violations, will implement the purpose of the Policy, which is to “enhance the protection of human health and the environment by encouraging regulated entities to voluntarily discover, disclose, correct and prevent violations of Federal environmental law.” See 65 Fed. Reg. at 19618 (April 11, 2000); and

The performance of the self-audit by _____, and the disclosure and correction of any and all regulatory violations, will benefit the EPA by allowing EPA to more efficiently utilize its resources in obtaining regulatory compliance within its jurisdiction; and

To obtain the benefits of the performance by _____ of its environmental compliance self-audit, and the disclosure and correction of any and all violations, the EPA is willing to enter into an agreement with _____, and

Accordingly, _____ and the EPA agree as follows with the understanding that this Agreement (the “Agreement”) is governed by the terms of the Policy, except to the extent that those terms are explicitly modified below.

II. SCHEDULE

A. As of signing this Agreement, _____ has commenced the self audit process.

B. Within 75 days of EPA signing the Agreement, _____ will complete the self audit.

- C. Within 96 days of EPA signing the Agreement, _____ will submit the Final Audit Disclosure Report to EPA in accordance with Section IV of this Agreement.

III. SCOPE OF THE AUDIT

- A. _____ shall conduct a self-audit of its compliance with the regulations cited below in subsections 1 – 7 of Section III.B. The self-audit will encompass any associated off-site facilities. For each facility the audit will include an evaluation of each facility’s operating practices and procedures and evaluate recycling and pollution prevention opportunities.
- B. Under the Audit Program, _____ will audit compliance with the following federal and state regulatory programs:
1. Clean Air Act: Standards of Performance for New Stationary Sources (40 C.F.R. Part 60); National Emission Standards for Hazardous Air Pollutants (40 C.F.R. Part 61); National Emission Standards for Hazardous Air Pollutants for Source Categories (40 C.F.R. Part 63); Chemical Accident Prevention Provisions (40 C.F.R. Part 68); Title V Permits; Protection of Stratospheric Ozone (40 C.F.R. Part 82); Pennsylvania State Implementation Plan, including New Source Review Regulations (40 C.F.R. 52.2020 (NN)), 25 Pa. Code 127; 40 C.F.R. 51.160 et seq.
 2. Clean Water Act: Spill Prevention, Control, and Countermeasures (40 C.F.R. Part 112); The Pennsylvania Discharge Elimination System Permitting, Monitoring and Compliance Regulations at 25 Pa. Code § 92. 1 et seq. (The National Pollutant Discharge Elimination System Permits including storm water management (40 C.F.R. Part 122)); General Pretreatment Regulations (40 C.F.R. Part 403). City of Philadelphia Wastewater Control Regulations.
 3. Safe Drinking Water Act: National Primary and Secondary Drinking Water Regulations (40 C.F.R. Part 141 and 143).
 4. Federal Insecticide, Fungicide and Rodenticide Act: Good Laboratory Practice Standards (40 C.F.R. Part 160); Worker Protection Standard (40 C.F.R. Part 170); Experimental Use Permits (40 C.F.R. Part 172).
 5. Resource Conservation and Recovery Act: The provisions of Pennsylvania’s hazardous waste management program, reauthorized on November 27, 2000 and set forth at 25 Pa. Code § 260.a.1. et seq. and the provisions of Pennsylvania’s Underground Storage Tank program, approved on September 11, 2003 and set forth at 25 Pa. code Chapter 245 (Hazardous Waste Management System, Used Oil Handling, Underground Storage Tanks (40 C.F.R. Parts 260-266, 268, 273, 279, 280).
 6. Comprehensive Environmental Response, Compensation and Liability Act and Emergency Planning, and Community Right-to-Know Act: Designation, Reportable Quantities, and Notification (40 C.F.R. Part 203; Emergency Planning and Notification (40

C.F.R. Part 355); Hazardous Chemical Reporting: Community Right-to-Know (40 C.F.R. part 370); Toxic Chemical Release Reporting; Community Right-to-Know (40 C.F.R. Part 372).

7. Toxic Substances Control Act: Pre-manufacture Notification (40 C.F.R. Part 720); Lead-Based Paint Poisoning Prevention (40 C.F.R. Part 745); Polychlorinated Biphenyls (“PCBs”) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions; (40 C.F.R. Part 761); Asbestos (40 C.F.R. Part 763).

IV. DISCLOSURE

_____ will disclose to the EPA any and all regulatory violations discovered during the self-audit within 21 days of the receipt of the final audit report, in accordance with the Policy, in a written disclosure report.

V. CORRECTIVE ACTION

_____ shall correct each violation identified during the self-audit, and shall take steps necessary to prevent the recurrence of each such violation. Wherever possible, _____ shall correct any violations identified during the self-audit within sixty (60) days of discovery. In those instances in which _____ is unable to correct an identified violation which has been disclosed to EPA within the sixty (60) day deadline, it shall request an extension of time from the EPA in writing and provide an abatement schedule, accompanied by a justification of the requested extension. Any extension of the sixty (60) day abatement period shall be subject to EPA approval. Such approval shall not be unreasonably withheld.

VI. TERMINATION

Once the corrective action designed to correct a particular violation has been completed, and a report has been submitted to the EPA notifying EPA of the completion of the corrective action taken, the date of completion, and the actions taken to prevent recurrence and to conform to the Policy, no further reporting on that violation, or the status of corrective action, is required. On the sixtieth (60) day after submittal of the last disclosure report from _____, this Agreement shall terminate for all purposes, except that _____ shall remain obligated to complete the corrective action necessary to correct any disclosed violation and _____ will be on low priority inspection status as provided herein. In the event that _____ files a disclosure report, but discovers an omitted item not discovered during the self-audit process, _____ shall be permitted to disclose such item, correct it and obtain the benefits of this Agreement so long as this agreement is in existence.

VII. CIVIL PENALTIES FOR DISCLOSED VIOLATIONS

Except as provided in Section II.D.8 of the Policy, the EPA will not impose gravity-based penalties for violations discovered if such violations are timely disclosed and corrected, and provided that the applicable provisions of the Policy and this Agreement are met. The EPA will consider the most appropriate methods for coming into compliance when calculating potential economic benefit penalties for any disclosed violations, provided

that such methods comply with regulatory requirements. Violations not disclosed and corrected, whether or not discovered in the self-audit or otherwise, are not covered by this Agreement and _____ will not receive the benefits of the Policy for such violations.

VIII. MISCELLANEOUS PROVISIONS

- A. Notification and Certification of Disclosure Reports: _____ designates following persons(s) as responsible official(s) for submitting disclosure reports to the EPA Region 3. "Responsible official" as used herein shall mean a person who is authorized to bind _____.

[name and address]

The responsible official shall certify that each disclosure report submitted to the Region is true, accurate and complete in the form set forth in 40 C.F.R. § 270.11(d).

_____ designates as there "contact person(s)," to be the recipient of all communications from the EPA concerning this Agreement, the following individuals:

[name and address]

The EPA designates the following individual as its contact person:

Debra E. Moody
Audit Policy Coordinator
U.S. Environmental Protection Agency
Mid-Atlantic Region (Region III)
Office of Enforcement, Compliance and Environmental Justice
Mail Code 3EC00
1650 Arch Street
Philadelphia, PA 19103
(215) 814-3294 (telephone)
(215) 814-2905 (fax)

The parties may redesignate their contact person and responsible official in writing.

- B. Compliance with Law and Regulation: Neither the existence of this Agreement, nor compliance with this Agreement relieves _____ of its obligation of continued compliance with the regulations covered by this Agreement, and all other federal, state and local laws and regulations.
- C. Reservation of Rights: The EPA reserves its rights to proceed against the _____ for all violations outside the scope of the self-audit, and violations within the scope of the self-audit that were not timely reported or timely corrected. EPA reserves the right to commence an action against any person, including _____, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the

For EPA:

_____ DATE: _____
[Name]

For EPA:

_____ DATE: _____
[Name]

APPENDIX A

SCOPE OF AUDIT PROGRAM

The following list provides the activities, areas, and/or shops that the review of the _____ will cover to the extent that these facilities and operations are present on the campus.

Documents to Review (for the three years prior to the self-audit)

- Verify EPA identification numbers and generator status
- Hazardous waste manifests, Universal Waste Bills of Lading
- Training records
- Land Disposal restriction notifications
- Exception reports
- Lead disclosure statements in leases, or associated with leases of residential housing let by the university in its capacity as a lessor, as defined in 40 D.F.R. § 745.103
- Required certifications
- Required reports
 - Emissions monitoring reports for any onsite air pollution control equipment
 - SARA abatement or removal reports
 - Asbestos abatement or removal reports
 - Closure reports or sampling data for any underground storage tank removals
 - Environmental incident reports
 - Health and safety monitoring reports
- Requires plans and programs (only the current plan will be reviewed)
 - Spill preventions, control and countermeasure plans
 - Hazardous waste management program and spill contingency plan
 - Emergency Response Plan
 - SWPP plans and associated sampling results
- Required permits
 - Copies of all air and water permits, currently in place at the institution; including a copy of the Title V permit (or application if a major source or the operating permits)
 - NPDES permits and sampling reports or water discharge permits issues
 - Recycling permits
 - Air Pollutant Source Registration lists
- Analytical tests, monitoring reports, surveys and studies
 - Existing studies (impact studies, previous environmental audits, waste characterization and minimization studies, water and energy reduction studies, asbestos surveys)
 - Test results from any lead paint sampling activities
 - Previous environmental assessment reports
 - Test results from drinking water sampling activities
 - PCB test data or removal documentation for any transformers, capacitors, hydraulic systems (including elevators, floor lifts, etc. ...)

- Monitoring results for wastewater and air emissions, including sampling and analysis protocols
- Analytical data from any waste characterization sampling
- Tightness test reports for any active underground storage tanks (most recent results)
- Effluent monitoring data for any onsite wastewater treatment systems (most recent quarter)
- SPCC inspection logs

Additional Documents to Review

- Copies of any Administrative orders, Notices of Violation and Consent Agreements or Consent Decrees from any local, state or federal agency from the last 10 years
- EH&S manual
- Detailed list of known Satellite Accumulation Areas
- List of non-contiguous properties owned or leased by the institution and its function within the institution
- An organization charge for the institution and for the EHS department
- Site layout plan(s) if available, or any lists associated with any of the issues noted below-principal chemical and hazardous waste storage areas, underground storage tank locations, aboveground storage tanks, elevators, generators, transformer pads and vaults, storm and sewer draining networks and on site pumping wells locations
- Latest chemical inventory and access to Material Safety Data Sheets (MSDS) list of chemicals currently used or stored on site
- Environmental capital expenditure plans (3 to 5 years)
- List of solid waste materials generated and disposal methods used
- List of septic tanks, sumps, oil water separators
- List of storage tanks (underground and aboveground), size and contents
- Sources of water discharges, list of contact and non-contact cooling waters
- Available subsurface information
- Pesticide use info

Facilities Operation and Maintenance

- Air conditioning/refrigeration service
- Appliance and equipment repair, including medical equipment
- Athletic facilities, maintenance and management (including, but not limited to ice rinks, swimming pools, fields, gymnasiums, rifle ranges)
- Building cleaning and maintenance
- Building renovation and construction
- Cafeteria/Food Service Areas
- Chemical storage areas
- Distillation units
- Fabrication shops
- Furniture repair
- Heating and power plans (e.g., boilers, emergency generators)
- House or architectural structure painting

- Janitorial closets
- Landscaping operations
- Laundry
- PCB transformers and switches
- Pesticide storage facilities
- Solid waste management areas, rubbish trucks and trucking operations

Fleet Maintenance

- Automotive, truck, and ambulance servicing areas
- Garages

Hazardous Waste/Tanks/Wells

- Aboveground and current operating underground storage tanks and their containment areas/systems, and documentation concerning closures of regulated tanks previously removed from service
- Dry wells, septic systems cesspools, floor drains, sink drains, and disposal wells
- Hazardous waste satellite accumulation areas
- Hazardous waste storage areas
- Tanks that have been permanently or temporarily closed
- Transformers and oil-containing electrical equipment (PCB and non-PCB)
- Universal waste storage areas

Laboratories

- Clinical and pathology laboratories
- Teaching and research laboratories with regular chemical use

Pharmacy and Health Clinic

- Chemical and Pharmaceutical storage areas
- Biomedical waste management areas
- Mercury waste management areas

Sterile Supply and Materials Management

- Autoclaving Units
- Use and disposal of disinfectants

Use and Disposal of Known Chemicals/Products of Concern

- Artist paints, ceramic clays, ceramic glazes and solvents
- Computers/monitors, circuit boards, and other lead-bearing electronics
- Ethanol and formaldehyde/ethanol solutions
- Fluorescent light bulbs and other types of lamps, including high-intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps
- Formaldehyde/Formalin
- Laboratory chemicals and waste products
- Mercury and Mercury-containing devices and products
- PVC-containing devices

- Xylene
- Batteries
- Solvents
- Photographic chemicals and scrap film

Other Services

- Athletic and training facilities
- Photo processing/publishing
- Animal care areas
- Destructive testing laboratories
- Pilot plants and reduced-scale engineering facilities
- Theater scene studios and fine art studios
- Ceramic studio