

**AUDIT POLICY AGREEMENT
BY AND BETWEEN
THE WISCONSIN ASSOCIATION OF INDEPENDENT
COLLEGES AND UNIVERSITIES, PARTICIPATING INSTITUTIONS
AND
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 5**

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

WHEREAS the Wisconsin Association of Independent Colleges and Universities ("WAICU") wishes to facilitate its members' ability to obtain the benefits of the United States Environmental Protection Agency ("EPA") Audit Policy; and

WHEREAS to obtain the benefits of the Audit Policy, individual WAICU member colleges and universities (the "Participating Institutions") wish to perform a self-audit program for compliance with the regulations promulgated or authorized by EPA set forth in Section III below, to disclose violations found to EPA, and to correct said violations (the "Audit Program"); and

WHEREAS performance of the Audit Program by the Participating Institutions will implement the purpose of the Audit Policy 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; and

WHEREAS performance of the Audit Program by the Participating Institutions will benefit EPA by allowing EPA to more efficiently use its resources in obtaining regulatory compliance within its jurisdiction; and

WHEREAS to obtain the benefits of the performance of the Audit Program by the Participating Institutions, EPA is willing to enter into this Audit Policy Agreement with WAICU on behalf of itself and its member Participating Institutions providing for implementation of the Audit Program (the "Agreement");

NOW THEREFORE, WAICU, the Participating Institutions and EPA agree as follows with the understanding that this Agreement is governed by the terms of the Audit Policy, except to the extent that those terms are explicitly modified below:

I. DEFINITIONS

- A. **Audit** means the environmental compliance audit conducted at the Participating Institution by a team of Peer Auditors under the terms of the Audit Policy and covering the regulatory programs listed in Section III of this Agreement ("Scope of the Audit").

- B. **Audit Policy** means "Incentives for Self-Policing: Discovery, Disclosure, Correction, and Prevention of Violations" published at 65 Fed. Reg. 19618 (April 11, 2000).
- C. **Audit Program** means the arrangement by which the Participating Institutions cooperate and pool their resources to facilitate completion of Audits using Peer Auditors.
- D. **Corrective Action** means the action taken by the Participating Institution to correct a violation identified in the Audit.
- E. **Disclosure Report** means the written report submitted by the Participating Institution to EPA which discloses violations discovered prior to and during the Audit and which includes an analysis of whether and how the disclosure meets the criteria of the Audit Policy, and the Corrective Action the Participating Institution has taken or intends to take to remedy each violation.
- F. **Effective Date** means the date this Agreement is signed by the Regional Administrator, U.S. Environmental Protection Agency, Region 5.
- G. **Final Audit Report** means the written report submitted to the Participating Institution that identifies violations discovered during the Audit.
- H. **Final Compliance Report** means the written report submitted by the Participating Institution to EPA which notifies EPA of the completion of Corrective Actions taken, the date of completion, the actions taken to prevent recurrence, a description of the cost of compliance, and any other information necessary to demonstrate that the disclosure and Corrective Action conform to the Audit Policy.
- I. **Final Determination** means the written communication from EPA to the Participating Institution informing the Participating Institution of EPA's final determination of the disposition of the violations addressed in the Disclosure Report and the Final Compliance Report. The form of the communication may include but is not limited to a Notice of Determination or a Consent Agreement and Final Order.
- J. **Participating Institution** means a college or university that is a member of WAICU and that has elected to participate in the Audit Program and this Agreement.
- K. **Peer Auditor** means an individual from a Participating Institution trained for purposes of the Audit Program to conduct an Audit at another Participating Institution.
- L. **Responsible Official** means a person who is authorized to bind a Participating Institution.

II. SCHEDULE

- A. Turning Bird Consulting, Ltd. has been retained by WAICU as its consultant. Within thirty (30) days of the Effective Date of this Agreement, WAICU's consultant will complete a set of electronic audit templates specific to colleges and universities that parallel the EPA Audit Protocols published at <http://www.epa.gov/Compliance/incentives/auditing/protocol.html>.
- B. On or before August 1, 2008, WAICU and its consultant will begin to train suitable personnel from the Participating Institutions as Peer Auditors to perform audits in each of the regulatory programs identified in Section III below. No Peer Auditor will audit the college or university (i.e., Participating Institution) by which he or she is employed. Audits will be conducted under the supervision of Turning Bird Consulting, Ltd. or another professional auditor and consultant experienced in conducting college and university environmental compliance audits and acceptable to EPA.
- C. Audits will be conducted on the timetable set forth in Appendix B.
- D. Participating Institutions will complete the Audits and submit Disclosure Reports and Final Compliance Reports to EPA Region 5, in accordance with the Audit Policy and this Agreement, according to the schedule set forth in Appendix B.

III. SCOPE OF THE AUDIT

- A. Each Participating Institution will conduct an Audit of its campus and facilities, including any associated off-site facilities. Appendix A lists each of the Participating Institutions that are covered by this Agreement, as of the date of its execution. The parties may add additional Participating Institutions to this Agreement. To obtain the benefits associated with the performance of the Audit Program and the benefits of this Agreement, each additional Participating Institution must, no later than August 1, 2008, notify EPA in writing of its intent to participate. WAICU may provide this notice and information on behalf of any additional Participating Institution. If there are additional Participating Institutions, WAICU will provide EPA with a revised schedule for completion of the Audit Program by August 15, 2008. The revised schedule will not increase the number of audits in any given semester, unless EPA agrees otherwise. The revised schedule will supersede Appendix B of this Agreement.
- B. Each Participating Institution will audit compliance with the following federal 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 (40 C.F.R. Parts 70, 71); Protection of Stratospheric Ozone (40 C.F.R. Part 82); Applicable

State Implementation Plans (SIPs), including New Source Review Regulations (40 C.F.R. Part 52; 40 C.F.R. § 51.160 et seq.).

2. Clean Water Act: Spill Prevention, Control, and Countermeasures (40 C.F.R. Part 112); 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).
3. Safe Drinking Water Act: National Primary and Secondary Drinking Water Regulations (40 C.F.R. Parts 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); FIFRA 12(a)(2)(G), 7 U.S.C. § 136j(a)(2)(G).
5. Resource Conservation and Recovery Act: 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, Emergency Planning, and Community Right-to-Know Act: Designation, Reportable Quantities, and Notification (40 C.F.R. Part 302); Emergency Planning and Notification (40 C.F.R. Part 355); Hazardous Chemical Reporting: Community Right-to-Know (40 C.F.R. Part 370).
7. Toxic Substances Control Act: Pre-manufacture Notification (40 C.F.R. Part 720.36); Lead-Based Paint Poisoning Prevention in Certain Residential Structures (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); Good Laboratory Practice Standards (40 C.F.R. Part 792).

- C. The facilities and documents to be audited at the Participating Institutions are set forth in Appendices C and D. The benefits of this Agreement shall extend only to those facilities within the Participating Institutions that are audited.

IV. DISCLOSURE REPORT

- A. Each Participating Institution will disclose to EPA violations discovered during the Audit.
- B. This disclosure will be made in a written Disclosure Report submitted to EPA within twenty-one (21) days of the Participating Institution's receipt of the Final Audit Report. The Disclosure Report will be in a format consistent with the template set forth in Appendix E.

- C. Each written Disclosure Report will contain an analysis of whether and how the disclosure meets the criteria of the Audit Policy.
- D. A Participating Institution will provide any additional information requested by EPA to process the Disclosure Report under the Audit Policy within the time frame identified by EPA in its request for information.

V. CORRECTIVE ACTION

- A. The Participating Institution will correct the violations discussed in the Disclosure Report, and take steps necessary to prevent the recurrence of such violations.
- B. Whenever possible, the Participating Institution will correct the violations within sixty (60) days of the Participating Institution's receipt of the Final Audit Report. In those instances in which a Participating Institution is unable to correct a violation within the sixty (60) day time frame, it will request an extension of time from EPA in writing and provide an abatement schedule, accompanied by a justification of the requested extension. Any such request for extension must be submitted to EPA prior to the expiration of the 60 day time frame.
- C. If the Participating Institution discovers violations after the Effective Date of this Agreement but before the conduct of the Audit at that Participating Institution, the following will apply:
 - 1. Whenever possible, the Participating Institution will correct the violation(s) within sixty (60) days of discovery. In those instances in which a Participating Institution is unable to correct a violation within the sixty (60) day time frame, it will request an extension of time from EPA in writing and provide an abatement schedule, accompanied by a justification of the requested extension. Any such request for extension must be submitted to EPA prior to the expiration of the 60 day time frame.
 - 2. The Participating Institution will disclose any such violation(s) in the Disclosure Report submitted to EPA following the completion of the Audit at that Participating Institution. The Disclosure Report will specifically identify any such violation(s), and advise EPA of the Corrective Action that has been completed and when that Corrective Action was completed.
- D. Any extension of the sixty (60) day abatement period will be subject to EPA approval.

VI. FINAL COMPLIANCE REPORT AND TERMINATION

- A. Once the Corrective Actions have been completed, the Participating Institution will submit a Final Compliance Report to EPA notifying EPA of the completion of the Corrective Actions, the date of completion, the actions taken to prevent recurrence, a description of the cost of compliance, and any other information

necessary to demonstrate conformance with the Audit Policy. The Final Compliance Report will be in a format consistent with the table of contents template set forth in Appendix F.

- B. The Participating Institution is not required to make any further report concerning the disclosed violations or the status of Corrective Actions after submission of the Final Compliance Report unless requested to do so in writing by EPA.
- C. This Agreement will terminate with respect to each Participating Institution after the Participating Institution has advised EPA of its choice whether to perform a subsequent environmental audit or implement an environmental or compliance management system, as set forth in Section IX.A.2.b., and EPA has issued an appropriate Final Determination under Section VII.F.
- D. In the event that a Participating Institution files a Disclosure Report and subsequently discovers a violation that was not included in the Disclosure Report, nothing in this Agreement shall prevent the Participating Institution from disclosing such violation, correcting it and, where the Audit Policy criteria are met, obtaining the benefits of the Audit Policy.

VII. APPLICATION OF AUDIT POLICY

- A. Based upon the Disclosure Report and any additional information received under Section IV.D., EPA will determine for each Participating Institution the violations which occurred, an initial proposed penalty, if any, and whether the Audit Policy applies. EPA will address all violations under the terms of the Audit Policy, unless otherwise specifically provided in this Agreement.
- B. Except as provided in Section II.D.8. of the Audit Policy, EPA will not impose gravity-based penalties for violations if such violations are timely disclosed and corrected, and provided that the applicable provisions of the Policy and this Agreement are met. See 65 Fed. Reg. 19620, 19625 (April 11, 2000).
- C. If EPA considers economic benefit penalties for any violations, EPA will consider the most appropriate methods for coming into compliance when calculating potential economic benefit penalties, provided that such methods comply with regulatory requirements.
- D. EPA will not request a copy of the Final Audit Report submitted to the Participating Institution, except as provided in Section II.C.4 of the Audit Policy. See 65 Fed. Reg. 19620, 19625 (April 11, 2000).
- E. EPA will document its completion of the processing of each Disclosure Report and Final Compliance Report with a written Final Determination. After submission of the Disclosure Report, EPA will identify the violations which occurred, identify an initial proposed penalty, if any, and state whether the Audit Policy applies.

- F. If any violations are determined to be ineligible for relief, EPA will explain the basis for the denial of relief in the Final Determination.
- G. Violations discovered by a Participating Institution during the term of this Audit Policy Agreement and disclosed to EPA in the Disclosure Report will be deemed to have met the systematic discovery and prompt disclosure conditions of the Audit Policy and will receive consideration under the Audit Policy unless EPA determines that these violations are otherwise ineligible. Correction of violations must be made in accordance with the Audit Policy and this Agreement. Violations not disclosed and corrected, whether or not discovered in the Audit or otherwise, are not covered by this Agreement and the Participating Institution will not receive the benefits of the Audit Policy for such violations.

VIII. COMPLIANCE INSPECTIONS

- A. Nothing in this Agreement shall limit the authority of EPA to conduct any inspections or information gathering under applicable federal law.
- B. If EPA discovers a civil violation during an EPA compliance inspection of a facility or unit, and the facility or unit that was inspected was scheduled under this Agreement to be audited after the EPA compliance inspection, EPA shall treat such discovered violation as having been disclosed by the Participating Institution and will resolve such violation under the terms of the Audit Policy and this Agreement, provided that the discovered violation falls within the scope of the Audit.

IX. MISCELLANEOUS PROVISIONS

- A. Systematic Discovery and Future Evaluation and Improvement:
 - 1. Condition 1 of the Audit Policy is "Systematic Discovery of the Violation Through an Environmental Audit or a Compliance Management System." For first time audits, EPA considers Condition 1 satisfied if the entity commits to take action within a reasonable time period that will result in future evaluation and improvement.
 - 2. For purposes of this Agreement, EPA deems Condition 1 satisfied for each Participating Institution as follows:
 - a. Each Participating Institution hereby commits that, within 36 months of submittal of the Final Compliance Report, it will either
 - (1) begin the next environmental audit, or
 - (2) begin implementation of an environmental or compliance management system that incorporates elements appropriate to colleges and universities.

- b. In the Final Compliance Report, the Participating Institution will advise EPA of its choice and of the schedule for the conduct of the next environmental audit or implementation of the environmental or compliance management system.

B. Notification and Certification of Disclosure Reports:

1. Appendix A identifies the Responsible Official for submission of each Participating Institution's Disclosure Report. The Disclosure Report shall contain the following certification signed by the Responsible Official, "I certify under penalty of law that this document was prepared at my direction, and to the best of my knowledge and belief, the information submitted is true, accurate and complete. Furthermore, I understand that eligibility for, and any reduction of penalties under, the EPA Audit Policy and this Agreement is conditioned on the truth and completeness of this disclosure."
2. The Participating Institutions designate the following individuals as their contact persons to receive all communications from EPA concerning this Agreement:

Linda H. Bochert, Esq.
Michael Best & Friedrich LLP
One South Pinckney Street, Suite 700
P.O. Box 1806
Madison, WI 53701-1806
(608) 283-2271 (t)
(608) 283-2275 (f)
lhbochert@michaelbest.com

and/or

Victoria Justus
Turning Bird Consulting, Ltd.
39 South Duke Street
York, PA 17401
(717) 851-0614 (t)
(717) 851-0180 (f)
victoria@turningbirdconsulting.com

3. The EPA designates the following individual as its contact person:

Alan Walts, Acting Director
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard (E-13J)
Chicago, IL 60604-3590
(312) 353-8894 (t)
(312) 886-9697 (f)
walts.alan@epa.gov

4. The parties may re-designate their contact persons and Responsible Officials in writing at any time.
- C. Compliance with Laws and Regulations: Neither the existence of this Agreement nor compliance with this Agreement relieves the Participating Institution of the obligation of continued compliance with the regulations covered by this Agreement, and all other federal, state and local laws and regulations.
 - D. Reservation of Rights: EPA reserves its rights to proceed against a Participating Institution for violations outside the scope of the Audit and violations within the scope of the Audit that are not timely disclosed or timely corrected. EPA reserves the right to commence an action against any person, including a Participating Institution, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This Agreement is not intended, and shall not be construed, to resolve any claim for criminal sanctions now pending or sought in the future, and shall not limit the right of the United States to pursue criminal sanctions for violation of law.
 - E. Wisconsin Department of Natural Resources (WDNR): It is anticipated that WAICU and the Participating Institutions will enter into a companion agreement with WDNR under the terms of the Wisconsin “Environmental Improvement Program” set forth in Wis. Stat. § 299.85, which will address audit requirements, penalties and liability issues under state law. EPA will inform WDNR of the execution of this Agreement and provide a list of Participating Institutions to WDNR. Nothing in this Agreement restricts WDNR from acting as it deems appropriate.
 - F. Authority of WAICU to Sign on Behalf of and to Bind Its Members: WAICU represents that it has the authority to sign this Agreement on behalf of and to bind each of the Participating Institutions listed on Appendix A and any that may subsequently be added to Appendix A.
 - G. Modification: This Agreement may be modified by a writing signed by the parties.

X. LIST OF APPENDICES

Appendix A: List of Participating Institutions and Responsible Officials

Appendix B: Schedule for Conduct of Audits

Appendix C: Facilities to be Audited

Appendix D: Documents to be Audited

Appendix E: Disclosure Report Template

Appendix F: Final Compliance Report Template: Table of Contents

WE, THE UNDERSIGNED, HEREBY AGREE ON BEHALF OF EPA, WAICU AND THE PARTICIPATING INSTITUTIONS TO BE BOUND BY THIS AGREEMENT:

The United States Environmental Protection Agency



DATE: 6-18-08

BHARAT MATHUR
Acting Regional Administrator
United States Environmental Protection Agency Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

The Wisconsin Association of Independent Colleges and Universities for itself
and each of its member Participating Institutions



DATE: 5.8.08

ROLF WEGENKE, Ph.D.
President
Wisconsin Association of Independent Colleges and Universities
122 West Washington Avenue
Madison, Wisconsin 53703

APPENDIX A

List of Participating Institutions and Responsible Officials

| <u>Participating Institution</u> | <u>Responsible Official</u> | <u>Address</u> |
|-----------------------------------|--|---|
| Alverno College | James Oppermann Senior Vice President for Finance | 3400 S. 43 rd Street Milwaukee, WI 53234-3922 414-382-6129 jim.oppermann@alverno.edu |
| Beloit College | John M. Nicholas Vice President for Administration | 700 College Street Beloit, WI 53511 608-363-2250 nicholas@beloit.edu |
| Cardinal Stritch University | Karen L. Walrath Treasurer | 6801 North Yates Road Milwaukee, WI 53217 414-410-4225 klwalrath@stritch.edu |
| Carroll College | Donald Stenson Director of Physical Plant | 11111 Sentry Drive Waukesha, WI 53186-5593 262-524-7380 dstenson@cc.edu |
| Carthage College | William Abt Vice President for Administration and Business | 2001 Alford Park Drive Kenosha, WI 53140 262-551-6200 wabt@carthage.edu |
| Concordia University Wisconsin | Allen Prochnow Executive Vice President | 12800 North Lake Shore Drive Mequon, WI 53097-2402 262-243-4303 allen.prochnow@cuw.edu |
| Edgewood College | Chris Schlichenmaier Director of Environmental Health and Safety | 1000 Edgewood College Drive Madison, WI 53711 608-663-6709 chansenschli@edgewood.edu |
| Lakeland College | E. Anthony Fessler General Counsel | PO Box 359 Sheboygan, WI 53082-0359 920-565-1202 fessler@lakeland.edu |
| Marian University | James Moore Vice President, Student Affairs and Campus Planning | 45 South National Avenue Fond du Lac, WI 53935 920-923-7666 jemoore22@marianuniversity.edu |
| Marquette University | Cynthia Bauer Vice President and General Counsel | 615 N. 11 th Street, Room 015 Milwaukee, WI 53201-1881 414-288-7343 cindy.bauer@marquette.edu |

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|---------------------------------|--|---|
| Milwaukee School of Engineering | Armund Janto Vice President and Chief Financial Officer | 1025 North Broadway Milwaukee, WI 53202-3109 414-277-7126 janto@msoe.edu |
| Mount Mary College | Reyes Gonzalez Chief Financial Officer | 2900 N. Menomonee River Pkwy Milwaukee, WI 53222-4597 414-256-1228 gonzaler@mtmary.edu |
| Northland | Guy Trier Vice President for Finance | 1411 Ellis Avenue Ashland, WI 54806-3999 715-682-1824 gtrier@northland.edu |
| Ripon College | Mary deRegnier Vice President for Finance | PO Box 248 Ripon, WI 54971-0248 920-748-8108 deregnierm@ripon.edu |
| St. Norbert College | Eileen Jahnke Vice President for Business and Finance | 100 Grant Street De Pere, WI 54115-2099 920-403-3250 eileen.jahnke@snc.edu |
| Silver Lake College | Dennis Sander Vice President of Finance and Business | 2406 South Alverno Road Manitowoc, WI 54220 920-686-6121 dsander@silver.sl.edu |

APPENDIX B

Schedule for Conduct of Audits

Fall 2008 -

1. Alverno College
2. Cardinal Stritch University
3. Milwaukee School of Engineering
4. Northland College

Spring 2009 -

5. Carthage College
6. Edgewood College
7. Marquette University
8. Ripon College

Fall 2009 –

9. Beloit College
10. Concordia University Wisconsin
11. Lakeland College
12. St. Norbert College

Spring 2010-

13. Carroll College
14. Marian University
15. Mount Mary College
16. Silver Lake College

APPENDIX C

Facilities to be Audited

Academic Areas and Laboratories (including but not limited to: Biology, Chemistry, Engineering, Environmental Sciences, Fine Arts, Geology, Health Occupations, Physics, and Theater)

- Animal care areas
- Aquaculture facilities
- Art studios
- Biomedical waste management areas
- Ceramic studio
- Chemical storage areas
- Clinical and pathology laboratories
- Destructive testing laboratories
- Engineering test areas
- Farm and agricultural facilities
- Hazardous waste management areas
- Jewelry making studio
- Mechanical and electrical fabrication shops
- Microelectronics fabrication facilities
- Photo processing/publishing
- Photography studios
- Pilot plants and reduced-scale engineering facilities
- Printmaking studio
- Remote research stations
- Sculpture studios
- Storage areas
- Teaching and research laboratories
- Theater scene studios
- Theater storage areas

Athletics Training and Facilities

- Athletic facilities, maintenance and management (including, but not limited to ice rinks, swimming pools, fields, gymnasiums, rifle ranges)
- Chemical storage areas
- Field maintenance and painting activities
- Laundry
- Trainer's rooms

Dining and Food Operations

- Cafeteria/Food Service Areas
- Chemical storage areas
- Dishwashing and pan washing activities

- Garbage, trash, recycling and compacting operations
- Refrigerators and freezers (coolants)
- Waste oil storage

Facilities Operation and Maintenance

- Air conditioning/refrigeration service
- Appliance and equipment repair, including medical equipment
- Building cleaning and maintenance
- Building renovation and construction
- Chemical storage areas
- Distillation units
- Drinking water treatment systems
- Fabrication shops
- Furniture repair
- Heating and power plants (e.g., boilers, emergency generators)
- House or architectural structure painting
- Janitorial closets
- Land disturbing activity > 1 acre
- Landscaping operations
- PCB transformers and switches
- Pesticide storage facilities
- Resource recovery/incinerator facilities (including animal carcass incinerators)
- Solid waste management areas, rubbish trucks and trucking operations
- Student laundry areas
- Waste disposal areas (landfills)
- Waste treatment facilities such as autoclaves
- Wastewater treatment facilities

Fleet Maintenance

- Automotive, truck, and ambulance servicing areas
- Gasoline service stations
- 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
- Facilities treating, storing or disposing of hazardous wastes
- 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

Pharmacy and Health Clinic

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

Sterile Supply and Materials Management

- Autoclaving Units
- Ethylene Oxide (EtO) Units
- Glutaraldehyde
- 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
- Batteries
- 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
- Photographic chemicals and scrap film
- Solvents
- Xylene

APPENDIX D

Documents to be Audited

| WDNR and EPA Region 5 Site Inspection Records: | |
|---|---------------------------|
| Consent Orders | Notice of Violations |
| Compliance Agreements | State Enforcement actions |

| Best Business Practices (unless LQG): | |
|--|----------------------------------|
| Asbestos Operations & Maintenance Plan | Pollution Prevention Plan |
| Environmental, Health, and Safety Program Manual | Waste Oil Protocol |
| Hazardous Waste Management Plan | Written Operating Record for CSA |

| Clean Air Act (CAA): | |
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| Air Emissions Report | Emission Control Records |
| Air Permit (Operating Permit—General, Source Only State, or Title V) | Inventory of Emissions Sources (Boilers, Emergency Generators, Fire Pump, Gas-Fired Kilns, Hot Water Heaters) |
| CFC Recovery Certificates for Individual Employees | Record/Log of Total Hours for Emergency Generator Use |
| CFC Use and Recovery Logs | |

| Centers for Disease Control and Prevention (CDC): | |
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| Documentation on Any Select Agents Stored, in Use, or Destroyed | Registration of Users of Select Agents under the Biohazardous Terrorism Act (required by the Patriot Act) |

| Clean Water Act (CWA): | |
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| Information Regarding Any Monitoring Wells | Sewer Discharge Permit |
| Maintenance Records for Grease Traps | Storage Tank Inspection Records |
| Maintenance Records of Oil/Water Separators | SWPP Plan for Construction greater than 1 Acre |
| Maintenance Records for Sediment Traps | Wastewater discharge permits |
| NPDES Permit | Wetlands Pollution Prevention Plan |
| CWA- Spill Prevention, Control, and Countermeasures (SPCC): | |
| Inventory of All Oil Containing Equipment (55 gals or greater, drums, elevators, transformers, tanks) | |
| SPCC Plan | SPCC Training Records (3 years) |

| Department of Transportation (DOT): | |
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| Bills of Lading for Non-RCRA Wastes—Infectious Waste, Low-Level Radioactive Waste, Municipal Waste, Residual Waste, and Universal Waste | |

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| DOT Security Plan | DOT Training Records |
| Hazardous Materials Certificate of Registration | |

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| Emergency Planning and Community Right-to-Know Act (EPCRA): | |
| Chemical Inventories for Previous Calendar Year (or last known completion date) | |
| Emergency Planning Procedures for Hazardous Substances above TPQ | Tier I and Tier II Reports |
| EPCRA, OSHA: | |
| Chemical Hygiene Plan | PPC Plan (HW LQG only) |
| Hazard Communication Plan | Emergency Response Plan |
| MSDS's | |

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| Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA): | |
| Business License for College/University if Applying Pesticide | Certifications for Contract Pesticide Applicators |
| Business License for Contractor | Logs of Pesticide Applicators |
| Copies of Pesticide Applicators Licenses | |

Radioactive Materials

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| Nuclear Regulatory Commission (NRC): | |
| Radiation Management Plan | Radioactive Materials Licenses |
| WI Low-Level Radioactive Waste: | |
| Low-Level Radioactive Waste Disposal Manifests | |
| WI Department of Human and Family Services Radiation Safety requirements: | |
| Activated Radioactive Materials Licenses | Registration for Equipment Producing Radiation or X-rays, or Containing Activated Radioactive Materials |
| Radioactive Storage Room Inspection Records | Records of Surveys |
| Radioactive Storage Room Inventory | Records of Wipe Tests |
| Records of Dosimeter Readings (Employee name not necessary.) | |
| Training records for individuals who use or manage radioactive materials | Training records for individuals who use equipment which produce radiation or X-rays |

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| Resource Conservation and Recovery Act (RCRA)– Hazardous Waste (HW): | |
| Hazardous Waste Contingency Plan (if LQG) | List of Environmental Vendors/Consultants |
| Hazardous Waste Manifests & Packing Slips (for last 3 years) | Land Disposal Restriction Certifications |
| Inspection Records—Weekly CSA Inspections (3 years) | List of Hazardous Waste Haulers |
| Land Disposal Restriction Determination | Notification of Hazardous Waste Activity (Application for EPA ID Number) |

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|---|---------------------------------|
| Training Records for Hazardous Waste Handlers/Generators (3 years) | |
| RCRA– HW, OSHA: | |
| Chemical Hygiene Plan Training Records (3 years) | |
| RCRA– Solid Waste: | |
| College/University Owned Garbage Truck(s)—Truck License & Registration; Inspection Records; Driver’s Certification; Tickets/Fines if any | |
| Documentation of Waste Characterizations by Knowledge of Process | |
| Documentation of Waste Characterizations by Analytical Tests (Sediment Traps, Paint Chips, Waste Oil, Booth & Hood Exhaust Filters, <i>etc.</i>) | |
| Recycling Records (Certificates of Recycling. Tonnage) | Municipal Waste Tonnage records |

| | |
|---|--|
| RCRA– Solid Waste (State): | |
| Infectious/Chemotherapeutic Waste Manifests | Source Reduction Strategy or Study Plan (LQG Only) |
| Training Records for Infectious Waste Handlers/Generators | |
| RCRA – Universal Waste (State): | |
| Training Records for Individuals Who Manage Universal Waste | |
| Training Records for Universal Waste Handlers/Generators | |
| Universal Waste Certificates of Recycling | Universal Waste Program/Protocol |
| RCRA – Underground Storage Tanks: | |
| Closure Reports | Registrations |
| Inspection Reports | |

| | |
|--|--|
| Toxic Substances Control Act (TSCA)– Asbestos Containing Materials (ACM): | |
| Asbestos Abatement Project Records | Records of Asbestos Surveys |
| TSCA–ACM, DOT: | |
| Manifest for Asbestos Containing Material | |
| TSCA–ACM, OSHA: | |
| Air Monitoring for Asbestos Abatement Projects | Training Records for Individuals Who Work in Areas Where ACM Present |
| TSCA–Lead-Based Paint (LBP): | |
| Lead Based Paint Test Results | LBP Abatement Activity Records |
| LBP Notifications to Lessees | |
| TSCA– Polychlorinated Biphenyls (PCB): | |
| Inventory of PCB containing material/equipment | |
| PCB Certificates of Disposal & Manifests | PCB Survey |
| TSCA–Premanufacture Notice (PMN): | |
| PMN Exemption Protocol or Program | |
| TSCA–PMN, DOT: | |
| Transportation Records for Research Generated Chemical Shipments | |

Audit Policy Agreement by and between the Wisconsin Association of Independent Colleges and Universities, Participating Institutions and the United States Environmental Protection Agency, Region 5

Disclosure Report Template

| | | | |
|--|-----------------|--------|------|
| Identifying Name of Facility: ^a | | | |
| Facility Type: | | | |
| Location Address of Facility: | | | |
| Date Facility Began Operations: | | | |
| Description of Institutional Structure: ^b | | | |
| Identify the type of institution ^c | | | |
| Contact Name for Self-Disclosure: | | | |
| Contact's Phone Number: | () - | | |
| Contact's Fax Number: | () - | | |
| Contact's Email: | | | |
| Contact's Mailing Address: | Street Address: | | |
| | City: | State: | Zip: |
| Dates the audit was conducted at the Participating Institution: | | | |

^a By "facility," EPA is referring to the college or university as a whole (including "off campus" operations) and not specific buildings or areas (e.g., a dormitory, laboratory, College of Arts and Sciences, Agricultural Building) on a campus. In other words, "facility" means all buildings, equipment, structures, and other stationary items which are owned or operated by the same person, corporation, entity, organization, etc.)

^b The parent institution, all branch and satellite campuses, any academic or corporate partnerships, and any small business incubator campuses should be identified. If available, please provide the Dunn&Bradstreet number.

^c By type of institution, EPA is referring to whether the institution is a private institution, a state public institution, or a public quazi-state institution; and whether the institution is a 2 or 4 year technical college, a 2 year community college, a 4 year college or university, a 4 year college or university with graduate programs, or a 4 year research university.

| | |
|--|--|
| Date the Final Audit Report was submitted to the Participating Institution: | |
| Date the Disclosure Report is submitted to EPA : | |
| Certification: | <p>I certify under penalty of law that this document was prepared at my direction and to the best of my knowledge and belief, the information submitted is accurate and complete.</p> <p>Signature of Responsible Official: _____</p> <p>Printed Name of Responsible Official: _____</p> <p>Title of Responsible Official: _____</p> |

Table 1: Analysis of the Potential Violations in Relation to the Nine Criteria of the Audit Policy

| Audit Policy Criteria | Answer | Explanation (i.e., Supporting Narrative) |
|---|-----------|--|
| 1. How was the Violation Systematically Discovered? | Audit | Peer-Assisted Environmental Compliance Audit pursuant to the "Audit Policy Agreement by and between the Wisconsin Association of Independent Colleges and Universities, Participating Institutions and the United States Environmental Protection Agency, Region 5" |
| 2. Was the Violation Voluntarily Discovered? Explain | Yes or No | |
| 3. Was Prompt Disclosure Made? ^d Explain | Yes or No | |
| 4. Was the Violation Independently Discovered and Disclosed? ^e Explain | Yes or No | |
| 5. Were the Violations Corrected and Remediated? ^f | Yes or No | The Participating Institution anticipates that all corrective actions will be completed within 60 calendar days of submission of this Disclosure Report or within any period of extension granted by EPA. Any requests for extension will be submitted within the 60 day corrective action period. |
| 6. How will Recurrence of Violations be Prevented in the Future? ^g Explain | --- | Steps will be taken within the 60 day corrective action period and reported on Participating Institution's Final Compliance Report (or within any extended period granted by EPA). |

^d To answer this question in the affirmative, disclosure of the violation should have occurred within 21 days of discovery, i.e., Participating Institution's receipt of Final Audit Report.

^e To answer this question, determine whether the violation was disclosed before EPA likely would have identified the violation through its own investigation or based on information from a third party (e.g., a citizen's lawsuit). If EPA knew about or would likely have known about the violation through its own investigation or via a third party, then the violation was not independently discovered and disclosed.

^f To answer this question, determine whether the violation is anticipated to be corrected within 60 days from date of disclosure. If an extension to the 60-day correction deadline is necessary, please notify EPA in writing. The notification must include an abatement schedule and provide justification of the requested extension. A description of any environmental harm caused by the violation, and any measures undertaken to remediate such harm should be included in the explanation.

^g The Participating Institution must agree to take steps to prevent a recurrence of the violation after it has been disclosed. Preventive steps may include, but are not limited to, a plan specific to the violation disclosed (e.g., having a bell ring when pressure is approaching a level that would cause a bypass, having someone do a checklist every time a specific obligation is triggered), a commitment to do periodic audits, updating the facility's compliance management system, updating or implementing an Environmental Management System (EMS). An EMS is a set of processes and practices that enable an organization to reduce its environmental impacts and increase its operating efficiency (i.e., it allows an organization to systematically manage its environmental and health safety matters). Most EMS are built on the "Plan, Do, Check, Act" model. This model leads to continual improvement. For more information on EMS, please see the following URL: <http://www.epa.gov/ems/>.

| | | |
|--|------------------|---|
| <p>7. Are any of the listed violations a “repeat Violation”?^h Explain</p> | <p>Yes or No</p> | |
| <p>8. Does this Violation meet any of the Ineligible Conditions Under the Audit Policy?ⁱ Explain</p> | <p>Yes or No</p> | |
| <p>9. Do you agree to Cooperate with the Agency on this Violation?^j</p> | <p>Yes or No</p> | <p>The Participating Institution believes it is performing in all respects in accordance with the agreement entitled, “Audit Policy Agreement by and between the Wisconsin Association of Independent Colleges and Universities, Participating Institutions and the United States Environmental Protection Agency, Region 5,” and the agreement entitled, “Environmental Compliance Agreement by and between the Wisconsin Association of Independent Colleges and Universities, Participating Institutions and the Wisconsin Department of Natural Resources.”</p> |

^h Repeat violations are not eligible for mitigation under the Audit Policy. Please explain whether the violation fits the “repeat” standard.
ⁱ Certain violations are not eligible for mitigation under the Audit Policy (e.g., those that result in serious actual harm; those that may have presented an imminent and substantial endangerment; or those that violate specific terms of an Administrative or Judicial Order or Consent Agreement). Please see the Audit Policy for complete information on violations which are not eligible. Please explain whether any conditions exist which might make a violation ineligible under the Audit Policy.
^j Please see the Audit Policy for more information on the type and level of cooperation expected. Basically, the Participating Institution should be willing to provide additional information if the Agency determines more information is needed to determine applicability of the Audit Policy.

**Audit Policy Agreement by and between the Wisconsin Association of Independent Colleges and Universities, Participating Institutions and the United States Environmental Protection Agency, Region 5
Final Compliance Report Template: Table of Contents**

Section 1: General Information

- 1.1 General information about the institution
- 1.2 Historical information
- 1.3 Description of the institution's campuses and facilities
 - 1.3.1 Description of the audited campus
 - 1.3.2 Descriptions of remote campuses and satellite facilities
- 1.4 Description of the Campus Community
- 1.5 Description of the town/city where the campus is located
- 1.6 Management structure
 - 1.6.1 Board of Trustees
 - 1.6.2 President
 - 1.6.3 President's council and other administrators
- 1.7 Campus contacts
- 1.8 Legal counsel
- 1.9 Consulting team
- 1.10 Corrective action team

Section 2: Summary of Conformance to the EPA Audit Policy

- 2.1 Summary of the agreement
 - 2.1.1 WAICU/EPA Region 5 agreement
 - 2.1.2 WAICU/WDNR agreement
- 2.2 Systematic discovery
- 2.3 Voluntary discovery
- 2.4 Prompt disclosure
- 2.5 Discovery and disclosure independent of government or third party plaintiff action
- 2.6 Correction and remediation
- 2.7 Prevent recurrence
- 2.8 No repeat violation
- 2.9 Other violations excluded

2.10 Cooperation

Section 3: Clean Air Act (CAA)

3.1 Federal CAA violations

3.2 State CAA violations

Section 4: Clean Water Act (CWA)

4.1 Federal CWA violations

4.2 State CWA violations

Section 5: Comprehensive Environmental Response, Compensation, and Liability Act, Emergency Planning, and Community Right-to-Know Act

5.1 Federal CERCLA violations

5.2 State CERCLA violations

Section 6: Emergency Planning and Community Right-to-know act (EPCRA)

6.1 Federal EPCRA violations

6.2 State EPCRA violations

Section 7: Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

7.1 Federal FIFRA violations

7.2 State FIFRA violations

Section 8: Resource Conservation and Recovery Act (RCRA)

8.1 Federal RCRA violations

8.2 State RCRA violations

Section 9: Safe Drinking Water Act (SDWA)

9.1 Federal SDWA violations

9.2 State SDWA violations

Section 10: Toxic Substance Control Act (TSCA)

10.1 Federal TSCA violations

10.2 State TSCA violations

Section 11: Other regulatory statutes not otherwise noted

11.1 Federal regulated violations

11.2 State regulated violations

Appendix A – Campus map

Appendix B – Disclosure Report submitted on <date>

Appendix C – Extension requests submitted on <date>

Appendix D – Tables 1 and 2, Specific Information on each Potential Violation, as it was submitted in the Disclosure Report

