**Example Template for Use in Submitting a Voluntary**

**Self-Disclosure Pursuant to the**

**EPA Small Business Compliance Policy**

****

**U.S.EPA Region 4**

**January 2014**

**Disclaimer:** The Voluntary Self-Disclosure template is designed to assist the regulated community in understanding and organizing the information needs for a self-disclosure submitted to [EPA Region 4](http://www.epa.gov/aboutepa/region4.html) pursuant to the [Small Business Compliance Policy](http://www.epa.gov/compliance/incentives/smallbusiness/index.html). This template is generally based on the disclosure form used during an EPA pilot program (2008-2013) run to investigate online self-reporting of potential environmental violations of the Emergency Planning and Community Right-to-Know Act (ECPRA). This web-based pilot program was known as eDisclosure, which was decommissioned on July 1, 2013.

This template should not be viewed as a substitute for the Small Business Compliance Policy, and if any conflicts are discovered between this example template and the policy, the policy will have precedence. Use of this form as a submission template is not required, and submission of self-disclosure information in another format is acceptable. Even with use of this template, the discloser should review the Small Business Compliance Policy to ensure that information is submitted demonstrating how the disclosure meets each of the criteria of the Policy.

|  |
| --- |
| **Example Voluntary Self-Disclosure Submission Form for Small Businesses Policy** |
| **Basic Information****NOTE**: An asterisk “ \* ” denotes important fields. If not supplied, then future contact by EPA may be needed. |
| \* Complete Legal Name of Organization:  |
| \* Number of Full-Time (2,000 hour/year) Employees (corporation): |
| \* How Organized (check one)? | [ ]  A person doing business as\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. [ ]  A corporation, which was incorporated under the laws or the State or Tribal Nation of\_\_\_\_\_\_\_\_\_. [ ]  A partnership, formed under the laws of the State or Tribal Nation of \_\_\_\_\_\_\_\_\_\_\_\_. [ ]  Other (describe)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.  |
| **Contact Information for Individual Submitting the Self-Disclosure** |
| Title:  |
| \* First Name:  |
| Middle Name (or initial):  |
| \* Last Name:  | Suffix:  |
| \* Job Title (e.g., individual, President, Director, Legal Counsel, etc.):  |
| \* Is the individual submitting this self-disclosure authorized by the company to make such a disclosure and is this person an authorized signatory (having authority to perform policy or decision-making functions of the company)?  | [ ]  Yes[ ]  No |
| \* Address:  |
| \* City:  | \* State:  | \* Zip:  |
| \* Phone:  | \* Email:  |
| **Facility Information** |
| \* Number of Facilities involved with this potential violation(s): Note: If more than one facility is involved with this potential violation(s), please indicate the number of facilities above and attach a sheet to your final submission with the physical address and EPA program ID numbers (if known) for each facility, and identify which facilities have which violation(s). |
| **Facility Physical Address** |
| \* Name:  |
| \* Address:  |
| \* City:  | \* State:  | \* Zip:  |
| Latitude:  | Longitude:  |
| **Facility Mailing Address** [ ]  Check Here if Same as Physical Address |
| \* Name:  |
| \* Address:  |
| \* City:  | \* State:  | \* Zip:  |
| **Industry Codes and EPA Identification Numbers** |
| \* NAICS Code: **(** [**http://www.census.gov/epcd/www/naics.html**](http://www.census.gov/epcd/www/naics.html)**)** | SIC Code:  |
| EPA Program ID Numbers (if known): | CAA AFS:  |
| CWA NPDES:  |
| RCRA:  |
| EPCRA 313 (TRI ID):  |
| Other (describe):  |

|  |
| --- |
| **Describe Potential Violation(s)** |
| \* Identify Federal Statute / Section Involved in Disclosure: | [ ]  Clean Air Act, Section(s):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_[ ]  Clean Water Act, Section(s):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_[ ]  Emergency Planning and Community Right to Know Act, Section(s):\_\_\_\_\_\_[ ]  Fungicide Insecticide Rodenticide Act, Section(s):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_[ ]  Resource Conservation and Recovery Act, Section(s):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_[ ]  Toxic Substance Control Act, Section(s):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_[ ]  Other (describe):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  |
| \* Describe the Potential Violation(s):NOTE: Each potential violation should be described as completely as possible and include the following information. * Nature and description of potential violation(s) and specific regulatory, permit and/or statutory provision violated (include state references where appropriate).
* Identify the name, title, and employer of each person who discovered the potential violation, and what they were doing when the potential violation was discovered.
* How the potential violation was discovered; i.e., describe the moment at which the person first realized (objectively reasonable basis) that the potential violation(s) may have occurred or did occur.
* Physical location of potential violation.
* Dates of possible noncompliance.
* Chemical(s) involved in this disclosure, please include CAS number(s).
* For each chemical please list and specify separately the quantity (lbs.) that was stored, manufactured, processed, or otherwise used, produced, or released.
 |

|  |
| --- |
| **\* Condition 1: Voluntary Discovery (including Independent Discovery and Disclosure)** Please describe how the potential violation was voluntarily and independently discovered. Voluntary: Small businesses may discover violations through not only regular audits or as a result of compliance management systems, but also through any other voluntary means (e.g., a government, private or non-profit sponsored: on-site compliance assistance activity, pollution prevention assessment, participation in mentoring program, reading material on complying with environmental requirement, training class, use of on-line compliance assistance center or a checklist, etc.). **NOTE: The violation must be discovered prior to an EPA or State inspection to be considered voluntary.** Independent: The violation must be independently discovered in the sense that the violation cannot be discovered through a monitoring or sampling requirement prescribed by statute, regulation, permit, judicial or administrative order or consent agreement.  |
|  |
| **\* Condition 2a. Prompt Disclosure**Please provide the date of discovery of each violation disclosed. Please demonstrate that the violation was disclosed within 21 days (or any shorter time required by law) after discovering that the violation occurred or may have occurred. Discovery occurs when any officer, director, employee or agent of the facility has an objectively reasonable basis for believing that a violation has or may have occurred (i.e., absolute factual and legal certainty is not necessary in order to require disclosure). As one example of discovery, for failure to submit a timely TRI report for an EPCRA 313 chemical, when was it first realized that applicable thresholds were met or exceeded? For situations in which the 21-day period has already expired, the Agency may accept a late disclosure in the exceptional case, such as where there are complex circumstances, including where EPA determines that the violation could not be identified and disclosed within 21 calendar days after discovery. If disclosure of this violation was not within 21 days of discovery, please explain in detail why the violation(s) was not disclosed within the 21-day period. |
|  |

|  |
| --- |
| **\* Condition 2.b. Cooperation**Provide any other information you deem relevant that demonstrates your cooperation with EPA in determining applicability of this policy.  |
|  |

|  |
| --- |
| **\* Condition 3: Correction and Remediation/Prevention** Correction and Remediation: Please indicate whether the correction of the violation has occurred. **Violations must be corrected within 180 days from date of discovery**. Has the violation been corrected? * If yes, provide the date and how the violation was corrected. For example, include written confirmation from authorities that submittals (Tier II reports, Form R's) were received.
* If no, provide an estimate of the length of time it will take to correct the violation.
	+ If the violation will be corrected within 90 days, **by certifying and submitting this disclosure you are committing to fix the violation** within the time period you specify, not to exceed 90 days.
	+ If more time is needed, then the **small business must submit a written schedule** for any violation that cannot be corrected within 90 calendar days of its discovery. In other words, corrections which will be completed from 91 to 180 days after discovery require that the business submit a written schedule for approval by EPA.

Prevention: Please describe what steps were taken to prevent recurrence of the violation and provide the date that those measures were implemented. If the measures have not yet been implemented, provide the implementation schedule setting forth the dates of the anticipated actions.**NOTE: The discloser must put in place measures to prevent the violation from happening again. If the small business intends to prevent the violation by putting into place pollution prevention measures, the business may take an additional 180 calendar days (i.e., up to a period of 360 calendar days from the date the violation is discovered).**  |
| Has the violation been corrected? * If yes, explain details surrounding the correction.
* If no, provide an estimated time to correct the violation. If the time to correct exceeds 90 days, then a written schedule must be provided and approved by EPA.
 |
| **\* Condition 4.a. Repeat violations** Please provide information related to whether the disclosed violation is a repeat violation. Per the [Small Business Compliance Policy](http://www.epa.gov/compliance/incentives/smallbusiness/index.html), a regulated entity has not a experienced a repeat violation if that business has not:* previously received a warning letter, notice of violation, field citation or has not been subject to a citizen suit or any other enforcement action by a government agency for a violation of the same requirement within the past 3 years;
* been subject to two or more enforcement actions for any environmental violation in the past 5 years; and
* the business has not used the Small Business Compliance Policy for a violation of the same or similar requirement within the past 3 years.

If past similar violation(s) or any enforcement action(s) have occurred, please list for each violation, the facility, the date and type of enforcement action and its resolution. |
|  |

|  |
| --- |
| **\* Condition 4.b. Certain violations are not eligible**  Please describe whether the specific violation(s) is eligible under the [Small Business Compliance Policy](http://www.epa.gov/compliance/incentives/smallbusiness/index.html). Note that certain violations are not eligible for the Small Business Compliance Policy (i.e., the violation was discovered through an information request, inspections, field citations, reported to a federal, state or local agency by a member of the public or a “whistleblower” employee; the violation was identified by a citizen suit; the violation was previously reported to the Agency or discovered through an investigation of the facility; the violation resulted in serious actual harm; the violation may have presented an imminent and substantial endangerment; or the violation violates specific terms of an Administrative or Judicial Order or Consent Agreement, and those violations that involve criminal conduct). |
|  |

|  |
| --- |
| **\* Cost of Compliance**Please provide an estimate of any costs associated with returning to compliance. Such costs may include internal staff or outside consultants’ time to become familiar with the regulations, determine which chemicals meet/exceed reporting thresholds, prepare forms/plans/ permits and submit forms to appropriate agencies; fees collected by state or other regulatory agencies; release detection or pollution control equipment; operation and maintenance costs; and secondary containment or start-up costs for plan implementation or tank monitoring.Cost of compliance is used by EPA to better assess any benefit derived from noncompliance. Recall that, although rarely used, EPA retains its discretion to collect any economic benefit that may have been realized as a result of noncompliance. If no costs of compliance are provided, EPA will use its own best professional judgment to determine the value of economic benefit, if any. The EPA financial models used to determine economic benefit can be found on the web at: [www.epa.gov/compliance/civil/econmodels/](http://www.epa.gov/compliance/civil/econmodels/). |
| Cost of Returning to Compliance: $ Associated Explanation of Cost of Returning to Compliance:  |

|  |
| --- |
| **\* Certification**Submission of the disclosure should be accompanied by a signed certification attesting to the accuracy of the information supplied as part of the disclosure.  |
| I certify that under penalty of the law, the disclosure was prepared under 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 [Small Business Compliance Policy,](http://www.epa.gov/compliance/incentives/smallbusiness/index.html) is conditioned on the truth, accuracy and completeness of this disclosure.Signature of Owner/Operator/Responsible Official: Printed Name of Signing Official: Title of Signing Official:  |