



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1 - NEW ENGLAND
ONE CONGRESS STREET
SUITE 1100 - MAIL CODE SEW
BOSTON , MASSACHUSETTS 02114-2023

July, 2005

Letter to Colleges and Universities in New England

Dear College/University Administrator:

For the last four years, EPA-New England has combined targeted enforcement at colleges and universities with access to compliance education and tools through workshops and the Region's College and University Website. Our primary goal has been addressing your institution's compliance and environmental education needs, while communicating our belief that environmental issues should be educational and fiscal priorities on your campuses.

As part of that effort, EPA launched a College and University Audit Initiative in 2001. We sent letters to every college and university in New England advising them that they were responsible for complying with the same environmental standards as private companies, and offering assistance in complying with those standards. Colleges and universities were invited to use EPA's Audit Policy to identify environmental violations, disclose those violations to EPA and voluntarily correct them. If specific conditions were met, the policy allowed for reductions of up to 100% for penalties that might otherwise be assessed through an EPA enforcement action. Colleges and universities joining the Audit Initiative became a low inspection priority for a year, meaning they were unlikely to be inspected unless EPA received a complaint or became aware of a condition that potentially threatened human health or the environment.

One hundred and seventy-seven (177) colleges and universities participated in the Audit Initiative, audited their facilities and discovered and disclosed thousands of violations covering a wide range of environmental requirements. The most frequently disclosed violations involved the Resource Conservation and Recovery Act (RCRA); the Clean Water Act (CWA) and its Spill Prevention Control and Countermeasures (SPCC) requirements; and the Emergency Planning and Community Right-to-Know Act (EPCRA). A list of the most common violations identified during the Audit Initiative and EPA inspections can be found at: <http://www.epa.gov/ne/assistance/univ/vio.html>. Gravity-based penalties were completely waived as participating institutions discovered, disclosed, and expeditiously corrected violations of environmental laws.

The College and University Audit Initiative has closed. However, the Region has continued its compliance and assistance program. For example, we are maintaining our college and university website at <http://www.epa.gov/ne/assistance/univ/index.html>. This website is specifically tailored to the needs of the college and university sector. The web page allows colleges and universities to search for information tailored to their assistance needs — from basic regulatory compliance to best management practices to sustainability concepts. The web page also contains: interpretive issues identified by colleges and universities as “areas of concern”; a list of the most common violations identified during EPA inspections; sample multi-media inspection checklists from EPA and the New England states; a Region I contact list; Pollution Prevention (P2)

information (recycling, composting, energy conservation, etc.); sustainability information; and links to other relevant web sites.

Our work also goes beyond compliance. We are now working with many campuses on development of Environmental Management Systems, web based assistance tools, energy efficiency and waste reduction programs, and, most recently, homeland security methods. These efforts are documented on our web site under “best management practices.” We have also created an environmental best practices compendium for inclusion on the web page that assists institutions in achieving and then exceeding compliance with regulatory requirements. We continue to engage in an ongoing dialogue with EH&S professionals; have established permanent links to EPA personnel to address compliance and technology questions; and provide continuing access to regulatory training via a videotape library and live workshops (when needed to provide information on new or changing regulations). Finally, the Region continues to assist colleges and universities to implement Homeland Security measures (threat evaluation).

EPA also continues to inspect colleges and universities. For the past several years, those inspections have targeted institutions that did not complete self-audits. Where these inspections reveal non-compliance, formal enforcement actions with penalty assessments remain highly likely. Our continued commitment to enforcement is demonstrated by EPA’s recent actions against Fitchburg State College, Southern and Eastern Maine Community Colleges, and Plymouth State University. None of these institutions participated in the Audit Initiative.

The possibility of such actions at your facilities can still be mitigated. EPA's Audit Policy remains in effect and can be a useful tool for colleges and universities who wish to minimize their environmental liabilities. That policy (“Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations,” 65 F.R. 19617, April 11, 2000) encourages compliance with laws and regulations that protect human health and the environment through self-policing, discovery, disclosure, correction and prevention.

The Audit Policy is available on the Internet at: <http://www.epa.gov/compliance/incentives/auditing/auditpolicy.html>. Although compliance with applicable environmental regulations is mandatory, your decision to conduct an audit under the EPA Audit Policy is purely voluntary.

EPA thanks those institutions that participated in the College and University Audit Initiative. Sound environmental performance is critical to the quality of New England’s environment, and instituting a program of periodic audits in order to maintain compliance with environmental regulations is a crucial step in this process.

Feel free to contact Joshua Secunda at 617-918-1736 or secunda.josh@epa.gov or Joel Blumstein at 617-918-1771 or blumstein.joel@epa.gov should you have any questions.

Sincerely,

Robert W. Varney
Regional Administrator
EPA New England