



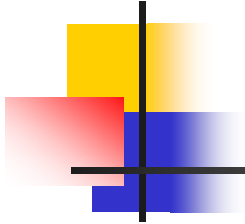
Compliance Assistance for Kentucky Hospitals and Healthcare Facilities

**June 1, 2007
Louisville, Kentucky**



What You Don't Know Could Hurt You!

**David Abbott
Multimedia Technical Authority
EPA Region 4**

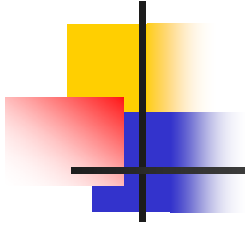


Is Your Hospital or Healthcare Facility Ready for a Compliance Inspection?



Where Do Compliance Problems Occur?

- **Laboratories**
- **Boiler Rooms & Power Plants**
- **Maintenance Facilities**
- **New Construction – Wetlands?**
- **Universal Wastes? Bulbs, CRT's**
- **Solid Waste**
- **Toxic Chemical Storage**



**So....is your Hospital or
Healthcare Facility ready for
a Compliance Inspection?**



EPA's Audit Policy

**How Can EPA's
Audit Policy Help the
Regulated Community?**



Purpose

- The Audit Policy encourages regulated entities to voluntarily discover, disclose, correct, and prevent violations of federal environmental requirements.



General Information

Incentives for Self Policing:

**Discovery, Disclosure, Correction and
Prevention of Violations**

**> 65 FR 19,617 (April 11, 2000/Promulgated)
Effective May 11, 2000**

Audit Policy Website:

**[www.epa.gov/compliance/incentives/
auditing/auditpolicy.html](http://www.epa.gov/compliance/incentives/auditing/auditpolicy.html)**



Audit Policy Incentives

- **Penalty mitigation.**
- **No recommendation for criminal prosecution.**
- **No routine requests for audit reports.**



Conditions of the Audit Policy

- **Entities that satisfy all the following conditions are eligible for 100% penalty mitigation.**
- **Entities that satisfy all but the first condition -- systematic discovery -- are eligible for 75% penalty mitigation.**



Conditions of the Policy

- **Systematic Discovery** of the violation through an environmental audit or a compliance management system.
- **Voluntary Discovery**, that is, not through a legally required monitoring, sampling or auditing procedure.



Conditions of the Audit Policy

- > Prompt disclosure in writing to EPA within 21 days of discovery or any shorter time required by law.**
- > 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.**



Conditions of the Audit Policy

- Independent Discovery & Disclosure, before EPA likely would have identified the violation through its own investigation or based on information from a third party.
- Correction & Remediation within 60 days, in most cases, from date of discovery.



Conditions of the Audit Policy

- Prevent recurrence of violation.
- Repeat violations are not eligible, that is violations that occurred within the past 3 years at the same facility or as part of a pattern of violations within the past 5 years at facilities owned or operated by the same company.



Conditions of the Audit Policy

- **Certain violations are not eligible:**
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.
- **Cooperation by the disclosing entity is required.**



Corporate Audit Agreements

- **Allows an entity such as a Hospital or Healthcare Facility to plan a facility-wide audit with advanced understanding with EPA regarding schedules and disclosures.**
- **Key benefit is extended schedule for disclosures beyond 21-day requirement for routine disclosures.**



Audit Protocols

- **Developed by EPA to assist entities in developing compliance audits.**
- **Provide detailed regulatory checklists in easy to understand question format.**
- **Protocols cover: CERCLA, CWA, EPCRA, FIFRA, RCRA, TSCA, SDWA.**



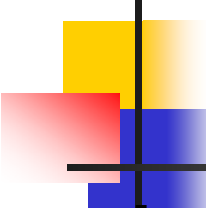
How to Make a Disclosure Under EPA's Audit Policy:

- **Contact EPA Region where entity or facility is located.**
- **Where multiple Regions are involved, contact EPA HQ.**
- ***For criminal violations, contact: Regional Criminal Investigation Division, EPA HQ, or U.S. Department of Justice.***



For more information:

- **Kelly Sisario, EPA Region 4
404.562.9054**
- **Leslie Jones, EPA HQ
202.564.5123**
- **James T. Morgan, EPA HQ
Criminal Investigations Division
202.564.7684**



EPA Region 4 Process for Audit Disclosures

- **Letter acknowledging receipt of disclosure within 30 days of submitting disclosure.**
- **EPA review includes:**
 - > **Determine if disclosure meets nine criteria of Policy.**
 - > **Request additional information, if needed.**
 - > **Determine whether penalty mitigation is appropriate.**



Region 4 Contact for Audit Policy Disclosures

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Planning & Analysis Branch
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