



Enforcement Alert

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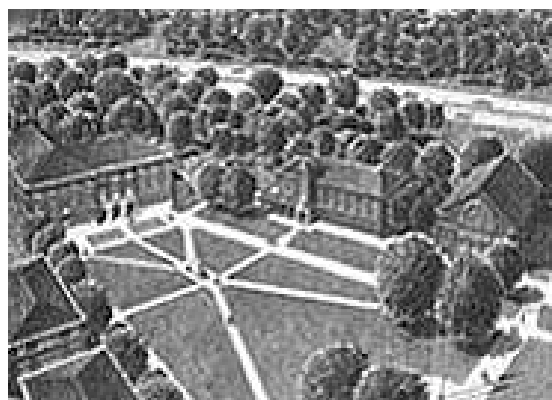
Universities, Colleges Not Receiving Top Marks for Environmental Compliance

EPA Holding Educational Institutions to Same Standards as Industry

Colleges and universities are required to comply with all applicable environmental requirements

like their counterparts in the regulated industry to create a safe haven for human health and the environment.

Violating these requirements can be costly. For example, the University of Hawaii recently paid \$1.8 million in civil penalties for violating federal law by poorly managing laboratory waste.



Graphic courtesy of EPA Region 1

This issue of *Enforcement Alert* highlights the results of recent inspections by the U.S. Environmental Protection Agency (EPA), and identifies a host of resources, such as EPA's "Audit Policy," which can help universities and colleges stay in compliance with federal environmental requirements. EPA encourages academic institutions to take advantage of the Audit Policy, which establishes a framework for the voluntary disclosure and correction of violations in return for greatly reduced penalties.

Areas of Noncompliance Highlighted

Most academic institutions are similar to small cities and encompass many analogous activities within their campus borders such as operating research laboratories, auto repair facilities, power plants and wastewater treatment plants; disposing of hazardous waste and trash; managing asbestos; supplying drinking water; maintaining grounds; and incinerating wastes. Many universities also operate medical and

research facilities that create their own set of environmental challenges.

During past inspections of university and college campuses across the nation, EPA Regions have found significant compliance problems with the Resource Conservation and Recovery Act (RCRA); the Spill Prevention, Control and Countermeasure (SPCC) requirements of the Clean Water Act (CWA); Underground Storage Tank management; and the Clean Air Act (CAA).

Specific examples of noncompliance include improperly handling and disposing of hazardous waste materials; boilers and furnaces that do not meet clean air regulations; inadequate monitoring of underground storage tanks; sewage treatment facilities that are not operating properly; and improper abatement of lead-based paint and asbestos.

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About Enforcement Alert

"Enforcement Alert" is published periodically by the Office of Regulatory Enforcement to inform and educate the public and regulated community of important environmental enforcement issues, recent trends and significant enforcement actions.

This information should help the regulated community anticipate and prevent violations of federal environmental law that could otherwise lead to enforcement action. Reproduction and wide dissemination of this publication are encouraged.

For information on obtaining additional copies of this publication, contact the editor listed below.

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EPA Region 1 Steps Up Enforcement Efforts in New England

Early last year, EPA Region 1 stepped up its enforcement efforts at colleges and universities after finding significant noncompliance with environmental regulations.

As of May 2000, EPA has performed multimedia inspections at the following colleges and universities: Boston University; University of Maine; Brown University; University of Massachusetts-Amherst; Dartmouth College; University of New Hampshire; Harvard University; University of Rhode Island; Massachusetts Institute of Technology; Yale; and the U.S. Coast Guard Academy.

Several completed inspections detected serious environmental and compliance problems that led to significant enforcement actions at many facilities on university campuses such as laboratories, power plants, and vehicle maintenance facilities. Primary problem areas included RCRA, SPCC, and storm water.

Region 1 completed several high-penalty cases against colleges and universities (*see related sidebar on this page*) and additional cases are pending.

In a letter sent last year to every college and university president in New England, Region 1 wrote, "EPA is committed to holding educational institutions to the same high standards that we all expect of private industry," and added that colleges and universities that have not made a real commitment to environmental compliance are taking a "significant risk."

Recent EPA Enforcement Actions

■ On Jan. 6, 2000, Region 1 filed a consent agreement resolving alleged RCRA violations found at the University of New Hampshire (UNH). UNH will pay a fine of \$49,000 and spend at least \$147,000 on a Supplemental Environmental Project.

■ The University of Hawaii was assessed a fine of \$1.8 million in 1998 and 1999 after an EPA Region 9 inspection team found dangerous chemicals buried for years in the basement of the Honolulu campus's main chemistry building, plus other discards elsewhere.

■ In 1998, Region 1 filed a consent decree in federal district court resolving alleged violations of the CWA and RCRA discovered at Boston University (BU). BU paid approximately \$253,000 in fines and \$500,000 in community projects.

■ In 1995, EPA Region 1 settled an enforcement action with Yale University, assessing a fine of \$69,500 for RCRA violations. The university has also committed to invest \$279,000 in environmental projects on campus.

EPA Region 3 Actions

In June of last year, Region III began alerting colleges and universities throughout the mid-Atlantic states about their responsibility to comply with environmental laws and regulations.

Since then, Region 3 has conducted eight multi-media inspections and has taken numerous enforcement actions against violators and has heightened its enforcement presence in recent months by on-site inspections.

On June 14, 2000, in a settlement with Region 3, **Lincoln University** agreed to pay a \$45,000 penalty for allegedly violating federal rules for the prevention and cleanup of leaks from underground oil tanks. The Oxford, Penn., university owns underground storage tanks with a capacity of at least 60,000 gallons and two above-ground tanks with a 1,000 and 300-gallon capacity.

In earlier settlements, the **University of Virginia**, in Charlottesville, Va., agreed to pay a \$25,490 penalty; **George Washington University**

(**GWU**) in Washington, D.C., settled for \$29,460; and **Villanova University**, located in suburban Philadelphia, committed to a \$22,759 penalty.

On June 2, 2000, **GWU** agreed to pay a \$27,300 penalty to settle alleged violations of hazardous waste regulations at its Washington, D.C. campus. Following a September 1999 inspection by EPA and the District of Columbia, EPA cited the university for three alleged RCRA violations that included transporting hazardous waste between Mount Vernon College in Washington, D.C. and GWU campus without a required waste manifest or EPA identification number; pouring untreated waste photo fixer directly into a drain in Smith Hall; and improper temporary storage of hazardous chemicals at various storage and laboratory locations on campus.

Regions Offer Compliance Assistance

EPA has been providing and continues to offer compliance assistance to colleges and universities to help them

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EPA Regions have found specific examples of noncompliance at universities and colleges that include improperly handling and disposing of hazardous waste materials; boilers and furnaces that do not meet clean air regulations; inadequate monitoring of underground storage tanks; sewage treatment facilities that are not operating properly; and improper abatement of lead-based paint and asbestos.

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achieve compliance with environmental laws:

In Region 1: EPA's New England Region determined that along with ongoing enforcement efforts, targeted compliance assistance was needed to improve the sector's overall compliance with environmental requirements and enhance compliance management practices.

To appropriately assess the best mix of approaches to encourage compliance at colleges and universities, EPA New England assessed the nature of compliance problems identified during inspections and talked to trade associations as well as colleges and universities about the compliance challenges they found.

In November 1999, Region 1 hosted a focus group discussion for college and university environmental health and safety staff. A variety of representatives from 49 institutions in New England "brainstormed" about the tools and services needed to improve environmental performance.

Region 1 used the information from this dialogue to develop an integrated strategy for the college and university sector that combines traditional enforcement efforts with a proactive assistance program to encourage compliance. Through additional discussions with college and university environmental health and safety staff, EPA New England confirmed what it had learned from its inspections: many col-

leges and universities lack basic knowledge of the environmental regulations and the resources to ensure ongoing compliance. Some, however, are already in compliance and eager to explore more challenging environmental projects.

The Region's three-phased strategy includes: **Basic Regulatory Compliance**, which includes developing an informational web page, providing compliance workshops in subject areas requested by colleges and universities, and continuing enforcement activities; **Best Management Practices**, which provides tools to conduct audits and implement environmental management systems; and **Sustainability**, an approach that encourages colleges and universities currently involved in activities that go beyond compliance (i.e., green procurement, energy efficiency, etc.) to share their experiences with fellow institutions. EPA New England's three-phased strategy can be found at <http://www.epa.gov/region01/steward/univ>.

In Region 2: Region 2 recently sent letters to 344 colleges and universities encouraging them to take advantage of EPA's Audit Policy, which substantially reduces, and in some cases, eliminates, penalties for violations discovered and corrected by a company. The policy does not cover criminal violations, or violations that resulted in actual significant harm to public health or the environment.

The Region has combined this effort with supplemental compliance assistance mailings, including self-audit

guides, and has scheduled seminars this year. New York State is also conducting compliance assistance in coordination with the Region. The Region plans to follow-up these compliance assistance activities with inspections in the next fiscal year.

In Region 3: Besides communicating the need to comply, one of Region 3's key messages has been that environmental management systems and self-audits help to prevent problems as well as to correct them before they become more serious and costly. Recently, the Region created a questionnaire for college and university presidents to determine what elements of a good environmental management system are being implemented on their campuses. Some elements include establishing an environmental policy, training programs, job responsibilities and tracking systems. The questionnaire and other related information to assist colleges and universities can be found at <http://www.epa.gov/reg3ecej> under "Compliance Assistance."

Region 3 also has participated in three day-long workshops hosted by Baltimore and Philadelphia universities and has offered to participate in more.

In addition, the Region has been talking to national college and university professional organizations about the need to improve compliance and environmental programs on campuses. These groups, which communicate with campus officials on a regular basis, have hosted many EPA presentations and have shared information in their publications and through electronic channels.

In Region 9: Region 9 recently invited Arizona colleges and universities to participate in a RCRA-focused Audit Policy initiative. Participants had to audit their facilities within a limited

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timeframe and disclose violations. In conjunction with this effort, the Arizona Department of Environmental Quality sponsored an all-day workshop on RCRA compliance and reinforced seriousness of follow-up inspection and enforcement efforts. Following the audits, EPA Region 9 conducted follow-up inspections at the University of Arizona, Northern Arizona University and Pima Community College.

The Bottom Line

Higher academic institutions can create a culture for engendering environmental responsibility by:

- Communicating the importance of compliance with environmental laws and other environmentally beneficial activities to *all* members of the university/college community.
- Ensuring adequate resources for staff, equipment and training to carry out environmental activities and compliance;
- Conducting regular compliance self-audits; and
- Paying special attention to self-inspection and record-keeping requirements that help identify compliance problems early to avoid costly cleanup problems and penalties.

EPA urges colleges and universities to be more attentive to their environmental obligations before enforcement action becomes necessary. Academic institutions are also encouraged to take advantage of the Audit Policy, which provides incentives to conduct environmental audits by substantially reducing penalties for entities that voluntarily discover, disclose, and promptly correct violations. Colleges and universities interested in the Audit Policy can contact their EPA Regional office, or **Leslie Jones, EPA's National Audit Policy Coordinator, at (202) 564-5123**; or by visiting the Audit Policy Information website at <http://www.epa.gov/oeca/ore/apolguid.html>.

For more information, contact Peggy Bagnoli and Joshua Secunda (after 10/01/00), EPA Region I, Office of Assistance and Pollution Prevention at (617) 918-1828 or (617)918-1736; Email: bagnoli.peggy@epa.gov or secunda.josh@epa.gov; Samantha Fairchild, EPA Region III, Director, Office of Enforcement, Compliance and Environmental Justice, at (215) 814-2627; Email: fairchild.samantha@epa.gov; and Brian Riedel, EPA Region 9, Office of Enforcement, Compliance and Environmental Justice, at (415) 744-1390; Email: riedel.brian@epa.gov.

Useful Compliance Assistance Resources

EPA Region I College and University Home Page:
<http://www.epa.gov/region01/steward/univ/>

EPA Region III Information Sources for Colleges and Universities:
http://www.epa.gov/reg3ecej/compliance_assistance/colleges.htm

OECA Homepage:
<http://www.epa.gov/oeca>

Office of Regulatory Enforcement:
<http://www.epa.gov/oeca/ore>

Multimedia Enforcement Division:
<http://www.epa.gov/oeca/ore/med/index.html>

Audit Policy Information:
<http://www.epa.gov/oeca/ore/apolguid.html>

RCRA Online:
<http://www.epa.gov/rcraonline/>

EPCRA Hotline:
1-800-424-9346. For callers in the DC area, please call (703) 412-9810. Also, the TDD is (800) 553-7672

Compliance Assistance Centers:
<http://es.epa.gov/oeca/main/compasst/compcenters.html>

Small Business Gateway:
<http://www.epa.gov/smallbusiness/regs.htm#laws>