

Comparative Report on Civil and Criminal Penalties assessed by U.S. EPA Region 5 Fiscal Years 1997-2002

| | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
|---------------------------------|------------|------------|------------|------------|------------|------------|
| <u>GENERAL</u> | | | | | | |
| Total No. Cases | 353 | 243 | 292 | 273 | 236 | 174 |
| Total No. Civil Penalty Cases | 23 | 21 | 14 | 22 | 48 | 37 |
| Total No. Admin. Penalty Cases | 309 | 214 | 260 | 237 | 112 | 133 |
| Total Value (\$) | 18,820,956 | 18,700,494 | 17,922,741 | 14,634,310 | 5,007,174 | 17,117,047 |
| Total Civil Value (\$) | 4,954,000 | 9,008,663 | 10,438,202 | 7,766,027 | 38,946,702 | 11,776,000 |
| Total Administrative Value (\$) | 6,210,306 | 4,626,331 | 6,848,539 | 6,862,533 | 0 | 0 |
| Average Penalty | 53,469 | 76,957 | 61,379 | 53,605 | 21,216 | 98,373 |
| Percent with Penalty > \$0 | 96 | 98 | 96 | 80 | 94 | 90 |
| Median Penalty | 7,500 | 9,375 | 8,000 | 15,400 | 20,255 | 10,000 |
| Highest Penalty | 4,000,000 | 4,700,000 | 2,900,000 | 3,500,000 | 1,400,000 | 945,018 |
| <u>Statute Specific</u> | | | | | | |
| CAA* | | | | | | |
| Total - Penalty Cases | 37 | 36 | 62 | 57 | 17 | 26 |
| Total Value | 3,318,770 | 3,098,538 | 5,200,675 | 6,420,438 | 507,520 | 999,130 |
| Average Penalty | 89,696 | 86,071 | 83,882 | 112,639 | 29,854 | 38,428 |
| % with Penalty > \$0 | 97 | 97 | 98 | 81 | 100 | 88 |
| Median Penalty | 27,500 | 30,750 | 32,000 | 21,250 | 74,289 | 5,000 |
| Highest Penalty | 1,250,000 | 546,700 | 1,050,000 | 2,400,000 | 95,400 | 239,800 |
| CERCLA* | | | | | | |
| Total - Penalty Cases | 5 | 0 | 4 | 12 | 5 | 9 |
| Total Value | 186,687 | 0 | 267,592 | 48,281 | 91,426 | 930,639 |
| Average Penalty | 37,337 | 0 | 66,898 | 4,023 | 18,285 | 103,404 |
| % with Penalty > \$0 | 100 | 0 | 100 | 50 | 100 | 89 |
| Median Penalty | 22,500 | 0 | 5,000 | 3,820 | 21,369 | 1,899 |
| Highest Penalty | 100,000 | 0 | 255,000 | 16,500 | 34,554 | 861,000 |
| CWA* | | | | | | |
| Total - Penalty Cases | 35 | 41 | 30 | 31 | 23 | 17 |
| Total Value | 2,275,750 | 2,822,736 | 1,123,300 | 593,345 | 654,050 | 194,000 |
| Average Penalty | 65,021 | 68,847 | 37,443 | 19,140 | 28,437 | 11,411 |
| % with Penalty > \$0 | 97 | 100 | 90 | 18,800 | 83 | 100 |
| Median Penalty | 25,000 | 9,000 | 11,000 | 42,000 | 4,000 | 15,000 |

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| | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
|-----------------------|-----------|-----------|---------|-----------|-----------|-----------|
| Highest Penalty | 501,000 | 1,555,000 | 225,000 | 75,500 | 137,500 | 49,000 |
| EPCRA* | | | | | | |
| Total - Penalty Cases | 101 | 49 | 40 | 56 | 129 | 45 |
| Total Value | 1,056,821 | 523,765 | 522,021 | 553,336 | 783,136 | 838,670 |
| Average Penalty | 10,464 | 10,689 | 13,051 | 9,881 | 6,071 | 18,637 |
| % with Penalty > \$0 | 99 | 96 | 100 | 95 | 96 | 93 |
| Median Penalty | 2,000 | 8,000 | 8,000 | 5,000 | 5,000 | 41,510 |
| Highest Penalty | 106,125 | 82,900 | 99,000 | 115,002 | 115,000 | 200,000 |
| FIFRA* | | | | | | |
| Total - Penalty Cases | 43 | 30 | 16 | 40 | 27 | 27 |
| Total Value | 296,683 | 102 | 169,400 | 260,356 | 420,981 | 322,171 |
| Average Penalty | 6,900 | 3,401 | 10,588 | 6,509 | 15,592 | 11,932 |
| % with Penalty > \$0 | 93 | 87 | 88 | 83 | 93 | 100 |
| Median Penalty | 3,360 | 3,350 | 4,400 | 3,000 | 2,644 | 1,650 |
| Highest Penalty | 100,000 | 20,000 | 88,200 | 102,800 | 277,953 | 48,600 |
| RCRA* | | | | | | |
| Total - Penalty Cases | 28 | 27 | 16 | 32 | 16 | 17 |
| Total Value | 1,871,492 | 865,238 | 695,125 | 5,255,019 | 894,097 | 1,711,074 |
| Average Penalty | 66,839 | 32,046 | 43,445 | 164,219 | 55,881 | 100,657 |
| % with Penalty > \$0 | 96 | 100 | 100 | 88 | 94 | 94 |
| Median Penalty | 46,500 | 23,699 | 23,100 | 900 | 99,187 | 41,096 |
| Highest Penalty | 400,000 | 150,000 | 248,171 | 3,500,000 | 250,000 | 945,018 |
| SDWA* | | | | | | |
| Total - Penalty Cases | 20 | 11 | 15 | 10 | 6 | 4 |
| Total Value | 252,225 | 144,159 | 109,697 | 124,700 | 130,400 | 41,500 |
| Average Penalty | 12,611 | 13,105 | 7,313 | 12,470 | 21,733 | 10,375 |
| % with Penalty > \$0 | 85 | 82 | 93 | 70 | 83 | 100 |
| Median Penalty | 4,278 | 5,000 | 5,000 | 3,500 | 10,500 | 9,000 |
| Highest Penalty | 150,000 | 54,764 | 17,000 | 50,000 | 105,200 | 25,000 |
| TSCA* | | | | | | |
| Total - Penalty Cases | 46 | 28 | 81 | 26 | 11 | 16 |
| Total Value | 881,959 | 770,636 | 740,428 | 498,509 | 1,466,575 | 90,305 |

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| | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
|---|-----------|-----------|-----------|------------|-----------|------------|
| Average Penalty | 19,173 | 27,523 | 9,141 | 19,173 | 133,325 | 5,644 |
| % with Penalty > \$0 | 89 | 93 | 94 | 65 | 82 | 100 |
| Median Penalty | 9,400 | 10,100 | 500 | 2,000 | 850 | 5,500 |
| Highest Penalty | 165,000 | 193,260 | 274,500 | 123,888 | 1,400,000 | 20,000 |
| EPCRA/CERCLA* | | | | | | |
| Total - Penalty Cases | 11 | 6 | 8 | 6 | 2 | 9 |
| Total Value | 282,194 | 268,410 | 211,027 | 127,826 | 58,989 | 397,558 |
| Average Penalty | 28,219 | 44,735 | 26,378 | 21,304 | 29,495 | 44,173 |
| % with Penalty > \$0 | 100 | 100 | 100 | 83 | 100 | 100 |
| Median Penalty | 15,000 | 37,880 | 22,330 | 10,873 | 24,435 | 7,647 |
| Highest Penalty | 94,349 | 90,000 | 61,810 | 82,834 | 34,554 | 200,000 |
| Multi-Media & Multi-Regional | | | | | | |
| Total - Penalty Cases | 6 | 4 | 6 | 3 | 0 | 4 |
| Total Value | 741,725 | 5,038,942 | 8,247,476 | 752,500 | 0 | 11,592,000 |
| Average Penalty | 123,621 | 1,259,736 | 1,374,579 | 250,833 | 0 | 44,173 |
| % with Penalty > \$0 | 100 | 100 | 100 | 100 | 0 | 100 |
| Median Penalty | 27,500 | 142,500 | 1,013,470 | 92,500 | 0 | 239,800 |
| Highest Penalty | 400,000 | 4,700,000 | 2,900,000 | 610,000 | 0 | 861,000 |
| Criminal | | | | | | |
| Total - Penalty Cases | 21 | 8 | 18 | 20 | 23 | 16 |
| Total Value | 7,656,650 | 5,065,500 | 636,000 | 12,951,487 | 5,915,788 | 4,565,000 |
| Average Penalty | 364,602 | 633,188 | 35,333 | 647,574 | 257,208 | 285,313 |
| % with Penalty > \$0 | 100 | 100 | 100 | | | |
| Median Penalty | 15,200 | 130,300 | 34,000 | | | |
| Highest Penalty | 4,000,000 | 4,000,000 | 185,000 | | | |

***Acronyms for Statutes**

CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act (Superfund)

CWA = Clean Water Act

EPCRA = Emergency Planning and Community Right-to-Know Act

FIFRA = Federal Insecticide, Fungicide, and Rodenticide Act

RCRA = Resource Conservation and Recovery Act

SDWA = Safe Drinking Water Act

TSCA = Toxic Substances Control Act