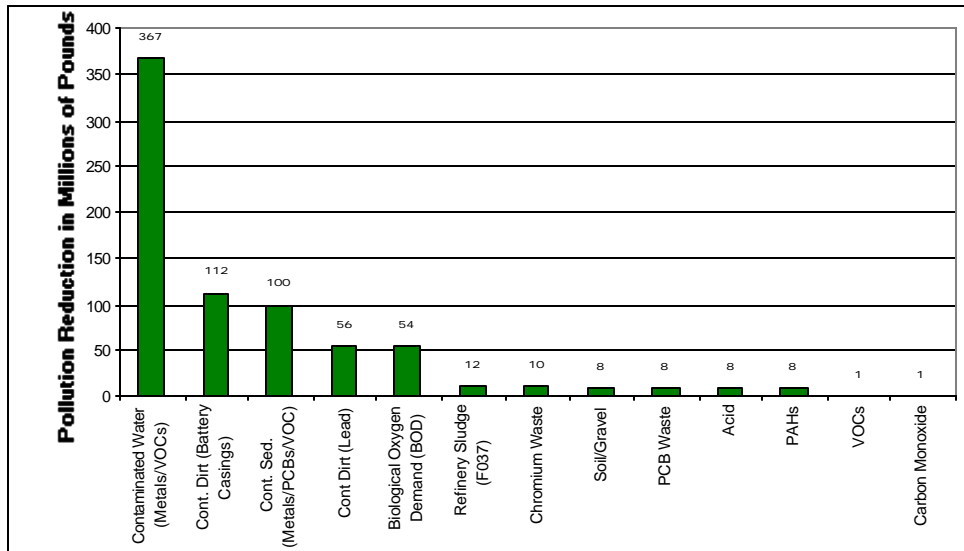


Goal #9: Credible Deterrent to Pollution and Greater Compliance with the Law (Enforcement)

Fact Sheet: Region 5 Environmental Enforcement Results, FY 1993-2000

Enforcement Overview

Environmental enforcement has been and continues to be an essential part of Region 5's protection of



human health and the environment. Aside from the monetary values of penalties and other forms of relief, the actual amount of pollution required to be reduced as a direct result of enforcement case resolutions is impressive. See Figure 1.

Figure 1: Largest pollution reduction amounts (in millions lbs.) required by federal enforcement case resolutions in fiscal year 2000 in Region 5 [PCB - Polychlorinated Biphenyl; PAHs - Polycyclic Aromatic Hydrocarbons; VOCs - Volatile Organic Compounds]

environmental laws is not an end in itself, but is necessary to create rational incentives for people to comply with environmental laws and to remove the benefit of noncompliance for those who violate them. The most powerful means we have to achieve environmental improvement, and to prevent pollution in the first place, is to deter people from violating the law by the reality and perception that failure to comply with the law will have consequences. See Figure 2.

Enforcement of

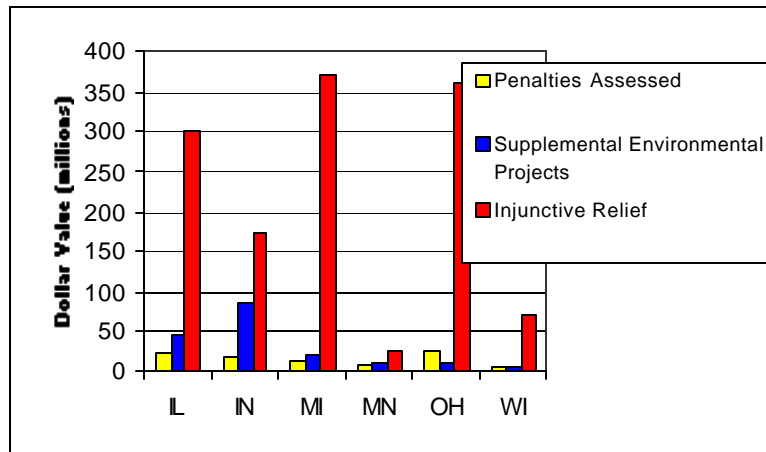


Figure 2: Dollar value (in millions) of federal enforcement results by Region 5 during fiscal years 1995-2000, by Region 5 state

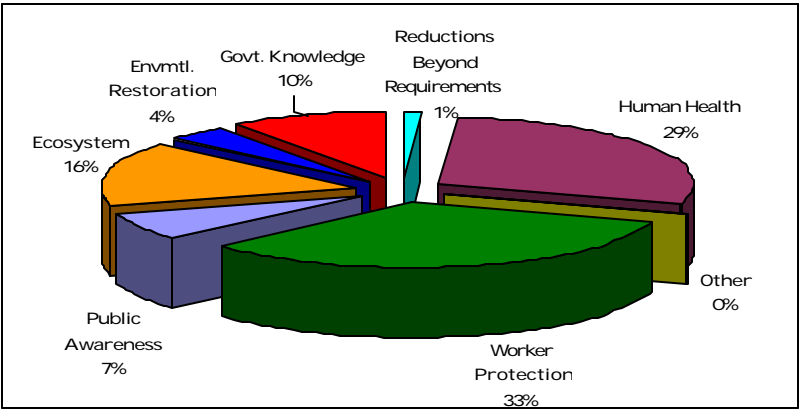


Figure 3: Environmental benefits of injunctive relief and SEPs

Although the assessment of civil penalties, which establishes a level playing field for regulated entities by eliminating economic advantage gained through noncompliance, is central to Region 5's enforcement program, even more important are two other results of enforcing federal environmental laws: injunctive relief and supplemental environmental projects ("SEPs"). Injunctive

relief and SEPs yield tangible benefits for human health and the environment (Figure 3). Together, injunctive relief and SEPs provide examples of the results and breadth of Region 5's enforcement program, which ranges from traditional command and control to proactive environmental improvement, pollution prevention and compliance assurance and assistance.

What are Injunctive Relief and SEPs?

Injunctive relief represents the actions a regulated entity is ordered to undertake to achieve and maintain compliance, such as installing a new pollution control device to reduce air pollution, or preventing emissions of a pollutant in the first place. A supplemental environmental project, on the other hand, involves actions an entity agrees to undertake to protect the environment and human health, beyond what is required for compliance. For example, a SEP might involve replacing a chemical solvent with a water-based one. Penalties sought by U.S. EPA are usually reduced substantially in SEP cases.

General Trends

In fiscal years 1993 through 2000, U.S. EPA Region 5 secured more than \$2.4 billion in protection for human health and the environment through 1261 injunctive orders and 377 SEPs.

The most substantial increase during this period has been in the number of injunctive relief cases (Figure 4). The climb from 89 cases in 1993 to 234 cases in 2000 represents a 263% increase, yielding a total of 1261 cases with injunctive relief over this eight-

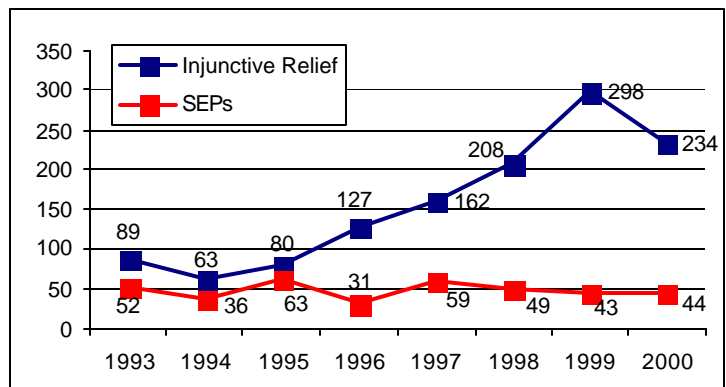


Figure 4: Trends in SEPs and Injunctive Relief cases, FY93-00

year period. The total value of injunctive relief changes significantly from year to year, but cumulatively between 1993 and 2000 Region 5 has secured over \$2.2 billion in injunctive relief. The average value per case of injunctive relief secured during this eight-year period was \$1.75 million. (These figures do not account for the \$2.1 billion 1994 Federal Facilities Compliance Agreement with the Department of Energy at its Fernald, Ohio facility).

Trends in supplemental environmental projects have been much more stable. In a given year the number of SEPs negotiated, as required conditions of enforcement settlements, did not fluctuate substantially (although the value of the SEPs did, with no discernable trend).

Geographic Initiatives and Injunctive Relief and SEPs

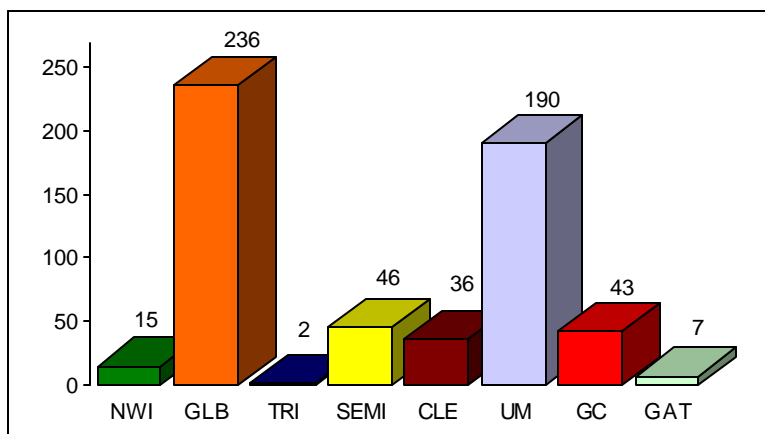


Figure 5: Number of Region 5 cases concluded by geographic initiative, FY2000

One of the ways through which enforcement activities are directed in Region 5 is by geographic initiatives. These risk-reduction-based initiatives emphasize those geographic regions where the greatest amount of pollution is being emitted into the environment per capita. The regions range from metropolitan areas [Greater Chicago, Cleveland, Northwest Indiana, Gateway (East St. Louis, Illinois area), Tri-State (portions of Ohio, Kentucky, and West

Virginia), and Southeast Michigan Initiatives] to multi-state river and watershed systems [such as the Upper Mississippi Initiative and the Great Lakes Basin]. The latter two multi-state areas may in part or completely include a smaller metropolitan initiative area. See Figure 5 for a breakdown of fiscal year 2000's cases.

Future Directions

Region 5 will continue to include and underscore injunctive relief and supplemental environmental projects as part of a comprehensive program of enforcement, compliance assurance and assistance.

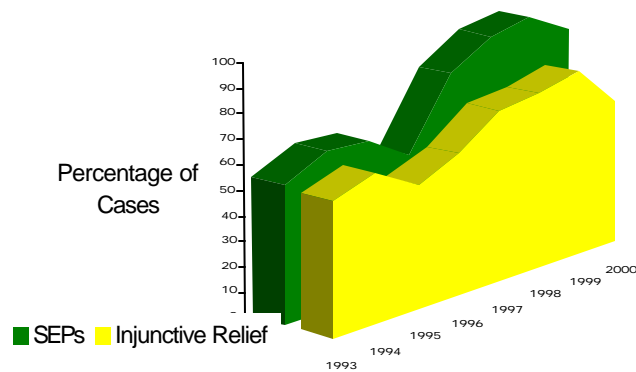


Figure 6: Percentage of Region 5 concluded enforcement cases involving one or more geographic initiative area(s).