



EPA FY2007 Enforcement & Compliance Annual Results



Prepared by the Office of Enforcement and Compliance Assurance

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FY2007 Enforcement & Compliance Annual Results

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FY2007 Enforcement & Compliance Annual Results

Highlights

As a result of EPA enforcement actions concluded in FY2007:

- Defendants will invest \$10.6 billion to reduce pollution, achieve compliance, and implement environmentally beneficial projects. This is the largest amount ever achieved by EPA.
 - EPA enforcement actions required companies to invest more than \$33 billion in pollution control equipment during the last 5 years
- Civil and criminal defendants have committed to reduce pollution by 890 million pounds.
 - In the past 5 years, EPA has obtained pollution reduction commitments of 4.5 billion pounds, an average of 900 million pounds per year.
- Emissions of SO_x, NO_x and PM will be reduced, resulting in annual health benefits of \$3.8 billion.
 - Resulting annual health benefits will include approximately 500 fewer premature deaths in people with heart or lung disease; 1,000 fewer hospital visits due to asthma or heart failure; 50,000 fewer days of missed school or work.



FY2007 Enforcement & Compliance Annual Results Highlights (continued)

As a result of EPA enforcement actions concluded in FY2007:

- Private parties will reimburse \$252 million to the Superfund - - the 6th highest amount in EPA history and the highest total since 2001.
- 79 million cubic yards of contaminated soil will be cleaned up – a record total.

As a result of our compliance assistance activities in FY 2007:

- 3.2 million regulated entities have received compliance assistance from EPA-sponsored web sites or from EPA personnel -- the highest total in EPA history.



FY2007 Enforcement & Compliance Annual Results

Air Enforcement Cases Yield Environmental and Human Health Benefits

Pollutant Reductions

- EPA's 12 largest enforcement actions for stationary source Clean Air Act violations obtained commitments by companies to reduce their emissions of sulfur oxides (SO_x), nitrogen oxides (NO_x) and particulate matter (PM).
- When all required pollution controls are completed, emissions will be reduced by approximately 507 million pounds per year.



Health Benefits

The human health benefits from these reductions in SO_x, NO_x, and PM are estimated at \$3.8 billion per year upon full implementation. Upon full implementation, annual health benefits will include:

- approximately 500 fewer premature deaths in people with heart or lung disease;
- over 1,000 fewer hospital and emergency room visits for such diseases as asthma and heart failure;
- about 1,500 fewer cases of chronic bronchitis and acute bronchitis;
- about 1,000 fewer nonfatal heart attacks;
- over 8,000 fewer cases of upper aggravated asthma;
- over 15,000 fewer cases of upper and lower respiratory symptoms; and
- over 50,000 fewer days when people would miss work or school.



FY2007 Enforcement & Compliance Annual Results

Addressing Important Environmental Problems

- EPA's enforcement and compliance program identifies and focuses on priority environmental risks and noncompliance problems. The enforcement and compliance priority areas identified by EPA involve pollution of the water, air, and land.
- Approximately 69% of pollution reductions and 58% of pollution control investments obtained through EPA's FY 2007 enforcement actions focused on priority pollution problems.
- In FY 2007, EPA's enforcement actions addressing identified priorities:
 - reduced water pollution by 178 million pounds and required investment of \$3.6 billion in pollution control.
 - reduced air pollution by 426.8 million pounds and required investment of \$2.5 billion in pollution control.



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Priority Water Pollution Problems

	Pollutants to be Reduced <i>millions of pounds</i>		Investments in Pollution Control <i>millions of dollars</i>	
	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2006</u>	<u>FY 2007</u>
<p>CSO/SSO</p> <p>During wet weather events, overflows from inadequate combined sewers and sanitary sewers discharge pollutants such as untreated sewage and industrial wastewater into rivers, lakes and oceans.</p>	26 M	45 M	\$930 M	\$3,523 M
<p>CAFO</p> <p>During wet weather events, nutrients, bacteria, pesticides and antibiotics from concentrated animal feedlots are transported to local waterways.</p>	12 M	15 M	\$10 M	\$30 M
<p>Stormwater</p> <p>Stormwater runoff from large urban areas transports contaminants directly over land and into waterways.</p>	195 M	118 M	\$150 M	\$8 M
TOTAL	233 M	178 M	\$1,090 M	\$3,561 M



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Priority Air Pollution Problems

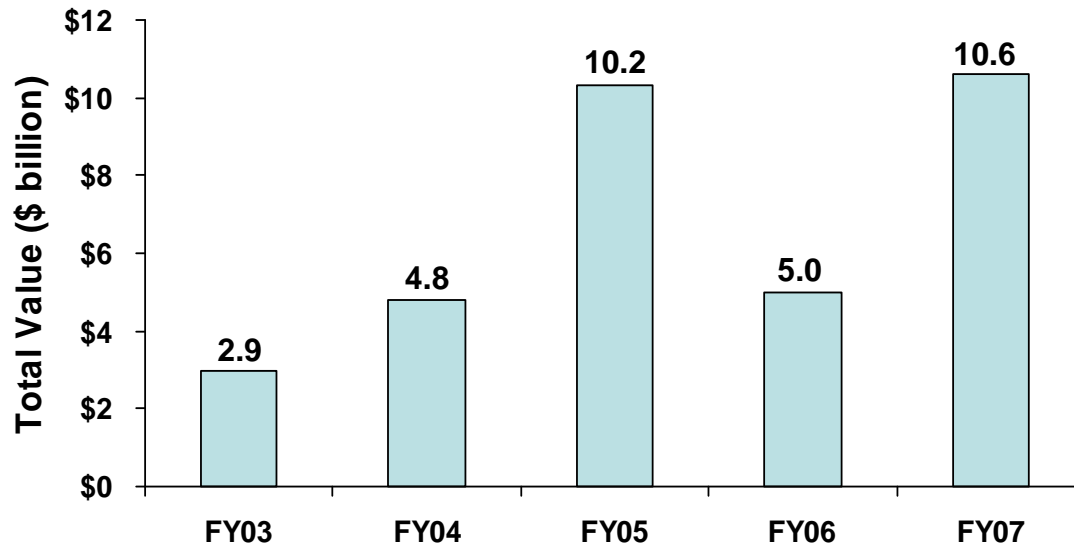
	Pollutants to be Reduced <i>millions of pounds</i>		Investments in Pollution Control <i>millions of dollars</i>	
	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2006</u>	<u>FY 2007</u>
NSR/PSD	135 M	426 M	\$310 M	\$2,443 M
Industrial facilities that do not obtain permits according to new source review/prevention of significant deterioration Clean Air Act requirements illegally emit pollutants such as SO ₂ , NO _x and PM.				
Air Toxics	0.4 M	0.8 M	\$1 M	\$10 M
Toxic air pollutants are known or suspected to cause cancer or other serious health effects or adverse environmental impacts.				
TOTAL	135.4 M	426.8 M	\$311 M	\$2,453 M



FY2007 Enforcement & Compliance Annual Results

Results from Concluded EPA Enforcement Actions

Estimated Investments in Pollution Control and Cleanup plus Environmentally Beneficial Projects (\$ billion)



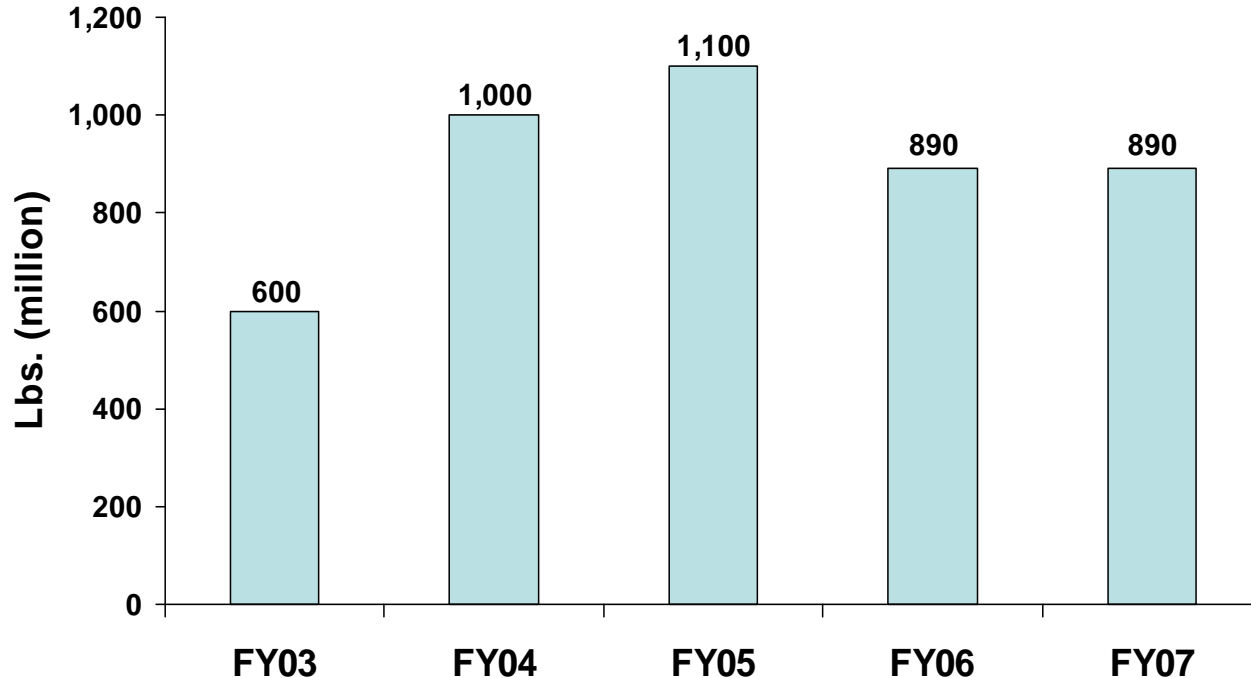
Note: In some previous years, investments in pollution control and cleanup were referred to as “value of injunctive relief.” This year it has been combined with Environmentally Beneficial Projects and reported as one number consistent with the way we report it to Congress.



FY2007 Enforcement & Compliance Annual Results

Results from Concluded EPA Enforcement Actions

Estimated Pollutant Reduction Commitments



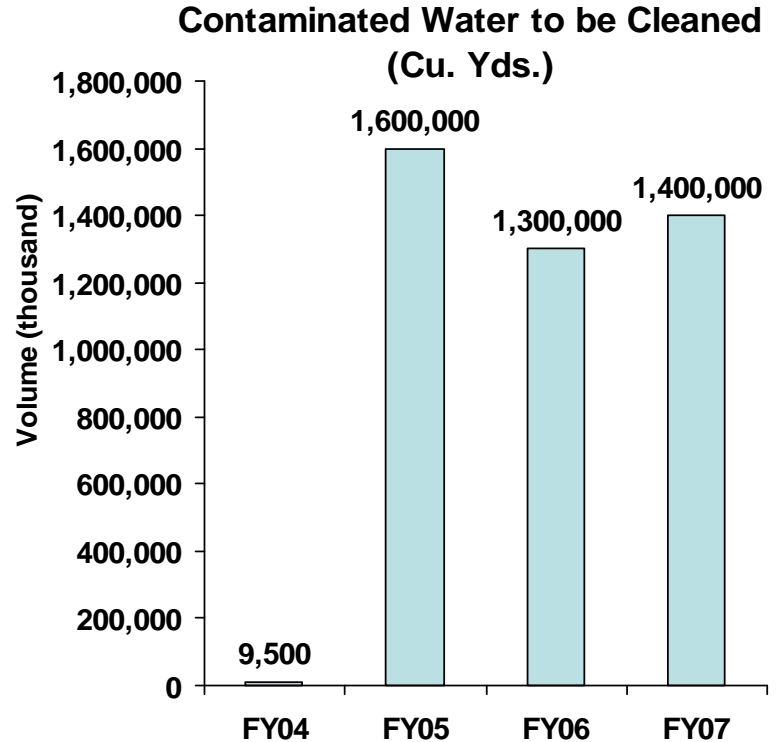
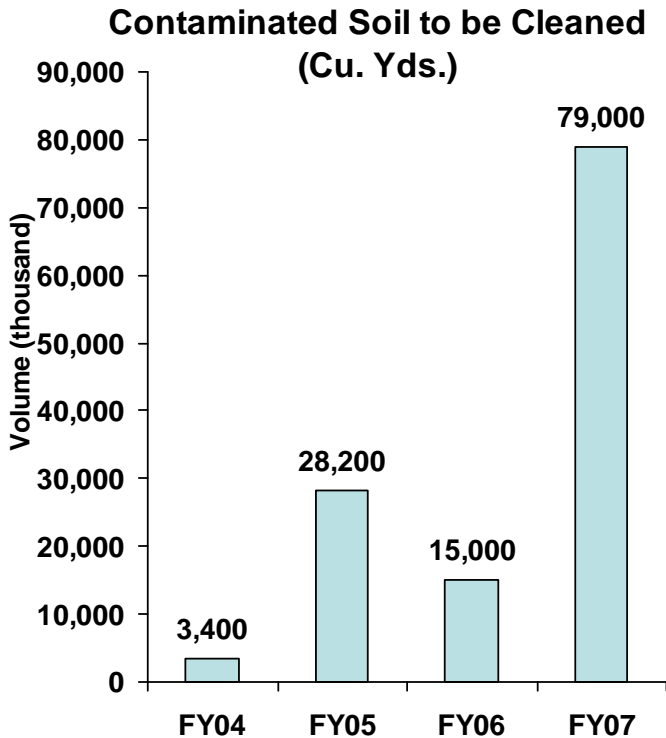
FY2007 Data Source: Integrated Compliance Information System (ICIS), October 13, 2007;
data source for previous fiscal years: annual ICIS data



FY 2007 Enforcement & Compliance Annual Results

Results from Concluded EPA Enforcement Actions

Estimated Volume of Contaminated Soil and Water to be Addressed



FY2007 Data Source: Integrated Compliance Information System (ICIS), October 13, 2007; data source for previous fiscal years: annual ICIS data

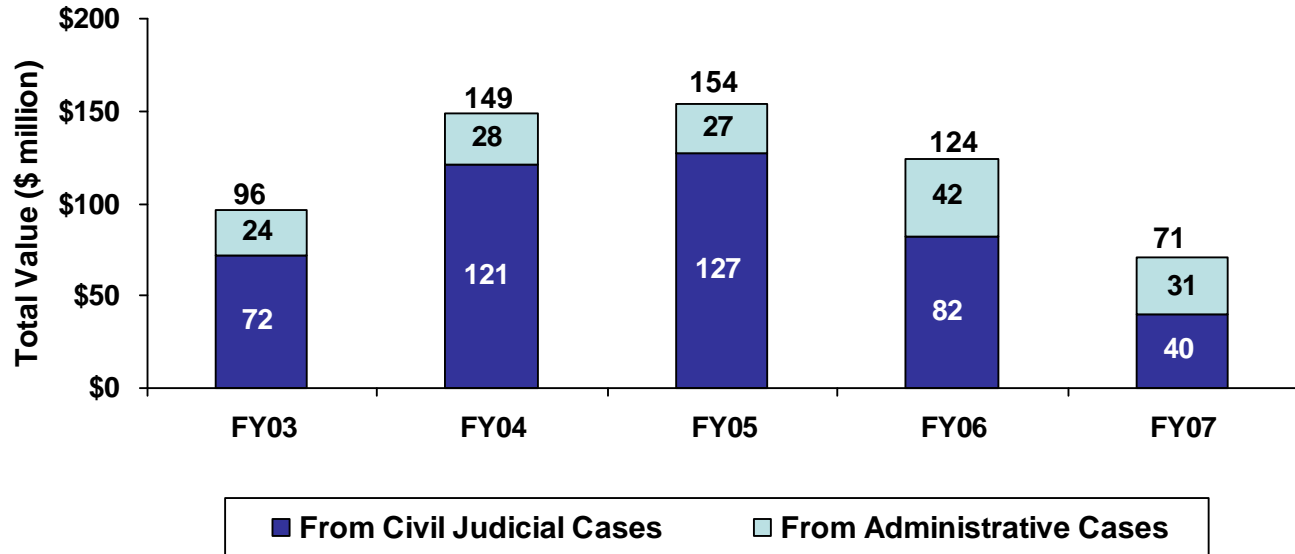
Disclaimer: Minor corrections may have been made to previous years' data.



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Results from Concluded EPA Enforcement Actions

Civil Penalties (\$ million)



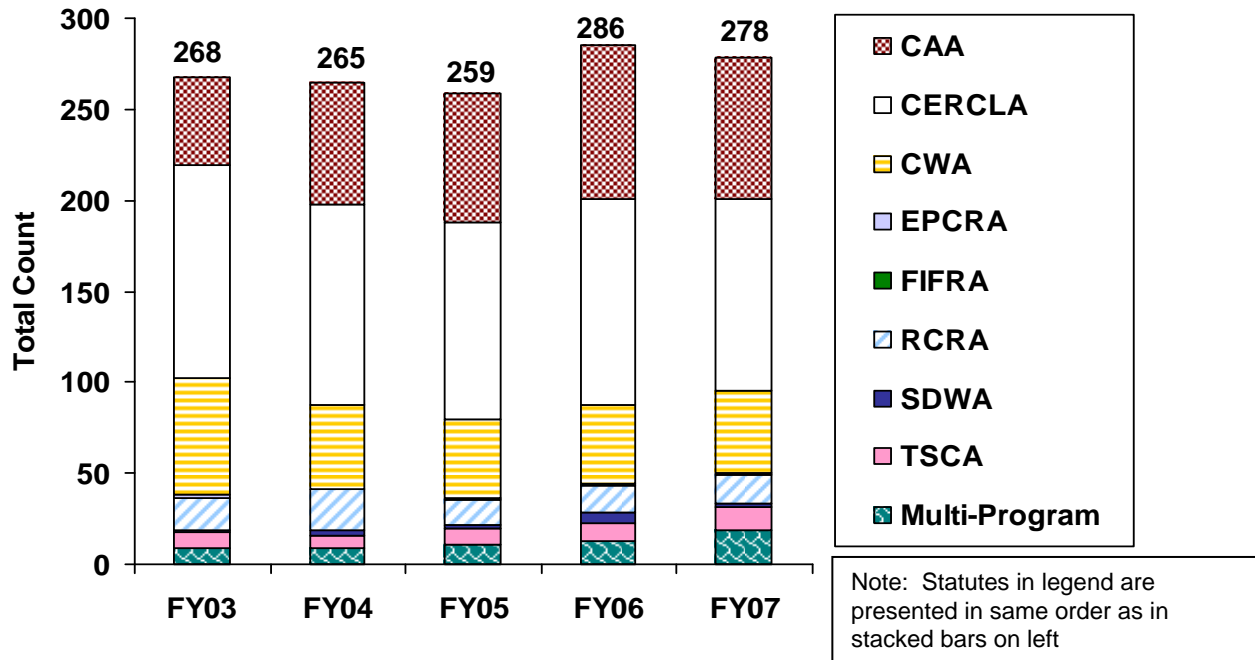
Default judgment cases represented significant portions of civil judicial penalties in FY 04, 05 and 06: Palmetto Recycling in 04 comprised 62% of the total; Russell Oil Co. in 05 comprised 53%; and United Organics in 06 comprised 26%.

FY2007 Data Source: Integrated Compliance Information System (ICIS), October 13, 2007;
data source for previous fiscal years: annual ICIS data



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Referrals of Civil Judicial Enforcement Cases to Department of Justice Total and by Statute



Note: When EPA has referred a case to DOJ, but then expands the case to include additional parties, violations or facilities, or to amend or enforce a settlement, these are tracked as “supplemental referrals” and are reported as a separate count as follows: 28 (FY03), 18 (FY04), 13 (FY05), 11 (FY06), 19 (FY07).

FY2007 Data Source: Integrated Compliance Information System (ICIS), October 13, 2007;
data source for previous fiscal years: annual ICIS data

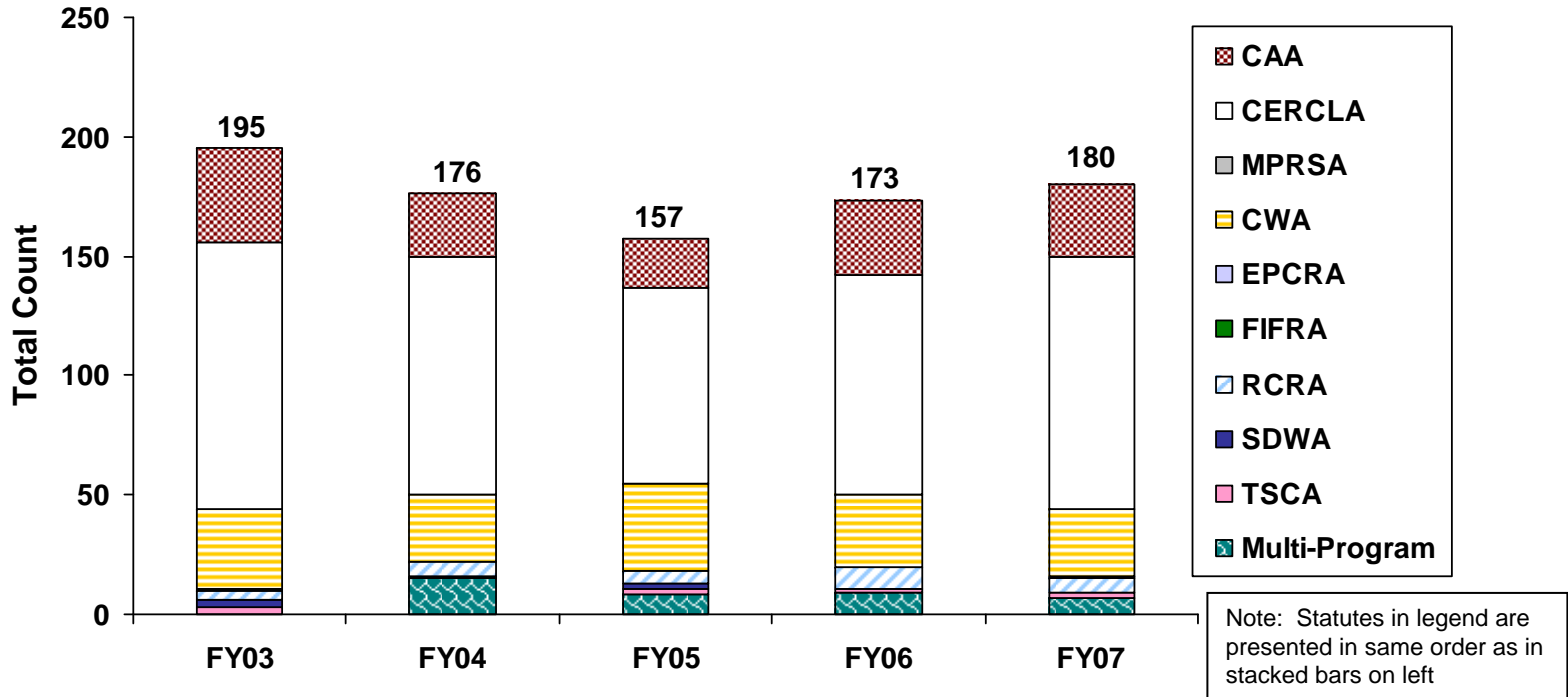


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Concluded EPA Enforcement Actions

EPA Civil Judicial Enforcement Case Conclusions

Total and by Statute



FY2007 Data Source: Integrated Compliance Information System (ICIS), October 13, 2007;
 data source for previous fiscal years: annual ICIS data

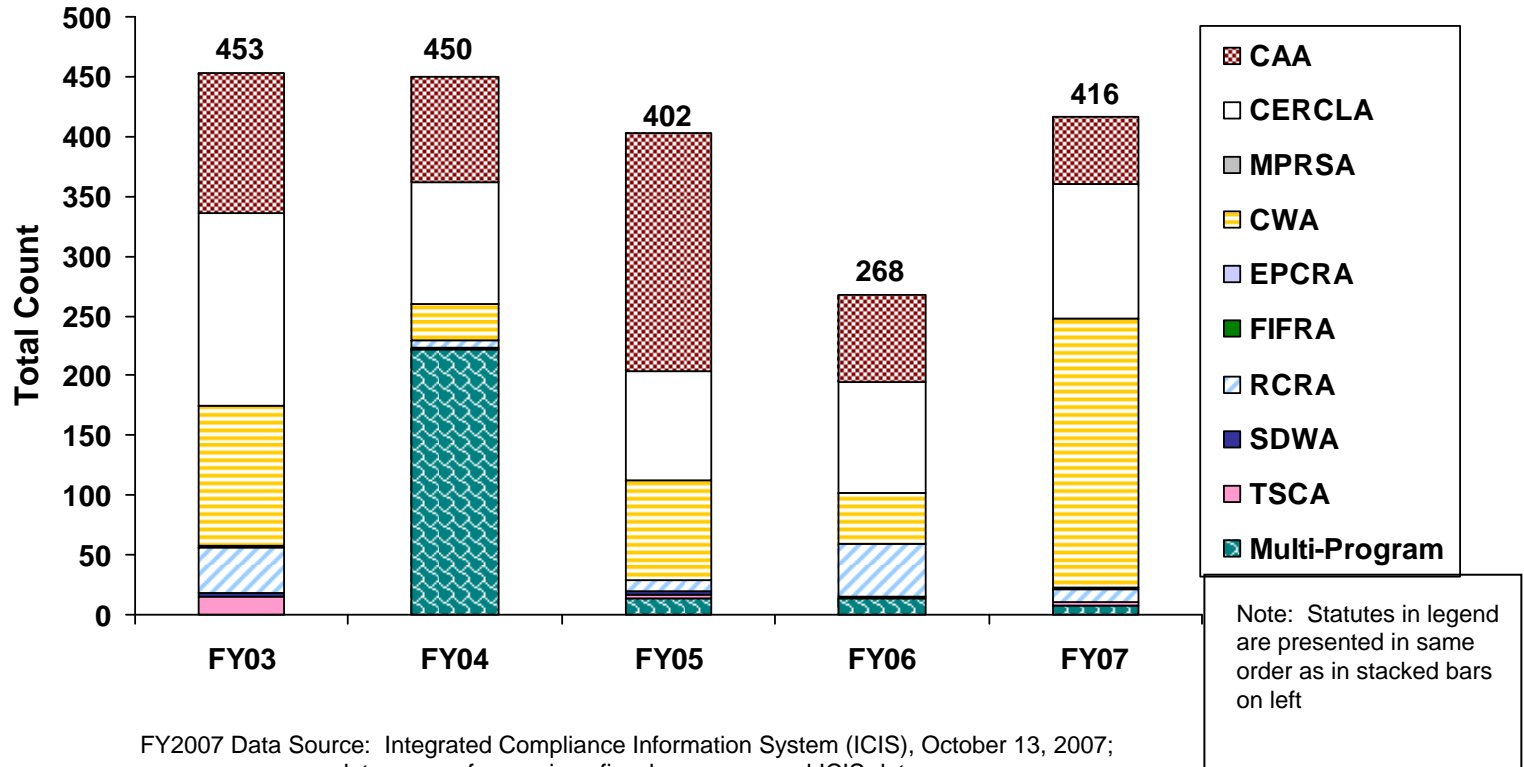


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Concluded EPA Enforcement Actions

EPA Civil Judicial Enforcement Case Conclusions

Number of Facilities Total and by Statute



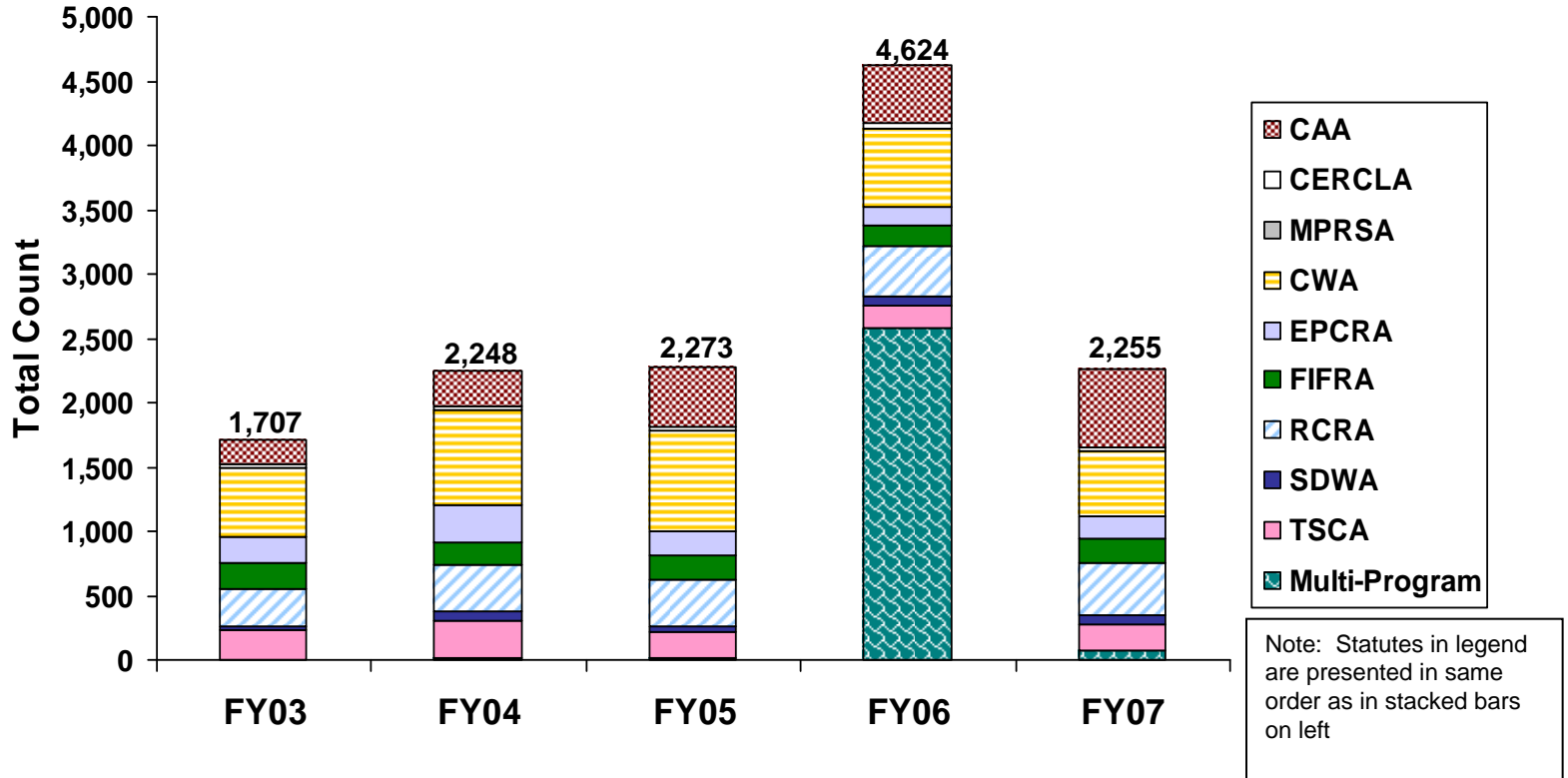
FY2007 Data Source: Integrated Compliance Information System (ICIS), October 13, 2007;
data source for previous fiscal years: annual ICIS data



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Concluded EPA Enforcement Actions

EPA Final Administrative Penalty Orders Total and by Statute



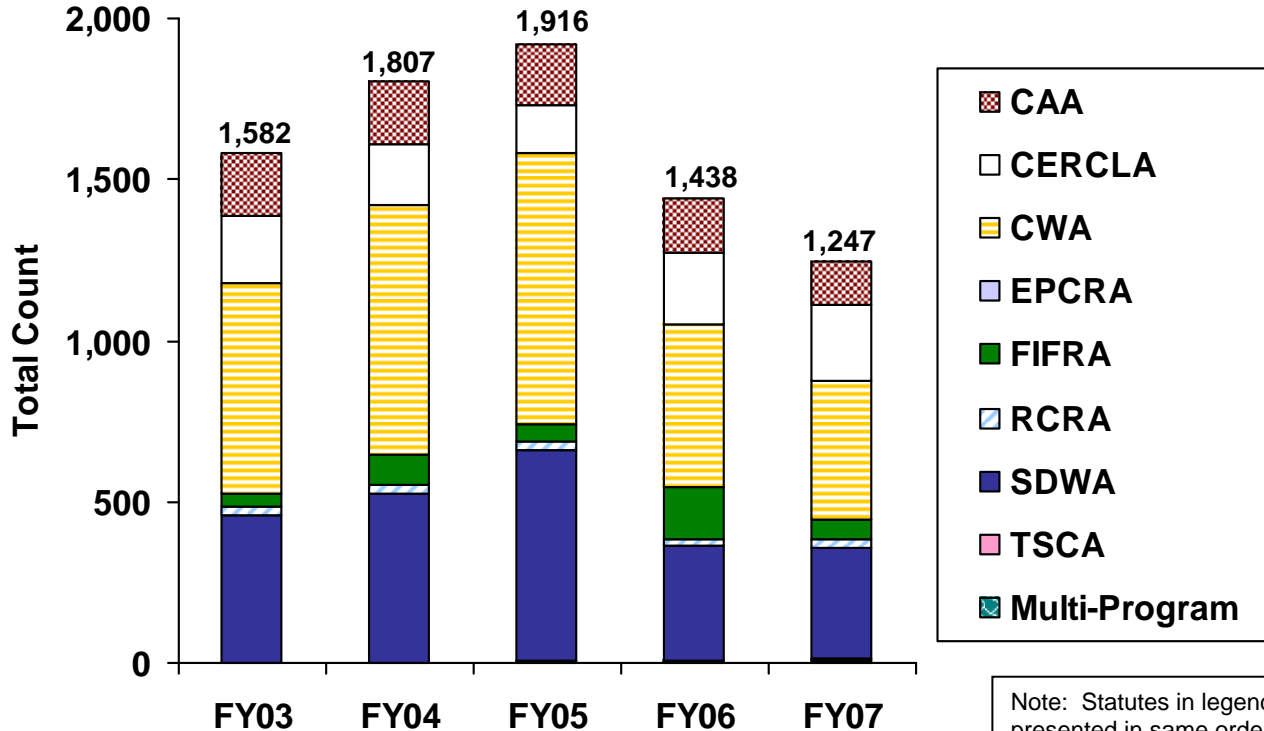
FY2007 Data Source: Integrated Compliance Information System (ICIS), October 13, 2007;
data source for previous fiscal years: annual ICIS data



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Concluded EPA Enforcement Actions

EPA Administrative Compliance Orders Total and by Statute



Note: Statutes in legend are presented in same order as in stacked bars on left

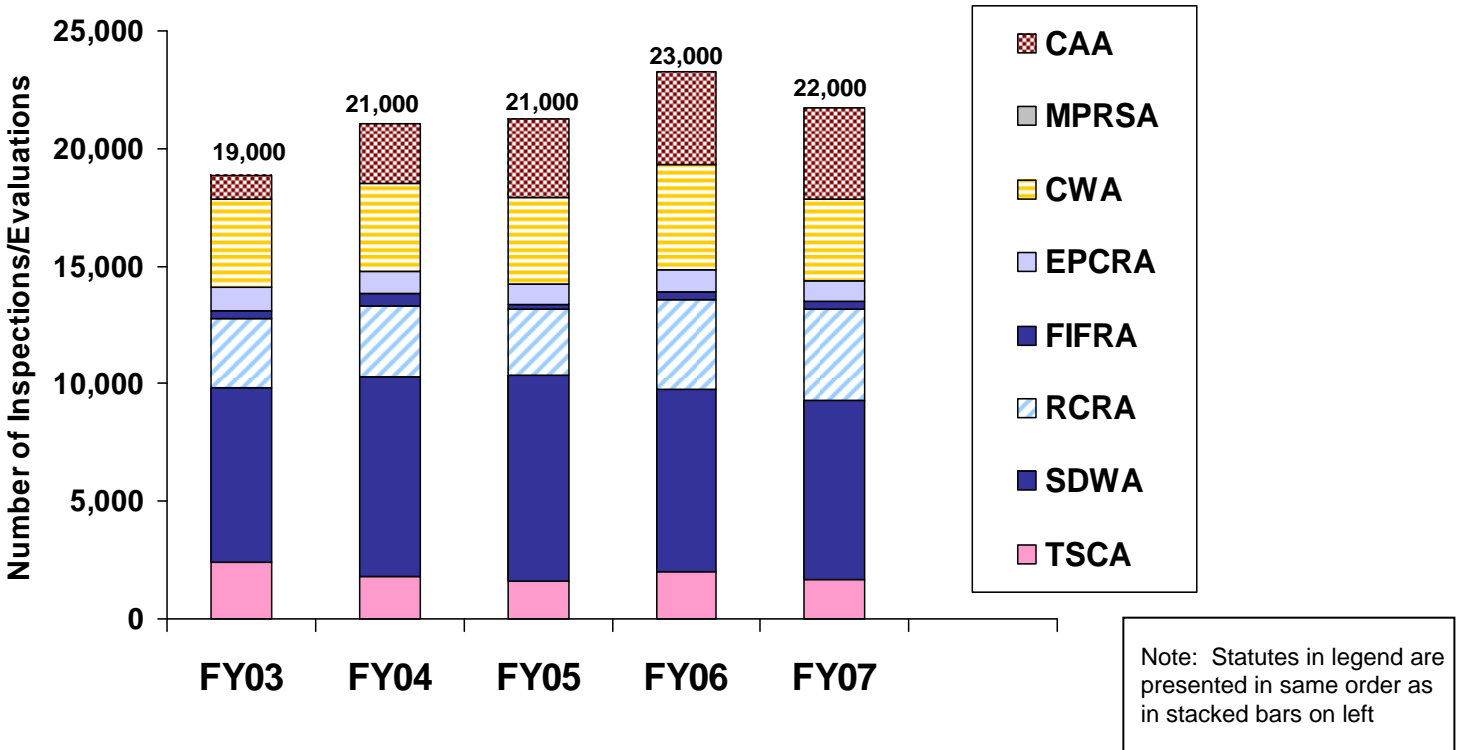
FY2007 Data Source: Integrated Compliance Information System (ICIS), October 13, 2007;
data source for previous fiscal years: annual ICIS data



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Compliance Monitoring

Number of Inspections/Evaluations Conducted by EPA



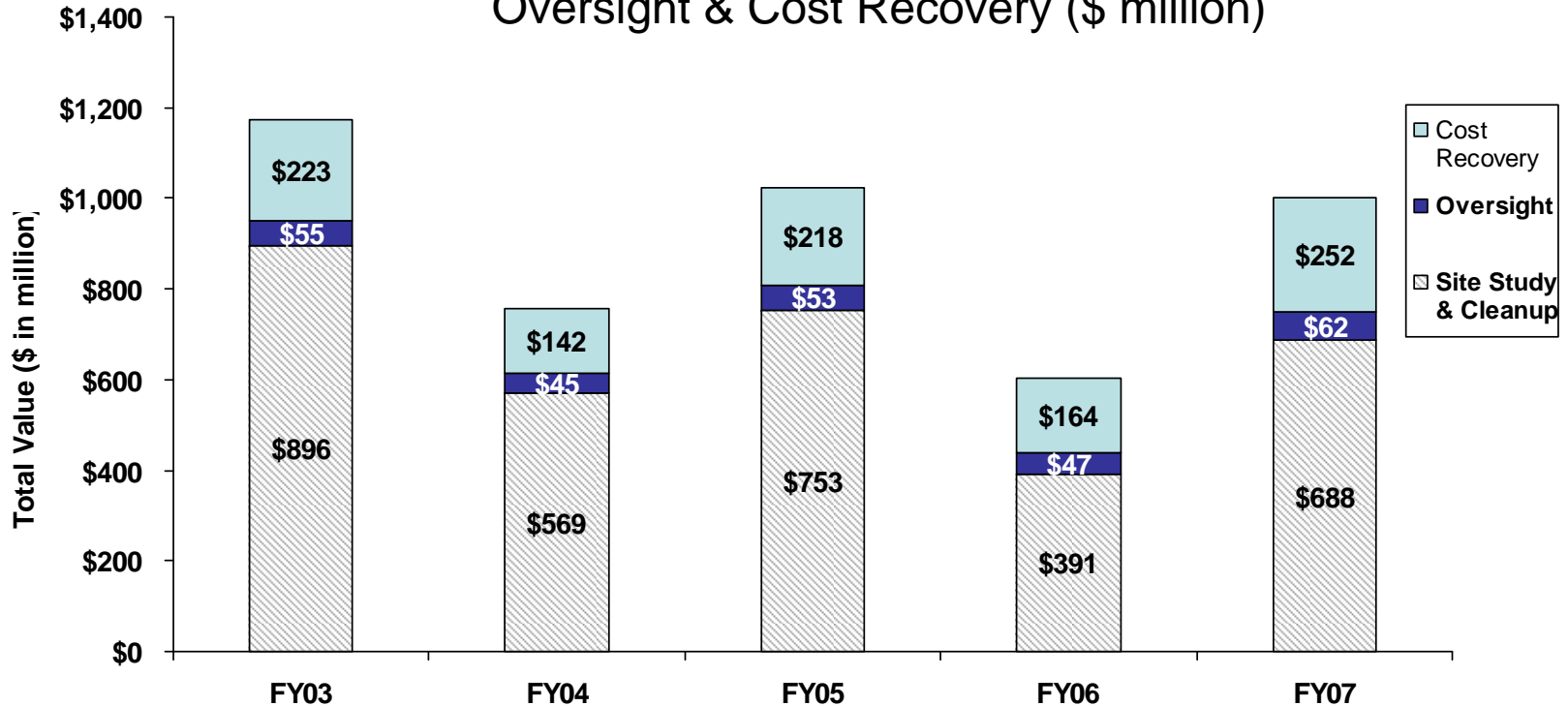
FY2007 Data Source: Integrated Compliance Information System (ICIS), legacy databases and manual reporting, October 13, 2007; data source for previous fiscal years: annual ICIS data, legacy databases and manual reporting



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Results from Concluded EPA Enforcement Actions

Private Party Commitments for Superfund Site Study & Cleanup, Oversight & Cost Recovery (\$ million)



• In FY2006, the Office of Site Remediation Enforcement (OSRE) changed the reporting requirements for Consent Decrees (CDs) to count only CDs that have been entered by the courts. In previous years, OSRE gave credit when the CD was referred to the Department of Justice, lodged with the court, or entered by the court. Numbers in the chart for Site Study & Cleanup and Cost Recovery represent the new methodology. Oversight numbers are not affected by the change in methodology.

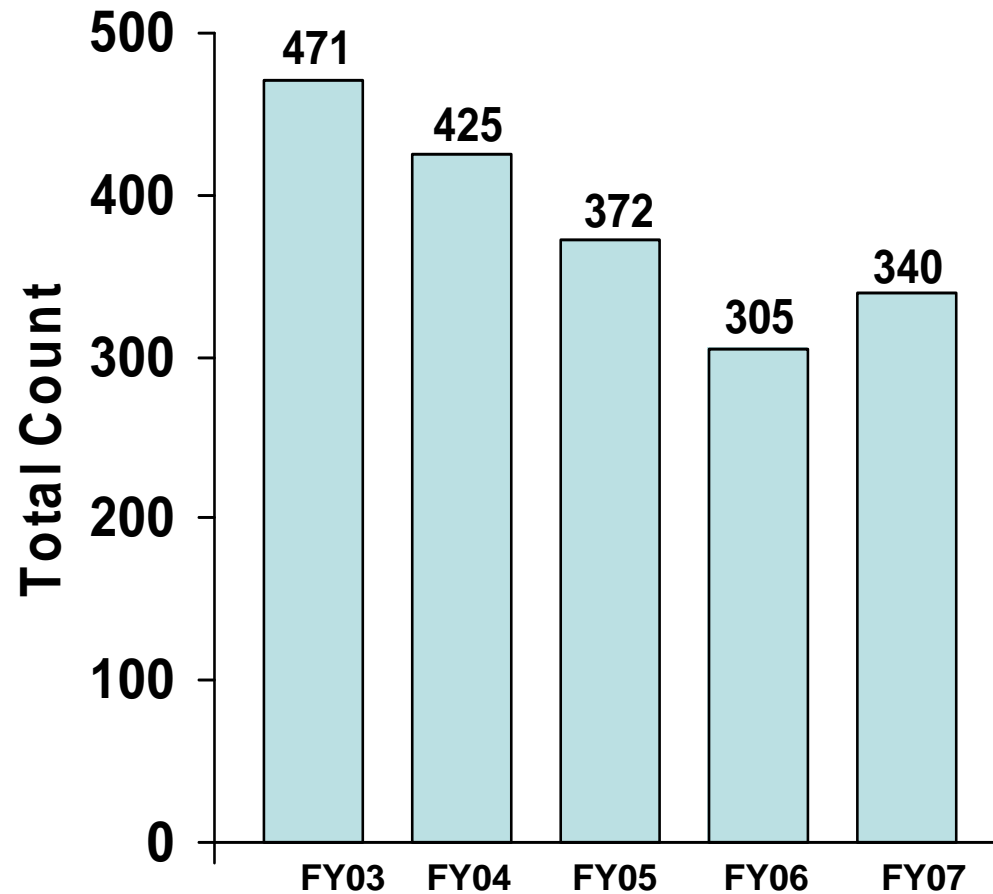
FY2007 Data Source for Clean-up and Cost Recovery: Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS), October 30, 2007; FY2007 Data Source for Oversight: Integrated Financial Management System (IFMS), October 18 2007; Data source for previous fiscal years: annual CERCLIS and IFMS data



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Criminal Enforcement Program

Environmental Crime
Environmental Crime Cases Initiated



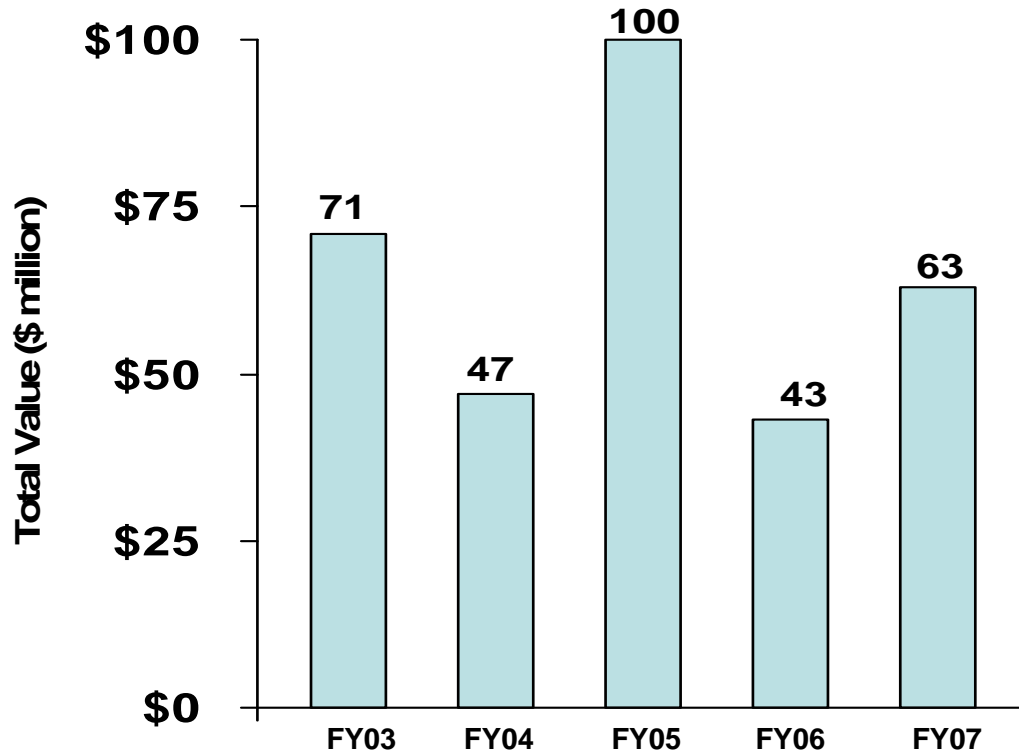
FY2007 Data Source: Criminal Case Reporting System, October 13, 2007;
Source for previous years: annual Criminal Case Reporting System data



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Criminal Enforcement Program

Sentencing Results
Value of Fines and Restitution
(\$ million)



FY2007 Data Source: Criminal Case Reporting System, October 13, 2007;
Source for previous years: annual Criminal Case Reporting System data

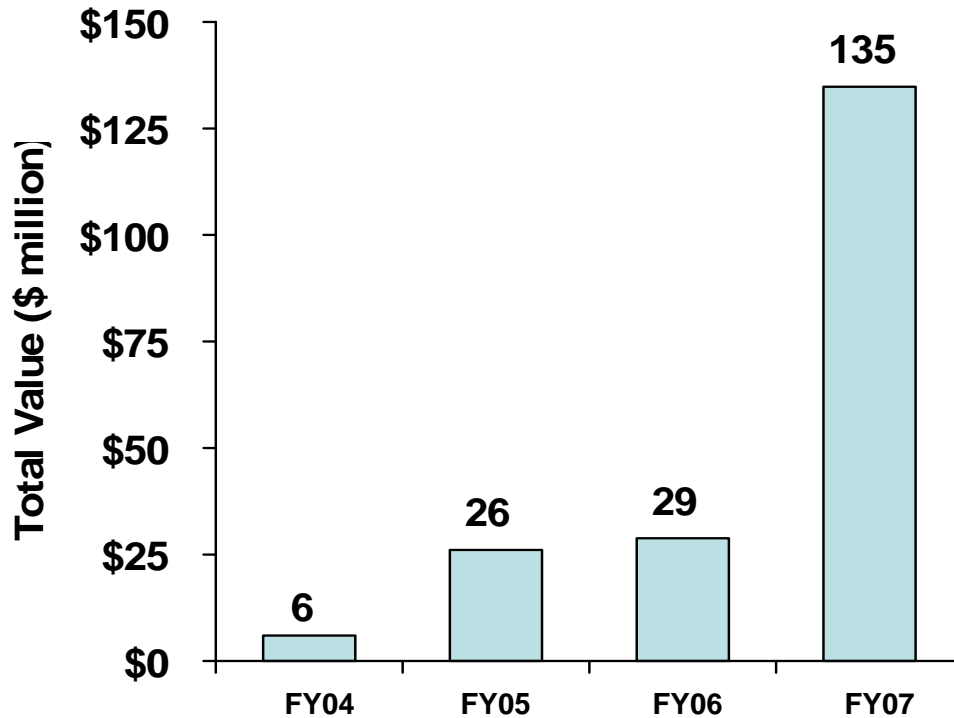


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Criminal Enforcement Program

Sentencing Results (continued)

Court Ordered Environmental Projects (\$ million)



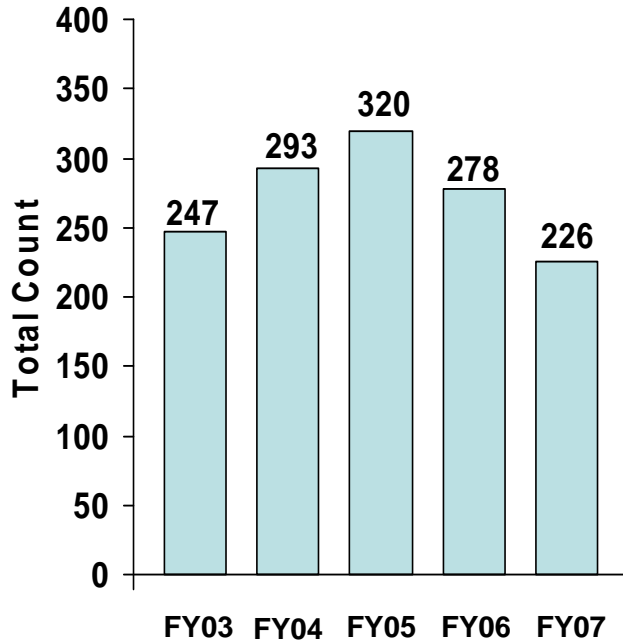
FY2007 Data Source: Criminal Case Reporting System, October 13, 2007



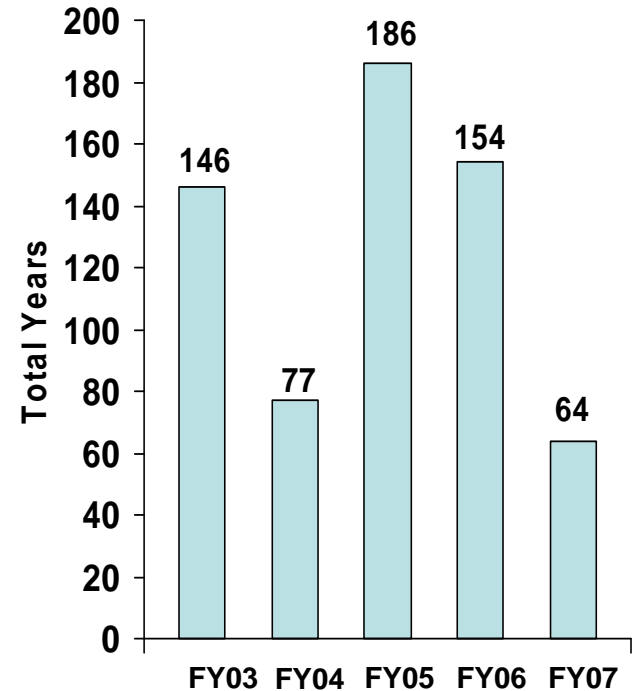
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Criminal Enforcement Program

Defendants Charged



Years of Incarceration



FY2007 Data Source: Criminal Case Reporting System, October 13, 2007;
Source for previous years: annual Criminal Case Reporting System data

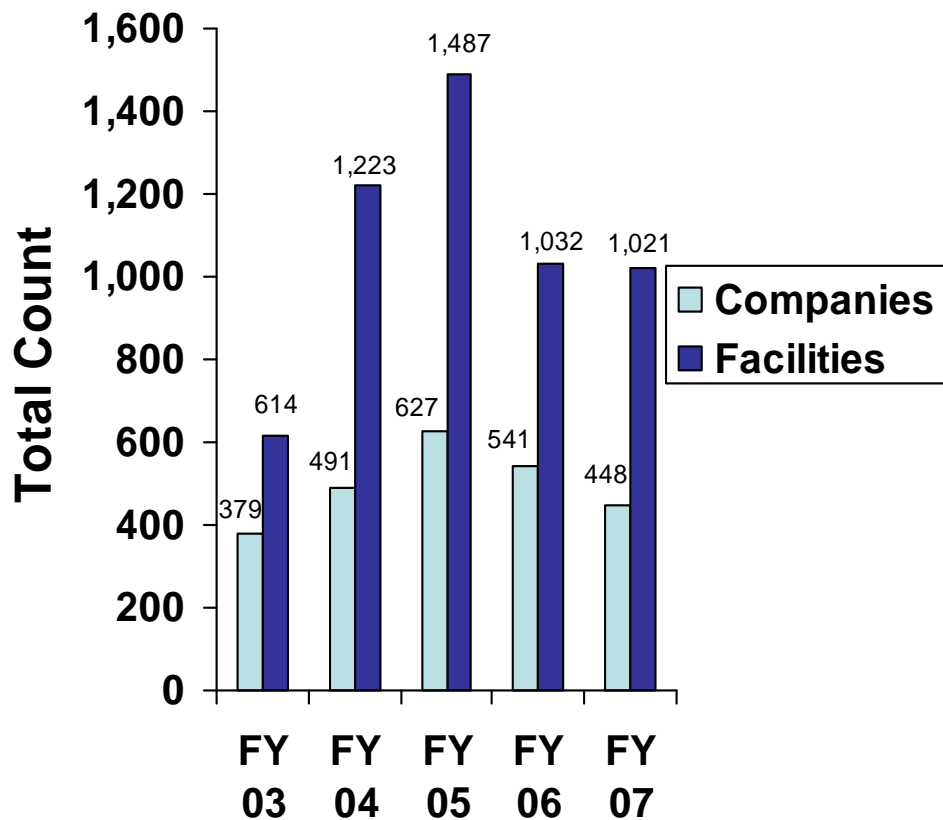


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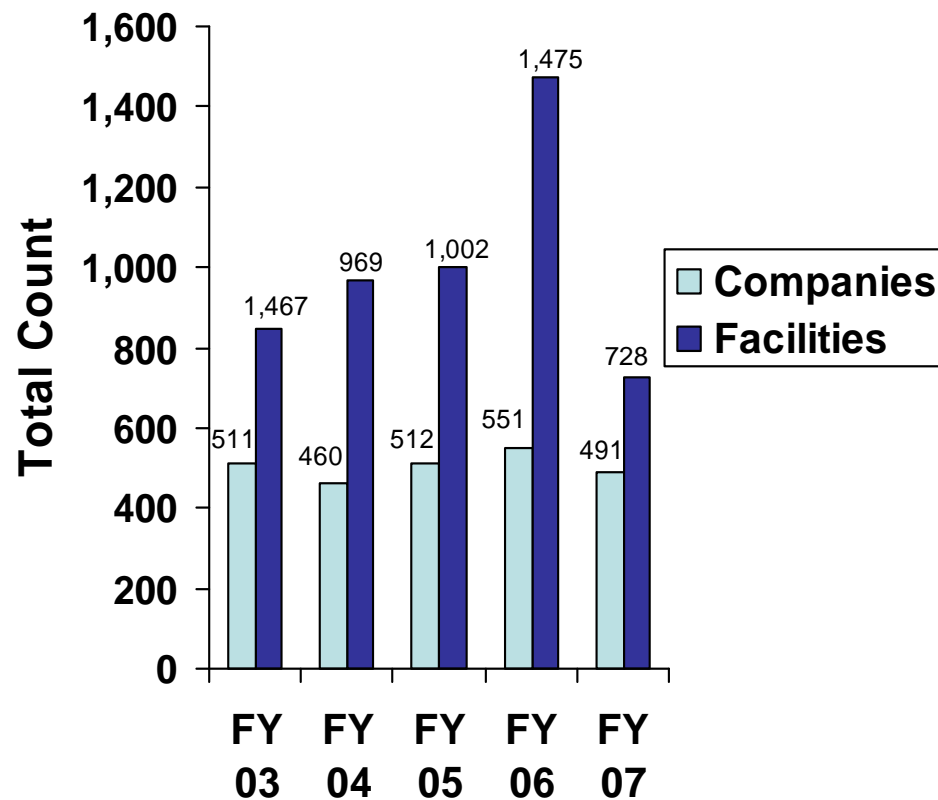
Concluded EPA Enforcement Actions

EPA Voluntary Disclosure Programs

Voluntary Disclosures Initiated



Voluntary Disclosures Resolved

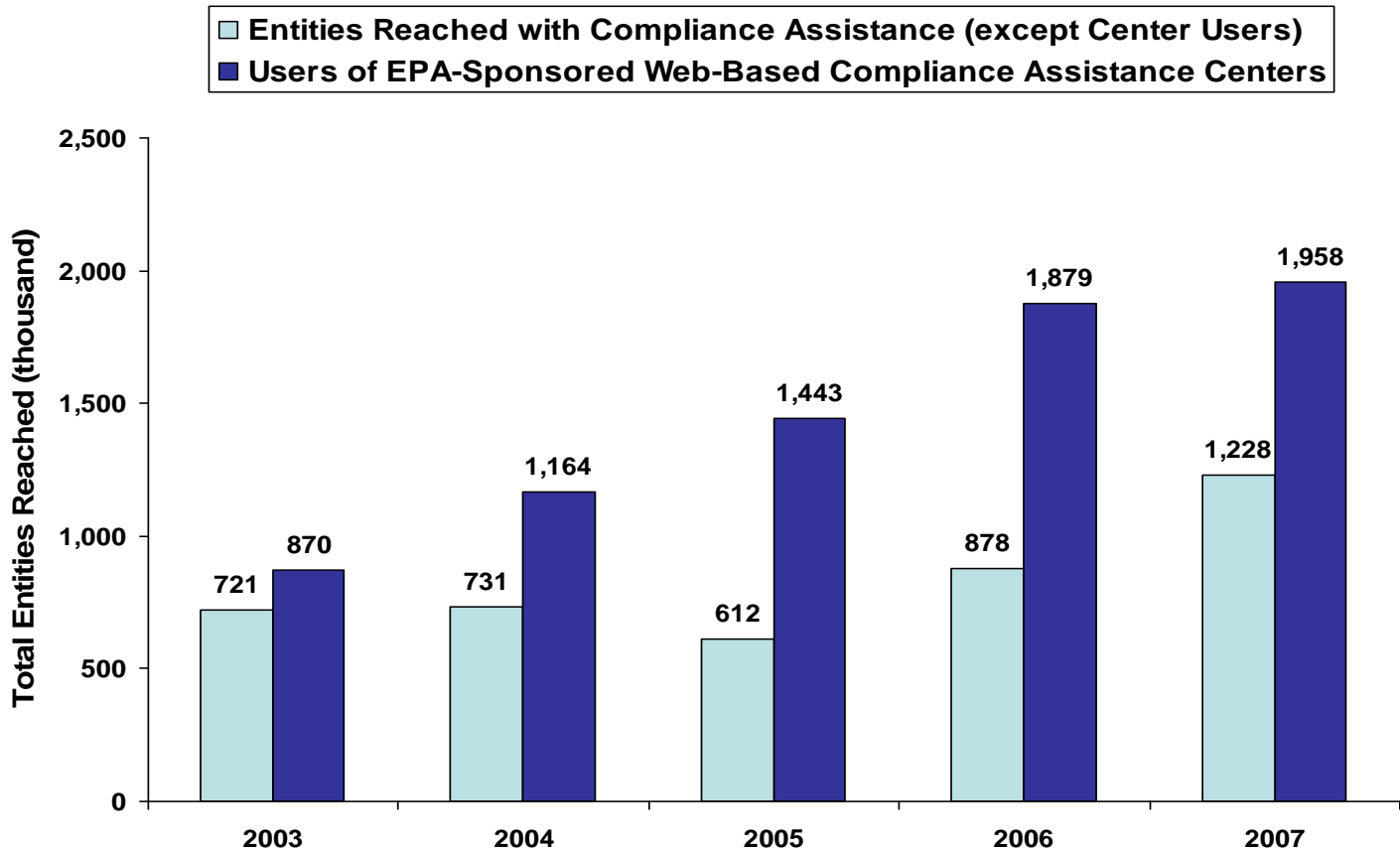


Data Source: Integrated Compliance Information System (ICIS), October 13, 2007;
data source for previous fiscal years: annual ICIS data



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Entities Reached with EPA Compliance Assistance

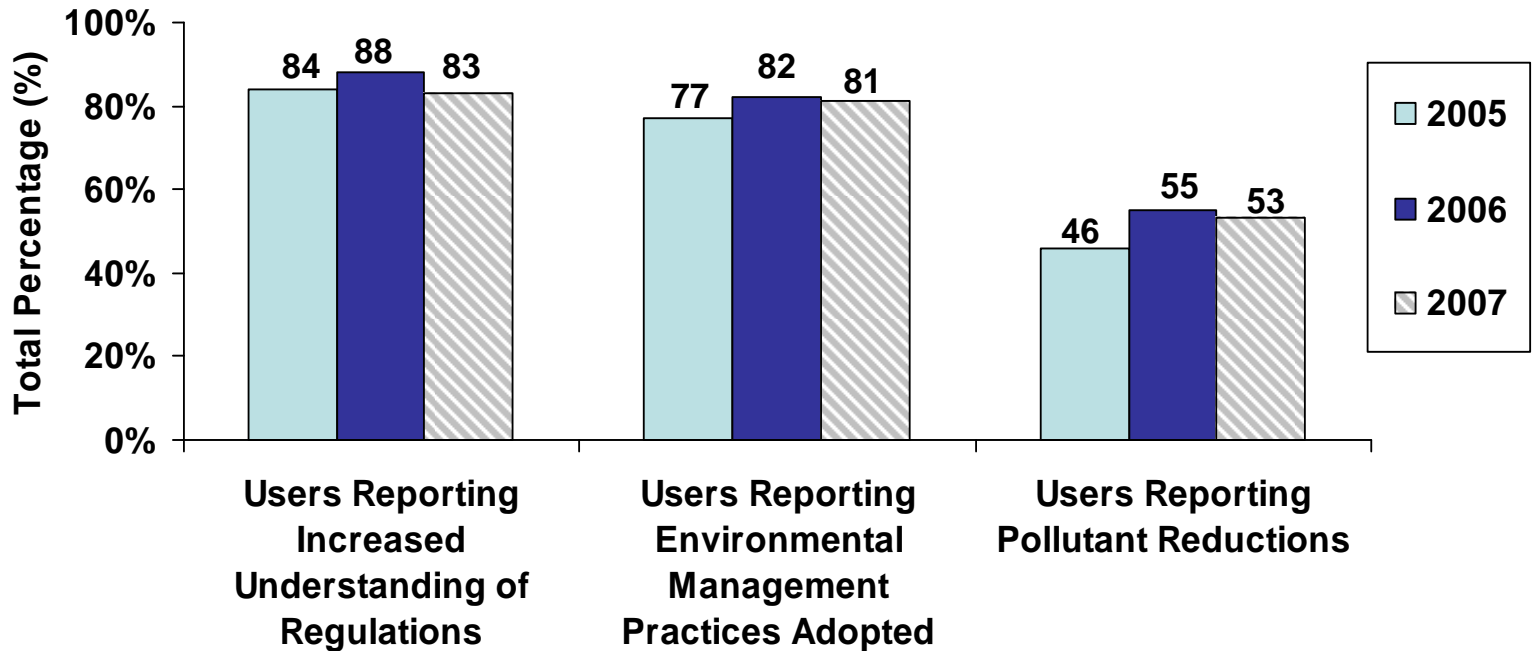


FY2007 Data Sources: Integrated Compliance Information System (ICIS), October 13, 2007 and on-line usage report; data source for previous fiscal years: annual ICIS data and on-line usage reports



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Outcomes from EPA's 15 Web-Based Compliance Assistance Centers



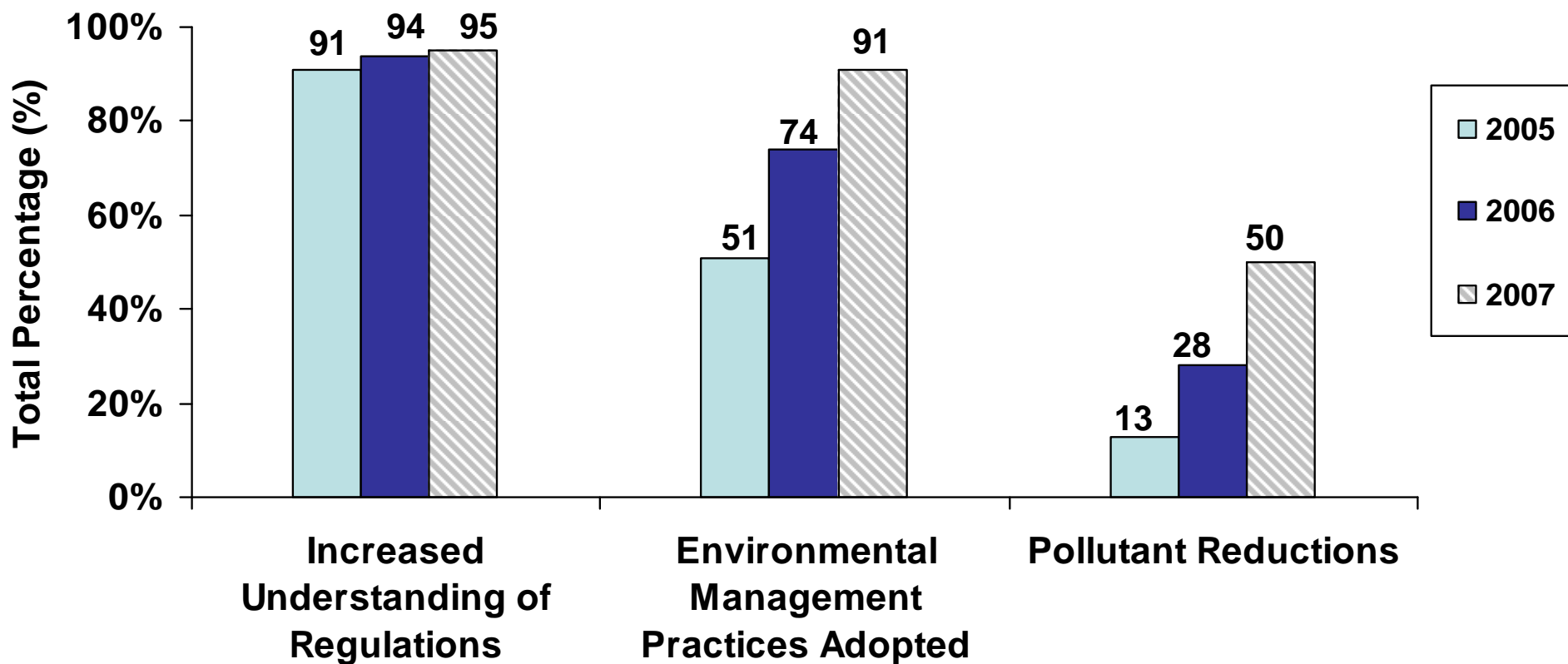
FY2007 Data Source: On-line surveys completed during FY2007

Disclaimer: These measures are not calculated from a representative sample of the regulated entity universe. The percentages are based, in part, on the number of regulated entities that answered affirmatively to these questions on voluntary surveys. The percentages do not account for the number of respondents who chose either not to answer these questions or the survey.



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FY2007 Outcomes from EPA's Direct Compliance Assistance Provided to Regulated Entities



FY2007 Data Source: ICIS

A correction to the database in FY 2007 improved the accuracy of this year's data.

Disclaimer: minor corrections have been made to previous years' data. Also, these measures are not calculated from a representative sample of the regulated entity universe. The percentages are based, in part, on the number of regulated entities that answered affirmatively to these questions on voluntary surveys. The percentages do not account for the number of respondents who chose either not to answer these questions or the survey.



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Acronyms - Statute/Section Description

CAA	Clean Air Act
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act (aka "Superfund")
CWA	Clean Water Act
EPCRA	Emergency Planning & Community Right-to-Know Act
FIFRA	Federal Insecticide, Fungicide and Rodenticide Act
MPRSA	Marine Protection, Research, and Sanctuaries Act
RCRA	Resource Conservation & Recovery Act
SDWA	Safe Drinking Water Act
TSCA	Toxic Substances Control Act
Title 18	U.S. Criminal Code - Crimes and Criminal Procedure



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Definitions

- **Complying Actions:** Direct, preventative or site management practice actions which owners of a violating facility take in response to an enforcement action [in order to attain compliance with environmental laws or regulations]. (Source: Guide to Calculating Environmental Benefits of Enforcement Cases: FY 2005 CCDS Update)
- **Concluded EPA Enforcement Actions:** Civil actions which require companies to come into compliance with applicable environmental laws and/or pay a civil penalty; includes Final Administrative Penalty Orders, Administrative Compliance Orders and Civil Judicial Consent Decrees. (Source: Guide to Calculating Environmental Benefits of Enforcement Cases: FY 2005 CCDS Update) Superfund concluded actions also include orders for cleanup with non-potentially responsible parties such as bona-fide prospective purchasers.
- **Cost Recovery:** A process by which the United States seeks to recover money previously expended in performing any response action from parties liable under CERCLA Section 107(a). Recoverable response costs include both direct and indirect costs. (Source: PRP Search Manual, Office of Site Remediation Enforcement, September 2003; available at: www.epa.gov/compliance/cleanup/superfund/prpmanual.html)
- **Court Ordered Environmental Projects (formerly known as Judicially Mandated Projects):** Court ordered environmental projects represent the monetary value of environmentally beneficial projects or other activities from



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Definitions (continued)

criminal cases that a judge orders defendants to pay for or conduct themselves. Although part of a defendant's formal sentence, they are distinct from, and in addition to, fines and restitution. (Source: Criminal Case Reporting System (CCRS) manual)

- **Default Judgment:** A judgment entered against a defendant who has failed to plead or otherwise defend against the plaintiff's claim. (Source: Black's Law Dictionary 449, 8th ed. 2004)
- **Direct Compliance Assistance:** EPA defines "direct compliance assistance" as those activities for which there is an opportunity for one-on-one interaction between an EPA assistance provider and a regulated entity. These activities provide the best opportunities to measure and report outcomes, and include: facility visits/revisits, ongoing facility-specific work, workshops/ trainings, presentations/meetings, and responses to inquiries. (Source: *2005 Guidance Addendum for Reporting Compliance Assistance in the Integrated Compliance Information System*, USEPA, March 2005, page 6)
- **Direct Complying Actions:** Actions taken in response to an EPA enforcement action that treat, reduce, or eliminate a pollutant or emission/discharge stream to reduce/eliminate human health exposure or



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Definitions (continued)

environmental impact (e.g., source reduction, cleaning up a spill, installing new pollution control equipment, remediating contaminated soil or water, etc.). The direct action will have a more immediate positive effect on the environment. (Source: Guide to Calculating Environmental Benefits of Enforcement Cases: FY 2005 CCDS Update)

- **Entities Reached with Compliance Assistance:** The total number of units receiving compliance assistance including: facilities, units of government (e.g. local, tribal, or state) or individuals reached by EPA assistance. (Source: 2005 Guidance Addendum for Reporting Compliance Assistance in the Integrated Compliance Information System", March 2005)
- **Environmentally Beneficial Projects (formerly known as Supplemental Environmental Projects or SEPs):** Projects which a defendant/respondent agrees to undertake as part of some civil enforcement case settlements, but which a defendant/respondent is not legally required to perform. (Source: Final Supplemental Environmental Project Policy, April 10, 1998)
- **EPA-Sponsored Web-based Compliance Assistance Centers:** EPA-sponsored Websites developed in partnership with industry, academic institutions, environmental groups and other agencies to serve as a "first stop" for sector-based environmental compliance information. (For additional information: www.assistancecenters.net)



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Definitions (continued)

- **Fines and Restitution:** Fines are the monetary amount assessed by a court of law against a defendant for violations of criminal law. Restitution is the monetary amount assessed, also by a court of law, to repay or compensate for loss, damage or injury. (Source: Criminal Case Reporting System (CCRS) manual.)
- **Fiscal Year (FY):** The fiscal year for the federal government begins on October 1 and ends September 30 of the following year.
- **“Integrated Compliance Information System” (ICIS):** ICIS is a web-based data system which integrates federal [civil] enforcement and compliance data. With the exception of some inspection data and CERCLA data, it is the database of record for all federal [civil] enforcement and compliance data. (Source: ICIS User Guide, August 2002)
- **Investments in Pollution Control and Clean Up (including court ordered injunctive relief or complying actions):** The cost or value of the actions taken or to be taken by a defendant/respondent in response to an enforcement action (often pursuant to the order of a court of administrative hearing officer) to achieve and maintain compliance with applicable environmental laws (e.g., installing a new pollution control device to reduce air pollution, or preventing emissions of a pollutant from occurring in the first place.) (Source: ECHO Data Dictionary – Total Complying Action Cost)
- **Legacy Databases:** Databases which include EPA databases Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS), Resource Conservation and Recovery Act Information (RCRAInfo), Air Facility System (AFS), and Permit Compliance System (PCS).



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Definitions (continued)

- **Multi-Program Cases:** Civil enforcement cases that address separate environmental problems under different programs. This could include violations of different programs within one media or statute. (Source: EPA Office of Enforcement and Compliance Assurance Guidance: “Revised Approach for Counting EPA Enforcement Case Initiations and Conclusions”, September 2003)
- **NO_x:** Nitrogen Oxide, or NO_x is the generic term for a group of highly reactive gases, all of which contain nitrogen and oxygen in varying amounts. The primary manmade sources of NO_x are motor vehicles, electric utilities, and other industrial, commercial, and residential sources that burn fuels. They can cause a variety of environmental and health impacts. (Source: <http://www.epa.gov/air/urbanair/nox/what.html>)
- **Oversight (under Superfund):** The dollar value of all costs billed to the Potentially Responsible Parties (PRPs) by EPA for overseeing cleanup work that is performed and paid for by PRPs at specific Superfund sites. (Source: PRP Search Manual, Office of Site Remediation Enforcement, September 2003; available at: www.epa.gov/compliance/cleanup/superfund/prpmanual.html)
- **Particulate Matter (PM):** Particulate matter is the generic term for a broad class of chemically and physically diverse substances that exist as discrete particles (liquid droplets or solids) over a wide range of sizes. Particles



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Definitions (continued)

originate from a variety of stationary and mobile sources as well as natural sources. (Source: Review of the National Ambient Air Quality Standards for Particulate Matter: Policy Assessment of Scientific and Technical Information, OAQPS Staff Paper – First Draft)

- **Pollutant Reductions:** A calculation is made to estimate the reduction of pollutants anticipated as a result of an enforcement action. Since the enforcement action is designed to return the facility to compliance and bring the pollutant level down to the permitted level, the calculation of the pollution reduction is based on a comparison of the current level of pollutant release (an amount above the allowable permit level) against the permit level. Because calculations are based on one year's worth of data, our pollutant reduction numbers are considered conservative estimates. In the context of compliance assistance, pollution reduction is based on the percentage of survey respondents who affirmatively respond to the question asking if they reduced, treated, or eliminated pollution as a result of EPA or EPA-sponsored compliance assistance. (Source: Case Conclusions Data Sheet Training Booklet, USEPA Office of Enforcement and Compliance Assurance, August 2004; ICR 1860.03 for Assessment of Compliance Assistance Projects, 2005)



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Definitions (continued)

- **Private Party:** This includes: 1) Potentially Responsible Party (PRP) - Any individual or entity including owners, operators, transporters, or generators who may be liable under CERCLA Section 107(a). and 2) Non-PRP - A non-labile individual or entity that did not cause or contribute to contamination such as a bona-fide prospective purchaser. (Source: PRP Search Manual, Office of Site Remediation Enforcement, September 2003; available at: www.epa.gov/compliance/cleanup/superfund/prpmanual.html)
- **Referral:** A request from EPA to Department of Justice (DOJ) asking that DOJ file an action in court against a party or parties for specified violations of environmental law.
- **Site Study and Cleanup:** Actions taken at a site to characterize the site and deal with a release or threatened release of a hazardous substance that could affect human health or the environment. The term “cleanup” is sometimes used interchangeably with the terms remedial action, removal action, response action, or corrective action. (Source: PRP Search Manual, Office of Site Remediation Enforcement, September 2003; available at: www.epa.gov/compliance/cleanup/superfund/prpmanual.html)



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Definitions (continued)

SO_x: Sulfur Oxide, or SO_x, is the term for a family of gases that dissolve easily in water. Sulfur dioxide belongs to this family of gases which are primarily formed when fuel containing sulfur (mainly coal and oil) is burned. Fuel combustion, largely from coal-fired power plants, accounts for most of the total emissions. They can cause a variety of environmental and health impacts. (Source: <http://www.epa.gov/air/urbanair/so2/what1.html>)

- **Supplemental Environmental Projects (SEPs):** see Environmentally Beneficial Projects
- **Supplemental Referral:** A civil enforcement matter referred to DOJ that supplements or supercedes a case that was previously referred. The referral may contain a request to DOJ for enforcement of the existing case or seek to amend the existing case by adding additional counts of violations (e.g., violations at different facilities, violations under different statutes) or by adding additional defendant/respondent/PRP(s). Source: OECA guidance issued September 2003, “Revised Approach for Counting EPA Enforcement Case Initiations and Conclusions”)
- **Volume of Contaminated Media Addressed:** The volume of environmental media (e.g., soil) that is subject to RCRA, TSCA or the Superfund response action, such that, at the conclusion of the action, human health and the environment are protected.



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Definitions (continued)

Contaminated soil - refers to the volume of soil subject to removal or treatment. Contaminated water - refers to the volume of physical aquifer (not water, but entire formation) that will be addressed by the response or corrective action or volume of biosolids (and other sludge) that will be treated or the water (navigable/surface) amounts that will be treated. (Source: Measures and Calculations for Volume of Contaminated Medium Addressed, November 2003)

- **Voluntary Disclosure Program (Voluntary Disclosures Initiated/Voluntary Disclosures Resolved):** A voluntary disclosure initiated is a written disclosure, provided voluntarily to EPA by a regulated entity, that contains the identity and location of facilities and description of the violations being disclosed. A voluntary disclosure is resolved through an administrative action, judicial action, or Notice of Determination issued by EPA to address a voluntary disclosure received from a regulated entity. Penalties for violations identified to EPA through a voluntary disclosure may be mitigated pursuant to EPA's Audit Policy, Small Business Policy or a program-specific penalty policy. (Source: ICIS Data Guidance, Sept. 10, 2004, Region 5 Lead Workgroup)