



Compliance | Appendix V: Enforcement Actions

compliance as quickly as possible. The number of open compliance enforcement actions, both domestic and overseas, decreased from 163 in FY2006 to 142 in FY2007.

Figure V-1 Fines Assessed (thousands)*

Component	EPA	State	Local	Total
Army	\$105.4	\$242.2	\$0.2	\$347.8
Navy	\$0.2	\$65.0	\$25.5	\$90.7
Marine Corps	\$0.0	\$0.0	\$15.2	\$15.2
Air Force	\$76.7	\$9.3	\$27.0	\$113.0
DLA	\$0.0	\$0.0	\$0.0	\$0.0
Total	\$182.2	\$316.5	\$67.9	\$566.5

* Due to rounding, subtotals may not equal fiscal year totals.

Every year, the Department of Defense (DoD) dedicates substantial financial and personnel resources in order to administer and uphold compliance with federal, state, and local environmental laws and regulations. Despite these efforts, noncompliance and the resulting related fines and penalties continue to take place. An analysis of fines and penalties required under 10 U.S.C. §2706(b) is presented in this appendix. The analysis employs data from Fiscal Year (FY) 2007 combined with the four preceding fiscal years.

Many fines and penalties reporting requirements found in 10 U.S.C. §2706(b) were removed under the FY2006 National Defense Authorization Act. The amounts of fines and penalties imposed or assessed with respect to each military installation are no longer included in this appendix. It is no longer required to report the amounts paid on fines and penalties, nor additional information on environmental projects.

Fines are tracked by DoD in the following statutes and categories: Clean Air Act (CAA); Clean Water Act (CWA); Safe Drinking Water Act (SDWA); Resource Conservation and Recovery Act Subpart C (RCRA/C), which addresses hazardous waste; RCRA Subpart D (RCRA/D), which addresses solid

waste; RCRA Subpart I (RCRA/I), which addresses underground storage tanks; and Other, which addresses other federal, state, and local statutes.

Any formal, written notification from a regulatory agency specifying a violation of any applicable statutory or regulatory requirement is considered an enforcement action by DoD. Within each notification, the relevant standards are cited. These require corrective actions. Figure V-1 summarizes the fines assessed against DoD under federal, state, and local environmental laws.

The number of new DoD compliance enforcement actions at U.S. and overseas installations decreased from 272 in FY2006 to 254 in FY2007. New domestic compliance enforcement actions under the CAA and RCRA/D increased over the previous year, while the number of new compliance enforcement actions decreased under the CWA, SDWA, RCRA/C, and RCRA/I.

Open compliance enforcement actions are those that have not been resolved with the regulatory agency. This category also includes cases where the installation may have completed all requirements to correct the noncompliance, but is still awaiting the formal closure statement from the regulatory agency. It is the Department's policy to return to

DoD

In FY2007, the amount of fines assessed significantly decreased from \$1.2 million in FY2006 to \$566,545. Figure V-2 shows DoD new enforcement actions and Figure V-3 shows the fines assessed by origin. Fines assessed by the U.S. Environmental Protection Agency decreased drastically from \$602,600 in FY2006 to \$182,224 in FY2007. Fines assessed by state regulatory agencies decreased from \$496,400 in FY2006 to \$316,458 in FY2007. Fines assessed by the Components at the local level increased slightly from \$66,270 in FY2006 to \$67,863 in FY2007. There were no FY2007 fines or penalties imposed or assessed against DoD which exceeded \$1.0 million.

Army

The Army's number of new compliance enforcement actions decreased from 101 in FY2006 to 94 in FY2007. New compliance enforcement actions under the CWA, SDWA, and RCRA/C decreased; the number of enforcement actions under RCRA/D and RCRA/I increased; and CAA remained the same. Fines assessed against the Army decreased at both the federal and state level. Federal fines decreased considerably from \$473,904 in FY2006 to \$105,405 in FY2007. State fines also decreased significantly from \$473,103 in FY2006 to \$242,181 in FY2007. There was one local fine in FY2007 of \$150.

Figure V-2 DoD Enforcement Actions (Domestic and Overseas)

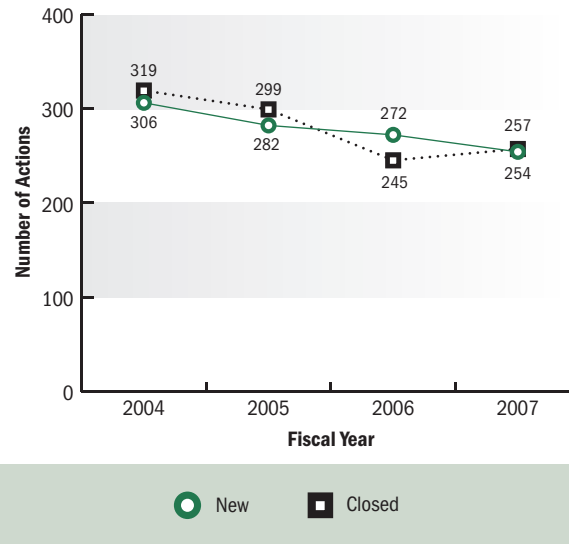


Figure V-4 Army Enforcement Actions (Domestic and Overseas)

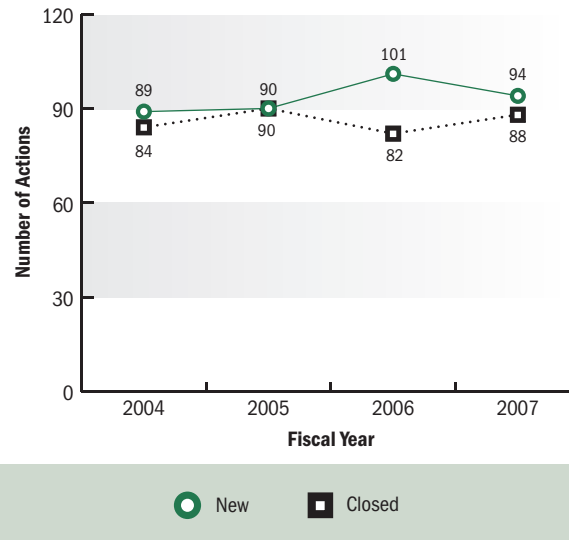
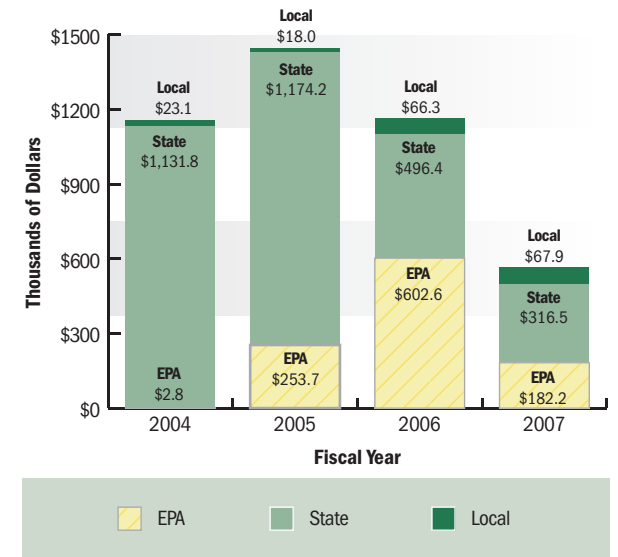
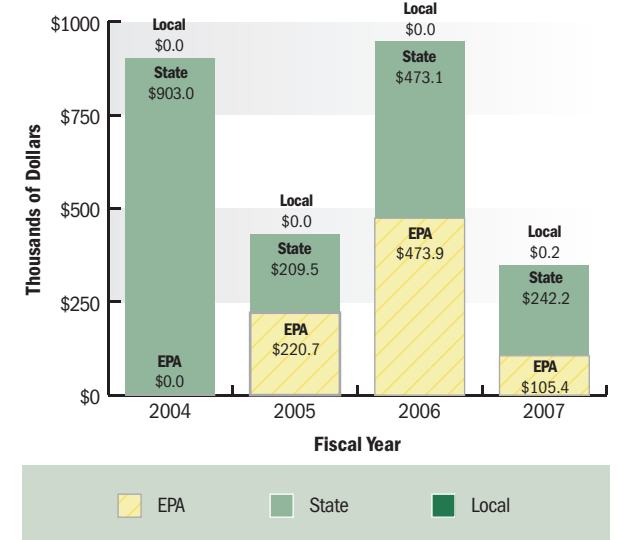


Figure V-3 DoD Fines Assessed*



* Due to rounding, subtotals may not equal fiscal year totals.

Figure V-5 Army Fines Assessed*



* Due to rounding, subtotals may not equal fiscal year totals.

Navy

New compliance enforcement actions against the Navy decreased from 92 in FY2006 to 73 in FY2007. The number of new compliance enforcement actions under all reported statutes decreased. The number of open compliance enforcement actions also decreased from 97 in FY2006 to 56 in FY2007. Of the open compliance enforcement actions, 49 are administrative or operational and 7 are project-related. While there was an influx in state fines during FY2007, federal and local fines decreased significantly from FY2006 by \$128,500 and \$40,800 respectively.

Marine Corps

The number of new compliance enforcement actions filed against the Marine Corps increased from 26 in FY2006 to 35 in FY2007. The number of new compliance enforcement actions under the CWA, RCRA/C, and RCRA/I decreased. New compliance enforcement actions increased under the CAA and remained the same for SDWA and RCRA/D. The number of open compliance enforcement actions also increased from 23 in FY2006 to 38 in FY2007, primarily a result of more administrative or operational actions. Local fines were the only fees assessed for the Marine Corps in FY2007, increasing noticeably from \$0 in FY2006 to \$15,203.

Figure V-6 Navy Enforcement Actions (Domestic and Overseas)

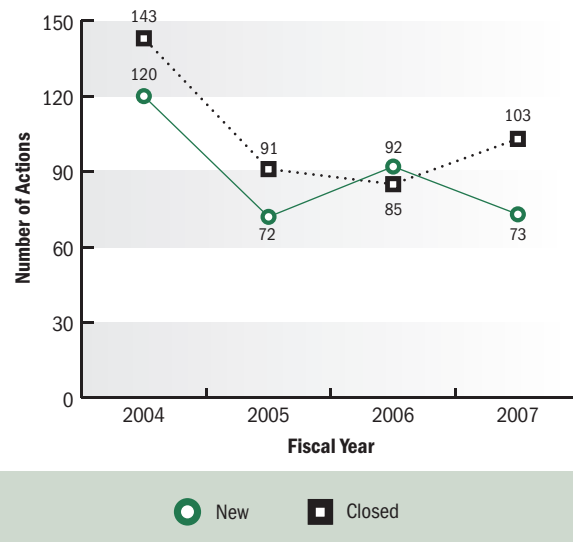
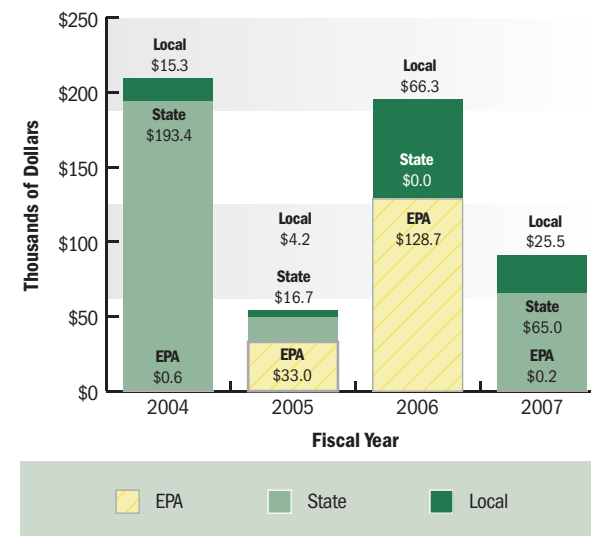


Figure V-7 Navy Fines Assessed*



* Due to rounding, subtotals may not equal fiscal year totals.

Figure V-8 Marine Corps Enforcement Actions (Domestic and Overseas)

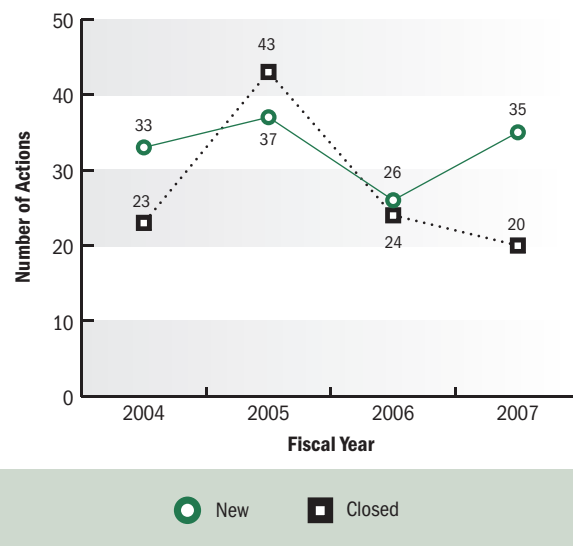
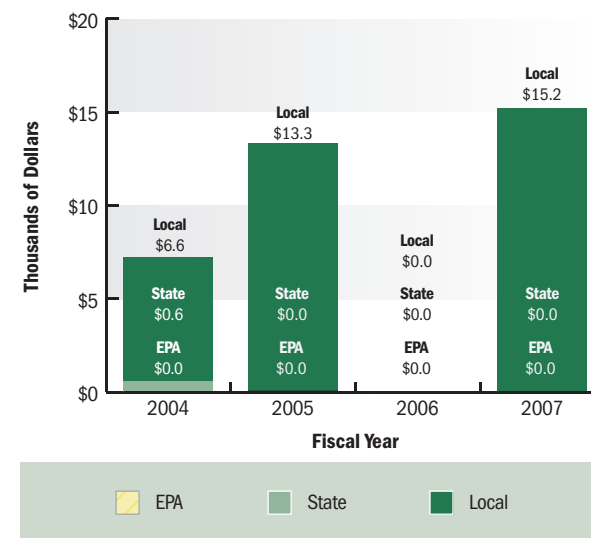


Figure V-9 Marine Corps Fines Assessed*



* Due to rounding, subtotals may not equal fiscal year totals.

Air Force

In FY2007, the new compliance enforcement actions filed against the Air Force decreased slightly. While new compliance enforcement actions under the CAA, CWA, and RCRA/C decreased considerably, RCRA/I and SDWA actions increased. There were 22 open compliance enforcement actions which was also stable compared to the previous year. Of the open compliance enforcement actions, 44 were administrative or operational, and 6 were project-related. Federal and local fines assessed against the Air Force increased from FY2006 to FY2007, while state fines decreased from \$23,266 in FY2006 to \$9,250 in FY2007.

DLA

The number of new compliance enforcement actions filed against DLA remained stable in FY2007. There was one new CAA and one new RCRA/C enforcement action. There were also two open enforcement actions in FY2007, both of which were administrative or operational actions. In FY2006, Defense Reutilization and Marketing Office Vandenberg received an \$808 local fine under RCRA. No federal, state, or local fines were assessed against DLA in FY2007.

Figure V-10 Air Force Enforcement Actions (Domestic and Overseas)

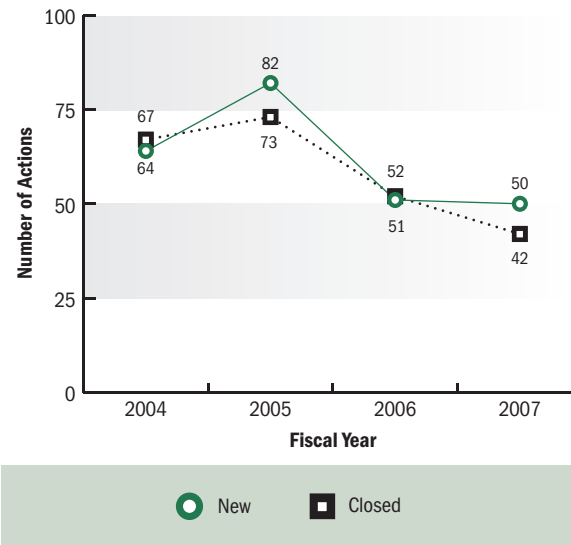
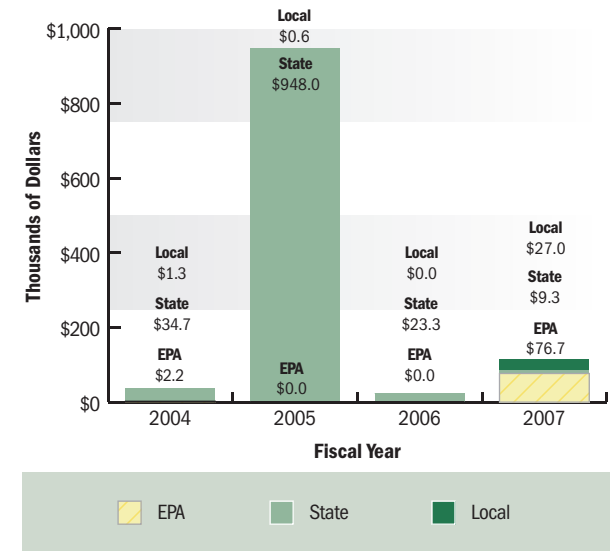


Figure V-11 Air Force Fines Assessed*



* Due to rounding, subtotals may not equal fiscal year totals.

Figure V-12 DLA Enforcement Actions (Domestic and Overseas)

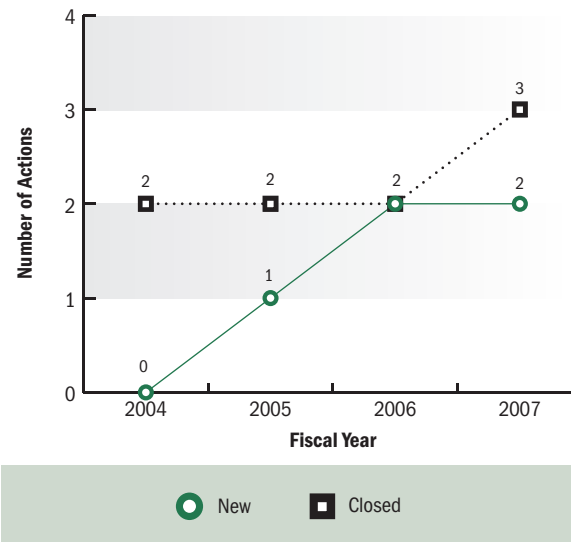
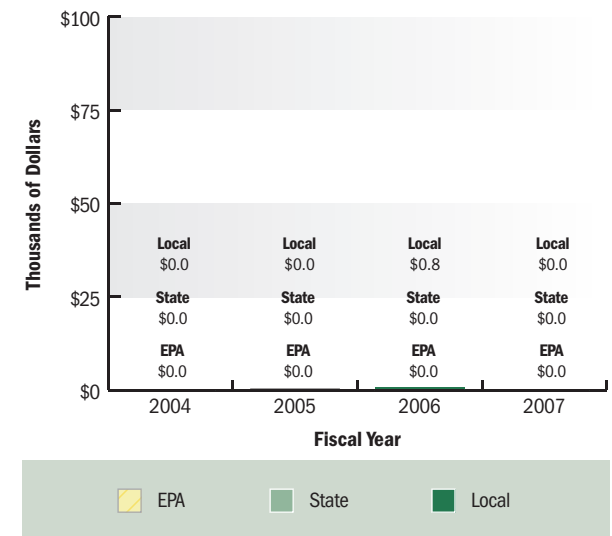


Figure V-13 DLA Fines Assessed*



* Due to rounding, subtotals may not equal fiscal year totals.