

US EPA ARCHIVE DOCUMENT



## Data and Results

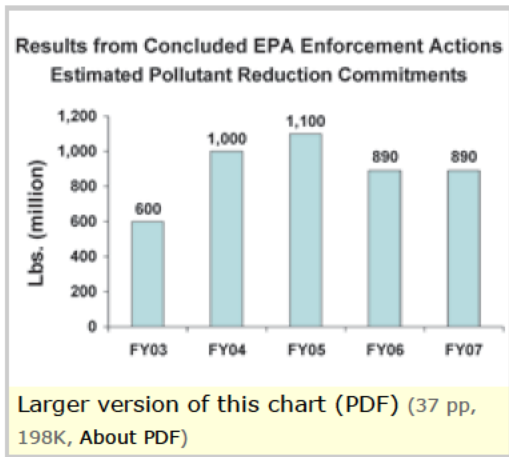
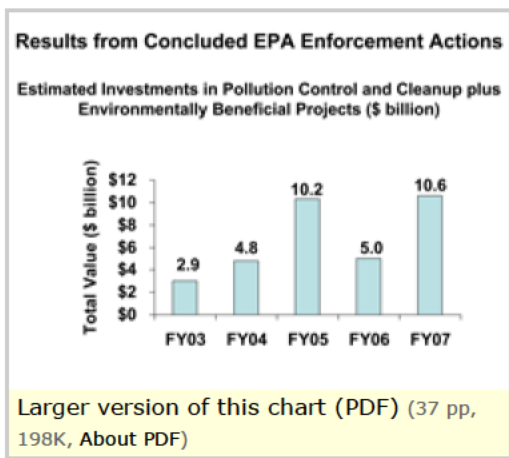
You are here: [EPA Home](#) » [Compliance and Enforcement](#) » [Data and Results](#) » [Results and Reports](#) » [Annual Results](#) » Annual Results - FY2007

# Compliance and Enforcement Annual Results - FY2007

In Fiscal Year 2007, the Environmental Protection Agency's Enforcement and Compliance Program obtained from defendants a record \$10.6 billion dollars to be invested in pollution control and clean up and environmentally beneficial projects. The Program continued to produce significant results by reducing 890 million pounds of pollutants from the environment. Enforcement actions resulted in a record amount of [contaminated soil \(PDF\)](#) (37 pp, 200K, [About PDF](#)) cleaned up – 79 million cubic yards – and in the remediation of 1.4 billion cubic yards of contaminated water.

FY2007 Annual Results Topics
<ul style="list-style-type: none"> <li>FY2007 Home</li> <li>Press Release</li> <li>Results Charts</li> <li>Numbers at a Glance</li> <li>Enforcement Highlights               <ul style="list-style-type: none"> <li>Air Highlights</li> <li>Water Highlights</li> <li>Land Highlights</li> <li>Cross-Media Highlights</li> </ul> </li> <li>Compliance Highlights               <ul style="list-style-type: none"> <li>Assistance</li> <li>Incentives</li> </ul> </li> <li>Results by Region</li> </ul>

Annual Results for National Enforcement Priorities
<ul style="list-style-type: none"> <li>Air Toxics</li> <li>Concentrated Animal Feeding Operations</li> <li>Combined Sewer Overflows and Sanitary Sewer Overflows</li> <li>New Source Review</li> <li>Stormwater</li> <li>Mineral Processing</li> <li>Financial Assurance</li> <li>Indian Country</li> </ul>



EPA continued to provide a strong and active enforcement and compliance program in Fiscal Year 2007 by focusing federal resources on important environmental problems. Over 69% of pollution reductions and 58% of pollution control investments focus on priority air and water problems. [Air priority enforcement \(PDF\)](#) (37 pp, 200K, [About PDF](#)) efforts have achieved commitments to reduce 427 million pounds of pollutants, while [water priority enforcement \(PDF\)](#) (37 pp, 200K, [About PDF](#)) efforts obtained commitments to reduce 178 million pounds.

FY2007 enforcement actions have resulted in significant public health benefits (PDF) (37 pp, 200K, [About PDF](#)). The 12 largest air enforcement cases will result in reducing over 500 million pounds of harmful air pollutants, with human health benefits estimated to be \$3.8 billion. Health benefits include:

- Reducing over 500 premature deaths in people with heart or lung disease;
- 50,000 fewer days of missed work or school; and
- 1,000 fewer hospital visits due to asthma or heart failure

During FY 2007, EPA's [criminal enforcement program](#) continued to emphasize "high impact" cases, those with major health and environmental considerations. In 2007, these cases resulted in the highest ever value of environmental beneficial projects or others activities imposed at sentencing (court mandated projects) at \$135 million.

EPA is maintaining a robust [Superfund enforcement program](#) by maximizing potentially responsible party (PRP) participation at sites. In FY 2007 EPA secured private party commitments of \$688 million for site cleanup, promoted cleanup of contaminated property at federal facilities, and promoted redevelopment and reuse of contaminated sites.

EPA is also preventing pollution and helping the regulated community to understand its environmental responsibilities as demonstrated by EPA's compliance and enforcement [Government Performance and Results Act \(PDF\)](#) (6 pp, 70K, [About PDF](#)) results that include [compliance assistance \(PDF\)](#) (37 pp, 200K, [About PDF](#)), monitoring and inspections, and [incentive programs \(PDF\)](#) (37 pp, 200K, [About PDF](#)) to promote self-policing and improvement in environmental management practices.

For more information, see our [numbers at a glance](#) and [results charts](#) and read the [highlights of cases](#) we have resolved in 2007 and the innovative [compliance assistance and incentives](#) we have offered.

#### **Other FY2007 Accomplishments**

- [Imports Safety](#)
- [Federal Facilities](#)
- [Environmental Justice](#)
- [Report a Violation](#)



# **EPA FY2007 Enforcement & Compliance Annual Results**



**Prepared by the Office of Enforcement and Compliance Assurance**

**November 13, 2007**





# 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<sub>x</sub>, NO<sub>x</sub> 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<sub>x</sub>), nitrogen oxides (NO<sub>x</sub>) 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<sub>x</sub>, NO<sub>x</sub>, 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.



# FY2007 Enforcement & Compliance Annual Results

## 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><b>CSO/SSO</b></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>	<b>26 M</b>	<b>45 M</b>	<b>\$930 M</b>	<b>\$3,523 M</b>
<p><b>CAFO</b></p> <p>During wet weather events, nutrients, bacteria, pesticides and antibiotics from concentrated animal feedlots are transported to local waterways.</p>	<b>12 M</b>	<b>15 M</b>	<b>\$10 M</b>	<b>\$30 M</b>
<p><b>Stormwater</b></p> <p>Stormwater runoff from large urban areas transports contaminants directly over land and into waterways.</p>	<b>195 M</b>	<b>118 M</b>	<b>\$150 M</b>	<b>\$8 M</b>
<b>TOTAL</b>	<b>233 M</b>	<b>178 M</b>	<b>\$1,090 M</b>	<b>\$3,561 M</b>



# FY2007 Enforcement & Compliance Annual Results

## Priority Air Pollution Problems

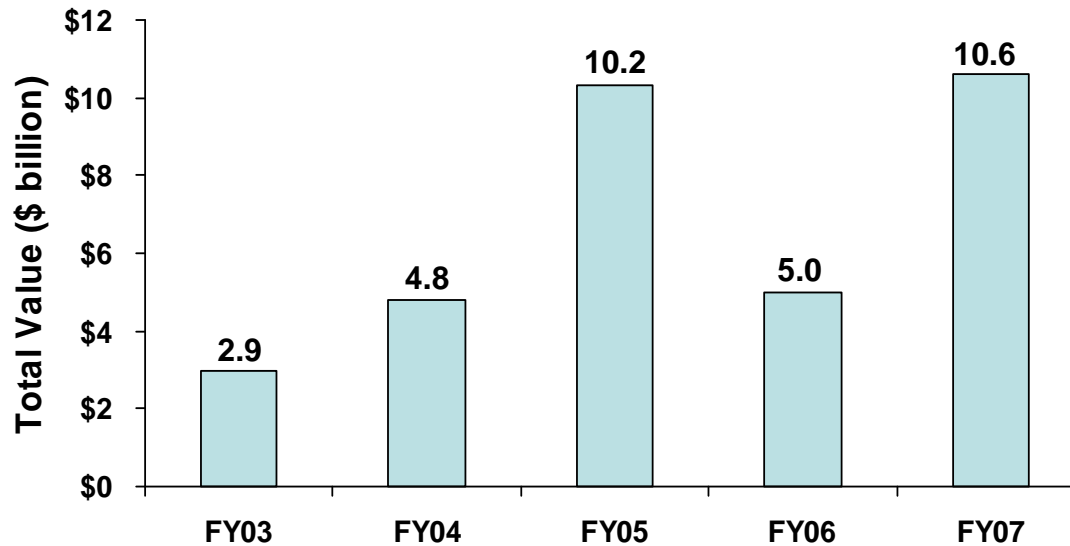
	Pollutants to be Reduced <i>millions of pounds</i>		Investments in Pollution Control <i>millions of dollars</i>	
	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2006</u>	<u>FY 2007</u>
<b>NSR/PSD</b> Industrial facilities that do not obtain permits according to new source review/prevention of significant deterioration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



# 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.

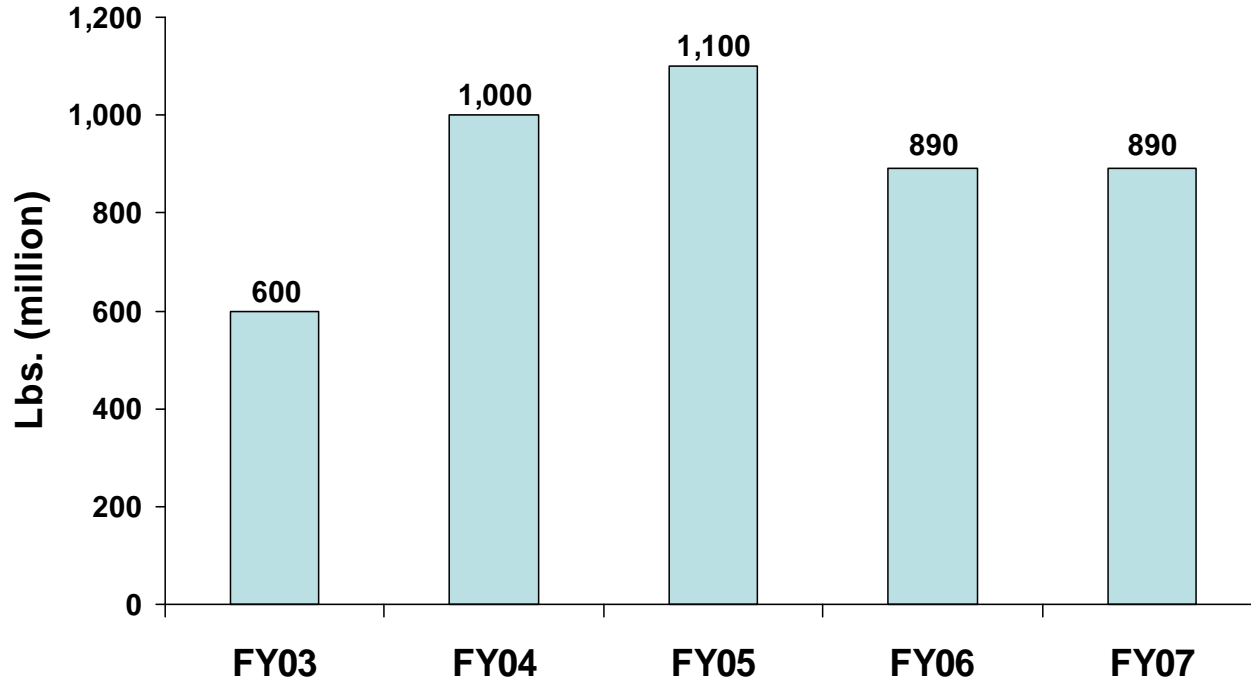




# FY2007 Enforcement & Compliance Annual Results

## Results from Concluded EPA Enforcement Actions

Estimated Pollutant Reduction Commitments



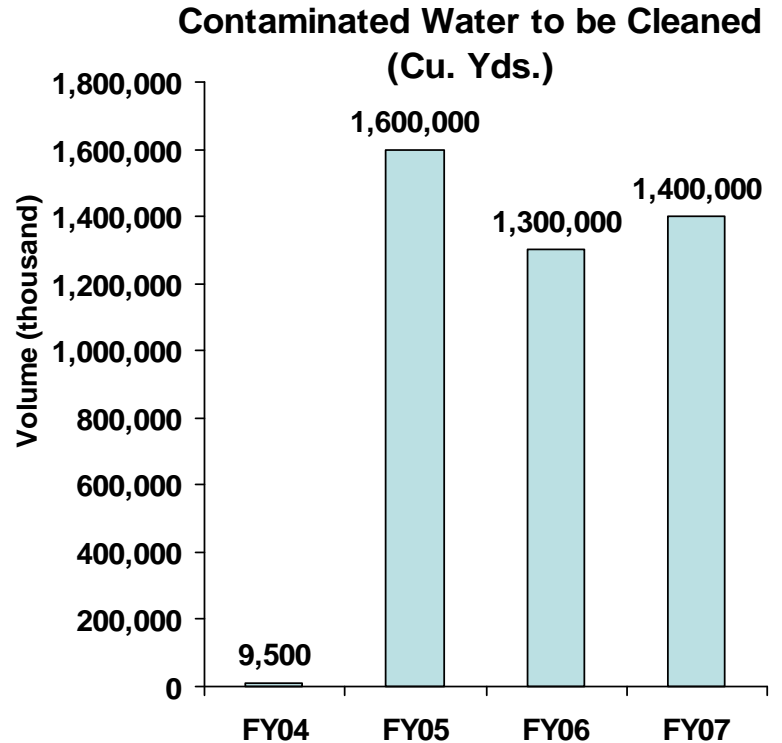
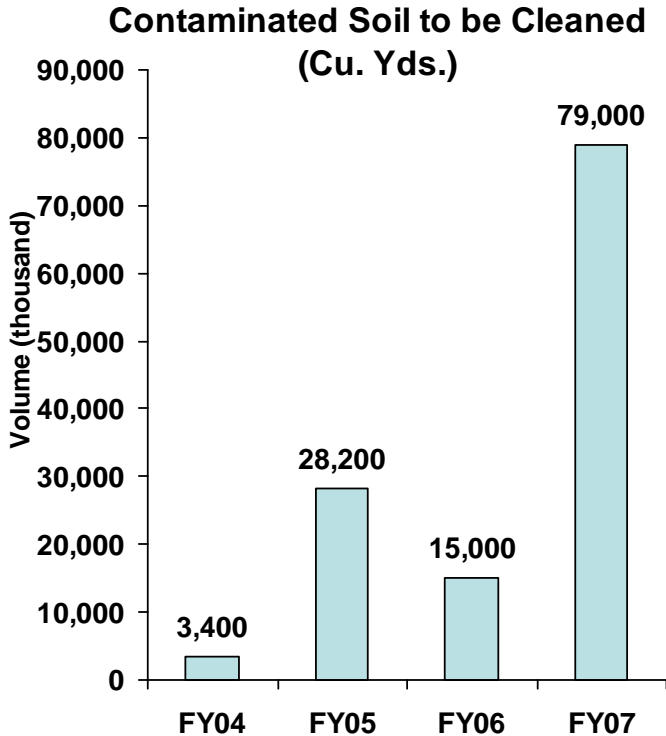
FY2007 Data Source: Integrated Compliance Information System (ICIS), October 13, 2007;  
data source for previous fiscal years: annual ICIS data



# 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

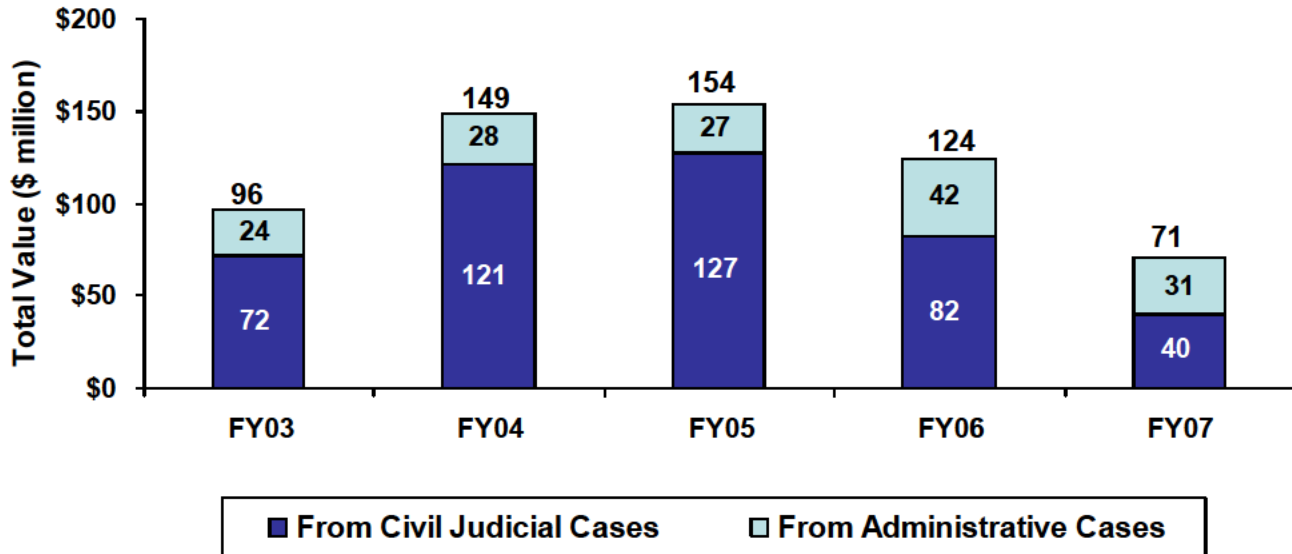
Disclaimer: Minor corrections may have been made to previous years' data.



# FY2007 Enforcement & Compliance Annual Results

## 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%.

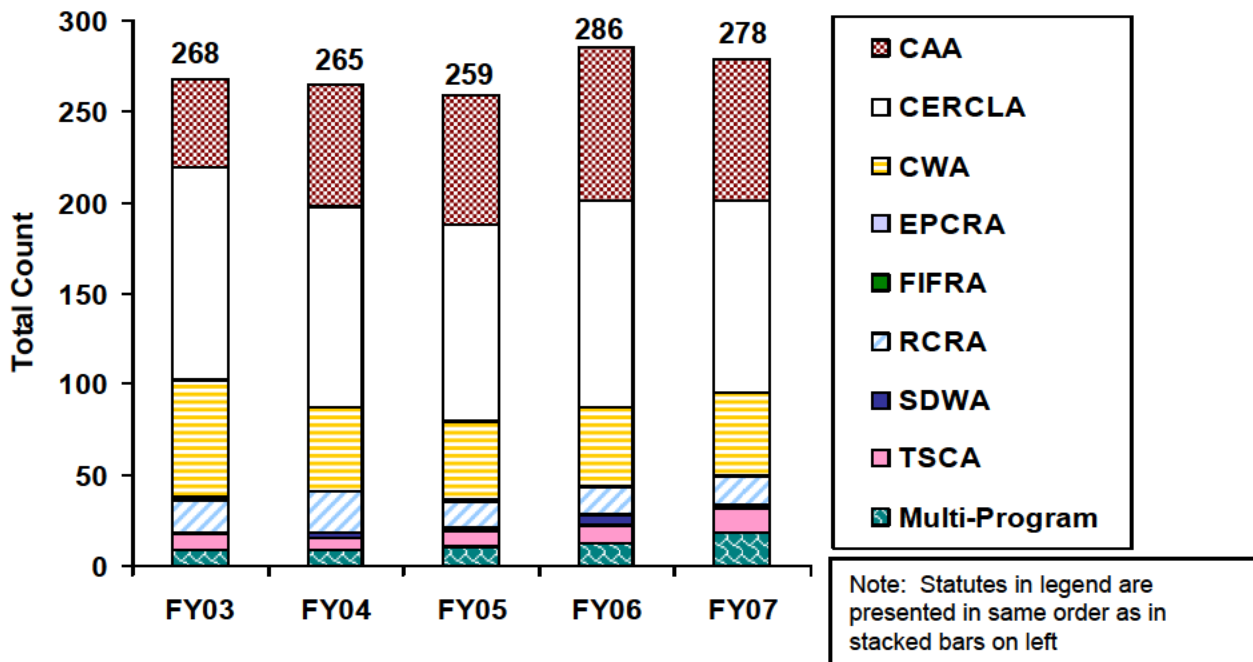
FY2007 Data Source: Integrated Compliance Information System (ICIS), October 13, 2007;  
data source for previous fiscal years: annual ICIS data



# FY 2007 Enforcement & Compliance Annual Results

## 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

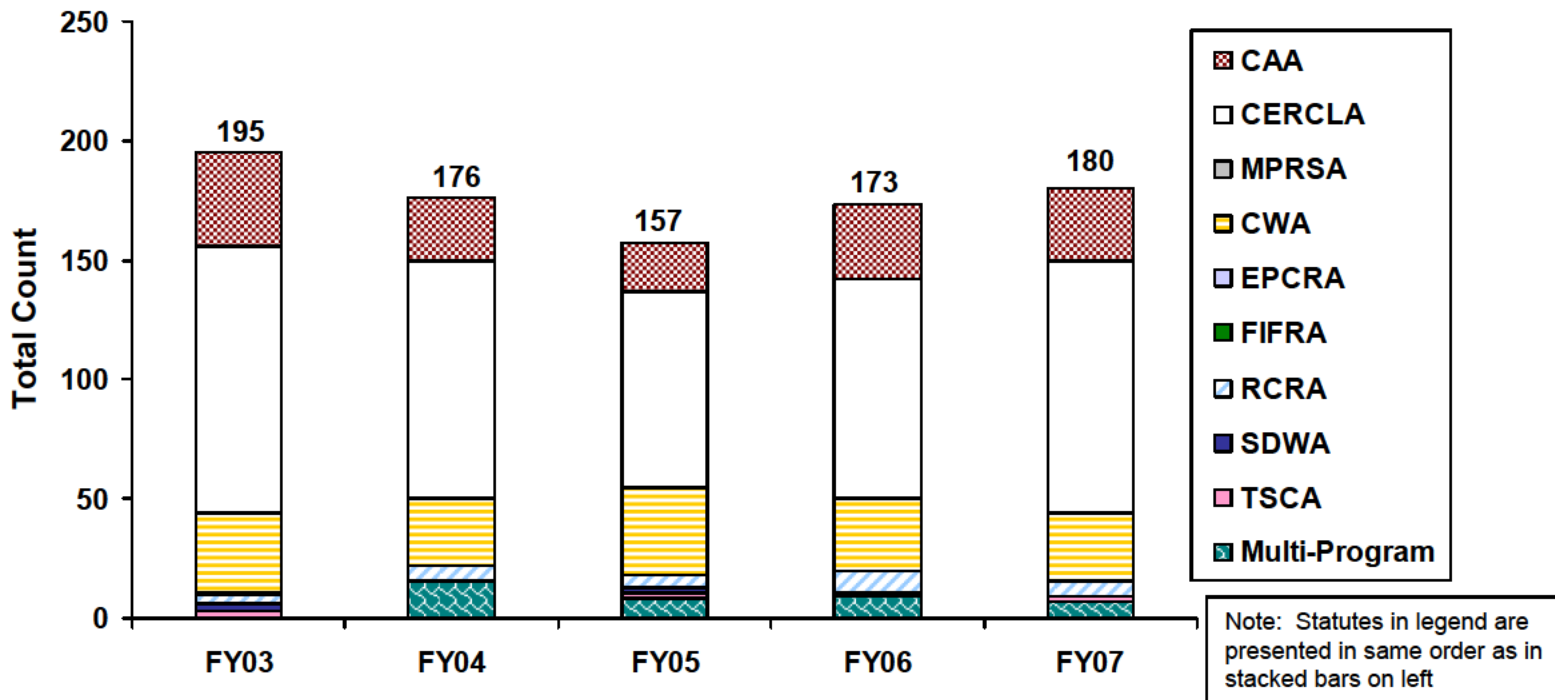


# FY2007 Enforcement & Compliance Annual Results

## 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

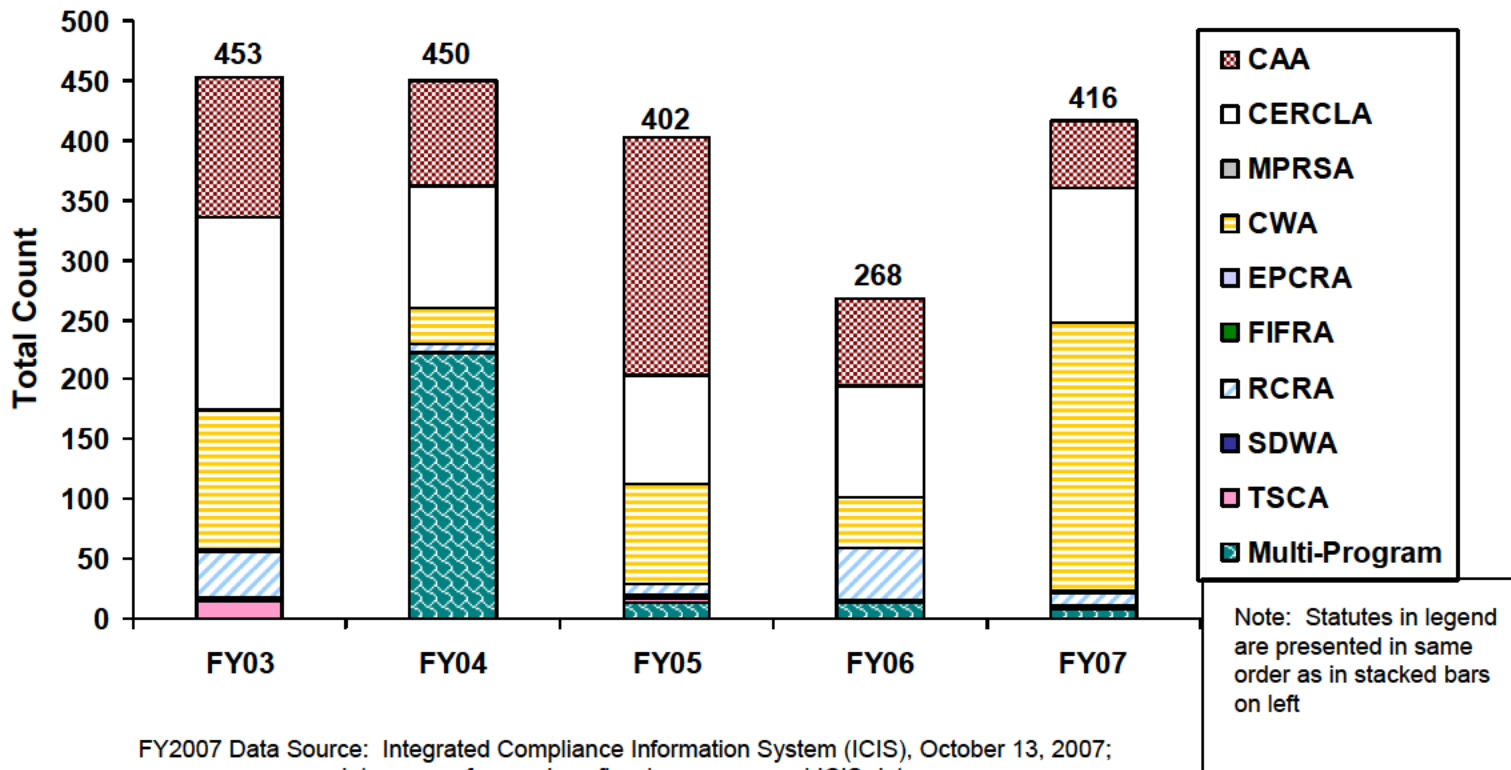


# FY2007 Enforcement & Compliance Annual Results

## Concluded EPA Enforcement Actions

EPA Civil Judicial Enforcement Case Conclusions

Number of Facilities  
Total and by Statute



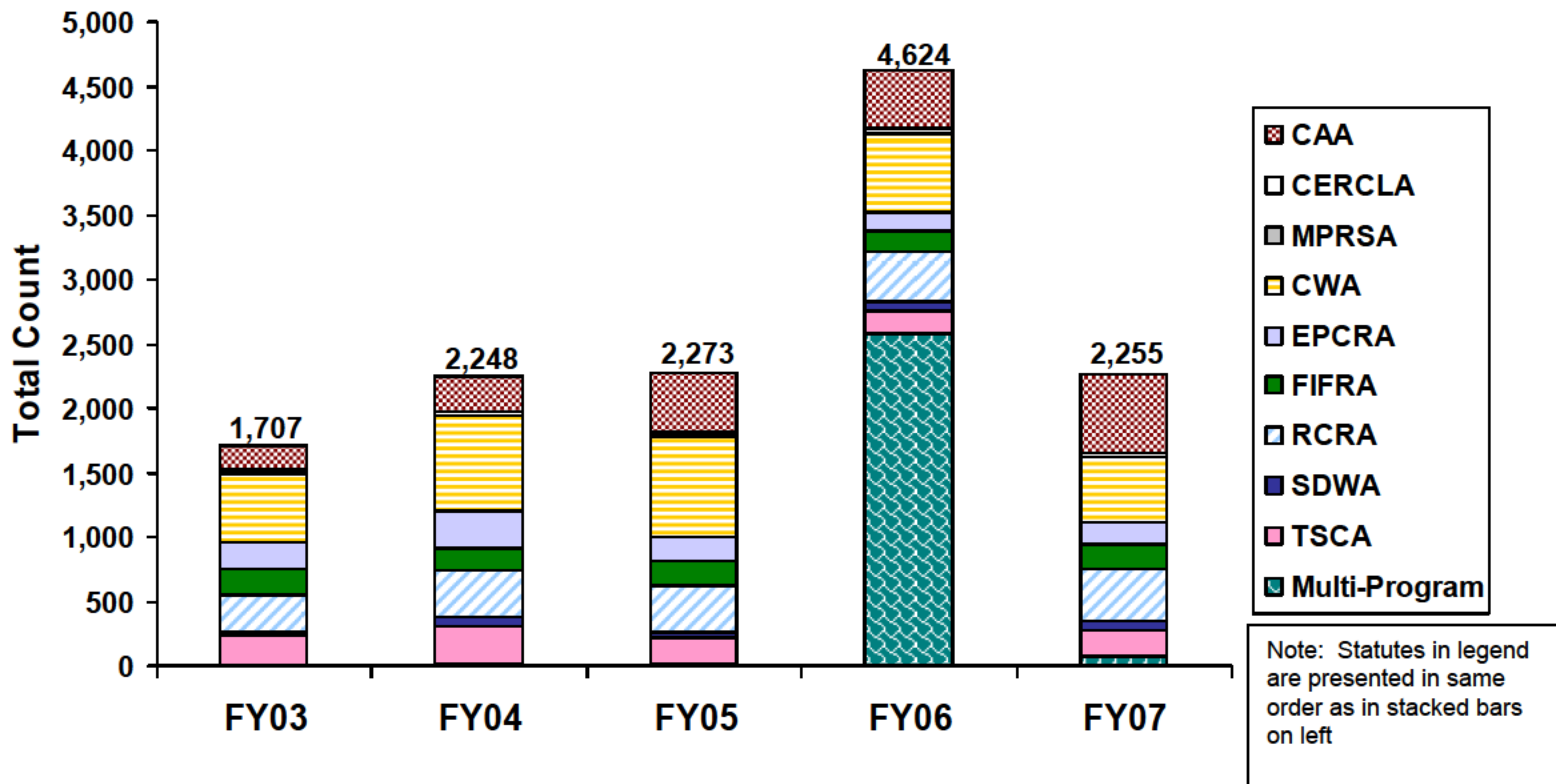
FY2007 Data Source: Integrated Compliance Information System (ICIS), October 13, 2007;  
data source for previous fiscal years: annual ICIS data



# FY2007 Enforcement & Compliance Annual Results

## Concluded EPA Enforcement Actions

### EPA Final Administrative Penalty Orders Total and by Statute



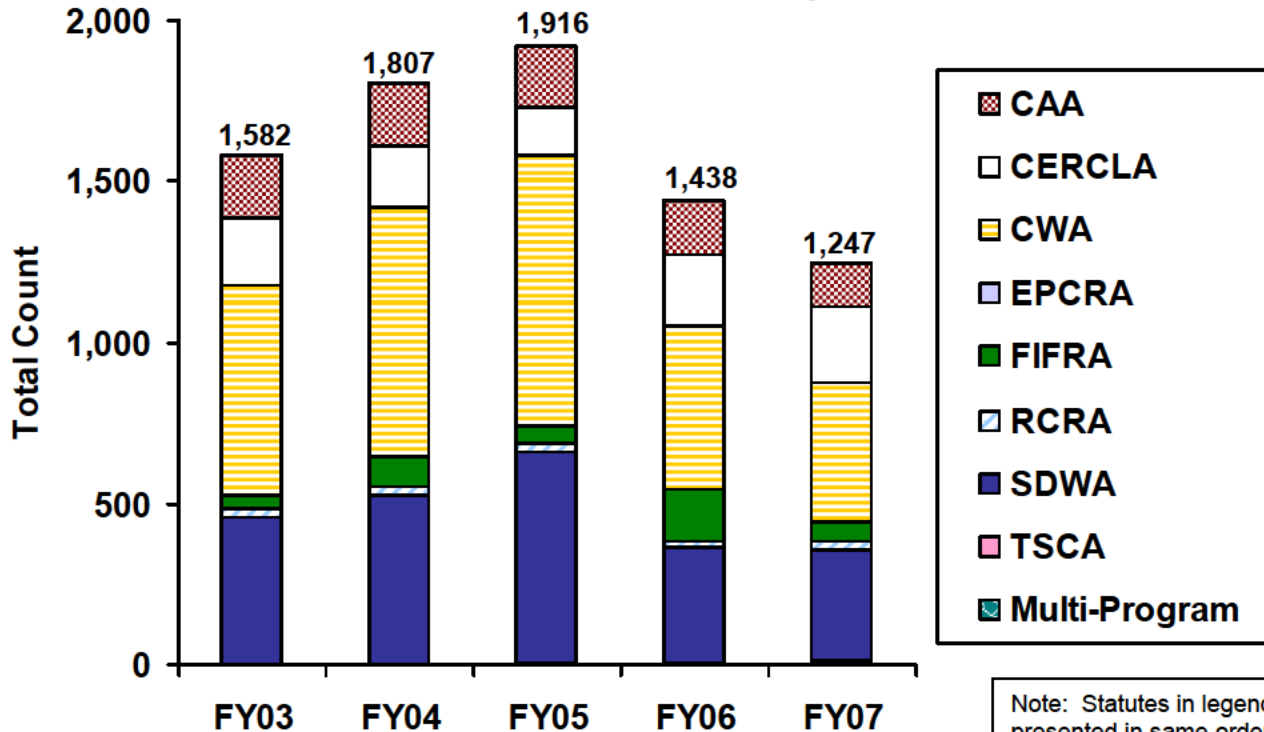
FY2007 Data Source: Integrated Compliance Information System (ICIS), October 13, 2007;  
data source for previous fiscal years: annual ICIS data



# FY2007 Enforcement & Compliance Annual Results

## 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

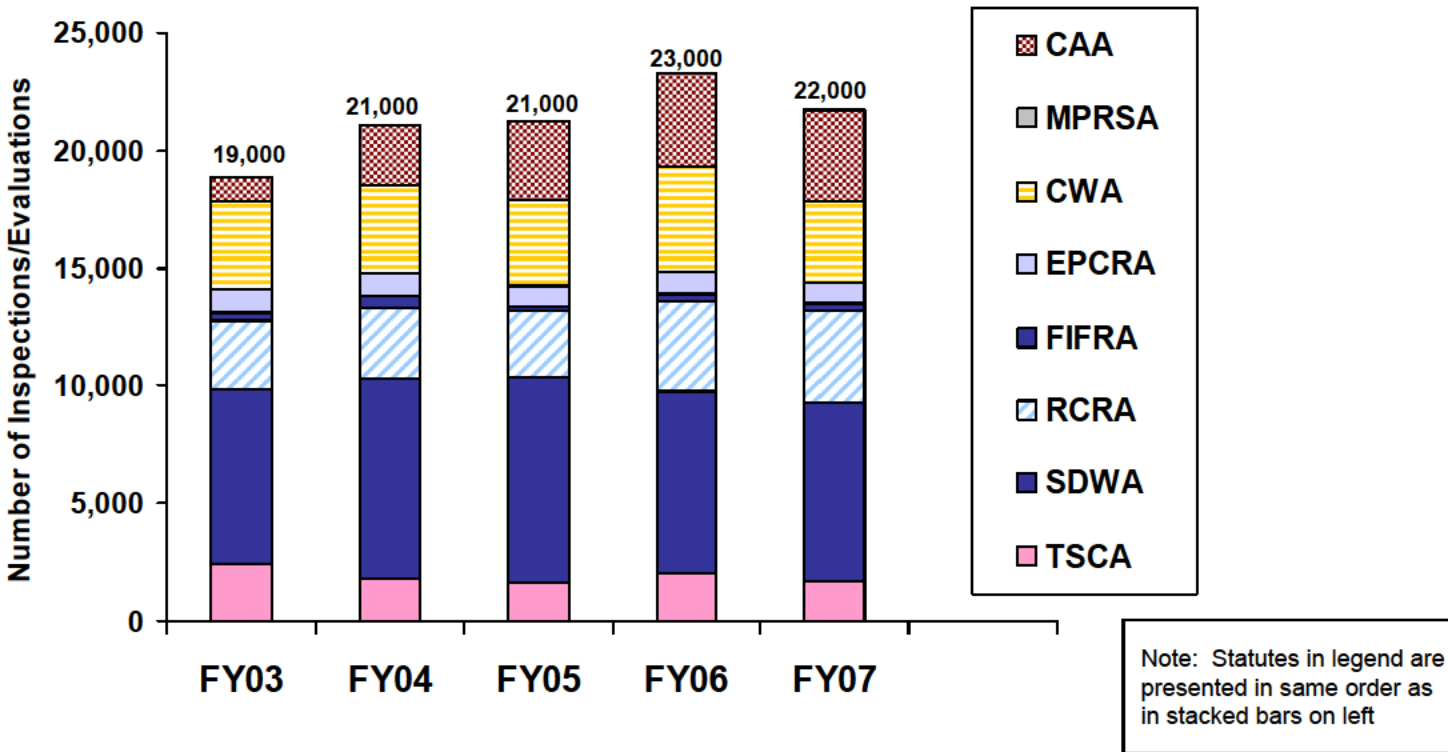




# FY2007 Enforcement & Compliance Annual Results

## Compliance Monitoring

Number of Inspections/Evaluations Conducted by EPA



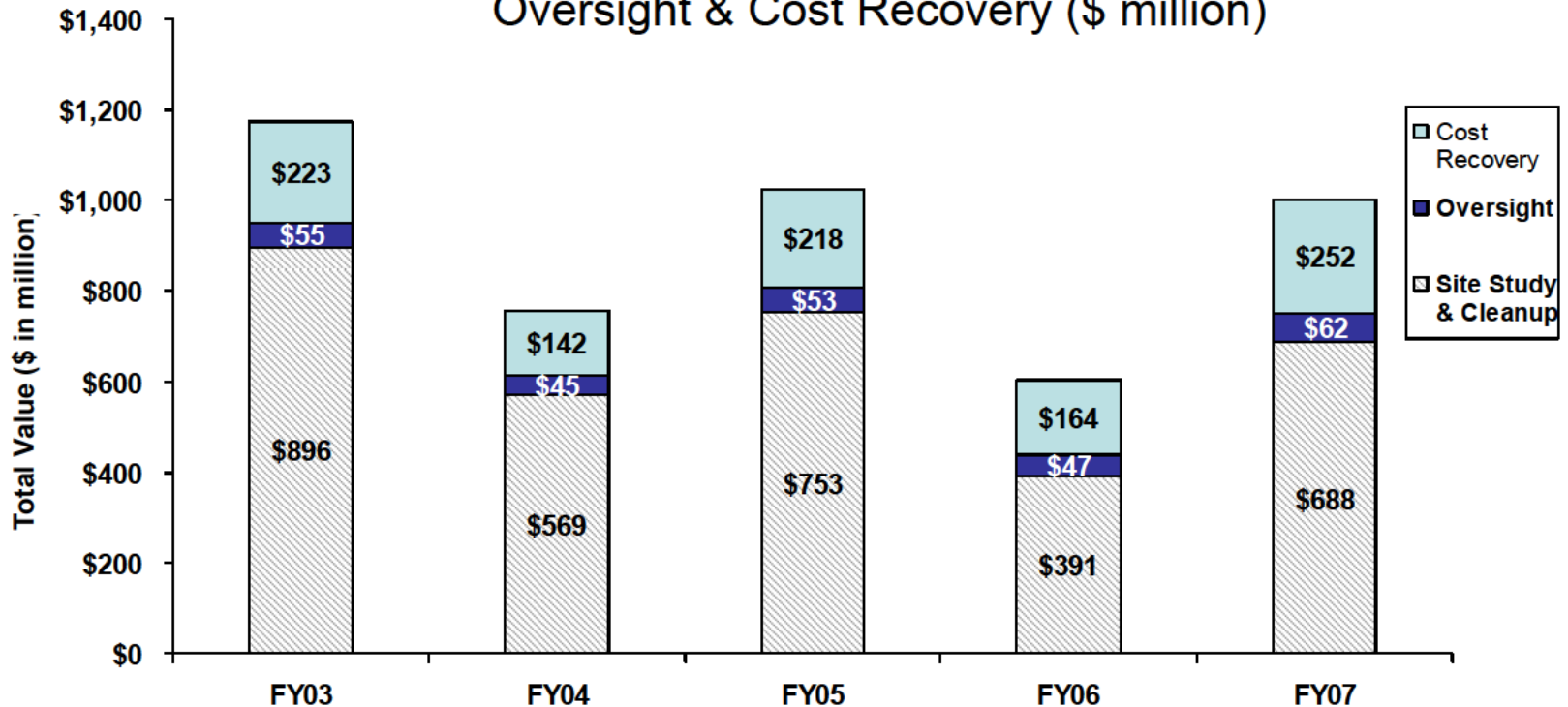
FY2007 Data Source: Integrated Compliance Information System (ICIS), legacy databases and manual reporting, October 13, 2007; data source for previous fiscal years: annual ICIS data, legacy databases and manual reporting



# FY 2007 Enforcement & Compliance Annual Results

## Results from Concluded EPA Enforcement Actions

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



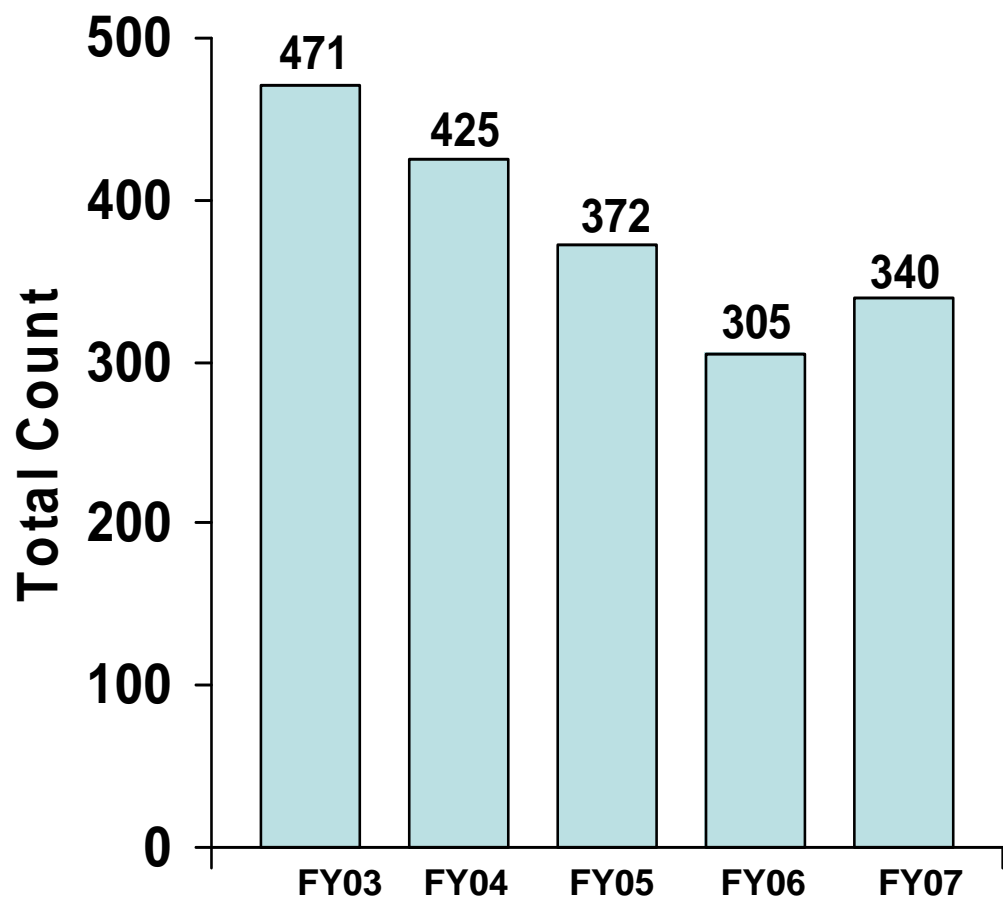
• In FY2006, the Office of Site Remediation Enforcement (OSRE) changed the reporting requirements for Consent Decrees (CDs) to count only CDs that have been entered by the courts. In previous years, OSRE gave credit when the CD was referred to the Department of Justice, lodged with the court, or entered 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



# FY2007 Enforcement & Compliance Annual Results Criminal Enforcement Program

Environmental Crime  
Environmental Crime Cases Initiated



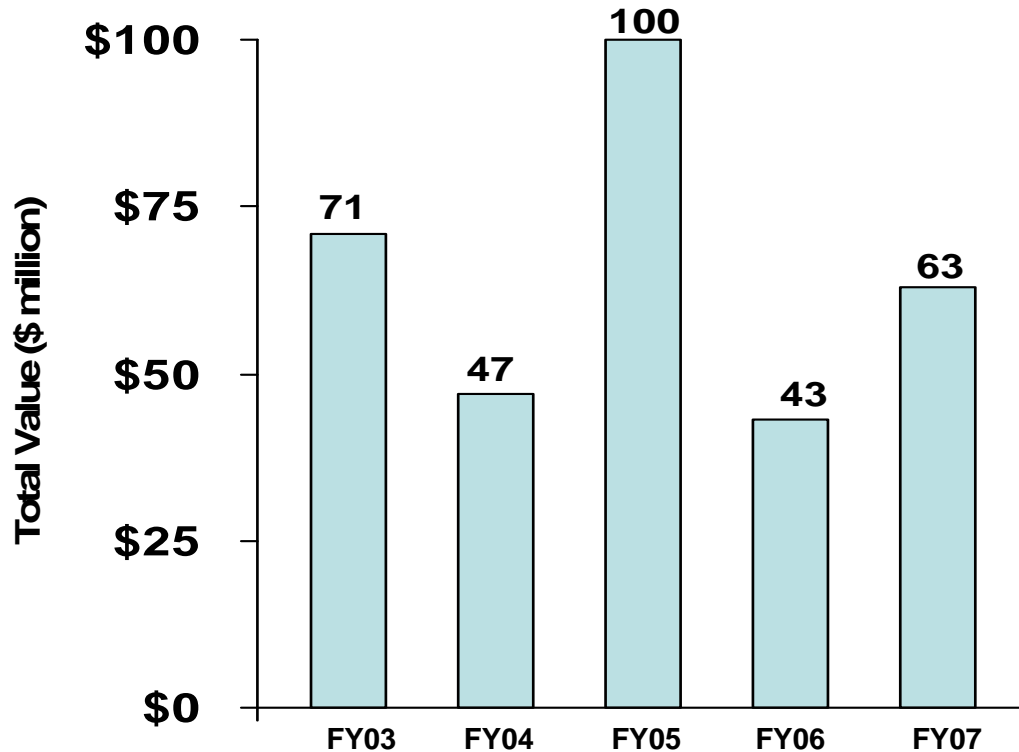
FY2007 Data Source: Criminal Case Reporting System, October 13, 2007;  
Source for previous years: annual Criminal Case Reporting System data



# FY2007 Enforcement & Compliance Annual Results

## 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

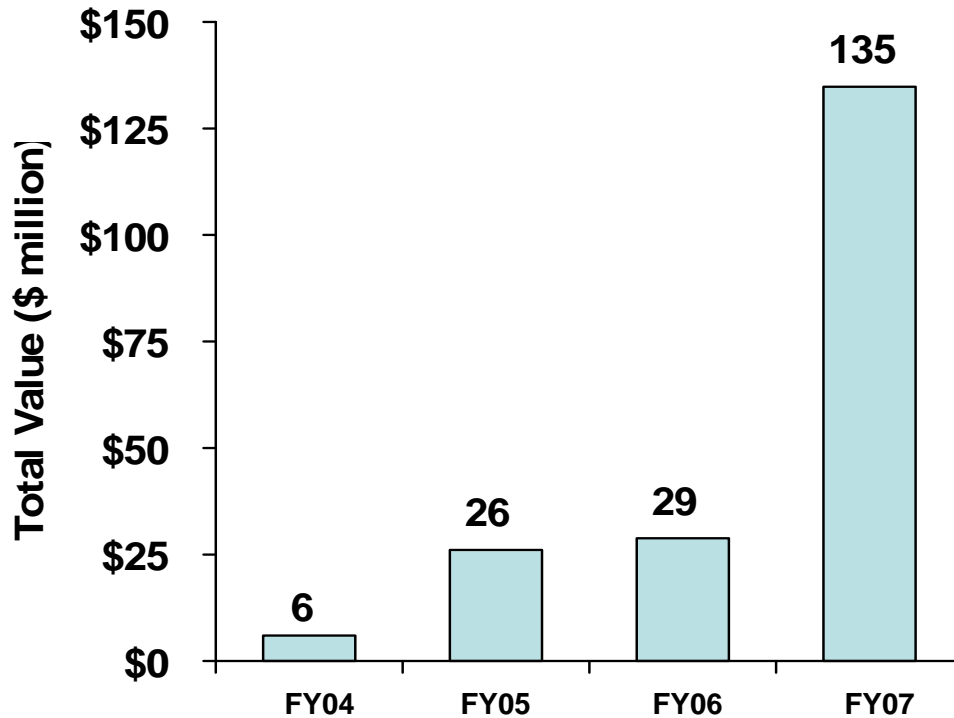


# FY2007 Enforcement & Compliance Annual Results

## Criminal Enforcement Program

Sentencing Results (continued)

Court Ordered Environmental Projects (\$ million)



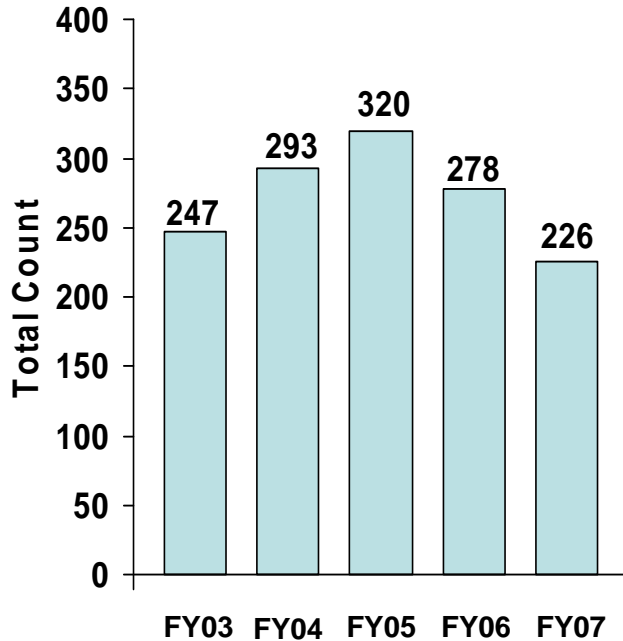
FY2007 Data Source: Criminal Case Reporting System, October 13, 2007



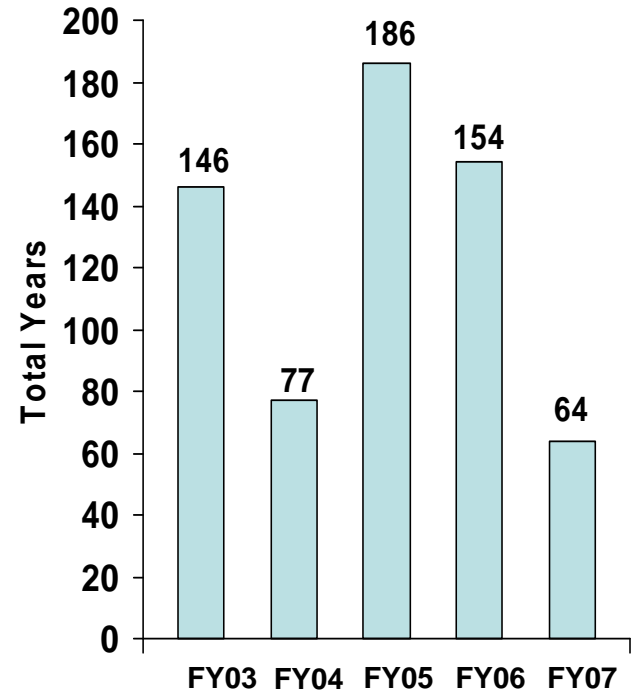
# FY2007 Enforcement & Compliance Annual Results

## 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

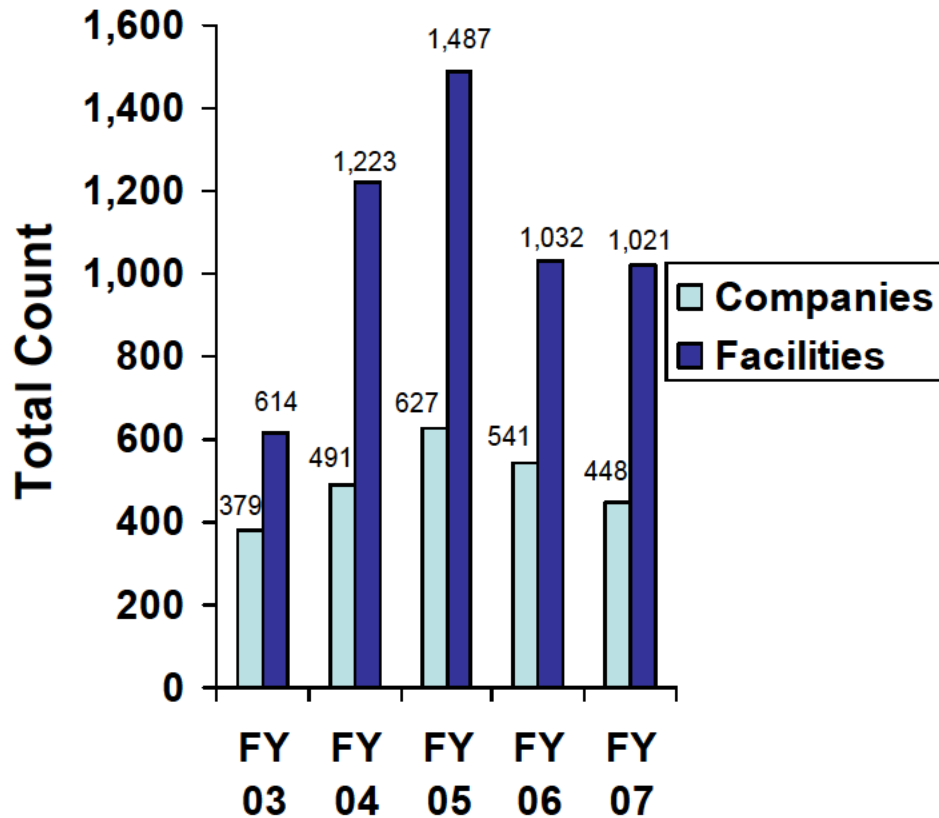


# FY 2007 Enforcement & Compliance Annual Results

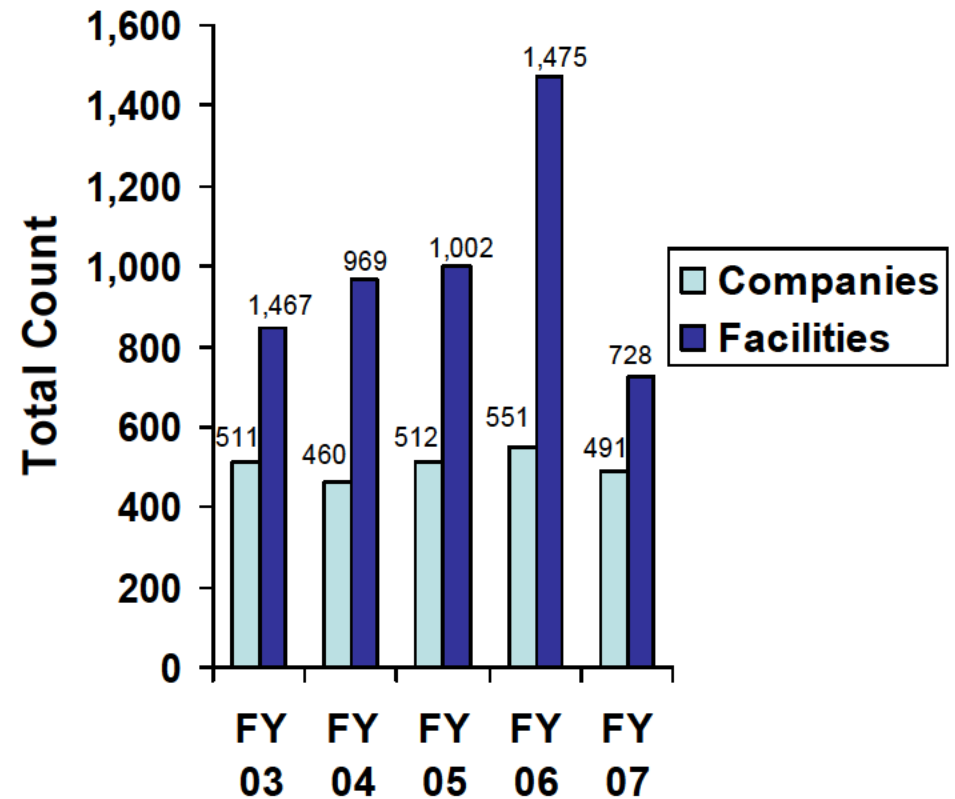
## Concluded EPA Enforcement Actions

### EPA Voluntary Disclosure Programs

**Voluntary Disclosures Initiated**



**Voluntary Disclosures Resolved**

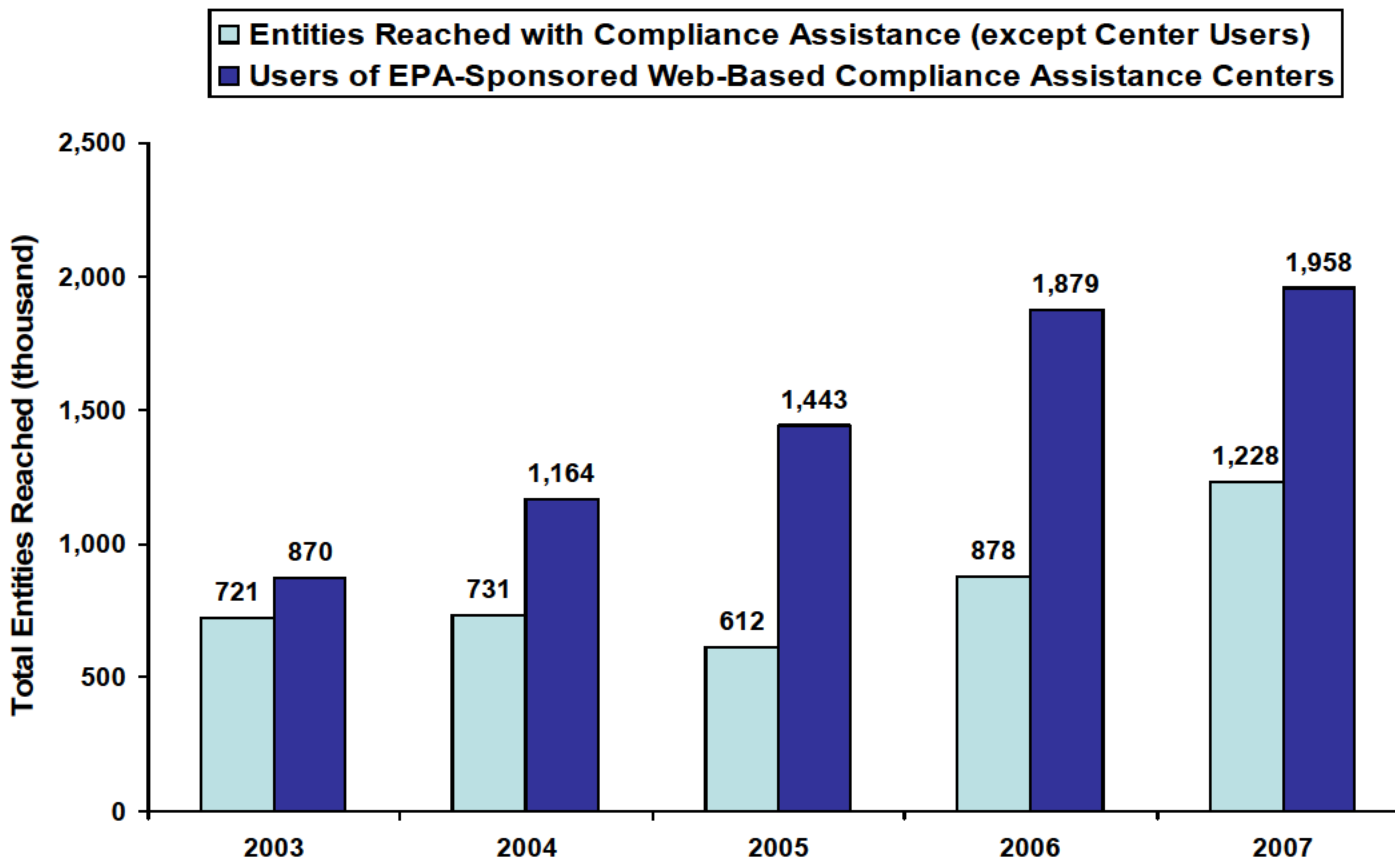


Data Source: Integrated Compliance Information System (ICIS), October 13, 2007;  
 data source for previous fiscal years: annual ICIS data



# FY2007 Enforcement & Compliance Annual Results

## Entities Reached with EPA Compliance Assistance



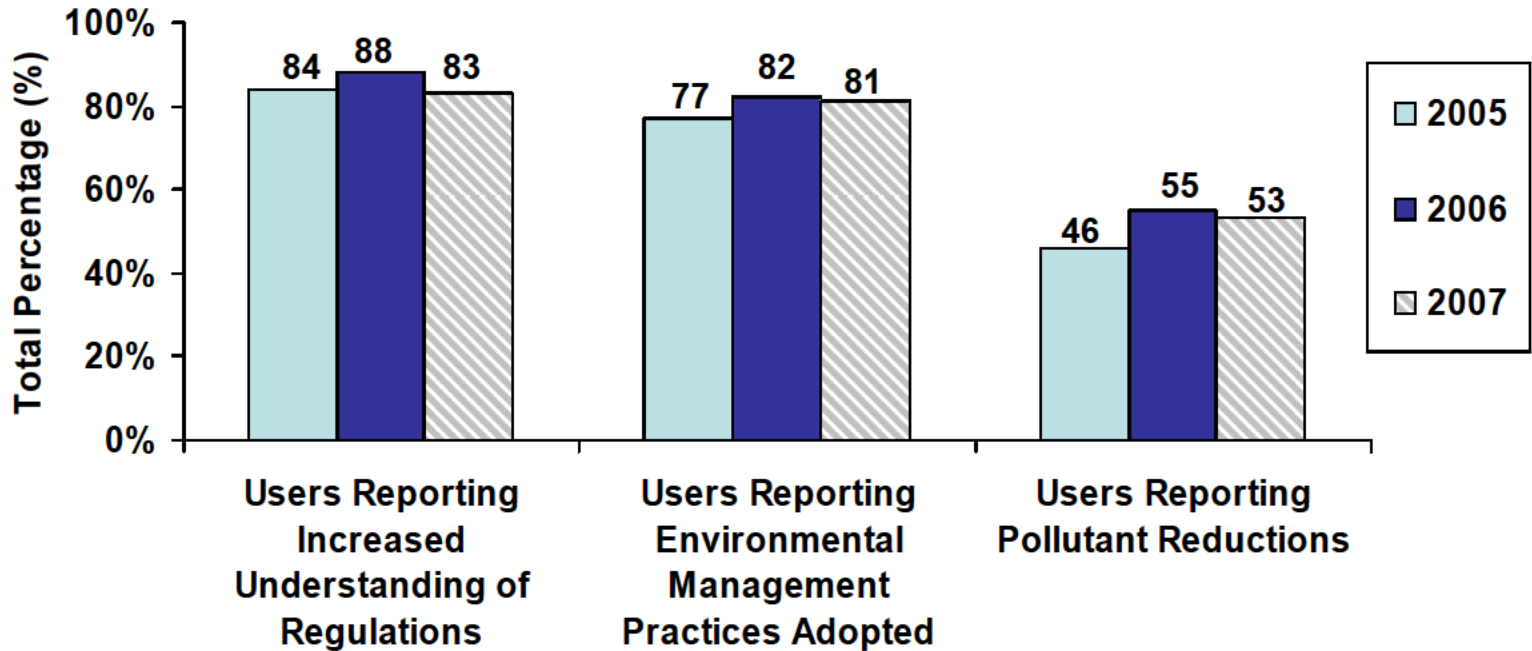
FY2007 Data Sources: Integrated Compliance Information System (ICIS), October 13, 2007 and on-line usage report; data source for previous fiscal years: annual ICIS data and on-line usage reports





# FY2007 Enforcement & Compliance Annual Results

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



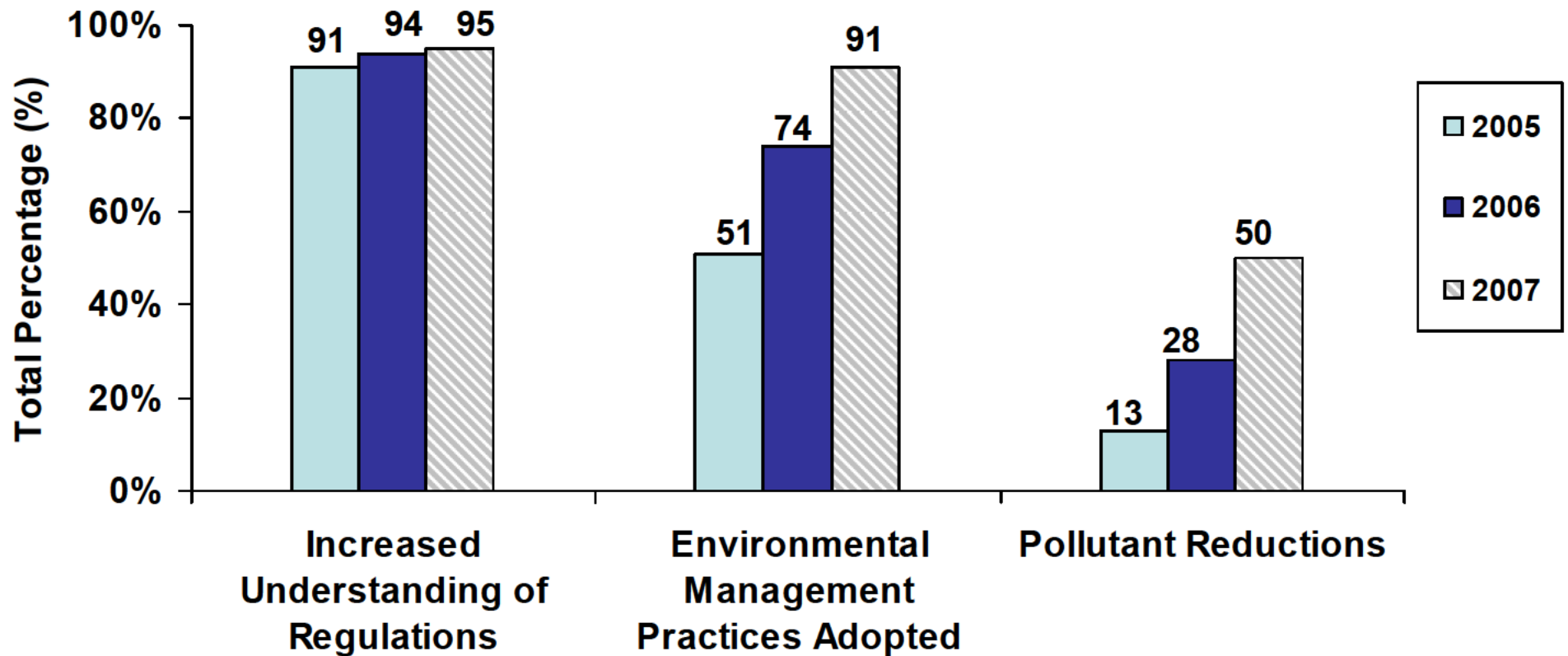
FY2007 Data Source: On-line surveys completed during FY2007

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.



# FY2007 Enforcement & Compliance Annual Results

## 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.



# FY2007 Enforcement & Compliance Annual Results

## 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



# FY2007 Enforcement & Compliance Annual Results

## 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](http://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



# FY2007 Enforcement & Compliance Annual Results

## 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



# FY2007 Enforcement & Compliance Annual Results

## 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](http://www.assistancecenters.net))



# FY2007 Enforcement & Compliance Annual Results

## 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).



# FY2007 Enforcement & Compliance Annual Results

## 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<sub>x</sub>:** Nitrogen Oxide, or NO<sub>x</sub> 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<sub>x</sub> 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](http://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





# FY2007 Enforcement & Compliance Annual Results

## 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)



# FY2007 Enforcement & Compliance Annual Results

## 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](http://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](http://www.epa.gov/compliance/cleanup/superfund/prpmanual.html))



# FY2007 Enforcement & Compliance Annual Results

## Definitions (continued)

**SO<sub>x</sub>:** Sulfur Oxide, or SO<sub>x</sub>, 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.



# FY2007 Enforcement & Compliance Annual Results

## 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)

**EPA FY2007**  
**Government Performance and Results**  
**Act (GPRA)**  
**Goal 5 & Select Goal 3 Measures**



**Prepared by the Office of Enforcement and Compliance Assurance**

**November 5, 2007**

# FY2007 Enforcement & Compliance Annual Results

Government Performance and Results Act (GPRA) - Goal 5 Measures

## Monitoring and Enforcement

Measure Number	Measure Description	FY07 Target	FY07 Actual	Results
178	Pounds of pollution estimated to be reduced, treated, or eliminated as a result of concluded enforcement actions. <sup>1</sup>	500M lbs.	890M lbs.	Exceeded Target
179	% of concluded enforcement cases requiring that pollutants be reduced, treated, or eliminated. <sup>2</sup>	30%	27%	Below Target
180	% of concluded enforcement cases requiring implementation of improved environmental management practices. <sup>3</sup>	70%	70%	Met Target

<sup>1</sup> Data Source: Integrated Compliance Information System (ICIS), October, 2007, and manual categorizations

<sup>2</sup> Data Source: ICIS, October, 2007

<sup>3</sup> Data Source: ICIS, October, 2007

# FY2007 Enforcement & Compliance Annual Results

Government Performance and Results Act (GPRA) - Goal 5 Measures

## Monitoring and Enforcement Continued

Measure Number	Measure Description	FY07 Target	FY07 Actual	Results
182	% of regulated entities taking complying actions as a result of on-site compliance inspections and evaluations. <sup>4</sup>	30%	18%	Below Target
183	Dollars invested in improved environmental performance or improved environmental management practices as a result of concluded enforcement actions (i.e., injunctive relief and SEPs). <sup>5</sup>	\$4.2B	\$10.6B	Exceeded Target

<sup>4</sup> Data Source: ICIS and manual reports from the Regions, October, 2007

<sup>5</sup> Data Source: ICIS, October, 2007

# FY2007 Enforcement & Compliance Annual Results

## Government Performance and Results Act (GPRA) - Goal 5 Measures Compliance Assistance

Measure Number	Measure Description	FY07 Target	FY07 Actual	Results
Percent of regulated entities receiving direct compliance assistance from EPA reporting that, as a result of the EPA assistance, they:				
988	Improved environmental management practices <sup>6</sup>	50%	91%	Exceeded Target
992	Reduced, treated, or eliminated pollution <sup>7</sup>	15%	50%	Exceeded Target

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.

<sup>6</sup> Data Source: ICIS, October 2007

<sup>7</sup> Data Source: ICIS, October 2007



# FY2007 Enforcement & Compliance Annual Results

Government Performance and Results Act (GPRA) - Goal 5 Measures

## Compliance Incentives

Measure Number	Measure Description	FY07 Target	FY07 Actual	Results
176	Pounds of pollutants estimated to be reduced, treated, or eliminated, as a result of audits or other actions. <sup>8</sup>	0.4M lbs.	1.2M lbs.	Exceeded Target

<sup>8</sup> Data Source: ICIS, October 2007, and manual categorizations

# FY2007 Enforcement & Compliance Annual Results

Government Performance and Results Act (GPRA) - Goal 3 Measures

## Site Remediation Enforcement

Measure Number	Measure Description	FY07 Target	FY07 Actual	Results
285	Percentage of Remedial Action (RA) Starts initiated at sites that have known viable, liable parties where enforcement action was taken prior to start of the RA <sup>9</sup>	95%	100%	Exceeded Target
078	Percent of cost recovery statute of limitation (SOL) cases addressed with total past costs > or equal to \$200,000 <sup>10</sup>	100%	98%	Below Target

<sup>9</sup> Data Source: CERCLIS, October, 2007.

<sup>10</sup> Data Source: CERCLIS, October, 2007.



## U.S. Environmental Protection Agency Enforcement and Compliance Annual Results Numbers at a Glance Fiscal Year 2007

□ Results Obtained from EPA Civil Enforcement Actions

❖ Estimated Environmental Benefits:

▪ Direct Environmental Benefits

○ Pollutants Reduced (Pounds) (included are amounts from civil, criminal and compliance incentive actions)	890,000,000
○ Contaminated Soil to be Cleaned (Cubic Yards)	79,000,000
○ Contaminated Water to be Cleaned (Cubic Yards)	1,400,000,000
○ Stream Miles (Linear Feet)	26,000
○ Wetlands Protected (Acres)	900
○ People Protected by Safe Drinking Water Act Enforcement	6,700,000

▪ Preventative Environmental Benefits

○ RCRA Subtitle C (Cubic Yards)	1,400
○ RCRA Subtitle C (Gallons)	1,700,000
○ RCRA UST Storage Tank Capacity Impacted (Gallons)	2,700,000
○ Number of People Notified of Potential Drinking Water Problems	1,500,000
○ Number of SDWA UIC Wells Protected	233
○ TSCA 6 PCB Disposal Change (Cubic Yards)	2
○ Number of Housing Units/Schools/Buildings Protected from Lead-Based Paint	38,000
○ CWA 311J SPCC Pollutant Release Reduction (Gallons)	198,000,000
○ FIFRA Active Ingredient Prevented from Mislabeling or Improper Registration (Pounds)	1,300,000

❖ Investments in Pollution Control and Clean-up (Injunctive Relief) \$10,550,000,000

❖ Investments in Supplemental Environmental Projects (SEPs) \$30,000,000

❖ Civil Penalties

○ Administrative Penalties	\$30,700,000
○ Judicial Penalties	\$39,800,000
○ Stipulated Penalties	\$12,400,000

□ EPA Civil Enforcement and Compliance Activities

❖ Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)	278
❖ Supplemental Referrals of Civil Judicial Enforcement Cases to DOJ	19

□	EPA Civil Enforcement and Compliance Activities (cont.)	
❖	Civil Judicial Complaints Filed with Court	127
❖	Civil Judicial Enforcement Case Conclusions	180
❖	Administrative Penalty Order Complaints	2,237
❖	Final Administrative Penalty Order Settlements	2,255
❖	Administrative Compliance Orders	1,247
❖	Cases with SEPs	184
□	EPA Compliance Monitoring Activities	
❖	Inspections/Evaluations	22,000
❖	Civil Investigations	346
❖	Number of Regulated Entities Taking Complying Actions during EPA Inspections/Evaluations	1,350
❖	Number of Regulated Entities Receiving Assistance during EPA Inspections/Evaluations	13,500
□	EPA Superfund Cleanup Enforcement	
❖	Remedial Action (RA) starts where Settlement Reached or Enforcement Action Taken by the time of the RA Start (during the FY) at Non-Federal Superfund Sites that have Known Viable, Liable Parties (%)	100%
❖	Private Party Commitments for Site Study and Cleanup (including cashouts)	\$688,000,000
❖	Private Party Commitments for Oversight	\$62,000,000
❖	Private Party Commitments for Cost Recovery	\$252,000,000
❖	Cost recovery Statute of Limitation cases addressed with Total Past Costs Greater than or Equal to \$200,000 (%)	98%
□	EPA Criminal Enforcement Program	
❖	Years of Incarceration	64
❖	Fines and Restitution	\$63,000,000
❖	Judicially Mandated Projects	\$135,000,000
❖	Environmental Crime Cases Initiated	340
❖	Defendants Charged	226
❖	Pollutant Reductions (Pounds)	18,000,000
□	EPA Voluntary Disclosure Program	
❖	Pollutants Reduced as a Result of Audits or Other Actions (Pounds)	1,200,000
❖	Facilities Initiated	1,021
❖	Companies Initiated	448
❖	Notices of Determination (NODs)	426
❖	Facilities Resolved	728
❖	Companies Resolved	491
□	EPA Compliance Assistance	
❖	Total Entities Reached by Compliance Assistance	1,228,000
❖	Number of User Visits to Web-Based Compliance Assistance Centers	1,958,000

Sources for Data displayed in this document: Integrated Compliance Information System (ICIS), Criminal Case Reporting System, Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS), Resource Conservation and Recovery Act Information (RCRAInfo), Air Facility System (AFS), and Permit Compliance System (PCS) October 13, 2007.



## Data, Planning and Results

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# Compliance and Enforcement Annual Results: FY2007 Enforcement Activities Highlights

EPA's Civil Enforcement program concentrates on significant violations of federal environmental laws. Through legal actions and incentives for voluntary compliance, civil enforcement achieves results that reduce harmful air pollution and the discharge of raw sewage, and cleans up contamination of the land. Civil settlements may include supplemental environmental projects: voluntary projects that a settling party undertakes in addition to whatever must be done to bring a facility into compliance.

EPA's Criminal Enforcement program investigates and helps to prosecute environmental violations which seriously threaten public health and the environment or involve culpable conduct that may be willful, intentional, or deliberate. Besides environmental violations, cases may also address U.S. criminal code violations such as conspiracy, false statements, witness tampering, or interfering with law enforcement investigations. Criminal enforcement sanctions -- which may include incarceration of individuals in addition to monetary fines against individuals, businesses, or corporations represent the enforcement program's strongest sanction and deterrent.

The Fiscal Year 2007 Enforcement Highlights include the following categories:

### FY2007 Annual Results Topics

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## Air Highlights

### Civil Air Highlights

- [Coal-Fired Electric Utilities](#)
- [Grain and Oil Seed Processors](#)
- [Motor Vehicles \(On Highway\)](#)
- [Petroleum Refineries](#)
- [Sulfuric and Nitric Acid Manufacturers](#)

### Criminal Air Highlights

- [Air Toxics](#)
- [Asbestos](#)
- [CFC Smuggling](#)
- [Petroleum Refineries](#)

## Water Highlights

### Civil Water Highlights

- [Combined Animal Feeding Operations](#)
- [Combined Sewer Overflows and Sanitary Sewer Overflows](#)
- [Federal Facilities Enforcement](#)
- [Oil Spills/Pipelines](#)
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### **Criminal Water Highlights**

- [Data Falsification/Reporting Violations](#)
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## **Land Highlights**

### **Civil Land Highlights**

- [Bankruptcy Cases](#)
- [Federal Facilities Enforcement](#)
- [Pesticides](#)
- [Privatization Cases](#)
- [RCRA Corrective Actions](#)
- [RCRA Enforcement](#)
- [Superfund Enforcement](#)
- [Underground Storage Tanks](#)

### **Criminal Land Highlights**

- [RCRA Enforcement](#)

## **Cross-Media Highlights**

### **Civil Cross-Media Highlights**

- [Federal Facilities Enforcement](#)
- [Imports Safety](#)
- [Supplemental Environmental Projects \(SEPs\)](#)

### **Criminal Cross-Media Highlights**

- [Title 18](#)

### **Annual Results by Fiscal Year:**

[FY2010](#) | [FY2009](#) | [FY2008](#) | [FY2007](#) | [FY2006](#) | [FY2005](#) | [FY2004](#) | [FY2003](#) | [FY2002](#) | [FY2001](#) | [FY2000](#) | [FY1999](#)



## Data, Planning and Results

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# Compliance and Enforcement Annual Results: FY2007 Air Case Highlights

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[Civil Enforcement Cases](#) || [Criminal Enforcement Cases](#)

Air pollution threatens human health and damages the environment. EPA continues to enforce our nation's environmental laws and to ensure compliance with the Clean Air Act nationwide, making our air safer to breath. While often invisible, pollutants in the air create smog and acid rain and cause cancer or other serious health effects. The air pollutants addressed by these settlements can cause serious respiratory problems and exacerbate cases of childhood asthma. As a result of cases concluded in fiscal year 2007, 570 million pounds of pollution will be reduced, eliminated or properly managed.

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### Civil Enforcement Cases

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- [Petroleum Refineries](#)
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### Criminal Enforcement Cases

- [Air Toxics](#)
- [Asbestos](#)
- [CFC Smuggling](#)
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### Coal-Fired Electric Utilities

Since 1999, EPA and the Department of Justice have filed several lawsuits against coal-fired electric utilities, alleging that these companies made major modifications to their plants without installing equipment to control pollution that causes smog, acid rain and soot and that contributes to severe respiratory problems and childhood asthma in violation of the New Source Review provisions of the Clean Air Act. [\[More Information\]](#)

The following are major cases concluded in fiscal year 2007:

#### **Alcoa**

Alcoa will spend over \$330 million to install state-of-the-art pollution controls to eliminate the vast majority of sulfur dioxide and nitrogen oxide emissions from the power plant at Alcoa's aluminum production facility in Rockdale, Texas. The settlement will reduce the company's emissions of sulfur dioxide (SO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>) by approximately 90 percent. More than 52,000 tons of



(SO<sub>2</sub>) and 15,000 tons of NO<sub>x</sub> are expected to be removed from the air of central Texas each year. [\[More Information\]](#)

### **East Kentucky Power Cooperative**

East Kentucky Power Cooperative will spend \$650 million dollars to reduce harmful air emissions by more than 60,000 tons per year. East Kentucky will also pay a civil penalty of \$750,000. The settlement requires the installation of flue gas desulfurization (FGD) to control sulfur dioxide (SO<sub>2</sub>) emissions, as well as year-round operation of selective catalytic reduction devices (SCRs) to control nitrogen oxides (NO<sub>x</sub>). [\[More Information\]](#)

### **Nevada Power Company**

Nevada Power Company will spend \$60 million dollars to improve air quality in the Clark County, Nevada area by reducing emissions of nitrogen oxides, a harmful air pollutant, by roughly 2,300 tons annually. Additionally, they will pay a penalty of \$300,000. This is the first gas-fired power plant sued under the New Source Review provisions of the Clean Air Act. [\[More Information\]](#)

### **PSEG Fossil**

PSEG Fossil will pay a civil penalty of \$6 million – \$4.25 million to the federal government and \$1.75 million to New Jersey. PSEG will also perform environmental mitigation projects valued at \$3.25 million to reduce particulate matter from diesel engines in New Jersey as well as spend 1,100,000,000 to improve air quality, reducing nitrogen oxides and sulfur dioxide by 14,700,000 pounds. [\[More Information\]](#)

### **Wepco**

Wepco will spend \$600 million between now and 2013 to install state-of-the-art pollution controls to meet stringent pollution limits or to remove the sources of pollution. This will reduce approximately 105,000 tons of sulfur dioxide and nitrogen oxides emissions annually from plants in Wisconsin and Michigan. Additionally, the company will retire the pollution emission allowances that it or others could use to emit additional pollution at the facilities, will pay a \$3.2 million civil penalty and spend at least \$20 million to finance an environmental mitigation project demonstrating a new technology to significantly reduce mercury emissions from coal-fired power plants. [\[More Information\]](#)

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### **Grain and Oil Seed Processors**

Oil seed is a hazardous air pollutant under the Clean Air Act because it can cause adverse effects on the central nervous system, the heart, and other organs. During oilseed processing some of the solvent escapes to the ambient air, where it can be readily absorbed into the body by inhalation. The





## Data, Planning and Results

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# Compliance and Enforcement Annual Results: FY2007 Water Case Highlights

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[Civil Enforcement Cases](#) || [Criminal Enforcement Cases](#)

Aging municipal sewer systems and urban storm water runoff are significant sources of pollutants contributing to impairments to our nation's waterways. Overflows of raw sewage from both combined and separate sanitary sewer systems contribute to beach closures, shellfish bed closures, contamination of drinking water sources and other environmental and health concerns. In addition, urban storm water runoff from municipal separate storm sewer systems (MS4) and construction sites can introduce a variety of harmful pollutants including bacteria, organic nutrients, pesticides, hydrocarbons, sediment, oil and grease into rivers, lakes and streams. Ensuring effective and enforceable solutions to these problems has been an EPA enforcement priority since 1998. In fiscal year 2007, EPA concluded numerous enforcement actions eliminating and preventing millions of gallons of polluted overflows and run-off from entering surface waters.

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## Civil Enforcement Cases

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- [Combined Sewer Overflows and Sanitary Sewer Overflows](#)
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## Criminal Enforcement Cases

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## Combined Animal Feeding Operations Cases

### Combined Animal Feeding Operation

Animal feeding operations (AFOs) are agricultural enterprises where animals are kept and raised in confined situations. They congregate animals, feed, manure and animals mortalities and production operations on a small land area. Feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland. There are approximately 450,000 animal feeding operations in the United States. Concentrated animal feeding operations (CAFOs) are a relatively small number of AFOs that are regulated by EPA. Manure and wastewater from animal feeding operations have the potential to contribute pollutants such as nitrogen and phosphorus, organic matter, sediments, pathogens, heavy metals, hormones, antibiotics, and ammonia to the

environment. Excess nutrients in water can result in or contribute to low levels of dissolved oxygen and toxic algal blooms. These conditions may be harmful to human health and, in combination with other circumstances, have been associated with outbreaks of microbes. Decomposing organic matter (i.e., animal waste) can reduce oxygen levels and cause fish kills. Pathogens have been linked to impairments in drinking water supplies and threats to human health. Pathogens in manure can also create a food safety concern if manure is applied directly to crops at inappropriate times. In addition, pathogens are responsible for some shellfish bed closures. Nitrogen in the form of nitrate, can contaminate drinking water supplies drawn from ground water. [\[More Information\]](#)

The following major case was concluded in fiscal year 2007:

### **Waldbaum/City of Wakefield, Nebraska**

Waldbaum/City of Wakefield, Nebraska has agreed to pay a \$1.05 million penalty to resolve allegations that the company violated the Clean Water Act. The violations concern allegations of overloading the wastewater treatment lagoons at the City of Wakefield, Nebraska's publicly owned treatment works; discharging pollutants from a large pile of poultry waste into Logan Creek without a National Pollutant Discharge Elimination System Permit and improperly dumping process sludge waste from its egg processing facility at two of its other poultry farms rather than spreading on the ground in accordance with state standards. As part of this settlement, Waldbaum has committed to comply with a schedule in its current NPDES permit for construction of a wastewater treatment plant to treat the effluent from its egg processing facility and to develop and implement manure management plans at its poultry farm. Construction of the new plant will be completed in 2009 at an estimated cost of \$16 million. [\[More Information\]](#)

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### **Combined Sewer Overflows and Sanitary Sewer Overflows**

Municipalities throughout the country use two different types of sewer systems to transport storm water runoff and sewage. Many older municipalities' systems depend on single-pipe "combined sewer systems" designed to convey both storm water runoff and sewage to the treatment facility. When the capacity of combined systems is exceeded during heavy rainfall or snow melt, a mixture of storm water, household sewage and industrial wastewater overflows untreated through sewer outfalls (CSOs) into rivers and lakes. CSO systems combine sanitary (regular) sewage and stormwater runoff. These overflows may also back up through storm water drains onto streets, yards and into basements. Most municipalities depend on "sanitary sewer systems" which transport sewage and industrial wastewater to sewage treatment plants and have separate storm water collection systems. Like combined systems, sanitary sewer systems can become overwhelmed during wet weather events and experience overflows (SSOs). Both combined sewer overflows and sanitary sewer overflows can occur frequently in some municipal systems, reflecting chronic problems. Sewer overflows to waterways can contain bacteria, viruses and other microbial pathogens, suspended solids, toxics, trash and other pollutants. Sewer overflows contribute to beach closings, shellfish bed closures, contamination of drinking water supplies and other environmental damage. Tackling this problem has been a priority for EPA enforcement since 1998.

Often working with states, EPA has concluded major settlements with dozens of the nation's cities bringing critical systems back into compliance and protecting communities from future harm. In the past ten years, EPA has entered into nearly 50 judicial settlement agreements with municipalities to address CSO and SSO violations. States have participated as co-plaintiffs in over 70% of these actions. The settlement agreements, when implemented, will result in the reduction of billions of gallons of sewage overflows into the nation's waters. These results are achieved through consent decree provisions requiring comprehensive plans to improve maintenance and operation of systems to reduce overflows, and through long-term capital construction projects that expand capacity to ensure proper treatment. [\[More Information\]](#)

The following are major cases concluded in fiscal year 2007:

### **City of Indianapolis, Indiana**

City of Indianapolis, Indiana will make more than \$1.86 billion in improvements to curb overflows from its sewer system. The settlement is the third highest-cost Clean Water Act settlement addressing combined sewer overflows (CSO), and will ultimately reduce the volume of Indianapolis' untreated CSO discharges by 7.2 billion gallons in an average year. Although EPA is not aware of any health problems from sewage overflow in Indianapolis, nationwide, sewer overflows can lead to outbreaks of disease from such substances as E.coli bacteria and cryptosporidium. [[More Information](#)]

### **Prasa V- Puerto Rico Aquaduct and Sewer Authority**

Prasa V- Puerto Rico Aquaduct and Sewer Authority eached a comprehensive civil settlement resolving repeated environmental violations at 61 wastewater treatment plants throughout the Commonwealth of Puerto Rico. PRASA will spend an estimated \$1.7 billion implementing capital improvement projects (CIPs) and other remedial measures at all of its 61 wastewater treatment plants and related collection systems over the next 15 years. To comply with the settlement, PRASA will complete 145 short, mid, and long-term CIPs, which will include installing dechlorination equipment, installing flow proportional chlorination equipment, repairing and replacing equipment, and implementing a chemical treatment program for phosphorous and other compound removal. As a result of these projects, 8,700,000 pounds per year of biological oxygen demand (BOD) and 5,110,000 pounds per year of total suspended solids (TSS) will be reduced. [[More Information](#)]

### **Sanitation District 1 of Northern Kentucky**

Sanitation District 1 of Northern Kentucky settled with EPA for numerous CSOs, SSOs, violations and exceedences of permit effluent limits at its wastewater treatment plants. This settlement will result in substantial reductions of discharges and bring the District into compliance with its permit limitations. The injunctive relief performed by Sanitary District #1 will reduce its CSOs by an estimated 850 million gallons per year. SSOs will be reduced by an estimated 8.2 million gallons per year. Northern Kentucky will spend 880 million dollars to accomplish these reductions. [[More Information](#)]

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### **Federal Facilities Enforcement Cases**

#### **Federal Contractor for Groton, Connecticut. Submarine Base**

EPA fined two contractors hired by the Navy at a construction site at the U.S. Naval Submarine Base in Groton, Connecticut \$17,000 in penalties for violations of the Clean Water Act. The two contractors, M.A. Mortenson Co., and Pettini Contracting Corp., violated storm water discharge requirements by failing to conduct and/or document storm water inspections, failing to implement and maintain storm water controls required by the site's storm water pollution control plan and failing to update or amend the plan as needed. [[More Information](#)]

#### **U.S. Navy, San Clemente Island, California**

EPA ordered the Navy to comply with the Safe Drinking Water Act at its naval auxiliary landing field on San Clemente Island, located off the coast of San Diego, Calif. The order required the Navy to reduce levels of total trihalomethanes - byproducts of the water disinfection process - in the drinking water system that serves approximately 700 people on the island. Trihalomethanes may cause liver, kidney or central nervous system problems and may increase the risk of cancer. [[More Information](#)]

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## Oil Spills/Pipelines

Oil spills can pose a serious threat to human health and often have a long-lasting impact on the environment. It may take years for an ecosystem to recover from damage caused by an oil or hazardous substance spill. Even one pint of oil released into the water can spread and cover one acre of water surface area and seriously damage aquatic habitat. Recent EPA investigations are revealing problems, such as pipeline breaks, leaking tanks, faulty valves, and overturned trucks, leaking ships and illegal dumping. Federal law regulations require companies that handle oil products to establish and maintain spill prevention and cleanup programs. Complying with these requirements will reduce the likelihood of a spill and minimize damage when accidents occur.

Oil Spills can significantly reduce the amount of oxygen available for fish and aquatic life. Oil that is spilled in inland waters, such as small rivers and streams, may be especially harmful if there are limited oxygen resources in the water body and little dispersal of the oil. Oil emulsions can injure or kill fish and aquatic life by suffocating them, and can kill birds as a result of potential hypothermia and drowning. The long-term effects of spills may continue for years even if the oil spill is cleaned up in a relatively short period of time. These long term effects include the contamination of food sources and nesting habitats; the reduction of breeding animals and plants that provide future food; and the reduction of reproductive success through contamination and reduced hatchability of eggs. [[More Information \(PDF\)](#)], (pp 4, 532 KB, [About PDF](#))

The following major cases was concluded in fiscal year 2007:

### **Kinder Morgan**

Kinder Morgan has agreed to pay nearly \$5.3 million to resolve liability under the Clean Water Act, Oil Pollution Act, Endangered Species Act, and California's Porter-Cologne Water Quality Control Act and Oil Spill Prevention and Response Act, for three oil spills in 2004 and 2005. The \$5.3 million includes cost of clean up, remediation and natural resource damages in addition to penalty. The penalty portion was nearly \$3.8 million. The spills, on Kinder Morgan's 3,000-mile Pacific Operations Unit pipeline system, discharged a combined 200,976 gallons of diesel fuel, jet fuel and gasoline into waters, sensitive ecosystems, and impacted endangered and other species, habitat and commercial uses. The settlement addresses the April 2004 123,774 gallon spill at the Suisun Marsh in Solano County, California, the February 2005 76,902 gallon spill at Oakland Inner Harbor in Alameda, California, and the April 2005 300 gallon spill in to Summit Creek that impacted waters in the pristine Donner Lake watershed in the Sierra Nevada Range in Placer County, California. The 224-acre Suisun Marsh is the largest salt-water wetland in the western United States. This sensitive habitat serves as a breeding area for water fowl and is home to the salt marsh harvest mouse – an endangered species. The discharged diesel fuel spilled into the marsh, caused petroleum tarring along the shorelines, and significantly impacted or killed mammals and birds, including the salt marsh harvest mouse. [[More Information](#)]

### **Mid-Valley Pipeline**

Mid-Valley Pipeline and pipeline operator Sunoco Pipeline L.P. (SPLP), reached a settlement requiring the companies to pay a \$2.57 million penalty relating to a January 2005 spill that dumped more than 260,000 gallons of crude oil into the Kentucky and Ohio Rivers. Mid-Valley and SPLP will pay \$1.4 million to the United States, and \$1.17 million to Kentucky in penalties for the Kentucky spill. In addition, Mid-Valley and SPLP will perform measures to enhance future spill response preparation, and will reimburse the Commonwealth for response costs of more than \$120,000. The defendants have already reimbursed federal response costs of at least \$234,000. The settlement also requires Mid-Valley and SPLP to donate \$230,000 to a non-profit organization dedicated to improving the environment of Kentucky.

The complaint and consent decree also address the government's claim under the Clean Water Act against Mid-Valley and the pipeline operator, Sun Pipe Line Company, for the spill of 63,000 gallons of crude oil due to pipeline corrosion on Nov. 24, 2000. The settlement requires Mid-Valley and Sun to pay a federal civil penalty of \$300,000 for that spill. [\[More Information\]](#)

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## **Safe Drinking Water**

The Safe Water Drinking Act authorizes the Environmental Protection Agency to set national health-based standards for drinking water to protect against both naturally-occurring and man-made contaminants that may be found in drinking water. EPA, states, and water systems then work together to make sure that these standards are met. Millions of Americans receive high quality drinking water every day from their public water systems, (which may be publicly or privately owned). There are a number of threats to safe drinking water: improperly disposed of chemicals; animal wastes; pesticides; human wastes; wastes injected deep underground; and naturally-occurring substances can all contaminate drinking water. Likewise, drinking water that is not properly treated or disinfected, or which travels through an improperly maintained distribution system, may also pose a health risk.

Originally, the Safe Drinking Water Act focused primarily on treatment of the water as the means of providing safe drinking water at the tap. The 1996 amendments to the act greatly enhanced the existing law by recognizing source water protection, operator training, funding for water system improvements, and public information as important components of safe drinking water. This approach ensures the quality of drinking water by protecting it from source to tap. The Act applies to every public water system in the United States. There are currently more than 160,000 public water systems providing water to almost all Americans at some time in their lives. [\[More Information\]](#)

The following is a major case concluded in fiscal year 2007:

### **DuPont**

DuPont residents in the area of DuPont's Washington Works plant in Parkersburg, West Virginia, have been exposed to C-8 from DuPont's manufacturing processes for over 50 years. A University of Pennsylvania study showed that the population around the facility had blood serum levels of C-8 that were disproportionately higher than those in the general population (75-100 times higher than the national average of 5ppb). To reduce exposure in the area of the Dupont facility, EPA issued an Order under the emergency powers authority of Section 1431 of the Safe Drinking Water Act. Pursuant to EPA's enforcement action, Dupont is required to provide carbon filtration systems for private water systems if the source water that contains water with C-8 at or above 0.50ppb. Dupont must maintain the system in good working order until the C-8 level is below 0.50ppb for a period of four consecutive quarters. The EPA Order covers all private and public water systems in the areas identified by EPA. To date, Dupont has complied with the Order and has provided the required progress reports to the affected states and to EPA on an ongoing basis.

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### **Storm Water Discharges**

The discharge of storm water runoff from construction activities (e.g., land development, road construction) can significantly impact rivers, lakes, and wetlands. During construction, soil is compacted, excavated and displaced, and vegetation is removed. These activities increase erosion and runoff, thus increasing the amount of sediment transported to receiving waters. The National Water Quality Inventory: Report to Congress for the 2002 reporting cycle identifies sediment as one of the leading causes of impairment in assessed waters. States reported sediment and siltation as



the leading cause of impairment in assessed rivers and streams, and the fourth leading cause of impairment in assessed lakes, ponds and reservoirs. In addition to sediment, as storm water flows over a construction site, it can pick up other pollutants like debris, pesticides, petroleum products, chemicals, solvents, asphalts and acids which may also contribute to water quality problems.

Storm water discharges from Municipal Separate Storm Sewer Systems (MS4s) in urbanized areas are a concern because of the high concentration of pollutants they carry. Storm water picks up and transports pollutants into the MS4 where it is discharged (untreated) to waterways. Urban storm water runoff and discharges from storm sewers are a leading source of impaired water quality in the United States. [[More Information](#)]

The following major case was concluded in fiscal year 2007:

#### **J.H. Berra Holding Co, Inc.**

J.H. Berra Holding Co, Inc. contributed to the contamination of streams and lakes in St. Louis, Missouri by allowing runoff from its construction sites to enter the water. Berra and the other defendants, HB Properties, JMB No.2 LLC, and CMB Rhodes, all connected to Berra, will pay a civil penalty of \$590,000. It is estimated that when the injunctive relief required by this settlement is completed, the discharge of sediment from Berra construction sites throughout Missouri will be reduced by an estimated 26 million pounds annually. [[More Information](#)]

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### **Criminal Enforcement Cases**

- [Data Falsification/Reporting Violations](#)
  - [Ocean Dumping/Vessel Pollution](#)
  - [Underground Injection](#)
  - [Wastewater/Pipeline Discharges into Waterbodies](#)
- 

### **Data Falsification/Reporting Violations**

State and federal regulators rely on comprehensive and accurate reporting of pollutant data from regulated entities in order to ensure protection of the public and the environment. Individuals or companies that knowingly fail to file required reports or who falsify those reports are subject to criminal prosecution.

The following are major cases concluded this fiscal year 2007:

#### **Acuity Specialty Products, Inc. (Georgia)**

Acuity Specialty Products, Inc. a chemical blending facility that manufactures numerous detergent and cleaning products used for industrial and domestic purposes, was sentenced to five years of probation and a fine of \$3.8 million for falsifying wastewater sampling results it submitted to the city of Atlanta. Acuity also admitted that on two occasions, it had failed to report discharges to the City of Atlanta, including a 10,000 gallon phosphorus discharge and an acid spill. As a result of the investigation, Acuity's former Director of Environmental Compliance, pleaded guilty to conspiracy to violate the CWA. He is awaiting sentencing. [[More Information \(PDF\)](#)], (pp 2, 39K, [About PDF](#))

#### **Hamilton Sundstrand Corporation (Connecticut)**

A global supplier of aerospace and industrial products, was sentenced to pay a total of \$11 million in fines and projects after pleading guilty to exceeding its CWA permit limits, knowingly submitted false data to the government, and knowingly discharged tens of thousands of gallons of contaminated wastewater to the Farmington River, a "Wild and Scenic" River that is also a major

source of drinking water and an Atlantic salmon restoration habitat. [[More Information \(PDF\)](#)], (pp 4, 532 KB, [About PDF](#))

### **Sinclair Tulsa Refining (Oklahoma)**

Sinclair Tulsa Refining a subsidiary of major oil and gasoline producer Sinclair Oil, and two former company managers, were sentenced for CWA violations after having pled guilty to knowingly manipulating the refinery processes, wastewater flows, and wastewater discharges to make it appear that the refinery was in compliance with its wastewater permit required under the National Pollutant Discharge Elimination System (NPDES) permit program. The manipulated samplings were intended to influence analytical testing results reported to the Oklahoma Department of Environmental Quality (ODEQ) and EPA. Sinclair paid a \$5 million fine and a \$500,000 payment to an environmental organization that protects the Arkansas River and adjacent lands along the river. The two managers were each sentenced to serve three years of probation and six months of home detention, as well as paying criminal fines. [[More Information](#)]

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### **Ocean Dumping/Vessel Pollution**

During the last decade, EPA, along with the U.S. Coast Guard, FBI and other components of DOJ, has undertaken an extensive initiative to protect the oceans and coastal waters of the United States from illegal dumping of waste oil, sludge, and other hazardous wastes. The initiative began with an investigation of the cruise ship industry and has extended to other commercial vessels such as cargo ships. In addition to violations of environmental legislation such as the Oil Pollution Act, companies have also been charged with U.S. Criminal Code violations such as conspiracy and obstruction of justice.

The following are major cases concluded this fiscal year 2007:

#### **Overseas Shipholding Group Inc. (OSG) (Multiple Jurisdictions)**

OSG pleaded guilty and was sentenced to pay a total of \$37 million dollars for violations in Boston, Portland, Maine, Los Angeles, San Francisco, and Wilmington, N.C. In addition to the fine, OSG was sentenced to serve a three-year term of probation during which it must implement and follow a stringent environmental compliance program that includes a court-appointed monitor and outside independent auditing of OSG ships trading worldwide. The total \$37 million plea agreement is the largest-ever involving deliberate vessel pollution. The prosecution resulted from the combined efforts of the U.S. Coast Guard units in each port, the Coast Guard Investigative Service, Coast Guard Office of Maritime and International Law, Coast Guard Office of Investigations and Analysis, and Environmental Protection Agency's Criminal Investigations Division. The share of the total fine attributed to EPA was \$2.4 million. [[More Information \(PDF\)](#)], (pp 3, 44K, [About PDF](#))

#### **Pacific-Gulf Marine, Inc.**

Pacific-Gulf the company owner of the M/V Tanabata was sentenced pursuant to a guilty plea to four counts of violating the Act to Prevent Pollution from Ships. PGM was ordered to pay a \$1 million criminal fine, ordered to pay \$500,000 for toward community service project and serve 36 months probation. Pacific Gulf was also ordered to implement a company-wide comprehensive environmental compliance plan. Ships owned by the company had knowingly discharged oily water overboard through the vessels' "Oil Water Separator," that exceeded the legal discharge limits. Three individuals are also being prosecuted in this case. [[More Information \(PDF\)](#)], (pp 2, 38K, [About PDF](#))

#### **Selendang Ayu (Alaska)**

Selendang Ayu IMC Shipping Co. Pte. Ltd. (IMC), a Singapore corporation, was sentenced to pay \$10 million in fines after pleading guilty to violations of the Refuse Act and the Migratory Bird Treaty Act after illegally discharging more than 340,000 gallons of oil and killing thousands of migratory birds following the grounding of the M/V Selendang Ayu in the Alaska Maritime National Wildlife Refuge. Subsequent efforts by the U.S. Coast Guard to rescue the crew of the Selendang Ayu resulted in the loss of a U.S. Coast Guard helicopter at sea when it was struck during the storm by a 30 foot wave. Six of the Selendang Ayu crew members died in the crash. [[More Information \(PDF\)](#)], (pp 2, 40K, [About PDF](#))

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### **Underground Injection**

The Safe Drinking Water Act established the Underground Injection Control (UIC) Program to provide safeguards so that injection wells do not endanger current and future underground sources of drinking water. The UIC program establishes injection practices for five categories (classes) of wells, and defines what types of wastes (including hazardous wastes) are suitable and legal for each category of well.

The following is a major case concluded this fiscal year 2007:

#### **Greka Energy Corp. (California)**

Greka Energy Corp. Santa Maria Refining Co., located in Santa Maria, Calif., and a subsidiary of Greka Energy Corp., was sentenced to three years probation, a \$1 million fine, and \$15,500 in restitution to the EPA for violating the Safe Drinking Water Act and making false statements. Half of the fine will go towards environmental improvements in the Los Padres National Forest. The refinery disposed of contaminated wastewater which contained benzene, a carcinogen, into wells that were not permitted for that use, posing a risk to groundwater supplies. [[More Information](#)]

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### **Wastewater/Pipeline Discharges into Waterbodies**

The National Pollution Discharge Elimination System, established by the Clean Water Act, regulates the amount of treated and untreated wastewater that can be discharged into the rivers, lakes, streams or other water bodies of the United States. The Act also provides for criminal sanctions, both felonies and misdemeanors, for leaks, spills, explosions or similar discharges into the waters of the United states.

The following are major cases concluded this fiscal year 2007:

#### **David Kircher (Michigan)**

David Kircher (Michigan) owner of the Eastern Highlands apartment complex in Ypsilanti, Michigan, was sentenced to 5 years imprisonment and a \$1,000,000 fine for violating two felony counts of the State of Michigan Water Protection Act. Kircher had previously been found guilty following a seven day bench trial of knowingly and unlawfully ordering employees to discharge wastewater into a storm drain which drained into the Huron River. At least three children were exposed to the untreated sewage during this discharge, including two minors who ingested some of the sewage. [[More Information](#)]

#### **Mid-America Pipeline Company, LLC (Kansas)**

The Mid-America Pipeline Company, LLC, was sentenced to pay a \$1 million fine after pleading guilty to negligently releasing 200,000 gallons of ammonia into a Kansas creek and killing 25,000 fish.



The pipeline ruptured approximately six miles west of Kingman, Kan. creating a vapor cloud forty feet high, and causing a number of residents to evacuate their homes. [\[More Information\]](#)

### **The Puerto Rico Aqueduct and Sewer Authority (Puerto Rico)**

PRASA was sentenced after having pled guilty to 15 felony counts of violating the CWA through the illegal discharge of pollutants from nine sanitary wastewater treatment plants and five drinking water treatment plants. PRASA will pay a criminal fine of \$9 million—the largest fine ever paid by a utility for violating the CWA, complete capital improvements to nine wastewater treatment systems at an estimated cost of \$109 million, spend \$10 million to correct the discharges to the Martin PeZa Creek, and serve a five-year term of probation. Further, PRASA is required to fully comply with the terms of a civil consent decree and the court may extend PRASA's term of probation, with all available sentencing options, to ensure that PRASA comes into substantial compliance with the conditions of probation. [\[More Information\]](#)

### **Annual Results by Fiscal Year**

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## Data, Planning and Results

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# Compliance and Enforcement Annual Results: FY2007 Land Case Highlights

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[Civil Enforcement Cases](#) || [Criminal Enforcement Cases](#)

EPA's enforcement program protects human health and the environment by preventing the improper management and release of regulated substances and hazardous waste, and requiring those responsible for a hazardous waste site to either clean up or reimburse EPA for its cleanup. Under EPA's preventative programs, the agency utilizes a regulatory framework that relies upon compliance with the requirements and enforcement where there is a failure to comply. EPA pursues liability for violations which promote the cleanup and sustainable reuse and redevelopment of land.

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- [RCRA Corrective Actions](#)
- [RCRA Enforcement](#)
- [Superfund Enforcement](#)
- [Underground Storage Tanks](#)

### Criminal Enforcement Cases

- [RCRA Enforcement](#)

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### Bankruptcy Cases

In Fiscal Year 2007, EPA reaped the benefits of its vigorous pursuit of past and future costs in several bankruptcy proceedings.

The following are major cases concluded this fiscal year 2007:

#### **CMC Heartland Partners, et al.,**

CMC Heartland Partners in the bankruptcy liquidation of CMC Heartland Partners, et al., the debtors originally proposed to abandon 56 potentially environmentally impacted properties, but the U.S. ultimately reached an agreement under which the debtors agreed to investigate and clean up any properties determined to be imminent and identifiable threats prior to abandonment, at the cost to the estate.

## **EaglePicher Carefree Battery Site**

EaglePicher Carefree Battery Site in April 2007 the United States Bankruptcy Court for the Southern District of Ohio ruled in EPA's favor regarding EPA's \$23.6 million future response cost estimate for cleaning up the soil and groundwater at the site in Socorro, New Mexico. The court reduced the past and future costs to a final, total allowable claim amount of approximately \$9.1 million in accordance with the terms of the 1996 settlement agreement from EaglePicher's first bankruptcy. [[More Information](#)]

## **Passaic River**

Passaic River in July 2007, the United States reached a favorable settlement with Marcal, a paper recycling company responsible for discharges of polychlorinated biphenyls (PCBs) and dioxin into the Passaic River. The U.S. filed a proof of claim under CERCLA in a Chapter 11 bankruptcy proceeding against Marcal on June 14, 2007. Marcal quickly filed a motion to expunge the claim and sought relief from the court, which ordered an estimation hearing to determine the value of EPA's claims. On the first day of the hearing, the U.S. reached a settlement with the debtor for a \$3 million allowed, unsecured claim. [[More Information](#)]

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## **Federal Facilities Enforcement Cases**

### **Air Force Plant 44**

EPA issued a Safe Drinking Water Act order for Raytheon and the Air Force to clean up a migrating plume of contaminated groundwater, which threatens the drinking water for the city of Tucson, Arizona. The Raytheon Company currently operates the site. The order requires both Raytheon and the Air Force to install and operate a new treatment system to effectively deal with the contamination. [[More Information](#)]

### **Department of Energy, Hanford**

EPA assessed stipulated penalties totaling \$1.14 million against the U.S. Department of Energy for violations of the Hanford Superfund cleanup agreement. This enforcement action addressed a number of significant operational concerns – primarily proper inspection and testing to ensure safe operation and cleanup of the site – which EPA identified at the site, located in eastern Washington.

### **Fort Meade**

EPA issued a unilateral order to the Army. This order was necessary to assert EPA's oversight authority for the work being done at the site. The order requires the Army to assess the nature and extent of the contamination, and to determine and implement appropriate corrective measures to protect human health and the environment. EPA also issued an Administrative Order on Consent to the Department of the Interior which owns part of the site. Fort Meade is located in Maryland. [[More Information](#)]

### **Rocky Flats**

EPA signed an important Federal Facility Agreement (FFA) with the Department of Energy (DOE) for the long-term maintenance of this former nuclear production site. While cleanup at DOE's Rocky Flats Environmental Technology Site near Denver, Colorado is virtually complete, in 2007, EPA, DOE and the state of Colorado successfully negotiated an agreement addressing the long-term post construction management of the site. Historically, Rocky Flats made components for nuclear weapons using various radioactive and hazardous materials, including plutonium, uranium and beryllium. Nearly 40 years of nuclear weapons production left behind a legacy of contaminated

facilities, soils and ground water.

This agreement transitions the site from active cleanup to long-term land use institutional controls that include surveillance and monitoring. These controls are designed to ensure that the remedy continues to be protective of human health and the environment.

### **Roosevelt Roads**

The EPA and Navy signed an agreement for the Roosevelt Roads site, a former naval facility near San Juan, Puerto Rico. The agreement includes the transfer of 3,333 acres of wetlands and other conservation areas, 1,851 acres for airport and port-related operations, and 291 acres for economic development purposes to the Commonwealth of Puerto Rico and to local municipal governments. [[More Information](#)]

### **Veterans Health Administration, New England**

Veterans Health Administration in a settlement with EPA, the U.S. Veterans Health Administration committed to implementing a comprehensive hazardous waste and chemicals management inventory system at all Veterans Administration facilities in New England. The VA is developing the system to settle an EPA enforcement action for hazardous waste violations at the VA's medical center in White River Junction, Vermont.

The system will incorporate hazardous waste pollution reduction measures into a comprehensive software system that tracks chemical purchase, use, storage and disposal. The hazardous waste management tracking system will be piloted in all VA hospitals in New England. If successful, the system could be applied to other VA hospitals and health centers, as well as for other private and public hospitals across the country. The waste management system will cost at least \$500,000. Under the settlement, the VA paid a penalty of \$49,748. [[More Information](#)]

### **Vieques/Atlantic Fleet Weapons Training Area**

EPA, the Navy, Department of Interior and the Commonwealth of Puerto Rico successfully negotiated and signed an FFA at Vieques, an island off the coast and under the jurisdiction of Puerto Rico and which is currently owned and/or operated by both the Departments of Navy and Interior. The provisions in the law that provide for these enforceable agreements were created to ensure that government agencies can coordinate the clean-up properly. Vieques was used for naval training from the 1940s until 2003, when the Navy ceased operations and transferred some property to the U.S. Fish and Wildlife Service. The Vieques land transfer creates the largest national wildlife refuge in the Caribbean. The Vieques National Wildlife Refuge includes habitat for threatened and endangered sea turtles, subtropical dry forest, mangrove lagoons, salt flats and a bioluminescent bay. [[More Information](#)]

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### **Pesticides**

Pesticides are regulated under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) which establishes regulatory standards for the manufacture, sale, distribution and use of pesticides and pesticide devices. Compliance with FIFRA's regulations helps ensure that people and the environment are protected from harmful impacts of pesticides. Recent advances in pesticide technology have created a significant increase in the development, registration and use of genetically engineered plant incorporated pesticides as well as other new generation chemicals. EPA pursues enforcement actions against companies or individuals who fail to comply with the requirements of FIFRA.

The following is a major case concluded in fiscal year 2007:

## **Syngenta Seeds, Inc.**

Syngenta Seeds, Inc. of Golden Valley, Minn., entered into a Consent Agreement to pay a \$1.5 million penalty to EPA for selling and distributing seed corn that contained an unregistered genetically engineered pesticide called Bt 10. The case originated from a 2004 disclosure by Syngenta to EPA that it may have distributed the seed corn to the United States, Europe and South America. Immediately following the disclosure, U.S. Department of Agriculture, the U.S. Food and Drug Administration and EPA began an investigation and evaluation that confirmed distribution of the unregistered seed corn on over 1000 occasions. An additional penalty was assessed by USDA and the company destroyed all the affected seed under USDA supervision.

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## **Privatization Cases**

In FY 2007 EPA entered into several privatization agreements to address contamination at federal facilities. Privatization is a redevelopment initiative under which a federal agency transfers ownership of a contaminated parcel to a private entity, but provides the funds to that party, who implement the cleanup. EPA enters into an agreement with the private party performing the work and oversees the cleanup.

### **Fort Ord, Monterey, California**

EPA, DOJ, the State of California, and the Fort Ord Reuse Authority (FORA) negotiated a large privatization agreement wherein the U.S. Army will give FORA \$99 million to do additional cleanup of unexploded ordnance at Fort Ord in Monterey, California. On December 29, 2006, EPA, FORA, DOJ and California's Department of Toxic Substances Control signed an administrative order on consent (AOC) to govern the oversight of FORA's remediation work. Under the privatization plan, the U.S. Army will transfer to FORA, a non-labile party, 3,484 acres for clean up, with oversight by EPA and the State of California. This action completes the transfer of Fort Ord properties to local governments. The contaminant being addressed is Munitions and Explosives of Concern (MEC). As required by the AOC, FORA will conduct additional remedial investigation and feasibility studies and the Army, along with EPA, will select the long-term cleanup remedy.

### **McClellan Air Force Base, California**

EPA, the California Department of Toxic Substance Control, the United States Air Force, Sacramento County and McClellan Business Park have joined forces to create the first privatized cleanup of a federally owned Superfund site in the nation. Privatization is a redevelopment initiative under which a Federal Agency transfers ownership of a contaminated parcel to a private entity, but provides the funds to that party, who implements the cleanup. EPA enters into an agreement with the private party performing the work, and oversees the cleanup.

At this site, Sacramento County will receive funding from the Air Force (\$11.3 million) through an Environmental Services Cooperative Agreement to perform cleanup actions at a 62-acre parcel on the former base. The County will then contract with McClellan Business Park to implement the cleanup. EPA has entered into an Administrative Order on Consent with McClellan Business Park, under which McClellan Business Park will perform the cleanup.

Under the Superfund law, the military service that operated the base is responsible for implementing the cleanup. The work is done with oversight by EPA and state regulatory agencies under a Federal Facilities Agreement. Even under privatization, the United States Air Force is ultimately responsible to ensure that the site is cleaned up.

The former McClellan Air Force Base, a 3000-acre facility located in Sacramento, California, was placed on the EPA's National Priorities List in 1987. McClellan was slated for closure under the Base

Realignment and Closure Act in 1995 and shuttered in 2001. [\[More Information\]](#)

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## **RCRA Corrective Actions**

The Resource Conservation and Recovery Act (RCRA) regulates hazardous and non-hazardous wastes. The law establishes a system for controlling hazardous waste from the time it is generated until its ultimate disposal. Facilities that generate, treat, store, or dispose of hazardous waste are regulated under RCRA. RCRA also mandates when action is needed to clean up contamination at a facility. [\[More Information\]](#)

The following is a major case concluded this fiscal year 2007:

### **Chevron Cincinnati Refinery, Hooven, Ohio**

On November 1, 2006, EPA issued an Administrative Order on Consent to the former Chevron refinery located near Hooven, Ohio for cleanup of groundwater, prevention of releases of petroleum to the Great Miami River, and soil vapor extraction of petroleum hydrocarbon vapors in the Town of Hooven. The pumping of groundwater pursuant to the order already has removed approximately 60,000 gallons of liquids that are lighter than water, which causes them to float on top of the water. The November 2006 order is the third and final consent agreement for remediation of Chevron's Cincinnati refinery. The value of the work performed by Chevron pursuant to the November 2006 order is projected to be worth over \$20 million. The total value of the work for all three agreements is estimated to be worth \$100 million.

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## **RCRA Enforcement**

EPA regulates solid and hazardous wastes under authority of the Resource Conservation and Recovery Act. When improper management of hazardous or solid wastes present a real or potential threat to human health or the environment, RCRA section 7003 authority can be used to order immediate remedial action to correct the situation.

The following are major cases concluded in this fiscal year 2007:

### **Doe Run Resources Corporation**

EPA entered into a RCRA 7003 administrative order on consent with The Doe Run Resources Corporation to implement specific work practices to reduce the release of lead onto public roads. The order applied to transportation of lead ore and concentrate from Doe Run facilities in southeast Missouri. Doe Run agreed to install and operate enclosed vehicle wash stations at all facilities where concentrate, ore and leading-barring materials are transferred on or off vehicles; clean 70 feet of roadway from the exit of each vehicle wash station three times a day; ensure that all trucks transporting lead materials are equipped with liners and other equipment to prevent release of materials; implement a truck inspection procedures for trucks hauling these materials; and periodically perform residential and street sampling and submit this data to EPA. These activities will reduce lead by 342,120 pounds, zinc by 110,970 pounds and copper, cadmium and arsenic together by 23,708 pounds. It will cost Doe Run \$55,300,00 to effect these reductions.

### **HPI Products, Inc.**

HPI Products, Inc., a pesticide manufacturer, was issued three RCRA Section 7003 orders to address extreme threats to human health and the environment at three separate warehouse facilities in Missouri. EPA's investigations discovered serious violations of RCRA's storage and disposal



regulations, including large quantities of improperly stored and leaking hazardous wastes at each of the three facilities. The orders mandated proper treatment and disposal of the wastes. Compliance with the orders will result in proper disposal of approximately 5-6 million pounds of wastes from the pesticide manufacturing process, expired chemicals, and off-spec pesticides.

### **Puerto Rico Open Dumps**

Puerto Rico Open Dumps using RCRA section 7003 authority, four significantly large, unregulated open dumps located in Puerto Rico were ordered to close operations. The dumps operating under the names Florida Municipal Solid Waste Landfill, Vega Baja Municipal Solid Waste Landfill, Aquadilla Municipal Solid Waste Landfill and Santa Isabella Municipal Solid Waste Landfill, were required under the orders to cap the landfills and treat storm water and leachate on-site. Projected injunctive relief and supplemental environmental project (SEP) value is estimated to amount to \$37.5 million.

### **Tribal - Lawson Brothers / Torlaw Realty**

On March 21, 2007, a federal district court in Riverside, California, ruled that defendants Kim Lawson and Torlaw Realty are liable for penalties and damages resulting from their illegal operation of an open dump on the Torres Martinez Desert Cahuilla Indian Reservation in Thermal, California, which caused an imminent and substantial endangerment due to periodic burning of waste. The Court assessed penalties for violations of a RCRA 7003 order in the amount of \$2,362,000. Additionally, the Court ruled that the United States was entitled to damages under RCRA and the Bureau of Indian Affairs' (BIA) trespass and ejectment actions in an amount up to \$42,800,000. This amount includes all response, abatement and cleanup costs related to the open dump, including \$1.8 million in fire response costs. This action began in 2003 with the coordinated issuance of a RCRA 7003 order and a BIA cease and desist order. The dump began operating in 1992 and by 2007 the dump encompassed 40 acres and contained 1 million cubic yards of waste including green waste, construction demolitions debris, plastics, automobiles, computers, household garbage, vehicle parts, compressed gas cylinders, insulation and CCA (chromated copper arsenate) treated wood.

### **WCI Steel**

EPA settled an action to enforce a 7003 order against WCI Steel in Warren, Ohio, requiring the company to address hazards to wildlife presented at 11 surface impoundments managing oily wastes. Numerous oiled dead birds and bats were found at the impoundments prior to the Order. WCI was ordered to remove all oily waste at the impoundments or alternatively, at 3 impoundments, install exclusionary netting, which are nets to keep wildlife, and in particular birds, away from the area. Direct environmental benefit from this enforcement action includes removal and treatment of approximately 34 million pounds of oily sludge and an 500,000 gallons (3.75 million pounds) of oily liquids. [[More Information](#)]

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### **Superfund Enforcement**

The Superfund statute (officially the Comprehensive Environmental Response, Compensation, and Liability Act, "CERCLA") provides EPA with multiple authorities to achieve cleanup and receive payment for cleanup at Superfund hazardous waste sites. EPA ensures that viable parties responsible for contamination conduct or pay for cleanup of these sites. [[More Information](#)]

The following are major cases concluded in fiscal year 2007:

#### **Commencement Bay-Near Shore Tidelats Superfund Site**

Commencement Bay-Near Shore Tidelats Superfund Site a settlement was entered into in October of 2006 amending the Consent Decree for the Asarco Tacoma Smelter portion of the

Commencement Bay – Nearshore Tidel flats Superfund Site in Tacoma, Washington. This amendment to the Consent Decree provides for the sale of property within the site to Point Ruston, LLC which will perform an estimated \$28 million cleanup. Asarco, the company that is responsible under the original consent decree for the cleanup of the site, filed for chapter 11 bankruptcy protection in August 2005. Under the agreement reached with Point Ruston, the company will complete over \$28 million of remedial work at the smelter site and portions of the sediments/groundwater operable unit. EPA will recover all of its past costs at the two operable units (approximately \$2 million), its future oversight costs, and an additional \$2 to \$3.5 million for future work. The remedial work performed by Point Ruston will result in 67 acres of the former smelter’s waterfront property being returned to productive use and developed for residential and recreational purposes. [[More Information](#)]

### **Empire Canyon Daly West Mine Site**

Empire Canyon Daly West Mine Site located in Park City, Utah, is a historic ore mining and processing area undergoing cleanup by United Park City Mines. DV Luxury Resort, LLC approached UPCM with a proposal to construct a hotel, spa and condominium project at the site. UPCM agreed to lease a portion of the Empire Canyon site to DV Luxury Resort for a term of 999 years. DV Luxury Resort’s redevelopment of the site raised liability issues.

EPA and the Department of Justice then negotiated a Prospective Lessee Agreement to address DV Luxury Resort’s potential Superfund liability and to facilitate the cleanup and redevelopment of the site. This Prospective Lessee Agreement is the first pilot project under EPA’s Environmentally Responsible Redevelopment and Reuse initiative. As part as the Prospective Lessee Agreement, DV Luxury Resorts agreed to develop a detailed workplan incorporating numerous environmentally friendly and sustainable elements. This resort will be not only a “healthy building,” but will be built according to smart growth principles, encouraging alternative transit to and from the resort, as well as helping to provide affordable housing for resort workers. [[More Information](#)]

### **Hudson River PCBs Superfund Site**

Hudson River PCBs Superfund Site on November 2, 2006, the United States District Court for the Northern District of New York approved the consent decree signed by EPA, DOJ, and General Electric Company in October, 2005 for the dredging of the Hudson River called for in EPA’s 2002 record of decision (ROD). The ROD anticipated the removal of approximately 2.65 million cubic yards of PCB-contaminated sediment from the Upper Hudson River. The ROD also divided the remedy into two phases, with Phase 1 calling for the removal of approximately 10% of the contaminated sediment at an estimated cost of \$100-150 million. Under the terms of the consent decree, General Electric will perform Phase 1 of the remedy, build the sediment transfer/processing facility, and pay \$43 million of EPA’s past and future response costs. Currently, the estimated value of the phase one settlement is \$177 million.

General Electric can then opt in to conduct the remainder of the dredging (Phase 2) at an estimated cost of \$500 million and pay an additional \$35 million for EPA’s past and future costs. If GE chooses not to perform Phase 2 of the remedy, EPA retains the right to order the company to perform the remainder of the dredging. In approving the proposed consent decree for the Hudson River PCBs Superfund site, the court stated that it is reasonable, fair, consistent with CERCLA, and in the public interest. [[More Information](#)]

### **Lower Fox River and Green Bay Site Superfund Site**

Lower Fox River and Green Bay Site Superfund Site under a settlement entered in November 2006, NCR Corporation and Sonoco-U.S. Mills agreed to perform cleanup work at the Lower Fox River and Green Bay Site, Green Bay, Wisconsin. The Fox River is the biggest source of polychlorinated biphenyls (PCBs) flowing into Lake Michigan. The settlement calls for an estimated \$30 million



worth of response work to address a 100,000-cubic yard area that contains a significant PCB hotspot and presents an imminent and substantial endangerment to human health and the environment.

[\[More Information\]](#)

### **McCormick and Baxter/Triangle Park Property, Multnomah County, Portland, Oregon**

McCormick and Baxter/Triangle Park Property, Multnomah County, Portland, Oregon an administrative settlement was filed on December 26, 2006, providing for the University of Portland to conduct removal work at property it is acquiring with status as a bona fide prospective purchaser (BFPP). A bona fide prospective purchaser may purchase property with knowledge of contamination and not acquire Superfund liability as long as that party meets the BFPP criteria<sup>3</sup>. Pursuant to an earlier settlement, the University conducted a limited removal action; however, this BFPP agreement supersedes the earlier agreement for work at this site.

The BFPP settlement is for cleanup of the McCormick and Baxter/Triangle Park property, part of the Portland Harbor Superfund Site. The removal work is a soil and groundwater investigation to determine what work is needed at the site. The BFPP settlement provides EPA with its oversight costs. Once the contamination is addressed, the property will become a "green way trail" along the bank of the Willamette River, with public access to be maintained along the river. [\[More Information\]](#)

### **Spectron, Inc. Superfund Site**

Elkton, Maryland, signed a Consent Decree which settled the claims of 95 Defendants who agreed to an estimated \$20 million cleanup and to pay \$1.8 million for EPA's past costs. In this settlement, the volume of contaminated media that will be addressed is estimated at 35,000 cubic yards of soil and 150 cubic yards per day of groundwater. This broad settlement resolves not only the claims of EPA, but also the claims of the federal (National Oceanic and Atmospheric Administration and the U.S. Fish and Wildlife Service) and state (the Maryland Department of the Environment, and the Maryland Department of Natural Resources) Natural Resource Trustees. The Site operated as a solvent recycling facility from 1961 through 1988, reprocessing wastes from the pharmaceutical, paint, and chemical process industries, and resulting in soil and groundwater contamination with hazardous substances including Trichloroethylene (TCE) and Perchloroethylenes (PCE). In 1988, Spectron, Inc. went bankrupt and closed the facility, abandoning chemicals used in its operations. In 1989, EPA took emergency response measures to remove and dispose of approximately 1,300 drums and 62 tanks, and entered into a consent order requiring several potentially responsible parties to continue the cleanup activities. [\[More Information\]](#)

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### **Underground Storage Tanks**

The U.S. holds the federal government accountable for compliance with RCRA Subtitle I, requirements for underground storage tanks (UST) that store petroleum and hazardous substances which can leak into the soil and groundwater. EPA took action against several federal facilities nationwide for violations of UST requirements.

The following is a major case concluded this fiscal year 2007:

### **McGuire Air Force Base**

EPA issued an order to compel the Air Force to study base contamination and take steps to clean it up. This order dictates the timeframe for these steps, from study to cleanup measures. Along with the technical work to be completed, the Air Force is required to work with the local community of New Hanover Township, New Jersey to get input into the process. [\[More Information\]](#)

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## Criminal Enforcement Cases

- [RCRA Enforcement](#)
- 

### RCRA Enforcement

RCRA regulates the generation, treatment, storage, and disposal of hazardous waste to ensure its safe management from the time it is generated until its ultimate disposal, that is, "cradle to grave." Among other things, the statute prohibits the storage of hazardous waste unless an owner or operator of a hazardous waste storage facility obtains a permit pursuant to the implementing regulations.

The following are major cases concluded this fiscal year 2007:

#### Dennis Rodriguez

Dennis Rodriguez was sentenced to five months in prison for violating hazardous waste transport law while operating his company, North American Waste Assistance. Rodriguez was also sentenced to five months home confinement, two years of supervised release and ordered to pay a \$10,000 fine. [[More Information](#)]

#### Hydromet Environmental

Hydromet Environmental and five of its former officers and employees were indicted for engaging in a criminal conspiracy to illegally transport, store and dispose of hazardous wastes beginning in 1999 and continuing to February 2003. Three individuals ultimately pled guilty to making false statements and received terms of probation ranging from one year to three years. A fourth, the former plant manager, pled guilty to one count of conspiracy under 18 USC 371 and 2(a) and was sentenced to nine months incarceration, nine months of home confinement and 15 months probation. [[More Information \(PDF\)](#)], (pp 2, 70K, [About PDF](#))

#### Krister Evertson

Krister Evertson a federal jury convicted Krister Evertson for violating the Hazardous Materials Transportation Safety Act and illegally storing and disposing of hazardous waste, violations of the Resource Conservation and Recovery Act. Evertson is the former owner and president of SBH Corp., a now defunct Nevada corporation. He transported 10 metric tons of sodium metal from its port of entry at the Seattle-Tacoma Port Complex to Salmon, Idaho. Sodium metal and the materials in the tanks were highly reactive with water, and the jury found that Evertson failed to take protective measures to reduce the risk that the transported material would react and damage persons or property. Sentencing had not yet taken place by the end of Fiscal year 2007. [[More Information](#)]

#### Southern Finishing, Inc

Southern Finishing, Inc. a manufacturer of wood and metal components for the furniture and cabinet industry pled guilty to a felony for illegally storing hazardous waste. More than a hundred and fifty 55-gallon drums of hazardous wastes (including waste paint, solvents and finishes) were found on site. Some of the drums were not labeled, some had hazardous waste labels and accumulation dates more than 90 days old, and some were in poor condition (i.e., leaking or punctured), according to the charge filed in court. Sentencing had not yet taken place by the end of fiscal year 2007. [[More Information \(PDF\)](#)], (pp 3, 39K, [About PDF](#))

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## Data, Planning and Results

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# Compliance and Enforcement Annual Results: FY2007 Cross-Media Case Highlights

[Printer-friendly version](#)

[Civil Enforcement Cases](#) || [Criminal Enforcement Cases](#)

Many enforcement cases address environmental harm across air, water and land. Combining enforcement of all media results in a more effective overall management of a facility's or a company's environmental liabilities and is generally more cost-effective than bringing two or more independent media-specific actions.

FY2007 Annual Results Topics
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### Civil Enforcement Cases

- [Federal Facilities Enforcement](#)
- [Imports Safety](#)
- [Supplemental Environmental Projects \(SEPs\)](#)

### Criminal Enforcement Cases

- [Title 18](#)

## Federal Facilities Enforcement Cases

### Federal Bureau of Prisons, Lewisburg, PA

The Department of Justice, Bureau of Prisons (BOP) and Prison Industries (UNICOR) signed an agreement with EPA for violations of the Clean Air Act and RCRA at its Lewisburg, Pennsylvania facility. At the time of the inspection, UNICOR, which has operations at a number of federal prisons around the country, was manufacturing metal lockers at the prison. UNICOR goods are sold to the federal government. The facility violated RCRA requirements by improperly storing hazardous waste and failing to maintain proper records. Clean Air Act violations included operating a paint booth without a permit, and failing to register reffridgerant recovery equipment. The BOP will pay a \$38,000 penalty.

### Veterans Administration Medical Center, Philadelphia, PA

EPA and the Veterans Administration signed an agreement to address VA violations of the CAA and RCRA. The VA constructed a boiler without a permit and burned bunker fuel (No. 6 fuel oil) in the boiler. The settlement requires the VA to pay a \$136,000 penalty, procure a permit for the boiler and burn less-polluting fuel, No. 2 fuel oil. This change is estimated to reduce emissions of nitrous oxide by 350,000 pounds per year and sulfur dioxide by 360,000 pounds per year.

## Imports Safety

EPA's Enforcement Program continues to address the illegal importation of noncompliant goods into the United States by bringing enforcement actions against importers and others; providing compliance assistance to manufacturers, importers and brokers; and working with other governments, agencies and stakeholders to prevent and reduce risks of unsafe products entering our country. [[More Information](#)]

The following are major cases was concluded in fiscal year 2007:

### **Clean Air Act Enforcement**

In the last few years, there has been a surge in the number of imported motor vehicles, motor vehicle engines, and non-road equipment – such as tractors, lawn mowers, generators and other small engines. A large portion of the imported engines are not certified to meet EPA certification standards under the Clean Air Act (CAA). Uncertified engines can emit excessively high levels of air pollutants, in some cases nearly double EPA standards. This is of concern because roughly half the air pollution in the United States is cause by on-road and off-road mobile sources, thereby increasing the risk of respiratory illness and other adverse effects. In Fiscal Year 2007, 85 enforcement actions – more than double that of the previous two years combined – were taken by EPA and Customs to stop engines and equipment that did not comply with the CAA from entering the United States.

Consistent with the CAA and EPA's international obligations under the Montreal Protocol on Ozone Depleting Substances, EPA has both civil and criminal authorities for taking action against substances that harm human health and the environment by depleting ozone in the upper atmosphere. EPA's enforcement authorities include taking actions against persons who continue to sell and distribute banned ozone depleting substances.

In 2005-2006, based on tips from domestic novelty businesses and Customs officials, EPA learned about and acted on imported aerosol confetti string products containing banned substances as propellants. (The banned substances were cheaper than legal alternatives.) Following EPA's 2006 action ordering five national retailers to pull millions of banned products from their shelves and destroy them properly, additional administrative enforcement orders were issued to national retailers in 2007 and investigations are on going for other imports of illegal CFCs.

### **Federal Insecticide Fungicide and Rodenticide Enforcement**

Federal Insecticide Fungicide and Rodenticide Enforcement brought enforcement actions related to import safety under the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) in fiscal year 2007. Except under certain limited circumstances (for example, for research purposes), it is illegal to sell or distribute pesticides that have not been reviewed and registered for use by EPA or that are not in compliance with the terms of their EPA registrations.

Illegal pesticide imports include a wide range of products, such as naphthalene mothballs and related products (moth tablets, clothes hangers and urinal cakes), chlorine pool disinfectants, insecticidal chalk, roach killers, mosquito coils and rat poisons. Some cases have involved the use of highly toxic pesticides (registered for agricultural use only) in homes, where children are particularly at risk.

EPA stepped up pesticide import inspections at border crossings and other ports of entry, and conducted sweeps and educational campaigns in urban neighborhoods that are at high risk for using illegal imports. Noncompliant imports, when identified prior to or at the time of arrival, are denied entry at the border or port, further ensuring that these dangerous products do not get into our homes.

Products that do not meet EPA regulations that have managed to elude detection at arrival but are

subsequently discovered in the market place can be placed under a Stop Sale, Use or Removal Order (SSURO) until disposed of; returned to the country of origin or brought into compliance. Penalties may also be assessed against importers of such products. For example, under the Agency's Children's Health Initiative, EPA Region 2 works with state agency partners to target two major urban areas each year, and these efforts resulted in more than \$221,000 in assessed penalties in fiscal year 2007.

Also in Fiscal year 2007, EPA enforcement actions resulting in penalties of more than \$350,000 were issued for import violations against eleven companies involving unregistered and/or misbranded pesticide products ranging from mothball products to antibacterial wipes, various disinfectants/germicides, and herbicides. These cases included penalty actions against: Fourquarters Wholesale (\$143,000); Triunfo-Mex, Inc. (\$84,500); Concord Enterprises (\$59,000); Valent USA Corporation (\$27,300); Dos Amigos Distributors, Inc. (\$10,400); Winston Company, Inc. (\$6,500); Trpy Corporation (\$5,580); Karabetian Import & Export (\$4,680); Jotun Paints (\$3,900); Pacific Genuity, Inc. (\$3,120); and Aldis Manufacturing LTD (\$3,120). SSUROs were also issued against Valent USA Corporation and Jotun Paints.

### **Toxic Substances Control Act Enforcement**

Using Customs and Border Protection (CBP) information on imports, nine companies were targeted and inspected for possible Toxic Substances Control Act (TSCA) importation violations in Fiscal year 2007. Of the nine, four inspections have lead to enforcement actions and the other five are still in review. Three of the four enforcement actions have led to penalty settlements exceeding \$79,000 during Fiscal year 2007, including cases against National Plastics, Inc. In Kansas, Arkema in Texas and Oxid, LP in Texas. The companies violated TSCA's Inventory Update Rule, which requires current knowledge of where and in what quantity specific toxic chemical substances are manufactured and/or imported.

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### **Supplemental Environmental Projects (SEPs)**

Supplemental Environmental Projects (SEPs) are environmentally beneficial actions that a violator agrees to perform as part of an enforcement settlement. SEPs go beyond compliance and provide significant benefits to public health and the environment. EPA enforcement settlements concluded in fiscal year 2007 include 184 cases requiring violators to implement SEPs with a value of over \$ 30 million. The following four settlements are examples of fiscal year 2007 cases that include SEPs with substantial environmental or public health benefits. [[More Information](#)]

#### **Brighton Country Club/Top Construction Corps**

The developer will pay a penalty of \$9,000 and take part in an environmental project valued at \$7,000 to conserve and help manage Las Cucharillas Marsh.

#### **New York Department of Sanitation**

New York Department of Sanitation will plant 420 trees in five boroughs to create "urban forests". Careful selection of trees for an urban forest will lead to reduction in air pollutants and reduction of "heat island" effects, both of which contribute to global warming. The supplemental environmental project will cost the Department \$610,000.

#### **Preservation of Las Cucharillas Marsh**

Las Cucharillas Marsh is located at the intersection of the municipalities of Cataño, Guaynabo and Bayamon, Puerto Rico, and covers approximately 1,236 acres, consisting mostly of wetlands, mangrove forests and open waters. The marsh serves as a flood plain and acts as a sediment and



nutrient filter for runoff waters before they reach the San Juan Bay. In fiscal year 2007 EPA's Region 2 negotiated several settlements that included SEPs relating to the preservation of this important ecosystem.

### **Renaissance Management Company – TSCA 1018**

Renaissance Management Company will perform a large supplement environmental project involving lead abatement projects in 111 units in New Haven Connecticut, including the replacement of windows and doors, enclosure or encapsulation of interior and exterior surfaces which include windows, doors, siding, porch and stair components, and removal or covering of lead contaminated soil. The project will cost Renaissance \$342,000. The Respondent will have clearance inspections performed to ensure that work was completed properly. Abatement and control of lead-based paint hazards provides important health benefits, especially for children.

### **Vistas De Guarbo**

The developer will also expend at least \$45,000 to undertake important data collection in Catano in preparation for engineering studies to help protect Las Cucharillas Marsh and the San Juan Bay Estuary.

### **Wal Mart of Puerto Rico**

This supplemental environmental project, which will cost \$97,000, provides for the preservation of land in the area of Las Cucharillas Marsh, part of the San Juan Bay Estuary Watershed. The parcel will be perpetually maintained as an environmentally protected area through deed restrictions and legal agreements.

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## **Criminal Enforcement Cases**

- [Title 18](#)

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### **Title 18**

Criminal enforcement covers all the media (air, water, land) and major environmental statutes plus full Title 18 (U.S. Criminal Code) authority that is often associated with environmental crimes, such as conspiracy, false statements, mail and wire fraud, racketeering, and obstruction of justice. Sometimes, the environmental crimes investigated by EPA's criminal enforcement program will be associated with violations of the U.S. Criminal code. The final decisions regarding the specific counts to which a defendant is charged or plead guilty are made by the Department of Justice.

The following are major cases concluded in fiscal year 2007:

### **David Fredericy, Joseph Kuzlik**

David Fredericy was sentenced to serve 33 months in federal prison, and Joseph Kuzlik was sentenced to 27 months in prison for conspiring to commit and for committing hate crimes targeting African-American residents of Cleveland, and for making false statements to federal investigators. Among other acts, the defendants placed toxic mercury on the porch of a family with children for the purpose of intimidating them because they were an interracial family. In order to keep their unlawful actions secret, both Fredericy and Kuzlik lied to federal EPA investigators who were initially charged with cleaning up the mercury and investigating the incident. Fredericy and Kuzlik were also each ordered to pay \$13,351 in restitution to the U.S. EPA and the Ohio EPA for the cost of the cleanup. [[More Information \(PDF\)](#)], (pp 2, 254K, [About PDF](#))

## Evans Labor Camp

Ronald Robert Evans, Sr. was sentenced to 30 years in prison after being convicted by a jury on charges of drug and contraband trafficking; violating the Clean Water Act and the Migrant and Seasonal Farm Worker Protection Act (two counts); and structuring cash transactions to avoid financial reporting requirements (50 counts); and witness tampering. Evans, along with five other co-defendants, was convicted after a 10 day trial. [[More Information \(PDF\)](#)], (pp 5, 137K, [About PDF](#))

## Timothy Boisture

Timothy Boisture, a former partner in an environmental clean-up firm, was sentenced to a five-year term of imprisonment following his conviction by a federal jury on mail fraud charges. Boisture's firm was hired in 1999 by the Indiana Department of Environmental Management (IDEM) to properly close abandoned and leaking oil and injection wells in Vanderburgh County, Indiana, which had contaminated a pond and a tributary of the Ohio River. Boisture fraudulently charged the State of Indiana for nonexistent equipment and services. He shared the money with an Indiana Natural Resources Division of Oil and Gas inspector assigned to inspect the plugging operation and certify that the work was done correctly. The inspector, the firm that Boisture used as a subcontractor, and an employee of the subcontracting firm were also prosecuted. [[More Information](#)]

## Wally K. EI-Beck

He was convicted by jury a on 37 counts of mail fraud and one count of wire fraud. According to the indictment, EI-Beck leased an Industrial Waste Incinerator from the City of Osceola, Arkansas, to incinerate medical and industrial waste. EI-Beck represented to customers through Certificates of Destruction that their waste was being incinerated when in fact, he was accumulating the waste in warehouses. Over 13,000 drums were discovered by the Arkansas Department of Environmental Quality. Over 4 million dollars has been spent thus far from the EPA Superfund to clean-up the site in addition to more than one million dollars spent by the victim companies who had paid EI-Beck to incinerate their waste. Sentencing has not occurred by the end of Fiscal year 2007. [[More Information \(PDF\)](#)], (pp 2, 107K, [About PDF](#))

## Annual Results by Fiscal Year

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## Data, Planning and Results

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# Compliance and Enforcement Annual Results: FY2007 Compliance Activities Highlights

To promote compliance, improve understanding and encourage innovative approaches, EPA relies on compliance assistance and compliance incentive activities.

EPA provides [compliance assistance](#) to help those who are regulated comply with environmental regulations. EPA strategically targets where regulated entities are having difficulty understanding regulatory requirements, and works to provide educational materials and opportunities that will:

- increase the regulated entities' understanding of their environmental responsibilities
- improve environmental management practices of the regulated entities and
- result in the reduction, treatment or elimination of pollution from their operations.

EPA uses [compliance incentives](#) to promote self-policing, improvement in environmental management practices, and reductions of pollutants to the environment. Compliance incentives are aimed at eliminating, reducing or waiving penalties under certain conditions for business, industry and government facilities that voluntarily discover, promptly disclose and expeditiously correct environmental problems.

### Annual Results by Fiscal Year:

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# Compliance and Enforcement Annual Results: FY2007 Compliance Assistance Activities Highlights

Compliance assistance is defined by EPA to include activities, tools or technical assistance which provide clear and consistent information to help the regulated community understand and meet its obligations under environmental laws and regulations and to aid other assistance providers in the development and delivery of compliance assistance tools. EPA partners with other compliance assistance providers, such as state and local governments, small business providers and industry trade associations, to develop and deliver compliance assistance resources such as checklists, websites, fact sheets, compliance guides, training materials and workshop

Following are examples of compliance assistance delivered this fiscal year:

- [TCE Alternatives Project in EPA Region 1](#)
- [Multi-Year Integrated Strategy in EPA Region 2 for Funeral Home Compliance with the Safe Drinking Water Act](#)
- [Federal Facility Laboratory Compliance Assistance Initiative in EPA Region 7](#)
- [Clean Air Act Compliance Assistance Plan for Tribal Facility in EPA Region 8](#)
- [Web-based Compliance Assistance Resource for Federal Facilities](#)
- [Compliance Assistance Tools](#)
  - [Eliminating Sanitary Sewer Overflows in New England](#)
  - [Region 2 Environmental Compliance Guides for Schools](#)
  - [Factsheets for Pesticide Applicators in North Carolina](#)
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## TCE Alternatives Project

Compliance Assistance offered by EPA Region 1 and the Rhode Island Department of Environmental Management reduced the emissions level of trichloroethylene (TCE), a degreaser used to clean metal parts, resulting in facilities returning to compliance with environmental laws, and in several instances eliminated the use of TCE entirely.

Ambient TCE levels as high as 4 parts per million were found in Olneyville, an Environmental Justice section of Providence, Rhode Island. Investigation found that these levels were caused by non-compliance with the Halogenated Solvent MACT, including proper equipment to prevent emissions. TCE is a volatile organic compound that affects the central nervous system causing headache, nausea, and dizziness. TCE is a carcinogen, and can damage the liver and kidneys, damage facial nerves, and cause skin rash. TCE vapor in the air can irritate eyes, nose and throat, and contribute to asthma and other respiratory diseases

In 2006, forty facilities using TCE were identified as a result of a door-to-door search of old mill buildings in Providence. After providing compliance assistance, site visits were performed and EPA determined that some facilities had come into compliance, some went out of business, and some

switched to a less harmful, aqueous cleaning system or eliminated their TCE-based cleaning process entirely.

During 2007, EPA focused its assistance efforts on the 28 facilities still using TCE. EPA, in partnership with Rhode Island Department of Environmental Management, Department of Public Health, Narragansett Bay Commission, and the Massachusetts Toxics Use Reduction Institute, worked together to help these facilities switch to a less harmful alternative cleaning process. This partnership sponsored a workshop in Rhode Island to demonstrate alternative cleaning processes, including ultra sound and different detergent cleaners. EPA conducted on-site visits that included gathering samples for testing at the Massachusetts Toxic Use Reduction Institute, and doing bench scale trials to determine effectiveness of alternative processes. Three companies have eliminated the use of TCE in their cleaning processes, eliminating approximately 25,000 pounds of TCE from use, and the environment, per year.

The lessons learned from this initiative will be transferred to a national effort EPA Region I is leading with the Department of Defense to eliminate the use of TCE in the processing of military belt buckles and insignia.

### **Multi-Year Integrated Strategy for Funeral Home Compliance with the Safe Drinking Water Act**

Funeral homes in Region 2 were found to be injecting embalming waste fluids into Underground Injection Control (UIC) wells, which are regulated by the Safe Drinking Water Act. Formaldehyde and phenol are principal constituents of embalming chemicals, which present human health risks, if ingested in drinking water. Bloodborne pathogens and pharmaceuticals can also be present in embalming waste fluids.

Region 2 developed a Funeral Home Initiative with four goals: 1) improve environmental compliance with UIC regulations at funeral homes over Underground Sources of Drinking Water (USDW); 2) prioritize environmental compliance as part of funeral homes' normal operations; 3) ensure compliance of the entire business sector, not only facilities that are inspected; and 4) ensure continued compliance through permanent changes. Region 2 implemented this initiative with local and state agencies, and the New York State Funeral Directors Association.

To date, 58 EPA UIC inspections identified 26 facilities practicing on-site embalming waste fluid injection. Twenty-five of these funeral homes voluntarily ceased injection into their UIC wells, prior to inspection. They are remediating contaminant residuals from former injection of waste embalming fluids. Waste fluid generation from embalming is reduced from at least 120 gallons to only 5 gallons. About 288,000 gallons of tap water per year for the 25 facilities, are being saved. Wastes from waterless aspiration are now managed as medical wastes.

Twelve of the EPA inspected funeral homes operated Large Capacity Cesspools (LCP) for disposal of embalming waste fluids and sanitary wastes. LCP's were banned by EPA on April 5, 2005. Funeral homes operating the banned LCP's were issued Non-Penalty Orders for Compliance, requiring them to cease injection to LCP's and remediate any residual contamination. Rapid compliance is being achieved.

As a result of this initiative, there is now increased regulatory compliance and pollution reductions among funeral homes; implementation of innovative technology to eliminate embalming fluid injection, while concurrently reducing water consumption; and lowered risk from former injection of embalming fluids to USDW's. Results indicate enhanced knowledge of and compliance with regulatory requirements; prevention or mitigation of risks to USDW's; and conservation of potable water. In addition, approximately 20 cubic yards of contaminated material, per facility UIC well, are being addressed.

## Federal Facility Laboratory Compliance Assistance Initiative

EPA's Federal Facility Enforcement Office identified federal facilities with laboratory operations as a national enforcement priority due to significant compliance and environmental concerns at these facilities. EPA has observed many poor or inappropriate storage and disposal practices at labs, such as:

- chemicals stored for excessively long times that become unstable and have the potential to explode;
- incompatible waste chemicals stored close together that may mix and cause explosions or fires;
- improper disposal of used chemicals down sinks drains to public sewage systems, posing serious contamination problems for water treatment plants;
- small hazardous waste containers stored under fume hoods that were not properly managed increasing the risk for mishandling or a release to the environment.

The environmental benefits associated with compliance with environmental laws and regulations are the reduction of hazardous chemical substances and waste products, the prevention of adverse health effects, and a reduction of environmental impacts.

In 2007, as part of its Federal Labs Integrated Strategy, EPA developed and delivered live training to federal lab staff and managers. The training provided an overview of federal lab environmental regulatory requirements, pollution prevention strategies and Environmental Management Systems (EMSs). It was given in six locations around the country in 2007 and will be given again in additional locations in 2008. EPA expects to reach 300 to 400 federal lab practitioners, from a variety of federal lab operations, with this training. For more information and to register, go to [FedCenter](#), the environmental stewardship and compliance assistance center for federal agencies.

On a regional level, in fiscal year 2007, Region 7 offered compliance assistance to 31 facilities with lab operations in the four states of Iowa, Kansas, Missouri, and Nebraska. Thirteen facilities, or 42%, accepted this voluntary offer. Following each compliance assistance visit, Region 7 conducted a phone survey to determine what outcomes each facility had achieved. As a result of the compliance assistance visits, most of the facilities improved their laboratory management practices. Specific examples include:

- proper labeling of waste storage containers;
- improved color signs to distinguish different waste receptacles;
- improved tracking of the origin and destination of wastes across the facility;
- updates to the facility's chemical hygiene plan, as required by law; and
- taking a drug waste incinerator out of operation.

All the labs said they would try to better control chemical purchases to minimize disposal issues. Two of the labs said they would inventory and dispose of all old and unnecessary chemicals greatly reducing on-site storage.

## Clean Air Act Compliance Assistance Plan for Tribal Facility

There is a large amount of energy production currently underway in Region 8, especially in Indian country (i.e., on tribal lands). With this rapid development, come air emissions, which are generated throughout the energy production process. Collectively, energy production has a significant impact on air quality in Region 8 and the West. Through the implementation of pollution controls at a single facility, a reduction of up to 90% of the original emissions levels of formaldehyde, volatile organic compounds, and carbon monoxide will be realized.

As a result of an EPA inspection, the Red Cedar Gathering Company's La Posta Compressor Station (Red Cedar), operating on the Southern Ute Reservation in Colorado, was found to be in violation of the Clean Air Act (CAA) for its pollutant emissions. Specifically, the pollution control equipment was

inadequate and the facility was not in compliance with the emission limits, monitoring, recordkeeping, and reporting requirements under the CAA.

To address the issue, Region 8 developed a Compliance Assistance Plan (CAP) that outlined the steps Red Cedar needed to take to meet the emissions standard requirements. Region 8 has provided facility-specific compliance assistance to help Red Cedar implement these changes; in addition, Red Cedar has installed a catalyst oxidizer, which controls emissions of formaldehyde (a hazardous air pollutant), volatile organic compounds, and carbon monoxide. With the new control technology in place, this facility will go from producing 51.5 tons of these pollutants per year, to just 6.6 tons per year. This is an overall reduction of 44.9 tons per year.

## Web-based Compliance Assistance for Federal Facilities

[FedCenter](#) helps federal government agencies comply with environmental laws and to be better environmental stewards. Ninety percent of responders to a 2007 survey said that it improved their knowledge of environmental requirements and over 75 percent said they took one or more actions to improve their environmental practices, such as changing how they handle wastes or emission or obtaining a permit or certificate.(1)

FedCenter responded as new environmental requirements arose. Congress passed the Energy Policy Act requiring all federal facilities to report whether their underground storage tanks were in compliance. FedCenter created an electronic reporting method so that federal facilities could easily meet this new requirement, saving them time and money. FedCenter reorganized much of its information making it easier for federal agencies to meet new environmental and conservation goals set by the President in [Executive Order 13423 \(PDF\)](#) (7 pp, 105K, [About PDE](#)) in January 2007.

FedCenter is financially supported by many federal agencies, not just EPA. In 2007 the National Institutes of Health, the Veterans Health Administration, NASA, the U.S. Postal Service and the Department of the Treasury supported FedCenter financially. Representatives from many of these, and other, agencies serve on FedCenter's board guiding its operations and making it more useful to federal agencies.

## Compliance Assistance Tools

This year, nearly 400 compliance assistance tools were developed. The examples below illustrate the range in type of tools developed:

- EPA Region 1 developed a new assistance website in fiscal year 2007 entitled [Eliminating Sanitary Sewer Overflows in New England](#). This website was to help municipalities and wastewater system operators prevent water quality violations due to discharges of untreated sewage from sewer overflows. Discharges of untreated sewage from sewer overflows can be a significant cause of water quality violations. The website features a variety of tools such as guidance materials, checklists, software programs, case studies and management systems.
- Two new [Environmental Compliance Guides for Schools](#) are available from EPA Region 2, providing information on environmental compliance, best management practices and pollution prevention opportunities for schools. The manuals, *Environmental Compliance and Best Management Practices: Guidance Manual for K-12 Schools* and *Environmental Health and Safety in the Arts: A Guide for K-12 Schools, Colleges, and Artisans* are available in English and Spanish.
- Through an EPA grant from Region 4 to the Crop Life Foundation, a series of compliance assistance tools were developed in an effort to increase worker safety and to better [train pesticide applicators in North Carolina](#) [EXIT Disclaimer](#) . The tools developed include fact sheets, training manuals and videos in both English and Spanish.
- EPA Headquarters launched a web-based [Tribal Compliance Assistance Center](#) specifically



designed to increase access to information on federal environmental requirements and to improve environmental compliance and management in Indian country. One of 15 [Compliance Assistance Centers](#) [EXIT Disclaimer](#) providing sector-specific information, the Tribal Center offers comprehensive compliance assistance and pollution prevention information for regulated activities in Indian country by environmental topic, as well as by type of facility. The Tribal Center also provides links to compliance and enforcement information and enables tribes and tribal members to report environmental violations directly to EPA. The Center is designed to help tribal environmental professionals find training opportunities and locate specific personnel at EPA to answer their environmental compliance questions.

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**(1) 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. ([return to text](#))

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# Compliance and Enforcement Annual Results: FY2007 Compliance Incentives Activities Highlights

EPA is committed to a strong enforcement program to achieve environmental protection by deterring violators, bringing violators into compliance, correcting damage to the environment and ensuring that those who fail to comply do not put those who follow the law at an economic disadvantage. EPA uses its compliance incentive policies to promote self-policing, improvement in environmental management practices, and reduction of pollution in the environment. In Fiscal year 2007 728 facilities resolved violations that when corrected ensured 1.2 million pounds of pollution was reduced.

EPA may also require the implementation of Environmental Management Systems (EMSs) and audits as part of enforcement settlement. Where EPA determines, taking into account a violator's size, characteristics, and overall compliance obligations, that the root cause of a defendant's or respondent's violations is the absence of a systematic approach to identifying, understanding and managing the regulated entity's compliance with applicable environmental requirements, the appropriate injunctive relief should include an EMS with a compliance focus. This approach provides a framework for the regulated community to use in assessing and maintaining compliance with federal environmental laws.

The following is an example of a settlement requiring an EMS and audits that culminated in fiscal year 2007:

- [Amtrak](#)
- [Audit Policy](#)

## Amtrak

As part of a [June 2001 settlement](#), Amtrak agreed to implement a company-wide EMS at an estimated cost of \$11 million, including: an environmental audit program; a company-wide environmental information system; enhanced environmental compliance training; and increased environmental compliance staffing. The settlement also required Amtrak to undertake comprehensive environmental compliance audits at 51 of its facilities nationwide and to voluntarily disclose and correct environmental problems that were discovered.

As a result of Amtrak's audit and the implementation of its EMS, EPA resolved violations at nearly 70 Amtrak facilities. In fiscal year 2007, EPA resolved violations at 9 facilities that reduced nearly 400,000 pounds of pollutants from being discharged to water. Storm water discharges from rail maintenance facilities can carry oil, grease and metals into storm drains, ultimately compromising the health and quality of streams and waterways. The EPA has identified storm water runoff as a leading cause of impaired water quality in the United States

## Audit Policy

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Under an agreement with the EPA, the Department of Justice, Bureau of Prisons (BOP) will voluntarily audit all of its 16 prisons in Maryland, Pennsylvania, Virginia and West Virginia to see if they are meeting air, water and hazardous waste requirements. Under the audit agreement, the BOP agreed to disclose all EPA-enforceable regulatory violations discovered during the audit and correct them within 60 days. Potential environmental hazards at federal prisons are associated with various operations such as heating and cooling, wastewater treatment, hazardous waste and trash disposal, asbestos management, drinking water supply, pesticide use, and vehicle maintenance. The prisons house an estimated 20,000 inmates. The BOP voluntarily decided to audit these facilities after environmental problems were discovered by EPA during its 2004 inspection at the BOP's Lewisburg facility.

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# Compliance and Enforcement Annual Results: FY2007 Important Environmental Problems/National Priorities Priority: Air Toxics

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### Problem:

Toxic air pollutants are those pollutants that are known or suspected to cause cancer or other serious health effects, such as reproductive or birth defects, or adverse environmental impacts. These pollutants come from a wide variety of sources, including industrial and utility operations, as well as smaller manufacturing and commercial sources. Human exposure to air toxics is widespread throughout the nation. EPA regulates 187 air toxics - known as hazardous air pollutants (HAPs) - by developing Maximum Achievable Control Technology (MACT) standards. EPA has made it a National Priority to address industries that have a high incidence of non-compliance with these regulations in order to reduce public exposure to toxic air emissions. In FY 2005 - FY 2007, EPA focused its Air Toxics Priority on addressing significant noncompliance and achieving emission reductions at facilities subject to the MACT Standards.

### Key Results:

#### FY 2006 - 2007 Annual Results

Fiscal Year	Pollutants Reduced (lbs)	Investments in Pollution Control (\$)	Civil Penalties (\$)
FY 2006	0.4 million	\$1 million	\$1 million
FY 2007	0.8 Million	\$10 Million	\$0.6 million
FY 2006-2007	1.2 Million	\$11 Million	\$1.6 million

\*FY 2005 Annual Results Data Not Available

### Highlights:

- In FY 2005 to 2007, EPA reduced 1.4 million pounds of HAP emission reductions and conducted over 1000 compliance evaluations at facilities.
- In FY 2005, EPA settled an air toxics case with Chevron U.S.A. that reduced sulfur dioxide

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and nitrogen oxides by 9,600 tons at a cost of approximately \$275 million. Chevron U.S.A. paid a civil penalty of \$3.5 million and spend more than \$4 million on further emission controls and community supplemental environmental projects.

- In FY 2006, EPA focused national leak detection and repair (LDAR) evaluation efforts on the pharmaceutical industry in attaining pollutant reductions and from three enforcement cases achieved over 50% of the FY 2006 national air toxics emission reductions.
- In 2007, East Kentucky Power Cooperative will spend \$650 million dollars to reduce harmful air emissions by more than 60,000 tons per year. East Kentucky will also pay a civil penalty of \$750,000.

**Annual Results by Fiscal Year:**

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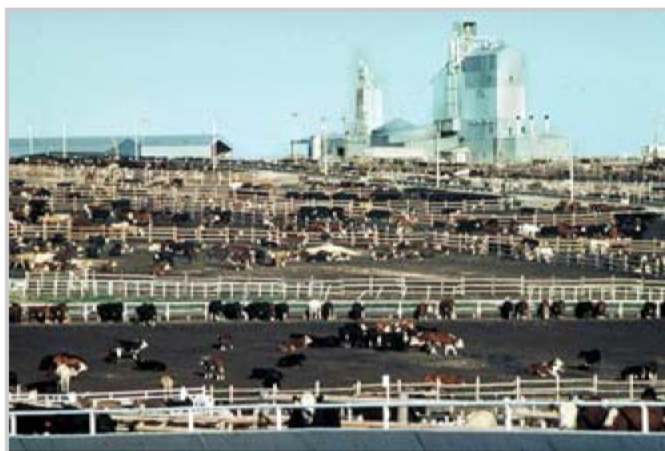
# Compliance and Enforcement Annual Results: FY2007 Important Environmental Problems/National Priorities Priority: Concentrated Animal Feeding Operations (CAFOs)

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### Problem:

Concentrated animal feeding operations are a national priority for the Environmental Protection Agency's enforcement and compliance assurance program due to the impact of large animal



feedlots on water quality. During wet weather events, water flows from animal feedlots transporting nutrients such as nitrogen and phosphorus, as well as other pollutants including bacteria, pesticides, antibiotics, hormones, and trace elements including metals to local waterways. Impacts on ecosystems and human health include contamination of public drinking water sources and private well water, recreational and commercial fish kills and advisories, and beach closings.

The estimated 500 million tons of manure discharged each year from large agricultural operations are one of the leading causes of water quality impairment in rivers, lakes, streams, estuaries, and the ocean as rain and snow carry nutrients into waterways throughout the watershed.

### Key Results:

#### FY 2006 - 2007 Annual Results

Fiscal Year	Pollutants Reduced	Investments in Pollution Control	Civil Penalties
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	(lbs)	(\$)	(\$)
FY 2006	12,000,000	\$10,000,000	\$400,000
FY 2007	15,000,000	\$30,000,000	\$875,000
FY 2006-2007	27,000,000	\$40,000,000	\$1,275,000

\*FY 2005 Annual Results Data Not Available

### Highlights:

- In FY 2006-2007, EPA's CAFO priority has reached settlements with farms which will prevent an estimated 27 million pounds of bacteria and nutrient laden manure from going into the water. These pollution reductions protect drinking water, ensure adequate oxygen levels for healthy populations of aquatic species, protect public access to safe recreational waters and fishing grounds, and will substantially improve water quality.
- Through compliance assistance to farms and states in FY 2006-2007, EPA helped 2,742 regulated entities understand legal requirements to reduce nutrients and pathogens under the Clean Water Act.
- Another significant CAFO case in FY 2007, the *U.S. v. M.G. Waldbaum* case, requires construction of a new wastewater treatment plant for an egg processing facility, development and implementation of manure management plans at six poultry farms, and expenditure of \$16 million in injunctive relief and \$525,000 in penalty.
- EPA took FY 2006 enforcement action under the Clean Water Act that will reduce pollutants flowing into the Red River by 3 million pounds of nutrients per year in response to numerous citizen complaints against the Alan Ritchey Dairy in Oklahoma.

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# Compliance and Enforcement Annual Results: FY2007 Important Environmental Problems/National Priorities Priority: **Municipal Sewer Overflows (Combined Sewer & Sanitary Sewer Overflows)**

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## Problem:

Combined sewer overflows and sanitary sewer overflows (CSOs & SSOs) cause environmental problems when heavy rainfall exceeds the storage capacity of pipes and/or water



Photo of a sewer overflow

treatment plants, discharging untreated sewage, stormwater, toxic materials, and industrial wastewater into rivers, lakes, and oceans.

Overflows also occur when equipment, system design, operation, and maintenance are faulty. Untreated sewage contains high levels of nutrients which cause low oxygen levels resulting in aquatic environments and fish mortality. Bacteria residing in untreated sewage overflows can contaminate the public drinking water supply, endanger human health for individuals participating in recreational activities such as swimming and boating, and limit access to beaches. Fish and wildlife advisories often result from bacterial contamination of seafood. CSOs and SSOs pose particularly significant risks to human health when this activity occurs near sources of drinking water given that the discharge often contains a high concentration of bacteria and pathogens. Bacteria and pathogens in sewage have human health implications ranging in severity from mild gastroenteritis to life-threatening ailments, such as cholera and infectious hepatitis.

EPA focuses compliance enforcement and assistance on combined and sanitary sewer systems that are near public drinking water intakes; endangered and threatened species and habitats; national marine sanctuaries; commercial fishing sites and shellfish beds; waters designated as "outstanding national resource waters;" and where waterborne recreational activities such as swimming and boating occur. Areas with prior water quality impairment also receive prioritized attention.

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## Key Results:

### FY 2006 - 2007 Annual Results

Fiscal Year	Pollutants Reduced (lbs)	Investments in Pollution Control (\$)	Civil Penalties (\$)
FY 2006	26,000,000	\$930,000,000	\$1,800,000
FY 2007	45,000,000	\$5,383,000,000	\$1,180,000
FY 2006-2007	71,000,000	\$6,313,000,000	\$2,980,000

\*FY 2005 Annual Results Data Not Available

## Highlights:

- In FY 2006 - FY 2007, EPA reduced, treated, or eliminated an estimated 71 million pounds of pollutants from combined and sanitary sewer overflows.
- In addition to compliance assistance provided in FY 2007, EPA and states take enforcement actions against water treatment plants that violate water quality standards under the Clean Water Act.
- The most significant FY 2007 combined and sanitary sewer overflow court cases are the City of Indianapolis, Indiana; Greater Lawrence Sanitary District; and the Sanitation District #1 of Northern Kentucky cases that cumulatively resulted in an estimated overall reduction of 9 billion gallons of combined sewer overflow pollutants in the White River and its tributaries in Indiana; the Merrimack and Spicket Rivers in Massachusetts; and the Ohio River in Kentucky.

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# Compliance and Enforcement Annual Results: FY2007 Important Environmental Problems/National Priorities Priority: New Source Review Prevention of Significant Deterioration

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### Problem:

Modifying a facility to increase production capacity has the potential to considerably increase the amount of pollution. These projects release nitrogen oxides, sulfur dioxide, and other harmful air pollutants. These pollutants contribute to respiratory illness and heart disease, contribute to formation of acid rain, reduce visibility, and can be transported over long distances before falling on land or water. These projects release nitrogen oxides (NOX), sulfur dioxide (SO2), and other harmful air pollutants. These pollutants contribute to respiratory illness and heart disease, contribute to the formation of acid rain, reduce visibility, and carry over long distances before deposition on land or water. The Clean Air Act (CAA) requires installation of state-of-the-art pollution controls when facilities construct or modify new sources of emissions in a manner that increases air pollution. These requirements are called as New Source Review/Prevention of Significant Deterioration (NSR/PSD). Noncompliance with the NSR/PSD provisions of the CAA results in inadequate control of emissions and the release of thousands of tons of illegal pollution into the atmosphere each year. In FY 2005 - FY 2007, EPA focused its NSR/PSD Priority by addressing several sources of air pollution reduction commitments through consent decrees with coal-fired electric utility sources and sulfuric and nitric acid industries.

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### Key Results:

#### FY 2006 - 2007 Annual Results

Fiscal Year	Pollutants Reduced (lbs)	Investments in Pollution Control (\$)	Civil Penalties (\$)
FY 2006	135 Million	\$310 Million	\$0.5 Million
FY 2007	426 Million	\$2,443 Million	\$8 Millio
FY 2006-2007	561 Million	\$2,753 Million	\$8.5 Million



\*FY 2005 Annual Results Data Not Available

## Highlights:

- In FY 2005 to 2007, EPA settled a total of 14 cases against coal-fired electric utilities that will result in pollutant reductions of 1,864,061 tons per year. EPA estimates that 441,177 tons of NOX and 1,422,884 tons of SO2 will be reduced per year. As a result, the public will save approximately \$71,210,200,200 per year in avoided health-related costs.
- In FY 2005 to 2007 EPA settled cases with the sulfuric and nitric acid industry that reduce emissions by approximately 32,200 tons per year or 200 tons of nitrogen oxides and 32,000 tons of sulfur dioxide reduced per year. Approximately \$1,537,320,000 will be saved per year by the public and our health care system in avoided health-related costs.
- In FY 2005, EPA and the State of Illinois settled a case with Illinois Power Company and Dynegy Midwest Generation that reduced emissions of SO2 and NOX by approximately 54,000 tons annually. The settlement requires a \$500 million investment in pollution control equipment, \$15 million on environmental projects, and a \$9 million civil penalty.
- In FY 2006, EPA entered a partial settlement agreement with the Alabama Power Company, James H. Miller, Jr. Plant that reduced NOX and SO2 emissions by 34,305 tons annually.
- In 2007, Wisconsin Electric Power Company agreed to install pollution controls estimated to cost \$620 million, which will result in pollutant reductions of 144 million pounds of sulphur dioxide and 66 million pounds of nitrogen oxides.

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# Compliance and Enforcement Annual Results: FY2007 Important Environmental Problems/National Priorities Priority: Stormwater

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### Problem:

Stormwater runoff from construction activities and sewers in large urban areas significantly impairs water quality in rivers, lakes, streams, reservoirs, and wetlands nation-wide. Soil disturbance and vegetation removal that occurs during construction increases erosion that transports sediment into waterways. As stormwater flows over a construction site, it carries other pollutants including pesticides, petroleum, chemicals, solvents, asphalts, acids, and debris from the land into water sources that serve as drinking water, aquatic habitat, and public swimming areas. Urban stormwater discharged from storm sewers, called municipal separate storm sewer systems (MS4s), is a major source of water quality impairment.

### Key Results:

**FY 2006 - 2007 Annual Results**

Fiscal Year	Pollutants Reduced (lbs)	Investments in Pollution Control (\$)	Civil Penalties (\$)
FY 2006	195,000,000	\$150,000,000	\$6,600,000
FY 2007	118,000,000	\$8,000,000	\$4,100,000
FY 2006-2007	313,000,000	\$158,000,000	\$10,700,000

\*FY 2005 Annual Results Data Not Available

### Highlights:

- EPA targeted FY 2007 enforcement actions against large construction sites and MS4s in FY 2007, reducing 118 million pounds of pollutants.
- These pollutant reductions are the result of a multi-year strategy to improve water quality through reductions in stormwater pollution, resulting in an estimated 313 million pound pollutant reduction over the last 2 years.

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- One of the most significant FY 2006-2007 stormwater case settlements with the J.H. Berra Construction Co. requires the reduction of 26 million pounds of pollutants, and a \$2.6 million investment in better stormwater control and employee training to prevent stormwater non-compliance at future construction sites.

**Annual Results by Fiscal Year:**

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# Compliance and Enforcement Annual Results: FY2007 Important Environmental Problems/National Priorities Priority: Mineral Processing

On this page:

- [Problem](#)
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## Problem:

Environmental impacts caused by the mineral processing and mining sectors are significant. The mineral processing sector and mining sectors cumulatively generate larger volumes of wastes that are corrosive and/or contain toxic metals than any other industrial sector. Over the past decade, EPA



Graphic showing distribution of live and dead crabs

has found that many of the facilities that manage these wastes, due either to noncompliance with state or federal environmental requirements or legally permissible waste management practices, have contaminated groundwater, surface water, soil, and sediment. Since the start of this priority in fiscal year 2005, there has been an 80% significant noncompliance rate discovered from the investigations completed to date.

## Key Results:

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## FY 2007 Annual Results

Fiscal Year	Pollutants Reduced (lbs) pounds in millions	Investments in Pollution Control (\$)	Civil Penalties (\$)
FY2007	.620	\$57M	\$84,000

\*FY 2005 and 2006 Annual Results Data Not Available

### Highlights:

- In FY 2007, EPA issued an administrative order with Doe Run Resources Corporation that reduced 340,000 pounds of lead and 135,000 pounds of other toxic metals such as cadmium, copper, and zinc. These pollution control activities will cost the company \$55,300,000.
- In FY 2007, EPA and the state of Florida negotiated a consent decree with U.S. Agri-Chemicals Corporation of Fort Meade, Florida that requires reduction of 1s20,000 pounds of pollutants and payment of \$34,000 civil penalty. These pollution controls will prevent the type of acid spill that occurred in Florida's Tampa Bay in 2004 and killed over 3 million fish and scores of aquatic life.
- In FY 2007, EPA hosts informal dialogues with interested parties to discuss compliance issues and develop assistance tools. Since FY 2005, EPA hosted seven (7) such dialogues to identify good management practices at gold and copper mine sites.

### Annual Results by Fiscal Year:

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# Compliance and Enforcement Annual Results: FY2007 Important Environmental Problems/National Priorities Priority: Financial Assurance

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### Problem:

Financial assurance requirements in federal law ensure an operator has adequate funds to address the closure of facilities that handle hazardous wastes, hazardous substances, toxic materials, or other pollutants. The funds provide funding for clean up so that solvents, dioxins, oils, heavy metals, polychlorinated biphenyls (PCBs), and other dangerous pollutants do not contaminate soil, groundwater, surface water, or the air. When the facility operator does not have the funds, the financial burden for cleaning up hazardous waste sites often falls to the community.

EPA's Financial Assurance Priority seeks to ensure facilities are in full compliance with the financial responsibility requirements. Without EPA financial assurance, local communities would pay for the cost of expensive hazardous waste clean-up through state and federal tax bills.

### Key Results:

**FY 2006 - 2007 Annual Results**

Fiscal Year	Pollutants Reduced (lbs)	Investments in Pollution Control (\$)	Civil Penalties (\$)
FY 2006	N/A*	N/A*	N/A*
FY 2007	200,000	\$60,000,000	\$308,000
FY 2006-2007	200,000	\$60,000,000	\$308,000

\*FY 2005 Annual Results Data Not Available

### Highlights:

- OECA's national enforcement priority for financial assurance examined the compliance status, issues and enforcement efforts related to financial responsibility provisions.

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Partnering with the States, OECA first focused on reviewing and gathering information on financial responsibility obligations and compliance at hundreds of sites and facilities. These sites and facilities have a total financial responsibility obligation of approximately 6.5 billion dollars.

**Annual Results by Fiscal Year:**

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# Compliance and Enforcement Annual Results: FY2007 Important Environmental Problems/National Priorities Priority:Tribal

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### Problem:

Pollution of the air, water and land in Indian country and in other tribal areas poses significant threats to the health and environment of members of the 563 federally-recognized Indian tribes. Pollution seriously damages ecosystems and tribal members face increased risk from pollution because of subsistence hunting, fishing, religious, cultural purposes. In FY 2005-2007, OECA worked with federally recognized Indian tribes to address significant human health and environmental problems associated with drinking water, solid waste, and environmental risks in tribal schools through capacity building and compliance monitoring.

### Key Results:

**FY 2006 - 2007 Annual Results**

Fiscal Year	Investments in Pollution Control (\$)	Civil Penalties (\$)
FY 2006	\$20 Million	\$ 0.1 Million
FY 2007	\$ 0.4 Million	\$ 0.1 Million
FY 2006-2007	\$20.4 Million	\$ 0.2 Million

\*FY 2005 Annual Results Data Not Available

### Highlights:

- In FY 2005, EPA provided outreach to public and private schools on 4 Indian reservations and over 100 school representatives.
- In FY 2006, EPA implemented the new Federal Air Rules for Reservations (FARR), a regulatory program to protect air quality and human health on 39 Indian Reservations.

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- In FY 2007, EPA issued two Administrative Order to the Oglala Sioux Tribe and the Torres Martinez Desert Cahuilla Indian Reservation to address dumps on tribal lands.
- As a result of the 310 sanitary surveys administered by EPA in FY 2005-2007, tribes improved understanding of environmental requirements and management practices for drinking water.
- In FY 2005-2007, EPA provided Bureau of Indian Affairs Schools compliance assistance materials to 82 school districts, representing about 290 tribal schools.

**Annual Results by Fiscal Year:**

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# Compliance and Enforcement Annual Results: FY2007 Criminal Enforcement

The criminal enforcement program is emphasizing "high impact" cases with significant environmental and human health benefits, while balancing its overall case load with "core" cases across all the pollution statutes for the maximum deterrent effect. Not every high impact case will necessarily produce a large fine or jail sentence; criminal enforcement-related statistics can and do fluctuate from year to year based on both the specific characteristics of the cases that are investigated, as well as by the prosecutorial and sentencing decisions made by the Department of Justice and the federal courts, respectively. However, an emphasis upon high impact cases ensures that the criminal enforcement caseload has greater environmental and public health significance and a deterrent impact on illegal corporate and individual behavior.

- [Environmental Crime Cases Opened](#)
- [Fines and Restitution](#)
- [Court Ordered Environmental Projects](#)
- [Incarceration](#)

## Environmental Crime Cases Opened

The 340 new environmental crime cases opened in FY 2007 represents an increase of about ten percent over the number opened in FY 2006. Thirty-seven of those cases were in National Enforcement Priority categories (e.g., wet weather, new source review, air toxics, mineral processing) – an increase of 33% over FY 2006.

## Fines and Restitution

Criminal defendants were assessed a total of \$63 million in fines and restitution. This figure reflects the fact that there were more large fines assessed this year than last year. Specifically, in FY 2007, there were four cases with fines and restitution of \$5 million or higher (Honeywell International, Selandag Ayu, Sinclair Tulsa Refining, PRASA) and a total of 14 cases with fines of \$1million or more. By contrast, in FY 2006, there were only two fines of \$5 million each, and these were the highest fines for any case that year) and a total of nine cases with fines and restitution of \$1 million or more. These increases are consistent with the Office of Criminal Enforcement and Forensic Training's push toward high impact cases, frequently involving more substantial corporations.

## Court Ordered Environmental Projects

Judicially Mandated Projects represent the total monetary value of environmentally beneficial projects or other activities that a judge orders defendants to pay for or undertake themselves. The \$135 million in projects assessed in FY 2007 is substantially higher than the \$29 million assessed last year. The figure includes \$109 in improvements and upgrades at nine wastewater treatment

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plants in Puerto Rico (PRASA) and \$11 million for various environmental projects in the State of Connecticut (Hamilton Sundstrand).

## **Incarceration**

The total level of incarceration served by individuals in FY 2007 was 64 years, down from 154 years in FY 2006. Several factors influenced the decline. One is simply the inherent year to year variability in a relatively small program where a few "big cases," that may or may not fall within the 12 month measurement period, have very significant impacts on year end tallies. Over the last five years, FY 2007 had the highest percentage of cases in which individual defendants received no jail time (64%), and was the second lowest year for average length of sentence. As a further example, the longest single jail term imposed in FY 2007 was five years, as opposed to 25 years in FY 05 and 9 ½ years in FY 06. The total level of incarceration in FY 2007 was also affected by the impact of a series of decisions by the U.S. Supreme Court weakening the federal sentencing guidelines, including making them discretionary rather than mandatory for federal district court judges. In FY 2007, this resulted in a reduction of about 15 ½ years of jail time that previously would have been mandatory.

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# Compliance and Enforcement Annual Results: FY2007 Superfund Enforcement

The response and cost recovery commitments from private parties for fiscal year (FY) 2007 exemplify a robust enforcement program. The total number of settlements of Superfund enforcement actions increased from 276 in FY 2006 to 314 in FY 2007. The number of settlements for site study and cleanup work increased from 102 in FY 2006 to 140 in FY 2007. The number of settlements for cost recovery stayed the same at 174 in fiscal years 2006 and 2007.

Many of the settlements reached with private parties in FY 2007 involved large amounts of money. For example, EPA entered a final agreement with General Electric Company at the Hudson River PCBs Superfund site in Region 2 for past and future costs valued at \$177 million. In addition, EPA achieved settlements for \$99 million at Fort Ord in Region 9, and \$30 million at the Fox River Site and \$37 million at the Allied Paper site in Region 5. More information on the Superfund and other land case highlights is available at [Land Highlights](#).

EPA's Superfund enforcement program achieves site cleanup and maximum liable party participation in performing and paying for cleanup in ways that promote environmental justice and fairness.

Fiscal year 2007 activities and results include:

- [Record Setting Cost Recovery Successes](#)
- [New tools to help 'Good Samaritans' remove mine waste, restore watersheds, improve fisheries](#)
- [Requiring federal agencies to clean up contamination at their facilities](#)
- [Promoting redevelopment and reuse of contaminated sites](#)

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## Record Setting Cost Recovery Successes

Once the Agency achieves cost recovery settlement commitments, EPA, with support from the Department of Justice, must ensure that these settlements are collected timely and in full. EPA had its best year ever in FY 2007 with cost recovery collections totaling over \$336 million. FY 2007 cost recovery settlement commitments totaled \$252 million. Cost recovery collections over the life of the Superfund program total approximately \$4.5 billion. More information on cost recovery is available on the [Superfund enforcement cost recovery web page](#).

## Vertac Collection

In FY 2007 the United States collected more than \$127 million for costs incurred from cleanup in Region 6 of the [Vertac Chemical \(PDF\)](#) (4 pp, 95K) and [Jacksonville Landfill \(PDF\)](#) (4 pp, 46K) sites in EPA's largest Superfund enforcement judgment.

On May 18, 2007, the United States collected more than \$124 million from Hercules Incorporated in satisfaction of judgment for EPA response costs incurred in cleaning up the Vertac Chemical and Jacksonville Landfill Superfund Sites in Jacksonville, Arkansas. Chemtura Canada Co., formerly known as Uniroyal Chemical Ltd., paid more than \$3 million to the United States on May 17, 2007, for a total collection from the two companies of more than \$127 million, the largest Superfund enforcement judgment ever collected by EPA. The money was transferred to the Hazardous Waste Trust Fund.

### **Dupont Impact on Cost Recovery**

EPA continues to work diligently with DOJ to recover past Superfund costs associated with EPA's oversight of private party cleanup activities ("oversight costs"), which had previously been unrecoverable by EPA because of the 1993 ruling by the United States Court of Appeals for the Third Circuit ("Third Circuit") in *US v. Rohm & Haas Co.*, F.3d 1265 (3d Cir. 1993) ("Rohm & Haas"). The *Rohm & Haas* decision prevented EPA from recovering oversight costs from sites located in New Jersey, Pennsylvania, Delaware and the U.S. Virgin Islands. Twelve years later, in *United States v. DuPont*, 432 F.3d 161 (3d Cir., 2005), the Third Circuit overruled its previous decision in *Rohm & Haas* to again allow EPA to recover oversight costs.

As a result of the *United States v. DuPont* decision, EPA reopened a number of cases where the government had preserved its right to pursue oversight costs and in FY 2007 received, or parties committed to pay, over \$5 million in past oversight costs. These funds will either be placed in the Hazardous Waste Trust Fund or in site-specific special accounts.

### **New tools help 'Good Samaritans' remove mine waste, restore watersheds, improve fisheries**

In June 2007 EPA cleared legal roadblocks that discourage volunteers from cleaning up abandoned mine sites. The Agency issued new tools that will reduce legal uncertainties for public and private entities, or "Good Samaritans," to clean up orphan hardrock mine sites responsible for degrading water quality throughout the western United States.

Under [the 2007 tools \(PDF\)](#) (24pp, 162K), EPA and volunteer parties will now be able to enter into "Good Samaritan Settlement Agreements." These agreements provide key legal protections to Good Samaritans as non-liaible parties, including a federal covenant not to sue under the Superfund law, and will provide protection from third-party contribution suits. The other tool is a [model comfort letter](#) (1 pg, 16K) intended for Good Samaritan parties. More information is available on [EPA's Good Samaritan Web site](#).

### **Requiring Federal Agencies to Clean Up Contamination at Their Facilities**

Under the federal Superfund law, EPA is responsible for overseeing cleanups done by federal agencies at federal facilities. EPA and federal agencies enter into agreements to guide cleanup federal facilities at their National Priorities List sites and to govern EPA's oversight of those cleanups.

Federal facilities continued to clean up their contaminated sites under enforceable agreements. Cleanup decisions for this year will address an estimated 55 million cubic yards of contaminated soils and 293 million cubic yards of contaminated water. This accounts for 25 percent of all clean up commitments by potentially responsible parties in FY 2007.

### **Agreements Reached in 2007**

In 2007 EPA, the U.S. Navy, the U.S. Department of the Interior, and the Commonwealth of Puerto



Rico signed an agreement for the cleanup of the Navy's former Atlantic Fleet Weapons Training Area on the island of Vieques, off the east coast of Puerto Rico.

At the Rocky Flats site near Denver, Colorado, EPA and the Department of Energy agreed on the long-term management of the former nuclear weapons site ensuring that its cleanup continues to protect human health and the environment.

### **Enforcement Orders when Agreements Cannot be Reached**

EPA conducted extensive negotiations at several sites; however, the Agency could not reach cleanup agreements at some federal facilities, which resulted in the issuance of enforcement orders. The enforcement orders at the facilities identified below ensure that the federal agencies conduct the necessary cleanup work and protect public health and the environment.

- The U.S. Air Force and Raytheon to clean up the Tucson Airport Superfund Site (also known as the Air Force Plant 44 site) in Tucson, Arizona.
- The U.S. Air Force to investigate and clean up McGuire Air Force Base in New Jersey.
- The U.S. Army to assess the nature and extent of contamination at 14 waste sites at the Fort Meade base in Maryland and to implement appropriate cleanup actions.

### **Promoting Redevelopment and Reuse of Contaminated Sites**

In FY 2007 OECA promoted not only the cleanup but also the redevelopment and reuse of contaminated sites by defining and addressing liability concerns and promoting the use of pilot projects and innovative settlements.

#### **Empire Canyon Launches ER3 Pilot Project**

On April 17, 2007, EPA Administrator Steve Johnson formally announced the first project under the ER3 initiative where an enforcement incentive influenced a developer to minimize the environmental impacts of a planned redevelopment.

The on-site event publicized the prospective lessee agreement that EPA and DOJ negotiated to address the lessee's potential Superfund liability in exchange for a commitment to clean up the site and incorporate numerous environmentally friendly and sustainable elements into redevelopment of the site. More information on ER3.



### **Redevelopment of Federal Facilities**

In 2007, EPA reached agreements with other federal agencies and private developers to clean up several large federal facilities and thereby return them to economically productive reuse. These cleanups will turn former waste sites into productive, tax-producing properties improving the communities around them.

- EPA, the California Department of Toxic Substance Control, the United States Air Force, Sacramento County, and McClellan Business Park joined forces to create the first privatized cleanup of a federally owned Superfund site – McClellan Air Force Base – in the nation.
- EPA and the U.S. Navy reached agreement regarding the cleanup and redevelopment of the closed Roosevelt Roads base in Puerto Rico.



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# Compliance and Enforcement Annual Results: FY2007 Imports Safety

EPA's Enforcement Program continues to address the illegal importation of noncompliant goods into the United States by bringing enforcement actions against importers and others; providing compliance assistance to manufacturers, importers and brokers; and working with other governments, agencies and stakeholders to prevent and reduce risks of unsafe products entering our country.

- [Clean Air Act Enforcement](#)
- [Federal Insecticide Fungicide and Rodenticide Enforcement](#)
- [Toxic Substances Control Act Enforcement](#)
- [Interagency Working Group on Import Safety](#)

## Clean Air Act Enforcement

In the last few years, there has been a surge in the number of imported motor vehicles, motor vehicle engines, and non-road equipment – such as tractors, lawn mowers, generators and other small engines. A large portion of the imported engines are not certified to meet EPA certification standards under the Clean Air Act (CAA). Uncertified engines can emit air pollutants at levels as much as 30% above EPA standards. This is of concern because roughly half the air pollution in the United States is caused by on-road and off-road mobile sources, thereby increasing the risk of respiratory illness and other adverse effects.

In Fiscal Year (FY) 2007, 85 enforcement actions – more than double that of the previous two years combined – were taken by EPA and Customs to stop engines and equipment that did not comply with the CAA from entering the United States.

Consistent with the CAA and our international obligations under the Montreal Protocol on Ozone Depleting Substances, EPA has both civil and criminal authorities for taking action against substances that harm human health and the environment by depleting ozone in the upper atmosphere. EPA's enforcement authorities include taking actions against persons who continue to sell and distribute banned ozone depleting substances.

In 2005-2006, based on tips from domestic novelty businesses and Customs officials, EPA learned about and acted on imported aerosol confetti string products containing banned substances as propellants. (The banned substances were cheaper than legal alternatives.) Following EPA's 2006 action ordering five national retailers to pull millions of banned products from their shelves and destroy them properly, additional administrative enforcement orders were issued to national retailers in 2007 and investigations are on going for other imports of illegal CFCs.

## Federal Insecticide Fungicide and Rodenticide Enforcement

EPA brought enforcement actions related to import safety under the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) in FY 2007. Except under certain limited circumstances (for example,

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for research purposes), it is illegal to sell or distribute pesticides that have not been reviewed and registered for use by EPA or that are not in compliance with the terms of their EPA registrations.

Illegal pesticide imports include a wide range of products, such as naphthalene mothballs and related products (moth tablets, clothes hangers and urinal cakes), chlorine pool disinfectants, insecticidal chalk, roach killers, mosquito coils and rat poisons. Some cases have involved the use of highly toxic pesticides (registered for agricultural use only) in homes, where children are particularly at risk.

EPA stepped up pesticide import inspections at border crossings and other ports of entry, and conducted sweeps and educational campaigns in urban neighborhoods that are at high risk for using illegal imports. Noncompliant imports, when identified prior to or at the time of arrival, are denied entry at the border or port, further ensuring that these dangerous products do not get into our homes.

Products that do not meet EPA regulations that have managed to elude detection at arrival but are subsequently discovered in the market place can be placed under a Stop Sale, Use or Removal Order (SSURO) until disposed of; returned to the country of origin or brought into compliance. Penalties may also be assessed against importers of such products. For example, under the Agency's Children's Health Initiative, EPA Region 2 works with state agency partners to target two major urban areas each year, and these efforts resulted in more than \$221,000 in assessed penalties in FY 2007.

Also in FY 2007, EPA enforcement actions resulting in penalties of more than \$350,000 were issued for import violations against eleven companies involving unregistered and/or misbranded pesticide products ranging from mothball products to antibacterial wipes, various disinfectants/germicides, and herbicides. These cases included penalty actions against: Fourquarters Wholesale (\$143,000); Triunfo-Mex, Inc. (\$84,500); Concord Enterprises (\$59,000); Valent USA Corporation (\$27,300); Dos Amigos Distributors, Inc. (\$10,400); Winston Company, Inc. (\$6,500); Troy Corporation (\$5,580); Karabetian Import & Export (\$4,680); Jotun Paints (\$3,900); Pacific Genuity, Inc. (\$3,120); and Aldis Manufacturing LTD (\$3,120). SSUROs were also issued against Valent USA Corporation and Jotun Paints.

## **Toxic Substances Control Act Enforcement**

Using Customs and Border Protection (CBP) information on imports, nine companies were targeted and inspected for possible Toxic Substances Control Act (TSCA) importation violations in FY 2007. Of the nine, four inspections have lead to enforcement actions and the other five are still in review. Three of the four enforcement actions have led to penalty settlements exceeding \$79,000 during FY2007, including cases against National Plastics, Inc. (Kansas), Arkema (Texas) and Oxid, LP (Texas). The companies violated TSCA's Inventory Update Rule, which requires current knowledge of where and in what quantity specific toxic chemical substances are manufactured and/or imported.

## **Interagency Working Group on Import Safety**

Recognizing the need to ensure the safety of imports entering the United States, on July 18, 2007, President Bush created an Interagency Working Group on Import Safety. Participating federal agencies, including EPA, were charged with reviewing our authorities and practices related to imports, and identifying opportunities for improvement. On November 6, 2007, the Working Group presented to the President a final Action Plan that provides for short- and long-term recommendations to protect consumers by enhancing the safety of imports into the United States. This effort is consistent with EPA's longtime commitment to prevent and reduce the risks of illegal imports. Additional information can be found at [www.importsafety.gov](http://www.importsafety.gov). Among other efforts, EPA will continue working to ensure full integration with the single-window filing system for imports and

exports, the Automated Commercial Environment, or ACE.

EPA will continue to share its scientific expertise and regulatory standards to help our trading partners facilitate the trade of safe and compliant products and otherwise support the broader goal of protecting public health and the environment. An example of this is EPA's efforts to put in place with China an MOU for ensuring cooperation regarding product imports and exports between the U.S. and China to prevent and correct noncompliance. EPA coordinates with Customs and Border Protection (CBP) to support their efforts to more effectively identify imports that violate U.S. standards, and EPA's Office of Enforcement and Compliance Assurance is working with environmental and law enforcement agencies in Canada and Mexico to determine how information about noncompliant or suspect imports can be shared appropriately between our countries. EPA also actively works with domestic and foreign trade groups who may be impacted by noncompliant imports within their sector.

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# Compliance and Enforcement Annual Results: FY2007 Federal Facilities

EPA holds the federal government accountable for compliance with environmental laws and regulations.

In 2007, EPA concluded 35 enforcement actions against federal agencies for alleged violations of environmental laws. Over 700,000 pounds of pollutants will not be put into the environment due to EPA's enforcement of federal environmental laws. EPA collected \$475,000 in penalties and federal agencies committed to spend over \$250 million to improve their facilities and operations to remedy past violations and prevent future violations.

In 2007, EPA concentrated on several areas needing special attention, including:

- [Underground Storage Tank Compliance](#)
- [Federal Laboratories Compliance](#)
- [Stormwater Compliance](#)
- [Wastewater Compliance](#)
- [Veteran's Medical Centers](#)
- [Audit Policy Agreement with US Bureau of Prisons](#)
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## Underground Storage Tank Compliance

The 2005 Energy Policy Act required regulatory agencies (states or EPA) to inspect by August 2007 all underground storage tanks (USTs) that had not been inspected since 1998 (when the UST regulations were last updated). EPA worked with other federal agencies and states to complete inspections of all federal agency USTs which had to be inspected. EPA also began delivering a live [UST compliance course](#) just for federal agencies. That course will continue into 2008.

EPA took enforcement actions when it found federal facilities violating the UST requirements. The Air Force agreed to pay \$115,000 in penalties for UST violations at McGuire Air Force Base in New Jersey.

## Federal Laboratories Compliance

EPA focused on compliance at federal laboratories in 2007. The Army Corps of Engineers paid \$67,000 penalty to settle RCRA violations at a laboratory in Nebraska. The U.S. Department of Agriculture paid \$80,000 to settle two RCRA enforcement actions for violations at laboratories in Missouri and Iowa. The USDA also agreed to educate personnel at other USDA labs about compliance requirements.

## Stormwater Compliance

For the last couple of years, one of EPA's enforcement focus areas has been compliance with

stormwater requirements. In 2007 EPA concluded enforcement actions against several federal agency contractors for violations related to construction at federal facilities. Contractors for the U.S. Air Force agreed to pay \$80,000 to settle two separate enforcement actions related to construction at the Air Force Academy and at Buckley Air Force Base in Colorado. Navy contractors agreed to pay \$17,000 in penalties for violations at a construction site at the Groton submarine base in Connecticut.

## **Wastewater Compliance**

For several years EPA has worked to improve federal agency compliance with the wastewater requirements under the federal Clean Water Act. In January 2007 the Department of Defense (DOD) issued a new policy that all Defense Department facilities should have no significant violations of wastewater requirements. The policy also required DOD facilities to develop action plans to address existing violations and prevent future ones.

## **Veterans Medical Centers**

An important focus area for EPA has been environmental compliance at Veterans medical centers. EPA settled enforcement actions against several Department of Veterans Affairs (VA) facilities in Vermont, Pennsylvania and Puerto Rico and continues to pursue actions in other states. The settlement of the Vermont action requires the VA to implement a comprehensive hazardous waste and chemicals management inventory for all VA facilities in New England and to pay a \$50,000 penalty. The VA agreed to pay a \$136,000 penalty to settle the Pennsylvania action and \$26,000 to settle the Puerto Rico action.

## **Audit Policy Agreement with U.S. Bureau of Prisons**

Under an agreement with EPA, the Bureau of Prisons (a part of the Department of Justice) agreed to audit 16 prisons in Maryland, Pennsylvania, Virginia and West Virginia to determine their compliance with environmental laws and correct any violations within 60 days. This agreement came about because of EPA's enforcement action against the Bureau for violations found during an inspection of its Lewisburg Federal Prison in West Virginia. The Bureau agreed to pay a \$38,000 penalty in 2007 to settle that action.

## **FedCenter.gov**

FedCenter helps federal government agencies comply with environmental laws and to be better environmental stewards. Ninety percent of responders to a 2007 survey said that it improved their knowledge of environmental requirements and over 75 percent said they took one or more actions to improve their environmental practices, such as changing how they handle wastes or emission or obtaining a permit or certificate.(1)

FedCenter responded as new environmental requirements arose. Congress passed the Energy Policy Act requiring all federal facilities to report whether their underground storage tanks were in compliance. FedCenter created an electronic reporting method so that federal facilities could easily meet this new requirement, saving them time and money. FedCenter reorganized much of its information making it easier for federal agencies to meet new environmental and conservation goals set by the President in Executive Order 13423 (PDF) (7 pp, 104K, About PDF) in January 2007.

FedCenter is financially supported by many federal agencies, not just EPA. In 2007 the National Institutes of Health, the Veterans Health Administration, NASA, the U.S. Postal Service and the Department of the Treasury supported FedCenter financially. Representatives from many of these, and other, agencies serve on FedCenter's board guiding its operations and making it more useful to federal agencies.

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**(1) 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. ([return to text](#))

**Annual Results by Fiscal Year:**

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# Compliance and Enforcement Annual Results: FY2007 Environmental Justice

The Office of Enforcement and Compliance Assurance serves as the National Program Manager for EPA's Environmental Justice program. Environmental Justice ensures protection of minority and/or low-income communities that may be exposed disproportionately to environmental harms and risks. Ensuring environmental justice means not only protecting human health and the environment for everyone, but also ensuring that all people are treated fairly and are given the opportunity to participate meaningfully in the development, implementation, and enforcement of environmental laws, regulations, and policies. In Fiscal Year 2007, several significant steps were taken to further environmental justice, including:

- [Implementing Executive Order 12898](#)
- [Capacity Building and Partnering for Maximum Effect](#)
- [The Power of Collaborative Problem-Solving](#)

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## Implementing Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"

### Implementing Environmental Justice in Federal Agencies

EPA is the lead for implementing [Executive Order 12898 \(PDF\)](#) (6 pp, 122K, [About PDF](#)), which directs Federal agencies to "make achieving environmental justice part of its mission." As lead agency for the Executive Order, EPA provides technical assistance to other Federal agencies on integrating environmental justice. In Fiscal Year 2007, EPA has worked with the [Centers for Disease Control and Prevention \(CDC\)](#) to develop an environmental justice policy. EPA also is working with CDC's National Center for Environmental Health and with the Agency for Toxic Substances and Disease Registry (ATSDR) to develop a strategy for integrating environmental justice goals within its programs and operations. On July 18, 2007, EPA, CDC and ATSDR announced a memorandum of understanding (MOU) to collaborate on data gathering and sharing, and to find solutions for community health problems that could be linked to environmental hazards. Environmental justice was an important consideration in developing this MOU.

### Implementing Environmental Justice at EPA

EPA has developed [Environmental Justice Action Plans](#) ("EJ Action Plans") which establish measurable commitments that address the Agency's national environmental justice priorities. These priorities, articulated by Administrator Stephen L. Johnson in his memorandum entitled, ["Reaffirming the U.S. Environmental Protection Agency's Commitment to Environmental Justice \(PDF\)"](#) (2 pp, 3.6M, [About PDF](#)) create an Agency-wide focus on matters that environmental justice advocates and others have identified as critical environmental justice issues.

### Capacity Building and Partnering for Maximum Effect

## EJ Grants Programs

In 2007, EPA awarded \$1 million in [Environmental Justice Collaborative Problem-Solving Cooperative Agreements](#) to 10 community-based organizations, and an additional \$1 million in [Environmental Justice Small Grants](#) to 20 community-based organizations, to raise awareness and build their capacity to solve local environmental and public health issues.

Since 1993, EPA has awarded more than \$31 million in grants to more than 1,100 community-based organizations and others to take on an active role in our nation's environmental stewardship. These environmental justice grants promote community empowerment and capacity-building - essential ingredients to maximize meaningful participation in the regulatory process.

## The Power of Collaborative Problem-Solving

### EJ Collaborative Problem-Solving documentary film

In June 2007, the Office of Environmental Justice released a documentary film entitled, *"Environmental Justice: The Power of Partnerships."* This film demonstrates not only EPA's success, but the success of other Federal, state, and local partners, and community groups. This film builds on the 2006 [manual on the EPA's EJ Collaborative Problem-Solving \(CPS\) Model \(PDF\)](#) (44 pp, 701K, [About PDF](#)). The CPS Model represents a systematic, community-based approach for stakeholders to achieve lasting solutions to local environmental and/or public health issues using collaborative partnerships. There are seven elements in the CPS Model which can be used in distressed communities where people are committed to working together to bring about positive change.

EPA produced this documentary film as a training tool to put thousands of communities on the path of collaborative-problem solving. It provides the example of the ReGenesis Environmental Justice Partnership, led by a community-based organization in Spartanburg, South Carolina, which began in 1999 with a \$20,000 EJ grant to address local environmental, health, economic and social issues. The Partnership used elements of the CPS Model to leverage the initial grant from EPA to generate more than \$166 million in funding, including over \$1 million from EPA Region 4.

ReGenesis marshaled the collaboration of more than 200 partner agencies, and local residents, industry, and a university to revitalize two Superfund sites and six Brownfields sites into new housing developments, an emergency access road, recreation areas, green space, and job training that are vital to the community's economic growth and well-being.

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# Compliance and Enforcement Annual Results: FY2007 Report a Violation

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## Background on the Report a Violation Web Site

One of the Office of Enforcement and Compliance Assurance's (OECA) priorities is to make EPA's website an effective tool for securing tips and complaints from the public about possible civil and criminal violations of environmental law.

EPA's [Report a Violation Web site](#) was launched in 1999, and re-launched in January 2006 with significant modifications to make it easier to report tips using the Web-based reporting form, and to increase the quality of tips received by EPA.

A link on [EPA's Homepage](#) invites the public to report possible environmental violations or crimes. More than a million people a month who visit the Agency's home page ([www.epa.gov](http://www.epa.gov)) have the opportunity to help OECA protect human health and the environment by sharing any problems they see in their communities.

The Report a Violation Web site continues to be a work in progress. The continued implementation of the Web site will allow a more organized and coordinated effort between EPA's criminal and civil enforcement offices; more timely EPA responses to public reports of potential environmental violations; referral of complaint information to EPA's state and local counterparts; accurate internal EPA tracking of complaint information; and tracking of national trends in environmental law violations.

## Quick Facts about Tips Received

- The site has led to the opening of, or contributed to, 9 criminal cases. An unforeseen benefit to the Web site is that some tips have provided additional evidence that has assisted EPA with existing cases (such as additional witnesses that can assist us with an existing case).
- During the past fiscal year, EPA received a total of 6,781 tips.
- 6,394 of these tips indicated potential civil violations.
- 387 tips are currently under review for potential criminal violations.

## How EPA Responds to Tips

OECA's Office of Criminal Enforcement, Forensics and Training (OCEFT) has primary responsibility for evaluating and routing these leads as they come in. The system sorts tips based on their potential under criminal, civil or state jurisdiction. Here is a brief overview of how the process works:

- A member of the public completes form.
- If the violation is described as being intentional, it is sent to the criminal enforcement office for review by criminal investigation division desk officers.

- If the violation is described as being “accidental,” it is sent to EPA Regional offices for review as a civil case.
- “Criminal tips” reviewed by desk officer are either:
  - Sent to Criminal Program field offices for further review and potential criminal investigation.
  - Sent to Regional offices if deemed potentially worthwhile for civil investigation but not criminal investigation.
  - Closed without further action if information submitted indicates that further investigation is not warranted.
- Tips that result in further enforcement response are tracked through the normal civil and criminal enforcement procedures.

Tips that will not result in further federal response may be referred to the appropriate states. States' responses to tips referred from EPA are managed within each State as a regulatory or law enforcement issue. EPA's goal with regard to referrals to states is to provide tips containing as much useful information as possible for review.

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