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Compliance and Enforcement Annual Results FY2008

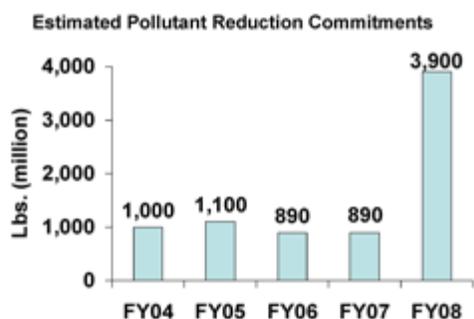
In Fiscal Year (FY) 2008, the Environmental Protection Agency's Enforcement and Compliance Program concluded civil and criminal enforcement actions requiring polluters to invest an estimated \$11.8 billion to reduce pollution, clean up contaminated land and water, achieve compliance and implement environmentally beneficial projects. This investment is the largest amount ever achieved by EPA.

Civil and criminal defendants have committed to reduce pollution by approximately 3.9 billion pounds when these activities are completed. This is approximately equal to the amount of pollution reduced over the previous four years combined.

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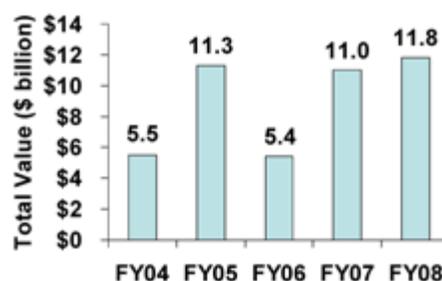
Results from Concluded EPA Enforcement Actions



Larger version of this chart (PDF) (40 pp, 231KB, about PDF)

Results from Concluded EPA Enforcement Actions

Estimated Investments in Pollution Control & Clean up plus Environmentally Beneficial Projects (\$ billion)



Larger version of this chart (PDF) (40 pp, 231KB, about PDF)

EPA continued to provide a strong and active enforcement and compliance program in Fiscal Year 2008 by focusing federal resources on [important environmental problems that EPA has designated as National Priorities](#). Air priority enforcement efforts achieved commitments to reduce an estimated 1,654 million pounds of pollutants and required investment of an estimated \$4.8 billion in pollution controls, while water priority enforcement efforts obtained commitments to reduce an estimated 1,534 million pounds and required investment of almost \$3 billion in pollution controls. In addition, EPA obtained enforcement commitments from parties responsible for managing hazardous waste to treat, minimize or properly dispose of an estimated 6.5 billion pounds of hazardous waste.

FY 2008 enforcement actions resulted in significant [public health benefits \(PDF\)](#) (40 pp, 231K, [About PDF](#)). An estimated \$35 billion in health benefits will be achieved through the top 10 FY 2008 air stationary source enforcement actions. Approximately 1.7 billion pounds of [sulfur oxides, nitrogen oxides and particulate matter](#) will be reduced per year when all the required pollution controls are completed. The annual human health benefits from these reductions include approximately 4,000 fewer premature deaths in people with heart or lung disease, 2,000 fewer hospital visits due to respiratory ailments, and 200,000 fewer days of missed school or work.

EPA is maintaining a vigorous [Superfund enforcement program](#) by maximizing potentially responsible party participation at sites. In FY 2008 EPA obtained commitments from responsible parties to invest almost \$1.6 billion for investigation and cleanup of Superfund sites. This is the highest total in the last seven years. The Superfund enforcement program pursued cost recovery from liable parties in bankruptcy, improved management of special accounts, and promoted cleanup of contaminated property at federal facilities.

During FY 2008, EPA's [criminal enforcement program](#) continued to emphasize priority cases with significant environmental, human health, and deterrence impact while balancing its overall case load across all pollution statutes. In FY 2008, prosecuted cases resulted in a total of \$63.5 million levied in fines and restitution and 57 years of incarceration.

EPA's [federal facility enforcement program](#) yielded particularly worthwhile results often exceeding results from prior years in FY 2008. EPA achieved more settlements with federal facilities to pay penalties and address environmental violations than in 2006 and 2007 combined, resulting in federal facilities agreeing to pay over \$1.4 million in penalties -- more than they paid in 2006 and 2007 combined.

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, 71K, [About PDF](#)) results that include compliance assistance monitoring and inspections, and incentive programs to promote self-policing and improvement in environmental management practices. As a result of our [compliance assistance tools](#) in FY 2008, almost 2.6 million entities received compliance assistance from EPA-sponsored Web sites or from EPA personnel.

For more information, see our [Numbers at a Glance](#) and [results charts](#) and read the [highlights of enforcement cases](#) we resolved in 2008 and the [compliance highlights](#) we have offered.

Other FY2008 Accomplishments

- [Compliance Incentives](#)
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Compliance and Enforcement Annual Results FY2008: Results Charts

[Printable Results Charts \(PDF\)](#) (40 pp, 231.35K)

[Government Performance and Results Act Charts \(PDF\)](#) (6 pp, 71.5K)

The collection of charts offered here shows key FY2008 compliance and enforcement results compared to other years.

These links open the corresponding chart in the PDF file containing all charts.

You will need Adobe Reader to view some of the files on this page. See [EPA's PDF page](#) to learn more.

EPA Environmental Results

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EPA FY2008 Enforcement & Compliance Annual Results



Prepared by the Office of Enforcement and Compliance Assurance

December 4, 2008



FY2008 Enforcement & Compliance Annual Results

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FY2008 Enforcement & Compliance Annual Results

Highlights

As a result of EPA enforcement actions concluded in FY2008:

- Defendants have committed to invest an estimated \$11.8 billion to reduce pollution, clean up contaminated land and water, achieve compliance, and implement environmentally beneficial projects. This investment commitment is the largest amount ever achieved by EPA.
 - EPA enforcement actions have required companies to invest an estimated inflation adjusted total of \$45 billion in pollution control equipment and clean up plus environmentally beneficial projects over the last 5 years. This is equal to \$36 million/work day.
 - Civil and criminal defendants have committed to reduce pollution by 3.9 billion pounds annually once all required controls are fully implemented.
 - In the past 5 years, EPA has obtained estimated pollution reduction commitments of 7.8 billion pounds, an average of 1.6 billion pounds per year.
 - The FY 2008 amount is the largest amount obtained by EPA since FY 1999 and is approximately equal to the amount achieved over the previous 4 years combined.
- Civil defendants agreed to take complying actions that will result in treatment, minimization, or proper disposed of 6.5 billion pounds of Hazardous Waste.
 - FY 2008 is the first year that EPA has collected data on Hazardous Waste reductions achieved through enforcement cases.
- EPA's 10 largest Clean Air Act stationary source cases resulted in reductions of 1.7 billion pounds of SO_x, NO_x and PM which, in turn, resulted in annual health benefits valued at an estimated \$35 billion.
 - Resulting annual health benefits will include approximately 4,000 fewer premature deaths in people with heart or lung disease; 2,000 fewer hospital visits due to asthma respiratory failure; 200,000 fewer days of missed school or work.



FY2008 Enforcement & Compliance Annual Results Highlights (continued)

As a result of EPA clean up enforcement actions concluded in FY2008:

- In 2008, EPA obtained commitments from responsible parties to invest \$1,575 billion for investigation and clean up of Superfund sites. This is the highest total in the last seven years.
- 100 million cubic yards of contaminated soil will be cleaned up – a record total - and 255 million cubic yards of contaminated water will be cleaned up.

As a result of our compliance assistance activities in FY 2008:

- 2.6 million entities received compliance assistance from EPA-sponsored web sites or from EPA personnel.



FY2008 Enforcement & Compliance Annual Results

Top Air Enforcement Cases Yield Environmental and Human Health Benefits

Pollutant Reductions

EPA's 10 largest enforcement actions for stationary source Clean Air Act violations obtained commitments by companies to reduce their emissions of sulfur oxides (SO_x), nitrogen oxides (NO_x) and particulate matter (PM).

When all required pollution controls from the 10 enforcement actions are completed, emissions will be reduced by approximately 1.7 billion pounds per year.



Health Benefits

The annual human health benefits from these reductions in SO_x, NO_x, and PM are estimated to have a value of \$35 billion. These health benefits include:

- approximately 4,000 avoided premature deaths in people with heart or lung disease;
- over 2,000 fewer emergency room visits for such diseases as asthma and respiratory failure;
- about 6,000 fewer cases of chronic bronchitis and acute bronchitis;
- about 4,000 fewer nonfatal heart attacks;
- over 30,000 fewer cases of upper aggravated asthma;
- over 50,000 fewer cases of upper and lower respiratory symptoms; and
- over 200,000 fewer days when people would miss work or school.



FY2008 Enforcement & Compliance Annual Results

National Enforcement Priorities

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 82% of pollution reductions and 67% of pollution control investments obtained through EPA's FY 2008 enforcement actions focused on water and air priority pollution problems.
- Approximately 27% of hazardous waste treated, minimized or properly disposed of, and 3% of pollution control investments obtained through EPA's FY 2008 enforcement actions focused on land priority pollution problems.
- In FY 2008, EPA's enforcement actions addressing national priorities:
 - reduced air pollution by 1,654 million pounds, and required investment of \$4.8 billion in pollution control.
 - reduced water pollution by 1,534 million pounds, and required investment of almost \$3 billion in pollution control.
 - reduced land pollution by 1,751 million pounds of hazardous waste, and required investment of \$0.4 billion in pollution control and clean up.



FY2008 Enforcement & Compliance Annual Results

National Priority Pollution Problems

	Estimated Pollutants to be Reduced <i>millions of pounds</i>		Estimated Investments in Pollution Control <i>millions of dollars</i> <i>(Inflation Adjusted to FY 08 Dollars)</i>	
	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2007</u>	<u>FY 2008</u>
<p>CSO/SSO</p> <p>Overflows from inadequate combined sewers and sanitary sewers discharge pollutants such as untreated sewage and industrial wastewater into rivers, lakes and oceans.</p>	45 M	173 M	\$3,678 M	\$2,909 M
<p>CAFO</p> <p>Runoff containing nutrients, bacteria, pesticides and antibiotics from concentrated animal feedlots are transported to local waterways.</p>	15 M	32 M	\$31 M	\$10 M
<p>Stormwater</p> <p>Stormwater runoff from large urban areas transports contaminants directly over land and into waterways.</p>	118 M	1,329 M	\$9 M	\$68 M
TOTAL	178 M	1,534 M	\$3,717 M	\$2,986 M

Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2008 dollars based on the monthly rate of inflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.

Note: Most of the numbers displayed in this document are rounded. As a result, adding the figures presented here may not produce exactly the same totals as those displayed in other EPA documents.



FY2008 Enforcement & Compliance Annual Results

National Priority Pollution Problems

	Estimated Pollutants to be Reduced <i>millions of pounds</i>		Estimated Investments in Pollution Control <i>millions of dollars</i> <i>(Inflation Adjusted to FY 08 Dollars)</i>	
	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2007</u>	<u>FY 2008</u>
NSR/PSD	426 M	1,654 M	\$2,550 M	\$4,790 M
Industrial facilities that do not obtain permits according to new source review/prevention of significant deterioration Clean Air Act requirements illegally emit pollutants such as SO ₂ , NOx and PM.				
Air Toxics	0.8 M	0.09 M	\$11 M	\$7 M
Toxic air pollutants are known or suspected to cause cancer or other serious health effects or adverse environmental impacts. In FY2008, the Air Toxics Priority focused on three national problem areas: Leak Detection And Repair (LDAR), Flaring, and Surface Coating.				
TOTAL	426.8 M	1,654 M	\$ 2,561 M	\$4,797 M

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 Note: Most of the numbers displayed in this document are rounded. As a result, adding the figures presented here may not produce exactly the same totals as those displayed in other EPA documents.



FY2008 Enforcement & Compliance Annual Results

National Priority Pollution Problems

Pounds of Hazardous Waste Treated, Minimized or Properly Disposed of
millions of pounds

Estimated Investments in Pollution Control
millions of dollars
(Inflation Adjusted to FY 08 Dollars)

Mineral Processing

Mineral processing and mining sectors generate large volumes of wastes that are corrosive and/or contain toxic metals that contaminate groundwater, surface water, soil, and Sediment.

FY 2007
NC*

FY 2008
1,751 M

FY 2007
\$60 M

FY 2008
\$217 M

Financial Assurance

Ensures that operators have adequate funds to clean up pollutants at facilities that handle hazardous wastes, hazardous substances, toxic materials, or other pollutants should they close.

-

-

NC*

\$134 M

Estimated Value of Financial Assurance Restored
millions of dollars

FY 2007

FY 2008

*NC – Data Not Collected

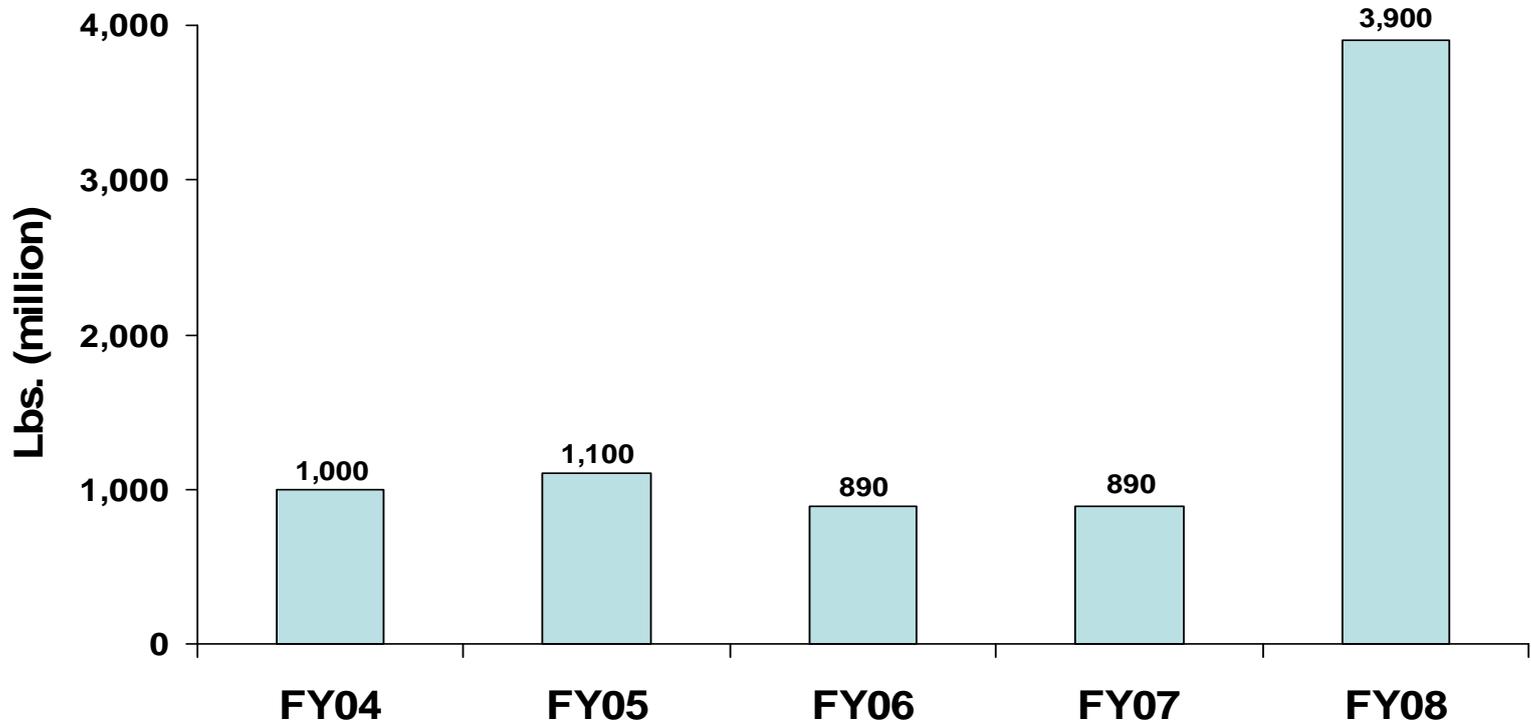
Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2008 dollars based on the monthly rate of inflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.



FY2008 Enforcement & Compliance Annual Results

Results from Concluded EPA Enforcement Actions

Estimated Pollutant Reduction Commitments



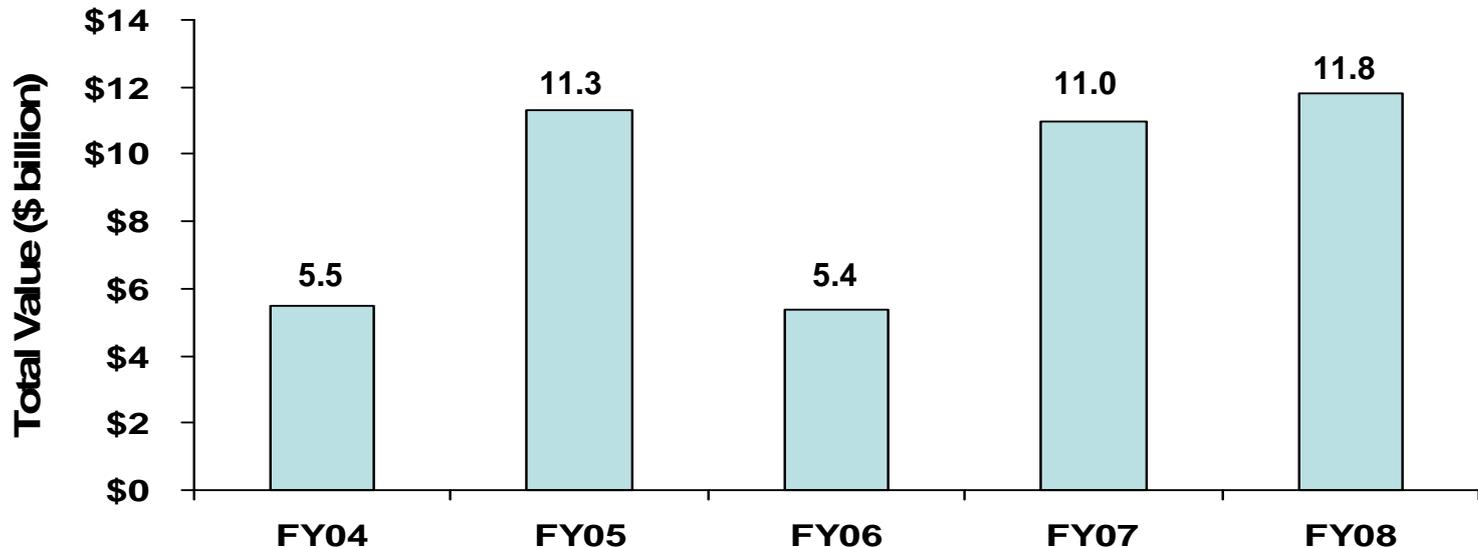
FY2008 Data Source: Integrated Compliance Information System (ICIS), October 11, 2008; data source for previous fiscal years: ICIS



FY2008 Enforcement & Compliance Annual Results

Results from Concluded EPA Enforcement Actions

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



Note: In some previous years, investments in pollution control and clean up were referred to as “value of injunctive relief.” This value now combined with the value of Environmentally Beneficial Projects and is reported here as one number, consistent with the way EPA reports this information to Congress.

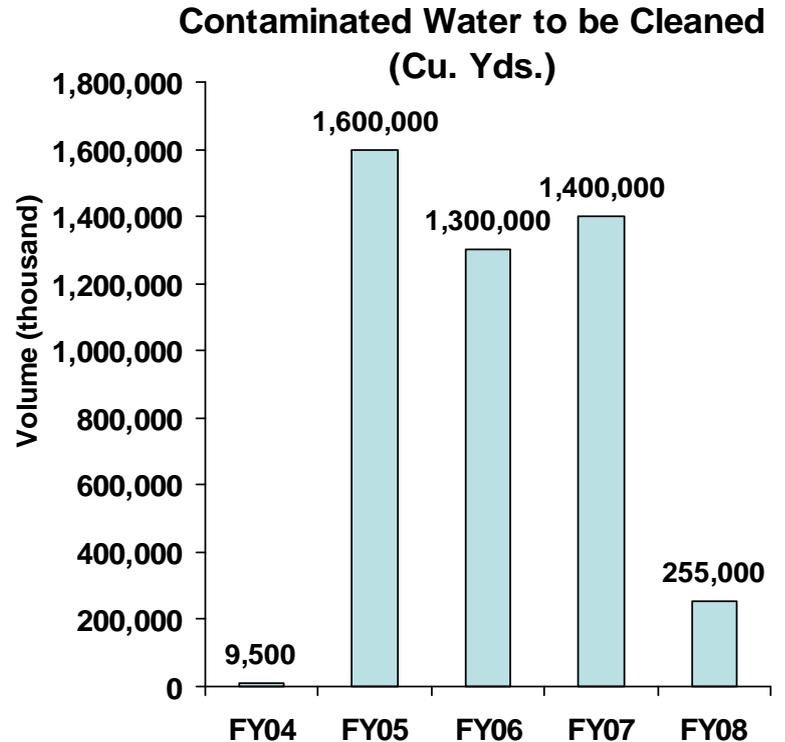
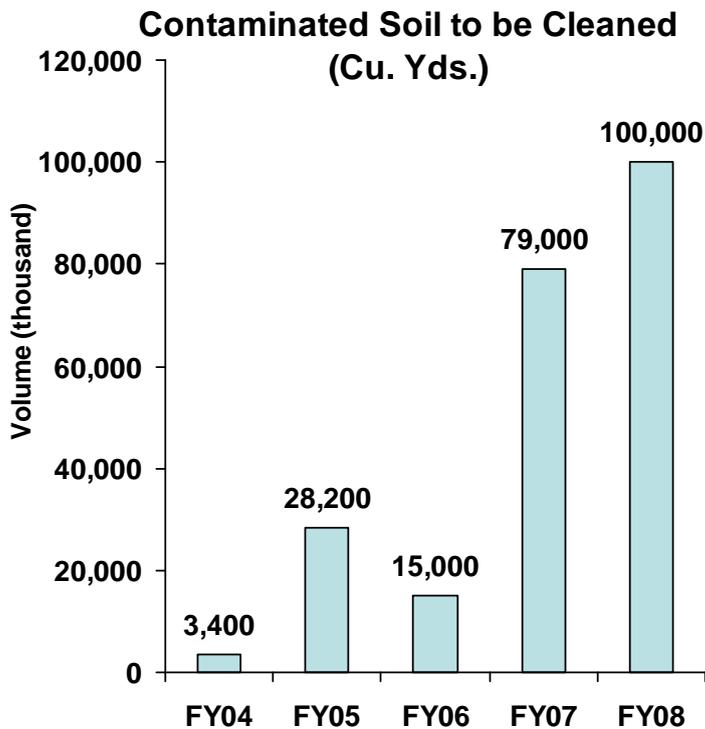
Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2008 dollars based on the monthly rate of inflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.



FY 2008 Enforcement & Compliance Annual Results

Results from Concluded EPA Enforcement Actions

Estimated Volume of Contaminated Soil and Water to be Cleaned Up



FY2008 Data Source: Integrated Compliance Information System (ICIS), October 11, 2008; data source for previous fiscal years: ICIS
Disclaimer: Minor corrections may have been made to previous years' data.

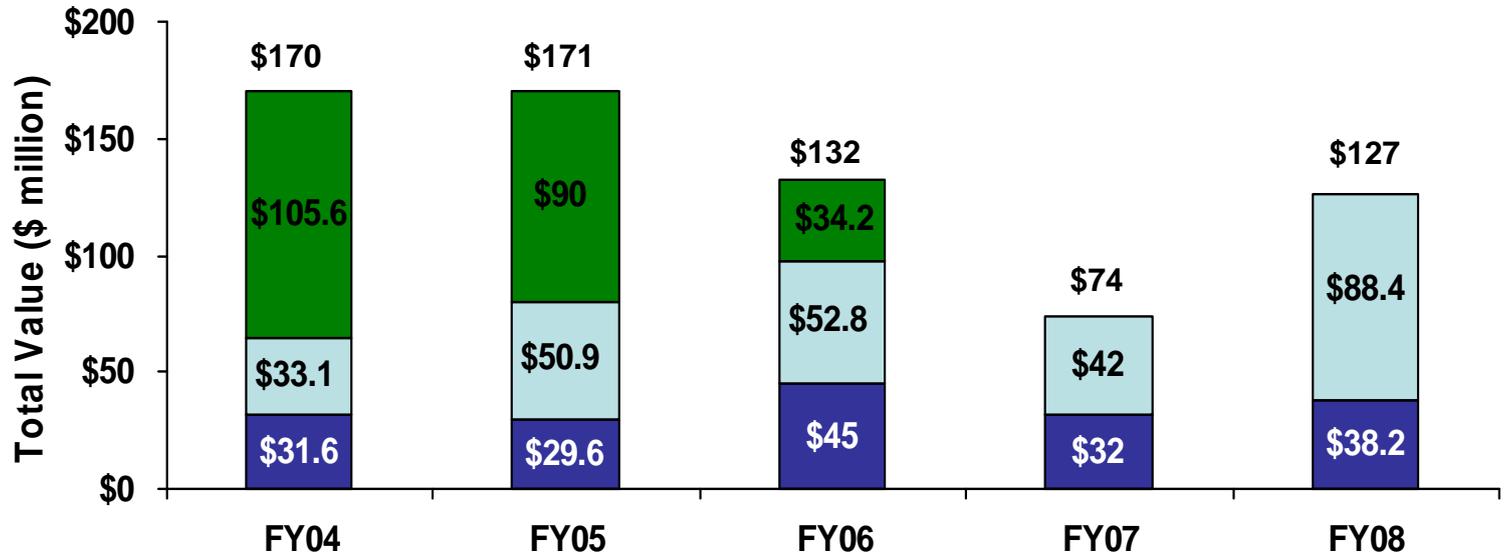


FY2008 Enforcement & Compliance Annual Results

Results from Concluded EPA Enforcement Actions

Civil Penalties Assessed (\$ million)

(Inflation Adjusted to FY 08 Dollars)



■ From Administrative Cases ■ From Civil Judicial Cases ■ From Default Judgement Cases

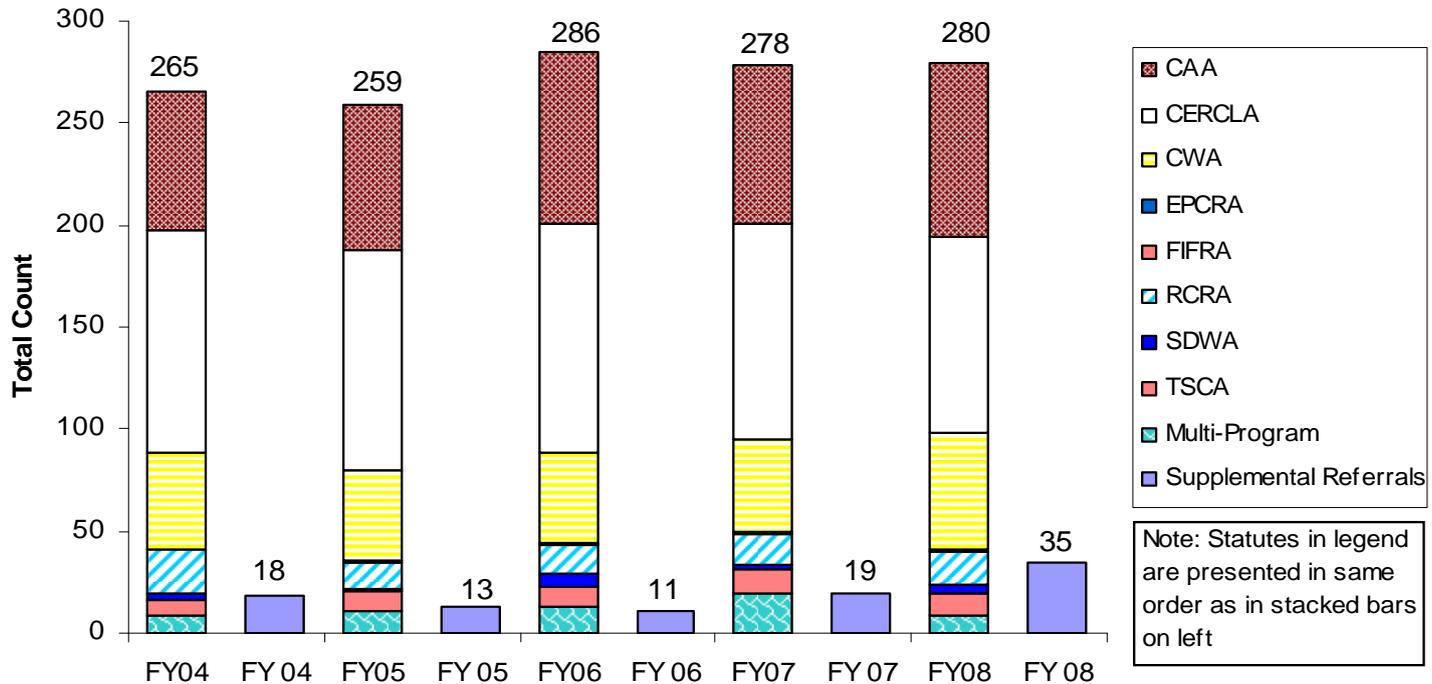
Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2008 dollars based on the monthly rate of inflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.

FY2008 Data Source: Integrated Compliance Information System (ICIS), October 11, 2008; data source for previous fiscal years: ICIS



FY 2008 Enforcement & Compliance Annual Results

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



Note: When EPA expands a case that has previously referred to DOJ to add parties, violations or facilities, or to amend or enforce a settlement, this activity is tracked as a "supplemental referral" and is counted separately from "Referrals".

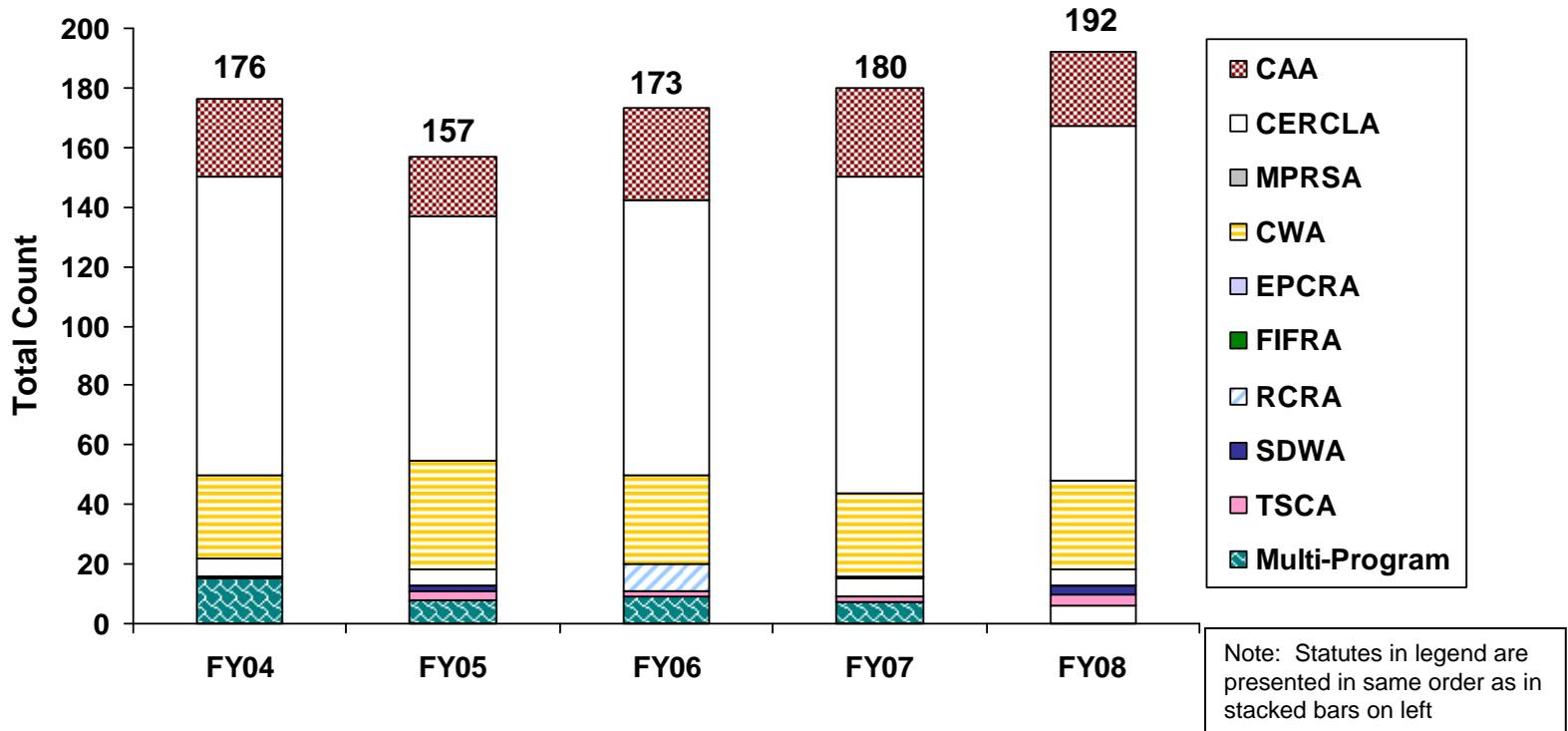
FY2008 Data Source: Integrated Compliance Information System (ICIS), October 11, 2008; data source for previous fiscal years: ICIS



FY2008 Enforcement & Compliance Annual Results

Concluded EPA Enforcement Actions

EPA Civil Judicial Enforcement Case Conclusions Total and by Statute



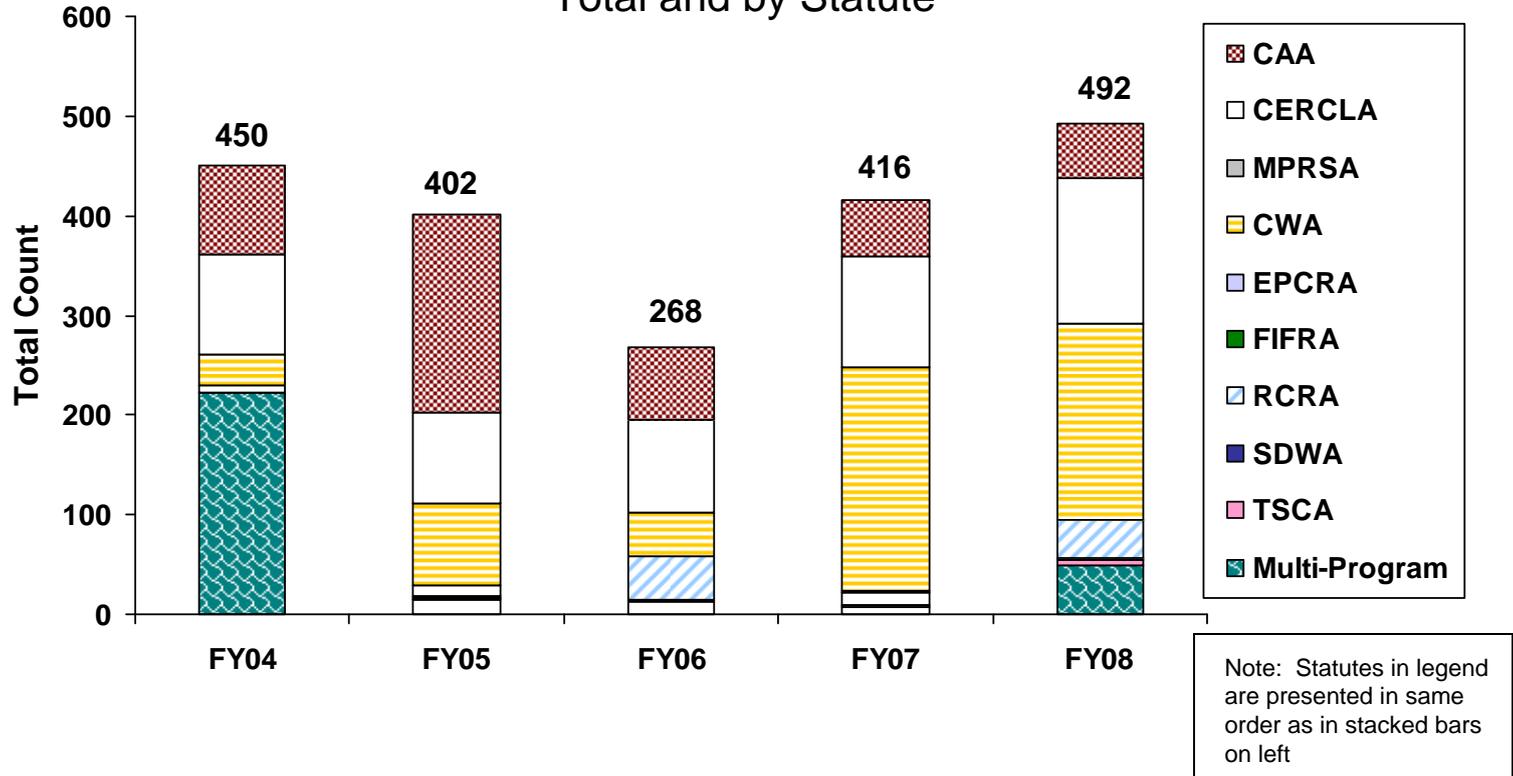
FY2008 Data Source: Integrated Compliance Information System (ICIS), October 11, 2008; data source for previous fiscal years: ICIS



FY2008 Enforcement & Compliance Annual Results

Concluded EPA Enforcement Actions

EPA Civil Judicial Enforcement Case Conclusions
 Number of Facilities Addressed
 Total and by Statute



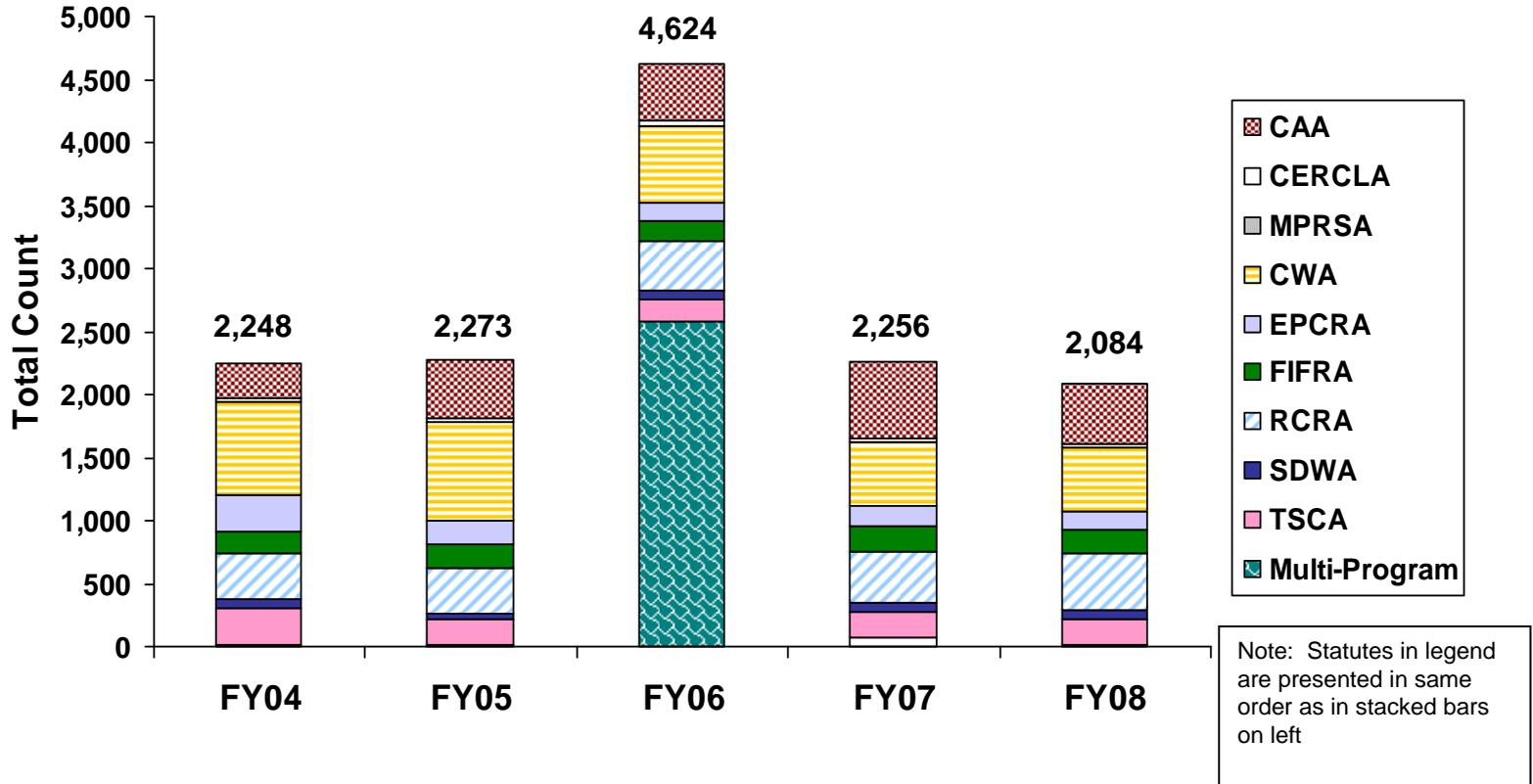
FY2008 Data Source: Integrated Compliance Information System (ICIS), October 11, 2008; data source for previous fiscal years: ICIS



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Concluded EPA Enforcement Actions

EPA Final Administrative Penalty Orders Issued Total and by Statute



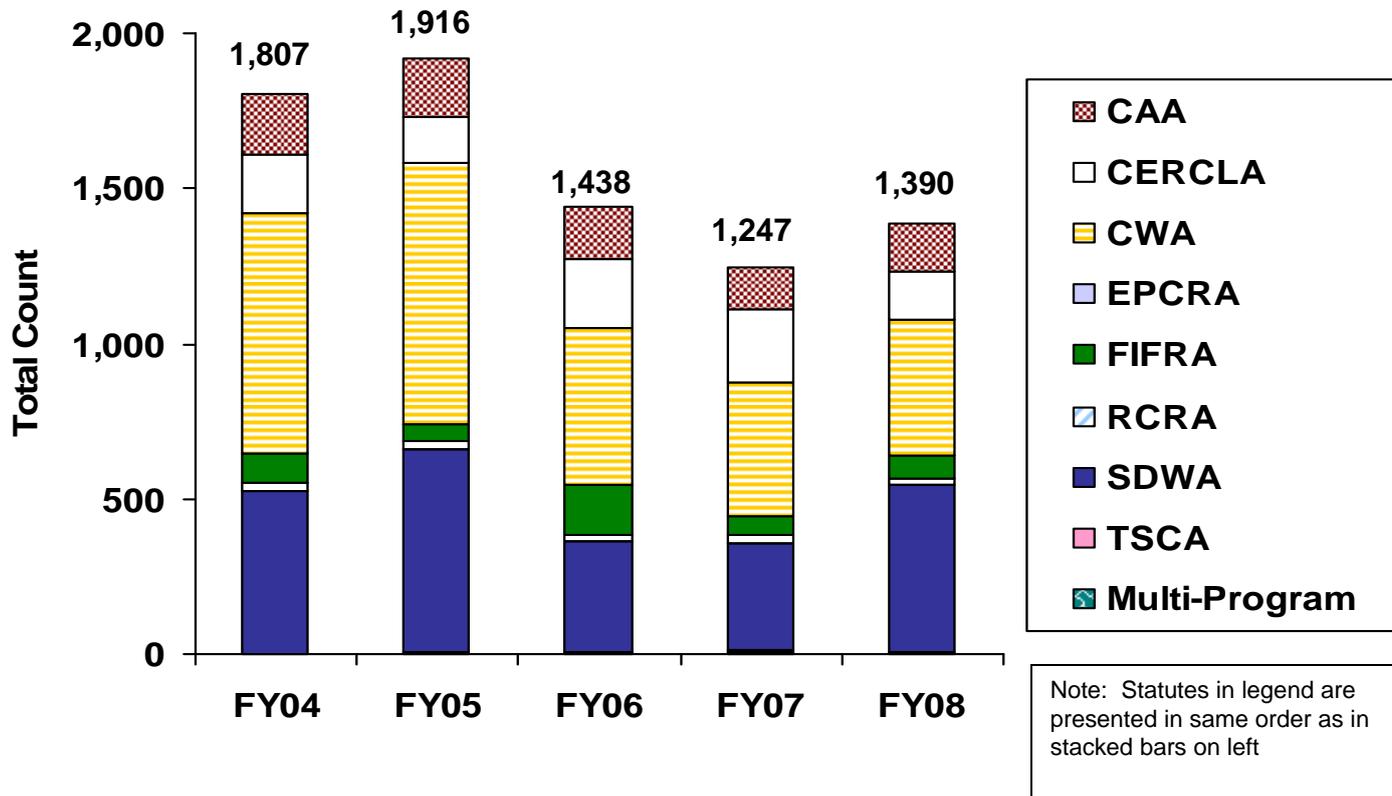
FY2008 Data Source: Integrated Compliance Information System (ICIS), October 11, 2008; data source for previous fiscal years: ICIS



FY2008 Enforcement & Compliance Annual Results

Concluded EPA Enforcement Actions

EPA Administrative Compliance Orders Issued Total and by Statute



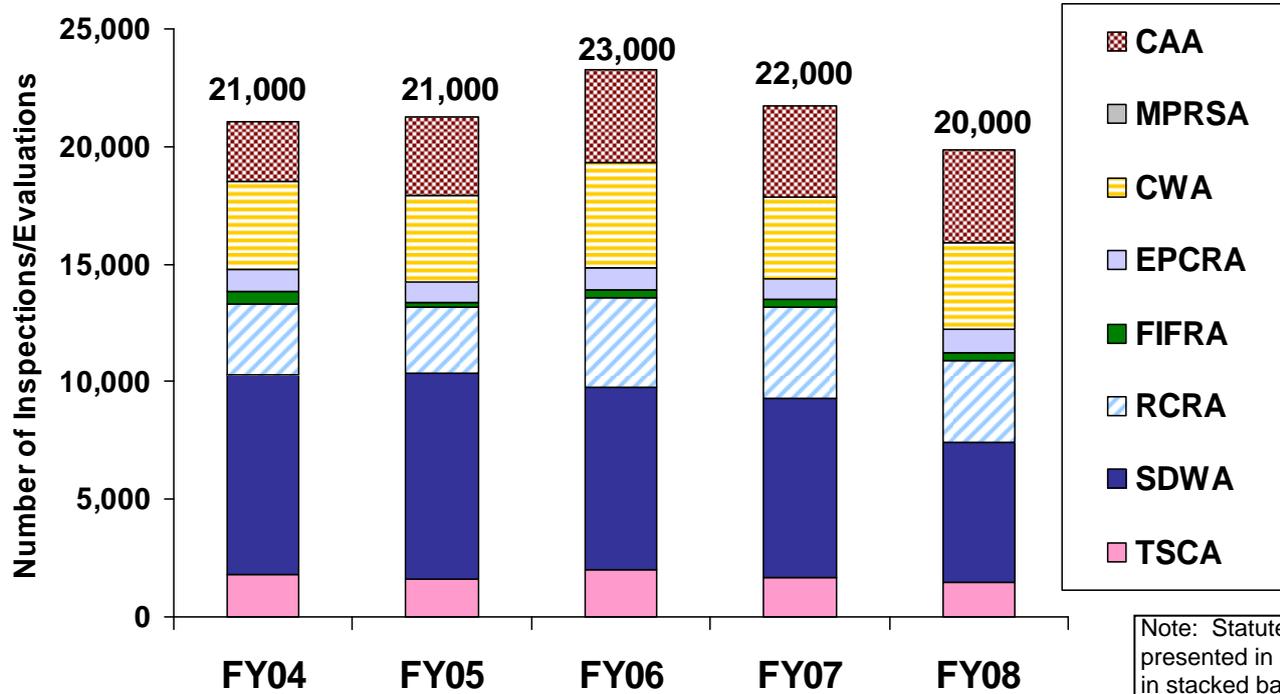
FY2008 Data Source: Integrated Compliance Information System (ICIS), October 11, 2008; data source for previous fiscal years: ICIS



FY2008 Enforcement & Compliance Annual Results

Compliance Monitoring

Number of Inspections - Evaluations Conducted by EPA



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

Note: In FY 2008, 334 Inspections were conducted by tribal inspectors using federal credentials, an important addition to the inspections conducted by EPA. Inspections conducted by tribes using federal credentials are done "on behalf" of the Agency, but are not an EPA activity.
 Note: The numbers of EPA Civil Investigations for the last five FYs are: 455 (FY 04), 397 (FY 05), 354 (FY 06), 346 (FY 07) and 222 (FY 08).

FY2008 Data Source: Integrated Compliance Information System (ICIS), legacy databases, and manual reporting, October 11, 2008.
 Data source for previous fiscal years: ICIS, legacy databases, and manual reporting

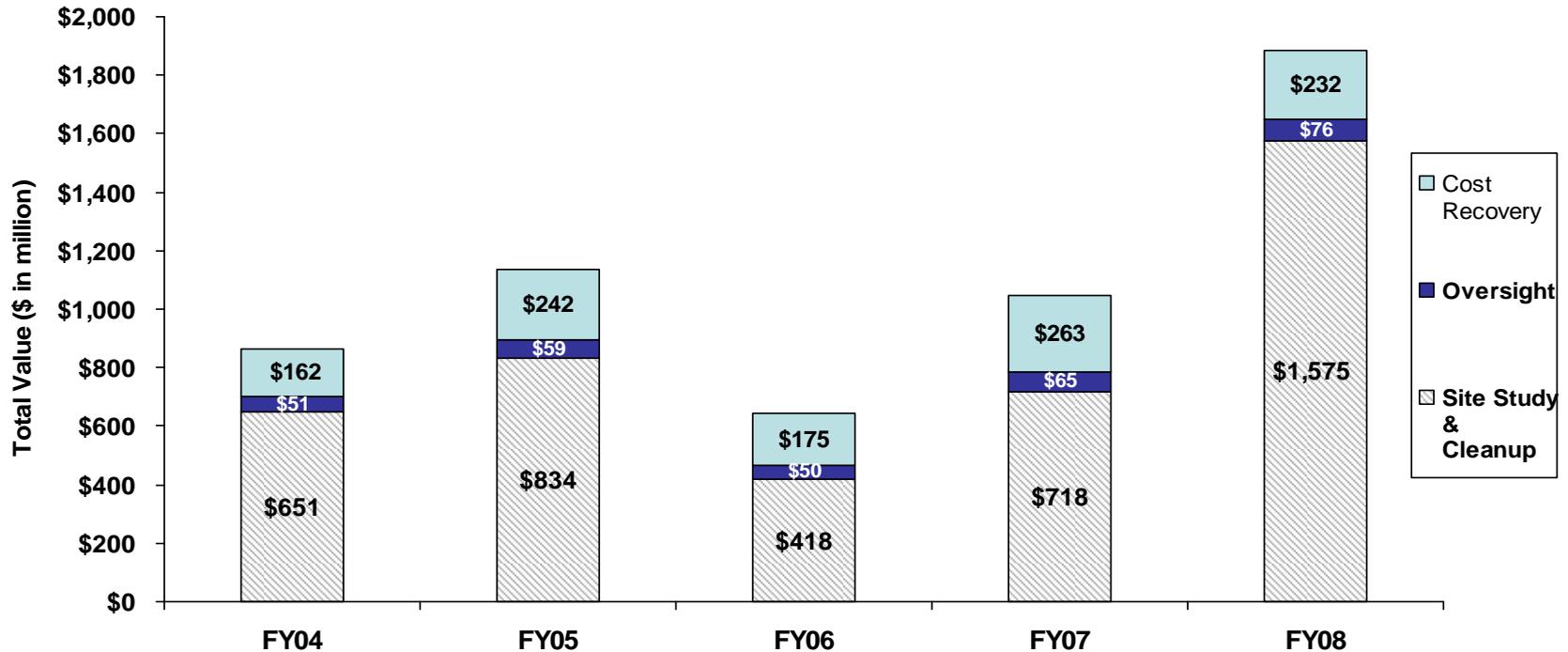


FY 2008 Enforcement & Compliance Annual Results

Results from Concluded EPA Enforcement Actions

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

(Inflation Adjusted to FY 08 Dollars)



Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2008 dollars based on the monthly rate of inflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.

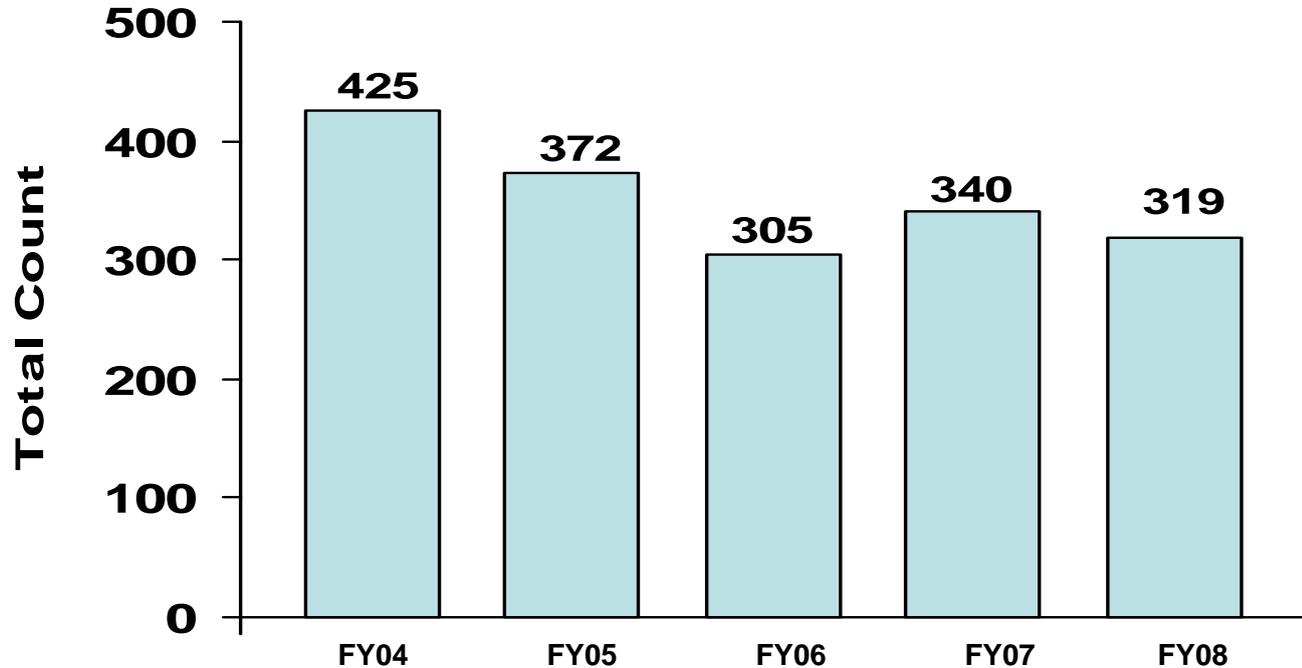
Note: Totals include "allowed claims" under bankruptcy settlements.



FY2008 Enforcement & Compliance Annual Results

Criminal Enforcement Program

Environmental Crime Cases Initiated



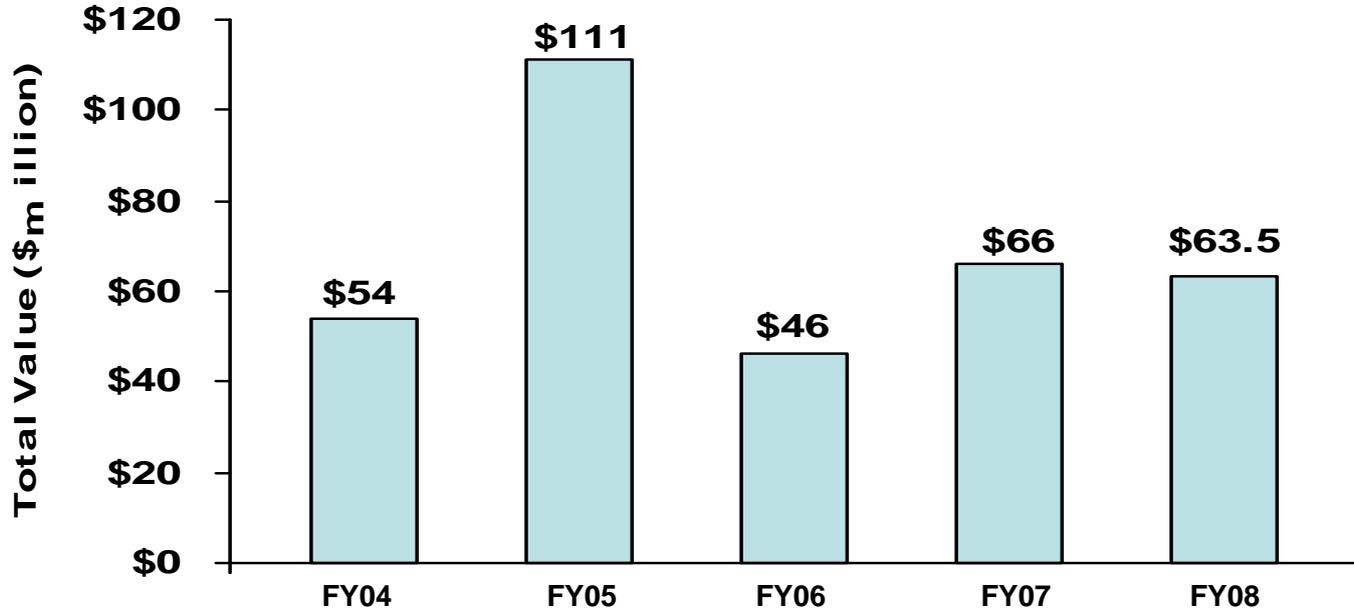
FY2008 Data Source: Criminal Case Reporting System, October 11, 2008; Source for previous years: annual Criminal Case Reporting System data



FY2008 Enforcement & Compliance Annual Results Criminal Enforcement Program

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

(Inflation Adjusted to FY 08 Dollars)



Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2008 dollars based on the monthly rate of inflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.

FY2008 Data Source: Criminal Case Reporting System, October 11, 2008; Source for previous years: annual Criminal Case Reporting System data

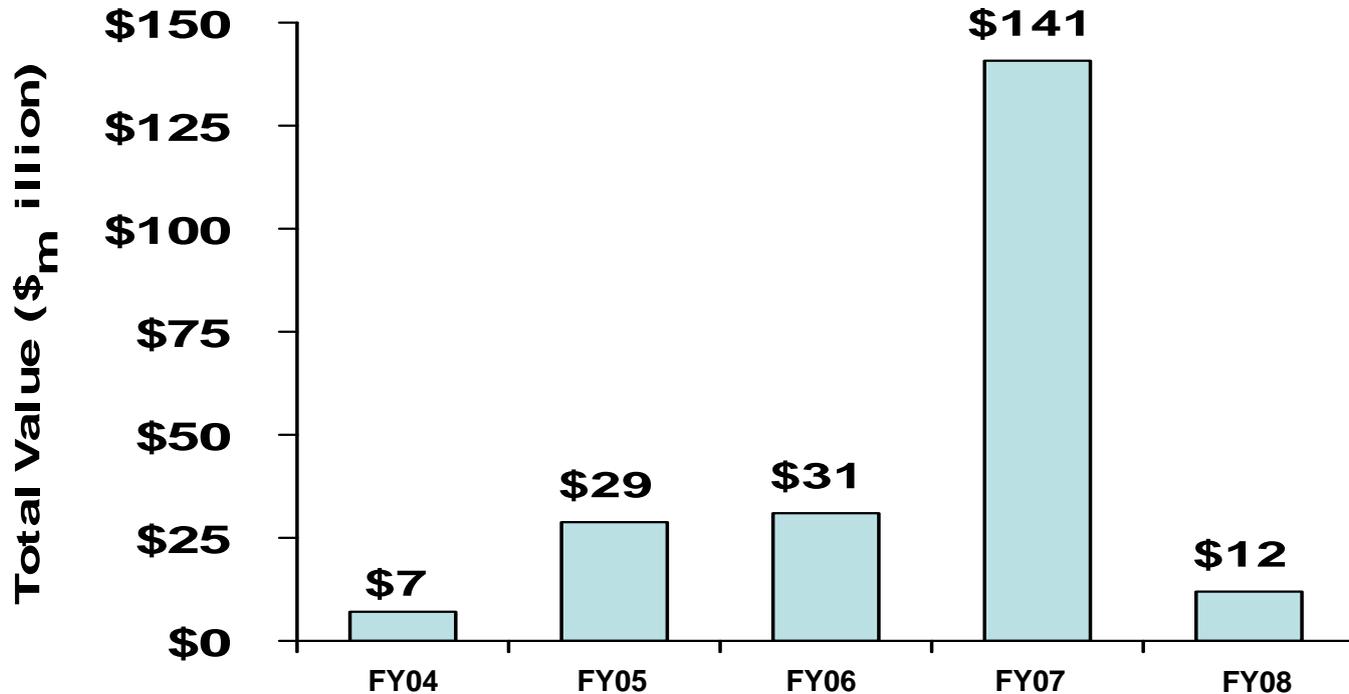


FY2008 Enforcement & Compliance Annual Results

Criminal Enforcement Program

Sentencing Results (continued)

Court Ordered Environmental Projects (\$ million)
(Inflation Adjusted to FY 08 Dollars)



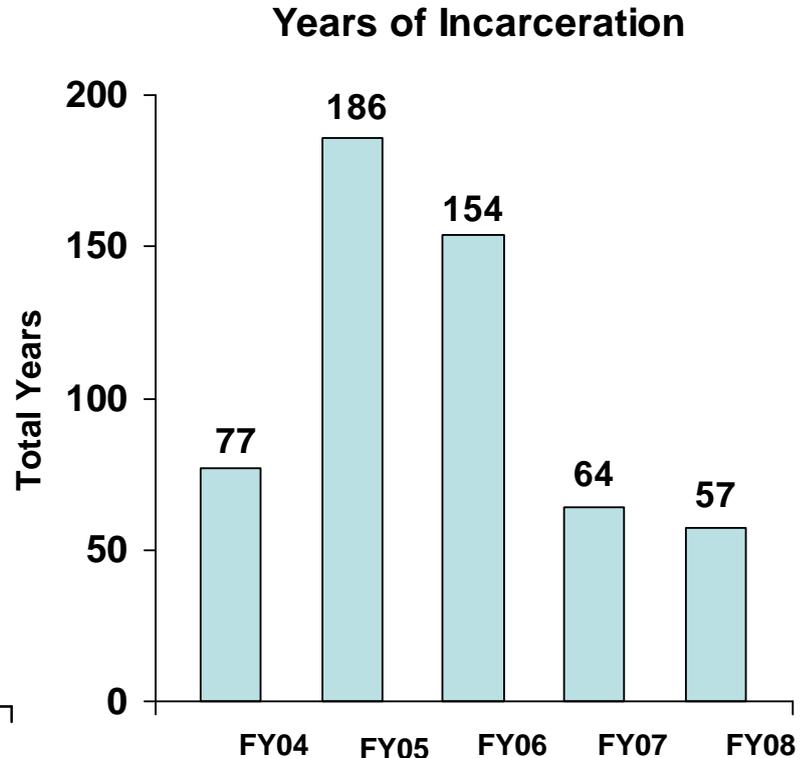
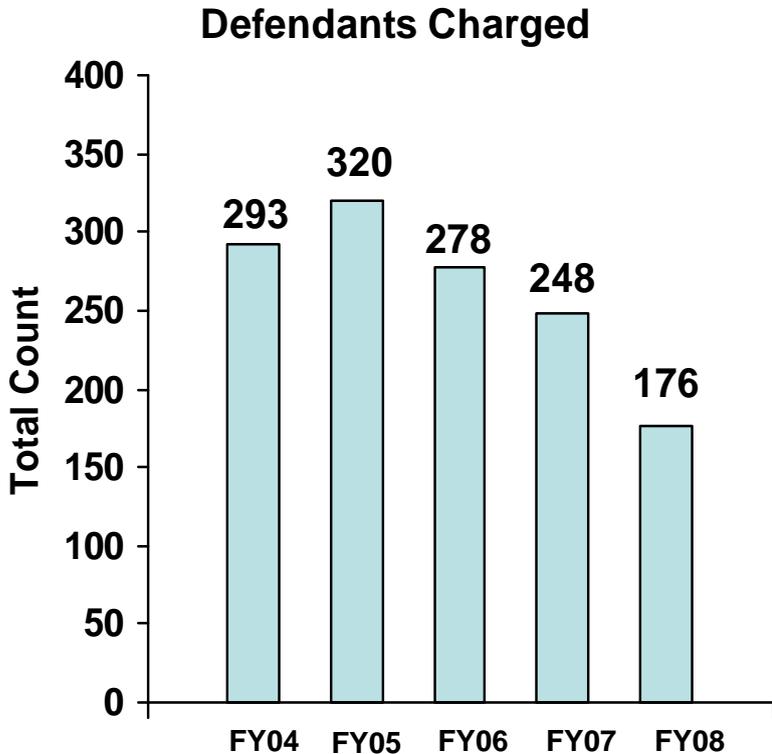
Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2008 dollars based on the monthly rate of inflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.

FY2008 Data Source: Criminal Case Reporting System, October 11, 2008



FY2008 Enforcement & Compliance Annual Results

Criminal Enforcement Program



Note: The 248 defendants charged in FY 2007 is different than the number which appeared on last year's report (226). Last year's number failed to include the defendants in several additional cases that were also charged during FY 2007.

FY2008 Data Source: Criminal Case Reporting System, October 11, 2008; Source for previous years: annual Criminal Case Reporting System data

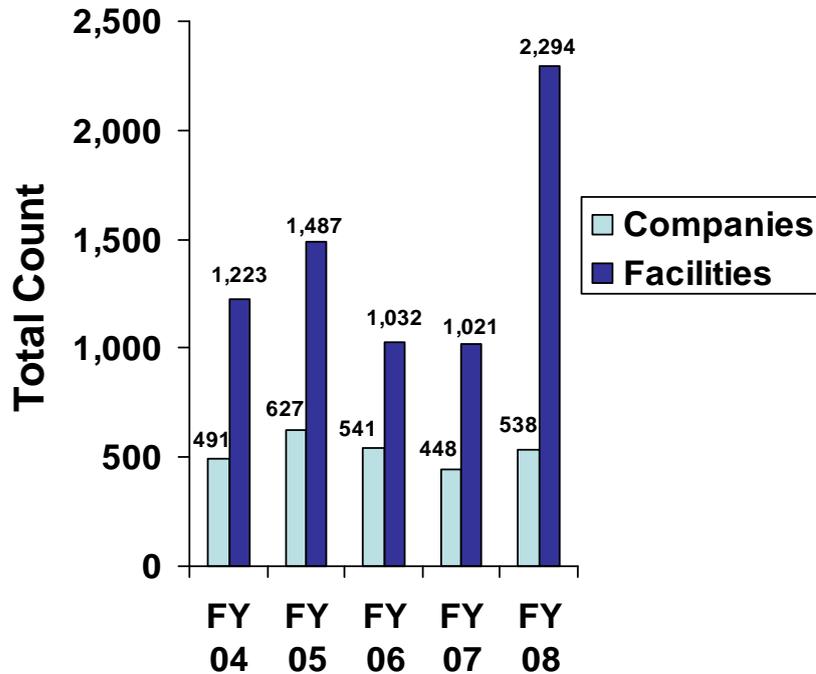


FY 2008 Enforcement & Compliance Annual Results

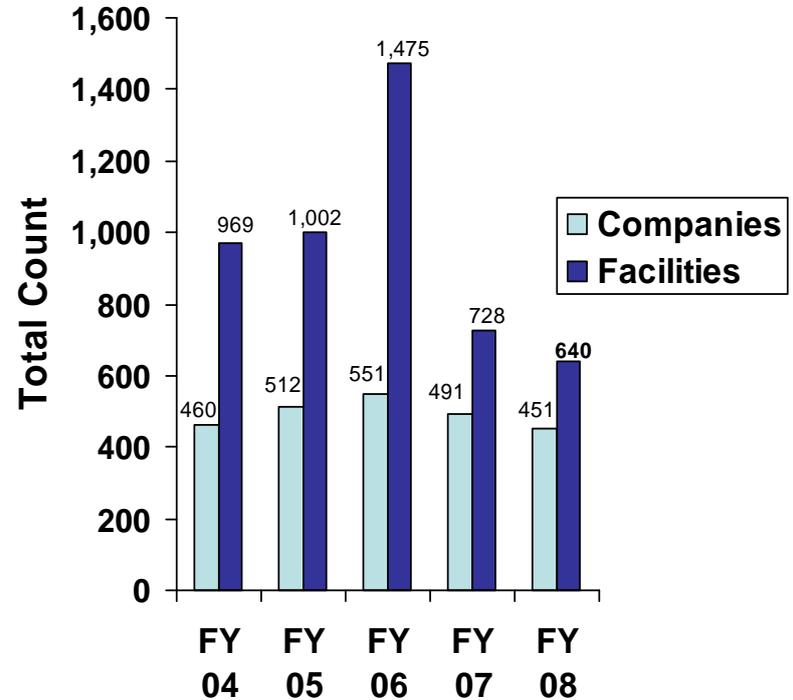
Concluded EPA Enforcement Actions

EPA Voluntary Disclosure Programs

Voluntary Disclosures Initiated



Voluntary Disclosures Resolved

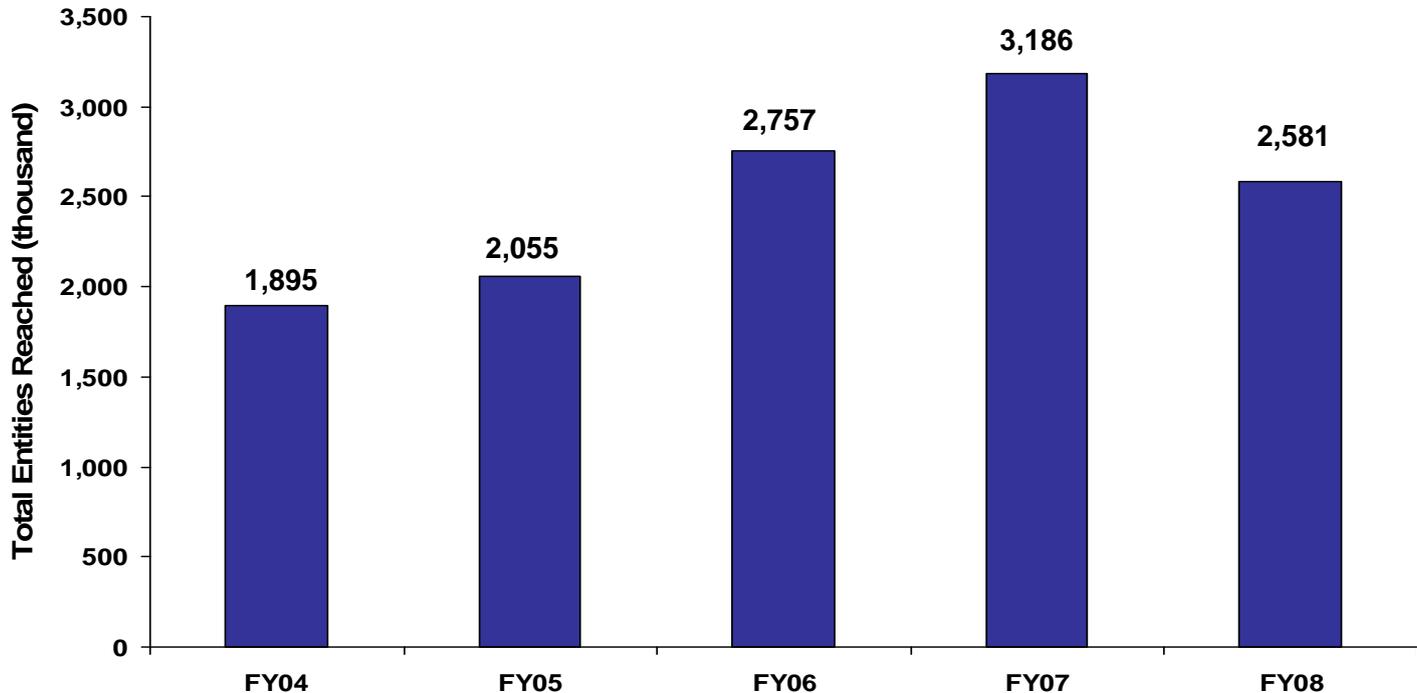


Data Source: Integrated Compliance Information System (ICIS), October 11, 2008; data source for previous fiscal years: ICIS



FY2008 Enforcement & Compliance Annual Results

Entities Reached with EPA Compliance Assistance



Note: EPA provides assistance using a variety of tools including workshops, facility visits, posting web-based information, responding to specific calls about regulations, etc.

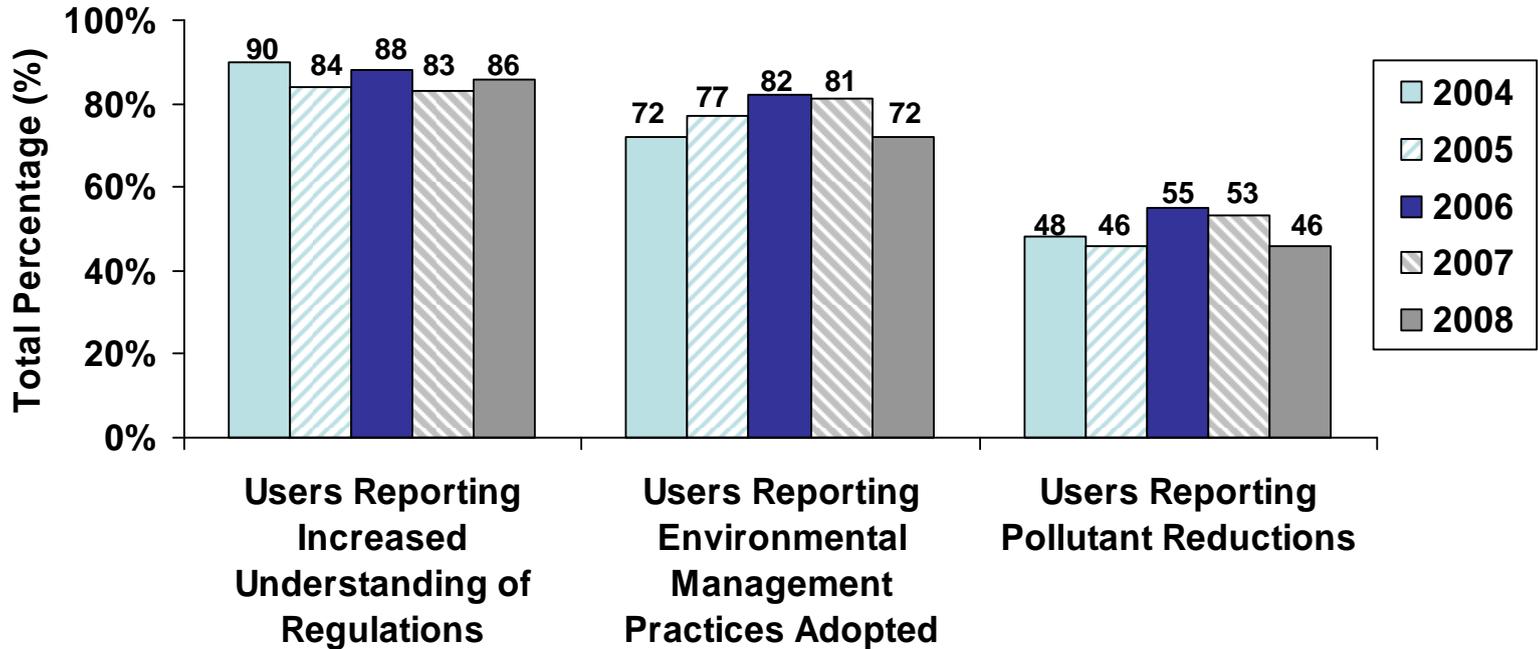
Note: The decrease in numbers of entities reached from FY07 to FY08 is primarily a result of a measurement change to improve how we count entities reached through EPA's web-based assistance.

FY2008 Data Sources: Integrated Compliance Information System (ICIS), October 11, 2008 and on-line usage report; data source for previous fiscal years: ICIS and on-line usage reports



FY2008 Enforcement & Compliance Annual Results

Outcomes from EPA's 16 Web-Based Compliance Assistance Centers



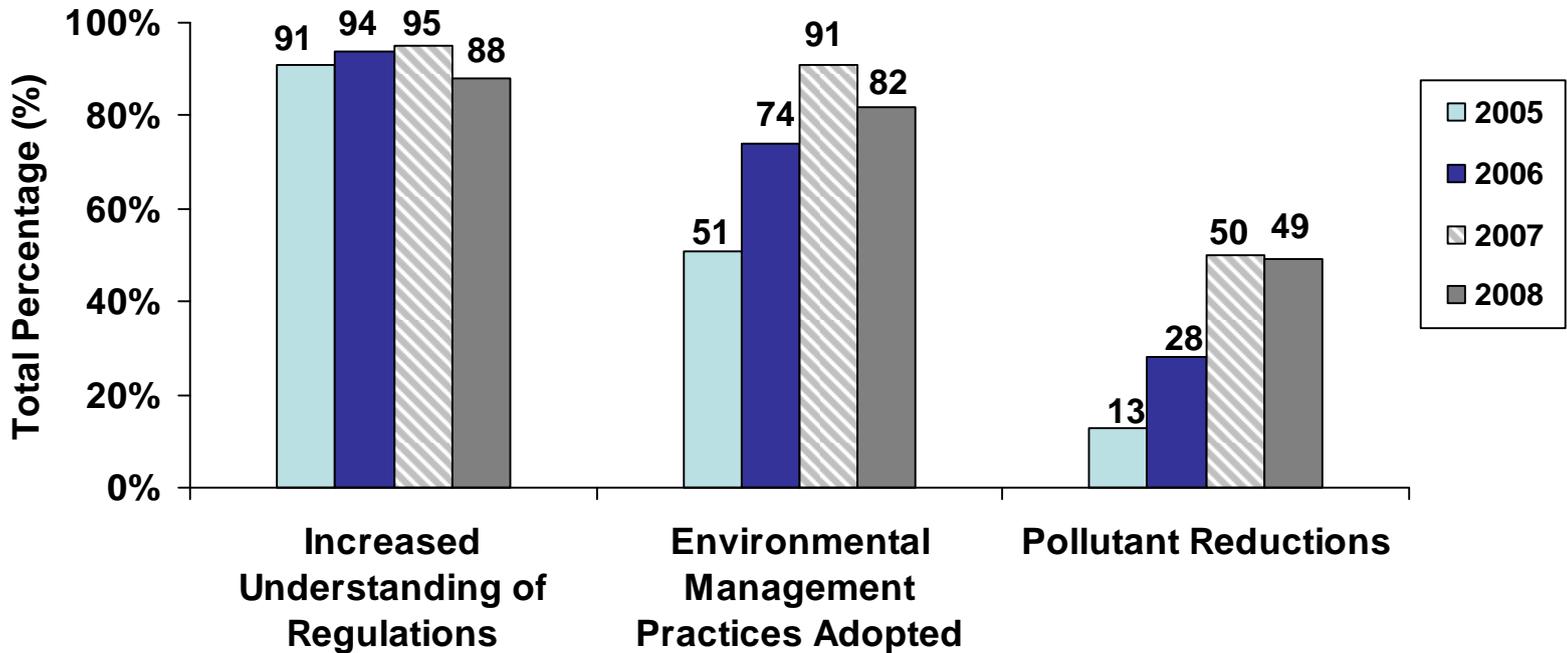
FY2008 Data Source: On-line surveys completed during FY2008. The number of Centers has changed from year to year, currently there are 16.

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 not to answer either these questions or the survey.



FY2008 Enforcement & Compliance Annual Results

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



FY2008 Data Source: ICIS

A correction to the database in FY 2007 improved the accuracy of FY 2007 – FY 2008 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 not to answer either these questions or the survey.



FY2008 Enforcement & Compliance Annual Results

Acronyms – Statute and Abbreviations/Section Description

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



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Definitions

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



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Definitions (continued)

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

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



FY2008 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 (also 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)



FY2008 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.
- **Hazardous Waste Reduced, Minimized or Disposed Of:** Direct environmental benefits achieved as the result of EPA's enforcement actions in the form of pounds of hazardous waste that are either reduced, minimized or disposed of.
- **Health Benefits:** The estimated human health benefits from reducing PM_{2.5}, SO₂ and NO_x was generated by the Office of Air Quality Planning and Standards Organization (OAQPS) using the mean values of benefit per ton estimates based on source/pollutant combinations from the Laden et al. (2006) epidemiological study discussed in the Ozone NAAQS Final Regulatory Impact Analysis (RIA). U.S. EPA, 2006. In FY2006 and FY2007 EPA based its estimates on the Pope et al. (2002) study. EPA believes that Laden et al. (2006) currently represents the best available science for this specific policy context. The benefit-per-ton estimates only estimate human health benefits from reductions in PM_{2.5} and the reductions in SO₂ and NO_x that contribute to PM_{2.5}. SO₂ and NO_x react with other chemicals in the air,



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Definitions (continued)

forming small particles that are also PM_{2.5}. The estimates do not include a variety of other potential benefits from reducing PM, SO₂ and NO_x such as health benefits from reducing ozone exposure, ecological benefits, exposure, ecological benefits, visibility benefits, or other unquantified/nonmonetized health benefits. Therefore, these estimates may underestimate the total benefits. For more detailed information on how the benefit per ton estimates were generated, please see U.S. EPA, 2008. Technical Support Document: Calculating Benefit Per-Ton estimates, Ozone NAAQS Docket #EPA-HQ-OAR-2007-0225-0284 at www.regulations.gov.

- **Inflation Adjusted to FY 2008 Dollars:** All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2008 dollars based on the monthly rate of inflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.
- **“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



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Definitions (continued)

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:** General reference to several EPA enforcement/compliance single program databases including 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).
- **Multi-Program Case:** A civil enforcement case that addresses more than one 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)
- **NOx:** Nitrogen Oxide, or NOx 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 NOx 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 clean up work that



FY2008 Enforcement & Compliance Annual Results

Definitions (continued)

is performed and paid for by PRPs at specific Superfund sites. (Source: PRP Search Manual, Office of Site Remediation Enforcement, September 2003; available at:

www.epa.gov/compliance/cleanup/superfund/prpmanual.html)

- **Particulate Matter (PM):** Particulate matter is the generic term for a broad class of chemically and physically diverse substances that exist as discrete particles (liquid droplets or solids) over a wide range of sizes. Particles 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 during the first year when all required controls are implemented, 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



FY2008 Enforcement & Compliance Annual Results

Definitions (continued)

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)

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



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Definitions (continued)

- **SOx:** Sulfur Oxide, or SOx, 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 or water) that is subject to a RCRA, TSCA Superfund response action, the contaminated media has been cleaned up and such that, at the conclusion of the action, human health and the environment are protected.
Contaminated soil - refers to the volume of soil subject to removal or



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Definitions (continued)

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)



FY2008 Enforcement & Compliance Annual Results

Prior Year Enforcement Dollar Values Adjusted to FY 2008 Dollars

Complying Action Values + SEPs		
Fiscal Year	Estimated Investments in Pollution Control and Clean up plus Environmentally Beneficial Projects Nominal (in Millions)	Estimated Investments in Pollution Control and Clean up plus Environmentally Beneficial Projects Inflation Adjusted to FY 08 Dollars (in Millions)
04	\$4,800	\$5,500
05	\$10,200	\$11,300
06	\$5,000	\$5,400
07	\$10,600	\$11,000

Penalty Values						
Fiscal Year	Judicial Penalties Nominal (in Millions)	Judicial Penalties Inflation Adjusted to FY 08 Dollars (in Millions)	Administrative Penalties Nominal (in Millions)	Administrative Penalties Inflation Adjusted to FY 08 Dollars (in Millions)	Total Penalties Nominal (in Millions)	Total Penalties Inflation Adjusted to FY 08 Dollars (in Millions)
04	\$121.2	\$138.7	\$27.6	\$31.6	\$149	\$170
05	\$127.2	\$140.9	\$26.7	\$29.6	\$154	\$171
06	\$82	\$87	\$42	\$45	\$124	\$132
07	\$40	\$42	\$31	\$32	\$71	\$74

Superfund Enforcement Values						
Fiscal Year	Cost Recovery Nominal (in Millions)	Cost Recovery Inflation Adjusted to FY 08 Dollars (in Millions)	Oversight Nominal (in Millions)	Oversight Inflation Adjusted to FY 08 Dollars (in Millions)	Site Study and Cleaned up Nominal (in Millions)	Site Study and Clean up Inflation Adjusted to FY 08 Dollars (in Millions)
04	\$142	\$162	\$45	\$51	\$569	\$651
05	\$218	\$242	\$53	\$59	\$753	\$834
06	\$164	\$175	\$47	\$50	\$391	\$418
07	\$252	\$263	\$62	\$65	\$688	\$718

Criminal Enforcement Values				
Fiscal Year	Fines & Restitution Nominal (in Millions)	Fines & Restitution Inflation Adjusted to FY 08 Dollars (in Millions)	Court Ordered Environmental Projects Nominal (in Millions)	Court Ordered Environmental Projects Inflation Adjusted to FY 08 Dollars (in Millions)
04	\$47	\$54	\$6	\$7
05	\$100	\$111	\$26	\$29
06	\$43	\$46	\$29	\$31
07	\$63	\$66	\$135	\$141

Note: Most of the numbers displayed in this document are rounded. As a result, adding the figures presented here may not produce exactly the same totals as those displayed in other EPA documents.

EPA FY2008
Government Performance and Results
Act (GPRA)
Goal 5 & Select Goal 3 Measures



Prepared by the Office of Enforcement and Compliance Assurance

November 3, 2008

FY2008 Enforcement & Compliance Annual Results

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

Monitoring and Enforcement

Measure Number	Measure Description	FY08 Target	FY08 Actual	Results
178	Pounds of pollution estimated to be reduced, treated, or eliminated as a result of concluded enforcement actions. ¹	890M lbs.	3.9B lbs	Exceeded Target
179	% of concluded enforcement cases requiring that pollutants be reduced, treated, or eliminated. ²	30%	26%	Below Target
180	% of concluded enforcement cases requiring implementation of improved environmental management practices. ³	70%	70%	Met Target

¹ Data Source: Integrated Compliance Information System (ICIS), October, 2008, and manual categorizations

² Data Source: ICIS, October, 2008

³ Data Source: ICIS, October, 2008

FY2008 Enforcement & Compliance Annual Results

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

Monitoring and Enforcement Continued

Measure Number	Measure Description	FY08 Target	FY08 Actual	Results
182	% of regulated entities taking complying actions as a result of on-site compliance inspections and evaluations. ⁴	30%	23%*	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). ⁵	\$4.3B	\$11.8B	Exceeded Target

* For the first time, for FY 2008, this measure includes instances in which an expedited settlement order was issued related to an inspection for which a deficiency previously had been identified by the inspector.

⁴ Data Source: ICIS and manual reports from the Regions, October, 2008

⁵ Data Source: ICIS, October, 2008

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

Compliance Assistance

Measure Number	Measure Description	FY08 Target	FY08 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 ⁶	50%	82%	Exceeded Target
992	Reduced, treated, or eliminated pollution ⁷	15%	49%	Exceeded Target

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.

⁶ Data Source: ICIS, October 2008

⁷ Data Source: ICIS, October 2008

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

Compliance Incentives

Measure Number	Measure Description	FY08 Target	FY08 Actual	Results
176	Pounds of pollutants estimated to be reduced, treated, or eliminated, as a result of audits or other actions. ⁸	0.4M lbs.	5.4M lbs	Exceeded Target

⁸ Data Source: ICIS, October 2008, and manual categorizations

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

Site Remediation Enforcement

Measure Number	Measure Description	FY08 Target	FY08 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 ⁹	95%	100%	Exceeded Target
078	Percent of cost recovery statute of limitation (SOL) cases addressed with total past costs > or equal to \$200,000 ¹⁰	100%	100%	Met Target

⁹ Data Source: CERCLIS, October, 2008.

¹⁰ Data Source: CERCLIS, October, 2008.



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Compliance and Enforcement Annual Results FY2008: Numbers at a Glance

[Printable Numbers At a Glance \(PDF\)](#) (3 pp, 52.87K, [About PDF](#))

The following is a list of key results of compliance and enforcement activities in FY 2008.

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Results Obtained from EPA Civil Enforcement Actions

Estimated Environmental Benefit Commitments:

Direct Environmental Benefits

Pollution Reduced, Treated or Eliminated (Pounds) (1)	3,900,000,000
Hazardous Waste Treated, Minimized, or Properly Disposed of (Pounds) (1) (2)	6,500,000,000
Contaminated Soil to be Cleaned Up (Cubic Yards)	100,000,000
Contaminated Water to be Cleaned Up (Cubic Yards)	255,000,000
Stream Miles Protected (Linear Feet)	53,000
Wetlands Protected (Acres)	5,200
People Protected by Safe Drinking Water Act Enforcement (# of People)	1,024,000
Thermal Pollution Reduced (Water) (MMBTUs) (3)	40,300,000

Preventative Environmental Benefits

Hazardous Waste Prevented from Release (Cubic Yards)	220,000
Underground Storage Tank Capacity Prevented from Release (Gallons)	1,300,000
People Notified of Potential Drinking Water Problems (# of People)	1,200,000
Underground Injection Wells Prevented from Leaking (# of Wells)	115
PCB Disposal Corrected (Cubic Yards)	900
Lead-Based Paint Contamination Prevented (# of Housing Units, Schools, Buildings)	15,000

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Volume of Oil Spills Prevented (Gallons)	194,000,000
Pesticides or Pesticide Products Prevented from Distribution, Sale or Use due to Mislabeling or Improper Registration (Pounds)	50,000,000
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$11,700,000,000
Investments in Environmentally Beneficial Projects (SEPs)	\$39,000,000
Civil Penalties Assessed	
Administrative Penalties Assessed	\$38,200,000
Judicial Penalties Assessed	\$88,400,000
Stipulated Penalties Assessed	\$5,500,000

EPA Civil Enforcement and Compliance Activities

Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)	280
Supplemental Referrals of Civil Judicial Enforcement Cases to DOJ	35
Civil Judicial Complaints Filed with Court	164
Civil Judicial Enforcement Case Conclusions	192
Administrative Penalty Order Complaints	2,056
Final Administrative Penalty Order	2,084
Administrative Compliance Orders	1,390
Cases with SEPs	188

EPA Compliance Monitoring Activities

Inspections/Evaluations	20,000
Civil Investigations	222
Number of Regulated Entities Taking Complying Actions during EPA Inspections/Evaluations	1,100
Number of Regulated Entities Receiving Compliance Assistance during EPA Inspections/Evaluations	11,600
Inspections Conducted by Tribal Inspectors Using Federal Credentials (4)	334

EPA Superfund Cleanup Enforcement

% of non-Federal Superfund Sites with Viable, Liable Parties where an Enforcement Action was Taken Prior to the Start of the Remedial Action	100%
Private Party Commitments for Site Study and Cleanup (including cash outs)	\$1,575,000,000
Private Party Commitments for Oversight	\$76,000,000
Private Party Commitments for Cost Recovery	\$232,000,000
% of Cost Recovery Cases Greater Than or Equal to \$200,000 that were Addressed before the Statute of Limitations Expired	100%

EPA Criminal Enforcement Program

Years of Incarceration	57
Fines and Restitution	\$63,500,000
Value of Court Ordered Environmental Projects	\$12,000,000
Environmental Crime Cases Initiated	319
Defendants Charged	176
Estimated Pollution Reduced, Treated or Eliminated Commitments (Pounds) (1)	1,600,000

EPA Voluntary Disclosure Program

Estimated Pollution Reduction Commitments Obtained as a Result of Voluntary Disclosures (Pounds)	5,400,000
Voluntary Disclosures Initiated (Facilities)	2,294

Voluntary Disclosures Resolved (Facilities)	640
Voluntary Disclosures Initiated (Companies)	538
Voluntary Disclosures Resolved (Companies)	451
Notices of Determination (NODs)	364
EPA Compliance Assistance	
Entities Reached with EPA Compliance Assistance (5)	2,600,000

The primary source for the data displayed in this document is the EPA Regions' certified FY 2008 end of year workbooks as of November 5, 2008. The official databases of record are: 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).

Footnotes:

1. Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.
2. In FY 2008, for the first time, OECA is piloting a new Environmental Benefits outcome reporting category to count pounds of "Hazardous Waste Treated, Minimized or Properly Disposed Of " from enforcement cases. OECA has determined that none of the previously established outcome categories are appropriate for counting the environmental benefits obtained from EPA's hazardous waste cases. For FY 2008, this new pilot category includes only results from RCRA cases, but, in the future, similar results obtained from enforcement actions under other statutes, particularly CERCLA, may also be included.
3. In FY 2008, for the first time, OECA is including a new Environmental Benefit outcome reporting category to count British Thermal Units (BTU's) of "Thermal Pollution Reduced (Water)". OECA has determined that none of the previously established outcome categories are appropriate for counting the environmental benefits obtained from enforcement cases that produce reductions in thermal pollution. An MMBTU equals one million (1,000,000) BTU's.
4. In FY 2008, for the first time, OECA is creating a separate reporting category to count the number of tribal inspections conducted by tribal inspectors using federal credentials. Inspections conducted by tribal inspectors using federal credentials are done "on behalf" of the Agency, but are not an EPA activity.
5. EPA provides assistance using a variety of tools including workshops, facility visits, posting Web-based information, responding to specific calls about regulations, etc.



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Compliance and Enforcement Annual Results FY2008: Enforcement Highlights

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EPA's vigorous Civil Enforcement program concentrates on significant violations of federal environmental laws. Through legal actions and incentives for voluntary compliance, civil enforcement achieves results that keep clean the air that we breathe and the water that we drink. Effective environmental enforcement reduces 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 intentional. Besides the environmental violations, the cases may also have associated U.S. criminal code violations such as conspiracy, false statements, witness tampering, or interfering with a law enforcement investigation. 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 2008 Enforcement Highlights include the following categories:

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Air Enforcement Highlights

Air Civil Highlights

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- [New Source Review \(NSR\) Requirements for Cement, Acid Plants, Glass](#)
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Cross-Media Enforcement Highlights

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Compliance and Enforcement Annual Results FY2008: Air Enforcement Case Highlights

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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 cleaner. While often invisible, pollutants in the air create smog and acid rain and cause cancer or other serious health effects. Air pollutants, such as sulfur dioxide, nitrogen oxides, and particulates addressed by these settlements can cause serious respiratory problems and exacerbate cases of childhood asthma. As a result of cases concluded in fiscal year 2008, an estimated 1,654 million pounds of air pollution will be reduced, eliminated or properly managed and estimated investments in environmental improvement projects from parties worth nearly 4.8 billion dollars are required.

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Civil Enforcement Cases

Coal/Gas-Fired Electric Utilities - New Source Review (NSR) Regulation

Since 1999, EPA and the Department of Justice have filed numerous 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. Coal-fired plants release sulfur dioxides and nitrogen oxides, which are a primary cause of acid rain that harms trees and lakes and impairs visibility. Nitrogen oxides and sulfur dioxides cause severe respiratory problems, contribute to childhood asthma, and contribute to smog and haze. Emissions from power plants can drift significant distances downwind and degrade air quality in nearby areas. [\[More Information\]](#)

The following is a major case concluded in fiscal year 2008:

Additional Information on our National Priorities

- [Clean Air Act: New Source Review \(NSR\)](#)

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American Electric Power (AEP) Settlement

The United States, eight states, and 13 citizen groups announced a settlement agreement with American Electric Power (AEP) under the Clean Air Act's New Source Review provisions. The settlement obtains relief at 16 of AEP's coal-fired power plants (46 units) located in 5 states: Indiana, Kentucky, Ohio, Virginia, and West Virginia. By several measures this is the single largest environmental enforcement settlement to date. It is estimated that AEP will spend more than \$4.6 billion to comply with the terms of the Consent Decree. Upon full implementation, the settlement will reduce at least 813,000 tons per year of air pollution from AEP's 16 power plants. The \$15 million penalty is the highest paid by any electric utility in settlement of a New Source Review case. AEP also committed \$60 million to environmental mitigation projects. This settlement with AEP represents the fourteenth judicial settlement under the power plants enforcement effort. [[More Information](#)]

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New Source Review (NSR) Requirements for Cement, Acid Plants, Glass

In addition to continuing its efforts to ensure coal-fired power plants comply with the NSR program requirements, EPA identified acid, glass, and cement manufacturing sectors as national enforcement priorities. These sectors can contribute significant amounts of pollutants to the atmosphere.

The following are major cases concluded in fiscal year 2008:

Cement Manufacturing Sector

St. Mary's Cement

EPA reached settlement with St. Mary's Cement, a Portland cement manufacturing facility near Dixon, Illinois. The company agreed to install state-of-the-art pollution controls to reduce harmful air emissions and pay an \$800,000 civil penalty. The injunctive relief will reduce combined emissions of smog-forming nitrogen oxides by approximately 2,700 tons per year. [[More Information](#)]

Acid Manufacturing Sector

DuPont

EPA reached settlement with E.I. Du Pont de Nemours & Co. (Du Pont) for four sulfuric acid production plants in Louisiana, Virginia, Ohio, and Kentucky. Du Pont will spend at least \$66 million on air pollution controls and pay a civil penalty of \$4.125 million. The settlement will reduce harmful sulfur dioxide emissions by more than 13,000 tons per year. [[More Information](#)]

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Enforcement of Violations at Petroleum Refineries

Enforcement of violations at petroleum refineries have proved to be one of the largest, most comprehensive and successful enforcement and compliance national priorities ever undertaken by EPA. EPA's investigations of petroleum refineries focused on the four most significant Clean Air Act compliance challenges for the industry and the emissions units that are the source of most of their pollution: New Source Review/Prevention of Significant Deterioration - fluidized catalytic cracking units, heaters and boilers; New Source Performance Standards - flares, sulfur recovery units, fuel gas combustion devices (including heaters and boilers); Leak Detection and Repair requirements; and Benzene National Emissions Standards for Hazardous Air Pollutants. EPA selected refineries as a national priority because of the high rate of violations and rate of air emissions from petroleum refineries. Since March 2000, EPA has entered into 22 settlements with U.S. companies that refine

nearly 87 percent of the Nation's petroleum refining capacity. These "global" settlements (i.e., a comprehensive, multi-issue company-wide Consent Decree) cover 96 refineries in 28 states and on full implementation will result in annual emissions reductions of more than 86,000 tons of nitrogen oxides (NO_x) and more than 245,000 tons of sulfur dioxide (SO₂). Since meeting the primary goal of covering 85% of the refining industry in fiscal year 2007, EPA has actively continued to engage the remaining refiners that have not yet resolved violations, to ensure a "level playing field" throughout this sector. [[More Information](#)]

The following are major cases concluded in fiscal year 2008:

Valero Energy Corporation

The settlement with Valero Corporation covers the refineries it acquired following the merger with Premcor Refining Company. The acquisition consisted of three refineries in Memphis, Tennessee, Lima, Ohio and Port Arthur, Texas with productions of over 650,000 thousand barrels of oil/day (approximately 4 percent of U.S. domestic refining capacity). The settlement will result in a NO_x reduction of more than 1,870 tons per year, SO₂ reductions of more than 1,810 tons per year and requires more than \$232 million in new controls. [[More Information](#)]

Hunt Refining Company

Hunt Refining Company operates three refineries in Sandersville and Lumberton, Mississippi, and Tuscaloosa, Alabama which produce approximately 70,000 thousand barrels of oil/day (less than 1 percent of U.S. domestic refining capacity). The settlement with Hunt will result in NO_x reductions of about 150 tons per year, SO₂ reductions of about 1,100 tons per year, and requires more than \$48 million in new controls. [[More Information](#)]

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Mobile Sources

Mobile source pollutants include smog-forming volatile organic compounds and nitrogen oxides, toxic air pollutants such as cancer-causing benzene, and particulate matter or "soot" that cause asthma and other respiratory illnesses. EPA enforces the Clean Air Act provisions governing motor vehicles and engines, including emissions standards for manufacturers of new motor vehicles, passenger cars and light trucks, and heavy duty motor vehicle engines. Additionally, the provisions govern non-road engines such as those used in marine vessels, locomotives, construction equipment, lawn and garden equipment and recreational vehicles. The requirements are designed to limit harmful emissions from these vehicles when they are running and evaporative emissions when they are not. [[More Information](#)]

The following is a major case concluded in fiscal year 2008:

Jenn Feng Industrial Co., Ltd. (Jenn Feng)

EPA reached settlement with Jenn Feng, a Taiwanese manufacturer, and three American corporations; MTD Southwest of Tucson, Arizona, MTD Products of Cleveland, Ohio, and McCulloch Corporation of Santa Fe Springs, California, to resolve Clean Air Act violations arising from the importation of approximately 200,000 chainsaws that failed to meet federal air pollution standards. The violations at issue in this case resulted in the emission of approximately 268 excess tons of hydrocarbon emissions. The settlement requires the defendants to spend \$5 million to implement environmentally beneficial mitigation projects and pay a civil penalty of \$2 million, the largest civil penalty assessed to date for violations of the non-road regulations. The projects include installation of streetlights with light-emitting diodes (LED) in selected cities to reduce greenhouse gas emissions by about 11,460 tons and reduce energy consumption. Defendants will also install low-permeable fuel lines in at least one million engines used in lawn and garden equipment to reduce hydrocarbon emissions by about 1,000 tons. They are additionally required to purchase nitrogen oxides (NO_x)

emissions allowances and surrender them to EPA to prevent approximately 1,470 tons of NO_x emissions represented by those allowances from ever entering the environment. [[More Information](#)]

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Acid Rain Requirements

Compliance with the Clean Air Act's Title IV acid rain program is integral to ensuring reduction of sulfur dioxide emissions from coal-fired power plants. EPA will be focusing on non-compliance with all the elements of the acid rain program.

East Kentucky Power Cooperative

East Kentucky Power Cooperative, a coal-fired electric utility, agreed to pay an \$11.4 million penalty to resolve violations of the Clean Air Act's acid rain provision. This penalty amount represents the highest fine ever under the Clean Air Act's acid rain program. The Commonwealth of Kentucky joined in the Consent Decree. The settlement requires that the company take steps to reduce approximately 400 tons of harmful emissions each year and offset another approximately 20,000 tons of emissions released from its Clark County, Kentucky, facility without a permit. [[More Information](#)]

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Criminal Enforcement Cases

Illegal Asbestos Removal

Asbestos is a carcinogen, and exposure can result in serious or fatal respiratory diseases, including lung cancer and mesothelioma. Asbestos is commonly used in thermal insulation, fireproofing and other building materials. When asbestos-containing materials become damaged or disturbed, the fibers separate and may become airborne and inhaled into the lungs. EPA requires anyone disturbing building materials that may contain asbestos to keep the materials wet in order to prevent the fibers from becoming airborne.

The following are major cases concluded in fiscal year 2008:

Cleve Allen George

Cleve Allen George, the owner of the Virgin Islands Asbestos Removal, Co., received 33 months in prison for multiple Clean Air Act convictions for illegal removal of asbestos-containing material at a low-income housing project and making false statements to federal agencies about air quality monitoring at the site. George was also sentenced to 3 years of supervised release and required to pay for baseline X-rays for exposed workers. [[More Information](#)]

Christopher M. Hernandez

Christopher Hernandez was sentenced to serve five years in prison after pleading guilty in Utah state court to one count of unlawful handling or disposal of asbestos, a third-degree state felony. Hernandez was also ordered by the court to have his state asbestos license revoked and was further prohibited from obtaining any licenses dealing with asbestos handling.

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Toxic Releases

Toxic air pollutants, also known as hazardous air pollutants, are known or suspected to cause

cancer or other serious health effects, such as reproductive effects or birth defects, and adverse environmental effects. Regulated facilities have permits which limit the amount of allowable emissions of these pollutants. Examples of toxic air pollutants include benzene, perchlorethylene, methylene chloride, toluene, and metals such as cadmium, mercury, chromium, and lead compounds.

The following is a major case concluded in fiscal year 2008:

Michael Joe Clark

Michael Joe Clark was sentenced to 37 months incarceration and three years probation after pleading guilty to one count of attempted theft of anhydrous ammonia and one count of negligently causing an extremely hazardous substance to be released into the ambient air, thereby negligently placing another person in imminent danger of death or serious bodily injury. Anhydrous ammonia is toxic and can cause severe respiratory problems. It was released into the air during Clark's attempted theft of a thousand gallon tank of anhydrous ammonia from a coal company. Several fire fighters were injured while responding to the release. Clark was also sentenced to pay \$8,816 restitution for emergency response costs incurred by the West Virginia Department of Environmental Protection, local fire department, as well as property damage to the coal company's equipment. [[More Information](#)]

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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 (MS4s) 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 2008, EPA concluded numerous enforcement actions eliminating and preventing an estimated 1,534 million gallons of polluted overflows and runoff from entering surface waters and requiring parties to invest nearly \$3 billion in pollution control.

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Civil Enforcement Cases

Combined Sewer Overflows and Sanitary Sewer Overflows

Many older municipalities' systems depend on single-pipe "combined sewer systems" designed to convey both storm water runoff, domestic sewage and industrial waste 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. Overflow can be due to deterioration with age, poor sewer system maintenance, or lack

Additional Information on our National Priorities

- [Municipal Sewer Overflows](#)

of sufficient capacity in the system to treat the wastewater, impacting waterways and resulting in backups into parks, homes and businesses and threatening public health. 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. [[More Information](#)]

The following are major cases concluded in fiscal year 2008:

ALCOSAN

EPA and co-plaintiffs, Pennsylvania and Allegheny County, entered into a federal civil judicial Consent Decree with ALCOSAN, the public authority managing sewers in the Pittsburgh metro area. The settlement addresses CSOs and SSOs from the ALCOSAN collection system, including 83 satellite communities. The decree requires ALCOSAN to pay civil penalties totaling \$1,200,000, and to undertake SEPs valued at \$3,000,000. It also requires ALCOSAN to invest over \$1.4 billion over the next 20 years to develop and implement a wet weather plan to remedy CSOs and SSOs from its collection systems and to upgrade its treatment works to prevent potential harm to the health and welfare of individuals during SSO and CSO events. When completed, an estimated 144 million pounds of pollutants will be removed from the affected watersheds. [[More Information](#)]

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San Diego

EPA, together with the Surfrider Foundation, and San Diego Baykeeper, completed the last in a series of civil settlements against the City of San Diego for numerous sanitary sewer overflows, including sewage backups onto public and private property. The final Consent Decree commits the City to continue its existing program through June 2013 under judicial supervision. The total costs of system repairs and upgrades resulting from federal enforcement efforts is anticipated to reach over one billion dollars. In 2000, there was an average of one spill per day from San Diego's collection system. As a result of EPA's enforcement actions, San Diego has reduced the number of spills by more than 75 percent and has largely eliminated large volume spills that plagued the city. [[More Information](#)]

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Oil Pollution Act

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. Aquatic habitat can be affected by as little as one pint of released oil. Federal regulations require companies that handle oil products to establish and maintain spill prevention and cleanup programs.

Oil spills can significantly reduce the amount of oxygen available for fish and aquatic life. 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](#)]

The following is a major case concluded in fiscal year 2008:

Magellan Midstream Partners, LP

EPA entered into a settlement with Magellan Midstream Partners to resolve illegal discharges of gasoline and fuel oil from Magellan pipelines in Illinois, Kansas, Iowa, and Arkansas into nearby waterways over the past ten years. Magellan agreed to pay a \$5.3 million penalty for these actions. From March 1999 through May 2006, the company discharged more than 17,000 barrels of gas and fuel oil. The largest spills

occurred in the Missouri River in 1999 and 2005. Most of the spills were caused by pipeline ruptures that stemmed from external corrosion, leaks, operator error and damage due to farming equipment and bulldozers. As part of the settlement, Magellan will set up a program to minimize third party damage to the pipeline system and will spend \$750,000 on removing or minimizing any external threats along selected segments of its pipeline. The company will also implement system-wide changes to employee training, leak response procedures, and protocols for detecting and responding to leaks and ruptures. [[More Information](#)]

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Wastewater Discharges

The Clean Water Act wastewater permit program regulates coal mining and processing operations that discharge coal slurry, wastewater, and other excess material that are/or contain various pollutants including iron, aluminum, and manganese. EPA has taken appropriate enforcement action to ensure compliance with these permit limits and protection of human health and the environment.

Central Appalachia not only has abundant coal resources, it also contains one of the most biologically diverse and important temperate forests in the world. The aquatic systems in this area are essential to its diversity. The forest watersheds are critical for downstream water quality as they help retain and transform nutrients, organic matter, and sediments and deliver them in forms and quantities sufficient to aquatic life and recreational uses. In addition to their importance to the diverse plant and animal life, these watersheds are the origins of the drinking water for hundreds of downstream communities, and millions of people.

The following is a major case concluded in fiscal year 2008:

Massey Energy Corporation

EPA and Department of Justice settled the Clean Water Act civil enforcement case against Massey Energy and successfully negotiated a landmark settlement producing a civil penalty of \$20 million - the largest Clean Water Act penalty for effluent violations in history, and company wide injunctive relief to reduce 380 million pounds of pollutants from the nation's waters. Massey Energy is the fourth largest coal company in the United States and controls 2.3 billion tons, or approximately one-third, of the coal reserves in Central Appalachia. Massey owns and operates approximately 33 underground mines and 11 surface mines in West Virginia, Kentucky, and Virginia. This settlement requires Massey to take measures at all of its facilities to address 4,500 alleged CWA permit violations for discharging excess amounts of metals, sediment, and acid mine drainage into hundreds of rivers and streams in West Virginia and Kentucky. The settlement also requires Massey to invest approximately \$10 million to develop and implement a set of procedures to prevent future violations, including implementation of an innovative electronic tracking system that allows the company to quickly address compliance problems and correct any violations of permit limits. [[More Information](#)]

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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. Sediment/siltation is the second leading cause of impairment in rivers and streams, the third leading cause of impairment in lakes, ponds and reservoirs, and the leading cause of degrading wetland integrity. 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.

**Additional Information on our
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■ [Storm Water Discharges](#)

Major settlements to date will reduce the discharge of sediment and other pollutants in storm water runoff. In 2008, over 1.3 billion pounds of sediment were reduced from discharging into waterways as a result of federal enforcement actions. [[More Information](#)]

The following are major cases concluded in fiscal year 2008:

National Homebuilder Settlements

EPA concluded settlements with four of the nation's largest homebuilders to resolve alleged violations of the Clean Water Act storm water requirements. The builders, Centex, Pulte, Richmond American Homes, and KB Homes agreed to implement company-wide compliance programs that will prevent 1.2 billion pounds of sediment from polluting our nation's waterways each year. The company-wide compliance programs will result in increased company oversight of all construction sites and include the designation of trained and qualified storm water managers at every site, the timely identification and correction of problems, implementation of training programs, and establishment of company-wide management procedures to ensure that upper level management is paying attention to storm water compliance. In addition, the companies are required to pay civil penalties totaling \$4.3 million. [[More Information](#)]

Home Depot

EPA, joined by the State of Colorado, settled a federal judicial enforcement action against Home Depot, the largest home improvement retailer in the United States, for violations of the Clean Water Act at 42 of its construction sites across the country. The settlement requires the company to pay a civil penalty of \$1.3 million and establish a comprehensive storm water compliance program to prevent future violations and related pollution. As a result of this settlement, EPA estimates that over 9 million pounds of sediment from polluted storm water run-off will be prevented from entering our nation's waterways annually. [[More Information](#)]

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Criminal Enforcement Cases

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 in fiscal year 2008:

CITGO

CITGO was sentenced to pay a \$13 million fine for the negligent discharge of pollutants into two rivers in Louisiana in violation of the Clean Water Act. The \$13 million fine is the largest ever for a criminal misdemeanor violation of the Clean Water Act. CITGO pleaded guilty in U.S. District Court in Lake Charles, Louisiana, for negligently failing to maintain storm water tanks and failing to maintain adequate storm water storage capacity at its petroleum refinery in Sulphur, Louisiana. As a result of these failures, approximately 53,000 barrels of oil was discharged into the Indian Marais and Calcasieu Rivers following a heavy rain storm. [[More Information](#)]

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Rowan

Rowan Companies, Inc., a major oil and gas drilling company, pled guilty and paid a \$7 million dollar criminal fine for three Clean Water Act felonies for discharging pollutants and garbage into the Gulf of Mexico from one of its oil rigs, and failing to notify the government of the discharges. Rowan also paid \$1 million for preservation and protection projects off the coasts of Texas and Louisiana. Nine supervisory employees of Rowan also pled guilty and were fined. [[More Information](#)]

British Petroleum Exploration

British Petroleum Exploration (Alaska), Inc. pled guilty to a Clean Water Act violation relating to two pipeline leaks of crude oil, one of which was the largest spill to ever occur on the North Slope. The company paid a \$12 million criminal fine, \$4 million in community service payments to the National Fish and Wildlife Foundation and \$4 million in criminal restitution to the State of Alaska, and will serve three years' probation. [[More Information](#)]

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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 in fiscal year 2008:

Wabash Environmental Services

Derrick Hagerman, President, Wabash Environmental Technologies, was sentenced to 60 months imprisonment following his conviction at trial for repeatedly filing false pollution discharge reports under the Clean Water Act. Hagerman and WABASH knowingly failed to report to the Indiana Department of Environmental Management that it repeatedly violated its pollution discharge limits for Ammonia, BOD5, Copper, Zinc, and Phenol. Instead, the defendants made false statements saying that the company was in compliance with its Clean Water Act permit, thereby hiding the discharge of millions of gallons of waste water containing hazardous substances into the Wabash River over a ten month period. [[More Information](#)]

Johnson Matthey Inc.

Johnson Matthey Inc., the owner and operator of a gold and silver refining facility in Salt Lake City, pleaded guilty to a felony violation of the Clean Water Act for failing to properly report wastewater discharges at the facility. Johnson Matthey Inc. will pay a total fine of \$3 million. The former plant manager and former general manager also both pleaded guilty to making false statements and were sentenced to one year probation. [[More Information](#)]

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Ocean Dumping/Marine 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 in fiscal year 2008:

National Navigation

The National Navigation Company, based in Cairo, Egypt, pleaded guilty and was sentenced to pay \$7.25 Million in criminal fines for 15 felony violations of the Act to Prevent Pollution from Ships and making false statements to federal officials. After evidence was found of illegal dumping of waste oil during a routine inspection of one of its vessels, the U.S. Coast Guard and EPA launched a fleet-wide investigation at multiple ports in the Pacific Northwest and along the Gulf Coast. The investigation discovered that crews aboard six vessels in National Navigation's fleet dumped thousands of gallons of waste oil, including sludge, in oceans around the world and falsified official ship records to cover up the dumping. [[More Information](#)]

Ionia Management

Repeat offender Ionia Management, a Greek company that manages a fleet of tanker vessels, was fined \$4.9 million for its role in falsifying records to conceal the overboard dumping of waste oil from the M/T Kriton into international waters. Also as part of the sentence, no ships owned by Ionia Management will be permitted into U.S. ports without first installing special monitoring equipment. Ionia Management was convicted by a federal jury on 13 counts of violating the Act to Prevent Pollution from ships, three counts of falsifying records in a federal investigation, one count of obstruction of justice, and one count of conspiracy.

Petros Renieris, the Chief Engineer of the M/T Kriton, was sentenced to two years of probation, and a \$9,000 fine for his role in falsifying Oil Record Book entries to conceal overboard dumping of waste oil from the tanker ship into international waters, and his participation in subsequent efforts to impede the Coast Guard and other authorities from learning of the dumping. Edgardo Mercurio, the Second Engineer for the M/T Kriton, was sentenced to 12 months probation and a \$1,000 fine for his role in falsifying Oil Record Book entries. [[More Information](#)]

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EPA's enforcement program protects human health and the environment. Environmental laws achieve protection 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 to protect human health and the environment. Compliance with the requirements and enforcement where there is a failure to comply are both essential. EPA pursues liability for violations which promote the cleanup and sustainable reuse and redevelopment of land.

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Superfund

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 2008:

Beede Waste Oil Site

A settlement entered into with the United States resolved the liability of 95 parties and provided for site-wide cleanup of the Beede Waste Oil Site located in a residential Plaistow, New Hampshire neighborhood that is served entirely by private drinking water supply wells. Under the terms of the settlement, 28 major parties agree to perform the remedy at an estimated cost of \$48 million. In addition, the United States will recover \$16.75 million in past costs, interim and future costs, and oversight costs. Combined with the four previous settlements, this decree marks a major milestone at Beede, guaranteeing full cleanup of the Site, and resulting in EPA settlement with a total of 1,265 de minimis generator parties. In addition, four major federal potentially

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responsible parties have agreed to settle their share of liability. [[More Information](#)]

Lower Passaic River Study Area of the Diamond Alkali Superfund Site

EPA entered into a settlement agreement and Administrative Order on Consent with Occidental Chemical Corporation and Tierra Solutions Inc. to cleanup contaminated sediments from the Lower Passaic River near Newark, New Jersey. This removal action is part of the Lower Passaic River Study Area portion of the Diamond Alkali Superfund Site. The cleanup will consist of the removal of up to 200,000 cubic yards of dioxin-laden soil. The removal action will be performed in two phases, with reimbursement for EPA's costs of overseeing the removal. The estimated cost of the cleanup is \$80 million which Occidental Chemical and Tierra Solutions will place in a trust fund that will be paid over to EPA should the Agency to take over the work. [[More Information](#)]

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Dana Corporation Bankruptcy

The U.S. District Court for the Southern District of New York entered a settlement between the United States and Dana Holding Corporation. The settlement resolves EPA's bankruptcy claims against Dana Corporation and its subsidiaries for Dana's share of response costs at six Superfund sites in EPA Regions 1, 2, 5, and 7, and for Clean Water Act and Superfund civil penalties at two Dana facilities in Region 5. The EPA allowed claim amount in the settlement is \$122,550,252 for these sites and facilities. A large percentage of this amount is for two Superfund sites currently undergoing extensive cleanups: \$97,590,000 for the [Cornell Dubilier Electronics Superfund Site](#) in New Jersey; and \$28,685,250 for the [Hastings Superfund Site](#) in Nebraska. The settlement also includes an allowed claim for the federal Natural Resource Trustees of \$3,120,000 for natural resource damages at the Cornell Dubilier Electronics Site.

Jacksonville Ash & Browns Dump Sites

The City of Jacksonville, Florida will undertake the cleanup of two sister sites in Jacksonville, the [Jacksonville Ash Superfund Site](#) and the [Brown's Dump Superfund Site](#). When completed, the sites will result in the cleanup of approximately 1.6 million cubic yards of heavy metal-contaminated soil, at a cost of approximately \$94 million. Both sites were contaminated in the 1940s and 1950s by a municipal incinerator, and are located in heavily populated residential neighborhoods.

American International Specialty Lines Insurance Company Inc. (AISLIC)

The American International Specialty Lines Insurance Company, Inc. (AISLIC) agreed to pay \$42.5 million to clean up contamination at four industrial facilities formerly owned by Fruit of the Loom.

Fruit of the Loom filed for bankruptcy in 1999 and the court set up two trusts to receive and distribute the company's remaining assets, including its environmental insurance policies. The trusts subsequently tried to collect environmental cleanup costs from AISLIC, a member company of AIG Insurance, under the insurance policy which covered response costs and natural resource damages under Superfund. AISLIC denied coverage and then brought a suit seeking to confirm that it was not obligated to pay the trusts for these costs. In 2006, the United States successfully moved to intervene in this private party insurance dispute. Under the settlement agreement, AISLIC made an initial \$30 million payment plus interest calculated from May 15, 2007, and ten annual payments of \$1.25 million to the Fruit of the Loom trusts. The money will be used for site cleanups at four facilities located in Michigan, New Jersey, and Tennessee. [[More Information](#)]

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Hastings Ground Water Contamination (North Landfill) Superfund Site

Under a settlement agreement entered in the U.S. District Court of Nebraska, defendants will perform cleanup of ground water contamination at the North Landfill Subsite in Hastings, Nebraska, which is one of seven subsites that are part of the Hastings Ground Water Contamination Superfund Site. The volume of contaminated media to be addressed in this settlement is approximately 49.5 million cubic yards. The contaminants of concern are trichloroethylene, 1,1-Dichloroethylene, and vinyl chloride. Under the settlement, the United States will also receive payments for past and future response costs for the North Landfill Subsite. [[More Information](#)]

Libby Asbestos Site

The U.S. Bankruptcy Court for the District of Delaware entered a settlement agreement whereby W.R. Grace & Co, \$250 million for past and future costs of cleanup of asbestos contamination in Libby, Montana. The action settles a bankruptcy claim brought by the federal government to recover money for past and future costs of cleanup of contaminated schools, homes and businesses in Libby. This settlement is the largest amount of money paid as reimbursement for a Superfund cleanup to date. W.R. Grace owned and operated a vermiculite mine and vermiculite processing facilities in and near Libby from 1963 to 1990. The vermiculite ore was contaminated with asbestos. Vermiculite and asbestos have been found in various locations in and around Libby. [[More Information](#)]

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Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (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 in fiscal year 2008:

Leed Foundry, Inc.

Leed Foundry Inc. must pay a \$25,000 penalty to settle alleged violations related to hazardous waste management and storm water discharges at its foundry in St. Clair, Pennsylvania. EPA cited the company for improper storage of its baghouse dust, which contained toxic concentrations of lead and cadmium. This dust is generated by furnace operations at the foundry, which manufactures grey iron castings such as storm sewer gratings and manhole covers. Approximately 514 tons of the dust removed from the baghouse -- an air pollution control device -- was stored in an out door pile. This agreement requires the company to submit a cleanup plan to the Pennsylvania Department of Environmental Protection for the former storage area of the toxic baghouse dust and submit a revised Preparedness, Prevention, and Contingency plan including the monitoring of flow and constituents related to the facility's Clean Water Act storm water discharge permit. Leed Foundry is also treating the baghouse dust to prevent it from exceeding RCRA's toxicity standards. [[More Information](#)]

Apex Oil Company

Apex Oil Company was held liable under Section 7003 of RCRA for contamination at the Hartford Refinery, located in the Village of Hartford, Illinois. A federal court in Illinois ordered Apex to participate in the ongoing cleanup at the site to address an imminent hazard to the Village of Hartford's public waterwells. The estimated cost to clean up the contamination is at least \$150 million. The oil refinery, in operation since

1941, included pipelines to transport gasoline and heavy oils. By the 1970's evidence showed that a hydrocarbon pool had accumulated under the Village of Hartford and oil was discovered in the Mississippi River near sewage drains. Evidence indicated the pipeline leaks persisted until EPA took responsibility for the site in 2003.

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Federal Facilities

[Superfund Enforcement at Federal Facilities](#)
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Superfund Enforcement at Federal Facilities

There are over 150 final federal facility sites on Superfund's National Priority List. Superfund requires EPA and the federal agency that owns or operates sites on this list to enter into enforceable agreements governing the cleanup and laying out each party's responsibilities. EPA has agreements in place at most of these sites and continues to enter agreements at the remaining sites.

The following are major cases concluded in fiscal year 2008:

Vieques and Curtis Bay

EPA, the US Navy, the US Department of the Interior and the Commonwealth of Puerto Rico finalized an agreement for the clean up of a former military site on the island of Vieques off the east coast of Puerto Rico. [[More Information](#)]

EPA and the US Coast Guard also completed an agreement governing the cleanup of the Coast Guard's Curtis Bay facility in Baltimore, Maryland. [[More Information](#)]

Columbia River Hanford Site

When EPA finds that a facility is not complying with its obligations under cleanup agreements, it takes action to address those violations. In 2008, EPA took two enforcement actions against the Department of Energy for failure to perform agreed upon cleanup work at its Hanford site adjacent to the Columbia River in Washington state. In settling one of the actions, the Department of Energy agreed to pay a \$285,000 penalty, purchase two emergency response boats for the local sheriff's office to respond to any hazardous material spills (estimated cost of over \$200,000), and to construct a greenhouse and nursery at a nearby campus of Washington State University to grow native vegetation to use in rehabilitating habitat at the Hanford facility (estimated cost over \$600,000) [[More Information](#)]. The Department of Energy agreed to pay a \$75,000 penalty for missing cleanup deadlines at one cleanup area within the site.

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Lawrence Livermore National Laboratory

EPA signed a Record of Decision outlining a cleanup with the Department of Energy's Lawrence Livermore National Laboratory Site 300 located near Livermore, California. The Record of Decision resulted from work done under a prior enforceable agreement agreed to by the Department of Energy, EPA and the State of California.

The site is listed on the CERCLA National Priorities List. It is primarily a high-explosives test facility supporting the Laboratory's weapons research, development, and testing programs. During past operations, a number of contaminants were released to the environment including trichloroethylene and other volatile organic compounds, high explosive compounds, perchlorate, tritium, uranium, nitrate, polychlorinated biphenyls, dioxin and furan compounds, silicone oils, and metals. The groundwater clean-up will treat over 36 million cubic yards. The Lawrence Livermore Laboratory

cleanup is estimated to cost \$626 million.

Fort Ord

EPA signed two cleanup Records of Decision with the U.S. Army at the former Fort Ord, California, located 80 miles south of San Francisco and made up of approximately 28,000 acres of land next to Monterey Bay. The Department of Defense retained a portion of former Fort Ord while the remaining property is being transferred to other federal, state, and local government agencies and other organizations. The Records of Decision resulted from work done under an enforceable agreement agreed to years ago by the U.S. Army, EPA and the State of California. The cleanups are estimated to cost over \$150 million.

The first Record of Decision addresses munitions and explosives at Fort Ord. The second Record of Decision addresses groundwater that contains dilute concentrations of carbon tetrachloride and other volatile organic compounds.

Brunswick Naval Air Station

The EPA Administrator resolved a dispute with the Navy over stipulated penalties assessed by EPA Region 1 under a 1990 Federal Facility Agreement for the Naval Air Station in Brunswick, Maine, a site named on the national priority list of most contaminated sites. This affirmed the EPA Regional Administrator's decision finding that the Navy failed to monitor wells as required in long-term monitoring plans for the site. It was also found that "a remedy ... is only protective if contamination that is left on site is adequately monitored." EPA and the Navy agreed in the Federal Facility Agreement to stipulate to the amount of penalties to be assessed for violations. The Administrator set the final penalty at \$153,000.

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RCRA Enforcement at Federal Facilities

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.

The following are major cases concluded in fiscal year 2008:

US Naval Submarine Base

Under a settlement with EPA, the U.S. Naval Submarine Base in Groton, Connecticut, agreed to pay \$37,059 in penalties, and undertake a \$114,000 project to address improper storage and management of hazardous wastes. The Base will install solar-powered air conditioning in a storage bay where ignitable hazardous wastes are stored within the Base's permitted hazardous waste treatment and storage facility. With summertime temperatures documented during the inspection peaking at about 95 degrees, the main storage building lacked adequate ventilation to ensure that flammable materials were stored at a safe temperature and that employees could work under safe conditions. The new air conditioner will help ensure worker safety, and protect the environment. [[More Information](#)]

California Veterans Affairs Hospital

The Veterans Affairs Palo Alto Health Care System agreed to make changes to its operations and pay a \$32,000 fine for violations of hazardous violations at its Palo Alto, California teaching hospital. The violations were discovered in a routine inspection in 2007 conducted by EPA and the Santa Clara County Department of Environmental Health. Shortly after the inspection, the hospital addressed all the violations and came into compliance. The hospital has instituted a new tracking

system for managing pharmaceutical waste. [\[More Information\]](#)

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Criminal Enforcement

Resource Conservation and Recovery Act

The following are major cases concluded in fiscal year 2008:

Hazardous Waste Storage and Disposal

Dennie Pridemore

Dennie Pridemore, operator of Hydromex, was sentenced to 41 months in prison and three years probation after pleading guilty to six counts of illegally storing and disposing of hazardous waste contaminated with the heavy metals, cadmium, chromium and lead at a sham hazardous waste recycling facility called Hydromex, Inc., in Yazoo City, Mississippi and making false statements to state and federal regulatory officials and investigators in an effort to conceal his crimes. The wastes leached into the surrounding soil and groundwater. [\[More Information\]](#)

Northwestern Plating

David Jacobs, the owner of Northwestern Plating Works in Illinois, a former metal finishing business, was sentenced to 46 months in prison after pleading guilty to one count of improperly storing and disposing of hazardous wastes and one count of embezzling more than \$830,000 from an employee pension plan. Northwestern Plating Works used cyanides, acid, corrosives, brass, copper, zinc and nickel in its electroplating processes. Jacobs was also ordered to serve 200 hours of community service, pay \$832,890.84 in restitution to victims of the pension fraud, \$1,259,695.19 in restitution to the U.S. Environmental Protection Agency for superfund cleanup costs, and three years probation. [\[More Information\]](#)

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Krister Evertson

Krister Evertson, the former owner and president of the now defunct SBH Corporation was sentenced to 21 months imprisonment and ordered to pay \$421,049 in restitution for superfund cleanup. He was convicted by a federal jury of violating the Hazardous Materials Transportation Safety Act, illegally storing and disposing of hazardous waste and violations of the Resource Conservation and Recovery Act. Evertson transported 10 metric tons of sodium metal from its port of entry at the Seattle-Tacoma Port Complex to Salmon, Idaho, where he used some of the sodium in an effort to manufacture sodium borohydride. Everston arranged for the transportation of the sodium metal not used in the manufacturing process and he failed to take protective measures to reduce the risk that the transported material would react and damage persons or property. [\[More Information\]](#)

John Charles Mazoch

John Charles Mazoch, President of Coastal Welding Company pleaded guilty to the felony offense of conspiring with others to store, transport, and dispose of hazardous wastes without a permit in violation of the Resource Conservation and Recovery Act and was sentenced to serving 8 months in federal prison, pay a \$500,000 fine and over \$700,000 in restitution to the Environmental Protection Agency and the Louisiana Department of Environmental Quality. Mazoch must also serve eight months of home confinement and three years supervised release once he is released from prison. [\[More Information\]](#)

MRS Plating

Ronald Jagielo, owner of MRS Plating, Lockport, New York, pled guilty to a felony violation of the RCRA for disposal of hazardous wastes without a permit. These wastes included cadmium, chromium and corrosive liquids. Jagielo was sentenced to serve 21 months incarceration, pay the EPA \$1 million in restitution and serve three years of supervised release for his felony violation of the RCRA. Additionally, this was the second felony conviction for Jagielo, who served a year in prison in 2000 after pleading guilty for illegally discharging wastes into the Lockport water treatment system where he had installed a device that hid the discharges from inspectors. [[More Information](#)]

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Compliance and Enforcement Annual Results FY2008: Cross-Media Enforcement Case Highlights

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

Many enforcement cases address environmental harm across air, water and land. Combining enforcement of all media results is 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.

Civil Enforcement Cases

- [Emissions – Vinyl Chloride](#)
- [Chemicals](#)
- [Supplemental Environmental Projects](#)

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Civil Enforcement Cases

Emissions – Vinyl Chloride

In 2002, EPA developed a multimedia chemical targeting approach utilizing public health and environmental data to identify potential candidates for enforcement. Using this approach, EPA selected six chemicals, one of which was vinyl chloride - a known carcinogen and an ozone precursor. Most vinyl chloride is used to make polyvinyl chloride plastic and vinyl products. Exposure to vinyl chloride emissions has been linked to adverse human health effects and cancer. To date, five settlements have addressed and resolved alleged violations of environmental requirements and, when fully implemented, are expected to reduce vinyl chloride emissions and discharges by approximately 140,000 pounds. [\[More Information\]](#)

The following is a major case concluded in fiscal year 2008:

Georgia Gulf Chemicals and Vinyls, LLC

Georgia Gulf committed to perform corrective measures to prevent the discharge of up to 12,000 pounds of vinyl chloride per year from entering an unlined surface impoundment and to properly treat and dispose of an estimated 3.9 billion pounds of hazardous waste a year at its Aberdeen, Mississippi polyvinyl chloride manufacturing facility. The Consent Decree also required Georgia Gulf to perform corrective measures at an estimated cost of \$2,900,000. The requirements included installation of an air stripper to reduce volatile organic compounds by removing vinyl chloride from process wastewater. The company resolved alleged violations of RCRA, the Clean Air Act, the Clean Water Act and EPCRA. Georgia Gulf also will pay a civil penalty of \$610,000 to be split evenly between the United States and the State of Mississippi.

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Chemicals

Chemicals have become a pervasive and enduring part of our environment. They are used in our manufacturing processes, and they are essential components for consumer and industrial goods. EPA assures that chemicals made available for sale and use in the United States do not pose any adverse risks to human health or to the environment.

The following is a major case concluded in fiscal year 2008:

Equistar Chemicals, LP

Equistar, an ethylene and petro-chemicals producer, entered into a Consent Decree to resolve alleged multimedia violations at seven facilities. The company is required to perform corrective actions at a cost of \$125 million and to conduct environmental audits of its operations and correct identified problems. Equistar will pay a \$2.5 million civil penalty divided evenly between the United States and the States of Iowa, Illinois and Louisiana. The company will monitor and fix leaks of volatile organic compounds (VOCs) and hazardous air pollutants, such as benzene, from process units; replace equipment that uses ozone-depleting substances, reduce flaring of VOCs, and install a wastewater treatment system that will reduce harmful air emissions by at least 52,000 pounds per year. The company also will eliminate the improper land disposal of an estimated 300,000 million pounds of benzene-contaminated hazardous waste per year. [\[More Information\]](#)

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Supplemental Environmental Projects

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 2008 include 188 cases requiring violators to implement SEPs with a value of over \$39 million. The following four settlements are examples of fiscal year 2008 cases that include SEPs with substantial environmental or public health benefits. [\[More Information\]](#)

The following are major cases concluded in fiscal year 2008:

Southeastern Pennsylvania Transportation Authority

The Southeastern Pennsylvania Transportation Authority (SEPTA) committed to spend \$1.13 million to purchase approximately 152 million kilowatt-hours of renewable wind-powered energy from the Philadelphia Electric and Gas Company (PECO). The purchase of renewable energy is expected to decrease the amount of green house gases from fossil-fuel powered electric plants that would otherwise be emitted due to the generation of the power necessary to meet SEPTA's needs for two years. PECO estimates that the purchase of wind power would reduce the amount of carbon dioxide emitted to the atmosphere by as much as 1,242 pounds per megawatt-hour purchased. Based on PECO's estimate, this SEP could result in the reduction of up to nearly 189 million pounds of CO₂.

Equistar Chemicals, LP (Equistar)

Equistar, a petrochemical manufacturer, agreed to conduct a \$6.65 million SEP as part of its settlement to resolve violations of the Clean Water Act, Clean Air Act, and the Resource Conservation and Recovery Act. Equistar will install a system to capture hazardous air emissions from process vents at its Channelview, Texas facility. Such emissions can contribute to respiratory disorders such as asthma, and can reduce lung capacity. They can also cause damage to ecosystems and reduce visibility. [\[More](#)

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Valero Energy Corp. (Premcor)

As part of a settlement for violations of the Clean Air Act, Valero Energy Corp. (formerly Premcor), agreed to perform federal and state SEPs valued at \$4.25 million. The federal SEPs include: construction of a local health center serving underinsured and uninsured residents of the Port Arthur, Texas for the diagnosis and treatment of asthma and other respiratory illnesses that may be caused or exacerbated by air pollution, a mobile air monitoring van for the Port Arthur, Texas local emergency response commission, "Shelter-in-place" air control systems to detect, isolate and filter air pollution that may result from air emissions near the local elementary school in Port Arthur, Texas, replacement of existing high-emitting water heaters with new low-emission water heaters in low-income residences in Port Arthur, Texas; a study to prevent vehicle idling in Lima, Ohio, installation of controls on vents from the Lima, Ohio refinery to reduce fugitive VOC emissions, a study of the use of infrared imaging equipment to identify leaks of fugitive VOC emissions at the Lima, Ohio and Memphis, Tennessee refineries, and installation of vapor controls to reduce or eliminate hydrogen sulfide off-gassing from the City of Memphis (Tennessee) wastewater treatment works. [[More Information](#)]

Merck and Company (Merck)

As part of a settlement to resolve violations of the Clean Water Act, Merck agreed to perform SEPs valued at \$4.5 million. The SEPs are designed to improve the water quality and ecosystems of the Wissahickon River, a source of drinking water for the Philadelphia, Pennsylvania community. The projects include restoration activities around the Schuylkill River, a key tributary of the Wissahickon River, creation of wetlands on a 10 acre parcel of property, purchase and installation of a system designed to provide early warning to the Philadelphia Water Department of materials that may pose a threat to drinking water, and the purchase and installation of an enhanced automated dissolved oxygen control at the Upper Gwynedd Township Wastewater Treatment Facility. [[More Information](#)]

Upper Southampton Sewer Authority

Upper Southampton Sewer Authority (Upper Southampton) agreed to include a SEP as part of a settlement to resolve violations of the Clean Water Act. Upper Southampton agreed to undertake an awareness campaign that would focus on the proper disposal of pharmaceuticals. The dumping of old and unused pharmaceuticals into the drinking water supply can cause risks to public health and impact drinking water quality. The awareness campaign will focus on the safe disposal of pharmaceuticals at hospitals, retirement communities, and schools. [[More Information](#)]

Criminal Enforcement Cases

Cross Media

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. 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 is a major case concluded in fiscal year 2008:

Wally El-Beck

Wally El-Beck (doing business as Arkansas Municipal Waste to Energy, Inc.) was sentenced to 18 months imprisonment after being convicted by a federal jury on 37 counts of mail fraud and one count of wire fraud while operating the Osceola, Arkansas municipal incinerator. El-Beck was also ordered to pay close to \$905,000 in restitution. El-Beck was paid to incinerate industrial waste. Rather than doing that, El-Beck stored approximately 10,000 55-gallon drums of industrial waste, along with other medical waste, which were stored in unsafe conditions, at the Osceola site. His customers were required to reclaim the waste, have it destroyed elsewhere, and contribute towards the cost of clean-up at the incinerator and storage site, incurring losses of approximately \$1.16 million. The EPA spent over \$4 million in clean-up costs associated with the site. [[More Information](#)]

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To promote compliance, improve understanding and encourage innovative approaches, EPA relies on compliance assistance and compliance incentive activities. These activities are often part of a larger integrated strategy that uses many of the tools available to the compliance assurance program.

[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. Compliance assistance is often provided to help educate businesses and governments about new environment requirements that apply to them; it is also provided for existing requirements to help address widespread areas of non-compliance, or misunderstandings within a sector about how to comply.

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
- help them reduce, treat or eliminate pollution from their operations.

The Fiscal Year 2008 Compliance Highlights include the following categories:

Air Compliance Highlights

- [Outreach to Collision Repair Sector for New Clean Air Act Requirements](#)

Water Compliance Highlights

- [Texas Association of Builders Partner with Environmental Agencies](#)
- [Rhode Island Sanitary Sewer Overflow Integrated Strategy](#)
- [New England Marina Initiative](#)
- [Stormwater and Wetland Regulation Workshops](#)
- [Water Testing Preparedness Exercise With Labs in Iowa, Kansas, Missouri and Nebraska](#)

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- [Compliance Assistance Provided to Indian Country Schools in Region 8](#)
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Compliance and Enforcement Annual Results FY2008: Air Compliance Highlights

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, Web sites, fact sheets, compliance guides, training materials and workshops. See below for an example of a compliance assistance activity conducted this fiscal year to help explain environmental statutory and regulatory requirements under the Clean Air Act.

Outreach to Collision Repair Sector for New Clean Air Act Requirements

On January 9, 2008, EPA published the "[auto body" rule \(PDF\)](#) (31 pp, 294K, [About PDF](#)) in the Federal Register. The rule, referred to as the Paint Stripping and Miscellaneous Surface Coating Operations NESHAP, becomes effective for new shops immediately; initial notifications for existing shops are due by January 2010. The rule calls for auto body shops, which often are in residential or mixed residential/industrial areas, to use a series of best practices to reduce emissions of hazardous air pollutants to the environment. Implementation of these practices would reduce exposure to many people who live or work nearby.

Compliance Assistance is being offered around the country through a partnership effort between the Office of Air Quality Planning and Standards, EPA's Design for the Environment (DfE) program in the Office of Pollution Prevention and Toxics (OPPT), the EPA Regional Offices, the Air Toxics and Small Business programs and multiple states and local agencies. This past year, assistance providers offered training to auto body shops on the best practices required by the rule, and on other practices that reduce risks to the shop workers themselves. Implementation of the best practices is predicted by EPA to result in a direct operating cost saving for the business, as well as indirect savings resulting from decreased worker exposure to hazardous air pollutants. In addition, facility visits were conducted to help provide assistance to shop owners and operators about what changes they need to make to their operations to come into compliance with the new requirements.

In just one year, the Collision Repair Campaign Team has trained over 1000 people, representing over 500 repair shops and has leveraged \$1.9 million. Of the shops that participated in the trainings, an estimated 50 percent are implementing best practices. This has saved an estimated 59 tons of material, which translates to a cost savings of \$1.1 million; reduced an estimated 40 tons of particulate matter, and 31 tons of volatile organic compounds emissions.

Through these approaches, the [Collision Repair Campaign Partnership](#) is reaching out to shop owners to make them *aware* of the impact of their shop emissions, encourage *early* compliance with this new rule, and not only reduce emissions *beyond* those required by the rule but also *reduce* operating costs by encouraging adoption of best practices in advance of the rule compliance date.

To learn more about CAA compliance, please visit [Clean Air Act Compliance Assistance](#).

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Compliance and Enforcement Annual Results FY2008: Water Compliance Highlights

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, Web sites, fact sheets, compliance guides, training materials and workshops. See below for examples of compliance assistance activities conducted this fiscal year to help explain environmental statutory and regulatory requirements under the Clean Water Act.

- [Texas Association of Builders Partner with Environmental Agencies](#)
- [Rhode Island Sanitary Sewer Overflow Integrated Strategy](#)
- [New England Marina Initiative](#)
- [Stormwater and Wetland Regulation Workshops](#)
- [Water Testing Preparedness Exercise With Labs in Iowa, Kansas, Missouri and Nebraska](#)

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Texas Association of Builders Partner with Environmental Agencies

The Texas Association of Builders (TAB), Environmental Protection Agency (EPA) and Texas Commission on Environmental Quality (TCEQ) signed an unprecedented agreement on July 31, 2008, recognizing the work these organizations have been doing together to further educate, inform and assist home builders in meeting federal and state [stormwater requirements](#).

The agreement is the first of its kind in the nation, designed to ensure comprehensive training for Texas builders, on stormwater compliance. Over 1,300 Texas builders have received stormwater compliance training pursuant to this partnership since 2005. TAB, EPA and TCEQ developed a training manual, and the National Association of Home Builders assisted in the development of an accompanying training DVD. In 2007, a second training course, "Stormwater SWPPP It or Sweat It," and a more comprehensive training workbook was produced.

Following the 2007 trainings, each 2007 attendee was provided with a "Self-Assessment Checklist." In an effort to determine where additional stormwater compliance training might be necessary, attendees were asked to complete and return the checklists to TAB. The returned checklists were evaluated by TAB, EPA and TCEQ, and it was determined that builders who completed this training initiative appear to be complying with federal and state stormwater regulations. Beginning in late Fall 2008, builder members of the Texas Association of Builders may choose to complete a "Self-Assessment Checklist" for each of their Notices of Intent (NOI). For each fully completed checklist, the builder will receive one "Stormwater Self-Certified" sticker to place on the corresponding permit. Sites that display the certification sticker will be a lower priority for routine inspections.

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Rhode Island Sanitary Sewer Overflow Integrated Strategy

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EPA, Region I is working in partnership with the Rhode Island Department of Environmental Management to address [Sanitary Sewer Overflows](#) from municipal water systems in Rhode Island. This partnership is employing an integrated strategy using both compliance assistance tools and more traditional enforcement approaches to help ensure environmental protection and compliance with environmental requirements.

Sanitary Sewer Overflows (SSOs) are caused by breakdowns in the system of pipes, pumps and other equipment that municipalities and wastewater utilities use to collect and transport sewage to a wastewater treatment plant. These un-permitted discharges often occur due to blockages caused by roots, debris, or fats, oils and grease, structural, mechanical or electrical failures, and extraneous flows (ground water or stormwater) that enter wastewater collection systems. When an SSO occurs, raw sewage is released from the wastewater collection system and may end up in streets, basements or surface waters.

EPA, working with state and municipal officials, trade associations the academic community, and others, is applying an integrated strategy to help Rhode Island municipalities prevent future SSOs and develop long term sustainable improvements to municipal water infrastructure. The assistance activities being used include: workshops that offer assistance with operation and maintenance, Asset Management (long term infrastructure planning), Energy Star Benchmarking, financing issues, and GIS (to track sewer use); development of public partnerships (with state, municipal, trade associations); development of a Preventative Maintenance Template for collection systems and the creation of fact sheets on specific areas of concern (such as manhole identification).

The Narragansett Bay Commission (NBC) was also the recipient of a 2008 EPA State Innovation Grant that will be used to encourage Rhode Island waste water treatment plants to engage in energy reduction activities and to develop an [Environmental Results Program](#) with restaurants in the NBC service district to utilize fats, oils and grease (FOG) for use in bio-diesel thereby reducing FOG going into the sewer systems, causing infrastructure blockages.

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New England Marina Initiative

Marinas can potentially cause significant harm to human health, safety, and the environment. These businesses, for example, can potentially generate significant hazardous waste from products such as paint, cleaning products, solvents, heavy metals, oils and fuels. In addition, stormwater runoff on marina property can pick up pollutants discharged from marina operations and flow through both point and non-point sources, into US waters.

This year, Region 1 focused efforts on addressing various issues marina owners face in controlling pressure wash water. Regional staff and external partners, primarily state environmental agencies and marine trades associations, conducted six marina-owner training workshops designed to educate the owners on boat pressure wash water control requirements and technologies available to control pressure washing water. Vendors who market technologies for controlling pressure washing, such as recycle systems, containment pads, and filtration related equipment also attended to display their technologies, and staff from the region or state where the workshop was held presented information on the requirements and best practices.

Over 300 marina owners, nearly half of the region's marina owners who conduct maintenance and cleaning activity attended the trainings offered this year. Information provided voluntarily, and from recent inspections, indicate that the number of marinas who have installed or have on order pressure wash systems has grown tremendously over the past year. Capital investments for pressure wash systems are typically in the \$25,000-\$100,000 range. [[More Information](#)]

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Stormwater and Wetland Regulation Workshops

In February 2008, EPA's Idaho Operations Office staff conducted stormwater and wetland regulations workshops, targeting the construction industry. The one-day workshops provided information to over 200 people and also provided EPA with an opportunity to build its partnership with the [MS4](#) communities and support their local programs that are in early development. The workshops received very positive feedback; of those responding to the question, over 50%

reported an increase in understanding and knowledge from the workshop, of wetland and stormwater permitting requirements.

Presenters at the workshop included the Corps and Engineers, Idaho Department of Water Resources, Idaho Department of Environmental Quality, and a number of local agencies.

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Water Testing Preparedness Exercise With Labs in Iowa, Kansas, Missouri and Nebraska

Labs that test drinking water throughout the four states of EPA's Region 7 should be better suited to respond to natural disasters, acts of terrorism and other emergencies, as a result of a week-long regional preparedness exercise completed this year. EPA has developed and is exercising plans to coordinate laboratory support for responses to actual or suspected drinking water contamination incidents. Over the past two years, EPA developed drinking water Regional Laboratory Response Plans for each of the 10 EPA regions in the country. State environmental and public health labs were active participants in developing the plans.

This year, Region 7 conducted its first-ever functional exercise at seven labs to verify that federal, state and local lab personnel can properly coordinate with each other to provide necessary water testing capacities, in the event that any one lab might find itself overwhelmed by a large quantity of samples needing to be tested in a short period of time. These exercises were a success and have better positioned the agencies to be able to protect the public health in times of emergency.

To learn more about CWA compliance, please visit [Clean Water Act Compliance Assistance](#).

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Compliance and Enforcement Annual Results FY2008: Land Compliance Highlights

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, Web sites, fact sheets, compliance guides, training materials and workshops. See below for examples of compliance assistance activities conducted this fiscal year to help explain environmental statutory and regulatory requirements under the Resource Conservation and Recovery Act.

- [Compliance Assistance Provided to Indian Country School in Region 8](#)
- [Plymouth State University Chemical Clean-out](#)

Compliance Assistance Provided to Indian Country Schools in Region 8

This year, Region 8 successfully removed over 24,000 pounds of hazardous chemicals from 35 [Indian Country](#) schools. Chemicals removed were part of compliance assistance visits where chemicals on site were inventoried and either safely stored or appropriately disposed. Chemicals removed included neurotoxins, carcinogens, suspected carcinogens, strong oxidizers, flammable hydrocarbons, corrosive, caustic, toxic and potentially explosive compounds, and flammable solids that can generate very high temperature and are a fire hazard. These efforts have made schools safer for 7,620 Native American school children, teachers, and administrators.

Plymouth State University Chemical Clean-out

Plymouth State University (Plymouth State) in New Hampshire helped sixteen other NH schools remove over 11,000 pounds of chemical wastes from their campuses as part of a [Supplemental Environmental Project](#) (SEP) with EPA. This was accomplished through outreach, education and compliance assistance to schools in the community about their responsibilities with respect to chemicals used on site.

A variety of K-12 school audiences (science teachers, business administrators and school facility managers) were trained on various aspects of chemical management including hazardous waste compliance, developing and maintaining chemical inventories, purchasing best practices, and waste management and minimization practices. The middle school, middle/high school, and 14 high schools that benefited from this project were assisted with the removal of over 8,200 lbs of hazardous wastes, including 27 lb of acute hazardous waste, and an additional 3,700 lb of non-regulated wastes, at a cost of \$74,000.

EPA and state agency staff in both the Department of Environmental Services and the Department of Education helped publicize training activities and contact information related to this effort. In addition, Plymouth State worked with state agencies and trade associations to promote the assistance they were offering to middle and high schools at a variety of additional training venues. EPA's Regional [Schools Chemical Cleanout Campaign](#) was also a part of this effort.

To learn more about RCRA compliance, please visit [Resource Conservation and Recovery Act](#)

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Compliance and Enforcement Annual Results FY2008: Cross-Media Compliance Highlights

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, Web sites, fact sheets, compliance guides, training materials and workshops. See below for examples of compliance assistance activities conducted this fiscal year to help explain environmental statutory and regulatory requirements.

- [New England Healthcare Initiative](#)
- [New England Emergency Response Initiative](#)
- [Lab and Tank Compliance Assistance Training for Federal Facilities](#)

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New England Healthcare Initiative

Hospitals generate a wide variety of hazardous and solid waste, and are consequently subject to a number of federal and state requirements. EPA sponsors a Web-based [Healthcare Environmental Resource Center](#) EXIT Disclaimer dedicated to helping hospitals and other medical institutions understand their environmental obligations. In addition, several Regions in EPA routinely conduct a range of compliance assistance activities for the healthcare sector. In 2008, Region 1 expanded its focus to update hospitals on recent [EPA guidance regarding epinephrine salts \(10/15/07\)](#).

Region 1 sent a "Regulatory Compliance Notice - Update: Epinephrine Waste Management" to approximately 270 New England hospital CEOs and environmental health and safety directors. EPA also presented environmental compliance information at three different hospital workshops, about an EPA funded guide entitled ["Managing Pharmaceutical Waste: A 10-Step Blueprint for Healthcare Facilities in the US"](#) (PDF) (93 pp, 488.9K, [About PDF](#)) EXIT Disclaimer.

Also this year, Region 1 continued its efforts to increase compliance in EPCRA [Tier II reporting](#) by New England hospitals. Over the last few years, EPA conducted presentations on EPCRA and "Tier II Submit" (a mechanism for electronic submittal of EPCRA Tier II data by facilities to their states). EPA also sent a reminder postcard to all New England hospitals regarding the EPCRA Tier II reporting deadline in March. The chart below shows the EPCRA Tier II compliance improvements from 2003 to 2007 for acute care hospitals in Maine, New Hampshire, Connecticut & Massachusetts. (*VT excluded from table since most were already reporting in 2003; data was not available for RI at the time of this study*). There has been an overall 47% increase in compliance with EPCRA Tier II reporting by New England acute care hospitals through 2007 across four of the six New England States.

State	2003 % of universe reporting	2007 % of universe reporting Hospitals report by March 1, 2008 for calendar year 2007.	% increase in reporters 2003 to 2007	Average % increase in reporting across 4 states

Maine	40% (15/37)	58% (21/37)	18%	47%
New Hampshire	4% (1/26)	83% (21/26)	79%	
Connecticut	55% (17/31)	83% (26/31)	28%	
Massachusetts	23% (17/73)	82% (60/73)	59%	

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New England Emergency Response Initiative

EPA Region 1 developed and implemented an emergency response strategy that in many New England communities has resulted in shorter emergency response times; increased chemical safety awareness among first responders and industry; and an increase in Toxics Release Inventory (TRI) electronic reporting and Tier II reporting. This strategy featured an expansive educational component, including chemical safety/EPCRA reporting training classes that were provided to over 20 communities. All of these sessions were conducted in coordination with other authorities to help ensure federal and local requirements were being communicated. For example, 6 training classes held in Maine for water and wastewater treatment operators were conducted jointly with the Maine Emergency Management Agency and the Maine Rural Water Association.

In addition to training, on-site assistance was provided to three high schools (some [self-disclosures](#) were received following the assistance provided). During the course of just a single school assistance visit, a significant amount of hazardous and non-hazardous materials were responsibly removed from the school including: over 360 mercury thermometers; 3 barometers; 5 pounds of elemental mercury; over 700 pounds of other hazardous and non hazardous "unwanted" and waste chemicals and solutions ;over 300 gallons of paints, thinners & solvent, and 726 pounds of pigments, stains, & glazes. As a result of this effort, over 1,000 high school students, teachers and staff, will not be put a risk from exposure to chemicals in the classrooms. As a result of this effort, The EPCRA team was asked to assist other high schools in the area in reducing their inventories of stock chemicals. As a result, a summer [Green Chemistry Program](#), funded through an enforcement penalty related [Supplemental Environmental Project](#), was implemented. This program was extremely successful; one high school science department reduced their chemical inventory by 50%. Work is currently ongoing to expand on this accomplishment.

Other examples of assistance provided through this initiative include the TRI training classes that were conducted in 16 communities, reaching approximately 500 people throughout New England. Also, the Region hosted thirteen Tier II training sessions, reaching over 850 representatives from business, industry, local governments and state employees in New England. An additional 15 training sessions were conducted on the use of Computer-Aided Management of Emergency Operations (CAMEO) software and Geographical Information Systems (GIS) for emergency management purposes, reaching approximately 2,500 people.

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Lab and Tank Compliance Assistance Training for Federal Facilities

This year, EPA sponsored 26 compliance assistance workshops for the federal facilities community. There were two separate workshops: (1) a workshop for federal laboratories; and (2) a workshop for above and underground storage tank (UST) operators; the environmental benefits associated with tank compliance and good environmental management include ground water and drinking water protection. Each training was delivered 13 times around the country. In total, close to 1,000 federal staff and managers from a variety of civilian agencies and the Department of Defense, attended these workshops. Recognizing that many federal staff could not attend these trainings in person, EPA's federal facilities program is developing on-line versions of both these courses. When completed in FY 2009, these courses will be accessible from the Internet to the federal community at no cost.

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Compliance and Enforcement Annual Results FY2008: Regional Results

Each year EPA reports on enforcement actions and how we help people meet environmental requirements. EPA organizes its programs into ten (10) regional offices to administer its programs. This year we are reporting federal data by regional office and by states within that region.

The map below is divided into regions. For ease of reference the states in each region are also listed below. Click on the state where you live to obtain information about enforcement and compliance annual results in your state's region.

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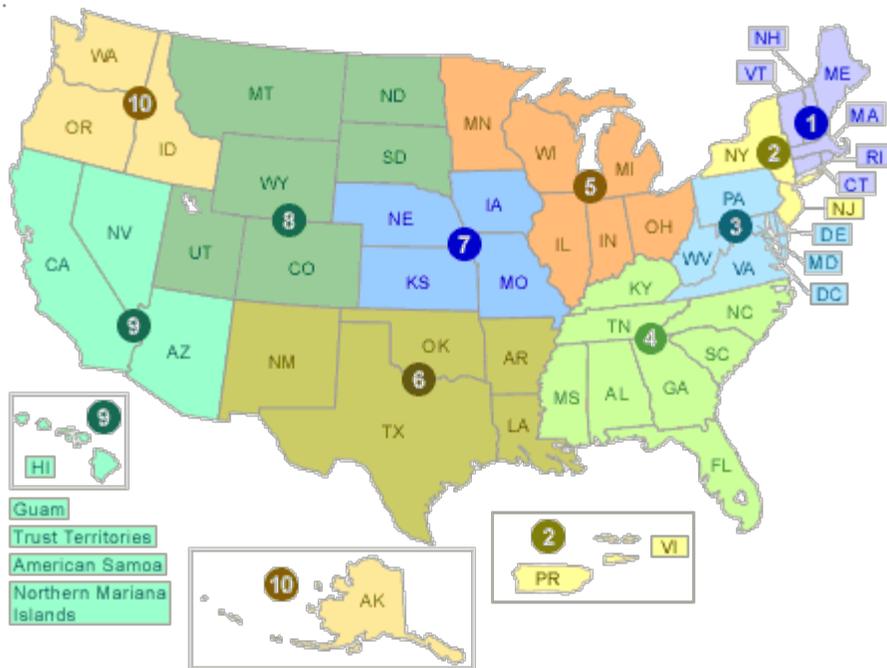
[Region 8](#) (MT, ND, WY, SD, UT, CO)

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EPA puts significant effort into protecting people's health and the environment in the six New England states (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont) by ensuring compliance with environmental laws. As a result of enforcement actions taken in Fiscal Year (FY) 2008 (October 1, 2007 – September 30, 2008), more than 21.7 million pounds of pollutants will be reduced or treated. Further,

more than 21 million cubic yards of contaminated water and soil will be cleaned. These accomplishments are the result of EPA enforcement actions under numerous programs including Superfund, the Clean Water Act and the Clean Air Act.

Injunctive Relief (work required to bring facilities into compliance) – The estimated dollar value of cleanup or corrective action required by EPA New England in FY2008 will total more than \$667 million. This total includes actions that will lead to the installation of closed cycle cooling towers at the Brayton Point power station in Somerset, MA; full utilization of secondary treatment capacity at the Massachusetts Water Resource Authority's Deer Island Treatment Plant; and cleanups at the Iron Horse Park and Beede Waste Oil Superfund sites.

Supplemental Environmental Projects – As part of a settlement, a violator may voluntarily agree to undertake an environmentally beneficial project, also known as a [supplemental environmental project](#), related to the violation in exchange for mitigation of the penalty to be paid. In FY2008, supplemental environmental projects (SEPs) were included in 18 settlements with a total value of more than \$2 million. SEP funds will be spent on lead paint abatement at numerous locations in New England, many of which are in environmental justice areas; the purchase of a conservation easement in Ellsworth, Maine; the purchase of a "pumpout" boat that will enable vessels in Boston Harbor to pump their sanitary wastes into a tank on that boat rather than into Boston Harbor or Massachusetts Bay; and a project to reduce fugitive particulate emissions in Thomaston, ME.

"EPA's commitment to enforcing our nation's environmental laws means that we have better protection of our environment and public health in New England. Protecting the environment is everybody's responsibility, and companies or individuals who disregard laws to protect our air, land and water should know that EPA continues to vigorously enforce our nation's laws for a cleaner, healthier America."

– Robert W. Varney
 Regional Administrator
 U.S. EPA, Region 1

Inspections – The Region completed more than 1,100 on-site inspections. These inspections were spread geographically throughout New England and covered a wide range of federal programs, including storm water, wetlands, oil pollution prevention, asbestos demolition and renovation, hazardous waste management, community right-to-know, stationary air sources and disclosure of lead paint hazards.

Administrative Penalty Complaints – In FY2008, we issued 78 administrative compliance orders, 102 administrative penalty complaints, and 102 final administrative penalty orders.

Civil Judicial Enforcement – In FY2008, we referred 28 enforcement cases to the U.S. Department of Justice and had 15

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judicial case conclusions.

Compliance Assistance Activities – The Region continues to develop compliance assistance tools and provide expert compliance assistance to the regulated community. Over the past year, the Region reached more than 10,169 individuals through 127 facility visits, 117 assistance workshops and individualized assistance. In addition to our direct assistance, we provided numerous compliance information resources via the Sector Compliance Assistance and Environmental Management System Web pages. We received 78,498 Internet hits or page requests for information from these pages last year.

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Compliance and Enforcement Annual Results: Numbers at a Glance – EPA New England

Results Obtained from EPA Civil Enforcement Actions	
Estimated Environmental Benefit Commitments:	
Direct Environmental Benefits	
• Pollution Reduced, Treated or Eliminated (Pounds) (1)	21,718,522
• Contaminated Soil to be Cleaned Up (Cubic Yards)	683,421
• Contaminated Water to be Cleaned Up (Cubic Yards)	20,941,100
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$667,699,607
Investments in Environmentally Beneficial Projects (SEPs)	\$2,032,712
Civil Penalties Assessed	
Administrative Penalties Assessed	\$2,114,958
Judicial Penalties Assessed	\$2,032,965
Stipulated Penalties Assessed	\$154,250
EPA Civil Enforcement and Compliance Activities	
Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)	28
Supplemental Referrals of Civil Judicial Enforcement Cases to DOJ	4
Civil Judicial Complaints Filed with Court	18
Civil Judicial Enforcement Case Conclusions	15
Administrative Penalty Order Complaints	102
Final Administrative Penalty Orders	102
Administrative Compliance Orders	78
Cases with SEPs	18
EPA Compliance Monitoring Activities	
Inspections/Evaluations	1,867
Civil Investigations	15
Number of Regulated Entities Taking Complying Actions during EPA Inspections/Evaluations	131
Number of Regulated Entities Receiving Assistance during EPA Inspections/Evaluations	766
EPA Superfund Cleanup Enforcement	

% of non-Federal Superfund Sites with Viable, Liable Parties where an Enforcement Action was taken Prior to the Start of the Remedial Action	100%
Private Party Commitments for Site Study and Cleanup (including cash outs)	\$92.6
Private Party Commitments for Cost Recovery	\$18.5
% of Cost Recovery Cases Greater than or Equal to \$200,000 that were Addressed before the Statute of Limitations Expired	100%
EPA Voluntary Disclosure Program	
Estimated Pollution Reduction Commitments Obtained as a Result of Voluntary Disclosures (Pounds)	58,000
Voluntary Disclosures Initiated (Facilities)	48
Voluntary Disclosures Resolved (Facilities)	40
Voluntary Disclosures Initiated (Companies)	45
Voluntary Disclosures Resolved (Companies)	36
Notice of Determination (NODs)	36
EPA Compliance Assistance	
Total Entities Reached by Compliance Assistance	34,996

Sources for Data displayed for Numbers at a Glance: 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 11, 2008.

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Federal Data Presented State-by-State

EPA works in partnership with states in targeting federal enforcement where it produces the most environmental benefit.

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Connecticut

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
• Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	2,721,424
• Contaminated Soil to be Cleaned Up (Cubic Yards)	3,342
• Contaminated Water to be Cleaned Up (Cubic Yards)	-
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$4,215,808
Investments in Environmentally Beneficial Projects (SEPs)	\$224,000
Civil Penalties Assessed	\$1,554,917

Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	9
Final Administrative Penalty Orders	21
Administrative Compliance Orders	13

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Maine

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
• Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	1,044,062
• Contaminated Soil to be Cleaned Up (Cubic Yards)	–
• Contaminated Water to be Cleaned Up (Cubic Yards)	–
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$1,430,004
Investments in Environmentally Beneficial Projects (SEPs)	\$524,179
Civil Penalties Assessed	\$570,311
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	2
Final Administrative Penalty Orders	19
Administrative Compliance Orders	3

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Massachusetts

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
• Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	17,883,166
• Contaminated Soil to be Cleaned Up (Cubic Yards)	649,997
• Contaminated Water to be Cleaned Up (Cubic Yards)	20,879,100
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$609,886,917
Investments in Environmentally Beneficial Projects (SEPs)	\$1,161,646
Civil Penalties Assessed	\$1,882,142
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	24
Final Administrative Penalty Orders	35
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New Hampshire

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
• Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	1,366,097
• Contaminated Soil to be Cleaned Up (Cubic Yards)	30,000

Contaminated Water to be Cleaned Up (Cubic Yards)	62,000
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$47,925,347
Investments in Environmentally Beneficial Projects (SEPs)	\$46,087
Civil Penalties Assessed	\$417,735
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	11
Final Administrative Penalty Orders	4
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Rhode Island

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
• Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	581,827
• Contaminated Soil to be Cleaned Up (Cubic Yards)	40
• Contaminated Water to be Cleaned Up (Cubic Yards)	-
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$5,761,784
Investments in Environmentally Beneficial Projects (SEPs)	\$62,800
Civil Penalties Assessed	\$341,489
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	1
Final Administrative Penalty Orders	11
Administrative Compliance Orders	15

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Vermont

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
• Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	13,100
• Contaminated Soil to be Cleaned Up (Cubic Yards)	42
• Contaminated Water to be Cleaned Up (Cubic Yards)	-
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$463,082
Investments in Environmentally Beneficial Projects (SEPs)	\$14,000
Civil Penalties Assessed	\$44,700
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	-
Final Administrative Penalty Orders	12
Administrative Compliance Orders	5

Sources for Data displayed for Federal Data Presented State-by-State: Integrated Compliance Information System (ICIS)

(1) Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.



Region 2 Compliance

Serving New Jersey, New York, Puerto Rico, US Virgin Islands and 8 Tribal Nations

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Using a full range of compliance and enforcement strategies and tools, EPA Region 2, which covers New Jersey, New York, Puerto Rico and the U.S. Virgin Islands, continued to bring more and more facilities into compliance with the laws that protect the environment and public health environment in fiscal year 2008, which ran from October 1, 2007 to September 30, 2008.

The results of our compliance and enforcement efforts are presented below.

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Compliance and Enforcement Annual Results Numbers at a Glance

Results Obtained from EPA Civil Enforcement Actions

Estimated Environmental Benefit Commitments:

Direct Environmental Benefits	
▪ Pollution Reduced, Treated or Eliminated (Pounds) (1)	112,099,362
▪ Hazardous Waste Treated, Minimized or Properly Disposed of (pounds) (1) (2)	511,493,181
▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	10,890,016
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	12,354
▪ Stream Miles Protected (Linear Feet)	1,971
▪ Wetlands Protected (Acres)	1,003
▪ People Protected by Safe Drinking Water Act Enforcement (# of People)	64,314
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$280,246,948
Investments in Environmentally Beneficial Projects (SEPs)	\$6,013,943
Civil Penalties Assessed	
Administrative Penalties Assessed	\$3,904,332
Judicial Penalties Assessed	\$3,289,399
Stipulated Penalties Assessed	\$2,599,953

EPA Civil Enforcement and Compliance Activities

Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)	32
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Supplemental Referrals of Civil Judicial Enforcement Cases to DOJ	5
Civil Judicial Complaints Filed with Court	21
Civil Judicial Enforcement Case Conclusions	22
Administrative Penalty Order Complaints	248
Final Administrative Penalty Orders	267
Administrative Compliance Orders	245
Cases with SEPs	21

EPA Compliance Monitoring Activities

Inspections/Evaluations	2,780
Civil Investigations	19
Number of Regulated Entities Taking Complying Actions during EPA Inspections/Evaluations	155
Number of Regulated Entities Receiving Assistance during EPA Inspections/Evaluations	1,955
Inspections Conducted by Tribal Inspectors Using Federal Credentials (3)	0

EPA Superfund Cleanup Enforcement

% of non-Federal Superfund Sites with Viable, Liable Parties where an Enforcement Action was taken Prior to the Start of the Remedial Action	100%
Private Party Commitments for Site Study and Cleanup (including cash outs)	\$225,600,000
Private Party Commitments for Cost Recovery	\$26,101,956
% of Cost Recovery Cases Greater than or Equal to \$200,000 that were Addressed before the Statute of Limitations Expired	100%

EPA Voluntary Disclosure Program

Estimated Pollution Reduction Commitments Obtained as a Result of Voluntary Disclosures (Pounds)	66,000
Voluntary Disclosures Initiated (Facilities)	134
Voluntary Disclosures Resolved (Facilities)	92
Voluntary Disclosures Initiated (Companies)	68
Voluntary Disclosures Resolved (Companies)	70
Notice of Determination (NODs)	61

EPA Compliance Assistance

Total Entities Reached by Compliance Assistance	63,600
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Sources for Data displayed for Numbers at a Glance: 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 11, 2008.

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Federal Data Presented State-by-state

EPA works in partnership with states in targeting federal enforcement where it produces the most environmental benefit. The data below shows EPA's activities and achievements.

Caveat - A single enforcement case that addresses facilities located in more than one state will be counted in the total for each state with a facility. The results achieved from this enforcement action will also be counted in each state with a facility.

- [New Jersey](#)

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New Jersey

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
▪ Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	30,992,781
▪ Hazardous Waste Treated, Minimized or Properly Disposed of (pounds) (1) (2)	11,888
▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	250,628
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	0
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$115,078,338
Investments in Environmentally Beneficial Projects (SEPs)	\$849,879
Civil Penalties Assessed	\$1,041,498
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	6
Final Administrative Penalty Orders	40
Administrative Compliance Orders	26

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New York

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
▪ Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	2,449,620
▪ Hazardous Waste Treated, Minimized or Properly Disposed of (pounds) (1) (2)	175,371
▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	134,315
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	12,344
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$69,133,594
Investments in Environmentally Beneficial Projects (SEPs)	\$1,769,815
Civil Penalties Assessed	\$3,365,601
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	14
Final Administrative Penalty Orders	161
Administrative Compliance Orders	64

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Puerto Rico

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
▪ Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	

	78,656,691
<ul style="list-style-type: none"> Hazardous Waste Treated, Minimized or Properly Disposed of (pounds) (1) (2) 	511,191,353
<ul style="list-style-type: none"> Contaminated Soil to be Cleaned Up (Cubic Yards) 	10,401,530
<ul style="list-style-type: none"> Contaminated Water to be Cleaned Up (Cubic Yards) 	0
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$92,604,319
Investments in Environmentally Beneficial Projects (SEPs)	\$3,244,249
Civil Penalties Assessed	\$2,544,800
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	1
Final Administrative Penalty Orders	56
Administrative Compliance Orders	101

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U.S. Virgin Islands

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
<ul style="list-style-type: none"> Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1) 	271
<ul style="list-style-type: none"> Hazardous Waste Treated, Minimized or Properly Disposed of (pounds) (1) (2) 	114,569
<ul style="list-style-type: none"> Contaminated Soil to be Cleaned Up (Cubic Yards) 	103,543
<ul style="list-style-type: none"> Contaminated Water to be Cleaned Up (Cubic Yards) 	10
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$3,079,911
Investments in Environmentally Beneficial Projects (SEPs)	\$150,000
Civil Penalties Assessed	\$165,511
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	1
Final Administrative Penalty Orders	10
Administrative Compliance Orders	54

Sources for Data displayed for Federal Data Presented State-by-State: Integrated Compliance Information System (ICIS)

(1) Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.

(2) In FY 2008, for the first time, OECA is piloting a new Environmental Benefits outcome reporting category to count pounds of "Hazardous Waste Treated, Minimized or Properly Disposed Of " from enforcement cases. OECA has determined that none of the previously established outcome categories are appropriate for counting the environmental benefits obtained from EPA's hazardous waste cases. For FY 2008, this new pilot category includes only results from RCRA cases, but, in the future, similar results obtained from enforcement actions under other statutes, particularly CERCLA, may also be included.

(3) In FY 2008, for the first time, OECA is creating a separate reporting category to count the number of tribal inspections conducted by tribal inspections using federal credentials. Inspections conducted by tribal inspectors using federal credentials are done "on behalf" of the Agency, but are not an EPA activity.

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Federal Case Highlights Presented State-by-state

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New Jersey

Occidental Chemical Corporation and Tierra Solutions (Diamond Alkali Superfund Site)

EPA, Occidental Chemical and Tierra Solutions entered into a settlement agreement on June 23, 2008 requiring the two companies to remove 200,000 cubic yards of dioxin-laden material near the Diamond Alkali Superfund site in Newark, N.J., some 3.5 miles from the mouth of the Passaic River. This is the most significant removal of contaminated material from the Passaic River to date, removing nearly half of the dioxin in the river's sediment.

The removal will cost an estimated \$80 million. EPA will review and approve all work plans, which will contain specific details of the work, and will oversee the entire operation. EPA developed this agreement in close cooperation with the New Jersey Department of Environmental Protection.

The cleanup will be conducted in two phases. In both phases, sediment will be removed from the river in a semi-dry state, which will ensure that sediment is not stirred up and dispersed into the river. Clean fill will be placed over excavated areas. All aspects of the work, including monitoring requirements, engineering controls, and oversight, will be spelled out in the work plans to ensure the work is done safely, effectively and with minimal impacts to surrounding communities. EPA will work closely with stakeholders throughout the design and construction of the project.

Lonza, Inc.

In March 2007, EPA charged Lonza, Inc., the nation's largest manufacturer of hospital disinfectants, with making inaccurate claims about the effectiveness of certain products against microbial pests. As a result, Lonza agreed on June 27, 2008, as part of its settlement with EPA, to develop and implement an unprecedented, nationwide quality assurance program to ensure the quality and efficacy of the disinfectant products sold to hospitals.

Before any pesticide is sold in the country, it must go through EPA's rigorous registration process and its producer must ensure that its product lives up to its claims. Some of the hospital disinfectant products that Lonza sold with inaccurate labeling included Formula 158 Lemon Disinfectant, Fresh and Clean, and REV. Formula 158 Lemon Disinfectant and Fresh and Clean did not kill *Pseudomonas Aeruginosa*, and REV killed neither the *Pseudomonas Aeruginosa* nor *Staphylococcus aureus*, as claimed on the labels. Both pathogens can cause infections that can be serious, but are often treatable with antibiotics.

As part of its quality assurance program, Lonza will evaluate whether the companies formulating its products are doing so safely and legally, inspect production plants, interview key personnel and review required documentation. Only companies meeting the criteria of regulatory, quality assurance and manufacturing compliance will continue to formulate Lonza's products. Lonza has until December 2009 to develop and fully implement this program. The establishment of the national quality assurance program is considered a supplemental environmental project under the settlement agreement.

New York

City of Middletown

The U.S. government and the City of Middletown, N.Y. reached a settlement on Sept. 3, 2008 regarding violations of the Safe Drinking Water Act relating to the City's public drinking water system, which distributes water drawn from a surface water source to some 26,200 people. The city agreed to construct a water treatment facility by April 30, 2010 to filter the drinking water it draws from surface water sources.

During construction, the city must implement measures to protect the quality of its drinking water such as monitoring for contaminants of the water from surface water sources and monthly reporting of monitoring data to EPA, New York State and Orange County.

The city also agreed to pay a \$50,000 civil monetary penalty to the federal government, and to spend an additional \$490,000 on a supplemental environmental project to collect the backwash water from the proposed water treatment plant for recycling.

Town of Newburgh

The U.S. government filed and settled a civil lawsuit against the Town of Newburgh, N.Y. on June 30, 2008, involving violations of the Safe Drinking Water Act regarding the town's drinking water system, which distributes unfiltered drinking water to some 23,000 people. The town agreed to construct a water treatment facility by May 1, 2013 to filter the drinking water it draws from the Delaware Aqueduct, the Town's principal water source.

During construction, the town must implement measures to protect the quality of its drinking water. They include monitoring for contaminants of the water from the Delaware Aqueduct, monthly reporting of monitoring data to EPA, New York State and Orange County, and meeting water quality standards applicable to water systems that are not required to install treatment facilities.

The settlement requires the town to pay \$100,000 in civil penalties, and to undertake three supplemental environmental

projects, valued at approximately \$912,000, to improve the water quality in and around the town. Specifically, the town will purchase and maintain vacant undeveloped properties around the Chadwick Lake Reservoir, an alternate drinking water source for the town, in order to protect the watershed.

The town also agreed to connect residential and commercial properties along North Carpenter Avenue and West Stone Street to Newburgh's sanitary sewer system. This project will prevent waste in septic systems from discharging directly into the ground and running into other water bodies in the area, such as Orange Lake and tributaries of the Hudson River. In addition, the town agreed to replace existing catch basins connected to pipes that discharge into Orange Lake with basins equipped to prevent sediment and trash from flowing into the lake.

The federal government charged in the lawsuit that between 2005 and 2007, the town's drinking water repeatedly exceeded maximum contaminant levels for certain disinfectant byproducts, namely haloacetic acids. The government further contended that the town failed to comply with an EPA administrative order requiring the town to monitor drinking water quality and report the monitoring results to the Orange County Department of Health. The lawsuit also charged that the town had failed to provide required public notice when the town's drinking water exceeded the maximum contaminant levels for disinfectant byproducts.

Li Tungsten Superfund Site

U.S. District Court for the Eastern District of New York approved and entered three consent judgments on Oct. 29, 2007, which are expected to be the final settlements relating to the Li Tungsten Superfund Site in Glen Cove, N.Y. The settlements include one between EPA and 24 potentially responsible parties (PRPs), one between EPA and the City of Glen Cove, and a third between EPA and Wah Chang Smelting and Refining Company of America (WCSRCA). Four of the PRPs are federal agencies: the General Services Administration and the departments of Commerce, Defense, and Treasury.

The settlement with 24 PRPs has four components. First, the federal PRPs will pay \$26 million, a \$25 million reimbursement to EPA for response costs and \$1 million for future cleanup work at the site. The second component requires two PRPs, TDY Industries and TDY Holdings, to continue performing the remainder of the remedial work at the site, estimated at \$10.7 million at the time of the consent judgment's signing. The third component requires the remaining 18 non-federal parties to reimburse EPA \$3.61 million, with Nassau County, contributing an additional \$125,000 for future work.

EPA will receive \$28.61 million towards its past costs, and PRPs will be performing response actions estimated to cost \$10.7 million. All but one of the 20 non-federal parties has agreed to pay a \$1.5 million civil penalty for non-compliance with an earlier EPA administrative order under the Superfund law.

In its settlement, the City of Glen Cove will pay EPA \$1.6 million for past costs, and the settlement with WCSRCA requires the company to pay us \$700,000 for past costs. The city's payment is in addition to \$3.4 million that it previously paid to finance work and satisfy its liability at the site.

Puerto Rico

Toa Baja Municipal Solid Waste Landfill

On Sept. 19, 2008, EPA, the municipality of Toa Baja, P.R., and Landfill Technologies, Inc. entered into an administrative order on consent that outlines a plan to stop receiving solid waste at the main part of the Toa Baja landfill by June 2010, with steps to close the landfill to follow. This is the fifth order issued by EPA requiring a landfill in Puerto Rico to close since 2007; the other landfills are in Vega Baja, Florida, Aguadilla and Santa Isabel.

EPA also issued a unilateral order to the Puerto Rico Land Authority requiring it to share in the required work at the Toa Baja landfill. The land authority had declined to sign a consent order.

The 105-acre Toa Baja landfill was created in 1994 when landfills operated by the municipalities of Toa Baja and Bayamón merged. Toa Baja has owned the landfill since 2005, and Landfill Technologies, Inc. manages the landfill. The Puerto Rico Solid Waste Management Authority estimated that in 2003 the Toa Baja landfill accepted approximately 500,000 tons of waste, mostly household and commercial solid waste.

Ongoing inspections of the landfill found it lacking operating controls, sufficient security, leachate and stormwater discharge controls, and groundwater and explosive gas monitoring systems. The landfill also lacked a landfill gas control and collection system. The agreement to close the landfill is governed by the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act.

Bacardi Corporation

EPA and the Bacardi Corporation reached an agreement resolving Clean Water Act violations at Bacardi's rum manufacturing facility in Cataño, P.R., on Sept. 12, 2008. Under the agreement, a consent decree approved by the U.S. District Court for Puerto Rico, Bacardi paid a \$550,000 penalty, and will donate and preserve land valued at \$1 million.

EPA alleged in its complaint that from March 2002 to July 2008, Bacardi failed to comply with certain pollutant limits in its permit and, in some instances, failed to report monitoring results for discharges into the Atlantic Ocean. EPA cited Bacardi for failure to meet pollutant limits for cadmium, lead, copper, oil and grease, selenium, zinc and two types of organic compounds.

In addition to the penalty, Bacardi will donate a two-acre parcel of land in the Cienega Las Cucharillas watershed, which was appraised for \$1 million and abuts the San Juan Estuary, to Universidad Metropolitana, a private university in Cupey. The land comprises wetlands and upland areas, and is bordered by tidal black mangroves, trees that are vital to preserving Puerto Rico's

unique ecosystem. The land transfer is considered a supplemental environmental project under the agreement.

Additionally, Bacardi will be given two years to address stringent bacteria limits and will be required to meet interim limits for bacteria during that period. Bacardi also agreed to undertake enhanced monitoring of its discharges should it have operational problems at its treatment facilities in the future.

U.S. Virgin Islands

Government of Virgin Islands

In 2008, the government of the U.S. Virgin Islands entered into a settlement agreement with EPA to come into compliance with hazardous waste regulations and to set up facilities where the public can bring household hazardous waste. EPA had cited the Virgin Islands for improperly handling used computers that contained lead and spent mercury-containing fluorescent light bulbs at many facilities throughout its three islands.

In April 2005, EPA conducted inspections at two locations in the Virgin Islands and found a number of potential violations of the federal hazardous waste law, the Resource Conservation and Recovery Act. After the inspections, EPA requested that the Virgin Islands government describe and document its practices at other facilities where light bulbs and computer components were thrown away. The government's response indicated widespread violations of hazardous waste requirements. Before the inspections, the Virgin Islands government discarded light bulbs and computers with regular trash without determining whether these wastes were hazardous and without taking steps to prevent releases of hazardous contents such as mercury and lead.

The Virgin Islands government was fined \$37,195, and agreed to spend at least \$150,000 to develop and implement a campaign to raise public awareness of proper household waste management and disposal practices. Under this supplemental environmental project, the Virgin Islands government will construct and operate several hazardous waste collection centers, purchase two collection trucks and four storage sheds and advertise the program.

The government will operate and maintain the collection centers for at least two years and arrange for appropriate off-island disposal or treatment of the collected hazardous waste.

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Mid-Atlantic Enforcement

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2008 Region 3 Compliance and Enforcement Annual Results

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EPA's Mid-Atlantic enforcement program achieved very good results to protect the region's air, water, and land in fiscal year 2008. Industries, government agencies and other regulated entities agreed to spend more than \$3.4 billion in pollution controls and environmental projects. "Our regional efforts to

enforce the nation's environmental protection laws are impressive, especially when you consider the innovative settlements we've achieved," said Donald S. Welsh, Mid-Atlantic Regional Administrator.

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Regional Highlights

The mid-Atlantic enforcement program is achieving environmental and public health benefits through small-scale and larger settlements.

Some trailblazing cases include:

Maryland is the first state in the nation to sign an EPA agreement to self-police its environmental compliance. [Maryland Department of Transportation's Self-Audit agreement](#) solidifies Maryland's goal of having its transportation facilities state-wide achieve full environmental compliance. Maryland transportation agencies will have 168 of their facilities, including the airport, highways and port in the state, undergo thorough environmental checks. The transportation agencies will conduct their own environmental assessments and disclose violations they may find.

As part of an innovative settlement agreement between [EPA and the Southeastern Pennsylvania Transportation Authority \(SEPTA\)](#), will more than \$1 million will be spent on a wind energy project. SEPTA agreed to pay a cash penalty of \$169,527 and purchase 152 million kilowatt hours of clean energy (in place of conventionally generated energy) over the next two years. The agreement settles alleged violations of hazardous waste and underground storage tank regulations at nine SEPTA facilities.

[The U.S. Department of Justice, EPA, the Pennsylvania Department of Environmental Protection, and Merck & Co., Inc.](#) signed one of the most comprehensive remediation settlement agreements in the Eastern District of Pennsylvania. To settle Clean Water Act violations related to a June 2006 fish kill in the Wissahickon Creek near Philadelphia, Merck will pay \$10 million to prevent future dangerous discharges at its facility. Merck also agree to spend about \$9 million for extensive environmental projects to enhance local drinking water protection and take actions for restoring the environmental quality of the Wissahickon Creek.

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On-the-ground actions will gain impressive results:

In a landmark settlement with federal, state, and county authorities, the [Allegheny County Sanitary Authority \(ALCOSAN\)](#) agreed to a comprehensive plan to greatly reduce the annual discharge of billions of gallons of untreated sewage into local waterways. Under the proposed consent decree, ALCOSAN agreed to a multi-year strategy to upgrade the sewage systems serving Pittsburgh and 82 surrounding municipalities. The settlement also requires ALCOSAN to pay a \$1.2 million penalty for past Clean Water Act violations, and to undertake \$3 million in environmental projects. The agreement will reduce the amount of untreated sewage being discharged into local rivers by more than 22 billion gallons per year.

The national settlement with [American Electric Power](#) will have an unprecedented impact on air quality in the eastern United States, which in the mid-Atlantic region will primarily affect Pennsylvania. EPA and DOJ's largest single environmental settlement in history will result in national pollutant reductions saving \$32 billion in health costs annually. American Electric Power agreed to cut 813,000 tons of air pollutants annually at an estimated cost of more than \$4.6 billion, pay a \$15 million penalty, and spend \$60 million on projects to mitigate the adverse effects of its past excess emissions from sources such as power plants and factories.

A national case with mining industry's [Massey Energy](#) brought the largest civil penalty in EPA's history against a company for wastewater discharge permit violations. Massey Energy Company Inc. will pay a \$20 million civil penalty in a corporate-wide settlement to resolve Clean Water Act violations at coal mines in West Virginia and Kentucky.

"Our regional efforts to enforce the nation's environmental protection laws are impressive, especially when you consider the innovative settlements we've achieved," said Donald S. Welsh, mid-Atlantic regional Administrator.

In a long fight for wetlands protection, the U.S. Department of Justice, and EPA settled with six defendants including **Sea Bay Development Corp., Beechtree Park, Inc., and Green Sea Farms** for alleged wetland violations in a case that began in 1999 over one of the largest undeveloped tracts of land - - 1, 560 areas - - in Chesapeake, Va. In addition to \$100,000 in penalties, approximately half the land, a large area of 873 acres of non-tidal wetlands, will be restored and preserved in perpetuity under a conservation easement.

As a part of EPA's national enforcement efforts to reduce air toxics, EPA investigated [Celanese Acetate, L.L.C.](#), a manufacturer of acetate products in Narrows, Va. EPA found Clean Air Act violations and cited the company for problems related to the monitoring and repairing of equipment at the facility. To resolve alleged violations, Celanese will pay \$60,000. Since these violations were found, Celanese has increased its efforts to monitor and detect for leaks of hazardous air pollutants.

A long-sought resolution to a Clean Air Act case that began with a full compliance inspection in 2003 was settled [by EPA and Sunoco, Inc.](#) (R&M) for \$200,000 for past clean air violations at Sunoco's chemical manufacturing facility in located in Philadelphia's Frankford section. EPA's inspection and subsequent document reviews focused on the plant's Clean Air Act permit and national emission standards for hazardous air pollutants, including regulations of benzene waste and hazardous organic compounds.

Small-but-fierce cases collectively get results:

Many cases that seem relatively small are gaining significant results cumulatively. These cases include more than 130 administrative orders issued by the regional drinking water and underground injection control programs this year alone. Within four months, more than 43 of the facilities - - two-thirds of the total - - returned to compliance. Most orders went to systems in Pennsylvania and Maryland to implement sampling plans for monitoring for either E.Coli or total trihalomethanes. EPA took these enforcement actions because either the state had not adopted the program or did not have adequate resources to implement the new rules. EPA also issued orders with penalties for failure to comply with existing permits.

EPA's inspections are the result of tips, targeting, and national priorities for enforcement. Regionally, EPA conducted 3,000 environmental inspections. EPA also trains state inspectors who conduct double or triple the number of EPA inspections in their states. To understand the value of

having the inspector walk in the door of a facility, in 473 instances minor infractions were immediately corrected. These fixes include putting a proper label on a hazardous waste container to tightening up a slowly dripping spigot.

During this fiscal year, we had a robust federal facility enforcement program which included 15 administrative settlements with federal facilities in the mid-Atlantic region in response to underground storage tank violations (UST). Settlements ranged from \$450 to \$94,374, which compared to many environmental cases is relatively small. However, looking at these cases collectively amounts to \$304,743 in cash penalties and compliance at 15 federal facilities. The UST requirements violated at these facilities are designed to both prevent releases of petroleum products from underground storage tanks, and to quickly detect them, in the event that releases occur.

To help the District of Columbia with their compliance monitoring and enforcement workload as the District works to more fully establish their new organization (DDOE), EPA has invested considerably in underground storage tank (UST) inspections and enforcement in DC. As a result of our efforts, in FY08 we reached 39 administrative settlements, for a total of \$464,796 in cash penalties. These penalties range from \$150 to \$80,000, and address violations of the UST regulations which are designed to both prevent releases of petroleum products from underground storage tanks, and quickly detect them, in the event that releases occur.

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Compliance and Enforcement Annual Results Numbers at a Glance Region 3

Results Obtained from EPA Civil Enforcement Actions

Direct Estimated Environmental Benefits

Pollution Reduced, Treated or Eliminated (Pounds) (1)	927,347,633
Hazardous Waste Treated or Properly Disposed Of (Pounds) (1) (2)	33,471,300
Contaminated Soil to be Cleaned Up (Cubic Yards)	577,306
Contaminated Water to be Cleaned Up (Cubic Yards)	9,938,251
Stream Miles (Linear Feet)	5,015
Wetlands Protected (Acres)	891
People Protected by Safe Drinking Water Act Enforcement (# of people)	410,309

Investments in Pollution Control and Clean-up (Injunctive Relief)	\$3,434,583,554
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Investments in Environmentally Beneficial Projects (SEPs)	\$9,736,574
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Civil Penalties

Administrative Penalties	\$7,806,089
Judicial Penalties	\$21,887,523
Stipulated Penalties	\$222,350

EPA Civil Enforcement and Compliance Activities

Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)	35
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Supplemental Referrals of Civil Judicial Enforcement Cases to DOJ	4
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Civil Judicial Complaints Filed with Court	19
Civil Judicial Enforcement Case Conclusions	24
Administrative Penalty Order Complaints	186
Final Administrative Penalty Order Settlements	193
Administrative Compliance Orders	160
Cases with SEPs	14

EPA Compliance Monitoring Activities

Inspections/Evaluations	2,933
Civil Investigations	12
Number of Regulated Entities Taking Complying Actions during EPA Inspections/Evaluations	478
Number of Regulated Entities Receiving Assistance during EPA Inspections/Evaluations	2836

EPA Superfund Cleanup Enforcement

% of non-Federal Superfund Sites with Viable, Liable Parties where an enforcement action was taken Prior to the Start of the Remedial Action	100%
Private Party Commitments for Site Study and Cleanup (including cashouts)	\$34.3M
Private Party Commitments for Cost Recovery	\$10.1M
% of Cost Recovery Cases Greater than or Equal to \$200,000 that were Addressed before the Statute of Limitations Expired	100%

EPA Voluntary Disclosure Program

Estimated Pollution Reduction Commitments Obtained as a Result of Voluntary Disclosures (Pounds)	75,977
Voluntary Disclosures Initiated (Facilities)	131
Voluntary Disclosures Resolved (Facilities)	103
Voluntary Disclosures Initiated (Companies)	45
Voluntary Disclosures Resolved (Companies)	42
Notices of Determination (NODs)	35

EPA Compliance Assistance

Total Entities Reached by Compliance Assistance	2488
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Sources for Data displayed for Numbers at a Glance: 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 11, 2008.

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Federal Data Presented State-by-state

EPA works in partnership with states in targeting federal enforcement where it produces the most environmental benefit. The data below shows EPA's activities and achievements.

Caveat - A single enforcement case that addresses facilities located in more than one state will be counted in the total for each state with a facility. The results achieved from this enforcement action will also be counted in each state with a facility.

- [District of Columbia](#)
- [Delaware](#)
- [Maryland](#)
- [Pennsylvania](#)
- [Virginia](#)
- [West Virginia](#)

Region 3, District of Columbia

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
▪ Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	0
▪ Hazardous Waste Treated or Properly Disposed Of (Pounds) (1) (2)	0
▪ Contaminated Soil to be Cleaned (Cubic Yards)	52
▪ Contaminated Water to be Cleaned (Cubic Yards)	0
Investments in Pollution Control and Clean-up (Injunctive Relief)	1,394,106
Investments in Supplemental Environmental Projects (SEPs)	0
Civil Penalties Assessed	3,664,787
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	2
Final Administrative Penalty Orders	42
Administrative Compliance Orders	0

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Region 3, Delaware

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
▪ Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	11,000
▪ Hazardous Waste Treated or Properly Disposed Of (Pounds) (1) (2)	60,000
▪ Contaminated Soil to be Cleaned (Cubic Yards)	0

▪ Contaminated Water to be Cleaned (Cubic Yards)	8,977,000
Investments in Pollution Control and Clean-up (Injunctive Relief)	989,989
Investments in Supplemental Environmental Projects (SEPs)	250,000
Civil Penalties Assessed	449,184
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	2
Final Administrative Penalty Orders	11
Administrative Compliance Orders	3

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Region 3, Maryland

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
▪ Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	37,712,158
▪ Hazardous Waste Treated or Properly Disposed Of (Pounds) (1) (2)	28,080,000
▪ Contaminated Soil to be Cleaned (Cubic Yards)	464
▪ Contaminated Water to be Cleaned (Cubic Yards)	12,960
Investments in Pollution Control and Clean-up (Injunctive Relief)	10,031,591
Investments in Supplemental Environmental Projects (SEPs)	275,971
Civil Penalties Assessed	4,164,902
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	1
Final Administrative Penalty Orders	53
Administrative Compliance Orders	25

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Region 3, Pennsylvania

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
▪ Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	168,091,556
▪ Hazardous Waste Treated or Properly Disposed Of (Pounds) (1) (2)	1,031,300
▪ Contaminated Soil to be Cleaned (Cubic Yards)	404,710

<ul style="list-style-type: none"> Contaminated Water to be Cleaned (Cubic Yards) 	945,591
Investments in Pollution Control and Clean-up (Injunctive Relief)	1,450,296,222
Investments in Supplemental Environmental Projects (SEPs)	8,750,956
Civil Penalties Assessed	3,154,114
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	12
Final Administrative Penalty Orders	60
Administrative Compliance Orders	113

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Region 3, Virginia

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
<ul style="list-style-type: none"> Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1) 	749,844,127
<ul style="list-style-type: none"> Hazardous Waste Treated or Properly Disposed Of (Pounds) (1) (2) 	0
<ul style="list-style-type: none"> Contaminated Soil to be Cleaned (Cubic Yards) 	171,860
<ul style="list-style-type: none"> Contaminated Water to be Cleaned (Cubic Yards) 	2700
Investments in Pollution Control and Clean-up (Injunctive Relief)	1,985,733,468
Investments in Supplemental Environmental Projects (SEPs)	157,582
Civil Penalties Assessed	24,501,943
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	6
Final Administrative Penalty Orders	22
Administrative Compliance Orders	10

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Region 3, West Virginia

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
<ul style="list-style-type: none"> Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1) 	674,933,518

▪ Hazardous Waste Treated or Properly Disposed Of (Pounds) (1) (2)	4,300,000
▪ Contaminated Soil to be Cleaned (Cubic Yards)	220
▪ Contaminated Water to be Cleaned (Cubic Yards)	0
Investments in Pollution Control and Clean-up (Injunctive Relief)	1,931,852,503
Investments in Supplemental Environmental Projects (SEPs)	302,065
Civil Penalties Assessed	19,951.618
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	3
Final Administrative Penalty Orders	12
Administrative Compliance Orders	8

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Sources for Data displayed for Federal Data Presented State-by-State: Integrated Compliance Information System (ICIS)

(1) Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.

(2) In FY 2008, for the first time, OECA is piloting a new Environmental Benefits outcome reporting category to count pounds of "Hazardous Waste Treated, Minimized or Properly Disposed Of " from enforcement cases. OECA has determined that none of the previously established outcome categories are appropriate for counting the environmental benefits obtained from EPA's hazardous waste cases. For FY 2008, this new pilot category includes only results from RCRA cases, but, in the future, similar results obtained from enforcement actions under other statutes, particularly CERCLA, may also be included.

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Federal Case Highlights Presented State-by-state

- [District of Columbia](#)
- [Maryland](#)
- [Pennsylvania](#)
- [Virginia](#)

[U.S. Announces Largest Single Environmental Settlement in History - Historic pollutant reductions will save \\$32 billion in health costs annually](#)

Release date: 10/09/2007

(Washington, D.C. - Oct. 9, 2007) American Electric Power has agreed to cut 813,000 tons of air pollutants annually at an estimated cost of more than \$4.6 billion, pay a \$15 million penalty, and spend \$60 million on projects to mitigate the adverse effects of its past excess emissions. The record settlement was announced today by the Department of Justice and the Environmental Protection Agency.

[Massey Energy to Pay Largest Civil Penalty Ever for Water Permit Violations](#)

Release date: 01/17/2008

[Maryland pledges its highways, airport and port will be green](#)

Release date: 10/01/2008

PHILADELPHIA (Oct. 1, 2008) - - Maryland transportation agencies are kicking it up a notch as they signed an agreement today to have 168 of their transportation facilities, including the airport, highways and port in the state, undergo thorough environmental checks. Under the U.S. Environmental Protection Agency agreement, the state agencies will conduct their own environmental assessments and disclose violations they may find.

[Sunoco and EPA Settle Alleged Clean Air Act Violations at Philadelphia Facility](#)

Release date: 07/08/2008

(PHILADELPHIA, July 8, 2008) The U.S. Environmental Protection Agency and Sunoco, Inc. (R&M) have agreed to a \$200,000 settlement for past clean air violations at Sunoco's chemical manufacturing facility in Philadelphia. This facility is located at Margaret and Bermuda streets in Philadelphia's Frankford section.

[EPA and SEPTA Settle Hazardous Waste Violations](#)

Release date: 10/06/2008

PHILADELPHIA (October 6, 2008) – The U.S. Environmental Protection Agency and the Southeastern Pennsylvania Transportation Authority (SEPTA) have settled alleged violations of hazardous waste and underground storage tank regulations at nine SEPTA facilities.

[Merck Settles Clean Water Act Violations Related to June 2006 Fish Kills in Wissahickon Creek](#)

Release date: 12/13/2007

PHILADELPHIA (December 13, 2007) U.S. Attorney Pat Meehan, the U.S. Environmental Protection Agency and Pennsylvania Department of Environmental Protection, today, announce a settlement with Merck in a federal-state lawsuit over violations of federal and state water pollution control regulations at its Pharmaceutical plant. On June 13, 2006 Merck discharged potassium thiocyanate causing extensive fish kills in the Wissahickon Creek on June 14th and 15th and also resulting in the Philadelphia Water Department temporarily closing its Schuylkill River drinking water intake.

[Landmark settlement aims to clean up raw sewage discharges in Allegheny County](#)

Release date: 05/31/2007

PITTSBURGH (May 31, 2007) -- In a landmark settlement with federal, state, and county authorities, the Allegheny County Sanitary Authority (ALCOSAN) has agreed to a comprehensive plan to greatly reduce the annual discharge of billions of gallons of untreated sewage into local waterways.

[EPA and Virginia Company Settle Clean Air Act Violations](#)

Release date: 07/23/2008

(PHILADELPHIA, July 23, 2008) Celanese Acetate, L.L.C., a manufacturer of acetate products in Narrows, Va., will pay \$60,000 to resolve alleged violations of the federal Clean Air Act. The U.S. Environmental Protection Agency cited the company for problems related to the monitoring and repairing of equipment at Celanese's Celco plant located at 3520 Virginia Ave. in Narrows.

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Region 4: Enforcement and Compliance

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2008 Region 4 Compliance and Enforcement Annual Results

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Federal Data by State

Click on each state to find federal data



Alabama
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Carolina
Tennessee

In 2008, EPA Region 4 achieved a record pollutant reduction of more than 1.2 billion pounds through enforcement cases in [Alabama](#), [Florida](#), [Georgia](#), [Kentucky](#), [Mississippi](#), [North Carolina](#), [South Carolina](#) and [Tennessee](#), and on [tribal lands](#). Additionally, nearly 4 billion pounds of hazardous waste will be treated, minimized or properly disposed of. This is the highest annual pollutant reduction ever achieved in Region 4.

FY2008 Annual Results Topics

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Enforcement and compliance assurance efforts in Region 4 will result in the investment of over \$670 million in pollution control and cleanup. Through these enforcement actions, respondents are required to clean up more than 24 million cubic yards of contaminated soil and water and mitigate over 7,900 feet of stream miles. In addition, respondents have agreed to implement more than \$2 million in supplemental environmental projects. More than 2,000 people in Region 4 are receiving cleaner drinking water due to EPA's actions.

Over the past year, EPA Region 4 held 50 workshops and/or training sessions, and along with one-on-one meetings, provided [compliance assistance](#) to more than 25,000 entities within the regulated community.

In 2008, the EPA Region 4 [Criminal Enforcement Program](#) referred 22 new cases for prosecution. Prosecutors in Region 4 charged 44 companies and individuals with environmental crimes, most of which were felonies. Twenty-eight defendants were convicted of or pled guilty to environmental crimes. Criminal defendants were assessed \$1,545,000 in fines and \$239,956 in restitution.



[Enforcement and Compliance History Online](#) is an information tool that gives direct access to EPA and state compliance information of more than 800,000 regulated facilities nationwide, for facilities regulated under the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act. Data reports are updated monthly and cover a two-year period.

Compliance and Enforcement Annual Results Numbers at a Glance Region 4

Results Obtained from EPA Civil Enforcement Actions

Estimated Environmental Benefit Commitments:

Direct Environmental Benefits	
▪ Pollution Reduced, Treated or Eliminated (Pounds) (1)	1,212,174,025
▪ Hazardous Waste Treated or Properly Disposed Of (Pounds) (1) (2)	3,926,236,493
▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	2,544,827
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	22,496,842
▪ Stream Miles Protected (Linear Feet)	7,955
▪ Wetlands Protected (Acres)	53
▪ People Protected by Safe Drinking Water Act Enforcement (# of People)	2,194
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$619,289,122
Investments in Environmentally Beneficial Projects (SEPs)	\$2,051,260
Civil Penalties Assessed	
Administrative Penalties Assessed	\$4,821,217
Judicial Penalties Assessed	\$22,984,576
Stipulated Penalties Assessed	\$1,888

EPA Civil Enforcement and Compliance Activities

Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)	27
Supplemental Referrals of Civil Judicial Enforcement Cases to DOJ	2
Civil Judicial Complaints Filed with Court	22
Civil Judicial Enforcement Case Conclusions	24
Administrative Penalty Order Complaints	310
Final Administrative Penalty Orders	310
Administrative Compliance Orders	210

Cases with SEPs	36
EPA Compliance Monitoring Activities	
Inspections/Evaluations	2,377
Civil Investigations	34
Number of Regulated Entities Taking Complying Actions during EPA Inspections/Evaluations	57
Number of Regulated Entities Receiving Assistance during EPA Inspections/Evaluations	656
EPA Superfund Cleanup Enforcement	
% of Non-Federal Superfund Sites with Viable, Liable Parties where an Enforcement Action was taken Prior to the Start of the Remedial Action	100%
Private Party Commitments for Site Study and Cleanup (including cash outs)	\$120.1 million
Private Party Commitments for Cost Recovery	\$29.9 million
% of Cost Recovery Cases Greater than or Equal to \$200,000 that were Addressed before the Statute of Limitations Expired	100%
EPA Voluntary Disclosure Program	
Voluntary Disclosures Initiated (Facilities)	167
Voluntary Disclosures Resolved (Facilities)	107
Voluntary Disclosures Initiated (Companies)	139
Voluntary Disclosures Resolved (Companies)	89
Notices of Determination (NODs)	65
EPA Compliance Assistance	
Total Entities Reached by Compliance Assistance	25,023

Sources for Data displayed for Numbers at a Glance: 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 11, 2008.

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Federal Data Presented State-by-State

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Region 4 - ALABAMA

Results Obtained from EPA Civil Enforcement Actions

Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):

▪ Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	9,913,671
---	-----------

▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	12,880
--	--------

Investments in Pollution Control and Clean-up (Injunctive Relief)	\$53,721,617
---	--------------

Investments in Environmentally Beneficial Projects (SEPs)	\$593,173
---	-----------

Civil Penalties Assessed	\$1,393,391
--------------------------	-------------

Counts of EPA Civil Enforcement Actions:

Civil Judicial Conclusions	5
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Final Administrative Penalty Orders	42
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Administrative Compliance Orders	12
----------------------------------	----

[Select another state.](#)

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Region 4 - FLORIDA

Results Obtained from EPA Civil Enforcement Actions

Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):

▪ Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	677,300,625
---	-------------

▪ Hazardous Waste Treated or Properly Disposed Of (Pounds) (1) (2)	292
--	-----

▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	2,378,686
--	-----------

▪ Contaminated Water to be Cleaned Up (Cubic Yards)	18,223,000
---	------------

Investments in Pollution Control and Clean-up (Injunctive Relief)	\$119,848,199
---	---------------

Investments in Environmentally Beneficial Projects (SEPs)	\$218,329
Civil Penalties Assessed	\$2,320,592

Counts of EPA Civil Enforcement Actions:

Civil Judicial Conclusions	9
Final Administrative Penalty Orders	61
Administrative Compliance Orders	106

[Select another state.](#)

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Region 4 - GEORGIA

Results Obtained from EPA Civil Enforcement Actions

Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):

<ul style="list-style-type: none"> Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1) 	620,594,302
<ul style="list-style-type: none"> Contaminated Soil to be Cleaned Up (Cubic Yards) 	878

Investments in Pollution Control and Clean-up (Injunctive Relief)	\$16,079,327
Investments in Environmentally Beneficial Projects (SEPs)	\$156,166
Civil Penalties Assessed	\$2,986,099

Counts of EPA Civil Enforcement Actions:

Civil Judicial Conclusions	1
Final Administrative Penalty Orders	45
Administrative Compliance Orders	8

[Select another state.](#)

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Region 4 - KENTUCKY

Results Obtained from EPA Civil Enforcement Actions

Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):

<ul style="list-style-type: none"> Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1) 	515,383,272
<ul style="list-style-type: none"> Contaminated Soil to be Cleaned Up (Cubic Yards) 	26,004

Investments in Pollution Control and Clean-up (Injunctive Relief)	\$285,765,923
Investments in Environmentally Beneficial Projects (SEPs)	\$168,269

Civil Penalties Assessed	\$21,312,227
--------------------------	--------------

Counts of EPA Civil Enforcement Actions:

Civil Judicial Conclusions	5
Final Administrative Penalty Orders	53
Administrative Compliance Orders	31

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Region 4 - MISSISSIPPI

Results Obtained from EPA Civil Enforcement Actions

Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):

- | | |
|--|---------------|
| <ul style="list-style-type: none"> Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1) | 11,992,259 |
| <ul style="list-style-type: none"> Hazardous Waste Treated or Properly Disposed Of (Pounds) (1) (2) | 3,926,232,000 |

Investments in Pollution Control and Clean-up (Injunctive Relief)	\$57,160,678
Investments in Environmentally Beneficial Projects (SEPs)	\$561,937
Civil Penalties Assessed	\$2,016,641

Counts of EPA Civil Enforcement Actions:

Civil Judicial Conclusions	9
Final Administrative Penalty Orders	22
Administrative Compliance Orders	10

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Region 4 - NORTH CAROLINA

Results Obtained from EPA Civil Enforcement Actions

Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):

- | | |
|--|-------------|
| <ul style="list-style-type: none"> Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1) | 619,200,934 |
| <ul style="list-style-type: none"> Hazardous Waste Treated or Properly Disposed Of (Pounds) (1) (2) | 4,201 |
| <ul style="list-style-type: none"> Contaminated Soil to be Cleaned Up (Cubic Yards) | 72,743 |

▪ Contaminated Water to be Cleaned Up (Cubic Yards)	1,242,266
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$30,941,031
Investments in Environmentally Beneficial Projects (SEPs)	\$28,497
Civil Penalties Assessed	\$2,202,782

Counts of EPA Civil Enforcement Actions:

Civil Judicial Conclusions	5
Final Administrative Penalty Orders	53
Administrative Compliance Orders	22

[Select another state.](#)

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Region 4 - SOUTH CAROLINA

Results Obtained from EPA Civil Enforcement Actions

Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):

▪ Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	616,870,694
▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	53,630
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	2,031,576
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$24,360,281
Investments in Environmentally Beneficial Projects (SEPs)	\$45,364
Civil Penalties Assessed	\$2,121,531

Counts of EPA Civil Enforcement Actions:

Civil Judicial Conclusions	2
Final Administrative Penalty Orders	30
Administrative Compliance Orders	12

[Select another state.](#)

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Region 4 - TENNESSEE

Results Obtained from EPA Civil Enforcement Actions

Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):

▪ Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	384,968,721
--	-------------

Investments in Pollution Control and Clean-up (Injunctive Relief)	\$53,564,148
Investments in Environmentally Beneficial Projects (SEPs)	\$754,526
Civil Penalties Assessed	\$3,124,108

Counts of EPA Civil Enforcement Actions:

Civil Judicial Conclusions	1
Final Administrative Penalty Orders	55
Administrative Compliance Orders	13

[Select another state.](#)

Sources for Data displayed for Federal Data Presented State-by-State: Integrated Compliance Information System (ICIS)

(1) Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.

(2) In FY 2008, for the first time, OECA is piloting a new Environmental Benefits outcome reporting category to count pounds of "Hazardous Waste Treated, Minimized or Properly Disposed Of " from enforcement cases. OECA has determined that none of the previously established outcome categories are appropriate for counting the environmental benefits obtained from EPA's hazardous waste cases. For FY 2008, this new pilot category includes only results from RCRA cases, but, in the future, similar results obtained from enforcement actions under other statutes, particularly CERCLA, may also be included.

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Federal Case Highlights Presented State-by-State

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Alabama: U.S. District Court for the Northern District of Alabama Enters Hunt Refining Co. and Hunt Southland Refining Co. Consent Decree: On December 20, 2007, the U.S. District Court for the Northern District of Alabama entered a Clean Air Act Consent Decree naming Hunt Refining and its subsidiary, Hunt Southland Refining Co. This Consent Decree is a part of the National Petroleum Refinery Initiative (Initiative). The scope of this settlement covers three of Hunt's petroleum refineries located in Tuscaloosa, Alabama, and Lumberton and Sandersville, Mississippi. The Consent Decree addresses all the marquis issues in the Initiative including Leak Detection and Repair; Benzene National Emission Standard for Hazardous Air Pollutants; Prevention of Significant Deterioration/New Source Review; and New Source Performance Standards applicability to sulfur dioxide (SO₂) and nitrogen oxide (NO_x) emissions from Claus Recovery Plants and Heaters and Boilers and Flares. Pursuant to the Consent Decree, Hunt will pay a \$400,000

penalty, and spend more than \$48.5 million in new and upgraded pollution controls at its refineries. The states of Alabama and Mississippi, as co-plaintiffs in this action, will receive shares of the civil penalty. Hunt will also spend \$475,000 on Supplemental Environmental Projects, to include the implementation of upgrade controls to reduce volatile organic compound emissions from the wastewater system at the Tuscaloosa refinery and the purchase of emergency preparedness equipment for the aid responders in Vicksburg, Mississippi., and Choctaw County, Alabama. The emission reductions expected at the Hunt refineries include NO_x (150 tons per year [tpy]) and SO₂ (1,100 tpy). These pollutants can cause serious respiratory problems and exacerbate cases of childhood asthma.

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Alabama: District Courts Issues Order on Supplemental Settlement and Terminates Consent Decree in the Matter of Koppers Industries, Inc:

On May 13, 2008, the U.S. District Court for the Northern District of Alabama issued an "Order on Supplemental Settlement and Termination of Consent Decree," resolving CWA violations found during self-audits at Koppers' facilities pursuant to a Consent Decree entered between EPA and Koppers on January 15, 2003. The Consent Decree allowed the assessment of penalties for violations found during the self-audits, and the Order requires Koppers to pay such penalties as well as penalties for violations outside the scope of the self-audits. A civil penalty of \$500,000 was assessed.

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Alabama: Stormwater cases results in over 688 million pounds of pollution reduced in Region 4 states.

In support of EPA's National Enforcement Priority for Wet Weather/Storm Water, EPA brought actions against developers and homebuilders in AL, GA, FL, KY, MS, NC, and TN for failure to follow NPDES permit conditions. The NPDES permit conditions that were violated included: failure to properly design, implement or maintain best management practices; failure to maintain records; failure to inspect; and failure to take all reasonable steps to prevent or minimize discharges that may cause harm to the environment. Four of the Nation's top home builders, Centex Homes; KB Home; Pulte Homes; and Richmond American Homes were included in these actions. In addition to paying penalties, the settlements require the companies to develop improved pollution prevention plans for each site, increase site inspections and promptly correct any problems that are detected. The companies must properly train construction managers and contractors, and are required to have trained staff at each construction site. They also must implement a management and internal reporting system to improve oversight of on-the-ground operations and submit annual reports to EPA. Construction projects have a high potential for environmental harm because they disturb large areas of land and significantly increase the potential for erosion. Without onsite pollution controls, sediment-laden runoff from construction sites can flow directly to the nearest waterway and degrade water quality. In addition, storm water can pick up other pollutants, including concrete washout, paint, used oil, pesticides, solvents and other debris. Polluted runoff can harm or kill fish and wildlife and can affect drinking water quality.

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Florida: EPA and the Seminole Tribe of Florida Settle Safe Drinking Water Act Section 1414(g) Administrative Consent Order.

On December 21, 2007, EPA and the Seminole Tribe of Florida entered into Administrative Consent Order for violations of the total trihalomethanes (TTHMs) and five haloacetic acids (HAA5) maximum contaminant levels (MCL) at the Hollywood and Brighton water systems. The Administrative Consent Order imposes a construction schedule to build new water treatment plants at Hollywood and Brighton, to comply with the annual average MCL standard for TTHMs and HAA5, and to submit progress reports. In addition, the Order requires public notification to persons served by these water systems, as pursuant to 40 CFR Section 141.203(c). The total capital cost for both water treatment plants was reported to be \$49 million. A progress report submitted in July 2008 indicated the Brighton water treatment plant was at 99% complete, and the Hollywood water treatment plant was at 96% complete.

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failure to follow NPDES permit conditions. The NPDES permit conditions that were violated included: failure to properly design, implement or maintain best management practices; failure to maintain records; failure to inspect; and failure to take all reasonable steps to prevent or minimize discharges that may cause harm to the environment. Four of the Nation's top home builders, Centex Homes; KB Home; Pulte Homes; and Richmond American Homes were included in these actions. In addition to paying penalties, the settlements require the companies to develop improved pollution prevention plans for each site, increase site inspections and promptly correct any problems that are detected. The companies must properly train construction managers and contractors, and are required to have trained staff at each construction site. They also must implement a management and internal reporting system to improve oversight of on-the-ground operations and submit annual reports to EPA. Construction projects have a high potential for environmental harm because they disturb large areas of land and significantly increase the potential for erosion. Without onsite pollution controls, sediment-laden runoff from construction sites can flow directly to the nearest waterway and degrade water quality. In addition, storm water can pick up other pollutants, including concrete washout, paint, used oil, pesticides, solvents and other debris. Polluted runoff can harm or kill fish and wildlife and can affect drinking water quality.

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Florida: Consent Decree Entered for Cleanup at Jacksonville Ash and Brown's Dump Sites in Jacksonville, Florida. The agreement requires the City of Jacksonville to conduct the cleanup of two Superfund Sites located within the City. The estimated cost of the cleanups is \$94 million. In addition, the settlement requires the City to reimburse all costs incurred by the U.S. EPA. For roughly fifty years, the City operated a couple of incinerators and a landfill resulting in widespread contamination in and around Jacksonville, Duval County, Florida. The Sites, which are known as the Jacksonville Ash Site (JAS) and the Brown's Dump Site (BDS), are contaminated with incinerator ash, which contains, among other things, metals, arsenic, polyaromatic hydrocarbons and dioxin. The purpose of the cleanup is the prevention of human exposure to contaminated surface soil. The plans require soil excavation at residential properties, schools and parks, and the installation of a two foot layer of clean soil. Excavated soil will be solidified and stabilized in accordance with federal regulations, as needed, prior to off-site disposal at an appropriate landfill. The plans also call for institutional controls to protect human health and the environment. Remediation will also be conducted at streams and creeks, and groundwater will be monitored to ensure protection of public health and the environment.

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Florida: EPA issues order requiring the USAF to investigate contamination at Tyndall Air Force Base located in Panama City, FL. Tyndall Air Force Base is an NPL site where EPA found that there may be an imminent and substantial endangerment at the site due to pesticides, heavy metals, volatile organics and residues from ordnance, jet fuel and oil have been found in groundwater, surface water, soil and sediments at the base. Groundwater is only two to three feet below the surface and is used for drinking. DDT has been found in the sediments in nearby Shoal Bayou which is used for recreational fishing and wading and which has sensitive ecological resources such as fish, shellfish and birds. Because of this endangerment, EPA issued a Resource Conservation and Recovery Act (RCRA) order requiring the Air Force to investigate contamination at the base and take action to clean it up.

[Select another state.](#)

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Georgia: Home Depot Clean Water Settlement: Home Depot has agreed to pay a \$1.3 million penalty and implement a nationwide compliance program to resolve alleged violations of the Clean Water Act, the Justice Department and Environmental Protection Agency announced February 26, 2008. The settlement resolves alleged violations that were discovered at more than 30 construction sites in 28 states where new Home Depot stores were being built. The Home Depot in Suwannee, Georgia is included in this settlement. The settlement, joined by the state of Colorado, requires that Home Depot implement a comprehensive, corporate-wide program to prevent storm water pollution at each new store it builds nationwide. Home Depot must develop improved pollution prevention plans for each site, increase site inspections and promptly correct any problems at its sites. The company must properly train its construction managers, as well as contractors and their personnel on the federal storm water requirements. Home Depot must also implement a management and internal reporting system to improve oversight of on-the-ground operations and

appoint a high-level company official to oversee compliance at all company construction sites.

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Georgia: Stormwater cases results in over 688 million pounds of pollution reduced in Region 4 states. In support of EPA's National Enforcement Priority for Wet Weather/Storm Water, EPA brought actions against developers and homebuilders in AL, GA, FL, KY, MS, NC, and TN for failure to follow NPDES permit conditions. The NPDES permit conditions that were violated included: failure to properly design, implement or maintain best management practices; failure to maintain records; failure to inspect; and failure to take all reasonable steps to prevent or minimize discharges that may cause harm to the environment. Four of the Nation's top home builders, Centex Homes; KB Home; Pulte Homes; and Richmond American Homes were included in these actions. In addition to paying penalties, the settlements require the companies to develop improved pollution prevention plans for each site, increase site inspections and promptly correct any problems that are detected. The companies must properly train construction managers and contractors, and are required to have trained staff at each construction site. They also must implement a management and internal reporting system to improve oversight of on-the-ground operations and submit annual reports to EPA. Construction projects have a high potential for environmental harm because they disturb large areas of land and significantly increase the potential for erosion. Without onsite pollution controls, sediment-laden runoff from construction sites can flow directly to the nearest waterway and degrade water quality. In addition, storm water can pick up other pollutants, including concrete washout, paint, used oil, pesticides, solvents and other debris. Polluted runoff can harm or kill fish and wildlife and can affect drinking water quality.

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Georgia: Region 4 issues administrative orders and files consent agreements and final orders to address violations of the Clean Water Act at two dairies in Montezuma, Georgia: Administrative Orders were issued on August 8, 2008, to Highbrighton Dairy and Barrington Dairy to address violations of the Clean Water Act at concentrated animal feeding operations in Montezuma, Georgia. The violations included: failure to monitor; failure to land apply manure at the agronomic rate; failure to maintain buffers; and failure to operate and maintain all systems of treatment and control. In addition, consent agreements and final orders were filed which assessed civil penalties and required the implementation of Supplemental Environmental Projects.

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Kentucky: East Kentucky Power Cooperative (EKPC) Acid Rain Consent Decree Entered: On December 4, 2007, the U.S. District Court for the Eastern District of Kentucky entered the consent decree between the United States and EKPC, addressing EKPC's alleged violations of the acid rain provisions under title IV of the Clean Air Act (CAA) and the NOx SIP Call program. In 1998, EKPC upgraded the two generators at its William Dale Plant, units 1 and 2, from 22 megawatts to 27 megawatts, which exceeds the 25 megawatt threshold for being required to participate in the acid rain program. The increase in capacity made the units subject to two cap-and-trade programs under the CAA including the acid rain program regulating sulfur dioxide (SO₂) and nitrogen oxide (NO_x), and the NOx SIP Call program (regulating NO_x during the 5-month ozone season). Under these cap and trade programs, EKPC is required to have allowances for each ton of sulfur dioxide and nitrogen oxide emitted, and to purchase credits if emissions exceed allowances. EKPC did not obtain the necessary credits and did not apply for permits as required under title V of the CAA. As a result, thousands of tons of SO₂ and NO_x were emitted illegally during the years 2001-2005. The consent decree requires EKPC to participate in the acid rain program, to apply for an acid rain permit, to install additional pollution control equipment (low NO_x burners) and continuous emissions monitoring equipment, to purchase and retire SO₂ and NO_x emissions allowances, and to pay a fixed penalty of \$11.4 million over 5 years, plus pay additional contingent penalties annually depending on financial performance. The decree will result in the removal of approximately 35,000,000 pounds of SO₂ and 9,536,660 pounds of NO_x.

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Kentucky: District Court Enters Consent Decree in United States v. Rohm and Haas Chemicals, Limited Liability Corporation: On June 12, 2008, Judge Thomas B. Russell of the

Western District of Kentucky entered the Consent Decree in *United States v. Rohm and Haas Chemicals, LLC*. The Consent Decree resolves alleged violations of the Clean Air Act, Resource Conservation and Recovery Act, Emergency Planning and Community Right-to-Know Act, and the Comprehensive Environmental Response, Compensation and Liability Act, at the Company's Louisville facility. The alleged violations stemmed from an EPA and National Enforcement Investigations Center inspection at the facility in 2005. As part of the Consent Decree, the company will pay a civil penalty of \$35,975 and perform two supplemental environmental projects.

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Kentucky: Stormwater cases results in over 688 million pounds of pollution reduced in Region 4 states. In support of EPA's National Enforcement Priority for Wet Weather/Storm Water, EPA brought actions against developers and homebuilders in AL, GA, FL, KY, MS, NC, and TN for failure to follow NPDES permit conditions. The NPDES permit conditions that were violated included: failure to properly design, implement or maintain best management practices; failure to maintain records; failure to inspect; and failure to take all reasonable steps to prevent or minimize discharges that may cause harm to the environment. Four of the Nation's top home builders, Centex Homes; KB Home; Pulte Homes; and Richmond American Homes were included in these actions. In addition to paying penalties, the settlements require the companies to develop improved pollution prevention plans for each site, increase site inspections and promptly correct any problems that are detected. The companies must properly train construction managers and contractors, and are required to have trained staff at each construction site. They also must implement a management and internal reporting system to improve oversight of on-the-ground operations and submit annual reports to EPA. Construction projects have a high potential for environmental harm because they disturb large areas of land and significantly increase the potential for erosion. Without onsite pollution controls, sediment-laden runoff from construction sites can flow directly to the nearest waterway and degrade water quality. In addition, storm water can pick up other pollutants, including concrete washout, paint, used oil, pesticides, solvents and other debris. Polluted runoff can harm or kill fish and wildlife and can affect drinking water quality.

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Kentucky: EPA Region 4 enters into Three Consent Agreement and Final Orders (CAFO) and One Administrative Compliance Order on Consent with Martin County Coal Company: On September 12, 2008, EPA Region 4 issued three Consent Agreement and Final Orders and one Administrative Compliance Order on Consent with Martin County Coal Company (MCCC) in connection with unpermitted discharges of dredged and/or fill material at three separate coal mine sites in Kentucky. MCCC had applied for CWA Section 404 permits but commenced mining operations before obtaining permits at all three sites, filling several miles of streams. The Region negotiated separate penalty actions for the three sites, assessing penalties of \$65,000, \$90,000, and \$75,000, with the different amounts based on the length and quality of the stream segments impacted. In addition to the combined penalties of \$230,000, EPA and MCCC also entered into an Administrative Compliance Order on Consent pursuant to which MCCC will obtain after-the-fact permits for the discharges and provide appropriate mitigation for the impacts.

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Mississippi: Settlement entered with Georgia Gulf Chemicals, Aberdeen, MS: On February 28, 2008, the U. S. District Court of the Northern District of Georgia entered a Consent Decree resolving a civil judicial action with Georgia Gulf Chemicals and Vinyls, LLC (Georgia Gulf) for violations of the Federal Resource Conservation and Recovery Act (RCRA) and Clean Air Act (CAA) at its polyvinyl chloride (PVC) manufacturing facility in Aberdeen, Mississippi. Under the agreement, Georgia Gulf will perform corrective measures that will result in the minimization, treatment or proper disposal of 3,926,232,000 pounds of hazardous waste. This case represents the largest amount of RCRA pollutants reduced in the nation. Georgia Gulf will pay a civil penalty of \$610,000 to be split evenly between the United States and the State of Mississippi. Georgia Gulf has also agreed to perform corrective measures at an estimated cost of \$2,900,000, including installation of an air stripper to reduce volatile organic compounds (VOCs) by removing vinyl chloride from process wastewater. This is the fifth case concluded under EPA's vinyl chloride initiative, which began in 2002.

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Mississippi: U.S. District Court for the Northern District of Alabama Enters Hunt Refining Co. and Hunt Southland Refining Co. Consent Decree:

On December 20, 2007, the U.S. District Court for the Northern District of Alabama entered a Clean Air Act Consent Decree naming Hunt Refining and its subsidiary, Hunt Southland Refining Co. This Consent Decree is a part of the National Petroleum Refinery Initiative (Initiative). The scope of this settlement covers three of Hunt's petroleum refineries located in Tuscaloosa, Alabama, and Lumberton and Sandersville, Mississippi. The Consent Decree addresses all the marquis issues in the Initiative including Leak Detection and Repair; Benzene National Emission Standard for Hazardous Air Pollutants; Prevention of Significant Deterioration/New Source Review; and New Source Performance Standards applicability to sulfur dioxide (SO₂) and nitrogen oxide (NO_x) emissions from Claus Recovery Plants and Heaters and Boilers and Flares. Pursuant to the Consent Decree, Hunt will pay a \$400,000 penalty, and spend more than \$48.5 million in new and upgraded pollution controls at its refineries. The states of Alabama and Mississippi, as co-plaintiffs in this action, will receive shares of the civil penalty. Hunt will also spend \$475,000 on Supplemental Environmental Projects, to include the implementation of upgrade controls to reduce volatile organic compound emissions from the wastewater system at the Tuscaloosa refinery and the purchase of emergency preparedness equipment for the aid responders in Vicksburg, Mississippi., and Choctaw County, Alabama. The emission reductions expected at the Hunt refineries include NO_x (150 tons per year [tpy]) and SO₂ (1,100 tpy). These pollutants can cause serious respiratory problems and exacerbate cases of childhood asthma.

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Mississippi: Stormwater cases results in over 688 million pounds of pollution reduced in Region 4 states.

In support of EPA's National Enforcement Priority for Wet Weather/Storm Water, EPA brought actions against developers and homebuilders in AL, GA, FL, KY, MS, NC, and TN for failure to follow NPDES permit conditions. The NPDES permit conditions that were violated included: failure to properly design, implement or maintain best management practices; failure to maintain records; failure to inspect; and failure to take all reasonable steps to prevent or minimize discharges that may cause harm to the environment. Four of the Nation's top home builders, Centex Homes; KB Home; Pulte Homes; and Richmond American Homes were included in these actions. In addition to paying penalties, the settlements require the companies to develop improved pollution prevention plans for each site, increase site inspections and promptly correct any problems that are detected. The companies must properly train construction managers and contractors, and are required to have trained staff at each construction site. They also must implement a management and internal reporting system to improve oversight of on-the-ground operations and submit annual reports to EPA. Construction projects have a high potential for environmental harm because they disturb large areas of land and significantly increase the potential for erosion. Without onsite pollution controls, sediment-laden runoff from construction sites can flow directly to the nearest waterway and degrade water quality. In addition, storm water can pick up other pollutants, including concrete washout, paint, used oil, pesticides, solvents and other debris. Polluted runoff can harm or kill fish and wildlife and can affect drinking water quality.

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North Carolina: CERCLA Consent Decree Entered for the Gurley Pesticide Burial (Site) in Selma, North Carolina:

On February 6, 2008, the U.S. District Court for the Eastern District of North Carolina entered a Consent Judgment in favor of the United States against Cargill Dry Corn Ingredients, Inc. (CDCI) and Exxon Mobil Corporation (Exxon Mobil). The Consent Decree will implement the Remedial Design/Remedial Action (RD/RA) and will reimburse the United States Environmental Protection Agency for approximately \$825,000.00 in past response costs spent at the Site. The RD/RA will address both soil and groundwater contamination, and is estimated to cost about \$7,200,000.00. Exxon Mobil and CDCI are former owner/operators of the Site.

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North Carolina: Home Depot Clean Water Settlement: Home Depot has agreed to pay a \$1.3 million penalty and implement a nationwide compliance program to resolve alleged violations of the Clean Water Act, the Justice Department and Environmental Protection Agency announced February 26, 2008. The settlement resolves alleged violations that were discovered at more than 30 construction sites in 28 states where new Home Depot stores were being built. The Home Depot

in Fuquay-Varina, North Carolina is included in this settlement. The settlement, joined by the state of Colorado, requires that Home Depot implement a comprehensive, corporate-wide program to prevent storm water pollution at each new store it builds nationwide. Home Depot must develop improved pollution prevention plans for each site, increase site inspections and promptly correct any problems at its sites. The company must properly train its construction managers, as well as contractors and their personnel on the federal storm water requirements. Home Depot must also implement a management and internal reporting system to improve oversight of on-the-ground operations and appoint a high-level company official to oversee compliance at all company construction sites.

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North Carolina: Stormwater cases results in over 688 million pounds of pollution reduced in Region 4 states.

In support of EPA's National Enforcement Priority for Wet Weather/Storm Water, EPA brought actions against developers and homebuilders in AL, GA, FL, KY, MS, NC, and TN for failure to follow NPDES permit conditions. The NPDES permit conditions that were violated included: failure to properly design, implement or maintain best management practices; failure to maintain records; failure to inspect; and failure to take all reasonable steps to prevent or minimize discharges that may cause harm to the environment. Four of the Nation's top home builders, Centex Homes; KB Home; Pulte Homes; and Richmond American Homes were included in these actions. In addition to paying penalties, the settlements require the companies to develop improved pollution prevention plans for each site, increase site inspections and promptly correct any problems that are detected. The companies must properly train construction managers and contractors, and are required to have trained staff at each construction site. They also must implement a management and internal reporting system to improve oversight of on-the-ground operations and submit annual reports to EPA. Construction projects have a high potential for environmental harm because they disturb large areas of land and significantly increase the potential for erosion. Without onsite pollution controls, sediment-laden runoff from construction sites can flow directly to the nearest waterway and degrade water quality. In addition, storm water can pick up other pollutants, including concrete washout, paint, used oil, pesticides, solvents and other debris. Polluted runoff can harm or kill fish and wildlife and can affect drinking water quality.

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South Carolina: Region 4 Executes an Administrative Order for Past Costs at the Starmet Site in Barnwell, Barnwell County South Carolina:

On September 15, 2008, EPA executed an Administrative Order to recover past costs at the Starmet Removal Site in Barnwell, South Carolina. This Order resolves all remaining issues at the Site. Under the Order, the U.S. Department of Energy and the U.S. Department of the Army will pay \$4,701,729.23, and USEC, a private company, will pay \$1,000,000. These costs were associated with an EPA Emergency Response conducted at the Site to address uranium contamination in two waste water ponds.

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South Carolina: EPA Signs Record of Decision (ROD) C-Area Burning and Rubble Pit (CBRP) Operable Unit 31, Savannah River Site June 18, 2008.

The Savannah River Site (SRS) is an NPL Site owned and operated by the Department of Energy located on the Savannah River near the town of Aiken SC. Releases of trichloroethylene (TCE) and tetrachloroethylene (PCE) to the environment at CBRP have resulted in a groundwater plume with contaminant concentrations above EPA's maximum contaminant levels. The selected remedy includes the maintenance of the existing soil cover, the operation of a system to remove VOCs, dechlorination, surface water sampling and land use controls and will provide the greatest level of protection to human and ecological receptors in a comparable time frame. Through these actions 2,960,000 cubic yards of contaminated groundwater will be treated. The estimated cost for the Remedial Action is \$1,913,000.

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South Carolina: Stormwater cases results in over 688 million pounds of pollution reduced in Region 4 states.

In support of EPA's National Enforcement Priority for Wet Weather/Storm Water, EPA brought actions against developers and homebuilders in AL, GA, FL, KY, MS, NC, and TN for failure to follow NPDES permit conditions. The NPDES permit conditions that were violated

included: failure to properly design, implement or maintain best management practices; failure to maintain records; failure to inspect; and failure to take all reasonable steps to prevent or minimize discharges that may cause harm to the environment. Four of the Nation's top home builders, Centex Homes; KB Home; Pulte Homes; and Richmond American Homes were included in these actions. In addition to paying penalties, the settlements require the companies to develop improved pollution prevention plans for each site, increase site inspections and promptly correct any problems that are detected. The companies must properly train construction managers and contractors, and are required to have trained staff at each construction site. They also must implement a management and internal reporting system to improve oversight of on-the-ground operations and submit annual reports to EPA. Construction projects have a high potential for environmental harm because they disturb large areas of land and significantly increase the potential for erosion. Without onsite pollution controls, sediment-laden runoff from construction sites can flow directly to the nearest waterway and degrade water quality. In addition, storm water can pick up other pollutants, including concrete washout, paint, used oil, pesticides, solvents and other debris. Polluted runoff can harm or kill fish and wildlife and can affect drinking water quality.

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Tennessee: U.S. District Court for Western District of Texas Enters Premcor Refining Group and The Lima Refining Group CAA Consent Decree: On November 20, 2007, the U.S. District Court for the Western District of Texas entered a Clean Air Act Consent Decree naming Premcor Refining Group, Inc., and the Lima Refining Company (subsidiaries of Valero Energy Company [Valero]) as Defendants. The Consent Decree covers Valero's three most recently acquired refineries located in Memphis, Tennessee; Lima, Ohio and Port Arthur, Texas. The Consent Decree addresses the National Emission Standards for Hazardous Air Pollutants for Benzene Waste Operations; Prevention of Significant Deterioration/New Source Review; New Source Performance Standards applicability to sulfur dioxide (SO₂) and nitrogen oxide (NO_x) emissions from Claus Sulfur Recovery Plants, Heaters and Boilers, and Flares; Leak Detection and Repair Standards; and the Comprehensive Environmental Response, Compensation, and Liability Act/ Emergency Planning and Community Right-To-Know Act. Pursuant to the Consent Decree, the Defendants will pay an aggregate of \$4,250,000, as follows: (i) \$2,750,000 to the U.S.; (ii) \$800,000 to the State of Ohio; and (iii) \$700,000 to Memphis Shelby County Health Department (MSCHD). In addition, the Defendants will spend \$4,250,000 to perform various Supplemental Environmental Projects including a Memphis Wastewater Treatment H₂S Reduction Project, City of Memphis Ozone reduction Project and Port of Memphis Emission Reduction Project. In addition, MSCHD has allocated \$150,000 of their awarded penalty portion to establish an EJ grant to benefit citizens in that area. Overall, approximately \$232 million will be spent on new and upgraded pollution controls at the three refineries. Implementation of these controls will result in the overall reduction of annual emissions of NO_x by more than 1,870 tons and SO₂ by more than 1,810 tons per year (tpy). The reductions expected at the Memphis Refinery include 319 tpy of NO_x, 3 tpy of PM, and 5 tpy of carbon monoxide. These pollutants can cause serious respiratory problems and exacerbate cases of childhood asthma.

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Tennessee: Stormwater cases results in over 688 million pounds of pollution reduced in Region 4 states. In support of EPA's National Enforcement Priority for Wet Weather/Storm Water, EPA brought actions against developers and homebuilders in AL, GA, FL, KY, MS, NC, and TN for failure to follow NPDES permit conditions. The NPDES permit conditions that were violated included: failure to properly design, implement or maintain best management practices; failure to maintain records; failure to inspect; and failure to take all reasonable steps to prevent or minimize discharges that may cause harm to the environment. Four of the Nation's top home builders, Centex Homes; KB Home; Pulte Homes; and Richmond American Homes were included in these actions. In addition to paying penalties, the settlements require the companies to develop improved pollution prevention plans for each site, increase site inspections and promptly correct any problems that are detected. The companies must properly train construction managers and contractors, and are required to have trained staff at each construction site. They also must implement a management and internal reporting system to improve oversight of on-the-ground operations and submit annual reports to EPA. Construction projects have a high potential for environmental harm because they disturb large areas of land and significantly increase the potential for erosion. Without onsite pollution controls, sediment-laden runoff from construction

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Tennessee: Region 4 Enters Settlement Agreement for recovering costs for cleanup at the Smalley-Piper Superfund site in Shelby County, Tennessee. On April 8, 2008, an agreement was reached between EPA Region 4, the Estate of Paul P. Piper, Sr., Trustees and Settling Parties resolving their potential liability at the Site under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended. Under the terms of the Settlement Agreement, the Settling Parties shall pay amounts based on their limited ability to pay in resolution of costs incurred and to be incurred at the Site by EPA. This settlement addresses the recovery of all past costs incurred for response activities taken and a portion of response costs to be incurred in connection with the release or threatened release of hazardous substances at the Site.

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Compliance and Enforcement Annual Results Numbers at a Glance Region 5

Results Obtained from EPA Civil Enforcement Actions

Estimated Environmental Benefit Commitments:

Direct Environmental Benefits

<ul style="list-style-type: none"> ▪ Pollution Reduced, Treated or Eliminated (Pounds) (1) 	963,015,208
<ul style="list-style-type: none"> ▪ Hazardous Waste Treated, Minimized or Properly Disposed of (pounds) (1) (2) 	193,770
<ul style="list-style-type: none"> ▪ Contaminated Soil to be Cleaned Up (Cubic Yards) 	23,149,195
<ul style="list-style-type: none"> ▪ Contaminated Water to be Cleaned Up (Cubic Yards) 	90,980
<ul style="list-style-type: none"> ▪ Stream Miles Protected (Linear Feet) 	0
<ul style="list-style-type: none"> ▪ Wetlands Protected (Acres) 	85
<ul style="list-style-type: none"> ▪ People Protected by Safe Drinking Water Act Enforcement (# of People) 	122,556
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$3,342,803,879

Investments in Environmentally Beneficial Projects (SEPs)	\$5,505,575
Civil Penalties Assessed	
Administrative Penalties Assessed	\$4,415,938
Judicial Penalties Assessed	\$13,883,463
Stipulated Penalties Assessed	\$1,856.870
EPA Civil Enforcement and Compliance Activities	
Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)	42
Supplemental Referrals of Civil Judicial Enforcement Cases to DOJ	6
Civil Judicial Complaints Filed with Court	18
Civil Judicial Enforcement Case Conclusions	33
Administrative Penalty Order Complaints	163
Final Administrative Penalty Orders	149
Administrative Compliance Orders	111
Cases with SEPs	26
EPA Compliance Monitoring Activities	
Inspections/Evaluations	2975
Civil Investigations	23
Number of Regulated Entities Taking Complying Actions during EPA Inspections/Evaluations	235
Number of Regulated Entities Receiving Assistance during EPA Inspections/Evaluations	1768
Inspections Conducted by Tribal Inspectors Using Federal Credentials (3)	0
EPA Superfund Cleanup Enforcement	
% of non-Federal Superfund Sites with Viable, Liable Parties where an Enforcement Action was taken Prior to the Start of the Remedial Action	100%
Private Party Commitments for Site Study and Cleanup (including cash outs)	\$445,400,000
Private Party Commitments for Cost Recovery	\$34,900,000
% of Cost Recovery Cases Greater than or Equal to \$200,000 that were Addressed before the Statute of Limitations Expired	100%
EPA Voluntary Disclosure Program	
Estimated Pollution Reduction Commitments Obtained as a Result of Voluntary Disclosures (Pounds)	596
Voluntary Disclosures Initiated (Facilities)	77
Voluntary Disclosures Resolved (Facilities)	78
Voluntary Disclosures Initiated (Companies)	61

Voluntary Disclosures Resolved (Companies)	69
Notice of Determination (NODs)	57

EPA Compliance Assistance

Total Entities Reached by Compliance Assistance	34,534
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Sources for Data displayed for Numbers at a Glance: 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 11, 2008.

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Federal Data Presented State by state

EPA works in partnership with states in targeting federal enforcement where it produces the most environmental benefit. The data below shows EPA's activities and achievements.

Caveat - A single enforcement case that addresses facilities located in more than one state will be counted in the total for each state with a facility. The results achieved from this enforcement action will also be counted in each state with a facility.

- [Illinois](#)
- [Indiana](#)
- [Michigan](#)
- [Minnesota](#)
- [Ohio](#)
- [Wisconsin](#)

Region 5, Illinois

Results Obtained from EPA Civil Enforcement Actions

Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):

<ul style="list-style-type: none"> ▪ Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1) 	8,255,138
<ul style="list-style-type: none"> ▪ Hazardous Waste Treated, Minimized or Properly Disposed of (pounds) (1) (2) 	155,540
<ul style="list-style-type: none"> ▪ Contaminated Soil to be Cleaned Up (Cubic Yards) 	5,564
<ul style="list-style-type: none"> ▪ Contaminated Water to be Cleaned Up (Cubic Yards) 	50,000
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$22,031,829.00
Investments in Environmentally Beneficial Projects (SEPs)	\$1,188,875.00
Civil Penalties Assessed	\$2,151,932.00

Counts of EPA Civil Enforcement Actions

Civil Judicial Conclusions	11
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Final Administrative Penalty Orders	54
Administrative Compliance Orders	25

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Region 5, Indiana

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
<ul style="list-style-type: none"> Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1) 	253,233,234
<ul style="list-style-type: none"> Hazardous Waste Treated, Minimized or Properly Disposed of (pounds) (1) (2) 	0
<ul style="list-style-type: none"> Contaminated Soil to be Cleaned Up (Cubic Yards) 	120,500
<ul style="list-style-type: none"> Contaminated Water to be Cleaned Up (Cubic Yards) 	25,946
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$982,879,877.00
Investments in Environmentally Beneficial Projects (SEPs)	\$1,619,914.00
Civil Penalties Assessed	\$4,895,363.00
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	9
Final Administrative Penalty Orders	25
Administrative Compliance Orders	6

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Region 5, Michigan

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
<ul style="list-style-type: none"> Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1) 	68,456,977
<ul style="list-style-type: none"> Hazardous Waste Treated, Minimized or Properly Disposed of (pounds) (1) (2) 	1,250
<ul style="list-style-type: none"> Contaminated Soil to be Cleaned Up (Cubic Yards) 	15,067
<ul style="list-style-type: none"> Contaminated Water to be Cleaned Up (Cubic Yards) 	0
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$12,910,373.00
Investments in Environmentally Beneficial Projects (SEPs)	\$385,881.00

Civil Penalties Assessed	\$1,825,881.00
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	15
Final Administrative Penalty Orders	27
Administrative Compliance Orders	14

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Region 5, Minnesota

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
<ul style="list-style-type: none"> Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1) 	3,354,778
<ul style="list-style-type: none"> Hazardous Waste Treated, Minimized or Properly Disposed of (pounds) (1) (2) 	3,480
<ul style="list-style-type: none"> Contaminated Soil to be Cleaned Up (Cubic Yards) 	0
<ul style="list-style-type: none"> Contaminated Water to be Cleaned Up (Cubic Yards) 	0
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$1,835,372.00
Investments in Environmentally Beneficial Projects (SEPs)	\$422,481.00
Civil Penalties Assessed	\$407,821.00
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	4
Final Administrative Penalty Orders	11
Administrative Compliance Orders	3

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Region 5, Ohio

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
<ul style="list-style-type: none"> Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1) 	630,800,902
<ul style="list-style-type: none"> Hazardous Waste Treated, Minimized or Properly Disposed of (pounds) (1) (2) 	33,500
<ul style="list-style-type: none"> Contaminated Soil to be Cleaned Up (Cubic Yards) 	15,808,064

<ul style="list-style-type: none"> Contaminated Water to be Cleaned Up (Cubic Yards) 	15,034
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$1,927,391,528.00
Investments in Environmentally Beneficial Projects (SEPs)	\$1,871,495.00
Civil Penalties Assessed	\$8,714,846.00
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	11
Final Administrative Penalty Orders	16
Administrative Compliance Orders	49

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Region 5, Wisconsin

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
<ul style="list-style-type: none"> Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1) 	0
<ul style="list-style-type: none"> Hazardous Waste Treated, Minimized or Properly Disposed of (pounds) (1) (2) 	0
<ul style="list-style-type: none"> Contaminated Soil to be Cleaned Up (Cubic Yards) 	7,200,000
<ul style="list-style-type: none"> Contaminated Water to be Cleaned Up (Cubic Yards) 	0
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$395,751,500.00
Investments in Environmentally Beneficial Projects (SEPs)	\$16,929.00
Civil Penalties Assessed	\$167,913.00
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	4
Final Administrative Penalty Orders	15
Administrative Compliance Orders	8

Sources for Data displayed for Federal Data Presented State by state: Integrated Compliance Information System (ICIS)

(1) Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.

(2) In FY 2008, for the first time, OECA is piloting a new Environmental Benefits outcome reporting category to count pounds of "Hazardous Waste Treated, Minimized or Properly Disposed Of" from enforcement cases. OECA has determined that none of the previously established outcome categories are appropriate for counting the environmental benefits

obtained from EPA's hazardous waste cases. For FY 2008, this new pilot category includes only results from RCRA cases, but, in the future, similar results obtained from enforcement actions under other statutes, particularly CERCLA, may also be included.

(3) In FY 2008, for the first time, OECA is creating a separate reporting category to count the number of tribal inspections conducted by tribal inspections using federal credentials. Inspections conducted by tribal inspectors using federal credentials are done "on behalf" of the Agency, but are not an EPA activity.

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Region 7

Serving Iowa, Kansas, Missouri, Nebraska and 9 Tribal Nations

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Results Obtained from EPA Civil Enforcement Actions

Estimated Environmental Benefit Commitments:

Direct Environmental Benefits

▪ Pollution Reduced, Treated or Eliminated (Pounds) (1)	31,821,209
▪ Hazardous Waste Treated, Minimized or Properly Disposed Of (Pounds) (1) (2)	150,837
▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	1,606,644
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	50,486,017
▪ Stream Miles Protected (Linear Feet)	1,513
▪ Wetlands Protected (Acres)	174

Investments in Pollution Control and Clean-up (Injunctive Relief)	\$69,179,764
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Investments in Environmentally Beneficial Projects (SEPs)	\$825,136
---	-----------

Civil Penalties Assessed

Administrative Penalties Assessed	\$2,014,620
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For **KIDS**

Judicial Penalties Assessed	\$5,528,073
Stipulated Penalties Assessed	\$18,723

EPA Civil Enforcement and Compliance Activities

Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)	23
Supplemental Referrals of Civil Judicial Enforcement Cases to DOJ	4
Civil Judicial Complaints Filed with Court	8
Civil Judicial Enforcement Case Conclusions	16
Administrative Penalty Order Complaints	141
Final Administrative Penalty Orders	149
Administrative Compliance Orders	69
Cases with SEPs	27

EPA Compliance Monitoring Activities

Inspections/Evaluations	965
Civil Investigations	12
Number of Regulated Entities Taking Complying Actions during EPA Inspections/Evaluations	73
Number of Regulated Entities Receiving Assistance during EPA Inspections/Evaluations	577

EPA Superfund Cleanup Enforcement

% of non-Federal Superfund Sites with Viable, Liable Parties where an Enforcement Action was taken Prior to the Start of the Remedial Action	100%
Private Party Commitments for Site Study and Cleanup (including cash outs)	\$37,564,000
Private Party Commitments for Cost Recovery	\$29,856,545
% of Cost Recovery Cases Greater than or Equal to \$200,000 that were Addressed before the Statute of Limitations Expired	100%

EPA Voluntary Disclosure Program

Estimated Pollution Reduction Commitments Obtained as a Result of Voluntary Disclosures (Pounds)	175,180
Voluntary Disclosures Initiated (Facilities)	31
Voluntary Disclosures Resolved (Facilities)	31
Voluntary Disclosures Initiated (Companies)	26
Voluntary Disclosures Resolved (Companies)	28
Notice of Determination (NODs)	28

EPA Compliance Assistance

Total Entities Reached by Compliance Assistance	9,958
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Sources for Data displayed for Numbers at a Glance: 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 11, 2008.

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Federal Data Presented State-by-state

EPA works in partnership with states in targeting federal enforcement where it produces the most environmental benefit. The data below shows EPA's activities and achievements.

Caveat - A single enforcement case that addresses facilities located in more than one state will be counted in the total for each state with a facility. The results achieved from this enforcement action will also be counted in each state with a facility.

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Region 7, Iowa**Results Obtained from EPA Civil Enforcement Actions**

Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):

▪ Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	8,304,581
▪ Hazardous Waste Treated, Minimized or Properly Disposed Of (Pounds) (1) (2)	21,035
▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	644
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	8,417

Investments in Pollution Control and Clean-up (Injunctive Relief)	\$27,246,022
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Investments in Environmentally Beneficial Projects (SEPs)	\$46,675
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Civil Penalties Assessed	\$5,891,529
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Counts of EPA Civil Enforcement Actions

Civil Judicial Conclusions	2
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Final Administrative Penalty Orders	36
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Administrative Compliance Orders	18
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Region 7, Kansas

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
<ul style="list-style-type: none"> Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1) 	10,316,930
<ul style="list-style-type: none"> Hazardous Waste Treated, Minimized or Properly Disposed Of (Pounds) (1) (2) 	3,003
<ul style="list-style-type: none"> Contaminated Water to be Cleaned Up (Cubic Yards) 	916,000
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$11,859,932
Investments in Environmentally Beneficial Projects (SEPs)	\$294,772
Civil Penalties Assessed	\$5,651,376
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	3
Final Administrative Penalty Orders	41
Administrative Compliance Orders	11

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Region 7, Missouri

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
<ul style="list-style-type: none"> Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1) 	18,625,191
<ul style="list-style-type: none"> Hazardous Waste Treated, Minimized or Properly Disposed Of (Pounds) (1) (2) 	110,274
<ul style="list-style-type: none"> Contaminated Soil to be Cleaned Up (Cubic Yards) 	1,606,000
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$36,237,001
Investments in Environmentally Beneficial Projects (SEPs)	\$275,015
Civil Penalties Assessed	\$997,971
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	10
Final Administrative Penalty Orders	53
Administrative Compliance Orders	34

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Region 7, Nebraska

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
<ul style="list-style-type: none"> ▪ Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1) 	4,535,453
<ul style="list-style-type: none"> ▪ Hazardous Waste Treated, Minimized or Properly Disposed Of (Pounds) (1) (2) 	3,525
<ul style="list-style-type: none"> ▪ Contaminated Water to be Cleaned Up (Cubic Yards) 	49,561,600
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$7,777,394
Investments in Environmentally Beneficial Projects (SEPs)	\$208,674
Civil Penalties Assessed	\$5,381,967
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	4
Final Administrative Penalty Orders	18
Administrative Compliance Orders	7

Sources for Data displayed for Federal Data Presented State-by-State: Integrated Compliance Information System (ICIS)

(1) Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.

(2) In FY 2008, for the first time, OECA is piloting a new Environmental Benefits outcome reporting category to count pounds of "Hazardous Waste Treated, Minimized or Properly Disposed Of " from enforcement cases. OECA has determined that none of the previously established outcome categories are appropriate for counting the environmental benefits obtained from EPA's hazardous waste cases. For FY 2008, this new pilot category includes only results from RCRA cases, but, in the future, similar results obtained from enforcement actions under other statutes, particularly CERCLA, may also be included.

(3) In FY 2008, for the first time, OECA is creating a separate reporting category to count the number of tribal inspections conducted by tribal inspections using federal credentials. Inspections conducted by tribal inspectors using federal credentials are done "on behalf" of the Agency, but are not an EPA activity.

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Region 8

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2008 Enforcement Annual Results

"EPA Region 8 takes great pride in the enforcement and compliance efforts that protected public health and environment in the Mountain and Plains region this year. We leveraged multiple multi-million dollar enforcement agreements with companies that reduce pollution and provide a deterrent against future violations of environmental laws. Regulated parties were compelled to spend an unprecedented \$568 million this year in pollution control and clean-up activities. We also doubled our compliance assistance outreach to the regulated community by providing more than 10,000 on-site visits, technical assistance contacts, and workshops to assist regulatory compliance. With this year's notable enforcement and compliance accomplishments, we made significant progress toward securing cleaner air, water, and land for the residents of Region 8." --Carol Rushin

Acting EPA Region 8 Administrator

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Region 8 Summary

EPA Region 8 compliance and enforcement activities improve environmental quality and ensure compliance with federal laws. Over this past year, Region 8 actions have prevented millions of pounds of pollutants from reaching our land, air, and water and secured millions of dollars in pollution control investments.

Enforcement Actions

Region 8 obtained court approval for the biggest bankruptcy CERCLA cash-out settlement in Agency history (\$250 million). We also participated and provided leadership in a number of nationally significant storm water, refinery, and Superfund cases.

Injunctive Relief

Regulated entities were compelled to spend an unprecedented \$568 million in pollution control, clean-ups, and environmental projects.

Environmental Benefits

Our concluded cases achieved nearly 39 million pounds of pollutants reduced, treated or eliminated from the environment. Over 58 million cubic yards of contaminated water were cleaned/treated and over 1.6 million cubic yards of contaminated soil was cleaned.

Inspections

We undertook over 1500 inspections in our six state region.

Compliance Assistance

Of the over 10,000 regulated entities reached through our various compliance assistance efforts, the majority reported that

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environmental management practices were improved as a result.

Tribes

We significantly improved environmental compliance at Indian Schools, public drinking water systems and solid waste facilities through integrated use of compliance assistance, compliance monitoring and enforcement. Region 8 removed over 24,000 pounds of hazardous chemicals from 35 Indian schools, provided technical and compliance assistance to all Tribal water systems, and issued EPA's first penalty order to a Tribal public water supply.

Environmental Justice

We partnered with the Pueblo School District No. 70 and other interested stakeholders to reduce school children's exposure to toxic pollutants by retrofitting approximately 125 buses with devices that substantially reduce diesel emissions that can accumulate in bus cabins. In another Environmental Justice initiative, we brought together the Crow, Northern Cheyenne, Fort Peck and Fort Belknap tribal nations to address toxic risks in their communities.

Compliance and Enforcement Annual Results Numbers at a Glance Region 8

Results Obtained from EPA Civil Enforcement Actions		
Estimated Environmental Benefit Commitments:		
Direct Environmental Benefits		
• Pollution Reduced, Treated or Eliminated (Pounds) (1)		38,758,334
• Contaminated Soil to be Cleaned Up (Cubic Yards)		1,656,214
• Contaminated Water to be Cleaned Up (Cubic Yards)		58,100,000
• Stream Miles Protected (Linear Feet)		31,800
• Wetlands Protected (Acres)		2500
• People Protected by Safe Drinking Water Act Enforcement (# of People)		222,499
Investments in Pollution Control and Clean-up (Injunctive Relief)		\$579,379,364
Investments in Environmentally Beneficial Projects (SEPs)		\$441,119
Civil Penalties Assessed		
Administrative Penalties Assessed		\$854,897
Judicial Penalties Assessed		\$1,321,049
EPA Civil Enforcement and Compliance Activities		
Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)		17
Civil Judicial Complaints Filed with Court		13
Civil Judicial Enforcement Case Conclusions		17
Administrative Penalty Order Complaints		126
Final Administrative Penalty Orders		133
Administrative Compliance Orders		111
Cases with SEPs		9
EPA Compliance Monitoring Activities		

Inspections/Evaluations	1541
Civil Investigations	30
Number of Regulated Entities Taking Complying Actions during EPA Inspections/Evaluations	56
Number of Regulated Entities Receiving Assistance during EPA Inspections/Evaluations	1078
Inspections Conducted by Tribal Inspectors Using Federal Credentials (3)	170
EPA Superfund Cleanup Enforcement	
% of non-Federal Superfund Sites with Viable, Liable Parties where an Enforcement Action was taken Prior to the Start of the Remedial Action	100%
Private Party Commitments for Site Study and Cleanup (including cash outs)	\$564.5 million
Private Party Commitments for Cost Recovery	\$16.9 million
% of Cost Recovery Cases Greater than or Equal to \$200,000 that were Addressed before the Statute of Limitations Expired	100%
EPA Voluntary Disclosure Program	
Voluntary Disclosures Initiated (Facilities)	10
Voluntary Disclosures Resolved (Facilities)	8
Voluntary Disclosures Initiated (Companies)	8
Voluntary Disclosures Resolved (Companies)	8
Notice of Determination (NODs)	8
EPA Compliance Assistance	
Total Entities Reached by Compliance Assistance	11,504

Sources for Data displayed for Numbers at a Glance: 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 11, 2008.

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Federal Data Presented State-by-State

EPA works in partnership with states in targeting federal enforcement where it produces the most environmental benefit. The data below shows EPA's activities and achievements.

Caveat - A single enforcement case that addresses facilities located in more than one state will be counted in the total for each state with a facility. The results achieved from this enforcement action will also be counted in each state with a facility.

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- [Montana](#)
- [North Dakota](#)
- [South Dakota](#)
- [Utah](#)
- [Wyoming](#)

Region 8, Colorado

Results Obtained from EPA Civil Enforcement Actions	
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$6,255,604
Investments in Environmentally Beneficial Projects (SEPs)	\$254,878

Civil Penalties Assessed	\$1,013,974
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	7
Final Administrative Penalty Orders	57
Administrative Compliance Orders	17

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Region 8, Montana

Results Obtained from EPA Civil Enforcement Actions	
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$295,909,500
Investments in Environmentally Beneficial Projects (SEPs)	\$25,923
Civil Penalties Assessed	\$38,744
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	3
Final Administrative Penalty Orders	15
Administrative Compliance Orders	48

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Region 8, North Dakota

Results Obtained from EPA Civil Enforcement Actions	
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$162,825
Investments in Environmentally Beneficial Projects (SEPs)	\$30,000
Civil Penalties Assessed	\$38,050
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	2
Final Administrative Penalty Orders	14
Administrative Compliance Orders	1

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Region 8, South Dakota

Results Obtained from EPA Civil Enforcement Actions	
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$205,258
Investments in Environmentally Beneficial Projects (SEPs)	\$10,500
Civil Penalties Assessed	\$160,143
Counts of EPA Civil Enforcement Actions	
Final Administrative Penalty Orders	16

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Region 8, Utah

Results Obtained from EPA Civil Enforcement Actions	
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$241,264,700
Investments in Environmentally Beneficial Projects (SEPs)	\$100,000
Civil Penalties Assessed	\$501,097

Counts of EPA Civil Enforcement Actions

Civil Judicial Conclusions	6
Final Administrative Penalty Orders	13
Administrative Compliance Orders	7

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Region 8, Wyoming**Results Obtained from EPA Civil Enforcement Actions**

Investments in Pollution Control and Clean-up (Injunctive Relief)	\$35,175,670
Investments in Environmentally Beneficial Projects (SEPs)	\$19,818
Civil Penalties Assessed	\$502,740

Counts of EPA Civil Enforcement Actions

Civil Judicial Conclusions	2
Final Administrative Penalty Orders	15
Administrative Compliance Orders	38

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Sources for Data displayed for Federal Data Presented State-by-State: Integrated Compliance Information System (ICIS)

(1) Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.

(2) In FY 2008, for the first time, OECA is piloting a new Environmental Benefits outcome reporting category to count pounds of "Hazardous Waste Treated, Minimized or Properly Disposed Of " from enforcement cases. OECA has determined that none of the previously established outcome categories are appropriate for counting the environmental benefits obtained from EPA's hazardous waste cases. For FY 2008, this new pilot category includes only results from RCRA cases, but, in the future, similar results obtained from enforcement actions under other statutes, particularly CERCLA, may also be included.

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2008 Region 9 Compliance and Enforcement Annual Results

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EPA, working with our federal, state, and tribal partners, is committed to ensuring compliance with environmental laws to protect public health and our environment and to provide a level economic playing field for the regulated community. Compliance with environmental laws is essential to reducing pollutants in the environment and protecting the public from exposure to harmful contaminants. This year, EPA brought numerous cases against violators of all sizes, in both the public and private sectors. These actions will result in reduced emissions of harmful air pollutants, fewer discharges of sewage and industrial wastewater into our waterways, and cleanup of soil and groundwater pollution from historic releases of contaminants. Through these actions, we have also required violators to invest in pollution control to prevent future environmental degradation. We have also assessed civil and criminal penalties to emphasize that noncompliance will not be tolerated. In 2008, we brought enforcement cases in California, Nevada, Arizona, Hawaii, the Pacific Islands and on many of our tribal lands.

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Results Obtained from EPA Civil Enforcement Actions

Estimated Environmental Benefit Commitments:

Direct Environmental Benefits

Pollution Reduced, Treated or Eliminated (Pounds) (1)	159,337,831
Hazardous Waste Treated, Minimized, or Properly Disposed of (Pounds) (1) (2)	16,648,650
Contaminated Soil to be Cleaned Up (Cubic Yards)	59,215,810
Contaminated Water to be Cleaned Up (Cubic Yards)	91,898,835
Stream Miles Protected (Linear Feet)	0
Wetlands Protected (Acres)	28
People Protected by Safe Drinking Water Act Enforcement (# of People)	87,845
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$2,089,871,230
Investments in Environmentally Beneficial Projects (SEPs)	\$1,034,764
Civil Penalties Assessed	
Administrative Penalties Assessed	\$6,396,530
Judicial Penalties Assessed	\$4,070,922
Stipulated Penalties Assessed	\$122,000

EPA Civil Enforcement and Compliance Activities

Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)	24
Supplemental Referrals of Civil Judicial Enforcement Cases to DOJ	0
Civil Judicial Complaints Filed with Court	21
Civil Judicial Enforcement Case Conclusions	22
Administrative Penalty Order Complaints	188
Final Administrative Penalty Order Settlements	197
Administrative Compliance Orders	92
Cases with SEPs	7

EPA Compliance Monitoring Activities

Inspections/Evaluations	1,024
Civil Investigations	31
Number of Regulated Entities Taking Complying Actions during EPA Inspections/Evaluations	106 (30% of those with deficiencies communicated to them)
Number of Regulated Entities Receiving Assistance during EPA Inspections/Evaluations	692 (357 had deficiencies communicated to them by inspector)
Inspections Conducted by Tribal Inspectors Using Federal Credentials (3)	130
EPA Superfund Cleanup Enforcement	
% of non-Federal Superfund Sites with Viable, Liable Parties where an Enforcement Action was taken Prior to the Start of the Remedial Action	100%
Private Party Commitments for Site Study and Cleanup (including cash outs)	\$19.5M
Private Party Commitments for Cost Recovery	\$32M
% of Cost Recovery Cases Greater than or Equal to \$200,000 that were Addressed before the Statute of Limitations Expired	100%
EPA Voluntary Disclosure Program	
Estimated Pollution Reduction Commitments Obtained as a Result of Voluntary Disclosures (Pounds)	0
Voluntary Disclosures Initiated (Facilities)	17
Voluntary Disclosures Resolved (Facilities)	38
Voluntary Disclosures Initiated (Companies)	18
Voluntary Disclosures Resolved (Companies)	24
Notice of Determination (NODs)	0
EPA Compliance Assistance	
Total Entities Reached by Compliance Assistance	8,207

Sources for Data displayed for Numbers at a Glance: 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 11, 2008.

(1) Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.

(2) In FY 2008, for the first time, OECA is piloting a new Environmental Benefits outcome reporting category to count pounds of "Hazardous Waste Treated, Minimized or Properly Disposed Of" from enforcement cases. OECA has determined that none of the previously established outcome categories are appropriate for counting the environmental benefits obtained from EPA's hazardous waste cases. For FY 2008, this new pilot category includes only results from RCRA cases, but, in the future, similar results obtained from enforcement actions under other statutes, particularly CERCLA, may also be included.

(3) In FY 2008, for the first time, OECA is creating a separate reporting category to count the number of tribal inspections conducted by tribal inspections using federal credentials. Inspections conducted by tribal inspectors using federal credentials are done "on behalf" of the Agency, but are not an EPA activity.

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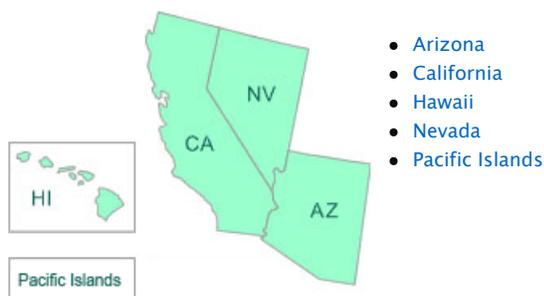
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2008 Region 9 Compliance and Enforcement Annual Results

Enforcement Results 2008 Numbers at a Glance **Data: State-by-State** Case Highlights

Federal Data Presented State-by-state

EPA works in partnership with states in targeting federal enforcement where it produces the most environmental benefit.



Arizona

This year, 70 enforcement actions concluded by EPA involved violations at facilities located in Arizona. EPA enforcement actions against companies with violations at Arizona facilities will result in a reduction of almost 18 million pounds of pollution and the clean up of over 1.0 million cubic yards of contaminated soil. The enforcement cases also mean that companies will be investing over \$20.6 million at Arizona facilities for pollution control and environmental clean-up in order to comply with environmental regulations.

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	17,993,089
Hazardous Waste Reduced Treated or Properly Disposed Of (Pounds) (1) (2)	0
Contaminated Soil to be Cleaned Up (Cubic Yards)	1,004,000
Contaminated Water to be Cleaned Up (Cubic Yards)	0
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$20,602,267
Investments in Environmentally Beneficial Projects (SEPs)	\$17,000
Civil Penalties Assessed	\$998,540
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	8
Final Administrative Penalty Orders	48
Administrative Compliance Orders	14

California

This year, 209 enforcement actions concluded by EPA involved violations at facilities located in California.

EPA enforcement actions against companies with violations at California facilities will result in a reduction of over 83.5 million pounds of pollution and the clean up of over 100 million cubic yards of contaminated soil and water. The enforcement cases also mean that companies will be investing well over \$1.7 billion at California facilities for pollution control and environmental clean-up in order to comply with environmental regulations.

Results Obtained from EPA Civil Enforcement Actions

Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	83,539,532
Hazardous Waste Reduced Treated or Properly Disposed Of (Pounds) (1) (2)	0
Contaminated Soil to be Cleaned Up (Cubic Yards)	8,439,514
Contaminated Water to be Cleaned Up (Cubic Yards)	91,898,835
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$1,728,277,174
Investments in Environmentally Beneficial Projects (SEPs)	\$101,364
Civil Penalties Assessed	\$6,810,719.00

Counts of EPA Civil Enforcement Actions

Civil Judicial Conclusions	22
Final Administrative Penalty Orders	118
Administrative Compliance Orders	69

Hawaii

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This year, 10 enforcement actions concluded by EPA involved violations at facilities located in Hawaii.

EPA enforcement actions against companies with violations at Hawaii facilities will result in a reduction of over 2.6 million pounds of pollution and the clean up of 1000 cubic yards of contaminated soil. The enforcement cases also mean that companies will be investing over \$300.9 million at Hawaii facilities for pollution control and environmental clean-up in order to comply with environmental regulations.

Results Obtained from EPA Civil Enforcement Actions

Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	2,655,061
Hazardous Waste Reduced Treated or Properly Disposed Of (Pounds) (1) (2)	0
Contaminated Soil to be Cleaned Up (Cubic Yards)	1,000
Contaminated Water to be Cleaned Up (Cubic Yards)	0
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$300,954,044
Investments in Environmentally Beneficial Projects (SEPs)	\$184,000
Civil Penalties Assessed	\$499,838

Counts of EPA Civil Enforcement Actions

Civil Judicial Conclusions	2
Final Administrative Penalty Orders	6
Administrative Compliance Orders	2

Nevada

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This year, 14 enforcement actions concluded by EPA involved violations at facilities located in Nevada.

EPA enforcement actions against companies with violations at Nevada facilities will result in a reduction of over 7.9 million pounds of pollution, the clean up of 49.6 million cubic yards of contaminated soil, and over 16.6 million pounds of hazardous waste reduced, treated, or properly disposed of. The enforcement cases also mean that companies will be investing over \$40.6 million at Nevada facilities for pollution control and environmental clean-up in order to comply with environmental regulations.

Results Obtained from EPA Civil Enforcement Actions

Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	7,926,029

Hazardous Waste Reduced Treated or Properly Disposed Of (Pounds) (1) (2)	16,648,650
Contaminated Soil to be Cleaned Up (Cubic Yards)	49,600,000
Contaminated Water to be Cleaned Up (Cubic Yards)	0
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$40,694,832
Investments in Environmentally Beneficial Projects (SEPs)	0
Civil Penalties Assessed	\$1,160,680.00
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	6
Final Administrative Penalty Orders	4
Administrative Compliance Orders	4

Pacific Islands

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This year, 16 enforcement actions concluded by EPA involved violations at facilities located in the Pacific Islands.

EPA enforcement actions against companies with violations at facilities in the Pacific Islands will result in the clean up of over 171,000 cubic yards of contaminated soil. The enforcement cases also mean that companies will be investing \$637,000 at facilities in the Pacific Islands for pollution control and environmental clean-up in order to comply with environmental regulations.

Results Obtained from EPA Civil Enforcement Actions	
Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):	
Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	0
Hazardous Waste Reduced Treated or Properly Disposed Of (Pounds) (1) (2)	0
Contaminated Soil to be Cleaned Up (Cubic Yards)	171,296
Contaminated Water to be Cleaned Up (Cubic Yards)	0
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$637,000
Investments in Environmentally Beneficial Projects (SEPs)	0
Civil Penalties Assessed	\$166,352
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	1
Final Administrative Penalty Orders	12
Administrative Compliance Orders	3

Sources for Data displayed for Federal Data Presented State-by-State: Integrated Compliance Information System (ICIS)

(1) Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.

(2) In FY 2008, for the first time, OECA is piloting a new Environmental Benefits outcome reporting category to count pounds of "Hazardous Waste Treated, Minimized or Properly Disposed Of" from enforcement cases. OECA has determined that none of the previously established outcome categories are appropriate for counting the environmental benefits obtained from EPA's hazardous waste cases. For FY 2008, this new pilot category includes only results from RCRA cases, but, in the future, similar results obtained from enforcement actions under other statutes, particularly CERCLA, may also be included.

(3) In FY 2008, for the first time, OECA is creating a separate reporting category to count the number of tribal inspections conducted by tribal inspections using federal credentials. Inspections conducted by tribal inspectors using federal credentials are done 'on behalf' of the Agency, but are not an EPA activity.

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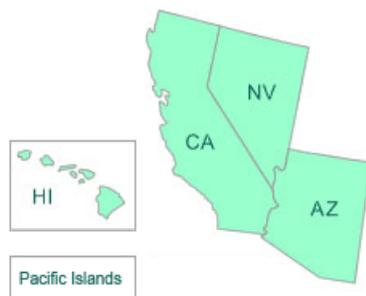
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Arizona

▶ Lost Lake Resort confirmed the release of a significant amount of gasoline after performing two site assessments required by EPA's regulations. The facility is now developing a clean-up plan to address the contamination. EPA is working in partnership with the Colorado River Indian Tribes' Environmental Protection Office to ensure that soil and groundwater are properly cleaned up at Lost Lake Resort. EPA fined Lost Lake Resort, near Poston, Arizona, \$55,000 for underground storage tank violations that caused groundwater and soil contamination on the Colorado River Indian Tribes reservation.



- [ASARCO agrees to clean up contaminated yards in Hayden and Winkelman, Ariz.](#)

▶ EPA settled with Sun State of Tempe, Arizona for alleged dust violations at commercial construction sites in Maricopa County. Sun State allegedly failed to comply with Maricopa County rules during earth moving and dust generating operations at construction projects. The primary cause of particulate pollution in the Phoenix area is wind-blown dust from construction and home development sites, road building activities, and unpaved parking lots and roads. As part of the settlement, Sun State employees involved in dust-generating activities must complete dust-control training and the company must certify every six months that the training is up-to-date, and employ a dust control coordinator at all Maricopa County sites equaling or exceeding 5 acres of disturbed surface area.

- [Tempe, Ariz. builder pays \\$106,000 to settle dust violations](#)

California

▶ EPA settled with Exxon Mobil Corporation for allegedly disposing of and improperly handling polychlorinated biphenyls (PCBs) on an offshore oil and gas platform in the Santa Barbara Channel, off the southern California coast. Between 2002 and 2005, two large electrical transformers located on Platform Hondo, part of Exxon's Santa Ynez Unit, leaked nearly 400 gallons of PCB-contaminated fluid. Exxon allowed one of the transformers to leak for almost two years before repairing it. The leaking from the transformers constitutes illegal disposal of PCBs, a violation of the Toxic Substances Control Act. The settlement was for \$2.64 million.

- [EPA fines Exxon Mobil \\$2.64 million for PCB release](#)

▶ EPA settled with the Riverside Cement Company for allegedly violating Clean Air Act standards at its Oro Grande plant, located near Victorville. The Oro Grande facility is one of the largest sources of damaging nitrogen oxides in California. Under the terms of the

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settlement, the Riverside Cement Company will improve local air quality by shutting down seven 50-year old short dry kilns. In place of the kilns, the Riverside Cement Company will begin operation of a single state-of-art kiln which will remove 1,500 tons of harmful nitrogen oxide emissions annually.



Transformer B drip pan area. Photo credit: Minerals Management Service

- [EPA settles with Riverside Cement Company for \\$394,000 over air quality violations](#)

▶ EPA settled with the county of San Bernardino for \$11 million to be used for clean-up and enforcement work at the site of the Newmark Groundwater Contamination Superfund Site, located near San Bernardino. The Superfund Site was formerly the Cajon Landfill which was operated by San Bernardino County from 1963 until 1980. EPA concluded that the landfill contributed to the contamination of groundwater and the settlement resolves the county's potential liability at the site, although the county does not admit any liability in the settlement. This is the second cost recovery consent decree for this site. Under a 2005 consent decree, EPA, the City of San Bernardino and the United States Army agreed that the Army would pay to the City \$69 million, and the City would operate and maintain the Newmark and Muscoy Operable Units of the Site for up to fifty years. The Army also paid \$6.5 million to EPA and \$3 million to the California Department of Toxic Substances Control.

- [EPA settles with county of San Bernardino for \\$11 million](#)

▶ The Veterans Affairs Palo Alto Health Care System violated five requirements of the Resource Conservation and Recovery Act (RCRA) which governs the storage and handling of hazardous materials. The teaching hospital agreed to pay a penalty for the violations and has come into compliance with RCRA regulations. The hospital also instituted a new tracking system for managing pharmaceutical waste.

- [Palo Alto Veterans Affairs Medical Center corrects federal environmental violations](#)

▶ EPA settled with ATEN Technology Inc., of Irvine, acting for its subsidiary, IOGEAR, for selling unregistered pesticides and making unproven claims about their effectiveness. Products that kill or repel bacteria or germs are considered pesticides and must be registered with EPA prior to distribution or sale. EPA maintains that IOGEAR made unsubstantiated public health claims regarding unregistered products and their ability to control germs constituting a violation of the Federal Insecticides and Rodenticide Act (FFRA). IOGEAR products at issue included a wireless laser mouse with nano shield coating and a wireless keyboard. After being contacted by EPA, IOGEAR stopped making claims that the products protected against germs.



This is an example of an unregistered product that asserts unsubstantiated antimicrobial properties

- ["Nano coating" technology company fined \\$208,000 for pesticide claims on computer peripherals](#)

▶ EPA ordered six dairies in the Chino area to comply with California's Dairy Permit, which is designed to protect streams, rivers and groundwater from discharges of manure waste and other pollutants. EPA and the Santa Ana Regional Water Quality Control Board are collaborating to ensure compliance with the dairy general permit, which helps to protect human health and the environment.

- [EPA requires six Chino dairies to protect water from manure waste](#)

▶ EPA settled with four home builders to resolve alleged violations of stormwater runoff regulations at construction sites in 34 states and the District of Columbia. The settlements require the companies to develop improved pollution prevention plans for each site, increase inspections and promptly correct any problems that are detected. In Region 9, Pulte Homes will spend approximately \$608,000 to help restore two major tributaries to the Garcia River in Mendocino County, California. The river is impaired for sediment and contains important steelhead and coho salmon habitat in need of restoration. Pulte will also spend an estimated \$418,000 on the North Fork of the Garcia River, the largest sub-watershed of the river, to treat sediment and upgrade roads and stream crossings within the sub-watershed. The North Fork project will decrease sediment loading and runoff and improve the anadromous fish habitat. Pulte will also spend an estimated \$190,000 to restore the Blue Waterhole Creek; the project will prevent road-related sediment runoff associated with the 17 miles of roads on the surrounding land and, by adding to the



Garcia River Estuary

riparian canopy, will decrease water temperatures needed to provide suitable habitat for coho salmon.

- [EPA \\$4.3 Million Settlement Nets Much-Needed Watershed Restoration](#)

► EPA ordered tenants of the Ports of Long Beach and Los Angeles to comply with Clean Water Act stormwater regulations. Because of the concentration of industrial facilities at the ports and their proximity to the Los Angeles and Long Beach harbors, EPA and the Los Angeles Regional Water Quality Control Board reviewed stormwater management practices at industrial facilities at both ports, including inspections of tenant compliance with the state's industrial stormwater permit. The orders required each tenant to fix violations found during the inspections, including completing on-the-ground corrective measures.

- [EPA orders Ports of Los Angeles and Long Beach tenants to comply with stormwater requirements](#)

► EPA and the Department of Justice settled a case with 39 parties for the clean-up of the South El Monte area of the San Gabriel Valley Superfund site located outside Los Angeles. The site was listed on the [National Priorities List](#) in 1984 after industrial solvents and other materials in the south El Monte area contaminated soil and groundwater with volatile organic compounds, perchlorate, and other chemicals. Three local water companies were operating clean-up systems. EPA will use funds from the settlement to reimburse the water companies through a cooperative agreement with the San Gabriel Basin Water Quality Authority. The settlement was for \$12.4 million.

- [EPA, DOJ settle for \\$12.4 million for cleanup costs at San Gabriel Valley Superfund Site](#)

► EPA settled with Alpheus Kaplan Nehemiah Development Company and eleven other parties to pay \$721,000 to pay for the clean-up the Central Eureka Mine, an abandoned gold mine site in Amador County, California. The defendants were responsible for moving arsenic-laden waste from previous mining operations on to sub-divided properties and, in many cases, constructing homes directly on the contaminated mine tailings. EPA had previously entered into a separate cost recovery settlement with Honeywell International, Inc., the successor to the mine operator, for \$2 million. The District Court entered that consent decree at the same time that it entered the consent decree with Alpheus Kaplan Development Company and the other parties. EPA cleaned up the mine site and the settlement funds will reimburse EPA and be used to finance future clean-ups.

- [EPA recovers \\$721,000 for cleanup of abandoned mine site](#)

► At the direction of EPA and, in conjunction with state and local authorities, Greka Oil and Gas, Inc. has been engaged in clean-up efforts at its Gato Ponds site. Greka has failed to meet multiple clean-up deadlines set by EPA at Gato Ponds. As a result, EPA has assumed control of a portion of clean-up activities at Gato Ponds in Santa Maria California. EPA ordered Greka to mitigate the hazards at Gato Ponds due to their close proximity to Cat Canyon Creek. The ponds were leaking in multiple locations and posed an extreme hazard for a spill. Greka may face fines and penalties pursuant to the order; the law allows for fines up to \$32,500 per day for each violation.

- [EPA assumes control of critical activities at Greka's Gato Ponds](#)

► EPA fined Imperial Toy LLC., of North Hills, California, \$66,180 for selling a novelty toy which contained R-22, an ozone depleting substance. Selling or distributing products containing R-22 violates the Clean Air Act.

- [EPA fines Imperial Toy \\$66,180.00 for selling ozone-depleting novelty](#)

► EPA ordered 11 public drinking water systems in California to reduce the level of arsenic in their drinking water systems or face penalties of up to \$32,500 per day for each violation. The orders require the public drinking water systems to develop and meet a schedule to comply with the federal Safe Drinking Water Act's arsenic standard.

- [EPA Orders California Water Systems To Decrease Arsenic In Drinking Water](#)

Hawaii

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► EPA settled with Waste Management of Hawaii, Inc. and the County of Hawaii for \$33,500 in fines and at least \$184,400 for a beneficial environmental project after violating the Clean Air Act at the West Hawaii Landfill at Waikoloa. The supplemental environmental project will address the ongoing smoldering conditions at the closed Kona Landfill by conducting heat mapping of the site for a future landfill-wide fire suppression program. The project will also test the effectiveness of proven landfill fire suppression techniques using fire-retardant foam that could be used at the Kona site. Finally, air monitoring will be done around the Kona landfill to assess any potential impacts from the smoldering landfill.



- [Waste Management fined for West Hawaii Landfill violations, to implement fire controls at closed Kona landfill](#)

► EPA settled with Syngenta Seeds, Inc. for \$17,550 in fines for alleged violations of federal pesticide regulations. The settlement is part of three separate administrative complaints totaling \$284,050 in penalties with Syngenta Crop Protection, Inc. and Syngenta Seeds, Inc. for violations of the Federal Insecticide, Fungicide, and Rodenticide Act. EPA's Region 4 office in Atlanta

consolidated the violations throughout the U.S. to emphasize the need for quality control in all aspects of pesticide production and distribution. EPA found alleged pesticide worker protection violations by Syngenta Seeds in Kekaha, Kauai. The violations included failing to store all personal protective equipment separately from clothing and apart from pesticide-contaminated areas, and failing to post the spraying of the pesticide Liberty at its Central Notification site.

- [EPA fines Syngenta Seeds, Inc. for pesticides violations in Hawaii](#)
- ▶ [EPA fined Del Monte Fresh Produce Co., a Kunia, Oahu fruit grower, \\$190,000 for hazardous waste storage, handling and used oil management violations. EPA also found the facility had stored containers of hazardous waste without a permit and for longer than the 90 days allowed by EPA hazardous waste storage rules.](#)
- [EPA takes action against Del Monte Fresh Produce to protect community, workers from hazardous waste](#)
- ▶ [EPA ordered Bali Hai Villas Ltd. To comply with the Clean Water Act requirements at its residential construction project in Princeville, Kauai. The company failed to implement stormwater pollution controls outlined in its stormwater permit at the Princeville area construction site. The order requires the company to install soil stabilization and erosion and sediment controls at all locations of exposed soil and locations where stormwater runoff could leave the project site.](#)
- [EPA orders Bali Hai Villas Ltd. to correct stormwater violations on Kauai](#)

Nevada

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▶ [EPA settled with Electronic Evolution Technologies, Inc. in Reno, Nevada, for failing to submit reports detailing the amounts of lead processed at its facility from 2002 through 2005. Federal Community Right-to-Know laws require facilities processing, manufacturing, or otherwise using more than 100 pounds of lead to report releases of this highly toxic chemical on an annual basis to EPA and the state. Electronic Evolution Technologies exceeded these thresholds but did not submit reports to the agency during the 2002-2005 time period. The settlement was for \\$80,000.](#)



- [Reno, Nev. company pays over \\$80,000 for toxic chemical reporting violations](#)
- ▶ [EPA fined PTP, Inc. a Nevada-based developer, \\$43,000 for violating its underground injections control \(UIC\) permit at the Pineview Estates subdivision in Gardnerville, Nevada, a violation of the Safe Drinking Water Act. Companies must comply with underground injection control regulations of the Safe Drinking Water Act for wastewater treatment and disposal systems which have the potential to impact subsurface waters. PTP has been working closely with EOA to come into compliance with the UIC permit requirements.](#)
- [EPA fines Nevada developer \\$43,000 over injection well violations](#)
- ▶ [Republic Services of Southern Nevada, the current operator of the Sunrise Mountain Landfill located in Clark County, Nevada, agreed to construct and operate a comprehensive remedy for the site and to pay a \\$1 million civil fine to resolve alleged violations of the Clean Water Act. Sunrise Landfill, a 440-acre closed municipal solid waste landfill, is located three miles outside of Las Vegas city limits. The landfill cover failed during a series of storms in September 1998, sending waste into the Las Vegas Wash, which discharges directly into Lake Mead, a primary drinking water resource for southern Nevada, including Las Vegas, the lower Colorado River, the Phoenix metro area and southern California. The settlement required Republic Services to implement extensive stormwater controls, an armored engineered cover, methane gas collection, groundwater monitoring, and long-term operation and maintenance.](#)
- [Nevada Landfill Operator Agrees to \\$36M Plan to Close Landfill Site](#)

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2008 Region 10 Compliance and Enforcement Annual Results

Enforcement efforts drive big pollution reductions in the Pacific Northwest and Alaska

Our enforcement results speak for themselves. We've increased our inspections, more than doubled the pounds of pollution reduced or treated, and required more than \$57 million in process improvements to ensure future compliance. This translates directly into better health protection for both the environment and local communities. - Elin Miller, Regional Administrator

Enforcement work in the Pacific Northwest and Alaska helped reduce or treat almost 22 million pounds of pollution in the region in 2008. Enforcement data gathered also reveals that 1,183 inspections led to 142 completed enforcement actions, resulting in facilities investing over \$57 million in plant and process improvements to insure compliance. In terms of pollution reduced or treated, 2008 represents an 133% increase over last year.

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Compliance and Enforcement Annual Results Numbers at a Glance Region 10

Results Obtained from EPA Civil Enforcement Actions

Estimated Environmental Benefit Commitments:

Direct Environmental Benefits

▪ Hazardous Waste Treated, Minimized, or Properly Disposed of (Pounds) (1)	21,244,945
▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	5,867
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	935,782

▪ Wetlands Protected (Acres)	195
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$57,719,248
Investments in Environmentally Beneficial Projects (SEPs)	\$1,688,308
Civil Penalties Assessed	
Administrative Penalties Assessed	\$2,106,553
Judicial Penalties Assessed	\$944,243
Stipulated Penalties Assessed	\$325,000
EPA Civil Enforcement and Compliance Activities	
Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)	18
Supplemental Referrals of Civil Judicial Enforcement Cases to DOJ	3
Civil Judicial Complaints Filed with Court	7
Civil Judicial Enforcement Case Conclusions	4
Administrative Penalty Order Complaints	114
Final Administrative Penalty Orders	116
Administrative Compliance Orders	22
Cases with SEPs	9
EPA Compliance Monitoring Activities	
Inspections/Evaluations	1,183
Civil Investigations	23
Number of Regulated Entities Taking Complying Actions during EPA Inspections/Evaluations	79
Number of Regulated Entities Receiving Assistance during EPA Inspections/Evaluations	842
Inspections Conducted by Tribal Inspectors Using Federal Credentials (2)	37
EPA Superfund Cleanup Enforcement	
% of non-Federal Superfund Sites with Viable, Liable Parties where an Enforcement Action was taken Prior to the Start of the Remedial Action	100%
Private Party Commitments for Site Study and Cleanup (including cash outs)	\$3,800,000
Private Party Commitments for Cost Recovery	\$700,000
% of Cost Recovery Cases Greater than or Equal to \$200,000 that were Addressed before the Statute of Limitations Expired	100%

EPA Voluntary Disclosure Program

Voluntary Disclosures Initiated (Facilities)	6
Voluntary Disclosures Resolved (Facilities)	13
Voluntary Disclosures Initiated (Companies)	6
Voluntary Disclosures Resolved (Companies)	9
Notice of Determination (NODs)	9

EPA Compliance Assistance

Total Entities Reached by Compliance Assistance	129,343
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Sources for Data displayed for Numbers at a Glance: 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 11, 2008.

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Federal Data Presented State-by-state [\(3\)](#)

EPA works in partnership with states in targeting federal enforcement where it produces the most environmental benefit. The data below shows EPA's activities and achievements.

Caveat - A single enforcement case that addresses facilities located in more than one state will be counted in the total for each state with a facility. The results achieved from this enforcement action will also be counted in each state with a facility.

- [Alaska](#)
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Region 10, Alaska

Results Obtained from EPA Civil Enforcement Actions

Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):

- | | |
|---|-----------|
| <ul style="list-style-type: none"> ▪ Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1) | 3,964,179 |
|---|-----------|

Investments in Pollution Control and Clean-up (Injunctive Relief)	\$3,550,400
---	-------------

Investments in Environmentally Beneficial Projects (SEPs)	\$72,000
---	----------

Civil Penalties Assessed	\$632,593
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Counts of EPA Civil Enforcement Actions

Civil Judicial Conclusions	1
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Final Administrative Penalty Orders	11
-------------------------------------	----

Administrative Compliance Orders	2
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Region 10, Idaho

Results Obtained from EPA Civil Enforcement Actions

Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):

▪ Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	9,333,735
▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	5,000

Investments in Pollution Control and Clean-up (Injunctive Relief) \$3,753,050

Civil Penalties Assessed \$861,111

Counts of EPA Civil Enforcement Actions

Civil Judicial Conclusions	1
Final Administrative Penalty Orders	35
Administrative Compliance Orders	6

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Region 10, Oregon

Results Obtained from EPA Civil Enforcement Actions

Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):

▪ Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	3,899,350
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	935,782

Investments in Pollution Control and Clean-up (Injunctive Relief) \$45,675,057

Civil Penalties Assessed \$414,984

Counts of EPA Civil Enforcement Actions

Civil Judicial Conclusions	3
Final Administrative Penalty Orders	17
Administrative Compliance Orders	6

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Region 10, Washington

Results Obtained from EPA Civil Enforcement Actions

Direct Environmental Benefits (Including benefits from Environmentally Beneficial Projects (SEPs)):

▪ Estimated Pollution Reduced, Treated or Eliminated (Pounds) (1)	4,149,241
---	-----------

▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	867
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$9,061,091
Investments in Environmentally Beneficial Projects (SEPs)	\$1,616,308
Civil Penalties Assessed	\$2,243,845
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	3
Final Administrative Penalty Orders	56
Administrative Compliance Orders	9

Sources for Data displayed for Federal Data Presented State-by-State: Integrated Compliance Information System (ICIS)

(1) Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.

(2) In FY 2008, for the first time, OECA is creating a separate reporting category to count the number of tribal inspections conducted by tribal inspectors using federal credentials. Inspections conducted by tribal inspectors using federal credentials are done "on behalf" of the Agency, but are not an EPA activity.

(3) The totals in the State-by-state reports may not equal the totals in the Region 10 results section for all categories. This is because some FY 2008 EPA enforcement cases addressed violations at multiple facilities. In some instances, the facilities addressed in one case were not all located in the same state. Where this is the case, the action and its results have been counted in each state where a facility is located, which may lead to aggregate state enforcement action counts and results that are higher than the total activity and results count for the region as a whole.

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Alaska

Alaskan Seafood Processor Fined \$54,061 for Storm Water Violations

(Naknek, Alaska – April 10, 2008) Leader Creek Fisheries, LLC (Leader Creek), an Alaskan seafood processor located in Naknek has agreed to pay a \$54,061 penalty to settle alleged federal Clean Water Act stormwater violations. Based on an inspection of Leader Creek on June 24, 2003 and a follow-up inspection on July 7, 2006, EPA and the Alaska Department of Environmental Conservation found that Leader Creek was not in compliance with its National Pollutant Discharge elimination System permit. [Read the full press release.](#)

Alaska Landowner to Pay over \$32,000 in Penalties for Wetlands Violations

(Anchorage, Alaska – August 5, 2008) Mr. David R. Sweezey is facing penalties from the U.S. Environmental Protection Agency (EPA) for illegally filling wetlands and streams on his Anchorage, Alaska property. Following EPA's Clean Water Act complaint against Mr. Sweezey, EPA can now seek penalties of up to \$32,500 per day of violation and administrative penalties of up to \$11,000 per day for each violation. In July 2003, Mr. Sweezey used heavy equipment to clear, grade, and fill wetlands and streams to create a pond on his property without first obtaining a required Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers. [Read the full](#)

[press release.](#)

City of Anchorage Fined \$40,300 for Failing to Properly Manage Hazardous Waste

(Anchorage, Alaska – September 30, 2008) The U.S. Environmental Protection Agency (EPA) announced a \$40,300 settlement with the Municipality of Anchorage for failure to properly manage hazardous waste at its Anchorage Public Transportation Department Maintenance facility located at 3650 East Tudor Road, Anchorage, Alaska.

[Read the full press release.](#)

Idaho

Tamarack Resort Pays \$185,000 Penalty for Storm Water Violations

(Boise, Idaho - January 24, 2008) Tamarack Resort LLC, located approximately 100 miles north of Boise, Idaho, has agreed to pay the United States \$185,000 to resolve storm water violations discovered on the resort's property in 2005 and 2006. The Justice Department and U.S. Environmental Protection Agency (EPA) agreement also calls for Tamarack to restrict its winter construction schedule this year and upgrade its "Best Management Practices" for future winter construction seasons.

[Read the full press release.](#)

Idaho Property Owner and Contractor Fined \$40,000 for Wetlands Violations

(Ponderay, Idaho - April 28, 2008) Robin S. Behrens, Charles E. Kramer and C.E. Kramer and Contracting, Inc., of Bonner County, Idaho have reached a \$40,000 settlement with the U.S. Environmental Protection Agency (EPA) for alleged violations of the Clean Water Act. The violations involved filling wetlands on Robin Behrens' property near Lake Pend Oreille without a permit.

[Read the full press release.](#)

Idaho Transportation Dept Pays \$325,000 Penalty for Storm Water Violations

(Mica, Idaho - July 8, 2008) The Idaho Transportation Department (ITD) will pay \$325,000 in additional penalties for numerous violations of a 2006 Clean Water Act Consent Decree. The Consent Decree was the result of Clean Water Act violations by ITD and its contractor from 2001 to 2003, committed during the "Mica to Bellgrove" Highway 95 realignment project in northern Idaho.

[Read the full press release.](#)

Idaho Utilities and Contractors Fined \$14,950 for Storm Water Violations

(Hayden, Idaho – July 23, 2008) Lakes Highway District, SI Construction, and Hayden Lake Recreational Water and Sewer District, operators at a Hayden, Idaho construction site, paid \$14,950 to settle a Clean Water Act case with the U.S.

Environmental Protection Agency (EPA). The case arose from an EPA storm water compliance inspection at the Lancaster Road Phase I construction site in March.

[Read the full press release.](#)

Oregon

Wilco-Winfield LLC to Pay over \$18,000 for Violating Federal Pesticide Rules

(Mt. Angel, Oregon – August 25, 2008) The U.S. Environmental Protection Agency (EPA) reached an \$18,400 settlement with Wilco-Winfield, LLC (formerly Wilco-Farmers/Agrilliance) for violations of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Wilco-Winfield had been producing pesticides in an unregistered establishment and selling pesticides which were misbranded.

[Read the full press release.](#)

Truax Oil, Inc. Fined \$137,500 for Fuel Spill near Roseburg, Oregon

(Corvallis, Oregon - September 17, 2008) The U.S. Department of Justice, on behalf of the U.S. Environmental Protection Agency (EPA), lodged a Consent Decree in federal court to settle alleged violations of the federal Clean Water Act by Truax Oil, Inc. Truax is a petroleum marketer based in Corvallis, Oregon. Truax has agreed to pay a \$137,500 penalty to the United States and the State of Oregon. According to court papers, the government alleged that the violations occurred on March 11, 2006, when a Truax tanker truck struck a guardrail, overturned and caught fire, resulting in the release of approximately 11,000 gallons of fuel (9,000 gal of gasoline and 2,000 gal of diesel).

[Read the full press release.](#)

Washington

Puget Sound Energy (PSE) Fined \$471,900 for Fuel Spill near Crystal Mountain

(Crystal Mountain, Washington - April 21, 2008) The U.S. Department of Justice, on behalf of the U.S. Environmental Protection Agency (EPA), signed a "Stipulated Order of Settlement" with Puget Sound Energy (PSE). Central to the settlement is PSE's agreement to pay a \$471,900 EPA penalty, which will resolve federal Clean Water Act claims against the Bellevue-based energy company. Olympic pipeline rocked Whatcom County. [Read the full press release.](#)

Property Owner Faces over \$32,000 in Penalties for Wetlands Violations

(Winlock, Wash. June 9, 2008) The U.S. Environmental Protection Agency (EPA) has issued a Compliance Order to Mr. Phil Smith, of Chehalis, Washington, to address violations of the federal Clean Water Act. The violations occurred at Mr. Smith's 190 acre property along Interstate 5 in Lewis County near Winlock, Washington. EPA alleges that in summer and fall of 2007, Mr. Smith failed to obtain required permits before using heavy equipment to clear and fill an estimated 100 acres of wetlands. [Read the full press release.](#)

Roy Farms to Pay over \$29,000 for Emergency Prevention and Safety Violations

(Moxee, Washington - August 14, 2008) Roy Farms, Inc. agreed to pay \$29,320 for alleged federal Clean Air Act emergency prevention and planning violations. The alleged violations occurred between July 2002 and July 2007. As part of the settlement with the EPA, Roy Farms also has corrected all alleged violations, and agreed to spend at least \$84,120 on new communications and safety equipment for the East Valley fire Department, Yakima County Fire District #4, to improve the department's capabilities in responding to hazardous material emergencies. [Read the full press release.](#)

Washington Beef Fined \$115,942 for Emergency Prevention and Safety Violations

(Toppenish, Washington - September 22, 2008) Washington Beef, a beef processing facility in Toppenish, Washington, will spend at least \$115,942 to settle alleged risk management program violations under the federal Clean Air Act. The Washington Beef facility uses more than 10,000 lbs of anhydrous ammonia for refrigeration purposes. At that level of use, the Clean Air Act requires the company to implement a Risk Management Program. Under the terms of the settlement, the company will pay a penalty of \$25,942, and spend at least \$90,000 for a new internal ammonia alarm system and related safety equipment. [Read the full press release.](#)

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Compliance and Enforcement Annual Results FY2008: Important Environmental Problems/National Priorities

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 82% of pollution reductions and 67% of pollution control investments obtained through EPA's FY 2008 enforcement actions focused on water and air priority pollution problems. Approximately 27% of hazardous waste treated, minimized or properly disposed of, and 3% of pollution control investments obtained through EPA's FY 2008 enforcement actions focused on land priority pollution problems.

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Air Toxics

[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.

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Concentrated Animal Feeding Operations

During wet weather events, water flows from [animal feedlots](#) transport nutrients such as nitrogen and phosphorus, as well as other pollutants including bacteria, pesticides, antibiotics, hormones, and trace elements including metals to local waterways. Impact 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.

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Combined Sewer Overflows and Sanitary Sewer Overflows

[Combined sewer overflows and sanitary sewer overflows](#) cause environmental problems when heavy rainfall exceeds the storage capacity of pipes and/or water treatment plants, discharging untreated sewage, stormwater, toxic materials, and industrial wastewater into rivers, lakes, and oceans.

Bacteria, pathogens, nutrients, untreated industrial wastes, oil, pesticides, wastewater solids, and debris enter waterways when overflows occur, causing human health risks including diseases that range in severity from mild gastroenteritis to life-threatening ailments such as cholera and infectious hepatitis.

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New Source Review

[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.

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Stormwater

[Stormwater runoff](#) transports water carrying contaminants directly over land into waterways from large urban areas, construction sites, and municipal separate storm sewer systems, and is one of the leading causes of water quality impairment. Typical stormwater pollutants that impair waterways include sediment, bacteria, organic nutrients, hydrocarbons, metals, oil, and grease.

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Mineral Processing

Reducing risk to health and the environment by achieving increased compliance rates throughout the [mineral processing and mining](#) sectors and by ensuring that harm is being appropriately addressed through compliance assistance and enforcement.

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Financial Assurance

[Financial assurance](#) means ensuring 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 for the ability to clean up those materials so they do not contaminate soils, groundwater, surface waters or the air. This priority seeks to prevent improper handling and release of hazardous materials and wastes and defaults that would shift the costs from the responsible parties to others, including state and federal taxpayers.

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Tribal

[Working 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 (e.g., lead-paint) through capacity building and compliance monitoring.

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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 2008 - FY 2010, EPA is focusing its Air Toxics Priority on addressing significant noncompliance and achieving emission reductions at facilities subject to the MACT Standards, with a focus on leak detection and repair (LDAR), industrial flares, and surface coatings.



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Key Results:

FY 2007 - 2008 Annual Results

Fiscal Year	Estimated Pollutants to be Reduced or Treated	Estimated Investments in Pollution Control	Civil Penalties

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	(lbs) *	(\$)**	(\$) ***
FY 2007	0.8 Million	\$11 million	\$0.6 million
FY 2008	0.09 million	\$7 Million	\$2.5 million

*Estimated Pollutants Reduced or Treated is an estimate of the pounds of pollutants reduced, treated, or eliminated during the first year after a facility returns to compliance.

** Estimated Investments in Pollution Control is an estimate of the defendant's cost to comply with consent decrees through the installation of appropriate pollutant controls. The value for FY 2007 is adjusted for inflation using the U.S. Department of Labor, Bureau of Labor Statistics calculator.

*** Civil Penalties are penalties assessed, not collected. The value for FY 2007 is also adjusted for inflation.

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Highlights:

- In FY 2008, EPA focused enforcement actions on leak detection and repair, industrial flares, and surface coatings, gaining commitments in seven cases to reduce an estimated total of 0.09 million pounds of pollutants in the first year after the facilities return to compliance.
- The primary [pollutants reduced](#) by these enforcement actions are hazardous air pollutants (HAPs) and volatile organic compounds (VOCs).

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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.



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FY 2007 - 2008 Annual Results

Fiscal Year	Estimated Pollutants to be Reduced or Treated (lbs) *	Estimated Investments in Pollution Control (\$) **	Civil Penalties (\$) ***
FY 2007	15 million	\$31 million	\$914,000
FY 2008	32 million	\$10 million	\$523,000

*Estimated Pollutants Reduced or Treated is an estimate of the pounds of pollutants reduced, treated, or eliminated during the first year after a facility returns to compliance.

** Estimated Investments in Pollution Control is an estimate of the defendant's cost to comply with consent decrees through the installation of appropriate pollutant controls. The value for FY 2007 is adjusted for inflation using the U.S. Department of Labor, Bureau of Labor Statistics calculator.

*** Civil Penalties are penalties assessed, not collected. The value for FY 2007 is also adjusted for inflation.

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Highlights:

- In FY 2008, EPA focused enforcement actions on getting CAFOs under permits, and enforcing compliance with the permits, gaining commitments to reduce an estimated 32 million pounds of pollutants.
- The primary pollutant reduced by these enforcement actions is particulate solids. Other [pollutants reduced](#) include nutrients, oxygen demanding pollutants, dissolved solids, and bacteria.
- One significant CAFO case in FY 2008 resulted in Mahard Farms being required to address discharges from its facility through the proper closure of a lagoon. Once the facility is in compliance, EPA estimates that 23 million pounds of solids and other pollutants will be removed.

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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 treatment plants, and, as a result, discharge 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.

Addressing [combined sewer and sanitary sewer systems](#) is a national priority for EPA. 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 2007 - 2008 Annual Results

Fiscal Year	Estimated Pollutants to be Reduced or Treated (lbs)*	Estimated Investments in Pollution Control (\$)**	Civil Penalties (\$)***
FY 2007	45 million	\$3,678 million	\$1.3 million
FY 2008	173 million	\$2,909 million	\$0.8 million

*Estimated Pollutants Reduced or Treated is an estimate of the pounds of pollutants reduced, treated, or eliminated during the first year after a facility returns to compliance.

** Estimated Investments in Pollution Control is an estimate of the defendant's cost to comply with consent decrees through the installation of appropriate pollutant controls. The value for FY 2007 is adjusted for inflation using the U.S. Department of Labor, Bureau of Labor Statistics calculator.

*** Civil Penalties are penalties assessed, not collected. The value for FY 2007 is also adjusted for inflation.

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Highlights:

- In FY 2008, EPA focused enforcement actions on addressing remaining SSOs and ensuring that municipalities with CSOs are making progress towards implementing their long term control plans. EPA's actions gained commitments to reduce an estimated 173 million pounds of pollutants.
- The primary pollutant reduced by these enforcement actions is oxygen demanding pollutants. Other [pollutants reduced](#) include particulate solids, nutrients, and dissolved solids.
- In FY 2008, Allegheny County Sanitary Authority (ALCOSAN) committed to greatly reduce its annual discharge of untreated sewage into waterways in the Pittsburgh, PA area. This landmark settlement with federal, state, and county authorities requires the utility to reduce combined and separate sewer overflows causing water pollution by an estimated 22 billion gallons annually which will result in an annual estimated reduction in discharges of approximately 144 million pounds of water pollutants after full implementation of pollutant controls. The upgrades will reduce bacterial contamination of local waterways that endanger public health through outbreaks of waterborne illness and bring swimming and fishing areas closer to meeting federal Clean Water Act standards.
- In FY2008, DOJ, EPA, and the Hawaii Department of Health, concluded a civil enforcement action field against the City and County of Honolulu. This settlement is the result of a force main break that caused a spill of approximately 50 million gallons of sewage into the Ala Wai canal. Contamination from this event resulted in high levels of bacteria in coastal

waters, and led to the closure of beaches in Waikiki for one week. The settlement requires Honolulu to repair and replace various components of the city's sewage collection system in an effort to provide safeguards against similar future force main failures.

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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 (NOx), sulfur dioxide (SOx), 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 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 2008 - FY 2010, EPA's [national priority](#) will focus its NSR/PSD Priority by addressing several sources of air pollution reduction commitments through consent decrees with coal-fired electric utility sources, cement manufacturing, glass manufacturing, and sulfuric and nitric acid industries.

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Key Results:

FY 2007 - 2008 Annual Results

Fiscal Year	Estimated Pollutants to be Reduced or Treated (lbs) *	Estimated Investments in Pollution Control (\$) **	Civil Penalties (\$) ***
FY 2007	426 million	\$2,550 million	\$8 million
FY 2008	1,654 million	\$4,790 million	\$18 million

*Estimated Pollutants Reduced or Treated is an estimate of the pounds of pollutants reduced, treated, or eliminated during the first year after a facility returns to compliance.

** Estimated Investments in Pollution Control is an estimate of the defendant's cost to comply with consent decrees through the installation of appropriate pollutant controls. The value for FY 2007 is adjusted for inflation using the U.S. Department of Labor, Bureau of Labor Statistics calculator.

*** Civil Penalties are penalties assessed, not collected. The value for FY 2007 is also adjusted for inflation.

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Highlights:

- In FY 2008, EPA focused enforcement actions on coal-fired power plants, glass manufacturing plants, cement manufacturing plants and acid production plants, gaining commitments to reduce an estimated 1,654 million pounds of pollutants.
 - The primary [pollutants reduced](#) by these enforcement actions are criteria air pollutants: sulfur dioxides (SO_x), nitrogen oxides (NO_x), and particulate matter (PM).
 - EPA estimates that the reduction in nitrogen oxides, sulfur dioxide and particulate matter will provide the public approximately \$35 billion per year in health-related benefits including approximately 4,000 fewer premature deaths in people with heart or lung disease, about 6,000 fewer cases of chronic bronchitis and acute bronchitis, over 30,000 fewer cases of upper aggravated asthma, and over 50,000 fewer cases of upper and lower respiratory symptoms.
 - In 2008, EPA, eight states, and thirteen citizen groups reached a settlement agreement with American Electric Power (AEP) under the Clean Air Act's New Source Review provisions. The funds from the settlement will be used to address pollution problems at sixteen of AEP's coal-fired plants located in Indiana, Kentucky, Ohio,

Virginia, and West Virginia. This settlement is the largest environmental settlement in terms of injunctive relief. It is estimated that AEP will spend more than \$4.6 billion to comply with the agreement. Upon the first year of full implementation, EPA estimates at least 813,000 tons per year of air pollution (SO_x, NO_x, and PM) reductions from AEP's 16 power plants. EPA estimates that the annual benefits to public health will include approximately \$32 billion per year in health-related benefits costs associated with avoided respiratory and cardiopulmonary illnesses, such as asthma and heart attacks. AEP will also spend an additional \$60 million to finance and conduct projects to mitigate the impact of past emissions.

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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, estuaries, nearshore ocean 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



Poor Stormwater Flow



Good Stormwater Flow

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. [Addressing urban stormwater is a national priority](#) to improve water quality.

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Key Results:

FY 2007 - 2008 Annual Results

Estimated Pollutants to be	Estimated Investments in	Civil
----------------------------	--------------------------	-------

Fiscal Year	Reduced or Treated (lbs)*	Pollution Control (\$)**	Penalties (\$)***
FY 2007	118 million	\$9 million	\$4.3 million
FY 2008	1,329 million	\$68 million	\$7.6 million

*Estimated Pollutants Reduced or Treated is an estimate of the pounds of pollutants reduced, treated, or eliminated during the first year after a facility returns to compliance.

** Estimated Investments in Pollution Control is an estimate of the defendant's cost to comply with consent decrees through the installation of appropriate pollutant controls. The value for FY 2007 is adjusted for inflation using the U.S. Department of Labor, Bureau of Labor Statistics calculator.

*** Civil Penalties are penalties assessed, not collected. The value for FY 2007 is also adjusted for inflation.

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Highlights:

- EPA targeted enforcement actions against large construction sites and MS4s in FY 2008, gaining commitments to reduce an estimated 1,329 million pounds of pollutants.
- The primary pollutant reduced by these enforcement actions is particulate solids. Other [pollutants reduced](#) include oil, nutrients, oxygen demanding pollutants, and metals.
- In 2008, EPA settled with four of the nation's largest home builders to resolve alleged violations of the Clean Water Act storm water requirements. The builders, Centex, Pulte, Richmond American Homes, and KB Homes agreed to implement company-wide compliance programs across the country that will prevent over 1 billion pounds of sediment from polluting our nation's waterways each year. The companies also paid civil penalties totaling \$4.3 million.
- In 2008, EPA with the State of Colorado, settled with Home Depot, the largest home improvement retailer in the United States, for violations of the Clean Water Act at 42 of its construction sites across the country. The settlement requires the company to pay a civil penalty of \$1.3 million and establish a comprehensive storm water compliance program to prevent future violations and related pollution. As a result of the actions required by this settlement, over 9 million pounds of sediment from polluted storm water run-off will be prevented from entering our nation's waterways annually.

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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 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. [Addressing mineral processing is one of EPA's national priority areas for enforcement.](#)



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Key Results:

FY 2007 - 2008 Annual Results

Fiscal Year	Estimated Hazardous Waste Treated, Minimized or Properly Disposed (lbs) *	Estimated Investments in Pollution Control (\$) **	Civil Penalties (\$) ***
FY 2007	Not Calculated	\$60 million	\$88,000

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FY 2008	1,751 million	\$217 million	\$0
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*Estimated Hazardous Waste Treated, Minimized or Properly Disposed is an estimate of the pounds of pollutants reduced, treated, or eliminated during the first year after a facility returns to compliance.

** Estimated Investments in Pollution Control is an estimate of the defendant's cost to comply with consent decrees through the installation of appropriate pollutant controls. The value for FY 2007 is adjusted for inflation using the U.S. Department of Labor, Bureau of Labor Statistics calculator.

*** Civil Penalties are penalties assessed, not collected. The value for FY 2007 is also adjusted for inflation.

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Highlights:

- EPA targeted enforcement actions on improper waste management at phosphoric acid and other mineral processing facilities, addressing an estimated 1,751 million pounds of hazardous waste.
- The [pollutants reduced](#) by these enforcement actions are ammonia and/or phosphorus , fluoride, sulfate, 2,4-dinitrotoluene and metals.
- In FY08, EPA issued an Imminent and Substantial Endangerment Order to Agrifos Fertilizer and ExxonMobil, the past owner/operator of the Agrifos facility in Texas. An overflow at the facility released approximately 54 million gallons of wastewater between August 16 and September 7, 2007. The Order requires Agrifos and ExxonMobil to build treatment and disposal facilities onsite to reduce the amount of hazardous waste, repair and strengthen the impoundment, and increase the capacity of the impoundment to handle severe storms. The companies will be treating and/or disposing an estimated 1.751 billion pounds per year of hazardous waste. Closure and remediation will take 20 to 30 years. Improved water management practices by Agrifos under the Order enabled the impoundment to withstand Hurricane Ike with no damage, and prevented another catastrophic release of hazardous wastewater that would have further threatened the environmental integrity of the Cotton Patch Bayou and the Houston Ship Channel.

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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 cover costs 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.

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Key Results:

In FY 2008, EPA identified 26 Superfund sites where the Potentially Responsible Parties (PRPs) did not have sufficient funds set aside to cover the cost of the clean ups that were underway. EPA got the PRPs to provide the funds to fully cover clean up costs. This was a total of \$134.3 million in FY 2008.

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

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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. EPA's FY 2008-2010 [national priority for federally recognized Indian tribes](#) is to address problems associated with drinking water, solid waste, and environmental risks in tribal schools through capacity building and compliance monitoring.

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Key Results:

FY 2007 - 2008 Annual Results

Fiscal Year	Estimated Investments in Pollution Control (\$)*	Civil Penalties (\$) **
FY 2007	\$ 0.4 Million	\$ 0.1 Million
FY 2008	\$49 Million	< \$ 0.01 Million

* Estimated Investments in Pollution Control is an estimate of the defendant's cost to comply with

consent decrees through the installation of appropriate pollutant controls. The value for FY 2007 is adjusted for inflation using the U.S. Department of Labor, Bureau of Labor Statistics calculator.

** Civil Penalties are penalties assessed, not collected. The value for FY 2007 is also adjusted for inflation.

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Highlights:

- EPA initiated five enforcement actions in FY 2008 to protect the safety of drinking water in Indian country. EPA issued emergency orders to the Fort Belknap Indian Community, Prairie Mountain Utilities, the Northern Cheyenne Tribe, and the Chippewa Cree Tribe of the Rocky Boy's Reservation, and an administrative penalty order to the Northern Arapaho Utilities, Wind River Indian Reservation, for various violations of the Safe Drinking Water Act.
- EPA issued a unilateral order after Gila River Indian Community's Department of Environmental Quality discovered a groundwater contamination plume below the facility where Plymouth Tube operated from 1975 until 2000. The plume is composed of industrial solvents including trichloroethylene in concentrations well above the legal standards for drinking water. Groundwater is the sole source of drinking water for GRIC. The order requires Plymouth Tube to investigate the nature and extent of contamination in groundwater below the facility.
- EPA also initiated an enforcement action against the Bureau of Indian Education (BIE), a Bureau of the United States Department of the Interior, for owning and/or operating two underground storage tanks at the Turtle Mountain Reservation bus garage facility that BIE failed to properly monitor for releases of petroleum to the environment in violation of the underground storage tank provisions of the Resource Conservation and Recovery Act. EPA pursued the action and sought penalties against BIE.

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Compliance and Enforcement Annual Results FY2008: Types of Pollutants

In fiscal year 2008, EPA obtained commitments in enforcement actions for facilities to reduce, treat, or eliminate an estimated 3.9 billion pounds of pollutants and 6.5 billion pounds of hazardous waste in the first year after pollutant controls are installed. The types of pollutants that make up these pounds include the following:

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FY 2008 Estimated Pollutants Reduced, Treated, or Eliminated (pounds)

Air Emissions		Water Discharges		Land Releases	
SO _x , NO _x , PM	1,734 million	Particulate Solids	1,811 million	PCBs	989,000
Greenhouse Gases	64 million	Dissolved Solids	176 million	Metals	554
VOCs	5 million	Oxygen Demanding Pollutants	109 million	Diazinon, Sodium Bromide and Other Pesticides	442
Hazardous Air Pollutants, Methanol, and Other Toxics	5 million	Oil	13 million		
		Nutrients	4 million		
		Metals	261,000		

[\(Definition of terms\)](#)

Two groups of pollutants comprise the majority of the pollutants: criteria air pollutants emitted into the air and particulate solids discharged into water:

- Criteria air pollutants originate from combustion, and include sulfur oxides (SO_x), nitrogen oxides (NO_x), and particulate matter. Exposure to elevated levels of these pollutants can have detrimental effects on human health.
- Particulate solids originate primarily from stormwater runoff. Particulate solids can have detrimental effects on the health of fish and other aquatic life in streams and rivers.

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FY 2008 Pollutants in Estimated Hazardous Waste Treated, Minimized or Properly Disposed (pounds)

Phosphorus	11,555,000	2,4-Dinitrotoluene	4,200
Ammonia	2,171,000	Metals	29,200
Fluoride	7,213,000	Toxic Organics	19,000
Sulfate	10,855,000	Benzene	300
		Vinyl chloride	12,000

[\(Definition of terms\)](#)

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Definition of Terms

2,4-Dinitrotoluene is used in the manufacture of polyurethanes. Long-term inhalation exposure to 2,4-dinitrotoluene affects the central nervous system (CNS) and blood in humans. Kidney, liver, and mammary gland tumors were observed in animals orally exposed to 2,4-dinitrotoluene. EPA has not classified 2,4-dinitrotoluene for potential carcinogenicity.

Ammonia/Nitrogen and Phosphorus are the most frequent cause of impairment in waterbodies, and can cause respiratory distress and neurological problems, taste and odor problems, increased longevity of fecal coliform bacteria in surface waters.

Bacteria can impair recreational, drinking water, and shellfish use of water. Exposure to pathogens in surface waters can lead to gastrointestinal, respiratory, eye, ear, nose, throat, and skin diseases.

Diazinon is very highly toxic to birds and has been linked to a number of bird kills.

Dissolved Solids (includes Sulfates) can detrimentally alter aquatic habitats and directly harm fish. Excessive dissolved solids can also remove water for domestic, industrial, and agricultural uses. They can also act as a laxative and effect the health of people with cardiac disease and high blood pressure, and women with toxemia associated with pregnancy.

Fluoride is added to drinking water to promote dental health. Each community makes its own decision about whether or not to add fluoride. EPA has set an enforceable drinking water standard for fluoride of 4 mg/L (some people who drink water containing fluoride in excess of this level over many years could get bone disease, including pain and tenderness of the bones).

Hazardous Air Pollutants (HAPs) are a set of 187 identified pollutants that are known or suspected to cause cancer or other serious health effects, such as reproductive effects or birth defects, or adverse environmental effects. People exposed to toxic air pollutants at sufficient concentrations and durations may have an increased chance of getting cancer or experiencing other serious health effects. These health effects can include damage to the immune system, as well as neurological, reproductive (e.g., reduced fertility), developmental, respiratory and other

health problems. In addition to exposure from breathing air toxics, some toxic air pollutants such as mercury can deposit onto soils or surface waters, where they are taken up by plants and ingested by animals and are eventually magnified up through the food chain. Like humans, animals may experience health problems if exposed to sufficient quantities of air toxics over time.

Metals can kill fish and aquatic invertebrates, impair laundry and drinking water uses, and cause a variety of human health problems, including damage to organs and in some instances, death.

Methanol exposure may occur from ambient air and during the use of solvents. Acute (short-term) or chronic (long-term) exposure of humans to methanol by inhalation or ingestion may result in blurred vision, headache, dizziness, and nausea.

Nitrogen oxides (NO_x) cause a wide variety of health and environmental impacts because of various compounds and derivatives in the family of nitrogen oxides, including nitrogen dioxide, nitric acid, nitrous oxide, nitrates, and nitric oxide. Nitrogen oxides contribute to global warming, the formation of acid rain, toxic chemicals, and particulate matter pollution. NO_x may also deposit on soils and water bodies and contribute to nutrient overloads that deteriorates water quality.

Nutrients can lead to significant water quality problems including harmful algal blooms, hypoxia and declines in wildlife and wildlife habitat. Excess nutrients can cause respiratory distress and neurological problems, taste and odor problems, increased longevity of fecal coliform bacteria in surface waters.

Oil and Grease lead to significant water quality problems including drowning of wildlife, toxic effects on fish, and smothering of benthic organisms. Excess oil can cause foul shorelines and beaches, thus removing recreational and aesthetic uses of water.

Oxygen Demanding Pollutants can asphyxiate aquatic life, and in the extreme, kill all aquatic life and cause odors.

Particulate Matter (PM) Long-term exposures, such as those experienced by people living for many years in areas with high particle levels, have been associated with problems such as reduced lung function and the development of chronic bronchitis and even premature death. Small particles pose the greatest problems because they can travel deep in the lungs and may even get into the bloodstream. Exposure to such particles can affect both your lungs and your heart.

Polychlorinated Biphenyls (PCBs) are a mixture of individual chemicals which are no longer produced in the United States, but are still found in the environment. Health effects that have been associated with exposure to PCBs include acne-like skin conditions in adults and neurobehavioral and immunological changes in children. PCBs are known to cause cancer in animals.

Sediment/Solids can detrimentally alter aquatic habitats, lower dissolved oxygen which stresses aquatic life, and directly harm fish. Excessive solids can also reduce reservoir capacity, interfere with recreational and aesthetic uses of water, and in some cases, interfere with navigation. They can also impair treatment of drinking water and provide sites for pathogenic bacteria to grow.

Sodium Bromide Consumption or inhalation of sodium bromide salt (white table salt-like powder) resulting in repeated or prolonged exposure may cause skin rashes, nerve damage, depression, psychoses, memory loss, irritability and headaches.

Sulfur dioxide is one of six common air pollutants that are regulated under the Clean Air Act as criteria pollutants. Peak levels of SO₂ in the air can cause temporary breathing difficulty for people with asthma who are active outdoors and children, the elderly, and people with heart or lung disease. Longer-term exposures to high levels of SO₂ gas and particles cause respiratory illness and aggravate existing heart disease. SO₂ contributes to the formation of acid rain, ground level ozone (smog), and particulate matter pollution.

Vinyl Chloride is used to make polyvinyl chloride (PVC) plastic and vinyl products. Short-term exposure to high levels of vinyl chloride in air has resulted in central nervous system effects, such as dizziness, drowsiness, and headaches in humans. Long-term exposure to vinyl chloride through inhalation and oral exposure in humans has resulted in liver damage. Cancer is a major concern from exposure to vinyl chloride via inhalation, as vinyl chloride exposure has been shown to increase the risk of a rare form of liver cancer in humans. EPA has classified vinyl chloride as a Group A, human carcinogen.

Volatile Organic Compounds (VOCs) are compounds that evaporate readily into the air. They are widely used as ingredients in household products. Many VOCs are also hazardous air pollutants (HAPs). The effects of these compounds vary greatly, but may include: eye and respiratory tract irritation, headaches, dizziness, allergic skin reactions, reproductive and developmental abnormalities, and long term effects such as organ and central nervous system damage, and cancer. VOCs also contribute to smog (ground-level ozone) production. Children, people with lung diseases such as asthma, and people who work or exercise outside are susceptible to adverse effects of smog (ground-level ozone) such as damage to lung tissue and reduction in lung function.

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Compliance and Enforcement Annual Results: FY2008 Superfund Enforcement

EPA's Superfund enforcement program achieves prompt site cleanup and maximum liable party participation in performing and paying for cleanup in ways that promote environmental justice and fairness. The response and cost recovery commitments from private parties for fiscal year (FY) 2008 continue to exemplify a robust enforcement program. Fiscal year 2008 activities and results include:

- [Banner Year for Response Commitments for Site Study and Cleanup](#)
- [Collection of Past and Future Cleanup Costs from Bankruptcy Cases](#)
- [Management Improvements to Superfund Special Accounts](#)
- [Enforcing Cleanup Requirements at Federal Facilities](#)

Banner Year for Response Commitments for Site Study and Cleanup

Fiscal year 2008 was an exceptional year for the Superfund enforcement program. The response commitments for site study and cleanup work from private parties are the fifth highest since the inception of the program in 1980. In FY 2008 EPA obtained commitments from responsible parties to invest \$1.575 billion for investigation and cleanup of Superfund sites. In FY 2008 EPA entered into 277 settlements with responsible parties, 124 settlements for site study and cleanup work and 153 settlements for cost recovery.

Several of the settlements reached with private parties in FY 2008 involve record setting amounts of money. In fact, three of these settlements are in the "top ten settlements" for the history of the Superfund enforcement program in terms of dollars committed by private parties for future site work. These three settlements are:

- The Fox River Superfund Site in Wisconsin where the parties will conduct future cleanup valued at \$390 million.
- The bankruptcy settlement agreement with W.R. Grace valued at \$250 million for work at the Libby Asbestos Site in Montana, and
- The \$197 million settlement with Kennecott Copper Corporation for work at the company's site in Utah.

Other notable settlements in FY 2008 where EPA entered into agreements for future response work include:

- \$99 million at the Milltown Reservoir Sediments Superfund site in Montana,
- \$80 million at the Diamond Alkali Co. site in New Jersey, and
- \$94 million at the Jacksonville Ash Browns Dump Site in Florida.

EPA's Superfund enforcement program continues an ["enforcement first approach" \(PDF\)](#) (3pp, 121K, [about PDF](#)), and also ensures a fair, more effective, and more efficient Superfund program by maximizing private party participation in performing and paying for site cleanup.

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More information on Superfund and other land case highlights is available at [Land Highlights](#)

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Collection of Past and Future Cleanup Costs from Bankruptcy Cases

EPA vigorously pursues past and future costs in bankruptcy as part of its commitment to ensure that responsible parties, and not taxpayers, pay for cleanup of hazardous waste and has achieved potential multi-million recoveries this year. EPA collects to the fullest extent it can on its claims in bankruptcy, given the goals of bankruptcy and environmental law and challenges inherent in bankruptcy. Under bankruptcy law and practice, creditors, including EPA, face the risk that a bankrupt estate will not have enough assets to cover the full value of their claims.

In FY 2008, the Agency achieved major settlements in several multi-regional, multi-site bankruptcy cases. EPA's allowed claims total almost \$500 million from the Dana Holding Corporation and W.R. Grace bankruptcies and from a settlement with an insurer in the Fruit of the Loom bankruptcy. These funds will enable the Agency to achieve cleanup of contamination such as asbestos, radioactive materials, heavy metals, and pesticides at 40 sites throughout the country.

- **Dana Corporation:** Through this settlement, the United States achieved the potential recovery of significant funds toward the cleanup of six Superfund sites located throughout the country, as well as the recovery of civil penalties under the Superfund and Clean Water Act from one of the world's largest independent manufacturers of parts for light, commercial, and off-highway vehicles. EPA received an allowed claim of \$122,550,222 in stock certificates for cleanup at the sites. [\[More Information\]](#)
- **W.R. Grace:** The United States settled two claims with W.R. Grace in the fiscal year. The first provides EPA with a \$34 million allowed general unsecured claim in connection with Grace's environmental liability at 29 Superfund sites in 17 states for cleanup of hazardous substances, including vermiculate, asbestos and low levels of radioactive and heavy metals at the sites. The second settlement this past year provided a payment of \$250 million for past and future costs of cleanup of asbestos contamination in Libby, Montana. This settlement is the largest sum of money paid as reimbursement for a Superfund cleanup to date.
- **American International Specialty Lines Insurance Company (AISLIC):** In this settlement, AISLIC agreed to pay \$42.5 million to clean up contamination at four industrial facilities to resolve its liability under an insurance policy. The four sites, formerly owned by Fruit of the Loom, are located in Michigan, New Jersey, and Tennessee. [\[More Information\]](#)

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Management Improvements to Superfund Special Accounts

Through its enforcement efforts, EPA has collected over \$2 billion in [Superfund special accounts](#) to support the cleanup of hazardous waste sites. The Superfund law permits EPA to establish Superfund special accounts with proceeds from settlements with potentially responsible parties to fund future response actions at sites. These site-specific, interest bearing accounts reside within Superfund's Hazardous Waste Trust Fund. EPA has used over a billion dollars in account funds to clean up sites and is also able to offer account funds as an incentive to encourage potentially responsible parties to undertake cleanup work.

The growth and importance of these accounts has necessitated improved management efforts. Accordingly, EPA has developed several tools to better manage special accounts, including:

- Developing an interactive bibliography to give EPA staff quick access to needed sections of special account guidance,
- Allowing the Regions to plan for fund expenditure and access information about individual accounts by creating new data entry fields for the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) database, and
- Improving coordination among the offices responsible for oversight and management of

special accounts through development of an inter-office management strategy.

As result of the Agency's efforts, EPA staff is better equipped to manage and use this important resource to maximize cleanup of contaminated sites. Preliminary information from the new data in CERCLIS on EPA's plans for using special accounts indicates that over 90 percent of the funds are already designated for use in cleanup.

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Enforcing Cleanup Requirements at Federal Facilities

In FY 2008, under enforcement agreements with EPA, federal facilities committed to address more than 110 million cubic yards of contaminated soil and groundwater at their facilities. There are over 150 final federal facility sites on Superfund's National Priorities List (NPL) which requires EPA and the federal agency that owns or operates the NPL site to enter into an enforceable agreement governing the cleanup and laying out each party's responsibilities. EPA has agreements in place at most of these sites and continues to enter into agreements at the remaining sites.

Enforceable agreements entered in FY 2008 include:

- EPA, the U.S. Navy, the U.S. Department of the Interior and the Commonwealth of Puerto Rico finalized an agreement for a former military site on the island of Vieques off Puerto Rico. [\[More Information\]](#)
- EPA and the U.S. Coast Guard completed an agreement governing the cleanup of the Coast Guard's Curtis Bay facility in Baltimore, Maryland. [\[More Information\]](#)

Under enforceable agreements reached previously, federal facilities continue to investigate and clean up environmental contamination at their facilities.

- The U.S. Department of Energy's (DOE) Lawrence Livermore National Laboratory Site 300 in California is a high-explosives test facility. DOE will clean up contaminated ground water and soil at an estimated cost over \$626 million. [\[More Information\]](#)
- Part of Fort Ord, a former Army base near Monterey Bay in California, will become a wildlife reserve after munitions in the soil are cleaned up. Robots will be used to find and remediate the munitions wastes. Another clean up at Fort Ord will address almost 45 million cubic yards of contaminated groundwater. These Fort Ord cleanups will cost over \$150 million. [\[More Information\]](#)

EPA takes action when it finds that a facility is not complying with its cleanup commitments. In FY 2008, EPA took two enforcement actions against DOE for failure to perform agreed upon cleanup work at its Hanford site adjacent to the Columbia River in Washington State.

- In settling one action, DOE agreed to pay a \$285,000 penalty, purchase two emergency response boats for the local sheriff's office (estimated cost over \$200,000) to respond to any hazardous material spills, and to construct a greenhouse and nursery at a nearby campus of Washington State University to grow native vegetation to be used to rehabilitate habitat at the Hanford facility (estimated cost over \$600,000). [\[More Information\]](#)
- DOE agreed to pay a \$75,000 penalty for missing cleanup deadlines at its Hanford site. When the U.S. Navy failed to properly monitor wells at the Brunswick Naval Air Station in Maine, EPA assessed stipulated penalties pursuant to a 1990 agreement between the Navy and EPA. The Navy appealed to the EPA Administrator who affirmed the assessment of \$153,000 in stipulated penalties. The Navy agreed to pay the penalty. [\[More Information\]](#)

Tyndall Air Force Base (FL) is an NPL site where EPA found that there may be an imminent and substantial endangerment at the site due to pesticides, heavy metals, volatile organics and residues from ordnance, jet fuel and oil have been found in groundwater, surface water, soil and sediments at the base. Groundwater is only two to three feet below the surface and is used for drinking. DDT has been found in the sediments in nearby Shoal Bayou which is used for recreational fishing and wading and which has sensitive ecological resources such as fish, shellfish and birds. Because of this endangerment, EPA issued a Resource Conservation and Recovery Act (RCRA) order requiring the Air Force to investigate contamination at the base and take action to



clean it up. [\[More Information\]](#)

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Compliance and Enforcement Annual Results FY2008: Criminal Enforcement

The criminal enforcement program continued emphasizing cases with significant environmental, human health, and deterrence impact while balancing its overall case load with "core" cases across all pollution statutes. The criminal enforcement program is emphasizing five priority areas:

- National Enforcement Priorities,
- Regional Enforcement Priorities,
- stationary source air cases,
- high impact cases, and
- repeat or chronic civil noncompliance.

While the total criminal caseload will fluctuate based on specific characteristics of the cases investigated, as well as by the prosecutorial and sentencing decisions made by the Department of Justice and the federal courts, an emphasis on these priorities will yield greater environmental and public health benefits and deter illegal corporate and individual behavior.

One aspect of deterrence is a high conviction rate for defendants charged with environmental crimes, and between FY 2004-FY2008, the conviction rate for defendants in concluded charged cases is over 90 percent.

Environmental Crime Cases Opened

Three hundred and nineteen (319) new environmental crime cases were opened in FY 2008. Twenty-six percent of the new cases opened in FY 2008 (82) were in the five criminal enforcement priority areas. Thirty-four of them were newly identified National Enforcement Priority cases (including six cases with repeat civil violators). In FY 2007, 25 percent (85) of the new environmental crimes cases opened were in the five priority areas.

Fines and Restitution

Criminal defendants were assessed a total of \$63.5 million in fines and restitution, virtually the same amount as last year. During FY 2008, major criminal fines and restitution were assessed against BP (\$16 million), CITGO (\$13 million), Rowan Companies (\$7 million), Iona Management (\$4.9 million) and National Navigation Company (\$4.25 million). There were a total of 12 cases in which defendants paid fines of \$1 million or more.

Incarceration

The total level of incarceration served by individuals in FY 2008 was 57 years, down from 64 years in FY 2007. Incarceration statistics reflect the specific profile of the cases that were concluded during the fiscal year [e.g., the total number of individual (i.e., non-corporate) defendants who were sentenced, the number of charges and the mix of felonies and misdemeanors, and the weight U.S District Court Judges gave to the U.S. federal sentencing guidelines]. The total level of incarceration in FY 2008 was affected by Supreme Court decisions which made the U.S. federal sentencing guidelines discretionary rather than mandatory for use by federal district court judges.

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In FY 2008, this resulted in a reduction of about 14 years of jail time that previously would have been mandatory.

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Compliance and Enforcement Annual Results FY2008: Federal Facilities

Federal facilities must comply with environmental laws and regulations just like everyone else. In FY 2008, EPA enforcement actions resulted in impressive federal agency commitments and improvements in environmental compliance, preventive measures, and clean up work:

- EPA's actions will prevent more than 1.7 million pounds of pollutants from being released into the environment from federal facilities.
- Cleanups at federal facilities will address more than 110 million cubic yards of contaminated soil and groundwater
- EPA assessed \$1.4 million in penalties from federal facilities.
- Federal facilities committed to spending more than \$23 million to improve their facilities and operations to remedy past violations and prevent future violations.

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UST Enforcement at Federal Facilities

The Energy Policy Act of 2005 contained important new requirements concerning underground storage tanks (USTs) operated by federal agencies. In 2006, EPA launched a strategy specifically focused on improving federal facility compliance with UST requirements. Coordinating among EPA headquarters offices, regional enforcement offices and EPA's state counterparts, EPA has been inspecting and taking enforcement actions at federal facilities found in violation of UST requirements.

In FY 2008, EPA took 36 formal enforcement actions against a variety of federal facilities nationwide for UST violations. EPA collected over \$400,000 in penalties. Common violations included not having tank release detection and tank piping.

EPA issued a complaint and is prosecuting a case against the Puerto Rico National Guard and the Army and Air Force Exchange Service located at Camp Santiago, Salinas Puerto Rico for UST violations. The complaint sought a civil penalty of \$209,264 for alleged multiple violations of UST requirements.

The U.S. Air Force, New Jersey National Guard and the Army and Air Force Exchange Service entered into a settlement with EPA resolving violations of UST requirements at the McGuire Air Force Base in New Jersey. The agreement required payment of \$115,000 in penalties and the installation of proper equipment to detect corrosion and leaks and to protect against overfilling. It also requires improved annual testing and record-keeping at the 20 UST systems used to store fuels for vehicles at the base.

Over a dozen federal facilities in the Washington, DC area were required to pay \$170,000 in penalties due to violations of UST requirements. One of the facilities, the Postal Service's Capital Heights, Maryland vehicle maintenance facility, failed to install equipment that would prevent spilling and overfilling when material was transferred to the UST system. The Postal Service paid a \$16,624 penalty.

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U.S. Coast Guard Officer Pleads Guilty for Lying about Polluting

A former Chief Warrant Officer in the U.S. Coast Guard was sentenced in U.S. District Court in Hawaii for making a false statement to federal criminal agents investigating allegations of potential discharges of oil-contaminated waste from his Coast Guard cutter. The officer was sentenced to pay a \$5,000 fine, serve 200 hours of community service and serve two years of probation. In the indictment, the officer was cited for lying to federal criminal investigators about his knowledge of an illegal discharge of bilge wastes through the ship's deep sink into Honolulu Harbor. The government's investigation was conducted by the U.S. Coast Guard and the EPA Criminal Investigation Division and was prosecuted by the Department of Justice and U.S. Attorney's Office in Hawaii.

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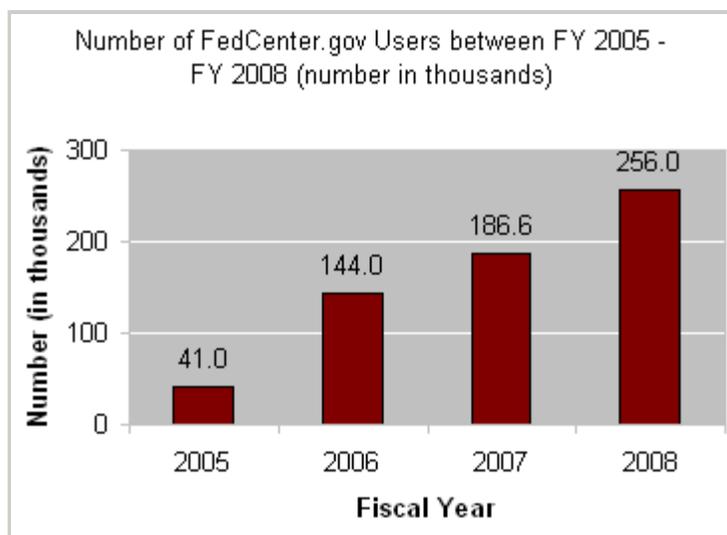
FedCenter Grows to Serve Federal Facilities

[FedCenter](#) is the federal government's environmental stewardship and compliance assistance center. It is jointly managed by EPA and twelve other federal agencies. In 2008, those agencies acknowledged its value by contributing more half of its annual operating costs.

FedCenter responds quickly to the needs of federal agencies. When a new law required federal agencies to report the compliance status of every one of their underground storage tanks, FedCenter created a reporting function used by fifteen agencies. Fourteen agencies use FedCenter to report their progress implementing environmental management systems which feeds into their agency's annual environmental scorecard issued by OMB.

FedCenter has grown tremendously since opening in late 2004. In 2008 it had over 250,000 visitors--a 37% increase from 2007. One user commented "in almost 25 years of federal service, I think your site is the best tool I have used...it's an outstanding Web site."

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Each year, EPA develops and supports the development of new tools to help the regulated community understand their federal environmental obligations. The tools vary in type, including: Web sites, compliance guides, newsletters, webinars, manuals, etc. Here we have highlighted just a few of the over 150 new tools developed this year; hundreds of other tools are found throughout EPA's Web sites. If you have trouble locating a particular assistance tool, please contact your [Regional Compliance Assistance Coordinator](#).

- [Web sites](#)
- [Compliance Guides and Manuals](#)
- [Factsheets, Posters, Newsletters and Other Tools](#)

Web sites

Financing for Environmental Compliance

EPA estimates that communities will need to spend more than \$500 Billion dollars over the next twenty years just to improve environmental infrastructure. To help communities plan for major environmental infrastructure improvements, EPA created the [Financing for Environmental Compliance Web site](#). This Web site provides a step-by-step financial planning process that can help communities determine their technical and financial needs and find specific air, waste and water resources to meet their compliance goals.

Local government representatives, pollution prevention organizations and state and federal assistance providers participated in the webinars and presentations demonstrating the Financing for Environmental Compliance (FEC) Web site. During a June, 2008 webinar, the Mayor of Conway, NC enthusiastically promoted the Web site to other webinar participants. He stated that he intended to use the planning and financial information to help his town pay for needed environmental infrastructure. EPA staff routinely revise the Web site to keep the most up-to-date environmental financing tools and information available to communities.

Virtual Trade Show for Marinas

EPA Region 1 designed a [boat pressure washing virtual trade show](#) designed to introduce marina and boat yard owners to technologies available for controlling pressure wash water. This includes technologies such as recycling systems, containment tanks and filtration – related products. Technology information is displayed in a fact sheet format that details system specifications, site and pretreatment requirements, costs, maintenance needs, and other factors useful for evaluating and selecting a system appropriate to local conditions.

Environmental Compliance Assistance Center for Colleges and Universities

This year EPA and its partners launched the [Campus Environmental Resource Center](#). [EXIT Disclaimer](#)
 This is a multifaceted, Web-based library of resources to provide America's nearly 4,200 colleges and universities comprehensive compliance assistance and pollution prevention information and

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tools specifically tailored to support environmental performance improvement on America's campuses.

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Long Island Sound Riparian Toolbox

This Web-based "toolbox" assembles existing [materials that local officials will find helpful in drafting and implementing regulations to protect riparian areas](#) [EXIT Disclaimer](#) .

Coastal Riparian Buffer Analysis

This Web site can be used to [assess riparian buffers](#) [EXIT Disclaimer](#) , helping environmental managers and local governments direct future efforts in the subregional watershed.

Impervious Surface Mapping

This Web-based map is a tool to [help municipalities adopt limitations on impervious surfaces](#) [EXIT Disclaimer](#) , with an overall goal of minimizing increases in impervious cover to a rate consistent with population change.

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Compliance Guides & Manuals

Tribal School Environmental Compliance Assistance Guide

EPA Region 7 created a compact disc (CD) to assist Tribal school districts and Tribal schools in complying with federal environmental laws and regulations and in maintaining school facilities that are safe and healthy for students and staff. The "Tribal School Environmental Compliance Assistance Guide" CD provides quick access to the many programs and resources available to help prevent and resolve environmental issues in schools. These issues include asbestos, mercury, lead-based paint, chemical use and storage, drinking water, pesticides, PCBs, mold, formaldehyde, solid waste, underground and above-ground storage tanks and more. The CD provides background information, details about possible sources of environmental hazards in schools, applicable EPA regulations or voluntary guidelines, resources for further information and subject matter contacts in Region 7.

CAA Leak Detection and Repair - A Best Practices Guide

The [CAA Leak Detection and Repair: A Best Practices Guide](#) (52 pp, 1.3MB, [about PDF](#)) is for regulated entities as well as inspectors. It highlights some of the problems identified with Leak Detection and Repair (LDAR) programs focusing on Method 21 requirements and describes the practices that can be used to increase the effectiveness of an LDAR program. Specifically, the document explains: the importance of regulating equipment leaks; the major elements of an LDAR program; typical mistakes made when monitoring to detect leaks; problems that occur from improper management of an LDAR program; and a set of best practices that can be used to implement an effective LDAR Program.

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TSCA Import Compliance Guide

The "Compliance Guide for the Chemical Import Requirements of the Toxic Substances Control Act" (Import Guide) provides compliance information about which chemicals (single or multiple chemicals combined into a mixture) are subject to TSCA and how to comply with TSCA certification requirements. The Import Guide is readily available through the [Compliance Assistance International Border Center](#) [EXIT Disclaimer](#) .

Environmental Manual for Ethanol Facilities

This user-friendly manual, developed by EPA Region 7, identifies environmental regulatory rules and requirements for construction and operation of ethanol production facilities. The manual serves as a road map of federal environmental information, such as requirements that apply to air, water, hazardous waste, and accident prevention and release reporting. A contact directory of key federal and state officials is included in the manual.

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Factsheets, Posters, Newsletters & Other Tools

Fact Sheet on Imported Pesticides

[EPA Region 7](#) developed a flier in six languages: English, Spanish, Chinese, Vietnamese, Korean, and Laotian, to inform and educate ethnic marketplaces that sell imported products. The flier provides information about the risks involved in selling unregistered pesticide products, which might be hazardous to human health, and about the laws associated with knowingly selling such products. Illegal pesticides are often much more toxic than registered pesticides for use in and around homes. Across the country, EPA has initiated an effort to protect consumers from these products and has increased efforts to raise public awareness of these product dangers.

Operators of ethnic marketplaces that offer a variety of imported products often don't realize the dangers unregistered pesticides can pose to their customers. Registration of pesticides is important to assure that the formulation, labeling, and packaging of the product have the appropriate protective measures for human health and the environment.

Basic Training for Compliance Assistance Providers (BCAP)

EPA developed electronic training modules, available through [NETI Online](#) [EXIT Disclaimer](#), to help environmental assistance providers provide effective assistance, conduct meaningful outcome measurement, and successfully market the assistance to the target audience. The training course is designed to provide basic compliance information primarily for U.S. EPA staff and managers, or anyone who wishes to become familiar or reacquaint themselves with the national compliance assistance program. The modules are designed for classroom or individual learning sessions and each module takes about 60-90 minutes.

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Fleet Maintenance Compliance Poster

One of the three major tools developed for the fleet maintenance sector is the Fleet Maintenance Compliance Wall Poster (the other two tools are the [Fleet Maintenance Web site](#) and a compliance assistance CD). The main purpose of the poster is to provide a quick reference for shop workers to refer to during standard operations. The poster contains regulatory reminders on how to manage hazardous waste, reduce air emissions, and manage waste water (including storm water runoff), management of underground and above-ground storage tanks, recordkeeping practices, and pollution prevention information.

Informing Federal Agencies of Expert Compliance Assistance

In 2008, EPA issued guidance and a template letter to provide to federal facilities after an inspection. The template letter includes compliance assistance information and resources on a full range of environmental topics. The letter can be customized so that it focuses on the perceived needs of the inspected federal facility.

While federal facilities must comply with environmental laws to the same extent as everyone else, they may not belong to trade associations or professional societies which are common sources of assistance. The guidance and letter were issued to help federal agency staff more easily find expert compliance assistance information directly relevant to their facility's operations.

For more environmental information and compliance assistance tools developed by EPA and other federal agencies, see [FedCenter](#), an interagency assistance center for federal facilities.



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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 2008, EPA resolved disclosed violations that, when corrected, will ensure over 5 million pounds of pollutant reductions annually.

EPA's leading compliance incentive tool is EPA's Audit Policy, "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations." In effect since 1995 and revised in 2000, the Audit Policy reflects input from industry, trade associations, state environmental programs, and public interest groups. The Audit Policy is designed to encourage regulated entities to voluntarily discover, promptly disclose, expeditiously correct, and ultimately prevent the recurrence of environmental violations. In turn, EPA offers incentives to violators, such as penalty mitigation. The Audit Policy, together with the Small Business Compliance Policy, EPA's compliance incentive tool designed for small businesses, has yielded great results. Between 1995 and October 2008, over 5,000 entities disclosed violations at more than 14,600 facilities. Building on its success, EPA is taking the Audit Policy in new directions, to help increase the number of self-disclosures and maximize environmental outcomes from their resolution.

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Tailored Incentives: Interim Approach to Applying the Audit Policy to New Owners

To encourage audits and disclosures with the potential to yield significant environmental and human health benefits, in 2008, EPA launched the "*Interim Approach to Applying the Audit Policy to New Owners*," 73 Fed. Reg. 44991 (2008). [This approach is tailored for new owners](#) who want to make a "clean start" at their recently acquired facilities by addressing environmental noncompliance that began prior to acquisition. For those who come forward and promptly correct violations that began prior to ownership, EPA will mitigate some portion of the economic benefit component of the penalty and will allow gravity-based penalty mitigation for a greater range of violations.

Electronic Audit Policy Self-Disclosure System (eDisclosure)

In order to streamline the processing and resolution of self-disclosures EPA began piloting a Web-based system to allow companies to electronically self-disclose violations under EPA's Audit Policy. [eDisclosure](#) makes it easier and faster to self-report environmental violations and speeds up EPA's processing of self-disclosures by ensuring that each disclosure contains complete information. eDisclosure is also part of a larger movement across government to use new technologies to provide citizens with greater access to government. Facilities nationwide can use eDisclosure to disclose violations of the Emergency Planning and Community Right-to-Know Act, and facilities

located in EPA Region 6 states -- Arkansas, Louisiana, New Mexico, Oklahoma and Texas -- can also use eDisclosure to disclose violations of other environmental laws. Once EPA has gained experience with electronic self-disclosures, EPA will refine the system, as necessary, and decide whether to expand it nationwide to cover the self-disclosure of other environmental violations.

EPA entered into the following Audit Policy settlements, agreements and initiatives in Fiscal Year 2008.

American Air Liquide Inc.

American Air Liquide Inc. (Air Liquide) made a "clean start" by disclosing and correcting dozens of violations of federal environmental regulations at 29 newly acquired facilities in 17 states. The multimedia violations were discovered as part of due diligence associated with the acquisition of these facilities by Air Liquide. As required by the Audit Policy, the violations were promptly disclosed and corrected. Specifically, the company developed spill prevention, control, and countermeasure plans, installed appropriate secondary containment at 24 facilities, obtained federal permits for storm water discharges and implemented storm water pollution prevention plans at 15 facilities. In addition, the company notified state and local emergency planning and response organizations regarding the presence of hazardous substances. The company spent more than \$1 million to bring these newly acquired facilities into compliance. Air Liquide paid a \$383,500 civil penalty for these self-disclosed violations.

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Self-Audit Agreements with Maryland Transportation Agency

EPA Region 3 entered into the first ever audit agreements encompassing the transportation agency for an entire state. EPA Region 3 signed six multimedia self-audit agreements with the Maryland State Highway Administration, Maryland Port Authority, Maryland Aviation Administration, Maryland Motor Vehicle Administration, Maryland Transportation Authority and Maryland Department of Transportation (MDOT) Secretary's Office. These agreements provide for multimedia audits to be completed in the next 3 years. These agreements followed a settlement with the Maryland Transit Administration (MTA Baltimore Bus & Light Rail) that resolved alleged multimedia violations. MDOT, the agency responsible for all of Maryland's transportation agencies including MTA, approached EPA Region 3 to enter into an agreement to audit all of its transportation facilities in an effort to return to compliance. [[More Information](#)]

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College and University Compliance Incentive Initiatives

Under the EPA Region 4 Colleges and Universities [Compliance Incentive Initiative](#), over 400 four-year public and private colleges were invited to join with the region in utilizing the EPA Audit Policy to voluntarily discover, promptly disclose and expeditiously correct violations. Ultimately, 192 colleges agreed to participate, including 4 which chose to include their university hospital systems. Many participating colleges entered into audit agreements with the region. The first audit agreement was signed on June 25, 2007, at a [ceremony](#) co-hosted by one of the participating universities, and the last agreement covering 16 private colleges in South Carolina was signed in September, 2008. In total, seven audit agreements covering 161 colleges were signed by the region. The first college disclosure was delivered in early FY 2008, with the number picking up dramatically in the latter half of the fiscal year. The last college disclosure is expected in early FY 2012.

[EPA Region 5 signed an agreement](#) with 16 independent Wisconsin colleges and universities that allows the schools to perform their own multimedia compliance audits. Under the audit agreement, the participating institution will correct the violations within 60 days of its receipt of the Final Audit Report. The performance of the compliance audits by the participating institutions will implement the purpose of

the Audit Policy to enhance the protection of human health and the environment by encouraging regulated entities to voluntarily discover, disclose, correct and prevent violations of federal environmental law.

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Compliance and Enforcement Annual Results FY2008: Environmental Justice

The Office of Enforcement and Compliance Assurance serves as the National Program Manager for EPA's [Environmental Justice \(EJ\) program](#). The mission of the EJ program is to integrate environmental justice in all of EPA's programs, policies, and activities to improve environmental and public health protection in populations disproportionately burdened by environmental harms and risks, such as minority, low-income, & tribal communities.

As a result of concerted efforts to integrate EJ into the Agency's strategic planning and performance reporting processes, EPA succeeded in making improvements in the health and/or environmental conditions of communities disproportionately burdened by environmental harms and risks. For example, the Agency will meet its target for healthy communities and ecosystems in 2008 through as the result of three projects with community-based organizations. The projects were funded through the Agency's Environmental Justice Collaborative Problem-Solving Cooperative Agreement Program. Through these projects, the organizations:

- Cleaned up and prepared an abandoned lot for redevelopment in Anahola, HI;
- Developed a beach closure management plan for the State of Washington, and raised the community's awareness about safe and sustainable methods of harvesting shellfish;
- Implemented a community-led campaign in Bushwick, NY, to reduce indoor exposure to asthma triggers.

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Compliance and Enforcement Annual Results FY2008: 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.

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Clean Air Act Enforcement

Over the last four years, there has been a surge in the number of imported motor vehicles, motor vehicle engines, and non-road equipment such as motorcycles, all-terrain vehicles, minitrucks, tractors, lawn mowers, generators and other small engines. A large percentage of the imported vehicles and engines do not meet EPA certification requirements under the Clean Air Act (CAA). Uncertified engines can emit air pollutants at levels as much as 30% above EPA standards, which is of concern because nearly 90% of the carbon monoxide pollution and half of the components that cause ozone pollution in the United States is produced by on-road and off-road mobile sources. This air pollution contributes to respiratory illnesses and other adverse health effects.

EPA has brought a number of enforcement cases against importers of uncertified equipment. In addition, working with the Bureau of Customs and Border Protection (CBP), EPA is targeting the largest importers of uncertified engines and vehicles and has initiated several enforcement cases against some of these large importers. In fiscal year 2008, 49 enforcement actions were taken by EPA and CBP to stop engines and equipment that do not comply with the CAA from entering the United States, including a settlement in with a Taiwanese manufacturer and three American corporations concerning 200,000 chainsaws imported into the United States that failed to meet federal air pollution standards. The companies agreed to pay a \$2 million civil penalty and take various actions to mitigate and correct the excess emissions caused by the illegal equipment.

EPA also started working with retailers to make them aware that they are now liable for causing the importation of noncompliant equipment. EPA is providing compliance assistance to importers, by training CBP personnel and brokers so that they understand EPA requirements, and by posting pertinent information on the internet. For example, importers are able to find information that links to EPA's importation requirements on a ["Border Center" Web site](#) [EXIT Disclaimer](#).

Consistent with the CAA and our international obligations under the Montreal Protocol on Ozone Depleting Substances (ODS), 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 ODS.

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

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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 2008 and investigations are ongoing for other imports of illegal hydrochlorofluorocarbons (HCFCs). For example, in 2008, EPA announced a settlement with Wal-Mart addressing the distribution and sale of party string products containing banned substances as propellants. Wal-Mart paid a civil judicial penalty of \$199,000 and took action to come into compliance and ensure that such violations do not recur.

There have also been increasing numbers of illegal importations of HCFCs from China through ports in the South, mostly, involving larger canisters of HCFCs to be used for air conditioning/refrigeration purposes. Many have entered the country, evading CBP protective efforts, but now that we have worked with CBP to catch these violators, many more have been prevented from entering the country. In most instances, CBP has ordered the HCFCs to be re-exported out of the US. EPA is pursuing civil enforcement actions for penalties and injunctive relief. Investigations are also underway on several criminal cases.

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Federal Insecticide Fungicide and Rodenticide Enforcement

EPA brought enforcement actions related to import safety under the Federal Insecticide Fungicide and Rodenticide Act in FY 2008. 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. EPA's enforcement program addresses the illegal importation of noncompliant pesticides and pesticide devices by bringing enforcement actions against importers and associated distributors; 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 the United States.

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. In FY 2008, EPA's Region 10 issued import related SSUROs to Sutera LLC, MA of North America, Lonza LTD, and Woodstream Corp. It is estimated that these SSUROs prevented 3.8 million pounds of pollutants from entering the United States.

Also in FY 2008, EPA enforcement actions resulting in penalties of more than \$1,000,000 were issued for import violations against more than 20 companies involving unregistered and/or misbranded pesticide products such as herbicides and insecticides. These cases included penalty actions against: DuPont/Griffin (\$877,500); Arysta LifeScience North America, L.L.C. (\$6,500); Nichino America, Inc. (\$6,500); Sojitz Corporation of American (\$6,500).

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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. The Import Safety Action Plan Update was released July 1, 2008, and outlines steps taken by the federal government, private sector and international partners since November 2007 to bolster import safety. This effort is consistent with EPA's longtime commitment to prevent and reduce the risks of illegal imports. Among other efforts, EPA will continue working with the U.S. Customs and Border Protection (CBP) to ensure that all reports and certifications required to be sent to EPA are fully integrated in the Automated Commercial Environment (ACE) -- the U.S.'s one-stop electronic filing system for imports and exports. ACE will incorporate all other government agencies' declaration forms, and can provide information crucial to assess compliance and determine the need for enforcement.

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, signed on December 13, 2007, for ensuring cooperation regarding product imports and exports between the U.S. and China to prevent and correct noncompliance. EPA coordinates with CBP to support its 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. In May 2008, the United States adopted the public version of an electronic training module, the North American Development of Enforcement Training to Ensure Legal imports of Ozone Depleting Substances, which has been placed on the [Commission for Environmental Cooperation Web site](#).

EXIT Disclaimer Mexico and Canada have similar versions of the ODS training module, appropriately reflecting their laws and authorities. Work is proceeding next on a hazardous waste training module. EPA also actively works with domestic and foreign trade groups who may be impacted by noncompliant imports within their sector.

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