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## News Releases – Compliance and Enforcement

### EPA Annual Enforcement Results Highlights Commitment to Address Largest Pollution Problems with Greatest Community Impact / Focused effort on high-impact cases leads to increases in pollution reduced and investments in pollution controls

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**WASHINGTON** – Today, the U.S. Environmental Protection Agency (EPA) released its **annual** enforcement and compliance **results**. EPA's enforcement and compliance program enforces environmental laws that protect our nation's air, land and water by taking action to cut illegal pollution and protect people's health and communities. In fiscal year Fiscal Year **2011**, EPA enforcement actions led to more than 1.8 billion pounds in pollution reduced, an estimated \$19 billion in required pollution controls and approximately \$168 million in civil penalties.

"Our **annual results** reflect the fact that a strong and effective enforcement program is good for responsible businesses, public health and communities across the country," said Cynthia Giles, assistant administrator for EPA's Office of Enforcement and Compliance Assurance. "As we continue our focus on the most serious pollution problems, we expect to see better environmental performance and greater public health benefits."

 In FY **2011**, EPA enforcement resulted in commitments to:

- **Install pollution controls for a cleaner tomorrow:** \$19 billion invested to improve environmental performance and compliance efforts, a record year, including \$3 billion dollars to clean up hazardous waste in communities
- **Protect people's health from dangerous pollution:** 1.8 billion pounds of harmful air, water, and chemical pollution reduced and 3.6 billion pounds of hazardous waste reduced, properly disposed of or treated
- **Deter illegal pollution through civil penalties:** \$168 million in civil penalties assessed (\$152 million in federal penalties and \$16 million in actions taken jointly by EPA and state and local governments)
- **Fight environmental crime:** \$35 million in fines and restitution, \$2 million in court ordered environmental projects and 89.5 years of incarceration to deter future violations and hold violators accountable
- **Invest additional resources in affected communities:** \$25 million committed by companies through enforcement settlements to conduct supplemental environmental projects in communities

Cases under EPA's national enforcement initiatives, which focus enforcement and compliance resources and expertise on serious pollution problems affecting communities, produced the majority of commitments to install pollution controls and led to settling important cases, including the settlement with the Tennessee Valley Authority, which will lead to up to \$27 billion in **annual** health benefits and provide \$350 million for environmental projects to benefit communities.

 More information on EPA's FY **2011** enforcement and compliance **results**:

<http://epa.gov/compliance/resources/reports/endofyear/eoy2011/index.html>

More information on EPA's national enforcement initiatives:

<http://epa.gov/compliance/data/planning/initiatives/index.html>
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### Recent additions

- 09/30/2014 [Surf City Resident and Captain of "The Raven" Pleads Guilty to Violating the Clean Water Act and the Rivers and Harbors Act](#)
- 09/29/2014 [Griffin Pipe Products Agrees to Resolve Issues with Lead Emissions, Air and Water Violations at Council Bluffs, Iowa](#)
- 09/29/2014 [Commerce City \(Colo.\) refinery agrees to resolve alleged risk management planning and chemical reporting violations](#)
- 09/26/2014 [St. Lawrence County Cheese Manufacturer to Upgrade its Operations in Agreement with the EPA; New Manufacturing Equipment Will Reduce the Amount of Nitrates and Nitric Acid Entering the Oswegatchie River](#)
- 09/25/2014 [EPA, DOJ reach agreement with CNMI and CUC Saipan to move forward with work on oil spill cleanup and prevention at CUC power plants](#)

# Compliance and Enforcement Annual Results 2011 Fiscal Year



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Our nations' environmental laws are critical safeguards and the foundation upon which we build a healthy America. Because we focused our efforts on civil and criminal enforcement cases that address the most serious air, water, waste and chemical hazards, this year's accomplishments resulted in impressive environmental outcomes which will benefit communities for years to come and serve as a powerful deterrent to those who would violate environmental laws.

In 2011, EPA enforcement achieved an estimated:

- \$19 billion invested to improve environmental performance, a record year
- \$3 billion (included in the \$19 billion) to clean up hazardous waste in communities and ensure that the polluter pays, a record year
- \$168 million assessed penalties to deter pollution: (Includes \$16 million in State penalties from joint Federal enforcement action)
- \$25 million in additional investments for supplemental environmental projects that benefit communities
- 3.6 billion pounds of hazardous waste treated, minimized, or properly disposed of
- 1.8 billion pounds of pollution reduced, treated or eliminated
- 89.5 years of incarceration for environmental criminals

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## Frequent Questions

1. [How does EPA select cases to take for Enforcement?](#)
2. [What is the difference between Civil and Criminal Enforcement?](#)

Have EPA Enforcement actions occurred in my community?



## Environmental Justice



One of EPA's top priorities is to expand the conversation on work for environmental justice. Plan EJ 2014 builds on

the foundation established to achieve these goals. In 2011, EPA worked to integrate EJ into enforcement and compliance planning and program implementation, case targeting and development of remedies that benefit overburdened communities.

Learn more about [Plan EJ 2014](#) "Advancing EJ through Compliance and Enforcement"



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## Basic Information about the 2011 Enforcement Results

EPA promotes compliance with and enforces our nation's environmental laws. Every year the Office of Enforcement and Compliance Assurance (OECA) reports the accomplishments in its civil, criminal, cleanup, federal facility, compliance and environmental justice programs. (See more on [enforcement and compliance assurance](#).)

Annual results provide information about EPA enforcement activities addressing environmental and public health problems for the 2011 fiscal year.

- Have EPA enforcement actions occurred in my community?

To see where EPA enforcement actions have occurred in your community, click on our [interactive enforcement map](#) and zoom in to your area. Or enter your city or state to zoom in to your area. You can also see EPA's enforcement results on a national scale at "[End of Year Data and Trends, 2011 Accomplishments](#)"

- How does EPA select cases to take for Enforcement?

EPA's civil, cleanup, and criminal enforcement programs work with the Department of Justice, state, and tribal governments to take legal actions in both federal and state courts that bring polluters into compliance with federal environmental laws. The Agency emphasizes those actions that reduce the most significant risks to human health or the environment, and consults extensively with states and other stakeholders in determining risk-based priorities.

- Can I compare this year's information to previous years?

All the charts and graphs in the "[End of Year Data and Trends, Analysis and Trends](#)" tab show comparisons over the past five years.

- Why do results vary from year to year?

The type of cases resolved vary from year to year; therefore the total amounts of pollutant reductions, investments in pollution controls, and penalties vary from year to year as well

- How often does EPA update enforcement results?

EPA reports enforcement results throughout the year via:

- [EPA news releases](#)
- Enforcement and Compliance Web site, (see: [civil cases and settlements](#), [criminal case activities](#), [national enforcement trends](#))
- [Enforcement Compliance History Online \(ECHO\)](#)

- What is the difference between Civil and Criminal Enforcement?

Criminal and civil enforcement differ in: legal standards, burden of proof and results.

Legal Standard:

- Environmental civil liability is strict: it arises simply through the existence of the environmental violation, without regard to what the responsible party knew about the matter.
- Environmental criminal liability is triggered through the existence of some level of intent.

As a result of this distinction, most of the environmental crimes that EPA investigates involve "knowing violations"

of the law, which are classified as felonies in all but two of the federal environmental statutes, TSCA and FIFRA. A "knowing violation" is one in which the defendant is aware of the facts that constitute the violation – an instance in which conscious and informed action brought about the violation, rather than, as would be the case with a civil violation, an accident or mistake. For example, an intentional decision to discharge pollutants into a river without a permit, or to bypass a required air pollution control device could be a "knowing violation," and thus criminal, without regard to the defendant's knowledge of the law.

#### Burden of Proof:

To be found civilly liable (note that a party can only be found "guilty" in a criminal case), the standard of proof is based upon "the preponderance of the evidence," which means that the proposition is more likely to be true than not true. Effectively, the standard is satisfied if there is greater than 50 percent chance that the proposition is true. The defendant in a civil suit can either be found liable following a trial or reach a mutually agreed-upon settlement with the government that is called a consent decree. While the defendant is then required to meet all of the terms of the consent decree, he does not have to acknowledge that he violated the law.

Criminal guilt must be established "beyond a reasonable doubt," which is a higher or stricter standard than the civil liability standard. When a criminal defendant pleads guilty or is convicted by a jury, there is no question of legal wrongdoing—he has legally committed the crime.

#### Results:

The major difference in the result between civil and criminal prosecutions is that an individual can be sentenced to prison for breaking the criminal law. It is the possibility of incarceration that most distinguishes criminal law from civil law and, therefore, criminal law provides the most deterrence.

If a civil defendant is found liable or agrees to a consent decree, the result is usually a monetary fine, injunctive relief (which are the actions required to correct the violation, e.g., install pollution control equipment) or additional actions taken to improve the environment.

If a criminal defendant is convicted or pleads guilty, the result can be a criminal fine (e.g., a monetary fine paid to the U.S. Treasury), and / or restitution (e.g., reimbursing the government for the cost of cleanup or response, paying for the harm caused by the violation such as paying for medical testing for people exposed to asbestos as a result of breaking the law).

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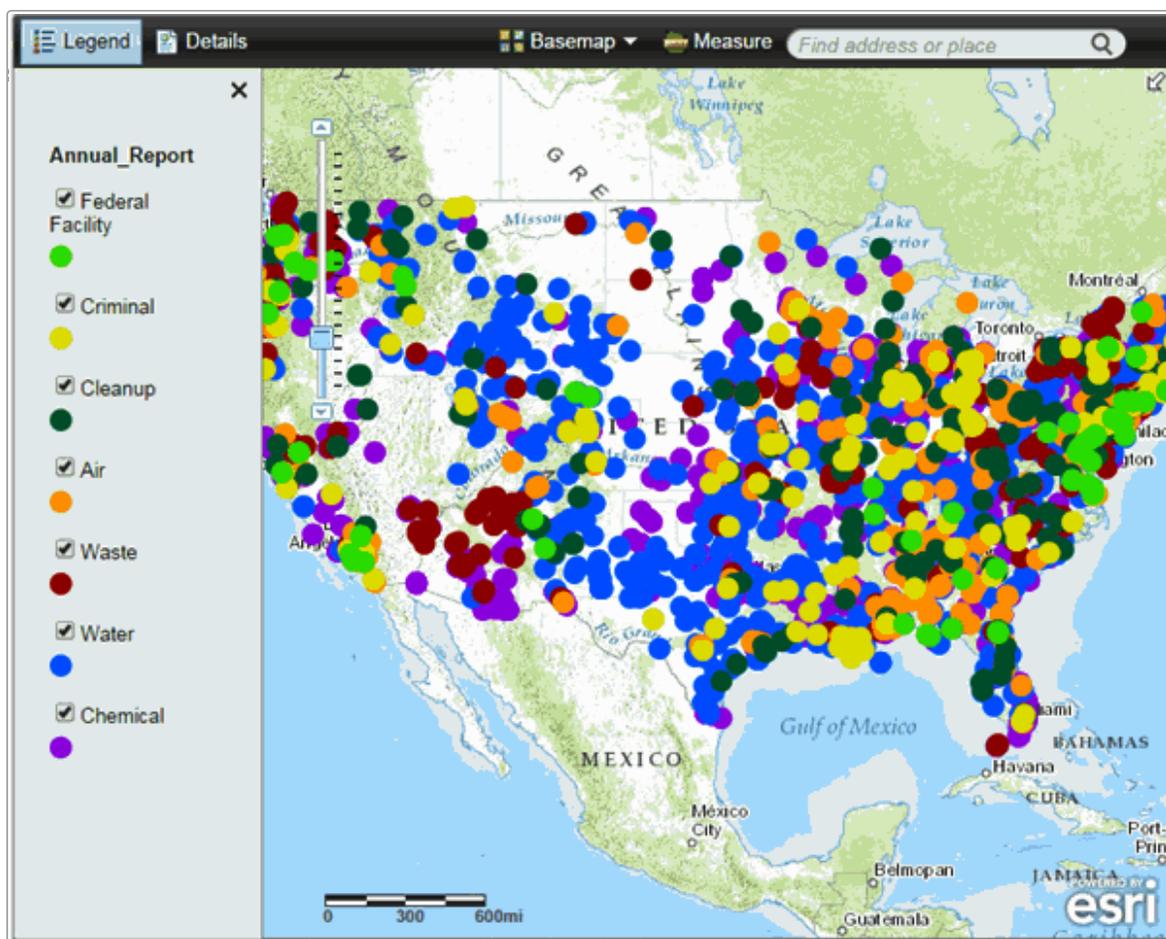
# Concluded EPA Enforcement Cases Map for 2011 Fiscal Year

This interactive map shows information on enforcement actions and cases from 2011. They include civil enforcement actions taken by EPA at facilities, criminal cases prosecuted by EPA under federal statutes and the U.S. Criminal Code, and cases in which EPA provided significant support to cases prosecuted under state criminal laws. The indicators on the map generally mark the location of the site or facility where the violations occurred or were discovered.

## How to Use the Map

Add or subtract EPA enforcement actions to and from the map by checking or un-checking the box next to the program of interest (water, air, etc). Zoom the map to an exact location. Enter a city and state in the search box, then press the [Enter] key on your keyboard or use the zoom bar in the map's upper left corner. Click on the indicator to get information on the environmental enforcement case. See "[Questions About the Maps](#)" for additional information and needs accommodations related to a disability.

Find address or place: Enter city and state. Press [Enter] on your keyboard.



Civil enforcement actions at facilities and criminal enforcement actions.

Note: For civil enforcement cases not represented on this map see: [Facilities not mapped \(PDF\)](#) (3 pp, 71K, About PDF)

Criminal enforcement cases include those prosecuted by EPA under federal statutes, the U.S. Criminal Code (Title 18), and cases in which EPA provided significant support to cases prosecuted under state criminal laws.

Federal – Includes federal agencies and contractors at federal facilities

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## Facilities That Are Not on the Map

### U.S. Environmental Protection Agency Fiscal Year 2011 Annual Results

This document pertains to the [“Concluded EPA Enforcement Cases Map for 2011 Fiscal Year”](#) on the “Compliance and Enforcement Annual Results 2011 Fiscal Year” Web site.

There are some facilities that received an EPA enforcement action that we were not able to map. This is a list of the facilities that were not mapped but still were impacted by an EPA enforcement action.

Note: If the facility does not appear on this list or on the maps, the environmental enforcement action may have been taken by the state or local environmental agency.

State	City	Enforcement Action Name	Statute	Facility ID
AK	DEADHORSE	BP EXPLORATION (ALASKA) INC - CONSENT DECREE	CWA	110038000000
AZ	WINDOW ROCK	TRONOX INCORPORATED, ET. AL.(NC)	CERCLA	110021000000
CA	JUNE LAKE	JUNE MOUNTAIN SKI AREA	CWA	2600020215
CA	RICHMOND	GREEN CHEMICAL CO. (IMPORT)	FIFRA	2600023414
CA	SALINAS	VALLEY PACIFIC PETROLEUM SERVICES, INC.	CWA	110044000000
CO	DENVER	PEN NATIONAL GAMING	RCRA	110044000000
DE	LEWES	CRAWFORD, KIM	CWA	110044000000
DE	WILMINGTON	E.I. DUPONT DE NEMOURS	TSCA	2600029786
GM	HOUSTON	WALTER OIL & GAS	CWA	110011000000
IA	GALT	DECOSTER ENTERPRISES, LLC; DECOSTER FARMS LAYER #1	CWA	110043000000
IA	TAMA	IOWA DEPT OF TRANSPORTATION, JB HOLLAND CONSTRUCTION, INC, PETERSON CONTRACTORS, SCHECKEL CONSTRUCTI	CWA	110040000000
IL	CHICAGO	DELTA AIR LINES/O'HARE INTERNATIONAL AIRPORT	RCRA	110043000000
IL	NAPIER	NALCO COMPANY	FIFRA	110044000000
IL	NAPIER	NALCO COMPANY	FIFRA	2600007574
IL	WOODRIDGE	KIK CHAMPION (IMPORT)	FIFRA	110044000000
IN	ANGOLA	MARMAR INVESTORS, LLC	CWA	110038000000
IN	ANGOLA	STEBEN COUNTY, INDIANA	CWA	2600008324
IN	ANGOLA	WILSON EXCAVATING, INC.	CWA	2600008324

State	City	Enforcement Action Name	Statute	Facility ID
IN	BATESVILLE	BATESVILLE WATER & GAS UTILITY / GUNTER EXCAVATING, LLC	CWA	1800060023
IN	LAWRENCEBURG	PEN NATIONAL GAMING	RCRA	110044000000
IN	MICHIGAN CITY	VIRKS GAS AND GROCERY	RCRA	110012000000
KS	GREELEY	JOSEPH PIENE AND CHARLES SINGER	CWA	110043000000
KS	SAINT FRANCIS	AJ JONES DBA CALLICRATE FEEDING COMPANY	CWA	110011000000
KY	LEXINGTON-FAYETTE	LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT (04-2011-C002)	CWA	KYR100596
MI	MIDLAND	TITTABAWASSEE RIVER, SAGINAW RIVER & BAY ADMIN ORDER ON CONSENT (CERCLA)	CERCLA	110031000000
MI	MIDLAND	TITTABAWASSEE RIVER, SAGINAW RIVER & BAY ADMIN ORDER ON CONSENT (CERCLA)	CERCLA	110031000000
MI	PAW PAW	PAW PAW FOOD SHOP	RCRA	2600027469
MN	BENA	FFCA WITH U.S. DOI FOR VIOLATIONS AT TRIBAL SCHOOLS IN REGION 5 (NATIONAL CASE)	TSCA	110022000000
MN	BENA	SETTLEMENT WITH U.S. DOI FOR VIOLATIONS AT TRIBAL SCHOOLS IN REGION 5 (NATIONAL CASE)	TSCA	110022000000
MN	CALLAWAY	SCHOUVILLER BROTHERS	CWA	110044000000
MN	LA PORTE	LOWELL'S TIRE	RCRA	110042000000
MN	WHITE EARTH	FFCA WITH U.S. DOI FOR VIOLATIONS AT TRIBAL SCHOOLS IN REGION 5 (NATIONAL CASE)	TSCA	110021000000
MN	WHITE EARTH	SETTLEMENT WITH U.S. DOI FOR VIOLATIONS AT TRIBAL SCHOOLS IN REGION 5 (NATIONAL CASE)	TSCA	110021000000
MO	RIVERSIDE	PEN NATIONAL GAMING	RCRA	110044000000
MS	TUNICA RESORTS	PEN NATIONAL GAMING	RCRA	110044000000
NC	CHARLOTTE	WATER MANAGEMENT SOLUTIONS, LLC	FIFRA	2600024835
NC	RESEARCH TRIANGEL PARK	BAYER CROPSCIENCE LP	FIFRA	2600009445
NC	SNOW CAMP	SMITHERS VISCIENT, LLC (IMPORT REFUSED-DENIED ENTRY)	FIFRA	2600019795
NM	RUIDOSO DOWNS	RESOURCE ENTERPRISE, INC.	CWA	NMR15FZ50
OH	CLEVELAND	LESCO, INC.	FIFRA	2600009454
OH	DUBLIN	HERCULES INCORPORATED	FIFRA	2600027472
OH	DUBLIN	HERCULES INC. (IMPORT DENIED ENTRY)	FIFRA	2600027472
OH	DUBLIN	HERCULES INCORPORATED (IMPORT ENTRY-REFUSED ENTRY)	FIFRA	2600027472
OH	HUBBARD	ROBERT A. WALLEY & RAAW, INC.	CWA	110042000000
OH	MAUMEE	THE ANDERSONS LAWN FERTILIZER DIVISION, INC.	FIFRA	2600009462

State	City	Enforcement Action Name	Statute	Facility ID
OH	TOLEDO	TRONOX BANKRUPTCY (KERR, LINDSAY, MOSS, TOLEDO) (NC) (LEAD)	CERCLA	110009000000
OH	TREMONT CITY	MOTORS LIQUIDATION COMPANY F/K/A GM BANKRUPTCY (NON- OWNED; CLAIMS) (CERCLA) (NC) (LEAD)	CERCLA	110009000000
OH	W MILTON	MOTORS LIQUIDATION COMPANY F/K/A GM BANKRUPTCY (GARLAND) (CERCLA) (NC) (LEAD)	CERCLA	110009000000
PA	BEAVER FALLS	JER VIC FOYS PIGEON SUPPLIES (IMPORT)	FIFRA	2600023418
PA	BRADFORD	MINARD RUN OIL CO - DENT WATER TREATMENT	CWA	2600029902
PR	AGUAS BUENAS	CHEVRON PUERTO RICO, LLC ET AL.	RCRA	110044000000
PR	GUAYNABO	CHEVRON PUERTO RICO, LLC ET AL.	RCRA	110044000000
PR	HUMACAO	CHEVRON PUERTO RICO, LLC ET AL.	RCRA	110044000000
PR	TOA BAJA	CHEVRON PUERTO RICO, LLC ET AL.	RCRA	110044000000
PR	TRUJILLO ALTO	CHEVRON PUERTO RICO, LLC ET AL.	RCRA	110044000000
PR	TRUJILLO ALTO	CHEVRON PUERTO RICO, LLC ET AL.	RCRA	110044000000
PR	UTUADO	CHEVRON PUERTO RICO, LLC ET AL.	RCRA	110044000000
SD	HOWES	FFCA WITH U.S. DOI FOR VIOLATIONS AT TRIBAL SCHOOLS (NC)	CWA	110021000000
SD	PORCUPINE	FFCA WITH U.S. DOI FOR VIOLATIONS AT TRIBAL SCHOOLS (NC)	CWA	110021000000
TX	HIGHLAND	ETOCO, LP	CWA	2600026762
WI	KIEL	SHEBOYGAN SAND & GRAVEL, INC	CAA	110042000000
WI	MILWAUKEE	DYNAMIC SOLUTIONS WORLDWIDE	FIFRA	2600026000
WI	MILWAUKEE	DYNAMIC SOLUTIONS WORLDWIDE (IMPORT)	FIFRA	2600026000
WI	NEOPIT	FFCA WITH U.S. DOI FOR VIOLATIONS AT TRIBAL SCHOOLS IN REGION 5 (NATIONAL CASE)	TSCA	110043000000
WI	NEOPIT	SETTLEMENT WITH U.S. DOI FOR VIOLATIONS AT TRIBAL SCHOOLS IN REGION 5 (NATIONAL CASE)	TSCA	110043000000
WI	OCONOMOWOC	ROBERT ULLRICH	TSCA	110037000000

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## Enforcement Case Highlights

This page provides highlighted cases brought by EPA that enhanced deterrence and compliance with the law, while achieving substantial reductions in discharges of pollutants to the environment.

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### Air

#### Civil

- [Tennessee Valley Authority \(TVA\)](#) resolved alleged Clean Air Act violations at 11 of its coal-fired plants in Alabama, Kentucky, and Tennessee. The settlement will require TVA to invest \$350 million on clean energy projects that will reduce greenhouse gases and other pollutants, and protect public health and the environment. The settlement will also advance environmental justice by reducing energy costs for low-income communities and by reducing pollution in overburdened communities; TVA will spend an estimated \$3 to \$5 billion on new and upgraded state-of-the-art pollution controls that will prevent approximately 1,200 to 3,000 premature deaths, 2,000 heart attacks and 21,000 cases of asthma attacks each year, resulting in up to \$27 billion in annual health benefits.
- [Rocky Mountain and Offen Petroleum, Inc.](#) resolved claims that they illegally mixed and distributed more than 1 million gallons of gasoline that did not meet Clean Air Act emissions and fuel quality requirements.
- [American Municipal Power \(AMP\)](#), an Ohio non-profit utility, is under a settlement to resolve violations of the Clean Air Act and have agreed to spend \$15 million on a mitigation project to benefit the environment by reducing emissions, including [greenhouse gas emissions](#). The energy efficiency services are designed to achieve a minimum reduction of 70,000 megawatt hours, equivalent to the electricity use of more than 6,000 homes for one year.



TVA's Cumberland plant in Tennessee.

#### Criminal

- [Albania DeLeon](#), a former [EPA Fugitive](#) and the former owner of the country's largest asbestos abatement training school, was sentenced for selling fraudulent asbestos training certificates and associated crimes.
- [Brendan Clery](#) was sentenced to 18 months in prison, a \$10,000 criminal fine and forfeiture of over \$935,000 in illegal proceeds from smuggling ozone-depleting chemicals into the United States.
- [Chemical and Metal Industries Inc. \(PDF\)](#) (2 pp, 26K) was sentenced for negligently causing the release of hazardous air pollutants and thereby placing another person in imminent danger of death.

#### Federal Facilities

- The [US General Services Administration along with four private party consultants](#) and contractors paid a \$100,000 penalty to settle asbestos related violations at the John W. McCormack Post Office and Court House Building in Boston, Massachusetts.

#### Environmental Justice

- [Northern Indiana Public Service Co. \(NIPSCO\)](#) agreed to a global settlement that will cover all of NIPSCO's coal-fired power plants, located in Chestertown, Michigan City, Wheatfield and Gary, Ind. NIPSCO has agreed to invest approximately \$600 million in pollution control technology that will protect public health and \$9.5 million on projects that will benefit the environment and human health in communities located near the NIPSCO facilities. Reducing harmful air pollutants will benefit the communities, particularly communities disproportionately impacted by environmental risks and vulnerable populations, including children.

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## Water

### Civil

- [Mahard Egg Farm, Inc.](#) a Texas corporation, will pay a \$1.9 million penalty to resolve claims that the company violated the Clean Water Act (CWA) at its egg production facilities in Texas and Oklahoma.
- [BP Exploration Alaska, Inc.](#) will pay a \$25 million civil penalty and implement a system-wide pipeline integrity management program for spilling more than 5,000 barrels of crude oil from its pipelines on the North Slope of Alaska.

### Criminal

- [Jeffrey Pruett](#) was sentenced to 21 month's incarceration for multiple Clean Water Act felonies relating to sewage treatment plants he operated in low income areas of Monroe, LA.
- [Cardiff-Marine, Inc.\(PDF\)](#) (2 pp, 24K) a Liberian-registered shipping company, was sentenced after pleading guilty to a felony violation of the Act to Prevent Pollution from Ships.
- [Kie-Con, Inc. \(PDF\)](#) (2 pp, 77K) a Delaware corporation, paid a criminal fine for negligently violating the Clean Water Act. The plant illegally discharged industrial waste pollutants into the San Joaquin River.



Location of Pruett's illegal sewage discharge.

### Federal Facilities

- The U.S. Navy signed a [Federal Facility Compliance Agreement](#) that sets out a schedule of upgrades the Navy will make at its Naval Base Guam to the Navys Apra Harbor wastewater treatment plant and sewer system.



Navy's Apra Harbor wastewater treatment plant and sewer system.

### Environmental Justice

- [The Northeast Ohio Regional Sewer District](#) Clean Water Act settlement will address the flow of untreated sewage into Cleveland area waterways and Lake Erie. The settlement will safeguard water quality and protect human health by capturing and treating more than 98 percent of wet weather flows entering the combined sewer system, which services the city of Cleveland and 59 adjoining communities. The settlement will also require the sewer district to invest at least \$42 million in green infrastructure projects. The sewer district will collaborate with local community groups, including those representing minority and/or low-income populations, in selecting the locations and types of green infrastructure projects to propose.
- EPA announced a comprehensive settlement with the [Department of the Interior \(DOI\)](#) to address alleged violations of waste, water, air, toxics and community right-to-know laws at schools and public water systems in Indian Country owned, operated, or the legal responsibility of DOI's Indian Affairs Office. The settlement will advance environmental justice by protecting students' health, including children, and the health of communities in Indian Country by reducing potential exposure to environmental hazards.

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## Waste/Chemical

### Superfund/Cleanup Programs

**Second Phase of Historic Hudson River Cleanup Gets Underway.** EPA announced the start of the second and final phase of the Hudson River dredging project to cleanup sediment contaminated with polychlorinated biphenyls (PCBs).

- **Motors Liquidation Corporation (f/k/a General Motors Corporation)** established a \$773 million Environmental Response Trust to conduct, manage, and fund cleanup at 89 sites across 14 states. The bankruptcy settlement envisions the redevelopment and revitalization of appropriate sites. The Trust directs over \$450 million to address cleanup of contaminated properties, many of which are located in overburdened communities.
- **Hecla Mining Company**, Hecla agreed to pay \$263.4 million plus interest to resolve its liabilities at the Bunker Hill Mining and Metallurgical Complex Superfund Site in northern Idaho. Settlement funds will be dedicated to remediation and restoration of natural resources in the Coeur d'Alene Basin.



Removing PCB-contaminated sediment from the upper Hudson River.

## Civil

- **BP Texas City** will address significant violations of the chemical accident prevention requirements of the Clean Air Act. Under the terms of the settlement BP agreed to pay a \$15 million penalty to resolve these violations.
- **Dupont** agreed to pay a penalty of \$3.3 million to resolve 57 Toxic Substances Control Act (TSCA) violations.



BP Texas City

## Criminal

- **Honeywell International** paid an \$11.8 million criminal fine for knowingly storing nearly 10,000 drums of mixed hazardous/corrosive and radioactive wastes without a permit for almost a decade at its yellow cake uranium processing facility in Metropolis, Illinois.
- **Andrew Costa (PDF)** (2 pp, 142K) was sentenced to 21 months in federal prison and pay \$70,000 in restitution on one count of disposing of hazardous waste without a permit. Costa abandoned two cargo trailers containing hazardous waste along a public road.
- **Saverio Todaro (PDF)** (2 pp, 90K), a licensed lead and asbestos inspector, was sentenced to 63 months in prison for falsifying lead and asbestos inspection and testing reports for residences and other locations throughout the New York City area.



Honeywell's illegal storage of thousands of waste drums.

## Environmental Justice

- **Air Products** has agreed to pay nearly \$1.5 million in civil penalties to resolve hazardous waste mismanagement violations at its Pasadena, Texas chemical manufacturing facility. The settlement resolves Air Products' Resource Conservation and Recovery Act (RCRA) violations in transferring spent acid to a neighboring fertilizer manufacturing plant. The actions taken by this settlement will reduce the mismanagement and risk of the release of a billion gallons of toxic and acidic waste waters from this facility and the neighboring facility into the Houston Ship Channel, groundwater, and the surrounding area which has a significant minority and low-income population.

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## Cross Media

### Federal Facilities

- The Department of the Interior (DOI) Indian Affairs Office reaches [an agreement](#) to address alleged violations of waste, water, air, toxics and community right-to-know laws at 72 schools and 27 public

water systems that they own, operate, or have legal responsibility.

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## U.S. Criminal Code (Title 18)

### Criminal

- [Donald Patterson \(PDF\)](#) (2 pp, 28K), a Detroit Health Dept. lead inspector, was sentenced to 46 months in federal prison for wire fraud, and making false statements concerning lead inspections. He sought payments from homeowners and renters for falsely certifying that a home was lead-free or for providing bogus lead paint abatement training and used threats of criminal prosecution, and even child neglect charges, to convince landlords and tenants to pay bribes and conceal the matter from State regulators.

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Clean Water

Waste and Chemical

EPA's vigorous air enforcement program works to cut toxic air pollution in communities. EPA also targets the largest sources of air pollution, including coal-fired power plants, cement, acid, and glass manufacturers, and mobile sources.

Air pollution threatens human health and damages the environment. While often invisible, pollutants in the air create smog and acid rain and cause cancer or other serious health effects.

EPA's criminal enforcement program helped prosecute a number of cases involving fraudulent vehicle emissions testing which indicated that the vehicles passed state inspections when they had not. Emissions from motor vehicle exhaust are one of the major sources of nitrogen oxides (NOx) and volatile organic compounds (VOCs) in the air. It can create ground-level ("bad") ozone that can trigger a variety of health problems including asthma attacks and other respiratory problems -- chest pain, coughing, throat irritation, and congestion. (See more [criminal program highlights](#).)

In 2011, air enforcement actions achieved estimated:

- \$7.2 billion invested to improve environmental performance
- \$75.0 million, includes \$5 million in State penalties from joint Federal enforcement actions
- \$6.7 million in additional investments for supplemental environmental projects that benefit communities
- 1.1 billion pounds of pollution reduced, treated or eliminated

### Health Benefits from Air Enforcement Actions

EPA's top 15 Clean Air Act enforcement actions of FY 2011 reduced emissions of particulate matter, sulfur dioxide, nitrogen oxides, and VOCs, resulting in health benefits and other environmental improvements valued at \$15 – \$36 billion, including:

- 1,800 to 4,500 avoided premature deaths
- 1,100 avoided emergency room visits or hospital admissions
- 1,200 avoided cases of chronic bronchitis
- 2,800 avoided nonfatal heart attacks
- 30,000 avoided asthma attacks
- 2,700 avoided cases of acute bronchitis
- 57,000 avoided cases of upper and lower respiratory symptoms
- 230,000 avoided days when people would miss work
- 1.3 million days when people must restrict their activities.

#### Clean Air National Enforcement Initiatives

The National Enforcement Initiatives address more complex pollution problems, especially those confined to a particular sector or source type.

- reducing air pollution from the largest sources of emissions
- cutting hazardous toxics in air

Learn more about the [National Enforcement Initiatives](#)

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# Enforcement Results

[Clean Air](#) | [Clean Water](#) | [Waste and Chemical](#)

EPA's vigorous water enforcement programs uncover and address serious problems that are critical to assuring clean drinking water and to protecting water bodies important to communities' livability, such as the Chesapeake Bay and the Mississippi River Basin.

In 2011, EPA's enforcement of the Clean Water Act (CWA) protected the quality of our nation's water bodies by curbing municipal and industrial wastewater discharges, stopping polluted runoff from urban and rural areas, and taking actions to deter oil and hazardous substances spills.

Overflows of raw sewage from aging municipal sewer systems and urban stormwater runoff are significant sources of pollution, contributing to the contamination of drinking water sources, beach and shellfish bed closures, and other environmental and health concerns. Stormwater runoff from municipal storm sewer systems and construction sites can dump a variety of harmful pollutants – including bacteria, organic nutrients, pesticides, hydrocarbons, sediment, oil and grease – into rivers, lakes and streams. Oil and hazardous substance spills can pose serious threats to human health and often have a long-lasting impact on the environment.

62 % of EPA Clean Water Act (CWA) enforcement actions reduced pollutants discharged into waters that do not achieve water quality standards.

Criminal enforcement prosecutions included: illegal discharges from marine vessels of oily waste water or hazardous substances in oceans or other major water bodies; illegal discharges from industrial facilities to waste water treatment plants or directly to rivers, lakes and streams; illegal filling of wetlands, illegal discharges of wastes into underground wells; and illegal discharges from concentrated animal feeding operations and other agricultural operations, including several which resulted in significant fish kills. (See more [criminal program highlights](#).)

In 2011, water enforcement actions achieved estimated:

- \$8.4 billion invested to improve environmental performance
- \$55 million, includes \$9.8 million in State penalties from joint Federal enforcement actions
- \$10.0 million in additional investments for supplemental environmental projects that benefit communities
- 730 million pounds of pollution reduced, treated or eliminated

### Clean Water National Enforcement Initiatives

The National Enforcement Initiatives address more complex pollution problems, especially those confined to a particular sector or source type.

- Reducing raw sewage and contaminated stormwater runoff
- Preventing animal waste from contaminating surface and ground water

Learn more about the [National Enforcement Initiatives](#)

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## Enforcement Results

[Clean Air](#) | [Clean Water](#) | [Waste and Chemical](#)

EPA's vigorous hazardous waste and toxics enforcement program targets the most serious waste and chemical hazards and protects people from exposure by:

- Preventing releases of hazardous chemicals that threaten public health or the environment
- Pressing for cleanup of hazardous waste sites in communities and ensuring when possible that the polluter pays for the cleanup
- Ensuring pesticides are properly registered, labeled and used
- Ensuring that new chemicals are reviewed for unreasonable risks
- Improving transparency, expanding the conversation on environmentalism, and working for environmental justice by ensuring that communities are accurately informed about the releases to the environment that may impact their community
- Ensuring renovation firms follow safe lead and asbestos abatement practices and schools have asbestos management plans
- Ensuring companies properly manage and dispose of polychlorinated biphenyl's (PCBs)
- Ensuring chemical and pesticide imports are compliant and safe to bring into the country

### Waste and Chemical National Enforcement Initiatives

The National Enforcement Initiatives address more complex pollution problems, especially those confined to a particular sector or source type.

- Reducing pollution from mineral processing operations

Learn more about the [National Enforcement Initiatives](#)

In 2011, EPA's hazardous waste enforcement program ensures that facilities that generate, store, treat or dispose of hazardous waste properly manage the waste and track it from the time it is generated until its ultimate disposal. The hazardous waste enforcement program also holds those responsible for hazardous waste sites accountable for cleanups or for reimbursing EPA for its cleanup efforts. 2011 was a record-setting year in which EPA obtained commitments totaling \$3 billion from responsible parties for site study and cleanup of Superfund sites. EPA's cleanup 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. (Read more on [cleanup program highlights](#))

In 2011, EPA's chemicals enforcement program protected human health and the environment by ensuring that: manufacturers submit notices before they manufacture chemicals so the Agency can determine whether the chemicals pose an unreasonable risk; renovation firms follow lead-safe practices; schools develop and maintain asbestos management plans; companies properly manage and dispose of polychlorinated biphenyl's (PCBs); TSCA chemical and pesticide imports are compliant and safe to bring into the country; and, companies register and properly label pesticides before they are sold.

EPA's criminal enforcement program helped prosecute several private and public lead inspectors for crimes related to the lead-based paint regulations. The crimes included seeking bribes in exchange for falsely certifying that homes were lead-free and providing bogus lead paint abatement training, and falsifying testing reports in New York City and Detroit. While lead exposure can affect anyone, children aged six and younger are especially vulnerable to the health impacts of lead. Exposure to lead can cause learning disabilities, reduced IQ, developmental delays and behavioral problems in young children. (See: Summary of Criminal Prosecutions – Defendants: [Patterson](#), [Todaro](#), [Sharpe](#)) (See more [criminal program highlights](#).)

In 2011, waste and chemical enforcement actions achieved estimated:

- \$3 billion in private party commitments for Superfund site study and cleanup, oversight & cost recovery
- \$370 million invested to improve environmental performance
- \$29 million, includes \$900 thousand dollars in State penalties from joint Federal enforcement actions
- \$6.7 million in additional investments for supplemental environmental projects that benefit communities
- 6.1 million pounds of hazardous waste treated, minimized, or properly disposed of

Protections from Hazardous waste: 3.6 billion pounds

- 933,000,000 cubic yards of contaminated soil and water to be cleaned up

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## End of Year Data and Trends

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

## Civil Enforcement Results

Pollution Reduced, Treated or Eliminated (Pounds) <sup>1</sup>	1,800,000,000
Hazardous Waste Treated, Minimized, or Properly Disposed of (Pounds)	3,600,000,000
Contaminated Soil to be Cleaned Up (CubicYds)	33,000,000
Contaminated Water to be Cleaned Up (Cubic Yds)	900,000,000
Stream Miles Protected or Restored (Linear Feet)	62,000
Wetlands Protected or Restored (Acres)	2,900
People Protected by Safe Drinking Water Act Enforcement (# of People)	350,000
Hazardous Waste Prevented from Release (Cubic Yards)	24,000
Liquid in Underground Storage Tanks Prevented from Release (Gallons)	10,000,000
People Notified of Potential Drinking Water Problems (# of People)	670,000
Underground Injection Wells Prevented from Leaking (# of Wells)	1,000
Lead-Based Paint Contamination Prevented (# of Housing Units, Schools, Buildings)	7,600
Volume of Oil Spills Prevented (in Gallons)	64,000,000
Pesticides or Pesticide Products Prevented from Distribution, Sale or Use due to Mislabeling or Improper Registration (Pounds)	2,900,000

## Civil Enforcement Monetary Commitments

Estimated Value of Complying Actions to be Taken in Response to EPA's Concluded Enforcement Actions (Injunctive Relief)	\$19,000,000,000
Estimated Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$25,000,000
Administrative Penalties Assessed	\$47,880,973
Judicial Penalties Assessed	\$104,390,628
State/Local Judicial Penalties Assessed From Joint Federal-State/Local Enforcement Actions	\$16,003,461
Stipulated Penalties Paid	\$6,000,000

## Civil Enforcement and Compliance Activities

Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)	199
--	-----

Supplemental Referrals of Civil Judicial Enforcement Cases to DOJ	33
Civil Judicial Complaints Filed with Court	148
Civil Judicial Enforcement Case Conclusions	182
Administrative Penalty Order Complaints	1,760
Final Administrative Penalty Orders	1,735
Administrative Compliance Orders	1,324
Cases with Supplemental Environmental Projects	103
Inspections/Evaluations	19,000
Civil Investigations	177
Compliance Assistance Center User Sessions	3,500,000

#### Superfund Cleanup Enforcement

Amount Committed by Liable Parties to Clean up Superfund Sites	\$3,000,000,000
Amount Committed by Liable Parties to Pay for Government Oversight of Superfund Cleanups	\$74,000,000
Amount Committed by Liable Parties to Reimburse the Government for Money Spent Cleaning up Superfund Sites	\$300,000,000

#### Criminal Enforcement Program

Environmental Crime Cases Opened	371
Defendants Charged	249
Years of Incarceration	89.5
Fines and Restitution	\$35,000,000
Value of Court Ordered Environmental Projects	\$2,000,000

Where necessary to reflect EPA's understanding of the precision of the data, numbers in this document and elsewhere on this Web site have been rounded to two or three significant digits.

The primary source for the data displayed in this document is the EPA Regions' certified FY 2011 end of year workbooks as of November 22, 2011. 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. ([return to text](#))



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# End of Year Data and Trends

[2011 Accomplishments](#) | [Analysis and Trends](#)

These charts show key fiscal year 2011 compliance and enforcement results compared to other years.

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

- [Government Performance and Results Act \(GPRA\) Charts \(PDF\)](#) (1 pp, 13K)
- [All 2011 Annual Results Data and Trend Charts \(PDF\)](#) (15 pp, 271K)

Individual results charts are presented below.

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

## EPA Environmental Results

- [Investments in Actions & Equipment to Reduce Pollution & Protect the Environment 3 \(Injunctive Relief\)](#)
- [Estimated Environmental Benefits—Commitments to Reduce, Treat or Eliminate Pollution](#)
- [Estimated Environmental Benefits – Pounds of Hazardous Waste to be Cleaned Up](#)
- [Estimated Environmental Benefits – Volume of Contaminated Soil & Water 6 to be Cleaned Up](#)
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- [EPA Enforcement Cases Yield Human Health and Environmental Benefits](#)
- [EPA Civil Enforcement Case Initiations and Conclusions](#)

## EPA Civil Enforcement Program

- [Inspections/Evaluations](#)
- [Superfund Results](#)

## EPA Criminal Enforcement Program

- [Environmental Crime Cases Opened, Defendant Charged Sentencing Results – Years of Incarceration](#)
- [Value of Fines and Restitution & Value of Court Ordered Environmental Projects](#)





# **Fiscal Year 2011 EPA Enforcement & Compliance Annual Results**



**Prepared by the Office of Enforcement and Compliance Assurance  
US Environmental Protection Agency**

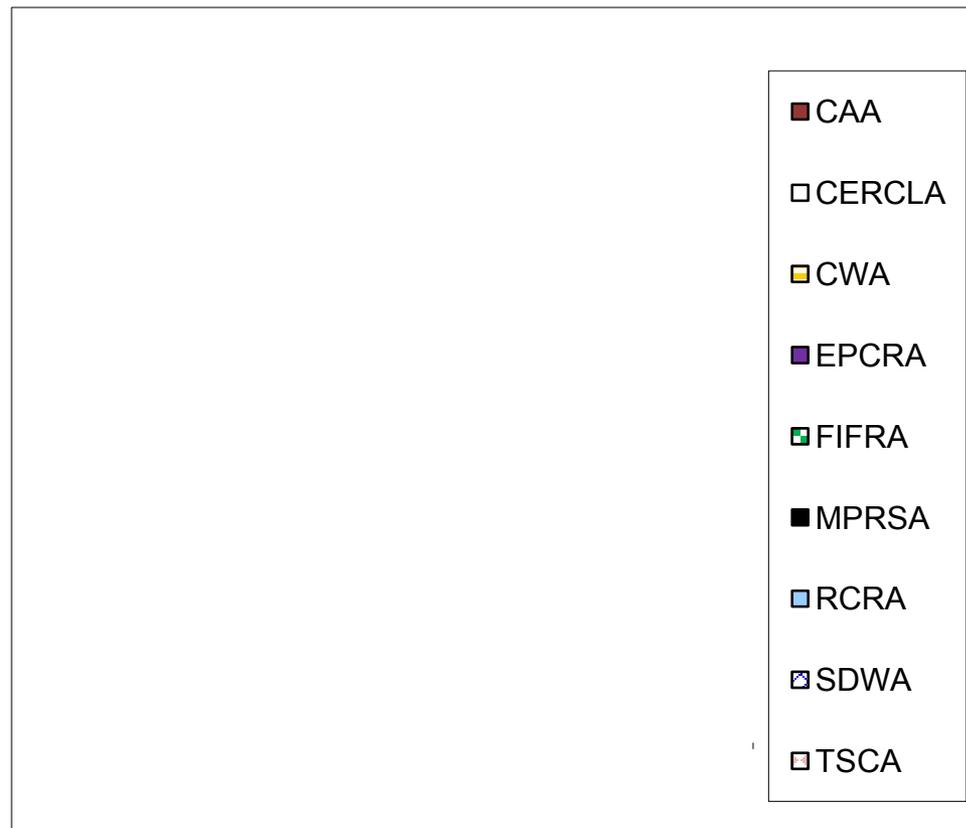
**December 8, 2011**



# FY2011 Enforcement & Compliance Annual Results

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required companies to invest an estimated **\$19 billion** in actions & equipment to control pollution (injunctive relief) – **an EPA record.**

Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2011 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.

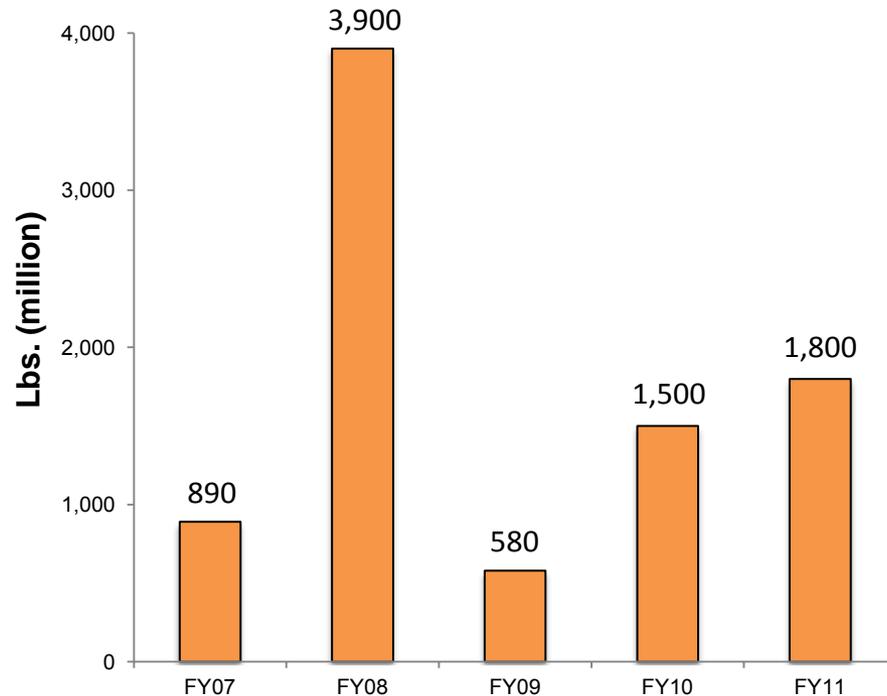
FY2011 Data Source: Integrated Compliance Information System (ICIS); data source for previous fiscal years: ICIS.



# FY2011 Enforcement & Compliance Annual Results

## Estimated Environmental Benefits

### Commitments to Reduce, Treat or Eliminate Pollution



- In **FY 2011**, EPA enforcement actions required companies to reduce pollution by an estimated **1.8 billion pounds per year – the second highest amount** since EPA began measuring pollutant reductions from enforcement cases using current methodologies<sup>1</sup>.
- This result reflects a focus on the largest polluters such as the TVA (708 M) and Beazer Homes (289 M).
- In FY08, the large result was primarily due to one large Clean Air Act case, American Electric Power (AEP) involving multiple plants.

FY2011 Data Source: Integrated Compliance Information System (ICIS); data source for previous fiscal years: ICIS.

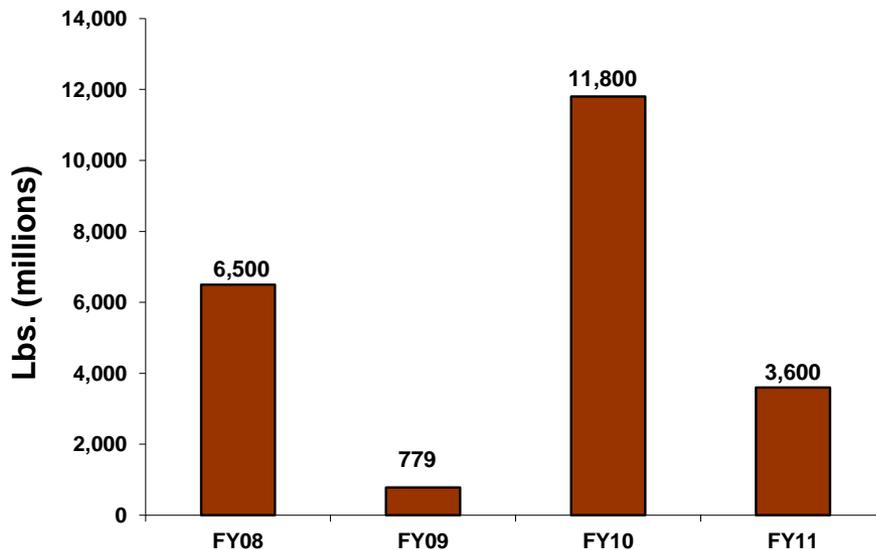
<sup>1</sup> Beginning in FY2002, EPA began using the current methodologies.



# FY2011 Enforcement & Compliance Annual Results

## Estimated Environmental Benefits

### Hazardous Waste Treated, Minimized, or Properly Disposed Of (Pounds)



- In FY 2011, EPA enforcement actions required companies to commit to treat, minimize, or properly dispose of **3.6 billion pounds** of hazardous waste. EPA began collecting this data in FY 2008.
- The hazardous waste metric is generally dominated by results from one or two large cases. This results in variability in this measure year to year.

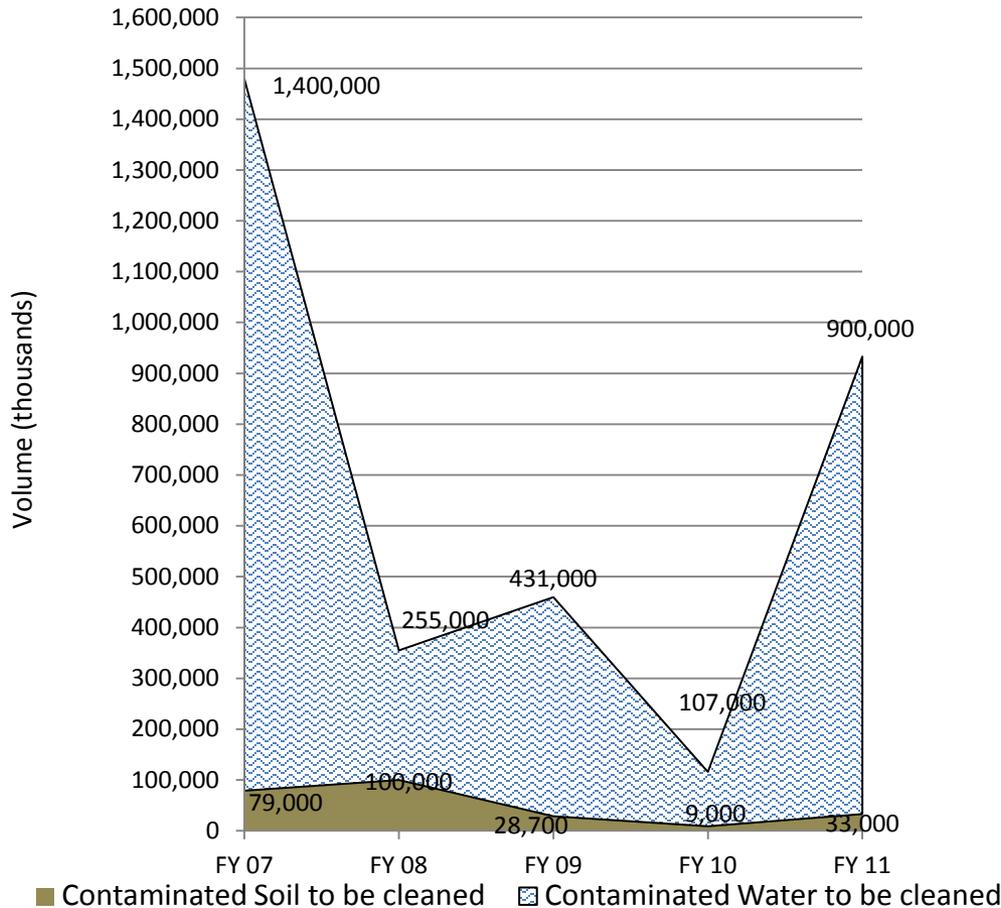
FY2011 Data Source: Integrated Compliance Information System (ICIS); data source for previous fiscal years: ICIS.  
Disclaimer: Minor corrections may have been made to previous years' data.



# FY2011 Enforcement & Compliance Annual Results

## Estimated Environmental Benefits

### Volume of Contaminated Soil & Water to be Cleaned Up



- An estimated **900** million cubic yards of **contaminated water/aquifer** are to be cleaned up as a result of EPA enforcement cases concluded in FY 2011.
- An estimated **33** million cubic yards of **contaminated soil** are to be cleaned up as a result of EPA enforcement cases concluded in FY 2011.

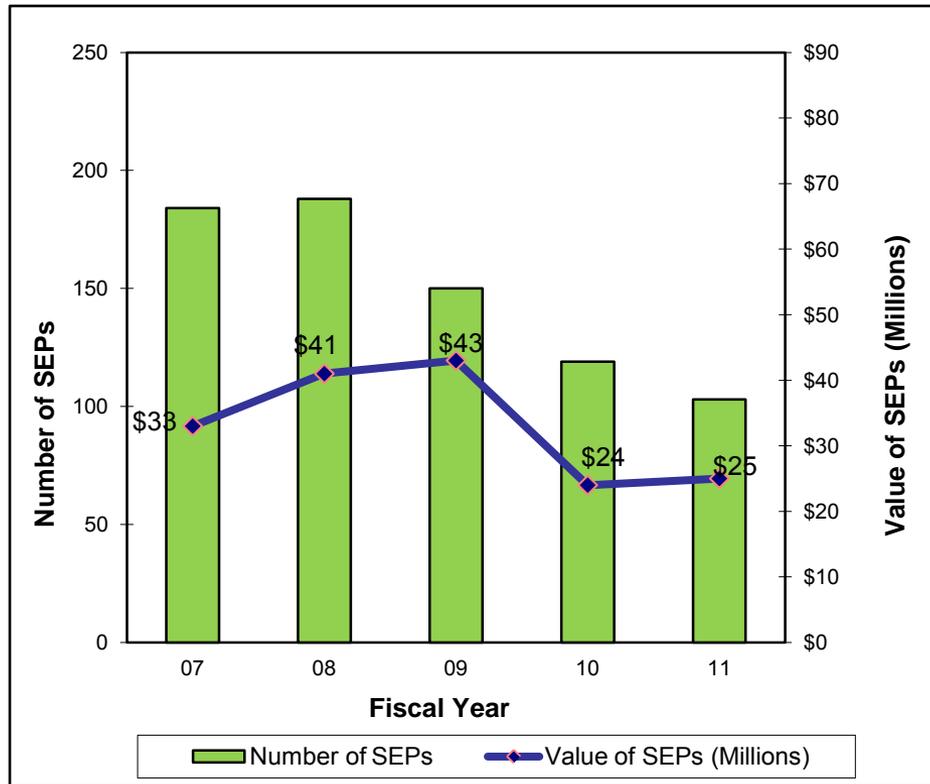
FY2011 Data Source: Integrated Compliance Information System (ICIS); data source for previous fiscal years: ICIS.  
Disclaimer: Minor corrections may have been made to previous years' data.



# FY2011 Enforcement & Compliance Annual Results

## Supplemental Environmental Projects

(Inflation/Deflation Adjusted to FY 11 Dollars)



- In FY 2011, EPA enforcement actions required companies to invest an estimated **\$25 million** in supplemental environmental projects<sup>1</sup>.

<sup>1</sup> Supplemental environmental projects that a defendant/respondent agrees to undertake in settlement of an enforcement action, but which the defendant/respondent is not otherwise legally required to perform.

Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2011 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.

FY2011 Data Source: Integrated Compliance Information System (ICIS); data source for previous fiscal years: ICIS.

# FY2011 Enforcement & Compliance Annual Results

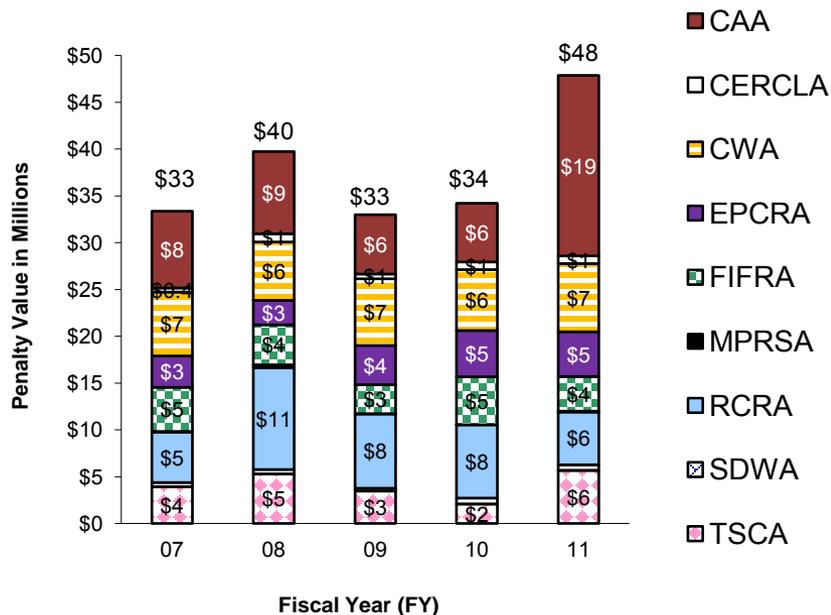
## Civil Penalties Assessed

(Inflation/Deflation Adjusted to FY 11 Dollars)

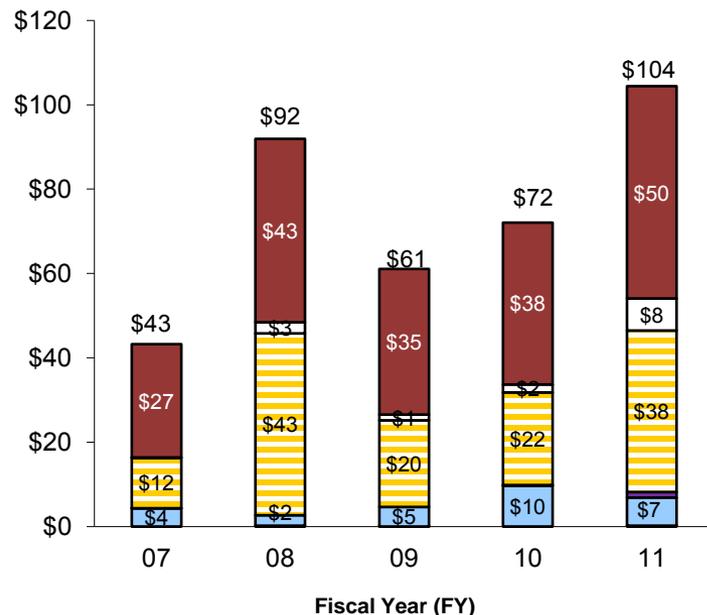


In FY 2011, EPA enforcement actions required companies to pay over **\$152 million** in civil penalties (administrative and judicial) - **highest in last five years.**

**Administrative Penalties Assessed (with Statutory Breakout)**  
FY 2007 - FY 2011



**Civil Judicial Penalties Assessed (with Statutory Breakout)**  
FY 2007 - FY 2011



Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2011 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.

Note: In FY 2011 state penalties secured in federal actions is \$16M. The combined total of state and federal civil penalties assessed in FY 2011 is \$168M. This is the third year that EPA has reported the state/local penalty total.

FY2011 Data Source: Integrated Compliance Information System (ICIS); data source for previous fiscal years: ICIS.



# FY2011 Enforcement & Compliance Annual Results

## EPA Enforcement Cases Yield Human Health and Environmental Benefits

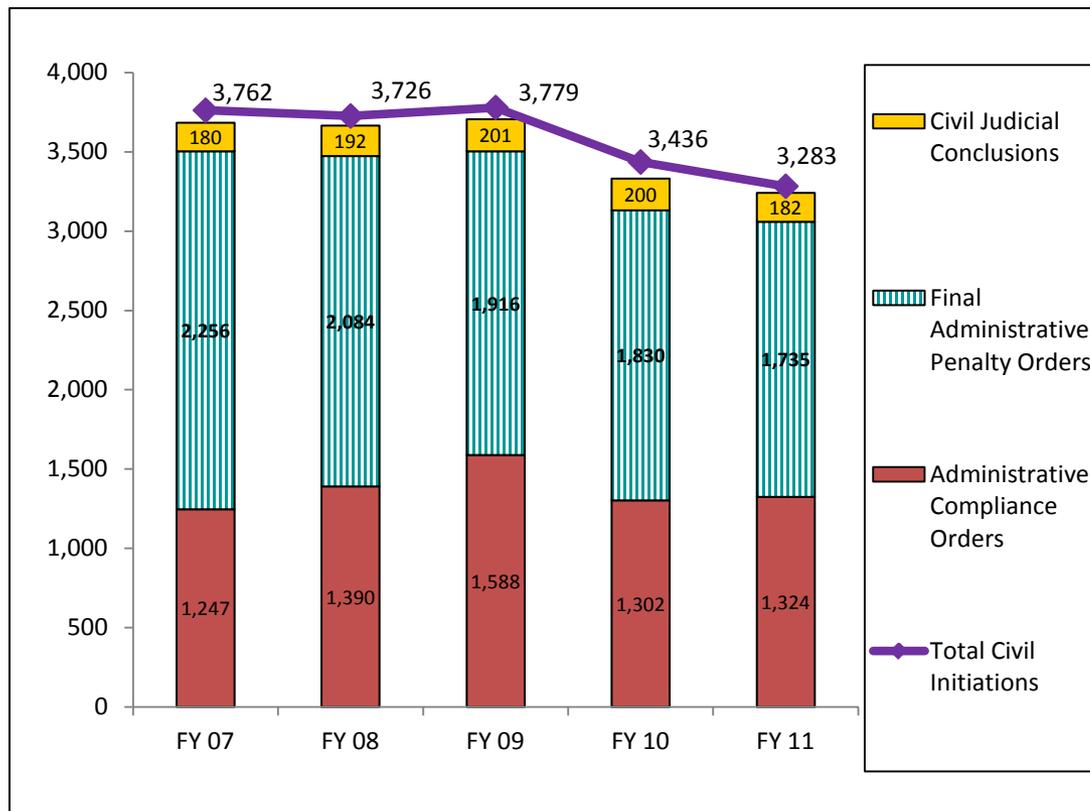
- EPA's top 15 Clean Air Act enforcement actions of FY 2011 reduced emissions of particulate matter, sulfur dioxide, nitrogen oxides, and VOCs, resulting in health benefits and other environmental improvements valued at \$15 to \$36 billion each year, including
  - 1,800 to 4,500 avoided premature deaths
  - 1,100 avoided emergency room visits or hospital admissions
  - 1,200 avoided cases of chronic bronchitis
  - 2,800 avoided nonfatal heart attacks
  - 30,000 avoided asthma attacks
  - 2,700 avoided cases of acute bronchitis
  - 57,000 avoided cases of upper and lower respiratory symptoms
  - 230,000 avoided days when people would miss work
  - 1.3 million days when people must restrict their activities.
- 62% of EPA Clean Water Act enforcement actions reduced pollutants discharged into waters that do not achieve water quality standards.

Data Source of Pollutant Reduction: Integrated Compliance Information System (ICIS), October, 2011. Pollutant estimates based on estimated emissions when facilities return to compliance. Clean Air Act health benefit estimates are based on the methodology described in Fann, N., C.M. Fulcher, B.J. Hubbell. 2009. The influence of location, source, and emission type in estimates of the human health benefits of reducing a ton of air pollution. *Air Qual Atmos Health* (2009) 2:169-176. presented in 2010 dollars. Updated benefit-per-ton estimates are available at <http://www.epa.gov/ttn/ecas/ria.html>.



# FY2011 Enforcement & Compliance Annual Results

## EPA Civil Enforcement Case Initiations and Conclusions



- In FY 2011, EPA concluded **3,241** civil judicial and administrative cases.
- EPA initiated a total of **3,283** civil enforcement cases (judicial and administrative) in FY 2011.
- EPA is pursuing larger more complex, risk-based enforcement cases which has led to fewer enforcement initiations and conclusions for this year. EPA focuses on larger administrative cases.
- EPA addressed violations at **3,881** facilities and sites through its **3,241** FY 2011 civil case conclusions. EPA pursues corporate wide cases that address multiple facilities.

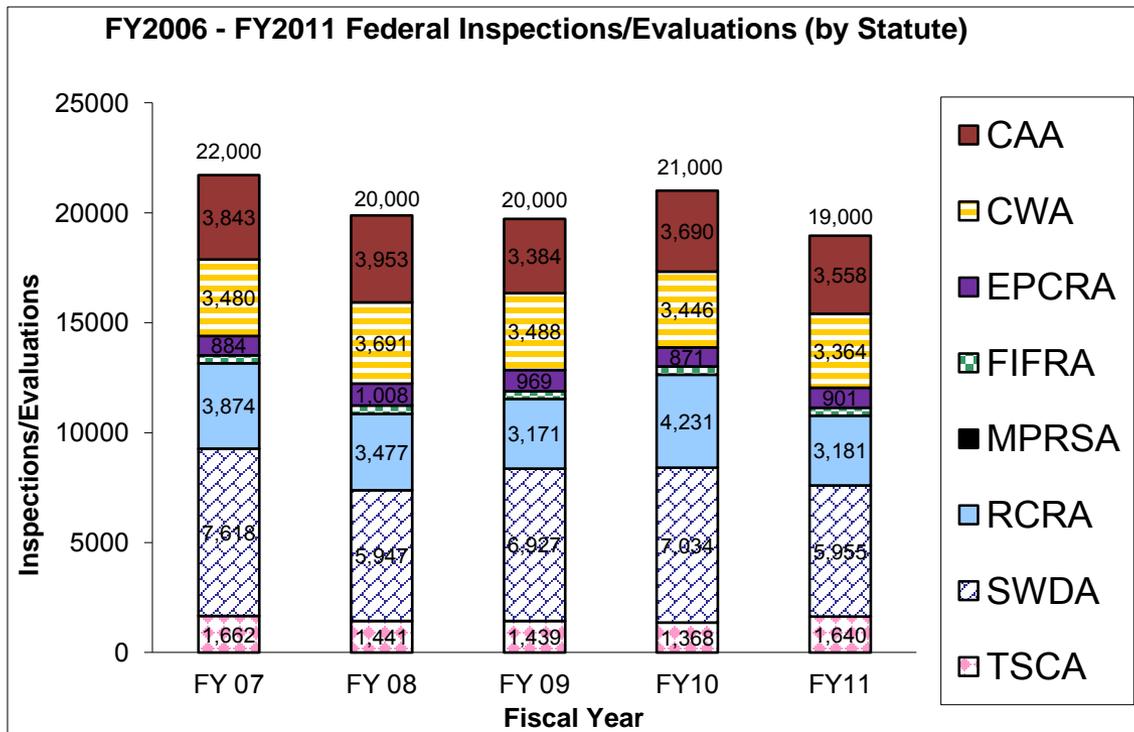
FY2011 Data Source: Integrated Compliance Information System (ICIS); data Source for previous fiscal years: ICIS.



# FY2011 Enforcement & Compliance Annual Results

## Compliance Monitoring

### Number of Inspections - Evaluations Conducted by EPA



- EPA conducted approximately **19,000** inspections/ evaluations in FY 2011. EPA inspections fluctuate somewhat from year to year, but have generally been in the 20,000 range over the past five years.

- The decrease in inspections is due, in part, to reductions in travel funds and increases in travel costs, particularly transportation costs due to increases in gas prices and air fares.

- Additionally, EPA conducted **177** civil investigations in FY 2011.

Note: The numbers of EPA Civil Investigations for the last five FYs are: 346 (FY 07) , 222 (FY 08), 246 (FY 09), 282 (FY 10) and 177 (FY 11).

Note: There are other compliance monitoring activities conducted by the EPA that are not reflected in this chart.

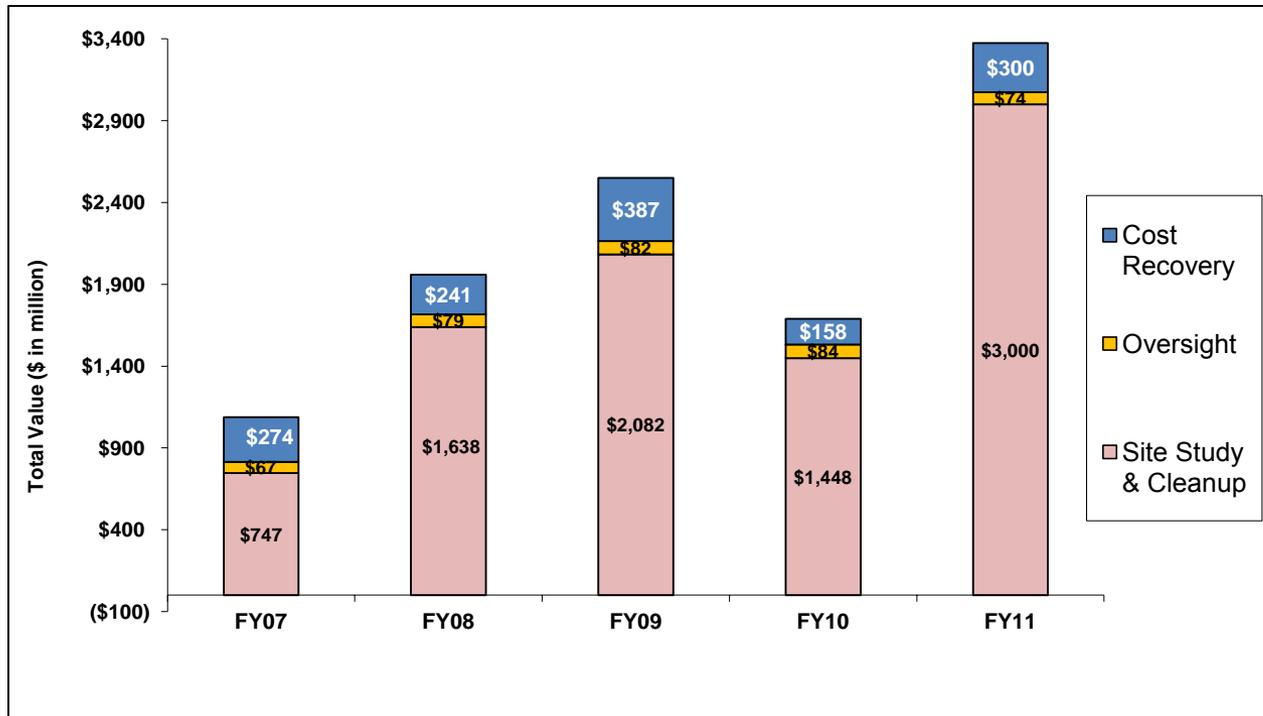
FY2011 Data Source: Integrated Compliance Information System (ICIS), legacy databases, and manual reporting.

Data source for previous fiscal years: ICIS, legacy databases, and manual reporting.



# FY2011 Enforcement & Compliance Annual Results Superfund Results

(Inflation/Deflation Adjusted to FY 11 Dollars)



- EPA obtained commitments from responsible parties to invest **\$3 billion** to study and cleanup Superfund sites.
- Cleanup commitments are the highest since the inception of the program.
- In FY11, EPA obtained **\$300 million** in private party commitments to reimburse EPA for money spent cleaning up Superfund sites. This is the fifth highest amount since the inception of the program.

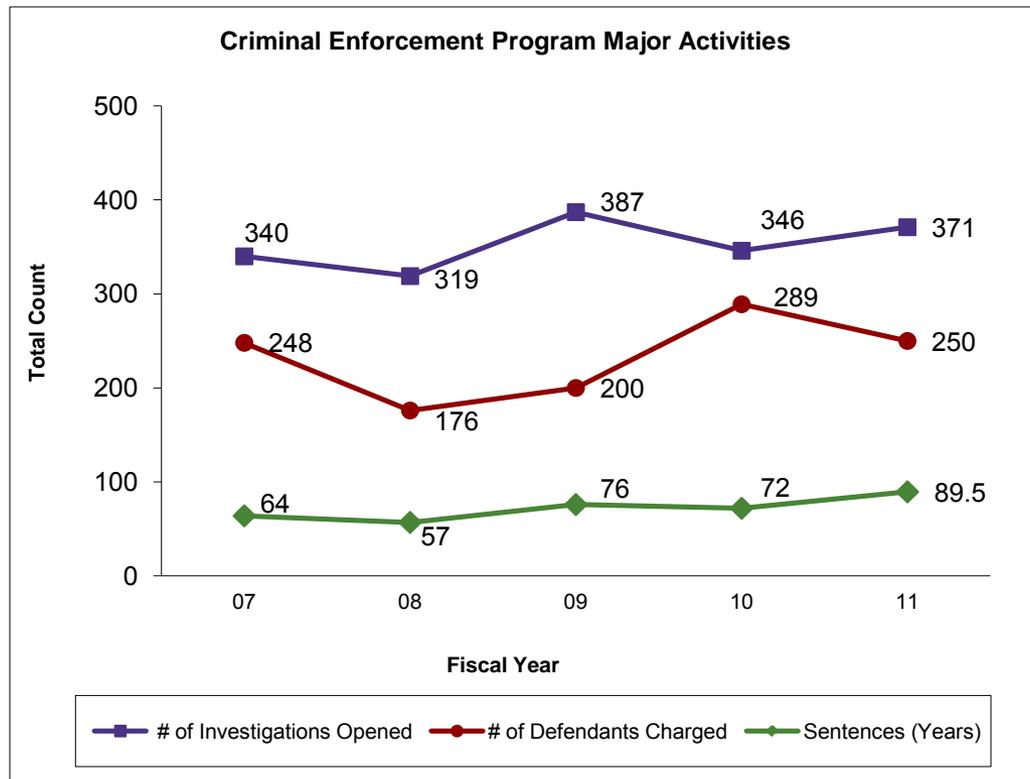
Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2011 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.

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

FY2011 Data Source for Clean up and Cost Recovery: Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS);  
FY2011 Data Source for Oversight: Integrated Financial Management System (IFMS); Data source for previous fiscal years: CERCLIS and IFMS.

# FY2011 Enforcement & Compliance Annual Results

## Criminal Enforcement



- In FY 2011, **371 environmental crime investigations were opened**. The second highest number of new cases since FY 2007.
- The increase reflects the 2008-2010 strategy to increase the number of special agents back up to the minimum of 200, as mandated by the 1990 Pollution Prosecution Act.
- Criminal charges were brought against **249 defendants in FY 2011**, the second highest number since FY 2007. Of the 249 defendants, 197 were individuals and 52 were companies. Charging individuals, where warranted, enhances deterrence because only individuals face potential incarceration.
- In FY 2011, **individual defendants were sentenced to a total of 89.5 years of incarceration.\***

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

\* The total level of incarceration in FY 2011 was reduced by 43 years as a consequence of prior Supreme Court decisions which made the U.S. federal sentencing guidelines discretionary rather than mandatory.

FY2011 Data Source: Criminal Case Reporting System; Source for previous years: annual Criminal Case Reporting System data.

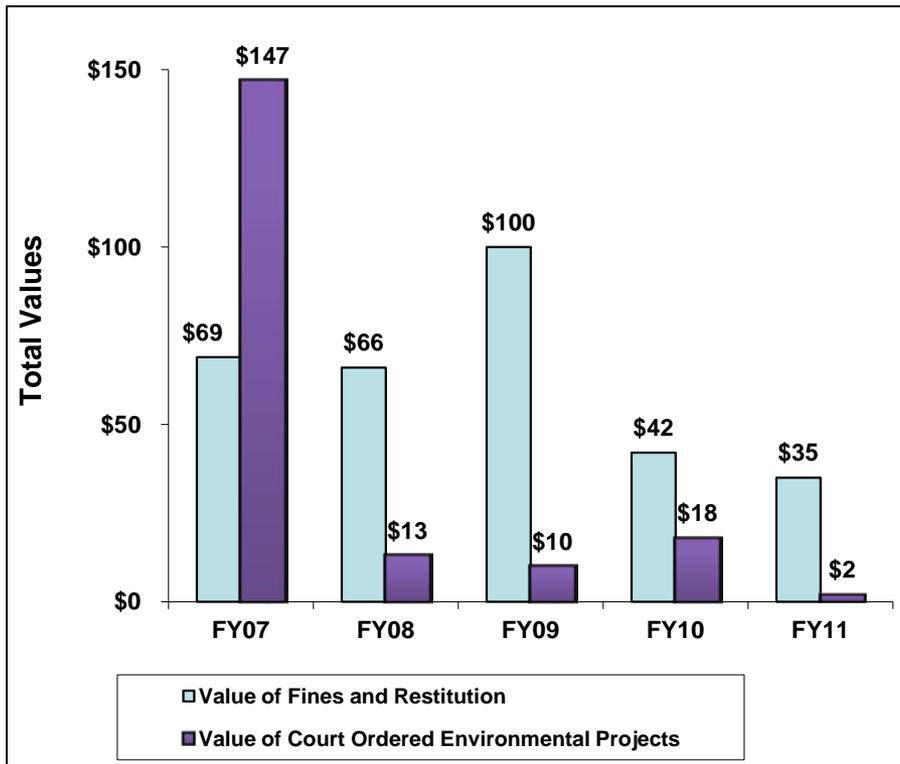
# FY2011 Enforcement & Compliance Annual Results

## Criminal Enforcement

### Value of Fines & Restitution and Court Ordered Environmental Projects



*(Inflation/Deflation Adjusted to FY 11 Dollars)*



- Both court-ordered environmental projects and criminal fines fluctuate based primarily on the presence or absence of a small number of cases with large organizational fines.
- Criminal defendants were assessed a total of \$35 million in fines and restitution in FY 2011. The largest single fine was \$11.8 million. By comparison, in FY 2009, one company was assessed a single fine of \$50 million (the largest ever assessed under the Clean Air Act)
- In FY 2011, U.S. District Court judges assessed \$2 million in court ordered environmental projects., e.g. environmentally beneficial projects that a judge orders criminal defendants to pay for or undertake themselves.
- In FY 07, one case contained projects valued at an estimated \$119 million (before being adjusted for inflation). In FY 2010, one case had projects valued at an estimated \$12 million.

Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2011 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.

FY2011 Data Source: Criminal Case Reporting System; Source for previous years: Annual Criminal Case Reporting System data.

# FY2011 Enforcement & Compliance Annual Results

## Acronyms – Statute and Abbreviations/Section Description



CAA	Clean Air Act
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act ("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



## Government Performance and Results Act (GPRA)

### Results - FY 2011

Measure Number	GPRA External Performance Measure	FY 11 Target	FY 11 Actual
400	Reduce, treat, or eliminate <b>AIR</b> pollutants through concluded enforcement actions.	480M lbs.	1,100M lbs.
402	Reduce, treat, or eliminate <b>WATER</b> pollutants through concluded enforcement actions.	320M lbs.	730M lbs.
404	Reduce, treat, or eliminate <b>TOXICS and PESTICIDES</b> through concluded enforcement actions.	3.8M lbs.	6.1M lbs.
405	Reduce, treat, or eliminate <b>HAZARDOUS WASTE</b> through concluded enforcement actions.	6,500M lbs.	3,600M lbs.
408	Percent of closed cases with criminal enforcement consequences (indictment, conviction, fine, or penalty).	33%	37%
285	Reach a settlement or take an enforcement action before the start of a remedial action at Superfund sites having viable, liable responsible parties other than the federal government.	95%	100%
078	Address all unaddressed costs in Statute of Limitations cases for sites with unaddressed total past Superfund costs equal to or greater than \$200,000.	100%	100%

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EPA routinely collaborates with states and other federal agencies to apply environmental regulations. Read more on:

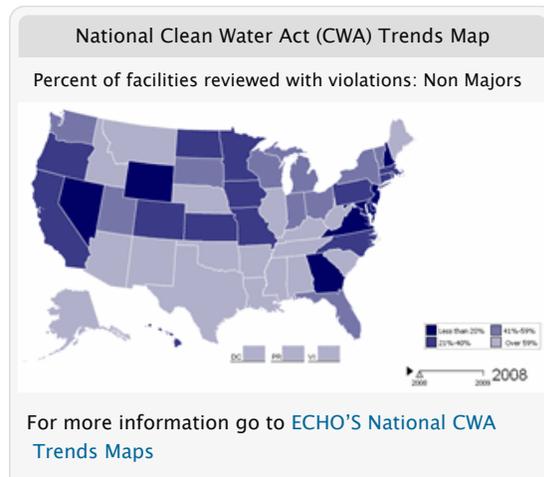
- [Shared Accountability for EPA and States](#)
- [EPA and U.S. Customs and Border Protection \(CBP\) Collaboration](#)
- [Marcellus Shale Law Enforcement Conference](#)
- [EPA and Coast Guard Step Up Efforts to Protect U.S. Waters](#)
- [EPA, Coast Guard and The Department of Transportation's Pipeline and Hazardous Materials Safety Administration Oil Spill Coordination](#)
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- [Collaboration with North American Enforcement Partners](#)

## Shared Accountability for EPA and States

National Clean Water Act National Pollutant Discharge Elimination System (NPDES) Program Trends Map

In 2011 EPA launched a new interactive website the [National Clean Water Act \(CWA\) Trends Maps](#), within the Enforcement Compliance History Online (ECHO) website, on CWA NPDES enforcement data. The CWA Trends Map show a variety of summary facility statistics by state such as: number of violations, amount of penalties assessed, number of enforcement actions, and number of inspections.

In addition to the CWA Trends Map, a new EPA and State enforcement action map was launched in 2011. The combined [EPA and State Annual Enforcement Actions Map](#) is part of the [White House initiative](#) to improve the transparency of regulatory compliance information. The map presents facilities with enforcement actions under the Clean Air Act, Clean Water Act, or Resource Conservation and Recovery Act.



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## EPA and U.S. Customs and Border Protection (CBP) Collaboration

Within the last several years, there has been a steady flow of illegal imported motorcycles, equipment containing small gasoline-powered engines (e.g. generators, mowers, chainsaws, etc.), and recreational vehicles, which are all regulated by EPA. Uncertified vehicles and engines can emit harmful air pollutants at 30% or more above allowable standards.

EPA and U.S. Customs and Border Protection (CBP) collaborate to ensure that all imported vehicles and engines comply with the Clean Air Act requirements. CBP officers identify shipments, with particular focus on companies that have previously violated the Clean Air Act, and put them on hold for inspection. EPA investigators, working closely with a special team of CBP officers, inspect the vehicles and engines. Vehicles and engines found to be in violation of the Clean Air Act are seized by CBP.

Since October 1, 2010, more than \$24 million worth of vehicles including motorcycles, dirt bikes, tractors, and generators were imported into the U.S. and found to be in violation of the Clean Air Act, for which EPA collected

penalties totaling \$2.7 million, according to EPA records. In addition to these EPA-led cases, EPA collaborated with CBP on an additional 9 cases, involving \$350,000 worth of goods. CBP forfeited goods in four of these cases, and collected penalties in excess of \$40,000 in lieu of forfeiture in five of these cases. EPA is a participating federal partner in CBP's Customs Targeting and Analysis Center.

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## Marcellus Shale Law Enforcement Conference

EPA's criminal enforcement program, along with the FBI, U.S. Departments of Transportation and the Interior, and Pennsylvania state and local governmental organizations participated in the Marcellus Shale Law Enforcement Conference in State College, Pennsylvania. The conference was hosted by the U.S. Department of Justice and the United States Attorneys for the Eastern, Western and Middle Districts of Pennsylvania. The Conference's objective was to educate the Pennsylvania law enforcement community on the process of natural gas extraction from the Marcellus Shale formation and the effects on the communities involved. The conference focused on potential environmental crimes (focusing on the illegal dumping of waste), and other relevant local/state/federal crimes specific to Marcellus Shale. The conference strengthened communication and coordination among federal, state and local law enforcement.



Marcellus Shale Law Enforcement Conference

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## EPA and Coast Guard Step Up Efforts to Protect U.S. Waters

The U.S. Environmental Protection Agency (EPA) and U.S. Coast Guard (USCG) signed a memorandum of understanding (MOU) to protect U.S. waters. The MOU will enhance coordination efforts to prevent and enforce against illegal discharges of pollutants from vessels, such as cruise ships and oil tankers.

Under the MOU, USCG has agreed to incorporate components of EPA's vessel general permit program into its existing inspection protocols and procedures to help the United States address vessel pollution in U.S. waters. The MOU creates a framework for improving EPA and USCG cooperation on data tracking, training, monitoring, enforcement and industry outreach.



Rear Adm. Kevin Cook, Coast Guard Director of Prevention Policy, and Cynthia Giles, EPA Assistant Administrator, Enforcement and Compliance Assurance, sign the Vessel General Permit MOU

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## EPA, Coast Guard and the Department of Transportation's Pipeline and Hazardous Materials Safety Administration Oil Spill Coordination

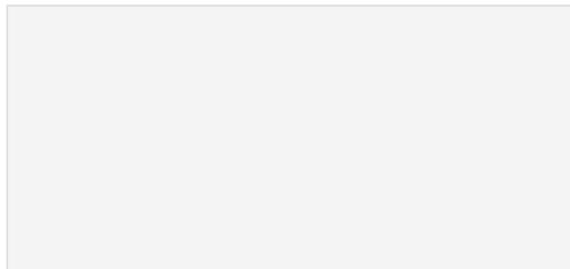
The EPA and the U.S. Coast Guard both enforce Section 311 of the Clean Water Act (CWA), which includes actions against oil spills in violation of the Act. EPA's enforcement efforts address oil spills on large transportation pipelines that are subject to regulations issued by the Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA). The EPA works closely with PHMSA to ensure that investments to improve environmental performance (injunctive relief) sought in an enforcement action to prevent future oil spills does not conflict with PHMSA's regulatory requirements.

In May 2011, EPA, PHMSA and DOJ announced a settlement with [BP Exploration and Production](#) to address violations of the CWA and the Pipeline Safety Act. The settlement required BP to pay \$25 million in civil penalties and implement a system-wide pipeline integrity management program for spilling more than 5,000 barrels of crude oil from the company's pipelines on the North Slope of Alaska. EPA and PHMSA's collaboration was integral to achieving this result.

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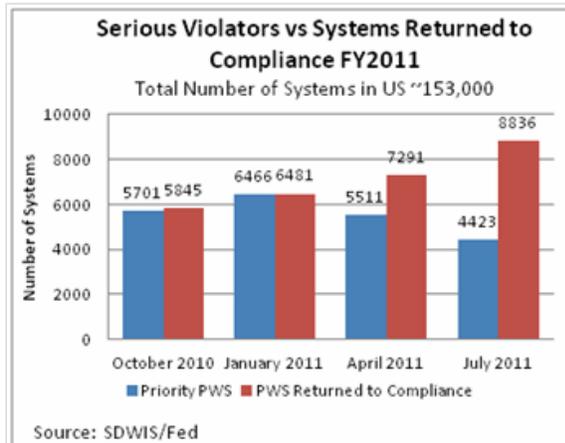
## EPA and States Working Together for Safer Drinking Water

States and EPA in 2011 began implementing a new, more effective approach to resolving noncompliance at public drinking water systems. The result is that the number of systems with serious, unresolved noncompliance, termed "serious violators", is decreasing nationwide, while the number of systems that have been returned to compliance is



increasing. In addition, the rate at which systems are returning to compliance is also increasing. This means safer drinking water for consumers.

A serious violator is defined as a public water system with unresolved serious, multiple, and/or continuing violations, as identified US EPA's [Drinking Water Enforcement Response Policy \(PDF\)](#) (16pp, 951K, [About PDF](#)), that must either return to compliance or be addressed by a formal enforcement action within six months of becoming a priority.



The chart compares the number of public water systems (PWS) identified as serious violators with the number of systems that have been fully returned to compliance as a result of assistance, enforcement, or on their own.

Find drinking water enforcement data on [Enforcement and Compliance History Online \(ECHO\)](#).

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## Keystone XL Pipeline

EPA worked successfully to improve the Department of State's National Environmental Policy Act (NEPA) analysis of the proposed Keystone XL Pipeline. The NEPA process continues to play a critical role in informing and advancing the national debate over the potential environmental impacts of the proposed pipeline which would transport oil sands from Canada to Gulf Coast refineries. Read more on the proposed [Keystone XL Pipeline project](#).

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## Air Quality Impacts for Federal Oil and Gas Decisions

EPA worked collaboratively with the Bureau of Land Management, the U.S. Fish and Wildlife Service, the National Park Service, and the USDA Forest Service to develop an new Memorandum of Understanding (MOU) that sets forth expectations and agreements for addressing air quality analyses and mitigation measures through the NEPA process related to Federal oil and gas planning, leasing, and field development decisions.

The MOU establishes a common process for the agencies to follow in analyzing the potential air quality impacts for these projects that encourages the use of best practices and clear communication. The collaborative approach established in the MOU will reduce delays and increase certainty and transparency - benefitting industry, federal agencies, states, and Tribes. The MOU will align federal agencies to support responsible domestic energy production on federal lands while ensuring environmental protection. Read more on the [Memorandum of Understanding \(PDF\)](#) (27pp, 2MB, [About PDF](#)).

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## Collaboration with North American Enforcement Partners

In 2011 officials from Canadian, Mexican and U.S. environmental enforcement agencies formally initiated a pilot project to incorporate the targeting tool of intelligence-led enforcement into certain trilateral projects. The goal is to strengthen environmental enforcement cooperation in North America through capacity building, establishment of networks and joint operations. Based on the enforcement priorities of the three countries, activities have focused on the import and export of electronic waste, ozone depleting substances, non-compliant engines and hazardous waste. Initial sharing of information and intelligence has already enhanced the ability to detect, interdict and deter illegal shipments of environmentally regulated materials moving in and out of North America.

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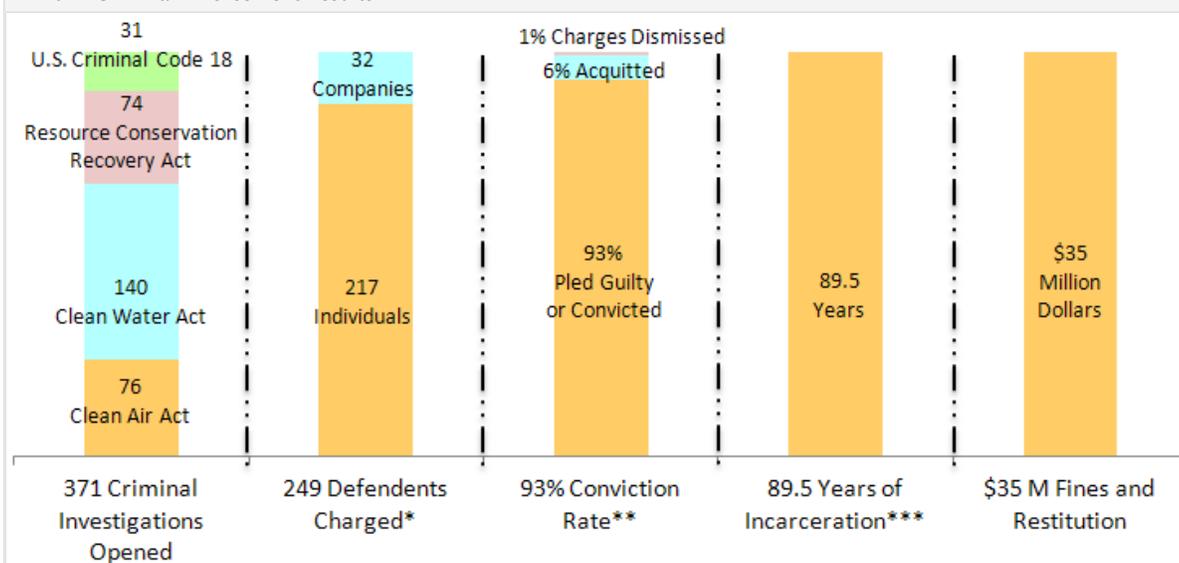
#### EPA's Criminal Enforcement Program

EPA's criminal enforcement authorities provide EPA's strongest sanctions against polluters. Criminal penalties, with potential prison time as well as monetary fines, are critical to deter potential violators, eliminate the temptation for companies to "pay to pollute" and implement the felony provisions of our nation's environmental laws.

From more than 40 locations nationwide, more than 200 EPA criminal investigators ("special agents") work closely with 150 scientists, attorneys, technicians, engineers and other specialists to uncover and develop cases for prosecution by Federal, state, tribal and local prosecutors. EPA's special agents have full law enforcement authority to carry firearms, make arrests, execute search warrants and investigate violations of all the environmental statutes as well as associated statutes of the U.S. Criminal Code (such as conspiracy or false statements). Learn more about the [differences between criminal enforcement and civil enforcement](#).

In Fiscal Year (FY) 2011, the criminal enforcement program significantly exceeded its 2010 outcomes for new environmental crime investigations opened and the total level of incarceration. The annual results in any given fiscal year will, however, 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.

FY 2011 Criminal Enforcement Results



\* 249 Criminal Defendants Charged: Eighty-seven percent of the charged cases included at least one individual defendant, as opposed to a company. The charging of individuals, where warranted by the evidence, is important, because the possibility of being incarcerated for an environmental crime provides significant deterrent effect.

\*\* 93% Conviction Rate: The conviction rate was in line with EPA's historical average of approximately 90 percent.

Defendants can be acquitted for a variety of reasons, e.g., found not guilty at trial or have convictions overturned on appeal, or charges can be dropped after exculpatory evidence in their favor was entered into the record.

\*\*\* The total level of incarceration in FY 2011 was reduced by 43 years as a consequence of prior 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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## Strategic Program Management: Criminal Enforcement Case Selection Methodology

In 2010, the Criminal Enforcement program developed a methodology to enhance case selection in order to ensure that its overall case docket identifies, investigates and helps prosecute cases with the most significant environmental, human health, and deterrence impact while maintaining its enforcement presence across all pollution statutes.

The new methodology “tiers” potential cases based upon categories including:

- release and discharge characteristics (e.g., hazardous or toxic pollutants, continuing violations);
- health and environmental impacts (e.g., death, serious injury, human exposure, remediation); and
- subject characteristics (e.g., national corporation, recidivist violator)

The “tiering” methodology is the basis for the criminal enforcement program’s new “Key Performance Indicator measure in FY 2011, which is defined as the percentage of cases in the total criminal enforcement docket that are in the top two tiers (tier 1 and tier 2). Employing the “tiering” methodology, the criminal enforcement program exceeded its FY 2011 target for tier 1 and tier 2 cases (Target: 40%; Actual: 45%).

The criminal enforcement program has set its target to increase annually between FY 2012–2015. As a result, the “case tiering” innovation will drive the docket for the future and enhance the criminal enforcement program’s capacity to support the most complex environmental cases and the Agency’s enforcement priorities.

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## Engaging the Public: Fugitive Website

Since FY 2009, [EPA’s Fugitive Website](#) has identified defendants charged with environmental crimes or violations of the U.S. Federal Criminal Code that fled rather than face prosecution or serve a sentence. During FY 2011, two fugitives were added to the website ([Kumar](#), [Kuhn](#)) and two former fugitives who were captured in prior years were sentenced ([Deleon](#), [DeMatteo](#)).

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## Working with Other U.S. Law Enforcement Organizations

### Marcellus Shale Law Enforcement Conference

EPA’s Criminal Enforcement program, along with the federal and Pennsylvania law enforcement organizations participated in the Marcellus Shale Law Enforcement Conference in State College, Pennsylvania (Read more on the [Marcellus Shale Law Enforcement Conference](#))

### International Criminal Enforcement Training

During FY 2011, EPA’s criminal enforcement program provided training to enhance the environmental enforcement capabilities of countries worldwide. It co-hosted the INTERPOL Pollution Crime Forensics Conference at the National Enforcement Investigations Center’s state of the art forensics laboratory in Lakewood, Colorado. which brought together for the first time 50 representatives from 17 countries worldwide, providing a key forum for investigators, forensic experts and prosecutors from around the world to exchange innovative approaches in pollution crime forensics.

Two EPA special agents and a criminal enforcement attorney taught principles of environmental criminal enforcement to 35 police officers, prosecutors, and environmental inspectors from Bosnia–Herzegovina, Croatia, Hungary, Macedonia, and Serbia at the U.S. Department of State’s International Law Enforcement Academy in Budapest. Funding for the instructors’ travel was provided by the U.S. Department of State.

As part of a cooperative program with the U.S. Agency for International Development (USAID), the criminal enforcement program has been providing environmental criminal investigative training to the Government of Jordan’s



Ministry of the Environment and its environmental police force. In FY 2011 it gave the last of three train-the-trainer courses in Jordan.

Simultaneous translation of environmental crimes training in Budapest

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Fiscal Year 2011 was an exceptional year for the cleanup enforcement program. Responsible parties committed to a record-setting amount to pay for cleaning up contaminated sites and to pay back the Agency for past cleanup work. The Agency's vigorous pursuit of debtors in bankruptcy, as part of its commitment to ensure that responsible parties, not taxpayers, pay for cleanup, resulted in record-setting settlements. The second phase of the cleanup of PCB-contaminated sediment in the Hudson River began and one of the largest cases ever brought under the Superfund program was resolved when a settlement agreement was reached with Hecla Mining Company. As part of the ongoing effort under EPA's Integrated Cleanup Initiative (ICI), EPA reaffirmed its commitment to preserving Superfund monies for cleaning up sites where viable responsible parties do not exist. Read more on:

- [private party commitments](#)
- [recoveries for bankruptcy commitments](#)
- [Hudson River cleanup](#)
- [Coeur D'Alene Basin cleanup](#)
- [Integrated Cleanup Initiative](#)

## Record setting year for private party commitments to cleanup sites and recover costs

Cleanup commitments from private parties are the highest since enactment of the Superfund statute. In FY 2011 EPA obtained \$3 billion in commitments from responsible parties for studying and cleaning up Superfund sites.

Additionally, private parties committed \$298 million to reimburse EPA for money spent cleaning up Superfund sites. This is the fifth highest cost recovery total in the history of the Superfund program. (The highest annual total was \$371 million in 2009.)

Since 1980, EPA has attained over \$36 billion in commitments from responsible parties. Of this amount, over \$30.5 has been committed to study and clean up of Superfund sites, and over \$5.8 billion represents reimbursements to EPA for money it spent cleaning up Superfund sites

Every year EPA reports the volume of contaminated media (soil and water) addressed (VCMA), which can vary dramatically from year to year due to a number of factors, including the:

- number of cases,
- size and number of sites to be cleaned up, and
- type of cleanups being performed

In FY 2011, the amount of contaminated water and soil being cleaned up by private parties increased from the previous year. The amount of contaminated water addressed increased from 107 million cubic yards to 903 million cubic yards. The increase was largely the result of one case ([Aerojet General](#)) which accounted for 80% of the total VCMA for water. The amount of contaminated soil addressed increased from approximately 9 million cubic yards to 31 million cubic yards. One case (International Smelting) accounted for over 25% of the total VCMA for soil.

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## Record recoveries for bankruptcy commitments to cleanup and cost recovery

EPA vigorously pursues debtors in bankruptcy as part of its commitment to ensure that responsible parties, not taxpayers, pay for cleanup of hazardous waste and also reimburse the Agency for its past and future cleanup costs. For the past three years the Agency has resolved bankruptcy proceedings with parties that have resulted in settlements in the billions of dollars to clean up sites and reimburse the Agency's past costs. FY2011 results include two bankruptcy

settlements totaling more than \$1 billion to the government.

#### Motors Liquidation Corporation

In October 2010, EPA announced the bankruptcy settlement with Motors Liquidation Corporation (MLC, also known as "Old GM", and formerly known as General Motors Corporation) to set up a \$773 million Environmental Response Trust to conduct, manage, and fund cleanup at 89 owned sites across 14 states where MLC has liabilities. The bankruptcy settlement also aids the redevelopment of the appropriate sites in the Trust. In March 2011, an additional seven settlement agreements associated with the MLC bankruptcy were approved to resolve claims at owned and non-owned sites. Under the terms of the settlements, EPA will receive cash, as well as allowed general unsecured claims and work performance collectively exceeding \$51 million to settle environmental claims at various sites contaminated with hazardous waste and resolve civil penalties at other facilities. (More information on the [MLC bankruptcy settlement](#).)

#### Tronox Incorporated

In February 2011, Tronox Incorporated ("Tronox") agreed to resolve its environmental liabilities with EPA, other federal, state, and local agencies, and the Navajo Nation (collectively, the "Governments") relating to numerous contaminated sites around the country. The Governments and certain bankruptcy-created trusts receive, among other consideration as part of the settlement, \$270 million and 88 percent of Tronox's interest in a pending fraudulent conveyance litigation. (More information on the [Tronox bankruptcy settlement](#).)

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### Phase II of Cleanup begins for Hudson River

In June 2011, EPA Region 2 announced that the dredging of sediment contaminated with polychlorinated biphenyls (PCBs) had resumed in the Upper Hudson River, marking the start of the second and final phase of the Hudson River cleanup. During this phase of dredging, General Electric will remove about 2.4 million cubic yards of PCB-contaminated sediment from a forty-mile section of the Upper Hudson River between Fort Edward and Troy, NY. (More information on the [Hudson River PCBs Superfund site](#).)

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### Coeur D'Alene Basin cleanup settlement fosters cooperation for future cleanup

In June 2011, EPA Region 10 announced an agreement was reached with Hecla Mining Company to pay \$263.4 million plus interest to the United States, the Coeur d'Alene Tribe and the state of Idaho to resolve claims stemming from releases of wastes from its mining operations. Settlement funds will be dedicated to restore and clean up natural resources in the Coeur d'Alene Basin. The settlement resolves a cost recovery and natural resource damage action related to the Bunker Hill Mining and Metallurgical Complex Superfund Site that was initiated by the Coeur d'Alene Tribe in 1991 and joined by the United States in 1996.

Of the \$263.4 million, approximately

- \$180 million will fund response actions throughout the site;
- \$17 million will fund response actions within Operable Unit 1 (the "Populated Areas of the Bunker Hill Box"); and
- \$65.85 million will be paid to the federal, tribal and state natural resource trustees

The settlement also requires Hecla to provide access to and implement proprietary controls on property they own or control within the site. The settlement includes a protocol that will govern the coordination of EPA's cleanup efforts in the Upper Basin with Hecla's mining activities in an effort to minimize potential conflicts between cleanup and mining activities. (More information on the [Coeur d'Alene Basin](#) and the [Bunker Hill Mining and Metallurgical Complex Superfund Site](#).)

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### Enforcement activities under the Integrated Cleanup Initiative promote timely cleanups by responsible parties

In 2010, EPA initiated the [Integrated Cleanup Initiative \(ICI\)](#), a three-year strategy to identify and implement improvements to the Agency's land cleanup programs. The Initiative includes enforcement activities intended to promote the timely clean up of contaminated sites by potentially responsible parties (PRPs), thereby preserving Superfund monies to be used to clean up other sites where viable responsible parties do not exist.

On August 4, 2011, EPA issued a new memorandum titled "[Enforcement First for Removal Actions](#)" (PDF) (3pp, 251K, [About PDF](#)) The memorandum restates EPA's longstanding "enforcement first" policy to ensure the continued implementation of this policy, where appropriate and feasible, at removal actions. The memorandum also explains EPA's policy on completing a preliminary search for PRPs at non-emergency removal sites to ensure the Agency timely identifies responsible parties before using Fund monies to perform the removal action at a site.

In June 2011, EPA issued the memorandum "[Options for Responding to Deficient Deliverables from PRPs.](#)" (PDF) (7pp, 386K, [About PDF](#)) The memo discusses EPA options for responding to deficient deliverables submitted by responsible parties, including unilateral EPA modification of deliverables and the assessment of penalties. The memorandum will help to address concerns that deficient deliverables that result in multiple rounds of EPA comments and responsible party resubmission of revised deliverables are an impediment to the timely completion of cleanups.

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In fiscal year 2011, EPA concluded 57 enforcement actions against federal agencies, federal corporations and contractors at federal facilities for alleged violations of environmental laws. These actions will reduce, treat, or eliminate an estimated 713 million pounds of pollutants. Violators will pay approximately \$9 million in penalties and invest an estimated \$5 billion in cleanup and improved operations to comply with environmental laws.

EPA also successfully concluded negotiations for three CERCLA cleanup agreements (also known as Federal Facility Agreements (FFAs)) at United States installations located on the National Priorities List (NPL):

- Ft. Detrick, Maryland (U.S. Army) – Region 3 also concluded the FFA for the cleanup of the Ft. Detrick with the Army. Given the local community’s concern with the risks associated with many of Ft. Detrick’s historic activities and the serious nature of the contamination, EPA and the Army reached agreement quickly, well before the statute required the agreement. (Read the [news release on the Ft. Detrick cleanup agreement.](#))
- Air Force Plant #44 in Arizona (U.S. Air Force) – Region 9’s resolve to press the Air Force to meet its legal obligations at this site dates back even before 2007, when the Region issued a Safe Drinking Water Act (SDWA) imminent and substantial endangerment order to protect the public. The new FFA should finally afford the accountability required for this cleanup. (Read the [news release on the Air Force Plan #44 cleanup agreement.](#))
- Joint Base Andrews in Maryland (U.S. Air Force) – Region 3 pursued the Air Force for many years to achieve the long overdue FFA for the cleanup of Joint Base Andrews. Like Air Force Plant #44, the effective FFA for Joint Base Andrews will enable EPA to perform its statutory role of ensuring the cleanup is protective of human health and the environment. (Read the [news release on the Joint Base Andrews cleanup agreement.](#))

In three years, from 2008 to 2011, EPA completed 11 of the outstanding FFAs required by CERCLA at Federal facilities on the NPL. Concluding these agreements reduced the number of outstanding, legally required FFAs to three out of a total of approximately 151 FFAs completed since 1988.



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Environmental justice has been a consideration in how EPA enforces environmental laws for many years – in 2011, through Plan EJ 2014, EPA focused and accelerated our efforts to identify, assess, and address EJ concerns when developing and implementing our enforcement and compliance strategies and activities. We also accelerated our ongoing efforts to communicate more effectively with overburdened communities about our enforcement actions and program activities. As illustrated by the cases highlighted here, EPA is advancing our environmental justice goals, achieving results through the strategies outlined in [Plan EJ 2014 "Advancing EJ through Compliance and Enforcement"](#):

We considered EJ in the selection and implementation of our National Enforcement Initiatives:

- [Tennessee Valley Authority \(TVA\)](#) resolved alleged Clean Air Act violations at 11 of its coal-fired plants in Alabama, Kentucky, and Tennessee. The settlement will require TVA to invest an estimated \$3 to \$5 billion on new and upgraded state-of-the-art pollution controls that will prevent approximately 1,200 to 3,000 premature deaths, 2,000 heart attacks and 21,000 cases of asthma attacks each year, resulting in up to \$27 billion in annual health benefits. TVA will also invest \$350 million on clean energy projects that will reduce pollution, save energy and protect public health and the environment. These investments will advance environmental justice by reducing energy costs for low-income communities and by reducing pollution in overburdened communities.
- The [Northern Indiana Public Service Company \(NIPSCO\) Clean Air Act Settlement](#) will cover all of NIPSCO's coal-fired power plants, located in Chesterton, Michigan City, Wheatfield and Gary, Indiana. NIPSCO has agreed to invest approximately \$600 million in pollution control technology that will protect public health and resolve violations of the Clean Air Act. The settlement also calls for NIPSCO to spend \$9.5 million on projects that will benefit the environment and human health in communities located near the NIPSCO facilities. The projects include a clean diesel retrofit project for public vehicles, woodstove and outdoor boiler change-out projects, and land restoration projects.

As we target and develop our compliance and enforcement actions, EPA has been paying particular attention to minority, low-income, and tribal communities because these communities frequently bear a disproportionate burden of environmental harms and have been historically under-represented in environmental decision-making:

- EPA announced a comprehensive [settlement with the Department of the Interior \(DOI\)](#) to address alleged violations of waste, water, air, toxics and community right-to-know laws at schools and public water systems in Indian Country owned, operated, or the legal responsibility of DOI's Indian Affairs Office. The settlement will advance environmental justice by protecting students' health, including children, and the health of communities in Indian Country by reducing potential exposure to environmental hazards.

Where pollution is concentrated in a geographic area, EPA's enforcement program is enhancing its use of enforcement and compliance tools in regional geographic initiatives to address the needs of overburdened communities – in these instances, enforcement resources are part of integrated strategies that seek to comprehensively address disproportionate environmental and public health burdens.

EPA's Region 9 is using enforcement and compliance in Los Angeles County's densely populated communities closest to the [California Interstate 710 Corridor](#).

- The corridor includes the ports of Los Angeles and Long Beach. One million people live in communities along the corridor and are severely impacted by pollution from industrial activities in the area.
- 70% of the population are low-income and minority.

The region has persistently exceeded national ambient air quality standards for carbon monoxide, 1-hour and 8-hour ozone, and particulate matter 2.5 and 10.

- EPA is collaborating with state and local regulators to increase the enforcement presence and to reduce the disproportionate environmental impacts in the area.
- EPA has inspected over 70 facilities, including metal plating and petroleum facilities and is taking action, to date, against 13 of them.
- As a result of these actions, required improvements will keep more than 15,000 pounds of pollution a year out of the local environment and prevent the potential release of 80,000 gallons of oil into local water sources.

We are increasing efforts to address environmental justice through use of injunctive relief including pollution controls and mitigation, and Supplemental Environmental Projects, where appropriate:

- [The Northeast Ohio Regional Sewer District Clean Water Act settlement](#) will address the flow of untreated sewage into Cleveland area waterways and Lake Erie. Among other requirements, the District is required to take several specific steps to address concerns in overburdened communities. For example, the District must reduce pollutant discharges much more quickly in these areas. In addition, several vacant lands will be transformed into green space and recreational areas to help capture storm water discharges, perhaps leading to increased property values and employment opportunities. Also, the District will operate a household hazardous waste collection center each month as a supplemental environmental project, providing local citizens with a place to properly dispose of used motor oil, paints, batteries, and other items that could otherwise end up in storm water discharges.
- [Motors Liquidation Corporation \(f/k/a General Motors Corporation\) Bankruptcy Settlement](#) agreed to set up a \$773 million Environmental Response Trust to conduct, manage, and fund cleanup at 89 sites across 14 states. The bankruptcy settlement envisions the redevelopment and revitalization of appropriate sites. The Trust directs over \$450 million to address cleanup of contaminated properties, many of which are located in overburdened communities.

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## Program Highlights

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- [Compliance Monitoring](#)
- [Compliance Assistance](#)

### Compliance Monitoring

In FY 2011 EPA conducted approximately 19,000 inspections, evaluations and 177 investigations<sup>1</sup>. There are other additional compliance monitoring tools such as information requests which are not quantified here.

EPA monitored compliance with 33 programs, e.g., storm water, mobile sources, under eight separate and distinct environmental laws, e.g., Clean Air Act, Clean Water Act.

The inspections, evaluations, and investigations performed were split between these 33 programs with some programs having more activity, and other programs less based on:

- environmental risk;
- observed non-compliance;
- responses to citizen complaints; and
- whether the activity should be addressed at the federal level

In addition, these activities aggressively targeted facilities and sites where pollution problems impacting human health and the environment were identified or observed. Inspections and investigations were conducted in response to national environmental problems including:

- raw sewage and contaminated stormwater runoff in our waters,
- animal waste threatening our surface and ground waters,
- widespread air pollution from large sources,
- toxic air pollution that affects communities' health, and
- pollution from mineral processing operations

Significant EPA Compliance Monitoring Activities Conducted in Fiscal Year 2011:

- Inspections and Evaluations – The following significant inspections and evaluations were conducted:
  - 6,000 for drinking water regulations
  - 6,000 inspections to monitor compliance with drinking water regulations
  - 3,600 evaluations conducted to monitor compliance with clean air regulations
  - 3,400 inspections conducted to monitor compliance with clean water regulations
  - 1,600 inspections conducted to monitor compliance with underground storage tank regulations
  - 1,600 inspections conducted to monitor compliance with hazardous waste regulations
  - 900 inspections conducted to monitor compliance with emergency planning and reporting regulations
  - 400 inspections conducted to monitor compliance with pesticide regulations

Investigations – Of the 177 comprehensive civil investigations conducted:

- 161 were conducted under the clean air statute,
- 11 under the clean water statute,
- 2 under the hazardous waste statute,
- 3 under the toxic substances statute



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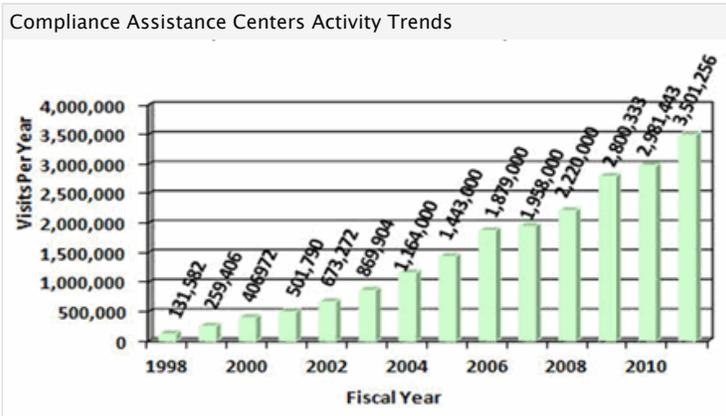
## Compliance Assistance

### Compliance Assistance Centers

Through collaborative partnerships between EPA, industry, academic institutions, and environmental groups, 17 Web-based [Compliance Assistance Centers](#) [EXIT Disclaimer](#) have been launched. Each EPA-funded Center addresses real world issues in terminology familiar to the regulated entities. In fiscal year 2011, the Centers experienced over 3.5 million user sessions.

In addition, during 2011 the Centers expanded their collaborative relationships with industry and launched three new Web sites:

- [Transportation Environmental Resource Center \(TERC\)](#) [EXIT Disclaimer](#) (with assistance of the American Trucking Association)
- [Veterinary Compliance Assistance Center \(VetCA\)](#) [EXIT Disclaimer](#) (in partnership with the American Veterinary Medical Association)
- [Combustion Portal](#) [EXIT Disclaimer](#) This portal provides facility owners of boilers and reciprocating internal combustion engines with easy access to air, water and waste regulatory information



### Compliance Assistance Efforts to Address Water Impacts from Concentrated Animal Feeding Operations (CAFO)

EPA REGION 3 developed a CAFO compliance outreach strategy to complement its farm inspection protocol in coordination with Pennsylvania and the states comprising the Delmarva Peninsula (Delaware, Maryland and Virginia).

With input obtained during informational meetings across the states, the Region developed environmental compliance fact sheets and self assessment guides for CAFO operators. The compliance information addresses, in part, what facilities are considered CAFOs, examples of a CAFO "discharge" and when CAFOs need to apply for a permit. Region 3 is working with each state to modify the compliance material to account for facility design and local topography. For example, the Virginia Department of Environmental Quality will address the specific needs of the 800 poultry farms in the state. Pennsylvania will adapt the material for use by farmers located in Lancaster County.

In addition, Region 3 presented an EPA CAFO Mock Inspection featured during the Poultry and Nutrient Management Tours sponsored by the University of Delaware Cooperative Extension. Poultry farmers who attended were invited to tour an on-site poultry operation focusing on four different poultry operations.

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#### Footnotes:

1. Inspections are a broad assessment of a facility's compliance status. Evaluations is what the Clean Air Act refers to as an inspection Investigations are more in-depth and complex than an inspections and focus on a specific aspect of a facility ([return to text](#))

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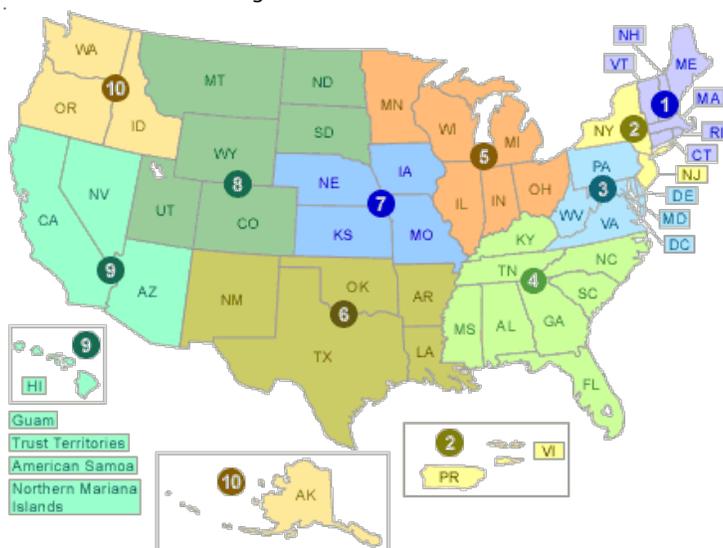
# Where You Live – Results by EPA Region

To see more about EPA's enforcement and compliance work near you, select your state from the list or map below to go to your state's EPA regional Annual Results page. Information available for each Region includes:

- "Accomplishments at a Glance" shows key regional enforcement activities and results
- Highlights of EPA's most important cases of fiscal year 2011 in your region.

Alabama – Region 4

Choose Your State or Region.



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# 2011 Region 1 Compliance and Enforcement Annual Results

EPA Region 1 serves Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

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- [Federal Case Highlights](#)
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## Overview

Region 1 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 through inspections and enforcement actions. As a result of enforcement actions completed in Fiscal Year 2011, approximately 2.3 million pounds of pollutants will be reduced, treated, or eliminated, and approximately 8.6 million cubic yards of contaminated water and soil will be cleaned, at an estimated cost to polluters of more than \$458 million. In the Superfund program, Region 1 received commitments from liable parties to pay over \$100 million to clean up Superfund sites and to reimburse the Government over \$34 million for money it spent cleaning up sites. The Region also provides compliance assistance to the regulated community. Over the past year, the Region reached more than 62,000 entities through 131 facility visits, 246 assistance workshops, dozens of presentations at meetings and events, and individualized assistance.

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## Federal Case Highlights

- City of Revere, MA:** The City of Revere, Massachusetts, will significantly reduce illegal discharges of raw sewage overflows into the environment from its wastewater collection system and separate storm sewer system. The City has estimated that it will spend approximately \$50 million to address these illegal discharges. Revere will also pay a civil penalty of \$130,000 for past violations of the Clean Water Act.
- G&K Services Co.:** An industrial laundry in Manchester, New Hampshire, G&K, will pay a civil penalty of \$65,000, and will undertake a Supplemental Environmental Project with a value of at least \$220,000 to replace old, polluting wood stoves in southern New Hampshire with new, cleaner models, and will install equipment at its facility to remove approximately 20 tons per year of emissions of volatile organic compounds ("VOCs").
- Pharmacia & Upjohn:** Cleanup and construction work expected to cost \$150 million has begun at the former Pharmacia & Upjohn manufacturing facility located at 41 Stiles Lane in North Haven, Conn. The work will allow the contaminated site to be developed and restored for use as open space and light industry or commerce. Pfizer Inc., Pharmacia & Upjohn's parent company, will provide financial assurance for the cleanup.

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## Accomplishments at a Glance:

Civil Cases	
Estimated pollution reduced, treated or Eliminated (Pounds) <sup>1</sup>	2,330,053
Estimated hazardous waste treated, minimized, or properly disposed of (Pounds) <sup>1</sup>	2,227
Estimated contaminated soil and water to be cleaned up (Cubic Yard)	8,618,034
Enforcement Activities	
Case initiations	102

Sources for Data displayed in this document: Integrated Compliance Information System (ICIS), Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS).

**Footnotes:**

1. Projected reductions to be achieved during the one year period after all actions have been completed. ([return to text](#))

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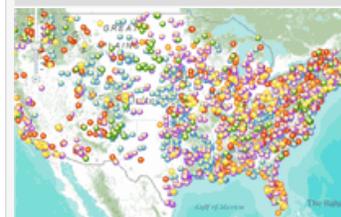
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# 2011 Region 2 Compliance and Enforcement Annual Results

EPA Region 2 serves New Jersey, New York, Puerto Rico, and the U.S. Virgin Islands.

- [Overview](#)
- [Federal Case Highlights](#)
- [Accomplishments by Number](#)

Have EPA Enforcement actions occurred in my community?



## Overview

Fiscal Year 2011 was an extremely successful year for the EPA Region 2

Enforcement Program. Our enforcement settlements will result in approximately 87 million pounds of pollutants reduced, treated or eliminated and a reduction of more than 400 million pounds of hazardous waste. Our actions will result in the investment of more than \$3 billion in pollution control and cleanup. In addition, Region 2 assessed penalties of well over \$13 million.

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## Federal Case Highlights

- [Tonawanda Coke Corporation Actions Will Result in Benzene Emissions Cut by at least Two-thirds.](#) Under agreements reached between EPA, NYSDEC and the Tonawanda Coke Corporation, the company will improve operations and monitoring for coke oven gas leaks, repair equipment and upgrade pollution controls will be improved. These improvements will cut harmful benzene emissions by 56,000 pounds per year, which EPA estimates as representing about 2/3 of the total measured benzene emissions at the facility.
- [Second Phase of Historic Hudson River Cleanup Underway.](#) EPA finalized modifications to one of the largest and most complex cleanup projects in the history of the Superfund program—the dredging of the Hudson River PCBs Superfund Site to cleanup sediment contaminated with polychlorinated biphenyls (PCBs). Between 2 and 3 million cubic yards of additional sediment will be dredged, an investment that could exceed \$2 billion.
- [Nation's Second Largest Refinery Paid More Than \\$5.3 Million Penalty for Clean Air Act Violations / Smog- and asthma-causing emissions to be cut by 8,500 tons per year.](#) Hovensa LLC, owner of the second largest petroleum refinery in the United States, paid a civil penalty of more than \$5.3 million and committed to spend more than \$700 million in new pollution controls that will help protect public health. The settlement requires new and upgraded pollution controls, more stringent emission limits, and aggressive monitoring, leak-detection and repair practices to reduce emissions from refinery equipment and process units.
- [United States v. Gordon-Smith et al.](#) Keith Gordon-Smith, convicted after a jury trial of multiple counts of violating the Clean Air Act due to the failure to notify the US EPA of asbestos related work and failure to properly remove asbestos during a partial building demolition at the Genesee Hospital in Rochester, New York. Gordon-Smith was sentenced to 72 months in prison and ordered to pay \$300,000 in restitution. The company, Gordon-Smith Contracting, was ordered to pay \$44,000 in fines.

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## Accomplishments at a Glance:

Civil Cases	
Estimated pollution reduced, treated or Eliminated (Pounds) <sup>1</sup>	87,850,394
Estimated hazardous waste treated, minimized, or properly disposed of (Pounds) <sup>1</sup>	427,784,997
Estimated contaminated soil and water to be cleaned up (Cubic Yard)	5,060,911

## Enforcement Activities

Case initiations	409
Case conclusions	392

Sources for Data displayed in this document: Integrated Compliance Information System (ICIS), Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS).

### Footnotes:

1. Projected reductions to be achieved during the one year period after all actions have been completed. ([return to text](#))

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# 2011 Region 3 Compliance and Enforcement Annual Results

EPA Region 3 serves Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.

- [Overview](#)
- [Federal Case Highlights](#)
- [Accomplishments by Number](#)

## Overview

The Region concluded 297 enforcement cases in FY2011 that resulted in over 142 million pounds of pollutants being reduced, treated, or eliminated, almost 6.6 million pounds of hazardous waste being treated, minimized or properly disposed of, cleaning more than 1.2 million cubic yards of contaminated soil and 5.8 million cubic yards of water and aquifers.

Region 3 is home to the Chesapeake Bay, the largest estuary in the United States. The President addressed concerns about the Bay's environmental health through an Executive Order requiring action on the Bay's environmental problems. Region 3's Water Enforcement Program focused on the leading causes of Bay impairment, specifically storm water run-off from agriculture, municipal waste water treatment, and discharges from manufacturing operations.

Storm water from these operations often contains high levels of nitrogen, phosphorus, sediment, toxic metals, and volatile organic compounds.

Region 3 enforcement activities in FY 2011 focused on pollution problems that make a difference in communities. To protect vulnerable communities, Region 3 integrated Environmental Justice (EJ) concerns into our enforcement program through training, EJ assessments, and compliance monitoring activities enabling the staff to better understand, and respond to, communities' concerns. These assessments help identify sites, facilities and/or projects with potential EJ issues.

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## Federal Case Highlights

- [Eastman Chemicals Resins](#) Three companies have agreed to pay more than \$1 million in penalties to settle alleged environmental violations at the Hercules Franklin Plant in Courtland, Virginia.
- [Consol Energy](#), The largest producer of coal from underground mines in the United States, agreed to pay a \$5.5 million civil penalty for Clean Water Act violations and reduce 96 million pounds of total dissolved solids at six of its mines in West Virginia.
- [Arch Coal Inc.](#), the second largest supplier of coal in the country, agreed to pay a \$4 million dollar penalty for alleged violations in Virginia, West Virginia, and Kentucky. As a result of this settlement, EPA estimates the pollutant's discharged from Arch's mining operations will reduce 2 million pounds annually.
- [Arsenal Business Associates and Hankin Management](#) are required to take several measures to address the alleged violations of Clean Air Act regulations of demolition and renovation activities involving buildings with asbestos-containing materials. EPA estimated the cost of completing the work to be in excess of \$1.2 million.
- [DuPont Imprelis Stop Sale Use and Removal Order](#) directed the company to immediately halt the sale, use or distribution of Imprelis, an herbicide marketed to control weeds, vines and certain grasses in recreational areas such as golf courses and commercial properties such as sod farms. The order follows EPA's investigation into why a large number of evergreens and other trees have been harmed following the use of the herbicide.

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## Accomplishments at a Glance:

Civil Cases	
Estimated pollution reduced, treated or Eliminated (Pounds) <sup>1</sup>	142,014,543
Estimated hazardous waste treated, minimized, or properly disposed of (Pounds) <sup>1</sup>	6,593,415
Estimated contaminated soil and water to be cleaned up (Cubic Yard)	7,105,769
Enforcement Activities	
Case initiations	278
Case conclusions	297

Sources for Data displayed in this document: Integrated Compliance Information System (ICIS), Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS).

### Footnotes:

1. Projected reductions to be achieved during the one year period after all actions have been completed. ([return to text](#))

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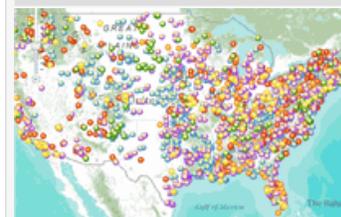
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## 2011 Region 4 Compliance and Enforcement Annual Results

EPA Region 4 serves Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee

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- [Federal Case Highlights](#)
- [Accomplishments by Number](#)

Have EPA Enforcement actions occurred in my community?



### Overview

Consistent and vigorous enforcement of our nation's environmental laws will result in cleaner air, cleaner water and cleaner land for millions of citizens in the Southeast. In Fiscal Year 2011, a total of 621 federal administrative and judicial actions were taken in the Region 4 states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee. By targeting the most serious water, air and chemical hazards and working to advance environmental justice by protecting communities that are most at risk from environmental harm, EPA Region 4's enforcement and compliance efforts achieved:

- the reduction, treatment or elimination of more than 1 billion pounds of harmful air, water and land pollution,
- the reduction of greenhouse gas emissions equivalent to more than 36 billion pounds of carbon dioxide
- the assessment of more than \$23 million in penalties and the commitment to spend more than \$5.4 billion on pollution controls and environmental projects to clean up our neighborhoods
- the protection of more than 500 acres of wetlands

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### Federal Case Highlights

- [Tennessee Valley Authority](#) agreed to resolve alleged Clean Air Act violations at 11 of its coal-fired plants in Alabama, Kentucky, and Tennessee. The settlement will require an estimated investment of \$3 to \$5 billion on new and upgraded state-of-the-art pollution controls that will prevent approximately 1,200 to 3,000 premature deaths, 2,000 heart attacks and 21,000 cases of asthma attacks each year, resulting in up to \$27 billion in annual health benefits.
- The [Lexington-Fayette Urban County \(KY\) Government](#) has agreed to make extensive improvements to its sewer systems, at a cost estimated to exceed \$290 million, to eliminate unauthorized overflows of untreated raw sewage, and to reduce pollution levels in urban storm water.
- The United States District Court for the District of South Carolina entered a consent decree which resolves Clean Water Act claims against a landowner who illegally filled wetlands in an abandoned rice field along the West Branch of the Cooper River, and adjacent forested wetlands in South Carolina. In addition to a \$25,000 penalty, the Consent Decree requires the restoration of impacted wetland areas, and the implementation of a Supplemental Environmental Project (SEP) which will convey a conservation easement to a Land Trust permanently preserving 322 acres of wetlands at the violation site.

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### Accomplishments at a Glance:

Civil Cases

Estimated pollution reduced, treated or Eliminated (Pounds)<sup>1</sup>

1,017,410,597

Estimated contaminated soil and water to be cleaned up (Cubic Yard)	7,445,534
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**Enforcement Activities**

Case initiations	559
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Case conclusions	550
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Sources for Data displayed in this document: Integrated Compliance Information System (ICIS), Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS).

**Footnotes:**

1. Projected reductions to be achieved during the one year period after all actions have been completed.  
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# 2011 Region 5 Compliance and Enforcement Annual Results

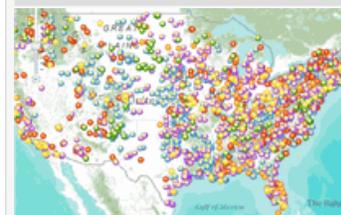
EPA Region 5 serves Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

- [Overview](#)
- [Federal Case Highlights](#)
- [Accomplishments by Number](#)

## Overview

Region 5 works with state and tribal governments to ensure compliance with our nation's environmental laws in Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin. Our civil and criminal enforcement actions are focused on the most serious water, air and chemical hazards – including those identified in EPA's [national enforcement initiatives](#) – and advance environmental justice by protecting overburdened communities.

Have EPA Enforcement actions occurred in my community?


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## Federal Case Highlights

- Clean Water Settlement in Northeast Ohio:** EPA and the Department of Justice settled a Clean Water Act suit with the Northeast Ohio Regional Sewer District. The settlement will keep untreated sewage out of Cleveland area waterways and Lake Erie.
- Clean Air Settlement to Protect Indiana Public Health by Reducing Emissions:** EPA reached a Clean Air Act settlement with the Northern Indiana Public Service Co. in January 2011. NIPSCO must install \$600 million in pollution control technology at its four coal-fired power plants, and spend \$9.5 million to reduce the effects of past emissions. It is also expected to reduce pollutant emissions by over 68,000 tons per year.
- Illinois Company Pleads Guilty to Illegal Storage of Hazardous Waste:** Honeywell International Inc. was sentenced in March 2011 to pay a criminal fine of \$11.8 million for knowingly storing hazardous waste without a permit – a violation of the Resource Conservation and Recovery Act.

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## Accomplishments at a Glance:

Civil Cases	
Estimated pollution reduced, treated or Eliminated (Pounds) <sup>1</sup>	311,305,460
Estimated hazardous waste treated, minimized, or properly disposed of (Pounds) <sup>1</sup>	25,184,000
Estimated contaminated soil and water to be cleaned up (Cubic Yard)	72,169,914
Enforcement Activities	
Case initiations	357
Case conclusions	344

Sources for Data displayed in this document: Integrated Compliance Information System (ICIS), Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS).

Footnotes:

1. Projected reductions to be achieved during the one year period after all actions have been completed.  
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# 2011 Region 6 Compliance and Enforcement Annual Results

EPA Region 6 serves Arkansas, Louisiana, New Mexico, Oklahoma, and Texas

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- [Federal Case Highlights](#)
- [Accomplishments by Number](#)

## Overview

Using a full range of compliance and enforcement strategies and tools, EPA Region 6 brought to conclusion over 600 enforcement actions against environmental violators in the five state region (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas) for fiscal year 2011. From these actions, more than 3.1 billion pounds of hazardous wastes will be treated, minimized or properly disposed of; 137.5 million pounds of air and water pollutants will be reduced; and 3.6 million cubic yards of contaminated soil and water will be cleaned up. These reductions will be achieved as respondents invest close to \$311.7 million in pollution controls and cleanup. Supplemental Environmental Projects will be implemented that will benefit surrounding communities at a cost of nearly \$2 million, and penalties were assessed in the amount of \$29.1 million, with an additional \$5.2 million going to our State partners through collaborative enforcement actions.

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## Federal Case Highlights

- [Mahard Egg Farm, Inc.](#), a Texas corporation, will pay a \$1.9 million penalty to resolve claims that the company violated the Clean Water Act (CWA) at its egg production facilities in Texas and Oklahoma. The civil penalty is the largest amount to be paid in a federal enforcement action involving a concentrated animal feeding operation. The company will also spend approximately \$3.5 million on remedial measures to ensure compliance with the law and protect the environment and people's health.
- [Air Products LLC](#) agreed to pay nearly \$1.5 million in civil penalties to resolve hazardous waste mismanagement violations at its Pasadena, Texas chemical manufacturing facility. Before the settlement was concluded, Air Products instituted modifications that will reduce the levels of contamination in the spent acid, and the construction of a \$60 million regeneration plant that will stop the acid waste stream altogether.
- [Murphy Oil USA](#), of Meraux, Louisiana, for Clean Air Act violations at Murphy's petroleum refineries located in Meraux, Louisiana, and Superior, Wisconsin, shall pay combined Federal and State civil penalties of \$1.25 million, and perform complying actions to reduce emissions of Volatile Organic Compounds (VOCs), sulfur dioxide, and nitrogen oxide.
- [BP Products North America Inc.](#) agreed to pay a \$15 million penalty, both the largest ever assessed for civil violations of the Clean Air Act's chemical accident prevention regulations and the largest civil penalty recovered for Clean Air Act violations at an individual facility. The settlement addresses violations stemming from two fires that occurred at the refinery, and a leak. During the three incidents, each of which resulted in the surrounding Texas City community to shelter-in-place, thousands of pounds of flammable and toxic air pollutants were released.



Explosion at BP Amoco

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## Accomplishments at a Glance:

### Civil Cases

Estimated pollution reduced, treated or Eliminated (Pounds) <sup>1</sup>	137,523,185
Estimated hazardous waste treated, minimized, or properly disposed of (Pounds) <sup>1</sup>	3,102,500,000
Estimated contaminated soil and water to be cleaned up (Cubic Yard)	3,630,912

### Enforcement Activities

Case initiations	640
Case conclusions	617

Sources for Data displayed in this document: Integrated Compliance Information System (ICIS), Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS).

### Footnotes:

1. Projected reductions to be achieved during the one year period after all actions have been completed. ([return to text](#))

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# 2011 Region 7 Compliance and Enforcement Annual Results

EPA Region 7 serves Iowa, Kansas, Missouri, and Nebraska.

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- [Federal Case Highlights](#)
- [Accomplishments by Number](#)

## Overview

Fiscal Year (FY) 2011 translated to more than \$171 million being invested by respondents in pollution control and cleanup in Region 7. Through these actions, respondents in Iowa, Kansas, Missouri, Nebraska and on tribal lands will be required to clean up more than 26 million pounds of pollutants, and implement more than \$1 million in Supplemental Environmental Projects.

EPA Region 7 demonstrated a commitment to ensuring the integration of environmental justice into all regional programs, policies and activities to achieve measurable results for the environment and the public health of affected communities. In FY 2011, enforcement and compliance assurance actions resulted in the reduction of millions of pounds of pollutants in communities and populations disproportionately impacted by pollution. This is especially important for the vulnerable populations most affected by pollutants, including people with asthma who are active outdoors, children, the elderly, and people with heart or lung disease. Communities and populations in Region 7 that could be disproportionately impacted by non-compliance with environmental laws will also benefit from the previously mentioned \$1 million in respondents' spending on Supplemental Environmental Projects.

During FY 2011 in Region 7, more than 38,000 entities received compliance assistance through web access, training sessions and one-on-one meetings. Focused workshops regarding the Spill Prevention, Control and Countermeasures (SPCC) rule, covering oil storage requirements for small capacity oil handlers, were conducted as a result of numerous inquiries in Iowa. Region 7 conducted four separate workshops in Okoboji, Spencer, Washington and Waterloo, Iowa. More than 725 farmers, oil handlers and facility owner/operators attended the presentations. As a result, the attendees are better able to understand the requirements of the rule and were provided answers concerning their own operations by EPA staff.

Region 7's Criminal Enforcement Program investigated companies and individuals with environmental crimes during FY 2011. A total of 14 defendants were convicted of environmental crimes. Criminal defendants were assessed more than \$12 million in fines; \$1.4 million in restitution; and more than 380 months of incarceration. Forty-two new criminal investigations were initiated.

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## Federal Case Highlights

- In a significant civil enforcement case involving the new source review provisions of the Clean Air Act, [Terra Industries, Inc.](#), one of the nation's largest producers of nitric acid and nitrogen fertilizers, agreed to pay \$625,000 in penalties for violations at nine of its plants in Iowa, Mississippi and Oklahoma. The company will spend an estimated \$17 million on injunctive relief to install and implement new controls and technologies that are expected to reduce harmful nitrogen oxide emissions at its facilities by at least 1,200 tons per year.
- The region concluded 27 enforcement actions against concentrated animal feeding operations (CAFOs), resulting in more than 1.1 million pounds of pollutant reductions, respondents' expenditures of more than \$370,000 on pollution control and cleanup, and more than \$129,000 in assessed penalties. Region 7's latest round of CAFO enforcement activity involves [five beef feedlots, including three in Nebraska, one in Kansas, and one in Iowa; and an egg layer operation in Nebraska.](#)



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## Accomplishments at a Glance:

### Civil Cases

Estimated pollution reduced, treated or Eliminated (Pounds) <sup>1</sup>	17,786,783
Estimated hazardous waste treated, minimized, or properly disposed of (Pounds) <sup>1</sup>	770,236
Estimated contaminated soil and water to be cleaned up (Cubic Yard)	542,050

### Enforcement Activities

Case initiations	254
Case conclusions	260

Sources for Data displayed in this document: Integrated Compliance Information System (ICIS), Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS).

### Footnotes:

1. Projected reductions to be achieved during the one year period after all actions have been completed. ([return to text](#))

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# 2011 Region 8 Compliance and Enforcement Annual Results

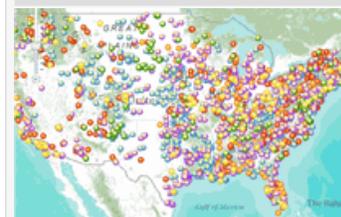
EPA Region 8 serves Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.

- [Overview](#)
- [Federal Case Highlights](#)
- [Accomplishments by Number](#)

## Overview

EPA Region 8 Office of Enforcement, Compliance and Environmental Justice enforces federal environmental law in a variety of ways, including strategic planning and targeting, setting enforcement priorities, developing compliance monitoring programs, undertaking inspection activities, and pursuing appropriate enforcement actions. We assist and coordinate with state and tribal enforcement programs and help promote effective enforcement strategies. We also engage in various compliance assistance and incentive activities.

Have EPA Enforcement actions occurred in my community?



EPA air monitoring activities in the Uinta Basin in Utah

This year, our concluded cases achieved almost 36 million pounds of pollutants reduced, treated or eliminated from the environment. EPA Region 8 also collected over \$76 million in total injunctive relief and supplemental environmental projects from regulated entities to resolve alleged violations of laws that protect public health and the environment. Region 8 enforcement staff conducted over 1,600 inspections in our six state region and reached over 15,000 entities through compliance assistance efforts. We initiated 110 administrative compliance orders, 84 administrative penalty order complaints, and 91 administrative penalty order conclusions. The total value of federal penalties exceeded \$4.5 million.

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## Federal Case Highlights

- **Poplar Oil Field:** In response to detections of low levels of oil production-related contaminants in the public water supply that serves the City of Poplar, Montana and the Fort Peck Indian Reservation, EPA issued an order to require the companies to monitor Poplar's municipal water supply wells and also the private wells of residents in the potentially affected area, upon resident request. The order benefits the community, which includes minority and low-income areas.
- **Gasco Energy** will install air emission controls at its Riverbend compressor station on the Uintah and Ouray Reservation near Vernal, Utah. The settlement is expected to reduce air pollution by more than 550 tons per year, including 122 tons of carbon monoxide and 427 tons of ozone-forming volatile organic compounds and other hazardous air pollutants. The settlement benefits nearby communities, which include minority and low-income populations, by providing emission controls on dehydrators, compressor engines and storage tanks at the compressor station.
- **Dyno Nobel:** Australia-based Dyno Nobel will improve risk management and maintenance of equipment used to store and process hazardous chemicals at the company's plant in Cheyenne, Wyoming. Under the Clean Air

Act, facilities that handle large quantities of hazardous materials must develop a risk management plan to assist with emergency preparedness, chemical release prevention, and minimization of releases that occur. The agreement requires Dyno Nobel to improve accident prevention and preparedness and pay a penalty of \$110,000.

- **Bar One Ranch** will complete restoration of wetlands and a stream channel adjacent to Ninemile Creek as part of a settlement. During construction activities along the southern banks of Ninemile Creek, 13.9 acres (approximately the size of 13 football fields) of wetlands were destroyed and millions of pounds of sediment were discharged. Bar One Ranch will complete restoration activities and pay a penalty of \$275,000 for unauthorized construction activities affecting wetlands.
- **ConocoPhillips** will reduce emissions of air pollutants at their compressor station on the Southern Ute Reservation in Colorado's San Juan Basin as part of a settlement. The station removes water and compresses natural gas for transportation through high pressure gas pipelines. Measures taken as a result of the settlement will reduce emissions of volatile organic compounds by 137 tons per year, hazardous air pollutants like formaldehyde and benzene by 89 tons per year, and carbon monoxide by 33 tons per year. Air pollution mitigation investments at the compressor station will total \$300,000 along with a penalty of \$198,000.



Bar One Ranch, Missoula County, Montana

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## Accomplishments at a Glance:

Civil Cases	
Estimated pollution reduced, treated or Eliminated (Pounds) <sup>1</sup>	33,523,518
Estimated hazardous waste treated, minimized, or properly disposed of (Pounds) <sup>1</sup>	14,000
Estimated contaminated soil and water to be cleaned up (Cubic Yard)	8,092,879
Enforcement Activities	
Case initiations	212
Case conclusions	211

Sources for Data displayed in this document: Integrated Compliance Information System (ICIS), Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS).

### Footnotes:

1. Projected reductions to be achieved during the one year period after all actions have been completed. ([return to text](#))

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# 2011 Region 9 Compliance and Enforcement Annual Results

EPA Region 9 serves Arizona, California, Hawaii, Nevada, American Samoa, Commonwealth of the Northern Mariana Islands, Federated States of Micronesia, Guam, Marshall Islands, and Republic of Palau.

- [Overview](#)
- [Federal Case Highlights](#)
- [Accomplishments by Number](#)



## Overview

EPA's mission is to protect the nation's air, water and land from pollution that destroys the environment and endangers public health. In the Pacific Southwest, Region 9 is charged with accomplishing the Agency's mission throughout Arizona, California, Hawaii, Nevada, the Pacific Islands and regional Tribal lands. This vast territory includes some of the fastest growing and most populous metropolitan areas of the country as well as some of those hardest hit by recent economic downturns. The area encompasses diverse geography and cultures, a rich agricultural economy, the Silicon Valley, and business and industries that range from modest family shops to recreation destinations to large oil refineries, international ports and military bases.

To ensure compliance across such a broad spectrum of regulated entities, Region 9 employs a comprehensive and robust Compliance Assurance and Enforcement program that includes targeted compliance assistance, inspections and monitoring, incentives for self-disclosure and correction of violations and enforcement. Our compliance assurance activities, along with civil and criminal enforcement to deter noncompliance, has resulted in Region 9 reaching almost 30,000 regulated entities through compliance assistance and training, completing inspections of over 960 facilities, and taking over 451 civil enforcement actions against violators in FY 2011. We also worked in close partnership with our state, local and tribal agencies to support their efforts to enforce federal environmental regulations.

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## Federal Case Highlights

- City and County of Honolulu:** EPA and the Department of Justice reached a multi-billion dollar settlement with the City and County of Honolulu to address its aging wastewater collection and treatment systems. The agreement calls for aggressive actions to upgrade the city's sewage system, and sets out a long term schedule for construction of secondary treatment at its Sand Island and Honolulu plants.
- San Joaquin Valley Biomass Power Plant Settlements:** EPA reached settlements involving three biomass power plants in the San Joaquin Valley, Ampersand Chowchilla, Merced Power El Nido and Stockton CoGen. The agreements will result in over one million pounds per year in emission reductions as well as improved monitoring and recordkeeping procedures.
- Kettleman City Landfill / Chemical Waste Management:** Chemical Waste Management, Inc. (CWM) is currently seeking to modify permit approvals for expanded management of hazardous waste and PCBs at the KHF. Members of the community are concerned that the town's proximity to hazardous waste landfill is affecting their health and have voiced concern over expansion of the facility.

As part of EPA's efforts to address community concerns about the facility, RCRA and TSCA investigations of the Kettleman Hills facility were completed. The TSCA investigation discovered non-compliance with PCB handling and disposal requirements. EPA settled with CWM requiring them to pay \$400,000 and complete various injunctive tasks to resolve the violations totaling an estimated \$600,000.

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## Accomplishments at a Glance:

### Civil Cases

Estimated pollution reduced, treated or Eliminated (Pounds) <sup>1</sup>	74,170,022
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Estimated contaminated soil and water to be cleaned up (Cubic Yard)	720,950,573
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### Enforcement Activities

Case initiations	220
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Case conclusions	228
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Sources for Data displayed in this document: Integrated Compliance Information System (ICIS), Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS).

### Footnotes:

1. Projected reductions to be achieved during the one year period after all actions have been completed. ([return to text](#))

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# 2011 Region 10 Compliance and Enforcement Annual Results

EPA Region 10 serves Alaska, Idaho, Oregon, and Washington.

- [Overview](#)
- [Federal Case Highlights](#)
- [Accomplishments by Number](#)

## Overview

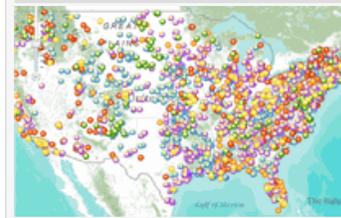
In FY11, Region 10 enforcement activities resulted in a number of significant environmental benefits, including the long-term cleanup of more than 100 million cubic yards of highly contaminated land and water, an investment of more than \$345 million in actions and equipment to reduce pollution and protect the environment; and more than \$25 million in civil penalties for non-compliance with environmental laws and regulations. In particular, Region 10's largest settlements will help reduce the threat of future oil spills in the North Slope's fragile ecosystem, address human health and ecological risks from widespread, historic mining contamination in North Idaho and eastern Washington, and improve air and water quality in Pacific Northwest communities.

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## Federal Case Highlights

- A settlement was reached with [Hecla Mining Company](#) to resolve one of the largest cases ever filed under the Superfund statute. Settlement funds will be dedicated to remediation and restoration of natural resources in the Coeur d'Alene Basin. Under the settlement, Hecla will pay \$263.4 million plus interest to the United States, the Coeur d'Alene Tribe, and the state of Idaho to resolve claims stemming from releases of wastes from its mining operations.
- A settlement with [BP Exploration Alaska, Inc.](#) will result in the company's implementation of a system-wide pipeline integrity management program to address alleged violations resulting from spilling more than 5,000 barrels of crude oil from its pipelines on the North Slope of Alaska. The new measures will help ensure that there is no further contamination from oil onto the surface waters of the North Slope, thereby reducing threats to the ecological health of the fragile ecosystem. BP also will pay \$25 million in civil penalties, which is the largest per-barrel penalty to date for an oil spill.
- [P4 Production LLC](#), a mining and phosphorus processing company wholly-owned by Monsanto and operating near Soda Springs in southeast Idaho, has agreed to pay a \$1.4 million civil penalty for alleged Clean Water Act violations at its South Rasmussen Mine. In addition to the penalty, P4 will spend an estimated \$875,000 on monitoring and to prevent pollutants from entering local waters.
- A settlement with [Unisea](#), a Seattle-based seafood processing company whose principal processing operations

Have EPA Enforcement actions occurred in my community?



BP North Slope oil spill of more than 5,000 barrels off of a transit line on March 2, 2006.

are conducted in Alaska, will address allegations it violated federal and state laws when discharging ammonia and other waste from its facility on Amaknak Island in Unalaska. The settlement requires Unisea to conduct a benthic survey and to potentially cleanup the fish waste pile at its Unalaska facility. Unisea agreed to pay \$1.9 million in penalties.



Unisea is a Seattle-based seafood processing company whose principal operations are in Dutch Harbor, Alaska.

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## Accomplishments at a Glance:

Civil Cases	
Estimated pollution reduced, treated or Eliminated (Pounds) <sup>1</sup>	4,177,029
Estimated contaminated soil and water to be cleaned up (Cubic Yard)	101,488,353
Enforcement Activities	
Case initiations	151
Case conclusions	154

Sources for Data displayed in this document: Integrated Compliance Information System (ICIS), Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS).

### Footnotes:

1. Projected reductions to be achieved during the one year period after all actions have been completed. [\(return to text\)](#)

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- "Accomplishments at a Glance" shows key regional enforcement activities and results
- Highlights of EPA's most important cases of fiscal year 2011 in your region.

Alabama – Region 4

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