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EPA Enforcement in 2012 Protects Communities From Harmful Pollution

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WASHINGTON - The U.S. Environmental Protection Agency (EPA) today released its annual enforcement results, showing significant environmental and public health protections achieved – a reduction of 2.2 billion pounds of air, water and land pollution, as well as 4.4 billion pounds of hazardous waste, and \$252 million in civil and criminal penalties levied – while also focusing on enforcement efforts that reduce smaller amounts of pollution but have substantial health impacts in communities.

“Enforcement plays a vital role in protecting communities from harmful pollution,” said Cynthia Giles, assistant administrator for EPA’s Office of Enforcement and Compliance Assurance. “We are using vigorous enforcement, as well as innovations in monitoring and transparency, to reduce pollution violations, protect and empower communities and focus on the environmental problems that matter most.”

FY 2012 results include:

- Sustained and focused enforcement attention on serious violators of clean drinking water standards has resulted in improvements in compliance. The number of systems with serious violations has declined by more than 60 percent in the past three years as a result of combined federal and state enforcement work, protecting people’s health through safer drinking water.


- More than 67 percent of large [combined sewer systems](#) serving people across the country are implementing clean water solutions to reduce raw sewage and contaminated stormwater and more are underway. EPA is working with communities to design integrated solutions to these water quality problems, and incorporating innovative and cost effective [green infrastructure](#) to save money and achieve multiple community benefits.

- EPA is bringing criminal prosecutions where criminal activity threatens public health, like failing to use required pollution control equipment or knowingly violating pollution rules resulting in death or serious harm or falsifying pollution information. See a [case example in Louisiana](#).


- EPA is advancing environmental justice by incorporating fence-line monitoring, which requires companies to monitor their air emissions and make that data available public, into settlements, ensuring that local residents have access to critical information about pollution that may be affecting their community. EPA also secured \$44 million in additional investments through settlements for supplemental environmental projects that benefit impacted communities. See an [oil refinery case example](#).

- EPA is increasing transparency to use the power of public accountability to help improve environmental compliance. EPA’s 2012 [enforcement actions map](#) provides information about violators in communities. EPA’s [state dashboards](#) and Clean Water Act [pollutant loading tool](#) provides the public with information about local pollution that may affect them and allows the public to take a closer look at how government is responding to pollution problems.

More information about EPA’s FY 2012 enforcement results:

<http://www.epa.gov/enforcement/data/eoy2012/index.html>
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Recent additions

- 09/30/2014 [EPA Releases Greenhouse Gas Emissions Data from Large Facilities](#)
- 09/30/2014 [EPA Honors Manufacturers with ENERGY STAR Award / Eastman Chemical, Janssen R and D, and Merck use Combined Heat and Power systems to cut carbon pollution, save money, and combat climate change](#)
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- 09/25/2014 [EPA Proposes Standards to Reduce Mercury Discharges from Dental Offices](#)
- 09/25/2014 [ADVISORY: Remarks by EPA Administrator Gina McCarthy at Resources for the Future](#)

Notes:

11/12/14 – Page 28 of this file was revised. The bulleted information explaining the slide was revised.
“FY2012 Enforcement & Compliance Annual Results, Estimated Environmental Benefits”

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Enforcement Annual Results for Fiscal Year 2012

Overview

Case Map

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Analysis and Trends

EPA enforcement of the nation's environmental laws protects families and communities from harmful pollution that can cause serious health issues. In fiscal year 2012, EPA took on high priority cases to reduce large sources of pollution and deter violators, addressed pollution problems that have significant health impacts and implemented innovative solutions to protect the environment upon which healthy communities depend.

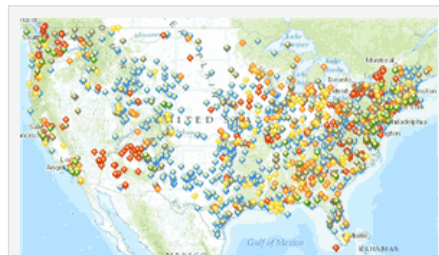
EPA enforcement accomplishments in FY 2012, include:

- \$252 million in criminal fines and civil penalties assessed to deter pollution
- 6.6 billion pounds of pollution and hazardous waste reduced, eliminated, properly disposed of or treated
- \$44 million in additional investments for supplemental environmental projects that benefit communities
- Improving compliance with drinking water regulations by 60%: Sustained and focused enforcement attention on serious violators of clean drinking water standards has resulted in dramatic improvements in compliance.
- Progress cleaning up raw sewage and stormwater: 67% of large municipalities with [combined sewer overflows](#) are now on track to address their local water issues, many using innovations like [green infrastructure](#) to help reduce stormwater flows.
- Bringing criminal prosecutions where criminal activity threatens public health: EPA is taking criminal enforcement action against companies or individuals who fail to use required pollution control equipment, knowingly violate pollution rules, resulting in death or serious harm, or falsify pollution information. See a [case example in Louisiana](#).
- Advancing environmental justice: EPA incorporated fence-line monitoring into settlements ensuring that local residents have access to critical information about pollution that may be affecting their community. See an [oil refinery case example](#).



MOEX Offshore Settlement:

EPA's investigation of [MOEX](#), one of the companies involved in the Deepwater Horizon oil spill, led to a \$90 million penalty and commitments to help restore the Gulf Coast.



[Map of enforcement cases concluded in FY 2012](#)

- **Increasing transparency:** EPA's enforcement and compliance online history tools, including the map of enforcement cases in 2012, [state dashboards](#), and [Clean Water Act pollutant loadings tool](#), provide the public with critical access to environmental information.

See the [FY 2012 National Enforcement Initiative accomplishments](#).

Read the [news release - Dec. 17, 2012](#)

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Enforcement Annual Results FY 2012 Concluded Cases Map

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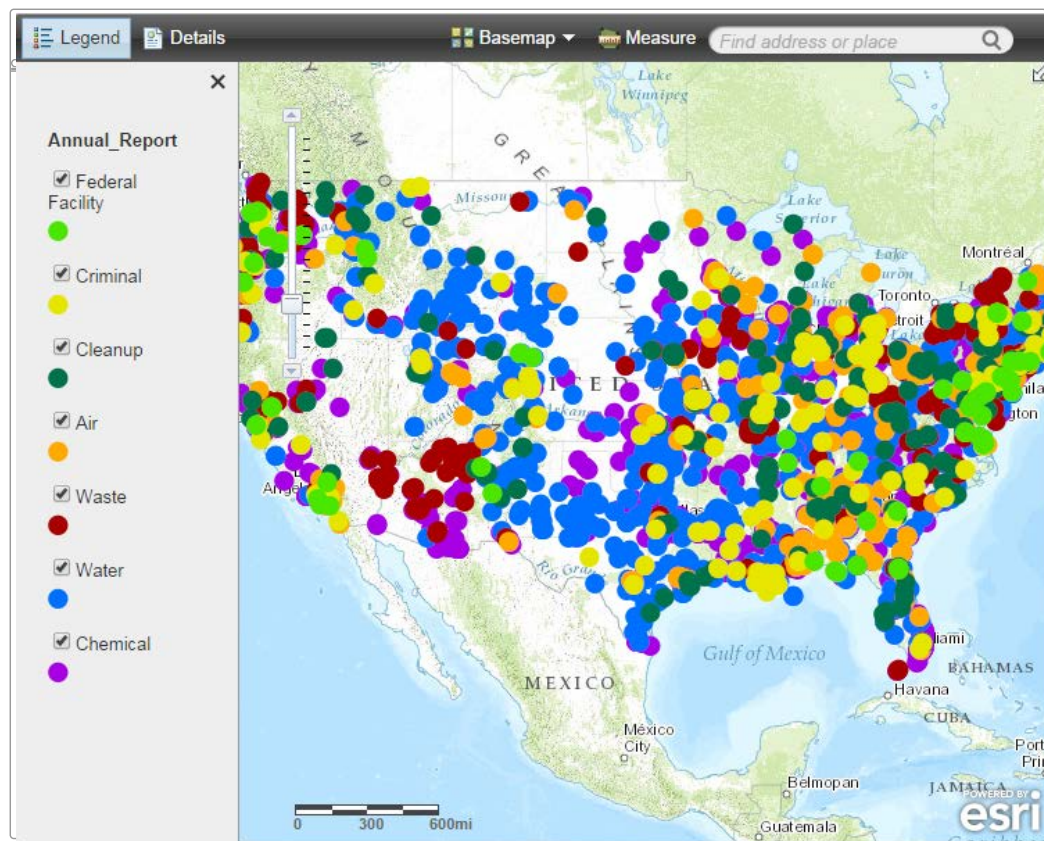
Concluded EPA Enforcement Cases Map

This interactive map shows information on concluded enforcement actions and cases from fiscal year (FY) 2012. 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 concluded in FY 2012.

Notes:

- For civil enforcement cases not represented on this map see: [Facilities not mapped](#)
- Cleanup cases are civil enforcement actions taken under the Superfund program and the RCRA corrective action and leaking underground storage tank programs.:

- 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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Enforcement Annual Results FY 2012 Accomplishments

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Accomplishments

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

Civil Enforcement Results

	Concluded Cases
Pollution Reduced, Treated or Eliminated (Pounds) ₁	22,728
Wetlands Protected or Restored (Acres)	1,500
People Protected by Safe Drinking Water Act Enforcement (# of People)	38,785,812
Hazardous Waste Prevented from Release (pounds)	155,892,581
Liquid in Underground Storage Tanks Prevented from Release (Gallons)	5,203,398
Underground Injection Wells Prevented from Leaking (# of Wells)	155
Toxic Substance Contamination Prevented (# of Housing Units, Schools, Buildings)	1,102
Volume of Oil Spills Prevented (in Gallons)	139,117,294
Toxic Chemicals and Pesticides Prevented from Misuse/Environmental Release (Pounds)	21,898,187

Civil Enforcement Monetary Commitments

	Concluded Cases
Estimated Value of Complying Actions to be Taken in Response to EPA's Concluded Enforcement Actions (Injunctive Relief)	\$9,135,543,769
Estimated Investments in Projects that Benefit the Environment and Public Health (Supplemental Environmental Projects)	\$43,606,036
Administrative Penalties Assessed	\$52,022,612
Judicial Penalties Assessed	\$155,539,269
State/Local Judicial Penalties Assessed From Joint Federal-State/Local Enforcement Actions	\$49,231,052
Stipulated Penalties Paid	\$4,658,059

Cleanup Enforcement

Amount Committed by Liable Parties to Clean up Superfund Sites	\$657,000,000
Amount Committed by Liable Parties to Pay for Government Oversight of Superfund Cleanups	\$67,000,000
Amount Committed by Liable Parties to Reimburse the Government for Money Spent Cleaning up Superfund Sites	\$172,000,000
** See Cleanup Enforcement Program Accomplishments	

Civil Enforcement and Compliance Activities

Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)	179
Supplemental Referrals of Civil Judicial Enforcement Cases to DOJ	36
Civil Judicial Complaints Filed with Court	115

Civil Judicial Enforcement Case Conclusions	144
Administrative Penalty Order Complaints	1,760
Final Administrative Penalty Orders	1,780
Administrative Compliance Orders	1,088
Cases with Supplemental Environmental Projects	124
Inspections/Evaluations	19,835

Criminal Enforcement Program

Environmental Crime Cases Opened	320
Defendants Charged	231
Years of Incarceration	79
Fines and Restitution	\$44,000,000
Value of Court Ordered Environmental Projects	\$14,000,000
** See Criminal Enforcement Major Case Highlights	

National Environmental Policy Act (NEPA) Program

** See [NEPA Program Annual Results](#)

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 2012 end of year workbooks as of December 5, 2012. 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).

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Enforcement Annual Results FY 2012 Cleanup Enforcement Program Accomplishments

Each fiscal year, the Environmental Protection Agency (EPA) counts the total private party cleanup commitments of sites where cleanup activity should be performed and settlements have been successfully reached with the parties. 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. The total dollar value of the commitment by private parties to cleanup Superfund sites is driven primarily by settlements and orders that require parties to either conduct or pay for the cleanup.

EPA's most often used and most powerful cleanup enforcement mechanism is the [Comprehensive Environmental Response Compensation and Liability Act](#) (CERCLA or Superfund). Superfund is a cleanup authority only and does not otherwise regulate a facility's operations. The [Resource Conservation and Recovery Act](#) (RCRA), including the Underground Storage Tank (UST) program, contain both cleanup and regulatory authority. RCRA's cleanup authority is the RCRA Corrective Action program, which addresses cleanup activities at RCRA regulated facilities.

EPA's Superfund enforcement program continues an "[enforcement first](#)" (PDF) approach and also ensures a fair, more effective, and more efficient Superfund program by maximizing private party participation in performing and paying for site cleanup.

Fiscal year 2012 activities and accomplishments for cleanup enforcement includes:

- [\\$829 million in Private Party Commitments to Cleanup Sites and Recover Costs](#)
- [GPRA Target for Volume of Contaminated Media Addressed \(VCMA\) Exceeded](#)
- [Assessment of the National Enforcement Strategy for RCRA Corrective Action](#)
- [Federal Appeals Court Affirms District Court Ruling on Divisibility: Cleanup Continues at Fox River Site in Wis.](#)

\$829 million in Private Party Commitments to Cleanup Sites and Recover Costs

In FY 2012, EPA obtained \$657 million in commitments from responsible parties for studying and cleaning up Superfund sites. Additionally, responsible parties committed to reimburse EPA \$172 million for money it has spent cleaning up Superfund sites.

Since 1980, EPA has attained over \$37 billion in commitments from responsible parties. Of this amount, over \$31.0 billion has been committed to study and clean up of Superfund sites, and approximately \$6.0 billion represents reimbursements to EPA for money it spent cleaning up Superfund sites.

In any given year, responsible party cleanup commitments are a function of which National Priorities List (NPL) sites are at the stage in the pipeline where remedial actions should be performed and settlements can be successfully reached with the parties. Likewise, EPA ensures that where liable, viable responsible parties exist, the parties enter into an agreement to reimburse the Agency for past costs spent at their site. Cost recovery settlements vary each year due to the size and type of individual cost recovery cases.

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GPRA Target for Volume of Contaminated Media Addressed (VCMA) Exceeded

For FY 2012, EPA is reporting for the first time a combined total for contaminated soil and groundwater media cleanup commitments obtained based on concluded CERCLA and RCRA Corrective Action enforcement actions. EPA exceeded the 300 million cubic yards target under the Government Performance and Results Act (GPRA). The FY 2012 accomplishment is 416.7 million cubic yards. Four large cases totaling 314.6 million cubic yards accounted for 75% of the national total, as follows:

- Johnny M Mine, 105.9 million cu. yds. – Region 6
- [Montrose/Del Amo](#), 81.0 million cu. yds. – Region 9

- [Holden Mine](#), 86.9 million cu. yds. – Region 10
- [Newmont Mining/Midnite Mine](#), 40.8 million cu. yds – Region 10

In addition to soil and groundwater media included in the VCMA GPRA measure, EPA achieved significant air VCMA results in a cleanup addressing vapor intrusion at the Middlefield-Ellis-Whisman (MEW) Study Area Superfund Site in Mountain View, Calif. In March 2012, the district court approved and entered a consent decree amendment for the MEW vapor intrusion remedy, which is one of the largest Superfund vapor intrusion cleanups to date. Under this settlement and a related amended unilateral administrative order, Intel Corporation, Raytheon Company, and several other parties will address human health risks caused by vapor intrusion of trichloroethene (TCE) into approximately 60 commercial and residential buildings. The vapor intrusion remedy supplements previous soil and groundwater cleanup work at the MEW site. The parties will also ensure future buildings in the MEW vapor intrusion study area are designed to prevent vapor intrusion of contamination above site cleanup levels.

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Assessment of the National Enforcement Strategy for RCRA Corrective Action

On April 27, 2010, EPA issued the [National Enforcement Strategy for RCRA Corrective Action \(PDF\)](#) (NESCA) to promote and communicate nationally consistent enforcement and compliance assurance principles, practices, and tools to help EPA and the states achieve the 2020 Corrective Action Goal (2020 CA Goal). This goal is to construct cleanup remedies at 95% of the 3,747 facilities in the 2020 Corrective Action Universe of facilities (the 2020 CA Universe) by the year 2020.

After 18 months of implementation, EPA and its state partners assessed the contribution of NESCA in achieving progress toward the 2020 CA Goal. In September 2012, EPA issued an [Assessment of NESCA \(PDF\)](#) which found that NESCA has been helpful in moving facilities further along the cleanup pipeline toward remedy construction. Based on data reviewed, in fiscal years (FY) 2010 and 2011, Regions issued more enforcement orders than in any year since 1999. Regions and states indicated that there is generally more consideration of enforcement and compliance assurance tools to address contamination at RCRA corrective action facilities during work planning and other meetings.

During FY 2012, 20 new federal RCRA Corrective Action enforcement orders were issued, compared to 23 orders in FY 2011 and 20 in FY 2010. Also in FY 2012, two previously issued final orders were amended and over 55 million cubic yards of contaminated media, including soil and groundwater, is estimated to be addressed because of these new and amended enforcement actions.

The Corrective Action order that addressed the largest amount of contaminated media is associated with the Walter Coke, Inc. site in North Birmingham, Ala. Walter Coke is an industrial coke operation that produces foundry and furnace coke and coke by-products located in North Birmingham, Ala. It has been in operation since 1907 and comprises a 400 acre property. An administrative order issued September 17, 2012 includes a phased approach to implement remedies at approximately 50 acres across the property. More information on NESCA is available on the Agency's [RCRA Corrective Action: NESCA website](#).

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Federal Appeals Court Affirms District Court Ruling on Divisibility; Cleanup Continues at Fox River Site in Wis.

On August 3, 2012, the Seventh Circuit Court of Appeals became the first federal circuit court to analyze a defendant's divisibility defense since the Supreme Court's decision in *Burlington Northern & Santa Fe Railway Co. v. United States*, 129 S. Ct. 1870 (2009) ("*Burlington Northern*").

Burlington Northern addressed the imposition of joint and several liability on parties found liable under CERCLA. Some private practitioners predicted that *Burlington Northern* would make it easier for PRPs to succeed in proving divisibility as a defense to avoid CERCLA's joint and several liability.

In *United States v. NCR Corp.*, 688 F.3d 833 (7th Cir. 2012), the Seventh Circuit's decision requires NCR to finish scheduled cleanup work in the Fox River under a 2007 unilateral administrative order. The court found that NCR failed to prove that the environmental harm at issue was capable of apportionment because NCR's contribution to the contamination at the site alone was sufficient to warrant clean up. Thus, the first federal circuit court to address divisibility since *Burlington Northern* reached a decision favorable to the United States.

NCR argued that the district court's decision that was the subject of the appeal was at odds with *Burlington Northern* because the

Supreme Court upheld a “rough apportionment calculation.” The Seventh Circuit disagreed. The Seventh Circuit distinguished the present case, noting that Burlington Northern failed to address sites with multiple parties that independently pollute at threshold levels. Whereas Burlington Northern involved one party that contributed to no more than 10% of the total site contamination, the 10% of the total amount of polychlorinated biphenols (PCBs) that NCR contributed would require remediation regardless of the fact that it was merely a fraction of the total contamination.

In concluding that NCR’s pollution alone would have triggered cleanup, the Seventh Circuit described this case as an example of “multiple sufficient causes” of environmental harm. Had NCR been the only party to dump PCBs into the river, the river would still have to be dredged because PCB levels contributed by NCR exceeded EPA’s max safety threshold. In other words, there was no linear correlation between the cost of cleanup and the level of PCBs in the river. Once the PCBs reached a threshold level, cleanup became necessary.

More information on the cleanup activity and legal challenges are available from the [Lower Fox River and Green Bay Superfund Site website](#).

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2012 Major Criminal Cases

Clean Air Act (CAA)

Pelican Refining Co. (CAA, Title 18, Louisiana)

Pelican Refining Company pleaded guilty to felony violations of the Clean Air Act and to obstruction of justice charges in federal court in Lafayette, La. Pelican paid \$12 million in criminal penalties, including \$2 million in community service payments that will go toward various environmental projects in Louisiana, including air pollution monitoring. It marks the largest ever criminal fine in Louisiana for violations of the Clean Air Act. Pelican would also be banned from future refinery operations unless and until it implements an environmental compliance plan, which includes external auditing by independent firms and oversight by a court appointed monitor.



Pelican Refining uses a child's wading pool to hold waste

Officials of Pelican, headquartered in Houston and operating a refinery in Lake Charles, LA, admitted that the company had violated numerous aspects of its operating permit. The violations were discovered during a March 2006 inspection by the Louisiana Department of Environmental Quality (LDEQ) and EPA, which identified numerous unsafe operating conditions. Pelican also pleaded guilty to obstruction of justice for submitting materially false deviation reports to LDEQ, the agency that administers the federal Clean Air Act in Louisiana.

Two Pelican executives also pled guilty to negligently placing persons in imminent danger of death and serious bodily injury as a result of negligent releases at the refinery. (However, they each received only one day of incarceration in addition to small fines and probation or home confinement). For more information read the [complete summary of the case](#).

Carlos Garcia (CAA, Title 18, Florida)

Carlos Garcia, 52, was sentenced to prison in Miami for his role in the illegal receipt, purchase, and sale of ozone-depleting refrigerant gas that had been smuggled into the United States contrary to the Clean Air Act, in violation of Title 18, United States Code, Section 545. He received a thirteen month term of imprisonment, followed by a two-year term of supervised release that includes four months of home confinement under electronic monitoring. Garcia previously pled guilty to a charge of knowingly receiving, buying, selling and facilitating the transportation, concealment, and sale of approximately 13,600 kilograms of the ozone-depleting substance hydrochlorofluorocarbon-22 (HCFC-22). HCFC-22 is a widely used refrigerant for residential heat pump and air-conditioning systems.



Truck containing ozone-depleting refrigerant gas that had been smuggled into the United States illegally.

Garcia's employer, Mar-Cone Appliance Parts Co. (Marcone), was previously convicted and sentenced for their role in the illicit conduct and ordered to pay a \$500,000 criminal fine, a \$400,000 community service payment, and was ordered to forfeit to the United States \$190,534.70 in illegal proceeds. For more information read the [complete summary of the case](#).

Columbus Steel Castings Company, Inc. (CAA, Ohio)

Columbus Steel Castings, Columbus, Ohio, was sentenced to pay \$825,000 and install additional devices to prevent air pollution after pleading guilty to six counts of violating the Clean Air Act. The violations include failing to operate air pollution controls, failing to report violations, failing to perform required monitoring, and failing to conduct stack testing to demonstrate compliance with the Clean Air Act.

The company admitted that between 2004 and 2007 it failed to operate air pollution controls for four different emission sources at the plant for varying periods of time. The company also failed to report malfunctions of air pollution control equipment. Daily visual emission checks, designed to determine if the plant was emitting excess dust or smoke, were not conducted on weekends while the facility was operating. The company also failed to submit accurate annual compliance certifications.

The company was sentenced to pay a \$660,000 fine and a total of \$165,000 to two different Columbus charitable organizations, Grange Insurance Audubon Center and Physicians Free Clinic, which serve residents who live near the plant. One project will fund a program that provides environmental education to students. The other project will provide medical services, medications, and transportation services for residents of the south side of Columbus with ailments, including, asthma, and treatments, including medications, related to respiratory illnesses. For more information read the [complete summary of the case](#).

Duane O'Malley (CAA, Illinois)

Duane O'Malley, 59, of Bourbonnais, Ill., who was convicted by a federal jury on September 26, 2011, for the illegal removal, handling and disposal of asbestos from a Kankakee building in August 2009, was sentenced to 10 years in prison. O'Malley was also ordered to pay restitution of \$47,086 to the U.S.

Environmental Protection Agency (EPA) related to the clean-up of illegally disposed asbestos and ordered to pay a fine of \$15,000.

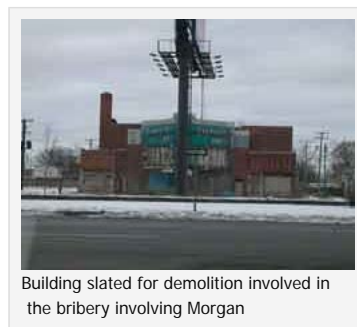
Asbestos is a mineral fiber that has been used commonly in a variety of building construction materials. When asbestos-containing materials are damaged or disturbed by repair, remodeling or demolition activities, microscopic fibers become airborne and can be inhaled into the lungs, where they can cause serious health problems, including lung cancer and mesothelioma. For more information read the [complete summary of the case](#).



Remote dump site used by O'Malley to dispose of asbestos

William Morgan (CAA, Title 18, Michigan)

William Morgan, the former supervisor of Royal Oak Township, a suburb of Detroit, was sentenced in federal court to three years in prison. Mr. Morgan had previously entered a guilty plea to charges that he conspired to defraud the U.S. Department of Housing and Urban Development (HUD), violate the Clean Air Act's asbestos requirements, and commit bribery. Asbestos is a mineral fiber that has been used commonly in a variety of building construction materials. When asbestos-containing materials are damaged or disturbed by repair, remodeling or demolition activities, microscopic fibers become airborne and can be inhaled into the lungs, where they can cause serious health problems. For more information read the [complete summary of the case](#).



Building slated for demolition involved in the bribery involving Morgan

Rodney Hailey [CAA, Title 18: *Conviction Only, Sentenced Scheduled for October 2012 (FY 2013)*]

Rodney R. Hailey, owner of Clean Green Fuel, LLC, located in the Baltimore area, was convicted by a federal jury on June 25, 2012 of wire fraud, money laundering and a violation of the Clean Air Act, in connection with a scheme in which he sold \$9 million in renewable fuel credits which he falsely claimed were produced by his company, Clean Green Fuel, LLC.

According to evidence presented at the six day trial, Hailey registered Clean Green Fuel with the EPA as

a producer of bio-diesel fuel Between March 2009 and December 2010, Hailey sold over 35 million RINs (representing 23 million gallons of bio-diesel fuel) to brokers and oil companies for at least \$9 million, when in fact Clean Green Fuel had produced no fuel at all and Hailey did not have a facility capable of producing bio-diesel fuel. For more information read the [DOJ press release](#).

Clean Water Act (CWA)

Freedman Farms Inc. (CWA, North Carolina)

Freedman Farms, a CAFO, was sentenced to five years probation and ordered to pay \$1.5 million in fines, restitution and community service payments for violating the Clean Water Act when they discharged hog waste into a stream that leads to the Waccamaw River. William B. Freedman, president of Freedman Farms, was sentenced to six months in prison to be followed by six months of home confinement. Freedman Farms also is required to implement a comprehensive environmental compliance program and institute an annual training program. For more information read the [complete summary of the case](#).



Freedman Farms discharged hog waste into stream leading to Waccamaw River

Bottiglieri Shipping Company (Act to Prevent Pollution from Ships, AL)

Giusseppe Bottiglieri Shipping Company, headquartered in Italy, and the chief engineer of one of its ships, were sentenced in federal court in Mobile, Ala., for deliberately falsifying records to conceal discharges of oily wastewater from the ship directly into the sea. The company will pay a \$1 million criminal fine, serve four years of probation, and make a \$300,000 community service payment to the National Fish and Wildlife Foundation. The company must also fund and implement a comprehensive environmental compliance plan during the term of probation. Chief Engineer Vito La Forgia was sentenced by Judge Granade to one month in jail. Both pled previously to violating the Act to Prevent Pollution from Ships. For more information read the [complete summary of the case](#).



Falsifying records to conceal discharges of oily wastewater from the ship directly into the sea

Patrick Dooley (CWA, Washington)

Patrick Dooley, a Seattle business owner of Bargains, Inc., aka AAA Liquidating Services, Inc., who directed a teen-age employee to illegally dispose of hazardous chemicals, was sentenced to 33 months in prison, and three years of supervised release after being convicted of three counts of Clean Water Act violations and one count of witness tampering related to an August 2010 hazardous materials event. Two chemicals reacted to produce chlorine gas of a sufficient concentration to cause the juvenile employee to have difficulty breathing, resulting in emergency medical personnel taking him to a nearby hospital where he was treated and released. For more information read the [complete summary of the case](#).

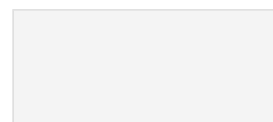


A teen-age employee was directed to illegally dispose of this type of hazardous chemicals down the company toilet

Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)

Scott's Miracle-Gro Company (FIFRA, OHIO)

Scotts Miracle-Gro Company, a producer of pesticides for commercial and consumer lawn and garden uses, was sentenced in federal district court in Columbus, Ohio, to pay a \$4 million fine and perform community service



for eleven criminal violations of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), which governs the manufacture, distribution, and sale of pesticides. Scotts pleaded guilty to illegally applying insecticides to its wild bird food products that are toxic to birds, falsifying pesticide registration documents, distributing pesticides with misleading and unapproved labels, and distributing unregistered pesticides. Scotts also pleaded guilty to submitting false documents to EPA and to state regulatory agencies in an effort to deceive them into believing that numerous pesticides were registered with EPA when in fact they were not. This is the largest criminal penalty under FIFRA to date. For more information read the [complete summary of the case](#).



Pesticides for commercial and consumer lawn and garden uses

Bugman Pest and Lawn, Inc. (FIFRA, Utah)

Bugman Pest and Lawn, and Coleman Nocks, were sentenced in federal court in Salt Lake City to a misdemeanor count of unlawful use of a registered pesticide. The convictions relate to the application of a registered pesticide at a home which resulted in the deaths of two children. Both defendants had previously pled guilty. The misdemeanor FIFRA charges in this case carry the same penalty as the crime of negligent homicide available under state law. Nocks, who was a licensed commercial applicator of pesticides and an employee of Bugman, admitted that he used Fumitoxin, a registered, restricted use pesticide, at the home of a customer of his employer. Nocks admitted that he applied Fumitoxin into a burrow system that was closer than 15 feet to the residence and that he exceeded dosage requirements for the pesticide. Nocks acknowledged in his plea agreement that his conduct caused the death of two minor children at the residence. Nocks was sentenced to three years' probation and 100 hours of community service. For more information read the [complete summary of the case](#).

(Note: The enforcement provisions of FIFRA only provide for misdemeanors.)



Utah home where 2 little girls died as a result of the illegal application of a registered pesticide



[Hear Their Story](#)

Resource Conservations and Recovery Act (RCRA)

Edward Wyman (RCRA, California)

Edward Wyman was sentenced to five years in federal prison for illegally storing toxic and explosive hazardous wastes in his backyard, materials that posed an imminent danger to nearby residents. The sentence is the longest handed down by a California federal judge in a hazardous waste case. Wyman was also ordered to pay \$800,000 to the United States Environmental Protection Agency's Region 9 Emergency Response Office for costs associated with a 47-day clean-up.



Edward Wyman illegal dump site

Wyman was convicted by a federal jury following a five-day trial.

In addition to convicting Wyman of violating the RCRA, the jury made a special finding that the defendant's conduct knowingly placed another person in imminent danger of death or serious bodily injury. During the clean-up, EPA contractors were forced to call out the Los Angeles Police Department Bomb and Arson Squad seven times to deal with possible explosives mixed into the burned debris.

Wyman was charged in June 2009, after firefighters responded to a report of a fire and explosions at Wyman's residence. Because of the ammunition that was being "cooked off" in the fire, firefighters had to wear bullet proof vests. Investigators at the scene discovered a large cache of toxic materials, including thousands of rounds of corroded ammunition, highly reactive lead-contaminated waste from shooting ranges, hundreds of pounds of decades-old gunpowder and military M6 cannon powder, and industrial solvents that contained 1,1,1-trichloroethane and tetrachloroethylene, two potent chemicals that are listed as hazardous substances under federal law. Wyman did not have a permit to store any of the materials. For more information read the [complete summary of the case](#).

Toxic Substances Control Act (TSCA)

Cephus Murrell

Cephus R. Murrell, age 69, of Catonsville, Maryland, was sentenced to a year and a day in prison, followed by six months of home detention as part of one year supervised release, for improper lead paint abatement at rental properties owned and managed by Murrell, as well as failure to disclose to tenants the presence of documented lead-based paint hazards. Murrell owns and manages approximately 175 rental housing units throughout Baltimore. Murrell had lead-abatement work proceed at apartments he owned without a supervisor on site to ensure the work was done properly and his company failed to disclose to tenants the presence of documented lead-based paint hazards when they rented units he owned and managed. For more information read the [complete summary of the case](#).



Results of improper lead paint abatement at rental properties owned and managed by Murrell

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[Complete Enforcement Annual Results for Fiscal Year 2012](#)

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National Environmental Policy Act (NEPA) 2012 Annual Results

In fulfillment of our responsibilities under Section 309 of the Clean Air Act, EPA issued comment letters on 430 draft and final EISs. These included EISs concerning:

- renewable energy - 25
- oil and gas exploration or extraction - 14
- mining - 15
- transmission lines - 12

EPA met its performance goals in FY 2012 for the NEPA program: 75% of the significant impacts identified in EPA's comment letters on Draft EISs were avoided, minimized, or compensated for ("mitigated") by the lead Agencies in the Final EISs published in FY 2012.

High Priority Infrastructure Projects

EPA engaged with lead Federal Agencies during NEPA reviews to support work on a number of [high priority infrastructure projects](#) identified through the Presidential Memorandum on Speeding Infrastructure Development and the Executive Order on Improving Performance of Federal Permitting and Review of Infrastructure Projects. EPA also worked with federal agencies as a member of the Rapid Response Teams for Renewable Energy, Transmission Lines, and Transportation to improve federal agency coordination and timely completion of permits, reviews, and requirements for high priority infrastructure projects.

e-NEPA

EPA implemented [e-NEPA](#), an electronic filing system for Environmental Impact Statements (EIS) that will increase efficiency and transparency and save government resources. EPA conducted outreach efforts (webinars, conference calls and meetings) with Agencies to pilot electronic filing and educate them on the process and benefits of the system.

Air Quality Memorandum of Understanding

We continued our efforts to implement the interagency [Memorandum of Understanding](#) (MOU) with the Bureau of Land Management, the Forest Service, the National Park Service, and the Fish and Wildlife Service that established a mutually acceptable approach for addressing air quality analyses and mitigation for Federal oil and gas development actions.

NEPAssist

EPA released the [NEPAssist](#) Public View, which was promoted as a Counsel on Environmental Quality (CEQ) NEPA pilot project to improve the efficiency of Federal Environmental Reviews. We demonstrated the benefits of this application to a broad audience through public webinars, press releases, help guides and Questions/Answers.

Environmental Justice and NEPA

We created [Environmental Justice Considerations in the NEPA Process](#), which includes federal and agency guidance and best practices related to EJ and NEPA, methodologies that support EJ considerations, and on-line tools to support EJ Analyses.

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Where You Live

Environmental Impact
Statements - Notices
of Availability

Submitting
Environmental
Impact Statements

Obtaining
Environmental
Impact Statements

EPA Comments on
Environmental
Impact Statements

EPA Compliance with
NEPA

Childrens Health and NEPA

We collaborated with the Office of Children's Health Protection to develop a joint memorandum "Addressing Children's Health through Reviews Conducted Pursuant to NEPA and Section 309 of the Clean Air Act". The memorandum includes a template for EPA's scoping comments and a list of projects that may affect children's health for use during the environmental review process.

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Enforcement Annual Results FY 2012 Results by Region

- Overview
- Case Map
- Accomplishments
- Results by Region
- Analysis and Trends

Accomplishments by EPA Region

EPA's regional offices work with state and tribal governments to ensure compliance with our nation's environmental laws. 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.

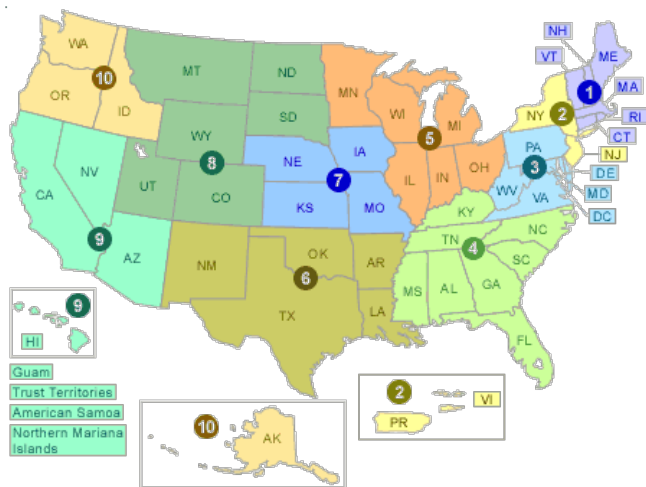
To see results of EPA's enforcement work in our regional areas, select your state from the list or map below to go to your state's EPA regional enforcement results.

Select a Link

After you select a link, press go to jump to that link.

Alabama - Region 4

Choose Your State or Region.



EPA Region 1

Serving Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont

Accomplishments:

Civil Cases		
Estimated pollution reduced, treated or Eliminated (Pounds) ¹		1,631,525
Estimated contaminated soil and water to be cleaned up (Cubic Yard)		4,233,948
Enforcement Activities		
Case initiations		163

Case conclusions

170

Find additional information on enforcement activities in Region 1

[Top of page](#)

EPA Region 2

Serving New Jersey, New York, Puerto Rico, and the U.S. Virgin Islands.

Accomplishments:

Civil Cases		
	Estimated pollution reduced, treated or Eliminated (Pounds) ¹	65,098,791
	Estimated hazardous waste treated, minimized, or properly disposed of (Pounds) ¹	226,400,209
	Estimated contaminated soil and water to be cleaned up (Cubic Yard)	18,567,108
Enforcement Activities		
	Case initiations	463
	Case conclusions	464

Find additional information on enforcement activities in Region 2

[Top of page](#)

EPA Region 3

Serving Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.

Accomplishments:

Civil Cases		
	Estimated pollution reduced, treated or Eliminated (Pounds) ¹	27,259,954
	Estimated hazardous waste treated, minimized, or properly disposed of (Pounds) ¹	1,831,860
	Estimated contaminated soil and water to be cleaned up (Cubic Yard)	3,147,247
Enforcement Activities		
	Case initiations	245
	Case conclusions	234

Find additional information on enforcement activities in Region 3

[Top of page](#)

EPA Region 4

Serving Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee

Accomplishments:

Civil Cases		
	Estimated pollution reduced, treated or Eliminated (Pounds) ¹	1,713,180,981
	Estimated hazardous waste treated, minimized, or properly disposed of (Pounds) ¹	191,645
	Estimated contaminated soil and water to be cleaned up (Cubic Yard)	44,753,561
Enforcement Activities		

Case initiations	492
Case conclusions	482

Find additional information on enforcement activities in Region 4

[Top of page](#)

EPA Region 5

Serving Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

Accomplishments:

Civil Cases	
Estimated pollution reduced, treated or Eliminated (Pounds) ¹	87,909,210
Estimated hazardous waste treated, minimized, or properly disposed of (Pounds) ¹	123,040
Estimated contaminated soil and water to be cleaned up (Cubic Yard)	890,529
Enforcement Activities	
Case initiations	340
Case conclusions	351

Find additional information on enforcement activities in Region 5

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EPA Region 6

Serving Arkansas, Louisiana, New Mexico, Oklahoma, and Texas

Accomplishments:

Civil Cases	
Estimated pollution reduced, treated or Eliminated (Pounds) ¹	13,204,060
Estimated hazardous waste treated, minimized, or properly disposed of (Pounds) ¹	4,128,528,000
Estimated contaminated soil and water to be cleaned up (Cubic Yard)	108,532,477
Enforcement Activities	
Case initiations	535
Case conclusions	508

Find additional information on enforcement activities in Region 6

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EPA Region 7

Serving Iowa, Kansas, Missouri, and Nebraska.

Accomplishments:

Civil Cases	
Estimated pollution reduced, treated or Eliminated (Pounds) ¹	116,332,355
Estimated hazardous waste treated, minimized, or properly disposed of (Pounds) ¹	28,851
Estimated contaminated soil and water to be cleaned up (Cubic Yard)	19,840,899

Enforcement Activities		
	Case initiations	211
	Case conclusions	217

Find additional information on enforcement activities in Region 7

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EPA Region 8

Serving Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.

Accomplishments:

Civil Cases		
	Estimated pollution reduced, treated or Eliminated (Pounds) ¹	7,493,673
	Estimated contaminated soil and water to be cleaned up (Cubic Yard)	255
Enforcement Activities		
	Case initiations	154
	Case conclusions	145

Find additional information on enforcement activities in Region 8

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EPA Region 9

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

Accomplishments:

Civil Cases		
	Estimated pollution reduced, treated or Eliminated (Pounds) ¹	10,728,294
	Estimated hazardous waste treated, minimized, or properly disposed of (Pounds) ¹	10,783,345
	Estimated contaminated soil and water to be cleaned up (Cubic Yard)	87,786,204
Enforcement Activities		
	Case initiations	182
	Case conclusions	184

Find additional information on enforcement activities in Region 9

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EPA Region 10

Serving Alaska, Idaho, Oregon, and Washington.

Accomplishments:

Civil Cases		
	Estimated pollution reduced, treated or Eliminated (Pounds) ¹	139,874,129
	Estimated contaminated soil and water to be cleaned up (Cubic Yard)	128,573,825

Enforcement Activities	
Case initiations	195
Case conclusions	187

Find additional information on enforcement activities in Region 10

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

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Enforcement Annual Results FY 2012 Analysis and Trends

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Analysis and Trends

These charts show key fiscal year 2012 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 \(GPRA\)](#)
- [All 2012 Annual Results Data and Trend Charts \(PDF\)](#)

Individual results charts are presented below.

EPA Environmental Results

[Estimated Environmental Benefits-Commitments to Reduce, Treat or Eliminate Pollution](#)[Estimated Value of Investments in Pollution Controls](#)[Civil Penalties and Criminal Fines Assessed](#)[Administrative and Civil Judicial Penalties Assessed \(with statutory breakout\), 2008 - 2012](#)[Supplemental Environmental Projects, 2008 - 2012](#)[Estimated Environmental Benefits Hazardous Waste Treated, Minimized or Properly Disposed Of](#)[Estimated Environmental Benefits Volume of Contaminated Soil and Water to be Cleaned Up](#)[EPA Civil Enforcement Case Initiations and Conclusions](#)

EPA Civil Enforcement Program

[Inspections/Evaluations \(by statute\) 2008 - 2012](#)[Superfund Results](#)

EPA Criminal Enforcement Program

[Number of Investigations Opened, Defendants Charged and Sentences](#)[Value of Fines and Restitution and Value of Court Ordered Environmental Projects](#)[Top of Page](#)

Government Performance and Results Act (GPRA) Results

Measure Number	GPRA External Performance Measure	FY 12 Target	FY 12 Actual
409	Number of federal inspections and evaluations	19,000	20,000
410	Number of civil judicial and administrative enforcement cases initiated	3,300	3,027
411	Number of civil judicial and administrative enforcement cases concluded	3,200	3,012
412	Percentage of open consent decrees reviewed for overall compliance status	100%	91%
418	Percentage of criminal cases having the most significant health, environmental, and deterrence impacts	43%	45%
420	Percentage of criminal cases with charges filed	40%	44%

419	Percentage of criminal cases with individual defendants	75%	70%
421	Percentage of conviction rate for criminal defendants	85%	95%
400 *	Millions of pounds of air pollutants reduced, treated, or eliminated through concluded enforcement actions	480 M lbs	250 M
402 *	Millions of pounds of water pollutants reduced, treated, or eliminated through concluded enforcement actions	320 M lbs	500 M
404 *	Millions of pounds of toxic and pesticide pollutants reduced, treated, or eliminated through concluded enforcement actions	3.8 M lbs	1,400 M
405	Millions of pounds of hazardous waste pollutants reduced, treated, or eliminated through concluded enforcement actions	6,500 M lbs	4,400 M
417	Millions of cubic yards of contaminated soil and groundwater media EPA has obtained commitments to clean up as a result of concluded CERCLA and RCRA corrective action enforcement actions.	300 M cu. yds.	417 M
285	Percentage of Superfund sites having viable, liable responsible parties other than the federal government where EPA reaches a settlement or takes an enforcement action before starting a remedial action.	99%	100%
078	Percentage of all Superfund statute of limitations cases addressed at sites with unaddressed total past costs equal to or greater than \$200,000.	100%	100%

* GPRAs measures 400, 402, and 404 respectively quantify pollutant releases that are or will be reduced, treated or eliminated to air, water, and land as a result of EPA enforcement actions. Measure 404 includes reductions of pollutant releases to land (e.g., RCRA non-hazardous waste, oil, gasoline, or solvents), as well as reductions in distribution of illegal products, including pesticides and new and existing chemicals.

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Fiscal Year 2012 EPA Enforcement & Compliance Annual Results

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

December 17, 2012



FY2012 Enforcement & Compliance Annual Results

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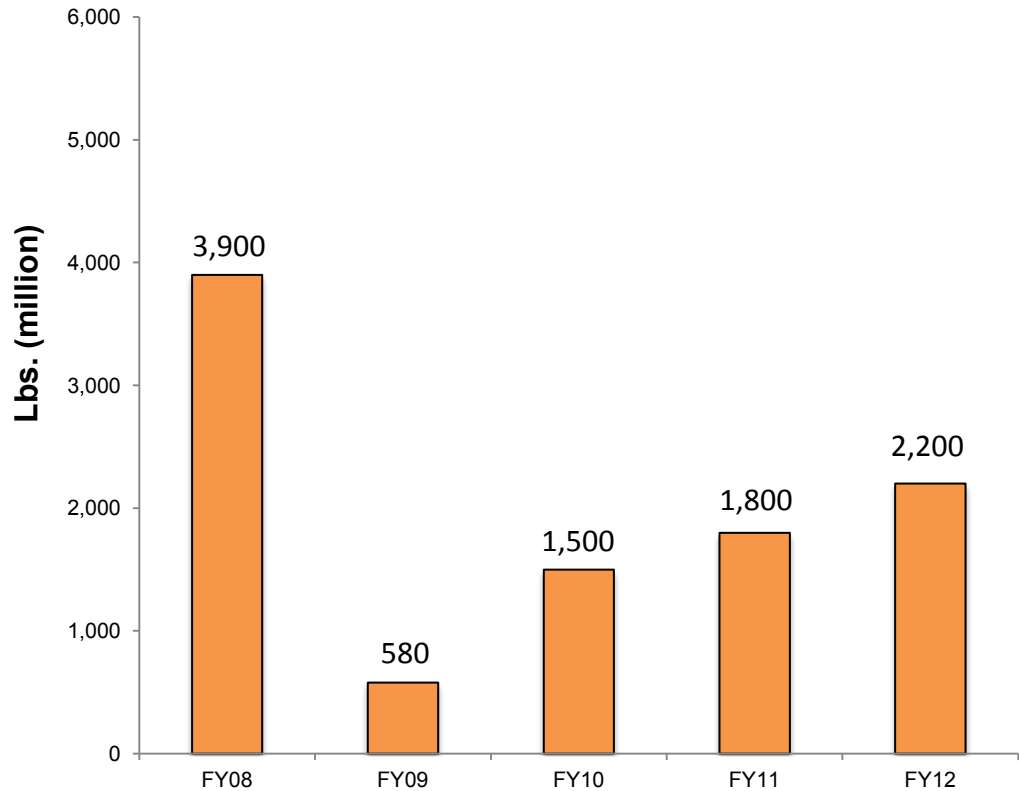
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FY2012 Enforcement & Compliance Annual Results

Estimated Environmental Benefits

Commitments to Reduce, Treat or Eliminate Pollution



• In FY 2012, EPA enforcement actions required companies to reduce pollution by an estimated 2.2 billion pounds per year - the second highest amount since EPA began measuring pollutant reductions from enforcement cases using current methodologies.

• In FY08, the large result was primarily due to one huge NSR/PSD power plant case, AEP(American Electric Power) involving multiple plants.

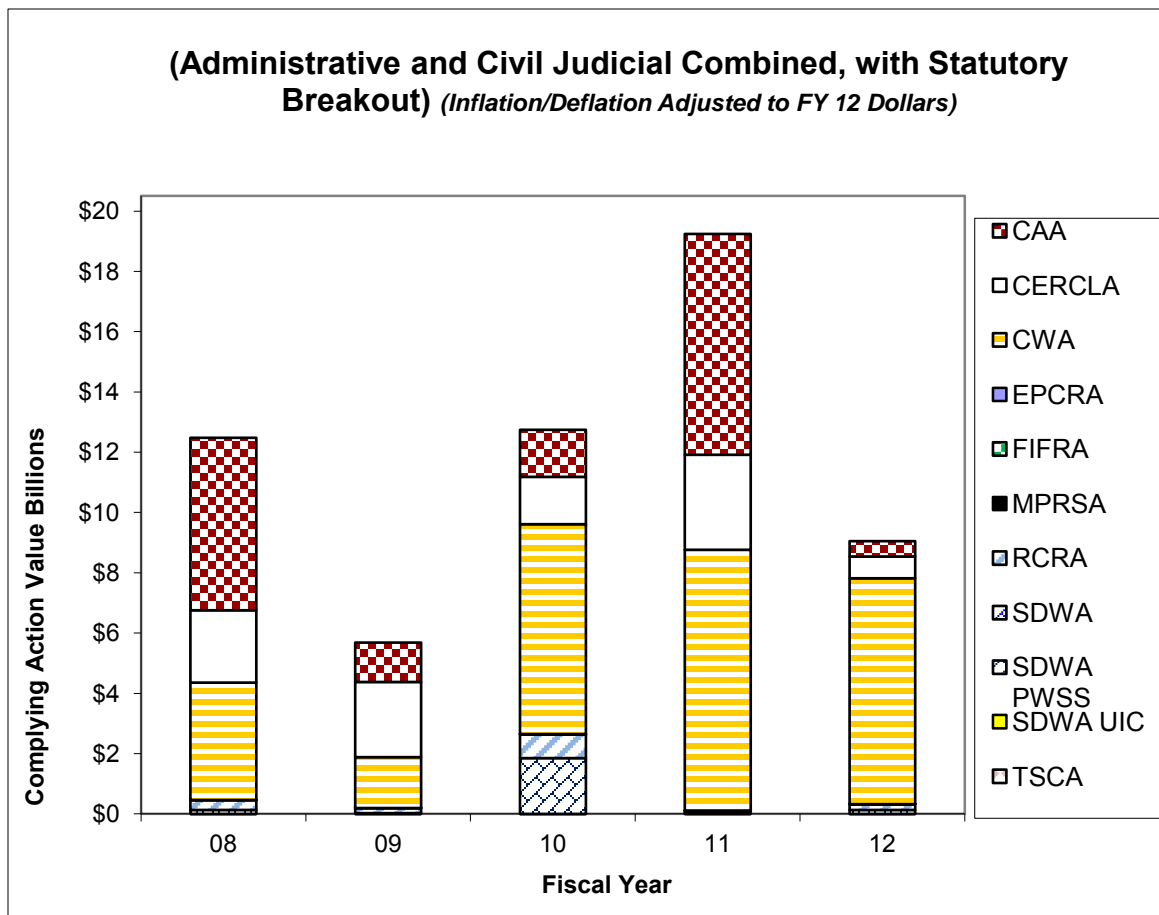
FY2012 Data Source: Integrated Compliance Information System (ICIS); data source for previous fiscal years: ICIS.

¹ Beginning in FY2002, EPA began using the current methodologies.



FY2008-2012 Enforcement & Compliance Annual Results

Estimated Value of Investments in Pollution Controls



- In FY 2012, EPA enforcement actions required companies to invest more than **\$9 billion** in actions & equipment to control pollution (injunctive relief)

- The variability in the value of investments in pollution control is due in large part to the extremely large CAA settlements in 2008 and 2011 (AEP and TVA, respectively) and normal fluctuations in the timing of entry of settlements.

Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2012 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.

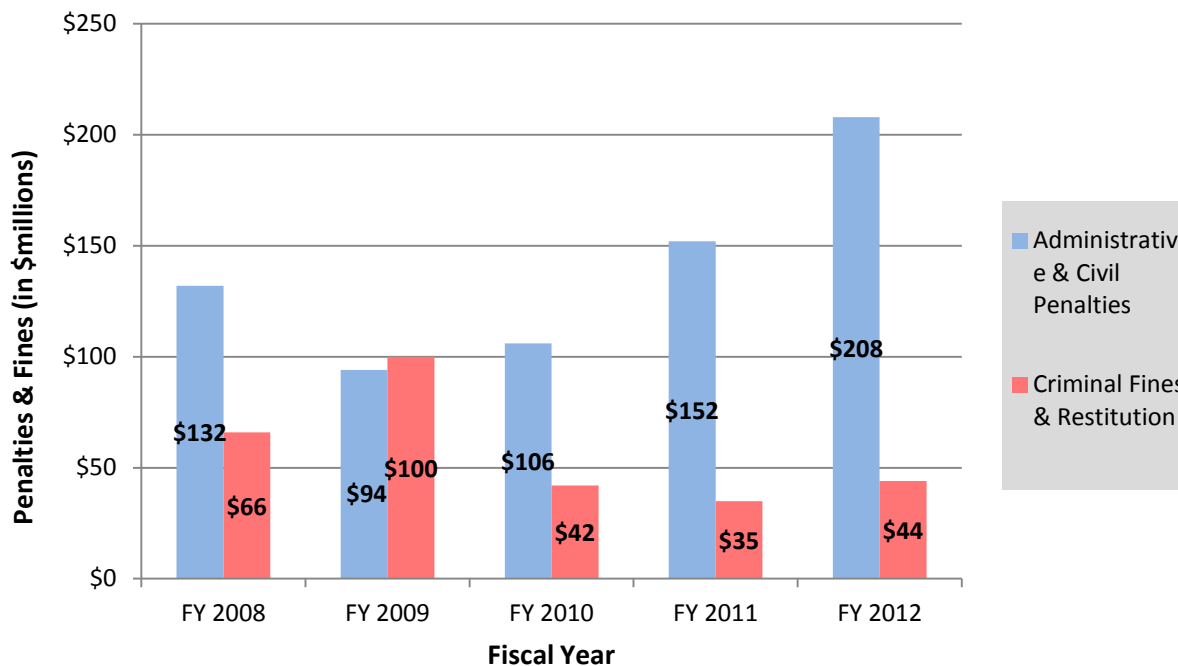
FY2012 Data Source: Integrated Compliance Information System (ICIS); data source for previous fiscal years: ICIS.



FY2008-2012 Enforcement & Compliance Annual Results

Civil Penalties & Criminal Fines Assessed

Administrative/Civil Penalties & Criminal/Restitution Fines



*Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2012 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.
FY2012 Data Source: Integrated Compliance Information System (ICIS); data source for previous fiscal years: ICIS

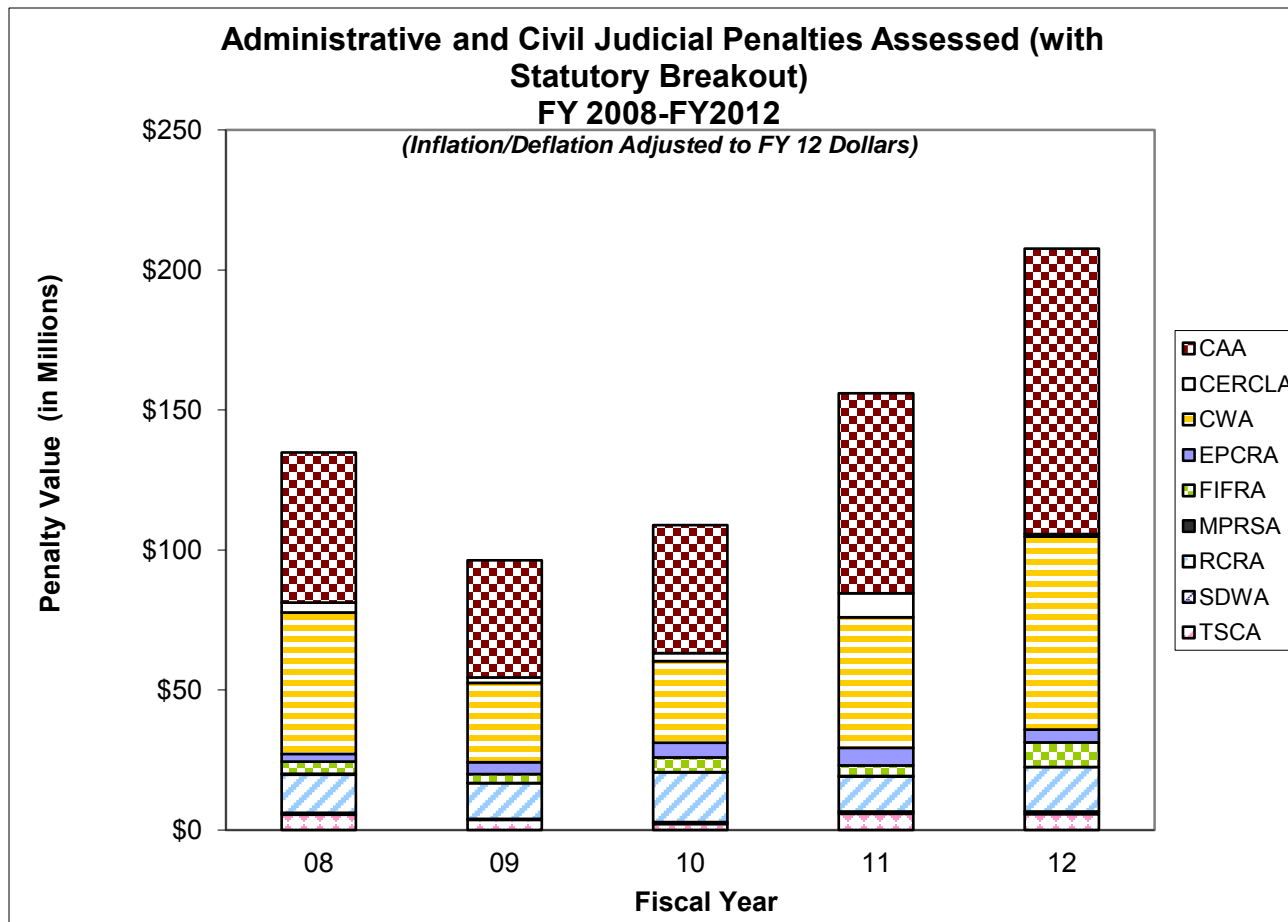
- Penalties – both civil and criminal – play an important role in deterring violations.

- In FY 2012, EPA enforcement actions required companies to pay over **\$200 million** in civil penalties (administrative and judicial) – an all-time record amount.

- In FY 2012, EPA criminal prosecutions resulted in **\$44 million** in criminal fines and restitution.



FY2012 Enforcement & Compliance Annual Results



- In FY 2012, an increased focus on large cases and the deterrent message they send resulted in a record year for penalties including a settlement with *MOEX* (\$90M) in settlement of its liability in the Deepwater Horizon oil spill.

- In FY 2012, EPA enforcement actions required companies to pay over **\$200 million** in civil penalties (administrative and judicial) .

- Penalty results include a CAA mobile source judgement of \$57.3 million against Volvo Truck Corporation for breach of a 1998 judicial Consent Decree.

- Penalty results in FY 2012 also include the largest penalty ever in a FIFRA case, The Scotts Miracle Gro Company (\$6M).

Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2012 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.

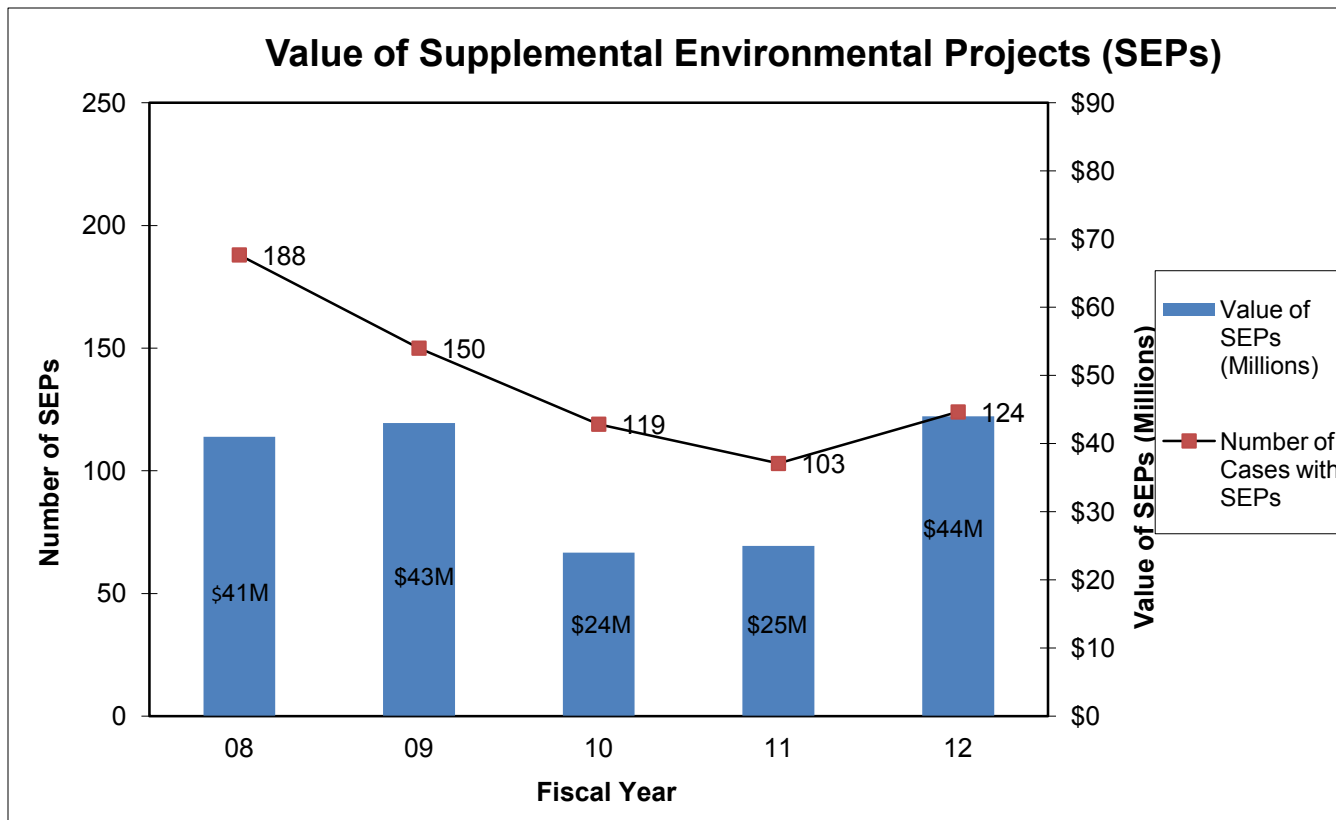
FY2012 Data Source: Integrated Compliance Information System (ICIS); data source for previous fiscal years: ICIS

FY2012 Enforcement & Compliance Annual Results

Supplemental Environmental Projects

FY 2008 – FY 2012

(Inflation/Deflation Adjusted to FY 12 Dollars)



- In FY 2012, EPA enforcement actions resulted in more than **\$44 million** in Supplemental Environmental Projects¹ - a five year high

- In FY 2012, the settlement in MOEX accounted for approximately \$20 million of the total value of SEPs.

¹ 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 2012 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.

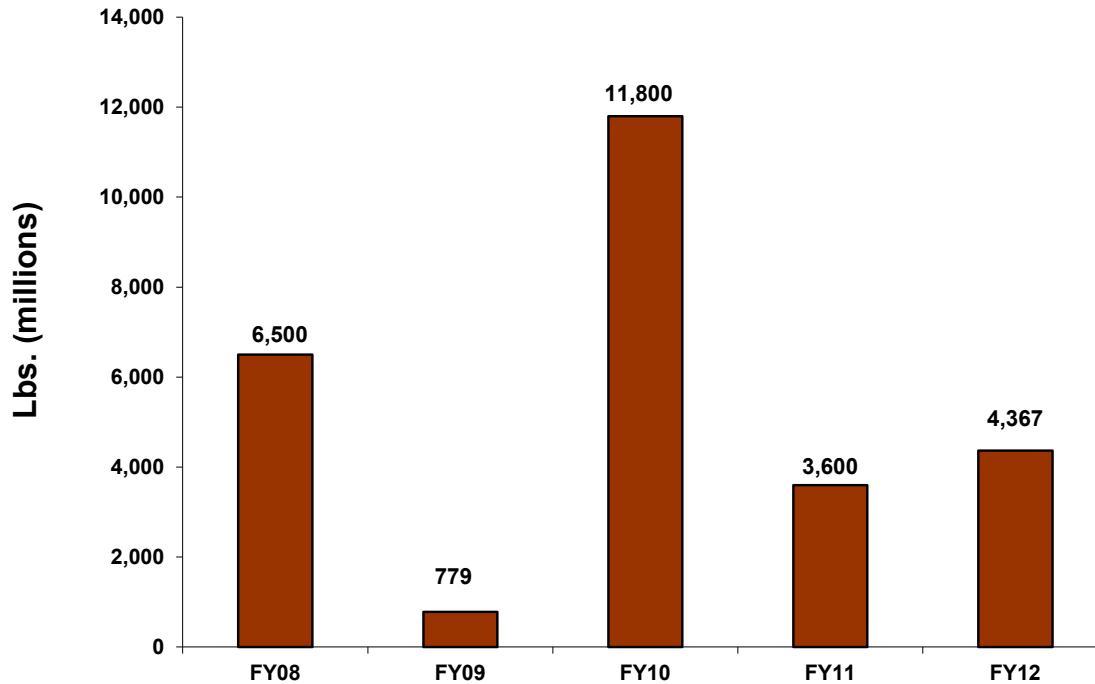
FY2012 Data Source: Integrated Compliance Information System (ICIS); data source for previous fiscal years: ICIS.



FY2012 Enforcement & Compliance Annual Results

Estimated Environmental Benefits

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



- In FY 2012, EPA enforcement actions required companies to commit to treat, minimize, or properly dispose of **4.4 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 very big cases. This results in substantial variability in this measure year to year.

FY2012 Data Source: Integrated Compliance Information System (ICIS); data source for previous fiscal years: ICIS.

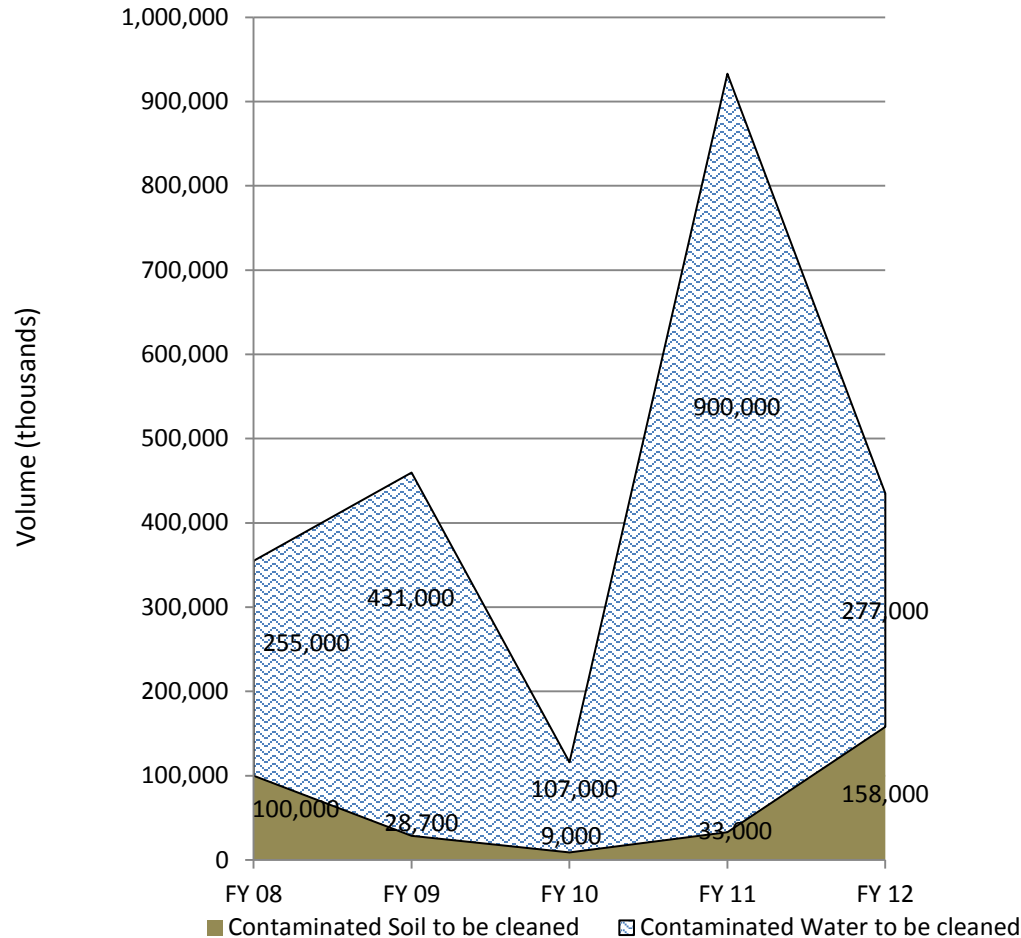
Disclaimer: Minor corrections may have been made to previous years' data.



FY2012 Enforcement & Compliance Annual Results

Estimated Environmental Benefits

Volume of Contaminated Soil & Water to be Cleaned Up



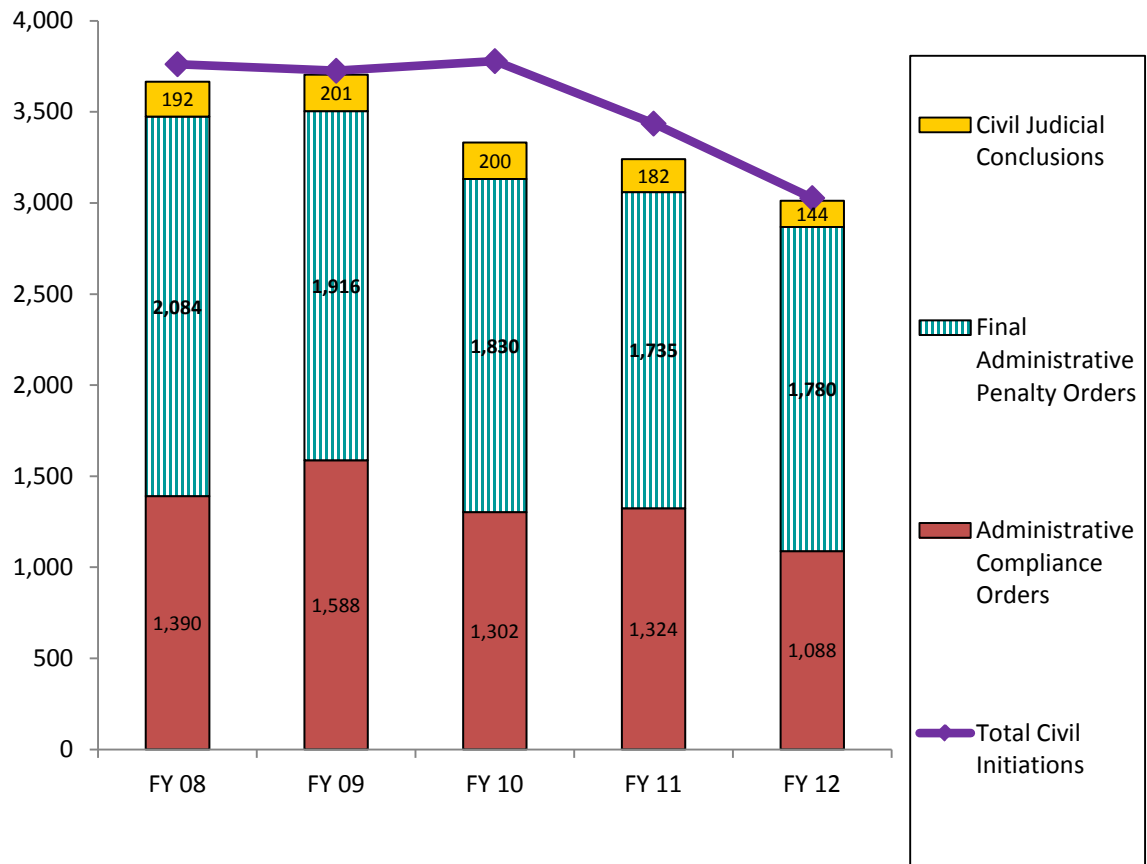
- An estimated **277** million cubic yards of contaminated water/aquifer are to be cleaned up as a result of EPA enforcement cases concluded in FY 2012.
- An estimated **158** million cubic yards of contaminated soil are to be cleaned up as a result of EPA enforcement cases concluded in FY 2012.

FY2012 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.



FY2012 Enforcement & Compliance Annual Results

EPA Civil Enforcement Case Initiations and Conclusions



- EPA continues to pursue larger more complex, risk-based enforcement cases leading to fewer initiations and conclusions in FY 11 and FY12.
- In FY 2012, EPA concluded **3,012** civil judicial and administrative cases.
- EPA Initiated a total of **3,027** civil enforcement cases (judicial and administrative) in FY 2012.

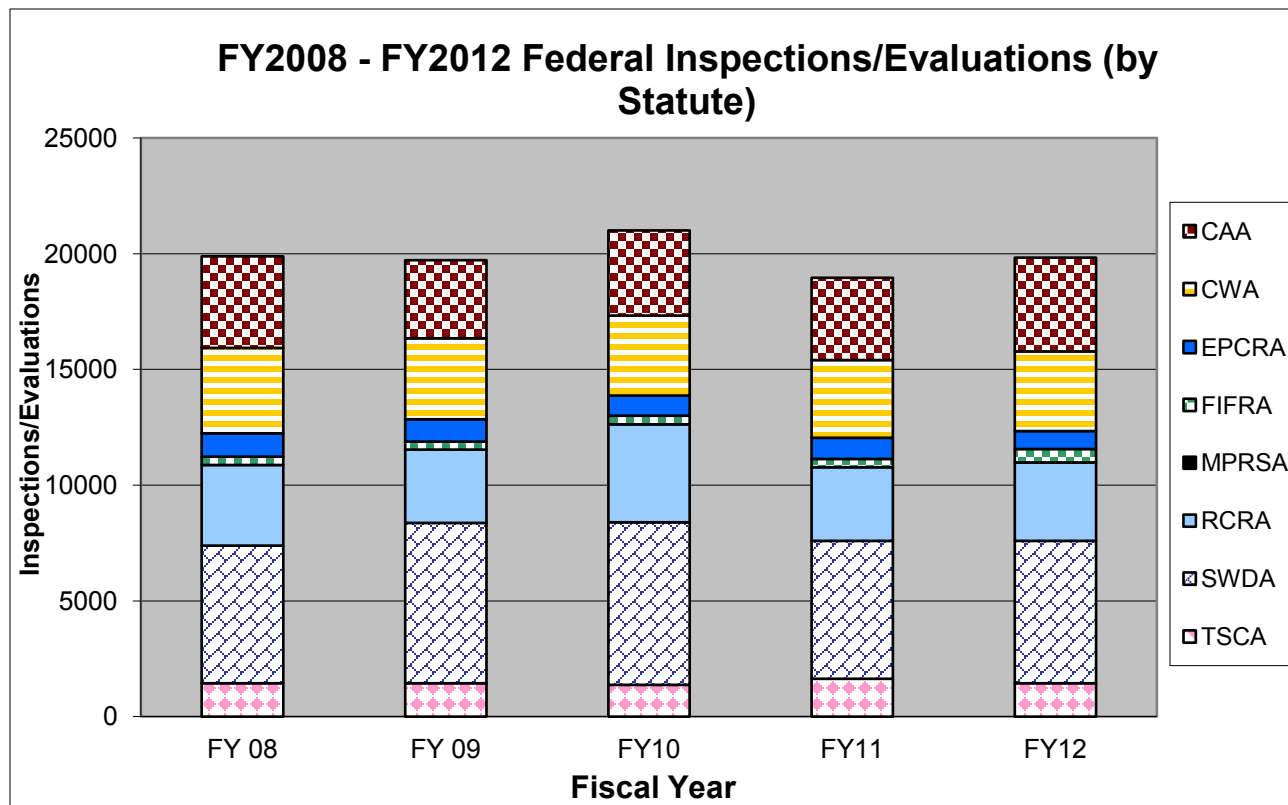
FY2012 Data Source: Integrated Compliance Information System (ICIS); data Source for previous fiscal years: ICIS.



FY2012 Enforcement & Compliance Annual Results

Compliance Monitoring

Number of Inspections - Evaluations Conducted by EPA



•EPA conducted approximately **20,000** inspections/evaluations in FY 2012. EPA inspections fluctuate somewhat from year to year, but have generally been in the 20,000 range over the past five years.

Note: The numbers of EPA Civil Investigations for the last five FYs are: 222 (FY 08), 246 (FY 09), 282 (FY 10), 177 (FY 11) and (237) FY12.

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

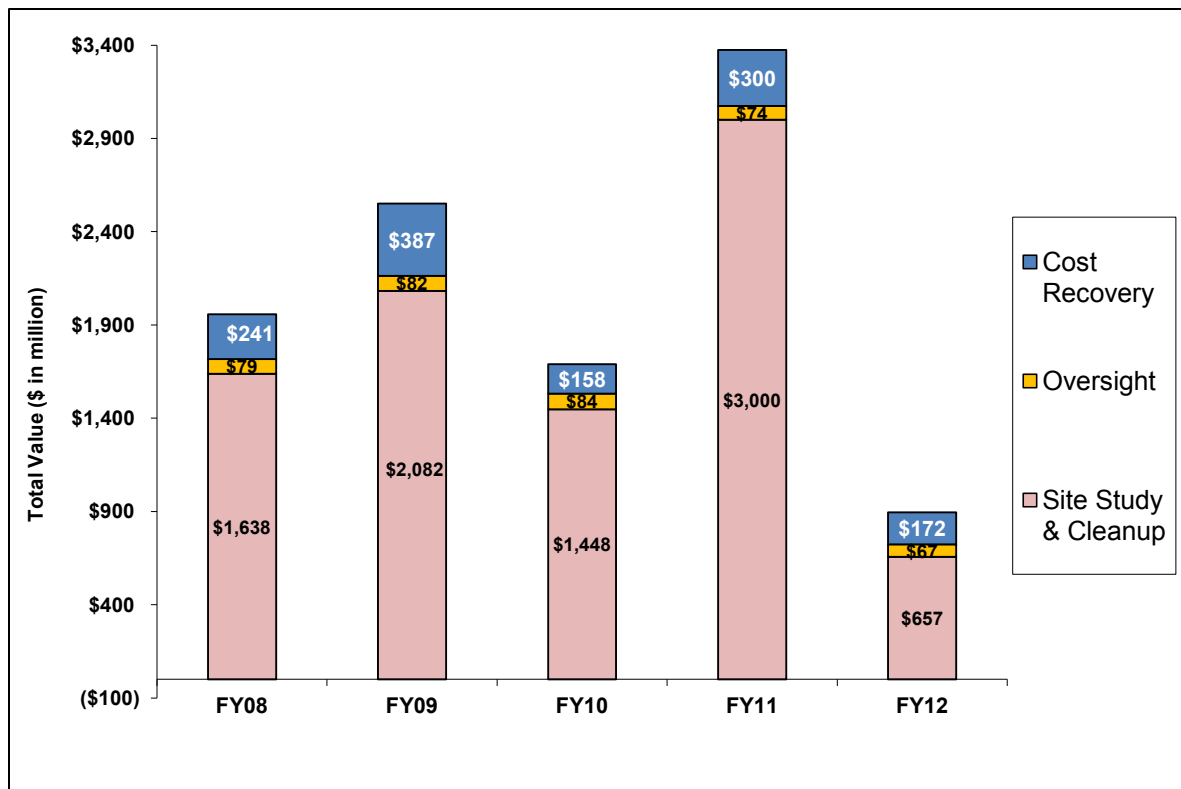
FY2012 Data Source: Integrated Compliance Information System (ICIS), legacy databases, and manual reporting.

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



FY2012 Enforcement & Compliance Annual Results Superfund Results

(Inflation/Deflation Adjusted to FY 12 Dollars)



Private party cleanup commitments achieved between Fiscal Years 2008-2011 were unusually high and record breaking. However, private party cleanup commitments were lower in FY 2012. Superfund Enforcement results generally vary from year to year due to the size and number of cases in the case pipeline, and a few large settlements each year.

Unlike FY 2011 when the Hudson River cleanup settlement, valued at \$2.1 billion, accounted for 70% of the total cleanup commitment, there were no similar, large dollar cases in FY 2012.

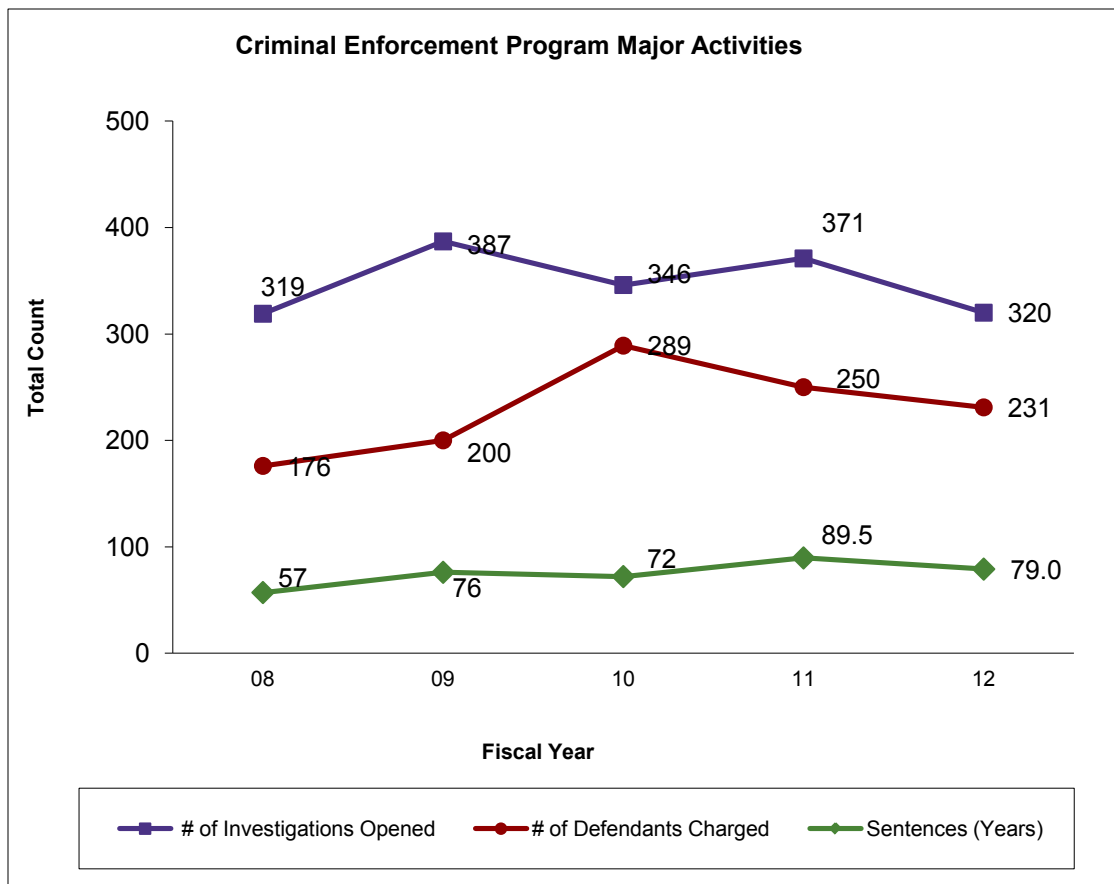
Cleanup negotiations completed with private parties in FY 2012, however, will result in increased cleanup commitments in FY 2013. For example the AVX consent decree, valued at \$366.3 million, for the cleanup of the New Bedford Harbor site was lodged in October 2012 and should be entered in FY 2013.

Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2012 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.

FY2012 Data Source for Clean up and Cost Recovery: Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS);
FY2012 Data Source for Oversight: Integrated Financial Management System (IFMS); Data source for previous fiscal years: CERCLIS and IFMS.

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Criminal Enforcement



In FY 2012, OCEFT had fewer case carrying agents than in FY 2011, which played a role in the decrease in new cases opened and (to a lesser degree) the number of defendants charged.

The increased focus on tier 1 and tier 2 cases, which are generally more complex and more resource intensive, could also have contributed to fewer - but more significant - cases.

70% of the criminal cases charged in FY 2012 had at least one individual defendant.

FY2012 Data Source: Criminal Case Reporting System; Source for previous years: annual Criminal Case Reporting System data.

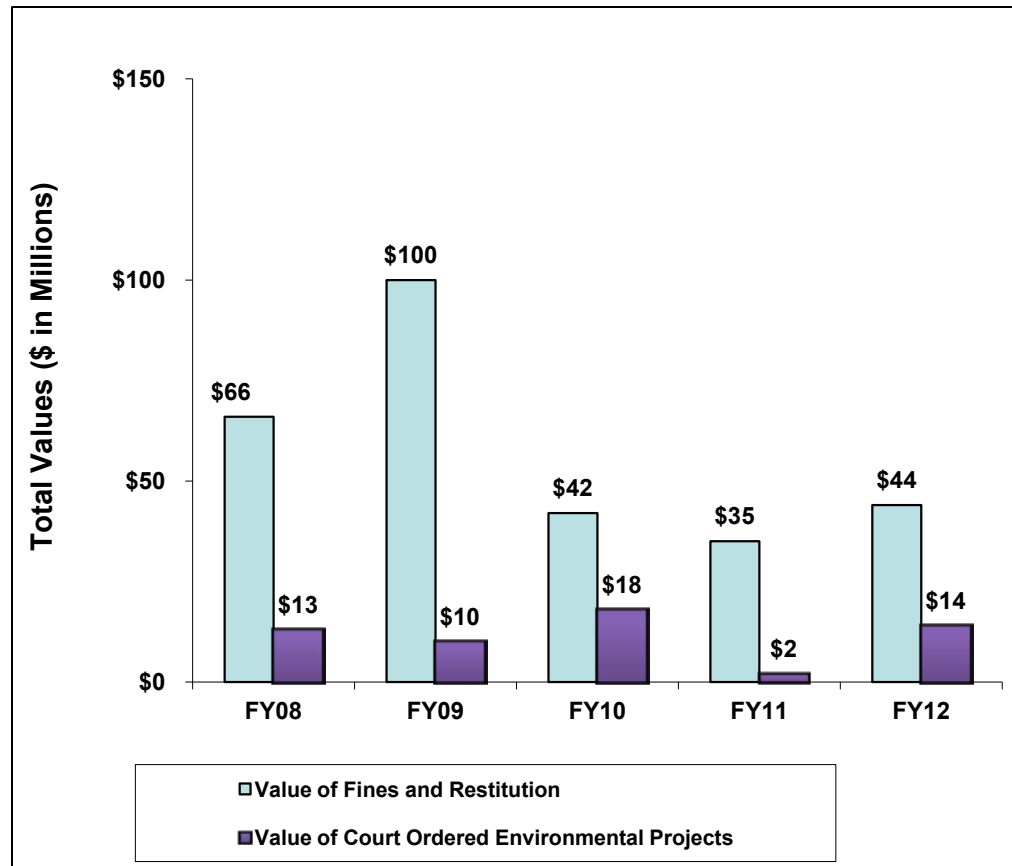
FY2012 Enforcement & Compliance Annual Results

Criminal Enforcement

Value of Fines & Restitution and Court Ordered Environmental Projects



(Inflation/Deflation Adjusted to FY 12 Dollars)



Criminal fines and restitution punish misconduct, deter other violators and help to remedy the harm caused by the criminal conduct.

Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2012 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.

FY2012 Data Source: Criminal Case Reporting System; Source for previous years: Annual Criminal Case Reporting System data.

FY2012 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