



# **Fiscal Year 2019 EPA Enforcement and Compliance Annual Results**

**Prepared by the Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency**

**February 13, 2020**

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# FY 2019 Enforcement and Compliance Annual Results



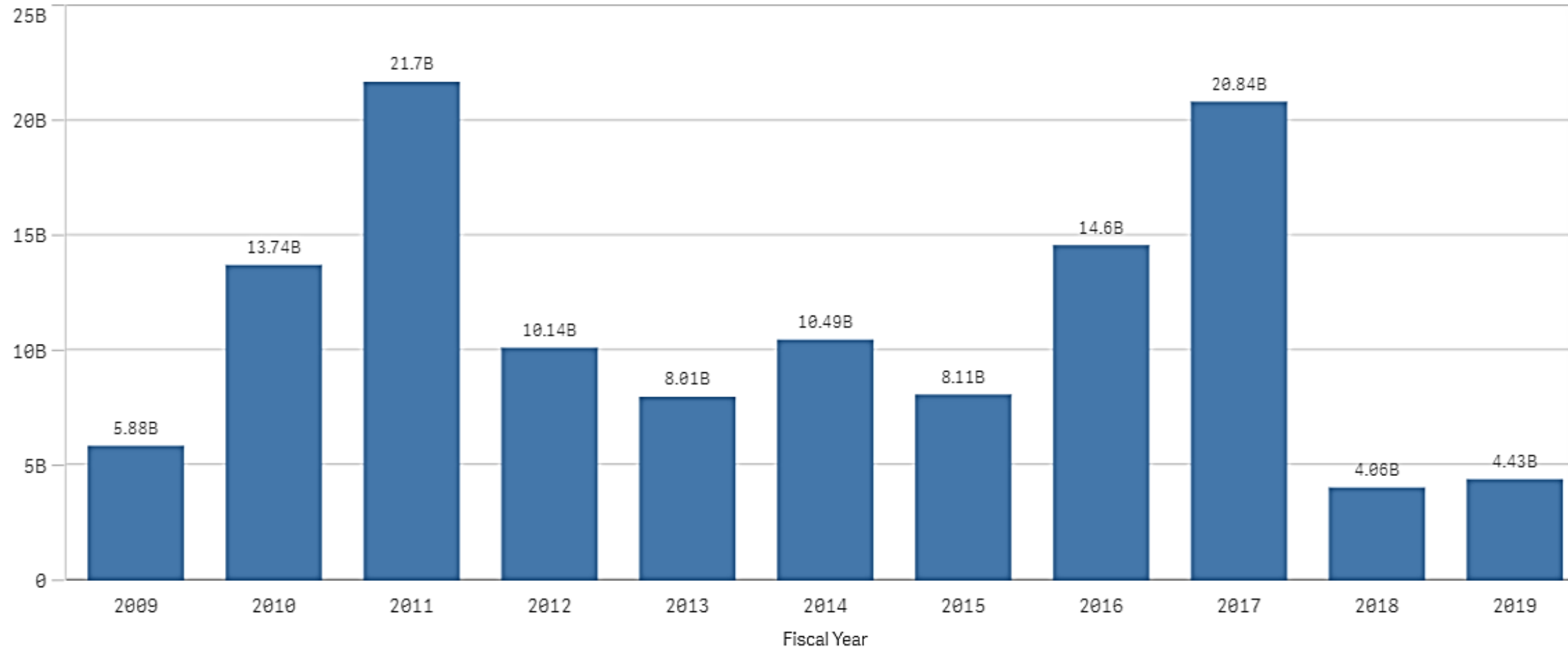
<u>TABLE OF CONTENTS</u>	<u>PAGE</u>
<b>Civil Enforcement Accomplishment</b>	
Estimated Value of Administrative and Civil Judicial Complying Actions (Injunctive Relief) FY 2009 – FY 2019	3
Administrative and Civil Judicial Penalties Assessed FY 2009 – FY 2019	4
EPA Voluntary Disclosure Programs Number of Disclosures and Facilities FY 2015 - FY 2019	5
Commitments to Reduce, Treat, or Eliminate Pollution (Air, Toxics, and Water) FY 2012 – FY 2019	6
Volume of Contaminated Soil and Water to be Cleaned Up FY 2012 – FY 2019	7
Hazardous Waste and Non-Hazardous Waste Treated, Minimized, or Properly Disposed FY 2012 – FY 2019	8
<b>Criminal Enforcement Accomplishments</b>	
Value of Fines and Restitution and Value of Court Ordered Environmental Projects	9
Environmental Crime Cases Opened, Defendants Charged, and Sentencing Results - Years of Incarceration	10
<b>Superfund Accomplishments</b>	
Superfund Enforcement Private Party Commitments FY 2009 – FY 2019	11
<b>Additional Civil Enforcement Accomplishments</b>	
Federal Inspections and Evaluations (Conducted by EPA) FY 2009 – FY 2019	12
Total Civil Enforcement Case Initiations and Conclusions FY 2009 – FY 2019	13
Supplemental Environmental Projects (SEPs) FY 2009 – FY 2019	14
<b>Acronyms and Descriptions for Statutes/Sections</b>	15

Note: This data reflects all EPA enforcement actions, including Federal Facility Compliance Agreements and inspections, unless otherwise noted. Does not include state and local enforcement actions or inspections.



## Estimated Value of Administrative and Civil Judicial Complying Actions (Injunctive Relief) FY 2009 – FY 2019

Prior FY Totals Inflation Adjusted to Reflect the Current Totals in FY 2019 Dollars



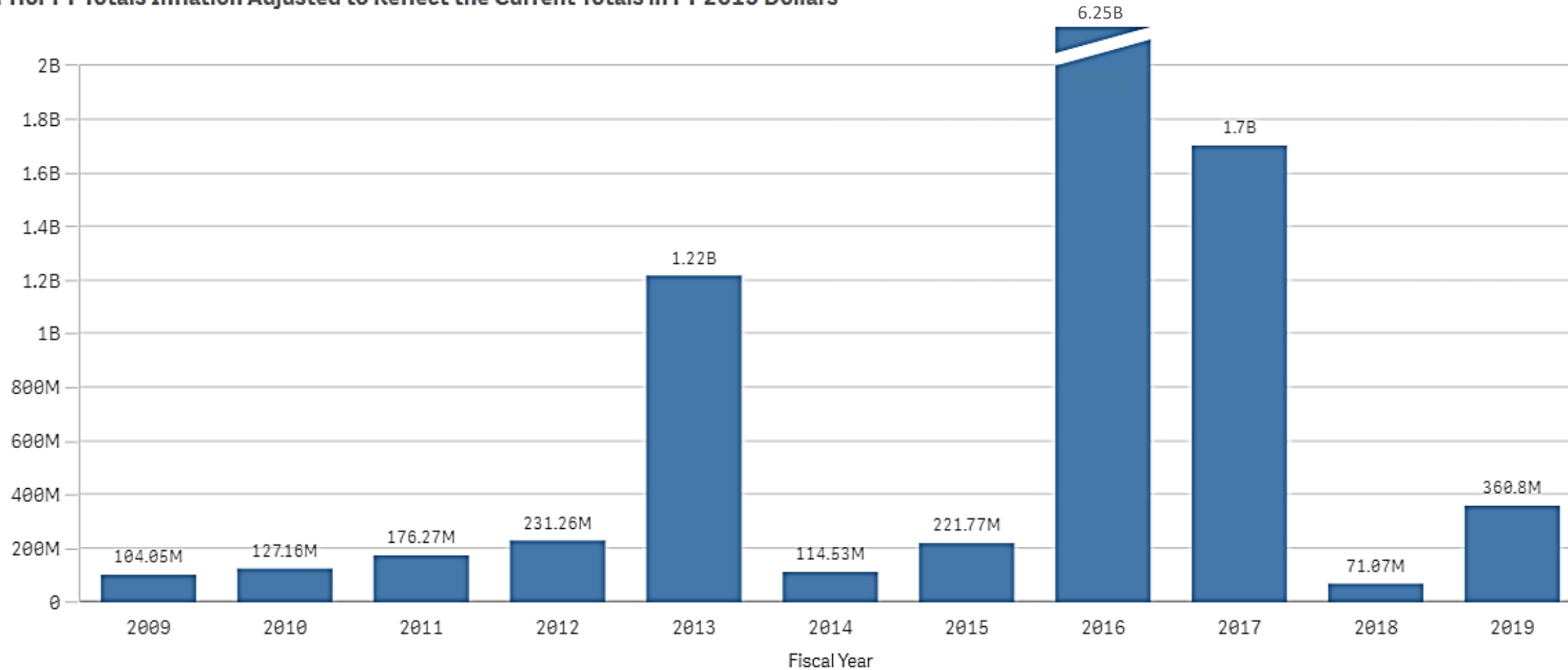
- In FY 2019, EPA enforcement actions required companies to invest more than \$4.4 billion in actions and equipment to control pollution (injunctive relief.)
- Injunctive relief results vary from year to year depending on the timing of the resolution of the largest cases.
  - For instance, the FY 2017 results are dominated by a Volkswagen case which required over \$15.9 billion in injunctive relief.
  - In three FY 2011 cases, the settlements required significant injunctive relief—TVA (\$5 billion), City of Honolulu (\$3.7 billion) and NEORSD (\$3 billion).

1. Injunctive relief requires a regulated entity to perform, or refrain from performing, some designated action to bring the entity into compliance with environmental laws.
2. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY2019 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.
3. Dollar figures referenced in the bullets are not adjusted to reflect inflation/deflation.



## Administrative and Civil Judicial Penalties Assessed FY 2009 – FY 2019

Prior FY Totals Inflation Adjusted to Reflect the Current Totals in FY 2019 Dollars

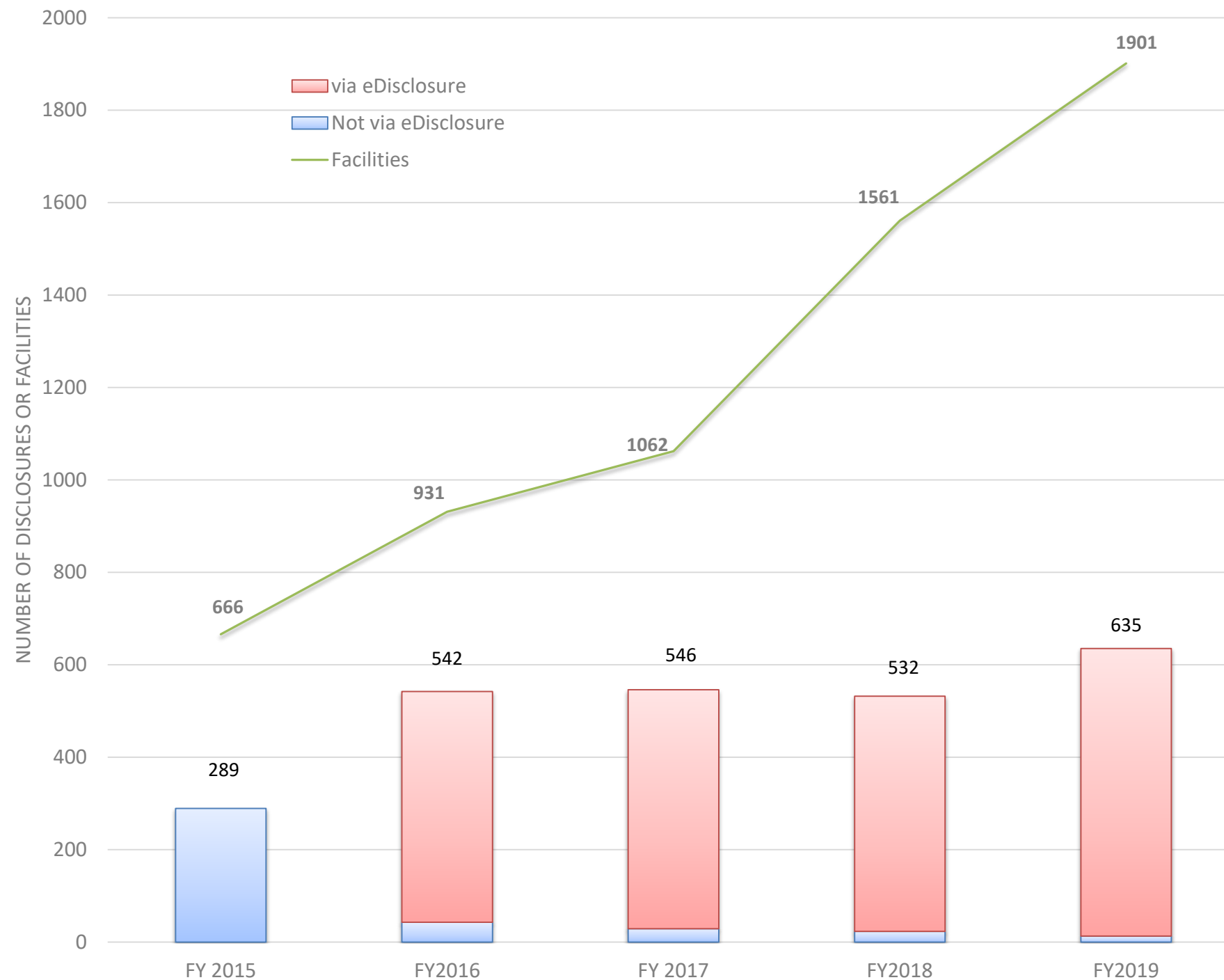


- In FY 2019, EPA assessed over \$360 million in federal administrative and civil judicial penalties, which exceeds the annual penalty values assessed in all but three of the past 10 years.
- Annual total penalties assessed are often strongly influenced by one or two large cases.
- The FY 2017 results were dominated by the record setting \$1.45 billion Clean Air Act – Mobile Source penalty assessed to Volkswagen, the FY 2016 results by the \$5.7 billion BP case, and the FY 2013 results by the \$1 billion Transocean case. Both the 2013 and 2016 cases were related to the 2010 Gulf of Mexico oil spill.

1. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY 2019 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.
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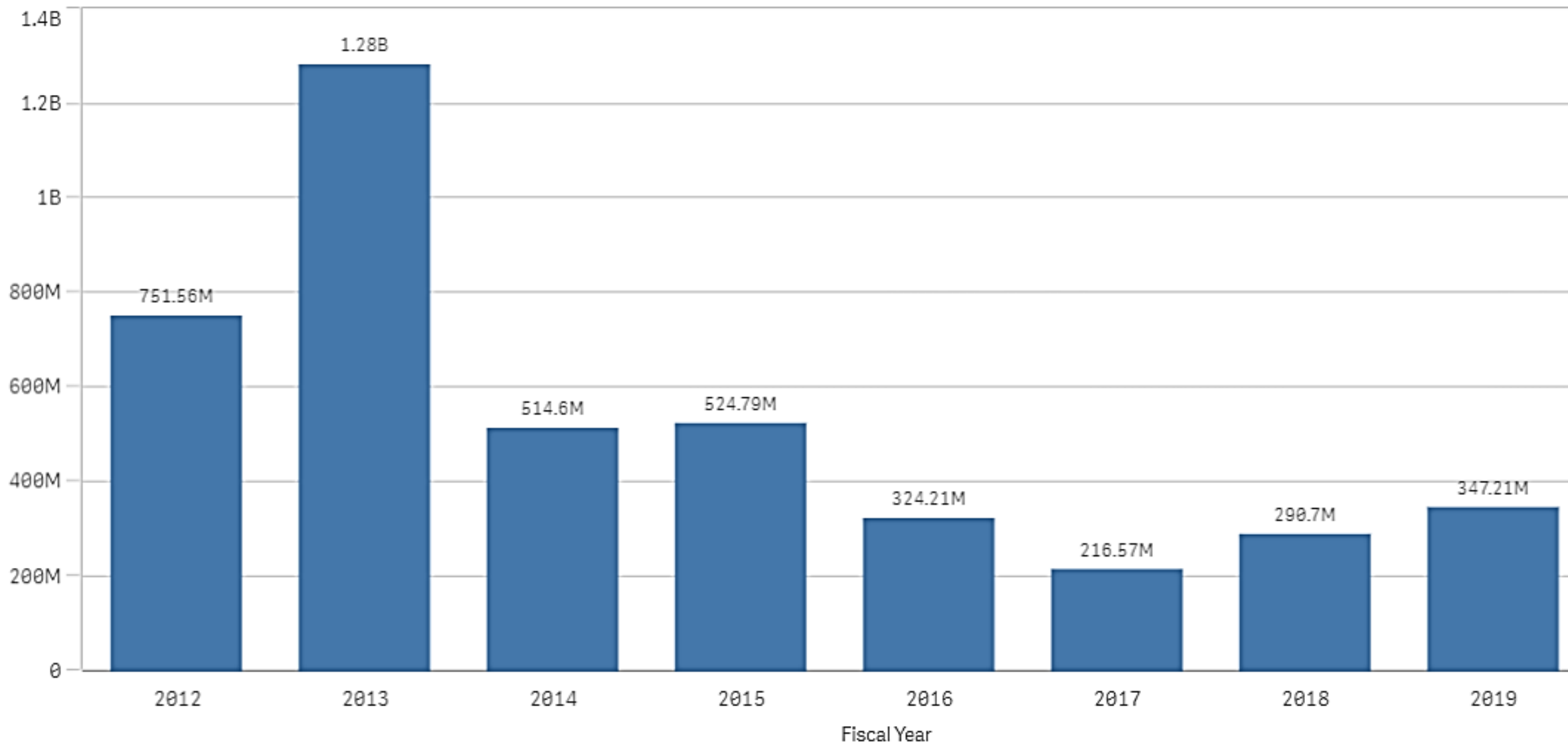
### EPA Voluntary Disclosure Programs Number of Disclosures and Facilities FY 2015 – FY 2019



➤ In FY 2019, 635 entities with over 1,900 facilities voluntarily disclosed violations pursuant to EPA’s self-disclosure policies. Representing an approximately 20% increase in both areas.



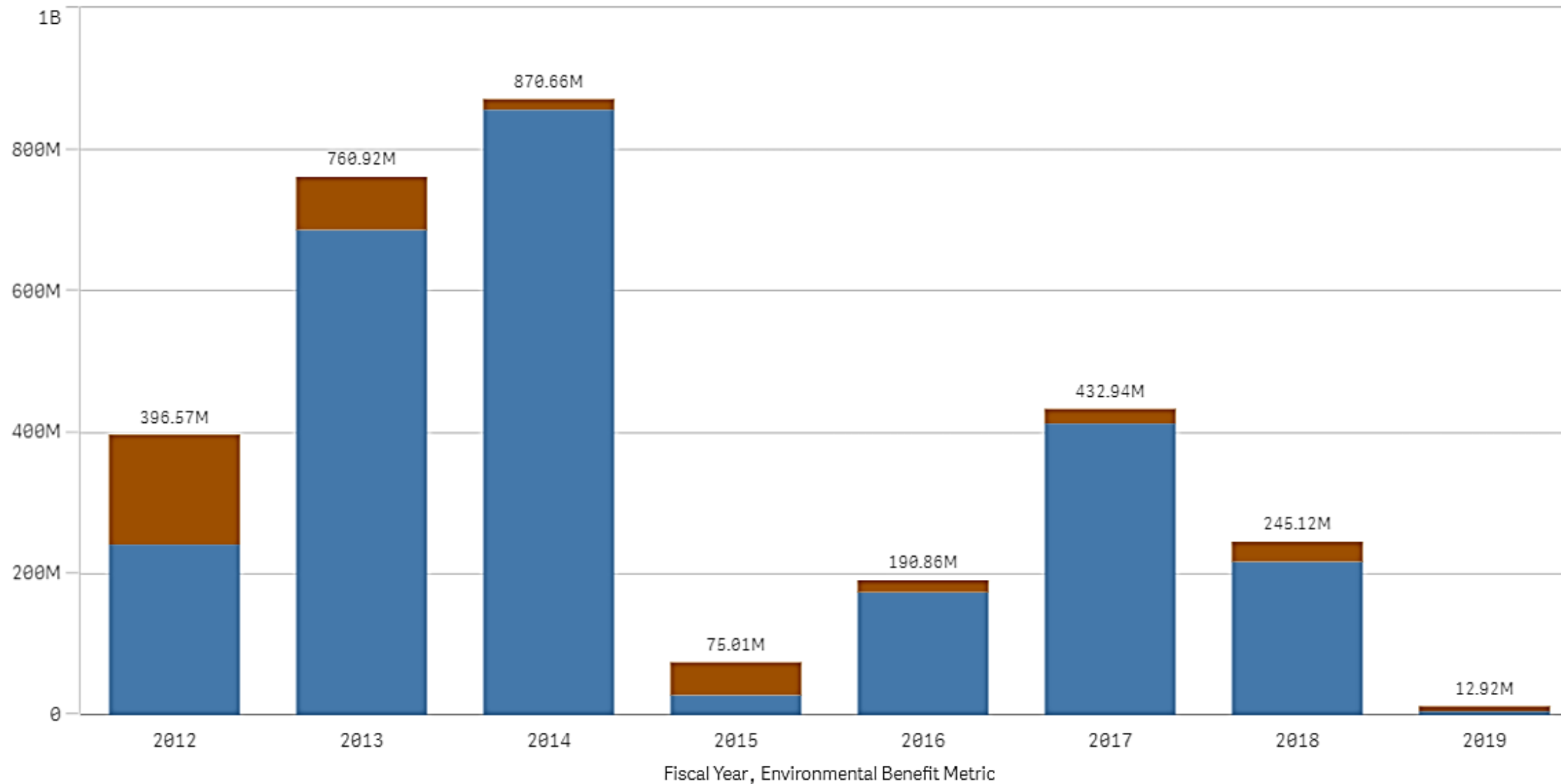
## Commitments to Reduce, Treat, or Eliminate Pollution (Air, Toxics, and Water) FY 2012 – FY 2019



- In FY 2019, EPA enforcement actions required facilities to commit to reduce, treat, or eliminate pollution by an estimated 347 million pounds per year, which is the highest value in the past four years.
- Annual totals for environmental benefits are often influenced by one or two large cases.
- Through actions in prior years, EPA has addressed the largest stationary sources of air pollution and the largest municipal dischargers. EPA has recently increased focus on reducing toxic pollutants, that may affect communities, which are smaller in amount but higher in toxicity.

1. Starting in FY 2012, EPA changed the way it stores environmental benefit information in the ICIS data system. Therefore, data are not reported for years prior to FY 2012.

## Estimated Environmental Benefits: Volume of Contaminated Soil and Water to be Cleaned Up FY 2012 – FY 2019



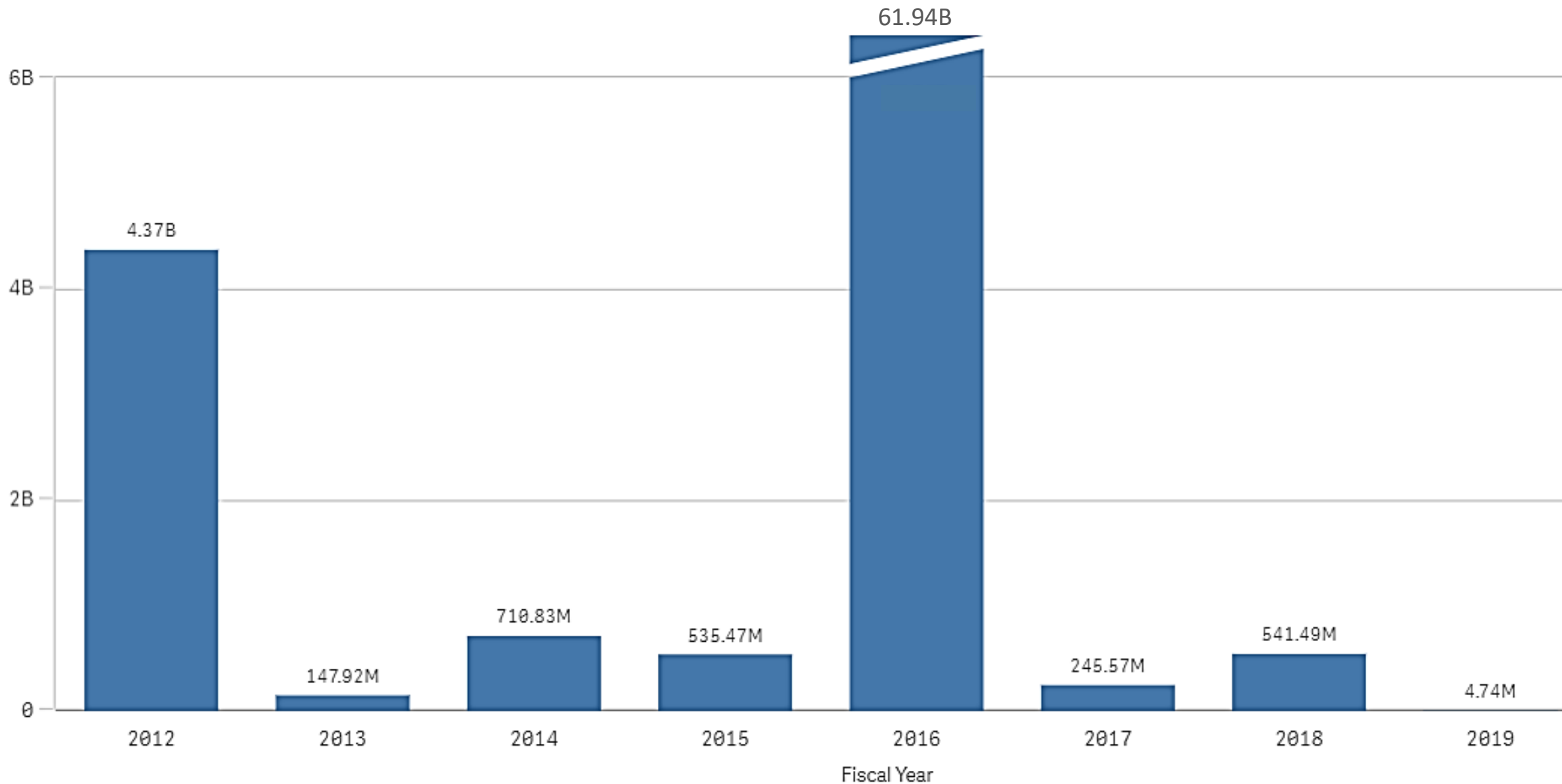
- In FY 2019, EPA enforcement actions obtained commitments to clean up over 12 million cubic yards of contaminated soil and water.
- Annual totals of soil and water to be cleaned up are often strongly influenced by one or two large cases. For example, in FY 2013 and FY 2014 three big cases accounted for the majority of the soil and water to be cleaned up.
- VCMA captures the volume but not the complexity of the cleanups.

■ Estimated Contaminated Soil/Debris to be Cleaned Up (Cubic Yards)
 ■ Estimated Contaminated Water/Aquifer to be Cleaned Up (Cubic Yards)

1. Starting in FY 2012, EPA changed the way it stores environmental benefit information in the ICIS data system. Therefore, data are not reported for years prior to FY 2012.
2. Starting in FY 2018, the Agency is reporting contaminated soil and water cleanup from all cases, not just from RCRA Corrective Action and CERCLA cases as in past years. Nonetheless, CERCLA cases (both private and federal facility) account for more than 99% of the FY 2019 total.
3. To ensure no double counting, the VCMA reported each year does not include environmental benefits from consent decrees converted from previously issued UAOs. For example, in FY 2019, a commitment to cleanup 8.0 million cubic yards of soil and water reached through settlement agreements were not reported because they had been counted in a previous fiscal year when a UAO had been issued.



## Estimated Environmental Benefits Hazardous Waste and Non-Hazardous Waste Treated, Minimized, or Properly Disposed FY 2012 – FY 2019



- In FY 2019, EPA enforcement actions required facilities to commit to treat, minimize, or properly dispose of over an estimated 4.7 million pounds of hazardous and non-hazardous waste.
- Annual totals for environmental benefits are often strongly influenced by one or two large cases.
  - In FY 2016, one case, the Mosaic Fertilizer RCRA case, accounted for over 99% of the hazardous and non-hazardous waste total in that year.

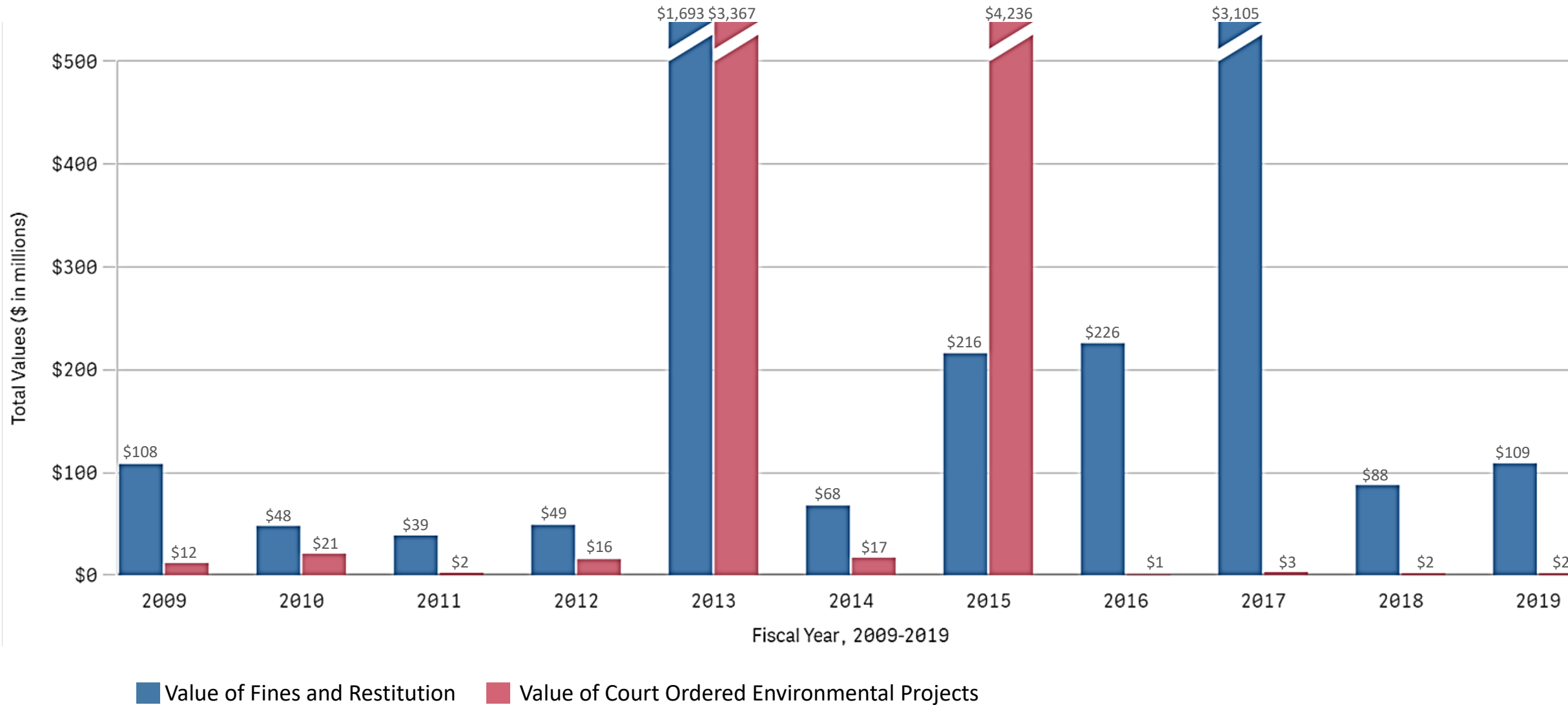
1. Starting in FY 2012, EPA changed the way it stores environmental benefit information in the ICIS data system. Therefore, data are not reported for years prior to FY 2012.

2. Starting in FY 2016, EPA combined reductions in hazardous waste and non-hazardous waste into one measure. Totals for FY 2012 – 2015 are for hazardous waste reductions only.





## Criminal Enforcement Value of Fines and Restitution and Court Ordered Environmental Projects FY 2009 – FY 2019

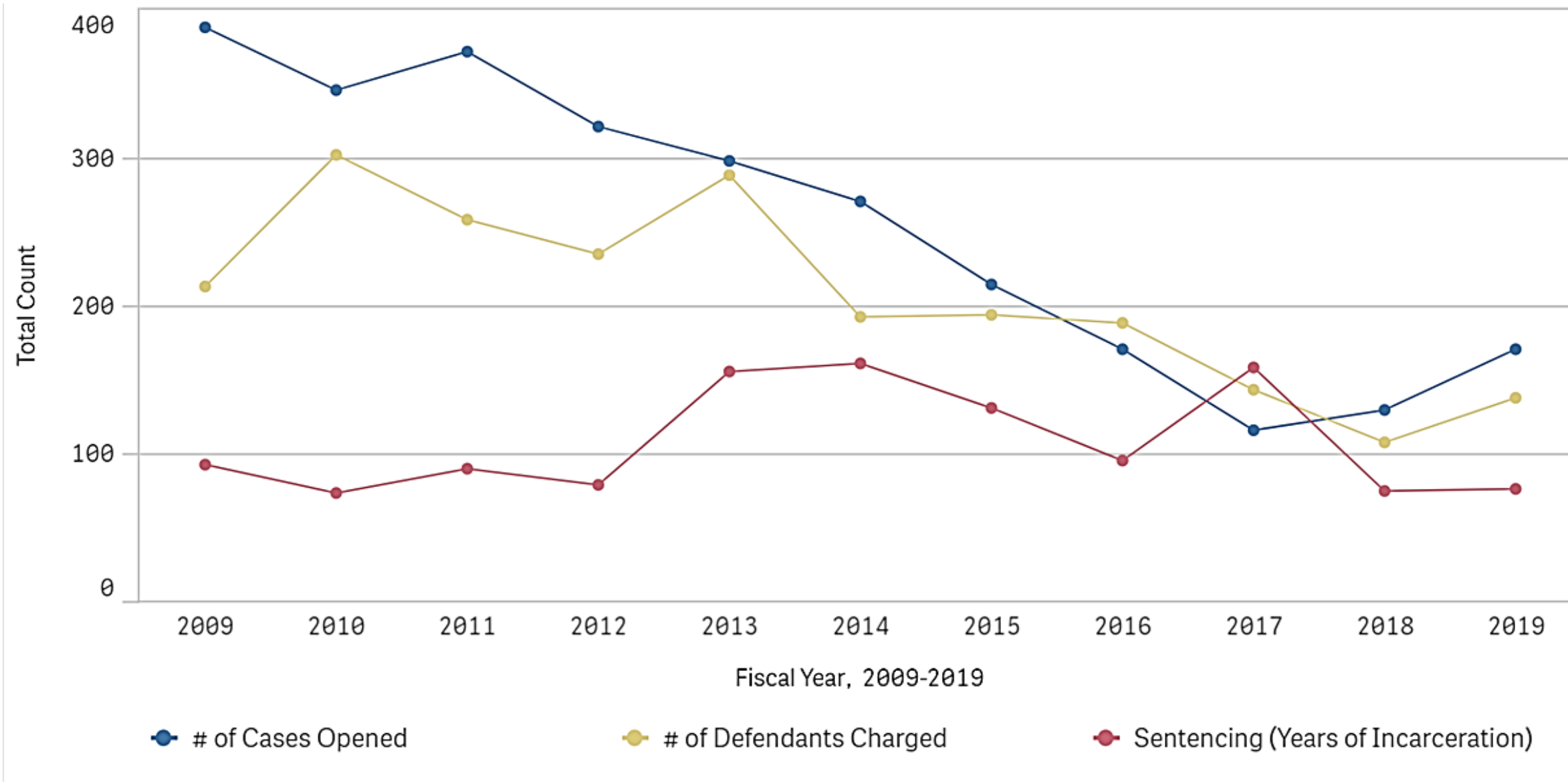


- In FY 2019, the total of criminal fines, restitution, and court ordered projects was \$111 million.
- Annual totals vary widely due to large cases such as BP in 2013, Duke Energy in 2015, and Volkswagen in 2017.

1. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY 2019 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.
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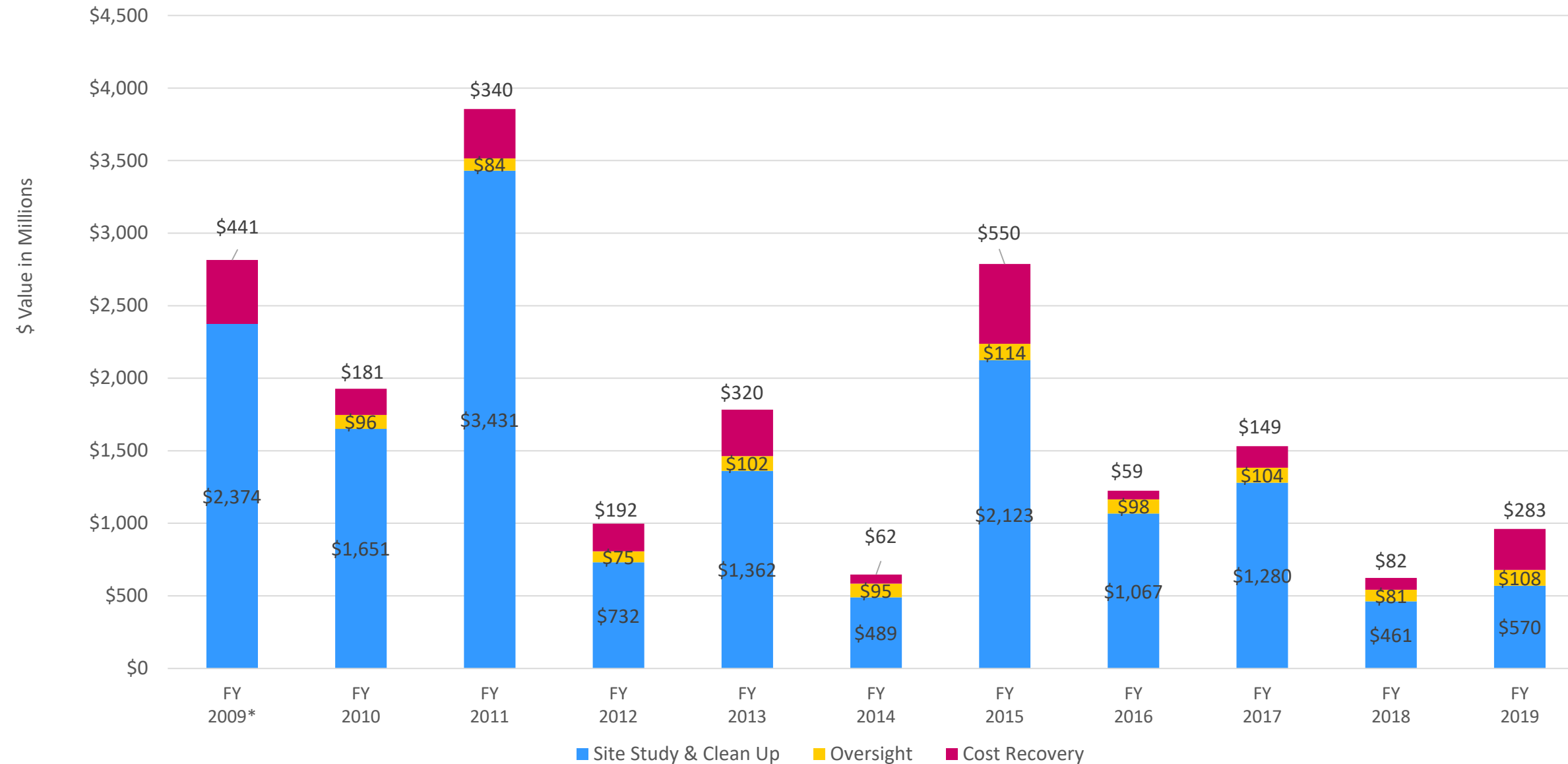


### Criminal Enforcement Environmental Crime Cases Opened, Defendants Charged, and Sentencing Results (Years of Incarceration) FY 2009 – FY 2019



- In FY 2019, the criminal program continued to focus on complex cases that involve a serious threat to human health and the environment and/or undermine program integrity.
- For the first time since FY 2013, the number of defendants charged in environmental crimes increased.
- The number of new environmental crime cases opened increased for the second year in a row.

## Superfund Enforcement Private Party Commitments FY 2009 – FY 2019



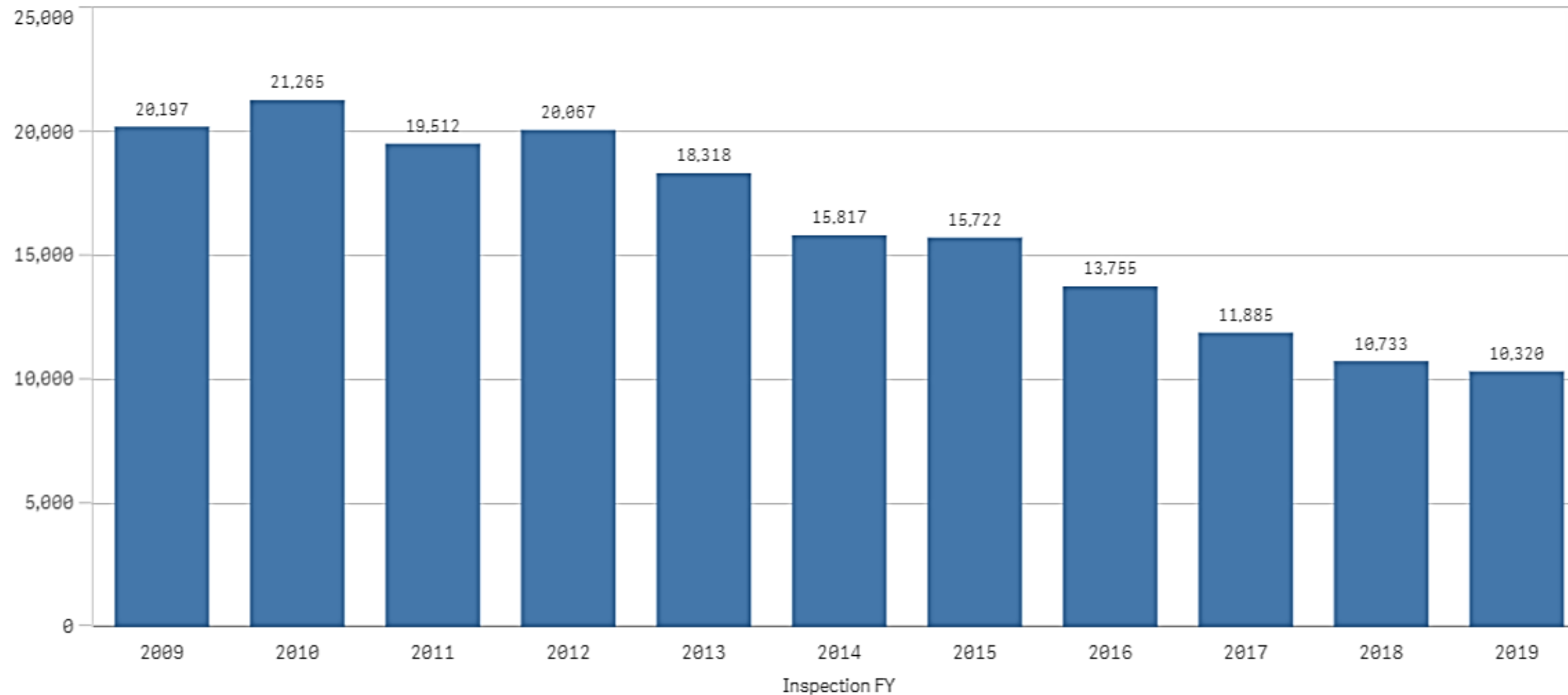
- In FY 2019, private parties committed to spend \$570.4 million on new site cleanup. Responsible parties also agreed to reimburse approximately \$283 million of EPA’s past costs from cleanup work at Superfund sites. Additionally, parties were billed more than \$108 million in oversight, for a total of \$961 million.
- Annual totals for both cleanup and cost recovery settlements are often influenced by the existence of one or two large cases that involve complex cleanups.

1. Totals include "allowed claims" under bankruptcy settlements.
  2. These results do not include commitments made for activities at Federally-owned or operated facilities.
  3. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY2019 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.
- \* Amounts billed for Oversight were not reported as part of end-of-year results prior to FY 2010.

Data Source for Cleanup and Cost Recovery: FY08-FY13 Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS); FY14/15 Manual Reporting; FY16 forward Superfund Enterprise Management System (SEMS).  
Data Source for Oversight: Compass Business Objects Reporting (CBOR).  
Data as of: October 16, 2019



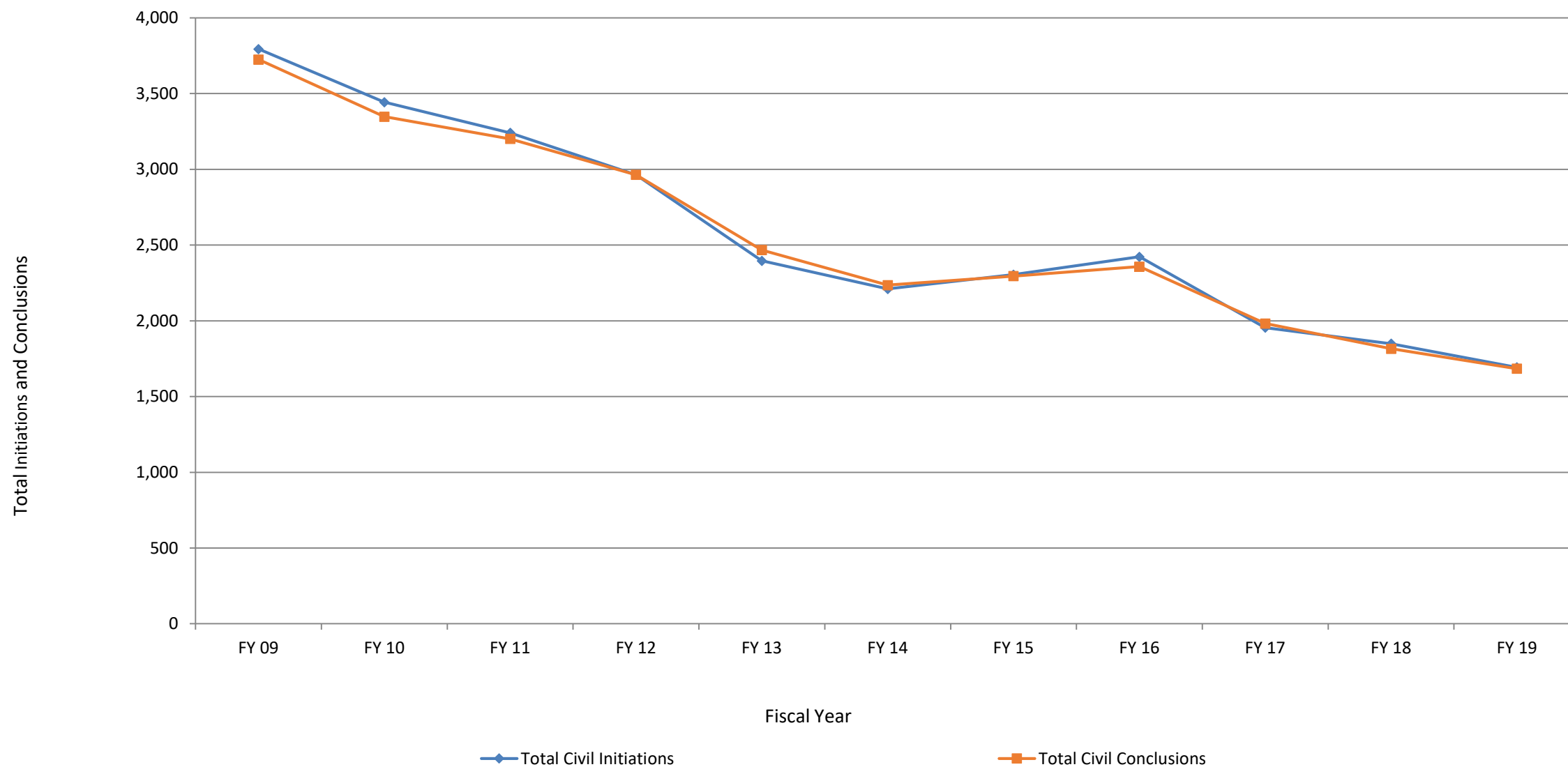
## Federal Inspections and Evaluations (Conducted by EPA) FY 2009 – FY 2019



- In FY 2019, EPA conducted over 10,300 inspections/evaluations.
- EPA continues to use data analytics and other tools to improve inspection targeting, which allows the Agency to use inspection resources more efficiently.
- EPA inspections represent a fraction of the total number of inspections conducted in the Clean Water Act, Clean Air Act, and Hazardous Waste programs that are implemented by states. For example, in 2019, states report 34,553 inspections of facilities regulated under the Clean Water Act. For information on inspections reported by states see [ECHO's state dashboards](#).



## Total Civil Enforcement Case Initiations and Conclusions FY 2009 – FY 2019



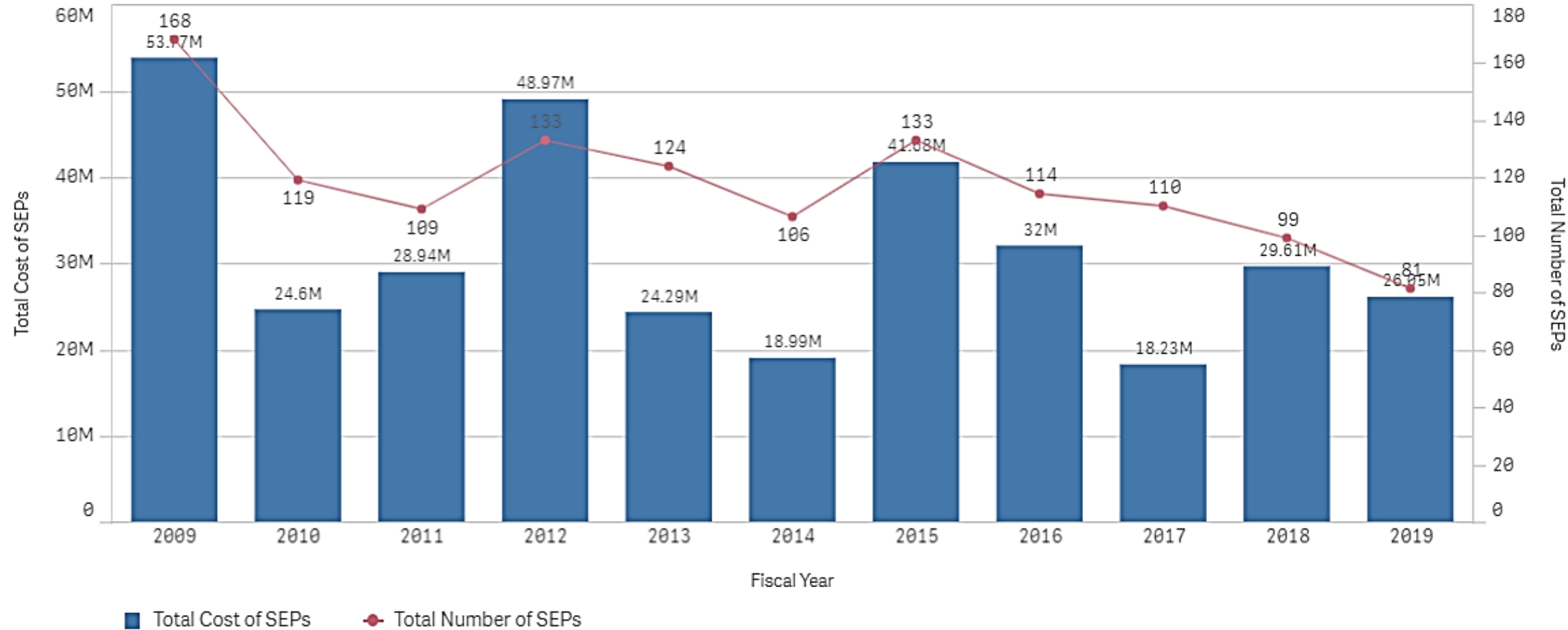
➤ In FY 2019, EPA initiated and concluded more than 1,600 civil judicial and administrative cases.

1. Totals include CERCLA Initiations and Conclusions.



## Supplemental Environmental Projects (SEPs) FY 2009 – FY 2019

Prior FY Total Cost of SEPs Inflation Adjusted to Reflect the Current Totals in FY 2019 Dollars



- In FY 2019, 81 EPA enforcement cases included agreements by the violator to perform Supplemental Environmental Projects (SEPs) with a total estimated cost to the violators of over \$26 million.
- SEPs are environmentally beneficial projects that are not legally required that a defendant/respondent voluntarily agrees to undertake as part of the settlement of an enforcement action. SEPs have a close nexus to the violations being resolved and may be considered as a factor to mitigate a civil penalty.

1. A single settlement can have multiple SEPs.
2. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY 2019 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.

# FY 2019 Enforcement and Compliance Annual Results

## Acronyms and Descriptions for Statutes/Sections



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