

ENFORCEMENT IN THE 80s

COMPLIANCE

WITH ENVIRONMENTAL LAWS

ENVIRONMENTAL PROTECTION AGENCY

REGION 10

OFFICE OF ENFORCEMENT

MAY 1986

INTRODUCTION

Environmental enforcement activities by federal and state governments have increased significantly in the Pacific Northwest since Fiscal Year 1982. EPA Region 10 will continue to encourage and ensure vigorous, fair and consistent enforcement of federal laws, regulations and policies dealing with the environment.

The data in this booklet graphically illustrates the rising number of enforcement actions we are taking against significant violators who pollute the environment in the Pacific Northwest. We believe this stepped-up enforcement presence is effective as a deterrence to potential violators.

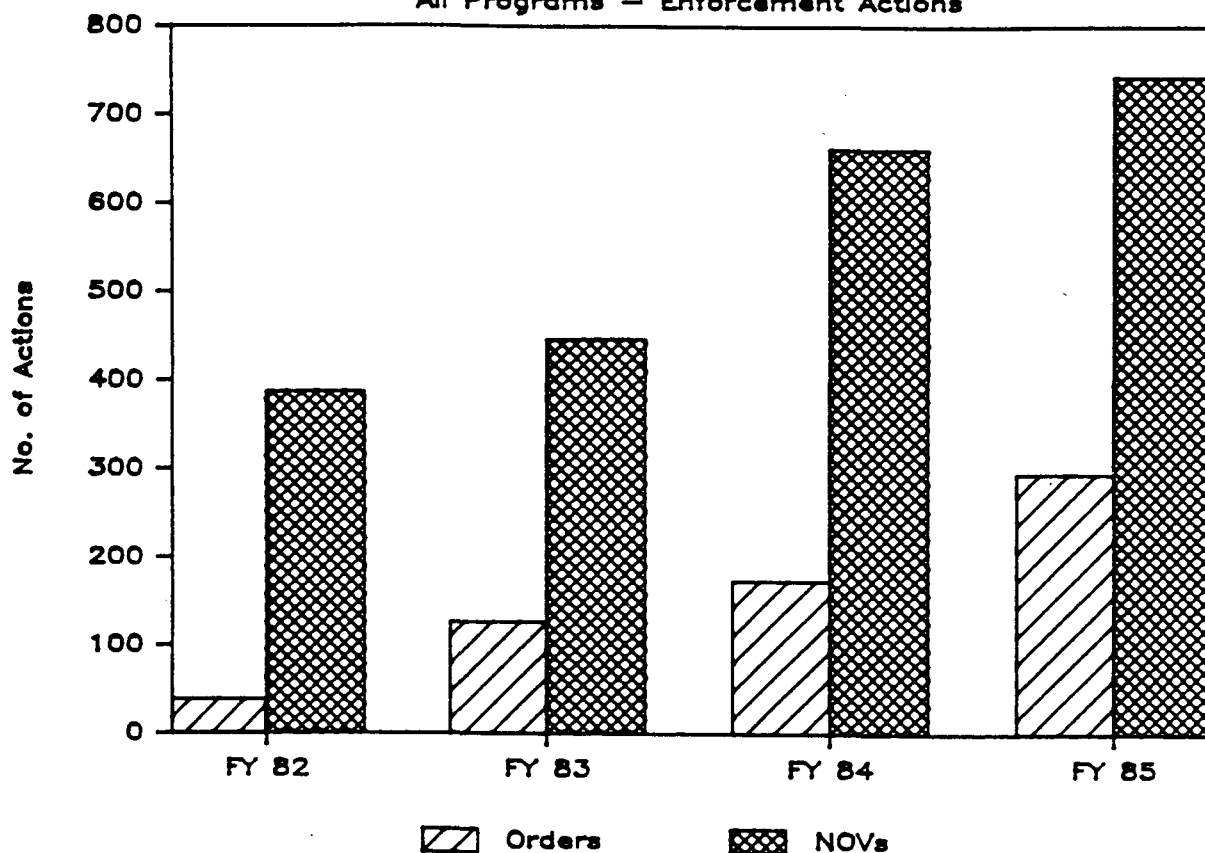
This report compares environmental enforcement data in Region 10 from Fiscal Year 1982 through Fiscal Year 1985. The data and graphs in this document were put together as an "update" to last year's "Enforcement in the 80s" publication. The information in this booklet is divided into four sections:

- I. COOPERATIVE STATE-EPA ENFORCEMENT
- II. STATE ENFORCEMENT ACTIONS
- III. EPA ENFORCEMENT ACTIONS
- IV. SUMMARY OF FY 85 ENFORCEMENT ACCOMPLISHMENTS

I. COOPERATIVE FEDERAL-STATE ENFORCEMENT

EPA & STATES COMBINED — REGION 10

All Programs — Enforcement Actions



This data illustrates the number of inspections and enforcement actions conducted by both EPA and the delegated state or local authority in Region 10 for all programs.

EPA & STATES COMBINED — REGION 10

All Programs — Enforcement Actions

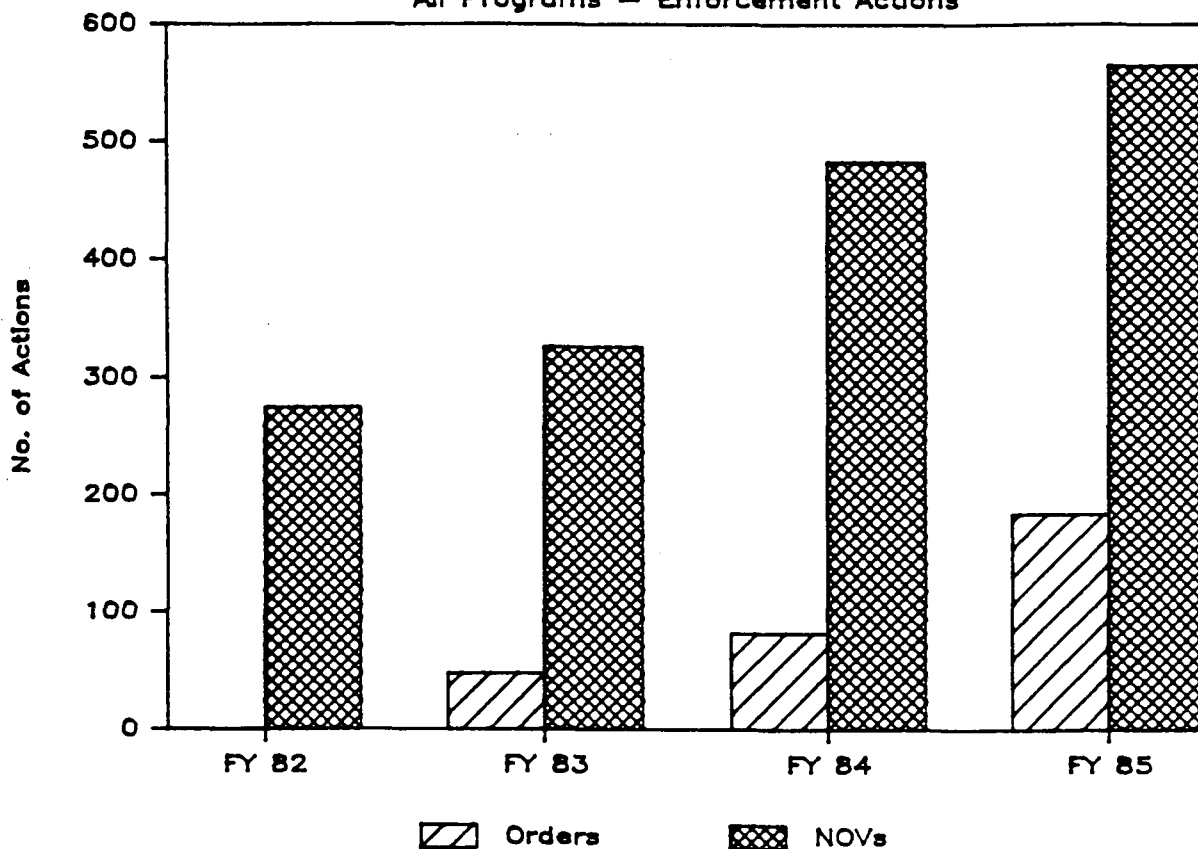
ACTIONS	FY 82	FY 83	FY 84	FY 85	% Change
Inspections	2526	2667	4226	5806	+ 130%
NOVs	388	446	662	740	+ 91%
Orders	38	126	174	297	+ 681%
Civil/Criminal Referrals	13	14	15	25	+ 92%

NOTE: Percent change is the difference between fiscal years 1982 and 1985.

II. STATE ENFORCEMENT ACTIONS

STATE/LOCAL - REGION 10

All Programs - Enforcement Actions



This data illustrates the number of inspections and enforcement actions conducted by the delegated states and local authorities in Alaska, Idaho, Oregon, and Washington. The totals include all programs in which a state or local authority has been delegated this authority.

STATE/LOCAL - REGION 10

All Programs - Enforcement Actions

ACTIONS	FY 82	FY 83	FY 84	FY 85	% Change
Inspections	1772	2086	3587	5136	+ 178%
NOVs *	275	326	483	565	+ 105%
Orders *	N/A	48	82	184	***

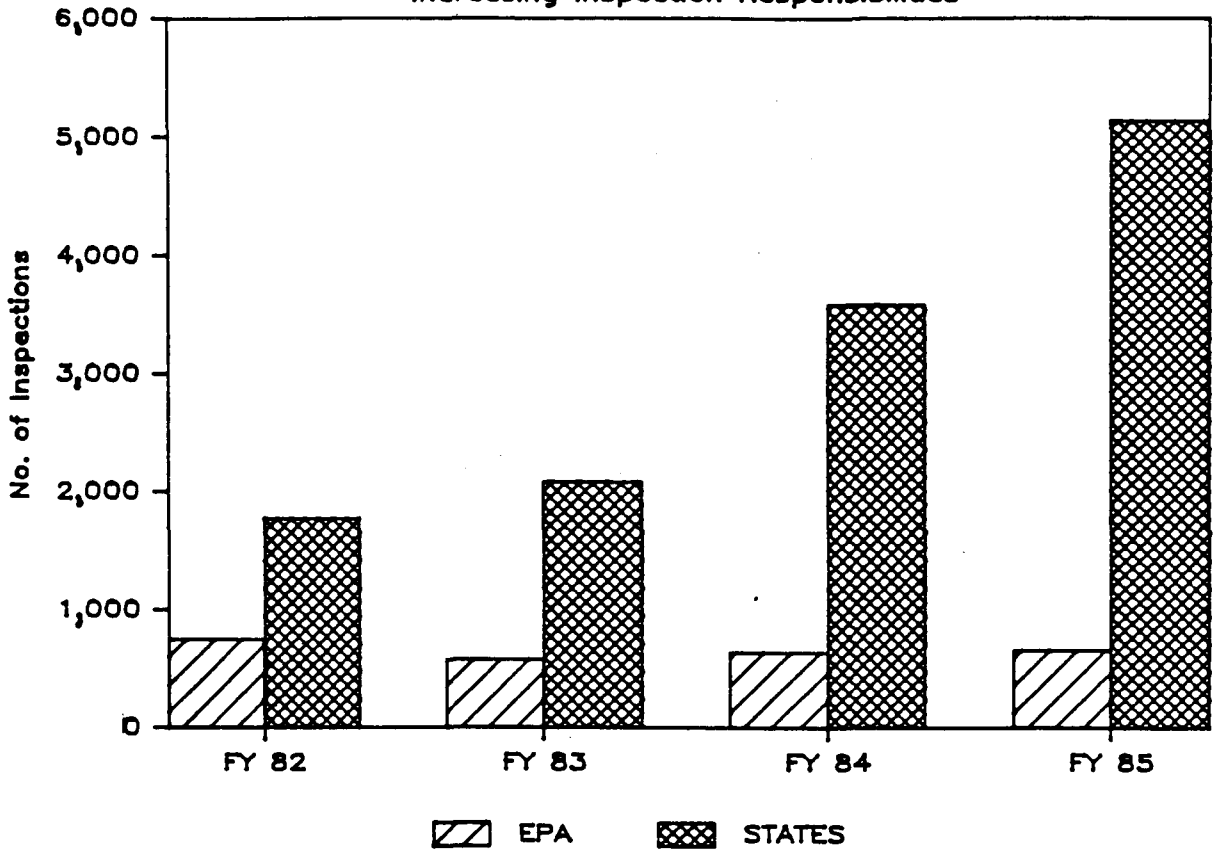
* Data not available for Air Programs.

*** Cannot compute percentage.

NOTE: Percent change is the difference between fiscal years 1982 and 1985.

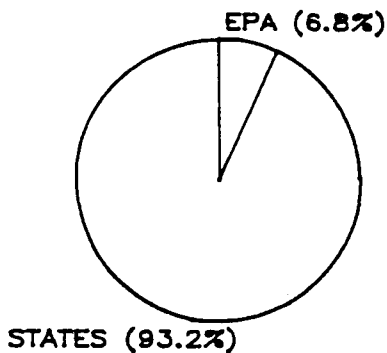
STATE DELEGATION

Increasing Inspection Responsibilities

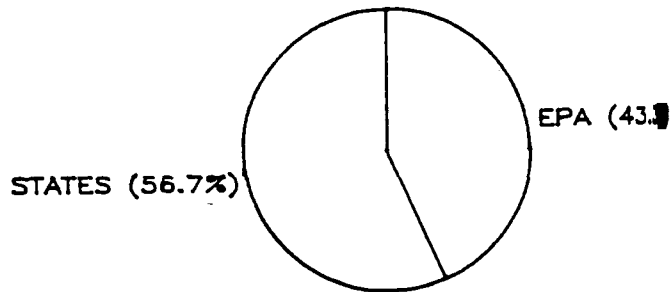


With increased state delegation and maturity of established programs, the number of state-delegated inspections has significantly increased, while EPA's inspection rate (in delegated programs) has decreased. The pie graphs below illustrate the difference between various programs on the percentage of inspections conducted by the states and EPA.

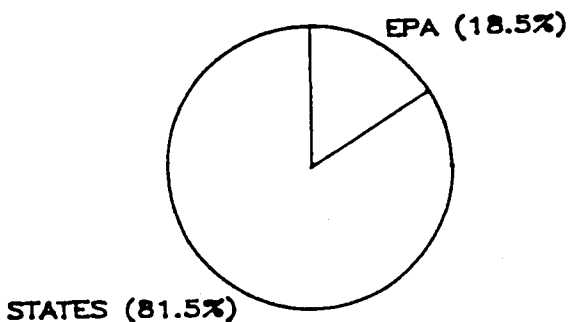
CAA - % INSPECTIONS FY 85



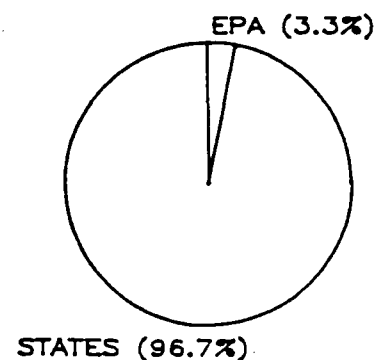
CWA - % INSPECTIONS FY 85



RCRA - % INSPECTIONS FY 85

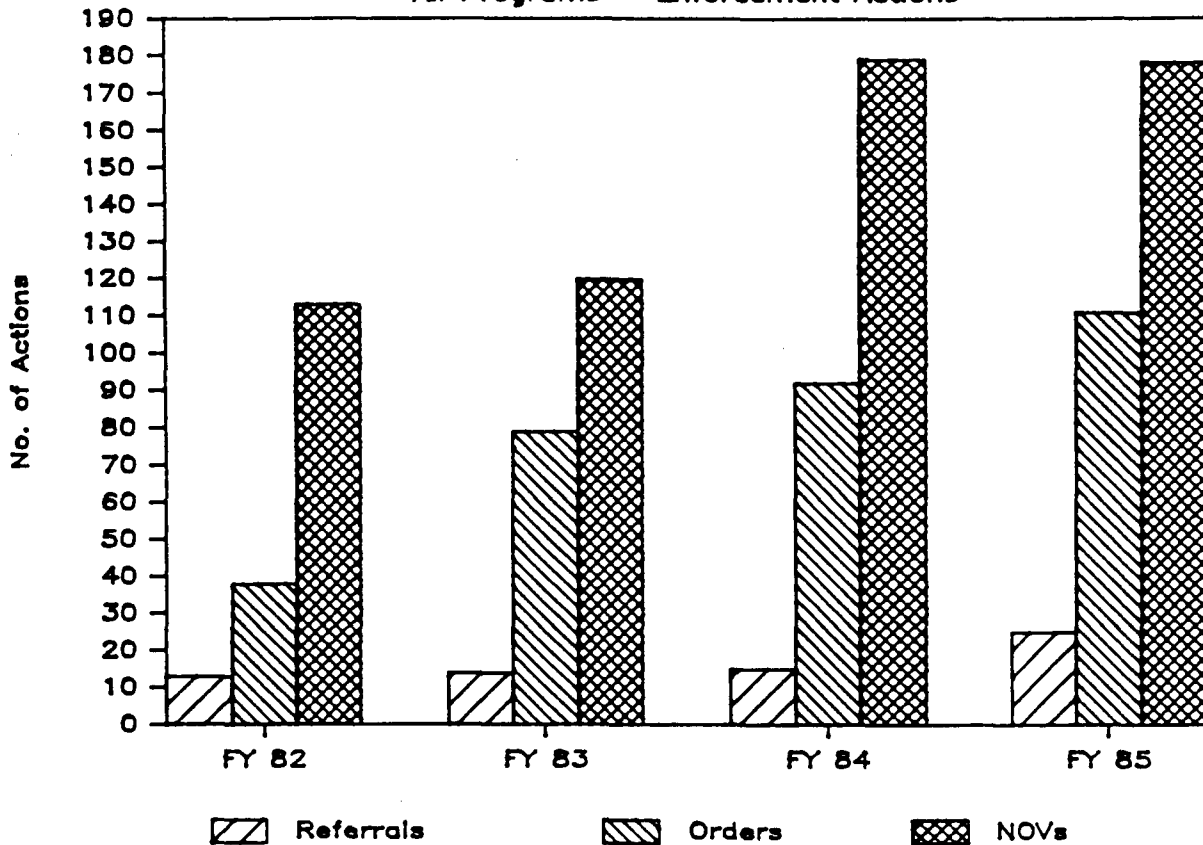


SDWA - % INSPECTIONS FY 85



III. EPA ENFORCEMENT ACTIONS

EPA — REGION 10 All Programs — Enforcement Actions



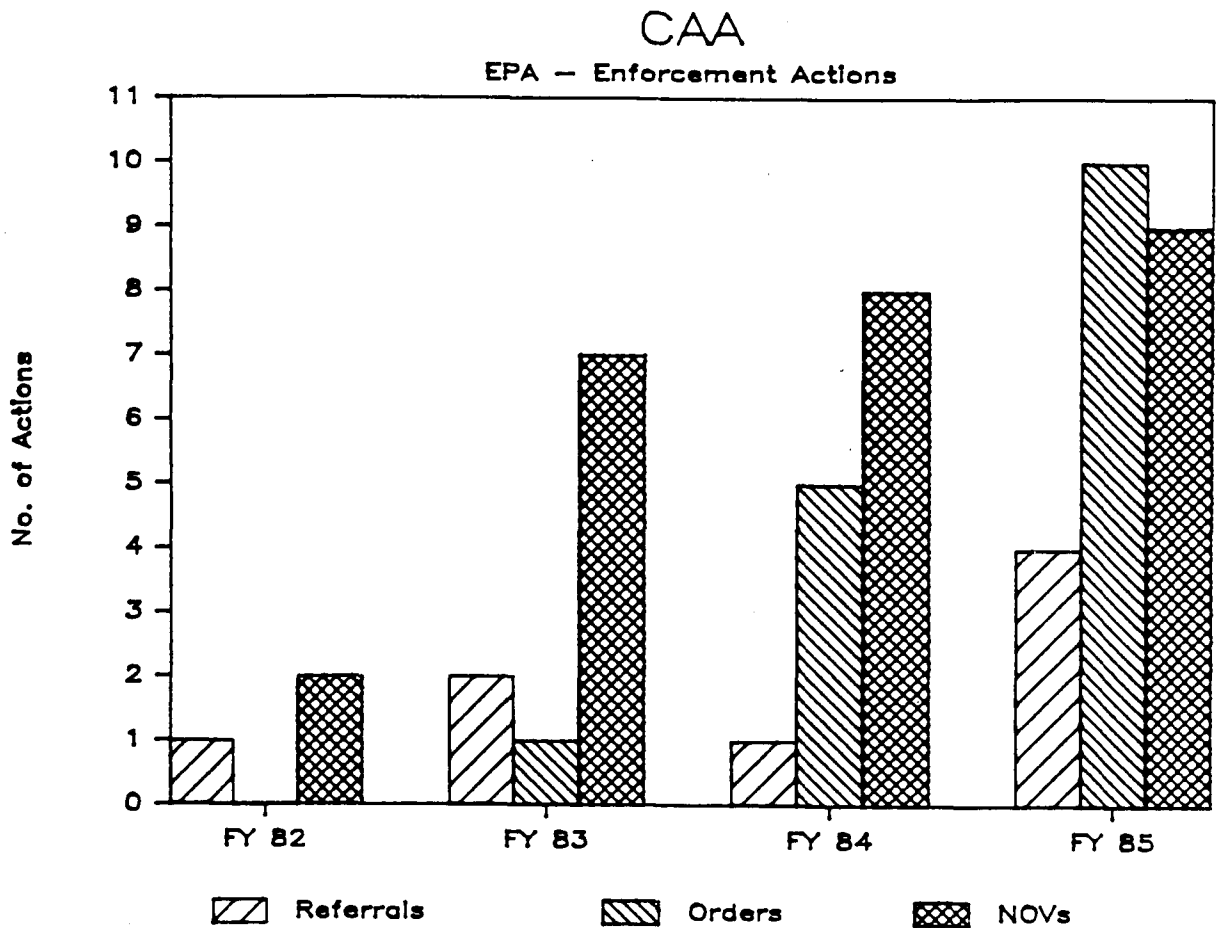
This data illustrates the number of inspections and enforcement actions conducted by EPA for all programs.

EPA - REGION 10 All Programs - Enforcement Actions

ACTIONS	FY 82	FY 83	FY 84	FY 85	% Change
Inspections	754	581	639	670	- 11%
NOVs	113	120	179	175	+ 55%
Orders	38	78	92	113	+ 197%
Civil Referrals	13	11	12	19	+ 46%
Criminal Referrals	0	3	3	6	***

*** Cannot compute percentage.

NOTE: Percent change is the difference between fiscal years 1982 and 1985.



This data illustrates the number of inspections and enforcement actions conducted by EPA for the Air Program.

CAA
EPA - Enforcement Actions

ACTIONS	FY 82	FY 83	FY 84	FY 85	% Change
Inspections	116	75	80	77	- 34%
NOVs	2	7	8	9	+ 350%
Orders	0	1	5	10	***
Referrals	1	2	1	4	+ 300%

*** Cannot compute percentage.

NOTE: Percent change is the difference between fiscal years 1982 and 1985.

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION
AND LIABILITY ACT (Superfund):

This data illustrates the number of enforcement actions conducted by EPA for the CERCLA Program.

CERCLA

EPA - Enforcement Actions

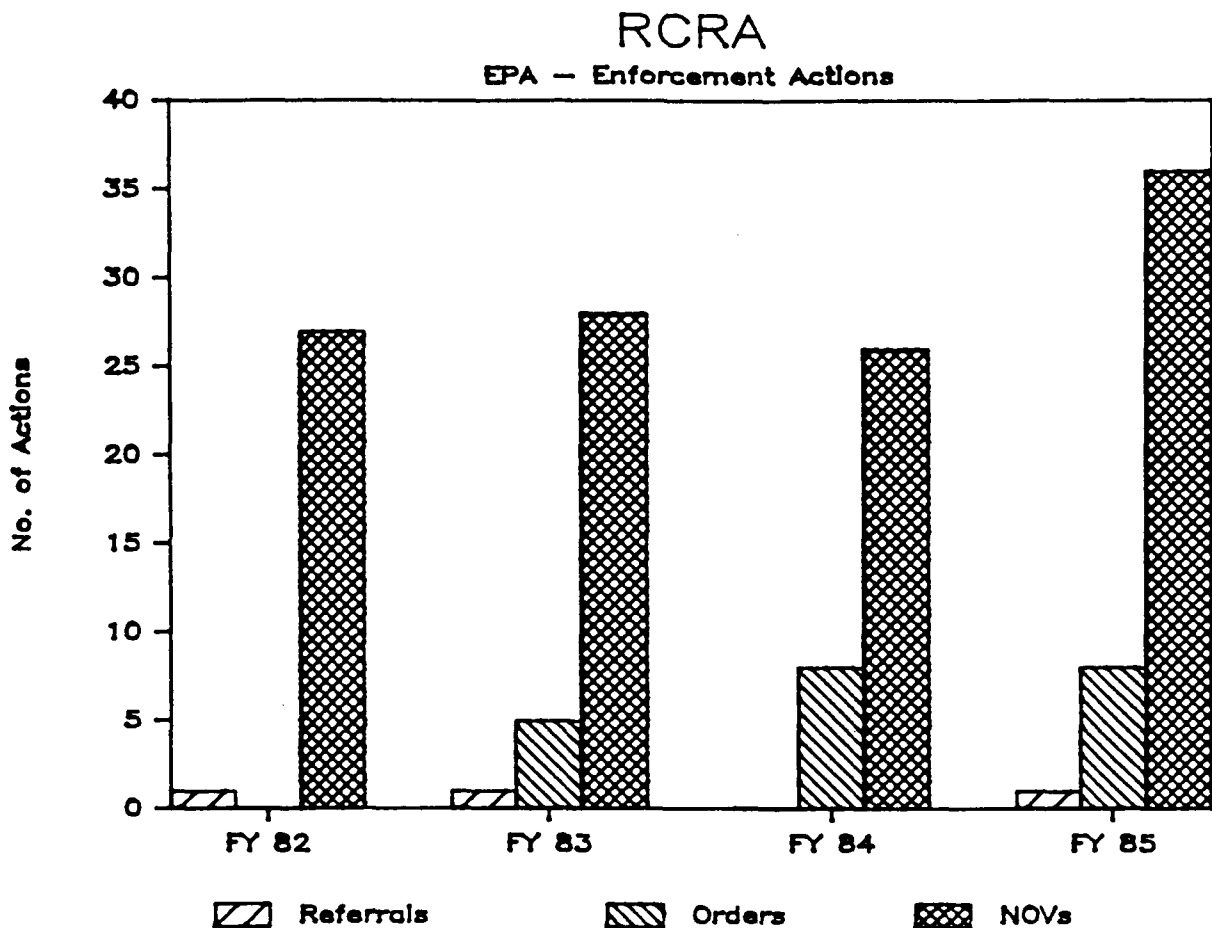
ACTIONS	FY 82	FY 83	FY 84	FY 85	% Change
Unilateral Order	0	0	7	3	***
Consent Order	1	1	1	6	+ 500%
Referrals	2	2	0	1	- 50%
Assessed* Cost Recovery	0	0	\$ 134,500	\$ 180,444	***
Offset** Cost Recovery	0	\$ 100,000	\$11,010,000	\$1,395,000	***

* Costs due the SUPERFUND.

** Costs spent by responsible parties on clean-up pursuant to CERCLA orders.

*** Cannot compute percentage.

NOTE: Percent change is the difference between fiscal years 1982 and 1985.



This data illustrates the number of inspections and enforcement actions conducted by EPA for the RCRA Program.

RCRA EPA - Enforcement Actions

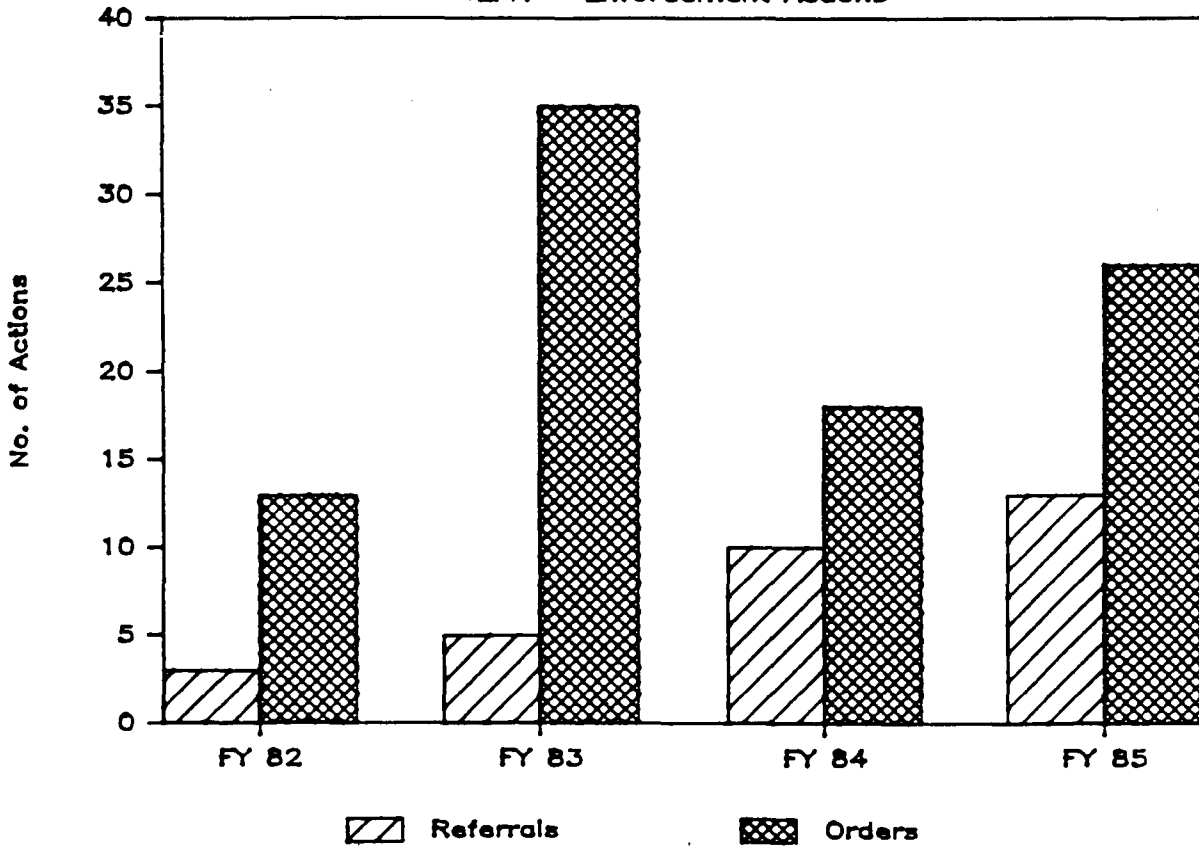
ACTIONS	FY 82	FY 83	FY 84	FY 85	% Change
Inspections	71	97	62	62	- 13%
NOVs	27	28	26	36	+ 33%
Complaints	1	7	7	13	+1200%
Orders	0	5	8	8	***
Referrals	1	1	0	1	0%
Assessed Admin Penlts	0	\$40,800	\$257,225	\$154,000	***

*** Cannot compute percentage.

NOTE: Percent change is the difference between fiscal years 1982 and 1985.

CWA

EPA - Enforcement Actions



This data illustrates the number of inspections and enforcement actions conducted by EPA for the CWA Program.

CWA

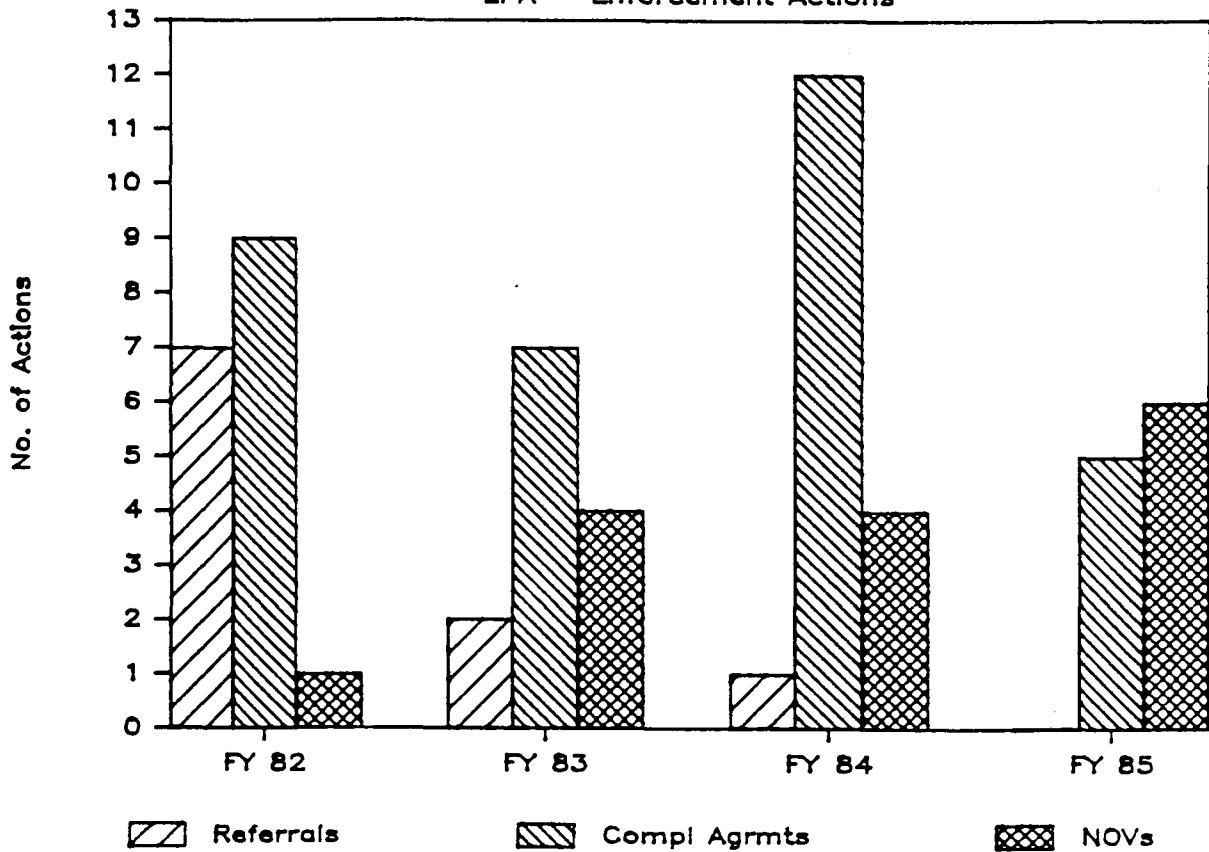
EPA - Enforcement Actions

ACTIONS	FY 82	FY 83	FY 84	FY 85	% Change
Inspections	163	156	143	130	- 20%
Orders	13	35	18	26	+ 100%
Referrals	3	5	10	13	+ 333%

NOTE: Percent change is the difference between fiscal years 1982 and 1985.

SDWA

EPA - Enforcement Actions



This data illustrates the number of inspections and enforcement actions conducted by EPA for the SDWA Program.

SDWA

EPA - Enforcement Actions

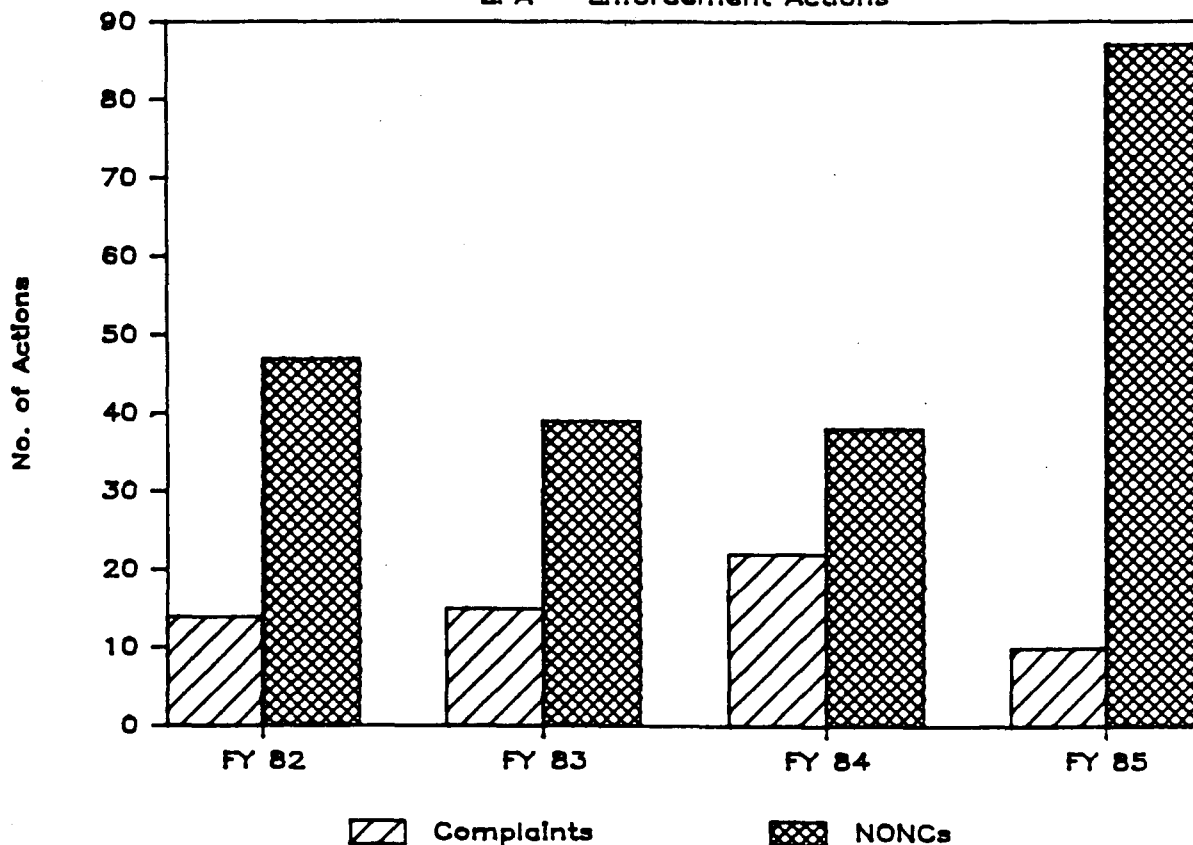
ACTIONS	FY 82	FY 83	FY 84	FY 85	% Change
Inspections	235*	78	89	81	+ 4%
NOVs	1	4	4	6	+ 500%
Compl Agrmts	9	7	12	5	- 44%
Referrals	7	2	1	0	- 100%

*Includes sampling survey inspections.

NOTE: Percent change is the difference between fiscal years 1982 and 1985, except for inspections, which is the difference between fiscal years 1983 and 1985.

FIFRA

EPA - Enforcement Actions



This data illustrates the number of inspections and enforcement actions conducted by EPA for the FIFRA Program.

FIFRA

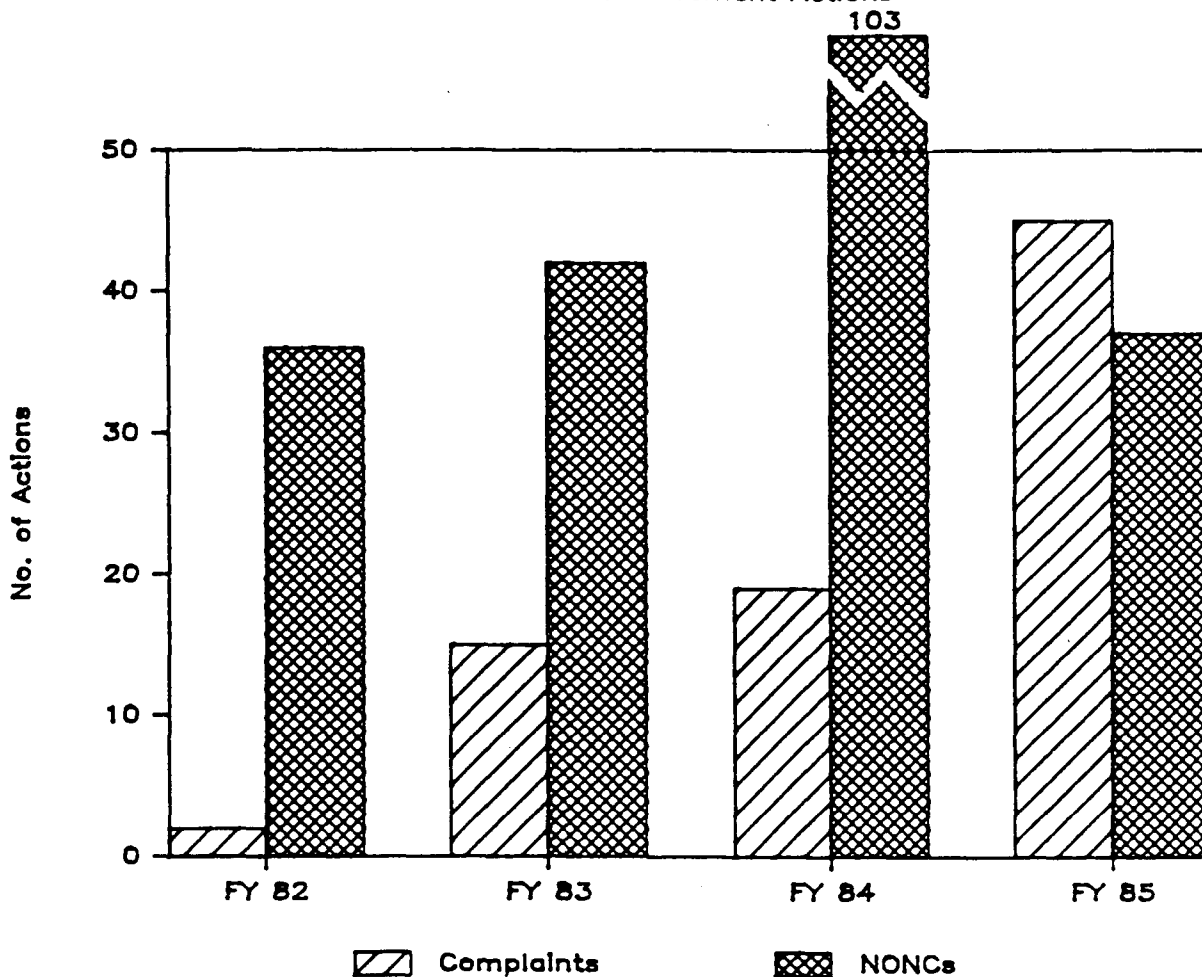
EPA - Enforcement Actions

ACTIONS	FY 82	FY 83	FY 84	FY 85	% Change
Inspections	41	32	16	18	- 56%
NONCs	47	39	38	87	+ 85%
Complaints	14	15	22	10	- 28%

NOTE: Percent change is the difference between fiscal years 1982 and 1985.

TSCA

EPA - Enforcement Actions



This data illustrates the number of inspections and enforcement actions conducted by EPA for the TSCA Program.

TSCA

EPA - Enforcement Actions

ACTIONS	FY 82	FY 83	FY 84	FY 85	% Change
Inspections	128	143	249	302	+ 136%
NONCs	36	42	103	37	+ 3%
Complaints	2	15	19	45	+2150%
Assessed Admin Penlts	\$24,000	\$155,500	\$440,000	\$1,114,000	+4542%

NOTE: Percent change is the difference between fiscal years 1982 and 1985.

IV. SUMMARY OF FY 85 ENFORCEMENT ACCOMPLISHMENTS

AIR ENFORCEMENT ACCOMPLISHMENTS:

The major accomplishment in air enforcement during FY 85 was to get the states to take a more active role. They issued significantly more NOV's and compliance orders than they had previously. Our emphasis on state enforcement actions was backed up by the real threat that if they did not take enforcement action we would. The number of NOV's and orders issued by Idaho increased from 13 in FY 84 to 33 in FY 85. In Washington and Oregon, penalty assessments, NOV's and orders increased from 65 to 80 and 72 to 83, respectively. An NOV to Alaska Pulp in Sitka, Alaska, was issued even though it was for violations of CAA requirements covered under that State's primacy.

During FY 84-85, ASARCO made the decision to shut down their Tacoma, Washington, smelter because of SO₂, arsenic, and particulate problems. The company was put on notice that we would take enforcement action if reduced maintenance or poor operation of the facility resulted in deterioration of the environment during the shutdown period, from July 1984 to March 1985. The fact that air emissions from the smelter did not result in further air quality reductions during this period can be attributed to EPA's firm enforcement position.

HAZARDOUS WASTE ENFORCEMENT ACCOMPLISHMENTS:

A. Superfund

In April 1985, a consent order was signed with seven utilities and a salvage operator for a remedial investigation and feasibility study concerning contamination from PCB and other toxic chemicals at the site of this salvage operation. This study included extensive sampling and cost approximately \$500,000. A second consent order was signed in September 1985 concerning stabilization of the site. It is estimated that this part of the project will cost approximately \$600,000. Site stabilization is projected to be completed in September 1986. This case is unique because the utilities have joined together voluntarily to conduct this Superfund effort.

B. RCRA

In Fiscal 1985, the Department of Justice obtained a twelve-count indictment against the Wyckoff Company president and three supervisors for alleged conspiracy, disposing of hazardous waste without a permit, making false statements to the government, and discharging pollutants without a permit. The case resulted in fines, imprisonment, and sentences to perform community service while on probation. This was the first criminal conviction in Region 10 resulting in imprisonment of a company's president.

WATER ENFORCEMENT ACCOMPLISHMENTS:

A. NPDES

A significant shift in emphasis on enforcing permits for placer mining is reflected in FY 85 accomplishments. Sixty-seven 309 consent orders were issued to placer miners during the fiscal year. The Region referred five cases to the Department of Justice. Four consent decrees resulted from litigation of placer mining cases, requiring corrective actions and payment of fines. Four other FY 85 placer mining cases are pending ongoing litigation. Prior to FY 84, there was no judicial enforcement involving placer mining in the Region.

B. Drinking Water

The Department of Environmental Conservation in Alaska issued their first consent agreement for major drinking water concerns with the City of Ketchikan. The consent agreement will require the construction of a treatment facility expected to cost \$20 million. In addition, the Idaho Department of Health and Welfare issued their first major monetary penalty for drinking water noncompliance. A \$13,000 penalty was assessed administratively against Jughandle Estates for failure to comply with the State's administrative order. A \$44,000 penalty was assessed by the courts against Village 21 in Grangeville, Idaho, for contempt of court. This facility failed to comply with a court order resulting from a case initiated by the local health department.

PESTICIDES AND TOXIC SUBSTANCES ENFORCEMENT ACCOMPLISHMENTS:

A. FIFRA

For the first time, the Region was able to achieve 100 percent compliance in reporting of annual production records for approximately 320 firms. The Region went beyond the routine in making contacts with the delinquent facilities.

B. TSCA

Settlement of two cases involving PCB violations in Alaska resulted in the companies (Chugach Electric Association and Copper Valley Electric) agreeing to develop and present a series of seminars for outlying utilities in Alaska. A manual for distribution to Alaska utilities will also be developed. This effort will "spread the word" about the regulation of PCBs to rural areas EPA is unlikely to reach.

A Memorandum of Agreement (MOA) was negotiated and signed with Bonneville Power Administration (BPA) after violations of PCB regulations were found at two BPA facilities. The BPA has agreed to conduct EPA-equivalent inspections at their facilities, beginning with 100 substations known to have PCB units. They will train their staff to conduct inspection and clean-up procedures, environmental audits for hazardous materials (as defined in CERCLA), and soil sampling and testing. The MOA also requires that the BPA develop a three-year program which will bring the 100 substations into compliance with EPA laws, a plan for remedial action where problems are found, and annual plans outlining sites to be inspected.

404 WETLANDS ENFORCEMENT ACCOMPLISHMENTS:

The Region issued its first removal order under the 404 program in July 1985. A 309 cease and desist order was issued in May 1985 to Merlino and Slater Company for depositing fill material on a wetland area in the Duwamish waterway without a permit. Though only one-third of an acre is involved, this case is precedence-setting. It reinforces the Region's strong commitment to the protection of our diminishing wetlands.

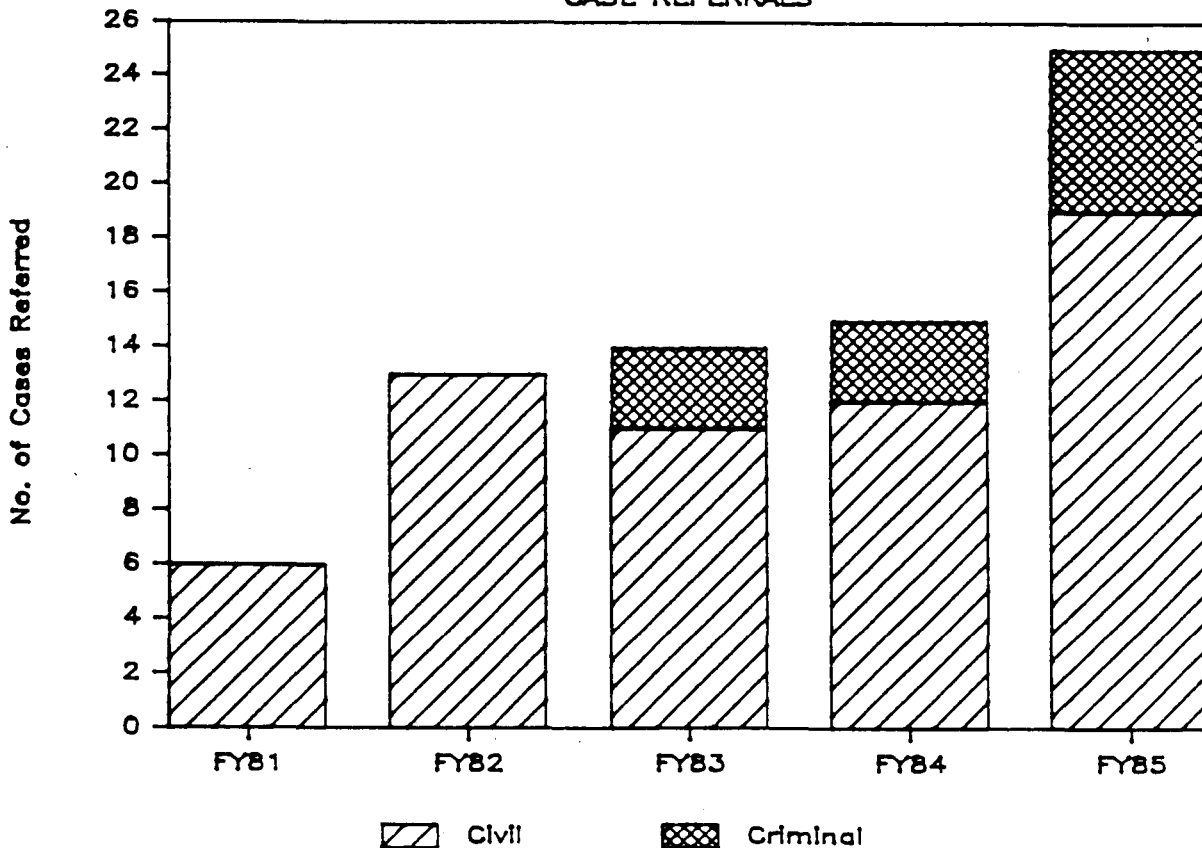
CRIMINAL ENFORCEMENT NUMBERS FY 85:

Investigations - 9
Subpoenas - 184
Search Warrants - 10
Referrals: EPA - 6
 DOJ - 4
Indictments/Informations - 2
Pleas or Verdicts - 2

This data illustrates the number of civil and criminal cases referred to EPA Headquarters for litigation to the Department of Justice by EPA for all programs.

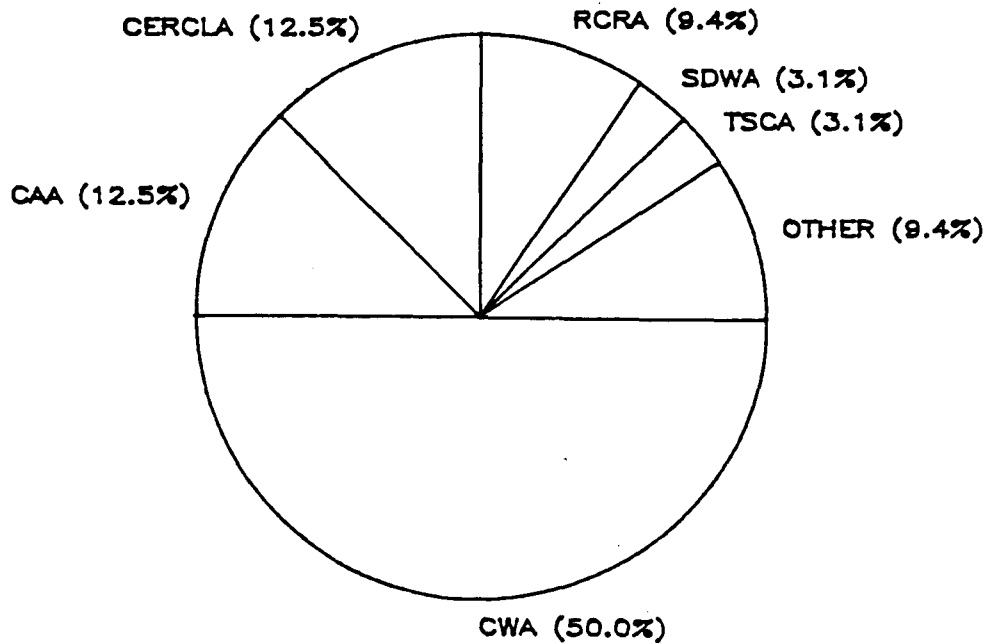
REGION 10 — LITIGATION

CASE REFERRALS



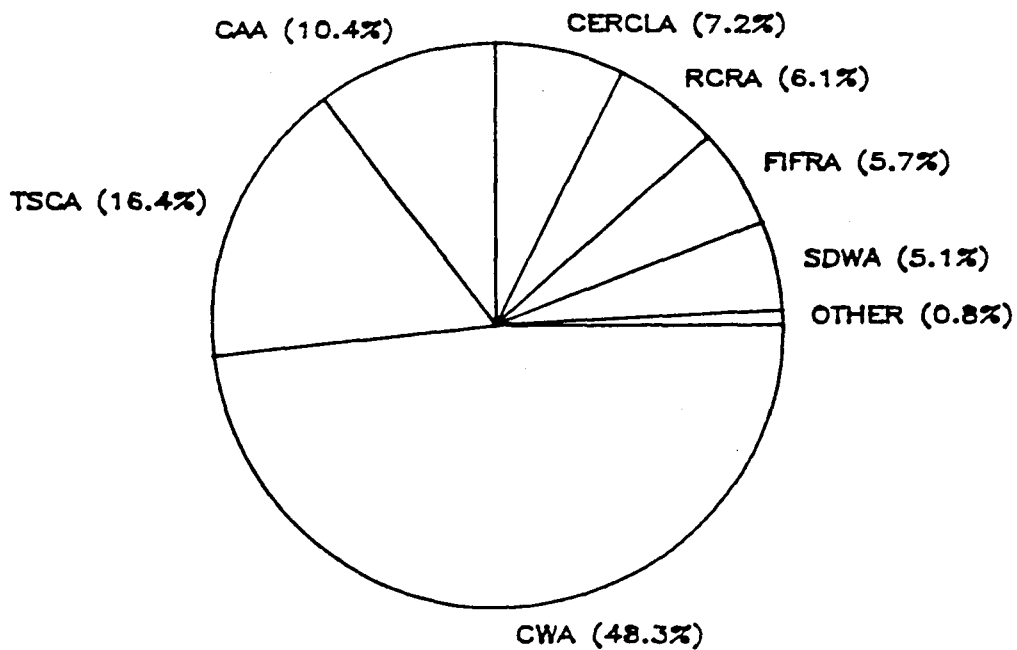
This data illustrates the percentage of active judicial cases during FY 85 by statutory authority. (Total 39 active cases.)

ACTIVE JUDICIAL CASES during FY 85



This data illustrates the percentage of active administrative actions during FY 85 by statutory authority. (Total 530 active actions.)

ACTIVE ADMINISTRATIVE ACTIONS during FY 85



JUDICIAL PENALTIES ADJUSTED

This data illustrates the amount of judicial penalties adjusted (assessed) by statutory authority.

AUTHORITY	FY 82	FY 83	FY 84	FY 85	% Change
CWA	\$ 50,600	\$635,000	\$ 97,080	\$122,500	+ 142%
CAA	0	\$ 13,020	\$ 50,000	\$ 17,800	***
SDWA	0	\$ 8,800	\$ 45,850	\$ 2,000	***
TOTAL	\$ 50,600	\$656,820	\$192,930	\$142,300	+ 181%

*** Cannot compute percentage.

NOTE: Percent change is the difference between fiscal years 1982 and 1985.

JUDICIAL PENALTY STATUS*

This data illustrates the status of judicial penalties referred to the Department of Justice by EPA.

PENALTY	FY 82	FY 83	FY 84	FY 85	% Change
Number of Penalties	3	6	10	9	+ 200%
Initial (proposed)	**	\$628,067	\$225,480	\$137,000	***
Adjusted (assessed)	\$ 50,600	\$656,820	\$192,930	\$142,300	+ 181%
Collected	\$ 50,600	\$642,323	\$154,730	\$134,894	+ 166%

* Status as of May 7, 1986, from the national Enforcement Docket System.

** Not available.

*** Cannot compute percentage.

NOTE: Percent change is the difference between fiscal years 1982 and 1985.