



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



OECA FY 2008 Accomplishments Report

Protecting Public Health and the Environment



OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE



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Message From the Assistant Administrator

If someone had told me three years ago when I took the helm of EPA's Office of Enforcement and Compliance Assurance (OECA) that we would be protecting our nation's air, water, and land at a pace never before seen in EPA's history, I would have expressed skepticism. Today that skepticism is replaced with pride. OECA's accomplishments for Fiscal Year (FY) 2008 are exceptional—in several instances reaching record levels and even surpassing the combined historic records of previous years.



The strength of EPA's enforcement program is illustrated by an unprecedented run of record results. EPA holds polluters accountable. In FY 2008, EPA concluded civil and criminal enforcement actions requiring polluters to spend an estimated \$11.8 billion, an agency record, on pollution controls, cleanup and environmental projects. This exceeds the FY 2007 amount by approximately \$800 million.* This means that each workday OECA was securing agreements from violators to invest an estimated \$47 million to achieve compliance. The combined total for the last five years is an estimated \$45 billion (\$5.5, \$11.3, \$5.4, \$11.0, and \$11.8 billion, respectively)—exceeding EPA's total annual budget over the same period.

After all the complying actions for FY 2008 cases are completed, EPA estimates that 3.9 billion pounds of pollution will be reduced or removed annually from the environment, the highest amount since FY 1999. In the last five years EPA's record for estimated pollution reductions stood at 1.1 billion pounds for FY 2005. The estimated pollutant reductions resulting from FY 2008 enforcement actions exceed FY 2005 by almost four times. The FY 2008 estimate also exceeds the combined results obtained during FY 2004–2007 by nearly 100 million pounds.

Nearly half of this year's pollution reductions are the result of an enforcement action taken against American Electric Power, one of the largest environmental settlements of all time. EPA, along with our partners at the U.S. Department of Justice, and the States of New York, Connecticut, New Jersey, Vermont, New Hampshire, Maryland, Rhode Island, and the Commonwealth of Massachusetts, negotiated this historic settlement which will save an estimated \$32 billion in health costs per year.

In addition to achieving substantial pollutant reductions, FY 2008 settlements included significant penalties for violations of environmental requirements. Penalties assessed by EPA play an important role in deterring potential polluters from violating environmental laws and regulations. EPA assessed approximately \$127 million in civil penalties and courts sentenced defendants to pay \$64 million in criminal fines.

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

In January 2008, EPA secured a \$20 million civil penalty from Massey Energy, the largest coal producer in Central Appalachia. This penalty is the largest in EPA's history levied against a company for wastewater discharge permit violations. The Massey settlement will not only improve fish habitat, but will also reduce downstream flooding, benefiting a number of poor, rural communities in Kentucky and West Virginia.

In FY 2008, EPA obtained commitments from responsible parties to invest nearly \$1.6 billion for investigations and cleanup of Superfund sites. This is the highest total in seven years, and the fifth highest total in the history of the Superfund enforcement program.

Through our compliance assistance activities, EPA reached over 2.5 million entities. EPA's compliance assistance programs include Web sites and guidance that provide detailed information to millions of regulated entities, helping them understand and meet their environmental obligations. Last year, EPA launched a new compliance assistance center (www.campuserc.org) that provides comprehensive compliance assistance and pollution prevention information for regulated activities at nearly 4,200 colleges and universities.

Since its inception two years ago, our *Tips and Complaints* Web site has received over 18,000 tips and resulted in opening 19 criminal cases. Last year, citizen tips resulted in two criminal convictions.

In FY 2008, OECA's oversight of import and export hazardous waste notices prevented the environmentally unsound importation of 97,000 tons of hazardous waste. OECA also developed a framework between the United States and China to establish training and programs on exported and imported products to protect human health and the environment.

We work together with our partners at the U.S. Department of Justice and state governments to achieve these results, and are proud of what we have accomplished. The commitment of our staff and government partners was paramount in achieving our historic results. These results will have lasting benefits for all people.

Sincerely,

Granta Y. Nakayama

EPA ASSISTANT ADMINISTRATOR FOR
ENFORCEMENT AND COMPLIANCE ASSURANCE





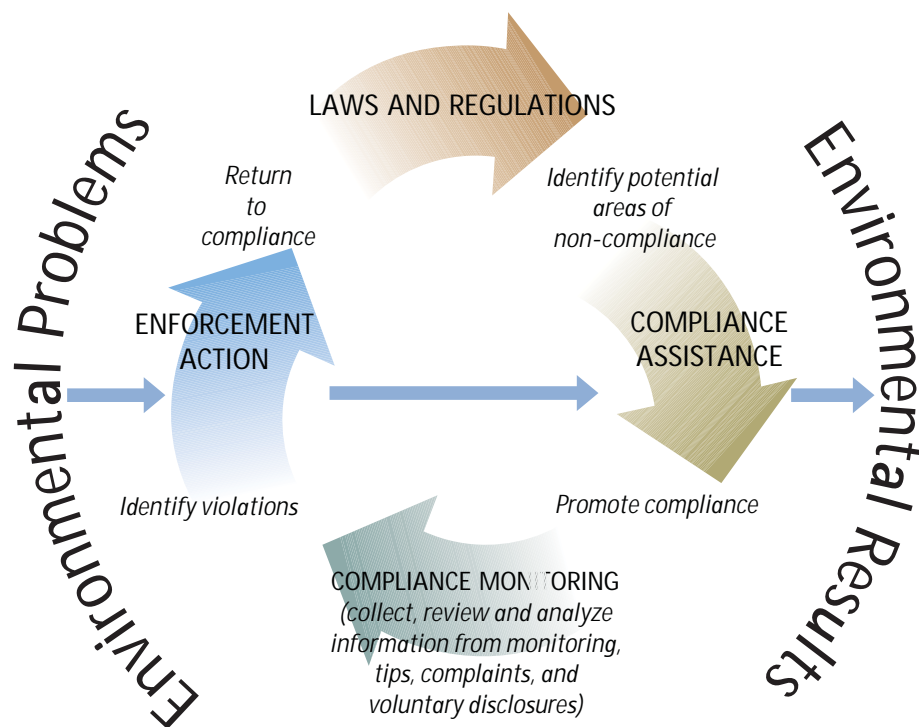
“OECA’s mission is to improve the environment and protect public health by ensuring compliance with the nation’s environmental laws.”

EPA Strategic Plan

OECA’s Mission

OECA is responsible for monitoring compliance with environmental laws, providing compliance information and assistance to the regulated community, and taking civil or criminal enforcement action when needed. OECA’s goal is to ensure that the environmental and public health benefits that are promised by our nation’s environmental laws are realized. The diagram below illustrates how these activities work together to accomplish that goal.

Enforcement & Compliance Lifecycle





OECA's responsibilities also include two other vital EPA programs: environmental justice and National Environmental Policy Act (NEPA) reviews. See the organizational chart at Appendix A.

OECA's Workforce and Partners

In FY 2008, OECA had a workforce of about 3,300 environmental professionals. Two-thirds of these employees are located in EPA's ten Regional offices, where they work closely with our state partners to monitor and enforce compliance with the Nation's environmental laws. OECA also works closely with the U.S. Department of Justice, which represents EPA in federal court enforcement actions, and with other federal agencies on their NEPA decisions.

About This Report

This report highlights the accomplishments of OECA's enforcement, compliance and other programs in FY 2008. The report explains key priorities and strategies, long-term trends, and the results that OECA's programs have obtained for the public.

We encourage you to visit our Web site at www.epa.gov/compliance for more information about OECA and its programs, our enforcement cases and annual results.



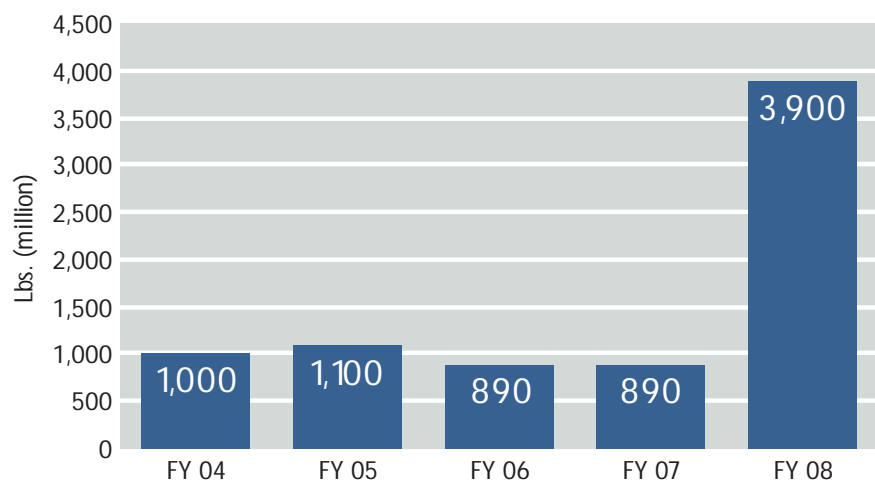
FY 2008 Results At a Glance

"Strong enforcement is a key to ensuring that the promise of our environmental statutes is matched by the environmental reality."

—Lynn Buhl,
Regional Administrator
EPA Region 5

In FY 2008, the enforcement actions concluded will reduce pollutant emissions to air, water and land by an estimated 3.9 billion pounds per year, when the pollution controls and other measures required by these actions are installed and operational. This is more than four times the level of pollutant reductions accomplished in FY 2007, and nearly equals the four prior years combined, as shown by the table below.

Estimated Pollutant Reduction Commitments



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

In addition, EPA obtained enforcement commitments from parties responsible for managing hazardous waste to treat, minimize or properly dispose of an estimated 6.5 billion pounds of hazardous waste.

These pollutant reductions will result from legally enforceable commitments by violators who were not in compliance with the law to invest a total of over \$11.8 billion, the highest amount on record, in pollution controls, cleanup, and environmentally beneficial projects. (See Appendix B for a detailed summary of our enforcement and compliance results.)



FY 2008 Other Highlights

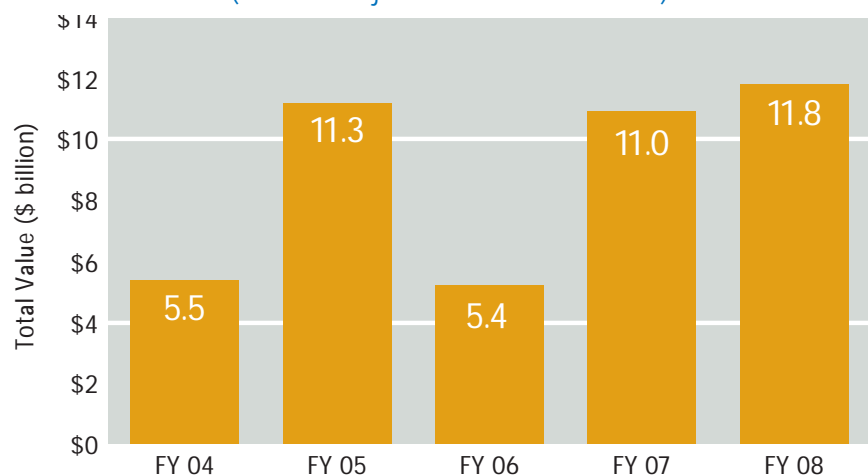
Civil Penalties. EPA obtained nearly \$127 million in civil penalties through civil judicial and administrative enforcement actions this year. This represents an increase of \$55 million over FY 2007.

Superfund Enforcement. EPA maintained very vigorous Superfund enforcement activity in FY 2008, ensuring that polluters, rather than the public, pay for cleanups of Superfund sites. We obtained commitments from responsible parties to invest approximately \$1.6 billion for investigation and cleanup of contaminated sites. This will result in the cleanup of an estimated 100 million cubic yards of contaminated soil, an all-time record for the Superfund enforcement program, and about 255 million cubic yards of contaminated ground water. We also obtained reimbursement from responsible parties of \$232 million of EPA's past costs for Superfund site investigations and cleanups.

Criminal Enforcement. EPA's criminal enforcement program obtained sentences totaling 57 years of incarceration, \$64 million in fines and restitution, and \$12 million in court-ordered environmental projects. The relief obtained in criminal cases will result in pollutant reductions totaling 1.6 million pounds.

Compliance Monitoring and Assistance. EPA conducted 20,000 facility inspections and evaluations in FY 2008, maintaining a strong presence that deters and detects non-compliance with the nation's environmental laws. Many more inspections were conducted by our state partners across the country, vastly expanding our ability to deter and detect potential violations. EPA brought compliance assistance to a wide audience of over 2.5 million through presentations, workshops, onsite visits and responses to inquiries, as well as indirect outreach via mailings and internet-based assistance. EPA's compliance assistance resources help small and medium-sized businesses meet their compliance responsibilities.

Estimated Investments in Pollution Control and Cleanup plus
Environmentally Beneficial Projects
(Inflation Adjusted to FY 2008 Dollars)



Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2008 dollars based on the monthly rate of inflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers. FY 2008 Data Source: Integrated Compliance Information System (ICIS), October 11, 2008; data source for previous fiscal years: ICIS.





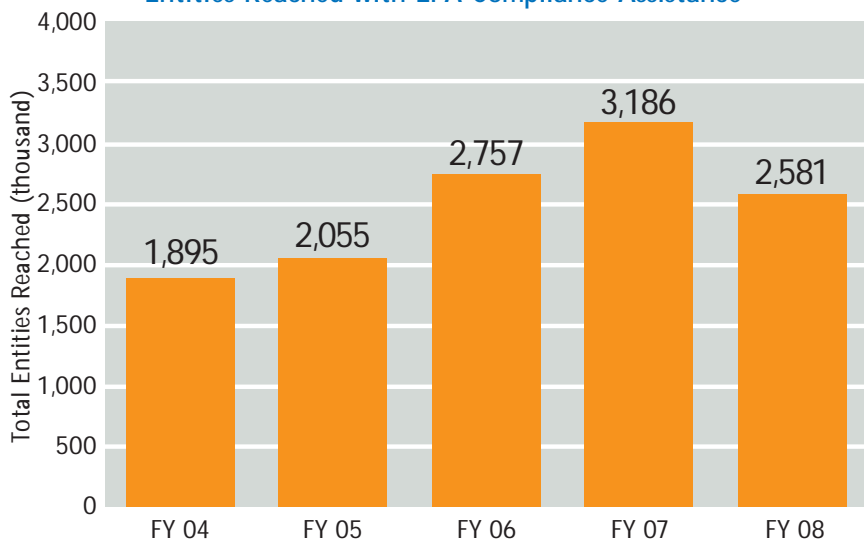
Getting the Word Out: Effective Compliance Assistance

EPA's compliance assistance programs provide information to millions of regulated entities, particularly small businesses, to help them understand and meet their environmental obligations. This information lets regulated entities know of their legal obligations under federal environmental laws. Compliance assistance resources include comprehensive Web sites, compliance guides, and training materials aimed at specific business communities or industry sectors. Also, onsite compliance assistance and information is sometimes provided by EPA inspectors.

Web-based Compliance Assistance Centers

EPA provides effective and efficient compliance information to regulated entities, primarily small businesses, through 16 Web-based compliance assistance centers. The centers assist users by providing compliance tools and contacts for over 20 topics, including federal requirements for control of contaminated stormwater, air and hazardous waste, lead and mercury. In addition, the centers provide easy access to state-specific regulations and compliance resources.

Entities Reached with EPA Compliance Assistance



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

The regulated community relies heavily upon the compliance assistance center Web sites. During FY 2008, EPA reached more than 2.2 million entities through online compliance assistance activities.

The Web centers reach a much larger audience than other methods of compliance assistance, and have provided an increasingly large proportion of EPA's compliance assistance over the past five years.



Sectors Served by Compliance Assistance Centers

- Agriculture
- Auto Recycling
- Auto Repair
- Border Compliance
- Chemical
- Colleges/Universities
- Construction
- Federal Facilities
- Healthcare
- Local Government
- Metal Finishing
- Paints and Coatings
- Printed Wiring Board
- Printing
- Transportation
- Tribal Governments

Visit: www.epa.gov/compliance/assistance/centers

In FY 2008, EPA launched a new online center, the Campus Environmental Resource Center (www.campuserc.org), to provide comprehensive environmental compliance assistance and pollution prevention information. This Web center assists colleges and universities to identify the campus areas to which environmental requirements apply, e.g., laboratories and hazardous waste disposal, and to ensure that they are in compliance with the law.

This year EPA also enhanced an online center (www.bordercenter.org) to address compliance issues at our international borders. This Web site provides information on hazardous waste transport issues across the Mexican border, municipal solid waste transport across the Canadian border, and requirements applicable to small non-road engines, in response to an increase in imports of polluting engines from Asia.

In recognition of the success of EPA's efforts, EPA received a special recognition award from the Small Business Administration for its *"extraordinary responsiveness and service to small businesses regarding compliance and enforcement issues."* The 2007 National Small Business Ombudsman's Report to Congress recognized EPA's Web compliance centers as *"practical tools that assist small businesses by providing comprehensive, easily accessible federal and state compliance and pollution prevention information."*



The Environmental Cop is on the Beat: Compliance Monitoring

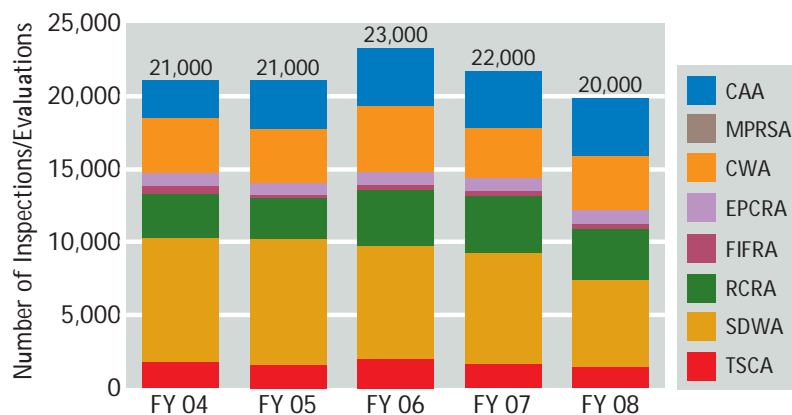
"All facilities that produce hazardous pollutants must carefully adhere to all provisions of EPA's requirements to ensure that we are taking every necessary step to protect human health and our environment."

—Robert W. Varney,
Regional Administrator
EPA Region 1

One of EPA's key responsibilities is to monitor compliance with the nation's environmental laws, to deter and detect violations. OECA monitors compliance through facility inspections by regional, state and tribal inspectors, as well as by reviewing the self-monitoring reports that are submitted by regulated entities for many environmental programs. OECA maintains a large national compliance database, which collects the results of inspections and self-monitoring reports. We also make compliance information available to the public through our *Enforcement and Compliance History Online* (ECHO) Web site at www.epa-echo.gov/echo.

In FY 2008, EPA conducted approximately 20,000 inspections, and 222 civil investigations (complex, in-depth examinations). In addition, our tribal partners, using federal credentials, conducted 334 inspections to monitor compliance with environmental laws in Indian Country. Many more inspections for compliance with national and state environmental laws were conducted by state inspectors.

Number of Inspections/Evaluations Conducted by EPA



Note: Statutes in legend are presented in same order as in stacked bars on left. FY 2008 Data Source: Integrated Compliance Information System (ICIS), legacy databases, and manual reporting, October 11, 2008. Data source for previous fiscal years: ICIS, legacy databases, and manual reporting.



Delivering Environmental Results: Civil Enforcement Breaks Records

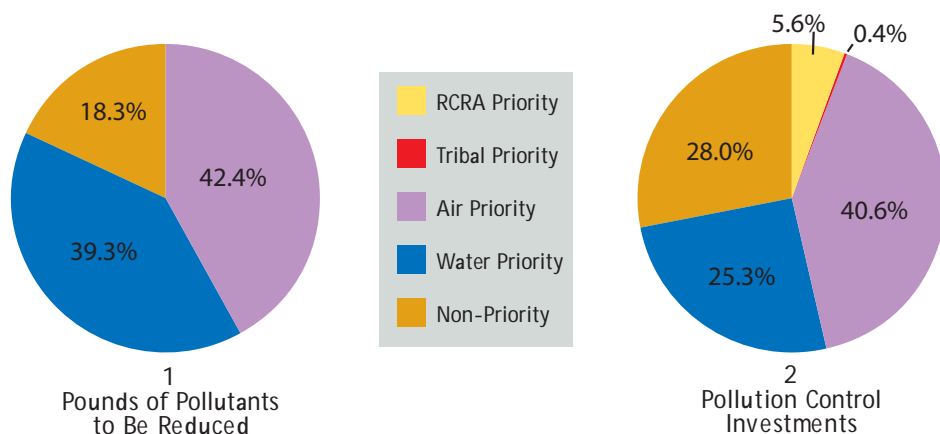
In FY 2008, EPA's concluded enforcement actions will reduce pollutant emissions to air, water and land by an estimated 3.9 billion pounds per year when the pollution controls and other measures required by these actions are installed and operational.

These pollution reductions will result from legally enforceable commitments by violators to invest an estimated \$11.8 billion, the highest amount on record, on installing pollution controls, cleanup and environmental projects.

Focus on National Enforcement Priorities Brings Results

EPA secured these record commitments by focusing on specific environmental programs and sectors that were selected as national priorities for enforcement attention. OECA achieved nearly 82 percent of the FY 2008 pollution reductions and 66 percent of the pollution control investments in our high-priority areas.

FY 2008 National Priority Contributions



OECA selected the national priority areas by reviewing national data and compliance information, and soliciting input from our state partners and the public. This review identified areas of significant non-compliance with the nation's environmental laws across the country that resulted in substantial amounts of illegal pollution. OECA conducts this review every three years. EPA focused on the following national priorities during FY 2008:

"Focusing enforcement resources on priority environmental problems yields significant benefits for the environment and public health."

—Catherine R. McCabe,
Principal Deputy Assistant
Administrator
OECA





Clean Air Act Enforcement Priorities

Clean Air Act/Prevention of Significant Deterioration and New Source Review: The New Source Review (NSR) and Prevention of Significant Deterioration (PSD) requirements of the Clean Air Act (CAA) require facilities in certain sectors to install state-of-the-art pollution controls when they are newly constructed or significantly modified. Failure to comply with these requirements in some sectors has led to illegal emissions of thousands of tons of pollutants, including sulfur dioxide (SO₂), nitrogen oxides (NO_x), volatile organic compounds (VOC), and particulate matter (PM). OECA's priority enforcement efforts have focused on coal-fired power plants, and glass, acid, and cement manufacturers.

Clean Air Act/Air Toxics: This priority focuses on enforcing compliance with the Maximum Achievable Control Technology (MACT) standards for control of toxic air pollutants from sources that emit hazardous air pollutants.



Clean Water Act Enforcement Priorities

OECA ensures compliance with Clean Water Act (CWA) requirements by addressing four environmental challenges that are exacerbated by wet weather. Wet weather discharges contain bacteria, pathogens, and other pollutants that can cause illnesses in humans, and lead to water quality impairment.

- ◆ **Combined Sewer Overflows (CSOs):** Combined sewer systems are designed to collect rainwater runoff, domestic sewage, and industrial wastewater in the same pipe. During periods of rainfall or snow melt, the wastewater volume in a combined sewer system can exceed the capacity of the system or treatment plant, leading to discharge of pollutants into waterways.
- ◆ **Sanitary Sewer Overflows (SSOs):** Sanitary sewers are designed to carry sewage only, but these sewers also can overflow when the system's capacity or operation and maintenance is inadequate. This can lead to the discharge of bacteria, pathogens, nutrients, untreated industrial wastes, toxic pollutants, such as oil and pesticides, and wastewater solids and debris into waterways.
- ◆ **Stormwater:** Stormwater runoff from urban areas, industrial areas, and construction sites can include a variety of pollutants, such as sediment, bacteria, organic nutrients, hydrocarbons, metals, oil, and grease. Violations of requirements for control of stormwater runoff can lead to discharge of these contaminants into waterways.
- ◆ **Concentrated Animal Feeding Operations (CAFOs):** CAFOs generate a large volume of animal waste in concentrated areas. When requirements for control of this waste are not met, the waste can contaminate surface and ground waters.

Resource Conservation and Recovery Act Enforcement Priorities

Mineral Processing Facilities: Mineral processing facilities are often extremely large facilities which produce a substantial amount of hazardous waste containing metals and often water with low pH. Over the past decade, EPA has found that many of the facilities that manage these wastes have contaminated ground water, surface water and soil either through failure to comply with state or federal environmental requirements or legally permissible waste management practices. Large-scale mineral processing and mining operations often severely affect water supplies and wildlife and create environmental damage. Some facilities are located in populated areas, making health risks a significant concern for EPA. This enforcement priority seeks to ensure that these facilities are complying with requirements for the handling and disposal of hazardous waste.



Financial Responsibility

Hazardous waste facility operators are required to maintain adequate funding for facility closure, including ensuring that any spills or leaks are cleaned up. The funds provide for the ability to clean up hazardous materials so they do not contaminate soils, ground water, surface waters or the air. Having the financial resources to perform closure and cleanup are an important part of protecting human health and the environment from solvents, dioxins, oils, heavy metals, polychlorinated biphenyls (PCBs), and other dangerous pollutants. OECA has been giving priority attention to assuring that these vital financial protections are in place.



Indian Country Enforcement and Compliance Priority

Federally-recognized Indian tribes are often faced with significant human health and environmental problems associated with drinking water supplies, solid waste disposal, and environmental risks in Indian schools (e.g., asbestos, lead paint). For the thousands of tribal members dependent on approximately 800 public drinking water systems in Indian country, including those providing drinking water to schools, violations of health-based standards can result in serious illness. Illegal dumping of solid waste and hazardous waste poses significant threats to soil and ground water. Uncontrolled dumps may catch on fire releasing particulate matter and other pollutants into the air and ecosystem, and discarded pesticides and other chemicals may leach into ground water or run off into surface water. OECA and the EPA Regions are working to build the tribes' capacity to monitor and address these problems, as well as taking appropriate enforcement action to correct problems that occur in Indian Country.





Public Health Benefits

OECA's focus on air enforcement yields substantial benefits for the environment and public health. Air pollution threatens human health by causing serious respiratory problems and exacerbating childhood asthma.

FY 2008 Air Enforcement Cases Yield Human Health Benefits

EPA's 10 largest enforcement actions for stationary source Clean Air Act violations obtained commitments by companies to reduce their emissions of sulfur oxides (SO_x), nitrogen oxides (NO_x) and particulate matter (PM). The annual human health benefits from these reductions in SO_x, NO_x, and PM are estimated at \$35 billion. These health benefits include:

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

Data Source of Pollutant Reduction: Integrated Compliance Information System (ICIS), October 11, 2008. Benefit Estimate: The estimate of benefits of reducing PM_{2.5} and its precursors (SO_x and NO_x) was generated by Office of Air Quality Planning and Standards Organization (OAQPS).

Enforcement Case Highlights

The following examples reflect our FY 2008 enforcement agreements involving coal-fired electric power utilities, construction sites, mineral processors, and wastewater discharge permit holders.

Coal-fired Power Plants

Coal-fired power plants release SO₂, NO_x, and PM which cause respiratory problems and contribute to childhood asthma, acid rain, smog, and haze. In one of the largest cases in EPA history, American Electric Power will cut an estimated 1.6 billion pounds of air pollution from its coal-fired power plants. The company will also pay a \$15 million penalty and spend \$60 million on projects to mitigate the adverse effects of past emissions.

Stormwater

Without onsite pollution controls, construction site runoff can flow directly to the nearest waterway and degrade water quality. Runoff contains pollutants such as concrete washout, paint, used oil, pesticides, solvents and other debris.

Four of the nation's largest home builders will pay more than \$4 million to prevent an estimated 1.2 billion pounds of sediment from polluting our nation's waterways each year. The builders—KB Home, Centex, Pulte and Richmond—will implement comprehensive, company-wide programs to improve compliance. The builders must develop improved pollution prevention plans, increase site inspections, promptly correct problems, and ensure construction site staff are properly trained.

Mineral Processing

In FY 2008, EPA issued an order to Agrifos Fertilizer Inc. and ExxonMobil to address wastewater management and prevent future imminent and substantial endangerment to human health and the environment. In August 2007, a retaining wall at Agrifos' Pasadena, Texas mineral processing facility failed, releasing more than 50 million gallons of acidic wastewater into local waters causing the death of thousands of fish. The companies are required to take specific steps to properly treat and dispose of 1.75 billion pounds of hazardous waste per year.

Wastewater Discharge

Massey Energy, the largest coal producer in central Appalachia, will pay a \$20 million civil penalty in a corporate-wide settlement to resolve CWA violations at coal mines in West Virginia and Kentucky. This is the largest civil penalty in EPA's history levied against a company for wastewater discharge permit violations. Massey will take measures to prevent an estimated 380 million pounds of pollutants from entering the water; invest approximately \$10 million to develop a comprehensive system to prevent future violations; and set aside 200 acres of riverfront land in West Virginia for conservation purposes.



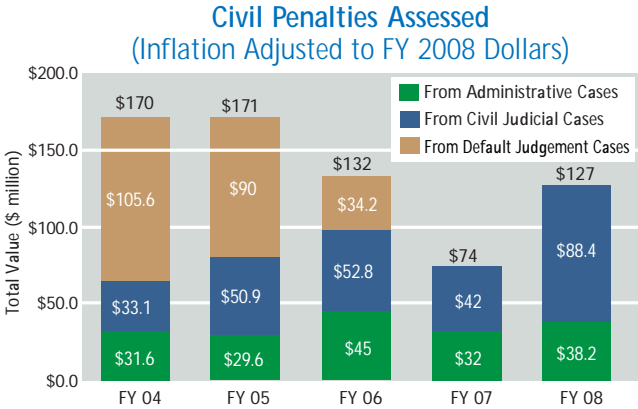


FY 2007 and 2008 Enforcement and Compliance Annual Results Priority Air, Water, Land & Financial Assurance Problems				
Priority	Estimated Pollutants to be Reduced (millions of pounds)		Estimated Investments in Pollution Control (millions of dollars)	
Priority Air Pollution Problems				
	FY 2007	FY 2008	FY 2007	FY 2008
NSR/PSD	426 M	1,654 M	\$2,521 M	\$4,790 M
Air Toxics	0.8 M	0.09 M	\$11 M	\$7 M
Total Air	426.8 M	1,654 M	\$ 2,532 M	\$4,787 M
Priority Wet Weather Pollution Problems				
CSO/SSO	45 M	173 M	\$3,635 M	\$2,909 M
CAFO	15 M	32 M	\$30 M	\$10 M
Stormwater	118 M	1,329 M	\$9 M	\$68 M
Total Wet Weather	178 M	1,534 M	\$3,674 M	\$2,986 M
Priority Land Pollution Problems				
Mineral Processing	NC*	1,751 M	\$59M	\$217 M
	Estimated Pounds of Hazardous Waste Treated, Minimized, or Properly Disposed of (millions of pounds)		Estimated Investments in Pollution Control (millions of dollars)	
Mineral Processing	NC*	1,751M	\$60 M	\$217 M
Estimated Value of Financial Assurance Restored (millions of dollars)				
Financial Responsibility	NA*	NA*	NC*	\$134 M

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

* NA = not applicable; NC = no data collected

Civil penalties play a significant role in deterring potential violators and “leveling the playing field” for those who comply with environmental laws. In FY 2008, EPA assessed about \$127 million in civil penalties against defendants—nearly \$50 million more than FY 2007.



Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2008 dollars based on the monthly rate of inflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers. FY 2008 Data Source: Integrated Compliance Information System (ICIS), October 11, 2008; data source for previous fiscal years: ICIS.

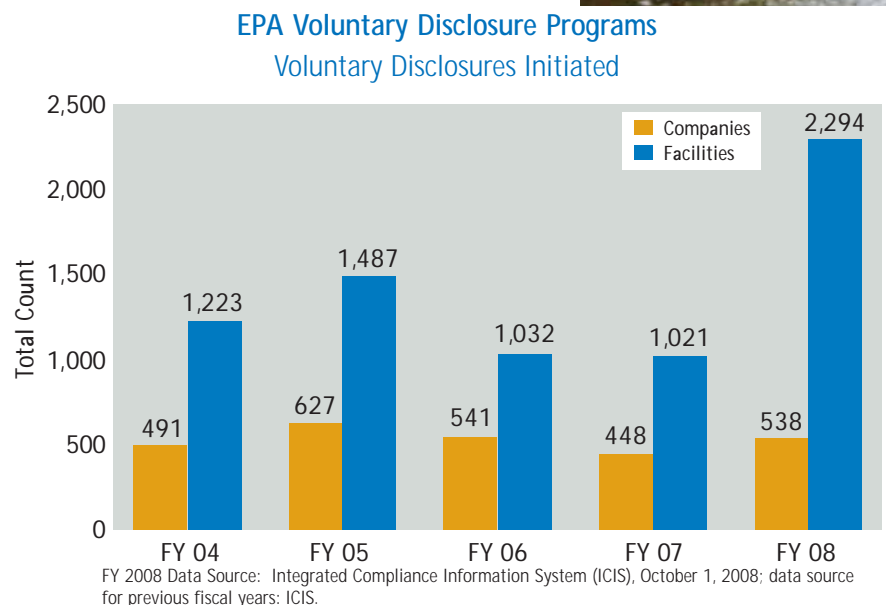
Compliance Incentives for Proactive Behavior: EPA's Audit Policy and eDisclosure System

EPA provides incentives to companies that voluntarily discover, promptly disclose, correct, and prevent future environmental violations through the Audit Policy. EPA may reduce or waive penalties for violations if the facility meets the conditions of the policy. EPA will not waive or reduce penalties for repeat violations, or violations that resulted in serious actual harm.

The Audit Policy has yielded great results. Since 1995 more than 3,500 companies have disclosed and resolved violations at nearly 10,000 facilities under the policy. FY 2008 marks the highest total of facilities that disclosed violations in a single year—2,294 facilities.

Recognizing the success of the program, EPA decided to maximize results by taking the Audit Policy in some new directions. In FY 2008, EPA launched a new approach that offers incentives to new owners of facilities who correct environmental violations at recently-acquired facilities. Under the new approach, new owners may be eligible for reduced penalties. The new approach encourages owners of recently-acquired facilities to come forward, make a clean start by addressing environmental noncompliance, and promptly make changes to ensure they stay in compliance.

EPA made additional changes to streamline the process for everyone. Now, regulated entities can submit self-disclosures online through a new Web-based system, "eDisclosure." The new system allows facilities to submit their information securely on EPA's Web site, and should reduce transaction costs by ensuring that each disclosure contains complete information. The eDisclosure Web site can be found at www.epa.gov/compliance/incentives/auditing/edisclosure.html.



"Submitting false information in order to mislead authorities is illegal and will not be tolerated. The Justice Department will continue to work cooperatively with EPA and other law enforcement agencies to ensure the public's safety and protect our natural resources."

—Ronald J. Tenpas,
Assistant Attorney General
for the U.S. Department of
Justice's Environment and
Natural Resources Division



Environmental Crime Does Not Pay

The mission of OECA's Office of Criminal Enforcement, Forensics and Training is to punish and deter serious environmental offenses. OECA's special agents, supported by forensic specialists at the National Enforcement Investigations Center, investigate allegations of criminal environmental violations, and work with criminal prosecutors at the U.S. Department of Justice to prosecute violators. Criminal enforcement actions are brought to address criminal violations of federal environmental statutes, as well as associated violations of the U.S. Criminal Code such as conspiracy, making false statements to investigators, interfering with an investigation, and mail fraud. Most of the environmental crimes that EPA pursues involve "knowing violations" of the law, which are classified as felonies.

Criminal enforcement is the federal government's strongest sanction, with the possibility of incarceration of individuals, as well as significant monetary fines and restitution. The overall activities and results of EPA's criminal enforcement actions during FY 2008 are shown below.

FY 2008 Criminal Enforcement Program Results	
Cases Initiated	319
Defendants Charged	176
Sentences (years)	57
Fines and Restitution	\$64 million
Judicially Mandated Projects (cost in dollars)	\$12 million
Pollutant Reductions (lbs)	1.6 million

FY 2008 data source: Integrated Compliance Information System (ICIS), October 2008.

EPA's criminal enforcement program addresses all of the environmental statutes and it uses a strategic approach to identify cases with significant environmental and human health impact, cases which enhance deterrence, and cases which advance EPA's enforcement priorities. Thirty four national enforcement priority criminal cases were opened in FY 2008, with six resulting in formal charges being filed during the year.

A prosecution that advances EPA's water enforcement priority was brought against Archer Daniels Midland (ADM) Company's Chattanooga, Tennessee facility, which manufactures high-quality paper products from raw cotton. The company lacked equipment needed to contain spills and other releases. ADM pled guilty to negligently discharging pollutants from the plant into Chattanooga Creek, a tributary of the Tennessee River, and was sentenced to pay a \$100,000 criminal fine and another \$100,000 in restitution to three environmental agencies and associations.

EPA investigators give priority to cases involving actual and threatened harm to human health or the environment. In a case against British Petroleum Exploration (Alaska), Inc., the company pled guilty to a Clean Water Act violation relating to two pipeline leaks of crude oil, one of which was the largest spill to ever occur on the North Slope. The company paid a \$12 million criminal fine, \$4 million in community service payments to the National Fish and Wildlife Foundation, and \$4 million in criminal restitution to the State of Alaska, and will serve three years probation.

The prosecution of national corporations deters widespread violations, and encourages sector-wide compliance. In the largest criminal fine ever for a misdemeanor violation of the Clean Water Act, CITGO was sentenced to pay a \$13 million fine for the negligent discharge of pollutants into two rivers in Louisiana. CITGO failed to maintain stormwater tanks and adequate stormwater storage capacity at its petroleum refinery in Sulphur, Louisiana. As a result of these failures, approximately 53,000 barrels of oil were discharged into the Indian Marais and Calcasieu Rivers following a heavy rainstorm.

Large Fines for Dumping in Gulf of Mexico

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

Prison Sentence for Illegal Asbestos Removal

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



The sentences for those who repeat environmental crimes are often stiffer. Ronald Jagielo, owner of MRS Plating, Lockport, New York, was sentenced to 21 months incarceration and was ordered to pay \$1 million in restitution and serve three years of supervised release after pleading guilty to a felony violation for disposal of hazardous wastes without a permit. This was the second felony conviction for Jagielo, who served a year in prison in 2000 after pleading guilty to illegally discharging wastes into the Lockport water treatment system where he had installed a device that hid the discharges from inspectors.

Criminal Enforcement Reaches Across International Boundaries

Some enforcement actions involved international defendants. For instance, the National Navigation Company (NNC), an Egyptian company with offices and headquarters in Cairo, Egypt, operated a fleet of ocean-going vessels that transports cargo, goods and people. From 2001 through 2007, engineering crews aboard vessels operated by the NNC regularly discharged oily sludge directly into oceans throughout the world.

During the investigation, EPA and the Coast Guard discovered six NNC vessels dumped thousands of gallons of waste oil and sludge in oceans around the world and falsified records to cover it up. Engineering crews routinely discharged oily sludge by installing a bypass pipe which allowed crews to pump oily sludge directly from waste tanks aboard vessels into the ocean. NNC pled guilty and paid a \$4.7 million criminal fine and \$2.55 million in projects for 15 felony violations of the Act to Prevent Pollution from Ships and making false statements to federal officials.



Polluters Pay for Cleanup: Superfund Enforcement

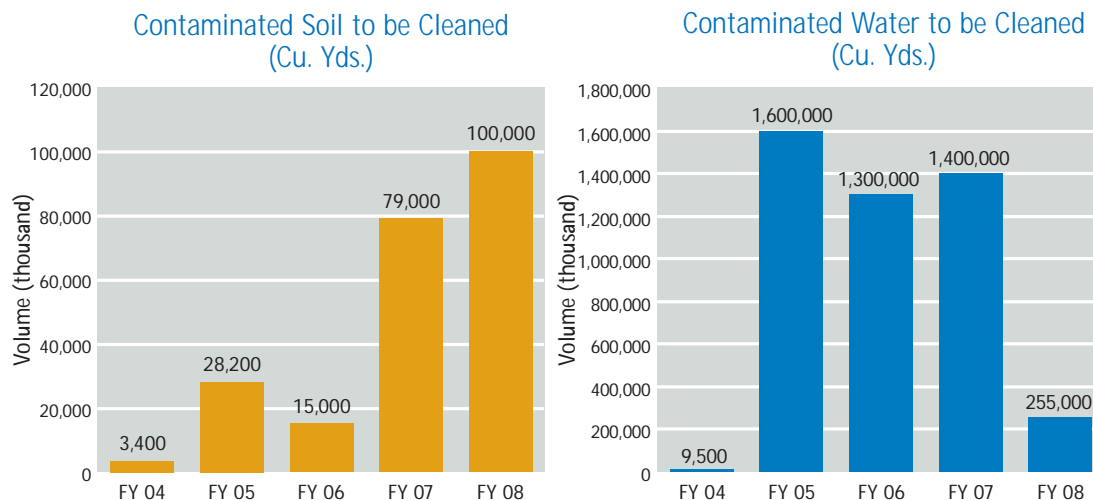
EPA's Office of Site Remediation Enforcement manages the enforcement of EPA's national hazardous waste cleanup programs. This includes Superfund cleanups under the Comprehensive Environmental Response, Compensation, and Liability Act and cleanups at facilities that treat, store, or dispose of hazardous waste under the Resource Conservation and Recovery Act.

Superfund enforcement and other remediation agreements resulted in an estimated 100 million cubic yards of contaminated soil cleaned up and in the remediation of approximately 255 billion cubic yards of contaminated ground water.

"Bankruptcy is not a safe haven to avoid environmental responsibilities."

—Marcia E. Mulkey,
Director
Office of Site Remediation
Enforcement
OECA

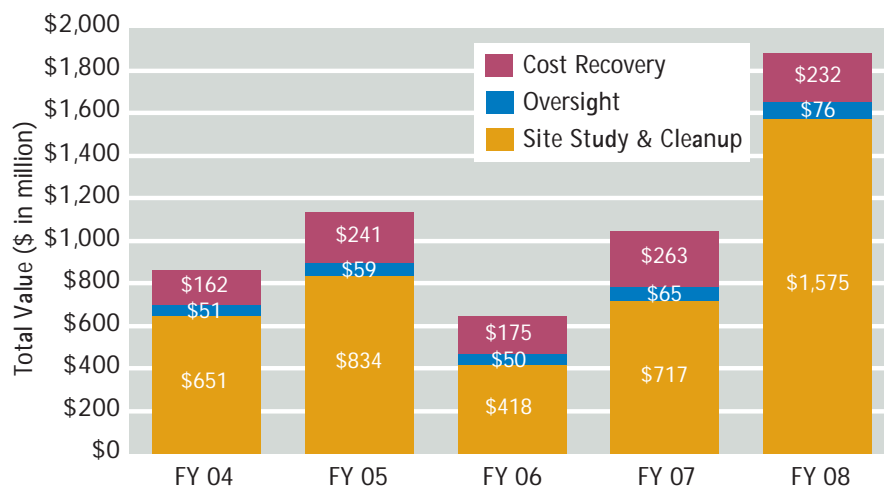
Estimated Volume of Contaminated Soil and Water to be Cleaned Up



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

As a result of the Agency's efforts in FY 2008 to maximize liable party participation in performing and paying for cleanups, private parties agreed to invest approximately \$1.6 billion to clean up contamination and to reimburse EPA \$308 million for its past response and oversight costs.

Private Party Commitments for Superfund Site Study & Cleanup, Oversight & Cost Recovery (Inflation Adjusted to FY 2008 Dollars)



Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2008 dollars based on the monthly rate of inflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers. FY 2008 Data Source for Clean-up and Cost Recovery: Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS), October 30, 2008; FY 2008 Data Source for Oversight: Integrated Financial Management System (IFMS), October 18 2008; Data source for previous fiscal years: CERCLIS and IFMS.

Bankrupt Polluter Pays

EPA vigorously pursues all liable parties for Superfund cleanup costs, including bankrupt parties. In FY 2008, W. R. Grace paid \$250 million to clean up asbestos contamination at the Libby Montana Superfund site. The Libby settlement sets a new record for the amount of money paid in bankruptcy to clean up a Superfund site. In addition, W. R. Grace agreed to an allowed claim in bankruptcy of \$34 million for the cleanup of 32 Superfund sites in eighteen states.



Enforcement at Federal Facilities

EPA's actions against federal facilities secured commitments to perform cleanup work, pay penalties, and take steps to improve compliance. These actions will prevent more than 1.7 million pounds of pollutants from being released into the environment.

Cleanups at federal facilities will address more than 110 million cubic yards of contaminated soil and ground water. EPA assessed over \$1.4 million in penalties and federal facilities committed to spend more than \$23 million to improve facilities and operations to remedy past violations and prevent future violations.

Underground Storage Tanks

In FY 2008, EPA took nearly three dozen formal enforcement actions against federal facilities for underground storage tank (UST) violations. EPA also collected over \$400,000 in penalties. Common violations included the failure to have tank release detection and tank piping.

- ◆ EPA issued a complaint to the Puerto Rico National Guard and the Army and Air Force Exchange Service, located at Camp Santiago, Puerto Rico, that proposed a penalty of \$209,264 for alleged multiple violations of UST requirements.
- ◆ The U.S. Air Force, New Jersey National Guard and the Army and Air Force Exchange Service entered into a settlement with EPA resolving violations of UST requirements at the McGuire Air Force Base in New Jersey. The agreement required payment of \$115,000 in penalties and the installation of proper corrosion protection equipment, overfill protection and leak detection equipment. It also requires improved annual testing and record-keeping at the 20 UST systems used to store fuels for vehicles at the base.
- ◆ The U.S. Postal Service's vehicle maintenance facility in Capital Heights, Maryland failed to install equipment that would prevent spilling and overfilling when material was transferred to the UST system. The U.S. Postal Service paid a \$16,624 penalty.

"The U.S. government, like every regulated entity, must comply with all federal environmental requirements. When federal agencies don't comply, it's our job to get them back into compliance."

*Dave Kling,
Director
Federal Facilities
Enforcement Office
OECA*





Federal Superfund Sites

More than 150 federal facility cleanup sites are listed on the Superfund National Priorities List. The Superfund law requires EPA and federal owners or operators of Superfund sites to enter into enforceable agreements for the cleanup of the sites. EPA has agreements in place at most sites and continues to negotiate agreements at remaining sites.

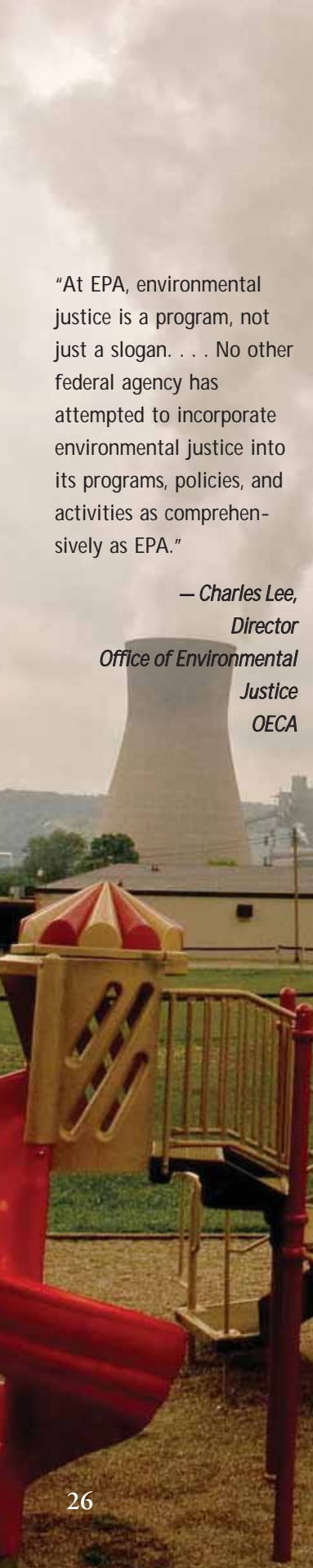
- ◆ In FY 2008, EPA, the U.S. Navy, the U.S. Department of the Interior and the Commonwealth of Puerto Rico finalized an agreement for a former military site on the Puerto Rican island of Vieques.
- ◆ EPA and the U.S. Coast Guard also completed an agreement governing the cleanup of the Coast Guard's Curtis Bay facility in Baltimore, Maryland.
- ◆ EPA takes action when federal facilities are not complying with cleanup agreements. In FY 2008, EPA enforced against the Department of Energy (DOE) for failure to perform cleanup work at the Hanford site in Washington. DOE agreed to pay a \$285,000 penalty, purchase two emergency response boats (estimated cost \$200,000) for the local sheriff's office to respond to any hazardous material spills, and construct a greenhouse and nursery (estimated cost over \$600,000) at a nearby campus of Washington State University to grow native vegetation to be used to rehabilitate habitat at the site. DOE also agreed to pay a \$75,000 penalty for missing cleanup deadlines.
- ◆ When the U.S. Navy failed to properly monitor wells at the Brunswick Naval Air Station in Maine, EPA assessed \$153,000 in stipulated penalties.
- ◆ Tyndall Air Force Base in Florida is a Superfund site where EPA found an imminent and substantial endangerment due to contamination in ground and surface water and in soil and sediments at the base. The ground water is used for drinking and nearby Shoal Bayou is used for recreational fishing and wading and has sensitive ecological resources. Because of this endangerment, EPA issued a RCRA order requiring the Air Force to investigate contamination at the base and take action to clean it up.

- ◆ Under agreements completed prior to FY 2008, federal facilities continue to investigate and clean up environmental contamination. DOE is currently cleaning up contaminated ground water and soil at an estimated cost of over \$626 million at the Lawrence Livermore National Laboratory Site 300 in California, a high-explosives test facility.
- ◆ The U.S. Army will spend over \$150 million to clean up almost 45 million cubic yards of contaminated ground water at Fort Ord, a former base near Monterey Bay in California. The Army will also dedicate part of the base as a wildlife reserve after munitions in the soil are addressed.

Criminal Enforcement for Illegal Waste Discharge

A former Chief Warrant Officer in the U.S. Coast Guard was sentenced in U.S. District Court in Hawaii for making a false statement to federal criminal agents investigating allegations of potential discharges of oil-contaminated waste from his Coast Guard cutter. The officer was sentenced to pay a \$5,000 fine, serve 200 hours of community service and serve two years of probation. In the indictment, the officer was cited for lying to federal criminal investigators about his knowledge of an illegal discharge of bilge wastes through the ship's deep sink into Honolulu Harbor.





"At EPA, environmental justice is a program, not just a slogan. . . . No other federal agency has attempted to incorporate environmental justice into its programs, policies, and activities as comprehensively as EPA."

— Charles Lee,
Director
Office of Environmental
Justice
OECA



Environmental Justice for All

The Environmental Justice (EJ) program continues to assist the Agency in integrating environmental justice into key agency actions, strategic plans, and guidance. EPA's efforts support Presidential Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*.

In FY 2008, EPA continued to assist environmental justice communities on proactive, strategic, and visionary approaches to address their environmental issues. EPA collaborated with community-based organizations to achieve the following results:

- ◆ Implemented a community-led campaign in Bushwick, New York to reduce indoor exposure to asthma triggers.
- ◆ Developed a beach closure management plan for the State of Washington, and raised the community's awareness about safe and sustainable methods of harvesting shellfish.
- ◆ Cleaned up and prepared an abandoned lot for redevelopment in the Hawaiian island of Kauai.

EPA's Environmental Justice Priorities

- Reduce asthma attacks
- Reduce exposure to air toxics
- Reduce incidences of elevated blood lead levels
- Ensure that companies meet environmental laws
- Ensure that fish and shellfish are safe to eat
- Ensure that water is safe to drink
- Revitalize brownfields and contaminated sites
- Foster collaborative problem-solving

In the last three years, EPA has made significant progress in strengthening its environmental justice program through the integration of environmental justice considerations into EPA's core planning and budgeting processes. The Agency's eight national environmental justice priorities are reflected in the Agency's Strategic Plan and in FY 2008 were a focus in the annual National Program Manager Guidance documents. By instituting these actions, EPA is building a stronger foundation to successfully integrate environmental justice into its programs for the long term.

Environmental Justice Achievement Awards

In FY 2008, EPA presented its first annual awards to recognize organizations for distinguished accomplishments in addressing environmental justice issues. Projects included empowering residents to clean up New Orleans East for a safe return after Hurricane Katrina and developing a tool to target high-risk homes with lead contamination in Durham, North Carolina. EPA received dozens of nominations from across the United States. This year's twelve award recipients, listed below, include community-based organizations, universities, and state and local governments from nine states.

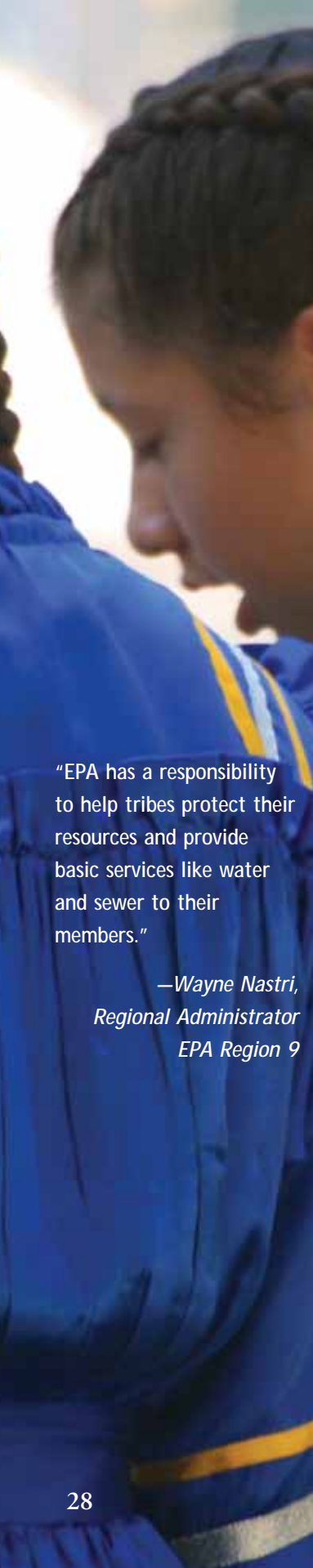
EPA's Inaugural Environmental Justice Awardees

- Anahola Homesteaders Council (Kauai, Hawaii)
- Center for Environmental and Economic Justice (Biloxi, Mississippi)
- Citizens for Environmental Justice (Savannah, Georgia)
- Communities for a Better Environment (Huntington Park, California)
- Dillard University, Deep South Center for Environmental Justice (New Orleans, Louisiana)
- Duke University, Children's Environmental Health Initiative (Durham, North Carolina)
- Medical University of South Carolina (Charleston, South Carolina)
- Negocio Verde Environmental Justice Task Force (County of San Diego, California)
- New Mexico Environment Department (Santa Fe, New Mexico)
- Safer Pest Control Project (Chicago, Illinois)
- South Carolina Department of Health and Environmental Control (Columbia, South Carolina)
- West End Revitalization Association (Mebane, North Carolina)

EJ Grants Program

In FY 2008, EPA announced the "Environmental Justice Small Grants Program Application Guidance FY 2008." These grants are designed for projects that address local environmental and public health issues within an EJ community. In addition, the grants aim to assist recipients in building collaborative partnerships. EPA will award the 40 small grants totaling \$800,000 early next year. For more information visit our Web site at www.epa.gov/compliance/environmentaljustice/grants/ej-smgrants.html.





Ensuring Compliance in Indian Country

Working with federally-recognized Indian tribes, EPA uses compliance assistance, inspections, and enforcement to address significant human health and environmental problems in Indian Country.

As part of our Indian Country priority, OECA continued to focus attention on drinking water and on solid waste issues in Indian Country in FY 2008. EPA took six enforcement actions to protect the safety of drinking water in Indian Country. These actions represent the largest number of formal enforcement actions taken in Indian Country in one year under the Safe Drinking Water Act. Examples of EPA's enforcement actions are described below.

- ◆ EPA Region 8 enforced against the Fort Belknap Community Council and Prairie Mountain Utilities for violations found at three public water systems. Another action was taken against a Northern Cheyenne Tribe for faulty water storage tanks that could potentially contaminate drinking water.
- ◆ EPA enforced against a facility operating on Arizona tribal lands in response to an imminent and substantial endangerment created by ground water contamination. EPA Region 9 issued a unilateral order to the Plymouth Tube company on the Gila River Indian Community in Chandler after the tribe discovered a contamination plume below the facility. The plume contained trichloroethylene and other solvents in concentrations above federal drinking water standards. Ground water is the sole source of drinking water for the Tribe and the order requires the company to investigate the nature and extent of the ground water.

"EPA has a responsibility to help tribes protect their resources and provide basic services like water and sewer to their members."

—Wayne Nastri,
Regional Administrator
EPA Region 9



Environmental Reviews Make a Difference: EPA's NEPA Program

OECA's Office of Federal Activities and its regional counterparts review and comment on other federal agencies' Environmental Impact Statements (EISs). Agencies prepare the EISs under the National Environmental Policy Act (NEPA) and EPA reviews the documents in accordance with Section 309 of the Clean Air Act. EPA's review is intended to help federal agencies identify and ultimately avoid or mitigate potential adverse impacts from their projects.

In FY 2008, EPA reviewed over 500 EISs involving a wide range of federal projects. Some of the project reviews included: the establishment of offshore liquid natural gas ports, alternative energy projects (e.g., wind turbines), major highway projects (e.g., I-69 the NAFTA Highway), the Red River valley water supply project, and oil and gas development projects.

Over 75 percent of the significant adverse effects identified through EPA's reviews of other agencies' EISs were reduced through project modifications and/or mitigation commitments. As one example, EPA's direct involvement in the proposed expansion of the Pinedale Anticline natural gas well field in Wyoming led to commitments to reduce greenhouse gas emissions and remediate ground water contamination.

EPA was successful in its first use of a third-party mediator in an EIS review of a joint U.S. Forest Service and U.S. Army Corps of Engineers proposal to expand a reservoir in Colorado. EPA Region 8 raised concerns over the potential impacts to rare and valuable wetlands in the area. The mediator provided assistance in bringing together the agencies, identifying their interests, and developing options. Ultimately the agencies agreed to include new alternatives that would protect the wetlands.

"NEPA remains a valuable tool for understanding and mitigating the environmental impacts of federal actions."

—Susan Bromm,
Director
Office of Federal Activities
OECA

Project Reviews Identify Environmental Justice Impacts

EPA's review of EISs on federal projects can help identify and mitigate the environmental justice concerns associated with major federal projects. For example, the Port of Los Angeles signed a resolution to adopt and implement clean air initiatives and develop a mitigation fund for projects intended to mitigate air quality impacts to the neighboring San Pedro and Wilmington communities. The resolution prevented litigation between the environmental community and the Port over the TraPac Terminal Expansion Project's air quality and health impacts to the neighboring environmental justice community.



"Through our continued dialogue and targeted initiatives, EPA and our international neighbors are writing the next chapter in our countries' ongoing book of environmental collaborations."

*Stephen L. Johnson,
EPA Administrator*



International Compliance Activities

EPA promotes international compliance with environmental regulations in two distinct ways. First, EPA works with state, federal, and international governments to secure compliance along the border and to ensure that imported goods and hazardous waste shipments comply with U.S. environmental laws. Second, EPA networks with other countries to share information and techniques for compliance assurance, and provides technical assistance and training to increase enforcement and compliance capacity.

In FY 2008, EPA reviewed and processed 1,185 hazardous waste notices for 12,184 waste streams—a new record—for imports and exports of hazardous waste. EPA's objections to certain notices prevented the environmentally unsound importation of 97 thousand metric tons of hazardous waste.

Enforcement Capacity Building

In FY 2008, international capacity building efforts marked progress with the Eighth International Conference on Environmental Compliance and Enforcement held in Cape Town South Africa and co-chaired by OECA's Principal Deputy Assistant Administrator. The conference resulted in the creation of the International Network of Environmental and Compliance Training Professionals, which will focus on international sharing of information and techniques for training environmental professionals (e.g., inspectors). The conference also launched the Seaport Environmental Security Network. This project will strengthen the enforcement capacity of both developed and developing countries to prevent illegal, hazardous waste shipments through ports, and to prevent dumping in the developing world.



Foreign Manufacturers and U.S. Importers

In FY 2008, EPA enforcement actions addressed many problems with imported products that did not comply with environmental requirements. Imports included non-road engines and parts that do not meet U.S. air pollution requirements, products containing unregistered pesticides that are harmful to children and chemicals that deplete the stratospheric ozone layer (e.g., confetti string, consumer products manufactured with radioactive scrap metals, lead in faucets).

EPA is working directly with the Chinese government on import safety issues. In December 2007, EPA and China's General Administration of Quality Supervision, Inspection and Quarantine signed a Memorandum of Understanding which provides a framework for cooperation to protect human health and the environment in the field of imported and exported products.

Illegal Manufacture and Importation

In FY 2008, EPA reached a landmark settlement with a Taiwanese manufacturer and three U.S. corporations (MTD) to resolve violations arising from the illegal manufacture and importation of approximately 200,000 chainsaws that failed to meet federal air pollution standards. The foreign manufacturers and U.S. importers of these chainsaws agreed to pay a \$2 million civil penalty. The defendants also agreed to spend approximately \$5 million on projects to reduce air pollution.



Tips and Complaints

EPA's tips and complaints Web site (www.epa.gov/tips) is an important tool for identifying potential environmental violations. Established in January 2006, our easy-to-spot icon enables concerned citizens and employees to report potential violations in their communities or workplaces.

In FY 2008, EPA received a total of 7,835 tips. Tips are reviewed by EPA's enforcement programs to determine potential civil or criminal violations. Since the launch of the Web site, 1,300 potentially criminal tips have been referred to field offices and 19 tips resulted in criminal cases.

Two cases resulted in convictions during FY 2008. The City of Lake Ozark, Missouri, paid a \$50,000 fine after pleading guilty to discharging a pollutant without a permit into the Lake of the Ozarks. Its Public Works director also pled guilty to one count of failing to report a sewage discharge.

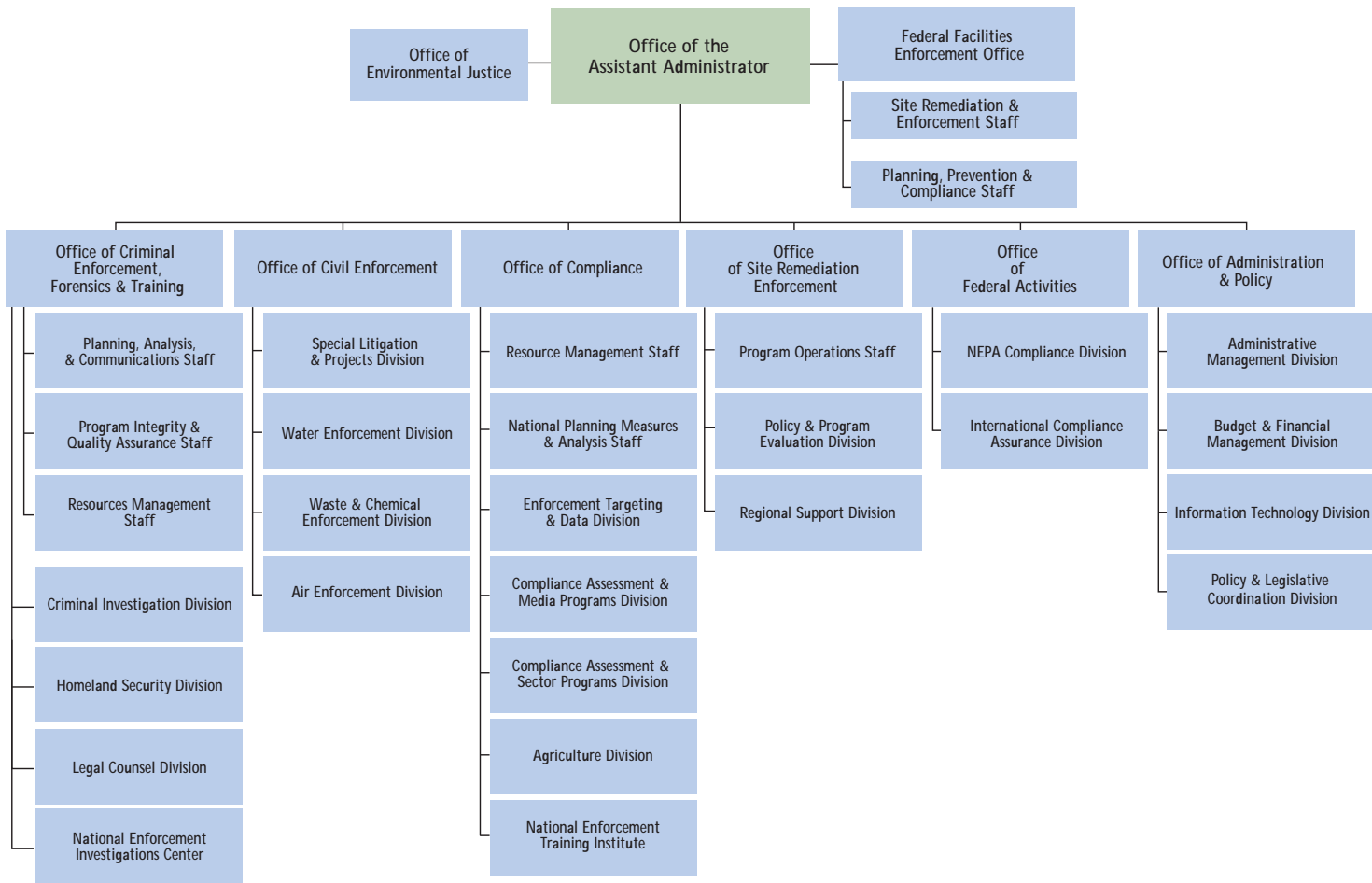
In the second case, an official of Environmental Staffing Acquisition Corporation, a company that provided temporary workers for environmental cleanup projects will serve two years on federal probation for creating documents that falsely purported to certify that the company's employees had received medical evaluations required by the U.S. Occupational Health and Safety Administration.





Appendix A: Organizational Chart

Office of Enforcement and Compliance Assurance (OECA)



Appendix B: Numbers at a Glance

FY 2008

Results Obtained From EPA Civil Enforcement Actions:

◆ Estimated Direct Environmental Benefits

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

• Preventative Environmental Benefits

— Hazardous Waste Prevented from Release (Cubic Yards)	220,000
— Underground Storage Tank Capacity Prevented from Release (Gallons)	1,300,000
— People Notified of Potential Drinking Water Problems (# of People) Underground Injection Wells Prevented from Leaking (# of Wells)	115
— PCB Disposal Corrected (Cubic Yards)	900
— Lead-Based Paint Contamination Prevented (# of Housing Units, Schools, Buildings)	15,000
— Volume of Oil Spills Prevented (Gallons)	194,000,000
— Pesticides or Pesticide Products Prevented from Distribution, sale or Use due to Mislabeling or Improper Registration (Pounds)	50,000,000

◆ Investments in Pollution Control and Clean-up (Injunctive Relief) \$11,700,000,000

◆ Investments in Environmentally Beneficial Projects (SEPs) \$39,000,000

◆ Civil Penalties Assessed

— Administrative Penalties Assessed	\$38,200,000
— Judicial Penalties Assessed	\$88,400,000
— Stipulated Penalties Assessed	\$5,500,000

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

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

³ In FY 2008, for the first time, OECA is including a new Environmental Benefit outcome reporting category to count British Thermal Units (BTUs) of "Thermal Pollution Reduced (Water)". OECA has determined that none of the previously established outcome categories is appropriate for counting the environmental benefits obtained from enforcement cases that produce reductions in thermal pollution. An MMBTU equals one million (1,000,000) BTUs.

◆ EPA Civil Enforcement and Compliance Activities	
• Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)	280
• Supplemental Referrals of Civil Judicial Enforcement Cases to DOJ	35
• Civil Judicial Complaints Filed with Court	164
• Civil Judicial Enforcement Case Conclusions	192
• Administrative Penalty Order Complaints	2,056
• Final Administrative Penalty Orders	2,084
• Administrative Compliance Orders	1,390
• Cases with SEPs	188
◆ EPA Compliance Monitoring Activities	
• Inspections/Evaluations	20,000
• Civil Investigations	222
• Number of Regulated Entities Taking Complying Actions during EPA Inspections/Evaluations	1,100
• Number of Regulated Entities Receiving Compliance Assistance during EPA Inspections/Evaluations	11,600
• Inspections Conducted by Tribal Inspectors Using Federal Credentials ⁴	334
◆ EPA Superfund Cleanup Enforcement	
• Percent of non-Federal Superfund Sites with Viable, Liable Parties where an Enforcement Action was Taken Prior to the Start of the Remedial Action	100%
• Private Party Commitments for Site Study and Cleanup (including cash outs)	\$1,575,000,000
• Private Party Commitments for Oversight	\$76,000,000
• Private Party Commitments for Cost Recovery	\$232,000,000
• Percent of Cost Recovery Cases Greater Than or Equal to \$200,000 that were Addressed before the Statute of Limitations Expired	100%
◆ EPA Criminal Enforcement Program	
• Years of Incarceration	57
• Fines and Restitution	\$63,500,000
• Value of Court Ordered Environmental Projects	\$12,000,000
• Environmental Crime Cases Initiated	319
• Defendants Charged	176
• Estimated Pollution Reduced, Treated or Eliminated Commitments (Pounds) ¹	1,600,000
◆ EPA Voluntary Disclosure Program	
• Estimated Pollution Reduction Commitments Obtained as a Result of Voluntary Disclosures (Pounds)	5,400,000
• Voluntary Disclosures Initiated (Facilities)	2,294
• Voluntary Disclosures Resolved (Facilities)	640
• Voluntary Disclosures Initiated (Companies)	538
• Voluntary Disclosures Resolved (Companies)	451
• Notices of Determination (NODs)	364
◆ EPA Compliance Assistance	
• Total Entities Reached by Compliance Assistance	361,000
• Number of User Visits to Web-Based Compliance Assistance Centers	2,220,000

The primary source for the data displayed in this document is the Regions' certified FY 2008 end of year workbooks as of November 5, 2008. The official databases of record are: Integrated Compliance Information System (ICIS), Criminal Case Reporting System, Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS), Resource Conservation and Recovery Act Information (RCRAInfo), Air Facility System (AFS), and Permit Compliance System (PCS).

⁴ In FY 2008, for the first time, OECA is creating a separate reporting category to count the number of tribal inspections conducted by tribal inspectors using federal credentials. Inspections conducted by tribal inspectors using federal credentials are done "on behalf" of the Agency, but are not an EPA activity.





Appendix C: Abbreviations & Acronyms

CAA	Clean Air Act
CAFOs	Concentrated Animal Feeding Operations
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act (aka "Superfund")
CWA	Clean Water Act
EJ	Environmental Justice
EPA	Environmental Protection Agency
EPCRA	Emergency Planning & Community Right-to-Know Act
FIFRA	Federal Insecticide, Fungicide and Rodenticide Act
MPRSA	Marine Protection, Research, and Sanctuaries Act
NSR	New Source Review
OECA	Office of Enforcement and Compliance Assurance
PSD	Prevention of Significant Deterioration
RCRA	Resource Conservation & Recovery Act

How to Contact Us

Office of Enforcement and Compliance Assurance	202-564-2440
Office of Compliance	202-564-2280
Office of Civil Enforcement	202-564-2220
Office of Crimination Enforcement, Forensics and Training	202-564-2480
Office of Environmental Justice	202-564-2515
Office of Federal Activities	202-564-5400
Office of Planning & Analysis	202-564-2530
Office of Site Remediation Enforcement	202-564-5110
Federal Facilities Enforcement Office	202-564-2510
Press Inquiries	202-564-2440

Mailing Address:

U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW (MC 2201)
Washington, DC 20460-0001



Report environmental violations at: www.epa.gov/tips



www.epa.gov/tips