



# **Fiscal Year 2009 Enforcement & Compliance Annual Results**



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

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# FY2009 Enforcement & Compliance Annual Results

## Table of Contents

	Page
<b>EPA Environmental Results</b>	
FY2009 Highlights	3-6
EPA Enforcement Cases Yield Human Health and Environmental Benefits	7
National Enforcement Priorities Address Important Environmental Problems	8
National Enforcement Priority Environmental Benefits	9
Estimated Environmental Benefits-Commitments to reduce, treat or eliminate Pollution	10
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief) Plus Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	11
Estimated Environmental Benefits -Volume of Contaminated Soil & Water to be Cleaned Up	12
Civil Penalties Assessed	13
<b>EPA Civil Enforcement Program</b>	
Referrals of Civil Judicial Enforcement Cases to DOJ	14
Civil Judicial Enforcement Case Conclusions	15
Civil Judicial Enforcement Case Conclusions Facilities	16
Final Administrative Penalty Orders	17
Administrative Compliance Orders	18
Inspections/Evaluations	19
Amount Committed by Liable Parties to: Clean Up Superfund Site, Pay for Government Oversight Superfund Clean Ups, and Reimburse the Government for Money Spent Cleaning Up Superfund Sites	20
<b>EPA Criminal Enforcement Program</b>	
Environmental Crime Cases and Defendant Charged	21
Value of Fines and Restitution & Value of Court Ordered Environmental Projects	22
Sentencing Results –Years of Incarceration	23
<b>EPA Compliance Incentives Program</b>	
Voluntary Disclosure Programs	24
<b>EPA Compliance Assistance Program</b>	
Compliance Assistance – Tools, Workshop & Training, and Facility Visits	25
Visits to Web-based compliance Assistance Centers	26
Acronyms – Statute and Abbreviations/Section Description	27
<b>Prior Year Enforcement Dollar Values Adjusted to FY 2009 Dollars</b>	<b>28</b>



# FY2009 Enforcement & Compliance Annual Results

## Highlights

### Civil Enforcement Highlights:

- In FY 2009, EPA enforcement actions required companies to invest an estimated **\$5.4 billion in actions & equipment to reduce pollution & protect the environment (injunctive relief) and in projects that benefit the environment & public health (Supplemental Environmental Projects)**
- In FY 2009, civil and criminal defendants committed to **reduce pollution by 580 million pounds** annually once all required controls are fully implemented.
- In the past 5 years, EPA has obtained estimated **total pollution reduction commitments of 7.4 billion pounds, an average of 1.5 billion pounds per year.**
- In FY 2009 EPA's voluntary disclosure program obtained commitments for pollutant reductions of an estimated 23 million pounds, **the largest environmental benefit amount ever obtained through this program.**
- Over the past five years, Defendants have committed to **invest an estimated total of \$45 billion to reduce pollution**, clean up contaminated land and water, achieve compliance, and implement in projects that benefit the environment & public health.  
This is equal to \$9 billion per year or \$35 million per work day.



# FY2009 Enforcement & Compliance Annual Results

## Highlights (continued)

- Defendants in EPA's civil enforcement cases committed to take complying actions that will result in treatment, minimization, or proper disposal of **780 million pounds of hazardous waste**.
  - FY 2009 is the second year that EPA has collected data on hazardous waste reductions achieved through enforcement cases.
- EPA also continued a trend of increasing the number of civil judicial enforcement cases concluded – with a total of **201 cases concluded in FY 2009**.



# FY2009 Enforcement & Compliance Annual Results

## Highlights (continued)

### Criminal Enforcement Program Accomplishments:

- In FY 2009, EPA opened **387 new environmental crime cases**, the largest number of new criminal case initiations in five years.
  - **Over 200 defendants were charged** with environmental crimes in FY 2009, 12% more than last year.
- EPA obtained the largest Clean Air Act fine ever in a criminal case in FY 2009 - BP Products North America was fined \$50 million for conduct that resulted in an explosion that killed 15 workers and injured more than 170 others.
  - EPA obtained a total of \$96 million in fines from criminal defendants and prison sentences totaling 76 years.



# FY2009 Enforcement & Compliance Annual Results

## Highlights (continued)

### Superfund Enforcement Program Highlights:

- EPA obtained **commitments from responsible parties to invest \$1.99 billion** for investigation and clean up of Superfund sites. **This is the second highest total in the EPA history.**
- EPA also obtained \$371 million from settlements with responsible parties to reimburse EPA for its past expenditures for cleaning up sites. **This is the highest cost recovery total ever for the Superfund program.**
- EPA obtained a commitment from a responsible party to spend **\$975 million cleaning up contamination, the largest amount ever achieved in a single case settlement.**
- One Superfund bankruptcy settlement in FY 2009 involving clean up of 15 sites around the country will provide a total of **\$507.5 million for future clean up work.**
- A total of 28.7 million cubic yards of contaminated soil and 431 million cubic yards of contaminated water will be cleaned up.



# FY2009 Enforcement & Compliance Annual Results

## EPA Enforcement Cases Yield Human Health and Environmental Benefits

- EPA's top Clean Air Act enforcement actions of FY 2009 reduced emissions of particulate matter, sulfur dioxide, nitrogen oxides, VOCs, and ammonia, resulting in annual benefits of:
  - Between \$4.0 to \$9.8 billion in avoided health costs
  - Between 450 to 1,200 avoided premature deaths in people with heart or lung disease
  - Over 790 fewer emergency room visits or hospital admissions
  - About 1,000 fewer cases of chronic bronchitis and acute bronchitis
  - About 720 fewer nonfatal heart attacks
  - Over 7,700 fewer cases of aggravated asthma
  - Over 15,000 fewer cases of upper and lower respiratory symptoms
  - Over 58,000 fewer days when people would miss work or school.
- Air Toxics enforcement actions in 76 counties protected the 26 million people living in those counties
- Hazardous waste enforcement actions protected an estimated 96 thousand people who live within 500 meters of hazardous waste facilities
- 23% of EPA Clean Water Act enforcement actions reduced pollutants discharged into waters that states have identified as impaired

Data Source of Pollutant Reduction: Integrated Compliance Information System (ICIS), October, 2009. Pollutant estimates based on estimated emissions when facilities return to compliance. Clean Air Act health benefit estimates are based on methodologies developed to calculate the co-benefits of reducing particulate matter for the Ozone NAAQS Regulatory Impact Analysis (RIA) and represent a range of the methodologies presented in 2009 dollars. Air toxics and hazardous waste estimates based on 2000 census data.



# FY2009 Enforcement & Compliance Annual Results

## National Enforcement Priorities

### Address Important Environmental Problems

- EPA's enforcement and compliance program identifies and focuses on priority environmental risks and noncompliance problems. The enforcement and compliance priority areas identified by EPA involve pollution of the water, air, and land.
- Approximately 57% of pollution reductions and 71% of pollution control investments were obtained through EPA's FY 2009 enforcement cases that focused on water and air priority pollution problems.
- Approximately 8% of hazardous waste treated, minimized or properly disposed of, and less than 1% of pollution control investments were obtained through EPA's FY 2009 enforcement actions that focused on land priority pollution problems.
- In FY 2009, EPA's enforcement actions addressing national priorities:
  - reduced air pollution by 95 million pounds, and required investment of \$318 million in pollution control.
  - reduced water pollution by 225 million pounds, and required investment of \$1,460 million in pollution control.
  - reduced 64 million pounds of hazardous waste, and required investment of \$1.2 million in pollution control and clean up.





# FY2009 Enforcement & Compliance Annual Results

## National Enforcement Priorities Environmental Benefits

	Estimated Pollutants to be Reduced <i>(million pounds)</i>		Estimated Investments in Pollution Control <i>(million dollars adjusted to 2009 dollars)</i>	
	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2008</u>	<u>FY 2009</u>
<b>New Source Review/Prevention of Significant Deterioration</b>	<b>1,654</b>	<b>95</b>	<b>\$4,780</b>	<b>\$318</b>
<b>Air Toxics</b>	<b>0.09</b>	<b>0.23</b>	<b>\$7</b>	<b>\$0.19</b>
<b>Combined Sewer Overflows/Sanitary Sewer Overflows</b>	<b>173</b>	<b>22</b>	<b>\$2,900</b>	<b>\$1,400</b>
<b>Concentrated Animal Feeding Operations</b>	<b>32</b>	<b>7</b>	<b>\$5.1</b>	<b>\$1.9</b>
<b>Stormwater</b>	<b>1,329</b>	<b>196</b>	<b>\$68</b>	<b>\$58</b>
<b>Indian Country</b>	<b>-</b>	<b>-</b>	<b>\$49</b>	<b>\$4</b>
<b>Mineral Processing</b> <i>(as hazardous waste)</i>	<b>1,751</b>	<b>64</b>	<b>\$216</b>	<b>\$1.2</b>
<b>Financial Assurance</b> <i>(estimated value of financial assurance restored)</i>	<b>-</b>	<b>-</b>	<b>\$134</b>	<b>\$395</b>

Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2009 dollars based on the monthly rate of inflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.

Note: Most of the numbers displayed in this document are rounded. As a result, adding the figures presented here may not produce exactly the same totals as those displayed in other EPA documents.

Note: More information at <http://www.epa.gov/compliance/data/planning/priorities/index.html>

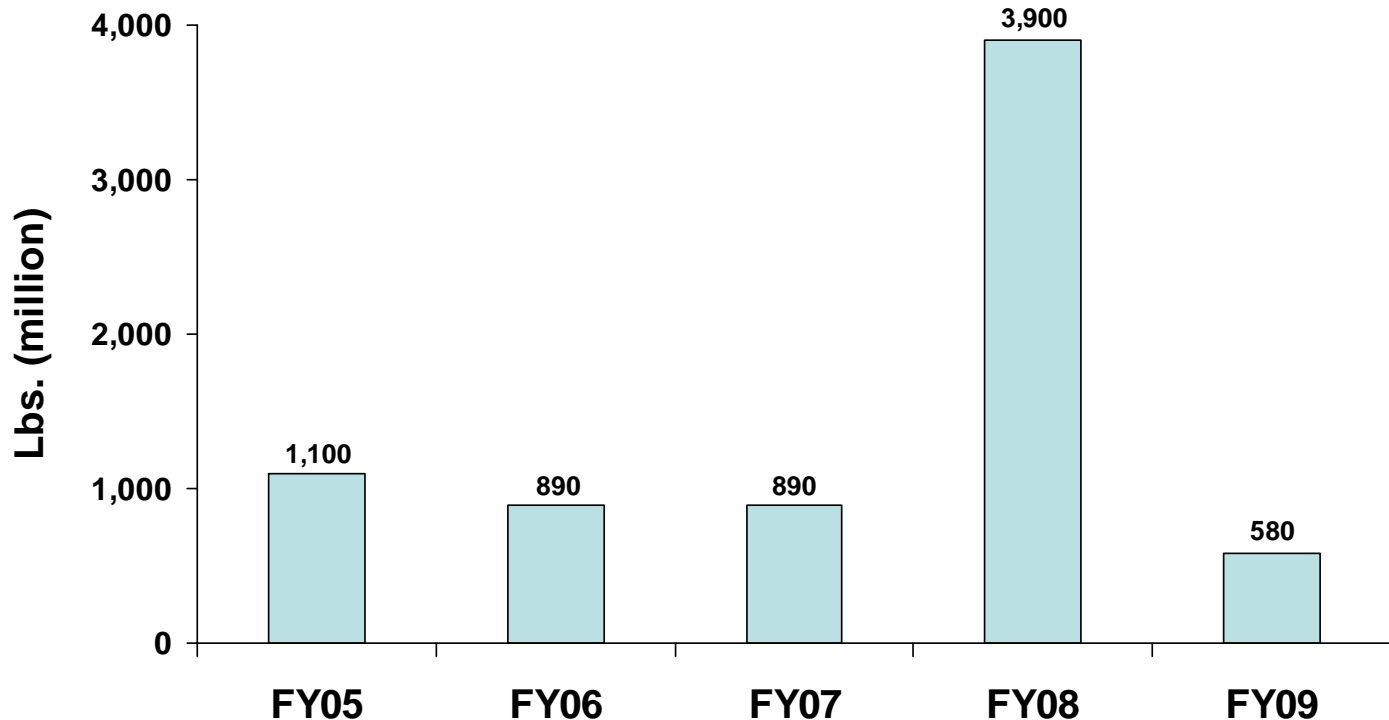


# FY2009 Enforcement & Compliance Annual Results

## Results from Concluded EPA Enforcement Actions

### Estimated Environmental Benefits

### Commitments to Reduce, Treat or Eliminate Pollution



FY2009 Data Source: Integrated Compliance Information System (ICIS), October 13, 2009; data source for previous fiscal years: ICIS.

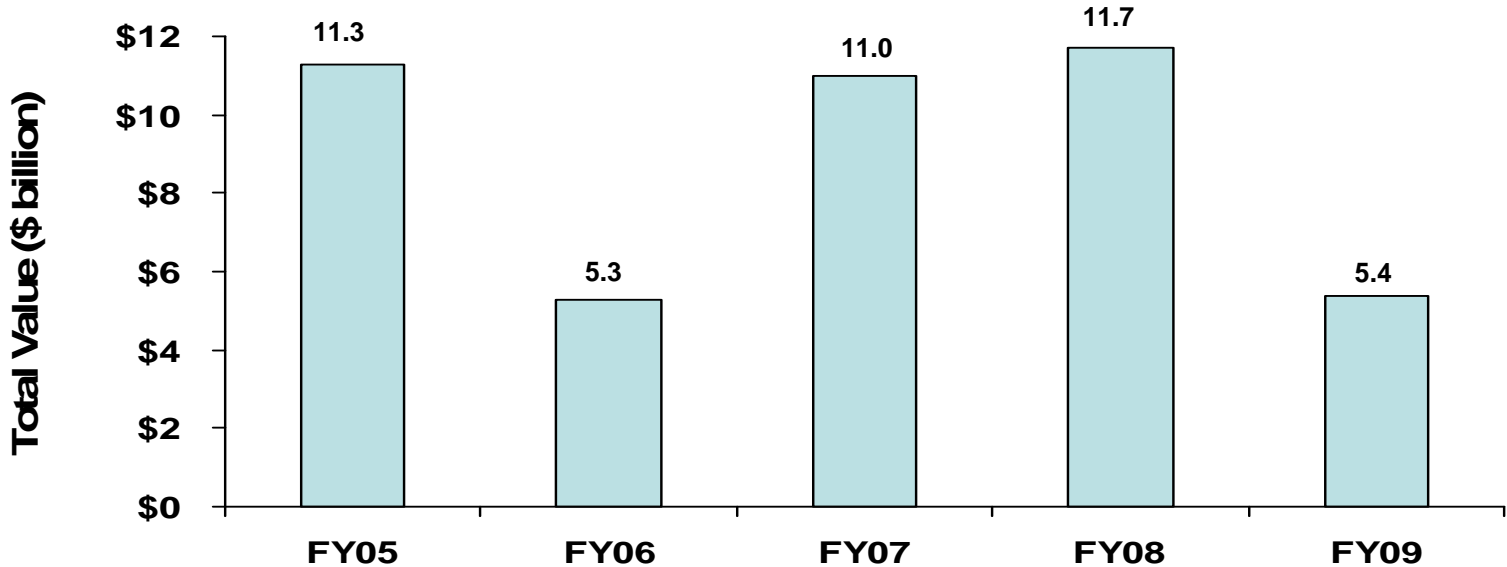


# FY2009 Enforcement & Compliance Annual Results

## Results from Concluded EPA Enforcement Actions

**Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief) Plus Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)**

*(Inflation/Deflation Adjusted to FY 09 Dollars)*



Note: In some previous years, investments in pollution control and clean up were referred to as “value of injunctive relief.” This value is now combined with the value of Supplemental Environmental Projects, and is reported here as one number, consistent with the way EPA reports this information to Congress.

Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2009 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.

FY2009 Data Source: Integrated Compliance Information System (ICIS), October 13, 2009; data source for previous fiscal years: ICIS.

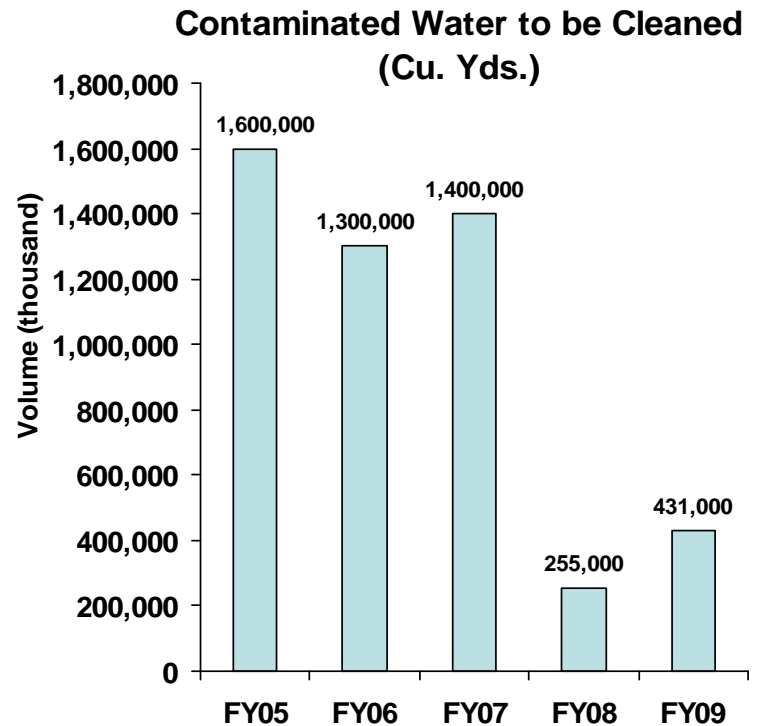
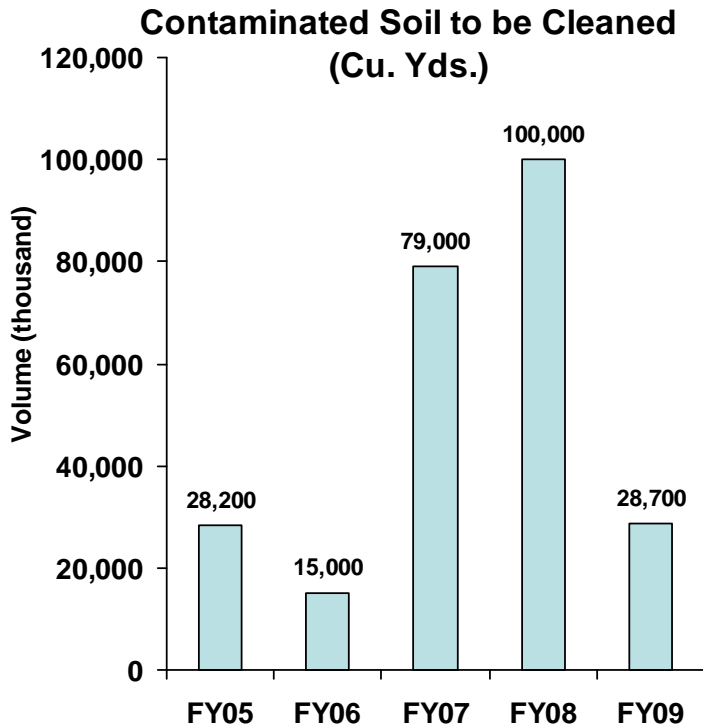


# FY2009 Enforcement & Compliance Annual Results

## Results from Concluded EPA Enforcement Actions

### Estimated Environmental Benefits

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



FY2009 Data Source: Integrated Compliance Information System (ICIS), October 13, 2009; data source for previous fiscal years: ICIS.  
Disclaimer: Minor corrections may have been made to previous years' data.

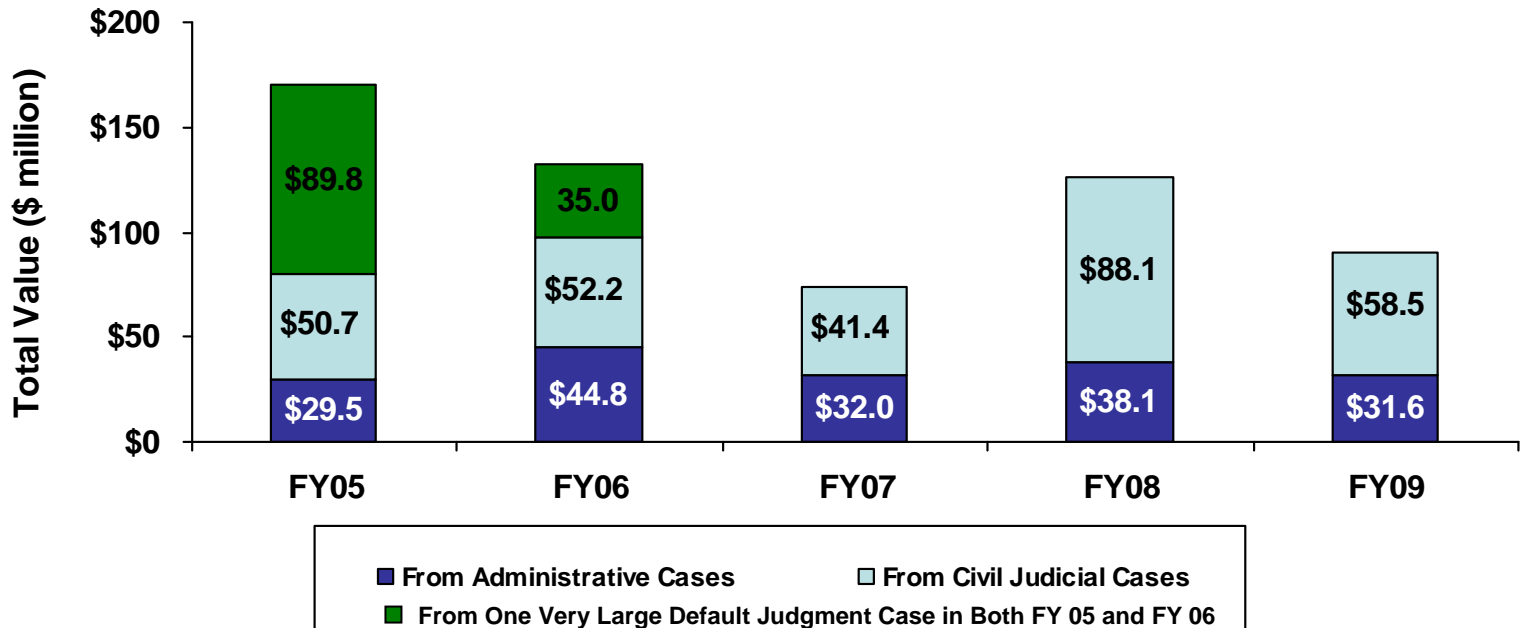


# FY2009 Enforcement & Compliance Annual Results

## Results from Concluded EPA Enforcement Actions

### Civil Penalties Assessed

*(Inflation/Deflation Adjusted to FY 09 Dollars)*



Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2009 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.

Note: In FY 2009 State/Local Judicial Penalties Assessed From Joint Federal-State/Local Enforcement Actions is \$8.7M. FY 2009 is the first time EPA has reported this measure.

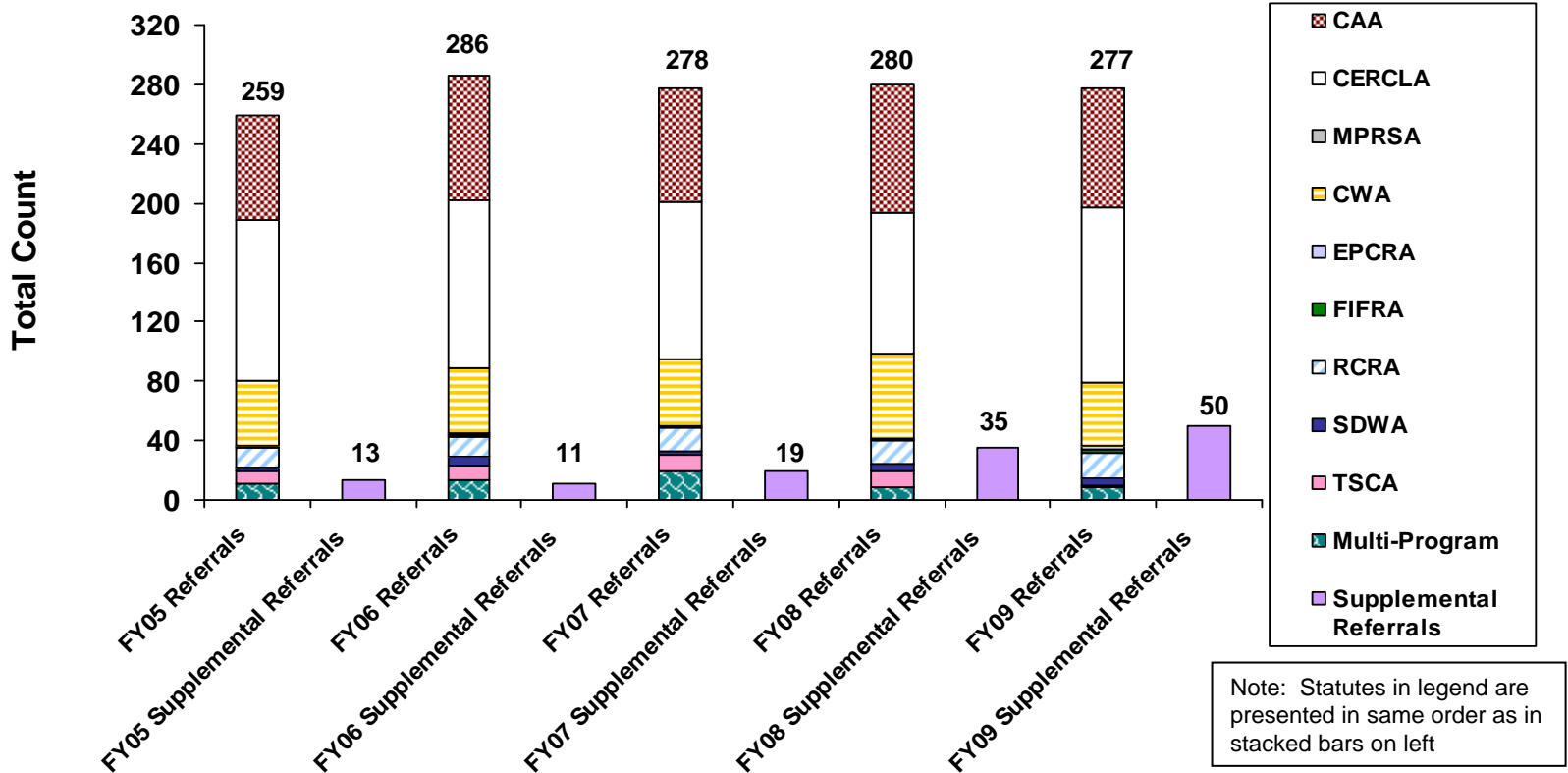
FY2009 Data Source: Integrated Compliance Information System (ICIS), October 13, 2009; data source for previous fiscal years: ICIS.



# FY2009 Enforcement & Compliance Annual Results

## EPA Civil Judicial Enforcement Cases Referred to the Department of Justice

Total and by Statute



Note: Statutes in legend are presented in same order as in stacked bars on left

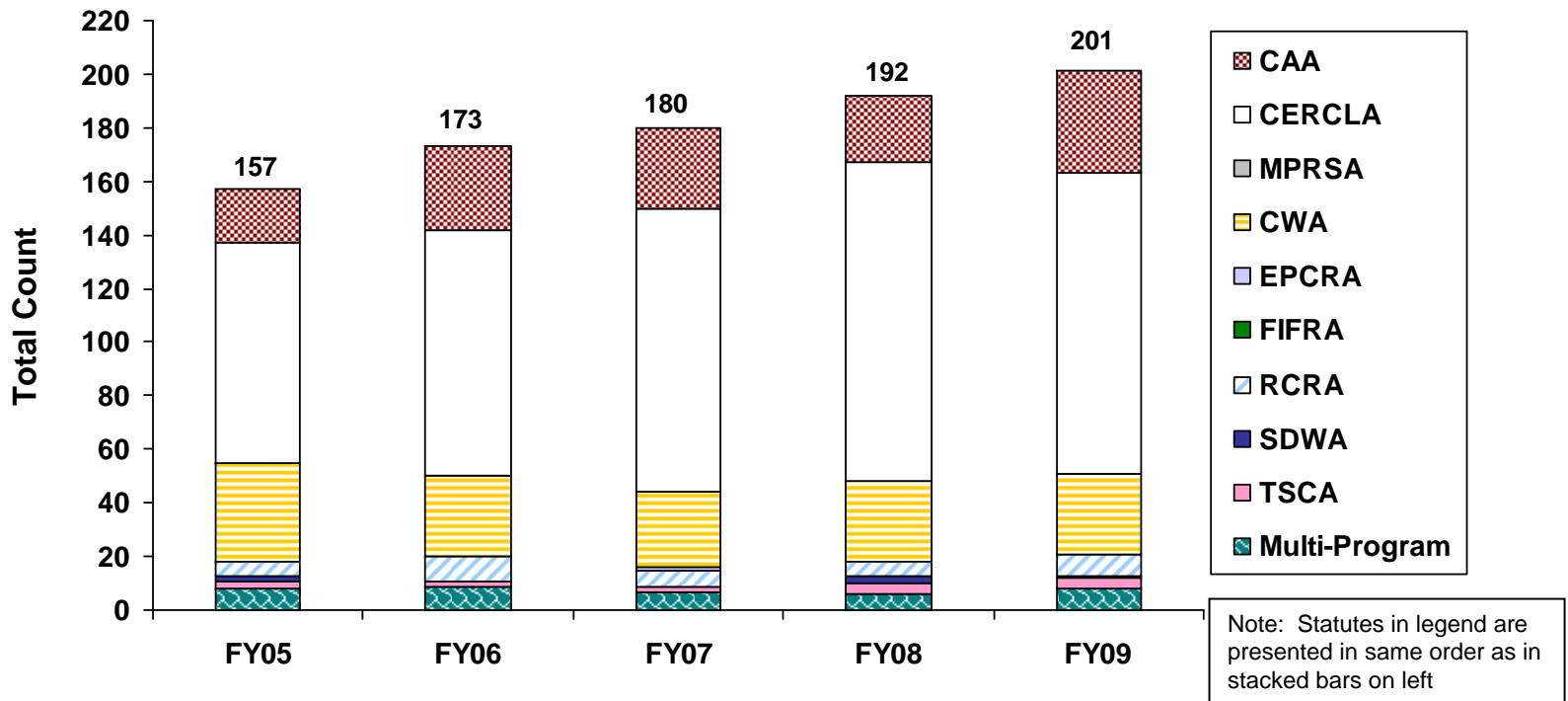
Note: When EPA expands a case that it has previously referred to DOJ to add parties, violations or facilities, or to amend or enforce a settlement, this activity is tracked as a "Supplemental Referral" and is counted separately from "Referrals".

FY2009 Data Source: Integrated Compliance Information System (ICIS), October 13, 2009; data source for previous fiscal years: ICIS.



# FY2009 Enforcement & Compliance Annual Results

## Concluded EPA Enforcement Actions EPA Civil Judicial Enforcement Case Conclusions Total and by Statute



FY2009 Data Source: Integrated Compliance Information System (ICIS), October 13, 2009; Data Source for previous fiscal years: ICIS.



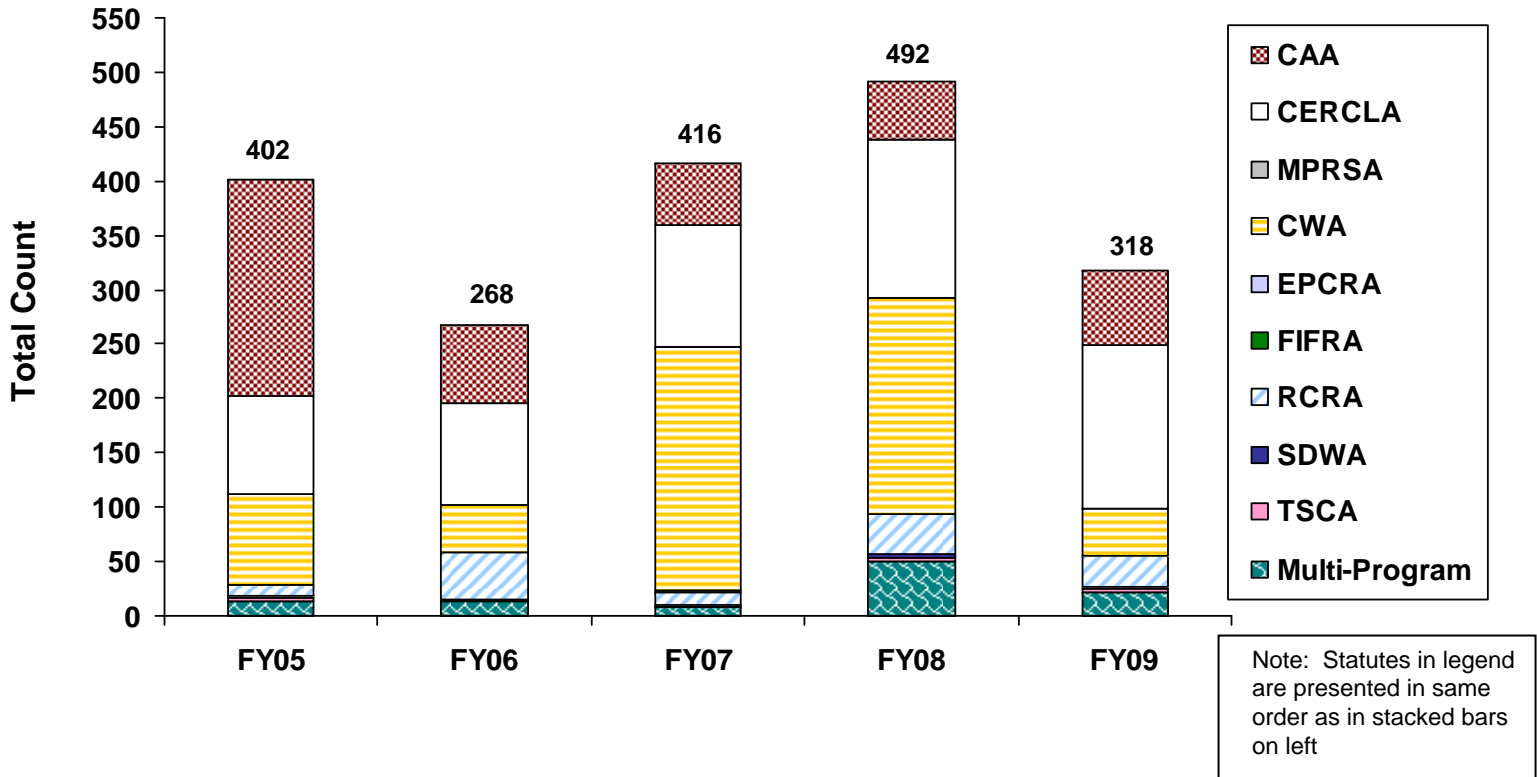
# FY2009 Enforcement & Compliance Annual Results

## Concluded EPA Enforcement Actions

### EPA Civil Judicial Enforcement Case Conclusions

#### Number of Facilities Addressed

Total and by Statute



FY2009 Data Source: Integrated Compliance Information System (ICIS), October 13, 2009; data source for previous fiscal years: ICIS.

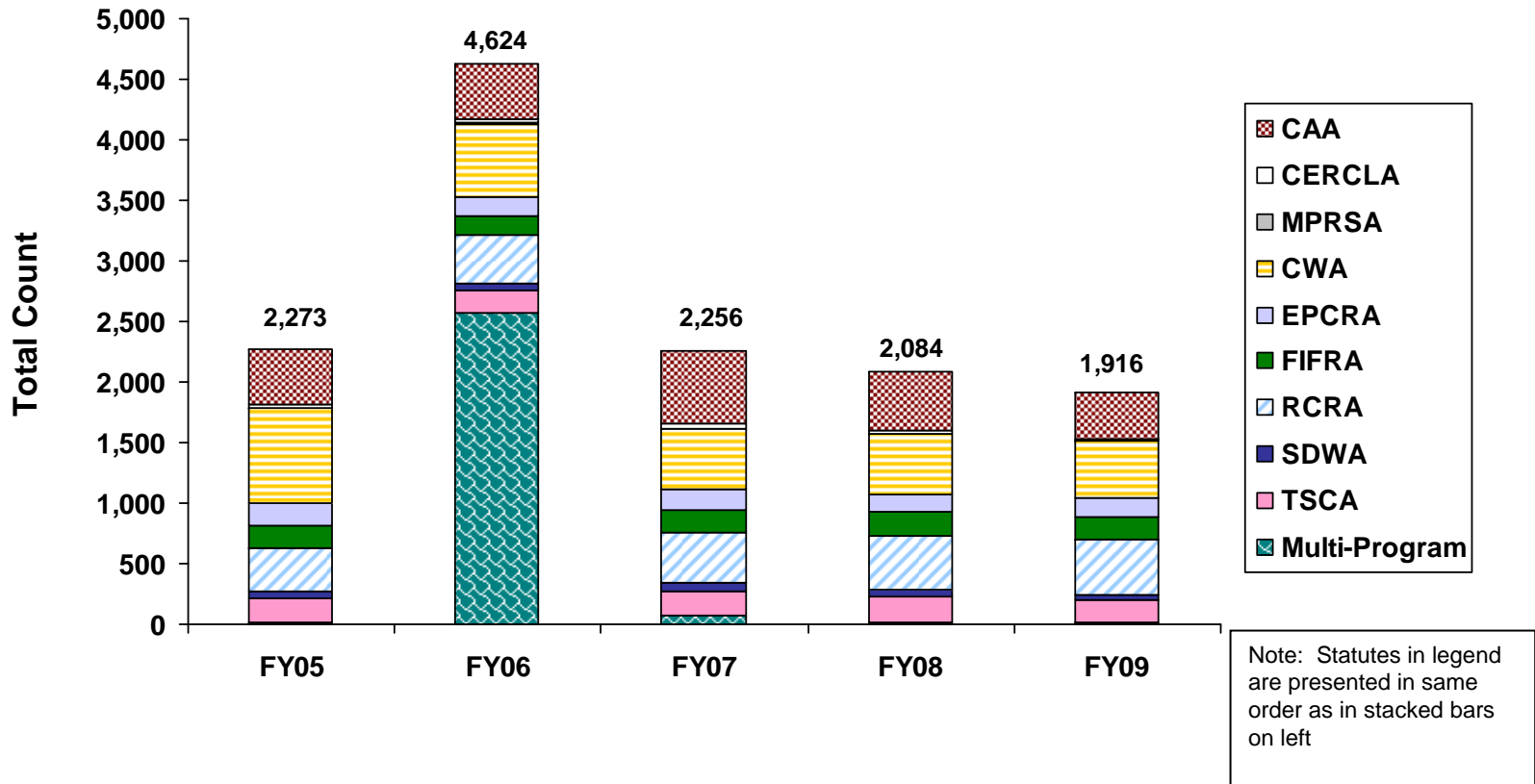




# FY2009 Enforcement & Compliance Annual Results

## Concluded EPA Enforcement Actions

### EPA Final Administrative Penalty Orders Issued Total and by Statute



FY2009 Data Source: Integrated Compliance Information System (ICIS), October 13, 2009; data source for previous fiscal years: ICIS.

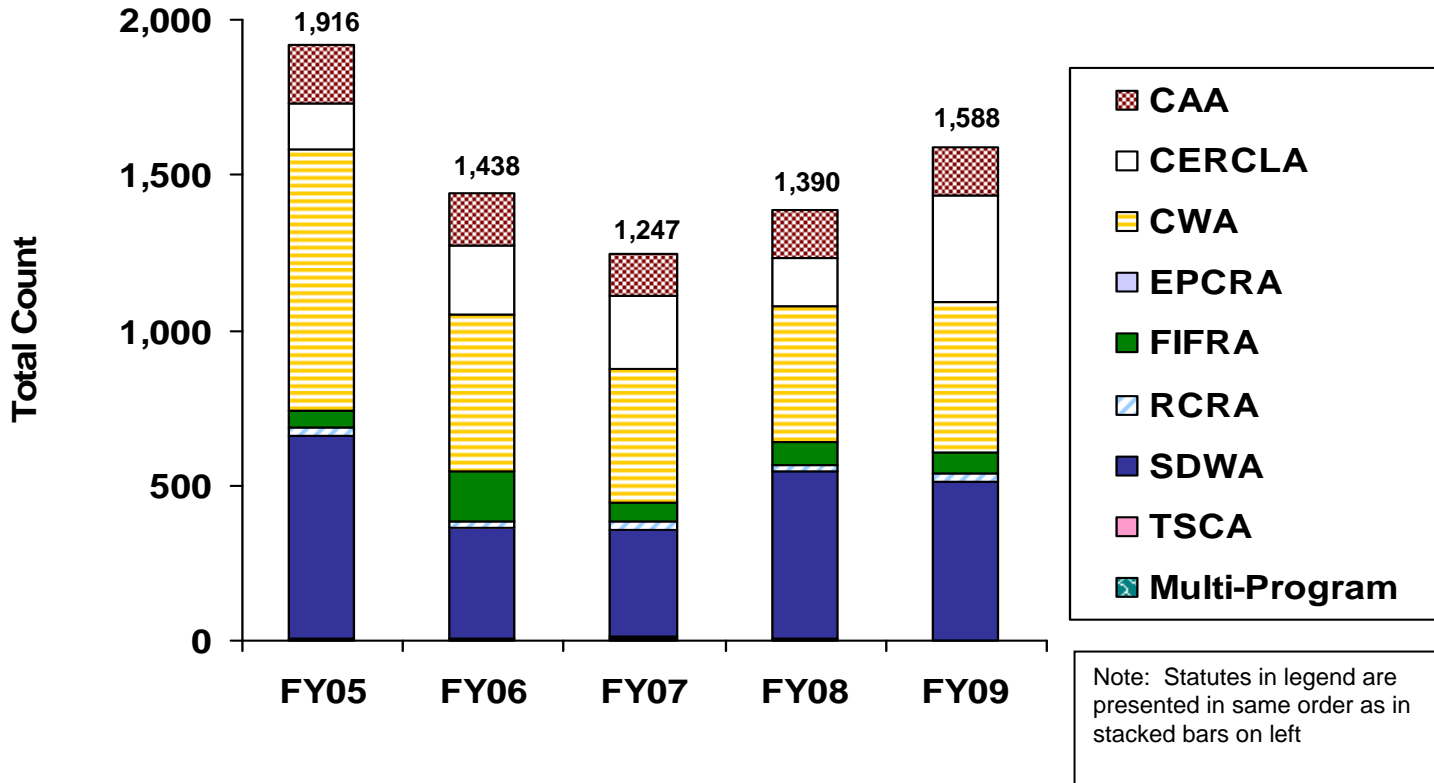
Note: The large final administrative penalty order (FAPO) number in FY 2006 is the result of a one-time enforcement initiative involving animal feeding operations (AFOs) that resulted in over 2,568 multi-program administrative consent agreements and final orders (referred to as the AFO Air Compliance Agreements). Almost all of these cases were both initiated and resolved in FY 2006. Approximately 55% of the FY 2006 FAPOs and nearly 100% of the MP FAPO's (2,576) were a result of this initiative.



# FY2009 Enforcement & Compliance Annual Results

## Concluded EPA Enforcement Actions

### EPA Administrative Compliance Orders Issued Total and by Statute



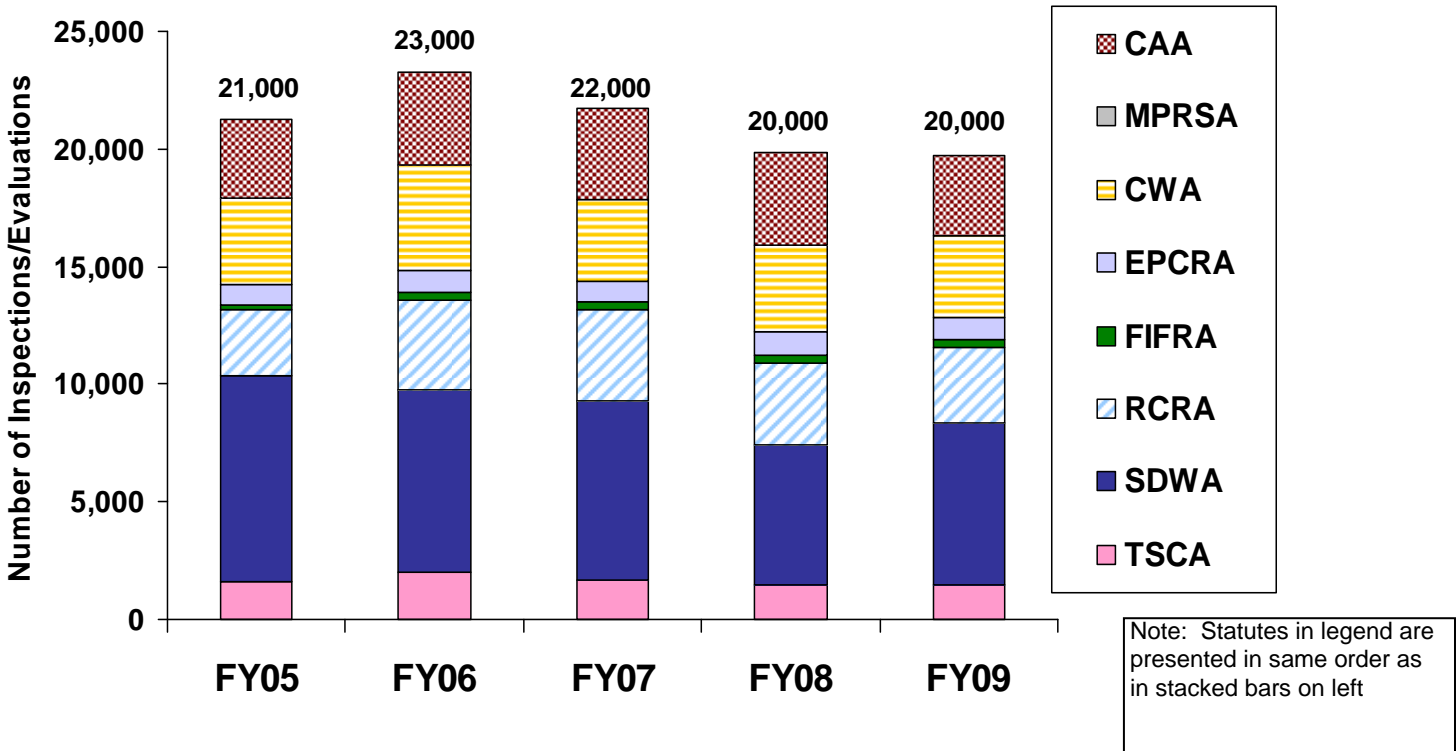
FY2009 Data Source: Integrated Compliance Information System (ICIS), October 13, 2009; data source for previous fiscal years: ICIS.



# FY2009 Enforcement & Compliance Annual Results

## Compliance Monitoring

### Number of Inspections - Evaluations Conducted by EPA



Note: In FY 2009, 251 inspections were conducted by tribal inspectors using federal credentials, an important addition to the inspections conducted by EPA. Inspections conducted by tribes using federal credentials are done "on behalf" of the Agency, but are not an EPA activity.  
 Note: The numbers of EPA Civil Investigations for the last five FYs are: 397 (FY 05), 354 (FY 06), 346 (FY 07), 222 (FY 08) and 246 (FY 09).

FY2009 Data Source: Integrated Compliance Information System (ICIS), legacy databases, and manual reporting, October 13, 2009.  
 Data source for previous fiscal years: ICIS, legacy databases, and manual reporting.

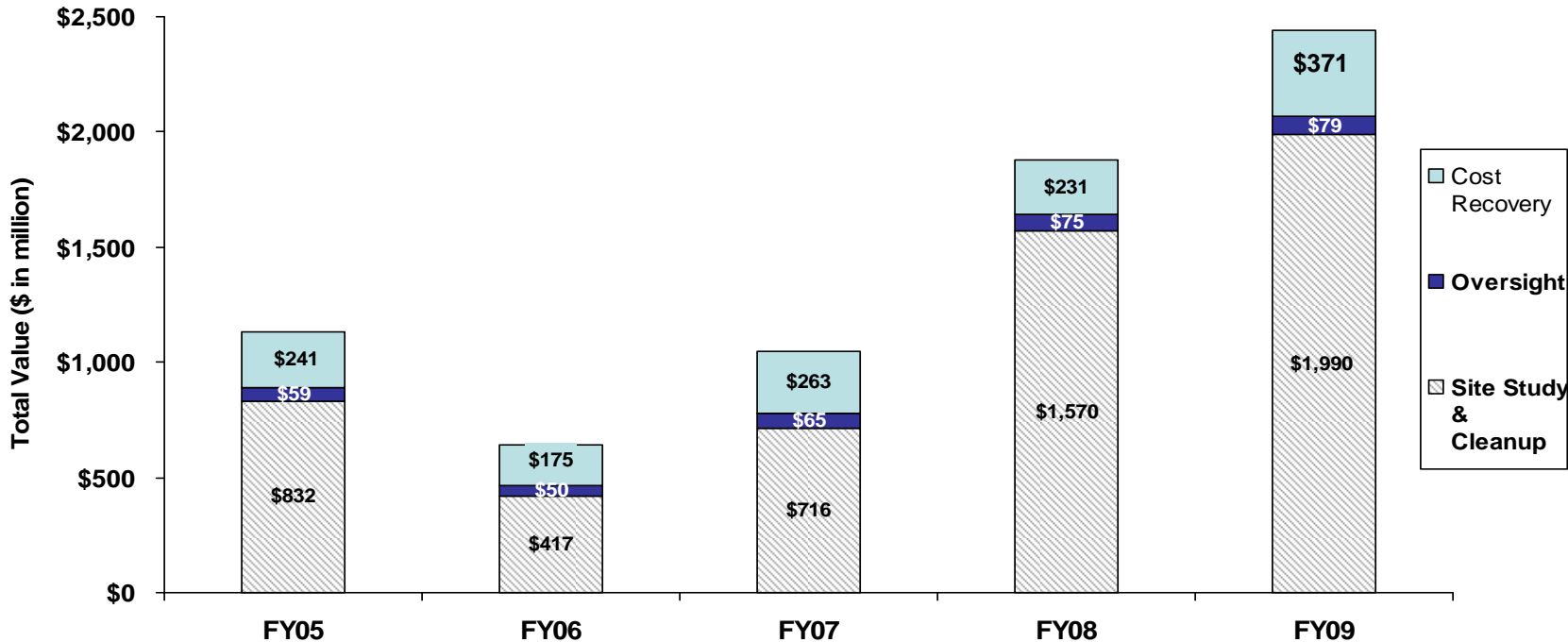


# FY2009 Enforcement & Compliance Annual Results

## Results from Concluded EPA Enforcement Actions

Amount Committed by Liable Parties to: Clean Up Superfund Site, Pay for Government Oversight Superfund Clean Ups, and Reimburse the Government for Money Spent Cleaning Up Superfund Sites

*(Inflation/Deflation Adjusted to FY 09 Dollars)*



Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2009 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.

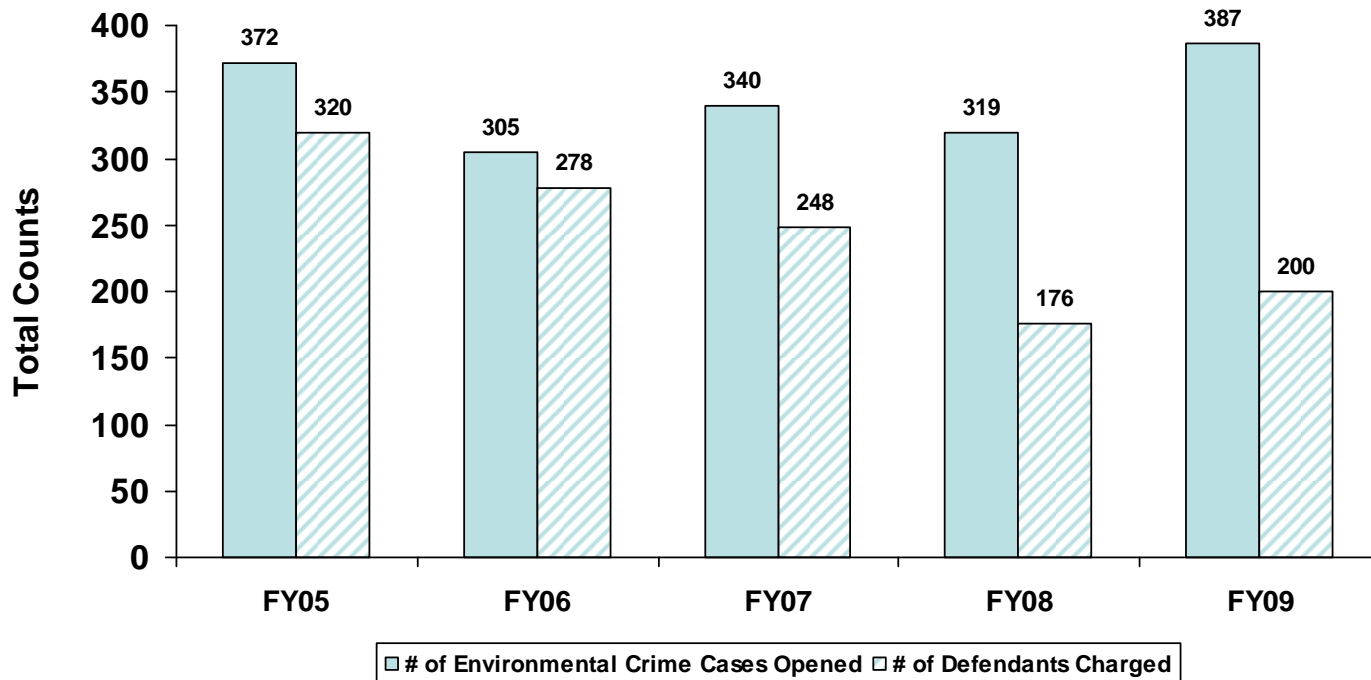
Note: Totals include "allowed claims" under bankruptcy settlements.

FY2009 Data Source for Clean up and Cost Recovery: Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS), October, 2009; FY2009 Data Source for Oversight: Integrated Financial Management System (IFMS), October 2009; Data source for previous fiscal years: CERCLIS and IFMS.



# FY2009 Enforcement & Compliance Annual Results

## Criminal Enforcement



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

FY2009 Data Source: Criminal Case Reporting System, October 13, 2009; Source for previous years: annual Criminal Case Reporting System data.

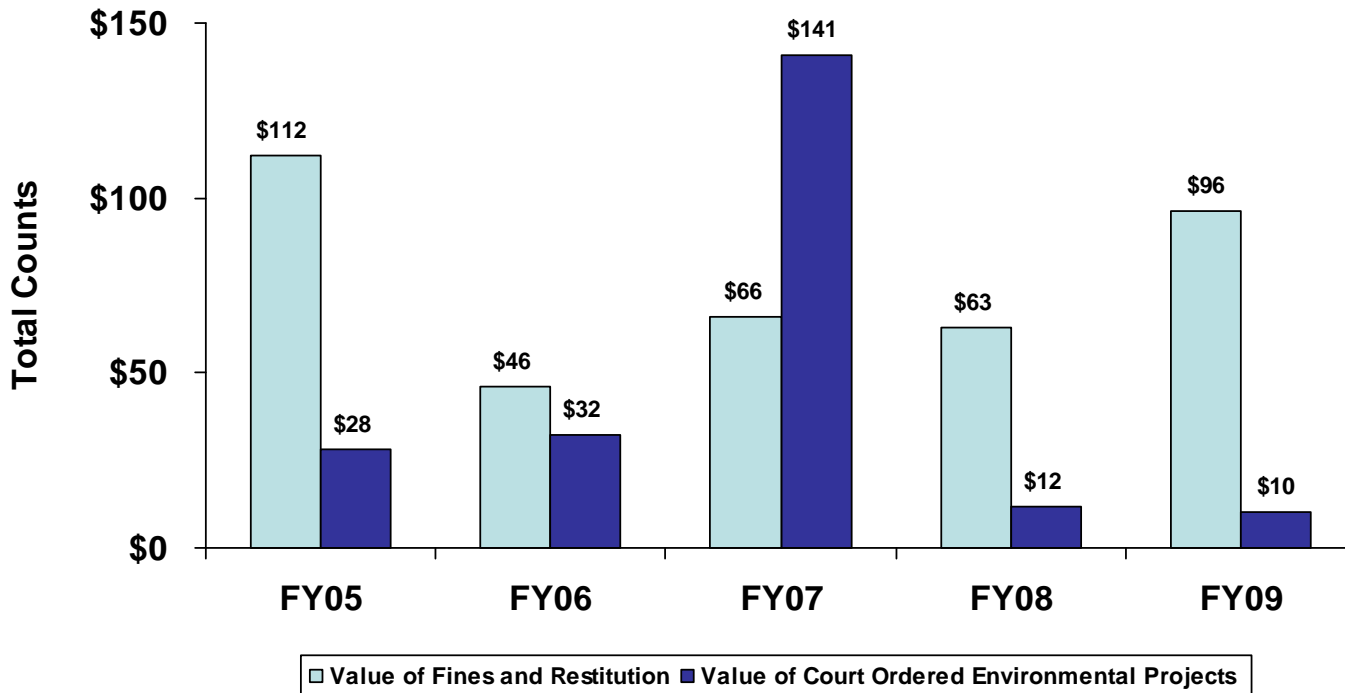


# FY2009 Enforcement & Compliance Annual Results

## Criminal Enforcement

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

(Inflation/Deflation Adjusted to FY 09 Dollars)



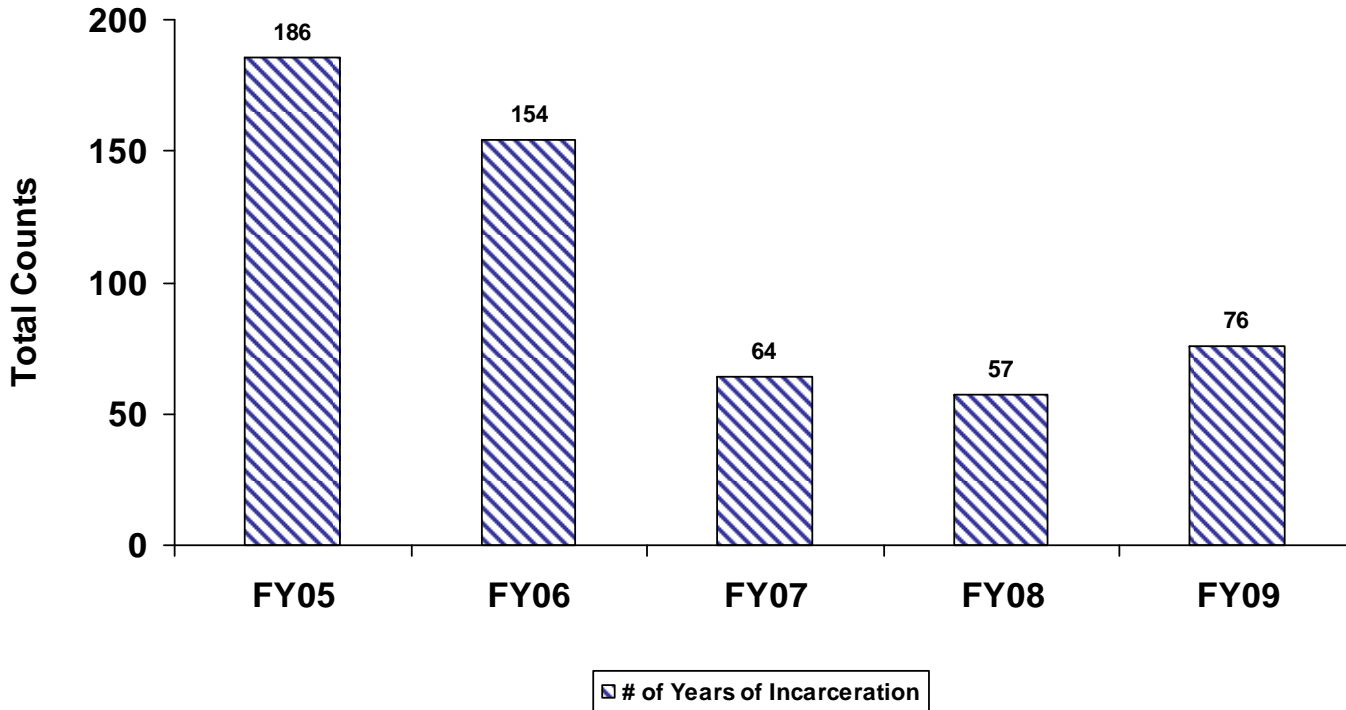
Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2009 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.

FY2009 Data Source: Criminal Case Reporting System, October 13, 2009; Source for previous years: annual Criminal Case Reporting System data.



# FY2009 Enforcement & Compliance Annual Results

## Criminal Enforcement Sentencing Results



FY2009 Data Source: Criminal Case Reporting System, October 13, 2009; Source for previous years: annual Criminal Case Reporting System data.

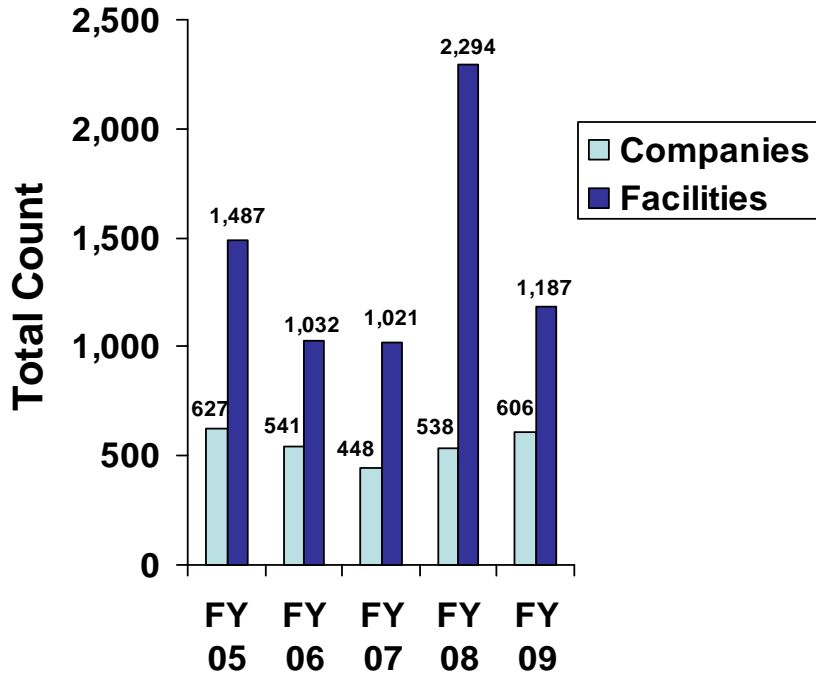


# FY2009 Enforcement & Compliance Annual Results

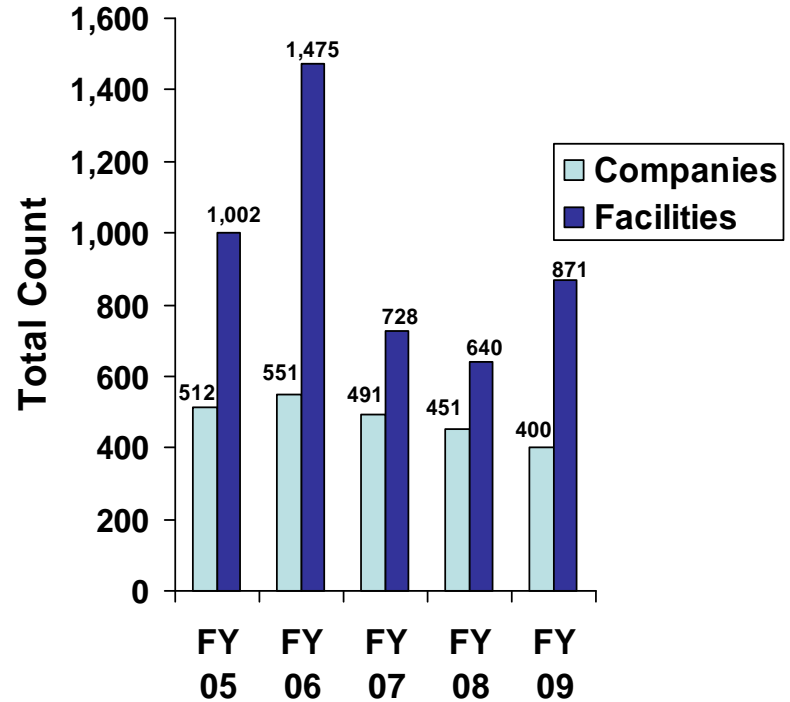
## Concluded EPA Enforcement Actions

### Voluntary Disclosures

#### Voluntary Disclosures Initiated



#### Voluntary Disclosures Resolved



Data Source: Integrated Compliance Information System (ICIS), October 13, 2009; data source for previous fiscal years: ICIS.

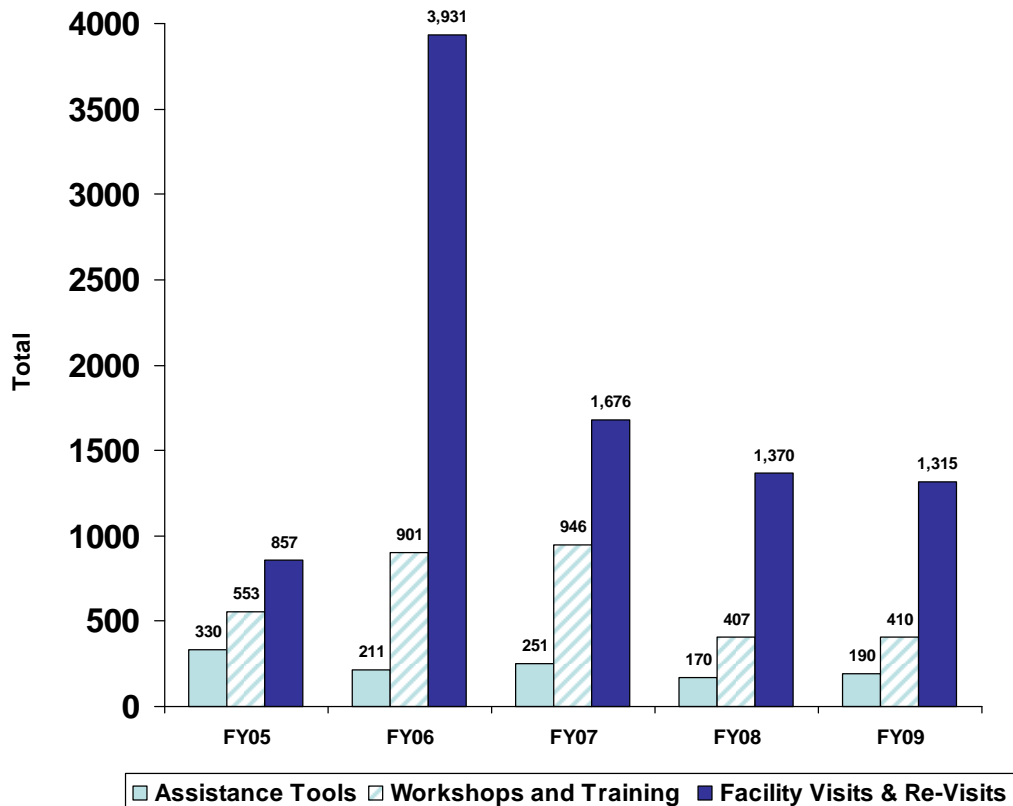




# FY2009 Enforcement & Compliance Annual Results

## Compliance Assistance

### Assistance Tools, Workshops & Training, and Facility Visits & Re-Visits



Note: An outreach initiative in one Region was responsible for a spike in facility visits in FY 2006.

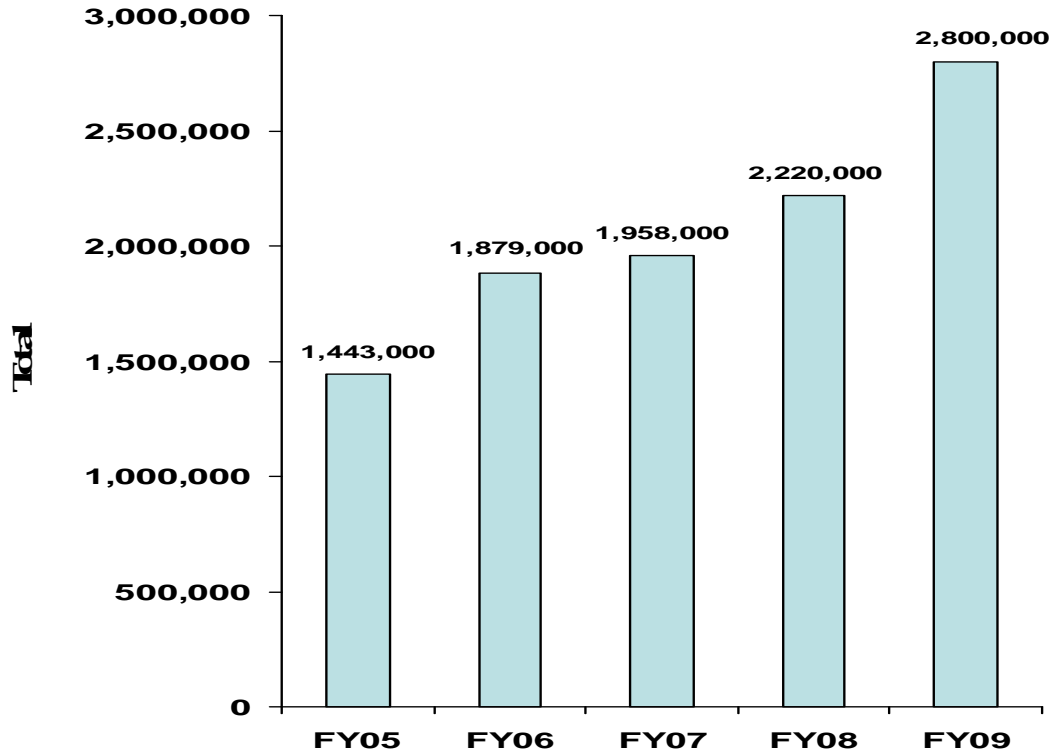
FY2009 Data Source: Integrated Compliance Information System (ICIS), October 13, 2009; data source for previous fiscal years: ICIS



# FY2009 Enforcement & Compliance Annual Results

## Compliance Assistance

### User Sessions to Web-based Compliance Assistance Centers



Compiled from Web Analytic Software Submissions from Compliance Assistance Center Grantees to Office of Compliance



# FY2009 Enforcement & Compliance Annual Results

## Acronyms – Statute and Abbreviations/Section Description

CAA	Clean Air Act
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act ("Superfund")
CWA	Clean Water Act
EPCRA	Emergency Planning & Community Right-to-Know Act
FIFRA	Federal Insecticide, Fungicide and Rodenticide Act
MPRSA	Marine Protection, Research, and Sanctuaries Act
RCRA	Resource Conservation & Recovery Act
SDWA	Safe Drinking Water Act
TSCA	Toxic Substances Control Act
Title 18	U.S. Criminal Code - Crimes and Criminal Procedure



# FY2009 Enforcement & Compliance Annual Results

## Prior Year Enforcement Dollar Values Adjusted to FY 2009 Dollars

Penalty Values						
Fiscal Year	Judicial Penalties Nominal	Judicial Penalties Adjusted for Inflation	Administrative Penalties Nominal	Administrative Penalties Adjusted for Inflation	Total Penalties Nominal	Total Penalties Adjusted for Inflation
05	\$127,205,897	\$140,562,516	\$26,731,150	\$29,537,921	\$153,937,047	\$170,100,437
06	\$81,807,757	\$87,207,069	\$42,007,029	\$44,779,493	\$123,814,786	\$131,986,562
07	\$39,771,169	\$41,401,787	\$30,696,323	\$31,954,872	\$70,467,492	\$73,356,659
08	\$88,356,149	\$88,091,081	\$38,197,194	\$38,082,603	\$126,553,344	\$126,173,684

Complying Action Values						
	Injunctive Relief Nominal	Injunctive Relief Adjusted for Inflation	SEP Nominal	SEP Adjusted for Inflation	TOTAL IR + SEP Nominal	Total IR+SEP Adjusted for Inflation
05	\$10,169,667,426	\$11,237,482,506	\$57,036,067	\$63,024,854	\$10,226,703,493	\$11,300,507,360
06	\$4,929,926,719	\$5,255,301,882	\$77,767,340	\$82,899,984	\$5,007,694,059	\$5,338,201,867
07	\$10,548,076,934	\$10,980,563,178	\$30,344,797	\$31,588,934	\$10,578,421,731	\$11,012,137,022
08	\$11,719,063,597	\$11,683,906,406	\$39,046,129	\$38,928,991	\$11,758,109,726	\$11,722,835,397

Superfund Enforcement Values						
	Cost Recovery Nominal	Cost Recovery Adjusted for Inflation	Oversight Nominal	Oversight Adjusted for Inflation	Site Study and Cleaned up Nominal	Site Study and Clean up Adjusted for Inflation
05	\$217,857,578	\$240,732,624	\$53,000,000	\$58,565,000	\$752,814,667	\$831,860,207
06	\$163,792,054	\$174,602,330	\$47,000,000	\$50,102,000	\$391,299,183	\$417,124,929
07	\$252,240,219	\$262,582,068	\$62,000,000	\$64,542,000	\$687,500,480	\$715,688,000
08	\$231,956,091	\$231,260,223	\$75,500,000	\$75,273,500	\$1,574,713,127	\$1,569,988,988

Criminal Enforcement Values				
	Fines & Restituion Nominal	Fines & Restitution Adjusted for Inflation	Judicially Mandated Nominal	Judicially Mandated Adjusted for Inflation
05	\$101,286,651	\$111,921,749	\$25,661,675	\$28,356,151
06	\$43,159,168	\$46,007,673	\$29,640,732	\$31,597,020
07	\$63,344,186	\$65,941,298	\$135,642,550	\$141,203,895
08	\$63,454,493	\$63,264,130	\$12,283,000	\$12,246,151

Inflation Adjustment Factors	
05	1.105
06	1.066
07	1.041
08	0.997