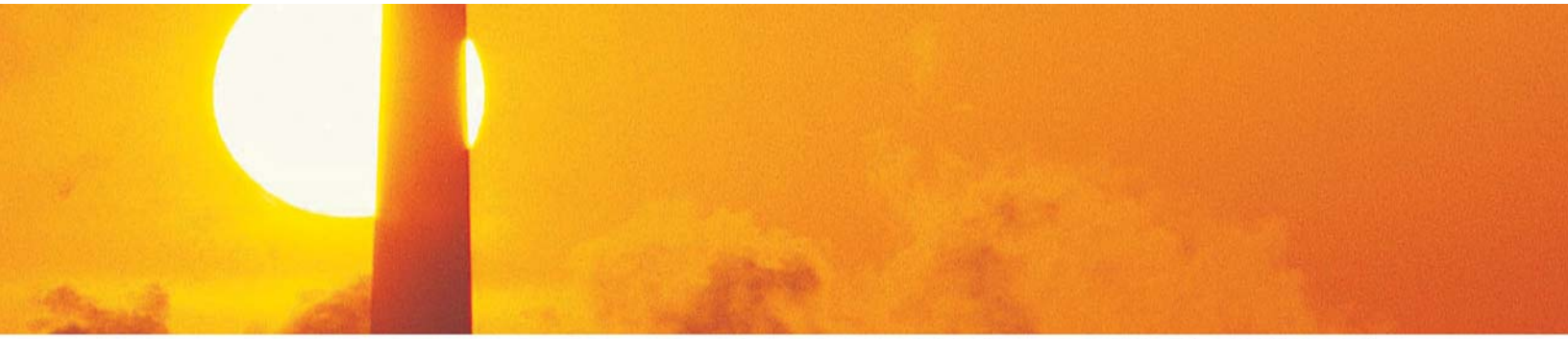
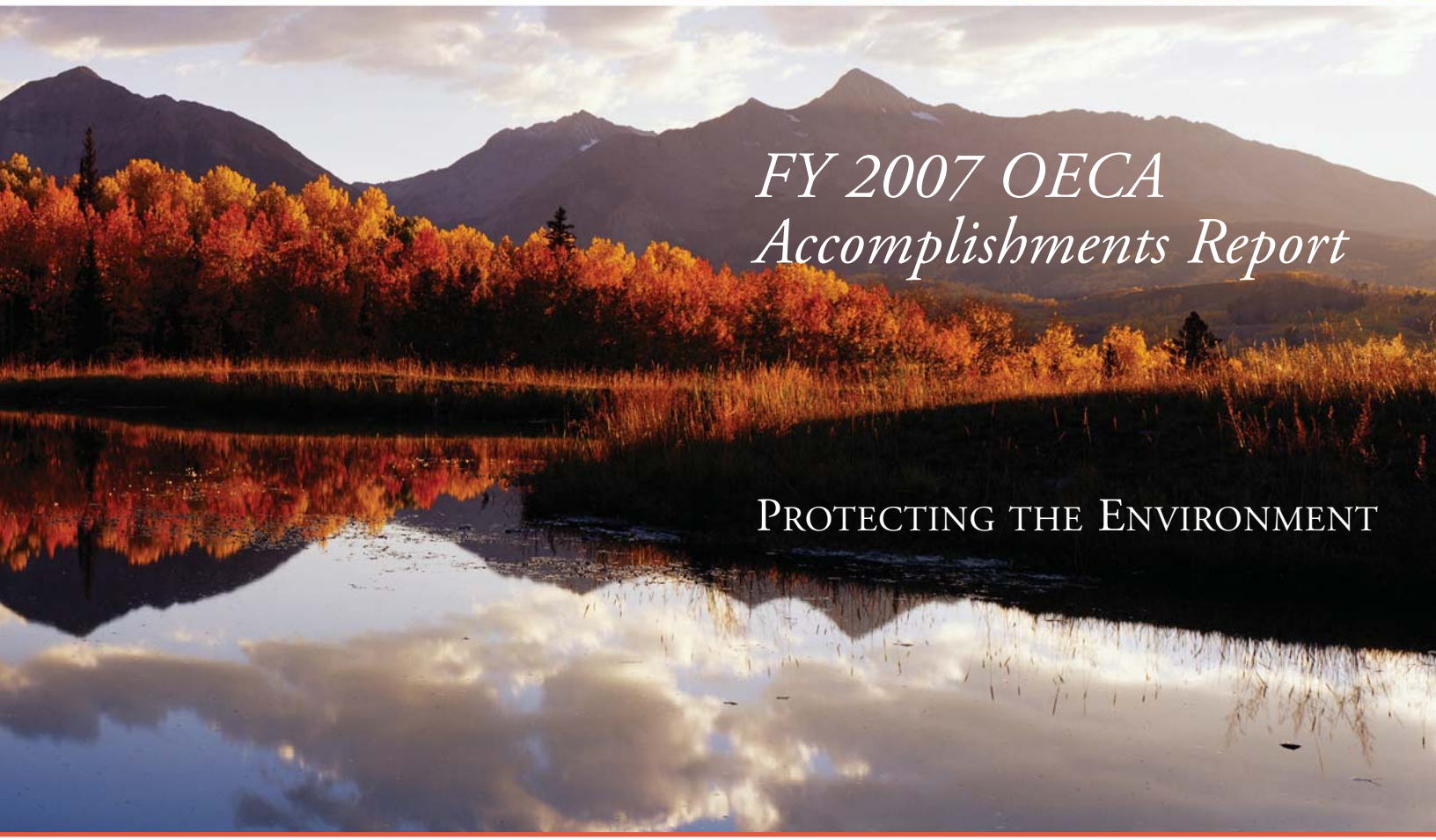
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY





FY 2007 OECA Accomplishments Report

Protecting the Environment

OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE

Mission Statement:

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

U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance (MC2201A)
Washington, DC
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Message From the Assistant Administrator

This report highlights the U.S. Environmental Protection Agency's (EPA's) Office of Enforcement and Compliance Assurance (OECA) key initiatives, results, and enforcement cases for fiscal year (FY) 2007. OECA is committed to achieving measurable progress in protecting our nation's air, water, and land, as reflected in our FY 2007 record-breaking results.

In FY 2007, EPA's civil and criminal enforcement actions resulted in commitments by industries, government agencies, and other regulated entities to spend a record $10.6 billion in pollution controls and environmental projects — the highest total in EPA history. These enforcement agreements also reduced pollutants by 890 million pounds. Nearly 70 percent of this year's pollutant reductions were achieved by addressing high-priority air and water violations.

OECA's national enforcement priorities — focusing on significant environmental risks and non-compliance patterns — are essential to achieving results. Our largest civil enforcement actions for just three priority areas alone achieved more than 400 million pounds of pollutant reductions and more than $7 billion in injunctive relief and supplemental environmental projects. EPA's 12 largest stationary source air enforcement cases alone will reduce more than 500 million pounds of harmful air pollutants, with annual human health benefits estimated at $3.8 billion. These health benefits include approximately 500 fewer premature deaths in people with heart or lung disease; 50,000 fewer days of missed work or school; and 1,000 fewer hospital visits due to asthma and heart failure annually. These enforcement actions also will reduce harmful air emissions, including 308 million pounds of sulfur dioxide (SO_2), 187 million pounds of nitrogen oxides (NO_x), and 11 million pounds of particulate matter annually.

Overflows from inadequate combined sewers and sanitary sewers can discharge untreated sewage and industrial wastewater into rivers, lakes, oceans, and other waterways. FY 2007 enforcement actions led to investments of $3.5 billion in pollution controls to remove 45 million pounds of pollutants in discharges from overflows of combined sewers and sanitary sewers. These investments are more than three times greater than those obtained in FY 2006.

In addition, Superfund enforcement and other remediation agreements committed responsible parties to invest $688 million last year to clean up contamination and reimburse EPA $314 million for past response and oversight costs. The parties agreed to clean up a record-setting 79 million cubic yards of contaminated soil, or enough to cover more than 12,000 football fields with 3 feet of dirt. Polluters also agreed to clean up 1.4 billion cubic yards of contaminated water, which is enough to fill more than 425,000 Olympic-size swimming pools.

EPA provided compliance assistance to a record high of more than 3 million regulated entities to improve environmental management practices and help prevent pollution in FY 2007. With the addition of EPA's Tribal Compliance Assistance Center, the Agency now has 15 Web-based assistance centers that provide information on environmental regulations and compliance issues for specific industry sectors and groups.

I also made two official visits to the People's Republic of China, where EPA is developing a program of cooperation with China to ensure that products manufactured in China meet U.S. environmental requirements. Most encouraging was the agreement to develop cooperative mechanisms to address problems at the source. Continued work is planned for FY 2008, focused on building environmental enforcement capacity in China.

EPA remains a committed pioneer in the federal government's implementation of environmental justice programs, and we continue to strive to fully integrate environmental justice into Agency programs. In FY 2007, we began piloting Agency environmental justice reviews for rulemaking and standards setting, permitting, enforcement and compliance, and site cleanup and remediation. No other federal agency has attempted to incorporate environmental justice into its programs, policies, and activities as comprehensively as EPA.

EPA's results reflect the hard work of our Regional offices, which play a pivotal role in enforcement. Dedicated EPA professionals throughout the United States provide hands-on support, from compliance assistance and inspection to negotiating settlements or litigating cases. Likewise, the states are crucial partners in ensuring an effective environmental enforcement and compliance program is in place throughout our nation. Again this year, I am pleased that the Environmental Council of the States (ECOS) has included a section in OECA's report, highlighting successful state enforcement and compliance efforts conducted in conjunction with our Regional counterparts.

We look toward future environmental successes as OECA strengthens enforcement priorities, implements new compliance initiatives, and advances Web-based tools to more effectively reach the public and regulated community. I encourage you to continue working with us as partners in protecting our air, water, and land.

Sincerely,

Granta Y. Nakayama

EPA Assistant Administrator for
Enforcement and Compliance Assurance

About OECA

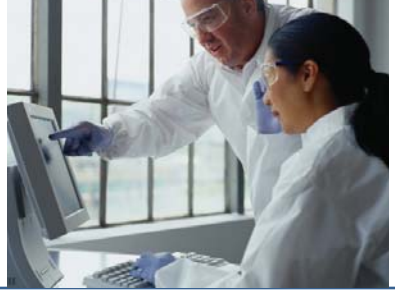
OECA's mission is to improve the environment and protect public health by ensuring compliance with the nation's environmental laws.

—EPA Strategic Plan

The Office of Enforcement and Compliance Assurance (OECA) is one of the major program offices within the U.S. Environmental Protection Agency (EPA) dedicated to improving the environment and protecting public health. OECA is responsible for carrying out EPA's duties of monitoring compliance with environmental laws, providing compliance information and assistance to the regulated community, and taking civil or criminal enforcement action as appropriate.

In fiscal year (FY) 2007, OECA had a total employee workforce of about 3,400 environmental professionals in EPA's Headquarters and 10 Regional offices. This includes special agents working on environmental crimes located in Headquarters and 46 field offices nationwide. Our special agents are fully authorized federal law enforcement officers, like their counterparts in other federal law enforcement agencies such as the Federal Bureau of Investigation, the Customs Service, and the Secret Service. OECA works closely with its state partners engaged in monitoring and ensuring compliance with national environmental laws across the country. OECA also houses EPA's Environmental Justice and National Environmental Policy Act (NEPA) programs.

This report highlights the results of OECA's enforcement, compliance, and other key programs in FY 2007. The report explains OECA's key priorities and strategies, accomplishments, and longer-term trends in 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 specific information about OECA's programs and environmental enforcement and compliance.



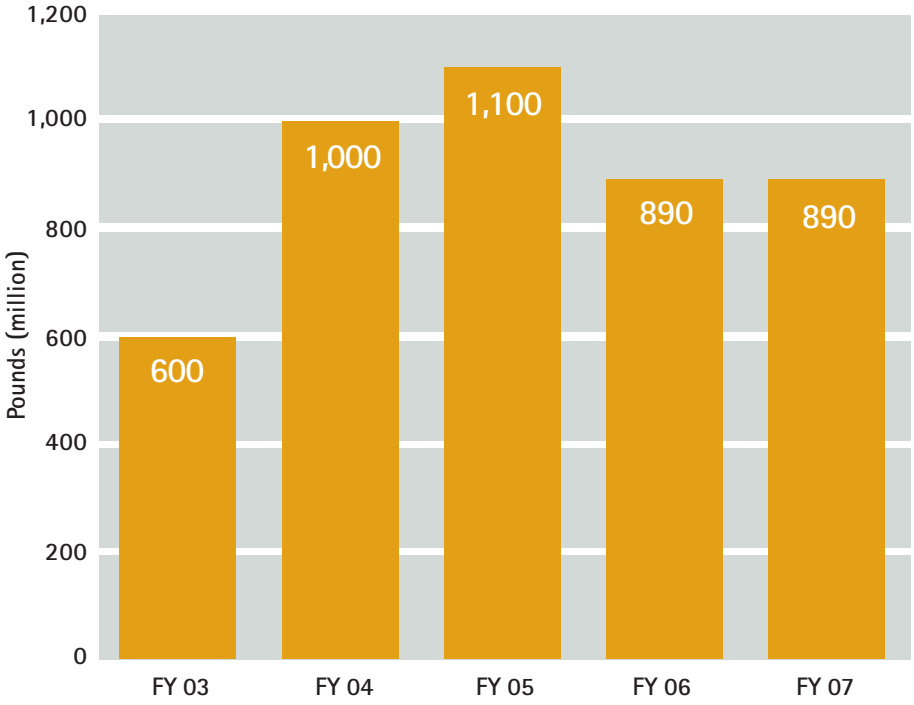
Highlights of FY 2007 Results

OECA achieved historic results in FY 2007 to protect the nation's air, water, and land. In FY 2007, OECA Headquarters and Regional offices, working with our state partners, obtained commitments from industries, government agencies, and other regulated entities to spend $10.6 billion in pollution controls and supplemental environmental projects — the highest amount in the Agency's history. EPA's civil and criminal enforcement actions produced commitments to reduce pollutants by 890 million pounds. This reflects a sustained five-year record of pollution reductions totaling more than $33 billion invested by the regulated community to come into compliance and 4.5 billion pounds of pollutant reductions. (See Appendix A for a detailed summary of our enforcement and compliance results.)

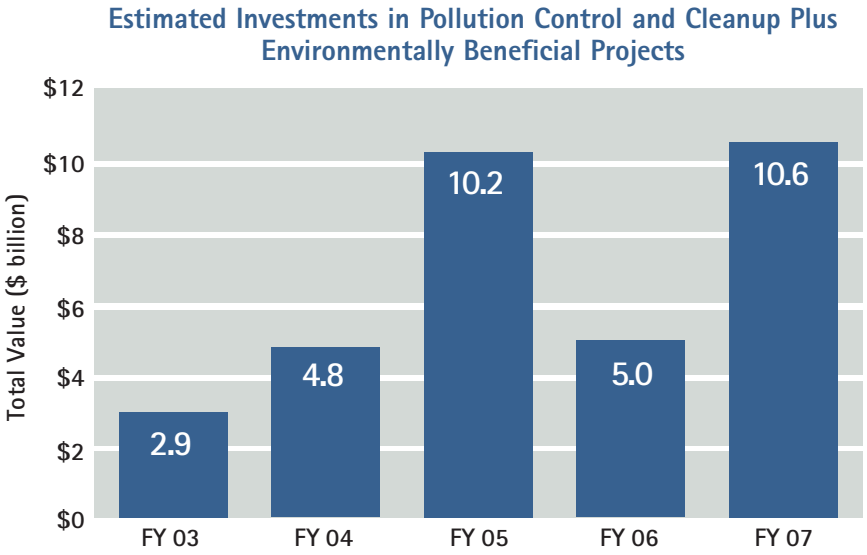
EPA believes in firm and fair enforcement of our regulations and our results bear that out.

—Granta Y. Nakayama, Assistant Administrator, OECA

Estimated Pollutant Reduction Commitments



FY 2007 data source: Integrated Compliance Information System (ICIS), October 13, 2007; data source for previous fiscal years: annual ICIS data.



FY 2007 data source: Integrated Compliance Information System (ICIS), October 13, 2007; data source for previous fiscal years: annual ICIS data.

Other 2007 Highlights

- EPA's 12 largest stationary source air enforcement cases alone will result in reducing more than 500 million pounds of harmful air pollutants, with annual human health benefits estimated at $3.8 billion. These actions will reduce harmful emissions of 308 million pounds of sulfur dioxide, 187 million pounds of nitrogen oxides, and 11 million pounds of particulate matter.

- Enforcement actions led to investments of $3.6 billion in pollution controls to remove 45 million pounds of pollutants in discharges from overflows of combined sewers and sanitary sewers.

- As a result of Superfund enforcement and other remediation agreements, responsible parties agreed last year to invest $688 million to clean up contamination. The parties agreed to clean up 79 million cubic yards of contaminated soil and 1.4 billion cubic yards of groundwater. Private parties reimbursed the Superfund $252 million of past costs.

- The criminal enforcement program opened 10 percent more environmental crimes cases in FY 2007 than in FY 2006. Criminal fines and restitution increased from the previous year by 46 percent, totaling $63 million. Defendants who pled guilty or were found guilty of environmental crimes were ordered by courts to spend $135 million on environmental projects, an increase of 360 percent.

- A record 3.2 million regulated entities received compliance assistance from EPA-sponsored Web sites or from EPA personnel.

Compliance Monitoring — The "Environmental Cop" Is on the Beat

OECA is the environmental cop on the beat, using a variety of tools to achieve compliance — technical assistance, monitoring, incentives, and civil and criminal enforcement. Monitoring and enforcement activities include inspections, evaluations, civil and criminal investigations, administrative actions, and civil and criminal judicial enforcement.

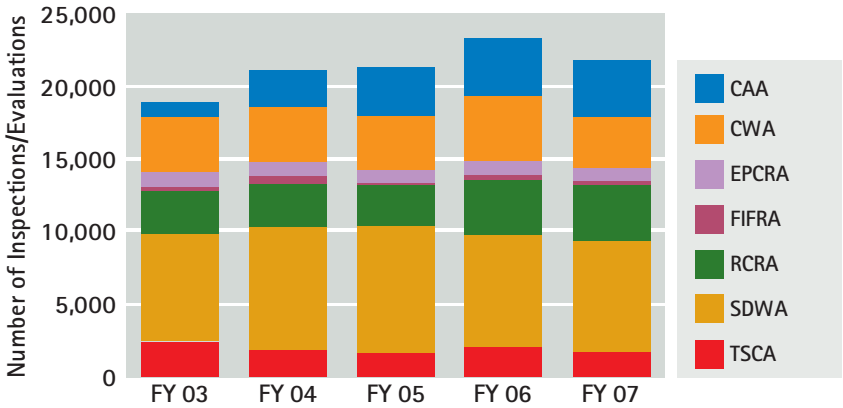
OECA's Office of Compliance monitors activities to ensure that the regulated community is complying with environmental laws and regulations that address prevention and control of air pollution, water pollution, hazardous waste, toxic substances, and pesticides. EPA and its partners — the state, local, and tribal governments — along with the U.S. Department of Justice, work together to ensure that the nation's laws are followed to protect human health and the environment. Compliance monitoring is achieved by reviewing the information that EPA, a state, or a tribe requires the regulated party to submit and through onsite visits by qualified inspectors. The regulated facilities' inspection records are publicly available through OECA's Web site, *Enforcement and Compliance History Online* (ECHO): www.epa-echo.gov/echo.

In FY 2007, EPA conducted approximately 22,000 inspections and 346 civil investigations (complex, in-depth examinations). In addition to these EPA inspections and investigations, our state partners conducted many more inspections to monitor compliance with environmental laws throughout the nation. (See message on behalf of state environmental commissioners on page 29.)

Protecting the environment is everybody's responsibility, and companies or individuals who disregard the laws to protect our air, land and water should know that EPA continues to vigorously enforce our nation's laws for a cleaner, healthier America.

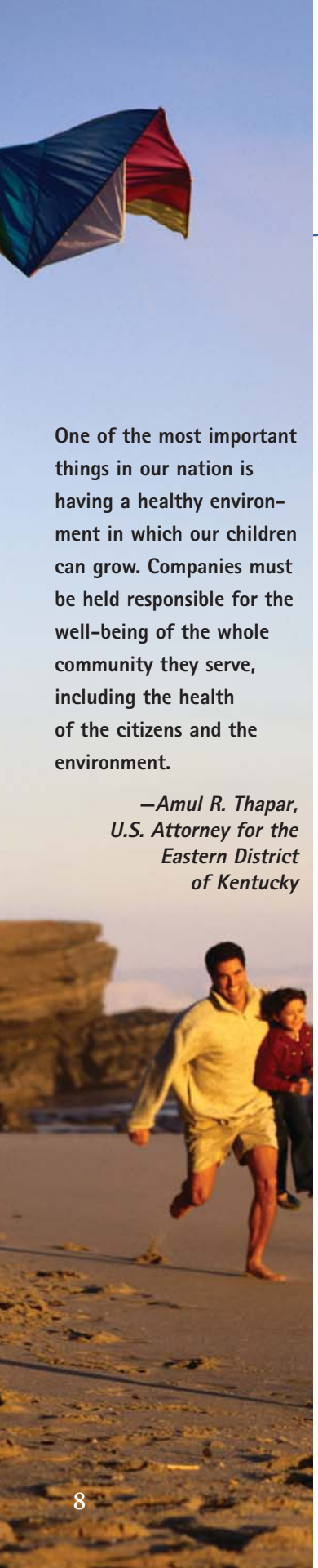
—Robert W. Varney
Regional Administrator
EPA Region 1

Number of Inspections/Evaluations Conducted by EPA



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

FY 2007 data source: Integrated Compliance Information System (ICIS), legacy databases and manual reporting, October 13, 2007; data source for previous fiscal years: annual ICIS data, legacy databases and manual reporting.



Civil Enforcement Achieves Significant Pollutant Reductions

One of the most important things in our nation is having a healthy environment in which our children can grow. Companies must be held responsible for the well-being of the whole community they serve, including the health of the citizens and the environment.

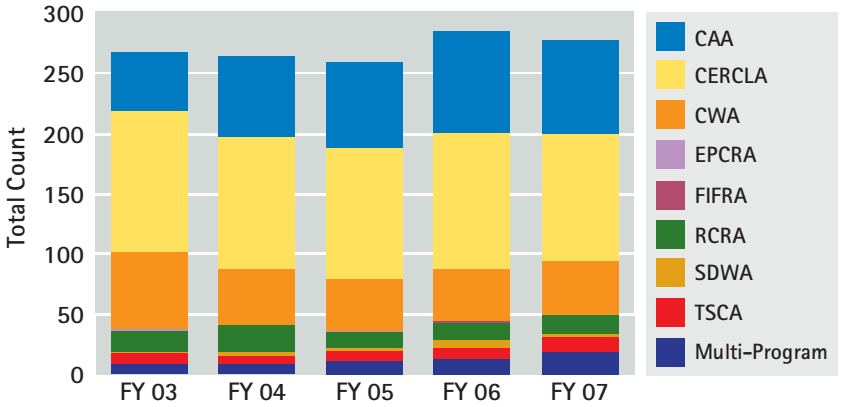
—Amul R. Thapar, U.S. Attorney for the Eastern District of Kentucky

OECA's civil enforcement program is responsible for *"...investigating violations, deterring violations of federal environmental laws through civil enforcement actions, and providing appropriate incentives to those members of the regulated community who wish to comply with the law."*

Civil enforcement actions are brought before an administrative law judge or in a federal court — in the latter case EPA is represented by the U.S. Department of Justice. These actions are usually resolved by settlements, which typically require polluters to pay penalties; implement, repair, and upgrade pollution control technologies; correct compliance problems; and clean up waste and/or take action to reduce pollution and prevent problems from recurring. Over the past five years, EPA has been very successful in maintaining a steady flow of referrals to the U.S. Department of Justice. In FY 2007, EPA referred 278 civil enforcement cases to the U.S. Department of Justice, which exceeds the five-year average number of cases.

Referrals of Civil Judicial Enforcement Cases to Department of Justice

Total and by Statute

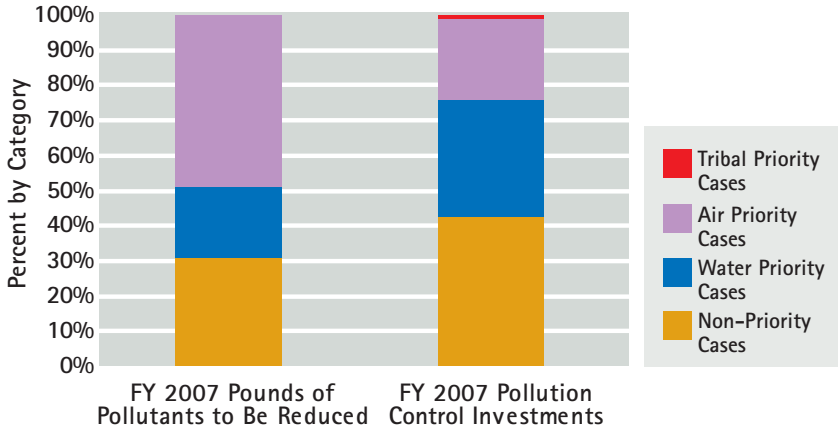


Note: Statutes in legend are presented in same order as in stacked bars on left.

FY 2007 data source: Integrated Compliance Information System (ICIS), October 13, 2007; data source for previous fiscal years: annual ICIS data.

OECA achieved pollution reductions of 890 million pounds in FY 2007 by focusing civil enforcement efforts on certain priority areas where a pattern of non-compliance was contributing to a significant threat to public health or the environment. We achieved nearly 70 percent of the FY 2007 pollution reductions and 58 percent of the pollution control investments by focusing on these high-priority areas.

National Priority Contributions



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

FY 2005–2007 National Enforcement Priorities

During FY 2007, OECA sought comment from EPA Regions; state, tribal, and local regulators; and the general public on what its priorities should be for the next three-year cycle (FY 2008 to 2010). OECA decided to continue its focus on many of the same priority areas and expects to see significant accomplishments in the period FY 2008 to 2010.

Clean Air Act/Air Toxics: OECA reduces public exposure to toxic air emissions by ensuring compliance through directed monitoring and enforcement of the Maximum Achievable Control Technology (MACT) standards.

Clean Air Act/Prevention of Significant Deterioration and New Source Review: OECA ensures that New Source Review (NSR) and Prevention of Significant Deterioration (PSD) requirements of the Clean Air Act (CAA) are implemented. Failure to comply with NSR/PSD requirements can lead to the inadequate control of emissions, resulting in the release of thousands of tons of pollution to the air each year, particularly of nitrogen oxides, volatile organic compounds, and particulate matter.

Clean Water Act/Wet Weather: OECA ensures compliance with Clean Water Act 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, lead to water quality impairment (including beach and shellfish bed closures), and harm our nation's water resources.

- **Concentrated Animal Feeding Operations (CAFOs):** The major environmental problem associated with CAFOs is the large volume of animal waste generated in concentrated areas.
- **Combined Sewer Overflows:** 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, resulting in discharges of untreated sewage to waterways.
- **Sanitary Sewer Overflows (SSOs):** The main pollutants in raw sewage from SSOs are bacteria, pathogens, nutrients, untreated industrial wastes, toxic pollutants, such as oil and pesticides, and wastewater solids and debris.
- **Stormwater:** Stormwater runoff from urban areas and construction can include a variety of pollutants, such as sediment, bacteria, organic nutrients, hydrocarbons, metals, oil, and grease.

Financial Responsibility: OECA ensures that facility operators have adequate funds to address the closure of facilities that handle hazardous wastes, hazardous substances, toxic materials, or other pollutants. This priority seeks to prevent the shift of costs from the parties responsible for improper handling and release of hazardous materials and wastes to others including state and federal taxpayers.

Resource Conservation and Recovery Act — Mineral Processing: OECA reduces risk to human health and the environment by achieving increased compliance rates throughout the mineral processing and mining sectors and by ensuring that harm is being appropriately addressed through compliance assistance and enforcement.

Indian Country: OECA works with federally recognized Indian tribes to address significant human health and environmental problems associated with drinking water, solid waste, and environmental risks in tribal schools (e.g., lead paint) through capacity building and compliance monitoring.

Petroleum Refineries Initiative Completed

In FY 2007 OECA recognized a major milestone when it successfully met its principal objective for the petroleum refinery national priority. EPA designated petroleum refining as a national priority in 2005 due to a high level of noncompliance with requirements to control emissions of volatile organic compounds (VOCs), sulfur dioxide (SO_2), nitrogen oxides (NO_x), carbon monoxide, and particulate matter. These pollutants contribute to respiratory illness and heart disease, childhood asthma, acid rain, and reduced visibility.

To date, EPA has negotiated 21 pollution reduction agreements with companies representing more than 85 percent of U.S. domestic refining (95 refineries located throughout 28 states). These settlements resulted in investment of more than $4.8 billion in pollution control technologies, civil penalties of $70 million, supplemental environmental projects with a value of $65 million, and significant reductions of annual pollutant emissions from refineries (approximately 86,000 tons of NO_x 245,000 tons of SO_2, as well as reductions in air toxic pollutants such as benzene and VOCs).

Through a combination of federal and state actions, EPA and its state partners will continue to work to secure similar settlements with the remainder of this sector. We will also monitor compliance by petroleum refineries with consent decree requirements.

Public Health Benefits

OECA's focus on priority areas yields substantial benefits for public health. For example, air pollution threatens human health by causing serious respiratory problems and exacerbating cases of childhood asthma. Air enforcement cases concluded in FY 2007 will result in 507 million pounds of air pollutants being reduced, eliminated, or properly managed. These actions will reduce harmful air emissions by 308 million pounds of sulfur dioxide, 187 million pounds of nitrogen oxides, and 11 million pounds of particulate matter. These results will lead to $3.8 billion in health benefits.

Air Enforcement Cases Yield Environmental and Human Health Benefits

Pollutant Reductions

- EPA's 12 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).
- When all required pollution controls are completed, emissions will be reduced by approximately 507 million pounds per year.

Pollutant Reductions

The human health benefits from these reductions in SO_x, NO_x, and PM are estimated at $3.8 billion per year upon full implementation. Annual health benefits will include:

- Approximately 500 fewer premature deaths in people with heart or lung disease.
- More than 1,000 fewer hospital and emergency room visits for such diseases as asthma and heart failure.
- About 1,500 fewer cases of chronic bronchitis and acute bronchitis.
- About 1,000 fewer nonfatal heart attacks.
- More than 8,000 fewer cases of upper aggravated asthma.
- More than 15,000 fewer cases of upper and lower respiratory symptoms.
- More than 50,000 fewer days when people would miss work or school.

Data source: Integrated Compliance Information System (ICIS), October 13, 2007; Office of Air and Radiation's BenMAP model.

OECA's actions to enforce the Clean Water Act resulted in more that 178 million pounds of pollutants reduced and investment in pollution control totaling nearly $3.6 million. Most of these reductions are the result of EPA's national priority efforts to control overflows from combined sewer overflows (CSOs), sanitary sewer overflows (SSOs), and contamination caused by surface runoff and concentrated animal feeding operations (CAFOs). When overflows occur, pollutants enter waterways, causing human health risks such as diseases that can range in severity from mild gastroenteritis to life-threatening cholera.

FY 2007 Enforcement & Compliance Annual Results Priority Air & Water Pollution Problems				
Priority	**Pollutants to be Reduced** millions of pounds		**Investments in Pollution Control** millions of dollars	
Priority Air Pollution Problems				
	FY 2006	FY 2007	FY 2006	FY 2007
NSR/PSD	135 M	426 M	$310 M	$2,443 M
Air Toxics	0.4 M	0.8 M	$1 M	$10 M
Total Air	**135.4 M**	**426.8 M**	**$311 M**	**$2,453 M**
Priority Water Pollution Problems				
CSO/SSO	26 M	45 M	$930 M	$3,523 M
CAFO	12 M	15 M	$10 M	$30 M
Stormwater	195 M	118 M	$150 M	$8 M
Total Wet Weather	**233 M**	**178 M**	**$1,090 M**	**$3,561 M**
Total	**368.4 M**	**604.8 M**	**$1,401 M**	**$6,014 M**

Enforcement Case Highlights

The following examples reflect our FY 2007 enforcement activities involving coal-fired electric utilities, mobile sources, agricultural processing facilities, sewer systems, and concentrated animal feed operations.

Coal-Fired Electric Utilities

Coal-fired power plants contribute to some of the most severe air pollution problems facing the nation today. These facilities release sulfur dioxide (SO_2) and nitrogen oxides (NO_x), which cause respiratory problems and contribute to childhood asthma, acid rain, smog, and haze. In FY 2007 EPA and the U.S. Department of Justice concluded lawsuits that will require installation of pollution controls totaling $2.4 billion that will reduce pollution by nearly 426 million pounds per year. These results are largely attributable to settlements of three large enforcement cases: WE Energy (formerly Wisconsin Electric Power Co. [WEPCO]), East Kentucky Power Cooperative, and PSE&G Fossil, LLC.

WE Energy will spend $600 million to install state-of-the art pollution controls, which will result in a reduction of 105,000 tons of SO_2 and NO_x emissions annually. The company will retire the pollution emission allowances that it or others could use to emit additional pollution, pay a $3.2 million civil penalty, and spend at least $20 million to finance an environmental mitigation project to significantly reduce mercury emissions.

Mobile Sources

Mobile source pollutants include smog-forming volatile organic compounds and NO_x, toxic air pollutants (e.g., cancer-causing benzene), and particulate matter or "soot" that are responsible for respiratory illnesses. As one case example, in FY 2007, Cummins Engine Company agreed to pay nearly $3 million in civil penalties to settle multiple claims that it failed to comply with its landmark 1998 consent decree. Cummins failed to: timely complete and provide reports for incentive and offset projects, comply with the prohibition on defeat devices, include sufficient numbers of engines in its remediation plan, or maintain sufficient banked credits to comply with the emission standards. The 1998 Cummins consent decree, along with consent decrees with six other diesel engine manufacturing companies (Caterpillar, Inc., Detroit Diesel Corporation, Mack Trucks, Inc., Navistar International Transportation Corporation, Renault Vehicules Industriels, s.a., and Volvo Truck Corporation) settled charges that the companies illegally poured millions of tons of pollution into the air and required them to pay $83.4 million in civil penalties, the largest in environmental enforcement history at the time. The consent decrees resolved claims that the manufacturers installed computer devices in heavy-duty diesel engines that resulted in illegal amounts of air pollution emissions.

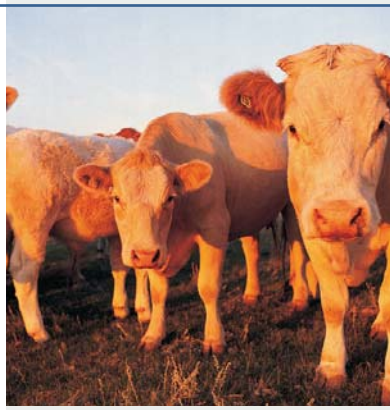
Agricultural Processing Facilities

Agricultural processing facilities, such as soybean and corn processors, can be major sources of air pollution. During oilseed processing, solvents can escape to the ambient air where they can be readily absorbed into the body by inhalation. Oilseed is a hazardous air pollutant under the Clean Air Act because it can cause adverse effects on the central nervous system, the heart, and other organs. An FY 2007 multi-state settlement with oilseed processor Bunge North America Inc. and three of its subsidiaries will eliminate more than 2,200 tons of harmful pollution emissions per year when fully implemented. The $13.9-million settlement covers 12 plants in eight states, each of which joined the United States as a co-plaintiff.

Improving Sewer Systems

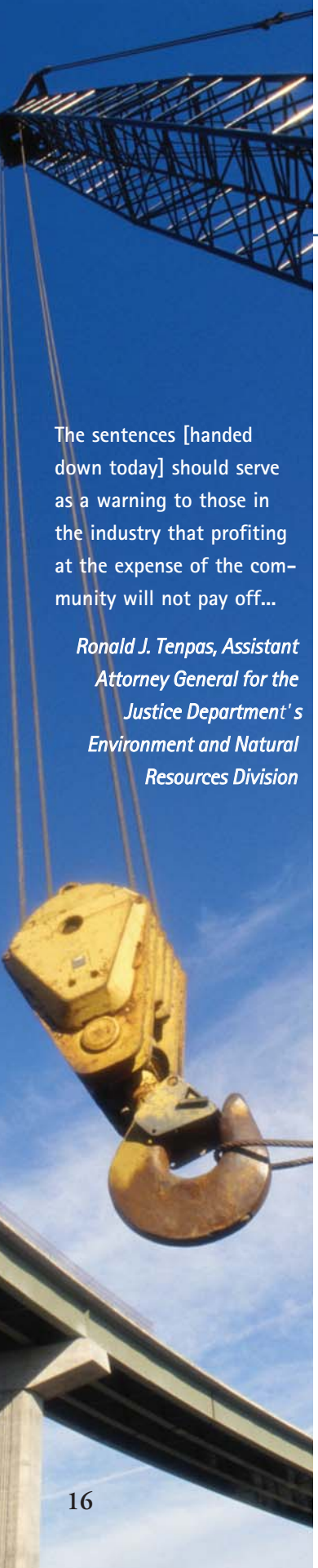
In FY 2007, EPA concluded several large settlements with major cities bringing critical sewer systems back into compliance and protecting communities from future harm. Enforcement actions led to investments of $3.5 billion in pollution controls to remove 45 million pounds of pollutants in discharges from overflows of combined sewers and sanitary sewers, including the cities of Covington, Kentucky, and Indianapolis, Indiana. Together, these two settlements are estimated to reduce pollutants by more than 35 million pounds and address more than 7 billion gallons of untreated sewage annually.

Animal Waste



Concentrated animal feeding operations (CAFOs) are agricultural enterprises where animals are kept and raised in confined situations. During wet weather events, manure and wastewater from CAFOs have the potential to transport pollutants (e.g., nutrients, hormones, bacteria, antibiotics) to local waterways. FY 2007 enforcement of the Clean Water Act in this sector resulted in 15 million pounds of pollution reduced and $30 million in pollution controls invested.

In FY 2007, the M.G. Waldbaum Company, a subsidiary of Minnesota-based Michael Foods Inc., agreed to pay a $1-million penalty to resolve allegations that the company violated the Clean Water Act. The alleged violations included overloading wastewater treatment lagoons at a publicly owned treatment works; discharging pollutants from poultry waste without a National Pollutant Discharge Elimination System permit; and improperly dumping process sludge waste. As part of this settlement, Waldbaum committed to constructing a new wastewater treatment plant by 2009 at an estimated cost of $16 million.



Criminal Enforcement As a Deterrent

The sentences [handed down today] should serve as a warning to those in the industry that profiting at the expense of the community will not pay off...

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

OECA's Office of Criminal Enforcement, Forensics, and Training (OCEFT) brings criminal enforcement actions against those who knowingly disregard or are criminally negligent in violating environmental laws.

Criminal enforcement, with both fines and incarceration as potential sanctions, is one of the strongest tools in EPA's enforcement arsenal. OCEFT's strategic goal is to: "*Emphasize 'high-impact' cases that will yield the greatest environmental and human health benefits and promote significant deterrence.*"

Toward this goal, OCEFT investigates violations of federal environmental laws and associated violations of the U.S. Criminal Code. Through the U.S. Department of Justice, OCEFT brings criminal enforcement actions against those who knowingly disregard or are criminally negligent in violating environmental laws. OCEFT pursues cases that are aligned with our overall national enforcement priorities.

In FY 2007, the criminal enforcement program opened 10 percent more environmental crimes cases than in FY 2006. Criminal fines and restitution imposed on defendants also increased from the previous year by 46 percent, totaling $63 million. For instance, Honeywell International — a case in which one worker died — was sentenced to pay an $8-million fine and restitution of $2 million after pleading guilty to negligently causing the release of hazardous air pollutants and negligently placing another person in imminent danger of death in violation of the Clean Air Act.

Defendants who pled guilty or were found guilty of environmental crimes also were ordered by courts to spend $135 million on environmental projects. For example, the Hamilton Sundstrand Corporation paid a $1-million fine plus $11 million for environmental projects for Clean Water Act violations.

OECA participated in the successful prosecution of several high-impact cases that secured large sentences, enhanced deterrence, and reduced environmental pollution. In a FY 2007 case, Dylan Starnes, an employee of the Atlanta-based Environmental Contracting

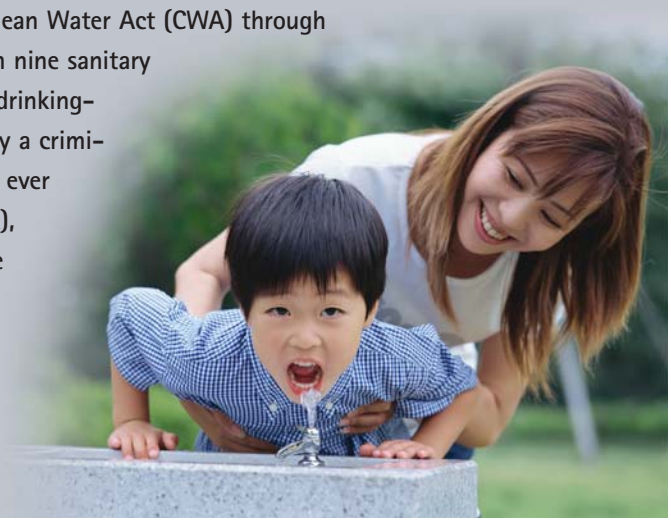
Company, was sentenced to 33 months in prison and three years of probation for improperly removing asbestos from a low-income public housing project and making false statements. Additionally, Starnes must pay the costs for the medical surveillance required for any people who were exposed to the asbestos.

FY 2007 Criminal Enforcement Program Results	
Environmental crime cases initiated	340
Defendants charged	226
Sentences (years)	64
Fines and restitution	$63 million
Judicially mandated projects (cost in dollars)	$135 million
Pollutant reductions (pounds)	18 million

FY 2007 data source: Integrated Compliance Information System (ICIS), October 2007.

$9-Million Fine for Clean Water Act Violation

The Puerto Rico Aqueduct and Sewer Authority (PRASA) was sentenced after pleading guilty to 15 felony counts of violating the Clean Water Act (CWA) through the illegal discharge of pollutants from nine sanitary wastewater treatment plants and five drinking-water treatment plants. PRASA will pay a criminal fine of $9 million (the largest fine ever paid by a utility for violating the CWA), complete capital improvements to nine wastewater treatment systems at an estimated cost of $109 million, spend $10 million to correct the discharges to the Martin PeZa Creek, and serve a five-year term of probation.



Superfund Enforcement Accelerates Waste Cleanup

Through the work of EPA and our partners, Empire Canyon will be a success story of restoring contaminated properties back into community assets.

—Stephen L. Johnson, EPA Administrator

OECA's Office of Site Remediation Enforcement (OSRE) manages the enforcement of EPA's national hazardous waste cleanup programs: Superfund cleanups under the Comprehensive Environmental Response, Compensation and Liability Act and the Resource Conservation and Recovery Act corrective actions. As a result of Superfund enforcement and other remediation agreements, responsible parties agreed to invest $688 million in FY 2007 to clean up contamination and to reimburse EPA $314 million for its past response and oversight costs. Parties agreed to clean up a record-setting 79 million cubic yards of contaminated soil and 1.4 billion cubic yards of contaminated water through Superfund enforcement and other remediation agreements.

Environmentally Responsible Redevelopment and Reuse

In FY 2007, EPA Administrator Stephen L. Johnson announced EPA's first Environmentally Responsible Development and Reuse (ER3) agreement to facilitate cleanup and redevelopment of the Daly West Mine Superfund Site in Empire Canyon. This historic ore mining and processing area is located in Park City, Utah. DV Luxury Resort, LLC's (DVLR) will assist in completing cleanup actions and made a commitment to sustainable redevelopment. As part of the agreement, DVLR will incorporate green features into the resort's design, construction, and operation.

The Federal Government Does Its Part Through Federal Facility Enforcement

OECA's Federal Facilities Enforcement Office (FFEO) is responsible for ensuring that the federal government complies with all environmental laws, regulations, and other responsibilities required under presidential executive orders. In FY 2007, FFEO's enforcement actions resulted in impressive federal agency commitments and improvements in environmental compliance, preventive measures, and corrective actions. OECA's enforcement of federal environmental laws will prevent more than 700,000 pounds of pollutants from being released into the environment. EPA collected $475,000 in penalties, and federal agencies committed to spend more than $250 million to improve their facilities and operations to remedy past violations and prevent future violations. In 2007, EPA concluded 35 enforcement actions against federal agencies and some federal facility contractors for alleged violations of environmental laws.

RCRA Enforcement on Federal Facilities

OECA concluded enforcement actions against McGuire Air Force Base, the New Jersey Air National Guard, and the Army and Air Force Exchange Service for RCRA violations involving underground storage tanks (USTs). They will pay a penalty of $115,000 for UST violations and are required to install proper protection equipment. EPA also concluded enforcement actions against several federal agency contractors for violations related to construction at federal facilities (e.g., contractors for the Air Force agreed to pay $80,000 to settle two separate enforcement actions related to construction at the Air Force Academy and at Buckley Air Force Base in Colorado).

As a responsible party, the Department of the Air Force will be required to clean up the extensive contamination at this base. The Department of Defense will be held accountable for rectifying contamination that has occurred at this base due to the operations over the last 60 years.

Alan J. Steinberg, EPA Regional Administrator, Region 2

Ensuring Compliance in Indian Country

Working with federally recognized Indian tribes, OECA uses compliance assistance, inspections, and enforcement to address significant human health and environmental problems in Indian Country. In FY 2007, OECA focused particular attention on drinking water, solid waste, and environmental risks at schools in Indian Country. Among our important enforcement actions is the conclusion of a four year multi-agency effort to stop illegal dumping on the Torres Martinez Reservation located in California. Working with the Bureau of Indian Affairs, EPA won its lawsuit to enforce an administrative order issued under RCRA §7003 against Kim Lawson, Lawson Enterprises, and Torlaw Realty. The settlement requires the parties to pay up to $42.8 million in cleanup costs and more than $2.3 million in civil penalties.

In FY 2007, EPA's tribal activities addressed imminent threats to human health. For example, EPA Region 8 issued an administrative order to the Oglala Sioux Tribe in response to a fire at the Pine Ridge municipal solid waste baling facility. The baling facility is owned and operated by the Oglala Sioux Tribe and is located on the Pine Ridge Indian Reservation. The fire resulted in heavy smoke blanketing the immediate area for several days. The smoke endangered the community of Pine Ridge Village, the tribal center located one-half mile to the north of the baling facility, and several residences located approximately 500 feet to the south of the facility. The open dump area of the baling facility is the former Pine Ridge dump site — a "high priority site" listed in the Indian Health Service Open Dump Inventory. The order was issued pursuant to Section 7003 of the Resource Conservation and Recovery Act.

Integrating Environmental Justice

EPA strives to incorporate environmental justice into every aspect of its programs, priorities, and strategic plans. OECA houses the EPA Office of Environmental Justice (OEJ). OEJ has the dual responsibility of serving as the coordinator of EPA's Agencywide efforts and as the National Program Manager for implementing Executive Order 12898 — "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." During FY 2007, EPA took significant steps to integrate environmental justice into its own mission, to lead by example, and to work with its federal partners. EPA relies on input from the National Environmental Justice Advisory Council (NEJAC), regulatory partners, and the environmental justice community to identify priorities and incorporate environmental justice considerations into its mission.

In FY 2007, OEJ led the development of environmental justice review protocols for EPA programs in rulemaking and standards-setting, permitting, enforcement and compliance, and site cleanup and remediation. Following several pilots, the protocols will be finalized and considered in FY 2008 for conducting environmental justice reviews of the Agency's programs, policies, and activities.

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

Also in FY 2007, OEJ awarded $1 million in environmental justice collaborative problem-solving grants to 10 community-based organizations and an additional $1 million in envi-

To date, no other federal agency has incorporated environmental justice as comprehensively as EPA. The Agency is working to achieve tangible results that make a positive impact in the health of communities burdened by environmental pollution.

—Charles Lee, Director, Office of Environmental Justice, EPA

ronmental justice small grants to 20 community-based organizations. Projects completed in FY 2007 with these grants ranged from installing municipal water and sewer lines for 40 homes with contaminated wells in Mebane, North Carolina, to completing a renovation project to remove lead-based paint in Pacomia, California, as a result of testing blood level concentrations in 675 children and lead contamination testing of 300 homes.

The ReGenesis Environmental Justice Partnership

Between 1999 and 2007, EPA supported the ReGenesis Environmental Justice Partnership, which transformed former Superfund and brownfields sites in Spartanburg, South Carolina, into a vibrant community. Residents, once plagued with contamination from a former fertilizer plant and local dump, now enjoy a revitalized community of new homes and plans for parks and recreational use. The ReGenesis Environmental Justice Partnership began with an EPA Environmental Justice Small Grant.

With more than 200 federal, state, and local government partners, local residents, industry, and a university, ReGenesis has raised more than $166 million. In June 2007, OEJ released a documentary film about this project called *Environmental Justice: The Power of Partnerships*, available at www.epa.gov/compliance/resources/publications/ej/ejcps-dvd.html.

National Environmental Policy Act Review

OECA's Office of Federal Activities (OFA) reviews other federal agencies' environmental impact statements (EISs), as required under the National Environmental Policy Act (NEPA) and by Section 309 of the Clean Air Act. OFA's review of EISs helps agencies identify mitigation measures and avoid or minimize potential adverse environmental impacts of proposed projects. In FY 2007, OFA completed review of 218 EISs. The federal agencies agreed to mitigate over 75 percent of the significant environmental impacts identified by EPA in its review of their draft EISs.

EPA involvement in EIS review involves a coordinated team of professionals, particularly on controversial or significant environmental impact projects. The Red River Valley Water Supply Project is just one of OFA's EIS coordination efforts in FY 2007. The U.S. Bureau of Reclamation and the state of North Dakota prepared a draft EIS for the water project proposal to meet the long-term water needs of the Red River Valley in North Dakota and Minnesota. The proposal included construction necessary to deliver sufficient water to users. Significant issues were raised on the risks of biota transfer to the Hudson Bay Watershed. After extensive negotiations, EPA reached a preliminary agreement on an appropriate level of treatment to minimize the risk of biota transfer.

International Compliance Activities

OFA also leads the cooperation between federal and state agencies and governments of neighboring countries to promote effective enforcement and compliance of environmental laws along the U.S. border. It also provides enforcement and compliance training and information to help fulfill the United States' commitments worldwide.

In FY 2007, OFA reviewed and processed more than 1,100 hazardous waste notices and 10,000 waste streams for imports and exports of hazardous waste. These actions fulfilled the U.S. obligation under international agreements to participate in the control of transboundary movements. In consultation with EPA Regions, OFA's objection to certain notices prevented the environmentally unsound importation of 61,065 metric tons of solid hazardous waste and 700,000 liters of liquid hazardous waste.

In April 2007, EPA's Assistant Administrator for Enforcement and Compliance Assurance, Granta Nakayama, made an official visit to the People's Republic of China to address problems presented by Chinese imports into the United States that do not comply with U.S. environmental laws. The visit served to initiate a developing program of cooperation with China to prevent products manufactured in China, such as non-road engines, from entering the United States if they do not meet U.S. environmental requirements. In addition, since July 2007, OECA supported the efforts of the Interagency Work Group on Import Safety (formed by Executive Order 13439), chaired by Mike Leavitt, Secretary of the U.S. Department of Health and Human Services.

Throughout FY 2007, OFA worked with the United Nations Environment Programme (UNEP) on its Green Customs training program. OFA also created a new course, *Principles for Customs and Environmental Cooperation — Toward Effective Import-Export Control*, for pilot delivery in Central American Free Trade Agreement countries in 2008. This program seeks to strengthen the ability of customs officials in the United States and abroad to detect and respond to illegal import and export products.

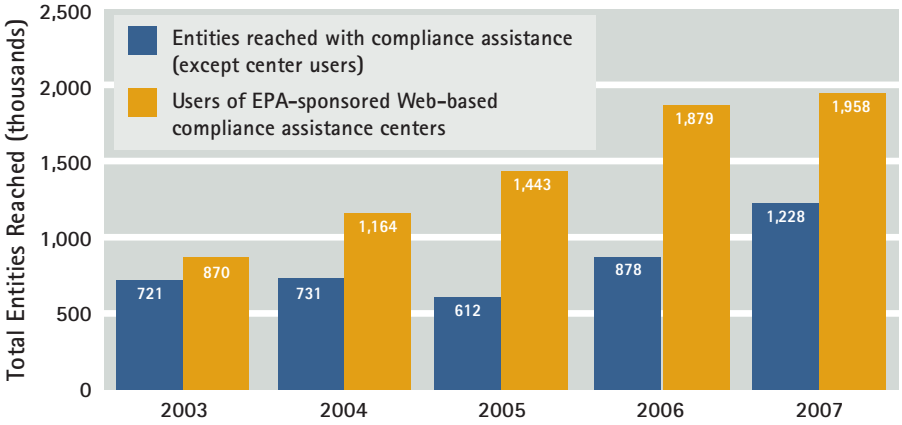
Making Legal Requirements Clear: Compliance Assistance

Throughout our nation, Americans play an important role in protecting the environment and safeguarding our resources.

President George W. Bush

Raising public awareness and helping the regulated community comply with environmental laws and regulations is an important way to prevent and reduce pollution. EPA provides a wide range of services and programs that strengthen the ability of the public and the regulated community to take environmental action. EPA's compliance assistance programs, operated out of the Office of Compliance, provide detailed information to millions of regulated entities, helping them understand and meet their environmental obligations. Compliance assistance resources include comprehensive Web sites, compliance guides, and training materials aimed at specific business communities or industry sectors. EPA reached out to a record high of more than 3 million regulated entities during FY 2007 through compliance assistance activities.

Entities Reached With EPA Compliance Assistance



FY 2007 data sources: Integrated Compliance Information System (ICIS), October 13, 2007, and online usage report; data source for previous fiscal years: annual ICIS data and online usage reports.

Web-Based Compliance Assistance Centers

Much of EPA's compliance assistance is provided through 15 Web-based compliance assistance centers. These virtual centers contain information on environmental regulations and compliance issues for certain industries and groups (e.g., tribes, construction, health care, and auto recyclers). In FY 2007, OECA launched a new Tribal Compliance Assistance Center that provides comprehensive compliance assistance and pollution prevention information for

Amtrak Environmental Management System

As part of a June 2001 settlement, Amtrak agreed to implement a companywide EMS, including an environmental audit program, a companywide environmental information system, enhanced environmental compliance training and increased environmental compliance staffing. The settlement, which was estimated at $11 million, also required Amtrak to undertake comprehensive environmental compliance audits at 51 of its facilities nationwide and to voluntarily disclose and correct environmental problems that the audit revealed. As a result of Amtrak's audit and the implementation of its EMS, EPA resolved violations at nearly 70 Amtrak facilities.

In FY 2007, EPA resolved violations at nine Amtrak facilities that collectively prevented nearly 400,000 pounds of pollutants from being discharged to water. Stormwater discharges from rail maintenance facilities can carry oil, grease, and metals into storm drains, ultimately compromising the health and quality of streams and waterways. EPA has identified stormwater runoff as a leading cause of impaired water quality in the United States.

regulated activities in Indian Country. The center supports OECA's tribal priority by assisting tribal professionals and facility owners in complying with environmental regulations.

In addition, EPA, along with many other federal agencies, supports FedCenter, a compliance assistance center that helps federal agencies comply with environmental laws and be better environmental stewards (visit www.fedcenter.gov).

Incentives for Compliance Agreements

EPA provides a number of incentives to encourage public and private entities to self-police, improve environmental management practices, and reduce environmental pollution. In exchange for mitigation of civil penalties, EPA's compliance incentive policies — the Audit Policy and Small Business Policy — encourage regulated entities to proactively audit their compliance status, disclose their violations to EPA, return to compliance, and do whatever is necessary to maintain compliance. The Small Business Policy also promotes compliance specifically for small businesses (100 or fewer employees) by providing incentives for disclosure and correction of violations that include elimination of penalties entirely. In FY 2007 nearly 730 facilities resolved violations that, when corrected, ensured that 1.2 million fewer pounds of pollution were generated.

EPA sometimes requires the implementation of environmental management systems (EMSs) and audits as part of an enforcement settlement (e.g., where EPA determines that a violation was caused by the regulated entity's absence of a systematic approach to identifying, understanding, and managing compliance with environmental requirements).

NEPAssist

In FY 2007, OECA's Office of Federal Activities created an innovative tool, the "NEPAssist Environmental Assessment Tool," an internal Web-based geographic information system. OFA designed NEPAssist to facilitate EPA project planning and federal agency information sharing relative to environmental considerations and to assist with EPA's environmental review process. NEPAssist will provide consistency of data sets among EPA users conducting environmental screening of proposed projects.

The Public Can Help Prevent Environmental Crime

In April 2007, in partnership with the state environmental and local law enforcement organizations, EPA observed and publicized the sixth annual National Environmental Crime Prevention Week. A major theme of Crime Prevention Week is helping citizens learn the signs of environmental crime.

The Signs of Environmental Crime

Signs of Environmental Crime

- Corroded, leaking, or abandoned waste containers or signs of illegal dumping.
- Fish kills or other dead animals.
- Staining and/or stressed vegetation on the ground or staining around drains, sinks, toilets, or other wastewater outlets.
- Foul-smelling or unsightly discharges or visible sheens on the ground or water bodies and foul-smelling or unsightly air emissions.
- Piping or valves that would allow bypasses of wastewater treatment systems.
- Demolition that might involve illegally removing asbestos or other hazardous materials.

Remember: Safety Comes First

- If you are not sure an area is safe, stay away.
- Do not enter confined spaces or low-lying areas.
- Do not lean over open waste containers or kick, rock, or puncture waste containers.
- If trained to enter, wear appropriate protective gear.
- Do not take samples unless trained.
- Keep others away from the scene until assistance arrives.
- Be sure to keep children and pets away.
- Do not track toxic material into your car.

If you see one of these signs, you should consider reporting a possible violation.
www.epa.gov/tips

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 2007, EPA received a total of 6,781 tips. Tips are reviewed by EPA's enforcement programs to determine potential civil or criminal violations. For example, in FY 2007, one tip from the Web site resulted in formal criminal charges against an individual who subsequently pled guilty to fabricating hazardous materials certifications and issuing physical fitness reports to untrained workers, many of whom were remediating contaminated sites.

EPA Report Environmental Violations

www.epa.gov/tips

Message on Behalf of State Environmental Commissioners

On behalf of the states, the Environmental Council of the States (ECOS) is pleased to provide information again this year for the EPA OECA FY 2007 Accomplishments Report, on the states' efforts to enforce and ensure compliance with the nation's environmental laws. The states work closely with EPA Headquarters and Regional offices to ensure better protection for human health and the environment, and we look forward to continuing our strong partnership for years to come. For the FY 2007 report, ECOS has chosen to present some highlights from the wide range of state accomplishments in compliance and enforcement.

ECOS and EPA are helping the public to understand the significant role of the states in ensuring compliance with environmental laws. This report demonstrates that states continue to lead in this area. The data collected by states are critical to ongoing activities and assist in setting priorities at both the federal and state level. States collect about 94 percent of the environmental quality data that reside in EPA databases. Most of these data are generated from state-issued permits and state air, water, and waste monitoring programs. In addition, states make extensive use of voluntary programs, economic incentives, and information dissemination through compliance assistance programs to prevent pollution before it occurs.

Compliance and enforcement programs are an integral part of state programs designed to protect human health and the environment. We encourage you or your business to contact state agencies to learn more about what states and local governments do and to learn more about what you can do to ensure a safe and healthy environment for the future.

David K. Paylor,

President, Environmental Council of the States

Director, Virginia Department of Environmental Quality

Highlights on State Enforcement and Compliance

State programs play a significant role in ensuring compliance with environmental laws. EPA can delegate or authorize programs to the states that carry out requirements of major national environmental laws. To be authorized or delegated to implement a federal program, a state must demonstrate the capacity to administer all aspects of the program — one of the most important being the capacity to enforce the law. With authorization or delegation, the states are integral partners in the nation's environmental protection system. This section of the report highlights some of the achievements of state compliance and enforcement programs.

State Enforcement Actions

States are employing innovative strategies in environmental enforcement. As an example, the Wetlands Loss Initiative began in 2003 as an effort to inventory wetlands change in Massachusetts. Today, this high-tech evaluation process has evolved into a successful strategy that is used by the Massachusetts Department of Environmental Protection (MassDEP) to identify and prosecute significant and illegal wetlands destruction. Using state-of-the-art technology, MassDEP staff analyze before and after aerial photographs, taken years apart, to locate wetlands that have been filled. Identifying illegal fill is accomplished by comparing the information in the sets of aerial photographs with the corresponding permit data. These sophisticated analyses yield crucial information and provide MassDEP with a powerful tool to prioritize enforcement based on impact and science.

Since the inception of the aerial surveillance effort, MassDEP has successfully initiated and closed 42 "wetlands change" enforcement cases, assessed nearly $2 million in penalties, and ordered restoration of more than 54 acres of wetlands. MassDEP consults with EPA and the U.S. Army Corps of Engineers on restoration and replication issues that arise in the context of those wetlands enforcement cases that might trigger federal permitting requirements. These high-profile enforcement cases send a clear message that illegal fill can no longer be hidden and that violators will be prosecuted. This strong deterrent is the best hedge against wetlands destruction.

State Use of Supplemental Environmental Projects

In negotiating penalties in enforcement cases, 49 states have the ability to mitigate a portion of the penalty in exchange for supplemental environmental projects (SEPs). SEPs not only provide tangible improvements where a violation has occurred, but they frequently engage community stakeholders and address environmental justice concerns (e.g., diagnostic, preventative, and/or remedial health care for members of an exposed community). The Connecticut Department of Environmental Protection (DEP) enforcement actions include examples of recent SEPs.

- The Hartford-based Metropolitan District Commission (MDC) entered into a settlement agreement with EPA, the U.S. Department of Justice, Connecticut DEP, and the Connecticut Attorney General's Office. Under terms of the settlement, the MDC is required to significantly reduce illegal raw sewage overflows from the sanitary portions of its wastewater collection system. These overflows previously were discharged to area waterways, including the Connecticut River, in violation of the Clean Water Act. The MDC also was required to pay a penalty of $850,000, which was split equally between the United States government and the State of Connecticut. Connecticut's portion will be used to fund SEPs related to compliance assistance, water quality planning, assessment and restoration, and greenway enhancements.

  Specifically, the MDC will implement a comprehensive, system-wide plan to ensure that all sanitary sewer overflows associated with insufficient capacity of the MDC's separate wastewater collection system are eliminated within seven to 12 years. The MDC is concurrently working with the Connecticut DEP to reduce the levels of overflows from the "combined" portions of their wastewater collection system. The MDC provides wastewater collection and treatment services to approximately 375,000 people and owns or operates four wastewater treatment facilities, the largest of which is the Hartford Water Pollution Control Facility, which discharges to the Connecticut River.

- The Connecticut DEP entered a consent order with The Home Depot in May 2006 under which this major national retail chain agreed to pay penalties of $425,000 for numerous violations of environmental regulations at its stores in the state, as well as make major improvements in its environmental practices. The violations involved the improper display, handling, and disposal of products such as pesticides and fertilizers, which contain hazardous materials. The Home Depot was cited for failing to comply with the state's hazardous waste, pesticide, and stormwater management requirements.

  As part of the consent order, The Home Depot is required to pay $326,000 to a state agency fund for SEPs. DEP will use the SEP funds that The Home Depot pays to further develop and implement outreach and compliance assistance strategies for the retail hardware store sector.

As a result of DEP's action, The Home Depot is implementing environmental management systems (EMSs) in all of its stores nationwide. The EMS includes the following steps to prevent spills that result in hazardous materials being caught up in stormwater runoff:

- Improving outdoor display and storage of various chemicals and products (e.g., pesticides, fertilizers, swimming pool additives, bags of concrete, pressure-treated wood).
- Improving indoor displays to prevent shopping carts and hand trucks from breaking open packages of products that contain hazardous materials.
- Increasing staff training on proper handling and disposal of products containing hazardous materials.
- Implementing new procedures (e.g., patches for broken bags) to prevent the unnecessary disposal of products.
- Retrofitting existing stores and improving the design of future stores to accommodate the environmentally safe management of products and hazardous materials.

State Compliance Assistance Programs

States deliver compliance assistance either directly through state agencies or through third parties such as contractors and grantees. The information is designed to help the regulated community find cost-effective ways to improve environmental performance. A few examples of state compliance assistance programs follow.

- The Nebraska Department of Environmental Quality (DEQ) is launching a compliance assistance effort that will revolutionize the surface coating industry in the state. A unique partnership of public, private, nonprofit, and governmental people is working to make this air compliance assistance program successful. The program's focus is to utilize the successful Iowa Waste Reduction Center's VirtualPaint™ program, and make the program widely available to paint technicians throughout Nebraska.

  The VirtualPaint™ technology has the potential to reduce air emissions and hazardous waste. Most paints used in the automobile and manufacturing industries contain volatile organic compounds and hazardous air pollutants and are classified as hazardous waste.

  Through training with the VirtualPaint™ system, the amount of VOCs released decreases by 12.6 percent. For example, a large surface coating facility that releases 166 tons of VOCs per year could see a 21-ton decrease in emissions through use of the VirtualPaint™ system. Facilities of medium size that might release 31 tons of VOCs could potentially realize a 4-ton-per-year decrease.

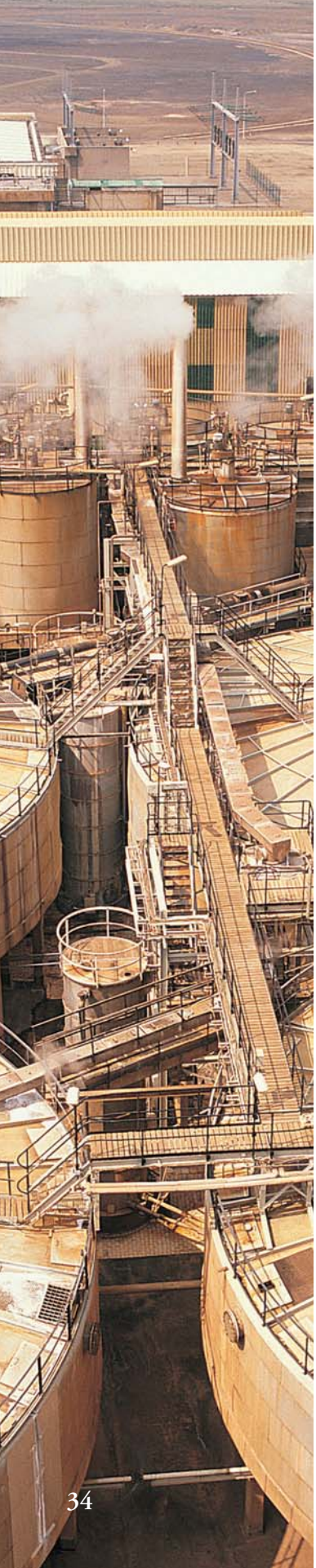
The VirtualPaint™ system has benefits for both business and the environment. The system has been found to increase the efficiency of transferring coating products to prepared surfaces by 19 percent. As efficiency increases, the amount of material consumed decreases by 13 percent. There are also savings from reduced hazardous waste generation. Besides the obvious monetary and environmental benefits, the intended outcome is to develop a three- to five-year certification program and offer training to private businesses throughout the state.

States are actively using the concept of environmental results projects (ERPs) in specific industry sectors to improve and go beyond compliance. States can effectively manage small pollution sources that have potentially large impacts (e.g., dry cleaners). Many individual operations are relatively small; however, collectively they can have a huge impact on air quality.

- The Virginia DEQ developed an ERP for auto body shops/mobile refinishers following the Virginia Ozone Transport Commission regulation for mobile refinishing. Initially, the ERP was an outreach effort to make all of the auto body shops in Northern Virginia aware of the voluntary self-certification program and the requirements of the mobile refinishing regulation. The state was successful in obtaining almost a 100-percent response from the shops to register their facilities. The initial response to the self-certification program was also successful. The certification is totally self-directed by the shops without time constraints for completion. Of the 55 shops that have indicated interest to date, DEQ has certified 40 shops as charter DEQ-certified auto body shops. DEQ is working on the 2008 materials for the next round of certifications.

- The Michigan DEQ has implemented an ERP for dry cleaning. Michigan's program helps owners/operators understand all applicable environmental regulations in their sector, improve their compliance with these regulations, enhance sector-wide implementation of pollution prevention activities, and employ best management practices. The ERP included a self-audit by cleaners and a number of meetings sponsored by the dry cleaning trade associations, as well as by a vendor that services the majority of cleaners in the state. The Michigan DEQ will conduct a series of follow-up inspections in the spring of 2008. The data gathered will show if there was any measurable improvement as a result of the self-audit program.

- The New Jersey DEP is enhancing compliance assistance by educating facilities on stewardship concepts and practices during compliance assurance visits. With input from stakeholders, New Jersey developed a standard set of criteria to record voluntary actions that reflect stewardship and lead to sustainability. The initiative is integrated with the existing inspection process and data tools used by inspectors. Results are easily available to the public. With minimal additional effort, the program creates an incentive to go beyond compliance and provides a resource for learning how to get there—all while fostering a holistic perspective within a regulatory regime.



Appendix A: Numbers at a Glance

EPA FY 2007 Enforcement and Compliance Annual Results

Results Obtained From EPA Civil Enforcement Actions:

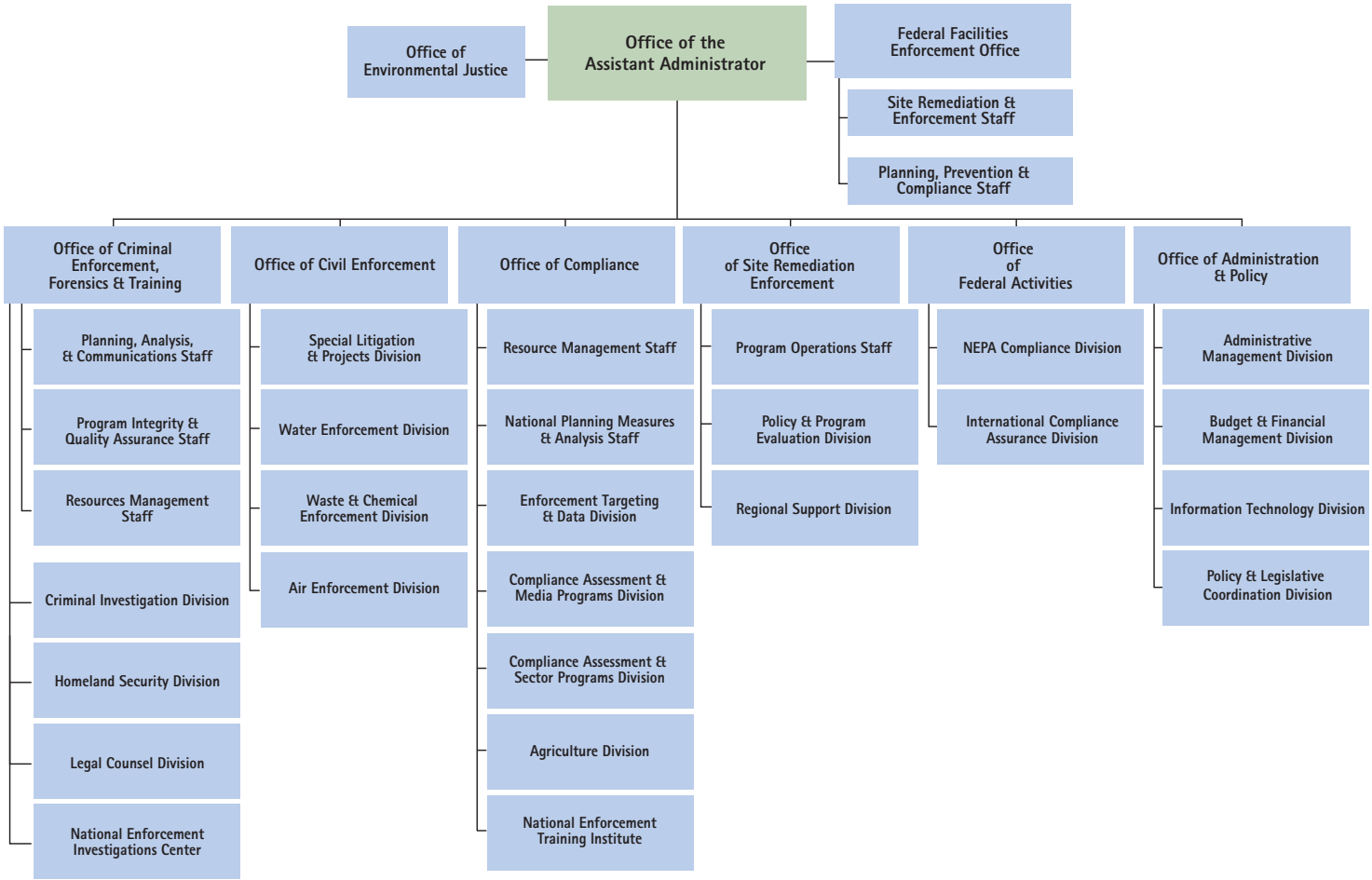
- **Estimated Direct Environmental Benefits**
  - Pollutants reduced (pounds) (including amounts from civil, criminal, and compliance incentive actions) — 890,000,000
  - Contaminated soil to be cleaned (cubic yards) — 79,000,000
  - Contaminated water to be cleaned (cubic yards) — 1,400,000,000
  - Stream miles (linear feet) — 26,000
  - Wetlands protected (acres) — 900
  - People protected by Safe Drinking Water Act enforcement — 6,700,000
- **Estimated Preventative Environmental Benefits**
  - RCRA Subtitle C (cubic yards of contaminated soil) — 1,400
  - RCRA Subtitle C (gallons of contaminated water) — 1,700,000
  - RCRA underground storage tank leaks prevented (gallons) — 2,700,000
  - Number of people notified of potential drinking water problems — 1,500,000
  - Number of Safe Drinking Water Act Underground Injection Control wells protected — 233
  - Toxic Substances Control Act 6 polychlorinated biphenyl disposal practice changes (cubic yards) — 2
  - Number of housing units/schools/buildings protected from lead-based paint — 38,000
  - Clean Water Act/Oil Pollution Act/Spill Protection, Control and Countermeasure Rule pollutant release reduction (gallons) — 198,000,000
  - Federal Insecticide, Fungicide, and Rodenticide Act active ingredients prevented from mislabeling or improper registration (pounds) — 1,300,000
- **Investments in Pollution Control and Cleanup (Injunctive Relief)** — **$10,550,000,000**
- **Investments in Supplemental Environmental Projects (SEPs)** — **$30,000,000**
- **Civil Penalties**
  - Administrative penalties — $30,700,000
  - Judicial penalties — $39,800,000
  - Stipulated penalties — $12,400,000
- **EPA Civil Enforcement and Compliance Activities**
  - Referrals of civil judicial enforcement cases to Department of Justice (DOJ) — 278
  - Supplemental referrals of civil judicial enforcement cases to DOJ — 19
  - Civil judicial complaints filed with court — 127

– Civil judicial enforcement case conclusions	180
– Administrative penalty order complaints	2,237
– Final administrative penalty order settlements	2,255
– Administrative compliance orders	1,247
– Cases with SEPs	184
• EPA Compliance Monitoring Activities	
– Inspections/evaluations	22,000
– Civil investigations	346
– Number of regulated entities taking complying actions during EPA inspections/evaluations	1,350
– Number of regulated entities receiving assistance during EPA inspections/evaluations	13,500
• EPA Superfund Cleanup Enforcement	
– Remedial action (RA) starts where settlement reached or enforcement action taken by the time of the RA start (during the FY) at non-federal Superfund sites that have known viable, liable parties (percent)	100
– Private party commitments for site study and cleanup (including cashouts)	$688,000,000
– Private party commitments for oversight	$62,000,000
– Private party commitments for cost recovery	$252,000,000
– Cost recovery statute of limitation cases addressed with total past costs greater than or equal to $200,000 (percent)	98
• EPA Criminal Enforcement Program	
– Years of incarceration	64
– Fines and restitution	$63,000,000
– Judicially mandated projects	$135,000,000
– Environmental crime cases initiated	340
– Defendants charged	226
– Pollutant reductions (pounds)	18,000,000
• EPA Voluntary Disclosure Program	
– Pollutants reduced as a result of audits or other actions (pounds)	1,200,000
– Facilities initiated	1,021
– Companies initiated	448
– Notices of Determination (NODs)	426
– Facilities resolved	728
– Companies resolved	491
• EPA Compliance Assistance:	
– Total entities reached by compliance assistance	1,228,000
– Number of user visits to Web-based compliance assistance centers	1,958,000

Sources for data: Integrated Compliance Information System (ICIS); Criminal Case Reporting System; Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS); Resource Conservation and Recovery Act Information (RCRAInfo); Air Facility System (AFS); and Permit Compliance System (PCS) October 13, 2007.

Appendix B: Organizational Chart

Office of Enforcement and Compliance Assurance (OECA)



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 Criminal Enforcement, Forensics and Training	202-564-2480
Office of Environmental Justice	202-564-2515
Office of Federal Activities	202-564-5400
Office of Administration and Policy	202-564-2530
Office of Site Remediation Enforcement	202-564-5110
Federal Facilities Enforcement Office	202-564-2510
Press Inquiries	202-564-4355

Mailing Address:

U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW (MC2201A)
Washington, DC 20460-0001

EPA Report Environmental Violations

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

EPA Report Environmental Violations

WWW.EPA.GOV/TIPS