



NEXT GENERATION ENFORCEMENT SETTLEMENT HIGHLIGHTS

Below are ten enforcement settlements that address noncompliance by, among other things, leveraging Next Gen tools and approaches.¹ The list is illustrative, not exhaustive. Including a settlement on the list does not mean that all aspects of the settlement exemplify the Next Gen strategy. Consistent with Next Gen as a new and evolving strategy, all of the listed settlements blend Next Gen and traditional approaches.

1. U.S. v. Titanium Metals Corp. (Henderson, NV): On May 14, 2014, the EPA announced that Titanium Metals Corporation (TIMET), one of the world's largest producers of titanium parts for jet engines, agreed to pay a record \$14 million civil penalty and perform an extensive investigation and cleanup of potential contamination stemming primarily from the unauthorized manufacture and disposal of PCBs (polychlorinated biphenyls) at its manufacturing facility in Henderson, Nev. In addition to paying the TSCA penalty and performing the investigation and cleanup, the settlement requires TIMET to electronically submit monitoring data biannually to EPA for three years showing that it is appropriately managing any PCBs it generates. TIMET has also agreed to allow the Nevada Division of Environmental Protection (NDEP) to make public TIMET's EPA-approved work plans and completed work reports through a dedicated website. The consent decree was entered on July 3, 2014.

Case Information Page (including press release and CD): <http://www2.epa.gov/enforcement/timet-settlement>

2. U.S. v. AL Solutions (New Cumberland, WV): On December 19, 2013, the EPA announced that AL Solutions, a West Virginia-based metal recycler, agreed to implement extensive, company-wide safeguards to prevent future accidental releases of hazardous chemicals from its facilities, resolving alleged Clean Air Act violations (CAA) stemming from an explosion at the company's New Cumberland, W. Va. facility that killed three people. The EPA estimates that the company is in the process of spending approximately \$7.8 million to implement extensive measures to ensure compliance with environmental requirements, assess the potential hazards associated with existing and future operations, and take measures to prevent accidental releases and minimize the consequences of releases that may occur. Among other requirements, AL Solutions is utilizing advanced monitoring technology, including hydrogen monitoring and infrared cameras, to assess hazardous chemical storage areas to prevent fires and explosions. The consent decree was entered on February 4, 2014.

Case Information Page (including press release and CD): <http://www2.epa.gov/enforcement/flint-hills-resources-port-arthur-clean-air-act-settlement>

3. U.S. v. Sunoco (Philadelphia, NJ): On June 16, 2005, EPA and DOJ announced a comprehensive Clean Air Act settlement with petroleum refiner Sunoco. The settlement is expected to reduce harmful air emissions from four refineries in three states by more than 24,000 tons per year. The 4th Amendment to the Consent Decree, entered on April 18, 2013, requires Sunoco to, among other things, conduct fence-line monitoring upwind and downwind of the refinery (two monitors) and post the monitoring data each week publicly. Equivalent data from the required Continuous Emission Monitors must be posted

¹ For more information on Next Generation Compliance and Enforcement, please visit our website: <http://www2.epa.gov/compliance/next-generation-compliance>

monthly. Sunoco must maintain the public data on the website for at least five years and review them with Community Advisory Panel members upon request.

Case Information Page (including press release, CD, and amendments):
<http://www2.epa.gov/enforcement/sunoco-petroleum-refinery-settlement>

4. U.S. v. Tyson Foods, Inc. (Washington, DC): On April 5, 2013, EPA and DOJ announced a Clean Air Act settlement with Tyson Foods, Inc. and several of its affiliate corporations to address threats of accidental chemical releases after anhydrous ammonia was released during incidents at facilities in Kansas, Missouri, Iowa, and Nebraska, resulting in multiple injuries, property damage, and one fatality. Tyson is required to conduct third-party audits of its current compliance with the Clean Air Act's Risk Management Program requirements at its 23 facilities in EPA Region VII that operate one or more covered processes (ammonia refrigeration equipment). The consent decree was entered in July 2013.

Case Information Page (including press release and CD): <http://www2.epa.gov/enforcement/tyson-foods-inc>

5. U.S. v. Roquette America (Keokuk, IA): On November 13, 2012, EPA and DOJ announced a Clean Water Act enforcement settlement requiring Roquette America Inc. to pay a \$4.1 million penalty for CWA violations at its grain processing facility in Keokuk, Iowa. In addition to paying the penalty, Roquette will complete other requirements valued at more than \$17 million to protect the Mississippi River and Soap Creek. Pursuant to the consent decree, Roquette completed a sewer survey to identify possible discharge locations, and initiated sewer improvements, constructed wastewater treatment plant upgrades, and performed enhanced effluent monitoring. In addition, Roquette will continue to obtain annual independent third-party audits of its compliance with its operations and maintenance (O&M) program, Storm Water Pollution Prevention Program (SWPPP), the company's NPDES permits, and the requirements in the consent decree. ¶16 Required annual reports will continue to identify noncompliance with steps and schedules to address any violations. The third-party audit reports will continue to be included in the annual reports. The consent decree was entered on January 9, 2013.

Press release: <http://yosemite.epa.gov/opa/admpress.nsf/0/645D50E068FF777185257AB50083932A>
Consent Decree: <http://www2.epa.gov/enforcement/roquette-america-inc-settlement>

6. U.S. v. BP Whiting (Whiting, IN): On May 23, 2012, EPA and DOJ announced a Clean Air Act enforcement settlement with BP North America, Inc. The settlement requires BP to pay an \$8 million penalty and invest more than \$400 million to install state-of-the-art pollution controls and cut emissions from BP's petroleum refinery in Whiting, Indiana. Next Gen tools incorporated in the settlement include the following: BP must report its continuous emission monitoring data quarterly on a public web site (¶¶88-94 and Appendix E address flare monitoring); in addition, as a Supplemental Environmental Project (SEP), BP will install, operate and maintain a \$2 million fence line monitoring system (¶¶82, 210 and Appendix D); and BP must consult with EPA and the community on the location of the monitors, make the data collected available to the public by posting the information weekly on a publicly-accessible website, and review the data with the community upon request. The fence line monitors will continuously monitor benzene, toluene, pentane, hexane, SO₂, hydrogen sulfide (H₂S), and all compounds containing reduced sulfur. The consent decree was entered on November 6, 2012.

Case Information Page (including press release and CD): <http://www2.epa.gov/enforcement/bp-whiting-settlement-flaring>

7. U.S. v. Metropolitan St. Louis Sewer District (St. Louis, MO): On Aug. 4, 2011, EPA and DOJ announced a Clean Water Act enforcement settlement requiring the Metropolitan St. Louis Sewer District (MSD) to make extensive improvements to its sewer systems and treatment plants at an estimated cost of \$4.7 billion over 23 years to eliminate illegal overflows of untreated raw sewage and reduce pollution levels in urban rivers and streams. The complex judicial settlement includes terms that advance the use of large scale green infrastructure projects to control wet weather sewer overflows. MSD is required to invest at least \$100 million in an innovative green infrastructure program focused in environmental justice communities in St. Louis. The Consent Decree requires MSD to post all of its submissions under the Consent Decree on the MSD website for a period of three years (§76) and prior Administrative Compliance Orders issued in 2007 and 2008 require MSD to post its discharge locations on its website (§24). The consent decree was entered on April 27, 2012.

Case Information Page (including press release and CD): <http://www2.epa.gov/enforcement/st-louis-clean-water-act-settlement>

Online Reporting:

<http://www.stlmsd.com/aboutmsd/organization/consentdecree>

Administrative Compliance Order (ACO):

[http://yosemite.epa.gov/OA/RHC/EPAAdmin.nsf/Filings/483873E4945AD10C8525764E0066C5BB/\\$File/AMENDED%20FINDINGS%20OF%20VIOLATION%20AND%20ORDER%20FOR%20COMPLIAN CE.pdf](http://yosemite.epa.gov/OA/RHC/EPAAdmin.nsf/Filings/483873E4945AD10C8525764E0066C5BB/$File/AMENDED%20FINDINGS%20OF%20VIOLATION%20AND%20ORDER%20FOR%20COMPLIAN CE.pdf)

8. U.S. v. Chevron Puerto Rico, LLC (Puerto Rico): On July 26, 2011, EPA and DOJ announced a settlement with Chevron Puerto Rico, LLC resolving violations of the Resources Conservation and Recovery Act at approximately 100 of Chevron's underground storage tank (UST) facilities in Puerto Rico. Under the terms of the settlement, Chevron has spent approximately \$2.3 million to improve its leak detection methods and operations at the service stations and pay a \$600,000 penalty. Chevron has installed fully automated leak detection systems on 142 of its Puerto Rico USTs and will continue operating them for at least five years. The automated systems are designed to detect contaminant releases before they enter the environment. In addition, Chevron has provided quarterly reports on the operation of the systems to EPA. Chevron has spent approximately \$2.5 million on two SEPs. Under SEP #1 Chevron has installed a centralized monitoring system at approximately 142 Chevron-owned service stations with USTs. The centralized system integrates monitoring of each station's UST systems with 24/7/365 surveillance of release detection including sensor status and alarms, and centralized record keeping in addition to the standard onsite audible and visible alarms to alert station personnel of leaks and other potentially dangerous events. Under SEP #2 Chevron has installed liquid sensors under dispenser pans in all of its facilities and connected them to a centralized monitoring system. The consent decree was filed on July 25, 2011; it was entered on September 8, 2011. In July 2012, PC Puerto Rico LLC purchased the stock of Chevron Puerto Rico LLC and as a result of this purchase Chevron Puerto Rico LLC was renamed PC Puerto Rico LLC (PCPR). PCPR is the current owner and/or operator of the UST systems at each of the facilities subject to this settlement and is obligated to comply with the terms of the Consent Decree.

Press Release:

<http://yosemite.epa.gov/opa/admpress.nsf/d10ed0d99d826b068525735900400c2a/6afd9bb37d5f7771852578d9004dba29!OpenDocument&Highlight=2,chevron>

Consent Decree:

http://www.epa.gov/region2/public_notices/2011/canonb05722.enrd.doj.gov_Exchange_07-25-2011_14-50-36.pdf

9. U.S. v. BP Exploration (North Slope, AK): On May 3, 2011, EPA, DOJ, and the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration announced a Clean Water Act settlement with BP Exploration Alaska, Inc. The settlement required BP to pay \$25 million in civil penalties for spilling more than 5,000 barrels of crude oil from the company's pipelines on the North Slope of Alaska. Under the Consent Decree, BP developed and implemented a comprehensive system-wide pipeline integrity management program (IMP) for the company's 1,600 miles of pipeline on the North Slope. The IMP addresses corrosion and other threats to the pipelines and is managed using a Geographic Information System (GIS) based software. It requires a risk-based assessment and ranking of the pipelines, regular inspections, risk prevention and mitigation, pipeline system repair and continual improvement of the program. The development and implementation of the system cost approximately \$60 million. Next Gen tools in the Consent Decree included requiring all reports and information required under the Consent Decree to be placed in a secure web-based electronic portal accessible to the U.S. (¶36) and third-party oversight, by an independent monitoring contractor, of the IMP to manage pipeline integrity. (¶¶30-35) The Consent Decree was filed in May 2011; it was entered in July 2011.

Case Information Page (including press release, CD, and amendments):

<http://www2.epa.gov/enforcement/bp-north-slope-clean-water-act-settlement>

10. U.S. v. Murphy Oil USA, Inc (Meraux, LA and Superior, WI): On September 28, 2010, EPA and DOJ announced that Murphy Oil USA agreed to pay a \$1.25 million civil penalty to resolve violations of the Clean Air Act at its petroleum refineries in Meraux, La. and Superior, Wis. As part of the settlement, the company will spend more than \$142 million to install new and upgraded pollution reduction equipment at the refineries and also spend an additional \$1.5 million on a supplemental environmental project. Next Gen tools in the Consent Decree include the following: An ambient monitoring system has been installed in the nearby community (in response to their concerns and desire for better info about what the air was like in their neighborhood). The monitoring station is required to be operated for a minimum of nine years. In addition to getting monitoring in place for an affected community, this settlement set the now-current standard of making the info publicly available on a website in near-real time. The consent decree was entered on February 16, 2011.

Case Information Page (including press release and CD): <http://www2.epa.gov/enforcement/murphy-oil-usa-clean-air-act-settlement>