



# **Fiscal Year 2017 EPA Enforcement and Compliance Annual Results**

**Prepared by the Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency**

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# FY 2017 Enforcement and Compliance Annual Results

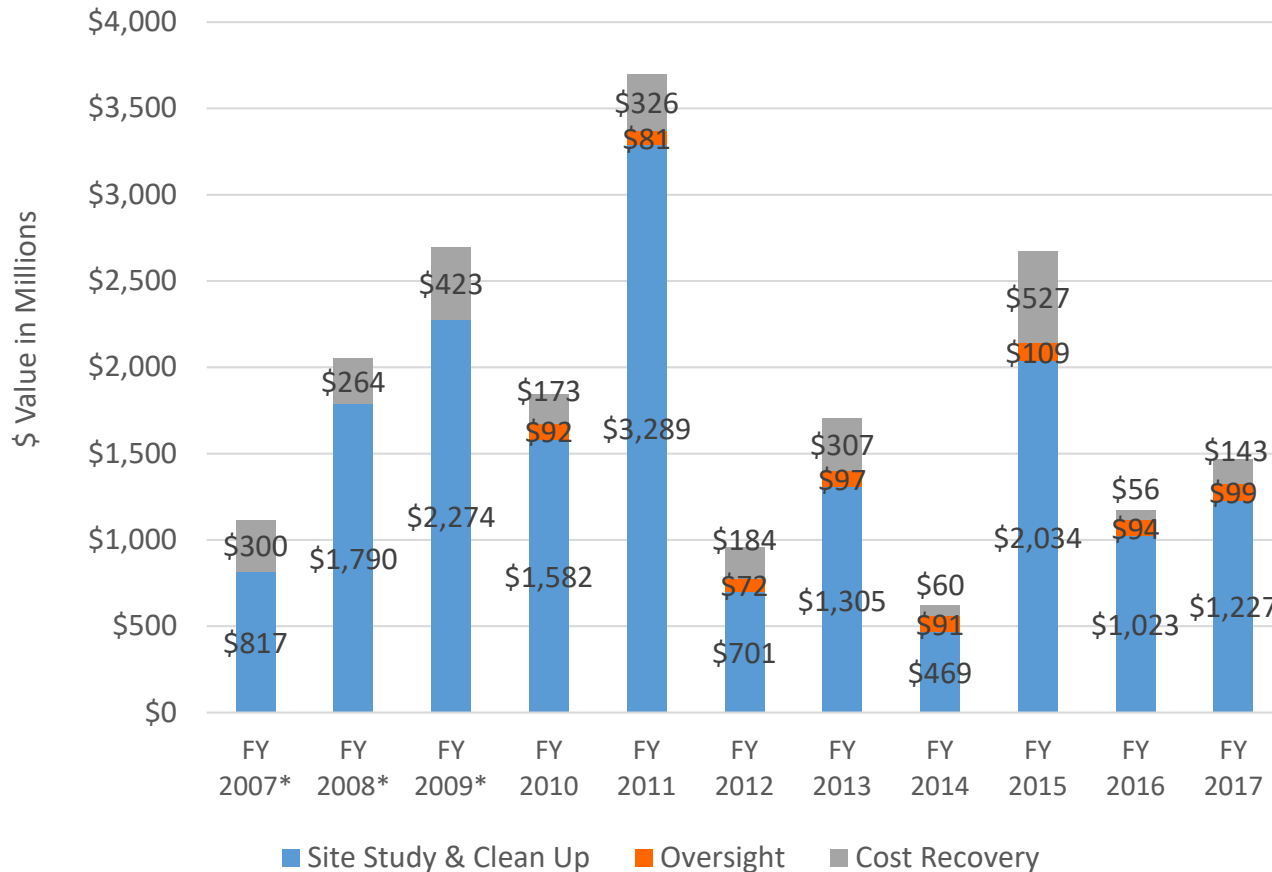
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# FY 2017 Enforcement and Compliance Annual Results

## Superfund Results FY 2007 – FY 2017



➤ Consistent with EPA’s renewed focus on Superfund cleanup, in FY 2017, private parties committed to spend more than \$1.2 billion on new site cleanup. Responsible parties also agreed to reimburse \$142.6 million of EPA’s past costs from clean up work at Superfund sites. Additionally, EPA billed parties \$99 million for oversight.

➤ Annual totals for both cleanup and cost recovery settlements are often strongly influenced by the existence of one or two extremely large cases that involve complex cleanups.

❖ For example, FY 2011 was a record-setting year for the Superfund enforcement program as a result of the \$2.1 billion Hudson River consent decree.

### Notes

1. Totals include "allowed claims" under bankruptcy settlements.
2. These results do not include commitments made for activities at Federally-owned or operated facilities.
3. Prior FY dollars are adjusted to reflect current FY 2017 dollars based on the rate of inflation/deflation determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.
4. Dollar figures referenced in the bullets are nominal values. They are **not** adjusted to reflect inflation/deflation.

\* Amounts billed for Oversight were not reported as part of end-of-year results prior to FY 2010.

Data Source for Cleanup and Cost Recovery: FY16/17 Superfund Enterprise Management System (SEMS); FY14/15 Manual Reporting; FY07-FY13 Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS).

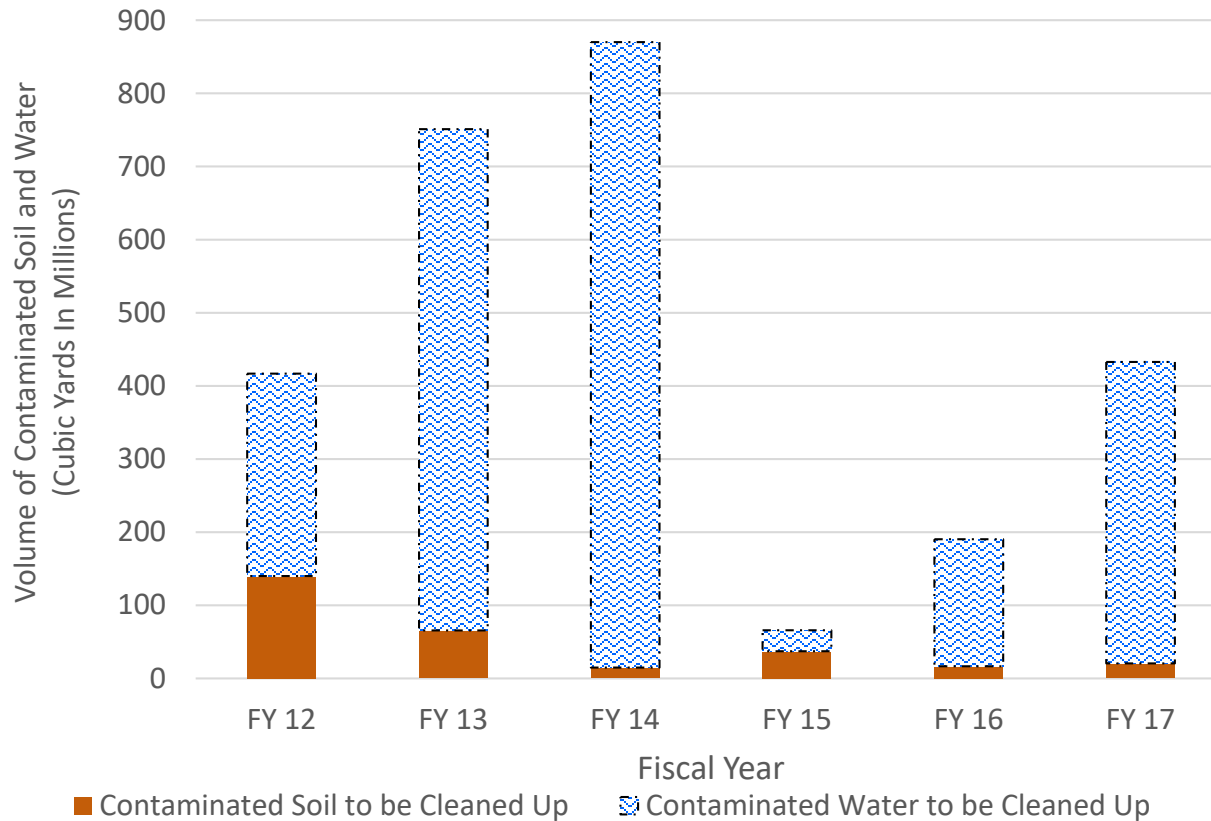
Data Source for Oversight: Compass Business Objects Reporting (CBOR)



# FY2017 Enforcement and Compliance Annual Results

## Estimated Environmental Benefits

### Volume of Contaminated Soil and Water to be Cleaned Up as a Result of CERCLA and RCRA Corrective Action FY 2012 – FY 2017



- In FY 2017, the Agency obtained commitments for remediation of an estimated 20.5 million cubic yards of contaminated soil and 412 million cubic yards of contaminated water as a result of CERCLA and RCRA Corrective Action enforcement.
- Annual totals of soil and water to be cleaned up are often strongly influenced by the existence of one or two extremely large cases.
  - ❖ For example, in FY 2013 and FY 2014 three big cases accounted for the majority of the soil and water to be cleaned up.

**Notes**

1. EPA did not report volumes of soil and water to be cleaned up for CERCLA and RCRA Corrective Action cases as part of the end-of-year results prior to FY 2012.
2. The total volume includes commitments for actions at Federally-owned or operated facilities.

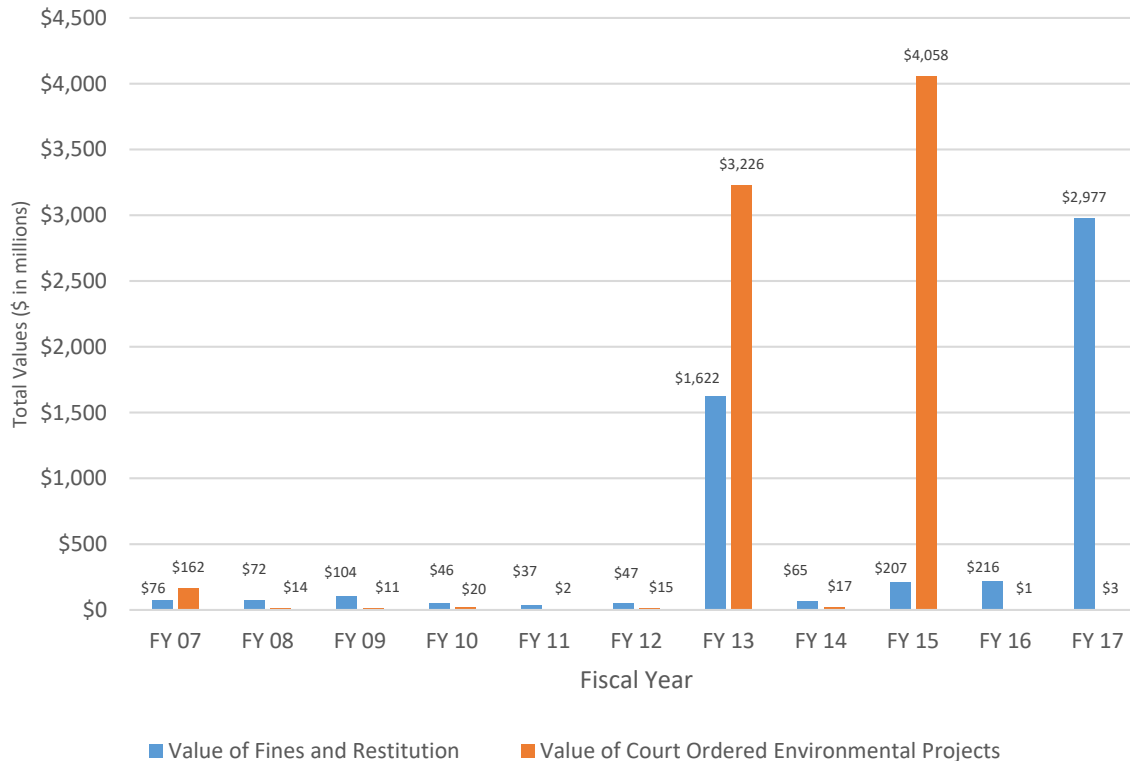
Data Source: Integrated Compliance Information System (ICIS)



# FY 2017 Enforcement and Compliance Annual Results

## Criminal Enforcement

### Value of Fines and Restitution and Court Ordered Environmental Projects FY 2007 – FY 2017



➤ In FY 2017, the total of criminal fines, restitution, and court ordered projects was \$2.98 billion.

➤ Annual totals for criminal enforcement are often directly influenced by the existence of one or two extremely large cases.

- ❖ BP in FY 2013,
- ❖ Duke Energy in FY 2015, and
- ❖ Volkswagen in FY 2017.

➤ Criminal fines and restitution punish misconduct, deter other violators, and along with court ordered environmental projects, help to remedy the harm caused by the criminal conduct.

#### Notes

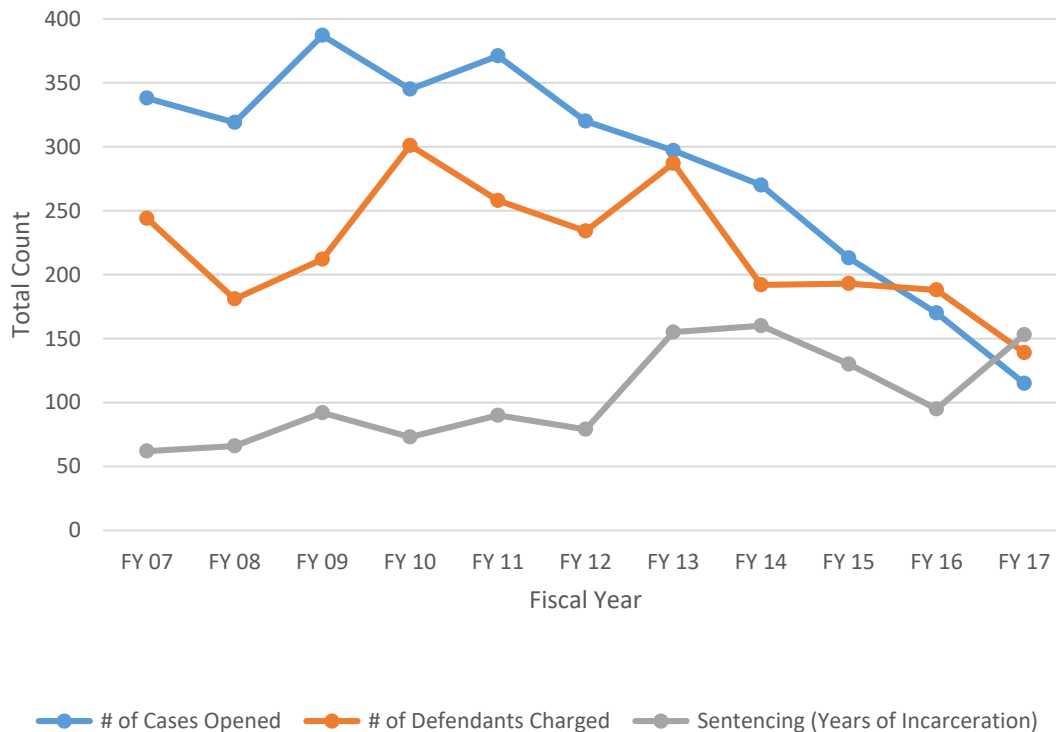
1. All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2017 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.

Data Source: Criminal Case Reporting System



# FY 2017 Enforcement and Compliance Annual Results

## Criminal Enforcement Environmental Crime Cases Opened, Defendants Charged, and Sentencing Results (Years of Incarceration) FY 2007 – FY 2017

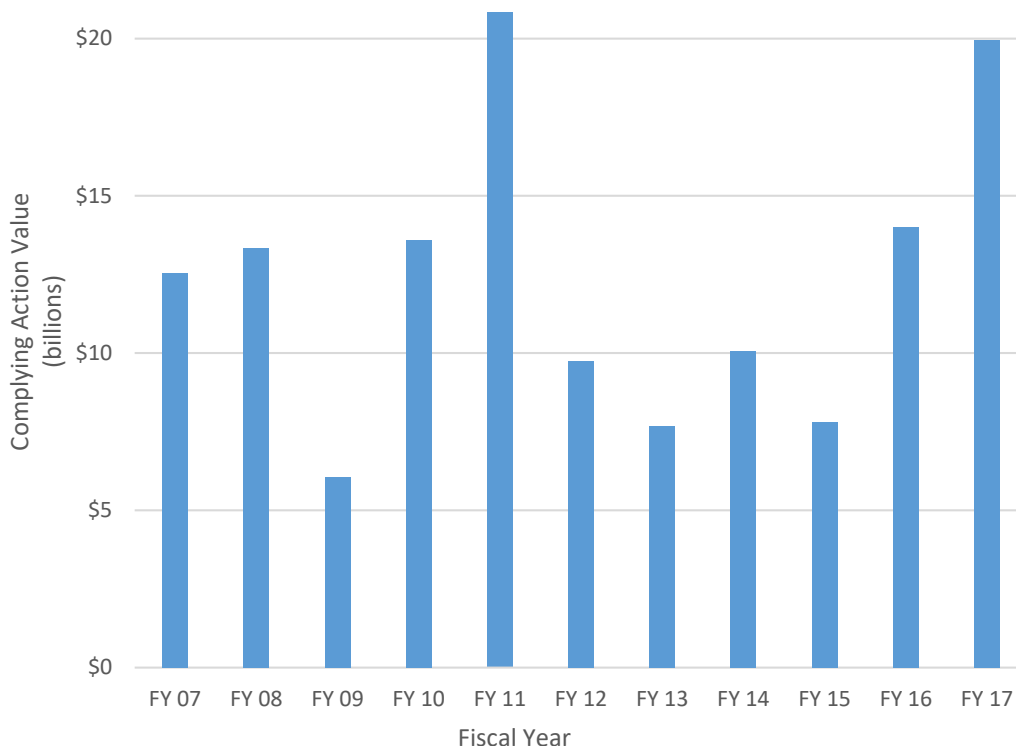


- In FY 2017, the criminal program continued to focus on complex cases that involve a serious threat to human health and the environment or that undermine program integrity.
- Since FY 2013, there has been an increase in the years of incarceration due to renewable fuels fraud prosecutions.

Data Source: Criminal Case Reporting System

# FY 2017 Enforcement and Compliance Annual Results

## Estimated Value of Administrative and Civil Judicial Complying Actions (Injunctive Relief) FY 2007 – FY 2017



➤ In FY 2017, EPA enforcement actions required companies to invest nearly \$20 billion in actions and equipment to control pollution (injunctive relief.)

➤ Annual totals for injunctive relief are often strongly influenced by the existence of one or two extremely large cases.

❖ In FY 2017, the actions with the largest injunctive relief investments include two Clean Air Act-Mobile Source settlements with Volkswagen (\$15.9 billion in total injunctive relief).

❖ The large injunctive relief value achieved in FY 2011 includes the \$5 billion TVA action.

### Notes

1. Injunctive relief requires a regulated entity to perform, or refrain from performing, some designated action. It also brings the entity into compliance with environmental laws.
2. The total injunctive relief value reflects EPA enforcement actions, including Superfund cases involving Federally-owned or operated facilities.
3. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY 2017 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.
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Data Source: Integrated Compliance Information System (ICIS)

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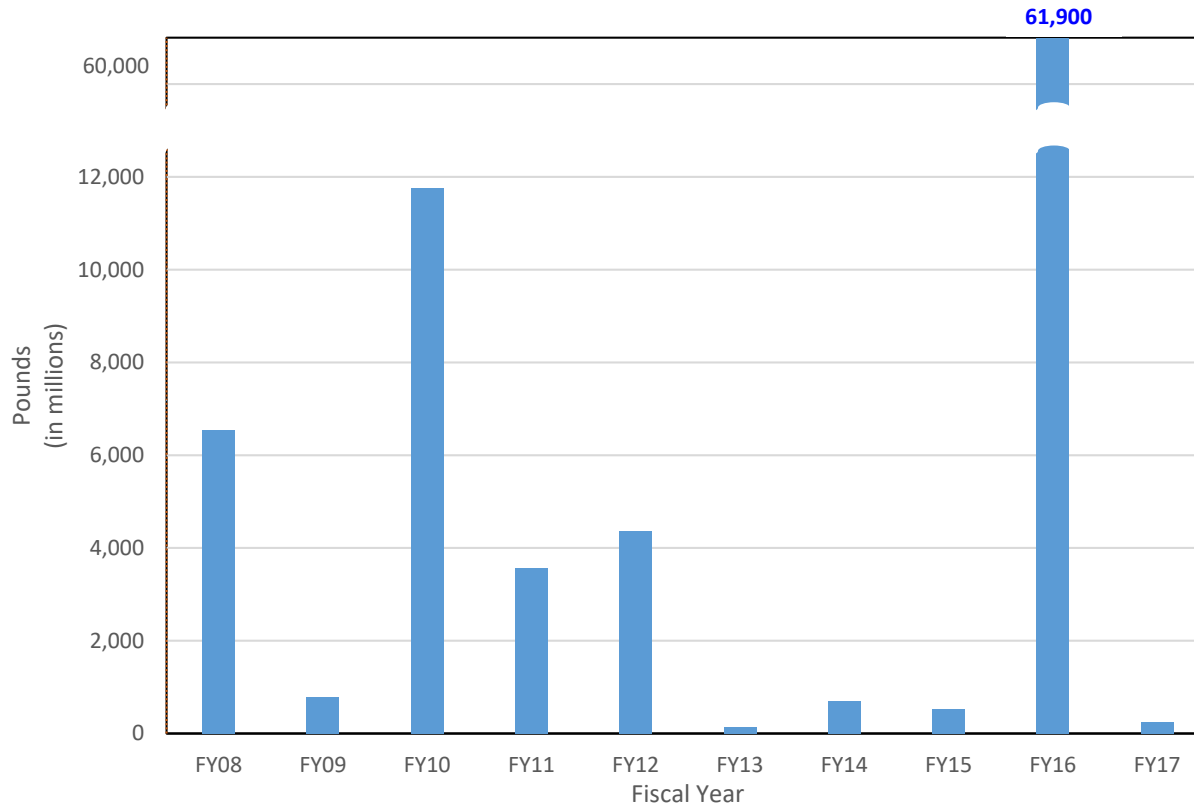


# FY2017 Enforcement and Compliance Annual Results

## Estimated Environmental Benefits

### Hazardous Waste Treated, Minimized, or Properly Disposed

FY 2008 – FY 2017



➤ In FY 2017, EPA enforcement actions required companies to commit to treat, minimize, or properly dispose of an estimated 245 million pounds of hazardous waste.

➤ Annual totals for environmental benefits are often strongly influenced by the existence of one or two extremely large cases.

❖ In FY 2017, Municipality of Toa Alta committed to treat, minimize, or properly dispose of an estimated 199 million pounds of hazardous waste.

❖ In FY 2016, the IMC Phosphates Co. (Mosaic Fertilizer), a RCRA case, accounted for over 99% of the hazardous waste total of 62 billion pounds.

Data Source: Integrated Compliance Information System (ICIS)



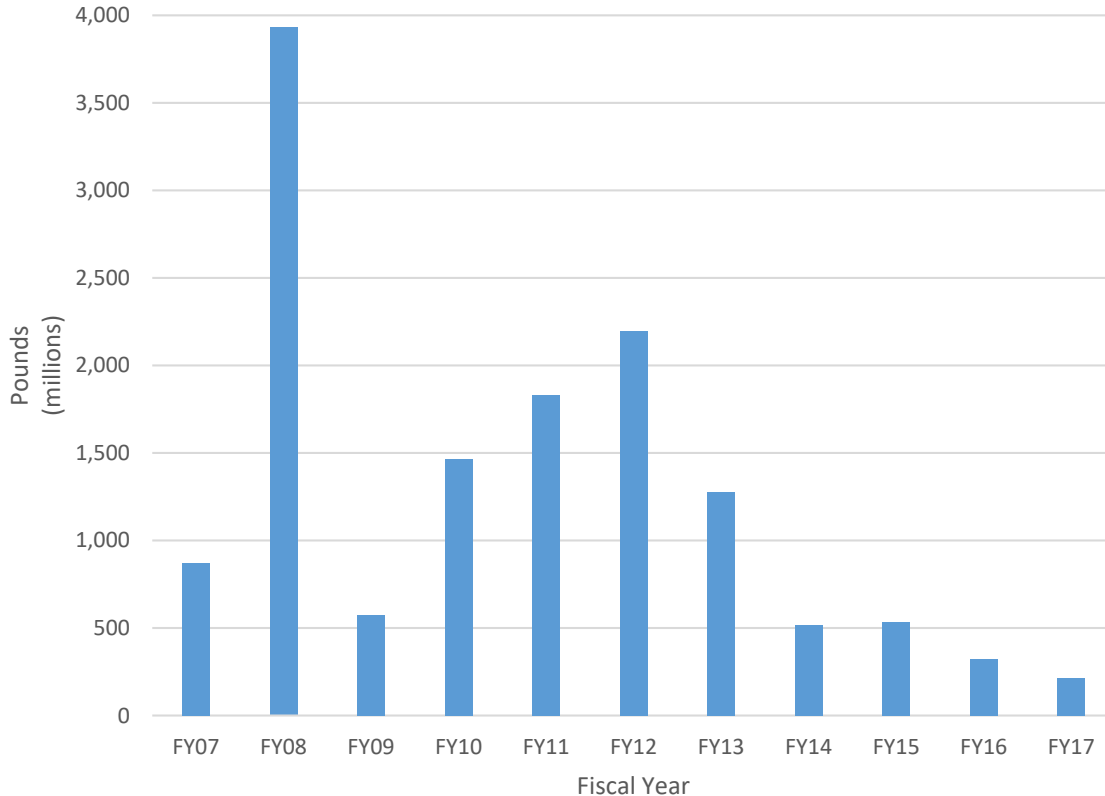


# FY 2017 Enforcement and Compliance Annual Results

## Estimated Environmental Benefits

### Commitments to Reduce, Treat, or Eliminate Pollution (Air, Toxics, and Water)

FY 2007 – FY 2017



- In FY 2017, EPA enforcement actions required companies to commit to reduce, treat, or eliminate pollution by an estimated 217 million pounds per year.
- The estimated environmental benefits in past years came from largely conventional pollution emissions from coal fired power plants and municipal waste water systems. EPA addressed the largest of these systems first, so later cases in these sectors generally involved less pollution. In recent years we have increased our focus on reducing toxic pollution, which involves more toxic pollutants in smaller amounts.

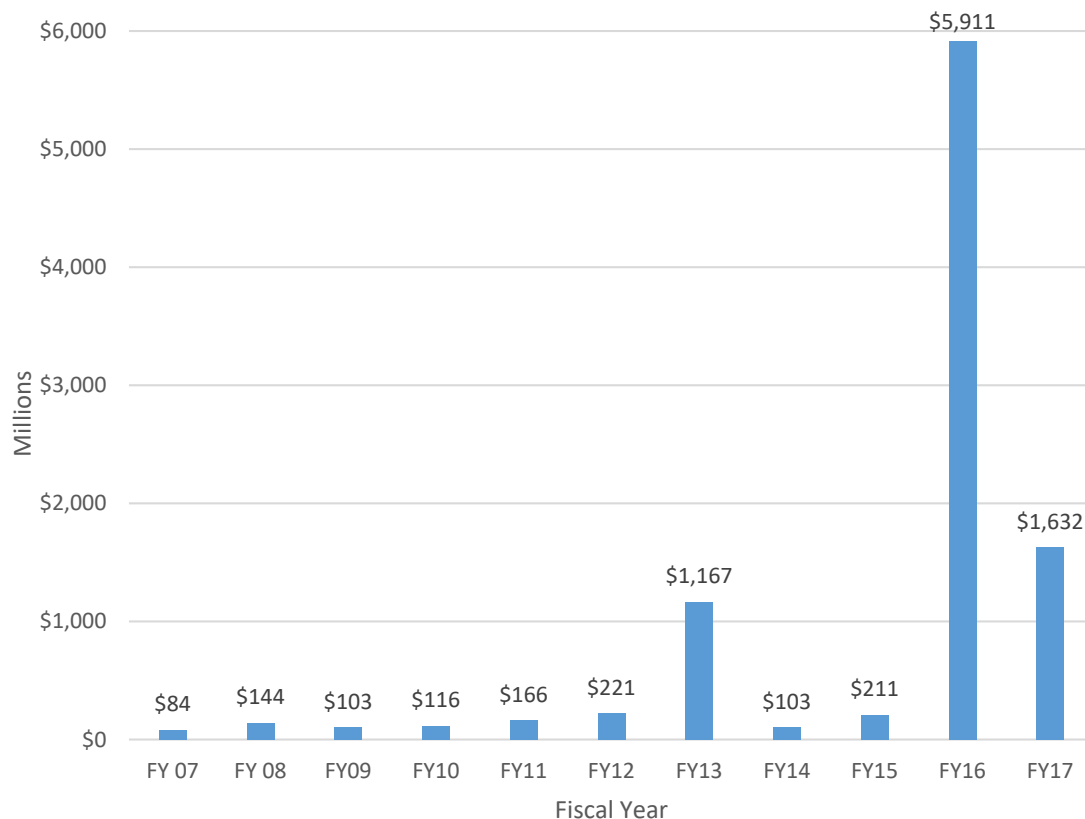
#### Notes

1. Pounds of hazardous waste reduced are **not** included in this Environmental Benefits graph. They are reflected on a separate graph.

Data Source: Integrated Compliance Information System (ICIS)

# FY 2017 Enforcement and Compliance Annual Results

## Administrative and Civil Judicial Penalties Assessed FY 2007 – FY 2017



➤ In FY 2017, EPA assessed nearly \$1.6 billion in federal administrative and civil judicial penalties.

➤ Annual total penalties assessed are often strongly influenced by the existence of one or two extremely large cases.

❖ The FY 2017 results were dominated by the record-setting \$1.45 billion Clean Air Act – Mobile Source penalty in the Volkswagen case.

❖ The large penalty value achieved in FY 2016 includes the \$5.7 billion BP action.

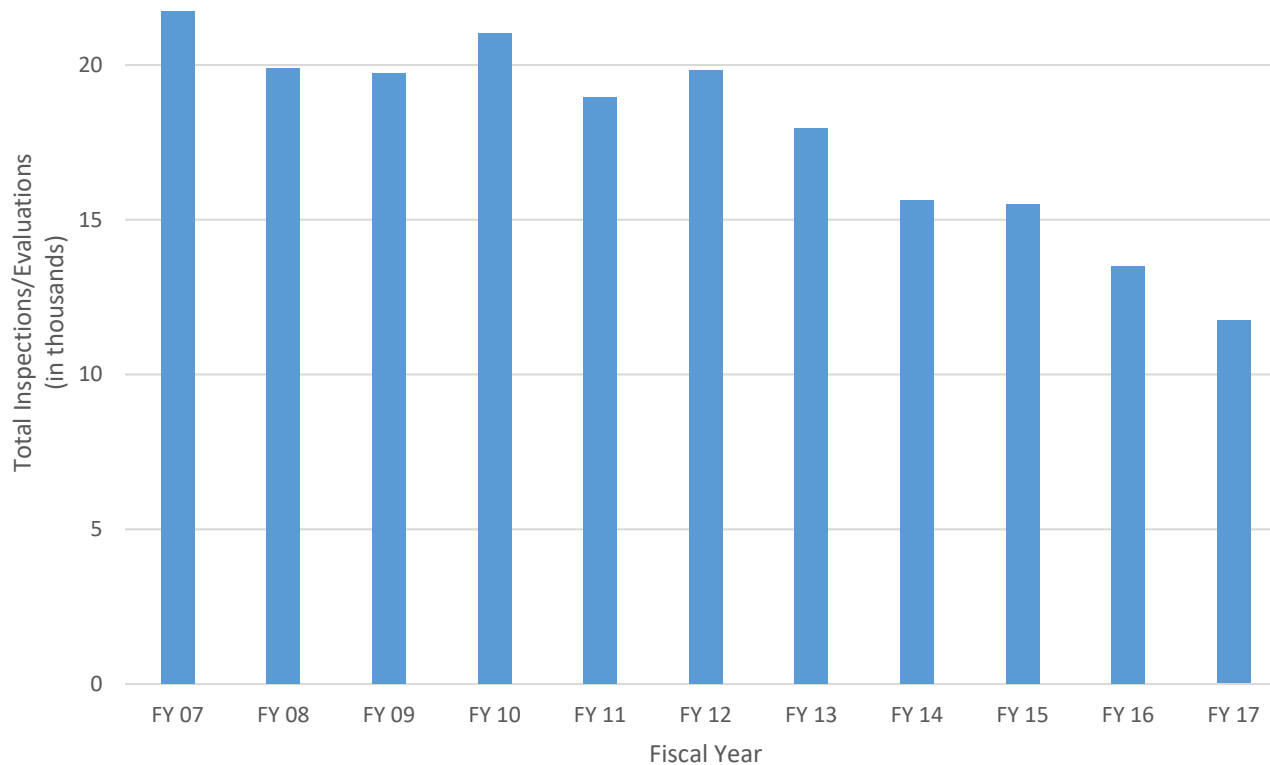
### Notes

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Data Source: Integrated Compliance Information System (ICIS)

# FY 2017 Enforcement and Compliance Annual Results

Federal Inspections and Evaluations  
(Conducted by EPA)  
FY 2007 – FY 2017



➤ In FY 2017, EPA conducted approximately 11,700 inspections/evaluations.

➤ Additional compliance monitoring activities conducted each year but not included on this graph, include, for example, inspections conducted by state and local agencies.

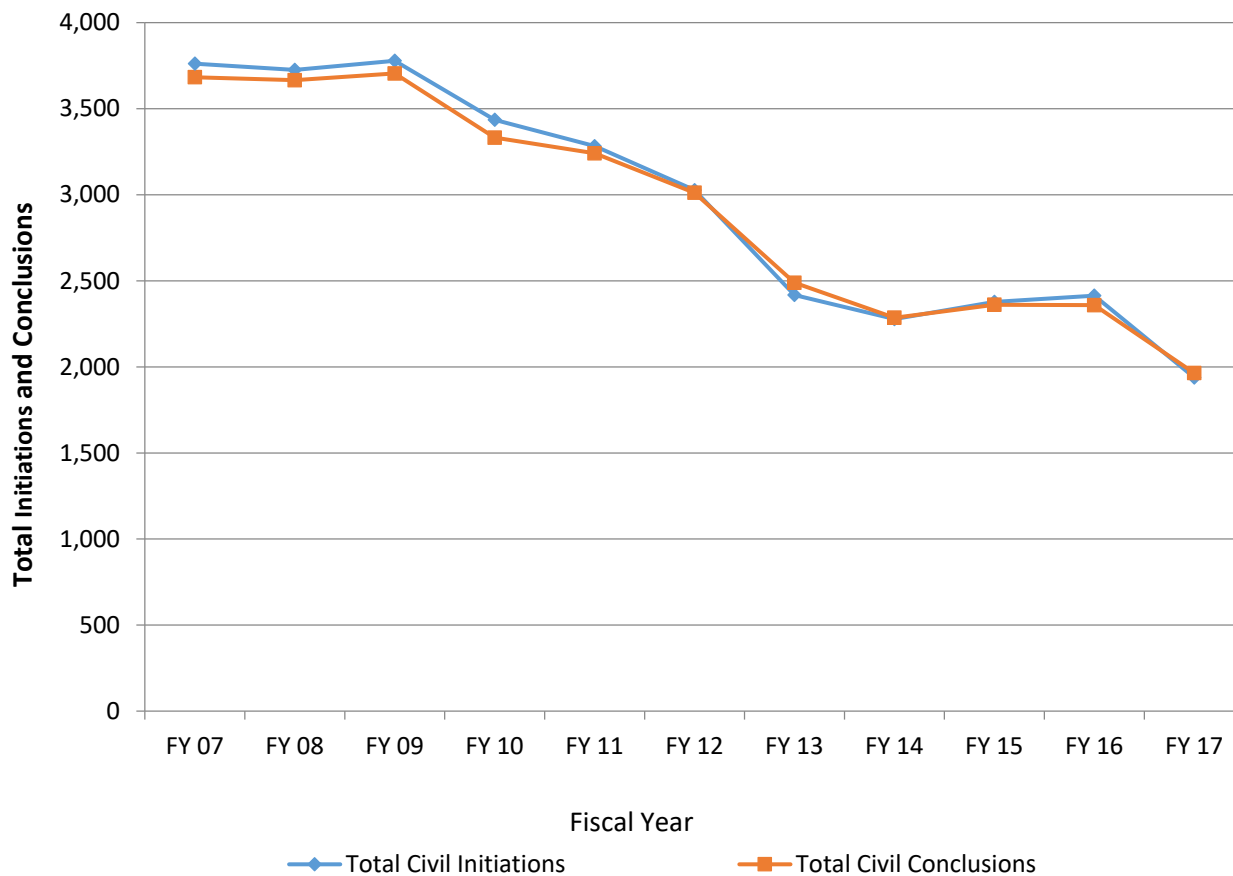
Data Source: Integrated Compliance Information System (ICIS), ICIS-NPDES, ICIS-AIR, RCRAInfo, and manual reporting.



# FY2017 Enforcement and Compliance Annual Results

## Total Civil Enforcement Case Initiations and Conclusions

FY 2007 – FY 2017



➤ In FY 2017, EPA initiated more than 1,900 civil judicial and administrative cases, and concluded nearly 2,000 civil judicial and administrative cases.

### Notes

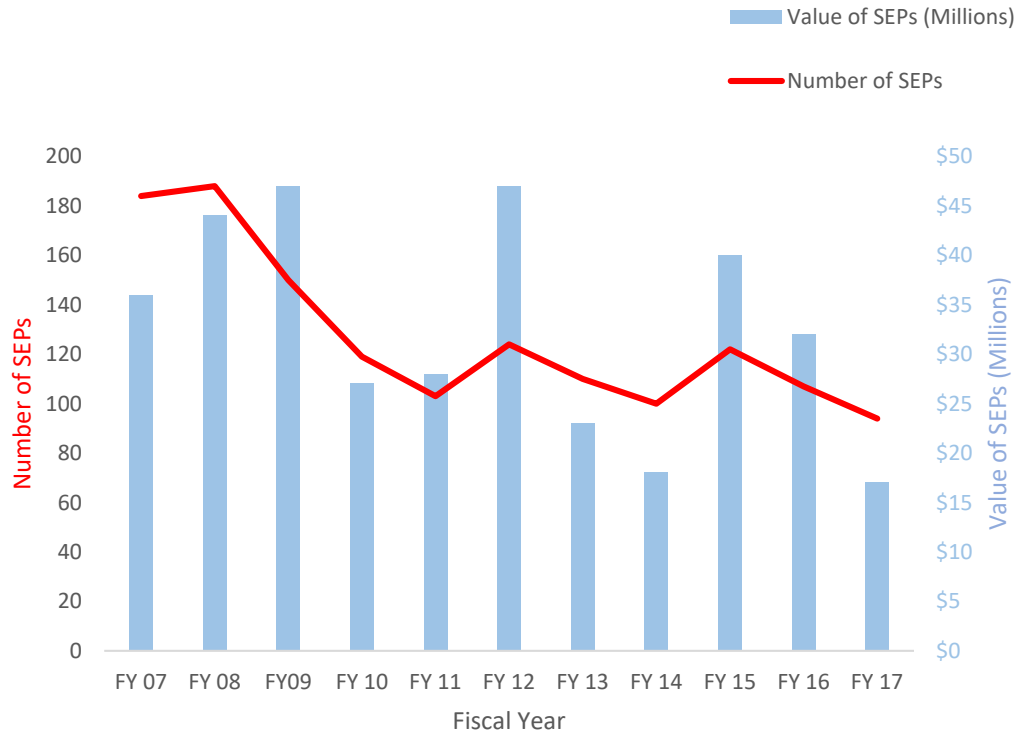
1. Totals include CERCLA Initiations and Conclusions.

Data Source: Integrated Compliance Information System.

# FY 2017 Enforcement and Compliance Annual Results



## Supplemental Environmental Projects (SEPs) FY 2007 – FY 2017



➤ In FY 2017, EPA enforcement settlements included voluntary agreements to undertake an estimated \$17 million in Supplemental Environmental Projects (SEPs).

➤ Annual totals of the value of SEPs are often strongly influenced by the existence of one or two extremely large cases.

❖ FY 2009 includes \$10 million in SEPs from the Memphis Light, Gas and Water case, and \$6 Million in SEPs from a BP North America case.

❖ FY 2012 includes \$20 million in SEPs from the BP Exploration case.

### Notes

1. SEPs are projects that are not otherwise legally required that have a close nexus to the violations and that a defendant/respondent agrees to undertake to benefit the community affected by the violations.
  2. All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2017 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.
  3. Dollar figures referenced in the bullets are nominal values. They are **not** adjusted to reflect inflation/deflation.
- Data Source: Integrated Compliance Information System.

# FY 2017 Enforcement and Compliance Annual Results

## Acronyms and Descriptions for Statutes/Sections



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