



OFFICE OF CIVIL ENFORCEMENT

WASHINGTON, D.C. 20460

February 7, 2024

MEMORANDUM

SUBJECT: Technical Correction to the January 10, 2024 memorandum, *Amendments to the EPA's Civil Penalty Policies to Account for Inflation (effective January 15, 2024)*, to account for inflation for the October 5, 2023 penalty guidance, *Revised Consolidated Enforcement Penalty Policy for Underground Storage Tank (UST) Regulations and Revised Field Citation Program and ESA*

FROM: Gregory Sullivan, Director
Waste and Chemical Enforcement Division, Office of Civil Enforcement

TO: Regional Counsels
Regional Enforcement Directors
Underground Storage Tank (UST) Regional Program Managers

This memorandum is a technical correction to the January 10, 2024 memorandum, *Amendments to the EPA's Civil Penalty Policies to Account for Inflation effective January 15, 2024* ("2024 Penalty Policy Amendments Memorandum") by providing a revised multiplier that case teams should apply to the gravity-based portion of the penalty in Underground Storage Tank (UST) enforcement cases to account for inflation. This correction is effective immediately.

The 2024 Penalty Policy Amendments Memorandum provides a multiplier that represents inflation from October 2018 to October 2023¹ and instructs case teams to apply the multiplier to the 2023 *Revised Consolidated Enforcement Penalty Policy for Underground Storage Tank (UST) Regulations and Revised Field Citation Program and ESA* ("UST Penalty Policy"). However, the penalty amounts listed in the 2023 UST Penalty Policy were already adjusted for inflation to October 2021.

To correctly account for inflation, UST enforcement case teams should multiply the penalties and field citations listed in the 2023 UST Penalty Policy by 1.11237. This revised multiplier represents the

¹ The 2024 multiplier was calculated using the increase established by the [Consumer Price Index for all Urban Consumers \(CPI-U\)](#) from October 2021 to October 2023 and multiplying it to the inflation multiplier issued in the January 12, 2022 inflation memorandum.

accurate inflation increase between October 2021 and October 2023.² UST case teams should not apply the revised multiplier to ESA penalties.

This memorandum only corrects and does not supersede the 2024 Penalty Policy Amendments Memorandum and the 2023 UST Penalty Policy. If you have any questions about the policy, please contact Erika McDonald (OCE) at Mcdonald.Erika@epa.gov.

² The revised value was calculated by multiplying the multiplier from the January 12, 2022 Inflation Adjustment Memorandum by the CPI-U increase from October 2021 (276.589) to October 2023 (307.671) to yield an inflation increase of 1.11237.