



# **Enforcement and Compliance Assurance Annual Results for Fiscal Year 2020**

**U.S. Environmental Protection Agency  
Office of Enforcement and Compliance Assurance  
Washington, DC 20460**

**Published: January 13, 2021**



Home <<https://epa.gov/>> / News Releases <<https://epa.gov/newsreleases/search>>

# EPA Announces FY 2020 Enforcement and Compliance Achievements

January 13, 2021

## Contact Information

EPA Press Office ([press@epa.gov](mailto:press@epa.gov))

**WASHINGTON** (January 13, 2021) — In Fiscal Year (FY) 2020, the Environmental Protection Agency’s (EPA) enforcement and compliance assurance program achieved tremendous results for the public and the environment, increasing the environmental benefits of its cases despite the COVID-19 public health emergency. EPA’s Office of Enforcement and Compliance Assurance (OECA) achieved these results by adapting quickly and focusing resources on priority matters during a global pandemic.

“In FY 2020, EPA enforcement and compliance assurance staff demonstrated extraordinary resilience, creativity, and perseverance as they continued to assure compliance with environmental laws,” said Assistant Administrator for Enforcement and Compliance Assurance Susan Bodine. “I am very proud of the work we accomplished this year.”

Highlights of EPA’s FY 2020 enforcement and compliance achievements include:

- Commitments to reduce, treat, or eliminate over 426 million pounds of pollution, the most in a single year since 2015.
- Proper treatment, minimization, or disposal of 1.6 billion pounds of hazardous and non-hazardous waste, more than all but two of the past eight years.

- Clean up of 104 million cubic yards of contaminated soil and water, more than in FY 2019.
- Prevention of 18.2 million pounds of air pollutants by preventing, reducing, treating, or eliminating emissions from vehicle and engine air sources through resolution of 31 civil enforcement cases for tampering and aftermarket defeat devices—the most for any one year in the agency’s history.
- 247 new criminal cases opened, 77 more than in FY 2019 and the most since 2014.
- Superfund response and cash-out settlements of over \$636 million for cleanup work, \$65 million more than FY 2019, as well as \$178.4 million for EPA’s costs.

To see EPA’s FY 2020 Annual Environmental Enforcement Results, including case highlights, visit: <https://www.epa.gov/enforcement/enforcement-annual-results-fiscal-year-2020> <<https://epa.gov/enforcement/enforcement-annual-results-fiscal-year-2020>>

Members of the public can help protect our environment by identifying and reporting environmental violations. Learn more here <<https://echo.epa.gov/report-environmental-violations>>.

Last updated on February 21, 2024



Home <<https://epa.gov/>> / Enforcement <<https://epa.gov/enforcement>>

# Enforcement Annual Results for Fiscal Year 2020

In Fiscal Year (FY) 2020, the Environmental Protection Agency's (EPA) enforcement and compliance assurance program achieved tremendous results for the public and the environment, increasing the environmental benefits of its cases despite the COVID-19 public health emergency. EPA's Office of Enforcement and Compliance Assurance (OECA) achieved these results by adapting quickly and focusing resources on priority matters during a global pandemic

"In FY 2020, EPA enforcement and compliance assurance staff demonstrated extraordinary resilience, creativity, and perseverance as they continued to assure compliance with environmental laws," said Assistant Administrator for Enforcement and Compliance Assurance Susan Bodine. "I am very proud of the work we accomplished this year."

Highlights of EPA's FY 2020 enforcement and compliance achievements include:

- Commitments to reduce, treat, or eliminate over 426 million pounds of pollution, the most in a single year since 2015.

## Annual Results Press Release

EPA Announces FY 2020 Enforcement and Compliance Achievements  
<<https://epa.gov/newsreleases/epa-announces-fy-2020-enforcement-and-compliance-achievements>> (01/13/2021)

## Looking for prior Enforcement

- Proper treatment, minimization, or disposal of 1.6 billion pounds of hazardous and non-hazardous waste, more than in all but two of the past eight years.
- Clean up of 104 million cubic yards of contaminated soil and water, more than in FY 2019.
- Prevention of 18.2 million pounds of air pollutants by preventing, reducing, treating, or eliminating emissions from vehicle and engine air sources through resolution of 31 civil enforcement cases for tampering and aftermarket defeat devices—the most for any one year in the agency’s history.
- 247 new criminal cases opened, 77 more than in FY 2019 and the most since 2014.
- Superfund response and cash-out settlements of over \$636 million for cleanup work, \$65 million more than FY 2019, as well as \$178.4 million for EPA’s costs.

## t Annual Results reports?

Search our document collection in archives. "enforcement annual results"

The full report of EPA's 2020 enforcement and compliance assurance accomplishments is available on the EPA Enforcement Annual Results 2020 story map [🗺](#).

Last updated on March 5, 2025

This story was made with [Esri's Story Map Cascade](#).

Read it on the web at <https://arcg.is/1PSPXi0>.



# EPA Enforcement Annual Results FY 2020



In the first five months of fiscal year (FY) 2020, EPA was on track to significantly exceed traditional numeric metrics in many categories with more compliance monitoring activities in the first five months than in any year since 2013, more in assessed penalties the first five months than in seven out of the previous ten years, more injunctive relief in the first five months than in FY 2019, and more concluded cases in the first five months than in either FY 2018 or FY 2019.

On March 13, 2020, the President declared a national emergency due to the novel coronavirus. States followed with stay at home orders, many federal employees began teleworking, and many courts closed. EPA's enforcement and compliance assurance program quickly adapted and, in collaboration with state and tribal programs, continued to ensure compliance with federal environmental laws while maintaining protection of the health and safety of our employees.

For example, EPA for the first time provided guidance on off-site compliance monitoring activities. EPA developed COVID-19 specific guidance on health and safety practices for inspectors. EPA continued to focus its enforcement and compliance resources in areas that will have a major environmental or human health impact, support the integrity of our environmental regulatory programs, create a deterrent effect, and promote cleanups. In FY 2020, these priority cases also included the onslaught of violations of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) by persons hoping to cash in on the fear of the novel coronavirus by making fraudulent claims that their products or devices kill that virus.

EPA was not able to overcome all the challenges presented by the public health emergency, such as delays caused by closure of courts. However, in FY 2020 EPA enforcement staff still achieved tremendous results for the public and the environment. In fact, despite the public health emergency, EPA increased the environmental benefits of its cases in FY 2020.

"In FY 2020, EPA enforcement and compliance assurance staff demonstrated extraordinary resilience, creativity, and perseverance as they continued to assure compliance with environmental laws," said Assistant Administrator for Enforcement and Compliance Assurance Susan Bodine. "I am very proud of the work we accomplished this year."

In FY 2020, EPA's enforcement and compliance assurance actions resulted in:

- Commitments to reduce, treat, or eliminate over 426 million pounds of pollution, the most in a single year since 2015.
- Proper treatment, minimization, or disposal of 1.6 billion pounds of hazardous and non-hazardous waste, more than in all but two of the past eight years.
- Clean up of 104 million cubic yards of contaminated soil and water, more than in FY 2019.
- Prevention of 18.2 million pounds of air pollutants by preventing, reducing, treating, or eliminating emissions from vehicle and engine air sources through resolution of 31 civil enforcement cases for tampering and aftermarket defeat devices—the most for any one year in the agency's history.
- 247 new criminal cases opened, 77 more than in FY 2019 and the most since 2014.
- Superfund response and cash-out settlements of over \$636 million for cleanup work, \$65 million more than FY 2019, as well as \$178.4 million for EPA's costs.

### **Implementation of National Compliance Initiatives**

The EPA focuses its enforcement and compliance resources on the most serious environmental violations by developing and implementing national program priorities called National Compliance Initiatives (NCIs). In FY 2020, we provided our coregulators with meaningful engagement on the development and implementation of the NCIs. For example, the EPA collaborated extensively with state primacy agencies (which includes both public health and environmental protection organizations) and the Association of State Drinking Water Administrators in developing the drinking water NCI and the Association of Clean Water Administrators for the Reducing Significant Non-Compliance (SNC) with NPDES permits NCI. In implementing the first year of these NCIs, EPA focused on improving air quality, providing clean and safe water, and ensuring chemical safety while

enhancing shared accountability between the EPA and states and tribes with authorized environmental programs. In FY 2020, EPA concluded more national priority cases than in any of the prior 10 years.

The National Compliance Initiatives are:

- [Creating Cleaner Air for Communities by Reducing Excess Emissions of Harmful Pollutants](#)
- [Stopping Aftermarket Defeat Devices for Vehicles and Engines](#)
- [Reducing Hazardous Air Emissions from Hazardous Waste Facilities](#)
- [Reducing Risks of Accidental Releases at Industrial and Chemical Facilities](#)
- [Reducing Significant Non-Compliance with National Pollutant Discharge Elimination System \(NPDES\) Permits](#)
- [Reducing Non-Compliance with Drinking Water Standards at Community Water Systems](#)

NCI Highlights from FY 2020 include:

- Reducing the National Pollutant Discharge Elimination System (NPDES) Significant Non-Compliance one-quarter rate from a FY 2018 baseline of 20.3% to 16.4%, continuing progress toward achieving the goal of cutting the Significant Non-Compliance rate in half by FY 2022.
- Resolving 31 cases as part of the Stopping Aftermarket Defeat Device NCI.
- Reducing almost 27 million pounds of volatile organic compounds and over 2.8 million pounds of hazardous air pollutants under the Creating Cleaner Air for Communities NCI.
- Issuing a Clean Water Act [compliance advisory](#) on reducing significant non-compliance with NPDES permits and an [enforcement alert](#) on compliance with the Resource Conservation and Recovery Act air emissions requirements to assist the regulated community in understanding their obligations.

In addition to the six NCIs selected for FY 2020-2023, OECA supports the EPA's agency-wide priority to reduce children's exposure to lead. The President's Task Force on Environmental Health Risks and Safety Risks to Children released its Lead Action Plan on December 4, 2018. The enforcement and compliance assurance program will contribute to the Agency's overall efforts to address lead exposure as outlined in the Lead Action Plan. Information on the EPA's lead paint enforcement activities in FY 2020 is available on the Agency's [Lead-based Paint Enforcement Helps Protect Children and Vulnerable Communities – 2020 webpage](#). The EPA completed 109 federal enforcement actions in FY 2020 to ensure that entities such as renovation contractors, landlords, realtors, and others comply with rules that protect the public from exposure to lead from lead-based paint. The Agency's lead paint regulatory enforcement activities in FY 2020 are summarized [here](#). The Agency's efforts to negotiate with responsible parties to cleanup lead contamination at Superfund sites is available in the [2020 bulletin on reducing lead exposure through cleanup enforcement](#).

In FY 2020, EPA also protected consumers from fraudulent claims relating to the novel coronavirus that causes COVID-19 by taking action under the Federal Insecticide, Fungicide, and Rodenticide Act. EPA's actions included issuing or taking 447 civil enforcement stop sale, use or removal orders, notices of refusals of admission for imports, and administrative or judicial cases; opening approximately 60 criminal enforcement cases; and providing compliance information to businesses, consumers, and federal agencies.



## COVID Response

The EPA's mission to protect human health and the environment is even more critical in this time of unprecedented public health concerns. EPA responded quickly to the COVID-19 public health emergency by providing critical public health information; pursuing entities making false claims with respect to COVID-19; issuing guidance to protect EPA, state, and tribal enforcement staff; expanding the use of off-site compliance monitoring, and issuing enforcement policies to provide for temporary enforcement discretion where compliance was not reasonably practicable due to COVID-19.

The presence of the coronavirus has created greater awareness and markets for pesticides claiming to kill the virus. Since April 1, 2020, in response to the public health emergency, the EPA has overseen over 2,600 new pesticide establishments registered. This rush to market has accounted for a 311% increase in new establishment registrations from April to October 2020. This burgeoning market has also raised questions from the public as to the effectiveness of disinfectants against the virus. Some companies have sought to take advantage of the crisis by manufacturing and selling products making unverified, false or misleading claims with respect to efficacy against the virus in violation of FIFRA. In May, OECA issued a [compliance advisory](#) to provide consumers with information about how to evaluate the reliability of products claiming to disinfect surfaces against the coronavirus causing COVID-19. In early October, OECA issued a [compliance advisory](#) to the UV light industry with information on what FIFRA requirements apply to UV lights which claim to be effective against viruses and bacteria. The EPA collaborated with FedCenter to develop a new web page on federal agency specific, and non-federal guidance and recommendations released by various organizations with respect to COVID-19. As new or updated guidance is released, it is added to the site to help everyone understand how federal agencies and other organizations can minimize the impacts of COVID-19 within their respective communities.

OECA also greatly expanded its work under FIFRA to address COVID fraud, including actions addressing mislabeling, unregistered pesticides, and import violations. In FY 2020, EPA has taken 447 civil enforcement actions and opened approximately 60 criminal cases related to suspected or confirmed unlawful sales or distributions of unregistered or misbranded pesticides or devices that have made claims of efficacy against SARS-CoV-2. Those actions include:

- Issuing Stop Sale, Use, or Removal Orders to 11 entities including two of the largest e-commerce platforms, Amazon and eBay, to prevent further distribution of multiple unregistered and misbranded pesticides and devices.
- Issuing 415 Notices of Refusal of Admission to prevent the importation of a broad range of unregistered or misbranded pesticides or devices making COVID-related claims into the United States and working closely with Customs and Border Patrol to prevent the importation of more than 8,000,000 units of illegal products and 700,000 pounds of bulk product.

OECA has been particularly mindful of the health and safety of our staff, and those of Federal Agencies, State and Local Governments, and Tribes as we collectively continue to implement our enforcement program. Together with the Office of Land and Emergency Management, OECA issued [EPA Interim COVID-19 Health & Safety Guidelines for Field Activities](#) and associated [Job Hazard Analysis](#) to assess and manage COVID-19 exposure risk for staff involved in field work and provided live training to all EPA credentialed inspectors.

OECA has also been mindful of the specific challenges faced by our partner agencies during this period. For example, on July 22, 2020, Assistant Administrator Bodine sent a [letter](#) to states, tribes, territories, and local agencies stating the agency's intent to work with them to adjust inspections commitments during the public health emergency.

To continue to assure compliance with environmental laws during the COVID-19 public health emergency, EPA worked to increase the use of off-site compliance monitoring techniques such as reviews of facility records,


evaluations of pollutant emissions from self-monitored data, and desk audits of facility practices to assure compliance with the regulations.

The public health crisis also presented the extraordinary situation where, like many federal and state employees, some employees and contractors of regulated facilities were unable to perform all previously planned on-site work due to travel restrictions, state and local stay at home orders, illness or quarantine. In light of these challenges the agency issued a [Temporary Enforcement Policy](#) authorizing enforcement discretion for situations where compliance with routine monitoring and reporting was not reasonably practicable due to COVID-19. The Agency also provided the availability of a special [data reporting code](#) allowing Clean Water Act permittees to indicate that they did not have sampling or monitoring data to report on their discharge monitoring reports as a result of an impact from the COVID-19 public health emergency. Use of this code indicates the permittee believes the crisis contributed to its noncompliance status.

Similarly, the agency issued guidance for [on-going field work](#) at cleanup sites focusing on the need to both protect the health and safety of the public as well as the health and safety of agency staff and cleanup partners. In response to stakeholder concerns about the limited availability of respiratory protection options for the agricultural sector, the Agency issued [guidance](#) outlining additional compliance options for employers and pesticide handlers for the duration of the public health emergency.

OECA has also worked closely with authorized states and tribes with respect to implementing enforcement programs during the COVID-19 public health emergency. The EPA has been in close coordination with our partners, responding to questions regarding enforcement and the potential exercise of enforcement discretion.

After a few months, EPA learned to adapt to COVID-19 restrictions and expected the regulated community to do the same. Accordingly, on August 31, EPA terminated its COVID-19 enforcement policy.



## Criminal Enforcement

EPA's criminal program has continued to ensure the health and safety of the American people during the COVID-19 pandemic. While our physical offices may have been closed as precautions against the spread of the virus, EPA's Criminal Investigation Division's special agents have continued to perform their critical mission and hold individuals accountable for wrongdoing. In FY 2020, the criminal program opened 247 cases (146 since March 2020). In 89% of the criminal cases charged last year, an individual defendant was prosecuted, and those prosecutions generated a total 94% conviction rate.

In March 2020, the criminal program launched the COVID-19 Fraud Initiative. The initiative focused on the illegal sale and distribution of pesticide products that either have no active, nor effective ingredients, or contain restricted or banned ingredients. Since March 15, 2020, CID opened 60 COVID-19 related cases after screening more than 1,000 tips. The criminal program joined efforts both internally at EPA and with other federal agencies such as the Department of Homeland Security, the Food and Drug Administration, the Federal Trade Commission, and the Department of Justice, to stop fraud and protect public health. Our quick investigative work led to the charging of four individuals related to COVID-19.

# Criminal Enforcement Case Highlights



## **Crystal Geyser Water Bottler Ordered to Pay \$5 Million Criminal Fine for Illegal Storage, Transportation of Arsenic-Laced Waste**

On August 5, 2020, CG Roxane, the company that produces “Crystal Geyser Natural Alpine Spring Water” was sentenced in the Central District of

California to three years of probation and ordered to pay criminal fines totaling \$5 million for illegally storing and transporting hazardous waste created from filtering arsenic out of spring water at its facility in Olancho, California. CG Roxane obtained water by drawing groundwater from the eastern slope of the Sierra Nevada mountains that contained naturally occurring arsenic. The company used sand filters to reduce the concentration of arsenic so the water would meet federal drinking water standards. For approximately 15 years, CG Roxane discharged arsenic-contaminated wastewater into a manmade pond – known as “the Arsenic Pond”. State officials instructed the company to arrange for the removal of the Arsenic Pond. In May 2015, CG Roxane hired United Pumping Services, Inc. and United Storm Water, Inc. to remove the hazardous waste and transport it – which was done without the proper manifest and without identifying the wastewater as a hazardous material. The arsenic-contaminated wastewater was ultimately transported to a Southern California facility that was not authorized to receive or treat hazardous waste. As a result, more than 23,000 gallons of the wastewater from the Arsenic Pond was discharged into a sewer without appropriate treatment. On July 29, 2020, United Pumping Services, Inc. and United Storm Water, Inc. pleaded guilty to violating the Clean Water Act and each was sentenced to pay a \$375,000 criminal fine.

Press Release: <https://www.justice.gov/usao-cdca/pr/crystal-geyser-water-bottler-ordered-pay-5-million-criminal-fine-illegal-storage>

## **Two Kansas Companies Fined \$1 Million Each for Toxic Chlorine Gas Release**



MGP I Processing, Inc. in Atchison, KS

On May 27, 2020, Harcos Chemicals, Inc. and MGP Ingredients, Inc. were criminally fined \$1 million each in the District of Kansas for violating the federal Clean Air Act when a cloud of toxic chlorine gas was released in 2016. Both companies pleaded guilty to negligently violating the Clean Air Act. On October 21, 2016, a greenish-yellow chlorine gas cloud formed at MGP Ingredients' facility in Atchison, KS when 4,000 gallons of sulfuric acid was mistakenly combined with 5,800 gallons of sodium hypochlorite. The Atchison County Department of Emergency Management ordered community members to shelter in place and to evacuate in some areas. Approximately 140 individuals including members of the public, first responders, employees of MGP Ingredients and Harcos Chemicals sought medical attention.

Press Release: <https://www.justice.gov/usao-ks/pr/two-kansas-companies-fined-1-million-each-atchison-chlorine-gas-case>

### **Michigan Company and its Owner Sentenced for Illegally Storing Hazardous Waste**



Electro-Plating Services, Inc., in Madison Heights, Michigan.

On November 5, 2019, in the Eastern District of Michigan, Gary Sayers was sentenced to incarceration of twelve months and one day and ordered to pay restitution to the EPA for \$1,449,963.94. Electro-Plating Services, Inc. was sentenced joint and several with the restitution Sayers was ordered to pay. Gary Sayers and Electro-Plating Services, Inc., pleaded guilty to violating the Resource Conservation and Recovery Act for illegally storing wastes at the company's premises in Madison Heights, Michigan. Sayers acted as the president and owner of this electroplating business since the late 1990s and had a history of similar violations. In 2016, the Michigan Department of Environmental Quality identified more than 5,000 containers of liquid and solid wastes at the Madison Heights location. In January 2017, the EPA initiated a Superfund removal which was completed in January 2018.

Press Release: <https://www.justice.gov/opa/pr/michigan-company-and-its-owner-sentenced-illegally-storing-hazardous-waste>

### **Mississippi Lab Director Sentenced to Prison for Falsifying Lab Results Concerning Water Quality**

On January 16, 2020, John Couey, a lab operator hired to test water samples to help ensure water quality for dozens of towns throughout the Mississippi Delta, was sentenced in the Northern District of Mississippi. Couey was sentenced to 18 months in prison for submitting false statements and lab results to the Mississippi Department of Environmental Quality. Couey is the owner and lab director of Davis Research, Inc., an environmental analytical laboratory located in Avon, Mississippi. Davis Research performed analytical testing

services for more than 100 cities, towns, state and federal agencies, and businesses in the Mississippi Delta. Couey, as lab director, falsified over 1,000 laboratory reports that were submitted to demonstrate compliance under the Clean Water Act. This was the largest environmental lab fraud case in Mississippi history.

Press Release: <https://www.justice.gov/usao-ndms/pr/greenville-lab-director-sentenced-prison-falsifying-lab-results-concerning-water>

### **Green Energy Fraudster Sentenced to Seven Years in Prison for Scamming Multiple Federal Agencies and Customers**

On August 6, 2020, David Dunham was sentenced in the Eastern District of Pennsylvania to serve 84 months in prison and ordered to pay over \$10.2 million in restitution. Following a four-week trial in April 2019, a federal jury convicted Dunham, owner of Smarter Fuel LLC and co-owner of Greenworks Holdings LLC of conspiracy to commit wire fraud and to defraud the United States, wire fraud, filing false tax documents, and obstruction of justice. The conviction arose from Dunham's planning and execution of a scheme to defraud the EPA, the Internal Revenue Service (IRS), the United States Department of Agriculture (USDA), and his customers, to obtain renewable fuel credits in his green energy biofuel business. From 2010 to 2015, Dunham fraudulently applied for, received, and sold EPA credits for producing biofuels that he, in fact, did not produce and, in many instances, had never possessed in the first place. Dunham also sought and received millions of dollars from the IRS and the USDA based on the same falsehoods.

Press Release: <https://www.justice.gov/opa/pr/biofuel-fraudster-sentenced-seven-years-prison-scamming-multiple-federal-agencies-and>

Georgia Residents Sentenced for Selling Illegal Products Claiming to Protect Against and Kill COVID-19



Virus Shut Out unregistered pesticide

On August 4, 2020, Stephen Matthew Shumaker pleaded guilty and was sentenced in the Northern District of Georgia for knowingly distributing and selling a misbranded pesticide device in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Shumaker was sentenced to 24 months of probation and fined \$9,300. Shumaker solicited thousands of Georgia residents with false claims that the Beyond Guardian Air™ air purifier kills every major viral and bacterial infection, including the COVID-19 coronavirus disease, in the home.

In a separate action on June 29, 2020, Rong Sun, a/k/a Vicky Sun was sentenced in the Northern District of Georgia to two years' probation and ordered to pay a \$659 criminal fine after pleading guilty to one count of violating FIFRA. Sun sold an unregistered pesticide, Toamit Virus Shut Out, through eBay, claiming that it would help protect individuals from viruses. The eBay listing depicted the removal of viruses by wearing the product. Pesticides are required to be registered with the EPA. Toamit Virus Shut Out was not registered and it is illegal to distribute or sell unregistered pesticides. Sun imported the pesticide from Japan and later sold it to individuals around the United States.

Press Releases

<https://www.justice.gov/usao-ndga/pr/georgia-resident-arrested-scheme-sell-illegal-products-claiming-protect-against-covid>

<https://www.justice.gov/usao-ndga/pr/fayetteville-woman-pleads-guilty-covid-19-related-federal-offense-selling-unregistered>



# Compliance Assurance Activities

## Implementing Executive Orders

On October 9, 2019, the President issued Executive Order 13891 Promoting the Rule of Law Through Improved Agency Guidance Documents. Consistent with the Executive Order, OECA published all of its Guidance Documents, as defined by the order, on the agency's searchable, indexed [database](#). The database includes the following disclaimer:

*EPA's guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. The agency may not cite, use, or rely on any guidance that is not posted on this website, except to establish historical facts.*

On the same day, the President issued Executive Order 13892 Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication. Pursuant to that Order, the Agency published a [rule](#) on March 2, 2020 addressing the processes for conducting on-site inspections including inspector qualifications, obtaining consent to enter, records review, and sampling.

## Expanded Use of Off-Site Compliance Monitoring by EPA and States

With the COVID-19 public health emergency, the EPA recognized that performing all the on-site inspections planned for FY 2020 would pose a number of challenges. To continue compliance assurance, EPA worked to increase the use of off-site compliance monitoring techniques and provided guidance on conducting and reporting these activities. In FY 2020, the EPA conducted and reported nearly 5,000 separate off-site compliance monitoring activities.

## Coordination with Federal Facilities

In October 2019, EPA collaborated with federal agencies, to host the 2019 Federal Environmental Symposium, which was attended by over 650 participants from 33 states and 27 federal agencies. The Symposium included sessions on environmental compliance and stewardship, highlighted compliance challenges related to the NCIs, and emphasized the importance of strengthening partnerships.

## Circuit Rider

The EPA launched a Circuit Rider Program to provide technical assistance to small community wastewater and drinking water systems. The Circuit Riders provide one-on-one coaching to small system operators on topics such as understanding and complying with applicable permits and regulations, process control, operation and maintenance practices, asset management and establishing and documenting standard operating procedures.

Circuits are now underway in all ten EPA regions addressing a total of 124 systems including 39 wastewater facilities and 85 drinking water systems across 10 states and Puerto Rico. Three of the circuits are associated with tribes or Alaskan Native Villages.

## The EPA Launched Improved Enforcement and Compliance Activity Dashboards

The EPA launched new versions of the [Enforcement and Compliance History Online \(ECHO\)](#) [Air Stationary Source Dashboard](#) and [Hazardous Waste Dashboard](#). These updates provide regulatory agencies, tribes, and the public a more user-friendly experience and the ability to see trends in agency compliance program implementation at a glance.

The public dashboards offer summary trends of EPA, state, and local compliance and enforcement activity, such as the number of violations found, or enforcement actions taken, by year. EPA worked with representatives of state and local government agencies, to improve the dashboards. In the coming months, the EPA will update the ECHO Clean Water and Drinking Water dashboards to this new format.

### **Smart Mobile Tools for Field Inspectors**

Smart Mobile Tools for Field Inspectors (Smart Tools) redesigns the field inspection business process, moving away from paper-based documentation to an electronic suite of tools expected to improve the quality, consistency and timeliness of environmental field inspections. Smart Tools allows EPA and state inspectors to more easily collect and organize information needed to complete high-quality field inspection reports in timely manner. Regional and state inspectors have been involved at every step of system design. Smart Tools is truly “designed by inspectors, for inspectors.”

### **Remote Video Partial Compliance Evaluations Workgroup**

During the early months of the COVID-19 public health emergency, the EPA and most states were not able to safely conduct routine compliance inspections (i.e. on-site facility visits). In April 2020, the EPA established an EPA /State workgroup to explore ways to use remote video technology for our inspectors to conduct non-comprehensive reconnaissance observations to assess continuing compliance of regulated facility operations. These remote video partial compliance evaluations help the EPA or a state determine whether there are facilities whose conditions warrant a follow-up on-site inspection or an information request during the pendency of the COVID-19 public health emergency. Depending on the results of the pilots, the EPA and states may determine that this new tool may have value in supplementing government inspection resources even after the current public health emergency is over.



## **Results**

Despite tremendous challenges in FY 2020, EPA's enforcement program continued to bring impactful cases to return violators to compliance and protect human health and the environment. In FY 2020, EPA achieved:

- Commitments to reduce, treat, or eliminate over 426 million pounds of pollution.
- Proper treatment, minimization, or disposal of 1.6 billion pounds of hazardous and non-hazardous waste.
- Prevention of 18.2 million pounds of air pollutants by preventing, reducing, treating, or eliminating emissions from vehicles and engines.
- Commitments of more than \$2.5 billion to return facilities to compliance.
- Assessment of nearly \$160 million in penalties.

## **Environmental Justice**

Of the cases concluded in FY 2020 by EPA's enforcement program, 531 cases covering 562 facilities addressed noncompliance in areas with potential environmental justice concerns. Those enforcement cases are estimated to reduce pollution in these areas by 37.4 million pounds. Specifically, the pollutant reductions were from:

- Air Pollutants, reduced, treated or eliminated – 19.3 million pounds;
- Hazardous and Non-Hazardous waste treated, minimized or properly disposed – 3.9 million pounds; and
- Water pollutants reduced, treated or eliminated - 14.2 million pounds.

## **Consent Decree Oversight**

EPA achieved new enforcement conclusions while also continuing to oversee past settlements. Consent decrees often require the installation of pollution control equipment or construction and upgrades of critical infrastructure that may take years to fully implement. Oversight of these required obligations is a critical and, over time, increasing part of the EPA's enforcement program. Currently the EPA is overseeing more than 450 judicial consent decrees for civil regulatory matters. Authorized states are our partners in nearly 40% of these settlements. As an example, a consent decree to ensure a municipality's compliance with the Clean Water Act may require Agency review of studies and reports designed to ensure that sewage is properly treated before it reaches receiving waters. These may include flow monitoring data, sewer system hydraulic model calibrations, control measure implementation plans, and sewer system capacity management and operation and maintenance plans. In collaboration with our state partners, each of these critical steps in consent decree implementation must be carefully evaluated to ensure that compliance and environmental protection is assured.

## **Modernizing Sewer Overflow Consent Decrees**

EPA has also improved the design and management of sewer overflow consent decrees. EPA now allows an adaptive management approach for designing and implementing sewer overflow control measures, as demonstrated in the March 2020 approval of the Kansas City Unified Government long term control plan. EPA has also expanded the opportunities for communities to rely on green infrastructure to control overflows, as evidenced by the May 2020 modification of the 2008 consent decree with Allegheny County Sanitary Authority and the December 2020 settlement with Peoria, Illinois. Finally, EPA is updating its 1997 Financial Capability Assessment policy to recognize impacts on low income families when evaluating a community's capability to implement control measures.

Examples of FY 2020 significant achievements include the following cases:

# Civil Regulatory Enforcement Case Highlights



**Daimler**



EPA and DOJ leadership announce the Daimler settlement

Daimler AG is a German automobile manufacturer and Mercedes-Benz USA, LLC is a wholly-owned American subsidiary of Daimler AG.

Daimler and Mercedes-Benz installed undisclosed software functions and defeat devices in over 250,000 vehicles. The undisclosed software functions and defeat devices cause the vehicles' emission control systems to perform differently, and less effectively, during normal driving conditions than on federal emission tests, resulting in increased emissions of oxides of nitrogen ("NOx") during typical vehicle operation.

On September 14, 2020, EPA, DOJ and California announced a settlement resolving allegations that Defendants had violated the Clean Air Act and California law. Defendants will pay a \$875 million penalty (approximately \$3,500 per vehicle); establish a recall program; perform a project to mitigate the harm to the Nation's air; and implement new corporate compliance measures to discourage future cheating. The total value of the settlement is approximately \$1.5 billion.

Press: <https://www.epa.gov/enforcement/daimler-ag-and-mercedes-benz-usa-llc-clean-air-act-civil-settlement>

## Kohler Co.



Spark-ignition engine manufactured by Kohler Co.

Kohler Co. —best known for its plumbing fixtures—is an American manufacturing company that manufactures engines and generators.

At issue in this case were small, nonroad, non-handheld spark-ignition (small SI) engines, which are typically used in lawn mowers, ride-on mowers, commercial landscaping equipment, and generators. Kohler manufactured and sold millions of small SI engines that did not conform to the certification applications Kohler was required to submit to the EPA and the California Air Resources Board. More than 144,000 of the engines were also equipped with a fueling strategy designed to cheat emissions testing standards (commonly referred to as a “defeat device”).

Under the terms of the settlement, Kohler paid a \$20 million civil penalty, retired approximately 3,600 tons worth of unlawfully generated hydrocarbon (HC) and nitrogen oxide (NOx) emission credits, and is implementing enhanced compliance measures designed to prevent future violations (including employee training, annual compliance audits, and third-party observation and emissions verification testing).

Press: <https://www.epa.gov/newsreleases/epadepartment-justice-and-state-california-clean-air-act-settlement-kohler-co-will>

K.P. Kauffman



Kauffman Co. Inc. Storage Tank

Denver-based K.P. Kauffman Company, Inc. operates oil and gas production facilities across the West.

On April 22, 2020, the EPA, DOJ and Colorado agreed to a settlement to resolve allegations that Kauffman violated the Clean Air Act and state law by emitting volatile organic compounds (VOCs) from its condensate storage tanks and associated vapor control systems.

Under the terms of the settlement, Kauffman will implement pollution control measures resulting in a reduction of VOC emissions of over 400 tons per year. Additionally, the company will complete three mitigation projects that will provide additional VOC emission reductions of approximately 131 tons per year and pay a civil penalty of \$1 million which will be split between the State of Colorado and the United States.

Press: <https://www.epa.gov/newsreleases/epa-justice-department-and-state-colorado-announce-settlement-kp-kauffman-co-reduce>

### Dyno Nobel



Dyno Nobel facility in Carthage, Missouri

Dyno Nobel operates facilities in Missouri that manufacture explosives and ammonium nitrate.

On May 6, 2020, the EPA and DOJ entered a consent decree resolving allegations that Dyno Nobel violated the Clean Water Act (CWA) and the Resource Conservation and Recovery Act (RCRA). Dyno Nobel violated the CWA by discharging pollutants above permit limits into Center Creek and the Mississippi River. The company violated

RCRA by disposing of hazardous waste without a permit and failing to meet requirements for the generation and transportation of waste.

Under the terms of the settlement, Dyno Nobel will make extensive improvements to its facilities that will prevent future releases and discharges of explosives, nitrogen, and other pollutants. These improvements will result in the reduction of over 3,800,000 pounds per year of nitrogen, nearly 257,000 pounds per year of heavy metals such as zinc, aluminum and iron, nearly 187,000 pounds per year of oxygen demanding material and 103,500 pounds per year of suspended solids entering Missouri waterways. Dyno Nobel will also pay a civil penalty of \$2.9 million to the United States.

Press: <https://www.epa.gov/newsreleases/epa-settlement-dyno-nobel-will-prevent-millions-pounds-pollution-entering-missouri>

#### ALCOSAN

On May 14, 2020, the EPA, DOJ and Pennsylvania announced a modification of a prior agreement with Allegheny County Sanitary Authority (ALCOSAN), located in Pittsburgh, Pennsylvania. Under the modification, ALCOSAN will improve its sewer system by 2036 to reduce sewer overflows by an estimated 6.6 billion gallons per year.

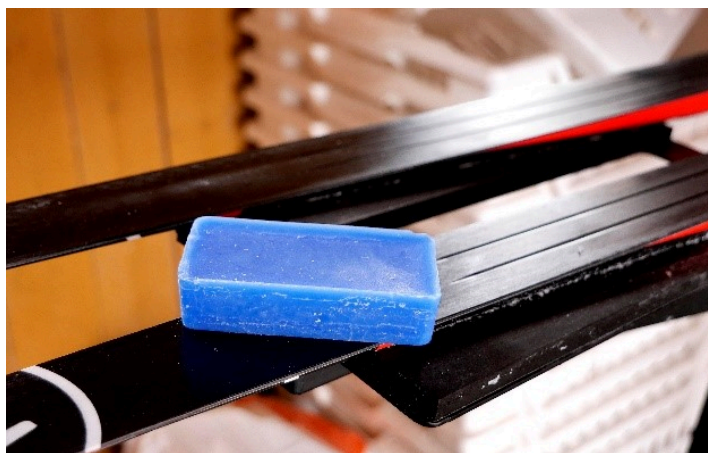
The original 2008 consent decree resolved claims that ALCOSAN violated the federal Clean Water Act by discharging excessive amounts of sewage, in violation of its National Pollutant Discharge Elimination System permit, into the Allegheny, Monongahela, and Ohio Rivers.

The modification gives ALCOSAN and its 83 customer municipalities the go-ahead to pursue an integrated green infrastructure approach to address water quality issues in the Allegheny, Monongahela, and Ohio Rivers. Successful implementation of green measures by the 83 customer municipalities (with resulting flow reductions) may enable ALCOSAN to reduce the amount of gray infrastructure, such as pipes and tunnels, that it must construct.

Along with green infrastructure improvements, the interim measures include a major expansion of ALCOSAN Woods Run wastewater treatment plant, and over 15 miles of 14-foot diameter tunnels to store and convey wastewater. In the second phase of the consent decree, ALCOSAN must complete any additional sewage controls that are needed according to a schedule that will be developed after the interim measures are complete.

Press: <https://www.epa.gov/newsreleases/alcosan-settlement-modified-green-infrastructure-it-improves-water-quality-allegheny>

#### Swix Sport USA



SWIX Ski Wax Product

On May 13, 2020, the EPA and Swix Sport USA finalized an agreement resolving Toxic Substances Control Act (TSCA) violations associated with the company's importation of noncompliant ski wax products containing per- and polyfluoroalkyl substances (PFAS).

Swix violated the TSCA Premanufacturing Notice requirements and Import Certification requirements when it imported ski wax products containing six different PFAS chemicals on at least 83 occasions that were not included on the TSCA Inventory or were not otherwise exempt for commercial purposes.

Swix ceased importation of these products, agreed to pay a civil penalty of \$375,625 and develop an educational program to raise awareness in ski communities about PFAS chemicals in ski waxes.

PFAS are a group of human-made chemicals that have been manufactured in the U.S. since the 1940s. They are very persistent in the environment and in the human body. There is evidence that exposure to PFAS can lead to adverse human health effects.

Press: <https://www.epa.gov/newsreleases/epa-settlement-swix-sport-usa-resolves-tsca-violations-involving-pfas>

### Simplot



Simplot Rock Springs Facility

J.R. Simplot Company is a large privately owned agribusiness headquartered in Boise, Idaho. Simplot's Rock Springs, Wyoming facility manufactures phosphate products for agriculture and industry, including phosphoric acid and phosphate fertilizer. The manufacturing processes generate large quantities of acidic wastewater and a solid material called phosphogypsum. On July 9, 2020, EPA, DOJ, and Simplot agreed to a settlement addressing allegations that the company failed to properly identify and manage certain waste streams from these processes. Under this settlement, 1.6 billion pounds of hazardous waste will be properly managed. Simplot will also pay a \$775,000 civil penalty to resolve the allegations.

Press: <https://www.epa.gov/newsreleases/proposed-settlement-united-states-and-major-fertilizer-producer-will-reduce-acidic>

### DTE



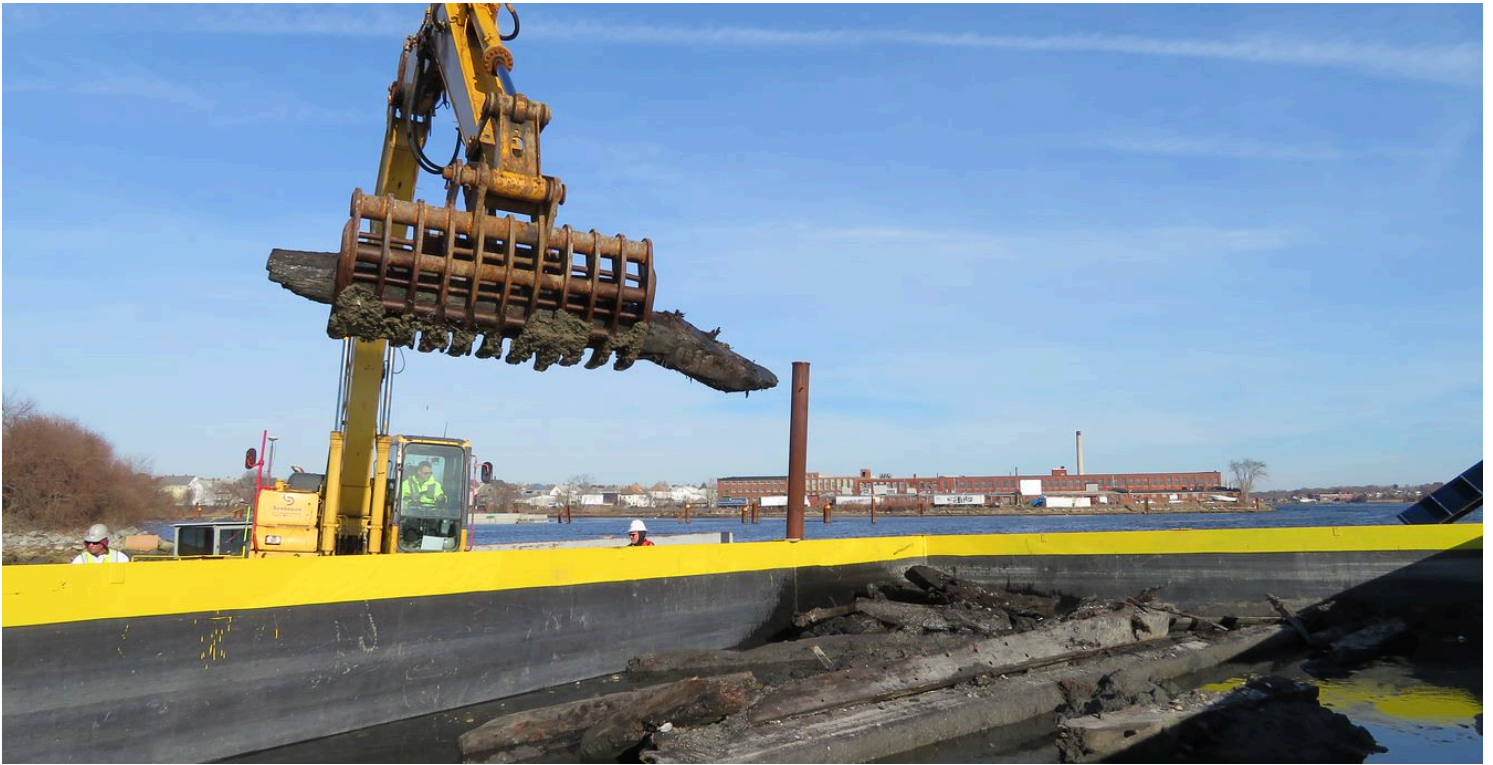
DTE's Monroe Power Plant in Monroe, Michigan

DTE Energy is a Michigan-based energy company. In May 14, 2020, EPA, DOJ, and DTE entered into a settlement resolving allegations that DTE violated the New Source Review requirements of the Clean Air Act.

Under the terms of the settlement, DTE will install pollution controls or convert to natural gas all coal-fired units at four generating stations. DTE must also meet enforceable emission limits for sulfur dioxide and nitrogen oxide at an additional station. Upon completion of all requirements under this settlement, sulfur dioxide and nitrogen oxide emissions at all of DTE's facilities in Southeast Michigan will be reduced by an estimated 138,000 total tons per year when compared to the year 2010. The settlement also requires DTE Energy to pay a \$1.8 million civil penalty and to undertake a \$5.5 million mitigation project to improve air quality in the region by replacing old buses in the area with newer, cleaner ones.

<https://www.epa.gov/newsreleases/epa-settlement-dte-energy-reduce-air-pollution-southeast-michigan>

# Federal Facilities



Joint Base Elmendorf-Richardson, Consent Agreement Final Order, US Air Force



Expended Small Arms Cartridge Casings

On September 16, 2020, EPA Region 10 settled with the US Air Force to resolve Resource Conservation and Recovery Act (RCRA) violations at Joint Base Elmendorf-Richardson (JBER). On October 9, 2019, JBER disclosed to EPA Region 10 that it had speculatively accumulated 200,000 pounds of expended brass small-arms cartridge casings (ESACCs) that exhibit the toxicity characteristic for lead. Under the terms of the Consent Agreement Final Order, EPA is allowing JBER to recycle the brass ESACCs versus disposing of it in a permitted RCRA treatment, storage, and disposal facility. The settlement also resolves universal waste management violations identified during an October 7-9, 2019 EPA inspection. JBER will spend \$486,500 to come into compliance but will save \$460,000 by recycling rather than disposing of the waste ESACCs. JBER will pay a penalty of \$61,554 as part of the settlement.

## Garrison Fort Detrick, Consent Agreement Final Order, US Army



Fort Detrick Hazardous Waste Incinerator

On January 23, 2020, EPA Region 3 filed a Consent Agreement Final Order to resolve Resource Conservation and Recovery Act hazardous waste violations and Clean Air Act violations at US Army Garrison Fort Detrick in Maryland. EPA Region 3 coordinated with Maryland Department of the Environment. As part of the settlement agreement, the US Army agreed to pay \$440,399, close four incinerators (medical and solid waste), and began construction on a new incinerator for medical/infectious waste.



Federal Facilities Providing Services to Tribes



Drilling for the new drinking water source wells at the BIA Cooks-In-Lieu site

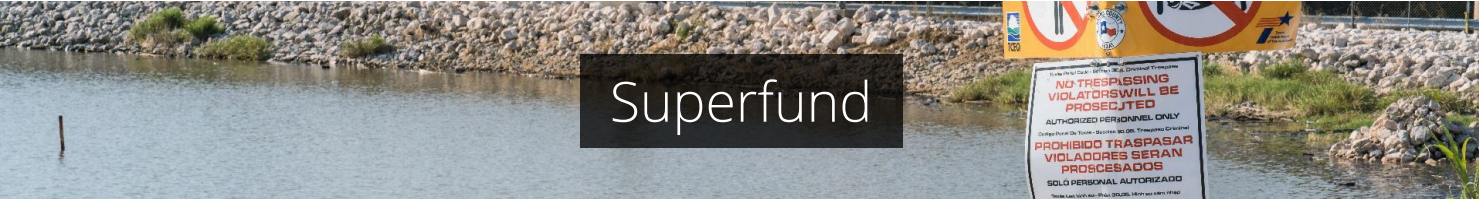
In FY2020, the EPA took four enforcement and compliance assistance actions against federal facilities to address compliance issues that impacted tribes. The EPA issued Safe Drinking Water Act (SDWA) enforcement orders to the Bureau of Indian Affairs for the Crow Public Water System (PWS) and the Cooks in-Lieu Tribal Fishing Access PWS, and settled with the Indian Health Service (IHS) to address SDWA violations at the Blackfeet Community Hospital PWS. The IHS agreed to pay a civil penalty of \$33,500 to resolve violations. The EPA also finalized a Federal Facility Compliance Agreement with the Bureau of Indian Education to address FIFRA violations due to the misapplication of an herbicidal product to the grounds of the Jeehdeez'a Elementary School. These actions helped to ensure public health protection on tribal lands and at tribal schools.

#### Improved Compliance with Pollutant Discharge Permits at Federal Facilities

In FY2020, the EPA and the States worked with federal facilities that were significantly out of compliance with their permits for pollutants discharged to waters of the U.S. The EPA conducted outreach and provided assistance to federal agencies to bring these federal facilities back into compliance and avoid future significant noncompliance. The EPA also required corrective action measures where appropriate to bring federal facilities back into compliance, such as at the Puget Sound Naval Shipyard and Intermediate Maintenance Facility. Discharges at this facility exceeded the copper limit. The EPA finalized a Federal Facility Compliance Agreement that required the Navy to take corrective action measures to reduce the amount of copper being discharged from the facility. As a result of these efforts, 52 percent of these federal facilities permittees were brought back into compliance compared to the FY18 baseline, helping to ensure water quality and people's health.

#### Improved Dispute Resolution Process for Federal Facility Superfund Sites

In FY2020, the EPA resolved 13 Superfund disputes at federal facility sites after improving the efficiency of its processes for engaging in dispute resolution. The EPA increased the frequency of outreach to involved parties and engaged to address issues impeding adherence to dispute resolution timeframes. Efficient resolution of these Superfund disputes supports the expeditious and thorough clean-up by responsible parties at federal facility Superfund sites.



# Superfund

## **EPA Works to Clean up and Redevelop Contaminated Sites Through Use of Enforcement Tools**

The work of the Superfund enforcement program is critical to getting Superfund sites cleaned up and preserving taxpayer dollars and the scarce resources of the Superfund Trust Fund to address truly abandoned and orphaned sites. In FY2020, the Agency's work to require parties to perform and/or pay for cleanup resulted in 90 settlements and orders totaling approximately \$814.48 million. Additionally, the EPA issued 68 comfort/status letters across the country to address cleanup and promote redevelopment.

Since the inception of the Superfund program, over 9,531 Superfund enforcement instruments have been finalized addressing contamination at 3,876 sites across the country. The estimated value of private party commitments to clean up sites is approximately \$38.9 billion and cost recovery settlements total more than \$7.4 billion for a combined total of over \$46.3 billion.

The [Superfund Enforcement Cleanup Work map below](#) displays the sites across the country currently being cleaned up as a results of the EPA's enforcement efforts.

More information on the Superfund enforcement program is available on the Agency's website.

# Superfund Cases



## **Gowanus Canal, Brooklyn New York**

The EPA completed work on 10 enforcement actions valued at \$175 million for the [Gowanus Canal Superfund site in Brooklyn, New York](#). The cleanup work at the site will address the heavily contaminated sediments within the 100-foot wide, 1.8 mile long canal. Responsible parties will perform dredging and capping within the Gowanus Canal and upgrades to the canal bulkheads to support the dredging and capping. Cleanup work within the canal will likely continue to support redevelopment in the commercial and residential areas adjacent to the canal. The major enforcement action for FY2020 is a \$125 million unilateral administrative order issued to six potentially responsible parties to perform the dredging and capping in the upper area of the canal. Eight settlement agreements, valued at \$50 million, also address cleanup work to support the dredging and capping work, and a ninth agreement is a \$10 million payment for the Agency's past cleanup costs.

## **Nuclear Metals, Inc., Concord Massachusetts**

A December 2019 settlement with Textron, Inc. and Whittaker Corporation will result in approximately \$125 million worth of cleanup work at the Nuclear Metals, Inc. Superfund site in Concord, Massachusetts. Under the consent decree, the private potentially responsible parties (PRPs) will perform excavation and off-site disposal of contaminated materials, soil stabilization, and groundwater remediation with a large part of the costs financed by the federal PRPs, the U.S. Army and U.S. Department of Energy. Additionally, the four parties will also pay past cleanup work costs of almost \$400,000, as well as the EPA's oversight costs. The Nuclear Metals site is a 46-acre parcel bordered by woods, homes, commercial and industrial properties, and to the north in part by the Assabet River. The cleanup work at the site will protect the water supply in nearby Acton, Massachusetts. EPA also is working with the town of Concord to identify opportunities for future reuse at the site and to gather community input throughout the process.



### **Portland Harbor, Portland Oregon**

The EPA finalized eight settlement agreements and two unilateral administrative orders with multiple potentially responsible parties for the remedial design phase for cleanup work at the [Portland Harbor Superfund Site](#) in Oregon. These enforcement actions, valued at more than \$31.3 million, designated approximately 75% of the active in-water remediation work in remedial design. EPA expects to have the site in 100% remedial design by the end of the year. The cleanup work will result in significant steps toward returning the Lower Willamette River to a healthy, working waterway and will impact many groups and communities with environmental justice concerns. Roughly 21– 38% of the population living within one mile of the site are part of overburdened communities, and roughly 36– 47% live below the poverty line. A cleaner river will protect Oregonians and help spur a new era for Portland as a river city.

### **Silver Bow Creek/Butte Area, Butte Montana**

A September 2020 settlement with Atlantic Richfield Company will result in approximately \$150 million in new cleanup work to address contaminated tailings and treat contaminated stormwater and groundwater at the [Silver Bow Creek/Butte Area Superfund site](#) in Butte, Montana. An amended record of decision, along with the cleanup work resulting from this settlement, will lead to the beginning of the Superfund site deletion process for the site by 2024. Additionally, 120 acres are set aside for development of connected greenways in Butte— natural park spaces with reconstructed wetlands, flowing water, abundant native plants, wildlife habitat, play areas, and interpretive features, which sets a foundation for specific amenities identified by the Butte Community.

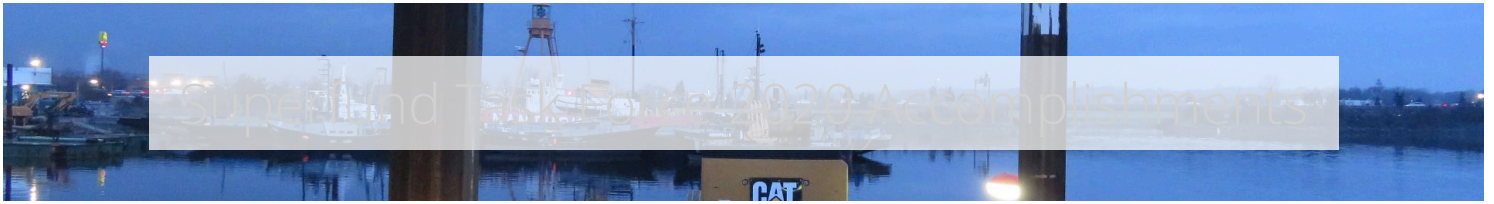


### **Conroe Creosoting Co., Conroe Texas**

In July 2020, the EPA, DOJ, and the Texas Commission on Environmental Quality (TCEQ) and Conroe Logistics Center, LLC (CLC) completed a Bona Fide Prospective Purchaser (BFPP) agreement regarding CLC's purchase of a portion of the [Conroe Creosoting Co. Superfund site](#), a former wood-treating facility. Through the BFPP agreement, CLC will take a formerly contaminated property and restore it to beneficial use, which will benefit the community by constructing a large distribution building that will create permanent and temporary jobs and the generation of tax revenues.

### **Matterhorn Mill, Miguel County, Colorado**

On September 30, 2020, the EPA and the U.S. Department of Agriculture (USDA) agreed to a redelegation of the Agency's Superfund cleanup response and enforcement authority to the USDA at the Matterhorn Mill site in San Miguel County, Colorado. The Matterhorn Mill site has a mixed ownership structure consisting of both public (99%) and private (1%) land, which means both the EPA and USDA are involved at the site. Expanding cleanup capacity by designating USDA as the lead for the cleanup project reduces duplication of efforts, increases federal consistency and efficiencies, and expedites cleanup of the site. This removal action will mitigate the threat posed by contamination to adjacent residents and visitors to the historic mill building.

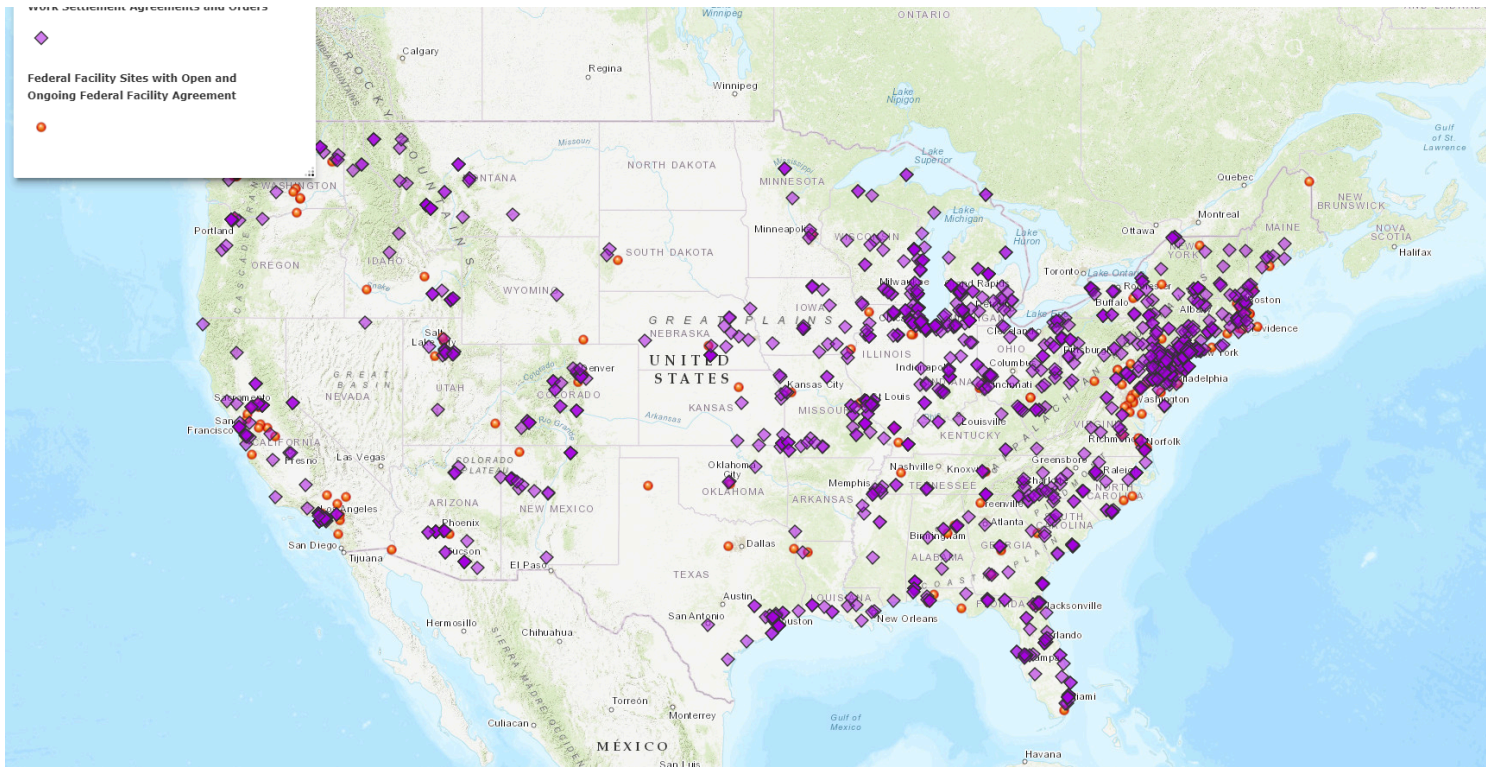


## Superfund Task Force 2020 Accomplishments

While the EPA concluded the Superfund Task Force at the end of FY 2019, the Agency continued work on documents related to several report recommendations, including:

- **Local Government Acquisition Guidance:** On June 11, 2020, the EPA issued the [Superfund Liability Protections for Local Government Acquisitions after the Brownfields Utilization, Investment, and Local Development Act of 2018 \("Local Government Acquisition Guidance"\)](#) under Recommendation 31 to address potential CERCLA liability concerns of local governments related to contaminated property acquisitions. The guidance focuses on the 2018 BUILD Act and other protections that may apply to local government acquisitions of contaminated property.
- **Use of “Look-First” in CERCLA Settlement Agreements:** On January 16, 2020, the EPA issued the [Use of the “Look-First” Approach in Comprehensive Environmental Response, Compensation, and Liability Act Settlement Agreements Involving Third Parties \(“Look-First Memorandum”\)](#) under Recommendation 22 to address the use of a "look-first" provision in CERCLA settlement agreements involving potentially responsible parties, the government, and a third-party who agrees to perform cleanup work at a site.
- The EPA also updated [The Revitalization Handbook: Addressing Liability Concerns at Contaminated Properties \(2020 edition\)](#) to reflect the local government acquisition guidance, the BUILD Act, and the look-first memorandum.

# Superfund Enforcement Cleanup Work Map



[Click Here to learn more about EPA's Superfund work and Explore the Enforcement Cleanup Map](#)



## FY2020 Annual Results

### Layers

- ▶ ☒ Water
- ▶ ☒ Air
- ▶ ☒ Waste
- ▶ ☒ Chemical
- ▶ ☒ Federal Facility
- ▶ ☒ Criminal
- ▶ ☒ Cleanup

Website: <https://arcg.is/1PDCa0>

To use the map, click the "Explore" button in the bottom right-hand corner.



## Analysis and Trends

Return to top of [EPA Enforcement Annual Results 2020 story map](#).

## Table of Contents

### Civil Enforcement Accomplishments (including CERCLA)

- [Commitments to Reduce, Treat, or Eliminate Pollution \(Air, Toxics, and Water\) FY 2012 – FY 2020](#)
- [Estimated Environmental Benefits: Hazardous Waste and Non-Hazardous Waste Treated, Minimized, or Properly Disposed FY 2012 – FY 2020](#)
- [Estimated Environmental Benefits: Volume of Contaminated Soil and Water to be Cleaned Up FY 2012 – FY 2020](#)
- [Administrative and Civil Judicial Penalties Assessed FY 2010 – FY 2020](#)
- [Estimated Value of Administrative and Civil Judicial Complying Actions \(Injunctive Relief\) FY 2010 – FY 2020](#)
- [Superfund Enforcement Commitments from Private and Federal Parties FY 2010 – FY 2020](#)

### Criminal Enforcement Accomplishments

- [Criminal Enforcement: Value of Fines and Restitution and Court Ordered Environmental Projects FY 2010 – FY 2020](#)
- [Criminal Enforcement: Environmental Crime Cases Opened, Defendants Charged, and Sentencing Results \(Years of Incarceration\) FY 2010 – FY 2020](#)

### Additional Civil Enforcement Accomplishments

- [Federal Compliance Monitoring Activities Conducted by EPA FY 2010 – FY 2020](#)
- [Total Civil Enforcement Case Initiations and Conclusions FY 2010 – FY 2020](#)
- [EPA Voluntary Disclosure Programs - Number of Disclosures and Facilities FY 2016 – FY 2020](#)
- [Supplemental Environmental Projects \(SEPs\) FY 2010 – FY 2020](#)

### Annual Budget Measures, Numbers at a Glance, and Regional Results

- [Annual Budget Measures – FY 2020](#)
- [Numbers at a Glance – FY 2020](#)
- [Regional Results – FY 2020](#)

The data presented in these slides reflect all EPA enforcement actions and compliance monitoring, including Federal Facility Compliance Agreements and inspections. These data do not include state and local enforcement actions or compliance monitoring. Known data issues related to Annual Results can be found at [Identified Limitations with Analyzing Annual Result Data and Charts](#). In addition, see [Known Data Problems](#) for known problems in Enforcement and Compliance History Online (ECHO).

## Navigation and Other Features

*Note: These slides look best when viewed on a widescreen external monitor. When viewing on a laptop monitor you may need to adjust the Zoom to 90% or lower.*

### Show Graph / Show Table

Show Graph Show Table

Use the “Show Graph / Show Table” button to toggle between showing the graph and the counts/totals making up the bars/lines on the graph. On some slides, the tables break out the data into additional sub-categories not shown on the graph. For the graphs which show rounded totals, the table presents the totals rounded as well.

### Export Data

Export Data

Use the “Export Data” button to export the counts/totals making up the bars/lines on the graph. For the slides which present rounded totals, the “Export Data” button exports, in contrast, the actual totals.

*For these “Export Data” buttons to work you must open the slides in a separate browser tab by [clicking here](#).*

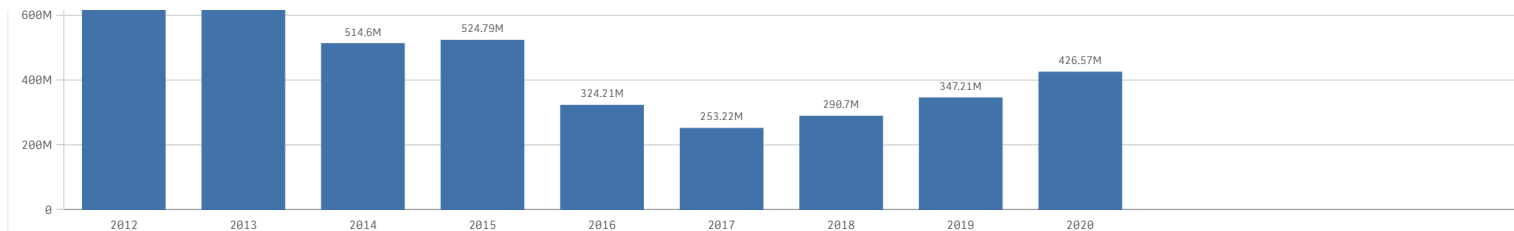
## Commitments to Reduce, Treat, or Eliminate Pollution (Air, Toxics, and Water)

FY 2012 – FY 2020



- In FY 2020, EPA enforcement actions required facilities to commit to reduce, treat, or eliminate pollution by an estimated 426 million pounds per year, which is the highest value since FY 2015.
- Annual totals for environmental benefits are often influenced by one or two large cases.
- Through actions in prior years, EPA focused on addressing the largest stationary sources of air pollution and the largest municipal





1. Starting in FY 2012, EPA changed the way it stores environmental benefit information in the ICIS data system. Therefore, data are not reported for fiscal years prior to FY 2012.

dischargers. More recently, EPA has increased focus on reducing toxic pollutants that may affect communities. Emissions of these toxics pollutants are typically smaller in amount but higher in toxicity.

Show Graph Show Table  
Export Data

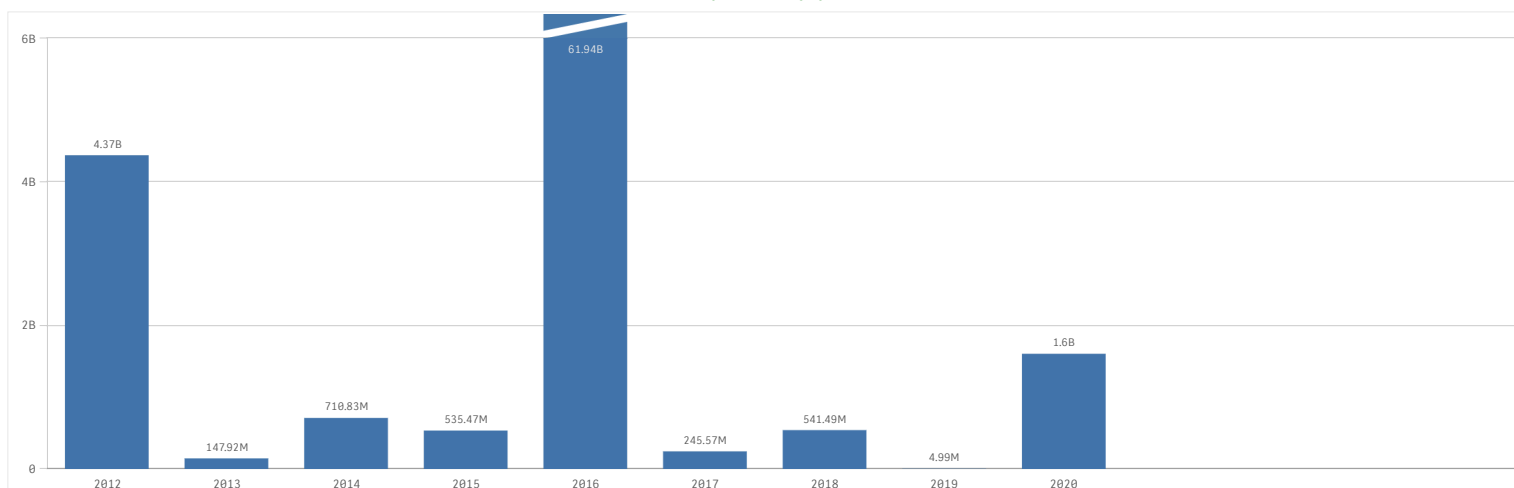
Data Source: Integrated Compliance Information System (ICIS)  
Data as of: November 19, 2020

U.S. Environmental Protection Agency

[Top of Page](#)

## Estimated Environmental Benefits: Hazardous Waste and Non-Hazardous Waste Treated, Minimized, or Properly Disposed

FY 2012 – FY 2020



1. Starting in FY 2012, EPA changed the way it stores environmental benefit information in the ICIS data system. Therefore, data are not reported for fiscal years prior to FY 2012.

2. Starting in FY 2016, EPA combined reductions in hazardous waste and non-hazardous waste into one measure. Totals for FY 2012 – 2015 are for hazardous waste reductions only. Nonetheless, the vast majority of the reductions in all years are hazardous waste.

- In FY 2020, EPA enforcement actions required facilities to commit to treat, minimize, or properly dispose of an estimated 1.6 billion pounds of hazardous and non-hazardous waste.
- Annual totals for environmental benefits are often strongly influenced by one or two large cases.
  - In FY 2016, the Mosaic Fertilizer RCRA hazardous waste case accounted for over 99% of the annual total.
  - Similarly, in FY 2020, the J.R. Simplot, RCRA hazardous waste case, accounted for over 99% of the total.

Show Graph Show Table  
Export Data

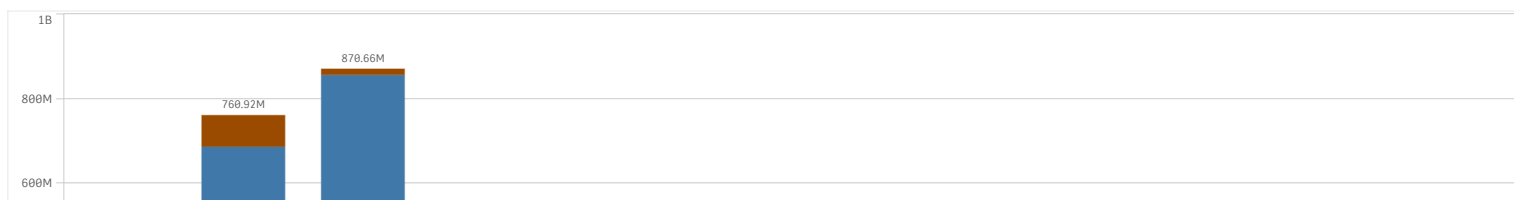
Data Source: Integrated Compliance Information System (ICIS)  
Data as of: November 19, 2020

U.S. Environmental Protection Agency

[Top of Page](#)

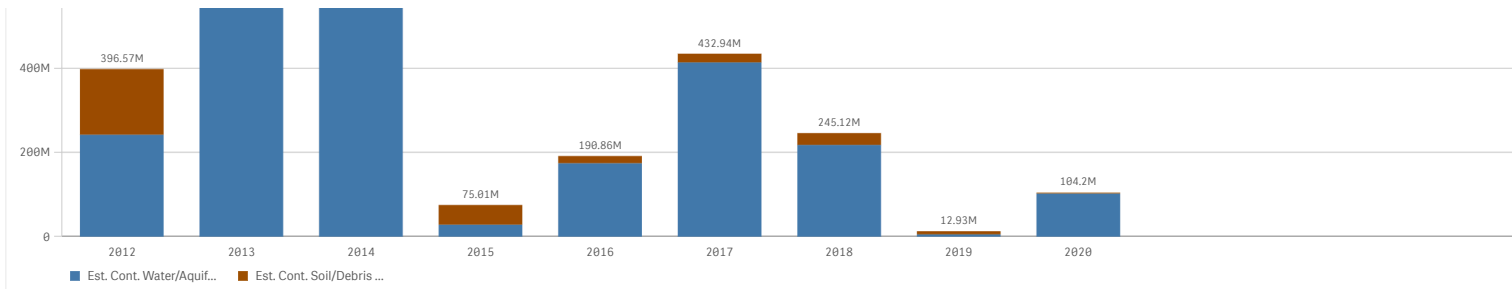
## Estimated Environmental Benefits: Volume of Contaminated Soil and Water to be Cleaned Up

FY 2012 – FY 2020



- In FY 2020, EPA enforcement actions obtained commitments to clean up an estimated 104 million cubic yards of contaminated soil and water.
- Annual totals of soil and water to be cleaned up are often strongly influenced by one or two large cases. For example, in FY 2013 and FY





1. Starting in FY 2012, EPA changed the way it stores environmental benefit information in the ICIS data system. Therefore, data are not reported for fiscal years prior to FY 2012.
2. Starting in FY 2018, the Agency is reporting contaminated soil and water cleanup from all cases, not just from CERCLA and RCRA Corrective Action cases as in past years. CERCLA cases (both private and federal facility) account for more than 99% of the FY 2020 total.
3. The VCMA is reported the year in which the enforcement action that initially required the cleanup is issued or entered. If a unilateral administrative order (UAO) is followed by a judicial consent decree that requires the same cleanup (i.e., the respondent did not comply with the UAO), the same VCMA is not counted again.

Data Source: Integrated Compliance Information System (ICIS)  
Data as of: November 19, 2020

U.S. Environmental Protection Agency

- 2014 three big cases accounted for the majority of the soil and water to be cleaned up.
- The Volume of Contaminated Media Addressed (VCMA) estimates the amount of soil and water by volume to be cleaned up but not the difficulty of the cleanups, which is influenced by the location, type of material, toxicity, etc.

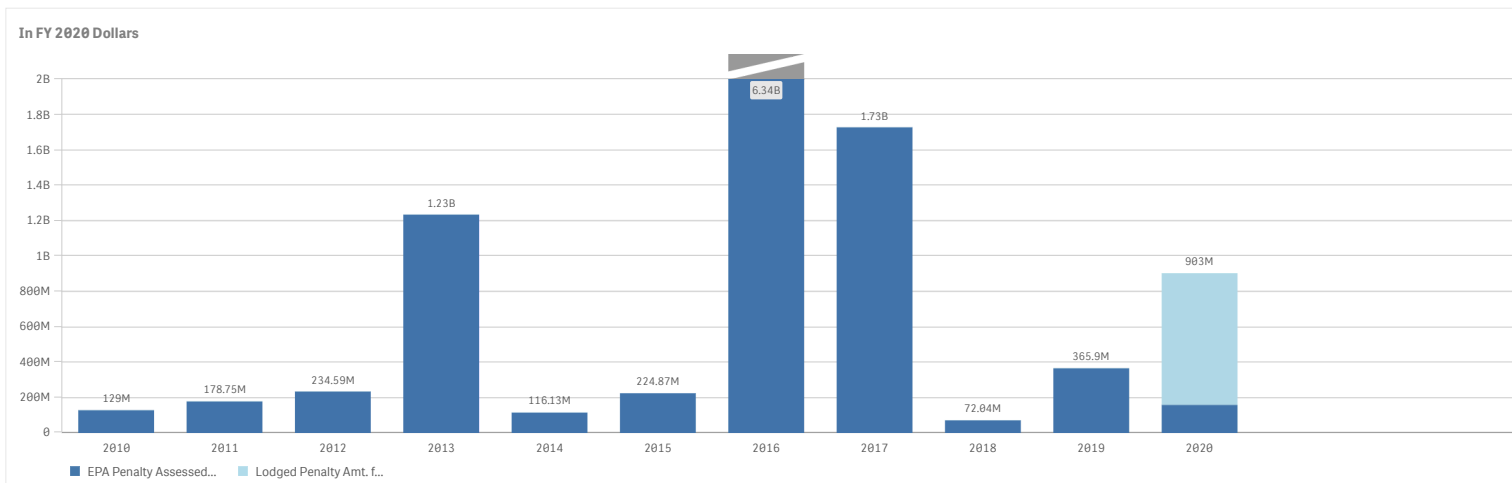
Show Graph

Show Table

Export Data

[↑ Top of Page](#)

## Administrative and Civil Judicial Penalties Assessed FY 2010 – FY 2020



1. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY 2020 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.
2. Dollar figures referenced in the bullets are not adjusted to reflect inflation/deflation.

Data Source: Integrated Compliance Information System (ICIS)  
Data as of: November 19, 2020

U.S. Environmental Protection Agency

- In FY 2020, EPA assessed nearly \$160 million in federal administrative and civil judicial penalties.
- Annual total penalties assessed are often strongly influenced by one or two large cases.
  - FY 2017 results include the record-setting \$1.45 billion Clean Air Act – Mobile Source penalty paid by Volkswagen.
  - FY 2016 results include the \$5.7 billion BP case and the FY 2013 results include the \$1 billion Transocean case; both cases were related to the 2010 Gulf of Mexico oil spill.
- EPA lodged a consent decree in the Mercedes Daimler case in September 2020, but has not yet obtained final court approval. \$743.75 million penalty in that case is shown in light blue.

Show Graph

Show Table

Export Data

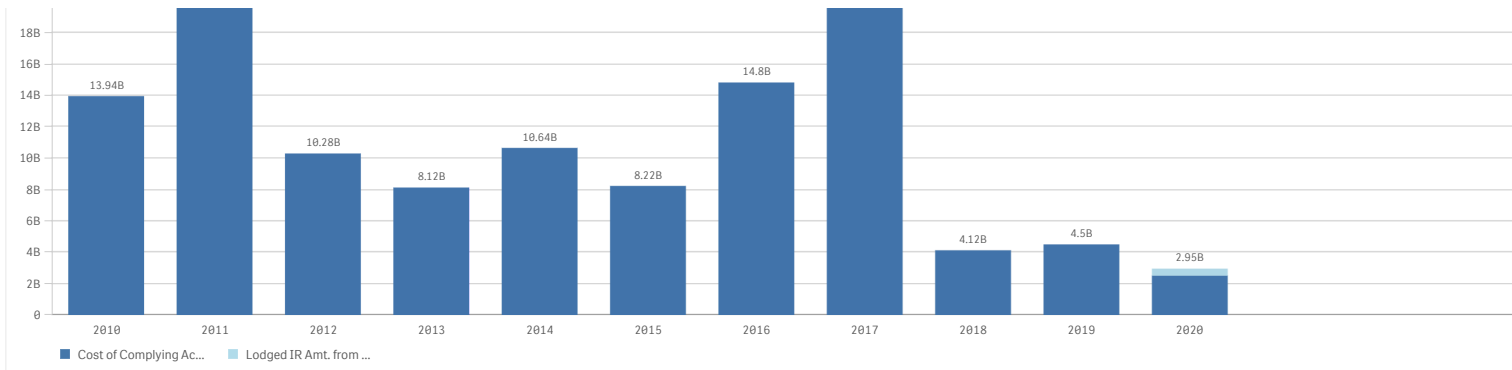
[↑ Top of Page](#)

## Estimated Value of Administrative and Civil Judicial Complying Actions (Injunctive Relief) FY 2010 – FY 2020



- In FY 2020, EPA enforcement actions required companies to invest more than \$2.5 billion in actions and equipment to control pollution (injunctive relief).
- Injunctive relief results can vary significantly from year to year depending on the timing of the resolution of the largest cases.





1. The term “Injunctive relief” refers to actions mandated by an enforcement action that a regulated entity must perform, or refrain from performing, to bring that entity into compliance with environmental laws. The chart shows the estimated cost of all such mandated actions resulting from enforcement case conclusions in that fiscal year.
2. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY 2020 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 not adjusted to reflect inflation/deflation.

Data Source: Integrated Compliance Information System (ICIS)  
Data as of: November 19, 2020

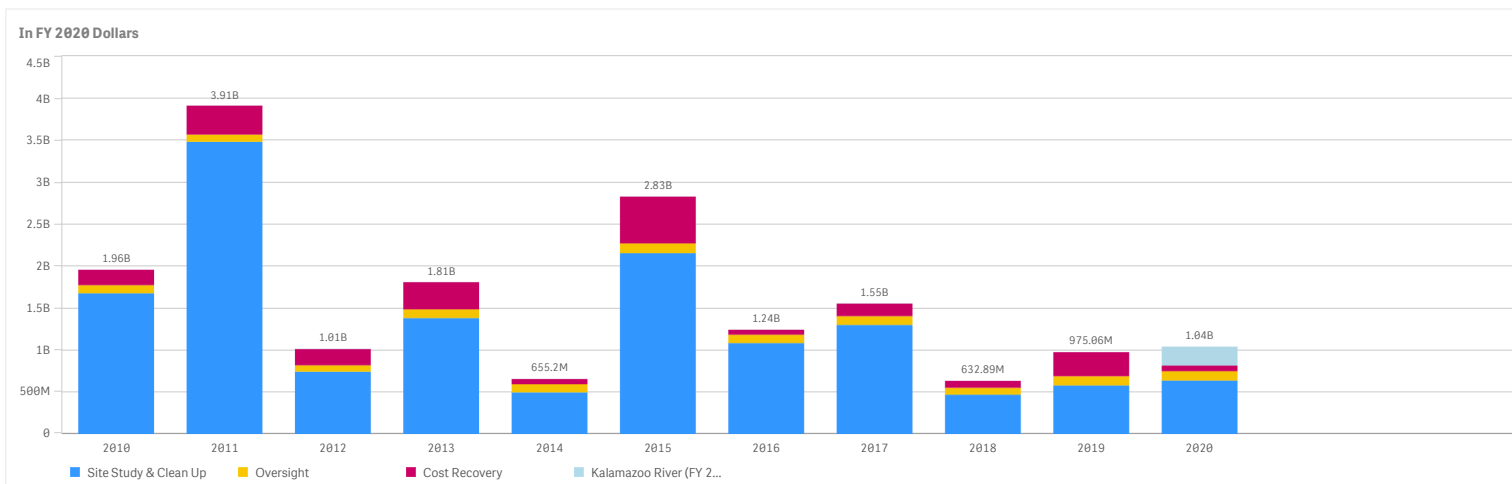
U.S. Environmental Protection Agency

Show Graph Show Table  
Export Data

- For instance, the FY 2017 results are dominated by a Volkswagen settlement which required over \$15.9 billion in injunctive relief.
- In three FY 2011 cases, the settlements required significant injunctive relief—TVA (\$5 billion), City of Honolulu (\$3.7 billion) and NEORS (\$3 billion).
- EPA lodged a consent decree in the Mercedes Daimler case in September 2020, but has not yet obtained final court approval. The \$436 million injunctive relief value in that case is shown in light blue.

Top of Page

## Superfund Enforcement Commitments from Private and Federal Parties FY 2010 – FY 2020



1. Totals include “allowed claims” under bankruptcy settlements.
2. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY 2020 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 for Cleanup and Cost Recovery:  
FY10-FY13 Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS);  
FY14/15 Manual Reporting; FY16 forward Superfund Enterprise Management System (SEMS).  
Data Source for Oversight: Compass Business Objects Reporting (CBOR).  
Data as of: October 16, 2020

U.S. Environmental Protection Agency

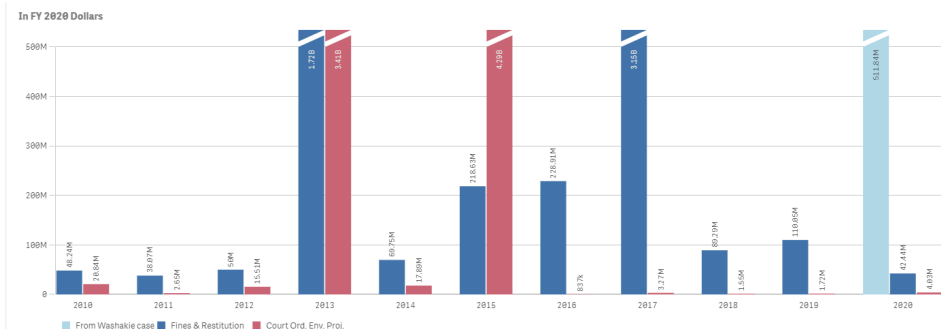
Show Graph Show Table  
Export Data

- In FY 2020, EPA obtained commitments from private and federal parties to spend \$636.1 on new site cleanup. Responsible parties also agreed to reimburse approximately \$66.7 million of EPA's past costs from cleanup work at Superfund sites. Additionally, parties were billed more than \$111.7 million in oversight, for a total of \$814.5 million.
- Annual totals for both cleanup and cost recovery settlements are often influenced by the existence of one or two large cases that involve complex cleanups.
- EPA lodged a consent decree for the Kalamazoo River site in December 2019 but did not obtain final court approval until December 2020. The \$226 million for new cleanup work at the site is shown in light blue and will be included in the FY 2021 results.

Top of Page

## Criminal Enforcement: Value of Fines and Restitution and Court Ordered Environmental Projects FY 2010 – FY 2020





- In FY 2020, the total of criminal fines, restitution, and court ordered projects was almost \$47 million.
- Annual totals vary widely due to large cases such as BP in 2013, Duke Energy in 2015, and Volkswagen in 2017.
- In July 2019, four defendants who pled guilty in the Washakie renewable fuels matter agreed to pay \$512 million in restitution. However, their sentencing has not yet occurred, in part due to COVID-19 court restrictions. That amount is shown separately, in light blue.

1. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY 2020 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.  
2. Dollar figures referenced in the bullets are not adjusted to reflect inflation/deflation.

Data Source: Online Criminal Enforcement Activities Network  
Data as of: November 16, 2020

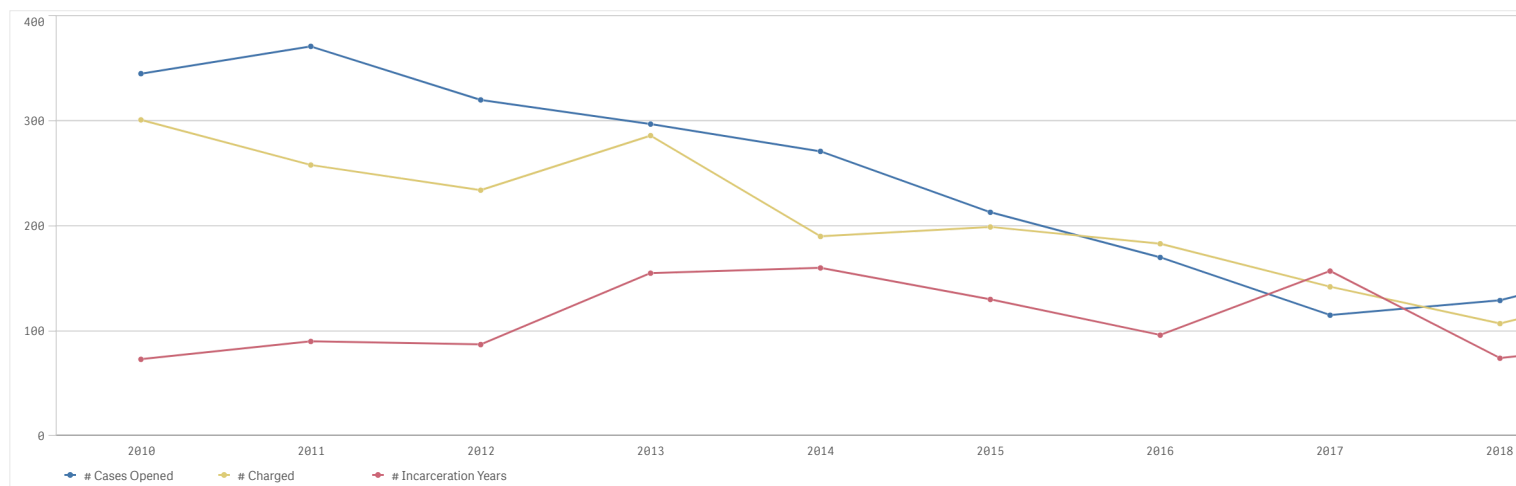
U.S. Environmental Protection Agency

Show Graph Show Table  
Export Data

Top of Page

## Criminal Enforcement: Environmental Crime Cases Opened, Defendants Charged, and Sentencing Results (Years of Incarceration)

FY 2010 – FY 2020



- In FY 2020, the criminal program continued to focus on complex cases that involve a serious threat to human health and the environment and/or undermine program integrity.
- Since mid-March 2020, the criminal program took affirmative steps to investigate potential fraud related to the COVID-19 pandemic and bring actions against wrongdoers who attempted to capitalize on it.
- The number of new environmental crime cases opened continued to increase for the third year in a row.

1. The COVID-19 pandemic delayed the judicial process in some criminal investigations in FY 2020 as many U.S. District Courts temporarily closed their buildings to in-person court operations such as grand juries and trials.  
2. In FY 2020, the criminal program began using a new criminal case reporting system which also tracks outcomes. As an example of new outcomes captured, in addition to 44 years of incarceration, criminal defendants will also serve 4 years of home detention.

Data Source: Online Criminal Enforcement Activities Network  
Data as of: November 16, 2020

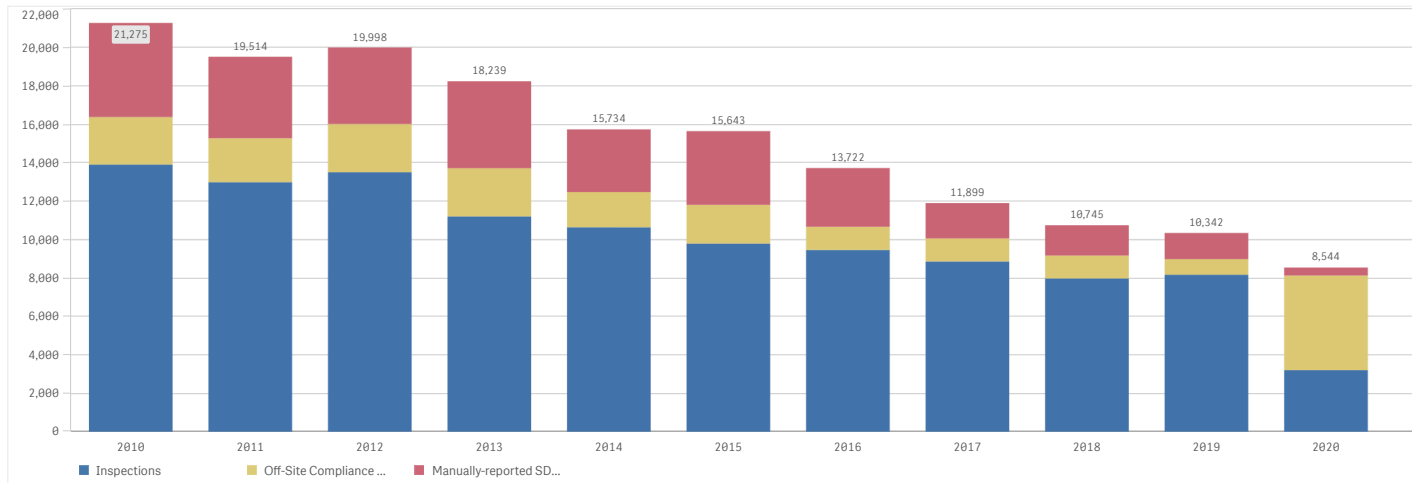
U.S. Environmental Protection Agency

Show Graph Show Table  
Export Data

Top of Page



## Federal Compliance Monitoring Activities Conducted by EPA FY 2010 – FY 2020



- During FY 2020, the COVID-19 public health emergency severely constrained EPA's ability to perform on-site inspections in the field. In response, EPA emphasized off-site compliance monitoring activities (OfCM), which are activities EPA performs, but not in-person at a facility, to determine a facility's compliance. In FY 2020, OfCM activities not previously counted are included in the total.
- Inspections performed by EPA represent a fraction of the total number of inspections conducted across the programs. Most inspections in many programs are performed by states. For information on inspections reported by states see [ECHO's state dashboards](#).
- EPA focused on the highest priority work, as evidenced by the fact that 22% of FY 2020 inspections – as compared to 15% in FY 2019 – address National Compliance Initiatives. EPA decreased the number of lower priority SDWA UIC compliance monitoring activities by 68% in FY 2020. Between FY 2015 and FY 2019, EPA conducted 17,191 SDWA UIC compliance monitoring activities but initiated only 124 SDWA UIC cases (0.7% of the total).

1. An inspection is a compliance monitoring activity performed on-site at a regulated facility; OfCM activities are not performed on-site. Manually-reported SDWA UIC activities can include both on or off-site activities. Therefore, those UIC activities are listed separately.

2. Prior to FY 2020, OECA used a different methodology for deciding which off-site compliance monitoring activities would be reported in its Annual Results and did not collect data on all off-site compliance monitoring activities conducted. The totals for FY 2019 and earlier years reflect the prior methodology. Use caution when comparing FY 2020 results to prior years.

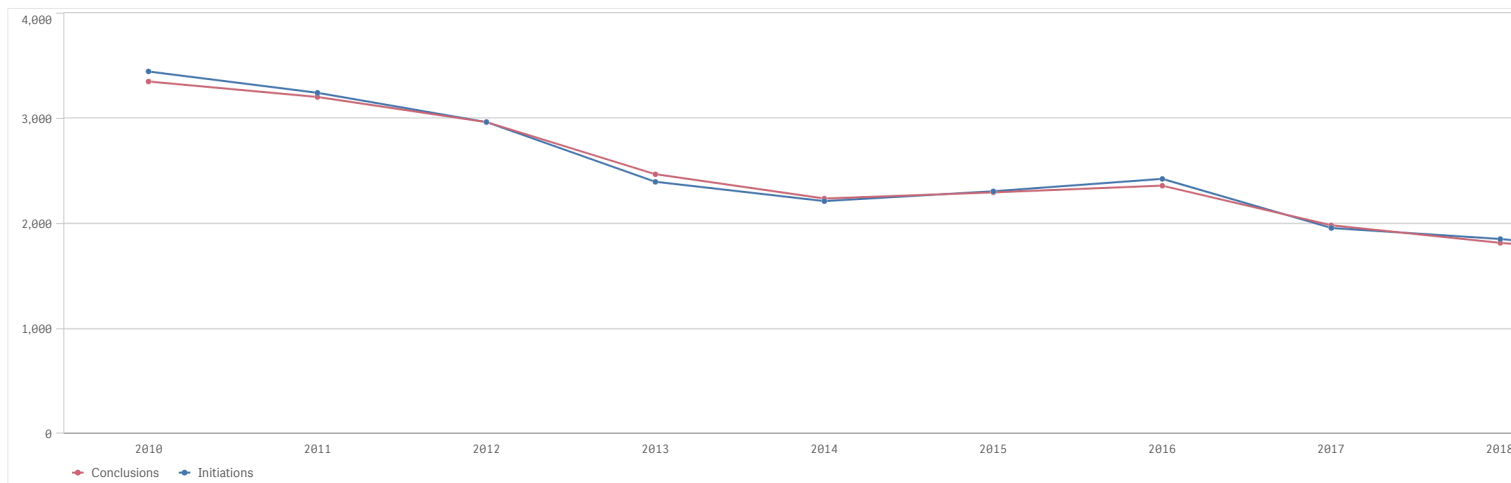
Data Source: ICIS, RCRA Info (for RCRA HW), manual (for SDWA UIC)  
Data as of: November 19, 2020

U.S. Environmental Protection Agency

Show Graph Show Table  
Export Data

[Top of Page](#)

## Total Civil Enforcement Case Initiations and Conclusions FY 2010 – FY 2020



- In FY 2020, EPA initiated and concluded almost 1,600 civil judicial and administrative cases.
- Initiations measure the number of administrative actions begun and the number of referrals made to DOJ for civil action. Conclusions measure the number of administrative or judicial enforcement actions concluded. Many enforcement actions are initiated and concluded in the same year, and, thus, there is considerable overlap in the counts.

1. Totals include CERCLA Initiations and Conclusions.

Data Source: Integrated Compliance Information System (ICIS)  
Data as of: November 19, 2020

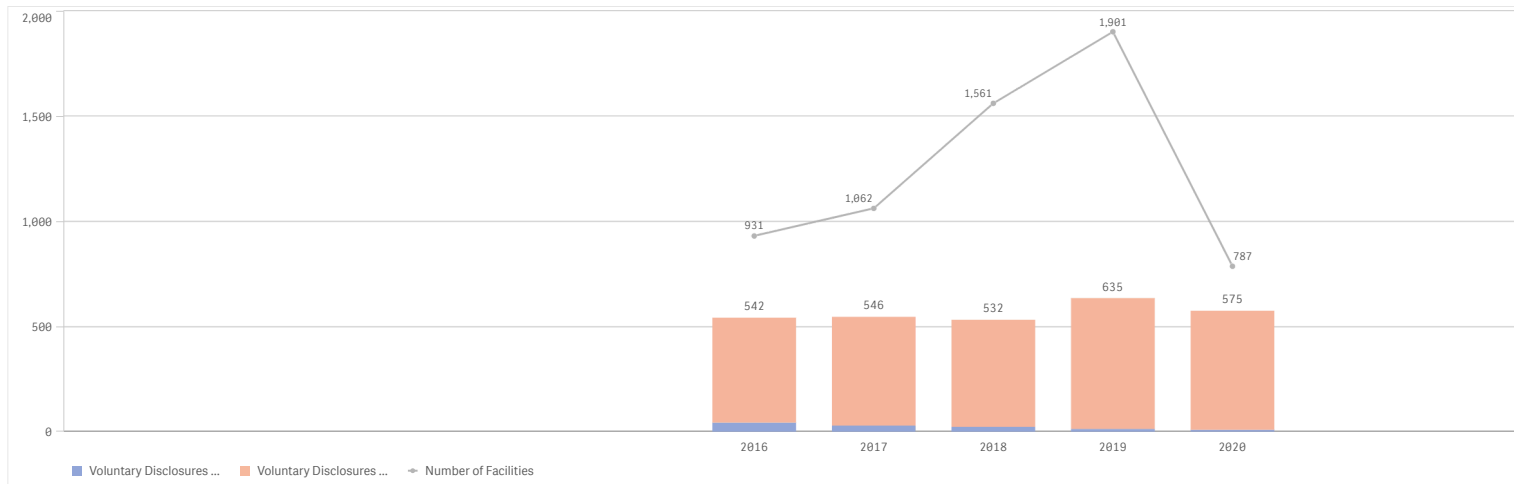
U.S. Environmental Protection Agency

Show Graph Show Table  
Export Data

[Top of Page](#)



## EPA Voluntary Disclosure Programs - Number of Disclosures and Facilities FY 2016 – FY 2020



- In FY 2020, 575 voluntary disclosures covering violations at 787 facilities were made pursuant to EPA's self-disclosure policies.
- The number of disclosures and facilities addressed under EPA's New Owner Audit Policy is highly dependent on economic activity involving mergers and acquisitions, which was lower in FY 2020.

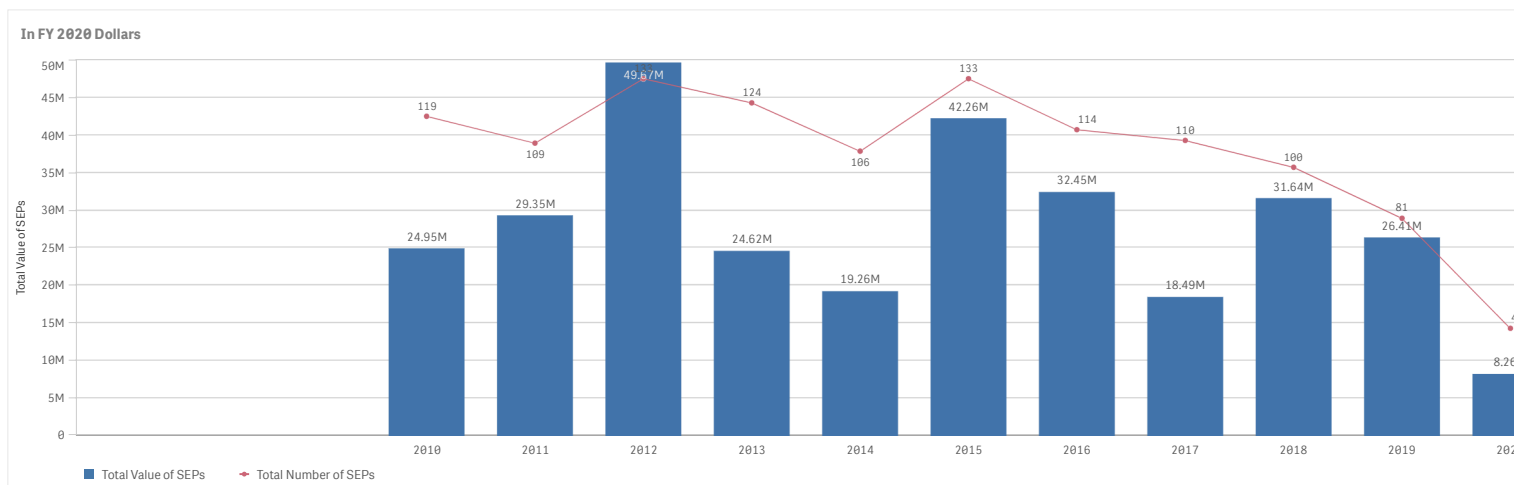
[Show Graph](#)[Show # VDs Table](#)[Show # Fac. Table](#)[Export Data](#)

Data Source: Integrated Compliance Information System (ICIS) and eDisclosure System  
Data as of: November 19, 2020 (ICIS) and October 27, 2020 (eDisclosure System)

U.S. Environmental Protection Agency

[Top of Page](#)

## Supplemental Environmental Projects (SEPs) FY 2010 – FY 2020



- In FY 2020, 40 EPA enforcement cases included agreements by the violator to perform Supplemental Environmental Projects (SEPs) with a total estimated value of \$8 million.
- SEPs are environmentally beneficial projects that are not legally required that a defendant/respondent voluntarily agrees to undertake as part of the settlement of an enforcement action. SEPs have a close nexus to the violations being resolved and were considered as a factor to mitigate a civil penalty.

[Show Graph](#)[Show Value Table](#)[Show Number Table](#)

1. A single settlement can have multiple SEPs.
2. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY 2020 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.



## Annual Budget Measures FY 2020



Measure Number	FY 2020 Annual Budget Measure	Target
PM 409	Number of federal on-site compliance monitoring inspections and evaluations and off-site compliance monitoring activities	10,000
PM 434	Millions of pounds of pollutants and waste reduced, treated, or eliminated through concluded enforcement actions	\$325M
PM 436	Number of all referred no complaint filed (RNCF) civil judicial cases that are more than 2.5 years old	120
PM 446	Percentage of Clean Water Act National Pollutant Discharge Elimination System (NPDES) permittees in significant noncompliance with their permit limits*	15.2%

\*Targets and results presented in the table use a one-quarter SNC rate calculation methodology. EPA is transitioning to the one-quarter rate calculation methodology from a four-quarter rate calculation methodology for the same measure (Four-quarter rate measure: PM 432: FY 2020 Target = 22.1%, FY 2020 Actual = 25.2%)

## Numbers at a Glance FY 2020



### Civil Enforcement Results

\*Total rounded to the nearest thousand.

Results	Concluded
Total Estimated Pollution Reduced, Treated or Eliminated (Pounds)*	426,572
Estimated Hazardous and Non-Hazardous Waste Treated, Minimized or Properly Disposed of (Pounds)*	1,604,070
Estimated Contaminated Soil/Debris to be Cleaned Up (Cubic Yds)*	1,912,200
Estimated Contaminated Water/Aquifer to be Cleaned Up (Cubic Yds)*	102,288
Stream Miles Restored or Created (Linear Feet)*	19,000
Wetlands Restored or Created (Acres)	92,000
People Protected by Safe Drinking Water Act Enforcement (# of People)*	152,000
Toxic Material Abated (# Housing Units, Schools, Buildings)	1

### Civil Enforcement Monetary Commitments

Totals rounded to the nearest thousand.

Monetary Commitments from Concluded Cases	Comm
Estimated Value of Complying Actions to be Taken in Response to EPA's Concluded Enforcement Actions (Injunctive Relief)	\$2,514
Estimated Investments in Projects that Benefit the Environment and Public Health (Supplemental Environmental Projects)	\$8,200
Administrative Penalties Assessed	\$40,100
Judicial Penalties Assessed	\$119,000
State/Local Judicial Penalties Assessed From Joint Federal-State/Local Enforcement Actions	\$14,800
Stipulated Penalties Paid	\$21,700

### Superfund Cleanup Enforcement

Totals rounded to the nearest thousand.

--

Volume (gallons) of Untreated Discharge Eliminated*	131,550
Emission Prevented from CAA Mobile Sources (pounds)*	3,599
Hazardous Waste Prevented from Release (Pounds)*	32,670

Superfund Enforcement Party Commitments	Commitments
Amount Committed by Parties to Clean up Superfund Sites	\$636,000
Amount Committed by Parties to Pay for Government Oversight of Superfund Cleanups	\$111,600
Amount Committed by Parties to Reimburse the Government for Money Spent Cleaning up Superfund Sites	\$66,720

#### Civil Enforcement and Compliance Activities

Activities	Results
Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)	68
Supplemental Referrals of Civil Judicial Enforcement Cases to DOJ	13
Civil Judicial Complaints Filed with Court	77
Civil Judicial Enforcement Case Conclusions	82
Administrative Penalty Order Complaints	876
Final Administrative Penalty Orders	903
Administrative Compliance Orders	608
Cases with Supplemental Environmental Projects	36
Compliance Monitoring Activities	8,540
Civil Investigations	9

#### Criminal Enforcement Program

\*Total rounded to the nearest thousand.

Activities	Results
Environmental Crime Cases Opened	247
Defendants Charged	91
Years of Incarceration	44
Fines and Restitution*	\$42,440,000
Value of Court Ordered Environmental Projects*	\$4,025,000

[↑ Top of Page](#)

## Regional Results FY 2020



#### Region

- ☒ 1
- ☐ 2
- ☐ 3
- ☐ 4
- ☐ 5
- ☐ 6

#### Civil Cases - Accomplishments

EPA Region 1 - Serving Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont

Region	Results	
1	Total Estimated Pollution Reduced, Treated or Eliminated (Pounds)	
1		

#### Civil Cases - Enforcement Activities

EPA Region 1 - Serving Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont

Region	Activities	
1	Case Initiations	
1	Case Conclusions	

- ☐ 7
- ☐ 8
- ☐ 9
- ☐ 10
- ☐ HQ

	Estimated Hazardous and Non-Hazardous Waste Treated,	
1	Estimated Contaminated Soil/Debris to be Cleaned Up (Cubic Yds)	
1	Estimated Contaminated Water/Aquifer to be Cleaned Up (Cubic Yds)	

--	--	--