Fiscal Year 2018
EPA Enforcement and Compliance
Annual Results

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

January 2019

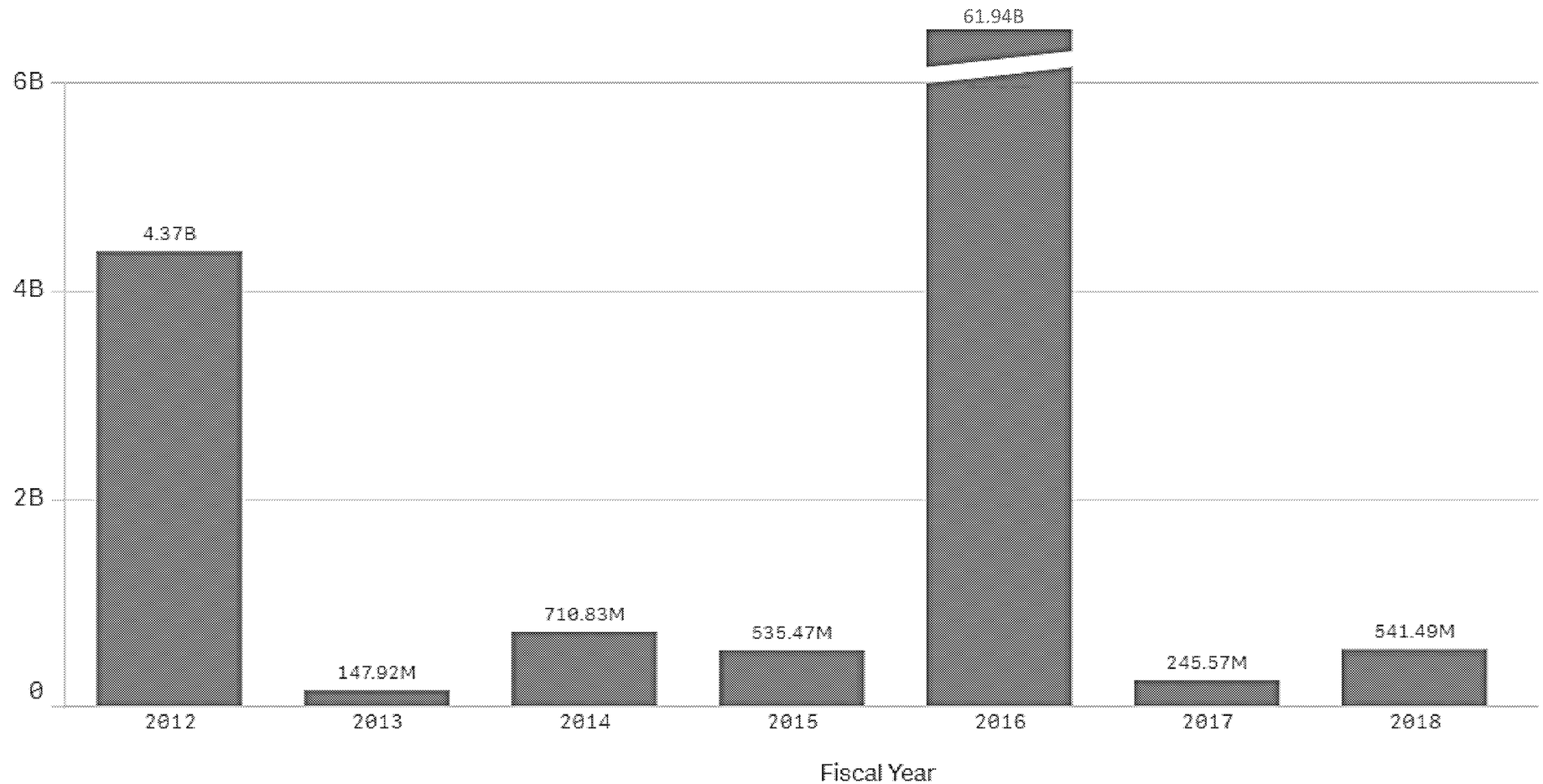
FY 2018 Enforcement and Compliance Annual Results

TABLE OF CONTENTS

	PAGE
Environmental Outcomes From Civil Enforcement	
Estimated Environmental Benefits:	
Hazardous Waste and Non-Hazardous Waste Treated, Minimized, or Properly Disposed FY 2012 – FY 2018	3
Commitments to Reduce, Treat, or Eliminate Pollution (Air, Toxics, and Water) FY 2012 – FY 2018	4
Volume of Contaminated Soil and Water to be Cleaned Up FY 2012 – FY 2018	5
Criminal Enforcement Accomplishments	
Value of Fines and Restitution and Value of Court Ordered Environmental Projects	6
Environmental Crime Cases Opened, Defendants Charged, and Sentencing Results - Years of Incarceration	7
Superfund Accomplishments	
Superfund Enforcement Private Party Commitments FY 2008 – FY 2018	8
Additional Civil Enforcement Accomplishments	
Federal Inspections and Evaluations (Conducted by EPA) FY 2008 – FY 2018	9
Total Civil Enforcement Case Initiations and Conclusions FY 2008 – FY 2018	10
Estimated Value of Administrative and Civil Judicial Complying Actions (Injunctive Relief) FY 2008 – FY 2018	11
Administrative and Civil Judicial Penalties Assessed FY 2008 – FY 2018	12
EPA Voluntary Disclosure Programs Number of Disclosures and Facilities FY 2014 - FY 2018	13
Supplemental Environmental Projects (SEPs) FY 2008 – FY 2018	14
Acronyms and Descriptions for Statutes/Sections	15

Note: This data reflects all EPA enforcement actions, including Federal Facility Compliance Agreements and inspections, unless otherwise noted. Does not include state and local enforcement actions or inspections.

Estimated Environmental Benefits Hazardous Waste and Non-Hazardous Waste Treated, Minimized, or Properly Disposed FY 2012 – FY 2018



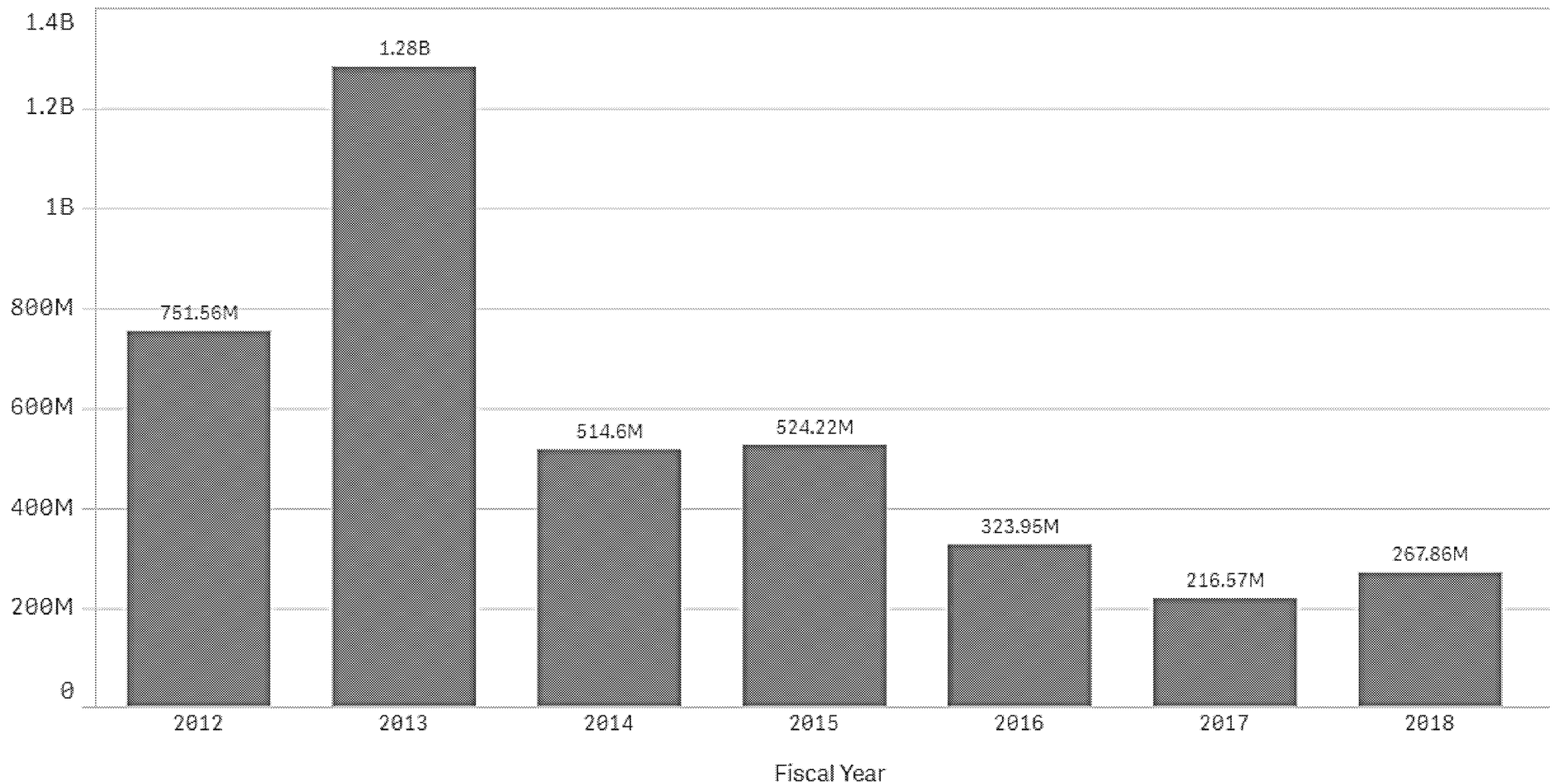
- In FY 2018, EPA enforcement actions required facilities to commit to treat, minimize, or properly dispose of over an estimated 540 million pounds of hazardous and non-hazardous waste.
- Annual totals for environmental benefits are often strongly influenced by one or two large cases. In FY 2018 two RCRA hazardous waste actions accounted for nearly 99% of the national total.
- FY 2016, the IMC Phosphates Co. (Mosaic Fertilizer) RCRA case accounted for over 99% of the hazardous and non-hazardous waste total of 62 billion pounds in that year.

1. Starting in FY 2012, EPA changed the way it stores environmental benefit information in the ICIS data system. Therefore, data are not available for years prior to FY 2012.
2. Starting in FY 2016, EPA combined reductions in hazardous waste and non-hazardous waste into one measure.

Data Source: Integrated Compliance Information System (ICIS)
Data as of: Dec-9-2018

ED_002541_00000175-00003

Estimated Environmental Benefits: Commitments to Reduce, Treat, or Eliminate Pollution (Air, Toxics, and Water)
FY 2012 – FY 2018



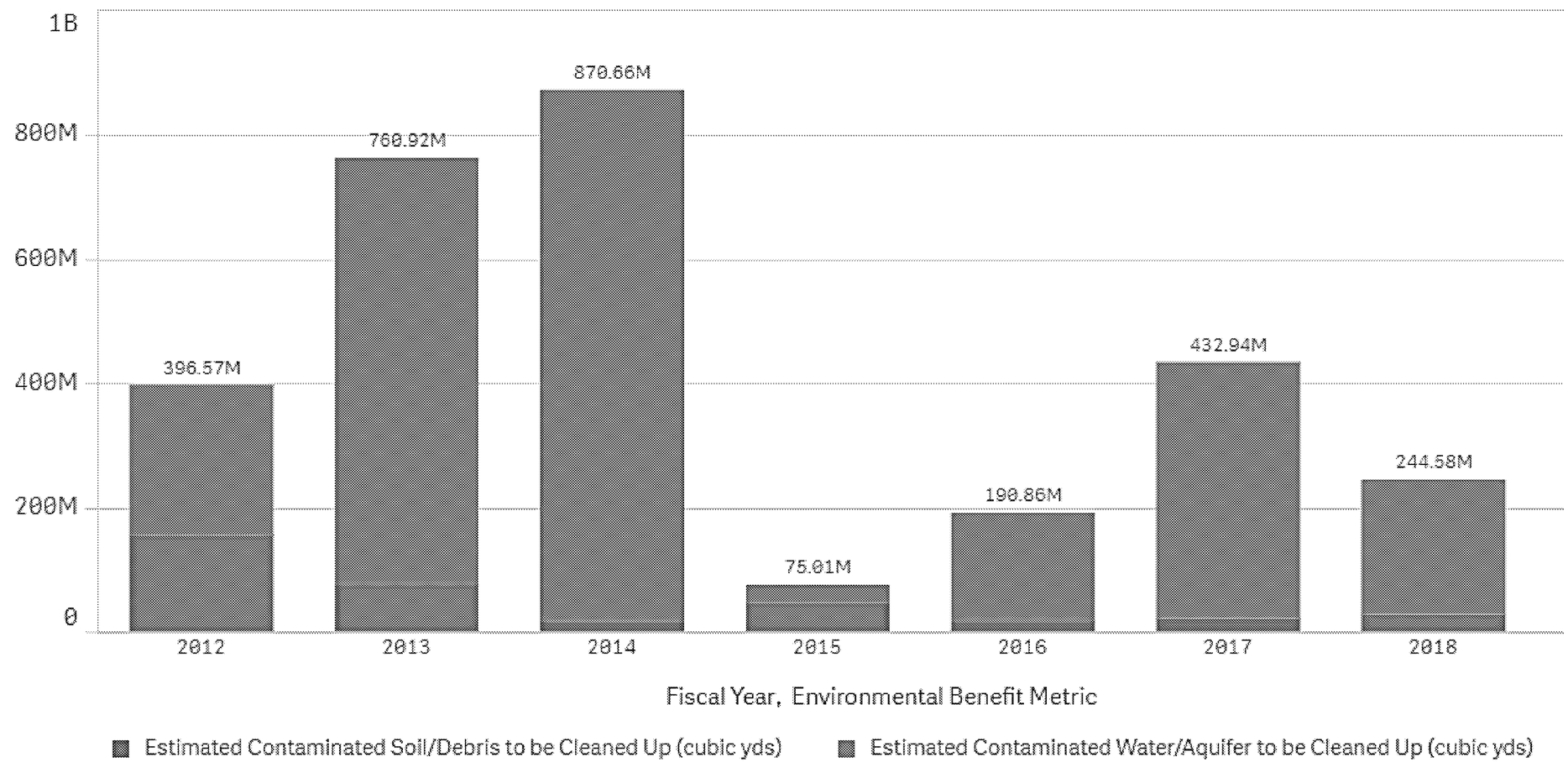
- In FY 2018, EPA enforcement actions required facilities to commit to reduce, treat, or eliminate pollution by an estimated 268 million pounds per year.
- Annual totals for environmental benefits are often influenced by one or two large cases. In FY 2018 the Midwest Generation (a CAA stationary source action) committed to reduce, treat, or eliminate an estimated 105 million pounds per year, which accounts for nearly 40% of the national total.
- EPA has, through actions in prior years, addressed the largest stationary sources of air pollution and the largest municipal dischargers. As a result, we recently have increased our focus on reducing toxic pollutants, which are less in volume but higher in toxicity.

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

Data Source: Integrated Compliance Information System (ICIS)
Data as of: Dec-9-2018

ED_002541_00000175-00004

Estimated Environmental Benefits: Volume of Contaminated Soil and Water to be Cleaned Up FY 2012 – FY 2018



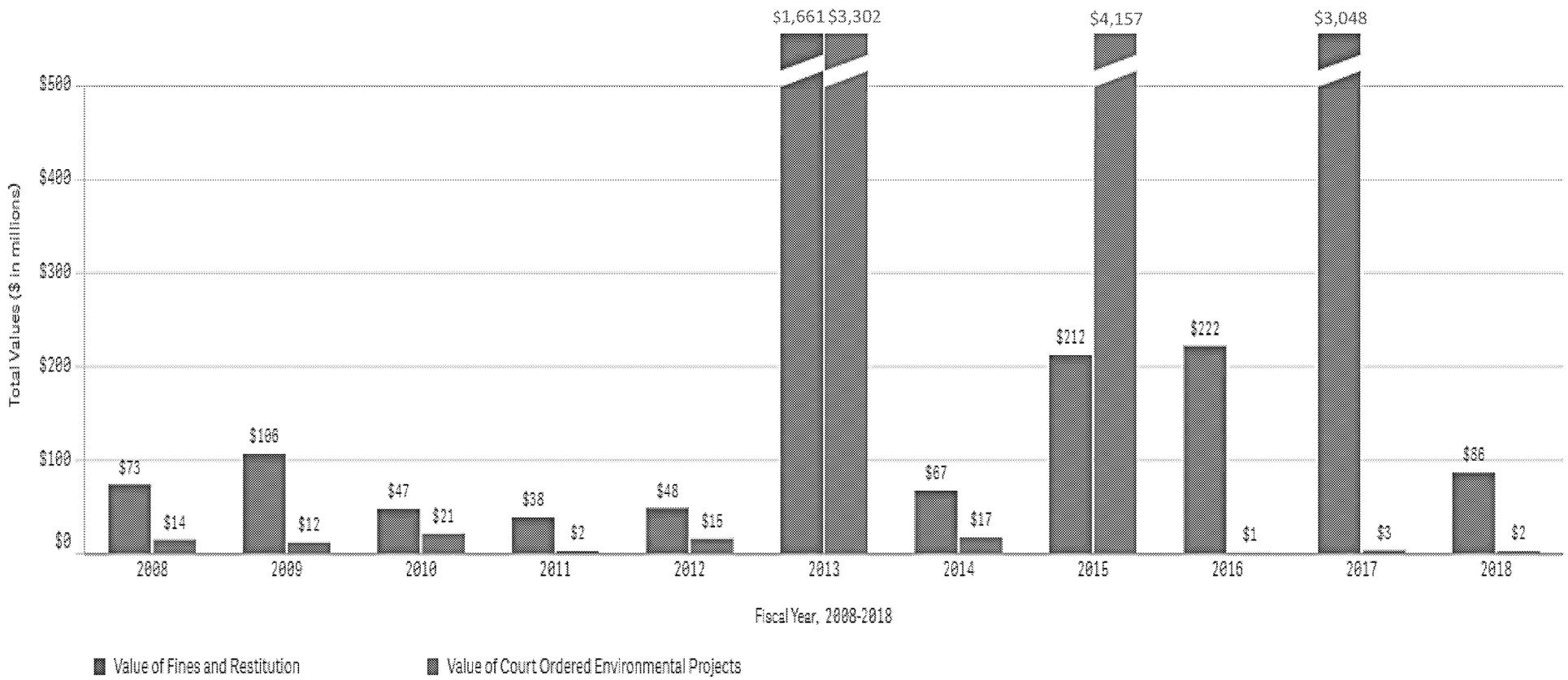
- In FY 2018, EPA enforcement actions obtained commitments to clean up over 244 million cubic yards of contaminated soil and water.
- Annual totals of soil and water to be cleaned up are often strongly influenced by the existence of one or two large cases. For example, in FY 2013 and FY 2014 three big cases accounted for the majority of the soil and water to be cleaned up.

1. Starting in FY 2012, EPA changed the way it stores environmental benefit information in the ICIS data system. Therefore, data are not available for years prior to FY 2012.
2. Starting in FY 2018, the Agency is reporting contaminated soil cleanup from all cases, not just from RCRA Corrective Action and CERCLA cases as in past years. However, RCRA and CERCLA cases account for more than 99% of the FY 2018 total.

Data Source: Integrated Compliance Information System (ICIS)
Data as of: Dec-9-2018

ED_002541_00000175-00005

Criminal Enforcement
Value of Fines and Restitution and Court Ordered Environmental Projects
FY 2008 – FY 2018

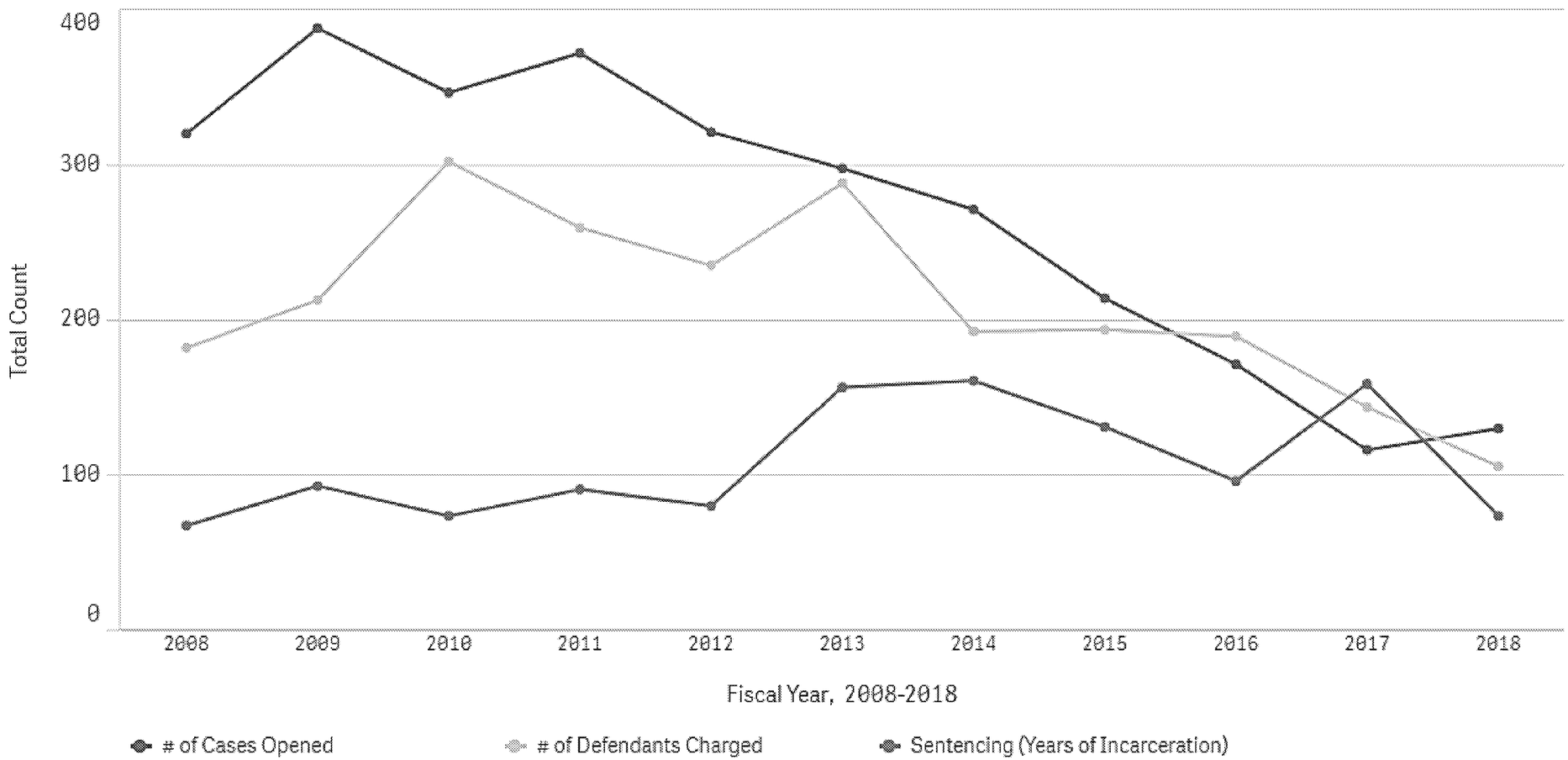


- In FY 2018, the total of criminal fines, restitution, and court ordered projects was $88 million.
- Annual totals vary widely due to large cases such as BP in 2013, Duke Energy in 2015, and Volkswagen in 2017.

1. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY 2018 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 nominal values. They are not adjusted to reflect inflation/deflation.

Data Source: Criminal Case Reporting System
Data as of: Nov-13-2018

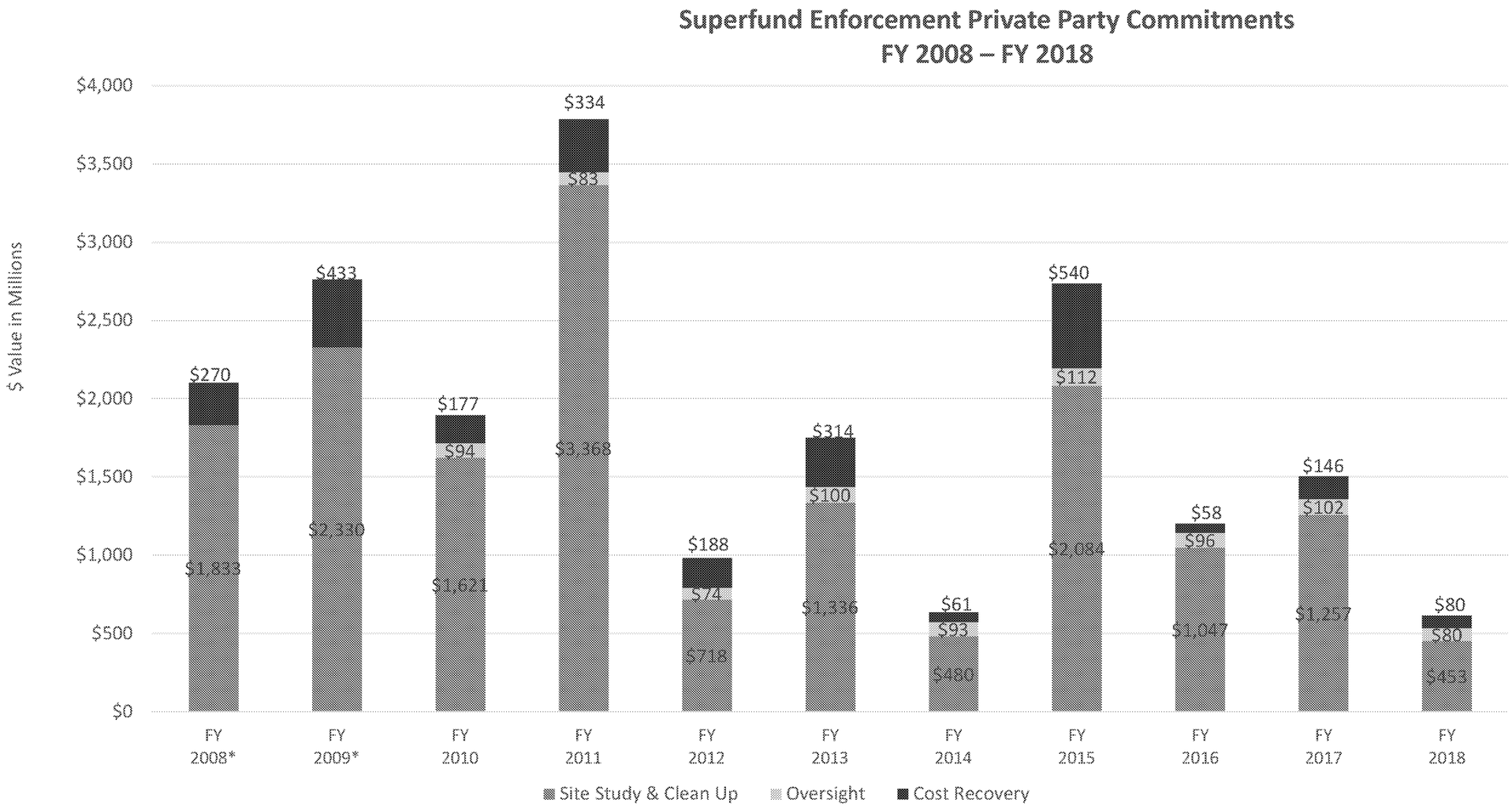
Criminal Enforcement
Environmental Crime Cases Opened, Defendants Charged, and Sentencing Results (Years of Incarceration)
FY 2008 – FY 2018



- In FY 2018, 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.
- For the first time since FY 2011, the number of environmental crime cases opened increased.

Data Source: Criminal Case Reporting System
Data as of: Nov-13-2018

ED_002541_00000175-00007



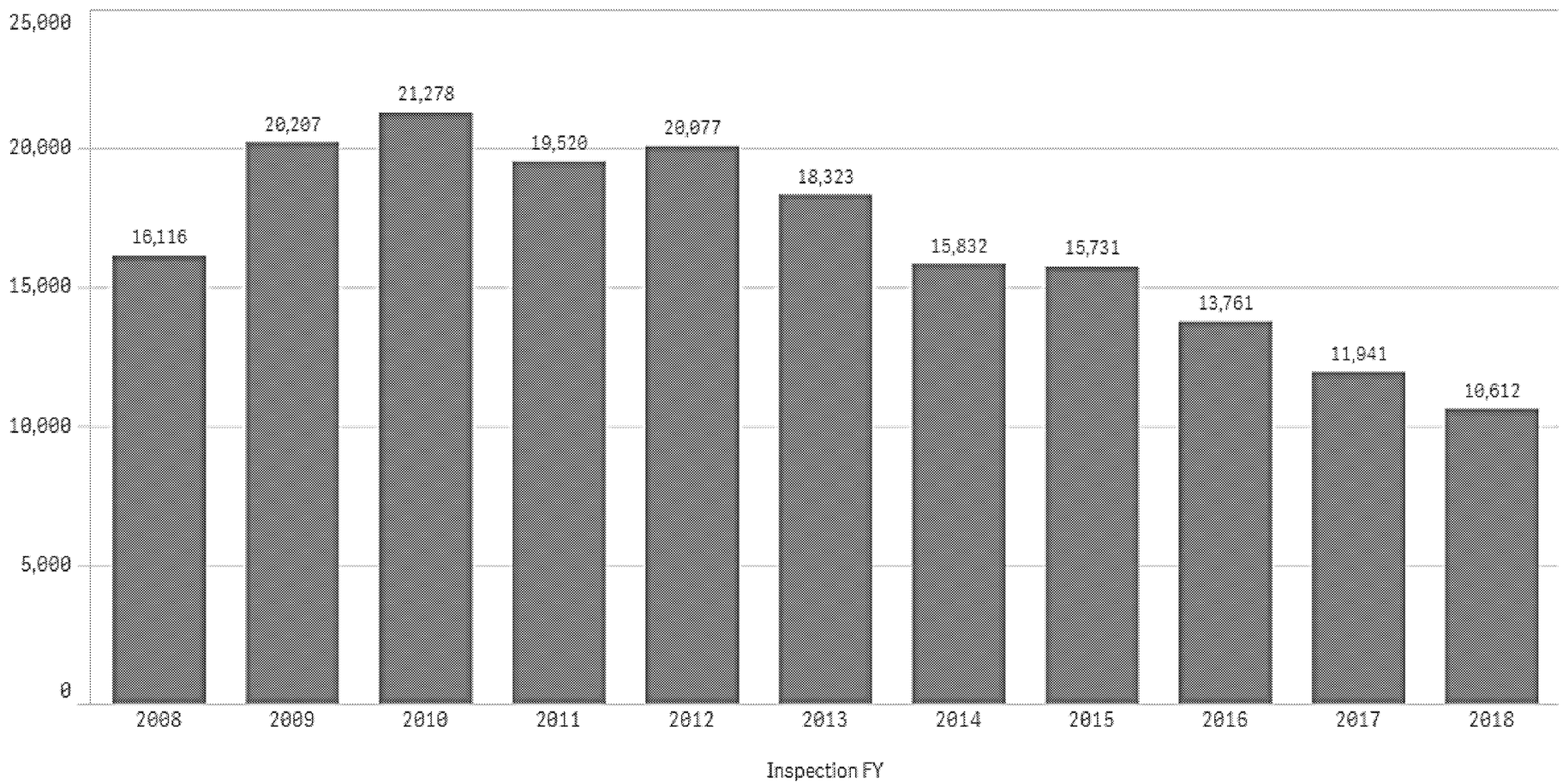
- In FY 2018, private parties committed to spend approximately $453 million on new site cleanup. Responsible parties also agreed to reimburse $80 million of EPA's past costs from clean up work at Superfund sites.
- Annual totals for both cleanup and cost recovery settlements are often influenced by the existence of one or two large cases that involve complex cleanups.

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. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY2018 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.
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: FY08-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: Oct-16-2018

Federal Inspections and Evaluations (Conducted by EPA)
FY 2008 – FY 2018

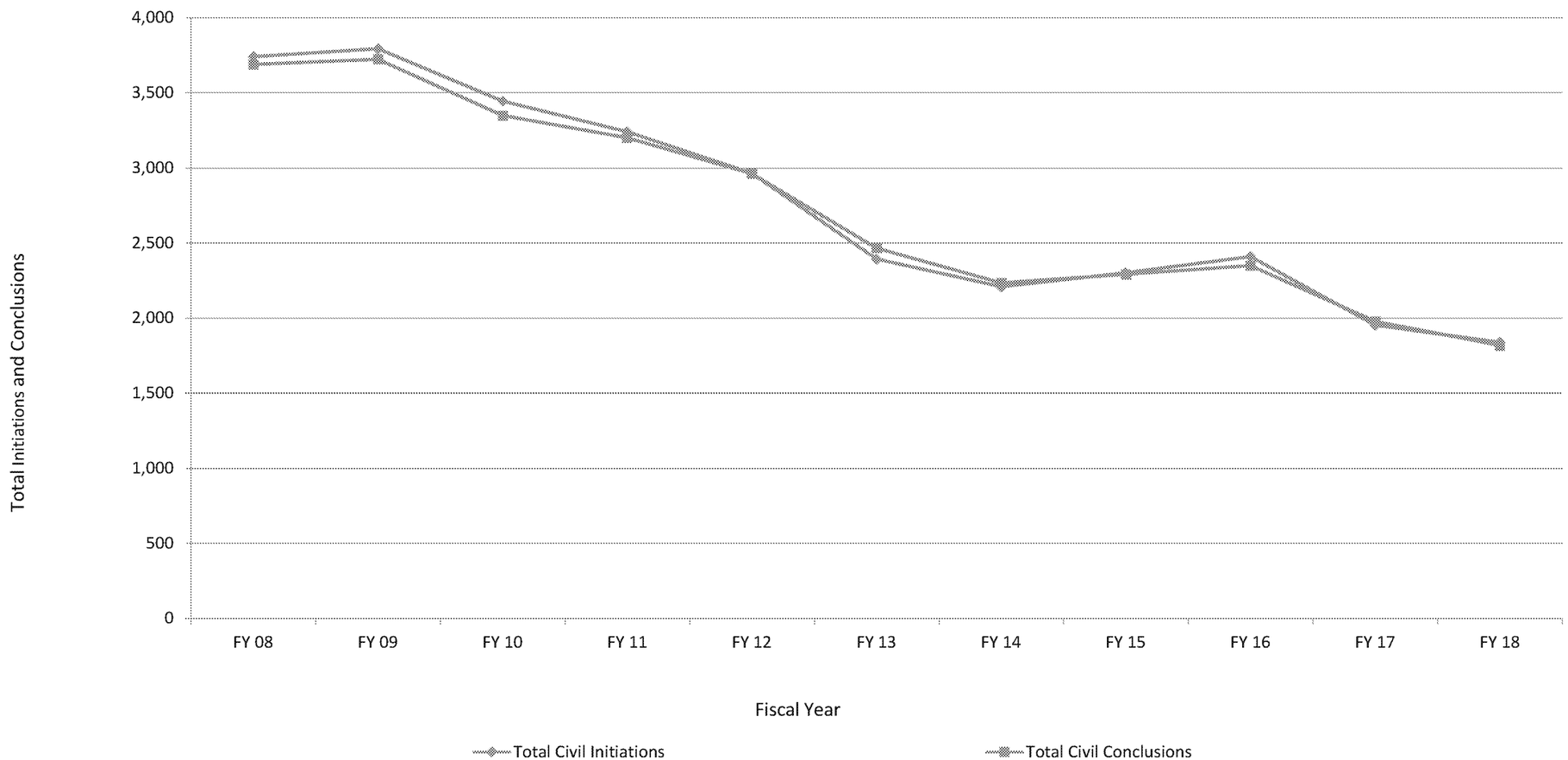


- In FY 2018, EPA conducted 10,600 inspections/evaluations.
- EPA continues to use data analytics and other tools to improve inspection targeting, which allows it to use its inspection resources more efficiently.

Data Source: ICIS, RCRA Info (for RCRA HW), manual (for SDWA UIC)
Data as of: Dec-9-2018

ED_002541_00000175-00009

Total Civil Enforcement Case Initiations and Conclusions
FY 2008 – FY 2018



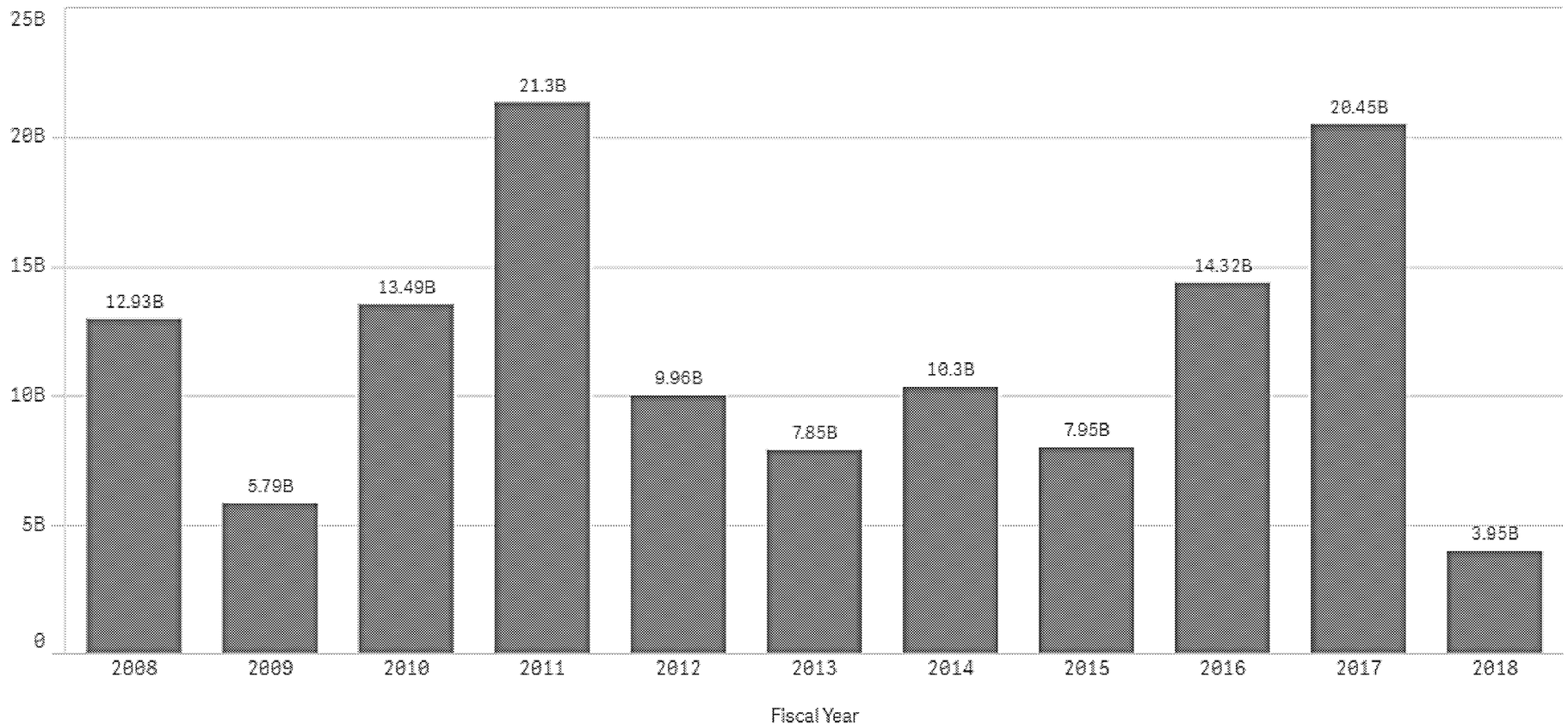
- In FY 2018, EPA initiated and concluded more than 1,800 civil judicial and administrative cases.

1. Totals include CERCLA Initiations and Conclusions.

Data Source: Integrated Compliance Information System (ICIS)
Data as of: Dec-9-2018

Estimated Value of Administrative and Civil Judicial Complying Actions (Injunctive Relief)
FY 2008 – FY 2018

Prior FY Totals Inflation Adjusted to Reflect the Current Totals in FY 2018 Dollars



- In FY2018, EPA enforcement actions required companies to invest nearly $4 billion in actions and equipment to control pollution (injunctive relief.)
- Injunctive Relief results vary from year to year depending on the timing of the resolution of the largest cases.

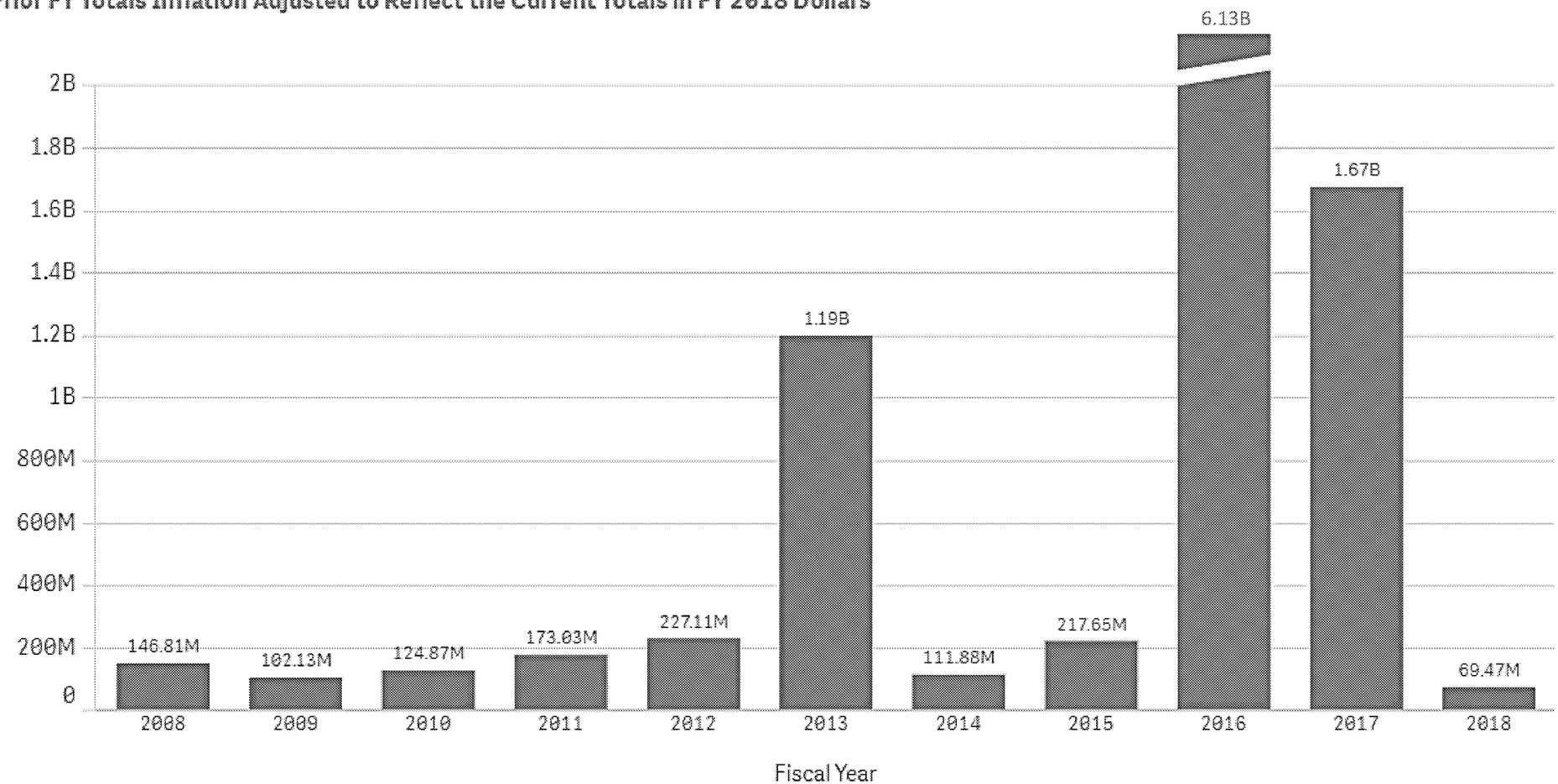
1. Injunctive relief requires a regulated entity to perform, or refrain from performing, some designated action to bring the entity into compliance with environmental laws.
2. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY2018 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.

Data Source: Integrated Compliance Information System (ICIS)
Data as of: Dec-9-2018

ED_002541_00000175-00011

Administrative and Civil Judicial Penalties Assessed
FY 2008 – FY 2018

Prior FY Totals Inflation Adjusted to Reflect the Current Totals in FY 2018 Dollars

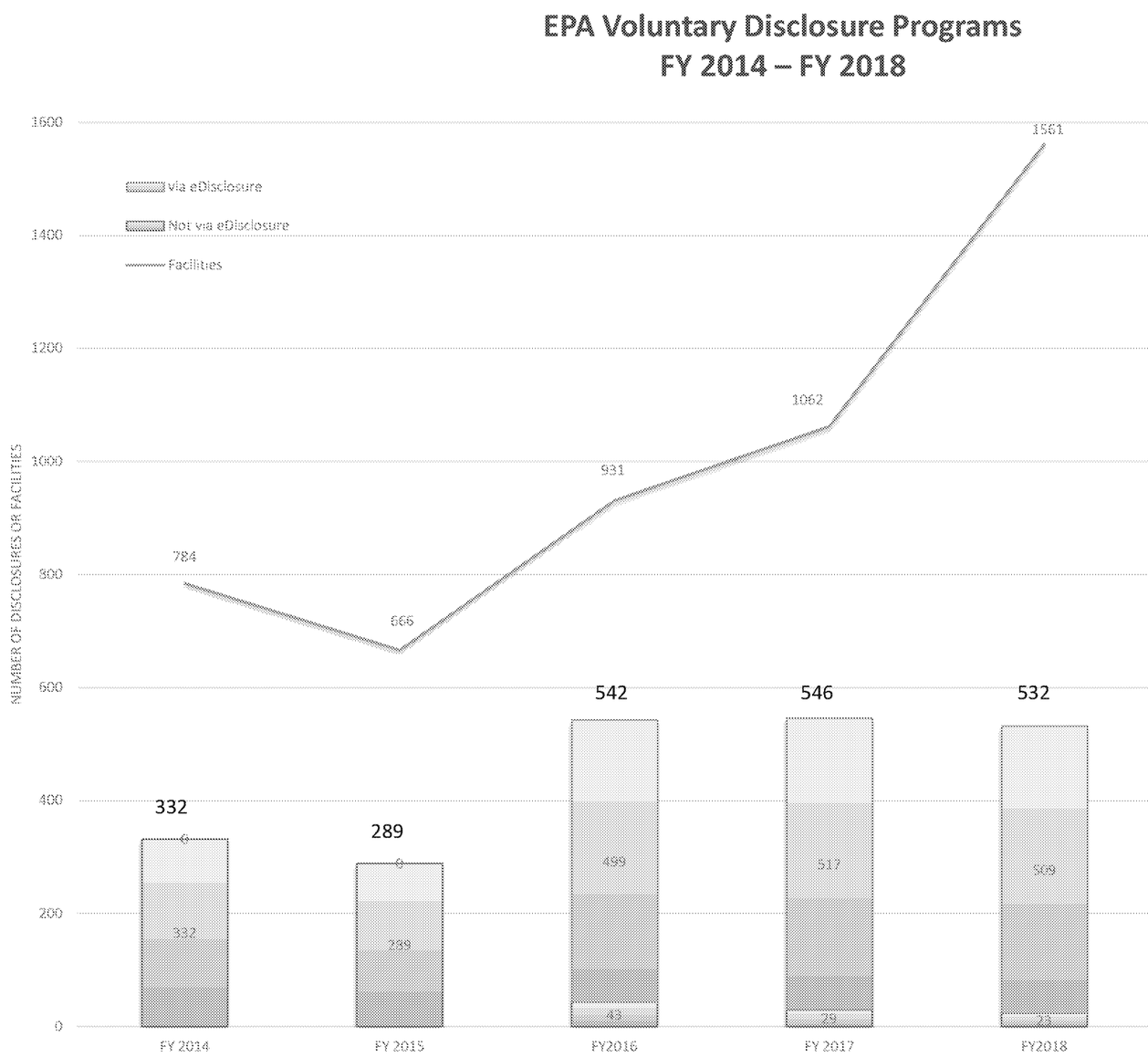


- In FY 2018, EPA obtained over $69 million in federal administrative and civil judicial penalties.
- Annual total penalties assessed are often strongly influenced by the existence of one or two large cases.
- The FY 2017 results were dominated by the record setting $1.45 billion Clean Air Act – Mobile Source penalty in the Volkswagen case and the FY 2016 results were dominated by the $5.7 billion BP action.

1. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY 2018 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 nominal values. They are not adjusted to reflect inflation/deflation.

Data Source: Integrated Compliance Information System (ICIS)
Data as of: Dec-9-2018

ED_002541_00000175-00012

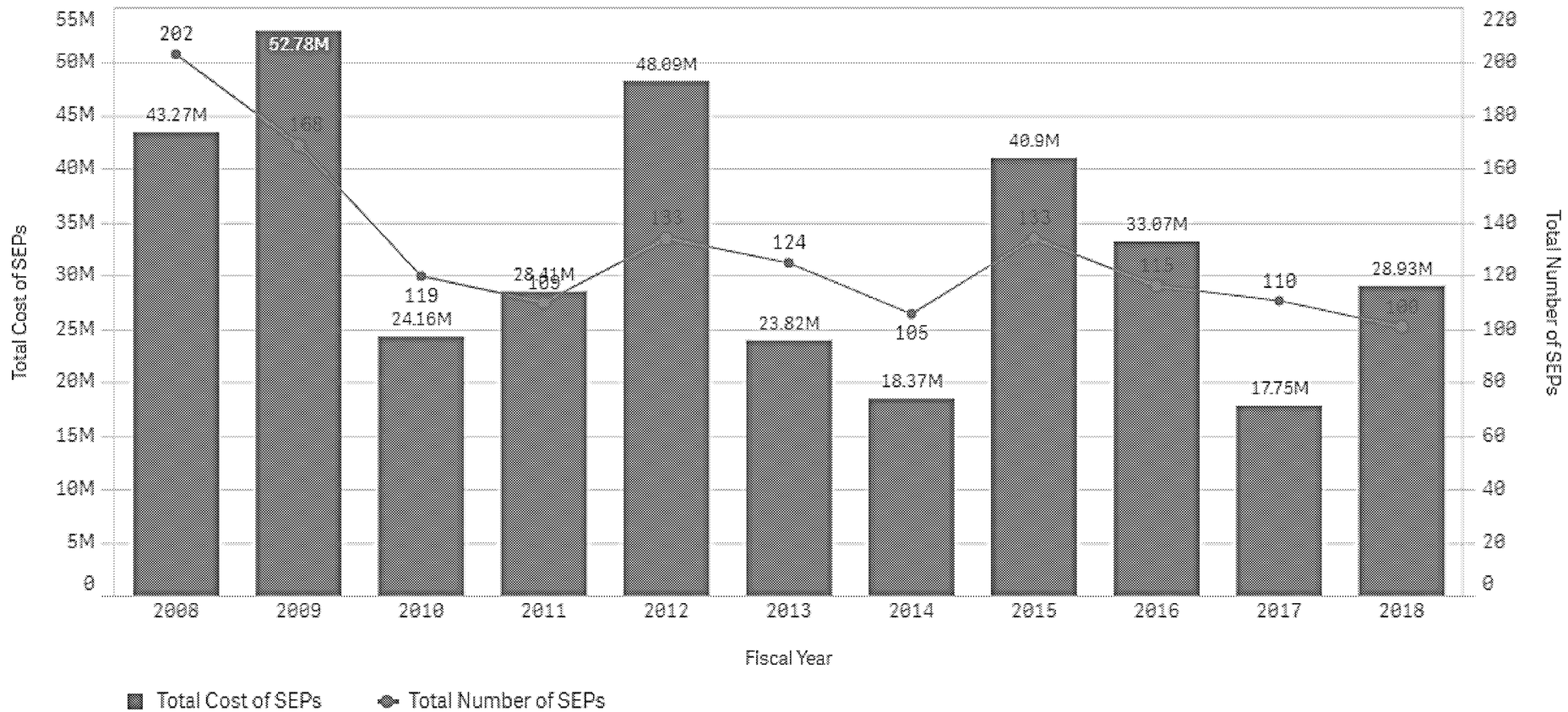


- In FY 2018, 532 entities at over 1,500 facilities voluntarily disclosed violations pursuant to EPA's self-disclosure policies. The 47% increase in facilities self-disclosing violations over 2017 is attributed to several New Owner Audit Agreements involving large numbers of facilities.
- In the nearly three years since launching *eDisclosure*, EPA has seen about a 74% increase in the number of annual self-disclosures as compared to the two years prior to its launch.

Data Source: Integrated Compliance Information System (ICIS) and *eDisclosure* System
Data as of: Nov-5-2018

Supplemental Environmental Projects (SEPs)
FY 2008 – FY 2018

Prior FY Total Cost of SEPs Inflation Adjusted to Reflect the Current Totals in FY 2018 Dollars



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 2018 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.

- In FY 2018, EPA enforcement cases included 100 voluntary agreements to perform Supplemental Environmental Projects (SEPs) with a total estimated cost of over $28 million.
- 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 harmed by the violations and partially offset a penalty.

Data Source: Integrated Compliance Information System (ICIS)
Data as of: Dec-9-2018

ED_002541_00000175-00014

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

ED_002541_00000175-00015