Overview

Background

The Case Conclusion Data Sheet (CCDS) is a manual data collection tool HQ implemented in FY 1996 to collect information on concluded federal enforcement cases including the case name and identification number, injunctive relief, environmental benefits (including environmental benefits from Supplemental Environmental Projects [SEPs]), and assessed penalties. The CCDS data are entered into the Integrated Information and Compliance System (ICIS). OECA uses data obtained from the CCDS via ICIS to assess the environmental outcomes of its enforcement program. Quality reporting of CCDS data is important, as these data provide the necessary information for reporting on OECA's annual accomplishments to the public, Congress, and Office of Management and Budget (OMB). The data from completed CCDS forms are entered into ICIS by the EPA regions. The data are used to:

- Report OECA's accomplishments under the Government Performance and Results Act (GPRA) annually;
- Serve as a management tool to assess OECA and regional case performance; and
- Describe the results of EPA's enforcement program to the public, Congress, and others.

OECA emphasizes the environmental benefits of its compliance and enforcement activities in order to assess their impact on, and benefit to, human health and the environment. Assuring the quality and consistency of CCDS data is critical for achieving this objective. Regions are required to certify that the estimated environmental benefits from their enforcement cases are calculated using current guidance and methodologies, and are complete and entered into ICIS in a timely manner.

In 2001, in order to ensure a standard methodology for estimating environmental benefits and national consistency in reporting, OECA issued the first CCDS guide for calculating benefits. Updated versions of the guidance have been developed since that time, with the most current version issued in FY2014.

Principles for Calculating Environmental Benefits

A set of science-based principles for determining the environmental benefits of concluded enforcement actions have been developed. These principles will guide consistent decision making for determining the various outcomes from federal enforcement actions. The principles will also help to characterize and quantify environmental outcomes of EPA's federal enforcement actions in a way that is consistent, implementable, defensible and understandable to the general public. These principles should be followed for each CCDS entry:

1. Focus on the Nature of the Remedy

Determine the benefit category (removal and restoration, reduction of ongoing releases, prevention of future releases, work practices) for the complying action required by the enforcement action (without regard for the statute violated) (see section below).

2. Treat Each of the Four Benefit Categories as Important, Unique and Mutually Exclusive:

   a. Removal and Restoration
   b. Reduction of Ongoing Releases
   c. Prevention of Future Releases
   d. Work Practices

3. Report Environmental Benefits from Concluded Formal Civil and Administrative Enforcement Actions and Notices of Determination Only

The CCDS guidance covers environmental benefits from concluded formal civil and administrative enforcement cases, and from notices of determination (NODs), only. Outcomes and information from other enforcement and compliance activities, such as informal enforcement actions, inspections and criminal enforcement cases, are not covered by this guidance.

4. Count Environmental Benefits for Each Media (air, water, land)

One complying action may produce environmental benefits in more than one media area (air, water, land). Calculate the environmental benefits for each media area affected by the complying action (but assure that there is no double counting). (For example, an action requiring closure of a hazardous waste landfill can result in reduced leachate and methane gas emissions which impact both water and air.)

5. Complying Actions

   a. An enforcement action can have more than one complying action.
   b. Complying actions are statute-neutral (e.g., following the nature of the remedy principle, enforcement actions under different statutes can require similar complying actions).
   c. Selection of a complying action is not limited by choice of enforcement instrument.
   d. Complying actions can have outcomes in more than one medium.
   e. A single complying action can address multiple pollutants.
   f. If different complying actions address the same material, waste stream, volume, etc., the associated outcome is only to be counted once (i.e., a pollutant reduction amount should have only one complying action associated with it).
   g. Where multiple complying actions may be associated with a single environmental benefit, the pollutant reduction(s) should be associated with the "highest order" complying action.
   h. For complying actions that compel a facility to properly manage a waste to prevent its future release, report the total potential amount or volume of waste that would have been released if preventative action(s) had not been taken.

6. Conservative Approach to Quantification of Benefits

EPA strives to be transparent and accurate when counting environmental benefits derived from the Agency's enforcement actions. EPA's numbers need to be credible and defensible, minimizing the risk of any exaggeration. Recognizing that all methodologies for quantification are not perfect, are estimates, and include some margin for error, when quantifying environmental benefits from enforcement actions the rule is to underestimate rather than overestimate the environmental benefits.

Nature of Remedy Framework. The fundamental approach to calculating environmental benefits focuses on the enforcement action remedy rather than the statutory authority by which the enforcement action was taken. The nature of the remedy approach set forth in the FY2014 CCDS Guidance focuses on the complying actions that result from the enforcement action, without regard to the statute under which the case was brought. The methods for calculating the benefits are now based on the enforcement action remedy (e.g., what activities the facility must implement as a result of the enforcement action), rather than the statutory authority by which the action was taken. The FY2014 CCDS Guidance reporting categories are:

Removal and Restoration: Benefits derived from a complying action that result in a pollutant, contaminated media or structure, already in the environment, being eliminated or treated to a level required by the enforcement action.

Reduction of On-going Releases: Benefits derived from a complying action that reduces or eliminates an ongoing discharge, emission or release of pollutant(s) into the environment.

Prevention of Future Releases: Benefits derived from a complying action that reduces or eliminates the potential for a future discharge, emission or release of pollutant(s) not already in the environment.

Work Practices: Benefits derived from a complying action for which environmental benefits are not readily quantifiable.

The Decision Process

Step 1 of the Decision Process

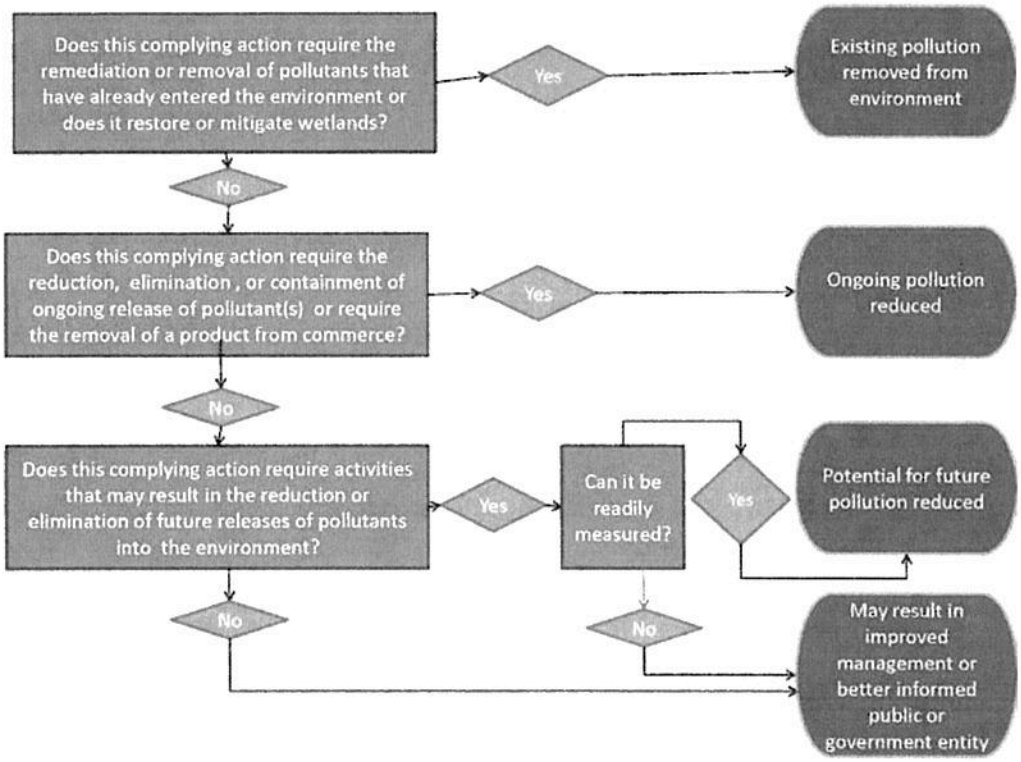
Begin the decision process by asking what the enforcement action does. Ask whether the complying action requires remediation or removal of pollutants that have already entered the environment or whether the complying action restores or mitigates wetlands. If yes, then this is a Removal and Restoration benefit. Repeat the process for the next environmental benefit or next complying action. If not, then move to step 2.

Step 2 of the Decision Process

Ask whether the complying action requires the reduction, elimination or containment of an on-going release of pollutant(s) or requires the removal of a pesticide product from commerce. If yes, then this is a Reduction of On-going Releases benefit. Repeat the process for the next environmental benefit or next complying action. If not, then move to step 3.

Step 3 of the Decision Process

Ask whether the complying action requires activities that may result in the reduction or elimination of future releases of pollutants into the environment. If yes, then ask if the reduction or elimination can be readily measured. If yes, then this is a Prevention of Future Releases benefit. Repeat the process for the next environmental benefit or next complying action. If the reduction or elimination cannot be readily measured, then this is a Work Practices benefit. Repeat the process for the next environmental benefit or next complying action. If the complying action does not require activities that may result in the reduction or elimination of future releases of pollutants into the environment, then it is also a Work Practices benefit. Repeat the process for the next environmental benefit or next complying action.



Remedy Category Decision Making Process