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United States Environmental Protection Agency

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## News Releases – Compliance and Enforcement

### EPA Announces 2010 Enforcement and Compliance Results / More than 1.4 billion pounds of harmful air, land, and water pollution to be reduced

Release Date: 12/06/2010

Contact Information: Stacy Kika (News media only), [kika.stacy@epa.gov](mailto:kika.stacy@epa.gov), 202-564-0906, 202-564-4355

**WASHINGTON** – The U.S. Environmental Protection Agency (EPA) announced today the release of its **annual enforcement and compliance results**. In fiscal year (FY) 2010, EPA took enforcement and compliance actions that require polluters to pay more than \$110 million in civil penalties and commit to spend an estimated \$12 billion on pollution controls, cleanup, and environmental projects that benefit communities. These actions when completed will reduce pollution by more than 1.4 billion pounds and protect businesses that comply with regulations by holding non-compliant businesses accountable when environmental laws are violated.

"At EPA, we are dedicated to aggressively go after pollution problems that make a difference in our communities through vigorous civil and criminal enforcement," stated Cynthia Giles, assistant administrator for EPA's Office of Enforcement and Compliance Assurance. "Our commitment to environmental enforcement is grounded in the knowledge that people not only desire, but expect, the protection of the water they drink, the air they breathe and the communities they call home."

EPA's civil enforcement actions for violations of the Clean Air Act alone will account for the reduction of an estimated 400 million pounds of air pollution per year. Those reductions will represent between \$6.2 billion and \$15 billion **annually** in avoided health costs. As a result of water cases concluded in FY 2010, EPA is ensuring that an estimated 1 billion pounds of water pollution per year will be reduced, eliminated or properly managed and investments in pollution control and environmental improvement projects from parties worth approximately \$8 billion will be made. EPA's civil enforcement actions also led to commitments to treat, minimize or properly dispose of more than an estimated 11.8 billion pounds of hazardous waste.

EPA's criminal enforcement program opened 346 new environmental crime cases in FY 2010. These cases led to 289 defendants charged for allegedly committing environmental crimes, the largest number in five years, 198 criminals convicted and \$41 million assessed in fines and restitution.

This year's **annual results** include an enhanced mapping tool that allows the public to view detailed information about the enforcement actions taken at more than 4,500 facilities that concluded in FY 2010 on an interactive map of the United States and its territories. The map shows facilities and sites where civil and criminal enforcement actions were taken for alleged violations of U.S. environmental laws regulating air, water, and land pollution. The mapping tool also displays community-based activities like the locations of the environmental justice grants awarded in FY 2010 and the Environmental Justice Showcase Communities.

The release of the EPA's enforcement and compliance **results** and the accompanying mapping tool are part of EPA's commitment to transparency. They are intended to improve public access to data and provide the public with tools to demonstrate EPA's efforts to protect human health and the environment in communities across the nation.

View the FY 2010 **results** and an announcement message from Assistant Administrator for the Office of Enforcement and Compliance Assurance Cynthia Giles:

<http://www.epa.gov/compliance/resources/reports/endofyear/eoy2010/index.html>

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### Recent additions

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- 09/29/2014 [Griffin Pipe Products Agrees to Resolve Issues with Lead Emissions, Air and Water Violations at Council Bluffs, Iowa](#)
- 09/29/2014 [Commerce City \(Colo.\) refinery agrees to resolve alleged risk management planning and chemical reporting violations](#)
- 09/26/2014 [St. Lawrence County Cheese Manufacturer to Upgrade its Operations in Agreement with the EPA; New Manufacturing Equipment Will Reduce the Amount of Nitrates and Nitric Acid Entering the Oswegatchie River](#)
- 09/25/2014 [EPA, DOJ reach agreement with CNMI and CUC Saipan to move forward with work on oil spill cleanup and prevention at CUC power plants](#)



# Compliance and Enforcement Annual Results 2010 Fiscal Year

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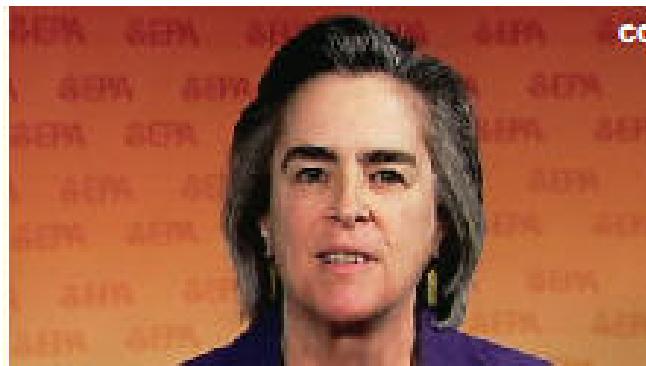
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EPA's Office of Enforcement and Compliance Assurance (OECA) promotes compliance with and enforces our nation's environmental laws. Through vigorous civil and criminal enforcement, the office targets the most serious water, air and chemical hazards and works to advance environmental justice by protecting overburdened communities.

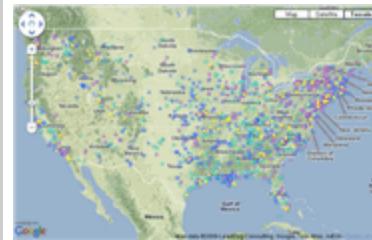
This year's 2010 annual results benefit communities and serve as a powerful deterrent to those who would violate environmental laws. The enforcement actions and compliance activities over the last fiscal year:

- Produced commitments to reduce, treat or eliminate harmful air, water and land pollution by more than 1.4 billion pounds,
- Ensured that an estimated 11.8 billion pounds of hazardous waste is properly treated, minimized, or disposed of,
- Produced commitments to reduce, treat or eliminate more than an estimated 1 billion pounds of water pollution and invest an estimated \$8 billion in pollution control and environmental improvement projects that will improve water quality.
- Required polluters to pay more than \$110 million in penalties and to commit to spend an estimated \$12 billion on pollution controls and environmental projects to clean up our neighborhoods,
- Led to the opening of 346 new environmental crimes cases, the charging of 289 defendants for allegedly committing



**Non working video. See page:  
"Message from the Assistant  
Administrator"**

**Enforcement Cases**  
Locate cases in your area



## Resources

- Message from the Assistant Administrator
- Press Release
- Where You Live

## Annual Results for National Initiatives

- Air Toxics
- Concentrated Animal Feeding Operations
- Municipal Sewer Overflows
- New Source Review
- Stormwater
- Mineral Processing
- Financial Assurance
- Indian Country

environmental crimes and the conviction of 198 criminals and \$41 million assessed in fines and restitution.

OECA works with EPA regional offices and in partnership with state and tribal governments, and other federal agencies to enforce environmental statutes, including:

- [Clean Air Act \(CAA\)](#)
- [Clean Water Act \(CWA\)](#)
- [Comprehensive Environmental Response, Compensation and Liability Act \(CERCLA, or Superfund\)](#)
- [Emergency Planning and Community Right-to-Know Act \(EPCRA\)](#)
- [Federal Insecticide, Fungicide, and Rodenticide Act \(FIFRA\)](#)
- [Marine Protection, Research and Sanctuaries Act](#)
- [National Environmental Policy Act \(NEPA\)](#)
- [Oil Pollution Act \(OPA\)](#)
- [Resource Conservation and Recovery Act \(RCRA\)](#)
- [Safe Drinking Water Act \(SDWA\)](#)
- [Toxic Substances Control Act \(TSCA\)](#)

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## Message from the Assistant Administrator on Enforcement and Compliance Results for FY 2010

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Hi, I'm Cynthia Giles, the Assistant Administrator for EPA's Office of Enforcement and Compliance Assurance. At EPA we are committed to aggressive civil and criminal enforcement that addresses our nation's most serious water, air and chemical hazards. This commitment is grounded in the knowledge that people not only desire, but expect, protection of the water they drink, the air they breathe and the communities they call home.

Our civil and criminal enforcement programs ensure compliance with our nation's environmental laws and act as a powerful deterrent, sending the message that violations of the laws that protect the environment and the health of communities will have serious consequences. Strong enforcement also levels the playing field for corporate America. Ensuring that companies that cut corners or put communities and the environment at risk are brought to justice.

In 2010, we took enforcement actions at more than 4,500 facilities throughout the United States. These actions will reduce more than 1.4 billion pounds of harmful air and water pollution, save billions of dollars in avoided health costs, and lead to an all time record investment of 12 billion in environmental controls that will reduce pollution and create green jobs.

We also reached several milestones in 2010, for example, we increased the number of our criminal investigators to more 200. We look forward to the positive impact this will have as we shift focus to look more strategically at criminal cases with the greatest environmental impact.

We encourage you to view and explore our results using the interactive map that highlights our civil and criminal cases as well as the work we are doing to make environmental justice a reality.

Thanks to the hard work and dedication of our team of special agents, lawyers, scientists, and policy staff, EPA's enforcement and compliance program has a strong record of success. Now is the time to build on that momentum. We are happy to share our annual results with you because we know an informed public is a great ally. We are on the job and we look forward to another successful year enforcing our nation's environmental laws.

Thank you.





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U.S. ENVIRONMENTAL PROTECTION AGENCY

# Compliance and Enforcement Annual Results 2010 Fiscal Year

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 » Concluded EPA Enforcement Cases map for 2010 Fiscal Year

## Concluded EPA Enforcement Cases Map for 2010 Fiscal Year

Home	Clean Water	Clean Air	Waste & Chemical	Criminal	Environmental Justice
Overview	Enforcement Map	Numbers at a Glance	Enforcement Results and Trends	Federal Government Compliance	Additional Compliance Activities Where You Live

This interactive map shows information on enforcement actions and cases from 2010. They include civil enforcement actions taken by EPA at facilities, criminal cases prosecuted by EPA under federal statutes and the U.S. Criminal Code, and cases in which EPA provided significant support to cases prosecuted under state criminal laws. The indicators on the map generally mark the location of the site or facility where the violations occurred or were discovered.

### How to Use the Map

Add or subtract EPA enforcement actions to and from the map by checking or un-checking the box next to the program of interest (water, air, etc). Then zoom the map to an exact location by entering a state, city, or zip code in the search box or by utilizing the zoom bar in the upper left corner of the map. You may also click on the indicator to obtain additional information on the environmental enforcement case. See "[Questions About the Maps](#)" [Search EPA.gov](#)

**Note:**  
**The original map for this site is no longer functional.**

examine and create enforcement-related maps, or explore your state's performance.

Civil enforcement actions at facilities and criminal enforcement actions.

Note: For civil enforcement cases not represented on this map see: [Facilities not mapped \(PDF\)](#) (2 pp, 38K, [About PDF](#))

Multi-Program:

- EPCRA - Emergency Planning and Community Right to Know Act
- FIFRA - Federal Insecticide, Fungicide, and Rodenticide Act
- TSCA - Toxic Substances Control Act

Federal - Includes federal agencies and contractors at federal facilities

# Facilities That Are Not on the Maps

## *U.S. Environmental Protection Agency*

### *Fiscal Year 2010 Annual Results*

This document pertains to the “[Map of All Enforcement Actions](#)” on the “Compliance and Enforcement Annual Results 2010 Fiscal Year” Web site.

There are some facilities that received an EPA enforcement action that we were not able to map. This includes all Safe Drinking Water Act Enforcement Actions for public drinking water systems, which are not mapped due to Homeland Security concerns. This is a list of the facilities that were not mapped but still were impacted by an EPA enforcement action. Click on the Enforcement Action Name or the Facility ID to go to enforcement action at this facility.

Note: If the facility does not appear on this list or on the maps, the environmental enforcement action may have been taken by the state or local environmental agency.

State	City	Enforcement Action Name	Statutes	Facility ID
CO	SHERIDAN	AERIS USA	FIFRA	110041881559
FL	SANFORD	PRIVATE RESIDENCE (25-19-30-5AG-809-000) (25-19-30-5AG-0810-000)	CERCLA	1800048783
IA	CEDAR FALLS	TARGET	FIFRA	2200001994
IA	HIAWATHA	GO DADDY.COM, INC.	EPCRA	110041630143
IL	HAMPSHIRE	ELGILOY SPECIALTY METALS	EPCRA	110018333052
IL	DEERFIELD	WALGREENS	FIFRA	110041878849
IL	DEERFIELD	WALGREENS	FIFRA	110041878849
IL	BANNOCKBURN	LTD COMMODITIES	FIFRA	110041880471
IL	GALENA	BAUTSCH GRAY MINE SITE	CERCLA	110040146623
IL	ROMEovILLE	ROMEovILLE	CWA	2200011409
IL	ULLIN	KRAATZ-HILL	CWA	110041196586
IN	LAPORTE	OUTLOOK COVE CONDOS	CWA	110038390853
IN	HAMMOND	HAMMOND SPILL	CWA	2200011412
IN	JASPER	SEMINOLE STONE	CWA	1800064945
IN	MEMPHIS	JENNINGS HOME	CWA	1800064947
LA	LOUISIANA	MILAGRO EXPLORATION	CWA	2200011649
MD	THURMOND	ESSCHERT DESIGN USA LLC	FIFRA	2200001057
MD	THURMOND	ESSCHERT DESIGN USA LLC	FIFRA	2200001057
MD	SILVER SPRINGS	DELTA ANALYTICAL CORPORATION	FIFRA	2200001165
MD	SILVER SPRINGS	TREE CARE INNOVATIONS LLC	FIFRA	2200001166

MI	GRAND RAPIDS	KEITH MORREN	TSCA	110028233659
MI	UTICA	SAFETY KING	FIFRA	110041880373
MI	SYLVAN LAKE	AGUA FINA GARDENS INTERNATIONAL	FIFRA	110041881522
MI	MARSHALL	MARSHALL	CWA	2200011408
MN	MINNEAPOLIS	SUNBURST CHEMICALS, INC.	FIFRA	110041874656
MN	FRIDLEY	TARGET	FIFRA	2200001993
MO	BRIDGETON	UNITED INDUSTRIES CORPORATION	FIFRA	110041881504
OH	HUBBARD	CURTIS CRUMP	CWA	2200003091
OH	NEW LEXINGTON	CHUCK OWEN	CWA	110024278182
OH	ELKTON	FEDERAL CORRECTIONAL INSTITUTION	RCRA	110016760922
PA	CONNERSBURG	CNX GAS COMPANY, LLC	SDWA	2200009859
TX	SOUTHLAKE	RM COMMUNICATIONS GROUP INC.	FIFRA	2200008421
TX	HOUSTON	MANY DIVERSIFIED RESIDENTIAL AREAS	CERCLA	110009320751
WI	ASHLAND	JAMES JOHNSON /TRADEMARK PROPERTIES	TSCA	110028235648
WI	MILWAUKEE	GOODWILL COMMERCIAL SERVICES	FIFRA	110041881540
WI	BROOKFIELD	PREMIER REAL ESTATE MANAGEMENT, LLC	CWA	1800042274
WI	WAUPACA	FAULKS	CWA	1800064934
WI	ADAMS	DALIEGE PROPERTY	CWA	1800064937



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## Enforcement and Compliance Numbers at a Glance

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Overview	Enforcement Map	Numbers at a Glance	Enforcement Results and Trends	Federal Government Compliance	Additional Compliance Activities

The following is a list of key results of compliance and enforcement activities in FY 2010.

### Civil Enforcement

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

#### Direct Environmental Benefits

Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	1,500,000,000
Hazardous Waste Treated, Minimized, or Properly Disposed of (Pounds)	11,800,000,000
Contaminated Soil to be Cleaned Up (Cubic Yards)	9,000,000
Contaminated Water to be Cleaned Up (Cubic Yards)	107,000,000
Stream Miles Protected or Restored (Linear Feet)	190,000
Wetlands Protected or Restored (Acres)	700
People Protected by Safe Drinking Water Act Enforcement (# of People)	7,300,000

#### Preventative Environmental Benefits

Hazardous Waste Prevented from Release (Cubic Yards)	11,000,000
Liquid in Underground Storage Tanks Prevented from Release (Gallons)	2,300,000
People Notified of Potential Drinking Water Problems (# of People)	4,400,000
Underground Injection Wells Prevented from Leaking (# of Wells)	150,000
Lead-Based Paint Contamination Prevented (# of Housing Units, Schools, Buildings)	5,800
Volume of Oil Spills Prevented (Gallons)	140,000,000
Pesticides or Pesticide Products Prevented from Distribution, Sale or Use due to Mislabeling or Improper Registration (Pounds)	4,100,000

Estimated Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief) \$12,100,000,000

Estimated Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects) \$24,000,000

<b>Civil Penalties</b>	
Administrative Penalties Assessed	\$33,400,000
Judicial Penalties Assessed	\$70,200,000
State/Local Judicial Penalties Assessed From Joint Federal-State/Local Enforcement Actions	\$11,000,000
Stipulated Penalties Paid	\$2,000,000
<b>Civil Enforcement and Compliance Activities</b>	
Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)	233
Supplemental Referrals of Civil Judicial Enforcement Cases to DOJ	45
Civil Judicial Complaints Filed with Court	172
Civil Judicial Enforcement Case Conclusions	200
Administrative Penalty Order Complaints	1,901
Final Administrative Penalty Orders	1,830
Administrative Compliance Orders	1,302
Cases with Supplemental Environmental Projects	119
<b>Compliance Monitoring Activities</b>	
Inspections/Evaluations	21,000
Civil Investigations	282
Number of Regulated Entities Taking Complying Actions as a Direct Result of On-Site EPA Inspections/Evaluations	1,186
<b>Superfund Cleanup Enforcement</b>	
Amount Committed by Liable Parties to Clean up Superfund sites	\$1,400,000,000
Ammount Committed by Liable Parties to Pay for Government Oversight of Superfund Cleanups	\$82,000,000
Amount Committed by Liable Parties to Reimburse the Government for Money Spent Cleaning up Superfund Sites	\$150,000,000
<b>Voluntary Disclosures</b>	
Commitments to Reduce, Treat or Eliminate Pollution as a Result of Voluntary Disclosures (Pounds)	3,500,000
Voluntary Disclosures Initiated (Facilities)	1,218
Voluntary Disclosures Resolved (Facilities)	1,967
Voluntary Disclosures Initiated (Companies)	561
Voluntary Disclosures Resolved (Companies)	618
<b>Compliance Assistance</b>	
Assistance Tools	246
Workshops and Training	435
Facility Visits and Revisits	1,075
<b>Criminal Enforcement</b>	
Environmental Crime Cases Opened	346
Defendants Charged	289
Years of Incarceration	72
Fines and Restitution	\$41,000,000
Value of Court Ordered Environmental Projects	\$18,000,000

Where necessary to reflect EPA's understanding of the precision of the data, numbers in this document and elsewhere on this Web site have been rounded to two or three significant digits.

The primary source for the data displayed in this document is the EPA Regions' certified FY 2010

end of year workbooks as of November 22, 2010. The official databases of record are: Integrated Compliance Information System (ICIS), Criminal Case Reporting System, Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS), Resource Conservation and Recovery Act Information (RCRAInfo), Air Facility System (AFS), and Permit Compliance System (PCS).

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**Footnotes:**

1. Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.



# U. S. ENVIRONMENTAL PROTECTION AGENCY

## Compliance and Enforcement Annual Results 2010 Fiscal Year

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## Enforcement Results and Trends

Home	Clean Water	Clean Air	Waste & Chemical	Criminal	Environmental Justice
Overview	Enforcement Map	Numbers at a Glance	Enforcement Results and Trends	Federal Government Compliance	Additional Compliance Activities

The collection of charts offered here shows key fiscal year 2010 compliance and enforcement results compared to other years.

You will need Adobe Reader to view some of the files on this page. See [EPA's PDF page](#) to learn more.

- [Government Performance and Results Act \(GPRA\) Charts \(PDF\)](#) (6 pp, 80K)
- [All 2010 Annual Results Charts \(PDF\)](#) (32 pp, 581K) (Revised January 2010)

Individual results charts are presented below.

These links open the corresponding chart in the PDF file containing all charts.

## EPA Environmental Results

[FY2010 Civil Enforcement Highlights](#)
[FY2010 Criminal Enforcement Highlights](#)
[FY2010 Superfund Enforcement Highlights](#)
[EPA Enforcement Cases Yield Human Health and Environmental Benefits \(Revised January 2010\)](#)
[National Enforcement Priorities Address Important Environmental Problems](#)
[National Enforcement Initiative Accomplishments](#)
[Estimated Environmental Benefits Commitments to Reduce, Treat or Eliminate Pollution](#)
[Hazardous Waste Treated, Minimized, or Properly Disposed Of](#)
[Estimated Volume of Contaminated Soil and Water to be Cleaned Up](#)
[Estimated Value of Investments in Actions & Equipment to Reduce Pollution & Protect the Environment \(Injunctive Relief\) Plus Estimated Value of Investments in Projects that Benefit the Environment & Public Health \(Supplemental Environmental Projects\)](#)
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## EPA Civil Enforcement Program

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## EPA Criminal Enforcement Program

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[Sentencing Results - Value of Fines and Restitution and Court Ordered Environmental Projects](#)  
[Years of Incarceration](#)

## EPA Compliance Incentives Program

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## EPA Compliance Assistance Program

[Compliance Assistance Tools, Workshops & Training, and Facility Visits/Re-visits](#)  
[User Visits to Web-based Compliance Assistance Centers](#)

### **Acronyms - Statute/Section Description**

[FY2010 Enforcement & Compliance Annual Results Prior Year Enforcement Dollar Values Adjusted to FY 2010 Dollars](#)

# **Fiscal Year 2010**

# **EPA Enforcement & Compliance**

# **Annual Results**



**Prepared by the Office of Enforcement and Compliance Assurance  
US Environmental Protection Agency**

**December 2, 2010**



# FY2010 Enforcement & Compliance Annual Results

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# FY2010 Enforcement & Compliance Annual Results

## Civil Enforcement Highlights

### Civil Enforcement Highlights:

- In FY 2010, EPA enforcement actions required companies to:
  - Reduce pollution by an estimated **1.5 billion pounds per year – the third highest amount** since EPA began measuring pollutant reductions from enforcement cases.
  - Commit to treat, minimize, or properly dispose of **11.8 billion pounds** of hazardous waste - **the largest amount of hazardous waste reductions achieved** since EPA began collecting this data in FY 2008.
  - Invest an estimated **\$12.1 billion** in actions & equipment to reduce pollution & protect the environment (injunctive relief) and in projects that benefit the environment & public health (Supplemental Environmental Projects) – **an all-time EPA Record.**
  - Pay over **\$110 million** in civil penalties.



# FY2010 Enforcement & Compliance Annual Results

## Civil Enforcement Highlights (continued)

- Through its enforcement actions **over the last five years** (FYs 2006-2010), EPA has:
  - obtained commitments from polluters to reduce pollutants by an estimated total of **7.8 billion lbs every year**.
  - required companies to commit to invest an inflation adjusted total of approximately **\$46 billion for pollution control equipment and environmentally beneficial projects**; this means that EPA's enforcement program secured an average of \$35 million in pollution control improvement commitments each work day over this five year period.



# FY2010 Enforcement & Compliance Annual Results

## Civil Enforcement Highlights (continued)

- In FY 2010, EPA concluded 200 civil judicial enforcement cases. This is close to the FY 2009 number, when EPA concluded 201 cases, making it the second best year of the past five.
  - **EPA addressed violations at 575 facilities and sites through its 200 FY 2010 judicial case conclusions**, many more than the 318 facilities addressed by the 201 FY 2009 case conclusions.
- EPA concluded a total of 3,332 civil enforcement cases (judicial and administrative) in FY 2010, fewer than in FY 2009 when EPA concluded 3,705 cases.
  - These 3,332 FY 2010 enforcement actions addressed violations at a total of 4,570 facilities and sites.



# FY2010 Enforcement & Compliance Annual Results

## Criminal Enforcement Highlights

### Criminal Enforcement Program Highlights:

- In FY 2010, EPA opened **346 new environmental crime cases**, the second largest number of new criminal case initiations in five years.
- **Over 289 defendants were charged with environmental crimes in FY 2010, the largest number of defendants charged in five years.**
- EPA obtained a total of \$41 million in fines from criminal defendants and prison sentences totaling 72 years.



# FY2010 Enforcement & Compliance Annual Results

## Superfund Enforcement Highlights

### Superfund Enforcement Highlights:

- EPA obtained **commitments from responsible parties to invest \$1.4 billion** for investigation and cleanup of Superfund sites.
- Response values are the eighth highest since the inception of the Superfund program, although the FY 2010 amounts are lower compared to FY08 - FY09.
- A total of 8 million cubic yards of contaminated soil and 68 million cubic yards of contaminated water will be cleaned up at Superfund sites.
- \$82 million in private party commitments to pay EPA for oversight costs is the highest since EPA began reporting in FY 2000.



# FY2010 Enforcement & Compliance Annual Results

## EPA Enforcement Cases Yield Human Health and Environmental Benefits

- EPA's top Clean Air Act enforcement actions of FY 2010 reduced emissions of particulate matter, sulfur dioxide, nitrogen oxides, VOCs, and ammonia, resulting in annual mortality benefits and other health improvements valued at \$6.2 to \$15 billion, reflecting a reduction of :
  - Between 680 to 1,700 avoided premature deaths
  - 1,100 emergency room visits or hospital admissions
  - 450 avoided cases of chronic bronchitis
  - 1,100 avoided nonfatal heart attacks
  - 12,000 avoided cases of aggravated asthma
  - 650 avoided cases of acute bronchitis
  - 22,000 avoided cases of upper and lower respiratory symptoms
  - 87,000 avoided days when people would miss work or school
  - 520,000 days when people must restrict their activities.
- Three air enforcement actions are also projected to reduce estimated lifetime air toxics cancer risks. Specifically, EPA modeling shows that 900,000 people will benefit from reduced cancer risks from those facilities to acceptable levels of concern. (Note: These estimates do not take into account cancer risks from sources other than the modeled facility).
- 49% of EPA Clean Water Act enforcement actions reduced pollutants discharged into waters that do not achieve water quality standards.

Data Source of Pollutant Reduction: Integrated Compliance Information System (ICIS), October, 2010. Pollutant estimates based on estimated emissions when facilities return to compliance. Clean Air Act health benefit estimates are based on the methodology described in Fann, N., C.M. Fulcher, B.J. Hubbell. 2009. The influence of location, source, and emission type in estimates of the human health benefits of reducing a ton of air pollution. *Air Qual Atmos Health* (2009) 2:169-176. presented in 2010 dollars. Air toxics facility cancer risk was estimated using EPA's Human Exposure Model (HEM-3). Typically the Agency considers an acceptable level of risk to be less than 1 in 1,000,000. 8



# FY2010 Enforcement & Compliance Annual Results

## EPA's National Enforcement Initiatives

### Address Important Environmental Problems

- EPA's National Enforcement Initiatives identify & focus on significant environmental risks and noncompliance problems in communities nation-wide:
  - Approximately 92% of all air pollution reduced and 95% of all air pollution control investments are in air enforcement initiative areas
  - Approximately 68% of water pollution reduced and 65% of water pollution control investments are in water enforcement initiative areas
  - Slightly less than 100% of estimated hazardous waste treated, minimized, or properly disposed of, and 90% of hazardous waste pollution control investments are in hazardous waste initiative areas



# FY2010 Enforcement & Compliance Annual Results

## National Enforcement Initiative Accomplishments

	Case Conclusions (includes administrative compliance orders, final administrative penalty orders, & civil judicial conclusions)		Estimated Investments in Pollution Control (million dollars)		Estimated Pollutants to be Reduced (million pounds)	
	FY 2009	FY 2010	FY 2009	FY 2010	FY 2009	FY 2010
New Source Review/Prevention of Significant Deterioration	9	10	\$320	\$1,400	95	370
Air Toxics	10	11	\$0.2	\$23	0.23	7.6
Combined & Sanitary Sewer Overflows	36	45	\$1,400	\$5,300	22	50
Concentrated Animal Feeding Operations	46	79	\$1.9	\$3.1	7	7.6
Stormwater	284	330	\$59	\$99	200	660
Indian Country	19	39	\$4.1	\$7.5	-	-
Mineral Processing (as hazardous waste)	6	6	\$1.2	\$670	64	12,000
Financial Assurance (estimated value of financial assurance restored)	3	3	\$2.1	\$0.12	-	-

Note: Prior FY dollar figures are adjusted to reflect the current value in FY 2010 dollars based on the monthly rate of inflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers. Most of the numbers displayed in this document are rounded. As a result, adding the figures presented here may not produce exactly the same totals as those displayed in other EPA documents. More information at <http://www.epa.gov/compliance/data/planning/initiatives/index.html>

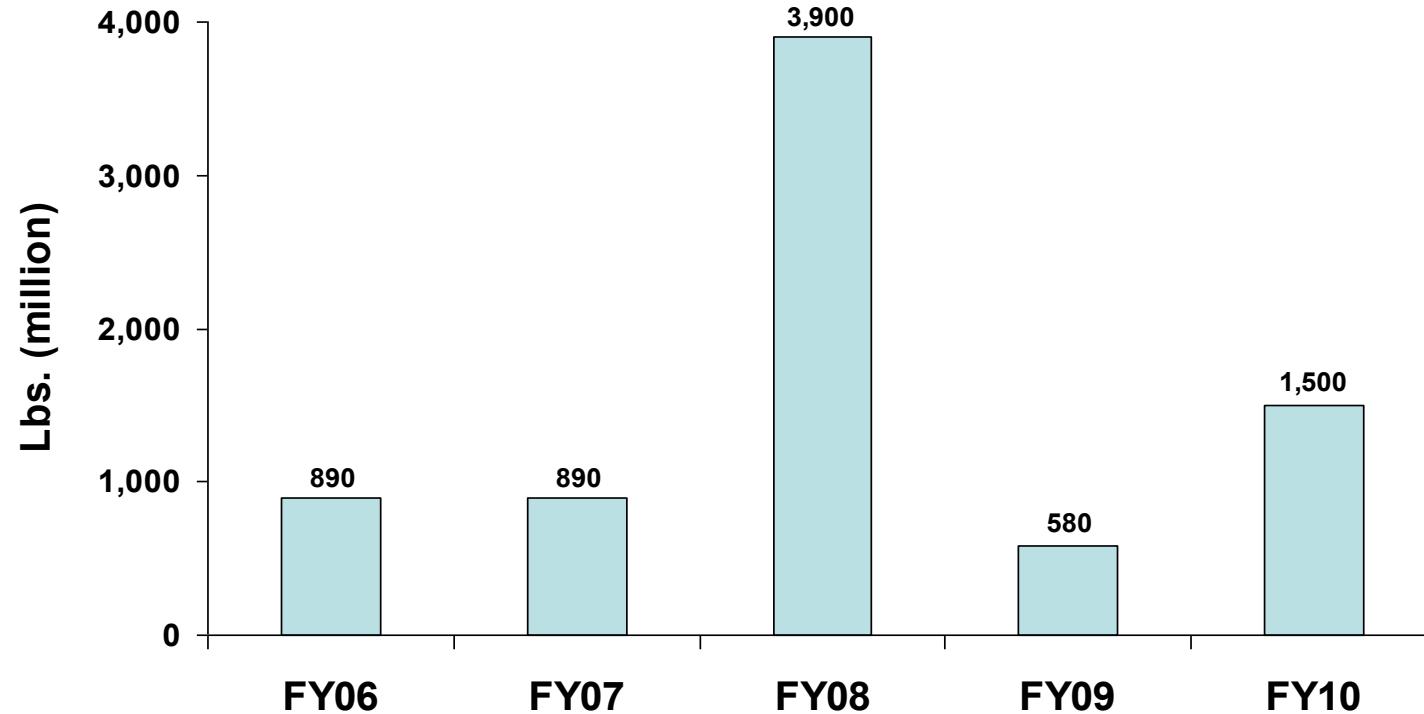


# FY2010 Enforcement & Compliance Annual Results

## Results from Concluded EPA Enforcement Actions

Estimated Environmental Benefits

Commitments to Reduce, Treat or Eliminate Pollution



FY2010 Data Source: Integrated Compliance Information System (ICIS); data source for previous fiscal years: ICIS.

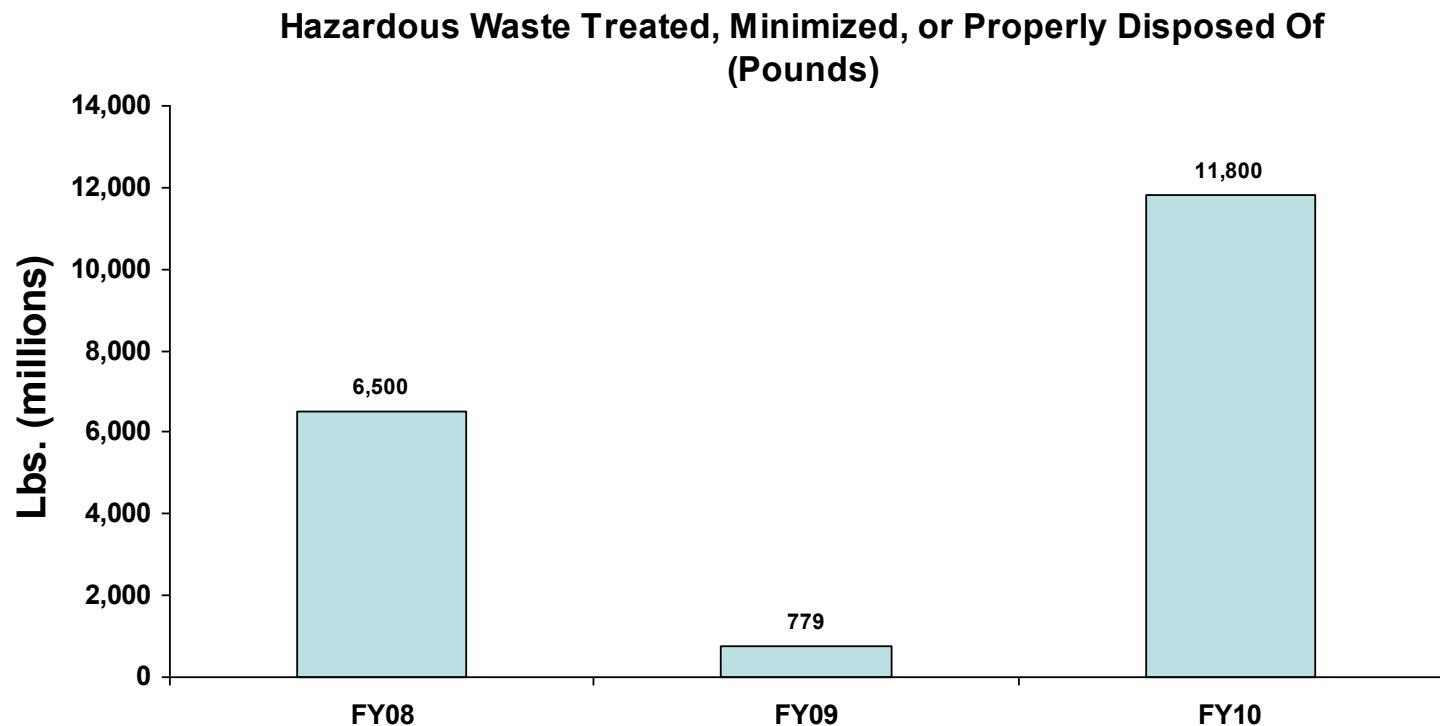


# FY2010 Enforcement & Compliance Annual Results

## Results from Concluded EPA Enforcement Actions

### Estimated Environmental Benefits

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



FY2010 Data Source: Integrated Compliance Information System (ICIS); data source for previous fiscal years: ICIS.  
Disclaimer: Minor corrections may have been made to previous years' data.

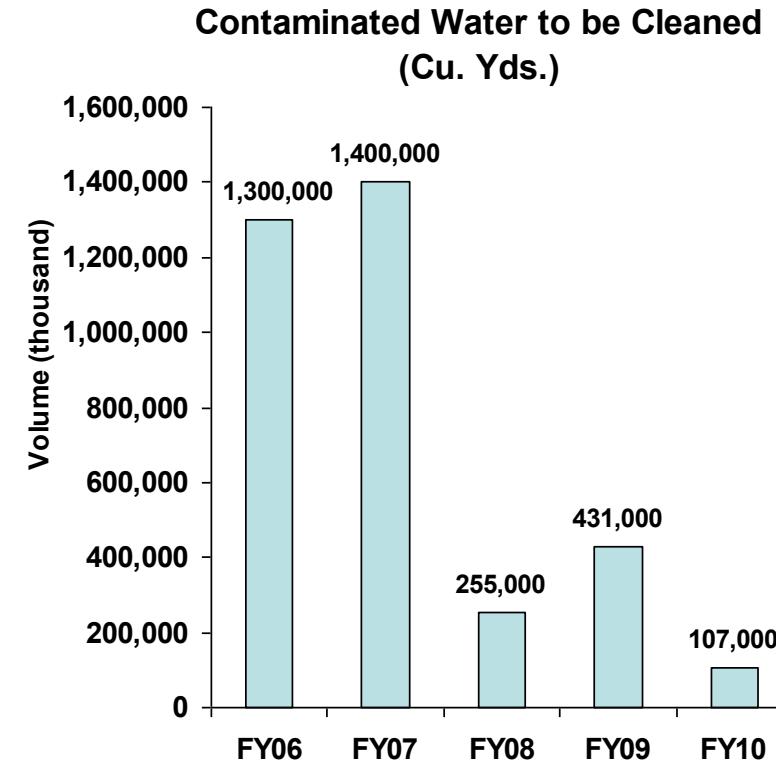
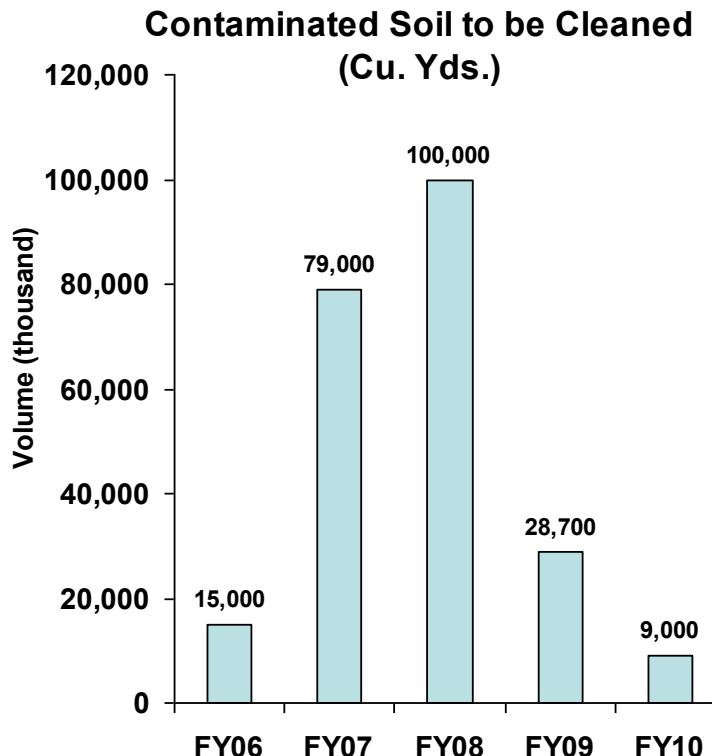


# FY2010 Enforcement & Compliance Annual Results

## Results from Concluded EPA Enforcement Actions

### Estimated Environmental Benefits

#### Volume of Contaminated Soil & Water to be Cleaned Up



FY2010 Data Source: Integrated Compliance Information System (ICIS); data source for previous fiscal years: ICIS.

Disclaimer: Minor corrections may have been made to previous years' data.

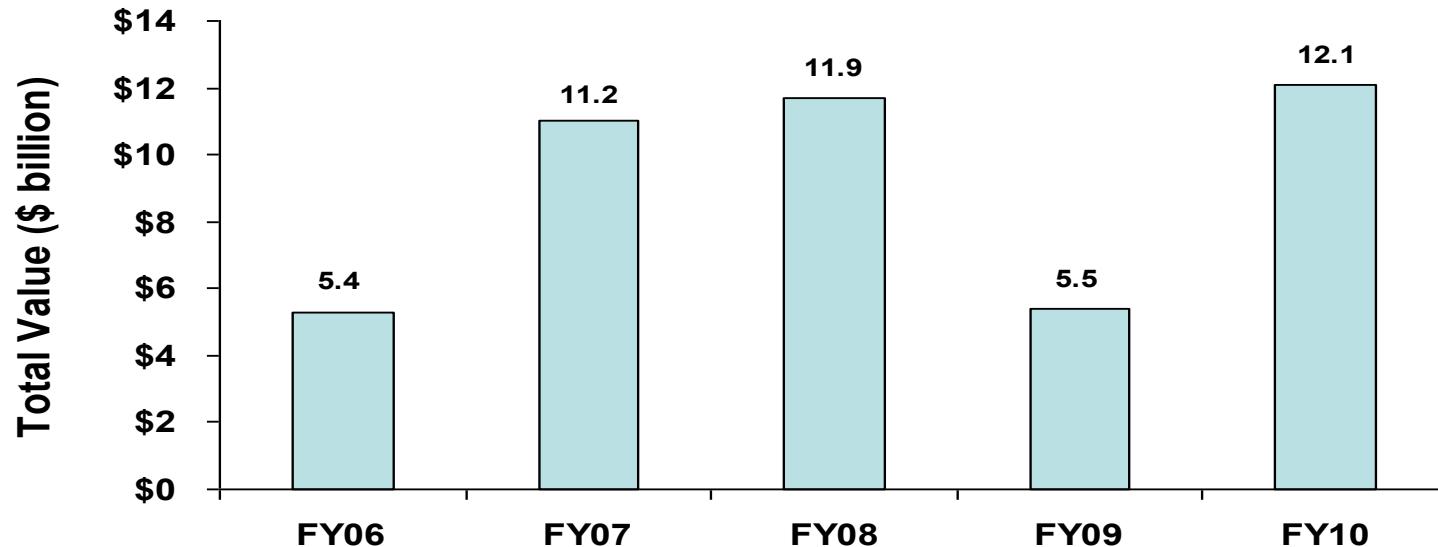


# FY2010 Enforcement & Compliance Annual Results

## Results from Concluded EPA Enforcement Actions

**Estimated Value of Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief) Plus Estimated Value of Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)**

*(Inflation/Deflation Adjusted to FY 10 Dollars)*



Note: In some previous years, investments in pollution control and clean up were referred to as "value of injunctive relief." This value is now combined with the value of Supplemental Environmental Projects, and is reported here as one number, consistent with the way EPA reports this information to Congress.

Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2010 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.

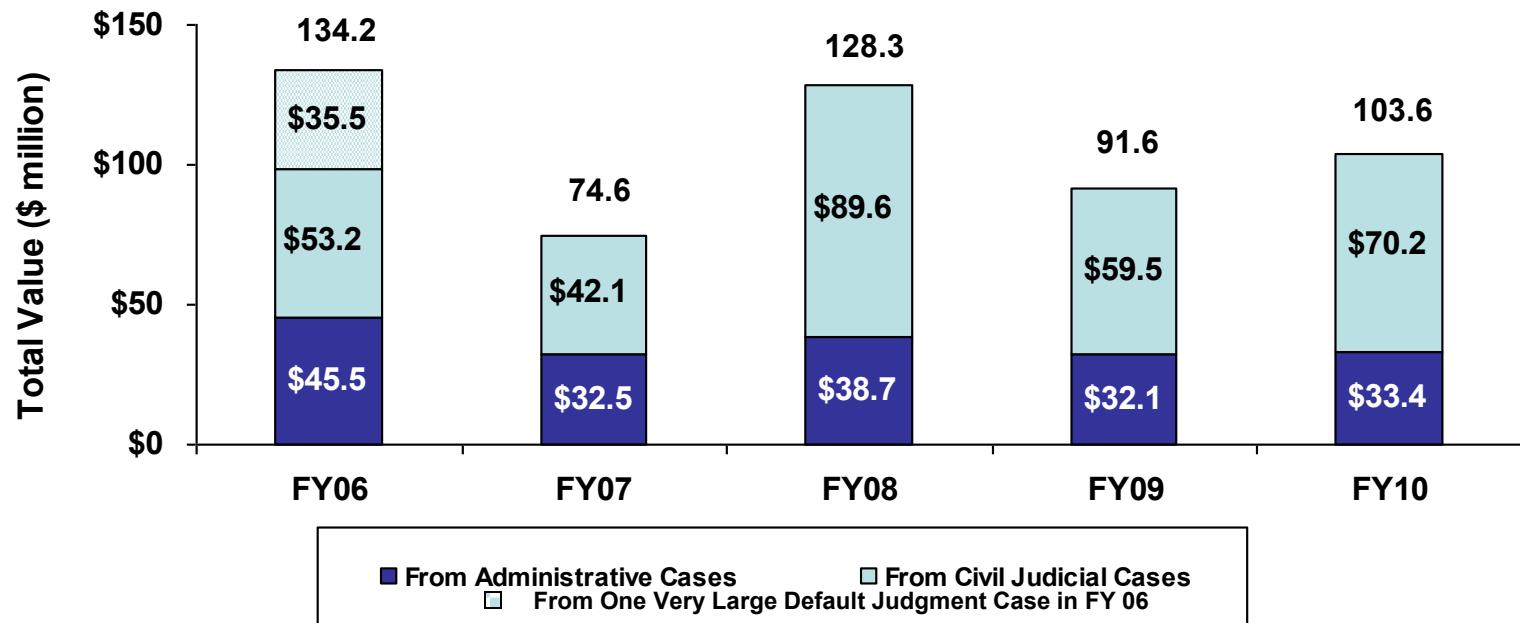


# FY2010 Enforcement & Compliance Annual Results

## Results from Concluded EPA Enforcement Actions

### Civil Penalties Assessed

*Need: (Inflation/Deflation Adjusted to FY 10 Dollars)*



Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2010 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.

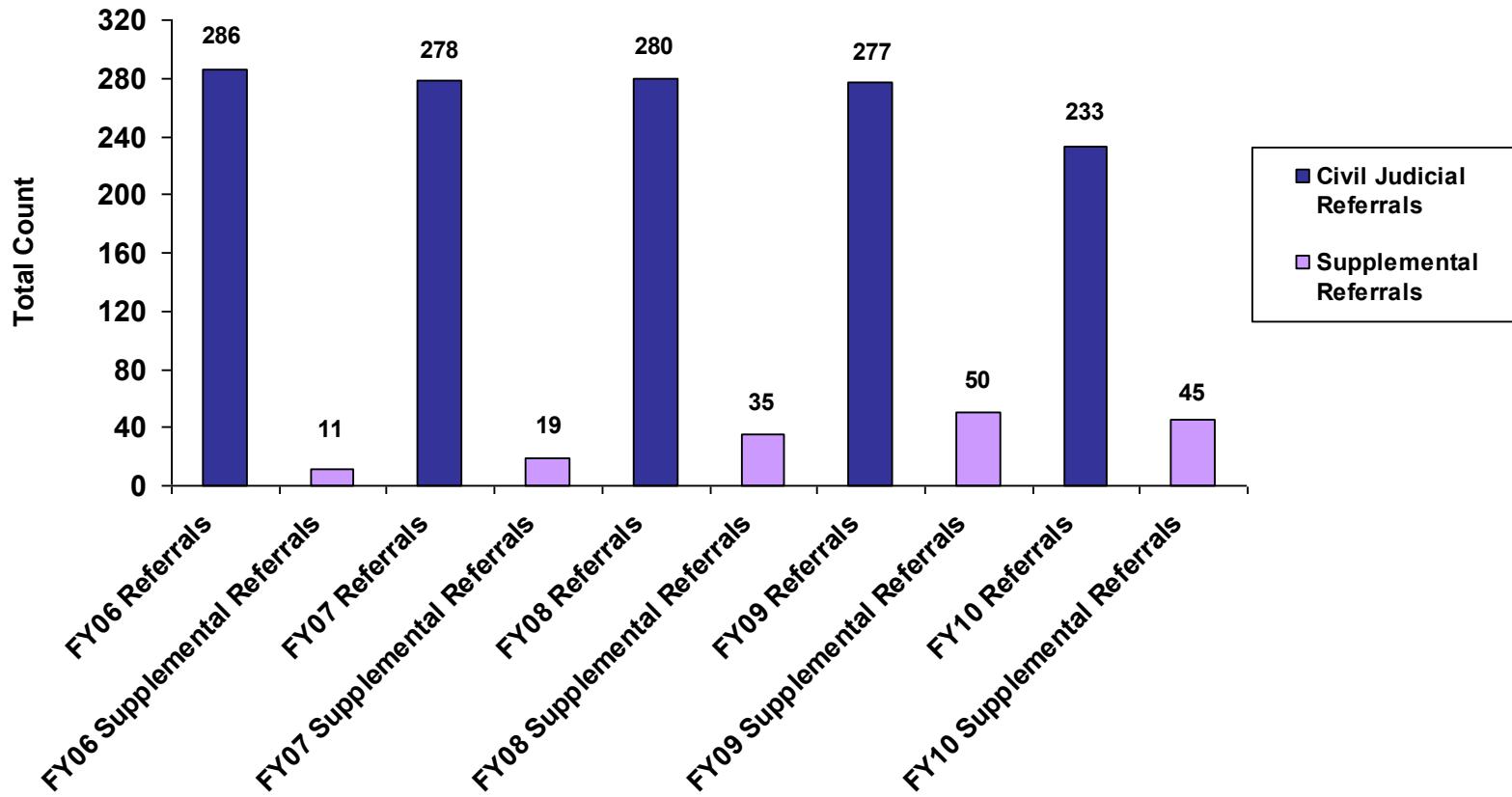
Note: In FY 2010 State/Local Judicial Penalties Assessed From Joint Federal-State/Local Enforcement Actions is \$113.9 M. FY 2010 is the second year EPA has reported this measure.

FY2010 Data Source: Integrated Compliance Information System (ICIS); data source for previous fiscal years: ICIS.



# FY2010 Enforcement & Compliance Annual Results

## EPA Civil Judicial Enforcement Cases Referred to the Department of Justice



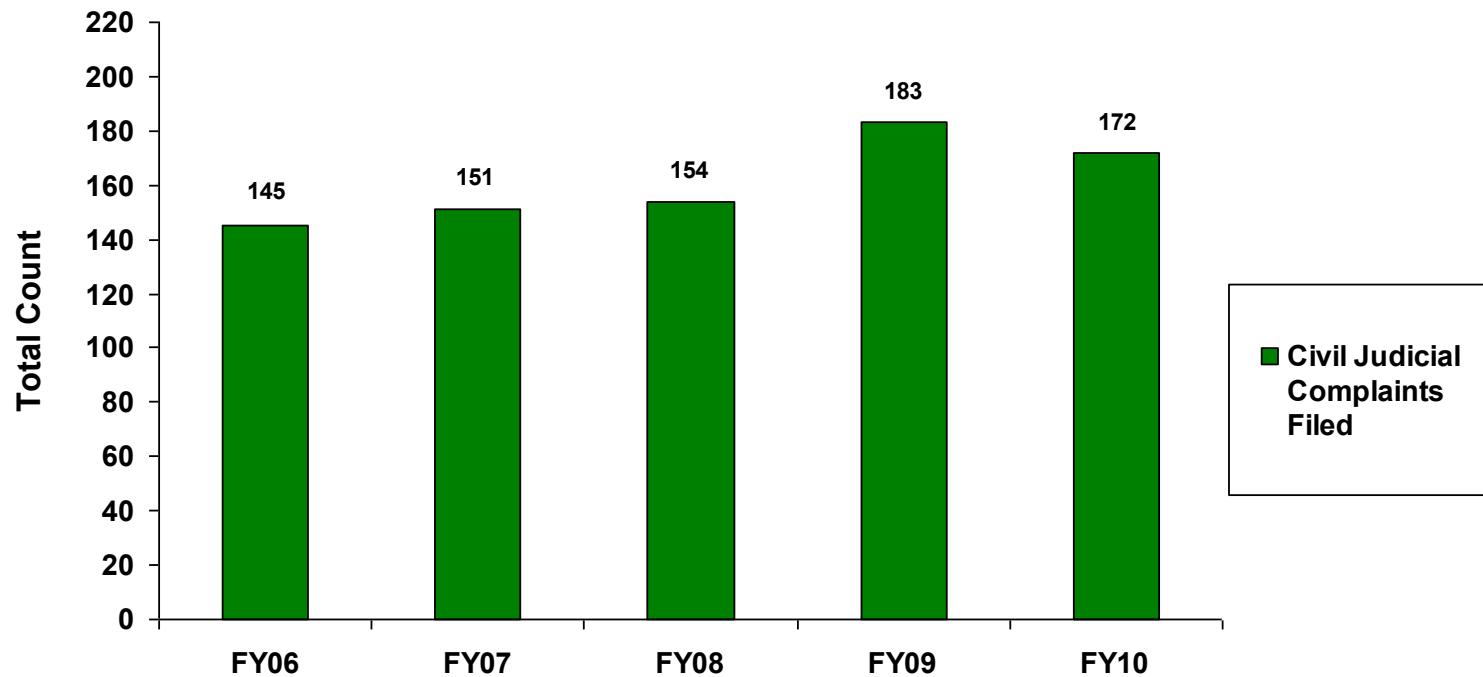
Note: When EPA expands a case that it has previously referred to DOJ to add parties, violations or facilities, or to amend or enforce a settlement, this activity is tracked as a "Supplemental Referral" and is counted separately from "Referrals".

FY2010 Data Source: Integrated Compliance Information System (ICIS); data source for previous fiscal years: ICIS.



# FY2010 Enforcement & Compliance Annual Results

## EPA Civil Judicial Enforcement Cases Complaints Filed by the Department of Justice

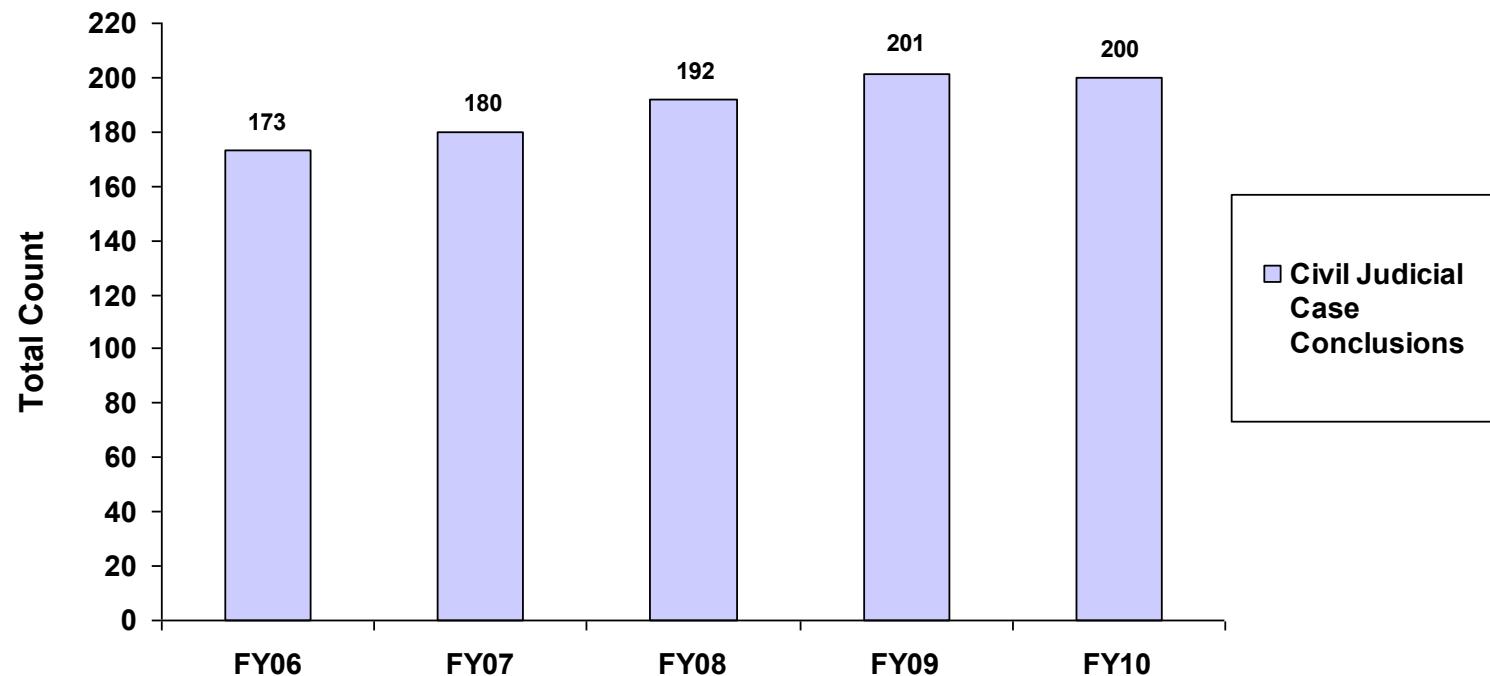


FY2010 Data Source: Integrated Compliance Information System (ICIS); data Source for previous fiscal years: ICIS.



# FY2010 Enforcement & Compliance Annual Results

## Concluded EPA Enforcement Actions EPA Civil Judicial Enforcement Case Conclusions



FY2010 Data Source: Integrated Compliance Information System (ICIS); data Source for previous fiscal years: ICIS.

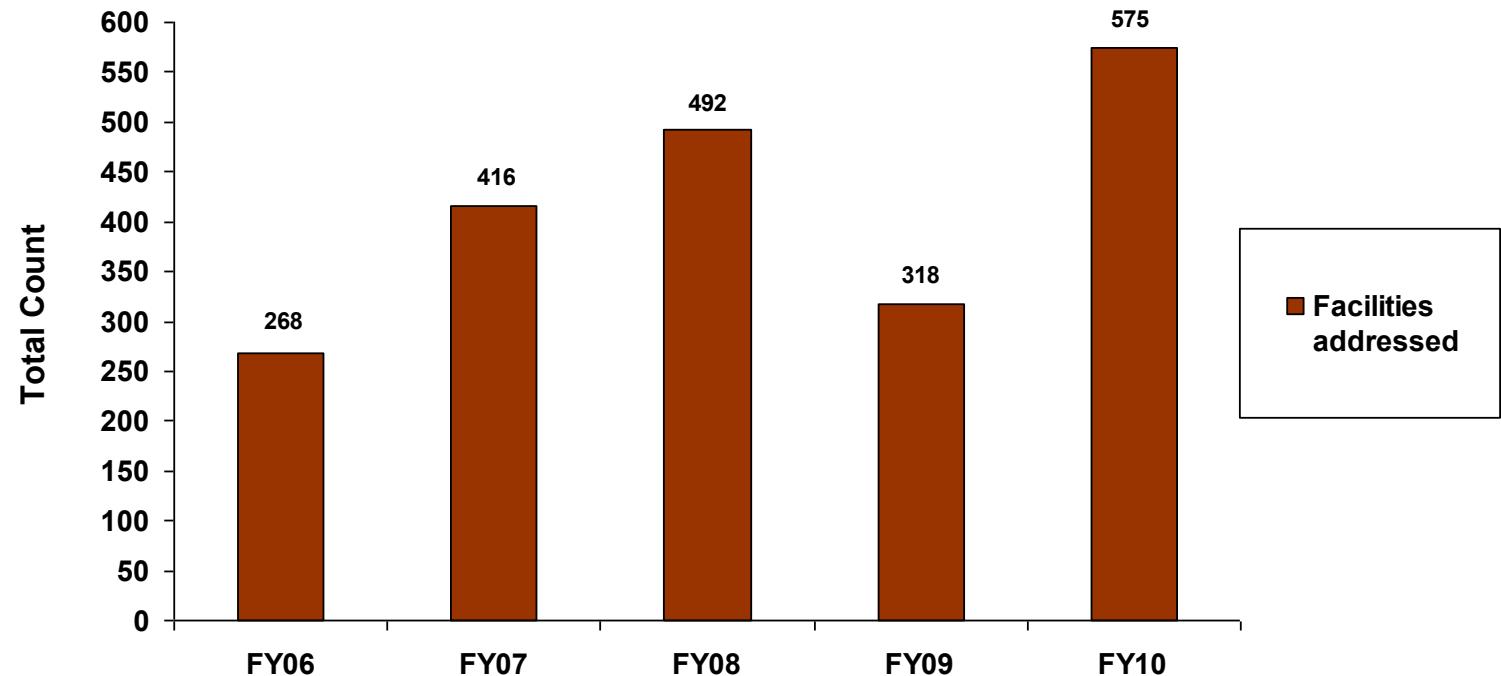


# FY2010 Enforcement & Compliance Annual Results

## Concluded EPA Enforcement Actions

### EPA Civil Judicial Enforcement Case Conclusions

#### Number of Facilities Addressed



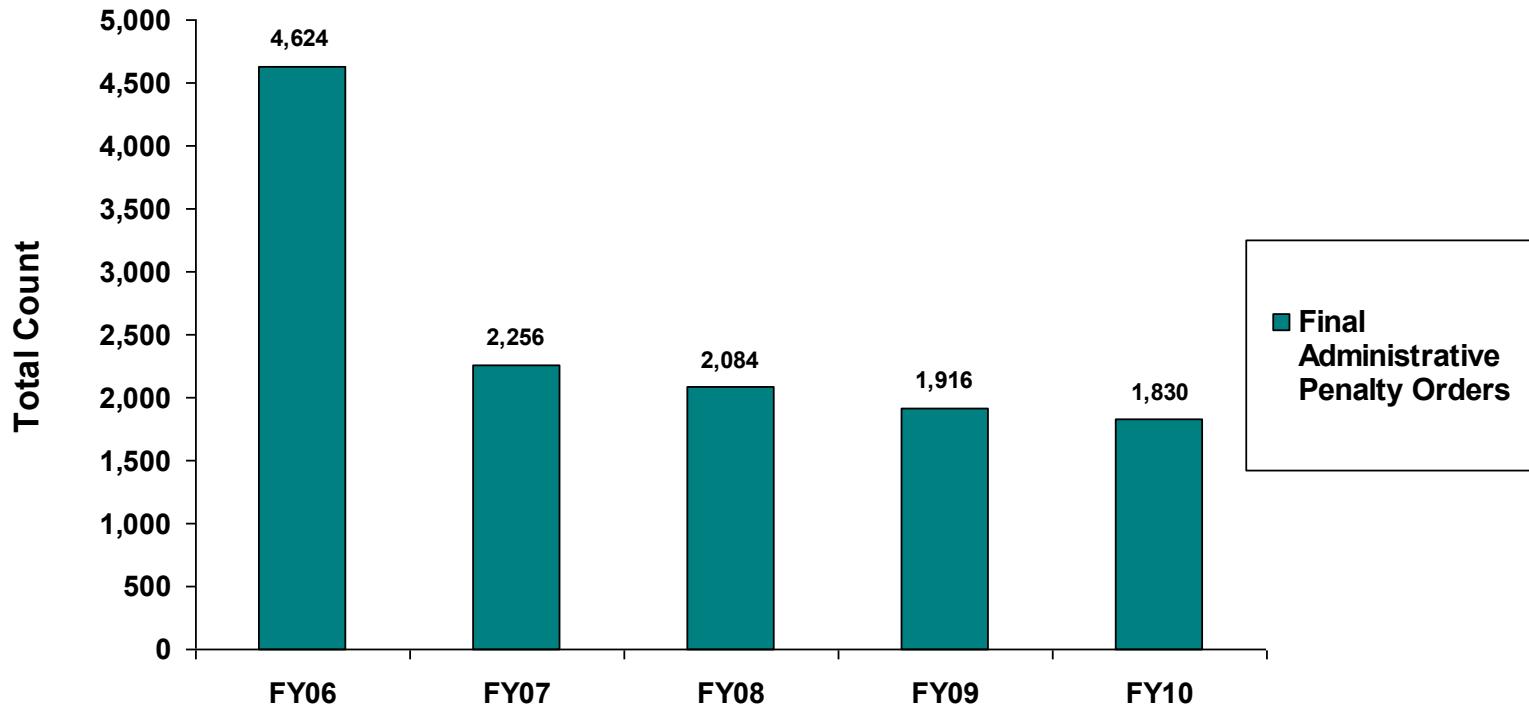
FY2010 Data Source: Integrated Compliance Information System (ICIS); data source for previous fiscal years: ICIS.



# FY2010 Enforcement & Compliance Annual Results

## Concluded EPA Enforcement Actions

### EPA Final Administrative Penalty Orders Issued



FY2010 Data Source: Integrated Compliance Information System (ICIS); data source for previous fiscal years: ICIS.

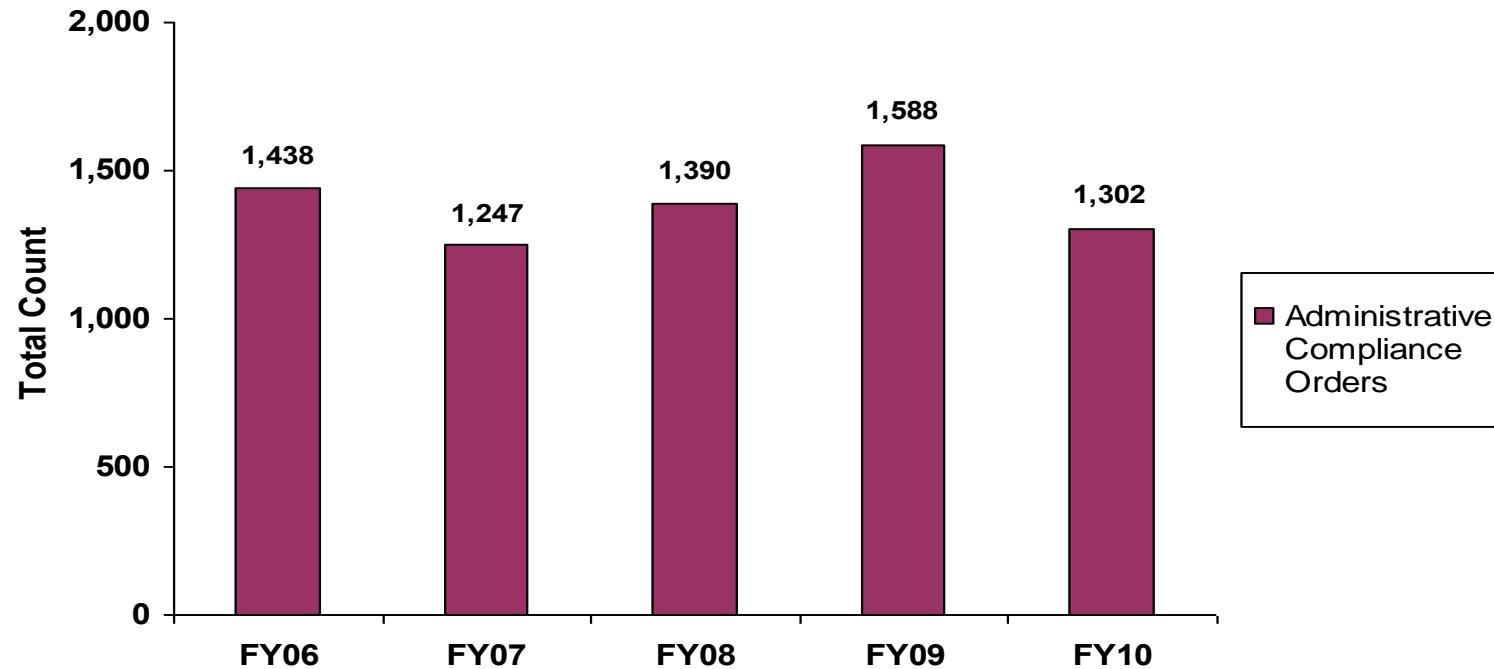
Note: The large final administrative penalty order (FAPO) number in FY 2006 is the result of a one-time enforcement initiative involving animal feeding operations (AFOs) that resulted in over 2,568 multi-program administrative consent agreements and final orders (referred to as the AFO Air Compliance Agreements). Almost all of these cases were both initiated and resolved in FY 2006. Approximately 55% of the FY 2006 FAPOs and nearly 100% of the MP FAPO's (2,576) were a result of this initiative.



# FY2010 Enforcement & Compliance Annual Results

## Concluded EPA Enforcement Actions

### EPA Administrative Compliance Orders Issued



FY2010 Data Source: Integrated Compliance Information System (ICIS); data source for previous fiscal years: ICIS.

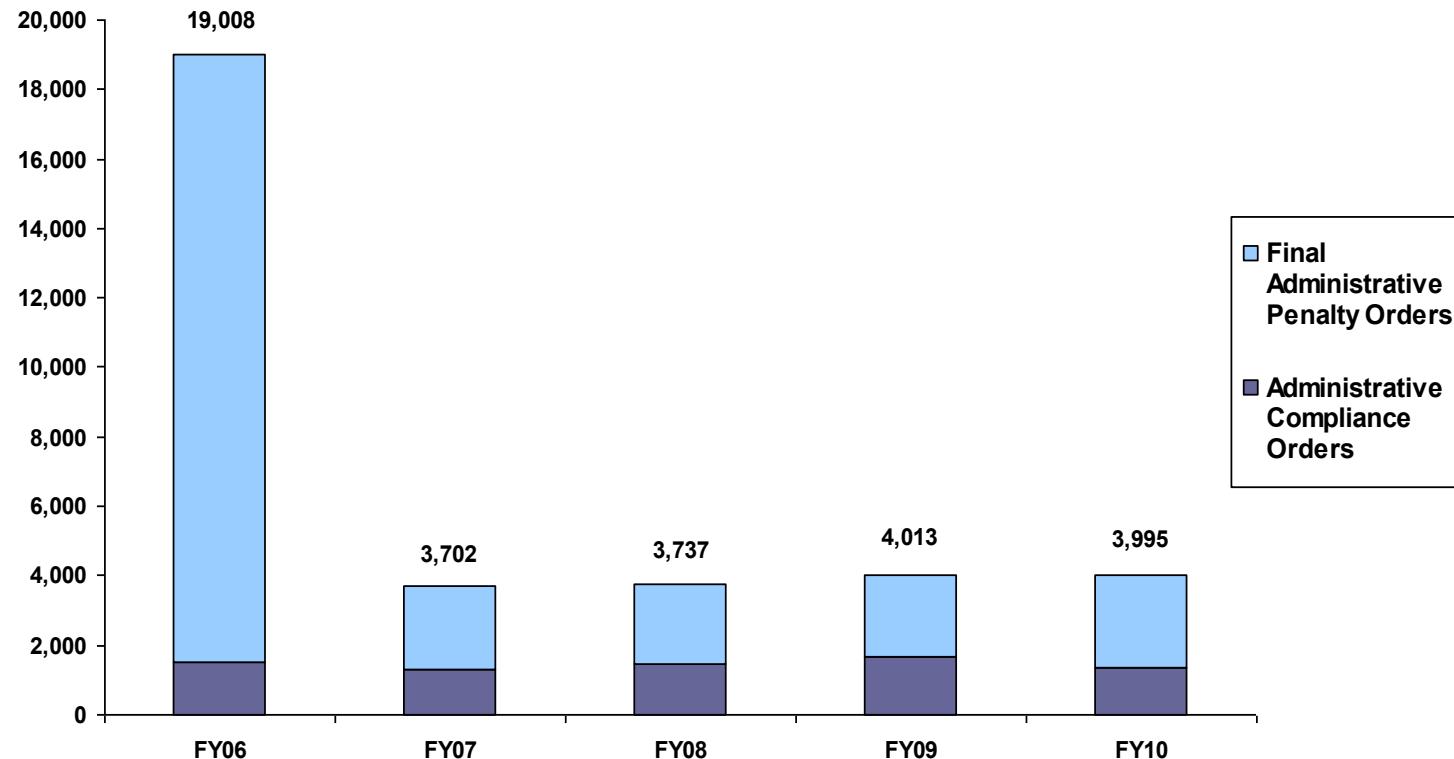


# FY2010 Enforcement & Compliance Annual Results

## Concluded EPA Enforcement Actions

### EPA Administrative Enforcement Case Conclusions

#### Number of Facilities Addressed



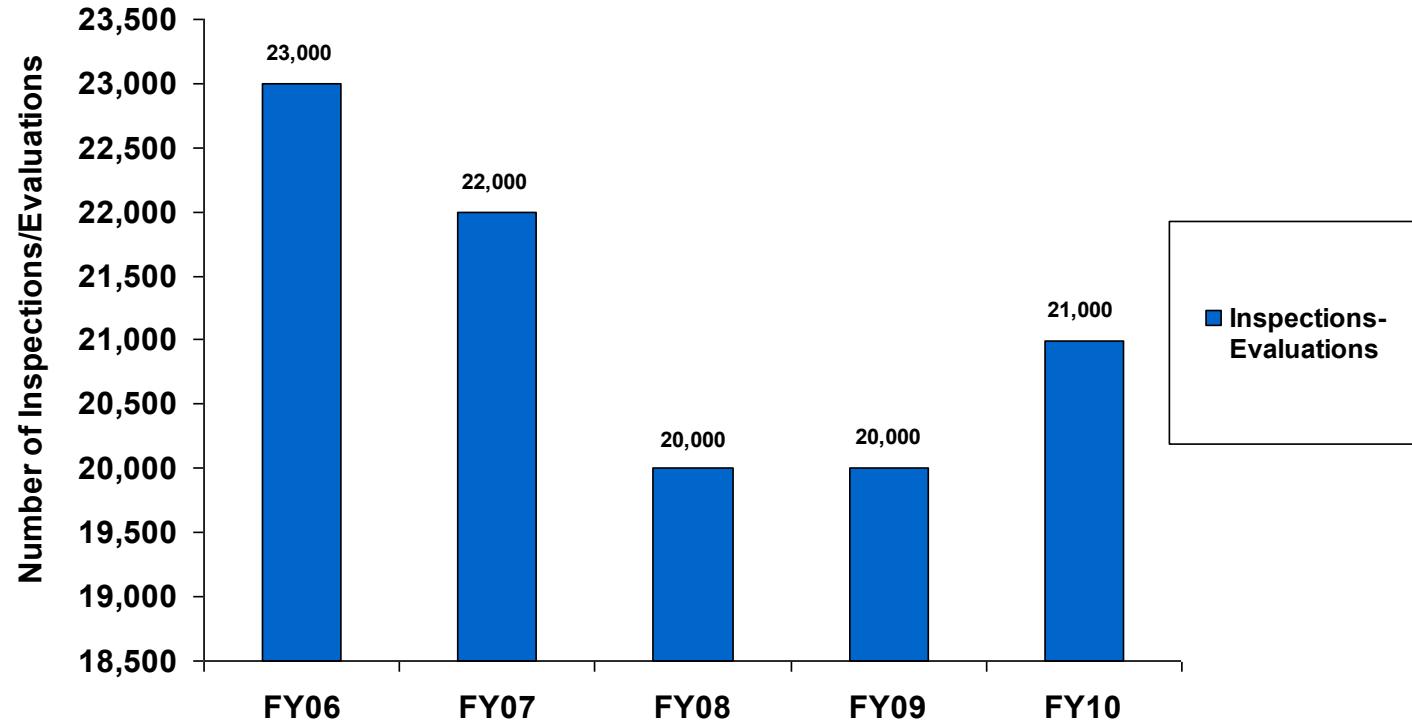
FY2010 Data Source: Integrated Compliance Information System (ICIS); data source for previous fiscal years: ICIS.



# FY2010 Enforcement & Compliance Annual Results

## Compliance Monitoring

### Number of Inspections - Evaluations Conducted by EPA



Note: In FY 2010, 237 Inspections were conducted by tribal inspectors using federal credentials, an important addition to the inspections conducted by EPA. Inspections conducted by tribes using federal credentials are done "on behalf" of the Agency, but are not an EPA activity.

Note: The numbers of EPA Civil Investigations for the last five FYs are: 354 (FY 06), 346 (FY 07), 222 (FY 08), 246 (FY 09), and 282 (FY 10).

FY2009 Data Source: Integrated Compliance Information System (ICIS), legacy databases, and manual reporting.  
Data source for previous fiscal years: ICIS, legacy databases, and manual reporting.

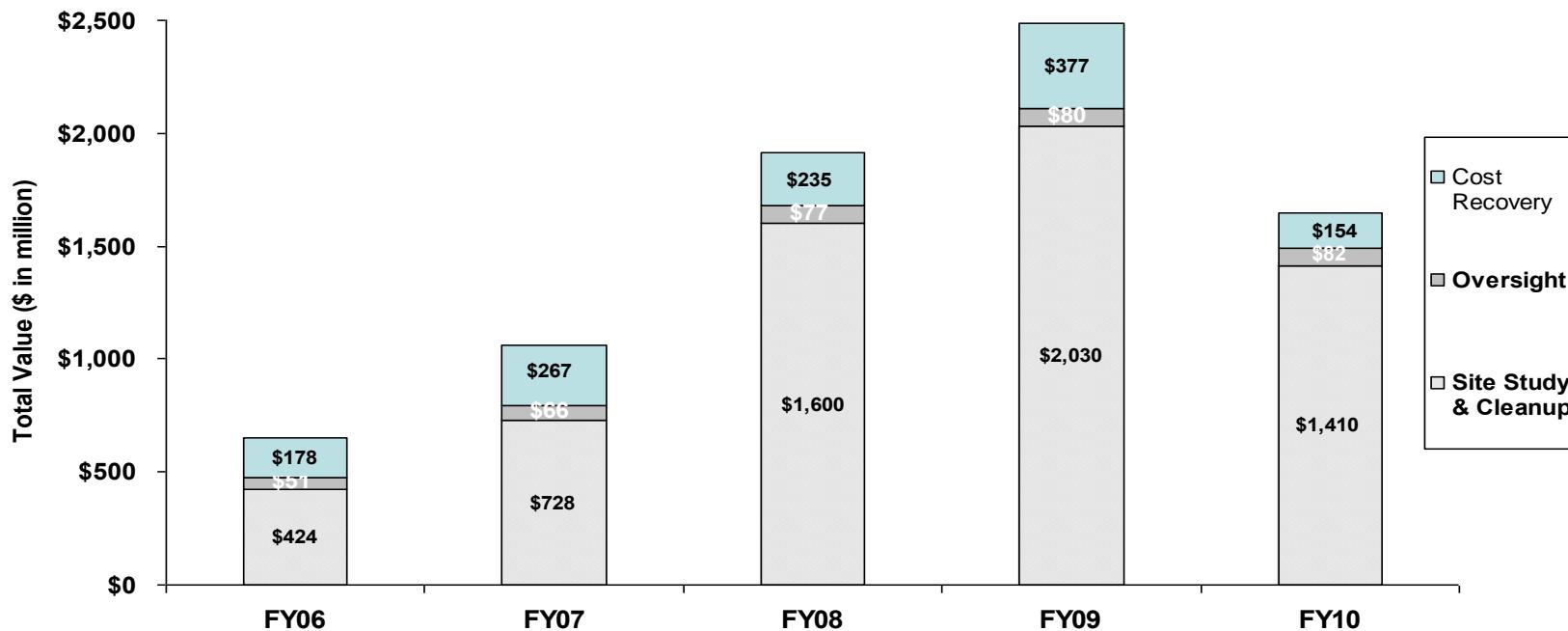


# FY2010 Enforcement & Compliance Annual Results

## Results from Concluded EPA Enforcement Actions

Amount Committed by Liable Parties to: Clean Up Superfund Sites, Pay for Government Oversight Superfund Clean Ups, and Reimburse the Government for Money Spent Cleaning Up Superfund Sites

(Inflation/Deflation Adjusted to FY 10 Dollars)



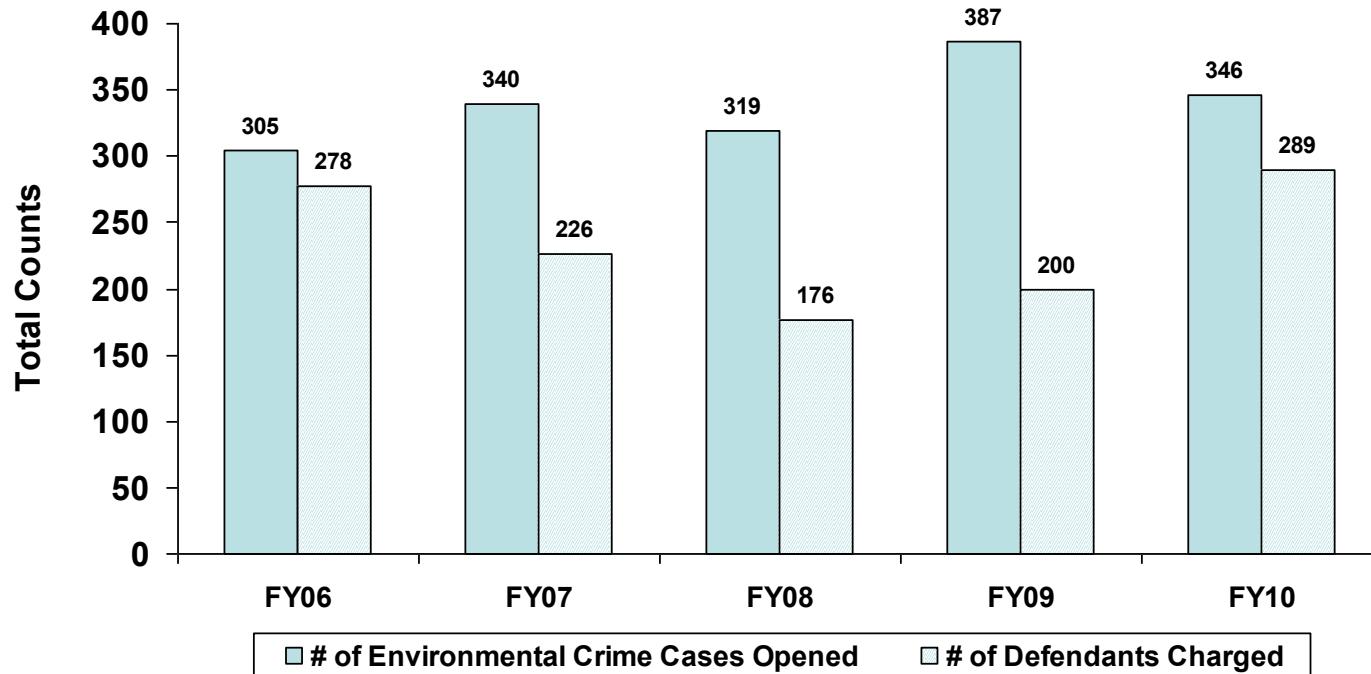
Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2010 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.

Note: Totals include "allowed claims" under bankruptcy settlements.



# FY2010 Enforcement & Compliance Annual Results

## Criminal Enforcement



Note: The 248 defendants charged in FY 2007 is different than the number which appeared on FY 2007 report (226). FY 2007 number failed to include the defendants in several additional cases that were also charged during FY 2007.

FY2010 Data Source: Criminal Case Reporting System; Source for previous years: annual Criminal Case Reporting System data.

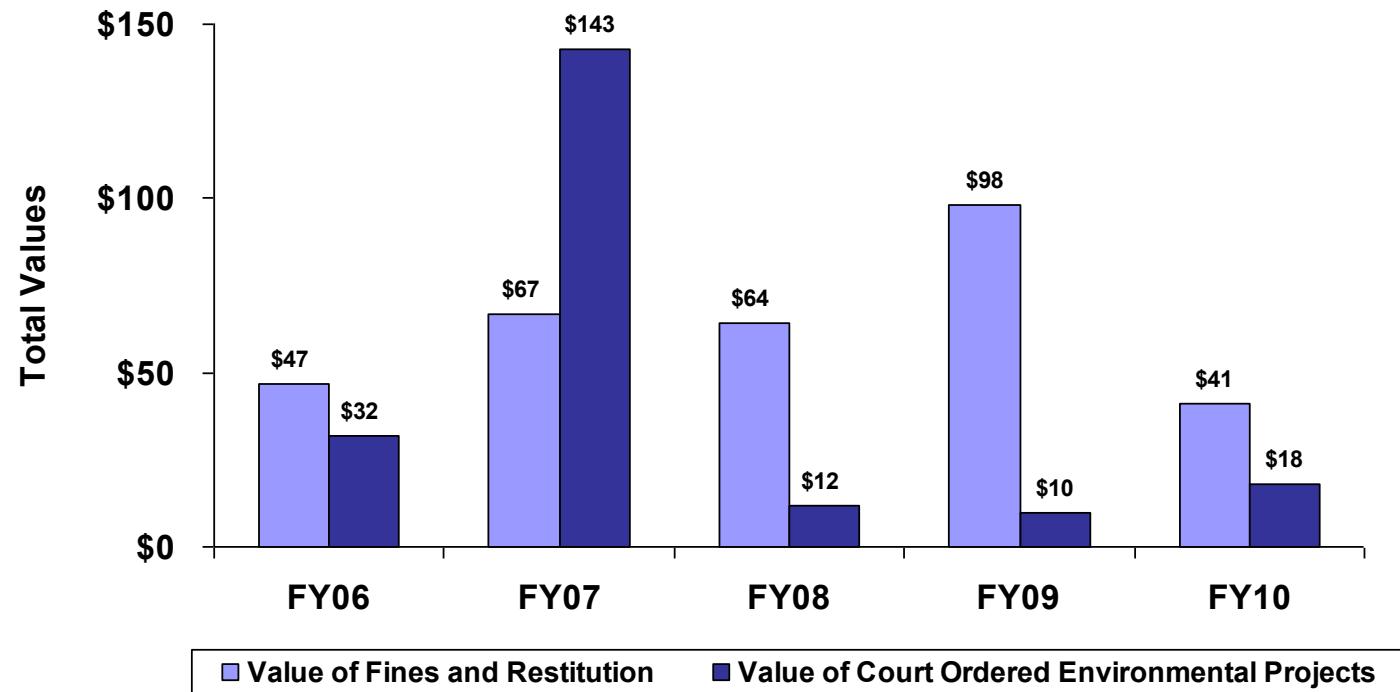


# FY2010 Enforcement & Compliance Annual Results

## Criminal Enforcement

### Value of Fines & Restitution and Court Ordered Environmental Projects

(Inflation/Deflation Adjusted to FY 10 Dollars)



Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2010 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.

FY2010 Data Source: Criminal Case Reporting System; Source for previous years: Annual Criminal Case Reporting System data.



# FY2010 Enforcement & Compliance Annual Results

## Criminal Enforcement Sentencing Results



FY2010 Data Source: Criminal Case Reporting System; Source for previous years: annual Criminal Case Reporting System data.

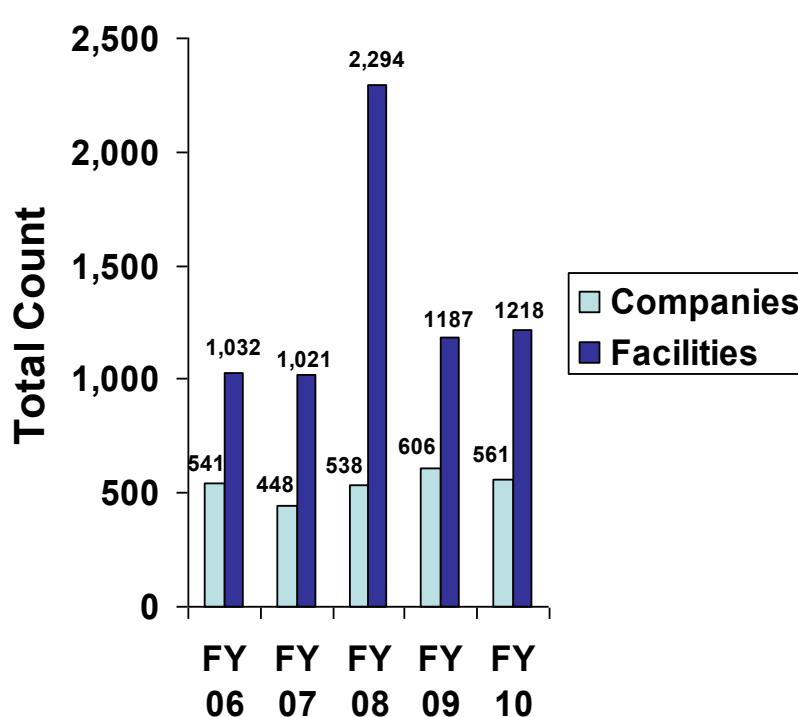


# FY2010 Enforcement & Compliance Annual Results

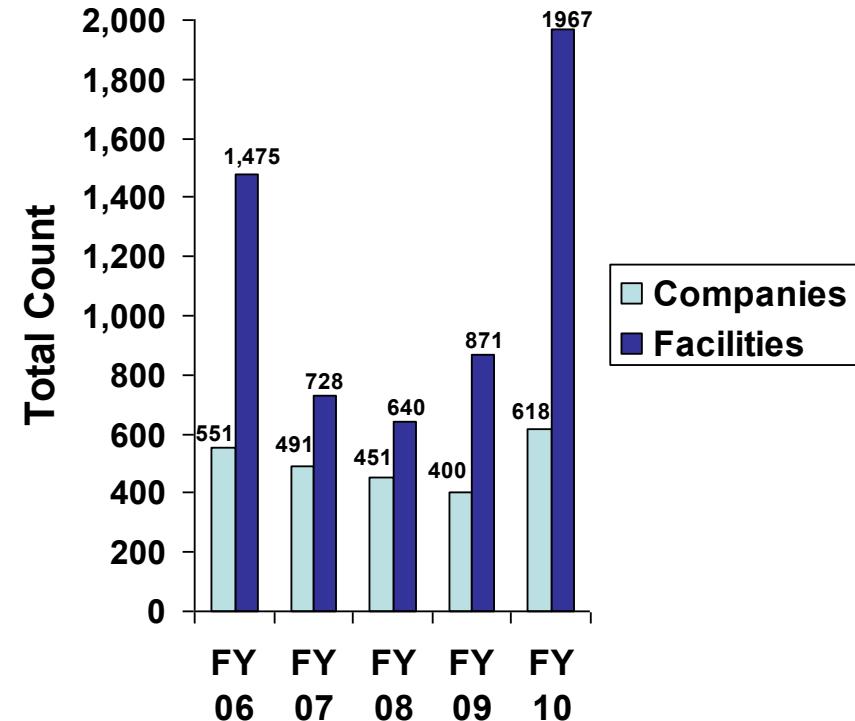
## Concluded EPA Enforcement Actions

### Voluntary Disclosures

Voluntary Disclosures Initiated



Voluntary Disclosures Resolved



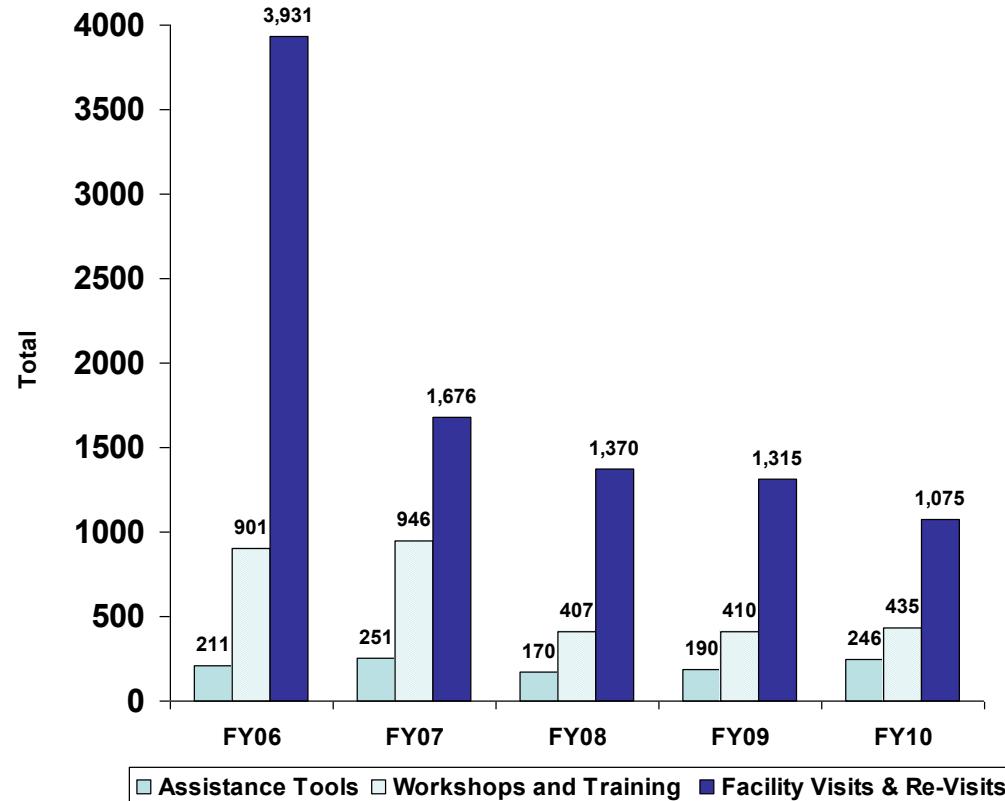
Data Source: Integrated Compliance Information System (ICIS); data source for previous fiscal years: Compliance and Enforcement Annual Results Charts



# FY2010 Enforcement & Compliance Annual Results

## Compliance Assistance

### Assistance Tools, Workshops & Training, and Facility Visits & Re-Visits



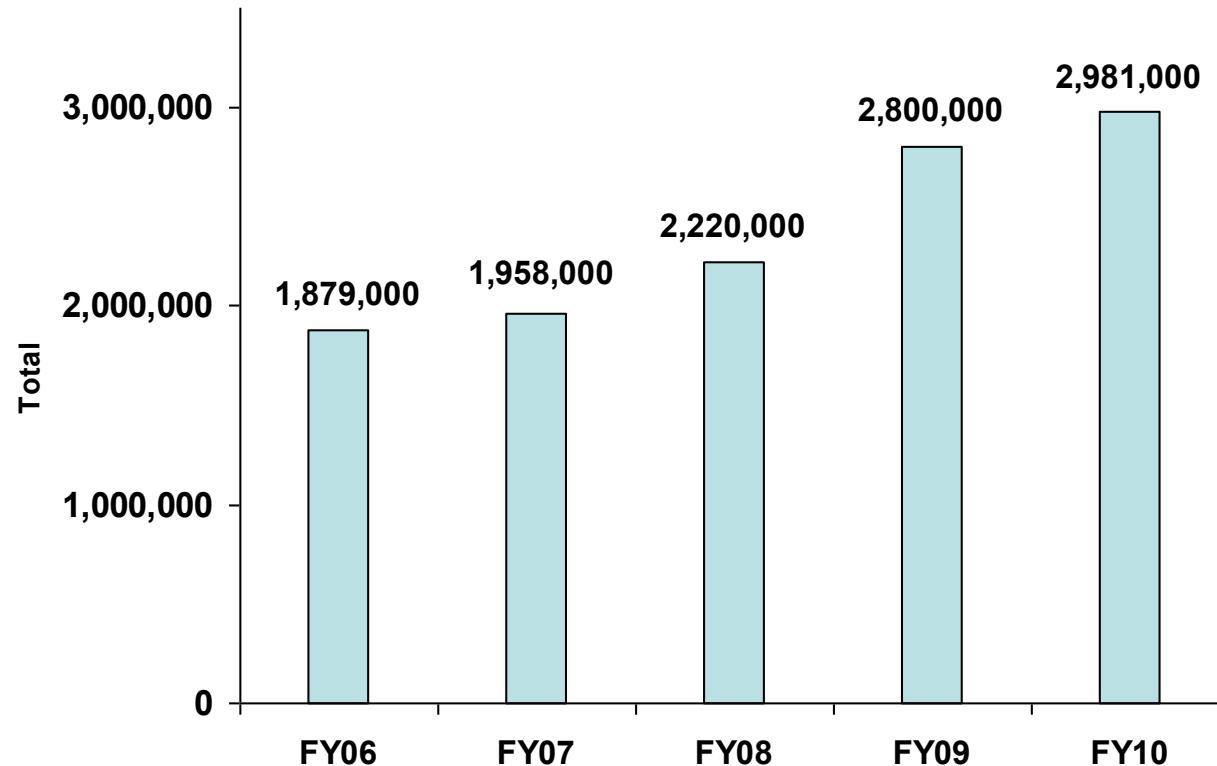
Note: An outreach initiative in one Region was responsible for a spike in facility visits in FY 2006.

FY2010 Data Source: Integrated Compliance Information System (ICIS); data source for previous fiscal years: ICIS



# FY2010 Enforcement & Compliance Annual Results

## Compliance Assistance User Sessions to Web-based Compliance Assistance Centers



Compiled from Web Analytic Software Submissions from Compliance Assistance Center Grantees to Office of Compliance



# FY2010 Enforcement & Compliance Annual Results

## Acronyms – Statute and Abbreviations/Section Description

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



# FY2010 Enforcement & Compliance Annual Results

## Prior Year Enforcement Dollar Values Adjusted to FY 2010 Dollars

Penalty Values						
Fiscal Year	Judicial Penalties Nominal	Judicial Penalties Adjusted for Inflation	Administrative Penalties Nominal	Administrative Penalties Adjusted for Inflation	Total Penalties Nominal	Total Penalties Adjusted for Inflation
06	\$81,807,757	\$88,679,609	\$42,007,029	\$45,535,619	\$123,814,786	\$134,215,228
07	\$39,771,169	\$42,117,668	\$30,696,323	\$32,507,406	\$70,467,492	\$74,625,074
08	\$88,356,149	\$89,593,136	\$38,197,194	\$38,731,955	\$126,553,344	\$128,325,090
09	\$58,496,536	\$59,490,977	\$31,608,710	\$32,146,058	\$90,105,246	\$91,637,035

Complying Action Values						
	Injunctive Relief Nominal	Injunctive Relief Adjusted for Inflation	SEP Nominal	SEP Adjusted for Inflation	TOTAL IR + SEP Nominal	Total IR+SEP Adjusted for Inflation
06	\$4,929,926,719	\$5,344,040,563	\$77,767,340	\$84,299,797	\$5,007,694,059	\$5,428,340,360
07	\$10,548,091,429	\$11,170,428,823	\$30,344,797	\$32,135,140	\$10,578,421,731	\$11,202,548,613
08	\$11,719,063,597	\$11,883,130,487	\$39,046,129	\$39,592,775	\$11,758,109,726	\$11,922,723,262
09	\$5,320,414,755	\$5,410,861,806	\$41,121,104	\$41,820,163	\$5,361,535,859	\$5,452,681,968

Superfund Enforcement Values						
	Cost Recovery Nominal	Cost Recovery Adjusted for Inflation	Oversight Nominal	Oversight Adjusted for Inflation	Site Study and Cleaned up Nominal	Site Study and Clean up Adjusted for Inflation
06	\$163,792,054	\$177,550,587	\$47,000,000	\$50,948,000	\$391,299,183	\$424,168,314
07	\$252,240,219	\$267,122,392	\$62,000,000	\$65,658,000	\$687,500,480	\$728,063,008
08	\$231,956,091	\$235,203,476	\$75,500,000	\$76,557,000	\$1,574,713,127	\$1,596,759,111
09	\$370,799,393	\$377,102,983	\$79,000,000	\$80,343,000	\$1,994,700,141	\$2,028,610,043

Criminal Enforcement Values				
	Fines & Restitution Nominal	Fines & Restitution Adjusted for Inflation	Judicially Mandated Nominal	Judicially Mandated Adjusted for Inflation
06	\$43,159,168	\$46,784,538	\$29,640,732	\$32,130,553
07	\$63,344,186	\$67,081,493	\$135,642,550	\$143,645,460
08	\$63,454,493	\$64,342,856	\$12,283,000	\$12,454,962
09	\$96,000,000	\$97,632,000	\$10,000,000	\$10,170,000



# EPA FY 2010

## **Government Performance and Results Act (GPRA)**

### **Goal 5 and Select Goal 3 Measures**

**Prepared by the Office of Enforcement and Compliance Assurance**

**November 22, 2010**

# FY 2010 Enforcement and Compliance Annual Results

Government Performance and Results Act (GPRA) - Goal 5 Measures

## Air Enforcement and Compliance Action

Measure Number	Measure Description	FY 2010 Actual	FY2010 Target
400	Reduce, treat, or eliminate <b>AIR</b> pollutants through concluded enforcement actions. <sup>1</sup>	410M lbs.	480M lbs.
401	Total number of regulated entities that change behavior resulting in direct environmental benefits or the prevention of pollution into the environment for <b>AIR</b> as a result of EPA enforcement and compliance action.	254 entities	127 entities

<sup>1</sup> Data Source: Integrated Compliance Information System (ICIS) and manual categorizations.

<sup>2</sup> FY 2005–2008 Average Pollutant Reduction Baseline: 480 million pounds.

<sup>3</sup> FY 2007-2008 Average Entities Baseline: 151 entities results reported under the measure “Total number of regulated entities that change behavior resulting in direct environmental benefits or the prevention into the environment” include: enforcement settlements, compliance incentive audits, direct compliance assistance delivered by EPA staff only, Federal inspections, and expedited settlement orders (ESOs) that result in a direct or preventative environmental benefit.

# FY 2010 Enforcement and Compliance Annual Results

Government Performance and Results Act (GPRA) - Goal 5 Measures

## Water Enforcement and Compliance Action

Measure Number	Measure Description	FY 2010 Actual	FY 2010 Target
402	Reduce, treat, or eliminate <b>WATER</b> pollutants through concluded enforcement actions. <sup>4</sup>	1,000M lbs.	320M lbs.
403	Total number of regulated entities that change behavior resulting in direct environmental benefits or the prevention of pollution into the environment for <b>WATER</b> as a result of EPA enforcement and compliance action. <sup>4</sup>	1,361 entities	608 entities

<sup>4</sup> Data Source: Integrated Compliance Information System (ICIS)

<sup>5</sup> FY 2005–2008 Average Pollutant Reduction Baseline: 320 million pounds.

<sup>6</sup> FY 2007-2008 Average Entities Baseline: 626 entities results reported under the measure “Total number of regulated entities that change behavior resulting in direct environmental benefits or the prevention into the environment” include: enforcement settlements, compliance incentive audits, direct compliance assistance delivered by EPA staff only, Federal inspections, and expedited settlement orders (ESOs) that result in a direct or preventative environmental benefit.

# FY 2010 Enforcement and Compliance Annual Results

Government Performance and Results Act (GPRA) - Goal 5 Measures

## Land Enforcement and Compliance Action

Measure Number	Measure Description	FY 2010 Actual	FY 2010 Target
404	Reduce, treat, or eliminate <b>TOXICS</b> and <b>PESTICIDES</b> through concluded enforcement actions. <sup>7,8</sup>	8.3M lbs.	3.8M lbs.
405	Reduce, treat, or eliminate <b>HAZARDOUS WASTE</b> through concluded enforcement actions. <sup>7,9</sup>	11,800M lbs.	6,500M lbs.
406	Total number of regulated entities that change behavior resulting in direct environmental benefits or the prevention of pollution into the environment for <b>LAND</b> as a result of EPA enforcement and compliance action. <sup>7,10</sup>	775 entities	213 entities

<sup>7</sup> Data Source: Integrated Compliance Information System (ICIS)

<sup>8</sup> FY 2005–2008 Average Pollutant Reduction Baseline: 3.8 million pounds.

<sup>9</sup> FY 2008 Hazardous Waste Baseline: 6,500 million pounds.

<sup>10</sup> FY 2007-2008 Average Entities Baseline: 235 entities results reported under the measure “Total number of regulated entities that change behavior resulting in direct environmental benefits or the prevention into the environment” include: enforcement settlements, compliance incentive audits, direct compliance assistance delivered by EPA staff only, Federal inspections, and expedited settlement orders (ESOs) that result in a direct or preventative environmental benefit.

# FY 2010 Enforcement and Compliance Annual Results

Government Performance and Results Act (GPRA) - Goal 5 Measures

## Criminal Enforcement

Measure Number	Measure Description	FY 2010	FY 2010 Target
407	Percent of recidivism. <sup>11,12</sup>	2%	<1%
408	Percent of closed cases with criminal enforcement consequences (indictment, conviction, fine, or penalty). <sup>11,13</sup>	35%	33%

<sup>11</sup> Data Source: Criminal Case Reporting System

<sup>12</sup> FY 1998–2009 Average Recidivism Baseline: <1%.

<sup>13</sup> FY 2006-2008 Average Closed Cases Baseline: 33%.

# FY 2010 Enforcement and Compliance Annual Results

Government Performance and Results Act (GPRA) - Goal 3 Measures

## Site Remediation Enforcement

Measure Number	Measure Description	FY 2010 Actual	FY 2010 Target
285	Reach a settlement or take an enforcement action before the start of a remedial action at Superfund sites having viable, liable responsible parties other than the federal government. <sup>14</sup>	98%	95%
078	Address all unaddressed costs in Statute of Limitations cases for sites with unaddressed total past Superfund costs equal to or greater than \$200,000. <sup>14</sup>	100%	100%

<sup>14</sup> Data Source: CERCLIS, October 14, 2010



# U. S. ENVIRONMENTAL PROTECTION AGENCY

## Compliance and Enforcement Annual Results 2010 Fiscal Year

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 » [Annual Results - FY2010](#) » Federal Government Compliance

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## Federal Government Compliance

Home	Clean Water	Clean Air	Waste & Chemical	Criminal	Environmental Justice
Overview	Enforcement Map	Numbers at a Glance	Enforcement Results and Trends	Federal Government Compliance	Additional Compliance Activities

One of EPA's most important roles is ensuring that Federal agencies comply with environmental requirements in the same manner and extent as any other regulated facility.

On this page:

- [Federal Facilities](#)
- [Federal Activities](#)
- [Additional Resources](#)

### Federal Facilities

EPA is responsible for ensuring that the federal government complies with all environmental laws, regulations and assists federal agencies with their environmental responsibilities required under Presidential executive orders. The federal government's properties include nearly 900,000 buildings and structures and 41 million acres of land. In fiscal year 2010, EPA concluded 52 enforcement actions against federal agencies and contractors at federal facilities for alleged violations of environmental laws. These actions will reduce, treat, or eliminate an estimated 311,000 lbs of pollutants. Violators will pay nearly \$749,000 in penalties and invest an estimated \$163 million in cleanup and improved operations to comply with environmental laws.

### Enforcement

In fiscal year (FY) 2010 EPA took enforcement actions against federal agencies that made a difference in the air, water and land in local communities. For example:

- The General Services Administration (GSA) entered into an agreement by which it agreed to apply for a Clean Water Act permit which will place strict limits on the water it discharges related to construction projects at the Denver Federal Center in Lakewood, Colorado. GSA must also monitor its discharges and ensure the discharged water meets limits for organics and suspended solids and other pollutants. This will help protect the watershed of the South Platte River which runs through downtown Denver and is used for fishing, rafting and kayaking.
- EPA issued two orders with a total penalty of \$163,000 to the Centers for Disease Control and Prevention in Atlanta for alleged violations of the Clean Air Act.
- The Federal Aviation Administration (FAA) agreed to permanently close over two dozen motor vehicle waste disposal wells in Alaska. These wells can contaminate underground sources of drinking water. The FAA is working with EPA to document the closing of the wells.

### Superfund Enforcement

Federal government agencies are responsible for cleaning up 173 sites on the Superfund National

Priority List (NPL). These cleanups directly impact the environment in their surrounding communities by protecting citizens from contamination of their air, water, land and groundwater. EPA oversees cleanups at these sites through enforceable agreements with the responsible federal agencies. EPA has oversight agreements in place at all of these NPL sites except for Andrews Air Force Base (MD), Air Force Plant #44 (AZ), Redstone Arsenal (AL), Tyndall Air Force Base (FL), and Ft. Detrick (MD).

In 2010, EPA settled three disputes that arose under these agreements:

- **Jackson Park Housing Complex, WA:** The Jackson Park Housing Complex is a residential and recreational area in Bremerton, WA with buried discarded military munitions. Because the area is publicly accessible, people may potentially be exposed to these munitions. The Navy's draft analysis of what cleanup is needed at the site (called a feasibility study) did not include alternatives for cleaning up the munitions or having trained explosives technicians make sure that construction and maintenance in the area was not threatened by the buried munitions. The EPA Regional Administrator, in the EPA Region 10 office, required the Navy to include these treatment and control alternatives in the final feasibility study and affirmed a \$45,000 stipulated penalty that EPA had assessed against the Navy.
- **Defense Logistics Agency Tracy, CA:** Groundwater at the Defense Logistics Agency (DLA) Tracy site in Tracy, CA is contaminated. One of the groundwater areas is contaminated with a pesticide, dieldrin, which was not being cleaned up by the DLA's existing groundwater treatment system. Using the dispute process under an agreement with DLA, DLA agreed to install a groundwater pump-and-treat system capable of cleaning the dieldrin-contaminated groundwater.
- **Former Naval Ordnance Depot, Hastings, NE:** The groundwater at the former Naval Ordnance Depot, in Hastings, NE is contaminated with industrial solvents and munitions-related chemicals like TNT. Some of these chemicals have migrated beyond the site boundaries, so various measures to control well drilling and water use (referred to as institutional controls) are necessary to ensure people do not drink contaminated groundwater. EPA Administrator Jackson affirmed a prior EPA decision requiring the U.S. Army Corps of Engineers to clarify exactly what on- and off-site institutional controls would be put in place to protect people from the contaminated groundwater and what the Corps would do to make sure those controls are working.
- **Redevelopment of Federal Facilities:** EPA supports and encourages the productive redevelopment of former federal facilities, as illustrated by activities at the former McClellan Air Force Base in California.

## Compliance Assistance

FedCenter ([www.fedcenter.gov](http://www.fedcenter.gov)), the federal facility Web-based environmental sustainability and compliance assistance center, is now cosponsored by more than a dozen federal organizations. The site has become the premier Website for federal environmental professionals and is a principal source for information on President Obama's Executive Order 13514 long-term environmental sustainability of federal government agencies. In FY 2010, FedCenter marked its sixth year of operation and increased its membership by more than 25% to nearly 9,000 individuals. FedCenter now receives more than 137,000 hits a month,

In September 2010 over 900 federal facility environmental professionals, state officials, contractors and others nationwide participated in an initial federal facility compliance assistance webinar promoted by FedCenter. The Center now coordinates similar compliance assistance webinars about every six weeks.

More than 1,200 federal environmental officials and others participated in the first GreenGov Symposium, sponsored by the White House and supported by EPA and FedCenter. The symposium focused on implementing President Obama's Executive Order 13514 on environmental sustainability of the federal government.

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## Federal Activities

EPA's Office of Federal Activities and its regional counterparts review and comment on other federal agencies' Environmental Impact Statements (EISs). Agencies prepare the EISs to comply with the National Environmental Policy Act (NEPA) and EPA reviews the documents under a provision in the Clean Air Act. EPA's review is intended to help federal agencies identify and ultimately avoid or mitigate potential adverse environmental impacts from their projects. EISs also help promote transparency by enhancing public participation in government planning and decision-making. EISs help to facilitate a full and fair discussion of any significant environmental impacts and inform the decision-makers and the public of the reasonable alternatives available with a goal of avoiding or minimizing potential adverse impacts. In FY 2010, EPA reviewed over 500 EISs involving a wide range of federal projects.

### **Guam and the Commonwealth of the Northern Mariana Islands Military Relocation**

EPA worked successfully with the Department of Defense in FY 2010 through the NEPA process to address potential impacts to Guam's drinking and wastewater infrastructure from a proposed military personnel relocation.

The proposed military relocation is expected to increase Guam's population by over 20 percent, which would quickly exceed the capacity of the current drinking and wastewater infrastructure. Already, Guam's drinking water and wastewater infrastructure is currently in a chronic state of non-compliance with federal and local regulations.

Residents on Guam experience public health threats from exposure to pathogens due to raw sewage spills and from contaminated drinking water.



Fort Nuestra Señora de la Soledad,  
"Our Lady of Solitude"

In August of 2010, EPA reached an agreement with the Department of Defense on how to avoid and reduce impacts on Guam's infrastructure and environmental resources by using alternative approaches to meet environmental standards. This process is known as "Adoptive Program Management" (APM). In this case, the process includes a commitment to manage the arrival of military personnel and the rate of construction so that the impacts associated with the military personnel build-up do not cause environmentally unacceptable conditions while the infrastructure upgrades are underway.

The APM process will be implemented through creation of a Civil-Military Coordination Council that would monitor environmental impacts and infrastructure capacities, coordinate discussion among the Department of Defense, the Government of Guam, and federal agencies, and provide advice and recommendations to avoid and reduce potential significant environmental impacts.

### **Mountaintop Mining**

Mountaintop mining is a form of surface coal mining in which explosives are used to access coal seams, generating large volumes of waste that bury adjacent streams. The resulting waste that then fills valleys and streams can significantly compromise water quality, often causing permanent damage to ecosystems and rendering streams unfit for swimming, fishing and drinking. It is estimated that almost 2,000 miles of Appalachian headwater streams have been buried by mountaintop coal mining.



A mountaintop mining operation in West Virginia

In April 2010, EPA issued comprehensive guidance clarifying the standards for reviewing Clean Water Act permit applications for Appalachian surface coal mining projects, including guidance to ensure a robust analysis of potential environmental impacts and project alternatives under the National Environmental Policy Act.

This guidance directs EPA field staff to coordinate with their federal and state regulatory partners to strengthen the environmental review of new Appalachian surface coal mining projects and to

improve protection of the communities' local water and environment. Read more on the [Memorandum: Improving EPA Review of Appalachian Surface Coal Mining Operations](#)

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## Additional Resources

- [Compliance & Enforcement at Federal Facilities](#)
- [Federal Facilities Cleanup Enforcement](#)
- [FedCenter.gov](#)

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## Additional Compliance Activities

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EPA undertakes a number of core compliance activities in addition to its enforcement program. Three important components of the compliance program are compliance assistance, compliance incentives, and compliance monitoring. The most significant accomplishments and highlight for these programs from FY 2010 are described below.

On this page:

- [Compliance Assistance](#)
- [Compliance Incentives](#)
- [Compliance Monitoring](#)
- [Additional Resources](#)

### Compliance Assistance

Compliance assistance means helping businesses, federal facilities, local governments and tribes meet their environmental regulatory requirements.

Compliance assistance providers help regulated communities and businesses comply with environmental laws through one-to-one counseling, online resource centers, fact sheets, guides and training. Providers include: EPA regional office staff; state, local and tribal governments; federal and state small business and pollution prevention technical assistance extension agents; consultants; and trade associations.

In fiscal year (FY) 2010, EPA helped the regulated community comply with environmental rules on a range of topics including protecting stormwater from contamination, protecting the air quality of residents living near auto body shops, avoiding lead exposure during renovations and preventing oil spills. The level of outreach activity is similar to levels reported in FY 2009.

- EPA developed 246 compliance assistance tools such as compliance booklets, instructional DVDs, brochures, websites and newsletters.
- EPA staff gave presentations at meetings and conducted 435 compliance assistance workshops and training events for the regulated community and assistance providers.
- EPA helped owners and operators of regulated facilities to comply during 1,075 on-site assistance visits. These were conducted on a variety of subjects, such as keeping drinking water safe on tribal lands, reducing lead paint risk and protecting students from chemical exposure.

EPA makes a wide array of compliance information available to the regulated community via websites that are designed to serve business and government sectors with similar operations, processes or practices. [Sector-specific information on regulatory compliance](#) includes links to the grant-supported Compliance Assistance Centers that serve, for example: the printing, construction, healthcare, auto recycling industries as well as federal facilities and local and tribal governments. In FY 2010 the on-line compliance assistance centers, which were visited 2,981,000 times, continued to reach their intended audiences. This is slightly higher than the 2,800,000 visits in FY 2009. The centers serving the agriculture and printing industries and the

center serving federal facilities experienced increases of more than 40,000 additional visits compared with FY2009. New features were added including a compliance summary tool for food processors, an automated document distribution system for farmers and a new Web page for port operators.

## Compliance Assistance Highlights

### **Addressing Community Health Risks in the Tri-state Region of West Virginia, Kentucky and Ohio**

EPA began a compliance initiative in 2010 in response to concerns that pollution is placing a disproportionate impact on the health of residents in the Port of Huntington tri-state area (West Virginia, Kentucky and Ohio). With help from the Coast Guard, U.S. Fish and Wildlife Service, and the Army Corps of Engineers, EPA and state partners are working to protect local communities by increasing compliance with environmental regulations and permit requirements among the more than 800 industrial facilities in the vicinity. EPA is using an array of approaches to address noncompliance in the impacted communities including:

- reaching out to facilities to help them understand their environmental requirements
- meeting with residents from the surrounding communities to address environmental justice issues
- sponsoring compliance workshops for businesses
- conducting reconnaissance to identify areas of concern
- inspecting facilities and taking enforcement actions, where appropriate.

To help facilities comply with air, water and hazardous waste regulations, EPA distributed informational materials to facilities in the following industries: coal processing, shipbuilding and repair, scrap/recycling, auto salvage yards, port terminals and unloading operations and ready mix concrete. Regulatory compliance information was also given to the 350 K-12 schools, 200 child/day-care facilities, 50 colleges/universities and 40 hospitals/medical facilities in the area.

In order to reach out to both residents and the business community, EPA partnered with a local business association to sponsor a free, one-day environmental compliance workshop for businesses and universities to sponsor community engagement meetings. The business workshop, attended by over 60 participants, provided information on federal environmental compliance and proper waste disposal that can help facilities reduce costs while improving environmental performance. Attendees appreciated the explanations from EPA inspectors about typical violations and tips on where to find compliance information. EPA is continuing to engage the community by creating a website, distributing fact sheets, participating in interviews with local radio and hosting public meetings. Inspections and enforcement are on-going.



EPA Inspector Luke Wolfgang gives business leaders compliance tips during the Port of Huntington Compliance Workshop

Inspections conducted after the mailings and workshops confirmed that some facilities are working to correct problems highlighted by EPA as part of the compliance assistance effort.

### **Reducing Toxic Air Pollution in At-Risk Communities in New England**

EPA Region 1 in New England (CT, MA, RI, NH, VT and ME) is actively engaged in a national campaign, to help auto body shops comply with a new air pollution control rule before it takes effect in January 2011. The rule limits auto body shops' emissions of toxic air pollutants: many of the solvents (methylene chloride) and paints (chromium, lead and cadmium) body shops use can have serious health impacts when inhaled.

EPA New England collaborated with trade associations, state and local governments, product vendors and others to distribute outreach materials to the 4,000 shops in New England and to provide free compliance assistance training, including 14 workshops and 6 webinars, for more

than 1,500 technicians. To maximize health benefits, the training sessions and more than 150 on-site assessments were conducted in at-risk communities where residents are disproportionately impacted by emissions from neighboring body shops.

Complying with the new requirements is expected to result in reduced cancer deaths among workers and community residents and it can result in direct operating cost savings for shop owners.

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## Compliance Incentives

### EPA Closes Out a Record Number of Voluntary Disclosures

In FY 2010, EPA resolved disclosures affecting a record number, 618 entities, which resolved violations at nearly 2000 facilities, including 25 resolutions (~5%) that resulted in direct environmental benefits. As a result of disclosures resolved this fiscal year, nearly 3.5 million pounds of pollutants will be reduced or treated.

In addition, voluntary disclosers will spend more than \$21 million to correct their violations. EPA's incentive policies such as the Audit Policy, "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations", 65 FR 19,618 (04/11/00) provide incentives to companies that voluntarily discover, promptly disclose, and expeditiously correct environmental violations. The companies must also take steps to prevent future violations. EPA may reduce or waive penalties for certain violations if the facility meets the conditions of the Audit Policy. Since 1995, nearly 6,200 companies at over 17,000 facilities have disclosed potential violations under the [Agency's Compliance Incentive policies](#).

The following are significant resolutions in fiscal year 2010:

#### Dominion Exploration and Production Inc.

Dominion Exploration and Production came forward and disclosed potential violations relating to emission standards for hazardous air pollutants, federal permitting, emissions monitoring and reporting requirements under EPA's Audit Policy. Under a civil judicial settlement with EPA, Dominion Exploration and Production agreed to install pollution control equipment at a cost of over \$6 million to comply with the Clean Air Act at their natural gas producing facilities in the Uinta Basin, near Vernal, Utah. The retrofits and upgrades will result in nearly 1.5 million pounds/year reduction in carbon monoxide emissions, and the company paid \$250,000 in civil penalties. [Read more on Dominion Exploration](#)

#### U.S. v. Silgan Containers LLC (Silgan)

The United States reached a civil judicial settlement with Silgan, the largest manufacturer of metal food containers in North America. Silgan commenced a national air audit of the company's compliance with the CAA under an agreement with EPA and conducted a review of its facilities on a Region-by-Region basis. Silgan disclosed noncompliance with Prevention of Significant Deterioration (PSD)/New Source Review (NSR) and other CAA requirements and voluntarily corrected noncompliance, in many cases prior to this settlement, at 18 facilities nationwide. The company will reduce or eliminate an estimated 636 tons per year of volatile organic compounds by converting can welding process lines to powder coatings, permanently ceasing operations on additional lines, assuming new or modified permit emission limitations, obtaining a non-Title V synthetic minor permit with emissions limitations, and permanently retiring emission reduction credits. The company will have paid over \$10 million to implement these corrective actions, conduct the national audit, and correct violations prior to settlement. Silgan paid \$365,000 in civil penalties. [Read more on U.S. v. Silgan](#)

#### Cellco Partnership doing business as Verizon Wireless (Verizon)

After entering into a corporate audit agreement with EPA to audit more than 25,000 sites nationwide, Verizon voluntarily disclosed CAA, CWA, and EPCRA violations at 655 telecom facilities, including cell towers, mobile switch centers, call centers, and administrative offices. The company paid a \$468,600 civil penalty, and promptly corrected the violations found during its audit, including preparing and implementing spill prevention, control, and countermeasure plans, applying for appropriate air permits, and submitting reports to state and local emergency planning and response organizations informing them of the presence of hazardous substances. [Read more on Verizon Wireless](#)

### **In the Matter of Johnson Controls, Inc. (JCI)**

JCI agreed to reduce its air emissions of volatile organic compounds (VOCs) by 310 tons per year at five facilities and correct violations of the CAA. Following acquisition of the facilities from York International Corporation and Environmental Technologies Inc., which manufactured commercial and residential air conditioning units, JCI voluntarily conducted audits and disclosed to EPA that the facilities did not have CAA operating permits. JCI obtained the appropriate CAA operating permits, instituted equipment and process changes, and incorporated the new emission limits in its state operating permits. JCI's process and equipment changes at its Wichita, Kansas facility, which brought the facility into compliance, will not only reduce 310 tons per year of VOC emissions but will save JCI over \$250,000 per year. The prior practice of using large amounts of expensive, high VOC-content lubricating oils in the fin presses was significantly more expensive than purchasing aluminum sheet metal rolls pre-coated with low VOC-containing lubricant oil which is pre-applied on the rolls. [Read the Johnson Controls Inc. Consent Agreement \(PDF\)](#) (17 pp, 812 K, [About PDF](#))

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## **Compliance Monitoring**

In FY 2010 EPA conducted approximately 21,000 inspections and evaluations and 281 investigations. EPA monitored compliance with 33 different and unique programs, e.g., storm water, mobile sources, under eight separate and distinct environmental laws, e.g., Clean Air Act, Clean Water Act.

The inspections, evaluations, and investigations performed were split between these 33 programs with some programs having more activity, and other programs less based on environmental risk, observed non-compliance, response to citizen complaints, and whether the activity should be addressed at the federal level. These inspections, evaluations and investigations targeted communities where environmental problems were identified; national sectors with known impacts on human health or the environment; states and on tribal lands to address serious non-compliance; or programs not delegated to states, tribes, or local agencies.

In addition, these activities aggressively targeted facilities and sites where pollution problems impacting human health and the environment were identified or observed. Approximately 1300 inspections and evaluations, and 167 investigations were conducted in response to national environmental problems including raw sewage and contaminated stormwater runoff in our waters, animal waste threatening our surface and ground waters, widespread air pollution from large sources, toxic air pollution that affects communities' health, and pollution from mineral processing operations.

### **Significant EPA Compliance Monitoring Activities Conducted in Fiscal Year 2010:**

- Inspections and Evaluations - The following significant inspections and evaluations were conducted:
  - 7,000 inspections to monitor compliance with drinking water regulations
  - 3,700 evaluations conducted to monitor compliance with clean air regulations
  - 3,500 inspections conducted to monitor compliance with clean water regulations
  - 2500 inspections conducted to monitor compliance with underground storage tank regulations
  -

- 1,700 inspections conducted to monitor compliance with hazardous waste regulations
- 1,400 inspections conducted to monitor compliance with toxic substances regulations
- 800 inspections conducted to monitor compliance with emergency planning and reporting regulations
- 400 inspections conducted to monitor compliance with pesticide regulations

These inspections and evaluations resulted in identification of approximately 5,300 facilities in potential violation, and 932 instances where the facilities took immediate action to correct a potential violation.

- Investigations - Of the 281 comprehensive civil investigations conducted, 230 were conducted under the clean air statute, 24 under the clean water statute, 12 under the drinking water statute, 11 under the hazardous waste statute, and 2 under the toxic substances statute.
- Ports Initiative - The Port of Huntington is the largest inland port in the United States, lying along 200 miles of three major rivers in Kentucky, Ohio and West Virginia. EPA Regions 3, 4 and 5 developed a multi-region compliance strategy that included a significant compliance monitoring effort targeted at businesses, schools and hospitals to address observed environmental problems and non-compliance. The strategy involved a significant compliance monitoring program that effectively identified facilities that were out of compliance, and which resulted in actions taken to address the identified non-compliance. EPA partnered with the U.S. Coast Guard Marine Safety Unit Huntington to conduct reconnaissance inspections. Additional resources were provided by West Virginia Department of Environmental Protection, Ohio Environmental Protection Agency, and the Kentucky Department of the Environment.

The reconnaissance inspections included a land and river team component which provided EPA inspectors real-world observations into day-to-day facilities operations. Information was gathered on over 100 port facilities through reconnaissance of these two, twenty mile segments and the findings helped drive future enforcement, compliance assistance and community outreach efforts. Specifically, this effort helped identify an industrial park in Nitro, WV which was inundated with potentially non-compliant facilities.

In November 2009 OECEJ conducted 11 multi-media inspections at these facilities. Initial findings indicate potential non-compliance at all 11 facilities including potential multimedia non-compliance at 8 of the facilities. Additional inspections were also conducted in the Ashland, KY and Ironton, OH areas. Information on potential non-compliance at these facilities is not currently available.

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## Additional Resources

- [Compliance Assistance](#)
- [National Compliance Assistance Centers](#) EXIT Disclaimer
- [Compliance Incentives and Auditing](#)
- [Inspections and Evaluations](#)

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## Clean Water Enforcement

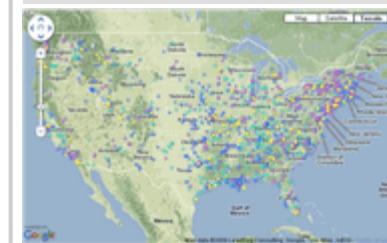
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Overview	Map	Case Highlights
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EPA's clean water enforcement goals are to enhance enforcement and work with permitting to focus on the biggest pollution problems, assure clean drinking water for all communities, including in Indian country, and clean up great waters that matter to communities, e.g. [Chesapeake Bay](#).

EPA's enforcement of the Clean Water Act protects the quality of our nation's water bodies by curbing municipal and industrial wastewater discharges, stopping polluted runoff from urban and rural areas, and preventing habitat destruction. Overflows of raw sewage from aging municipal sewer systems and urban stormwater runoff are significant sources of pollution, contributing to the contamination of drinking water sources, beach and shellfish bed closures, and other environmental and health concerns. Stormwater runoff from municipal storm sewer systems and construction sites can dump a variety of harmful pollutants – including bacteria, organic nutrients, pesticides, hydrocarbons, sediment, oil and grease – into rivers, lakes and streams. Oil and hazardous substance spills can pose serious threats to human health and often have a long-lasting impact on the environment. As a result of water cases concluded in fiscal year 2010, EPA is ensuring that 1 billion pounds of water pollution will be reduced, eliminated or properly managed and investments in environmental improvement projects from parties worth \$8 billion will be made.

### Water Enforcement Cases Locate cases in your area



The water enforcement annual results provide data and background about EPA's enforcement actions, both nationally and where you live. Interactive maps show the facilities where water and multi-media civil and criminal actions were taken. Readers can view this information nationally, by state and locally, and get information about EPA's actions where they live, work and play.

For more information on clean water enforcement see:

- [Civil Enforcement](#)
- [Clean Water Act Enforcement](#)
- [Safe Drinking Water Act Enforcement](#)
- [Clean Water Act Action Plan](#)
- [BP Oil Spill](#)
- [Chesapeake Bay Compliance and Enforcement Strategy](#)
- [High Priority Performance Goal \(HPPG\)](#)



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## Clean Water: Enforcement Map

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<a href="#">Overview</a>	<a href="#">Map</a>	<a href="#">Case Highlights</a>			

This interactive map shows information on enforcement actions and cases from 2010. They include civil enforcement actions taken by EPA at facilities, criminal cases prosecuted by EPA under federal statutes and the U.S. Criminal Code, and cases in which EPA provided significant support to cases prosecuted under state criminal laws. The indicators on the map generally mark the location of the site or facility where the violations occurred or were discovered.

### How to Use the Map

Add or subtract EPA enforcement actions to and from the map by checking or un-checking the box next to the item of interest (CWA, Federal etc). Then zoom the map to an exact location by entering a state, city, or zip code in the search box or by utilizing the zoom bar in the upper left corner of the map. You may also click on the indicator to obtain additional information on the environmental enforcement case. See "[Questions About the Maps](#)" for additional information and needs accommodations related to a disability.

[Search EPA.gov](#)

**Note:**  
The original map for this site is no longer functional.

Compliance with environmental regulations. You can also investigate pollution sources, examine and create enforcement-related maps, or explore your state's performance.

Water Enforcement cases by location. Note: For civil enforcement cases not represented on this map see: [Facilities not mapped \(PDF\)](#) (2 pp, 38K, About PDF)

- CWA - Clean Water Act
- SDWA - Safe Drinking Water Act
- MPRSA - Marine Protection, Research and Sanctuaries Act
- Federal - Includes federal agencies and contractors at federal facilities
- Criminal - Criminal Enforcement cases



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## Clean Water: Case Highlights

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The following cases were brought by EPA to address violations of the Clean Water Act. Through the highlighted cases described below, and the many other EPA water enforcement cases concluded in FY 2010, EPA compelled compliance with the law and achieved substantial reductions in discharges of water pollutants, totalling an estimated 1 billion lbs. per year.

On this page:

- [Combined Sewer Overflows and Sanitary Sewer Overflows](#)
- [Storm Water Runoff](#)
- [Oil and Hazardous Substances Water Pollution](#)
- [Criminal Case Highlights](#)
- [Resources](#)

### Combined Sewer Overflows and Sanitary Sewer Overflows

#### **Hampton Roads, Virginia, Sanitation District Sewer System**

EPA and co-plaintiff, the Commonwealth of Virginia, entered a judicial Consent Decree with Hampton Roads Sanitation District (HRSD), the entity responsible for providing sewage treatment services for communities in the Tidewater, Virginia area, to make major upgrades and improvements to the sewer system to eliminate unauthorized overflows of untreated raw sewage. The Consent Decree addresses violations of the federal Clean Water Act, including unauthorized discharges of at least nine million gallons of untreated sewage and other wastes from its sewer system and sewage treatment plants into several water bodies used for fishing and recreation, including the Chesapeake Bay. Under the settlement, HRSD must comprehensively monitor and model the sewer system and watersheds to develop a regional plan that will ensure adequate capacity to prevent sewage overflows. Subsequently, HRSD must implement the regional plan. The settlement also requires HRSD to make major upgrades and improvements to the sewer system infrastructure over the next eight years. These upgrades are estimated to cost at least \$140 million. As part of the agreement, HRSD paid a penalty of \$900,000 to the United States and the Commonwealth of Virginia. [Read more on Hampton Roads](#)

#### **Kansas City, Missouri, Sewer System**

On September 27, 2010, EPA entered into a Consent Decree with the City of Kansas City, Missouri (City) that requires the city to spend at least \$2.5 billion on the installation of controls to reduce its overflows of raw sewage in the several sewer system that it owns and operates by approximately 5 ½ billion gallons per year, resulting in substantial water quality improvements to its communities. In particular, the decree requires the City to expedite controls in underserved communities to provide relief to the many households that currently experience sewer backups in their homes. The City will also use green infrastructure, including green roofs, rain

gardens, and pervious pavement, to assist in the prevention of sewer overflows. These controls constitute cost-effective and sustainable approaches to reducing overflows while providing a variety of other environmental and community benefits. This settlement also requires the City to pay a \$600,000 civil penalty, and perform a supplemental environmental project, at a cost of at least \$1.6 million, to implement a sewer connection and septic tank closure program for approximately 533 low-income households. [Read more on Kansas City, Missouri, Sewer System](#)

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## Storm Water Runoff

### Aggregate Industries – Northeast Region, Inc.

Under a Consent Decree entered in November 2009, Aggregate Industries – Northeast Region, Inc. agreed to pay a civil penalty of \$2.75 million and implement a compliance program to resolve alleged violations of the Clean Water Act's (CWA) storm water requirements at 23 facilities in Massachusetts and New Hampshire. This is the largest penalty ever assessed by EPA against a nationwide ready-mix concrete company for storm water violations under the Clean Water Act. The company is one of the largest producers of crushed stone, sand and gravel, asphalt batching, and ready-mixed concrete in New England. This settlement requires the company to implement pollution control measures and perform comprehensive compliance evaluations at each of its 43 facilities in New England, as well as any facility acquired in the next three years, to ensure that the facilities are in compliance with CWA requirements. EPA estimates that the measures required by this settlement will reduce the discharge of approximately 89,000 pounds of sediment, 2,100 pounds of oil and grease, 100 pounds of iron and 124 pounds of nitrate and nitrogen each year. These pollutants, which were discharged into wetlands and streams, can be detrimental to aquatic life and water quality. [Read more on Aggregate Industries - Northeast Region, Inc.](#)

### Hovnanian Enterprises

In April 2010, EPA entered into a Consent Decree with Hovnanian Enterprises, one of the country's largest home builders, to address Clean Water Act (CWA) violations of construction storm water requirements across several states aimed at protecting our nation's waterways from sediment and other pollutants discharged from construction sites. Hovnanian agreed to implement a company-wide storm water compliance program and pay a \$1 million penalty to resolve alleged CWA violations at numerous construction sites. The compliance program will result in increased company oversight of all construction sites. EPA estimates that implementation of the compliance program will reduce the amount of sediment discharged in storm water runoff from future Hovnanian sites by 366 million pounds annually. A portion of the settlement helps EPA efforts to protect the Chesapeake Bay, North America's largest and most biologically diverse estuary. The Bay and its tidal tributaries are threatened by pollution from a variety of sources, and overburdened with nitrogen, phosphorus and sediment that can be carried by storm water. A total of 161 Hovnanian construction sites in the District of Columbia, Maryland, Virginia and West Virginia fall within the Bay watershed and are covered by this settlement. [Read more on Hovnanian Enterprises](#)

This settlement is the latest in a series of enforcement actions EPA has taken to address storm water violations from construction sites around the country. Similar Consent Decrees have been reached with multiple national and regional home building companies this year, including John Wieland Homes and Neighborhoods which is a leading builder of semi-custom homes in the southeastern United States. In November 2009, Wieland agreed to pay a civil penalty of \$350,000 and to implement a similar company-wide storm water compliance program. As a result of this settlement, EPA estimated that the discharge of sediment from future Wieland sites will be reduced by 37 million pounds annually.

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## Oil and Hazardous Substances Water Pollution

In FY 2010, five civil judicial actions were entered for violations of Clean Water Act (CWA) Section 311/309 (oil and hazardous substances spills) and the Oil Pollution Prevention regulations at 40 CFR Part 112. The five cases were: Plains All American Pipeline, Pacific Pipeline Systems, Norfolk Southern Railway Company, San Francisco Municipal Transportation Agency, and NuStar Pipeline Operating Partnership. These cases addressed multiple discharges of oil and hazardous substances, as well as violations of spill prevention (SPCC) and facility response planning (FRP) regulatory requirements. The violations included discharges of more than 10,909 barrels of oil and 43 tons of chlorine. The Norfolk Southern case is one of the largest settlements to address a discharge of a hazardous substance and the Nustar case is one of the first judicial actions to address facility response plan violations.

### **Plains All American Pipeline Settlement**

Penalties for the five cases totaled \$9.25 million, of which \$9,194,500 was paid for violations of CWA Section 311. Several of these cases included comprehensive injunctive relief. Plains agreed to a comprehensive program to upgrade 10,420 miles of crude oil pipeline, estimated to cost \$41 million. [Read more on Plains All American Pipeline Settlement](#)

### **City and County of San Francisco**

Norfolk Southern will improve internal posting of National Response Center information and restock adult fish of various species in the impacted watershed. Norfolk Southern and San Francisco will both conduct incident command system training to improve emergency response. [Read more on City and County of San Francisco](#). Norfolk Southern and Nustar will both conduct supplemental environmental projects, valued at \$868,000, to improve sediment control and install more advanced alarm systems.

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### **Criminal Case Highlights**

For information on criminal violations involving water, see [Criminal Case Highlights](#).

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### **Resources**

For more information on clean water statutes and regulations, enforcement programs, enforcement initiatives and cases and settlements see:

- [Civil Enforcement](#)
- [Clean Water Act Cases and Settlements](#)
- [Municipal Sewer Overflows \(Combined Sewer Overflows & Sanitary Sewer Overflows\)](#)
- [Storm Water Runoff](#)
- [Oil and Hazardous Substances Water Pollution](#)

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# U.S. ENVIRONMENTAL PROTECTION AGENCY

## Compliance and Enforcement Annual Results 2010 Fiscal Year

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## Clean Air Enforcement

[Home](#) [Clean Water](#) [Clean Air](#) [Waste & Chemical](#) [Criminal](#) [Environmental Justice](#)

Overview	Map	Case Highlights	Health Benefits
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EPA is committed to cutting air pollution in communities by enforcing the Clean Air Act. EPA targets the largest sources of air pollution, including coal-fired power plants, cement plants and the acid and glass sectors.

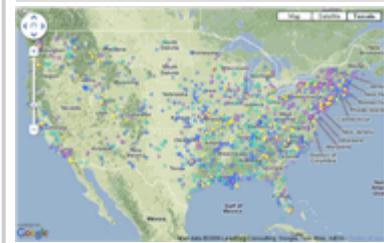
Air pollution threatens human health and damages the environment. EPA continues to enforce our nation's environmental laws to ensure compliance with the Clean Air Act nationwide. While often invisible, pollutants in the air create smog and acid rain and cause cancer or other serious health effects. The air pollutants addressed by these settlements can cause serious respiratory problems and exacerbate cases of childhood asthma. As a result of cases concluded in fiscal year 2010, 410 million pounds of pollution will be reduced, eliminated or properly managed.

The air enforcement annual results provide data and background about EPA's enforcement actions, both nationally and where you live. Interactive maps show the facilities where air and multi-media civil and criminal actions were taken. Readers can view this information nationally, by state and locally, and get information about EPA's actions where they live, work and play.

For more information on clean air enforcement see:

- [Civil Enforcement](#)
- [Clean Air Act Enforcement](#)
- [EPA's Climate Change Web Site](#)
- [EPA's Clean Energy Web Site](#)

**Air Enforcement Cases**  
Locate cases in your area





# Compliance and Enforcement Annual Results 2010 Fiscal Year

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Where You Live

## Clean Air: Enforcement Map

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This interactive map shows information on enforcement actions and cases from 2010. They include civil enforcement actions taken by EPA at facilities, criminal cases prosecuted by EPA under federal statutes and the U.S. Criminal Code, and cases in which EPA provided significant support to cases prosecuted under state criminal laws. The indicators on the map generally mark the location of the site or facility where the violations occurred or were discovered.

### How to Use the Map

Add or subtract EPA enforcement actions to and from the map by checking or un-checking the box next to the item of interest (CAA, Federal etc). Then zoom the map to an exact location by entering a state, city, or zip code in the search box or by utilizing the zoom bar in the upper left corner of the map. You may also click on the indicator to obtain additional information on the environmental enforcement case. See "[Questions About the Maps](#)" for additional information and needs accommodations related to a disability.

## Note:

The original map for this site is no longer functional.

Compliance with environmental regulations. You can also investigate pollution sources, examine and create enforcement-related maps, or explore your state's performance.

Air Enforcement cases by location. Note: For civil enforcement cases not represented on this map see: [Facilities not mapped \(PDF\)](#) (2 pp, 38K, About PDF)

- CAA - Clean Air Act
- Federal - Includes federal agencies and contractors at federal facilities
- Criminal - Criminal Enforcement cases



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 » [Annual Results - FY2010](#) » Clean Air: Case Highlights

## Clean Air: Case Highlights

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Overview	Map	Case Highlights	Health Benefits
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The following cases were brought by EPA to address violations of the Clean Air Act. Through the highlighted cases described below, and the many other EPA air enforcement cases concluded in FY 2010, EPA compelled compliance with the law and achieved substantial reductions in emissions of air pollutants, totalling an estimated 410 million lbs. per year.

On this page:

- [Coal/Gas-Fired Electric Utilities](#)
- [Mobile Sources](#)
- [Container Glass Manufacturing](#)
- [Portland Cement Manufacturing](#)
- [Greenhouse Gas Emissions](#)
- [Cross Media](#)
- [Criminal Case Highlights](#)
- [Resources](#)

### Coal/Gas-Fired Electric Utilities - NSR Regulation

The following are significant air resolutions in fiscal year 2010:

#### Hoosier Energy

On July 23, 2010, the United States filed a major Clean Air Act settlement with Hoosier Energy Rural Electric Cooperative (Hoosier Energy), a coal-fired utility in Indiana. Under the settlement, Hoosier Energy will install and upgrade pollution control technology at its two coal-fired power plants in to resolve violations of the Clean Air Act. The settlement will reduce harmful air pollution by more than 24,500 tons per year and requires Hoosier to spend \$5 million on environmental projects. Hoosier Energy will also pay a civil penalty of \$950,000. [Read more on Hoosier Energy](#)

#### Duke Energy Gallagher Plant

On December 22, 2009, the United States filed a major Clean Air Act settlement with Duke Energy, to reduce air emissions from the Gallagher coal-fired power plant in New Albany, Indiana. Under the settlement, Duke Energy will spend approximately \$85 million to reduce sulfur dioxide emissions by almost 35,000 tons per year. Duke Energy will also spend \$6.25 million on environmental mitigation projects and pay a \$1.75 million civil penalty. [Read more on Duke Energy Gallagher Plant](#)

#### Westar Energy Inc.

On January 25, 2010, the United States filed a major Clean Air Act settlement with Westar Energy, a coal-fired utility in Kansas, to reduce air emissions from the Jeffrey

Energy Center. Under the settlement, Westar will install and operate pollution control equipment on the three coal-fired boilers which will result in SO<sub>2</sub> and NO<sub>x</sub> emission reductions of approximately 78,600 tons per year, an 85 percent reduction from 2007 emissions. Westar will spend approximately \$500 million to control the emissions and will pay a \$3 million civil penalty. In addition, Westar will spend \$6 million on environmental mitigation projects. [Read more on Westar Energy Inc.](#)

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## Mobile Sources

Mobile source pollutants include smog-forming volatile organic compounds and nitrogen oxides, toxic air pollutants such as cancer-causing benzene, and particulate matter or "soot" that are responsible for asthma and other respiratory illnesses. EPA enforces the Clean Air Act provisions governing motor vehicles and engines, including emissions standards for manufacturers of new motor vehicles, passenger cars and light trucks, and heavy duty motor vehicle engines. The requirements are designed to limit harmful emissions from these vehicles when they are running and evaporative emissions when they are not.

The following major settlements were concluded in fiscal year 2010:

### **Manny, Moe & Jack (Pep Boys)**

The scope of the Pep Boys case is unprecedented in cases of its kind, as it is the largest vehicle and engine importation case brought by the United States to date under the Clean Air Act both in number of vehicles and engines affected and penalty paid. The complaint, filed simultaneously with the settlement in federal court in the District of Columbia, alleges that Pep Boys and Baja imported and sold more than 241,000 illegal vehicles and engines, from 2004 through 2009, in violation of the Clean Air Act. As a direct result of the litigation team's efforts, Pep Boys agreed to pay \$5 million in civil penalties. The agreement also requires Pep Boys to perform substantial injunctive relief including the export or destruction of over 1,300 noncompliant vehicles and engines, and mitigation of the adverse environmental effects of equipment already sold to consumers, estimated at 620 tons of excess hydrocarbon and nitrogen oxide (NO<sub>x</sub>) emissions and more than 6,520 tons of excess carbon monoxide emissions, at an estimated cost of over \$5 million. [Read more on Manny, Moe & Jack \(Pep Boys\)](#)

### **Cummins, Inc.**

Cummins, Inc. paid a \$2.1 million civil penalty to resolve an enforcement action for Clean Air Act violations involving Cummins' shipment of over 570,000 engines to vehicle manufacturers without the exhaust after-treatment devices (ATDs) required by Act. ATDs are devices that control engine exhaust emissions once the emissions have exited the engine and entered the exhaust system. Typical ATDs include catalytic converters and diesel particulate filters. Cummins recalled 405 noncompliant engines to install the correct ATDs. Cummins mitigated excess emissions from these engines through permanent retirement of emission credits equivalent to the lifetime excess emissions from 633 engines either known or projected to have been installed in vehicles with incorrect or missing ATDs. Cummins agreed to mitigate excess emissions through permanent retirement of banked emission credits equivalent to 167.1 tons of nitrogen oxides (NO<sub>x</sub>) plus hydrocarbons and 30 tons of particulate matter (PM). The State of California, through the Air Resources Board, was an active co-litigant in this case for violations arising from the sale of trucks containing these engines in California. [Read more on Cummins, Inc.](#)

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## **Container Glass Manufacturing**

### **Saint-Gobain Containers, Inc.**

On January 21, 2010, the United States filed a major Clean Air Act settlement with Saint-Gobain Containers, Inc., the nation's second largest container glass manufacturer, to reduce air emissions from their 15 U.S. plants. The settlement is the first system-wide settlement for the glass manufacturing sector under the Clean Air Act. Saint-Gobain agreed to install pollution control equipment at an estimated cost of \$112 million to reduce emissions of NO<sub>x</sub>, SO<sub>2</sub>, and PM by approximately 6,000 tons each year. In addition, as part of the settlement, Saint-Gobain has agreed to pay a civil penalty of \$2.25 million. The settlement involved a significant amount of federal and state coordination, including seven EPA Regions, ten states, and two local air agencies. [Read more on Saint-Gobain Containers, Inc.](#)

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## Portland Cement Manufacturing

### Lafarge North America, Inc.

On January 21, 2010, the United States filed a major Clean Air Act settlement with Lafarge North America, Inc., the nation's second largest manufacturer of Portland cement, to reduce air emissions from their 13 U.S. plants. The settlement is the first system-wide settlement for the Portland cement manufacturing sector under the Clean Air Act. Lafarge has agreed to install and implement control technologies at an expected cost up to \$170 million to reduce emissions of NO<sub>x</sub> by more than 9,900 tons per year and sulfur dioxide (SO<sub>2</sub>) by more than 26,000 tons per year. Lafarge has also agreed to pay a civil penalty of \$5,075,000. The settlement involved a significant amount of federal and state coordination, including seven EPA Regions, 12 states, and one local air agency. [Read more on Lafarge North America, Inc.](#)

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## Greenhouse Gas Emissions

### Greenhouse Gas Emission Reductions Achieved Through EPA Enforcement Cases

As part of EPA's enforcement goals for climate change and clean energy, EPA has pursued opportunities to obtain greenhouse gas (GHG) emission reductions through case settlements. These opportunities often arise when EPA brings an enforcement action to address violations involving excess emissions of criteria pollutants, which may also have resulted in increases of GHGs. In resolving such actions, EPA can include an environmental project to reduce emissions of GHG emissions. The FY 2010 settlements described below are examples of the enforcement actions that resulted in substantial reductions in emissions of GHGs.

### Ralston Foods

Under the terms of a settlement with Ralston Foods, the company will reduce GHG emissions of approximately 1.6 million pounds of CO<sub>2</sub> a year by reducing down the energy needed to cool its two powerhouse air compressors. Ralston Foods stopped using energy-hogging cooling units and installed a new cooling system that requires virtually no energy to operate, yet absorbs the heat given off by the compressors. This reduction in power will save over 1.5 million kwh of energy each year, which equates to 1,297 tons of CO<sub>2</sub> emissions reduced each year. The change in cooling systems is mandated by a Supplemental Environmental Project (SEP) to be implemented by Ralston Foods.

### Shell Chemical Yabucoa, Inc.

The Shell Chemical Yabucoa, Inc. settlement is part of OECA's national Petroleum Refinery Initiative and resolves Shell's violations of the Clean Air Act at its Yabucoa facility. GHG reductions of over 1 billion pounds of CO a year are associated with the

facility's shut down of its heaters and boilers. The facility is not expected to generate any increased offsetting GHG emissions since the settlement mandates a permanent shut down of these combustion units. Besides GHG reductions, the settlement resulted in reductions of approximately 1.6 million lbs of NO<sub>x</sub> and 1.3 million lbs of SO<sub>2</sub>.

## **Edgeboro Disposal, Inc.**

EPA's settlement with Edgeboro Disposal, Inc. (EDI) resulted in the facility constructing a new \$6,000,000 methane gas collection control system for EDI's landfill. EPA estimates that the new system over portions of the EDI landfill will reduce approximately 1 million pounds of CO<sub>2</sub>. This estimate was based on the new control system's ability to recover and destroy the methane emitted by the landfill. The facility's continued collection of gas is not expected to result in any increased offsetting of GHG emissions beyond the combustion of methane to CO<sub>2</sub> in flaring. In addition to GHG reductions, the settlement resulted in reductions of 258,000 pounds of non-methane organic compounds.

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## **Cross Media**

Many enforcement cases address environmental harm across multiple medias - air, water and land. Combining enforcement of all media results in a more effective overall management of a facility's or company's environmental liabilities and is generally more cost-effective than bringing two or more independent media-specific actions. In addition to the above air cases EPA also settled multi-media cases that addressed environmental harm primarily to air but also to water and land.

The following are significant multi-media resolutions in 2010.

### **U.S. v. McWane, Inc. (McWane)**

The United States reached a civil judicial settlement with McWane to resolve more than 400 multimedia violations at 28 of McWane's facilities located in 14 states. McWane, a national cast iron pipe manufacturer headquartered in Birmingham, Alabama, is required under the Consent Decree to complete injunctive relief under the Clean Air Act (CAA) to achieve compliance at its Coshocton, Ohio facility and to pay a civil penalty of \$4 million to the United States, Alabama, and Iowa. Additionally, the company agreed to perform seven supplemental environmental projects at a minimum cost of \$9.1 million. Combined with the corrective measures already undertaken by McWane at a cost of \$7.6 million, the settlement will reduce emissions, discharges and releases of particulate matter, volatile organic compounds, mercury, storm water pollutants and PCBs in excess of 4 million pounds. [Read more on McWane, Inc.](#)

### **U.S. v. Formosa Plastics Corporation, Texas, Formosa Plastics Corporation, Louisiana, Formosa Hydrocarbons, Inc (Formosa)**

The United States reached a civil judicial settlement with Formosa to resolve violations of the CAA, Clean Water Act (CWA), Emergency Planning and Community Right-to-Know Act (EPCRA), Comprehensive Emergency Response, Compensation, and Liability Act (CERCLA), and the Resource Conservation and Recovery Act (RCRA) at Formosa's Point Comfort, Texas PVC facility and Baton Rouge, Louisiana PVC facility. Formosa will pay a \$2.8 million penalty, and will spend over \$10 million to implement a comprehensive enhanced leak detection and repair (LDAR) program which goes beyond regulatory compliance by requiring more stringent leak definitions, more frequent monitoring, and repair of additional chemical manufacturing equipment. The enhanced LDAR program will potentially reduce annual volatile organic compounds air emissions, including hazardous air pollutants such as vinyl chloride, from the two Formosa facilities by approximately 6.57 million pounds per year. The Formosa Texas facility will undertake a comprehensive review of its compliance with EPCRA's toxic

release reporting requirements, and the Formosa Louisiana facility will cease improper disposal of certain listed hazardous wastes. This is the eighth settlement under the PVC Enforcement Initiative which has addressed cross-media noncompliance at 13 PVC facilities since 2004. [Read more on Formosa Plastics Corporation](#)

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## Criminal Case Highlights

For information on criminal violations involving air, see [Criminal Case Highlights](#).

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## Resources

For more information on clean air statutes and regulations, enforcement programs, enforcement initiatives and cases and settlements see:

- [Civil Enforcement](#)
- [Clean Air Act Cases and Settlements](#)
- [Coal/Gas-Fired Electric Utilities - NSR Regulation](#)
- [Mobile Sources](#)
- [Cement Manufacturing Enforcement Initiative](#)

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## Clean Air: Health Benefits

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Overview

Map

Case Highlights

Health Benefits

Although often invisible, air pollution threatens both human health and the environment. It can cause cancer and damage immune, respiratory and neurological systems, and create acid rain and smog. EPA makes our air cleaner by enforcing the Clean Air Act. Through its enforcement action in FY 2010, EPA has obtained commitments from Clean Air Act violators to reduce emissions of air pollutants by an estimated 410 million pounds. The estimated health benefits associated with these reductions in air pollutants include:

### **Health Benefits from Reductions in Sulfur Dioxide (SO<sub>2</sub>), Nitrogen Oxides (NO<sub>x</sub>) and Particulate Matter**

EPA estimates that the top twelve EPA air enforcement actions that concluded in FY 2010 will reduce over 390 million pounds per year of Sulfur Dioxide (SO<sub>2</sub>), Nitrogen Oxides (NO<sub>x</sub>), and particulate matter once all controls have been put into place.

These common air pollutants have been associated with asthma, reduced lung function, bronchitis, heart attacks, and premature death. EPA estimates that the reductions from these twelve air enforcement cases will result in health benefits valued at \$6.2-\$15 billion, including reducing approximately

- 680-1,700 premature deaths in people with heart or lung disease,
- 87,000 fewer days of missed work or school, and
- 12,000 fewer cases of exacerbated asthma.

### **Health Benefits from Reductions of Hazardous Air Pollutants (HAPs)**

Hazardous Air Pollutants (HAPs) are a set of 187 identified pollutants that are known or suspected to cause cancer, other serious health effects, or adverse environmental effects. People exposed to toxic air pollutants at sufficient concentrations and durations may have an increased chance of getting cancer or experiencing neurological, reproductive, and developmental health effects. EPA's 2010 air enforcement actions are estimated to reduce nearly four million pounds of HAPs per year, including more than two million pounds of known or probable human carcinogens. As a result of these actions, people who work, live, and play in communities around these facilities will have significantly decreased lifetime cancer risk from air toxics.

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## Waste and Chemical Enforcement

Home	Clean Water	Clean Air	Waste & Chemical	Criminal	Environmental Justice
Overview	Waste Map	Chemical Map	Case Highlights	Additional Cleanup Accomplishments	

EPA's vigorous enforcement program targets the most serious waste and chemical hazards and protects people from exposure to hazardous chemicals and wastes by:

- Preventing releases of hazardous chemicals that threaten public health or the environment.
- Pressing for cleanup of hazardous waste sites in communities and ensuring when possible that the polluter pays for the cleanup;
- Ensuring pesticides are properly registered and labelled and that new chemicals are reviewed for unreasonable risks; and
- Improving transparency, expanding the conversation on environmentalism, and working for environmental justice by ensuring that communities are accurately informed about the releases to the environment that may impact their community.

EPA's hazardous waste enforcement program ensures that facilities that generate, store, treat or dispose of hazardous waste properly manage the waste and track it from the time it is generated until its ultimate disposal. The hazardous waste enforcement program also holds those responsible for hazardous waste sites accountable for cleanups or for reimbursing EPA for its cleanup efforts. When EPA detects violations, it takes enforcement actions to bring a facility into compliance and deter further violations.

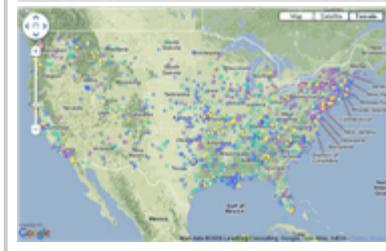
EPA's chemicals enforcement program protects human health and the environment by ensuring that:

- chemical manufacturers submit notices before they manufacture chemicals so the Agency can determine whether the chemicals pose an unreasonable risk
- renovation firms follow lead-safe practices
- schools develop and maintain asbestos management plans
- companies properly manage and dispose of polychlorinated biphenyl's (PCBs), and
- companies register and properly label pesticides before they are sold.

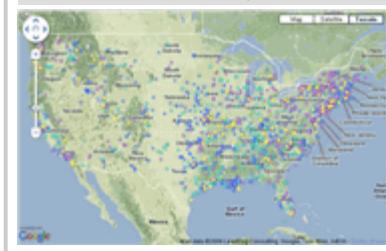
The waste and chemicals annual results provide data and background about the Agency's enforcement actions, both nationally and where you live. Interactive maps show the facilities where land and multi-media civil and criminal actions were taken. Readers can view this information nationally, by state, and locally to get information about EPA's actions where they live, work and play.

For more information on waste and chemical enforcement see:

**Waste Enforcement Cases**  
Locate cases in your area



**Chemical Enforcement Cases**  
Locate cases in your area



- [Cleanup Enforcement](#)
- [Civil Enforcement](#)
- [PRP \[Potentially Responsible Party\] Search Manual \(PDF\) \(2009 edition\)](#) (451pp, 15.96MB, [About PDF](#))
- [The Revitalization Handbook \(2008 edition\)](#)

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 » Waste and Chemical: Land Map

## Waste and Chemical: Waste Enforcement Map

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<a href="#">Overview</a>	<a href="#">Waste Map</a>	<a href="#">Chemical Map</a>	<a href="#">Case Highlights</a>	<a href="#">Additional Cleanup Accomplishments</a>	

The map below provides information on waste enforcement case information by location. Waste cases include actions under the authority of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, commonly referred to as "Superfund") and the Resource Conservation and Recovery Act (RCRA), which addresses the management and cleanup of hazardous and solid wastes at facilities, the prevention of releases of petroleum products and the cleanup of leaks from underground storage tanks.

### How to Use the Map

Add or subtract EPA enforcement actions to and from the map by checking or un-checking the box next to the program or law of interest (CERCLA, RCRA, etc). Then zoom the map to an exact location by entering a state, city, or zip code in the search box or by utilizing the zoom bar in the upper left corner of the map. You may also click on the indicator to obtain additional information on the environmental enforcement case. See "[Questions About the Map](#)" for additional information.

United States Environmental Protection Agency

## Note:

The original map for this site is no longer functional.

examine and create enforcement-related maps, or explore your state's performance.

Waste enforcement cases by location. Note: For civil enforcement cases not represented on this map see: [Facilities not mapped \(PDF\)](#) (2 pp, 38K, About PDF)

- CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act
- RCRA - Resource Conservation and Recovery Act
- Federal - Includes federal agencies and contractors at federal facilities



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 » Waste and Chemical: Cross-Media Map

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## Waste and Chemical: Chemical Enforcement Map



The map below provides information on chemical enforcement case information by location. Chemical cases include actions under the authority of the Toxic Substances Control Act (TSCA), the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and the Emergency Planning and Community Right-to-Know Act (EPCRA).

### How to Use the Map

Add or subtract EPA enforcement actions to and from the map by checking or un-checking the box next to the program law of interest (FIFRA, TSCA, etc). Then zoom the map to an exact location by entering a state, city, or zip code in the search box or by utilizing the zoom bar in the upper left corner of the map. You may also click on the indicator to obtain additional information on the environmental enforcement case. See "[Questions About the Maps](#)" for additional information.

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**Note:**  
**The original map for this site is no longer functional.**

Chemical enforcement cases by location. Note: For civil enforcement cases not represented on this map see: [Facilities not mapped \(PDF\)](#) (2 pp, 38K, About PDF)

- EPCRA - Emergency Planning and Community Right to Know Act
- FIFRA - Federal Insecticide, Fungicide, and Rodenticide Act
- TSCA - Toxic Substances Control Act
- CAA - Clean Air Act
- Federal - Includes federal agencies and contractors at federal facilities



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## Waste and Chemical: Additional Cleanup Accomplishments

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Chemical Map

Case Highlights

Additional Cleanup Accomplishments

EPA's cleanup enforcement program achieves prompt site cleanup and maximum liable party participation in performing and paying for cleanup in ways that promote environmental justice and fairness.

The total dollar value of the commitment by private parties to cleanup Superfund sites is driven primarily by settlements and orders that require parties to either conduct or pay for the cleanup. Each fiscal year, EPA counts the total private party cleanup commitments of sites where cleanup activity should be performed and settlements have been successfully reached with the parties.

In FY 2010, private party cleanup commitments were \$1.4 billion which is down from \$1.9 billion in FY 2009. Although commitment numbers are down this year, response values are the eighth highest since the inception of the Superfund program in 1980. In FY 2010, the Superfund enforcement program achieved \$154 million in settlements with responsible parties to reimburse the government for money it has spent cleaning up Superfund sites. This number is down from \$370 million in FY 2009 which was a record setting year for Superfund cost recovery settlements. Although the total number of cost recovery settlements in FY 2010 and FY 2009 are comparable (141 compared to 149) there were no large dollar settlements in FY 2010.

Each year the Agency also reports the volume of contaminated media (soil and water) addressed (VCMA), which can vary dramatically from year to year due to a number of factors, including:

- the number of cases,
- the size and number of sites to be cleaned up, and
- the type of cleanups being performed.

A review of VCMA data from FY 2004 through FY 2009 shows that large amounts of VCMA in a particular year are driven by a small number of large volume cases. In FY 2010, there were no cases for soil or water with especially large volumes of VCMA. The amount of contaminated soil addressed dropped from 28.7 million cubic yards to approximately 9 million cubic yards and the amount of contaminated water addressed dropped from 431 million cubic yards to 107 million cubic yards.

Fiscal year 2010 activities and results include:

[Positive Outcomes from Bankruptcy Cases](#)

[Implementation of the National Enforcement Strategy for Corrective Action](#)

[Court upholds ruling on challenge to EPA's cleanup order authority](#)

### Positive Outcomes from Bankruptcy Cases

EPA continues to vigorously pursue debtors in bankruptcy as part of its commitment to ensure that responsible parties, not taxpayers, pay for the cleanup of Superfund sites. EPA has treated bankruptcy cases as opportunities to achieve positive environmental results by both ensuring that

bankruptcies do not create further environmental problems and recovering response costs and penalty claims for which debtors are liable.

EPA's sustained efforts have resulted in significant settlements and recoveries for fiscal year 2010 for several multi-regional, multi-site bankruptcy cases. In some cases, EPA secured the debtors' continued agreement to comply with cleanup obligations at Superfund sites upon the debtors' emergence from bankruptcy protection. In addition, EPA's recoveries under the settlements, including the examples below, will enable the EPA to achieve cleanup of contamination at numerous Superfund sites throughout the country.

**Lyondell Chemical Company:** On April 23, 2010, the United States Bankruptcy Court for the Southern District of New York approved a settlement agreement requiring Lyondell to pay \$160 million to address environmental liabilities arising under Superfund. For information on the Lyondell Bankruptcy.

**Chemtura:** On September 17, 2010, the United States Bankruptcy Court for the Southern District of New York approved a settlement agreement in which Chemtura Corporation will pay approximately \$26 million in cash and allowed claims for 17 properties, 12 of which are on Superfund's National Priorities List. A separate settlement agreement resolved Chemtura's environmental liabilities at the Gowanus Canal Superfund site in Brooklyn, New York. For information on the Chemtura Bankruptcy.

**Chrysler:** On April 20, 2010, the United States Bankruptcy Court for the Southern District of New York confirmed the Old Carco, LLC (formerly known as Chrysler, LLC) plan of liquidation. The plan provides up to \$15 million to address four Chrysler-owned properties that were unlikely to be sold. In addition, the plan provided \$500,000 to fund the Behr Dayton Thermal Systems VOC Plume Superfund Site in Dayton, Ohio. It also provided contingent funding, capped at \$1.5 million, for the Behr site should Old Carco succeed in selling one or more of the four owned properties.

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## Implementation of the National Enforcement Strategy for RCRA Corrective Action

EPA recognized the need for a national comprehensive enforcement strategy to achieve final remedy construction by 2020 at 95% of the corrective action universe, or 3560 of the 3745 facilities on the Resource Conservation and Recovery Act (RCRA) cleanup baseline. On April 27, 2010, the Agency issued the National Enforcement Strategy for Corrective Action (NESCA). NESCA consists of five components:

- Outlines a strategy for assessing, targeting, and prioritizing EPA-lead RCRA facilities for corrective action enforcement.
- Describes procedures for increased communication and coordination between federal and state regulators.
- Highlights special enforcement considerations for EPA and the states when they take enforcement actions at corrective action facilities.
- Identifies future opportunities for training.
- Commits to exploring better ways to measure progress and results.

Although there was a significant increase in corrective action enforcement cases filed for FY 2010, we plan to conduct an 18 month review, which will take place during the fall of 2011. The evaluation will focus on assessing the contribution of NESCA in achieving progress toward the 2020 corrective action goal. Following this review, necessary modifications may be made and additional tools and guidance documents may be developed. EPA will continue to involve the states as NESCA is reviewed and modified as necessary. For information on NESCA.

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## Court upholds ruling on challenge to EPA's cleanup order authority

On June 29, 2010, the United States Court of Appeals for the District of Columbia Circuit affirmed an earlier decision by the U.S. District Court for the District of Columbia and held that EPA's pattern and practice of issuing Unilateral Administrative Orders under Superfund is constitutional and does not violate due process.

The district court decision in January 2009 stated that EPA's administration of its order authority does not offend due process and that the Constitution does not require the costly and time consuming procedures sought by the plaintiff, General Electric Company. The company argued that in order to meet due process requirements the EPA should be required to provide a hearing before a neutral fact finder before it could issue an order and deprive parties of protected liberty and property interests.

Initially General Electric appealed the district court decision which the Court of Appeals affirmed on June 29, 2010. GE then petitioned the Appeals court to have its case either reheard by the three judge panel, which originally heard its arguments, or to have a rehearing before all 13 of the judges on the Court of Appeals for the District of Columbia Circuit. Both petitions were denied by the Court of Appeals on September 30, 2010.

The June 29 and September 30, 2010 decisions by the D.C. Court of Appeals allow EPA to continue to order parties to cleanup Superfund sites without delay. Read more on [Superfund unilateral orders](#).

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# U. S. ENVIRONMENTAL PROTECTION AGENCY

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## Waste and Chemical: Case Highlights

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The following cases were brought by EPA to address violations of the federal waste and chemical statutes. Through the highlighted cases described below, and the many other EPA waste and chemical enforcement cases concluded in FY 2010, EPA compelled compliance with the law and achieved substantial environmental benefits, including reductions in toxics and pesticides totalling an estimated 8.3 million lbs. per year, treatment and minimization of hazardous wastes totaling 11.8 million lbs., and clean up of an estimated 9 million cubic yards of contaminated soil and approximately 107 million cubic yards of contaminated ground water.

On this page:

- [Superfund](#)
- [Resource Conservation and Recovery Act](#)
- [Federal Insecticide, Fungicide, Rodenticide Act](#)
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### Superfund

The Superfund statute (the Comprehensive Environmental Response, Compensation, and Liability Act, "CERCLA") provides EPA with multiple authorities to cleanup Superfund hazardous waste sites. EPA ensures that viable parties responsible for contamination conduct or pay for cleanup of these sites. Highlights of the Superfund enforcement accomplishments for FY2010 are available from Superfund Enforcement Highlights.

### Tittabawassee River, Saginaw River and Saginaw Bay, Mich.

In January 2010, EPA and the Michigan Department of Environmental Quality (MDEQ) signed an Administrative Order on Consent (AOC) with Dow Chemical Company resulting in a comprehensive evaluation of dioxin contamination in the Tittabawassee River and Saginaw River and Bay and their floodplains. The Agreement also requires Dow to:

- identify cleanup options,
- design the remedy that EPA selects, and if needed,
- select studies that may lead to removal actions.

Community involvement in this extensive agreement was a centerpiece of EPA's efforts to address the site. As part of its enhanced community involvement efforts, EPA made the proposed settlement agreement available for public comment prior to signing. The vast majority of the comments were supportive, with most of the comments relating to implementation of work under the settlement, rather than to the agreement itself. EPA and MDEQ continue to address those concerns through a robust schedule of community involvement activities. There is a [Community Advisory Group \(CAG\)](#) with 23 board members active at the site . The CAG has received funds through the agreement to secure technical assistance for the

community. EPA also maintains a field office in Saginaw, Michigan, to provide additional service to the community.

Highlights of the agreement include:

- Technical: Addressing high-use properties along the rivers, addressing erosion and movement of highly contaminated soil and sediment, and identifying cleanup options in upstream-to-downstream.
- Procedural: How the Superfund process can meet Dow's investigation and cleanup obligations under its MDEQ RCRA active facility waste regulations license.
- Enforcement: Fines Dow may be required to pay in the event of noncompliance with the agreement and the process for resolving disagreements among EPA, MDEQ and Dow.
- Community: How the community can obtain technical assistance.

The Tittabawassee River/Saginaw River & Bay Site includes a 46 miles of river and portions of the Saginaw Bay. The rivers and floodplains include industrial, commercial, residential and agricultural areas. The Saginaw Bay watershed supports agriculture, manufacturing, tourism, outdoor recreations, and a vast variety of wildlife. Dioxins and furans are the primary contaminants, originating from historical releases from the Dow Chemical Company's Midland Plant.

Read more on the [Tittabawasse River/Saginaw River & Bay Site](#).

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### Privatized Cleanup of a Portion of McClellan Air Force Base

In June 2010, EPA entered into an AOC for the cleanup of a 560-acre portion of the former McClellan Air Force Base Superfund Site located in Sacramento County, Calif. Under the AOC, McClellan Business Park, LLC (MBP), the property developer, will conduct the cleanup of the property, with oversight by EPA and the State of California. As part of the project, the Air Force transferred the property to Sacramento County, which then transferred it to MBP. The Air Force is funding the work required by the AOC, estimated at \$17 million.

In 2007, EPA executed a similar AOC for a 62-acre parcel as the Site, which represented the first privatized cleanup at a federal facility on the National Priorities List. Generally, the Air Force would be responsible for investigating contamination and cleaning up Superfund sites before the property could be transferred to a private party for redevelopment.

The Air Force has been performing cleanup at the Site under a Federal Facilities Agreement (FFA). EPA, the Air Force, and the State of California amended the FFA to transfer the Air Force's obligations for soil and soil gas cleanup to MBP, the developer and new owner of the property. Along with the transfer of cleanup responsibilities, the Air Force transfers ownership of property before all necessary environmental cleanup is completed, which is known as "early transfer." Through early transfers, EPA helps communities benefit from faster reuse and redevelopment.

The privatization and early transfer of property is intended to speed up cleanup by combining redevelopment and cleanup goals. The 560 acres of the Site were contaminated by previous industrial activities that released solvents, radium, metals, and polychlorinated biphenyls (PCBs).

Read more on the [McClellan Air Force Base Site](#).

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### Monitor Devices, Inc. / Intercircuits, Inc. Superfund Site

On June 18, 2010, EPA settled a major cost recovery Consent Decree with Wall

Herald Corporation that recovered \$19.7 million in cleanup costs at the Monitor Devices Site. In addition, the United States Army and Air Force will pay a combined \$225,000. The settlement amount represents 100 percent recovery of all costs EPA incurred in the past and is likely to incur in the future relating to the Site. In addition, the settlement is expected to facilitate the cleanup of 1.4 million cubic yards of groundwater contaminated with substances, including, copper, lead, chromium, tin, and trichloroethene (TCE) and other volatile organic compounds (VOCs).

The Monitor Devices, Inc./Intercircuits, Inc. Superfund Site is located in Wall Township, N.J. The Site includes a building that Wall Herald leased to Monitor Devices, in which Monitor Devices manufactured and assembled circuit boards. Effluent from the processes was discharged directly to the ground at the rear of the building resulting in contamination of the groundwater.

Read more on the [Monitor Devices Superfund Site](#) and the [press release announcing settlement by EPA and Wall Herald](#).

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## **Lyondell Chemical Company Bankruptcy**

On April 23, 2010, the United States Bankruptcy Court for the Southern District of New York approved a settlement agreement between EPA, the departments of Commerce and Interior, and the states of California, Illinois, Maryland, Michigan, North Carolina, Pennsylvania, Texas and the Lyondell Chemical Company, resolving Lyondell's liability for \$160 million in past and future response costs under the CERCLA and for penalties for violations of the Resource Conservation and Recovery Act (RCRA) and the Clean Air Act (CAA).

The settlement agreement requires Lyondell to establish a custodial trust where nine contaminated properties will be transferred to the trust along with approximately \$106.4 million to clean up those properties. EPA is the lead cleanup agency at three of the properties and the secondary government agency at the remaining six properties. Of the approximately \$106.4 million, \$50.05 million will be devoted to the [Allied Paper/Portage Creek/Kalamazoo River Superfund Site](#) (Kalamazoo River Project Site) which stretches 80 miles in Southwest Michigan. Lyondell is also required to make a cash payment of approximately \$53.6 million to EPA for Lyondell's existing work obligations at six sites located in five states. Of the approximately \$53.6 million, approximately \$49.55 million will be devoted to the Kalamazoo River Site. The \$160 million total of cash and trust dollars will be used for cleanup at these nine sites.

Lastly, for EPA's remaining claims against Lyondell for cleanup costs pursuant to CERCLA and for civil penalties for violations of RCRA and the CAA, EPA will receive allowed general unsecured claims in the amount of \$1.1 billion. EPA anticipates that the remaining claims will be paid out at a substantially reduced rate consistent with the payout rate of other general unsecured creditors.

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## **St. Maries Creosote Superfund Site**

On February 9, 2010, the United States District Court for the District of Idaho approved a consent decree (CD) between EPA, the Department of Justice, the Coeur d'Alene Tribe and the City of St. Maries, Carney Product Company Ltd., and the general partners of B.J. Carney & Co regarding the St. Maries Creosote Superfund Site located in Idaho within the boundaries of the Coeur d'Alene Reservation. Additionally, the Settling Defendants' contractor, Arcadis U.S., Inc., was a signatory to the CD and agreed to perform the remedial design and remedial action at the Site as well as to provide financial assurance.

The Consent Decree addresses the cleanup of a former wood treating plant estimated at \$12 million dollars, and includes excavation and thermal treatment of soils and

river sediments, and in-situ stabilization of deeper soils. The CD also provides for the payment of \$555,951.23 in past response costs incurred by the United States, all future response costs to be incurred, and tribal response costs.

Read more on the [St. Maries Creosote Superfund Site](#).

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## ITT Thompson Industries Superfund Site

On April 28, 2010 EPA entered into a consent decree with ITT Thompson Corporation, the lone viable potentially responsible party (PRP), to perform the remedial design/remedial action (RD/RA) at the ITT Thompson Industries Superfund Site. This work will result in the cleanup of 2,000 cubic yards of contaminated soil and approximately 5.3 million cubic yards of a contaminated aquifer that extends beyond the facility property and underneath adjacent residential and commercial properties.

ITT Thompson will perform in-situ bio remediation of the ground water and will remove contaminated source soil and sediment at an estimated cost of \$2.6 million. In addition to performing the response, ITT Thompson will pay EPA's future oversight costs and reimburse the Agency for all remaining past costs associated with the Site for a total payment of \$23,300.

The ITT Thompson Industries Superfund Site is located in Madison County, Florida and consists of soil, sediment, surface water, and ground water that were contaminated from the ITT Thompson facility. The Site has followed the [Superfund Alternative Approach](#), which can save the time and resources associated with listing a site on the NPL.

Read more on the [ITT Thompson Industries Superfund Site](#).

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## Fletcher's Paint Works and Storage Superfund Site

On June 11, 2010, EPA Region 1 issued a Second Modification to the Unilateral Administrative Order (UAO) for RD/RA to General Electric (GE) for the Fletcher's Paint Works and Storage Superfund Site in Milford, N.H. The Second Modification requires an additional \$6 million in work and will address 29,000 cubic yards of contaminated soil and 5,122,656 cubic yards of contaminated groundwater. EPA issued the original UAO in July 2001 after extensive negotiations for the performance of the cleanup remedy failed to result in a settlement. EPA issued the First Modification to the Order in August 2001.

The cleanup described in the UAO is based upon EPA's 1998 record of decision (ROD) for Operable Unit 1. The ROD called for excavation, on-site treatment via low temperature thermal desorption, low permeability capping of residuals, and long-term monitoring of groundwater. In July 2001, GE requested that EPA consider off-site disposal as the primary means to address the excavated soils at the Site.

This Second Modification to the UAO follows the signing of the Amended ROD in June 2009 to reflect the change in the final disposition of the most contaminated soils from excavation and on-site treatment to excavation and off-site treatment/disposal. In addition to the \$6 million under the second modified UAO, the total cleanup costs associated with this Site are estimated to be \$20 million.

Read more on the [Fletcher's Paint Works and Storage Superfund Site](#).

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## Resource Conservation and Recovery Act (RCRA)

The Resource Conservation and Recovery Act (RCRA) regulates the generation, treatment, storage, and disposal of hazardous waste to ensure its safe management from the time it is generated until its ultimate disposal, that is, "cradle to grave." RCRA prohibits the storage of hazardous waste unless an owner or operator of a hazardous waste storage facility obtains a permit pursuant to the implementing regulations. The [RCRA Corrective Action enforcement program](#) effectively addresses cleanup of contamination at a facility.

The following are major cases concluded in fiscal year 2010:

### **Chamberlain Manufacturing Corporation**

In April 2010, EPA issued a Unilateral Administrative Order (UAO) requiring Chamberlain Manufacturing Corporation to conduct interim measures to characterize and mitigate potential vapor intrusion (VI) of volatile organic compounds (VOCs) into nearby residences located above a VOC groundwater plume originating at the facility, located in Waterloo, Iowa. The order also requires the development of a cleanup plan for the remaining site contamination of soil and groundwater, and restricts access to the facility. The work addresses an estimated 484,000 cubic yards of contaminated soil and the cleanup work is valued at \$6.322 million.

The site is a 22.8-acre historic manufacturing facility which manufactured metal washer wringers, projectile metal parts, aluminum awnings and refrigerator shelves, among other items. The former owner ceased operations at the facility in the 1990s. In 2005, the City of Waterloo purchased the site from Atlas Warehouse to facilitate redevelopment. The city received Brownfields cleanup grant funding in 2008, for the sampling and removal of asbestos from a group of dilapidated buildings prior to their demolition.

In 2008, VOCs were found in shallow groundwater under a nearby residential neighborhood. A VI study was conducted finding elevated levels of VOCs beneath the basement floors of nine homes. Those sampling results indicated that trichloroethene (TCE), tetrachloroethene (PCE), were found to potentially exceed health risk-based screening levels for indoor air. The short-term interim action required the installation of vapor mitigation systems (with permission of homeowners) in the affected nearby residences.

Chamberlain was also ordered to post notice of hazardous materials (the site had repeatedly been broken into by trespassers) to restrict site access. The scope of work in the order requires Chamberlain to:

- conduct VI characterization;
- develop VI interim measures;
- characterize the aquifer;
- conduct a correction measures study,
- implement correctives measures;
- submit an operation and maintenance (O&M) plan; and
- submit a completion report to EPA.

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### **CF Industries**

On September 28, 2010, the Consent Decree was entered in the United States and FDEP v. CF Industries, Inc., in the United States District Court for the Middle District of Florida. The settlement resolves CF Industries' (CF) RCRA violations, and requires the company to pay a civil penalty of more than \$700,000 (split between EPA and FDEP) and provide \$163.5 million in financial assurances to guarantee appropriate closure and long-term care of the closed facility. CF, a manufacturer of phosphate and nitrogen fertilizers, operates a 400-acre phosphogypsum stack and associated ponds for storing mineral processing wastes from its phosphoric acid production operations. As a result of the settlement, 9,862,884,000 pounds/year of hazardous waste were eliminated and 5,880,000 pounds of hazardous waste will be treated. This is the first case concluded under EPA's National Enforcement Initiative for Mining and Mineral Processing. The Consent Decree had been lodged with the Court

on August 6, 2010, concurrently with the filing of the complaint. After notice was published in the Federal Register, no comments were received on the proposed consent decree during the public comment period.

CF has also agreed to spend approximately \$12 million to reduce and properly manage hazardous wastes generated at its Plant City, Florida, phosphoric acid and ammoniated fertilizer manufacturing facility. As part of the agreement, CF has implemented comprehensive waste containment and spill prevention measures to better manage its wastes, reconfigured scrubbers to eliminate all hazardous wastes from fertilizer manufacturing and reduce ammonia releases to the environment, and constructed a treatment system for hazardous wastes generated in fertilizer operations. CF has completed the full site investigation required under the settlement to assess the degree of environmental contamination emanating from the phosphogypsum stacks and ponds, and will take steps to remove and treat contaminated soils. In addition, the company will implement several management plans to ensure future compliance with RCRA, which addresses the appropriate handling, storage and disposal of hazardous wastes. Between December 2004 and January 2005, inspectors from EPA and FDEP discovered that CF was treating, storing and disposing of hazardous wastes in its stacks and associated ponds without a permit and failing to meet land disposal restrictions. CF had also failed to provide adequate financial assurance for closure, long-term care and third-party liability for its facility.

Read more on the [CF Industries, Inc. settlement](#).

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## PCS Phosphates

On June 2, 2010, EPA executed a RCRA Section 7003 Order on consent with PCS Phosphates - White Springs, in White Springs, Florida to address the sinkhole that occurred on December 10, 2009, at PCS's Swift Creek Chemical Complex. The sinkhole caused at least 84 million gallons of D002 (corrosive) hazardous wastewater and solid phosphogypsum to be discharged into the Floridan Aquifer, the primary drinking water source for northern Florida and southern Georgia. The Order requires PCS to develop and implement a plan to: 1) reduce potential contamination to underlying aquifers by process wastewater releases that could be caused by additional sinkhole formation/collapse; and 2) address long-term risk by taking active measures designed to reduce the volume of water that would be released in the event of additional sinkhole formation/collapse. The Order was out for public comment from May 5, 2010, through May 20, 2010. Five comments were received, with no requests for a public hearing. The estimated injunctive relief required for compliance with the RCRA 7003 order is \$151 million. EPA estimates that the hazardous waste that will be prevented from release to groundwater is 4,299,533 cubic yards (D002 hazardous waste).

PCS Phosphate manufactures phosphoric acid to produce fertilizers at its two White Springs Facilities: the Suwannee River Complex and the Swift Creek Complex. Wastes from the phosphoric acid production activities include phosphoric acid process wastewater and phosphogypsum, which is accumulated as large piles of solids containing process wastewater (known as phosphogypsum stacks). There are three phosphogypsum stacks located at the Facilities. Cooling ponds used to store process wastewater are located on top of each phosphogypsum stack, and also surround each phosphogypsum stack. Some of this process wastewater is normally cycled back to the plants for production activities. The process wastewater has a pH of 2 (or less) due to residual phosphoric acid. PCS is one of the companies engaged in settlement negotiations with EPA and the Department of Justice pursuant to the National Enforcement Initiative for Mining and Mineral Processing.

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## Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) addresses the sale, distribution,

and labeling of pesticides, as well as the certification and training of pesticide applicators. Read more on the [FIFRA enforcement program](#).

## American Vanguard Corporation

EPA issued a FIFRA Stop Sale, Use or Removal Order against American Vanguard Corporation (AMVAC), of Los Angeles, California, on August 12, 2010, to stop further distribution and sale of registered pesticide products containing the active ingredient pentachloronitrobenzene (PCNB), the composition of which differed from what had been accepted by the Agency when the products were registered. The difference in composition was based on test data that showed the presence of impurities of known toxicological significance. EPA issued the Order to ensure that the public was protected from any potential adverse affects from these impurities. The Stop Sale, Use or Removal Order affected over 13,000,000 pounds of violative PCNB pesticide products.

Read more on the [AMVAC order](#).

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## Monsanto

Monsanto Company Inc., of St. Louis, Mo., agreed to pay a \$2.5 million penalty to resolve misbranding violations related to the sale and distribution of cotton seed products that are genetically engineered to express pesticides. This is the largest civil administrative penalty settlement ever received under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Monsanto's Bollgard and Bollgard II cotton seed products that express pesticides are considered plant-incorporated protectants (PIPs), which are registered pesticidal products under FIFRA. These PIPs are based on naturally occurring bacteria known as *Bacillus Thuringensis* (Bt). As a condition of registration, EPA prohibited the planting of Bollgard and Bollgard II in ten counties in the Texas panhandle to prevent pests from becoming resistant to Bt-based PIPs. Monsanto was required to include this planting restriction in its grower guides that accompany those products and function as FIFRA labeling.

In 2007, Monsanto disclosed to EPA that it had failed to include this planting restriction in the grower guides and as a result, those products were sold and planted in the ten restricted counties. Without that restriction in the grower guide, every sale and distribution of Bollgard and Bollgard II was a sale and distribution of a misbranded pesticide in violation of FIFRA. EPA's subsequent investigation confirmed that between 2002 and 2007, Monsanto distributed or sold these misbranded cotton products more than 1,700 times nationwide without the planting restrictions in its grower guides. Monsanto subsequently corrected the grower guides by including the required planting restriction for Bollgard and Bollgard II.

In September 2008, EPA lifted the planting restriction in the 10 Texas counties for Bollgard II after Monsanto applied for a change in the registration of that product.

Read more on the [Monsanto Company FIFRA settlement](#).

## Criminal Cases

For information on criminal violations involving hazardous waste, pesticide, and cross-media cases, see [Criminal Case Highlights](#).

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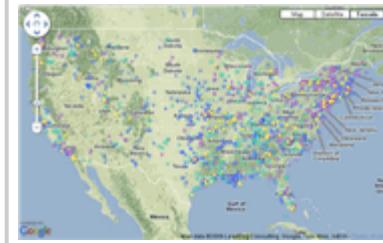
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## Criminal Enforcement

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EPA's criminal enforcement authorities provide EPA's strongest sanctions against polluters. Criminal penalties, with potential jail time as well as monetary fines, are critical to deter potential violators, eliminate the temptation for companies to "pay to pollute" and implement the felony provisions of our nation's environmental laws. From more than 40 locations nationwide, more than 200 EPA criminal investigators ("special agents") work closely with 150 scientists, attorneys, technicians, engineers and other specialists to uncover and develop cases for prosecution by Federal, state, tribal and local prosecutors. EPA's special agents have full law enforcement authority to carry firearms, make arrests, execute search warrants and investigate violations of all the environmental statutes as well as associated statutes of the U.S. Criminal Code (such as conspiracy or tax fraud). [Learn more about the Criminal Enforcement program.](#)

**Criminal Enforcement Cases**  
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### Criminal Enforcement Results

In FY 2010, the criminal enforcement program significantly exceeded its 2009 judicial outcomes for defendants charged and the monetary value of court-ordered environmental projects. The total number of criminal cases and annual results in any given fiscal year will, however, fluctuate based on specific characteristics of the cases investigated, as well as by the prosecutorial and sentencing decisions made by the Department of Justice and the federal courts.

**346 Environmental Crime Cases Opened:** In 2010, EPA opened 346 new environmental crime cases (an 11% decrease from 387 in 2009, but the second highest number of new cases since FY 2005). Of the newly opened cases, 34% supported OECA's National Enforcement Initiatives and the criminal enforcement program's priority areas (Stationary Air, Import/Export, long-term or repeated Civil Noncompliance, and the most significant criminal cases, based on such characteristics as the toxicity of the pollutant, the population exposed, and the profile of the violator).

**289 Criminal Defendants Charged:** Criminal charges were brought against 289 defendants in FY 2010 (45% increase over FY 2009 and the highest number since FY 2005). Of the 289 cases, 251 (87%) included charges against at least one individual defendant, as opposed to a business or corporation. The charging of individuals, where warranted by the evidence, is important, because the possibility of being sentenced to jail for an environmental crime provides significant

deterrent effect.

**88% Conviction Rate:** Of the cases completed during FY 2010, 198 defendants either pled guilty or were convicted at trial. This was an 88% conviction rate, which is in line with EPA's historical average of approximately 90%. Defendants can be acquitted for a variety of reasons, e.g., found not guilty at trial or having convictions overturned on appeal. In FY 2010, several defendants were acquitted after juries found them not guilty. Similarly, charges were dropped against several defendants after exculpatory evidence in their favor was entered into the record. Also during FY 2010, charges were dismissed against: a company that went out of business; a company whose senior managers were convicted; a defendant who died; and a defendant who entered into a pre-trial diversion and paid \$50,000 in restitution.

**\$41 Million in Fines and Restitution:** Criminal defendants were assessed a total of \$41 million in fines and restitution (57% decrease from the \$96 million in FY 2009). The 2009 figure was unusually high because it included a \$50 million fine assessed against [BP Products North America Inc. \(PDF\)](#) (4 pp, 57K, [About PDF](#)) (BP) for conduct associated with the explosion on March 23, 2005 at its Texas City, Texas refinery which killed 15 contract workers and injured over 170 others. The FY 2009 BP fine was the largest criminal fine ever assessed under the Clean Air Act (CAA).

**\$18 Million of Court Ordered Environmental Projects:** In FY 2010, courts ordered criminal defendants to pay \$18 million for environmental projects (an 80% increase over FY 2009). The Southern Union Company was sentenced to pay the largest amount for a project, \$12 million, as part of a sentence for illegally storing mercury at a company-owned site in Pawtucket, Rhode Island. The mercury was removed from the site by vandals and ended up contaminating a neighborhood residential area. The assessment included payments for a state emergency response fund and a children's hospital. (Note: the case is currently on appeal) Court Ordered Environmental Projects represent the total monetary value of environmentally beneficial projects or other activities that a judge orders criminal defendants to pay for or undertake themselves.

**72 Years of Incarceration:** In FY 2010, individual criminal defendants were sentenced to a total of 72 years of jail-time, (down from 76 years in FY 2009). In addition to the 72 years of aggregate jail time, defendants in criminal cases investigated by EPA were sentenced to an additional 22.5 years in prison – not included in the annual statistics – after being convicted and sentenced on charges not directly related to the environmental charges against them, but resulting from evidence gathered during the environmental investigation (e.g., in past years, the additional prison sentences resulted from convictions for such crimes as theft or illegal drug manufacturing). In FY 2010, the additional jail time resulted from a child pornography conviction.

**Note:** As in past years, the total level of incarceration in FY 2010 also was reduced by Supreme Court decisions which made the U.S. federal sentencing guidelines discretionary rather than mandatory for use by federal district court judges. Mandatory sentences would have included 26 additional years of jail time.

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## Major Activities and Accomplishments

EPA's criminal enforcement program continued to investigate and support the prosecution of cases that make a difference in communities. Several significant cases are listed below that show how criminal enforcement is helping to safeguard communities' air and water and protect the public from hazardous chemicals are listed (see "Criminal Enforcement Case Highlights" for summaries of other significant cases that were completed in FY 2010):

### Cleaning up Waters that Matter to Communities:

The Cosco Busan, a vessel owned by Fleet Management, LTD, crashed into the San

 Damage to the vessel and the result of the oil spill

Francisco Bay  
Bridge and  
discharged  
approximately  
53,000  
gallons of oil  
into San  
Francisco Bay.

The company pled guilty to a violation of the Oil Pollution Act as well as false statement and obstruction felonies. Fleet Management, LTD agreed to pay a \$10 million fine, including \$2 million for San Francisco Bay marine environmental projects, and to implement an Enhanced Compliance Program for its fleet of ships.

EPA has also been working with the Department of Justice and other federal agencies to investigate the BP Deepwater Horizon Gulf of Mexico oil spill and the Enbridge Oil spill near Marshall, Michigan.

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### **Protecting People from Exposure to Hazardous Chemicals:**

The Southern Union Company was sentenced to pay a total of \$18 million for illegally storing mercury at a company-owned site in Pawtucket, Rhode Island, including a \$6 million criminal fine and \$12 million in payments for various community initiatives, including the Rhode Island Foundation, the DEM Emergency Response Fund, and Hasbro Children's Hospital. The mercury was removed from the site by vandals and ended up contaminating a neighborhood residential area. After the contamination was discovered, the apartment complex was evacuated, and its 150 tenants were displaced for two months while the company cleaned up the mercury. (Note: the case is currently on appeal.)



Southern Union site of stored mercury waste

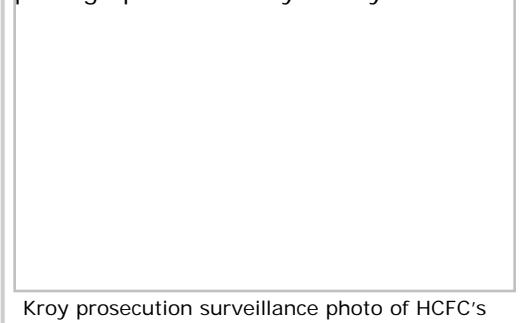
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### **Clean Air/Climate:**

Participating in a multi-Agency enforcement initiative "Operation Catch-22," EPA helped investigate

and successfully prosecute illegal smuggling of hydrochlorofluorocarbon-22 ("HCFC-22"). HCFC-22 is a chemical that depletes the earth's ozone layer which is vital to protecting people and the environment from harmful effects of UV radiation.

photograph of the Kroy facility



Kroy prosecution surveillance photo of HCFC's

In one prosecution that resulted from Operation Catch-22, the U.S. District Court for the Southern District of Florida sentenced the Kroy Corporation of Miami, Florida and the corporation's president, James Garrido for knowingly importing over 900,000 pounds of HCFC-22. Kroy Corporation was sentenced to five years probation, fine of \$40,000 and a forfeiture of \$1,356,160. James Garrido received 30 months' imprisonment, three years of supervised release and was required to pay a \$40,000 fine.

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## Engaging the Public

### Websites

Public engagement is critical to the success of EPA's criminal enforcement program in finding violators and deterring potential violators. Through EPA's Web sites "[Report A Violation](#)" ([www.epa.gov/tips](http://www.epa.gov/tips)) and "[Fugitive](#)" ([www.epa.gov/fugitives](http://www.epa.gov/fugitives)). EPA has received numerous leads regarding potential wrongdoing and information on those attempting to flee justice. The information received from the Report a Violation website during FY 2010 has helped open seven active criminal investigations, one of which has resulted in an indictment:

The Tonawanda Coke Corporation (New York) and its Environmental Control Manager, were indicted on 15 counts of violating the Clean Air Act (CAA), four counts of violating the Resource Conservation and Recovery Act (RCRA or Hazardous Waste Law), and one count of allegedly obstructing justice. The CAA charges relate to alleged failure to install required pollution control devices and for regular / continuous release of coke oven gas. The RCRA charges are for alleged release of coal tar sludge on the ground and disposing of rail tank car oil through the coke ovens. Citizens living near the plant had complained about health issues due to emissions from the facility. Note: an indictment is an allegation that a crime has been committed and a defendant is presumed innocent unless proven guilty.

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## Working with Other Law Enforcement Organizations

### Native Americans Law Enforcement

EPA's criminal enforcement program expanded efforts to work with Native American communities to strengthen tribal environmental law enforcement capabilities. For the first time, EPA special agents and attorneys worked with DOJ and DOI agents to give three days of environmental and natural resources criminal enforcement training to approximately 500 tribal law enforcement Officers attending this year's National Native American Law Enforcement Association (NNALEA)

training meeting. Topics included: identifying environmental crimes; managing environmental crime scenes for safety and evidence collection; electronic surveillance and computer forensics using environmental and natural resources laws (such as the Native American Graves Protection and Repatriation Act, Endangered Species Act, and the Archeological Resources Protection Act); and building and referring cases to federal, tribal, and state prosecutors.

## Interpol Addressing E-waste



Discarded electronic equipment or “e waste” including scrapped televisions, cell phones and computers contains a host of hazards such as lead, arsenic, mercury, cadmium and other toxics that can have serious health and environmental impacts. E–waste is a large and growing problem in developing countries, where an estimated 50 million tons of computers alone are disposed of annually and the unsafe methods used to collect heavy metals from these wastes pose significantly health risks.

To coordinate world-wide efforts to address this global problem, in FY 2010 EPA criminal enforcement co–organized and co–hosted the international INTERPOL Global E–waste meeting in Alexandria, VA to provide a three–day forum for more than 100 representatives and experts from 21 countries and 12 non–governmental organizations to develop multi–national enforcement strategies. EPA Administrator Lisa Jackson addressed the delegation, calling for “legislative fixes” to help limit harmful exports posing as legitimate reuse and steps toward ratifying the Basel convention.

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## Strategic Program Management

During FY 2010, the criminal enforcement program achieved two milestones that will enhance its ability to investigate environmental crimes.

### Agents On-Board

At the end of FY 2010, EPA had 206 special agents on-board and assigned to environmental criminal investigative duties. This successfully completed a 3-year hiring strategy to restore the Agency to the not less than 200 special agent staffing level cited in the 1990 Pollution Prosecution Act. The Agency plans to maintain this special agent staffing level by using a forward thinking recruitment and retention strategy.

### Criminal Enforcement Targeting Methodology

To best use its valuable resources, EPA criminal enforcement formally implemented a methodology to “tier” its cases primarily focusing on three categories based on human health and environmental impacts (e.g., death, serious injury, human exposure, remediation), release and discharge characteristics (e.g., hazardous or toxic pollutants, continuing violations), and subject characteristics (e.g., national corporation, repeat violator). While an emphasis on identifying, investigating and prosecuting most significant cases may result in fewer cases opened annually, it will focus efforts on the most important environmental and public health benefits and help deter illegal corporate and individual behavior.



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U.S. ENVIRONMENTAL PROTECTION AGENCY

# Compliance and Enforcement Annual Results 2010 Fiscal Year

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» Criminal Enforcement Map

## Criminal: Enforcement Map

Home	Clean Water	Clean Air	Waste & Chemical	Criminal	Environmental Justice
Overview	Map	Case Highlights			

This interactive map shows information on criminal enforcement cases from 2010. They include cases prosecuted by EPA under federal statutes and the U.S. Criminal Code, and cases in which EPA provided significant support to cases prosecuted under state criminal laws. The indicators on the map generally mark the location of the site where the violations occurred.

### How to Use the Map

Add or subtract EPA enforcement cases to and from the map by checking or un-checking the box next to the program of interest (CAA, CWA, etc). Then zoom the map to an exact location by either entering a state, city, or zip code in the search box, or by utilizing the zoom bar in the upper left corner of the map. You may also click on the indicator to obtain additional information on the environmental enforcement case. See "[Questions About the Maps](#)" for additional information and needs accommodations related to a disability.

United States Environmental Protection Agency

**Note:**  
**The original map for this site is no longer functional.**

examine and create enforcement-related maps, or explore your state's performance.

#### Criminal Enforcement cases by location.

- CWA – Clean Water Act
- CAA – Clean Air Act
- Waste
  - Resources Conservation and Recovery Act
  - CERCLA – Comprehensive Environmental Response, Compensation, and Liability Act
  - RCRA – Resource Conservation and Recovery Act
- Chemical
  - EPCRA – Emergency Planning and Community Right to Know Act
  - FIFRA – Federal Insecticide, Fungicide, and Rodenticide Act
  - TSCA – Toxic Substances Control Act
- U.S. Criminal Code/Title 18 statutes
  - Mail Fraud



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## Criminal: Case Highlights

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Overview	Map	Case Highlights	
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The following cases were brought by EPA to address criminal violations across all environmental statutes and/or associated violations of the U.S. Criminal Code. Through the highlighted cases described below, as well as the other criminal enforcement cases concluded in FY 2010, EPA brought environmental criminals to justice, thereby enhancing deterrence and compliance with the law.

On this page:

- [Clean Air](#)
- [Clean Water](#)
- [Waste and Chemical](#)
- [Federal Insecticide, Fungicide, Rodenticide Act \(FIFRA\)](#)
- [Cross-Media/U.S. Criminal Code](#)

You will need Adobe Reader to view some of the files on this page. See [EPA's PDF page](#) to learn more.

### Clean Air

The following cases were brought by EPA to address criminal violations of the Clean Air Act. Examples of significant criminal prosecutions involve hazardous air pollutants such as asbestos, whose exposure can result in serious or fatal respiratory diseases, and smuggling of Ozone Depleting Substances (ODS), which are restricted and can only be legally imported when certain conditions are met.

#### Kroy Corporation/Mar-Cone Appliance Parts (Florida)

Kroy Corporation, a Florida corporation based in Miami, and James Garrido, the corporation's president, were sentenced in United States District Court for the Southern District of Florida on February 12, 2010 for the unlawful importation of goods including restricted ozone-depleting substances. Kroy and Garrido each pled guilty to knowingly importing approximately 418,654 kilograms of illegal hydrochlorofluorocarbon-22

("HCFC-22"), in violation of the provisions of the Clean Air Act. Kroy Corporation was sentenced to five years probation. Garrido was sentenced to 30 months' imprisonment, to be followed by three years of supervised release. Both Garrido and Kroy Corporation were ordered to pay a criminal fine of \$40,000 and to forfeit \$1,356,160 to the United States.



Kroy prosecution surveillance photo of HCFC's

This was one of several cases involving the smuggling of HCFC's investigated through a multi-agency initiative known as Operation Catch-22. In a related case, Mar-Cone Appliance Parts Co., a Missouri corporation with its headquarters in St. Louis, was convicted and sentenced for knowingly receiving, buying, selling and facilitating the transportation, concealment, and sale of approximately 100,898 kilograms of HCFC-22. Mar-cone was sentenced to five years of probation and ordered to pay a \$500,000 criminal fine, make a 400,000 payment to the Southern Environmental Enforcement Training Fund, a not-for-profit training organization, implement and enforce a comprehensive Environmental Compliance Plan, and forfeit to the United States \$190,534.70, which represents proceeds received as a result of the crime.

[Read more on Kroy Corporation \(PDF\)](#) (2 pp, 24K)

### Kodiak Construction Services (New York)

Brothers Paul and Steven Mancuso, and their father Lester, were sentenced in United States District Court for the District of New York on June 12, 2010, for multiple violations of asbestos-related environmental laws including the Clean Air Act. Paul Mancuso was sentenced to 78 months in prison, three years of probation and a \$20,000 fine. Steven Mancuso was sentenced to 44 months in prison and three years of probation. Lester Mancuso was sentenced to 36 months in prison and three years of probation. In October 2009, a jury found brothers, Paul and Steven Mancuso guilty of conspiring to defraud the United States, violating the Clean Air Act's asbestos-related regulations, illegally dumping asbestos in Poland, New York and committing mail fraud. Lester Mancuso pleaded guilty the day before the trial started. Ronald Mancuso, brother to Paul and Steven, cooperated with the investigation and prosecution. Ronald was sentenced in United States District Court for the District of New York on July 29, 2010, and received three years probation.

[Read more on Kodiak Construction Services \(PDF\)](#) (2 pp, 23K)

### Kinder Morgan (Florida)



Evidence of disrepair at the Kinder Morgan Manatee facility

Kinder Morgan Port Manatee Terminal LLC ("Kinder Morgan"), a dry bulk material handling and storage facility was sentenced to pay \$1 million for violating the Clean Air Act. \$250,000 will go to the National Fish and Wildlife Foundation to fund remediation and restoration projects in Manatee County. The court also placed Kinder Morgan on probation for two years, during which it must adhere to a stringent environmental compliance plan.

The company had pleaded guilty pursuant to a written plea agreement. Kinder Morgan managers falsely certified that its baghouse air pollutant control systems, which trap, filter and separate the particulate matter in order to minimize its release into the air, was working properly when it was not. [Read more on Kinder Morgan \(PDF\)](#) (2 pp, 60K)

### Calvin Burks (Missouri)

Calvin Burks, the owner of J & C Environmental Services, Incorporated, St. Louis, who conducts asbestos inspections in the St. Louis metropolitan area, was sentenced to one year in prison for creating a fictitious asbestos inspection report on a building to be demolished in the City of St. Louis. From approximately April 2008 through May 2009, Burks performed over 100 asbestos inspections of buildings in the City of St. Louis that were to be demolished and charged a fee for the inspection and the analysis of suspect asbestos material. Approximately 108 of the inspection reports Burks provided to the demolition contractors and/or building owners contained sample analysis which were on letterhead of Precision Analysis Testing

Laboratory in St. Louis, even though Precision Analysis had not conducted the asbestos analysis or testing. Burks copied the Precision Analysis letterhead from a previous job and falsified the additional information provided in the approximately 108 reports, including the sample analysis of suspect asbestos material. Burks charged approximately \$150 for the fraudulent inspections and sampling analysis, which were then relied on by building contractors and owners when submitting asbestos NESHAP (National Emission Standards for Hazardous Air Pollutants) notification of demolition and renovation to the City of St. Louis. [Read more on Calvin Burks \(PDF\)](#) (1 pg, 28K)

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## Clean Water

The following cases were brought by EPA to address criminal violations of the Clean Water Act and other water-related statutes, such as the Act to Prevent Pollution from Ships. Examples of significant criminal prosecution involve wastewater discharges, oil spills, or disposal of contaminated dredge materials into U.S. waters, and dumping of waste oil by commercial marine vessels at sea or in coastal waters.

### McWane Cast Iron Pipe Company (Alabama)

McWane Inc., one of the largest cast iron manufacturers in the country, pleaded guilty in federal district court in Birmingham, Alabama, for environmental crimes that occurred at its Birmingham facility, McWane Cast Iron Pipe Company. This was the fifth criminal prosecution of a McWane facility since 2005. McWane was sentenced to pay a criminal fine of \$4 million and serve a five-year term of probation after pleading guilty to nine felony counts of knowingly violating the Clean Water Act (CWA). James Delk, the former general manager and vice president of the Birmingham plant, pleaded guilty to eight counts of negligently violating the Clean Water Act. Additionally, former plant manager Michael Devine pleaded guilty to five counts of negligently violating the Clean Water Act. [Read more on McWane Cast Iron Pipe Company \(PDF\)](#) (2 pp, 43K)



Truck driving through McWane Cast Iron Facility

### Cosco Busan (California)



Damage to the vessel and the result to wildlife in the San Francisco Bay

causing the collision. [Read more on Fleet Management/Cosco Busan/John Cota](#)

Fleet Management paid a \$10 million fine and implemented an Enhanced Compliance Program for its fleet of ships after one of its vessels, the Cosco Busan, crashed into the San Francisco Bay Bridge and discharged approximately 53,000 gallons of oil into San Francisco Bay in violation of the Clean Water Act, as amended by the Oil Pollution Act of 1990.

John Joseph Cota, the ship's pilot, was sentenced to ten months imprisonment and one year probation after pleading guilty to negligently

[\(PDF\)](#) (3 pp, 82K)

## **Brusco Tug and Barge (California)**

Mark Guinn, an employee of Brusco Tug and Barge, was sentenced to 21 months in prison and ordered to serve 200 hours of community service related to the environment for conspiring to violate the Clean Water Act. He participated in the routine discharge of large amounts of contaminated and toxic dredged spoils into San Francisco Bay instead of properly offloading the material on Winter Island. The dumping of a barge would take minutes, while properly offloading the dredged spoils onto Winter Island would take 12–18 hours. Some of the barges involved in the dumping could hold almost one million gallons of contaminated spoils. In FY 2009 Brusco Tug and Barge was sentenced to pay a total monetary payment of \$1.5 million, with \$750,000 to be paid as a fine, and \$250,000 to be paid to the National Fish & Wildlife Foundation to fund environmental projects relating to marine and coastal habitats and watersheds in the Bay Area. [Read more on Mark Guinn/Brusco Tug and Barge \(PDF\)](#) (2 pp, 81K)



The barge operations in progress

## **Irika Shipping (Pennsylvania, Louisiana, Washington)**

Irika Shipping S.A., a ship management corporation registered in Panama and doing business in Greece, was sentenced to pay a \$4 million penalty, which includes a \$3 million criminal fine and \$1 million in organizational community service payments that will fund various marine environmental projects. The company previously pled to a multi-district plea agreement arising out of charges brought in the District of Maryland, Western District of Washington, and Eastern District of Louisiana, including felony violations of the Act to Prevent Pollution from Ships, related to port calls in Baltimore, Tacoma, Washington, and New Orleans by the *M/V Iorana*, and obstruction of justice charges based upon false statements to the Coast Guard, destruction of evidence and other acts of concealment resulting from the dumping of waste oil overboard through a bypass hose that circumvented pollution prevention equipment. [Read more on Irika Shipping \(PDF\)](#) (3 pp, 38K)

## **Daniel Cason (Georgia)**

Daniel Webster Cason, the former Public Works Director for the City of Harlem, Georgia, who was responsible for the operation of that city's Wastewater Treatment Plant, was sentenced to imprisonment for 12 months and a day on his convictions for violations of the Clean Water Act. On March 31, 2009, Cason entered guilty pleas to three counts of making false statements in records and reports regarding the Treatment Plant's measurements of fecal coliform and biochemical oxygen demand. He knowingly caused pumping with a portable pump from the Treatment Plant into the Uchee Creek tributary located adjacent to the Treatment Plant, without a permit. Cason was also fined \$3,000. [Read more on Daniel Cason \(PDF\)](#) (2 pp, 85K)

## **Cargill Meat Solutions Corporation (Colorado)**

Cargill Meat Solutions Corporation, which operates a meat packing plant located in Fort Morgan, Colorado, was sentenced to pay a \$200,000 fine after pleading guilty to two negligent violations of the Clean Water Act. The plant processes approximately 5,000 head of cattle and generates about



Daily wastewater runoff at the Cargill Meat Solutions facility in Fort Morgan, Colorado.

1,500,000 gallons of wastewater daily. A wastewater treatment plant is located on site to remove pollutants such as feces, dirt, and meat scraps from the wastewater

that is discharged to the South Platte River. On one occasion in October 2003, the facility discharged wastewater that was above permitted limits for fecal coliform. On a separate occasion in July 2004, a wastewater sample revealed that Cargill had exceeded permitted limits for total suspended solids. Under an administrative agreement with the EPA, the company also will implement a compliance plan which will include additional staff training, making mechanical upgrades to its wastewater treatment operation, and reassigning personnel who were responsible for the violations. Under this agreement, any further violations will subject Cargill to possible sanctions, including debarment from federal contracts. [Read more on Cargill Meat Solutions Corporation \(PDF\)](#) (2 pp, 51K)

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## Waste and Chemical

The following cases were brought by EPA to address criminal violations of the federal waste and chemical statutes. Examples of significant criminal prosecutions involve illegal storage and disposal of mercury, plating wastes, and perchloroethylene, as well as illegal use of pesticides which killed endangered or protected wildlife.

### Southern Union Company (Rhode Island)

The Southern Union Company was sentenced to pay a total of \$18 million for illegally storing mercury at a company-owned site in Pawtucket, Rhode Island, including a \$6 million criminal fine and \$12 million in payments of various amounts to community initiatives, including the Rhode Island Foundation, the DEM Emergency Response Fund, and Hasbro Children's Hospital. In 2008, a jury in Providence found Southern Union guilty of illegally storing mercury for several years at a site near the Seekonk River. The Houston-based company owned New England Gas for several years. In 2001, Southern Union began removing from customers' homes gas regulators that contained mercury and initially hired an environmental services company to prepare the mercury for shipment to a processing facility in Pennsylvania. Although the recycling and reclamation of the mercury ceased at the end of 2001, gas company technicians continued to remove regulators from customers' homes, and the company continued to store at Tidewater Street both loose liquid mercury – in containers such as glass jars and a plastic jug – and regulators that still contained mercury. In September 2004 three youths broke into the mercury storage building and took several containers of liquid mercury. They broke some of them, spilling mercury around the facility's grounds, and took some of the mercury to a nearby apartment complex, where it was also spilled, contaminating the complex. For about three weeks, spilled mercury remained undetected at the facility and at the



Southern Union site of stored mercury waste

apartment complex. After the contamination was discovered, the apartment complex was evacuated, and its 150 tenants were displaced for two months while the mercury was cleaned up. (Note: the case is currently on appeal.) [Read more on South Union Company \(PDF\)](#) (2 pp, 32K)

### Mills Plating (West Virginia)



Hazardous wastes stored in open pails at the Mills Plating facility

Christopher Mills was sentenced to serve 18 months' incarceration (with credit for time served) and Rodney Hoffman was sentenced to 30 months in prison after both pleaded guilty to storing hazardous wastes, including solvents, heavy metals, and sulfuric and chromic acids, at the facility without a permit from October 2006 through February 2007.

Mills and Hoffman were also held jointly and severally liable for \$133,000 in restitution to the U.S.

Environmental Protection Agency for cleanup costs. The hazardous waste, stored in open containers and vats, were abandoned at the shop when the plating operation moved. [Read more on Mills Plating \(PDF\)](#) (2 pp, 79K)

### Stephen Swift (Hawaii) Jerome Anches

Stephen Swift was sentenced to 24 months in prison for two counts of transporting hazardous waste (perchloroethylene or "perc") without a manifest and 27 months imprisonment for one count of storing the perchloroethylene without a permit on his property in Waianae, Hawaii, from February 2005 until the EPA seized it for destruction on May 16, 2008. He was also fined \$7,500. Martin Warehousing and Storage, a company based at Sand Island, had a perc spill at its property on August 14, 2001. The company's owner, Jerome Anches, did not initially have the wastes transported to the mainland for destruction; instead, he left it in an unused portion of the property. Finally, in February Anches hired Swift to transport the hazardous waste to the mainland for proper disposal. Instead, Swift moved the hazardous waste to his undeveloped property in Waianae where it remained until the EPA learned of it on May 16, 2008. Anches also pled guilty to storing the hazardous waste without a permit from the time of the spill until Swift removed it, and was sentenced to a term of five years of probation, received a \$300,000 fine, and was ordered to immediately pay \$84,000 to reimburse the EPA for the costs in cleaning up the hazardous waste on the Waianae site. [Read more on Stephen Swift/Jerome Anches \(PDF\)](#) (3 pp, 103K)



Leaking drums at the Martin Warehouse and Storage facility

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### Federal Insecticide, Fungicide, Rodenticide Act (FIFRA)

#### Richard Bee (Ohio)

Richard A. Bee was sentenced to pay almost \$25,000 after pleading guilty to illegally using the pesticide Furadan in a way that resulted in the death of 16 migratory birds on farmland he leased near Bethel, Ohio. He pleaded guilty to two misdemeanor counts of misuse of a registered pesticide and two misdemeanor counts of violating the Migratory Bird Treaty Act. His sentence includes an \$18,000 fine, one year of probation, and a community service payment of \$6,250 to the Animal Rescue Fund, Inc., which operates a shelter for homeless animals including birds near Amelia, Ohio. Bee operated a feed crop farm and had observed various birds eating the seeds he planted as part of farming operations. In April 2008 and again in April 2009, Bee poured Furadan into a bucket of corn with the intent of using the Furadan-soaked corn as bait and placed the bucket in the fields with the intent of killing the birds. On or about June 1, 2009, a total of 16 birds were found dead in the vicinity of one Bee's bait stations. The 16 birds included two Canada Geese, one American Crow, two Mallard Ducks, seven Mourning Doves, one Red-tailed Hawk, and three birds that were too decomposed to identify. [Read more on Richard Bee \(PDF\)](#) (1 pg, 44K)

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## Cross-Media/U.S. Criminal Code

The following cases cover more than one environmental statute and/or violations of Title 18, the U.S. Criminal Code, such as conspiracy, false statements, mail and wire fraud, racketeering, and obstruction of justice, that are often associated with environmental crimes. The final decisions regarding the specific counts to which a defendant is charged or pleads guilty are made by the Department of Justice.

### Larkin Baggett (Utah, Florida)

Larkin Baggett, 54, formerly of Salt Lake City, Utah, was sentenced in the United States District Court in Key West, Florida to 20 years in prison for illegally dumping pollutants in violation of federal clean water and hazardous waste regulations and for illegally possessing firearms and aggravated assault on law enforcement officers. This includes the maximum jail term for the Clean Water Act and Resource Conservation and Recovery Act violations. (Baggett's sentence is currently on appeal.)

Last March, Baggett assaulted EPA and other law enforcement officers when they attempted to arrest him in Marathon, Florida. Baggett formally owned and operated Chemical Consultants, Inc., North Salt Lake City, Utah, a company that mixed and sold chemical products used in the trucking, construction, and concrete industries. In September 2007, Baggett was indicted on charges related to illegally dumping various pollutants onto the ground and into a drain that led to the treatment plant operated by the South Davis Sewer Improvement District in West Bountiful, Utah, between October 2004 and April 2005. In April 2008, two months before his trial, Baggett became a fugitive when he failed to appear in court, as required by the conditions of his release and bond. In December 2008, EPA received a tip from the public regarding his potential whereabouts after Baggett was listed on [EPA's fugitive web site](#). [Read more on Larkin Baggett](#)

### David Lester Becker Ken-Dec, Inc. (Kentucky)

KEN-DEC, Inc., a metal plating business in Kentucky, and David Lester Becker, a former KEN-DEC plant manager were sentenced in federal court in Kentucky on June 7, 2010, for violating the Clean Water Act (CWA) and the Resource and Recovery Act. KEN-DEC was



Sink and rubber hose used for illegal discharges at the KEN-DEC plant

sentenced to a \$700,000 fine and Becker was sentenced to 18 months in prison and two years of supervised release. KEN-DEC and Becker, the responsible corporate official, from July 2007 to January 2009 violated

the CWA by discharged electroplating waste into a sink connected to the sewage system in Horse Cave, Kentucky. They violated RCRA by disposing of hazardous waste through a hose outside its facility at 1145 South Dixie Street, Horse Cave, Kentucky. KEN-DEC and Becker pleaded guilty in federal court in the Western District of Kentucky on February 1, 2010. CWA authorizes EPA to establish pretreatment standards before industrial users discharge wastewater into the sewer system. KEN-DEC and Becker violated CWA by discharging wastewater with excessive metals concentrations into a sink connected to the City of Horse Cave's Publicly Owned Treatment Works without a permit. They violated RCRA by disposing of spent cyanide plating bath solution, a listed hazardous waste, through a hose outside its facility without a permit. [Read more on Ken-Dec/David Becker \(PDF\)](#) (2 pp, 41K)



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## Environmental Justice Enforcement and Grants

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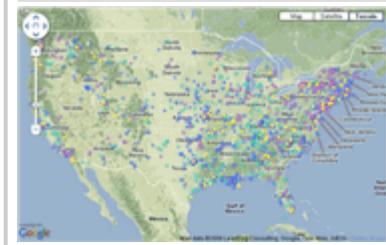
In January 2010, Administrator Jackson made Expanding the Conversation on Environmentalism and Working for Environmental Justice one of EPA's top priorities.

On this page:

- [What is Environmental Justice?](#)
- [Why does it matter?](#)
- [Activities in 2010](#)
- [Additional Resources](#)

### What is Environmental Justice?

**Environmental Justice Grants**  
Locate grants in your area



Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA has this goal for all communities across this Nation. It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.

### Why does it matter?

Pollution like polluted air and contaminated water can have significant economic and human health impacts, particularly on overburdened and low-income communities, driving away investment in new development and new jobs and exposing residents to potentially costly health threats.

Visiting the Gulf Coast eight times since mid-April, Administrator Lisa P. Jackson and senior EPA officials have demonstrated their commitment to fully restoring the region. EPA has lead environmental monitoring, participated in open houses with community members, businesses, and environmental leaders, and has provided environmental justice grants to local organizations to address and adapt to the spill's long-term effects. And, by establishing a position in EPA's emergency response center dedicated to working with communities, EPA has sought to forge a direct line of communication with the most vulnerable populations in the Gulf Coast region.



Community Engagement: BP Oil Spill

### Activities in 2010

2010 has been an exciting and productive year for advancing environmental justice at EPA. From

appointing community advocates at the highest levels of EPA leadership to providing funding opportunities for local non-profits working to improve the health of their communities, EPA has been actively working to make communities across the nation clean and healthy places to live.

- **Including environmental justice and children's health as a cross-cutting strategy in the 2011-2015 EPA Strategic Plan** ensures EPA's work focuses on protecting the most vulnerable and underserved populations.
- **Implementing Plan EJ 2014** advances environmental justice efforts at EPA. The plan challenges the Agency to incorporate environmental justice in rulemaking, permitting and enforcement, and challenges EPA to foster administration-wide action on EJ. [Read more on Plan EJ 2014](#)
- **Incorporating EJ into EPA Rulemaking** by issuing a guidance intended to help staff and managers consider and address environmental justice in the action development process. [Read more on the EJ in Rulemaking Guidance](#)
- **Hosting a symposium on strengthening the science of disproportionate health impacts** advances the scientific foundation for identifying environmental justice impacts. [Read more on the Symposium on the Science of Disproportionate Environmental Health Impacts](#)
- **Responding to the Gulf Coast BP Oil Spill** by focusing on outreach to affected communities with environmental justice concerns and providing grant opportunities for organizations working in affected communities (\$360K). [Read more on Cooperative Agreements to Support Communities Affected by the BP Oil Spill](#)
- **Reinvigorating the Interagency Working Group on Environmental Justice** that demonstrates the administration's dedication to ensuring all Americans have strong federal protection from environmental and health hazards. Important federal agency collaborations include the Partnership for Sustainable Communities (HUD/DOT/EPA) and the Urban Waters Program. [Read more on the Interagency Working Group](#)
- **Providing funding opportunities for community-based projects**, including 76 EJ Small Grants (\$1.9M), 10 EJ Showcase Community pilots (\$1M) and 3 EJ Green Development pilots (\$300K). [Read more on Environmental Justice funding programs](#)
- **Participating in the Congressional Black Caucus EJ Tour** to raise awareness about environmental justice issues and create a forum for community participation in environmental decision-making.
- **Launching EJView**, a geographic information system (GIS) tool, to help users map potential environmental and human health issues in communities. [Read more on EJView](#)
- **Holding the Faces of the Grassroots Environmental Justice Video Contest** that encouraged participants to share their environmental justice stories to help expand the conversation on environmentalism (93 entries). [Watch the winning videos](#)

## Additional Resources

- [Environmental Justice](#)
- [Environmental Justice Grants & Programs](#)
- [EJView](#)

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# U. S. ENVIRONMENTAL PROTECTION AGENCY

## Compliance and Enforcement Annual Results 2010 Fiscal Year

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## Environmental Justice Enforcement Highlights

Home	Clean Water	Clean Air	Waste & Chemical	Criminal	Environmental Justice
Overview	Enforcement Highlights	Grant Highlights and Map			

One of the goals for EPA's enforcement program is to **aggressively go after pollution problems that make a difference in communities**, through vigorous civil and criminal enforcement that targets the most serious water, air and chemical hazards, and advancing environmental justice by protecting overburdened communities.

### FY 2010 Enforcement Activities - Environmental Justice Highlights

From concluding enforcement actions in overburdened communities to negotiating settlements that go "beyond compliance," to working with communities to develop targeted compliance assistance and environmental education materials, EPA has been actively working to make communities across the nation clean and healthy places to live.

- **AVX Corporation, New Bedford, Massachusetts:** EPA's Region 1 office worked with state and local government to negotiate a settlement with AVX Corporation in New Bedford, Massachusetts that will ensure that a vacant PCB-contaminated mill building in an overburdened community is demolished and turned over to the City for redevelopment. In addition to the settlement with EPA, AVX also reached separate agreements with the Commonwealth of Massachusetts and the City of New Bedford to ensure that the site is further evaluated and remediated under the state cleanup program before being turned over to the City for redevelopment. At the Parker Street waste site in New Bedford, EPA responded to concerns raised by community members about the possibility of contamination on residential properties as a result of a historic "burn dump" in the area. EPA obtained access to about 60 separate residential parcels, including a low-income housing development, in order to conduct soil sampling. Following analysis of the soil sampling results, EPA initiated a Superfund removal action to address contaminated soils at residential parcels.
- **Tonawanda Coke, Tonawanda, New York:** EPA's Region 2 office is advancing environmental justice in the community in Tonawanda, New York by taking numerous enforcement actions, informing and notifying the community of Tonawanda Coke facility's non-compliance with multiple environmental laws, and updating the community on EPA's and the state's continued oversight of the facility's activities. The enforcement actions alleged violations of the Clean Air Act, Clean Water Act, and chemical hazard laws. In addition, EPA continues to monitor the Tonawanda Coke facility's activities, testing for benzene leaks into the air. EPA also is working with the state to locate and address the leaks. On a regular basis, EPA issues community bulletins that describe ongoing activities and work in the community. EPA also speaks with local community groups and holds public meetings.
- **Port of Huntington Tri-State Initiative, Huntington, West Virginia:** A partnership between EPA and the U.S. Coast Guard, as well as West Virginia, Ohio and Kentucky, is focusing resources on potential multi-media non-compliance at the Port of Huntington Tri-State. This effort will enable the Agency to understand and then address the significant environmental impacts on the community from the goods movement activities occurring at this inland port. The Port of Huntington Tri-State is the largest in the United States in total

tonnage and ton-miles of cargo. The Port stretches for 100 miles along the Ohio River, 99 miles along the Kanawha River, and along 9 miles of the Big Sandy River. Port operations occur in several major U.S. cities including Ashland, KY, Huntington, WV and Charlestown, WV.

Information that EPA used to identify the Port of Huntington for this geographic initiative included increasing evidence of poor public health and environmental indicators among the communities located within the Port's boundaries. The City of Huntington, WV, for example, was named the "Unhealthiest U.S. City" by the U.S. Center for Disease Control (CDC) in 2008, and a 2009 USA Today article on outdoor air quality in schools specifically identified the entire Huntington Port area as having some of the worst outdoor air quality around schools in the nation. Five of the 62 schools across the U.S. that EPA has recommended for initial air toxics ambient monitoring are located within the Port, and some areas within the Port have an estimated carcinogenic risk that exceeds 100 in a million.

The goals of this initiative are to:

- assess environmental impact of Port operations on surrounding communities;
- reduce pollution being introduced into the environment;
- increase compliance with environmental laws;
- increase understanding of environmental obligations by regulated facilities;
- increase human health benefits; and
- build community capacity to protect their environment and public health.

EPA's partnership with the U.S. Coast Guard, West Virginia Department of Environmental Protection, Ohio Environmental Protection Agency, and Kentucky Department of Environment has uncovered information on more than 100 facilities. The information points to potential non-compliance with multiple environmental laws, and will drive future enforcement, compliance assistance and community outreach efforts. For example, more than 800 facilities are now receiving sector-based compliance assistance materials and compliance training; schools, childcare facilities, colleges/universities and hospitals in the Port area have received compliance assistance materials; and, two community meetings have been held to explain the work of the Initiative and to hear the public's feedback and concerns. Additional enforcement, compliance assistance and community involvement efforts are being planned for FY2011.

[Read more about the Port of Huntington Tri-State Initiative and access additional information](#), including compliance assistance materials, community presentation materials, and meeting minutes.

- **Vigindustries, Inc. Spartanburg, South Carolina:** EPA's Region 4 office concluded a consent order with Vigindustries, Inc. for the cleanup of the former IMC Fertilizer Site in the Arkwright community of Spartanburg, South Carolina. This property was identified by the ReGenesis Project, an environmental justice advocacy group, as an area critical to achieving revitalization of the community. The order requires the removal of more than 8,000 cubic yards of contaminated soil and residuals from a fertilizer plant that is no longer in operation. The company will spend approximately \$1.7 million to clean up the contamination. The removal, which includes excavation and off-site disposal of the contaminated soil and process residuals, is expected to be completed soon. The property will then be available for redevelopment.
- **City of Jeffersonville, Indiana:** EPA's Region 5 office negotiated a settlement for violations of the Clean Water Act by the City of Jeffersonville, Indiana, requiring Jeffersonville to make extensive improvements to its sewer systems that will significantly reduce the city's longstanding sewage overflows into the Ohio River. Jeffersonville will also implement two environmental projects designed to improve water quality in the city. The settlement includes green infrastructure projects (e.g., install pervious pavers and a rain garden along the river front) that will serve as a model for other cities around the nation.

The City of Jeffersonville is located in Clark County, Indiana, on the north bank of the Ohio River, directly across the river from Louisville, KY. Based on an analysis of the area within one mile of the town center using [EJView](#), an EPA mapping tool, minority and low-income populations are higher than in Clark County or Indiana as a whole. Jeffersonville's

combined sewers are located in the older, downtown portion of the City and lack sufficient capacity to transport all of the combined sewage that it receives to the City's wastewater treatment plant during rainfall events. As a result, the City commonly discharges the combination of sewage and storm water through one or more of its 13 combined sewer overflow outfalls that discharge to the Ohio River.

- **Delfasco Forge Site, Grand Prairie, Texas:** As a result of actions taken by EPA, the communities in Grand Prairie, Texas will experience reduced exposure to contaminated groundwater from operations at a metal forging facility. EPA's Region 6 office negotiated a settlement with the former Delfasco, Inc., to provide for environmental mitigation of homes in the Grand Prairie communities that have been affected by trichloroethylene vapor intrusion, and to remediate contaminated groundwater in the area. Based on an analysis using [EJView](#), an EPA mapping tool, there are substantial minority and low-income populations living within one mile of the Grand Prairie Delfasco facility.
- **California Interstate 710 Corridor:** An enforcement collaborative with state and local regulators and EPA's Region 9 office will increase enforcement presence in communities along the California Interstate 710 Corridor, including the ports of Los Angeles and Long Beach. The work of the Collaborative will help to reduce disproportionate environmental impacts from goods movement activities on these communities by aligning regulatory authorities and resources.

Approximately 1 million people, about 70% of whom are minority and low-income households, are severely impacted by pollution from industrial activities in the area and goods movement along the CA 710 freeway. Engaging with these impacted communities, including through neighborhood/agency tours and community workshops to discuss and set priorities for enforcement, EPA Region 9 inspected more than 70 different facilities, including petroleum and metal plating facilities. EPA took formal enforcement action against 13 facilities which, as a result of these enforcement actions, must invest in environmental improvements to keep more than 15 thousand pounds of pollution a year out of the local environment and prevent the potential release of 80,000 gallons of oil into local water sources. This effort is part of EPA's [Environmental Justice Showcase Communities project](#).

- **Yakima Valley, Washington:** In the Yakima Valley, located in central Washington, EPA's Region 10 office is leveraging resources with the Washington State Department of Health and Yakima County to bring safe drinking water to tribal members of the Yakima Nation, Spanish-speaking families participating in the local agricultural economy, and low-income residents in the area. The communities here are using private drinking water wells that exceed the maximum contaminant level (MCL) for nitrate. Nitrate is an acute contaminant that can cause methemoglobinemia ("Blue Baby Syndrome"), leading to serious illness and sometimes death in infants.

EPA also selected the Yakima Valley as an [Environmental Justice Showcase Community](#), and used project funds to support public education, as well as support a potential enforcement action through sampling of additional residential wells.

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Where You Live

## Environmental Justice: Small Grants and Showcase Communities Map

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<a href="#">Overview</a>	<a href="#">Enforcement Highlights</a>	<a href="#">Grant Highlights and Map</a>			

This interactive map shows information on two environmental justice activities in 2010. [Read more on other Environmental Justice grant programs](#)

The Environmental Justice Small Grants Program assists recipients in building collaborative partnerships to help them understand and address environmental and public health issues in their communities. [Read more on EJ Small Grants](#)

The Environmental Justice Showcase Communities effort provides EPA Regional office funding allowing governmental and non-governmental organizations to pool resources and expertise on the best ways to achieve real results in communities. The successes and lessons learned in these demonstration projects help guide future Environmental Justice projects and increase EPA's ability to address local environmental challenges in effective, efficient, and sustainable ways. [Read more on Environmental Justice Showcase Communities](#)

[Search EPA.gov](#)

### How to Use the Map

Add grants to the map by placing a check in the check box next to the program of interest (Small Grants or EJ Showcase Communities). Then zoom to an exact location by entering a state, city, or zip code in the search box or by utilizing the zoom bar in the upper left corner of the map. Click on the indicator to obtain additional information on the project. For small grants, points on this map indicate the city of the receiving organization and not necessarily where the work is being done. See "[Questions About the Maps](#)" for additional information and needs accommodations due to a disability.

United States Environmental Protection Agency

**Note:**  
**The original map for this site is no longer functional.**

examine and create enforcement-related maps, or explore your state's performance.  
Environmental Justice funding by location.

### Questions About the Maps

## 1. What are the limitations of interactive maps?

Interactive mapping tools are a challenge for accessibility due to the inherent visual aspects of mapping. These maps cannot be made fully accessible under Section 508 of the Rehabilitation Act of 1973 (as amended in 1998). If a person needs accommodations due to a disability, additional assistance is available in obtaining information on the environmental enforcement actions taken at the facilities shown on these interactive maps. Individuals, who may need information not accessible to them, can contact [Allison Landsman](#) for assistance by email (landsman.allison@epa.gov).

## 2. What does this map allow me to do?

The map allows the user to navigate across the United States and to zoom in and out of places of interest. If you have an interest in a specific location, we recommend that you zoom into the location by entering a city, state, or zip code in the search box or by utilizing the zoom bar in the upper left corner of the map. After you zoom in, the project location indicator will change from a dot to a flag and you will be able to click on the flag indicator to obtain additional information on the environmental justice grant or project. **Note:** for small grants, points on this map indicate the city of the receiving organization and not necessarily where the work is being done.

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## Where You Live - Results by EPA Region

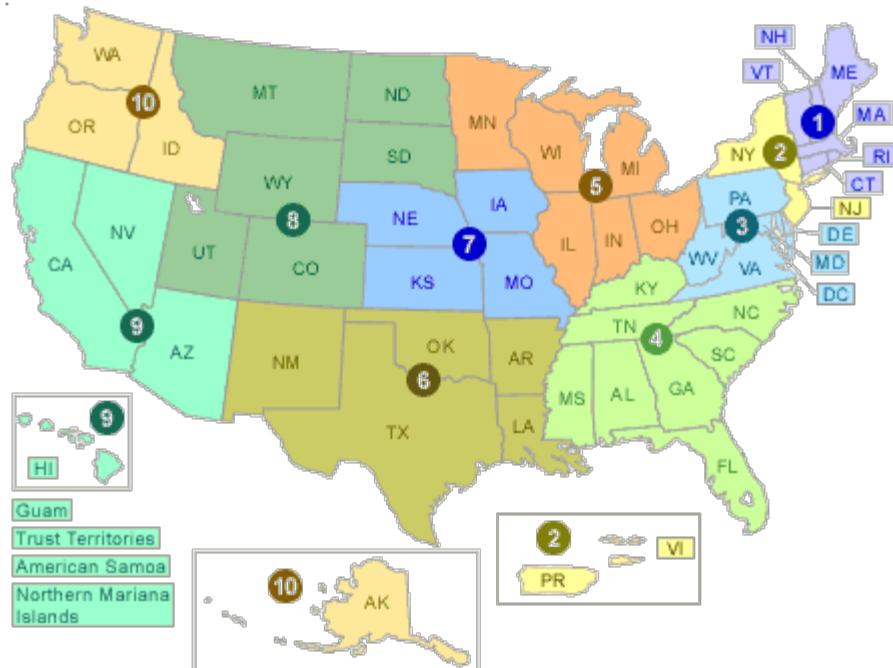
<a href="#">Home</a>	<a href="#">Clean Water</a>	<a href="#">Clean Air</a>	<a href="#">Waste &amp; Chemical</a>	<a href="#">Criminal</a>	<a href="#">Environmental Justice</a>
<a href="#">Overview</a>	<a href="#">Enforcement Map</a>	<a href="#">Numbers at a Glance</a>	<a href="#">Enforcement Results and Trends</a>	<a href="#">Federal Government Compliance</a>	<a href="#">Additional Compliance Activities</a>

To see more about EPA's enforcement and compliance work near you, please visit the local EPA region's website. On each region's website you can read about enforcement actions that EPA has taken across the whole region, and you can also read about the actions that EPA has taken in your state. Information available on each Region's Web site includes:

- "Numbers at a Glance" which displays the key regional compliance and enforcement activities and results
- Key federal enforcement activities and results in your state
- Highlights of EPA's most important cases of fiscal year 2010 in your region.

To visit the region's website local to you, select your state from the list or map below to go to your state's EPA regional Annual Results home page. You may navigate back to this website by using the Back button on your browser.

Choose Your State or Region.





## Enforcement and Assistance in New England

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## 2010 Region 1 Compliance and Enforcement Annual Results

- [Regional Numbers at a Glance](#)
- [Federal Data presented State-by-State](#)
- [Federal Case Highlights](#)

## Federal Data by State

Click on each state to find federal data



Region 1 puts significant effort into protecting people's health and the environment in the six New England states (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont) by ensuring compliance with environmental laws. As a result of enforcement actions completed in Fiscal Year (FY) 2010 (October 1, 2009 – September 30, 2010), approximately 126.8 million pounds of pollutants will be reduced or treated. Further, approximately 53 million cubic yards of contaminated water and soil will be cleaned.

## Compliance and Enforcement Annual Results

- [National Results for 2010](#)
- [Results by EPA Region](#)

**Injunctive Relief** (work required to bring facilities into compliance) – The estimated dollar value of cleanup or corrective action required by Region 1 in FY2010 will total more than \$175 million.

**Penalties** – In FY2010, Region 1 assessed over \$4.5 million in penalties as the result of administrative and judicial actions.

**Supplemental Environmental Projects** – As part of a settlement, a violator may voluntarily agree to undertake an environmentally beneficial project, also known as a supplemental environmental project, related to the violation in exchange for mitigation of the penalty to be paid. In FY2010, supplemental environmental projects (SEPs) were included in 14 settlements with a total value of more than \$695,000.

**Inspections** – Region 1 completed more than 900 on-site inspections. These inspections were spread geographically throughout New England and covered a wide range of federal programs, including storm water, wetlands, oil pollution prevention, asbestos demolition and renovation, hazardous waste management, community right-to-know, stationary air sources and disclosure of lead paint hazards.

**Administrative Penalty Complaints** – In FY2010, we issued 44 administrative compliance orders, 63 administrative penalty complaints, and 67 final administrative penalty orders.

**Civil Judicial Enforcement** – In FY2010, we referred 20 enforcement cases to the U.S. Department of Justice and had 27 judicial case conclusions.

**Superfund Cleanup Enforcement** – In FY2010, Region 1 received commitments from liable parties to pay almost \$36 million to clean up Superfund sites, to pay over \$6.6 million for Government oversight of Superfund cleanups and to reimburse the Government over \$21 million for money it spent cleaning up Superfund sites.

**Compliance Assistance Activities** – The Region continues to develop compliance assistance tools and provide expert compliance assistance to the regulated community. Over the past year, the Region reached more than 183,000 entities through 274 facility visits, 111 assistance workshops, dozens of presentations at meetings and events, and individualized assistance.

Significant compliance assistance conducted in FY10 included:

- Outreach to auto body shops and other sources impacted by the CAA Paint Stripping and Misc Surface Coating

- Rule in order to train these facilities and encourage them to take actions that will reduce emissions of targeted heavy metals prior to the Rule's January 2011 compliance date;
- Outreach to thousands of contractors, real estate organizations, municipalities etc, on the Lead Renovation & Repair Rule;
  - EPCRA and TRI outreach to support local emergency planning efforts, emphasizing chemical safety and toxics use reductions; and
  - Outreach to municipalities and operators of waste water treatment plants and collection systems to improve NPDES permit compliance including conducting CMOM training, asset management training, use of technology including GPS units and pole camera demonstrations to enable DPWs/system operators to inventory and assess conditions of their buried infrastructure.

#### FY2006–FY2010 Compliance Assistance Trends

- [Entities Reached](#)
- [Distribution of Activities](#)
- [Outcomes Achieved from Direct Assistance to Regulated Entities](#)

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### Compliance and Enforcement Annual Results Numbers at a Glance Region 1

Results Obtained from EPA Civil Enforcement Actions	
Estimated Environmental Benefit Commitments:	
Direct Environmental Benefits	
• Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	126,774,419
• Hazardous WastesTreated, Minimized or Properly Disposed Of (Pounds) <a href="#">(1)</a>	33
• Contaminated Soil to be Cleaned Up (Cubic Yards)	233,833
• Contaminated Water to be Cleaned Up (Cubic Yards)	52,649,268
• Stream Miles Protected or Restored (Linear Feet)	72,909
• Wetlands Protected or Restored (Acres)	32
• People Protected by Safe Drinking Water Act Enforcement (# of People)	1,000
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$175,578,594
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$695,862
Civil Penalties Assessed	
Administrative Penalties Assessed	\$1,165,837
Judicial Penalties Assessed	\$3,338,222
State/Local Judicial Penalties Asses From Joint Federal–State/Local Enforcement Actions <a href="#">(2)</a>	\$100,000
Stipulated Penalties Assessed	\$0
Civil Enforcement and Compliance Activities	
Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)	20
Supplemental Referrals of Civil Judicial Enforcement Cases to DOJ	1
Civil Judicial Complaints Filed with Court	29

Civil Judicial Enforcement Case Conclusions	27
Administrative Penalty Order Complaints	63
Final Administrative Penalty Orders	67
Administrative Compliance Orders	44
Cases with Supplemental Environmental Projects	14
Compliance Monitoring Activities	
Inspections/Evaluations	919
Civil Investigations	5
Number of Regulated Entities Taking Complying Actions as a Direct Results of On-Site EPA Inspections/Evaluations	108
Superfund Cleanup Enforcement	
Amount Committed by Liable Parties to Clean up Superfund Sites	\$35,819,290
Amount Committed by Liable Parties to Pay for Government Oversight of Superfund Cleanups	\$6,691,777
Amount Committed by Liable Parties to Reimburse the Government for Money Spent Cleaning up Superfund Sites	\$21,184,104
Voluntary Disclosure Program	
Commitments to Reduce, Treat or Eliminate Pollution as a Result of Voluntary Disclosures (pounds)	62,000
Voluntary Disclosures Initiated (Facilities)	67
Voluntary Disclosures Resolved (Facilities)	392
Voluntary Disclosures Initiated (Companies)	67
Voluntary Disclosures Resolved (Companies)	184
Compliance Assistance	
Assistance Tools (3)	6
Workshops and Training	111
Facility Visits, Re-visits and Ongoing Facility Specific Work	274

Sources for Data displayed for Numbers at a Glance: Integrated Compliance Information System (ICIS), Criminal Case Reporting System, Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS), Resource Conservation and Recovery Act Information (RCRAInfo), Air Facility System (AFS), and Permit Compliance System (PCS) October 13, 2010.

#### Footnotes:

(1)Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.

(2)This measure reports on penalties assessed in federal civil judicial enforcement cases that are awarded to a state or local government co-plaintiff in the case.

(3)EPA provides assistance using a variety of tools including workshops, facility visits, posting web-based information, responding to specific calls about regulations, etc.



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## Federal Data Presented State-by-state

EPA works in partnership with states in targeting federal enforcement where it produces the most environmental benefit. The data below shows EPA's activities and achievements.

Caveat – A single enforcement case that addresses facilities located in more than one state will be counted in the total for each state with a facility. The results achieved from this enforcement action will also be counted in each state with a facility.

- [Connecticut](#)
- [Massachusetts](#)
- [Maine](#)
- [New Hampshire](#)
- [Rhode Island](#)
- [Vermont](#)

### Connecticut

Civil Enforcement	
Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:	
Direct Environmental Benefits	
<ul style="list-style-type: none"> <li>• Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a></li> <li>• Contaminated Soil to be Cleaned Up (Cubic Yards)</li> <li>• Contaminated Water to be Cleaned Up (Cubic Yards)</li> </ul>	
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$6,736,164
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$0
Civil Penalties Assessed	\$367,866
Civil Enforcement and Compliance Activities	
Civil Judicial Enforcement Case Conclusions	8
Final Administrative Penalty Orders	15
Administrative Compliance Orders	3

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### Maine

Civil Enforcement	
Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:	
Direct Environmental Benefits	
<ul style="list-style-type: none"> <li>• Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a></li> <li>• Contaminated Soil to be Cleaned Up (Cubic Yards)</li> <li>• Contaminated Water to be Cleaned Up (Cubic Yards)</li> </ul>	
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$14,507,080
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$0

Civil Penalties Assessed	\$1,300
Civil Enforcement and Compliance Activities	
Civil Judicial Enforcement Case Conclusions	1
Final Administrative Penalty Orders	3
Administrative Compliance Orders	4

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## Massachusetts

Civil Enforcement	
Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:	
Direct Environmental Benefits	
• Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	126,650,061
• Contaminated Soil to be Cleaned Up (Cubic Yards)	103,527
• Contaminated Water to be Cleaned Up (Cubic Yards)	35,561,148
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$133,985,747
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$399,519
Civil Penalties Assessed	\$3,367,430
Civil Enforcement and Compliance Activities	
Civil Judicial Enforcement Case Conclusions	12
Final Administrative Penalty Orders	33
Administrative Compliance Orders	23

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## New Hampshire

Civil Enforcement	
Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:	
Direct Environmental Benefits	
• Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	548,472
• Contaminated Soil to be Cleaned Up (Cubic Yards)	29,000
• Contaminated Water to be Cleaned Up (Cubic Yards)	17,075,520
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$22,062,300
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$12,562
Civil Penalties Assessed	\$2,830,100
Civil Enforcement and Compliance Activities	
Civil Judicial Enforcement Case Conclusions	5
Final Administrative Penalty Orders	5
Administrative Compliance Orders	7

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## Rhode Island

### Civil Enforcement

#### Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

##### Direct Environmental Benefits

- Pollution Reduced, Treated or Eliminated (Pounds) (1) 86,643
- Contaminated Soil to be Cleaned Up (Cubic Yards) 67,000
- Contaminated Water to be Cleaned Up (Cubic Yards) 0

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief) \$4,144,401

Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects) \$212,375

Civil Penalties Assessed \$206,793

### Civil Enforcement and Compliance Activities

Civil Judicial Enforcement Case Conclusions 3

Final Administrative Penalty Orders 6

Administrative Compliance Orders 4

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## Vermont

### Civil Enforcement

#### Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

##### Direct Environmental Benefits

- Pollution Reduced, Treated or Eliminated (Pounds) (1) 0
- Contaminated Soil to be Cleaned Up (Cubic Yards) 0
- Contaminated Water to be Cleaned Up (Cubic Yards) 0

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief) \$549,025

Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects) \$0

Civil Penalties Assessed \$48,650

### Civil Enforcement and Compliance Activities

Civil Judicial Enforcement Case Conclusions 0

Final Administrative Penalty Orders 5

Administrative Compliance Orders 5

### Footnotes:

Sources for Data displayed for Federal Data Presented State-by-State: Integrated Compliance Information System (ICIS)

(1) Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.

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## Federal Case Highlights Presented State-by-state

- [Connecticut](#)
- [Maine](#)
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### Connecticut

**AES Thames, Montville, CT:** In March 2010, a Consent Decree with AES Thames, LLC, the owner and operator of a coal-fired power plant in Montville, Connecticut, was lodged in U.S. Federal District court. The Decree resolves alleged Clean Water Act, CERCLA and EPCRA violations arising from releases of chlorine to the Thames River in 2006 as well as violations of federally-enforceable steam production limits contained in AES Thames' Clean Air Act permit. The Decree requires payment of a \$140,000 penalty and establishes injunctive relief designed to prevent repeat violations. The company will train its employees annually in spill prevention and response measures and update its spill response procedures to comply with applicable reporting requirements.

**Carabetta Management Company, New Haven, CT:** In February 2010, Region 1 settled an enforcement action against Carabetta Management Company for violations of TSCA, the Residential Lead-Based Paint Hazardous Reduction Act and the Disclosure Rule. Carabetta failed to provide disclosure regarding the risks of lead-based paint when it entered into 20 leases with tenants of target housing in Meriden, Connecticut. The company manages approximately 17,000 residential apartment units in Connecticut and Massachusetts. To settle this action, Carabetta will pay a penalty of \$276,000, the largest cash penalty to date under this program in Region 1. In addition to the civil action, on December 11, 2009, the supervisor of leasing agents for Carabetta pleaded guilty to one count of knowingly and willfully failing to provide Lead Disclosure information, in violation of TSCA.

**University of Bridgeport, Bridgeport, CT:** In December 2009, Region 1 settled an enforcement action against the University of Bridgeport for violations of the Toxic Substances Control Act (TSCA) and the federal regulations regarding polychlorinated biphenyls (PCBs). Under the terms of the CAFO, UB has agreed to pay a \$12,900 penalty for the alleged violations and to spend at least \$56,000 in performance of a supplemental environmental project (SEP). For the SEP, UB will take an inventory of all of the electrical transformers on its campus, determining the PCB content of each transformer, and either retrofill or dispose of all transformers with PCB content equal to or greater than 50 ppm. Region 1 had alleged that UB violated TSCA and the PCB Regulations as a result of spilled/leaked PCB-contaminated oil from two electrical transformers located on campus.

[Select another state.](#)

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### Maine

**Univ. of Maine, Orono, ME:** In September 2010, Region 1 ordered the University of Maine to restore wetlands on its campus in Orono Maine. The wetlands were filled between 1984 and 2009 during the construction of buildings, roads, and parking areas; installation of culverts; expansion of a landfill; and disposal of snow and associated debris. The University violated the federal Clean Water Act (CWA) by failing to obtain the required federal permit from the Army Corps of Engineers before filling the wetlands.

Region 1's order requires removal of approximately 2 acres of a landfill and snow dump and restoration of the underlying wetland. It also requires restoration of approximately one acre of forested wetland that the University had converted to a livestock paddock. To compensate for some fill that cannot be removed, the University will restore and enhance 3.66 acres of a currently farmed area that includes wetlands and an upland buffer.

The University has worked cooperatively with Region 1 once the violations were brought to its attention and has agreed to the terms of the order. The University has indicated that it will involve students and faculty in the restoration effort to maximize its benefit as a learning experience.

**GSA Land Agreement, Sandy Bay Township, ME:** In September 2010, Region 1 signed a Federal Facilities Compliance Agreement with the General Services Administration (GSA) to address the unpermitted fill and destruction of 1.38 acres of wetlands undertaken in 2008–2009 as part of the expansion of the U.S.–Canada border crossing station in Sandy

Bay Township, Maine. Because the location of the station was fixed along a highway crossing the border, and because the buildings and associated areas had already been constructed, Region 1 agreed to a compensatory mitigation project at the nearby Moose River #5 Mountain Preserve, which will be undertaken by the Nature Conservancy. The \$36,000 cost of mitigation will be funded by GSA. The compensatory mitigation project requires removal of fill and culverts and re-establishing connections between wetlands which had been separated by logging roads. Approximately 23.5 acres of degraded wetlands and 3.6 miles of stream connectivity will be restored.

**PropSys Inc., Lewiston, ME:** On June 10, 2010, Region 1 settled an administrative action against PropSys Inc. for violations of the TSCA, the Residential Lead-Based Paint Hazard Reduction Act (the Act), and the federal regulations regarding the disclosure of lead-based paint or lead-based paint hazards during real estate lease transactions. PropSys manages multiple apartment buildings/complexes in Maine. Under the terms of the CAFO, PropSys will pay a penalty of \$39,162 (plus interest). Region 1 had alleged that PropSys violated TSCA, the Act, and the Lead-Based Paint Disclosure Rule during 10 lease transactions from 2006–2007 for properties located in Lewiston, Maine.

**West Site/How's Corner Superfund Site, Plymouth, ME:** In November 2009, Region 1 finalized a Consent Decree for the West Site/How's Corner Superfund Site located in Plymouth, Maine, a low-income community. The agreement is between the United States, the State of Maine and 83 potentially responsible parties. The largest volume PRPs, General Electric and Central Maine Power, agreed to perform the Remedial Action for the Site, which has an estimated cost of \$11.2 million. Settling Federal PRPs for the Site agreed to fund a large portion of the cleanup work. The remaining PRPs agreed to make one-time payments to resolve their liability. The creative use of \$2.875 million in mixed funding provided by EPA Headquarters was an important incentive for settlement.

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## Massachusetts

**Cashman Dredging and Contracting, Beverly Harbor, MA:** In September 2010, Region 1 settled an administrative penalty case against Cashman Dredging and Contracting Co., LLC for violations of the Marine Protection, Research and Sanctuaries Act (MPRSA). The company "short-dumped" dredged material destined for ocean disposal into Beverly Harbor, Massachusetts, and allegedly overdredged a portion of the Porter River, taking unauthorized materials to the ocean disposal site. This action results from an investigation by EPA, the U.S. Army Corps, the Massachusetts Attorney General's Office, Massachusetts Department of Environmental Protection, and Massachusetts Coastal Zone Management. Cashman has agreed to pay \$12,500 to resolve EPA's MPRSA claims and to undertake a \$37,500 supplemental environmental project involving the installation of low-impact moorings.

**Low Impact Development SEPs:** As part of an initiative aimed at reducing urban stormwater runoff, Region 1 settled enforcement actions throughout FY2010 against eight Massachusetts municipalities (Canton, Concord, Dennis, Eastham, Fall River, Gardner, Peabody, and Winthrop) and one New Hampshire municipality (Plaistow) for violations of the Illicit Discharge Detection and Elimination (IDDE) requirements of the Small Municipal Separate Storm Sewer System (MS4) General Storm Water Permit. The IDDE provisions are aimed at eliminating discharges of raw sewage through illicit connections to stormwater systems. Six of these settlements included innovative SEPs through which the municipalities will reduce stormwater runoff by implementing Low Impact Development measures such as porous pavement projects and rainwater harvesting system distribution programs. The settlements provide that the municipalities will pay cash penalties ranging from \$2,000 to \$17,450. The SEPs range in value from \$10,000 to \$35,000.

**FirstLight Power Resources, Northfield, MA:** In August 2010, Region 1 issued a CWA Administrative Order to FirstLight Power Resources, the owner and operator of a hydroelectric facility in Northfield, MA. The facility provides power during peak demand using water from a man-made reservoir. On May 1, 2010, FirstLight began to draw down the water levels in the reservoir in order to perform maintenance on the facility. The reservoir had not been drained since 1990. Within days, a very large volume of sediments in the reservoir became dislodged and clogged tailrace tunnels and holding tanks, impacting the operations of the facility. In the process of removing the sediments, the facility mixed the accumulated sediments with river water prior to pumping them to the Connecticut River.

Region 1 inspected the facility on July 15, 2010 in response to a citizen complaint. The August administrative order required the facility to immediately cease its cleaning activities and the discharge of sediments to the Connecticut River pending the implementation of a sediment reduction alternative that would reduce the impacts of the discharge on the Connecticut River, and to take other steps to prevent the discharge of sediments in the future. FirstLight removed approximately 15,700 cubic yards of silt from the River and retained approximately 54,300 cubic yards of silt in its facility, thereby addressing a total of approximately 124,000,000 pounds.

Fafard Real Estate Development, Eastern MA: In July 2010, the Fafard Real Estate and Development Corporation agreed to pay a civil penalty of \$150,000 and to perform a SEP estimated to cost \$300,000 in a CWA consent decree resolving stormwater violations at 13 construction sites in eastern Massachusetts. The SEP consists of donating land to the Town of Uxbridge, Massachusetts, with a permanent conservation restriction on it, and constructing two water quality basins and associated stormwater management infrastructure on the site.

New Bedford, MA: In April 2010, Region 1 entered into a \$13 million settlement with AVX Corporation which will ensure that a vacant PCB-contaminated mill building in an environmental justice community, known as the Aerovox mill facility, is demolished and turned over to the City of New Bedford, Massachusetts for redevelopment. In addition to the settlement with EPA, AVX also reached separate agreements with the Commonwealth of Massachusetts and the City of New Bedford to ensure that the site is further evaluated and remediated under the state cleanup program before being turned over to the City. These complex, interrelated settlements were a result of joint negotiations between the Region, the Commonwealth, the City of New Bedford, and the potentially responsible party AVX Corporation. In addition, at the Parker Street waste site in New Bedford, Region 1 responded to concerns raised by community members about the possibility of contamination on residential properties as a result of a historic "burn dump" in the area. Region 1 obtained access to approximately 60 separate residential parcels, including a low-income housing development, in order to facilitate performance of soil sampling.

Aggregate-NE, MA and NH: In November 2009, a Consent Decree was entered by the United States District Court for Massachusetts resolving a CWA enforcement action against Aggregate-NE, a fully owned subsidiary of Aggregate Industries, Inc., for stormwater and other violations at 23 of its facilities in New England. Under the terms of the settlement, the company has eliminated all of its process water discharges and will implement pollution control measures to eliminate discharges into surface waters. These measures will require expenditures of over \$6 million and will result in the annual elimination of approximately 158,854 pounds of total suspended solids, 2,195 pounds of oil and grease, 1,143 pounds of iron, and 495 pounds of nitrate and nitrogen from the environment. In addition, the company will pay a penalty of \$2.75 million, one of the largest penalties ever obtained in a Region 1 civil case.

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## New Hampshire

Draper Energy/Energy North, Milford, NH: In July 2010, Region 1 resolved an administrative complaint against Draper Energy Co., Inc. of Wilton, New Hampshire and Energy North Incorporated of Tewksbury, Massachusetts alleging that they violated Section 311 of the CWA and the Oil Pollution Prevention regulations at 40 C.F.R. Part 112. Region 1 had alleged that the companies failed to fully maintain and implement a Spill Prevention Control and Countermeasure (SPCC) plan under the CWA at its Milford, NH facility and illegally discharged oil into waters of the United States in violation of the CWA. On or about March 5, 2009, diesel oil was discharged from a break in a pipe at the Milford, NH facility, a gas station. About 1,500 gallons of that oil flowed into the soil beneath the pump, into a granite culvert that runs beneath the facility and then discharged into the nearby Souhegan River, which flows into the Merrimack River and eventually the Atlantic Ocean. The parties agreed to pay a fine of \$49,000 for their violations.

Anibio USA, LLC, Hampton, NH: In July 2010, Region 1 issued three Stop Sale, Use, and Removal Orders under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to prevent further distribution and sale of violative pesticide products. The companies included in the orders were: (1) Anibio USA, LLC of Hampton, NH, which is alleged to have misbranding and reporting violations associated with a magnetic device (called "tic-clip") that repels ticks, fleas, lice and other pests on dogs and cats; (2) CED-O-PRODUCTS CORP. of Lawton, OK (but whose products are offered for sale at Griffin Greenhouse & Nursery Supplies located in Tewksbury, MA), which is alleged to have registration and misbranding violations associated with two plant sprays; and (3) Hockey Hands, Inc. of Pepperell, MA, which is alleged to have registration and misbranding violations associated with an anti-bacterial odor remover used on hockey equipment.

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## Rhode Island

Cardi Materials, LLC, Warwick, RI: In July 2010, Region 1 entered into a consent decree with a concrete manufacturing company, Cardi Materials, LLC, for stormwater and process water violations of the CWA. The company agreed to pay a civil penalty of \$55,000 and perform an SEP estimated to cost \$168,500, in which the company will replace a 1,800 foot long impervious park road in East Providence, Rhode Island, with porous pavement.

Rhode Island Airport Corporation, Warwick, RI: In July 2010, Region 1 settled an enforcement action against Rhode Island Airport Corporation, O.R. Colan Associates of Florida, LLC, and The Jones Payne Group, Inc. for violations of Asbestos NESHAP regulations of the Clean Air Act (CAA). The Respondents agreed to pay a penalty of \$25,000 prior to the filing of a complaint for failing to notify EPA in advance of commencing demolition activities. From September 2004 to December 2008, Respondents demolished 146 residences, during five phases of a noise abatement land acquisition program at T.F. Green Airport in Warwick, RI without providing the required notice to EPA.

Green Hill Superfund Site, Johnston, RI: In February 2010, the U.S. District Court of Rhode Island entered a Consent Decree resolving *United States v. Louis Vinagro*, litigation pertaining to the Green Hill Superfund Site in Johnston, Rhode Island. Through this Consent Decree, the Defendant, Louis Vinagro, agrees to pay \$1,975,000 to the United States, with proceeds to be funded entirely by the sale or lease of the Site as well as another parcel of land. In addition, Vinagro agrees to record a consent judgment lien on both the Site and the other parcel that is to be sold to satisfy the consent judgment. In turn, the United States grants Vinagro covenants not to sue for recovery of past costs pursuant to Section 107(a) of CERCLA.

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## Vermont

Jay Peak, Jay, VT: In September 2010, Region 1 ordered Jay Peak Resort, Inc. in Jay, VT to restore wetlands and streams that were harmed when the resort discharged dredged and fill material into the waters during construction of its golf course in violation of the CWA. The damage was done between 2004 and 2006 when it was building its golf course and discharged material without a required permit. According to Region 1, the construction company working for Jay Peak Resort placed dirt, sand and rocks into numerous wetlands and streams, affecting a total of 2.15 acres. The affected streams on the site flow into Jay Branch Brook, which flows into the Missisquoi River, and then into Lake Champlain. The resort was ordered to restore the wetlands and streams in order to restore wildlife habitat, sediment trapping, and nutrient removal and transport functions. Jay Peak agreed to the terms of Region 1's order and recently completed all restoration work prior to the order's October 2010 deadline.

Safety Kleen, Barre, VT: In September 2010, Region 1 simultaneously initiated and resolved a TSCA administrative enforcement action against Safety-Kleen Systems, Incorporated (Safety-Kleen). Region 1 had alleged that Safety-Kleen violated Section 6 of TSCA, as well as the regulations governing the waste disposal of polychlorinated biphenyls (PCBs), codified at 40 C.F.R. Part 761, Subpart K, at its facilities located in Marlborough, Massachusetts, Barre, Vermont, and Portland, Connecticut. The CAFO requires Safety-Kleen to pay a civil penalty of \$80,000 for its violations.

JIDDU/SITTU Trust & CRC Excavating LLC, Colchester, VT: On February 8, 2010, Region 1 settled a Clean Air Act enforcement action against the JIDDU/SITTU Trust of Colchester, Vermont, a real estate trust, and CRC Excavating LLC, their demolition contractor. The Region's administrative complaint against JIDDU/SITTU and CRC, alleged violations of Section 112 of the CAA and the National Emission Standard for Hazardous Air Pollutants for Asbestos, 40 C.F.R. Part 61, Subpart M (Asbestos NESHAP). The alleged violations occurred during a demolition conducted in March 2008 when the companies cleared two residential lots owned by JIDDU/SITTU in Essex Junction, Vermont, to develop a three-story, 35-unit apartment building. The companies failed to report their demolition plans to EPA and failed to inspect the buildings for asbestos prior to the demolition, in violation of the NESHAP. A total of 75,106 pounds (approximately 120 cubic yards) of demolition debris was removed from the site and disposed of at a waste transfer station as non-asbestos containing waste (although never tested). Under the settlement agreement JIDDU/SITTU will pay a penalty of \$10,000, plus interest, and CRC a penalty of \$5,000, plus interest.

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## Region 2 Compliance

Serving New Jersey, New York, Puerto Rico, US Virgin Islands and 8 Tribal Nations

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# 2010 Region 2 Compliance and Enforcement Annual Results

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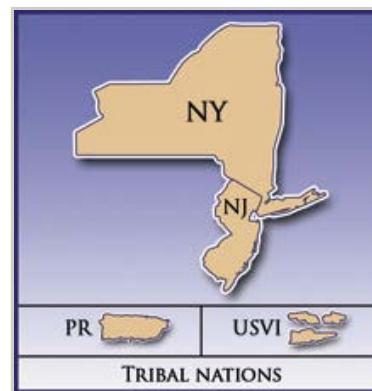
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Using a full range of [compliance and enforcement](#) strategies and tools, EPA Region 2, which

covers New Jersey, New York, Puerto Rico and the U.S. Virgin Islands, continued to bring facilities into compliance with the laws that protect the environment and public health in federal fiscal year 2010 (FY2010), which ran from October 1, 2009 to September 30, 2010. Below are several case summaries which are indicative of the civil and criminal enforcement actions issued to industry, public authorities, city agencies, etc.



Overall FY2010 enforcement actions impacted facilities located in environmental justice communities, tribal land and federal facilities. These actions will result in the investment of more than \$2 billion by respondents in pollution control and cleanup. Respondents were required to reduce, treat or eliminate over 192 million pounds of

pollutants including over 10 million pounds of hazardous wastes. Civil penalties of over \$10 million were associated with FY2010 enforcement actions.

EPA Region 2 is committed to ensuring the integration of [environmental justice](#) into all regional programs, policies and activities to achieve measurable results for the environment and the public health of disproportionately affected communities. Our accomplishments include enforcement, compliance assistance and partnerships covering a variety of environmental regulations. Region 2 conducted a multimedia investigation at the Tonawanda Coke facility in New York resulting in enforcement actions for CWA, CAA, RCRA and emergency response. The co-residential dry cleaner initiative has targeted 6 facilities for inspections in EJ communities. Inspections conducted in our Environmental Justice Showcase Community located in the North Shore of Staten Island, NY revealed potential violations with CWA, CAA and RCRA at several facilities and appropriate enforcement actions were taken, with violations corrected. In addition, compliance assistance site visits were made to 44 child care centers to educate the owner/operators of their responsibilities under FIFRA, an act which regulates toxic chemicals designed to control pests. Under our Ironbound [Community Action for Renewed Environment Project](#), we have a partnership with NJ Department of Health & Senior Services, Rutgers University and City of Newark to gather data in the EJ communities to determine cumulative impact of pollution on local residents.

In the past year Region 2 reached out to more than 135,000 regulated entities through [compliance assistance](#) on various regulatory issues ranging from pesticides, wet weather, pretreatment, public water systems, and lead paint and various sectors, including ports, tribal, municipalities, auto body and pharmaceutical. This compliance assistance was delivered through various means including site visits, workshops, meetings, mass mailings and tool development.

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## Compliance and Enforcement Annual Results Numbers at a Glance Region 2

### Results Obtained from EPA Civil Enforcement Actions

Estimated Environmental Benefit Commitments:

Direct Environmental Benefits

- |  |             |
|--|-------------|
| ▪ Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>                    | 181,592,234 |
| ▪ Hazardous Wastes Treated, Minimized or Properly Disposed Of (Pounds) <a href="#">(1)</a> | 10,343,631  |

### Compliance and Enforcement Annual Results

- [National Results for 2010](#)
- [Results by EPA Region](#)

**EPA Envirofacts**

**ECHO**

What are the compliance records of facilities as reported by [Enforcement and Compliance History Online?](#)

Enter ZIP or City, State

ZIP Code  City, State

▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	1,410,609
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	23,179,982
▪ Stream Miles Protected or Restored (Linear Feet)	0
▪ Wetlands Protected or Restored (Acres)	22
▪ People Protected by Safe Drinking Water Act Enforcement (# of People)	6,591,199
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$2,104,676,371
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$4,497,437
Civil Penalties Assessed	
Administrative Penalties Assessed	\$3,167,484
Judicial Penalties Assessed	\$5,947,729
State/Local Judicial Penalties Assess From Joint Federal-State/Local Enforcement Actions (2)	\$430,199
Stipulated Penalties Assessed	\$83,025
<b>Civil Enforcement and Compliance Activities</b>	
Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)	18
Supplemental Referrals of Civil Judicial Enforcement Cases to DOJ	5
Civil Judicial Complaints Filed with Court	23
Civil Judicial Enforcement Case Conclusions	28
Administrative Penalty Order Complaints	201
Final Administrative Penalty Orders	205
Administrative Compliance Orders	174
Cases with Supplemental Environmental Projects	15
<b>Compliance Monitoring Activities</b>	
Inspections/Evaluations	2,629
Civil Investigations	14
Number of Regulated Entities Taking Complying Actions as a Direct Results of On-Site EPA Inspections/Evaluations	140
<b>Superfund Cleanup Enforcement</b>	
Amount Committed by Liable Parties to Clean up Superfund Sites	\$109,804,290
Amount Committed by Liable Parties to Pay for Government Oversight of Superfund Cleanups	\$8,819,848
Amount Committed by Liable Parties to Reimburse the Government for Money Spent Cleaning up Superfund Sites	\$25,818,692
<b>Voluntary Disclosure Program</b>	
Commitments to Reduce, Treat or Eliminate Pollution as a Result of Voluntary Disclosures (pounds)	30,060
Voluntary Disclosures Initiated (Facilities)	215
Voluntary Disclosures Resolved (Facilities)	80

Voluntary Disclosures Initiated (Companies)	44
Voluntary Disclosures Resolved (Companies)	50
<b>Compliance Assistance</b>	
Assistance Tools (3)	76,645
Workshops and Training	27
Facility Visits, Re-visits and Ongoing Facility Specific Work	124

Sources for Data displayed for Numbers at a Glance: Integrated Compliance Information System (ICIS), Criminal Case Reporting System, Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS), Resource Conservation and Recovery Act Information (RCRAInfo), Air Facility System (AFS), and Permit Compliance System (PCS) October 13, 2010.

### Footnotes:

- (1)Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.
- (2)This measure reports on penalties assessed in federal civil judicial enforcement cases that are awarded to a state or local government co-plaintiff in the case.
- (3)EPA provides assistance using a variety of tools including workshops, facility visits, posting web-based information, responding to specific calls about regulations, etc.

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## Federal Data Presented State-by-state

EPA works in partnership with states in targeting federal enforcement where it produces the most environmental benefit. The data below shows EPA's activities and achievements.

Caveat - A single enforcement case that addresses facilities located in more than one state will be counted in the total for each state with a facility. The results achieved from this enforcement action will also be counted in each state with a facility.

- [New Jersey](#)
- [New York](#)
- [Puerto Rico](#)
- [U.S. Virgin Islands](#)

### New Jersey

<b>Civil Enforcement</b>	
Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:	
Direct Environmental Benefits	
▪ Pollution Reduced, Treated or Eliminated (Pounds) (1)	4,248,147
▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	1,305,489
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	23,174,312
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$100,057,728
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$645,665
Civil Penalties Assessed	\$2,025,752
<b>Civil Enforcement and Compliance Activities</b>	
Civil Judicial Enforcement Case Conclusions	15
Final Administrative Penalty Orders	32
Administrative Compliance Orders	27

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## New York

### Civil Enforcement

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

#### Direct Environmental Benefits

▪ Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	41,163,044
▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	82,120
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	5,670

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief) \$1,786,877,769

Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects) \$375,898

Civil Penalties Assessed \$1,851,622

### Civil Enforcement and Compliance Activities

Civil Judicial Enforcement Case Conclusions	7
Final Administrative Penalty Orders	121
Administrative Compliance Orders	89

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## Puerto Rico

### Civil Enforcement

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

#### Direct Environmental Benefits

▪ Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	145,578,554
▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	23,000
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	0

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief) \$221,696,781

Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects) \$3,475,874

Civil Penalties Assessed \$5,593,708

### Civil Enforcement and Compliance Activities

Civil Judicial Enforcement Case Conclusions	6
Final Administrative Penalty Orders	48
Administrative Compliance Orders	56

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## U.S. Virgin Islands

### Civil Enforcement

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

#### Direct Environmental Benefits

▪ Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	1,000,000
▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	0
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	0
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$347,500
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$0
Civil Penalties Assessed	\$32,137
<b>Civil Enforcement and Compliance Activities</b>	
Civil Judicial Enforcement Case Conclusions	0
Final Administrative Penalty Orders	4
Administrative Compliance Orders	2

### Footnotes:

Sources for Data displayed for Federal Data Presented State-by-State: Integrated Compliance Information System (ICIS)

(1) Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.

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## Federal Case Highlights Presented State-by-state

- [New Jersey](#)
- [New York](#)
- [Puerto Rico](#)
- [U.S. Virgin Islands](#)

### New Jersey

#### Wall Herald Corporation

On June 18, 2010, the U.S. District Court for the District of New Jersey entered a Consent Decree to settle a cost recovery action brought by EPA against Wall Herald Corporation. As part of the settlement, Wall Herald has agreed to pay approximately \$20 million for past and future cleanup costs incurred by the federal government at the former Monitor Devices Superfund site in Wall Township, N.J. Wall Herald is the owner of the site. Monitor Devices, a tenant of Wall Herald, generated wastewater which was discharged directly onto the ground, resulting in contaminated soil and ground water at the site.

Under the settlement, Wall Herald will reimburse EPA for its investigation of soil and ground water at the site and the development of the cleanup plan. The remainder of the money will pay for the cost of completing the cleanup.

#### Middlesex County and Edgeboro Landfills

In the summer of 2010, EPA, the Justice Department and the New Jersey Department of Environmental Protection reached agreements to resolve longstanding problems with landfill gas emissions and their negative impacts on air quality at the Middlesex County and Edgeboro landfills in New Jersey. The settlements resolve outstanding Clean Air Act compliance issues at the landfill facilities. The active Middlesex County landfill, owned and operated by MCUA, is located directly adjacent to and on top of the Edgeboro landfill, an older landfill that no longer accepts waste. The landfills are located in East Brunswick Township, N.J.

Under the agreements, both facilities will enhance environmental controls at the site, conduct regular monitoring and make other required multimillion dollar infrastructure improvements to meet federal standards. Landfill gas collected at the site is treated and then used to generate electricity.

EPA anticipates extensive environmental improvements at the landfills, resulting in the capture and control of about 129 tons per year of nonmethane organic compounds, a contributor to smog, and 20,000 tons per year of methane and 58,000 tons/yr of carbon dioxide, pollutants that contribute to climate change. Under the agreements, the defendants must pay a civil penalty of more than \$2 million.

#### Landmark at Rahway

On February 9, 2010, EPA fined a New Jersey development company, Landmark at Rahway, LLC, \$85,000 for its failure to properly control stormwater that ran off the Park Square 3.5 acre construction site. During an inspection of the site EPA found that Landmark failed to develop a stormwater pollution prevention plan and, as a result, did not implement and maintain necessary stormwater pollution controls and best management practices. The company also failed to conduct and document weekly site inspections.

Improper management of stormwater can have serious environmental consequences for harbors, rivers, lakes and streams, and the violations at the Park Square site compromised surrounding waterways. Under federal Clean Water Act regulations, developers of sites one acre or larger are required to follow requirements aimed at reducing stormwater because soil and contaminants can run off into nearby waterways.

### **Supreme Asset Management**

On February 17, 2010, EPA finalized a Consent Agreement and Final Order resolving an enforcement action that the Agency had brought against Supreme Asset Management and Recovery of Lakewood, N.J. The settlement required the company to pay a civil penalty of \$90,000 to resolve the complaint that EPA had filed, asserting that the company had violated the federal Solid Waste Disposal Act by exporting non-working computer monitors to Hong Kong without notifying EPA. Computer monitors contain cathode ray tubes (CRTs), which typically contain enough toxic lead to require managing it as hazardous waste under certain circumstances. Color computer monitors contain an average of four pounds of lead. CRTs may also contain mercury, cadmium and arsenic, all of which can pose threats to human health.

### **Drew University**

In March 2010, EPA Region 2 issued Drew University an administrative complaint pursuant to RCRA, alleging that the university had failed to make hazardous waste determinations, failed to minimize potential releases of hazardous waste and hazardous constituents from its facility, and stored hazardous waste without interim status or a permit. This action was taken in response to a citizen complaint. The citizen had observed dozens of open containers of paint, adhesives, stains, and other unknown materials stored outside in close proximity to a pond and residential homes. Although the waste was ultimately disposed of properly, an EPA inspection determined that Drew was out of compliance with numerous hazardous waste management requirements.

EPA and Drew University entered into a Consent Agreement and Final Order resolving the action. Drew paid a \$145,000 penalty and submitted a report demonstrating compliance with the aforementioned requirements.

### **Lightman Drum Site**

On June 2, 2010, EPA issued a unilateral administrative order requiring 23 Respondents to conduct and finance the Remedial Design and Remedial Action for the contaminated groundwater at the Lightman Drum Superfund Site in Winslow Township, New Jersey. During the 1970s, the Lightman Drum Company operated an industrial waste hauling and drum reclamation business at the Site. The groundwater remedy required by EPA's order has an estimated cost of \$10 million.

### **Janssen Pharmaceutical**

On April 7, 2010, EPA ordered Janssen Pharmaceutical to stop the sale and/or distribution of PEMBOTEC 400 SC, a post-harvest fungicide. Several batches were found to be contaminated with the fungicide Imazalil. The contamination was traced to poor quality control procedures at a contract manufacturer in Germany. The adulterated product was removed from seven fruit packing houses across the United States and destroyed. In addition, on September 17, 2010, EPA finalized a settlement agreement in which Janssen agreed to pay a \$105,000 penalty for the sale and/or distribution of the adulterated product. The company also agreed to review the quality control procedures of its contract manufacturers.

## **New York**

### **City of Oswego**

On August 5, 2010, a Consent Decree was entered by the U.S. District Court for the Northern District of New York between the EPA, the State of New York and the City of Oswego resolving long-standing problems with unpermitted sewer overflows from the city's west side sewer system which discharged raw sewage directly to local water bodies during periods of heavy rainfall or snowmelt. These untreated discharges often carry bacteria, pathogens and other harmful pollutants which can seriously degrade water quality, kill aquatic life and threaten public health.

Under the settlement, the city has agreed to undertake an estimated \$87 million in improvements to its west side sewer system. Specific measures include at least 75 percent separation of the combined portion of its collection system into sanitary and stormwater components, a 50 percent expansion of the west side waste water treatment plant's treatment capacity, the disconnection of catch basins to reduce the inflow of rain water into the existing sanitary sewer system, major improvements to its operation and maintenance program, upgrading the pump station that conveys flow within the collection system to the wastewater treatment plant, optimizing treatment at the one currently permitted combined sewer overflow point, and sewer financing reforms.

It is estimated that the final Combined Sewer Overflow (CSO) and Sanitary Sewer Overflow (SSO) implementation program will eliminate approximately 15 SSO events per year and approximately 30 CSO events per year and greatly reduce the amount of pollution entering the Oswego River and Lake Ontario.

### **Motors Liquidation Company (formerly the General Motors Corporation)**

On August 18, 2010, EPA ordered the Motors Liquidation Company (MLC) to remove materials and soil contaminated with polychlorinated biphenyls (PCBs) from portions of the General Motors Central Foundry Division Superfund site in Massena, New

York. PCBs, banned by Congress in 1976, have been found in the plant's equipment, the piping and concrete flooring, and in tunnels and soil located underneath the buildings. These PCBs, a probable human carcinogen which also affect human immune, reproductive, nervous and endocrine systems, could pose a threat of further release in the event of improper demolition and excavation activities.

Under the order, MLC will be responsible for additional sampling, decontamination of the building and its contents, demolition of the building, removal of PCB-contaminated soil beneath the building and restoration of the area. EPA's oversight of the work will ensure that over 92-million pounds of PCB-contaminated material and soil handled as part of demolition and excavation operations at the site comply with all federal and state laws and regulations.

#### **City of New York**

On January 19, 2010, EPA reached an agreement with the City of New York to address the risks posed by polychlorinated biphenyls (PCBs) in caulk found in some of its 1,600 city schools. The agreement is intended to result in a citywide approach to assessing and reducing potential exposures to PCB-laden caulk in schools. Although Congress banned the manufacture and most uses of PCBs in 1976, there is evidence that many buildings across the country constructed or renovated from 1950 to 1978 have PCBs at high levels in the caulk around windows and door frames, between masonry columns and in other masonry building materials. Exposure to these PCBs may occur as a result of their release from the caulk into the air, dust, surrounding surfaces and soil, and through direct contact.

The agreement requires the city to conduct a pilot study in five schools to determine the most effective strategies for assessing and reducing potential exposures to PCBs in caulk. The city will then produce a proposed plan for any cleanups needed in the five schools and use this information to develop a recommended citywide management plan for reducing exposure to PCBs in caulk in school buildings. This study will help all parties better understand the potential risks posed by PCBs in caulk, with the ultimate aim of reducing the exposure of school children, teachers and others who work in schools to PCBs. The anticipated cleanups are expected to result in the removal of over 3,000 pounds of PCB-laden caulk from the five pilot study schools.

#### **U.S. Army and the Army and Air Force Exchange Service**

On June 18, 2010, EPA signed a Consent Agreement and Final Order with the U.S. Army and the Army and Air Force Exchange Service for failing to comply with environmental laws related to underground tanks used to store diesel fuel, gasoline and used oil at the West Point Garrison in New York. Both military branches failed to monitor, test and keep records for their underground petroleum storage tanks. Leaking underground storage tanks pose significant threats to soil, surface water and ground water. In this instance, given the proximity of the West Point facility to both a source of public drinking water and the Hudson River, leaks from its underground diesel, gasoline and used oil storage systems could have caused a serious environmental problem.

As part of the settlement, the Army and the Army and Air Force Exchange Service paid \$91,250 in penalties, returned the 87,000-gallon capacity underground storage tank systems to compliance, and committed to maintain compliance for the remainder of the life of these tank systems.

#### **Tonawanda Coke Corp**

EPA took several enforcement actions to ensure environmental compliance at the Tonawanda Coke Corp. (TCC). On January 7, 2010, EPA issued an Administrative Order to TCC citing violations of the National Emission Standards for Hazardous Air Pollutants under the Clean Air Act. In response to this action, TCC conducted stack testing on their battery underfire/waste heat stack and boiler stack to determine emissions from these sources, conducted environmental testing known as Differential Absorption Light Detection and Ranging (DIAL) to determine what levels of benzene are being emitted from their coke operation and conducted a leak detection investigation to find and repair fugitive emissions.

In August 2010, TCC began removing four large tanks from its coke manufacturing facility and recycling the tanks' contents. Two of these tanks had burned in 2007 following a failed dismantling attempt, while the other two tanks were intact. The tanks contained tar storage tank residue and decanter tank tar sludge. The actions resolve a Resource Conservation and Recovery Act administrative complaint that TCC disposed of hazardous waste without a permit by mixing its decanter tank tar sludge with coal in piles on the ground and failed to minimize its hazardous waste releases at its facility.

Also in August, EPA issued an Administrative Order to ensure that TCC comply with its Clean Water Act permit. TCC is charged with discharging industrial wastewater containing cyanide in excess of its permit limits to the Town of Tonawanda's sanitary sewer system.

Additionally, on July 29, 2010, a federal grand jury returned an Indictment charging TCC and its Environmental Control Manager, Mark L. Kamholz, with a variety of environmental and other federal crimes. Specifically, the Indictment charges the defendants with 15 counts of violating the federal Clean Air Act. The Indictment also alleges the defendants engaged in obstruction of justice during an inspection conducted by the U.S. Environmental Protection Agency in April of 2009. Finally, the defendants are charged with four counts of storing, treating and disposing of hazardous waste without a permit to do so, in violation of the Resource Conservation and Recovery Act. The fact that a defendant has been charged with a crime is merely an accusation and the defendant is presumed innocent until and unless proven guilty.

#### **New York City Department of Environmental Protection (26th Ward WWTP)**

On October 16, 2009, EPA issued an Administrative Order requiring New York City to repair Regulator No. 1 at its 26th Ward wastewater treatment facility. Regulator No. 1 had collapsed causing 1.8 million gallons of raw sewage to discharge into Jamaica Bay. The importance of this flow regulator is that it determines the point at which surging influent is diverted away from the wastewater treatment plant and into Jamaica Bay. At the present time, the 26th Ward wastewater plant must divert excess stormwater to Jamaica Bay during significant storm events in order to protect its treatment processes. EPA's order required the city to stabilize and repair the collapsed regulator, which has been fundamentally completed, and to evaluate

raising the regulator's overflow weir thereby maximizing the flow to the treatment plant. The raising of this weir would further decrease future Combined Sewer Overflows to Jamaica Bay.

## Puerto Rico

### Puerto Rico Aqueduct and Sewer Authority

Under a consent decree entered by the court on August 24, 2010, the Puerto Rico Aqueduct and Sewer Authority (PRASA) has agreed to implement major capital improvements and upgrades over the next 15 years to resolve longstanding violations of the Clean Water Act at 126 drinking water plants across the island that discharge into Puerto Rico's lakes, rivers and streams, some of which are sources of drinking water. Most of the communities served by the drinking water treatment plants that will be upgraded under the agreement are in low income communities.

EPA estimates that the agreement will annually reduce major pollutants from entering into Puerto Rico's water bodies of suspended solids by 15 million pounds per year, residual chlorine by 600,000 pounds per year, and discharges of total phosphorous by 250,000 pounds per year.

The agreement requires PRASA to invest more than \$195 million in improvements. PRASA has also paid a \$1.02 million civil penalty. Under the decree, PRASA will complete 291 short-, mid-, and long-term capital improvement projects, which will include the construction of 34 treatment systems at facilities that currently are discharging untreated sludge into local waterways, installation of flow meters and high-level indicators at all PRASA facilities, improvements to sampling locations, capacity evaluations at over 50 facilities, implementation of an island-wide preventive maintenance program and facility operator training. In addition, PRASA will set aside \$2.2 million to design and construct an aeration system that will increase oxygen levels in Lake Toa Vaca or both Lake Toa Vaca and Lake Cidra. This project, when implemented, will enhance the condition of the aquatic ecosystem and restore the water quality of the lakes.

### Caribbean Petroleum Refining

On February 19, 2010, EPA issued a Unilateral Administrative Order for Removal Activities to Caribbean Petroleum Refining (CPR), directing the company to undertake oil cleanup activities at its facility in Bayamon, Puerto Rico. CPR did not comply with the Order. Therefore EPA expanded its oil cleanup activities on March 8, 2010. On March 25, 2010, EPA formally took control of the oil cleanup activity. In addition, beginning in March, 2010, EPA initiated a CERCLA removal action to address threats from significant hazardous substance contamination remaining at the Site. The removal action is in its early stages and is ongoing.

After the initial emergency response, EPA's work at the CPR facility has included the removal of oil contaminants from: secondary containment systems, from the remaining tanks and pits located throughout the facility; demolition of tanks in the north areas of the tank farm, and the removal and staging of contaminated soil. EPA continues off-site monitoring for oil sheen migration, water sampling from outfalls, and air monitoring during response operations. In addition, EPA plans to continue recovery, transportation, and disposal of oil-impacted, non-hazardous soils; dismantling/demolition of tanks in the north tank farm; decontamination of metals/debris; recovery of oil-impacted water from several tanks; and removal of oil contaminated soils from the north tank farm area and in containment areas for some of the remaining tanks.

This work is being undertaken in response to an October 2009 explosion and fire at the CPR facility. EPA has excavated nearly 780 cubic yards of soil contaminated with petroleum from the mid to eastern portions of the property. In total, EPA estimates that approximately 1,750 cubic yards of contaminated soil will be excavated. This contaminated soil will be disposed of at an off-site permitted disposal facility.

### Shell Chemical

On September 2, 2009, EPA fined Shell Chemical of Yabucoa, Puerto Rico \$155,057. This fine is in addition to a penalty of \$1,025,000 Shell paid in May, 2009 for similar violations. EPA alleged that Shell violated the Clean Water Act by improperly maintaining its deep ocean outfall equipment, discharging unauthorized pollutants in excess of permit limits, discharging pollutants into Santiago Creek and the Caribbean Sea at unpermitted locations, and failing to report certain discharge data. In the event Shell restarts petrochemical activities at the facility, the company is required to install a 1.34 million gallon storage facility for contaminated stormwater.

### Metropolitan Bus Authority of Puerto Rico

On August 24, 2010, the U.S. District Court for the District of Puerto Rico approved and entered a settlement between EPA and the Metropolitan Bus Authority of Puerto Rico resolving hazardous waste violations found at the Authority's central maintenance facility. This facility services the Authority's fleet of buses and other vehicles which provide the bulk of ground transportation in the San Juan, metropolitan area.

The Authority stored hazardous waste without a permit, failed to identify hazardous waste, violated used oil storage and remediation requirements, operated in a manner which failed to minimize releases of hazardous waste and hazardous waste constituents and failed to develop a Contingency Plan for the facility.

Since the Authority was in violation of a previous enforcement order, it paid a \$1.2-million penalty, shipped approximately 15,000 pounds of hazardous waste off-site, and agreed to undertake a third-party audit of the facility to address full compliance with the environmental requirements.

### Bo. Real Community

On June 21, 2010, EPA issued an Administrative Compliance Order to the Bo. Real Community for operating a public water

system (PWS) that was not in compliance with the Surface Water Treatment Rule (SWTR). The SWTR requires a surface water PWS to filter, disinfect and sample the drinking water it provides. The Bo. Real Community PWS, which serves approximately 1,000 people, was not filtering or sampling the water it provides. Due to financial and technical limitations, EPA has placed Bo. Real Community under a compliance schedule that requires them to achieve full compliance with the SWTR by June 21, 2011.

## **U.S. Virgin Islands**

### **St. Croix Department of Public Works**

On March 2, 2010, EPA issued an emergency order directing the Virgin Island Waste Management Authority (VIWMA) to immediately stop discharges from the Figtree and LBJ pump stations on St. Croix. Region 2's order also required the VIWMA to implement measures to prevent equipment failures. Equipment failures at the Figtree pump station led to daily discharges of 300,000 to more than 1 million gallons of raw sewage from January to March, 2010 into several water bodies that feed into the Caribbean Sea. This wastewater should have flowed to the Anguilla Wastewater Treatment Plant. The VIWMA stopped the discharges from the two pump stations and immediately installed a second house pump at the Figtree to ensure that there were two functioning pumps.

### **K Mart**

On May 18, 2010, EPA reached an agreement with K Mart regarding the company's management of hazardous waste and universal waste lamps at three of its Virgin Islands locations. Most significantly K Mart had improperly disposed of over 8,000 mercury-containing waste lamps. Mercury is a highly toxic substance that persists in the environment and can enter the food chain. As a result of this agreement, K Mart paid a \$28,812 penalty and instituted procedures to properly manage its hazardous and lighting wastes.

### **Virgin Islands Landfills (a.k.a., VIWMA)**

In May 2010, a judicial Complaint was filed by the Department of Justice on behalf of EPA to bring the Anguilla Landfill, located on St. Croix, and the Bovoni Landfill, located on St. Thomas, into compliance with the Resource Conservation and Recovery Act and the Clean Air Act. Both landfills are operated by the Virgin Islands Waste Management Authority (VIWMA) on behalf of the Virgin Islands government.

EPA will require the landfills to institute final closure under an approved schedule, install gas control and collection systems, and develop a 30-year post-closure care plan. These actions will control the unabated release of landfill gases, which are made up of methane, non-methane organic compounds and hazardous air pollutants.

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## Region 3: The Mid-Atlantic States

Serving Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia

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# 2010 Region 3 Compliance and Enforcement Annual Results

- [Regional Numbers at a Glance](#)
- [Federal Data presented State-by-State](#)

EPA's Mid-Atlantic regional office (Region 3) is responsible for federal environmental enforcement in Delaware, the District of



Columbia, Maryland, Pennsylvania, Virginia, and West Virginia. The Region concluded 177 enforcement cases in FY2010 that resulted in 375 million pounds of pollutants being treated, reduced, or eliminated and cleaning more than 1.2 million cubic yards of

contaminated water and aquifers. Many of these cases also commit companies and government agencies to implement long term pollution controls that continue these pollution reductions after the case is concluded.

One of former Administrator Jackson's goals for the Agency's enforcement program was to aggressively go after pollution problems that make a difference in communities. To protect vulnerable communities, Region 3 integrated Environmental Justice (EJ) concerns into our enforcement program through training, EJ assessments, and compliance monitoring activities. The Region conducted more than 200 EJ assessments in FY2010 enabling the staff to better understand, and respond to, the communities' concerns. These assessments help identify sites, facilities and/or projects with potential EJ issues. The Region took enforcement actions against companies and municipalities located in EJ areas of concern. The Williamsport Sanitary Authority, Hampton Roads Sanitation District, City of Baltimore, and CNX cases, described below, are a few examples of enforcement actions at facilities located in areas of EJ concern.

Region 3 is home to the Chesapeake Bay, the largest estuary in the United States. Concern about the Bay's environmental health has reached the President who issued an Executive Order to address the Bay's environmental problems. Region 3's Water Enforcement Program focused on the leading causes of Bay impairment, specifically storm water run-off from agriculture, municipal waste water treatment, and discharges from manufacturing operations. Storm water from these operations often contains high levels of nitrogen, phosphorus, sediment, toxic metals, and volatile organic compounds. Enforcement actions in the Bay watershed were targeted to stop this pollution and included enforcement actions against dairy farms in Lancaster County, Pennsylvania; administrative penalty orders against three Maryland municipal separate storm sewer systems; and 85 administrative orders against separate storm sewer systems in Pennsylvania. The Region also brought cases to stop sanitary sewer overflows and pollution from the Hampton Roads (Virginia) Sanitation District and the Williamsport (Pennsylvania) Sanitary Authority that discharge into the Chesapeake Bay watershed. The required improvements to the Hampton Roads system will prevent 1.8 million gallons of untreated sewage from flowing into the Bay each year. Improvements at Williamsport will prevent over 52 million gallons of untreated sewage from discharging annually into the Susquehanna River that flows into the Bay.

Region 3 continues to address burgeoning energy sector issues, especially coal and natural gas

### Compliance and Enforcement Annual Results

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extraction. In one case, CNX Corporation in Southwestern Pennsylvania disposed of unauthorized fluids in its underground injection well and failed to monitor the well as required by its permit. CNX paid a \$157,500 penalty and was required to plug the well, which stopped untreated discharges from flowing into a mine pool in West Virginia.

Region 3's enforcement program also encourages the regulated community to develop innovative solutions to address environmental problems. For example, Allegheny Ludlum Corporation (ALC) and its subcontractor HARSOC now use machines based on snow making equipment to create a water droplet fog over the slag pile to control air emissions at its Allegheny County steel operations. This technology can be used by other steel facilities. In addition, ALC will reduce air pollution by over 426,000 pounds through moving its Natrona steel operations to its nearby Brackenridge plant. ALC will pay a \$1.6 million civil penalty.

Protecting our drinking water sources continues to be a priority for Region 3. EPA took enforcement actions against over 25 large drinking water sources serving 2.5 million people. For example, the City of Baltimore's drinking water system, serving 1.6 million people, is now protected from air borne contaminants because Region 3 required the City to spend 137 million dollars over eight years to improve its water storage facilities.

Region 3 is proactive in preventing pollution, as well as challenging companies and agencies to clean up pollution. The Region settled the largest civil judicial action for underground storage tank violations in EPA history affecting 72 petroleum storage tanks at 17 gas stations. Duncan Petroleum did not monitor its tanks for leaks and was issued a 2 million dollar penalty for this failure that left the surrounding environment unprotected from potential petroleum leaks. Another pollution prevention effort is Region 3's PCB Challenge that led companies to remove and dispose of transformers that contained 490,133 pounds of PCBs. Now these PCBs no longer threaten the environment.

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## Compliance and Enforcement Annual Results Numbers at a Glance Region 3

### Results Obtained from EPA Civil Enforcement Actions

#### Estimated Environmental Benefit Commitments:

##### Direct Environmental Benefits

■ Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	374,713,089
■ Hazardous WastesTreated, Minimized or Properly Disposed Of (Pounds) <a href="#">(1)</a>	0
■ Contaminated Soil to be Cleaned Up (Cubic Yards)	38,781
■ Contaminated Water to be Cleaned Up (Cubic Yards)	1,204,141
■ Stream Miles Protected or Restored (Linear Feet)	10,515
■ Wetlands Protected or Restored (Acres)	65
■ People Protected by Safe Drinking Water Act Enforcement (# of People)	75

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$691,190,942
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$464,586
<b>Civil Penalties Assessed</b>	
Administrative Penalties Assessed	\$3,857,144
Judicial Penalties Assessed	\$8,141,860
State/Local Judicial Penalties Asses From Joint Federal-State/Local Enforcement Actions <u>(2)</u>	\$2,107,450
Stipulated Penalties Assessed	\$610,143

### **Civil Enforcement and Compliance Activities**

Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)	22
Supplemental Referrals of Civil Judicial Enforcement Cases to DOJ	3
Civil Judicial Complaints Filed with Court	15
Civil Judicial Enforcement Case Conclusions	24
Administrative Penalty Order Complaints	167
Final Administrative Penalty Orders	154
Administrative Compliance Orders	162
Cases with Supplemental Environmental Projects	3

### **Compliance Monitoring Activities**

Inspections/Evaluations	2246
Civil Investigations	16
Number of Regulated Entities Taking Complying Actions as a Direct Results of On-Site EPA Inspections/Evaluations	115

### **Superfund Cleanup Enforcement**

Amount Committed by Liable Parties to Clean up Superfund Sites	\$19,980,855
Amount Committed by Liable Parties to Pay for Government Oversight of Superfund Cleanups	\$5,150,470
Amount Committed by Liable Parties to Reimburse the Government for Money Spent Cleaning up Superfund Sites	\$6,457,459

### **Voluntary Disclosure Program**

Commitments to Reduce, Treat or Eliminate Pollution as a Result of Voluntary Disclosures (pounds)	5559
Voluntary Disclosures Initiated (Facilities)	171

Voluntary Disclosures Resolved (Facilities)	136
Voluntary Disclosures Initiated (Companies)	76
Voluntary Disclosures Resolved (Companies)	50

### Compliance Assistance

Assistance Tools <a href="#">(3)</a>	0
Workshops and Training	13
Facility Visits, Re-visits and Ongoing Facility Specific Work	0

Sources for Data displayed for Numbers at a Glance: Integrated Compliance Information System (ICIS), Criminal Case Reporting System, Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS), Resource Conservation and Recovery Act Information (RCRAInfo), Air Facility System (AFS), and Permit Compliance System (PCS) October 13, 2010.

### Footnotes:

(1)Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.

(2)This measure reports on penalties assessed in federal civil judicial enforcement cases that are awarded to a state or local government co-plaintiff in the case.

(3)EPA provides assistance using a variety of tools including workshops, facility visits, posting web-based information, responding to specific calls about regulations, etc.

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## Federal Data Presented State-by-state

EPA works in partnership with states in targeting federal enforcement where it produces the most environmental benefit. The data below shows EPA's activities and achievements.

Caveat - A single enforcement case that addresses facilities located in more than one state will be counted in the total for each state with a facility. The results achieved from this enforcement action will also be counted in each state with a facility.

- [Delaware](#)
- [District of Columbia](#)
- [Maryland](#)
- [Pennsylvania](#)
- [Virginia](#)
- [West Virginia](#)

### Region 3, Delaware

#### Civil Enforcement

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

#### Direct Environmental Benefits

- Pollution Reduced, Treated or Eliminated (Pounds) [\(1\)](#) 0

▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	0
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	1,200,000
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$8,735,492
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$0
Civil Penalties Assessed	\$2,181,502
<b>Civil Enforcement and Compliance Activities</b>	
Civil Judicial Enforcement Case Conclusions	2
Final Administrative Penalty Orders	10
Administrative Compliance Orders	7

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## Region 3, District of Columbia

### Civil Enforcement

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

#### Direct Environmental Benefits

▪ Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	0
▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	393
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	0

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief) \$34,955

Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects) \$0

Civil Penalties Assessed \$58,474

### Civil Enforcement and Compliance Activities

Civil Judicial Enforcement Case Conclusions	0
Final Administrative Penalty Orders	6
Administrative Compliance Orders	0

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## Region 3, Maryland

### Civil Enforcement

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

#### Direct Environmental Benefits

▪ Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a> <a href="#">(2)</a>	366,210,274
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▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	1780
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	0
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$180,706,434
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$275,586
Civil Penalties Assessed	\$3,441,976
<b>Civil Enforcement and Compliance Activities</b>	
Civil Judicial Enforcement Case Conclusions	4
Final Administrative Penalty Orders	31
Administrative Compliance Orders	15

## Region 3, Pennsylvania

### Civil Enforcement

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

#### Direct Environmental Benefits

▪ Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a> <a href="#">(2)</a>	374,141,141
▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	4167
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	0

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$117,369,369
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Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$189,000
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Civil Penalties Assessed	\$6,584,060
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### Civil Enforcement and Compliance Activities

Civil Judicial Enforcement Case Conclusions	13
Final Administrative Penalty Orders	77
Administrative Compliance Orders	108

## Region 3, Virginia

### Civil Enforcement

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

#### Direct Environmental Benefits

▪ Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a> <a href="#">(2)</a>	366,711,324
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▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	29,741
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	4,147
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$437,985,140
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$0
Civil Penalties Assessed	\$2,713,997
<b>Civil Enforcement and Compliance Activities</b>	
Civil Judicial Enforcement Case Conclusions	6
Final Administrative Penalty Orders	17
Administrative Compliance Orders	26

## Region 3, West Virginia

<b>Civil Enforcement</b>	
Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:	
Direct Environmental Benefits	
▪ Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a> 37,006	
▪ Contaminated Soil to be Cleaned Up (Cubic Yards) 2,700	
▪ Contaminated Water to be Cleaned Up (Cubic Yards) 0	
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief) \$3,852,679	
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects) \$0	
Civil Penalties Assessed \$947,270	
<b>Civil Enforcement and Compliance Activities</b>	
Civil Judicial Enforcement Case Conclusions 4	
Final Administrative Penalty Orders 12	
Administrative Compliance Orders 6	

### Footnotes:

Sources for Data displayed for Federal Data Presented State-by-State: Integrated Compliance Information System (ICIS)

(1) Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.

(2) Some FY 2010 EPA enforcement cases addressed violations at multiple facilities. In some instances, the facilities addressed in one case were not all located in the same state. Where this is the case, the action and its results have been counted in each state where a facility is located which may lead to aggregate state enforcement action counts and results that are higher than the total activity and results counts for the region.

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## Region 4: Enforcement and Compliance

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# 2010 Region 4 Compliance and Enforcement Annual Results

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Enforcement actions concluded in Region 4 in fiscal year 2010 (FY 2010) will result in the

treatment, minimization or proper disposal of more than 9.8 billion pounds of hazardous wastes. More than 53 million pounds of pollutants will be reduced or treated and more than 16 million cubic yards of contaminated soil and water will be cleaned up. Respondents in [Alabama](#), [Florida](#), [Georgia](#), [Kentucky](#), [Mississippi](#), [North Carolina](#), [South Carolina](#) and [Tennessee](#), and on [tribal lands](#) will invest more than \$420 million in pollution control and cleanup as a result of enforcement and compliance actions concluded this year and will implement more than \$5 million in Supplemental Environmental Projects. More than \$15 million in penalties has been assessed.

#### Federal Data by State

Click on each state to find federal data



Alabama  
Florida  
Georgia  
Kentucky  
Mississippi  
North Carolina  
South Carolina  
Tennessee

EPA Region 4 successfully concluded EPA's first case under the National Enforcement Priority for Mining and Mineral Processing with a civil judicial settlement with CF Industries, Inc., of Plant City, Florida. This precedent-setting [consent decree](#) will require CF Industries to spend over \$12 million to reconfigure current manufacturing or waste handling processes and install/operate a Wastewater Treatment Unit and will result in the elimination or treatment of over 9 billion pounds of hazardous waste.

EPA Region 4 is committed to ensuring the integration of [environmental justice](#) into all regional programs, policies, and activities to achieve measurable results for the environment and the public health of communities that are disproportionately impacted by non-compliance with environmental laws and regulations. In FY 2010, enforcement actions will require entities located in potential environmental justice areas to spend more than \$225 million to come into compliance with environmental regulations. More than 15 million pounds of pollutants will be reduced in communities and populations disproportionately impacted by pollution. These pollutant reductions and cleanup along with process improvements can have positive impacts on the health of those living near these facilities. This is especially important for those vulnerable populations who are most affected by these pollutants, i.e., people with asthma who are active outdoors, children, the elderly, and people with heart or lung disease. Seventeen enforcement actions completed in Region 4 will require the respondents to fund Supplemental Environmental Projects benefiting communities and populations impacted by non-compliance with environmental laws. More than \$10 million in federal penalties will be assessed for companies located in these communities.

As part of the Port of Huntington Tri-State Collaborative Geographic Initiative, EPA Region 4 participated in two Environmental Justice (EJ) Community Vision Meetings in June 2010 to present the Initiative to community members in the tri-state area (KY, OH, and WV) and to gather community feedback ([http://www.epa.gov/region3/oecej/MarshallU\\_Report.pdf](http://www.epa.gov/region3/oecej/MarshallU_Report.pdf) and [http://www.epa.gov/region3/oecej/WVSU\\_Report.pdf](http://www.epa.gov/region3/oecej/WVSU_Report.pdf)). These meetings served as an opportunity for EPA to solicit input from the attendees regarding the environmental issues and concerns in their communities. The community input will assist in strengthening the effectiveness of the Initiative, engaging the community in the decision-making process, and building community capacity to assist the Agency in efforts to protect the environment and public health.

In the past year in Region 4, more than 6,250 regulated entities received direct [compliance assistance](#). In FY 2010, Region 4 finalized decisions on 15 disclosures submitted by participants in the Region's [Compliance Incentive Initiative for Colleges and Universities](#). More than 500 violations were disclosed and corrected, resulting in more than \$750,000 being spent to reduce the likelihood of future releases and measures designed to create better management of environmental programs through enhanced training, recording keeping, testing and reporting.

In FY 2010, the EPA Region 4 [Criminal Enforcement Program](#) referred 35 cases for federal prosecution and 1 case to a state court system. Prosecutors in Region 4 charged 13 corporations and 36 individuals with environmental crimes, most of which were felonies. A total of 49 defendants were convicted of environmental crimes. Criminal defendants were assessed over \$7.6 million in fines and over \$2 million in restitution. In 2010, 26 new investigations were initiated.

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## Compliance and Enforcement Annual Results Numbers at a Glance Region 4

### Results Obtained from EPA Civil Enforcement Actions

Estimated Environmental Benefit Commitments:

Direct Environmental Benefits

- Pollution Reduced, Treated or Eliminated (Pounds) [\(1\)](#)

53,003,000

▪ Hazardous Wastes Treated, Minimized or Properly Disposed Of (Pounds) <a href="#">(1)</a>	9,874,650,000
▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	728,000
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	15,526,000
▪ Stream Miles Protected or Restored (Linear Feet)	67,600
▪ Wetlands Protected or Restored (Acres)	269
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$420,356,000
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$5,206,721
Civil Penalties Assessed	
Administrative Penalties Assessed	\$3,827,442
Judicial Penalties Assessed	\$11,319,387
State/Local Judicial Penalties Asses From Joint Federal-State/Local Enforcement Actions <a href="#">(2)</a>	\$1,909,340
Stipulated Penalties Assessed	\$200,000
<b>Civil Enforcement and Compliance Activities</b>	
Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)	34
Supplemental Referrals of Civil Judicial Enforcement Cases to DOJ	4
Civil Judicial Complaints Filed with Court	18
Civil Judicial Enforcement Case Conclusions	19
Administrative Penalty Order Complaints	339
Final Administrative Penalty Orders	336
Administrative Compliance Orders	221
Cases with Supplemental Environmental Projects	21
<b>Compliance Monitoring Activities</b>	
Inspections/Evaluations	2,454
Civil Investigations	37
<b>Superfund Cleanup Enforcement</b>	
Amount Committed by Liable Parties to Clean up Superfund Sites	\$31,533,178
Amount Committed by Liable Parties to Pay for Government Oversight of Superfund Cleanups	\$16,037,497
Amount Committed by Liable Parties to Reimburse the Government for Money Spent Cleaning up Superfund Sites	\$5,912,044
<b>Voluntary Disclosure Program</b>	
Commitments to Reduce, Treat or Eliminate Pollution as a Result of Voluntary Disclosures (pounds)	336,380
Voluntary Disclosures Initiated (Facilities)	157
Voluntary Disclosures Resolved (Facilities)	103
Voluntary Disclosures Initiated (Companies)	123
Voluntary Disclosures Resolved (Companies)	83
<b>Compliance Assistance</b>	

Assistance Tools <a href="#">(3)</a>	77
Workshops and Training	15
Facility Visits, Re-visits and Ongoing Facility Specific Work	39

Sources for Data displayed for Numbers at a Glance: Integrated Compliance Information System (ICIS), Criminal Case Reporting System, Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS), Resource Conservation and Recovery Act Information (RCRAInfo), Air Facility System (AFS), and Permit Compliance System (PCS) October 13, 2010.

### Footnotes:

- (1)Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.
- (2)This measure reports on penalties assessed in federal civil judicial enforcement cases that are awarded to a state or local government co-plaintiff in the case.
- (3)EPA provides assistance using a variety of tools including workshops, facility visits, posting web-based information, responding to specific calls about regulations, etc.

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## Federal Data Presented State-by-State

EPA works in partnership with states in targeting federal enforcement where it produces the most environmental benefit. The data below shows EPA's activities and achievements.

Caveat - A single enforcement case that addresses facilities located in more than one state will be counted in the total for each state with a facility. The results achieved from this enforcement action will also be counted in each state with a facility.

[Alabama](#)  
[Florida](#)  
[Georgia](#)  
[Kentucky](#)  
[Mississippi](#)  
[North Carolina](#)  
[South Carolina](#)  
[Tennessee](#)



### Region 4 - Alabama

#### Civil Enforcement

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

##### Direct Environmental Benefits

- |   |         |
|---|---------|
| ▪ Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a> | 937,000 |
| ▪ Contaminated Soil to be Cleaned Up (Cubic Yards)                      | 104,000 |

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief) \$22,296,560

Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects) \$4,128,713

Civil Penalties Assessed \$3,010,875

#### Civil Enforcement and Compliance Activities

- |   |    |
|---|----|
| Civil Judicial Enforcement Case Conclusions | 3  |
| Final Administrative Penalty Orders         | 46 |
| Administrative Compliance Orders            | 22 |

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### Region 4 - Florida

#### Civil Enforcement

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the

Environment:	
Direct Environmental Benefits	
■ Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	1,638,000
■ Contaminated Soil to be Cleaned Up (Cubic Yards)	558,000
■ Contaminated Water to be Cleaned Up (Cubic Yards)	10,905,000
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$343,460,510
Civil Penalties Assessed	\$1,982,644
<b>Civil Enforcement and Compliance Activities</b>	
Civil Judicial Enforcement Case Conclusions	5
Final Administrative Penalty Orders	44
Administrative Compliance Orders	87

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## Region 4 - Georgia

<b>Civil Enforcement</b>	
Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:	
Direct Environmental Benefits	
■ Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	23,915,000
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$11,194,701
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$5,361
Civil Penalties Assessed	\$3,304,338
<b>Civil Enforcement and Compliance Activities</b>	
Civil Judicial Enforcement Case Conclusions	3
Final Administrative Penalty Orders	57
Administrative Compliance Orders	13

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## Region 4 - Kentucky

<b>Civil Enforcement</b>	
Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:	
Direct Environmental Benefits	
■ Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	1,388,800
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$3,562,841
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$619,257
Civil Penalties Assessed	\$1,951,388
<b>Civil Enforcement and Compliance Activities</b>	
Civil Judicial Enforcement Case Conclusions	2
Final Administrative Penalty Orders	46
Administrative Compliance Orders	22

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## Region 4 - Mississippi

### Civil Enforcement

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

#### Direct Environmental Benefits

- Pollution Reduced, Treated or Eliminated (Pounds) [\(1\)](#) 6,097,000

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief) \$612,394

Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects) \$28,588

Civil Penalties Assessed \$1,977,656

### Civil Enforcement and Compliance Activities

Civil Judicial Enforcement Case Conclusions 1

Final Administrative Penalty Orders 16

Administrative Compliance Orders 21

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## Region 4 - North Carolina

### Civil Enforcement

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

#### Direct Environmental Benefits

- Pollution Reduced, Treated or Eliminated (Pounds) [\(1\)](#) 5,561,000

- Contaminated Soil to be Cleaned Up (Cubic Yards) 18,800

- Contaminated Water to be Cleaned Up (Cubic Yards) 1,711,000

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief) \$16,600,540

Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects) \$162,364

Civil Penalties Assessed \$2,435,436

### Civil Enforcement and Compliance Activities

Civil Judicial Enforcement Case Conclusions 2

Final Administrative Penalty Orders 67

Administrative Compliance Orders 36

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## Region 4 - South Carolina

### Civil Enforcement

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

#### Direct Environmental Benefits

- Pollution Reduced, Treated or Eliminated (Pounds) [\(1\)](#) 257,800

- Contaminated Soil to be Cleaned Up (Cubic Yards) 47,000

- Contaminated Water to be Cleaned Up (Cubic Yards) 644,600

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief) \$11,663,397

Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$218,862
Civil Penalties Assessed	\$5,091,337
<b>Civil Enforcement and Compliance Activities</b>	
Civil Judicial Enforcement Case Conclusions	1
Final Administrative Penalty Orders	21
Administrative Compliance Orders	10

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## Region 4 - Tennessee

### Civil Enforcement

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

#### Direct Environmental Benefits

▪ Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	13,366,000
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	2,265,100

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief) \$11,902,007

Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects) \$43,576

Civil Penalties Assessed \$1,016,608

### Civil Enforcement and Compliance Activities

Civil Judicial Enforcement Case Conclusions 4

Final Administrative Penalty Orders 39

Administrative Compliance Orders 9

### Footnotes:

Sources for Data displayed for Federal Data Presented State-by-State: Integrated Compliance Information System (ICIS)

(1) Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.

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## Federal Case Highlights Presented State-by-State

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[Florida](#)  
[Georgia](#)  
[Kentucky](#)  
[Mississippi](#)  
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[South Carolina](#)  
[Tennessee](#)



### Alabama

**McWane Inc., Birmingham, AL:** On July 14, 2010, the U.S. Environmental Protection Agency (EPA), the U.S. Department of Justice, and the states of Alabama and Iowa announced that McWane Inc., a national cast iron pipe manufacturer headquartered in Birmingham, AL, has agreed to pay \$4 million to resolve more than 400 violations of federal and state environmental laws. The settlement covers 28 of McWane's manufacturing facilities in 14 states and also requires the company to perform seven environmental projects valued at \$9.1 million.

<http://www2.epa.gov/enforcement/mcwane-inc-settlement>

## Florida

**CF Industries, Inc., Plant City, Florida:** On August 6, 2010, the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Justice announced that CF Industries, Inc. has agreed to spend approximately \$12 million to reduce and properly manage hazardous wastes generated at its Plant City, Florida phosphoric acid and ammoniated fertilizer manufacturing facility. The settlement resolves CF Industries' Resource Conservation and Recovery Act (RCRA) violations and requires the company to pay a civil penalty of more than \$700,000 and provide \$163.5 million in financial assurances to guarantee appropriate closure and long-term care of the closed facility. This is the first case concluded under EPA's National Enforcement Initiative for Mining and Mineral Processing.

<http://www2.epa.gov/enforcement/cf-industries-inc-settlement>

## Georgia

**John Wieland Homes and Neighborhoods Inc., and John Wieland Homes and Neighborhoods of the Carolinas Inc., Atlanta, GA:** On November 9, 2009, the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Justice announced that John Wieland Homes and Neighborhoods Inc., and John Wieland Homes and Neighborhoods of the Carolinas Inc., based in Atlanta, GA, have agreed to pay a \$350,000 civil penalty to resolve alleged violations of the Clean Water Act.

<http://yosemite.epa.gov/opa/admpress.nsf/d0cf6618525a9efb85257359003fb69d/314c65c7a62095b285257669005e9d2flOpenDocument>

## Kentucky

**D. D. Williamson and Company, Louisville, Kentucky:** On August 20, 2009, the Environmental Protection Agency (EPA) and the U.S. Department of Justice announced an agreement with D. D. Williamson and Company to settle Clean Air Act violations. The complaint filed against D. D. Williamson, a caramel coloring manufacturer, alleges the company failed to comply with the Clean Air Act and its regulations. An incident in 2003 incident at the plant resulted in the death of one employee and the release of an ammonia cloud in a nearby residential neighborhood. Under the consent decree, D. D. Williamson has agreed to pay \$600,000 in civil penalties to be divided equally between the United States and the Louisville Metro Air Pollution Control District, which enforces the risk management program regulations. After the 2003 explosion, D. D. Williamson took steps to improve its Louisville plant by building a new facility that housed its manufacturing operations. Under the consent decree, D. D. Williamson is required to use an outside engineering consultant to complete a full hazard operability study of its manufacturing operations and implement the study's recommendations, and to train its managers in process-hazard assessment techniques.

<http://www.justice.gov/opa/pr/2009/August/09-enrd-826.html>

## Mississippi

**First Chemical Corporation, Pascagoula, Mississippi:** On August 20, 2009, the Environmental Protection Agency (EPA) and the U. S. Department of Justice announced an agreement with First Chemical Corporation to settle Clean Air Act violations resulting from an explosion at their Pascagoula, MS facility. Under the consent decree, First Chemical has agreed to pay the United States \$731,000 in civil penalties, to complete an ongoing comprehensive hazard analysis of its mononitrotoluene process and to implement all recommendations resulting from the analysis.

<http://www.justice.gov/opa/pr/2009/August/09-enrd-826.html>

## North Carolina

**Meridian Industries, Inc., Charlotte, North Carolina:** On September 17, 2010, the United States filed a Complaint and a Stipulation of Settlement with Meridian Industries, Inc., in the U.S. District Court for the Western District of North Carolina, Charlotte Division. The Stipulation of Settlement memorializes an agreement by Meridian to pay a civil penalty of \$900,000 to address its RCRA violations. Meridian had previously owned a textile mill. It ceased operations in June 2003 but left all the chemicals from its operations onsite, and then sold the facility in September 2006. In July 2006 there was a fire at the facility, to which EPA On-Scene Coordinators, among others, responded. Following the fire, EPA conducted inspections, and one sampling visit at the facility. The results of these inspections and sampling visit indicated Meridian had violated numerous RCRA provisions. Specifically, Meridian failed to make a hazardous waste determination; stored hazardous waste without a permit; failed to have emergency preparedness and training; had container management violations; failed to equip the facility with necessary equipment; and failed to make emergency arrangements with local authorities. Meridian has since sold the facility, and the new owner removed all the waste, and performed the necessary remedial work at the facility.

## South Carolina

**Norfolk Southern Railway Company, Graniteville, SC:** On March 8, 2010, the Environmental Protection Agency (EPA) and the U. S. Department of Justice announced that Norfolk Southern Railway Company has agreed to pay a \$4 million penalty to resolve alleged violations of the Clean Water Act (CWA) and hazardous materials laws for a 2005 chlorine spill in Graniteville, SC. Under the settlement filed in federal court in Columbia, SC, Norfolk Southern will be required to pay a civil penalty of \$3,967,500 for the alleged CWA violations, to be deposited in the federal Oil Spill Liability Trust Fund. The alleged CWA violations, included in an amended complaint filed in March 2009, are for the discharge of tons of chlorine, a hazardous substance, from a derailed train tank car and thousands of gallons of diesel fuel from ruptured locomotive engine fuel tanks. For the alleged Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) violation for failure to immediately notify the National

Response Center of the chlorine release, Norfolk Southern will also pay a penalty of \$32,500, to be deposited in the Hazardous Substance Superfund.  
<http://www.justice.gov/opa/pr/2010/March/10-enrd-232.html>

## Tennessee

**Aleris International Inc.**: On August 4, 2009, the Environmental Protection Agency (EPA) and the U. S. Department of Justice announced the settlement with Aleris International Inc., one of the nation's largest aluminum recyclers, to resolve violations of the Clean Air Act. The company and 13 of its subsidiaries have committed to implementing environmental improvements and controls projected to cost \$4.2 million at 15 plants located in 11 states, including facilities in Tennessee and Kentucky. The company also agreed to a \$4.6 million civil penalty to resolve violations of the Clean Air Act, which will be allowed as an unsecured claim in Aleris's bankruptcy proceeding pending in Delaware.

<http://www2.epa.gov/enforcement/aloris-international-clean-air-act-settlement>

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For information about the contents of this page please contact [Becky Hendrix](#)



## Region 5 Enforcement and Compliance

Serving Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin and 35 Tribes

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[National Environmental Policy Act \(NEPA\)](#)

# 2010 Region 5 Compliance and Enforcement Annual Results

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- [Federal Data presented State-by-State](#)
- [Federal Case Highlights presented State-by-State](#)



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for a [spill in Whiting, Ind.](#). Judgements against Cincinnati and Hamilton County required them to spend \$1.79 billion to reduce untreated combined sewer and sanitary sewer overflows.

Enforcement of environmental laws resulted in nearly \$6 billion invested in pollution control and cleanup during fiscal year 2010 in [Illinois](#), [Indiana](#), [Michigan](#), [Minnesota](#), [Ohio](#) and [Wisconsin](#). The largest cases are three Midwest oil spills -- Enbridge Energy Partners for [spills in Marshall, Mich.](#) and [Romeoville, Ill.](#), and BP Products North America Inc.

In addition, Region 5's enforcement efforts will cause more than \$1.8 million to be spent for supplemental projects benefiting communities and populations that could be disproportionately affected by the violation of environmental laws.

During FY10, more than 16.9 million pounds of pollution were reduced, treated or eliminated in Region 5. There were 1,415 violations reported with a resulting 2,750 pounds of hazardous wastes, 161 lab packs and 10 pounds of radioactive waste removed and disposed of.

In FY 2010, Region 5 successfully negotiated and finalized decisions on 11 disclosures submitted by participants in the Region's Audit Agreement with Colleges and Universities. Approximately 1415 violations were disclosed and have been corrected, resulting in the removal and disposal approximately 2750 pounds of hazardous wastes, 161 lab packs and 10 pounds of radioactive wastes.

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## Region 5 Compliance and Enforcement Annual Results Numbers at a Glance

### Civil Enforcement

#### EPA Civil Enforcement Actions

#### Direct Environmental Benefits

- |   |             |
|---|-------------|
| ▪ Pollution Reduced, Treated or Eliminated<br>(Pounds) <a href="#">(1)</a>  | 169,464,424 |
| ▪ Hazardous Waste Treated, Minimized, or<br>Properly Disposed of (Pounds) <a href="#">(1)</a> <a href="#">(2)</a> | 1,756,000   |

▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	2,373,607
--	-----------

▪ Contaminated Water to be Cleaned Up (Cubic Yards)	1,715,167
---	-----------

▪ Stream Miles Protected or Restored (Linear Feet)	0
--	---

▪ Wetlands Protected or Restored (Acres)	49
--	----

▪ People Protected by Safe Drinking Water Act Enforcement (# of People)	174,017
---	---------

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$4,527,251,561
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Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$6,322,130
--	-------------

**Civil Penalties Assessed**

Administrative Penalties Assessed	\$3,851,862
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Judicial Penalties Assessed	\$8,358,993
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State/Local Judicial Penalties Assessed From Joint Federal-State/Local Enforcement Actions <a href="#">(3)</a>	\$3,573,557
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Stipulated Penalties Paid	\$175,988
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**Civil Enforcement and Compliance Activities**

Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)	44
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Supplemental Referrals of Civil Judicial Enforcement Cases to DOJ	20
---	----

Civil Judicial Complaints Filed with Court	30
--	----

Civil Judicial Enforcement Case Conclusions	33
---	----

Administrative Penalty Order Complaints	172
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Final Administrative Penalty Orders	173
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Administrative Compliance Orders	143
----------------------------------	-----

Cases with Supplemental Environmental Projects	22
--	----

**EPA Compliance Monitoring Activities**

Inspections/Evaluations	3533
-------------------------	------

Civil Investigations	97
----------------------	----

Number of Regulated Entities Taking Complying Actions during EPA Inspections/Evaluations	407
--	-----

**Superfund Cleanup Enforcement**

Amount Committed by Liable Parties to Clean up Superfund Sites	\$1,096,212,102
Amount Committed by Liable Parties to Pay for Government Oversight of Superfund Cleanups	\$11,618,191
Amount Committed by Liable Parties to Reimburse the Government for Money Spent Cleaning up Superfund Sites	\$8,595,991

### **Voluntary Disclosures**

Commitments to Reduce, Treat or Eliminate Pollution as a Result of Voluntary Disclosures (pounds)	41,960
Voluntary Disclosures Initiated (Facilities)	67
Voluntary Disclosures Resolved (Facilities)	229
Voluntary Disclosures Initiated (Companies)	64
Voluntary Disclosures Resolved (Companies)	53

### **EPA Compliance Assistance**

Assistance Tools	0
Workshops and Trainings	54
Facility Visits, Re-Visits and Ongoing Facility Specific Work	0

Sources for Data displayed in this document: Integrated Compliance Information System (ICIS), Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS), Resource Conservation and Recovery Act Information (RCRAInfo), Air Facility System (AFS), and Permit Compliance System (PCS) October 13, 2009

### **Footnotes:**

1. Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.
2. In FY 2008, for the first time, OECA initiated a new Environmental Benefits outcome reporting category to count pounds of "Hazardous Waste Treated, Minimized or Properly Disposed Of " from enforcement cases. OECA has determined that none of the previously established outcome categories are appropriate for counting the environmental benefits obtained from EPA's hazardous waste cases. For FY 2008, this new pilot category includes only results from RCRA cases, but, in the future, similar results obtained from enforcement actions under other statutes, particularly CERCLA, may also be included.

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## **Federal Data Presented State-by-state**

EPA works in partnership with states in targeting federal enforcement where it produces the most environmental benefit. The data below shows EPA's activities and achievements.

Caveat - A single enforcement case that addresses facilities located in more than one state will be counted in the total for each state with a facility. The results achieved from this enforcement action will also be counted in each state with a facility.

- [Illinois](#)



- [Indiana](#)
- [Michigan](#)
- [Minnesota](#)
- [Ohio](#)
- [Wisconsin](#)

## Region 5, Illinois

### Civil Enforcement

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

#### Direct Environmental Benefits

▪ Pollution, Reduced, Treated or Eliminated (Pounds)	
▪ Contaminated Soil to be Cleaned up (Cubic Yards)	530,877
▪ Contaminated Water to be Cleaned up (Cubic Yards)	0

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$626,537,321
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Investments in Projects that Benefit the Environment & Public Health (supplemental Environmental Projects)	\$386,855
--	-----------

Civil Penalties Assessed	\$2,534,458
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Civil Judicial Enforcement Case Conclusions	19
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Final Administrative Penalty Orders	45
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Administrative Compliance Orders	35
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## Region 5, Indiana

<b>Civil Enforcement</b>	
Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:	
Direct Environmental Benefits	
■ Pollution, Reduced, Treated or Eliminated (Pounds)	75,293,525
■ Contaminated Soil to be Cleaned up (Cubic Yards)	19
■ Contaminated Water to be Cleaned up (Cubic Yards)	0
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$403,511,972
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$4,447,395
Civil Penalties Assessed	\$3,374,405
Civil Judicial Enforcement Case Conclusions	10
Final Administrative Penalty Orders	21
Administrative Compliance Orders	23

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## Region 5, Michigan

<b>Civil Enforcement</b>	
Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:	
Direct Environmental Benefits	
■ Pollution, Reduced, Treated or Eliminated (Pounds)	13,667,101
■ Contaminated Soil to be Cleaned up (Cubic Yards)	501,000
■ Contaminated Water to be Cleaned up (Cubic Yards)	1,000

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$1,444,226,274
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$414,715
Civil Penalties Assessed	\$1,616,668
Civil Judicial Enforcement Case Conclusions	9
Final Administrative Penalty Orders	42
Administrative Compliance Orders	14

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## Region 5, Minnesota

### Civil Enforcement

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

#### Direct Environmental Benefits

■ Pollution, Reduced, Treated or Eliminated (Pounds)	4,662
■ Contaminated Soil to be Cleaned up (Cubic Yards)	0
■ Contaminated Water to be Cleaned up (Cubic Yards)	0

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	132,383,500
--	-------------

Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$32,246
--	----------

Civil Penalties Assessed	\$574,006
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Civil Judicial Enforcement Case Conclusions	2
Final Administrative Penalty Orders	21
Administrative Compliance Orders	3

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## Region 5, Ohio

### Civil Enforcement

#### Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

##### Direct Environmental Benefits

■ Pollution, Reduced, Treated or Eliminated (Pounds)	45,317,695
■ Contaminated Soil to be Cleaned up (Cubic Yards)	1,340,691
■ Contaminated Water to be Cleaned up (Cubic Yards)	1,714,167

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$2,108,522,520
--	-----------------

Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$379,200
--	-----------

Civil Penalties Assessed	\$3,494,738
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Civil Judicial Enforcement Case Conclusions	17
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Final Administrative Penalty Orders	26
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Administrative Compliance Orders	39
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## Region 5, Wisconsin

### Civil Enforcement

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:		
Direct Environmental Benefits		
■ Pollution, Reduced, Treated or Eliminated (Pounds)	1,015,648	
■ Contaminated Soil to be Cleaned up (Cubic Yards)	0	
■ Contaminated Water to be Cleaned up (Cubic Yards)	0	
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$14,143,795	
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$65,401	
Civil Penalties Assessed	\$622,368	
Civil Judicial Enforcement Case Conclusions	6	
Final Administrative Penalty Orders	16	
Administrative Compliance Orders	14	

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## Federal Case Highlights Presented State-by-state

- [Illinois: Concentrated animal feeding operations \(CAFO\) Enforcement in Illinois](#)
- [Indiana: Jeffersonville, Wastewater Consent Decree](#)
- [Michigan: Import Blitz](#)
- [Minnesota: Robert Christensen Case](#)
- [Ohio: Kogan Realty Enterprise](#)
- [Illinois & Ohio: McWane Settlement](#)

### CAFO Enforcement in Illinois

During 2010 EPA Region 5 ordered 10 Illinois dairy and beef feedlot and swine facilities to stop unauthorized discharges of manure and process wastewater into rivers and streams in violation of the Clean Water Act. Using administrative orders, EPA required the concentrated animal feeding operations to apply for permits from Illinois EPA under the National Pollutant Discharge Elimination System and to stop unauthorized discharges.

The CAFOs are located in northwest and southern Illinois in tributary watersheds of the Mississippi River that are classified as polluted. EPA inspectors found the facilities were not using structures and management practices to prevent discharges of manure, process wastewater and other animal production waste. Livestock manure and wastewater contain pollutants such as pathogens,

ammonia, oxygen-depleting organic matter, sediment, nitrogen and phosphorus and can be a significant source of water quality impairments.

To stop unauthorized discharges, facilities may be required to construct or modify manure and wastewater storage structures, redesign production areas or change waste and material handling practices. EPA's enforcement actions at 10 facilities in 2010 will annually prevent an estimated 536,600 pounds of pollutants from entering the tributaries.

Facilities that received orders during FY 2010 include:

**Greenville Livestock Inc.**, a large operation with approximately 2,000 cattle located near Centralia, Ill. An administrative penalty order was issued to address illegal discharge claims brought in 2008. In 2010 the facility agreed to pay a \$40,000 cash penalty to fully resolve the past violations.

**Rancho Cantera**, a large dairy operation with approximately 1,325 cows located near Kent, Ill., in Stephenson County. EPA believes the facility discharges to Yellow Creek, which flows to the Pecatonica River, then to the Rock River and finally to the Mississippi River.

**Breese Site Hog Farm**, a large swine-finishing operation with approximately 5,000 hogs weighing more than 55 pounds located near Breese, Ill., in Clinton County. EPA believes the facility discharges to an unnamed tributary of Shoal Creek, which flows to the Mississippi River.

**Westridge Dairy**, a large dairy operation with more than 700 cows located near Red Bud, Ill., in Randolph County. EPA believes the facility discharges to the Prairie Branch and then Horse Creek. Horse Creek is a tributary to the Kaskaskia River that flows to the Mississippi River.

**Birchen Farms Inc.**, a large dairy operation with approximately 770 cows located near Pearl City, Ill., in Stephenson County. EPA believes the facility discharges into an unnamed tributary, which flows to the East Plum River, then to the Plum River, a tributary of the Mississippi River.

**Car-Mer Dairy Farm**, a medium-sized dairy farm with approximately 360 cows located near Galena, Ill., in Jo Daviess County. EPA believes the facility discharges to an unnamed tributary of the Sinsinawa River, which flows to the Mississippi River.

**Steffes Holsteins Dairy Farm**, a medium-sized dairy operation with more than 200 cows located near Elizabeth, Ill., in Jo Daviess County. EPA believes the facility discharges to an unnamed tributary of the Rush River, which flows into the Mississippi River.

**Diekemper Bros. Inc.**, a medium-sized dairy operation with approximately 500 cows located near Carlyle, Ill., in Clinton County. EPA believes the facility discharges to the Flat Branch then to Beaver Creek. Beaver Creek empties into Shoal Creek, which flows to the Mississippi River.

**Seabaugh Pork Farms**, a medium-sized swine operation with approximately 2,300 hogs weighing more than 55 pounds located near Greenfield, Ill., in Clinton County. EPA believes the facility discharges to the Dry Branch, which flows to Governor Bond Lake, the drinking water source for the town of Greenville, Ill.

**Hawley Family Farm Inc.**, a medium-sized steer operation with approximately 590 cattle located near Stockton, Ill., in Jo Daviess County. EPA believes the facility discharges to unnamed tributaries of the Apple and Rush rivers, which both flow to the Mississippi River.

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### **Jeffersonville, Ind., Wastewater Consent Decree**

A November 2009 federal court settlement calls for around \$70 million in upgrades to the Jeffersonville, Ind., sewer system as well as environmental projects and a fine. The consent decree filed in U.S. District Court for Southern Indiana resolved U.S. and state of Indiana claims that on numerous occasions the city operated its wastewater and sewer system in violation of the Clean Water Act. Under the settlement, the city must perform upgrade work valued at approximately \$70 million by 2025. The work includes major sewer system and treatment plant construction to eliminate discharges of untreated sewage to a sensitive reach of the Ohio River. The city will also develop and implement a Capacity, Management, Operation, and Maintenance Plan to control the risks of sanitary system overflows.

In addition, Jeffersonville agreed to pay \$57,750 in civil penalties and perform two supplemental environmental projects. The federal-ordered SEP costing \$130,000 involves a stormwater treatment system consisting of two constructed wetlands and a vegetation buffer to remove pollutants from uncontrolled water flow at a new commerce center. The state SEP consists of installation of pervious pavers and a rain garden at a park to eliminate stormwater runoff. The estimated cost of that SEP is \$118,050.

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### **Import Blitz, Michigan**

During FY 2010, the EPA Region 5 Pesticides and Toxics Compliance Section helped the Criminal

Investigation Division conduct a two-day import blitz at the ports of Port Huron and Detroit in Michigan. Representatives from U.S. Customs and Border Protection, U.S. Department of Transportation, Michigan State Police, Michigan Department of Natural Resources and Environment and other EPA regional and headquarters staff participated in this CID-lead crackdown. Canadian authorities performed an identical action on their side of the border. The operation focused on the importation of chemicals, hazardous wastes and commercial goods of environmental concern. During this border blitz, PTCS looked for chemical substances subject to the import requirements of the Federal Insecticide, Fungicide, and Rodenticide Act, the Toxic Substances Control Act and the Resource Conservation and Recovery Act. Some 190 vehicles underwent inspection during the two days. Inspectors found 12 vehicles to be shipping cargo suspected of violating RCRA or TSCA. Two shipments entering the U.S. violated FIFRA as well as DOT's hazardous materials packaging rules. Customs sent these shipments back to the Canadian manufacturers.

In addition to the border blitz, as a part of its daily compliance monitoring operations during 2010, PTCS worked with Customs and Border Protection in processing more than 3,700 pesticide import shipments coming through official ports of entry in Region 5. The Pesticides and Toxics Compliance Section inspected 33 shipments suspected of containing illegal pesticide products, advised Customs to refuse entry to 31 import shipments, and issued nine administrative penalty orders that stipulated corrective actions against importers for distributing grossly misbranded pesticide products in the United States.

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#### **Robert Christensen Case, Minnesota**

In September 2010 EPA Region 5 issued a complaint for penalty order to Robert Christensen, who operates Bob's Repair in Brainerd, Minn. The complaint alleges Bob's Repair violated the Safe Drinking Water Act by using an open motor-vehicle waste disposal well. These Underground Injection Control Class 5 wells were banned in 2007. The alleged violations are significant because waste from vehicle repairs can contaminate ground water. EPA wants Christensen to close the open floor drain at the business and pay a \$3,600 penalty.

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#### **Kogan Realty Enterprise, Ohio**

Under a consent decree settled in June 2010, Kogan Realty Enterprises LLC is testing 22 properties and conducting abatement work for lead-based paint hazards in Cincinnati. In the legal case filed in U.S. District Court for the Southern District of Ohio, Kogan will replace windows and conduct abatement work on painted surfaces in the 128 residential units it owns and manages. The work is to be completed within five years at an estimated cost of \$200,000. In addition to making its units lead-safe for tenants, Kogan Realty also paid a \$5,000 civil penalty.

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#### **McWane Settlement, Illinois and Ohio**

A consent decree filed during 2010 in the Northern District of Alabama involved Clean Water Act violations at McWane Inc. facilities around the country, including four Region 5 plants. McWane is a national cast iron pipe manufacturer headquartered in Birmingham, Ala. The consent decree resolves violations at 28 facilities owned and operated by McWane in 14 states. It includes injunctive relief, a \$4 million civil penalty and seven supplemental environmental projects worth at least \$9.1 million. Some 75 of the approximately 400 alleged violations are at the four R5 McWane facilities. The company spent around \$6 million to implement corrective measures at its Region 5 locations. McWane's Clean Water Act violations include systemic noncompliance with EPA's stormwater management requirements. Region 5 took the lead in working with the company to resolve noncompliance with the Storm Water Pollution Prevention Plan (SWPPP) at the Clow Water Systems facility in Ohio, and the Manchester Tank facility in Quincy, Ill.

The Region also assisted EPA Headquarters with needed modifications on McWane's corporate-wide SWPPP, which was changed to reflect Agency comments. The consent decree includes a SEP that requires McWane to implement control measures to limit phosphorus to 50 mg/l in its wastewater discharges to the publicly owned treatment works in Bedford, Ind. The Bedford treatment plant empties into the Mississippi River watershed, so the McWane decree will reduce phosphorus loadings to that river system.

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## EPA's Region 6 Office

Serving: Arkansas, Louisiana, New Mexico, Oklahoma, Texas, and 66 Tribal Nations

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## 2010 Region 6 Compliance and Enforcement Annual Results

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Our mission is to promote compliance with Federal environmental regulations in partnership with our States and Tribes. Our vision is to make environmental compliance commonplace and to establish a culture that promotes going beyond compliance through collaboration, innovation and partnership.

We are pleased to provide information on Region 6's compliance and enforcement efforts for fiscal year 2010 (October 1, 2009 – September 30, 2010). In collaboration with our federal, state, and tribal partners, the EPA Region 6 made significant progress in protecting the environment and public health, and achieving lasting environmental results. After all complying actions for FY2010 are completed; industries, government agencies and other regulated entities will spend nearly \$887 million in pollution controls and will dedicate \$934 thousand towards environmental projects. As a result all of these efforts, EPA estimates that 83 million pounds of pollutants will be reduced, treated or eliminated; as well as 1.9 billion pounds of hazardous waste treated, minimized, or properly disposed. In addition, EPA assessed over \$14 million in civil and stipulated penalties and reached 16,000 regulated entities through compliance assistance efforts throughout the year.

The national program is organized into two major components. The first being the Core program which implements the requirements of 10 environmental laws, encompassing 29 programs. Our primary goal for the Core program is to maintain a credible presence to deter noncompliance, focusing our resources on facilities with the most environmental risk when ever possible. The second area involves the National Program Initiatives, which focus on the most significant environmental problems and human health challenges, which benefits from a national approach. Regional results indicate that our focus on the National Initiatives was well placed, as over 48 percent of the pollutant reductions achieved through the Region's enforcement actions, as well as over 69 percent of monies invested by facilities to come into compliance, were the result of cases implemented under the National Initiatives. These initiatives include Air Toxics, Prevention of Significant Deterioration and New Source Review, Concentrated Animal Feeding Operations, Municipal Sewer Overflows, Storm Water, Financial Responsibility, Mineral Processing, and Indian Country. Region 6 is actively involved in all of these initiatives with 62 percent of our new referrals to the Department of Justice addressing one or more of these initiatives. We will continue to reap the environmental outcomes in years to come as these referrals move toward conclusion.

EPA's Administrator, Lisa Jackson, and Assistance Administrator for the Office of Enforcement and Compliance Assurance, Cynthia Giles, have set high standards for implementing the Agency's priorities for EPA, as we Take Action on Climate Change, Improve Air Quality, Assure Safety of Chemicals, Clean Up Our Communities, Protect America's Waters, and Expand the Conversation on Environmentalism and Working for Environmental Justice. The central role that enforcement and compliance

plays in achieving these goals are: 1) enforcement will aggressively go after pollution problems that matter to communities; 2) we will take vigorous civil and criminal enforcement to address serious air and water pollution problems and to protect people from exposure to hazardous chemicals, with special attention to protection of vulnerable communities; and 3) enforcement and compliance work will make a difference every day to people concerned about the health of their communities. We accomplished a lot in FY 2010, and we are ready and eager to continue to meet these challenges in the future.

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## Compliance and Enforcement Annual Results Numbers at a Glance Region 6

### Results Obtained from EPA Civil Enforcement Actions

#### Estimated Environmental Benefit Commitments:

##### Direct Environmental Benefits

• Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	82,798,000
• Hazardous Wastes Treated, Minimized or Properly Disposed Of (Pounds) <a href="#">(1)</a>	1,864,656,000
• Contaminated Soil to be Cleaned Up (Cubic Yards)	79,000
• Contaminated Water to be Cleaned Up (Cubic Yards)	4,241,000
• Stream Miles Protected or Restored (Linear Feet)	20,000
• Wetlands Protected or Restored (Acres)	214
• People Protected by Safe Drinking Water Act Enforcement (# of People)	155,000

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$886,811,000
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Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$934,000
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#### Civil Penalties Assessed

Administrative Penalties Assessed	\$2,783,000
Judicial Penalties Assessed	\$11,109,000
State/Local Judicial Penalties Asses From Joint Federal-State/Local Enforcement Actions <a href="#">(2)</a>	\$880,000
Stipulated Penalties Assessed	\$208,000

### Civil Enforcement and Compliance Activities

Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)	27
Supplemental Referrals of Civil Judicial Enforcement Cases to DOJ	4
Civil Judicial Complaints Filed with Court	16
Civil Judicial Enforcement Case Conclusions	12
Administrative Penalty Order Complaints	320
Final Administrative Penalty Orders	265
Administrative Compliance Orders	230

Cases with Supplemental Environmental Projects	9
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**Compliance Monitoring Activities**

Inspections/Evaluations	2626
Civil Investigations	32
Number of Regulated Entities Taking Complying Actions as a Direct Results of On-Site EPA Inspections/Evaluations	116

**Superfund Cleanup Enforcement**

Amount Committed by Liable Parties to Clean up Superfund Sites	\$39,197,000
Amount Committed by Liable Parties to Pay for Government Oversight of Superfund Cleanups	\$2,701,000
Amount Committed by Liable Parties to Reimburse the Government for Money Spent Cleaning up Superfund Sites	\$11,813,000

**Voluntary Disclosure Program**

Voluntary Disclosures Initiated (Facilities)	80
Voluntary Disclosures Resolved (Facilities)	118
Voluntary Disclosures Initiated (Companies)	56
Voluntary Disclosures Resolved (Companies)	81

**Compliance Assistance**

Workshops and Training	135
Facility Visits, Re-visits and Ongoing Facility Specific Work	4

Sources for Data displayed for Numbers at a Glance: Integrated Compliance Information System (ICIS), Criminal Case Reporting System, Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS), Resource Conservation and Recovery Act Information (RCRAInfo), Air Facility System (AFS), and Permit Compliance System (PCS) October 13, 2010.

**Footnotes:**

- (1) Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.
- (2) This measure reports on penalties assessed in federal civil judicial enforcement cases that are awarded to a state or local government co-plaintiff in the case.
- (3) EPA provides assistance using a variety of tools including workshops, facility visits, posting web-based information, responding to specific calls about regulations, etc.

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**Federal Data Presented State-by-state**

EPA works in partnership with states in targeting federal enforcement where it produces the most environmental benefit. The data below shows EPA's activities and achievements.

Caveat – A single enforcement case that addresses facilities located in more than one state will be counted in the total for each state with a facility. The results achieved from this enforcement action will also be counted in each state with a facility.

- [Arkansas](#)
- [Louisiana](#)
- [New Mexico](#)

- [Oklahoma](#)
- [Texas](#)

## Region 6, Arkansas

<b>Civil Enforcement</b>	
Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:	
Direct Environmental Benefits	
• Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	40,680,000
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$1,580,000
Civil Penalties Assessed	\$1,443,000
<b>Civil Enforcement and Compliance Activities</b>	
Civil Judicial Enforcement Case Conclusions	1
Final Administrative Penalty Orders	9
Administrative Compliance Orders	11

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## Region 6, Louisiana

<b>Civil Enforcement</b>	
Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:	
Direct Environmental Benefits	
• Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	24,088,000
• Contaminated Soil to be Cleaned Up (Cubic Yards)	8,500
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$304,422,000
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$250,000
Civil Penalties Assessed	\$8,209,000
<b>Civil Enforcement and Compliance Activities</b>	
Civil Judicial Enforcement Case Conclusions	6
Final Administrative Penalty Orders	34
Administrative Compliance Orders	88

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## Region 6, New Mexico

<b>Civil Enforcement</b>	
Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:	
Direct Environmental Benefits	
• Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	1,455,000
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$270,000

Civil Penalties Assessed	\$100,000
Civil Enforcement and Compliance Activities	
Final Administrative Penalty Orders	24
Administrative Compliance Orders	38

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## Region 6, Oklahoma

Civil Enforcement	
Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:	
Direct Environmental Benefits	
• Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	17,390,000
• Contaminated Soil to be Cleaned Up (Cubic Yards)	2,420
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$271,727,000
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$333,000
Civil Penalties Assessed	\$5,356,000
Civil Enforcement and Compliance Activities	
Civil Judicial Enforcement Case Conclusions	2
Final Administrative Penalty Orders	67
Administrative Compliance Orders	53

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## Region 6, Texas

Civil Enforcement	
Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:	
Direct Environmental Benefits	
• Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	14,801,000
• Contaminated Soil to be Cleaned Up (Cubic Yards)	67,800
• Contaminated Water to be Cleaned Up (Cubic Yards)	4,241,150
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$450,302,000
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$850,600
Civil Penalties Assessed	\$9,253,000
Civil Enforcement and Compliance Activities	
Civil Judicial Enforcement Case Conclusions	6
Final Administrative Penalty Orders	128
Administrative Compliance Orders	36

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**Footnotes:**

Sources for Data displayed for Federal Data Presented State-by-State: Integrated Compliance Information System (ICIS)

(1) Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.

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## Federal Case Highlights Presented State-by-state

- [Arkansas](#)
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### Arkansas

Rineco Chemical, of Benton, AR, will invest \$1.5 million in physical and non-physical remedies to address the following noncompliance issues: (1) operating thermal treatment and storage units without a permit, (2) failure to notify of waste activity, (3) failure to provide financial assurance, and (4) failure to comply air emission requirements. Rineco will also pay a civil penalty of \$1.35 million. As a result of this enforcement action, Rineco has eliminated 4.2 million pounds of hazardous waste emissions from the environment.

Tate and Lyle Ingredients Americas Inc., an ingredient manufacturing company in Van Buren, Arkansas, failed to submit a risk management plan for their regulated substance, propylene oxide. The company is to pay the penalty of \$56,837. In addition, the company is to revise its operational procedure regarding the storage of propylene oxide.

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### Louisiana

Formosa Plastics Corp., Texas, and Formosa Plastics Corp., Louisiana, will spend more than \$10 million on pollution controls to address air, water, and hazardous waste violations at two petrochemical plants in Point Comfort, Texas, and Baton Rouge, Louisiana. The companies also have agreed to pay a civil penalty of \$2.8 million to resolve violations under the Clean Air Act (CAA), Clean Water Act (CWA), Resource Conservation and Recovery Act (RCRA) and Emergency Planning and Community Right-to-Know Act (EPCRA). Under the agreement, both the Texas and Louisiana facilities will implement a comprehensive CAA enhanced leak detection and repair program, which goes beyond regulatory requirements by requiring more stringent leak definitions, more frequent monitoring and monitoring and repair of additional chemical manufacturing equipment. The leak prevention practices agreed to in the settlement include an innovative program to replace valves with new "low leak" valve technology, which will significantly reduce the likelihood of future leaks of air pollutants. The enhanced program also includes requirements for periodic audits of the companies' leak prevention practices to ensure compliance going forward. The enhanced leak detection and repair program will potentially reduce the annual volatile organic compound (VOC) air emissions from the two Formosa facilities by approximately 6,570,000 pounds per year of VOCs, including hazardous air pollutants such as vinyl chloride.

The Mosaic Fertilizer, judicial settlement resolved allegations that Mosaic made modifications to its Uncle Sam, Louisiana facility that increased emissions of sulfur dioxide without first obtaining the required permits and installing required control equipment. The settlement included \$30 million in injunctive relief and \$2.4 million in civil penalties. The State of Louisiana will receive \$600,000 of the civil penalty. Mosaic will install state-of-the-art pollution control equipment at the Louisiana plant to meet new, lower sulfur dioxide limits at its Uncle Sam facility. In addition, Mosaic agreed that it will permanently cease sulfuric acid production at its Mulberry sulfuric acid plant in Bartow, Fla. It also will not use the emission reduction credits associated with that shut down to enable increased emissions at other facilities. These measures are expected to eliminate more than 7,600 tons of sulfur dioxide annually from the two plants.

Saint-Gobain was the first global settlement in the New Source Review Glass Industry sector, covering 15 facilities nationwide, three of which are in Region 6. As the nation's second largest container glass manufacturer, Saint-Gobain agreed to install pollution control equipment at an estimated cost of \$112 million to reduce emissions of nitrogen oxide, sulfur dioxide, and Particulate Matter; accept enforceable emission limits and pay a civil penalty of \$2.25 million. The States of Oklahoma and Louisiana will share \$200,000 of the civil penalty. Saint-Gobain will also pay \$250,000 into a fund established by the Oklahoma Department of Environmental Quality for the purpose of reducing nitrogen oxide emissions in the Tulsa airshed. Emission reductions for Region 6 are estimated to be 1,214 tons per year of nitrogen oxide, 129 tons per year of sulfur dioxide, and 33 tons per year of Particulate Matter.

Plains All American Pipeline has agreed to spend approximately \$41 million to upgrade 10,420 miles of crude oil pipeline

operated in the United States. The settlement resolves Clean Water Act violations for 10 crude oil spills in Texas, Louisiana, Oklahoma, and Kansas, and requires the company to pay a \$3.25 million civil penalty. Between June 2004 and September 2007, more than 273,000 barrels of crude oil were discharged from various pipelines and one tank owned and operated by Plains. The 10 spills ranged in size from 2.5 barrels to 4,500 barrels and most were caused by pipeline corrosion. Plains, based in Houston, must take steps to replace or install corrosion control equipment, perform pipeline inspections, assess the integrity of newly acquired pipelines, improve leak detection practices and capabilities, and provide proper training for personnel. In addition, Plains must ensure that all breakout tanks used to replace or substitute existing tanks that relieve pipeline surges have adequate capacity to contain such surges and are properly located within secondary containment.

St. Martinville municipality of Louisiana, agreed to spend \$2.7 million on process changes and pay a civil penalty of \$49,956, half of which will go to the state of Louisiana, for violations of the Clean Water Act. This municipality exceeded the permitted effluent limitations by allowing untreated or partially treated wastewater to be discharged into waters of the U.S, and failed to properly operate and maintain its treatment unit and/or collection systems.

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## New Mexico

Emergency Administrative Order Issued to Three Mescalero Apache Public Water Systems in New Mexico: Region 6 issued an imminent and substantial endangerment emergency Order to three Mescalero Apache public water systems: the Silver Lake Recreational Area Spring Water System, the Community Spring, and the Bureau of Indian Affairs Spring Water System. The Order was issued to the Tribe in response to findings of a Sanitary Survey conducted by staff of the Region 6 Drinking Water Program back in August 2010. Significant deficiencies were identified within all three spring boxes. Region 6 found that the failure to properly operate and maintain these public drinking water systems resulted in a potential threat to human health. The Order outlines the actions the Tribe must take to restore high quality drinking water from these sources.

Storm Water Enforcement in New Mexico: In recent years, EPA has observed a high rate of noncompliance with the storm water regulations and as a result the storm water sector has been an EPA priority for the past several years. This past year, EPA Region 6 issued a combined total of 46 administrative compliance and penalty enforcement actions in New Mexico for the storm water sector including: 10 for homebuilders; 9 for industrial construction; 25 for industrial non-construction, and 2 for ready-mix sand and gravel. Combined, the New Mexico cases resulted in assessed penalties totaling \$38,660, complying actions costs of \$246,000, and pollutant reductions of close to 1.4 million pounds. EPA is committed to taking an aggressive approach in reducing pollution in communities, particularly in reducing polluted storm water runoff.

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## Oklahoma

Plains All American Pipeline has agreed to spend approximately \$41 million to upgrade 10,420 miles of crude oil pipeline operated in the United States. The settlement resolves Clean Water Act violations for 10 crude oil spills in Texas, Louisiana, Oklahoma, and Kansas, and requires the company to pay a \$3.25 million civil penalty. Between June 2004 and September 2007, more than 273,000 barrels of crude oil were discharged from various pipelines and one tank owned and operated by Plains. The 10 spills ranged in size from 2.5 barrels to 4,500 barrels and most were caused by pipeline corrosion. Plains, based in Houston, must take steps to replace or install corrosion control equipment, perform pipeline inspections, assess the integrity of newly acquired pipelines, improve leak detection practices and capabilities, and provide proper training for personnel. In addition, Plains must ensure that all breakout tanks used to replace or substitute existing tanks that relieve pipeline surges have adequate capacity to contain such surges and are properly located within secondary containment.

Magellan Pipeline Company has agreed to pay a \$418,000 fine in order to resolve violations of the federal Clean "Water Act. On January 5, 2008, approximately 1,075 barrels of gasoline leaked from Magellan's 12-inch pipeline near Oologah, Oklahoma. The gasoline reached Four Mile Creek, a tributary of the Verdigris River, which flows into Lake Oologah. The cause of the pipeline leak was a failed weld at a coupling point.

Lafarge North America, Inc., based in Herndon, Va., and two of its subsidiaries have agreed in a consent decree to install and implement control technologies at an expected cost of up to \$170 million to reduce emissions of nitrogen oxide by more than 9,000 tons each year and sulfur dioxide by more than 26,000 tons per year at their cement plants. This is a national settlement addressing facilities in 13 states, including one in Tulsa, Oklahoma. As part of the settlement, Lafarge has agreed to pay a \$5 million civil penalty to resolve alleged violations of the Clean Air Act's new source review regulations. Of the \$5 million civil penalty, Lafarge will pay \$3.4 million to the United States and \$1.7 million to the 13 participating states and agencies. Lafarge has agreed to install the first-ever SCR system at a cement plant in the United States. In addition, Lafarge has also agreed to install seven selective non-catalytic reduction (SNCR) systems at long dry cement kilns. This is among the first application of this technology to this type of kiln in the United States. Lafarge will also install CEMS at all of their cement kilns.

Saint-Gobain was the first global settlement in the New Source Review Glass Industry sector, covering 15 facilities nationwide, three of which are in Region 6. As the nation's second largest container glass manufacturer, Saint-Gobain agreed to install pollution control equipment at an estimated cost of \$112 million to reduce emissions of nitrogen oxide, sulfur dioxide, and Particulate Matter; accept enforceable emission limits and pay a civil penalty of \$2.25 million. The States of Oklahoma and

Louisiana will share \$200,000 of the civil penalty. Saint-Gobain will also pay \$250,000 into a fund established by the Oklahoma Department of Environmental Quality for the purpose of reducing nitrogen oxide emissions in the Tulsa airshed. Emission reductions for Region 6 are estimated to be 1,214 tons per year of nitrogen oxide, 129 tons per year of sulfur dioxide, and 33 tons per year of Particulate Matter.

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## Texas

Formosa Plastics Corp., Texas, and Formosa Plastics Corp., Louisiana, will spend more than \$10 million on pollution controls to address air, water, and hazardous waste violations at two petrochemical plants in Point Comfort, Texas, and Baton Rouge, Louisiana. The companies also have agreed to pay a civil penalty of \$2.8 million to resolve violations under the Clean Air Act (CAA), Clean Water Act (CWA), Resource Conservation and Recovery Act (RCRA) and Emergency Planning and Community Right-to-Know Act (EPCRA). Under the agreement, both the Texas and Louisiana facilities will implement a comprehensive CAA enhanced leak detection and repair program, which goes beyond regulatory requirements by requiring more stringent leak definitions, more frequent monitoring and monitoring and repair of additional chemical manufacturing equipment. The leak prevention practices agreed to in the settlement include an innovative program to replace valves with new "low leak" valve technology, which will significantly reduce the likelihood of future leaks of air pollutants. The enhanced program also includes requirements for periodic audits of the companies' leak prevention practices to ensure compliance going forward. The enhanced leak detection and repair program will potentially reduce the annual volatile organic compound (VOC) air emissions from the two Formosa facilities by approximately 6,570,000 pounds per year of VOCs, including hazardous air pollutants such as vinyl chloride.

ExxonMobile was issued a consent agreement and final order under which the company will spend more than \$150 million to close an impoundment and dispose of more than 1.8 billion pounds of illegally stored hazardous waste at a site in Pasadena, Texas. Additionally, there was a penalty of \$100,000. This is the first settlement in the nation to be filed under the National Mineral Processing Initiative. ExxonMobile will be responsible for post-closure care at the 509-acre hazardous waste site at the Agrifos Fertilizer facility, including groundwater monitoring for the next 50 year. ExxonMobil illegally commingled hazardous waste with acidic process wastewater stored in the impoundment which is a violation of the Resource Conservation and Recovery Act. The settlement further requires ExxonMobil to dispose of the wastewater via two permitted underground injection control wells at the Agrifos site. Once deep well injection is complete, ExxonMobile must permanently cap both wells, precluding future use of the wells.

Plains All American Pipeline has agreed to spend approximately \$41 million to upgrade 10,420 miles of crude oil pipeline operated in the United States. The settlement resolves Clean Water Act violations for 10 crude oil spills in Texas, Louisiana, Oklahoma, and Kansas, and requires the company to pay a \$3.25 million civil penalty. Between June 2004 and September 2007, more than 273,000 barrels of crude oil were discharged from various pipelines and one tank owned and operated by Plains. The 10 spills ranged in size from 2.5 barrels to 4,500 barrels and most were caused by pipeline corrosion. Plains, based in Houston, must take steps to replace or install corrosion control equipment, perform pipeline inspections, assess the integrity of newly acquired pipelines, improve leak detection practices and capabilities, and provide proper training for personnel. In addition, Plains must ensure that all breakout tanks used to replace or substitute existing tanks that relieve pipeline surges have adequate capacity to contain such surges and are properly located within secondary containment.

Agrifos was assessed a \$535,206 penalty under the nation's first fertilizer manufacturer case pursuant to Section 313 of EPCRA. In 2008, EPA Headquarters initiated a nation wide evaluation on the compliance of fertilizer manufacturers with respect to EPCRA Section 313, better known as Toxic Release Inventory (TRI) reporting. An in-depth investigation was begun on Agrifos Fertilizer in Pasadena, Texas, and it was discovered that the Agrifos had failed to report for numerous toxic metal compounds which had been disposed of on-site in large piles of phosphogypsum, commonly referred to as "gypstacks." Approximately 1.3 million pounds of toxic metal compounds were not reported to EPA or to the State of Texas from 2004 through and including 2007. Fertilizer manufacturers create large amounts of phosphoric acid in their process of making phosphate fertilizers.

Saint-Gobain was the first global settlement in the New Source Review Glass Industry sector, covering 15 facilities nationwide, three of which are in Region 6. As the nation's second largest container glass manufacturer, Saint-Gobain agreed to install pollution control equipment at an estimated cost of \$112 million to reduce emissions of nitrogen oxide, sulfur dioxide, and Particulate Matter; accept enforceable emission limits and pay a civil penalty of \$2.25 million. The States of Oklahoma and Louisiana will share \$200,000 of the civil penalty. Saint-Gobain will also pay \$250,000 into a fund established by the Oklahoma Department of Environmental Quality for the purpose of reducing nitrogen oxide emissions in the Tulsa airshed. Emission reductions for Region 6 are estimated to be 1,214 tons per year of nitrogen oxide, 129 tons per year of sulfur dioxide, and 33 tons per year of Particulate Matter.

BASF Corporation has agreed under a national Clean Air Act settlement, to reduce the use of refrigerant chemicals that destroy the earth's stratospheric ozone layer. The company will spend more than an estimated \$250,000 to retrofit one refrigeration unit that currently uses such chemicals, replacing them with environmentally-friendly alternatives, and will either retrofit or retire two other units. BASF will also pay a civil penalty of \$384,200. Combined, the measures that the company is performing will remove approximately 4,760 pounds of harmful HCFCs from their operations.

Tyler Pipe Company and Manchester Tank & Equipment Company, as part of a settlement with McWane Inc., a national cast iron pipe manufacturer headquartered in Birmingham, Ala., has agreed to pay \$4 million to resolve more than 400 violations of federal and state environmental laws. The settlement covers 28 of McWane's manufacturing facilities in 14 states and also requires the company to perform seven environmental projects valued at \$9.1 million. The Region 6 portion of the settlement included \$362,850 in penalties and close to \$12 million in complying actions costs, resulting in over 2.4 million pounds of pollutant reductions.

The Lyondell bankruptcy involved seven EPA regions. It was primarily a Superfund case; however, there were some other media involved. In Region 6 alone, this case involved multiple Superfund sites/facilities. On the regulatory side, Houston Refining was included based on a Clean Air Act (CAA) case. The settlement included \$480,000 for the CAA component, as well as over \$13.7 million in Cost Recovery and close to \$12 million in complying action value under the Superfund program.

Voluntary Purchasing Groups, Inc. (VPG) of Bonham, Texas, agreed to pay a penalty of \$128,300 after the company was found in violation of the Federal Insecticide, Fungicide and Rodenticide Act, also known as FIFRA. According to the complaint, VPG distributed and sold a registered pesticide whose composition was different from its registration, and distributed and sold unregistered and/or misbranded pesticides, including Hi-Yield 5% Malathion Dust, Ferti-Lome Come and Get It! Fire Ant Killer, Hi-Yield Dusting Wetttable Sulphur, Ferti-Lome Dormant Spray and Summer Oil Spray, Natural Guard Lawn, Plant & Pet Insect Spray, and Hi-Yield Kill-A-Bug II.

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## Region 8

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# Region 8 2010 Compliance and Enforcement Annual Results

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### Compliance and Enforcement Annual Results

- [National Results for 2010](#)
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## Region 8 Summary

EPA Region 8 strives to protect human health and the environment by assuring that government, business and the public meet federal environmental requirements. In 2010, EPA Region 8 compliance and enforcement activities included compliance assistance, monitoring, and enforcement activities as well as environmental justice initiatives. We collaborate with states and tribes to define oversight roles, promote effective enforcement strategies, and engage in various compliance assistance and incentive activities. Our concluded cases achieved over 4.6 million pounds of pollutants reduced, treated or eliminated from the environment, and we collected over \$31.5 million in total injunctive relief and Supplemental Environmental Projects. In our region, approximately 1.3 million people were notified of drinking water violations at public water systems as a result of EPA enforcement actions. EPA obtained court approval for one of the biggest national Superfund bankruptcy cash out settlements in the history of the Agency along with settlement of one of the biggest national Superfund clean-up actions on record for contaminated mining sites in our region and others across the country.



Federal results by state

## Environmental Justice

Environmental Justice (EJ) and the protection of disproportionately impacted low-income and minority populations are among EPA Region 8's highest priorities. Regional Administrator Jim Martin demonstrated his focus on environmental justice by leading two EJ listening sessions in 2010 with stakeholders in Pueblo, Colorado. During the year, the Regional Office managed over \$1.2 million in grant monies provided to communities with environmental justice concerns to address issues ranging from identification of health risks to identifying mechanisms to reduce, treat or eliminate pollutants. EPA Region 8 established partnerships with state and local government, non-profits and community groups in Utah to launch a two-year Children's Environmental Health/Environmental Justice Initiative in nine westside Salt Lake City neighborhoods to help achieve a more holistic, integrated approach to children's environmental health that is sustainable in the community and replicable for other communities. EPA also partnered with the State of Colorado and several school districts to retrofit 836 diesel school buses to reduce concentrations of in-cabin particulate emissions by 56 percent. More than 50,000 children are breathing cleaner air when traveling to and from school as a result of these retrofits. Environmental Justice is also a key focus for the ongoing partnership between EPA, Department of Housing and Urban Development, and Department of Transportation. These agencies seek to assure that housing and transportation goals are met while simultaneously protecting the environment.



EPA's enforcement priorities include protecting air and water resources from pollution from energy production sources. On Indian country in Colorado and Utah, EPA recently concluded five Clean Air Act settlements with oil and gas companies to secure compliance and reduce ozone-forming emissions. As a result, air pollutants were reduced by 1,081 tons per year. Companies paid more than \$800,000 in penalties and invested an additional \$7.2 million in measures to reduce emissions. These settlements conserve 118 million cubic feet of gas annually, enough to heat 1,300 homes. From a climate change perspective, emissions reductions are equivalent to taking nearly 9,000 cars off the road or planting almost 11,000 acres of trees.

## Tribal

EPA Region 8 aggressively protected populations that were provided drinking water by Tribal water systems and focused on those with a chronic history of violations. As a result nine administrative compliance orders were issued. On Indian country in Colorado and Utah, EPA concluded five Clean Air Act settlement agreements with oil and gas companies, reducing criteria pollutants by 1,081 tons per year.

## Enforcement Actions

EPA Region 8 initiated 89 administrative compliance orders, 97 administrative penalty order complaints, and 84 administrative penalty order conclusions. Total federal penalties exceeded \$2.8 million.

## Injunctive Relief

Regulated entities were compelled to spend over \$31.5 million in pollution control, clean-ups, and supplemental environmental projects.

## Compliance Monitoring

EPA Region 8 conducted over 1,700 inspections in our six state region under all major environmental laws.

## Referrals

EPA Region 8 issued 18 civil referrals to the U.S. Department of Justice. Ten civil judicial settlements were concluded.

## Compliance Assistance

Compliance assistance was provided to 2,700 regulated entities in Region 8. Most regulated entities receiving direct compliance assistance from EPA Region 8 reported that they improved environmental management practices as a result.

## Compliance and Enforcement Annual Results Region 8 Numbers at a Glance

### Results Obtained from EPA Civil Enforcement Actions

#### Estimated Environmental Benefit Commitments:

Direct Environmental Benefits	
• Pollution Reduced, Treated or Eliminated (Pounds)	<a href="#">(1)</a> 4,656,111
• Wetlands Protected (Acres)	13
• People Protected by Safe Drinking Water Act Enforcement (No. of People)	410,678

#### Investments in Pollution Control and Clean-up (Injunctive Relief)

\$30,305,837

#### Investments in Environmentally Beneficial Projects (SEPs)

\$1,233,064

#### Civil Penalties Assessed

Administrative Penalties Assessed	\$1,823,178
Judicial Penalties Assessed	\$1,049,387

### EPA Civil Enforcement and Compliance Activities

Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)	18
Civil Judicial Complaints Filed with Court	7
Civil Judicial Enforcement Case Conclusions	10
Administrative Penalty Order Complaints	97
Final Administrative Penalty Orders	84


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Administrative Compliance Orders	89
Cases with SEPs	4
<b>EPA Compliance Monitoring Activities</b>	
Inspections/Evaluations	1725
Civil Investigations	12
Number of Regulated Entities Taking Complying Actions during EPA Inspections/Evaluations	30
Number of Regulated Entities Receiving Assistance during EPA Inspections/Evaluations	781
Inspections Conducted by Tribal Inspectors Using Federal Credentials <sup>(2)</sup>	68
<b>EPA Superfund Cleanup Enforcement</b>	
% of non-Federal Superfund Sites with Viable, Liable Parties where an Enforcement Action was taken Prior to the Start of the Remedial Action	100%
Private Party Commitments for Site Study and Cleanup (including cash outs)	\$16,033,000
Private Party Commitments for Cost Recovery	\$15,176,356
% of Cost Recovery Cases Greater than or Equal to \$200,000 that were Addressed before the Statute of Limitations Expired	100%
<b>EPA Voluntary Disclosure Program</b>	
Voluntary Disclosures Initiated (Facilities)	32
Voluntary Disclosures Resolved (Facilities)	6
Voluntary Disclosures Initiated (Companies)	12
Voluntary Disclosures Resolved (Companies)	6
Notice of Determination (NODs)	5

Sources for data displayed for Numbers at a Glance: Integrated Compliance Information System (ICIS), Criminal Case Reporting System, Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS), Resource Conservation and Recovery Act Information (RCRAInfo), Air Facility System (AFS), and Permit Compliance System (PCS) October 14, 2010.

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## Federal Data Presented State-by-State

EPA works in partnership with states in targeting federal enforcement where it produces the most environmental benefit. The data below shows EPA's activities and achievements.

Caveat - A single enforcement case that addresses facilities located in more than one state will be counted in the total for each state with a facility. The results achieved from this enforcement action will also be counted in each state with a facility.

[Colorado](#) | [Montana](#) | [North Dakota](#) | [South Dakota](#) | [Utah](#) | [Wyoming](#)

### Region 8, Colorado

<b>Results Obtained from EPA Civil Enforcement Actions</b>	
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$1,014,179
Civil Penalties Assessed	\$305,205
<b>Counts of EPA Civil Enforcement Actions</b>	
Civil Judicial Conclusions	1
Final Administrative Penalty Orders	33

## Administrative Compliance Orders

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## Region 8, Montana

Results Obtained from EPA Civil Enforcement Actions	
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$14,584,395
Investments in Environmentally Beneficial Projects (SEPs)	\$28,125
Civil Penalties Assessed	\$68,371
Counts of EPA Civil Enforcement Actions	
Final Administrative Penalty Orders	10
Administrative Compliance Orders	24

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## Region 8, North Dakota

Results Obtained from EPA Civil Enforcement Actions	
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$256,525
Civil Penalties Assessed	\$101,690
Counts of EPA Civil Enforcement Actions	
Final Administrative Penalty Orders	10
Administrative Compliance Orders	5
Civil Judicial Conclusions	1

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## Region 8, South Dakota

Results Obtained from EPA Civil Enforcement Actions	
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$21,061
Civil Penalties Assessed	\$7,140
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	5
Final Administrative Penalty Orders	8
Administrative Compliance Orders	4

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## Region 8, Utah

Results Obtained from EPA Civil Enforcement Actions	
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$10,751,467
Investments in Environmentally Beneficial Projects (SEPs)	\$1,200,000
Civil Penalties Assessed	\$900,037
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	2
Final Administrative Penalty Orders	6
Administrative Compliance Orders	11

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## Region 8, Wyoming

Results Obtained from EPA Civil Enforcement Actions	
Investments in Pollution Control and Clean-up (Injunctive Relief)	\$2,292,760
Civil Penalties Assessed	\$1,053,585
Counts of EPA Civil Enforcement Actions	
Civil Judicial Conclusions	1
Final Administrative Penalty Orders	11
Administrative Compliance Orders	32

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Sources for data displayed for Federal Data Presented State-by-State: Integrated Compliance Information System (ICIS)

<sup>(1)</sup>Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.

<sup>(2)</sup>In FY 2008, OECA created a separate reporting category to count the number of tribal inspections conducted by tribal inspectors using federal credentials. Inspections conducted by tribal inspectors using federal credentials are done "on behalf" of the Agency, but are not an EPA activity.

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## Federal Case Highlights by State

[Colorado](#) | [Montana](#) | [North Dakota](#) | [South Dakota](#) | [Utah](#) | [Wyoming](#)

### Colorado

**BP America:** On December 29, 2009, EPA settled a Clean Air Act case with BP. The complaint alleged six violations of Clean Air Act permits from four of BP's compressor stations located on the Southern Ute Indian Reservation in Colorado. The alleged violations included failure to provide prior notice of an engine change-out and four reporting violations involving monitoring data. In the agreement, the parties agreed to a penalty of more than \$81,000.

**Bucklen Equipment Company, Inc.:** On December 1, 2009, EPA announced an agreement with Bucklen Equipment Company, Inc. resolving alleged violations of the Clean Water Act in Weld County, Colorado. These violations include unauthorized discharges of pollutants to the Cache la Poudre River and its adjacent wetlands within the City of Greeley. Under the agreement, the company will pay a penalty of \$16,000 and will remove any remaining gravel piles from wetlands along the river. The rivers, streams and wetlands along the Cache la Poudre River are important for local and migratory birds and wildlife, water storage and retention, water quality enhancement, flood control and aesthetics. Sediment from construction activities is a major water quality issue and can have a negative impact on aquatic life. Based on the results on an inspection in the summer of 2010, EPA has determined that required restoration actions have been completed.

[Press release about the Bucklen Equipment Company enforcement action.](#)

**ConocoPhillips Company:** On February 4, 2010, EPA announced a Clean Air Act settlement in which ConocoPhillips Company agreed to install pollution control equipment and implement other emission reduction practices that will reduce harmful emissions and conserve natural gas at their Argent and Sunnyside Compressor Stations and some wellsite facilities, located on the Southern Ute Indian Reservation near Ignacio, Colorado. The agreement requires the company to pay \$175,000 in civil penalties. It also mandates air pollution reduction and conservation practices at the compressor stations and associated well heads leading to the facilities. The control measures and operational improvements are expected to reduce air pollution emissions, including hazardous air pollutants, by more than 500 tons annually (of which approximately 300 tons are methane). These actions will reduce greenhouse gas emissions equivalent to taking more than 1,100 cars off the road each year and conserve enough natural gas to

heat approximately 220 homes annually.

[Press release about the ConocoPhillips Clean Air Act enforcement action.](#)

**Telluride Resort and Spa:** On September 30, 2010, EPA filed an agreement to settle alleged violations of the Clean Water Act by Telluride Resort and Spa, LLC. EPA alleges that the company discharged 1,300 gallons of diesel fuel into a nearby wetland, storm sewer and creeks that are tributaries to the San Miguel River, and illegally discharged a dispersant without a permit. The company agreed to pay a penalty of \$28,000.

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## Montana

**Avista Corporation:** On February 17, 2010, EPA and Avista Utilities, Inc., agreed to resolve violations of the Oil Pollution Act alleged in a complaint filed on September 30, 2009. The complaint alleged that in February 2009 Avista had discharged mineral oil in potentially harmful quantities into the Clark Fork River from its Noxon Rapids Hydroelectric Development Facility in Sanders County, Montana. EPA also cited Avista for failing to properly prepare and implement a Spill Prevention, Control, and Countermeasure plan for the facility as required by the oil pollution prevention regulations for a duration of three months. The settlement included a civil penalty of \$7,500. Avista also agreed to perform a Supplemental Environmental Project (SEP) at a minimum cost of \$28,125 requiring the company to purchase and maintain a spill response trailer for local emergency responders in the lower Clark Fork watershed. Avista outfitted the trailer with booms, anchors, tools, rope, drum liners, safety equipment, first aid equipment, and additional materials. This SEP advances the objective of the Oil Pollution Act by minimizing the impact of oil and hazardous substances spills into the Clark Fork River and reducing the adverse impact to public health or the environment caused by future discharges.

**Bitterroot Gateway Mobile Home and RV Park, LLC:** On January 27, 2010, EPA filed an administrative compliance order alleging violations of the Safe Drinking Water Act and the National Primary Drinking Water Regulations at the Bitterroot Gateway Mobile Home Park public water system in Missoula County, Montana. The order cites the water system owner and operator, Bitterroot Gateway MH and RV Park, LLC, for failing to monitor the water at every entry point to the distribution system for a number of potential contaminants including radium, nitrate, inorganic contaminants and volatile organic contaminants. The order also cites the operator for failing to notify the public and the state of the violations. EPA sent Bitterroot Gateway MH and RV Park an Administrative Order Violation letter on September 13, 2010, based on violations of the January order.

**Northern Cheyenne Utility Commission:** On January 14, 2010, EPA issued an Emergency Administrative Order to the Northern Cheyenne Utility Commission in accordance with the Safe Drinking Water Act, based on a potential imminent and substantial endangerment to public health. The Birney and Muddy Cluster Public Water Systems, located in Rosebud County, Montana, lost pressure in their distribution systems, which could have caused contaminated water to be delivered of area residents.

**Pretty Eagle School:** On April 22, 2010, EPA filed a combined complaint and consent agreement with the St. Labre Indian School Educational Association and the Roman Catholic Bishop of Great Falls resolving surface water discharge permit violations at the non-tribally owned and operated Pretty Eagle School in St. Xavier, Montana. The school is located within the exterior boundaries of the Crow Indian Reservation. The alleged permit violations included failing to submit timely discharge monitoring reports and failing to conduct and/or maintain inspection reports for the wastewater lagoon facility. The settlement included a civil penalty of \$12,595. EPA is working with Pretty Eagle School and other wastewater facility operators throughout the Crow Indian Reservation to improve compliance with environmental laws.

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## North Dakota

**Charleswood, Inc.:** On October 21, 2009, EPA settled a lawsuit against Charleswood, Inc., a developer in Fargo, North Dakota. In this case, EPA alleged violations of storm water discharge permits during construction of a 480-acre residential development in West Fargo. The agreement sets forth a plan for the company to ensure that builders at the Charleswood development comply with storm water requirements in the future. It also requires that Charleswood pay a civil penalty of \$37,500.

**Meridian Commercial Construction:** On January 19, 2010, EPA settled a penalty action against Meridian Commercial Construction, LLC. The company allegedly violated the Clean Water Act by discharging storm water from a construction site in Fargo, North Dakota, without a permit, failing to apply for a permit, and after obtaining a permit, failing to meet the permit's requirement to develop a complete storm water pollution protection plan. Meridian agreed to pay an administrative penalty of

\$27,500.

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## South Dakota

**Gilt Edge Mine Site:** The United States District Court for the District of South Dakota entered five consent decrees involving seven property owners of lands included within the Gilt Edge Mine Site. On February 8, 2010, the Court entered consent decrees with Commonwealth Mining Company and CEGA Services, Inc. and on September 27, 2010, the Court entered consent decrees with Patricia Repke, the Ruth E. Hankins Revocable Trust, Jeraldine Fahrni, and Chester Borsch. To satisfy liabilities associated with contamination on their respective properties, each of these defendants agreed to transfer all of their land within the site boundaries to the State of South Dakota and to assign to EPA all potential rights to insurance proceeds. In addition, Commonwealth will market and sell all other real property to which it holds title. The Gilt Edge Mine Site is located in the Black Hills of South Dakota, and is comprised of approximately 1,229 acres of land, including a former open pit and cyanide heap-leach gold mine.

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## Utah

**ATK Launch Systems, Inc.:** On November 17, 2009, EPA finalized an agreement with ATK that required the company to perform work at the Highway 89 Storage Units Site located in Box Elder and Weber Counties, Utah. The Site consisted of a residence in Ogden, and several units at public storage facilities in Perry and Willard, Utah. EPA began the removal action after being advised by local authorities that numerous drums and containers of rocket propellant and other related chemicals were being stored by a former employee of ATK's predecessor, Morton-Thiokol, at his home, and in the Perry and Willard storage units. Over the next four weeks, EPA contractors inventoried and categorized the drums and miscellaneous containers of chemicals found at the sites, most of which had been acquired by the former employee from ATK as surplus. Local bomb squads were called several times to detonate unstable materials off-site. Over 16,000 individual containers were inventoried and characterized. The agreement required ATK to expeditiously arrange for off-site transportation and disposal of all waste materials, including materials that had not originated with Morton-Thiokol. ATK completed the work on December 17, 2009. The former employee acquired the chemicals over several years, and had intended to use them to manufacture model rocket engines.

**Bill Barrett Corporation and Wind River Resources Corporation; XTO Energy Inc. and Dominion Exploration and Production Inc.:** EPA settled two Clean Air Act cases with natural gas producers on the Uintah and Ouray Indian Reservation in Utah. The settlements are with Bill Barrett Corporation and Wind River Resources Corporation, and XTO Energy Inc. and Dominion Exploration and Production Inc. The agreements require the companies to reduce air pollution and implement conservation practices at their natural gas compressor stations and some wellsite facilities in Utah's Uinta Basin. The companies allegedly violated several provisions of the Clean Air Act, including emission standards for hazardous air pollutants and federal permitting, emissions monitoring and reporting requirements. In addition to \$6,372,000 in retrofits and upgrades to implement pollution control equipment, the agreements require the companies to pay \$490,000 in civil penalties and to spend \$200,000 on supplemental environmental projects. EPA estimates that the companies' investments in technology will reduce greenhouse gas emissions equivalent to taking more than 7,600 cars off the road each year. The natural gas conserved will heat approximately 1,080 homes annually.

**Eureka Mills Superfund Site:** EPA settled with Mueller Industries, Inc., obligating the company to reimburse EPA and the State of Utah \$2.5 million for clean-up costs at the company's site in Juab County, Utah. Mueller's predecessor, Sharon Steel, purchased the assets and assumed the liabilities of a major mining company that operated at Eureka from the mid-1800s to the mid-1900s. Mining activities distributed mine waste on residential properties in Eureka mainly through wind and water transport. EPA has determined that lead is the primary contaminant based on current and future health risks. During 2001 and 2002, EPA conducted emergency removal action work that cleaned up 72 residential properties where contaminated soils with elevated lead levels were determined to pose the highest risk to children. In 2003, EPA completed the long-term cleanup work plan and began work that same year. To date, more than 450 residential cleanups have been completed at the site. EPA also remediated a number of mine waste piles.

**Polidori Corporation, Inc. and Poli-Gold, LLC:** On September 21, 2010: EPA announced a compliance order issued to the Polidori Corporation, Inc. (PCI) and Poli-Gold, LLC (Poli-Gold) for alleged violations of the Clean Water Act at Panguitch Lake in Garfield County, Utah. EPA alleges that PCI and Poli-Gold discharged dredged or fill material without the proper permits to approximately 7.5 acres of the lake and adjacent wetlands during the construction of a marina and RV park. The Clean Water Act

requires companies to secure appropriate permits when their actions may impact surface waters and wetlands, in order to protect water resources and the functions they provide. EPA's order requires PCI and Poli-Gold to remove and/or mitigate discharged material. Where material is removed, impacted areas must be restored to pre-impact conditions and grade. Panguitch Lake and its adjacent wetlands provide numerous functions and values, including aquatic and wildlife habitat, groundwater recharge, flood attenuation, recreation and aesthetics.

[Press release about the Polidori Corporation, Inc. and Poli-Gold, LLC enforcement action.](#)

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## Wyoming

**Frontier Refining Inc.:** On May 27, 2010, EPA and Frontier Refining Inc., a petroleum facility in Cheyenne, Wyoming, resolved an enforcement action initiated in September 2009. Frontier is alleged to have violated the law by storing hazardous wastes in a wastewater pond that was neither constructed nor operated properly to prevent overflowing and leaks. Under the agreement, Frontier will pay a \$900,000 penalty and will disconnect piping associated with releases of hazardous waste. The company has agreed to remove and manage all waste in Pond 2 at the facility and clean the existing liner this fall. Additionally, Frontier will submit a closure plan with respect to the future use of the pond. Frontier estimates the cost of compliance at about \$1 million. The company's alleged violations of the Resource Conservation and Recovery Act were discovered during an EPA-led inspection in March 2009. EPA is investigating ponds such as this, referred to as surface impoundments, as part of a nationwide initiative.

[Press release about the Frontier Refining enforcement action.](#)

**Michael Gard, Richard Gard, and Professional Home Design:** On December 22, 2009, EPA issued a compliance order to Michael Gard, Richard Gard, and Professional Home Design, Inc., of Riverton, Wyoming, in response to unauthorized impacts to wetlands adjacent to the Wind River in Fremont County. The order alleges that the respondents violated the Clean Water Act by discharging dredged and fill material into wetlands adjacent to the Wind River without a permit. The EPA order requires Professional Home Design and Michael and Richard Gard to conduct restoration or mitigation activities in accordance with an EPA-approved plan. The Gards are required to remove unauthorized material in the wetlands and restore areas to their pre-impact condition and grade. The wetlands associated with the Wind River are important for local and migratory birds and wildlife, water storage and retention, water quality enhancement, flood control and aesthetics. Sediment from construction activities is a major water quality issue and results in negative impacts to aquatic life and wetland functions.

[Press release about the Michael Gard, Richard Gard, and Professional Home Design enforcement action.](#)

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mission is to protect the nation's air, water and land from pollution that destroys the environment and endangers public health. In the Pacific Southwest, Region 9 is charged with accomplishing the Agency's mission throughout Arizona, California, Hawaii, Nevada, the Pacific Islands and regional Tribal lands. This vast territory includes some of the fastest growing and most populous metropolitan areas of the country as well as some of those hardest hit by recent economic downturns. The area encompasses diverse geography and cultures, a rich agricultural economy, the Silicon Valley, and business and industries that range from modest family shops to recreation destinations to large oil refineries, international ports and military bases.

To ensure compliance across such a broad spectrum of regulated entities, Region 9 employs a comprehensive and robust Compliance Assurance and Enforcement program that includes targeted compliance assistance, inspections and monitoring, and incentives for self-disclosure and correction of violations. Our compliance assurance activities, along with civil and criminal enforcement to deter noncompliance, has resulted in Region 9 reaching nearly 35,000 regulated entities through compliance assistance and training, completing inspections of over 1,000 facilities, and taking over 380 civil enforcement actions against violators in FY 2010. We also worked in close partnership with our state, local and tribal agencies to support their efforts to enforce federal environmental regulations, including issuing Federal Inspector Credentials to experienced state and tribal environmental inspectors and joining their efforts to address non-compliance by regulated facilities located in communities with disproportionate exposure to pollution.

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# 2010 Region 9 Compliance and Enforcement Annual Results

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## Numbers at a Glance

### Civil Enforcement

Estimated Env. Benefits – Commitments to Reduce Pollution &amp; Protect the Environment

#### Direct Environmental Benefits

Pollution Reduced, Treated or Eliminated from soil and water (Pounds)	2,861,368
Contaminated Soil to be Cleaned Up (Cubic Yards)	3,396,682
Contaminated Water/Aquifers to be Cleaned Up (Cubic Yards)	8,464,321
Stream banks protected (Linear feet)	400
Wetlands Protected or Restored (Acres)	1
People Protected by Safe Drinking Water Act Enforcement (# of People)	3,037

Investments in Actions &amp; Equipment to Reduce Pollution &amp; Protect the Env. (Injunctive Relief)

\$243,610,518

Investments in Projects that Benefit the Env. &amp; Public (SEPs)

\$670,901

#### Civil Penalties Assessed

Administrative Penalties Assessed	\$4,569,542
Judicial Penalties Assessed	\$5,121,843
State/Local Judicial Penalties from Joint Enforcement	\$100,000
Stipulated Penalties Paid	\$210,000

### Civil Enforcement and Compliance Activities

Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)

13

Supplemental Referrals of Civil Judicial Enforcement Cases to DOJ

5

Civil Judicial Complaints Filed with Court

11

Civil Judicial Enforcement Case Conclusions

10

Administrative Penalty Order Complaints

155

Final Administrative Penalty Order Settlements

156

Administrative Compliance Orders

52

Cases with SEPs

6

### EPA Compliance Monitoring Activities

Inspections/Evaluations	1,081
Civil Investigations	28
Number of Regulated Entities Taking Complying Actions during EPA Inspections/Evaluations	84
<b>Superfund Cleanup Enforcement</b>	
Amount Committed by Liable Parties to Clean up Superfund Sites	\$29,698,214
Amount Committed by Liable Parties to Pay for Gov. Oversight	\$14,317,407
Amount Committed by Liable Parties to Reimburse the Gov.	\$50,930,005
<b>Voluntary Disclosures</b>	
Commitments to Reduce, Treat or Eliminate Pollution as a Result of V.D. (Pounds)	0
Voluntary Disclosures Initiated (Facilities)	24
Voluntary Disclosures Resolved (Facilities)	28
Voluntary Disclosures Initiated (Companies)	22
Voluntary Disclosures Resolved (Companies)	22
<b>EPA Compliance Assistance</b>	
Total Entities Reached by Compliance Assistance	34,791

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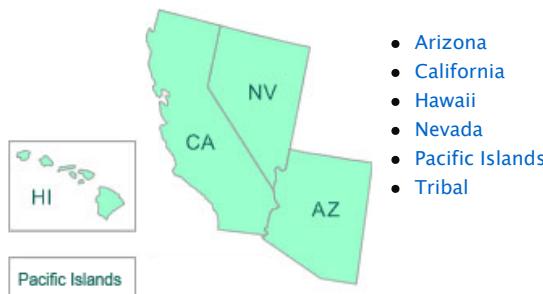
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### Federal Data Presented State-by-State (or Area)

EPA works in partnership with states in targeting federal enforcement where it produces the most environmental benefit.



### Arizona

#### Civil Enforcement Results

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment  
 Direct Environmental Benefits

Pollution Reduced, Treated or Eliminated (Pounds)	3,001,191
Contaminated Soil to be Cleaned Up (Cubic Yards)	58
Contaminated Water to be Cleaned Up (Cubic Yards)	7,635,000
People Protected by SDWA Enforcement (# of People)	3,037
Investments in Actions & Equipment to Reduce Pollution & Protect the Env. (I.R.)	\$7,463,681
Investments in Projects that Benefit the Env. & Public Health (SEPs)	\$144,094
Civil Penalties Assessed	\$309,976
<b>Civil Enforcement &amp; Compliance Activities</b>	
Civil Judicial Enforcement Case Conclusions	3
Final Administrative Penalty Orders	25
Administrative Compliance Orders	14

### California

#### Civil Enforcement Actions

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment  
 Direct Environmental Benefits

Pollution Reduced, Treated or Eliminated (Pounds)	1,751,232
---	-----------

Hazardous Wastes Treated, Minimized or Properly Disposed (lbs)	1,000
Contaminated Soil to be Cleaned Up (Cubic Yards)	3,318,130
Contaminated Water to be Cleaned Up (Cubic Yards)	829,180
Stream banks protected (Linear feet)	400
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (I.R.)	\$213,349,733
Investments in Projects that Benefit the Env. & Public Health (SEPs)	\$201,807
Civil Penalties Assessed	\$6,003,467
• State Share of Penalties from Civil Judicial Conclusion of Joint Enforcement Action	\$100,000
<b>Civil Enforcement &amp; Compliance Activities</b>	
Civil Judicial Enforcement Case Conclusions	11
Final Administrative Penalty Orders	95
Administrative Compliance Orders	23

**Hawaii**[Top of page](#)**Civil Enforcement Actions****Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment**  
**Direct Environmental Benefits**

Contaminated Soil to be Cleaned Up (Cubic Yards)	8,647
Contaminated Water to be Cleaned Up (Cubic Yards)	141
Wetlands Protected or Restored (Acres)	1
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (I.R.)	\$4,420,000
Investments in Projects that Benefit the Env. & Public Health (SEPs)	\$325,000
Civil Penalties Assessed	\$237,748
<b>Civil Enforcement &amp; Compliance Activities</b>	
Civil Judicial Enforcement Case Conclusions	0
Final Administrative Penalty Orders	8
Administrative Compliance Orders	3

**Nevada**[Top of page](#)**Civil Enforcement Actions****Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment**  
**Direct Environmental Benefits**

Contaminated Water to be Cleaned Up (Cubic Yards)	387
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (I.R.)	\$50,100
Civil Penalties Assessed	\$514,444
<b>Civil Enforcement &amp; Compliance Activities</b>	
Civil Judicial Enforcement Case Conclusions	0
Final Administrative Penalty Orders	14
Administrative Compliance Orders	0

**Pacific Islands**[Top of page](#)**Civil Enforcement Actions****Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment**

Direct Environmental Benefits	
Pollution Reduced, Treated or Eliminated (Pounds)	1,595,405
Contaminated Soil to be Cleaned Up (Cubic Yards)	1,460
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (I.R.)	\$32,925,704
Civil Penalties Assessed	\$4,818,500
Civil Enforcement & Compliance Activities	
Civil Judicial Enforcement Case Conclusions	1
Final Administrative Penalty Orders	10
Administrative Compliance Orders	11

**Tribal**

Civil Enforcement Actions	
Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment	
Direct Environmental Benefits	
Contaminated Soil to be Cleaned Up (Cubic Yards)	68,000
People Protected by SDWA Enforcement (# of People)	3,037
Prevention of Oil Contamination from underground storage tanks (Gallons)	104,000
Investments in Actions & Equipment to Reduce Pollution & Protect the Env. (I.R.)	\$2,567,500
Investments in Projects that Benefit the Env. & Public Health (SEPs)	0
Civil Penalties Assessed	\$1,522,638
Civil Enforcement & Compliance Activities	
Civil Judicial Enforcement Case Conclusions	1
Final Administrative Penalty Orders	13
Administrative Compliance Orders	6

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### Ensuring Compliance

### Highlights by Area in Region 9



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### Arizona

#### Apache Nitrogen Products



In December 2009, Apache Nitrogen Products, Inc. entered into a consent decree with EPA and the Department of Justice to continue addressing contamination at its Apache Powder Superfund Site near St. David, AZ. The company removed contaminated soils from the site and continues to conduct long-term ground water clean-up and monitoring. The future work will cost up to \$5 million and the company has agreed to pay back \$1.2 million for the EPA's past response costs as part of the agreement. Apache is using renewable energy (solar panels to pump water and run monitoring equipment) and has constructed a "green" wetlands system to treat over 7.6 million cubic yards of nitrate-contaminated groundwater. Apache Powder Superfund Site, near St. David, AZ. In addition to the Superfund remedy, Apache has implemented additional sustainability efforts by installing a solar canopy to power its administrative buildings.

News Release: [Apache Nitrogen Products, Inc agrees to \\$5 million groundwater and soil cleanup \(AZ\)](#)

#### Lennar Communities Development, Inc.

In October 2009, Lennar Communities Development, Inc reached a settlement with EPA for violations of the Clean Air Act for particulates (dust) from construction activities at five of the company's residential construction sites in Maricopa County. Lennar agreed to pay a penalty of \$182,519 and to invest \$144,094 in a supplemental environmental project (SEP). The SEP will reduce particulate pollution from entering the air by retrofitting City of Phoenix-owned vehicles and equipment with particulate emission control devices. The project will help alleviate respiratory and air quality problems associated with diesel exhaust. In Maricopa County, particulate matter, or wind blown dust from construction and home development sites, road building activities, unpaved parking lots and roads, disturbed vacant lands, and even paved roads, seriously affects air quality and local health.

News Release: [Tempe developer Lennar pays \\$182,519 to settle Clean Air Act violations \(AZ\)](#)

### California

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#### East Bay Municipal Utility District Satellite Wastewater Collection Systems

EPA issued Administrative Orders (AOs) to seven San Francisco Bay Area municipal sewage systems in the East Bay Municipal

Utilities District (EBMUD) requiring them to address chronic sewage spills and to reduce the amount of inflow and infiltration that enters their sewage collection system pipes. The seven satellite collection systems are the cities of Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont, and the Stege Sanitary District. Under the orders, the satellites will implement asset management programs, adopt ordinances requiring repair and replacement of homeowners' sewer laterals, monitor sewage flows and develop plans to repair and replace aging sewer mains. The orders are part of a long range agreement with EBMUD to eliminate overflows of partially treated sewage from the District's three wet weather overflow facilities to San Francisco Bay.

News release: <http://www.epa.gov/region9/water/npdes/compliance.html#aoEbmud>

#### McClellan Air Force Base Privatization

EPA Region 9 signed an Administrative Order on Consent (AOC) for the second privatized cleanup of the former McClellan Air Force Base Superfund Site in Sacramento County. The AOC is a part of the early transfer with privatized cleanup, which involved the transfer of contaminated property owned by the Air Force to Sacramento County. Sacramento County then transferred the 560-acre property to McClellan Business Park, LLC, a local developer. As part of the agreements for early transfer between EPA, the Air Force, the County, and the developer, the Air Force has provided over \$17 million to Sacramento County and McClellan Business Park to clean up the Property. Region 9 will direct and oversee all of the cleanup work performed by McClellan Business Park at the Property under the AOC. As remediation is completed on various areas of the Property, McClellan Business Park will be able to redevelop those areas more quickly for reuse and the community will benefit from cleanup of a major portion of this Superfund Site.

#### Pacific Pipeline Systems LLP

In January, 2010, Pacific Pipeline Systems LLP, an oil transport company based in Long Beach, agreed to pay a \$1.3 million civil penalty and discontinue the use of a section of pipeline that runs through an unstable section of the Tehachapi Mountains. The agreement resolves the company's violation of EPA's Clean Water Act for the discharge of crude oil into Pyramid Lake, located about 60 miles northwest of downtown Los Angeles. In March 2005, a landslide caused a portion of Pacific Pipeline Systems' Line 63, an underground pipeline that runs from Bakersfield, Calif., to Los Angeles to fail. The resulting pipeline break discharged approximately 3,393 barrels of oil, much of which flowed into Pyramid Lake, which is part of the California Aqueduct and is a potential drinking water supply. Water served through the public water system was not impaired by the discharge.

News Release: [Southern California pipeline firm to pay \\$1.3 million to resolve Pyramid Lake oil discharges \(CA\)](#)

#### 99 Cents Only Stores

On June 24, 2010, the U.S. Environmental Protection Agency issued an Enforcement Action against 99 Cents Only Stores for the sale and distribution of unregistered and misbranded pesticides in several of their store locations in Arizona and California, a violation of the Federal Insecticide, Fungicide and Rodenticide Act. The 99 Cents Only Stores must pay a penalty of \$409,490 for selling two unregistered pesticides, "Bref Limpieza y Desinfeccion Total" and "Farmer's Secret Berry & Produce Cleaner," and a misbranded pesticide, "PIC Boric Acid Roach Killer II." Products that make surface disinfection or sanitizer claims are considered pesticides and must be registered under federal law. The third product, PIC Boric Acid Roach Killer II, had labels on eleven containers that were either inside out or upside down making them difficult to read.

News Release: [U.S. EPA seeks nearly \\$1 million from 99 Cents Only Stores for pesticide violations \(CA\)](#)

#### "The North Face" Parent Company, "Saniguard" Marketers, and Califone

The U.S. Environmental Protection Agency took enforcement against three California companies (and a New Jersey firm) for selling products with unsubstantiated antimicrobial claims, in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). San Leandro - based VF Outdoor, Inc., will pay \$207,500 for claims that over 60 shoe products sold under the label "North Face" provide "antimicrobial protection" and inhibit the growth of "disease-causing bacteria." San Fernando- based Califone International, Inc., was fined \$220,000 over unproven health claims that the headphones sold to schools and other institutions "prevent the spread of bacteria, mold and mildew for student protection." Additionally, Component Hardware Group, Inc., of Lakewood, N.J., and John S. Dull Associates, Inc. (d/b/a Food Service Parts in Garden Grove, Calif.), were fined \$98,300 following an inspection conducted by the California Department of Pesticide Regulation which revealed that the companies were selling and distributing Sanigard products with unverified claims that they control growth of bacteria and contain antimicrobial technology that controls growth of E. coli, salmonella, staph, and pseudomonas on treated surfaces. The Sanigard products marketed to hospitals and other industries include faucets, spigots, handles, light switch and socket covers, door push and pull plates, and food service hardware.

The link to EPA's press release is:

["The North Face" Parent Company, "Saniguard" Marketers, and Califone Fined More Than \\$500,000 Over Antimicrobial Claims \(CA\)](#)

Hawaii

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## City & County of Honolulu

A multi-billion dollar settlement was reached with the City and County of Honolulu to address its aging wastewater collection and treatment systems. The agreement calls for aggressive actions to upgrade the city's sewage system, and sets out a long term schedule for construction of secondary treatment at its Sand Island and Honolulu plants. The cost of this work is estimated to exceed \$3.5 billion. In addition, the city will be paying a fine of \$1.6 million to resolve violations of the federal Clean Water Act for prior spills into the ocean. This settlement will significantly reduce both the public health risk caused by exposure to pathogens in raw sewage and the amount of harmful pollutants entering Honolulu's vibrant marine environment.



News Release: [EPA, DOJ, State of Hawaii, environmental groups, reach agreement with the City and County of Honolulu to address wastewater collection and treatment systems \(HI\)](#)

## Enforcement agreements further RCRA cleanups at two Region 9 corrective action sites in FY2010

Region 9 entered enforcement agreements at two RCRA corrective action sites to move cleanup forward and help achieve the Agency's 2020 goals this past year. Cleanup had stalled at the former Chem-Wood Treatment Company, Inc. facility, in Ewa Beach, Hawaii, after the property was sold and the operator became insolvent. Region 9 successfully negotiated an order on consent with the former owner and a new buyer, Weston Solutions, Inc. to implement, operate, and maintain the corrective actions required in EPA's Final Remedy for the facility. Pursuant to a risk transfer agreement, the former owner, the Estate of James Campbell, is paying Weston Solutions, Inc. to perform the corrective actions, after which Weston Solutions, Inc. intends to redevelop the property. EPA estimates the corrective action work will cost \$2.8 million. At another RCRA facility, the former Shell Guam, Inc., petroleum terminal facility in Guam, the Territory of Guam had been conducting oversight of a voluntary cleanup by Shell since 1999. When Shell announced plans to sell the facility, however, Region 9 issued a unilateral corrective action order to ensure that cleanup would continue, and subsequently entered into an agreement that will require that Shell continue cleanup at the 200-acre facility. The Facility includes an inactive refinery process area; a tank farm with aboveground storage tanks; impounding basins; and an inactive hazardous waste land treatment facility. Groundwater underlying the Facility is contaminated with petroleum, benzene, toluene, and other petroleum constituents and additives.

News Release: [EPA issues order to Estate of James Campbell and Weston Solutions, Inc., to complete final cleanup at former wood treatment facility on Oahu \(HI\)](#)

## Implementing the Large Capacity Cesspool Ban in Hawaii

has been a priority for Region 9's Ground Water Office since 2000. Our efforts stem from EPA's 1999 Underground Injection Control ("UIC") regulations that required all existing Large Capacity Cesspools ("LCCs") to be closed by April 5, 2005. EPA banned LCCs because they allow raw sewage to be discharged into the ground and are a public health and environmental concern. In FY10, Region 9 issued four new administrative complaints and filed four final orders for a total of about \$220K in penalties; we also negotiated a \$325K Supplemental Environmental Project with a respondent who agreed to install a state of the art treatment system to replace his LCC. These cases addressed about 50 LCCs still operating in violation of the ban. To date, EPA has identified almost 3,200 LCCs in Hawaii, documented the closure of more than 2,000 of these LCCs, and we continue to track the closure of another 800 LCCs under formal and informal compliance schedules.

News Releases:

- 06/14/2010 [U.S. EPA finalizes enforcement cases against County of Hawaii and Johnson Resort Properties for cesspool violations \(HI\)](#)
- 04/07/2010 [U.S. EPA issues penalties to Gay and Robinson and Kula Lodge and Restaurant for failing to close cesspools \(HI\)](#)

## Nevada

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### US Ecology Nevada, Inc.

Region 9 settled a case against the commercial hazardous waste treatment, storage and disposal facility located on the outskirts of Beatty, Nevada. In addition to hazardous wastes, the US Ecology facility is also permitted for the disposal of polychlorinated biphenyl (PCB) wastes. During EPA inspections conducted in 2007 and 2008 as part of EPA's responsibility to ensure that permitted facilities are operating in compliance with the regulations and their permit, numerous significant issues were identified, including operating and record keeping violations associated with a thermal treatment unit, releases of hazardous wastes and PCBs, cracks in secondary containment systems, and PCB reporting violations. In early 2010, US Ecology dismantled the thermal treatment unit which EPA identified as having significant operating and record keeping issues. Additionally, US Ecology cleaned up all the areas where PCB contamination was identified. As a result of this settlement US Ecology paid a fine of almost \$500,000.

News Release: [US Ecology to pay nearly \\$500,000 for hazardous waste violations](#)

**Pacific Islands**[Top of page](#)

 **Exxon Mobil Corp. subsidiaries in Guam and CNMI agree to \$2.4 million fine for air pollution violations**

Two subsidiaries of Exxon Mobil Corporation – Mobil Oil Guam, Inc. and Mobil Oil Mariana Islands, Inc. – have agreed to pay \$2.4 million for allegedly violating the federal Clean Air Act by failing to control emissions from their facilities. As part of the settlement, both subsidiaries have agreed to install air pollution controls and monitors, submit required reports, and obtain appropriate permits. The two subsidiaries estimate that they will spend more than \$15 million to bring the two bulk gasoline terminals into compliance with the Clean Air Act, reducing their yearly discharge of volatile organic compounds by close to 400 tons.

News Release: [Two Exxon Mobil Corp. subsidiaries in Guam and CNMI agree to \\$2.4 million fine for air pollution violations \(GU, MP\)](#)

**Tribal Lands**[Top of page](#)

 **U.S. EPA settlements require investigation of uranium contamination on Southwestern tribal lands**

EPA Region 9 entered into two enforcement actions relating to uranium contamination on tribal lands, both of which contribute towards cleaning up uranium contamination at the Navajo Nation and Hopi Reservation. In the settlement with Rio Algom Mining LLC, a subsidiary of Canadian corporation BHP Billiton, the company has agreed to control releases of radium from the Quivira Mine Site, near Gallup, N.M. In addition, the company will conduct a comprehensive investigation of the extent and levels of contamination at the site, which is located within the Navajo Nation. Under the terms of a separate settlement, the US Department of Interior, Bureau of Indian Affairs (BIA), will begin a comprehensive investigation of the levels of uranium and other contaminants in the waste, soils and groundwater at the Tuba City Dump Site in Arizona on the Hopi Reservation. BIA will also evaluate the feasibility of a range of cleanup actions. Together, these settlements require over \$2.5 million in work to be performed as part of EPA's coordinated plan to address the toxic legacy of uranium mining in the Region

News Release: [U.S. EPA settlements require investigation of uranium contamination on Southwestern tribal lands \(AZ, NM\)](#)

 **Conclusion of 2-Year Pilot with Navajo Nation EPA for the UST Compliance and Enforcement Program**

In FY10, Region 9 and the Navajo Nation EPA concluded a 2-year Underground Storage Tank (UST) Field Citation Pilot project under the Resource Conservation and Recovery Act (RCRA). As part of this pilot project, EPA issued Federal UST inspector credentials to two Navajo Nation EPA inspectors, enabling the tribal inspectors to conduct federal inspections on behalf of EPA. The Pilot proved successful, expanding EPA's ability to effectively increase the number and frequency of inspections at regulated facilities, primarily remotely located gas stations, and to improve the compliance rates at these businesses, both while reducing the costs to EPA in travel and personnel time. Over the course of the Pilot, EPA and NNEPA saw an increase of compliance rates at UST facilities from 47% in 2008 to over 75% by the end of FY 2010. Because NNEPA inspectors are local, they were able to quickly respond to a wide range of issues and were able to represent EPA at facilities in remote locations, and the ability of the NNEPA staff to write field citations proved to be a critical component in establishing a strong enforcement presence throughout the regulated community.

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Enforcement work in the Pacific Northwest and Alaska during 2010 resulted in companies performing \$107,300,000 worth of pollution control and cleanup work, up from \$75,000,000 in 2009.

**Pollution Reduced:** Combined actions caused the amount of pollution either treated, reduced or eliminated to almost double, from 124,268,115 pounds 2009 to 220,961,050 pounds in 2010.

**Penalties Assessed:** A combined total of \$4,929,721 in administrative and judicial penalties were assessed, up from \$3,009,725 in 2009.

**Inspections/Investigations Conducted:** EPA inspectors visited facilities across the Region to perform 1,059 inspections, off slightly from the 1,183 total in 2009.

*Enforcing environmental laws is one of EPA's fundamental responsibilities. Our laws help us keep our water safe, our land clean and our air clear. By running a fair and consistent enforcement program, we provide the protection our communities expect and the certainty sought by business and industry.* - Dennis McLellan, Regional Administrator

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## Compliance and Enforcement Annual Results Numbers at a Glance Region 10

### Results Obtained from EPA Civil Enforcement Actions

Estimated Environmental Benefit Commitments:

Direct Environmental Benefits

- Pollution Reduced, Treated or Eliminated (Pounds) [\(1\)](#)

220,961,050

### Compliance and Enforcement Annual Results

- National Results for 2010
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▪ Hazardous Wastes Treated, Minimized or Properly Disposed Of (Pounds) <a href="#">(1)</a>	0
▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	201,838
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	36,269
▪ Stream Miles Protected or Restored (Linear Feet)	10,000
▪ Wetlands Protected or Restored (Acres)	19
▪ People Protected by Safe Drinking Water Act Enforcement (# of People)	45
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$107,300,083
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$430,837
Civil Penalties Assessed	
Administrative Penalties Assessed	\$1,471,557
Judicial Penalties Assessed	\$2,913,164
State/Local Judicial Penalties Asses From Joint Federal-State/Local Enforcement Actions <a href="#">(2)</a>	\$195,250
Stipulated Penalties Assessed	\$186,000

### Civil Enforcement and Compliance Activities

Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)	18
Supplemental Referrals of Civil Judicial Enforcement Cases to DOJ	2
Civil Judicial Complaints Filed with Court	17
Civil Judicial Enforcement Case Conclusions	24
Administrative Penalty Order Complaints	184
Final Administrative Penalty Orders	187
Administrative Compliance Orders	45
Cases with Supplemental Environmental Projects	4

### Compliance Monitoring Activities

Inspections/Evaluations	1,039
Civil Investigations	20
Number of Regulated Entities Taking Complying Actions as a Direct Results of On-Site EPA Inspections/Evaluations	88

### Superfund Cleanup Enforcement

Amount Committed by Liable Parties to Clean up Superfund Sites	\$28,822,769
Amount Committed by Liable Parties to Pay for Government Oversight of Superfund Cleanups	\$13,516,055
Amount Committed by Liable Parties to Reimburse the Government for Money Spent Cleaning up Superfund Sites	\$4,028,619

### Voluntary Disclosure Program

Commitments to Reduce, Treat or Eliminate Pollution as a Result of Voluntary Disclosures (pounds)	0
Voluntary Disclosures Initiated (Facilities)	15
Voluntary Disclosures Resolved (Facilities)	12
Voluntary Disclosures Initiated (Companies)	9
Voluntary Disclosures Resolved (Companies)	9

### Compliance Assistance

Assistance Tools <a href="#">(3)</a>	25
Workshops and Training	35
Facility Visits, Re-visits and Ongoing Facility Specific Work	144

Sources for Data displayed for Numbers at a Glance: Integrated Compliance Information System (ICIS), Criminal Case Reporting System, Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS), Resource Conservation and Recovery Act Information (RCRAInfo), Air Facility System (AFS), and Permit Compliance System (PCS) October 13, 2010.

### Footnotes:

(1)Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.

(2)This measure reports on penalties assessed in federal civil judicial enforcement cases that are awarded to a state or local government co-plaintiff in the case.

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## Federal Data Presented State-by-state

EPA works in partnership with states in targeting federal enforcement where it produces the most environmental benefit. The data below shows EPA's activities and achievements.

Caveat - A single enforcement case that addresses facilities located in more than one state will be counted in the total for each state with a facility. The results achieved from this enforcement

action will also be counted in each state with a facility.

- [Alaska](#)
- [Idaho](#)
- [Oregon](#)
- [Washington](#)

## Region 10, Alaska

### Civil Enforcement

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

#### Direct Environmental Benefits

▪ Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	213,701,370
▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	0
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	0

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief) \$2,347,070

Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects) 0

Civil Penalties Assessed \$1,327,800

### Civil Enforcement and Compliance Activities

Civil Judicial Enforcement Case Conclusions	4
Final Administrative Penalty Orders	7
Administrative Compliance Orders	13

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## Region 10, Idaho

### Civil Enforcement

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

#### Direct Environmental Benefits

▪ Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	3,821,812
▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	176,213
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	21,290

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief) \$4,633,834

Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects) \$41,400

Civil Penalties Assessed \$1,445,284

### Civil Enforcement and Compliance Activities

Civil Judicial Enforcement Case Conclusions	14
Final Administrative Penalty Orders	26
Administrative Compliance Orders	11

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## Region 10, Oregon

### Civil Enforcement

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

#### Direct Environmental Benefits

▪ Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	14,611
▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	74
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	0

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief) \$276,109

Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects) 0

Civil Penalties Assessed \$117,850

### Civil Enforcement and Compliance Activities

Civil Judicial Enforcement Case Conclusions	1
Final Administrative Penalty Orders	21
Administrative Compliance Orders	2

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## Region 10, Washington

### Civil Enforcement

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

#### Direct Environmental Benefits

▪ Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	3,140,529
▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	25,551
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	14,979

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief) \$14,062,275

Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects) \$90,192

Civil Penalties Assessed \$2,034,909

### Civil Enforcement and Compliance Activities

Civil Judicial Enforcement Case Conclusions	5
Final Administrative Penalty Orders	135
Administrative Compliance Orders	19

## Footnotes:

Sources for Data displayed for Federal Data Presented State-by-State: Integrated Compliance Information System (ICIS)

(1) Projected reductions to be achieved during the one year period after all actions required to attain full compliance have been completed.

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## Federal Case Highlights Presented State-by-state

- [Alaska](#)
- [Idaho](#)
- [Oregon](#)
- [Washington](#)

### Alaska Highlights

**Alaska Seafood Company Agrees to Pay More than \$500,000 to Resolve Alleged Environmental Violations** - Westward Seafoods Inc., operator of a seafood processing plant in Dutch Harbor, Alaska, will paid a \$570,000 civil penalty as part of a settlement agreement to resolve alleged violations of the Clean Air Act and the Emergency Planning and Community Right-to-Know Act. [Read the full press release](#)

**Alaska Department of Transportation and Public Utilities to Pay Nearly \$1 Million for Alleged Clean Water Act Violations** - The Alaska Department of Transportation and Public Facilities (DOTPF) and two of its contractors agreed to pay over \$1 million to resolve allegations that each violated the Clean Water Act at numerous sites in Alaska. [Read the full press release](#)

**Landowners Ordered to Restore Salmon Stream and Wetlands near Haines, Alaska** - Robert and Nancy Loomis of Kilgore, Texas, were ordered to repair damaged wetlands, restore a salmon stream and better manage stormwater runoff on their property located near Haines, Alaska. The Loomis' received the Order after EPA alleged they discharged fill material, consisting of mud, dirt, gravel and rock, to this valuable fish and wildlife habitat. [Read the full press release](#)

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### Idaho Highlights

**Goodman Oil agrees to pay over \$171,000 for storage tank violations at gas stations across Idaho** - The Goodman Oil Company and Goodman Oil Company of Lewiston were fined \$171,091 for a series of fuel storage tank violations at former gas stations across Idaho under a settlement with EPA and the U.S. Department of Justice. [Read the full press release](#)

**Cheese Manufacturer Sorrento Lactalis to Pay U.S. \$315,000 for Exceeding Discharge Levels Into Idaho's Mason Creek** -Cheese manufacturer Sorrento Lactalis Inc. was fined \$315,000 for excess discharges in violation of its wastewater permit levels, according to an agreement between the company, the U.S. Department of Justice and EPA. [Read the full press release](#)

**EPA Orders Simplot Cattle Feeding Company to change stock watering practice at Grand View, ID, feedlot to protect the Snake River** - EPA issued the Simplot Cattle Feeding Company a legal order to halt discharges from its nearly 700-acre feedlot complex near Grand View, Idaho. Simplot confines between 30,000 and 65,000 cattle year round at this feedlot facility near the Snake River in southeastern Idaho. [Read the full press release](#)

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## Oregon Highlights

**Central Oregon and Pacific Railroad pays \$272,900 for diesel spill in Cow Creek derailment** - EPA, the State of Oregon and the U.S. Department of Justice settled alleged violations of the Clean Water Act by Central Oregon and Pacific Railroad with a civil penalty of \$272,900. The violations are associated with a train derailment that resulted in a 4,200 gallon diesel fuel spill to Cow Creek and its adjoining shoreline. [Read the full press release](#)

**Region 10 Assesses \$35,000 Penalty Against Kinross DeLamar Mining Company for Clean Water Act Violations** - The violations include the failure to stabilize exposed areas, contain runoff, sedimentation and the resulting discharge of pollutants, and the failure to manage runoff that entered Cabin Gulch. The facility is an inactive gold mine undergoing reclamation located near Jordan Valley, Oregon. [Read full press release](#)

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## Washington Highlights

**Blue Tee Corp. Provides Nearly \$1.4 Million for Anderson-Calhoun Mine and Mill Cleanup** - A former lead and zinc mine and mill located near Leadpoint, Washington will soon be cleaned up thanks to a \$1.36 million settlement agreement between EPA and Blue Tee Corp., the former operator of the site. [Read the full press release](#)

**Puget Sound Naval Shipyard pays \$56,000 for hazardous waste violations** - The Puget Sound Naval Shipyard and Intermediate Maintenance Facility agreed to pay \$56,000 for hazardous waste violations at its facility in the Bremerton Naval Complex. [Read the full press release](#)

**Failure to report ammonia release costs Washington fruit processor close to \$107,000 in EPA penalties and plant improvements** - Tree Top, Inc. agreed to pay a \$21,000 EPA penalty and complete an \$85,000 upgrade to its Selah, Washington plant for failing to immediately report a release of ammonia at its fruit processing plant. [Read the full press release](#)

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## Region 7

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# 2010 Region 7 Compliance and Enforcement Annual Results

- [Regional Numbers at a Glance](#)
- [Federal Data Presented State-by-State](#)
- [Federal Case Highlights](#)

Fiscal Year 2010 was a remarkable year for enforcement and compliance actions in Region 7. Actions concluded during FY2010 will translate to more than \$3 billion being invested by respondents in pollution control and cleanup. This is the largest single-year amount ever achieved by Region 7 and represents 31 percent of the Agency's total amount for investments to reduce pollution. Through these actions, respondents in Iowa, Kansas, Missouri, Nebraska and on tribal lands will be required to clean up more than 470 million pounds of pollutants, and implement more than \$3 million in Supplemental Environmental Projects.

EPA Region 7 made substantial contributions to address important environmental problems that the Agency has designated as National Priorities. Region 7 National Priority cases accounted for more than \$3 billion in injunctive relief and will result in the reduction, treatment, minimization or disposal of more than 227 million pounds of pollutants.

Two cases in particular accounted for the majority of Region 7's National Priority contributions. A Westar Energy coal-fired power plant in St. Mary's, Kan., will spend more than \$500 million to reduce harmful air pollution, in addition to paying \$2.75 million in penalties for Clean Air Act violations. Kansas City, Missouri, agreed to make extensive improvements to its municipal sewer systems, at a cost of \$2.5 billion over 25 years, for violations of the Clean Water Act.

Region 7 continued its efforts to reduce harmful discharges of pollutants into the region's rivers and streams. In 2010, the region concluded 34 enforcement actions against concentrated animal feeding operations (CAFOs), resulting in more than 2.9 million pounds of pollutant reductions, respondents' expenditures of more than \$1.5 million on pollution control and cleanup, and more than \$100,000 in assessed penalties.

EPA Region 7 demonstrated a commitment to ensuring the integration of environmental justice into all regional programs, policies and activities to achieve measurable results for the environment and the public health of affected communities. In FY 2010, enforcement and compliance assurance actions resulted in the reduction of millions of pounds of pollutants in communities and populations disproportionately impacted by pollution. Reduction and removal of these pollutants can have positive impacts on the health of persons living near these facilities. This is especially important for the vulnerable populations most affected by pollutants, including people with asthma who are active outdoors, children, the elderly, and people with heart or lung disease. Communities and populations in Region 7 that could be disproportionately impacted by non-compliance with environmental laws will also benefit from the previously mentioned \$3 million in respondents' spending on Supplemental Environmental Projects.

During FY2010 in Region 7, more than 20,000 entities received compliance assistance through web access, training sessions and one-on-one meetings. Region 7's Lead-Based Paint Program made a strong effort to educate small businesses that are subject to regulation under the new lead-based paint Renovation, Repair and Painting Rule (RRP). During FY2009, a campaign to educate and inform more than 8,000 remodeling and painting companies in Missouri and Nebraska took place.

### Compliance and Enforcement Annual Results

- [National Results for 2010](#)
- [Results by EPA Region](#)

### Past Regional Annual Results

- [Fiscal Year 2009](#)
- [Fiscal Year 2008](#)



In FY2010, it was followed up by Region 7's partnering with local government agencies, including city and county building permit offices, to provide RRP compliance assistance publications to small businesses. Through this process Region 7 promoted the new rule by providing approximately 4,500 publications to regulated businesses, and by offering presentations and publications to approximately 25 events or gatherings of small business owners, such as landlord and property management associations, local remodeling and building associations, local real estate organizations and contractor groups.

Region 7's [Criminal Enforcement Program](#) charged 30 companies and individuals with environmental crimes during FY2010. A total of 16 defendants were convicted of environmental crimes. Criminal defendants were assessed \$458,700 in fines; \$546,751 in restitution; and 30 months of incarceration. Twenty new criminal investigations were initiated.

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## Compliance and Enforcement Annual Results Numbers at a Glance Region 7

### Results Obtained from EPA Civil Enforcement Actions

#### Estimated Environmental Benefit Commitments:

##### Direct Environmental Benefits

■ Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	235,024,378
■ Hazardous Wastes Treated, Minimized or Properly Disposed Of (Pounds) <a href="#">(1)</a>	6,664
■ Contaminated Soil to be Cleaned Up (Cubic Yards)	494,438
■ Contaminated Water to be Cleaned Up (Cubic Yards)	50,000
■ Stream Miles Protected or Restored (Linear Feet)	10,955
■ Wetlands Protected or Restored (Acres)	21
■ People Protected by Safe Drinking Water Act Enforcement (# of People)	1,800

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief) \$3,024,245,049

Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects) \$3,399,432

#### Civil Penalties Assessed

Administrative Penalties Assessed \$2,265,984

Judicial Penalties Assessed \$5,559,200

State/Local Judicial Penalties Asses From Joint Federal-State/Local Enforcement Actions [\(2\)](#) \$953,303

Stipulated Penalties Assessed \$9,380

**Civil Enforcement and Compliance Activities**

Referrals of Civil Judicial Enforcement Cases to Department of Justice (DOJ)	13
Supplemental Referrals of Civil Judicial Enforcement Cases to DOJ	2
Civil Judicial Complaints Filed with Court	4
Civil Judicial Enforcement Case Conclusions	10
Administrative Penalty Order Complaints	167
Final Administrative Penalty Orders	167
Administrative Compliance Orders	141
Cases with Supplemental Environmental Projects	20

**Compliance Monitoring Activities**

Inspections/Evaluations	975
Civil Investigations	7
Number of Regulated Entities Taking Complying Actions as a Direct Results of On-Site EPA Inspections/Evaluations	110

**Superfund Cleanup Enforcement**

Amount Committed by Liable Parties to Clean up Superfund Sites	\$4,000,001
Amount Committed by Liable Parties to Pay for Government Oversight of Superfund Cleanups	\$1,440,895
Amount Committed by Liable Parties to Reimburse the Government for Money Spent Cleaning up Superfund Sites	\$4,544,860

**Voluntary Disclosure Program**

Commitments to Reduce, Treat or Eliminate Pollution as a Result of Voluntary Disclosures (pounds)	858,940
Voluntary Disclosures Initiated (Facilities)	37
Voluntary Disclosures Resolved (Facilities)	35
Voluntary Disclosures Initiated (Companies)	34
Voluntary Disclosures Resolved (Companies)	33

**Compliance Assistance**

Assistance Tools <a href="#">(3)</a>	2
Workshops and Training	9
Facility Visits, Re-visits and Ongoing Facility Specific Work	191

Sources for Data displayed for Numbers at a Glance: Integrated Compliance Information System (ICIS), Criminal Case Reporting System, Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS), Resource Conservation and Recovery Act Information (RCRAInfo), Air Facility System (AFS), and Permit Compliance System (PCS) October 13, 2010.

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- [Iowa](#)
- [Kansas](#)
- [Missouri](#)
- [Nebraska](#)

### Region 7, Iowa

<b>Civil Enforcement</b>	
Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:	
Direct Environmental Benefits	
▪ Pollution Reduced, Treated or Eliminated (Pounds)	<a href="#"><u>(1)</u></a> 24,707,431
▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	494,010
▪ Contaminated Water to be Cleaned Up (Cubic Yards)	50,000
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$43,889,103
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$1,211,970
Civil Penalties Assessed	\$2,028,525
<b>Civil Enforcement and Compliance Activities</b>	
Civil Judicial Enforcement Case Conclusions	1
Final Administrative Penalty Orders	33
Administrative Compliance Orders	54

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### Region 7, Kansas

**Civil Enforcement**

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

## Direct Environmental Benefits

- Pollution Reduced, Treated or Eliminated (Pounds) (1) 165,081,303

- Contaminated Soil to be Cleaned Up (Cubic Yards) 120

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief) \$584,008,435

Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects) \$774,179

Civil Penalties Assessed \$4,753,607

**Civil Enforcement and Compliance Activities**

Civil Judicial Enforcement Case Conclusions 3

Final Administrative Penalty Orders 46

Administrative Compliance Orders 22

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**Region 7, Missouri****Civil Enforcement**

Estimated Environmental Benefits – Commitments to Reduce Pollution & Protect the Environment:

## Direct Environmental Benefits

- Pollution Reduced, Treated or Eliminated (Pounds) (1) 55,423,743

- Contaminated Soil to be Cleaned Up (Cubic Yards) 207

Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief) \$2,432,443,307

Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects) \$1,768,806

Civil Penalties Assessed \$2,514,909

**Civil Enforcement and Compliance Activities**

Civil Judicial Enforcement Case Conclusions 2

Final Administrative Penalty Orders 62

Administrative Compliance Orders 38

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**Region 7, Nebraska****Civil Enforcement**

Estimated Environmental Benefits – Commitments to Reduce

<b>Pollution &amp; Protect the Environment:</b>	
<b>Direct Environmental Benefits</b>	
▪ Pollution Reduced, Treated or Eliminated (Pounds) <a href="#">(1)</a>	720,178
▪ Contaminated Soil to be Cleaned Up (Cubic Yards)	100
Investments in Actions & Equipment to Reduce Pollution & Protect the Environment (Injunctive Relief)	\$11,041,841
Investments in Projects that Benefit the Environment & Public Health (Supplemental Environmental Projects)	\$1,169,082
Civil Penalties Assessed	\$1,527,869
<b>Civil Enforcement and Compliance Activities</b>	
Civil Judicial Enforcement Case Conclusions	6
Final Administrative Penalty Orders	25
Administrative Compliance Orders	16

### Footnotes:

Sources for Data displayed for Federal Data Presented State-by-State: Integrated Compliance Information System (ICIS)

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## Federal Case Highlights Presented State-by-State

- [Iowa](#)
- [Kansas](#)
- [Missouri](#)
- [Nebraska](#)

### IOWA –

**Northern Iowa Concentrated Animal Feeding Operations:** EPA Region 7 brought 26 civil enforcement actions against beef feedlot and dairy operations in Iowa for violations of the Clean Water Act. These enforcement actions were part of a continuing enforcement emphasis aimed at ending harmful discharges of pollutants from concentrated animal feeding operations (CAFOs) into the region's rivers and streams. These actions resulted in almost 3 million pounds of pollutant reductions and more than \$1 million spent by respondents on pollution control and cleanup. EPA document significant water quality problems associated with medium-sized feedlots (defined as those which confine between 300 and 999 cattle) and continues to make compliance at these operations a priority. Runoff from CAFOs contains pollutants including pathogens, suspended solids, sediment, and nutrients such as nitrogen and phosphorous. These pollutants can present serious threats to human health and are harmful to aquatic life.

**Pella Corporation, Pella, Iowa:** Under the authority of the Resource Conservation and Recovery Act (RCRA), Region 7 completed an assessment of the company's facilities in Pella and identified a total of 30 different potential sources of soil and groundwater contamination. A compliance order requires the company to conduct a thorough investigation and cleanup of wastes released from the facility. Contaminants to be addressed are primarily solvents and petroleum products related to wood treatment activities at the facility, including the solvent pentachlorophenol which has been detected in groundwater above federal drinking water levels. The City of Pella relies on the nearby Des Moines River and a deep well situated close to the company's plant for its public drinking water. The company has committed under EPA oversight to investigate its hazardous releases,

conduct a study to identify cleanup strategies, and then implement the cleanup selected by EPA at its own expense.

#### **KANSAS –**

**Westar, Jeffrey Energy Center, St. Mary's, Kan.**: In February 2009, the United States filed a complaint against Westar Energy alleging that the company violated the Clean Air Act by making major modifications to the Jeffrey Energy Center, a coal-fired power plant in St. Marys, Kan., without installing and operating modern pollution control equipment.

The complaint alleged that for more than a decade, the Jeffrey Energy Center operated without the best available emissions-control technology required by the New Source Review provisions of the Clean Air Act to control emissions of sulfur dioxide, nitrogen oxide and particulate matter, contributing to formation of fine particulate matter, smog and acid rain.

Westar Energy agreed to pay a \$2.75 million civil penalty and spend approximately \$500 million to significantly reduce harmful air pollution from power plant. As part of the settlement, Westar will also spend \$6 million on environmental mitigation projects.

Coal-fired power plants collectively produce more pollution than any other industry in the United States. They account for nearly 70 percent of sulfur dioxide emissions each year and 20 percent of nitrogen oxides emissions. Emissions from coal-fired power plants have detrimental health effects and have been linked to forest degradation, waterway damage, reservoir contamination and deterioration of stone and copper in buildings. To combat these adverse effects, the EPA and the Justice Department are pursuing a national initiative, targeting electric utilities whose coal-fired power plants violate the law.

More information: <http://www.epa.gov/compliance/resources/decrees/civil/caa/westarenergy-cd.pdf>  
(72 pp., 625K, [About PDF](#))

#### **MISSOURI –**

**City of Kansas City, Missouri**: The City of Kansas City, Mo., agreed to make extensive improvements to its sewer systems, at a cost estimated to exceed \$2.5 billion over 25 years, to eliminate unauthorized overflows of untreated raw sewage and to reduce pollution levels in urban stormwater. A consent decree lodged in U.S. District Court for the Western District of Missouri requires the city to implement an Overflow Control Plan, which is the result of more than four years of public input.

The plan is designed to yield significant long-term benefits to public health and the environment, and provide a model for the incorporation of green infrastructure and technology toward solving overflow issues. The plan is specifically structured to encourage the city to use natural or engineered “green infrastructure,” such as green roofs, rain gardens and permeable pavement, to minimize stormwater burdens on the improved system.

When completed, the city’s rebuilt sanitary sewer system will have adequate infrastructure to capture and convey combined stormwater and sewage to its treatment plants, keeping billions of gallons of untreated sewage from reaching surface waters.

Through the the agreement, Kansas City will also pay a civil penalty of \$600,000 to the United States, and will spend \$1.6 million on a supplemental environmental project to implement a voluntary sewer connection and septic tank closure program for income-eligible residential property owners who elect to close their septic tanks and connect to the public sewer.

**Saint-Gobain, Pevely, Mo.**: As part of the federal government’s first-ever nationwide legal settlement with a container glass manufacturer over Clean Air Act issues, all of the company’s operating facilities, including one in Pevely, Mo., will be required to install an estimated total of \$112 million in new air pollution control equipment.

As part of the settlement, Saint-Gobain agreed to pay a \$2.25 million civil penalty to resolve its alleged violations of the Clean Air Act’s new source review regulations. Of the \$2.25 million civil penalty, Saint-Gobain will pay \$1.15 million to the United States and \$1.1 million to the 10 states and two local regulatory agencies that joined the case. The State of Missouri will receive a \$100,000 share of the settlement.

Nationwide, Saint-Gobain's installation of the pollution control equipment is expected to reduce emissions of nitrous oxide, sulfur dioxide and particulate matter by approximately 6,000 tons each year. At the Pevely plant, which includes two glass furnaces, the new controls are estimated to cost the company approximately \$12 million, and are projected to reduce nitrous oxide emissions by 38 tons per year, sulfur dioxide by 201 tons per year, and particulate matter by 37 tons per year.

More Information:

[http://www.epa.gov/region07/enforcement\\_compliance/KCMO\\_consent\\_decree\\_cwa.htm](http://www.epa.gov/region07/enforcement_compliance/KCMO_consent_decree_cwa.htm)

**NEBRASKA –**

**Elkhorn River, West Point, Neb.:** In a series of related cases, five defendants agreed to pay a combined total of \$723,000 in civil penalties to the United States and the State of Nebraska to settle allegations of illegally discharging pollutants into the City of West Point's wastewater system, resulting in illegal discharges to the Elkhorn River. The Elkhorn River has been declared an impaired water due to high levels of bacteria.

In 2008, EPA Region 7 filed a complaint in federal court alleging that Mark Peckham, of Sheridan, Wyo.; his company, Peckham, Inc.; along with West Point Dairy Products, LLC (WPDP); and Wimmers Meat Products, Inc.; illegally discharged pollutants into the City of West Point's water treatment system from the late 1970s through at least December 2006, and that the city failed to properly develop discharge limits for those businesses, as required by law.

Peckham's settlement requires payment of a total penalty of \$350,000, to be divided equally between the federal government and the State of Nebraska, a co-plaintiff in the case. The settlements previously filed with the court include an agreement by the City of West Point to pay a civil penalty of \$150,000 and to install a wind turbine and solar panels for the West Point Public School; and agreements with Wimmers and WPDP to pay civil penalties of \$111,600 and \$112,500, respectively. They were also required to contribute to state supplemental environmental projects involving Neligh Park Lake and the Nebraska Attorney General's Environmental Protection Fund.

**Platte Valley Feeders, LLC, Kearney, Neb.:** EPA Region 7 brought three enforcement actions against beef feedlot operations in Nebraska for violations of the Clean Water Act. These enforcement actions were part of a continuing enforcement emphasis aimed at ending harmful discharges of pollutants from concentrated animal feeding operations (CAFOs) into the region's rivers and streams. In one of these cases, Platte Valley Feeders, LLC, of Kearney agreed to pay a \$20,000 civil penalty for NPDES permit violations associated with land application of manure and waste water from its storage lagoons at rates that exceeded nutrient management plan requirements. The over-application of manure creates a significant risk that excess pollutants will runoff into nearby rivers and streams.

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