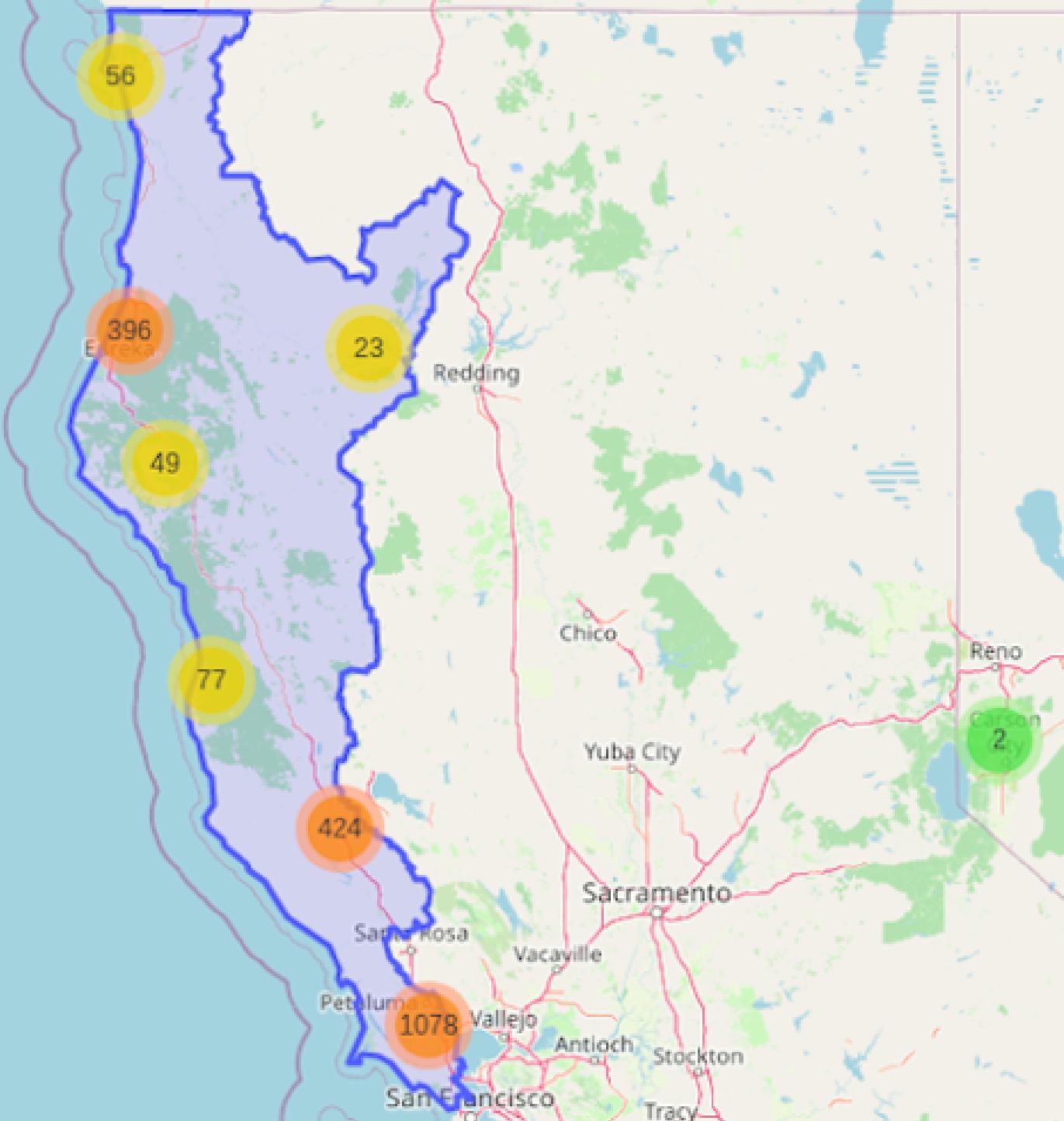


ENVIRONMENTAL ENFORCEMENT WATCH'S

Congressional Report Card

Virginia's 4th District; seat held by Donald McEachin since 2017



DRAFT NOT FOR CIRCULATION

INTRODUCTION

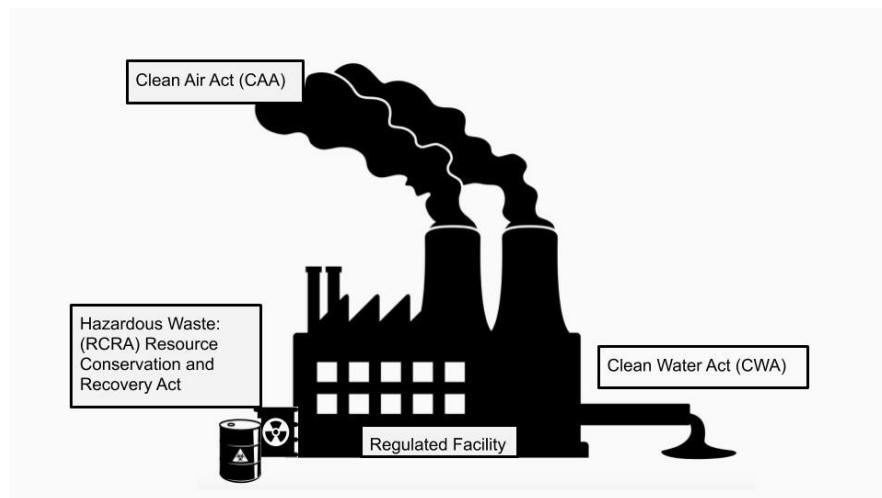
Why Report Cards on compliance with and enforcement of Environmental Laws?

The Environmental Protection Agency (EPA) is charged by Congress to enforce laws that protect people from air pollution, water pollution and hazardous waste. Without effective enforcement, **these laws are meaningless**. Congress can strengthen EPA enforcement by increasing EPA's budget, passing

more effective laws, requiring better data collection, and holding the EPA accountable when it fails to protect people.

This report card analyzes available data from the EPA's Enforcement and Compliance History Online (ECHO) database regarding violations, inspections and enforcement actions made under the Clean Air Act (CAA), Clean Water Act (CWA) and Resource Conservation and Recovery Act (RCRA).

What is a “facility”?



Trump Administration Grade

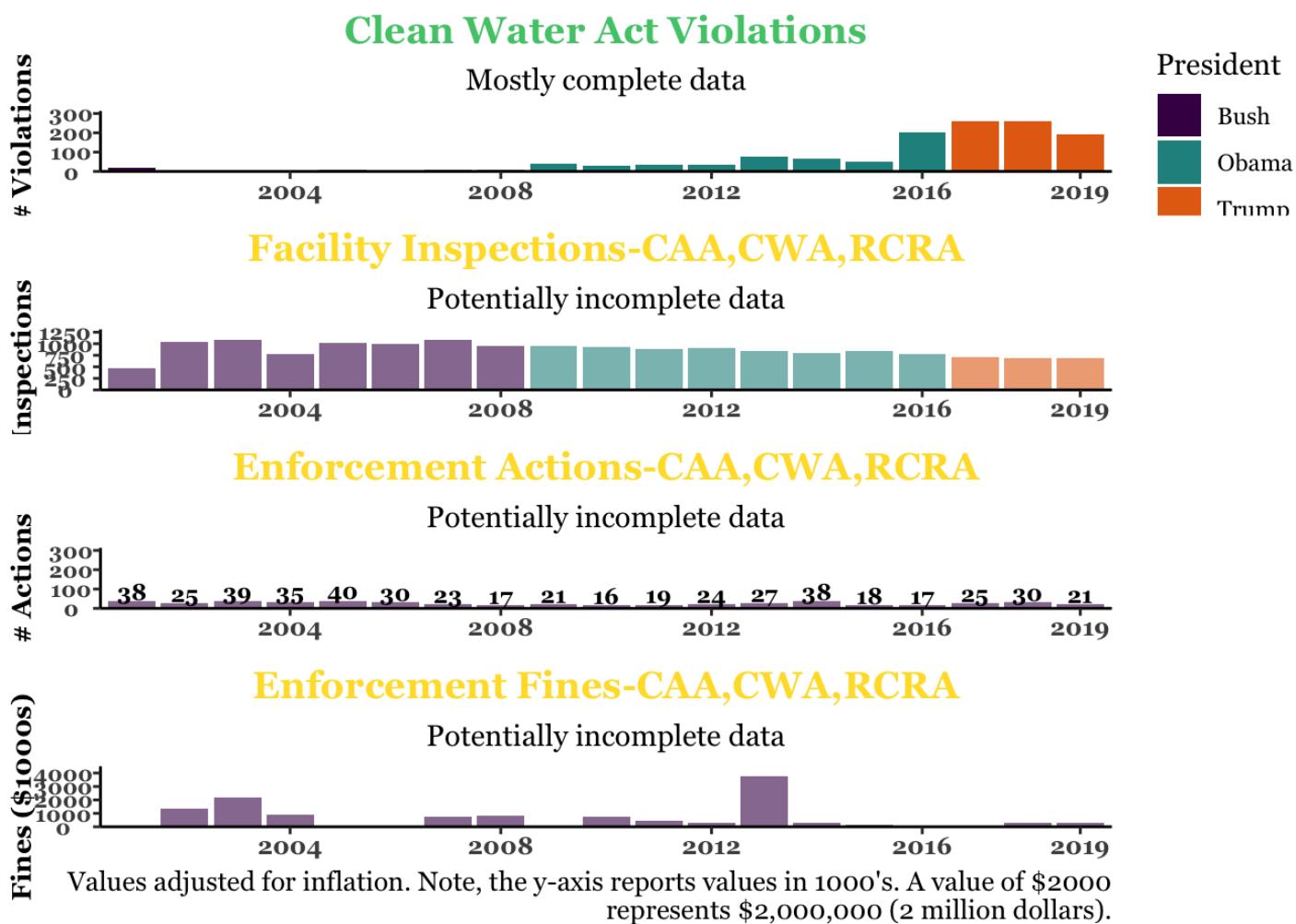
Clean Water Act Violations: much worse than the previous 16 years, representing a 551.34% increase in violations

Enforcement Actions under CAA, CWA, and RCRA: worse than the previous 16 years, representing a 5.07% decrease in enforcement actions

[Link to more thorough grade idea](#)

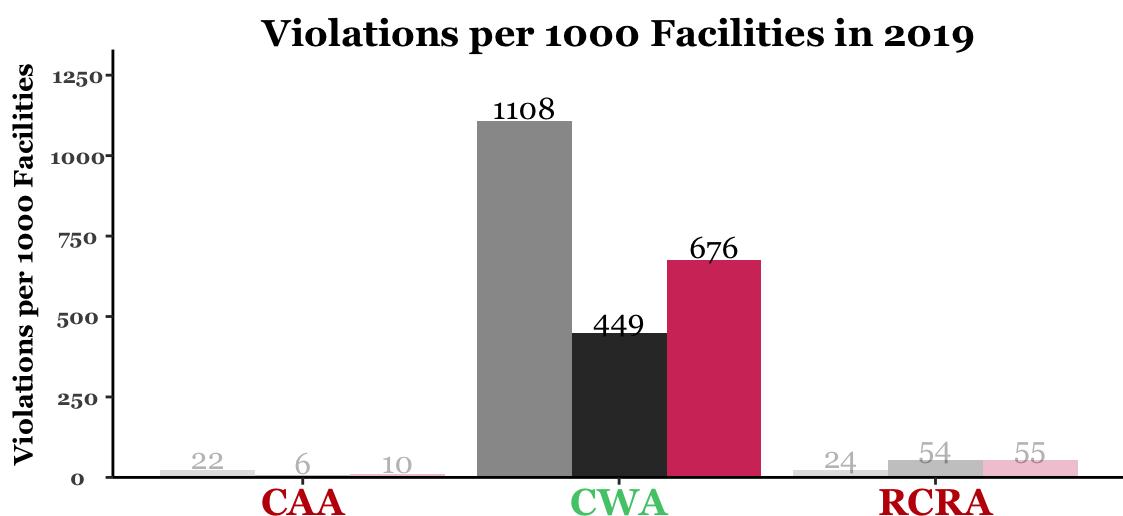
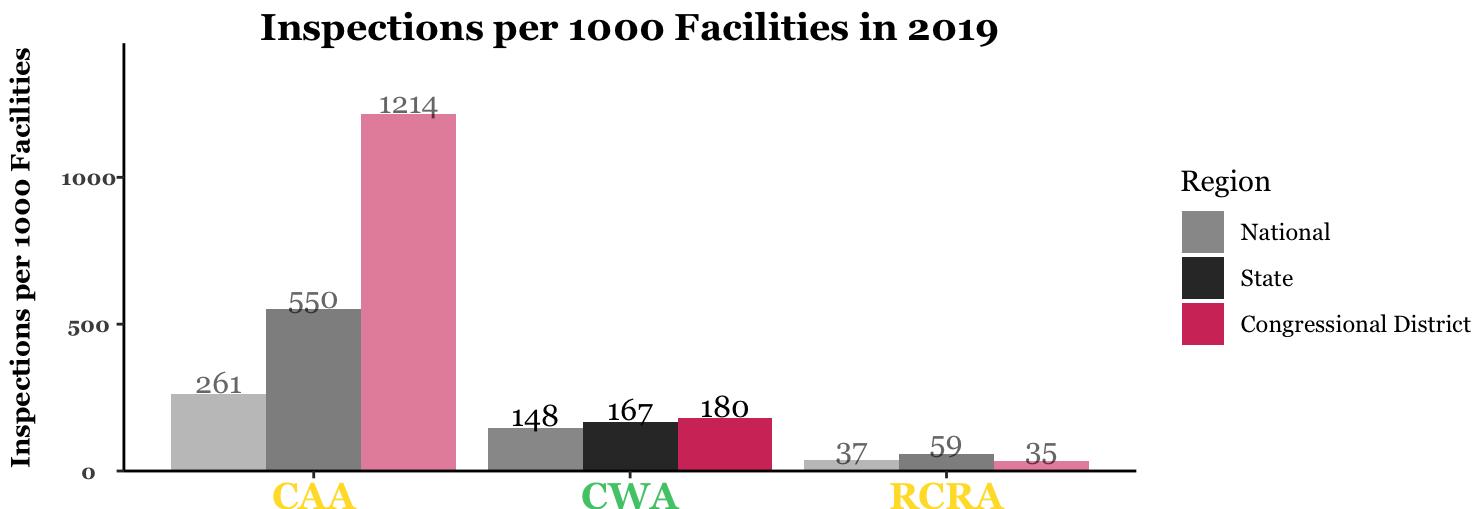
HIGHLIGHTS FOR VIRGINIA'S 4TH DISTRICT

- Comparing the first 3 years of the Obama administration to the first 3 years of the Trump administration, there has been a 23.96% decrease in inspections, 38.03% decrease in fines, and a 35.71% increase in enforcement actions.
- Under the Clean Water Act, the only well-reported regulation in this report, 54 facilities, representing 19.01% of all regulated facilities in VA4, were in violation for at least 25% of the last 3 years.



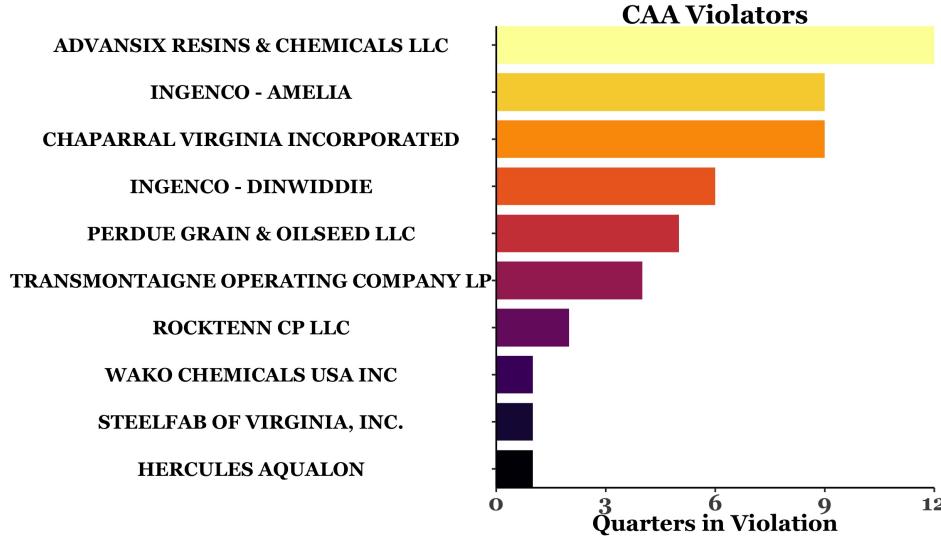
Figures throughout this report indicate reliability by the color of the title, the subtitle, and the degree of transparency of the data. See the data limitations page to view the color-coding table.

YOUR DISTRICT IN COMPARISON



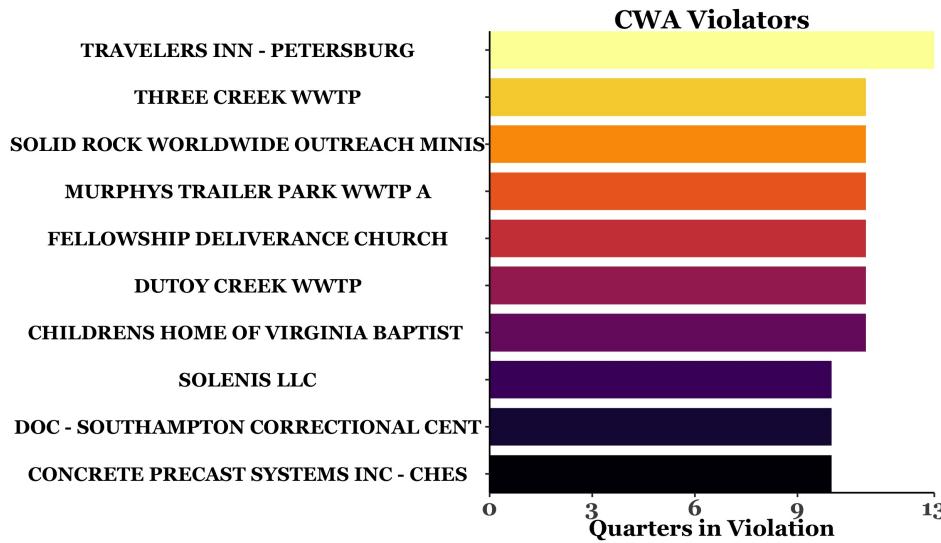
FACILITIES IN YOUR DISTRICT

These figures show the number of quarters the highest-violating facilities have been in violation over the last 3 years. These quarters are not necessarily consecutive.



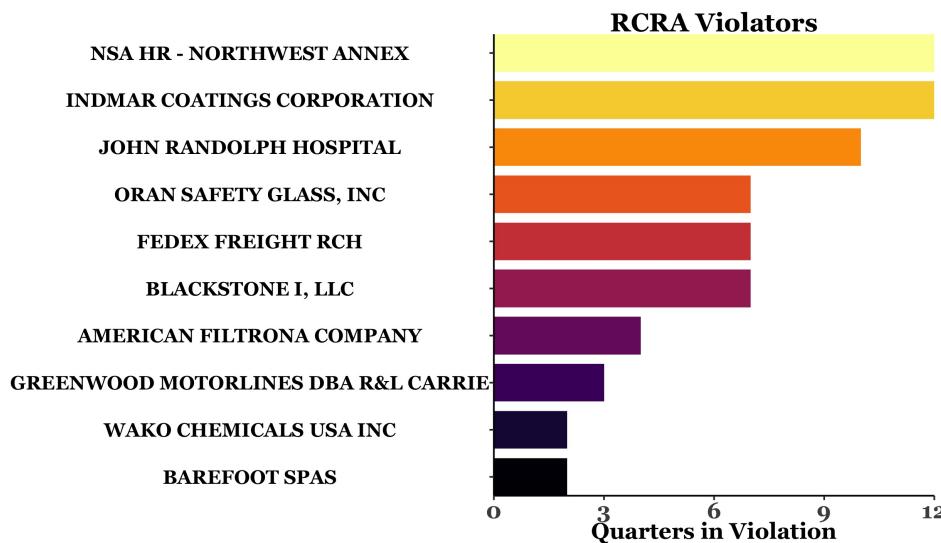
ECHO reports for these facilities:

- [ADVANSIX RESINS & CHEMICALS LLC](#)
- [CHAPARRAL VIRGINIA INCORPORATED](#)
- [INGENCO - AMELIA](#)
- [INGENCO - DINWIDDIE](#)
- [PERDUE GRAIN & OILSEED LLC](#)
- [TRANSMONTAIGNE OPERATING COMPANY LP](#)
- [ROCKTENN CP LLC](#)
- [HERCULES AQUALON](#)
- [STEELFAB OF VIRGINIA, INC.](#)
- [WAKO CHEMICALS USA INC](#)



ECHO reports for these facilities:

- [TRAVELERS INN - PETERSBURG](#)
- [DUTOY CREEK WWTP](#)
- [CHILDRENS HOME OF VIRGINIA BAPTIST](#)
- [SOLID ROCK WORLDWIDE OUTREACH MINIS](#)
- [MURPHYS TRAILER PARK WWTP A](#)
- [THREE CREEK WWTP](#)
- [FELLOWSHIP DELIVERANCE CHURCH](#)
- [DOC - SOUTHAMPTON CORRECTIONAL CENT](#)
- [CONCRETE PRECAST SYSTEMS INC - CHES](#)
- [SOLENIS LLC](#)



ECHO reports for these facilities:

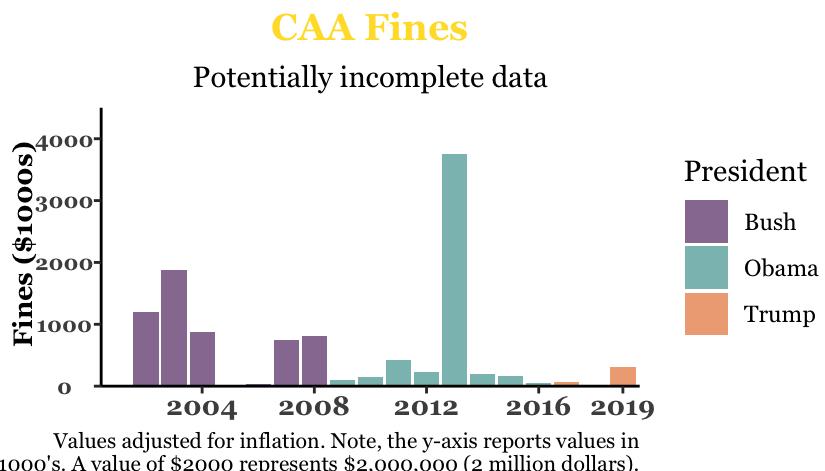
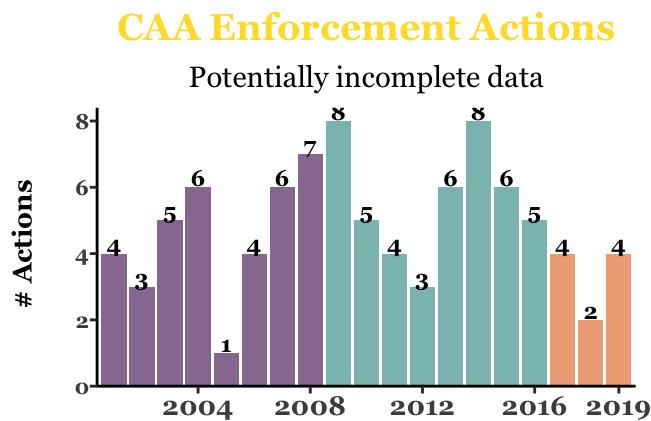
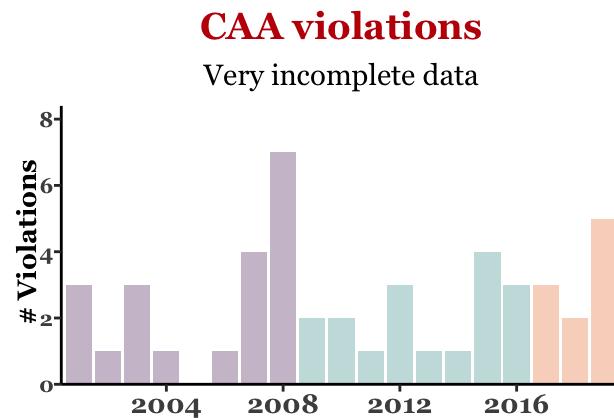
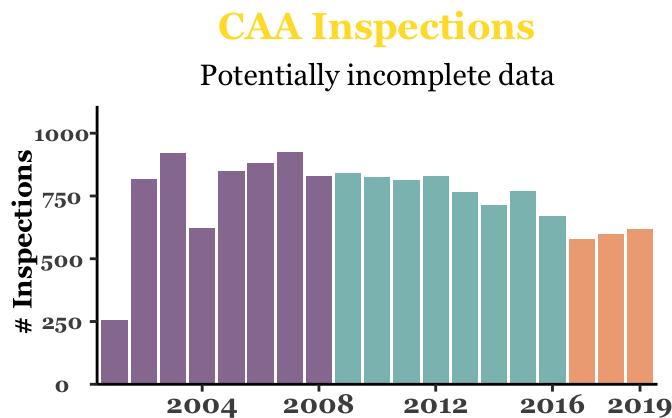
- [INDMAR COATINGS CORPORATION](#)
- [NSA HR - NORTHWEST ANNEX](#)
- [JOHN RANDOLPH HOSPITAL](#)
- [ORAN SAFETY GLASS, INC](#)
- [BLACKSTONE I, LLC](#)
- [FEDEX FREIGHT RCH](#)
- [AMERICAN FILTRONA COMPANY](#)
- [GREENWOOD MOTORLINES DBA R&L CARRIE](#)
- [WAKO CHEMICALS USA INC](#)

- [BAREFOOT SPAS](#)

CLEAN AIR ACT

The [Clean Air Act \(CAA\)](#) is the comprehensive federal law that regulates air emissions from stationary and mobile sources such as refineries, power plants and cars. For the CAA, violations are most commonly recognized via inspections. Infrequent inspection usually results in fewer identified violations. If CAA violations have decreased, make sure to check whether inspections have also decreased as recent cuts in inspections are likely related to drops in CAA violations. Unless thorough inspections are occurring regularly, fewer violations does not necessarily mean air quality has improved. [More info on CAA](#)

There are 510 facilities currently reporting under the CAA

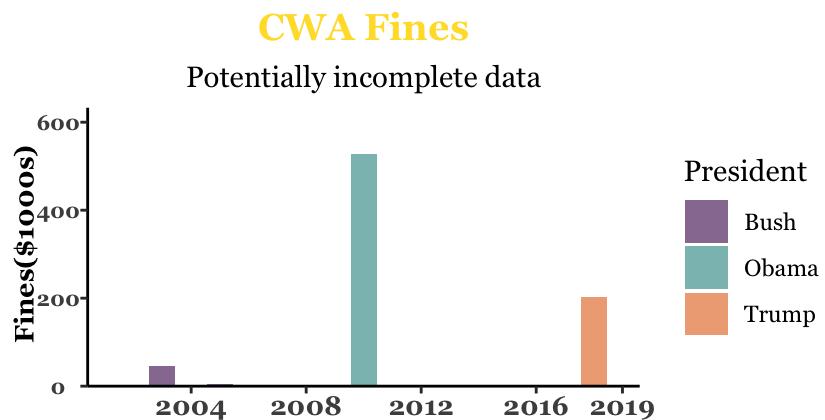
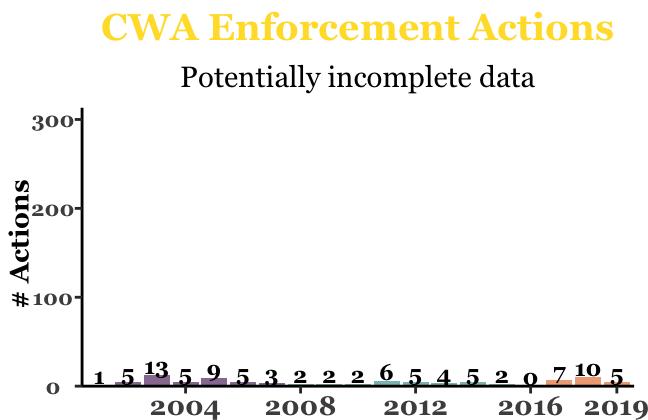
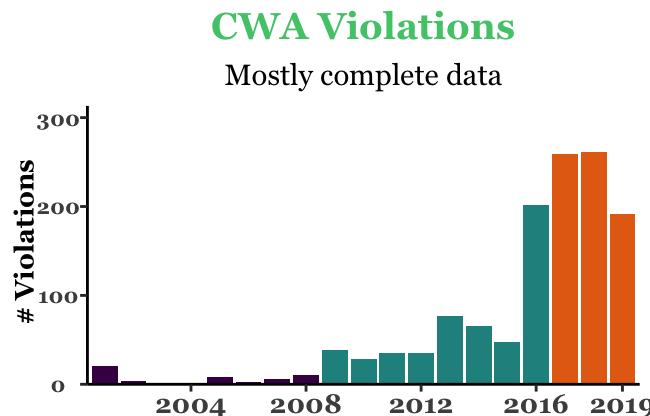
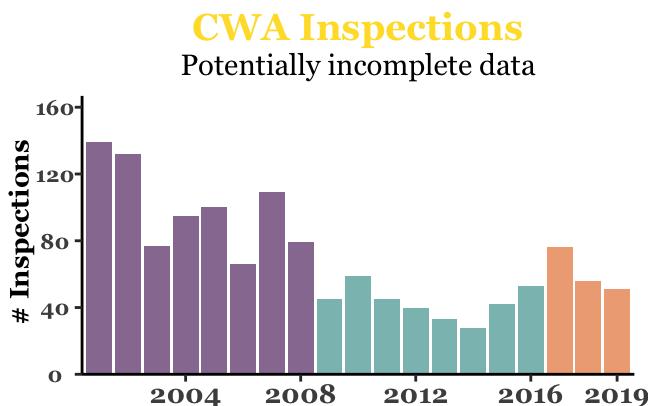


These figures show patterns of CAA inspections, violations, enforcement actions and fines in this district since 2001 based on available EPA data (see page 9). The bars are colored by president. Figure transparency illustrates data reliability: the more transparent, the more uncertain the data. Data on CAA violations is particularly unreliable as emissions are often not directly monitored but are estimates. Inspection, enforcement, and fine data can be unreliable state reporting to ECHO may be incomplete.

CLEAN WATER ACT

The [Clean Water Act \(CWA\)](#) regulates the discharge of hazardous pollutants into and establishes quality standards for the waters of the United States. The CWA established the National Pollutant Discharge Elimination System (NPDES) which permits facilities to discharge certain kinds and amounts of pollutants. Unlike the CAA, effluent (waste emissions) from CWA facilities is routinely reported electronically to ECHO. Levels of contaminants reported over permitted levels triggers a NPDES violation automatically. Therefore, CWA violations are recorded independently of facility inspections and inspections often occur in response to recorded violations.[More info on CWA](#)

There are 284 facilities currently reporting under the CWA

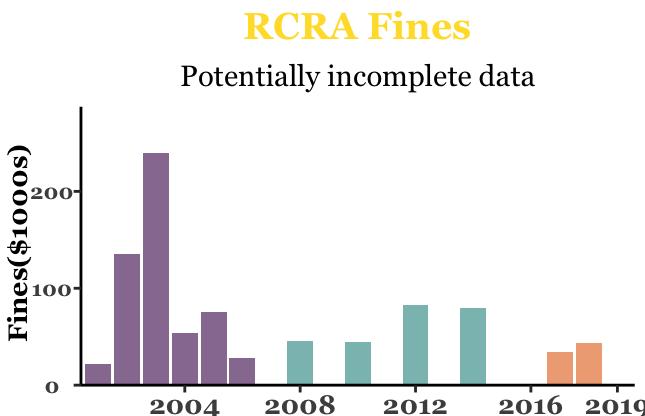
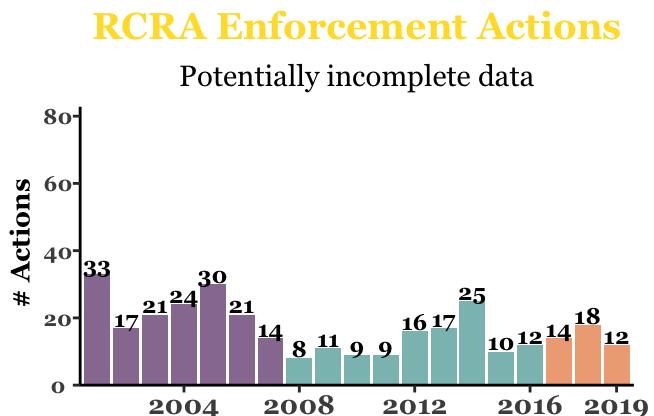
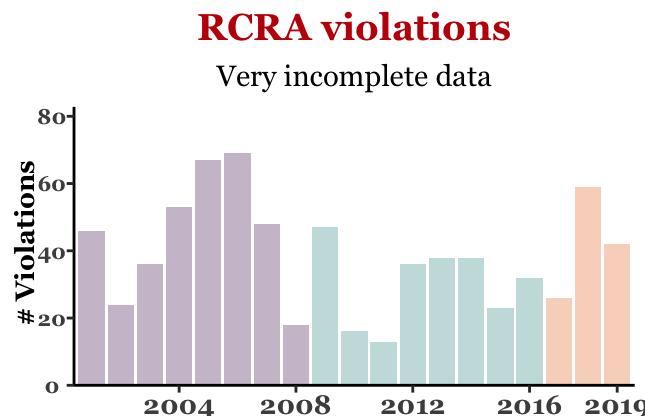
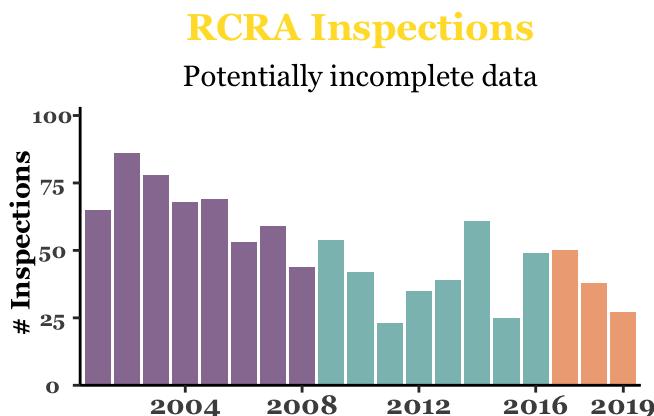


These figures show patterns of Clean Water Act inspections, violations, enforcement actions and fines in your district since 2001 based on available EPA data (see page 9). The bars are colored by president. Figure transparency illustrates data reliability: the more transparent, the more uncertain the data. Data on CWA violations is particularly reliable as effluent violations are automatically reported to EPA.

RESOURCE CONSERVATION AND RECOVERY ACT

The [Resource Conservation and Recovery Act \(RCRA\)](#) gives EPA the authority to control hazardous waste from the “cradle-to-grave”, regulating the generation, transportation, treatment, storage, and disposal of hazardous waste. Facilities self-report under RCRA, like the CAA, and violations are most often found after an inspection. If RCRA violations have decreased, make sure to check whether inspections have also decreased as recent cuts in inspections are likely related to drops in RCRA violations. [More info on RCRA](#)

There are 766 facilities currently reporting under RCRA



President
 Bush
 Obama
 Trump

These figures show patterns of RCRA inspections, violations, enforcement actions and fines in your district since 2001 based on available EPA data (see page 9). The bars are colored by president. Figure transparency illustrates data reliability: the more transparent, the more uncertain the data. Data on RCRA violations is particularly unreliable as violations are not necessarily directly measured. Inspection, enforcement, and fine data can be unreliable state reporting to ECHO may be incomplete.

LEGISLATOR INFORMATION



Donald McEachin

Democrat

In office since January 3rd, 2017

Relevant Committee Membership: [Energy and Commerce Committee](#)

The House Energy and Commerce Committee

This Committee is the oldest house Committee with the broadest jurisdiction of any authorizing committee. The Committee oversees the EPA, and legislates on issues like environmental protection, clean air, climate change, safe drinking water, toxic chemicals and hazardous waste, and nuclear facilities. Currently, the Committee consists of 55 members – 24 Republicans and 31 Democrats. The subcommittees of primary interest to these reports are Environment & Climate Change and Oversight & Investigations.

Relevant Subcommittees:

1. [Energy](#)
2. [Environment and Climate Change](#)

ABOUT THE EPA DATA ANALYZED IN THIS REPORT CARD AND ITS LIMITATIONS

Disclaimer

On March 26, 2020, the US EPA released [a policy memo](#) suspending pollution monitoring requirements for industries that claim to have been impacted by COVID-19. Since then, as part of EDGI's ongoing Environmental Enforcement Watch (EEW) project, we have conducted original data science research using EPA's Enforcement and Compliance History Online ECHO database to investigate the effects of this policy on facility reporting of environmental data and compliance with environmental protection laws. Results show that, despite relatively few facilities claiming the COVID exemption, a much larger proportion of facilities are still failing to report. While both industry non-compliance and EPA non-enforcement reflect longer-term trends (as much as 70% of facilities were already in non-compliance with the nation's environmental laws for certain regulatory programs pre-COVID, [Giles 2020](#)), we have decided to exclude 2020 data from this analysis due to EPA's COVID-19 policy. This decision serves to provide the fairest and most accurate picture of enforcement and compliance trends, and to avoid skewing and misrepresenting the data. .

What - the Data in this report

While ECHO remains the only publicly available and comprehensive source for environmental compliance data, it is known to be extremely unreliable. According to former EPA Administrator Cynthia Giles, states often report less than 5% of violations under the regulations controlling clean air and hazardous waste, which means that ECHO data may exclude more than 95% of such violations. Therefore, other than the Clean Water Act, for which violations are reported through an automated system, violation data should not be considered accurate. It is important to note that states which might have the most violations may actually be the most responsible in terms of their reporting to EPA. Below is a color code of reliability for each data type presented in this report:

Metric	Color	Why
CWA self-reported violations	Green (data relatively complete)	Mandatory electronic self-reporting to ECHO
CWA, CAA, RCRA inspections; CAA, CWA, RCRA enforcement actions and penalties	Yellow (data may be incomplete)	State reporting to ECHO may be incomplete
CAA Violations, RCRA violations	Red (data so incomplete as to be misleading)	No self-reporting; large gaps in state reporting to ECHO

See part 2 of [this report](#) for more information about lack of reporting

The ECHO database compiles information from a number of distinct state and federal databases with inconsistent reporting schemes that lead to data gaps and inaccuracies such as geocoding errors (e.g. a facility in Texas is incorrectly coded as residing in Louisiana); multiple program IDs attributed to a single facility (which can cause one facility to appear as multiple, distinct facilities in the data); and an inability to know what/how major facilities operated in the past. EPA acknowledges some of these

inconsistencies, and sometimes includes disclaimers on the ECHO website detailing them. The agency's official position is that ECHO data is reliable-enough from 2001 onward, but former EPA Administrator Cynthia Giles says that states often report as little as 5% of compliance violations to ECHO for certain regulatory programs. Here are just some of the issues that prevent citizens from knowing how well pollution has been, and is, being controlled:

- Some facilities chronically or repeatedly fail to comply with pollution laws. But available EPA data only goes back X years, so you cannot tell how well facilities in your area have complied with environmental protections over time.
- No idea how maOR facilities operated in the past
- Multiple program IDs for a single facility/permit
- Geocoding errors
- Mislabeled times (e.g. the inspections that will occur in 2052)
- Data entry errors that place inspections and enforcements in the wrong year (some in the future!) and that place facilities in the wrong state or area.

ABOUT THE AUTHORS

About EEW and this Project

Environmental Enforcement Watch (EEW) is a collaborative project across EDGI working groups. The EEW project builds on EDGI's 2019 [Sheep in the Closet Report](#) that documents large declines in EPA enforcement of environmental laws. This project and others used data from EPA's [ECHO](#) database, revealing how useful ECHO could be for communities to track pollution and EPA responses in their areas. However, they also revealed the inaccessibility of ECHO for non-specialists, along with major omissions, errors, and confusions present in the data itself.

A key goal of EEW is to highlight gaps and inadequacies in the enforcement of environmental laws, demonstrating EPA's failure to fulfill its congressionally mandated duty. To help bring awareness and action to the state of environmental non-compliance across the US, we are using Jupyter Notebooks that utilize ECHO data to present these congressional report cards for the 75 Senators and House Representatives that sit on the House Energy & Commerce Committee and the Senate Environment & Public Works Committee. By providing a novel and poignant look at the chronic state of non-compliance in their states and districts, we hope to provide these key representatives with the information and pressure they need to hold the EPA accountable.

About EDGI

EDGI is an international network of over 175 members from more than 80 different academic institutions and non-profits, comprised foremost by grassroots volunteer efforts. Since 2016, EDGI has served as a preeminent watchdog group for federal environmental data, generating international effort to duplicate and monitor repositories of public data that are vital to environmental health research and knowledge. EDGI's work has been widely acknowledged, leading to EDGI testifying before Congress on declines in EPA enforcement, and hundreds of mentions in leading national and international media such as *The New York Times*, *The Washington Post*, Vice News, and CNN. For more about our work, read our [2019 Annual Report](#) and [2020 Annual Report](#).

[CONTACT US](#)

