

# **Fiscal Year 2013 EPA Enforcement and Compliance Annual Results**

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

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# FY 2013 Enforcement and Compliance Annual Results

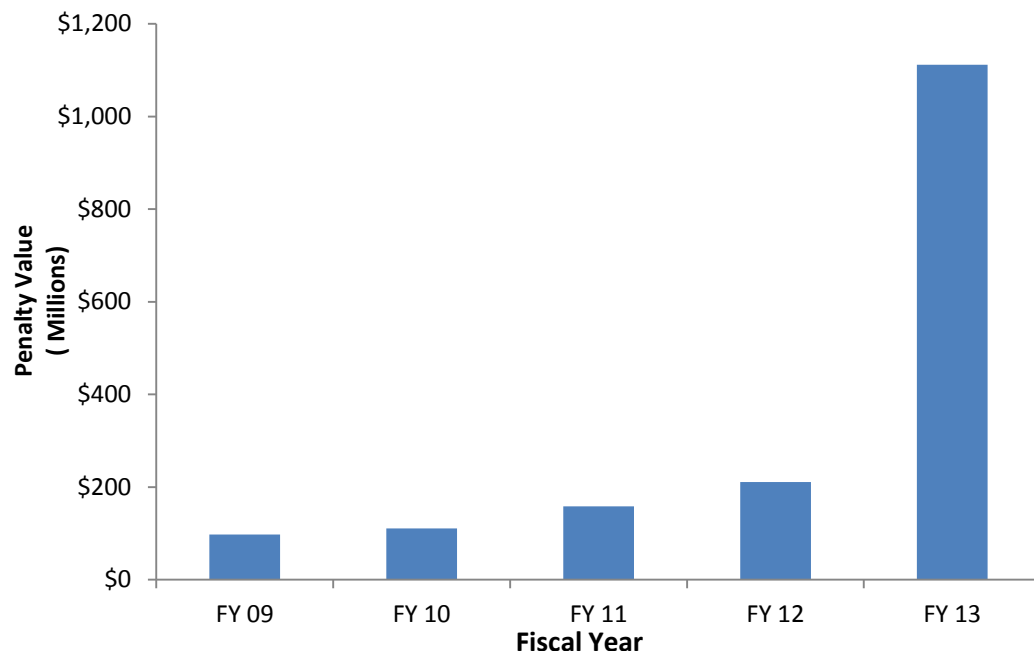
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# FY 2013 Enforcement and Compliance Annual Results

## Administrative and Civil Judicial Penalties Assessed

FY 2009 – FY 2013



In FY 2013, EPA obtained a total of **\$1.1 Billion** in federal administrative and civil judicial penalties primarily due to a record settlement of **\$1 Billion** reached with Transocean for its liability for the Deepwater Horizon Gulf of Mexico oil spill.

Pursuant to the RESTORE Act, **\$800 million** of the Transocean penalty went to the Gulf Coast Restoration Trust Fund to fund programs, projects, and activities that restore and protect the environment and economy of the Gulf Coast region.

In FY 2013, EPA and the Department of Justice made a significant investment in the Deepwater Horizon case, which is evident in this year's civil and criminal results.

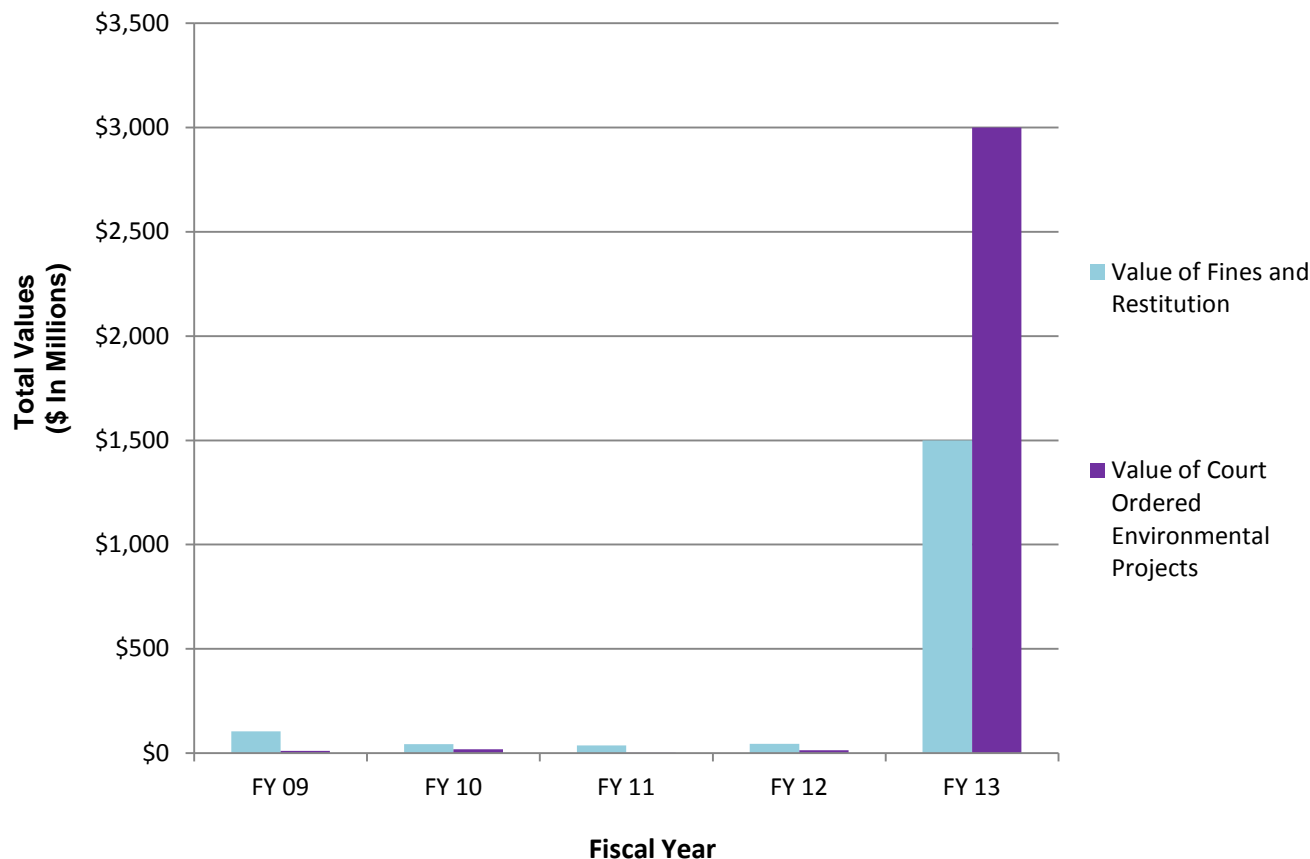
All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2013 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.

Data Source: Integrated Compliance Information System (ICIS).

# FY 2013 Enforcement and Compliance Annual Results

## Criminal Enforcement

### Value of Fines and Restitution and Court Ordered Environmental Projects FY 2009 – FY 2013



➤ Criminal fines and restitution punish misconduct, deter other violators and, along with court-ordered environmental projects, help to remedy the harm caused by the criminal conduct.

➤ In FY 2013, fines, restitution, and court ordered projects from the Deepwater Horizon spill totaled **\$4 billion**. **\$2.5 billion** of the criminal recovery will fund coastal protection/restoration and an additional **\$500 million** will fund spill prevention work .

➤ Criminal fines and restitution from cases other than Deepwater Horizon totaled **\$187 million**.

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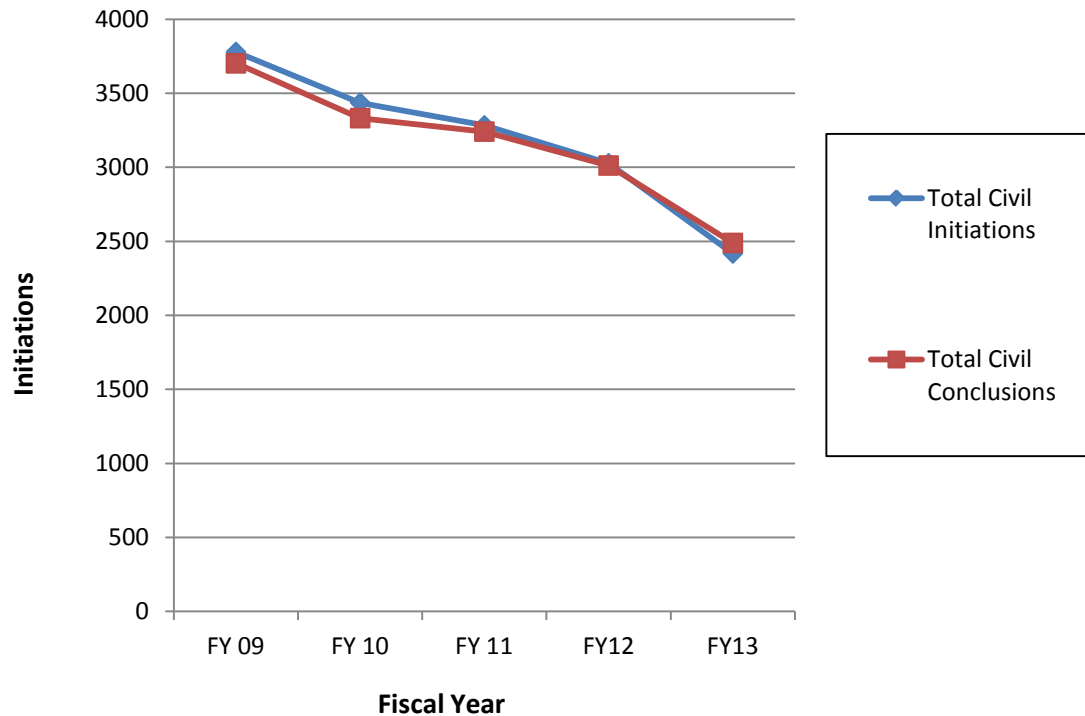
Data Source: Criminal Case Reporting System



# FY2013 Enforcement and Compliance Annual Results

## Civil Enforcement Case Initiations and Conclusions

FY 2009 – FY 2013



- In FY 2013 EPA continued to pursue larger more complex, risk-based enforcement cases leading to significant environmental and health gains.
- In FY 2013, EPA initiated a total of **2,418** civil judicial and administrative cases.
- In FY 2013, EPA concluded **2,489** civil judicial and administrative cases.

Data Source: Integrated Compliance Information System (ICIS).

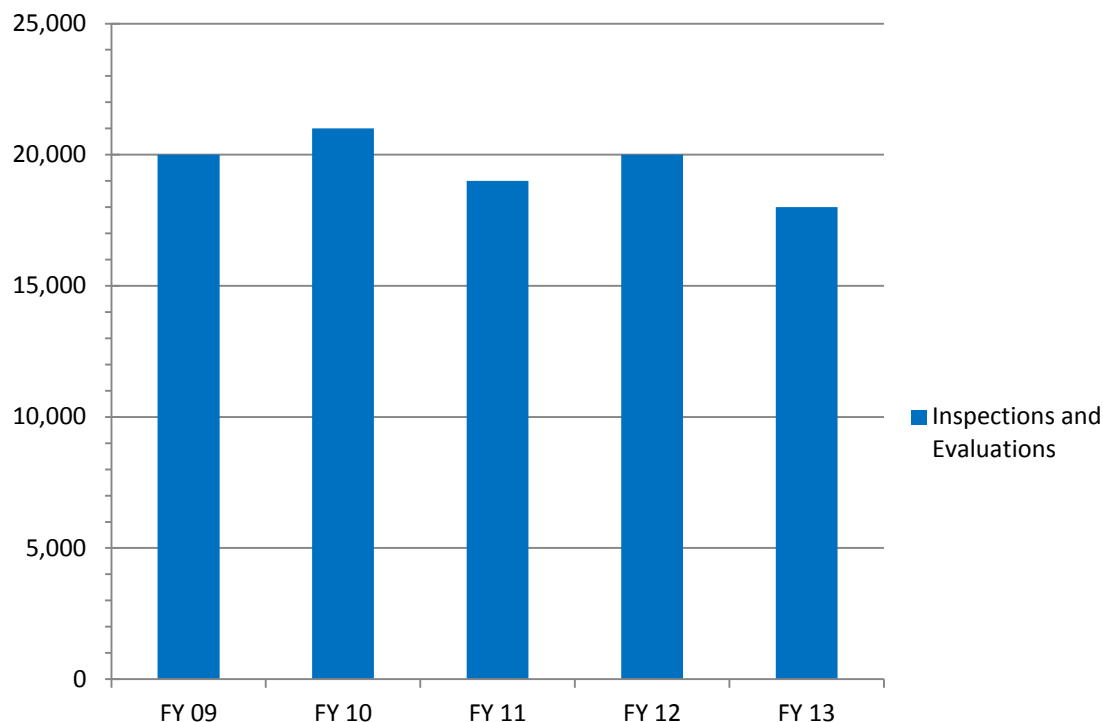


# FY 2013 Enforcement and Compliance Annual Results

## Federal Inspections and Evaluations

(Conducted by EPA)

FY 2009 – FY 2013



➤ In FY 2013, EPA conducted nearly **18,000** inspections/evaluations .

➤ In light of tight budget circumstances, in FY 2013 EPA focused on inspections at larger facilities, leading to fewer inspections overall.

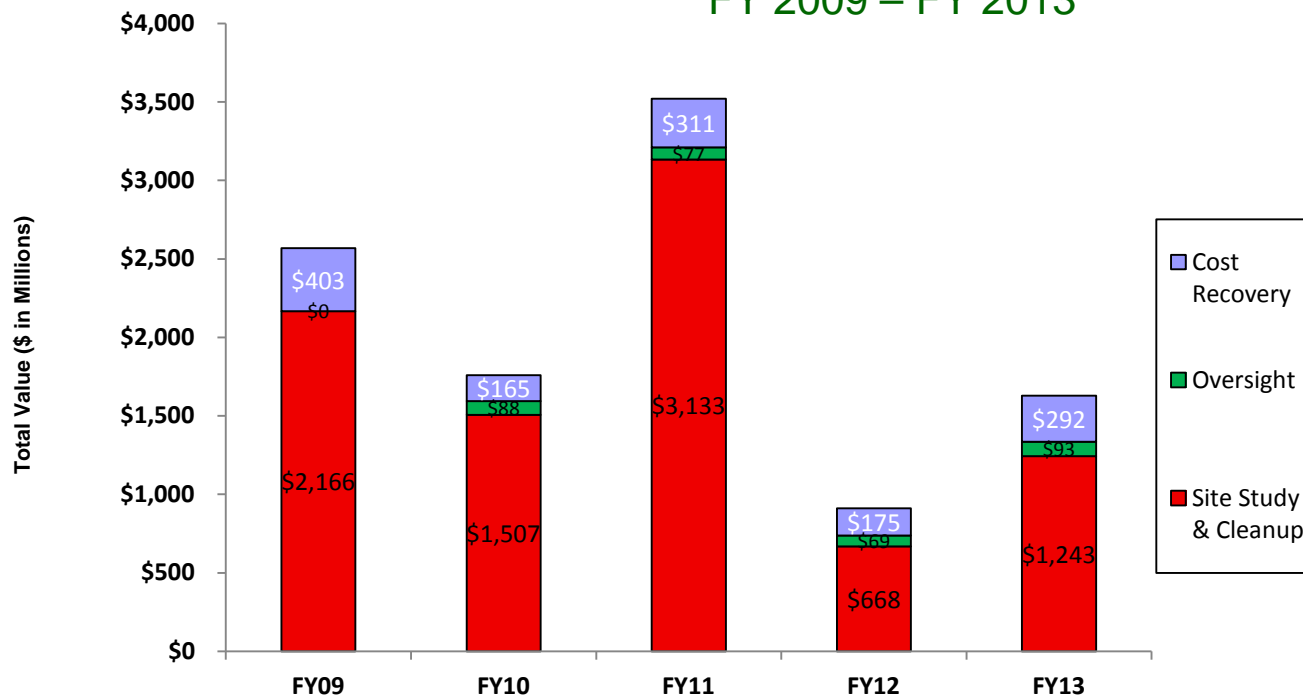
Note: There are other compliance monitoring activities conducted by the EPA that are not reflected in this chart such as civil investigations. The number of EPA Civil Investigations for the last five FYs are: 246 (FY 09), 282 (FY 10), 177 (FY 11), 237 (FY 12), 103 (FY 13).

Data Source: Integrated Compliance Information System (ICIS), ICIS-NPDES, AFS, RCRAInfo and manual reporting.



# FY 2013 Enforcement and Compliance Annual Results

## Superfund Results FY 2009 – FY 2013



In FY 2013, private party cleanup commitments exceeded **\$1.2 billion**. The total dollar value of cleanup commitments is driven by settlements requiring responsible parties to conduct or pay for cleanup.

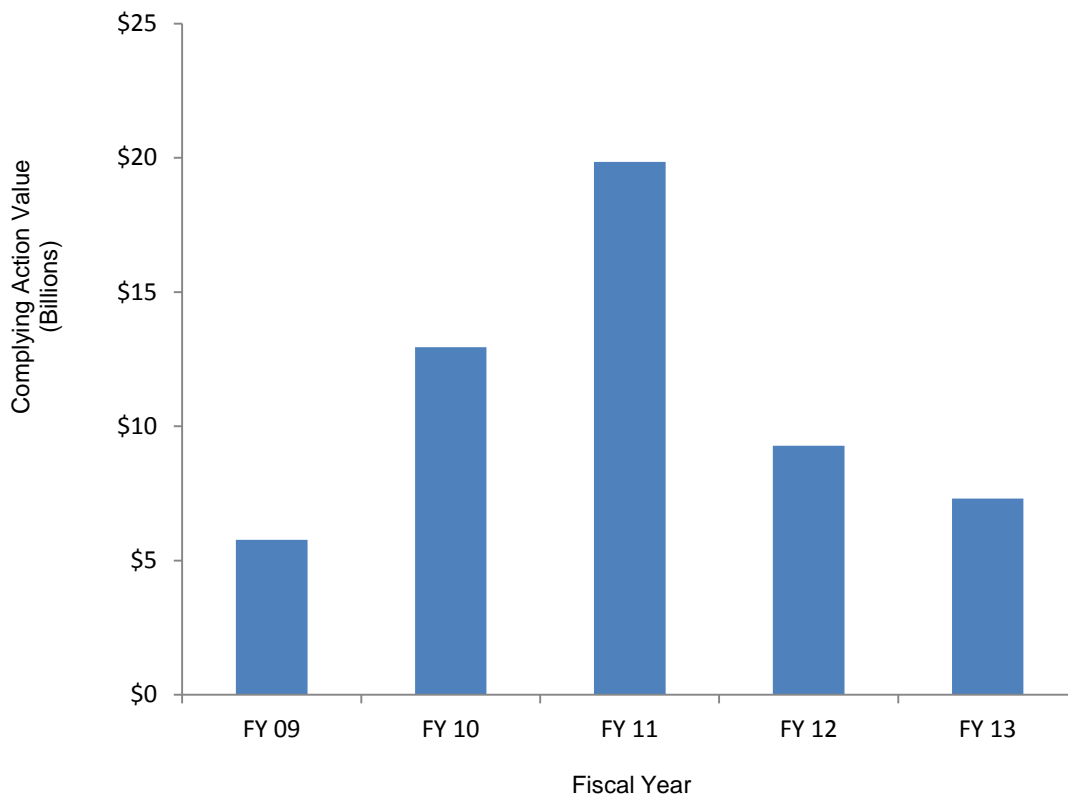
Note: All prior FY dollar figures in this report are adjusted to reflect the current value in FY 2013 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.  
Note: Totals include "allowed claims" under bankruptcy settlements.

Data Source for Clean up and Cost Recovery: Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS),  
Data Source for Oversight: Integrated Financial Management System (IFMS); Data source for previous fiscal years: CERCLIS and IFMS.



# FY 2013 Enforcement and Compliance Annual Results

## Estimated Value of Administrative and Civil Judicial Complying Actions (Injunctive Relief) FY 2009 – FY 2013



➤ In FY 2013, EPA enforcement actions required companies to invest more than **\$7 billion** in actions & equipment to control pollution (injunctive relief.)

➤ Injunctive relief totals vary widely from year to year depending on the timing of resolution of the largest cases. For example, the total in FY 2011 is mainly due to one large company-wide air settlement (TVA; 26% of FY 2011 total) and two large municipal water settlements (City of Honolulu and NEORDS-Cleveland; both comprise 35% of FY 2011 total.)

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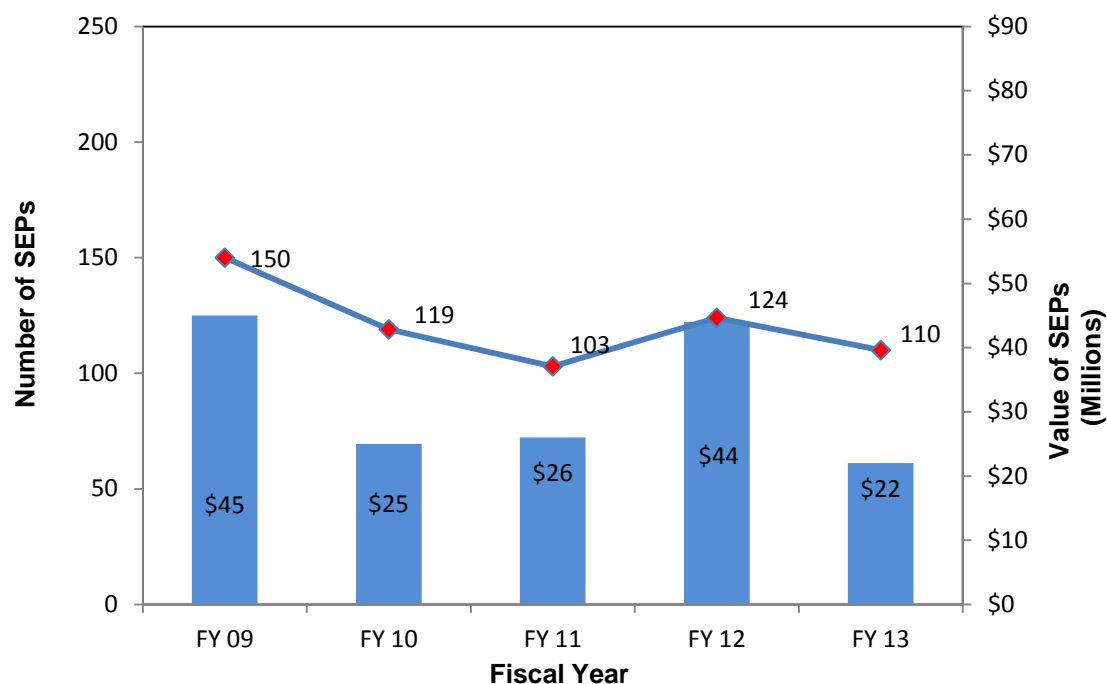
Data Source: Integrated Compliance Information System (ICIS)



# FY 2013 Enforcement and Compliance Annual Results

## Supplemental Environmental Projects

FY 2009 – FY 2013



➤ In FY 2013, EPA enforcement actions resulted in more than  
➤ **\$22 million** in Supplemental Environmental Projects (SEPs).

➤ SEPs are projects that a defendant/respondent agrees to undertake to benefit the community harmed by the violations in a way that defendant/respondent is not otherwise legally required to perform, e.g., in a CAA case, the defendant agrees to retrofit diesel school buses, thereby reducing pollution and protecting public health.

➤ SEPs are variable from year to year, and one or two large SEPs (e.g., one case in FY12 had an SEP of \$20 million) can have a significant effect on the total.

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Data Source: Integrated Compliance Information System (ICIS)

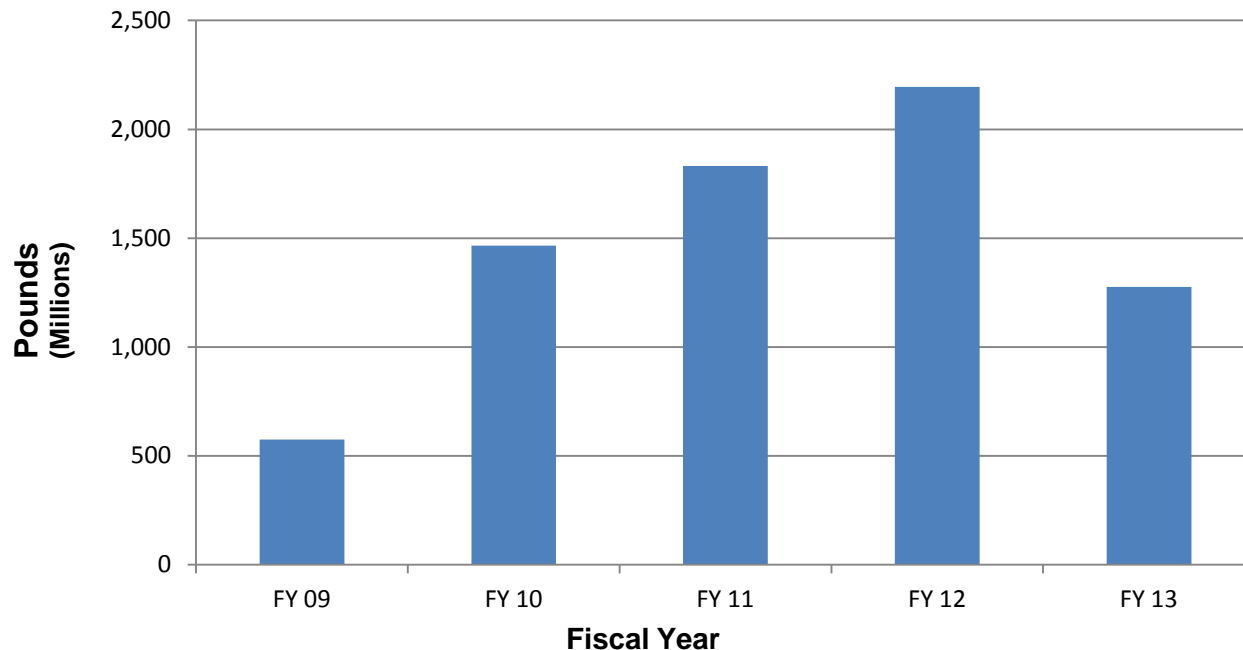


# FY 2013 Enforcement and Compliance Annual Results

Estimated Environmental Benefits

Commitments to Reduce, Treat, or Eliminate Pollution

FY 2009 – FY 2013



Data Source: Integrated Compliance Information System (ICIS)

➤ In FY 2013, EPA enforcement actions required companies to reduce pollution by an estimated 1.3 billion pounds per year.

➤ EPA addresses the biggest sources first. In sectors contributing the largest amounts of pollution (e.g., coal fired power plants, raw sewage discharges, etc.) the total pounds of pollution reduced as a result of enforcement cases will therefore decline over time.

➤ EPA is increasing focus on air toxic pollution violations. These cases are fewer in pounds, but just as big in health impacts and benefits to communities.

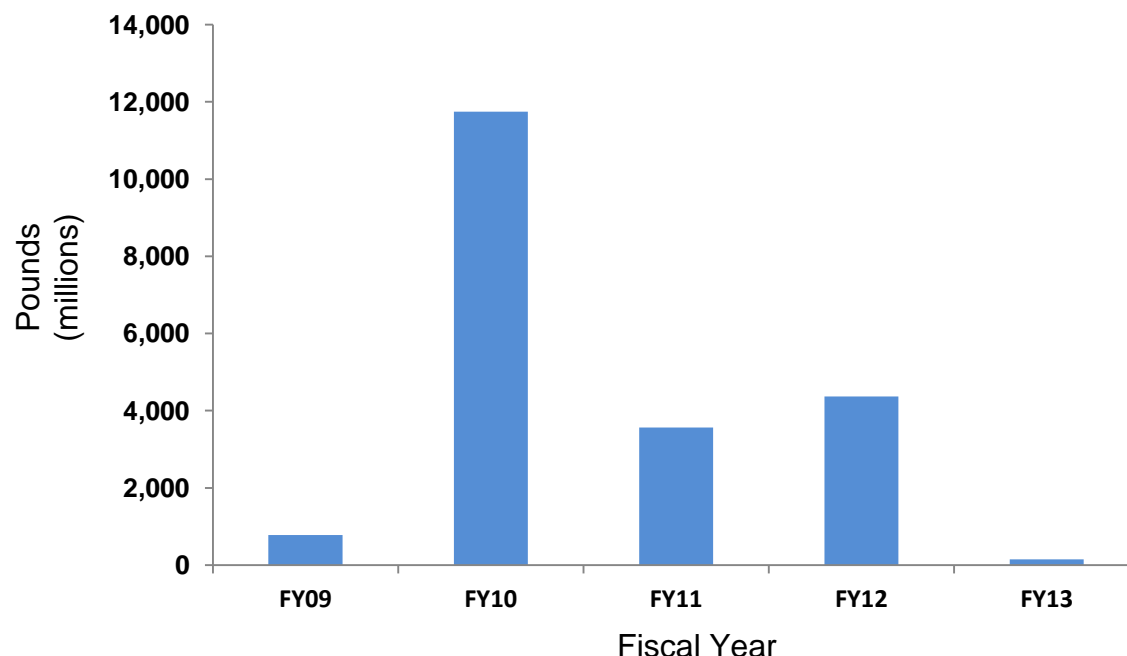


# FY2013 Enforcement and Compliance Annual Results

## Estimated Environmental Benefits

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

FY 2009 – FY 2013



➤ In FY 2013, EPA enforcement actions required companies to commit to treat, minimize, or properly dispose of **148 million pounds** of hazardous waste.

➤ In FY 2014, the Agency expects to conclude several hazardous waste cases that could result in billions of pounds of hazardous waste treated, minimized or properly disposed .

➤ The hazardous waste metric is generally dominated by results from one or two very big cases. This results in substantial variability in this measure from year to year.

Data Source: Integrated Compliance Information System (ICIS)

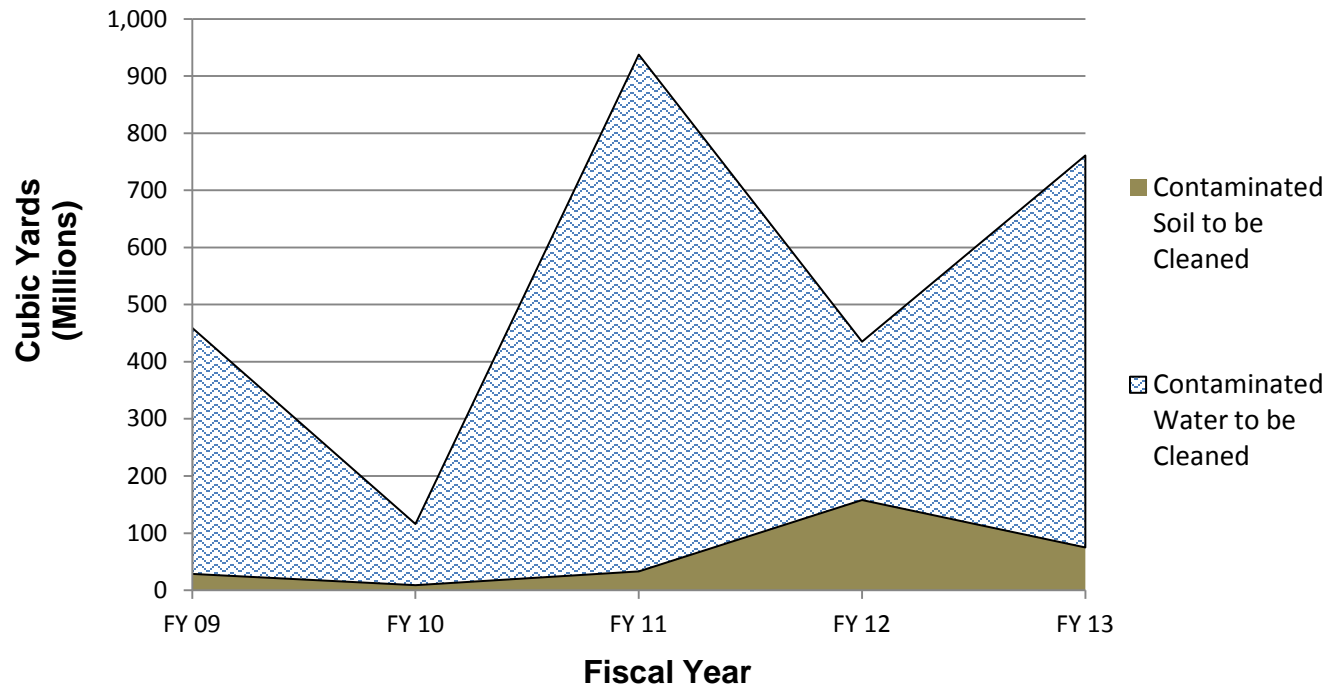


# FY2013 Enforcement and Compliance Annual Results

## Estimated Environmental Benefits

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

FY 2009 – FY 2013



➤ In FY 2013 the Agency obtained an estimated 686 M cubic yards of Estimated Contaminated Water/Aquifer to be Cleaned Up (cubic yards).

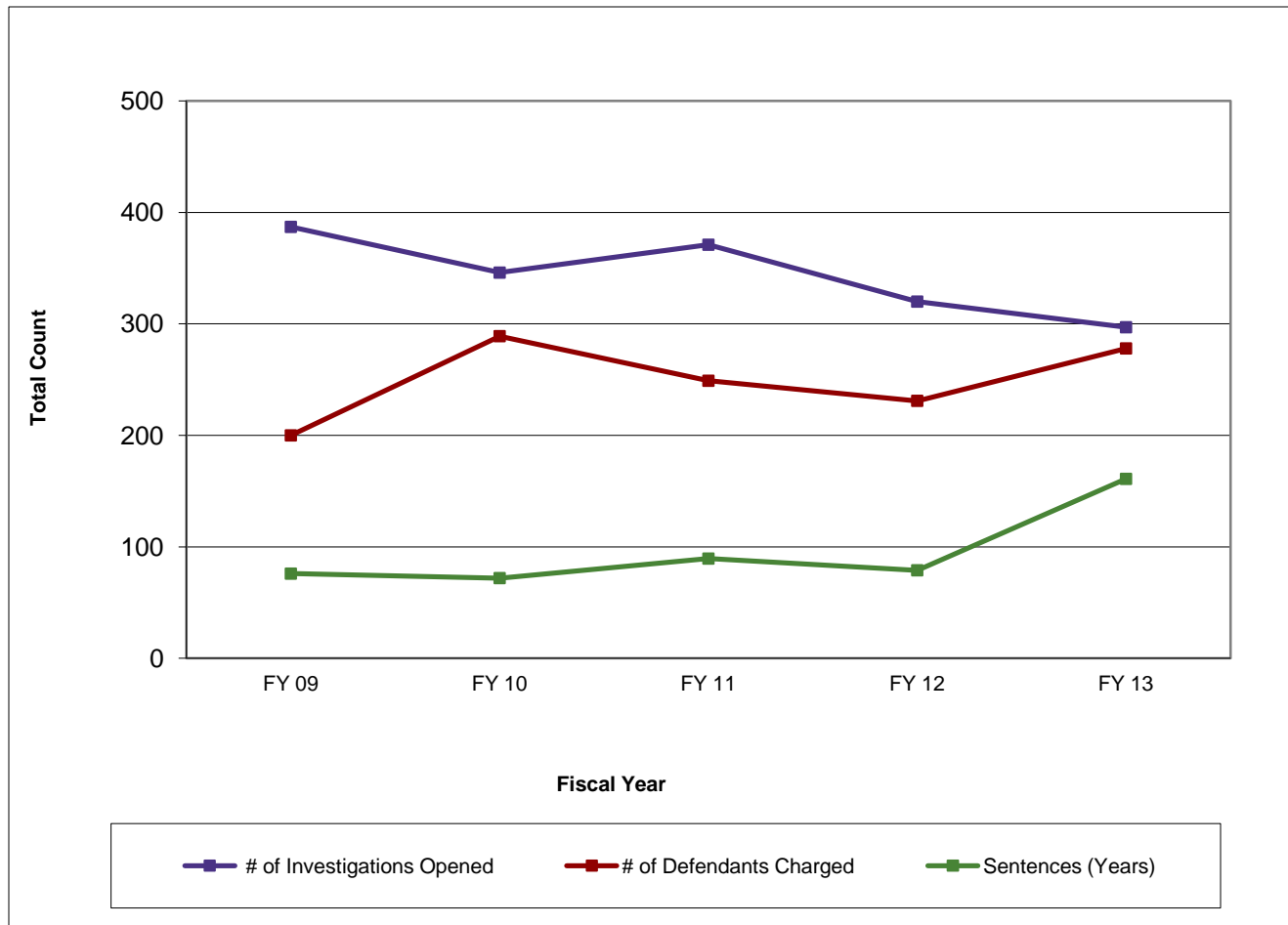
➤ In FY 2013 the Agency obtained an estimated 75 M cubic yards of Estimated Contaminated Soil to be Cleaned Up (cubic yards).

Data Source: Integrated Compliance Information System (ICIS)

# FY 2013 Enforcement and Compliance Annual Results



## Criminal Enforcement Environmental Crime Cases Opened, Defendants Charged and Sentencing Results – Years of Incarceration FY 2009 – FY 2013



- As predicted, the continued focus in FY 13 on Tier 1 and Tier 2 cases (which are generally more complex and resource intensive) has contributed to fewer investigations opened, but an increase in number of defendants charged and number of years sentenced.
- Significant criminal cases in FY13 included: Executive Recycling, Rodney Hailey, Walmart and the Deep Water Horizon cases - BP, Haliburton, and Transocean.