



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

THE INSPECTOR GENERAL

August 3, 2004

The Honorable James Jeffords
United States Senate
Washington D.C. 20510

Dear Senator Jeffords:

The enclosed Special Report is a partial response to your March 30, 2004, letter requesting that we provide certain information related to our October 10, 2003, report, *Congressional Request on EPA Enforcement Resources and Accomplishments*, Report No. 2004-S-00001. Also, we are providing a copy of our October 2003 report for your convenience. Identical letters are being sent to Senators Leahy, Lautenberg, Mikulski and Wyden.

Specifically, the enclosed Special Report entitled *Congressional Request on Updating Fiscal 2003 EPA Enforcement Resources and Accomplishments*, Report 2004-S-00002, responds to item #1, in which you requested that we update all tables and figures with final Fiscal 2003 information. The Special Report provides the data for those tables needing updating.

We obtained the information in this Special Report from the Environmental Protection Agency's (EPA) Office of Enforcement and Compliance Assurance (OECA) and Office of the Chief Financial Officer. We did not evaluate the controls over the systems that produced this information and did not selectively verify the data to source documents. Therefore, the Special Report does not represent an audit conducted in accordance with Government Auditing Standards.

Your letter included two additional requests. The first was a request to evaluate why EPA does not have systems in place to determine whether it is adequately enforcing the Nation's environmental laws. We briefed committee staff on July 8, 2004, on the findings and recommendations included in our June 22, 2004, report, *EPA Needs to Improve Tracking of National Petroleum Refinery Compliance Program Progress and Impacts*, Report No. 2004-P-00021. We notified the committee that this evaluation was one in a series of evaluations looking at enforcement and compliance across EPA. The committee staff asked to be apprised of EPA's 90-day response to the report and subsequent actions taken by EPA to correct the problems identified in the report. We will provide this information when it is available.

The second request was for an evaluation of EPA's claim that the decline in formal National Pollutant Discharge Elimination System (NPDES) enforcement actions has been compensated for by a diversion of NPDES resources to enforce against wet weather discharge violations. In response, we sent a questionnaire on June 25, 2004, to the OECA headquarters office and all 10 regional offices. The questionnaire requested the following information: (1) the number of EPA formal wet weather and non-wet weather NPDES enforcement actions for the last 5 fiscal years (FYs); (2) the number of EPA resources (Full Time Equivalents) working on wet weather and non-wet weather cases for the last 5 FYs; and (3) the length of time it takes EPA to resolve wet weather enforcement cases in comparison to core program enforcement cases. A final report is tentatively scheduled to be issued by the end of August.

Should your staff have any questions concerning this response, please have them contact Eileen McMahon, Assistant Inspector General for Congressional and Public Liaison, at (202) 566-2391.

Sincerely,

/s/

Nikki L. Tinsley

Enclosures



OFFICE OF INSPECTOR GENERAL

Catalyst for Improving the Environment

Special Report

Congressional Request on Updating Fiscal 2003 EPA Enforcement Resources and Accomplishments

Report 2004-S-00002

August 3, 2004

***Update of Data in Office of Inspector General Report,
“Congressional Request on
EPA Enforcement Resources and Accomplishments,”
Report No. 2004-S-00001, October 10, 2003***

Certain tables in the October 2003 report, given their nature, did not require update. They are Tables 1.1, 1.2, 1.5, 2.1, 2.2, 4.1, 4.2, 6.1, B.8, B.9, B.10, B.11, and B.12. In addition, updated information for Table 8.2, entitled Civil Administrative and Judicial Orders Issued Since 1995 Concerning Overflows of Sanitary Sewers or Combined Sewers, will be provided at a later date. An Office of Inspector General team is reviewing EPA's claim that the decline in formal National Pollutant Discharge Elimination System enforcement actions has been compensated for by a diversion of resources to enforce against wet weather discharge violations.

Following are the tables with final FY 2003 data. The tables on budget and cost information are presented in two ways: for Strategic Goal 9, A Credible Deterrent to Pollution and Greater Compliance with the Law, and for OECA. The tables for Goal 9 cover EPA's work to ensure full compliance with the laws intended to protect human health and the environment. The data in the Goal 9 tables include the activities of OECA, other Headquarters' offices, and regional offices. In addition to work related to Goal 9, OECA performed activities related to former Strategic Goal 5, Better Waste Management, Restoration of Contaminated Sites, and Emergency Response, and former Strategic Goal 7, Quality Environmental Information. In September 2003, EPA moved to a five-goal structure.

Table 1.3
Enforcement Program (Goal 9) Dollars (in thousands)
Request, Enacted, Operating, and Actual for Fiscal 2000-2004

| FY | Objective | President's Request | Enacted Budget | Operating Plan | Actual Costs |
|--------------|------------------|----------------------------|-----------------------|-----------------------|---------------------|
| 2000 | 01 | \$292,917.6 | \$322,387.5 | \$323,360.1 | \$320,647.2 |
| | 02 | <u>\$38,417.4</u> | <u>\$49,417.2</u> | <u>\$52,988.0</u> | <u>\$50,291.8</u> |
| | Total | <u>\$331,335.0</u> | <u>\$371,804.7</u> | <u>\$376,348.1</u> | <u>\$370,939.0</u> |
| 2001 | 01 | \$351,306.7 | \$345,554.5 | \$345,554.5 | \$335,773.1 |
| | 02 | <u>\$52,464.8</u> | <u>\$52,860.9</u> | <u>\$52,860.9</u> | <u>\$55,786.0</u> |
| | Total | <u>\$403,771.5</u> | <u>\$398,415.4</u> | <u>\$398,415.4</u> | <u>\$391,559.1</u> |
| 2002* | 01 | \$356,652.5 | \$337,781.6 | \$338,137.5 | \$345,342.0 |
| | 02 | <u>\$54,563.2</u> | <u>\$55,768.5</u> | <u>\$55,696.3</u> | <u>\$54,049.1</u> |
| | Total | <u>\$411,215.7</u> | <u>\$393,550.1</u> | <u>\$393,833.8</u> | <u>\$399,391.1</u> |
| 2003 | 01 | \$346,590.5 | \$346,181.7 | \$349,251.7 | \$352,155.8 |
| | 02 | <u>\$55,872.4</u> | <u>\$55,907.2</u> | <u>\$57,187.8</u> | <u>\$54,152.3</u> |
| | Total | <u>\$402,462.9</u> | <u>\$402,088.9</u> | <u>\$406,439.5</u> | <u>\$406,308.1</u> |
| 2004 | 01 | \$372,173.1 | | | |
| | 02 | <u>\$58,387.4</u> | | | |
| | Total | <u>\$430,560.5</u> | | | |

* The 2002 Enacted Budget and Operating Plan included the supplemental appropriation.

For FY 2000 and FY 2001, Objective 1 was "Enforcement Tools to Reduce Non-Compliance" and Objective 2 was "Increase Use of Auditing, Self-Policing Policies." In FY 2002, Objective 1 became "Increase Compliance Through Enforcement" and Objective 2 became "Promote Compliance Through Incentives and Assistance."

Note: Data includes the activities of OECA, other Headquarters offices, and regional offices.

**Table 1.4
Enforcement Program (Goal 9) FTE
Request, Enacted, Operating and Actual for Fiscal 2000-2004**

| FY | Objective | President's Request | Enacted Budget | Operating Plan | Actual FTE |
|-------------|------------------|--------------------------------|---------------------------|---------------------------|-----------------------|
| 2000 | 01 | 2,192.1 | 2,148.1 | 2,148.2 | 1,925.4 |
| | 02 | <u>348.0</u> | <u>422.6</u> | <u>422.6</u> | <u>388.6</u> |
| | Total | <u>2,540.1</u> | <u>2,570.7</u> | <u>2,570.8</u> | <u>2,313.9</u> |
| 2001 | 01 | 2,149.2 | 2,130.5 | 2,130.5 | 1,905.7 |
| | 02 | <u>423.5</u> | <u>423.3</u> | <u>423.3</u> | <u>399.0</u> |
| | Total | <u>2,572.7</u> | <u>2,553.8</u> | <u>2,553.8</u> | <u>2,304.6</u> |
| 2002 | 01 | 1,910.3 | 2,075.9 | 2,072.6 | 1,990.5 |
| | 02 | <u>420.0</u> | <u>416.6</u> | <u>416.3</u> | <u>405.6</u> |
| | Total | <u>2,330.3</u> | <u>2,492.5</u> | <u>2,488.9</u> | <u>2,396.1</u> |
| 2003 | 01 | 1,932.6 | 2,071.1 | 2,074.2 | 1,972.2 |
| | 02 | <u>398.1</u> | <u>399.3</u> | <u>402.7</u> | <u>401.9</u> |
| | Total | <u>2,330.7</u> | <u>2,470.4</u> | <u>2,476.9</u> | <u>2,374.1</u> |
| 2004 | 01 | 2,079.3 | | | |
| | 02 | <u>401.1</u> | | | |
| | Total | <u>2,480.4</u> | | | |

In some cases, columns may not add up due to rounding.

Note: the data includes FTEs for OECA, other Headquarters offices, and regional offices.

**Table 3.1
Current Case Load**

| Type of Case | No. |
|--|--------------|
| Criminal * | 1,147 |
| Civil ** | |
| Clean Air Act | 807 |
| Resource Conservation and Recovery Act | 814 |
| Clean Water Act | <u>642</u> |
| Total | <u>3,410</u> |

* As of June 12, 2004

** Clean Air Act and Clean Water Act data are as of June 12, 2004; Resource Conservation and Recovery Act data are as of June 9, 2004. Clean Air Act data represent universe of High Priority Violators; Resource Conservation and Recovery Act data represent universe of Significant Non-Compliers; and Clean Water Act data represent major National Pollutant Discharge Elimination System facilities in Significant Non-Compliance.

Note: The criminal cases are at various stages of the criminal enforcement process, from the investigative stage through litigation. Regarding the data for civil cases, our prior report indicated that OECA officials stated that it was difficult to limit the information to cases at a specific stage in the enforcement process. The officials stated “because of the nature of the case development process, we cannot generate a complete snapshot of our enforcement workload, where at any one time we may be resolving violations informally, gathering additional evidence following an inspection to develop a referral, or deciding whether to proceed administratively or judicially.”

**Table 3.2
Disposition of Leads Received in Fiscal 2003**

| Under CID Review | Closed Prior to Referral | Referred to State/Local | Referred to EPA Civil Program | Referred to Other Federal | Opened as a Criminal Case |
|------------------|--------------------------|-------------------------|-------------------------------|---------------------------|---------------------------|
| 326 (13%) | 747 (31%) | 717 (29%) | 206 (8%) | 138 (6%) | 316 (13%) |

CID: Criminal Investigation Division

**Table 3.3
Criminal Cases Opened, Closed, and Outstanding – 2000-2003**

| | 2000 | 2001 | 2002 | 2003 |
|----------------------------------|---------------------|---------------------|---------------------|---------------------|
| Initiated during the year | | | | |
| Environmental crimes | 477 | 482 | 484 | 471 |
| Counter-terrorism | <u>0</u> | <u>0</u> | <u>190</u> * | <u>37</u> |
| Totals | <u><u>477</u></u> | <u><u>482</u></u> | <u><u>674</u></u> | <u><u>508</u></u> |
| Closing during the year | | | | |
| Environmental crimes | 452 | 407 | 451 | 469 |
| Counter-terrorism | <u>0</u> | <u>0</u> | <u>105</u> | <u>40</u> |
| Totals | <u><u>452</u></u> | <u><u>407</u></u> | <u><u>556</u></u> | <u><u>509</u></u> |
| Open at end of the year | | | | |
| Environmental crimes | 1,001 | 1,076 | 1,109 | 1,099 |
| Counter-terrorism | <u>0</u> | <u>0</u> | <u>85</u> | <u>94</u> |
| Totals | <u><u>1,001</u></u> | <u><u>1,076</u></u> | <u><u>1,194</u></u> | <u><u>1,193</u></u> |

* After the FY 2002 accomplishment reports were issued, 10 additional counter-terrorism cases were identified. For consistency with the accomplishments reports, we have not included the additional cases.

**Table 5.1
Criminal Cases Initiated by Media In Fiscal 2000-2003**

| Media Description | 2000 | 2001 | 2002 | 2003 |
|---|------------|------------|------------|------------|
| Air | 91 | 108 | 77 | 87 |
| Superfund | 11 | 15 | 11 | 7 |
| Emergency Planning and Community Right to Know Act | 2 | 2 | 2 | 0 |
| Pesticides | 6 | 17 | 15 | 21 |
| Other | 5 | 7 | 3 | 9 |
| Solid Waste | 135 | 108 | 107 | 111 |
| Toxics | 7 | 9 | 17 | 14 |
| Title 18 Violation | 36 | 46 | 198 | 40 |
| Water | 170 | 159 | 227 | 170 |
| Safe Drinking Water | 3 | 5 | 12 | 10 |
| 404 (Wetlands) | 11 | 6 | 5 | 2 |
| Counter Terrorism * | | | | <u>37</u> |
| Totals | <u>477</u> | <u>482</u> | <u>674</u> | <u>508</u> |

* In prior OIG report, Counter Terrorism cases were included under Title 18 violations.

**Table 5.2
Criminal Cases Closed In Fiscal 2000-2003**

| Primary Media | 2000 | 2001 | 2002 | 2003 |
|---|------------|------------|------------|------------|
| Air | 89 | 75 | 73 | 89 |
| Superfund | 22 | 12 | 19 | 7 |
| Emergency Planning and Community Right to Know Act | 0 | 3 | 1 | 0 |
| Pesticides | 16 | 10 | 11 | 15 |
| Other | 3 | 4 | 6 | 8 |
| Solid Waste | 111 | 119 | 119 | 93 |
| Toxics | 7 | 8 | 11 | 11 |
| Title 18 Violation | 31 | 19 | 131 | 53 |
| Water | 159 | 146 | 173 | 176 |
| Safe Drinking Water | 7 | 4 | 7 | 13 |
| 404 (Wetlands) | 7 | 7 | 5 | 4 |
| Counter Terrorism * | | | | <u>40</u> |
| Totals | <u>452</u> | <u>407</u> | <u>556</u> | <u>509</u> |

* In prior OIG report, Counter terrorism cases were included under Title 18 violations.

**Table 5.3
Years of Incarceration Imposed
For Cases Closed In Fiscal 2000-2003**

| Primary Media * | 2000 | 2001 | 2002 | 2003 |
|---|--------------|--------------|--------------|--------------|
| Air | 22.7 | 33.5 | 52.8 | 44.8 |
| Superfund | 1.2 | 115.8 | 3.4 | 0.6 |
| Emergency Planning and Community Right to Know Act | 0.0 | 1.5 | 0.0 | 0.0 |
| Pesticides | 0.3 | 0.5 | 0.0 | 0.6 |
| Other | 0.5 | 9.0 | 1.6 | 0.0 |
| Solid Waste | 71.5 | 42.4 | 85.7 | 39.8 |
| Toxics | 2.3 | 3.0 | 9.3 | 1.7 |
| Title 18 Violation | 4.5 | 2.6 | 6.1 | 13.4 |
| Water | 35.3 | 44.0 | 51.8 | 35.6 |
| Safe Drinking Water | 7.6 | 0.0 | 4.0 | 2.0 |
| 404 (Wetlands) | 0.3 | 3.6 | 0.5 | 7.8 |
| Counter Terrorism | | | | <u>0</u> |
| Totals | 146.2 | 256.0 | 215.2 | 146.2 |

In some cases, columns may not add due to rounding

**Table 5.4
Fines and Restitution Assessed
For Cases Closed in Fiscal 2000-2003**

| Primary Media * | 2000 | 2001 | 2002 | 2003 |
|---|-----------------------------|----------------------------|----------------------------|----------------------------|
| Air | \$5,714,318 | \$25,315,683 | \$7,162,382 | \$21,344,586 |
| Superfund | 70,400 | 16,742,004 | 3,054,294 | 30,000 |
| Emergency Planning and Community Right to Know Act | 0 | 15,000 | 0 | 0 |
| Pesticides | 583,745 | 128,505 | 120,100 | 24,821 |
| Other | 3,757,500 | 8,298,637 | 356,700 | 7,056,550 |
| Solid Waste | 38,509,153 | 1,611,479 | 2,569,531 | 2,314,301 |
| Toxics | 1,492,084 | 357,336 | 280,000 | 8,615 |
| Title 18 Violations | 2,276,399 | 4,033,036 | 18,771,955 | 4,193,235 |
| Water | 39,730,733 | 37,937,841 | 29,865,606 | 36,207,684 |
| Safe Drinking Water | 29,840,156 | 8,000 | 8,750 | 11,366 |
| 404 (Wetlands) | 0 | 278,762 | 63,000 | 122,100 |
| Counter Terrorism | | | | <u>\$0</u> |
| Total | <u>\$121,974,488</u> | <u>\$94,726,283</u> | <u>\$62,252,318</u> | <u>\$71,313,258</u> |

**Table 6.2
Number of Criminal Cases Initiated**

| FY | Planned | Actual | Met? |
|------|---------|--------|------|
| 2000 | 500 | 477 | No |
| 2001 | 450 | 482 | Yes |
| 2002 | 400 | 674 | Yes |
| 2003 | 400 | 508 | Yes |

**Table 7.1
Performance Measures Under Annual Performance Goal 53 for FY 2003**

| Measure | Planned | Actual | Met? |
|--|---------------|---------------|------|
| 75% of concluded enforcement actions require physical action that result in pollutant reductions and/or changes in facility management or information practices. | 75% | 63% | No |
| Millions of pounds of pollutants required to be reduced through enforcement actions settled this fiscal year. | 300 M | 600 M | Yes |
| Develop and use valid compliance rates or other indicators of compliance for selected populations. | 5 populations | 5 populations | Yes |

Note: EPA changed its performance goal structure for FY 2003. The measures above appeared under Annual Performance Goal 58 in FY 2002.

**Table 7.2
Other Annual Performance Goals Related to Goal 9**

| |
|--|
| Annual Performance Goal 51: COMPLIANCE INCENTIVES: Increase opportunities through new targeted sector initiatives for industries to voluntarily self-disclose and correct violations on a corporate-wide basis. |
| Annual Performance Goal 52: INSPECTIONS/INVESTIGATIONS: EPA will conduct inspections, criminal investigations, and civil investigations targeted to areas that pose risks to human health or the environment, display patterns of non-compliance, or include disproportionately exposed populations. |
| Annual Performance Goal 54: QUALITY ASSURANCE: Identify noncompliance and focus enforcement and compliance assurance on human health and environmental problems, by maintaining and improving quality and accuracy of data. |
| Annual Performance Goal 55: CAPACITY BUILDING: Improve capacity of States, localities and tribes to conduct enforcement and compliance assurance programs. EPA will provide training as well as assistance with State and tribal inspections to build capacity. |

Note: EPA changed its performance goal structure for FY 2003. The goals above appeared under different goal numbers in FY 2002. OECA reported that these measures were met for FY 2003.

Table 8.1*
Number of Formal NPDES
Enforcement Actions

| FY | State | EPA | Total |
|-----------|--------------|------------|--------------|
| 1999 | 631 | 304 | 935 |
| 2000 | 722 | 201 | 923 |
| 2001 | 639 | 174 | 813 |
| 2002 | 641 | 216 | 857 |
| 2003 | 483 | 180 | 663 |

* Per OECA, the data in Table 8.1 of the prior OIG report reflected the number of facilities that received formal enforcement actions. According to OECA, the data above reflects the actual number of enforcement actions for major facilities for each fiscal year. Major facilities include municipal dischargers designed for flows of greater than one million gallons per day.

Table 8.3
EPA Clean Water Act Enforcement Actions
Filed Since 1997 Against Operators of
Concentrated Animal Feeding Operations

| FY | Number Filed |
|--------------|---------------------|
| 1997 | 14 |
| 1998 | 43 |
| 1999 | 40 |
| 2000 | 44 |
| 2001 | 18 |
| 2002 | 4 |
| 2003 | <u>18</u> |
| Total | <u>181*</u> |

*OECA officials indicated that the data came from an unofficial case list and should not be considered official OECA data subjected to a quality assurance process. They also stated that using this data, especially in a manner other than the purpose for which it was intended, may present problems if they are asked to update it in the future and comparisons are made.

Table B.1
Enforcement Program (Goal 9) Actual Costs (in thousands)
By Major Organization For FY 2000-2003

| Organization | 2000 | 2001 | 2002 | 2003 |
|--|---------------------------|---------------------------|---------------------------|----------------------------|
| Region 1 | \$15,798.9 | \$17,442.0 | \$16,830.1 | \$17,193.0 |
| Region 2 | 22,809.9 | 23,684.1 | 23,913.9 | 21,281.2 |
| Region 3 | 23,258.6 | 24,030.8 | 23,924.6 | 23,208.1 |
| Region 4 | 31,709.4 | 32,443.7 | 31,731.8 | 34,941.6 |
| Region 5 | 35,842.1 | 38,779.8 | 39,035.3 | 44,233.9 |
| Region 6 | 27,243.0 | 28,770.9 | 28,893.5 | 28,559.3 |
| Region 7 | 15,388.8 | 15,395.2 | 15,707.7 | 16,472.6 |
| Region 8 | 14,312.9 | 14,572.0 | 15,683.5 | 16,368.0 |
| Region 9 | 23,200.0 | 24,241.4 | 25,436.9 | 27,038.3 |
| Region 10 | 13,308.7 | 13,569.7 | 14,335.1 | 14,677.2 |
| Office of Administration and Resources Management | 38,868.8 | 42,489.5 | 33,452.1 | 22,234.2 |
| Office of Chief Financial Officer | 2,794.1 | 3,083.9 | 3,082.0 | 3,024.6 |
| Office of General Counsel | (65.1) | 1,331.0 | 833.9 | 781.9 |
| Office of Enforcement and Compliance Assurance | 106,290.5 | 111,518.5 | 126,530.4 | 136,282.5 |
| Merged Appropriations Accounts | <u>178.3</u> | <u>206.7</u> | <u>0.0</u> | <u>71.4</u> |
| Totals | <u>\$370,939.0</u> | <u>\$391,559.1</u> | <u>\$399,391.1</u> | <u>\$406,367.7*</u> |

* EPA records include an adjusting entry of \$59,696 not associated with any office above. Considering this adjustment, EPA records reflect actual costs of \$406,308.1.

In some cases, columns may not add up due to rounding.

Table B.2
Enforcement Program (Goal 9) Actual FTE
by Major Office In FY 2000-2003

| <u>Organization</u> | <u>2000</u> | <u>2001</u> | <u>2002</u> | <u>2003</u> |
|---|-----------------------|-----------------------|-----------------------|-----------------------|
| Region 1 | 109.0 | 118.1 | 109.1 | 109.3 |
| Region 2 | 174.4 | 168.8 | 169.6 | 167.8 |
| Region 3 | 152.5 | 149.1 | 162.1 | 158.3 |
| Region 4 | 210.3 | 236.5 | 227.4 | 220.2 |
| Region 5 | 252.8 | 278.3 | 269.2 | 245.9 |
| Region 6 | 208.7 | 230.2 | 216.6 | 213.8 |
| Region 7 | 114.5 | 115.2 | 114.5 | 107.9 |
| Region 8 | 104.4 | 2.5 | 102.7 | 101.8 |
| Region 9 | 140.8 | 151.5 | 147.7 | 149.4 |
| Region 10 | 107.0 | 115.8 | 113.6 | 106.5 |
| Office of Administration and Resources Management | 17.4 | 1.4 | 0.0 | 0.0 |
| Office of Chief Financial Officer | 14.6 | 0.0 | 0.0 | 0.0 |
| Office of General Counsel | 4.4 | 12.7 | 6.6 | 6.6 |
| Office of Enforcement and Compliance Assurance | <u>703.2</u> | <u>724.5</u> | <u>756.9</u> | <u>786.7</u> |
| Totals | <u>2,313.9</u> | <u>2,304.6</u> | <u>2,396.1</u> | <u>2,374.1</u> |

In some cases, columns may not add up due to rounding.

Table B.3
Superfund Actual FTE In The Enforcement Program (Goal 9)
By Major Organization During FY 2000-2003

| <u>Organization</u> | <u>2000</u> | <u>2001</u> | <u>2002</u> | <u>2003</u> |
|--|--------------------|--------------------|--------------------|---------------------|
| Region 7 | (0.1) | 0.0 | 0.0 | 0.0 |
| Office of Chief Financial Officer | 0.6 | 0.0 | 0.0 | 0.0 |
| Office of Enforcement and Compliance Assurance | <u>93.0</u> | <u>93.8</u> | <u>95.8</u> | <u>103.0</u> |
| Totals | <u>93.5</u> | <u>93.8</u> | <u>95.8</u> | <u>103.0</u> |

Table B.4
Office of Enforcement and Compliance Assurance
Actual FTE by Goal For FY 2000-2003

| <u>Goal</u> | <u>2000</u> | <u>2001</u> | <u>2002</u> | <u>2003</u> |
|---------------|---------------------|---------------------|---------------------|---------------------|
| 5 | 96.5 | 101.8 | 103.9 | 103.7 |
| 6 | 0.0 | 0.0 | 0.0 | 0.3 |
| 7 | 29.6 | 30.3 | 25.8 | 21.2 |
| 9 | <u>703.2</u> | <u>724.5</u> | <u>756.9</u> | <u>786.7</u> |
| Totals | <u>829.3</u> | <u>856.6</u> | <u>886.6</u> | <u>911.8</u> |

In some cases, columns may not add up due to rounding.

Goal 5 - Better Waste Management, Restoration of Contaminated Sites, and Emergency Response

Goal 6 - Reduced Global and Cross-Border Environmental Risks

Goal 7 - Quality Environmental Information

Goal 9 - A Credible Deterrent to Pollution and Greater Compliance with the Law

**Table B.5
OECA Actual Costs by Office for FY 2000-2003**

| <u>Description *</u> | <u>2000</u> | <u>2001</u> | <u>2002</u> | <u>2003</u> |
|--|-------------------|-------------------|-------------------|-------------------|
| Immediate Office - Assistant Administrator for Enforcement and Compliance Assurance | \$308,817 | \$3,689,582 | \$4,266,548 | (\$55,266) |
| Administration and Resource Management Support Staff | 3,189,854 | 2,596,552 | 2,965,261 | 3,580,265 |
| Assistant Administrator Enforcement - Immediate Office | 3,156,368 | 3,241,164 | 4,203,097 | 10,935,757 |
| OECA LAN Support | 169,950 | 870,298 | 619,838 | 528,745 |
| Office of Planning & Policy Analysis and Communication | 3,689,220 | 3,307,661 | 3,784,739 | 697,207 |
| Office of Environmental Justice | <u>4,377,709</u> | <u>4,071,312</u> | <u>3,506,337</u> | <u>1,939,006</u> |
| Subtotal OECA Immediate Office | <u>14,891,919</u> | <u>17,776,568</u> | <u>19,345,821</u> | <u>17,625,715</u> |
| Office of Federal Activities (OFA) | | | | |
| Mountaintop Mining | 100,000 | 0 | 0 | (9,942) |
| Office of Federal Activities | <u>3,882,890</u> | <u>4,243,379</u> | <u>3,925,327</u> | <u>4,268,837</u> |
| Subtotal OFA | <u>3,982,890</u> | <u>4,243,379</u> | <u>3,925,327</u> | <u>4,258,895</u> |
| Office of Criminal Enforcement, Forensics and Training (OCEFT) | | | | |
| OCEFT | 5,860 | 376,471 | 144,226 | (3,679) |
| Seattle - Region 10 CID | 950,000 | 0 | 0 | 0 |
| New York - Region 2 CID | 0 | 4 | 0 | 0 |
| Philadelphia - Region 3 CID | 0 | 178 | 11 | 351 |
| Chicago - Region 5 CID | 0 | 316 | (316) | 0 |
| Legal Counsel and Resource Management Division | 2,394,011 | 2,292,731 | 3,879,411 | 4,555,817 |
| Criminal Investigation Division | 24,825,805 | 26,554,894 | 29,209,206 | 30,956,257 |
| Immediate Office - OCEFT | 4,436,825 | 5,980,879 | 7,710,617 | 10,657,798 |
| Director National Enforcement Investigations Center Division | 13,277,509 | 11,776,798 | 12,926,095 | 13,907,240 |
| National Enforcement Training Institute Division | <u>4,416,908</u> | <u>4,849,371</u> | <u>4,727,405</u> | <u>5,302,577</u> |
| Subtotal OCEFT | <u>50,306,917</u> | <u>51,831,643</u> | <u>58,596,655</u> | <u>65,376,362</u> |
| Office of Compliance (OC) | | | | |
| OC | 4,406 | 55,173 | 250,000 | (1,828) |
| Natl Center for Manufacturing Sciences - MI | 0 | 498,900 | 0 | 315,118 |
| OC - Immediate Office | 1,257,836 | 1,714,992 | 1,597,993 | 1,489,880 |
| Enforcement Training Planning, Targeting and Data Division | 10,918,959 | 11,619,063 | 15,378,100 | 14,489,243 |
| Manufacturing, Energy, Transportation Division | 3,437,581 | 3,784,530 | 3,059,311 | 3,257,446 |
| Chemicals, Communications Services & Municipals Division | 4,889,421 | 4,009,351 | 4,042,267 | 4,219,335 |
| Agriculture and Ecosystems Division | 3,038,898 | 3,286,122 | 2,858,325 | 3,163,730 |
| National Enforcement Investigations Center Division - Denver | 344,984 | 200,494 | 200,695 | 216,395 |
| Pesticide Enforcement State Grants | (6,785) | 0 | 0 | 0 |
| Oil Spill | <u>86,797</u> | <u>93,914</u> | <u>83,812</u> | <u>99,150</u> |
| Subtotal OC | <u>23,972,097</u> | <u>25,262,539</u> | <u>27,470,504</u> | <u>27,248,470</u> |

| <u>Description *</u> | <u>2000</u> | <u>2001</u> | <u>2002</u> | <u>2003</u> |
|---|----------------------|----------------------|----------------------|----------------------|
| Office of Regulatory Enforcement (ORE) | 1,849 | 12,385 | (179,500) | (242) |
| Office of Regulatory Enforce-CT Preparedness | 0 | 0 | 179,500 | 0 |
| Air Enforcement Division | 5,504,258 | 5,491,460 | 6,008,786 | 6,119,946 |
| ORE - Immediate Office | 1,401,453 | 2,076,356 | 1,874,203 | 2,235,757 |
| Multimedia Enforcement / Strategic Plan | 3,099,974 | 3,519,682 | 3,598,316 | 3,914,140 |
| RCRA Enforcement Division | 1,870,403 | 2,848,255 | 2,675,715 | 2,406,295 |
| Toxics and Pesticides Enforcement Division | 2,827,124 | 2,989,763 | 3,321,565 | 3,147,685 |
| Water Enforcement Division | <u>4,530,992</u> | <u>4,379,262</u> | <u>5,133,911</u> | <u>4,463,564</u> |
| Subtotal ORE | <u>19,236,053</u> | <u>21,317,163</u> | <u>22,612,495</u> | <u>22,287,145</u> |
| Office of Site Remediation Enforcement (OSRE) | 86,047 | 448,846 | 401,348 | 0 |
| Site Specific Region 03 Management Division | 0 | 259 | 0 | 3,114 |
| Policy and Program Evaluation Division | 33,160,764 | 32,475,309 | 30,745,573 | 28,391,997 |
| Regional Support Division | 5,512,726 | 4,463,883 | 5,026,387 | 5,251,517 |
| Subtotal OSRE | <u>43,120,676</u> | <u>41,947,452</u> | <u>40,697,248</u> | <u>39,043,513</u> |
| Federal Facilities Enforcement (FFE) | 5,542 | 1,887 | 0 | (222) |
| Federal Facilities Enforcement | <u>3,469,509</u> | <u>3,320,449</u> | <u>3,312,100</u> | <u>3,594,157</u> |
| Subtotal FFE | <u>3,475,051</u> | <u>3,322,336</u> | <u>3,312,100</u> | <u>3,593,934</u> |
| Office of Enforcement Capacity and Outreach (OECO) | 25,984 | 0 | 0 | 0 |
| Communications | 199,806 | 101,121 | 0 | 0 |
| OECO - Immediate Office | 915,167 | 760,511 | 0 | (15,691) |
| Environmental Justice | 97,800 | 58,014 | 0 | 0 |
| Constituent Outreach and Communication | <u>508,379</u> | <u>239,447</u> | <u>0</u> | <u>0</u> |
| Subtotal OECO | <u>1,747,136</u> | <u>1,159,093</u> | <u>0</u> | <u>(15,691)</u> |
| Office of Planning, Policy Analysis and Communications (OPPAC) | 0 | 0 | 0 | 16,101 |
| Office of Planning, Policy Analysis and Communications | <u>0</u> | <u>0</u> | <u>0</u> | <u>3,019,034</u> |
| Subtotal OPPAC | <u>0</u> | <u>0</u> | <u>0</u> | <u>3,035,135</u> |
| Office of Environmental Justice (OEJ) | 0 | 0 | 0 | 268,316 |
| Office of Environmental Justice | <u>0</u> | <u>0</u> | <u>0</u> | <u>2,149,639</u> |
| Subtotal OEJ | <u>0</u> | <u>0</u> | <u>0</u> | <u>2,417,955</u> |
| Totals | <u>\$160,732,738</u> | <u>\$166,860,173</u> | <u>\$175,960,149</u> | <u>\$184,871,432</u> |

* These descriptions came from the accounting system and may not match the official name of the organization.

In some cases, columns may not add up due to rounding.

Table B.6
OECA Actual FTE by Office
for FY 2000-2003

| Description * | 2000 | 2001 | 2002 | 2003 |
|--|---------------------|---------------------|---------------------|---------------------|
| <u>OECA Immediate Office</u> | | | | |
| Administration and Resource Management Support Staff | 20.9 | 25.9 | 31.6 | 26.7 |
| Assistant Administrator Enforcement - Immediate Office | 7.7 | 7.8 | 10.3 | 19.0 |
| Office of Planning & Policy Analysis and Communication | 23.1 | 24.2 | 25.8 | -0.3 |
| <u>Office Environmental Justice</u> | <u>14.2</u> | <u>14.5</u> | <u>13.9</u> | <u>0.9</u> |
| Subtotal OECA Immediate Office | <u>65.8</u> | <u>72.4</u> | <u>81.5</u> | <u>46.3</u> |
| <u>Office of Federal Activities</u> | <u>27.8</u> | <u>28.7</u> | <u>27.1</u> | <u>27.0</u> |
| <u>Office of Criminal Enforcement, Forensics and Training (OCEFT)</u> | | | | |
| Legal Counsel and Resource Management Division | 21.1 | 22.0 | 34.6 | 37.3 |
| Criminal Investigation Division | 192.1 | 203.0 | 216.6 | 227.9 |
| Immediate Office Criminal Enforcement | 17.8 | 16.0 | 18.1 | 24.8 |
| Director National Enforcement Investigations Center Division | 93.3 | 95.6 | 98.1 | 97.3 |
| National Enforcement Training Institute Division | <u>22.1</u> | <u>23.2</u> | <u>23.3</u> | <u>24.6</u> |
| Subtotal OCEFT | <u>346.5</u> | <u>359.8</u> | <u>390.7</u> | <u>412.0</u> |
| <u>Office of Compliance (OC)</u> | | | | |
| Office of Compliance - Immediate Office | 7.2 | 6.6 | 7.1 | 6.5 |
| Enforcement Planning, Targeting and Data Division | 66.2 | 67.9 | 69.9 | 68.6 |
| Manufacturing, Energy, Transportation Division | 23.7 | 23.3 | 20.6 | 23.0 |
| Chemicals, Communications Services & Municipals Division | 25.2 | 21.3 | 24.8 | 23.4 |
| Agriculture and Ecosystem Division | 22.4 | 22.3 | 20.4 | 19.4 |
| National Enforcement Investigations Center Division Denver | 3.6 | 2.2 | 2.1 | 2.0 |
| Oil Spill | <u>0.9</u> | <u>1.0</u> | <u>0.9</u> | <u>0.8</u> |
| Subtotal OC | <u>149.4</u> | <u>144.5</u> | <u>145.7</u> | <u>143.7</u> |
| <u>Office of Regulatory Enforcement (ORE)</u> | | | | |
| Air Enforcement Division | 34.6 | 37.0 | 37.0 | 40.0 |
| Office of Regulatory Enforcement - Immediate Office | 6.8 | 9.0 | 9.6 | 8.9 |
| Multimedia Enforcement / Strategic Plans | 21.2 | 24.2 | 22.7 | 26.7 |
| RCRA Enforcement Division | 16.4 | 17.2 | 17.2 | 15.6 |
| Toxics and Pesticides Enforcement Division | 23.9 | 26.8 | 24.6 | 24.2 |
| Water Enforce Division | <u>26.1</u> | <u>26.0</u> | <u>26.9</u> | <u>27.1</u> |
| Subtotal ORE | <u>129.1</u> | <u>140.1</u> | <u>137.8</u> | <u>142.7</u> |
| <u>Office of Site Remediation and Enforcement (OSRE)</u> | | | | |
| Management Division | 17.1 | 17.9 | 18.4 | 16.3 |
| Policy and Program Evaluation Division | 32.3 | 30.5 | 33.2 | 32.6 |
| Regional Support Division | <u>30.6</u> | <u>35.0</u> | <u>32.5</u> | <u>34.2</u> |
| Subtotal OSRE | <u>79.9</u> | <u>83.4</u> | <u>84.1</u> | <u>83.1</u> |

| <u>Description *</u> | <u>2000</u> | <u>2001</u> | <u>2002</u> | <u>2003</u> |
|---|---------------------|---------------------|---------------------|---------------------|
| Federal Facilities Enforcement | <u>18.8</u> | <u>20.7</u> | <u>19.6</u> | <u>20.0</u> |
| <u>Office of Enforcement Cap and Outreach (OECO)</u> | | | | |
| Communications | 2.8 | 1.6 | | |
| Office of Enforcement Cap and Outreach - Immediate Office | 3.8 | 2.2 | | |
| Environmental Justice | 0.9 | 0.6 | | |
| Constituent Outreach and Communication | <u>4.6</u> | <u>2.5</u> | <u>0.0</u> | |
| Subtotal OECO | <u>12.1</u> | <u>6.9</u> | <u>0.0</u> | <u>0.0</u> |
| <u>Office of Planning, Policy Analysis and Communication</u> | | | | <u>24.0</u> |
| <u>Office of Environmental Justice</u> | | | | <u>13.1</u> |
| Totals | <u>829.3</u> | <u>856.5</u> | <u>886.6</u> | <u>911.8</u> |

* These descriptions came from the accounting system and may not match the official name of the organization.

In some cases, columns may not add up due to rounding.

Table B.7
OECA Actual Costs For Contracts And
Assistance Agreements By Office In Fiscal 2000-2003

| Description * | 2000 | 2001 | 2002 | 2003 |
|---|------------------|------------------|-------------------|-------------------|
| Immediate Office - Assistant | | | | |
| Administrator for Enforcement and Compliance Assurance | \$0 | \$6,555 | \$52,589 | \$7,051 |
| Administration and Resource Management Support Staff | 10,475 | 386,860 | 317,379 | 748,926 |
| OECA - Immediate Office | 172,162 | 306,187 | 591,260 | 1,282,401 |
| OECA LAN Support | 4,585 | 1,405 | 423,104 | 147,234 |
| Office of Planning & Policy Analysis and Communication | 512,147 | 794,503 | 823,934 | 661,036 |
| Office of Environmental Justice | <u>1,802,093</u> | <u>2,298,745</u> | <u>1,673,657</u> | <u>1,746,311</u> |
| Subtotal OECA Immediate Office | <u>2,501,462</u> | <u>3,794,254</u> | <u>3,881,922</u> | <u>4,592,959</u> |
| Office of Federal Activities (OFA) | | | | |
| Mountaintop Mining | 100,000 | 0 | 0 | (9,942) |
| Office of Federal Activities | <u>821,297</u> | <u>1,294,902</u> | <u>908,685</u> | <u>1,062,028</u> |
| Subtotal OFA | <u>921,297</u> | <u>1,294,902</u> | <u>908,685</u> | <u>1,052,086</u> |
| Office of Criminal Enforcement, Forensics and Training (OCEFT) | | | | |
| Seattle - Region 10 CID | 950,000 | 0 | 0 | 0 |
| Legal Counsel and Resource Management Division | 272,775 | 36,640 | 218,450 | 241,983 |
| Criminal Investigation Division | 419,512 | 482,283 | 614,577 | 520,282 |
| Immediate Office - OCEFT | 1,062,807 | 2,458,594 | 1,512,588 | 2,556,491 |
| Director National Enforcement Investigations Center Division | 2,624,277 | 1,405,641 | 2,040,259 | 2,569,839 |
| National Enforcement Training Institute Division | <u>1,552,222</u> | <u>2,042,345</u> | <u>1,827,628</u> | <u>2,201,915</u> |
| Subtotal OCEFT | <u>6,881,594</u> | <u>6,425,504</u> | <u>6,213,502</u> | <u>8,090,509</u> |
| Office of Compliance (OC) | 0 | 0 | 100,000 | 9,934 |
| Natl Ctr for Manuf Sciences - MI | 0 | 498,900 | 0 | 315,118 |
| OC - Immediate Office | 370,452 | 791,566 | 664,077 | 584,992 |
| Enforcement Planning, Targeting and Data Division | 3,812,790 | 4,330,566 | 7,509,697 | 6,393,625 |
| Manufacturing, Energy, Transportation Division | 826,362 | 1,270,580 | 781,292 | 593,440 |
| Chemicals, Communications Services & Municipals Division | 2,119,999 | 1,688,925 | 1,382,320 | 1,411,164 |
| Agriculture and Ecosystem Division | <u>630,659</u> | <u>814,600</u> | <u>528,477</u> | <u>727,300</u> |
| Subtotal OC | <u>7,760,261</u> | <u>9,395,138</u> | <u>10,965,863</u> | <u>10,035,572</u> |
| Office of Regulatory Enforcement (ORE) | | | | |
| Air Enforcement Division | 1,714,841 | 1,537,080 | 1,870,969 | 1,387,249 |
| ORE - Immediate Office | 463,553 | 819,765 | 571,560 | 952,916 |
| Multimedia Enforcement / Strategic Plans | 675,007 | 918,821 | 872,989 | 647,134 |
| RCRA Enforcement Division | 70,511 | 996,436 | 712,194 | 525,359 |
| Toxics and Pesticides Enforcement Division | 279,269 | 242,865 | 547,408 | 321,131 |
| Water Enforcement Division | <u>1,624,535</u> | <u>1,501,850</u> | <u>2,030,246</u> | <u>1,093,117</u> |
| Subtotal ORE | <u>4,827,716</u> | <u>6,016,816</u> | <u>6,605,365</u> | <u>4,926,907</u> |

| Description * | 2000 | 2001 | 2002 | 2003 |
|---|---------------------|---------------------|---------------------|---------------------|
| Office of Site Remediation Enforcement (OSRE) | | | | |
| Management Division | 30,974,488 | 30,492,264 | 28,763,925 | 26,026,794 |
| Policy and Program Evaluation Division | 2,299,505 | 1,474,411 | 1,628,045 | 1,498,437 |
| Regional Support Division | 908,639 | 793,401 | 775,039 | 1,108,465 |
| Subtotal OSRE | <u>34,182,632</u> | <u>32,760,076</u> | <u>31,167,009</u> | <u>28,633,696</u> |
| Federal Facilities Enforcement | | | | |
| Office of Enforcement Cap and Outreach | 507,132 | 601,311 | 0 | (15,231) |
| Office of Planning, Policy Analysis and Communications (OPPAC) | | | | |
| Office of Planning, Policy Analysis and Communications | 0 | 0 | 0 | 4,023 |
| Subtotal OPPAC | <u>0</u> | <u>0</u> | <u>0</u> | <u>51,268</u> |
| Office of Environmental Justice (OEJ) | | | | |
| Office of Environmental Justice | 0 | 0 | 0 | 224,367 |
| Subtotal OEJ | <u>0</u> | <u>0</u> | <u>0</u> | <u>417,420</u> |
| Totals | <u>\$58,855,058</u> | <u>\$61,234,217</u> | <u>\$60,716,678</u> | <u>\$58,995,597</u> |

* These descriptions came from the accounting system and may not match the official name of the organization.

In some cases, columns may not add up due to rounding.

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Deputy Regional Administrator, Region 4
Audit Liaisons