



Identified Limitations with Analyzing Annual Result Data and Charts

**U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Washington, DC 20460**

January 2021

EPA annually reports on its formal enforcement and compliance monitoring activities. The results charts provide an annual snapshot for formal actions and outcomes by including the fiscal year (FY) presented and the previous 10-year trends. The Voluntary Disclosure and Commitments to Reduce, Treat or Eliminate Pollutants charts do not show a previous 10-year trend as the methods for reporting these activities changed during this time.

EPA manages national information systems that include data from EPA regional and headquarters' offices. Given the complex set of transactions, occasional problems may occur with the direct entry or electronic migration of data into the national databases. The data is compiled from the Integrated Compliance Information System (ICIS); the eDisclosure system; Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS); Superfund Enterprise Management System (SEMS), Resource Conservation and Recovery Act - RCRAInfo data systems, and the Online Criminal Enforcement Activity Network, as well as manual submissions. EPA places a high priority on ensuring the integrity of the information in the national enforcement and compliance databases. Despite the confidence EPA has in the data, there is potential for inaccurate record counts due to the large volume of information managed.

The data in these underlying data systems are subject to correction and revision as errors or omissions are identified, so these results may change after they are reported. While the total number of errors detected is typically small in any year, the results charts likely will reflect different totals than reported in prior years for the same fiscal year and metric. (Prior years in the Superfund chart are not updated annually.) Annual Results is intended to illustrate general trends in enforcement activities with the most up-to-date data available at the time of release.

In FY 2020, the Annual Results charts also included outcomes from three large actions that were close to concluding by September 30, 2020. It is important to note that outcomes may change before the case concludes. The charts showing the additional preliminary outcomes are: the preliminary lodged penalty and injunctive relief values from the Mercedes Daimler action and the preliminary pending restitution sentence from Washakie. In addition, the Superfund chart shows the cleanup value from the Kalamazoo River site which concluded in December 2020. The final outcomes will be included in future Annual Results in the fiscal year the actions are finalized.

More information on publicly available data are available at the Enforcement and Compliance History ([ECHO Known Data Problems](#)) webpage. Note that ECHO also provides information on state enforcement activities and identifies limitations on using state data. Since the Annual Results charts only include EPA activities, the limitations on state data do not apply. The Annual Results also do not provide information on EPA informal enforcement activities or compliance assistance, which are other compliance assurance tools the Agency employs to attain compliance and protect human health and the environment.

Below is a list of some specific known data limitations for the Annual Results charts.

Injunctive Relief (aka Complying Action)

ICIS is the database of record for injunctive relief (also known as complying action) which includes Comprehensive Environmental Response Compensation and Liability (CERCLA; also known as Superfund) cleanup agreement values. Those values comprise both the estimated value of cleanup work responsible parties agree to perform and payments to EPA for future cleanup costs in advance of the work being done (also known as cashout agreements). SEMS is the database of record for Superfund cleanup agreements and cost recovery settlements. The ICIS complying action data field includes the estimated value of CERCLA cleanup work responsible parties agree to perform as injunctive relief and does not capture CERCLA cashout values. Therefore, the injunctive relief and Superfund results charts include some of the same values for both measures.

Compliance Monitoring

In April 2020, OECA began employing a standard definition for “on-site inspections” as well as off-site monitoring activities which are required to be reported in ICIS. An inspection is a compliance monitoring activity performed on-site at a regulated facility, whereas an off-site compliance monitoring activity is not conducted at the regulated facility. Due to these changes, caution should be employed when comparing FY 2020 results to prior fiscal years.

EPA receives data on SDWA Underground Injection Controls (UIC) inspections in both manual and electronic format. For manually reported SDWA UIC inspections, the Agency has not collected the on-site or off-site breakouts. Therefore, the manually reported SDWA UICs are listed separately on the federal compliance monitoring graph. The Agency is moving forward to collecting all SDWA UIC inspections in ICIS.

Additionally, the manual SDWA UIC inspection count should not include any SDWA UIC inspections that were electronically entered into the ICIS database; however, EPA Headquarters does not have a mechanism to ensure that manually reported inspections are not also inadvertently reported electronically.

Hazardous and Non-Hazardous Waste

Starting in FY 2016, EPA combined reductions in hazardous waste and non-hazardous waste into one measure. The totals presented for FY 2012 – FY 2015 are for hazardous waste reductions only. Nevertheless, most of the reductions in all fiscal years are attributed to hazardous waste.

Contaminated Soil and Water

In FY 2018, the Agency began reporting contaminated soil and water cleanup from all cases, not just from RCRA Corrective Action and CERCLA cases as in past years. CERCLA cases (both private and federal facilities) account for more than 99% of the FY 2020 total.

The volume of contaminated medium (VCMA) is reported in the year in which the enforcement action that initially required the cleanup is issued or entered.

If a unilateral administrative order (UAO) is followed by a judicial consent decree that requires the same cleanup (i.e., the respondent did not comply with the UAO), the same VCMA is not counted again.