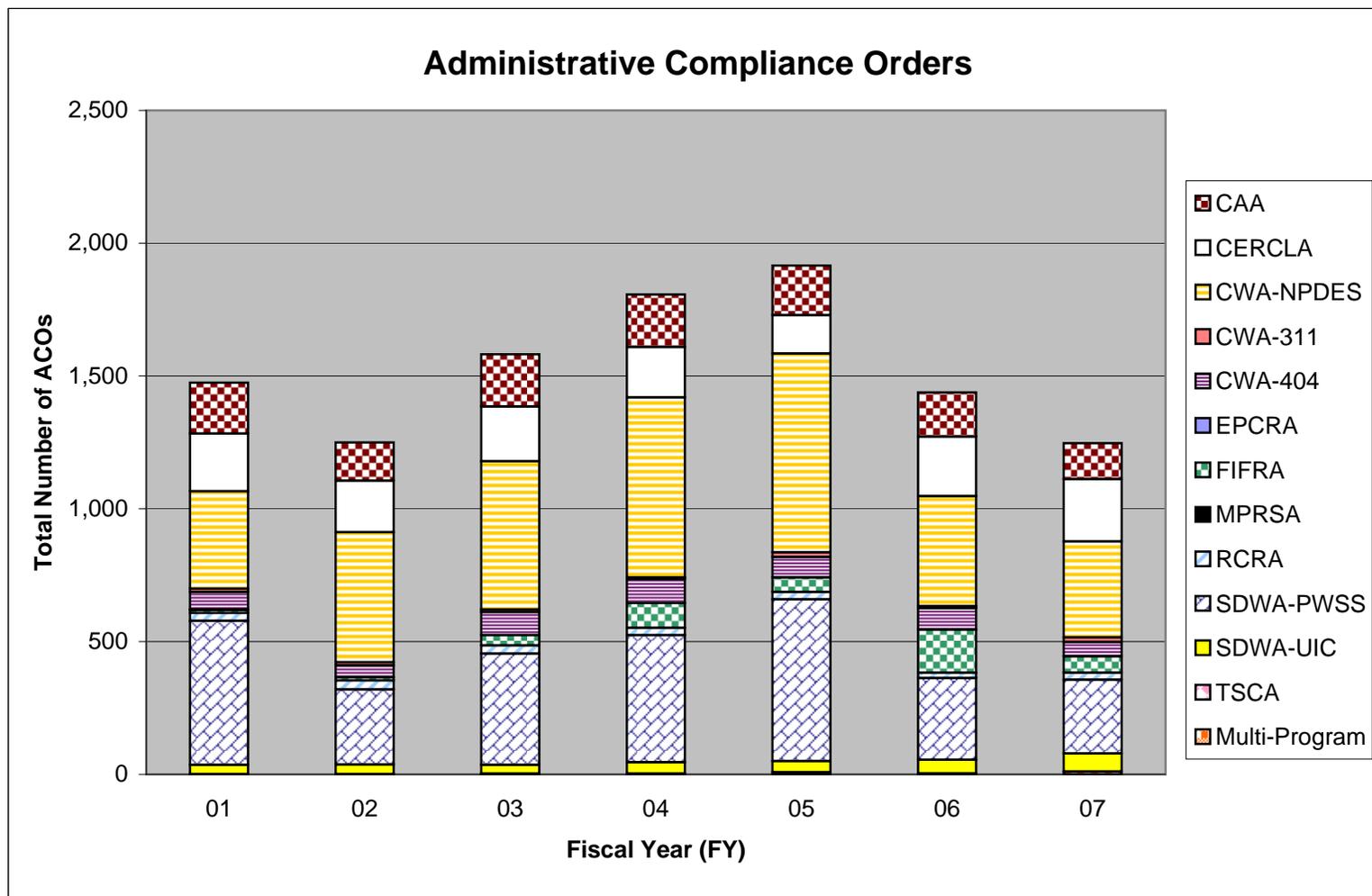


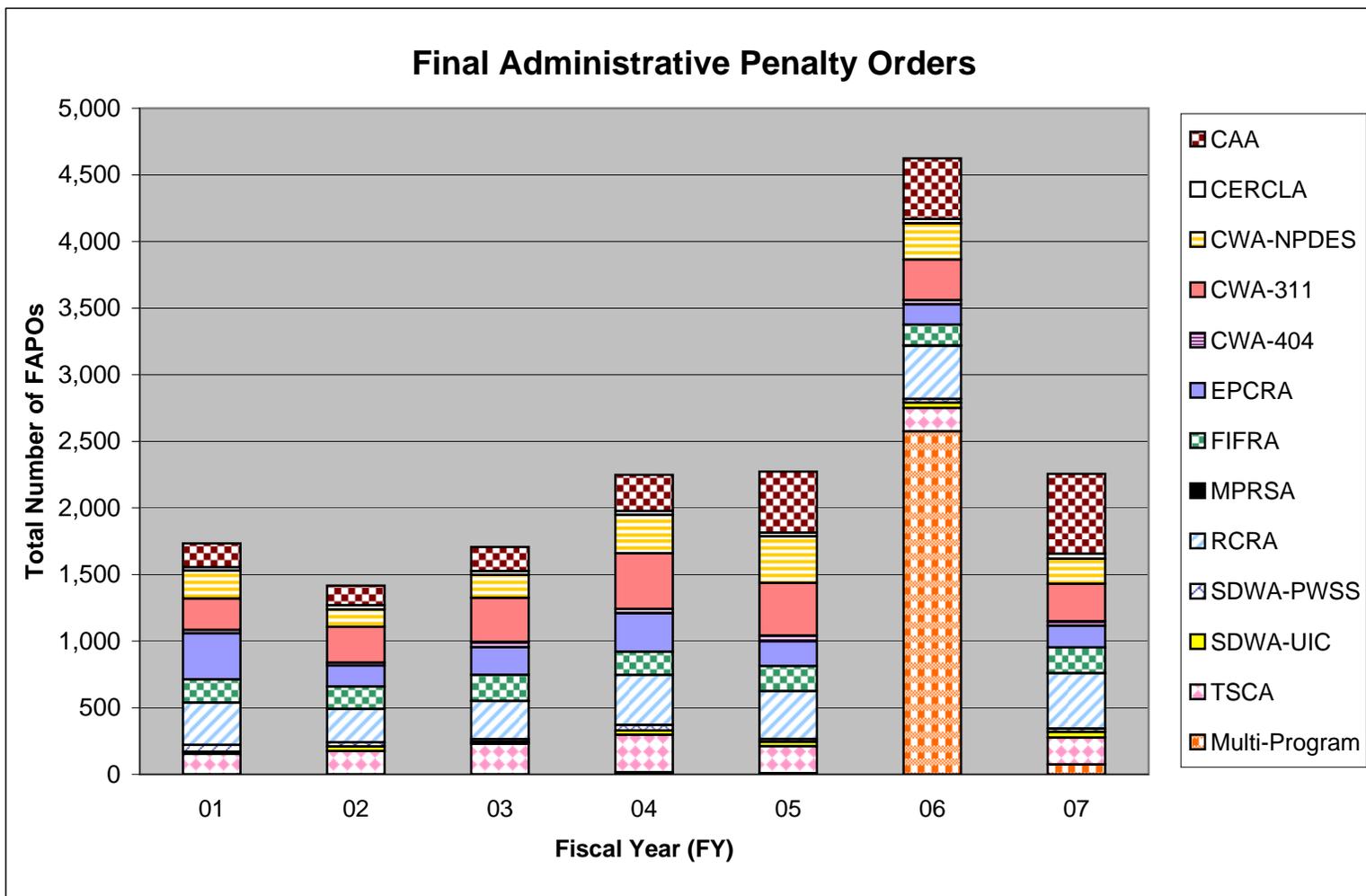


National Enforcement Trends (NETs)



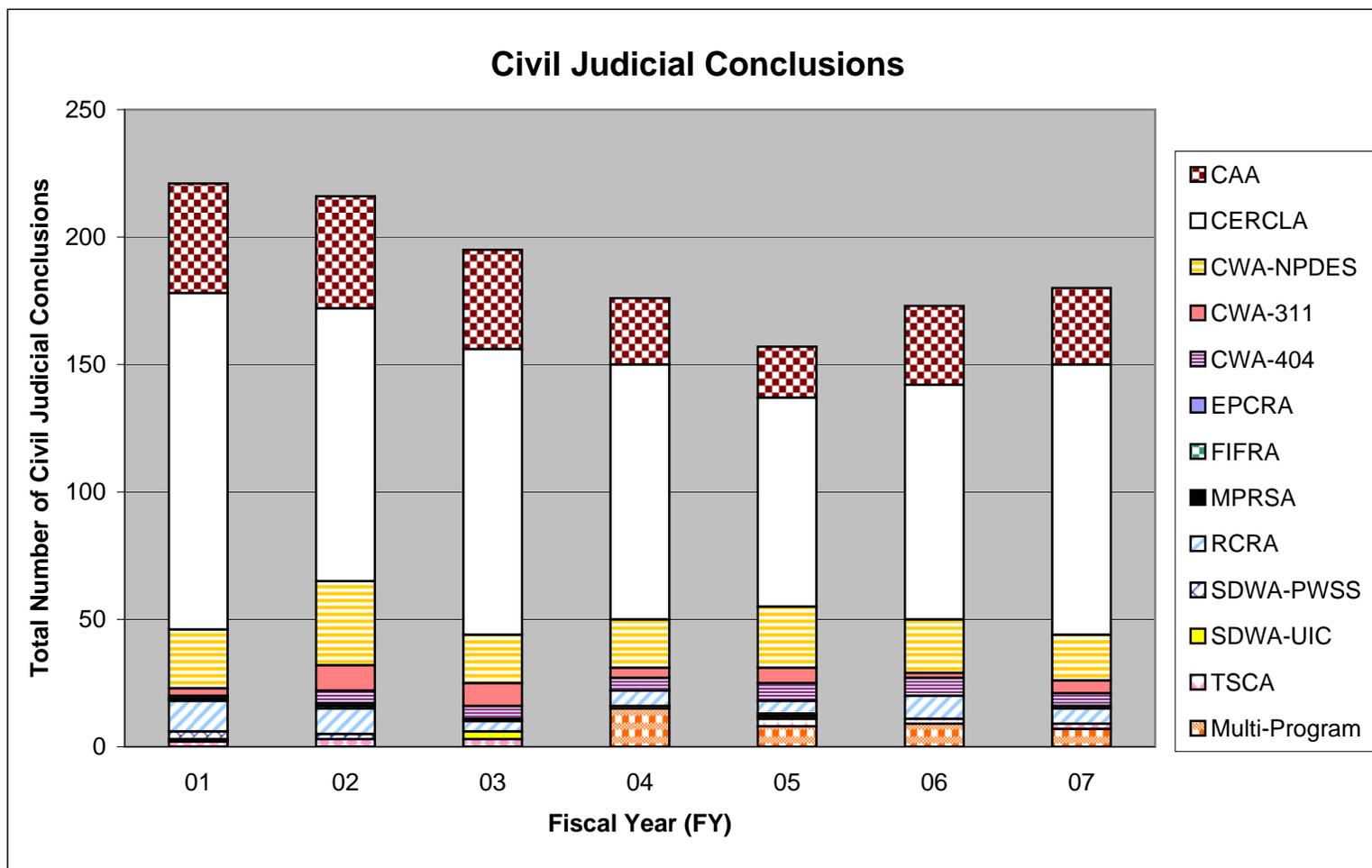


National Enforcement Trends (NETs)





National Enforcement Trends (NETs)





National Enforcement Trends (NETs)

FY 2001 - FY 2007 Civil Enforcement Case Conclusions

Administrative Compliance Orders (ACOs)								
Statute	Fiscal Year							
	01	02	03	04	05	06	07	
CAA	192	144	197	198	187	166	135	
CERCLA	217	194	206	189	164	224	235	
CWA-NPDES	367	490	558	678	749	414	361	
CWA-311	12	11	10	7	17	8	17	
CWA-404	66	45	87	90	77	81	54	
EPCRA	1	0	0	0	0	0	0	
FIFRA	12	12	38	93	55	162	62	
MPRSA	NR	NR	0	0	0	0	0	
RCRA	30	34	31	28	28	20	26	
SDWA-PWSS	542	283	419	478	609	308	278	
SDWA-UIC	35	36	33	43	42	51	68	
TSCA	0	1	2	0	0	0	1	
Multi-Program	1	0	1	3	8	4	10	
Total	1,476	1,250	1,582	1,807	1,936	1,438	1,247	

NR - Not Reported

Civil Judicial Conclusions								
Statute	Fiscal Year							
	01	02	03	04	05	06	07	
CAA	43	44	39	26	20	31	30	
CERCLA	132	107	112	100	82	92	106	
CWA-NPDES	23	33	19	19	24	21	18	
CWA-311	3	10	9	4	6	2	5	
CWA-404	1	5	5	5	7	7	5	
EPCRA	1	1	1	0	0	0	1	
FIFRA	0	1	0	0	0	0	0	
MPRSA	NR	NR	0	0	0	0	0	
RCRA	12	10	4	6	5	9	6	
SDWA-PWSS	3	2	0	0	1	0	0	
SDWA-UIC	1	0	3	0	1	0	0	
TSCA	2	3	3	1	3	2	2	
Multi-Program	NR	NR	NR	15	8	9	7	
Total	221	216	195	176	157	173	180	

NR - Not Reported

Final Administrative Penalty Orders (FAPOs)								
Statute	Fiscal Year							
	01	02	03	04	05	06	07	
CAA	179	147	181	271	459	455	600	
CERCLA	25	32	29	29	27	32	37	
CWA-NPDES	210	131	172	288	350	272	188	
CWA-311	235	268	330	418	395	304	282	
CWA-404	26	22	40	33	43	33	33	
EPCRA	346	158	207	288	186	152	163	
FIFRA	174	167	197	175	188	156	192	
MPRSA	NR	NR	1	1	1	2	3	
RCRA	318	251	286	373	359	399	414	
SDWA-PWSS	51	32	20	43	20	28	25	
SDWA-UIC	16	34	14	31	33	40	43	
TSCA	154	175	230	282	203	175	202	
Multi-Program	NR	NR	NR	16	9	2,576	74	
Total	1,734	1,417	1,707	2,248	2,273	4,624	2,256	

NR - Not Reported

National Enforcement Trends (NETs) Metadata

NETs Page E-2, 2b, 2c, 2d: FY 2001 - FY 2007 Civil Enforcement Case Conclusions

Note 1	Prior to FY 2003 expedited administrative penalty orders (APOs) (complaints and final orders) were referred to as “field citations” in the Resource Conservation and Recovery Act (RCRA). Beginning in FY 2003 the term field citations was superceded by the term “expedited” action and additional programs now have expedited enforcement actions. In addition to the RCRA UST program, expedited APOs are now a formal enforcement tool used by the following programs: Clean Air Act (CAA) 112r, Clean Water Act (CWA) Stormwater, CWA Spill Prevention Control and Countermeasure (SPCC), CWA Oil Spills, and RCRA 3008A (Subtitle C).
Note 2	Prior to FY 1999 RCRA UST field citations were counted separately from other APOs. Beginning in FY 1999 field citations/expedited APOs have been included in counts of APOs and, therefore, are included in the E-2 FAPO bar graph and table.
Note 3	One administrative compliance order (ACO) issued by Headquarters is included in the FY 2001 ACO total.
Note 4	In FY 2003, the SDWA Consumer Confidence Rule accounted for the significant increase in PWSS administrative compliance orders.
Note 5	Expedited actions account for a significant portion of the final administrative penalty orders (FAPOs) reported. Of the 2,273 FAPOs reported in FY 2005, 956 (42%) were expedited penalty order actions; of the 4,624 FAPOs reported in FY 2006, 866 (19%) were expedited penalty settlements; and of the 2,256 FAPOs in FY 2007, 814 (36%) were expedited penalty settlements.
Note 6	Beginning in FY 2004, EPA captures in separate tables the following information for FAPOs and civil judicial settlements: the number of multi-program and multi-facility cases; the media/programs that make up EPA's multi-program cases; and the total number of facilities that are the subject of EPA's enforcement actions.
Note 7	The significant increase in both administrative penalty order complaints (APOCs) and final administrative penalty order (FAPO) numbers in FY 2006 is the result of a unique, one-time enforcement initiative involving animal feeding operations (AFOs) that resulted in over 2,568 administrative consent agreements and final orders (referred to as the AFO Air Compliance Agreements). These cases were both initiated and resolved in FY 2006. Approximately 50% of the FY06 APOCs (as well as 50% of the FY06 FAPOs) were issued as part of this initiative. If these actions are subtracted from the total APOC and FAPO counts, the number of administrative penalty cases is about the same as in previous years. All of the AFO air compliance agreements were counted as multi-program APOCs in FY 2006 since all involved more than one statute. The animal feeding operation cases (discussed above) were not expedited penalty orders, which account for the lower percentage of expedited orders in FY 2006 (refer to Note 2 for percentages in FY 2005 vs. FY 2006).
Note 8	Beginning in FY 2006, EPA changed its methodology for counting consent decrees (CD) for Superfund cleanup commitments and cost recovery judicial settlements. In other enforcement programs, CDs are counted only in the year that the CD has been entered by the court. The Superfund program has always given credit for these settlements when a CD was referred, lodged or entered, depending on which action the regions reported first. However, in order to provide consistency in reporting within Office of Enforcement and Compliance Assurance (OECA), CDs for Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) response and cost recovery measures will now be counted only when they have been entered. Because the new procedures result in some previously counted Superfund CDs being counted again (because they were referred or lodged in a previous fiscal year, but not entered until this fiscal year), FY 2006 and the next couple of years will be a transition period. As a result, the count of Superfund referrals and the total count of referrals will be impacted, as Superfund CDs will not be counted at the referral stage any longer, and civil judicial conclusions will be impacted, since previously reported Superfund CDs may be counted again under this category (during the transition period).