

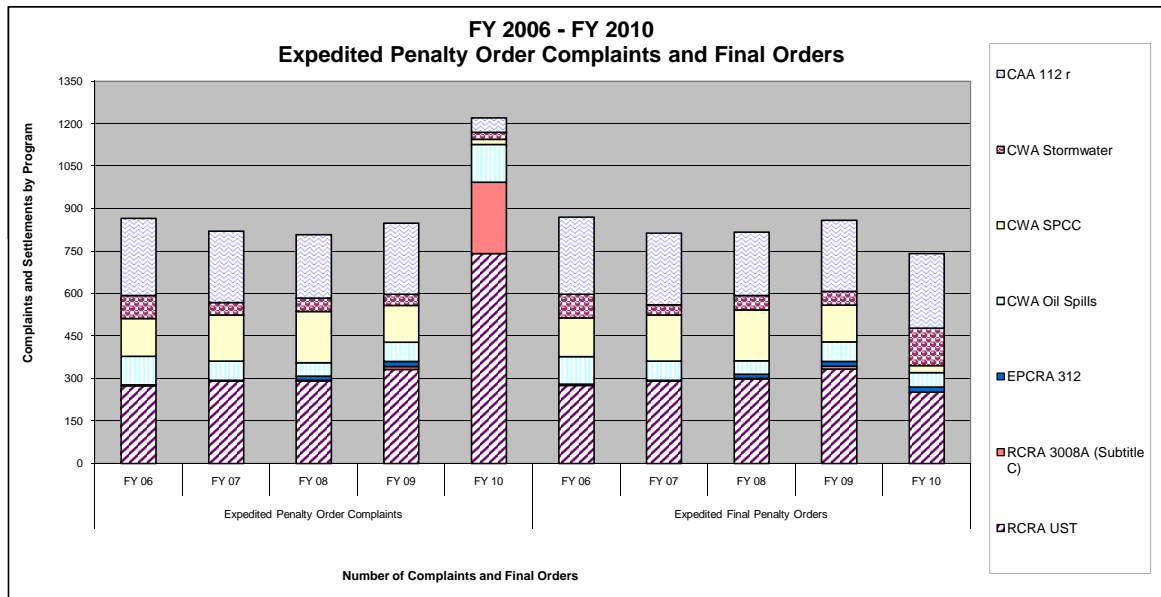


National Enforcement Trends (NETs)

FY 2006 - FY 2010
Expedited Administrative Penalty Orders

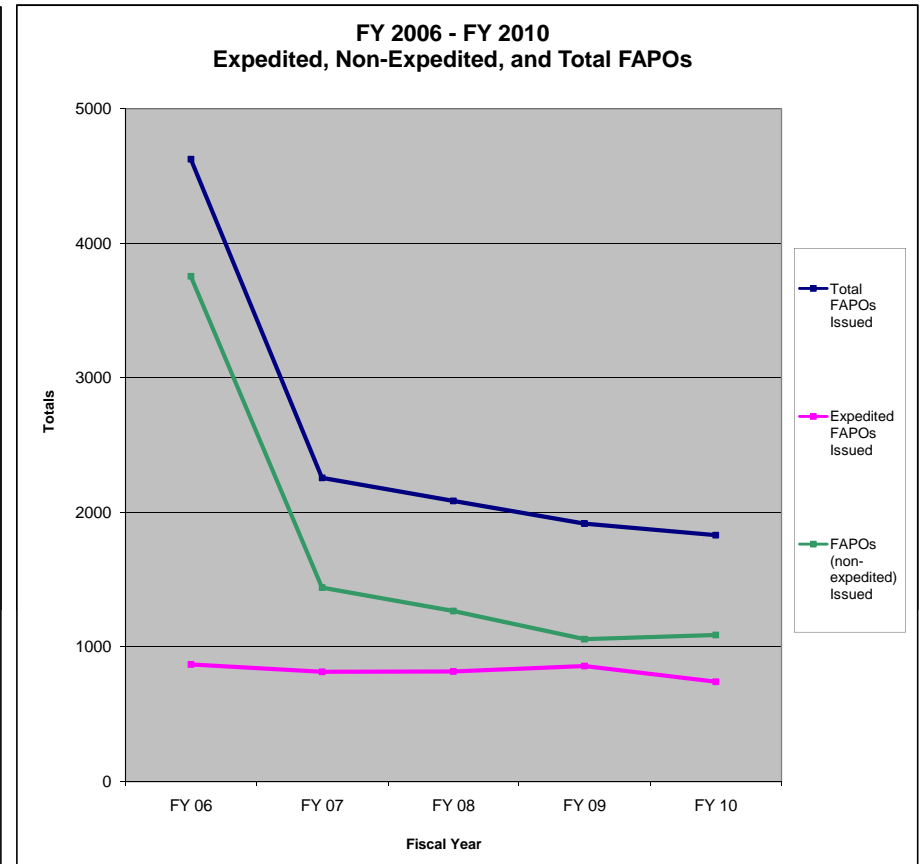
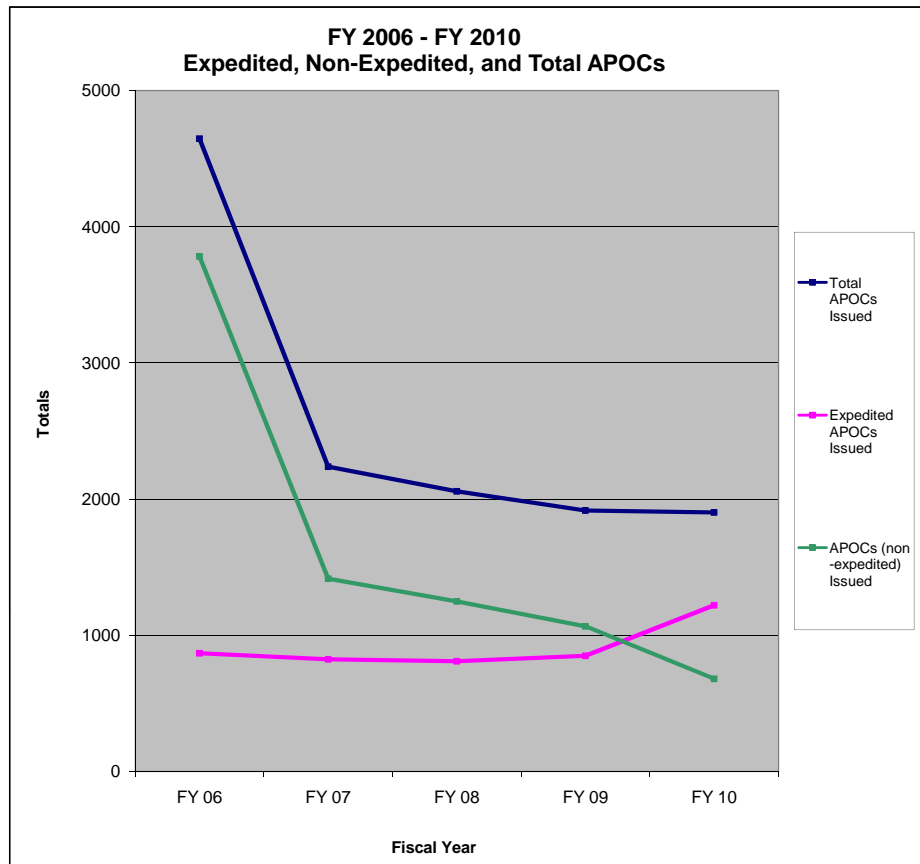
FY 2006 -FY 2010 Expedited Penalty Order Complaints and Final Orders											
Statute	Program	Expedited Penalty Order Complaints					Expedited Final Penalty Orders				
		FY 06	FY 07	FY 08	FY 09	FY 10	FY 06	FY 07	FY 08	FY 09	FY 10
CAA	CAA 112 r	272	253	224	251	51	272	253	224	251	263
CWA	CWA Oil Spills	101	68	48	68	133	97	68	48	69	51
CWA	CWA Stormwater	82	44	47	40	25	84	37	51	48	132
CWA	CWA SPCC	133	162	181	130	18	137	162	179	130	25
EPCRA	EPCRA 312	NR	NR	14	17	0	NR	NR	14	17	18
RCRA	RCRA 3008A (Subtitle C)	3	2	2	11	252	4	2	2	11	0
RCRA	RCRA UST	275	292	292	332	742	276	292	299	333	252
Total		866	821	808	849	1221	870	814	817	859	741

NR-Not Reported





FY 2006 - FY 2010 Expedited, Non Expedited and Total Administrative Penalty Orders



National Enforcement Trends (NETs)

NETs Page C-3: FY 2006 - FY 2010 Expedited, Non Expedited and Total Administrative Penalty Orders	
Note 1	According to EPA guidance titled "Use of Expedited Settlements to Support Appropriate Tool Selection," December 2, 2003, pp. 2 & 3, expedited settlements:
	offer "real time" enforcement in situations where violations are corrected and a penalty is obtained in a short amount of time, generally a few months from Environmental Protection Agency (EPA's) discovery of the violation. The approach is generally appropriate for minor, easily correctable violations and provides a discounted, non-negotiable settlement offer in lieu of more formal, traditional administrative penalty actions.
	In addition, the expedited settlement approach offers both benefits to the environment and potential cost-savings to the Agency. When used appropriately, expedited settlements result in regulated entities returning to compliance and paying penalties more quickly than would be accomplished through issuance of a non-expedited administrative penalty order.
Note 2	Prior to FY 2003 expedited administrative penalty orders (APOs) (complaints and final orders) were referred to as "field citations" which were issued only in the Resource Conservation and Recovery Act (RCRA) Underground Storage Tank (UST) program. Beginning in FY 2003 the term "field citations" was superseded by the term "expedited" action and additional programs now utilize 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 3	Beginning in FY 1999, field citations/expedited actions have been included in the counts of administrative penalty order complaints (APOCs) and Final Administrative Penalty Orders (FAPOs).
Note 4	<p>Expedited Administrative Penalty Orders account for a significant portion of the APOCs and FAPOs reported. Of the 4,647 APOCs reported in FY 2006, 863 (19%) were expedited penalty order complaints; of the 2,237 APOCs reported in FY 2007, 821 (37%) were expedited penalty order complaints; of the 2,056 APOCs reported in FY 2008, 808 (39%) were expedited penalty order complaints; of the 1,914 APOCs reported in FY 2009, 849 (44%) were expedited penalty order complaints; and of the 1,901 APOCs reported in FY 2010, 1,221(64%) were expedited penalty order complaints.</p> <p>Of the 4,624 FAPOs reported in FY 2006, 866 (19%) were expedited penalty settlements; of the 2,256 FAPOs in FY 2007, 814 (36%) were expedited penalty settlements; of the 2,084 FAPOs in FY 2008, 817 (39%) were expedited penalty settlements; of the 1,916 FAPOs in FY 2009, 859 (45%) were expedited penalty settlements; and of the 1,830 FAPOs in FY 2010, 741 (40%) were expedited penalty settlement.</p>
Note 5	None of the large number of multiprogram administrative enforcement actions taken in FY 2006 to address violations at animal feeding operations were expedited actions. This accounts for the substantially lower percentage of expedited orders in FY 2006 compared to other FYs. (See to Note 4 above).