



National Enforcement Trends (NETs)

EPA's Top 25 Civil Enforcement Cases Based on Complying Action Value

FY 2006 through FY 2010

(Inflation/Deflation Adjusted to FY 10 Dollars- Cases Sorted and Ranked by Inflation Adjusted Amounts)

Rank	ICIS Enforcement Action Name	ICIS Enforcement Action Identifier	Primary Law	Value of Complying Actions (Nominal)	Value of Complying Actions (Prior Year Cases are Inflation Adjusted to FY 10 Dollars)	Case Conclusion/ Final Order Date	Final Order Type	Fiscal Year Case Concluded
1	AMERICAN ELECTRIC POWER CO (NATIONAL CASE)	03-1999-0388, 04-1999-9000, 05-1999-0644	CAA	\$4,636,000,000	\$4,700,904,000	12/10/2007	Consent Decree or Court Order Resolving a Civil Judicial Action	2008
2	CITY OF KANSAS CITY, MISSOURI	07-2004-0333	CWA	\$2,383,000,000	\$2,383,000,000	09/27/2010	Consent Decree or Court Order Resolving a Civil Judicial Action	2010
3	INDIANAPOLIS, CITY OF	05-2000-0583	CWA	\$1,860,000,000	\$1,969,740,000	12/19/2006	Consent Decree or Court Order Resolving a Civil Judicial Action	2007
4	PRASA V -PUERTO RICO AQUEDUCT AND SEWER AUTHORITY	02-2004-0008	CWA	\$1,701,100,000	\$1,801,464,900	01/10/2007	Consent Decree or Court Order Resolving a Civil Judicial Action	2007
5	HAMILTON COUNTY	05-1998-0750	CWA	\$1,790,000,000	\$1,790,000,000	08/10/2010	Consent Decree or Court Order Resolving a Civil Judicial Action	2010
6	NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION	02-2010-8027	SDWA PWS	\$1,600,000,000	\$1,600,000,000	05/24/2010	Administrative Compliance Orders	2010
7	ALLEGHENY COUNTY SANITARY AUTHORITY (ALCOSAN)	03-2000-0106	CWA	\$1,400,000,000	\$1,419,600,000	01/24/2008	Consent Decree or Court Order Resolving a Civil Judicial Action	2008
8	PSE&G FOSSIL, LLC (CD AMENDMENT)	02-2001-0020	CAA	\$1,100,000,000	\$1,164,900,000	05/02/2007	Consent Decree or Court Order Resolving a Civil Judicial Action	2007
	SANITATION DISTRICT NO. 1 OF NORTHERN KENTUCKY	04-2005-9011	CWA	\$1,100,000,000	\$1,164,900,000	04/18/2007	Consent Decree or Court Order Resolving a Civil Judicial Action	2007
10	LYONDELL CHEMICAL COMPANY, INC. ET AL. (NC)	02-2009-0015, 03-2009-7012, 04-2009-9025, 05-2009-1013, 06-2010-2886, 07-2009-0205, 09-2010-2519	CERCLA // RCRA HW	\$1,023,946,608	\$1,023,946,608	04/23/2010	Consent Decree or Court Order Resolving a Civil Judicial Action	2010
11	TENNESSEE VALLEY AUTHORITY (TVA) KINGSTON FOSSIL FUEL PLANT RELEASE SITE	04-2009-3766	CERCLA	\$975,000,000	\$991,575,000	05/11/2009	Administrative Compliance Orders	2009
12	NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION	02-2007-8024	SDWA	\$926,000,000	\$980,634,000	02/07/2007	Administrative Compliance Order	2007
13	CITY OF SAN DIEGO FINAL	09-2003-0022	CWA	\$876,000,000	\$888,264,000	10/11/2007	Consent Decree or Court Order Resolving a Civil Judicial Action	2008
14	VALERO REFINING NATIONAL CASE	02-2002-0004, 06-2000-1220, 08-2002-0042, 09-2005-0208	CAA	\$700,000,001	\$758,800,001	11/23/2005	Consent Decree or Court Order Resolving a Civil Judicial Action	2006
15	EAST KENTUCKY POWER COOPERATIVE (SPURLOCK & DALE PLANTS)	04-2003-9015	CAA	\$650,000,000	\$688,350,000	09/24/2007	Consent Decree or Court Order Resolving a Civil Judicial Action	2007
16	WISCONSIN ELECTRIC POWER COMPANY	05-2003-0333	CAA	\$620,000,000	\$656,580,000	09/30/2007	Consent Decree or Court Order Resolving a Civil Judicial Action	2007
17	LAWRENCE LIVERMORE NATIONAL LAB	09-1992-0149	CERCLA	\$626,700,000	\$635,473,800	07/31/2008	Federal Facility Record of Decision (ROD)	2008
18	EXXON MOBIL NATIONAL CASE	05-2000-0612, 06-2001-0271, 06-2002-3716, 08-2003-0049, 09-2006-0020	CAA	\$586,050,000	\$635,278,200	12/13/2005	Consent Decree or Court Order Resolving a Civil Judicial Action	2006



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Rank	ICIS Enforcement Action Name	ICIS Enforcement Action Identifier	Primary Law	Value of Complying Actions (Nominal)	Value of Complying Actions (Prior Year Cases are Inflation Adjusted to FY 10 Dollars)	Case Conclusion/ Final Order Date	Final Order Type	Fiscal Year Case Concluded
19	ASARCO BANKRUPTCY (NATIONAL CASE)	05-2006-0728, 05-2006-0728, 06-1999-0228, 07-2009-0150, 08-2006-0119, 08-2006-0119, 08-2006-0119, 08-2006-0119, 09-2006-0123, 10-2006-0216, 10-2006-0216	CERCLA	\$611,032,562	\$621,420,116	6/5/2009, 6/9/2009, 7/9/2009	Consent Decree or Court Order Resolving a Civil Judicial Action	2009
20	ENBRIDGE ENERGY PARTNERS, L.P. ORDER (MARSHALL) (CWA 311)	05-2010-1050	CWA	\$600,000,000	\$600,000,000	07/27/2010	Administrative Compliance Orders	2010
21	CONOCO PHILLIPS NATIONAL CASE	02-2004-0014, 03-2006-0272, 05-2005-5003, 06-2000-1237, 09-2004-0362, 10-2004-0217	CAA	\$530,000,050	\$574,520,054	12/05/2005	Consent Decree or Court Order Resolving a Civil Judicial Action	2006
22	WESTAR ENERGY, INC	07-2004-0319	CAA	\$556,000,000	\$556,000,000	03/26/2010	Consent Decree or Court Order Resolving a Civil Judicial Action	2010
23	BRAYTON POINT	01-2008-2021	CWA	\$500,000,000	\$507,000,000	12/17/2007	Administrative Compliance Orders	2008
24	SALT RIVER PROJECT - CORONADO	09-2007-0273	CAA	\$430,400,000	\$437,716,800	12/19/2008	Consent Decree or Court Order Resolving a Civil Judicial Action	2009
25	METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TN	04-2006-9027	CWA	\$400,000,000	\$406,800,000	03/12/2009	Consent Decree or Court Order Resolving a Civil Judicial Action	2009

National Enforcement Trends (NETs) Metadata

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Note 1	Complying Actions: Direct, preventative, or facility management/information practice actions which owners/operators of a violating facility take in response to an enforcement action. Complying actions include injunctive relief ordered by a court or included in a settlement.
Note 2	Prior FY dollar figures on this document are adjusted to reflect the value in FY 2010 dollars based on the average fiscal year value of the U.S. Department of Labor Consumer Price Index for All Urban Consumers.
Note 3	For each enforcement case, the entire complying action amount for that case is attributed to the "primary law" that EPA has designated for the case, even where the action is brought under more than one law.
Note 4	High dollar values of complying action from a small number of enforcement settlements make up a large percentage of the injunctive relief reported by EPA in most years. These cases represent the top 25 enforcement cases during FY 2006 - FY 2010, which were responsible for a large percentage of the total injunctive relief (complying action) value reported in each of these FYs.
Note 5	ASARCO (American Smelting and Refining Company) is a bankruptcy case that EPA resolved with four individual settlements. There are three separate dates when the four settlements concluded. Two of the settlements involved multiple EPA regions. The Residual Sites Settlement involved Region 10 (Coeur d'Alene, ID Site) and Region 7 (Omaha Lead, NE site). The East Helena Settlement involved only Region 8 (East Helena NE site). The Miscellaneous Sites Settlement involved Region 10 (Jack Waite Mine, ID, and Tacoma, WA sites), Region 5 (Circle Smelting, IL), Region 6 (Stephenson Bennett, NM), and Region 8 (ILSE MINE (Terrible Mine), CO, Vasquez Blvd, CO, and Richardson Flat, UT sites). The Multistate Custodial Trust Settlement involved Region 5 (Circle Smelting, IL, Taylor Springs, IL, and Whiting, IN sites) and Region 8 (Globe Plant, CO and Murray Smelter, UT sites). The Hayden Superfund Site involved only Region 9 (Hayden, AZ site). (Some sites appear under more than one of the four settlements because the response cost (Injunctive Relief) was divided between multiple settlements.) The additional information for ASARCO can be found at: http://www.epa.gov/compliance/resources/cases/cleanup/cercla/asarco/index.html .
Note 6	Cases that list more than one enforcement action identification number are multi-facility cases with violating facilities in more than one EPA Region. In such multi-facility, multi-region cases (national cases), each Region enters a record into the Integrated Compliance Information System (ICIS) representing its portion of the case.
Note 7	After each fiscal year FY 2006 - FY 2010, OECA produced lists of the top complying action value cases with all the pertinent information (complying action value from multi-regional cases consolidated, etc.). OECA used these lists to produce this document. This document only shows the top cases back to FY 2006 because the lists of the cases with the top complying action values for years earlier than FY 2006 are not readily available.