



Fact Sheet: Region 5 Environmental Enforcement Results, FY 2000-2007

Introduction

Over fiscal years 2000-2007, Region 5 continued to occupy a lead role in environmental enforcement to protect human health and the environment through administrative, civil, judicial and criminal enforcement actions against regulated entities. This report examines eight years of enforcement activity. It evaluates trends in environmental benefits, assessed penalties, [injunctive relief](#) and [Supplemental Environmental Projects \(SEPs\)](#). In general, injunctive relief is action ordered by a federal District Court Judge that requires a defendant to reduce, treat, properly manage, or prevent pollution. This relief may be ordered either as a term of an order consented to by the parties in a lawsuit (a "Consent Decree") or after a contested trial before the Judge. The term also includes actions taken by a respondent in an administrative case who is ordered to reduce, treat, properly manage or prevent pollution. A SEP is defined by U.S. EPA guidance as an environmentally beneficial project that a violator agrees to undertake in settlement of an enforcement action, but that the violator is not otherwise legally required to perform. Concerning both injunctive actions and actions undertaken as part of SEPs, some of these actions may not have yet been completed for FY 2000 to 2007 cases. This report presents information gathered from the United States Environmental Protection Agency's Integrated Compliance Information System (ICIS) and other program-specific databases.

Environmental Benefits

In order to protect human health and the environment, Region 5 continues to achieve environmental benefits, including pollution reduction, prevention, or elimination through the resolution of enforcement matters. EPA Region 5's enforcement activities in fiscal years 2003 through 2007 resulted in legal commitments by companies, governments and other regulated entities to reduce, treat, properly manage, or prevent more than 1.2 billion pounds of pollution. See Table 1. These resolutions also required commitments to provide clean drinking water to 60,188 people and to cleanup over 13 million cubic yards of contaminated soil. See Table 1.

Through these settlements Region 5 is helping to ensure that the air we breathe is cleaner, the water we drink is safer, and contaminated land is remediated. To achieve these pollutant reductions, regulated entities have committed to spend over \$7 billion dollars to correct violations, restore the environment, and prevent future harm to human health and the environment.

| Estimates of Environmental Benefits from Region 5 Enforcement Actions | | | | | | |
|--|--------------|--------------|--------------|--------------|--------------|---------------|
| Categories | FY 03 | FY 04 | FY 05 | FY 06 | FY 07 | Total |
| Estimated Pollutants Reduced or Treated (lbs) | 97,176,990 | 99,177,966 | 584,417,618 | 145,358,476 | 297,007,137 | 1,223,138,187 |
| Estimated Contaminated Soil to be Cleaned Up (cubic yards) | 6,257,222 | 1,314,287 | 3,399,349 | 535,385 | 1,860,736 | 13,366,979 |
| Estimated Contaminated Water to be Cleaned Up (cubic yards) | NC | 4,497 | 9,344,682 | 23,006,569 | 55,512,959 | 87,868,707 |
| Linear Feet of Stream Miles Mitigated (feet) | NC | 7,200 | 2,185 | 5,740 | 6,154 | 21,279 |
| Wetlands Protected/Mitigated (acres) | 170 | 27 | 206 | 2,368 | 167 | 2,938 |
| People Receiving Cleaner Drinking Water | 9,713 | 3,989 | 29,202 | 3,579 | 13,705 | 60,188 |

Table 1: Environmental Benefits in pollution reduction amounts (lbs.), contaminated soil clean up (cubic yards), linear feet of stream miles mitigated, wetlands protected (acres), and the number of people receiving cleaner drinking water required by enforcement case resolutions in fiscal years 2003-2007. "NC" stands for not calculated.

*The environmental benefits from fiscal years 2000-2002 were not calculated.

Injunctive Relief and Supplemental Environmental Projects (SEPs)

EPA's approach in all enforcement actions is to seek appropriate [injunctive relief](#) to return violators to compliance, and to address the root causes of noncompliance, so as to eliminate the potential for repeat violations. [Injunctive relief](#) represents the actions a regulated entity is ordered to undertake to achieve and maintain compliance. These actions may include: installing a new pollution control device; preventing pollution; instituting site remediation; restoring a wetland; instituting new maintenance measures; and requiring monitoring, auditing or recordkeeping.

A [Supplemental Environmental Project \(SEP\)](#), on the other hand, is a condition of settlement that requires actions, which an entity agrees to undertake, to protect human health and the environment, beyond what is required for compliance with environmental laws. [SEPs](#) usually fall within one of the following categories: public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion or emergency planning and preparedness. A SEP may be in lieu of or in mitigation of a portion of the monetary penalty.

During fiscal years 2000-2007, U.S. EPA Region 5 resolved 2,262 enforcement cases requiring the expenditure of more than \$9 billion in injunctive relief. See Figures 1 and 2. In settlement of 318 of these cases, Region 5 negotiated SEPs valued at more than 110 million dollars. See Figures 1 and 3. The number of SEPs from FY 2000 to FY 2007 is fairly constant and does not indicate any particular trend. See Figure 1. The dollar value of these SEP cases, however, declined over this period. See Figure 3. In contrast, both the number of injunctive relief cases and the dollar value of those cases from FY 2000 to FY 2007 increased over this period. See Figures 1 and 2.

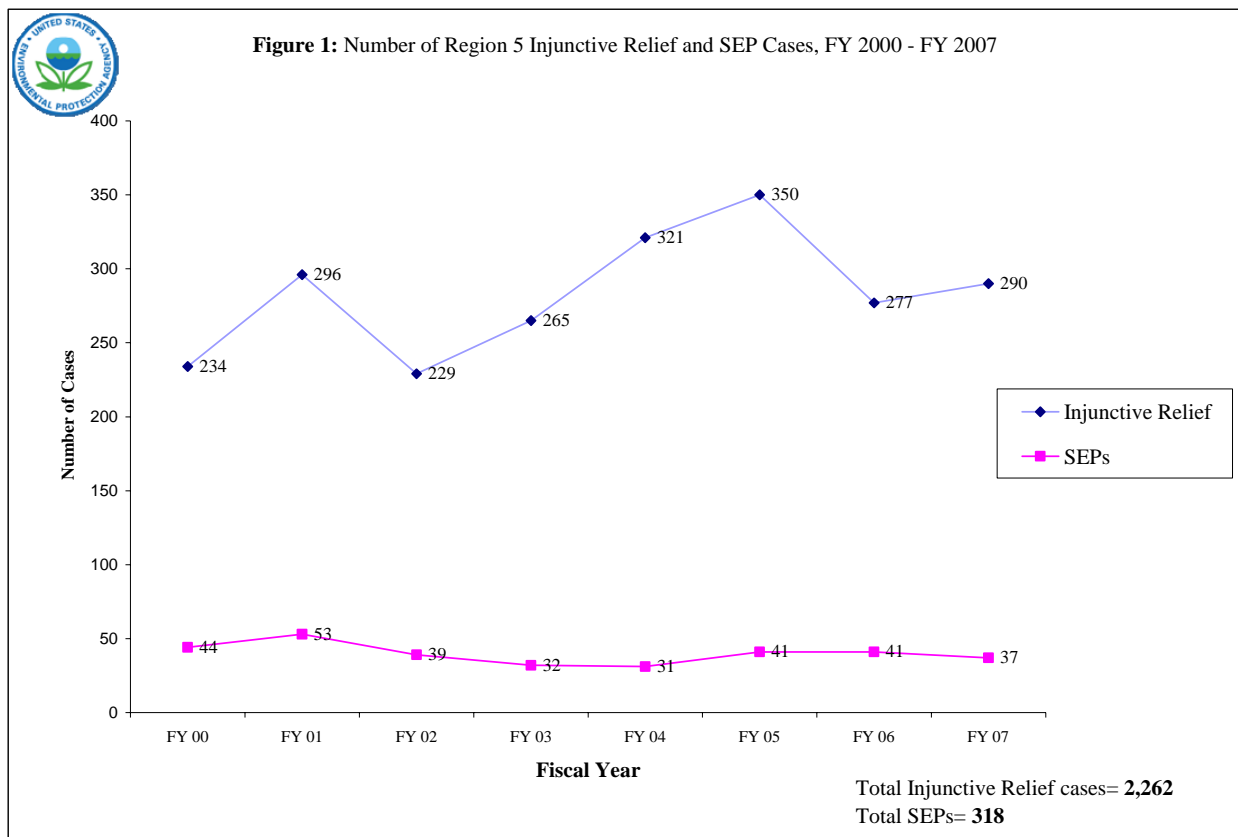
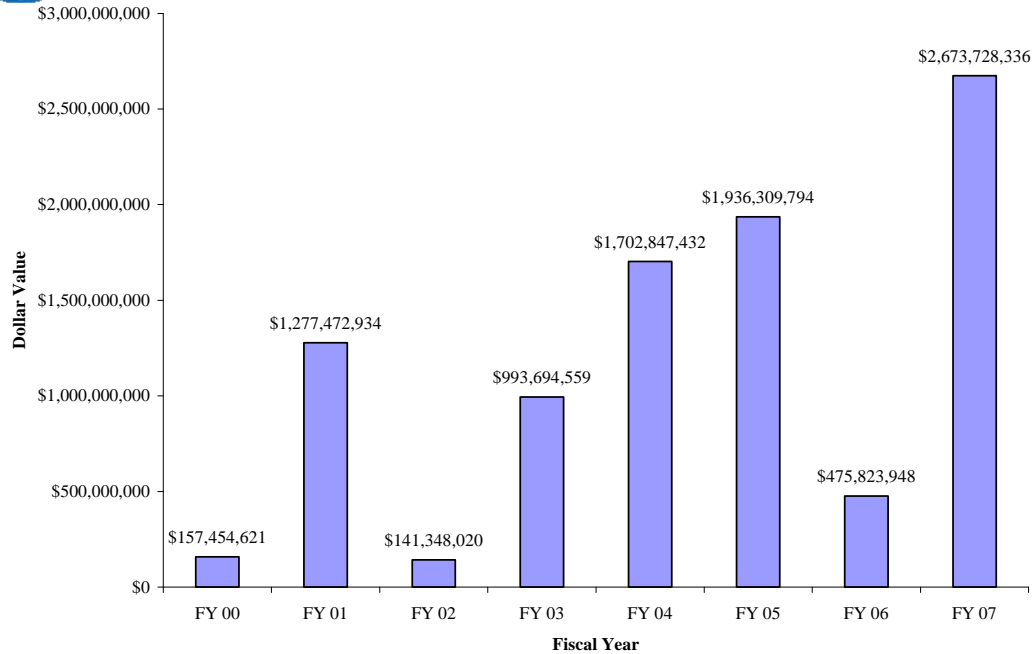




Figure 2: Dollar Value of Region 5 Injunctive Relief Cases, FY 2000 - FY 2007

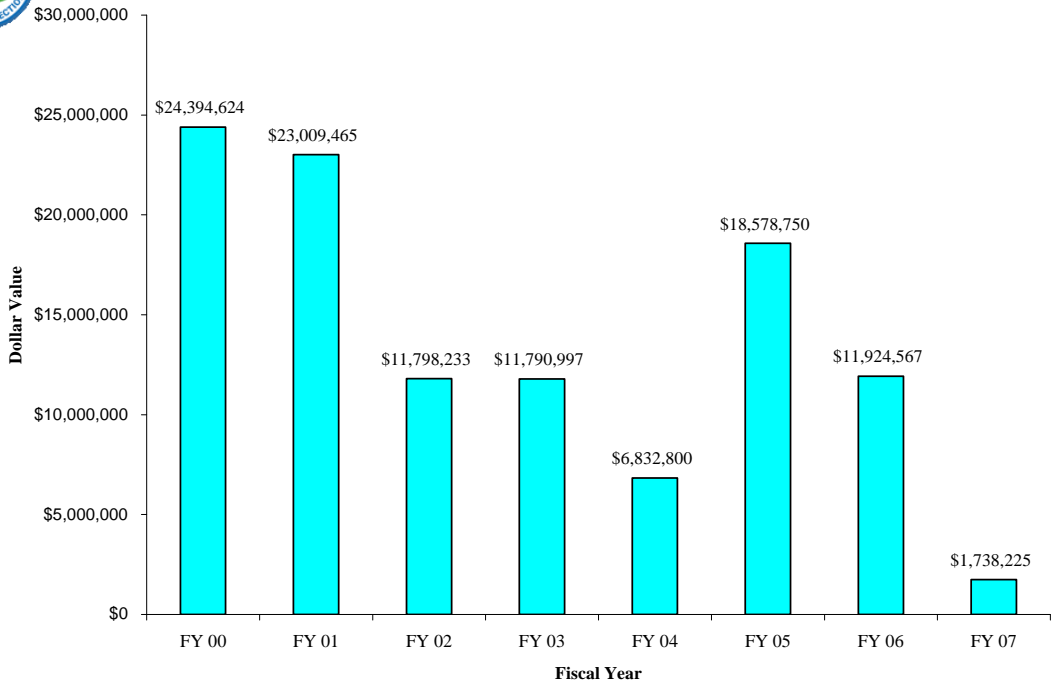


Penalties

During fiscal years 2000-2007, Region 5 resolved hundreds of cases brought under each of the following eight federal environmental statutes: Clean Air Act (CAA); Clean Water Act (CWA); Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); Emergency Planning & Right to Know Act (EPCRA); Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); Resource Conservation & Recovery Act (RCRA); Safe Drinking Water Act (SDWA); and Toxic Substance Control Act (TSCA). These resolutions have assessed over \$83 million in civil and administrative penalties. Of the total dollars in assessed penalties, a majority of the penalties, 54%, were assessed under the Clean Air Act (CAA). RCRA cases and CWA enforcement cases generate the second and third largest percentages of the total, at 15% and 13% respectively. See Figure 4. Assessed penalties serve two very important functions: 1) as a deterrent to future violations of the environmental laws and 2) as a means to recoup the economic benefit the violator has gained as a result of a violation. As a result of these penalties, the playing field is leveled between complying and violating competitors.



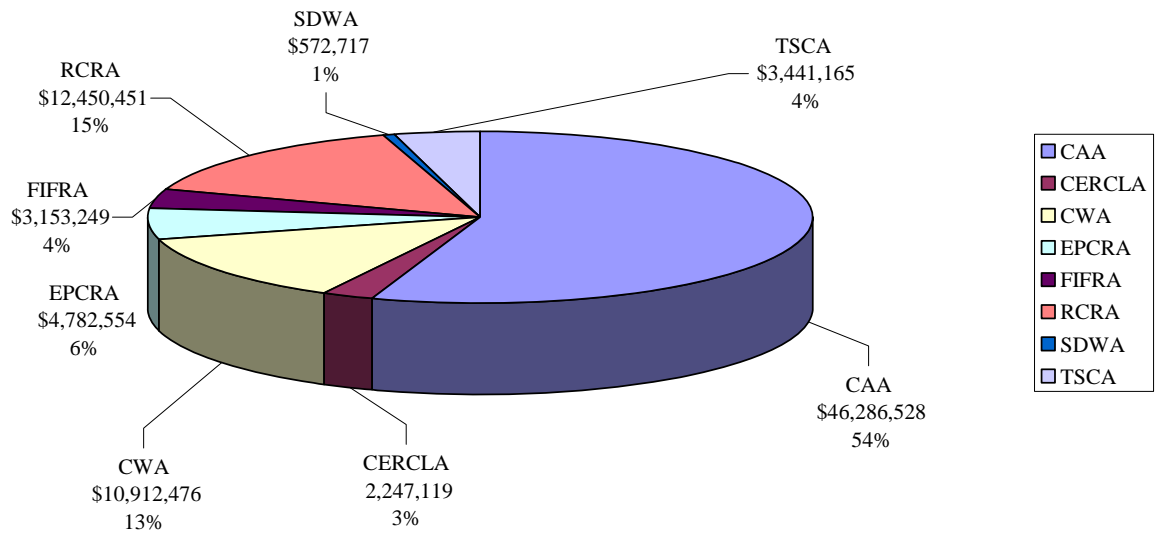
Figure 3: Dollar Value of Region 5 SEP Cases, FY 2000 - FY 2007



Total: \$110,067,661



Figure 4: Dollar Amount of Penalties per Statute, for Region 5 Enforcement Cases, FYs 2000 - 2007 (cumulative)



Cumulative Penalties = \$83,846,259