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A Look Back and A Look Forward: EPA's Office of Enforcement and Compliance Assurance Activities Yield Significant Environmental Results

by Steven A. Herman

I. Introduction

When I began my service at EPA seven years ago, the Administrator and I sought to establish a stronger and more effective enforcement and compliance assurance program targeted at achieving significant environmental results. The Office of Enforcement and Compliance Assurance (OECA) was reorganized to consolidate all enforcement and compliance assurance activities in headquarters. The reorganization provided the opportunity to improve effectiveness of traditional enforcement tools, develop new approaches to compliance incentives and compliance assistance, and in so doing, dramatically improve the impact of the national program.

This article takes stock of our achievements since the reorganization, discussing the enforcement trends and the results that we have achieved. It also looks at what we are planning as we look forward, both in terms of our enforcement priorities and the steps that we are taking to enhance established programs. OECA looks forward to maintaining an enforcement and compliance assurance program that effectively protects public health and the environment, features improved measures of success, demonstrates the practical results of our program, and uses innovative approaches to achieve compliance.

OECA values its cooperative relationship with the National Association of Attorneys General and looks forward to continuing to work closely with state attorneys general in achieving our future goals.

II. Building a Strong Enforcement and Compliance Assurance Program

OECA's reorganization was based on the principle that EPA needed to complement its enforcement program with innovative tools to better protect public health and the environment. The goal of the reorganization was to better target significant environmental risks by developing a full set of enforcement tools, incentives, and compliance assistance aimed at identifying and addressing those risks.

Our efforts are paying off, both in terms of reductions of pollutants to our environment and in terms of environmental improvements. Since EPA began tracking this data in 1996, we've required reductions in emissions of nearly 5.9 billion pounds of NOx, over 700 million pounds of PCB-contaminated material, and over 409 million pounds of carbon dioxide (CO). In the past four years, we've also achieved over $479 million in environmental improvements from

supplemental environmental projects; $8.7 billion in injunctive relief (including $2.7 billion in Superfund); and $849 million in assessed penalties.

How did we get here? In order to maximize results, OECA focused on four areas: 1) increasing effectiveness of civil and criminal enforcement; 2) using new tools, information, and public access to ensure compliance; 3) identifying and designing enhanced performance measures; and 4) enhancing public accountability. Each of these areas is discussed below.

Increased Effectiveness of Civil and Criminal Enforcement

OECA improved its targeting to focus on significant environmental problems and areas where we find high rates of noncompliance. In order to identify compliance priorities, OECA uses data integration techniques that rely on indexes reflecting inspection coverage and pollutant emissions as well as significant noncompliance. Often OECA targets specific geographic areas or select industry sectors in order to leverage resources for the greatest environmental benefit.

An example of how we address significant noncompliance on a sector basis is the settlement the United States reached with seven major diesel engine manufacturers in October 1998. The settlement resolved claims that the manufacturers installed defeat devices that disabled the emission control systems. The settlement will prevent 75 million tons of nitrogen oxide emissions from entering the atmosphere by the year 2025. The settlement included $83.4 million in penalties.

Over the past few years OECA has also considerably strengthened the ability to fight environmental crime. We doubled the number of criminal investigators and completed many high impact prosecutions. In FY 1999, a record 208 years of jail time was imposed on criminal defendants, including one sentence of 13 years for a man responsible for dumping 4 million gallons of contaminated wastewater into the Tampa, Florida sewer system and for sending 170,000 pounds of hazardous sludge to the city incinerator.

Using Tools, Information, and Public Access to Ensure Compliance

In recent years, OECA has developed tools and sources of information that are intended to lead to greater compliance. We also re-engineered data bases to improve quality, organizing them by sector and facility to provide data on industry compliance to the public in consolidated, user-friendly forms.

One of the most significant tools that OECA has developed is the EPA Self-Disclosure Policy, which provides incentives for self-disclosure and correction of environmental violations. EPA's self-disclosure policy, *Incentives for Self-Policing: Discovery, Disclosure, Correction and*

Prevention of Violations,[1] provides incentives for companies to develop environmental audit and compliance management systems to detect, disclose, and correct violations. When companies voluntarily discover environmental violations and promptly disclose these violations to EPA and meet other specified conditions of the policy, EPA will waive or substantially reduce gravity-based civil penalties up to 75 percent, and in many cases, up to 100 percent. For those companies that meet the policy's conditions, EPA will not recommend the companies for criminal prosecution. EPA also issued a similar policy applicable to small businesses.

The EPA Self-Disclosure Policy reflects the combination of two government interests: encouraging comprehensive, systematic audits and ensuring disclosures and corrections of environmental violations. Further, it allows us to concentrate our resources on recalcitrant violators. The policy also appeals to corporate interests by extending penalty mitigation or waiver and by decreasing potential corporate criminal prosecution. Use of the Self-Disclosure Policy has increased each year it has been in place. To date, more than 670 companies have disclosed violations at more than 2700 facilities. Some of these companies are large multi-state corporations like GTE and American Airlines. The violations disclosed by American Airlines alone will eliminate nearly 700 tons of air pollutants annually. The GTE settlement, which involved 600 violations at over 300 facilities, led to ten other telecommunications companies voluntarily disclosing and correcting 1,300 environmental violations at more than 400 facilities.

OECA has also focused on developing compliance assistance tools to help facilities understand the laws and regulations with which they must comply. In FY 1999, our compliance assistance activities and tools -- seminars, on-site assistance, mailings, and handouts -- reached approximately 330,000 entities. In addition, four new on-line National Compliance Assistance Centers opened, bringing the total number to nine centers in operation by the end of FY 1999. A tenth Compliance Assistance Center serving federal facilities opened in March 2000. These Internet-based centers provide compliance information and pollution prevention techniques for certain industry sectors, such as paints and coatings, metal finishers, and automotive service and repair. Collectively, the centers are being visited over 750 times a day.

We have also added three new sector notebooks covering major industries, bringing our total portfolio to thirty sector notebooks. To date, over 450,000 notebooks have been distributed, and they remain one of OECA's most popular products.

Identifying and Designing Enhanced Performance Measures

In order to better assess the environmental improvements from EPA's enforcement and compliance assurance activities, OECA selected and designed a set of performance measures under the National Performance Measures Strategy (NPMS). These measures track both outcomes and selected output measures. Outcome measures represent actual environmental

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[1] 60 Fed. Reg. 66706 (Dec. 22, 1995), available on EPA's website at <http://www.epa.gov/fedrgstr/EPA-GENERAL/1995/December/Day-22/pr-451.txt.html>.

results, such as pollutant reductions and changes in compliance rates, while output measures report the more traditional values such as number of enforcement actions. These measures help EPA to produce a more complete picture of its enforcement and compliance assurance program.

Enhancing Public Accountability/Environmental Justice

One of our responsibilities is to ensure the effectiveness of state and tribal programs. We do so by providing oversight of state programs when necessary. In so doing, we ensure effective and fair enforcement of the nation's environmental laws and strive to provide a level field of environmental protection for all citizens, regardless of where they live.

The key to providing a strong and nationally consistent enforcement and compliance program is a close working relationship with states. The enforcement and compliance assurance program often has been successful in working with state and local authorities to identify noncompliance and to collaborate on enforcement actions of national significance. We meet regularly with state representatives to discuss policy and program issues. We are also engaged in an ongoing dialogue with state attorneys general on a variety of issues. Beginning this spring, we will seek the views of all stakeholders, including States, industry, environmental groups, local and tribal governments and community groups, as we evaluate our enforcement priorities for the FY 2002/2003 planning cycle.

We also help bolster state and tribal capacity by offering specialized assistance and training. For example, in FY 1999, the Agency provided 218 courses to state and tribal officials to enhance the effectiveness of their programs. These courses help to build state and tribal capacity to conduct inspections and investigate environmental crimes.

EPA uses both formal and informal approaches to evaluate the effectiveness of its enforcement and compliance assurance program. Methods range from a formal process of evaluating regional, state, and tribal performance to the use of stakeholder meetings to solicit views on effectiveness. Often EPA or states make adjustments after an evaluation by the Office of Inspector General (IG). For example, a recent IG audit of EPA's Clean Air Act compliance and enforcement program found that EPA and the states need to develop a common understanding regarding the definition of "significant violator" and actions required of the states when dealing with significant violators. Following extensive coordination with the states, EPA issued new guidance that resolves these issues and aims to improve implementation of the Clean Air Act enforcement and compliance program for both EPA and the states.

OECA's Office of Environmental Justice (OEJ) is a critical part of the enforcement program's effort to ensure that our laws are implemented and enforced in a manner that provides a clean and healthful environment to all communities. OEJ emphasizes three major areas. First, it works to make environmental justice an integral part of all EPA's policies and regulations. Second, OEJ strives to reduce litigation around environmental justice issues, where appropriate, by facilitating early and meaningful involvement in the decision making process by all stakeholders

and by promoting structured, principle-based negotiations. Third, OEJ works with the National Environmental Justice Advisory Council (NEJAC), a Federal advisory group reporting to the Administrator on issues of environmental justice.

III. FY 1999 Accomplishments And Successes

The results achieved by EPA's enforcement and compliance assurance program in FY 1999, and our record for the last seven years, show that we have built a strong and aggressive enforcement program that has achieved significant environmental results. And we have done so while providing compliance assistance to both large and small businesses, and offering real incentives to those who voluntarily disclose violations.

Through our enforcement actions this past year, EPA achieved a record $3.6 billion towards requiring environmental cleanup, installation of pollution control equipment, improved monitoring, and carrying out environmentally beneficial projects. This includes a record $236.8 million in Supplemental Environmental Projects, up from $90 million in FY 1998, targeted at improving air quality, conducting public health assessments, and creating greenway corridors.

A record $166.7 million in civil penalties was assessed, including the largest Clean Air Act settlement in history against seven diesel engine manufacturers who used illegal devices to disable their emission control systems. The $142.7 million in civil judicial penalties was the largest ever. We also issued a record 1,654 administrative penalty order complaints. The Agency took a total of 3,945 civil judicial and administrative enforcement actions in FY 1999, the highest number of civil actions taken over the last three years.

Our strong criminal enforcement program reflects our goal of punishing those who callously disregard our nation's environmental laws and who put the public at serious risk when they do so. Most significantly in FY 1999, a record 208 years of jail time was imposed on criminal defendants, including one sentence of 13 years for a man responsible for dumping 4 million gallons of contaminated wastewater into the Tampa, Florida sewer system and sending 170,000 pounds of hazardous sludge to the city's incinerator, which was not designed to dispose of hazardous materials. This increase in sentences is extremely important as a deterrent to others. A prison sentence is personal – it's not a cost of business that can be passed onto the consumer.

EPA also is continuing to use its enforcement authorities at Federal facilities. In FY 1999, EPA settled its first-ever Federal facility Safe Drinking Water Act case at the Army's Redstone Arsenal in Alabama for nearly $90,000 in civil penalties and $807,000 in Supplemental Environmental Projects. This settlement will protect Redstone's water system. EPA issued its first CAA penalty order in the fall of 1998 against the U.S. Mint in Philadelphia. The complaint charged that the Mint violated regulations governing emissions of chromium compounds and chlorofluorocarbons (CFCs). Under the settlement, the Mint agreed to pay $16,000 in cash, as well as undertake a $90,427 supplemental environmental project to upgrade pollution control equipment from its chromium electroplating operations.

The following are some highlights of the results we've achieved, both in terms of reducing threats to the environment and to public health, but also in terms of changing the way companies do business.

- We made the environment cleaner. In FY 1999 alone, our actions resulted in the reduction of 5.8 billion pounds of NOx, 573 million pounds of contaminated soil, 200 million pounds of iron, and 129 million pounds of PCB waste.

- We made the air cleaner. In the case against seven diesel engine manufacturers, we required them to produce engines that will reduce nitrogen oxide pollution by 75 million tons over the next quarter century. Our case against BP Oil reduced the excess quantities of sulfur dioxide the plant was emitting as a result of unlawfully flaring gases containing high concentrations of hydrogen sulfide.

- We made the water cleaner. In a case against Royal Caribbean Cruise Lines, the company pled guilty to illegally dumping oil and hazardous chemicals into the ocean. In some instances, Royal Caribbean was discharging chemicals from their on-board dry cleaning and photo processing facilities into coastal waters, including Alaskan waters. Royal Caribbean will pay an $18 million fine in addition to a $9 million fine they paid in FY 1998. As part of the plea agreement, Royal Caribbean will operate for 5 years under a prescribed and closely-monitored environmental compliance plan.

- We made the land cleaner. The Atlantic Richfield Company will spend $260 million to clean up and restore natural resources damage caused by mine waste contamination. Part of the penalty will be put toward the creation or restoration of 400 acres of wetlands in Montana.

- We protected those most vulnerable in our society. We stopped the Microban company from making unproven health claims about protecting children from disease-causing bacteria through the use of its antimicrobial pesticide in toys. In another case, three individuals received jail sentences for conspiring to use homeless men to illegally remove asbestos without protective equipment. Another individual is in jail for spraying methyl parathion, a toxic agricultural pesticide, inside people's homes. We also convicted the owner of Evergreen Resources for sending some of his employees into a tank containing hydrogen cyanide without proper protective equipment, leaving one employee severely brain damaged.

- We ensured that parties responsible for contaminating Superfund sites continue to conduct and pay for cleanups, preserving Trust fund monies for sites where parties are unable to contribute. This year the Superfund enforcement program secured potentially responsible party (PRP) commitments exceeding $780 million. Of this amount, EPA and PRPs achieved settlements for more than $550 million in future response work, and concluded settlements for over $230 million in past costs. We also made Orphan share offers at all eligible sites in recognition of the shares attributable to insolvent and defunct parties.

- We promoted redevelopment of contaminated properties. EPA has sought to protect prospective purchasers, lenders, and property owners from Superfund liability. EPA's "Guidance on Agreements with Prospective Purchasers of Contaminated Property" has stimulated the development of sites where parties otherwise may have been reluctant to take action. With prospective purchaser agreements, bona fide prospective purchasers were not held responsible for cleaning up sites where they did not contribute to or worsen contamination. In FY 1999, 24 of these agreements were signed.

- We improved environmental management at Federal facilities. We implemented Environmental Management Review (EMRs) – an EPA onsite compliance assistance tool for Federal facilities to improve management of their environmental activities. In FY 1999, 22 EMRs were conducted in seven EPA Regions. A national report on EMR pilot projects was published in late 1999 which outlines the benefits of EMRs to Federal facilities.

- We promote positive change through our Compliance Assistance Centers. Based on eight voluntary internet surveys, approximately 70% of the companies and local governments that use the Centers said that they took one or more positive actions as a result (e.g., changing the handling of waste, obtaining a permit, changing a production process, contacting a regulatory agency). As a result of these actions, over 75% indicated an environmental improvement and over 50% thought they had a cost savings. Over 65% of surveyed users visit a Center at least once a month.

- We trained Federal, state, local, and tribal personnel. In FY 1999, the National Environmental Training Institute (NETI) and its partners trained over 8,400 environmental enforcement professionals in approximately 86 civil and criminal environmental enforcement training courses, using both traditional classroom as well as computer-based instruction.

IV. National Priorities

OECA has established seven national priorities to be considered for the two-year FY 2000 and 2001 planning cycle. These priorities, selected in consultation with states, address the most significant environmental problems and patterns of noncompliance. They also help us to achieve our goals and objectives identified under Goal 9 (A Credible Deterrent to Pollution and Greater Compliance with the Law) of the Agency's Strategic Plan. The seven national priorities for FY 2000/2001 are:

Clean Water Act -- Wet Weather

Run-off from wet-weather events remains a leading cause of water quality impairment and represents a significant threat to human health. Under this priority, Regions will implement programs to ensure compliance in the following wet weather areas: the Combined Sewer

Overflow (CSO) Policy, the Sanitary Sewer Overflow (SSO) Enforcement Management System, the National Concentrated Animal Feeding Operations (CAFOs) Sector Strategy (including the CAFO Implementation Plan), and Storm Water regulations.

Safe Drinking Water Act-- Microbial Rules

The effects of contaminated drinking water can be severe, especially on children, the elderly, and persons with compromised immune systems. Adverse health effects of microbiological contamination include gastrointestinal distress, fever, pneumonia, dehydration, or death. Under this priority, Regions will ensure that enforcement and compliance assistance is provided to ensure compliance with microbial regulations and to support the President's Clean Water Action Plan. OECA will be seeking input from the Regions and from drinking water stakeholders to develop a strategy to implement enforcement and compliance recommendations from the annual National Public Water System Compliance Reports. Several of these recommendations concern improving compliance with microbial regulations.

Clean Air Act--New Source Review/Prevention of Significant Deterioration (NSR/PSD)

Avoidance of the required NSR/PSD review requirements by some industries, results in inadequate control of emissions, thereby contributing thousands of unaccounted tons of pollution each year to the air we breathe, particularly nitrogen oxides, volatile organic compounds, and particulate matter. Under this priority, Regions will identify plants or facilities to be evaluated for possible significant violations of New Source Review (NSR) or Prevention of Significant Deterioration (PSD) requirements, particularly focusing on the coal-fired electric utility industry.

Clean Air Act --Air Toxics

Maximum Achievable Control Technology (MACT) standards are promulgated to regulate the most hazardous air pollutants, and those posing the highest degree of risk to human health and the environment. Under this priority, Regions will adopt one or two MACT standards per year and become national enforcement/compliance experts for the selected MACT. Priority will be placed on the MACT standards which have recently become effective or will become effective during the MOA cycle.

Resource Conservation and Recovery Act--Permit Evaders

Unpermitted waste handling and management operations present significant environmental threats. Additionally, these facilities continue to economically undercut those facilities that operate in compliance with environmental laws. Under this priority, Regions will focus compliance monitoring and enforcement resources on those companies, including Federal facilities, that have evaded the RCRA regulatory system. In addition to waste derived fertilizer and foundry facilities, this priority will focus on illegal hazardous waste recycling practices, illegal dilution of hazardous waste, and wastes that are no longer exempt under the Bevill amendment. Additionally, this initiative will include companies that have sought to avail themselves of various

exceptions or exemptions to the RCRA Subtitle C system, but fail to meet the terms of those exceptions or exemptions.

Petroleum Refinery Sector

Addressing air emissions and unpermitted releases from refineries continues to be a high priority for EPA and other stakeholders. Under this priority, Regions will focus on compliance monitoring and enforcement-related activities. Under the Clean Air Act, the emphasis for refineries will be in two areas: NSR/PSD investigations, and an increased focus on comparative leak detection and repair (LDAR) investigations.

Metal Services (Electroplating and Coating) Sector

Metal services uses numerous types of hazardous materials in the plating and coating of metal such as cadmium, chromium, cyanide, lead, mercury, selenium and acids for preparing and coating metal surfaces. Most metal service facilities are indirect dischargers subject to both water quality standards and pretreatment requirements. The facilities in this sector also generate large quantities of RCRA listed wastes. Under this priority, the immediate task is the development of a national enforcement and compliance sector strategy by a regional and Headquarters workgroup.

The seven national priorities for FY 2000/2001 are contained in the MOA Guidance found on OECA's Web Site at http://www.epa.gov/oeca/polguid/moapolguid.html.

V. Enforcement and Compliance Assurance Trends

Our program has matured and we are making progress in improving and implementing our annual performance plan under the Government Performance and Results Act (GPRA), which challenges us to develop results-oriented goals and objectives for measuring program performance. We are also seeking new and better ways of ensuring compliance by implementing innovative approaches to enforcement as outlined in the "Action Plan for Innovation," issued by OECA on October 1, 1999. The Action Plan, developed with input from states and other stakeholders, will aid OECA in providing the regulated community with incentives to comply, including revising the Audit Policy and the Small Business Policy.

The Action Plan is an ambitious strategy that builds on many of the innovations launched six years ago when EPA reorganized the enforcement and compliance assurance programs. The Action Plan spells out twenty-two commitments that will affect the major components of EPA's regulatory enforcement program. Most of the commitments in the Action Plan respond directly to suggestions made during two conferences held in January and February of 1999 to evaluate the enforcement and compliance program five years after the reorganization. The five year conferences were co-sponsored by EPA and the Vice President's National Partnership for Reinventing Government. The conferences included representatives from state, local and tribal governments, environmental groups, community organizations, and the regulated community. This section briefly describes some of these commitments and explains how EPA is following

through on them.

Innovations in Compliance Incentives

A. Revisions to Self-Disclosure Policy and Small Business Policy

OECA is also committed to revising and expanding the Self-Disclosure Policy and the Small Business Policy. We published proposed changes in the Federal Register and requested public comment. We received comments from industry and law enforcement and sought input from EPA staff who have been implementing the policy. We expect to issue the revised policies this Spring.

B. Strategy to Encourage Environmental Management Systems (EMSs)

Presently, we are developing a strategy to encourage the use of effective EMSs that EPA expects to issue in March 2000. OECA is also focusing on integrating EMSs into its enforcement and compliance activities. For example, OECA includes information about effective EMSs and compliance management systems (CMSs) in our multimedia inspection course. This ensures that EPA's inspectors become knowledgeable about EMSs so that they can recommend their adoption, where appropriate. Where a facility has an EMS, but continues to experience compliance problems, the inspector will be better able to assess the efficacy of the system and make recommendations. Through our biennial planning process, we will encourage EPA Regional Offices and states to promote the use of effective EMSs by the regulated community.

Innovative Enforcement Approaches

A. Integrated Enforcement Strategies

OECA committed in the Action Plan to undertake a significant innovative approach to enforcement and compliance assurance that uses the full range of enforcement and compliance tools to solve environmental problems. We are developing integrated strategies that efficiently and effectively blend compliance assistance, compliance incentives, compliance monitoring, and enforcement to achieve environmental goals and objectives.

EPA plans to evaluate the appropriateness of integrated strategies for each program priority. Strategies will be developed and where appropriate implemented in partnership with states through the Regional/State planning process. Each strategy will be developed and implemented with the goal of promoting and ensuring compliance by entities with environmental requirements. The success of these strategies hinges on determining the right "mix" of activities to support environmental goals and objectives. In addressing problems and concerns, the full range of compliance assurance and enforcement activities will be considered. By the end of the year, OECA will issue guidance for implementing innovative strategies.

B. Targeting

OECA is continuing to focus its activities on problem identification and analysis. To do this, we must improve our capacity to target the most environmentally significant problems. Recently, we have improved our targeting results by broadening the information sources that we use and by utilizing more sophisticated information-sharing technologies.

A new contribution to improve our targeting capacity is the Online Targeting Information System (OTIS) that was launched last year. The site consolidates several targeting resources using IDEA and represents a significant breakthrough in making compliance and enforcement data easily available to a wide range of users. For example, OTIS allows users to search for facilities or permit numbers and select reports that provide hazardous waste, air, and water inspection, violation, and enforcement history information. OTIS also contains updated versions of recent targeting reports, targeting network contacts, links to other sites, and project inventories. OTIS is currently available only to EPA Headquarters. In the upcoming year, we expect to make it available to the EPA Regional Offices and state environmental agencies.

C. Training

The National Enforcement Training Institute (NETI) is responsible for training Federal, state, local and tribal lawyers, inspectors, civil and criminal investigators and technical experts in the enforcement of the nation's environmental laws. In FY 2000, NETI will debut its virtual university, NETI Online, which will provide Internet-based training activities to enforcement professionals when they need it. Students will be able to register, take courses and provide evaluation feedback – all on-line. One of NETI Online's unique features will allow students to develop and track personalized employee development plans. The first phase of this Internet university will be available this Spring.

Innovations in Information and Accountability

A. Performance Measurement

This year will be the first year of full implementation for all new OECA measures designed under the National Performance Measures Strategy (NPMS). OECA's new performance measures developed through NPMS, include: 1) environmental and human health improvements from compliance assurance and enforcement activities; 2) changes in behavior by the regulated community as a result of enforcement and compliance assurance activities; and 3) noncompliance rates for selected regulated populations.

In April 1999, EPA began collecting the data to support the new measures, and has committed more than $1.8 million in cooperative agreements to advance the use of enhanced measures in states. Eleven states will receive EPA funding to develop outcome-based measures for their enforcement and compliance assurance programs.

B. Data System Modernization

Modernizing our data systems is important to our enforcement and compliance assurance program. Meeting the challenge of Agency-wide integration of data will enable OECA to provide a comprehensive, readily accessible, multimedia view of environmental compliance. OECA's effort to modernize and improve data quality focuses on integration of the General Enforcement Management System (GEMS) into the Agency's Integrated Information Initiative. GEMS will become a core part of the Agency's integrated system, providing a consistent framework, process, and structure for collecting and tracking information. The GEMS system will improve public access to useful, understandable compliance information. It also will fill critical data gaps in core enforcement programs. To design and implement a single integrated system from existing systems, EPA will need to reconcile data, develop common data definitions, and address the concerns of multiple parties, including the states. With GEMS as a critical component, the integrated information system will enable the Agency to streamline enforcement operations, reduce the burden and costs of managing enforcement data for both EPA and states, and allow the Agency to report consistent, quality information about the performance of its programs.

C. Sector Facility Indexing Project

This year, OECA will expand the Sector Facility Indexing Project (SFIP) to include a portion of the Federal facilities sector. This subset will likely focus on facilities with permits in at least two major environmental programs. Federal facility information will be added to the current SFIP system, which profiles approximately 650 individual facilities in five industry sectors: automobile assembly, pulp manufacturing, petroleum refining, iron and steel production, and primary smelting and refining of non-ferrous metals. SFIP is unique because it meshes environmental, demographic and production data into one comprehensive database that can be used by states, industry and the general public to access and analyze facility-level information, as well as whole sector profiles.

Innovations in Compliance Assistance

A. Developing Compliance Guides

During the conferences we held recognizing OECA's five-year anniversary, many of our stakeholders told us that the best way to promote compliance with regulations is to issue concise compliance guides when we issue a new regulation. Therefore, EPA has committed to issue compliance guides, typically within ninety days after promulgating an economically significant regulation (generally defined as those regulations with an economic impact of $100 million or more). EPA has identified eleven economically significant regulations that are subject to this new commitment for this year. OECA is working with EPA's program offices to prepare a schedule for each compliance guide, assign staff with appropriate expertise to each of the major rulemakings, and the Agency has begun preparing compliance guides for the major regulations

due in 2000. EPA expects to issue the first compliance guide by Spring 2000.

B. Adopting a "Wholesaler" Role

The Action Plan also encourages EPA to change the way it delivers compliance assistance. EPA's stakeholders emphasized that EPA should continue to prepare compliance materials, but when it comes to delivering compliance assistance, EPA should primarily be the "wholesaler" of compliance assistance information. Therefore, EPA will support and rely on a network of compliance assistance providers.

OECA has already started to support a broader network of compliance assistance providers. OECA established the "Compliance Assistance Advisory Committee," a committee to advise EPA on how to promote a broader network of compliance assistance providers. The advisory committee consists of more than twenty members from state, local and tribal governments, community groups, and the regulated community. Each member has expertise in environmental compliance. The Advisory Committee has already met twice, and is scheduled to give EPA formal recommendations later this year.

OECA convened a broad network of 300 compliance assistance providers at a compliance assistance forum in early March, 2000 in Atlanta. The forum brought together practitioners from state, local and tribal governments, Small Business Assistance programs, pollution prevention programs, universities, community groups, licensing agencies, trade associations, and professional associations. The purpose of the forum was to generate ideas about the best ways of promoting and using a network of compliance assistance providers, and to exchange tools, methods, and lessons learned.

C. Drafting an Annual Compliance Assistance Plan

In the Action Plan, OECA committed to develop an annual compliance assistance plan. The annual plan will identify EPA's priorities for compliance assistance and will include information about: compliance guides for economically significant rules; guidelines required by the Small Business Regulatory Enforcement Fairness Act (SBREFA); regional compliance assistance activities; and other priority activities. The draft plan will be available for review and comment in March 2000 and OECA intends to send the final Plan to EPA's Administrator in July.

D. Building a Compliance Assistance Clearinghouse

In September 1999, OECA launched an ambitious effort to develop a compliance assistance "clearinghouse." The clearinghouse will be a nationally accessible and searchable Web site that will give users access (via Web links) to compliance assistance tools and materials developed by EPA, states, trade associations, and other assistance providers. We hope to have the clearinghouse operational by September 2000.

Each of these commitments in the field of compliance assistance builds on our past accomplishments. The new commitments, in conjunction with our on-going compliance assistance activities will improve the effectiveness of EPA's enforcement and compliance assurance program.

VI. Summary

In summary, we have just completed another highly successful year in achieving environmental results from our enforcement and compliance assurance program. We have established critical national priorities that give strong direction to the program. At the same time, we have taken steps towards strengthening our program by identifying and implementing several innovative approaches to enforcement. We look forward to more significant success in our efforts to ensure the health and safety of our citizens and their environment.

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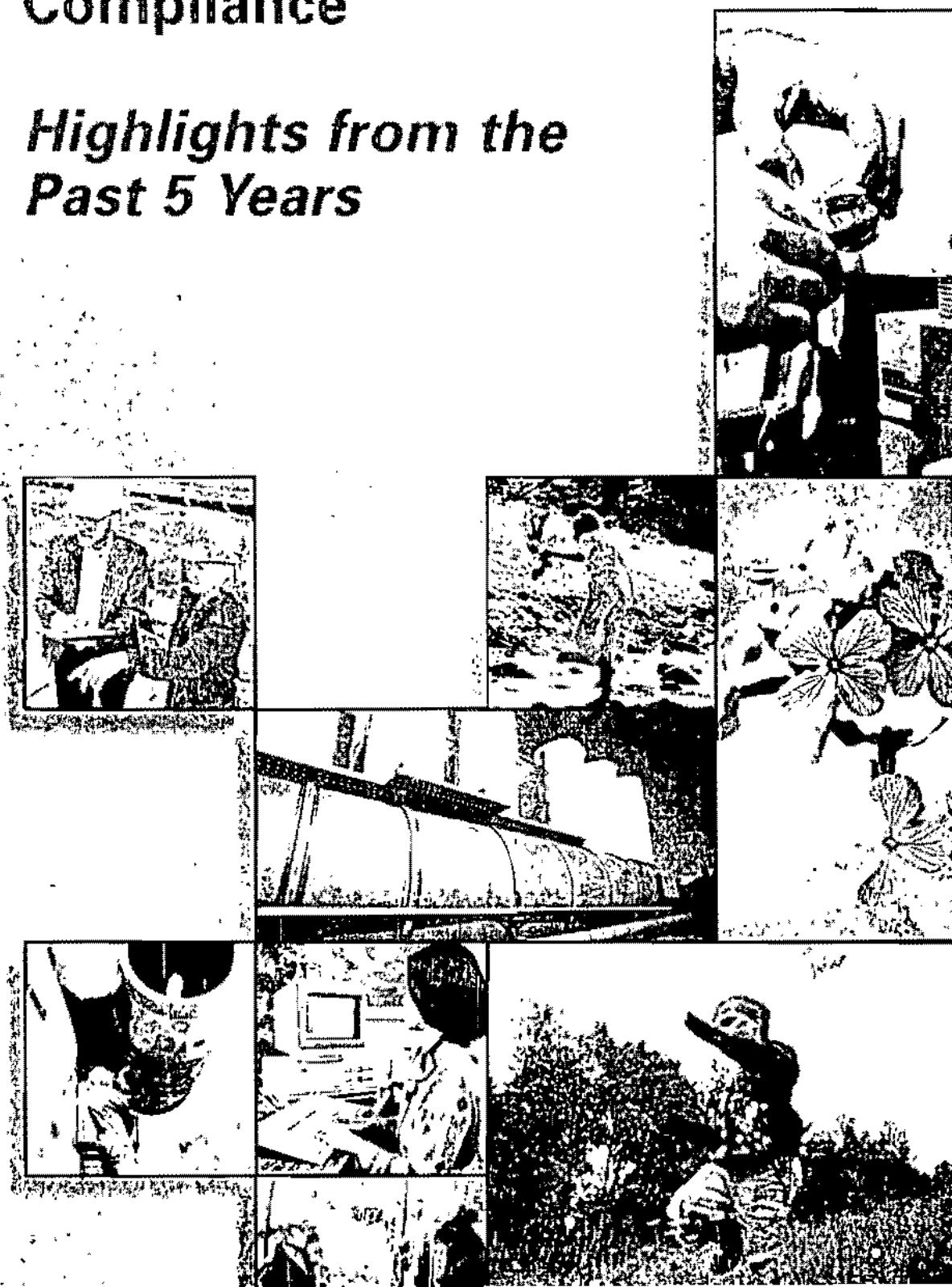
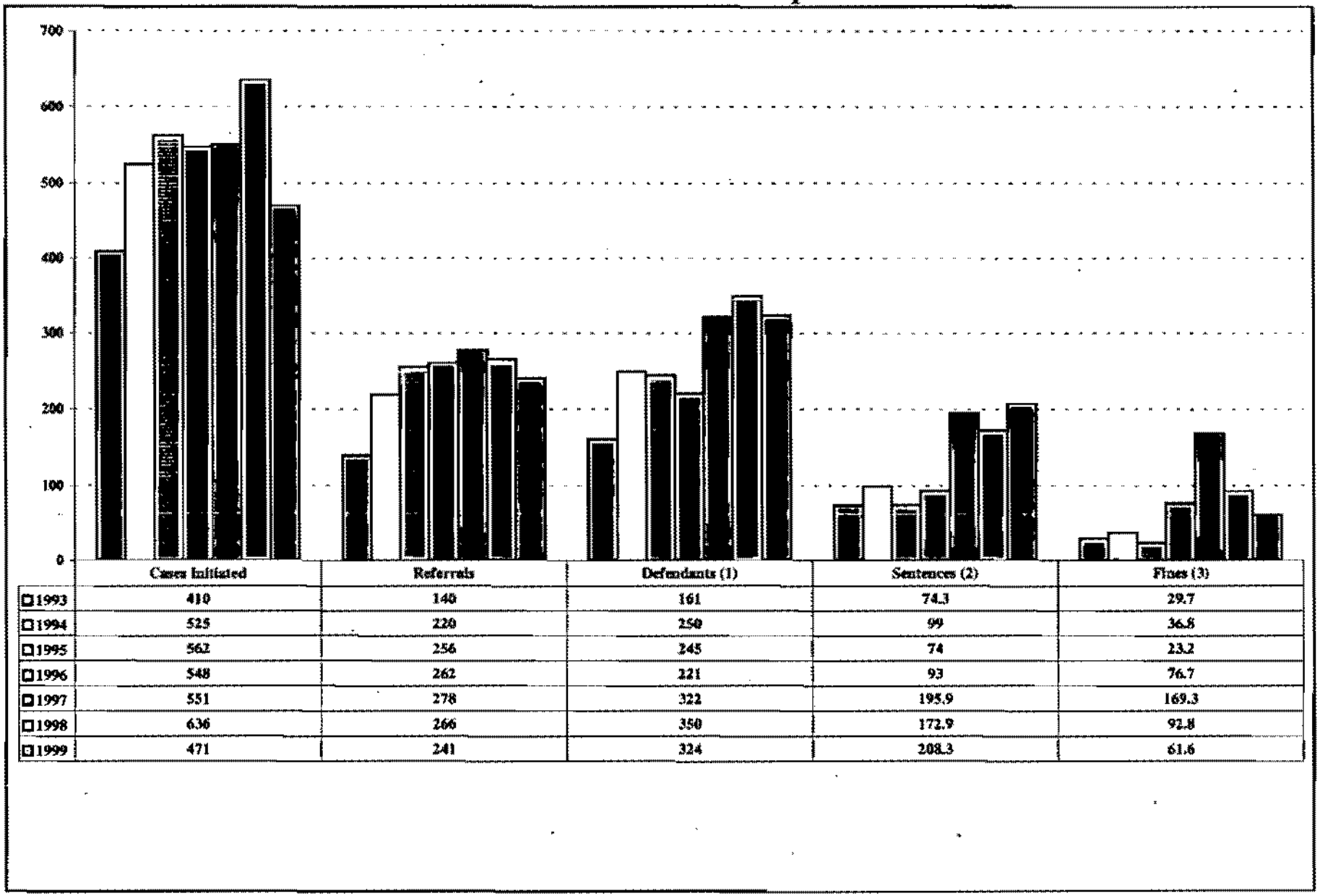
Highlights from the Past 5 Years



Office of Criminal Enforcement, Forensics and Training
Seven Year Statistical Comparison



	Cases Initiated	Referrals	Defendants (1)	Sentences (2)	Fines (3)
1993	410	140	161	74.3	29.7
1994	525	220	250	99	36.8
1995	562	256	245	74	23.2
1996	548	262	221	93	76.7
1997	551	278	322	195.9	169.3
1998	636	266	350	172.9	92.8
1999	471	241	324	208.3	61.6

(1)Defendants equal entities and individuals charged in the fiscal year
(2)Years of Incarceration
(3)Millions of Dollars

CSEE11/14/00

EPA Criminal Enforcement Statistics During the Clinton Administration

Cases initiated:

FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY2000
410	525	562	548	551	636	471	N/A

Referrals to the Department of Justice

FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY 2000
140	220	256	262	278	266	241	N/A

Number of defendants charged:

FY 93	FY 94	FY 95	FY96	FY97	FY98	FY 99	FY2000
161	250	245	221	322	350	322	N/A

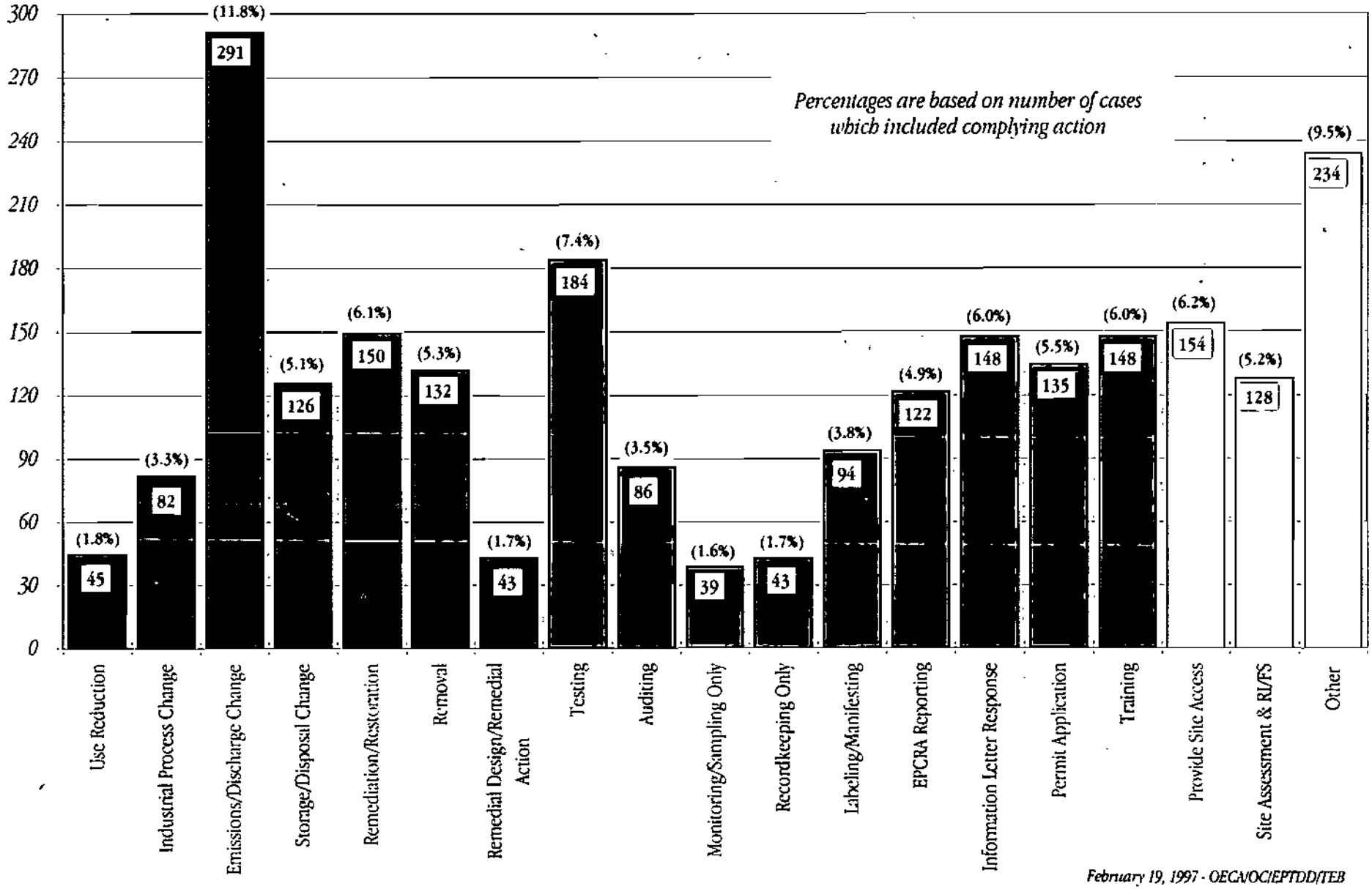
Criminal fines accessed:

FY 93:	FY94	FY95	FY96	FY97	FY98	FY99	FY 2000
$ 29.7 M	$36.8M	$23.2M	$76.7M	$169.3M	$92.8M	$61.6M	N/A

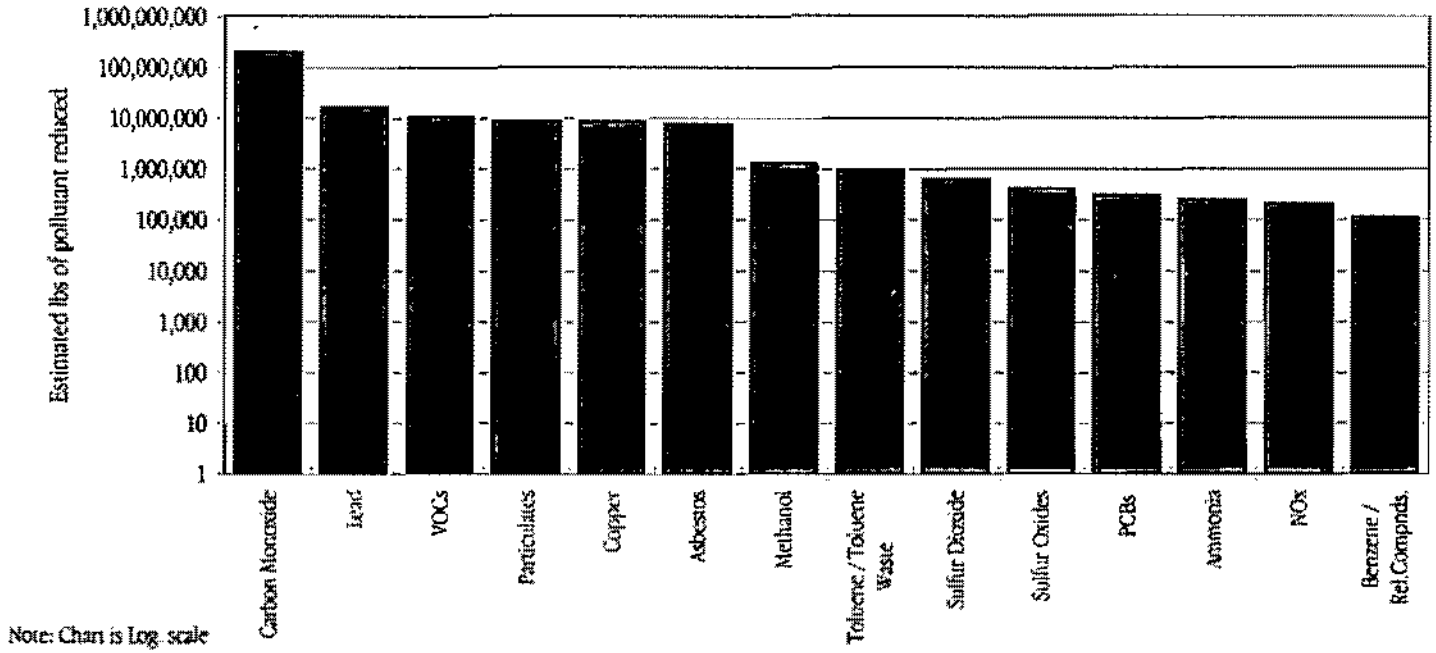
Total criminal sentences to defendants (in years):

FY93	FY94	FY95	FY96	FY97	FY98	FY 99	FY 2000
74.3	99	74	93	195.8	172.9	208	N/A

What Regulated Entities Had To Do To Comply With FY 1996 Concluded EPA Enforcement Actions



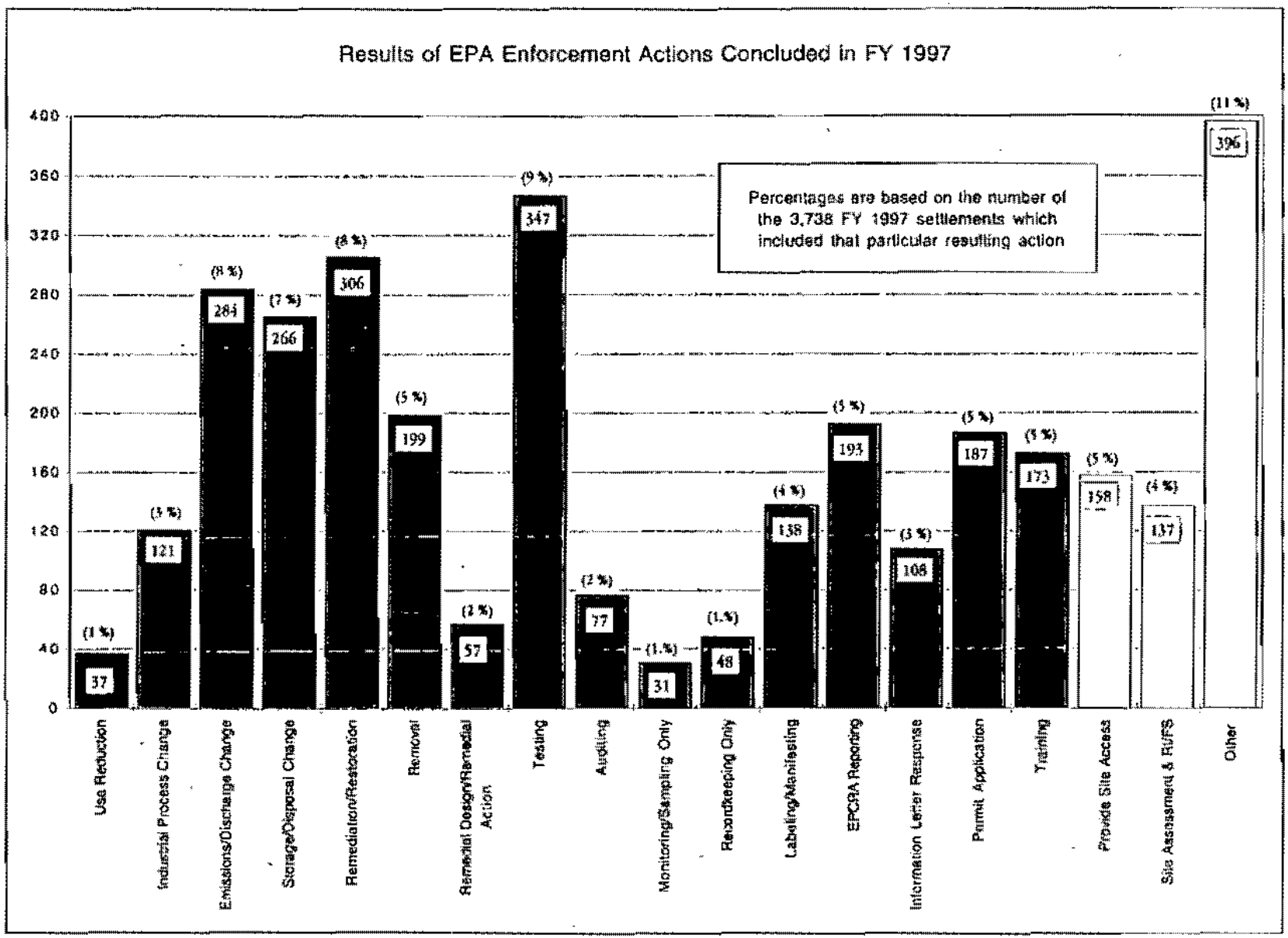
Significant Pollutant / Emission Reductions from FY 1996 EPA Enforcement Actions



Note: Chart is Log. scale

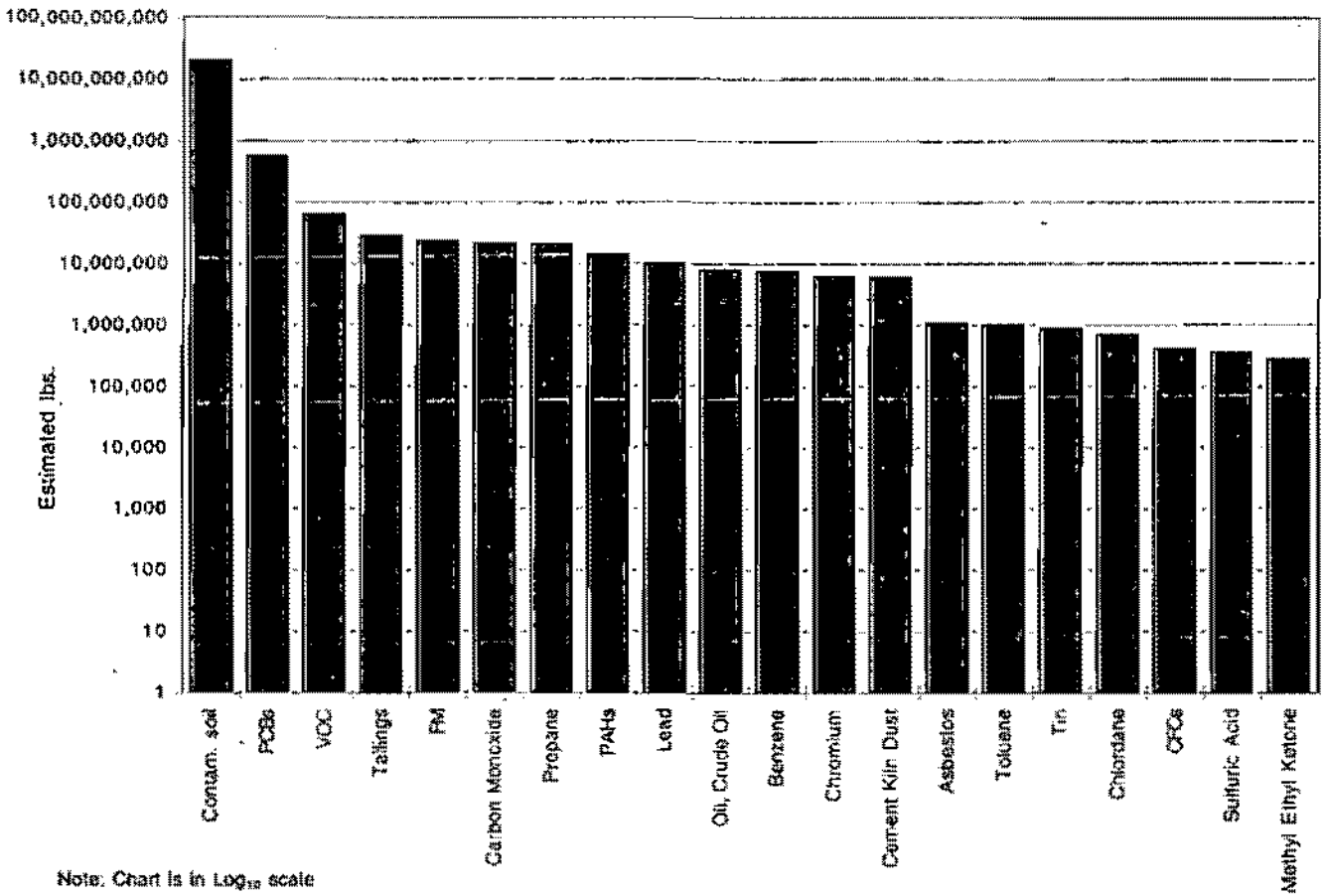
Pollutant	Lbs. Reduced
Carbon Monoxide	199,586,928
Lead	16,684,767
VOCs	10,560,777
Particulates	8,940,646
Copper	8,814,755
Asbestos	7,707,764
Methanol	1,319,342
Toluene / Toluene Waste	987,615
Sulfur Dioxide	632,667
Sulfur Oxides	436,368
PCBs	302,940
Ammonia	250,327
NOx	211,097
Benzene / Rel Compnds.	118,705

In FY 1996, EPA established a practice of developing data on the environmental impact of enforcement actions to better assess the value of our enforcement actions. Using this practice, we have been able to estimate the amount of pollution reduction / elimination to the environment for one -fourth of our FY 1996 enforcement cases. The chart above identifies fourteen of the pollutants for which substantial reductions are estimated. Given the deterrent value attached to our actions, the amount of pollution reductions likely to result from these actions is substantially greater.



Complying actions were reported for 3,024 of the 3,738 FY 1997 settlements. Multiple complying actions were reported for some settlements.

Twenty Pollutants with the Largest Reductions Reported for FY 1997



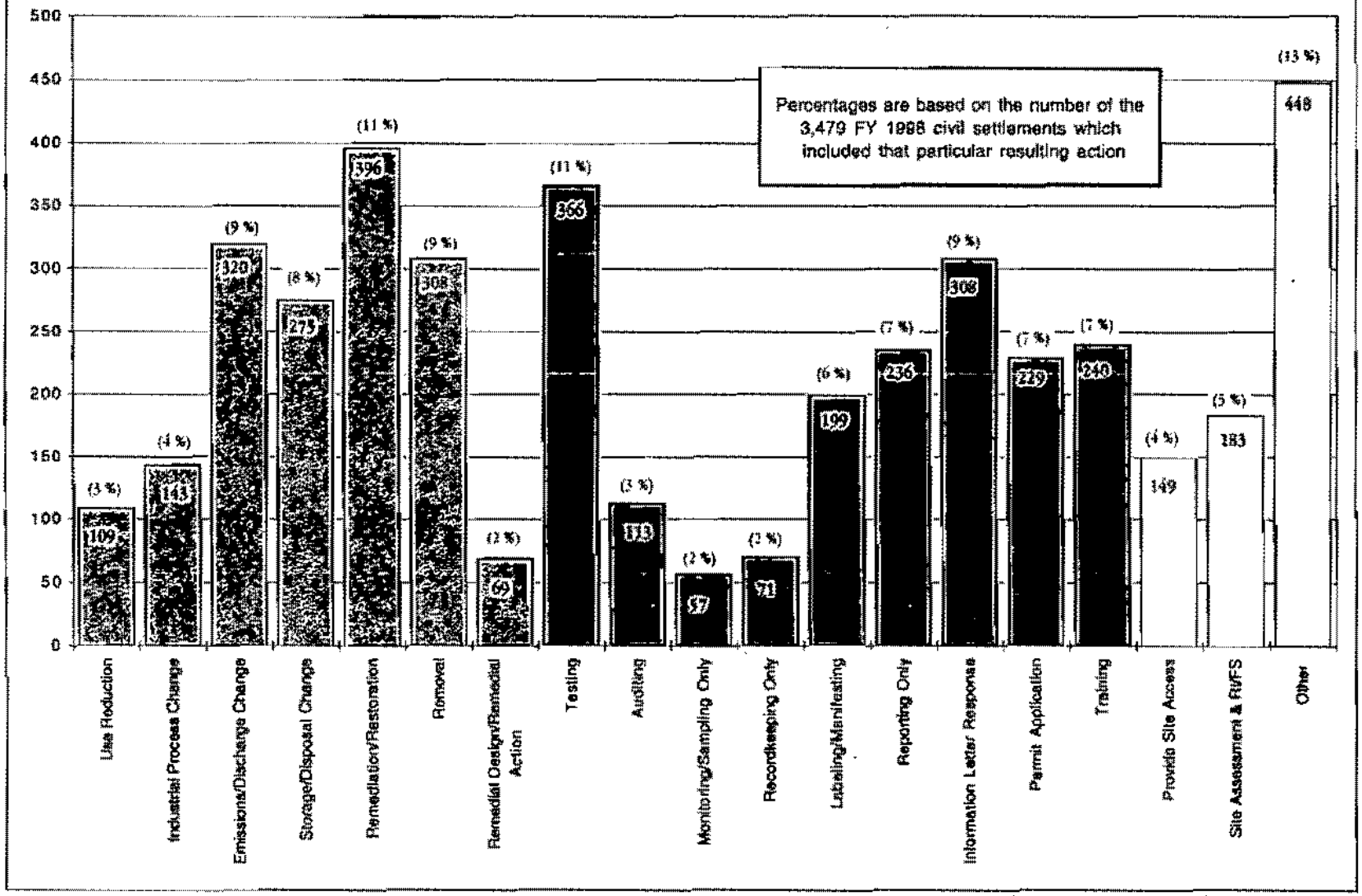
Note: Chart is in Log_{10} scale

Pollutants	Lbs. Reduced
Contam. soil	20,084,256,000
PCBs	576,585,299
VOC	62,561,690
Tailings	28,000,000
PM	24,455,376
Carbon Monoxide	21,502,000
Propane	20,014,000
PAHs	14,400,000
Lead	10,297,306
Oil, Crude Oil	7,879,256
Benzene	7,665,560
Chromium	6,329,007
Cement Kiln Dust	6,000,000
Asbestos	1,055,185
Toluene	997,581
Tin	899,640
Chlordane	700,833
CFCs	427,297
Sulfuric Acid	359,481
Methyl Ethyl Ketone	277,270

There were 3,738 civil and 127 criminal settlements/conclusions in FY 1997. In 1,085 of these cases (28%), at least one pollutant was listed as being reduced. Of the 1,085 cases which listed a pollutant, an estimate of the amount of pollutant reducted was reported for 411 cases (11% of FY 1997 settlements).

February 27, 1998 - OECA/OC/EPTD

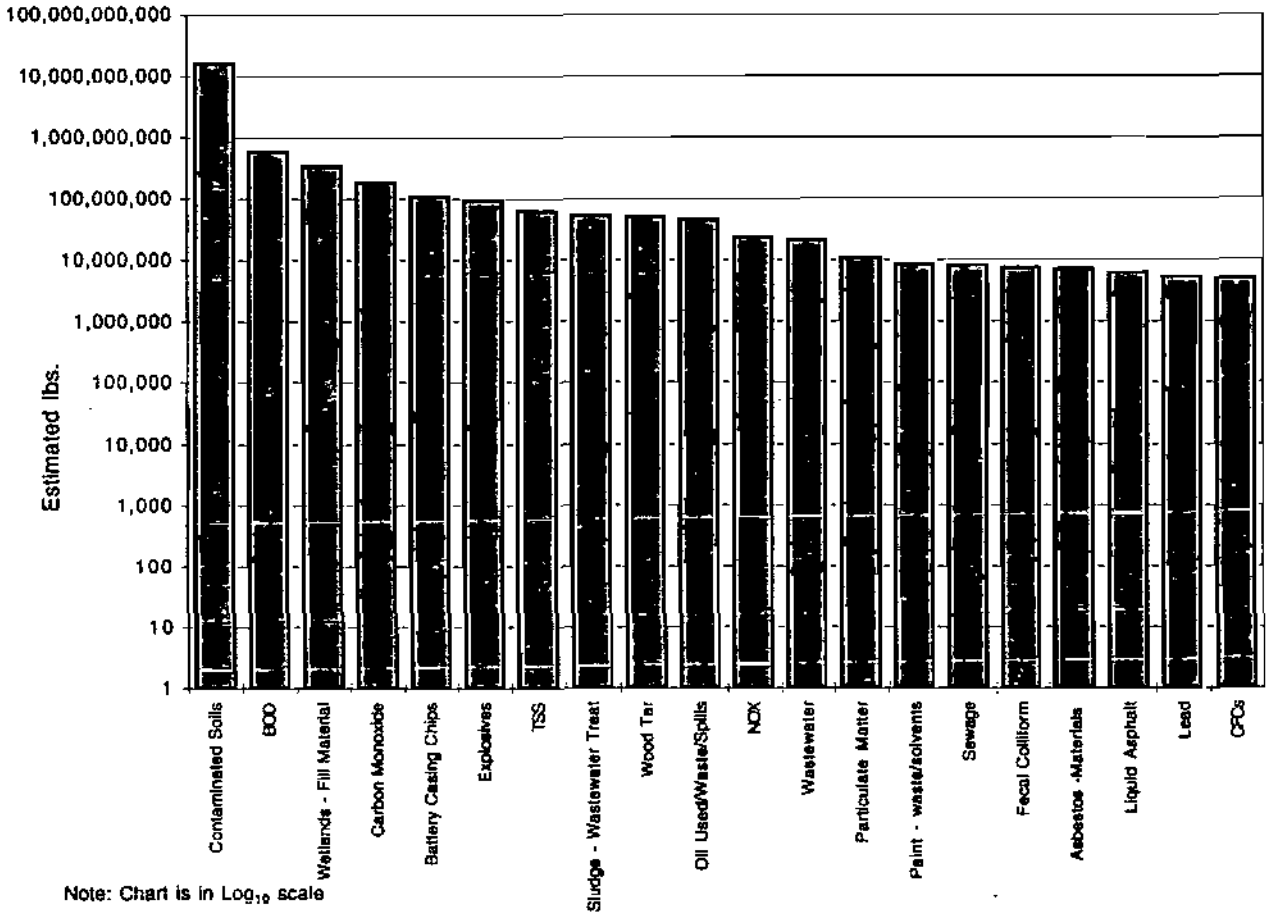
Results of EPA Civil Enforcement Actions Concluded in FY 1998



Complying actions were reported for 3,103 of the 3,479 FY 1998 settlements. Multiple complying actions were reported for some settlements.

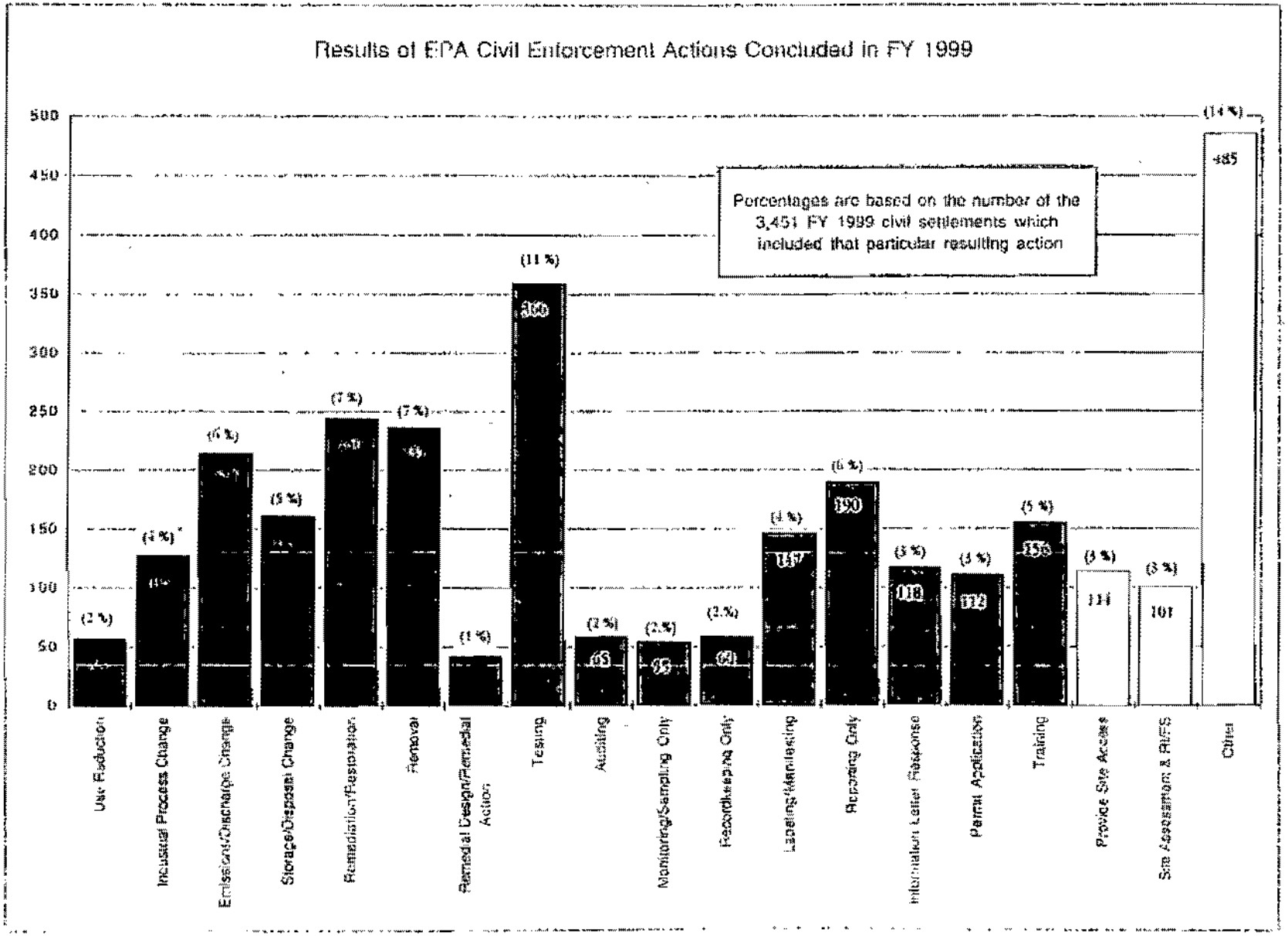
December 16, 1998 - OECA/OC/EPTDD/TEB

Twenty Pollutants with the Largest Reductions Reported for FY 1998



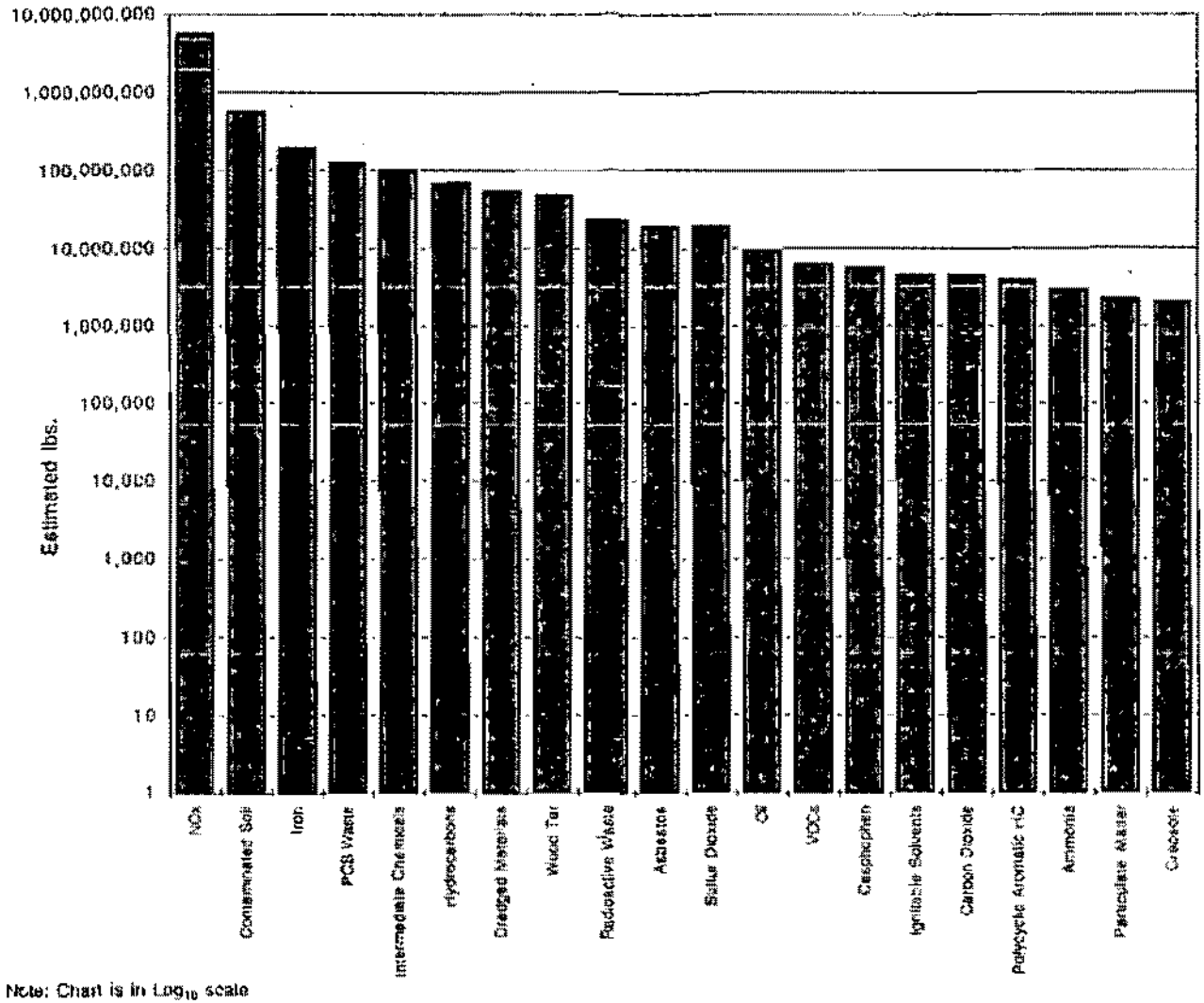
Note: Chart is in Log_{10} scale

Pollutants	Lbs. Reduced
Contaminated Soils	16,340,993,624
BOD	610,832,822
Wetlands Fill Material	344,216,000
Carbon Monoxide	188,434,000
Battery Casing Chips	112,000,167
Explosives	96,000,000
TSS	63,547,926
Sludge	53,400,000
Wood Tar	50,000,000
Oil Used/Waste/Spills	46,129,576
NOx	23,656,162
Wastewater	21,473,824
Particulate Matter	10,946,000
Paint - waste/solvents	8,662,038
Sewage	8,413,300
Fecal Colliform	7,364,280
Asbestos -Materials	7,139,733
Liquid Asphalt	6,300,000
Lead	5,415,642
CFCs	5,039,470



Complying actions were reported for 3,043 of the 3,451 FY 1999 settlements. Multiple complying actions were reported for some settlements.

Twenty Pollutants with the Largest Reductions Reported for FY 1999 EPA Enforcement Settlements



Note: Chart is in Log_{10} scale

Pollutants	Lbs. Reduced
NOx	5,871,892,581
Contaminated Soil (lead/arsenic/dioxin)	573,772,000
Iron	200,000,000
PCB Waste	129,330,062
Intermediate Chemicals	100,000,000
Hydrocarbons	70,000,000
Dredged Materials	55,650,519
Wood Tar	50,000,000
Radioactive Waste	24,000,000
Asbestos	19,485,407
Sulfur Dioxide	19,424,500
Oil	9,603,710
VOCs	6,459,424
Casphophen	5,627,500
Ignitable Solvents	4,644,741
Carbon Dioxide	4,400,000
Polycyclic Aromatic HC	4,000,000
Ammonia	3,041,241
Particulate Matter	2,310,000
Creosote	2,082,500

Chart does not include over 9 billion pounds in water pollution (thermal, TSS, BOD and toxic materials).

January 6, 2000 - OECA/OCE/EPTDD

EPA Civil Enforcement Statistics During the Clinton Administration

Judicial referrals to DOJ:

FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY2000
338	430	214	295	426	411	403	N/A

Administrative actions (includes administrative compliance orders issued, administrative penalty order complaints, field citations and CAA mobile source NOVs with penalties):

FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY2000
3,808	3,544	2,969	2,171	3,427	3,381	3,532	N/A

Civil penalties (judicial and administrative total, in Millions of Dollars):

FY93:	FY94	FY95	FY96	FY97	FY98	FY99	FY2000
$115.1	$113.6	$70	$96.2	$95	$91.8	$167	N/A

Monetary value of environmental cleanup, pollution control equipment and improved monitoring secured through enforcement settlements (systematic counting available beginning in FY 95, in Billions of Dollars):

FY95	FY96	FY97	FY98	FY99	FY2000
$1.86	$1.49	$1.98	$2.01	$3.6	N/A

Judicial Penalties

		Docket. #	Case Name	Settlement Date	Penalty Amount	State	
CAA							
	1.	HQ-1998-0306	Cummings Engine Co. Inc.	7/1/99	$25,000,000	DC	
	2.	HQ-1998-0303	Caterpillar, Inc. .	7/1/99	$25,000,000	DC	
	3.	HQ-1998-0302	Mack Trucks, Inc.	7/1/99	$13,000,000	DC	
	4.	HQ-1998-0305	Detroit Diesel, Inc.	7/1/99	$12,500,000	DC	
	5.	Multiple	Louisiana Pacific	9/30/93	$11,100,000	many	
	6.	HQ-1996-0001	General Motors Corp	11/30/95	$11,000,000	MI	
	7.	HQ-1998-0104	American Honda Motor Co.	9/22/98	$10,100,000	CA	
	8.	05-1978-0058	Youngstown Sheet and Tube	2/19/81	$10,000,000	IN	
CWA							
	1.	06-1995-0015	Koch Industries	3/7/00	$15,000,000	OK	
	2.	01-1990-0045	Dexter Corp 2	11/13/92	$13,000,000	CT	
	3.	03-1996-0278	Smithfields Food, Inc.	8/8/97	$12,600,000	VA	
	4.	03-1986-0417	City of Philadelphia	4/13/89	$6,300,000	PA	
	5.	05-1987-0408	Wheeling Pittsburg Steel	7/16/91	$6,184,220	OH	
	6.	01-1991-0018	United Technologies	10/19/93	$4,251,810	CT	
	7.	03-1993-0491	Union Township, Municipality	8/14/96	$4,031,000	PA	
EPCRA							
MM -	1.	05-1995-0538	USX-Gary	8/6/98	$2,900,000	IN	
MM -	2.	07-1997-0178	Terra International, Inc	9/29/98	$500,000	IA	
	3.	05-1995-0179	Marathon Oil Co.	4/2/98	$75,000	IL	
	4.	02-1993-0101	Thermal Reduction Company	9/20/95	$39,977	NJ	
	5.	02-1993-0101	Thermal Reduction Company	4/28/97	$34,000	NJ	
	6.	10-1999-0107	T.R.A. Industries, Inc.	2/9/00	$19,797	WA	
FIFRA							
	1.	08-1995-0120	Levine, Mibar and Michael	12/20/88	$60,000	CO	
	2.	05-1985-0016	Panasony Electronics Corp	11/13/85	$45,000	IL	
	3.	05-1992-0256	Mole-Med	6/30/95	$39,300	IN	
	4.	10-1992-0298	Nar Enterprises, Inc.	3/30/93	$25,000	WA	
	5.	10-1995-0120	Accuventure Inc.	7/15/98	$20,000	OR	
RCRA							
	1.	10-1996-0069	FMC Corporation	7/13/99	$11,864,800	ID	
MM -	2.	06-1998-0008	Marine Shale Processors	2/20/98	$8,000,000	LA	
MM -	3.	10-1998-0150	British Petroleum Exploration	9/23/99	$6,500,000	AK	
	4.	05-1985-0474	Buckeye Products Corp	9/15/93	$5,414,871	MI	
	5.	02-1991-0208	Eastman Kodak Co.	3/10/95	$5,000,000	NY	
	6.	01-1989-0017	United Technologies Corp	8/23/93	$4,251,910	CT	
	7.	02-1995-0240	Sugar Corp.	4/2/97	$3,736,000	PR	
MM -	8.	06-1993-0008	Borden Chemicals and Plastics	8/11/98	$3,600,000	LA	
	9.	06-1997-0338	Encycle/Texas Inc.	10/7/99	$3,500,000	TX	
MM -	10.	04-1995-0439	Zeneca, Inc.	10/14/98	$3,500,000	TN	
SDWA							
	1.	05-1990-0104	Inland Steel Co.	6/18/93	$3,500,000	IN	
	2.	08-1993-0138	Anco Operating Company	7/10/96	$2,500,000	MT	
	3.	05-1990-0272	Bethlehem Steel	8/31/93	$2,100,000	IN	
	4.	08-1990-0138	City Oil Corporation	6/30/94	$1,800,000	MT	
	5.	02-1997-0138	New York City (Croton)	11/27/98	$1,000,000	NY	
TSCA							
MM -	1.	HQ-1988-0041	Texas Eastern Transmission	10/7/89	$15,000,000	TX	
	2.	06-1988-0117	Transwestern Pipeline Company	7/13/90	$375,000	NM	
MM -	3.	03-1991-0226	Cressona Aluminum Co. Inc.	7/23/93	$200,000	PA	
	4.	05-1987-0521	Newman, Patrick Joseph	7/9/93	$142,000	OH	
	5.	10-1987-0078	PCB Inc. of Missoun	7/19/91	$128,333	OR	
MMedia							PLAW
	1.	HQ-1988-0041	Texas Eastern Transmission	10/7/89	$15,000,000	TX	TSCA
	2.	06-1998-0009	Marine Shale Processors	2/20/98	$8,000,000	LA	RCRA
	3.	10-1998-0150	British Petroleum Exploreaon	9/23/99	$6,500,000	AK	RCRA
	4.	Whole case	Ashland Petroleum Co.	1/22/99	$5,980,475	KY,OH,MN	CAA
		(04-1997-0318	*Ashland Inc.*	*1/22/99*	*$3,097,512*	*KY*	*CAA*
		(05-1997-0237	*Ashland Petroleum Co.*	*1/22/99*	*$2,882,963*	*OH/MN*	*CAA*
	5.	05-1992-0165	Sherwin-Williams Company	12/1/97	$4,700,000	IL	CAA
	6.	06-1993-0008	Borden Chemicals and Plastics	8/11/98	$3,600,000	LA	RCRA
	7.	04-1995-0439	Zeneca, Inc.	10/14/98	$3,500,000	LA	RCRA
	8.	05-1988-0309	Inland Steel	6/10/96	$3,500,000	IN	CAA
	9.	10-1990-0150	Ketchikan Pulp Corp.	9/19/95	$3,111,000	AK	CAA

Administrative Penalties

		Docket #	Case Name	Settlement Date	Penalty Amount	State	
CAA							
MM -	1.	10-1997-0156	MAPCO Alaskan Petroleum	6/2/99	$350,000	AK	
	2.	HQ-1997-0358	Santa Fe Pacific Pipeline	9/25/96	$300,000	CA	
MM -	3.	06-1997-0700	The Dow Chemical Co.	1/12/98	$288,100	TX	
	4.	05-1998-0575	Austeel Lemont Co.	9/29/98	$225,000	IL	
	5.	HQ-1998-0033	Hyundai Motors America	3/25/98	$185,000	CA	
CWA							
	1.	05-1998-0097	J & L Specialty Steel, Inc.	4/30/98	$573,000	OH	
	2.	04-1990-0004	City of Fort Myers (Central)	9/25/90	$140,000	FL	
	3.	04-1990-0005	City of Fort Myers (South)	9/26/90	$140,000	FL	
	4.	06-1998-0779	Shell Offshore Oil	11/10/98	$137,500	OM	
	5.	06-1998-0219	CNG Producing Co.	3/31/98	$137,500	LA	
	6.	06-1997-0549	Crown Central Petroleum	12/27/97	$137,500	TX	
	7.	04-1999-0013	Georgia DOT	2/24/99	$137,500	GA	
EPCRA							
	1.	05-1993-0889	Shell Oil Company	9/20/94	$431,312	IL	
	2.	07-1992-0370	Knapheide Manufacturing	3/3/93	$426,533	MO	
	3.	10-1997-0107	Weyerhauser	3/16/98	$400,000	WA	
	4.	07-1998-0057	River Cement Company	12/21/98	$325,000	MO	
	5.	10-1998-0057	FMC Corporation	11/25/97	$209,800	ID	
FIFRA							
	1.	HQ-1995-0019	E.I. Dupont De Nemours	4/30/98	$1,895,000	DE	
	2.	03-1990-0492	E.I. Dupont De Nemours	9/29/94	$1,000,000	DE	
	3.	HQ-1995-0014	Dowelanco	8/21/95	$875,000	IN	
	4.	05-1987-0054	Stuart, D.A. Oil Co.	5/8/87	$460,800	IL	
	5.	HQ-1995-0025	IAAL Corp	4/23/95	$450,000	AZ	
RCRA							
	1.	06-1995-0369	Formosa Plastics Corp.	2/27/91	$3,375,000	TX	
	2.	02-1992-0169	Gasteria Oil Corp.	4/28/94	$3,000,000	NY	
	3.	04-1999-0406	Tennessee Eastman Division	9/7/99	$2,750,000	TN	
	4.	05-1985-0553	Chemical Waste Management	4/5/85	$2,000,000	OH	
	5.	07-1992-0120	Knapheide Manufacturing	3/10/93	$1,486,216	IL	
SDWA							
	1.	08-1998-0122	Burlington Resources Oil	9/28/98	$125,000	MT	
	2.	04-1998-0395	Jimmy Relford DBA	11/22/96	$125,000	KY	
	3.	04-1988-0089	AMOCO Production Co.	10/27/88	$125,000	MS	
	4.	04-1988-0082	Ashland	10/23/87	$125,000	KY	
	5.						
TSCA							
	1.	03-1994-0135	Columbia Gas Transmission	9/22/94	$4,916,472	WV	
	2.	HQ-1989-0003	Schnee- Morehead Inc.	1/26/89	$4,693,000	CA	
	3.	05-1991-0092	PSI/Hall Kinbrell Div.	9/1/92	$4,200,000	IL	
	4.	03-1991-0337	Bayer F/K/A Mobay Corp.	9/30/98	$4,000,000	PA	
	5.	05-1985-0168	Chemical Waste	2/9/85	$2,500,000	IL	
MMedia							
	1.	06-1994-0163	Koch Refining Co.	2/16/96	$575,000	TX	RCRA
	2.	HQ-1986-0001	E.I. Dupont De Nemours	10/24/88	$475,000	NJ	TSCA
	3.	01-1997-0221	Connecticut DOT	6/15/98	$380,573	CT	RCRA
	4.	08-1992-0170	Kennecott Utah Copper Corp	11/3/92	$365,715	UT	TSCA
	5.	10-1997-0156	MAPCO Alaskan Petroleum	6/2/99	$350,000	AK	CAA

SEPs Judicial

	Docket Number	Case Name	Settlement	SEP Amount	State
CAA					
1.	HQ-1998-0306	Cummings Engine Co. Inc.	7/1/99	$35,000,000	DC
2.	HQ-1998-0303	Caterpillar, Inc.	7/1/99	$35,000,000	DC
3.	HQ-1998-0302	Mack Trucks, Inc.	7/1/99	$16,000,000	DC
4.	05-1996-0258	Shell Oil (Wood River)	11/20/98	$13,000,000	IL
5.	HQ-1998-0305	Detroit Diesel, Inc.	7/1/99	$12,000,000	DC
MM - 6.	05-1997-0237	Ashland Petroleum Company	1/22/99	$10,535,742	OH
CWA					
1.	09-1991-0033	Honolulu, City and County	5/15/95	$42,000,000	HI
2.	04-1995-0112	Jefferson County/Cahaba River	12/9/96	$30,000,000	AL
3.	04-1997-0531	Atlanta, City of	9/24/98	$25,000,000	GA
4.	03-1993-0501	Erie, City of	10/1/97	$6,000,000	PA
5.	10-1993-0310	Cominco Alaska Inc.	11/25/97	$3,086,587	AK
EPCRA					
MM - 1.	05-1995-0538	USX-Gary	8/6/98	$70,000,000	IN
2.	07-1997-0178	Terra International, Inc	9/29/98	$100,000	IA
	(No other EPCRA judicial SEPs)				
FIFRA					
	(There have been no FIFRA judicial SEPs)				
RCRA					
1.	10-1996-0069	FMC Corporation	7/13/99	$65,000,000	ID
2.	02-1991-0208	Eastman Kodak Co.	3/10/95	$12,069,000	NY
3.	06-1997-0338	Encycle/Texas Inc.	10/7/99	$6,700,000	TX
MM - 4.	06-1991-0079	Mobil Chemical Company	11/22/95	$3,500,000	TX
5.	04-1994-0473	USX Corporation	2/13/98	$1,750,000	AL
SDWA					
1.	02-1997-0043	New York City (Croton)	1/27/98	$5,000,000	NY
2.	09-1990-0019	Witco Corp	6/7/95	$2,250,000	CA
	(No other SDWA judicial SEPs)				
TSCA					
	(There have been no TSCA judicial SEPs)				

MMedia						P Law
1.	05-1995-0538	USX-Gary	8/6/98	$70,000,000	IN	EPCRA
2.	05-1997-0237	Ashland Petroleum Company	1/22/99	$10,535,742	OH	CAA
3.	03-1996-0045	Weirton Steel Corporation	12/24/96	$6,400,000	WV	CAA
4.	06-1991-0011	Shell-Norco	3/27/96	$4,000,000	LA	CAA
5.	02-1992-0191	Puerto Rico Electric Power	3/19/99	$3,500,000	PR	CAA
6.	04-1995-0439	Zeneca, Inc.	10/14/98	$1,396,971	TN	RCRA

Administrative SEPs

		Docket Number	Case Name	Settlement	SEP Amount	State
CAA						
	1.	01-1995-0050	Goodyear Tire and Rubber	9/23/96	$504,000	MA
	2.	05-1998-0026	Lincoln Electric	9/30/98	$406,400	OH
	3.	05-1993-0723	Countrymark Cooperative, Inc.	5/24/96	$376,380	IL
	4.	05-1998-0021	Diamond Chrome Plating, Inc.	9/30/98	$366,268	MI
	5.	05-1998-0150	Cleveland Laminating	7/2/98	$340,000	OH
CWA						
	1.	01-1999-0075	Manchester STP	3/8/99	$5,600,000	NH
	2.	04-1995-0148	Clay County, Florida	6/20/95	$2,149,000	FL
	3.	02-1994-0284	Virgin Islands, Dept. of Public Works	7/11/97	$1,700,000	VI
	4.	10-1996-0042	Hecla Mining Company	1/6/97	$1,500,000	ID
	5.	05-1994-0248	Consumers Poer Comp.	11/27/96	$851,710	MI
EPCRA						
	1.	06-1995-0032	Formosa Plastics Corp.	5/31/95	$1,728,280	TX
	2.	04-1995-0144	Woodgrain Millwork	4/4/96	$1,401,000	GA
	3.	07-1997-0138	Royal Oak Enterprises	9/30/97	$1,295,000	MO
MM -	4.	07-1997-0132	Vermeer Manufacturing	11/6/96	$1,277,459	IA
MM -	5.	08-1997-0030	Platte Chemical Co., Inc.	5/7/98	$1,260,267	CO
FIFRA						
	1.	07-1994-0490	Brown's Agri Service and Monanto	8/21/95	$451,000	MO
	2.	05-1994-0301	Dryden Oil Co of New England	9/27/95	$314,700	MI
	3.	07-1995-0119	MFA Inc. DBA MFA Agricultural S	1/22/96	$285,670	MO
	4.	07-1995-0492	MFA and American Cyanamid	1/22/96	$285,670	MO
	5.	07-1995-0491	MFA and Ciba-Geigy	1/22/96	$285,670	MO
RCRA						
	1.	07-1996-0281	University of Missouri	2/25/99	$3,000,000	MO
	2.	04-1995-0486	Worsley Companies, Inc.	8/15/96	$2,539,133	NC
	3.	09-1994-0012	US Army - Schofield Barracks	9/26/95	$2,090,000	HI
	4.	03-1998-0367	US Department of Army	8/18/99	$1,600,000	DC
	5.	10-1993-0289	Fort Wainwright	11/22/96	$1,524,821	AK
SDWA						
	1.	04-1998-0346	Redstone Arsenal Water System	12/10/98	$807,000	AL
	2.	09-1996-0077	Tehachapi-Cummings Water District	10/21/96	$114,500	CA
	3.	05-1996-0503	Toteff, Evans, Dart & Beckman	2/15/96	$52,000	MI
	4.	05-1993-1397	Summit Petroleum Corporation	5/26/94	$44,000	MI
	5.	05-1996-0606	Standards Products Company	8/12/97	$35,000	MI
TSCA						
	1.	05-1995-0132	Amoco Corp.	6/6/96	$13,000,000	IL
	2.	03-1991-0337	Bayer F/K/A Mobay Corp.	9/30/96	$4,000,000	PA
	3.	05-1992-0336	Unichem Indopco	2/15/95	$2,965,000	IL
	4.	HQ-1995-0002	Great Lakes Chemical	3/21/95	$2,080,000	AR
	5.	05-1993-0516	Dexter Corporation	10/13/94	$1,500,000	IL
MMedia						P Law
	1.	07-1997-0132	Vermeer Manufacturing	11/6/96	$1,277,459	IA EPCRA
	2.	08-1997-0030	Platte Chemical Co., Inc.	5/7/98	$1,260,267	CO RCRA
	3.	06-1992-0091	Texaco Chemical Co.	6/30/97	$945,000	TX RCRA
	4.	01-1999-0165	United Technologies Group	11/19/99	$528,000	CT CWA
	5.	05-1995-0371	National Steel Corp	4/17/98	$416,037	MI EPCRA

Judicial Injunctive Relief

		Docket Number	Case Name	Settlement	Injunctive Value	State
CAA						
	1.	HQ-1998-0306	Cummings Engine Co. Inc.	7/1/99	$250,000,000	DC
	2.	HQ-1998-0305	Detroit Diesel, Inc.	7/1/99	$250,000,000	DC
	3.	HQ-1998-0303	Caterpillar, Inc.	7/1/99	$250,000,000	DC
	4.	HQ-1998-0104	American Honda Motor Co.	9/22/98	$250,000,000	CA
MM -	5.	05-1992-0258	Copper Range Company	4/5/95	$200,000,000	MI
MM -	6.	02-1992-0191	Puerto Rico Electric Power Authority	3/19/99	$200,000,000	PR
	7.	05-1984-0059	Navistar-1 (International Harvester)	1/26/95	$105,000,000	OH
CWA						
	1.	04-1995-0112	Jefferson County/Cahaba River	12/9/98	$586,000,000	AL
	2.	04-1997-0531	Atlanta, City of	9/24/98	$500,000,000	GA
	3.	01-1994-0002	New Bedford, City of	6/16/95	$180,000,000	MA
	4.	02-1995-0065	PRASA (Mayaguez WWTP)	6/4/98	$100,400,000	PR
	5.	01-1997-0356	Alexandria Sanitation Authority	12/23/98	$100,000,000	VA
EPCRA						
MM -	1.	05-1995-0538	USX-Gary	8/6/98	$72,900,000	IN
		(No other judicial EPCRA cases with injunctive relief values)				
FIFRA		(No judicial FIFRA cases with injunctive relief values)				
RCRA						
	1.	10-1998-0069	FMC Corporation	7/13/99	$93,000,000	ID
MM -	2.	03-1991-0352	Horsehead Industries	11/13/95	$35,000,000	PA
MM -	3.	04-1995-0439	Zeneca, Inc.	10/14/98	$23,285,000	TN
	4.	06-1997-0338	Encycle/Texas Inc.	10/7/99	$6,000,000	TX
	5.	07-1997-0165	American Microtrace, Inc	9/28/98	$5,000,000	NE
	6.	05-1986-0506	Indiana Steel and Wire	9/13/99	$5,000,000	IN
SDWA						
	1.	02-1997-0138	New York City (Croton)	11/27/98	$800,000,000	NY
	2.	06-1995-0201	Tenneco Oil Company	6/2/97	$3,500,000	OK
	3.	01-1996-0042	Cheshire, Town of	9/11/97	$1,300,000	MA
	4.	01-1996-0047	Andover Water District	3/17/98	$896,000	ME
	5.	09-1990-0019	Witco Corp	6/7/95	$626,027	CA
TSCA						
	1.	03-1998-0381	School District of Philadelphia	9/12/97	$2,000,000	PA
	2.	06-1995-0301	USS Cabot/Dedalo Museum	3/30/95	$750,000	LA
	3.	06-1997-0727	McKinney Smelting, Inc.	9/16/98	$7,000	TX
		(No other judicial TSCA case with injunctive relief value)				

MM							P LAW
	1.	05-1992-0258	Copper Range Company	4/5/95	$200,000,000	MI	CAA
	2.	02-1992-0191	Puerto Rico Electric Power Authority	3/19/99	$200,000,000	PR	CAA
	3.	05-1995-0538	USX-Gary	8/6/98	$72,900,000	IN	EPCRA
	4.	03-1991-0352	Horsehead Industries	11/13/95	$35,000,000	PA	RCRA
	5.	04-1995-0439	Zeneca, Inc.	10/14/98	$23,285,000	TN	RCRA

Administrative Injunctive Relief

		Docket Number	Case Name	Settlement	Injunctive Value	State
CAA						
	1.	05-1998-0743	Austeel Lemont Company	9/29/98	$4,656,500	IL
	2.	05-1998-0575	Austeel Lemont Co., Inc.	9/29/98	$4,656,500	IL
	3.	03-1997-0172	Harrisburg Steam Generating	?	$3,900,000	PA
	4.	10-2000-0035	Cominco Alaska, Inc., Red Dog	2/8/00	$2,900,000	AK
	5.	02-1995-0378	United States Can Company	8/5/96	$2,000,000	NJ
	6.	05-1997-0128	Uno-Ven Co.	3/27/97	$1,900,000	IL
	7.	06-1998-0550	White-Rodgers Division, Emerson	5/14/98	$1,500,000	AR
	8.	05-1997-0771	General Motors Corporation	10/21/97	$1,300,000	MI
CWA						
	1.	06-1996-0274	Fort Worth, City of	4/9/96	$300,000,000	TX
	2.	06-1999-0206	Fort Smith, Arkansas, the City- Ark Muni	1/21/99	$78,000,000	AR
	3.	06-1999-0209	Fort Smith, Arkansas, the City - Massard WWTP	1/21/99	$78,000,000	AR
	4.	06-1997-0400	Fort Smith, Arkansas, the City	5/20/97	$75,000,000	AR
	5.	06-1997-0401	Fort Smith, Arkansas, the City	5/20/97	$75,000,000	AR
	6.	01-1999-0067	SD Warren Company (Westbrook)	3/30/99	$67,000,000	ME
	7.	01-1999-0080	Nashua STP	4/16/99	$60,000,000	NH
	8.	01-1999-0075	Manchester STP	3/8/99	$52,400,000	NH
	9.	02-1995-0373	PRASA - Water Treatment Plants	7/25/95	$42,422,000	PR
	10.	06-1999-0280	St. Charles Parrish, Louisiana	2/12/99	$41,000,000	LA
EPCRA						
	1.	10-1997-0107	Weyerhauser	3/16/98	$6,000,000	WA
	2.	02-1996-0049	Arma Textile Printers, Inc.	1/7/97	$936,530	NY
	3.	03-1995-0247	Wheeling-Pittsburg Steel Corp	2/5/97	$850,000	PA
	4.	07-1994-0333	Syntex Agri-Business, Inc.	2/7/95	$725,000	MO
	5.	05-1991-0196	XTEK, Inc.	6/24/94	$398,000	OH
FIFRA						
	1.	07-1997-0040	Zeneca Inc. formerly ICI America & Sure-Gro	1/17/97	$1,000,000	MO
	2.	07-1997-0038	Zeneca Inc. formerly ICI America & MFA Inc.	1/17/97	$1,000,000	MO
	3.	07-1997-0030	Ciba-Geigy Corp and Parallel	12/20/96	$1,000,000	KS
	4.	07-1997-0028	Ciba-Geigy Corp & Eric Hemisoth	12/20/96	$1,000,000	MO
	5.	07-1995-0129	Zeneca Inc. formerly ICI America & Agland Coop	1/17/97	$1,000,000	NE
MPRSA		09-1995-0054	Long Beach, Port of and Manson	10/10/96	$20,004,000	CA
RCRA						
	1.	05-1999-0118	USX Corporation	10/23/98	$32,000,000	IN
	2.	09-1999-0109	Shell Oil Company et al	9/22/99	$16,000,000	CA
	3.	06-1996-0548	Sparton Technology, Inc	2/10/98	$15,000,000	NM
	4.	03-1996-0056	American Clor Chemical Company	3/26/97	$13,000,000	PA
	5.	01-1999-0109	Aerovox	9/15/99	$8,300,000	MA
SDWA						
	1.	01-2000-0011	Massachusetts Military Reservation	1/7/00	$300,000,000	MA
	2.	03-1996-0030	District of Columbia Government	7/12/96	$104,000,000	DC
	3.	01-1998-0135	Egremont Water Department	9/28/98	$5,200,000	MA
	4.	04-1998-0087	Metropolitan Dade County, on behalf	12/26/97	$2,000,000	FL
	5.	01-1997-0061	Dixfield Water and Sewer	3/31/97	$1,675,000	ME
TSCA						
	1.	02-1995-0335	NYC Board of Education	9/25/96	$14,000,000	NY
	2.	04-1999-0542	Marion County School District	9/30/99	$2,384,814	MS
	3.	02-1996-0294	New Jersey State Dept. of Corrections	11/12/97	$2,316,960	NJ
	4.	07-1996-0184	Laclede Gas Company, St. Louis	4/11/97	$1,146,000	MO
	5.	02-1994-0250	Edgewater Associates	2/28/97	$1,000,000	NJ

Larger CAA Pollutant Reductions Reported

	Docket #	Case Number	State	Settlement	Pollutant	Amount Lbs.
Carbon Monoxide						
1.	05-1993-1018	Fountain Foundry Corporation	IN	6/16/98	CO	174,000,000
2.	10-1996-0097	UNOCAL Corporation	AK	5/8/98	CO	14,108,000
3.	10-1992-0226	Kalama Chemical, Inc	WA	3/31/97	CO	2,100,000
4.	0-1999-110	American Airlines	TX	9/29/99	CO	1,288,000
5.	05-1998-0154	Depere Foundry Inc.	WI	12/1/99	CO	994,000
6.	05-1998-0358	Pro-Tec Coating Company	OH	2/11/98	CO	200,000
7.	09-1999-0188	Nevada Ready Mix	NV	8/6/99	CO	78,000
8.	05-1999-0113	HPA Monon	IN	12/20/98	CO	76,000
9.	05-1994-0174	LTV Steel Company	IL	4/29/97	CO	22,000
Nitrogen Oxides						
1.	HQ-1998-0305	Detroit Diesel, Inc.	DC	7/1/99	NOx	2,472,000,000
2.	HQ-1998-0306	Cummings Engine Co. Inc.	DC	7/1/99	NOx	1,404,000,000
3.	HQ-1998-0303	Caterpillar, Inc.	DC	7/1/99	NOx	950,000,000
4.	HQ-1998-0307	Navistar International	DC	7/1/99	NOx	840,000,000
5.	HQ-1998-0302	Mack Trucks, Inc.	DC	7/1/99	NOx	153,600,000
6.	HQ-1998-0301	Volvo Truck Corporation	DC	7/1/99	NOx	38,000,000
7.	HQ-1998-0104	American Honda Motor Co.	CA	9/22/98	NOx	20,000,000
8.	03-1994-0237	Ohio Power Company	WV	5/20/96	NOx	4,000,000
9.	01-1998-0054	University of Rhode Island	RI	3/16/98	NOx	3,100,000
10.	05-1996-0258	Shell Oil Company (Wood Rive	IL	11/20/98	NOx	1,880,000
11.	09-1996-0048	Nevada Cogeneration	NV	6/30/99	NOx	1,240,000
12.	10-2000-0035	Cominco Alaska Inc.	AK	2/8/00	NOx	1,100,000
Particulates						
1.	05-1992-0258	Copper Range Company	MI	4/5/95	PM	4,800,000
2.	01-1998-0054	University of Rhode Island	RI	3/16/98	PM	3,100,000
3.	05-1994-0100	Chicago, City of	IL	6/30/99	PM	2,472,000
4.	05-1993-1018	Fountain Foundry Corporation	IN	6/16/98	PM	1,384,000
5.	05-1996-0258	Shell Oil Company (Wood Rive	IL	11/20/98	PM	520,000
6.	05-1996-0316	Cinergy Co.	OH	5/4/98	PM	500,000
7.	05-1998-0484	Cinergy Co.	OH	2/25/98	PM	500,000
8.	01-1995-0068	Block Island Power	RI	7/14/98	PM	490,000
9.	05-1996-0444	University of Notre Dame	IN	4/20/98	PM	394,000
10.	05-1997-0128	Uno-Ven Co.	IL	3/30/97	PM	254,000
Sulfur Dioxide/Oxides						
1.	05-1992-0258	Copper Range Company	MI	4/5/95	SO_2	59,400,000
2.	05-1996-0258	Shell Oil Company (Wood Rive	IL	11/20/98	SO_2	15,400,000
3.	10-1994-0135	Nu-West Industries	ID	8/28/95	SO_2	14,088,000
4.	01-1998-0054	University of Rhode Island	RI	3/16/98	SOx	3,100,000
5.	05-1999-0112	Indiana Michigan Power	IN	10/30/98	SO_2	2,000,000
6.	05-1994-0052	BP Oil Company	OH	5/28/99	SO_2	1,790,000
7.	04-1998-0005	Orlando Utilities Co.	FL	7/29/98	SO_2	822,000
8.	05-1995-0192	Riverside Paper Corp	WI	1/10/96	SO_2	594,000
9.	05-1996-0444	University of Notre Dame	IN	4/20/98	SO_2	420,000
10.	02-1994-0110	Chevron U.S.A. Inc.	NJ	2/26/96	SOx	400,000

Note: CAA cases represent the largest reductions in individual cases for specific emissions (reductions for large amounts of contaminated soil are not included)

	Docket #	Case Number	State	Settlement	Pollutant	Amount Lbs.
VOCs						
1.	05-1997-0237	Ashland Petroleum Co.	OH	1/22/99	VOCs	5,011,450
2.	10-1996-0097	UNOCAL Corporation	AK	6/8/98	VOCs	2,400,000
3.	06-1995-0072	Georgia Pacific Corp	AR	12/23/96	VOCs	1,666,000
4.	06-1995-0071	Georgia Pacific Corp	AR	12/23/96	VOCs	1,666,000
5.	09-1996-0047	Tomkins Industries	NV	9/14/99	VOCs	1,020,000
6.	09-1994-0023	Merck and Company	CA	11/6/96	VOCs	682,000
7.	09-1993-0001	Masonite Corporation	CA	4/24/96	VOCs	480,000
8.	09-1994-0018	Campbell Soup Company	CA	2/11/99	VOCs	214,000
9.	07-1994-0122	Farmland Industries	KS	10/10/96	VOCs	200,000
10.	05-1998-0345	General Motors Corporation	MI	4/17/98	VOCs	130,000
11.	05-1994-0381	World Color Press	IL	12/15/97	VOCs	126,000
12.	02-1993-0152	MTP Industries	NY	12/19/94	VOCs	100,000
Perchloroethylene						
1.	05-1998-0520	Getzen Company, Inc.	WI	12/2/98	Perchloroethylene	78,000
2.	03-1997-0328	Superior Dry Cleaners	PA	8/22/97	Perchloroethylene	30,000
3.	02-1995-0260	Jadine Cleaners	NY	1/6/95	Perchloroethylene	20,000
4.	02-1995-0254	Paragon Cleaners	NY	11/22/94	Perchloroethylene	20,000
5.	02-1995-0253	New Look Cleaners	NY	11/22/94	Perchloroethylene	20,000
6.	02-1995-0248	Fairview Cleaners	NY	11/22/94	Perchloroethylene	20,000
7.	02-1995-0247	Park Cleaners	NY	4/25/94	Perchloroethylene	20,000
Other Selected Large Reductions						
	10-1996-0097	UNOCAL Corporation	AK	6/8/98	Ammonia	2,400,000
	05-1992-0258	Copper Range Company	MI	4/5/95	Various Metals	630,000
	05-1999-0671	Wisconsin Dept. of	WI	9/29/99	Carbon Dioxide	560,000
	06-1998-0550	White-Rodgers Division	AR	5/14/98	Trichloroethylene	210,000
	05-1996-0100	Shell Oil Company	IL	9/25/97	Benzene	200,000
	02-1995-0289	Glenmore Plastics	NY	12/27/97	1,1,1 Trichloroethane	160,000
	02-1997-0135	Glenmore Plastics	NY	12/5/96	I, I, I Trichloroethane	160,000
	05-1997-0237	Ashland Petroleum Co.	OH	1/22/99	Ammonia	97,650
	04-1998-0059	Trinity American Corp.	NC	12/2/97	Methylene Chloride	80,000
	05-1998-0833	Allison Engine Company	IN	12/2/97	HAPs	80,000
	09-1997-0056	Universal Urethane	NV	9/9/97	HCFC-141B	60,000
	05-1993-1018	Fountain Foundry Corporation	IN	6/16/98	Lead	58,000
	10-1992-0226	Kalama Chemical, Inc	WA	3/31/97	Benzene	44,000
	05-1998-0108	Nylonge Corporation	OH	5/24/99	Carbon Disulfide	40,000
	05-1998-0353	Ford Electronics	IN	12/2/97	HAPs	40,000
	04-1997-0316	Ashland Inc.	KY	1/22/99	Ammonia	35,750
	02-1995-0250	Haagen-Dazs Company	NJ	11/28/94	CFCs	22,600
	10-1992-0226	Kalama Chemical, Inc	WA	3/31/97	Toluene	20,000
	05-1994-0174	LTV Steel Company	IL	4/27/97	Coke Oven Gas	20,000
	05-1998-0354	Cincinnati Milacron	OH	12/2/97	HAPs	20,000

November 2000

MAJOR ENFORCEMENT CASES: 1993 - 2000 (BY STATUTE)

Clean Air Act:

A. Clean Air Act

Diesel Engine Industry: On October 22, 1998, EPA and the Justice Department announced a settlement with seven heavy duty engine diesel manufacturers in what is the largest Clean Air Act enforcement action in history. The manufacturers were charged with violating the Clean Air Act by installing devices that defeat emission controls in an estimated 1.3 million engines. The "defeat devices" used in the affected engines are computer software programs that alter an engine's pollution control equipment under highway driving conditions. The settlement is expected to prevent 75 million tons of nitrogen oxide (NO_x) air pollution over the next 27 years; 75 million tons more than the total U.S. emissions for three years. In addition, the total NO_x emissions from diesel engines will be reduced by one-third as of the year 2003. If the companies' use of defeat devices had not been detected and eliminated, more than 20 million tons of excess NO_x would have been emitted by the year 2005.

Under the settlement, the manufacturers--Caterpillar Inc., Cummins Engine Company, Detroit Diesel Corporation, Mack Trucks, Inc., Navistar International Transportation Corporation, Renault Vehicules Industriels, s.a. and Volvo Truck Corporation, which comprise 95 percent of the U.S. heavy duty diesel engine market--will spend more than one billion dollars and will pay an $83.4 million civil penalty to settle charges that they illegally released millions of tons of pollution into the air.

General Motors: In 1996 in what was the first judicial automobile recall to curb damage to the environment, the federal government agreed to a $45 million Clean Air Act settlement with the General Motors Corporation to resolve charges that the company installed illegal devices to defeat pollution controls inside nearly 500,000 Cadillacs since 1991. The devices allegedly resulted in approximately 100,000 tons of excess carbon monoxide pollution, three times the legal limit. When the vehicle recall is completed, at least 120,000 fewer tons of carbon monoxide will be emitted into the air over the next five years.

Petroleum Refineries -- BP/Amoco and Koch Petroleum Group:
EPA entered agreements with four (4) companies involving 26 refineries in 12 states, representing over 25 percent of total U.S. refining capacity, and including such companies as BP/Amoco and Koch Petroleum Group. The agreements - models for other companies - will reduce emissions of NOx and SO2 by more than120,000 tons annually at a cost of over $1 billion, and civil penalties and SEPs valued at over $30 million. OECA is leading a multi-regional and multi-state initiative to address Clean Air Act violations at petroleum refineries. The main types of violations - "marquee issues"- include NSR/PSD, benzene waste NESHAP, valve/flange leak detection and repair (LDAR) and New Source Performance Standards (NSPS) requirements.

B. Prevention of Significant Deterioration/New Source Review (PSD/NSR)

Coal-fired Power Plants: Begun in 1997, this initiative addresses widespread noncompliance with the New Source Review provisions of the Clean Air Act. EPA has identified numerous instances in which major components of utility boilers have been replaced to regain lost capacity, increase existing capacity, or extend the life of the unit without getting the necessary preconstruction permit or putting on state of the art pollution controls. Each of these nonroutine replacements has been found to involve large one-time capital expenditures which allow the unit to increase emissions after the replacement. Between November 3, 1999, and June 30, 2000, EPA issued notices of violation to 47 facilities owned and/or operated by eleven utility companies. In addition, seven federal lawsuits and one administrative compliance order were issued.

The Tennessee Valley Authority challenged the Administrative Compliance Order in the 11th Circuit Federal Court of Appeals and before the Environmental Appeals Board, which ruled in favor of EPA on most key issues on September 15, 2000.

One of the lawsuits against the Tampa Electric Company ("TECO") was settled in early 2000. The TECO settlement involved obtaining BACT on all ten of TECO's coal-fired units at a cost estimated to be approximately $1 billion, along with additional injunctive relief of approximately $10 million and a civil penalty of $3.5 million.

Wood Products – Willamette Industries, Georgia-Pacific, and Louisiana-Pacific: On July 20, 2000, EPA settled with Willamette Industries covering 13 facilities in 4 states for Clean Air Act provisions designed to ensure that air quality does not deteriorate in areas that have previously been deemed to have clean air. The new pollution control equipment required by the settlement will prevent the release of approximately 27,000 tons of pollutants. Willamette constructed or modified 13 facilities in four states without obtaining proper Clean Air Act permits that would have required pollution controls, thus avoiding significant costs and accelerating the deterioration of air quality in those areas. The egregious violations result in the company paying the largest Clean Air Act civil penalty ever assessed for factory emissions of air pollution -- $11.2 million -- which will be shared with the 3 states joining EPA.

EPA reached similar settlements with Georgia-Pacific in 1996 and Louisiana-Pacific in 1993, under a nationwide initiative to ensure that the entire wood products industry complies with the Clean Air Act.

Campbell Soup: On October 29, 1998, EPA and the Justice Department announced that Campbell Soup Company agreed to pay a $1.2 million penalty to settle Clean Air Act violations at the firm's Sacramento, California can manufacturing facility, which was purchased by Silgan Can Company in June 1998. The penalty is the second largest ever obtained by U.S. EPA in California under the Clean Air Act. Campbell Soup was charged with modifying its three-piece can lines without obtaining the required permits, failing to install the required air pollution control equipment, and failing to provide offsets for its emissions increases at the facility. The failure to have the proper pollution controls resulted in excess emissions of smog-forming volatile organic compounds (VOCs) during the can manufacturing process in Sacramento County, which was

classified as a "severe" area for ground-level ozone or smog.

As part of the settlement, Silgan agreed to annual VOC emission limits for the three-piece can lines that are approximately one-third of the permitted levels, and to shut down its three-piece can lines by August 1, 2000. In addition, Campbell agreed to: (1) forfeit emission credits for the equipment at issue in EPA's enforcement action, which averaged between 40 and 75 tons per year of VOC emission; and (2) donate up to 32.7 tons of emissions credits, worth approximately $588,600, from the shut down can lines to Environmental Resources Trust Inc., which was established by the Environmental Defense Fund to hold air emissions credits for the benefit of the environment.

Pro-Tec: On February 11, 1999, Pro-Tec, a steel galvanizing facility jointly owned by Kobe Steel and USX Steel, requiring the company to install selective catalytic reduction (SCR) on production lines and pay a penalty of $1.05 million for violations of the Ohio State Implementation Plan and federal Prevention of Significant Deterioration (PSD) regulations. Pro-Tec failed to obtain a PSD permit to install prior to constructing major air contaminant sources and failed to employ appropriate air pollution control technology. Pro-Tec is a continuous hot-dip galvanizing facility involved with zinc coating of mill sheets. As part of the production, Pro-Tec performs various finishing activities including: tension leveling, splitting, trimming and/or shearing of galvanized product. The processing of the material produces emissions of Nitrogen Oxides and Carbon Monoxide. Installation of SCR should reduce Nitrogen Oxide emissions by approximately 400 tons per year.

Colorado Public Service: Under a 1997 settlement with the federal government, the State of Colorado and the Sierra Club, the Colorado Public Service Co. agreed to spend $140 million to resolve allegations that the company's Hayden power station violated Clean Air Act pollution limits, obscured visibility and increased acid levels in snow in the scenic Mt. Zirkel wilderness area. The government estimates future annual emissions from the facility will drop from 16,000 tons to 2,400 tons for SO_2 (85 percent) and 14,000 tons to 7,000 tons for NO_x. The settlement requires the company to install "state of the art" pollution controls to reduce Particulate Matter (PM), sulfur dioxide (SO_2) and nitrogen oxide (NO_x) emissions at its Hayden power plant facility in the Yampa Valley near Steamboat Springs. In addition, the company and two other utilities agreed to pay a $2 million civil penalty and contribute another $2.25 million for a Land Trust Fund that will be used to purchase additional land in the Yampa Valley, to prevent development in sensitive areas, and for other environmental projects.

Clean Water Act:

A. Combined Sewer Overflows/Sanitary Sewer Overflows

City of New Orleans: Under a 1998 settlement agreement, the City of New Orleans and the United States worth more than $200 million to address allegations that the City's sewage collection system spilled raw sewage into nearby waters as a result of the City's Sewerage and Water Board's failure to properly maintain its treatment and collection system in violation of the federal Clean Water Act. Under the settlement, the Sewerage and Water Board will renovate its antiquated sewage collection system to prevent future sewage discharges into the Mississippi

River and other nearby waters. It also will pay $1.5 million in civil penalties and spend $2 million improving water quality along Lincoln Beach, a park that was created to serve African-Americans who were barred by law in the 1960's from admission to the then white-only Pontchartrain Beach amusement park.

City of Atlanta: On September 24, 1998, the Northern District Court of Georgia entered a consent decree resolving combined sewer overflow (CSOs) related claims in a Clean Water Act suit originally filed as a citizen suit in 1995, which became a joint federal enforcement action in 1997. The consent decree addresses allegations that the City discharged untreated wastewater containing raw sewage and partially treated wastewater into the Chattahoochee and South Rivers and their tributaries. Under the consent decree, Atlanta must collect data, select remedial measures and retrofit or construct new facilities so that all CSOs will meet water quality standards by July 1, 2007. The City will pay a $2.5 million penalty, which is the largest one-time monetary penalty ever assessed against a municipality under the Clean Water Act. The decree also requires the City to spend $27.5 million on two supplemental environmental projects. Most of these funds ($25 million) will be spent to acquire greenway property along the Chattahoochee and South Rivers and their tributaries for the sole purpose of protecting water quality. The City will spend the remaining $2.5 million on cleaning up the Atlanta streams polluted by the CSO discharges.

Hammond, Indiana: On April 28, 1999, EPA, the Justice Department and the Indiana Department of Environmental Management announced a $36 million settlement with the Hammond Sanitary District that will help clean up the heavily polluted west branch of the Grand Calumet River. The Hammond Sanitary District has agreed to pay $225,000 in penalties, split equally between the U.S. and the State, contribute $2.1 million to the Grand Calumet River Restoration Fund, and spend $34 million on environmental improvements to its system. The Hammond Sanitary District agreed to spend $22 million on construction projects to eliminate illegal discharges and more than $12 million on sludge lagoon closure. The case involves discharges of untreated and improperly treated sewage into the west branch of the Grand Calumet River over the past decade.

B. NPDES Permits

Hudson Foods: On May 8, 1998, Hudson Foods, a subsidiary of the Arkansas-based food processing company Tyson Foods Inc., agreed to a $6 million settlement to resolve allegations it polluted Maryland waters that flow into the Chincoteague Bay.

Under the settlement, the company paid a $4 million civil penalty and is spending $2 million to stem the flow of water-polluting industrial and agricultural discharges from Hudson's and Tyson's processing plants and farms in Maryland, Virginia, Delaware and Pennsylvania. The $2 million spent on environmental projects will reduce nitrate discharges from Tyson and Hudson Food facilities and reduce phosphorous runoff into local waterways. The settlement also requires the food processing companies to assist its poultry growers across the Delmarva Peninsula to develop and implement site-specific nutrient management plans that will help prevent pollution and protect the environmental health of waterbodies throughout the region.

Smithfield Foods, Inc., Smithfield Packing and Gwaltney of Smithfield Ltd: On May 30, 1997, the District Court for the Eastern District of Virginia found Smithfield Foods, Inc. and two of its subsidiaries liable for approximately 6,982 violations of the Clean Water Act resulting from discharges of large quantities of pollution into the Pagan River in Virginia. The company was ordered in August 1997 to pay $12.6 million in civil penalties.

Smithfield owns and operates two hog slaughtering and processing facilities in Smithfield, Va., and each facility slaughters approximately 8,500 hogs per day. At the time of the violations, the facilities discharged into the Pagan River, a tributary of the James River that ultimately leads to the Chesapeake Bay. The Pagan River has been closed to shellfish harvesting due to high levels of fecal coliform, an indicator of the presence of wastes from warm-blooded animals. In addition to effluent violations, Smithfield was also found liable for submitting false and inaccurate discharge monitoring reports and destroyed, or otherwise failed to maintain, required records.

White River Fish Kill: On January 3, 2000, clean up began on a spill to the White River in Indiana that resulted in over 117 tons of fish killed in a 50 mile stretch of the river from Anderson to Indianapolis. A discharge of a chemical known as DMDK from an electroplating facility, flowed through the City of Anderson Publicly Owned Treatment Works (POTW) and entered the river. Complaints were filed against the Guide Corporation and Crowne Environmental Group, co-operators of the facility for discharging a highly toxic effluent to the POTW in violation of their industrial user permit, and for failing to notify the POTW of the discharges. Guide and Crowne were also cited for CERCLA/EPCRA violations for failing to immediately notify local, state and federal agencies of the discharge.

C. Concentrated Animal Feeding Operations (CAFOS)

Murphy Farms: On December 22, 1998, the Eastern District Court of North Carolina found that a CAFO that has not obtained a permit must apply for one if it has discharged wastewater into waters of the United States. The court ruled that Murphy Farms, a CAFO which raised hogs, operated its facility in violation of the Clean Water Act "by doing so without an NPDES permit, *at least* since the date of the first documented unlawful discharge." Consequently, the court required the facility to apply for an NPDES permit.

Murphy Farms has approximately 4,400 sows. The magnitude of an unpermitted discharge from this number of sows is significant. On July 10, 1997, for example, North Carolina estimated that a discharge from the facility into waters of the United States contained 13,500 gallons of manure.
Koopman Dairy: On May 17, 1999, the Eastern District Court of Washington held that the Clean Water Act extends to discharges of CAFO manure from land application areas, and that the agricultural stormwater exemption does not relieve CAFOs from responsibility of misapplication or overapplication of animal waste. "The agricultural stormwater discharges and return flows from irrigated agriculture exception, located at 33 U.S.C. § 1362(14), does not act to relieve CAFO farmers from responsibility for overapplications and misapplications of CAFO animal wastes to fields in amounts or locations which will then discharge into the waters of the United States." Further, the court noted that "the instrument or machinery used to apply those animal wastes will be considered "point sources' under the Clean Water Act." The four dairies in this

action have from between 1,700 to 3,425 mature dairy cattle.

D. Wetlands: In light of rapid, large scale destruction of wetlands, creeks, and streams EPA, the US Army Corps of Engineers, and certain States have been coordinating compliance and enforcement actions to address unauthorized discharges associated with ditching and excavation activities. Estimates of work from June 1998 to March 1999 indicate that more than 150 miles of rivers, streams and water courses and nearly 30,000 acres of wetlands across the United States have been ditched, drained and/or channelized. In 1999, EPA issued administrative orders to North Carolina developers for alleged violations of Sections 404 and 402 of the Clean Water Act. The orders require the restoration of wetlands and compliance with federal requirements preventing off-site discharges of storm water or other pollutants to waters of the United States. EPA has investigated numerous other sites and is taking appropriate enforcement actions.

Safe Drinking Water Act:

New York City: On May 20, 1998, New York City agreed to build a filtration plant for its Croton Drinking Water System to reduce the risk of cryptosporidium and other contaminants for its nearly one million residents, including the elderly and young.

Under the settlement, the City will build the filtration plant no later than September 2006, spend $5 million primarily on projects to protect the Croton watershed, and pay a $1 million penalty to resolve an April 1997 lawsuit brought by the federal government. The suit alleged that the City violated the federal Safe Drinking Water Act by failing to filter the Croton water supply. New York State intervened as a plaintiff in the lawsuit and also was a party to the settlement. New York City will monitor the quality and safety of its Croton Drinking Water System until the filtration system is in full operation. The watershed protection measures the City will implement include, purchasing land and replacing faulty septic tanks with sewers, and preventing storm water runoff from contaminating the watershed.

City of New Orleans: On April 8, 1998, the City of New Orleans agreed to a settlement worth more than $200 million to address allegations that its sewage collection system spilled raw sewage into nearby waters as a result of the city's Sewerage and Water Board's failure to properly maintain its treatment and collection system in violation of the federal Clean Water Act. Under the settlement, the Sewerage and Water Board will renovate its antiquated sewage collection system to prevent future sewage discharges into the Mississippi River and other nearby waters. It will also pay $1.5 million in civil penalties and spend $2 million improving water quality along Lincoln Beach, a park that was created to serve African-Americans who were barred by law in the 1960's from admission to the then white-only Pontchartrain Beach amusement park.

Tenneco Oil Company: In December 1996, the Tenneco Oil Company agreed to build a new water system for the Sac and Fox Nation in Oklahoma as part of a $3.5 million settlement to resolve allegations that the company polluted the Native American's groundwater through years of faulty oil drilling and production practices. Tenneco will provide a permanent supply of potable water to the nation by constructing water supply wells and delivery systems on more than 120 acres of land to be added to the reservation. In addition, Tenneco will install a water recovery system, allowing the Nation to irrigate its lands and promote a farming economy. The company

also will restore an area of tribal land damaged by years of oil and gas retrieval, and pay the Nation $1.6 million in compensation for past contamination. Under the agreement, the Nation will spend about $75,000 of this payment to restore additional areas of the reservation that were damaged by oil production, including the removal of abandoned oil field equipment and the cleanup of existing wells.

Resource Conservation and Recovery Act:

FMC: On October. 16, 1998, FMC Corporation, Inc. agreed to spend approximately $170 million --the largest civil penalty ever obtained under the Resource Conservation and Recovery Act (RCRA) of $11,864,800 -- to settle charges that it repeatedly violated the hazardous waste law at its phosphorus production facility in Pocatello, Idaho. Under the settlement, FMC will close surface ponds previously used to store and manage hazardous ignitable and reactive phosphorus wastes, construct a $40 million waste treatment plant to deactivate the phosphorus bearing wastes, and undertake a comprehensive environmental management system to ensure future compliance with the law. The costs of injunctive relief required under the settlement are expected to exceed $90 million.

FMC also committed to over a dozen Supplemental Environmental Projects ("SEPs") with a capital cost of $63 million, which will significantly improve air quality in the Pocatello region by reducing approximately 436 tons of particulate matter per year in emissions of dust and soot at the facility. As a final SEP, FMC will conduct a $1.65 million public health assessment and education program to investigate the effects of contaminants generated by FMC on human health and the environment, particularly within nearby tribal lands.

The government's claims against FMC include numerous RCRA violations, the most serious of which involve mismanagement of ignitable and reactive phosphorus wastes in ponds. Storage of such hazardous wastes in ponds is prohibited by RCRA because of the potential threat to human health and the environment. It is believed that migratory bird deaths in the area also may be attributable to phosphine poisoning.

Oliver Hill: The U.S. District Court in New York ruled in February 2000 that Oliver Hill, the former owner of a gas station in Onondaga Nation territory, is liable for a penalty of $4,746,500 for violating a RCRA "imminent and substantial endangerment" order for Underground Storage Tanks (UST) which included cleanup. The court found that Mr. Hill had consistently refused to comply with orders to contain the leaks and comply with the UST standards. This is the largest penalty ever imposed after a trial for such an order under RCRA. Imminent and substantial endangerment conditions are generally the most serious situations encountered in implementing the RCRA program.

Eastman Kodak: On October 7, 1994, EPA and the Justice Department announced that Eastman Kodak agreed to an $8 million civil penalty and will spend millions more to inspect, repair and upgrade an estimated 31 miles of industrial sewers. The lawsuit was the first to employ the nation's primary hazardous waste law to attack ongoing pollution from leaking sewers. In addition, Kodak will implement six environmental projects worth at least $12 million to reduce hazardous wastes in its 2,200-acre Kodak Park facility. The aggregate reduction is expected to

exceed 2.3 million pounds of pollutants by the year 2001.

Federal Insecticide, Fungicide, and Rodenticide Act:

DuPont: On April 30, 1998 an EPA judge imposed the largest administrative penalty in the Agency's history--$1.89 million-- against DuPont for ignoring EPA orders to stop shipping pesticides with labels that did not adequately state that protective eyewear is required when using the product to protect against the risk of accident or injury. DuPont shipped pesticides on about 380 occasions with labels that omitted the protective eyewear warnings required by the Worker Protection Standard rule, which was enacted under the Federal Insecticide, Fungicide and Rodenticide Act in August 1992. This is the first case to be tried under the rule. EPA charged DuPont with improperly labeling four herbicides sold and distributed under DuPont's Bladex and Extrazine II product lines. Based on information obtained from DuPont, EPA calculated that the company made more than $9.4 million from the sale of its mislabelled pesticides.

The Worker Protection Standards Rule requires that **all** pesticide products sold and distributed after April 21, 1994 display proper warning labels. The rule, which covers more than 3.5 million farm workers and other pesticide handlers, is designed to limit workers' exposure to pesticides, reduce adverse health effects when exposure occurs, and inform and educate workers about hazards associated with occupational pesticide use.

Hasbro, Inc: Under a consent agreement, Hasbro, Inc., manufacturer of Playskool toys, stopped making false claims that toys treated with an antibacterial pesticide protect children from infectious diseases caused by bacteria, including ecoli, salmonella, and staph and strep infections. The plastic toys were manufactured with the antibacterial pesticide Microban (active ingredient, triclosan), which is registered by EPA to inhabit bacterial growth in plastic but has not been approved for public health claims. Labels and advertisements for the toys suggested that the treatment protects children from health risks, when in fact it protects only the plastic in the toy from disintegration.

Under the agreement, Hasbro agreed to pay a penalty of $120,000 and revoke earlier claims and correct the information through advertisements in various print media and appropriate store and toy placarding. The company also took immediate steps to steps to inform the public, including relabeling or repackaging all affected toys, as well as publishing large advertisements in various newspapers and magazines with the message that Microban is used to protect the plastic toy and inhabits the growth of bacteria on the toy. As a supplemental environmental project, Hasbro also published two full page advertisements in Parenting, Baby Talk Child and American Baby focusing on the importance of protecting children from health risks related to lead-based paint in the home.

Oil Pollution Act:

Koch Industries: On January 13, 2000, Koch agreed to pay a record fine of $30 million, improve its leak-prevention programs and spend $5 million on environmental projects for egregious violations of the Clean Water Act resulting in oil spills in six states. Most of the spills were caused by corrosion of pipelines in rural areas and resulted in some 3 million gallons of crude oil and other products to leak into ponds, lakes, rivers, streams and shorelines.

Burlington-Northern: On March 29, 1995, Burlington Northern Railroad settled charges arising from three separate oil and hazardous waste spills caused by several train derailments, including one near the town of Superior, Wis.

The Wisconsin derailment spilled nearly 22,000 gallons of aromatic concentrates containing various volatile organic compounds, including carcinogens such as benzene and toluene; forced the evacuation of approximately 50,000 people; and caused thousands of fish to be killed. The other two derailments in Wyoming , along with the Wisconsin incident, resulted in more than 3,400 barrels of oil spilled into the North Plate River.

Under the settlement, Burlington Northern agreed to pay a total of $1.5 million, including a $1.1 million civil penalty, $260,000 to reimburse EPA and other federal agencies for costs in responding to the Wisconsin spill, and a $140,000 contribution to a fund managed by the Department of the Interior and two bands of the Lake Superior Chippewas for injury to natural resources caused by the Wisconsin spill. In addition, Burlington Northern agreed to spend $1.2 million to purchase three ultrasonic rail inspection cars that will improve the company's ability to detect rail defects and prevent derailments like those that caused the three spills. Burlington-Northern also agreed to pay $100,000 into a fund to study internal rail defects of the type involved in these derailments.

Toxic Substances Control Act:

Dexter Corporation: In 1994, EPA reached agreement with the Dexter Corporation to settle two complaints against the company for violations of TSCA for manufacturing new chemical substances without submission of premanufacture notices (PMNs), for submitting false or untimely notices of commencement of manufacture (NOCs) and failure to file timely export notices. To resolve the violations identified by EPA, Dexter agreed to pay over $100,000 in penalties. Additionally, Dexter agreed to conduct a nationwide TSCA compliance audit and to commit to a Supplemental Environmental Project (SEP) that will reduce solvent emissions at its facility in Waukeegan, Illinois, to levels below applicable legal requirements, valued at $1.5 million. This additional project will ensure that air pollution levels are reduced to a greater extent than would otherwise be required, resulting in a cleaner, more healthy environment.

Emergency Planning and Community Right to Know Act:

EPCRA 313 Nitrate Compliance Audit Program Initiative: In April 2000 EPA launched the "Nitrate Initiative" to improve citizens' right-to-know about harmful chemical compounds. EPA provided extensive compliance assistance, published an Enforcement Alert, and conducted workshops to ensure that the nitrate reporting requirements were not in any way obscure. Subsequently, EPA developed an initiative that identified facilities that reported the treatment of nitric acid over 18,000 pounds, but failed to file the requisite Form R for nitrate compounds. 635 facilities received Show Cause letters in April 2000 which explained that EPA believed they were in violation, and offered reduced penalties for participating in a special Compliance Audit Program (CAP) initiative. In response to the Enforcement Alert and due to industry awareness prior to the Alert, the Agency received about 140 self disclosures for nitrate compounds as of September 29, 2000. Out of the approximately 630 facilities that received Show Cause Letters,

EPA received settlement agreements from approximately 330 companies. These settlement agreements include the commitment to audit over 1000 facilities. In addition, in all mailings, the Agency encouraged facilities to rebut allegations that there were nitrate compound violations. As of September 29, 2000, about 105 companies (out of the 630 targeted facilities) satisfied the Agency they were in compliance.

National EPCRA Section 313 Community Right to Know Enforcement Initiative: In 1996, EPA fined 42 companies over $2 million for failing to report community right-to-know information on the types and quantity of toxic chemicals they released into the environment. The Toxic Release Inventory (TRI) constitutes the only publicly available database on releases of toxic chemicals from more than 23,000 industrial facilities nationwide. The chemicals reported under TRI can have significant adverse effects on human health and the environment. They include carcinogens (chemicals that can cause cancer), mutagens (chemicals that can cause changes in human cells), and chemicals that can cause reproductive and developmental effects. Industry uses TRI data to analyze its wastes and identify areas where source reduction and other prevention activities can be used to minimize wastes and emissions. Local governments often use the data in their community planning to respond to industrial accidents.

Multi-media Cases:

Morton International Inc.: On October 26, 2000, Morton International Inc., a manufacturer of adhesives and specialty chemicals, entered a civil settlement and plea agreement with the United States and Mississippi for violations of clean air, clean water and hazardous waste laws. Morton agreed to pay a $20 million penalty – the largest ever fine for environmental violations at a single facility - reflecting the unprecedented extent of the violations. Morton also agreed to perform $16 million worth of projects to enhance the environment and to complete a comprehensive assessment of its Moss Point, Mississippi facility. In a separate action, Morton pleaded guilty to criminal violations of clean water and hazardous waste laws and agreed to pay a $2 million criminal penalty.

Ashland Inc.: On October 1, 1998, EPA and the Justice Department announced that Ashland Inc. agreed to a $32.5 million fine to settle charges of multiple environmental law violations at its petroleum refineries in Kentucky, Minnesota and Ohio. Under the settlement, Ashland will undertake corrective actions that include improvements to the wastewater drainage system at its Ohio facility to prevent the release of volatile organics into the atmosphere; upgrades to the wastewater treatment system at the Kentucky plant to reduce the release of harmful chemicals into the Big Sandy River; and the installation of a series of wells to prevent the release of petroleum contaminants into the Mississippi River in Minnesota. As part of the settlement, Ashland also agreed to perform a number of supplemental environmental projects worth over $14.8 million, such as donating and restoring 274 acres of ecologically significant dune prairie grassland to the state of Minnesota for permanent preservation as a scientific and natural area. Further, the company will assist the state of Kentucky with air monitoring as part of the Tri-State Initiative in the area of Kentucky, Ohio and West Virginia.

The agreement resolved charges that Ashland violated the Clean Air Act (CAA), the Clean Water Act (CWA), the Resource Conservation and Recovery Act (RCRA), the Emergency Planning and

Community Right to Know Act (EPCRA), and the Toxic Substances Control Act (TSCA) at its refineries in Catlettsburg, Ky., St. Paul Park, Minn., and Canton, Ohio. The claims against Ashland included the release of excess sulfur dioxide and other pollutants at its Catlettsburg and Canton facilities in violation of the CAA, unreported accidental releases of toxic chemicals at the Catlettsburg facility in violation of EPCRA, unauthorized wastewater discharges at each of the three refineries in violation of the CWA, and improper management of hazardous waste in violation of RCRA.

Asarco: On January 23, 1998, New York-based mining company ASARCO agreed to spend more than $50 million to clean up contamination and correct alleged violations of federal environmental laws at two of its facilities in Montana and Arizona, and pay $6.38 million in civil penalties. The two settlements making up the agreement will reduce the disposal of toxic heavy metals such as mercury, lead, and arsenic, a known human carcinogen. The settlements require ASARCO to improve its environmental compliance record by implementing an internal environmental management system to identify and correct violations of environmental laws at all of ASARCO's operating facilities nationwide.

In the Montana case, the United States alleged that ASARCO's East Helena facility illegally discharged industrial wastewater into a process pond where it leached into a nearby creek, and illegally stored, treated and disposed of toxic heavy metals, possibly contaminating soil and groundwater. In the Arizona case, the United States and the state of Arizona alleged that ASARCO illegally discharged toxic metals at its Ray Mine Complex near Kelvin, failed to properly contain wastewater run-off, and violated state surface water quality standards.

Sherwin-Williams Company: In 1997, EPA and DOJ lodged a consent decree to settle a multi-media (Clean Air, Clean Water, RCRA, EPCRA) enforcement action against the Sherwin-Williams Company. Over the years, Sherwin-Williams' resin and paint plant in southeast Chicago emitted thousands of tons of Volatile Organic Compounds (VOCs) into the air. VOC's contribute to the formation of ground-level ozone, which impairs breathing and can worsen the effects of asthma, chronic bronchitis and emphysema. In addition, the plant discharged substantial amounts of organic solvents and toxic metals -- including lead and mercury -- into the local sewer system, occasionally creating risks of fire and explosion.

Under the terms of the settlements, Sherwin-Williams agreed to pay a $4.7 million penalty, conduct facility-wide corrective action to address on-site landfills that may be highly contaminated by solvent-based paint wastes, metals and pesticides, and change its operations and retrofit its paint manufacturing equipment to greatly reduce its VOC emissions. In addition, the consent decree included two supplemental environmental projects -- developed with the input of local citizen groups -- that provide funding for environmental restoration and economic redevelopment in Southeast Chicago: a "brownfield" revitalization project and a wetlands restoration project that will help protect natural habitat threatened by urban pollution.

Copper Range: In a 1995 multi-environmental law settlement that will help reduce air and water pollution in the northern regions of Michigan and Wisconsin, the Copper Range Company agreed to curb the mercury, lead and cadmium output from its smelting plant in White Pine, Michigan, pay

$4.8 million in civil penalties and perform several environmental projects. The case will result in annual emission decreases of 1,200 pounds of mercury, 50,000 tons of sulfur dioxide and at least 900 tons of particulate matter. Mercury emission reductions will enhance Lake Superior water quality and reduce mercury levels for continued subsistence fishing by local Indian tribes. The settlement also offered relief for local Native Americans whose blood contains elevated levels of mercury from air pollution.

The settlement resolved a 1992 CAA suit brought by the National Wildlife Federation and Michigan United Conservation Clubs that was later joined by the United States, Michigan and Wisconsin. Alleged violations included: exceedances of emissions limits on particulate matter (including excessive stack opacity) on a continuous basis, in violation of Michigan State Implementation Plan (SIP) (CAA); and failure to report air toxics emissions (metals and metallic compounds) (EPCRA and CERCLA).

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 12 1993

THE ADMINISTRATOR

MEMORANDUM

SUBJECT: New Strategic Enforcement Organization

TO: All EPA Employees

With this memorandum, I am announcing a new strategic enforcement organization for EPA. As you know, I believe that strong and effective enforcement is fundamental to virtually everything we hope to accomplish as an agency. The improvements that I am announcing today will further strengthen our enforcement capability and position EPA to move into a new era of environmental protection.

This memorandum outlines the structure and functions of the new organization, explains which programs will be transferred to the Office of Enforcement, and includes a strategy for fully implementing the reorganization. My decisions are the product of the outstanding work and vision of EPA's Enforcement Reorganization Task Force, the advice of EPA's Senior Leadership Council, and the extensive agency and public comment we have received during the reorganization process. As we move forward to implement these improvements, please rest assured that I am committed to making the transition a smooth and positive experience for all affected employees.

OPERATING PRINCIPLES

As captured by the Task Force reports, the reorganization effort has generated a great deal of understanding regarding the purpose and potential of EPA's enforcement program. In my view, the more compelling principles that surfaced during this process include the following:

- The people in EPA's enforcement operations are the heart of our enforcement program, and the new organization should encourage teamwork, career development and innovation.

- EPA's enforcement program must afford equal protection from environmental violations for all citizens, regardless of race or economic status.

- Although we must maintain an imposing enforcement presence as a means of deterring noncompliance, traditional enforcement should be seen as a tool for achieving the broader goal of compliance and not as an end unto itself.

- Enforcement success should be measured more by reference to improvements in compliance rates and environmental quality, not just by reference to the number of cases brought or other activity counts.

- "Compliance assistance" activities should complement traditional enforcement and program efforts.

- To be most effective in measuring compliance and improving targeting of enforcement resources, national enforcement strategies should increasingly be organized around "sectors" of the economy.

- Multi-media, whole facility approaches to enforcement represent the future of environmental protection and should be pursued whenever appropriate.

- Given the media-specific orientation of our authorities and most of the states, care must be taken to avoid losing media sophistication in the new organization.

- One of EPA's key objectives must be building the capacity of State, local and tribal enforcement authorities.

THE NEW STRATEGIC ENFORCEMENT MODEL

The organizational option that I have selected, depicted in Attachment A to this memorandum, is fully consistent with these principles. The Task Force initially identified four different options for organizing EPA's enforcement function: a media-based model; a sector-based model; a functional model; and a bio-resource model. Each of the options enjoyed some support and had both strengths and weaknesses. The strategic enforcement model that I have selected attempts to pull together the best features from each of the models. Thus, as described further below, it retains the media strength of the organization, achieves the streamlining and efficiencies offered by functional divisions of labor, and at the same time makes major strides in improving the agency's capacity to address noncomplying sectors and sensitive ecosystems and populations. Additionally, given the diversity of activity within the organization, I am confident that the new organization will provide a challenging and rewarding work environment for all enforcement employees.

As a starting point, I am changing the name of the Office of Enforcement to The "Office of Enforcement and Compliance Assurance" (OECA). This is more than symbolic. It conveys the

broader aim of the enforcement mission-- to ensure compliance with this nation's environmental laws.

Even more importantly, the new framework fundamentally reorients the agency's enforcement program to focus squarely on compliance problems that pervade certain sectors of the regulated community. This "sector approach," which was praised and encouraged by a significant number of commenters, should enable the agency to: 1) address noncomplying sectors more effectively; 2) allow for "whole facility" approaches to enforcement and compliance; 3) measure with greater precision rates of compliance and the effectiveness of enforcement strategies; 4) augment enforcement strategies with appropriate compliance enhancement activities; and 5) develop sector expertise which should improve performance in all aspects of the agency's enforcement program, including the pursuit of pollution prevention remedies.

One of the key delivery mechanisms for sector strategies will be a new "Office of Compliance." Working closely with the other OECA offices, other programs, and the Regions and states, this office will have the lead role for enforcement strategic planning (including targeting for ecosystem protection and environmental justice), inspection targeting, data management and integration, compliance monitoring, and compliance assistance. As reflected by the proposed divisional structure for this office, the strategic vision for enforcement will be fed by integrated enforcement data and driven by a combination of sector, ecosystem and population-based planning.

Just as the Office of Compliance will primarily focus on the planning end of the enforcement continuum, another new office, The "Office of Regulatory Enforcement," will have the lead role for the other end of the continuum-- supporting enforcement case development. This role includes ensuring that our regulations are enforceable and sustainable, providing guidance and national policy on issues that arise in the adversarial process, and participating in the development and prosecution of enforcement cases.[1]

The Office of Regulatory Enforcement will be organized primarily around media (with one multi-media division to support multi-media cases and initiatives) so that media-specific enforcement expertise can continue to be applied to the agency's rulemaking and litigation efforts. Similarly, the Office of Site

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[1]By separating compliance assistance activities from case work, I believe we have addressed the concern that some raised that a sector-based approach might lead to "capture" of the agency by the regulated community. The Office of Regulatory Enforcement will ensure that we are responding aggressively and consistently when we identify instances of noncompliance.

Remediation, which will be the home of the Superfund and RCRA corrective action enforcement programs for both private and federal facilities,[2] will ensure that the new organization is positioned to meet the unique demands of these programs.

The Office of Criminal Investigations will, given the special reporting requirements established by the Pollution Prosecution Act, retain its present form, as will the National Enforcement Investigations Center, in light of its support of virtually all other OECA offices. The Office of Federal Activities, which manages the agency's NEPA work and tribal programs, will also be left intact for the present time.[3]

Finally, there will be two smaller offices aligned with the OECA front office-- an Office of Resource Management and Administrative Support to meet the substantial budget and administrative support needs of the new organization, and an Office of Enforcement Capacity, which will be the locus of the National Enforcement Training Institute (servicing federal, state, local and tribal authorities), environmental justice coordination, national accomplishment reporting, and liaison with national organizations of state and local enforcement authorities.[4]

To provide necessary support for this new, interdisciplinary organization, and to ensure appropriate attentiveness to both single-media and cross-program objectives, I am providing for two deputy assistant administrators in the new organization. I will look to Steve Herman to determine how best to divide responsibilities between the two deputies.

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[2]For further discussion of the remedial programs, see the section below entitled, "Programs Being Transferred." Notably, non-remedial regulatory enforcement against federal facilities will be handled under the new structure in the same manner as private facilities (i.e., the shared responsibility of the offices of Compliance and Regulatory Enforcement).

[3]This office is discussed further below in the section entitled, "Programs Being Transferred."

[4]Most of the contact with particular states regarding enforcement matters occurs at the regional level, making the question of regional/headquarters alignment, to be considered in the next phase, all the more important. With respect to national level coordination with state and local government associations, the Office of Compliance and the Office of Regulatory Enforcement will, in addition to the liaison work of the Enforcement Capacity office, play key roles in working with states on priorities and policies.

PROGRAMS BEING TRANSFERRED

I am persuaded, based on my review of the Task Force report and the submissions of a number of offices, that the only way to achieve the efficiencies that we seek, to fully conform enforcement policy and practice, and to establish a unified enforcement voice, is to move all enforcement and compliance monitoring programs into the new Office of Enforcement and Compliance Assurance. In this regard, I am guided by the "Definition of Enforcement" developed by the Task Force and attached here as Attachment B. I am including in this transfer the enforcement and compliance functions of the "special programs" identified in the Task Force report: 1) the remedial enforcement programs (Superfund, RCRA corrective action, Leaking Underground Storage Tanks, and Oil Pollution Act) currently in OSWER; 2) the wetlands, Underground Injection Control, and ocean dumping programs currently in the Office of Water; and 3) the Office of Mobile Sources in the Office of Air and Radiation.[1]

With respect to Superfund, I am adopting the functional division of responsibility developed by the Task Force, attached here as Attachment C. In essence, as with other programs, we will look to OECA to perform such traditional enforcement functions as monitoring compliance with Superfund obligations and developing administrative and judicial actions; OSWER will be responsible for "standard setting" in the form of establishing site specific clean up requirements.

With respect to the programs currently located in the Office of Enforcement that the Task Force identified as "nontraditional"-- NEPA, the tribal program, and contractor listing-- I am shifting the contractor listing function to OARM to be incorporated into the suspension and debarment program, and leaving the NEPA and tribal programs in OECA for the present. I am inclined to move the tribal program as a means of increasing its profile and priority, but we will be expeditiously pursuing this issue on a separate track. Similarly, while NEPA is clearly different in kind from other OE programs, moving this function at this time would be precipitous in light of the potential for change in EPA's NEPA work as a result of pending legislation.

The net result of all of the resource transfers will be a headquarters enforcement office roughly double the size of the former Office of Enforcement.

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[1]The Mobile Sources operations that will transfer include the Investigations and Enforcement Branch of the Field Operations and Support Division and the investigative and case support elements in the Manufacturers Operations Division.

NEXT STEPS

1. Development of a detailed plan-- I am directing Steve Herman, the Assistant Administrator for Enforcement, to develop a detailed plan consistent with the framework that I have selected. All personnel and resource placement issues will be addressed in the plan, which may vary at the margins from the chart in Attachment A to the extent necessary to ensure optimal alignment of functions and people. Attachment D to this memorandum describes the process and time line for this part of the effort. It calls for the establishment of an "Organization Implementation Project" (OIP), which will be led by Sally Seymour of OWPS (project director) and Craig Hooks of OE (deputy project director). This essentially will be a management level group that will plug into existing staff structures for support. I have asked Steve to ensure that the openness that characterized the Task Force effort also be reflected in the OIP. Given the significant contributions thus far by our union representatives, we look forward to working with the unions on this next phase as well.

Once the detailed plan has been developed, it will go through the traditional green border process for agency sign-off. Given the participatory nature of this reorganization effort from the outset, I anticipate that the green border process will go smoothly and quickly.

2. Resource transfer decisions-- I expect to make a decision regarding resource transfers (FTEs and dollars) associated with the reorganization within the next 10 days. To ease the transaction burden for everyone involved, I will be looking to transfer whole enforcement units whenever possible (i.e., the on-board personnel, the resources necessary to support the on-board staff, and the resources that the unit manages).[1] Determining where in OECA these resources will reside in the new organization will be the task of the OIP.

3. Data Management Issues-- There are a number of outstanding issues regarding where to place management responsibility for the agency's compliance data systems. In my view, integrated compliance data is one of the keys to the

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[1]This should be possible for most of the organizations at issue, including the Stationary Source Compliance Division in OAR, the Office of Compliance Monitoring in OPPTS, the RCRA Enforcement Division in OSWER, the Enforcement Division of the Office of Wastewater Enforcement and Compliance in OW, the Enforcement Branch of the Enforcement and Program Implementation Division in the Office of Groundwater and Drinking Water (OW), and the Investigations and Enforcement Branch in the Field Operations Division in the Office of Mobile Sources (OAR).

Agency's success. Issues related to data management will be resolved within the next 10 days.

4. Regional Impact Task Force-- Within the next 30 days, I will be establishing a Regional Impact Task Force, outlined in Attachment E to this memorandum, which will work on a number of critical outstanding issues, such as ensuring proper regional alignment with the new headquarters structure, reviewing the respective roles and responsibilities of headquarters and the regions, and considering state issues associated with the reorganization. As reflected in Attachment E, we will provide for state participation in this effort as a means of ensuring that regional/state alignment, a key area of concern, is properly taken into account.

5. Impacts on Program Office organization-- I am directing each of the media Assistant Administrators to review their operations and inform me within 90 days of any changes in their organizations that may be necessary as a result of the enforcement reorganization.

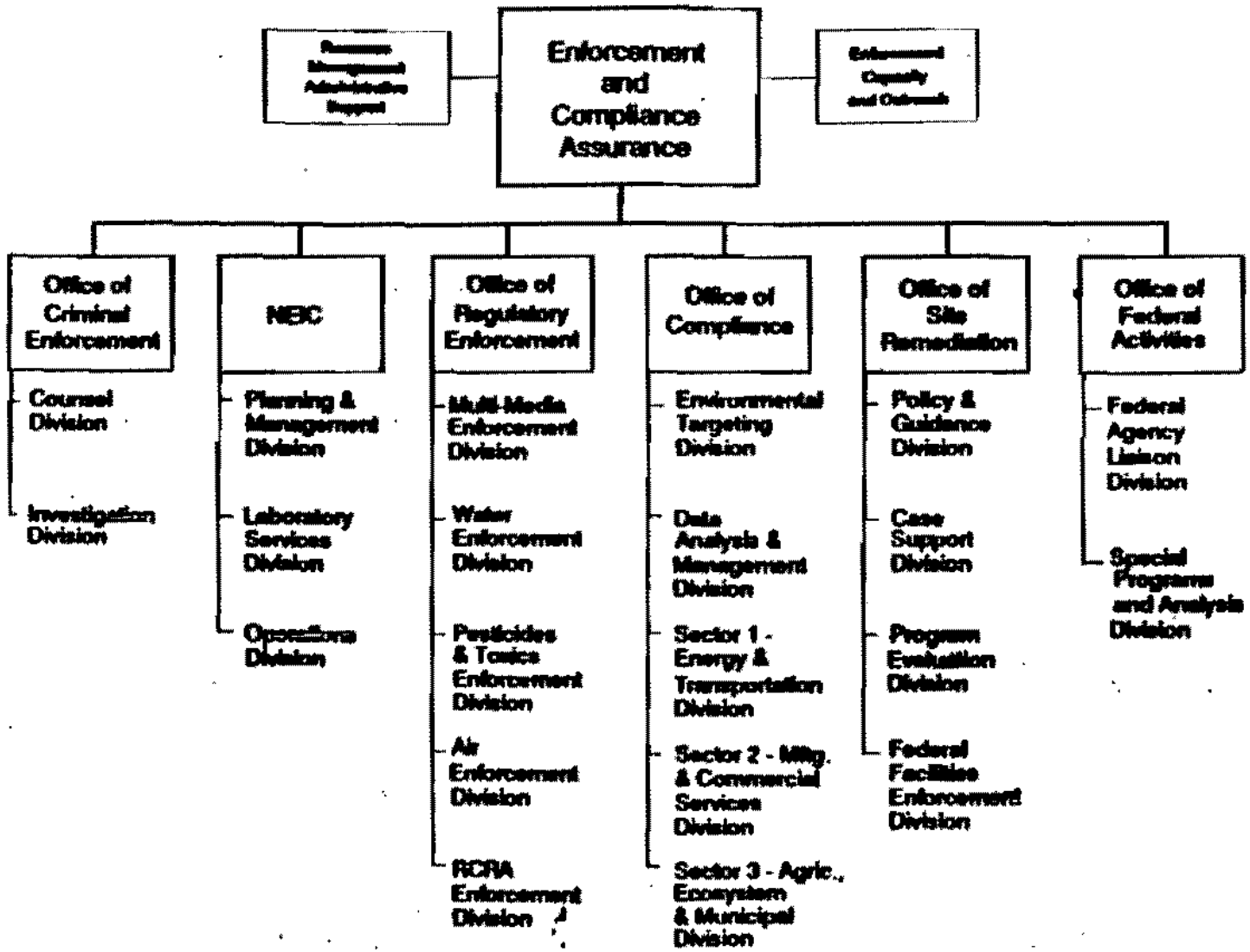
CONCLUSION

In conclusion, I want to restate my thanks to the Enforcement Reorganization Task Force and all the staff who supported the Task Force for a job very well done. The spirit of openness that has prevailed throughout this process and the willingness of Task Force members to "put on their agency hats" were exemplary. Our new Office of Enforcement and Compliance Assurance promises everything that we set out to accomplish through this reorganization. Through the new organization we will provide a positive and rewarding climate for our excellent enforcement staff, increase efficiency and eliminate duplication of effort; provide an integrated, targeted approach to environmental enforcement; and achieve uniformity in enforcement policy and decision making. At bottom, the new organization will enable the agency to speak with one, consistent and well-considered enforcement voice to the public, the Congress, and the regulated community.

Carol M. Browner

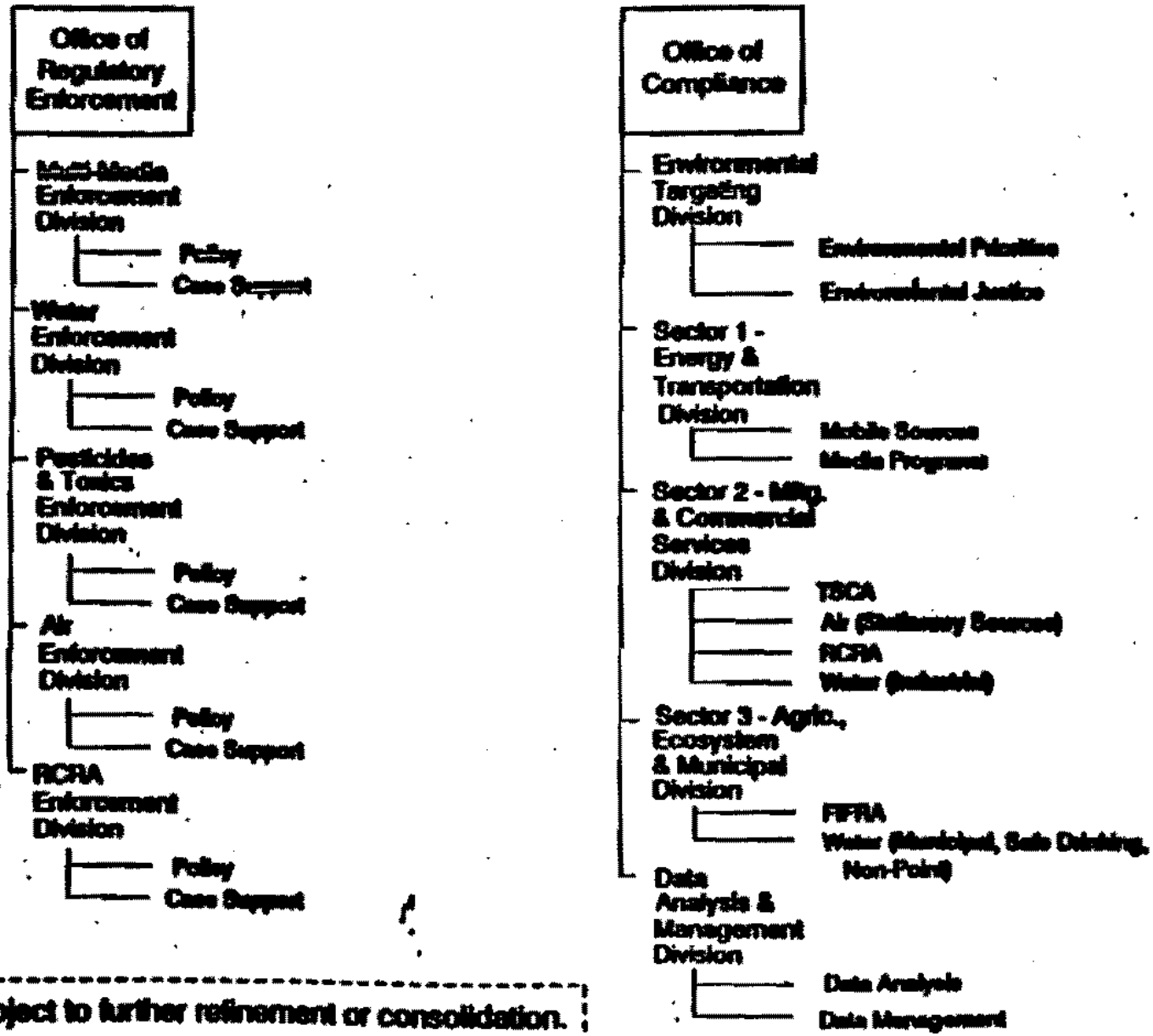
ATTACHMENT A

STRATEGIC ENFORCEMENT MODEL



STRATEGIC ENFORCEMENT MODEL
PROPOSED BRANCH STRUCTURE

10/07/93



KEY FEATURES

Objectives

• 1) Provide for consistent enforcement and compliance policies that preserve program expertise while promoting geographic and sector-based strategies; 2) Provide efficient way to resolve cross-program and single-media priorities.

Office of Regulatory Enforcement

Responsibilities:

• Ensures consistency in enforcement policy and case management. Responsible for all policy and guidance related to referral, management and prosecution of judicial and administrative cases (single-media and multi-media). Includes ensuring enforceability of regulations, and establishing appropriate penalty policies.

• Office also responsible for development and support of single-media and multi-media cases, and providing liaison to Department of Justice.

Organizational Structure:

• Office organized by media divisions for single media enforcement policy and case support. Divisions could be divided into appropriate branches for policy and case support.

• Includes division responsible for cross-program policies (e.g., SEP's) and support of multi-media cases.

Office of Compliance

Responsibilities:

• Sets priorities for civil enforcement program, improves targeting through data analysis and coordinated inspections, measures compliance, and provides compliance assistance to regulated community.

Organizational Structure:

• Environmental Targeting Divisions: Responsible for identifying broad "risk-based" environmental priorities. Branches could be organized to set geographic and environmental priorities.

- Sector Divisions: Basic compliance functions (industry targeting, measurement, inspections, and compliance assistance) performed in three divisions organized by sector: 1) Energy and Transportation, 2) Manufacturing and Commercial Services, and 3) Agriculture, Ecosystems and Municipal Waste. Branches organized by media or specific program (e.g., Mobile Sources).

- Data Analysis and Management Division: Collects, integrates, and evaluates all data related to compliance and enforcement actions. Branches organized around data analysis and management.

- Sector Divisions designed to balance compliance workload and transfer some existing programs intact. For example, Office of Mobile Sources compliance functions fit within Energy and Transportation Division, TSCA within Manufacturing and Commercial Services Division, and FIFRA within Agriculture Division.

- Each Sector Division would have lead responsibility for one or more specific media, to ensure accountability for media-based compliance programs that applied to more than one sector. For example, the Manufacturing and Commercial Services Division would be responsible for any general guidance related to TSCA compliance requirements..

Office of Site Remediation

- Responsible for all enforcement and compliance related to site cleanup (e.g., Superfund and Corrective Action). Three Divisions would be established for Policy and Guidance, Regional Coordination, and Program Support and Evaluation. Office would also be responsible for enforcement activities related to cleanup of federal facilities.

Offices of Criminal Enforcement, Federal Activities, and NEIC

- Each of these offices retains current functions and division structure.

Resource Management and Capacity Assurance

- Two small offices established to manage resources, handle external liaison, and ensure appropriate training.

RESPONSIBILITIES: OFFICE OF REGULATORY ENFORCEMENT

Policy and Guidance

- Cross-program: Guidance and rules for all enforcement policies. Examples include:

  -- Guidance related to the calculation, collection, and offsetting of penalties, such as Supplemental Environmental Projects and Benefit of Noncompliance.

  -- Establishing form and content for management and referral of cases and information requests.

- Single-media: All enforcement policy and guidance. Examples include single-media penalty policy, and guidance regarding how new enforcement authority would be exercised.

- Regulatory and Legislative Development: Lead office for determining enforceability of proposed rules and new legislation.

- Enforcement Program Evaluation and Review: Provides information and support to Office of Compliance for review and evaluation of enforcement program and performance.

Enforcement Activities

- Targeting and Priority Setting: Actual selection of cases would be primarily a regional responsibility. Office of Regulatory Enforcement would provide input to Office of Compliance in overall determination of enforcement priorities.

- Case Development and support: OECA lead for development and support of all single-media and multi-media cases.

RESPONSIBILITIES: OFFICE OF COMPLIANCE

Policy and Guidance

- Guidance for inspections, monitoring, and sampling policy;
- Rule development: Represent OE in determining whether rule includes sufficient data requirements to support inspections, monitoring.
- Enforcement Program Evaluation and Review: Lead office for reviewing and evaluating overall performance of enforcement program, including field reviews of regional and state programs.

Compliance Activities:

- Environmental Targeting: Identify environmental priorities (e.g., geographic, environmental justice, single-pollutant, etc.) and translate into sector specific strategies. Prepare National Strategic Plan for Enforcement.
- Data Integration and Management: Maintain data used to assess compliance and set enforcement priorities. Data organized to support single-media, sector and geographic initiatives.
- Compliance Analysis: Assess compliance rates for specific industries, and measure success of EPA enforcement initiatives.
- Compliance Assistance: OECA lead in providing industry with coherent information about compliance requirements.
- Applicability: OECA lead in determining whether specific sources are subject to regulatory requirements.

RESPONSIBILITIES OF OTHER PRINCIPAL OFFICES

Office of Site Remediation

- The Office of Site Remediation will be responsible for all enforcement related to cleanup programs such as Superfund and RCRA Corrective Action. The Office will also be responsible for enforcement activities related to the cleanup of federal facilities.

Office of Federal Activities

- The Office of Federal Activities will retain its existing responsibilities.

Office of Criminal Enforcement

- The Office of Criminal Enforcement (OCE) will retain its existing responsibilities.

National Enforcement Investigations Center (NEIC)

- NEIC will retain its existing responsibilities in providing laboratory services, training, and investigative support to the enforcement program.

Resource Management and Enforcement Capacity

- Two offices are established to provide for management of resources (including budget), handle external liaison, and ensure enforcement capacity (e.g., through training).

ATTACHMENT B

A WORKING DEFINITION OF ENFORCEMENT

The goal of enforcement is to ensure compliance with environmental requirements and other environmental obligations (e.g., compelling Superfund cleanup activity). Enforcement is, in effect, a continuum of activities related to this basic goal. Inspections to detect actionable problems and the initiation of formal enforcement actions to correct such problems are some of the more obvious examples of enforcement. Enforcement also includes Agency activity undertaken to facilitate and support the enforcement process, as well as activity that involves the exercise of the Agency's enforcement discretion.

Enforcement presupposes the existence of enforceable environmental requirements. Consequently, as a general rule, the enforcement continuum begins after environmental requirements have been established by rule or permit.* Generally, the starting point for the continuum is inspection and other monitoring activity undertaken to determine compliance with environmental obligations. Once a violation is identified, the Agency's response to that violation--whether that be formal enforcement action, a warning, or compliance assistance--is also in the nature of enforcement because it necessarily reflects the exercise of the Agency's enforcement discretion. Such a matter remains in the enforcement continuum until the violator achieves compliance through a court order, a settlement, or otherwise.

Consistent with the foregoing, the following are enforcement activities:

- Inspections, sample analysis, assuring data quality, and other compliance monitoring efforts (e.g., review of self-reported compliance information, review of State files);
- The Agency's response to detected violations, whether formal or informal;
- Interaction with State, Tribal, and local governments regarding particular non-compliance

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* This does not mean that enforcement does not have a role to play in the regulatory and permit development processes; to the contrary, reviewing rules and permits for enforceability can be a critical enforcement activity. Standard setting is not, however, fundamentally an enforcement function, except in those circumstances in which the rule is essentially an enforcement rule (e.g., establishing compliance monitoring methodologies).

problems and overall enforcement objectives;

- Case development and case support;

- Monitoring compliance with consent agreements and orders;

- Development and implementation of enforcement and compliance monitoring priorities, strategies, and policies;

A Working Definition for Enforcement (continued)

participating in the development of comprehensive responses to environmental or public health problems where enforcement may be part of the solution;

- Managing information systems that track compliance and enforcement activity;

- Capacity-building activity, such as providing information, training, and funding to States and Tribes in support of enforcement and compliance monitoring activity (including the administration of enforcement related grants);

- Enforcement and compliance monitoring training for EPA personnel;

- Networking and providing enforcement leadership in relationships with other Federal agencies, States, Tribes, and nations;

- Compliance assistance[1] (providing the regulated community with additional guidance regarding their obligations and methods for satisfying those obligations as a complement to formal enforcement strategies);

- Oversight of Regional, State, and Tribal enforcement activity;

- Assimilating and reporting enforcement accomplishments;

- Administrative support of enforcement activity;

- Participating in the rulemaking, permitting and

[1] In some circumstances, compliance assistance may be provided as a result of an inspection event. Compliance assistance may also be an element of a broader enforcement strategy targeted against a particular sector of the regulated community. Inevitably there is some overlap between these compliance assistance activities that are increasingly used by EPA program offices to advance health and environmental goals. Future policy developments in this area will need close coordination between enforcement and program offices.

legislative processes to help ensure enforceability;

- Making applicability determinations[4] and otherwise interpreting the impact of regulatory requirements on particular operations;

- Addressing laboratory practice problems when laboratories are providing laboratory service to a private party, the service is related to compliance monitoring activity, and nonperformance is subject to sanctions;

- Voluntary compliance or compliance promotion activities (as distinguished from voluntary programs such as 33/50).

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[4]Inspection, enforcement, and compliance activities will involve enforcement staff in making decisions about the applicability of particular requirements to particular situations. At the same time, EPA program offices have generally had the responsibility for interpreting the regulations and policies they formulate. In allocating these functions among the media program offices and the new enforcement program, their respective roles and responsibilities will need to be sorted out

ATTACHMENT C

SITE REMEDIATION PROGRAMS

ENFORCEMENT FUNCTIONS

1. Policy and Guidance Development and Regional Coordination regarding Issuance, Tracking and Enforcement of:

   A. SF 106 Administrative Order
   B. SF 106 Civil Actions Issuance
   C. SF 107 Action Issuance
   D. RCRA 3008(a) Orders and Civil referrals
   E. RCRA 3008(h) Order and Civil Referrals
   F. UST and LUST Enforcement Actions
   G. RCRA 7003 Civil Referrals
   H. CWA SPCC & 311 Spill Enforcement
   I. EPCRA (Title III) Enforcement action including Section 313
   J. Federal Facilities IAGs
   K. PRP Searches
   L. Natural Resource Trustee enforcement coordination

2. Applicable portions of budgeting, resource distribution, and contracting for enforcement programs

3. Enforcement-specific data systems management

NON-ENFORCEMENT FUNCTIONS

All other parts of existing OSWER, including:

1. Policy Development, Implementation and Regional Coordination regarding:

   A. All remediation studies (SF RI/FS, RCRA CMS, Federal Facilities[1])
   B. All remediation decisions (SF RODs, RCRA SB, Federal Facilities[1])
   C. All remediation implementation (SF RA/RA, RCRA CMI, Federal Facilities[1])
   D. RCRA corrective action permitting
   E. All SF Removal Cleanups
   F. OPA cleanups
   G. Federal Facilities base closure and remediation activities1

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[1] From OE/OFFE.

2. Applicable portions of budgeting, resource distribution and contracting for waste programs

3. Applicable State Superfund oversight and coordination

4. Overall data systems management (CERCLIS, RCRIS etc.)

5. ATSDR, NOAA, DOI, etc. coordination

6. Analytical support and data quality assurance

7. Ecological assessments

8. All technology transfer activities (including Federal Facilities)

PROPOSED TIMELINE

October 12	Carol M. Browner announces decision about macro-level organizational concept for new OE, and decisions on which programs will be included in OE.
October 13	OE establishes Organizational Implementation Project (OIP) reporting to AA/OE to plan overall implementation effort, determine key steps, perform analysis, and make recommendations in the areas of resources management, information management, human resources, administrative management, and transitional enforcement. OIP develops implementation plan and communication strategy. AA and DAA/OE meet with OIP on weekly basis for next 90 days to discuss progress, obstacles, and needed decisions.
November 1	AA/OE communicates new OE organizational structure (Division/Branch/Sections) to unions; and agrees on protocols for placing employees.
November 8-12	AA/OE communicates new OE organizational structure (Division/Branch/Sections) to employees and discusses placement strategy.
November 29	AA/OE makes personnel placement decisions and communicates them to affected employees and unions
December 15	OE space, employee and equipment moves are defined and discussed with unions; affected organizations and employees are advised.
December 27	Agency review of OE reorganization proposal
Early 1994	Implementation of OE reorganization complete

ATTACHMENT D

THE ORGANIZATION IMPLEMENTATION PROJECT

The purpose of the Organization Implementation Project (OIP) is to establish the substructure, lines of communication and accountability, and resource levels for the new Office of Enforcement and Compliance Assurance.

The OIP will be composed of seven teams. They are:

1. Human Resources
2. Financial Resources
3. Information Management
4. Administrative Management
5. Communications
6. Transitional Enforcement
7. Design Team

Teams 1 through 4 - The work of these teams will be implementing or developing the framework to complete the issues that have "resource" impacts.

Team 5 The work of this team will communicate to the Office of Enforcement, the affected Program offices, the Regions and key groups the work of the Project and also serve as a vehicle for comment.

Team 6 This team will ensure that the basic work of enforcement is accomplished during this transition period. Also serve as a troubleshooter for the Regions if they experience any difficulties during the transition.

Team 7 This team will be divided into four workgroups for the purposes of designing the detailed and final substructures for the following organizational units:

1. Office of Compliance Assurance
2. Office of Site Remediation
3. Office of Regulatory Enforcement
4. Enforcement Capacity And Outreach Staff

ATTACHMENT E

REGIONAL IMPACTS TASK FORCE

THREE KEY OBJECTIVES

1. Develop short term regional impacts plan to deal with alignment with the new HQ Organization.
2. Clarify roles and responsibilities between HQ and Regions.
3. Address long term regional impacts of HQ reorganization and determine whether organization changes need to be made in the Regions.

MAKEUP OF THE TASK FORCE

1. Approximately 25-30 members (Regional, Headquarters, states); half of Regional and Headquarters members should be carryover members from the Headquarters Enforcement Reorganization Task Force.
2. Members of the new Task Force should be diverse in all respects, culturally, professionally, functionally, and geographically.

STRUCTURE OF TASK FORCE

Five committees, as follows:

- Steering Committee
- Short Term Regional Impacts ✓
- Roles and Responsibilities ✓
- Long Term Regional Impacts
- Inreach/Outreach

TIMETABLE

1. Begin November 1, 1993
2. Complete work in four months