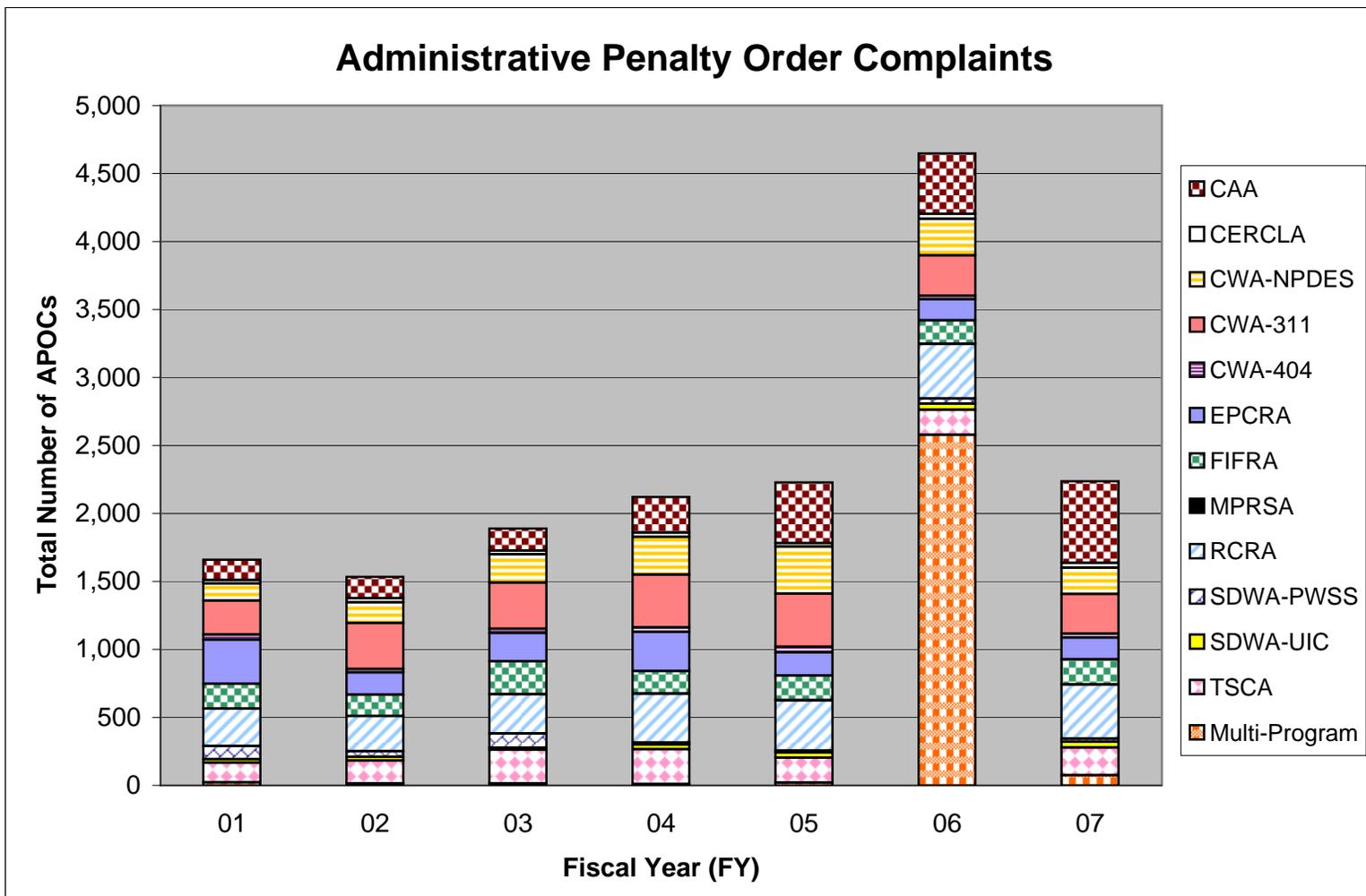


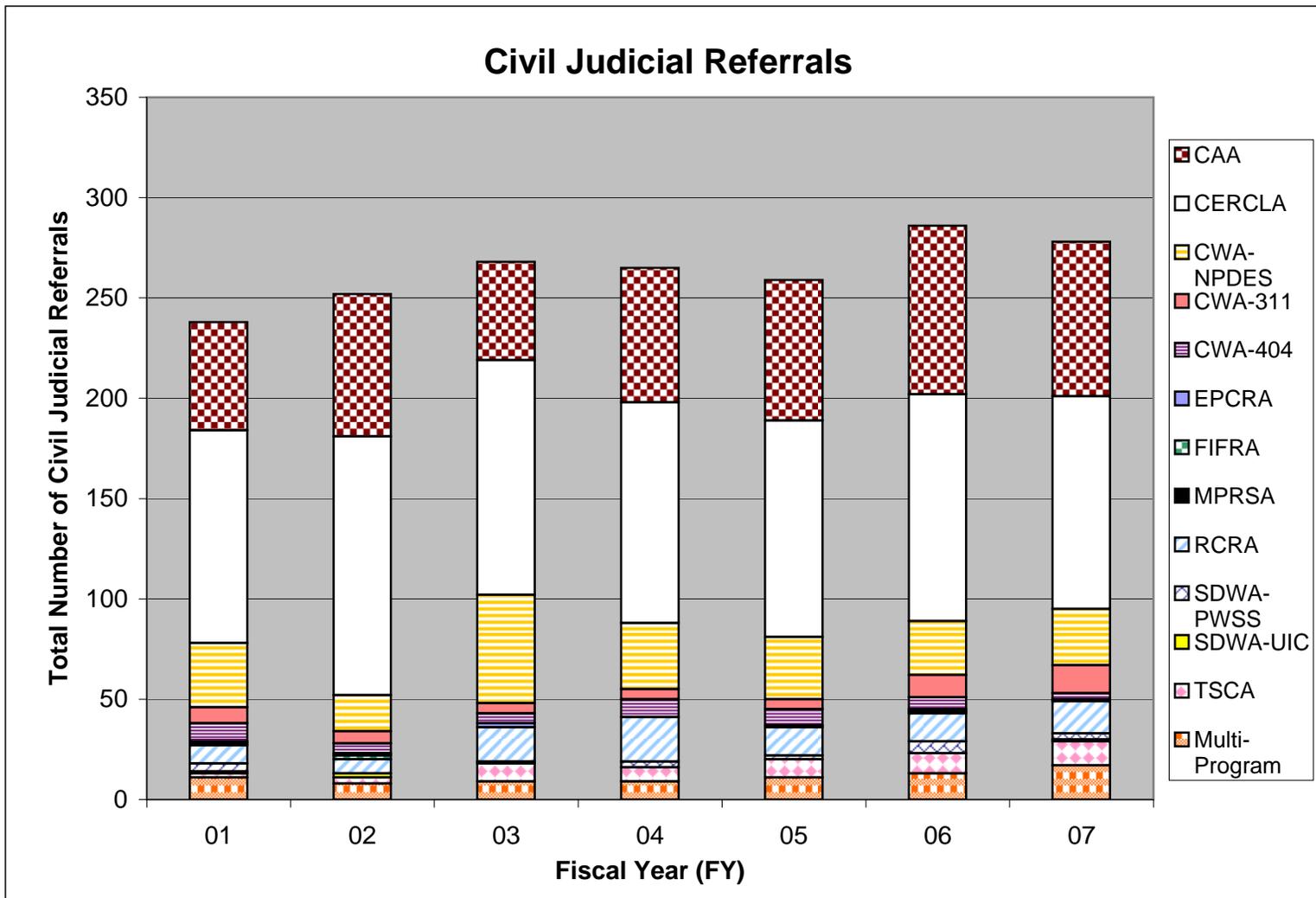


National Enforcement Trends (NETs)



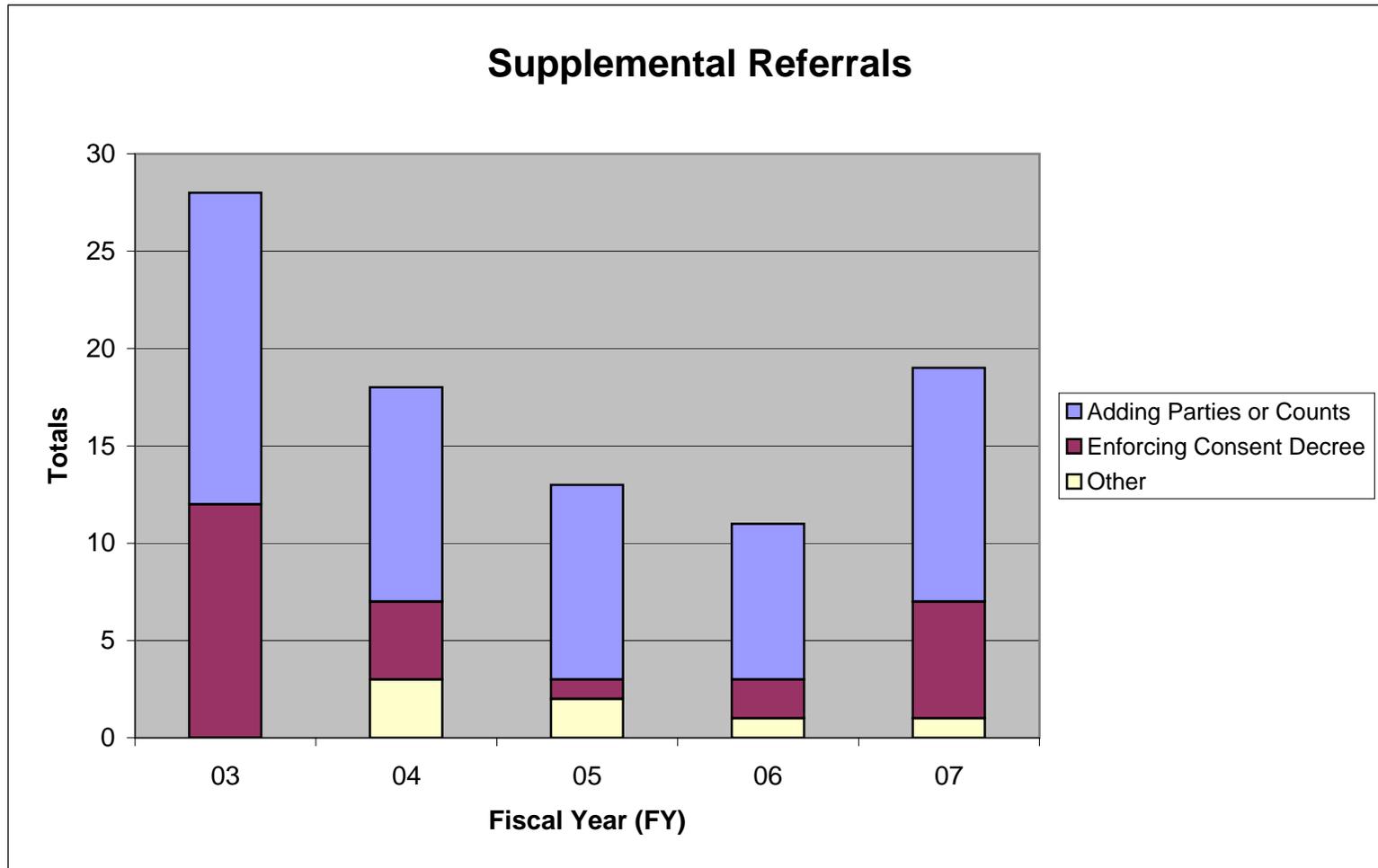


National Enforcement Trends (NETs)





National Enforcement Trends (NETs)





National Enforcement Trends (NETs) FY 2001 - FY 2007 Civil Enforcement Case Initiations

Administrative Penalty Order Complaints (APOCs)							
Statute	Fiscal Year						
	01	02	03	04	05	06	07
CAA	149	156	162	263	448	445	600
CERCLA	25	29	26	31	25	36	36
CWA-NPDES	126	155	208	277	346	268	194
CWA-311	251	336	340	388	391	297	290
CWA-404	37	27	32	34	42	25	30
EPCRA	325	162	207	288	170	155	160
FIFRA	182	158	241	166	179	174	185
MPRSA	NR	NR	2	2	3	2	2
RCRA	276	258	289	359	370	399	396
SDWA-PWSS	96	43	103	15	14	39	22
SDWA-UIC	25	26	16	33	37	43	43
TSCA	145	169	248	256	184	185	203
Multi-Program	23	14	14	10	20	2,579	76
Total	1,660	1,533	1,888	2,122	2,229	4,647	2,237

NR - Not Reported

Supplemental Referrals							
Types	Fiscal Year						
	01	02	03	04	05	06	07
Adding Parties or Counts	NR	NR	16	11	10	8	12
Enforcing Consent Decree	NR	NR	12	4	1	2	6
Other	NR	NR	0	3	2	1	1
Total	0	0	28	18	13	11	19

Civil Judicial Referrals							
Statute	Fiscal Year						
	01	02	03	04	05	06	07
CAA	54	71	49	67	70	84	77
CERCLA	106	129	117	110	108	113	106
CWA-NPDES	32	18	54	33	31	27	28
CWA-311	8	6	5	5	5	11	14
CWA-404	9	5	5	9	8	6	3
EPCRA	1	1	2	0	1	1	1
FIFRA	1	2	0	0	0	1	0
MPRSA	NR	NR	0	0	0	0	0
RCRA	9	7	17	22	14	14	16
SDWA-PWSS	4	0	1	3	2	6	3
SDWA-UIC	1	2	0	0	0	0	1
TSCA	2	3	9	7	9	10	12
Multi-Program	11	8	9	9	11	13	17
Total	238	252	268	265	259	286	278

NR - Not Reported

National Enforcement Trends (NETs) Metadata

NETs Page E-1,1b,1c,1d: FY 2001 - FY 2007 Civil Enforcement Case Initiations	
Note 1	Prior to FY 2003 expedited administrative penalty orders (APOs) (complaints and final orders) were referred to as “field citations” in the Resource Conservation and Recovery Act (RCRA). Beginning in FY 2003 the term field citations was superceded by the term “expedited” action and additional programs now have expedited enforcement actions. In addition to the RCRA UST program, expedited APOs are now a formal enforcement tool used by the following programs: Clean Air Act (CAA) 112r, Clean Water Act (CWA) Stormwater, CWA Spill Prevention Control and Countermeasure (SPCC), CWA Oil Spills, and RCRA 3008A (Subtitle C).
Note 2	Prior to FY 1999 RCRA UST field citations were counted separately from other APOs. Beginning in FY 1999 field citations/expedited APOs have been included in counts of APOs and, therefore, are included in the E-1 APOC bar graph and table.
Note 3	Expedited actions account for a significant portion of the administrative penalty order complaints (APOCs) reported. Of the 2,229 APOCs reported in FY 2005, 957 (43%) were expedited penalty order complaints; of the 4,647 APOCs reported in FY 2006, 863 (19%) were expedited penalty order complaints; and of the 2,237 APOCs in FY 2007, 821 (37%) were expedited penalty order complaints.
Note 4	In FY 2003, as part of the larger change in not adding extra credits to referrals, EPA began collecting case initiation information in three similar and two different areas: the number of multi-program and multi-facility cases; the media/programs that make up EPA's multi-program cases; the total number of facilities that are the subject of EPA's enforcement actions; the number of EPA supplemental judicial referrals to amend an existing enforcement action to add parties and/or violations; and, the number of EPA supplemental judicial referrals to enforce judicial settlements. (See November 17, 2003, "New EPA Methodology for Civil Enforcement Case Initiation Counting" at: http://epa.gov/compliance/resources/reports/endofyear/eoy2003/newcasecountingmethod.pdf .)
Note 5	Since FY 2003, EPA captures in separate data tables (not included here) the following information that was formerly captured only as extra-credits: the number of multi-program and multi-facility cases; the media/programs that make up EPA's multi-program cases; the total number of facilities that are the subject of EPA's enforcement actions; the number of EPA actions to amend enforcement actions to add parties and/or violations; and the number of EPA actions to enforce judicial settlements.
Note 6	The significant increase in both administrative penalty order complaints (APOCs) and final administrative penalty order (FAPO) numbers in FY 2006 is the result of a unique, one-time enforcement initiative involving animal feeding operations (AFOs) that resulted in over 2,568 administrative consent agreements and final orders (referred to as the AFO Air Compliance Agreements). These cases were both initiated and resolved in FY 2006. Approximately 50% of the FY06 APOCs (as well as 50% of the FY06 FAPOs) were issued as part of this initiative. If these actions are subtracted from the total APOC and FAPO counts, the number of administrative penalty cases is about the same as in previous years. All of the AFO air compliance agreements were counted as multi-program APOCs in FY 2006 since all involved more than one statute. The animal feeding operation cases (discussed above) were not expedited penalty orders, which account for the lower percentage of expedited orders in FY 2006 (refer to Note 2 for percentages in FY 2005 vs. FY 2006).

National Enforcement Trends (NETs) Metadata

Note 7

Beginning in FY 2006, EPA changed its methodology for counting consent decrees (CD) for Superfund cleanup commitments and cost recovery judicial settlements. In other enforcement programs, CDs are counted only in the year that the CD has been entered by the court. The Superfund program has always given credit for these settlements when a CD was referred, lodged or entered, depending on which action the regions reported first. However, in order to provide consistency in reporting within Office of Enforcement and Compliance Assurance (OECA), CDs for Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) response and cost recovery measures will now be counted only when they have been entered. Because the new procedures result in some previously counted Superfund CDs being counted again (because they were referred or lodged in a previous fiscal year, but not entered until this fiscal year), FY 2006 and the next couple of years will be a transition period. As a result, the count of Superfund referrals and the total count of referrals will be impacted, as Superfund CDs will not be counted at the referral stage any longer, and civil judicial conclusions will be impacted, since previously reported Superfund CDs may be counted again under this category (during the transition period).