

Environmental Protection Agency Summary of Performance by Strategic Objective

Goal 5: Protecting Human Health and the Environment by Enforcing Laws and Assuring Compliance. *Protect human health and the environment through vigorous and targeted civil and criminal enforcement. Use Next Generation Compliance strategies and tools to improve compliance with environmental laws.*

Objective 1: Enforce Environmental Laws to Achieve Compliance. *Pursue vigorous civil and criminal enforcement that targets the most serious water, air, and chemical hazards in communities to achieve compliance. Assure strong, consistent, and effective enforcement of federal environmental laws nationwide. Use Next Generation Compliance strategies and tools to improve compliance and reduce pollution.*

Selection from EPA's FY 2017 Annual Performance Plan

FY 2017 Activities

The EPA continually assesses priorities and embraces new approaches that can help achieve the agency's goals more efficiently and effectively. The EPA's FY 2017 budget submission for the Enforcement and Compliance Assurance program continues to invest resources in high priority areas with the greatest impact on public health, while reducing resources where we have made significant progress (and therefore no longer require as active an enforcement presence), or that, while important, do not address the most substantial impacts to human health. The EPA carefully evaluates program activities and directs limited resources to where they can best protect public health, especially addressing disadvantaged communities; supporting core work of state and Tribal partners; and focusing on the largest pollution problems. The EPA will continue to examine new enforcement approaches through Next Generation Compliance to make the program more efficient and effective.

The agency remains committed to implementing a strong enforcement and compliance program focused on identifying and reducing non-compliance and deterring future violations. To meet this commitment, the program employs a variety of activities, including data collection and analysis, compliance monitoring, compliance assistance, civil and criminal enforcement efforts, and innovative and evidence-based problem-solving approaches. In FY 2017, these efforts will be enhanced through Next Generation Compliance approaches that rely on modern reporting and monitoring tools to advance implementation of the agency's priorities and core program work.

Further, in designing and implementing Compliance Monitoring program activities, the EPA tracks and assesses recent studies and evaluations regarding the effectiveness and limits of compliance monitoring and enforcement in promoting compliance and deterrence. The evidence in the literature consistently demonstrates that strong and active compliance monitoring and enforcement increases compliance and reduces pollution. The EPA's Compliance Research Literature web page references many of these studies and reports.

Compliance Monitoring - Targeting the Most Serious Hazards in Communities

The EPA's compliance monitoring program reviews and evaluates the activities of the regulated community to determine compliance with applicable laws, regulations, permit conditions and

settlement agreements. The program also determines whether conditions exist at facilities that present imminent and substantial endangerment.

In FY 2017, the EPA's compliance monitoring activities will be both environmental media-based and sector-based. The EPA's media-based inspections complement those performed by states and tribes, and are a key part of the strategy for meeting the long-term and annual goals established for the air, water, pesticides, toxic substances and hazardous waste programs. The EPA will target its inspections to the highest priority areas and coordinate inspection activity with states and tribes to better leverage resources and enhance collaboration. In FY 2015, the EPA conducted approximately 15,400 federal inspections and evaluations.

In FY 2017, as part of Next Generation Compliance, the agency will continue to enhance the efficiency and effectiveness of the compliance monitoring program by leveraging electronic reporting to reduce paperwork burden, increasing transparency by enhancing systems to report, synthesize, utilize, and disseminate monitoring data, designing analytic tools to help understand and utilize data, and deploying state-of-the-art monitoring equipment to the field. Updating data systems to utilize electronic transmissions from regulated facilities will benefit the compliance monitoring program by allowing the EPA to better apply evidence-based approaches to the program and determine what strategies achieve the best results.

Compliance monitoring includes the EPA's management and use of data systems to oversee its compliance and enforcement programs under the various statutes and programs that the agency enforces. In FY 2017, the EPA will continue the process of enhancing its data systems to integrate with the E-Enterprise business strategy and to support electronic interaction with regulated facilities, providing more comprehensive, accessible data to the public and improving integration of environmental information with health data and other pertinent data sources from other federal agencies and private entities. Building upon ongoing work in FY 2016, the completion of ICIS development in FY 2017 will provide additional functionality to support the agency's Next Generation and E-Enterprise business strategy principles (e.g., electronic reporting). The EPA is also coordinating with the states through E-Enterprise for the expected implementation of Smart Tools for RCRA field inspectors in FY 2016 and the development of these tools for the Clean Water Act and Clean Air Act programs in FY 2017.

In addition, the EPA plans to continue work toward improving transparency and analysis through enhancements of the modernized Enforcement and Compliance History Online (ECHO) in alignment with the E-Enterprise business strategy. Specifically, in FY 2017, the EPA will continue to enhance its analytical capabilities for analyzing large data sets and displaying the results in a geospatial platform (e.g., the EPA's Geo-platform). These efforts will lead to better targeting of areas of most environmental concern and will produce evidence that demonstrates the need for continued investment in enhanced data analytics. Currently, ECHO includes State Performance dashboards for the Clean Water Act (CWA), Clean Air Act (CAA) and Resource Conservation and Recovery Act (RCRA) to allow users to assess each state's performance in enforcing the various environmental statutes, as well as integrate facility information across media specific data systems. Through ECHO and its reports, users can now view this data in a comprehensive and organized manner, including a search function. ECHO reports provide a snapshot of a facility's environmental record, showing dates and types of violations, as well as the state

or federal government's response. The system allows the public to monitor environmental compliance in their communities, corporations to monitor compliance across facilities they own, and investors to more easily factor environmental performance into their decisions. These features will be enhanced to continue to expand public access to more transparent EPA multimedia enforcement and compliance data.

In FY 2017, the proposed budget for compliance monitoring is slightly more than \$112million.

Assuring Strong, Consistent, and Effective Enforcement

Civil Enforcement

The Civil Enforcement program's overarching goal is to assure compliance with the nation's environmental laws and regulations in order to protect human health and the environment. The program collaborates with the Department of Justice, states, local agencies and Tribal governments to ensure consistent and fair enforcement of all environmental laws and regulations. The program seeks to protect public health and the environment and ensure a level playing field by strengthening partnerships with co-implementers in the states, encouraging regulated entities to rapidly correct their own violations, ensuring that violators do not realize an economic benefit from noncompliance and pursuing enforcement to deter future violations.

The Civil Enforcement program develops, litigates and settles administrative and civil judicial cases against serious violators of environmental laws. The EPA also pursues enforcement against federal agency violators to ensure compliance with environmental laws and protection of human health and the environment. In FY 2015, the EPA's enforcement actions required regulated entities to invest more than \$7 billion in actions and equipment to control pollution (injunctive relief). Also in FY 2015, the enforcement program obtained a total of \$205 million in federal administrative and civil judicial penalties. The EPA's enforcement actions required regulated entities to reduce pollution by an estimated 530 million pounds and treat, minimize, or properly dispose of 500 million pounds of hazardous waste. Sustained and focused enforcement attention to the Safe Drinking Water Act (SDWA) resulted in a 75 percent reduction in the number of public water systems with serious unresolved violations in the past five years; this was the result of combination of federal and state enforcement actions and improved prioritization and tracking processes.

In FY 2017, the EPA's civil enforcement program will focus on the national enforcement initiatives, including in communities that may be disproportionately exposed to risks and harm from pollutants in their environment. The National Enforcement Initiatives for FY 2017-FY 2019 will be selected through a collaborative process that will be completed in FY 2016. These national initiatives address problems that remain complex and challenging. For example, the FY 2014-FY 2016 initiatives are focused on keeping raw sewage and contaminated stormwater out of our nation's waters, preventing animal waste from contaminating surface and ground waters, and addressing violations of the Clean Air Act New Source Review/Prevention of Significant Deterioration requirements and Air Toxics regulations, RCRA violations at mineral processing facilities, and multi-media problems resulting from energy extraction activities. Information on initiatives, regulatory requirements, enforcement alerts and the EPA's results are available to the public and the regulated community through websites.

As with the compliance monitoring program, the EPA's enforcement program will benefit from receiving electronic reporting of data from regulated facilities and by having more complete and timely data to better evaluate which enforcement approaches are most effective. This utilizes the transformative information system-based work of the larger E-Enterprise business strategy. The EPA and states will be able to better prioritize enforcement resources based on evidence that indicates where they are most needed such as complex industrial operations requiring physical inspection, repeat violators, cases involving significant harm to human health or the environment, or potential criminal violations.

Next Generation Compliance also has been incorporated into the EPA's national effort to advance environmental justice by protecting communities that have been disproportionately impacted by pollution. For example, most of the infrared gas-imaging cameras (associated with the Marathon settlement) were placed in fuel storage tanks primarily located in environmental justice communities. Next Generation also promotes advanced emissions and pollutant detection technology so that regulated entities, the government, and the public can more easily see pollutant discharges, environmental conditions, and noncompliance. For example, in U.S. v. Marathon Petroleum Corporation, Marathon agreed (in May 2015) to implement innovative technologies using an infrared gas-imaging camera to inspect 14 fuel storage tanks in three states to identify potential defects that may cause excessive emissions of VOCs. If defects are found, Marathon will conduct inspections and perform repairs where necessary.

The Civil Enforcement program also provides support for other priority programs, including the Environmental Justice program. For example, in FY 2015, 35 percent of the enforcement cases initiated by the EPA addressed violations that had occurred in locations with potential environmental justice concerns and many other cases reduced pollution to the benefit of those communities. In addition, the civil enforcement program is helping to implement a compliance and enforcement strategy for the Chesapeake Bay, providing strong oversight to ensure existing regulations are complied with consistently and in a timely manner, and making data on government and facility performance in the Bay watershed accessible and understandable to the public.

In FY 2017, the proposed budget for civil enforcement is \$185.7 million.

Criminal Enforcement

Criminal enforcement exemplifies the EPA's commitment to pursue the most serious pollution violations. The EPA's criminal enforcement program investigates and helps prosecute environmental violations that involve intentional, deliberate, or criminal behavior on the part of the violator. The Criminal Enforcement program deters violations of environmental laws and regulations by demonstrating that the regulated community will be held accountable through jail sentences and criminal fines. Bringing criminal cases to court sends a strong deterrence message to potential violators, enhances aggregate compliance with laws and regulations, and protects communities at risk. In FY 2015, the conviction rate for criminal defendants was 92 percent.

To efficiently maximize resources, in FY 2017 the program will use its special agent capacity to identify and investigate cases with the most significant environmental, human health and deterrence impact and reduce case work in lower priority areas. The EPA's criminal enforcement program will target cases across all media that involve serious harm or injury; hazardous or toxic releases; ongoing, repetitive, or

multiple releases; serious documented exposure to pollutants; and violators with significant repeat or chronic noncompliance or prior criminal conviction.

In FY 2017, the proposed budget for Criminal Enforcement is \$60.4 million.

Forensics Support

The Forensics Support program provides specialized scientific and technical support for the nation's most complex civil and criminal enforcement cases, as well as technical expertise for agency compliance efforts. The work of the EPA's National Enforcement Investigations Center (NEIC) is critical to determining non-compliance and building viable enforcement cases. The NEIC maintains a sophisticated chemistry laboratory and a corps of highly trained inspectors and scientists with a wide range of environmental scientific expertise. In FY 2017, NEIC will continue to function under rigorous International Standards Organization 17025 requirements for environmental data measurements to maintain its accreditation.

In FY 2017, the proposed budget for Forensics Support is \$15.8 million.

Superfund Enforcement

The EPA's Superfund Enforcement program protects communities by ensuring that responsible parties conduct or pay for cleanups of hazardous waste sites, preserving federal dollars for sites where there are no viable contributing parties. Superfund enforcement uses an "enforcement first" approach that maximizes the participation of liable and viable parties in performing and paying for cleanups in both the remedial and removal programs. The EPA will focus Superfund enforcement resources to support Potentially Responsible Party (PRP) searches, cleanup settlements, and cost recovery. Similarly, the Superfund Federal Facilities enforcement program will take action to ensure that federal agencies actively and appropriately manage their own cleanup efforts with the legally-required EPA oversight. The agency will continually assess its priorities and embrace new approaches that can help achieve its goals more efficiently and effectively.

Enforcement authorities play a unique role under the Superfund program. The authorities are used to ensure that responsible parties conduct a majority of the cleanup actions and reimburse the federal government for cleanups financed by federal resources. In tandem with this approach, various reforms have been implemented to increase fairness, reduce transaction costs, promote economic development and make sites available for appropriate reuse. Ensuring that responsible parties cleanup sites ultimately reduces direct human exposures to hazardous pollutants and contaminants, provides for long-term human health protections and makes properties available for reuse.

The Department of Justice supports the EPA's Superfund enforcement program through negotiations and judicial actions to compel PRP cleanup and litigation to recover Trust Fund monies. The agency proposes to provide \$21.8 million to the Department of Justice through an Interagency Agreement. This partnership to ensure polluters pay has been very effective. In FY 2015, the EPA reached a settlement or took an enforcement action at 100 percent of non-federal Superfund sites with viable, liable parties. In addition, in FY 2015, private party cleanup commitments were approximately \$2 billion, the second highest amount committed to spend on site "cleanup" during a fiscal year, and the EPA billed private parties for \$106 million in oversight costs, the highest amount ever billed during a fiscal year.

Responsible parties agreed to reimburse approximately \$512 million of the EPA's past costs for cleanup work at Superfund sites, the second highest total since the inception of the program.

In FY 2017 the proposed budget for the Superfund and Federal Facilities enforcement programs is \$166.1 million.

Partnering with States and Tribes

In FY 2017, the Enforcement and Compliance Assurance program will sustain its environmental enforcement partnerships with states and tribes and work to strengthen their ability to address environmental and public health threats. In FY 2017, the Enforcement and Compliance Assurance program will provide \$23.0 million in grants to the states and tribes to assist in the implementation of compliance and enforcement provisions of the Toxic Substances Control Act (TSCA) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). These grants support state and Tribal compliance activities to protect human health and the environment from harmful chemicals and pesticides. Under the Pesticides Enforcement Grant program, the EPA will continue to provide resources to states and tribes to conduct FIFRA compliance inspections and take appropriate enforcement actions. The Toxic Substances Compliance Grants protect the public and the environment from PCBs, asbestos, and lead-based paint.

Major FY 2017 Changes

The FY 2017 request maintains FTE near the lowest levels in the program's history, but includes resources for the EPA to identify and address noncompliance by dedicating resources to data analysis and systems, lab support, equipment for front line enforcement personnel, inspector training, and case support (such as expert witnesses and document management services). These resources will allow our staff to be more efficient and effective at protecting public health and maintaining a level playing field for companies that play by the rules, by assuring compliance with environmental laws.

In FY 2017, key themes in the enforcement and compliance budget reflect on-going changes in programmatic direction and efficiencies gained from modernizing our business processes. The EPA continues to improve its business processes under both the E-Enterprise business strategy and Next Generation Compliance based on advances in pollutant monitoring and information technology. Resources across Goal 5 will continue to be focused on advancing efforts in the agency's priorities: Addressing Climate Change and Improving Air Quality, Protecting America's Waters, Cleaning up Our Communities and Advancing Sustainable Development. Our enforcement work also continues to be guided by a focused group of priority efforts known as National Enforcement Initiatives (NEIs). NEIs address serious patterns of noncompliance in areas that are particularly complex and challenging. New NEIs for FY 2017-2019 will be selected through a collaborative process that EPA started in FY 2015 and will be completed in FY 2016.

Addressing Climate Change and Improving Air Quality

In FY 2017, the EPA will help improve air quality in communities by targeting large pollution sources such as the coal-fired utility, acid, cement, glass and natural gas exploration and production industries that are not complying with environmental laws and regulations. Where the EPA finds non-compliance, the agency

will take action to bring them into compliance, which may include requiring facilities to install controls that will benefit communities and/or improve emission monitoring. Enforcement activities which cut toxic air pollution in communities will improve the health of residents, particularly those overburdened by pollution. In FY 2015, the EPA reduced, treated, or eliminated 430 million pounds of air pollutants as a result of concluded enforcement actions. In FY 2017, the agency's budget provides resources to improve the quality and efficiency of compliance inspections, to develop an advanced monitoring equipment program, and to support air regulation implementation. The inspection effort includes the development of tools to allow inspectors to record field observations and transmit inspection reports electronically. Leveraging technology to move to a digitally based process will assist in identification of patterns of problems, compile inspection results in a more timely way, increase transparency on compliance status, and allow for quicker responses where appropriate. The focus of the advanced monitoring program will be on providing communities with monitors, along with technical assistance and training, to allow them to better understand the state of their environment and help local decision makers consider actions that will reduce the risks from pollution. This work will support both the air and water programs.

Protecting America's Waters

In FY 2017, the EPA will continue to work with states to use compliance and enforcement approaches which more effectively and efficiently address the most important water pollution problems. Our focus will include getting raw sewage out of water, cutting pollution related to animal waste, and reducing pollution from stormwater runoff. The EPA also will continue to promote an integrated planning strategy for addressing municipal sewage and stormwater challenges, including the use of lower cost and innovative approaches such as incorporating green infrastructure into enforcement remedies where appropriate. In addition, through its enforcement agreements, the EPA works closely with communities to get the most important work for protecting health accomplished in the most cost effective way, and on a schedule that is practical and affordable. These efforts will help clean up aquatic ecosystems like the Chesapeake Bay and will focus on revitalizing urban communities by protecting and restoring urban waters. These options are proving attractive to communities in achieving Combined Sewer Overflow (CSO) program objectives. Enforcement efforts also will support the goal of assuring clean drinking water for all communities, including for small systems and in Indian country, and improving the quality of Safe Drinking Water Act data reported by states to ensure compliance. In FY 2015, the EPA reduced, treated, or eliminated 90 million pounds of water pollutants as a result of concluded enforcement actions. In FY 2017, the agency's budget directs resources to improve the quality and efficiency of compliance inspections, develop an advanced monitoring equipment program, and test and pilot advanced monitoring technologies, which will support both air and water programs.

Cleaning up Our Communities and Advancing Sustainable Development

In FY 2017, the EPA will continue to protect communities by ensuring that responsible parties conduct Superfund and other cleanups, saving federal dollars for sites where there are no viable contributing parties. Ensuring that responsible parties clean up the sites also reduces direct human exposure to hazardous pollutants and contaminants, provides for long-term human health protection, and ultimately makes contaminated properties available for reuse. The EPA will continue to integrate environmental justice (EJ) considerations into the site remediation enforcement programs by using EJ criteria when enforcing RCRA corrective action requirements to meet RCRA 2020 goals and ensuring that institutional controls are implemented at sites with potential environmental justice concerns.

The FY 2017 budget request also provides resources to make comprehensive community-based information available on the EPA's Geo-platform, ensuring that the EPA community investments are mapped and easily accessible to the EPA's staff. The EPA's Geo-platform will lead to better targeting of areas of most environmental concern such as EJ communities.

**Selection from EPA’s FY 2015 Annual Performance Report and Eight-Year Array
of Performance**

Objective 1 - Enforce Environmental Laws to Achieve Compliance: Pursue vigorous civil and criminal enforcement that targets the most serious water, air, and chemical hazards in communities to achieve compliance. Assure strong, consistent, and effective enforcement of federal environmental laws nationwide. Use Next Generation Compliance strategies and tools to improve compliance and reduce pollution.

Summary of progress towards strategic objective:

EPA has determined that performance toward this objective is making steady progress. This progress has been achieved by focusing on high impact cases that tackle serious environmental problems in American communities. This work has been guided by the National Enforcement Initiatives (NEIs), other national priorities (e.g., drinking water), and regional enforcement priorities, as well as by vigorously pursuing environmental benefits, such as commitments to clean up contaminated sites and to install pollution control technologies. Given that EPA enforcement addresses the biggest sources of pollution first, the amount of pollution reduced through EPA’s enforcement cases will, by design, decline over time.

EPA has been advancing the use of Next Generation Compliance strategies throughout its enforcement and compliance program. Examples include requirements for advanced monitoring equipment in case settlements and by providing infrared FLIR cameras to 11 states to better detect pollution. Also, on September 24, 2015, EPA finalized the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule. The final rule will require regulated entities and state and federal regulators to use existing, available information technology to electronically report data required by the National Pollutant Discharge Elimination System (NPDES) program instead of filing written paper reports. E-reporting necessitates major short-term investments to yield long term benefits.

Program Area	Performance Measures and Data									
(1) Maintain Enforcement Presence	Strategic Measure: By 2018, conduct 79,000 federal inspections and evaluations (5-year cumulative). (FY 2005-2009 baseline: 21,000 annually. Status for FY 2013: 18,000.)									
	(PM 409) Number of federal inspections and evaluations.									
		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	Unit
	Target			19,000	17,000	17,000	15,500	15,500	15,500	Inspections/Evaluations
	Actual			20,000	18,000	16,000	15,400			
	<i>Explanation of Results:</i> The FY 2015 result is close but slightly lower than target. As EPA’s budget and travel funds have declined, the total number of inspections has declined as a result.									
	<i>Additional Information:</i> FY 2005-2009 baseline: 21,000 annually.									
Strategic Measure: By 2018, initiate 14,000 civil judicial and administrative enforcement cases (5-year cumulative). (FY 2005-2009 baseline: 3,900 annually. Status for FY 2013: 2,400.)										
(PM 410) Number of civil judicial and administrative enforcement cases initiated.										

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	Unit
Target			3,300	3,200	3,200	2,700	2,700	2,700	Cases
Actual			3,000	2,400	2,300				
<i>Additional Information:</i> FY 2005-2009 baseline: 3,900 annually.									
Strategic Measure: By 2018, conclude 13,600 civil judicial and administrative enforcement cases (5-year cumulative). (FY 2005-2009 baseline: 3,800 annually. Status for FY 2013: 2,500.)									
(PM 411) Number of civil judicial and administrative enforcement cases concluded.									
	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	Unit
Target			3,200	3,000	2,800	2,400	2,400	2,400	Cases
Actual			3,000	2,500	2,300	2,400			
<i>Additional Information:</i> FY 2005-2009 baseline: 3,800 annually.									
Strategic Measure: By 2018, maintain review of the overall compliance status of 100 percent of the open consent decrees. (Baseline 2009: 100 percent. Status for FY 2013: 91 percent.)									
(PM 412) Percentage of open consent decrees reviewed for overall compliance status.									
	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	Unit
Target			100	100	100	100	100	100	Percent
Actual			91	91	100	99			
<i>Explanation of Results:</i> The total number of consent decrees to be reviewed annually is small. Therefore, a small number of unreviewed consent decrees results in a noticeable percentage shortfall compared to the target.									
<i>Additional Information:</i> FY 2012 is the first year of collecting data for this measure.									
Strategic Measure: Each year through 2018, support clean ups and save federal dollars for sites where there are no alternatives by: (1) reaching a settlement or taking an enforcement action before the start of a remedial action at 99 percent of Superfund sites having viable responsible parties other than the federal government; and, (2) addressing all cost recovery statute of limitation cases with total past costs greater than or equal to \$500,000. ((1) FY 2007-2009 annual average baseline: 99 percent of sites reaching a settlement or EPA taking an enforcement action. (2) FY 2009 baseline: 100 percent cost recovery statute of limitation cases addressed. (Status for FY 2013: 100 percent.))									
(PM 078) Percentage of all Superfund statute of limitations cases addressed at sites with unaddressed past Superfund costs equal to or greater than \$500,000.									

		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	Unit	
	Target	100	100	100	100	100	100	100	100	Percent	
	Actual	100	100	100	100	100	100				
	<i>Additional Information:</i> In FY 2009, the Agency addressed 100 percent of Cost Recovery at all NPL and non-NPL sites with total past costs equal to or greater than \$200,000. The threshold for this measure was increased from \$200,000 to \$500,000 in FY 2013 to focus prioritization efforts.										
	(PM 285) Percentage of Superfund sites having viable, liable responsible parties other than the federal government where EPA reaches a settlement or takes an enforcement action before starting a remedial action.										
		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	Unit	
	Target	95	95	99	99	99	99	99	99	Percent	
	Actual	98	100	100	100	100	100				
	<i>Additional Information:</i> In FY 1998 approximately 70 percent of new remedial work at NPL sites (excluding Federal facilities) was initiated by private parties. By FY 2003, that percentage had increased such that a settlement was reached or an enforcement action was taken with non-Federal PRPs before the start of the remedial action at approximately 90 percent of Superfund sites and now, in FY 2015, EPA reached a settlement or started an enforcement action at 100 percent of the non-Federal sites with viable PRPs.										
(2) Support Addressing Climate Change and Improving Air Quality	Strategic Measure: By 2018, reduce, treat, or eliminate 1,590 million estimated pounds of air pollutants as a result of concluded enforcement actions (5-year cumulative). (FY 2005-2008 baseline: 480 million pounds, annual average over the period. Status for FY 2013: 610 million pounds.)										
	(PM 400) Millions of pounds of air pollutants reduced, treated, or eliminated through concluded enforcement actions.										
			FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	Unit
		Target	480	480	480	450	350	310	310	300	Million Pounds
		Actual	410	1,100	250	610	140	430			
	<i>Additional Information:</i> FY 2005-2008 Average Baseline: 480 million pounds, annual average over the period. As OECA continues to make progress addressing large air pollution violators, such as utilities, OECA's future annual enforcement actions will be comprised of cases with significant public health impacts but a smaller number of pounds of pollution. We are increasingly focused on large sources of air toxics, where even small emissions reductions can have significant health benefits. We would therefore expect to see this total pounds measure go down in future years, as a combined result of success in addressing the largest sources and a focus on more toxic air pollutants.										
(3) Support Protecting America's Waters	Strategic Measure: By 2018, reduce, treat, or eliminate 1,280 million estimated pounds of water pollutants as a result of concluded enforcement actions (5-year cumulative). (FY 2005-2008 baseline: 320 million pounds, annual average over the period. Status for FY 2013: 660 million pounds.)										
	(PM 402) Millions of pounds of water pollutants reduced, treated, or eliminated through concluded enforcement actions.										

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	Unit	
Target	320	320	320	320	280	250	250	240	Million Pounds	
Actual	1,000	740	500	660	340	90				
<p>Explanation of Results: Results for this measure are highly variable from year to year because they are driven by a small number of very large cases.</p> <p>Additional Information: FY 2005-2008 Average Baseline: 320 million pounds, annual average over the period. For FY 2010, two stormwater home builder actions contributed to more than half of the one billion pound pollutant reduction result. As we complete work on compliance agreements with the largest cities and begin to address non-compliance in smaller cities, the total pounds of pollution is expected to decline. This reduction will be a combined result of addressing some of the largest and most serious violations and putting those dischargers on a path to remediation, as well as our focus on other sources of water pollution that are smaller in number of pounds but very important to protecting water quality.</p>										
(4) Support Cleaning Up Communities and Advancing Sustainable Development	<p>Strategic Measure: By 2018, treat, minimize, or properly dispose of 14,600 million estimated pounds of hazardous waste as a result of concluded enforcement actions (5-year cumulative).(FY 2008 baseline: 6,500 million pounds. Status for FY 2013: 150 million pounds.)</p> <p>(PM 405) Millions of pounds of hazardous waste reduced, treated, or eliminated through concluded enforcement actions.</p>									
		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	Unit
	Target	6,500	6,500	6,500	6,000	5,000	2,400	2,400	2,300	Million Pounds
	Actual	11,800	3,600	4,400	150	700	500			
	<p>Explanation of Results: Results for this measure are highly variable from year to year because they are driven by a small number of very large cases. This results in substantial variability in this measure from year to year. For example, one large case lodged but not entered in FY15 would have made this the largest year ever in pounds of hazardous waste addressed.</p> <p>Additional Information: Prior to FY 2016, this measure only included hazardous waste. Beginning in FY 2016, this measure will report (separately) both hazardous and non-hazardous waste subtotals addressed and remediated through EPA enforcement actions. Non-hazardous waste subtotals were previously included in PM 404. FY 2008 Baseline: 6,500 million pounds. The results for this measure are driven by a small number of very large cases and, therefore, can cause significant fluctuations in the results from year to year. For example, in FY 2010 over 99% of the total 11.75 billion pounds of hazardous waste reduced, treated, or eliminated came from two cases - CF Industries Inc. (9.87 billion pounds) and Exxon Mobil Oil Corporation (1.86 billion pounds). Given the types of cases that are nearing completion, OECA's shift in focus is expected to result in fewer millions of pounds of pollution reduced overall.</p>									
	<p>Strategic Measure: By 2018, obtain commitments to clean up 1,025 million cubic yards of contaminated soil and groundwater media [4] as a result of concluded CERCLA and RCRA corrective action enforcement actions (5-year cumulative). (FY 2007-2009 baseline: 300 million cubic yards of contaminated soil and groundwater media, annual average over the period. Status for FY 2013: 750 million cubic yards.)</p> <p>(PM 417) Millions of cubic yards of contaminated soil and groundwater media EPA has obtained commitments to clean up as a result of concluded CERCLA and RCRA corrective action enforcement actions.</p>									
		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	Unit
	Target			300	275	225	200	200	200	

	Actual			400	750	900	70			Million Cubic Yards
<p>Explanation of Results: Results for this measure are highly variable from year to year because they are driven by a small number of very large cases. This results in substantial variability in this measure from year to year.</p> <p>Additional Information: FY 2007-2009 baseline: 300 million cubic yards of contaminated soil and groundwater media, annual average over the period. Contaminated groundwater media, as defined for the Superfund and RCRA corrective action programs, is the volume of physical aquifer (both soil and water) that will be addressed by the response action. The results for this measure are usually driven by a small number of very large cases, which can cause a significant fluctuation in results from year to year depending on the types of cases concluded in any given year. For example, in FY 2011 75% of the 937.4 million cubic yards of contaminated soil and groundwater media to be cleaned up under concluded CERCLA and RCRA corrective action enforcement actions came from one case. Additionally, the FY 2013 target was adjusted (from 300 to 275) to reflect decreases in contributing program project areas in the FY 2013 budget.</p>										
(5) Support Ensuring the Safety of Chemicals and Preventing Pollution	<p>Strategic Measure: By 2018, reduce, treat, or eliminate 14 million estimated pounds of toxic and pesticide pollutants as a result of concluded enforcement actions (5-year cumulative). (FY 2005-2008 baseline: 3.8 million pounds, annual average over the period. Status for FY 2013: 4.6 million pounds.)</p>									
(PM 404) Millions of pounds of toxic and pesticide pollutants reduced, treated, or eliminated through concluded enforcement actions.										
	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	Unit	
Target	3.8	3.8	3.8	3.0	2.5	2.3	2.3	2.3	Million Pounds	
Actual	8.3	6.1	1,400	4.6	41	10			Pounds	
<p>Additional Information: Prior to FY 2016, this measure included non-hazardous wastes. Beginning in FY 2016, non-hazardous wastes addressed and remediated through EPA enforcement actions, which have been reported as part of this measure, will be reported as part of PM 405. FY 2005-2008 Average Baseline: 3.8 million pounds, annual average over the period. The results for this measure are usually driven by a small number of very large enforcement cases, which yielded the majority of the pounds addressed and can cause significant fluctuations in results from year to year, depending on the types of cases concluded in any given year. Note: the FY 2014 actual amount was decreased by 5 million pounds from previous submissions due to a reclassification of the pounds as hazardous waste (measure PM 405) instead of toxics.</p>										
(6) Enhance Strategic Deterrence through Criminal Enforcement	<p>Strategic Measure: By 2018, increase the percentage of criminal cases having the most significant health, environmental, and deterrence impacts to 45 percent. (FY 2010 baseline: 36 percent. Status for FY 2013: 44 percent.)</p>									
(PM 418) Percentage of criminal cases having the most significant health, environmental, and deterrence impacts.										
	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	Unit	
Target			43	43	43	45	45	45	Percent	
Actual			45	44	48	62			Percent	

Additional Information: FY 2010 baseline: 36 percent.									
Strategic Measure: By 2018, maintain 75 percent of criminal cases with an individual defendant. (FY 2006-2008 baseline: 75 percent.)									
(PM 419) Percentage of criminal cases with individual defendants.									
	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	Unit
Target			75	75	75	75	75	75	Percent
Actual			70	80	87	83			
Additional Information: FY 2006-2008 baseline: 75 percent.									
Strategic Measure: By 2018, increase the percentage of criminal cases with charges filed to 45 percent. (FY 2006-2010 baseline: 36 percent. Status for FY 2013: 38 percent.)									
(PM 420) Percentage of criminal cases with charges filed.									
	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	Unit
Target			40	40	40	45	45	45	Percent
Actual			44	38	39	38			
Explanation of Results: This result is within the expected annual variability for this measure.									
Additional Information: FY 2006-2010 baseline: 36 percent.									
Strategic Measure: By 2018, maintain an 85 percent conviction rate for criminal defendants. (FY 2006-2010 baseline: 85 percent. Status for FY 2013: 94 percent.)									
(PM 421) Percentage of conviction rate for criminal defendants.									
	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	Unit
Target			85	85	85	85	85	85	Percent
Actual			95	94	95	92			
Additional Information: FY 2006-2010 baseline: 85 percent.									