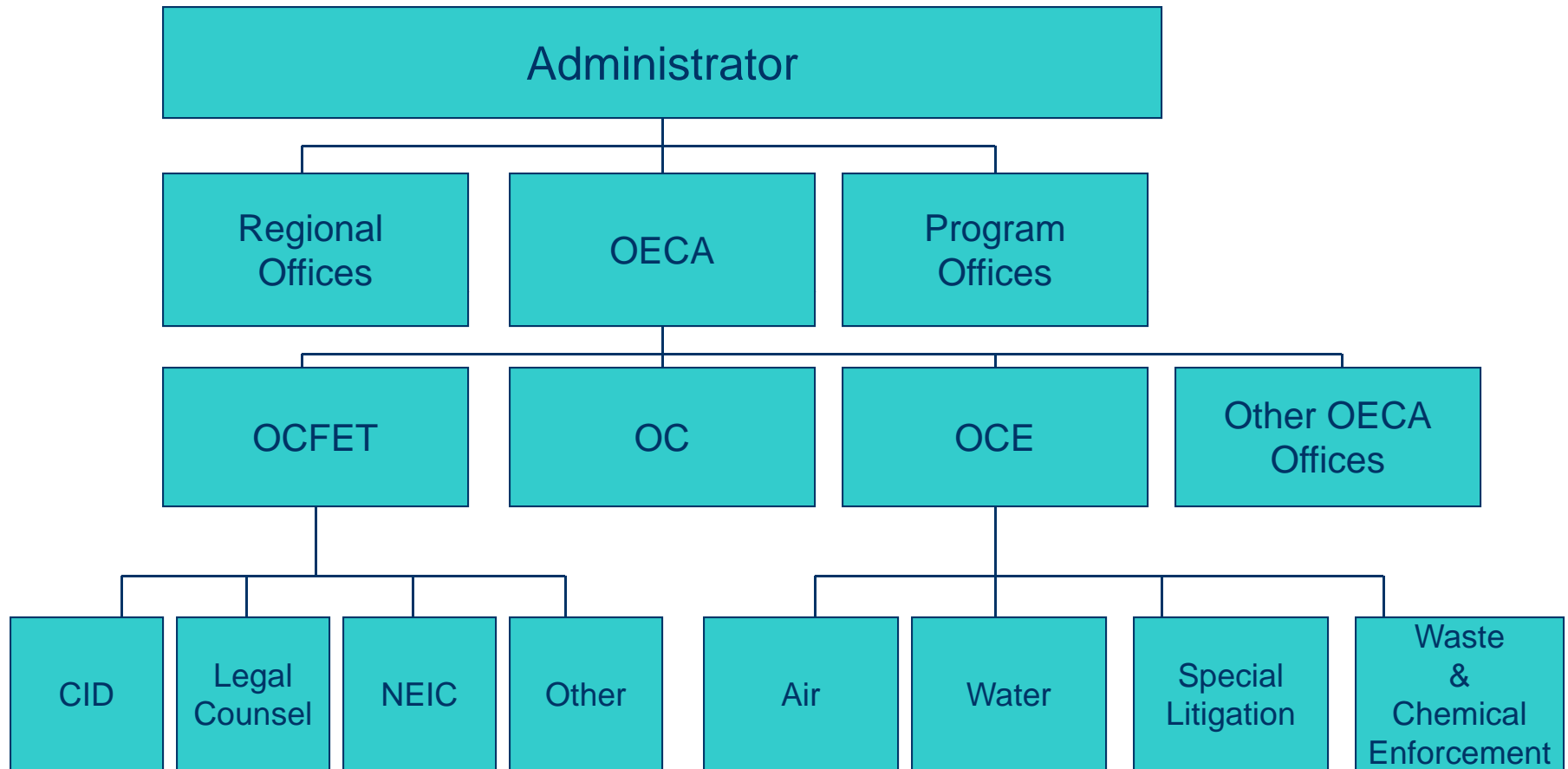
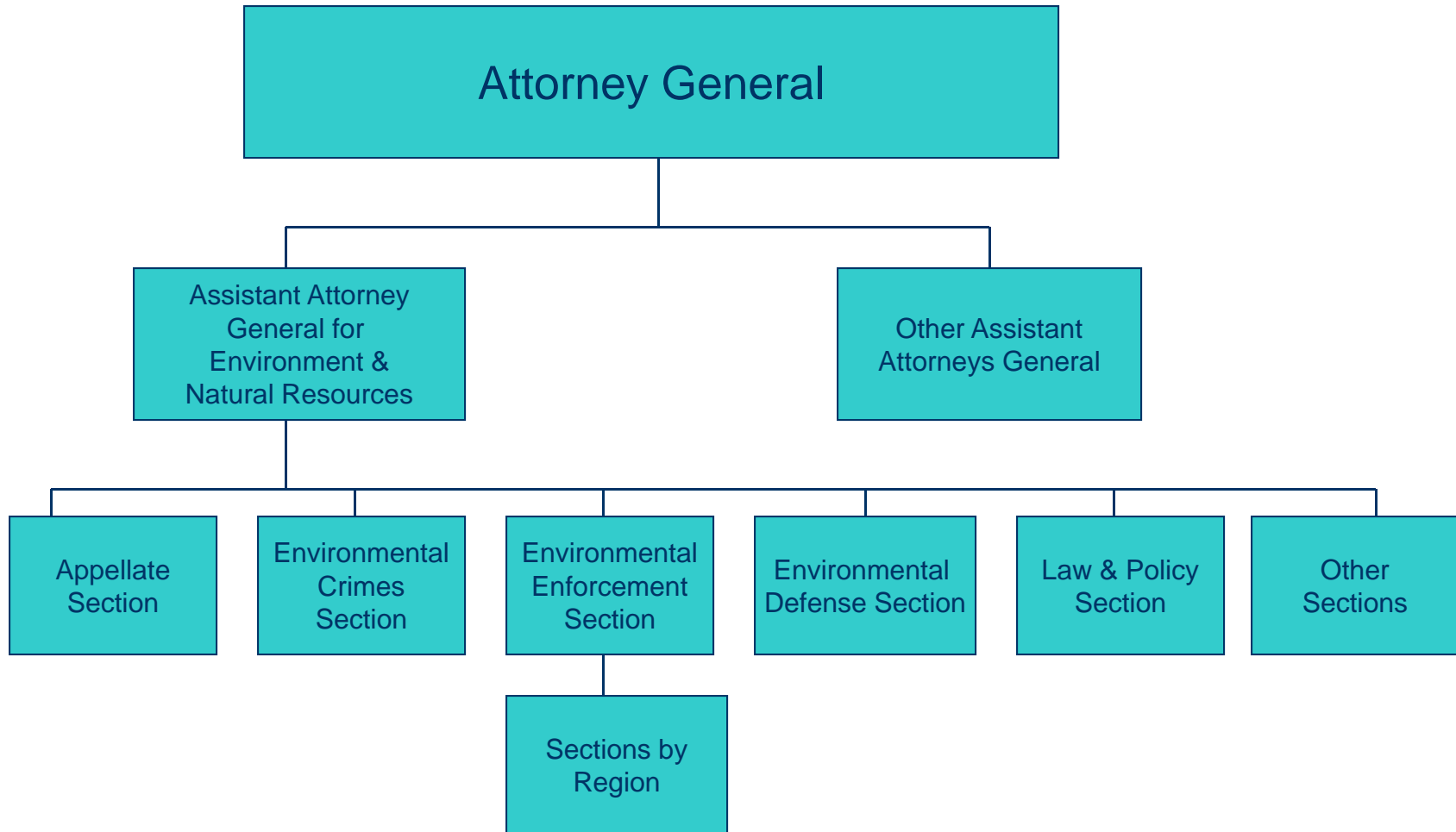


EPA Enforcement Organizational Structure



Attorney General Organizational Structure



Enforcement Focus

- National Enforcement and Compliance Assurance Priorities
 - Priorities address sectors:
 - Displaying significant (often nationwide) patterns of non-compliance
 - Where federal enforcement can yield substantial environmental and compliance benefits
 - Priority cases typically focus on violators or industries that operate in multiple states and demonstrate serious, long-standing violations that place human health and the environment at risk.
- See Priority Strategies at: <http://www.epa.gov/compliance/data/planning/priorities/index.html>

Addressing the Nation's Biggest Environmental Problems - Water

- Polluted Storm Water Runoff



- Discharges from Concentrated Animal Feeding Operations (CAFOs)



Addressing the Nation's Biggest Environmental Problems - Water

- Sewer Overflows



Enforcement Focus – Water Priorities

- **Clean Water Act (Wet Weather) Priorities**
 - Combined and Separate Sewer Overflows (CSOs, SSOs)
 - Concentrated Animal Feeding Operations (CAFOs)
 - Polluted Storm Water Discharges



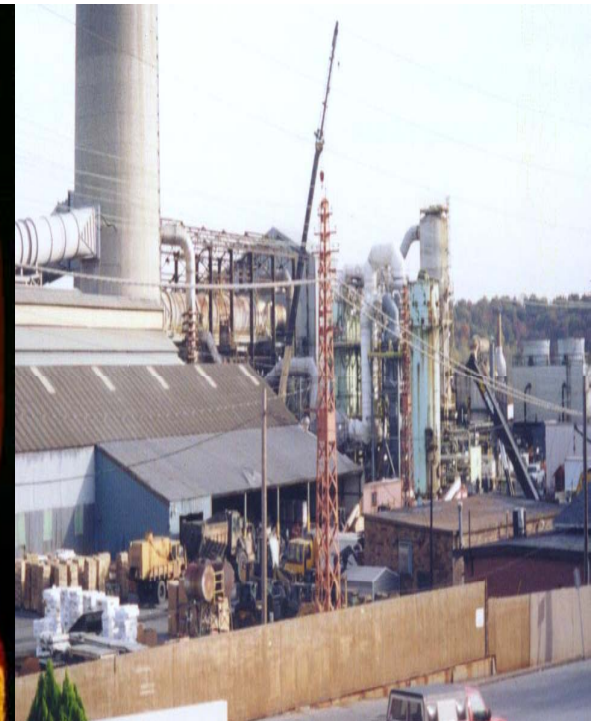
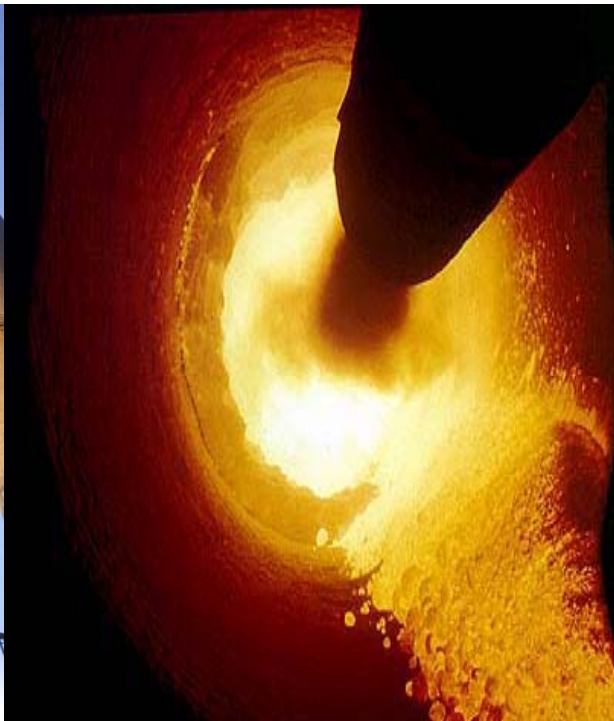
Enforcement Focus – Water Priorities

- Clean Water Act Priorities
 - Polluted storm water discharges
 - Problem - Stormwater runoff from large urban areas transports contaminants directly over land and into waterways.
 - How EPA Addressing - EPA will use compliance assistance, compliance monitoring and enforcement tools, as appropriate, towards achieving desired goals and environmental outcomes. EPA will focus on three main areas of the storm water program: (1) homebuilding construction; (2) big box store construction; and, (3) ready mix concrete with crushed stone and sand and gravel operations. EPA is also exploring whether the following sectors should be considered for additional focus in future years: MS4s, Ports, Road Building, and Federal Facility Construction.

Enforcement Focus – Air Priorities

- **Clean Air Act Priorities**

- New Source Review (NSR)/Prevention of Significant Deterioration (PSD)
- Air Toxics (MACT Standards)



Enforcement Focus – Air Priorities

- Clean Air Act Priorities
 - New Source Review (NSR/Prevention of Significant Deterioration (PSD) (Clean Air Act)
 - Problem - Failure of industrial facilities to obtain permits for plant modifications that increase air pollution emissions.
 - How EPA Addressing – Using various compliance and enforcement tools to address violations identified in four priority sector areas: coal-fired electric utilities, cement manufacturing, sulfuric and nitric acid manufacturing and glass manufacturing.
 - Air Toxics (Clean Air Act)
 - Problem - Toxic air pollutants are known to cause cancer or other serious health effects such as reproductive or birth defects, or adverse environmental impacts.
 - How EPA Addressing – Using a combination of compliance assistance, compliance evaluations and enforcement to address violations in the areas of leak detection and repair, industrial flares and surface coating.

Addressing the Nation's Biggest Environmental Problems - Waste

- Sinkhole at Mineral Processing Facility



Enforcement Focus – Land Priority

- **Resource Conservation and Recovery Act Priority**
 - Mineral Processing Wastes

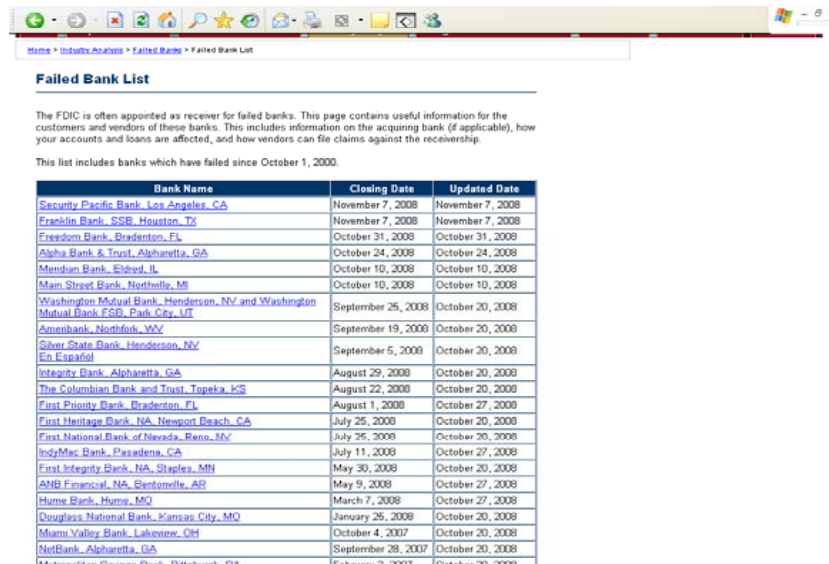


Enforcement Focus – Land Priority

- Resource Conservation and Recovery Act
 - Mineral Processing
 - Problem - Wastes from mineral processing can cause environmental damage to ground water and surface water when placed in piles or ponds due to corrosivity or high levels of toxic metals (e.g., lead)
 - How EPA Addressing - Special emphasis placed on mineral processing facilities that dispose of hazardous wastes in surface impoundments. EPA has found a growing body of evidence showing that even if a portion of the hazardous waste is continuously recycled on-site, the surface impoundments leak and cause widespread environmental damage. The goal is to reduce risk to human health and the environment by achieving increased compliance rates throughout the mineral processing sectors and by ensuring that existing and potential harm are being appropriately addressed through enforcement and compliance assistance.

Enforcement Focus – Financial Responsibility Priority

- Multiple Statutes (RCRA, TSCA, CERCLA, SDWA)
 - Financial Responsibility Priority



Failed Bank List

The FDIC is often appointed as receiver for failed banks. This page contains useful information for the customers and vendors of these banks. This includes information on the acquiring bank (if applicable), how your accounts and loans are affected, and how vendors can file claims against the receivership.

This list includes banks which have failed since October 1, 2000.

Bank Name	Closing Date	Updated Date
Security Pacific Bank, Los Angeles, CA	November 7, 2008	November 7, 2008
Franklin Bank, SSB, Houston, TX	November 7, 2008	November 7, 2008
Freedom Bank, Bradenton, FL	October 31, 2008	October 31, 2008
Alpha Bank & Trust, Alpharetta, GA	October 24, 2008	October 24, 2008
Mendian Bank, Eldred, IL	October 10, 2008	October 10, 2008
Main Street Bank, Northville, MI	October 10, 2008	October 10, 2008
Washington Mutual Bank, Henderson, NV and Washington Mutual Bank FSB, Park City, UT	September 26, 2008	October 20, 2008
AmeriBank, Northfork, WV	September 19, 2008	October 20, 2008
Silver State Bank, Henderson, NV	September 5, 2008	October 20, 2008
En Español	September 5, 2008	October 20, 2008
Integrity Bank, Alpharetta, GA	August 29, 2008	October 20, 2008
The Columbian Bank and Trust, Topeka, KS	August 22, 2008	October 20, 2008
First Priority Bank, Bradenton, FL	August 1, 2008	October 27, 2008
First Heritage Bank, NA, Newport Beach, CA	July 25, 2008	October 20, 2008
First National Bank of Nevada, Reno, NV	July 26, 2008	October 20, 2008
IndyMac Bank, Pasadena, CA	July 11, 2008	October 27, 2008
First Integrity Bank, NA, Staples, MN	May 30, 2008	October 20, 2008
ANB Financial, NA, Bentonville, AR	May 9, 2008	October 27, 2008
Hume Bank, Hume, MO	March 7, 2008	October 27, 2008
Douglas National Bank, Kansas City, MO	January 26, 2008	October 20, 2008
Miami Valley Bank, Lakewood, OH	October 4, 2007	October 20, 2008
NetBank, Alpharetta, GA	September 28, 2007	October 20, 2008
Matheson Bank, Chicago, IL	September 1, 2007	October 20, 2008



Enforcement Focus – Financial Responsibility Priority

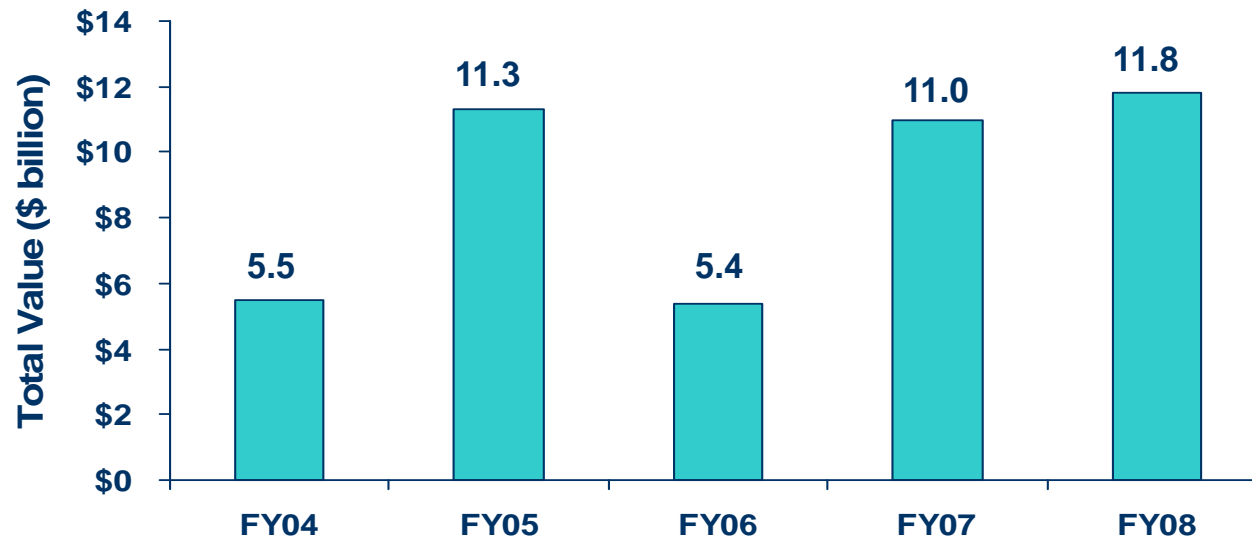
- Multiple Statutes (RCRA, TSCA, CERCLA)
 - Financial Responsibility Priority
 - Problem - Costs of clean-up and closure are borne by taxpayers when facility operators default.
 - How EPA Addressing - Requiring adequate resources for clean-up to promote proper handling of hazardous materials and waste.

Achieving Significant Environmental Benefits

- In the past 5 years,
 - EPA enforcement actions required companies to invest more than \$44 billion in pollution control equipment; and
 - EPA has obtained estimated pollution reduction commitments of 7.8 billion pounds.
- In 2008,
 - EPA concluded civil and criminal enforcement actions requiring polluters to invest an estimated \$11.8 billion to reduce pollution, clean up contaminated land and water, achieve compliance and implement environmentally beneficial projects - this investment is the largest amount ever achieved by EPA.
 - Civil and criminal defendants committed to reduce pollution by approximately 3.9 billion pounds when these activities are completed. This is approximately equal to the amount of pollution reduced over the previous four years combined.
 - In addition to achieving substantial pollutant reductions, FY 2008 settlements included significant penalties for violations of environmental requirements. Penalties assessed by EPA play an important role in deterring potential polluters from violating environmental laws and regulations. EPA assessed approximately \$127 million in civil penalties.

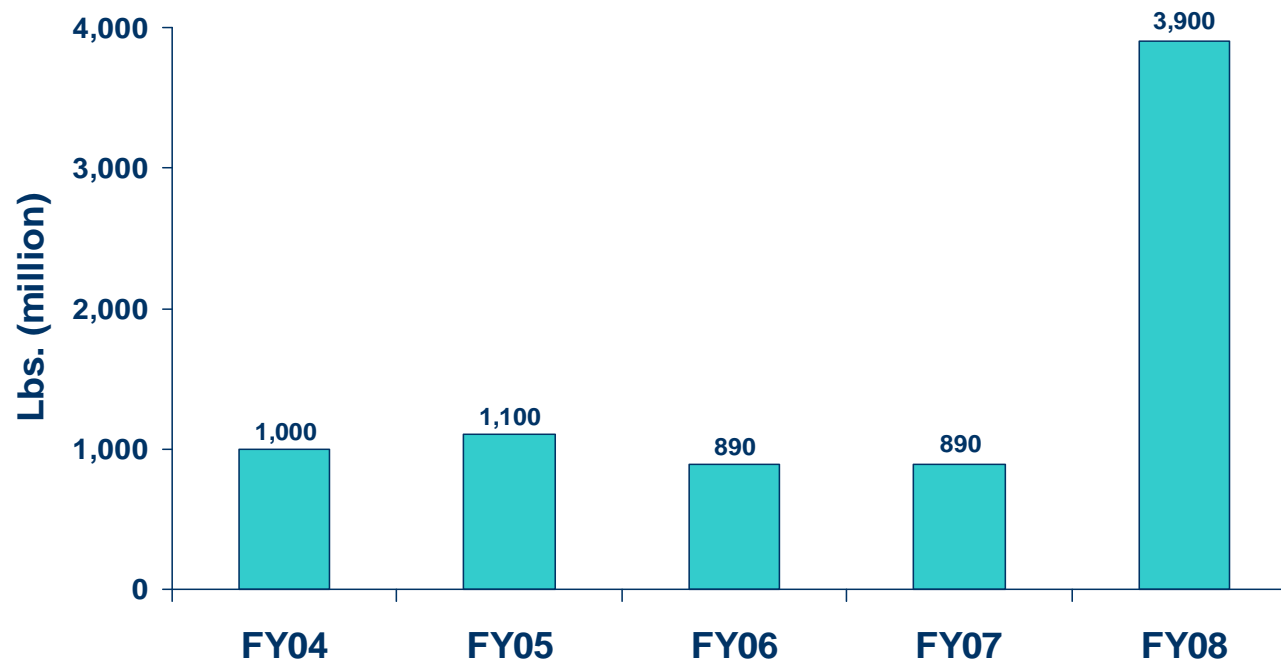
Achieving Significant Environmental Benefits

- Estimated Investments in Pollution Control and Cleanup plus Environmentally Beneficial Projects (\$ billion)
(Inflation Adjusted to FY 08 Dollars)



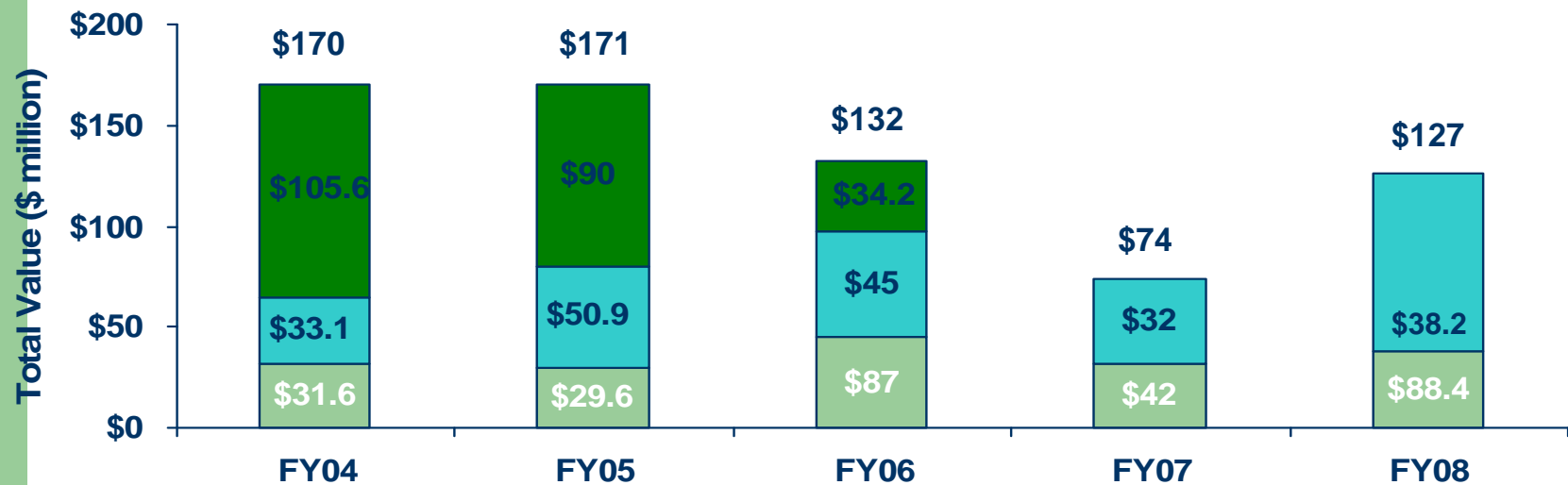
Achieving Significant Environmental Benefits

- Estimated Pollutant Reduction Commitments



Assessing Significant Civil Penalties

- Civil Penalties Assessed (\$ million)
(Inflation Adjusted to FY 08 Dollars)



□ From Administrative Cases □ From Civil Judicial Cases ■ From Default Judgement Cases

Achieving Significant Public Health Benefits

- Top air enforcement cases yield human health benefits
 - EPA estimates \$35 billion in health benefits (e.g., premature deaths avoided) from its top FY 2008 stationary source enforcement actions
 - Benefits based on estimated reduction of 1.7 billion pounds of Sox, NOx, and PM per year once all required pollution controls are completed

Recent Results for Air Priorities

	Estimated Pollutants to be Reduced <i>millions of pounds</i>		Estimated Investments in Pollution Control <i>millions of dollars*</i>	
	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2007</u>	<u>FY 2008</u>
NSR/PSD	426 M	1,654 M	\$2,550 M	\$4,790 M
Industrial facilities that do not obtain permits according to new source review/prevention of significant deterioration Clean Air Act requirements illegally emit pollutants such as SO ₂ , NOx and PM.				
Air Toxics	0.8 M	0.09 M	\$11 M	\$7 M
Toxic air pollutants are known or suspected to cause cancer or other serious health effects or adverse environmental impacts.				
TOTAL	426.8 M	1,654 M	\$2,561 M	\$ 4,797 M

*adjusted for inflation

Recent Results for Water Priorities

	Estimated Pollutants to be Reduced <i>millions of pounds</i>		Estimated Investments in Pollution Control <i>millions of dollars*</i>	
	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2007</u>	<u>FY 2008</u>
CSO/SSO Overflows from inadequate combined sewers and sanitary sewers discharge pollutants such as untreated sewage and industrial wastewater into rivers, lakes and oceans.	45 M	173 M	\$3,678 M	\$2,909 M
CAFO Runoff containing nutrients, bacteria, pesticides and antibiotics from concentrated animal feedlots are transported to local waterways.	15 M	32 M	\$31 M	\$10 M
Storm Water Stormwater runoff from large urban areas transports contaminants directly over land and into waterways.	118 M	1,329 M	\$9 M	\$68 M
TOTAL	178 M	1,534 M	\$3,717 M	\$2,986 M

*adjusted for inflation

Recent Results for Land and Financial Assurance Priorities

	Pounds of Hazardous Waste Treated, Minimized or Properly Disposed of <i>millions of pounds</i>		Estimated Investments in Pollution Control <i>millions of dollars*</i>	
	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2007</u>	<u>FY 2008</u>
Mineral Processing	NC*	1,751 M	\$60 M	\$217 M
Mineral processing and mining sectors generate large volumes of wastes that are corrosive and/or contain toxic metals that can contaminate groundwater, surface water, soil and sediment.				
	VCMA Soil <i>millions of cubic yards</i>			
Financial Responsibility	-	-	\$63 M	\$442 M
Prevents improper handling and release of hazardous materials and wastes by ensuring funds will be available to address closure of the facility.				
TOTAL	-	-	\$122 M	\$659 M

*Data not collected

*adjusted for inflation

Recent Accomplishments – FY2008 Air Case Highlight (NSR)

- **American Electric Power (AEP)**
 - Settlement between United States, 8 states, 13 citizen groups and AEP under CAA's NSR provisions.
 - Applies to 16 of AEP's coal-fired power plants (46 units) located in 5 states: Indiana, Kentucky, Ohio, Virginia, and West Virginia.
 - By several measures, single largest environmental enforcement settlement to date:
 - AEP will spend an estimated \$4.6 billion to comply with the terms of the Consent Decree;
 - Once implemented, settlement will reduce at least 813,000 tons per year of air pollution from AEP's 16 power plants;
 - \$15 million penalty is the highest paid by any electric utility in settlement of an NSR case;
 - AEP committed \$60 million to environmental mitigation projects.

Recent Accomplishments – FY2008 Air Case Highlight (NSR)

- AEP Settlement Pollutant Reduction



Recent Accomplishments - FY2008

Waste Case Highlight (Mineral Processing)

- **Agrifos Facility**

- Agrifos spilled 54 million gallons of hazardous waste into Cotton Patch Bayou, causing a fish kill in this wildlife preserve.
- EPA issued a RCRA 7003 Order to Agrifos and ExxonMobil (the past owner/operator of the Agrifos Facility).
- EPA required Agrifos and ExxonMobil to:
 - Build treatment and disposal facilities onsite to reduce the amount of hazardous waste;
 - Repair and strengthen the impoundment;
 - Increase the capacity of the impoundment to handle severe storms.
- The companies will be treating and disposing 1.751 billion pounds per year of hazardous waste. Closure and remediation will take 20 to 30 years.

Recent Accomplishments - FY2008

Waste Case Highlight (Mineral Processing)

- **Agrifos** – Drums of Soda Ash Poured on Acid as it Flows into Houston Ship Channel



Anticipated OECA Changes

- Increased NSR enforcement – OECA views NSR as the only CAA program that substantially reduces air emissions
- Other enforcement media to follow air enforcement model of targeting industry-wide alleged compliance issues
- OCE proposal to hire additional enforcement attorneys and reorganization of Office of Compliance
- Centralization of EPA enforcement
 - Increased OECA oversight of Regional offices
 - OCFET reorganization to materialize

Increased Enforcement

- OECA and DOJ working together
 - Filing of judicial cases and less patience in settlement
 - Re-activation of pending cases and referrals at DOJ
 - Revisiting of past settlements to make them more stringent
- Increased industrial water, chemical and waste enforcement
- Aggressive use of the Office of Compliance for targeting purposes and use of applicability determinations to make enforcement easier
- Settlement demands
 - Super-compliance with regulations
 - Tighter compliance schedules
 - Increased penalty demands
 - Less generous liability releases in settlements

OECA and GHG Policy Development

- OECA has traditionally played a large policy role at EPA
- Under the Bush Administration, OECA was not at the GHG table
- New OECA could be used as a tool to advance policy decisions given slow program offices
 - Regulation by enforcement – It is fast (examples LDAR and Flares)
 - Advancement of GHG reducing measures and CCS in settlements (environmental projects)
 - Forcing the shutdown of units by insisting on non-cost effective controls and then taking GHG credit
 - Oil & Gas NSR enforcement (using nonattainment ozone issues in the West to force control of methane)

Figure 1
REMEDIAL ENFORCEMENT PROCESS

