## EPA's Enforcement, Compliance Trends, & Initiatives





## **Speaker**



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## Roadmap

### • Enforcement

Federal Enforcement Trends State Enforcement Trends Citizen Suit Trends

### • Trends and Initiatives

EPA Enforcement Initiatives Environmental Justice Enhanced Injunctive Relief/NextGen Supplemental Environmental Projects Self-Disclosures What's on the Horizon?







## Enforcement







## **Enforcement: Federal Trends**

MANAL PROTECTIO	WASHINGTON, D.C. 20460
	March 31, 2020
MEMORAN	DUM
SUBJECT:	EPA's Compliance Monitoring Activities, Enforcement Actions, and Enforcement Results Generally Declined from Fiseal Years 2006 Through 2018 Report No. 200-P0131
FROM:	Sean W. O'Donnell Learn Of Ormall
го:	Susan Parker Bodine, Assistant Administrator Office of Enforcement and Compliance Assurance
U.S. Environ report contain	report on the subject audit conducted by the Office of Inspector General of the mental Protection Agency. The project number for this audit was OA&E-FY19-0030. This is findings that describe the trends in national enforcement for fiscal years 2006 through 2018.
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U.S. Environ report contain This report re Final determi audit resoluti The Office of You are not re if you submit on your resp accessibility response shot	mental Protection Agency. The project number for this audit was $OAEI$ -PY19-0030. This is findings that describe the trends in national enforcement for fiscal years 2006 through 2018. processful the optimion of the OIG and does not necessarily represent the final EPA position. nations on matters in this report will be made by EPA managers in accordance with established on procedures.
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### EPA OIG Report (2020)



#### **Total Civil Enforcement Case Initiations and Conclusions**

FY 2011 - FY 2021







## **Enforcement: Federal Trends**

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Administrative and Civil Judicial Penalties Assessed

#### FY 2011 – FY 2021





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### **Civil Penalty Ranges In EPA Enforcement**

Table 4: Number and value of concluded enforcement actions with penalties, by action size, FYs 2006–2018

		nforcement actions with f more than \$1 million	Concluded enforcement actions with penalties of \$1 million or less	
FY	Total number	Total value (in millions, 2018 USD)	Total number	Total value (in millions, 2018 USD)
2006	15	\$76	4,692	\$68
2007	14	33	2,286	52
2008	19	84	2,123	63
2009	19	46	1,942	56
2010	23	60	1,871	65
2011	21	106	1,765	67
2012	22	160	1,806	67
2013	21	1,129	1,477	66
2014	17	53	1,393	59
2015	23	157	1,449	61
2016	26	6,079	1,403	56
2017	17	1,616	1,289	55
2018	9	\$22	1,080	\$48

Source: OIG analysis of the EPA's annual enforcement data.



"Overall, from FYs 2007 through 2018, 88 percent of penalty dollars came from enforcement outcomes of \$10 million or more, despite those enforcement actions comprising just 0.1 percent of the number of actions concluded with penalties." - 2020 OIG Report.

## **Enforcement: Federal Trends**

Let's Get Real: Federal Enforcement by the Numbers in 2021

### **CRIMINAL**

- Environmental crime cases opened: 123
- Defendants charged: 105

### CIVIL

- Civil referrals by EPA to the Department of Justice: 98
- Civil judicial complaints filed with federal court: 88
- Civil judicial enforcement case conclusions: 114

### **ADMINISTRATIVE**

• Final Administrative Penalty Orders: 890





## **Enforcement: Federal Trends**

#### Federal Compliance Monitoring Activities Conducted by EPA

FY 2011 - FY 2021



 During FY 2020 and FY 2021, the COVID-19 public health emergency severely constrained EPA's ability to perform onsite inspections in the field. In response, EPA emphasized offsite compliance monitoring activities (OfCM), which are activities EPA performs, but not in-person at a facility, to determine a facility's compliance.

- In FY 2021, EPA increased the number of off-site compliance monitoring activities by over 49% percent as compared to FY 2020.
- Inspections performed by EPA represent a fraction of the total number of inspections conducted across the programs. Most inspections in many programs are performed by states. For information on inspections reported by states see <u>ECHO's</u> <u>"EPA/State Dashboards"</u>.
- EPA continued to focus on the highest priority work, as evidenced by the fact that 20% of FY 2021 inspections address National Compliance Initiatives.

1. An inspection is a compliance monitoring activity performed on-site at a regulated facility; OfCM activities are not performed on-site. Manually-reported SDWA UIC activities can include both on or off-site activities. Therefore, those UIC activities are listed separately. EPA stopped collecting these data separately in FY 2021.

2. Prior to FY 2020, OECA used a different methodology for deciding which off-site compliance monitoring activities would be reported in its Annual Results and did not collect data on all off-site compliance monitoring activities conducted. The totals for FY 2019 and earlier years reflect the prior methodology. Use caution when comparing FY 2020 and FY 2021 results to prior years.

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- Over the past two decades, state regulatory agencies and attorneys general have brought more than **50,000 environmental enforcement actions** against private sector entities
- Enforcement has resulted in more than **\$20 billion** in fines, settlements, and other payments
- Note that some states have multiple agencies with enforcement authority. For example, California has at least five agencies – the California Air Resources Board, the Regional Water Boards, DTSC, Department of Pesticide Regulation, and CalRecycle – that have enforcement authority for environmental laws





Cases — Penalty Total				
3,500	\$7B	Year	Cases	Penalty Total
3,000	\$6B	2011	2888	\$277,076,980
2,500	\$5B	2012	2582	\$219,919,051
2,000	\$4B	2013	2696	\$878,780,162
1,500	\$3B	2014	2706	\$434,046,779
1,000	\$2B	2015	2529	\$6,933,214,918
500	\$1B	2016	2793	\$969,067,065
	0	2017	2389	\$459,290,337
2011 2012 2013 2014 2015 2016 2017 2018 2019 2020		2018	2465	\$1,492,624,839
Penalty Totals by Year		2019	2712	\$347,676,979
		2020	2282	\$448,695,319

Source: https://goodjobsfirst.org/wp-content/uploads/docs/pdfs/otherregulators.pdf







• Enforcement can be inconsistent, particularly between states.

### EPA's Office of Inspector General Report (2011) concluded:

- "[S]tate enforcement programs frequently do not meet national goals, and states do not always take necessary enforcement actions ..."
- "State enforcement programs are underperforming EPA data indicate that noncompliance is high and the level of enforcement is low."





- Four states Arkansas, Kansas, Oklahoma, and Nevada handled fewer than 100 disclosed environmental cases since 2000; while 19 states have handled 1,000 or more during the same period. Note, however, that data for enforcement in some of these cases is almost non-existent online and hard to track.
- The median number of cases per state since 2000 is 500, average jumps to 1,022 (largely due to a high volume of cases handed by Texas; without Texas in the data, the average is 853)
- The ten states with the most cases handled a total of 31,583 enforcement actions, which is 39 times the total of the ten states with the fewest.





Rank	State	Cases	Penalty Total	Rank	State	Cases	Penalty Total
1	Texas	9509	\$809,621,213	14	Georgia	1346	\$23,704,492
2	Pennsylvania	4294	\$343,258,501	15	Illinois	1279	\$150,716,130
3	California	3571	\$1,127,704,103	16	Alabama	1226	\$52,921,660
4	New Jersey	3002	\$992,964,687	17	Minnesota	1172	\$895,443,551
5	Florida	2432	\$48,177,876	18	Ohio	1148	\$192,955,971
6	Kentucky	2091	\$47,974,667	19	Virginia	1078	\$84,894,067
7	Tennessee	1844	\$71,350,048	20	Louisiana	733	\$77,494,765
8	Indiana	1731	\$57,943,682	21	Washington	697	\$136,174,555
9	Colorado	1613	\$196,792,203	22	Connecticut	647	\$75,941,832
10	North Carolina	1496	\$959,207,753	23	Arkansas	607	\$11,019,649
11	Oregon	1477	\$39,697,609	24	Maryland	586	\$65,712,408
12	South Carolina	1379	\$24,984,579	25	New York	548	\$121,835,750
13	Massachusetts	1372	\$476,902,677	26	Rhode Island	500	\$26,059,007



## **Enforcement: Citizen Suit Trends**

#### **Environmental Citizen Suit Filings, By Circuit**

This graphic includes all identifiable citizen suit claims made under five key federal environmental statutes from the past five years.



Source: <u>Bloomberg Law dockets search</u> • Data are up to date as of **Bloomberg Law** March 23, 2021.

- Between 2017 and 2020: 566 citizen suits filed under five federal statues
- Breakdown: Clean Water Act (414), Resource Conservation & Recovery Act (145), Clean Air Act (139), and the Safe Drinking Water Act (42)
- The most filing occurred in 2020: 146 suits
- The fewest in 2018: 75 suits





## **Enforcement: Citizen Suit Trends**



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Year	Number of RCRA 60-Day Notice Letters for California facilities	Number of CWA 60-Day Notice Letters for California facilities
2015	6	181
2016	30	108
2017	54	63
2018	18	44



## **Enforcement: Citizen Suit Trends**









### **Enforcement: Citizen Suit Trends**

Citizen Suits Alleging Clean Water Act Violations by State (2010 – 2016)





## Compliance Trends and Initiatives





## **EPA Enforcement Initiatives**



I am writing to let you know that for FY2020-FY2023, the national enforcement and compliance assurance program will be focusing on seven priority areas. We have selected six of these areas as National Compliance Initiatives (NCIs) for which the enforcement program will have the lead for the Agency. For the seventh priority area, the enforcement program will be contributing to but not leading the Agency's goal of reducing childbood lead exposures and associated health impacts. Identifying specific problems as national priorities helps the Agency focus enforcement and compliance assurance resources where they can be most impactful. I want to thank your Regional Enforcement and Compliance Assurance Division (ECAD) Directors and Regional Consels for their assistance in making these selections.

The selection of the NCIs is the culmination of a process that began with my August 21, 2018, memorandam, which announced the transition of the National Enforcement Initiatives to National Compliance Initiatives. In that memorandum, I committed to aligning the NCIs with the FY2018– FY2022 Agency Strategic Plan, providing states and these with additional opportunities for meaningful engagement, and enhancing the use of our full range of compliance assurance tools. Today's amouncement fulfills those commitments.

These NCIs advance the Agency Strategie Plan's objectives to improve air quality, provide for clean and safe water, ensure chemical safety, and improve compliance with our nation's environmental laws while enhancing shared accountability between the EPA and states and tribes with authorized environmental programs. We conducted outreach to states and tribes and solicited public input through a Federal Register notice. See & Fed. Reg. 2848 (Feb. 8, 2019). We modified several of the proposals based on the input we received. In addition, DECA headquarters and regions will be developing implementation frameworks for each NCI and working with states and tribes with authorized programs that want to participate. These implementation frameworks will include approaches using our full range of compliance assurance tools, including compliance assistance, self-audits, and informal and formal enforcement actions to achieve the goals of each NCI. While compliance assistance will be a component of each implementation frameworks, formal enforcement and elterrence.

Internet Address (URL) 

http://www.epa.gov
http://

- National Compliance Initiatives f/k/a the "National Enforcement Initiatives"
- Issued in June 2019; will expire in September 2023
- Focuses EPA enforcement efforts and coordination with state and tribal programs
- Four overarching priorities: Improving Air Quality, Ensuring Clean and Safe Water, Reducing Risk from Hazardous Chemicals; also Lead Action Plan





### **National Compliance Initiative: Air Quality**

**Creating Cleaner Air for Communities by Reducing Excess Emissions of Harmful Pollutants from Stationary Sources** – Focuses on reducing emissions of volatile organic compounds (VOCs) and hazardous air pollutants (HAPs). For VOC emissions, the NCI will focus on significant sources of VOCs that have a substantial impact on air quality and (1) may adversely affect an area's attainment of National Ambient Air Quality Standards (NAAQS) or (2) may adversely affect vulnerable populations. For HAPs, this NCI will focus on sources that have a significant impact on air quality and health in communities.

**Reducing Hazardous Air Emissions from Hazardous Waste Facilities** – Focuses on compliance by hazardous waste Treatment Storage and Disposal Facilities and Large Quantity Generators.

**Stopping Aftermarket Defeat Devices for Vehicles and Engines** – Focuses on stopping the manufacture, sale, and installation of aftermarket defeat devices on vehicles and engines used on public roads as well as on nonroad vehicles and engines. Illegally-modified vehicles and engines contribute substantial excess pollution that harms public health and impedes attainment of air quality standards.





### National Compliance Initiative: Clean/Safe Water

**Reducing Significant Noncompliance with National Pollutant Discharge Elimination System** (NPDES) Permits – Focuses on increasing the percentage of all NPDES permittees in compliance with their permit. In 2018, EPA Region 9 emphasized enforcement would focus on food processing, as well as metal manufacturing, mining, and CAFOs.

**Reducing Noncompliance with Drinking Water Standards at Community Water Systems (CWSs)** – Increase capacity in states, tribes and the EPA to address drinking water violations. The objective is to support the FY 2018–FY 2022 Agency Strategic Plan goal of reducing by 25% by the end of FY 2022 the number of CWSs that are out of compliance with health-based standards. In FY 2018, 7% of the nation's CWSs had at least one health-based violation.





### **National Compliance Initiative: Accidental Release**

**Reducing Risks of Accidental Releases at Industrial and Chemical Facilities** – Focuses on reducing risk to human health and the environment by decreasing the likelihood of chemical accidents. EPA has found that many regulated facilities are neither managing adequately the risks they pose nor ensuring the safety of their facilities to protect surrounding communities as required under Clean Air Act Section 112(r).





## **Environmental Justice**

• Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (January 20, 2021)

*"It is therefore the policy of my Administration that the Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality."* 

 Administrator Regan's message to EPA employees entitled "Our Commitment to Environmental Justice" (April 7, 2021)

"While EPA has advanced environmental justice initiatives in the past, we have much more work to do. ... To this end, I am directing my leadership team ... to identify ways to ensure that the country's environmental laws—and the policies implemented under them—deliver benefits to all individuals and communities."



## **Environmental Justice**



### EJ Memorandum of Understanding between US EPA Region 9 and CalEPA (September 10, 2021)

- Increase joint inspections in overburdened communities
- Share and/or jointly develop metrics for determining pollution burdens and vulnerability
- Coordinate enforcement responses, including joint judicial enforcement actions in overburdened communities
- Expand engagement with overburdened communities to ensure that targeting of enforcement resources, and compliance-related activities, are fully informed by the knowledge and lived experience of these communities







# US DOJ has established an Office of Environmental Justice

May 5, 2022, Associate AG Gupta signed the Environmental Justice Enforcement Strategy with four core principles:

- 1. Prioritize cases that will reduce public health and environmental harms to overburdened and underserved communities;
- 2. Make strategic use of all available tools to address environmental justice concerns;
- 3. Meaningfully engage with impacted communities; and
- 4. Be transparent about environmental justice efforts, as well as the results of those efforts





#### Total Civil Enforcement Case Conclusions in Areas of Potential Environmental Justice Concern

FY 2014 - FY 2021



1. Area of Potential EJ Concern "Yes" = Cases which have at least one facility in an area of potential EJ concern. Area of Potential EJ Concern "No" = Cases where none of the facilities are in an area of potential EJ concern. EJ Not Applicable = The facilities at these cases are excluded from EJ reporting.





#### Administrative and Civil Judicial Penalties Assessed in Areas of Potential Environmental Justice Concern

In FY 2021 Dollars 50M 45M 40M In 2021, penalties for 35.61M 35M facilities in areas of potential EJ concern totaled about 30M 26.15M 26.08M 26% of all penalties 25M 23.08M 21.82M (excluding two high outliers) 20M 17.33M 15.87M 15M 13.12M 10M 5M 0 2014 2015 2017 2018 2016 2019 2020 2021

FY 2014 - FY 2021





## **Enhanced Injunctive Relief/NextGen**



A 2018 memorandum on this topic (*The Appropriate Use of Compliance Tools in Civil Enforcement*) Settlements, Apr. 3, 2018 Jargely restricted the scope of injunctive relief to compliance *Tools in Civil Enforcement* statutes or regulations, and rescinded a prior policy statement on this topic (*Use of Nett Generation Compliance Tools in Civil Enforcement Settlements*), an. 27, 2015). The 2018 memorandum is hereby withdrawn. Today's memorandum supersedes and replaces both the 2018 and 2015 documents but draws on many of the underlying principles from the 2015 memorandum.

In determining the most appropriate resolution for a particular matter, case teams should first consider which compliance tools will be most effective in ensuring a facility promptly returns to, and remains in, compliance. The extent to which these tools are appropriate and how they are included in a settlement will depend on the particular facts and circumstances of each case.

<sup>1</sup> This measuradum applies to civil regulatory enforcement cases and should be real and implemented in conjunction with other OECA civil settlements guidance. (Guidance documents that are publicly available can be accessed at https://www.eq.ago/cindioecement/endocy-guidance-eph/dis/adiceas). Separate guidance on injunctive relief tools related to cleanup settlements under CERCLA or RCRA is being developed by OECA's Office of Site Remediation Enforcement. Using All Appropriate Injunctive Relief Tools in Civil Enforcement Settlements (April 2021)

"[EPA] enforcement staff and case teams [shall] <u>appropriately use the full array of policy and legal tools</u> <u>available</u> to ensure that our country's environmental laws – and the policies to implement them – deliver benefits to all individuals and communities."





## **Enhanced Injunctive Relief/NextGen**



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### **EPA Compliance Tools:**

- Advance Monitoring
- Audits and Independent Third-Party Verification
- Electronic Reporting
- Increased Transparency of Compliance Data

Settlement Terms to "address past harm to communities caused by the noncompliance or otherwise benefit communities impacted by noncompliance":

- Mitigation
- Supplemental Environmental Projects
- Stipulated Remedies





### **Supplemental Environmental Projects**



This Memorandum sets forth guidelines and limitations to govern the Justice Department's approach to entering into settlement agreements on behalf of the United States that include payments to non-governmental persons or entities that are not parties to the underlying litigation.

The Department of Justice regularly settles civil and criminal matters to compensate victims, redress harms, and punish and deter unlawful conduct without the costs and delay that can accompany trials. For decades before 2017, some of these settlements included agreements requiring payments to non-governmental "third parties" as a means of addressing violations of federal law.<sup>1</sup>

It has been the consistent view of the Office of Legal Counsel, including in 2020 when the Jascice Department's current regulation was promulgated, that settlements involving payments to non-governmental third parties, if properly structured, do not violate the Miscellaneous Receipts Act.<sup>2</sup> When used appropriately, these agreements allow the government to more fully compensate vicinity, remedy harm, and punish and deter future violations. For example, the harms caused by violations of federal environmental statutes, including harms to communities affected by environmental eritine, can be difficult to refress directly in particular

- May 2022: Attorney General Garland memo issued and DOJ issues interim final rule revoking prohibition on SEPs. 87 Fed. Reg 27,936.
- Terms: (1) SEPs must have a strong connection to the underlying violation of federal law, be consistent with the underlying statute, reduce the underlying violation's detrimental effects, and reduce the likelihood of similar future violations; (2) the DOJ shall not propose the selection of any party or beneficiary of any projects; and (3) payments to non-governmental third parties must not be solely for public education or awareness projects, generalized research, or unrestricted cash donations.





<sup>&</sup>lt;sup>1</sup> As used in this Memorandum, the term "third parties" refers to non-governmental persons or entities that are not parties in the underlying litigation.

<sup>&</sup>lt;sup>4</sup>See Menomadian for William P. Barr, Atomrey General, from Steven A. Engel, Assistant Atomrey General, Office of Legal Counsel, Re: Final Idea Prohibiting Settlement Poyments to Non-Gornermontal That's Davies at 2 (Dec. 4, 2020) (citing Applications of the Government Corporation Control Act and the Miceliancoan Receipts Act to the Canadian Softword Lander Settlement Agreement, 30 (p. CL. C. 11, 11, 19706)), Settlements in the Control International Softword Lander Settlement Agreement, 30 (p. CL. C. 11, 11, 19706)), Settlements in the for the United States as Amicus Curine in Support of Neither Party, Frank v. Gaos, 139 S. Ct. 1041 (2019) (No. 177-961).

### Supplemental Environmental Projects (SEPs)

FY 2011 - FY 2021



1. A single settlement can have multiple SEPs.

2. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY 2021 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.





- Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations (a/k/a the "EPA Audit Policy"). 65 Fed. Reg 19,618 (April 11, 2000).
- Interim Approach to Applying the Audit Policy to New Owners (a/k/a New Owner Audit Policy) (August 1, 2008).
- **3. Small Business Compliance Policy**. 65 Fed. Reg. 19,630 (April 11, 2000). Applicable to business with < 100 employees.
- 4. **EPCRA violation relief** via self-reporting to eDislosure system.





Submitted in the eDisclosure System









- Between 1995 and 2000, more than 10,000 regulated entities have voluntarily self-disclosed violations at nearly 28,000 separate facilities under the audit policy
- More than half of the self-disclosed violations have been for EPCRA reporting violations
- More than 2,800 disclosures have been submitted to the EPA via the eDisclosure system between 2015 and 2021



## Self-Disclosure: Audit Policy/eDisclosure

	Category 1	Category 2
Eligibility	<ul> <li>EPCRA violations that meet all Audit Policy conditions.</li> <li>EPCRA violations that meet all Small Business Compliance Policy conditions.</li> </ul>	<ul> <li>All non-EPCRA violations.</li> <li>EPCRA violations for which the regulated entity can only certify compliance with <i>Audit Policy</i> Conditions 2–9.</li> <li>EPCRA/CERCLA violations excluded from Category 1.</li> </ul>
eDisclosure system response	Notice of Determination: Violations are resolved with no assessment of civil penalties, conditioned on the accuracy and completeness of the regulated entities' disclosures.	Acknowledgement Letter: The EPA has received the disclosure and will make a determination as to eligibility for penalty mitigation if and when it considers taking enforcement action for environmental violations.
EPA action	The EPA will spot-check disclosures to ensure conformance with EPCRA, the Audit Policy, the Small Business Compliance Policy, and eDisclosure requirements.	The EPA will screen disclosures for significant concerns, such as criminal conduct and potential imminent hazards.





## Self-Disclosure: Audit Policy Reqs.

#### The nine conditions listed in the Audit Policy:

- 1. Systematic discovery.
- 2. Voluntary discovery.
- 3. Prompt disclosure in writing to the EPA within 21 days of discovery or such shorter time as may be required by law.
- 4. Independent discovery and disclosure.
- 5. Correction and remediation within 60 calendar days, in most cases, from the date of discovery.
- 6. Prevention of recurrence of the violation.
- 7. Disclosure involving nonrepeat violations.
- 8. Disclosure of an eligible violation. Certain types of violations are ineligible, such as those that result in serious actual harm; that may present an imminent and substantial endangerment; and that violate the terms of an administrative order, judicial order, or consent agreement.
- 9. Cooperation with the EPA, such as providing information as necessary and requested by the EPA.
- Allows for significant civil penalty reductions: (i) 100% of gravity component if all conditions are met; (ii) 75% of gravity if all conditions met *except* systematic discovery







#### EPA Voluntary Disclosure Programs - Number of Disclosures/New Owner Audit Agreements and Facilities

FY 2017 - FY 2021



1. VD stands for Voluntary Disclosure.

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CUSTOMER SERVICE \* INTEGRITY \* ACCOUNTABILITY Compliance with the law Operating efficiently and effectively Additional Internal Controls Would Improve the EPA's System for Electronic Disclosure of Environmental Violations June 30, 2022 Report No. 22-E-0051

"The eDisclosure system does not have adequate internal controls in place to ensure that the EPA's screening process is effective and that significant concerns, such as criminal conduct and potential imminent hazards, are identified and addressed by the Office of Enforcement and Compliance Assurance and the EPA regions."







- No formal, written EPA policy defining screening process for Category 2 violations
- No regular training at EPA on the system
- Half of the ten EPA regions do not screen
   Category 2 disclosures
- Only Regions 2, 5 and 8 have standard operating procedures for eDisclosure (but Region 5 said it did not have access to the eDisclosure system)





## **Self-Disclosure: OIG Recommendations**



- Develop national guidance that includes a process for screening eDisclosure submissions for significant concerns
- Provide eDisclosure-specific training to EPA headquarters and regions
- Develop performance measures for the eDisclosure system, as well as a monitoring plan to track its effectiveness
- Assess eDisclosure system functionality to identify and implement improvements





- Increasing federal enforcement
- NPDES enforcement: 12.6% of facilities in significant non-compliance
- More difficulty terminating decrees
- More emphasis on mitigation and "NextGen" terms in federal settlements
- Broader CWA citizen suits and enforcement due to "functional equivalent" test in *County of Maui*
- More post-disclosure inspections and scrutiny for Category 2 eDisclosures
- Emergent chemicals (e.g., PFAS, Ethylene Oxide)
- Microplastics



### What's On the Horizon?



## Questions & Answers

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## Thank you!



