



FACT SHEET

# EPA ENFORCEMENT

EPA's Office of Enforcement and Compliance Assurance (OECA) is the agency's program dedicated to improving compliance and enforcing the nation's environmental laws. When warranted, OECA will take criminal or civil enforcement action, working with state and federal partners, to deliver the benefits of environmental laws to the American public. Without an active and vigorous enforcement program, EPA cannot implement its mission of protecting public health and the environment.

## **VOLKSWAGEN (VW) DIESEL EMISSIONS**

### **\*\$15+ billion invested into cutting pollution**

VW is responsible for one of the largest corporate scandals in U.S. history, by selling vehicles that contained an illegal software that turned off the cars' emissions control system when not being tested. Because of EPA's unique ability to enforce the Clean Air Act, VW is paying more than \$15 billion to get the cars off the road, dramatically cut pollution in states and among tribes, and invest in clean transportation nationally.

**The violations:** VW marketed and sold approximately 590,000 diesel vehicles in the U.S. that contained "defeat devices" causing their cars to emit dangerous levels of nitrogen oxides (NOx) into the air.

**The threat:** NOx pollution contributes to the formation of harmful smog and soot, exposure to which is linked to a number of respiratory- and cardiovascular-related health effects as well as premature death. Children, older adults, and people with heart or lung disease are particularly at risk for health effects related to smog or soot exposure.

**What EPA did:** EPA, working with Department of Justice and California, stepped in and filed a lawsuit that claimed violations of the Clean Air Act. The agencies focused on securing pollution reductions in states where the cars were sold, and where NOx pollution was prevalent.

**The result:** Through a settlement, VW agreed to invest more than \$15 billion into programs to reduce the pollution it is responsible for: 1) a program to offer affected customers an option to buy back or modify the affected vehicles, 2) invest nearly \$3 billion into pollution mitigation projects among states and tribes, based proportionately on the pollution impact they experience, and 3) invest \$2 billion into a national program to spur development and adoption of zero-emission vehicles. In addition, VW agreed to plead guilty to three criminal felony counts, and pay a combined \$4.3 billion in civil and criminal penalties.

## **ANADARKO FRAUD SCHEME**

### **\*\$4.4 billion to clean up communities and rehabilitate contaminated areas**

EPA, working with partners at US DOJ and the US Attorney's office, uncovered and achieved a groundbreaking settlement following the company's fraudulent transfer of assets to avoid its cleanup responsibilities. This case resulted in billions of dollars going to states to clean up contamination. EPA made sure that the polluter pays for cleanups of toxic waste, not the taxpayer.

**The violations:** Years ago, one of Anadarko's subsidiaries, Kerr-McGee, conducted uranium mining and other activities that involved highly toxic chemicals at sites across the nation. These operations left contamination behind, including radioactive uranium waste across the Navajo Nation; radioactive thorium in Illinois; creosote (or tar) waste in the Northeast, the Midwest, and the South; and perchlorate contamination in Nevada. Anadarko tried to skirt its responsibility by transferring the business assets responsible for this contamination into a now-defunct and bankrupt company called Tronox.

**The threat:** All of these substances can be very dangerous to people's health. Much of the affected areas were abandoned sites that had no oversight to prevent toxic and radioactive waste from leaking into groundwater or drinking water supplies.

**What EPA did:** EPA's enforcement office pursued a case over the course of many years to trace assets, uncover a complicated scheme, and eventually shape a settlement that directed money to states for cleanups.

**The result:** The case resulted in securing the largest environmental contamination case ever, for nearly \$4.4 billion that will help to clean up the communities that were affected and to turn the contaminated areas back into usable land. This means that funds are flowing to communities in Florida, Illinois, Mississippi, and North Carolina—states that are benefiting from funds to clean up contamination from uranium and thorium, volatile organic compounds, pesticides and PCBs.

## ENBRIDGE OIL SPILL

### \*\$110 million to prevent future spills in Great Lakes region

On July 26, 2010, a 30-inch pipeline belonging to Enbridge Inc. ruptured near Marshall, Michigan and contaminated Talmadge Creek and the Kalamazoo River with hundreds of thousands of gallons of crude oil. EPA ordered Enbridge to dredge submerged oil and oil-contaminated sediment from the Kalamazoo River. From 2010 to 2014 over 1.2 million gallons of oil were recovered from the river.

**The violations:** Enbridge violated the Clean Water Act by illegally discharging more than 20,000 barrels of oil in Marshall, MI and then another 6,000 barrels of oil in Romeoville, MI. The first discharge was the result of a pipeline rupture due to stress corrosion, and then personnel later misinterpreted leak alarms and restarted the pipeline without confirming whether there was a failure.

**The threat:** Oil spills are known to cause both immediate and long-term harm to human health and ecosystems. Oil limits oxygen in water and can suffocate wildlife. Oil slicks can kill birds, contaminate food sources, reduce animal and plant reproduction and contaminate nesting habitats. Oil spills can cause long-term effects years later even if the oil remains in the environment for a relatively short period of time.

**What EPA did:** The day after the spill was reported, EPA issued a legal order directing Enbridge to conduct removal actions. After leading months of response activities, EPA transferred primary oversight of cleanup activities to the state of Michigan, and focused on an enforcement case to help ensure a spill like this could not happen again.

**The result:** Enbridge has agreed to spend at least \$110 million on a series of measures to prevent spills and improve operations across nearly 2,000 miles of its pipeline system in the Great Lakes region. These measures include inspections and spill prevention programs, leak detection systems, and improved control room operations. Enbridge is also required to pay civil penalties totaling \$62 million for Clean Water Act violations.

## MOSAIC FERTILIZER HAZARDOUS WASTE

### \*\$1.8 billion to dispose of and treat hazardous wastewater

Chemicals used in agriculture can help improve yields, but if not properly managed, can also have a significant environmental impact. Mosaic Fertilizer, LLC is one of the largest producers of fertilizer and phosphate products in the world with 11.7 million tons of operational capacity. EPA's action ensured the proper treatment, storage, and disposal of an estimated 62 billion pounds of hazardous waste at six facilities in Florida and two in Louisiana, protecting groundwater used as drinking water for millions.

**The violations:** Mosaic was mixing certain types of highly-corrosive substances from its fertilizer operations, which qualify as hazardous waste, with the phosphogypsum and wastewater from mineral processing, which is a violation of federal and state hazardous waste laws.

**The threat:** At Mosaic's facilities in Florida and Louisiana, hazardous waste is stored in large piles, tanks, ditches and ponds; the piles can reach 500 feet high and cover more than 600 acres, making them some of the largest manmade waste piles in the U.S. The piles can also contain several billion gallons of highly acidic wastewater, which can threaten human health and cause severe environmental damage if it reaches groundwater or local waterways.

**What EPA did:** EPA enforcement conducted a series of inspections that revealed the violations. From there, they led a case with state partners in Florida to address the largest amount of hazardous waste ever covered by a federal or state RCRA settlement.

**The result:** Mosaic will establish a \$630 million trust fund, which will be invested until it reaches full funding of \$1.8 billion. These funds will cover the future closure of and treatment of hazardous wastewater at four Mosaic facilities in Florida and Louisiana. Mosaic will also spend \$170 million on projects to reduce the environmental impact of manufacturing and waste management programs at its facilities and \$2.2 million on two local environmental projects.

## **DUKE ENERGY COAL ASH SPILL**

### **\*\$34 million to improve ecosystems and restore wetlands**

On February 2, 2014, officials estimate up to 39,000 tons of coal ash spilled from a Duke Energy facility into the Dan River in Eden, North Carolina. As a result, liquefied coal ash—which is the waste left behind when coal is burned to generate electricity—coated 70 miles of the river on the North Carolina-Virginia border. In addition to its immediate emergency response operation, EPA worked with DOJ on a criminal enforcement action that resulted in a major fine, millions invested into reducing pollution, and a criminal plea.

**The violations:** Duke Energy was alleged to unlawfully fail to maintain equipment, as well as unlawfully discharge coal ash and/or coal ash wastewater from impoundments at its facilities, under the Clean Water Act.

**The threat:** Coal ash can contain toxic chemicals including arsenic, chromium and lead. Over two hundred sixteen million Americans rely on surface water as their source of drinking water. Duke Energy put that resource at risk in North Carolina.

**What EPA did:** After responding to the incident, EPA began a criminal investigation into the company's negligence that caused the coal ash spill. EPA's criminal enforcement program led the case, with support from DOJ, the U.S. attorney's office, the FBI and the State of North Carolina.

**The result:** Duke Energy—the largest utility in the U.S.—pleaded guilty to nine criminal violations of the Clean Water Act, agreed to pay a \$68 million criminal fine, and spend \$34 million on environmental projects to benefit rivers and wetlands in North Carolina and Virginia. In addition, certain of its subsidiary companies must certify that they can pay to meet legal obligations to remediate coal ash impoundments in North Carolina.

## **TENNESSEE VALLEY AUTHORITY**

### **\*\$3-5 billion invested in pollution controls + \$350 million in clean energy projects**

Tennessee Valley Authority (TVA) provides power to customers across Alabama, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, and Virginia. For many years, TVA did not follow Clean Air Act requirements when making modifications to its facilities, resulting in dangerous air toxics to be emitted in local communities.

**The violations:** EPA alleged that TVA modified a number of coal-fired units at nine plants without installing and operating required pollution control technology.

**The threat:** Failure to follow the requirements resulted in illegal emissions of sulfur dioxides and nitrogen oxides which can be converted to fine particulate matter once in the air. Fine particulates can be breathed in and lodged deep in the lungs, leading to a variety of health problems and even premature death.

**What EPA did:** In November 1999, EPA issued TVA an administrative compliance order. Throughout years of appeals and litigation, EPA steadfastly pursued the case and eventually secured a major settlement in 2011 that resolved all allegations.

**The result:** The settlement will require TVA to invest an estimated \$3 to \$5 billion on new and upgraded state-of-the-art pollution controls that will prevent approximately 1,200 to 3,000 premature deaths, 2,000 heart attacks and 21,000 cases of asthma attacks each year, resulting in up to \$27 billion in annual health benefits. TVA will also invest \$350 million on clean energy projects that will reduce pollution, save energy and protect public health and the environment.