

# EPA Region 5 Clean Water Enforcement Declines

Trend Coincides with Increase in  
Significant Noncompliance



**ENVIRONMENTAL LAW  
& POLICY CENTER**



# Table of Contents

<b>Introduction</b>	<b>1</b>
<b>EPA's Enforcement Trends in Region 5</b>	<b>2</b>
<b>Downward Enforcement Trends</b>	<b>3</b>
Less Case Initiations & Conclusions	
Less Clean Water Act Compliance	
Fewer Civil Penalties and Compliance Costs for Clean Water Act Violations	
<b>Budget Cuts and Less Resources</b>	<b>5</b>
Downward Trend in Staffing Levels	
Declining Enforcement and Compliance Budget and Spending	
<b>States Lack the Resources to Replace Role of EPA in Region 5</b>	<b>7</b>
Shrinking Budgets and Staff Levels for State Pollution Control Agencies	
Less Federal Funding for State Clean Water Programs	
<b>Example Facility: Reserve Environmental Services, Inc.</b>	<b>11</b>
<b>Conclusion</b>	<b>15</b>
<b>Appendix 1: Data Tables</b>	<b>16</b>
<b>Appendix 2: References</b>	<b>18</b>

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# Introduction

The Great Lakes are where we live, work, and play. They are a global gem, comprising 21% of the earth's surface freshwater and providing drinking water for 42 million people. The lakes support robust fisheries, wildlife habitats, and enjoyable outdoor recreation, in addition to industries that provide a competitive advantage in driving the regional economy.

The U.S. Environmental Protection Agency (EPA) is responsible for protecting the Great Lakes under the Clean Water Act, to achieve water quality that is both “fishable” and “swimmable.” Diligent monitoring and tough-but-fair enforcement are necessary to protect the public and the Great Lakes against environmental degradation. In the Midwest, EPA's Region 5 office covers six Great Lakes states: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. Unfortunately, because of both political leadership's budget cuts and apparent lack of commitment, EPA's Region 5 office has stepped back from its responsibility, leaving the Great Lakes vulnerable.

The Environmental Law & Policy Center (ELPC) reviewed publicly available enforcement data and found that EPA's Clean Water Act enforcement has been declining in Region 5 for the past few years. The downward trends coincide with shrinking resources and shrinking staff amid shifting political priorities. Despite decades of bipartisan agreement on the value of environmental regulation and enforcement, recent federal Republican leadership has been slashing EPA's resources in many ways. For much of the Obama administration, the Republican-led Congress consistently cut EPA's budget. As a presidential candidate, Donald Trump vowed “to get rid of it in almost every form.” Since taking office, President Trump has proposed substantial budget cuts each year and appointed former fossil-fuel lobbyists for EPA leadership positions. Moreover, under the Trump administration, EPA began spending even less than Congress appropriated for enforcement,

about \$8 million less in FY 2018 and about \$16 million less in FY 2019. Shrinking funds coincide with plummeting staff levels, and less enforcement resources predictably results in less Clean Water Act enforcement.

The Trump administration claims to be shifting power away from the federal level and to the states, but in many cases, the states in Region 5 cannot reasonably pick up the slack due to their own resource constraints. After early New York Times reporting showed EPA enforcement rates had slowed, EPA's official response in December 2017 was: “EPA and states are working together to find violators of environmental laws and bring them back into compliance... There is not only no reduction in EPA's commitment to ensure compliance with our nation's environmental laws, but a greater emphasis on compliance in the first place.” Unfortunately, the data does not support this assertion. As enforcement has trended downward, compliance has worsened. In 2019, there were 62% more facilities in significant noncompliance with the Clean Water Act, when compared to the average number of facilities in significant noncompliance between FY 2012 to FY 2017.

In Section II of this report, we compiled multi-year trends using annual data available in reports published by U.S. EPA, data available in U.S. EPA's Enforcement and Compliance History Online (ECHO) database, and other publicly available reports.

In Section III, we illustrate the problem of non-enforcement by highlighting a facility—Reserve Environmental Services—that is in serial noncompliance with the Clean Water Act but has seen no formal enforcement from EPA. Reserve Environmental Services has numerous violations putting the Great Lakes at risk. This is just one example of the many facilities left unchecked as EPA steps back from its mission.



# **EPA's Enforcement Trends in Region 5**





# DOWNWARD ENFORCEMENT TRENDS

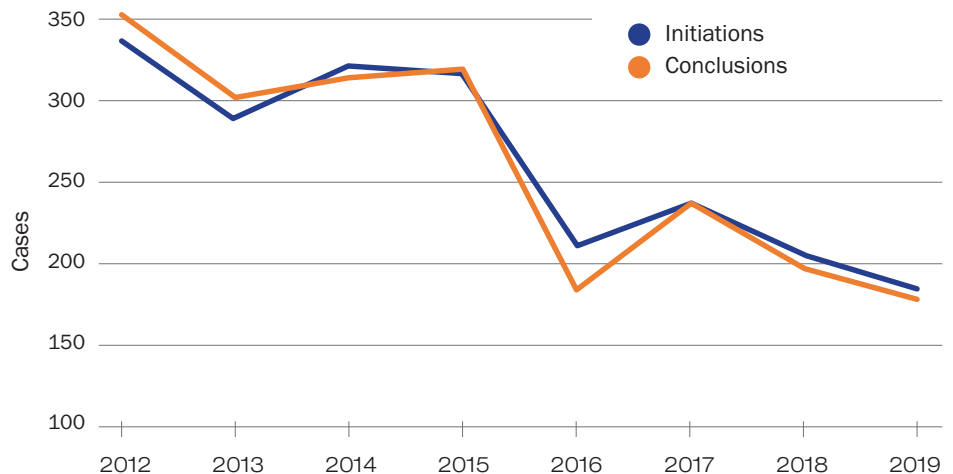
EPA’s enforcement declines reflect less case initiations and conclusions, lower civil penalties, and higher rates of significant noncompliance with the Clean Water Act among major facilities. EPA’s declining resources lead to lower staffing levels in Region 5 and less enforcement and compliance spending. Likewise, resources for state pollution control agencies are declining, as many rely on federal pass-through funds.

All years presented in this report are federal fiscal years (FY) October 1 through September 30 unless otherwise specified. All financial figures in this report have been adjusted for inflation and reported in 2019 dollars.

To find full data corresponding with each figure, see Appendix 1: Data Tables.

## Less Case Initiations & Conclusions

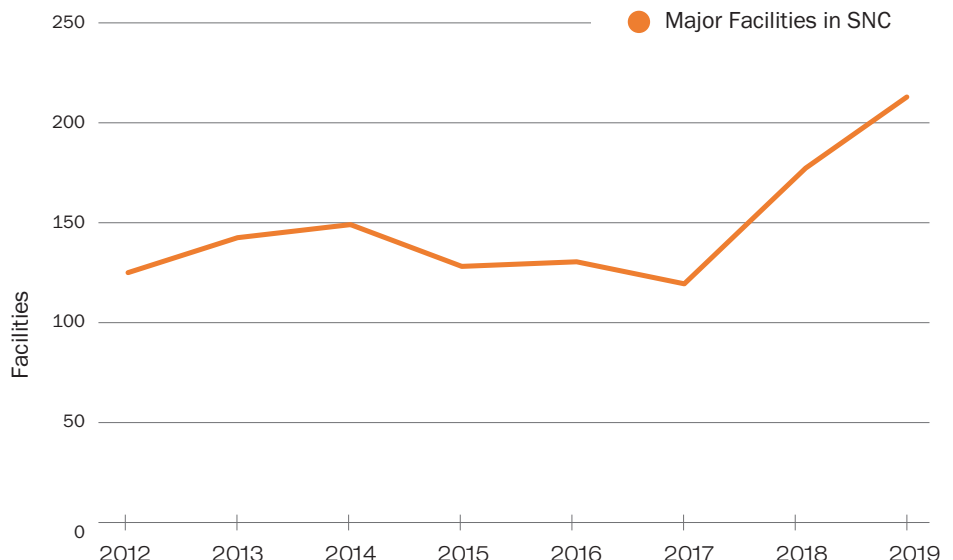
**Figure 1** shows EPA’s downward enforcement trend in Region 5 with a reduction in case initiations and conclusions for all environmental statutes, including the Clean Air Act and Clean Water Act. Between FY 2012 and FY 2015, there was an average of 320 case initiations per year, and these numbers dropped to an average of 230 initiations for years FY 2016 through FY 2019.



**Figure 1: Case Initiations and Conclusions | FY 2012 – 2019**  
Source: EPA Enforcement Annual Results Reports

## Less Clean Water Act Compliance

**Figure 2** shows a sharp increase in the number of major facilities identified by EPA as in “significant noncompliance” with the Clean Water Act since FY 2017. A significant noncompliance designation is for the most serious level of violations and indicates that violations at the facility pose a severe level of concern. For fiscal year 2019, the data is a snapshot at the time we pulled the data in January 2020 (FY 2019 ended on September 30, 2019). Because there is a known problem with Michigan’s state-level data communicating with ECHO’s online database, causing facilities to be marked as in significant noncompliance when they should not be, Michigan’s data is excluded from Figure 2.



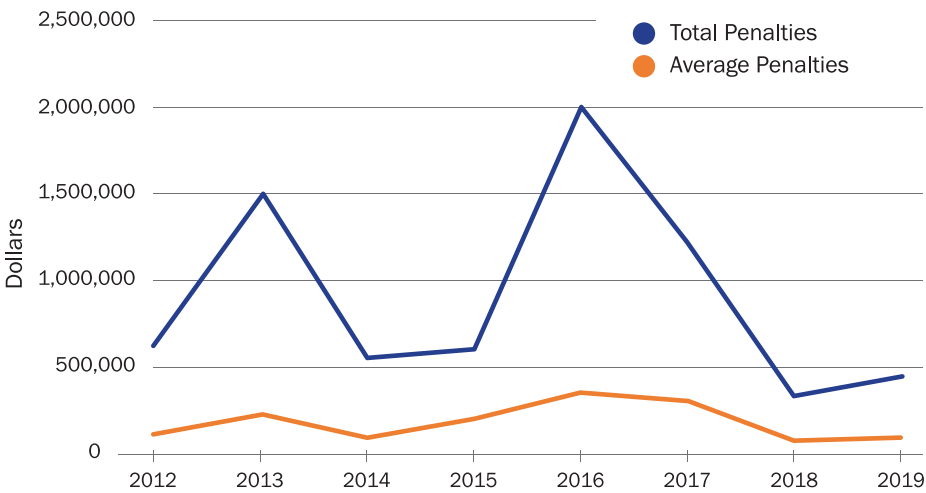
**Figure 2: Major Facilities in Significant Noncompliance (SNC) with the Clean Water Act in Region 5 | FY 2012 – 2019**  
Source: EPA ECHO website, State Dashboard Water tool, “Analyze Trends” section



# Fewer Civil Penalties and Compliance Costs for Clean Water Act Violations

**Figure 3** shows that both total civil penalties and average civil penalties have fallen since FY 2016 in enforcement actions brought by EPA Region 5 under the Clean Water Act to enforce the requirements of the National Pollution Discharge Elimination System (NPDES). NPDES is the Clean Water Act's permit system, jointly administered by EPA and states, to regulate water pollution. While trends vary year-to-year, penalties over the past two years are lower than previous lulls despite the fact that noncompliance is on the rise in Region 5, as shown in **Figure 2**. Less penalties means less deterrence for Clean Water Act violations, and less deterrence results in less compliance.

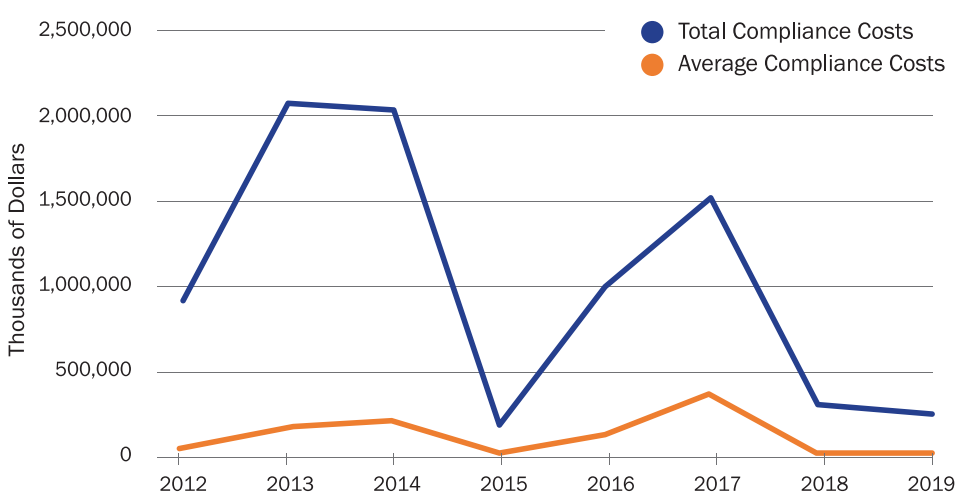
Civil penalties are monetary payments used to punish violations of environmental laws, as a



**Figure 3:** Penalties Assessed under Clean Water Act-NPDES by EPA in Region 5 (real \$, 2019) | FY 2012-2019 Source: EPA ECHO website

necessary aspect of any enforcement and compliance program. Penalties deter violation, but they also allow the government to recover the economic benefit of noncompliance. Because a polluter often saves money by not complying with the law and deferring necessary safety expenditures, civil penalties help create a level playing field whereby environmentally responsible companies are not competitively penalized when bad actors violate the law without penalty.

**Figure 4** shows a decline since FY 2017 in compliance costs resulting from EPA's enforcement of the NPDES program in Region 5. When EPA settles with a violator, it often requires the company to undertake remedial actions to bring the facility into compliance with the Clean Water Act. Unlike civil penalties, these compliance costs are intended to make the facility function better and cleaner. For example, a company might install new pollution control technology or hire new staff for compliance monitoring. These compliance costs are an important metric for EPA's overall enforcement effectiveness. The reduction in compliance costs since FY 2017, coupled with the reduction in civil penalties since FY 2016 in **Figure 3**, is troubling.



**Figure 4:** Compliance Costs Assessed under Clean Water Act-NPDES Enforcement by EPA in Region 5 (real \$, 2019) | FY 2012 - 2019 Source: EPA ECHO website

If more facilities were following the law, we might expect to see fewer civil penalties and compliance costs for a good reason. However, **Figure 2** shows there has not been a drop in noncompliance among major facilities, yet EPA Region 5 is assessing fewer civil penalties and imposing fewer compliance costs that would deter such violations.

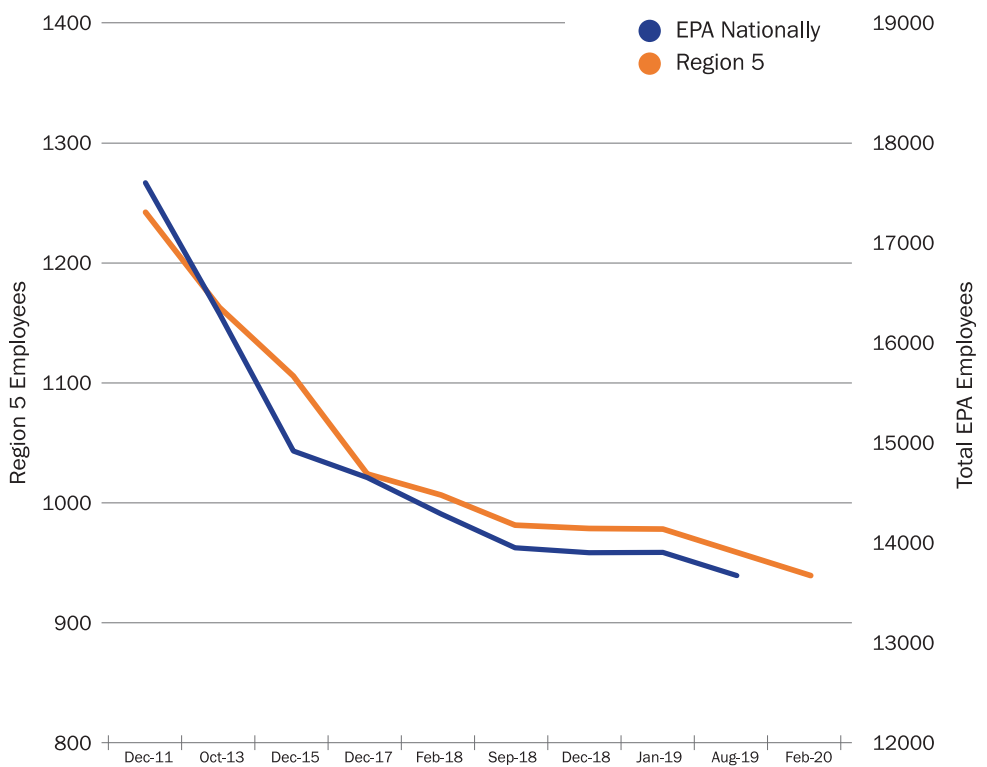


# BUDGET CUTS AND LESS RESOURCES

Despite consistent polling showing the American public supports environmental protection, EPA has faced budget cuts and less resources for the last few years. Those cuts result in lower staffing levels, and lower spending on enforcement and compliance monitoring activities, both nationwide and in the Midwest.

## Downward Trend in Staffing Levels

**Figure 5** shows a downward trend in staffing levels at EPA’s Region 5 office, overlaid with the overall downward trend across the agency. While we could not determine trends for enforcement personnel specifically, the overall decrease in staffing clearly affects the agency’s capacity to conduct enforcement and compliance monitoring. Other studies have found a correlation between overall drops in staffing with specific drops in enforcement staffing. The Environmental Integrity Project’s report *Less Enforcement: Communities as Risk – Federal Data Show Decline in EPA Enforcement Leading to Public Health Hazards*, showed that EPA’s total personnel levels dropped from 17,106 to 14,172 from FY 2012 to FY 2018 (17% drop). During the same period, EPA’s agency-wide enforcement workforce (criminal, civil, and compliance monitoring) fell from 2,179 to 1,842 (15% drop), thus showing a correlation between an overall reduction in staffing with a specific reduction in enforcement staff. As EPA’s overall staff declines in Region 5, the number of staff dedicated to enforcement likely declines as well.



**Figure 5: Staffing Level at EPA in Region 5 and Nationally Dec. 2011 to Feb. 2020**  
Source: EPA Contingency Plans, which record the number of employee in each region

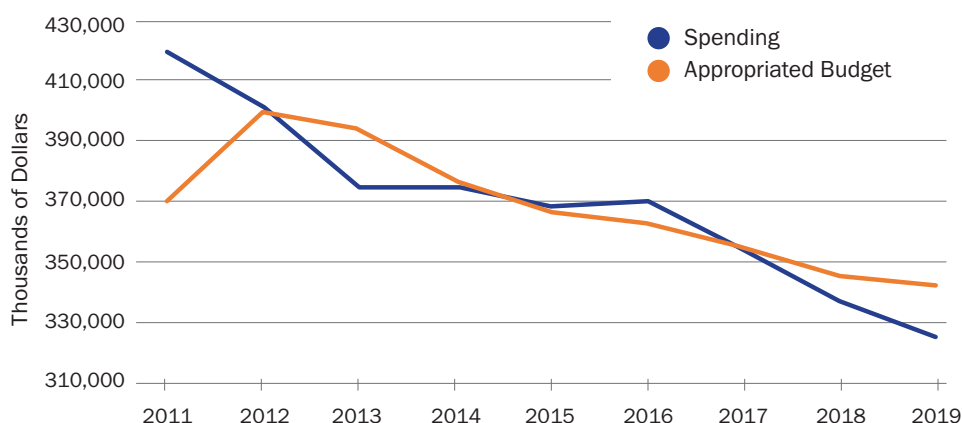
As of February 4, 2020, there were 940 personnel at EPA in Region 5, which is a loss of 309 employees since December 2011 (25% reduction in staff over the same time period). EPA as a whole has not fared any better, with a loss of 3,982 employees from December 2011 to August 2019 (23% reduction in staff over the same time period). Less employees overall and, specially, in Region 5, means less resources available to enforce and monitor compliance with environmental laws, including the Clean Water Act.



## Declining Enforcement and Compliance Budget and Spending

**Figure 6** shows that there has been a consistent downward trend in actual spending and appropriated funds for enforcement and compliance activities. Until recently, EPA often spent *more* on enforcement and compliance activities than Congress had appropriated, if not an equal amount. Beginning in FY 2018, however, that trend shifted as EPA started spending *less* than Congress had appropriated.

In FY 2018—the first full year under the Trump administration—there is a significant difference of about \$8 million *less* in actual spending than what Congress appropriated. In FY 2019, the gap between actual spending and appropriations doubled, with the actual spending about \$16 million *less* than congressional appropriation. This comes at a time when significant noncompliance is on the rise and congressional funding is in decline. EPA has a lot to do, and the agency is not even using the resources available to get it done.



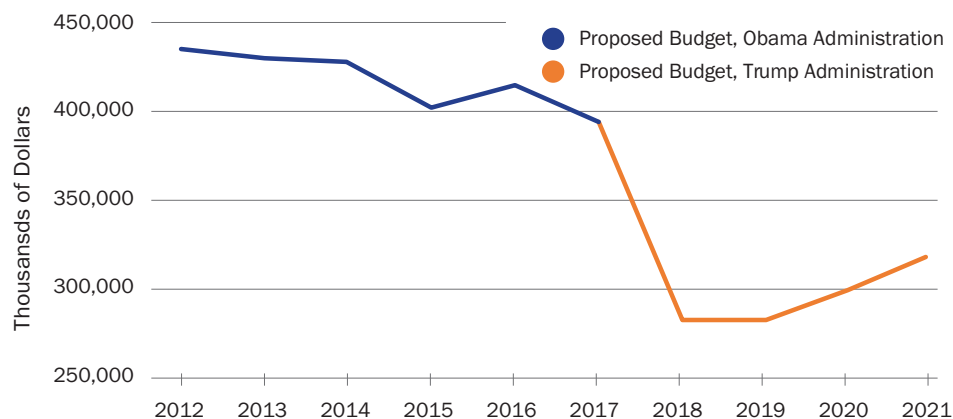
**Figure 6:** Nationwide Enforcement and Compliance Monitoring Actual Spending Compared with Appropriated Budget (real \$, 2019) | FY 2011 – 2019 Source: EPA Budget in Briefs

**Figure 6** compares congressional budget appropriations for EPA with the agency’s actual spending, as reported in EPA’s annual *Budget in Brief*. Each value is a sum of both “Compliance Monitoring” and “Enforcement” line items in EPA’s Environmental Program and Management Budget. For each year shown, those two categories were summed and adjusted for inflation (2019 reference point). Enforcement spending includes the agency’s civil and criminal enforcement activities. Compliance monitoring spending covers pre-enforcement activities:

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. (Fiscal Year 2017 *Budget in Brief*, page 70).

The steady decline in enforcement and compliance monitoring spending and budgets shown in **Figure 6** likely contributes to less EPA enforcement in Region 5.

**Figure 7** shows the administration’s proposed budget for each fiscal year. FYs 2012 through 2017 were proposed by the Obama administration, and FYs 2018 through 2020 were proposed by the Trump administration. Although Presidential budget proposals are often modified or ignored by Congress, they do provide insight into a Presidential administration’s priorities, which can be implemented through funding or actions.



**Figure 7:** Presidential Budget Proposals for Enforcement and Compliance Monitoring (real \$, 2019) | FY 2012 – 2021 Source: EPA Budget in Briefs

# STATES LACK THE RESOURCES TO REPLACE ROLE OF EPA IN REGION 5

As federal-level enforcement declines, the states in Region 5 are unlikely able to make up the difference because they are also receiving less funding and resources. Data from the Environmental Integrity Project's December 5, 2019 report titled *The Thin Green Line: Cuts in State Pollution Control Agencies Threaten Public Health* is reflected in **Figures 8** and **9** showing combined staffing and budgets for pollution control agencies in Region 5 states: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

## Shrinking Budgets and Staff Levels for State Pollution Control Agencies

**Figure 8**, below, shows a downward trend in state pollution control agency budgets in Region 5. From 2008 to 2018, these budgets dropped 12% or \$148.6 million region-wide, after adjusting for inflation. Less money for pollution control agencies likely impacts their ability to monitor and enforce the Clean Water Act in their respective jurisdictions. The decline in states' pollution control agency budgets is likely related to reductions in federal funding to states, as detailed below in **Figure 10**.

STATE	2008 INFLATION ADJUSTED BUDGET (REAL \$ IN MILLIONS, 2018)	2018 BUDGET (\$ IN MILLIONS)	DIFFERENCE (\$ IN MILLIONS)	PERCENT CHANGE
MINNESOTA	198.30	201.40	3.1	2%
WISCONSIN	107	68.90	-38.1	-36%
ILLINOIS	256.60	192.10	-64.5	-25%
INDIANA	175	140	-35	-20%
MICHIGAN	332.60	351.70	19.1	6%
OHIO	206.60	173.40	-33.2	-16%
<b>TOTAL</b>	<b>1,276.10</b>	<b>1,127.50</b>	<b>-148.6</b>	<b>-12%</b>

**Figure 8:** Budget Changes from 2008 to 2018 for States in EPA Region 5

**Figure 9** shows a downward trend in the state agencies' staffing levels. Less personnel likely impact the agencies' abilities to monitor and enforce the Clean Water Act in their respective jurisdictions.

STATE	2008 STAFFING	2018 STAFFING	DIFFERENCE	PERCENT CHANGE
MINNESOTA	919	841	-78	-8%
WISCONSIN	N/A	N/A	N/A	N/A
ILLINOIS	1,028	639	-389	-38%
INDIANA	954	805	-149	-16%
MICHIGAN	1,568	1,228	-340	-22%
OHIO	1,267	1,086	-181	-14%
<b>TOTAL</b>	<b>5,736</b>	<b>4,599</b>	<b>-1,137</b>	<b>-20%</b>

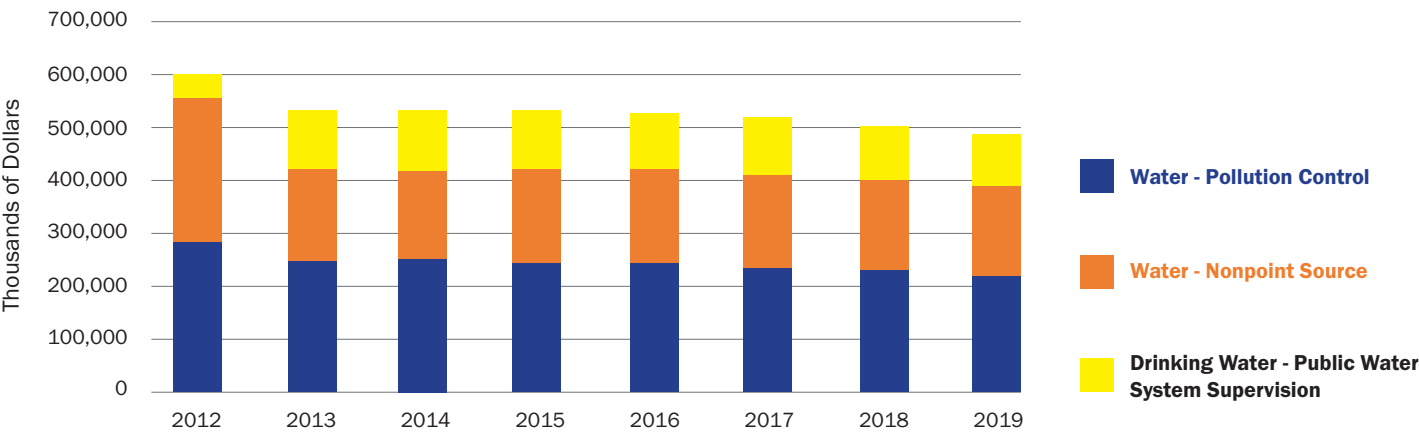
**Figure 9:** Staffing Level Changes from 2008 to 2018 for States in EPA Region 5

Figure 8 & 9 Source: Environmental Integrity Project, *The Thin Green Line: Cuts in State Pollution Control Agencies Threaten Public Health*



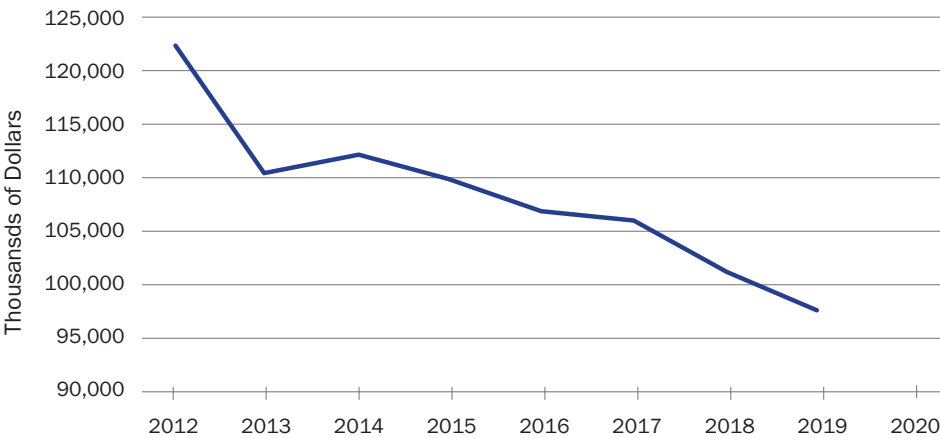
# Less Federal Funding for State Clean Water Programs

The downward trend in state agency budgets is caused by the decline in federal environmental funding for states. **Figure 10** shows actual funding, adjusted for inflation, provided to states for FYs 2012 through 2019 in program areas focused on clean water. Although this data is on a national basis, the nationwide reductions are likely reflect reductions to the states in Region 5, too.



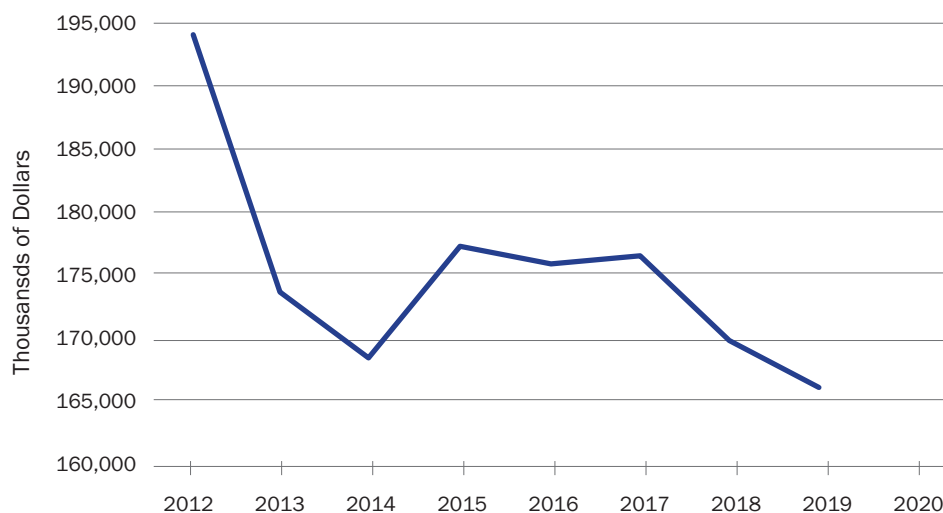
**Figure 10:** EPA Funding to States to Administer State Clean Water Programs Nationwide (real \$, 2019) | FY 2012 – 2019  
Source: 2012 through 2020 EPA Budget in Briefs

**Figure 10.1** shows the reduction in federal funding to states for drinking water and public water system supervision. EPA’s Fiscal Year 2017 Budget in Brief at page 93 describes this grant as “provid[ing] assistance to implement and enforce National Primary Drinking Water Regulations to ensure the safety of the Nation’s drinking water resources and to protect public health.”



**Figure 10.1:** Funding for Drinking Water – Public Water System Supervision (real \$, 2019) | FY 2012 – 2019  
Source: 2012 through 2020 EPA Budget in Briefs

**Figure 10.2** shows the reduction in federal funding to states to reduce nonpoint source pollution. EPA's Fiscal Year 2017 *Budget in Brief* at page 93 describes this program as “enable[ing] states to use a range of tools to implement their programs including: technical assistance, financial assistance, education, training, technology transfer, and demonstration projects.” Nonpoint water pollution takes many forms, such as agricultural runoff of nitrogen and phosphorus, which contributes to toxic algae in Lake Erie.

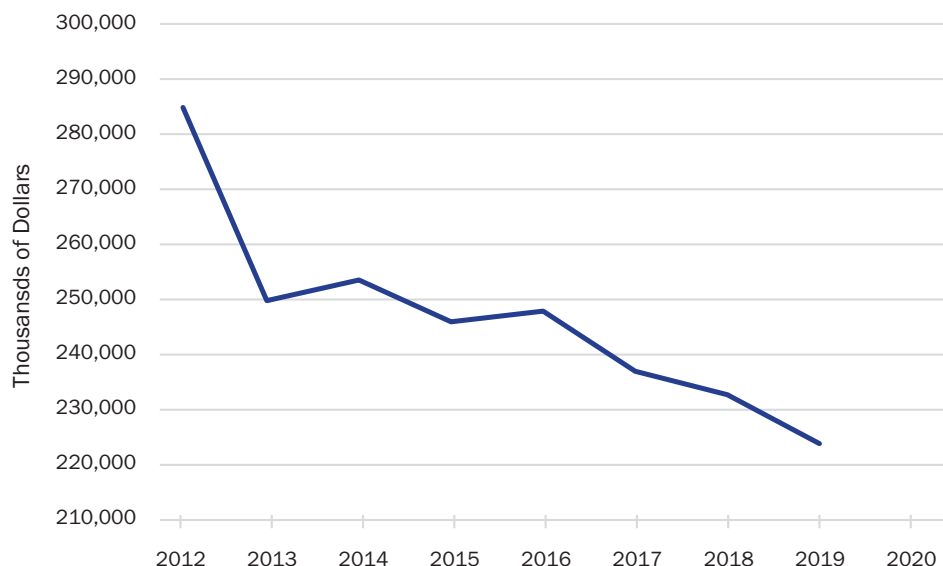


**Figure 10.2:** Funding for Water – Nonpoint Source (real \$, 2019) | FY 2012 – 2019

Source: 2012 through 2020 EPA Budget in Briefs

**Figure 10.3** shows the reduction in federal funding to states for point source water pollution control. Examples of point source pollution include factories, refineries, steel mills, coal power plants, petrochemical facilities, and other industrial plants. EPA's Fiscal Year 2017 *Budget in Brief* at page 93 describes the grant as:

[A]ssist[ing] state and tribal efforts to restore and maintain the quality of the nation's waters by strengthening water quality standards, improving water quality monitoring and assessment, implementing Total Maximum Daily Loads (TMDLs) and other watershed-related plans, strengthening the National Pollutant Discharge Elimination System (NPDES) permit program, and implementing practices to reduce pollution from all nonpoint sources.



**Figure 10.3:** Funding for Water – Pollution Control (real \$, 2019) | FY 2012 – 2019

Source: 2012 through 2020 EPA Budget in Briefs



# **EXAMPLE FACILITY**

Reserve Environmental Services, inc.





## EXAMPLE FACILITY

### Reserve Environmental Services, inc.

When the U.S. EPA pulls back on its enforcement responsibilities, facilities may violate the Clean Water Act by putting less institutional emphasis on environmental compliance. For this section of the report, we focused on a facility in the Great Lakes Basin – Reserve Environmental Services, Inc. (Reserve) – that has consistently violated the Clean Water Act with violations of its effluent limitation since 2017. Effluent limitations regulate how much pollution facilities can discharge into our streams, rivers, and the Great Lakes.

Reserve is a waste management, disposal, and removal service that handles both hazardous and non-hazardous waste. There are 5,043 people living within a 3-mile radius of this facility, 37% of which are identified as low-income, according to census data and EPA's EJSCREEN Tool. The facility discharges into Whitman Creek, which crosses through the facility property and flows directly into Lake Erie. Below is a map showing how close Reserve is to Lake Erie and Whitman Creek. There is also housing in close proximity to the South and West, and the woods all around the facility can also be impacted by polluted water resources:





Since January 1, 2017, Reserve has reported exceeding its effluent limits numerous times at Outfalls 001, 003, 004, 006, and 604, thereby violating the Clean Water Act. The data for all of Reserve's Clean Water Act effluent exceedances come directly from Reserve's monthly discharge monitoring reports. The chart below provides a summary of Reserve's Clean Water Act effluent limitation exceedances:

<b>POLLUTANT</b>	<b>LIMIT FREQUENCY</b>	<b># OF VIOLATIONS</b>	<b>DAYS IN VIOLATION</b>
CHLORINE	DAILY MAX (CONCENTRATION)	1	1
FECAL COLIFORM	DAILY MAX	1	1
NITROGEN, AMMONIA	DAILY MAX (LOAD)	1	1
TITANIUM	DAILY MAX (CONCENTRATION)	1	1
TITANIUM	DAILY MAX (LOAD)	1	1
NITROGEN, AMMONIA	DAILY MAX (CONCENTRATION)	3	3
BIOLOGICAL OXYGEN DEMAND	DAILY MAX (LOAD)	5	5
TOTAL SUSPENDED SOLIDS	DAILY MAX (LOAD)	6	6
NICKEL	DAILY MAX (CONCENTRATION)	10	10
TOTAL SUSPENDED SOLIDS	DAILY MAX (CONCENTRATION)	10	10
NICKEL	DAILY MAX (LOAD)	14	14
BIOLOGICAL OXYGEN DEMAND	MONTHLY AVERAGE (CONCENTRATION)	1	30
COBALT	MONTHLY AVERAGE (LOAD)	1	30
COPPER	MONTHLY AVERAGE (CONCENTRATION)	1	30
FECAL COLIFORM	MONTHLY AVERAGE	1	30
NITROGEN, AMMONIA	MONTHLY AVERAGE (CONCENTRATION)	1	30
TIN	MONTHLY AVERAGE (CONCENTRATION)	1	30
TIN	MONTHLY AVERAGE (LOAD)	1	30
TITANIUM	MONTHLY AVERAGE (LOAD)	1	30
VANADIUM	MONTHLY AVERAGE (CONCENTRATION)	1	30
VANADIUM	MONTHLY AVERAGE (LOAD)	1	30
BARIUM	MONTHLY AVERAGE (CONCENTRATION)	2	60
TITANIUM	MONTHLY AVERAGE (CONCENTRATION)	2	60
TOXICITY (CHRONIC)	MONTHLY AVERAGE	2	60
NITROGEN, AMMONIA	MONTHLY AVERAGE (LOAD)	3	90
TOTAL DISSOLVED RESIDUE	MONTHLY AVERAGE (LOAD)	4	120
BIOLOGICAL OXYGEN DEMAND	MONTHLY AVERAGE (LOAD)	6	180
ZINC	MONTHLY AVERAGE (LOAD)	8	240
ZINC	MONTHLY AVERAGE (CONCENTRATION)	9	270
TOTAL SUSPENDED SOLIDS	MONTHLY AVERAGE (CONCENTRATION)	11	330
TOTAL DISSOLVED RESIDUE	MONTHLY AVERAGE (CONCENTRATION)	12	360
TOTAL SUSPENDED SOLIDS	MONTHLY AVERAGE (LOAD)	12	360
NICKEL	MONTHLY AVERAGE (LOAD)	15	450
MERCURY	MONTHLY AVERAGE (CONCENTRATION)	21	630
NICKEL	MONTHLY AVERAGE (CONCENTRATION)	28	840
	<b>TOTAL</b>	<b>198</b>	<b>4403</b>

Three of the most common pollutants regulated by the Clean Water Act are mercury, nickel, and total suspended solids. Reserve has exceeded its permit limitations for each of these pollutants. According to the Centers for Disease Control and Prevention, even small amounts of mercury exposure can be dangerous to the central nervous system for humans and all mammals. Mercury poisoning can cause permanent damage to the brain, kidneys, stomach, intestines, and the heart. According to the U.S. Geological Survey (USGS), mercury pollution in water can build up in fish and then be consumed by humans, so even small discharges over time can have a dangerous impact. Contact with nickel in water can cause skin rashes for people with nickel allergies. Total suspended solids are organic and inorganic particles that do not dissolve in the water and are used as an indicator of water quality because they affect the amount of dissolved oxygen in the water, thus too much can risk harming aquatic life.

EPA has not undertaken any formal enforcement actions against Reserve. The lack of enforcement means the potential public health harms from these potential violations are still unknown and unaddressed. The serial nature of Reserve's violations, combined with the lack of any EPA enforcement, provides a real-world example of how reduced enforcement puts the environment at risk.



# CONCLUSION





# CONCLUSION

The EPA has an important obligation to protect the public from water pollution and environmental degradation, but the agency is stepping back from this duty by reducing its compliance monitoring and enforcement in Region 5. Unfortunately, significant noncompliance with the Clean Water Act is on the rise, and major facilities like Reserve are not being held accountable.

We cannot take our environment and public health for granted. Therefore, we recommend the following:

- EPA should improve its environmental law enforcement and compliance activities and effectively spend and deploy the full amount of funds appropriated by Congress.
- The Trump administration should increase its appropriations requests to fund more enforcement and compliance monitoring staff and resources.
- Congress should appropriate increased enforcement funds for EPA nationally and for Region 5 in particular.

Without a strong expectation of environmental law enforcement, facilities are more likely to violate the law and avoid accountability. Prevention is less expensive than remediation. Residents should not fear going for a swim in Great Lakes beaches, drinking safe clean water from their taps, or eating local fish because nearby industrial facilities are not being appropriately held responsible for their pollution.

# Appendix 1: Data Tables

**Figure 1: Case Initiations and Conclusions**  
FY 2012 – 2019

FISCAL YEAR	CASE INITIATIONS	CASE CLOSURE
2012	340	351
2013	298	310
2014	321	319
2015	319	323
2016	232	209
2017	254	256
2018	228	222
2019	208	205

**Figure 2: Major Facilities in Significant Noncompliance (SNC) with the Clean Water Act in Region 5** FY 2012 – 2019

FISCAL YEAR	MAJOR FACILITIES IN SNC
2012	122
2013	139
2014	146
2015	125
2016	128
2017	117
2018	173
2019	211

**Figure 3: Penalties Assessed under Clean Water Act-NPDES by EPA in Region 5 (real \$, 2019)** FY 2012 – 2019

FISCAL YEAR	PENALTIES ASSESSED	AVERAGE PENALTIES ASSESSED
2012	\$581,444.53	\$96,907.42
2013	\$1,432,007.19	\$204,572.46
2014	\$521,845.23	\$86,974.20
2015	\$572,840.20	\$190,946.73
2016	\$1,915,587.94	\$319,264.66
2017	\$1,104,931.34	\$276,232.83
2018	\$303,565.63	\$60,713.13
2019	\$429,774.00	\$85,954.80

**Figure 4\*: Compliance Costs Assessed under Clean Water Act-NPDES Enforcement by EPA in Region 5 (real \$, 2019)** FY 2012 – 2019

FISCAL YEAR	COMPLIANCE COSTS	AVERAGE COMPLIANCE COSTS
2012	\$920,002,294.01	\$41,818,286.09
2013	\$2,072,442,958.48	\$188,403,905.32
2014	\$2,048,713,749.07	\$227,634,861.01
2015	\$180,550,942.18	\$18,055,094.22
2016	\$961,081,607.85	\$137,297,372.55
2017	\$1,518,478,975.04	\$379,619,743.76
2018	\$311,825,854.03	\$14,173,902.46
2019	\$251,452,176.00	\$14,791,304.47

**Figure 5: Staffing Level at EPA in Region 5 and Nationally** Dec. 2011 to Feb. 2020

MONTH & YEAR	REGION 5 EMPLOYEES	TOTAL EPA EMPLOYEES
DEC-11	1,249	17,650
OCT-13	1,167	16,205
DEC-15	1,103	14,992
DEC-17	1,025	14,449
FEB-18	1,018	14,262
SEP-18	982	13,981
DEC-18	980	13,972
JAN-19	980	13,972
AUG-19		13,668
FEB-20	940	

**Figure 6: Nationwide Enforcement and Compliance Monitoring Actual Spending Compared with Appropriated Budget (real \$, 2019)** FY 2012 – 2019

FISCAL YEAR	COMPLIANCE MONITORING (CM)		ENFORCEMENT (E)	
	ACTUAL SPENDING (THOUSANDS OF \$)	APPROPRIATED BUDGET (THOUSANDS OF \$)	ACTUAL SPENDING (THOUSANDS OF \$)	APPROPRIATED BUDGET (THOUSANDS OF \$)
2011	\$124,921.16	\$113,640.67	\$293,747.18	\$257,119.44
2012	\$119,983.39	\$119,698.58	\$281,403.66	\$279,942.81
2013	\$112,246.77	\$118,069.55	\$262,809.53	\$275,546.69
2014	\$110,275.98	\$111,805.91	\$264,616.13	\$264,639.18
2015	\$110,807.48	\$108,905.63	\$257,656.50	\$257,775.29
2016	\$109,961.63	\$107,789.83	\$259,839.06	\$255,134.22
2017	\$102,278.08	\$105,596.06	\$252,718.43	\$249,940.44
2018	\$102,838.12	\$102,579.88	\$234,456.92	\$242,801.68
2019	\$100,132.80	\$101,665.00	\$225,405.10	\$240,637.00



FISCAL YEAR	TOTAL CM+E	
	ACTUAL SPENDING (THOUSANDS OF \$)	APPROPRIATED BUDGET (THOUSANDS OF \$)
2011	\$418,668.34	\$370,760.11
2012	\$401,387.05	\$399,641.39
2013	\$375,056.29	\$393,616.24
2014	\$374,892.10	\$376,445.09
2015	\$368,463.98	\$366,680.93
2016	\$369,800.69	\$362,924.04
2017	\$354,996.51	\$355,536.49
2018	\$337,295.05	\$345,381.56
2019	\$325,537.90	\$342,302.00

**Figure 7: Presidential Budget Proposals for Enforcement and Compliance Monitoring (real \$, 2019) FY 2012 – 2021**

FISCAL YEAR	PRESIDENT	COMPLIANCE MONITORING (CM) (THOUSANDS OF \$)	ENFORCEMENT (E) (THOUSANDS OF \$)	TOTAL CM+E (THOUSANDS OF \$)
2012	OBAMA	\$134,215.14	\$300,873.54	\$435,088.69
2013	OBAMA	\$138,030.76	\$292,624.01	\$430,654.77
2014	OBAMA	\$138,045.89	\$289,905.02	\$427,950.90
2015	OBAMA	\$127,359.55	\$275,628.26	\$402,987.81
2016	OBAMA	\$129,799.46	\$285,477.38	\$415,276.83
2017	OBAMA	\$115,792.27	\$279,014.94	\$394,807.21
2018	TRUMP	\$87,804.72	\$197,395.29	\$285,200.01
2019	TRUMP	\$86,374.00	\$197,280.00	\$283,654.00
2020	TRUMP	\$89,584.10	\$211,424.64	\$301,008.75
2021	TRUMP	\$95,436.45	\$223,614.97	\$319,051.42

**Figure 10\*\*: EPA Funding to States to Administer State Clean Water Programs Nationwide (real \$, 2019) FY 2012 – 2019**

FISCAL YEAR	POLLUTION CONTROL (THOUSANDS OF \$)	NONPOINT SOURCE (THOUSANDS OF \$)	PUBLIC WATER SYSTEM SUPERVISION (THOUSANDS OF \$)
2012	\$284,759.60	\$194,435.62	\$121,872.75
2013	\$249,514.55	\$173,922.79	\$109,888.62
2014	\$252,852.14	\$168,534.18	\$111,152.16
2015	\$245,878.32	\$177,486.24	\$109,286.99
2016	\$247,200.83	\$176,188.36	\$106,134.89
2017	\$236,939.80	\$176,671.51	\$105,235.79
2018	\$232,674.64	\$170,256.50	\$100,551.96
2019	\$224,097.00	\$166,310.00	\$96,650.00

\* The values in Figure 4 as it appears in the Report are in thousands of \$, but the numbers provided in these data tables are the full values (e.g., not in thousands of \$)

\*\* Figures 10.1, 10.2, and 10.3 are individual graphs that contain the same values as those shown in the data table for Figure 10

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## ENVIRONMENTAL LAW & POLICY CENTER

The Environmental Law & Policy Center is the Midwest's leading public interest environmental legal advocacy and eco-business innovation organization. We develop and lead successful strategic advocacy campaigns to improve environmental quality and protect our natural resources. We are public interest environmental entrepreneurs who engage in creative business deal making with diverse interests to put into practice our belief that environmental progress and economic development can be achieved together. ELPC's multidisciplinary staff of talented and experienced public interest attorneys, environmental business specialists, public policy advocates and communications specialists brings a strong and effective combination of skills to solve environmental problems.

ELPC's vision embraces both smart, persuasive advocacy and sustainable development principles to win the most important environmental cases and create positive solutions to protect the environment. ELPC's teamwork approach uses legal, economic, scientific and public policy analysis, and communications advocacy tools to produce successes. ELPC's strategic advocacy and business deal-making involves proposing solutions when we oppose threats to the Midwest environment. We say "yes" to better solutions; we don't just say "no."

ELPC was founded in 1993 after a year-long strategic planning process sponsored by seven major foundations. We have achieved a strong track record of successes on both national and regional clean energy development and pollution reduction, transportation and land use reform, and natural resources protection issues. ELPC brings a new form of creative public advocacy effectively linking environmental progress and economic development that improves the quality of life in our Midwest communities.

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