FY 2023 Federal Environmental Enforcement/Compliance: U.S. Environmental Protection Agency Issues Summary Report

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The United States Environmental Protection Agency ("EPA") issued on December 18th a report titled:

Enforcement and Compliance Annual Results for Fiscal Year 2023 ("Enforcement Report")

Categories addressed in the *Enforcement Report* include:

- Compliance
- Civil Enforcement
- Criminal Enforcement
- Superfund Enforcement
- Federal Facilities
- Emerging Areas of Focus

Additional information was provided addressing:

- Annual Results Maps
- Data and Trends

EPA contends in the *Enforcement Report* that Fiscal Year 2023 showed significant increases in:

- On-site inspections
- New criminal investigations
- Civil settlements
- Cleanup enforcement
- Record levels of enforcement activity in environmental justice communities

Other notable information provided in the *Enforcement Report* included:

- Additional 300 new positions added to the Enforcement Program
- 60% of onsite inspections in environmental justice communities
- More than 50% of civil settlements in environmental justice communities
- Creation of a Climate Enforcement and Compliance Strategy
- Initiated 199 criminal investigations constituting an increase of 70% over FY 2022
- Concluded 1,789 civil settlements which was 150 more than in FY 2022
- Enforcement compliance work resulted in the reduction, treatment, elimination, or minimization of 1.84 billion pounds of pollutants

- Assessment of $704 million in penalties, fines, and restitution for alleged violations, constituting a 57% increase over FY 2022
- Obtained $1.1 billion from Superfund cleanup and cost recovery settlement agreements and recovery of past and future costs
- Issued 203 Safe Drinking Water Act Orders to public water systems
- Conducted 160 onsite inspections at public water systems

Note that Arkansas has been delegated basically every federal environmental statutory program. As a result, the vast majority of environmental enforcement in the State of Arkansas is by the Arkansas Department of Energy & Environment – Division of Environmental Quality. Nevertheless, EPA retains the statutory right to initiate enforcement actions in the State and does so on occasion.

A link to the EPA *Enforcement Report* can be found here.