

APPENDIX U: ENFORCEMENT ACTIONS

While the Department of Defense (DoD) devotes significant financial and personnel resources to monitor, achieve, and maintain compliance with federal, state, and local environmental laws and regulations, findings of noncompliance and the associated fines and penalties do occur. This appendix presents the analysis of fines and penalties required under 10 U.S.C. §2706(b). The analysis is presented with data from Fiscal Year (FY) 2006 and the four preceding fiscal years.

DoD

Figure U-1 summarizes the fines assessed in FY2006 against DoD under federal, state, and local environmental laws. Overall, the amount of fines assessed decreased from \$1,445,919 in FY2005 to \$1,165,300 in FY2006. Figure U-2 shows the total fines assessed by Component and Figure U-3 shows the fines assessed by origin. Fines assessed by the U.S. Environmental Protection Agency (EPA) increased from \$253,702 in FY2005 to \$602,600 in FY2006, primarily due to a large increase in fines assessed against Army installations. Fines assessed by state regulatory agencies decreased significantly from \$1,174,172 in FY2005 to \$496,400 in FY2006. Fines assessed on the Components at the local level increased from \$18,045 in FY2005 to \$66,270 in FY2006. There were no fines or penalties that exceeded \$1,000,000 imposed or assessed against DoD in FY2006.

The FY2006 National Defense Authorization Act eliminated many of the fines and penalties reporting requirements that were under 10 U.S.C. §2706(b). This appendix no longer includes the amounts of fines and penalties imposed or assessed with respect to each military installation. Also, reporting the amounts paid on fines and penalties, as well as information on supplemental environmental projects, is no longer required.

DoD tracks fines across the following statutes and categories: Clean Water Act (CWA); Clean Air Act (CAA); Safe Drinking Water Act (SDWA); Resource Conservation and Recovery Act subpart C (RCRA/C), which addresses hazardous waste; RCRA subpart D (RCRA/D), which addresses solid waste; RCRA subpart I (RCRA/I), which addresses underground storage tanks; and Other, which addresses other federal, state, and local statutes.

Figure U-1
Fines Assessed in FY2006 (thousands)

EPA						
	Army	Navy	Marine Corps	Air Force	DLA	EPA Total
Amount Assessed	\$473.9	\$128.7	\$0	\$0	\$0	\$602.6
State						
	Army	Navy	Marine Corps	Air Force	DLA	State Total
Amount Assessed	\$473.1	\$0	\$0	\$23.3	\$0	\$496.4
Local						
	Army	Navy	Marine Corps	Air Force	DLA	Local Total
Amount Assessed	\$0	\$66.3	\$0	\$0	\$0	\$66.3
Component Totals						
	Army	Navy	Marine Corps	Air Force	DLA	Grand Total
Amount Assessed	\$947.0	\$195.0	\$0	\$23.3	\$0	\$1,165.3

DoD considers enforcements actions as any formal, written notification from a regulatory agency specifying a violation of any applicable statutory or regulatory requirement. These notifications must cite the relevant standards and require corrective actions. Over the last year, the number of new DoD compliance enforcement actions decreased from 282 in FY2005 to 272 in FY2006. New compliance enforcement actions under the CAA, RCRA/D, RCRA/I, and SDWA decreased significantly over the previous year, while the number of new compliance enforcement actions increased slightly under the CWA and RCRA/C. Open compliance enforcement actions are those that have not been resolved with the regulatory agency. The installation may have completed all requirements to correct the noncompliance, but is awaiting the formal closure statement from the regulatory agency. It is the Department's policy to return to compliance as quickly as possible. The number of open compliance enforcement actions also decreased, from 169 in FY2005 to 163 in FY2006. Of the open compliance enforcement actions, 136 are administrative or operational, and 27 are project related.

In summary, new compliance enforcement actions decreased for the Air Force, Marine Corps, and Defense Logistics Agency (DLA); and increased slightly for the Army and the Navy. Open compliance enforcement actions decreased for the Army and DLA; increased for the Navy and Marine Corps; and remained the same for the Air Force.

Army

The Army's number of open compliance enforcement actions has decreased significantly from 35 in FY2005 to 19 in FY2006. Of the open compliance enforcement actions, 18 are administrative or operational, and one is project related. The number of new compliance enforcement actions increased slightly from 91 in FY2005 to 101 in FY2006. New compliance enforcement actions under the CWA decreased and the number of enforcement actions under RCRA/D remained the same. Fines assessed against the Army increased at both the federal and state level. Federal fines increased from \$220,702 in FY2005 to \$473,904 in FY2006; and state fines increased from \$209,460 in FY2005 to \$473,103 in FY2006. No local fines were assessed.

Navy

New compliance enforcement actions against the Navy increased from 72 in FY2005 to 92 in FY2006. The number of new compliance enforcement actions under the CAA decreased slightly, and increased slightly under the CWA, RCRA/C, RCRA/D, RCRA/I, and SDWA over the previous year. The number of open compliance enforcement actions increased from 88 in

Figure U-2
Total Component Fines Assessed

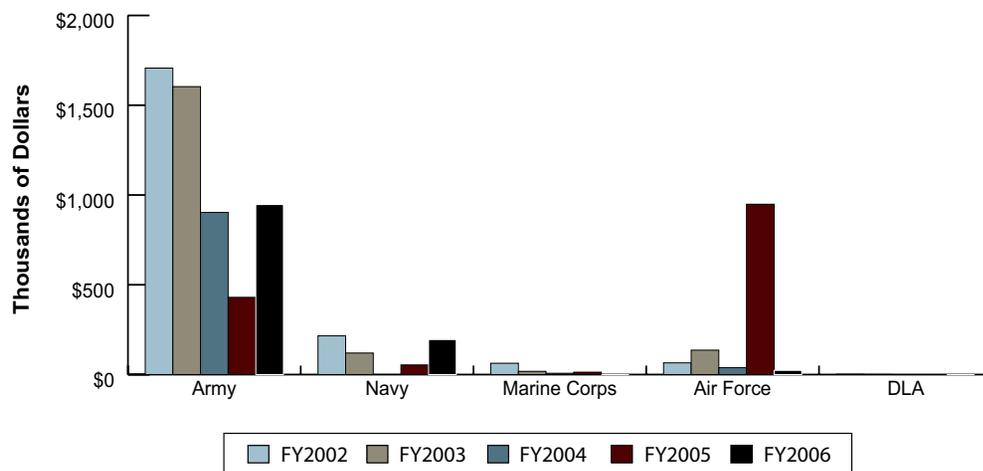
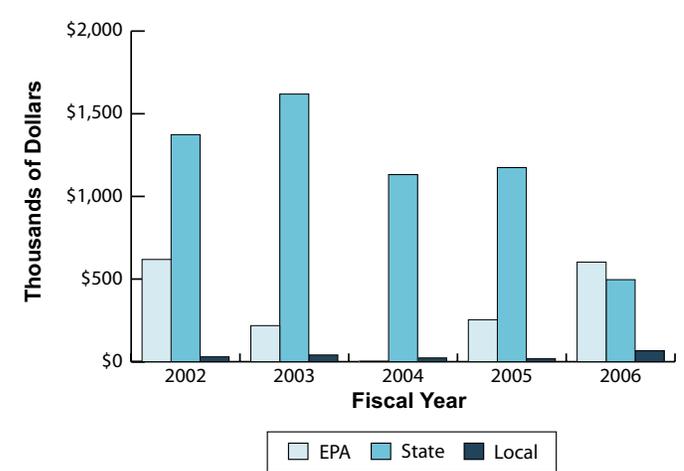


Figure U-3
Fines Assessed by Origin to DoD Components



FY2005 to 97 in FY2006; of the open compliance enforcement actions, 81 are administrative or operational and 16 are project related. Federal fines assessed against the Navy increased from \$33,000 in FY2005 to \$128,700 in FY2006; state fines decreased significantly from \$16,710 in FY2005 to \$0 in FY2006; and local fines increased significantly from \$4,150 in FY2005 to \$66,270 in FY2006.

Marine Corps

Since last year, the Marine Corps' number of new compliance enforcement actions filed decreased from 37 in FY2005 to 26 in FY2006. The number of new compliance enforcement actions under the CAA, RCRA/D, and SWDA decreased, while increasing slightly under the CWA, RCRA/C, and RCRA/I. The number of open compliance enforcement actions also increased from 21 in FY2005 to 23 in FY2006. Of the open compliance enforcement actions, 17 are administrative or operational and 6 are project related. No fines were assessed against the Marine Corps in FY2006. This continues the Marine Corps' trend of compliance, as no federal or state fines were assessed in FY2005 as well.

Air Force

The new compliance enforcement actions filed against the Air Force decreased significantly from 82 in FY2005 to 50 in FY2006. The number of new compliance enforcement actions under the CWA, RCRA/C, RCRA/I, and SDWA decreased significantly, while the number of new compliance enforcement actions increased slightly under the CAA and RCRA/C. The number of open compliance enforcement actions remained the same, with 22 in FY2005 and FY2006. Of the open compliance enforcement actions, 20 are administrative or operational, and 2 are project related. Fines assessed against the Air Force decreased significantly from FY2005 to FY2006. No federal or local fines were assessed in FY2006 and the state fines decreased from \$984,002 in FY2005 to \$23,266 in FY2006.

Defense Logistics Agency

One new compliance enforcement action was filed against DLA under RCRA/C in FY2006. The number of open compliance enforcement actions decreased by one in FY2006. The open compliance enforcement action is project related. No federal, state, or local fines were assessed against DLA in either FY2005 or FY2006.