

U.S. Department of Justice



Environment and Natural Resources Division

ENRD



ENRD

**FY 2025
PERFORMANCE BUDGET
CONGRESSIONAL BUDGET JUSTIFICATION**

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I. Overview of the Environment and Natural Resources Division (ENRD)

A. Introduction:

The Environment and Natural Resources Division (ENRD) has a main office in Washington, D.C., and field offices across the United States. ENRD is organized into seven specialized litigating sections, a policy section, an appellate section, an administrative/operational unit, and an Office of Environmental Justice. The Division is responsible for enforcing and defending actions taken under more than 150 federal statutes and represents virtually every federal agency in cases arising in all 50 states and the United States' territories. Its docket is nationally significant and growing rapidly, currently including over 7,000 active cases and matters.

ENRD's litigation responsibilities at present are broad and include:

- Enforcing the Nation's civil and criminal pollution-control laws;
- Securing environmental justice through litigation, client counseling, and community engagement;
- Leveraging the Nation's environmental laws to combat the climate crisis;
- Defending environmental challenges to federal agency programs and activities;
- Protecting United States taxpayers in lawsuits seeking tens of billions of dollars from the federal fisc;
- Representing the United States in matters concerning the stewardship of the Nation's natural resources and public lands;
- Acquiring land and real property for federal interests;
- Bringing and defending cases under the wildlife protection and animal welfare statutes; and
- Litigating cases concerning the resources and rights of Indian tribes and their members.

To effectively execute its important mission in FY 2025, ENRD is requesting a total of \$137,302,000 including 553 positions (396 attorneys), and 518 FTEs (41 reimbursable FTEs). Building on resources provided in the FY 2024 Annualized Continuing Resolution, the FY 2025 President's Budget provides \$7,098,000 to cover cost increases related to pay and benefits and rent/lease agreements.

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed and/or downloaded from the Internet via the following address: <https://www.justice.gov/doj/budget-and-performance>

B. Issues, Outcomes, and Strategies:

The Division initiates and pursues legal action to enforce federal pollution abatement laws and obtain compliance with environmental protection and conservation statutes. ENRD also represents the United States in all matters concerning protection, use, and development of the Nation's natural resources and public lands. The Division defends challenges to agency actions under the foregoing laws and fulfills the federal government's responsibility to litigate on behalf of Indian tribes and individual Indians. ENRD's efforts protect the federal fisc, reduce harmful discharges of hazardous chemicals and pollutants into the air, water, and land, enable clean-up of contaminated waste sites, and ensure proper disposal of solid and hazardous waste.

In **affirmative litigation**, ENRD obtains relief to ensure compliance with environmental laws, secures redress for past violations that harm the environment, ensures that violators of criminal and civil statutes are appropriately punished or held liable, establishes credible deterrents against future violations of these laws, recoups federal funds spent to abate legacy contamination, and obtains money to restore or replace natural resources damaged by oil spills or the release of other hazardous substances into the environment. ENRD also ensures that the federal government receives appropriate royalties and income from activities on public lands and waters.

In **defensive litigation**, ENRD represents the United States in challenges to federal environmental and conservation programs and all matters concerning the protection, use, and development of the Nation's public lands and natural resources. ENRD faces a growing workload in a wide variety of natural resource areas, including defense of agency decisions regarding conversion to clean energy policies, matters related to the leasing and development of fossil fuels on federal land, litigation over water quality and allocation of scarce water resources, the management of public lands and natural resources, endangered species and critical habitat, and land acquisition and exchanges. The Division is increasingly called upon to defend the Department of Defense's training and operations necessary for military readiness and national defense. It also supports numerous agencies' efforts to implement the Administration's renewed focus on environmental protection, environmental justice and government action to address the causes and impacts of climate change.

C. Current and Anticipated Workload Challenges:

ENRD will continue to enforce the Nation's environmental laws, support Administration priorities, and defend federal agency actions. The Division plays a critical role in ensuring that the environmental laws passed by Congress are faithfully executed. ENRD's enforcement of laws such as the Clean Air Act (CAA), Clean Water Act (CWA), Oil Pollution Act (OPA), Resource Conservation and Recovery Act (RCRA), and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also known as Superfund) results in environmental compliance and restoration, deterrence of future violations, protection of public health and the environment, balancing of the playing field for law-abiding businesses, protection of American taxpayers in the form of criminal and civil fines and penalties, and recovery of federal funds spent to respond to oil spills or clean up hazardous waste sites, which are then returned to the federal treasury. In addition, ENRD litigation plays a significant role in the achievement of policy objectives of Legislative and Executive Branch officials.

The Division will also continue to defend challenges to federal environmental, energy, natural resource, and wildlife protection programs, as well as agency actions and decisions related to such programs. In FY 2025, for example, ENRD anticipates defending federal agency decisions regarding infrastructure development, renewable energy projects and policies to ensure sustainable use and development of federal agency resources, allocation of scarce water resources, the management of public lands and natural resources, endangered species and critical habitat, and land acquisition and exchanges. Furthermore, ENRD performs an important national security function by defending the Department of Defense's training and operations necessary for military readiness and acquires land and property for national defense purposes.

External Challenges

Environmental protection statutes and administrative law principles allow states, non-governmental organizations, and individuals to bring judicial challenges to federal agency action. This includes regulatory and deregulatory actions taken by federal agencies to implement the Administration's priorities and initiatives and to modify or repeal prior Administration rules or programs. When such lawsuits are filed, ENRD's mission is to defend its client agencies. **Defensive cases** make up over half of the Division's workload, with court schedules and deadlines driving the pace of work and attorney time in this type of litigation. These cases are non-discretionary – the federal government must respond to lawsuits filed against it. ENRD's defensive caseload has increased significantly in recent years and is expected to continue to increase in FY 2025. This defensive work is a specialized litigation docket that cannot effectively or efficiently be referred to the United States Attorneys' offices.

Below is a summary of some of the current and expected defensive challenges that will impact the Division through FY 2025, which in the aggregate are likely to require significant ENRD resources.

- The Administration's **climate and energy** agenda will lead to an increase in litigation over policy initiatives and the management of energy infrastructure. ENRD will defend new and updated regulations issued by the U.S. Environmental Protection Agency (EPA) to reduce emissions of harmful greenhouse gases. This docket of important cases under the pollution-control statutes is expected to increase significantly as new regulations are promulgated. Under Executive Order 13990, "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," agencies have been reviewing and analyzing numerous agency actions, such as potential changes in oil and gas leasing in the Alaska National Wildlife Refuge and the Naval Petroleum Reserve-Alaska.
- The Division is currently defending hundreds of cases alleging a taking without just compensation in violation of the Fifth Amendment stemming from the Army Corps of Engineers' management of two flood-control reservoirs near Houston during and immediately after **Hurricane Harvey**. Plaintiffs collectively seek tens of billions of dollars in damages. The cases have been split into "upstream" and "downstream" dockets and the claims of test plaintiffs in the upstream docket are moving forward in the trial court, while the claims of the downstream docket are on appeal. After these upstream test cases are tried, the Division expects claims involving thousands of additional plaintiffs to move forward in FY 2025.
- The Division represents the United States and the Departments of the Interior and Treasury in more than a dozen pending **tribal trust** cases in federal district courts and the United States Court of Federal Claims, in which tribes or Indian plaintiffs demand "full and complete" historical trust accountings and damages for financial injury resulting from the government's alleged mismanagement of the plaintiffs' trust funds and non-monetary assets (such as timber, mining or grazing rights). The plaintiffs' claims total billions of dollars in the six currently pending cases. Throughout FY 2025, these cases will require substantial resources in order to conduct or complete extensive fact and expert discovery related to claims for alleged mismanagement of tribal trust and individual Indian money accounts, as well as extensive non-monetary tribal trust resources between 1946 and the present.

- The Division continues to deal with a significant expansion of its **rails-to-trails litigation**, in which property owners along railroad corridors allege a taking of their property interests in violation of the Fifth Amendment as a result of the operation of the National Trails System Act of 1968 (“Trails Act”). The courts have held that the Trails Act preempts the operation of state law that would otherwise allow a railroad to abandon a rail line, and results in the conversion of the railroad line into thousands of miles of recreational trails throughout the United States, which are also “railbanked” for possible future railroad reactivation. The Division presently defends approximately 180 such suits, involving many thousands of properties, with estimated aggregate claims in the hundreds of millions of dollars. These cases present considerable legal challenges, as well as resource challenges, since each property conveyance and each property valuation must be individually analyzed.
- The Division also handles several types of litigation over **water allocation**, including **water rights litigation** on behalf of every federal agency with water-dependent facilities, programs, or land management responsibilities. ENRD anticipates increasing demands on resources from a growing docket of water rights cases, stemming in part from the significant impacts that climate change has had on the Nation’s water resources. In particular, ENRD expects growth in the litigation over how the government operates projects such as the Klamath Project or California’s Central Valley Project, when scarcity makes it impossible to meet the needs of Tribal water rights, species protection, agriculture, and municipal water supply. Likewise, the Division will see an increase in voluminous proceedings known as “general stream adjudications,” in which courts – mostly state courts in the western United States – adjudicate the rights of all the water users in a river basin. The ENRD staff dedicated to general stream adjudications across the entire West is generally smaller than the staff employed by each of the western states alone; and these cases – which often involve thousands of parties, tens of thousands of claims and objections, and take decades for discovery, pretrial litigation and trial – already place significant demands on ENRD’s personnel resources.

Internal Challenges

With the introduction of new technologies and new requirements in the legal industry – such as e-filing, e-discovery, on-line document repositories, web-based privilege reviews, electronic trials, and extranet docketing systems – we are in constant need of ensuring our workforce has the expertise and access to software, hardware, and systems to keep pace with agency partners and private sector counterparts. Maintaining institutional technological capabilities remains an internal challenge. ENRD continues to refresh aging hardware, develop and implement required tracking systems, and comply with federal IT security mandates.

Of particular note, there has been a pronounced shift towards cloud-based e-Litigation solutions over the past several years; and in-house, on-premises solutions – such as the server-based model currently used by ENRD – will likely be phased out and soon will no longer be supported. The transition to cloud-based solutions, while inevitable, will require an upfront investment of resources and time.

D. Achieving Cost Savings and Efficiencies:

Over the past few years, ENRD has taken steps to reduce costs and limit expenditures. The Division takes its role as responsible custodians of the public fisc seriously, and is proud of the short- and long-term cost saving measures and efficiencies that have been implemented. The Division has demonstrated a commitment to achieving cost savings and has attained measurable results in the recent past.

Starting in 2011, ENRD responded to anticipated budgetary challenges by convening a committee of Division attorneys, paralegals, legal assistants, and managers from across the Division (the “\$AVE Committee”). Through multiple iterations of ENRD’s \$AVE Committee, the Division has cut millions of dollars from its operating budget.

As a leader in employing technological solutions, ENRD continues to implement cost-effective alternatives such as video conferencing and web-based applications for meetings (which inevitably reduce travel costs). The Division continues to push the use of on-line travel reservations, as opposed to using agent-assisted booking services, leading to additional cost savings. ENRD has reduced its fax machine inventory by over 90 percent, saving line costs as well as machine maintenance and supply costs. The \$AVE Committee also encouraged participation in ENRD’s Gainsharing program, which has saved the Division from paying certain discretionary travel related expenses. In the area of litigation support, ENRD has been innovative and forward-thinking by deploying and maintaining a highly cost-effective, in-house litigation support computer lab, which provides a wide range of services, such as scanning, OCR-processing, e-discovery/data processing, email threading, database creation and web hosting. In FY 2023, the Division’s litigation support lab recognized savings of approximately \$5.2 million, compared to what the services provided would have cost if outsourced to a contractor/vendor.

In the realm of process automation, ENRD has developed and deployed several important internal systems which resulted in significant cost and time savings. For example, over the past few years, the Division deployed an automated property appraisal management system, which has reduced the time and cost of retaining qualified appraisers. The Division also recently deployed internal electronic systems to manage ENRD’s employee performance program and transit subsidy management program. ENRD is in the process of automating its expert witness request process which should be fully implemented by FY 2025. Additionally, the Division deployed an internal accounting system, which will reduce ENRD’s reliance on outside accountants and auditors. All automated applications have saved the Division time and money, and have contributed to more efficient, accountable, and reliable business processes. These systems have been developed at minimal cost by existing governmental employees (no contracts or contractors involved).

II. Summary of Program Changes

ENRD is not requesting any enhancements in FY 2025.

III. Appropriations Language and Analysis of Appropriations Language

In FY 2025, the Division is not seeking any changes to its General Legal Activities (GLA) appropriations language.

The following Department legal activities are financed from this appropriation:

Environment and natural resource matters. The Environment and Natural Resources Division enforces the Nation’s civil and criminal environmental laws and defends environmental challenges to Government action. Additionally, the Division represents the United States in virtually all matters concerning the use and development of the Nation’s natural resources and public lands, wildlife protection, Indian rights and claims, worker safety, animal welfare, and acquisition of Federal property.

Reimbursable programs. ENRD is reimbursed by client agencies for personnel, automated litigation support, and litigation consultant services for a variety of environmental, natural resource, land acquisition, and Native American cases, including from the EPA for Superfund enforcement.

ENRD recommends no substantive changes to the Appropriation language in the 2025 Budget.

IV. Program Activity Justification

<i>Environment and Natural Resources Division</i>	Direct Pos.	Estimate FTE	Amount
2023 Enacted	597	518	130,204
2024 Annualized Continuing Resolution	553	518	130,204
Adjustments to Base and Technical Adjustments	0	0	7,098
2025 Current Services	553	518	137,302
2025 Program Increases	0	0	0
2025 Program Offsets	0	0	0
2025 Request	553	518	137,302
Total Change 2024-2025	0	0	7,098

<i>ENRD-Information Technology Breakout (of Decision Unit Total)</i>	Direct Pos.	Estimate FTE	Amount
2023 Enacted	18	18	5,499
2024 Annualized Continuing Resolution	18	18	5,499
Adjustments to Base and Technical Adjustments	0	0	0
2025 Current Services	18	18	5,499
2025 Request	18	18	5,499

A. Environment and Natural Resources Division

1. Program Description

As described above, ENRD works to:

- Enforce the Nation's civil and criminal pollution-control laws;
- Secure environmental justice through litigation, client counseling and community engagement;
- Leverage the Nation's environmental laws to combat the climate crisis;
- Defend environmental challenges to federal agency programs and activities;
- Protect United States taxpayers in lawsuits seeking tens of billions of dollars from the federal fisc;
- Represent the United States in matters concerning the stewardship of the Nation's natural resources and public lands;
- Acquire land and real property for federal interests;
- Bring and defend cases under the wildlife protection and animal welfare statutes; and
- Litigate cases concerning the resources and rights of Indian tribes and their members.

A brief description of ENRD's work and its organizational units is provided below:

The Appellate Section (APP) briefs and argues appeals in all thirteen federal circuit courts of appeals around the country, as well as in state courts of appeals and supreme courts. The Section handles appeals in all cases tried in the lower courts by any of the sections within the Division and oversees or handles directly appeals in cases within the Division's jurisdiction that were tried in the lower courts by U.S. Attorneys' Offices. The Section is also responsible for petitions for review filed directly in the courts of appeals in environmental or natural resource cases involving the Department of Energy, the Federal Aviation Administration, the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, and the Surface Transportation Board. The Section works closely with DOJ's Office of the Solicitor General, making recommendations whether to appeal adverse district court decisions or to seek Supreme Court review of adverse appellate decisions. The Section writes draft briefs for the Solicitor General in Division cases before the Supreme Court.

The Environmental Crimes Sections (ECS) has prosecutors and support staff who bring criminal cases against individuals and organizations that break pollution-control laws, worker-safety laws, animal-welfare laws, and laws that protect our Nation's ecological and wildlife resources. ECS attorneys bring cases throughout all ninety-four federal judicial districts, provide advice and training to other prosecutors and investigators, and coordinate with partners on policy and legislative matters. The Section also serves as a nationwide clearinghouse for information about how to investigate and prosecute environmental crime. Much of the Section's work is done in partnership with U.S. Attorneys' Offices, many of which are staffed with Assistant U.S. Attorneys (AUSAs) who have trained at Environmental Crimes Seminars organized by ECS.

The Environmental Defense Section (EDS) represents the United States in complex civil litigation arising under a broad range of pollution-control statutes. EDS routinely handles both litigation in federal district court and cases within the original jurisdiction of the federal courts of appeals (i.e.,

petitions for review). EDS defends: (a) rules issued by the U.S. Environmental Protection Agency (EPA) and other agencies under the pollution-control laws; (b) the United States against claims for contribution, response costs, and natural resource damages at federally-owned and private Superfund sites; and (c) federal agencies accused of being in violation of pollution control statutes. Although primarily a defensive section, EDS also brings enforcement actions against those who fill wetlands in violation of the Clean Water Act.

The Environmental Enforcement Section (EES) is responsible for bringing civil judicial actions under most federal laws enacted to protect public health and the environment from the adverse effects of pollution, such as the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Oil Pollution Act, Resource Conservation and Recovery Act, and the Superfund law (CERCLA). The breadth of the Section's practice is extensive and challenging. It includes cases of national scope, such as cases against multiple members of an identified industry, to obtain broad compliance with the environmental laws. Through its enforcement of the Superfund law, the Section seeks to compel responsible parties either to clean up hazardous waste sites or to reimburse the United States for the cost of cleanup, thereby ensuring that they, and not the public, bear the burden of paying for cleanup. The Superfund law is also a basis of the Section's actions to recover damages for injury to natural resources that are under the trusteeship of federal agencies.

The Executive Office (EO) is the operational management and administrative support section for ENRD. It provides financial management, human resources, information technology, procurement, facilities, security, litigation support, and other important services to the Division's workforce. The Executive Office takes advantage of cutting-edge technology to provide sophisticated automation facilities to ENRD employees. By utilizing new technologies and innovative business processes – and by in-sourcing services traditionally provided by contractors and equipping employees – the Executive Office can achieve significant cost savings for the American public.

The Indian Resources Section (IRS) litigates to protect almost 60 million acres of lands held in trust for tribes and individual Indian lands, as well as the rights and resources associated with those lands. The Section also defends challenges to decisions made by the Secretary of the Interior on behalf of tribes. This litigation often involves complex historical disputes, some of which date back to the early days of our Nation. Although the Indian Resources Section is relatively small, its cases concern vast amounts of land and resources and important principles of tribal sovereignty and identity. These cases fall into the following four broad categories: (1) the scope of tribal lands and jurisdiction; (2) treaty hunting and fishing rights; (3) water rights adjudication; and (4) the defense of agency action in furtherance of tribal interests. This broad docket encompasses issues of regional and national importance.

The Land Acquisition Section (LAS) acquires real estate by direct condemnation for Congressionally authorized public uses. The Section also reviews title for purposes of agency purchases of real estate for those same uses. The Section's work involves land in all 50 states and the U.S. territories for uses ranging from national parks to military bases to federal courthouses. The cases present complex legal and factual questions and can include the power of the United States to condemn under specific acts of Congress, ascertainment of the market value of property, applicability of zoning regulations, and problems related to subdivisions, capitalization of income, and the admissibility of evidence.

The Law and Policy Section (LPS) advises and assists the Assistant Attorney General on environmental legal and policy questions, particularly those that affect multiple sections in the Division. Working with the Justice Department's Office of Legislative Affairs, client agencies and Congressional staff, it coordinates the Division's response to legislative proposals and Congressional requests; prepares for appearances of Division witnesses before Congressional committees; and drafts legislative proposals in connection with the Division's work, for example, the implementation of litigation settlements. The Section responds to Congressional and citizen correspondence and Freedom of Information Act requests; and serves as the Division's ethics officer and counselor, alternative dispute resolution counselor, and liaison with state and local governments. Attorneys in the Section also litigate cases in which the United States appears as amicus curiae, undertake other special litigation projects, and coordinate the Division's involvement in certain environmental litigation and policy matters.

The Natural Resources Section (NRS) handles a kaleidoscope of diverse and challenging resource issues ranging from litigation to protect national treasures such as Florida's Everglades and the remnant old-growth forests of the Pacific Northwest, to protecting the federal interest in the country's vital water resources, to defense of the public fisc against claims by private property owners for alleged "takings" and by Native Americans for alleged trust breaches. By virtue of its responsibility for all litigation under the National Environmental Policy Act, the Section defends the decision-making processes of virtually every federal agency. The Section's practice involves litigation in both federal and state Courts; emergency litigation defending against temporary restraining orders and preliminary injunctions; defense of the decisions of administrative agencies in accordance with the review standards of the Administrative Procedure Act; original actions in the Supreme Court, tried before a Special Master; trial and pre-trial practice in inverse condemnation, water rights, and Indian trust cases, with emphasis on the preparation of expert testimony; and the panoply of negotiation and alternative dispute resolution processes that arise through litigation.

The Wildlife and Marine Resources Section (WMRS) works at the intersection between the missions of the many federal agencies with authority over or interaction with species and their habitat, and the needs of those species. Implementing federal programs to protect and conserve fish and wildlife species has increasingly become a significant component of a federal agency's priorities. The Section's work includes litigation over which species should be listed as threatened or endangered under the Endangered Species Act, cases challenging the way in which protected species are considered when federal agencies carry out their missions, and other litigation related to the balance between species protection and resource development in federal agency decision-making. This litigation involves a broad spectrum of federal agencies and affected species.

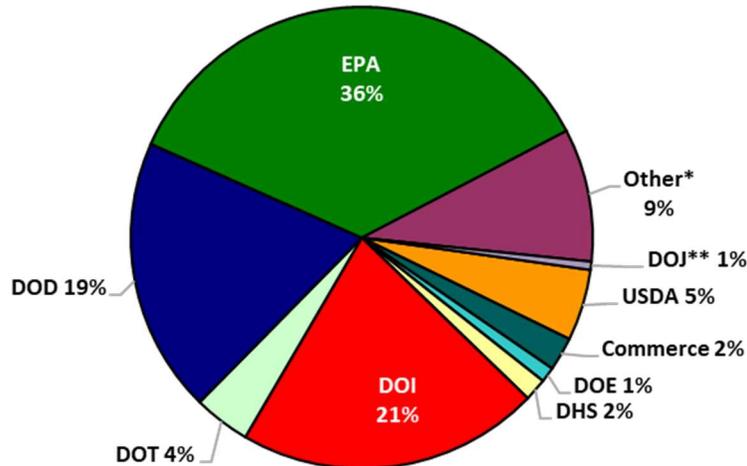
The Office of Environmental Justice (OEJ) engages all Justice Department bureaus, components and offices in the collective pursuit of environmental justice. The mission of OEJ is to protect overburdened and underserved communities from the harm caused by environmental crimes, pollution, and climate change. OEJ serves as the central hub to implement the Department of Justice comprehensive environmental justice enforcement strategy. The office builds partnerships with community advocates and provides fair and equal treatment and involvement of all people in the environmental decision-making process.

The Office of the Assistant Attorney General (OAAG) is responsible for overseeing all aspects of the Division's operations and ensuring that the Division's work is accomplished in a timely and professional manner each day.

Please see *Exhibit A* for an organization chart describing ENRD’s current structure.

ENRD’s Cases/Matters Pending by Client Agency as of September 30, 2023

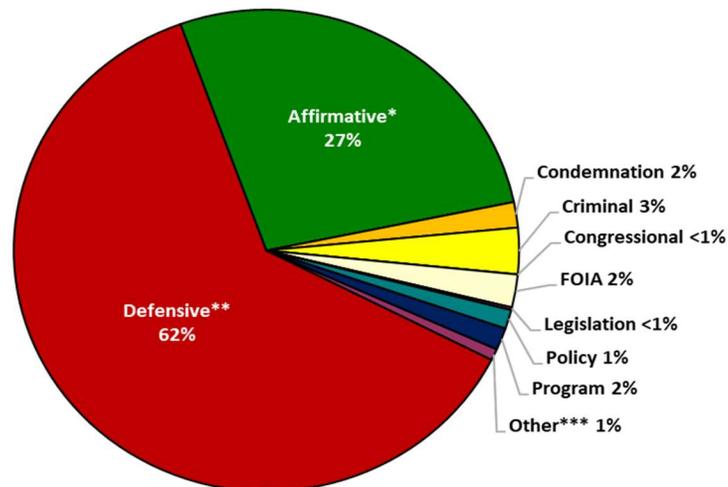
Total Cases/Matters – 7,130



*Other - includes many different Cabinet Departments and agencies with minimal numbers of cases.
 **DOJ - Most cases identified with DOJ as lead client agency are Citizen Suits.

ENRD’s Cases/Matters Pending by Case Type as of September 30, 2023

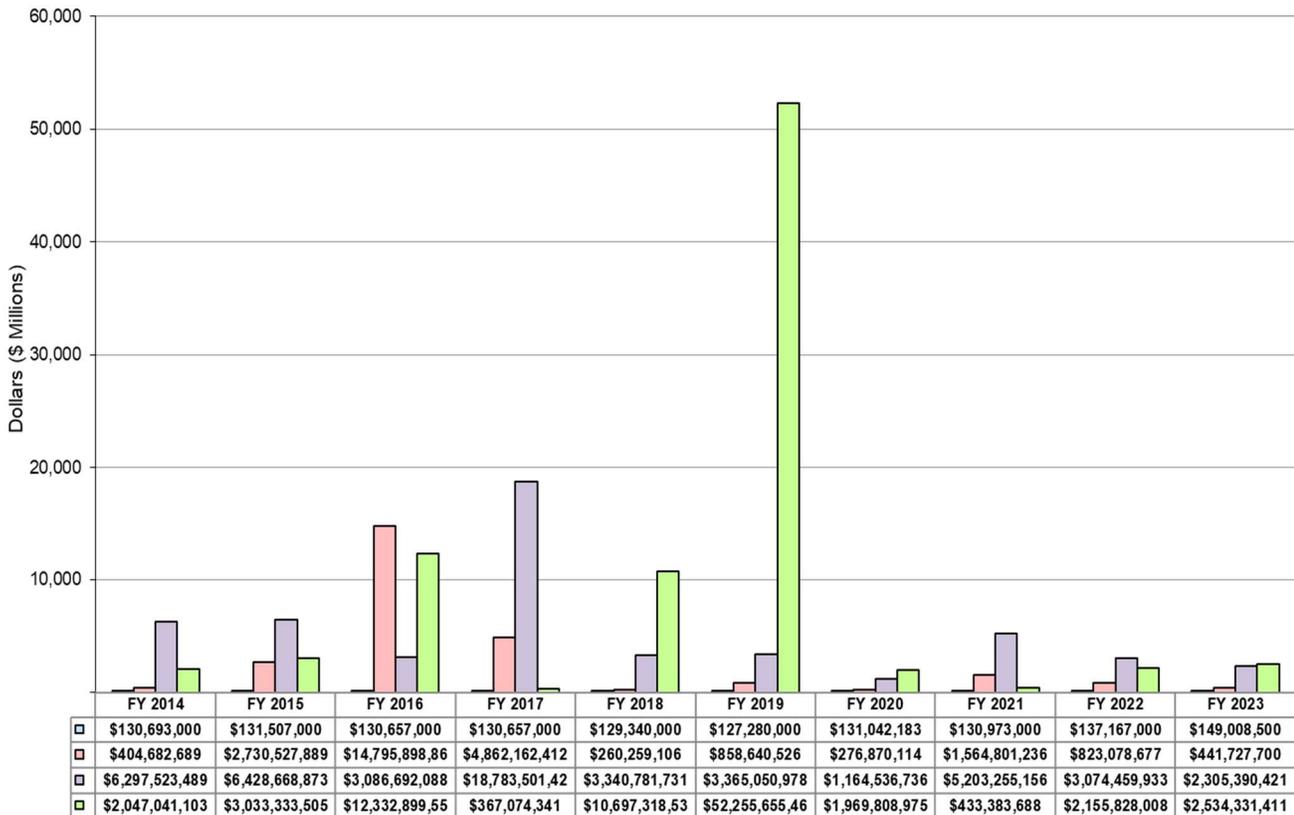
Total Cases/Matters – 7,130



*Affirmative - includes case types of Civil Affirmative, Amicus, and Citizen Suits.
 **Defensive - includes case types of Civil Defensive, Civil Contempt, Notices of Intent and Petitions for Review.
 ***Other represents types of work not covered by any category, such as projects, etc.

ACCOMPLISHMENTS

In FY 2023, ENRD successfully closed 200 matters and 1,011 cases while maintaining a robust docket of 7,130 cases, matters, and appeals. The Division recorded more than \$441 million in civil and criminal fines, penalties, and costs recovered. The estimated value of federal injunctive relief (clean-up work and pollution prevention actions by private parties) obtained in FY 2023 exceeded \$2.3 billion. Moreover, ENRD’s defensive litigation efforts avoided costs (claims) of over \$2.5 billion in FY 2023. In FY 2023, the Division achieved a favorable outcome in 100 percent of its civil affirmative cases, 92 percent of its civil defensive cases, 96 percent of its criminal cases and 99 percent of its condemnation cases. ENRD continues to be a valuable investment of taxpayer dollars as the number of dollars returned to the Treasury exceeds ENRD’s annual appropriation many times over.



FY 2019 Defensive Savings largely composed of \$52B cost avoidance resulting from favorable decision in St. Bernard Parish and others v. U.S.

ENRD Budget
(Includes GLA and Superfund)

Civil and Criminal Fines, Penalties and Costs Imposed
(Includes Awards Payable to States, Territories, Local Governments and Indian Tribes)

Value of Clean-Up and Corrective Actions
(Includes Federal and State Superfund and Non-Superfund Injunctive Relief, Supplemental Environmental Projects & Environmental Mitigation Projects)

Amount Saved in Defensive and Condemnation Litigation
(Excludes USAO Lead Cases)

Below are some recent notable successes from the Division's civil and criminal litigation dockets.

Civil Cases

- *Clean Air Act Enforcement Actions*

In December 2023, engine manufacturer Cummins Inc. disclosed that it had reached an agreement in principle with the United States and State of California to pay a \$1.7 billion penalty to settle claims that it violated the Clean Air Act by installing emissions defeat devices on hundreds of thousands of engines. The agreed upon penalty would be the largest ever for a Clean Air Act violation, and the second largest penalty under an environmental statute, after the BP/Deepwater Horizon settlement. The Clean Air Act requires vehicle and engine manufacturers to ensure that their products comply with applicable emission limits. Defeat devices are parts or software that bypass, defeat, or render inoperative emissions controls such as emission sensors and onboard computers. The company allegedly installed defeat devices on 630,000 model year 2013 to 2019 RAM 2500 and 3500 pickup truck engines. The company also allegedly installed undisclosed auxiliary emission control devices on 330,000 model year 2019 to 2023 RAM 2500 and 3500 pickup truck engines.

The Justice Department and U.S. Environmental Protection Agency (EPA) announced a settlement in November 2023 with Coffeyville Resources Refining & Marketing LLC and its affiliated companies (CRRM) for violations of the Clean Air Act and a previous consent decree related to operation of its petroleum refinery in Coffeyville, Kansas. These violations resulted in illegal emissions of various pollutants including an EPA estimate of over 2,300 excess tons of sulfur dioxide (SO₂), a pollutant that can make breathing more difficult, from the refinery's flares from 2015 to 2017. The United States and the State of Kansas allege that CRRM violated numerous provisions of a 2012 consent decree and the Clean Air Act. Under the settlement, CRRM will spend at least \$1 million on a project to benefit the public and environment of Kansas and implement measures costing up to \$9 million to prevent future violations and redress the environmental harm caused by their unlawful conduct. The company will also pay more than \$13 million in penalties to the United States and Kansas.

The Department of Justice and the Environmental Protection Agency (EPA) announced in May 2023 a Clean Air Act Settlement with BP Products North America Inc., (BPP), a subsidiary of BP p.l.c., requiring control technology expected to reduce benzene by an estimated seven tons per year, other hazardous air pollutants (HAP) by 28 tons per year and other volatile organic compound emissions (VOC) by 372 tons per year at its Whiting Refinery in Indiana. The United States' complaint, filed simultaneously with the settlement, alleges that BPP violated federal regulations limiting benzene in refinery wastewater streams, and HAP and VOC emissions at its Whiting Refinery, as well as the general requirement to use good air pollution control practices. As part of the settlement, BPP will install one or more permanent benzene strippers to reduce benzene in wastewater streams leading to its lakefront wastewater treatment plant. In addition to securing injunctive relief, including capital investments, estimated to exceed \$197 million, the settlement obligates BPP to pay a total financial penalty of \$40 million, comprised of civil penalties and stipulated penalties for violations of an earlier settlement. This is the largest civil penalty ever secured for a Clean Air Act stationary source settlement. BPP separately agreed to undertake a \$5 million supplemental environmental project to reduce diesel emissions in four communities surrounding the Whiting Refinery, based on the recommendations of community advisory panels. BPP will also install 10 air pollutant monitoring

stations to monitor air quality outside of the refinery fence line. The settlement terms are included in a proposed consent decree filed with the U.S. District Court for the Northern District of Indiana.

- ***City of Jackson, Mississippi Safe Drinking Water Act Crisis***

In November 2022, the United States filed an action under the Safe Drinking Water Act and a proposed interim order in federal court for appointment of a third party to manage and stabilize the City of Jackson, Mississippi's public drinking water system, and build confidence in the system's ability to supply safe drinking water to the system's customers. The court entered the order, which is to serve as an interim measure while the United States, the City, and Mississippi State Department of Health attempt to negotiate a longer-term consent decree to achieve sustainability of the system and the City's compliance with the Act and other relevant laws.

The Justice Department, Environmental Protection Agency (EPA), Mississippi Department of Environmental Quality (MDEQ) and the City of Jackson, Mississippi agreed in July 2023 to a proposed stipulated order, lodged in federal district court, to expedite needed sewer system repairs and address spills of raw and undertreated sewage into homes, businesses, streets, yards and waterways. The proposal is an interim measure until the parties negotiate modifications to a judicially enforceable consent decree to achieve the sewer system's long-term compliance with federal and state regulations. The agreement acknowledges that the city failed to achieve significant progress under a 2013 settlement among the parties that was entered by the federal court as a consent decree, and that the sewer system has further deteriorated over the last 10 years, resulting in violations of the settlement, the federal Clean Water Act (CWA), the Mississippi Air and Water Pollution Control Law (MAWPCL), and the city's National Pollutant Discharge Elimination System (NPDES) permits associated with the sewer system. The agreement requires implementation of certain programs and capital projects to improve the sewer system's condition, operations, and maintenance that are anticipated to bring near-term relief to the city's residents and businesses.

- ***Ensuring Compliance with Environmental Laws in a Digital Marketplace***

In September 2023, the Justice Department filed a complaint against eBay, Inc. for unlawfully selling and distributing hundreds of thousands of products in violation of the Clean Air Act (CAA); the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Toxic Substances Control Act (TSCA). The complaint alleges that eBay sold, offered for sale or caused the sale of more than 343,000 aftermarket defeat devices, which defeat motor vehicle emission controls, a violation of the CAA. Aftermarket defeat devices significantly increase pollution emissions – including carbon monoxide, nitrogen oxides, particulate matter and nonmethane hydrocarbons – that harm public health and impede efforts by the EPA, states, Tribes and local agencies to plan for and attain air quality standards. The complaint also alleges that eBay has violated FIFRA by unlawfully distributing or selling at least 23,000 unregistered, misbranded or restricted-use pesticide products, even in violation of a stop sale order EPA issued to eBay in 2020 and amended in 2021. Examples include a high toxicity insecticide banned in the United States, restricted use pesticides that only certified applicators may apply and products fraudulently claiming to protect users against the SARS-CoV-2 virus. Finally, the complaint alleges that eBay has distributed over 5,600 items in violation of the TSCA Methylene Chloride Rule. The rule prohibits retailers from distributing in commerce products that contain methylene chloride for paint and coating removal to prevent unreasonable risks, including death, presented by these types of products.

- ***Natural Gas Processors Settlements***

The Department of Justice and the Environmental Protection Agency (EPA) announced in April 2023 three separate settlements with natural gas processors that will require the companies to pay a combined \$9.3 million in civil penalties and make improvements at 25 gas processing plants and 91 compressor stations. These settlements will reduce harmful air pollution and improve air quality in 12 states, including in communities disproportionately impacted by pollution and in Indian Country. The states of Alabama, Colorado, Louisiana, North Dakota, West Virginia, and Wyoming, and the Southern Ute Indian Tribe, are also settling claims against the companies. When fully implemented, the combined settlements with The Williams Companies Inc., MPLX LP and WES DJ Gathering LLC fka Kerr-McGee Gathering LLC will reduce ozone-producing air pollution by an estimated 953 tons per year and greenhouse gases by 50,633 tons per year of carbon dioxide equivalent, including methane. This reduction equates to taking 11,267 gasoline-powered passenger vehicles off the road for one year. The settlements, lodged simultaneously in the Federal District Courts of Colorado and Utah, resolve allegations that the companies violated the Clean Air Act and state air pollution control laws. The settlements address allegations that The Williams Companies Inc., MPLX LP and WES DJ Gathering LLC violated federal, and state clean air laws related to leak detection and repair (LDAR) requirements for natural gas processing plants at various facilities that they own and operate across the nation. These facilities emit volatile organic compounds (VOCs), nitrogen oxides (NOx), hazardous air pollutants such as benzene and formaldehyde, and greenhouse gases into the atmosphere, according to the complaints filed against the companies.

- ***Suits to Reduce Greenhouse Gas Violations Contributing to Climate Change***

Together with the State of Colorado, ENRD entered into a settlement with DCP Operating Company LP and five other subsidiaries of DCP Midstream LP in *United States v. DCP Operating Co., LP* (D. Colo.). The consent decree, which the court approved in October, will strengthen leak detection and repair practices at eight natural gas processing plants in Colorado. Under the settlement, DCP agreed to pay a \$3.3 million civil penalty and to implement comprehensive injunctive measures across all eight of its natural gas processing plants in an area of Colorado that is in serious nonattainment with National Ambient Air Quality Standards for ozone. EPA estimates that the settlement will reduce emission of 1,300 tons of methane from production areas near communities in northern Colorado disproportionately impacted by pollution. Methane is more than 25 times as potent as carbon dioxide at trapping heat in the atmosphere.

The Division reached a settlement in *United States v. Schnitzer Steel Indus., Inc.* (D. Mass.) to resolve alleged violations of the Clean Air Act and regulations designed to protect the stratospheric ozone layer at 40 scrap metal recycling facilities nationwide. Schnitzer failed to recover refrigerant from small appliances and motor vehicle air conditioners before disposal or to verify with the supplier that the refrigerant had been properly recovered prior to delivery to Schnitzer's facilities. The settlement required the company to pay a civil penalty of \$1.6 million and to implement compliance measures worth over \$1.7 million, including the destruction of R-12 refrigerant in scrapped appliances and automobiles received at its facilities. R-12 contains chlorofluorocarbons with 10,000 times the global warming potential of carbon dioxide.

- ***Superfund Enforcement Cases***

In March 2023, on behalf of the U.S. Environmental Protection Agency (EPA) and in coordination with the U.S. Attorney's Office for the Northern District of Ohio, the Justice Department announced a complaint against Norfolk Southern Corporation and Norfolk Southern Railway Company (Norfolk Southern) related to the February 3, 2023, derailment in East Palestine, Ohio. The complaint seeks penalties and injunctive relief for the unlawful discharge of pollutants, oil, and hazardous substances under the Clean Water Act, and declaratory judgment on liability for past and future costs under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The complaint follows EPA's issuance on February 21, 2023, of a Unilateral Administrative Order under CERCLA to Norfolk Southern Railway Company requiring the company to develop and implement plans to address contamination and pay EPA's response costs associated with the order. On February 3, 2023, a Norfolk Southern train carrying hazardous materials, including hazardous substances, pollutants, and oil derailed in East Palestine, Ohio. The derailment resulted in a pile of burning rail cars, and contamination of the community's air, land, and water. Residents living near the derailment site were evacuated. Based on information Norfolk Southern provided, the hazardous materials contained in these cars included vinyl chloride, ethylene glycol monobutyl ether, ethylhexyl acrylate, butyl acrylate, isobutylene, and benzene residue. Within hours of the derailment, EPA and its federal and state partners began responding to the incident, including providing on-the-ground assistance to first responders and conducting robust testing in and around East Palestine. The fire caused by the derailment burned for several days. On February 5, monitoring indicated that the temperature in one of the rail cars containing vinyl chloride was rising. To prevent an explosion, Norfolk Southern vented and burned five rail cars containing vinyl chloride in a flare trench the following day, resulting in additional releases.

In November 2023, the Justice Department lodged two proposed consent decrees in federal court among Tribal, state, and federal natural resource trustees and over 20 potentially responsible parties (PRPs) at the Portland Harbor Superfund Site in Oregon. The agreements, with an estimated restoration value of approximately \$33.2 million, require the PRPs to pay cash damages or purchase credits in projects to restore salmon and other natural resources that were lost due to contamination released from the responsible parties' facilities into the Willamette River. The settlement includes more than \$600,000 in damages for the public's lost recreational use of the river, and restoration and monitoring of culturally significant plants and animals. The settlement also includes additional funds to pay costs incurred by the Portland Harbor Natural Resource Trustee Council for assessing the harm to the injured natural resources. The Trustee Council is comprised of representatives from the Five Tribes, which includes the Confederated Tribes of the Grand Ronde Community of Oregon, Confederated Tribes of Siletz Indians, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon and the Nez Perce Tribe, along with representatives of the U.S. Department of the Interior (DOI), National Oceanic and Atmospheric Administration (NOAA) and State of Oregon.

- ***Actions to Restore Natural Resources***

The United States and the State of Texas bought an action against Kirby Inland Marine LP for injuries to natural resources resulting from Kirby's discharge of approximately 4,000 barrels (168,000 gallons) of oil from one of its barges into the Houston Ship Channel. To resolve the allegations, Kirby has agreed to pay \$15.3 million in damages and assessment costs under the Oil Pollution Act for injuries to natural resources from the spill that flowed from the Houston Ship

Channel into Galveston Bay and the Gulf of Mexico, causing significant impacts and injuries to the Texas coastline including the wildlife refuge on Matagorda Island, and to aquatic and terrestrial habitats, as well as to dolphins and migratory birds.

Criminal Cases

- ***Vessel Pollution Cases***

Ocean vessel operating company Zeaborn Ship Management (Singapore) PTE. LTD. (Zeaborn) pleaded guilty in August 2023 to maintaining false and incomplete records relating to the discharge of oily bilge water and garbage on board the vessel Star Maia. In its plea, Zeaborn has agreed to pay a total monetary penalty of \$2 million. The company's Chief Engineer, Constancio Estuye, and Captain, Alexander Parreno, also pleaded guilty for their roles in the crimes. According to court documents, Zeaborn and Estuye admitted that – at least four times between June and October 2022 – they dumped over 7,500 gallons of oily bilge water from the Star Maia into the ocean without first processing the oily bilge water through required pollution prevention equipment. They also admitted that these illegal discharges were falsely recorded in the oil record book as having been made using the vessel's pollution prevention equipment when the equipment had not been used. Oily bilge water typically contains oil contamination from the operation and cleaning of machinery on the vessel. In addition to the illegal discharges of oily bilge water, Zeaborn and Parreno admitted that on at least three or four occasions between June and August 2022, they had burned garbage – including paper, plastics and oily rags – in barrels on the Star Maia's deck. The barrels were then thrown into the ocean. This garbage burning and barrel disposal was not recorded in the vessel's garbage record book, as required by law.

On May 5, 2022, Liquimar Tankers Management Services Inc. and Evridiki Navigation Inc. were sentenced after being convicted at trial on all charges, including violating the Act to Prevent Pollution from Ships, falsifying ships' documents, obstructing a U.S. Coast Guard inspection, and making false statements to U.S. Coast Guard inspectors. The District of Delaware sentenced the corporations to a total of \$3 million in criminal fines, and a five-year period of probation. Evridiki was fined \$2 million and Liquimar was fined \$1 million.

- ***Combating Illegal Trafficking of Animals***

A federal jury in the Middle District of Florida in December 2023 convicted a Florida man of three counts of trafficking migratory birds. Ernesto Gonzalez Campos is the most recent conviction in "Operation Ornerly Birds II," which has resulted in five other defendants being sentenced in the Middle District of Florida. Operation Ornerly Birds II was a Florida-wide investigation conducted by the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission. According to court documents and evidence presented at trial, Campos, 36, of Brandon, Florida, had engaged in the ongoing capture, sale and trade of protected migratory songbirds. On at least three occasions in 2020 and 2021, Campos sold and traded indigo buntings, painted buntings, rose-breasted grosbeaks and blue grosbeaks, all of which are protected by the Migratory Bird Treaty Act (MBTA). Campos trapped the birds from the wild, and once they were tamed, was able to sell them within the songbird community. Prior to Campos' conviction, five other Florida individuals pleaded guilty and were sentenced in U.S. District Court in Tampa. The defendants admitted to buying, selling or bartering a variety of MBTA-protected birds, all highly prized for their colorful plumage and singing abilities. The defendants acquired the protected

wildlife through a variety of means, including the employment of baited bird traps and the barter, purchase and sale of specimens among like-minded individuals in person and internet sales sites frequented by traffickers.

- ***Enforcing Worker Safety Laws***

In October 2023, a federal jury in Madison, Wisconsin, convicted current and former Didion Milling Inc. officials of workplace safety, environmental, fraud and obstruction of justice charges following a deadly explosion in 2017 at a corn mill that Didion Milling operated in Cambria, Wisconsin. The explosion killed five workers and seriously injured others. Didion Milling Vice President of Operations, Derrick Clark, was convicted of conspiring to falsify documents, making false Clean Air Act compliance certifications as Didion's "responsible official" and obstructing the Occupational Safety and Health Administration's (OSHA) investigation of the explosion at the corn mill by making false and misleading statements during a deposition. Former Didion Milling Food Safety Superintendent, Shawn Mesner, was convicted of participating in a fraud conspiracy against Didion Milling's customers and conspiring to obstruct and mislead OSHA for his role in falsifying sanitation records used at Didion to track the completion of cleanings designed to remove accumulations of corn dust at the mill. Didion Milling sold its milled corn products to food and beverage manufacturers. Sanitation at food manufacturing facilities is necessary for food safety, and excessive accumulations of grain dust can cause food safety problems. Through deceptive means, including repeatedly presenting a falsified cleaning log to food safety auditors, officials conspired to deceive Didion's customers about its sanitation practices.

- ***Combating Illegal Timber Violations Under the Lacey Act***

A Florida husband and wife, Noel and Kelsy Hernandez Quintana, pleaded guilty in October 2023 to conspiring to import plywood contrary to the Lacey Act and customs laws, and to selling plywood products that were illegally imported and sold. Noel Quintana also pleaded guilty to one count of smuggling and one count of violation the Lacey Act. Kelsy Quintana also pleaded guilty to two counts of violating the Lacey Act. The total loss of duties owed on the illegally imported wood products was approximately \$42 million. The plywood's market value was between \$25 million and \$65 million. According to court filings, the Quintanas incorporated seven companies in the United States – naming relatives or friends as corporate officers and agents – and these shell companies imported hundreds of shipments of plywood products into the United States between February 2016 and December 2020. The Quintanas also incorporated a financial shell company through which they accepted payments from purchasers for the plywood they imported in violation of laws, including the Lacey Act and customs laws. Before April 2017, the Quintana's importing shell companies imported containers of plywood into the United States and almost exclusively declared them to be hardwood plywood imported from China. But after April 2017, the companies evaded applicable duties by falsely declaring their hardwood plywood imports from China to be either the product of another country or to be made with a species of wood not subject to duties.

2. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE												
Decision Unit: Environment and Natural Resources												
RESOURCES (\$ in thousands)			Target		Actual		Target		Changes		Requested (Total)	
			FY 2023		FY 2023		FY 2024		Current Services Adjustments and FY 2025 Program Changes		FY 2025 Request	
Total Costs and FTE			FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
(Reimbursable: FTE are included, but costs are bracketed and not included in totals)			559 [41]	130,204	508 [39]	130,204	559 [41]	130,204	0	7,098	559 [41]	137,302
TYPE	STRATEGIC OBJECTIVE	PERFORMANCE	FY 2023		FY 2023		FY 2024		Current Services Adjustments and FY 2025 Program Changes		FY 2025 Request	
Program Activity	3.5	Advance Environmental Justice and Tackle the Climate Crisis	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
			559 [41]	130,204	508 [41]	130,204	559 [41]	130,204	0	7,098	559 [41]	137,302
APG Measure:1	N/A	N/A										
KPI:	3.5	Percent of environmental enforcement matters in or substantially affecting overburdened and underserved communities that are favorably resolved.	ENRDs FY 2023 target is to achieve over 80% of favorably resolved cases.		ENRD achieved 100% favorable resolved cases.		ENRDs FY 2024 Target is to achieve over 80% of favorably resolved cases.					
Performance Measure:	3.5	N/A	Total favorable outcomes for environmental matters divided by total environmental matters		Total favorable outcomes (11) for environmental matters divided by total environmental matters (11).		Total favorable outcomes for environmental matters divided by total environmental matters					
1 / Strategic Objective 3.5 is not currently recognized as one of the Agency Priority Goals. Performance Data is not applicable under this APG.												

Strategic Objective	PERFORMANCE MEASURE TABLE				
	Decision Unit: Environment and Natural Resources Division				
	Performance Measurers		FY 2023	FY 2024	FY 2025
			Actual	Target	Target
3.5	Agency Priority Goal₁	Advance Environmental Justice and Tackle the Climate Crisis	N/A	N/A	N/A
3.5	Key Performance Indicator₂	Strategic Objective 3.5 is not currently recognized as one of the Agency Priority Goals	N/A	N/A	N/A
3.5	Performance Measure	Percentage of environmental enforcement matters in or substantially affecting overburdened and underserved communities that are favorably resolved.	100%	80%	80%
1 / Data is not available					
2 / Data is not available					
ENRD achieved favorable outcomes in 100% of its environmental enforcement matters (11 matters) in FY 2023.					

3. Performance, Resources, and Strategies

DOJ Strategic Goal 3: Protect Civil Rights – Strategic Objective 3.5: Advance Environmental Justice and Tackle the Climate Crisis

A. Performance Plan and Report for Outcomes (Strategic Objective 3.5)

Some Notable FY 2023 Accomplishments:

In FY 2023, as in past years, the Division continued to take civil enforcement action under the Clean Air Act to combat climate change, including the emission of the powerful greenhouse gas methane. For example, in April 2023, ENRD announced settlements with The Williams Companies, MPLX LP, and WES DJ Gathering LLC, as noted in the section above. In March 2023, the Division, along with New Mexico, also settled a case in which the Matador Production Company agreed to pay a \$1.2 million penalty; spend at least \$2.5 million to implement extensive design, operation, maintenance, and monitoring improvements at all 239 of the company’s production facilities in New Mexico; and spend no less than \$1.3 million on a project for replacement of high polluting diesel engines. The agreement will result in reducing greenhouse gas emissions by more than 31,000 tons, the equivalent of taking more than 6,000 cars off the road for one year.

ENRD’s work also recognizes the importance of planning for the impacts of climate change when making long-term infrastructure improvements. For example, the Division filed multiple condemnation actions in FY 2023 in the district court in New Mexico to acquire easements for construction of the Navajo Gallup Water Supply Project. This project will transport water from the San Juan River to the eastern section of the Navajo Nation, the southwestern portion of the Jicarilla Apache Nation, and the City of Gallup, New Mexico, via about 300 miles of pipeline, 19 pumping plants, and two water treatment plants. This reliable water service will replace a rapidly depleting groundwater source, which is of poor quality. The project will provide a more sustainable drinking water supply to indigenous communities, where approximately 40 percent of families haul water regularly to their homes.

In FY 2023, the Division continued to take civil enforcement actions to seek timely remedies to reduce public health and environmental harms to overburdened and underserved communities from environmental violations. In October 2023, the Office of Environmental Justice released its first-ever Comprehensive Environmental Justice Enforcement Strategy Annual Report highlighting the Department’s recent accomplishments in cases with environmental justice concerns and outlining the Department’s strategy for engaging with and delivering results to communities long overburdened by pollution. The Comprehensive Environmental Justice Enforcement Strategy was signed in 2022 and provides a roadmap for using the Justice Department’s civil and criminal enforcement authorities and tools to advance environmental justice in underserved communities that have been historically marginalized, including low-income communities, communities of color, and Tribal and Indigenous communities.¹

As noted above, ENRD, EPA, the Mississippi Department of Environmental Quality (MDEQ) and the City of Jackson, Mississippi agreed to a proposed stipulated order to expedite needed sewer system repairs and address spills of raw and undertreated sewage into homes, businesses, streets,

¹ Information Source - <https://www.justice.gov/oerj>

yards and waterways. The important action taken shows the continuing commitment of the Justice Department to seek justice, health and safety for the residents of Jackson, Mississippi, and to prioritize enforcement in the communities most burdened by environmental harm.

In another case advancing environmental justice, in December 2023, ENRD and EPA announced a settlement with Heritage-Crystal Clean LLC (HCC) to resolve pending claims of the United States on behalf of the EPA, the Louisiana Department of Environmental Quality (LDEQ) and the State of Indiana for violations of requirements governing management of hazardous waste, as well as a violation of used oil management requirements, at current or former HCC facilities located in Indianapolis, Indiana; Shreveport, Louisiana; Atlanta, Georgia; Fairless Hills, Pennsylvania and Denver, Colorado. Under the settlement, HCC commits to pay civil penalties totaling \$1.2 million and to implement various measures to ensure that HCC facilities will not treat, store or dispose of parts-washing solvents that qualify as hazardous waste unless and until HCC receives a hazardous waste permit authorizing it to manage hazardous waste. Plaintiffs estimate that the compliance measures required under the settlement will cost at least \$1.6 million. The five HCC facilities included in the settlement are recognized by EPA to be located within communities with potential environmental justice concerns. Nearby communities will benefit from the improved controls and new work practices that will be implemented at HCC facilities as required by the consent decree. These new controls and practices will reduce emissions of volatile organic compounds (VOCs) and reduce risk of exposure to hazardous wastes managed at these facilities.

➤ **Performance Measure**

❖ *FY 2025 Target: 80%*

❖ *FY 2023 Actual: 100%*

B. Strategies to Accomplish Outcomes

The Division establishes strategies for performance and accomplishments relating to the Department's Strategic Plan for FY 2022 – FY 2026. The Division's strategies are based on the following strategic goal and objectives:

Strategic Goal 3 – Protect Civil Rights

Strategic Objective 3.5 – Advance Environmental Justice and Tackle the Climate Crisis

V. Program Increases by Item

(None)

VI. Program Offsets by Item

(None)

VII. Exhibits