

ALERTS**Environmental Law Alert - EPA Civil Penalties Increase, Just In Time For The Holidays!**

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Just in time for the holidays, the U.S. Environmental Protection Agency (EPA) has issued a Final Rule increasing many civil penalties for violations of environmental laws. The EPA Final Rule is effective Dec. 6, 2013, and it is important to note that the adjusted civil penalties are only applicable to violations occurring after this effective date.

At least every four years, each federal agency (including EPA) is required to adjust for inflation statutory civil penalties by issuing regulations. Inflation increases are rounded to the nearest multiple of \$25,000 for the largest penalty-related number, but where the cost of living inflation adjustment is not sufficient to be rounded up to a multiple of \$5,000, no change is made. For example, the Clean Air Act potential penalties for violating a State Implementation Plan (SIP) under 42 U.S.C. §7413(d)(1) are currently \$37,500 per day authorized up to a total penalty amount of \$295,000. With the inflation adjustment, the maximum per day penalty for SIP violations remains at \$37,500, because the inflation adjustment was insufficient to round up to \$5,000, but these daily penalties are now authorized up to a total penalty of \$320,000. The precise calculations and process are set forth in the Federal Register (78 F.R. 66643-48, Nov. 6, 2013).

According to the Table attached to the EPA Final Rule, civil penalties increased for certain Clean Water Act; Safe Drinking Water Act; Clean Air Act; Comprehensive Environmental Response, Compensation & Liability Act; Emergency Planning and Community Right-to-Know Act; Marine Protection, Research and Sanctuaries Act; and Certain Alaskan Cruise Ship Operations violations. Penalties for other violations, like under the Resource Conservation and Recovery Act, remain unchanged. The Table with the penalties by environmental statute, and all inflation adjustments since 1997, can be found in the Federal Register listing for this Final Rule [here](#).

For more information, contact the Barnes & Thornburg attorney with whom you work, or one of the following attorneys in the firm's Environmental Law Department: Fred Andes at fredric.andes@btlaw.com or 312-214-8310; Tony Sullivan at tony.sullivan@btlaw.com or 317-231-7472; Charles Denton at charles.denton@btlaw.com or 616-742-3974; Michael Elam at michael.elam@btlaw.com or 312-214-5630; John Kyle at john.kyle@btlaw.com or 317-231-7284; or Tammy Helminski at tammy.helminski@btlaw.com or 616-742-3926.

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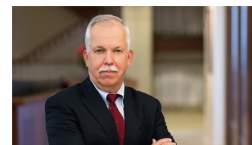
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