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ENVIRONMENTAL PROTECTION AGENCY



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U.S. ANNOUNCES MAJOR CLEAN WATER ACT SETTLEMENT **WITH RETAIL GIANT WAL-MART**

\$3.1 Million Penalty Is Largest for Storm Water Violations at Construction Sites

WASHINGTON, D.C. - The Department of Justice and the U.S. Environmental Protection Agency, along with the U.S. Attorney's Office for the District of Delaware and the states of Utah and Tennessee, today announced a Clean Water Act settlement for storm water violations at Wal-Mart store construction sites across the country. Under the terms of the agreement, Wal-Mart has agreed to pay a \$3.1 million civil penalty and reduce storm water runoff at its sites by instituting better control measures, thereby setting an industry standard for developers and contractors.

In addition to being the nation's largest retailer, Wal-Mart is one of the largest commercial developers in the country, building more than 200 stores each year across the United States under the brand names Wal-Mart Stores, Wal-Mart Supercenters, and Sam's Clubs.

"Storm water requirements have been in place for a long time. Developers like Wal-Mart must share responsibility with their construction contractors to ensure compliance," said Assistant Attorney General Thomas L. Sansonetti of the Justice Department's Environment and Natural Resources Division. "Today's settlement is a strong signal of this Administration's commitment to increased enforcement of our nation's environmental laws and regulations."

"Runoff from construction sites is a primary contributor to the impairment of water quality in the nation. EPA is vigorously enforcing federal regulations to help reduce this problem," said Thomas V. Skinner, Acting Assistant Administrator of EPA's Office of Enforcement and Compliance Assurance. "I want to commend Wal-Mart for negotiating a settlement that will be good for the environment and good for business."

The complaint filed against Wal-Mart cited violations at 24 sites in nine states and included allegations of failure to obtain a permit before starting construction, failure to develop a plan to control polluted runoff from the construction site, failure to adequately install sediment and erosion controls on the sites and failure to self-inspect sites and prevent discharges of sediments to sensitive ecosystems. Reducing sediment-laden runoff from construction sites can be achieved with relatively simple measures, but requires both developers and contractors to be vigilant about compliance throughout the construction process.

Today's settlement requires Wal-Mart to comply with storm water permitting requirements and ensures rigorous oversight of its 150 contractors at its construction sites across

the country through an aggressive compliance program. Wal-Mart will be required to use qualified personnel to oversee construction, conduct training and frequent inspections, report to EPA and take quick corrective actions.

In addition to paying a \$3.1 million civil penalty to the United States, Tennessee and Utah, Wal-Mart has agreed to spend \$250,000 on an environmental project that will help protect sensitive wetlands or waterways in one of the affected states, which are California, Colorado, Delaware, Michigan, New Jersey, South Dakota, Tennessee, Texas and Utah.

“Water quality is an important issue for all our nation's citizens,” said Colm F. Connolly, United States Attorney for the District of Delaware. “The U.S. Attorney's Office is pleased to have worked with the Environmental and Natural Resources Division and EPA in achieving the positive results that will flow from the agreement with Wal-Mart to the benefit of the people of Delaware and the nation as a whole.”

Today's settlement is the second enforcement action resulting in a settlement with Wal-Mart for violations of the Clean Water Act. In 2001, Wal-Mart and several contractors entered into a settlement with the United States to address storm water violations at 17 sites in several states. That settlement included a civil penalty of \$1 million and required Wal-Mart to develop a storm water training program for its contractors and to inspect and oversee storm water controls at construction sites. EPA subsequently determined through inspections that Wal-Mart had not achieved consistent compliance at construction sites.

The settlement was lodged today for a 30-day public comment period in the U.S. District Court for Delaware. It is available online at:

www.epa.gov/compliance/civil/programs/cwa/walmart2/index.html

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