



DIRECTIVE NUMBER: 9891.1-1a

TITLE: Procedures for Transmittal of CERCLA and RCRA
Civil Judicial Enforcement Case Packages to
Headquarters

APPROVAL DATE: June 12, 1989

EFFECTIVE DATE: June 12, 1989

ORIGINATING OFFICE: OWPE

☒ **FINAL**

☐ **DRAFT**

LEVEL OF DRAFT

- ☐ A — Signed by AA or DAA
- ☒ B — Signed by Office Director
- ☐ C — Review & Comment

REFERENCE (other documents):
Supplements Directive # 9891.1 "Expanded Civil Judicial
Referral Procedures Dated 8/28/86

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| United States Environmental Protection Agency Washington, DC 20460 | | 1. Directive Number 9891.1-1a |
| OSWER Directive Initiation Request | | |
| 2. Originator Information | | |
| Name of Contact Person Patty Bubar | Mail Code OS-510 | Office OWPE/OECM |
| Telephone Code 3824819 | | |
| 3. Title Procedures for Transmittal of CERLA and RCRA Civil Judicial Enforcement Case Packages to Headquarters | | |
| 4. Summary of Directive (include brief statement of purpose) Clarifies which CERCLA and RCRA referral and settlement documents are to be sent to whom at Headquarters. | | |
| 5. Keywords Referrals, settlements, consent decrees. | | |
| 6a. Does This Directive Supersede Previous Directive(s)? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes What directive (number, title) | | |
| b. Does It Supplement Previous Directive(s)? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes What directive (number, title) Directive 9891.1 Expanded Civil Judicial Referral Procedures Date 8/28/86 | | |
| 7. Draft Level <input type="checkbox"/> A - Signed by AA/DAA <input checked="" type="checkbox"/> B - Signed by Office Director <input type="checkbox"/> C - For Review & Comment <input type="checkbox"/> D - In Development | | |

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| 8. Document to be distributed to States by Headquarters? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
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| This Request Meets OSWER Directives System Format Standards. | |
| 9. Signature of Lead Office Directives Coordinator | Date 8/29/89 |
| 10. Name and Title of Approving Official | Date |

EPA Form 1315-17 (Rev. 5-87) Previous editions are obsolete.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OSWER DIRECTIVE 9891.1-1a

JUN 12 1998

MEMORANDUM

SUBJECT: Procedures for Transmittal of CERCLA and RCRA Civil
Judicial Enforcement Case Packages to Headquarters

FROM: Glenn L. Unterberger *Glenn*
Associate Enforcement Counsel for Waste
Office of Enforcement and Compliance Monitoring

Bruce M. Diamond, Director *BMD*
Office of Waste Programs Enforcement
Office of Solid Waste and Emergency Response

TO: Regional Counsel
Hazardous Waste Management Division Directors

The purpose of this memorandum is to clarify which CERCLA and RCRA referral and settlement documents are to be sent to whom at Headquarters. We believe that employing standard practices under this clarification will help us promptly receive copies of these important documents and enable us to perform our functions of oversight of and assistance with the waste enforcement process in a timely manner. Timely receipt of this information will assist us in identifying and analyzing national and precedential issues, tracking and reviewing trends in direct referrals and settlements in general, and evaluating and refining existing delegations.

Effective immediately, at the same time you send a copy to the Department of Justice, please send one separate copy to OECM and one to OWPE of each of the following materials:

1. All direct CERCLA and RCRA referrals (send copies of attachments to OECM only);
2. All bankruptcy referrals relating to CERCLA and RCRA claims (send copies to OECM only);
3. All CERCLA and RCRA pre-referral negotiation packages; and,

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4. All signed CERCLA consent decrees for which EPA has delegated settlement authority to the Regional level (with accompanying "10-Point Settlement Analyses" for CERCLA decrees.)

In addition, please send the original to OECM and one copy to OWPE of each of the following materials for Headquarters approval or concurrence:

1. All non-direct CERCLA and RCRA referrals (send copies of attachments to OECM only), and
2. All signed CERCLA and RCRA consent decrees for which Headquarters holds concurrence or approval authority (with accompanying "10-Point Settlement Analysis for CERCLA decrees.)

Please address the OECM packages to the "Assistant Administrator for Enforcement and Compliance Monitoring (LE-133)." Please address the OWPE packages to "Director, Office of Waste Programs Enforcement (OS-500).

Thank you for your assistance. Your cooperation in this matter will significantly assist us with our communications with your offices and with the Department of Justice.

cc: David Buente, DOJ
ORC Waste Branch Chiefs

bcc: OECM-Waste Attorneys