



DIRECTIVE NUMBER: 9260.3-00

TITLE: Delegations of Authority Under the Federal Water
Pollution Control Act (FWPCA) Which are Applicable
to the Superfund Program

APPROVAL DATE: 4/84

EFFECTIVE DATE: 4/84

ORIGINATING OFFICE: Office of Solid Waste

FINAL

DRAFT


STATUS:

REFERENCE (other documents):

Contains all delegations of authority issued under the FWPCA which also apply under CERCLA. Each delegation carries a separate directive number that identifies it as an official policy issuance. Each delegation should be referred to or cited by its official delegation number and/or title, not by its directive number.

OSWER OSWER OSWER
/E DIRECTIVE DIRECTIVE DA

DC# 30045159

		United States Environmental Protection Agency Washington, DC 20460		1. Directive Number 9260.3-00	
OSWER Directive Initiation Request					
2. Originator Information					
Name of Contact Person OERR/PAS		Mail Code WH 548-D	Office OERR/PAS		Telephone Number (202) 382-2182
3. Title Delegations of Authority Under the Federal Water Pollution Control Act (FWPCA) which are Applicable to the Superfund Program					
4. Summary of Directive (Include brief statement of purpose) Contains all delegations of authority issued under the FWPCA which also apply under CERCLA. Each delegation carries a separate directive number that identifies it as an official policy issuance. Each delegation should be referred to or cited by its official delegation number and/or title, not by its directive number.					
5. Keywords Superfund, CERCLA, Delegations of Authority					
6a. Does this Directive Supersede Previous Directive(s)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No What directive (number, title)					
b. Does It Supplement Previous Directive(s)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No What Directive (number, title)					
7. Draft Level <input type="checkbox"/> A - Signed by AA/DAA <input type="checkbox"/> B - Signed by Office Director <input type="checkbox"/> C - For Review & Comment <input type="checkbox"/> In Development					
This Request Meets OSWER Directives System Format					
8. Signature of Lead Office Directives Coordinator				Date	
9. Name and Title of Approving Official The Administrator				Date 4/84	

OSWER OSWER OSWER
DIRECTIVE DIRECTIVE

OSWER Directive 9260.3-00

Delegations of Authority Under the Federal Water
Pollution Control Act (FWPCA) Which are Applicable
to the Superfund Program

Effective April 1984

This document contains those delegations of authority issued under the FWPCA which also apply under CERCLA. Each delegation carries a separate directive number that identifies it as an official policy issuance. Each delegation should be cited in written matter by its official delegation number and/or title, not the directive number.

U. S. ENVIRONMENTAL PROTECTION AGENCY
Office of Emergency and Remedial Response
Washington, D. C. 20460

9260.3 FWPCA DELEGATIONS OF AUTHORITY APPLICABLE UNDER CERCLA

<u>Directive number</u>	<u>Delegation number</u>	<u>Delegation title</u>
9260.3-01	2-15-A	Determinations of Imminent and Substantial Endangerment (4/16/84)
9260.3-02	2-28	Product Placement on NCP Schedule (4/16/84)
9260.3-03	2-29	Spill Prevention Control and Counter- measure Plan (4/16/84)

FEDERAL WATER POLLUTION CONTROL ACT (FWPCA)2-15-A. Determinations of Imminent and Substantial Endangerment

1. AUTHORITY. To determine, pursuant to the Federal Water Pollution Control Act (FWPCA) and in accordance with Executive Order 11735, dated August 3, 1973, that there is an imminent and substantial threat to the public health or welfare of the United States because of an actual or threatened discharge of oil or hazardous substance into or upon the navigable waters of the United States from an onshore or offshore facility.
2. TO WHOM DELEGATED. Regional Administrators and Assistant Administrator for Solid Waste and Emergency Response.
3. REDELEGATION AUTHORITY. This authority may be redelegated.
4. ADDITIONAL REFERENCES.
 - a. Section 311 of FWPCA.
 - b. National Contingency Plan (40 CFR 300.52).
 - c. For referral of the corresponding civil judicial enforcement actions to the Department of Justice see Chapter 2 delegations entitled "Civil Judicial Enforcement Actions" and "Emergency TRO's."

FEDERAL WATER POLLUTION CONTROL ACT (FWPCA)2-28. Product Placement on NCP Schedule

1. AUTHORITY. To issue, pursuant to the Federal Water Pollution Control Act (FWPCA), letters of notification of placement of chemical and biological agents on the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) Product Schedule in accordance with Subpart H "Use of Dispersants and Other Chemicals" of the NCP.
2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response.
3. REDELEGATION AUTHORITY. This authority may be redelegated.
4. ADDITIONAL REFERENCES. Section 311(c)(2)(G) of FWPCA; 40 CFR §300.81.

APR 16 1984

FEDERAL WATER POLLUTION CONTROL ACT (FWPCA)2-29. Spill Prevention Control and Countermeasure Plan

1. AUTHORITY. Pursuant to the Federal Water Pollution Control Act (FWPCA), to perform the EPA functions and responsibilities relative to the Spill Prevention Control and Countermeasure Plan (SPCC Plan) regulations.
2. TO WHOM DELEGATED. Regional Administrators and Assistant Administrator for Solid Waste and Emergency Response.
3. LIMITATIONS.
 - a. Regional Administrators are delegated the authority to authorize extensions of time for preparation and implementation of SPCC Plans in accordance with 40 CFR §112.3(f), to require amendments to SPCC Plans in accordance with 40 CFR §112.4, and to appoint Presiding Officers, in accordance with 40 CFR §114.6. Regional Administrators are, also, delegated the authority to assess and compromise civil penalties in accordance with 40 CFR §112.6, 114.1 and 114.3.
 - b. The Assistant Administrator for Solid Waste and Emergency Response is delegated the authority to render decisions on appeals made pursuant to 40 CFR §112.4(f) by owners and operators relative to amendments to SPCC Plans required by Regional Administrators.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES.
 - a. Section 311(j)(1)(C) of FWPCA.
 - b. 40 CFR Parts 110, 112 and 114.