



DIRECTIVE NUMBER: 9260.2-00

TITLE: Delegations of Authority Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

APPROVAL DATE: April 1984 except where noted

EFFECTIVE DATE: April 1984 except where noted

ORIGINATING OFFICE: OERR

☒ **FINAL**


☐ **DRAFT**

STATUS:

REFERENCE (other documents):

This document contains all delegations of authority issued 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 the directive number.

OSWER OSWER OSWER
VE DIRECTIVE DIRECTIVE D

		United States Environmental Protection Agency Washington, DC 20460		1. Directive Number 9260.2-00	
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 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)					
4. Summary of Directive (Include brief statement of purpose) Contains all delegations of authority issued 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, unless noted otherwise	

OSWER OSWER OSWER
DIRECTIVE DIRECTIVE

OSWER Directive 9260.2-00

Delegations of Authority Under the Comprehensive
Environmental Response, Compensation, and Liability Act (CERCLA)

Effective April 1984 except where noted

This document contains all delegations of authority issued 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 the directive number.

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

9260.2-00 CERCLA DELEGATIONS OF AUTHORITY - Index and Crosswalk

<u>Directive number</u>	<u>Delegation number</u>	<u>Delegation title</u>
9260.2-01-A	14-1-A	Selection and Performance of Removal Actions Costing Up to \$1,000,000 (4/16/84)
9260.2-01-B	14-1-B	Superfund State Contracts and Cooperative Agreements for Removal Actions (4/16/84)
9260.2-02	14-2	Extended Removal Actions (4/16/84)
9260.2-04-A	14-4-A	Planning Remedial Actions (4/16/84)
9260.2-04-B	14-4-B	Selection of Initial Remedial Measures (4/16/84)
9260.2-04-C	14-4-C	State Contracts and Cooperative Agreements for Remedial Actions (4/16/84)
9260.2-05	14-5	Selection of Remedial Actions (3/3/85) (Supercedes same delegation of 4/16/84)
9260.2-06	14-6	Inspections and Information Gathering (4/16/84)
9260.2-07	14-7	Combination of Noncontiguous Facilities for Response Purposes (4/16/84)
9260.2-08-A	14-8-A	Studies and Investigations: Response Actions (4/16/84)
9260.2-08-B	14-8-B	Studies and Investigations: Cost Recovery and Enforcement Decisions (4/16/84)
9260.2-09	14-9	Claims Asserted Against the Fund (4/16/84)
9260.2-10-A	14-10-A	State Technical Assistance (4/16/84)
9260.2-10-B	14-10-B	State Legal Assistance (4/16/84)
9260.2-11	14-11	Credit for State Expenditure (4/16/84)
9260.2-12	14-12	Civil Judicial Enforcement Actions (4/16/84)
9260.2-13-A	14-13-A	Criminal Enforcement Actions (4/16/84)

9260.2-00 CERCLA DELEGATIONS: Index and Crosswalk - Cont'd

<u>Directive number</u>	<u>Delegation number</u>	<u>Delegation title</u>
9260.2-13-B	14-13-B	Settlement or Concurrence in Settlement of Civil Judicial Actions (4/16/84)
9260.2-13-C	14-13-C	Emergency TRO's (4/16/84)
9260.2-14-A	14-14-A	Determinations of Imminent and Substantial Endangerment (4/16/84)
9260.2-14-B	14-14-B	Abatement Actions Through Unilateral Orders (4/16/84)
9260.2-14-C	14-14-C	Abatement Actions Through Consent Orders (4/16/84)
9260.2-15	14-15	Guidelines for Use of Imminent Hazard, Enforcement, and Emergency Response Authorities (4/16/84)
9260.2-16	14-16	Demand Letters for Recovering Trust Fund Expenditures (3/20/85)
9260.2-17	14-17	National Priorities List (8/22/85)

DELEGATIONS

APR 16 1984

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-1-A. Selection and Performance of Removal Actions
Costing Up to \$1,000,000.

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), to determine the necessity of and to select and perform removal actions costing up to \$1,000,000:

- a. Where the action is expected to last up to six months;
- b. Where the action is expected to last more than six months; and
- c. Where the action was expected to last up to six months, but requires continuation.

2. TO WHOM DELEGATED. Regional Administrators.

3. LIMITATIONS.

a. Removal actions will not continue after \$1,000,000 has been obligated, unless authorized to continue under Delegation 14-2, "Removal Actions Costing Over \$1,000,000 and Continued Removal Actions after Obligations of \$1,000,000."

b. This authority shall be exercised subject to directives issued by the Assistant Administrator for Solid Waste and Emergency Response.

4. REDELEGATION AUTHORITY. The authority in 1.a may be redelegated to the Division Director level. The authority in 1.a and 1.b may be redelegated to On-Scene Coordinators (On-Scene Coordinators are limited to the approval of removal actions costing up to \$50,000 in total). The authority in 1.a and 1.b may not be further redelegated. The authority in 1.c may not be redelegated.

5. ADDITIONAL REFERENCES.

- a. Section 104(a) of CERCLA.
- b. Section 104(c)(1) of CERCLA.
- c. National Contingency Plan (40 CFR 300.65 and 300.67).
- d. Superfund Removal directives.
- e. The \$1,000,000 limit includes all extramural costs and Headquarters and Regional intramural costs, except for all enforcement costs.

DELEGATIONS

APR 16 1984

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-1-B. Superfund State Contracts and Cooperative Agreements
for Removal Actions

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), based on a determination that a State or political subdivision is capable of carrying out response actions, to enter into a contract or cooperative agreement, as appropriate, with such State or political subdivision to provide for the performance of removal actions and to obtain the necessary assurances for such removal actions.

2. TO WHOM DELEGATED. Regional Administrators.

3. LIMITATIONS.

a. This authority shall be exercised subject to directives issued by the Assistant Administrator for Solid Waste and Emergency Response.

b. The authority to enter into a contract with States, for the purpose of this delegation, does not extend to procurement contracts.

4. REDELEGATION AUTHORITY. This authority may be redelegated.

5. ADDITIONAL REFERENCES.

a. Section 104(d)(1) of CERCLA requires a determination of a State's capabilities and authorizes contracts or cooperative agreements.

b. Section 300.67 (b)(4) of the National Contingency Plan requires that the States make certain assurances for "Planned Removals."

c. Superfund Removal directives.

d. Procurement contracts are limited by the Chapter 1 delegation entitled "Appointment of Designated Agency Procurement Executive."

DELEGATIONS

APR 16 1984

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-2. Removal Actions Initially Costing Over \$1,000,000 and
Continued Removal Actions after Obligations of \$1,000,000

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), to determine the necessity of and to select and perform removal actions costing over \$1,000,000 and to authorize removal actions to continue after \$1,000,000 has been obligated.
2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response.
3. REDELEGATION AUTHORITY. This authority may be redelegated.
4. ADDITIONAL REFERENCES.
 - a. Section 104(c)(1) of CERCLA.
 - b. National Contingency Plan (40 CFR 300.65 and 300.67).
 - c. Superfund Removal directives.

DELEGATIONS

APR 16 1984

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-4-A. Planning Remedial Actions

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), based on a determination that a State or political subdivision is capable of planning a remedial action, to enter into a cooperative agreement to perform such planning; to initiate remedial planning with the State's concurrence.
2. TO WHOM DELEGATED. Regional Administrators.
3. LIMITATIONS. This authority shall be exercised subject to the Administrator's management accountability system, approved funding levels, and directives issued by the Assistant Administrator for Solid Waste and Emergency Response.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES.
 - a. Section 104(d)(1) of CERCLA authorizes EPA to enter into an agreement with States or political subdivisions to perform remedial planning.
 - b. Section 104(b) authorizes EPA to undertake necessary remedial planning.
 - c. Strategic Planning and Management System is the Administrator's management accountability system.

DELEGATIONS

APR 16 1984

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-4-B. Selection of Initial Remedial Measures

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), to determine the necessity of and to select the appropriate "Initial Remedial Measure."
2. TO WHOM DELEGATED. Regional Administrators.
3. LIMITATIONS. This authority shall be exercised subject to the Administrator's management accountability system, approved funding levels, and directives issued by the Assistant Administrator for Solid Waste and Emergency Response.
4. REDELEGATION AUTHORITY. This authority may not be redelegated.
5. ADDITIONAL REFERENCES.
 - a. Section 104(a) and 104(c) of CERCLA.
 - b. Section 101(24) of CERCLA.
 - c. National Contingency Plan (40 CFR 300.68).
 - d. Strategic Planning and Management System is the Administrator's management accountability system.

DELEGATIONS

APR 16 1984

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-4-C. Superfund State Contracts and Cooperative Agreements to Implement
and Perform Remedial Actions

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), to consult with the affected State in the selection of appropriate remedial action; to obtain the necessary assurances for remedial actions; based on a determination that a State or political subdivision is capable of carrying out a remedial action, to enter into a cooperative agreement with such States to perform remedial actions; and to enter into a contract with such State or political subdivision in which EPA will perform the remedial action.

2. TO WHOM DELEGATED. Regional Administrators.

3. LIMITATIONS.

a. This authority shall be exercised in accordance with Delegation 14-4-B and Delegation 14-5.

b. The authority to enter into a contract with States, for the purpose of this delegation, does not extend to procurement contracts.

c. This authority shall be exercised subject to the Administrator's management accountability system, approved funding levels, and directives issued by the Assistant Administrator for Solid Waste and Emergency Response.

4. REDELEGATION AUTHORITY. This authority may be redelegated.

5. ADDITIONAL REFERENCES.

a. Section 104(a) of CERCLA authorizes EPA to perform remedial actions.

b. Section 104(d)(1) of CERCLA authorizes EPA to enter into an agreement with States or political subdivisions to perform remedial actions.

c. Section 104(c)(3) of CERCLA requires that the States make certain assurances for remedial actions.

d. "State Participation in the Superfund Remedial Program," February, 1984.

e. Procurement contracts are limited by the Chapter 1 delegation entitled "Appointment of Designated Agency Procurement Executive."

f. Strategic Planning and Management System is the Administrator's management accountability system.

DELEGATIONS

3/3/85

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-5. Selection of Remedial Actions

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA): to determine the necessity of and to select the appropriate remedial action, except as provided in the Delegation 14-4-B, "Selection of Initial Remedial Measures."
2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response (AA-OSWER) and Regional Administrators.
3. LIMITATIONS. Regional Administrators may exercise this authority for sites or particular operable units at a site within their Regions listed in the Remedy Delegation Report issued periodically by the AA-OSWER.
4. REDELEGATION AUTHORITY. The AA-OSWER may redelegate this authority. The Regional Administrator may not redelegate this authority.
5. ADDITIONAL REFERENCES.
 - a. Section 104(a) and 104(c) of CERCLA.
 - b. Section 101(24) of CERCLA.
 - c. National Contingency Plan (40 CFR 300.68).
 - d. Guidance on delegation of selection of remedy authority.

DELEGATIONS

APR 16 1984

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-6. Inspections and Information Gathering

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA):

a. To enter any establishment or other place where hazardous substances are or have been generated, stored, treated, disposed of, transported from, or otherwise handled;

b. To inspect, obtain samples from, obtain copies of records from, and request the furnishing of information from any person responsible for an establishment or other place specified in paragraph 1.a;

c. To obtain and execute warrants for the purpose of performing an inspection or conducting information-gathering;

d. To carry out or require the carrying out of any other inspection and information-gathering activities authorized by CERCLA; and

e. To designate representatives of the Administrator to perform the functions specified in paragraphs 1.a - 1.d;

2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response, Assistant Administrator for Enforcement and Compliance Monitoring, and Regional Administrators.

3. LIMITATIONS.

a. The Assistant Administrator for Solid Waste and Emergency Response must consult with the Assistant Administrator for Enforcement and Compliance Monitoring or his/her designee prior to obtaining warrants.

b. The Assistant Administrator for Enforcement and Compliance Monitoring and the Assistant Administrator for Solid Waste and Emergency Response must notify the appropriate Regional Administrator prior to exercising the authorities specified in paragraphs 1.a - 1.d.

4. REDELEGATION AUTHORITY. This authority may be redelegated.

5. ADDITIONAL REFERENCES. Section 104(e) of CERCLA.

DELEGATIONS

APR 16 1984

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-7. Combination of Noncontiguous Facilities for Response Purposes

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), to treat two or more noncontiguous facilities that are related geographically or on the basis of threat as one for purposes of response actions.
2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response.
3. REDELEGATION AUTHORITY. This authority may be redelegated.
4. ADDITIONAL REFERENCES. Section 104(d)(4) of CERCLA.

DELEGATIONS

APR 16 1984

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-8-A. Studies and Investigations Related to Response Actions

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), to make determinations as to the necessity and appropriateness of studies and investigations necessary or appropriate to plan and direct response actions, with the exception of actions authorized under Delegation 14-4-A, "Planning Remedial Actions."
2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response and Regional Administrators.
3. LIMITATION. This authority shall be exercised only at sites which are not contained in approved funding levels.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES.
 - a. Section 104(b) of CERCLA.
 - b. National Contingency Plan (40 CFR 300.66).

DELEGATIONS

APR 16 1984

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-8-B. Studies and Investigations Related to Cost Recovery and
Enforcement Decisions

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), to make determinations as to the necessity and appropriateness of studies and investigations and to undertake such studies and investigations related to the recovery of response costs and the enforcement of the provisions of this Act.
2. TO WHOM DELEGATED. Assistant Administrator for Enforcement and Compliance Monitoring, Assistant Administrator for Solid Waste and Emergency Response and Regional Administrators.
3. REDELEGATION AUTHORITY. This authority may be redelegated.
4. ADDITIONAL REFERENCES. Section 104(b) of CERCLA.

DELEGATIONS

APR 16 1984

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-9. Claims Asserted Against the Fund

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), to receive, evaluate and make determinations regarding claims asserted against the Hazardous Substance Response Trust Fund. This authority is to include promoting settlement between claimant and responsible parties, determining the amount of any award, authorizing payment and making all other determinations necessary to process such claims.
2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response.
3. REDELEGATION AUTHORITY. This authority may be redelegated.
4. ADDITIONAL REFERENCES.
 - a. Sections 111(a) and 112 of CERCLA.
 - b. National Contingency Plan (40 CFR 300.25(d)).

DELEGATIONS

APR 16 1984

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-10-A. State Technical Assistance

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), to provide to a State or political subdivision acting on behalf of the Agency, technical assistance in the administration and enforcement of any contract (or subcontract) for response actions.
2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response and Regional Administrators.
3. LIMITATIONS.
 - a. Regional Administrators or their designees are authorized to expend extramural (contract) funds for technical assistance only to the extent that funds are contained in approved funding levels, and subject to directives issued by the Assistant Administrator.
 - b. The Assistant Administrator for Solid Waste and Emergency Response must consult with the General Counsel prior to the issuance of directives.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES. Section 104(d)(3) of CERCLA; Executive Order 12316 of August 14, 1981.

DELEGATIONS

APR 16 1984

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-10-B. State Legal Assistance

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), to provide to a State or political subdivision acting on behalf of the Agency, legal assistance in the administration and enforcement of any contract (or subcontract) for response actions and to request the Attorney General to intervene in any civil actions involving the enforcement of such contract or subcontract.
2. TO WHOM DELEGATED. Assistant Administrator for Enforcement and Compliance Monitoring and Regional Administrators.
3. LIMITATIONS.
 - a. The Assistant Administrator for Enforcement and Compliance Monitoring must notify the Assistant Administrator for Solid Waste and Emergency Response, the General Counsel, and the appropriate Regional Administrator prior to exercising this authority.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES. Section 104(d)(3) of CERCLA; Executive Order 12316 of August 14, 1981.

DELEGATIONS

APR 16 1984

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-11. Credit for State Expenditures

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), to grant the State a credit for response expenses incurred by the State or political subdivision between January 1, 1978, and December 11, 1980.
2. TO WHOM DELEGATED. Regional Administrators.
3. LIMITATIONS. This authority shall be exercised subject to directives issued by the Assistant Administrator for Solid Waste and Emergency Response.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES. Section 104(c)(3) of CERCLA.

DELEGATIONS

APR 16 1984

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-12. Civil Judicial Enforcement Actions

1. AUTHORITY. To request the Attorney General to appear and represent the Agency in any civil enforcement actions and to intervene in any civil enforcement actions instituted under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); to request the Attorney General to decline to prosecute a previously referred civil enforcement action; and to request the Attorney General to initiate an appeal and represent the Agency in such an appeal.
2. TO WHOM DELEGATED. Assistant Administrator for Enforcement and Compliance Monitoring and the General Counsel.
3. LIMITATIONS.
 - a. The Assistant Administrator for Enforcement and Compliance Monitoring must notify the Assistant Administrator for Solid Waste and Emergency Response and the appropriate Regional Administrator when a case is referred to the Department of Justice and when an appeal is formally initiated.
 - b. The General Counsel may only exercise this authority in regard to appeals.
 - c. Any exercise of the appeal authority will be done jointly by the General Counsel and the Assistant Administrator for Enforcement and Compliance Monitoring.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES.
 - a. Memorandum of Understanding between the Agency and the Department of Justice, June 1977; Executive Order 12316 of August 14, 1981; Sections 106(a), 106(b), and 107 CERCLA.
 - b. See Chapter 14 delegation entitled "Emergency TRO's" for Regional Administrators' authority to make direct referrals of requests for emergency CERCLA Temporary Restraining Orders.

DELEGATIONS

APR 16 1984

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-13-A. Criminal Enforcement Actions

1. AUTHORITY. To cause criminal matters under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to be referred to the Department of Justice for assistance in field investigation, for initiation of a grand jury investigation, or for prosecution under CERCLA.
2. TO WHOM DELEGATED. Assistant Administrator for Enforcement and Compliance Monitoring.
3. REDELEGATION AUTHORITY. This authority may be redelegated.
4. ADDITIONAL REFERENCES. Sections 103(b)(3), 103(c) and 103(d) of CERCLA.

DELEGATIONS

APR 16 1984

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-13-B. Settlement or Concurrence in Settlement of
Civil Judicial Actions

1. AUTHORITY. To exercise the Agency's concurrence in the settlement of civil judicial enforcement actions under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and to request the Attorney General to amend a consent decree issued under CERCLA.
2. TO WHOM DELEGATED. Assistant Administrator for Enforcement and Compliance Monitoring.
3. LIMITATIONS.
 - a. For cases initiated by the Assistant Administrator for Solid Waste and Emergency Response, the Assistant Administrator for Enforcement and Compliance Monitoring must obtain the concurrence of the Assistant Administrator for Solid Waste and Emergency Response or his/her delegatee before exercising this authority.
 - b. For cases initiated by the Regional Administrator, the Assistant Administrator for Enforcement and Compliance Monitoring must obtain the concurrence of both the Assistant Administrator for Solid Waste and Emergency Response or his/her delegatee and the appropriate Regional Administrator or his/her delegatee before exercising this authority.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES. For actions including 31 USC Section 3711 and its applicable regulations, see delegation covering claims of EPA found in Chapter 1 of this Manual.

DELEGATIONS

APR 16 1984

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-13-C. Emergency TRO's

1. AUTHORITY. To refer requests for emergency Temporary Restraining Orders under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) to the Attorney General.
2. TO WHOM DELEGATED. Regional Administrators and the Assistant Administrator for Enforcement and Compliance Monitoring.
3. LIMITATIONS.
 - a. The Regional Administrator must notify the Assistant Administrator for Enforcement and Compliance Monitoring and the Assistant Administrator for Solid Waste and Emergency Response or their designees when exercising this authority.
 - b. The Assistant Administrator for Enforcement and Compliance Monitoring must notify the appropriate Regional Administrator and the Assistant Administrator for Solid Waste and Emergency Response or their designees when exercising this authority.
4. REDELEGATION AUTHORITY. This authority may be redelegated only to On-Scene Coordinators.
5. ADDITIONAL REFERENCES.
 - a. Memorandum of Understanding between the Agency and the Department of Justice, June 1977; Executive Order 12316 of August 14, 1981. Section 106(a), 106(b) and 107 of CERCLA.
 - b. For referral of other civil actions under CERCLA, see the Chapter 14 delegation entitled "Civil Judicial Enforcement Actions."

DELEGATIONS

APR 16 1984

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-14-A. Determinations of Imminent and Substantial Endangerment

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), to make determinations that there may be an imminent and substantial endangerment to public health or welfare or the environment.
2. TO WHOM DELEGATED. Regional Administrators.
3. LIMITATIONS. This authority shall be exercised subject to directives issued by the Assistant Administrator for Solid Waste and Emergency Response. Regional Administrators must consult with the Assistant Administrator for Solid Waste and Emergency Response or his/her designee when exercising this authority.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES. Section 106(a) of CERCLA.

DELEGATIONS

APR 16 1984

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-14-B. Abatement Actions Through Unilateral Orders

1. AUTHORITY. After giving notice to the affected State, to take administrative action pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) including, but not limited to, issuing such unilateral orders as may be necessary to protect public health and welfare and the environment.
2. TO WHOM DELEGATED. Regional Administrators.
3. LIMITATIONS. This authority shall be exercised subject to directives issued by the Assistant Administrator for Solid Waste and Emergency Response. Regional Administrators must consult with the Assistant Administrator for Solid Waste and Emergency Response or his/her designee when exercising this authority.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES. Section 106(a) of CERCLA.

DELEGATIONS

APR 16 1984

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-14-C. Abatement Actions Through Consent Orders

1. AUTHORITY. After giving notice to the affected State, to take administrative action pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) including, but not limited to, issuing such orders on consent as may be necessary to protect public health and welfare and the environment.
2. TO WHOM DELEGATED. Regional Administrators.
3. LIMITATIONS.
 - a. Regional Administrators must obtain the advance concurrence of the Assistant Administrator for Solid Waste and Emergency Response or his/her delegatee before exercising any of the above authorities.
 - b. The Assistant Administrator for Solid Waste and Emergency Response may waive the advance concurrence requirements by memorandum.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES. Section 106(a) of CERCLA.

APR 18 1984

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-15. Guidelines for Use of Imminent Hazard,
Enforcement and Emergency Response Authorities

1. AUTHORITY. To establish, modify and publish guidelines for using the imminent hazard, enforcement and emergency response authorities under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and other existing statutes administered by the Agency.
2. TO WHOM DELEGATED. Assistant Administrator for Enforcement and Compliance Monitoring.
3. LIMITATIONS. The Assistant Administrator for Enforcement and Compliance Monitoring will obtain the advance concurrence of the Assistant Administrator for Solid Waste and Emergency Response before exercising this authority.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES. Section 106(c) of CERCLA.

~~DELEGATIONS~~

3/20/85

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-16. Demand Letters for Recovering Trust Fund Expenditures

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), to prepare, sign and issue demand letters to responsible parties for recovery of CERCLA-funded response costs.
2. TO WHOM DELEGATED. Assistant Administrator for Enforcement and Compliance Monitoring, Assistant Administrator for Solid Waste and Emergency Response and Regional Administrators.
3. LIMITATION. This authority shall be exercised subject to directives issued by the Assistant Administrator for Solid Waste and Emergency Response.
4. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
5. ADDITIONAL REFERENCES.
 - a. Section 107 of CERCLA.
 - b. "Guidance on Pursuing Cost Recovery Actions under CERCLA," August, 1983.
 - c. "Cost Documentation for CERCLA 107 Efforts," September, 1983.

DELEGATIONS

8/22/85

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-17. National Priorities List

1. AUTHORITY. To sign and submit to the Federal Register proposed and final rulemaking documents which add additional sites to or delete sites from the National Priorities List of hazardous waste sites.
2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response.
3. REDELEGATION AUTHORITY. This authority may not be redelegated.
4. ADDITIONAL REFERENCES. The statutory requirement for establishment of a national priorities list is contained in the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) (PL-96-510) at Section 105(8)(b).