

# **SUPERFUND DELEGATIONS OF AUTHORITY**

**U. S. Environmental Protection Agency  
Office of Solid Waste and Emergency Response  
401 M Street, S.W.  
Washington, D.C. 20460**

**FEBRUARY 1988**

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## INTRODUCTION

The Superfund Delegations of Authorities Manual provides a listing and collection of all delegations of authority issued under the Comprehensive Environmental Response, Compensation, and Liability Act of 1984 (CERCLA) and the Superfund Amendments and Reauthorization Act of 1986 (SARA). This manual contains the following three sets of delegations:

- Delegations of Authority Under CERCLA
- Proposed Interim Delegations of Authority Under SARA
- Delegations of Authority Under SARA/CERCLA

The first set of delegations of authority were issued under CERCLA and went into effect in April of 1984 (except where otherwise noted). This set of delegations, like the following two, are indexed by their delegation number and delegation title.

The second set of delegations of authority are the proposed interim delegations submitted in February of 1987 to address the changes made to the authorities of CERCLA as a result of SARA.

Finally, the third set of delegations are the final and revised delegations of authority implementing the provisions of SARA, most of which were approved in September 1987.

The Presidential Documents, Executive Order 12316 (August 14, 1981), "Responses to Environmental Change" and Executive Order 12580 (January 23, 1987), "Superfund Implementation," delegating authorities under CERCLA and SARA, respectively, have been included for reference.



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14-1-A	Selection and Performance of Removal Actions Costing Up to \$1,000,000 (4/16/84)
14-1-B	Superfund State Contracts and Cooperative Agreements for Removal Actions (4/16/84)
14-2	Extended Removal Actions (4/16/84)
14-4-A	Planning Remedial Actions (4/16/84)
14-4-B	Selection of Initial Remedial Measures (4/16/84)
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**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**



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."

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.

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.

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.

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.

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.

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.



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.

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).

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.

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)).

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.

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.

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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

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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.



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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.

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.

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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.

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.

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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.

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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).

PROPOSED SARA INTERIM DELEGATIONS OF AUTHORITY - Index

<u>Delegation number</u>	<u>Delegation title</u>
14-1-A	Selection and Performance of Removal Actions Costing up to \$2,000,000
14-2-A	Removal Actions Initially Costing Over \$2,000,000 and Continued Removal Actions After Obligations of \$2,000,000
14-2-B	Removal Actions Costing Over \$2,000,000 at NPL and Proposed NPL Sites
*14-3	Selection and Performance of Removal Actions Lasting More Than One Year
14-6	Inspections, Sampling, Information Gathering, Subpoenas, and Entry for Response
14-8-B	Studies and Investigations Related to Cost Recovery and Enforcement Decisions; Special Notice
14-14-B	Administrative Actions Through Unilateral Orders
14-14-C	Administrative Actions Through Consent Orders
*14-14-D	Cost Recovery Non-Judicial Agreements and Administrative Consent Orders
*14-14-E	<u>De Minimis</u> Settlements
14-16	Demand Letters
*14-18-A	Alternative Treatment Technology Research, Development, Demonstration, and Training
*14-18-B	Hazardous Substance Research

\*Proposed New Delegation

PROPOSED SARA INTERIM DELEGATIONS OF AUTHORITY - Index (page2)

\*14-19 Contractor Indemnification

\*14-20-B Love Canal Cooperative Agreements and Grants

RCRA

\*8-33 Selection and Performance of Federal  
Corrective Actions at Leaking  
Underground Storage Tanks

Title III

\*22-1 Criminal and Civil Judicial Enforcement  
Actions

\*22-2 Administrative Enforcement Actions

\*Proposed New Delegation



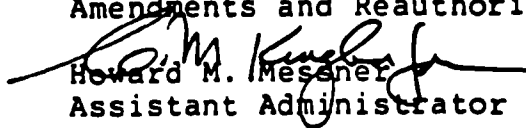
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 19 1987

OFFICE OF  
ADMINISTRATION  
AND RESOURCES  
MANAGEMENT

MEMORANDUM

SUBJECT: Interim Delegations of Authority under the Superfund  
Amendments and Reauthorization Act--DECISION MEMORANDUM

FROM:  Howard M. Mesener  
Assistant Administrator

TO: The Administrator

THRU: AX  
The Deputy Administrator

ISSUE

To approve the attached package of proposed interim delegations of authority under the Superfund Amendments and Reauthorization Act of 1986 (SARA).

BACKGROUND

As a result of SARA, there have been many changes in the statutory requirements for the Superfund, Underground Storage Tank, and Emergency Preparedness programs. The Office of Solid Waste and Emergency Response (OSWER) is presently reviewing all authorities added or changed by SARA, and is developing a comprehensive set of recommendations for new delegations of authority. OSWER is coordinating closely with the Management and Organization Division and all relevant Agency offices are being consulted.

Included in this comprehensive review package are several authorities identified as needing immediate delegation. In order to prevent delays in the implementation of crucial new provisions, as well as to avoid interruptions in current program activity, OSWER has identified 18 authorities for interim delegation. These delegations have been carefully reviewed by the affected offices. A summary of proposed interim delegations is attached.

These interim delegations will be included in the full package of SARA delegations which will undergo Agency-wide review within the next month. Upon your approval, delegations contained in the full review will replace their counterparts in this interim package. Please note that interim delegations which do not receive substantive comments during Agency-wide review will not be re-submitted to you for approval, but will remain in force as approved in this initial package.

Proposed interim delegations for the Superfund program focus on expanded dollar and time limits on removal actions, changes in enforcement authorities, expanded information gathering and access authorities, explicit contractor indemnification authorities, new research and development provisions, and new authority for purchasing property at Love Canal. Proposed interim delegations are also included for RCRA Subtitle I, which was amended by SARA to create corrective action authorities for leaking underground storage tanks. In addition, proposed interim delegations are included for enforcement under Title III of SARA--"The Emergency Planning and Community Right to Know Act of 1986."

#### REVIEW AND ANALYSIS

The Management and Organization Division has worked closely with OSWER in developing these proposed interim delegations. Appropriate Agency offices have been consulted in developing individual delegations in the package. The Comptroller, the General Counsel, and the Assistant Administrator for Enforcement and Compliance Monitoring have all concurred on these delegations.

#### RECOMMENDATION

We find this proposal to be appropriate and consistent with the Agency's approach to delegations of authority, and recommend that you approve the package by signing below. If you choose not to approve any individual delegation, please note those exceptions in the space below.

Approved: Lee M. Thomas  
Lee M. Thomas

Date: February 26, 1987

Exceptions (if applicable): \_\_\_\_\_

\_\_\_\_\_  
Attachments

Summary of Proposed SARA Interim Delegations of Authority

<u>SUPERFUND: Existing CERCLA</u> <u>Delegations With Proposed Changes</u>	<u>To Whom</u> <u>Delegated</u>	<u>Summary of Change</u> <u>Under SARA</u>
<u>14-1-A</u> Selection and Performance of Removal Actions Costing up to \$2,000,000	RAs	Removal spending limits raised to \$2,000,000. OSWER concurrence added for precedent-setting or nationally significant actions. [Section 104(c)(1)]
<u>14-2-A</u> Removal Actions Initially Costing Over \$2,000,000 and Continued Removal Actions After Obligations of \$2,000,000	OSWER	Authority to exceed new \$2,000,000 limit for removals to prevent or mitigate emergencies or risks to the public or the environment. [Section 104(c)(1)]
<u>14-2-B</u> Removal Actions Costing Over \$2,000,000 at NPL and Proposed NPL Sites	OSWER, RAs	New authority to waive removal limits where the removal is consistent with the contemplated remedial action. [Section 104(c)(1)]
<u>14-6</u> Inspections, Sampling, Information Gathering, Subpoenas, and Entry for Response	OSWER, OECM, RAs	Expanded information gathering and access authorities. [Sections 104(e) and 122(e)]
<u>14-8-B</u> Studies and Investigations Related to Cost Recovery and Enforcement Decisions; Special Notice	OSWER, OECM, RAs	New Special Notice provision. [Section 122(e)]
<u>14-14-B</u> Administrative Actions Through Unilateral Orders	RAs	Additional references. [Section 122]
<u>14-14-C</u> Administrative Actions Through Consent Orders	RAs	Additional references. [Section 122]
<u>14-16</u> Demand Letters	OSWER, OECM, RAs	Additional references. [Sections 109, 113, and 122]

Summary of Proposed SARA Interim Delegations of Authority  
(continued)

SUPERFUND: Proposed New CERCLA Delegations	To Whom Delegated	Summary of Change Under SARA
<u>14-3</u> Selection and Performance of Removal Actions Lasting More Than One Year	RAs	New removal time limits (previous limits were included in 14-1-A). [Section 104(c)(1)]
<u>14-14-D</u> Cost Recovery Non-Judicial Agreements and Administrative Consent Orders	RAs	New authority to compromise cost recovery claims under \$500,000. [Section 122(h)]
<u>14-14-E</u> <u>De Minimis</u> Settlements	RAs	New authority to enter into settlements for a minor portion of response costs, under certain conditions. [Section 122(g)]
<u>14-18-A</u> Alternative Treatment Technology Research, Development, Demonstration, and Training	ORD	New innovative technology research authority. [Section 311(b)]
<u>14-18-B</u> Hazardous Substance Research	ORD	New hazardous substance environmental and health effects research authority. [Section 311(c)]
<u>14-19</u> Contractor Indemnification	OSWER	New authority to indemnify response action contractors. [Section 119]
<u>14-20-B</u> Love Canal Cooperative Agreements and Grants	RA of R-2	New authority to fund purchases of property by the State of New York (or its agencies). [Section 312]

Summary of Proposed SARA Interim Delegations of Authority  
(continued)

UNDERGROUND STORAGE TANKS: Proposed New RCRA Delegation		To Whom Delegated	Summary of Change Under SARA
<u>8-33</u>	Selection and Performance of Federal Corrective Actions at Leaking Underground Storage Tanks	OSWER, RAs	New UST corrective action authority added to RCRA. [Subtitle I of the Solid Waste Disposal Act]

TITLE III: Proposed New Title III Delegations		To Whom Delegated	Summary of Change Under SARA
<u>22-1</u>	Criminal and Civil Judicial Enforcement Actions	OECM, OGC	New law created judicial enforcement authorities. [Title III of SARA, Section 325]
<u>22-2</u>	Administrative Enforcement Actions	OSWER, OPTS, RAs	New law created administrative enforcement authorities. [Title III of SARA, Section 325]



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

14-1-A. Selection and Performance of Removal Actions  
Costing Up to \$2,000,000

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, to determine the necessity of and to select and perform removal actions costing up to \$2,000,000 where the action is expected to last up to one year.

2. TO WHOM DELEGATED. Regional Administrators.

3. LIMITATIONS.

a. Removal actions will not continue after \$2,000,000 has been obligated, unless authorized to continue under Delegation 14-2-A, "Removal Actions Initially Costing Over \$2,000,000 and Continued Removal Actions After Obligations of \$2,000,000," or Delegation 14-2-B, "Removal Actions Costing Over \$2,000,000 at NPL and Proposed-NPL Sites."

b. The Assistant Administrator for Solid Waste and Emergency Response or his/her designee must concur prior to the initiation of a removal action at non-NPL sites where the proposed action is precedent-setting or of national significance.

4. REDELEGATION AUTHORITY. This authority may be redelegated to Division Directors, who may then redelegate to On-Scene Coordinators (On-Scene Coordinators may exercise this authority only for obligations not to exceed \$50,000 for initiating removal actions).

5. ADDITIONAL REFERENCES.

a. Sections 104(a), 104(b), 104(c), and 104(i) of CERCLA.

b. National Contingency Plan (40 CFR 300).

c. Superfund Removal directives.

d. The \$2,000,000 limit includes all extramural costs and Headquarters and Regional intramural costs, except for Section 104(b) studies and all enforcement costs.

e. List of nationally significant or precedent-setting removal categories.

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

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

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, to determine the necessity of and to select and perform removal actions to continue beyond \$2,000,000 when all of the following circumstances exist:
  - a. Where continued response actions are immediately required to prevent, limit, or mitigate an emergency; and
  - b. Where there is an immediate risk to public health or welfare or the environment; and
  - c. Where such assistance will not otherwise be provided on a timely basis.
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 104(a), 104(b), 104(c), and 104(i) of CERCLA.
  - b. National Contingency Plan (40 CFR 300).
  - c. Superfund Removal directives.

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

14-2-B. Removal Actions Costing Over \$2,000,000 at National Priorities List  
(NPL) and Proposed-NPL Sites

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, to determine the necessity of and to select and perform removal actions to continue beyond \$2,000,000 at National Priorities List (NPL) sites and sites on the proposed NPL, when the continued response action is otherwise appropriate and consistent with the remedial action to be taken.
2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response and Regional Administrators.
3. LIMITATIONS. The Regional Administrators may only exercise this authority at sites within their Regions specified by the Assistant Administrator for Solid Waste and Emergency Response.
4. REDELEGATION AUTHORITY. The Assistant Administrator for Solid Waste and Emergency Response may redelegate this authority. Regional Administrators may not redelegate this authority.
5. ADDITIONAL REFERENCES.
  - a. Sections 104(a), 104(b), 104(c), and 104(i) of CERCLA.
  - b. National Contingency Plan (40 CFR 300).
  - c. Superfund Removal directives.

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

14-3. Selection and Performance of Removal Actions  
Lasting More Than One Year

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, to determine the necessity of and to select and perform removal actions:

a. Where the action is expected to last more than one year; and

b. Where the action was expected to last up to one year, but requires continuation beyond one year.

This authority applies only in the following circumstances:

i. Where continued response actions are immediately required to prevent, limit, or mitigate an emergency; and

Where there is an immediate risk to public health or welfare or the environment; and

Where such assistance will not otherwise be provided on a timely basis; or

ii. Where the continued response action at National Priorities List (NPL) sites or sites proposed for listing on the NPL is otherwise appropriate and consistent with the remedial action to be taken.

2. TO WHOM DELEGATED. Regional Administrators.

3. REDELEGATION AUTHORITY. These authorities may be redelegated to the Division Director level.

4. ADDITIONAL REFERENCES.

a. Sections 104(a), 104(b), 104(c), and 104(i) of CERCLA.

b. National Contingency Plan (40 CFR 300).

c. Superfund Removal and Remedial directives.

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

14-6. Inspections, Sampling, Information Gathering, Subpoenas,  
and Entry for Response

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, to enter any vessel, facility, establishment, place, property or location for the purposes of inspections, sampling, information gathering and response actions; to carry out inspections, sampling, and information gathering; to require the production of information and documents; to issue subpoenas; to issue compliance orders for production of information and documents; to obtain and execute warrants to support this authority; and to designate representatives of the Administrator to carry out inspections, sampling, information gathering, and response actions.

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. Regional Administrators and the Assistant Administrator for Solid Waste and Emergency Response or their delegates must consult with the Assistant Administrator for Enforcement and Compliance Monitoring, or his/her delegatee prior to issuing compliance orders regarding information gathering or issuing subpoenas, unless or until such consultation authority is waived by memorandum.

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

c. The Assistant Administrator for Solid Waste and Emergency Response and the Assistant Administrator for Enforcement and Compliance Monitoring must consult with the appropriate Regional Administrator prior to exercising these authorities.

d. The authority to issue compliance orders for entry and inspection is retained by the Administrator.

4. REDELEGATION AUTHORITY. This authority may be redelegated.

5. ADDITIONAL REFERENCES. Sections 104(e), 109(a), 109(b) and 122(e) of CERCLA.

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

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

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, to make determinations as to the necessity and appropriateness of studies and investigations related to the recovery of response costs and the enforcement of the provisions of this Act, and to undertake such studies and investigations; and to make decisions, determinations, findings, notifications and non-binding allocations of responsibility under the Special Notice Procedures of CERCLA Section 122(e).
2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response, Assistant Administrator for Enforcement and Compliance Monitoring, and Regional Administrators.
3. REDELEGATION AUTHORITY. This authority may be redelegated.
4. ADDITIONAL REFERENCES.
  - a. Sections 104, 106, 107 and 122(e) of CERCLA.
  - b. All applicable Agency guidance and directives.

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

14-14-B. Administrative 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), as amended, 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. 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.
  - a. Sections 104, 106, and 122 of CERCLA.
  - b. Applicable Agency guidance and OSWER directives.

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

14-14-C. Administrative 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), as amended, 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 before exercising any of the above authorities.

b. The Assistant Administrator for Solid Waste and Emergency Response may waive advance concurrence requirements by memorandum.

c. This authority does not include recovery of response costs under CERCLA Section 122(h) or settlements with de minimis parties under CERCLA Section 122(g).

4. REDELEGATION AUTHORITY. This authority may be redelegated.

5. ADDITIONAL REFERENCES.

a. Sections 104, 106, and 122 of CERCLA.

b. All applicable Agency guidance and directives.

c. Authority to enter into or exercise Agency concurrence authority for non-judicial cost recovery agreements or administrative orders for costs is delegated in 14-14-D, "Cost Recovery Non-Judicial Agreements and Administrative Consent Orders."

d. Authority to enter into or exercise Agency concurrence authority in de minimis settlements under CERCLA Section 122(g) is delegated in 14-14-E, "De Minimis Settlements."



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

14-14-D. Cost Recovery Non-Judicial Agreements and Administrative  
Consent Orders

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, to enter into or exercise Agency concurrence in non-judicial agreements or administrative orders for the recovery of costs of response.

2. TO WHOM DELEGATED. Regional Administrators.

3. LIMITATIONS.

a. For settlements where the total response costs at the facility exceed \$500,000 (excluding interest) and the settlement compromises a claim of the United States, Regional Administrators must consult with the Assistant Administrator for Solid Waste and Emergency Response and the Assistant Administrator for Enforcement and Compliance Monitoring before exercising any of the above authorities, unless such consultation is waived by memorandum.

b. This authority does not include de minimis settlements under CERCLA Section 122(g).

4. REDELEGATION AUTHORITY. This authority may be redelegated.

5. ADDITIONAL REFERENCES.

a. Sections 104, 107, and 122 of CERCLA, as amended.

b. All applicable Agency guidance and directives.

c. Authority to enter consent orders for administrative actions is delegated in 14-14-C, "Administrative Actions Through Consent Orders."

d. Authority to enter into or exercise Agency concurrence authority in de minimis settlements under CERCLA Section 122(g) is delegated in 14-14-E, "De Minimis Settlements."

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

14-14-E. De Minimis Settlements

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, to enter into or exercise Agency concurrence in de minimis settlements under Section 122(g).

2. TO WHOM DELEGATED. Regional Administrators.

3. LIMITATIONS.

a. Regional Administrators must obtain the advance concurrence of the Assistant Administrator for Enforcement and Compliance Monitoring and the Assistant Administrator for Solid Waste and Emergency Response for settlements under Section 122(g), unless such concurrence is waived by memorandum.

b. The Assistant Administrator for Enforcement and Compliance Monitoring and the Assistant Administrator for Solid Waste and Emergency Response must either concur, non-concur or request additional time for review within 10 days of the request for concurrence.

c. Six months after promulgation of this delegation, the Assistant Administrator for Enforcement and Compliance Monitoring and the Assistant Administrator for Solid Waste and Emergency Response will review each Region's experience settling de minimis cases using this section 122(g) authority and, based upon that review, will consider waiving or modifying any advance concurrence on a Region-by-Region basis.

4. REDELEGATION AUTHORITY. This authority may be redelegated.

5. ADDITIONAL REFERENCES.

a. Sections 106, 107 and 122 of CERCLA, as amended.

b. All applicable Agency guidance and directives.

c. Authority to recover costs other than in de minimis settlements is delegated in 14-14-D, "Cost Recovery Non-Judicial Agreements and Administrative Consent Orders," and in 14-13-B, "Concurrence in Settlement of Civil Judicial Actions."

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

14-16. Demand Letters

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) as amended, to prepare, sign and issue demand letters to responsible parties.
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.
  - a. Sections 104, 106, 107, 109, 113, and 122 of CERCLA.
  - b. All applicable Agency guidance and directives.

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

14-18-A. Alternative Treatment Technology Research,  
Development, Demonstration, and Training

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, to carry out a program of research, evaluation, testing, development, and demonstration of alternative or innovative treatment technologies; to carry out a program of training in procedures for handling hazardous substances and for managing facilities at which hazardous substances are located; to approve grants and cooperative agreements to carry out the program authorized under section 311(b) of CERCLA; and to conduct and support research through contracts.
2. TO WHOM DELEGATED. Assistant Administrator for Research and Development.
3. LIMITATIONS.
  - a. The Assistant Administrator for Research and Development will exercise these authorities in accordance with plans and priorities developed in consultation with the Assistant Administrator for Solid Waste and Emergency Response.
  - b. The Assistant Administrator for Research and Development must obtain the concurrence of the Assistant Administrator for Solid Waste and Emergency Response prior to undertaking technology demonstrations.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES.
  - a. Section 311(b) of CERCLA.
  - b. SITE Program Strategy.
  - c. SITE Program Operations Plan.

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

14-18-B. Hazardous Substance Research

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, to carry out a program of hazardous substance research; to approve grants and cooperative agreements for hazardous substance research, and to conduct and support such research through contracts, as authorized under section 311(c) of CERCLA.
2. TO WHOM DELEGATED. Assistant Administrator for Research and Development.
3. LIMITATIONS. The Assistant Administrator for Research and Development will exercise this authority in accordance with plans and priorities developed in consultation with the Assistant Administrator for Solid Waste and Emergency Response.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES. Section 311(c) of CERCLA.

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

14-19. Contractor Indemnification

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, to indemnify response action contractors. This authority includes authorizing payments.
2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response.
3. REDELEGATION AUTHORITY. This authority may be redelegated.
4. ADDITIONAL REFERENCES. Section 119 of CERCLA.

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

14-20-B. Love Canal Cooperative Agreements and Grants

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, to enter into a cooperative agreement with a public agency or authority of the State of New York, in which such Agency agrees to take title to the acquired properties, and to approve grants to the State of New York or a public agency for the acquisition of private property in the Love Canal Emergency Declaration Area.
2. TO WHOM DELEGATED. Regional Administrator, Region II.
3. REDELEGATION AUTHORITY. This authority may not be redelegated.
4. ADDITIONAL REFERENCES. Section 312 of CERCLA.

SOLID WASTE DISPOSAL ACT (SWDA)8-33. Selection and Performance of Federal Corrective Actions  
at Leaking Underground Storage Tanks

1. AUTHORITY. Pursuant to Subtitle I of the Solid Waste Disposal Act (SWDA), to determine the necessity of and to select Federal corrective actions at leaking underground storage tanks containing petroleum, to enter property and to perform such corrective actions.

2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response and Regional Administrators.

3. LIMITATIONS.

a. Regional Administrators may exercise this authority only for obligations not exceeding \$50,000, and must comply with Federal lead UST corrective action guidance issued by the Assistant Administrator for Solid Waste and Emergency Response (AA/OSWER). This authority may only be used to initiate corrective action at sites involving emergencies where there is no time for formal approval by the AA/OSWER or his/her designee.

b. The Director, Office of Emergency and Remedial Response, may exercise this authority only for obligations not exceeding \$250,000, and must obtain the advance concurrence of the Director, Office of Underground Storage Tanks. Obligations above \$250,000 must be approved by the Assistant Administrator for Solid Waste and Emergency Response.

4. REDELEGATION AUTHORITY.

a. This authority may be redelegated by the Assistant Administrator for Solid Waste and Emergency Response to the Director, Office of Emergency and Remedial Response.

b. Regional Administrators may redelegate this authority to Division Directors, who may then redelegate to On-Scene Coordinators.

5. ADDITIONAL REFERENCES.

- a. Superfund Removal directives.
- b. Section 9005(a) of SWDA.
- c. Section 9003(h) of SWDA.
- d. UST corrective action procedures.



TITLE III OF THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT  
(TITLE III of SARA)  
"Emergency Planning and Community Right to Know Act"

22-1. Criminal and Civil Judicial Enforcement Actions

1. AUTHORITY.

a. To request the Attorney General to appear and represent the Agency in any civil enforcement actions pursuant to Title III of SARA; to intervene in any civil enforcement actions instituted under Title III of SARA; 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.

b. To cause criminal matters under Title III of SARA to be referred to the Department of Justice for assistance in field investigation, for initiation of a grand jury investigation, for prosecution under SARA and to prosecute such action to conclusion, including appeals.

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 exercising the authorities described above.

b. The General Counsel may exercise this authority only in regard to appeals.

c. Any appeal authority will be exercised 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. Title III of SARA, Section 325.

TITLE III OF THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT  
(TITLE III of SARA)  
"Emergency Planning and Community Right to Know Act"

22-2. Administrative Enforcement Actions

1. AUTHORITY. To take any administrative enforcement action under Title III of SARA including but not limited to issuing compliance orders, issuing warning letters or other notices, conducting hearings and representing the Agency in such hearings, assessing and collecting penalties, and issuing subpoenas.
2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response, Assistant Administrator for Pesticides and Toxic Substances, and Regional Administrators.
3. LIMITATIONS.
  - a. The Assistant Administrator for Solid Waste and Emergency Response may exercise this authority only in regard to Sections 302, 303, 304, 311, 312, 322 and 323 of Title III, and must notify the appropriate Regional Administrator when exercising this authority.
  - b. The Assistant Administrator for Pesticides and Toxic Substances may exercise this authority only in regard to Sections 313, 322 and 323 of Title III, and must notify the appropriate Regional Administrator when exercising this authority.
  - c. Regional Administrators must consult with the Assistant Administrator for Solid Waste and Emergency Response or the Assistant Administrator for Pesticides and Toxic Substances, as appropriate, before exercising this authority.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES. Title III of SARA, Section 325.

CERCLA/SARA DELEGATIONS OF AUTHORITY - Index

<u>Delegation number</u>	<u>Delegation title</u>
14-1-A	Selection and Performance of Removal Actions Costing Up to \$2,000,000
14-1-B	Superfund State Contracts and Cooperative Agreements for Removal Actions
14-2-A	Removal Actions Initially Expected to Cost over \$2,000,000 and Continued Removal Actions After Obligations of \$2,000,000 (Pursuant to the Emergency Waiver)
14-2-B	Removal Actions Initially Expected to Cost Over \$2,000,000 and Continued Removal Actions After Obligations of \$2,000,000 (Pursuant to the Consistency Waiver)
*14-3	Selection and Performance of Removal Actions Lasting More Than One Year
14-4-A	State-Lead Studies and Investigations Related to Response Actions
14-4-B	[Deleted]
14-4-C	Superfund State Contracts and Cooperative Agreements to Implement and Perform Remedial Actions
14-5	Selection of Remedial Actions
14-6	Inspections, Sampling, Information Gathering, Subpoenas, and Entry for Response
14-7	Combination of Noncontiguous Facilities for Response Purposes
14-8-A	Federal-Lead Studies and Investigations Related to Response Actions
14-8-B	Studies and Investigations Related to Cost Recovery and Enforcement Decisions; Special Notice
14-9	Claims Asserted Against the Fund

\*New Authorities (Note that Delegation 14-3 covers authority  
previously included in Delegation 14-1-A; Delegation  
14-13-A contains new authority to pay awards under 109)

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14-10-A	State Technical Assistance
14-10-B	State Legal Assistance
14-11	Credit for State Expenditures
14-12	Civil Judicial Enforcement Actions
**14-13-A	Criminal Enforcement Actions
14-13-B	Concurrence in Settlement of Civil Judicial Actions
14-13-C	Emergency TROs
14-14-B	Administrative Actions Through Unilateral Orders
14-14-C	Administrative Actions Through Consent Orders
*14-14-D	Cost Recovery Non-Judicial Agreements and Administrative Consent Orders
*14-14-E	<u>De Minimis</u> Settlements
14-16	Demand Letters
14-17-A	National Priorities List: Federal Register Submission of Proposed and Final Additions and Deletions
*14-17-B	National Priorities List: Restoring Sites, Petitions to Assess, Evaluations of Serious Threats, and Redetermining Priority
*14-18-A	Alternative Treatment Technology Research, Development, Demonstration, and Training
*14-18-B	Hazardous Substance Research
*14-19	Contractor Indemnification
*14-20-A	Love Canal Cooperative Agreements for Maintenance of Properties
*14-20-B	Love Canal Cooperative Agreements and Grants
*14-21	Agreements with Other Federal Agencies
*New Authorities	
**Not in original proposed package.	

CERCLA/SARA DELEGATIONS OF AUTHORITY - Index (page 3)

- \*14-22            Response Action Administrative Record
- \*14-23            Public Participation
- \*14-24            Grants for Technical Assistance
- \*14-25            Notification of Trustees
- \*14-26            Federal Lien
- \*14-27            Petitions for Reimbursement
- \*14-28            Federal Agency Hazardous Waste Compliance  
Docket
- \*14-29            Investigations and Evaluations of Employment  
Shifts and Loss
- \*14-30            Acquisition of Property
- \*14-31            Administrative Penalty Actions
- \*14-32            Administrative Enforcement:    Agency  
Representation at Hearings
- \*14-33            Administrative Enforcement:    Issuance of  
Final Orders
- \*14-34            Waiver of Permit Requirements in the State  
of Illinois
- \*14-35            List of Hazardous Substances and  
Toxicological Profiles
- \*14-36            Lead Contaminated Soil Pilot Programs
- \*14-37            Reimbursement to Local Governments
- \*14-38            EPA Role in Department of Defense  
Environmental Restoration Program

RCRA

- \*8-33            Selection and Performance of Federal  
Corrective Actions at Leaking Underground  
Storage Tanks

\*New Authorities

CERCLA/SARA DELEGATIONS OF AUTHORITY Index (page 4)

TITLE III

- \*22-1 Civil Judicial Enforcement Actions
- \*22-2 Criminal Judicial Enforcement Actions
- \*22-3 Administrative Enforcement Actions
- \*22-4 Notification by States of Facilities Subject  
to Planning Requirements
- \*22-5 Receipt of Petitions to List/Delist  
Chemicals and Responses to Petitions
- \*22-6 Receipt of Toxic Chemical Release Forms and  
National Toxic Chemical Inventory
- \*22-7 Trade Secrets

\*New Authorities



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

SEP 24 1987

OFFICE OF  
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Superfund Internal Delegations of Authority

FROM: Henry L. Longest II, Director  
Office of Emergency and Remedial Response

TO: Assistant Administrators  
Regional Administrators  
Regional Counsels  
Waste Management Division Directors  
Environmental Services Division Directors

Attached are the final new and revised delegations of authority implementing the provisions of SARA, most of which were approved by the Administrator on September 13, 1987.

Delegation 14-2-B, "Removal Actions Initially Expected to Cost Over \$2,000,000 and Continued Removal Actions After Obligations of \$2,000,000 (Pursuant to the Consistency Waiver)," and delegation 14-3, "Selection and Performance of Removal Actions Lasting More Than One Year," were approved on September 21, 1987. Delegation 14-36, "Lead Contaminated Soil," was approved August 14, 1987, and delegation 14-20-A, "Love Canal Cooperative Agreement for Maintenance of Properties," was approved on December 11, 1986.

Also attached are copies of delegations 14-14-A and 14-15, the only two Superfund delegations not revised. These are included so that you will have a complete set of current delegations.

You will be receiving official copies of these delegations distributed by the Office of Administration and Resources Management in 6-8 weeks.

Attachments

cc: Win Porter  
Gene Lucero  
Marcia Williams  
Ron Brand  
Jim Makris  
Thad Juszczak  
Liz LaPointe

Tim Fields  
Steve Lingle  
Russ Wyer  
Bruce Engelbert  
Clem Rastatter  
Chris Grundler  
Matt Hale  
Internal Delegations Workgroup

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

14-1-A. Selection and Performance of Removal Actions  
Costing Up to \$2,000,000

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), to determine the necessity of and to select and perform removal actions costing up to \$2,000,000 where the action is expected to last up to one year.
2. TO WHOM DELEGATED. Regional Administrators.
3. LIMITATIONS.
  - a. Removal actions will not continue after \$2,000,000 has been obligated, unless authorized to continue under Delegation 14-2-A, "Removal Actions Initially Expected to Cost Over \$2,000,000 and Continued Removal Actions After Obligations of \$2,000,000," or Delegation 14-2-B, "Removal Actions Costing Over \$2,000,000 at NPL and Proposed-NPL Sites."
  - b. The Assistant Administrator for Solid Waste and Emergency Response or his/her designee must concur prior to the initiation of a removal action at non-NPL sites where the proposed action is on the List of Nationally Significant or Precedent-Setting Removal Action Categories.
4. REDELEGATION AUTHORITY. This authority may be redelegated to Division Directors, who may then redelegate to On-Scene Coordinators (On-Scene Coordinators may exercise this authority only for obligations not to exceed \$50,000 for initiating removal actions).
5. ADDITIONAL REFERENCES.
  - a. Sections 104, 121(d), and 121(e) of CERCLA.
  - b. National Contingency Plan, 40 CFR 300.
  - c. Superfund Removal directives.
  - d. The \$2,000,000 limit includes all extramural costs and Headquarters and Regional intramural costs, except for Section 104(b) studies and all enforcement costs.
  - e. List of Nationally Significant or Precedent-Setting Removal Categories.



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, as amended (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. This authority includes approval and award authority.
2. TO WHOM DELEGATED. Regional Administrators.
3. LIMITATIONS. 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 to the Division Director level.
5. ADDITIONAL REFERENCES.
  - a. Section 104(d)(1), 121(d) and 121(e) of CERCLA.
  - b. National Contingency Plan, 40 CFR 300.
  - c. State Participation in the Superfund Program, February 1984, Volumes I and II, as amended.
  - d. Directives issued by the Assistant Administrator for Solid Waste and Emergency Response.

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

14-2-A. Removal Actions Initially Expected to Cost Over \$2,000,000 and  
Continued Removal Actions After Obligations of \$2,000,000 (Pursuant  
to the Emergency Waiver)

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), to determine the necessity of and to select and perform removal actions to continue beyond \$2,000,000 when all of the following circumstances exist:

- a. Where continued response actions are immediately required to prevent, limit, or mitigate an emergency; and
- b. Where there is an immediate risk to public health or welfare or the environment; and
- c. Where such assistance will not otherwise be provided on a timely basis.

2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response.

3. REDELEGATION AUTHORITY. This authority may be redelegated to the Office Director, Office of Emergency and Remedial Response.

4. ADDITIONAL REFERENCES.

- a. Sections 104, 121(d), and 121(e) of CERCLA.
- b. National Contingency Plan, 40 CFR 300.
- c. Superfund Removal directives.

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

14-2-B. Removal Actions Initially Expected to Cost Over \$2,000,000 and Continued Removal Actions After Obligations of \$2,000,000 (Pursuant to the Consistency Waiver)

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act as amended (CERCLA), to determine the necessity of and to select and perform removal actions to continue beyond \$2,000,000 when the continued response action is otherwise appropriate and consistent with the remedial action to be taken.


2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response and Regional Administrators.

3. LIMITATIONS. The Regional Administrators may only exercise this authority at sites within their Regions specified by the Assistant Administrator for Solid Waste and Emergency Response.

4. REDELEGATION AUTHORITY. The Assistant Administrator for Solid Waste and Emergency Response may redelegate this authority to the Office Director, Office of Emergency and Remedial Response. Regional Administrators may not redelegate this authority.

5. ADDITIONAL REFERENCES.

- a. Sections 104, 121(d), and 121(e) of CERCLA.
- b. National Contingency Plan, 40 CFR 300.
- c. Superfund Removal directives.

  
9/21/87

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

14-3. Selection and Performance of Removal Actions Lasting More Than One Year

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act as amended (CERCLA), to determine the necessity of and to select and perform removal actions:

- a. Where the action is expected to last more than one year; or
- b. Where the action was expected to last up to one year, but requires continuation beyond one year.

This authority applies only in the following circumstances:

- i. Where continued response actions are immediately required to prevent, limit, or mitigate an emergency; and

Where there is an immediate risk to public health or welfare or the environment; and

Where such assistance will not otherwise be provided on a timely basis; or

- ii. Where the continued response action is otherwise appropriate and consistent with the remedial action to be taken.

2. TO WHOM DELEGATED. Regional Administrators.

3. REDELEGATION AUTHORITY. These authorities may be redelegated to the Division Director level.

4. ADDITIONAL REFERENCES.

- a. Sections 104, 121(d), and 121(e) of CERCLA.
- b. National Contingency Plan, 40 CFR 300.
- c. Superfund Removal and Remedial directives.

*for in the name*  
9/21/87

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

14-4-A. State-Lead Studies and Investigations Related to Remedial Actions

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), based on a determination that a State or political subdivision is capable of performing studies and investigations to plan a remedial action, to enter into a cooperative agreement to perform such planning. This authority includes approval and award authority.

2. TO WHOM DELEGATED. Regional Administrators.

3. LIMITATIONS. This authority shall be exercised subject to the Administrator's management accountability system, and may only be exercised at sites which are contained in approved funding levels.

4. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.

5. ADDITIONAL REFERENCES.

a. Sections 104, 116, 117, and 121 of CERCLA.

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

c. Directives issued by the Assistant Administrator for Solid Waste and Emergency Response.

d. State Participation in the Superfund Program, February 1984, Volumes I and II, as amended.

e. National Contingency Plan, 40 CFR 300.

f. 40 CFR 30 and 40 CFR 33, EPA grant regulations.

g. EPA's Assistance Administration Manual, 1984, as amended.

DELETED AND RESERVED FOR FUTURE USE:

14-4-B. (Formerly Selection of Initial Remedial Measures)

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, as amended (CERCLA), to consult with the affected State or political subdivision 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 State or political subdivision to perform remedial actions; to enter into a contract with such State or political subdivision in which EPA will perform the remedial action. This authority includes approval and award authority.

2. TO WHOM DELEGATED. Regional Administrators.

3. LIMITATIONS.

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

b. This authority shall be exercised subject to the Administrator's management accountability system, and approved funding levels.

c. This authority shall be exercised in accordance with Delegation 14-5, Selection of Remedial Actions.

4. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.

5. ADDITIONAL REFERENCES.

a. Sections 104(a), 104(c), 104(d)(1), 116 and 121 of CERCLA.

b. State Participation in the Superfund Program, February, 1984, Volumes I and II as amended.

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

d. Directives issued by the Assistant Administrator for Solid Waste and Emergency Response.

e. National Contingency Plan, 40 CFR 300.

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, as amended (CERCLA), to determine the necessity of, to select, and to perform the appropriate remedial action.
2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response and Regional Administrators.
3. LIMITATIONS. Regional Administrators or their delegates 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 Assistant Administrator for Solid Waste and Emergency Response.
4. REDELEGATION AUTHORITY. The Assistant Administrator for Solid Waste and Emergency Response may redelegate this authority to the Office Director level. Regional Administrators may redelegate this authority to the Deputy Regional Administrator.
5. ADDITIONAL REFERENCES.
  - a. Sections 101(24), 104, 116, 118, 120, 121, and 126(b) of CERCLA.
  - b. Section 118(m) of the Superfund Amendments and Reauthorization Act (SARA).
  - c. Guidance on Delegation of Selection of Remedy Authority.
  - d. National Contingency Plan, 40 CFR 300.
  - e. Acquisition of property is covered in Delegation 14-30.



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

14-6. Inspections, Sampling, Information Gathering, Subpoenas,  
and Entry for Response

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act as amended (CERCLA), to enter any vessel, facility, establishment, place, property or location for the purposes of inspections, sampling, information gathering and response actions; to carry out inspections, sampling, and information gathering; to require the production of information and documents; to issue subpoenas; to issue compliance orders for production of information and documents; to issue compliance orders for entry and inspection; to obtain and execute warrants to support this authority; and to designate representatives of the Administrator to carry out inspections, sampling, information gathering, and response actions.

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. Regional Administrators and the Assistant Administrator for Solid Waste and Emergency Response or their delegates must consult with the Assistant Administrator for Enforcement and Compliance Monitoring, or his/her designee, prior to issuing compliance orders regarding information gathering or compliance orders for entry and inspection, or issuing subpoenas, unless or until such consultation authority is waived by memorandum.

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

c. The Assistant Administrator for Solid Waste and Emergency Response and the Assistant Administrator for Enforcement and Compliance Monitoring or their delegates must consult with the appropriate Regional Administrator or his/her designee prior to exercising these authorities.

4. REDELEGATION AUTHORITY. This authority may be redelegated.

5. ADDITIONAL REFERENCES.

a. Sections 104(e), 109(a), 109(b) and 122(e) of CERCLA.

b. National Contingency Plan, 40 CFR 300.

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, as amended (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 and Regional Administrators.
3. REDELEGATION AUTHORITY. This authority may be redelegated.
4. ADDITIONAL REFERENCES.
  - a. Section 104(d)(4) of CERCLA.
  - b. Guidance on combination of noncontiguous facilities can be found in 48 FR 40663 September 8, 1983 and 49 FR 37076 September 21, 1984.

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

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

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability, Act as amended (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, "State-Lead Studies and Investigations Related to Remedial Actions," and to perform such studies and investigations in consultation with the State.
2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response and Regional Administrators.
3. LIMITATION. This authority shall be exercised subject to the Administrator's management accountability system, and may be exercised only at sites which are contained in approved funding levels.
4. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
5. ADDITIONAL REFERENCES.
  - a. Sections 104, 116, 117, and 121 of CERCLA.
  - b. National Contingency Plan, 40 CFR 300.
  - c. State Participation in the Superfund Program, February 1984, Volumes I and II, as amended.
  - d. Directives issued by the Assistant Administrator for Solid Waste and Emergency Response.
  - e. Strategic Planning and Management System is the Administrator's management accountability system.

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

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

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), to make determinations as to the necessity and appropriateness of studies and investigations related to the recovery of response costs and the enforcement of the provisions of this Act, and to undertake such studies and investigations; and to make decisions, determinations, findings, notifications and non-binding allocations of responsibility under Section 122.

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

3. REDELEGATION AUTHORITY. This authority may be redelegated.

4. ADDITIONAL REFERENCES.

- a. Sections 104, 106, 107 and 122 of CERCLA.
- b. All applicable Agency guidance and directives.
- c. See Delegation 14-6 for issuance of Section 104(e) requests.

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, as amended (CERCLA), to receive, evaluate, make determinations and preauthorize claims asserted against the Hazardous Substance Superfund. This authority is to include 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 to the Division Director level.
4. ADDITIONAL REFERENCES.
  - a. Sections 111(a), 111(e), 112, and 122 of CERCLA.
  - b. National Contingency Plan, 40 CFR 300.

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, as amended (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. Regional Administrators or their delegates are authorized to expend extramural (contract) funds for technical assistance only to the extent that funds are contained in approved funding levels.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES.
  - a. Section 104(d)(3) of CERCLA.
  - b. Directives issued by the Assistant Administrator for Solid Waste and Emergency Response
  - c. State Participation in the Superfund Program, February, 1984, Volumes I and II as amended.

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, as amended (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. The Assistant Administrator for Enforcement and Compliance Monitoring or his/her delegatee must notify the Assistant Administrator for Solid Waste and Emergency Response, the General Counsel, and the appropriate Regional Administrator or their designees prior to exercising this authority.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES. Section 104(d)(3) of CERCLA.

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

14-11. Credit for State Expenditures

1. AUTHORITY. Pursuant to Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), to grant the State a credit against its cost share for response expenses incurred by the State (or as appropriate, a political subdivision) in accordance with the provisions of sections 104(c) and 104(d).
2. TO WHOM DELEGATED. Regional Administrators.
3. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
4. ADDITIONAL REFERENCES.
  - a. Sections 104(c), and 104(d)(1)(C) of CERCLA.
  - b. State Participation in the Superfund Program, February, 1984, Volumes I and II as amended.
  - c. Directives issued by the Assistant Administrator for Solid Waste and Emergency Response.
  - d. Fiscal directives issued by the Comptroller.



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, as amended (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 or his/her delegatee must notify the Assistant Administrator for Solid Waste and Emergency Response and the appropriate Regional Administrator or their designees when a case is referred to the Attorney General and when an appeal is formally initiated.
  - b. The General Counsel or his/her delegatee 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 or their delegates.
4. REDELEGATION AUTHORITY. The authority to request the Attorney General to decline to prosecute a previously referred civil enforcement action may be redelegated to the Division Director level. The other authorities cited in paragraph 1 above may be redelegated.
5. ADDITIONAL REFERENCES.
  - a. Memorandum of Understanding between the Agency and the Department of Justice.
  - b. Sections 104, 106, 107, 109, and 122 of CERCLA.
  - c. See delegation 14-13-C, entitled "Emergency TROs," for Regional Administrators' authority to make direct referrals of requests for emergency CERCLA Temporary Restraining Orders.
  - d. All applicable Agency guidance and directives.

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

14-13-A. Criminal Enforcement Actions

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), to cause criminal matters 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; to authorize payment of awards up to \$10,000 to any individual who provides information leading to the arrest and conviction of any person for a violation subject to a criminal penalty under CERCLA.
2. TO WHOM DELEGATED. The Assistant Administrator for Enforcement and Compliance Monitoring.
3. LIMITATIONS. The amount of CERCLA funds to be made available each fiscal year for the payment of the awards as authorized by this delegation is limited to an amount agreed upon annually by the Assistant Administrator for Enforcement and Compliance Monitoring and the Assistant Administrator for Solid Waste and Emergency Response.
4. REDELEGATION AUTHORITY. The authority to refer cases may be redelegated. The authority to authorize payment of awards may be redelegated to the Senior Enforcement Counsel for Criminal Enforcement.
5. ADDITIONAL REFERENCES. Sections 103(b)(3), 103(c), 103(d), and 109(d) of CERCLA.

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

14-13-B. 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, as amended (CERCLA), and to request the Attorney General to amend a consent decree issued under CERCLA.

2. TO WHOM DELEGATED. Regional Administrators.

3. LIMITATIONS.

a. Regional Administrators may exercise the Agency's concurrence authority in settlement of Regionally-initiated CERCLA section 104/107 recovery actions where the total response costs at the facility do not exceed \$500,000, excluding interest.

b. For all cases initiated by the Assistant Administrator for Solid Waste and Emergency Response, the Regional Administrator or delegatee must obtain the concurrence of the Assistant Administrators for Enforcement and Compliance Monitoring and Solid Waste and Emergency Response or their designees before exercising this authority. The Assistant Administrators for Enforcement and Compliance Monitoring and Solid Waste and Emergency Response or their designees may waive the concurrence requirement by memorandum on a Region-by-Region basis.

c. For cases initiated by the Regional Administrator other than those identified in paragraph 3.a of this delegation (in which the Regional Administrator concurs for the Agency), the Regional Administrator or delegatee must obtain the concurrence of the Assistant Administrators for Enforcement and Compliance Monitoring and Solid Waste and Emergency Response or their designees before exercising this authority. The Assistant Administrators for Enforcement and Compliance Monitoring and Solid Waste and Emergency Response or their designees may waive the concurrence requirement by memorandum on a Region-by-Region basis.

d. Six months after the Administrator's signature of this delegation, and every six months thereafter, the Assistant Administrators for Enforcement and Compliance Monitoring and Solid Waste and Emergency Response, or their designees, will review each Region's experience in settlement of civil judicial actions and, based upon that review, will consider jointly waiving or modifying any advance concurrence requirement on a Region-by-Region basis. The Administrator shall be apprised of the status of the advance concurrence requirement upon completion of each review.

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

14-13-B. Concurrence in Settlement of Civil Judicial Actions (cont')

4. REDELEGATION AUTHORITY. The authority to request the Attorney General to amend a consent decree issued under CERCLA may be redelegated to the Division Director level. The other authorities cited in paragraph 1. above may be redelegated.

5. ADDITIONAL REFERENCES.

- a. Sections 104, 106, 107, 109, and 122 of CERCLA.
- b. All applicable Agency guidance and directives.
- c. For actions including 31 USC 3711 and its applicable regulations, see delegations covering claims of EPA found in Chapter 1 of this Manual.
- d. Settlements under CERCLA section 122(g) are covered by delegation 14-14-E, "De Minimis Settlements."

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

14-13-C. Emergency TROs

1. AUTHORITY. To refer to the Attorney General requests for emergency Temporary Restraining Orders under the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA).

2. TO WHOM DELEGATED. Regional Administrators and the Assistant Administrator for Enforcement and Compliance Monitoring.

3. LIMITATIONS.

a. The Regional Administrator or his/her delegatee 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 or his/her delegatee 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. The Assistant Administrator for Enforcement and Compliance Monitoring may redelegate this authority. The authority delegated to Regional Administrators may be redelegated to the On-Scene Coordinator level.

5. ADDITIONAL REFERENCES.

a. Memorandum of Understanding between the Agency and the Department of Justice.

b. Sections 106(a), 106(b) and 107 of CERCLA.

c. For referral of other civil actions under CERCLA, see Delegation 14-12, "Civil Judicial Enforcement Actions."

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.

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

14-14-B. Administrative 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, as amended (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. Regional Administrators or their delegates 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.
  - a. Sections 104, 106, and 122 of CERCLA.
  - b. Applicable Agency guidance and OSWER directives.

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

14-14-C. Administrative 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, as amended (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 or their delegates must obtain the advance concurrence of the Assistant Administrator for Solid Waste and Emergency Response or his/her designee before exercising any of the above authorities.

b. The Assistant Administrator for Solid Waste and Emergency Response or his/her designee may waive advance concurrence requirements by memorandum.

c. This authority does not include recovery of response costs under CERCLA Section 122(h) or settlements with de minimis parties under CERCLA Section 122(g).

4. REDELEGATION AUTHORITY. This authority may be redelegated.

5. ADDITIONAL REFERENCES.

a. Sections 104, 106, and 122 of CERCLA.

b. All applicable Agency guidance and directives.

c. Authority to enter into or exercise Agency concurrence authority for non-judicial cost recovery agreements or administrative orders is delegated in 14-14-D, "Cost Recovery Non-Judicial Agreements and Administrative Consent Orders."

d. Authority to enter into or exercise Agency concurrence authority in de minimis settlements under CERCLA Section 122(g) is delegated in Delegation 14-14-E, "De Minimis Settlements."



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

14-14-D. Cost Recovery Non-Judicial Agreements and Administrative  
Consent Orders

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), to enter into or exercise Agency concurrence in non-judicial agreements or administrative orders for the recovery of costs of response.

2. TO WHOM DELEGATED. Regional Administrators.

3. LIMITATIONS.

a. For settlements where the total response costs at the facility exceed \$500,000 (excluding interest) and the settlement compromises a claim of the United States, Regional Administrators or their delegates must consult with the Assistant Administrator for Solid Waste and Emergency Response and the Assistant Administrator for Enforcement and Compliance Monitoring or their designees before exercising any of the above authorities, unless such consultation is waived by memorandum.

b. This authority does not include de minimis settlements under CERCLA Section 122(g).

4. REDELEGATION AUTHORITY. This authority may be redelegated to the Branch Chief level.

5. ADDITIONAL REFERENCES.

a. Sections 104, 107, and 122 of CERCLA.

b. All applicable Agency guidance and directives.

c. Authority to enter consent orders for administrative actions is delegated in 14-14-C, "Administrative Actions Through Consent Orders."

d. Authority to enter into or exercise Agency concurrence authority in de minimis settlements under CERCLA Section 122(g) is delegated in Delegation 14-14-E, "De Minimis Settlements."

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

14-14-E. De Minimis Settlements

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), to enter into or exercise Agency concurrence in de minimis settlements under Section 122(g).

2. TO WHOM DELEGATED. Regional Administrators.

3. LIMITATIONS.

a. Regional Administrators or their delegates must obtain the advance concurrence of the Assistant Administrator for Enforcement and Compliance Monitoring and the Assistant Administrator for Solid Waste and Emergency Response, or their designees, for settlements under Section 122(g), unless such concurrence is waived by memorandum.

b. The Assistant Administrator for Enforcement and Compliance Monitoring and the Assistant Administrator for Solid Waste and Emergency Response or their designees must either concur, non-concur or request additional time for review within 10 days of receipt of the request for concurrence. If the Assistant Administrator for Enforcement and Compliance Monitoring and the Assistant Administrator for Solid Waste and Emergency Response or their designees do not concur, non-concur, or request additional time, the Regional Administrator may enter into or exercise Agency concurrence in de minimis settlements without the concurrence of the Assistant Administrator for Enforcement and Compliance Monitoring and the Assistant Administrator for Solid Waste and Emergency Response.

c. Six months after the Administrator's signature of this delegation, the Assistant Administrator for Enforcement and Compliance Monitoring and the Assistant Administrator for Solid Waste and Emergency Response will review each Region's experience settling de minimis cases using this Section 122(g) authority and, based upon that review, will consider waiving or modifying any advance concurrence requirement on a Region-by-Region basis.

4. REDELEGATION AUTHORITY. This authority may be redelegated.

5. ADDITIONAL REFERENCES.

a. Sections 106, 107 and 122 of CERCLA.

b. All applicable Agency guidance and directives.

c. Authority to recover costs other than in de minimis settlements is delegated in 14-14-D, "Cost Recovery Non-Judicial Agreements and Administrative Consent Orders," and in 14-13-B, "Concurrence in Settlement of Civil Judicial Actions."

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.

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

14-16. Demand Letters

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), to prepare, sign and issue demand letters to responsible parties.
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.
  - a. Sections 104, 106, 107, 109, 113, and 122 of CERCLA.
  - b. All applicable Agency guidance and directives.

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

14-17-A. National Priorities List: Federal Register Submission of  
Proposed and Final Additions and Deletions

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

a. To sign and submit to the Federal Register proposed and final rulemaking documents which add sites to the National Priorities List (NPL) of hazardous waste sites, and to sign and submit to the Federal Register proposed and final notices which delete sites from the NPL.

b. To sign and submit to the Federal Register proposed and final rulemaking documents which announce NPL eligibility policy.

c. To sign and submit to the Federal Register notices of intent to delete sites from the National Priorities List.

2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response and Regional Administrators.

3. LIMITATIONS.

a. Assistant Administrator for Solid Waste and Emergency Response or his/her delegatee may exercise authorities 1.a. and 1.b. only.

b. Regional Administrators may exercise authority 1.c. only. Before exercising this authority, the Regional Administrator must obtain the concurrence of the Assistant Administrator for Solid Waste and Emergency Response or designee.

4. REDELEGATION AUTHORITY.

a. Authority 1.a. may be redelegated only to the Deputy Assistant Administrator for Solid Waste and Emergency Response.

b. Authority 1.b. and 1.c. may not be redelegated.

5. ADDITIONAL REFERENCES.

a. Sections 105(a)(8)(B), 105(g)(2), 118, and 125(b) of CERCLA.

b. Section 118(p) of the Superfund Amendments and Reauthorization Act (SARA).

c. National Contingency Plan, 40 CFR 300.

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

14-17-B. National Priorities List: Restoring Sites, Petitions to Assess,  
Evaluations of Serious Threats, and Redetermining Priority

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

a. To restore sites listed as a "Site Cleaned Up to Date" to the NPL without the application of hazard ranking whenever there is a significant release of hazardous substances, pollutants or contaminants from the site.

b. To conduct Preliminary Assessments of a release or threatened release of hazardous substances, pollutants, or contaminants in response to petitions, and upon finding that the release or threatened release may pose a threat to human health or the environment, to evaluate the release or threatened release with the hazard ranking system.

c. To evaluate releases or threatened releases, where health assessments under section 104(i) indicate such releases may pose a serious threat to human health or the environment, with the hazard ranking system.

d. To determine whether the site shall be placed on the NPL or accorded a higher priority on the NPL as a result of evaluations under section 104(i)(6)(H).

2. TO WHOM DELEGATED. The Assistant Administrator for Solid Waste and Emergency Response and Regional Administrators.

3. LIMITATIONS.

a. The Assistant Administrator for Solid Waste and Emergency Response may exercise authorities 1.a and 1.d. only.

b. Regional Administrators or their delegates may exercise authorities 1.b and 1.c only.

4. REDELEGATION AUTHORITY.

a. The Assistant Administrator for Solid Waste and Emergency Response may not redelegate this authority.

b. Regional Administrators may redelegate this authority.

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

14-17-B. National Priorities List: Restoring Sites, Petitions to Assess,  
Evaluations of Serious Threats, and Redetermining Policy (cont')

5. ADDITIONAL REFERENCES.

a. Sections 104(i), 105(e), 105(a)(8)(B), 105(d), 105(g)(2), 118, and 125(b) of CERCLA. [Note that CERCLA section 104(j) is printed in the middle of section 104(i). Sections 104(i)(6)(h) can be found on page 28 of Senate Print 99-217, "The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund) (P.L. 96-510), as amended by the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499)," December 1986.]

b. Section 118(p) of the Superfund Amendments and Reauthorization Act (SARA).

c. National Contingency Plan, 40 CFR 300.

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

14-18-A. Alternative Treatment Technology Research,  
Development, Demonstration, and Training

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), to carry out a program of research, evaluation, testing, development, and demonstration of alternative or innovative treatment technologies; to carry out a program of training in procedures for handling hazardous substances and for managing facilities at which hazardous substances are located; to approve grants and cooperative agreements to carry out the program authorized under section 311(b) of CERCLA; and to conduct and support research through contracts.

2. TO WHOM DELEGATED. Assistant Administrator for Research and Development.

3. LIMITATIONS.

a. The Assistant Administrator for Research and Development or his/her delegatee will exercise these authorities in accordance with plans and priorities developed in consultation with the Assistant Administrator for Solid Waste and Emergency Response or designee.

b. The Assistant Administrator for Research and Development or his/her delegatee must obtain the concurrence of the Assistant Administrator for Solid Waste and Emergency Response or designee prior to undertaking technology demonstrations.

4. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.

5. ADDITIONAL REFERENCES.

a. Section 311(b) of CERCLA.

b. SITE Program Strategy.

c. SITE Program Operations Plan.



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

14-18-B. Hazardous Substance Research

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), to carry out a program of hazardous substance research; to approve grants and cooperative agreements for hazardous substance research, and to conduct and support such research through contracts, as authorized under section 311(c) of CERCLA.
2. TO WHOM DELEGATED. Assistant Administrator for Research and Development.
3. LIMITATIONS. The Assistant Administrator for Research and Development or delegatee will exercise this authority in accordance with plans and priorities developed in consultation with the Assistant Administrator for Solid Waste and Emergency Response or designee.
4. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
5. ADDITIONAL REFERENCES. Section 311(c) of CERCLA.

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

14-19. Contractor Indemnification

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), to approve the indemnification of response action contractors. This authority is to include authorizing payments.
2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response.
3. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
4. ADDITIONAL REFERENCES.
  - a. Section 119 of CERCLA.
  - b. Delegation of contract award authority is covered in Delegation 1-2, "Designation of Agency Procurement Executive," in Chapter 1 of the Delegations Manual.

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

14-20-A. Love Canal Cooperative Agreement for Maintenance of Properties

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), to enter into a cooperative agreement with the State of New York for the maintenance of all properties within the Love Canal Emergency Declaration Area that have been acquired by any public agency or authority of the State.
2. TO WHOM DELEGATED. Regional Administrator for Region II.
3. REDELEGATION AUTHORITY. This authority may not be redelegated.
4. ADDITIONAL REFERENCES. Section 312(d) of CERCLA.

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

14-20-B. Love Canal Cooperative Agreements and Grants

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act as amended (CERCLA), to enter into a cooperative agreement with a public agency or authority of the State of New York, in which such Agency agrees to take title to the acquired properties, and to approve grants to the State of New York or a public agency for the acquisition of private property in the Love Canal Emergency Declaration Area.
2. TO WHOM DELEGATED. Regional Administrator, Region II.
3. REDELEGATION AUTHORITY. This authority may not be redelegated.
4. ADDITIONAL REFERENCES. Section 312 of CERCLA.

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

14-21. Agreements with other Federal Agencies

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA): to consult with agencies, departments, and instrumentalities regarding investigations and studies of federal facilities conducted under section 120(e)(1); to review the plans for and results of such investigations and studies; and to enter into an agreement with the head of the department, agency or instrumentality for completion by the department, agency or instrumentality of all necessary response actions at the Federal facility.

2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response and Regional Administrators.

3. LIMITATIONS.

a. Regional Administrators or their delegates 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 Assistant Administrator for Solid Waste and Emergency Response.

b. The Assistant Administrator for Solid Waste and Emergency Response or delegatee must obtain the concurrence of the Assistant Administrator for Enforcement and Compliance Monitoring or designee on agreements under section 120 with other Federal departments, agencies, or instrumentalities at sites where viable non-Federal potentially responsible parties are identified.

4. REDELEGATION AUTHORITY. The Assistant Administrator for Solid Waste and Emergency Response may redelegate this authority to the Division Director level, except for the authority to enter into agreements for completion of remedial actions, which may be delegated only to the Office Director level. The Regional Administrator may redelegate this authority to the Division Director level, except for the authority to enter into agreements for completion of remedial actions, which may be redelegated only to the Deputy Regional Administrator.

5. ADDITIONAL REFERENCES:

- a. Section 120 of CERCLA
- b. Applicable Agency guidance and directives.

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

14-22. Response Action Administrative Record

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA): to establish an Administrative Record upon which the selection of a response action shall be based; to make this record available to the public at or near the facility at issue; and to provide for the participation of interested persons in the development of the administrative record.
2. TO WHOM DELEGATED. Regional Administrators.
3. REDELEGATION AUTHORITY. This authority may be redelegated.
4. ADDITIONAL REFERENCES.
  - a. Section 113(k) of CERCLA.
  - b. National Contingency Plan, 40 CFR 300.
  - c. All Agency policy, guidance, and regulations related to the administrative record requirements of CERCLA.

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

14-23. Public Participation

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA): to provide notice, brief analysis, reasonable opportunity for submission of written and oral comments on the proposed plan, and opportunity for a public meeting at or near the facility at issue; to keep a transcript of the meeting and make that transcript available; to publish notice of the adoption of the final plan for the remedial action; and to publish an explanation of significant differences between the final plan and actions taken.

2. TO WHOM DELEGATED. Regional Administrators.

3. REDELEGATION AUTHORITY. This authority may be redelegated.

4. ADDITIONAL REFERENCES.

a. Sections 104; 106; 117(a), (b), (c), (d); 120; 121; and 122 of CERCLA.

b. National Contingency Plan, 40 CFR 300.

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

14-24. Grants for Technical Assistance

1. AUTHORITY. To perform all actions necessary to approve assistance agreements pursuant to Section 117(e) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA).

2. TO WHOM DELEGATED. Regional Administrators.

3. LIMITATIONS.

a. This authority shall be exercised in accordance with Agency regulations under section 117(e) and Agency grant regulations, 40 CFR 30 and 40 CFR 33.

b. Regional Administrators or their delegates must obtain the advance concurrence of the Assistant Administrator for Solid Waste and Emergency Response or designee before waiving the limit of \$50,000 per recipient under section 117(e)(2). The Assistant Administrator for Solid Waste and Emergency Response may waive the advance concurrence requirement by memorandum.

4. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.

5. ADDITIONAL REFERENCES.

a. Section 117(e) of CERCLA.

b. Agency grant regulations, 40 CFR 30 and 40 CFR 33.

c. Agency regulations under section 117(e).

d. The authority to execute assistance agreements is delegated in Delegation 1-14.



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

14-25. Notification of Trustees

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), to notify appropriate Federal and State natural resource trustees of potential damages to natural resources resulting from releases of hazardous substances, pollutants, or contaminants, and to coordinate assessments, investigations, and planning with such trustees. To notify these trustees of negotiations under section 122(j)(1) related to such release, and to receive notice of designation of State trustees under section 107(f)(2)(b).

2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response and Regional Administrators.

3. REDELEGATION AUTHORITY. This authority may be redelegated.

4. ADDITIONAL REFERENCES.

- a. Sections 104(b)(2), 107(f)(2)(B), and 122(j)(1) of CERCLA
- b. Applicable Agency guidance and directives
- c. National Contingency Plan, 40 CFR 300.

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

14-26. Federal Lien

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), to file notice of and assert either a federal lien upon real property and any rights to such property, or a maritime lien in favor of the United States.
2. TO WHOM DELEGATED. Regional Administrators.
3. LIMITATIONS. Regional Administrators or their delegates must notify the Assistant Administrator for Solid Waste and Emergency Response or his/her designee when exercising the above authority.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES.
  - a. Sections 107(1) and (m) of CERCLA.
  - b. Delegation 14-12, "Civil Judicial Enforcement Actions."

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

14-27. Petitions for Reimbursement

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), to receive, evaluate, and make determinations regarding petitions for reimbursement of the costs of abatement actions incurred in carrying out a section 106 order. This authority includes authorizing payment.
2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response.
3. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
4. ADDITIONAL REFERENCES.
  - a. Section 106 of CERCLA.
  - b. Applicable Agency guidance and directives.

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

14-28. Federal Agency Hazardous Waste Compliance Docket

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), to establish and maintain a Federal Agency Hazardous Waste Compliance Docket.
2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response and Regional Administrators.
3. REDELEGATION AUTHORITY. This authority may be redelegated.
4. ADDITIONAL REFERENCES. Section 120 of CERCLA.

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

14-29. Investigations and Evaluations of Employment Shifts and Loss

1. AUTHORITY. Pursuant to section 110(e) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA) and Section 554, Title 5 of the United States Code, to conduct investigations and evaluations of potential loss or shifts of employment, provide for public hearings, and make findings of fact concerning threatened plant closures or reductions in employment.

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 authority delegated to the Assistant Administrator for Solid Waste and Emergency Response is limited to conducting investigations and evaluations.

b. The authority delegated to the Assistant Administrator for Enforcement and Compliance Monitoring is limited to providing for public hearings and to making findings of fact subject to the Administrative Procedures Act.

4. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.

5. ADDITIONAL REFERENCES.

a. Section 110(e) of CERCLA.

b. Section 554, Title 5 of the United States Code.

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

14-30. Acquisition of Property

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

a. To determine whether real property affected by a Federal- or State-lead Fund-financed response shall be acquired;

b. To authorize the acquisition of appropriate interest in the real property; and

c. To obtain agreement from the affected State to accept transfer of a property interest acquired by EPA following completion of the response.

2. TO WHOM DELEGATED. 1.a. is delegated to the Assistant Administrator for Solid Waste and Emergency Response and Regional Administrators; 1.b. is delegated to the Assistant Administrator for Solid Waste and Emergency Response with regard to EPA acquisitions and to the Regional Administrators with regard to acquisitions under cooperative agreements; 1.c. is delegated to Regional Administrators.

3. LIMITATIONS.

a. Before making a determination that real property shall be acquired by EPA or pursuant to a cooperative agreement for response action, including a removal, remedial planning activity, or remedial action, the Assistant Administrator for Solid Waste and Emergency Response or his/her delegatee must obtain the advance concurrence of the General Counsel or his/her designee, and Regional Administrators or their delegates must obtain the advance concurrence of the Assistant Administrator for Solid Waste and Emergency Response and the General Counsel or their designees. The Assistant Administrator for Solid Waste and Emergency Response and the General Counsel or their designees may waive the advance concurrence requirement by memorandum.

b. Before EPA acquires an interest in real property for the purpose of a response action, including a removal, remedial planning activity, or remedial action, the Assistant Administrator for Solid Waste and Emergency Response or his/her delegatee must obtain the advance concurrence of the General Counsel or his/her designee. The General Counsel or his/her designee may waive the advance concurrence requirement by memorandum.

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

14-30. Acquisition of Property (cont')

4. REDELEGATION AUTHORITY. The Assistant Administrator for Solid Waste and Emergency Response and Regional Administrators may redelegate authority to the Division Director level.

5. ADDITIONAL REFERENCES.

- a. Section 104 of CERCLA.
- b. 40 CFR Part 30, Federal Procurement Practices.

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

14-31. Administrative Penalty Actions

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), to make determinations of violations under section 109, to assess penalties, to issue notices, orders or complaints, and to compile the administrative record upon which the violation was found or the penalty was imposed, and to negotiate and sign consent orders memorializing settlements under Section 109 between the Agency and respondents.
2. TO WHOM DELEGATED. Regional Administrators.
3. LIMITATIONS. Regional Administrators or their delegates must notify the Assistant Administrator for Solid Waste and Emergency Response or his/her designee when exercising any of the above authorities.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES.
  - a. All applicable Agency guidance and directives.
  - b. Section 109 of CERCLA.



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

14-32. Administrative Enforcement: Agency Representation at Hearings

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), to represent the Agency in administrative enforcement actions following issuance of an administrative complaint or order under CERCLA Section 109 and/or 5 U.S.C. Section 554; to negotiate consent agreements between the Agency and respondents resulting from such enforcement actions; to initiate an administrative appeal from an administrative determination, and to represent the Agency in such appeals.

2. TO WHOM DELEGATED. Regional Administrators.

3. LIMITATIONS. This authority may only be exercised after the alleged violator files an answer, or fails to file an answer within the appropriate timeframe.

4. REDELEGATION AUTHORITY. This authority may be redelegated.

5. ADDITIONAL REFERENCES.

- a. All applicable Agency guidance and directives.
- b. Section 109 of CERCLA.

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

14-33. Administrative Enforcement: Issuance of Final Orders

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), to issue final orders resulting from administrative enforcement actions under Section 109 of CERCLA.

2. TO WHOM DELEGATED. The Chief Judicial Officer.

3. LIMITATIONS.

a. The Chief Judicial Officer and delegates may not be employed by the Office of Enforcement and Compliance Monitoring or by any program office with responsibility for taking enforcement actions against the type of violation at issue in the involved proceeding.

b. If this authority is redelegated to other Judicial Officers, decisions rendered pursuant to redelegated authority must be with the written concurrence of the Chief Judicial Officer.

4. REDELEGATION AUTHORITY. This authority may be redelegated in individual proceedings to other Judicial Officers. Nothing in this delegation shall preclude the Chief Judicial Officer from referring any motion or other matter in any proceeding to the Administrator when the Chief Judicial Officer determines referral to be appropriate.

5. ADDITIONAL REFERENCES.

- a. Section 109 of CERCLA.
- b. Delegation 1-38, "Adjudicatory Proceedings."
- c. All applicable Agency guidance and directives.

THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT (SARA)14-34. Waiver of Permit Requirements in the State of Illinois

1. AUTHORITY. Pursuant to the Superfund Amendments and Reauthorization Act (SARA), to approve or deny a waiver by the State of Illinois of any permit requirement under Subtitle C of the Solid Waste Disposal Act, which would otherwise be applicable to State remedial actions involving onsite mobile incinerator units.

2. TO WHOM DELEGATED. Regional Administrator, Region 5, and the Assistant Administrator for Solid Waste and Emergency Response.

3. LIMITATIONS.

a. Statutory conditions must be met regarding prohibition of offsite transfer, protectiveness of the remedial action, and public participation.

b. Waiver authority terminates on October 17, 1989 unless the State demonstrates that operation of mobile incinerators in the State has sufficiently protected public health and the environment and is consistent with the criteria required for a permit under Subtitle C of the Solid Waste Disposal Act.

c. The Assistant Administrator for Solid Waste and Emergency Response is authorized to determine whether the State has met the requirements of section 118(i)(3) of SARA.

4. REDELEGATION AUTHORITY. This authority may not be redelegated.

5. ADDITIONAL REFERENCES. Section 118(i) of SARA.

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

14-35. List of Hazardous Substances and Toxicological Profiles

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

a. In cooperation with the Administrator of the Agency for Toxic Substances and Disease Registry (ATSDR), to prepare and revise periodically a prioritized list of hazardous substances that are most commonly found at facilities on the National Priorities List and that pose the most significant potential threat to human health;

b. In cooperation with the Administrator of ATSDR, to develop guidelines for the development of toxicological profiles for each of the listed hazardous substances.

2. TO WHOM DELEGATED. Assistant Administrator for Pesticides and Toxic Substances.

3. LIMITATIONS. The Assistant Administrator for Pesticides and Toxic Substances or his/her delegatee must consult with the Assistant Administrator for Solid Waste and Emergency Response and with the Assistant Administrator for Research and Development or their designees when exercising the authorities specified in paragraphs 1.a and 1.b.

4. REDELEGATION. This authority may be redelegated.

5. ADDITIONAL REFERENCES. Sections 104(i)(2) and (3) of CERCLA.

\*[Note that CERCLA section 104(j) is printed in the middle of Section 104(i). Sections 104(i)(2) and (3) can be found on pages 24-25 of Senate Print 99-217, "The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) (P.L. 96-510), as amended by the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499)," December 1986.]

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

14-36. Lead Contaminated Soil

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

a. to designate one to three different metropolitan areas and to allocate among them up to \$15 million for pilot program activities described in 1.b;

b. to approve, award, and administer grant(s) or cooperative agreement(s) to a State, local government or other recipient to carry out a pilot program for removal, decontamination, or other action with respect to lead-contaminated soil.

2. TO WHOM DELEGATED. The authority in 1.a is delegated to the Assistant Administrator for Solid Waste and Emergency Response. The authority in 1.b is delegated to Regional Administrators responsible for the metropolitan areas designated in 1.a.

3. LIMITATIONS. Prior to the award of a grant or cooperative agreement under the authority in 1.b, Regional Administrators or their delegates must obtain the advance concurrence of the Assistant Administrator for Solid Waste and Emergency Response or his/her designee.

4. REDELEGATION AUTHORITY. The Assistant Administrator for Solid Waste and Emergency Response (AA/OSWER) may redelegate the authority in 1.a to the Director, Office of Emergency and Remedial Response. Regional Administrators may redelegate the authority in 1.b to the Division Director level.

4. ADDITIONAL REFERENCES.

a. Section 111(a) of CERCLA.

b. 40 CFR 30 and 40 CFR 33, EPA grant regulations.

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

14-37. Reimbursement to Local Governments

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), to receive, evaluate, and make determinations regarding requests for reimbursement to local community authorities for expenses incurred in carrying out temporary emergency measures in response to releases or threatened releases of hazardous substances, pollutants, or contaminants. This authority is to include authorizing payment.
2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response.
3. LIMITATIONS. During the five-fiscal-year period beginning October 1, 1986, not more than 0.1 percent of the total amount appropriated from the Fund may be used for such reimbursements.
4. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
5. ADDITIONAL REFERENCES.
  - a. Sections 111(c)(11) and 123 of CERCLA.
  - b. Agency regulations on reimbursement to local governments for temporary emergency measures.

SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT (SARA)14-38. EPA Role in Department of Defense Environmental Restoration Program

1. AUTHORITY. Pursuant to Title 10, United States Code, Chapter 160, as amended by Section 211 of the Superfund Amendments and Reauthorization Act of 1986 (SARA):

a. To provide consultation to the Secretary of Defense or his/her designee(s) to carry out a program of environmental restoration at facilities under his/her jurisdiction.

b. To provide cooperation and consultation to the Secretary of Defense or his/her designee(s) to carry out a program of research, development and demonstration with respect to hazardous wastes.

c. To prepare health advisories at the request of the Secretary of Defense; using such sums transferred from amounts appropriated to the Department of Defense.

d. To receive and comment on notices of release and proposals for response actions under Chapter 160, § 2705, Department of Defense environmental restoration activities.

2. TO WHOM DELEGATED. The Assistant Administrator for Solid Waste and Emergency Response, the Assistant Administrator for Research and Development, the Assistant Administrator for Water, and Regional Administrators.

3. LIMITATIONS.

a. The Assistant Administrator for Solid Waste and Emergency Response or his/her delegatee may exercise authorities 1.a, 1.b and 1.d only.

b. Regional Administrators or their delegates may exercise authorities 1.a and 1.d only.

c. The Assistant Administrator for Research and Development or his/her delegates may exercise authority 1.b only, and shall consult with the Assistant Administrator for Solid Waste and Emergency Response or his/her designee when providing consultation to the Secretary of Defense under this authority.

d. The Assistant Administrator for Water or his/her delegatee may exercise authority 1.c only, and shall consult with the Assistant Administrator for Research and Development or his/her designee when preparing health advisories under this authority.

4. REDELEGATION AUTHORITY. The above authorities may be redelegated.

DELEGATIONS MANUAL

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THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT

14-38. EPA Role in Department of Defense Environmental  
Restoration Program (cont')

5. ADDITIONAL REFERENCES.

a. Section 211 of SARA.

b. Title 10, United States Code, Chapter 160, Sections 2701, 2702, 2704, and 2705 ("Armed Forces, Environmental Restoration").



SOLID WASTE DISPOSAL ACT (SWDA)8-33. Selection and Performance of Federal Corrective Actions  
at Leaking Underground Storage Tanks

1. AUTHORITY. Pursuant to Subtitle I of the Solid Waste Disposal Act as amended (SWDA), to determine the necessity of and to select Federal corrective actions at leaking underground storage tanks containing petroleum, to enter property and to perform such corrective actions.

2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response and Regional Administrators.

3. LIMITATIONS.

a. Regional Administrators or their delegates may exercise this authority only for requests for obligations not exceeding \$50,000, and must comply with Federal lead UST corrective action guidance issued by the Assistant Administrator for Solid Waste and Emergency Response.

b. If this authority is redelegated, the Director, Office of Emergency and Remedial Response, must obtain the advance concurrence of the Director, Office of Underground Storage Tanks.

4. REDELEGATION AUTHORITY.

a. This authority may be redelegated by the Assistant Administrator for Solid Waste and Emergency Response to the Director, Office of Emergency and Remedial Response.

b. Regional Administrators may redelegate this authority to Division Directors, who may then redelegate to On-Scene Coordinators.

5. ADDITIONAL REFERENCES.

- a. Superfund Removal directives.
- b. Section 9005(a) of SWDA.
- c. Section 9003(h) of SWDA.
- d. UST corrective action procedures.

TITLE III OF THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT  
(TITLE III of SARA)  
"Emergency Planning and Community Right to Know Act"

22-1. Civil Judicial Enforcement Actions

1. AUTHORITY. To request the Attorney General to appear and represent the Agency in any civil enforcement actions pursuant to Title III of the Superfund Amendments and Reauthorization Act (SARA); to intervene in any civil enforcement actions instituted under Title III of SARA; 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 or his/her delegatee must notify the Assistant Administrator for Solid Waste and Emergency Response, the Assistant Administrator for Pesticides and Toxic Substances, and the appropriate Regional Administrator or their designees when exercising the authority described above.

b. The General Counsel or his/her delegatee may exercise this authority only in regard to civil appeals.

c. Any appeal authority will be exercised jointly by the General Counsel and the Assistant Administrator for Enforcement and Compliance Monitoring, or their delegates.

4. REDELEGATION AUTHORITY. The authority to request the Attorney General to decline to prosecute a previously referred civil enforcement action may be redelegated to the Division Director level. The other authorities cited in paragraph 1 above may be redelegated.

5. ADDITIONAL REFERENCES. Title III of SARA, Section 325.

TITLE III OF THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT  
(TITLE III of SARA)  
"Emergency Planning and Community Right to Know Act"

22-2. Criminal Judicial Enforcement Actions

1. AUTHORITY. To cause criminal matters under Title III of the Superfund Amendments and Reauthorization Act (SARA) to be referred to the Department of Justice for assistance in field investigation, for initiation of a grand jury investigation, for prosecution under Title III of SARA and to prosecute such action to conclusion, including appeals.
2. TO WHOM DELEGATED. Assistant Administrator for Enforcement and Compliance Monitoring and the General Counsel.
3. LIMITATIONS.
  - a. The General Counsel or his/her delegatee may exercise this authority only in regard to criminal appeals.
  - b. Any appeal authority will be exercised jointly by the General Counsel and the Assistant Administrator for Enforcement and Compliance Monitoring or their delegates.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES. Title III of SARA, Section 325.

TITLE III OF THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT  
(TITLE III of SARA)  
"Emergency Planning and Community Right to Know Act"

22-3. Administrative Enforcement Actions

1. AUTHORITY. To take any administrative enforcement action under Title III of the Superfund Amendments and Reauthorization Act (SARA) including but not limited to issuing compliance orders, issuing warning letters or other notices, conducting hearings and representing the Agency in such hearings, assessing and collecting penalties, and issuing subpoenas.

2. TO WHOM DELEGATED. Assistant Administrator for Solid Waste and Emergency Response, Assistant Administrator for Pesticides and Toxic Substances, and Regional Administrators.

3. LIMITATIONS.

a. The Assistant Administrator for Solid Waste and Emergency Response or his/her delegatee may exercise this authority only in regard to sections 302, 303, 304, 311, 312, 322 and 323 of Title III of SARA, and must notify the appropriate Regional Administrator when exercising this authority. The Assistant Administrator for Solid Waste and Emergency Response or delegatee must consult with the Assistant Administrator for Enforcement and Compliance Monitoring or designee when conducting hearings, representing the Agency at such hearings, and issuing subpoenas, unless such consultation is waived by memorandum.

b. The Assistant Administrator for Pesticides and Toxic Substances or his/her delegatee may exercise this authority only in regard to sections 313, 322 and 323 of Title III, and must notify the appropriate Regional Administrator when exercising this authority. The Assistant Administrator for Pesticides and Toxic Substances or his/her delegatee must consult with the Assistant Administrator for Enforcement and Compliance Monitoring or designee when conducting hearings, representing the Agency at such hearings, and issuing subpoenas, unless such consultation is waived by memorandum.

c. Regional Administrators or their delegates must consult with the Assistant Administrator for Solid Waste and Emergency Response or the Assistant Administrator for Pesticides and Toxic Substances, or their designees, as appropriate, before exercising this authority, unless such consultation is waived by memorandum.

4. REDELEGATION AUTHORITY. This authority may be redelegated.

5. ADDITIONAL REFERENCES. Title III of SARA, Section 325.

TITLE III OF THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT  
(TITLE III of SARA)  
"Emergency Planning and Community Right to Know Act"

22-4. Notification by States of Facilities Subject to Planning Requirements

1. AUTHORITY. Pursuant to section 302(d) of Title III of the Superfund Amendments and Reauthorization Act (SARA), to receive notifications from State emergency response commissions of facilities subject to the requirements of Subtitle A of Title III of SARA.
2. TO WHOM DELEGATED. Assistant Administrator for the Office of Solid Waste and Emergency Response and Regional Administrators.
3. REDELEGATION AUTHORITY. This authority may be redelegated.
4. ADDITIONAL REFERENCES. Title III of SARA, Section 302.

TITLE III OF THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT  
(TITLE III of SARA)

"Emergency Planning and Community Right to Know Act"

22-5. Receipt of Petitions to List/Delist Chemicals and Responses  
to Petitions

1. AUTHORITY. Pursuant to section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA), to receive petitions to add or delete chemicals from the list of chemicals subject to toxic chemical release reporting under section 313(c), to publish an explanation of why any such petition is denied, and to sign rulemakings to modify the list.

2. TO WHOM DELEGATED. Assistant Administrator for the Office of Pesticides and Toxic Substances.

3. REDELEGATION AUTHORITY. This authority may be redelegated.

4. ADDITIONAL REFERENCES.

a. Committee Print Number 99-169 of the Senate Committee on Environment and Public Works ("Toxic Chemicals Subject to Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986").

b. Title III of SARA, Section 313.

c. Start Action Request #2425 to establish a standing workgroup to review petitions.

TITLE III OF THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT  
(TITLE III of SARA)

"Emergency Planning and Community Right to Know Act"

22-6. Receipt of Toxic Chemical Release Forms  
and National Toxic Chemical Inventory

1. AUTHORITY. Pursuant to section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA):

a. To receive toxic chemical release forms submitted by the owners or operators of facilities;

b. To establish and maintain in a computer database pursuant to Section 313(j) for the purpose of maintaining a national toxic chemical inventory submitted under section 313(a);

c. To make these data accessible by computer telecommunications and other means to any person on a cost-reimbursable basis;

d. To establish policies regarding fees and to waive fees when in the public interest.

2. TO WHOM DELEGATED. Assistant Administrator for the Office of Pesticides and Toxic Substances.

3. REDELEGATION AUTHORITY. Authorities delegated in 1.a, 1.b, 1.c and the authority to waive fees in 1.d may be redelegated. The authority in 1.d to establish policies on waiving of fees may be redelegated to the Division Director level.

4. ADDITIONAL REFERENCES.

a. Title III of SARA, Section 313.

b. Waiving of fees must be done in accordance with established policies.

TITLE III OF THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT  
(TITLE III OF SARA)  
"Emergency Planning and Community Right to Know Act"

22-7. Trade Secrets

1. AUTHORITY. Pursuant to section 322 of Title III of the Superfund Amendments and Reauthorization Act (SARA):

- a. To receive trade secret information under section 322(a) of SARA.
- b. To accept petitions for disclosure of trade secret information and to make determinations regarding sufficiency of substantiations and regarding trade secrecy under section 322(d).
- c. To handle appeals under the petition process for disclosure of trade secret information.

2. TO WHOM DELEGATED.

a. The authority in paragraphs 1.a and 1.b is delegated to the Assistant Administrator for Solid Waste and Emergency Response with regard to sections 303, 311, and 312 of Title III of SARA.

b. The authority in paragraphs 1.a and 1.b is delegated to the Assistant Administrator for Pesticides and Toxic Substances with regard to section 313 of Title III of SARA.

c. The authority in paragraph 1.c is delegated to the General Counsel.

3. LIMITATIONS. The Assistant Administrator for the Office of Pesticides and Toxic Substances, the Assistant Administrator for the Office of Solid Waste and Emergency Response, and the General Counsel or their delegates will consult with Regional Administrators when exercising the above authority, as needed on a site-specific basis.

4. REDELEGATION AUTHORITY. This authority may be redelegated to the Office Director level or to the Director of the Preparedness Staff.

5. ADDITIONAL REFERENCES. Section 322 of SARA.



## Presidential Documents

Executive Order 12316 of August 14, 1981

### Responses to Environmental Damage

By the authority vested in me as President of the United States of America by Section 115 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (94 Stat. 2798; 42 U.S.C. 9615), it is hereby ordered as follows:

**Section 1. *National Contingency Plan.*** (a) The National Contingency Plan, hereinafter referred to as the NCP and which was originally published pursuant to Section 311 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321), shall be amended to contain the implementing procedures for the coordination of response actions to releases of hazardous substances into the environment.

(b) The NCP shall contain a concept of a national response team composed of representatives of appropriate Executive agencies for the coordination of response actions. The national response team shall, in addition to representatives of other appropriate agencies, include representatives of the following: Department of State, Department of Defense, Department of Justice, Department of the Interior, Department of Agriculture, Department of Commerce, Department of Labor, Department of Health and Human Services, Department of Transportation, Department of Energy, Environmental Protection Agency, Federal Emergency Management Agency, and United States Coast Guard.

(c) The responsibility for the amendment of the NCP and all of the other functions vested in the President by Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, hereinafter referred to as the Act (42 U.S.C. 9605), is delegated to the Administrator of the Environmental Protection Agency.

(d) In accord with Section 111(b)(1) of the Act and Section 311(f)(5) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321(f)(5)), the following shall be among those designated in the NCP as Federal trustees for natural resources:

(1) Secretary of Defense.

(2) Secretary of the Interior.

(3) Secretary of Agriculture.

(4) Secretary of Commerce.

(e) Amendments to the NCP shall be coordinated with members of the national response team prior to publication for notice and comment. Amendments shall also be coordinated with the Federal Emergency Management Agency and the Nuclear Regulatory Commission in order to avoid inconsistent or duplicative requirements in the emergency planning responsibilities of those agencies.

(f) All amendments to the NCP, whether in proposed or final form, shall be subject to review and approval by the Director of the Office of Management and Budget.

**Sec. 2. *Response Authorities.*** (a) The functions vested in the President by the first sentence of Section 104(b) of the Act relating to "illness, disease, or

complaints thereof" are delegated to the Secretary of Health and Human Services who shall, in accord with Section 104(i) of the Act, perform those functions through the Public Health Service.

(b)(1) The functions vested in the President by Section 101(24) of the Act, to the extent they require a determination by the President that "permanent relocation of residents and businesses and community facilities" is included within the terms "remedy" or "remedial action" as defined in Section 101(24) of the Act, are delegated to the Director of the Federal Emergency Management Agency.

(2) The functions vested in the President by Section 104(a) of the Act, to the extent they require permanent relocation of residents, businesses, and community facilities or temporary evacuation and housing of threatened individuals not otherwise provided for, are delegated to the Director of the Federal Emergency Management Agency.

(c) The functions vested in the President by Section 104 (a) and (b) of the Act are delegated to the Secretary of Defense with respect to releases from Department of Defense facilities or vessels, including vessels owned or bareboat chartered and operated.

(d) Subject to subsections (a), (b), and (c) of this Section, the functions vested in the President by Sections 101(24) and 104 (a) and (b) of the Act are delegated to the Secretary of the Department in which the Coast Guard is operating, hereinafter referred to as the Coast Guard, with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(e) Subject to subsections (a), (b), (c), and (d) of this Section, the functions vested in the President by Sections 101(24) and 104 (a) and (b) of the Act are delegated to the Administrator of the Environmental Protection Agency, hereinafter referred to as the Administrator.

(f) The functions vested in the President by Section 104 (c), (d), (f), (g), and (h) of the Act are delegated to the Coast Guard, the Secretary of Health and Human Services, the Director of the Federal Emergency Management Agency, and the Administrator in order to carry out the functions delegated to them by subsections (a), (b), (d), and (e) of this Section. The exercise of authority under Section 104(h) of the Act shall be subject to the approval of the Administrator of the Office of Federal Procurement Policy.

(g) The functions vested in the President by Section 104(e)(2)(C) of the Act are delegated to the Administrator; all other functions vested in the President by Section 104(e) of the Act are delegated to the Secretary of Defense, the Secretary of Health and Human Services, the Coast Guard, the Director of the Federal Emergency Management Agency, and the Administrator of the Environmental Protection Agency, in order to carry out the functions delegated to them by this Section.

**Sec. 3. Abatement Action.** (a) The functions vested in the President by Section 106(a) of the Act are delegated to the Coast Guard with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(b) Subject to subsection (a) of this Section, the functions vested in the President by Section 106(a) of the Act are delegated to the Administrator.

**Sec. 4. Liability.** (a) The function vested in the President by Section 107(c)(1)(C) of the Act is delegated to the Secretary of Transportation.

(b) The functions vested in the President by Section 107(c)(3) of the Act are delegated to the Coast Guard with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(c) Subject to subsection (b) of this Section, the functions vested in the President by Section 107(c)(3) of the Act are delegated to the Administrator.

(d) The functions vested in the President by Section 107(f) of the Act are delegated to each of the Federal trustees for natural resources set forth in Section 1(d) of this Order for resources under their trusteeship.

**Sec. 5. Financial Responsibility.** (a) The functions vested in the President by Section 107(k)(4)(B) of the Act are delegated to the Secretary of the Treasury. The Administrator will provide the Secretary with such technical information and assistance as the Administrator may have available.

(b) The functions vested in the President by Section 108(a) of the Act are delegated to the Federal Maritime Commission. Notwithstanding Section 1(d) of Executive Order No. 12291, the regulations issued pursuant to this authority shall be issued in accordance with that Order. The Commission shall be responsible, in accord with Section 109 of the Act, for the enforcement of civil penalties for violations of the regulations issued under Section 108(a) of the Act.

(c) The functions vested in the President by Section 108(b) of the Act are delegated to the Secretary of Transportation with respect to all transportation related facilities, including any pipeline, motor vehicle, rolling stock, or aircraft.

(d) Subject to subsection (c) of this Section, the functions vested in the President by Section 108(b) of the Act are delegated to the Administrator.

**Sec. 6. Employee Protection and Notice to Injured.** (a) The functions vested in the President by Section 110(e) of the Act are delegated to the Secretary of Labor.

(b) The functions vested in the President by Section 111(g) of the Act are delegated to the Secretary of Defense with respect to releases from Department of Defense facilities or vessels, including vessels owned or bare-boat chartered and operated.

(c) Subject to subsection (b) of this Section, the functions vested in the President by Section 111(g) of the Act are delegated to the Administrator.

**Sec. 7. Management of the Hazardous Substance Response Trust Fund and Claims.** (a) The functions vested in the President by Section 111(a) of the Act are delegated to the Administrator, subject to the provisions of this Section and applicable provisions of this Order.

(b) The Administrator shall transfer, to transfer appropriation accounts for other agencies, from the Hazardous Substance Response Trust Fund, out of sums appropriated, such amounts as the Administrator may determine necessary to carry out the purposes of the Act. These allocations shall be consistent with the President's Budget, within the amounts approved by the Congress, unless a revised allocation is approved by the Director of the Office of Management and Budget.

(c) The Administrator shall chair a budget task force composed of representatives of agencies having responsibilities under this Order or the Act. The Administrator shall also, as part of the budget request for the Environmental Protection Agency, submit a budget for the Hazardous Substance Response Trust Fund which is based on recommended allocations developed by the budget task force. The Administrator may prescribe reporting and other forms, procedures, and guidelines to be used by the agencies of the Task Force in preparing the budget request.

(d) The Administrator and each agency head to whom funds are allocated pursuant to this Section, with respect to funds allocated to them, are authorized in accordance with Section 111(f) of the Act to designate Federal officials who may obligate such funds.

(e) The functions vested in the President by Section 112 of the Act are delegated to the Administrator for all claims presented pursuant to Section 111.

**Sec. 8. General Provisions.** (a) Notwithstanding any other provision of this Order, any representation pursuant to or under this Order in any judicial or quasi-judicial proceedings shall be by or through the Attorney General. The conduct and control of all litigation arising under the Act shall be the responsibility of the Attorney General.

(b) Notwithstanding any other provision of this Order, the President's authority under the Act to require the Attorney General to commence litigation is retained by the President.

(c) The functions vested in the President by Section 301 of the Act are delegated as follows:

(1) With respect to subsection (a), to the Administrator in consultation with the Secretary of the Treasury.

(2) With respect to subsection (b), to the Secretary of the Treasury.

(3) With respect to subsection (c), to the Secretary of the Interior.

(4) With respect to subsection (f), to the Administrator.

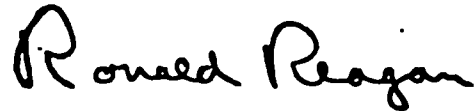
(d) The Attorney General shall manage and coordinate the study provided for in Section 301(e) of the Act.

(e) The performance of any function under this Order shall be done in consultation with interested agencies represented on the national response team, as well as with any other interested agency.

(f) Certain functions vested in the President by the Act which have been delegated or assigned by this Order may be redelegated to the head of any agency with his consent; those functions which may be redelegated are those set forth in Sections 2, 3, 4(b), 4(c), and 6(c) of this Order.

(g) Executive Order No. 12286 of January 19, 1981, is revoked.

THE WHITE HOUSE,  
August 14, 1981.



## Presidential Documents

Executive Order 12580 of January 23, 1987

### Superfund Implementation

By the authority vested in me as President of the United States of America by Section 115 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. 9615 *et seq.*) ("the Act"), and by Section 301 of Title 3 of the United States Code, it is hereby ordered as follows.

**Section 1. *National Contingency Plan.*** (a)(1) The National Contingency Plan ("the NCP"), shall provide for a National Response Team ("the NRT") composed of representatives of appropriate Federal departments and agencies for national planning and coordination of preparedness and response actions, and regional response teams as the regional counterpart to the NRT for planning and coordination of regional preparedness and response actions.

(2) The following agencies (in addition to other appropriate agencies) shall provide representatives to the National and Regional Response Teams to carry out their responsibilities under the NCP: Department of State, Department of Defense, Department of Justice, Department of the Interior, Department of Agriculture, Department of Commerce, Department of Labor, Department of Health and Human Services, Department of Transportation, Department of Energy, Environmental Protection Agency, Federal Emergency Management Agency, United States Coast Guard, and the Nuclear Regulatory Commission.

(3) Except for periods of activation because of a response action, the representative of the Environmental Protection Agency ("EPA") shall be the chairman and the representative of the United States Coast Guard shall be the vice chairman of the NRT and these agencies' representatives shall be co-chairs of the Regional Response Teams ("the RRTs"). When the NRT or an RRT is activated for a response action, the chairman shall be the EPA or United States Coast Guard representative, based on whether the release or threatened release occurs in the inland or coastal zone, unless otherwise agreed upon by the EPA and United States Coast Guard representatives.

(4) The RRTs may include representatives from State governments, local governments (as agreed upon by the States), and Indian tribal governments. Subject to the functions and authorities delegated to Executive departments and agencies in other sections of this Order, the NRT shall provide policy and program direction to the RRTs.

(b)(1) The responsibility for the revision of the NCP and all of the other functions vested in the President by Sections 105(a), (b), (c), and (g), 125, and 301(f) of the Act is delegated to the Administrator of the Environmental Protection Agency ("the Administrator").

(2) The function vested in the President by Section 118(p) of the Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499) ("SARA") is delegated to the Administrator.

(c) In accord with Section 107(f)(2)(A) of the Act and Section 311(f)(5) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321(f)(5)), the following shall be among those designated in the NCP as Federal trustees for natural resources:

(1) Secretary of Defense;

(2) Secretary of the Interior:

(3) Secretary of Agriculture.

(4) Secretary of Commerce.

(5) Secretary of Energy

(d) Revisions to the NCP shall be made in consultation with members of the NRT prior to publication for notice and comment. Revisions shall also be made in consultation with the Director of the Federal Emergency Management Agency and the Nuclear Regulatory Commission in order to avoid inconsistent or duplicative requirements in the emergency planning responsibilities of those agencies.

(e) All revisions to the NCP, whether in proposed or final form, shall be subject to review and approval by the Director of the Office of Management and Budget ("OMB").

**Sec. 2. Response and Related Authorities.** (a) The functions vested in the President by the first sentence of Section 104(b)(1) of the Act relating to "illness, disease, or complaints thereof" are delegated to the Secretary of Health and Human Services who shall, in accord with Section 104(i) of the Act, perform those functions through the Public Health Service.

(b) The functions vested in the President by Sections 104(e)(7)(C), 113(k)(2), 119(c)(7), and 121(f)(1) of the Act, relating to promulgation of regulations and guidelines, are delegated to the Administrator, to be exercised in consultation with the NRT.

(c)(1) The functions vested in the President by Sections 104(a) and the second sentence of 126(b) of the Act, to the extent they require permanent relocation of residents, businesses, and community facilities or temporary evacuation and housing of threatened individuals not otherwise provided for, are delegated to the Director of the Federal Emergency Management Agency.

(2) Subject to subsection (b) of this Section, the functions vested in the President by Sections 117(a) and (c), and 119 of the Act, to the extent such authority is needed to carry out the functions delegated under paragraph (1) of this subsection, are delegated to the Director of the Federal Emergency Management Agency.

(d) Subject to subsections (a), (b) and (c) of this Section, the functions vested in the President by Sections 104(a), (b) and (c)(4), 113(k), 117(a) and (c), 119, and 121 of the Act are delegated to the Secretaries of Defense and Energy, with respect to releases or threatened releases where either the release is on or the sole source of the release is from any facility or vessel under the jurisdiction, custody or control of their departments, respectively, including vessels bare-boat chartered and operated. These functions must be exercised consistent with the requirements of Section 120 of the Act.

(e)(1) Subject to subsections (a), (b), (c), and (d) of this Section, the functions vested in the President by Sections 104(a), (b), and (c)(4), and 121 of the Act are delegated to the heads of Executive departments and agencies, with respect to remedial actions for releases or threatened releases which are not on the National Priorities List ("the NPL") and removal actions other than emergencies, where either the release is on or the sole source of the release is from any facility or vessel under the jurisdiction, custody or control of those departments and agencies, including vessels bare-boat chartered and operated. The Administrator shall define the term "emergency", solely for the purposes of this subsection, either by regulation or by a memorandum of understanding with the head of an Executive department or agency.

(2) Subject to subsections (b), (c), and (d) of this Section, the functions vested in the President by Sections 104(b)(2), 113(k), 117(a) and (c), and 119 of the Act are delegated to the heads of Executive departments and agencies, with respect to releases or threatened releases where either the release is on or the sole source of the release is from any facility or vessel under the jurisdiction,

custody or control of those departments and agencies, including vessels bare boat chartered and operated.

(f) Subject to subsections (a), (b), (c), (d), and (e) of this Section, the function vested in the President by Sections 104(a), (b) and (c)(4), 113(k), 117(a) and (c) 119 and 121 of the Act are delegated to the Secretary of the Department in which the Coast Guard is operating ("the Coast Guard"), with respect to any release or threatened release involving the coastal zone, Great Lakes waters ports, and harbors

(g) Subject to subsections (a), (b), (c), (d), (e), and (f) of this Section, the functions vested in the President by Sections 101(24), 104(a), (b), (c)(4) and (c)(9), 113(k), 117(a) and (c), 119, 121, and 126(b) of the Act are delegated to the Administrator. The Administrator's authority under Section 119 of the Act is retroactive to the date of enactment of SARA.

(h) The functions vested in the President by Section 104(c)(3) of the Act are delegated to the Administrator, with respect to providing assurances for Indian tribes, to be exercised in consultation with the Secretary of the Interior

(i) Subject to subsections (d), (e), (f), (g) and (h) of this Section, the functions vested in the President by Section 104(c) and (d) of the Act are delegated to the Coast Guard, the Secretary of Health and Human Services, the Director of the Federal Emergency Management Agency, and the Administrator in order to carry out the functions delegated to them by this Section.

(j)(1) The functions vested in the President by Section 104(e)(5)(A) are delegated to the heads of Executive departments and agencies, with respect to releases or threatened releases where either the release is on or the sole source of the release is from any facility or vessel under the jurisdiction, custody or control of those departments and agencies, to be exercised with the concurrence of the Attorney General.

(2) Subject to subsection (b) of this Section and paragraph (1) of this subsection, the functions vested in the President by Section 104(e) are delegated to the heads of Executive departments and agencies in order to carry out their functions under this Order or the Act.

(k) The functions vested in the President by Section 104(f), (g), (h), (i)(11), and (j) of the Act are delegated to the heads of Executive departments and agencies in order to carry out the functions delegated to them by this Section. The exercise of authority under Section 104(h) of the Act shall be subject to the approval of the Administrator of the Office of Federal Procurement Policy.

**Sec. 3. Cleanup Schedules.** (a) The functions vested in the President by Sections 118(a) and the first two sentences of 105(d) of the Act are delegated to the heads of Executive departments and agencies with respect to facilities under the jurisdiction, custody or control of those departments and agencies.

(b) Subject to subsection (a) of this Section, the functions vested in the President by Sections 118 and 105(d) are delegated to the Administrator.

**Sec. 4. Enforcement.** (a) The functions vested in the President by Sections 109(d) and 122(e)(3)(A) of the Act, relating to development of regulations and guidelines, are delegated to the Administrator, to be exercised in consultation with the Attorney General.

(b)(1) Subject to subsection (a) of this Section, the functions vested in the President by Section 122 (except subsection (b)(1)) are delegated to the heads of Executive departments and agencies, with respect to releases or threatened releases not on the NPL where either the release is on or the sole source of the release is from any facility under the jurisdiction, custody or control of those Executive departments and agencies. These functions may be exercised only with the concurrence of the Attorney General.

(2) Subject to subsection (a) of this Section, the functions vested in the President by Section 109 of the Act, relating to violations of Section 122 of the Act, are delegated to the heads of Executive departments and agencies, with

respect to releases or threatened releases not on the NPL where either the release is on or the sole source of the release is from any facility under the jurisdiction, custody or control of those Executive departments and agencies. These functions may be exercised only with the concurrence of the Attorney General.

(c)(1) Subject to subsection (a) and (b)(1) of this Section, the functions vested in the President by Sections 106(a) and 122 of the Act are delegated to the Coast Guard with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(2) Subject to subsection (a) and (b)(2) of this Section, the functions vested in the President by Section 109 of the Act, relating to violations of Sections 103 (a) and (b), and 122 of the Act, are delegated to the Coast Guard with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(d)(1) Subject to subsections (a), (b)(1), and (c)(1) of this Section, the functions vested in the President by Sections 106 and 122 of the Act are delegated to the Administrator.

(2) Subject to subsections (a), (b)(2), and (c)(2) of this Section, the functions vested in the President by Section 109 of the Act, relating to violations of Sections 103 and 122 of the Act, are delegated to the Administrator.

(e) Notwithstanding any other provision of this Order, the authority under Sections 104(e)(5)(A) and 106(a) of the Act to seek information, entry, inspection, samples, or response actions from Executive departments and agencies may be exercised only with the concurrence of the Attorney General.

**Sec. 5. Liability.** (a) The function vested in the President by Section 107(c)(1)(C) of the Act is delegated to the Secretary of Transportation.

(b) The functions vested in the President by Section 107(c)(3) of the Act are delegated to the Coast Guard with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(c) Subject to subsection (b) of this Section, the functions vested in the President by Section 107(c)(3) of the Act are delegated to the Administrator.

(d) The functions vested in the President by Section 107(f)(1) of the Act are delegated to each of the Federal trustees for natural resources designated in the NCP for resources under their trusteeship.

(e) The functions vested in the President by Section 107(f)(2)(B) of the Act, to receive notification of the state natural resource trustee designations, are delegated to the Administrator.

**Sec. 6. Litigation.** (a) Notwithstanding any other provision of this Order, any representation pursuant to or under this Order in any judicial proceedings shall be by or through the Attorney General. The conduct and control of all litigation arising under the Act shall be the responsibility of the Attorney General.

(b) Notwithstanding any other provision of this Order, the authority under the Act to require the Attorney General to commence litigation is retained by the President.

(c) The functions vested in the President by Section 113(g) of the Act, to receive notification of a natural resource trustee's intent to file suit, are delegated to the heads of Executive departments and agencies with respect to response actions for which they have been delegated authority under Section 2 of this Order. The Administrator shall promulgate procedural regulations for providing such notification.

(d) The functions vested in the President by Sections 310 (d) and (e) of the Act, relating to promulgation of regulations, are delegated to the Administrator.

**Sec. 7. Financial Responsibility.** (a) The functions vested in the President by Section 107(k)(4)(B) of the Act are delegated to the Secretary of the Treasury.



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The Administrator will provide the Secretary with such technical information and assistance as the Administrator may have available

(b)(1) The functions vested in the President by Section 108(a)(1) of the Act are delegated to the Coast Guard.

(2) Subject to Section 4(a) of this Order, the functions vested in the President by Section 109 of the Act, relating to violations of Section 108(a)(1) of the Act, are delegated to the Coast Guard.

(c)(1) The functions vested in the President by Section 108(b) of the Act are delegated to the Secretary of Transportation with respect to all transportation related facilities, including any pipeline, motor vehicle, rolling stock, or aircraft.

(2) Subject to Section 4(a) of this Order, the functions vested in the President by Section 109 of the Act, relating to violations of Section 108(a)(3) of the Act, are delegated to the Secretary of Transportation.

(3) Subject to Section 4(a) of this Order, the functions vested in the President by Section 109 of the Act, relating to violations of Section 108(b) of the Act, are delegated to the Secretary of Transportation with respect to all transportation related facilities, including any pipeline, motor vehicle, rolling stock, or aircraft.

(d)(1) Subject to subsection (c)(1) of this Section, the functions vested in the President by Section 108 (a)(4) and (b) of the Act are delegated to the Administrator.

(2) Subject to Section 4(a) of this Order and subsection (c)(3) of this Section, the functions vested in the President by Section 109 of the Act, relating to violations of Section 108 (a)(4) and (b) of the Act, are delegated to the Administrator.

**Sec. 8. *Employee Protection and Notice to Injured.*** (a) The functions vested in the President by Section 110(e) of the Act are delegated to the Administrator.

(b) The functions vested in the President by Section 111(g) of the Act are delegated to the Secretaries of Defense and Energy with respect to releases from facilities or vessels under the jurisdiction, custody or control of their departments, respectively, including vessels bare-boat chartered and operated.

(c) Subject to subsection (b) of this Section, the functions vested in the President by Section 111(g) of the Act are delegated to the Administrator.

**Sec. 9. *Management of the Hazardous Substance Superfund and Claims.*** (a) The functions vested in the President by Section 111(a) of the Act are delegated to the Administrator, subject to the provisions of this Section and other applicable provisions of this Order.

(b) The Administrator shall transfer to other agencies, from the Hazardous Substance Superfund out of sums appropriated, such amounts as the Administrator may determine necessary to carry out the purposes of the Act. These amounts shall be consistent with the President's Budget, within the total approved by the Congress, unless a revised amount is approved by OMB. Funds appropriated specifically for the Agency for Toxic Substances and Disease Registry ("ATSDR"), shall be directly transferred to ATSDR, consistent with fiscally responsible investment of trust fund money.

(c) The Administrator shall chair a budget task force composed of representatives of Executive departments and agencies having responsibilities under this Order or the Act. The Administrator shall also, as part of the budget request for the Environmental Protection Agency, submit to OMB a budget for the Hazardous Substance Superfund which is based on recommended levels developed by the budget task force. The Administrator may prescribe reporting and other forms, procedures, and guidelines to be used by the agencies of the Task Force in preparing the budget request, consistent with budgetary reporting requirements issued by OMB. The Administrator shall prescribe

forms to agency task force members for reporting the expenditure of funds on a site specific basis.

(d) The Administrator and each department and agency head to whom funds are provided pursuant to this Section, with respect to funds provided to them are authorized in accordance with Section 111(f) of the Act to designate Federal officials who may obligate such funds

(e) The functions vested in the President by Section 112 of the Act are delegated to the Administrator for all claims presented pursuant to Section 111 of the Act.

(f) The functions vested in the President by Section 111(o) of the Act are delegated to the Administrator.

(g) The functions vested in the President by Section 117(e) of the Act are delegated to the Administrator, to be exercised in consultation with the Attorney General.

(h) The functions vested in the President by Section 123 of the Act are delegated to the Administrator.

(i) Funds from the Hazardous Substance Superfund may be used, at the discretion of the Administrator or the Coast Guard, to pay for removal actions for releases or threatened releases from facilities or vessels under the jurisdiction, custody or control of Executive departments and agencies but must be reimbursed to the Hazardous Substance Superfund by such Executive department or agency.

**Sec. 10. Federal Facilities.** (a) When necessary, prior to selection of a remedial action by the Administrator under Section 120(e)(4)(A) of the Act, Executive agencies shall have the opportunity to present their views to the Administrator after using the procedures under Section 1-6 of Executive Order No. 12088 of October 13, 1978, or any other mutually acceptable process. Notwithstanding subsection 1-602 of Executive Order No. 12088, the Director of the Office of Management and Budget shall facilitate resolution of any issues.

(b) Executive Order No. 12088 of October 13, 1978, is amended by renumbering the current Section 1-802 as Section 1-803 and inserting the following new Section 1-802:

"1-802. Nothing in this Order shall create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person."

**Sec. 11. General Provisions.** (a) The function vested in the President by Section 101(37) of the Act is delegated to the Administrator.

(b)(1) The function vested in the President by Section 105(f) of the Act, relating to reporting on minority participation in contracts, is delegated to the Administrator.

(2) Subject to paragraph 1 of this subsection, the functions vested in the President by Section 105(f) of the Act are delegated to the heads of Executive departments and agencies in order to carry out the functions delegated to them by this Order. Each Executive department and agency shall provide to the Administrator any requested information on minority contracting for inclusion in the Section 105(f) annual report.

(c) The functions vested in the President by Section 126(c) of the Act are delegated to the Administrator, to be exercised in consultation with the Secretary of the Interior.

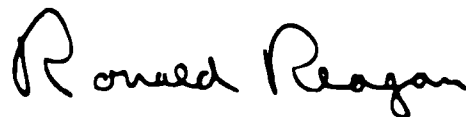
(d) The functions vested in the President by Section 301(c) of the Act are delegated to the Secretary of the Interior.

(e) Each agency shall have authority to issue such regulations as may be necessary to carry out the functions delegated to them by this Order.

(f) The performance of any function under this Order shall be done in consultation with interested Federal departments and agencies represented on the NRT, as well as with any other interested Federal agency.

(g) The following functions vested in the President by the Act which have been delegated or assigned by this Order may be redelegated to the head of any Executive department or agency with his consent functions set forth in Sections 2 (except subsection (b)), 3, 4(b), 4(c), 4(d), 5(b), 5(c), and 8(c) of this Order

(h) Executive Order No 12316 of August 14, 1981, is revoked.



THE WHITE HOUSE,  
January 23, 1987.

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

MAY 25 1988

OFFICE OF  
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Redelelegation of Authority Under CERCLA and SARA  
(OSWER Directive 9012.10)

FROM: J. Winston Porter  
Assistant Administrator

TO: Henry L. Longest II, Director  
Office of Emergency and Remedial Response

Jonathan Z. Cannon, Director  
Office of Waste Programs Enforcement

James Makris, Director  
Preparedness Staff

Thomas Devine, Director  
Office of Program Management and Technology

On September 14 and 21, 1987, the Administrator signed new and revised delegations of authority regarding activities under CERCLA as amended by the Superfund Amendments and Reauthorization Act (SARA). The purpose of this memorandum is to redelegate selected authorities to the Directors of the Offices of Emergency and Remedial Response, Waste Programs Enforcement, Program Management and Technology, and to the Director of the Preparedness Staff in order to facilitate more efficient program operation.

I want to emphasize the importance of continued cooperative consultation between the offices undertaking these authorities. Consultation between OWPE and OERR prior to agreements in principle for settlements involving mixed work or preauthorization will contribute to careful review of such proposals, since both OWPE approval of settlements and OERR approval of use of Fund monies are required. In addition, OERR and OWPE should mutually consult so that there is a consistent overall approach taken in site assessment, including public health assessments done by ATSDR, public health evaluations, and endangerment assessments.

Attachment A contains redelegations of authority to undertake specific actions. Attachment B designates responsibilities to exercise concurrence, to consult, or to receive notice. You may authorize a designee to act on your behalf with regard to any of your concurrence, consultation, and notice responsibilities.

The redelegations and designations contained in this document supersede any and all previous redelegations and designations.

Attachments

CERCLA/SARA  
REDELEGATIONS OF AUTHORITY  
FROM THE ASSISTANT ADMINISTRATOR  
FOR SOLID WASTE AND EMERGENCY RESPONSE

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

R-14-6. Inspections, Sampling, Information Gathering, Subpoenas,  
and Entry for Response

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act as amended (CERCLA), to enter any vessel, facility, establishment, place, property or location for the purposes of inspections, sampling, information gathering and response actions; to carry out inspections, sampling, and information gathering; to require the production of information and documents; to issue subpoenas; to issue compliance orders for production of information and documents; to issue compliance orders for entry and inspection; to obtain and execute warrants to support this authority; and to designate representatives of the Administrator to carry out inspections, sampling, information gathering, and response actions.

2. TO WHOM REDELEGATED. The Director of the Office of Waste Programs Enforcement (OWPE) and the Director of the Office of Emergency and Remedial Response (OERR).

3. LIMITATIONS.

a. Authority for subpoenas and compliance orders is delegated only to the Director, OWPE. Other authorities are delegated to the Director, OERR for Fund-lead sites, and to the Director, OWPE for enforcement-lead sites.

b. The Director, OWPE must consult with the Assistant Administrator for Enforcement and Compliance Monitoring, or his/her designee, prior to issuing compliance orders regarding information gathering or compliance orders for entry and inspection, or issuing subpoenas, unless or until such consultation authority is waived by memorandum.

c. The Director, OWPE and the Director, OERR must consult with the Assistant Administrator for Enforcement and Compliance Monitoring or his/her designee prior to obtaining warrants.

d. The Director, OWPE and the Director, OERR must consult with the appropriate Regional Administrator or his/her designee prior to exercising these authorities.

4. REDELEGATION AUTHORITY. This authority may be redelegated.

5. ADDITIONAL REFERENCES.

a. Sections 104(e), 109(a), 109(b) and 122(e) of CERCLA.

b. Delegation 14-6, "Inspections, Sampling, Information Gathering, Subpoenas, and Entry for Response."

c. National Contingency Plan, 40 CFR 300.



## REDELEGATION OF AUTHORITY

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

#### R-14-7. Combination of Noncontiguous Facilities for Response Purposes

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (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 REDELEGATED. The Director of the Office of Emergency and Remedial Response (OERR) and the Director of the Office of Waste Programs Enforcement (OWPE).
3. LIMITATIONS. Authority is delegated to the Director, OERR for Fund-lead sites and to the Director, OWPE for enforcement-lead sites.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES.
  - a. Section 104(d)(4) of CERCLA.
  - b. Delegation 14-7, "Combination of Noncontiguous Facilities for Response Purposes."
  - c. Guidance on combination of noncontiguous facilities can be found in 48 FR 40663 September 8, 1983 and 49 FR 37076 September 21, 1984.

## REDELEGATION OF AUTHORITY

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

#### R-14-8-A. Federal-Lead Studies and Investigations Related to Response Actions

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act as amended (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, "State-Lead Studies and Investigations Related to Remedial Actions," and to perform such studies and investigations in consultation with the State.
2. TO WHOM REDELEGATED. The Director of the Office of Emergency and Remedial Response (OERR) and the Director of the Office of Waste Programs Enforcement (OWPE).
3. LIMITATIONS.
  - a. Authority is delegated to the Director, OERR for Fund-lead sites and to the Director, OWPE for enforcement-lead sites.
  - b. This authority shall be exercised subject to the Administrator's management accountability system, and may be exercised only at sites which are contained in approved funding levels.
4. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
5. ADDITIONAL REFERENCES.
  - a. Sections 104, 116, 117, and 121 of CERCLA.
  - b. Delegation 14-8-A, "Federal-Lead Studies and Investigations Related to Response Actions."
  - c. National Contingency Plan, 40 CFR 300.
  - d. State Participation in the Superfund Program, February 1984, Volumes I and II, as amended.
  - e. Directives issued by the Assistant Administrator for Solid Waste and Emergency Response.
  - f. Strategic Planning and Management System is the Administrator's management accountability system.

## REDELEGATION OF AUTHORITY

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

#### R-14-8-B. Studies and Investigations Related to Cost Recovery and Enforcement Decisions; Special Notice

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), to make determinations as to the necessity and appropriateness of studies and investigations related to the recovery of response costs and the enforcement of the provisions of this Act, and to undertake such studies and investigations; and to make decisions, determinations, findings, notifications and non-binding allocations of responsibility under Section 122.
2. TO WHOM REDELEGATED. The Director of the Office of Emergency and Remedial Response (OERR) and the Director of the Office of Waste Programs Enforcement (OWPE).
3. LIMITATIONS. Authority is delegated to the Director, OERR for Fund-lead sites and to the Director, OWPE for enforcement-lead sites.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES.
  - a. Sections 104, 106, 107 and 122 of CERCLA.
  - b. Delegation 14-8-B, "Studies and Investigations Related to Cost Recovery and Enforcement Decisions; Special Notice."
  - c. All applicable Agency guidance and directives.
  - d. See Delegation 14-6 for issuance of Section 104(e) requests.

REDELEGATION OF AUTHORITY

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

R-14-9. Claims Asserted Against the Fund

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), to receive, evaluate, make determinations and preauthorize claims asserted against the Hazardous Substance Superfund. This authority is to include determining the amount of any award, authorizing payment, and making all other determinations necessary to process such claims.
2. TO WHOM REDELEGATED. The Director of the Office of Emergency and Remedial Response (OERR).
3. LIMITATIONS. Consultation with the Director of the Office of Waste Programs Enforcement is required on preauthorization involving potentially responsible parties (PRPs).
4. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
5. ADDITIONAL REFERENCES.
  - a. Sections 111(a), 111(e), 112, and 122 of CERCLA.
  - b. Delegation 14-9, "Claims Asserted Against the Fund."
  - c. National Contingency Plan, 40 CFR 300.

## REDELEGATION OF AUTHORITY.

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

#### R-14-10-A. State Technical Assistance

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (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 REDELEGATED. The Director of the Office of Emergency and Remedial Response (OERR) and the Director of the Office of Waste Programs Enforcement (OWPE).
3. LIMITATIONS. Authority is delegated to the Director, OERR for Fund-lead sites and to the Director, OWPE for enforcement-lead sites.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES.
  - a. Section 104(d)(3) of CERCLA.
  - b. Delegation 14-10-A, "State Technical Assistance."
  - c. Directives issued by the Assistant Administrator for Solid Waste and Emergency Response
  - d. State Participation in the Superfund Program, February, 1984, Volumes I and II as amended.

REDELEGATION OF AUTHORITY

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

R-14-16. Demand Letters

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), to prepare, sign and issue demand letters to responsible parties.
2. TO WHOM REDELEGATED. The Director of the Office of Waste Programs Enforcement.
3. REDELEGATION AUTHORITY. This authority may be redelegated.
4. ADDITIONAL REFERENCES.
  - a. Sections 104, 106, 107, 109, 113, and 122 of CERCLA.
  - b. Delegation 14-16, "Demand Letters."
  - c. All applicable Agency guidance and directives.

## REDELEGATION OF AUTHORITY

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

#### R-14-19. Contractor Indemnification

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), to approve the indemnification of response action contractors. This authority is to include authorizing payments.
2. TO WHOM REDELEGATED. The Director of the Office of Waste Programs Enforcement (OWPE) and the Director of the Office of Emergency and Remedial Response (OERR).
3. LIMITATIONS. Authority to indemnify enforcement contractors is delegated to the Director, OWPE. Consultation with the Director, OERR is required on the decision to indemnify and concurrence by the Director, OERR is required on authorization of payments (use of Fund monies). Authority to indemnify all contractors doing work to support OERR remedial and removal program activities is delegated to the Director, OERR.
4. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
5. ADDITIONAL REFERENCES.
  - a. Section 119 of CERCLA.
  - b. Delegation 14-19, "Contractor Indemnification."
  - c. Delegation of contract award authority is covered in Delegation 1-2, "Appointment of Designated Agency Procurement Executive," in Chapter 1 of the Delegations Manual.

## REDELEGATION OF AUTHORITY

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

#### R-14-21. Agreements with other Federal Agencies

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA): to consult with agencies, departments, and instrumentalities regarding investigations and studies of federal facilities conducted under section 120(e)(1); to review the plans for and results of such investigations and studies; and to enter into an agreement with the head of the department, agency or instrumentality for completion by the department, agency or instrumentality of all necessary response actions at the Federal facility.

2. TO WHOM REDELEGATED. The Director of the Office of Waste Programs Enforcement (OWPE).

3. LIMITATIONS.

a. The Director, OWPE, must obtain the concurrence of the Assistant Administrator for Enforcement and Compliance Monitoring or designee on agreements under section 120 with other Federal departments, agencies, or instrumentalities at sites where viable non-federal potentially responsible parties are identified.

b. In the signing of such agreements, the level of the signing EPA Headquarters official will be equivalent to the level of the co-signing party.

4. REDELEGATION AUTHORITY. The Director, OWPE may not redelegate authority to enter into agreements for completion of remedial actions, and may not redelegate other authorities below the Division Director level.

5. ADDITIONAL REFERENCES:

a. Section 120 of CERCLA

b. Delegation 14-21, "Agreements with other Federal Agencies."

c. Applicable Agency guidance and directives.



## REDELEGATION OF AUTHORITY

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

#### R-14-25. Notification of Trustees

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), to notify appropriate Federal and State natural resource trustees of potential damages to natural resources resulting from releases of hazardous substances, pollutants, or contaminants, and to coordinate assessments, investigations, and planning with such trustees. To notify these trustees of negotiations under section 122(j)(1) related to such release, and to receive notice of designation of State trustees under section 107(f)(2)(b).
2. TO WHOM REDELEGATED. The Director of the Office of Waste Programs Enforcement (OWPE) and the Director of the Office of Emergency and Remedial Response (OERR).
3. LIMITATIONS. Authority is delegated to the Director, OERR for Fund-lead sites and to the Director, OWPE for enforcement-lead sites.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES.
  - a. Sections 104(b)(2), 107(f)(2)(B), and 122(j)(1) of CERCLA
  - b. Delegation 14-25, "Notification of Trustees."
  - c. Applicable Agency guidance and directives
  - d. National Contingency Plan, 40 CFR 300.

## REDELEGATION OF AUTHORITY

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

#### R-14-27. Petitions for Reimbursement

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), to receive, evaluate, and make determinations regarding petitions for reimbursement of the costs of abatement actions incurred in carrying out a section 106 order. This authority includes authorizing payment.
2. TO WHOM REDELEGATED. The Director of the Office of Waste Programs Enforcement (OWPE).
3. LIMITATIONS. Concurrence of the Director of the Office of Emergency and Remedial Response is required on determinations and decisions regarding authorizing payment (use of Fund monies).
4. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
4. ADDITIONAL REFERENCES.
  - a. Section 106 of CERCLA.
  - b. Delegation 14-27, "Petitions for Reimbursement."
  - c. Applicable Agency guidance and directives.

REDELEGATION OF AUTHORITY.

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

R-14-28. Federal Agency Hazardous Waste Compliance Docket

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), to establish and maintain a Federal Agency Hazardous Waste Compliance Docket.
2. TO WHOM REDELEGATED. The Director of the Office of Waste Programs Enforcement.
3. REDELEGATION AUTHORITY. This authority may be redelegated.
4. ADDITIONAL REFERENCES.
  - a. Section 120 of CERCLA.
  - b. Delegation 14-28, "Federal Agency Hazardous Waste Compliance Docket."

## REDELEGATION OF AUTHORITY

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

#### R-14-30. Acquisition of Property

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

a. To determine whether real property affected by a Federal- or State - lead Fund-financed response shall be acquired;

b. To authorize the acquisition of appropriate interest in the real property.

2. TO WHOM REDELEGATED. The authority in 1.a is redelegated to the Director of the Office of Emergency and Remedial Response (OERR). The authority in 1.b is redelegated to the Director, OERR with regard to EPA acquisitions (and was delegated in Delegation 14-30 to Regional Administrators for acquisitions under cooperative agreements).

3. LIMITATIONS.

a. Before making a determination that real property shall be acquired by EPA for response action, including a removal, remedial planning activity, or remedial action, the Director, OERR must obtain the advance concurrence of the General Counsel or his/her designee. The General Counsel or designee may waive the advance concurrence requirement by memorandum.

b. Before EPA acquires an interest in real property for the purpose of a response action, including a removal, remedial planning activity, or remedial action, the Director, OERR must obtain the advance concurrence of the General Counsel or his/her designee. The General Counsel or his/her designee may waive the advance concurrence requirement by memorandum.

4. REDELEGATION AUTHORITY. The Director, OERR may redelegate authority to the Division Director level.

5. ADDITIONAL REFERENCES.

a. Section 104 of CERCLA.

b. Delegation 14-30, "Acquisition of Property."

c. 40 CFR Part 30, Federal Procurement Practices.

## REDELEGATION OF AUTHORITY

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

#### R-14-36. Lead Contaminated Soil

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), to designate one to three different metropolitan areas and to allocate among them up to \$15 million for pilot program for removal, decontamination, or other action with respect to lead-contaminated soil.
2. TO WHOM REDELEGATED. The Director of the Office of Emergency and Remedial Response (OERR).
3. REDELEGATION AUTHORITY. The Director, OERR may not redelegate this authority.
4. ADDITIONAL REFERENCES.
  - a. Section 111(a) of CERCLA.
  - b. Delegation 14-36, "Lead Contaminated Soil."
  - c. 40 CFR 30 and 40 CFR 33, EPA grant regulations.

## REDELEGATION OF AUTHORITY

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

#### R-14-37. Reimbursement to Local Governments

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), to receive, evaluate, and make determinations regarding requests for reimbursement to local community authorities for expenses incurred in carrying out temporary emergency measures in response to releases or threatened releases of hazardous substances, pollutants, or contaminants. This authority is to include authorizing payment.

2. TO WHOM REDELEGATED. The Director of the Office of Emergency and Remedial Response.

3. LIMITATIONS. During the five-fiscal-year period beginning October 1, 1986, not more than 0.1 percent of the total amount appropriated from the Fund may be used for such reimbursements.

4. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.

#### 5. ADDITIONAL REFERENCES.

- a. Sections 111(c)(11) and 123 of CERCLA.
- b. Delegation 14-37, "Reimbursement to Local Governments."
- c. Agency regulations on reimbursement to local governments for temporary emergency measures.

## REDELEGATION OF AUTHORITY

### SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT (SARA)

#### R-14-38. EPA Role in Department of Defense Environmental Restoration Program

1. AUTHORITY. Pursuant to Title 10, United States Code, Chapter 160, as amended by Section 211 of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

a. To provide consultation to the Secretary of Defense or his/her designee(s) to carry out a program of environmental restoration at facilities under his/her jurisdiction.

b. To provide cooperation and consultation to the Secretary of Defense or his/her designee(s) to carry out a program of research, development and demonstration with respect to hazardous wastes.

c. To receive and comment on notices of release and proposals for response actions under Chapter 160, § 2705, Department of Defense environmental restoration activities.

2. TO WHOM REDELEGATED. The authority in 1.a and 1.c is redelegated to the Director of the Office of Waste Programs Enforcement (OWPE). The authority in 1.b is redelegated to the Director of the Office of Program Management and Technology.

#### 3. LIMITATIONS.

a. The Director, OWPE will consult with the Director of the Office of Emergency and Remedial Response when exercising the above authorities.

b. The Office of Emergency and Remedial Response (OERR) will provide consultation to the Department of Defense (coordinated with OWPE) on program and project implementation with respect to OERR guidance documents.

4. REDELEGATION AUTHORITY. The above authorities may be redelegated.

#### 5. ADDITIONAL REFERENCES.

a. Section 211 of SARA.

b. Delegation 14-38, "EPA Role in Department of Defense Environmental Restoration Program."

c. Title 10, United States Code, Chapter 160, Sections 2701, 2702, 2704, and 2705 ("Armed Forces, Environmental Restoration").

## REDELEGATION OF AUTHORITY

### SOLID WASTE DISPOSAL ACT (SWDA)

#### R-8-33. Selection and Performance of Federal Corrective Actions at Leaking Underground Storage Tanks

1. AUTHORITY. Pursuant to Subtitle I of the Solid Waste Disposal Act as amended (SWDA), to determine the necessity of and to select Federal corrective actions at leaking underground storage tanks containing petroleum, to enter property and to perform such corrective actions.
2. TO WHOM REDELEGATED. The Director of the Office of Emergency and Remedial Response.
3. LIMITATIONS. The Director, Office of Emergency and Remedial Response, must obtain the advance concurrence of the Director, Office of Underground Storage Tanks, and must consult with the Director, Office of Waste Programs Enforcement.
4. REDELEGATION AUTHORITY. The Director, Office of Emergency and Remedial Response, may not redelegate this authority.
5. ADDITIONAL REFERENCES.
  - a. Superfund Removal directives.
  - b. Section 9005(a) of SWDA.
  - c. Section 9003(h) of SWDA.
  - d. Delegation 8-33, "Selection and Performance of Federal Corrective Actions at Leaking Underground Storage Tanks."
  - e. UST corrective action procedures.
  - f. "Underground Storage Tank Corrective Action Technologies," EPA/625/6-87-015, January 1987.



## REDELEGATION OF AUTHORITY

### TITLE III OF THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT (TITLE III of SARA) "Emergency Planning and Community Right to Know Act"

#### R-22-3. Administrative Enforcement Actions

1. AUTHORITY. To take any administrative enforcement action under Title III of the Superfund Amendments and Reauthorization Act (SARA) including but not limited to issuing compliance orders, issuing warning letters or other notices, conducting hearings and representing the Agency in such hearings, assessing and collecting penalties, and issuing subpoenas.
2. TO WHOM REDELEGATED. The Director of the Office of Waste Programs Enforcement.
3. LIMITATIONS.
  - a. The Director, Office of Waste Program Enforcement (OWPE), may exercise this authority only in regard to sections 302, 303, 304, 311, 312, 322, and 323 of Title III of SARA, and must notify the appropriate Regional Administrator when exercising this authority.
  - b. The Director, OWPE must consult with the Assistant Administrator for Enforcement and Compliance Monitoring or designee when conducting hearings, representing the Agency at such hearings, and issuing subpoenas, unless such consultation is waived by memorandum.
4. REDELEGATION AUTHORITY. This authority may be redelegated.
5. ADDITIONAL REFERENCES.
  - a. Title III of SARA, Section 325.
  - b. Delegation 22-3, "Administrative Enforcement Actions."

REDELEGATION OF AUTHORITY.

TITLE III OF THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT  
(TITLE III OF SARA)  
"Emergency Planning and Community Right to Know Act"

R-22-7. Trade Secrets

1. AUTHORITY. Pursuant to section 322 of Title III of the Superfund Amendments and Reauthorization Act (SARA):

a. To receive trade secret information under section 322(a) of SARA.

b. To accept petitions for disclosure of trade secret information and to make determinations regarding sufficiency of substantiations and regarding trade secrecy under section 322(d).

2. TO WHOM REDELEGATED. The authority in paragraphs 1.a and 1.b is redelegated to the Director of the Preparedness Staff with regard to sections 303, 311, and 312 of Title III of SARA.

3. LIMITATIONS. The Director, Preparedness Staff will consult with Regional Administrators when exercising this authority, as needed on a site-specific basis.

4. REDELEGATION AUTHORITY. This authority may not be redelegated.

5. ADDITIONAL REFERENCES.

a. Section 322 of SARA.

b. Delegation 22-7, "Trade Secrets."

REDELEGATION OF AUTHORITY TO  
EXERCISE CONCURRENCE, TO CONSULT  
OR TO RECEIVE NOTICE

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

R-14-1-A. Selection and Performance of Removal Actions  
Costing Up to \$2,000,000

1. AUTHORITY. To concur with Regional Administrators' decisions prior to initiation of a removal action at non-NPL sites where the proposed action is on the List of Nationally Significant or Precedent-Setting Removal Action Categories.
2. DESIGNEE. The Director of the Office of Emergency and Remedial Response.
3. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
4. LIMITATIONS. The Director of the Office of Emergency and Remedial Response may exercise this authority only with regard to concurrences. The authority to nonconcur is retained by the Assistant Administrator for Solid Waste and Emergency Response or designee.
5. ADDITIONAL REFERENCES.
  - a. Sections 104, 121(d), and 121(e) of CERCLA.
  - b. Delegation 14-1-A, "Selection and Performance of Removal Actions Costing Up to \$2,000,000."
  - c. National Contingency Plan, 40 CFR 300.
  - d. Superfund Removal directives.
  - e. The \$2,000,000 limit includes all extramural costs and Headquarters and Regional intramural costs, except for Section 104(b) studies and all enforcement costs.
  - f. List of Nationally Significant or Precedent-Setting Removal Categories.

REDELEGATION OF AUTHORITY TO  
EXERCISE CONCURRENCE, TO CONSULT  
OR TO RECEIVE NOTICE

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

R-14-10-B. State Legal Assistance

1. AUTHORITY. To receive notice from the Assistant Administrator for Enforcement and Compliance Monitoring (AA/OECM) or designee before the AA/OECM or designee exercises the authority 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 before the AA/OECM exercises the authority to request the Attorney General to intervene in any civil actions involving the enforcement of such contract or subcontract.
2. DESIGNEE. The Director of the Office of Emergency and Remedial Response and the Director of the Office of Waste Programs Enforcement.
3. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
4. ADDITIONAL REFERENCES.
  - a. Section 104(d)(3) of CERCLA.
  - b. Delegation 14-10-B, "State Legal Assistance."

REDELEGATION OF AUTHORITY TO  
EXERCISE CONCURRENCE, TO CONSULT  
OR TO RECEIVE NOTICE

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

R-14-12. Civil Judicial Enforcement Actions

1. AUTHORITY. To receive notice from the Assistant Administrator for Enforcement and Compliance Monitoring or designee when a civil enforcement case is referred to the Attorney General and when an appeal is formally initiated under Delegation 14-12.
2. DESIGNEE. The Director of the Office of Waste Programs Enforcement.
3. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
4. ADDITIONAL REFERENCES.
  - a. Memorandum of Understanding between the Agency and the Department of Justice.
  - b. Sections 104, 106, 107, 109, and 122 of CERCLA.
  - c. Delegation 14-12, "Civil Judicial Enforcement Actions."
  - d. See delegation 14-13-C, entitled "Emergency TROs," for Regional Administrators' authority to make direct referrals of requests for emergency CERCLA Temporary Restraining Orders.
  - e. All applicable Agency guidance and directives.

REDELEGATION OF AUTHORITY TO  
EXERCISE CONCURRENCE, TO CONSULT  
OR TO RECEIVE NOTICE

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

R-14-13-C. Emergency TROs

1. AUTHORITY. To receive notice from the Assistant Administrator for Enforcement and Compliance Monitoring or delegatee and Regional Administrators when requests for emergency Temporary Restraining Orders are referred to the Attorney General.
2. DESIGNEE. The Director of the Office of Waste Programs Enforcement.
3. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
4. ADDITIONAL REFERENCES.
  - a. Memorandum of Understanding between the Agency and the Department of Justice.
  - b. Sections 106(a), 106(b) and 107 of CERCLA.
  - c. Delegation 14-13-C, "Emergency TROs."
  - d. For referral of other civil actions under CERCLA, see Delegation 14-12, "Civil Judicial Enforcement Actions."

REDELEGATION OF AUTHORITY TO  
EXERCISE CONCURRENCE, TO CONSULT  
OR TO RECEIVE NOTICE

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

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

1. AUTHORITY. To consult with Regional Administrators on determinations of imminent and substantial endangerment to public health or welfare or the environment.
2. DESIGNÉE. The Director, Office of Waste Programs Enforcement (OWPE).
3. LIMITATIONS. The Director of the Office of Emergency and Remedial Response must be notified when such consultation occurs.
4. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
5. ADDITIONAL REFERENCES.
  - a. Section 106(a) of CERCLA.
  - b. Delegation 14-14-A, "Determinations of Imminent and Substantial Endangerment."

REDELEGATION OF AUTHORITY TO  
EXERCISE CONCURRENCE, TO CONSULT  
OR TO RECEIVE NOTICE

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

14-14-B. Administrative Actions Through Unilateral Orders

1. AUTHORITY. To consult with Regional Administrators on their administrative actions, including, but not limited to, their issuance of such unilateral orders as may be necessary to protect public health and welfare and the environment, under Delegation 14-14-B.
2. DESIGNEE. The Director of the Office of Waste Programs Enforcement.
3. LIMITATIONS. The Director of the Office of Emergency and Remedial Response must be notified when such consultation occurs.
4. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
5. ADDITIONAL REFERENCES.
  - a. Sections 104, 106, and 122 of CERCLA.
  - b. Delegation 14-14-B, "Administrative Actions Through Unilateral Orders."
  - c. Applicable Agency guidance and OSWER directives.



REDELEGATION OF AUTHORITY TO  
EXERCISE CONCURRENCE, TO CONSULT  
OR TO RECEIVE NOTICE

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

R-14-14-C. Administrative Actions Through Consent Orders

1. AUTHORITY. To exercise advance concurrence on Regional Administrators' administrative actions, including, but not limited to, the issuance of consent orders, under Delegation 14-14-C, and to waive such advance concurrence by memorandum.
2. DESIGNEE. The Director of the Office of Waste Programs Enforcement.
3. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
4. LIMITATIONS. The Director of the Office of Waste Programs Enforcement may exercise this authority only with regard to concurrences. The authority to nonconcur is retained by the Assistant Administrator for Solid Waste and Emergency Response designee.
5. ADDITIONAL REFERENCES.
  - a. Sections 104, 106, and 122 of CERCLA.
  - b. Delegation 14-14-C, "Administrative Actions Through Consent Orders."
  - c. All applicable Agency guidance and directives.
  - d. Authority to enter into or exercise Agency concurrence authority for non-judicial cost recovery agreements or administrative orders is delegated in 14-14-D, "Cost Recovery Non-Judicial Agreements and Administrative Consent Orders."
  - e. Authority to enter into or exercise Agency concurrence authority in de minimis settlements under CERCLA Section 122(g) is delegated in Delegation 14-14-E, "De Minimis Settlements."
  - f. Memorandum dated February 2, 1984 from Lee Thomas to Regional Administrators on waiver of advance Headquarters' concurrence on some Administrative orders.
  - g. Memorandum dated January 3, 1985 from Gene Lucero to Regional Administrators on waiver of advance concurrence requirements for certain consent administrative orders.

REDELEGATION OF AUTHORITY TO  
EXERCISE CONCURRENCE, TO CONSULT  
OR TO RECEIVE NOTICE

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

R-14-14-D. Cost Recovery Non-Judicial Agreements and Administrative  
Consent Orders

1. AUTHORITY. To consult with Regional Administrators on settlements under Delegation 14-14-D where the total response costs at the facility exceed \$500,000 (excluding interest) and the settlement compromises a claim of the United States, and to waive such consultation by memorandum.
2. DESIGNEE. The Director of the Office of Waste Programs Enforcement.
3. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
4. ADDITIONAL REFERENCES.
  - a. Sections 104, 107, and 122 of CERCLA.
  - b. Delegation 14-14-D, "Cost Recovery Non-Judicial Agreements and Administrative Consent Orders."
  - c. All applicable Agency guidance and directives.
  - d. Authority to enter consent orders for administrative actions is delegated in 14-14-C, "Administrative Actions Through Consent Orders."
  - e. Authority to enter into or exercise Agency concurrence authority in de minimis settlements under CERCLA Section 122(g) is delegated in Delegation 14-14-E, "De Minimis Settlements."

REDELEGATION OF AUTHORITY TO  
EXERCISE CONCURRENCE, TO CONSULT  
OR TO RECEIVE NOTICE

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

R-14-18-A. Alternative Treatment Technology Research,  
Development, Demonstration, and Training

1. AUTHORITY. To concur in advance on the decision of the Assistant Administrator for Research and Development or delegatee to undertake technology demonstrations.
2. DESIGNEE. The Director of the Office of Program Management and Technology (OPMT).
3. LIMITATIONS. The Director, OPMT will consult with the Director of the Office of Emergency and Remedial Response before exercising the above authority.
4. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
5. ADDITIONAL REFERENCES.
  - a. Section 311(b) of CERCLA.
  - b. Delegation 14-18-A, "Alternative Treatment Technology Research, Development, Demonstration, and Training
  - c. SITE Program Strategy.
  - d. SITE Program Operations Plan.

REDELEGATION OF AUTHORITY TO  
EXERCISE CONCURRENCE, TO CONSULT  
OR TO RECEIVE NOTICE

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

R-14-24. Grants for Technical Assistance

1. AUTHORITY. To exercise advance concurrence on Regional Administrators' waiver of the limit of \$50,000 per grant recipient under CERCLA section 117(e)(2), and to waive such advance concurrence by memorandum.
2. DESIGNEE. The Director of the Office of Emergency and Remedial Response.
3. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
4. ADDITIONAL REFERENCES.
  - a. Section 117(e) of CERCLA.
  - b. Delegation 14-24, "Grants for Technical Assistance."
  - c. Agency grant regulations, 40 CFR 30 and 40 CFR 33.
  - d. Agency regulations under section 117(e).
  - e. The authority to execute assistance agreements is delegated in Delegation 1-14.

REDELEGATION OF AUTHORITY TO  
EXERCISE CONCURRENCE, TO CONSULT  
OR TO RECEIVE NOTICE

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

R-14-26. Federal Lien

1. AUTHORITY. To receive notice from Regional Administrators when they file notice and assert Federal and maritime liens under Delegation 14-26.
2. DESIGNEE. The Director of the Office of Waste Programs Enforcement.
3. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
4. ADDITIONAL REFERENCES.
  - a. Sections 107(1) and (m) of CERCLA.
  - b. Delegation 14-26, "Federal Lien."
  - c. Delegation 14-12, "Civil Judicial Enforcement Actions."

REDELEGATION OF AUTHORITY TO  
EXERCISE CONCURRENCE, TO CONSULT  
OR TO RECEIVE NOTICE

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

R-14-30. Acquisition of Property

1. AUTHORITY. To exercise advance concurrence on Regional Administrators' determination that real property affected by a Federal- or State-lead Fund-financed response (including a removal, remedial planning activity, or remedial action) shall be acquired, and to exercise advance concurrence on Regional Administrators' authorization of property acquisition through a cooperative agreement for response action. To waive such advance concurrence by memorandum.
2. DESIGNEE. The Director of the Office of Emergency and Remedial Response.
3. LIMITATIONS. Consultation required with the General Counsel, whose advance concurrence with Regional Administrators is also required.
4. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
5. ADDITIONAL REFERENCES.
  - a. Section 104 of CERCLA.
  - b. Delegation 14-30, "Acquisition of Property."

REDELEGATION OF AUTHORITY TO  
EXERCISE CONCURRENCE, TO CONSULT  
OR TO RECEIVE NOTICE

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

R-14-31. Administrative Penalty Actions

1. AUTHORITY. To receive notice from Regional Administrators of determinations of violations under CERCLA section 109, assessment of penalties, issuance of notices, orders or complaints, and the negotiation and signing of consent orders of settlements under section 109 between the Agency and respondents.
2. DESIGNEE. The Director of the Office of Waste Programs Enforcement.
3. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
4. ADDITIONAL REFERENCES.
  - a. All applicable Agency guidance and directives.
  - b. Delegation 14-31, "Administrative Penalty Actions."
  - c. Section 109 of CERCLA.

REDELEGATION OF AUTHORITY TO  
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THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,  
COMPENSATION, AND LIABILITY ACT (CERCLA)

R-14-35. List of Hazardous Substances and Toxicological Profiles

1. AUTHORITY. To consult with Assistant Administrator for Pesticides and Toxic Substances or delegatee when preparing or revising the list of hazardous substances and when developing guidelines for the development of toxicological profiles for such substances under Delegation 14-35.
2. DESIGNEE. The Director of the Office of Emergency and Remedial Response.
3. REDELEGATION AUTHORITY. This authority may be redelegated.
4. ADDITIONAL REFERENCES.

a. Sections 104(1)(2) and (3) of CERCLA.

b. Delegation 14-35, "List of Hazardous Substances and Toxicological Profiles."

\*[Note that CERCLA section 104(j) is printed in the middle of Section 104(1). Sections 104(1)(2) and (3) can be found on pages 24-25 of Senate Print 99-217, "The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) (P.L. 96-510), as amended by the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499)," December 1986.]



REDELEGATION OF AUTHORITY TO  
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THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,  
COMPENSATION, AND LIABILITY ACT (CERCLA)

Re-14-36. ~ Lead Contaminated Soil

1. AUTHORITY. To exercise concurrence in advance of Regional Administrators' award of grants or cooperative agreement to a State, local government, or other recipient to carry out a pilot program for removal, decontamination, or other action with respect to lead-contaminated soil.
2. DESIGNEE. The Director of the Office of Emergency and Remedial Response (OERR).
3. REDELEGATION AUTHORITY. This authority may be redelegated to the Division Director level.
4. ADDITIONAL REFERENCES.
  - a. Section 111(a) of CERCLA.
  - b. Delegation 14-36, "Lead Contaminated Soil."
  - c. 40 CFR 30 and 40 CFR 33, EPA grant regulations.

REDELEGATION OF AUTHORITY TO  
EXERCISE CONCURRENCE, TO CONSULT  
OR TO RECEIVE NOTICE

SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT (SARA)

R-14-38. EPA Role in Department of Defense Environmental  
Restoration Program

1. AUTHORITY. To consult with the Assistant Administrator for Research and Development or delegatee when consultation is provided to the Secretary of Defense to carry out a program of research, development and demonstration with respect to hazardous wastes.
2. DESIGNEE. The Director of the Office of Program Management and Technology.
3. REDELEGATION AUTHORITY. This authority may be redelegated.
4. ADDITIONAL REFERENCES.
  - a. Section 211 of SARA.
  - b. Delegation 14-38; "EPA Role in Department of Defense Environmental Restoration Program."
  - c. Title 10, United States Code, Chapter 160, Sections 2701, 2702, 2704, and 2705 ("Armed Forces, Environmental Restoration").

REDELEGATION OF AUTHORITY TO  
EXERCISE CONCURRENCE, TO CONSULT  
OR TO RECEIVE NOTICE

TITLE III OF THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT  
(TITLE III of SARA)

"Emergency Planning and Community Right to Know Act"

R-22-1. Civil Judicial Enforcement Actions

1. AUTHORITY. To receive notice from the Assistant Administrator for Enforcement and Compliance Monitoring (AA/OECM) or delegatee when the Attorney General is requested to appear and represent the Agency in any civil enforcement action or to intervene in any civil enforcement action pursuant to Title III of the Superfund Amendments and Reauthorization Act (SARA); to receive notice from the AA/OECM when the Attorney General is requested to decline to prosecute a previously referred civil enforcement action, and when the Attorney General is requested to initiate an appeal and represent the Agency in such an appeal.
2. DESIGNEE. The Director of the Office of Waste Programs Enforcement.
3. REDELEGATION AUTHORITY. This authority may be redelegated.
4. ADDITIONAL REFERENCES.
  - a. Title III of SARA, Section 325.
  - b. Delegation 22-1, "Civil Judicial Enforcement Action."

REDELEGATION OF AUTHORITY TO  
EXERCISE CONCURRENCE, TO CONSULT  
OR TO RECEIVE NOTICE

TITLE III OF THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT  
(TITLE III of SARA)  
"Emergency Planning and Community Right to Know Act"

R-22-3. Administrative Enforcement Actions

1. AUTHORITY. To consult with Regional Administrators in advance of their exercising administrative enforcement authority under SARA Title III, Sections 302, 303, 304, 311, 312, 322, and 323; and to waive such advance consultation by memorandum.
2. DESIGNEE. The Director of the Office of Waste Programs Enforcement.
3. REDELEGATION AUTHORITY. This authority may be redelegated.
4. ADDITIONAL REFERENCES.
  - a. Title III SARA, Section 325.
  - b. Delegation 22-3, "Administrative Enforcement Actions."