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OFFICE OF CERCLA LEGAL SUPPORT

ORIENTATION BINDER

Prepared by Tom Hernandez, Paralegal Specialist
September 29, 2008

Thomas Hernandez/R4/USEPA/US

10/30/2008 04:32 PM

To Patricia Strougal/R4/USEPA/US@EPA, Rudy Tanasijevich/R4/USEPA/US@EPA, Karen Singer/R4/USEPA/US@EPA, Kevin

cc Thomas Hernandez/R4/USEPA/US@EPA, Chalon Davis/R4/USEPA/US@EPA

bcc

Subject Final Roll -out of Tom's 9/29/08 Version of the CERCLA Legal Support Attorney Orientation Manual

Thanks to Chalon's efforts, everybody has their copy now. Marshall and Suzanne Armor received theirs around 10/01/08. I have one extra copy in case the Front Office wants one. Please be aware that TAB "O" (Region 4 CERCLA Expertise Roster) won't be available from management until perhaps after the two new RCRA positions are filled.

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A1 5/02/08

OFFICE OF ENVIRONMENTAL ACCOUNTABILITY (OEA) OPERATING PROCEDURES FOR FRONT OFFICE STAFF

November 2003

BACK UP SCHEDULE

The front office back up schedule is prepared by the Executive Staff Assistant quarterly, January, May, and September, and is sent electronically one week before the beginning of the next quarter, to all OEA support staff and managers. Each schedule will list the names of the individuals, alphabetically by first name, responsible for front office coverage, should the need arise, during each of the four months. Since most of the support staff is on a compressed schedule, it is the responsibility of each individual to arrange for a replacement in the event she will be out of the office during her respective month. The back up schedule format can be found on the "g" drive under "user" and then "shared." Hard copies of previous schedules can be found in a red file folder in the bottom drawer on the far left side of the desk. Always print a copy for the folder for future reference.

CALENDAR - Regional Counsel

The Executive Staff Assistant is responsible for maintaining the Regional Counsel's calendar electronically. This is done using the calendar found in Lotus Notes. This is a share drive system which allows both the Executive Staff Assistant and the Regional Counsel access to the calendar. All requests for meetings and appointments should be directed to and entered by the Executive Staff Assistant. It is not necessary to ask the Regional Counsel's permission to schedule meetings and appointments unless you believe it is a request from someone outside of the Agency who may be unknown to the Regional Counsel.

When scheduling meetings or appointments, always include a telephone number for the person requesting the meeting or appointment. The same holds true when arranging conference calls, always include the number and the access code, if it is a Headquarters call. The access code is normally a four-digit number followed by the pound sign, e.g., 7325#.

Daily "management time" has been allotted on the calendar to afford the Regional Counsel the time necessary to return telephone calls or review in-box documents. That time slot may be used to schedule meetings if no other calendar time is available.

CALENDAR - Regional Counsel (Continued)

There is also a once a week "open door" time slot allotted on the calendar to allow staff members who wish to speak with the Regional Counsel the opportunity to do so. Again, that time slot may be used to schedule meetings if no one has requested calendar time.

There are Headquarters conference calls scheduled on Wednesdays of each month. Each call is unrelated to the others. All of these calls have been scheduled through December 2003. When inputting information for 2004, it is suggested that the Executive Staff Assistant review the Regional Counsel's calendar for the months of November and December to ensure all Headquarters' conference calls have been added.

A copy of the next day's calendar of meetings and appointments should be printed and given to the Regional Counsel before the end of each day.

CONFERENCE ROOM SCHEDULER

At the present time, although all OEA staff has access to view the scheduler, only the front office staff has the capability to input information into the system. The procedure for scheduling is that all requests, except same day, should be sent to all of the front office staff simultaneously to ensure that, in the event of absences, the request is received. The electronic request should contain the specific room, date and time frame needed. Once the information is received and the room scheduled, a confirmation reply should be sent to all involved.

For same day requests, to expedite confirmation, a telephone call is acceptable. Before a confirmation is given, make sure all outstanding electronic requests have been honored.

CONTROLLED CORRESPONDENCE

There are three variations of controlled correspondence - congressional, regional, and internal OEA controls. The Executive Staff Assistant has the primary responsibility for processing and tracking controlled correspondence but, an alternate should be in place in the event of absences. All controls have a **10-day response time** and, because of deadlines, **all controls should be hand-carried to the appropriate individual.**

The **Congressional** controlled correspondence is hand-delivered in a yellow folder with a blue routing slip attached. At the present time, Mary Holiday-Frazier is the contact person for these controls. The **Regional** controlled correspondence is hand-delivered in a blue folder by Julia Mooney. Any requests for extension of due dates must be sent electronically by the individual assigned to prepare the response to either Mary or Julia with a cc to the Executive Staff Assistant. If an extension is granted, Mary or Julia will electronically respond to all with the new date.

CONTROLLED CORRESPONDENCE (Continued)

Internal OEA controls are determined by the Executive Staff Assistant based on incoming correspondence addressed to the Regional Counsel and requiring a written response. The same 10-day deadline is established by the Executive Staff Assistant.

The National Correspondence Tracking Information Management System (NCTIMS) is the electronic system currently used to record all controlled correspondence. **Julia Mooney, at extension 2-8302, has agreed to train all of the OEA support staff on how to maintain the NCTIMS system.** She will come down to the Executive Staff Assistant's work area for a group training and, if necessary, will do one-on-one training at your desk. **It is suggested that this training be arranged as soon as possible since OEA receives controlled correspondence on a regular basis.**

At the present time, all pending controlled correspondence documents are located in the top right-hand side of the Executive Staff Assistant's desk.

CORRESPONDENCE LOG

This log is located on the credenza in front of the Executive Staff Assistant's desk. It is divided into two sections - General and Signature. All incoming documents addressed to the Regional Counsel or Associate Director for Legal Support should be entered into the General section of the log. All documents requiring the Regional Counsel or Associate Director's signature should be logged in and out using the Signature section of the log. If a document is returned by the Regional Counsel to the originator for corrections, that information and date should be noted in the correspondence log.

EXPRESS MAIL (Overnight Deliveries)

This mail is delivered twice a day to the desk of the Executive Staff Assistant by the 9th floor mail room personnel. You will be asked to electronically sign for all documents received. The mail room has instituted a labeling system which will give the name of the addressee as well as the time received. This label can be found on the front of the document. As long as that system is in effect, it is not necessary to date stamp the envelope. In the event, the label is not visible, each envelope must be opened and the back of the first page of the document date stamped using either the stamp machine located in the front office or the machine in the mail room. The mail is then placed in the individual's mail slot.

In some instances, there is no name specified on the outside of the envelope which means the envelope must be opened. The majority of unaddressed envelopes in OEA are bankruptcy issues and should be given to Kevin Beswick. In the event you cannot determine who should receive unaddressed mail, Bill Anderson can assist you.

MAIL DISTRIBUTION SCHEDULE

The mail schedule is prepared by the Executive Staff Assistant and done on a monthly basis with each individual responsible for distributing the mail twice a day,one week out of a month. This schedule is also prepared alphabetically by first name and sent to all support staff and managers. Again, it is the responsibility of each individual to arrange for a replacement in the event she will be out of the office during her respective week. The mail distribution schedule format can also be found on the "g" drive under "user" and then "shared." Hard copies of previous schedules can be found in a red file folder in the bottom drawer on the far left side of the desk. Always print a copy for future reference and place it in the file folder.

MAIL - FRONT OFFICE STAFF

The front office box in the mail room should be checked twice a day. All mail addressed to either the Regional Counsel or the Associate Director for Legal Support should be opened unless marked "Personal," "Confidential," or "To Be Opened By Addressee Only." The envelopes can be discarded. A personalized routing slip should be also be attached to the Regional Counsel's incoming mail. These slips can be found on the right-hand side of the Executive Staff Assistant's desk (behind the post-it notepads).

MAIL - REGIONAL ADMINISTRATOR'S

On a daily basis, the Regional Administrator's office receives incoming mail that is directed to OEA or other divisions. This mail is placed in "mail boxes" located on the 14th floor. There is a box labeled for each division within the Agency. This system is used in lieu of interoffice mail since it has proven to be a faster method of sending information from one division to another. In the past, the SEE employee was responsible for general mail distribution and picking up the mail from the 14th floor twice a day. In the absence of a SEE employee and, since the office is short-staffed, the front office support staff has assumed this responsibility. It would be most helpful if all of the support staff assisted in this effort by checking the box whenever you are on the 14th floor. The contents should be delivered to the Executive Staff Assistant who is responsible for logging in and distributing this mail. The boxes are located in the vicinity of the Regional Administrator's office. There is a door adjacent to the open window where the secretary to the Chief of Staff is located. The door leads to a hallway where you will see the brown file boxes on the left hand side of the hall.

MANAGEMENT TEAM MEETINGS

These meetings are held every Tuesday at 10:00 a.m. in conference room 13B. The Executive Staff Assistant should include this meeting on the Regional Counsel's calendar as a repeated meeting through the year. The conference room should also be reserved for the entire year.

If it becomes necessary to reschedule the management team meeting, the Executive Staff Assistant should notify all managers, note the new date and time on the Regional Counsel's calendar and schedule the conference room.

REGIONAL ADMINISTRATOR WEEKLY REPORTS (RAWs)

Each manager is responsible for sending pertinent case information to the Regional Counsel by close of business Thursday if it is to be discussed at the Monday morning Senior Staff meetings. These RAWs are sent electronically to the Regional Counsel, the Associate Director for Legal Support, and the Executive Staff Assistant. The managers do not always have information they wish discussed but, when received, the Executive Staff Assistant will print the RAW reports as received and compile that information to be given to the Regional Counsel in advance of the Monday morning meeting.

REGIONAL COUNSEL PREFERENCES

No meetings or appointments should be scheduled before 9:00 a.m. unless at the request of the Regional Administrator's office. If an early meeting is the only option, discuss this with the Regional Counsel before scheduling. As a general rule, the Executive Staff Assistant should begin scheduling meetings at 9:30 a.m.

If a telephone call is received on the general line asking for the Regional Counsel, **do not give the caller the "private" number** (2-9566). If the Regional Counsel is out of the office or on another call, you should transfer the call into voice mail. If the Regional Counsel is in a meeting or concentrating on another matter, ask the caller to leave a name and telephone number for the Regional Counsel to return the call at a later time.

At the request of the Regional Counsel, documents should not be placed in her chair. If the matter is considered urgent, place the document on the center of her desk.

REGIONAL COUNSEL TRAVEL DOCUMENTS

Although the Regional Counsel's travel authorizations and vouchers can be prepared in Travel Manager, they can not be stamped and sent through the system electronically. Since the Deputy Regional Administrator (DRA) is the authorizing official and not in the Travel Manager system, all travel documents for the Regional Counsel must be printed, placed in a folder with a routing slip attached, and hand-carried to the DRA's secretary. She, in turn, will have the document signed and call the Executive Staff Assistant to inform her the document is ready for pick up. The Executive Staff Assistant should make a copy of the signed document to be placed in the specific travel folder and personally hand-carry the document from the DRA's office to Budget or Finance for processing.

Individual trip folders are made for the Regional Counsel and will contain a copy of the travel authorization, hotel tax exemption form, if applicable, a printed version of the SATO Virtually There airline itinerary, highlighting the flight number, departure and arrival times, and seat assignment. All hotel information, if the reservation was not made by SATO should be typed

REGIONAL COUNSEL TRAVEL DOCUMENTS (Continued)

and include the name, address, telephone number of the hotel, as well as the reservation confirmation number. When making direct hotel reservations, be sure to ask about their cancellation policy.

In the top right-hand side drawer of the Executive Staff Assistant's desk is a white envelope that contains credit card information for both the Regional Counsel and Associate Director for Legal Support. This information is used when it becomes necessary to make direct hotel reservations. When using SATO for airline and hotel reservations, that information is already contained in the profiles. Because of the confidentiality of the information, this file cabinet drawer should remain locked when not in use.

SENIOR STAFF MEETINGS

These meetings are held every Monday morning at 9:00 a.m. in the Regional Administrator's conference room on the 14th floor. In most instances, the Regional Counsel will go directly to the meeting without first stopping in the office. Since that is the case, each Friday, the Executive Staff Assistant should give the Regional Counsel all documents she will need for the Senior Staff meeting. Those documents include a copy of OEA's weekly report to Headquarters and any RAW items received to date.

WEEKLY REPORT

The weekly report is a compilation of items submitted by OEA staff members. All items for the Weekly Report are due to the Executive Staff Assistant each week by noon on Wednesdays. The final report is due in Headquarters by close of business on Thursdays. The format for the weekly report can be found on the " g-user-shared" drive under the heading, "weeklyformat.new."

The draft document should not be prepared on the g drive using the "weeklyformat.new" model letter. Copy the document from the g drive into whatever drive is normally used for preparing Word Perfect documents.

It is the responsibility of the Executive Staff Assistant to ensure that each item submitted adheres to the proper format and is grammatically correct. It is the responsibility of the staff member submitting an item to inform the Executive Staff Assistant which section the item should be placed. Once the report has been compiled, it is given to the Associate Director for Legal Support for his review. He will make whatever changes necessary and return the report to the Executive Staff Assistant to finalize and send electronically. **Once finalized, the document should be named "rg4-followed by the six-digit date," e.g., "rg4-112803" and saved to the "g-user-shared" drive.**

WEEKLY REPORT (Continued)

A group listing has been compiled to incorporate all recipients of the weekly report. To ensure the most current list is used, while sitting at the Executive Staff Assistant's computer, open Lotus Notes "Mail", scroll down to "Sent" documents, locate "Allen Barnes" name with the subject line, "New Weekly Report....." If you open that document, you can copy all pertinent information shown and paste into the new message. The secretary to the Associate Director for Legal Support should also have a copy of the recipients. Hard copies of the report are made each week and placed in a file located by her desk.

Once the Weekly Report has been sent to Headquarters, it is then placed on the OEA Bulletin Board for review by the OEA staff.

B

U.S. Environmental Protection Agency *Monday Sep 29 2008* B1

Region 4 Library

The Region 4 library is open to both our internal and external patrons. It is located at our regional headquarters -

61 Forsyth Street, SW, Sam Nunn Atlanta Federal Center, 9th Floor, Atlanta, GA 30303-8960.

Library Hours: Monday - Friday from 8:00 a.m. - 3:45 p.m. (Open to the Public) and Monday - Friday from 8:00 a.m. - 4:30 p.m. (Open to EPA Staff), and closed on federal holidays.

The Librarian is available to locate documents and answer questions. For more information, contact us at (404) 562-8190 or via facsimile at (404) 562-8114.

Information for the Region 4 Library: Core services such as interlibrary loans, catologing, online literature searches, quick and extensive reference/research requests (including business research, journal articles, etc.) are being handled by the Andrew W. Briendbach Environmental Research Center (AWBERC) located in Cincinnati, OH (a/k/a CINN Library). All requests for these core services should be submitted directly to the Cincinnati Library via phone, facsimile, e-mail (preferred), or through the intranet page: Phone: (513) 569-7703; Facsimile: (513) 569-7709; Email: CI_Awberc_Library@epamail.epa.gov , or Intranet: http://cincinnati.epa.gov/library/services/forms_region.asp

Information For Other Libraries: Many EPA documents are available through online sources. Look for a direct link to a particular document in the EPA Online Library System.

The National Center for Environmental Publications maintains and distributes, free of charge, EPA publications in hard copy, CD Rom and other formats. The current publication inventory includes over 7,000 titles.

The National Technical Information Service is the largest central resource for government-funded scientific, technical, engineering and business related information from over 200 agencies.

InsideEPA

Online journal access to: Science , Nature , Environmental Health Perspectives (EHP), and Environmental Toxicology and Chemistry (ET&C)

Library Information
- About
- Catalog
- FAQ
- Forms

Reference Sources
- Business
- Education
- EPA
- News

B 2

- **New Books**
- **Subject Lists**
- **Training**
- **Quick Reference**
- **Regulatory**
- **Scientific / Technical**

Library Satisfaction Survey

Send Comments or Questions to R4-Library or call 404.562.8190

Last updated on Wednesday, March 7th, 2007
URL: http://r4intranet.epa.gov/r4library/index.htm

C1

Thomas Hernandez/R4/USEPA/US
05/08/2008 03:38 PM

To Thomas Hernandez/R4/USEPA/US@EPA
cc Kevin Smith/R4/USEPA/US@EPA, Ralph Armstrong/R4/USEPA/US@EPA, Teresa Shirley/R4/USEPA/US@EPA, MaryC
bcc
Subject Here's Tom's Draft Synopsis of Learning Sites/Links: Needs Critique!!!

History: This message has been forwarded.

1) **START** - used to register for a lot of Agency trainings; access via Daily News page

2) **netionline.com** - used to register for a lot of OEA trainings
http://www.netionline.com/

3) **golearning.gov** - on-line training courses
http://www.golearn.gov/MaestroC/

4) **Free Web Training** - (ex: "Plain Language"; "Web 101: EPA Basics")
http://www.epa.gov/webtraining/

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D

D1

Thomas Hernandez/R4/USEPA/US
09/29/2008 02:32 PM

To Thomas Hernandez/R4/USEPA/US@EPA
cc
bcc
Subject Current List of OEA Notaries

1. Pat Bullock (Hearing Clerk) 2-9511
2. Susan Capel 2-9566
3. Kavita Batra 2-9697

tch

E

E1

Bill Anderson /R4/USEPA/US
07/23/2008 03:33 PM

To R4 OEA Staff
cc
bcc
Subject Weeklies and RAWs Submission Instructions

Questions have been raised as to what information should be reported by staff for the three regular activity reports that OEA produces. Here is a listing of the reports and the kinds of information that should be reported for each. When in doubt as to whether to report an item, or which report to put it in, check with your supervisor. Please remember that items for these reports are to be submitted to your supervisor, who will review and approve them for inclusion.

OECA WEEKLY REPORT

Who should contribute to this report? All staff engaged in enforcement, compliance assurance, or legal counseling activities.

What is it? A weekly report required by the Office of Enforcement and Compliance Assurance. Although the report is required by OECA, it is to include legal counseling information of interest to the Office of General Counsel as well. Every region produces the same report in the same format. The Region 4 report is also distributed to Region 4 offices and divisions.

What goes in it? Any significant enforcement, compliance assurance, or counseling developments in Region 4 that have already occurred, as well as significant upcoming matters that warrant a heads-up. Common concluded enforcement activities include referrals to DOJ, issuance of significant CAFO's, resolution of audit policy disclosures, and court decisions. Common compliance assurance activities include compliance assistance workshops, completion of State Review Framework assessments, and certification of enforcement data. Common counseling activities include initiation of litigation against the Agency, significant developments in defensive litigation, and issuance of orders disposing of CAA Title V petitions.

At what point should you submit an item? The report format is designed to accommodate both things that are going to happen, as well as things that have already occurred. To enable senior managers to focus on "hot" topics, weekly reports begin with a section devoted to prospective activities, rather than past events. This section should feature "Hot Topics/Heads Up Items" first and address upcoming events with some particular importance and/or sensitivity, including those of particular interest to the Regional Administrator and/or the Assistant Administrator for OECA. Examples of such upcoming events might be meetings with states on State Review Framework issues or on significant case or policy related matters; meetings between the Region and HQs offices to resolve significant legal or policy issues; anticipated press fall-out on controversial actions, etc. Highlights of concluded activities and events that you think senior OECA, OGC, and Regional management should know about should be presented next, in the Regular Highlights section.

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When are items due and to whom? Noon every Wednesday to Sharon, Chi-Donna, Claudette, and Bill. The report is compiled and edited on Thursday, and must be sent to OECA by COB Thursday.

What is the format for the report and items to be submitted? See previous reports on the OEA Bulletin Board in Quickplace.

RAW REPORT (Regional Administrator's Weekly)

Who should contribute to this report? All staff engaged in enforcement, compliance assurance, or legal counseling activities.

What is it? Basically a no surprises report. It is intended to give the Regional Counsel a heads-up on matters that were not covered in the Weekly Report, that are of sufficient significance that they would be of interest to the Regional Administrator and the rest of the Regional Senior Staff. The Regional Counsel uses this report at the weekly Monday morning Senior Staff meeting.

What goes in it? The purposes of the report are to 1) capture any significant developments that were not included in the OECA Weekly Report (whether because they happened after noon on Wednesday of that week, or because, while significant from a Regional perspective, were not appropriate for the Weekly Report) and 2) apprise the Regional Counsel of significant upcoming legal or enforcement matters that might be raised by other Regional senior management at the weekly Senior Staff meeting or which should be raised by our office.

When are items due and to whom? Three o'clock every Friday, to Sharon, Chi-Donna, Claudette, and Bill.

What is the format for items submitted? Please provide a brief heading, summary of what happened or is about to happen and its significance, and your name as the contact person.

OGC BI-WEEKLY REPORT

Who should contribute to this report? Legal staff only.

What is it? A report to OGC of significant counseling activities that took place in the Region in the preceding two weeks.

What goes in it? Items are taken directly from the OECA Weekly Reports and re-packaged into the OGC Bi-Weekly Report and any other significant counseling developments or activities that were not already included in the OECA Weekly Report are added.

When are items due? OGC items submitted for the OECA Weekly Reports do not have to be re-submitted. Additional items should be submitted to Bill Anderson by COB every Thursday.

F

F 1

MEMORANDUM

FROM: Phyllis P. Harris /signed/
Principal Deputy Assistant Administrator

TO: Deputy Regional Administrators
Regional Counsels
Regional Enforcement Division Directors
OECA Office Directors

SUBJECT: Internal Communication of Enforcement and Compliance Assurance Information: New Format for Weekly Reports

In an effort to improve internal communications on enforcement and compliance assurance issues -- both within offices and between the Regions and Headquarters -- we have developed a format for reports that will provide information that is more concise and has information about upcoming issues and events, in addition to activities which have already taken place. There also is a section to provide key information about compliance assistance activity. The improvements include changes to the format, scope and content of weekly activity reports. They also involve a clarification of where, when and how weekly reports should be sent.

Eight of the Regional Counsels are also responsible for providing legal counsel and services to Regional clients and others, under the supervision of the General Counsel. We have worked closely with OGC to develop an integrated report format acceptable to both OGC and OECA. For the sake of efficiency, and to simplify Regional reporting responsibilities, OECA will continue to include counseling and defensive litigation items from all ten Regional Counsels in the weekly reports. OGC agrees that these items should follow all the substantive and formatting improvements outlined in this memo and will obviate the need for Regional Counsel to send separate weekly reports to OGC.

These changes are designed to accomplish several things: (1) create greater consistency among offices and Regions for the content, format and frequency of reports generated; (2) ensure that the OECA front office and the OGC front office receive concise information about recent and upcoming significant issues and events in a timely manner; and (3) share information among HQ and Regional offices (as appropriate) about significant issues and developments involving OECA and OGC issues. We also want to avoid duplication of effort both in the generation of each office's weekly report, and in the compilation of those individual reports into what will become a new consolidated Weekly Activity Report, combining Regional and Headquarters submissions.

Content, Structure, and Frequency of Reports

Any items reported as part of the weekly report should be new items or existing items with new developments. **Please note any new items in bold face print so that the new entries**

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can be more easily identified and be sure to provide the approximate inception date of the item or recent development. If you reported on an item previously and there have been no changes, there is no need to report the item again. The writeups should be concise (generally one or two paragraphs), and limited to salient facts and information. Confidential and non-confidential items should be treated separately. Confidential information should include only those entries that address enforcement sensitive, attorney-client sensitive, deliberative process related or politically sensitive items that should only be distributed to individuals within EPA on a "need to know" basis only. We suggest that you use the confidential designation sparingly. We note that items identified as "non-confidential" are still intended for an internal Agency audience. Nevertheless, these items should be written carefully, keeping in mind that they may be requested under FOIA. Of course, they should not be released outside the Agency without further review. To ensure consistency of print type, please use Times New Roman 12 pt as the font. More detailed guidance concerning the content of the weekly report entries is set forth below.

To enable senior managers to focus on "hot" topics, all weekly reports should begin with a section devoted to prospective activities, rather than past events. This section should feature "Hot Topics/Heads Up Items" first and address upcoming events with some particular importance and/or sensitivity, including those of particular interest to the Regional Administrator and/or the Assistant Administrator for OECA. Highlights of other activities and events that you think senior OECA and OGC management should be aware of should be presented next, in a clearly-labeled separate section ("Regular Highlights").

The entries for both "hot topics" and "regular highlights" should cover any significant issues pertaining to enforcement and compliance assurance, beyond compliance activities (including pollution prevention, innovative programs and integrated strategies), NEPA and Environmental Justice. The entries for management and policy issues should identify any significant management/administrative or policy changes or initiatives you are undertaking to improve the functioning and effectiveness of your program or address existing or anticipated concerns or issues that should be brought to the senior managers' attention. The entries under "OGC Issues" should include significant items related to either counseling issues and activities or to defensive litigation. If you have an entry under a heading other than "OGC Issues" that has either counseling or defensive litigation implications, please note that item with an asterisk (*) to flag it for the Regional Counsels reviewing the weekly reports.

Individual writeups, both "hot topic"and the "regular highlights" entries should include the following basic information:

Statement of the Issue: (concise statement of the issue or event, include the inception date of the item and note new items in bold face print –two to three sentences).

Reason Issue is Important: (as appropriate, identify the national or regional priority addressed or whether issue involves direct implementation, Tribal lands, State referral, State oversight or Environmental Justice or other reason why the issue is important– one

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to two sentences).

Background: (a concise summary of pertinent facts to help the reader understand the context and importance of the case, including a comment on the **environmental significance** or environmental results of the action and any **State involvement**-- brief paragraph).

Action Taken or Pending: (one or two sentences describing the specific action or development that is pending or has taken place, including deadlines or target dates for pending events).

Contact: (identify primary contacts in both HQ and the Regions (as applicable) who can provide more information on the topic and their phone numbers and an additional contact if primary contacts are not available).

A template for this new format is attached.

Finally, in order for senior managers to stay abreast of ongoing developments and decisions, weekly reporting is important. Each Headquarters and Regional enforcement and compliance office should therefore report on a weekly basis. **Reports should be submitted by COB Thursday of each week so that they can be edited and compiled by OECA's Office of Planning, Policy Analysis and Communications (OPPAC) into a single Weekly Activity Report.**

Where to Send Weekly Reports

OECA offices should send their weekly reports -- including both confidential and non-confidential information -- to the electronic mailbox, "OECA Weekly Reports." Regional Offices should send their weekly reports -- including both confidential and non-confidential information -- to the electronic mailbox, "OECA-RO Counsel Report." Reports should only be submitted electronically as described above. No hard copies need to be submitted, and no electronic copies should be sent directly to the Assistant Administrator's office.

Please begin to use these new procedures with the reports to be submitted on Thursday, March 6, 2003. I appreciate your cooperation in helping to implement these changes to our current system of preparing and distributing weekly activity reports. Please contact Dennis DeVoe at (202) 564-2443 or Mary Kay Lynch at (202) 564-2574 if you have any questions about this memo.

Attachment
cc: J.P. Suarez, Assistant Administrator, OECA
Bob Fabricant, General Counsel, OGC
Steve Shimberg, Associate Assistant Administrator, OECA
Anna Wogast, Principal Deputy General Counsel, OGC
Lisa Jaeger, Deputy General Counsel, OGC

F4

Mary Kay Lynch, Director, OPPAC
Dennis DeVoe, Associate Director, OPPAC
Craig Annear, Senior Counsel, OGC

Weekly Report format template.wp

G

G1

Suzanne Rubini/R4/USEPA/US
07/13/2005 11:10 AM

To Andy Hey/R4/USEPA/US@EPA, Bill Sapp/R4/USEPA/US@EPA, Bryan Myers/R4/USEPA/US@EPA, Caroline
cc
bcc
Subject change in 10 Point format

Mary Kay has requested that all 10 Point Settlement documents be dated and in memo format and that concurrence lines be added to the bottom of the document for the most senior manager that will be reviewing the settlement document from OEA and the Waste Division (Mary Kay and Winston for CDs, Rosalind and the OEA manager for AOCs). Thanks

Suzanne, David and Kevin

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J&W PALLET AND DRUM COMPANY SUPERFUND SITE
Atlanta, Fulton County, Georgia
Site/Spill No. A4FG

I. OVERVIEW

Region 4 proposes to enter into a CERCLA Section 122(h)(1) Settlement Agreement (Agreement) with Jesse James Woods, Jr. and Anthony Tyrone Jones, previously d/b/a J&W Pallet and Drum Company (Settling Parties) for the recovery of response costs incurred by EPA in conducting a removal action at the J&W Pallet and Drum Company Superfund Site, located at 1121 Allene Avenue, S.W., Atlanta, Georgia (Site). The Settling Parties are liable for EPA's costs under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), as the current owners of the Site and the past owners/operators at the Site. This document sets forth the terms of the proposed settlement and assesses the ten-point settlement criteria of the Interim CERCLA Settlement Policy, 50 Fed. Reg. 5034 (February 5, 1985). This document further sets forth Region 4's decision not to pursue a cost recovery action against any other Potentially Responsible Parties (PRPS) for the remaining unreimbursed costs incurred at the Site in accordance with EPA's June 7, 1988, Memo entitled "Guidance on Documenting Decisions not to take Cost Recovery Actions."

Pursuant to 122(h)(1) of CERCLA, 42 U.S.C. § 9622(h)(1), EPA will request that the Department of Justice (DOJ) approve this Agreement as the total response costs at the Site exceed $500,000.00 and a portion of these costs will be compromised. There are no other viable PRPs at this Site.

II. TERMS OF THE SETTLEMENT

The Settling Parties have agreed to sell the Site property and pay a percentage of the proceeds to EPA to settle EPA's CERCLA Section 107(l) lien on the Site property. The Settling Parties have demonstrated to EPA that they do not have the financial ability to pay any additional response costs. The Settling Parties do not believe that they can market and sell the property in a timely manner due to Mr. Woods' declining health. Therefore, the Settling Parties will transfer their entire interest in the Site property to the 1121 Allene Avenue Limited Liability Company (Property Broker), which will maintain, market, and sell the Site property and pay EPA a percentage of the proceeds in accordance with terms of this Agreement. The Site property's appraised value is $150,000. To facilitate this arrangement, the Property Broker is included as a party to this Agreement. As of June 2008, EPA's total past costs at the Site were $645.681.37 of which EPA expects to recover up to $120,000.

III. BACKGROUND

The Settling Parties purchased the property on which the Site is located in 1993 from Mercer Brown. Mr. Brown agreed to finance the purchase, and the Settling Parties entered into an agreement with him whereby the Settling Parties would make monthly payments to Mr. Brown, and Mr. Brown would place a lien on the Site property. The property sales agreement

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was properly executed, but Mr. Brown never recorded his lien on the property with the Clerk's Office in Fulton County, Atlanta, Georgia.

From 1993 until 1996 the Settling Parties operated a drum and pallet cleaning and recycling company at the Site. In 1996, Mr. Woods learned he had cancer. Due to Mr. Wood's failing health, the Settling Parties abruptly stopped doing business at the Site and left approximately 2500 totes, 55-gallon drums, and other containers, which contained various types of hazardous substances, in and around a warehouse located on the Site. There was no fence around the Site, and therefore anyone could access the Site. At the same time, the Settling Parties also stopped making their monthly mortgage payment to Mr. Brown and paying the property taxes. Mr. Brown began paying the property taxes himself.

In June 2004, the Fulton County Fire Department called EPA to report that unknown substances were leaking from the Site into the City of Atlanta's sewer system. EPA conducted a Removal Action at the Site from June 22, 2004, through March 2006, which included clearing the warehouse and property, demolishing the fallen sections of the warehouse roof, bulking the waste, excavating contaminated soil, disposing of RCRA-empty drums and totes, disposing of the waste and contaminated soil, and restoring the drain to the City of Atlanta's sewer system. EPA has since determined that no further remedial action is necessary at the Site.

On June 28, 2004, EPA filed a Notice of Federal Lien on the Site property in the Fulton County Clerk's Office. There was no other lien recorded on the Site property. In 2007, Mr. Brown died and whatever interest he had in the Site property reverted to his Estate. To date, Mr. Brown and his Estate have paid property taxes totaling approximately $30,000 on the Site. The property is still recorded in the Fulton County Clerk's Office in the name of Mercer Brown, despite the sales agreement with Mr. Woods and Mr. Jones

In March 2008, EPA had a meeting with the Settling Parties and counsel for the Brown Estate. The Settling Parties claimed that they did not have an ability to pay the outstanding costs incurred by EPA in performing the removal action, but they were amenable to selling the Site property and giving the proceeds to EPA to settle their liability. Due to Mr. Wood's declining health, Mr. Woods did not believe that he and Mr. Jones could market and sell the property. The Brown Estate agreed to form the 1121 Allene Avenue Limited Liability Corporation (Property Broker) for the express purpose of taking possession of, maintaining, and selling the property in return for the lesser of 20% of the Net Sales Proceeds or $30,000, which represented the amount of money that Mr. Brown and his Estate had paid to satisfy the property taxes over the years. The Settling Parties also agreed to provide EPA with financial information. EPA evaluated the Settling Parties financial status and determined that the Settling Parties did not have the ability to pay any additional sum of money to EPA.

ENFORCEMENT CONFIDENTIAL
ATTORNEY WORK PRODUCT

IV. TEN POINT SETTLEMENT ANALYSIS

The following evaluates the Agreement in accordance with the ten-point criteria outlined in the memorandum entitled "Interim CERCLA Settlement Policy," 50 Fed. Reg. 5034 (February 5, 1985).

1. Volume of Waste Contributed.

The Settling Parties are liable as PRPs under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), as (1) owners and past operators of J&W Pallet and Drum Company, (2) owners of the property on which the business operated at the time of disposal of hazardous substances at the Site, and (3) current owners of the Site. Therefore, the Settling Parties are liable for all of the hazardous substances, contamination, and other pollutants found at the Site.

2. Nature of Waste at the Site.

The substances found at the Site include sodium hydrosulfide, acetic acid solution, and hydrofluosilicic acid, among others. These substances are hazardous substances pursuant to CERCLA Section 101(14), 42 U.S.C. § 9601(14), and 40 C.F.R. § 302.4.

3. Strength of Evidence Linking Wastes to the Potentially Responsible Parties.

The Settling Parties admitted in their administrative depositions that, at the time of the disposal of hazardous substances at the Site, they owned and operated the facility. EPA has documentation demonstrating the Settling Parties' ownership of the Site property and operation of the facility at the Site.

4. Ability of the Potentially Responsible Parties to Pay.

EPA conducted an Ability To Pay (ATP) analysis on each of the Settling Parties. EPA's ATP analysis concluded that the Settling Parties did not have the ability to pay EPA to settle this matter. (Attachment A).

5. Litigation Risks in Proceeding to Trial.

A. Admissibility of the Government's Evidence.

There are no problems with the admissibility of the government's evidence in this matter.

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B. Adequacy of the Government's Evidence.

There are no problems with the adequacy of the government's evidence against the Settling Parties.

C. Availability of Defenses.

If litigation occurs, the only defense that the Settling Parties have that is recognized by Section 107(b) of CERCLA, 42 U.S.C. § 9607(b), is the defense that some of the damages incurred at the Site were "caused solely" ... "by an act of a third party". In order to establish a third party defense under Section 107(b)(3) of CERCLA, 42 U.S.C. § 9607(b)(3), the party asserting the defense must bear the burden of proving that the act or omission was conducted by someone other than the person claiming the defense, by someone with whom that person has no contractual relationship, and that the person took precautions against foreseeable acts or omissions of any such third party and the consequences that could result from such acts or omissions. Both Mr. Woods and Mr. Jones claim that many of the 55-gallon drums, totes, and containers EPA removed from the Site were illegally dumped on the Site property by third parties after J&W Pallet and Drum Company ceased operations on the Site.

The evidence will show, however, that Mr. Woods and Mr. Jones did not take reasonable precautions that would prevent third parties from trespassing or dumping drums and containers on their property, such as installing a fence around the property. Therefore, the "third party defense" is weak, at best.

6. Public Interest Consideration.

The settlement contained in the Agreement is in the public interest because it prevents costly and time-consuming litigation and allows the EPA to recover some of its past costs.

7. Precedential Value.

The settlement of this matter is in keeping with national EPA policy and takes into consideration the risks and costs associated with litigation.

8. Value of Obtaining a Present Sum Certain.

Under the Agreement, EPA will recover up to approximately $120,000 of response costs. As of June 2008, the total response costs were $645,681.37. While the recovery amount is only one-fifth of the total response costs, it is still a fair and beneficial settlement taking into

consideration EPA's analysis of the Settling Parties finances . Without a settlement, EPA would be forced to file legal proceedings to foreclose on the Site property to satisfy its CERCLA 107(l) lien. The litigation costs and the costs incurred by the Government to sell the property could be close to, equal, or exceed the amount actually realized.

9. Inequities and Aggravating Factors.

This settlement presents no inequities or aggravating factors. This settlement is a fair, equitable, and beneficial settlement for all parties.

10. Nature of Case Remaining After Settlement.

This settlement completely resolves all issues involving EPA at the Site. The balance of EPA's remaining costs will be compromised, as there are no other viable PRPs. An analysis of the remaining PRPs is set forth below:

A. Owners/Operators Other Than the Settling Parties

Mercer Brown sold the Site property to the Settling Parties in 1993. The Settling Parties testified in their administrative depositions that Mr. Brown had no ownership interest in J&W Pallet and Drum Company and that Mr. Brown was never involved in the business. The Settling Parties further testified that all of the 55-gallon drums, totes, and various containers were not on the Site property when they purchased it from Mr. Brown and that Mr. Brown never directed the treatment or disposal of any hazardous waste at the Site. Therefore, Mercer Brown is not a PRP at this Site.

B. Transporters

The Settling Parties testified in their administrative depositions that they were the only people who transported drums, totes or containers to the Site. Therefore, there are no transporters to purse for the recovery of the response costs.

C. Generators

Of the 2500 totes, 55-gallon drums, and containers removed from the Site, EPA only located labels from approximately 100 of the various drums, totes, and containers. EPA sent CERCLA Section 104(e) Information Request letters to all of the companies it identified from the labels to determine if the companies were generators of hazardous waste. As expected, the

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1 The appraised value of the Property is $150,000. The Property Broker is entitled to retain the lesser of 20% of the Net Sales Proceeds or $30,000. In summary, the Net Sale Proceeds is defined as the total value of all consideration received by Property Broker from sale of the Property less, any brokerage commission or fee; related legal fees not to exceed $2,000; costs for maintenance not to exceed $2,500; property taxes paid on the Property while owned by the Property Broker; and federal and state taxes owed on the proceeds.

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responses to the Information Requests revealed that the majority of the recipients were manufacturers, and none of the manufacturers did business with J&W Pallet & Drum. Fourteen of the companies EPA identified were generators, but unfortunately, in response to the CERCA 104(e) Information Requests, those companies either denied doing business with J&W Pallet & Drum, had filed for bankruptcy, or had been acquired by another company that did not have responsibility for the prior company's liabilities.

The Settling Parties testified in their administrative depositions that they could only recall the names of approximately ten companies that they had picked up drums from over the years. All of the companies that Mr. Woods and Mr. Jones identified are either no longer in business or are shielded from liability by prior bankruptcy proceedings.

V. CONCLUSION

Considering the unique factors of this case (the Settling Parties' inability to pay and the lack of evidence against transporters and generators), this settlement is fair, equitable, and beneficial to EPA and the Settling Parties. Based upon the sale of the Site property, EPA expects to recover up to $120,000 in cost. There is no evidence that warrants EPA pursuing any other action to recover the remaining outstanding costs. This ten point settlement analysis also serves as the Region's Decision Document to write-off an estimated $525,681.37 in unreimbursed cost.

I concur with the Ten-Point Settlement Analysis/Decision Document:

Franklin E. Hill, Director
Superfund Division

9/10/08
Date

responses to the Information Requests revealed that the majority of the recipients were manufacturers, and none of the manufacturers did business with J&W Pallet & Drum. Fourteen of the companies EPA identified were generators, but unfortunately, in response to the CERCA 104(e) Information Requests, those companies either denied doing business with J&W Pallet & Drum, had filed for bankruptcy, or had been acquired by another company that did not have responsibility for the prior company's liabilities.

The Settling Parties testified in their administrative depositions that they could only recall the names of approximately ten companies that they had picked up drums from over the years. All of the companies that Mr. Woods and Mr. Jones identified are either no longer in business or are shielded from liability by prior bankruptcy proceedings.

V. CONCLUSION

Considering the unique factors of this case (the Settling Parties' inability to pay and the lack of evidence against transporters and generators), this settlement is fair, equitable, and beneficial to EPA and the Settling Parties. There is no evidence that warrants EPA pursuing any other action to recover the remaining outstanding costs.

Prepared by:

_____ _____
Teresa Mann, Assistant Regional Counsel Date
Office of Environmental Accountability

I concur with the Ten-Point Settlement Analysis/Decision Document:

_____ _____
David Clay, Chief Date
Office of CERCLA Legal Support
Office of Environmental Accountability

_____ _____
Anita L. Davis, Chief Date
Superfund Enforcement and Information
Management Branch
Superfund Division

_____ _____
Franklin E. Hill, Director Date
Superfund Division

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H 1

MEMORANDUM

SUBJ: CERCLA Referral Document Distribution and Briefing Procedures

FROM: David Clay
Suzanne Rubini
Kevin Smith

TO: Staff, Offices of CERCLA Legal Support

The purpose of this memorandum is to establish procedures for attorneys in the Region 4 Office of Environmental Accountability (OEA) to ensure consistency in our CERCLA referral routing and briefing process.

o CERCLA Office Chiefs and, as appropriate, Senior Attorneys, should be consulted prior to and during the drafting of the referral to assist in identifying legal issues and to ensure consistency with Regional and National policy. Each CERCLA Office Chief shall determine, based on, among other things, the complexity of the matter, whether or not Senior Attorney involvement is necessary in the preparation of the referral. Before a referral is sent to the CERCLA Office Chief in draft final form, it should have been reviewed by the Senior Attorney, as appropriate, and client staff. In addition, appropriate consultation should have taken place with OECA, OGC, OSWER and DOJ. The Regional Counsel should be informed and consulted on any significant issues.

o Once the CERCLA Office Chief has reviewed and approved the draft final referral, the referral (minus exhibits) should be put in a formal routing package.

o The routing cover sheet should contain a synopsis of the referral and should identify any significant legal, policy, congressional, or public interest issues. Significant issues in the case should be timely reported in the weekly and RAW reports.

o If a briefing is requested by the Regional Counsel, the staff attorney will prepare a briefing sheet. The briefing sheet should be provided to the Regional Counsel at least two days prior to the briefing.

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o The staff attorney will provide advance notice to the Regional Counsel's administrative assistant of any briefing scheduled with the Waste Management Division Director, Deputy Regional Administrator, Chief of Staff, and/or the Regional Administrator so that the meeting can be placed on the Regional Counsel's calendar and the Regional Counsel can have the opportunity to be pre-briefed prior to the meeting. If the Regional Counsel requests a pre-briefing, the briefing should be scheduled to occur at least two days prior to the meeting with the Waste Management Division Director or the Office of the Regional Administrator. The Regional Counsel, or in her absence, the Deputy Regional Counsel, will attend referral briefings with the Regional Administrator. The staff attorney will coordinated this with OEA's front office administrative staff.

o The routing chain for all CERCLA referrals is as follows:

1. Staff Attorney
2. OEA Senior Attorney, as appropriate
3. OEA CERCLA Office Chief
4. Enforcement Project Manager
5. Cost Recovery Section Chief
6. Cost Recovery Branch Chief
   (If the referral includes removal or remedial work, include the following in the routing)
   6a. OSC or RPM
   6b. Removal or Remedial Section Chief
   6c. Removal or Remedial Branch Chief

7. Deputy Regional Counsel
8. Regional Counsel
9. Waste Management Division Director
10. Regional Administrator

If there are any questions regarding this policy or its implementation, staff should consult with their respective CERCLA Office Chief.

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September 30, 2008

MEMORANDUM

SUBJECT: Revised CERCLA Referral Document Distribution

FROM: David K. Clay
Chief, Office of CERCLA A Legal Support

TO: Offices of CERCLA Legal Support

This memorandum provides a reference list for OEA attorneys who have CERCLA cases that require direct or indirect referrals to the U.S. Department of Justice (DOJ) and the Office of Enforcement and Compliance Assurance (OECA). The attached information has been revised to reflect changes and corrections, and supersedes the previous February 8, 2006, memorandum on this subject. The attachment provides instructions on which documents to copy and to whom they should be sent, along with necessary titles, addresses, and corrected mail codes. Additionally, model cover letters are provided for each of the four principal categories of referrals.

Electronic copies of the four attached model cover letters are provided on the **S** drive. To access the models, select the **S** drive, then "**Apps**", then "**eadmodel**", then "**CERCLA Model Documents**". The four file names, within this memorandum, are:

1) Past Costs Civil Referral-Cover Ltr-08_vsn1
2) RDRA Pre-Referral-Cover Ltr-08_vsn1
3) CD for RDRA Referral-Cover Ltr-08_vsn1
4) Withdrawal of CERCLA Referral Ltr-08_vsn1

If you have any questions or suggestions for additional updates, please see Tom Hernandez.

Attachments (5)

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I. Direct Civil Referrals for Cost Recovery

A. By Regular Mail to DOJ

Original Letter from **Regional Administrator** with Referral Package (minus exhibits) to:

Honorable Ronald J. Tenpas
Assistant Attorney General
U.S. Department of Justice
Environmental Enforcement Section
P.O. Box 7611
Washington, D.C 20044-7611

(or U.S. Department of Justice, Environmental Enforcement Section, 601 D Street, N. W., Room 2121, Washington, D.C. 20004 with "**VIA FEDERAL EXPRESS**" typed at the top)

cc (w/enclosures): Henry Friedman, Section Chief
Environmental Enforcement Section
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611

Or for overnight delivery:

U.S. Department of Justice
Environmental Enforcement Section
601 D Street, N.W.
Room 2121
Washington, D.C. 20004

B. By Priority Pouch Mail to HQ

cc (w/o enclosures): Marcia E. Mulkey, **Director** (Mail Code 2271A)
Office of Site Remediation Enforcement
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

cc (w/enclosures minus exhibits): Bruce Kulpan, **Chief** (Mail Code 2272A)
Regions 3, 4 & 8 Branch, Regional Support Division
Office of Site Remediation Enforcement

U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

C. **By Intra-office Mail to Superfund Enforcement and Information Management Branch**

cc (w/enclosures): Anita L. Davis, Chief, Superfund Enforcement and Information Management Branch

II. Pre-Referrals (PRN's or "Mini-Lits") for RD/RA

A. **By Regular Mail to DOJ**

Original Letter and Original PRN (minus exhibits) from **Director, Superfund Division,** to:

Bruce Gelber, **Chief**
Environmental Enforcement Section
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611

Or overnight delivery:

U.S. Department of Justice
Environmental Enforcement Section
601 D Street, N.W.
Room 2121
Washington, D.C., 20004
(with "**VIA FEDERAL EXPRESS**" typed at the top)

cc (w/enclosures): **DOJ Section Chief** Henry Friedman

B. **By Priority Pouch Mail to HQ**

Same instructions as in Section I.B.

C. **By Intra-Office Mail to Superfund Enforcement and Information Management Branch**

Same instructions as in Section I.C.

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III. Transmittal of Signed CD's with "Ten-Points" for RD/RA for Cases Directly Referred to DOJ

A. By Regular Mail to DOJ

Original Letter from **Regional Administrator** with copies of (1) "Ten-Point," (2) Draft Complaint, and (3) CD to:

Honorable Ronald J. Tenpas
Assistant Attorney General
U.S. Department of Justice
Environmental Enforcement Section
P.O. Box 7611
Washington, D.C. 20044-7611

cc letter & original of all documents to:

Environmental Enforcement Section
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
Attention: Joe Davis
Case Management Unit
Room 13080

or for overnight delivery:

U.S. Dept. of Justice
Environmental Enforcement Section
601 D Street, NW
Case Mgt. Unit, Room 13080
Attn: Joe Davis
Washington, D.C. 20004
(with "**VIA FEDERAL EXPRESS**" typed at the top)

cc (w/o enclosures): **DOJ Section Chief** Henry Friedman
cc (w/o enclosures): **DOJ Staff Attorney**

B. By Priority Pouch Mail to HQ

Same instructions as in Section I.B., with one addition:

cc (w/o enclosures): **OSRE Staff Attorney** (if one has been assigned)

C. **By Intra-office Mail to Superfund Enforcement and Information Management Section**

Same instructions as in Section I.C.

IV. Referral Withdrawal to DOJ

A. **By Regular Mail to DOJ**

Original letter from **Regional Administrator** and enclosure (if applicable) to:

Bruce Gelber, **Chief**
Environmental Enforcement Section
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611

or for overnight delivery:

U.S. Department of Justice
Environmental Enforcement Section
601 D Street, N.W.
Room 2121
Washington, D.C. 20004
(with "**VIA FEDERAL EXPRESS**" typed at the top)

cc: **DOJ Section Chief** Henry Friedman (w/o enclosure)

B. **By Intra-office Mail to Superfund Enforcement and Information Branch**

Same instructions as in Section I.C.

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ATTACHMENT B

FILE NAME = **Past Costs Civil Referral-Cover Ltr-08_vsn1**

VIA FEDERAL EXPRESS

Honorable Ronald J. Tenpas
Assistant Attorney General
U.S. Department of Justice
Environmental Enforcement Section
601 D Street, N.W.
Room 2121
Washington, D.C. 20004

Re: **XYZ]** Superfund Site [SSID=**X4XX]**
[City], [----] County, **[State]**

Dear Mr. Tenpas:

The purpose of the enclosed referral is to request that the Department of Justice file a civil action pursuant to Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. §§ 9601 et seq., to obtain reimbursement for response costs incurred by the Environmental Protection Agency at the **[XYZ]** Site, **[City]**, **[State]**. **[AS APPROPRIATE: This referral also requests that the Department of Justice seek punitive damages under Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3).]**

The Region 4 attorney assigned to this case is ----------, (404)562-**[xxxx]**, and the Region 4 Enforcement Project Manager assigned to this case is ----------, (404)562-**[xxxx]**.

Sincerely,

J. I. Palmer, Jr.
Regional Administrator

Enclosures **[Need to List]**

cc: Mary Wilkes, EPA, Region 4, OEA (w/o enclosures)
Marcia Mulkey, EPA/OSRE (w/o enclosures)
Bruce Kulpan, EPA/OSRE (w/enclosures minus exhibits)
Henry Friedman, DOJ/EES (w/enclosures)
Anita Davis, EPA, Region 4, SEIMB (w/enclosures)

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ATTACHMENT C

FILE NAME = **RDRA Pre-Referral-Cover Ltr-08_vsn1**

Bruce Gelber, Chief
Environmental Enforcement Section
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611

Re: **[XYZ]** Superfund Site [SSID=**X4XX**]
[City], **[----]** County, **[State]**

Dear Mr. Gelber:

The purpose of this letter is to transmit to you the Remedial Design/Remedial Action Pre-Referral Litigation Report for the above-referenced Site, in accordance with the October 12, 1990, "Pre-Referral Negotiation Procedures for Superfund Cases" memorandum. EPA Region 4 expects to sign a Record of Decision for this Site by **------- --, 200x**.

If there is any additional information you need at this time, please contact ----------, **Assistant/Associate** Regional Counsel, at (404)562-**[xxxx]**, or the Remedial Project Manager, ----------, at (404)562-**[xxxx]**.

Sincerely,

Franklin E. Hill
Director
Superfund Division

Enclosure (minus exhibits)

cc: Mary Wilkes, EPA, Region 4, OEA (w/o enclosures)
Marcia Mulkey, EPA/OSRE (w/o enclosures)
Bruce Kulpan, EPA/OSRE (w/enclosures minus exhibits)
Henry Friedman, DOJ/EES (w/enclosures)
Anita Davis, EPA, Region 4, SEIMB (w/enclosures)

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ATTACHMENT D

FILE NAME =**CD for RDRA Referral-Cover Ltr-08_vsn1**

VIA FEDERAL EXPRESS

Honorable Ronald J. Tenpas
Assistant Attorney General
U.S. Department of Justice
Environmental Enforcement Section
601 D Street, N.W.
Room 2121
Washington, D.C . 20004

Re: CERCLA §§ 106 and 107 Consent Decree for RD/RA
[XYZ] Superfund Site [SSID=**X4XX**]
[City], **[----]** County, **[State]**

Dear Mr. Tenpas:

The purpose of this letter is to refer the above-referenced matter for the filing of a Complaint and the lodging of the Consent Decree for entry in the -------- District of the State of --------. The Decree has been executed by the Defendants and by Region 4.

Enclosed for your concurrence or signature are copies of: (1) the Consent Decree; (2) the "Ten-Point" Settlement Analysis assessing the proposed settlement; and (3) the draft Complaint. The originals of these documents have been sent to your staff to be logged into the EES Tracking System and delivered to the DOJ Trial Attorney.

----------, of the Environmental Enforcement Section, is the DOJ trial attorney assigned to this case. The Region 4 attorney assigned to this case is ----------. **[He/she]** can be contacted at (404)562-**[xxxx]**.

Sincerely,

J. I. Palmer, Jr.
Regional Administrator

Enclosures (3)
cc: Mary Wilkes, EPA, Region 4, OEA (w/o enclosures)
Marcia Mulkey, EPA/OSRE (w/o enclosures)

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Bruce Kulpan, EPA/OSRE (w/enclosures minus exhibits)
[OSRE Staff Attorney: If applicable], EPA/OSRE (w/o enclosures)
Henry Friedman, DOJ/EES (w/o enclosures)
[DOJ Staff Attorney], DOJ/EES (w/o enclosures)
Joe Davis, DOJ/CMU (w/original CD)
Anita Davis, EPA, Region 4, SEIMB (w/enclosures)

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ATTACHMENT E

FILE NAME = **Referral Withdrawal Ltr-08_vsn1**

Bruce Gelber, Chief
Environmental Enforcement Section
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611

Re: Withdrawal of Civil Referral for Cost Recovery and Request for "Prior Written Approval" on a CERCLA 122 (h) Administrative Settlement Concerning the [**XYZ**] Superfund Site [SSID = **x4xx**] located in [**City**], [------]County, [**State**]

[OR - **(Use this when DOJ must be a signatory using their inherent authority)** "Re: Withdrawal of Civil Referral for Cost Recovery and Request for Signature on a CERCLA 122 (h) Administrative Settlement Concerning the [**XYZ**] Superfund Site [SSID = **x4xx**] located in [**City**], [------]County, [**State**]"]

[OR - "Re: Withdrawal of Civil Referral for Cost Recovery concerning the [**XYZ**] Superfund Site [SSID = **x4xx**] located in [**City**], [------]County, [**State**]"]

Dear Mr. Gelber:

On [Insert Date], the U.S. Environmental Protection Agency (EPA) referred the above matter to the U.S. Department of Justice (DOJ) and requested that DOJ file a civil action against several Potentially Responsible Parties (PRPs) pursuant to Sections 107 and 113 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. §§ 9607 and 9613, to obtain reimbursement of response costs and interest incurred by EPA at the [Insert Site Name]. The purpose of this letter is to request the withdrawal of EPA's referral.

This request is being made as the result of a proposed administrative settlement that has been reached with the PRPs under Section 122 of CERCLA, 42 U.S.C. §9622. The proposed administrative settlement and draft Ten Point Settlement Analysis are enclosed. Pursuant to the September 30, 1998, memorandum from Barry Breen and Bruce S. Gelber entitled, "Guidance on Administrative Response Cost Settlements under Section 122(h) of CERCLA and Administrative Cashout Settlements with Peripheral Parties under Section 122(h) of CERCLA and Attorney

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General Authority," EPA requests that DOJ [provide written approval of[1]] [sign[2]] the administrative settlement.

[OR - "This request is being made after consultation with DOJ. EPA originally felt that it could successfully prosecute a case against the PRPs named in the referral. However, subsequent investigation undermined our liability theory. Therefore, EPA hereby withdraws its referral of the matter."]

If you need any additional information regarding this matter, you may contact the Region 4 attorney assigned to this case, ----------, at (404)562-xxxx, or the DOJ attorney assigned to the case, ----------, at (202)xxx-xxxx.

Sincerely,

J. I. Palmer, Jr.
Regional Administrator

Enclosures

cc: Henry Friedman, DOJ/EES (w/ enclosures)
Mary Wilkes, Regional Counsel and Director, OEA (w/o enclosures)
Anita Davis, Chief, SEIMB, Region 4 (w/o enclosures)
Teresa Shirley, Office of Customer Service, OEA, Region 4

---

[1]If DOJ is not signing the settlement, but merely providing approval (e.g. past costs settlement), then DOJ must approve the settlement prior to EPA signing the settlement.

[2]If DOJ is signing the settlement (e.g. ATP cashout), then EPA must sign the settlement prior to requesting DOJ signature.

I 12

file name = F:\cercla referral memo with 4 letters.09.30.08

J 1

HOW TO ACCESS THE R4 CORRESPONDENCE MANUAL FROM THE DAILY NEWS PAGE

On the left side of the Daily News page under **Menu**, select:

1. Toolbox
2. Administrative
3. Correspondence Manual (April 2007)

K

K1

Sharon Thompson/R4/USEPA/US
07/24/2007 04:29 PM

To R4 OEA Staff
cc
bcc
Subject Fw: IMPORTANT NOTICE! re EPA Corres. Manual, April 2007

Review Julia's notes below about changes to correspondence format.

I worked up some sample letters and memos from the new manual guidelines and Becky Cover is reviewing them. We hope to have some samples out to the Division soon.

Thanks
Sharon Thompson

----- Forwarded by Sharon Thompson/R4/USEPA/US on 07/24/2007 03:27 PM -----

Julia Mooney /R4/USEPA/US
07/24/2007 12:35 PM

To Ernestine Faircloth/R4/USEPA/US@EPA, Stacy Witherspoon/R4/USEPA/US@EPA, Shelia Wells/R4/USEPA/US@EPA, Kristine Johnson/R4/USEPA/US@EPA, Marilyn Vidmar/R4/USEPA/US@EPA, Lawana Woodard/R4/USEPA/US@EPA, Shannon Thomas/R4/USEPA/US@EPA, Gwendolyn Arnold/R4/USEPA/US@EPA, Elizabeth Miller/R4/USEPA/US@EPA, Sharon Thompson/R4/USEPA/US@EPA, Ella MClendon/R4/USEPA/US@EPA
cc Mary Frazier/R4/USEPA/US@EPA, Sharan Sitton/R4/USEPA/US@EPA, Rebecca Cover/R4/USEPA/US@EPA, Don Christy/R4/USEPA/US@EPA, Jim Giattina/R4/USEPA/US@EPA, Gail Mitchell/R4/USEPA/US@EPA, Dee Stewart/R4/USEPA/US@EPA, Beverly Banister/R4/USEPA/US@EPA, Carol Kemker/R4/USEPA/US@EPA, Mike Peyton/R4/USEPA/US@EPA, Alan Farmer/R4/USEPA/US@EPA, Franklin Hill/R4/USEPA/US@EPA, Wanda L Johnson/R4/USEPA/US@EPA, Cynthia Peurifoy/R4/USEPA/US@EPA, Bryan Myers/R4/USEPA/US@EPA, Allison Wise/R4/USEPA/US@EPA, Queen Lovett/R4/USEPA/US@EPA, Carl Terry/R4/USEPA/US@EPA, Julia Mooney/R4/USEPA/US@EPA
Subject Fw: IMPORTANT NOTICE! re EPA Corres. Manual, April 2007

As noted in Becky Cover's e-mail of 7/11/07 (forwarded below), the revised EPA Correspondence Manual (April 2007), is now in effect and all correspondence should comply with the guidelines in the Manual. A copy of the Manual can be accessed from the attachment in Becky's e-mail. CMS coordinators can also

K2

access it from the Library tab in the CMS system.

I have not yet had time to review the Manual in its entirety; however, the following are some changes that have been noted and are to be implemented immediately:

1. Page numbers should now be at the bottom of the page (centered) rather than the top.

2. In the address block, City **and State** should be spelled out. Previously, the state could be abbreviated.

3. When the address is Washington, DC, the correct use is now Washington, **D.C.**

4. In memos, the word **MEMORANDUM** is now bolded and underlined. The elements, "**Subject**," "**From**," "**Thru**," and "**To**" are now bolded.

Please forward to all employees in your Division. I do not know when or if HQ will provide us with hard copies of the Manual - administrative staff may want to print out a copy for use in their respective programs.

Thank you for your prompt attention and compliance with the revised correspondence guidelines.

Julia Mooney
Office of External Affairs
EPA, Region 4
61 Forsyth Street, SW
Atlanta, GA 30303
404/562-8302

----- Forwarded by Julia Mooney/R4/USEPA/US on 07/24/2007 07:37 AM -----

Rebecca Cover/R4/USEPA/US
07/11/2007 01:04 PM

To Shelia Wells/R4/USEPA/US@EPA, Gwendolyn Arnold/R4/USEPA/US@EPA, Queen Lovett/R4/USEPA/US@EPA, Marilyn Vidmar/R4/USEPA/US@EPA, Sharan Sitton/R4/USEPA/US@EPA, Ernestine Faircloth/R4/USEPA/US@EPA, Lawana Woodard/R4/USEPA/US@EPA, Shannon Thomas/R4/USEPA/US@EPA, Elizabeth Miller/R4/USEPA/US@EPA, Sharon Thompson/R4/USEPA/US@EPA, Luz Colon/R4/USEPA/US@EPA, Julia Mooney/R4/USEPA/US@EPA, Bryan Myers/R4/USEPA/US@EPA, Mary Frazier/R4/USEPA/US@EPA

cc Jimmy Palmer/R4/USEPA/US@EPA, Stan Meiburg/R4/USEPA/US@EPA, Don Christy/R4/USEPA/US@EPA, Sharan Sitton/R4/USEPA/US@EPA, Ella MClendon/R4/USEPA/US@EPA, ThomasL Baugh/R4/USEPA/US@EPA, Bill Patton/R4/USEPA/US@EPA, Connie Dempsey/R4/USEPA/US@EPA, Becky Hendrix/R4/USEPA/US@EPA, Cynthia Peurifoy/R4/USEPA/US@EPA, Linda Rimer/RTP/USEPA/US@EPA, Rita Wayco/R4/USEPA/US@EPA, Lloyd Bates/R4/USEPA/US@EPA, Elvie Barlow/R4/USEPA/US@EPA, Deborah Carter/R4/USEPA/US@EPA, Karen Smith/R4/USEPA/US@EPA, Denise

K 3

Tennessee/R4/USEPA/US@EPA, Russell
Wright/R4/USEPA/US@EPA, Gwendylon
Smith/R4/USEPA/US@EPA, Sheryl
Good/R4/USEPA/US@EPA, Dan
Olone/R4/USEPA/US@EPA, Beverly
Banister/R4/USEPA/US@EPA, Jim
Giattina/R4/USEPA/US@EPA, Alan
Farmer/R4/USEPA/US@EPA, Franklin
Hill/R4/USEPA/US@EPA, Mike
Peyton/R4/USEPA/US@EPA, WandaL
Johnson/R4/USEPA/US@EPA, Carol
Kemker/R4/USEPA/US@EPA, Gail
Mitchell/R4/USEPA/US@EPA, Dee
Stewart/R4/USEPA/US@EPA, Kenneth
Lapierre/R4/USEPA/US@EPA, Archie
Lee/R4/USEPA/US@EPA, Charles
Hooper/R4/USEPA/US@EPA, Cory
Berish/R4/USEPA/US@EPA, Keith
Mills/R4/USEPA/US@EPA, Mary
Wilkes/R4/USEPA/US@EPA, Ken
Mitchell/R4/USEPA/US@EPA

Subject Re: EPA Correspondence Manual, April 2007

Please ensure this manual is forwarded to all employees within your division. It is the responsiblity of each individual employee to ensure their corresondence complies with the manual, including proofreading As you review the manual, you will see there are significant changes in some areas, e.g., page numbers on letters are now placed at the bottom of succeeding pages, and the format of a memorandum has changed:..the word MEMORANDUM at the top of a memo is now bolded in addition to being underlined, and the elements, "**Subject**," "**From**," "**Thru**," and "**To**" are *now* bolded.

By working together and following the procedures provided in the manual, we can be assured that outgoing correspondence is consistent and reflects a positive image of Region 4.

Thanks,

Becky

EPA Correspondence Manual.4.2007.pdf

L

L1

Sharon Thompson/R4/USEPA/US
10/23/2007 02:36 PM

To R4 OEA Staff
cc
bcc
Subject Be sure to check 1 inch margins on outgoing correspondence

FYI:

When preparing outgoing correspondence, be sure to check for 1 inch **right** and **left** margins.

Word Perfect defaults to a 1 inch margin.

Word defaults to a 1.25 inch margin, so you have to reset the page margins.

We are getting documents back with hits on the wrong margins.

Sharon Thompson
404-562-9507

M

7. Executive letterhead (smaller than standard 8 ½ by 11-inch paper) may be formatted according to the signatory's wishes. If letterhead dimensions are different, letter margins may be adjusted to accommodate the difference.

8. For succeeding pages (any page after the first page) use plain bond paper. Do not use Agency letterhead or stationery on succeeding pages.

B. Word Processing

1. As of September 2005, Microsoft Word is the standard Agency word processing software. All word processing, except for legal documents and documents for which another federal agency has prescribed a specific format, must be done in Microsoft Word.

2. When preparing correspondence, documents should be prepared in either a "Normal" or "Print Layout" view. Do not prepare documents in a "Web Layout View" as the document may be formatted differently. (View designations are listed in the bottom left-hand corner of a Microsoft Word document.)

3. For more information about Microsoft Word, see Appendix D: Microsoft Office Directive.

C. Typeface

1. Font and Typeface: Correspondence should be typed in 12 point Times New Roman typeface. Microsoft Word has a large selection of fonts and font sizes, so check to make sure that the designated standards have been selected before you begin to write.

2. Script and italics: Except for occasional emphasis, use script and italics sparingly. Never type an entire document in script or italics.

3. Spacing: Correspondence should be single-spaced (it is much easier to edit and re-format single spaced documents than those using other spacing options).

   Always use two spaces between sentences. Follow this format whether you are writing letters, formal e-mails, or memoranda. Include **one space** after colons (:), semicolons (;), commas (,), parentheses ( ), and hyphens (-).

D. Ink

1. Use black ink when printing correspondence.

2. As a matter of personal preference, signing officials may use blue or black ink to affix their signature to correspondence. No other colors are acceptable for official correspondence.

N

Thomas Hernandez/R4/USEPA/US
05/08/2008 04:28 PM

To Thomas Hernandez/R4/USEPA/US@EPA
cc
bcc
Subject Synopsis of Plain Language and Style Manual Links

Mary, you may want to forward this to all of CERCLA-B.

1) The link to Federal Plain Language Guidelines is in the most recent email from Cincy [Passive voice is an entire page on page 12(?)]

2) The link to the only EPA-endorsed style manual, AP Stylebook, is in the original response from Cincy below

3) The link to **GPO Style Manual** is here:
http://www.gpoaccess.gov/stylemanual/browse.html

4) I have been cautioned about mass-copying my two articles on "Plain English" . Under theMay/June 2001 article, "Dirty Dozen -12 Tips for Cleaner Writing", tip #1 is "Use the Active Voice".

It explains:
"Active voice avoids confusion and ambiguity, especially when the subject has been omitted."

This article also contains a very helpful chart on how to replace awkward words or legalese with recommended plain language.

Thanks, Tom

---- Forwarded by Thomas Hernandez/R4/USEPA/US on 05/05/2008 04:11 PM ----

CI Awberc Library/CI/USEPA/US
Sent by: Rachel Delaney

05/05/2008 04:01 PM

To Thomas Hernandez/R4/USEPA/US@EPA
cc
Subject Re: Clarification>>
Re: Region 4 Library Request for Core Services: Plain English

Dear Tom,

I'm glad these resources were helpful. Here is the web link to the Plain Language document: http://www.plainlanguage.gov/.

Feel free to contact me if I can be of any further assistance.

Thanks,
Rachel
~~~~~~~~~~~~~~~~~~~~~~~~~~

Rachel Delaney
Reference Librarian
AWBERC Library
U.S. Environmental Protection Agency
~~~~~~~~~~~~~~~~~~~~~~~~~~

TAB - "O"

PENDING

WITH

MGRS

- ~~JCH 7/14/08~~

9/29/08

P

P1

Thomas Hernandez /R4/USEPA/US
09/29/2008 06:06 PM

To Thomas Hernandez/R4/USEPA/US@EPA
cc
bcc
Subject Correct Lotus Notes Mailing List for All CERCLA Attorneys and Two CERCLA Paralegals

To send emails to all attorneys and paralegals for the three CERCLA Legal Support Offices, select "R4 OEA Superfund Attorneys" under Lotus Notes **Address** Options.

tch

Q

Go Up
CERCLA
Subject Listing
Org Charts & Contact Lists
Overview
Ability to Pay
Access
Accounts Receivable/Col...
Administrative Record
All Appropriate Inquiry
Alternative Dispute Resol...
ARARs
AT&DR
AVAILL Issues
Bankruptcy
Bona Fide Prospective P...
Brownfields Grants
Claims Against the Fund
Collections & Accounts Rec...
Comfort Letters
Compliance with Superfund Obl...
Consent Decrees/State...
Contaminated Aquifer Policy
Contribution

Offices of CERCLA Legal Support

Click a link below to view information about the topic.

Subject Listing for Combined Attorney Work-Products, Legal Memoranda, and Policy

Superfund Action Codes

Models

Organizational Charts and Contact Lists

- **Region 4 CERCLA Expertise Roster**
- **DOJ EDS Contacts**
- **DOJ EES Contacts**
- **OSRE Contact Roster**

Delegations

- **Region 4 Delegations**
- **Headquarters Delegations (Located on EPA Intranet and available only in the office.)**
- **Roles Chart & Prior Written & Oral Approval Procedures**
- **Clarification of Administrative Enforcement Authority in Cases of National Significance**

CERCLA Overview

- **CERCLA Black Letter Law**
- **DOJ Superfund Attorney Orientation and Training**
- **CERCLA Compendium**

OSRE Policy and Guidance

OSRE's Selected Judicial Rulings 1999 to 2007 (Located on EPA Intranet and available only in the office.)

go to top

new...

R

R1

Superfund Enforcement

Created By: Lashandra Jones 06/15/2007 - 03:42 PM
Updated By: Lashandra Jones 06/15/2007 - 03:48 PM

You can download any of the files below by dragging them to your Windows desktop. To open a file for reading, double-click it.

PRC: 302EC7C – Superfund Enforcement				
Activity Type	**Int. Action Name**	**Int. Action Code**	**CERCLIS Name (Code)**	**Definition**
Enforcement PRP Search & Case Development/ Implementation	Case Development	**NS**	• Cost Recovery Decision Document (DD) • Interviews (HV) • NPL RP Search (NS) • Non-NPL PRP Search (RP)	• Costs associated with preparing the document specifying EPA rationale for not pursuing cost recovery against PRPs at a site, event, or operable unit. • Costs associated with conducting interviews with individuals to obtain initial or additional information on PRPs. • Costs associated with PRP search at **NPL sites, non-NPL sites and/or removal action sites**, including case development, information gathering, interviews, document review and preparation. *(This code includes codes "HV, DD" used previously for financial transaction purposes.)*
	Compliance Enforcement	**UZ**	• Compliance Enforcement (UZ)	• Activities undertaken to follow up with PRPs with regard to performance or payment obligations, including: implementation of CDs; performing five-year reviews; implementing institutional controls, and post-construction work. Specific activities may include: compiling and preparing documentation; assisting in reuse activities, warning letter/call; memo to file documenting decision not to pursue penalties or otherwise take follow-up enforcement action; issuance of notice of violation; meeting with violator; negotiation of any deadline extension; dispute resolution; all activities for collection for delinquent accounts receivable including referral to DOJ for further enforcement. • For activities relating to such non-compliance that are carried out after EPA issues a § 109 administrative penalty complaint or after DOJ initiates court action, use the Action Code for Litigation (LT).
	PPA Assessment	**QX**	• PPA Assessment (QX)	• All activities involved in preparing, negotiating and finalizing a prospective purchaser agreement.
	Preparation of Cost Documentation	**PC**	• Preparation of Cost Documentation (PC)	• Costs associated with the preparation of cost documentation in support of cost recovery actions, and the preparation and issuance of periodic billings for oversight costs and other costs.
Enforcement Support	Contract Management	**JU**	• Contract Management (JU) • Enforcement Contract Mgt (TM) • SEE Program (SM)	• Costs and activities related to the management of contracts/enforcement contracts. *(This code includes code "TM" used previously for financial transaction purposes.)* • Provides funding for the Senior Environmental Employees. Intramural costs for this activity are generally charged to the Individual's Fixed Account Number.
	General Enforcement	**GE**	• General Enforcement (GE)	• General support activities required to manage and evaluate the Superfund Enforcement program. Contractor support includes establishing, maintaining, and revising automated data processing systems, and conducting special studies to help determine programmatic direction in future years.

R2

PRC: 302EC7C – Superfund Enforcement				
Activity Type	**Int. Action Name**	**Int. Action Code**	**CERCLIS Name (Code)**	**Definition**
Enforcement Support	General Enforcement	**GE**	•Training (TH)	•Training on non-site/incident activities within the Superfund program. Intramural costs for this activity are generally charged to the individual's Fixed Account Number.
	Legal Review & Analysis	**PS**	•Legal Review & Analysis (For legal staff only) (PS)	•Review of CERCLA documents and other legal analysis in support of the CERCLA program, not otherwise covered under other Action Codes. Includes review of program/technical site documents such as RODs; review of PRP submissions under an enforcement instrument, *prior* to the time any such submission is determined to be in violation of the instrument (thereafter, such activities should be charged to the Action Codes for Compliance Enforcement or Litigation, as appropriate); seeking access from property owners (prior to the time an access order is prepared or litigation for access is sought); attending public meetings concerning a site; preparing and reviewing documents, and participating in meetings or hearings associated with the filing of a lien; preparing and reviewing an administrative record; negotiating State Superfund Contracts or Cooperative Agreements or other programmatic agreements; providing legal advice on non-enforcement questions; and preparing or reviewing non-enforcement correspondence, such as responses to Congressional requests.
	Records Management	**SW**	•Administrative Records (AR)	•Costs associated with compiling, preparing, and maintaining the Administrative Record. SARA specifies that administrative records be compiled for Superfund sites where remedial or removal responses are planned or occurring, or where EPA is issuing a unilateral order or initiating litigation to track enforcement case budget funds used for any RP-lead activity.
			•Records Management (SW)	•All necessary activities to maintain records to respond to Superfund specific activities. Includes operation of automated records management/imaging systems (e.g., SDMS).

R3

SUPERFUND ACRONYM AND ABBREVIATION LIST

51

A

AA.OSWER	- Assistant Administrator for Solid Waste and Emergency Response
AAG	- Assistant Attorney General
ADR	- Alternative Dispute Resolution
AO	- Administrative Order
AOA	- Advice of Allowance
AOC	- Administrative Order on Consent
AR	- Administrative Record
ARARs	- Applicable or Relevant and Appropriate Requirements
ARCS	- Alternative Remedial Contracts Strategy
ATSDR	- Agency for Toxic Substances and Disease Registry

B

BODR	- Basis of Design Report
BUREC	- Bureau of Reclamation

C

CA	- Cooperative Agreement
CB	- Case Budget
CD	- Consent Decree
CEAT	- Contract Evidence Audit Team
CERCLIS/ WasteLan	- Comprehensive Environmental Response, Compensation, and Liability Information System/Waste Local Area Network
CI	- Civil Investigator
CLP	- Contract Laboratory Program
CPM	- Critical Path Method
CRC	- Community Relations Coordinator
CRC	- Cost Recovery Coordinator
CRI	- Community Relations Implementation
CRP	- Community Relations Plan
CWA	- Clean Water Act

D

DOI	- Department of Interior
DOJ	- Department of Justice
DQO	- Data Quality Objective

E

EA	- Endangerment Assessment
EE/CA	- Engineering Evaluation/Cost Analysis

NCP	- National Contingency Plan (National Oil and Hazardous Substances Pollution Contingency Plan)
NEIC	- National Enforcement Investigation Center
NOAA	- National Oceanic and Atmospheric Administration
NPL	- National Priorities List
NRC	- National Response Center
NSD	- Negotiation Support Document

O

O&F	- Operational and Functional
O&M	- Operation and Maintenance
OECA	- Office of Enforcement and Compliance Assistance
OERR	- Office of Emergency and Remedial Response
OGC	- Office of General Counsel
OIRM	- Office of Information Resources Management
OMB	- Office of Management and Budget
OMSE	- Office of Management Systems and Evaluation
ORC	- Office of Regional Counsel
OSC	- On-Scene Coordinator
OU	- Operable Unit
OWPE	- Office of Waste Programs Enforcement

P

PA/SI	- Preliminary Assessment/Site Inspection
PDD	- Preauthorization Decision Document
PNRS	- Preliminary Natural Resources Surveys
PRP	- Potentially Responsible Party

Q

QA/QC	- Quality Assurance/Quality Control
QAPP	- Quality Assurance Project Plan
QAPP/FSP	- Quality Assurance Project Plan/Field Sampling Plan

R

RA	- Remedial Action
RCRA	- Resource Conservation and Recovery Act
RD	- Remedial Design
RDT	- Regional Decision Team
RI/FS	- Remedial Investigation/Feasibility Study
ROD	- Record of Decision
RP	- Responsible Party
RRT	- Regional Response Team

T

T1

SUPERFUND ATTORNEYS

ACCOUNTS RECEIVABLE PROCESS REMINDER

SETUP

CDs/AOCs - Provide copy immediately upon entry/effective date to Tom Hernandez. Tom will give a copy to 11th Floor (Paula) and 14th Floor (Vickie) if it has Future Response/Oversight Costs.

Provide completed CERCLA Accounts Receivable Attorney Review Checklist to Tom Hernandez with CD/AOC. (located in Accts_Rec folder in "CERCLA Model Documents" on the S: drive)

TRACKING

- Around the 10th of each month attorneys will receive an email from the Superfund Accounts Receivable Team. The email sender will appear as: "R4_SF_Acct_RT" and the subject line will read "ACCTS REC - MY CASES:"

- Attached to the email will be 2 Microsoft Excel Spreadsheets from the Cincinnati Finance Center (CFC).

- One spreadsheet will contain all the open Superfund receivables. Note: this spreadsheet contains delinquent and non-delinquent receivables. In the "Age" column, those receivables with a negative number are not due yet, and those with positive numbers show how many days overdue the debt is.

- The second spreadsheet will contain all the "Currently-not-Collectibles" (CNCs). These are debts that are more than 2 years old and are kept separate by the CFC.

- **WITHIN SIX (6) DAYS OF RECEIPT OF THE EMAIL**, find your delinquent cases in both spreadsheets. If you have any delinquent receivables simply hit "REPLY" to the email and provide the following:

    - The Site names you are responding for after "MY CASES:" in the Subject line (e.g. MY CASES: Anniston PCB, MRI, Whitehouse)

    - The A/R Number (starts with "BD") and Site name. Generally this is the first 3 columns of the spreadsheet. YOU CAN CUT AND PASTE THIS FROM THE SPREADSHEET.

    - A brief (1-2 sentences maximum) description of the status of each delinquent receivable. (e.g. Collection referral to DOJ on xx/xx/xx). YOU MUST PROVIDE A STATUS UPDATE EVEN IF NOTHING HAS CHANGED SINCE THE PREVIOUS MONTH.

U1

Attorney Work Product **Not for public release**

CERCLA Accounts Receivable - Attorney Review Checklist

1. Site Name: _____

2. Document Type/Description: _____
(e.g. RI/FS AOC, Removal AOC, RD/RA CD, etc.)

3. EPA Docket No. or Civil Action No: _____

4. What is the Effective Date of the document? _____

5. What is the scope of the document? (mark all that apply)

(a) The full Site _____
(b) Operable Unit(s) _____ (OU Nos. _____)
(c) An Interim Action _____
(d) An Amendment _____
(e) Other (describe) _____

_____

6. Is there a "Past Response Costs" component? Yes ____ No____

If yes: (a) How much is to be paid? _____

(b) When is it to be paid? _____

(c) Is it to be paid in Installments? Yes_____ No_____

If yes, please explain the installment terms: _____

_____

_____

(d) Is it to be paid to a Special Account? Yes____ No____

Please complete reverse side of form.

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7. Is there a Future Response Costs" component? Yes____ No____

If yes: (a) How often is the bill to be sent? _____

(b) Is issuance of the bill tied to a specific date? Yes____ No____

If yes, what is the date? _____

If no, what standard is used? _____

(c) Does the document provide EPA with discretion to adjust when the bill may be issued? Yes____ No____

If No, please explain _____

_____

(d) Are bills to be paid to a Special Account? Yes____ No____

8. What is EPA supposed to send along with the bill? (e.g. SCORPIOS)_____

_____

9. Please describe any limitations or other requirements in the document that might impact the collection of Future Response Costs (e.g. interest, cap on Future Response Costs, etc.)

_____

_____

Attorney Performing Review:_____ **Date:**_____

Extension:_____

V1

Thomas Hernandez/R4/USEPA/US 06/20/2008 09:25 PM	To	R4 OEA Superfund Attorneys
	cc	Thomas Hernandez/R4/USEPA/US@EPA, Dana Sherrer/CI/USEPA/US@EPA
	bcc	
	Subject	Superfund Attorneys: Here's Link to Latest Cincinnati Payment Instructions to Forward on to Your PRPs (SAVE THIS EMAIL)

History: This message has been forwarded.

Connie Ely of the Cincinnati Finance Center encourages the Regional Attorneys to forward this link on to their PRPs.

http://www.epa.gov/cfo/finservices/make_a_payment_cin.htm

V2

http://www.epa.gov/cfo/finservices/make_a_payment_cin.htm
Last updated on Wednesday, January 23rd, 2008.

Office of the Chief Financial Officer

You are here: EPA Home OCFO Home How to Make Payment to EPA? How to Make Payment to the US EPA Cincinnati Office?

How to Make Payment to the US EPA Cincinnati Office

Cincinnati Accounts Receivable Branch of US EPA receives payments for regional civil penalties, regional superfund, regional FOIA requests, EPA travel repays and copays, and EPA bankcard repayments.

Electronic payments fall into two categories: wires and ACH. Wires are same day and more costly. ACH is the next day or any future scheduled day and is much less expensive. Please note that wires and ACH payments must be done through the sender's bank.

WIRE TRANSFERS (any currency)

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York NY 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

Wire Format

ACH

(also known as REX or remittance express)

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
ABA: 051036706
Account Number: 310006
CTX Format Transaction Code 22 - checking

Environmental Protection Agency
808 17th Street NW
Washington DC 20074

Contact: Jesse White, 301-887-6548

CHECK PAYMENTS

US Environmental Protection Agency
Superfund Payments

V3

Cincinnati Finance Center
PO Box 979076
St. Louis, MO 63197-9000

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

US Environmental Protection Agency
FOIA and Miscellaneous Payments
Cincinnati Finance Center
PO Box 979078
St. Louis, MO 63197-9000

contact = Craig Steffen 513-487-2091 or Eric Volck 513-487-2105

US checks in US dollar sent by fedex and other non-US-Postal-Service express mail

The following addresses can be used for common carriers such as FedEx, Airborne, DHL, and UPS.

U.S. Bank
Government Lockbox 979076 US EPA Superfund Payments
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
314-418-1028

U.S. Bank
Government Lockbox 979077 US EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
314-418-1028

U.S. Bank
Government Lockbox 979078 US EPA FOIA & Misc. Payments
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
314-418-1028

Checks drawn on foreign banks with no USA branches no matter what the currency

Send to directly to Cincinnati Finance
US EPA, MS-NWD
26 W ML King Drive

V 4

Cincinnati OH 45268-0001

DEBIT AND CREDIT CARD PAYMENTS

Go to the following link: https://www.pay.gov/paygov/

W

W 1

Superfund Interest Rates 1980 to Present

[return to Superfund Documents]

2009 2.15%

FISCAL YEAR	RATE	INSTRUMENT	DOCS
2008	4.34%	MK-Note	
2007	5.02%	MK-Note	
2006	4.11%	MK-Note	Tr06-01
2005	2.21%	MK-Note	Tr05-01
2004	1.27%	MK-Note	Tr03-07
2003	1.47%	MK-Note	Tr03-01
2002	3.35%	MK-Note	Tr01-06
2001	6.18%	MK-Bill	Tr00-12
2000	5.30%	MK-Bill	Tr99-13
1999	4.53%	MK-Bill	Tr99-02
1998	5.61%	MK-Bill	Tr97-24
1997	5.69%	MK-Bill	Tr96-20
1996	5.86%	MK- Bill	Tr95-16
1995	5.63%	MK-Bill	Tr94-29
1994	3.36%	MK-Bill	Tr93-25
1993	3.49%	MK-Bill	Tr92-34
1992	5.70%	MK-Bill	Tr92-01
1991	7.99%	MK-Bill	Tr91-01
1990	8.47%	MK-Bill	Tr89-32
1989	8.39%	MK-Bill	Tr89-03
1988	6.99%	MK-Bill	Tr88-01
1987	5.63%	MK-Bill	Tr87-17
1986	7.43%	MK-Bill	MK-Bill
1985	10.82%	MK-Bill	MK-Bill
1984	9.40%	MK-Bill	MK-Bill

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1983	11.32%	T-Bill	T-Bill
1982	17.26%	T-Bill	T-Bill
1981	10.93%	T-Bill	T-Bill
1980	10.88%	T-Bill	T-Bill

You will need Adobe Acrobat Reader EXIT Disclaimer to view a number of files on this site. Click here for more information about Adobe Acrobat.

X1

Thomas Hernandez/R4/USEPA/US
05/08/2008 02:44 PM

To R4 OEA Superfund Attorneys
cc Thomas Hernandez/R4/USEPA/US@EPA
bcc
Subject No Arbitrary Money Amount Cut-offs for Checks Vs. Wire Transfers (EFT)

Note: This email and others like it will be shortly collected and scanned into a new **CERCLA Legal Support Orientation Binder** , which will be available for access in the new QuickPlace CERCLA Legal Support Room.
tch

Dana Anderson/CI/USEPA/US
05/08/2008 01:55 PM

To Thomas Hernandez/R4/USEPA/US@EPA
cc Bonnie Sawyer/R4/USEPA/US@EPA, Mike Stephenson/R4/USEPA/US@EPA, Paula Batchelor/R4/USEPA/US@EPA, Thomas Hernandez/R4/USEPA/US@EPA
Subject Re: Dana: I Forgot Who is the "Guru' of CFC Payment Instructions - New Important Question

Tom,

There is no problem with a PRP remitting payment less than $10,000.00 using EFT.
Paula is correct, I do not know of any guidance stating the min or max for method of payment.

Thanks
Dana

Dana Anderson
Cincinnati Finance Center
Ph. 513-487-2071
Fax 513-487-2063
Thomas Hernandez/R4/USEPA/US

Thomas Hernandez/R4/USEPA/US
05/08/2008 12:40 PM

To Dana Anderson/CI/USEPA/US@EPA
cc Paula Batchelor/R4/USEPA/US@EPA, Mike Stephenson/R4/USEPA/US@EPA, Thomas Hernandez/R4/USEPA/US@EPA, Bonnie Sawyer/R4/USEPA/US@EPA
Subject Dana: I Forgot Who is the "Guru' of CFC Payment Instructions - New Important Question

I believe you indicated a while back that it was either Eric or John Ash - and I know of one them has since left the CFC. Anyway, referring to the Agency's Model RD/RA Consent Decree (May 2001), the **Past Costs** payment instructions seem to describe a suggested cut-off of $10,000 for EFT versus certified/cashier's/personal checks. However, Paula just now related to me an anecdotal story of a check coming to her last year in the amount of $1million. She herself understands that there is no REAL

X2

maximum or minimum amount for any of the various methods.

But Bonnie's question is as follows:

Is there, particularly for Future (oversight) costs, which often will be less than $10k, any problem, etc. for using EFT for amounts less than $10,000? I believe Paula already answered my question, but I just wanted to share the official answer with all R4 SF attorneys. Matter of fact, this email may be added to our **CERCLA Legal Support Orientation Binder** that I have almost finished creating for our four new SF attorneys.

Thanks, TCH

Y

Y1

Thomas Hernandez/R4/USEPA/US
09/29/2008 06:45 PM

To Thomas Hernandez/R4/USEPA/US@EPA
cc
bcc
Subject List of Databases that Tom Has Familiarity With and/or Access to

Think of me as the "Information Manager" for the Offices of CERCLA Legal Support

1) PeoplePlus

2) DB TextWorks (look to see from your desk what's on the shelves in the OEA Law Library)

3) SDMS

4) eFACTS

5) PACER - Only the law librarian, one attorney and two paralegals (including me) have access to this Court-based database

6) Region 4 CTS (Case Tracking System) - Hearing Clerk Pat Bullock's database

7) ICIS - I have minimal access to and experience with

8) IFMS - Accounts Receivable database on the intranet - no special password needed; access from **EPA@WORK** on the Daily News page

9) Superfund Division's "moneypacks" icon with access to different reports, etc.

10) REDS - I get a periodic printout from Teresa Shirley; indicates which atty is assigned to the various SF Sites

Z

August 25, 2008

MEMORANDUM

SUBJECT: Partial Index To My Accumulated Guidance

FROM: Tom Hernandez
Paralegal Specialist

TO: File

Note: This is an incomplete list of my collective guidance dating back to 1990 or so.

CERCLA Section 101(41)(c), Eligible Response Sites

CERCLA 104e -Access (1987 memo; 1993 memo)

CERCLA 104e's - Cost Recovery Review

CERCLA 104e's - Sample Documents on LAN

CERCLA 104e (ACETO questions)

CERCLA 104e's - Insurance Coverage Questions

CERCLA 104e Recycling Questions

CERCLA 104e Questions- SREA May Apply

CERCLA 106 (UAOs) - See also "UAOs - Misc."

CERCLA 106Cross-Media

CERCLA 106(b) Petition

CERCLA 107(b) Defenses

CERCLA 122(g) - Revised

CERCLA 122(h) Models

CERCLA 122(h) Concurrence from DOJ

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CERCLA 122(h)- Revised Model Agreement

ABEL/BEN

Ability-to-pay (ATP) - Overview & GNL ATP Language

ATP (Installments, etc.) (9/30/97)

ATP & Insurance Policies

ATP- New Questionnaires Created by Dwight Murray

ATP/De Minimis Guidance

ATP - Supplemental Questions

ACETO and Arrangement for Disposal

ACOs - Judicial Review of Administrative Compliance Orders (2003)

Access - Request for AO

Access Training : Mike Stephenson (7/15/08)

Access - Authorization Form

Accounts Receivable -Suspense Account Question (2003)

Action Memorandum

ADR

Administrative Hearings & Trials: Pleadings & Litigation Civil Penalties (10/31/07)

Administrative Litigation

Administrative Record Training: Rolando Bascumbe (8/05/08)

Administrative Subpoenas

Affidavits, Declarations & Depositions

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Amicus Matters at the Apellate Level

AOC for Remedial Design

Air Rules

Appraisal Assistance from DOJ

Assumptions - Volumetric (Examples)

ARARS 101 (1/08/07)

ATSDR 101

Attorney Fees - Reasonableness of (Dico Decision, 8th Cir. Ct of Appeals, 2001)

Aviall -Post Aviall

Aviall - Models on the S: Drive (2006)

Background - Importance of in CERCLA Cleanup Program

Bankruptcy **(large accordion folder)**

Black Letter Law (CERCLA) May 2007

Briefing Papers

Brownfields **(large accordion folder)**

CAFO Language

"Causation" Research

CBI - Online Training March 2002 (See also "Confidentiality Agreements")

CBI - Online Training July 2008

CWA

Cases - Significant (pre-2000; 2000-2003; 2004-2007)
Caselaw Review Meetings (10/10/06 only)

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Cash-out Settlements

Certified Copies - Administrative Record

Certified Mail - Example of completed green cards, etc.

Classifications - Cleanup (Supreme Ct declines to review)

Comfort Letters - R4 model language changes ["Reasonable Steps" & Windfall Lien]

Communication with Outside Parties re: Enforcement Actions (2000)

Compensation - Partially or completely demolished buildings

Confidentiality Agreements - CBI Documents are Released (2001)

Confidentiality Agreement: 2007 Example

Contiguous Property Owner Guidance (2004)

Contracts 101 (Superfund) - Leif Palmer 8/21/08

Cooperative Agreements - Superfund

Corporate Successor Liability (including Substantial Continuity Test)

CPRM - See "Federal Facilities"

"Update and Next Steps for SF and FF **Cross-Program** Revitalization Measures (7/20/07)

Credentials - Bill Anderson email 3/19/07 (with attached 7/11?/2000 "Final Fact Sheet" memo)

Credentials - Special (Adrienne's email)

Credentials Verification Program (2003) - Region 4

Criminal Enforcement in Region 4 Training - 4/18/07

Criminal Investigation - General Background and Referrals from Civil Programs

Cybersecurity Awareness Online Training (August 2008)

Dun & Bradstreet Reports as CBI (2004)

"D/B/A" email inquiry to office

D.C. Circuit Rulings

Delegations - Changes (2002); Roles Chart (2007)

Deletions - 2006 update to NPL List process

Delisting Superfund Sites/Deletions from the NPL - Karen Singer has an entire 2007 file

Demand Letter - (AOC) example of

DeMicromis - Final revised policy (2002)

De-Obligation - LUST/Superfund (2002)

Depositions - Strategies for Taking Successful Depositions (5/09/07)

Digital Cameras - Draft Policy for Use in Civil Inspections (2002)

Diversity - Workforce initiatives

E-Discovery Training (10/19/06 & 12/20/06)

EAB Practice Manual

Eminent Domain - Clarification on 2005 Supreme Ct decision

Employee Testimony
Enforcement First

EJ Action Plan (2003)

EMS (Environmental Management System) - Support for and Implementation by local governments (2003)

Environmentally Responsive Re-Use Projects (ER3)

EPA Can Recover More Federal Superfund Money - OIG Evaluation Report (3/26/2008)

Ethics Advisory - 2005 (Email, but not attached WP file)

Ex Parte Communications - Under Part 22

26

Expert Witness - Qualifying

Fact Witness

Federal Facilties

Federal PRPs

Federal Register Process - Various emails from Paula & a few examples (2005-2006)

Federal Rules of Civil Procedure - 12/01/03 Amendments

Financial Assurance Instruments/Tools/Letters of Credit (**large accordion folder**)

Financial Responsibility - Performance-Based Strategy

Five-Year Reviews -Training (6/28/07); Quick-reference Guide (7/26/06)

Goodrich (Document Preservation) - District Court Decision

GRITS/GIS

Hatch Act

Homeowners - See Owners of Residential Property

Imminent & Substantial Endangerment - SDWA decision (2001)

Impartiality - Performing Official Duties

Institutional Controls (IC) (**large accordion folder**)

Institutional Controls - Alabama: Email From Matt (6/18/07)

Insurance - Environmental; training 7/06/06 and earlier insurance expert support

Iinternational Law & Assignments

Interest Provisions in Past-Costs CDs Negotiations

Legislative (OSRE) Updates (10/26/07)

Liability - Joint & Several

(Includes CERCLA Settlements Lead Region Workgroup Memorandum on Status of Joint & Several Liability & Divisibilty Defenses)- 2007

Liability - Federal Entities

Liability -Lender

Liability - Parent Corporation

Library Resources & Data

Liens - Foreclosure

Liens - Superfund (Andy Hey 10/15/07)

Liens - Windfall

Litigation Holds (Email from Bill Anderson) 3/01/07

Metadata Training (7/27/06)

Miscellaneous Receipts Act

Mixed Funding Settlements

Models -RD/RA CD

Models Knowledge Base

NPL Caliber and NPL Equivalent Sites

Natural Attenuation, Monitored, Citizens Guide to (April 2001)

No Contacts Rule

Notice Letter Guidance (1987-1996)

"On-Site" - Opinion on definition of (NDNY, 2006)

OPA - Approval Procedures

Orphan Share - HQ Fire Drill

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Orphan Share Q & A Guidance (January 2001)

OSRE Recent Decisions Documents

Outside Attys Contacting Current & Former EPA Employees

Ovesight - Miscellaneous

Oversight Costs - IG Audit

Owners of Residential Property at SF Sites (1991)

PPAs- Expeditious Requests (1999)

PPI- Response Team Approach

PRP Search PowerPoint - Region 4

Parallel Proceedings Policy - See Criminal

Penalty Claims - Section 106(b)(1) & 107 (c)(3)- Interim Policy (1997-2006) & Penalty Matrix (2005)

Penalties -Miscellaneous

Penalty Policies - Modifications due to Civil Monetary Inflation Adjustment Rule

Petroleum Exclusion (1987 - on)

Piercing Corporate Veil/Corporate Successor Liability (**See also Successor Liability**)

Porosity - Case from EDNY (2004) <<< I didn't print actual case attachment

Premiums - office email inquiry

Privileges (Comunications Waiver; Settlement, etc.)

Proof of Service - Part 22 Administrative Complaints

PROTRAC (Product Development & Approval Process)

PRP Search Manual Cover Page (Sept. 2003)

Public Comments - Revision to CDs (office email inquiry)

RCRA - Solid Waste Under (2004)

RCRA ARARS

RD/RA Negotiations - Criteria when requesting an extension (1999)

RD/RA PowerPoint from Region 7

RR Access Model (2002)

Racial Classifications - Enforcement Targeting (2006)

Ready for Re-use Determinations (2003)

Reimbursement Petitions Under CERCLA 106(b)(2)

Release Letter - PRP<<<**NO LONGER USED?**

Recyclers - "Bright Line" Test in pending litigation (1997)

Recycling Equity Act of 1999- Factors to Consider (2002)

Relocation- Implementation Guidance (2002); older OSWER Directive, etc.

Remedial Action - Negotiation & Enforcement Strategies (1999)

Removal Process - Waste Division/OEA Coordination

Removals & Removals vs. Remedial - Misc Folder

Restrictions on Communicating with Outside Parties Regarding Enforcement Actions (4/04/08, with attached memos from 3/08/06, 10/28/03, and Ethics Advisory 90-02)

Results-Based Approaches (RCRA) For PRP Oversight (2006)

Reuse Training coming in April 2007 - office email

RI/FS PowerPoint from Region 5

ROD Review Checklist (2003) & Older Guidance (1999)

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Roles Chart - See Delegations

SAS -Superfund Alternative Sites (Guidance; Evaluation Memo, etc.)

SEP - Recommended Ideas Guidance (2004), etc.

SSDE- Service Station Dealer Exemption

Selected Judicial Rulings Paper from OSRE (2004-2006)

Self-Disclosures (Voluntary) Protocol (2005)

SEPs - Mandatory Language (re: IRS) to include in all CAFOs/CDs

Settlement Privileges - Email from Mary Kay with attached decision and summary of decision

Settlements Lead Region Workgroup

Small Business Strategy & Implementation Plan (2005)

Smart Enforcement - Suarez Memo (2003)

SOL/Statute of Limitations - Decisions, Overview, etc.

Special Accounts - Historic

Special Accounts - Reference Outline for Regional Attys (2008)

Special Litigation & Projects Division (2003)

Stafford Act Training (3/21/07)

Subpoenas

Superfund Alternative Cleanups - EPA Needs to Take More Action - OIG Evaluation Report (6//06/07)

Superfund Board of Directors (2004)

TSCA and the Transfer of PCB-Contained Property (2002 Brown Bag)

Takings- Significant Case Decisions and "Takings 101" (2004)

Talking Points - Superfund Background from HQ (2002)

Ten-Point Settlements

Title VI

Tolling Agreement Model (2001)

Transporters - Enforcement Actions Against (1985)

UAOs - Misc.

Unpublished Opinions - Supreme Ct decision to allow in allow in federal courts (2006)

Water Mgt Program - Overview (1997)

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