

## Request for Records Disposition Authority

Records Schedule Number      **DAA-0412-2013-0016**  
Schedule Status                **Approved**

Agency or Establishment        **Environmental Protection Agency**  
Record Group / Scheduling Group **Records of the Environmental Protection Agency**  
Records Schedule applies to    **Agency-wide**  
Schedule Subject                **Legal Services**  
Internal agency concurrences will be provided    **No**

### Background Information

### Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
<b>3</b>	<b>1</b>	<b>2</b>	<b>0</b>

### GAO Approval

## Outline of Records Schedule Items for DAA-0412-2013-0016

Sequence Number	
1	<b>Legal Services</b>
1.1	Historically significant legal services records Disposition Authority Number: DAA-0412-2013-0016-0001
1.2	Other legal services records Disposition Authority Number: DAA-0412-2013-0016-0002
1.3	ADR confidential case records Disposition Authority Number: DAA-0412-2013-0016-0003

Records Schedule Items

Sequence Number					
1	<b>Legal Services</b>				
1.1	<p><b>Historically significant legal services records</b></p> <p>Disposition Authority Number      DAA-0412-2013-0016-0001</p> <p><b>Includes: legal interpretations and opinions related to the intent and application of environmental laws and regulations, excluding the background material (item b).</b></p> <p>Final Disposition                      Permanent</p> <p>Item Status                              Active</p> <p>Is this item media neutral?          Yes</p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?      Yes</p> <p>Do any of the records covered by this item exist as structured electronic data?                      Yes</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Manual Citation</th> <th style="width: 50%;">Manual Title</th> </tr> </thead> <tbody> <tr> <td>EPA 1025 item a</td> <td></td> </tr> </tbody> </table> <p>GRS or Superseded Authority Citation      N1-412-07-53/3a(1) N1-412-07-53/3a(2)</p> <p><b>Disposition Instruction</b></p> <p>Cutoff Instruction                      Close upon the expiration, amendment, or revision of an act or regulation.</p> <p>Transfer to the National Archives for Accessioning      Transfer electronic records to the National Archives 5 years after file closure. Transfer non-electronic records to the National Archives 15 years after file closure.</p> <p><b>Additional Information</b></p> <p>What will be the date span of the initial transfer of records to the National Archives?      Unknown Transfer of these records is ongoing.</p> <p>How frequently will your agency transfer these records to the National Archives?      Unknown Transfer of these records is ongoing.</p>	Manual Citation	Manual Title	EPA 1025 item a	
Manual Citation	Manual Title				
EPA 1025 item a					

1.2

**Other legal services records**

Disposition Authority Number      DAA-0412-2013-0016-0002

Includes, but is not limited to: background material for legal interpretation and opinions related to the intent and application of environmental laws and regulations; Board of Contract Appeals cases, consisting of copies of the appeal filed with the Department of Interior Board of Contract Appeals, written memoranda of legal arguments (if any filed), relevant documents relating to disputed contractual issues, contracting officer's final decision, briefs, motions, and pleadings; environmental alternative dispute resolution (ADR) program case files held by ADR program staff or other EPA employees serving as a neutral third party related to the use of ADR in matters affecting public health and the environment that involve parties outside of the Agency such as regulatory matters, permits, remediation of Superfund sites, closure of treatment, storage and delivery facilities, National Environmental Policy Act (NEPA) decisions, controversies stemming from Environmental Justice concerns, and other matters of importance to EPA and other parties; EPA personnel law files consisting of records related to discrimination, labor relations, adverse employee actions and labor standards appeals or complaints; Government Accountability Office (GAO) contract bid protest cases consisting of copies of contract protests filed with the GAO, written memoranda of legal arguments (if any filed), statement of EPA contracting officer, relevant documents related to the protest, contract award or other contracting actions, the protest file, the Agency reports, and related records; general legal records, including records related to such matters as contracts, appropriations, real property, claims files consisting of records related to considerations and settlement of claims by and against the U.S. such as tort claims, employees' claims, waivers of claims, claim collection actions, and similar records; information law and intellectual property records, including patents, copyrights, data rights and interpretations under contracts, grants, and cooperative agreements awarded by EPA, records involving EPA's rights to use patented inventions and copyrighted material, licensing of EPA inventions, disclosures of inventions made under grants, contracts, and by EPA employees, lists and copies of issued EPA-owned U.S. patents; and litigation involving EPA and documenting the nature, course, and outcome of defensive litigation involving EPA and related to EPA's environmental laws and regulations, matters outside of EPA's specific environmental regulatory statutes (e.g., Freedom of Information Act, Endangered Species Act, contracts, personnel, federal tort claims, etc.), as well as cases where the government brings suit on a matter outside of EPA's regulatory area (e.g., someone owes the government money), including court pleadings and orders, opinions, depositions, interrogatories, transcripts, affidavits, exhibits, documents related to discovery and evidence, and other records relied on to make the case. Excludes: confidential ADR case files (item c), records related to an EPA action that uses ADR held by EPA staff other than Agency employees serving as an ADR neutral, and ADR records for matters involving citizen complaints and employee relations.

Final Disposition Temporary  
 Item Status Active  
 Is this item media neutral? Yes  
 Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes  
 Do any of the records covered by this item exist as structured electronic data? Yes

Manual Citation	Manual Title
EPA 1025 item b	

GRS or Superseded Authority Citation  
 N1-412-07-53/1a  
 N1-412-07-53/2a  
 N1-412-07-53/3b  
 N1-412-07-53/4a  
 N1-412-07-53/6a  
 N1-412-07-53/6b  
 N1-412-07-53/7a  
 N1-412-07-53/7b  
 N1-412-07-53/7c  
 N1-412-10-2a

**Disposition Instruction**

Cutoff Instruction Close upon final action, decision or resolution, or completion of the case or program.  
 Retention Period Destroy 10 year(s) after file closure.

**Additional Information**

GAO Approval Not Required

**ADR confidential case records**

Disposition Authority Number DAA-0412-2013-0016-0003

Final Disposition Temporary  
 Item Status Active  
 Is this item media neutral? Yes  
 Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes

1.3

Do any of the records covered by this item exist as structured electronic data? **Yes**

Manual Citation	Manual Title
EPA 1025 item c	

GRS or Superseded Authority Citation **N1-412-10-2b**

**Disposition Instruction**

Cutoff Instruction **Close after ADR is discontinued.**  
Retention Period **Destroy 1 year(s) after file closure.**

**Additional Information**

GAO Approval **Not Required**



## Agency Certification

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

## Signatory Information

Date	Action	By	Title	Organization
08/09/2013	Certify	John Ellis	Agency Records Officer	Office of Environmental Information - Office of Information Collection
03/03/2015	Submit for Concurrence	Henry Wolfinger	Appraiser	National Archives and Records Administration - Records Management Services
03/04/2015	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - Records Management Services
03/04/2015	Concur	Laurence Brewer	Director, National Records Management Program	National Archives and Records Administration - National Records Management Program
03/08/2015	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist

**317 Legal Services**

Activities providing legal advice and support for the Agency's business. Includes: legal support for EPA's rules and policies, case-by-case decisions (such as permits and response actions), and legislation. It covers legal representation in court challenges to Agency decisions (such as regulations), Supreme Court litigation, and cases related to EPA's day-to-day operations, including entering into contracts, awarding grants, managing property and money, and working with EPA employees. Also covers legal advice to EPA and articulation of the Agency's legal positions in the federal courts and before other tribunals and organizations.

<b>Previous Schedule</b>	<b>Previous Title</b>	<b>Previous Retention</b>	<b>New Schedule</b>
656a N1-412-07-53/1a	Board of Contract Appeals Cases – Record copy	Close inactive records 2 years after final resolution or settlement of appeal or 2 years after payment, if any, of judgment or settlement amount, whichever is later. Destroy 10 years after file closure, or 10 years after final payment under contract, whichever is later.	1025b
657a N1-412-07-53/2a	GAO Contract Bid Protest Cases – Record copy	Close inactive records 2 years after final resolution or settlement of protest litigation. Destroy 10 years after file closure, or 10 years after final payment under contract, whichever is later.	1025b
674a(1) N1-412-07-53/3a(1)	Legal interpretation and opinions – Requests for and responses – Nonelectronic	Close inactive records upon the expiration, amendment, or revision of an act or regulation. Transfer to the National Archives in 15 year blocks, 15 years after file closure.	1025a
674a(2) N1-412-07-53/3a(2)	Legal interpretation and opinions – Requests for and responses – Electronic	Close inactive records upon the expiration, amendment, or revision of an act or regulation. Transfer to the National Archives 5 years after file closure, with any related documentation and external finding aids, as specified in 36 CFR 1235.44-1235.50 or standards applicable at the time.	1025a
674a(3) N1-412-07-53/3a(3)	Legal interpretation and opinions – Requests for and responses – Electronic copy of records transferred to the National Archives	Close file upon transfer to the National Archives. Delete after electronic copy is successfully transferred to the National Archives.	1025 guidance 008a
674b N1-412-07-53/3b	Legal interpretation and opinions – Background material	Close inactive records at end of year. Destroy 10 years after file closure.	1025b



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675a N1-412-07-53/4a	Litigation involving EPA – Record copy	Close inactive records upon completion of case. Destroy 10 years after file closure.	1025b
677a N1-412-07-53/6a	Information law and intellectual property – Patents, copyright and data rights and interpretations	Close inactive records upon completion or termination of contract, grant, or cooperative agreement or last action taken regarding the matter involved if no contract, grant or like is involved. Destroy 15 years after file closure.	1025b
677b N1-412-07-53/6b	Information law and intellectual property – Disclosures	Close inactive records upon completion or termination of contract, grant, or cooperative agreement or last action taken regarding the matter involved if no contract, grant or like is involved. Destroy 15 years after file closure.	1025b
678a N1-412-07-53/7a	General law – EPA general law files	Close inactive records at end of year. Destroy 10 years after file closure.	1025b
678b N1-412-07-53/7b	General law – EPA claims files	Close inactive records upon final resolution of claims. Destroy 10 years after file closure.	1025b
678c N1-412-07-53/7c	General law – EPA personnel law files	Close inactive records upon final decision by court or administrative agency. Destroy 7 years after file closure.	1025b
751a N1-412-10-2a	Environmental alternative dispute resolution (ADR) program case files – General case records	Close inactive records at end of calendar year. Destroy 5 years after file closure.	1025b
751b N1-412-10-2b	Environmental alternative dispute resolution file (ADR) program case files – Confidential case records	Close inactive records after ADR is discontinued. Destroy 1 year after file closure.	1025c