

<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b>		JOB NUMBER <i>N1-412-06-19</i>	
To: NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR) WASHINGTON, DC 20408		DATE RECEIVED <i>3-8-2006</i>	
1. FROM (Agency or establishment)  U.S Environmental Protection Agency		<b>NOTIFICATION TO AGENCY</b>  In accordance with the provisions of 44 U.S.C. 3303a, the disposition request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.	
2 MAJOR SUBDIVISION			
3 MINOR SUBDIVISION			
4 NAME OF PERSON WITH WHOM TO CONFER  Constance Downs	5 TELEPHONE  202-566-1640	DATE <i>11/6/07</i>	ARCHIVIST OF THE UNITED STATES <i>[Signature]</i>
6 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 on the attached <u>3</u> page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified; and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO manual for Guidance of Federal Agencies,  <input checked="" type="checkbox"/> is not required; <input type="checkbox"/> is attached; or <input type="checkbox"/> has been requested.			
DATE <i>2/27/08</i>	SIGNATURE OF AGENCY REPRESENTATIVE Constance Downs <i>[Signature]</i>	TITLE Acting Agency Records Officer	

7 Item No.	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARA USE ONLY)
	Enforcement Actions - Superfund Site-Specific	N1-412-94-3/6	

*SA 11/9/07 copies sent to Agency, NWMD, NWME, NR*

# EPA Records Schedule 025

**Status:** Final, 02/29/2008

**Title:** Enforcement Actions - Superfund Site-Specific

**Program:** Superfund

**Applicability:** Agency-wide

**Function:** 108-025-08 - Compliance and Enforcement

## **NARA Disposal Authority:**

This schedule authorizes the disposition of the record copy in any media (media neutral), excluding any records already in electronic form. Records designated for permanent retention must be transferred to the National Archives in accordance with NARA standards at the time of transfer.

- N1-412-06-19

## **Description:**

Includes all cases referred to Office of Regional Counsel or other offices with enforcement authority, for action in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). Includes such actions as injunctive relief, natural resource damage actions, remedial investigation/feasibility study (RI/FS) special notices, administrative and judicial cost recovery settlements; administrative orders issued under CERCLA Sections 104, 106, and 122; judicial settlements and orders under CERCLA Sections 106, 107, and 122; and federal facility agreements under CERCLA Section 120. Specific types of records found in this series include the Department of Justice (DOJ) referral package, attorney work products, case summaries, compliance status documents, discovery, litigation support documents, consent decrees, notices, pleadings, state and local enforcement records, subpoenas, witness lists, and 10-point settlement memos.

## **Disposition Instructions:**

**Item a:** No legal action required and routine legal action cases

- **Disposable**
- Close inactive records upon settlement or closing of case.
- Destroy 30 years after file closure.

**Item b(1):** Landmark cases - Nonelectronic

- **Permanent**

- Close inactive records upon settlement or closing of case.
- Transfer to the National Archives 30 years after file closure.

**Item b(2):** Landmark cases - Electronic

- **Permanent**
- Close inactive records upon settlement or closing of case.
- Transfer to the National Archives 5 years after file closure, with any related documentation and external finding aids, as specified in 36 CFR 1228.270 or standards applicable at the time.

**Item b(3):** Landmark cases - Electronic copy of records transferred to the National Archives

- **Disposable**
- Close file upon transfer to the National Archives.
- Delete after electronic record copy is successfully transferred to the National Archives.

**Guidance:**

The unit with enforcement authority is responsible for maintaining the record copy and implementing the disposition, including selecting landmark cases for recommendation to the Regional Administrator or the Regional Administrator's delegate. Landmark cases include cases resulting in a legal precedent that establishes or affirms Agency policy with respect to environmental actions of national importance, such as the banning of a hazardous substance or other actions affecting EPA's relationship with an entire industry or a major pollution source.

Records may include financial assurance documents, "ability to pay" documents, and negotiable instruments such as letters of credit and stock certificates. Original negotiable instruments must be protected and kept in fireproofed locked containers such as a safe. Copies of negotiable instruments may be kept in the related files.

Copies incorporated into other files are to be retained according to the disposition instructions for the records they support.

See EPA 013 and EPA 014 for removal site files and remedial site files, respectively.

Administrative decision records are covered in EPA 085 and claims against the Fund in EPA 087. The Sample Management System used to track enforcement action sample data is scheduled as EPA 062, Lab Automation System (LBAU). Other Superfund site-specific schedules include: EPA 001 for grants and other program support agreements; EPA 010 for site assessment; EPA 012 for federal facilities hazardous waste sites; EPA 018 for sampling and analytical data files; EPA 019 for administrative records; EPA 020 for contract management records; and EPA 024 for cost recovery records.

Oil site-specific enforcement actions are scheduled as EPA 480. Regional enforcement records for programs other than Superfund are scheduled as EPA 207. Criminal investigation records are covered in EPA 208 and criminal enforcement counsel in EPA 683.

Specific legal citations include, but are not limited to:

- Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, Sec. 104, 106 and 107, 42 USCA 9607
- 40 CFR Part 300

**Reasons for Disposition:**

The disposition instructions have been rewritten to allow for maintaining the record copy in EPA's electronic recordkeeping system. The retention has not changed.

The following changes were made in the 02/29/2008 version:

- Divided item b into three subitems, b(1)-(3).
- Revised the titles of disposition items b(1)-(3).
- Revised the disposition instruction for item b(3).

Item c for electronic copies created with word processing and electronic mail applications was deleted 08/09/2006 pursuant to NARA Bulletin 2006-04.

**Custodians:**

Multiple units

**Related Schedules:**

EPA 001, EPA 010, EPA 012, EPA 013, EPA 014, EPA 018, EPA 019, EPA 020, EPA 024, EPA 062, EPA 085, EPA 087, EPA 207, EPA 208, EPA 480, EPA 683

**Previous NARA Disposal Authority:**

NC1-412-76-1/IV/3 (TN-28-D4/3), NC1-412-82-12/14, NC1-412-82-13/12, NC1-412-83-8/5, NC1-412-85-10/18, NC1-412-85-20/5 and 12, N1-412-94-3/6

**Entry:** 05/30/1991

**EPA Approval:** 02/27/2006

**NARA Approval:** 11/06/2007