

REQUEST FOR RECORDS DISPOSITION AUTHORITY (See Instructions on reverse)		LEAVE BLANK	
TO GENERAL SERVICES ADMINISTRATION NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408		JOB NO NCL-412-85-20	DATE RECEIVED 3-14-85
1 FROM (Agency or establishment) Environmental Protection Agency		NOTIFICATION TO AGENCY	
2 MAJOR SUBDIVISION Enforcement Records (Regional Offices)		In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10. If no records are proposed for disposal, the signature of the Archivist is not required.	
3 MINOR SUBDIVISION			
4 NAME OF PERSON WITH WHOM TO CONFER Harold Webster Thomas Tasker	5 TELEPHONE EXT 382-5912 382-5911	DATE 6-9-87	ARCHIVIST OF THE UNITED STATES <i>Frank A. Bink</i>
6 CERTIFICATE OF AGENCY REPRESENTATIVE			

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records, that the records proposed for disposal in this Request of 8 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, if required under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies, is attached.

A GAO concurrence is attached, or is unnecessary.

B DATE 3/12/85	C SIGNATURE OF AGENCY REPRESENTATIVE <i>Thomas Tasker</i> Thomas Tasker	D TITLE Agency Records Management Officer
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7 ITEM NO	8 DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARS USE ONLY)
1 - 15	The Regional Enforcement Records Control Schedule is being revised to make it consistent with the Programs current operations. The revision of this Schedule is part of a major review and update of the EPA Records Control Schedules. Attached is a copy of the revised Enforcement Records Control Schedule.	Appendix D Schedule 4	

17 items

U.S. ENVIRONMENTAL PROTECTION AGENCY—RECORDS CONTROL SCHEDULES

SCHED NO

TITLE OF SCHEDULE
ENFORCEMENT RECORDS

COVERAGE OF SCHEDULE
REGIONAL OFFICES

ITEM NO	NAME AND DESCRIPTION OF RECORD/FILE	RETENTION PERIOD AND DISPOSITION
1.	<p><u>NPDES Permits File.</u> Contains records used in issuance of pollution discharge permits under the National Pollution Discharge Elimination System (NPDES) program. Permits issued municipal, industrial, agricultural, and Federal facility dischargers by EPA regional offices or authorized state agencies. Records consist of application for permit; correspondence with applicant, Corps of Engineers, and certifying agency; copy of public notices and comments; public hearing requests; copy of summary reports and permit rationale; and permit copy.</p>	<p><u>PAPER RECORD SYSTEM</u></p> <p><u>Retention:</u> Retain 5 years.</p> <p><u>Disposition:</u> Break file when facility ceases to operate or emit pollution. Keep in office 1 year, then transfer to the FRC. Destroy when 5 years old.</p> <p><u>MICROGRAPHIC RECORD SYSTEM</u></p> <p><u>Retention:</u></p> <p>a. <u>Paper Records.</u> Retain until conversion to microform has been completed.</p> <p>b. <u>Microform Copy (Official Record Copy).</u> Retain 5 years.</p> <p><u>Disposition:</u></p> <p>a. <u>Paper Records.</u> Keep in office until conversion to microform has been completed and microform is verified for completeness, then destroy.</p> <p>b. <u>Microform Copy (Official Record Copy).</u> Break file when facility ceases to operate or emit pollution. Keep in office 1 year, then transfer to the FRC. Destroy when 5 years old.</p> <p>c. <u>Other Microform Copies.</u> Destroy when no longer needed.</p>
2.	<p><u>RCRA Permit File.</u> Contains records used in the issuance or denial of a permit to an owner/operator of a facility that treats, stores, or disposes of hazardous wastes under the Resource Conservation and Recovery Act (RCRA) Program. Records consist of the notification form, application for permit (Parts and B), background and supporting documentation, public notice (FR document) announcing receipt of application, comments and records of public meeting, tentative determination to issue/deny permit, statement of basis</p>	<p><u>PAPER RECORD SYSTEM</u></p> <p><u>Retention:</u> Retain 5 years.</p> <p><u>Disposition:</u> Break file when facility ceases to operate or emit pollution. Keep in office 1 year, then transfer to the FRC. Destroy when 5 years old.</p>

RECORDS MANAGEMENT MANUAL

U.S. ENVIRONMENTAL PROTECTION AGENCY—RECORDS CONTROL SCHEDULES

SCHED NO

TITLE OF SCHEDULE

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ITEM NO

NAME AND DESCRIPTION OF RECORD/FILE

RETENTION PERIOD AND DISPOSITION

minor facility or fact sheet for major facility, public notice (FR document) announcing EPA approval or denial of permit, comments and records of public hearing, copy of permit, exception reports, closure and post-closure actions, copy of inspection reports, compliance reports, manifests, delisting of hazardous waste(s), correspondence between EPA and the permittee, copy of liability insurance policy or document providing evidence of financial responsibility, records and documentation relating to changes during interim status, and other related records.

3. Notifications Excluding Treatment, Storage, or Disposal. Contains copy of notification, correspondence between the notifier and EPA, revised notification form, and other appropriate records.

4. Compliance Files - All Pollution Sources. Contains records used to determine compliance with pollution regulations and to recommend legal enforcement actions if necessary. Specific documents vary from source to source and program to program, but generally include copies of compliance schedules, permit revisions, monitoring or compliance reports, applications for compliance schedules and requests for schedule waiver or modification. If source appears to be out of compliance, file will include letters requesting additional information from the source, technical evaluation reports by regional office, and recommendations for legal action against the source to enforce compliance.

MICROGRAPHIC RECORD SYSTEM

Retention:

a. Paper Records. Retain until conversion to microform has been completed.

b. Microform Copy (Official Record Copy). Break file when facility ceases to operate or emit pollution. Keep in office 1 year, then transfer to the FRC. Destroy when 5 years old.

c. Other Microform Copies. Destroy when no longer needed.

Retention: Retain 3 years.

Disposition: Break file when determination has been made that information is not needed. Keep in office 3 years, then destroy.

PAPER RECORD SYSTEM

Retention: Retain current plus 5 years.

Disposition: Break file each year. Keep in office 5 years, then destroy.

MICROGRAPHIC RECORD SYSTEM

Retention:

a. Paper Records. Retain until conversion to microform has been completed.

b. Microform Copy (Official Record Copy). Retain current plus 5 years.

Disposition:

a. Paper Records. Keep in office until conversion to microform has been completed and microform is verified for completeness, then destroy.

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ITEM NO	NAME AND DESCRIPTION OF RECORD/FILE	RETENTION PERIOD AND DISPOSITION
5.	<p><u>Enforcement Action Case Files - All Pollution Programs.</u> Includes all Cases referred to Legal staff from all program offices for legal action against a pollution source or discharger. Document contents vary from program to program but generally includes records used to determine compliance (item 4 above) and in addition: memos or transcripts documenting informal meetings with officials of pollution sources, pre-consent order correspondence, briefing memos, final consent orders, and court documents including briefs, pleadings, judgment documents, and appellate documents.</p>	<p>b. <u>Microform Copy (Official Record Copy.)</u> Break file when facility ceases to operate or emit pollution. Keep in office 1 year, then transfer to the FRC. Destroy when 5 years old.</p> <p>c. <u>Other Microform Copies.</u> Destroy when no longer needed.</p> <p><u>PAPER RECORD SYSTEM</u></p> <p><u>Retention:</u></p> <p>a. <u>No Legal Action Required.</u> Retain 5 years.</p> <p>b. <u>Routine Legal Actions.</u> Retain 20 years.</p> <p>c. <u>Landmark Cases.</u> Permanent (EPA Administrator designates actions as landmark or precedent cases.)</p> <p><u>Disposition:</u></p> <p>a. <u>No Legal Action Required.</u> Break file after settlement or closing of case. Keep in office 1 year, then transfer to the FRC. Destroy when 5 years old.</p> <p>b. <u>Routine Legal Actions.</u> Break file after settlement or closing of case. Keep in office 2 years, then transfer to the FRC. Destroy when 20 years old.</p> <p>c. <u>Landmark Cases.</u> Break file upon settlement or closing of case. Keep in office 5 years, then transfer to the FRC. Keep in FRC 15 years, then offer to the FRC. Keep in FRC 15 years, then offer to the Regional Archives.</p> <p><u>MICROGRAPHIC RECORD SYSTEM</u></p> <p><u>Retention:</u></p> <p>a. <u>No Legal Action Required.</u></p> <p>1. <u>Paper Records.</u> Retain until conversion to microform has been completed.</p> <p>2. <u>Microform Copy (Official Record Copy).</u> Retain 5 years.</p>

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ITEM NO	NAME AND DESCRIPTION OF RECORD/FILE	RETENTION PERIOD AND DISPOSITION
		<p>b. <u>Routine Legal Actions.</u></p> <p>1. <u>Paper Records.</u> Retain until conversion to microform has been completed.</p> <p>2. <u>Microform Copy (Official Record Copy).</u> Retain 20 years.</p> <p>c. <u>Landmark Cases.</u></p> <p>1. <u>Paper Records.</u> Retain until conversion to microform has been completed.</p> <p>2. <u>Microform Copy (Official Record Copy).</u> Permanent.</p> <p><u>Disposition:</u></p> <p>a. <u>No Legal Action Required.</u></p> <p>1. <u>Paper Records.</u> Keep in office until conversion to microform has been completed and microform is verified for completeness, then destroy.</p> <p>2. <u>Microform Copy (Official Record Copy).</u> Break file after settlement or closing of case. Keep in office 1 year, then transfer to the FRC. Destroy when 5 years old.</p> <p>3. <u>Other Microform Copies.</u> Destroy when no longer needed.</p> <p>b. <u>Routine Legal Actions.</u></p> <p>1. <u>Paper Records.</u> Keep in office until conversion to microform has been completed and microform has been verified for completeness, then destroy.</p> <p>2. <u>Microform Copy (Official Record Copy).</u> Break file after settlement or closing of case. Keep in office 2 years, then transfer to the FRC. Destroy when 20 years old.</p> <p>3. <u>Other Microform Copies.</u> Destroy when no longer needed.</p>

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ITEM NO	NAME AND DESCRIPTION OF RECORD/FILE	RETENTION PERIOD AND DISPOSITION
		<p>c. <u>Landmark Cases.</u></p> <p>1. <u>Paper Records.</u> Keep in office until conversion to microform has been completed and microform is verified for completeness, then destroy.</p> <p>2. <u>Microform Copy (Official Record Copy).</u> Offer to NARS when 20 years old silver halide microfilm plus one silver, diazo, or vesicular duplicate. Transfer certified microfilm in cubic foot blocks to FRC pending offer to NARS.</p> <p>3. <u>Other Microform Copies.</u> Destroy when no longer needed.</p> <p><u>Retention:</u> Retain 7 years.</p> <p><u>Disposition:</u> Break file upon Federal certification. Keep in office 2 years, then transfer to the FRC. Destroy when 7 years old.</p> <p><u>Retention:</u> Permanent.</p> <p><u>Disposition:</u> Break file upon completion of hearing. Keep in office until all required action items have been completed, then transfer to the FRC. Keep in FRC 10 years, then offer to the Regional Archives.</p> <p><u>Retention:</u> Permanent.</p> <p><u>Disposition:</u> Break file upon completion of hearing. Keep in office until all required action items have been completed, then transfer to the FRC. Keep in FRC 10 years, then offer to the Regional Archives.</p> <p><u>Retention:</u> See Disposition below.</p> <p><u>Disposition:</u> Destroy when no longer needed for reference.</p>
6.	<u>Rapid Tax Amortization File.</u> Contains records used to grant Federal tax deductions to facilities that have installed pollution control equipment and devices. Records consist of applications, state certifications, technical review by regional office, legal review by regional office, Federal certification, and related correspondence.	
7.	<u>Public Hearings File.</u> Contains records used in conducting public hearings at which interested groups comment on proposed indirect sources regulations, compliance schedules, and transportation control regulations. Records consist of citizen and congressional inquiries, administrative documentation arranging the hearing, public notice of hearing, and copy of hearing transcript, RCRA permit, 404(c), NPES.	
8.	<u>Adjudicatory Hearings File.</u> Contains records used in conducting hearings in which issues of fact concerning regulation enforcement are decided. Records consist of administrative documents arranging hearing, public notices of hearings, prehearing transcripts, Administrative Law Judge judgment orders, transcript of hearing, all exhibits entered, and other related records.	
9.	<u>State Regulations File.</u> Contains copies of State environmental regulations used for reference.	

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10.	<u>State Implementation Plans File.</u> Contains copies of State implementation plans and revisions to plans approved by legal staff.	<u>Retention:</u> See Disposition below. <u>Disposition:</u> Destroy when no longer needed.
11.	<u>Compliance Schedules File.</u> Contains copies of schedules, proposed Federal Register package and final promulgation. Schedules are approved by legal staff and used for reference.	<u>Retention:</u> Retain 5 years. <u>Disposition:</u> Break file upon approval of schedules. Keep in office 5 years, then destroy.
12.	<u>Enforcement and Liability Records.</u> Contains records used to document the liability and financial responsibility of an owner or operator of an uncontrolled hazardous waste site. Records consist of a copy of official notification from the owner/operator of a facility that the facility is in compliance with Section 107(k)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act; documentation of determination by the Agency that the owner/operator of a facility has or has not complied; copy of any Administrative action for judicial review; official notification from owner/operator that financial responsibility has been established consistent with the risks associated with the type of waste at the site; documented verification by EPA that the owner/operator has established appropriate financial responsibility; copy of notification to owner/operator of the facility for the need to adjust financial responsibility, demand letter, referral of case for filing of judicial action; and other related records.	<u>Retention:</u> Retain 20 years after completion of legal and cost-recovery actions. <u>Disposition:</u> Break file upon completion of all legal and cost-recovery actions. Keep in office 2 years, then transfer to the FRC. Destroy when 20 years old.
13.	<u>Legal Reference File.</u> Contains records used by legal staff for reference on legal programs, control strategies, hearing procedures, judicial review environmental legislation, and other reference materials.	<u>Retention:</u> See Disposition below. <u>Disposition:</u> Review in office every year retaining files with continuing reference value and disposing of other materials.
14.	<u>Program Management File.</u> Contains records pertaining to all phases of the development and management of the regional enforcement program, including permit administration, compliance determination, and legal enforcement actions. Records consist of correspondence and reports relative to policy and programs, manpower and budget, etc.	<u>Retention:</u> Retain 10 years. <u>Disposition:</u> Break file at end of 2 years. Keep in office 2 years, then transfer to the FRC. Destroy when 10 years old.

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SCHED NO

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ITEM NO	NAME AND DESCRIPTION OF RECORD/FILE	RETENTION PERIOD AND DISPOSITION
15	<p><u>Enforcement/Compliance Administrative Files.</u> Includes correspondence with States on EPA policy, state implementation plan revisions and comments, state enforcement commitment, and results of State audits.</p>	<p><u>Retention:</u> Retain 5 years.</p> <p><u>Disposition:</u> Break file at end of year. Keep in office 1 year, then transfer to the FRC. Destroy when 5 years old.</p>

RECORDS MANAGEMENT MANUAL



Atch to SF 115 (Info for "PERMANENT" retention records)

Title Of Schedule: Enforcement Records (Regional Offices)

<u>Item No.</u>	<u>Volume On Hand</u>	<u>Growth Per Year</u>	<u>Arrangement Of Files</u>
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(No new Permanent retention records to report)

Atch to SF 115 (Revised Item Numbers compared to Previous Item Numbers,
Schedule Number, and NARS Job Number)

Title Of Schedule: Enforcement Records (Regional Offices)

<u>REVISED</u> <u>Item Numbers</u>	<u>Item No.</u>	<u>PREVIOUS</u> <u>Schedule No.</u>	<u>NARS Job No.</u>
1.	1.	D-4	NCI-412-76-1 NCI-412-82-6 CNI-412-82-13
2.	2.		
3.	3.		
4.	4.		
5.	5.		
6.	6.		
7.	7.		
8.	8.		
9.	9.		
10.	10.		
11.	11.		
12.	12.		
13.	13.		
14.	14.		
15. (New)			