

# REQUEST FOR RECORDS DISPOSITION AUTHORITY

(See Instructions on reverse)

TO: NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR)  
WASHINGTON, DC 20408

1. FROM (Agency or establishment)

U.S. Environmental Protection Agency

2. MAJOR SUBDIVISION

Office of the Administrator

3. MINOR SUBDIVISION

Environmental Appeals Board

4. NAME OF PERSON WITH WHOM TO CONFER 5. TELEPHONE

Michael L. Miller

202-260-5911

LEAVE BLANK (NARA use only)

JOB NUMBER

NI-412-97-6

DATE RECEIVED

1-30-97

NOTIFICATION TO AGENCY

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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.

DATE

1-25-98

ARCHIVIST OF THE UNITED STATES

John W. Carl

## 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 3 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,



is not required;



is attached; or



has been requested.

DATE

12/13/96

SIGNATURE OF AGENCY REPRESENTATIVE

Michael L. Miller

TITLE

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SUPERSEDED  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)

See attached EPA Records Schedule for Environmental Appeals Board records.

083H

DRAFT OF 9/10/98

## U.S. EPA RECORDS CONTROL SCHEDULE

**SERIES TITLE:** Environmental Appeals Board Case Files

**PROGRAM:** Environmental Appeals Board

**EPA SERIES NO:** 083H

**AGENCY FILE CODE:** ADDA 083

**NARA SCHEDULE NO.** N1-412-97-6  
(Use this number to retire records to the FRC)

**APPLICABILITY:** Headquarters

**IDENTIFYING INFORMATION:**

**DESCRIPTION:** Contains documents pertaining to three general types of case files and other cases the Board may designate from time to time:

1. Permit appeals - Includes petitions to review permits issued by EPA Regional offices (and certain delegated States) and responses thereto, any other pleadings, motions or correspondence filed in connection with a petition for review and responses thereto, exhibits, oral argument transcripts, orders, and final decisions of the Environmental Appeals Board (EAB).
2. Enforcement appeals - Includes records documenting appeals from decisions issued by an Administrative Law Judge (ALJ), and in some instances, by a Regional Administrator. A case file may include any or all of the following: notice of appeal, appellate briefs, exhibits, other pleadings, motions, correspondence and responses thereto, ALJ hearing and EAB oral argument transcripts, orders, proof of service, and final decisions of the EAB.
3. CERCLA reimbursement petitions - Includes records documenting petitions for reimbursement filed pursuant to CERCLA § 106(b). A case file may include any or all of the following: a petition for reimbursement and response thereto, exhibits, other pleadings, motions, correspondence and responses thereto, evidentiary hearing and oral argument transcripts, orders, a preliminary decision of the EAB, comments on the preliminary decision, and a final decision of the EAB.

**ARRANGEMENT:** Files are arranged numerically by appeal number and thereafter chronologically.

**TYPE OF RECORDS:**

Case files

**SPECIFIC RESTRICTIONS:**

None

**MEDIUM:**

Paper, electronic

**VITAL RECORD:**

**FUNCTIONS SUPPORTED:**

Permitting, enforcement, and cost recovery activities

**SPECIFIC LEGAL REQUIREMENTS:**

40 CFR, Parts 17, 22, 27, 28, 85, 86, 114, 164, 209

40 CFR, Part 124

CERCLA, § 106(b), 42 USC § 9606(b)

**DISPOSITION INFORMATION:**

**FINAL DISPOSITION:**

Record copy: Disposable

**TRANSFER TO FRC PERMITTED:**

Yes

**FILE BREAK INSTRUCTIONS:** Break file when final decision is final.

**DISPOSITION INSTRUCTIONS:** Applies to all three types of case files.

Keep inactive materials in office up to 2 years after file break, then retire to FRC. Destroy 10 years after file break.

**APPLICATION GUIDANCE:**

**REASONS FOR DISPOSITION:** A ten-year retention allows public access for research and other purposes.

**AGENCY-WIDE GUIDANCE:** This schedule covers records maintained by the Environmental Appeals Board which is responsible for maintaining the record copy and implementing the disposition. Cases which are precedent setting or change the way EPA operates may be landmark cases and are covered by EPA 143H - Program Development Files of Headquarters Offices. Other examples of possible landmark cases would be appeals establishing a particularly important and significant legal precedent, or involving a significant policy of national importance, or having been the subject of review by an appellate court of the United States.

Publications of the final decisions are covered by EPA 250A - Publications and Promotional Items. Databases used to track the status of petitions and the index for permits are covered by EPA 089A - Information Tracking Systems.

Copies of these records may be filed with other record series (for example, with Regional permit appeal files) and destroyed with those files or when no longer needed. All other copies may be destroyed when no longer needed.

Regional Permit Appeal Files are scheduled as EPA 236R; regional Enforcement Action files as EPA 207A; regional Presiding Officer Case Files as EPA 231R; Permit Files (for programs other than RCRA) as EPA 205A; RCRA permits as EPA 478A; and Superfund Claims Against the Fund as EPA 087A. Case files for the Administrative Law Judge are covered in EPA 508A.

**PROGRAM OFFICE GUIDANCE/DESCRIPTIVE INFORMATION:**

**CUSTODIAL INFORMATION:**

**CONTROLLING UNIT:**

**CONTACT POINT:**

**Name:** Office of the Administrator

**Name:** Eurika Stubbs

**Location:** Westory Bldg.

**Mail Code:** 1103B

**Inclusive Dates:** 1992 - present

**Telephone:** 202-501-7060

**Volume on Hand (Feet):** 147 ft.

**Office:** Environmental Appeals Board

**Annual Accumulation:** 135 ft.  
(feet or inches)

**Room:** 5FL

**CONTROL INFORMATION:**

**RELATED ITEMS:** EPA 087A, EPA 089A, EPA 143H, EPA 205A, EPA 207A, EPA 231R, EPA 236R, EPA 250A, EPA 478R, EPA 508A

**PREVIOUSLY APPROVED BY  
NARA SCHEDULE NOS:**

<b>Approval Date EPA</b>	<b>Approval Date NARA</b>	<b>Entry Date</b>	<b>Last Modified</b>
12/12/96		4/2/96	9/10/98