CLEAN WATER ACT

2-52-A. Class II Administrative Penalty: Initiation of Action; Public Notice; Consultation with State; Negotiation and Signing Consent Agreements; and Assessing Penalties

1. **AUTHORITY.** Pursuant to sections 309(g) and 311 of the Clean Water Act, the authority to:

   a. Provide, or cause to be provided, public notice of proposed penalty assessments and provide commenters with copies of orders entered on consent or on default.

   b. Consult with states, as required.

2. **TO WHOM DELEGATED.** Staff in assigned cases.

3. **LIMITATION.** Any official exercising this authority may do so only for those cases initiated by Region 8.

4. **REDELEGATION AUTHORITY.**

   a. The authority of the assistant administrator for Enforcement and Compliance Assurance to consult with states may be transferred to regional office employees, with the agreement of the regional administrator or his/her delegatee.

   b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**

   a. Sections 309(g) and 311 of CWA.

   b. Delegations 1-37 and 1-38, entitled "Hearings" and "Adjudicatory Proceedings."

   c. 40 CFR Part 22.

Michael Boeglin, Acting Chief
NPDES and Wetlands Enforcement Section

1/15/2020
Date