COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT

14-27. Petitions for Reimbursement

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, including Section 106, to enter into settlements of claims asserted in petitions for reimbursement of the costs of abatement action incurred in carrying out a Section 106 order issued by the U.S. Environmental Protection Agency, and, as appropriate, to authorize payment in settlement of such claims.

2. **TO WHOM REDELEGATED.** Regional counsel.

3. **LIMITATIONS.**

   a. The delegatee should exercise the authority to authorize payment from the Hazardous Substance Superfund in settlement of claims only with the advance concurrence of the assistant administrator for the Office of Enforcement and Compliance Assurance, the assistant administrator for the Office of Land and Emergency Management, and the general counsel. The AA for OECA, the AA for OLEM, and the general counsel may waive or modify their advance concurrence by memorandum.

   b. The delegatee may exercise this authority only where the petitioner has agreed to dismiss its petition for reimbursement with prejudice as a condition of settlement.

   c. The delegatee should exercise this authority to enter into settlements that do not involve payment from the Fund consistent with the most recent version of the "OECA/OSRE CERCLA and RCRA/CWA/UST Roles Chart," or successor documents, as appropriate, and CERCLA delegations 14-13B, 14-14C, 14-14D, and 14-14E.

   d. Nothing in this delegation shall be construed to authorize the delegatee to settle any claims asserted in a petition for reimbursement based on a Section 106 order issued by any agency other than the EPA.

   e. The delegatee shall notify the Environmental Appeals Board immediately upon reaching a settlement agreement.

4. **REDELEGATION AUTHORITY.**

   a. This authority may be redelegated to the branch chief level, or equivalent, and no further.

   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.** Applicable agency guidance and directives.

Debra H. Thomas
Acting Regional Administrator

APR 30 2019
Date