3-1-B. Administrative Enforcement: Agency Representation in Hearings and Signing of Consent Agreements (1200 TN 350 3-1B)

1. AUTHORITY.

a. To represent the Agency in administrative enforcement actions conducted under the Marine Protection, Research, and Sanctuaries Act (MPRSA);

b. To negotiate consent agreements between the Agency and respondents resulting from such enforcement actions; and

c. To initiate an appeal from an administrative determination, and to represent the Agency in such appeals.

2. TO WHOM DELEGATED.

a. The authorities in 1.a. and 1.b. are delegated to the Regional Counsel and his/her designee.

3. LIMITATIONS.

a. Only the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA) may exercise the authority to initiate appeals.

b. The AA/OECA must consult with the Regional Administrator or his/her designee and the Assistant Administrator for the Office of Water or his/her designee prior to initiating an appeal.

4. REDELEGATION AUTHORITY.

a. This authority may not be redelegated without formal amendment.

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.

3-1-B. Administrative Enforcement: Agency Representation in Hearings and Signing of Consent Agreements (continued)

5. ADDITIONAL REFERENCES.

a. Sections 104B and 105 of MPRSA and 40 C.F.R. Part 22.

Date: APR 1 5 2019

Cosmo Servidio
Regional Administrator