8-25. Administrative Enforcement Subtitle I (1200 TN 350 8-25)

1. AUTHORITY. Pursuant to Subtitle I of the Solid Waste Disposal Act (SWDA), as amended, to:

a. Proffer field citations;
b. Take action under Section 9012 of the SWDA;
c. Issue notices to States;
d. Issue initial administrative orders under Section 9003(h) of the SWDA;
e. Issue administrative complaints;
f. Sign consent agreements memorializing settlements between the Agency and respondents prior to filing an administrative complaint; and
g. Take other enforcement action authorized under Subtitle I of the SWDA.

2. TO WHOM DELEGATED.

a. Authority 1.b.is delegated to the Director, Enforcement and Compliance Assurance Division (ECAD).
b. Authorities 1.a, 1.c., 1.d, 1.e., 1.f., and 1.g. are delegated to the Director, ECAD; and Chief, Air, RCRA, and Toxics Branch, ECAD.

3. LIMITATIONS.

a. This authority does not include the authorities addressed in delegations 8-26 or 8-27.
b. The following limitations apply to authorities 1.a. through 1.g.:
   1. This authority may only be exercised prior to the deadline for filing an answer to an administrative complaint.
   2. Before the Regional Administrator (RA) or his/her delegatee issues complaints, the RA or his/her delegate must consult with the Regional Counsel or his/her designee. This limitation does not apply to the proffering of field citations (1.a.).
   3. Before the RA or his/her delegatee exercises this authority at a Federal facility, the RA or his/her delegatee must consult with the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA). This limitation does not apply to authority 1.a.
   4. Before a regulation or policy directive is promulgated for Section 9012 of the SWDA, the RA or his/her delegatee may take action under Section 9012 of the SWDA after the RA or his/her designee receives the concurrence from the Assistant Administrator for the Office of Land and Emergency Management (AA/OLEM).

8-25. Administrative Enforcement Subtitle I (continued)

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.

5. ADDITIONAL REFERENCES.

a. Sections 9012, 9006 and 9003(h) of the SWDA.

b. See delegation 8-9-A and 8-32 in EPA's "Delegations Manual."

6. SUPERSESSION. Delegations Manual, SWDA, Regional Delegation 8-25, Administrative Enforcement: Issuance of Complaints and Signing of Consent Agreements (Subtitle I), 1200 TN RIII 184 (April 26, 2018).

Date: APR 1 5 2019

Cosmo Servidio
Regional Administrator