ENVIRONMENTAL PROTECTION AGENCY
REGION 1 - BOSTON

CLASS. NO.: 1200
DELEGATION NO.: 14-13C

DELEGATION OF AUTHORITY

DATE: 4-18-17

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT

14-13C. Emergency Temporary Restraining Orders

1. PURPOSE AND AUTHORITY.

A. Purpose. To redelegate the authority contained in Delegation 14-13C issued by EPA Headquarters on January 12, 2017.

B. Authority. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), including Section 106, to refer requests for emergency temporary restraining orders (TROs) to the U.S. Department of Justice and to the appropriate U.S. Attorney.

2. TO WHOM REDELEGATED. This authority is redelegated concurrently to:

A. The Director, Office of Site Remediation and Restoration (OSRR).

B. The Managers of the Emergency Planning and Response Office, OSRR.

C. The Managers of the Remediation and Restoration Offices I and II, OSRR.

3. REDELEGATION AUTHORITY.

A. This authority may be redelegated to on-scene coordinators and remedial project managers, and no further.

B. The Assistant Administrator (AA) for the Office of Enforcement and Compliance Assurance (OECA) may redelegate this authority to the Division Director level, or equivalent, and no further.

C. 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.

4. LIMITATIONS.

A. Delegatees must obtain the advance concurrence of the Manager, Legal Enforcement Office, Office of Environmental Stewardship (OES), or his/her designee, on the legal sufficiency of the referral before exercising this authority. The Manager, Legal Enforcement Office, OES, or his/her designee, may waive concurrence in writing.

B. The Manager, Legal Enforcement Office, OES, or his/her designee, is responsible

for any necessary consultation with the Regional Counsel, or his/her designee, regarding significant counseling issues.

C. Delegatees must obtain the advance concurrence of the Director, OES, or his/her designee, prior to exercising this authority. The Director, OES, or his/her designee, may waive concurrence in writing.

D. Delegatees must notify the Regional Administrator (RA), the AA for OECA, and the AA for the Office of Land and Emergency Management (OLEM) before exercising this authority. The RA and the AA for OECA may waive the requirement for notification in writing.

E. This authority may not be redelegated without the concurrence of the Regional Directives Officer, Human Resources Office, Office of Administration and Resource Management.

F. The AA for OECA must notify the appropriate RA and the AA for OLEM before exercising this authority.

5. ADDITIONAL REFERENCES.

A. Memorandum of Understanding between the U.S. Environmental Protection Agency and the U.S. Department of Justice, June 1977, 42 Fed. Reg. 48,942 (1977).

B. Section 107 of CERCLA.

C. For referral of other civil actions under the CERCLA, see the Chapter 14 delegation entitled *Civil Judicial Enforcement Actions*.

6. SUPERSESSION. None.

Deborah A. Szaro

Deborah A. Szaro
Acting Regional Administrator

4/18/17
Date

Bryan Olson, Director
Office of Site Remediation and Restoration

4/18/17
Date