

REQUEST FOR RECORDS DISPOSITION AUTHORITY		JOB NUMBER <i>721-412-06-28</i>	
To: NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR) WASHINGTON, DC 20408		DATE RECEIVED <i>7/20/2006</i>	
1. FROM (Agency or establishment) U.S. Environmental Protection Agency		NOTIFICATION TO AGENCY In accordance with the provisions of 44 U.S.C. 3303a, the disposition request, including amendments, is approved except for items that may be marked Adisposition not approved≅ or Awithdrawn≅ in column 10.	
2 MAJOR SUBDIVISION Environmental Appeals Board			
3 MINOR SUBDIVISION			
4 NAME OF PERSON WITH WHOM TO CONFER John B. Ellis	5 TELEPHONE 202-566-1643	DATE <i>10/20/06</i>	ARCHIVIST OF THE UNITED STATES <i>[Signature]</i>
6 AGENCY CERTIFICATION I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached <u>3</u> page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified; and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO manual for Guidance of Federal Agencies, <input checked="" type="checkbox"/> is not required; <input type="checkbox"/> is attached; or <input type="checkbox"/> has been requested.			
DATE <i>7/14/06</i>	SIGNATURE OF AGENCY REPRESENTATIVE John B. Ellis	TITLE Agency Records Officer <i>[Signature]</i>	
7 Item No	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARA USE ONLY)

EPA 083 Environmental Appeals Board Case Files

N1-412-97-6

At Agency DR, DUME, NOME



This schedule is in development. It may not be used to retire or destroy records. If you have any questions, please contact the Records Help Desk.

EPA Records Schedule 083

Status: Development, 06/20/2006

Title: Environmental Appeals Board Case Files

Program: Environmental Appeals Board

Applicability: Headquarters

Function Code: 317-260 - Mission Program Support

NARA Disposal Authority:

This schedule authorizes the disposition of the record copy in any media (media neutral). Records designated for permanent retention must be transferred to the National Archives in accordance with NARA standards.

- Pending

Description:

Contains documents pertaining to three general types of case files and other cases the Board may designate from time to time:

Permit appeals - Includes petitions to review permits issued by EPA regional offices (and certain delegated states) and responses thereto, any other pleadings, motions or correspondence filed in connection with a petition for review and responses thereto, exhibits, oral argument transcripts, orders, and final decisions of the Environmental Appeals Board (EAB).

Enforcement appeals - Includes records documenting appeals from decisions issued by an Administrative Law Judge (ALJ), and in some instances, by a Regional Administrator. A case file may include any or all of the following: notice of appeal, appellate briefs, exhibits, other pleadings, motions, correspondence and responses thereto, ALJ hearing and EAB oral argument transcripts, orders, proof of service, and final decisions of the EAB.

CERCLA reimbursement petitions - Includes records documenting petitions for reimbursement filed pursuant to CERCLA Sec. 106(b). A case file may include any or all of the following: a petition for reimbursement and response thereto, exhibits, other pleadings, motions, correspondence and responses thereto, evidentiary hearing and oral argument transcripts, orders, a preliminary decision of the EAB, comments on the

preliminary decision, and a final decision of the EAB.

Disposition Instructions:**Item a:** Record copy

- Disposable
- Close inactive records when decision is final. Destroy 10 years after file closure.

~~Electronic copies created with word processing and electronic mail applications~~

- Disposable
- Delete when record copy is captured in a recordkeeping system.

Guidance:

This schedule covers records maintained by the Environmental Appeals Board which is responsible for maintaining the record copy and implementing the disposition. Cases which are precedent setting or change the way EPA operates may be landmark cases and are covered by EPA 145 - Program Development Files. Other examples of possible landmark cases would be appeals establishing a particularly important and significant legal precedent, or involving a significant policy of national importance, or having been the subject of review by an appellate court of the United States.

Publications of the final decisions are covered by EPA 250 - Publications and Promotional Items. Databases used to track the status of petitions and the index for permits are covered by EPA 089 - Information Tracking Systems.

Copies of these records may be filed with other record series (for example, with Regional permit appeal files) and destroyed with those files or when no longer needed. All other copies may be destroyed when no longer needed.

Regional Permit Appeal Files are scheduled as EPA 236; Enforcement Action files as EPA 207; Permit Files (for programs other than RCRA) as EPA 205; RCRA permits as EPA 478; and Superfund Claims Against the Fund as EPA 087. Case files for the Administrative Law Judge are covered in EPA 508.

Reasons for Disposition:

The disposition instructions have been rewritten as media neutral to allow for maintaining the record copy in EPA's electronic recordkeeping system. The retention has not changed.

Custodians:

Office of the Administrator, Environmental Appeals Board

- **Contact:** Eurika Durr
- **Telephone:** 202-233-0122

Related Schedules:

EPA 087, EPA 089, EPA 145, EPA 205, EPA 207, EPA 236, EPA 250, EPA 478, EPA 508

Previous NARA Disposal Authority:

NC1-412-85-11/12b, N1-412-97-6

Entry: 04/02/1996

EPA Approval: Pending

NARA Approval: Pending

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Last updated on Thursday, July 6th, 2006

URL: <http://intranet.epa.gov/records/schedule/devel/083.htm>