



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

December 7, 2022

OFFICE OF  
LAND AND EMERGENCY  
MANAGEMENT

### MEMORANDUM

**SUBJECT:** Delegation of Authority 14-21A, Consultations, Determinations, Reviews and Selection of Remedial Actions at Federal Facilities

**FROM:**

Barry N. Breen  
Acting Assistant Administrator

**TO:**

Regional Administrators

### **14-21A. Consultations, Determinations, Reviews and Selection of Remedial Actions at Federal Facilities (120 TN 539)**

#### **1. AUTHORITY.**

For those actions taken pursuant to the provisions listed below of section 120 of the Comprehensive Environmental Response, Compensation and Liability Act, as amended, listed herein, where the estimated cost of the response actions memorialized in the decision document is less than \$100 million: to consult with agencies, departments, and instrumentalities regarding investigations of federal facilities under Section 120(e)(1); to review the plans for and results of such investigations and studies under Section 120(e)(2); to select remedial actions under Section 120(e)(4) and to determine under Section 120(e)(6) that remedial investigations and feasibility studies or remedial action will be done properly at a federal facility by another potentially responsible party within the deadlines provided in Section 120(e)(1), (2), and (3).

#### **2. TO WHOM DELEGATED.**

The Regional Administrators.

#### **3. LIMITATIONS.**

- a) Regional Administrators will select a response action unless consultation prior to selection is requested, in writing, by the Office of Land and Emergency Management Assistant Administrator (AA/OLEM).
- b) Consultation with the director, Federal Facilities Restoration and Reuse Office, or designee, may be required consistent with directives for Headquarters reviews and consultations.
- c) Regional Administrators may exercise these authorities only at sites located within their respective Regions, unless there is a memorandum of agreement that authorizes cross-boundary response. Regional Administrators must consult with the AA/OLEM prior to signing a cross-boundary Memorandum of Agreement, unless waived by memorandum.

#### **4. REDELEGATION AUTHORITY**

- a) Regional Administrators may redelegate these authorities to the Division Director level 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, including deputies, to the official to whom it has been specifically redelegated.

#### **5. ADDITIONAL REFERENCES.**

- a) 40 CFR Part 300, “National Oil and Hazardous Substances Pollution Contingency Plan.”
- b) Executive Order 12580, as amended.
- c) EPA Delegation of Authority 14-21B, Agreements with Other Federal Agencies.
- d) EPA Delegation of Authority 14-40, Evaluation of Approved Remedial Design.