



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 23 2018

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Interim Procedures for Providing Early Notice of Civil Judicial Referrals

FROM: Susan Parker Bodine
Assistant Administrator

A handwritten signature in blue ink that reads "Susan Parker Bodine".

TO: Regional Counsels
Regional Enforcement Directors
Regional Enforcement Coordinators
OCE Office Director and Deputy Director
OCE Division Directors

As the Agency noted in its Strategic Plan for FY 2018-2022, “a robust enforcement program is critically important for addressing violations and promoting deterrence.” In order to accomplish those goals, the Agency works closely with the U.S. Department of Justice (DOJ) on high impact cases that require judicial relief. To facilitate early approval and ongoing support of judicial cases, I am asking for early notice of cases recommended for referral to DOJ, in the following manner¹:

- It is my expectation that when a case team develops its recommendation to refer a matter to DOJ, the appropriate manager will brief the Regional Administrator (RA) for Region-led cases and the Assistant Administrator for headquarters-led cases before taking any action.
- For Region-led cases, the appropriate manager also should provide me with a copy of the briefing paper or memo that was provided to the RA. The briefing paper should be emailed to me and should provide key information about the case and the email should note the RA’s position on the matter. Ideally, no new materials will be needed; a copy of the briefing paper proposing the referral should be sufficient.
- If, based on the materials I receive, I ask to see a copy of the referral when finalized, then please send the referral via e-mail to me before it is sent to DOJ.

This early case collaboration will help to ensure the smooth management of judicial cases, in furtherance of the Agency’s strategic measure to “reduce the average time from violation identification to correction.” My early engagement will also make it easier to elevate issues to DOJ senior management, where necessary.

¹ These procedures apply to civil enforcement cases other than those under Superfund. The process for identifying and supporting Superfund case referrals will be addressed separately.

I view this process as “interim” in light of the ongoing efforts of the *Data, Innovations & Systems Council* (DISC) to develop a National Case Status Information System (NCSIS). We will reassess this process when the new system is operational later this year.

We commit to making this process as efficient as possible to ensure that it does not have an adverse effect on our efforts to quickly return facilities to compliance. Thank you for your cooperation.

cc: Regional Administrators