



U.S. Department of Justice

Environment and Natural Resources Division

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DEC 28 1998

Steven A. Herman, Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
401 M Street, S.W. (2201A)  
Washington, D.C. 20460

Re: Agreement On Procedures To Address Consent Decree Payments By Federal PRPs to the Superfund

Dear Steve:

This letter will confirm our mutual agreement to the following process concerning payments made by the United States on behalf of federal potentially responsible parties ("PRPs") to the Environmental Protection Agency's ("EPA") Hazardous Substances Superfund in a remedial design/remedial action ("RD/RA") consent decree. Those payment obligations will typically be included as a new Paragraph 52.1(a) to the National Model RD/RA Consent Decree, 60 Fed. Reg. 38,817 (July 28, 1995).

In the event that a payment to the EPA Hazardous Substances Superfund required by Paragraph 52.1(a) is not made within 120 calendar days after the effective date of a Consent Decree that includes such a paragraph, appropriate EPA and Justice Department supervisors will meet within 10 business days after a request by either agency to resolve the issue of non-payment, and will involve decision-making officials of the Department of Treasury, as appropriate. If this meeting does not resolve the issue, the EPA Assistant Administrator for Enforcement and Compliance Assurance and the Assistant Attorney General for the Environment and Natural Resources Division will meet within the next 10 business days to resolve the issue finally, and will involve decision-making officials of the Department of Treasury as appropriate.

We agree that we will also follow this process with regard to payments to the Superfund in other CERCLA settlements involving federal PRPs, if the Treasury Department has not made payment within 120 calendar days after the effective date of the settlement.

Sincerely,

Lois J. Schiffer  
Assistant Attorney General

cc: Ingrid D. Falanga, Acting Chief Counsel for FMS, Department of Treasury