

**ENVIRONMENTAL APPEALS BOARD
PROCEDURES FOR QUICK RESOLUTION OF
ADMINISTRATIVE ENFORCEMENT CASES AND FINAL ORDER**

Part 22 contemplates the quick resolution of administrative enforcement in exchange for payment in full of the proposed penalty. A respondent wishing to terminate a proceeding may pay the proposed penalty at any time by filing a copy of the check, or other instrument of payment, with the Regional Hearing Clerk. 40 C.F.R. § 22.18(a)(1) (“A respondent may resolve the proceeding at any time by paying the specific penalty proposed in the complaint or in complainant’s prehearing exchange in full as specified by complainant and by filing with the Regional Hearing Clerk a copy of the check or other instrument of payment.”).

A respondent who wishes to terminate proceedings before the response to the complaint is due, but who needs additional time to pay the penalty, “may file a written statement with the Regional Hearing Clerk within 30 days after receiving the complaint stating that the respondent agrees to pay the proposed penalty in accordance with [40 C.F.R. § 22.18(a)(1)]. The written statement need not contain any response to, or admission of, the allegations in the complaint.” *Id.* § 22.18(a)(2). Respondent must pay the full amount of the proposed penalty within 60 days after receiving the complaint. *Id.* “Failure to make such payment within 60 days of receipt of the complaint may subject the respondent to default pursuant to [40 C.F.R.] § 22.17.” *Id.*

In proceedings initiated by EPA Headquarters in which a respondent opts for quick resolution, the Environmental Appeals Board (“Board”) is required to issue a final order resolving the matter. *Id.* § 22.18(a)(3) (“Upon receipt of payment in full, * * * in a proceeding commenced at EPA Headquarters, the Environmental Appeals Board,” must issue a final order.).

To assist the Board in fulfilling this obligation, the Board requests that quick resolution matters be transmitted to the Board by an action memorandum from the Office of Civil Enforcement that includes:

1. A copy of the complaint;
2. A statement that the complaint does not seek a compliance or corrective action order, or a permit action, *see* 40 C.F.R. § 22.18(a)(1);
3. A statement indicating whether the proceeding is subject to the public comment provisions of 40 C.F.R. § 22.45;
4. A statement verifying that payment in full of the proposed penalty was received;
5. A proposed final order with a certificate of service (preferably in Word format) following the Board’s template (attached). Please provide the appropriate mailing and e-mail addresses on the certificate of service included with the proposed final order.

The action memorandum may be submitted to the Board by e-mail to Clerk_EAB@epa.gov with “QUICK RESOLUTION” in the subject line or in paper form (via hand-delivery or inter-office mail).

**ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

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In re:)	Docket No.
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FINAL ORDER

On [date], the U.S. Environmental Protection Agency’s (EPA’s) Office of Civil Enforcement, [insert name of] Division, filed a complaint against [Respondent] alleging that [Respondent] had violated [cite relevant statutory or regulatory provisions]. The Complaint sought a penalty of [\$XXXX].

EPA’s Consolidated Rules of Practice, codified at 40 C.F.R. part 22, govern this administrative enforcement proceeding. Pursuant to 40 C.F.R. § 22.18(a), a respondent may opt for a quick resolution of an enforcement proceeding at any time by paying the penalty proposed in the complaint. *See* 40 C.F.R. §§ 22.18(a)(1) and (2). The rules further provide that upon payment in full of the penalty, in cases initiated at EPA Headquarters, the Environmental Appeals Board (“Board”) must issue a final order. 40 C.F.R. § 22.18(a)(3).

On [date], EPA’s Office of Enforcement and Compliance Assurance notified the Board that EPA has received full payment of the penalty ([XXXX]) from [Respondent] to resolve the above-captioned matter. Payment by [Respondent] constituted a waiver of [Respondent’s] rights

to contest the allegations in the Complaint and to appeal this Final Order. *See* 40 C.F.R.

§ 22.18(a)(3). In accordance with 40 C.F.R. § 22.18(a)(3), the above-captioned matter is hereby

RESOLVED.

So ordered.¹

ENVIRONMENTAL APPEALS BOARD

Date: _____

By: _____

[Official Name of Lead Judge to be inserted by EAB]
Environmental Appeals Judge

¹ The three-member panel deciding this matter is composed of Environmental Appeals Judges [Judges' names to be inserted by EAB].

CERTIFICATE OF SERVICE

I certify that copies of the foregoing Final Order, in the matter of [Case Name], Docket No. [XXX], were sent to the following persons in the manner indicated:

**By First Class Certified Mail/
Return Receipt Requested [or "By E-mail"]:**

[LIST NAME(S), MAILING ADDRESS(ES), & E-MAIL ADDRESS(ES)]

By Interoffice Mail [or "By E-mail"]:

[Name]
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Mail Code [XXXX]
Washington, DC 20460
E-mail: [Attorney email]

Headquarters Hearing Clerk
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Mail Code 1900R
Washington, DC 20460
E-mail: OALJfiling@epa.gov; Wright.Michaelb@epa.gov

Dated: _____

Annette Duncan
Administrative Specialist
[or if by email:
Emilio Cortes
Clerk of the Board]