



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
THE ADMINISTRATIVE
LAW JUDGES

MEMORANDUM

FR: Susan L. Biro, Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency

TO: Regional Judicial Officers & Regional Hearing Clerks

RE: Amendment of Hearing Clerk Pilot Procedures as to CAFOS

DT: March 14, 2013

As you know, on April 27, 2012, John Reeder and Lawrence Starfield issued a memo regarding "Pilot Program to Migrate Certain Regional Hearing Clerk Functions to the Headquarters Hearing Clerk." For all contested cases in which an Answer is filed after May 1, 2012, that memo moves the locus of filing from the Regional Hearing Clerks (RHC) to the Headquarters Hearing Clerk (HQHC). This includes the filing of the Consent Agreements and Final Orders (CAFOs).

However, after working closely with the RHCs to implement this pilot process, the Office of Administrative Law Judges has reviewed the effectiveness of having filing the CAFOs filed with the HQHC and has determined to return to the former process in which the CAFO is filed with the RHC, effective today. This will allow the Agency to satisfy several directives in the Office of the Chief Financial (OCFO) Policy Number 2540-9-P3 on Administrative and Civil Judicial Penalties. Paragraph II.A.4. of that Policy states that the Originating Office that initiates a penalty action must ensure that documentation of administrative penalties is provided to the Cincinnati Finance Center (CFC) within 5 business days of the receipt of the CAFO requiring the payment of such penalties. Paragraph II.B.1. specifies that the Office of Regional Counsel should ensure that all penalty debt/accounts receivable are entered in the ECTS which sends a request to the CFC to establish a billing document. Having CAFOs filed with the RHCs will help meet these objectives.

Therefore, until further notice, the following language in Attachment 1, paragraph 6 of the April 27, 2012, pilot memo should now be disregarded:

For cases, terminated by a filed CAFO that stipulates a penalty, the HQHC will initiate the process of establishing a debt/accounts receivable by requesting a Billing Document Number from the Cincinnati Finance Office before returning the case file to the Region, in observance of the requirements set forth by the Office of the Chief Financial Office in Resource Management Directive System (RMDSS) 2540-09, issued October 4, 2011.

Instead, the Regional Hearing Clerks will retain that responsibility.

If you have any questions concerning this change, please contact Sybil Anderson, HQHC, at (202) 564-6261 or anderson.sybil@epa.gov.

cc: Office of Administrative Law Judges Staff
Sybil Anderson, Headquarters Hearing Clerk