

**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.* at § 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.* at § 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, quick resolution matters must be transmitted to the Board by an action memorandum from the Office of Civil Enforcement. The action memorandum must include:

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 following the Board’s template (attached). At this time the Board does not serve orders by electronic mail. Please provide the appropriate mailing address on the draft certificate of service.

The action memorandum must be submitted to the Board both in paper form (via hand-delivery or inter-office mail) AND electronically (via e-mail to [Clerk EAB@epa.gov](mailto:Clerk EAB@epa.gov) with “QUICK RESOLUTION” in the subject line.

**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] right

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.<sup>1</sup>

**ENVIRONMENTAL APPEALS BOARD**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
[Official Name of Lead Judge]  
Environmental Appeals Judge

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<sup>1</sup> The three-member panel deciding this matter is composed of Environmental Appeals Judges [insert Judges' names].