

REQUEST FOR RECORDS DISPOSITION AUTHORITY
(See Instructions on reverse)

LEAVE BLANK	
JOB NO	NCL-412-85-2
DATE RECEIVED	12-28-84
NOTIFICATION TO AGENCY	
In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10	
6-27-86 Date	<i>Francis J. Burns</i> Archivist of the United States

TO GENERAL SERVICES ADMINISTRATION,
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408

1 FROM (AGENCY OR ESTABLISHMENT)
Environmental Protection Agency

2 MAJOR SUBDIVISION
Office of the Administrative Law Judges

3 MINOR SUBDIVISION

4 NAME OF PERSON WITH WHOM TO CONFER
Tom Tasker

5 TEL EXT
382-5911

6 CERTIFICATE OF AGENCY REPRESENTATIVE

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records, that the records proposed for disposal in this Request of 4 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified

A Request for immediate disposal.

B Request for disposal after a specified period of time or request for permanent retention

C DATE 12/19/84	D SIGNATURE OF AGENCY REPRESENTATIVE <i>Thomas Tasker</i> Thomas Tasker	E TITLE Agency Records Management Officer
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7 ITEM NO	8 DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9 SAMPLE OR JOB NO	10 ACTION TAKEN
1 - 9	<p>The Administrative Law Judge's Records Control Schedule is being revised to make it consistent with the Program's current operations. The revision of this schedule is part of a major review and update of the EPA Records Control Schedules.</p> <p>Attached is a copy of the revised Administrative Law Judge's Records Control Schedule.</p> <p>All changes to this proposed schedule have been approved by:</p> <p><i>Carmelita S. Ryan</i> 10/8/85 NARA appraiser Date</p> <p><i>Harold White</i> Agency representative Date</p>	Appendix B Schedule 24	

U.S. ENVIRONMENTAL PROTECTION AGENCY—RECORDS CONTROL SCHEDULES

SCHEDULE NO

TITLE OF SCHEDULE		COVERAGE OF SCHEDULE
ADMINISTRATIVE LAW JUDGE'S RECORDS		AGENCYWIDE
ITEM NO	NAME AND DESCRIPTION OF RECORD/FILE	RETENTION PERIOD AND DISPOSITION
1.	<u>General Correspondence of the Administrative Law Judge.</u> Includes copies of non-controlled (routine) correspondence. Records consist of incoming letters and enclosures.	<u>Retention:</u> Retain 5 years. <u>Disposition:</u> Break file at end of year. Keep in office 1 year, then transfer to FRC. Destroy when 5 years old.
2.	<u>Program Development File.</u> Consists of records related to the development of Administrative Law Judge's policies and programs. Records consist of correspondence, issue papers and reports relative to policy, strategy, program control, research priorities, legislative priorities, and other related records.	<u>Retention:</u> Permanent. <u>Disposition:</u> Break file at end of 2 years. Keep in office 3 years, then transfer to the FRC. Keep in FRC for 20 years, then offer to the National Archives <i>in 5 year blocks.</i>
3.	<u>Program Management File.</u> Consists of records related to the management and administrative support of the Office of the Administrative Law Judge. Records consist of program planning and implementation, personnel needs, work accomplishments, budgetary materials, and other program management activities.	<u>Retention:</u> Retain 5 years. <u>Disposition:</u> Break file at end of year. Keep in office 1 year, then transfer to the FRC. Destroy when 5 years old.
4.	<u>Freedom of Information Response File.</u> Includes copies of incoming requests for information under the Freedom of Information Act, copies of replies, and copies of any interagency memoranda concerning the request. Note: this file does not contain the Program's official record of information being requested.	<u>Retention:</u> Retain 4 ² years. <u>Disposition:</u> Break file at end of year. Keep in Office current plus 1 additional year, then transfer to the FRC. Destroy when 4 ² years odd.
5.	<u>Administrative Law Judge's Case Files.</u> Includes case records relating to formal adjudications before the Administrative Law Judge, under Section 551 of the Administrative Procedures Act. Cases consist of hearing concerning various environmental legislation including the Federal Water Pollution Control Act, the Federal Insecticide, Fungicide and Rodenticide Act, NPDES Permits, Civil Penalty cases, and others. Records consists of transcripts of hearings, briefs, exhibits, motions, notices, orders, and other related records: NOTE: NPDES permits and civil penalty cases are under custody of Regional hearing clerks in each region.	

RECORDS MANAGEMENT MANUAL

U.S. ENVIRONMENTAL PROTECTION AGENCY—RECORDS CONTROL SCHEDULES

SCHED NO

TITLE OF SCHEDULE
ADMINISTRATIVE LAW JUDGE'S RECORDS

COVERAGE OF SCHEDULE
 AGENCYWIDE

ITEM NO

NAME AND DESCRIPTION OF RECORD/FILE

RETENTION PERIOD AND DISPOSITION

a. Official Copies. NOTE: "Landmark" cases include cases resulting in a legal precedent which establishes or affirms Agency policy with respect to environmental actions of national importance, such as the banning of a hazardous substance or other actions affecting EPA's relationship with an entire industry or a major pollution source. These cases will usually have been adjudicated by a Federal appellate court.

b. Duplicate Copies.

Retention:

- a. Routine Cases. Retain 20 years after completion or termination of case.
- b. Landmark Cases. (Cases designed by the EPA Administrator as landmark or precedent actions).

Disposition:

- a. Routine Cases. Break file upon completion or termination of case. Keep in office 5 years, then transfer to the Federal Record Center. Keep in FRC for 15 years, then destroy.
- b. Landmark Cases. Break file upon completion or termination of case. Keep in office 10 years, then transfer to the Federal Records Center. Keep in FRC for 10 years, then offier to the National Archives.

Retention:

- a. Routine Cases. Retain 5 years after completion or termination of case.
- b. Landmark Cases. Retain 10 years after completion or termination of case.

Disposition:

- a. Routine Cases. Break file upon completion or termination of case. Keep in office 2 years, then transfer to the Federal Records Center. Keep in FRC for 3 years, then destroy.
- b. Landmark Cases. Break file upon completion or termination of case. Keep in office 2 years, then transfer to the Federal Record Center. Keep in FRC for 8 years, then destroy.

RECORDS MANAGEMENT MANUAL

U.S. ENVIRONMENTAL PROTECTION AGENCY—RECORDS CONTROL SCHEDULES

SCHED NO

TITLE OF SCHEDULE		COVERAGE OF SCHEDULE
ADMINISTRATIVE LAW JUDGE'S RECORDS		AGENCYWIDE
ITEM NO	NAME AND DESCRIPTION OF RECORD/FILE	RETENTION PERIOD AND DISPOSITION
6.	<u>Case File Card Index.</u> Includes alphabetical and case records.	<u>Retention:</u> As below. numerical card index to <u>Disposition:</u> Keep permanent in offices.
7.	<u>Repository File.</u> Consist of copies of background documents to case files submitted by witnesses or other parties that are not part of the official case record.	<u>Retention:</u> As below. <u>Disposition:</u> Keep in office until completion or termination of case, then return to submitting party.

RECORDS MANAGEMENT MANUAL

U.S. ENVIRONMENTAL PROTECTION AGENCY—RECORDS CONTROL SCHEDULES

SCHED NO

TITLE OF SCHEDULE		COVERAGE OF SCHEDULE
ADMINISTRATIVE LAW JUDGE'S RECORDS		AGENCYWIDE
ITEM NO	NAME AND DESCRIPTION OF RECORD/FILE	RETENTION PERIOD AND DISPOSITION
1.	<u>Controlled and Major Correspondence of the Administrative Law Judge.</u> Includes copies of controlled and major correspondence signed by the Administrative Law Judge. The correspondence significantly documents the program activities and was processed under special handling control procedures because of the importance of the letters or time requirements of replies.	<p><u>Retention:</u> Permanent</p> <p><u>Disposition:</u> Break file at end of year. Keep in office current year plus 1 additional year, then transfer to FRC. Keep in FRC for 10 years, then offer to the National Archives.</p>
2.	<u>General Correspondence of the Administrative Law Judge.</u> Includes copies of non-controlled (routine) correspondence. Records consist of incoming letters and enclosures.	<p><u>Retention:</u> Retain 5 years.</p> <p><u>Disposition:</u> Break file at end of year. Keep in office 1 year, then transfer to the FRC. Destroy when 5 years old.</p>
3.	<u>Program Development File.</u> Consists of records related to the development of Administrative Law Judge's policies and programs. Records consist of correspondence, issue papers and reports relative to policy, strategy, program control, research priorities, legislative priorities, and other related records.	<p><u>Retention:</u> Permanent.</p> <p><u>Disposition:</u> Break file at end of 2 years. Keep in office 3 years, then transfer to the FRC. Keep in FRC for 20 years, then offer to the National Archives.</p>
4.	<u>Program Management File.</u> Consists of records related to the management and administrative support of each unit of the Administrative Law Judge. Records consist of program planning and implementation, personnel needs, work accomplishments, budgetary materials, and other program management activities.	<p><u>Retention:</u> Retain 5 years.</p> <p><u>Disposition:</u> Break file at end of year. Keep in office 1 year, then transfer to the FRC. Destroy when 5 years old.</p>
5.	<u>Speeches by Administrative Law Judge.</u> Speeches prepared for delivery at civic functions and professional conferences and meetings.	<p><u>Retention:</u></p> <p>a. <u>Record Copy.</u> Permanent.</p> <p>b. <u>Information Copies.</u> Retain 1 year.</p> <p><u>Disposition:</u></p> <p>a. <u>Record Copy.</u> Break file after presentation: Keep in office 5 years, then transfer to the FRC. Keep in FRC 5 years, then offer to the National Archives.</p> <p>b. <u>Information Copies.</u> Destroy when 1 year old or sooner if no longer needed.</p>

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U.S. ENVIRONMENTAL PROTECTION AGENCY—RECORDS CONTROL SCHEDULES

SCHED NO

TITLE OF SCHEDULE		COVERAGE OF SCHEDULE
ADMINISTRATIVE LAW JUDGE'S RECORDS		AGENCYWIDE
ITEM NO	NAME AND DESCRIPTION OF RECORD/FILE	RETENTION PERIOD AND DISPOSITION
6.	<p><u>Freedom of Information Response File.</u> Includes copies of incoming requests for information under the Freedom of Information Act, copies of replies, and copies of any interagency memoranda concerning the request. Note: this file does not contain the Program's official record of information being requested.</p>	<p><u>Retention:</u> Retain 5 years.</p> <p><u>Disposition:</u> Break file at end of year. Keep in office current plus 1 additional year, then transfer to the FRC. Destroy when 5 years old.</p>
7.	<p><u>Administrative Law Judge's Case Files.</u> Includes case records relating to formal adjudications before the Administrative Law Judge, under Section 551 of the Administrative Procedures Act. Cases consist of hearing concerning various environmental legislation including the Federal Water Pollution Control Act, the Federal Insecticide, Fungicide and Rodenticide Act, NPDES Permits, Civil Penalty cases, and others. Records consists of transcripts of hearings, briefs, exhibits, motions, notices, orders, and other related records: NOTE: NPDES permits and civil penalty cases are under custody of Regional hearing clerks in each region.</p> <p>a. <u>Official Copies.</u> NOTE: "Landmark" cases include cases resulting in a legal precedent which establishes or affirms Agency policy with respect to environmental actions of national importance, such as the banning of a hazardous substance or other actions affecting EPA'S relationship with an entire industry or a major pollution source. These cases will usually have been adjudicated by a Federal appellate court.</p> <p>b. <u>Duplicate Copies.</u></p>	<p><u>Retention:</u></p> <p>a. <u>Routine Cases.</u> Retain 20 years after completion or termination of case.</p> <p>b. <u>Landmark Cases.</u> Permanent. (Cases designed by the EPA Administrator as landmark or precedent actions).</p> <p><u>Disposition:</u></p> <p>a. <u>Routine Cases.</u> Break file upon completion or termination of case. Keep in office 5 years, then transfer to the Federal Records Center. Keep in FRC for 15 years, then destroy.</p> <p>b. <u>Landmark Cases.</u> Break file upon completion or termination of case. Keep in office 10 years, then transfer to the Federal Records Center. Keep in FRC for 10 years, then offer to the National Archives.</p> <p><u>Retention:</u></p> <p>a. <u>Routine Cases.</u> Retain 5 years after completion or termination of case.</p> <p>b. <u>Landmark Cases.</u> Retain 10 years after completion or termination of case.</p>

RECORDS MANAGEMENT MANUAL

U.S. ENVIRONMENTAL PROTECTION AGENCY—RECORDS CONTROL SCHEDULES

SCHED NO

TITLE OF SCHEDULE		COVERAGE OF SCHEDULE	SCHED NO 24
ADMINISTRATIVE LAW JUDGE'S RECORDS		AGENCYWIDE	
ITEM NO	NAME AND DESCRIPTION OF RECORD/FILE	RETENTION PERIOD AND DISPOSITION	
		<p><u>Disposition:</u></p> <p>a. <u>Routine Cases.</u> Break file upon completion or termination of case. Keep in office 2 years, then transfer to the Federal Records Center. Keep in FRC for 3 years, then destroy.</p> <p>b. <u>Landmark Cases.</u> Break file upon completion or termination of cases. Keep in office for 2 years, then transfer to the FRC. Keep in FRC for 8 years, then destroy.</p> <p><u>Retention:</u> As below.</p>	
8.	Case File Card Index. Includes alphabetical and numerical card index to case records.	<p><u>Disposition:</u> Keep permanent in offices.</p> <p><u>Retention:</u> As below.</p>	
9.	Repository File. Consist of copies of background documents to case files submitted by witnesses or other parties that are not a part of the official case record.	<p><u>Disposition:</u> Keep in office until completion or termination of case, then return to submitting party.</p>	

RECORDS MANAGEMENT MANUAL

Atch. to SF 115 (Info for "PERMANENT" retention records)

Title Of Schedule: Administrative Law Judge

<u>Item No.</u>	<u>Volume On Hand</u>	<u>Growth Per Year</u>	<u>Arrangement Of Files</u>
1	4 Cubic Feet	1 Cubic Feet	Chronological
2	2 Cubic Feet	1 Cubic Feet	Subject
5a	1/4 Cubic Feet	1/4 Cubic Feet	Chronological