



Enforcement Superfund Cleanup Subject Listing Orders-consent

This category covers Administrative Orders on Consent (AOCs) and other administrative agreements issued by EPA, which are consensual, negotiated agreements pursuant to sections 104, 106(a), 107, and 122 of CERCLA, that obligate parties to perform response activity (e.g., removal, remedial investigation, feasibility study, remedial design) and/or reimburse EPA for costs incurred under Superfund.

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Issuance of Revised Model Administrative Settlement Agreement and Order on Consent for Removal Actions - (1/30/07)

Transmittal memorandum and revised model administrative settlement agreement and order on consent for removal actions.

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/rev-aoc-remove-mem.pdf> (PDF 263 K)

Revised Model Administrative Settlement Agreement and Order on Consent for Removal Actions - (1/30/07)

Revised model language administrative settlement agreement and order on consent for removal actions.

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/rev-aoc-remove-mod.pdf> (PDF 240 K)

Additional Guidance on Prepayment of Oversight Costs and Special Accounts - (12/22/06)

Memorandum providing additional guidance on the prepayment of oversight costs. Sample settlement language for the prepayment of oversight costs attached.

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/spec-acct-oversight.pdf> (PDF 116 K)

Issuance of CERCLA Model Agreement and Order on Consent for Removal Action by a Bona Fide Prospective Purchaser - (11/27/06)

Transmittal memorandum and CERCLA model agreement and order on consent for removal action by a bona fide prospective purchaser (BFPP).

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/bfpp-ra-mem.pdf> (PDF 242 K)

CERCLA Model Agreement and Order on Consent for Removal Action by Bona Fide Prospective Purchaser - (11/27/06)

CERCLA Model Agreement and Order on Consent for Removal Action by a Bona Fide Prospective Purchaser (BFPP).

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/bfpp-ra-mod.pdf> (PDF 201 K)

Interim Revisions to CERCLA Removal, RI/FS and RD AOC Models to Clarify Contribution Rights and Protection Under Section 113(f) (includes Transmittal Memorandum) - (8/3/05)

Transmittal memorandum attaching interim revisions to three EPA model AOCs - Removal, RI/FS and RD to clarify contribution rights and protection under CERCLA section 113(f). Modified by 3/16/09 Interim Revisions to CERCLA Judicial and Administrative Settlement Models to Clarify Contribution Rights and Protection from Claims Following the Aviall and ARC Decisions.

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/interim-rev-aoc-mod-mem.pdf> (PDF 147 K)

Interim Revisions to CERCLA Removal, RI/FS and RD AOC Models to Clarify Contribution Rights and Protection Under Section 113(f) - (8/3/05)

Interim revisions to three EPA model AOCs - Removal, RI/FS and RD to clarify contribution rights and protection under CERCLA section 113(f). Modified by 3/16/09 Interim Revisions to CERCLA Judicial and Administrative Settlement Models to Clarify Contribution Rights and Protection from Claims Following the Aviall and ARC Decisions.

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/interim-rev-aoc-mod.pdf> (PDF 58 K)

Issuance of Final Model Administrative Order on Consent for Remedial Design - (1/6/05)

Transmittal memorandum and model administrative order on consent for remedial designs.

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/rd-aoc-05-mem.pdf> (PDF 206 K)

Model Administrative Order on Consent for Remedial Design - (1/6/05)

Model administrative order on consent for remedial design.

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/rd-aoc-05.pdf> (PDF 199 K)

Model Notice of Ineligibility to Receive a De Minimis Party Settlement - (5/17/04)

Attachment C to Interim Guidance on the Ability to Pay and De Minimis Revisions to CERCLA 122(g) by the 2002 Brownfields Amendments

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/demin-inelig-appc-04.pdf> (PDF 24 K)

Transmittal Memorandum and Revised Model CERCLA De Minimis Landowner Consent Decree and Revised Model CERCLA De Minimis Landowner Administrative Order on Consent - (5/13/04)

Transmittal memorandum attaching revised model language for de minimis landowner consent decree and de minimis landowner administrative order on consent

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/demin-122g1-cd-aoc-04-mem.pdf> (PDF 80 K)

Revised Model CERCLA Section 122(g)(4) De Minimis Landowner Administrative Order on Consent - (5/13/04)

Model language for administrative order on consent for de minimis landowners

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/demin-122g1-aoc-04-mod.pdf> (PDF 102K)

Revised Model CERCLA Section 122(g)(4) De Minimis Landowner Consent Decree - (5/13/04)

Model language for consent decrees for de minimis landowner

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/demin-122g1-cd-04-mod.pdf> (PDF 110K)

Issuance of Revised Model Administrative Order on Consent for Remedial Investigation and Feasibility Study - (1/21/04)

Model guidance when drafting and negotiating agreements to perform remedial investigations and feasibility studies (RI/FS).

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/rev-aoc-rifs-mod-04-mem.pdf> (PDF 253K)

Issuance of Revised Model CERCLA Section 122(g)(4) De Minimis Contributor Consent Decree and Administrative Order on Consent and New Model Ability to Pay Provisions for Use in De Minimis Settlements (Cover Memo and All Attachments) - (8/12/03)

Cover memorandum and four attachments containing model language for de minimis settlement consent decrees and/or administrative orders and ability to pay provisions in de minimis settlements for ability to pay and non-ability to pay parties.

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/rev-demin-122g4-cvr-4att.pdf> (PDF 814 K)

Revised Model CERCLA Section 122(g)(4) De Minimis Contributor Administrative Order on Consent (EPA and DOJ) - (8/12/03)

Model language for CERCLA Section 122(g)(4) administrative order on consent for de minimis contributors, August 2003

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/demin-aoc-122g4-mod-2003.pdf> (PDF 206 KB)

Model CERCLA Ability to Pay Provisions for Use in De Minimis Settlements with Ability to Pay and Non-Ability to Pay Parties - (8/12/03)

Model document provides recommended language for settling with ability to pay and non-ability to pay de minimis parties under CERCLA Section 122(g)(7), August 2003.

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/atp-nonatp-demin-mod-2003.pdf> (PDF 126 KB)

Model CERCLA Ability to Pay Provisions for Use in De Minimis Settlements with Ability to Pay Parties Only - (8/12/03)

Model provides recommended language for settling with ability to pay de minimis parties under CERCLA Section 122(g)(7), August 2003.

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/atp-only-demin-mod-2003.pdf> (PDF 123 KB)

CERCLA Future Response Costs: Settlement, Billing and Collection - (6/20/02)

This memorandum addresses some of the most common issues that arise with the billing and collection of future response costs.

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/cercla-cost-bill.pdf> (PDF 189 K)

Use of CERCLA 106 to Address Endangerments That May Also be Addressed Under Other Environmental Statutes - (1/18/01)

This memo discusses the use of CERCLA 106 to address imminent and substantial endangerments that may also be addressed by other cross-media situations.

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/ise-crossmedia.pdf> (PDF 1500 K)

MOU EPA, Coast Guard, Dept. of Commerce, Dept. of the Interior, Dept. of Agriculture, Dept. of Defense, Dept. of Energy, and Dept. of Justice re: the exercise of authority under Section 106 of the CERCLA - (2/10/98)

MOU regarding the exercise of authority under Section 106 of CERCLA.

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/mou-exauth-mem.pdf> (PDF 61KB)

Issuance of the Interim Policy on Settlement of CERCLA Section 106(b)(1) Penalty Claims and Section 107(c)(3) Punitive Damages Claims for Noncompliance with Administrative Orders - (9/30/97)

Transmittal memorandum and interim policy for settling CERCLA section 106(b)(1) civil penalty and section 107(c)(3) punitive damages claims for noncompliance with administrative orders (AOs).

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/interm-sec106-rpt.pdf> (PDF 1317 K)

Consent Orders and the Reimbursement Provision Under Section 106(b) of CERCLA - (6/12/87)

Memorandum provides guidance on EPA consent agreements with PRP under Section 106 of CERCLA, that the consent agreement should include a provision which prevents PRP from receiving reimbursement for response actions. OSWER No. 9833.2.

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/reimburs-106-mem.pdf> (PDF 137KB)

Issuance of Administrative Orders for Immediate Removal Actions - (2/21/84)

Sets forth guidance on issuing administrative orders for immediate removal actions under CERCLA.

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/ao-removal-mem.pdf> (PDF 692 KB)

Guidance Memorandum on Use and Issuance of Administrative Orders Under Section 106(a) of CERCLA - (9/8/83)

Guidance Memorandum on Use and Issuance of Administrative Orders Under Section 106(a) of CERCLA, OSWER Dir. No. 9833.0. Superseded in part by 3/7/90 guidance on CERCLA 106(a) UAO for RD/RA.

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/useiss-sec106-mem.pdf> (PDF 1,154K)