

## Department of the Interior Departmental Manual

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**Effective Date:** 7/13/2022

**Series:** Delegation

**Part 207:** Limited Delegations

**Chapter 7:** CERCLA Implementation

**Originating Office:** Office of the Solicitor

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### 207 DM 7

7.1 **Purpose.** This Chapter delegates to the appropriate Departmental officials part of the Secretary of the Interior's (Secretary) authority under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. " 9601-9675. Executive Order 12580, 3 CFR 193 (1988), as amended by Executive Order 13016 (61 Fed. Reg. 45871) (hereafter Executive Order 12580, as amended), delegates to the Secretary part of the President's authority under CERCLA. This delegated authority is for remedial actions for releases or threatened releases, and for removal actions other than emergencies.

7.2 **Authority.** This Chapter is issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

#### 7.3 Delegations of Authority.

A. Assistant Secretaries. The Secretary's authority under Executive Order 12580, as amended, Sections 2(e)(1), 2(e)(2), 2(j), 2(k), and 3(a) is delegated to Assistant Secretaries. Assistant Secretaries have authority for response to, removal of, and remedial actions following the release or threatened release of hazardous substances on lands under their jurisdiction, custody, or control.

B. Bureau Directors. The authority delegated to Assistant Secretaries in 7.3A above is delegated to each Bureau Director under the respective Assistant Secretaries. This authority may be redelegated.

C. Solicitor. The Solicitor is delegated the authority of the Secretary under Sections 106(a) and 122 of CERCLA, as contained in Sections 4 (b), 4(c)(3), and 4(d)(3) of Executive Order 12580, as amended.

#### **7.4 Limitations.**

##### **A. Limitations on Authorities.**

(1) Where lands are subject to the jurisdiction of more than one Bureau, the authority delegated is to be exercised by the Bureau with primary management responsibility for the surface of the land. The head of that Bureau must consult with the heads of the other affected Bureau(s) on the actions proposed.

(2) The authority relating to indemnification of response action contractors, contained in Section 2(e)(2) of Executive Order 12580, as amended, may be exercised only with the concurrence of the Solicitor.

(3) The authority to issue compliance orders, contained in Section 2(j)(1) of Executive Order 12580, as amended, may be exercised only with the concurrence of the Solicitor and the Attorney General of the United States.

(4) The authority relating to emergency procurement, contained in Section 2(k) of Executive Order 12580, as amended, may be exercised only with the approval of the Administrator of the Office of Federal Procurement Policy.

##### **B. Limitations on Authorities Delegated to the Solicitor.**

(1) The authority contained in Sections 4(b), 4(c)(3), and 4(d)(3) of Executive Order 12580, as amended, may be exercised only with the concurrence of the Attorney General, the Coast Guard, or Administrator of the Environmental Protection Agency, respectively, as provided in Executive Order 12580, as amended.

(2) The authority relating to assessment of civil penalties for violations of settlements, contained in Section 4(b)(2) of Executive Order 12580, as amended, may be exercised only with notification to the Assistant Secretary - Policy, Management and Budget, and only with the concurrence of the Attorney General.

#### **7.5 Authorities not Affected by this Chapter.**

A. This Chapter does not affect authority related to natural resource damages.

B. Nothing in this Chapter affects the following authorities:

(1) The authority of the Assistant Secretary - Policy, Management and Budget, as described and delegated in 209 DM 4.1(D), to sign all Records of Decision and associated documents under Section 104(c)(4) and 120(e) of CERCLA.

(2) The authorities as delegated by 296 DM 2.2 for responses to discharges of oil and releases of hazardous substances under the Clean Water Act, CERCLA, and the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300).

(3) Departmental policy, functions and responsibilities as described in 910 DM 4.