

Interim Procedures for Providing Early Notice of Civil Judicial Referrals: March 23rd U.S. Environmental Protection Agency Memorandum



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

04/11/2018

United States Environmental Protection Agency (“EPA”) Assistant Administrator Susan Parker Bodine circulated a March 23rd memorandum titled:

Interim Procedures for Providing Early Notice of Civil Judicial Referrals (“Memorandum”)

The *Memorandum* is provided to EPA’s:

- Regional Counsels
- Regional Enforcement Directors
- Regional Enforcement Coordinators
- OCE Office Director and Deputy Director
- OCE Division Directors

The *Memorandum* notes by way of introduction:

- The importance of a “robust enforcement program to address violations and promote deterrence”
- A close relationship between EPA and the United States Department of Justice in addressing “high impact cases” requiring judicial relief

Ms. Bodine’s *Memorandum* states that “to facilitate early approval and ongoing support of judicial cases” early notice of cases recommended for referral to DOJ occur in the following manner:

- Expectation that when a case team develops its recommendation to refer a matter to DOJ, the appropriate manager will brief the Regional Administrator (RA) for Region-led cases and the Assistant Administrator for headquarters-led cases before taking any action.
- For Region-led cases, the appropriate manager also should provide Bodine with a copy of the briefing paper or memo that was provided to the RA. The briefing paper is required to be emailed to Bodine and should provide key information about the case and the email should note the RA’s position on the matter. Ideally, no new materials will be needed; a copy of the briefing paper proposing the referral should be sufficient.
- If, based on the materials Bodine receives, she asks to see a copy of the referral when finalized, then please send the referral via e-mail to Bodine before it is sent to DOJ.

The process described in the *Memorandum* is deemed “interim” in light of the ongoing efforts of the Data, Innovations & Systems Council to develop a National Case Status Information System”. . .

It is stated that there will be a reassessment when the new system is operational.

[A copy of the *Memorandum* can be downloaded here.](#)