

CFR, 1987 Comp., p. 193, under the following provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("the Act"), as amended:

- (i) Sections 104 (a), (b), and (c)(4) of the Act (42 U.S.C. 9604 (a), (b), and (c)(4)), with respect to removal and remedial actions in the event of release or threatened release of a hazardous substance, pollutant, or contaminant into the environment;
- (ii) Sections 104 (e)–(h) of the Act (42 U.S.C. 9604 (e)–(h)), with respect to information gathering and access requests and orders; compliance with Federal health and safety standards and wage and labor standards applicable to covered work; and emergency procurement powers;
- (iii) Section 104(i)(11) of the Act (42 U.S.C. 9604(i)(11)), with respect to the reduction of exposure to significant risk to human health;
- (iv) Section 104(j) of the Act (42 U.S.C. 9604(j)), with respect to the acquisition of real property and interests in real property required to conduct a remedial action;
- (v) The first two sentences of section 105(d) of the Act (42 U.S.C. 9605(d)), with respect to petitions for preliminary assessment of a release or threatened release;
- (vi) Section 105(f) of the Act (42 U.S.C. 9605(f)), with respect to consideration of the availability of qualified minority firms in awarding contracts, but excluding that portion of section 105(f) pertaining to the annual report to Congress;
- (vii) Section 109 of the Act (42 U.S.C. 9609), with respect to the assessment of civil penalties for violations of section 122 of the Act (42 U.S.C. 9622), and the granting of awards to individuals providing information;
- (viii) Section 111(f) of the Act (42 U.S.C. 9611(f)), with respect to the designation of officials who may obligate money in the Hazardous Substances Superfund;
- (ix) Section 113(k) of the Act (42 U.S.C. 9613(k)), with respect to establishing an administrative record upon which to base the selection of a response action and identifying and notifying potentially responsible parties;
- (x) Section 116(a) of the Act (42 U.S.C. 9616(a)), with respect to preliminary assessment and site inspection of facilities;
- (xi) Sections 117 (a) and (c) of the Act (42 U.S.C. 9617 (a) and (c)), with respect to public participation in the preparation of any plan for remedial action and explanation of variances from the final remedial action plan for any remedial action or enforcement

action, including any settlement or consent decree entered into;

- (xii) Section 119 of the Act (42 U.S.C. 9119), with respect to indemnifying response action contractors;
  - (xiii) Section 121 of the Act (42 U.S.C. 9621), with respect to cleanup standards; and
  - (xiv) Section 122 of the Act (42 U.S.C. 9622), with respect to settlements, but excluding section 122(b)(1) of the Act (42 U.S.C. 9622(b)(1)), related to mixed funding agreements.
- (12) *Related to compliance with environmental laws.* With respect to facilities and activities under his or her authority, to exercise the authority of the Secretary of Agriculture pursuant to section 1–102 related to compliance with applicable pollution control standards and section 1–601 of Executive Order 12088, 3 CFR, 1978 Comp., p. 243, to enter into an inter-agency agreement with the United States Environmental Protection Agency, or an administrative consent order or a consent judgment in an appropriate State, interstate, or local agency, containing a plan and schedule to achieve and maintain compliance with applicable pollution control standards established pursuant to the following:
- (i) Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as further amended by the Hazardous and Solid Waste Amendments, and the Federal Facility Compliance Act (42 U.S.C. 6901, *et seq.*);
  - (ii) Federal Water Pollution Prevention and Control Act, as amended (33 U.S.C. 1251, *et seq.*);
  - (iii) Safe Drinking Water Act, as amended (42 U.S.C. 300f, *et seq.*);
  - (iv) Clean Air Act, as amended (42 U.S.C. 7401, *et seq.*);
  - (v) Noise Control Act of 1972, as amended (42 U.S.C. 4901, *et seq.*);
  - (vi) Toxic Substances Control Act, as amended (15 U.S.C. 2601, *et seq.*);
  - (vii) Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136, *et seq.*); and
  - (viii) Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 9601, *et seq.*).
- (13) *Related to emergency programs.*
- (i) Coordinate the Department's Emergency Preparedness Program and Disaster Emergency Response Program including maintenance of an appropriate system whereby the Department can react immediately when notified of a civil defense or natural disaster emergency.

- (ii) Maintain an overview of emergency relocation facilities and assure that resources are in a constant state of readiness.

- (iii) Direct the entire defense program of USDA. This delegation includes:

- (A) Maintaining liaison with executive departments and the Congress with respect to policy matters;
  - (B) Supervising and directing USDA regional emergency stalls and USDA State and county emergency boards;
  - (C) Directing the USDA part of the National Defense Executive Reserve Program;
  - (D) Providing policy guidance to USDA agencies in carrying out specific defense assignments; and
  - (E) Representing the Department in matters relating to international defense organizations, such as NATO and its suborganizations.
- (iv) Coordinate and facilitate USDA operations of Natural Disaster Programs, including liaison with executive departments and the Congress in disaster matters.
  - (v) Maintain liaison with:
    - (A) Federal Preparedness Agency; and
    - (B) Defense Civil Preparedness Agency.
  - (b) The following authorities are reserved to the Secretary of Agriculture:
    - (1) Related to personnel. Make final determinations in the following areas:
      - (i) Separation of employees for security reasons.
      - (ii) Restoration to duty of employees following suspension from duty for security reasons.
      - (iii) Reinstatement or restoration to duty or the employment of any person separated for security reasons.
      - (iv) Issuance of temporary certificates to occupy sensitive positions.

#### **Subpart D—Delegations of Authority to Other General Officers and Agency Heads**

##### **§ 2.26 Director, Office of the Executive Secretariat.**

The following delegation of authority is made by the Secretary of Agriculture to the Director, Office of the Executive Secretariat: Responsible for all correspondence control and related records management functions for the Office of the Secretary.

##### **§ 2.27 Office of Administrative Law Judges.**

- (a) The following designations are made by the Secretary of Agriculture to the Office of Administrative Law Judges:
  - (1) Administrative law judges (formerly hearing examiners) are designated pursuant to 5 U.S.C. 556(b)(3) to hold hearings and perform