

## XIII. Integration/[Appendices]

24. This Consent Decree and its appendices constitute the final, complete and exclusive agreement and understanding among the Parties with respect to the settlement embodied in this Consent Decree. The Parties acknowledge that there are no representations, agreements or understandings relating to the settlement other than those expressly contained in this Consent Decree. [The following appendices are attached to and incorporated into this Consent Decree: "Appendix A" is the complete list of Settling Defendants; and "Appendix B" is the map of the Site.]

## XIV. Lodging and Opportunity for Public Comment

25. This Consent Decree shall be lodged with the Court for a period of not less than 30 days for public notice and comment. The United States reserves the right to withdraw or withhold its consent if the comments regarding the Consent Decree disclose facts or considerations which indicate that this Consent Decree is inappropriate, improper, or inadequate. Settling Defendants consent to the entry of this Consent Decree without further notice.

26. If for any reason this Court should decline to approve this Consent Decree in the form presented, this agreement is voidable at the sole discretion of any party and the terms of the agreement may not be used as evidence in any litigation between the Parties.

## XV. Effective Date

27. The effective date of this Consent Decree shall be the date upon which it is entered by the Court.

## XVI. Signatories/Service

28. Each undersigned representative of a Settling Defendant to this Consent Decree and the [Assistant Attorney General for the Environment and Natural Resources Division]<sup>13</sup> of the United States Department of Justice [insert State official] certifies that he or she is authorized to enter into the terms and conditions of this Consent Decree and to execute and bind legally such Party to this document.

29. Each Settling Defendant hereby agrees not to oppose entry of this Consent Decree by this Court or to challenge any provision of this Consent

Decree, unless the United States has notified Settling Defendants in writing that it no longer supports entry of the Consent Decree.

30. Each Settling Defendant shall identify, on the attached signature page, the name and address of an agent who is authorized to accept service of process by mail on behalf of that Party with respect to all matters arising under or relating to this Consent Decree. Settling Defendants hereby agree to accept service in that manner and to waive the formal service requirements set forth in Rule 4 of the Federal Rules of Civil Procedure and any applicable local rules of this Court, including but not limited to, service of a summons.

So ordered this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

United States District Judge

The Undersigned parties enter into this Consent Decree in the matter of [insert case name and civil action number], relating to the \_\_\_\_\_ Superfund Site.

For the United States of America  
Date: \_\_\_\_\_

[Name] Assistant Attorney General<sup>14</sup>  
Environment and Natural Resources  
Division, U.S. Department of Justice,  
Washington, D.C. 20530

[Name] United States Attorney [Address]

[Name] Attorney, Environmental  
Enforcement Section, Environment and  
Natural Resources Division, U.S.  
Department of Justice, P.O. Box 7611,  
Washington, DC 20044-7611

[Name]<sup>15</sup> Assistant Administrator for  
Enforcement and Compliance Assurance,  
U.S. Environmental Protection Agency,  
401 M Street S.W., Washington, D.C.  
20460

[Name] Regional Administrator, Region [\_\_\_\_], U.S. Environmental Protection Agency,  
[Address]

[Name] Assistant Regional Counsel, U.S.  
Environmental Protection Agency,  
[Address]

[[The undersigned party enters into this Consent Decree in the matter of [insert case name and civil action number], relating to the \_\_\_\_\_ Superfund Site.

For the State of [\_\_\_\_]

Date: \_\_\_\_\_

[Names and addresses of State signatories]  
The undersigned party enters into this Consent Decree in the matter of [insert case

<sup>14</sup> See *supra* n. 13.

<sup>15</sup> Include AA-OECA signature block only if he or she has a concurrence role under Delegation No. 14-13-B.

name and civil action number], relating to the \_\_\_\_\_ Superfund Site.

For Defendant [\_\_\_\_]

Date: \_\_\_\_\_

[Names and address of Defendant's signatories]

Agent Authorized to Accept Service on  
Behalf of Above-signed Party:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Environmental Protection Agency  
Model CERCLA Section 122(h)(1)  
Agreement for Recovery of Past  
Response Costs

This model and any internal procedures adopted for its implementation and use are intended as guidance for employees of the U.S. Environmental Protection Agency. They do not constitute rulemaking by the Agency and may not be relied upon to create a right or a benefit, substantive or procedural, enforceable at law or in equity, by any person. The Agency may take action at variance with this model or its internal implementing procedures.

Model CERCLA Section 122(h)(1) Agreement  
for Recovery of Past Response Costs

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## I. Jurisdiction

In the matter of: [Site Name] [City, County, State] [Names of Settling Parties] Settling Parties

Agreement for Recovery of Past Response Costs

U.S. EPA Region \_\_\_\_\_

CERCLA Docket No. \_\_\_\_\_

Proceeding Under Section 122(h)(1) of  
CERCLA 42 U.S.C. § 9622(h)(1)

1. This Agreement is entered into pursuant to the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 122(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9622(h)(1), which authority

<sup>13</sup> Substitute Chief, Environmental Enforcement Section, where the case involves less than \$1 million and at least \$500,000 is being recovered by settlement. Note also that Associate Attorney General approval is required if the difference between the total amount of the claim and the amount of the settlement exceeds \$2 million or 15% of claim (whichever is greater). See 28 CFR 0.160.