



LIBRARY OF VIRGINIA

Archives, Records, and Collections Services
800 E. Broad St., Richmond VA 23219
(804) 692-3600

RECORDS RETENTION AND DISPOSITION SCHEDULE SPECIFIC SCHEDULE NO. 440-003 Environmental Quality, Dept. of Enforcement Division

The schedule on the attached page(s) is approved with agreement to follow the records retention and disposition policies listed below:

AGENCY APPROVAL

AGENCY HEAD OR DEPUTY

AGENCY RECORDS OFFICER

STATE APPROVAL

STATE ARCHIVIST

COMPTROLLER OR DEPUTY

EFFECTIVE SCHEDULE DATE: 10/15/2012

POLICIES FOR RECORDS RETENTION AND DISPOSITION

1. This schedule is continuing authority under the provisions of the Virginia Public Records Act, § 42.1-76, et seq. of the Code of Virginia for the retention and disposition of the records as stated on the attached page(s).
2. This schedule supersedes previously approved applicable schedules.
3. This schedule is used in conjunction with the Certificate of Records Destruction (RM-3 Form). A signed RM-3 Form must be approved by the designated records officer and on file in the agency or locality before records can be destroyed. After the records are destroyed, the original signed RM-3 Form must be sent to Library of Virginia (LVA).
4. Any records created prior to 1913 must be offered, in writing, to LVA before applying these disposition instructions. Offered records can be destroyed 60 days after date of the offer if no response is received from LVA. A copy of the offer must be attached to the RM-3 Form when it is submitted to LVA.
5. All known audits and audit discrepancies regarding the listed records must be settled before the records can be destroyed.
6. All known investigations or court cases involving the listed records must be resolved before the records can be destroyed. Knowledge of subpoenas, investigations, or litigation that reasonably may involve the listed records suspends any disposal or reformatting processes until all issues are resolved.

7. The retentions and dispositions listed on the attached page(s) apply regardless of physical format, i.e., paper, microfilm, electronic storage, optical imaging, etc. Unless prohibited by law, records may be reformatted at agency or locality discretion. Microfilming must be done in accordance with 17VAC15-20-10, et seq. of the Virginia Administrative Code, "Standards for the Microfilming of Public Records for Archival Retention." All records must be accessible throughout their retention period in analog or digital format. Whether the required preservation is through prolongation of appropriate hardware and/or software, reformatting, or migration, it is the obligation of the agency or locality to do so.
8. Custodians of records must ensure that information in confidential or privacy-protected records is protected from unauthorized disclosure through the ultimate destruction of the information. Ultimate destruction is accomplished through shredding, pulping, burning, and overwriting or physically destroying media. Deletion of confidential or privacy-protected information in computer files or other electronic storage media is not acceptable. Records containing Social Security numbers must be destroyed in compliance with 17VAC15-120-30.
9. Under the Virginia Public Records Act, § 42.1-79, LVA is the official custodian and trustee of all state agency records transferred to the Archives, Library of Virginia. LVA may purge select records in accordance with professional archival practices in order to ensure efficient access.
10. Unless otherwise directed, files are closed out at the end of each calendar or fiscal year as appropriate. Retention periods start at that time.



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RECORD SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION PERIOD	DISPOSITION METHOD
<u>Administrative Process Act (APA) Action Documents</u> This series documents adversarial and administrative proceedings and hearing enforcement actions, except for final orders and agreements. This series may include, but is not limited to: notices of informal fact finding conferences, formal hearings, motions by parties, subpoenas, briefs, recommendations of presiding/hearing officers, and documents about the logistics of the Administrative Process Act (APA) proceeding. COV 2.2-4000 et seq.	000130	10 Years after closed	Non-confidential Destruction
<u>Case Closures</u> This series documents de-referral of cases from the Division of Enforcement that are resolved without a settlement agreement and the termination of settlement agreements following the responsible party meeting all terms of the agreement. This series may include, but is not limited to: records of the respective environmental media citizen board.	000129		Permanent, In Agency
<u>Case Development</u> This series documents the development of an enforcement action after referral from compliance staff until either de-referral or until execution of a consent special order. This series may include, but is not limited to: documents made for citizen boards, corporate information, correspondence, manuals/reports relating to specific responsible parties, and meeting notes.	000125	5 Years after closed	Non-confidential Destruction
<u>Compliance with Orders and Agreements</u> This series documents the actions of responsible parties in meeting the terms of any settlement agreement, such as a consent special order. The series may include, but is not limited to: inspection reports, facility plans, manuals and reports, intra-agency memoranda, and correspondence.	000128	5 Years after closed	Non-confidential Destruction



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RECORD SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION PERIOD	DISPOSITION METHOD
<u>Court or Environmental Protection Agency (EPA) Action Documents</u> This series documents judicial or U.S. Environmental Protection Agency actions, not including final orders and agreements, with responsible parties subject to environmental laws, regulations, and permits of the Commonwealth implemented and enforced by the agency. This series may include, but is not limited to: administrative complaints, court motions, subpoenas, interrogatories, depositions, and briefs.	000131	5 Years after closed	Non-confidential Destruction
<u>Enforcement Recommendations</u> This series documents the reasoned analysis and recommendation of a course of action in an enforcement action. This series may include, but is not limited to: enforcement recommendation and plan, civil charge worksheet, economic analysis to determine a responsible parties' ability to pay a civil charge, and evaluation/analysis of a supplemental environmental project.	000124	5 Years after closed	Non-confidential Destruction
<u>Final Orders and Agreements</u> This series documents final agency action in the form of consent special orders, adversarial actions held, and letters of agreement. This series may include, but is not limited to: settlement agreements, adversarial actions, and judicial orders.	000127		Permanent, Archives
<u>Pre-Enforcement Documents</u> This series documents the investigation of alleged non-compliance with state and federal law prior to the internal agency referral for enforcement action. This series may include, but is not limited to: inspection reports, notices of alleged violation, citizen reports/complaints of suspected violations, discharge monitoring reports, and continuous emissions monitoring reports.	000122	5 Years after closed	Non-confidential Destruction



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<u>Referrals for Enforcement Action</u> This series documents the referral of cases to specialized staff or to the U.S. Environmental Protection Agency or the Virginia Office of the Attorney General for formal enforcement action. This series may include, but is not limited to: notices of appeal, history of noncompliance, requested injunctive relief, and civil charges sought.	000123	5 Years after closed	Non-confidential Destruction
<u>Supporting Enforcement Documents</u> This series documents enforcement actions by the agency. This series may include, but is not limited to: Freedom of Information Act (FOIA) requests regarding enforcement actions, inspection warrants, documents relating to the process of early dispute resolution, bankruptcy records that relate to an enforcement action, voluntary environmental assessments, and liens.	000132	5 Years after closed	Non-confidential Destruction