

DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
ENVIRONMENTAL DIVISION

Program Records Retention and Disposition Schedule

The Program Records Retention and Disposition Schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provisions of Chapters 121 and 132 of the General Statutes of North Carolina, it is agreed that the records of the

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do not and will not have further official use or value for administrative, research, or reference purposes after the respective retention periods specified herein. The Department of Cultural Resources consents to the destruction or other disposition of these records in accordance with the retention and disposition instructions specified in this schedule. The agency agrees to comply with 07 NCAC 04M. 0510 when deciding on a method of destruction. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule.

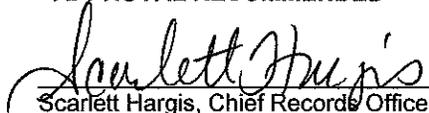
The Department of Justice and the Department of Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods which allow them to be destroyed when "administrative/reference value ends." The Department of Justice hereby agrees that it will establish and enforce internal policies setting minimum retention periods for records with this disposition instruction. Without the establishment of internal policies, the agency is not authorized by the Department of Cultural Resources to destroy these records.

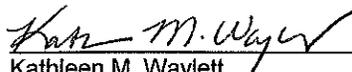
The Department of Justice and the Department of Cultural Resources concur that the long-term and/or permanent preservation of electronic records require additional commitment and active management by the agency. The Department of Justice agrees to comply with all policies, standards, and best practices published by the Department of Cultural Resources regarding the creation and management of electronic records.

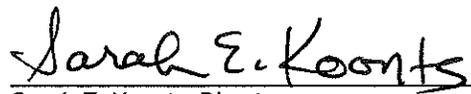
E-mail messages sent or received by Executive Branch agencies shall be retained for 5 years pursuant to Executive Order No. 12 (issued May 21, 2013 by Governor Pat McCrory). Any e-mail messages requiring retention longer than 5 years, including those with permanent historical value, shall be designated with specific retention periods in this program records schedule. Public records including electronic records not listed in this schedule or in the *General Schedule for State Agency Records* are not authorized to be destroyed.

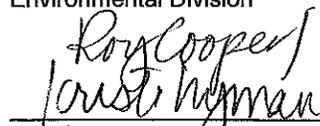
The Department of Justice agrees to destroy, transfer or dispose of records in the manner and the times specified herein. This schedule is to remain in effect until superseded.

APPROVAL RECOMMENDED

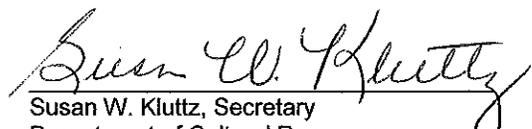

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APPROVED


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Department of Cultural Resources

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ITEM 2363. CLOSED ENVIRONMENTAL PROTECTION CASES FILE

Records in paper and electronic formats concerning closed environmental protection cases created in the course of legal representation of the state including but not limited to the Department of Environment and Natural Resources (DENR) or its predecessor or successor agencies. File includes correspondence, including e-mail, court filings and evidence, briefs, preliminary and working drafts, and other related records. Portion of file is scanned into the Closed Environmental Protection Cases (Electronic) File (Item 49718). (E-mail is retained in the Closed Environmental Protection Cases (Electronic) File.)

DISPOSITION INSTRUCTIONS: Scan in office portion of file into the Closed Environmental Protection Cases (Electronic) File (Item 49718). One year after scanning, destroy in office paper records after all quality control procedures have been completed. Destroy in office preliminary and working drafts displaced by final documents when reference value ends. Transfer remaining paper records with reference value to the State Records Center. Records will be held for agency in the State Records Center 10 additional years. At the end of the retention period, agency will review for "landmark" cases and transfer records considered by the section as "landmark" to the Archival Cases File (Item 49701). Remaining records will be destroyed in State Records Center.

ITEM 14237. OPEN CRIMINAL CASES FILE

Records in paper and electronic formats, including e-mail, presented to appellate courts for each criminal action case handled by division attorneys for the state. File includes briefs, appellate court records, decisions, district attorneys' correspondence, and court opinions, correspondence within the Attorney General's Office, and other related records.

DISPOSITION INSTRUCTIONS: Transfer to Closed Criminal Cases File (Item 14238) when case is closed.

ITEM 14238. CLOSED CRIMINAL CASES FILE

Records in paper and electronic formats, including e-mail, concerning each closed criminal action case handled by division attorneys. File includes briefs, appellate court decisions, district attorneys' and court opinions, correspondence within the Attorney General's Office, and other related records.

DISPOSITION INSTRUCTIONS: Destroy in office paper and electronic records after 4 years.

ITEM 14239. ACTIVE ENVIRONMENTAL PROTECTION CASES FILE

Records in paper and electronic formats, including e-mail, concerning findings and decisions, penalty assessments or administrative, civil, or criminal environmental protection cases. Case files include correspondence, court filings and evidence, briefs, and other related records.

DISPOSITION INSTRUCTIONS: Maintain documents with reference value while case ongoing. Destroy in office preliminary and working drafts when reference value ends. Transfer to Closed Environmental Protection Cases File (Item 2363) when case is closed.

ITEM 14242. ADVISORY LETTERS FILE

Records in paper and electronic formats, including e-mail, of advisory letters written by the division attorneys to state and local government officials or their attorneys or the general public regarding routine legal matters. File also includes copies of the requests. (E-mail is retained in the Closed Environmental Protection cases (Electronic) File (Item 49718).)

DISPOSITION INSTRUCTIONS: Transfer paper records to the State Records Center when reference value ends. Records will be held for agency in the State Records Center 10 additional years and then destroyed.

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ITEM 14244. DIVISION LEGAL SUBJECT (REFERENCE) FILE

Records in paper and electronic formats, including e-mail, of reference copies of records concerning legal subjects, primarily relating to environmental issues. File includes records regarding the Environmental Policy Act and other related records.

DISPOSITION INSTRUCTIONS: Destroy in office records when reference value ends.

ITEM 14245. ENVIRONMENTAL PROTECTION AND NATURAL RESOURCES SUBJECT (REFERENCE) FILE

Records in paper and electronic formats, including e-mail, of reference copies of records concerning subjects relating to environmental protection and natural resources. File includes correspondence, reports, regulations and guidelines, copies of federal and state legislation, and other related records.

DISPOSITION INSTRUCTIONS: Destroy in office records when reference value ends.

ITEM 33501. ACTIVE ENFORCEMENT FILE

Records in paper and electronic formats, including e-mail, concerning civil penalties, enforcement, and findings and decisions. File includes Department of Environment and Natural Resources (DENR) penalty assessments and all legal correspondence regarding the assessment.

DISPOSITION INSTRUCTIONS: Records transferred to Active Environmental Protection Cases File (Item 14239) after legal action is pursued. Destroy in office records of matters not pursued when reference value ends.

ITEM 33502. ATTORNEY GENERAL'S FORMAL OPINIONS FILE

Records in paper and electronic formats, including e-mail, of opinions provided to state or local government officials or their attorneys having statewide significance.

DISPOSITION INSTRUCTIONS: Transfer original inquiry and response to the Central Files Section, Attorney General's Correspondence for State/Federal Agencies and Universities File (Item 2353) when response has been completed.

ITEM 36790. ATTORNEY GENERAL'S ADVISORY OPINIONS FILE

Records in paper and electronic formats, including e-mail, of opinions provided to state or local government officials or their attorneys regarding legal issues significant to the operation or administration of state agencies or local governments.

DISPOSITION INSTRUCTIONS: Transfer original inquiry and response to the Central Files Section, Attorney General's Advisory Opinions File (Item 2356) when response has been completed.

ITEM 36791. INFORMATIONAL LETTERS FILE

Records in paper and electronic formats, including e-mail, of letters to or from private citizens and organizations requesting legal assistance.

DISPOSITION INSTRUCTIONS: Destroy in office records when reference value ends.

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ITEM 49669. ENVIRONMENTAL ENHANCEMENT GRANT (EEG) PROGRAM FILE

Records in paper and electronic formats, including e-mail, concerning the administration of the Environmental Enhancement Grant Program funded through the Smithfield Foods - Attorney General Agreement dated July 25, 2000. File includes grant applications, review materials, correspondence, financial information, quarterly reports, final reports, and other related records. Data is scanned into the Environmental Enhancement Grant (EEG) (Electronic) File (Item 49717).

DISPOSITION INSTRUCTIONS: Update in office routinely. Destroy any grant files paper copies in office 3 years after grant file is closed and when scanning and all quality control procedures have been completed if no litigation, claim, audit, or other official action involving the records has been initiated. If official action has been initiated, destroy in office after completion of action and resolution of issues involved. Retain any paper records as needed until reference value ends. . Oversized records that cannot be scanned will be maintained in the office until reference value ends.

ITEM 49701. ARCHIVAL CASES FILE

Records concerning cases or disputes that currently are, or that with reasonable certainty will be deemed by the division's attorneys as "landmark" cases or disputes. A landmark case has at least one of the following characteristics: a statutory change resulted from the case or dispute; the state or federal constitution was changed or reinterpreted as a result of the case or dispute; a significant issue in the case was decided on its merits, not simply reviewed, by the North Carolina Supreme Court or the United States Supreme Court; the controversy sustained state-wide or national interest for a prolonged period; or the result was an abrupt departure from well-established past policies or practices concerning matters of significant public interest.

DISPOSITION INSTRUCTIONS: Transfer to the State Records Center when reference value ends. Records will be held for agency in the State Records Center 10 additional years and then transferred to the custody of the Archives.

ITEM 49717. ENVIRONMENTAL ENHANCEMENT GRANT (EEG) (ELECTRONIC) FILE

Electronic records concerning the Environmental Enhancement Grant (EEG) Program's grants. Electronic file includes grant applications, review materials, correspondence, financial information, quarterly reports, final reports, and other related data. Data is scanned into the electronic file, which is part of the Department of Justice Information Technology Network, from the Environmental Enhancement Grant (EEG) Program File (Item 49669).

DISPOSITION INSTRUCTIONS: Update in office routinely. Destroy in office 10 years after the termination of the Smithfield Foods-Attorney General Agreement , if no litigation, claim, audit, or other official action involving the records has been initiated. If official action has been initiated, destroy in office after completion of action and resolution of issues involved.

ITEM 49718. CLOSED ENVIRONMENTAL PROTECTION CASES (ELECTRONIC) FILE

Electronic records concerning closed environmental protection cases. Electronic file includes correspondence, court filings and evidence, briefs, and other related data. Data is scanned into the electronic file, which is part of the Department of Justice Information Technology Network, from the Closed Environmental Protection Cases File (Item 2363).

DISPOSITION INSTRUCTIONS: Update in office routinely. Destroy in office after 10 years.