

Environmental Protection Agency

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AUTHORITY: Sec. 11, Noise Control Act of 1972 (42 U.S.C. 4910) and additional authority as specified.

SOURCE: 43 FR 34132, Aug. 3, 1978, unless otherwise noted.

Subpart A—Rules of Practice Governing Hearings for Orders Issued Under Section 11(d) of the Noise Control Act

§ 209.1 Scope.

These rules of practice govern all proceedings conducted in the issuance of an order under section 11(d) of the Noise Control Act of 1972, 42 U.S.C. 4910.

§ 209.2 Use of number and gender.

In these rules of practice, words in the singular number apply to the plural and words in the masculine gender apply to the feminine and vice versa.

§ 209.3 Definitions.

All terms not defined in this section shall have the meaning given them in the Act.

(a) *Act* means the Noise Control Act of 1972 (42 U.S.C. 4901 *et seq.*).

(b) *Administrative law judge* means an administrative law judge appointed

under 5 U.S.C. 3105 (see also 5 CFR part 930, as amended by 37 FR 16787). “Administrative law judge” is synonymous with “hearing examiner” as used in Title 5 of the United States Code.

(c) *Administrator* means the Administrator of the Environmental Protection Agency or his or her delegate.

(d) *Agency* means the U.S. Environmental Protection Agency.

(e) *Complainant* means the Agency acting through any person authorized by the Administrator to issue a complaint to alleged violators of the Act. The complainant shall not be the judicial officer or the Administrator.

(f) *Hearing clerk* means the hearing clerk of the Environmental Protection Agency.

(g) *Intervener* means a person who files a motion to be made a party under § 209.15 or § 209.16, and whose motion is approved.

(h) *Party* means the Environmental Protection Agency, the respondent(s) and any interveners.

(i) *Person* means any individual, corporation, partnership, or association, and includes any officer, employee, department, agency or instrumentality of the United States, a State, or any political subdivision of a State.

(j) *Respondent* means any person against whom a complaint has been issued under this subpart.

(k) *Environmental Appeals Board* means the Board within the Agency described in § 1.25 of this title. The Administrator delegates authority to the Environmental Appeals Board to issue final decisions in appeals filed under this part. An appeal directed to the Administrator, rather than to the Environmental Appeals Board, will not be considered. This delegation of authority to the Environmental Appeals Board does not preclude the Environmental Appeals Board from referring an appeal or a motion filed under this part to the Administrator for decision when the Environmental Appeals Board, in its discretion, deems it appropriate to do so. When an appeal or motion is referred to the Administrator, all parties shall be so notified and the rules in this part referring to the Environmental Appeals Board shall