

§ 66.1

66.43 Final decision; submission of penalty calculation.

Subpart F—Review of Penalty Calculation

- 66.51 Action upon receipt of penalty calculation.
- 66.52 Petitions for reconsideration of calculation.
- 66.53 Decisions on petitions.
- 66.54 Procedures for hearing.

Subpart G—Payment

- 66.61 Duty to pay.
- 66.62 Method of payment.
- 66.63 Nonpayment penalty.

Subpart H—Compliance and Final Adjustment

- 66.71 Determination of compliance.
- 66.72 Additional payment or reimbursement.
- 66.73 Petition for reconsideration and procedure for hearing.
- 66.74 Payment or reimbursement.

Subpart I—Final Action

- 66.81 Final action.

Subpart J—Supplemental Rules for Formal Adjudicatory Hearings

- 66.91 Applicability of supplemental rules.
- 66.92 Commencement of hearings.
- 66.93 Time limits.
- 66.94 Presentation of evidence.
- 66.95 Decisions of Presiding Officer; appeal to the Administrator.

APPENDIX A TO PART 66—TECHNICAL SUPPORT DOCUMENT [NOTE]

APPENDIX B TO PART 66—INSTRUCTION MANUAL [NOTE]

APPENDIX C TO PART 66—COMPUTER PROGRAM [NOTE]

AUTHORITY: Sec. 120, Clean Air Act, as amended, 42 U.S.C. 7420.

SOURCE: 45 FR 50110, July 28, 1980, unless otherwise noted.

Subpart A—Purpose and Scope

§ 66.1 Applicability and effective date.

(a) This part applies to all proceedings for the assessment by EPA of a noncompliance penalty as provided by section 120 of the Clean Air Act. This penalty is designed to recover the economic advantage which might otherwise accrue to a source by reason of its failure to comply with air pollution control standards after receipt of a notice of noncompliance.

40 CFR Ch. I (7–1–03 Edition)

(b) These regulations shall be effective October 27, 1980.

§ 66.2 Program description.

This part sets forth the procedures by which EPA will administer the non-compliance penalty provisions of section 120 of the Clean Air Act. Subpart A describes the scope of the part, defines key terms and states the manner of operation of these provisions subpart B states which sources of air pollution are subject to these penalties and the form and substance of the notice of noncompliance. Subpart C and the accompanying Technical Support Document and Manual state how a source must compute the penalty which it owes. Subpart D describes the conditions under which an exemption from the penalty may be available, and subpart E sets forth the procedures for requesting such an exemption. Subpart F states how EPA will review penalties calculated by sources under subpart C, and subpart G describes the method of payment. Subpart H provides for adjustment of the penalty after the source has come into compliance and the actual costs of doing so are known. Finally, subpart I states which actions under these regulations are subject to judicial review and on what conditions, and subpart J provides supplemental procedures for adjudicatory hearings.

§ 66.3 Definitions.

In this part and part 67:

(a) *Act* means the Clean Air Act, 42 U.S.C. 7401 *et seq.* as amended on August 7, 1977, except where the context specifically indicates otherwise.

(b) *Affiliated entity* means a person who directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with the owner or operator of a source.

(c) *Applicable legal requirements* means any of the following:

(1) In the case of any major source, any emission limitation, emission standard, or compliance schedule under any EPA-approved State implementation plan (regardless of whether the source is subject to a Federal or State consent decree);

(2) In the case of any source, an emission limitation, emission standard,