

for a Hearing. Each matter of controversy shall be determined by the Presiding Officer upon a preponderance of the evidence.

**§ 305.34 Filing the transcript.**

The hearing shall be transcribed verbatim. Promptly following the taking of the last evidence, the reporter shall transmit to the Hearing Clerk the original and as many copies of the transcript of testimony as are called for in the reporter's contract with the Agency, and also shall transmit to the Presiding Officer a copy of the transcript. A certificate of service shall accompany each copy of the transcript. The Hearing Clerk shall notify all the parties of the availability of the transcript and shall furnish the Requestor with a copy of the transcript upon payment of the cost of reproduction, unless a Requestor can show that the cost is unduly burdensome. Any person not a party to the proceeding may receive a copy of the transcript upon payment of the reproduction fee, except for those parts of the transcript ordered to be kept confidential by the Presiding Officer. Any party may file a motion to correct the transcript in accordance with the provision of § 305.23.

**§ 305.35 Proposed findings, conclusions, and order.**

Within 20 days after the parties are notified of the availability of the transcript, any party may submit for the consideration of the Presiding Officer proposed findings of fact, conclusions of law, and a proposed order, together with briefs in support thereof. The Presiding Officer shall set a time by which reply briefs may be submitted. The Presiding Officer may by order extend the time or change the schedule of such submissions or allow further submissions as may be appropriate. All submissions shall be in writing, shall be served upon all parties, and shall contain references to the record for all proposed findings of fact and appropriate citations for authorities relied upon.

**§ 305.36 Final order; costs.**

(a) *Filing and content.* The Presiding Officer shall issue and file with the Hearing Clerk a final order as soon as

practicable after the period for filing reply briefs under § 305.35 has expired, but within the time allowed for issuance of a final order as prescribed by § 305.4(d). The final order shall contain his findings of fact, conclusions of law, as well as the reasons therefor, and an order for an award for a sum certain, or an explanation of why no award is granted.

(b) *Costs.* If the Presiding Officer concludes in writing that the Request for a Hearing was frivolous, he may direct the Hearing Clerk to assess all or part of the costs of the proceeding against the Requestor. In such case, the Hearing Clerk shall assess such costs as directed by the Presiding Officer, and shall serve notice of such direction and the amount of such costs on all parties. No later than 5 days after receipt of notice of assessment of costs, the Requestor may move that the Presiding Officer review the assessment of costs by the Hearing Clerk. The Presiding Officer may uphold, reverse, or modify the action of the Hearing Clerk in assessing costs.

**PART 307—COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA) CLAIMS PROCEDURES**

**Subpart A—General**

- Sec.  
 307.10 Purpose.  
 307.11 Scope and applicability.  
 307.12 Use of number and gender.  
 307.13 Computation of time.  
 307.14 Definitions.  
 307.15 Penalties.

**Subpart B—Eligible Claimants; Allowable Claims; Preauthorization**

- 307.20 Who may present claims.  
 307.21 Nature of eligible claims.  
 307.22 Preauthorization of response actions.  
 307.23 EPA's review of preauthorization applications.

**Subpart C—Procedures for Filing and Processing Response Claims**

- 307.30 Requesting payment from the potentially responsible party.  
 307.31 Filing procedures.  
 307.32 Verification, award, and administrative hearings.  
 307.33 Records retention.