

9VAC5-500-80. Enforcement of a general permit.

PART III—GENERAL PERMIT ADMINISTRATIVE PROCEDURES

9VAC5-500-90. Requirements for department issuance of authority to operate under the general permit.

9VAC5-500-100. Applications for coverage under the general permit.

9VAC5-500-110. Required application information.

9VAC5-500-120. General permit content.

9VAC5-500-130. Issuance of an authorization to operate under the general permit.

9VAC5-500-140. Transfer of authorizations to operate under the general permit.

PART IV—GENERAL PERMIT TERMS AND CONDITIONS

9VAC5-500-150. Emissions levels and requirements.

9VAC5-500-160. Emissions levels.

9VAC5-500-170. Compliance determination and verification by emission testing.

9VAC5-500-180. Compliance determination and verification by emission monitoring.

9VAC5-500-190. Recordkeeping requirements.

9VAC5-500-200. Reporting requirements.

9VAC5-500-210. Compliance certifications.

9VAC5-500-220. Consequences of failure to remain below emissions levels.

9VAC5-500-230. Enforcement.

9VAC5-500-240. Review and evaluation of regulation.

(2) [Reserved]

[57 FR 40806, Sept. 4, 1992]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting appendix A to Part 56, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

PART 56—REGIONAL CONSISTENCY

Sec.

56.1 Definitions.

56.2 Scope.

56.3 Policy.

56.4 Mechanisms for fairness and uniformity—Responsibilities of Headquarters employees.

56.5 Mechanisms for fairness and uniformity—Responsibilities of Regional Office employees.

56.6 Dissemination of policy and guidance.

56.7 State agency performance audits.

AUTHORITY: Sec. 301(a)(2) of the Clean Air Act as amended (42 U.S.C. 7601).

SOURCE: 45 FR 85405, Dec. 24, 1980, unless otherwise noted.

§ 56.1 Definitions.

As used in this part, all terms not defined herein have the meaning given them in the Clean Air Act.

Act means the Clean Air Act as amended (42 U.S.C. 7401 *et seq.*).

Administrator, Deputy Administrator, Assistant Administrator, General Counsel, Associate General Counsel, Deputy Assistant Administrator, Regional Administrator, Headquarters, Staff Office, Operational Office, and Regional Office are described in part 1 of this title.

Mechanism means an administrative procedure, guideline, manual, or written statement.

Program directive means any formal written statement by the Administrator, the Deputy Administrator, the Assistant Administrator, a Staff Office Director, the General Counsel, a Deputy Assistant Administrator, an Associate General Counsel, or a division Director of an Operational Office that is intended to guide or direct Regional Offices in the implementation or enforcement of the provisions of the act.

Responsible official means the EPA Administrator or any EPA employee who is accountable to the Administrator for carrying out a power or duty delegated under section 301(a)(1) of the act, or is accountable in accordance with EPA's formal organization for a particular program or function as described in part 1 of this title.

§ 56.2 Scope.

This part covers actions taken by:

(a) Employees in EPA Regional Offices, including Regional Administrators, in carrying out powers and duties delegated by the Administrator under section 301(a)(1) of the act; and

(b) EPA employees in Headquarters to the extent that they are responsible for developing the procedures to be employed or policies to be followed by Regional Offices in implementing and enforcing the act.

§ 56.3 Policy.

It is EPA's policy to:

(a) Assure fair and uniform application by all Regional Offices of the criteria, procedures, and policies employed in implementing and enforcing the act;

Environmental Protection Agency

§ 56.7

(b) Provide mechanisms for identifying and correcting inconsistencies by standardizing criteria, procedures, and policies being employed by Regional Office employees in implementing and enforcing the act; and

(c) Insure an adequate quality audit for each State's performance in implementing and enforcing the act.

§ 56.4 Mechanisms for fairness and uniformity—Responsibilities of Headquarters employees.

(a) The Administrator shall include, as necessary, with any rule or regulation proposed or promulgated under parts 51 and 58 of this chapter¹ mechanisms to assure that the rule or regulation is implemented and enforced fairly and uniformly by the Regional Offices.

(b) The determination that a mechanism required under paragraph (a) of this section is unnecessary for a rule or regulation shall be explained in writing by the responsible EPA official and included in the supporting documentation or the relevant docket.

§ 56.5 Mechanisms for fairness and uniformity—Responsibilities of Regional Office employees.

(a) Each responsible official in a Regional Office, including the Regional Administrator, shall assure that actions taken under the act:

(1) Are carried out fairly and in a manner that is consistent with the Act and Agency policy as set forth in the Agency rules and program directives,

(2) Are as consistent as reasonably possible with the activities of other Regional Offices, and

(3) Comply with the mechanisms developed under § 56.4 of this part.

(b) A responsible official in a Regional Office shall seek concurrence from the appropriate EPA Headquarters office on any interpretation of the Act, or rule, regulation, or program directive when such interpretation may result in inconsistent application among the Regional Offices of the act or rule, regulation, or program directive.

¹Part 51 is entitled, "Requirements for Preparation, Adoption, and Submittal of Implementation Plans." Part 58 is entitled, "Ambient Air Quality Surveillance."

(c) In reviewing State Implementation Plans, the Regional Office shall follow the provisions of the guideline, revisions to State Implementation Plans—Procedures for Approval/Disapproval Actions, OAQPS No. 1.2-005A, or revision thereof. Where regulatory actions may involve inconsistent application of the requirements of the act, the Regional Offices shall classify such actions as special actions.

§ 56.6 Dissemination of policy and guidance.

The Assistant Administrators of the Offices of Air, Noise and Radiation, and of Enforcement, and the General Counsel shall establish as expeditiously as practicable, but no later than one year after promulgation of this part, systems to disseminate policy and guidance. They shall distribute material under foregoing systems to the Regional Offices and State and local agencies, and shall make the material available to the public. Air programs policy and guideline systems shall contain the following:

(a) Compilations of relevant EPA program directives and guidance, except for rules and regulations, concerning the requirements under the Act.

(b) Procedures whereby each Headquarters program office and staff office will enter new and revised guidance into the compilations and cause superseded guidance to be removed.

(c) Additional guidance aids such as videotape presentations, workshops, manuals, or combinations of these where the responsible Headquarters official determines they are necessary to inform Regional Offices, State and local agencies, or the public about EPA actions.

§ 56.7 State agency performance audits.

(a) EPA will utilize the provisions of subpart B, Program Grants, of part 35 of this chapter, which require yearly evaluations of the manner in which grantees use Federal monies, to assure that an adequate evaluation of each State's performance in implementing and enforcing the act is performed.

(b) Within 60 days after comment is due from each State grantee on the

evaluation report required by § 35.538 of this chapter, the Regional Administrator shall incorporate or include any comments, as appropriate, and publish notice of availability of the evaluation report in the FEDERAL REGISTER.

PART 57—PRIMARY NONFERROUS SMELTER ORDERS

Subpart A—General

- Sec.
- 57.101 Purpose and scope.
 - 57.102 Eligibility.
 - 57.103 Definitions.
 - 57.104 Amendment of the NSO.
 - 57.105 Submittal of required plans, proposals, and reports.
 - 57.106 Expiration date.
 - 57.107 The State or local agency's transmittal to EPA.
 - 57.108 Comparable existing SIP provisions.
 - 57.109 Maintenance of pay.
 - 57.110 Reimbursement of State or local agency.
 - 57.111 Severability of provisions.

Subpart B—The Application and the NSO Process

- 57.201 Where to apply.
- 57.202 How to apply.
- 57.203 Contents of the application.
- 57.204 EPA action on second period NSOs which have already been issued.
- 57.205 Submission of supplementary information upon relaxation of an SO₂ SIP emission limitation.

Subpart C—Constant Controls and Related Requirements

- 57.301 General requirements.
- 57.302 Performance level of interim constant controls.
- 57.303 Total plantwide emission limitation.
- 57.304 Bypass, excess emissions and malfunctions.
- 57.305 Compliance monitoring and reporting.

Subpart D—Supplementary Control System Requirements

- 57.401 General requirements.
- 57.402 Elements of the supplementary control system.
- 57.403 Written consent.
- 57.404 Measurements, records, and reports.
- 57.405 Formulation, approval, and implementation of requirements.

Subpart E—Fugitive Emission Evaluation and Control

- 57.501 General requirements.
- 57.502 Evaluation.
- 57.503 Control measures.
- 57.504 Continuing evaluation of fugitive emission control measures.
- 57.505 Amendments of the NSO.

Subpart F—Research and Development Requirements

- 57.601 General requirements.
- 57.602 Approval of proposal.
- 57.603 Criteria for approval.
- 57.604 Evaluation of projects.
- 57.605 Consent.
- 57.606 Confidentiality.

Subpart G—Compliance Schedule Requirements

- 57.701 General requirements.
- 57.702 Compliance with constant control emission limitation.
- 57.703 Compliance with the supplementary control system requirements.
- 57.704 Compliance with fugitive emission evaluation and control requirements.
- 57.705 Contents of SIP Compliance Schedule required by § 57.201(d) (2) and (3).

Subpart H—Waiver of Interim Requirement for Use of Continuous Emission Reduction Technology

- 57.801 Purpose and scope.
- 57.802 Request for waiver.
- 57.803 Issuance of tentative determination; notice.
- 57.804 Request for hearing; request to participate in hearing.
- 57.805 Submission of written comments on tentative determination.
- 57.806 Presiding Officer.
- 57.807 Hearing.
- 57.808 Opportunity for cross-examination.
- 57.809 *Ex parte* communications.
- 57.810 Filing of briefs, proposed findings, and proposed recommendations.
- 57.811 Recommended decision.
- 57.812 Appeal from or review of recommended decision.
- 57.813 Final decision.
- 57.814 Administrative record.
- 57.815 State notification.
- 57.816 Effect of negative recommendation.

APPENDIX A TO PART 57—PRIMARY NONFERROUS SMELTER ORDER (NSO) APPLICATION

AUTHORITY: Secs. 110, 114, 119, 301, Clean Air Act, as amended (42 U.S.C. 7410, 7414, 7419, and 7601); sec. 406 of Pub. L. 95-95.

SOURCE: 50 FR 6448, Feb. 15, 1985, unless otherwise noted.