

**§ 66.95**

source owner or operator shall then present any rebuttal evidence.

(b) In hearings under § 66.42 the source owner or operator shall present evidence of entitlement to an exemption. EPA shall then present any rebuttal evidence.

(c) In hearings under §§ 66.54 and 66.73 EPA shall present evidence that its calculation or revisions of the source owner or operator's penalty calculations are correct. The source owner or operator shall then present any rebuttal evidence.

(d) Each matter of controversy shall be determined by the Presiding Officer upon a preponderance of the evidence.

(e) Any documentation submitted pursuant to § 66.92(b) shall automatically be received into evidence in the hearing.

**§ 66.95 Decisions of the Presiding Officer; Appeal to the Administrator.**

(a) The Presiding Officer shall dispose of the issues raised in the hearing in a single written decision. Such decision shall terminate the Presiding Officer's consideration of those issues.

(b) Penalty calculations and payment schedules, if any, established by the decision of the Presiding Officer shall be based solely on the parameters, terms and conditions of the Technical Support Document, Manual, and Computer Program.

(c) An appeal to the Environmental Appeals Board from a decision of the Presiding Officer shall be made by petition filed within twenty (20) days from receipt by a party of the Presiding Officer's decision. The Environmental Appeals Board shall rule on the appeal within 30 days of receipt of a petition. No appeal may be made before receipt of the decision of the Presiding Officer.

[45 FR 50110, July 20, 1980, as amended at 57 FR 5329, Feb. 13, 1992]

**APPENDIX A TO PART 66—TECHNICAL SUPPORT DOCUMENT**

NOTE: For text of appendix A see appendix A to part 67.

**APPENDIX B TO PART 66—INSTRUCTION MANUAL**

NOTE: For text of appendix B see appendix B to part 67.

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**APPENDIX C TO PART 66—COMPUTER PROGRAM**

NOTE: For text of appendix C see appendix C to part 67.

**PART 67—EPA APPROVAL OF STATE NONCOMPLIANCE PENALTY PROGRAM**

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**APPENDIX A TO PART 67—TECHNICAL SUPPORT DOCUMENT [NOTE]**

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AUTHORITY: Sec. 120 of the Clean Air Act, as amended, 42 U.S.C. 7420, unless otherwise noted.

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