

of the documents described in paragraph (b).

§ 66.93 Time limits.

The Presiding Officer upon designation shall notify the parties and shall, if appropriate, schedule a prehearing conference (or alternative procedures) under 40 CFR 22.19 and shall notify the parties of the date of hearing under 40 CFR 22.21. The Presiding Officer shall issue an initial decision no later than ninety days after the hearing is granted, unless an extension of the hearing schedule or of the deadline for decision is agreed to by the parties. To that end, the Presiding Officer may establish such deadlines as are reasonable and necessary. Failure to issue a decision within 90 days or further extended deadline (whether or not by consent) shall not affect the validity of the proceedings.

§ 66.94 Presentation of evidence.

(a) In hearings pursuant to § 66.42 EPA shall present evidence of violation of applicable legal requirements. The 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 de-

cision 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.

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

Subpart A—Purpose and Scope

Sec.
67.1 Purpose and scope.

Subpart B—Approval of State Programs

- 67.11 Standards for approval of State programs.
- 67.12 Application for approval of programs.
- 67.13 Approval.
- 67.14 Amendments to the program.
- 67.15 Revocation.

Subpart C—Federal Notice of Noncompliance to Sources in States With Approved Programs

67.21 Federal notice of noncompliance to owners or operators of sources in States with approved programs.