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(Effective 07/01/1997)

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(2) [Reserved]

[57 FR 40806, Sept. 4, 1992]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting appendix A to Part 55, 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;

(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.

(d) Recognize that only the decisions of the U.S. Supreme Court and decisions of the U.S. Court of Appeals for the D.C. Circuit Court that arise from challenges to ''nationally applicable regulations . . . or final action,'' as discussed in Clean Air Act section 307(b) (42 U.S.C. 7607(b)), shall apply uniformly, and to provide for exceptions to the general policy stated in paragraphs (a) and (b) of this section with regard to decisions of the federal courts that arise from challenges to ''locally or regionally applicable'' actions, as provided in Clean Air Act section 307(b) (42 U.S.C. 7607(b)).

[45 FR 85405, Dec. 24, 1980, as amended at 81 FR 51113, Aug. 3, 2016]

§ 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 chapter[1] 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.

(c) The Administrator shall not be required to issue new mechanisms or revise existing mechanisms developed under paragraphs (a) of this section to address the inconsistent application of any rule, regulation, or policy that may arise in response to the limited jurisdiction of either a federal circuit court decision arising from challenges to ''locally or regionally applicable'' actions, as provided in Clean Air Act section 307(b) (42 U.S.C. 7607(b)), or a federal district court decision.

[45 FR 85405, Dec. 24, 1980, as amended at 81 FR 51113, Aug. 3, 2016]

§ 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

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