

§ 18.11

needed through regular civil service appointment or under the compensation provisions of the Classification Act of 1949, Special Research Consultants may be appointed to assist and advise in the operations of the EPA, subject to the provisions of the following paragraphs and in accordance with such instructions as may be issued from time to time by the Administrator or designee.

(b) *Appointments.* Appointments, pursuant to the provisions of this section, may be made by those officials in the EPA to whom authority has been delegated by the Administrator or designee.

(c) *Compensation.* The per diem or other rates of compensation shall be fixed by the appointing officer in accordance with criteria established by the Administrator or designee.

§ 18.11 Standards of Conduct and Financial Disclosure.

All individuals appointed to an Environmental Protection Research Fellowship or as a Special Research Consultant shall be subject to the same current standards and disclosure regulations and requirements as Title 5 appointees.

PART 19—ADJUSTMENT OF CIVIL MONETARY PENALTIES FOR INFLATION

Sec.

19.1 Applicability.

19.2 Effective date.

19.3 [Reserved]

19.4 Statutory civil penalties, as adjusted for inflation, and tables.

AUTHORITY: Pub. L. 101-410, Oct. 5, 1990, 104 Stat. 890, as amended by Pub. L. 104-134, title III, sec. 31001(s)(1), Apr. 26, 1996, 110 Stat. 1321-373; Pub. L. 105-362, title XIII, sec. 1301(a), Nov. 10, 1998, 112 Stat. 3293; Pub. L. 114-74, title VII, sec. 701(b), Nov. 2, 2015, 129 Stat. 599.

SOURCE: 73 FR 75345, Dec. 11, 2008, unless otherwise noted.

§ 19.1 Applicability.

This part applies to each statutory provision under the laws administered by the Environmental Protection Agency concerning the civil monetary penalties which may be assessed in ei-

40 CFR Ch. I (7-1-20 Edition)

ther civil judicial or administrative proceedings.

§ 19.2 Effective date.

(a) The statutory civil penalty levels set forth in the third column of Table 1 of § 19.4 apply to all violations which occur or occurred after November 2, 2015, where the penalties are assessed on or after January 13, 2020. The statutory civil penalty levels set forth in the fourth column of Table 1 of § 19.4 apply to all violations which occurred after November 2, 2015, where the penalties were assessed on or after February 6, 2019 but before January 13, 2020.

(b) The statutory penalty levels in the third column of Table 2 to § 19.4 apply to all violations which occurred after December 6, 2013 through November 2, 2015, and to violations occurring after November 2, 2015, where penalties were assessed before August 1, 2016. The statutory civil penalty levels set forth in the fourth column of Table 2 of § 19.4 apply to all violations which occurred after January 12, 2009 through December 6, 2013. The statutory civil penalty levels set forth in the fifth column of Table 2 of § 19.4 apply to all violations which occurred after March 15, 2004 through January 12, 2009. The statutory civil penalty levels set forth in the sixth column of Table 2 of § 19.4 apply to all violations which occurred after January 30, 1997 through March 15, 2004.

[85 FR 1753, Jan. 13, 2020]

§ 19.3 [Reserved]

§ 19.4 Statutory civil penalties, as adjusted for inflation, and tables.

Table 1 of this section sets out the statutory civil penalty provisions of statutes administered by the EPA, with the third column setting out the latest operative statutory civil penalty levels for violations that occur or occurred after November 2, 2015, where penalties are assessed on or after January 13, 2020. The fourth column displays the operative statutory civil penalty levels where penalties were assessed on or after February 6, 2019, but before January 13, 2020. Table 2 of this section sets out the statutory civil penalty provision of statutes administered by

Environmental Protection Agency

§ 19.4

the EPA, with the operative statutory civil penalty levels, as adjusted for inflation, for violations that occurred on or before November 2, 2015, and for violations that occurred after November 2, 2015, where penalties were assessed before August 1, 2016.

TABLE 1 OF § 19.4—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. Code citation	Environmental statute	Statutory civil penalties for violations that occurred after November 2, 2015, where penalties are assessed on or after January 13, 2020	Statutory civil penalties for violations that occurred after November 2, 2015, where penalties were assessed on or after February 6, 2019 but before January 13, 2020	Statutory civil penalties, as enacted
7 U.S.C. 136(a)(1)	FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA).	\$20,288	\$19,936	\$5,000
7 U.S.C. 136(a)(2) ¹ ..	FIFRA	2,976/1,917/2,976	2,924/1,884/2,924	1,000/500/1,000
15 U.S.C. 2615(a)(1)	TOXIC SUBSTANCES CONTROL ACT (TSCA).	40,576	39,873	25,000
15 U.S.C. 2647(a)	TSCA	11,665	11,463	5,000
15 U.S.C. 2647(g)	TSCA	9,639	9,472	5,000
31 U.S.C. 3802(a)(1)	PROGRAM FRAUD CIVIL REMEDIES ACT (PFCRA).	11,665	11,463	5,000
31 U.S.C. 3802(a)(2)	PFCRA	11,665	11,463	5,000
33 U.S.C. 1319(d)	CLEAN WATER ACT (CWA).	55,800	54,833	25,000
33 U.S.C. 1319(g)(2)(A).	CWA	22,320/55,800	21,933/54,833	10,000/25,000
33 U.S.C. 1319(g)(2)(B).	CWA	22,320/278,995	21,933/274,159	10,000/125,000
33 U.S.C. 1321(b)(6)(B)(i).	CWA	19,277/48,192	18,943/47,357	10,000/25,000
33 U.S.C. 1321(b)(6)(B)(ii).	CWA	19,277/240,960	18,943/236,783	10,000/125,000
33 U.S.C. 1321(b)(7)(A).	CWA	48,192/1,928	47,357/1,895	25,000/1,000
33 U.S.C. 1321(b)(7)(B).	CWA	48,192	47,357	25,000
33 U.S.C. 1321(b)(7)(C).	CWA	48,192	47,357	25,000
33 U.S.C. 1321(b)(7)(D).	CWA	192,768/5,783	189,427/5,683	100,000/3,000
33 U.S.C. 1414b(d)(1)	MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT (MPRSA).	1,284	1,262	600
33 U.S.C. 1415(a)	MPRSA	202,878/267,621	199,361/262,982	50,000/125,000
33 U.S.C. 1901 note (see 1409(a)(2)(A)).	CERTAIN ALASKAN CRUISE SHIP OPERATIONS (CACSO).	14,791/36,975	14,535/36,334	10,000/25,000
33 U.S.C. 1901 note (see 1409(a)(2)(B)).	CACSO	14,791/184,874	14,535/181,669	10,000/125,000
33 U.S.C. 1901 note (see 1409(b)(1)).	CACSO	36,975	36,334	25,000
33 U.S.C. 1908(b)(1)	ACT TO PREVENT POLLUTION FROM SHIPS (APPS).	75,867	74,552	25,000
33 U.S.C. 1908(b)(2)	APPS	15,173	14,910	5,000
42 U.S.C. 300g-3(b) ..	SAFE DRINKING WATER ACT (SDWA).	58,328	57,317	25,000
42 U.S.C. 300g-3(g)(3)(A).	SDWA	58,328	57,317	25,000
42 U.S.C. 300g-3(g)(3)(B).	SDWA	11,665/40,640	11,463/39,936	5,000/25,000

§ 19.4

40 CFR Ch. I (7–1–20 Edition)

TABLE 1 OF § 19.4—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. Code citation	Environmental statute	Statutory civil penalties for violations that occurred after November 2, 2015, where penalties are assessed on or after January 13, 2020	Statutory civil penalties for violations that occurred after November 2, 2015, where penalties were assessed on or after February 6, 2019 but before January 13, 2020	Statutory civil penalties, as enacted
42 U.S.C. 300g–3(g)(3)(C).	SDWA	40,640	39,936	25,000
42 U.S.C. 300h–2(b)(1).	SDWA	58,328	57,317	25,000
42 U.S.C. 300h–2(c)(1).	SDWA	23,331/291,641	22,927/286,586	10,000/125,000
42 U.S.C. 300h–2(c)(2).	SDWA	11,665/291,641	11,463/286,586	5,000/125,000
42 U.S.C. 300h–3(c) ..	SDWA	20,288/43,280	19,936/42,530	5,000/10,000
42 U.S.C. 300i(b)	SDWA	24,386	23,963	15,000
42 U.S.C. 300i–1(c) ...	SDWA	141,943/1,419,442	139,483/1,394,837	100,000/1,000,000
42 U.S.C. 300j(e)(2) ..	SDWA	10,143	9,967	2,500
42 U.S.C. 300j–4(c) ...	SDWA	58,328	57,317	25,000
42 U.S.C. 300j–6(b)(2)	SDWA	40,640	39,936	25,000
42 U.S.C. 300j–23(d)	SDWA	10,705/107,050	10,519/105,194	5,000/50,000
42 U.S.C. 4852d(b)(5)	RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION ACT OF 1992.	18,149	17,834	10,000
42 U.S.C. 4910(a)(2)	NOISE CONTROL ACT OF 1972.	38,352	37,687	10,000
42 U.S.C. 6928(a)(3)	RESOURCE CONSERVATION AND RECOVERY ACT (RCRA).	101,439	99,681	25,000
42 U.S.C. 6928(c)	RCRA	61,098	60,039	25,000
42 U.S.C. 6928(g)	RCRA	75,867	74,552	25,000
42 U.S.C. 6928(h)(2)	RCRA	61,098	60,039	25,000
42 U.S.C. 6934(e)	RCRA	15,173	14,910	5,000
42 U.S.C. 6973(b)	RCRA	15,173	14,910	5,000
42 U.S.C. 6991e(a)(3)	RCRA	61,098	60,039	25,000
42 U.S.C. 6991e(d)(1)	RCRA	24,441	24,017	10,000
42 U.S.C. 6991e(d)(2)	RCRA	24,441	24,017	10,000
42 U.S.C. 7413(b)	CLEAN AIR ACT (CAA).	101,439	99,681	25,000
42 U.S.C. 7413(d)(1)	CAA	48,192/385,535	47,357/378,852	25,000/200,000
42 U.S.C. 7413(d)(3)	CAA	9,639	9,472	5,000
42 U.S.C. 7524(a)	CAA	48,192/4,819	47,357/4,735	25,000/2,500
42 U.S.C. 7524(c)(1)	CAA	385,535	378,852	200,000
42 U.S.C. 7545(d)(1)	CAA	48,192	47,357	25,000
42 U.S.C. 9604(e)(5)(B).	COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA).	58,328	57,317	25,000
42 U.S.C. 9606(b)(1)	CERCLA	58,328	57,317	25,000
42 U.S.C. 9609(a)(1)	CERCLA	58,328	57,317	25,000
42 U.S.C. 9609(b)	CERCLA	58,328/174,985	57,317/171,952	25,000/75,000
42 U.S.C. 9609(c)	CERCLA	58,328/174,985	57,317/171,952	25,000/75,000
42 U.S.C. 11045(a)	EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA).	58,328	57,317	25,000
42 U.S.C. 11045(b)(1)(A).	EPCRA	58,328	57,317	25,000
42 U.S.C. 11045(b)(2)	EPCRA	58,328/174,985	57,317/171,952	25,000/75,000
42 U.S.C. 11045(b)(3)	EPCRA	58,328/174,985	57,317/171,952	25,000/75,000
42 U.S.C. 11045(c)(1)	EPCRA	58,328	57,317	25,000
42 U.S.C. 11045(c)(2)	EPCRA	23,331	22,927	10,000
42 U.S.C. 11045(d)(1)	EPCRA	58,328	57,317	25,000

Environmental Protection Agency

§ 19.4

TABLE 1 OF § 19.4—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. Code citation	Environmental statute	Statutory civil penalties for violations that occurred after November 2, 2015, where penalties are assessed on or after January 13, 2020	Statutory civil penalties for violations that occurred after November 2, 2015, where penalties were assessed on or after February 6, 2019 but before January 13, 2020	Statutory civil penalties, as enacted
42 U.S.C. 14304(a)(1)	MERCURY-CONTAINING AND RECHARGEABLE BATTERY MANAGEMENT ACT (BATTERY ACT).	16,258	15,976	10,000
42 U.S.C. 14304(g)	BATTERY ACT	16,258	15,976	10,000

¹Note that 7 U.S.C. 136/(a)(2) contains three separate statutory maximum civil penalty provisions. The first mention of \$1,000 and the \$500 statutory maximum civil penalty amount were originally enacted in 1978 (Pub. L. 95-396), and the second mention of \$1,000 was enacted in 1972 (Pub. L. 92-516).

TABLE 2 OF § 19.4—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. Code citation	Environmental statute	Statutory civil penalties for violations after December 6, 2013 through November 2, 2015, or assessed before August 1, 2016	Statutory civil penalties for violations after January 12, 2009 through December 6, 2013	Statutory civil penalties for violations after March 15, 2004 through January 12, 2009	Statutory civil penalties for violations after January 30, 1997 through March 15, 2004	Statutory civil penalties, as enacted
7 U.S.C. 136(a)(1)	FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA).	\$7,500	\$7,500	\$6,500	\$5,500	\$5,000
7 U.S.C. 136(a)(2)	FIFRA	750/1,100	750/1,100	650/1,100	550/1,000	500/1,000
15 U.S.C. 2615(a)(1).	TOXIC SUBSTANCES CONTROL ACT (TSCA).	37,500	37,500	32,500	27,500	25,000
15 U.S.C. 2647(a)	TSCA	7,500	7,500	6,500	5,500	5,000
15 U.S.C. 2647(g)	TSCA	7,500	7,500	5,500	5,000	5,000
31 U.S.C. 3802(a)(1).	PROGRAM FRAUD CIVIL REMEDIES ACT (PFCRA).	7,500	7,500	6,500	5,500	5,000
31 U.S.C. 3802(a)(2).	PFCRA	7,500	7,500	6,500	5,500	5,000
33 U.S.C. 1319(d)	CLEAN WATER ACT (CWA).	37,500	37,500	32,500	27,500	25,000
33 U.S.C. 1319(g)(2)(A).	CWA	16,000/37,500	16,000/37,500	11,000/32,500	11,000/27,500	10,000/25,000
33 U.S.C. 1319(g)(2)(B).	CWA	16,000/187,500	16,000/177,500	11,000/157,500	11,000/137,500	10,000/125,000
33 U.S.C. 1321(b)(6)(B)(i).	CWA	16,000/37,500	16,000/37,500	11,000/32,500	11,000/27,500	10,000/25,000
33 U.S.C. 1321(b)(6)(B)(ii).	CWA	16,000/187,500	16,000/177,500	11,000/157,500	11,000/137,500	10,000/125,000
33 U.S.C. 1321(b)(7)(A).	CWA	37,500/2,100	37,500/1,100	32,500/1,100	27,500/1,100	25,000/1,000
33 U.S.C. 1321(b)(7)(B).	CWA	37,500	37,500	32,500	27,500	25,000
33 U.S.C. 1321(b)(7)(C).	CWA	37,500	37,500	32,500	27,500	25,000
33 U.S.C. 1321(b)(7)(D).	CWA	150,000/5,300	140,000/4,300	130,000/4,300	110,000/3,300	100,000/3,000
33 U.S.C. 1414b(d)(1) ¹ .	MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT (MPRSA).	860	860	760	660	600

TABLE 2 OF § 19.4—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. Code citation	Environmental statute	Statutory civil penalties for violations after December 6, 2013 through November 2, 2015, or assessed before August 1, 2016	Statutory civil penalties for violations after January 12, 2009 through December 6, 2013	Statutory civil penalties for violations after March 15, 2004 through January 12, 2009	Statutory civil penalties for violations after January 30, 1997 through March 15, 2004	Statutory civil penalties, as enacted
33 U.S.C. 1415(a)	MPRSA	75,000/ 187,500	70,000/ 177,500	65,000/ 157,500	55,000/ 137,500	50,000/ 125,000
33 U.S.C. 1901 note (see 1409(a)(2)(A)).	CERTAIN ALASKAN CRUISE SHIP OPERATIONS (CACSO).	11,000/27,500	11,000/27,500	10,000/25,000	10,000/ 25,000	10,000/25,000
33 U.S.C. 1901 note (see 1409(a)(2)(B)).	CACSO	11,000/ 147,500	11,000/ 137,500	10,000/ 125,000	10,000/ 125,000	10,000/ 125,000
33 U.S.C. 1901 note (see 1409(b)(1)).	CACSO	27,500	27,500	25,000	25,000	25,000
42 U.S.C. 300g–3(b).	SAFE DRINKING WATER ACT (SDWA).	37,500	37,500	32,500	27,500	25,000
42 U.S.C. 300g–3(g)(3)(A).	SDWA	37,500	37,500	32,500	27,500	25,000
42 U.S.C. 300g–3(g)(3)(B).	SDWA	7,000/32,500	7,000/32,500	6,000/27,500	5,000/25,000	5,000/25,000
42 U.S.C. 300g–3(g)(3)(C).	SDWA	32,500	32,500	27,500	25,000	25,000
42 U.S.C. 300h–2(b)(1).	SDWA	37,500	37,500	32,500	27,500	25,000
42 U.S.C. 300h–2(c)(1).	SDWA	16,000/ 187,500	16,000/ 177,500	11,000/ 157,500	11,000/ 137,500	10,000/ 125,000
42 U.S.C. 300h–2(c)(2).	SDWA	7,500/187,500	7,500/177,500	6,500/157,500	5,500/137,500	5,000/125,000
42 U.S.C. 300h–3(c).	SDWA	7,500/16,000	7,500/16,000	6,500/11,000	5,500/11,000	5,000/10,000
42 U.S.C. 300i(b) ..	SDWA	21,500	16,500	16,500	15,000	15,000
42 U.S.C. 300i–1(c)	SDWA	120,000/ 1,150,000	110,000/ 1,100,000	100,000/ 1,000,000	22,000/ 355,000	20,000/50,000
42 U.S.C. 300j(e)(2).	SDWA	3,750	3,750	2,750	2,750	2,500
42 U.S.C. 300j–4(c)	SDWA	37,500	37,500	32,500	27,500	25,000
42 U.S.C. 300j–6(b)(2).	SDWA	32,500	32,500	27,500	25,000	25,000
42 U.S.C. 300j–23(d).	SDWA	7,500/75,000	7,500/70,000	6,500/65,000	5,500/55,000	5,000/50,000
42 U.S.C. 4852d(b)(5).	RESIDENTIAL LEAD–BASED PAINT HAZARD REDUCTION ACT OF 1992.	16,000	16,000	11,000	11,000	10,000
42 U.S.C. 4910(a)(2).	NOISE CONTROL ACT OF 1972.	16,000	16,000	11,000	11,000	10,000
42 U.S.C. 6928(a)(3).	RESOURCE CONSERVATION AND RECOVERY ACT (RCRA).	37,500	37,500	32,500	27,500	25,000
42 U.S.C. 6928(c)	RCRA	37,500	37,500	32,500	27,500	25,000
42 U.S.C. 6928(g)	RCRA	37,500	37,500	32,500	27,500	25,000
42 U.S.C. 6928(h)(2).	RCRA	37,500	37,500	32,500	27,500	25,000
42 U.S.C. 6934(e)	RCRA	7,500	7,500	6,500	5,500	5,000
42 U.S.C. 6973(b)	RCRA	7,500	7,500	6,500	5,500	5,000
42 U.S.C. 6991e(a)(3).	RCRA	37,500	37,500	32,500	27,500	25,000
42 U.S.C. 6991e(d)(1).	RCRA	16,000	16,000	11,000	11,000	10,000
42 U.S.C. 6991e(d)(2).	RCRA	16,000	16,000	11,000	11,000	10,000

Environmental Protection Agency

§ 19.4

TABLE 2 OF § 19.4—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. Code citation	Environmental statute	Statutory civil penalties for violations after December 6, 2013 through November 2, 2015, or assessed before August 1, 2016	Statutory civil penalties for violations after January 12, 2009 through December 6, 2013	Statutory civil penalties for violations after March 15, 2004 through January 12, 2009	Statutory civil penalties for violations after January 30, 1997 through March 15, 2004	Statutory civil penalties, as enacted
42 U.S.C. 7413(b)	CLEAN AIR ACT (CAA).	37,500	37,500	32,500	27,500	25,000
42 U.S.C. 7413(d)(1).	CAA	37,500/320,000	37,500/295,000	32,500/270,000	27,500/220,000	25,000/200,000
42 U.S.C. 7413(d)(3).	CAA	7,500	7,500	6,500	5,500	5,000
42 U.S.C. 7524(a)	CAA	3,750/37,500	3,750/37,500	2,750/32,500	2,750/27,500	2,500/25,000
42 U.S.C. 7524(c)(1).	CAA	320,000	295,000	270,000	220,000	200,000
42 U.S.C. 7545(d)(1).	CAA	37,500	37,500	32,500	27,500	25,000
42 U.S.C. 9604(e)(5)(B).	COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA).	37,500	37,500	32,500	27,500	25,000
42 U.S.C. 9606(b)(1).	CERCLA	37,500	37,500	32,500	27,500	25,000
42 U.S.C. 9609(a)(1).	CERCLA	37,500	37,500	32,500	27,500	25,000
42 U.S.C. 9609(b)	CERCLA	37,500/117,500	37,500/107,500	32,500/97,500	27,500/82,500	25,000/75,000
42 U.S.C. 9609(c)	CERCLA	37,500/117,500	37,500/107,500	32,500/97,500	27,500/82,500	25,000/75,000
42 U.S.C. 11045(a)	EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA).	37,500	37,500	32,500	27,500	25,000
42 U.S.C. 11045(b)(1)(A) ¹ .	EPCRA	37,500	37,500	32,500	27,500	25,000
42 U.S.C. 11045(b)(2).	EPCRA	37,500/117,500	37,500/107,500	32,500/97,500	27,500/82,500	25,000/75,000
42 U.S.C. 11045(b)(3).	EPCRA	37,500/117,500	37,500/107,500	32,500/97,500	27,500/82,500	25,000/75,000
42 U.S.C. 11045(c)(1).	EPCRA	37,500	37,500	32,500	27,500	25,000
42 U.S.C. 11045(c)(2).	EPCRA	16,000	16,000	11,000	11,000	10,000
42 U.S.C. 11045(d)(1).	EPCRA	37,500	37,500	32,500	27,500	25,000
42 U.S.C. 14304(a)(1).	MERCURY-CONTAINING AND RECHARGEABLE BATTERY MANAGEMENT ACT (BATTERY ACT).	16,000	16,000	11,000	10,000	10,000
42 U.S.C. 14304(g)	BATTERY ACT	16,000	16,000	11,000	10,000	10,000

¹Note that 33 U.S.C. 1414b (d)(1)(B) contains additional penalty escalation provisions that must be applied to the penalty amounts set forth in this Table 2. The amounts set forth in this Table 2 reflect an inflation adjustment to the calendar year 1992 penalty amount expressed in section 104B(d)(1)(A), which is used to calculate the applicable penalty amount under MPRSA section 104B(d)(1)(B) for violations that occur in any subsequent calendar year.

²CACSO was passed on December 21, 2000 as part of Title XIV of the Consolidated Appropriations Act of 2001, Public Law 106-554, 33 U.S.C. 1901 note.

³The original statutory penalty amounts of \$20,000 and \$50,000 under section 1432(c) of the SDWA, 42 U.S.C. 300i-1(c), were subsequently increased by Congress pursuant to section 403 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Public Law 107-188 (June 12, 2002), to \$100,000 and \$1,000,000, respectively. The EPA did not adjust these new penalty amounts in its 2004 Civil Monetary Penalty Inflation Adjustment Rule ("2004 Rule"), published on February 13, 2004, because they had gone into effect less than two years prior to the 2004 Rule.

⁴ Consistent with how the EPA's other penalty authorities are displayed under this section, this Table 2 now delineates, on a subpart-by-subpart basis, the penalty authorities enumerated under section 325(b) of EPCRA, 42 U.S.C. 11045(b) (*i.e.*, 42 U.S.C. 11045(b)(1)(A), (b)(2), and (b)(3)).

[85 FR 1753, Jan. 13, 2020]

PART 20—CERTIFICATION OF FACILITIES

- Sec.
- 20.1 Applicability.
 - 20.2 Definitions.
 - 20.3 General provisions.
 - 20.4 Notice of intent to certify.
 - 20.5 Applications.
 - 20.6 State certification.
 - 20.7 General policies.
 - 20.8 Requirements for certification.
 - 20.9 Cost recovery.
 - 20.10 Revocation.

APPENDIX A TO PART 20—GUIDELINES FOR CERTIFICATION

AUTHORITY: Secs. 301, 704, 80 Stat. 379, 83 Stat. 667; 5 U.S.C. 301, 26 U.S.C. 169.

SOURCE: 36 FR 22382, Nov. 25, 1971, unless otherwise noted.

§ 20.1 Applicability.

The regulations of this part apply to certifications by the Administrator of water or air pollution control facilities for purposes of section 169 of the Internal Revenue Code of 1954, as amended, 26 U.S.C. 169, as to which the amortization period began after December 31, 1975. Certification of air or water pollution control facilities as to which the amortization period began before January 1, 1976, will continue to be governed by Environmental Protection Agency regulations published November 25, 1971, at 36 FR 22382. Applicable regulations of the Department of Treasury are at 26 CFR 1.169 *et seq.*

[43 FR 1340, Jan. 9, 1978]

§ 20.2 Definitions.

As used in this part, the following terms shall have the meaning indicated below:

(a) *Act* means, when used in connection with water pollution control facilities, the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 *et seq.*) or, when used in connection with air pollution control facilities, the Clean Air Act, as amended (42 U.S.C. 1857 *et seq.*).

(b) *State certifying authority* means:

(1) For water pollution control facilities, the State pollution control agency as defined in section 502 of the Act.

(2) For air pollution control facilities, the air pollution control agency designated pursuant to section 302(b)(1) of the Act; or

(3) For both air and water pollution control facilities, any interstate agency authorized to act in place of the certifying agency of a State.

(c) *Applicant* means any person who files an application with the Administrator for certification that a facility is in compliance with the applicable regulations of Federal agencies and in furtherance of the general policies of the United States for cooperation with the States in the prevention and abatement of water or air pollution under the Act.

(d) *Administrator* means the Administrator, Environmental Protection Agency.

(e) *Regional Administrator* means the Regional designee appointed by the Administrator to certify facilities under this part.

(f) *Facility* means property comprising any new identifiable treatment facility which removes, alters, disposes of, stores, or prevents the creation of pollutants, contaminants, wastes, or heat.

(g) *State* means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

[36 FR 22382, Nov. 25, 1971, as amended at 43 FR 1340, Jan. 9, 1978]

§ 20.3 General provisions.

(a) An applicant shall file an application in accordance with this part for each separate facility for which certification is sought; *Provided*, That one application shall suffice in the case of substantially identical facilities which the applicant has installed or plans to