**ENVIRONMENTAL PROTECTION AGENCY**
**REGION 1 - BOSTON**

**CLASS. NO.: 1200**
**DELEGATION NO.: 7-42**

**DELEGATION OF AUTHORITY**

**DATE:** 8-15-17

CLEAN AIR ACT

7-42. Noncompliance Penalty: Assessment in the Absence of State Action

1. PURPOSE AND AUTHORITY.

A. Purpose. To redelegate the authorities contained in Delegation 7-42 issued by EPA Headquarters on January 18, 2017.

B. Authority. Pursuant to regulations promulgated under Section 120 of the Clean Air Act (CAA):

a. to assess and receive payment of a noncompliance penalty against every person described in the noncompliance penalty section of the CAA where the state has a delegation in effect but fails to assess or collect the penalty as required; and

b. to negotiate and sign consent agreements memorializing settlements between the U.S. Environmental Protection Agency and respondents prior to the issuance of a notice of noncompliance.

2. TO WHOM REDELEGATED.

A. The Director, Office of Environmental Stewardship (OES).

3. REDELEGATION AUTHORITY.

A. These authorities may be redelegated to the Branch Chief level, or equivalent, and no further.

B. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

4. LIMITATIONS.

A. Prior to exercising this authority, the Director, OES must consult with the Regional Administrator (RA) and the Assistant Administrator (AA) for the Office of Enforcement and Compliance Assurance (OECA).

B. The RA and the AA for OECA may waive, in writing, the consultation requirement.

C. The EPA official who signs the notice of noncompliance should sign the settlement agreement.

D. This authority may not be redelegated without the concurrence of the Regional Directives Officer, Human Resources Office, Office of Administration and Resource Management.

E. The AA for OECA may exercise these authorities in multiregional cases or in cases of national significance.

F. The AA for OECA must notify any affected RA prior to exercising any of the above authorities.

5. ADDITIONAL REFERENCES. Section 120(A) and (B) of the CAA.

6. SUPERSESSION. None.

Deborah A. Szaro
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Acting Regional Administrator

8/15/17
Date