



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

2015 DEC 29 PM 12: 50

FILED
EPA REGION VIII
HEARING CLERK

DEC 29 2015

Ref: 8ENF-RC

CERTIFIED MAIL # 7009 3410 0000 2600 8053
RETURN RECEIPT REQUESTED

Hoyt's Towing, Inc.
c/o Mr. James Hoyt and Ms. Brenda Hoyt
P.O. Box 929
Browning, Montana 59417

Re: Complaint, Compliance Order and Notice of Opportunity for Hearing Pursuant to Section 3008(a) of the Resource Conservation and Recovery Act
Docket No. **RCRA(CIT)-08-2016-0002**

Dear Mr. Hoyt and Ms. Hoyt:

The U.S. Environmental Protection Agency (EPA) is issuing Hoyt's Towing, Inc. (Hoyt's Towing) the enclosed Complaint, Compliance Order and Notice of Opportunity for Hearing (Order) for alleged violations of the Resource Conservation and Recovery Act (RCRA) hazardous waste program at the Hoyt's Towing facility located on privately held land within the exterior boundaries of the Blackfeet Indian Reservation in Montana. The EPA is authorized to issue this Order pursuant to section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

The Order describes the actions necessary for Hoyt's Towing to achieve compliance with the RCRA hazardous waste program. Please review the Order carefully. Failure to comply with the requirements of the Order shall constitute a violation of the Order and shall be enforceable under RCRA.

A Small Business Regulatory Enforcement and Fairness Act (SBREFA) information sheet is enclosed. The SBREFA sheet notifies small entities of their right to comment on regulatory enforcement activities and provides information on compliance assistance resources and tools available to small businesses. SBREFA does not eliminate Hoyt's Towing's responsibility to comply with RCRA or to respond to this Order.

If you have any questions relating to technical issues raised in the Order, please contact Ms. Linda Jacobson at (303) 312-6503 or by email at jacobson.linda@epa.gov. Any questions relating to

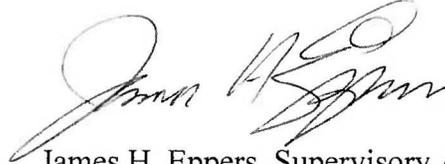
legal issues should be directed to Ms. Brenda Morris at (303) 312-6891 or by email at morris.brenda@epa.gov.

Thank you for your attention to this matter.

Sincerely,



Kelcey Land, Director
RCRA/CERCLA Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



James H. Eppers, Supervisory Attorney
Regulatory Enforcement Unit
Office of Enforcement, Compliance
and Environmental Justice

Enclosures:

1. Complaint, Compliance Order and Notice of Opportunity for Hearing
2. Consolidated Rules of Practice
3. SBREFA Information Sheet

cc: Gerald Wagner, Environmental Director
Blackfeet Environmental Office

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2015 DEC 29 PM 12: 50

IN THE MATTER OF:

Hoyt's Towing, Inc.

EPA ID No. : MTR000208827

Respondent

Docket No. RCRA(CIT)-08-2016-0002

FILED
EPA REGION VIII
HEARING CLERK

COMPLAINT, COMPLIANCE ORDER
AND NOTICE OF OPPORTUNITY
FOR HEARING

Proceeding pursuant to section 3008(a) of
the Resource Conservation and Recovery
Act, 42 U.S.C. § 6928(a)

INTRODUCTION

1. This Complaint, Compliance Order and Notice of Opportunity for Hearing (Order) is issued pursuant to section 3008(a) of the Solid Waste Disposal Act, as amended by, *inter alia*, the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. § 6928(a).
2. The authority to issue this Order is vested in the EPA Administrator by section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and has been properly delegated to the undersigned officials.
3. This proceeding is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, 40 C.F.R. part 22 Rules of Practice, a copy of which is enclosed.

JURISDICTION

4. The EPA has sole RCRA subtitle C, 42 U.S.C §§ 6901-6991 (hazardous waste program) inspection and enforcement authority in Indian country defined by 18 U.S.C. § 1151, including the Blackfeet Indian Reservation. No other governmental entity has applied for and been approved to administer RCRA subtitle C within the boundaries of the Blackfeet Indian Reservation. *See, e.g.*, 65 Fed. Reg. 26750 (May 9, 2000); and 65 Fed. Reg. 81381 (December 26, 2000).
5. Pursuant to section 3008(a) of RCRA, 42 U.S.C. § 6928(a), the EPA Administrator is authorized to issue complaints and compliance orders whenever the Administrator determines that any person has violated or is in violation of any requirement of RCRA subtitle C, 42 U.S.C. §§ 6901-6991. This Order sets forth specific actions the Respondent, Hoyt's Towing, Inc. (Hoyt's Towing), is required to conduct within specified schedules to return to compliance with RCRA. Pursuant to section 3008(c) of RCRA, 42 U.S.C. § 6928(c), respondents who fail to achieve compliance within the timeframe specified in a compliance order are liable for additional civil

penalties up to \$37,500 for each day of noncompliance, and where appropriate, the suspension or revocation of RCRA permits.

PARTIES BOUND

6. This Order binds Respondent, its officers, directors, operators, employees, contractors and subcontractors.

FINDINGS OF FACT AND LAW

7. Respondent is a corporation and therefore a "person" as defined by section 1004(15) of RCRA, 42 U.S.C. § 6903(15).
8. Respondent operates an automobile towing and storage facility and formerly conducted car crushing at Highway 2 and 89 in Browning, Montana (Facility), which is on private land within the exterior boundaries of the Blackfeet Indian Reservation.
9. Respondent is an "owner[s]" and/or "operator[s]" of the Facility as defined at 40 C.F.R. § 260.10.
10. The Facility is a "facility" as defined at 40 C.F.R. § 260.10.
11. Respondent does not have interim status to operate the Facility as a hazardous waste treatment, storage or disposal facility.
12. Respondent is a generator of hazardous waste as defined in 40 C.F.R. § 260.10.
13. On or about August 4, 2015, an EPA representative conducted a RCRA Compliance Evaluation Inspection (CEI) at the Facility.
14. During the CEI, the EPA representative observed the following: approximately 17 unlabeled containers (drums) appearing to hold used oil, gasoline or unknown contents; releases to the soil of what appeared to be used oil; and a patch approximately 5 feet by 10 feet where car crushing had previously been conducted.
15. During the CEI, Respondent informed the EPA representative that waste determinations had not been made of the drums and containers identified in the preceding paragraph.
16. At the conclusion of the CEI, the EPA representative and Facility representative discussed the steps the Respondent would need to perform to return to compliance, including: 1) characterizing and disposing of drum contents; 2) excavating, containerizing, and characterizing for disposal the oily soils, especially in the car crushing area; 3) disposing of the tires; and 4) labeling, consolidating, and burning or disposal of used oil.
17. In a submittal dated November 6, 2015, Mr. Hoyt, President and owner of Hoyt's Towing, Inc., provided an update regarding characterization and disposal of the drum contents, information on the excavation and disposal of 4 yards of oily soils from the main car crushing area, status of used tire disposal, and disposition of used oil.

FINDINGS OF VIOLATION

COUNT 1

Failure to Make a Hazardous Waste Determination

18. Pursuant to 40 C.F.R. § 262.11, each person who generates a solid waste shall determine if that waste is a hazardous waste.
19. At the time of the August 2015 inspection, the Respondent had not made a hazardous waste determination on the unlabeled drums, including those containing what appeared to be waste gasoline and used oil described in paragraph 14, above.
20. Respondent's failure to make a hazardous waste determination on the contents of the unlabeled drums is a violation of 40 C.F.R. § 262.11.

COUNT 2

Failure to Comply with Used Oil Requirements

21. Pursuant to 42 C.F.R. § 279.20, a used oil generator is any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation. On the date of the August 2015 inspection, the Facility was subject to regulations applicable to used oil generators.
22. Pursuant to 40 C.F.R. § 279.22(c), containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil." At the time of the August 2015 inspection, the Facility had unlabeled drums containing used oil. In his November 6, 2015 letter, Mr. Hoyt identified four drums containing used oil that were not labeled as such.
23. Pursuant to 40 C.F.R. § 279.22(d), upon detection of a release of used oil to the environment, a generator must stop the release, contain the released used oil, clean up and manage properly the released used oil and other materials. At the time of the August 4, 2015 inspection, several areas of soils stained from a used oil release and a 5 foot by 10 foot patch of oily soil from car crushing activity were observed by the EPA inspector.
24. Respondent's failure to label its used oil containers and respond to releases of used oil are violations of 40 C.F.R. §§ 279.22(c) and 279.22(d), respectively.

PROPOSED CIVIL PENALTY

Sections 3008(a)(3) and 3008(g) of RCRA, 42 U.S.C. § 6908(a)(3) and (g), as modified pursuant to the Debt Collection Improvement Act of 1996, and the Civil Monetary Penalties Inflation Adjustment Rule, 40 C.F.R. Part 19, authorize the assessment of a civil penalty of up to \$37,500.00 per day per violation of Subchapter III of RCRA. Based on the facts alleged in this Order and taking into account the factors set forth in Section 3008(a), including the seriousness of the violations, and any good faith efforts of Respondent to comply with the applicable requirements, as well as other matters as justice may require, as more fully described in the RCRA Civil Penalty Policy (a copy of which also is attached hereto), Complainant proposes to assess a total civil penalty for the violations alleged herein as follows:

Count 1	\$4538.00
Count 2	<u>\$7819.00</u>
Total	\$12,357.00

The proposed penalty was developed based on the totality of information available to Complainant at the time of issuance of this Order, and may be adjusted if the Respondent establishes a bona fide inability to pay the proposed penalty, or submit mitigating information relevant to the proposed penalty.

COMPLIANCE ORDER

Based upon the Findings of Violation and the Findings of Fact and Law alleged above and pursuant to section 3008(a) of RCRA, 42 U.S.C. § 6908(a), the Respondent is hereby ordered to take the following actions in the specified timeframes.

For the used oil containers, containers of old gasoline, and releases of used oil to the soil, the Respondent shall within forty-five (45) days of receipt of this Order provide:

1. a description of how the areas of soil impacted by used oil releases have been remediated, including the quantity of oily soils removed, and provide disposal records, bills of lading for used oil, and photographs of these areas;
 2. the number of containers, quantity, date, and person to whom the used oil and gasoline were transferred or given; and
 3. all information and photographs required in the preceding subparagraphs, 1 and 2 above, to the EPA contact listed below in paragraph 25.
25. All documents required to be submitted by this Order shall be sent to the attention of:

Ms. Linda Jacobson
8ENF-RC
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80201-1129
Jacobson.linda@epa.gov
(303) 312-6503

POTENTIAL LIABILITY FOR ADDITIONAL PENALTIES

Pursuant to section 3008(c) of RCRA, 42 U.S.C. § 6928(c), a respondent who fails to achieve compliance within the timeframe specified in a compliance order is liable for additional civil penalties, and where appropriate, the suspension or termination of RCRA permits.

NOTICE OF OPPORTUNITY TO REQUEST A HEARING

26. The Respondent has the right to request a hearing in accordance with 40 C.F.R. §§ 22.15 and 22.5. Please refer to the enclosed Rules of Practice.
27. In accordance with section 3008(b) of RCRA, 42 U.S.C. § 6928(b), 40 C.F.R. §§ 22.14(c) and 22.37(b), the RCRA requirements of this Order shall become final thirty (30) calendar days after service of this Order unless Respondent requests a hearing in accordance with 40 C.F.R. § 22.15 no later than twenty (20) days after service of this Order.

QUICK RESOLUTION

28. The Respondent may resolve this action by paying the proposed penalty of \$12,357.00 in full pursuant to 40 C.F.R. § 22.18. If such payment is made within 30 days of receipt of this complaint, the Respondent needs not file an answer. Alternatively, as allowed by 40 C.F.R. Section 22.18(b), the Respondent may file a statement with the Regional Hearing Clerk within 30 calendar days of receipt of this complaint agreeing to pay the full assessed penalty and may make the penalty payment within 60 calendar days of receiving this complaint.
29. Such payment need not contain any response to, or admission of, the allegations in the complaint. Such payment constitutes a waiver of Respondent's right to contest the allegations and to appeal the final order. See § 22.18 of the Rules of Practice for a full explanation of the quick resolution process.
30. The payment shall be made by remitting a check or making a wire transfer or on-line payment. The check or other payment shall designate the name and docket number of this case, be in the amount stated under the heading "Proposed Penalty," above, and be payable to "Treasurer, United States of America."

Payment by cashier's or certified check. A cashier's or certified check, including the name and docket number of this case, for twelve thousand three hundred and fifty-seven dollars (\$ 12,357.00), payable to "Treasurer, United States of America," mailed to:

Regular Mail

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Overnight Mail

U.S. Bank
Government Lockbox 979077
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101
Contact: Craig Steffen 513-487-2091
Steffen.craig@epa.gov

Payment by Wire Transfer: Wire transfers should be directed to the Federal Reserve Bank of New York with the following information:

ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of Fedwire message should read “D 68010727 Environmental Protection Agency”

Payment through the Automated Clearing House (ACH) for receiving US currency:

U.S. Treasury REX/Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006 Environmental Protection Agency
CTX Format Transaction Code 22—checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, Maryland 20737

Contacts: John Schmid (202-874-7026) and REX (Remittance Express) 866-234-5681

Payment Online: This option is available through the Department of Treasury to pay with a debit card or credit card: No user name, password, or account number is necessary for this option. On-line payment can be accessed via WWW.PAY.GOV, entering 1.1 in the form search box on the left side of the screen, opening the form, and following the directions on the screen.

At the time of payment, a copy of the check (or notification of other type of payment) shall also be sent to:

Linda Jacobson, 8ENF-RC
8ENF-RC
US EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
jacobson.linda@epa.gov

and

Tina Artemis
Regional Hearing Clerk (8RC)
U.S. EPA Region 8
1595 Wynkoop St.
Denver, CO 80202-1129

31. Payment of the penalty in this manner does not relieve the Respondent of the obligation to comply with the requirements of the Act and its implementing regulations. Payment of the penalty in this manner does, however, constitute consent by the Respondent to the assessment of the proposed penalty and a waiver of Respondent’s right to a hearing on this matter.

OPPORTUNITY FOR SETTLEMENT CONFERENCE

The EPA encourages all parties against whom a civil penalty is proposed to pursue the possibility of settlement as a result of an informal conference. However, no penalty reduction will be made simply because such a conference is held. Any settlement which may be reached as a result of such a conference shall be embodied in a written consent agreement and final order which may be issued by the Regional Judicial Officer, EPA Region 8.

If you want to pursue the possibility of settling this matter, or have any technical questions, please contact Linda Jacobson at 1 800 277 8917, extension 6503. For legal questions please contact Brenda Morris, Senior Enforcement Attorney, at 1 800 227 8917, extension 6891, or 303 312 6891, or at the address below:

Brenda Morris
8ENF-L
US EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

GENERAL PROVISIONS

32. The Respondent shall fully implement each item of this Order in accordance with the requirements and time frames herein. Respondent's failure to fully implement all requirements of this Order in the manner and time period required shall be deemed a violation of this Order.
33. Any failure to comply with the requirements of this Order shall constitute a violation of this Order and may subject the Respondent to penalties as provided under section 3008(c) of RCRA, 42 U.S.C. § 6928(c).
34. This Order does not constitute a waiver or election by the EPA to forego any civil or criminal action to seek penalties, fines or other relief under RCRA. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as adjusted for inflation by 40 C.F.R. part 19, authorizes the imposition of civil penalties of up to \$37,500 per day for each violation of the subchapter. Section 3008(d) of RCRA, 42 U.S.C. § 6928(d), authorizes fines and imprisonment for knowingly transporting, generating, treating, storing, or disposing of hazardous waste.
35. Nothing in this Order shall be construed to prevent the EPA from taking whatever action(s) it deems appropriate for the violations cited in the Order or to relieve the Respondent from responsibilities, liabilities or penalties pursuant to any applicable federal or tribal law or regulation.
36. The Respondent may seek administrative review of this Order issued under section 3008(a) of RCRA in accordance with 40 C.F.R. part 22, and once this Order is final and reviewable pursuant to section 3008(b) of RCRA and 40 C.F.R. part 22, judicial review pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY REGION 8,
COMPLAINANT.



James H. Eppers
Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice



Kelcey Land, Director
RCRA/CERCLA Technical Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice



U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs

www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses

www2.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center

www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center

Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone/comments.htm or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.epa.gov/sbo/507program.htm

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www2.epa.gov/enforcement/small-businesses-and-enforcement

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www2.epa.gov/compliance/epas-audit-policy

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.

**PART 22—CONSOLIDATED RULES
OF PRACTICE GOVERNING THE
ADMINISTRATIVE ASSESSMENT OF
CIVIL PENALTIES AND THE REV-
OCATION/TERMINATION OR SUS-
PENSION OF PERMITS**

Subpart A—General

- Sec.
- 22.1 Scope of this part.
 - 22.2 Use of number and gender.
 - 22.3 Definitions.
 - 22.4 Powers and duties of the Environ-
mental Appeals Board, Regional Judicial
Officer and Presiding Officer; disquali-
fication, withdrawal, and reassignment.
 - 22.5 Filing, service, and form of all filed
documents; business confidentiality
claims.
 - 22.6 Filing and service of rulings, orders and
decisions.
 - 22.7 Computation and extension of time.
 - 22.8 *Ex parte* discussion of proceeding.
 - 22.9 Examination of documents filed.

Subpart B—Parties and Appearances

- 22.10 Appearances.
- 22.11 Intervention and non-party briefs.
- 22.12 Consolidation and severance.

Subpart C—Prehearing Procedures

- 22.13 Commencement of a proceeding.
- 22.14 Complaint.
- 22.15 Answer to the complaint.
- 22.16 Motions.
- 22.17 Default.
- 22.18 Quick resolution; settlement; alter-
native dispute resolution.
- 22.19 Prehearing information exchange; pre-
hearing conference; other discovery.
- 22.20 Accelerated decision; decision to dis-
miss.

Subpart D—Hearing Procedures

- 22.21 Assignment of Presiding Officer;
scheduling the hearing.
- 22.22 Evidence.
- 22.23 Objections and offers of proof.
- 22.24 Burden of presentation; burden of per-
suasion; preponderance of the evidence
standard.
- 22.25 Filing the transcript.
- 22.26 Proposed findings, conclusions, and
order.

**Subpart E—Initial Decision and Motion to
Reopen a Hearing**

- 22.27 Initial decision.
- 22.28 Motion to reopen a hearing.