

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)
)
Taotao USA, Inc.,) **Docket No. CAA-HQ-2015-8065**
Taotao Group Co., Ltd., and)
Jinyun County Xiangyuan Industry Co., Ltd.)
)
Respondents.)

**RESPONSE TO RESPONDENTS'
MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**

ATTACHMENT D

March 2013

OCE REDELEGATION OF AUTHORITY
CLEAN AIR ACT

7-6-A. Administrative Enforcement Actions: Issuance of Complaints and Orders, and Signing of Consent Agreements, etc.

1. Authority

- a. To make findings of violation, to issue notices of violation, to issue orders, to issue or withdraw complaints, to issue penalty orders, to issue administrative compliance orders, to give written notice of a proposed administrative penalty, to issue field citations, and to negotiate and confer with the alleged violator pursuant to the Clean Air Act (CAA), to sign consent agreements memorializing settlements between the Agency and respondents, and to compromise, modify or remit administrative penalties, except for new source review orders.
- b. To determine jointly with the Attorney General in accordance with the CAA the circumstances under which a matter involving a larger penalty or longer period of violation is appropriate for administrative penalty action.

2. To Whom Redelegated

These authorities are redelegated to the following persons (or designee or successor);

- a. Director of the Air Enforcement Division (AED);
- b. Director of the Waste and Chemical Enforcement Division (WCED);
- c. Director of the Special Litigation and Projects Division (SLPD).

Each person from or to whom authority is delegated or redelegated retains the authority.

3. Limitations

- a. The Director of AED, the Director of WCED, or the Director of SLPD may exercise these authorities in multi-Regional cases, cases of national significance or nationally managed programs. The Director of AED, the Director of WCED, or the Director of SLPD must notify any affected Regional Administrators or their designees when exercising any of the above authorities except for issuing notices of violations, issuing complaints, issuing field citations and making findings of violation. In addition, once the alleged violator files an answer or fails to file an answer in the specified time period, the Director of AED, the Director of WCED, or the Director of SLPD will conduct all negotiations.
- b. The Director of AED, the Director of WCED, or the Director of SLPD must concur in any determination regarding the authority delegated under paragraph 1.b.

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4. Redelegation Authority

This authority may not be redelegated.

5. Additional References

- a. Sections 113(a), 113(d), 113(e) and 205(c) of the Clean Air Act.
- b. Emergency administrative orders are covered by the Delegation 7-49, "Emergency Administrative Powers."
- c. Section 113(a)(5) new source review orders are covered by the Delegation 7-37, "Administrative Enforcement Actions: New Source Review Orders."
- d. The Agency official who signed the complaint should sign the consent agreements.
- e. For information about nationally significant issues and the Headquarters/Regional coordination process generally, see "OECA/Regional Procedures for Civil Judicial and Administrative Enforcement Case Redelegation," Robert Van Heuvelen (Nov. 9, 1994); "Redelegation of Authority and Guidance on Headquarters Involvement in Regulatory Enforcement Cases," Steven A. Herman (July 11, 1994); "Redelegation of the Assistant Administrator for OECA's Concurrence and Authority in Settlement of Certain Civil Judicial and Administrative Enforcement Actions," Steven A. Herman (July 8, 1994) (but this redelegation supersedes any actual redelegation of authority discussed in those memos).

6. Supersession

This redelegation supersedes any prior OCE redelegation of Delegation 7-6-A.

MAR 05 2013

Date: _____



Director, Office of Civil Enforcement