

**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 C

September 2015

OECA 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. The Director of the Office of Civil Enforcement (OCE);
- b. The Director of the Federal Facilities Enforcement Office (FFEO);
- c. Director of the Office of Compliance (OC).

3. LIMITATIONS.

- a. The Director of OC may exercise this authority only as it pertains to enforcement of the residential wood heater New Source Performance Standard.
- b. The Director of OCE or the Director of FFEO may exercise these authorities in multi-Regional cases, cases of national significance or nationally managed programs. The Director of OCE or the Director of FFEO 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.
- c. The Director of OCE or the Director of FFEO must concur in any determination regarding the authority delegated under paragraph 1.b.

4. REDELEGATION AUTHORITY.

- a. The authority in paragraph 1.a and 1.b may be redelegated to the Division Director level in OCE.
- b. The authority in paragraph 1.a to negotiate and confer with the alleged violator pursuant to the CAA may be redelegated to attorneys in assigned cases.

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- c. An officer or employee who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.

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. For more information about nationally significant issues and the OECA-OCE/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 OECA redelegation of Delegation 7-6-A.

Date: _____

9/11/15



Assistant Administrator for the Office of Enforcement and Compliance Assurance