

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 1. Air Resources Board

Subchapter 1.25. Administrative Procedures–Hearings

Article 1. Adjudicatory Hearings

§ 60042. Petition for Hearing.

(a) Within 20 days after receipt of a decision by the executive officer described in Section 60040, the person directly affected by the decision may file a petition requesting a hearing to review the decision. Notwithstanding the above, a petition for a hearing pursuant to Health and Safety Code Section 43105 may be filed within 30 manufacturer working days of receipt of the executive officer's decision.

(b) Petitions shall be filed with the board secretary at the offices of the state board in Sacramento and shall include the following information:

- (1) the name and address of the petitioner;
- (2) a copy of the executive officer decision for which review is requested;
- (3) the date the decision was received by the petitioner;
- (4) the action the state board is requested to take;
- (5) a complete, verified statement of the facts and relevant evidence; and

(6) the grounds on which review is requested, including legal argument and authorities. The verification may be on information and belief. The chairperson of the state board shall review the petition and if he/she determines that a hearing is not required by law, the petitioner shall be notified of the decision and there shall be no hearing under this article. The board secretary shall send a copy of the petition to any person who was given written notice of the executive officer's decision.

NOTE: Authority cited: Section 39600 and 39601, Health and Safety Code. Reference: Sections 43105 and 44207, Health and Safety Code.

REFERENCE