

## **Board Administration and Regulatory Coordination Unit**

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### **Division 3. Air Resources Board**

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### **Chapter 1. Air Resources Board**

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### **Subchapter 1.25. Administrative Procedures–Hearings**

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### **Article 1. Adjudicatory Hearings**

#### **§ 60053. Request for Reconsideration.**

(a) Within 20 days after service of the state board's decision, or within 15 manufacturer working days after service of the state board's decision in a hearing pursuant to Health and Safety Code Section 43105, the petitioner or the executive officer may submit a request for reconsideration, which shall include (1) a detailed statement of the legal and factual grounds on which reconsideration is requested; (2) the specific findings and conclusions for which reconsideration is requested; and (3) if additional evidence is sought to be presented, a description of the additional evidence and an explanation of why in the exercise of reasonable diligence it could not have been presented at the hearing. The party requesting reconsideration shall serve the request by certified mail on parties who participated in the original hearing within one day after submitting the request to the state board.

(b) The request for reconsideration may include a request that the decision of the state board be stayed, pending further administrative proceedings pursuant to this article. If such a request is made, the chairperson of the state board shall decide whether or not to stay the decision pending the state board's review of the request for reconsideration. The Chairperson of the state board shall make his/her decision based on his/her evaluation of the merits of the petition, consideration of possible hardship to the party and possible adverse public health impacts.

(c) Within 45 days after the receipt of a request for reconsideration, or for Health and Safety Code Section 43105 hearings within 30 manufacturer working days after receipt of a request for reconsideration, the state board shall decide whether to grant or deny the request. The state board may decide to reconsider its entire decision or any portion thereof. The state board shall serve written notice of its decision to grant or to deny reconsideration on the party requesting reconsideration and all participants in the prior hearing. If reconsideration is granted, the written notice shall describe any further proceedings.

(d) If reconsideration is granted, and if the party requesting reconsideration also requested a stay of the decision of the state board, the state board shall decide whether the stay shall be granted. If the request for reconsideration is denied, any stay of the decision pending state board review of the reconsideration request shall be dissolved.

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

REFERENCE