

CALIFORNIA CODE OF REGULATIONS
TITLE 14. NATURAL RESOURCES
DIVISION 1. FISH AND GAME COMMISSION - DEPARTMENT OF FISH AND GAME
SUBDIVISION 4. OFFICE OF SPILL PREVENTION AND RESPONSE
CHAPTER 1. GENERAL DEFINITIONS AND PROVISIONS

§ 790.5. Request for Reconsideration & Hearing.

(a) An owner, operator, or applicant who has submitted a document for or applied for approval from the Administrator pursuant to a provision of this subdivision and received notice of a denial of approval or a modified approval, or has received notice of a modification, suspension, or revocation of an existing approval from the Administrator pursuant to this subdivision, may request a reconsideration of the Administrator's decision.

(b) The request for reconsideration must be written, signed by the owner, operator, applicant, or their legal representative, including their contact information, and must contain the basis for requesting reconsideration. The request must include evidence, data, or new information or facts pertinent to the issues, offered to rebut the basis for the Administrator's decision and support a different result. This request may be submitted by email or mail.

(c) Requests for reconsideration must be received by the Administrator within 15 business days from the date the owner or operator, or applicant received the notice of the Administrator's decision. The request may also include a request to meet with the Administrator.

(1) If no meeting is requested, then within 15 business days from the date the request for reconsideration is received, the Administrator will notify the owner, operator, applicant, or their legal representative in writing of his or her decision after reconsideration.

(2) If a meeting is requested, the meeting shall be held within 15 business days of the request. Within 15 business days after the meeting the Administrator will notify the owner, operator, applicant, or their legal representative in writing of his or her decision after reconsideration.

(d) Hearing Request

(1) Within 15 business days after receipt of notice that reconsideration has been denied or that the Administrator's original decision is upheld, the owner, operator, applicant, or their legal representative may request a hearing in writing.

(2) Any hearing required under this subchapter shall be conducted by an independent hearing officer according to the procedures specified in Government Code section 11500 et. seq. (Administrative Adjudication: Formal Hearing).

(3) The hearing officer shall issue a written decision within 30 calendar days after conducting the hearing. The decision of the hearing officer shall constitute the final administrative decision.

(e) This section does not apply to administrative enforcement actions pursuant to section 8670.68 of the Government Code or actions pursuant to chapter 7 of this subdivision (commencing with section 873 et seq.)

Note: Authority cited: Section 8670.7.5, Government Code. Reference: Section 8670.7.5, Government Code.