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Title 22@ Social Security

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Division 4.5@ Environmental Health Standards for the Management of Hazardous Waste

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Chapter 55@ Safer Consumer Products

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Article 7@ 7. Dispute Resolution Processes

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Section 69507.6@ Department Procedures for Requests for Review

69507.6 Department Procedures for Requests for Review

(a)

Decision Time Frame. Within sixty (60) days following the filing of a Request for Review under section 69507.4, the Department shall issue an order either granting or denying the Request for Review, or a notice of ongoing review.

(b)

Finality of Decision. An order denying review shall constitute the Department's final decision and shall not be subject to additional administrative dispute resolution. The decision shall be effective on the date of the order. An order denying review must: (1) Specify the date by which the responsible entity must comply with the requirements of this chapter that were the subject of the Request for Review; and (2) Contain a short and plain description of the basis for the denial of further administrative review.

(1)

Specify the date by which the responsible entity must comply with the requirements of this chapter that were the subject of the Request for Review; and

(2)

Contain a short and plain description of the basis for the denial of further administrative review.

(c)

Briefing Schedule. An order granting review must specify a schedule for briefing of

the issues by the responsible entity and the Department.

(d)

Merits Decision. The Department shall issue an order specifying its decision on the merits of the Request for Review, or a notice of ongoing review, within 180 days from the date it grants the Request for Review. (1) If the final order upholds the Department's decision under this chapter, the order is the Department's final decision and is not eligible for additional administrative dispute resolution. An order upholding the Department's original decision must specify the date by which the responsible entity must comply with the applicable requirements of this chapter. (2) If the final order grants the relief sought by the responsible entity, in whole or in part, the order must remand the decision that is the subject of the Request for Review to the responsible program within the Department for re-evaluation by a specified date. The date for completion of the re-evaluation must be no more than ninety (90) days from the date of the order. The order may also provide guidance or criteria for the re-evaluation.

(1)

If the final order upholds the Department's decision under this chapter, the order is the Department's final decision and is not eligible for additional administrative dispute resolution. An order upholding the Department's original decision must specify the date by which the responsible entity must comply with the applicable requirements of this chapter.

(2)

If the final order grants the relief sought by the responsible entity, in whole or in part, the order must remand the decision that is the subject of the Request for Review to the responsible program within the Department for re-evaluation by a specified date. The date for completion of the re-evaluation must be no more than ninety (90) days from

the date of the order. The order may also provide guidance or criteria for the re-evaluation.

(e)

Notice of Ongoing Review. The Department shall specify in a notice of ongoing review the estimated date by which the Department expects to issue an order under subsection (a) or (d), whichever is applicable. The Department shall take into account its available resources and the complexity of the issues raised in the Request for Review in estimating the date for issuance of the order.

(f)

Recusal of Staff. No Department staff that participated in the decision that is the subject of the Request for Review filed under section 69507.4 may participate in decision-making or review of decisions made under this section.

(g)

Limits on Intra-Departmental Communications. No Department staff participating in decision-making or review of decisions made under this section may have communications about the Request for Review with the Department staff that participated in the decision that is the subject of the Request for Review filed under section 69507.4 unless the Department simultaneously communicates with the responsible entity or its representative regarding the issues under discussion with Department staff.