

40 C.F.R. § 78.6

Action on petition for administrative review.

(a) If no evidentiary hearing concerning the petition for review is requested or is to be held, the Environmental Appeals Board will issue an order under § 78.20(c).

(b)

(1) The Environmental Appeals Board may grant a request for an evidentiary hearing, or schedule an evidentiary hearing *sua sponte*, if the Environmental Appeals Board finds that there are disputed issues of fact material to contested portions of the decision and determines, in its discretion, that an opportunity for direct- and cross-examination of witnesses may be necessary in order to resolve these factual issues.

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