



## Ohio Administrative Code

### Rule 3745-47-10 Coordination of Federal Water Pollution Control Act permit program with agencies of the United States.

Effective: April 2, 2012

---

(A) Upon written notice by the hearing examiner to all parties, the parties or the parties' attorneys may be ordered to appear at a specified time and place for a conference, presided over by the hearing examiner, before or during the course of the adjudication hearing, to consider such matters as the hearing examiner shall direct including but not limited to the following:

- (1) The settlement of the adjudication proceeding.
- (2) The specification and simplification of the questions presented.
- (3) The disclosure of names, identities, and location of witnesses together with a brief statement of what is proposed to be established by the testimony of each.
- (4) The limitation of the number of and the exchange of reports of expert witnesses expected to be called by any party.
- (5) The submission of admissions of fact.
- (6) The submission of stipulations as to the admissibility into evidence of documents and other exhibits to avoid unnecessary proof.
- (7) The exchange of documentary evidence to be submitted at the adjudication hearing.

(B) Each party shall attend the initial conference fully prepared to discuss in detail the following:

- (1) The party's own positions with respect to all issues of fact and law raised in the party's requests for adjudication hearing.
- (2) All issues of fact and law raised by other parties on which the party wishes to take a position.



(3) All respects in which the party desires the proposed action to be altered, and the reasons therefor.

(C) The proceedings at the initial conference shall be off-the-record.

(D) Prior to or subsequent to any conference, the hearing examiner may require a party to prepare briefs covering such matters as the hearing examiner may specify. For any conference, the hearing examiner may prepare, or order prepared, a conference report encompassing the agreements reached and decisions made at the conference, including any agreed upon admissions, stipulations, or proposals. All offers of settlement, proposals of adjustment, and proposed stipulations not agreed upon shall not constitute admissions, and shall not be admissible in evidence against the person making the offer or proposal.