



Ohio Administrative Code Rule 3745-49-02 Severability.

Effective: April 2, 2012

As used in this chapter:

(1) "Action" means the issuance, modification, or revocation of an order; the issuance, denial, renewal, modification, suspension, or revocation of a license, permit, lease, variance, certificate, registration, or authorization; or the approval or disapproval of plans and specifications pursuant to law.

(2) "Agency" means the Ohio environmental protection agency.

(B) [Reserved.]

(1) "Claimant" means the person who claims that all or any portion of information submitted to the agency is confidential because the information constitutes a trade secret.

(2) "Complainant" means a person who has filed a verified complaint.

(1) "Director" means the director of environmental protection or the director's designee.

(2) "Draft action" means a written statement giving the director's intention with respect to an action and about which persons are authorized by law to file comments or request a public meeting, but which will not be the subject of an adjudication proceeding. A draft action that indicates an intent to issue an order, license, permit, variance, certificate, registration, or authorization shall include a draft of that order, license, permit, variance, certificate, registration, or authorization.

(E) [Reserved.]

(F) "Final action" means the written decision on any matter that is signed by the director and entered in the director's journal pursuant to rule 3745-49-14 of the Administrative Code.



(G) [Reserved.]

(H) [Reserved.]

(I) "Issue" or "issuance" means either of the following:

(1) In the case of a draft action or proposed action, to place the action into the United States mail, addressed to the person who is the subject of the action.

(2) In the case of a final action, to enter the action into the director's journal after it is signed by the director.

(J) [Reserved.]

(K) [Reserved.]

(L) [Reserved.]

(M) [Reserved.]

(N) [Reserved.]

(O) [Reserved.]

(1) "Person" means the state of Ohio or any agency thereof, the federal government or any agency thereof, any other state or agency thereof, any interstate agency, an individual, and any municipal corporation, political subdivision, public or private corporation, partnership, or other legal entity defined as a person under section 1.59 of the Revised Code.

(2) "Personal knowledge" means knowledge gained through first hand observation or experience, as distinguished from information obtained solely from another person or source.



(3) "Proposed action" means a written statement that gives the director's intention with respect to an action and allows persons to do one or more of the following:

(a) File comments or objections to the action.

(b) Request an adjudication hearing in accordance with Chapter 3745-47 of the Administrative Code.

(c) Request a public meeting regarding the action.

(4) "Proposed public copy" means a version of information submitted to the agency from which information claimed to constitute a trade secret has been omitted or withheld by a claimant.

(5) "Public copy" means a version of information maintained by the agency from which information determined by the director to constitute a trade secret has been omitted or withheld by the agency.

(6) "Public meeting" means a non-adversarial public forum where any person may present written or oral statements for the director's consideration pertaining to the application, draft action, or proposed action that is the subject of the meeting.

(7) "Public record" has the same meaning as in section 149.43 of the Revised Code.

(Q) [Reserved.]

(R) [Reserved.]

(S) [Reserved.]

(T) "Trade secret" means information, including the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula, pattern, compilation, program, device, method, technique, or improvement, or any business information or plans, financial information, or listing of names, addresses, or telephone numbers, provided that the information conforms to the following:



(1) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

(2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(3) Is not discharge or emission data.

(U) "Unredacted copy" means the complete original version of information submitted to the agency from which information claimed to constitute a trade secret has not been omitted or withheld.

(V) "Verified complaint" means a written complaint filed pursuant to and meeting the requirements of section 3745.08 of the Revised Code and rule 3745-49-12 of the Administrative Code.