



Ohio Administrative Code Rule 3745-49-07 Public notice.

Effective: July 27, 2019

(A) The agency shall give public notice for the following:

(1) Draft actions and proposed actions, except amended draft actions and amended proposed actions.
The agency may give public notice of amended draft actions and amended proposed actions.

(2) Final actions, except final actions preceded by proposed actions, unless the agency determines that the final action differs from the proposed action in a manner that affects the rights or duties of any person.

(3) Withdrawals of actions.

(4) Public meetings.

(5) Verified complaints received.

(6) Whenever the agency begins consideration of the issuance of a water quality certification under section 401 of the Federal Water Pollution Control Act, 33 USC 1251, et seq. (July 1, 2005).

(7) The adoption, amendment, or rescission of a rule.

(B) Public notices shall be published as follows:

(1) For all public notices required or authorized by this rule, except for public notices of rules, registrations, and public notices related to Ohio's state implementation plan developed under section 110 of the Clean Air Act, 42 USC 7410, (November 15, 1990), in at least one newspaper of general circulation in the county in which the source, facility, or subject of the public notice is located.

(2) For registrations and public notices related to Ohio's state implementation plan developed under



section 110 of the Clean Air Act, 42 USC 7410, (November 15, 1990), once in the Ohio EPA "Weekly Review."

(3) For the adoption, amendment, or rescission of a rule, in accordance with rule 3745-49-04 of the Administrative Code.

(4) Not later than thirty days prior to a public meeting.

(5) Not later than fifteen days after issuance of an action and initiation of consideration of the issuance of a water quality certification under section 401 of the Federal Water Pollution Control Act, 33 USC 1251, et seq. (July 1, 2005).

(6) Not later than fifteen days after receipt of a verified complaint.

Public notice is complete upon publication.

(C) All public notices required or authorized by this chapter shall be mailed by first class mail to all persons on the mailing list of subscribers maintained pursuant to section 3745.07 of the Revised Code not later than seven days after issuance of an action, receipt of verified complaint, or initiation of consideration of the issuance of a water quality certification under section 401 of the Federal Water Pollution Control Act, 33 USC 1251, et seq. (July 1, 2005), and at least fourteen days prior to a public meeting. Failure to mail notice to any person on the mailing list of subscribers maintained pursuant to section 3745.07 of the Revised Code will not invalidate any action of the director under any circumstance.

(D) Failure to give public notice of a draft action as required by this rule will invalidate the resulting final action only if such invalidation is expressly required by applicable law.

(E) Failure to give public notice of a proposed action as required by this rule will invalidate the resulting final action only if the failure is raised by, and was relied upon to the detriment of, any person entitled to be a party to an adjudication proceeding before the agency.

(F) If any action but a final action would issue or renew a permit to discharge sewage, industrial



wastes, or other wastes to waters of the state under division (J) of section 6111.03 of the Revised Code, the agency shall, on or before the date of newspaper publication of the public notice, comply with rule 3745-49-10 of the Administrative Code.

(G) If any person has requested to be notified of agency actions relating to an application or request for a permit, license, or variance for a particular source or facility and the agency later issues the permit, license, or variance, the agency shall send the notice required by paragraph (A)(2) of this rule to that person not later than fifteen days after issuance. Failure to do so will not invalidate the agency action.