



Ohio Administrative Code Rule 3745-49-12 Filing of verified complaints.

Effective: April 2, 2012

(A) Filing a verified complaint.

(1) An officer of an agency of the state of Ohio or of a political subdivision in Ohio, acting in a representative capacity, may file a verified complaint with the director in accordance with section 3745.08 of the Revised Code and paragraphs (B), (C), and (D) of this rule.

(2) A person who is or will be aggrieved or adversely affected by a violation that has occurred, is occurring, or will occur may file a verified complaint with the director that meets the requirements of section 3745.08 of the Revised Code and paragraphs (B), (C), and (D) of this rule provided that the alleged violation has caused, or will cause, the complainant an injury (e.g., physical or economic) that is actual and immediate.

(B) A verified complaint shall be in writing and shall contain the following:

(1) An allegation that another person has violated, is violating, or will violate any one or combination of the following:

(a) Any law, rule, standard, order, or authorization relating to the following:

(i) Air pollution.

(ii) Water pollution.

(iii) Solid waste.

(iv) Infectious waste.

(v) Construction and demolition debris.



(vi) Public water supply.

(vii) Hazardous waste.

(viii) Cessation of regulated operations.

(b) The conditions of a license, permit, variance, registration, or authorization relating to any one or combination of the following:

(i) Air pollution.

(ii) Water pollution.

(iii) Solid waste.

(iv) Infectious waste.

(v) Construction and demolition debris.

(vi) Public water supply.

(vii) Hazardous waste.

(viii) Cessation of regulated operations.

(2) The complaint shall set forth specific facts to support the complaint. If the complainant is a person described in paragraph (A)(2) of this rule, the complaint shall also explain how the complainant is or will be affected by the alleged violation.

(C) An affidavit verifying a complaint authorized by this rule shall be filed along with the complaint. The affidavit shall comply with the following:



(1) Be attached to the complaint as a separate document and include a statement that the facts set forth in the complaint are based upon personal knowledge of the complainant.

(2) Be made before any person authorized by law to administer oaths and be signed by any of the following:

(a) The complainant.

(b) The complainant's agent.

(c) The complainant's attorney.

(D) The person before whom the affidavit in paragraph (C) of this rule is taken shall certify that it was sworn to or affirmed and signed in that person's presence, and the signed certificate shall be evidence that the affidavit was made by or on behalf of the complainant.

(E) A written complaint received by the agency that fails to comply with the requirements of this rule shall not be treated by the director as a verified complaint, but the director may conduct any further investigations or make any other inquiries that are necessary and appropriate to address the violations alleged in the complaint.