



Ohio Administrative Code Rule 4906-2-12 Intervention.

Effective: December 11, 2015

(A) Persons who desire to intervene in a board proceeding shall comply with the following requirements:

(1) The chief executive officer of each municipal corporation and county and the head of each public agency charged with the duty of protecting the environment or of planning land use in the area in which any portion of such facility is to be located may intervene by preparing and filing with the board, within thirty days after the date he or she was served with a copy of the application under division (B) of section 4906.06 of the Revised Code, a notice of intervention containing the following information:

(a) A certification or affirmation as to the legal title and authority of such official.

(b) A statement demonstrating the fact that all or part of the proposed facility is to be located within the area under the jurisdiction of such official.

(c) A statement indicating that such official intends to intervene in the proceedings, together with the grounds for which intervention is sought.

(2) All other persons may petition for leave to intervene by:

(a) Preparing a petition for leave to intervene setting forth the grounds for the proposed intervention and the interest of the petitioner in the proceedings.

(b) Filing said petition within thirty days after the date of publication of the notice required in accordance with paragraph (A)(1) of rule 4906-3-09 of the Administrative Code or in accordance with division (B) of section 4906.08 of the Revised Code or as otherwise directed by the board or the administrative law judge.



(3) Copies of all notices of intervention and petitions for leave to intervene shall be sent to all parties by the prospective intervenor, and a certificate of service shall be filed with the board at the time of filing said notice or petition pursuant to rule 4906-2-05 of the Administrative Code.

(B) The board or the administrative law judge shall grant petitions for leave to intervene only upon a showing of good cause.

(1) In deciding whether to permit intervention under this paragraph, the board or the administrative law judge may consider:

(a) The nature and extent of the person's interest.

(b) The extent to which the person's interest is represented by existing parties.

(c) The person's potential contribution to a just and expeditious resolution of the issues involved in the proceeding.

(d) Whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice an existing party.

(C) The board or the administrative law judge may, in extraordinary circumstances and for good cause shown, grant a petition for leave to intervene in subsequent phases of the proceeding, filed by a person identified in paragraph (A)(1) or (A)(2) of this rule, who failed to file a timely notice of intervention or petition for leave to intervene. Any petition filed under this paragraph must contain, in addition to the information set forth in paragraph (A)(1) or (A)(2) of this rule, a statement of good cause for failing to timely file the notice or petition and shall be granted only upon a finding that:

(1) Extraordinary circumstances justify the granting of the petition.

(2) The intervenor agrees to be bound by agreements, arrangements, and other matters previously made in the proceeding.

(D) Unless otherwise provided by law, the board or the administrative law judge may:



(1) Grant limited participation, which permits a person to participate with respect to one or more specific issues, if:

(a) The person has no real and substantial interest with respect to the remaining issues.

(b) The person's interest with respect to the remaining issues is adequately represented by existing parties.

(2) Require intervenors with substantially similar interests to consolidate their examination of witnesses or presentation of testimony.