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OHIO LEGISLATIVE SERVICE
COMMISSION
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Ohio Administrative Code

Rule 901:10-6-04 Public meetings; close of the public comment period.

Effective: November 1, 2026

(A) Not later than thirty days after public notice of a draft permit to install or draft permit to operate, or a proposed action to deny, modify, revoke and reissue, or terminate a permit to install or permit to operate, any person may file a request for a public meeting. This paragraph does not apply to amended draft actions.

(B) If the director determines that there is significant public interest as described in paragraph (C) of this rule in a draft permit to install, draft permit to operate, or in any proposed action to deny, modify, revoke and reissue, or terminate a permit, or where required to do so by statute or rule, the director shall hold one public meeting in the county where the facility is located or proposed to be located or in a contiguous county. In consideration of an application for issuance of a permit, the director may hold one public meeting prior to issuance of a permit.

The director may take other, reasonable steps to inform the public about draft permits, including fact sheets, brochures or other informal sessions with the public and the permittee.

The director may include representatives from other government departments, offices and agencies to participate in public meetings and otherwise invite these persons to provide pertinent information to the public.

(C) Significant public interest means statements made in writing by twenty or more persons expressing interest in the draft permit or proposed action before the director review and requesting a public meeting. Significant public interest may also include expressed interest by one or more public officials.

(D) Public notice of the public meeting shall be published at least thirty days prior to the public meeting in a newspaper of general circulation and shall include:

(1) The address, telephone number, and electronic mail address of the office at the Ohio department of agriculture where department files and records pertaining to the proposed action or issuance are located and may be inspected and copied and instructions for persons desiring to obtain additional information, including the mailing list.

(2) The name and address of the owner and operator.

(3) A brief description of the concentrated animal feeding facility.

(4) The location of the facility.

(5) The date of any previous public notices related to the draft permit or proposed action, if applicable.

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(6) The time, date, and location of the public meeting if applicable.

(7) A concise statement of the issues raised by those requesting a public meeting.

(8) A statement:

(a) That any interested person may appear and present written and/or oral statements, in person or by a representative.

(b) That the purpose of the meeting is to obtain additional information that will be limited to the criteria that are applicable to the permit application or proposed action that is the subject of the public meeting and will be considered by the director prior to the director's taking final action on the draft permit or proposed action under consideration.

(c) That a transcript, recording or other complete record will be made of the public meeting.

(E) In any public meeting, the director may appoint a presiding officer to conduct the meeting. The officer shall state at the beginning of the meeting the manner in which the meeting will be conducted, time limits for testifying, and any other procedures for conducting the meeting. Procedures and time limits may vary according to the number of people wishing to testify, the time the meeting starts, weather conditions and other situations affecting the length of the meeting. On the date and at the time and place specified in the notice, the public meeting shall be held at which any person:

(1) May appear and be heard in person or by a representative, or both;

(2) May present statements orally or in writing, or both. All comments whether written or oral shall be considered equally in making a final decision, provided that comments are submitted with the name and address of the person presenting the statements for the record.

(F) Any person requesting time to make an oral comment at the meeting must register their name and address or electronic mail address prior to the beginning of the meeting. Persons shall be called to provide a statement for the record in the order of registration, unless the presiding officer determines otherwise.

(G) Information presented by any person shall be limited to the criteria and information that are applicable to the draft permit application or proposed action that is the subject of the public meeting. The officer may rule out of order any person who does not address comments on the matter that is the subject of the public meeting.

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(H) Persons attending the public meeting are authorized to tape or videotape the proceedings provided the following requirements are met:

(1) The presiding officer is notified at least twenty-four hours prior to the start of the public meeting unless prior notice is waived by the hearing officer; and

(2) The public meeting is not interrupted or disturbed.

(I) Close of public comment period.

(1) Persons, including applicants, who believe any condition of a draft permit is inappropriate or that the director's tentative decision to deny, issue, modify, revoke and reissue, or terminate a permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period (including any public meeting). Any supporting materials which are submitted shall be included in full and may not be incorporated by reference, unless they are already part of the record in the same action, or consist of state or federal statutes and regulations, or other generally available reference materials. Commenters shall make supporting materials not already included in the record available to the director.

(2) At the time that any final permit action is issued the director shall issue a response to comments, known as a "responsiveness summary."

(3) No final action shall be issued until after the director has considered the responsiveness summary. The responsiveness summary shall briefly describe and respond to all significant comments raised during the public comment period or during the public meeting on the draft permit action. The responsiveness summary shall specify which provisions, if any, of the draft permit or proposed action have been changed in the final permit decision or action and the reasons for the change.