

- (A) (1) THE AGENCY SHALL GIVE PUBLIC NOTICE OF ALL ACTIONS, EXCEPT AMENDED DRAFT AND AMENDED PROPOSED ACTIONS; ADJUDICATION HEARINGS; PUBLIC MEETINGS; VERIFIED COMPLAINTS RECEIVED; AND COMPLAINTS FILED UNDER SECTION 6111.32 OF THE REVISED CODE. THE AGENCY SHALL ALSO GIVE PUBLIC NOTICE WHENEVER IT BEGINS CONSIDERATION OF ISSUANCE OF CERTIFICATION UNDER SECTION 401 OF THE FEDERAL WATER POLLUTION CONTROL ACT. THE AGENCY MAY ALSO GIVE PUBLIC NOTICE OF AMENDED DRAFT AND AMENDED PROPOSED ACTIONS.
- (2) ALL NOTICES REQUIRED OR AUTHORIZED BY PARAGRAPH (A) (1) SHALL BE PUBLISHED ONCE IN A NEWSPAPER HAVING GENERAL CIRCULATION IN THE COUNTY IN WHICH THE SOURCE OR FACILITY IS LOCATED. PUBLICATION SHALL BE DONE WITHIN FIFTEEN DAYS AFTER ISSUANCE OF AN ACTION, INITIATION OF CONSIDERATION, OR RECEIPT OF A COMPLAINT, AND AT LEAST THIRTY DAYS PRIOR TO A PUBLIC MEETING OR AN ADJUDICATION HEARING, EXCEPT THAT, IF THE ADJUDICATION HEARING CONCERNS THE DIRECTOR'S ACTION ON AN INDUSTRIAL WATER POLLUTION CONTROL CERTIFICATE UNDER CHAPTER 6111. OF THE REVISED CODE, PUBLICATION SHALL BE DONE BETWEEN FIFTEEN AND THIRTY DAYS PRIOR TO THE HEARING. THIS PARAGRAPH DOES NOT APPLY TO A FINAL ACTION PRECEDED BY A PROPOSED ACTION, UNLESS THE FINAL ACTION DIFFERS FROM THE PROPOSED ACTION IN A MANNER THAT AFFECTS THE RIGHTS OR DUTIES OF ANY PERSON, OR UNLESS THE FINAL ACTION CONCERNS AN INDUSTRIAL WATER POLLUTION CONTROL CERTIFICATE UNDER CHAPTER 6111. OF THE REVISED CODE. PUBLIC NOTICE IS COMPLETE UPON PUBLICATION.
- (3) ALL NOTICES REQUIRED OR AUTHORIZED BY PARAGRAPH (A) (1) 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. MAILING SHALL BE DONE WITHIN SEVEN DAYS AFTER ISSUANCE OF AN ACTION, RECEIPT OF A COMPLAINT, OR INITIATION OF CONSIDERATION AND AT LEAST FOURTEEN DAYS PRIOR TO A PUBLIC MEETING OR AN ADJUDICATION HEARING.
- (B) IF ANY PERSON HAS REQUESTED IN WRITING TO BE KEPT INFORMED OF AGENCY ACTIONS RELATING TO A PARTICULAR SOURCE OR FACILITY, OR HAS REQUESTED A COPY OF THE APPLICATION, ACTION, OR FACT SHEET THEREFOR, AND IF THE AGENCY LATER ISSUES AN ACTION OR RECEIVES A COMPLAINT RELATING TO THE SOURCE OR FACILITY, THE AGENCY SHALL SEND THE NOTICE REQUIRED BY PARAGRAPH (A)(1) OF THIS RULE TO THAT PERSON WITHIN FIFTEEN DAYS AFTER ISSUANCE OR RECEIPT.
- (C) 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, PROVIDE THE INFORMATION SPECIFIED IN RULE 3745-47-09 OF THE ADMINISTRATIVE CODE TO ANY STATE, INTERSTATE, FEDERAL, OR LOCAL GOVERNMENT AGENCY HAVING JURISDICTION OVER WATERS THAT MAY BE AFFECTED BY THE DISCHARGE.

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(D)(1) THE AGENCY SHALL SEND NOTICE BY CERTIFIED MAIL OF THE TIME AND PLACE OF AN ADJUDICATION HEARING TO ALL PARTIES THERETO AT LEAST THIRTY DAYS PRIOR THERETO, EXCEPT THAT, IF THE HEARING RELATES TO AN INDUSTRIAL WATER POLLUTION CONTROL CERTIFICATE UNDER CHAPTER 6111. OF THE REVISED CODE, THE AGENCY SHALL MAIL THE NOTICE BETWEEN FIFTEEN AND THIRTY DAYS PRIOR TO THE HEARING TO THE TAX COMMISSIONER, THE COUNTY AUDITOR OF THE COUNTY OR COUNTIES IN WHICH THE STRUCTURE OR ITEMS DESCRIBED IN THE APPLICATION ARE LOCATED, AND TO THE PERSON TO WHOM A FINAL ACTION WILL BE ISSUED.

(2) THE AGENCY SHALL SEND NOTICE BY CERTIFIED MAIL OF THE TIME AND PLACE OF A PUBLIC MEETING ON AN ACTION TO ALL PARTIES TO ANY ADJUDICATION HEARING ARISING FROM THE ACTION, AT LEAST TWENTY DAYS PRIOR TO THE MEETING.

(E) (1) ALL ACTIONS BUT FINAL ACTIONS SHALL BE MAILED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE PERSON SUBJECT THERETO. ALL PROPOSED ACTIONS SHALL BE ACCOMPANIED BY A NOTICE THAT SHALL STATE THE TIME AND METHOD BY WHICH THE PERSON MAY REQUEST AN ADJUDICATION HEARING. ALL DRAFT ACTIONS SHALL BE ACCOMPANIED BY A STATEMENT AS TO WHEN A FINAL ACTION WILL BE ISSUED. IF AN AMENDED PROPOSED ACTION ONLY CORRECTS TYPOGRAPHICAL OR ADMINISTRATIVE ERRORS IN A PREVIOUS ACTION AND DOES NOT AFFECT THE RIGHTS OR DUTIES OF ANY PERSON, NO OPPORTUNITY TO REQUEST AN ADJUDICATION HEARING NEED BE AFFORDED.

(2) (a) IF A DRAFT OR PROPOSED ACTION IS ISSUED WITH AN EFFECTIVE DATE, ANY AMENDMENTS THERETO ARE ISSUED IN ACCORDANCE WITH SUBPARAGRAPH (E)(1) OF THIS RULE, AND THE ACTION IS LATER ENTERED UPON THE DIRECTOR'S JOURNAL WITHOUT BEING CHANGED FURTHER, THE AGENCY NEED NOT, AT THE TIME OF ENTRY, PROVIDE NOTICE OR A COPY OF THE ACTION AS ENTERED TO THE PERSON SUBJECT THERETO.

(b) IF A DRAFT OR PROPOSED ACTION IS ISSUED WITHOUT AN EFFECTIVE DATE, ANY AMENDMENTS THERETO ARE ISSUED IN ACCORDANCE WITH SUBPARAGRAPH (E)(1) OF THIS RULE, AND THE AGENCY LATER ASSIGNS AN EFFECTIVE DATE AND ENTERS THE ACTION UPON THE DIRECTOR'S JOURNAL WITHOUT CHANGING THE ACTION FURTHER, THE AGENCY SHALL MAIL NOTICE TO THE PERSON SUBJECT THERETO INFORMING HIM OF THE EFFECTIVE DATE.

(c) IN ALL OTHER INSTANCES, THE AGENCY SHALL MAIL A COPY OF THE FINAL ACTION

(1) TO THE PERSON SUBJECT THERETO; AND

(ii) IF THE FINAL ACTION FOLLOWS INITIATION OF HEARING PROCEEDINGS UPON A PRIOR PROPOSED ACTION, TO ANY OTHER PARTIES; AND

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- (iii) IF THE FINAL ACTION FOLLOWS INITIATION OF HEARING PROCEEDINGS UPON A PRIOR PROPOSED ACTION, TO ANY ATTORNEYS OF RECORD; AND
  - (iv) IF THE FINAL ACTION DISMISSES A VERIFIED COMPLAINT, TO THE PERSON COMPLAINED AGAINST
  - (d) IF THE FINAL ACTION FOLLOWS INITIATION OF HEARING PROCEEDINGS UPON A PRIOR PROPOSED ACTION, THE AGENCY SHALL CERTIFY THAT THE COPY OF THE FINAL ACTION MAILED IS A TRUE AND ACCURATE COPY OF THE FINAL ACTION AS ENTERED UPON THE DIRECTOR'S JOURNAL.
  - (e) ALL MAILINGS REQUIRED BY SUBPARAGRAPHS (B) AND (C), EXCEPT THOSE REQUIRED BY SUBPARAGRAPHS (C)(111) AND (1v), SHALL BE DONE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. NOTICE SHALL BE COMPLETE UPON RECEIPT OR UPON REFUSAL TO ACCEPT CERTIFIED MAIL. MAILINGS REQUIRED BY SUBPARAGRAPHS (C)(111) AND (1v) SHALL BE DONE BY FIRST CLASS MAIL. ALL MAILINGS REQUIRED BY SUBPARAGRAPHS (B) AND (C) SHALL BE DONE WITHIN FIVE DAYS OF ENTRY OF THE ACTION UPON THE DIRECTOR'S JOURNAL.
  - (f) IF THE APPLICABLE LAW GRANTS A RIGHT TO APPEAL THE FINAL ACTION TO A HIGHER AUTHORITY, MAILINGS REQUIRED BY THIS PARAGRAPH SHALL BE ACCOMPANIED BY A NOTICE STATING THE TIME AND METHOD BY WHICH THE APPEAL MUST BE FILED.
- (3) IF AN ACTION RELATES TO AN INDUSTRIAL WATER POLLUTION CONTROL CERTIFICATE UNDER CHAPTER 6111 OF THE REVISED CODE, IT SHALL BE SENT TO THE COUNTY AUDITOR OF THE COUNTY OR COUNTIES IN WHICH THE STRUCTURE OR ITEMS DESCRIBED IN THE APPLICATION ARE LOCATED, AND TO THE TAX COMMISSIONER, WITHIN FIVE DAYS OF ISSUANCE. A PROPOSED ACTION SHALL BE SENT BY FIRST CLASS MAIL AND SHALL BE ACCOMPANIED BY A NOTICE STATING HOW AN APPLICATION FOR RECONSIDERATION MAY BE FILED. A FINAL ACTION SHALL BE SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

(F)(1) FAILURE TO GIVE NOTICE OF A PROPOSED ACTION AS REQUIRED BY THIS RULE TO ANY PERSON OTHER THAN THE PERSON SUBJECT THERETO 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 AT AN ADJUDICATION HEARING BEFORE THE AGENCY. FAILURE TO MAIL NOTICE AS REQUIRED BY PARAGRAPH (A)(3) OF THIS RULE WILL NOT INVALIDATE ANY ACTION OF THE DIRECTOR UNDER ANY CIRCUMSTANCES.

(2) FAILURE TO GIVE NOTICE OF A DRAFT ACTION AS REQUIRED BY THIS RULE WILL INVALIDATE THE FOLLOWING FINAL ACTION ONLY WHERE SUCH INVALIDATION IS EXPRESSLY REQUIRED BY APPLICABLE LAW.

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Effective: June 30, 1981

CERTIFICATION:

*James Y. McQuinn*

MAY 21 1981

Date

Promulgated under: RC Chapter 119

Rule amplifies: RC Chapter 3745\_

Amended: May 7, 1976

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