

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
Adjudications**

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 3704.03, 3714.02, 3734.02, 3734.021, 3734.12, 3734.70, 3734.71, 3734.72, 3734.73, 3734.74, 3745.01, 3746.04, 3751.02, 3752.03, 3753.02, 6109.04, 6111.03, 6111.041 of the Ohio Revised Code and in accordance with Chapter 119, proposes to original file the following rule of the Ohio Administrative Code:

Rule	Title	Action
3745-47-01	Adjudication - applicability and construction of rules.	Amend
3745-47-02	Adjudication - definitions.	Amend
3745-47-03	Request for an adjudication hearing and objections.	Amend
3745-47-04	Provision, mailing, and publishing notice of adjudication hearings.	Amend
3745-47-05	Filing and service of documents.	Amend
3745-47-06	Authority and duties of hearing examiners.	No change
3745-47-07	Intervention.	No change
3745-47-08	Motions.	No change
3745-47-09	Continuances.	No change
3745-47-10	Conferences.	Amend
3745-47-11	Discovery; availability of agency files.	Amend
3745-47-12	Adjudication hearing procedures.	Amend
3745-47-13	Conclusion of adjudication proceedings.	No change
3745-47-14	Witnesses and evidence.	Rescind
3745-47-15	Burden of proof - evidence.	Amend
3734-47-16	Report and recommendation of hearing examiner.	Amend
3745-47-17	Record.	Amend
3745-47-18	Final action.	Rescind
3745-47-19	Emergency orders.	Amend
3745-47-20	Rules of ethics.	Amend

The purpose of this rule making is to satisfy the five-year rule review requirements under section 106.03 of the Revised Code. The purpose of this chapter is to govern the procedure for all adjudication proceedings and other procedures relating to adjudications pursuant to Chapter 119. of the Revised Code, or any other statute or rule providing for adjudication proceedings before the agency.

The public comment period will run until January 8, 2024. A public hearing on this proposed rulemaking will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. Ohio EPA will be holding an in-person and virtual public hearing on the rules on January 8, 2024, at Ohio EPA, Summer Conference Room, 50 W. Town St., Suite 700, Columbus, OH 43215, at 10:30 am. The in-person hearing will be at the same time and date and will be located at Ohio EPA, Suite 700, 50 W. Town Street, Columbus, Ohio 43215. During the hearing, the public may submit written comments on the record about the proposed rules and, if participating in person, may provide comments verbally.

Citizens who want to participate virtually must register in advance for the meeting at:

<https://attendee.gotowebinar.com/register/4426269210921103705>

Registration for the in-person hearing is not required. Citizens intending to give testimony at the hearing should notify the Ohio EPA Public Interest Center, P.O. Box 1049, Columbus, Ohio 43216-1049, (614) 644-2160 or by emailing mary.mccarron@epa.ohio.gov. Prior registration will ensure that registrants are heard ahead of those individuals who register at the hearing. Oral testimony may be limited to five minutes, depending on the number of persons testifying.

Written testimony should be sent to the attention of Mandi Payton at the Office of Legal Services, P.O. Box 1049, Columbus Ohio 43216-1049 or can be emailed to amanda.payton@epa.ohio.gov. Written comments may also be submitted to the Hearing Officer at the public hearing. Written testimony will receive the same consideration as oral testimony. All testimony received at the hearing or by close of business on January 8, 2024, will be considered by Ohio EPA prior to final action on this rulemaking proposal. Written comments submitted after this date may be considered as time and circumstances permit.

Questions regarding this rule package should be directed to Teri Finrock, at the Office of Legal Services, at (614) 644-3037.

To receive a copy of the proposed rules, please contact the Office of Legal Services receptionist at (614) 644-3037. In addition, full copies of all proposed rules are available for review at any Ohio EPA district office and at the Ohio EPA central office. The proposed rules are also accessible on Agency Rules web page at <https://epa.ohio.gov/find-regulations/agency-wide-rules>.

To request a reasonable accommodation due to a disability, visit <https://epa.ohio.gov/ada>.