

3745-49-01

**Administrative procedures - applicability and construction of rules.**

- (A) This chapter ~~shall govern~~governs public notices, public meetings, public records, trade secret claims, verified complaints, and other administrative functions performed by the agency.
- (B) This chapter shall be construed liberally to accomplish the purposes of the chapters of the Revised Code governing the functions and duties of the agency, and to afford maximum public involvement in the agency's efforts to protect public health, safety, and the environment.
- (C) For purposes of this chapter, license, permit, variance, certificate, registration, and authorization include at a minimum all provisions, terms, conditions, specifications, requirements, and limitations set forth in the document, appended thereto, or incorporated by reference.

3745-49-02

**Administrative procedures - definitions.**

As used in this chapter:

(A)

- (1) "Action" means the issuance, modification, or revocation of an order; the issuance, denial, renewal, modification, suspension, or revocation of a license, permit, lease, variance, certificate, registration, or authorization; or the approval or disapproval of plans and specifications pursuant to law.
- (2) "Agency" means the Ohio environmental protection agency.

(B) [Reserved.]

(C)

- (1) "Claimant" means the person who claims that all or any portion of information submitted to the agency is confidential because the information constitutes a trade secret.
- (2) "Complainant" means a person who has filed a verified complaint.

(D)

- (1) "Director" means the director of environmental protection or the director's designee.
- (2) "Draft action" means a written statement giving the director's intention with respect to an action and about which persons are authorized by law to file comments or request a public meeting, but which will not be the subject of an adjudication proceeding. A draft action that indicates an intent to issue an order, license, permit, variance, certificate, registration, or authorization shall include a draft of that order, license, permit, variance, certificate, registration, or authorization.

(E) [Reserved.]

- (F) "Final action" means the written decision on any matter that is signed by the director and entered in the director's journal pursuant to rule 3745-49-14 of the Administrative Code.

(G) [Reserved.]

(H) [Reserved.]

(I) "Issue" or "issuance" means either of the following:

- (1) In the case of a draft action or proposed action, to place the action into the United States mail, addressed to the person who is the subject of the action.
- (2) In the case of a final action, to enter the action into the director's journal after ~~it~~[the action](#) is signed by the director.

(J) [Reserved.]

(K) [Reserved.]

(L) [Reserved.]

(M) [Reserved.]

(N) [Reserved.]

(O) [Reserved.]

(P)

- (1) "Person" means the state of Ohio or any agency thereof, the federal government or any agency thereof, any other state or agency thereof, any interstate agency, an individual, and any municipal corporation, political subdivision, public or private corporation, partnership, or other legal entity defined as a person under section 1.59 of the Revised Code.
- (2) "Personal knowledge" means knowledge gained through first hand observation or experience, as distinguished from information obtained solely from another person or source.
- (3) "Proposed action" means a written statement that gives the director's intention with respect to an action and allows persons to do one or more of the following:

- (a) File comments or objections to the action.
  - (b) Request an adjudication hearing in accordance with Chapter 3745-47 of the Administrative Code.
  - (c) Request a public meeting regarding the action.
- (4) "Proposed public copy" means a version of information submitted to the agency from which information claimed to constitute a trade secret has been omitted or withheld by a claimant.
- (5) "Public copy" means a version of information maintained by the agency from which information determined by the director to constitute a trade secret has been omitted or withheld by the agency.
- (6) "Public meeting" means a non-adversarial public forum where any person may present written or oral statements for the director's consideration pertaining to the application, draft action, or proposed action that is the subject of the meeting.
- (7) "Public record" has the same meaning as in section 149.43 of the Revised Code.
- (Q) [Reserved.]
- (R) [Reserved.]
- (S) [Reserved.]
- (T) "Trade secret" means information, including the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula, pattern, compilation, program, device, method, technique, or improvement, or any business information or plans, financial information, or listing of names, addresses, or telephone numbers, provided that the information conforms to the following:
- (1) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.
  - (2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(3) Is not discharge or emission data.

(U) "Unredacted copy" means the complete original version of information submitted to the agency from which information claimed to constitute a trade secret has not been omitted or withheld.

(V) "Verified complaint" means a written complaint filed pursuant to and meeting the requirements of section 3745.08 of the Revised Code and rule 3745-49-12 of the Administrative Code.

3745-49-04

**Public notice of rules.**

- (A) Not later than thirty days prior to the date set for a public hearing to consider adopting, amending, or rescinding a rule, public notice shall be published in the register of Ohio in accordance with section 119.03 of the Revised Code and in the Ohio EPA "Weekly Review." The public notice shall consist of a general statement of the subject matter of the proposed rule, amendment, or rule to be rescinded by the agency and the date, time, and place of the public meeting on the proposed rule.
- (B) Not later than ten days prior to the effective date of the adoption, amendment, or rescission of a rule, public notice shall be published in the register of Ohio in accordance with the requirements in section 119.03 of the Revised Code and in the Ohio EPA "Weekly Review," except when the governor, pursuant to division (F) of section 119.03 of the Revised Code, declares an emergency allowing for the immediate adoption, amendment, or rescission of a rule. In such case, the public notice shall be published as expeditiously as practicable following the adoption, amendment, or rescission of an emergency rule in the register of Ohio and in the Ohio EPA "Weekly Review."
- (C) The agency may take such additional steps as reasonable to inform interested persons of the time, date, and place of the public meeting and the subject matter of the proposed rule. However, the failure to give notice by any means other than specified in paragraphs (A) and (B) of this rule shall not invalidate any action which may be taken by the agency.
- (D) Copies of the full text of the rule that was proposed to be adopted, amended, or rescinded shall be available prior to the effective date of such rule for any person who wishes to obtain a copy from the agency. However, the failure to furnish such copies to any person shall not invalidate any action of the agency in connection therewith.
- (E) Any action that adopts, amends, or rescinds a rule is not subject to rules 3745-49-05 to 3745-49-08 of the Administrative Code.

3745-49-05

**Draft actions and proposed actions.**

(A) With respect to all actions of the agency that would require the agency to afford an opportunity for an adjudication hearing in accordance with sections 119.06 and 119.07 of the Revised Code and Chapter 3745-47 of the Administrative Code, the director shall prepare a proposed action.

(1) A proposed action shall be issued to the person who is the subject of the proposed action by certified mail, return receipt requested or another type of mail accompanied by a receipt. Service shall be complete in accordance with section 119.07 of the Revised Code and the "Ohio Rules of Civil Procedure" ~~(2011)~~.

(2) All proposed actions, except amended proposed actions, shall be accompanied by a notice that states when and how a person may request an adjudication hearing in accordance with Chapter 3745-47 of the Administrative Code.

(B) In any instance in which the director is not obligated to afford an opportunity for an adjudication hearing in accordance with sections 119.06 and 119.07 of the Revised Code and Chapter 3745-47 of the Administrative Code, the director may issue a draft action to the person subject thereto. All draft actions shall be sent by certified mail ~~or~~ first class mail, or another type of mail accompanied by a receipt to the person subject thereto and shall be accompanied by a statement as to when a final action may be issued.

(C) Draft action or proposed action process determined by effective dates.

(1) A draft action or proposed action may bear a date upon which ~~it~~the action will become effective as a final action, or ~~it~~the action may be issued with no such date stated. If the draft action or proposed action bears an effective date, the date shall not be prior to the following:

(a) For a proposed action, the deadline for filing an adjudication hearing request and an objection set forth in rule 3745-47-03 of the Administrative Code.

(b) For a draft action, either of the following:

(i) The deadline for filing comments set forth in paragraph (D) of this rule.

(ii) The deadline for requesting a public meeting set forth in rule 3745-49-13 of the Administrative Code.

- (2) If a draft action or proposed action is issued with an effective date, amendments thereto are issued, and the amended action is entered in the director's journal, the agency need not, at the time of entry, provide notice or a copy of the amended action to the person subject thereto.
- (3) If a draft action or proposed action is issued without an effective date, amendments thereto are issued, and the agency later assigns an effective date and enters the amended action in the director's journal, the agency shall mail notice to the person subject thereto informing such person of the effective date.

(D) Public comments.

- (1) Any person may submit written comments relating to a draft action or proposed action.
- (2) All comments received by the agency not later than thirty days after public notice in accordance with rule 3745-49-07 of the Administrative Code, or such longer period as the public notice may specify, shall be considered by the director prior to issuance of a final action. This paragraph does not apply to amended draft actions or amended proposed actions unless the agency gives public notice of the amended draft action or amended proposed action pursuant to rule 3745-49-07 of the Administrative Code.
- (3) All comments or statements presented to the agency at a public meeting held pursuant to rule 3745-49-13 of the Administrative Code shall be considered by the director prior to issuance of a final action.

(E) Amendment and withdrawal of a draft action or proposed action.

- (1) If a draft action or proposed action is issued with an effective date, the director may amend the draft action or proposed action at any time prior to the stated effective date. A draft action or proposed action issued without an effective date may be amended at any time prior to entry in the director's journal as a final action.
- (2) The director may withdraw a draft action or proposed action prior to the effective date stated, or if no date is stated, at any time. However, the director may not withdraw a proposed action after the initiation of an adjudication proceeding in accordance with Chapter 3745-47 of the Administrative Code unless objections made in accordance with section 3745.07 of the Revised Code and rule 3745-47-03 of the Administrative Code and all requests for an



adjudication hearing have been withdrawn or dismissed.

(F) A draft action or proposed action shall be issued as a final action in accordance with rule 3745-49-06 of the Administrative Code.

3745-49-06

**Issuance of final actions.**

- (A) The director shall not issue an action as a final action if an objection is received from the United States environmental protection agency and applicable law prohibits the issuance of a final action under such circumstances.
- (B) Except as otherwise provided in paragraph (E)(1) or (E)(2) of rule 3745-49-05 of the Administrative Code, the director shall issue a draft action as the director's final action on the effective date stated or, if no effective date is included, on a date that shall not be sooner than either of the dates specified in paragraph (C)(1)(b) of rule 3745-49-05 of the Administrative Code.
- (C) Unless an adjudication proceeding has been initiated, the director shall issue the proposed action as a final action on the effective date stated or after the deadline for filing an adjudication request or an objection, whichever date is later. After the initiation of an adjudication proceeding, the director shall not issue a final action until the adjudication proceeding has been completed in accordance with Chapter 3745-47 of the Administrative Code.
- (D) Mailing.
  - (1) The agency shall mail a copy of the final action to the following:
    - (a) The person subject thereto.
    - (b) If the final action follows the completion of an adjudication proceeding in accordance with Chapter 3745-47 of the Administrative Code regarding a prior proposed action, all parties of record in the adjudication proceeding.
    - (c) If the final action follows the completion of an adjudication proceeding in accordance with Chapter 3745-47 of the Administrative Code regarding a prior proposed action, all attorneys of record in the adjudication proceeding.
    - (d) If the final action dismisses a verified complaint, the complainant and the person complained against.
  - (2) Not later than five days after a final action preceded by a proposed action is entered into the director's journal, a copy of the final action shall be sent by certified mail in accordance with paragraph (D)(1)(a) or (D)(1)(b) of this rule.
  - (3) Not later than five days after the final action preceded by a proposed action is

entered into the director's journal, a copy of the final action shall be sent by first class mail in accordance with paragraph (D)(1)(c) or (D)(1)(d) of this rule.

- (4) If applicable law grants a right to appeal the final action to the environmental review appeals commission, mailings required by this rule shall be accompanied by a notice stating when and how the appeal may be filed.

3745-49-07

**Public notice.**

(A) The agency shall give public notice for the following:

- (1) Draft actions and proposed actions, except amended draft actions and amended proposed actions. The agency may give public notice of amended draft actions and amended proposed actions.
- (2) Final actions, except final actions preceded by proposed actions, unless the agency determines that the final action differs from the proposed action in a manner that affects the rights or duties of any person.
- (3) Withdrawals of actions.
- (4) Public meetings.
- (5) Verified complaints received.
- ~~(6) Whenever the agency begins consideration of the issuance of a water quality certification under section 401 of the Federal Water Pollution Control Act, 33 USC 1251, et seq. (July 1, 2005).~~
- ~~(7)~~(6) The adoption, amendment, or rescission of a rule.

(B) Public notices shall be published as follows:

- (1) For all public notices required or authorized by this rule, except for public notices of rules, registrations, and public notices related to Ohio's state implementation plan developed under section 110 of the Clean Air Act, 42 USC 7410, ~~(November 15, 1990)~~(2023), in at least one newspaper of general circulation in the county in which the source, facility, or subject of the public notice is located.
- (2) For registrations and public notices related to Ohio's state implementation plan developed under section 110 of the Clean Air Act, 42 USC 7410, ~~(November 15, 1990)~~(2023), once in the Ohio EPA "Weekly Review."
- (3) For the adoption, amendment, or rescission of a rule, in accordance with rule 3745-49-04 of the Administrative Code.
- (4) Not later than thirty days prior to a public meeting.

(5) Not later than fifteen days after issuance of an action ~~and initiation of consideration of the issuance of a water quality certification under section 401 of the Federal Water Pollution Control Act, 33 USC 1251, et seq. (July 1, 2005).~~

(6) Not later than fifteen days after receipt of a verified complaint.

Public notice is complete upon publication.

(C) All public notices required or authorized by this chapter 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 not later than seven days after issuance of an action, receipt of verified complaint, or initiation of consideration of the issuance of a water quality certification under section 401 of the Federal Water Pollution Control Act, 33 USC 1251, et seq. ~~(July 1, 2005)~~(2023), and at least fourteen days prior to a public meeting. Failure to mail notice to any person on the mailing list of subscribers maintained pursuant to section 3745.07 of the Revised Code will not invalidate any action of the director under any circumstance.

(D) Failure to give public notice of a draft action as required by this rule will invalidate the resulting final action only if such invalidation is expressly required by applicable law.

(E) Failure to give public notice of a proposed action as required by this rule 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 to an adjudication proceeding before the agency.

(F) 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 of the public notice, comply with rule 3745-49-10 of the Administrative Code.

(G) If any person has requested to be notified of agency actions relating to an application or request for a permit, license, or variance for a particular source or facility and the agency later issues the permit, license, or variance, the agency shall send the notice required by paragraph (A)(2) of this rule to that person not later than fifteen days after issuance. Failure to do so will not invalidate the agency action.

(A) Public notices of actions shall include the following:

- (1) The name of the agency.
- (2) The address and telephone number of the locations where agency files and records pertaining to the action are located and may be inspected and copied.
- (3) Instructions for persons desiring to obtain additional information, a copy of any fact sheet prepared, or a copy of the action.
- (4) Instructions to persons desiring to be included on the mailing list provided for in section 3745.07 of the Revised Code.
- (5) The name and address of the person to whom the action was issued.
- (6) A brief description of the activities or operations that are the subject of the action.
- (7) The location of the source, facility, or subject of the action, including a street address if one is known.
- (8) A statement summarizing the action.
- (9) The date of issuance of the action.

(B) If the public notice is for a draft action or proposed action, in addition to the information required by paragraph (A) of this rule, the public notice shall include the following:

- (1) A statement that any person may submit written comments regarding the action not later than thirty days after the publication of the public notice, or such longer period as the agency may specify.
- (2) A statement that any person may request a public meeting and that if the agency determines that significant public interest is shown, a public meeting may be held on the action prior to issuance of a final action.
- (3) If the draft action or proposed action specifies when the action will become final, a statement that the draft action or proposed action shall become final on an effective date or event specified therein unless any of the following

occurs:

- (a) The director withdraws or amends the action.
  - (b) The action is disapproved by the United States environmental protection agency.
  - (c) For proposed actions, an adjudication hearing is timely requested in accordance with Chapter 3745-47 of the Administrative Code.
- (4) A statement as to when the action may become effective as a final action.
- (C) If the public notice is for a final action, in addition to the information required by paragraph (A) of this rule, the public notice shall indicate that the final action may be appealed to the environmental review appeals commission and shall include a statement summarizing the rights to appeal, if applicable.
- (D) Public notices of all public meetings relating to an action shall include the following:
- (1) The name of the agency.
  - (2) The address and telephone number of the locations where agency files and records pertaining to the action are located and may be inspected and copied.
  - (3) Instructions for persons desiring to obtain additional information, a copy of any fact sheet prepared, or a copy of the action.
  - (4) Instructions to persons desiring to be included on the mailing list provided for in section 3745.07 of the Revised Code.
  - (5) The name and address of the person to whom the action was issued.
  - (6) The location of the source, facility, or subject of the action, including a street address if one is known.
  - (7) The date, time, and location of the public meeting.
  - (8) If the activities or operations that are the subject of the action are not otherwise included in the public notice, a brief statement of the issues to be addressed at

the public meeting, if any.

- (9) A statement that the purpose of the meeting is to obtain additional information that will be considered by the director prior to the director taking further action on the matter under consideration.
- (E) Public notice of verified complaints filed pursuant to section 3745.08 of the Revised Code and rule 3745-49-12 of the Administrative Code shall include, to the extent known to the agency, the following:
- (1) The name of the agency.
  - (2) The address and telephone number of the locations where further information may be obtained and agency files and records pertaining to the verified complaint may be inspected and copied.
  - (3) The name of the person who filed the complaint.
  - (4) The name of the person against whom the complaint was filed.
  - (5) A brief description of the location of the source, facility, or subject of the verified complaint, including a street address if one is known.
  - (6) A brief description of the activities or operations that are the subject of the verified complaint.
  - (7) A statement that any person may request notice concerning further actions pursuant to the verified complaint.
- (F) All other public notices shall include, to the extent known to the agency, the following:
- (1) The name of the agency.
  - (2) The address and telephone number where further information may be obtained and agency files and records pertaining to the source, facility, or subject may be inspected and copied.
  - (3) The name and address of the person responsible for the source, facility, or subject.



- (4) The location of the source, facility, or subject, including a street address if one is known.
  - (5) A statement that any person, within thirty days of publication of the public notice, or such longer period as the agency may specify, may submit written comments to the director concerning the source, facility, or subject.
  - (6) A statement that any person may request notice concerning further actions or proceedings regarding the source, facility, or subject.
- (G) Where duplicate information is required in multiple notices that are mailed or published together, any information that is required by this rule to be contained in more than one such notice need not be repeated in each notice but may be contained in a separate document mailed or published with and referred to in each notice to which it applies.
- (H) Notwithstanding any other provision in this rule, notice of an action to modify any action of the director shall include a statement summarizing the modification together with references to the following:
- (1) The action to be modified.
  - (2) Prior public notices or fact sheets relating to the action to be modified.
- (I) All notices required by rule 3745-49-07 of the Administrative Code may be in summary form, specifying the source or facility; the name of the person to whom the action was issued; the type of action, if any; and the address of the office where further information, including the full notice, may be obtained.

3745-49-09

**Fact sheets.**

- (A) In all instances where a federal statute or rule requires a fact sheet to be prepared, the agency shall, prior to issuance of an action, prepare a fact sheet. The fact sheet shall include such information as may be required by federal statute or rule and may include such additional information as the agency deems desirable.
- (B) The agency ~~shall maintain~~maintains a mailing list of persons or groups requesting fact sheets prepared for any specified application for issuance or renewal of a permit under division (J) of section 6111.03 of the Revised Code and notice of further proceedings relating to such application, copies of additional fact sheets prepared, or other information relating to such application. The agency shall add any person or group to any such list upon receipt from the person or group of a request for inclusion thereon specifying the application or proceedings about which notices, additional fact sheets, or other information is desired.

3745-49-10

**Notice of water permit applications to government agencies.**

- (A) Any action, other than a final action, that would issue or renew a permit to discharge sewage, industrial waste, or other wastes to waters of the state under division (J) of section 6111.03 of the Revised Code shall be provided to the following entities having jurisdiction over waters that may be affected by the discharge:
- (1) Any agency responsible for an areawide waste treatment management plan pursuant to division (B) of section 208 of the Federal Water Pollution Control Act, 33 USC 1251 (July 1, 2005).
  - (2) Any agency responsible for the preparation of a plan pursuant to an approved continuing planning process under division (E) of section 303 of the Federal Water Pollution Control Act, 33 USC 1251 (July 1, 2005).
  - (3) Public health agencies for the purpose of assisting the applicant in coordinating the applicable requirements of the Federal Water Pollution Control Act, 33 USC 1251 (July 1, 2005) with any applicable health requirements of such public health agencies.
- (B) The notice required to be provided in paragraph (A) of this rule shall include the following:
- (1) The information required in rule 3745-49-08 of the Administrative Code for a public notice regarding the action. The notice may include a copy of such public notice.
  - (2) A statement that the state, interstate, federal, or local government agency may submit written recommendations to the director and to the regional administrator of the United States environmental protection agency.
  - (3) A statement that the director may incorporate the recommendation into the permit if issued, and that if the recommendation is not incorporated in the final action of the director, a written explanation of the reasons for not accepting the recommendation will be provided to the state, interstate, federal, or local government agency and to the regional administrator of the United States environmental protection agency.
  - (4) A copy of the fact sheet and a statement that a copy of the permit application for a permit or the draft permit or proposed permit, including all ancillary papers, will be provided upon request.

3745-49-11

**Coordination of Federal Water Pollution Control Act permit program with agencies of the United States.**

- (A) Upon the director's issuance of a draft action or proposed action on an application to issue, modify, or renew a permit to discharge sewage, industrial waste, or other wastes to waters of the state under division (J) of section 6111.03 of the Revised Code, the agency shall transmit ~~by certified mail~~ a copy of the permit to the regional administrator of the United States environmental protection agency, unless by written agreement the regional administrator has waived the right to receive, review, object to, or comment upon such draft action or proposed action. If the regional administrator makes timely objection in writing to the issuance of such permit as being outside the requirements of the Federal Water Pollution Control Act, the permit shall not be issued as a final action. The director may issue an amended draft action or amended proposed action after consideration of written comments or recommendations of the regional administrator, or may withdraw a draft action or proposed action if permitted by rule 3745-49-05 of the Administrative Code.
- (B) Immediately following final issuance, modification, or renewal of a permit to discharge sewage, industrial waste, or other wastes to waters of the state under division (J) of section 6111.03 of the Revised Code, the agency shall transmit ~~by first-class mail~~ a copy ~~thereof~~ to the regional administrator of the United States environmental protection agency.
- (C) At the time of public notice of an application for issuance, modification, or renewal of a permit to discharge sewage, industrial waste, or other wastes to waters of the state pursuant to division (J) of section 6111.03 of the Revised Code, for a discharge for which a fact sheet is prepared pursuant to rule 3745-49-09 of the Administrative Code, the agency shall transmit a copy of the fact sheet to the district engineer of the United States army corps of engineers, for the district in which the discharge is located, unless by written agreement such district engineer has waived the right to receive a fact sheet for such discharge.

3745-49-12

**Filing of verified complaints.**

(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.

3745-49-13

**Public meetings.**

- (A) Not later than thirty days after public notice or such longer period as the agency may specify in the public notice of a draft action or proposed action, any person may file a request for a public meeting. This paragraph does not apply to an amended draft action or an amended proposed action.
  
- (B) If the director determines that there is significant public interest in a draft action or proposed action, or if required to do so by statute or rule, the director shall hold a public meeting in the county where the source, facility, or subject of the draft action or proposed action is located, or in a contiguous county. In the consideration of an application for issuance, modification, revision, or renewal of a permit or variance, the director may hold a public meeting prior to issuance of a draft action or proposed action.
  
- (C) The director may appoint a hearing examiner or other presiding officer to conduct a public meeting. On the date and at the time and place specified in the notice, the public meeting shall be held, and any person may do any the following:
  - (1) Appear and be heard in person or by a representative, or both.
  
  - (2) Present statements orally or in writing, or both.
  
  - (3) At the discretion of the presiding officer, question persons who present statements at the meeting.



\*\*\* DRAFT - NOT YET FILED \*\*\*

3745-49-14

**Director's journal.**

The agency shall maintain a journal in which all final actions of the director shall be entered.