



Ohio Administrative Code

Rule 3701:1-40-35 Final publishing of bureau assessment report.

Effective: April 17, 2022

(A) The department shall consider comments received pursuant to rules 3701:1-40-34 and 3701:1-40-37 of this chapter and prepare a final bureau assessment report that contains the elements specified in rule 3701:1-40-34 of the Administrative Code.

(B) The final bureau assessment report shall contain all of the following:

(1) A summary of responses to any relevant comments received on the draft bureau assessment report or on any supplement to the draft bureau assessment report;

(2) A discussion of any relevant opposing view not adequately discussed in the draft bureau assessment report or in any supplement to the draft bureau assessment report, and a response to the issues raised;

(3) A statement on how the alternatives considered in it and decisions based on it will or will not achieve the requirements of any relevant and applicable environmental laws and policies; and

(4) A final analysis and a final recommendation on the action to be taken.

(C) If the proposed action has not been taken, the department will prepare a supplement to a final bureau assessment report for which a notice of availability has been published as provided in rule 3701:1-40-37 of the Administrative Code, if:

(1) There are substantial changes in the proposed action that are relevant to environmental concerns;
or

(2) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.



The supplement shall contain a request for comments as provided in rule 3701:1-40-34 of the Administrative Code, and a notice of availability shall be published in applicable local newspapers as provided in rule 3701:1-40-37 of the Administrative Code. If comments are not received, a notice of availability of a supplement to a final bureau assessment report shall be published as provided in rule 3701:1-40-37 of the Administrative Code.

(D) The supplement to a final bureau assessment report will be prepared in the same manner as the final bureau assessment report.

(E) A copy of the final bureau assessment report will be distributed to the following:

(1) The Ohio environmental protection agency;

(2) The applicant;

(3) Appropriate federal, state, regional and metropolitan clearinghouses; and

(4) Each person providing comment.

Additional copies will be made available by request to the department.

(F) If the final bureau assessment report is unusually long, or there are so many comments on a draft bureau assessment report or any supplement to a draft bureau assessment report that distribution of the entire final report to all persons providing comments is impracticable, a summary of the final statement and the substantive comments may be distributed.

(G) A supplement to a final bureau assessment report shall be distributed in the same manner as the final bureau assessment report to which it relates.

(H) News releases stating the availability and place for obtaining or inspecting a final bureau assessment report or supplement shall be provided to area newspapers where the proposed action is to occur and other appropriate media.



(I) A notice of availability will be published in accordance with rule 3701:1-40-37 of the Administrative Code.

(J) The final bureau assessment report, together with any comments and any supplement, will accompany the application and be considered in the director's decision-making process. The final bureau assessment report, together with any comments and any supplement, will be made a part of the record of any adjudicatory proceeding resulting from the director's decision.