



Ohio Administrative Code

Rule 3701:1-40-36 Requirement to provide a decision.

Effective: July 22, 2001

(A) If a final bureau assessment report is required, the report shall become part of the director's decision. The decision shall be clearly identified and shall include the following:

(1) A statement of the decision.

(2) Identification of all alternatives considered by the department, a statement that these alternatives were included in the range of alternatives discussed in the bureau assessment report, and a statement specifying any alternative that is considered to be environmentally preferable.

(3) A discussion of preferences among alternatives based on relevant factors including statutory requirements in Chapter 3748. of the Revised Code.

(4) A statement indicating whether the department has taken all practicable measures to avoid or minimize environmental harm from the alternative selected, and if not, to explain why those measures were not adopted. The statement also shall summarize any license conditions and monitoring programs adopted in connection with mitigation measures.

(B) The decision may be integrated into any other record prepared by the department in connection with the action.

(C) The decision may incorporate by reference material contained in a final bureau assessment report. The applicant may appeal a final decision as provided in rule 3701:1-38-06 of the Administrative Code.
