



Ohio Administrative Code Rule 3745-47-02 Adjudication - definitions.

Effective: February 26, 2024

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) "Adjudication" has the same meaning as in division (D) of section 119.01 of the Revised Code.

(3) "Adjudication hearing" means an adversarial hearing during which evidence is taken for the purpose of determining issues of fact and law that will be used by the hearing examiner to prepare the report and recommendation and, ultimately, will be used in preparing final findings and orders.

(4) "Adjudication proceeding" means the entire process through which a person may seek to have a hearing examiner consider evidence relevant to certain agency actions, beginning with the activities specified in paragraph (A) of rule 3745-47-03 of the Administrative Code and ending with the issuance of a final action.

(5) "Agency" means the Ohio environmental protection agency.

(B) [Reserved.]

(C) [Reserved.]

(D) "Director" means the director of environmental protection or the director's designee.



(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 proposed action, to place the action into the United States mail, addressed to the person who is the subject of the proposed action.

(2) In the case of a final action, to enter the action into the director's journal after the action is signed by the director.

(J) [Reserved.]

(K) [Reserved.]

(L) [Reserved.]

(M) [Reserved.]

(N) [Reserved.]

(O) [Reserved.]

(P)

(1) "Party" means any one of the following:



(a) The agency.

(b) For purposes of an adjudication proceeding regarding a proposed action, the person to whom the proposed action is issued and any person who objects to the proposed action pursuant to section 3745.07 of the Revised Code.

(c) For purposes of an adjudication proceeding in response to a verified complaint, the alleged violator upon whom a notice of hearing is served pursuant to section 3745.08 of the Revised Code and the person who filed the verified complaint that is the subject of the hearing, if that person filed a written notice of intent to participate as a party with the director before the hearing.

(d) Any person who intervenes in an adjudication proceeding pursuant to rule 3745-47-07 of the Administrative Code.

(e) For purposes of an adjudication proceeding conducted pursuant to section 6109.14 of the Revised Code, the person upon whom notice was served in accordance with that section.

No other person shall be deemed to be a party to an adjudication proceeding.

(2) "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, any municipal corporation, political subdivision, public or private corporation, individual, partnership, or other legal entity defined as a person under section 1.59 of the Revised Code.

(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 this chapter.

(c) Request a public meeting regarding the action.



(4) "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.

(Q) [Reserved.]

(R) [Reserved.]

(S) "Stenographic record" means a record provided by stenographic means or by the use of audio electronic recording devices. The record includes all of the testimony, other evidence, and rulings regarding the admissibility thereof, presented at the hearing.

(T) [Reserved.]

(U) [Reserved.]

(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.