



Ohio Administrative Code Rule 3745-49-06 Issuance of final actions.

Effective: April 2, 2012

(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.