



Ohio Administrative Code

Rule 3745-50-707 Public involvement in the standardized permitting process.

Effective: [March 7, 2025](#)

(A) Requirements for public notices.

(1) The director shall provide public notice of the director's draft permit decision and shall provide an opportunity for the public to submit comments and request a hearing on the director's decision.

The director shall provide public notice to:

(a) The applicant;

(b) Any other agency the director knows has issued or is required to issue a hazardous waste management permit for the same facility or activity (including U.S. EPA when the draft permit is prepared by Ohio EPA);

(c) Federal and state agencies with jurisdictions over fish, shellfish, and wildlife resources and over coastal zone management plans, the advisory council on historic preservation, state historic preservation officers, including any affected states;

(d) To everyone on the facility mailing list developed according to the requirements in 40 CFR 124.10(c)(1)(ix); and

(e) To any units of local government having jurisdiction over the area where the facility is proposed to be located and to each state agency having any authority under state law with respect to the construction or operation of the facility.

(2) The director shall issue the public notice according to the following methods:

(a) Publication in a daily or weekly major local newspaper of general circulation and broadcast over local radio stations;



(b) When the program is being administered by an approved state, in a manner constituting legal notice to the public under state law; and

(c) Any other method reasonably calculated to give actual notice of the draft permit decision to the persons potentially affected by the draft permit decision, including press releases or any other forum or medium to elicit public participation.

(3) The director shall include the following information in the public notice:

(a) The name and telephone number of the contact person at the facility.

(b) The name and telephone number of the director's contact office, and a mailing address to which people may direct comments, information, opinions, or inquiries.

(c) An address to which people may write to be put on the facility mailing list.

(d) The location where people may view and make copies of the draft standardized permit and the "Notice of Intent" and supporting documents.

(e) A brief description of the facility and proposed operations, including the address or a map (for example, a sketched or copied street map) of the facility location on the front page of the notice.

(f) The date that the facility owner or operator submitted the "Notice of Intent" and supporting documents.

(4) At the same time the director issues the public notice under this rule, the director shall place the draft standardized permit (including both the uniform portion and supplemental portion, if any), the "Notice of Intent" and supporting documents, and the statement of basis or fact sheet in a location accessible to the public in the vicinity of the facility or at Ohio EPA's office.

(B) Opportunities for public comments and hearings on draft permit decisions.

(1) The public notice that the director issues under paragraph (A) of this rule shall allow at least



forty-five days for people to submit written comments on the director's draft permit decision. This time is referred to as the public comment period. The director shall automatically extend the public comment period to the close of any public hearing under paragraph (B) of this rule. The hearing officer may also extend the comment period by so stating at the hearing.

(2) During the public comment period, any interested person may submit written comments on the draft permit and may request a public hearing. If a person wants to request a public hearing, the person shall submit the public hearing request in writing to the director. The public hearing request shall state the nature of the issues the person proposes to raise during the hearing.

(3) The director shall hold a public hearing whenever the director receives a written notice of opposition to a standardized permit and a request for a hearing within the public comment period under paragraph (B)(1) of this rule. The director may also hold a public hearing at the director's discretion, whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision.

(4) Whenever possible, the director shall schedule a hearing under paragraph (B) of this rule at a location convenient to the nearest population center to the facility. The director shall give public notice of the hearing at least thirty days before the date set for the hearing. (The director may give the public notice of the hearing at the same time the director provides public notice of the draft permit, and the director may combine the two notices).

(5) The director shall give public notice of the hearing according to the methods in paragraphs (A)(1) and (A)(2) of this rule. The hearing shall be conducted according to the procedures in 40 CFR 124.12(b), 40 CFR 124.12(c), and 40 CFR 124.12(d).

(6) In interested parties' written comments and during the public hearing, if held, interested parties may provide comments on the draft permit decision. These comments may include, but are not limited to, the facility's eligibility for the standardized permit, the tentative supplemental conditions the director proposed, and the need for additional supplemental conditions.

(C) Requirements for responding to comments.



(1) At the time the director issues a final standardized permit, the director shall also respond to comments received during the public comment period on the draft permit. The director's response shall:

(a) Specify which additional conditions (i.e. those in the supplemental portion), if any, the director changed in the final permit, and the reasons for the change.

(b) Briefly describe and respond to all significant comments on the facility's ability to meet the general requirements (i.e. those terms and conditions in the uniform portion) and on any additional conditions necessary to protect human health and the environment raised during the public comment period or during the hearing.

(c) Make the comments and responses accessible to the public.

(2) The director may request additional information from the facility owner or operator or inspect the facility if the director needs additional information to adequately respond to significant comments or to make decisions about conditions the director may need to add to the supplemental portion of the standardized permit.

(3) The director shall include in the administrative record for the director's final permit decision any documents cited in the response to comments. If new points are raised or new material supplied during the public comment period, the director may document the director's response to those matters by adding new materials to the administrative record.

(D) Appeal process for interested parties in the permit process, for final standardized permits. Interested parties may petition for administrative review of the director's final permit decision, including the director's decision that the facility is eligible for the standardized permit, according to the procedures of 40 CFR 124.19. However, the terms and conditions of the uniform portion of the standardized permit are not subject to administrative review under this paragraph.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]