



Ohio Administrative Code Rule 901:10-6-02 Contents of public notices.

Effective: February 13, 2021

(A) Applicability. This rule applies to public notices for the issuance of or proposed actions to deny, suspend, modify, or revoke permits to install, permits to operate, and NPDES permits. This rule applies to the issuance of final orders pursuant to section 903.17 of the Revised Code. In addition, this rule applies to public notices for the receipt of applications for NPDES permits including notification of the public of an applicable antidegradation review under section 6111.12 of the Revised Code. Public notices shall include the following information:

(1) The name, address and telephone number of the office of the Ohio department of agriculture where department files and records pertaining to the proposed action or issuance are located and may be inspected and copied and instructions for persons desiring to obtain additional information, including the NPDES mailing list provided for in rule 901:10-6-05 of the Administrative Code.

(2) The name and address of the applicant.

(3) A brief description of the applicant's activities or operations.

(4) The location of the facility and a short description of any discharge indicating whether any discharge is a new or an existing discharge.

(5) A concise statement of the draft permit or the proposed action.

(6) A statement:

(a) That any interested person may submit a written comment on the draft permit and may request a public meeting within thirty days of appearance of public notice in a newspaper in the affected county. A request for a public meeting shall be in writing and shall state the nature of the issues proposed to be raised in the public meeting; and



(b) The any person has a right to provide a written or oral statement for the record at the public meeting if a meeting is scheduled; and

(c) That one public meeting shall be held prior to issuance of any final permit decision when required by paragraph (C) of rule 901:10-6-04 and may be held where authorized by paragraph (D) of rule 901:10-6-01 of the Administrative Code.

(7) In addition, if the public notice is for an NPDES permit application or a draft permit on an NPDES permit the public notice shall contain the following information:

For a NPDES permit and permit to install application subject to an antidegradation review:

(a) A statement summarizing the receipt of an application for an NPDES permit where an antidegradation review is required;

(b) The date of issuance of the draft permit;

(c) A statement on the applicability of an antidegradation review in section 6111.12 of the Revised Code to indicate whether waivers or exclusions of the policy apply or to indicate an evaluation of issues related to lower water quality.

(d) A statement that the draft permit shall become final on an effective date or event specified therein, unless:

(i) A public meeting is requested;

(ii) The director amends or withdraws the draft permit; or

(iii) The draft NPDES permit has been disapproved by the United States environmental protection agency in accordance with rule 901:10-3-06 of the Administrative Code; and

(e) A statement on the applicability of any of the requirements determined by the director in accordance with paragraph (D)(2) of rule 901:10-3-01 of the Administrative Code.



(B) Notice of NPDES permit applications to government agencies. The notice required by paragraph (A) of rule 901:10-6-01 of the Administrative Code to be given to state and governmental agencies shall include:

(1) The information required in this rule and may include a copy of such public notices.

(2) A statement that:

(a) An affected state or agency, unless covered by paragraph (B)(2)(b) of this rule, may submit written recommendations to the director and to the regional administrator of the United States environmental protection agency which the director may incorporate into the NPDES permit if issued, and that if the recommendation of the state or agency is not incorporated in the final permit, a written explanation of the director's reasons for not accepting the recommendation will be provided for that state or agency and the regional administrator of the United States environmental protection agency; and

(b) If an army corps of engineers district engineer submits written recommendations to the director advising that anchorage and navigation of any of the waters of the United States would be substantially impaired by the granting of the NPDES permit, the director shall propose to deny the NPDES permit in accordance with division (F) of section 903.09 of the Revised Code, and the applicant shall be so notified. If the army corps of engineers district engineer advised the director that imposing specified conditions upon the permit is necessary to avoid any substantial impairment of anchorage or navigation, then the director shall include the specified conditions in the permit.

(3) A copy of the fact sheet and a statement that a copy of the application for an NPDES permit or of the draft NPDES permit, including all ancillary papers, will be provided upon request.

(C) The notice required by paragraph (B) of this rule shall also be given, when applicable, to:

(1) Any agency responsible for an areawide waste treatment management plan pursuant to division (B) of section 208 (2004) of the Federal Water Pollution Control Act.



(2) Any agency responsible for the preparation of a plan pursuant to an approved continuing planning process under division (E) of section 303 (1972) of the Federal Water Pollution Control Act.