

Rule Making at the Environmental Review Appeals Commission

COMMISSION'S MISSION:

The Environmental Review Appeals Commission consists of three members each of whom is appointed by the Governor and confirmed by the Senate, pursuant to ORC 3745.02. The Commission reviews appeals regarding the lawfulness and reasonableness of final actions of the Director of the Ohio Environmental Protection Agency, and certain actions of local boards of health, the State Fire Marshall, and the State Emergency Response Commission within the Commission's jurisdiction. Pursuant to ORC 3745.04, 3745.05 and 3750.19, the sole mission of the ERAC is to provide administrative *de novo* and record hearings from final actions of those agencies above.

Ohio Revised Code 3745.03 authorizes the Commission to adopt regulations governing hearing procedures. That section provides:

The authority and duty of the commission to adopt regulations under this section shall not be governed by or be subject to Chapter 119 of the Revised Code.

RULE-MAKING PROCESS:

As such, all rules of the Commission are filed pursuant to Chapter 111 of the Ohio Revised Code; however, the Commission reviews its rules annually, as required by ORC 119.032. Commission members individually draft amendments to the rules then meet to discuss and vote on any proposed rule changes at the Commission's regularly scheduled meetings in accordance with the public notice requirements as set forth in OAC 3746-15(H). The Commission seeks and accepts input on rules from the Attorney General's Office, state and local bar associations and other persons who practice before the Commission. Any amended or new rules can be reviewed once they are filed in draft form with the Legislative Service Commission, Secretary of State or JCARR during the rule-review process prior to final adoption.

Rules are published in Chapter 3746 of the Ohio Administrative Code and are available to the public at the Commission free of charge. Any questions about the Commission's rules or rule-making procedure can be addressed to the Executive Secretary of the Commission at (614)466-8950.