

3701-12-04 **Reviewability determinations and nonreviewability determinations.**

- (A) The director shall issue rulings on whether a particular proposed project is a reviewable activity (reviewability determination) or not a reviewable activity (~~reviewability and nonreviewability determination~~rulings). ~~The director may issue such a ruling within forty five days after receiving a notice of intent or other information relating to a proposed or actual activity that may be reviewable. The director shall issue a ruling upon written request by any person.~~ The director may request additional information necessary to determine whether the activity is a reviewable activity as described in any provision of rule 3701-12-05 of the Administrative Code. The director shall issue a ruling not later than forty-five days after receiving a request for the ruling ~~provided the request that~~ is accompanied by the information necessary to make the ruling. The date that the ruling is mailed to the person who filed the request shall be the date of issuance of the ruling. If the director does not issue a ruling in that time, the project shall be considered to have been ruled not a reviewable activity. A determination that a project is not a reviewable activity only relates to the project as described in the request and any additional information and does not authorize conducting a different, reviewable activity.
- (B) An affected person may appeal a ruling of reviewability or nonreviewability to the director of health. The director shall provide a hearing in accordance with Chapter 119. of the Revised Code. A person appealing a ruling shall file a notice of appeal with the director that designates the ruling appealed from not later than thirty days after the ruling is mailed.

Effective: 03/25/2010

R.C. 119.032 review dates: 12/10/2009 and 03/01/2015

CERTIFIED ELECTRONICALLY

Certification

03/12/2010

Date

Promulgated Under: 119.03
Statutory Authority: 3702.52
Rule Amplifies: 5702.52, 3702.57, 3702.59, 3702.592, 3702.593,
3702.594, 3701.60
Prior Effective Dates: 12/21/1982 (Emer.), 3/19/83, 7/21/83 (Emer.),
10/18/83 (Emer.), 6/22/84 (Emer.) 9/28/84, 12/2/85,
12/25/86, 7/23/87 (Emer.), 10/12/87, 3/3/88, 11/28/88,
6/18/90, 9/6/99, 3/17/08, 9/1/08