

3701-12-04

**Reviewability determinations; appeals.**

- (A) The director shall issue a ruling on whether a particular proposed project is a reviewable activity (reviewability determination). The director may request additional information necessary to determine whether the activity is a reviewable activity as described in rule 3701-12-05 of the Administrative Code. Requests for an expedited reviewability determination shall expressly state that an expedited reviewability determination is requested. If a request for a reviewability determination does not expressly state that an expedited reviewability determination is being requested, the director shall consider the request to be for a standard reviewability determination.
- (B) The director shall issue a ruling within specified timeframes as follows:
- (1) For a standard reviewability determination, the ruling shall be issued not later than forty-five days after receiving a request for the ruling that is accompanied by all of the information necessary to make the ruling; or
  - (2) For an expedited reviewability determination, the ruling shall be issued not later than thirty days after receiving a request for the ruling that is accompanied by all of the information necessary to make the ruling.
- (C) If the director does not issue a ruling within the time frames specified in paragraphs (B)(1) and (B)(2) of this rule, the project shall be considered to have been ruled not a reviewable activity.
- (D) The date that the director signs the ruling shall be the date of issuance of the ruling.
- (E) ~~Any affected~~The person that requested the reviewability ruling may appeal ~~a reviewability~~the ruling to the director in accordance with Chapter 119. of the Revised Code. ~~Each~~The person who appeals to the director shall file with the director, not later than thirty days after the decision of the director is mailed, a notice of appeal that designates the decision, ruling, or determination the person is appealing. The director shall conduct an adjudication hearing in accordance with Chapter 119. of the Revised Code.

Effective:

Five Year Review (FYR) Dates: 8/1/2020

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3702.57  
Rule Amplifies: 3702.52, 3702.60, 3702.594, 3702.593, 3702.592,  
3702.59, 3702.57  
Prior Effective Dates: 12/21/1982 (Emer.), 03/19/1983, 07/21/1983 (Emer.),  
10/18/1983 (Emer.), 06/22/1984 (Emer.), 09/28/1984,  
12/02/1985, 12/25/1986, 07/23/1987 (Emer.),  
10/12/1987, 03/03/1988, 11/28/1988, 06/18/1990,  
09/06/1999, 03/17/2008, 09/01/2008, 03/25/2010,  
09/02/2013, 05/23/2019