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Hearing Date: 11/28/2023 Today's Date: 12/8/2023

Agency: Ohio Public Works Commission

Rule Number(s): 164-1-01 to 164-1-42; 164-2-01 to 164-2-27

If no comments at the hearing, please check the box. ☒

List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. Warren County Park District, 164-2-06, 164-2-21, 164-2-22
2. Cuyahoga County Planning Commission, 164-1-35, 164-1-36, 164-1-38, 164-1-39, 164-2-05, 164-2-07, 164-2-15, 164-2-18, 164-2-19, 164-2-21, 164-2-22, 164-2-26
3. Arc of Appalachia, 164-2-03, 164-2-04, 164-2-05, 164-2-10
4. Lucas County Engineer's Office, 164-1-01, 164-1-33, 164-1-34, 164-1-36, 164-1-40
5. The Nature Conservancy, 164-2-10
6. Western Reserve Land Conservancy, 164-2-03, 164-2-05, 164-2-08, 164-2-10, 164-2-17
7. City of Cleveland, 164-1-15, 164-1-34
8. Cleveland MetroParks, 164-2-21
9. West Creek Conservancy, 164-2-03, 164-2-05, 164-2-08, 164-2-10
10. Stark Parks, 164-2-06
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Hearing Summary Report

Consolidated Summary of Comments Received

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

We received 43 comments: 14 comments pertain to rules 164-1-01 to 164-1-40 and 29 comments pertain to rules 164-2-03 to 164-2-26. Comments were reviewed to determine if a change is needed to provide clarification, to revise the intent to accomplish program goals, or to resolve identified issues.

For rules 164-1-01 to 164-1-40, 11 comments are inquiries regarding items that are clearly stated, therefore, no changes are needed (164-1-01, 164-1-33, 164-1-34, 164-1-35, 164-1-36, 164-1-38, 164-1-39); and the remaining 4 comments pertain to 3 rules that require changes (164-1-15, 164-1-34, 164-1-40).

For rules 164-2-03 to 164-2-26, 5 comments are inquiries regarding items that are clearly stated, therefore, no changes are needed (164-2-06, 164-2-15, 164-2-19, 164-2-21, 164-2-26); 3 comments were not incorporated (164-2-05, 164-2-17, 164-2-18), and the remaining 21 comments pertain to 9 rules that require changes (164-2-03, 164-2-04, 164-2-05, 164-2-06, 164-2-07, 164-2-08, 164-2-10, 164-2-21, 164-2-22).

Responses were provided to all those who submitted comments.

Hearing Summary Report

Incorporated Comments into Rule(s)

Indicate how comments received during the hearing process were incorporated into the rule(s). If no comments were incorporated, explain why not.

As provided above, 16 of 43 comments are inquiries and, upon review, it was determined the cited rule is clear so no change is needed. Of the remaining 27 comments 24 are being incorporated into 12 rules. The last 3 are not being incorporated for reasons given below. In addition, 6 rules are revised by the commission's initiative to clarify, correct, or modify a rule (164-1-01, 164-1-15, 164-1-37, 164-2-01, 164-2-02, 164-2-09).

164-1-01 – 3 inquiries not necessitating a change, and 1 staff revision to make correction.
164-1-15 – 1 comment incorporated for clarification, and 1 staff revision to clarify rule's intention.
164-1-33 – 1 inquiry not necessitating a change.
164-1-34 – 2 inquiries not necessitating a change, and 1 comment incorporated to expand scope.
164-1-35 – 1 inquiry not necessitating a change.
164-1-36 – 2 inquiries not necessitating a change.
164-1-37 – 1 staff revision for clarification.
164-1-38 – 1 inquiry not necessitating a change.
164-1-39 – 1 inquiry not necessitating a change.
164-1-40 – 1 comment incorporated to account for existing procedure.

164-2-01 – 1 staff revision to make correction.
164-2-02 – 1 staff revision for clarification.
164-2-03 – 1 comment incorporated to clarify, and 2 incorporated to make correction.
164-2-04 – 1 comment incorporated to clarify.
164-2-05 – 4 comments incorporated to revise the rule's intention and resolve identified issues, and 1 comment not incorporated as it pertains to a discretionary item outside the rule's scope.
164-2-06 – 1 inquiry not necessitating a change, and 1 comment incorporated for clarification.
164-2-07 – 1 comment incorporated for clarification.
164-2-08 – 2 comments incorporated to resolve identified issues.
164-2-09 – 1 staff revision to remove moot item.
164-2-10 – 4 comments incorporated to resolve identified issues.
164-2-15 – 1 inquiry not necessitating a change.
164-2-17 – 1 comment not incorporated as it doesn't fit within the program's goals.
164-2-18 – 1 comment not incorporated as it doesn't fit within the program's goals.
164-2-19 – 1 inquiry not necessitating a change.
164-2-21 – 3 comments incorporated to resolve identified issues and for clarification, and 1 inquiry not necessitating a change.
164-2-22 – 2 comments incorporated for clarification.
164-2-26 – 1 inquiry not necessitating a change.

In summary, the following rules are being refiled:

164-1-1; 15; 34; 37; 40

164-2-1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 21; 22

Hearing Summary Report