

## TO BE RESCINDED

3745-81-54

**Public hearings on exemption schedules.**

- (A) Before a schedule proposed by the director pursuant to rule 3745-81-53 of the Administrative Code may take effect, the director shall provide notice and opportunity for public hearing on the schedule. A notice given pursuant to the preceding sentence may cover the proposal of more than one such schedule and a hearing held pursuant to such notice shall include each of the schedules covered by the notice.
- (B) Public notice of an opportunity for hearing on an exemption schedule shall be circulated in a manner designed to inform interested and potentially interested persons of the proposed schedule, and shall include at least the following:
- (1) Posting of a notice in the principal post office of each municipality or area served by the public water system, and publishing of a notice in a newspaper or newspapers of general circulation in the area served by the public water system as required by Chapter 3745-47 of the Administrative Code.
  - (2) Mailing of a notice to appropriate state or local agencies at the director's discretion and to other persons as required by Chapter 3745-47 of the Administrative Code.
  - (3) Such notices shall include a summary of the proposed schedule and shall inform interested persons that they may request a public hearing on the proposed schedule.
- (C) Requests for hearing may be submitted by any interested person. Frivolous or insubstantial requests for hearing may be denied by the director. Requests must be submitted to the director within thirty days after issuance of the public notices provided for in paragraph (B) of this rule. Such requests shall include the following information:
- (1) The name, address and telephone number of the individual, organization or other entity requesting a hearing;
  - (2) A brief statement of the interest of the person making the request in the proposed schedule and of information that the requesting person intends to submit at such hearing; and
  - (3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

- (D) The director shall give notice in the manner set forth in paragraph (B) of this rule of any hearing to be held pursuant to a request submitted by an interested person or on his own motion. Notice of the hearing shall also be sent to the person requesting the hearing, if any. Notice of the hearing shall include a statement of the purpose of the hearing, information regarding the time and location for the hearing, and the address and telephone number of an office at which interested persons may obtain further information concerning the hearing. Notice of hearing shall be given not less than five days prior to the time scheduled for the hearing.
- (E) A hearing convened pursuant to paragraph (D) of this rule shall be conducted before a hearing officer to be designated by the director. The hearing shall be conducted by the hearing officer in an informal, orderly and expeditious manner. The hearing officer shall have authority to call witnesses, receive oral and written testimony and take such action as may be necessary to assure the fair and efficient conduct of the hearing. Following the conclusion of the hearing, the hearing officer shall forward the record of the hearing to the director.

Effective: 11/01/2004

R.C. 119.032 review dates: Exempt

CERTIFIED ELECTRONICALLY

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Certification

10/08/2004

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Date

Promulgated Under: 119.03  
Statutory Authority: RC Section 6109.04 (Section  
3, Am. Sub. S.B. 445, 112th  
General Assembly)  
Rule Amplifies: RC Section 6109.04  
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