

Appeal Process for Director's Final Actions

Final actions of the director of environmental protection are appealable to the Ohio Environmental Review Appeals Commission (ERAC). The ERAC is a separate board from Ohio EPA. The members of the ERAC are appointed by the Governor to six-year terms.

Final actions include: The adoption, modification, or repeal of rules; the issuance, modification, or revocation of orders (other than emergency orders); the issuance, denial, modification or revocation of licenses, permits, leases, variances, or certificates; and the approval or disapproval of plans and specifications.

Generally, final actions may be appealed to the ERAC by a person who was a party to a proceeding before the director by filing an appeal within 30 days of notice of the final action. However, a final action issuing, denying, modifying, revoking, or renewing a permit, license, or variance, which is not preceded by a proposed action, may be appealed by filing an appeal within 30 days of issuance of the action.

Appeals to the ERAC must be in writing, and must set forth the action complained of and the grounds upon which the appeal is based. Such appeals must be filed with:

Environmental Review Appeals Commission
77 S. High St., 17th Floor
Columbus, Ohio 43215
(614) 466-8950

The appeal must be accompanied by a filing fee of \$70, which the ERAC may waive in cases of extreme hardship.

A copy of the appeal must be served on the director of environmental protection within three days after filing the appeal with the ERAC. The filing of an appeal does not automatically suspend or stay the action appealed from.

If the ERAC determines that the action appealed from was lawful and reasonable, the ERAC will affirm the action. If the ERAC finds that the action was unlawful or unreasonable, the ERAC will vacate or modify the action appealed from.

Orders of the ERAC are appealable by adversely affected parties to the Franklin County Court of Appeals, or if the appeal arises from an alleged violation of a law or regulation, to the court of appeals of the district in which the violation was alleged to have occurred.

Notices of appeal must be filed with the ERAC and the court and sent by certified mail to the director within 30 days from the date upon which the appellant received notice by the ERAC of the order being issued.