

PUBLIC NOTICE

FINAL ISSUANCE OF AN AMENDED CERTIFICATE OF REGISTRATION AS A TRANSPORTER OF INFECTIOUS WASTE

Notice is hereby given that on November 10, 2003, the director of Ohio EPA issued an amended infectious waste transporter certificate to Stericycle, Inc., 28161 N Keith Dr, Lake Forest, IL 60045, ID No.: 00-T-00199. Persons wishing to be notified of further actions or proceedings for this project must submit a request in writing to Ohio EPA, Division of Solid and Infectious Waste Management, Attn: Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049, tel.: (614) 644-2621. This final action was not preceded by a proposed action and may be appealed to the Environmental Review Appeals Commission, at 236 East Town Street, Room 300, Columbus, Ohio 43215.

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY
PUBLIC NOTICE OF
PROPOSED RULE-MAKING
GOVERNING
HAZARDOUS WASTE MANAGEMENT

Why is Ohio EPA proposing these rules?

The purpose of this proposed rule-making is to adopt rules consistent with and equivalent to regulations adopted by the U.S. Environmental Protection Agency (U.S. EPA), and to make corrections and clarifications that are not directly included in the federal hazardous waste rules, but which are necessary to the Ohio rules to maintain the internal consistency of the Ohio hazardous waste management program. This proposal also includes the review of a number of rules pursuant to Ohio Revised Code section 119.032, which requires Ohio EPA to review certain rules every five years. Today's proposal is known as "J2," the second of four related rule proposals over a period of several months.

Today's proposal contains primarily non-substantive corrections and updates to the rules. This includes the correction of typographical, spelling, and formatting errors; correction of word choice; correction of rule cross-references to account for new and rescinded rules; and a number of rules that will be rescinded in order to re-locate them as new rules under a new rule number.

What rules are we proposing to amend, rescind, or create as new rules?

The Ohio Environmental Protection Agency proposes to amend, rescind, or adopt as new the following rules of the Administrative Code:

	Rule number	Rule title
Rescind	3745-49-031 (also called 3745-49-03.1)	Inspection of public records
Amend	3745-50-01	General information
New	3745-50-19	Petitions to amend rules 3745-51-30 to 3745-51-35 of the Administrative Code to exclude a waste from a particular facility
New	3745-50-20	Petitions to amend Chapter 3745-273 of the Administrative Code to include additional hazardous wastes
Rescind	3745-50-221 (also called 3745-50-22.1)	Petitions to amend rules 3745-51-30 to 3745-51-35 of the Administrative Code to exclude a waste from a particular facility
Rescind	3745-50-222 (also called 3745-50-22.2)	Petitions to amend Chapter 3745-273 of the Administrative Code to include additional hazardous wastes
New	3745-50-23	Variances from classification as a waste
New	3745-50-24	Standards and criteria for variances from classification as a waste
New	3745-50-25	Variances to be classified as a boiler

	Rule number	Rule title
New	3745-50-26	Procedures for variance from classification as a solid waste or to be classified as a boiler
New	3745-50-27	Additional regulation of certain hazardous waste recycling activities on a case by case basis
New	3745-50-28	Procedures for case by case regulation of hazardous waste recycling activities
New	3745-50-29	Inspection of public records
Rescind	3745-50-311 (also called 3745-50-31.1)	Variations from classification as a waste
Rescind	3745-50-312 (also called 3745-50-31.2)	Standards and criteria for variations from classification as a waste
Rescind	3745-50-313 (also called 3745-50-31.3)	Variations to be classified as a boiler
Rescind	3745-50-314 (also called 3745-50-31.4)	Procedures for variance from classification as a solid waste or to be classified as a boiler
Rescind	3745-50-315 (also called 3745-50-31.5)	Additional regulation of certain hazardous waste recycling activities on a case by case basis
Rescind	3745-50-316 (also called 3745-50-31.6)	Procedures for case by case regulation of hazardous waste recycling activities
Amend	3745-50-42	Signatories to permit applications and reports
Rescind	3745-50-43	Contents of "Part A" of the permit application
New	3745-50-43	Contents of "Part A" of the permit application
Amend	3745-50-46	Permits by rule
Amend	3745-50-48	Requirements for recording and reporting of monitoring results
Amend	3745-50-57	Emergency permits
Amend	3745-51-01	Purpose and scope of Chapter 3745-51 of the Administrative Code
Amend	3745-51-05	Special requirements for hazardous waste generated by conditionally exempt small quantity generators
Amend	3745-51-07	Residues of hazardous waste in empty containers
Amend	3745-51-08	PCB wastes regulated under Toxic Substances Control Act
Amend	3745-51-20	Characteristics of hazardous waste-general
Amend	3745-51-21	Characteristic of ignitability
Amend	3745-51-22	Characteristic of corrosivity
Amend	3745-51-23	Characteristic of reactivity

	Rule number	Rule title
Amend	3745-51-31	Hazardous waste from non-specific sources
Amend	3745-51-33	Discarded commercial chemical products, off-specification species, container residues and residues thereof
Amend	3745-51-35	Deletion of certain hazardous waste codes following equipment cleaning and replacement
Amend	3745-51-38	Comparable/syngas fuel exclusion
Amend	3745-52-11	Hazardous waste determination
Amend	3745-52-12	Generator identification numbers
Amend	3745-52-41	Annual report
Amend	3745-52-50	Applicability- exports of hazardous waste to a foreign country
Amend	3745-52-51	Definitions pertaining to exports of hazardous waste to a foreign country
Amend	3745-52-52	General requirements
Amend	3745-52-54	Special manifest requirements
Amend	3745-52-55	Exception reports
Amend	3745-52-60	Imports of hazardous waste from a foreign country
Amend	3745-52-70	Farmers
Amend	3745-53-11	Registration of hazardous waste transporters
Amend	3745-53-12	Transfer facility requirements
Amend	3745-53-20	Acceptance and handling of hazardous waste and the manifest system
Amend	3745-53-30	Immediate action
Amend	3745-54-03	Relationship to facility standards
Amend	3745-54-10	Applicability- general facility standards
Amend	3745-54-11	EPA identification number
Amend	3745-54-12	Required notices
Amend	3745-54-13	General waste analysis
Amend	3745-54-14	Security
Amend	3745-54-16	Personnel training
Amend	3745-54-17	General requirements for ignitable, reactive, or incompatible wastes
Amend	3745-54-18	Location standards
Amend	3745-54-30	Applicability- preparedness and prevention
Amend	3745-54-50	Applicability- contingency plan and emergency procedures
Amend	3745-54-52	Content of contingency plan
Amend	3745-54-71	Use of manifest system
Amend	3745-54-74	Availability, retention, and disposition of records
Amend	3745-54-76	Unmanifested waste report

	Rule number	Rule title
Amend	3745-54-91	Required programs
Amend	3745-54-99	Compliance monitoring program
New	3745-54-100	Corrective action program
Rescind	3745-55-01	Corrective action program
Amend	3745-55-11	Closure performance standard
Amend	3745-55-13	Closure; time allowed for closure
Amend	3745-55-16	Survey plat
Amend	3745-55-17	Post-closure care and use of property
Amend	3745-55-19	Notice to local land authority
Amend	3745-55-42	Cost estimate for facility closure
Amend	3745-55-43	Financial assurance for facility closure
Amend	3745-55-45	Financial assurance for post-closure care
Amend	3745-55-51	Wording of the instruments
Amend	3745-55-71	Condition of containers
Amend	3745-55-75	Containment
Amend	3745-55-78	Closure
Amend	3745-55-90	Applicability- tank system
Amend	3745-55-93	Containment and detection of releases
Amend	3745-55-97	Closure and post-closure care
Amend	3745-55-98	Special requirements for ignitable or reactive waste
Amend	3745-56-20	Applicability; surface impoundments
New	3745-56-31	Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027 (surface impoundments)
Rescind	3745-56-33	Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027 (surface impoundments)
Amend	3745-56-50	Applicability- waste piles
New	3745-56-59	Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027 (waste piles)
Rescind	3745-56-60	Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027 (waste piles)
Amend	3745-56-78	Unsaturated zone monitoring
Amend	3745-56-80	Closure and post-closure care
Amend	3745-56-83	Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027 (land treatment)
New	3745-57-17	Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027 (landfills)
Rescind	3745-57-18	Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027 (landfills)
Amend	3745-270-07	Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities

What is the relationship of this proposal to the "MegaSet" rules I've been watching for?

The rules listed above constitute the second group, about one third, of the rules in what you might have heard us refer to as the "MegaSet" rule-making. The "MegaSet" had over 380 rules in it, so we have broken it into four separate proposal groups so that the public, the regulated community, and JCARR are not overwhelmed with that volume of rules to review all at once. Today's proposal is known as "J2" and was preceded several weeks ago by "J1" and will be followed in several weeks by "J3," and subsequently by "J4." The previous proposal, J1, contained the rules being changed to match their federal counterpart provisions- those rules with substantive amendments as well as most of the substantively new rules. This proposal, J2 (and J3 later), contains the rules that make less substantive amendments, as well as a number of rules that will be rescinded in order to re-locate them under a new rule number. The J4 proposal will contain rules that are having references to the Hazardous Waste Facility Board removed, since that board was dissolved by statute change. Some of the J4 rules contain substantive amendments closely related to changes made in many of the J1 rules. The J4 proposal will also contain rules amended to address Maximum Constituent Levels (MCLs) for ground water. J1, J2, J3, and J4 are each being proposed under their own separate public hearing notices, and will each have their own public hearing; today's notice describes only the rules and the public hearing and public comment information regarding the J2 proposal. Although their proposal dates are different, the rules in J1, J2, J3, and J4 will all have the same effective date. If you need more information about this phased proposal approach, please call Kit Arthur at the number shown at the end of this notice.

When can I tell Ohio EPA what I think about these proposed rules?

A public hearing pursuant to sections 119.02 through 119.04 of the Ohio Revised Code will be conducted on Thursday, December 18, 2003 beginning at 9:30 a.m. in agency conference room 5B (fifth floor), Ohio Environmental Protection Agency, Lazarus Government Center, 122 South Front Street, Columbus, Ohio. All interested persons are entitled to attend or be represented and give their written or verbal comments on this proposed rule-making. A presiding officer will be present until 11:00 a.m. or until all interested persons have been heard if that time interval is insufficient.

How and when do I present my comments at the hearing, or send in my written comments?

To provide notice of intent to give verbal comments at the public hearing, contact Kit Arthur, Division of Hazardous Waste Management, Ohio EPA, Lazarus Government Center, 122 South Front Street, Columbus, OH, 43216-1049. To facilitate scheduling of verbal presentations, persons intending to give testimony at the hearing should ensure that Ohio EPA receives notice of such intent by 5:00 p.m. on Wednesday, December 17, 2003. Persons who provide Ohio EPA with prior notice will be heard before persons who register at the hearing.

In order to assure that written communications are considered as part of the official record of this hearing, written communications must be received by Ohio EPA by 5:00 p.m. on Friday, December 19, 2003. Written communications may be filed with Ms. Arthur at the above address or with the presiding officer during the hearing.

How do I get a copy of the proposed rules?

These rules can be accessed electronically via the Register of Ohio at <http://www.RegisterOfOhio.state.oh.us/index>. To access by agency, enter "3745 Environmental Protection Agency" and then select the rule number.

To obtain a hard copy of the proposed rules, contact Ohio EPA at 614/644-2129. Please request "Proposed Hazardous Waste Rules Set J-2," and if you leave a message, be sure to include your name, telephone number, and complete mailing address. There is no charge for proposed rules.

Who do I call if I have questions about the proposed rules?

Questions concerning this proposed rule-making, other than obtaining copies of the proposed rules, may be addressed to Kit Arthur at 614/644-2932 at Ohio EPA.

PUBLIC NOTICE FOR FINAL ACTION OF DIRECTOR

Pursuant to Ohio Administrative Code (OAC) rule 3745-77-01(GG)(1)(b), the Director of the Ohio Environmental Protection Agency approved the request to delegate the authority of Mr. Richard Eimer, Senior Vice President, to Mr. James Kipp, Plant Manager, to act as the responsible official for the Title V facility, Rolling Hills Generating Facility, located at 43111 St. Rt. 160, Wilkesville, Ohio 45695. According to the request for delegation of authority, Mr. Kipp is responsible for the overall operation of this facility, thereby meeting the criteria in OAC rule 3745-77-01(GG). The delegation is effective as of November 7, 2003.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the environmental Review Appeals Commission within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Commission. It is also requested by the Director that a copy of the appeal be served upon the Environment Enforcement Section of the Office of the Attorney general. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
236 East Town Street
Room 300
Columbus, Ohio 43215

PUBLIC NOTICE FOR FINAL ACTION OF DIRECTOR

Pursuant to Ohio Administrative Code (OAC) rule 3745-77-01(GG)(1)(b), the Director of the Ohio Environmental Protection Agency approved the request to delegate the authority of Mr. Lou Comadena, President, to Mr. Brian Bates, Manager, to act as the responsible official for the Title V facility, Penn Wheeling Closure Warren Metal Litho Plant, located at 2100 Griswold NE, Warren, Ohio 44483. According to the request for delegation of authority, Mr. Bates is responsible for the overall operation of this facility, thereby meeting the criteria in OAC rule 3745-77-01(GG). The delegation is effective as of November 7, 2003.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the environmental Review Appeals Commission within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Commission. It is also requested by the Director that a copy of the appeal be served upon the Environment Enforcement Section of the Office of the Attorney general. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
236 East Town Street
Room 300
Columbus, Ohio 43215

PUBLIC NOTICE FOR FINAL ACTION OF DIRECTOR

Pursuant to Ohio Administrative Code (OAC) rule 3745-77-01(GG)(1)(b), the Director of the Ohio Environmental Protection Agency approved the request to delegate the authority of Mr. Robert Smith, Vice President, to Mr. Robert Downing, Site Manager, or his successor, to act as the responsible official for the Title V facility, Stony Hollow Landfill, Inc., located at 2460 South Gettysburg Road, Dayton, Ohio 45418. According to the request for delegation of authority, Mr. Downing is responsible for the overall operation of this facility, thereby meeting the criteria in OAC rule 3745-77-01(GG). The delegation is effective as of November 7, 2003.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the environmental Review Appeals Commission within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Commission. It is also requested by the Director that a copy of the appeal be served upon the Environment Enforcement Section of the Office of the Attorney general. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
236 East Town Street
Room 300
Columbus, Ohio 43215

PUBLIC NOTICE FOR FINAL ACTION OF DIRECTOR

Pursuant to Ohio Administrative Code (OAC) rule 3745-77-01(GG)(1)(b), the Director of the Ohio Environmental Protection Agency approved the request to delegate the authority of Mr. Robert Smith, Vice President, to Mr. Frank Fello, Site Manager, or his successor, to act as the responsible official for the Title V facility, Coshocton Landfill, Inc., located at 19469 County Road 7, Coshocton, Ohio 43812. According to the request for delegation of authority, Mr. Fello is responsible for the overall operation of this facility, thereby meeting the criteria in OAC rule 3745-77-01(GG). The delegation is effective as of November 7, 2003.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the environmental Review Appeals Commission within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Commission. It is also requested by the Director that a copy of the appeal be served upon the Environment Enforcement Section of the Office of the Attorney general. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
236 East Town Street
Room 300
Columbus, Ohio 43215

PUBLIC NOTICE FOR FINAL ACTION OF DIRECTOR

Pursuant to Ohio Administrative Code (OAC) rule 3745-77-01(GG)(1)(b), the Director of the Ohio Environmental Protection Agency approved the request to delegate the authority of Mr. Robert Smith, Vice President, to Mr. Jerry Ross, Site Manager, or his successor, to act as the responsible official for the Title V facility, Cuyahoga Sanitary Landfill, Inc., located at 28625 Ambina Drive, Solon, Ohio, 44139. According to the request for delegation of authority, Mr. Ross is responsible for the overall operation of this facility, thereby meeting the criteria in OAC rule 3745-77-01(GG). The delegation is effective as of November 7, 2003.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the environmental Review Appeals Commission within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Commission. It is also requested by the Director that a copy of the appeal be served upon the Environment Enforcement Section of the Office of the Attorney general. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
236 East Town Street
Room 300
Columbus, Ohio 43215

PUBLIC NOTICE FOR FINAL ACTION OF DIRECTOR

Pursuant to Ohio Administrative Code (OAC) rule 3745-77-01(GG)(1)(b), the Director of the Ohio Environmental Protection Agency approved the request to delegate the authority of Mr. Robert Smith, Vice President, to Mr. Jerry Ross, Site Manager, or his successor, to act as the responsible official for the Title V facility, Mahoning Landfill, Inc., located at 3510 Garfield Road, Springfield Township, Ohio, 44443. According to the request for delegation of authority, Mr. Ross is responsible for the overall operation of this facility, thereby meeting the criteria in OAC rule 3745-77-01(GG). The delegation is effective as of November 7, 2003.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the environmental Review Appeals Commission within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Commission. It is also requested by the Director that a copy of the appeal be served upon the Environment Enforcement Section of the Office of the Attorney general. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
236 East Town Street
Room 300
Columbus, Ohio 43215

PUBLIC NOTICE FOR FINAL ACTION OF DIRECTOR

Pursuant to Ohio Administrative Code (OAC) rule 3745-77-01(GG)(1)(b), the Director of the Ohio Environmental Protection Agency approved the request to delegate the authority of Mr. Robert Smith, Vice President, to Mr. Jerry Ross, Site Manager, or his successor, to act as the responsible official for the Title V facility, East Liverpool Landfill, Inc., located at 44295 Y&O Road, Madison Township, Ohio, 43968. According to the request for delegation of authority, Mr. Ross is responsible for the overall operation of this facility, thereby meeting the criteria in OAC rule 3745-77-01(GG). The delegation is effective as of November 7, 2003.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the environmental Review Appeals Commission within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Commission. It is also requested by the Director that a copy of the appeal be served upon the Environment Enforcement Section of the Office of the Attorney general. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
236 East Town Street
Room 300
Columbus, Ohio 43215

PUBLIC NOTICE FOR FINAL ACTION OF DIRECTOR

Pursuant to Ohio Administrative Code (OAC) rule 3745-77-01(GG)(1)(b), the Director of the Ohio Environmental Protection Agency approved the request to delegate the authority of Mr. Robert Smith, Vice President, to Mr. Frank Fello, Site Manager, or his successor, to act as the responsible official for the Title V facility, Suburban Landfill, Inc., located at 3415 Township Road 447, Glenford, Ohio 43739. According to the request for delegation of authority, Mr. Fello is responsible for the overall operation of this facility, thereby meeting the criteria in OAC rule 3745-77-01(GG). The delegation is effective as of November 7, 2003.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the environmental Review Appeals Commission within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Commission. It is also requested by the Director that a copy of the appeal be served upon the Environment Enforcement Section of the Office of the Attorney general. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
236 East Town Street
Room 300
Columbus, Ohio 43215

PUBLIC NOTICE FOR FINAL ACTION OF DIRECTOR

Pursuant to Ohio Administrative Code (OAC) rule 3745-77-01(GG)(1)(b), the Director of the Ohio Environmental Protection Agency approved the request to delegate the authority of Mr. Robert Smith, Vice President, to Mr. Jerry Ross, Site Manager, or his successor, to act as the responsible official for the Title V facility, American Landfill, Inc., located at 7916 Chapel Street, S.E., Sandy Township, Stark county, Ohio, 44688. According to the request for delegation of authority, Mr. Ross is responsible for the overall operation of this facility, thereby meeting the criteria in OAC rule 3745-77-01(GG). The delegation is effective as of November 7, 2003.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the environmental Review Appeals Commission within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Commission. It is also requested by the Director that a copy of the appeal be served upon the Environment Enforcement Section of the Office of the Attorney general. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
236 East Town Street
Room 300
Columbus, Ohio 43215

PUBLIC NOTICE FOR FINAL ACTION OF DIRECTOR

Pursuant to Ohio Administrative Code (OAC) rule 3745-77-01(GG)(1)(b), the Director of the Ohio Environmental Protection Agency approved the request to delegate the authority of Mr. Robert Smith, Vice President, to Mr. Scott Herman, Site Manager, or his successor, to act as the responsible official for the Title V facility, Akron Regional Landfill, Inc., located at 1585 Hardy Rd., Akron, Ohio, 44313. According to the request for delegation of authority, Mr. Herman is responsible for the overall operation of this facility, thereby meeting the criteria in OAC rule 3745-77-01(GG). The delegation is effective as of November 7, 2003.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the environmental Review Appeals Commission within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Commission. It is also requested by the Director that a copy of the appeal be served upon the Environment Enforcement Section of the Office of the Attorney general. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
236 East Town Street
Room 300
Columbus, Ohio 43215

PUBLIC NOTICE FOR FINAL ACTION OF DIRECTOR

Pursuant to Ohio Administrative Code (OAC) rule 3745-77-01(GG)(1)(b), the Director of the Ohio Environmental Protection Agency approved the request to delegate the authority of Mr. Robert Smith, Vice President, to Mr. Robert Downing, Site Manager, or his successor, to act as the responsible official for the Title V facility, Evergreen Recycling and Disposal Facility, Inc., located at 2625 E. Broadway, Northwood, Ohio 43619. According to the request for delegation of authority, Mr. Downing is responsible for the overall operation of this facility, thereby meeting the criteria in OAC rule 3745-77-01(GG). The delegation is effective as of November 7, 2003.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the environmental Review Appeals Commission within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Commission. It is also requested by the Director that a copy of the appeal be served upon the Environment Enforcement Section of the Office of the Attorney general. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
236 East Town Street
Room 300
Columbus, Ohio 43215

PUBLIC NOTICE
STATE OF OHIO ENVIRONMENTAL PROTECTION AGENCY
PROPOSED RULEMAKING AND PUBLIC HEARING
amendments to ohio asbestos emission control rules
3745-20-01, 3745-20-04 and 3745-20-08

Notice is hereby given that the Ohio Environmental Protection Agency ("Ohio EPA") is proposing to amend rules contained in Chapter 3745-20 of the Ohio Administrative Code, "Ohio Asbestos Emission Control Rules." The Ohio EPA is proposing amendment to the following rules:

3745-20-01 Definitions

3745-20-04 Demolition and Renovation Procedures for Asbestos Emission Control

3745-20-08 Reporting, Certification, and Permit Application Requirements

Ohio EPA's Division of Air Pollution Control ("DAPC") found these rules to be necessary and with need for amendment so that they will more closely mirror the federal rules. The rules were submitted for interested party review on March 14, 2003 and comments were due on April 17, 2003. No comments were received.

Pursuant to Chapter 119.03 of the Ohio Revised Code, a public hearing on these rules will be conducted on December 17, 2003, at 3:00 p.m. in conference room 5B, Ohio EPA, 122 South Front Street, Columbus, Ohio, 43215.

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on this proposed rulemaking. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on December 18, 2003 be considered by Ohio EPA prior to final action on this rulemaking proposal. Written statements submitted after December 18, 2003 may be considered as time and circumstances permit, but will not be part of the official record of the hearing.

To obtain a copy of this rule, please visit our Web page. The URL is: <http://www.epa.state.oh.us/dapc/dapcmain.html>. You may download the rule by clicking on "regulations" under the "topics" drop-down box and scrolling down to OAC 3745-20- "Ohio Asbestos Emission Control Rules". Questions regarding accessing the web site should be directed to Mike Van Matre at 614-728-1349. Questions concerning this rule review process may be addressed to Tom Buchan at (614)644-3607, at tom.buchan@epa.state.oh.us or at Division of Air Pollution Control, Ohio EPA, Lazarus Government Center, 122 South Front Street, Columbus, Ohio 43215.

PUBLIC NOTICE
Notice of Entry into the Ohio EPA Voluntary Action Program: MOA Track
Volunteer: Hamilton Brownfields Redevelopment, LLC
Site: Former Mosler Safe facility

Notice is hereby given that on Tuesday, November 4, 2003, Hamilton Brownfields Redevelopment, LLC submitted to the Ohio Environmental Protection Agency ("Ohio EPA") a Notice of Entry in the Brownfields Voluntary Action Program Memorandum of Agreement Track (the "VAP MOA track"). Hamilton Brownfields Redevelopment, LLC's Notice of Entry identifies the former Mosler Safe facility at 1400 S. Erie Highway, Hamilton Ohio 45011 as the property to undergo a voluntary action through the VAP MOA Track.

The VAP MOA track was established by both the OEPA and the USEPA to promote the cleanup and redevelopment of identified Brownfield properties.

The Notice of Entry, along with other documents regarding the voluntary action at the property, will be made available for public inspection at the Lane Public Library, 300 N. Third Street, Hamilton, Butler County, Ohio 45011 in the Information Services Department (513) 894-7156 in accordance with the VAP MOA requirements.

If you have questions concerning the Notice of Entry or would like to review or obtain a copy of the Notice of Entry, please contact the Records Management Officer, OEPA Division of Emergency and Remedial Response, Voluntary Action Program, 122 S. Front Street, P.O. Box 1049, Columbus, Ohio 43216-1049, or by telephone at (614)644-2924.

Date of Notice: November 20, 2003

**PUBLIC NOTICE
NOTICE OF RECEIPT OF APPLICATION AND PUBLIC HEARING FOR SECTION
401 CERTIFICATION**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has received an application for, and has begun to consider whether to issue or deny, a Clean Water Act Section 401 certification for a project to construct a new consolidated high school facility. The project would impact 7.13 acres of wetlands, including 2.54 acres of Category 3 wetlands, and 720 linear feet of streams. The application was submitted by Ashtabula Area City Schools, c/o Mr. Alton Peck, P.O. Box 290, 401 West 44th Street, Ashtabula, Ohio 44005. The project is located east of Sanborn Road and north of State Route 84, in Saybrook Township, Ashtabula County, Ohio. The Army Corps of Engineers number for this project is 2002-01652(1). The Ohio EPA number for this project is 037562.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality in the Ashtabula River watershed (04110003). The review of the application will be conducted, and a decision whether to grant or deny the application will be made, in accordance with Chapters 3745-1 and 3745-32 of the Ohio Administrative Code (OAC). In accordance with OAC 3745-1-05, an antidegradation review of the application will be conducted before deciding whether to allow a lowering of the water quality. Other alternatives resulting in lesser or no degradation, or lowering of water quality, will be considered by Ohio EPA during the review process.

No exclusions or waivers, as outlined by Paragraph 3745-1-05 (D) of the Antidegradation Rule, apply or may be granted by the Director of Ohio EPA.

Starting November 20, 2003, copies of the application for the certification and technical support information may be inspected at Ohio EPA-DSW, P.O. Box 1049, Columbus, Ohio 43216-1049 by first calling (614) 644-2001. Applications can be made available at Ohio EPA District Offices by calling the same number.

Ohio EPA will hold a public information session and public hearing relative to issues of lower water quality at 7:00 PM on Thursday, January 8, 2004 at the Kent State University, Ashtabula Campus Main Hall, 3325 West 13th Street, Ashtabula, Ohio 44004. The public hearing will end when all interested parties have had an opportunity to provide testimony related to the project.

All interested persons are entitled to attend or be represented and give written or oral comments on the proposed projects. The purpose of the hearing is to obtain additional information that will be considered by the director of Ohio EPA prior to any further action on the application. Written comments must be received by the Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio, 43216-1049 by the close of business on January 15, 2004. Comments received after this date may not be considered as part of the official record of the hearing.

Persons wishing to be on Ohio EPA's interested parties mailing list for this project, or wish to submit comments for Ohio EPA's consideration in reviewing the application should do so in writing to Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 by the close of business on January 15, 2004.

**PUBLIC NOTICE
RECEIPT OF PERMIT TO INSTALL (PTI) APPLICATION**

Notice is hereby given that on November 12, 2003, Ohio EPA received a Permit to Install (PTI) application (PTI No. 02-18745) for the City of Ashtabula, 4717 Main Avenue, Ashtabula, Ohio 44004. This application is for a modification to the existing facility. The facility is the City of Ashtabula Solid Waste Transfer Facility located at 501 West 24th Street, Ashtabula, OH 44004. The application may be reviewed in accordance with Ohio EPA's file review procedures by writing to Ms. Lily Aaron at Ohio EPA Northeast District Office, 2110 E. Aurora Road, Twinsburg, OH 44087, Tel:(330) 963-1200. Persons wishing to be on Ohio EPA's interested parties mailing list for this project must submit a request in writing to Ohio EPA, Division Of Solid And Infectious Waste Management, Attn: Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049, Tel: (614)644-2621.

PUBLIC NOTICE

OHIO ENVIRONMENTAL PROTECTION AGENCY

Notice is hereby given that the Director of the Ohio Environmental Protection Agency, pursuant to Sections 3745.01 and 6109.04 of the Ohio Revised Code, has issued Final Findings and Orders to dismiss Ohio EPA Case No. 02-CT-001. These Final Findings and Orders revoke the Class III water and Class III wastewater certificates of Mr. Joseph L. Chaffin for a period of five years. This final action will be effective on November 6, 2003, and may be appealed to the Environmental Review Appeals Commission (ERAC) pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be filed with the ERAC within thirty (30) days after notice of the Director's action. A copy of the appeal must be served upon the Director of the Ohio Environmental Protection Agency within three (3) days of filing at the ERAC. The ERAC's address is:

Environmental Review Appeals Commission
236 East Town Street
Room 300
Columbus, Ohio 43215

Date of Public Notice: November 20, 2003

**PUBLIC NOTICE
NOTICE OF RECEIPT OF 401 APPLICATION**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has received an application for, and has begun to consider whether to issue or deny, a Clean Water Act Section 401 certification for a project to place bank stabilization material along 700 feet of the east bank of the Hoover Reservoir. The application was submitted by the City of Columbus, Department of Public Utilities, 910 Dublin Road, Columbus, Ohio 43215. The project is located on the east bank of Hoover Reservoir, Genoa Township, Delaware County, Ohio. The Huntington District Corps of Engineers Public Notice Number for this project is 200200101. The Ohio EPA ID Number for this project is 033733.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Hoover Reservoir. The review of the application will be conducted, and a decision whether to grant or deny the application will be made, in accordance with Chapters 3745-1 and 3745-32 of the Ohio Administrative Code (OAC). In accordance with OAC 3745-1-05, an antidegradation review of the application will be conducted before deciding whether to allow a lowering of the water quality. Other alternatives resulting in lesser or no degradation, or lowering of water quality, will be considered by Ohio EPA during the review process.

No exclusions or waivers, as outlined by Paragraph 3745-1-05 (D) of the Antidegradation Rule (effective as of May 1, 1998), apply or may be granted by the Director of Ohio EPA.

Starting November 20, 2003, copies of the application for the certification and technical support information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 122 South Front Street, Columbus, Ohio, by first calling (614) 644-2001. Applications can be made available at Ohio EPA District Offices by calling the same number.

Persons wishing to 1) be on Ohio EPA's interested parties mailing list for this project, 2) request a public hearing, or 3) submit written comments for Ohio EPA's consideration in reviewing the application should do so in writing to Ohio EPA/DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 within 30 days of the date of this public notice.

Date of Public Notice: November 20, 2003

**PUBLIC NOTICE
NOTICE OF RECEIPT OF ISOLATED WETLAND PERMIT
APPLICATION (LEVEL 2)**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has received an application for, and has begun to consider whether to issue or deny, an Isolated Wetland Permit (Level 2) to fill 2.1 acres of category 1 wetlands for a project to construct a 192 lot residential subdivision. The application was submitted by the Maronda Homes, 3811 Twin Creeks, Columbus, Ohio 43204. The project is located on Groveport Road west of Swisher Road, Madison Township, Franklin County, Ohio. The Ohio EPA Number for this project is 034801.

The review of the application will be conducted, and a decision whether to grant or deny the application will be made, in accordance with Ohio Revised Code (ORC) Sections 6111.02 to 6111.028 and other applicable provisions of state laws. Other alternatives as proposed by the applicant resulting in less adverse impact to the isolated wetland ecosystem, will be considered by Ohio EPA during the review process.

Starting November 20, 2003, copies of the application and technical support information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 122 South Front Street, Columbus, Ohio, by first calling (614) 644-2001. Applications can be made available at Ohio EPA District Offices by calling the same number.

Persons wishing to 1) be on Ohio EPA's interested parties mailing list for this project, 2) request a public hearing, or 3) submit written comments for Ohio EPA's consideration in reviewing the application should do so in writing to Ohio EPA/DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 within 20 days of the date of this public notice.

PUBLIC NOTICE

OHIO ENVIRONMENTAL PROTECTION AGENCY

DRAFT SOLID WASTE MANAGEMENT PLAN

Notice is hereby given that, in accordance with OCR 3734.55 (D), the Ohio Environmental Protection Agency (Ohio EPA) has issued a draft solid waste management plan for the Hancock County Solid Waste Management District and is seeking public comment.

Among other things, ORC 3734.53 (A) specifies that solid waste management plans must demonstrate access to adequate solid waste management capacity for at least ten years as well as compliance with the recycling goals contained in the State Solid Waste Management Plan (State Plan).

The solid waste management plan prepared by Ohio EPA directs the Hancock County Solid Waste Management District to: designate someone to function as a coordinator for the solid waste management district; provide for at least 23 sites where residential and commercial recyclable materials can be dropped off for recycling; examine the feasibility of establishing a curbside recycling program in the City of Findlay; operate Litter Landing, the District's centralized recycling and processing center; provide periodic collection events for scrap tires, household hazardous waste, used oil, and appliances; conduct education and awareness programs for the public, industry and schools; and submit quarterly budget and implementation reports to Ohio EPA.

A public comment period has been established that will run until December 31, 2003.

Written comments should be sent to the attention of Ernie Stall at the Division of Solid and Infectious Waste Management, P.O. Box 1049, Columbus, Ohio 43216-1049. All comments received by close of business on December 31, 2003 will be considered by Ohio EPA prior to finalizing the solid waste management plan for the Hancock County Solid Waste Management District and prior to the Director's issuance of final findings and orders in accordance with ORC 3734.55 (D). Written comments submitted after this date may be considered as time and circumstances permit.

Ohio EPA may schedule one or more public information sessions at a future date based on the number of written comments received during the public comment period.

Questions regarding the solid waste management plan for the Hancock County Solid Waste Management District should be directed to Ernie Stall, at the Division of Solid and Infectious Waste Management, at (614) 728-5356.

A copy of the Hancock County Solid Waste Management District's solid waste management plan prepared by Ohio EPA is available for review at the reference desk of the Findlay Hancock County Public Library Main Branch, 206 Broadway, Findlay, OH 45840. In addition, a copy is available for review at Ohio EPA's central office in Columbus, Ohio.

Date of Public Notice: November 20, 2003

**PUBLIC NOTICE
NOTICE OF RECEIPT OF 401 APPLICATION**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has received an application for, and has begun to consider whether to issue or deny, a Clean Water Act Section 401 certification for a project to dredge 530 cubic yards of sand and place 1100 cubic yards of material to protect an existing 15 inch sanitary sewer trunk line. The application was submitted by the City of Newark, Division of Engineering, 40 West Main Street, Newark, Ohio 43055. The project is located near 2736 Mt. Vernon Road, Newark, Licking County, Ohio. The Huntington District Corps of Engineers Public Notice Number for this project is 200201179. The Ohio EPA ID Number for this project is 032532.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of North Fork of the Licking River. The review of the application will be conducted, and a decision whether to grant or deny the application will be made, in accordance with Chapters 3745-1 and 3745-32 of the Ohio Administrative Code (OAC). In accordance with OAC 3745-1-05, an antidegradation review of the application will be conducted before deciding whether to allow a lowering of the water quality. Other alternatives resulting in lesser or no degradation, or lowering of water quality, will be considered by Ohio EPA during the review process.

No exclusions or waivers, as outlined by Paragraph 3745-1-05 (D) of the Antidegradation Rule (effective as of May 1, 1998), apply or may be granted by the Director of Ohio EPA.

Starting November 20, 2003, copies of the application for the certification and technical support information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 122 South Front Street, Columbus, Ohio, by first calling (614) 644-2001. Applications can be made available at Ohio EPA District Offices by calling the same number.

Persons wishing to 1) be on Ohio EPA's interested parties mailing list for this project, 2) request a public hearing, or 3) submit written comments for Ohio EPA's consideration in reviewing the application should do so in writing to Ohio EPA/DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 within 30 days of the date of this public notice.

Ohio EPA PTI No. 03-15921

Ohio Environmental Protection Agency Draft Permit to Install

PUBLIC NOTICE

Draft Permit to Install for wastewater treatment and/or disposal facilities

Ohio Environmental Protection Agency
Permits Section
122 South Front Street
P.O. Box 1049
Columbus, Ohio 43216-1049
(614) 644-2001

Public Notice No. 03-11-027
Date of Issue of Public Notice: November 17, 2003

Name and Address of Applicant; NICO Development LLC, 2288 Crissinger Road, Marion, OH, 43302

Name and Address of Facility Where Discharge Occurs: The Groves at Newmans Crossing WWTP, northwest corner Township Roads 151 and 123, Pleasant Twp., OH

Receiving Water: Qu Qua Ditch

Public notice is hereby given that Ohio Environmental Protection Agency (Ohio EPA)-Division of Surface Water (DSW) has issued a draft permit-to-install (PTI) for the construction of the wastewater treatment works/disposal system for the above referenced project. Ohio EPA has made a determination that the wastewater discharge from this proposed facility would result in degradation to or lowering of the water quality of Qu Qua Ditch. After considering the technical, economic, and social aspects of this project, the Director of the Ohio EPA has decided to make the preliminary determination to allow this degradation. However, the chemical-specific water quality standards developed to protect aquatic life and human health, set forth in Ohio Administrative Code (OAC) 3745-1, will not be exceeded.

In accordance with OAC 3745-1-05, Ohio EPA will provide an opportunity for public comment concerning this project. Comments received shall be considered by the Director before the permit is issued as final. Any person may submit written comments on the draft permit and administrative record and may request a public hearing. A request for public hearing shall be in writing and shall state the nature of the issues to be raised. In appropriate cases, including cases where there is significant public interest, the director may hold a public hearing on a draft permit or permits prior to final issuance of the permit or permits. Written comments and/or public hearing requests must be received by the Ohio EPA, Division of Surface Water no later than 30 days from the date of this public notice. Comments and/or public hearing requests should be delivered or mailed to both of the following locations: 1) Ohio Environmental Protection Agency, Division of Surface Water, Permits Processing Unit, 122 South Front Street, P.O. Box 1049, Columbus, Ohio 43216 and 2) Ohio Environmental Protection Agency, Northwest District Office, 347 North Dunbridge Road, Bowling Green, OH 43402. Comments received after this date may not be considered by the Director before issuing the final permit.

Copies of the draft Permit to Install and technical support information may be reviewed and/or copies made at the Ohio EPA Northwest District Office, 347 North Dunbridge Road, Bowling Green, OH 43402, by first calling (419) 352-8461 to make an appointment.

Date of Public Notice: November 20, 2003

**PUBLIC NOTICE
NOTICE OF RECEIPT OF ISOLATED WETLAND PERMIT
APPLICATION (LEVEL 2) AND 401 WATER QUALITY CERTIFICATION
APPLICATION**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has received applications for, and has begun to consider whether to issue or deny, an Isolated Wetland Permit (Level 2) and a Section 401 water quality certification for a 97.5 acre expansion of the Ottawa County Landfill that would fill 6.58 acres of jurisdictional wetlands (6.52 acres of forested Category 2 wetlands and 0.06 acres of non-forested Category 1 wetlands) and 2.83 acres of isolated wetlands (1.09 acres of forested Category 2 wetlands, 0.40 acres of non-forested Category 2 wetlands, and 1.34 acres of non-forested Category 1 wetlands). The applications were submitted by Browning-Ferris Industries of Ohio, Inc., 530 North Camp Road, Port Clinton, Ohio 43452. The project is located on landfill property at the Ottawa County Landfill and is bounded by the existing landfill on the north, State Route 358 on the east, the Norfolk Southern Railroad lines on the south, and Tettau Road on the west. The Buffalo District Army Corps of Engineers public notice number for this project is (B)96-505-4(3). The Ohio EPA Public Notice Number for this project is 033854.

In accordance with Ohio Revised Code (ORC) Section 6111.026 (F), the applicant has requested that the Isolated Wetland Permit (Level 2) application public comment period and, if a hearing is requested, the public hearing, coincide with the time periods for the Section 401 water quality certification application.

The review of the applications will be conducted, and a decision whether to grant or deny the applications will be made, in accordance with ORC Sections 6111.02 to 6111.028, Section 6111.12, Ohio Administrative Code (OAC) Chapters 3745-1 and 3745-32 (where applicable), and other applicable provisions of state law. In accordance with OAC 3745-1-05, an antidegradation review of the applications will be conducted before deciding whether to allow a lowering of water quality. Other alternatives as proposed by the applicant resulting in lesser or no degradation, or lowering of water quality, will be considered by Ohio EPA during the review process.

No exclusions or waivers, as outlined in OAC 3745-1-05 (D), the Antidegradation Rule apply or may be granted by the Director of Ohio EPA.

Starting November 20, 2003, copies of the applications and technical support information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 122 South Front Street, Columbus, Ohio, by first calling (614) 644-2001. Applications can be made available at Ohio EPA District Offices by calling the same number.

Persons wishing to 1) be on Ohio EPA's interested parties mailing list for this project, 2) request a public hearing, or 3) submit written comments for Ohio EPA's consideration in reviewing the applications should do so in writing to Ohio EPA/DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 within 30 days of the date of this public notice.

Date of Public Notice: November 20, 2003

**PUBLIC NOTICE
NOTICE OF RECEIPT OF 401 APPLICATION**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has received an application for, and has begun to consider whether to issue or deny, a Clean Water Act Section 401 certification for a project to upgrade, reconstruct, and improve drainage along a section of U.S. Route 224 from 1,000 feet east of the Kelly Avenue interchange to 1,300 feet east of the S.R. 241 intersection. This alternative would impact 1,516 linear feet of 6 jurisdictional streams (1,237 linear feet in 3 ephemeral streams and 279 linear feet in 3 intermittent streams) and 0.551 acres of 7 jurisdictional wetlands (0.435 acres in 4 Category 1, non-forested wetlands, 0.079 acres in 1 Category 2, non-forested wetland, and 0.037 acres in 2 Category 2, forested wetlands). Impacts will occur in both the Cuyahoga River watershed (0.438 acres of wetland impacts and 66 linear feet of stream impacts) and the Tuscarawas River watershed (0.113 acres of wetland impacts and 1,450 linear feet of stream impacts). The application was submitted by the City of Akron, Bureau of Engineering, 166 South High Street, Akron, Ohio 44308. The Huntington District Corps of Engineers Public Notice Number for this project is 2003000296. The Ohio EPA ID Number for this project is 037582.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of unnamed tributaries in the Cuyahoga River watershed (HUC 04110002) and the Tuscarawas River watershed (HUC 05040001). The review of the application will be conducted, and a decision whether to grant or deny the application will be made, in accordance with Chapters 3745-1 and 3745-32 of the Ohio Administrative Code (OAC). In accordance with OAC 3745-1-05, an antidegradation review of the application will be conducted before deciding whether to allow a lowering of the water quality. Other alternatives resulting in lesser or no degradation, or lowering of water quality, will be considered by Ohio EPA during the review process.

No exclusions or waivers, as outlined by Paragraph 3745-1-05 (D) of the Antidegradation Rule (effective as of May 1, 1998), apply or may be granted by the Director of Ohio EPA.

Starting November 20, 2003, copies of the application for the certification and technical support information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 122 South Front Street, Columbus, Ohio, by first calling (614) 644-2001. Applications can be made available at Ohio EPA District Offices by calling the same number.

Persons wishing to 1) be on Ohio EPA's interested parties mailing list for this project, 2) request a public hearing, or 3) submit written comments for Ohio EPA's consideration in reviewing the application should do so in writing to Ohio EPA/DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 within 30 days of the date of this public notice.