

## **PUBLIC NOTICE**

### **All Counties in the Lake Erie Basin**

Notice is hereby given that on January 30, 2004, the Director of the Environmental Protection Agency issued a Section 401 Water Quality Certification to the U.S. Army Corps of Engineers, Buffalo District, 1776 Niagara Street, Buffalo, New York 14207. This is the issuance of a Regional Permit in effect for five years for Emergency Shoreline and Streambank Protection Projects. This permit was issued as a final action, and may be appealed to the Environmental Review Appeals Commission (ERAC), pursuant to Chapter 3745.04 of the Ohio Revised Code. The appeal must be filed with ERAC at 309 South Fourth Street, Room 222, Columbus, Ohio 43266-0557 within 30 days of issuance of this final action.

## **PUBLIC NOTICE**

### **FINAL FINDINGS AND ORDERS DENYING REQUEST FOR COVENANT NOT TO SUE Lucent Columbus Works**

Notice is hereby given that on January 27, 2004, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code ("ORC") Chapter 3746 and Ohio Administrative Code ("OAC") Chapter 3745-300, denied the Request for a Covenant Not To Sue in Final Findings and Orders for the property identified as the Lucent Columbus Works (the "Property").

A No Further Action Letter (03NFA164) was initially issued for the Property on March 15, 2003 by Lawrence S. Graves, a certified professional, No. CP163. The approximately 253 acre Property is located at 6200 East Broad Street, in the City of Columbus. The No Further Action Letter was submitted to Ohio EPA's Voluntary Action Program on behalf of the Lucent Technologies Corporation on May 1, 2003.

The denial of the Covenant Not to Sue/Final Findings and Orders is a final action of the Director. The action may be appealed to the Environmental Review Appeals Commission ("Commission"). The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice or issuance of the action. (See ORC 3745.04 and 3745.07). A copy of the appeal must be served on the Director within three (3) days after the appeal is filed with the Commission. The appeal may be filed with the Commission at 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

If you would like to review a copy of the Denial of the Covenant Not To Sue/Final Findings and Orders, please contact the Records Management Officer, Ohio EPA, Division of Emergency and Remedial Response, Voluntary Action Program, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

## **PUBLIC NOTICE**

### **COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS City of Springdale/Linvest Ltd. Partnership 366-370 West Kemper Road**

Notice is hereby given that on January 27, 2004, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code ("ORC") Chapter 3746 and Ohio Administrative Code ("OAC") Chapter 3745-300, issued a Covenant Not To Sue/Final Findings and Orders to The City of Springdale and Linvest Ltd. Partnership for the property identified as the 366-370 West Kemper Road property (the "Property").

The City of Springdale conducted a voluntary action of the approximately 0.75 acre-Property located at 366-370 West Kemper Road, Springdale, Hamilton County, Ohio. A no further action letter was submitted on April 16, 2002, to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of the City of Springdale by Larry Graves, a Certified Professional (No. CP 163), as defined in ORC 3746.01(E) and OAC 3745-300-01(A)(8).

The issuance of the Covenant Not to Sue/Final Findings and Orders is a final action of the Director. The action may be appealed to the Environmental Review Appeals Commission ("Commission"). The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice or issuance of the action. (See ORC 3745.04 and 3745.07). A copy of the appeal must be served on the Director within three (3) days after the appeal is filed with the Commission. The appeal may be filed with the Commission at 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

If you would like to review a copy of the Covenant Not To Sue/Final Findings and Orders, please contact the Records Management Officer, Ohio EPA, Division of Emergency and Remedial Response, Voluntary Action Program, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

## **PUBLIC NOTICE**

### **OHIO ENVIRONMENTAL PROTECTION AGENCY RENEWAL OF CERTIFIED PROFESSIONAL CERTIFICATIONS UNDER OHIO'S VOLUNTARY ACTION PROGRAM**

Notice is hereby given that on January 27, 2004, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code ("ORC") 3746.04(B)(5) and Ohio Administrative Code ("OAC") 3745-300-05, issued a renewal of certification to Bruce W. Berdanier-CP260 to perform work as a certified professional under the Voluntary Action Program.

The issuance of these renewal certificates are a final action of the Director and will be public noticed in accordance with OAC 3745-47-07. The action may be appealed to the Environmental Review Appeals Commission ("Commission"). The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice or issuance of the action. See ORC 3745.04 and 3745.07. A copy of the appeal must be served on the Director within three (3) days after the appeal is filed with the Commission. The appeal may be filed with the Commission at 236 East Town Street, Room 300, Columbus, OH 43215.

If you would like to review a copy of any renewal certificate, or any documents related to the certification, please contact Kay Hughes, Records Management Officer, at Ohio EPA, Division of Emergency and Remedial Response, Voluntary Action Program, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

**Statewide**

**PUBLIC NOTICE**

**PROGRAM MANAGEMENT PLAN FOR THE WATER  
POLLUTION CONTROL LOAN FUND  
AND  
WATER POLLUTION CONTROL LOAN FUND PROJECT PRIORITY  
LIST FOR PROGRAM YEAR 2004**

Notice is hereby given that the Director issued a final action on January 26, 2004, adopting the Program Management Plan for the Water Pollution Control Loan Fund and the Water Pollution Control Loan Fund Project Priority List, under authority of Ohio Revised Code 6111.036. These actions may be appealed, in writing, within thirty (30) days of this notice, to the Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. Notice of any appeal shall be filed with the Director within three (3) days. This notice of appeal shall be sent to: Hearing Clerk, OEPA, P.O. Box 1049, Columbus, Ohio 43216-1049, Phone (614) 644-2115. Consult ORC Chapter 3745 and OAC Chapters 3745-47 and 3746-05 for requirements.

Copies of the Final Management Plan are available upon request and also through the internet at [www.epa.state.oh.us/defa/](http://www.epa.state.oh.us/defa/).

**Date of Public Notice: February 2, 2004**

**Cuyahoga County**

**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 alleviate flooding and temporarily impact 3.17 acres of wetland and permanently impact 0.81 acres of wetland. The application was submitted by the North East Ohio Regional Sewer District, 3900 Euclid Avenue, Cleveland, Ohio 44115. The project is located at 4747 East 49<sup>th</sup> Street, Cuyahoga Heights, Cuyahoga County, Ohio. The Buffalo District Corps of Engineers Public Notice Number for this project is 97-494-001(4). The Ohio EPA ID Number for this project is 048324.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of an unnamed tributary to the Ohio Canal. 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 February 2, 2004, 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: February 5, 2004**

**Geauga County**

**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 commercial development project. The proposed project would culvert 47 feet of a small stream. The application was submitted by First Merit Corporation, Real Estate Management, 106 South Main Street, Akron, Ohio 44308. The project is located north of State Route 44 and south of Fifth Avenue, Village of Chardon, Ohio Geauga County, Ohio. The Buffalo District Corps of Engineers Number for this project is 2001-00921(2). The Ohio EPA ID Number for this project is 048730.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality in a tributary of Big Creek, located in the Grand River basin (04110004). 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 February 5, 2004, 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.

**PUBLIC NOTICE**

**OHIO EPA ISSUES FINAL MODIFIED HAZARDOUS WASTE PERMIT**

On January 27, 2004, Ohio EPA issued a final class 3 modified Hazardous Waste Facility Installation and Operation Permit (Permit) to Envirosafe Services of Ohio, Inc. for its facility at 876 Otter Creek Road, Oregon, Ohio 43616. The EPA Identification Number for this facility is OHD045243706.

**Why is Envirosafe Services of Ohio, Inc. modifying its Permit?**

Envirosafe Services of Ohio, Inc. (Envirosafe) is permitted to operate a hazardous waste landfill and other related hazardous waste management units at its facility. Envirosafe wants to establish a compliance monitoring program; a ground water protection standard; replace the existing sampling and analysis plan with an updated sampling and analysis plan; and revise the detection monitoring parameters. This final modified permit will allow Envirosafe to make the requested changes. To issue this final modified Permit, Ohio EPA determined that the modification application is complete and meets appropriate standards.

**Can I appeal this final modified Permit?**

Yes, if you are an officer of an agency of the state or of a political subdivision, acting in a representative capacity, or any person who would be aggrieved or adversely affected by this modified Permit, you have the right to appeal this Permit decision to the Environmental Review Appeals Commission (ERAC).

**If I decide to appeal this final modified Permit, how and when must I make the appeal?**

If you file an appeal, you must put it in writing no later than **March 1, 2004**. Your appeal must explain why you are appealing the action and the grounds you are using for your appeal. You must file your appeal, according to ORC § 3745.04, with ERAC at the following address: ***Environmental Review Appeals Commission***, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. You must send a copy of the appeal to the director of Ohio EPA at the following address no later than three (3) days after you file it with ERAC: ***Christopher Jones, Director of Ohio EPA***, P.O. Box 1049, Columbus, Ohio 43216-1049.

**Date of Notice: February 3, 2004**

**Ottawa County**

**PUBLIC NOTICE**

**NOTICE OF RECEIPT OF APPLICATION AND PUBLIC HEARING  
ANTIDegradation**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA)-Division of Surface Water (DSW) has received an application for the modification of a National Pollutant Discharge Elimination System (NPDES) permit (2PD00014) for the discharge from the existing Port Clinton Wastewater Treatment Plant. The modification proposes to increase wet weather loading limits based on new wet weather capacity of the wastewater treatment plant. The wastewater treatment plant is located at 100 North Jackson Street, Port Clinton, Ottawa County, Ohio. Treated wastewaters are proposed to be discharged at the same location. The proposed discharges are to the Portage River and subsequently, Lake Erie. Other wastewater disposal alternatives resulting in lesser or no degradation or lowering of water quality will be considered by Ohio EPA.

The discharges from this facility, if approved, would result in degradation to, or lowering of, the water quality of the Portage River and subsequently Lake Erie. However, the chemical-specific water quality criteria developed to protect aquatic life and human health, set forth in OAC 3745-1, will not be exceeded. 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.

The contents of the above stated application indicates an exclusion from various portions of the antidegradation review and information submittal requirements applies as outlined by section 3745-1-05 (D)(1)(c) of the antidegradation rule (effective as of October 1, 1996). The exclusion relates to a combined sewer overflow elimination or reduction project affecting one or more water bodies where there will be a net decrease in the overall pollutant loadings discharged to surface waters of the state.

Copies of the pending NPDES application are available for review at Ohio EPA's Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio, (419) 352-8461. An Ohio EPA public hearing on the proposed project has been scheduled for 7:00 P.M. on March 31, 2004 at Port Clinton City Hall, 1868 East Perry Street, Port Clinton, Ohio 43452. The public hearing will end when everyone in attendance has 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 project and all persons who do so may, in the discretion of the presiding officer, be questioned by other persons present. 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(s).

Persons wishing to 1) be on the Ohio EPA's interested parties mailing list for this project, or 2) submit comments for Ohio EPA's consideration must do so in writing to Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 by close of business on April 7, 2004. Comments received after this date may not be considered as part of the official record.

**PUBLIC NOTICE**

**OHIO EPA ISSUES FINAL MODIFIED HAZARDOUS WASTE PERMIT**

On January 20, 2004, Ohio EPA issued a final Class 2 modified Hazardous Waste Facility Installation and Operation Permit (Permit) to Systech Environmental Corporation for its facility at 11397 County Road 176, Paulding, Ohio 45879. The EPA Identification Number for this facility is OHD005048947.

**Why is Systech Environmental Corporation modifying its Permit?**

Systech Environmental Corporation is permitted to operate hazardous waste container and tank storage units at its facility. Systech wants to install a direct-burn unloading pad; and install a drop and hook container storage pad to temporarily store hazardous waste which cannot be immediately processed. This final modified permit will allow Systech to make the requested changes. To issue this final modified Permit, Ohio EPA determined that the modification application is complete and meets appropriate standards.

**Can I appeal this final modified Permit?**

Yes, if you are an officer of an agency of the state or of a political subdivision, acting in a representative capacity, or any person who would be aggrieved or adversely affected by this modified Permit, you have the right to appeal this Permit decision to the Environmental Review Appeals Commission (ERAC).

**If I decide to appeal this final modified Permit, how and when must I make the appeal?**

If you file an appeal, you must put it in writing no later than **February 18, 2004**. Your appeal must explain why you are appealing the action and the grounds you are using for your appeal. You must file your appeal, according to ORC § 3745.04, with ERAC at the following address: ***Environmental Review Appeals Commission***, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. You must send a copy of the appeal to the director of Ohio EPA at the following address no later than three (3) days after you file it with ERAC: ***Christopher Jones, Director of Ohio EPA***, P.O. Box 1049, Columbus, Ohio 43216-1049.

**Date of Notice: January 29, 2004**

**Richland County**

**PUBLIC NOTICE**

**NOTICE OF RECEIPT OF 401 APPLICATION AND PUBLIC HEARING**

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 Wal-Mart Stores, Inc., 2001 S.E. 10<sup>th</sup> St, Bentonville, AR 72716. The application proposes to impact 2.10 acres of wetlands at 359 Lexington-Springmill Road in Springfield Township, City of Ontario, Richland County as part of a project to expand an existing Wal-Mart. The Ohio EPA ID for this project is #038084.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of the Mohican Watershed (HUC 05040002). 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 3745-1-05, 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.

Beginning January 29, 2004, 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 March 15, 2004, at the Ontario Municipal Building, Community Room, 555 Stumbo Rd, Ontario, Ohio. The public hearing will end when all interested parties have had an opportunity to provide testimony related to the projects. 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.

Ohio EPA will continue to accept written comments on the application through the close of business on March 22, 2004. Comments received after this date may not be considered as part of the official record of the hearing. Anyone may submit written comments or request to be placed on a mailing list for information by writing to: Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.

**PUBLIC NOTICE**

**OHIO EPA RECEIVES AMENDED HAZARDOUS WASTE  
CLOSURE/POST CLOSURE PLAN**

On December 26, 2003, Ohio EPA received an amended hazardous waste closure/post closure plan from the former Grady McCauley Creative Graphics (Grady McCauley) facility concerning 4 leachate wells located at 7390 Middlebranch Road N.E., Middlebranch, Ohio 44652. The EPA Identification Number for this facility is OHD004468609.

**Why is Grady McCauley submitting this Closure/Post Closure Plan?**

At the request of Ohio EPA, Grady McCauley submitted this closure plan. This closure plan addresses closure and post closure monitoring requirements. It was prepared as part of ongoing settlement negotiations with Ohio EPA involving the facility's appeal to the Environmental Review Appeals Commission. Included in the plan are discussions of previous closure activities, including removal of two leachate wells, groundwater monitoring activities and groundwater flow; waste characterization and estimated volume; land use restrictions; decontamination activities; and air emissions. Finally, health and safety; the closure/post closure schedule, and cost estimates are discussed in detail.

**When and how do I submit written comments about the Closure Plan?**

You can submit written comments anytime between January 27, 2004 and February 25, 2004. Send your comments to: Ohio EPA, Division of Hazardous Waste Management, Attn: Regulatory and Information Services, P.O. Box 1049, Columbus, Ohio 43216-1049, telephone number (614) 644-2977, fax number (614) 728-1245, e-mail address: [dhwmcomments@epa.state.oh.us](mailto:dhwmcomments@epa.state.oh.us)

**Where can I review the Closure Plan?**

You can review the Closure Plan at the following locations:

**Stark County District Library, North Branch**, 189 25<sup>th</sup> Street, Canton, Ohio 44709, (330) 456-4356;

**Ohio EPA, Northeast District Office**, 2110 Aurora Road, Twinsburg, Ohio 44087, tel: (330) 963-1200, and;

**Ohio EPA, Division of Hazardous Waste Management**, 122 South Front Street, Columbus, Ohio 43215, (614) 644-2977.

**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 alter an existing pond for the purpose of improving aesthetics, recreational, and University sponsored research opportunities at the site. The proposed project would impact 1.72 acres of wetlands. The application was submitted by Kent State University, P.O. Box 5190, Kent, Ohio 44242. The project is located at the Kent State University-Stark Campus, 6000 Frank Avenue, N.W., Canton, Ohio 44720-7599, Stark County, Jackson Township, Ohio. The Huntington District Corps of Engineers Number for this project is 200300675. The Ohio EPA ID Number for this project is 036650.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality in a tributary to the West Branch Nimishillen Creek, located in the Tuscarawas River basin (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 February 5, 2004, 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.

**PUBLIC NOTICE**

**PROPOSED CONSENT ORDER**

The Ohio Environmental Protection Agency (Ohio EPA) has entered into a proposed Consent Order to resolve all claims alleged in the Complaint filed by the State of Ohio in Tuscarawas County Court of Common Pleas, case number 2001-CV-120732. The proposed Order would require Simonds Industries, Inc., to submit to Ohio EPA, within 60 days of the effective date of this order, a ground water remediation and monitoring plan; and to operate the facility in compliance with the applicable requirements of Chapters 3734 and 6111 of the Ohio Revised Code. The proposed Consent Order also requires payment of ten thousand dollars (\$10,000.00) in civil penalty. Copies of the Consent Order can be obtained by writing to:

Ohio Environmental Protection Agency  
Southeast District Office  
2195 Front Street  
Logan, Ohio 43138  
Attn: Enforcement Coordinator

Written comments should be submitted to Ohio EPA, Southeast District Office at the above address. Written comments should be submitted on or before **March 4, 2004**.

The final approval and entry of the proposed Consent Order will not occur until after the thirty (30) day public comment period has expired. The thirty day period commences on **February 3, 2004**. Both the State of Ohio and Simonds Industries, Inc., reserve the right to withdraw or alter the proposed Consent Order based on comments received during the public comment period.