

PUBLIC NOTICE

Notice is hereby given that on May 26, 2004, the director of Ohio EPA issued Final Findings and Orders to Mr. Darin Baker ("Respondent"), owner of property located at 11858 State Route 247 North, Winchester, Ohio 45697 (the "Property"). The Orders address violations of the state's open dumping and scrap tire laws that are occurring at the Property. The Orders require the Respondent to properly manage, store, and cause removal of the scrap tires that have been open dumped on his Property. Respondent is also required to completely remove all other solid wastes, including cars and scrap metal from the Property. Additionally, Respondent is required to pay Ohio EPA in settlement of Ohio EPA's claims for civil penalties which may be assessed pursuant to ORC Chapter 3734. Pursuant to ORC Section 3734.85(A), the director may take actions necessary to remove and manage the scrap tires if Respondent fails to comply with the Orders. These Orders are subject to all rules, regulations, and specified conditions. 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. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission, at 309 South Fourth Street, Room 222, Columbus, Ohio 43215

Date of Public Notice: June 3, 2004

**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, 401 Certification for a project (Minimal Degradation Alternative) that is estimated to impact 6.2 acres of a Category 1 jurisdictional wetland located south of Interstate 480, between West 130th Street and State Route (SR) 17 in Brooklyn Township, Cuyahoga County, Cleveland, Ohio. The project primarily involves the removal of sediment, vegetation, and debris from a stormwater detention basin to improve stormwater capacity and ameliorate flooding conditions in the area. Over time, the stormwater basin transformed into a wetland.

The Applicant's Preferred Alternative consists of the removal of an estimated 16.7 acres of material from the stormwater basin. The actual size of the basin is approximately 16.7 acres. The Non-Degradation Alternative ("No-Build Alternative") would leave the wetland intact, that is, no material would be removed from the wetland. The Applicant stated in its application that this would not be practicable because it would not correct the flooding and stormwater problems.

The application was submitted by the Ohio Department of Transportation (ODOT), 1980 West Broad Street, Columbus, Ohio 43223. The Ohio EPA Identification Number for this project is 042007. The U.S. Army Corps of Engineers, Buffalo District, Public Notice Number is 2004-00442 (0). ODOT's ID # is CUY-480-11.58, PID 77041.

The impacts from the activity, if approved, would result in degradation to, or lowering of, water quality of a Category 1 jurisdictional wetland in the Black River/Rocky River Watershed. The review of the application shall be conducted in accordance with Chapters 3745-1 and 3745-32, and other applicable provisions of the Ohio Administrative Code (OAC), including OAC 3745-1-05, before deciding whether to allow a lowering of water quality. Ohio EPA shall consider other alternatives during the review process that result in lesser or no degradation or lowering of water quality.

Starting June 3, 2004, copies of the 401 application and associated information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 122 South Front Street, Columbus, Ohio, by first calling (614) 644-2001. Information on the 401 certification can be made available at Ohio EPA Central District Office 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

Notice is hereby given that on June 1, 2004, the Director of the Environmental Protection Agency issued an Isolated Wetlands Permit (Level 2) to Brady Homes, Inc., 35223 Riegelsberger Road, Avon, Ohio 44011. The permit was issued for a project to construct a medical services commercial complex. 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
EXTENSION OF THE COMMENT PERIOD FOR THE
FDS COKE PLANT PERMIT-TO-INSTALL**

On April 13, 2004, Ohio Environmental Protection Agency (EPA) issued a draft action permit-to-install (PTI) in response to the air pollution permit application received from the FDS Coke Plant (U.S. Coking Group) proposed to be located in Oregon, Lucas County, Ohio. The PTI application number is 04-01360.

Ohio EPA conducted a public hearing on the draft air permit on Thursday, May 13, 2004, at the Oregon City Council Chambers. During the public comment period, some citizens asked Ohio EPA to extend the public comment period due to new information being received on May 3, 2004. When the original draft action was issued, notice was given that comments concerning the draft action would be accepted until May 14, 2004. On May 13, 2004, Ohio EPA extended the public comment period for this permit from May 14, 2004 to May 24, 2004. At the request of the public, Ohio EPA is further extending the public comment period for this permit from May 24, 2004 to June 3, 2004.

If issued, the final permit would allow the installation of four non-recovery coke batteries consisting of 240 coke ovens which would produce 1.34 million tons of furnace coke, 57,000 tons of nut coke and 43,000 tons of coke breeze per year.

Written comments must be received by Ohio EPA/Toledo Division of Environmental Services by the close of business on June 3, 2004. Comments received after June 3, 2004 may not be considered to be a part of the official record. Written comments may be submitted at the hearing or sent to Matt Stanfield, Toledo Division of Environmental Services, 348 South Erie Street, Toledo, Ohio, 43602. Fax number: (419) 936-3959.

Further information concerning this application, which is available for public inspection, may be secured from Matt Stanfield, Toledo Division of Environmental Services at the above address during normal business hours. Telephone number: (419) 936-3015

PUBLIC NOTICE
OHIO EPA ISSUES DRAFT MODIFIED HAZARDOUS WASTE PERMIT

On May 27, 2004, Ohio EPA issued a draft modified hazardous waste facility installation and operation permit (Hazardous Waste Permit) to Brush Wellman, Inc. for its facility at 14710 W. Portage River South Road, Elmore, Ohio. Brush Wellman, Inc. 17876 St. Clair Avenue, Cleveland, Ohio 44110 owns the facility. The EPA Identification Number for this facility is OHD004212999.

Why does Brush Wellman need this permit modification?

Brush Wellman, Inc. manufactures and markets beryllium alloys, beryllium oxide and metallic beryllium. Brush Wellman, Inc. also generates hazardous wastes from the manufacturing process and stores these wastes in containers at the facility. Brush Wellman, Inc. proposes to add a risk-based integrated groundwater monitoring program and outlines the steps to be taken if this monitoring program reveals that the plume of contaminated groundwater is expanding. To issue this draft Permit Modification, Ohio EPA determined that the Hazardous Waste Permit application is complete and meets appropriate standards. The draft Hazardous Waste Permit modification contains the conditions under which the facility must operate. If issued, it will allow Brush Wellman, Inc., to continue to store hazardous waste in containers and make the requested changes. It will also require the company to continue to investigate and, if necessary, clean up any contamination of hazardous waste or constituents from waste management units that may be at the facility. Details about this draft action can be viewed on Ohio EPA's website under Stakeholders Involvement at <http://web.epa.state.oh.us/dhwm/>

How can I tell Ohio EPA what I think about this draft modified Permit?

You can submit written comments anytime between May 28, 2004, and June 26, 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: dhwmcomments@epa.state.oh.us.

When and where will Ohio EPA hold a Public Meeting?

You may request Ohio EPA to hold a public meeting for this draft permit modification. You should send your request 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: dhwmcomments@epa.state.oh.us If the request is granted, Ohio EPA will announce the time and location of the public meeting.

Where can I review the Permit Application and draft modified Permit?

You can review these at one of the following locations:

Harris-Elmore Public Library, 328 Toledo Street, Elmore, Ohio 43416, (419) 862-2482;

Ohio EPA, Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio 43402,
(419) 352-8461; and,

Ohio EPA, Division of Hazardous Waste Management, 122 South Front Street, Columbus, Ohio 43215, (614) 644-2917.

What will Ohio EPA do with the comments?

After carefully considering public comments, Ohio EPA will reconsider the draft modified Permit, making any necessary changes, and issue or deny the final modified Permit. Ohio EPA will issue a "response to public comments," specifying any changes made to the draft modified Permit. If you commented on the draft modified Permit, Ohio EPA will send you a copy of the "response to public comments" and the final permit decision.

Date of Public Notice: June 3, 2004

**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, 401 Certification for a project (*Preferred Alternative*) that is estimated to impact 0.15 acres of a Category 3 jurisdictional wetland located on the east side of SR 21 and 0.02 acres of a Category 2 jurisdictional wetland on the west side of SR 21 in Copley Township, Summit County, Ohio. The primary purpose of the project is to upgrade bridges on SR 21 to meet current design standards and to address current and future structural deficiencies. The following construction activities are proposed for the following bridges: (1) Stimson Road Bridge (over SR 21) - the deck will be replaced with a wider deck. This will require reconstruction of the roadway embankment adjacent to the bridge. Also, a deficient corrugated metal pipe passing under SR 21 just north of the bridge will be replaced. (2) Twin SR 21 Bridges over Wheeling and Lake Erie Railroad - The deck will be replaced by a wider deck. Ancillary activities include the reconstruction of the bridge approach roadway to tie the new bridge decks into the existing lanes of SR 21. There will be reconstruction of the roadway embankments adjacent to the bridge. (3) Twin SR 21 Bridges over SR 162 - These structures will be replaced with new bridges.

The Applicant's Minimal Degradation Alternative is similar to the Preferred Alternative with the exception that it would consider (1) steepening of side slopes from 2:1 to 5:1, (2) construction of a wall to retain the side slopes through the impact area, and (3) the reduction in the maintenance of traffic (in Phase III) to one lane in each direction which would reduce the required width of the structures on SR 21. The Applicant states that items 1 and 2 would not be practicable due to the added expense. Item 3 would result in an increase in traffic disruption for a period of at least 120 days.

The Non-Degradation Alternative ("No-Build Alternative") consists of the continued use of the deficient bridges. The Applicant stated that this would not enhance safety conditions and the progressive deterioration of the bridge structures would ultimately result in closure of SR21.

The application was submitted by the Ohio Department of Transportation (ODOT), 1980 West Broad Street, Columbus, Ohio 43223. The Ohio EPA Identification Number for this project is 041001. ODOT's project ID code is: SUM-21-5.69/7.58/7.78, PID 13837.

The impacts from the activity, if approved, would result in degradation to, or lowering of, water quality of Category 2 and Category 3 jurisdictional wetlands in the Tuscarawas River Watershed. The review of the application shall be conducted in accordance with Chapters 3745-1 and 3745-32, and other applicable provisions of the Ohio Administrative Code (OAC), including OAC 3745-1-05, before deciding whether to allow a lowering of water

quality. Ohio EPA shall consider other alternatives during the review process that result in lesser or no degradation or lowering of water quality.

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.

Beginning June 3, 2004 copies of the 401 application and associated information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 122 South Front Street, Columbus, Ohio, by first calling (614) 644-2001. Information on the 401 certification can be made available at Ohio EPA Central District Office by calling the same number.

Ohio EPA will hold a public information session and public hearing relative to issues of lower water quality at 6:00 P.M. on July 29, 2004, at Copley High School, 3807 Ridgewood Road, Copley, Ohio 44321. 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 project. 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 August 5, 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 August 5, 2004.