

Public Hearing
Ohio Environmental Protection Agency
Proposed adoption of a new rule and amendment of existing rules contained in
Ohio Administrative Code (“OAC”) 3745-14-01, 3745-14-05 and 3745-14-12

Ohio EPA Proposes Amendments to Nitrogen Oxides Rules

Ohio EPA has proposed a new rule, OAC 3745-14-12, and rule amendments, OAC 3745-14-01 and 3745-14-05, to incorporate U.S. EPA’s Phase II NOx SIP Call requirements into Ohio’s rules for regulating air emissions of nitrogen oxides (NOx). The proposed changes would regulate large stationary internal combustion engines, clarify existing requirements, address omissions in the existing rules and more clearly define how cogeneration units are regulated by the rules.

In April 2004, U.S. EPA published the Phase II NOx SIP Call, which reduced the NOx Budget in Ohio based on reductions of NOx emissions from stationary internal combustion engines emitting more than one ton of NOx per day. U.S. EPA based the reductions on a projected 82 percent reduction of NOx emissions from these units by 2007. U.S. EPA’s Phase II does not require states to attain these NOx emissions reductions from these engines but provides a model rule for the states to use to attain the required reductions from these engines. Ohio is proposing to use U.S. EPA’s model rule to regulate these engines to obtain the required NOx reductions by 2007.

Copies of the proposed rules are available at Ohio EPA’s Division of Air Pollution Control web site at <http://www.epa.state.oh.us/dapc/regs/regs.html>, and can be requested by contacting Jim Tichich at jim.tichich@epa.state.oh.us, by phone at (614) 644-4844, or by writing to Ohio Environmental Protection Agency, Division of Air Pollution Control, Attention: Jim Tichich, P.O. Box 1049, Columbus, Ohio 43216-1049.

Pursuant to Chapter 119.03 of the Ohio Revised Code, a public hearing on these rule amendments will be conducted at the Ohio EPA central office on March 22, 2005 located at 122 S. Front Street Columbus, Ohio beginning at 10:00 a.m. in conference room 5B.

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on these proposed new and amended rules. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on March 23, 2005, will be considered by Ohio EPA prior to final action on this rule review. Written statements submitted after March 23, 2005, may be considered as time and circumstances permit, but will not be part of the official record of the hearing.

These rules are available on the Web page for electronic downloading by clicking on “regulations” under the “ topics” drop-down box and scrolling down to OAC 3745-14 NOx Budget Trading Program. The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.html>. Questions regarding accessing the web site should be directed to **Arunee Niamlarb** at **614-728-1342**; other questions or comments about these rules should be directed to Jim

Tichich at Ohio EPA, (614) 644-4844, jim.tichich@epa.state.oh.us, or mailed to Jim Tichich, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.

Public Notice Date: February 18, 2005

**PUBLIC NOTICE
APPROVAL OF APPLICATION
FOR WATER SUPPLY REVOLVING LOAN ACCOUNT APPLICATION APPROVAL
TO THE GRANDVIEW HEIGHTS CIVIC ASSOCIATION**

The Director of the Ohio Environmental Protection Agency is providing notice of the approval of an application for Water Supply Revolving Loan Account (WSRLA) financial assistance to the Grandview Heights Civic Association for the following water treatment system activities: to assist in the construction of new water lines to replace the existing distribution system.

This approval is based upon the Ohio EPA staff's recommendations following a review conducted under applicable requirements of the assistance application materials and any other information regarding the proposed activities. This approval and all financial assistance provided to the Grandview Heights Civic Association from the WSRLA is conditioned upon successful completion, operation, and maintenance of the eligible activities.

This final action of the Director may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 and 6109.22 (N) of the Ohio Revised Code. The appeal must be in writing and shall 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. An appeal may be filed with the Environmental Review Appeals Commission at the following address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

Copies of the assistance agreement and associated Environmental Assessment documents are available by calling (614) 644-2798. Also, copies are available by writing to: Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance, 122 South Front Street, P. O. Box 1049, Columbus, OH 43216-1049.

Questions regarding the project should be directed to Jack Hoogeveen at the above address or by calling (614) 644-2798.

Date of Public Notice: February 25, 2005

**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 applications for, and has begun to consider whether to issue or deny, Clean Water Act Section 401 certifications for a project to rehabilitate 225 linear feet of armor stone revetment and install three detached breakwaters at 401, 337, and 333 Cedar Point Road respectively, in the City of Sandusky, Erie County, Ohio.

The application for 401 Cedar Point Road was submitted by Nancy Lee Smith. The U.S. Army Corps of Engineers (USACE) Public Notice Number for this project is 2005-00432(0) and the Ohio EPA ID Number is 042197. The application for 337 Cedar Point Road was submitted by Thomas E. & Ursula Coyne. The USACE Public Notice Number for this project is 2005-00565(0) and the Ohio EPA ID Number is 052214. The application for 333 Cedar Point Road was submitted by David A. & Norma Jesse, and Ronald E. & Cynthia A. Oney. The USACE Public Notice Number for this project is 2005-00475(0) and the Ohio EPA ID Number is 052198.

The preferred and minimal degradation alternatives submitted by each of the above applicants are identical. The preferred alternative would rehabilitate 75 linear feet of revetment and construct a new 65 linear foot detached breakwater at each site. The minimal degradation alternative would rehabilitate the same length of revetment, but proposes to construct a new 55 linear foot detached breakwaters at each site.

The discharges from these activities, if approved, would result in degradation to, or lowering of, the water quality of Lake Erie. The review of the applications will be conducted, and a decision whether to grant or deny the applications 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 applications 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 February 25, 2005, copies of the applications 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 p.m. on Tuesday, April 19, 2005, at the Sandusky High School Cafeteria, 2130 Hayes Avenue, Sandusky, Ohio, 44870. 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 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.

Ohio EPA will continue to accept written comments on the application through the close of business on April 26, 2005. 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 Date:

**PUBLIC NOTICE
APPROVAL OF FACILITIES PLAN AND APPLICATION
FOR WATER POLLUTION CONTROL LOAN FUND ASSISTANCE
TO THE CITY OF COLUMBUS**

The Director of the Ohio Environmental Protection Agency is providing notice of actions to approve a facilities plan and to approve an application for Water Pollution Control Loan Fund (WPCLF) financial assistance to the City of Columbus, for the following water quality improvement activity(ies): Construction of the Clintonville Area sanitary sewer improvements which include the Webster Park/Milton area; Foster/Acton area and Arden/Foster area.

These approvals are based upon the Ohio EPA staff's recommendations following reviews conducted under applicable requirements of the facilities planning materials and of the assistance application materials and any other information regarding the proposed activities. The approval of the application and all financial assistance provided to the City of Columbus from the WPCLF is conditioned upon successful completion, operation, and maintenance of the eligible activities.

Each of these approvals is a distinct final action of the Director may be appealed as a separate action to the Environmental Review Appeals Commission pursuant to Section 3745.04 and 6111.036 (P) of the Ohio Revised Code. The appeal must be in writing and shall 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. An appeal may be filed with the Environmental Review Appeals Commission at the following address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

Copies of the assistance agreement and associated Environmental Assessment documents are available by calling (614) 644-2798. Also, copies are available by writing to: Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance, 122 South Front Street, P. O. Box 1049, Columbus, OH 43216-1049.

Questions regarding the project should be directed to Kevin G. Spurbeck at the above address or by calling (614) 644-2798.

Date of Public Notice: February 21, 2005

**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 conduct coal mining activities to mine the Pittsburgh #8 coal seam on approximately 189.1 acres in Athens Township in Harrison County. The application was submitted by Consol Energy, Route 4, Box 425, Moundsville West Virginia, 26041. Water resources on the site include 4.42 acres of jurisdictional, non-forested wetlands, 1.42 acres of isolated, non-forested wetlands, 3,749 linear feet of jurisdictional streams, 2,080 linear feet of isolated streams, and 4.34 acres of jurisdictional ponds. As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would impact 4.42 acres of jurisdictional wetlands, 1.42 acres of isolated wetlands, 3,749 linear feet of jurisdictional streams, 2,080 linear feet of isolated streams, and 4.34 acres of jurisdictional ponds. The applicant's proposed minimal degradation alternative, if approved, would impact 2.69 acres of jurisdictional wetlands (avoidance of 1.73 acres of jurisdictional wetlands), 1.29 acres of isolated wetlands (avoidance of 0.13 acres of isolated wetlands), 2,648 linear feet of jurisdictional streams (avoidance of 1,101 linear feet of jurisdictional streams), 1,880 linear feet of isolated streams (avoidance of 200 linear feet of isolated streams), and 2.79 acres of open water (avoidance of 1.55 acres of jurisdictional ponds). The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on the wetlands, streams or ponds. Approximately 67% of the proposed permit area had been previously impacted by past mining activities, which includes all wetlands, and approximately 25% of the stream lengths. The project is located along unnamed tributaries to Boggs Fork. The U.S. Army Corps of Engineers Number for this project is (H)200401321. The Ohio EPA ID Number for this project is 052219.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of unnamed tributaries to Boggs Fork, in the Tuscarawas watershed (HUC 05040001) watershed. 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 21, 2005, 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 the Ohio EPA Southeast 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

OAC 3745-27-10(E)(9)(b) Refuse To Grant Reinstatement

Notice is hereby given that on February 16, 2005, pursuant to OAC Rule 3745-27-10(E)(9)(b), the director of Ohio EPA refuse to grant approval to reinstate ground water monitoring well MW-20 to the ground water detection monitoring program at the Huron County Landfill (Facility). The Facility is located at 2415 Townline Rd. 131, R.D. 3, Willard, Ohio 44890. This approval is subject to all rules, regulations, and specified conditions. This action of the director of Ohio EPA is final and may be appealed to the Environmental Review Appeals Commission, at 309 South Fourth Street, Room 222, Columbus, Ohio 43215. Person's 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

Notice is hereby given that on February 17, 2005, the Director of the Environmental Protection Agency issued an Isolated Wetlands Permit to Wal-Mart Stores Inc., 2001 SE 10th Street, Bentonville, Arkansas 72716-0550. The permit was issued for a project to construct a Wal-Mart Project #3608-00 located northwest of the intersection of US 20 and Green Road, North Madison, Lake County, Ohio. 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.

Date of Public Notice: February 25, 2005

**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 a project to dredge recreational boating channels in the Ottawa River and Maumee Bay. The application was submitted by Buffalo District of the U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199. Approximately 295,700 cubic yards of sediment is to be dredged from 9,500 linear feet of the Ottawa River from the Summit Street bridge to the mouth of the Ottawa River. Approximately 95,800 cubic yards of sediment is to be dredged in Maumee Bay creating a 14,700 linear foot recreational channel from the mouth of the Ottawa River to the Toledo Harbor shipping channel. Parts of both the Ottawa River and Maumee Bay include areas in the state of Michigan. Ohio EPA can only consider impacts to waters of the state of Ohio. Proposed disposal is at the Toledo Harbor Island 18 Confined Disposal Facility for the Ottawa River dredged material and to open-lake dispose the dredged material from Maumee Bay. The Buffalo Corps of Engineers' Public Notice Number for this application is 03-03. The Ohio EPA ID Number for this project is 042195.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of the Ottawa River (HUC 04100001), Maumee Bay (HUC 04100009), and Lake Erie (HUC 04120200). 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.

Beginning February 25, 2005, 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 the Ohio EPA Northwest 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 on Tuesday, April 12, 2005, starting at 7:00p.m. at the Friendship Park Senior Center, 2930 131st Street, Toledo, Ohio 43611. 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 Tuesday, April 19, 2005. 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 Tuesday, April 19, 2005.

Public Notice Date:

**PUBLIC NOTICE
APPROVAL OF APPLICATION
FOR SUPPLEMENTAL ASSISTANCE FROM
THE WATER POLLUTION CONTROL LOAN FUND
TO THE VILLAGE OF GREEN CAMP**

The Director of the Ohio Environmental Protection Agency is providing notice of the approval of an application for supplemental financial assistance from the Water Pollution Control Loan Fund (WPCLF) to the Village of Green Camp, for the following water quality improvement activity: Installation of a sanitary sewer collection system and force main to transport sewage to the City of Marion for treatment.

This approval is based upon the Ohio EPA staff's recommendations following a review conducted under applicable requirements of the assistance application materials and any other information regarding the proposed activities. This approval and all financial assistance provided to the Village of Green Camp from the WPCLF is conditioned upon successful completion, operation, and maintenance of the eligible activities.

This final action of the Director may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 and 6111.036 (P) of the Ohio Revised Code. The appeal must be in writing and shall 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. An appeal may be filed with the Environmental Review Appeals Commission at the following address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

Copies of the assistance agreement and associated Environmental Assessment documents are available by calling (614) 644-2798. Also, copies are available by writing to: Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance, 122 South Front Street, P. O. Box 1049, Columbus, OH 43216-1049.

Questions regarding the project should be directed to Paula Reed, Loan Assistance at the above address or by calling (614) 644-2798.

Public Notice Date:

**PUBLIC NOTICE
APPROVAL OF FACILITIES PLAN AND APPLICATION
FOR WATER POLLUTION CONTROL LOAN FUND ASSISTANCE
TO THE CITY OF WADSWORTH**

The Director of the Ohio Environmental Protection Agency is providing notice of actions to approve a facilities plan and to approve an application for Water Pollution Control Loan Fund (WPCLF) financial assistance to the City of Wadsworth, for the following water quality improvement activities: to assist in the construction of wastewater treatment plant upgrades and expansion. The City of Wadsworth is also sponsoring a portion of the Aurora Wetlands and the Pond Brook South Wetlands Water Restoration Sponsorship Program (WRRSP) projects.

These approvals are based upon the Ohio EPA staff's recommendations following reviews conducted under applicable requirements of the facilities planning materials and of the assistance application materials and any other information regarding the proposed activities. The approval of the application and all financial assistance provided to the City of Wadsworth from the WPCLF is conditioned upon successful completion, operation, and maintenance of the eligible activities.

Each of these approvals is a distinct final action of the Director may be appealed as a separate action to the Environmental Review Appeals Commission pursuant to Section 3745.04 and 6111.036 (P) of the Ohio Revised Code. The appeal must be in writing and shall 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. An appeal may be filed with the Environmental Review Appeals Commission at the following address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

Copies of the assistance agreement and associated Environmental Assessment documents are available by calling (614) 644-2798. Also, copies are available by writing to: Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance, 122 South Front Street, P. O. Box 1049, Columbus, OH 43216-1049.

Questions regarding the project should be directed to Scott Edmond or Tracy Bruny at the above address or by calling (614) 644-2798.

Public Notice Date:

**PUBLIC NOTICE
APPROVAL OF APPLICATION
FOR WATER SUPPLY REVOLVING LOAN ACCOUNT APPLICATION APPROVAL
TO THE VILLAGE OF COVINGTON**

The Director of the Ohio Environmental Protection Agency is providing notice of the approval of an application for Water Supply Revolving Loan Account (WSRLA) financial assistance to the Village of Covington, for the following water treatment system activities: improvements to the water treatment plant and well field.

This approval is based upon the Ohio EPA staff's recommendations following a review conducted under applicable requirements of the assistance application materials and any other information regarding the proposed activities. This approval and all financial assistance provided to Covington from the WSRLA is conditioned upon successful completion, operation, and maintenance of the eligible activities.

This final action of the Director may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 and 6109.22 (N) of the Ohio Revised Code. The appeal must be in writing and shall 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. An appeal may be filed with the Environmental Review Appeals Commission at the following address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

Copies of the assistance agreement and associated Environmental Assessment documents are available by calling (614) 644-2798. Also, copies are available by writing to: Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance, 122 South Front Street, P. O. Box 1049, Columbus, OH 43216-1049.

Questions regarding the project should be directed to Mary Mariani, Project Coordinator, at the above address or by calling (614) 644-2798.

Public Notice Date:

**PUBLIC NOTICE
APPROVAL OF APPLICATION
FOR WATER POLLUTION CONTROL LOAN FUND ASSISTANCE
TO THE VILLAGE OF MOUNT GILEAD**

The Director of the Ohio Environmental Protection Agency is providing notice of the approval of an application for Water Pollution Control Loan Fund (WPCLF) financial assistance to the Village of Mount Gilead, for the following water quality improvement activity: design of wastewater treatment plant improvements and a septic receiving station.

This approval is based upon the Ohio EPA staff's recommendations following a review conducted under applicable requirements of the assistance application materials and any other information regarding the proposed activities. This approval and all financial assistance provided to the Village of Mount Gilead from the WPCLF is conditioned upon successful completion, operation, and maintenance of the eligible activities.

This final action of the Director may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 and 6111.036 (P) of the Ohio Revised Code. The appeal must be in writing and shall 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. An appeal may be filed with the Environmental Review Appeals Commission at the following address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

Copies of the assistance agreement and associated Environmental Assessment documents are available by calling (614) 644-2798. Also, copies are available by writing to: Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance, 122 South Front Street, P. O. Box 1049, Columbus, OH 43216-1049.

Questions regarding the project should be directed to Paula Reed, Administrative Assistance Section, at the above address or by calling (614) 644-2798.

Date of Public Notice: February 21, 2005

**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 applications for, and has begun to consider whether to issue or deny, Clean Water Act Section 401 certifications for the following projects:

1. Applicant: Warren County Water and Sewer Department
Applicant's Address: 406 Justice Drive, Lebanon, Ohio 45036
Project Location: On the left descending bank of Twin Creek 1/4 mile south of Franklin-Trenton Road and 1/2 mile north of the confluence with the Great Miami River, Franklin Township, Warren County, Ohio.
Project Description: To stabilize the eastern bank of Twin Creek to protect the Warren County wellfield from further erosion and the loss of water supply wells. As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would stabilize 2,000 feet of the stream bank using biostabilization techniques. The applicant's proposed minimal degradation alternative, if approved, would stabilize the 1,000 feet of the stream bank using biostabilization techniques. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on streams or wetlands.
Corps of Engineers' Number: 200401356
Ohio EPA Number: 041017.

2. Applicant: Warren County Park District
Applicant's Address: 300 East Silver Street, Lebanon, Ohio 45036
Project Location: On the left descending bank of Twin Creek north of State Route 73, Warren County, Ohio.
Project Description: To construct a public boat ramp. As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would result in the placement of 7.5 cubic yards of rip rap, gravel, sand, and boulders fill below the ordinary high water mark of Twin Creek. The applicant's proposed minimal degradation alternative, if approved, would result in the placement of 6 cubic yards of sand below the ordinary high water mark. The applicant's proposed non-degradation alternative, if approved, would have no fill below the ordinary high water mark.
Corps of Engineers' Number: 200401026
Ohio EPA Number: 042106

The discharges from these activities, if approved, would result in degradation to, or lowering of, the water quality of Twin Creek in the Great Miami River basin (Hydrologic Unit 05080002). The review of the applications 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 applications 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.

Beginning February 21, 2005, 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 the Ohio EPA Northeast 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 on April 11, 2005, at 7:00p.m. at the Warren County Administration Building, 406 Justice Drive, Lebanon, OH 45036. 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 applications. All interested persons are entitled to attend or be represented and give oral or written comments on the proposed projects.

Ohio EPA will continue to accept written comments on the application through the close of business on April 18, 2005. Comments received after this date may not be considered as part of the official record. 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.

Date of Public Notice: February 24, 2005

**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 applications for, and has begun to consider whether to issue or deny, Clean Water Act Section 401 certifications for the following projects:

1. Applicant: Warren County Water and Sewer Department
Applicant's Address: 406 Justice Drive, Lebanon, Ohio 45036
Project Location: On the left descending bank of Twin Creek 1/4 mile south of Franklin-Trenton Road and 1/2 mile north of the confluence with the Great Miami River, Franklin Township, Warren County, Ohio.
Project Description: To stabilize the eastern bank of Twin Creek to protect the Warren County wellfield from further erosion and the loss of water supply wells. As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would stabilize 2,000 feet of the stream bank using biostabilization techniques. The applicant's proposed minimal degradation alternative, if approved, would stabilize the 1,000 feet of the stream bank using biostabilization techniques. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on streams or wetlands.
Corps of Engineers' Number: 200401356
Ohio EPA Number: 041017.

2. Applicant: Warren County Park District
Applicant's Address: 300 East Silver Street, Lebanon, Ohio 45036
Project Location: On the left descending bank of Twin Creek north of State Route 73, Warren County, Ohio.
Project Description: To construct a public boat ramp. As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would result in the placement of 7.5 cubic yards of rip rap, gravel, sand, and boulders fill below the ordinary high water mark of Twin Creek. The applicant's proposed minimal degradation alternative, if approved, would result in the placement of 6 cubic yards of sand below the ordinary high water mark. The applicant's proposed non-degradation alternative, if approved, would have no fill below the ordinary high water mark.
Corps of Engineers' Number: 200401026
Ohio EPA Number: 042106

The discharges from these activities, if approved, would result in degradation to, or lowering of, the water quality of Twin Creek in the Great Miami River basin (Hydrologic Unit 05080002). The review of the applications 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 applications 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.

PUBLIC NOTICE

OAC 3745-27-10(E)(9)(b) Refuse To Grant Reinstatement

Notice is hereby given that on February 17, 2005, pursuant to OAC Rule 3745-27-10(E)(9)(b), the director of Ohio EPA refuse to grant approval to reinstate ground water monitoring wells MW-18UT and MW-19UT to the ground water detection monitoring program at the Evergreen Recycling and Disposal Facility (Facility). The Facility is located at 2625 East Broadway, Northwood, Ohio 43619. This approval is subject to all rules, regulations, and specified conditions. This action of the director of Ohio EPA is final and may be appealed to the Environmental Review Appeals Commission, at 309 South Fourth Street, Room 222, Columbus, Ohio 43215. Person's 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.