

Public Hearing
Ohio Environmental Protection Agency
Five-Year Rule Review of Ohio Administrative Code (OAC) rule 3745-23-01 and
OAC rule 3745-23-02

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) has performed a review of the above referenced rules primarily to satisfy the requirements of Section 119.032 of the Ohio Revised Code (five-year review). The DAPC finds the following rules to be necessary and with need for amendment. The DAPC proposes to amend Ohio Administrative Code (OAC) rules 3745-23-01, Ambient Air Quality Standards and 3745-23-02, Methods of Analysis for Nitrogen Dioxide. The amendments are being proposed to use the current US EPA methods of analysis and remove the former wet chemistry method and to update the authorizing and amplifying statutes.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC was required to consult with interested parties affected by the rules before the division formally proposes them. On May 5, 2005, these rules went out for a 30 day review by interested parties.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes will be conducted on March 23, 2006 at 10:00 a.m., in conference room B at Ohio EPA, Lazarus Government Center, 122 South Front Street, Columbus, Ohio.

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on these rule changes. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on March 24, 2006, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after March 24, 2006, 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. 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 Gary Engler at Ohio EPA, (614) 644-3623, gary.engler@epa.state.oh.us, or mailed to Gary Engler, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.

**PUBLIC NOTICE
PROPOSED CONSENT ORDER**

The Ohio Environmental Protection Agency (Ohio EPA) has entered into a proposed Consent Order filed by the State of Ohio in Butler County Court of Common Pleas, case number CV 2006-02-0517. The Consent Order would require Opus North Corporation to operate in compliance with the applicable requirements of Ohio Revised Code Chapter 6111, as well as the payment of twenty seven thousand dollars (\$27,000.00) in civil penalty. Copies of the Consent Order can be obtained by writing to:

Ohio Environmental Protection Agency
Southwest District Office
Division of Surface Water
Attn: Enforcement Coordinator
401 East Fifth Street
Dayton, Ohio 45402

Written comments should be submitted to Ohio EPA, Central Office at the above address. Written comments should be submitted on or before March 27, 2006.

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 24, 2006. Both the State of Ohio and Opus North Corporation reserve the right to withdraw or alter the proposed Consent Order based on comments received during the public comment period.

Date of Public Notice: January 31, 2006

**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 subject transportation project. The proposed project consists of 7.4 mile of relocated State Route 73 on new alignment in Union Township, Clinton Co. Ohio. Relocated 73, also referred to as Wilmington Bypass, will be a four lane, divided rural freeway with limited access. The project will also have two diamond interchanges; one at US 22/SR3 and the other at US 68. Six bridge structures and seven signalized intersections are proposed. Approximately 330 acres of land area will be required for the projects. The streams involved with the project are primarily in the Todd Fork sub-basin (HUC5090202070) of the Little Miami River drainage basin (HUC 05090202). The Louisville District of the U. S. Army Corps of Engineers Number for this project is 200501028. The Ohio EPA ID Number for this project is 062542.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would involve impacts for eight streams or a total of 2,904 linear feet and to three wetlands for a total of 0.079 acre. The applicant's proposed minimal degradation alternative, if approved, would involve impacts to two streams for a total of 784 linear feet. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on streams or wetlands but would not meet the purpose and need for the project.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality to streams and wetlands in the Little Miami River drainage basin (HUC 05090202). 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 January 31, 2006, 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.

Written comments must be received by the Ohio EPA-DSW, Attn: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio, 43216-1049 by the close of business of March 2, 2006. Comments received after this date may not be considered as part of the official record.

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 PUBLIC HEARING
OHIO ENVIRONMENTAL PROTECTION AGENCY
ISSUANCE OF DRAFT PERMIT TO INSTALL TO
FOSECO METALLURGICAL, INC.**

Public notice is hereby given that the Ohio Environmental Protection Agency (EPA) has issued, on February 16, 2006, draft action of Permit-to-Install (PTI) application number 13-04538 to Foseco Metallurgical, Inc., in Cleveland, Ohio. The draft permit proposes to modify several current facility permits in order to restrict the emissions of hazardous air pollutants at the facility located at 20200 Sheldon Road, Cleveland, Ohio, 44142.

A public hearing on the draft air permit will be held on Wednesday, March 22, 2006 at the Brook Park Public Library, 6155 Engle Road, Brook Park, Ohio 44142. The public hearing will commence at 6:30 p.m. to accept comments on the draft permit. A presiding officer will be present and may limit oral testimony to ensure that all parties are heard.

All interested persons are entitled to attend or be represented and give written or oral comments on the draft permits at the hearing. Written comments on the draft permit must be received by the close of business on Tuesday, March 28, 2006. Comments received after this date will not be considered to be a part of the official record. Written comments may be submitted at the hearing or sent to: David Hearne, Division of Air Quality, City of Cleveland, 1925 Saint Clair Avenue, Cleveland, Ohio 44114.

Copies of the draft permit application and technical support information may be reviewed and/or copies made by first calling to make an appointment at the Division of Air Quality, City of Cleveland, located at the above address, telephone number (216) 664-2324.

Date of Notice: February 22, 2006

**PUBLIC NOTICE
NOTICE OF PUBLIC HEARING**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA)-Division of Surface Water (DSW) has scheduled a public hearing on the draft National Pollutant Discharge Elimination System (NPDES) permit for the proposed Van Deurzen Dairy, LLC. The proposed 4,500 cow dairy farm is located at 2500 County Road 110, Alger, Hardin County, Ohio. The NPDES application was submitted by Van Deurzen Dairy LLC c/o Vreba-Hoff Dairy Development LLC, 1290 North Shoop Avenue, Suite 140, Wauseon, Ohio 43567.

The public hearing has been scheduled for 6:30 P.M. on March 28, 2006 at Upper Scioto Valley High School Cafeteria, 510 South Courtright Street, McGuffey, Ohio 45859. 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. 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 draft permit. Persons wishing to 1) be on 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, Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 by close of business on April 4, 2006. Comments received after this date may not be considered as part of the official record of this hearing.

Copies of the pending NPDES application, draft permit and technical support information may be reviewed and/or copies made at Ohio EPA's Central Office, 122 South Front Street, Columbus, Ohio, by first calling (614)644-2001 to make an appointment. Information regarding the Ohio EPA NPDES permit program for Concentrated Animal Feeding Operations (CAFOs) is available on the website at <http://www.epa.state.oh.us/dsw/cafo/index.html>.

Date of Public Notice: February 16, 2006

**PUBLIC NOTICE
NOTICE OF RECEIPT OF 401 APPLICATION AND PUBLIC HEARING
SECTION 14 STREAMBANK PROTECTION PROJECT
OTTAWA RIVER (SHORELAND AVENUE) RIVERBANK STABILIZATION**

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 U.S. Army Corps of Engineers (USACE) streambank protection project located at the Shoreland Avenue on the Ottawa River. The application was submitted by the USACE, Buffalo District, 1776 Niagara Street, Buffalo, NY 14207-3199. The project is located in the northeast portion of the city of Toledo near the State of Michigan border in Lucas County, Ohio. It parallels Shoreland Avenue and is located immediately downstream from Suder Avenue. The Ohio EPA ID Number for this project is 052430.

The applicant has submitted two alternatives for this project. The applicant's proposed preferred alternative, if approved, would involve grading of the slope with riprap protection at the toe (toe slope at 1V:2.5H). This plan would include clearing and grubbing the entire slope over its 2,200-foot length, re-grading the existing slope to 1V:2.5H through cut and fill operations to +3 feet above the ordinary high water mark (OHWM), placing topsoil and seeding the upper portion of the slope at and above +3 feet OHWM. The grass cover would minimize erosion of the upper slope surface. Planting of appropriate vegetation (e.g. trees, shrubs) would also contribute to the stability of the riverbank. The plan would also include grading of the lower slope (at and below +3 feet OHWM) to 1V:2.5H, placement of geotextile filter fabric at and below +3 feet OHWM to prevent fine soil particles from washing out from the bank, placing riprap over the slope at and below +3 feet OHWM and keying it into the existing river bottom, and the addition of small stone spur groins intermittently spaced every 100 feet along the structure's toe to enhance fish habitat and facilitate nearshore mixing of water through turbulent flow.

The applicant's proposed minimal degradation alternative, if approved, would entail moving Shoreland Drive to a new location to avoid any impacts to the road in its current location. The materials to be discharged under this alternative would likely include undetermined amounts of poured concrete and/or steel sheetpile, and stone riprap (for abutment protection). Although this alternative would avoid the removal of streambank vegetation and avoid any alternation of the creek's cross section, areas of upland vegetation and residential lots would be affected.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of a section of streambank on the Ottawa River approximately three miles upstream of Maumee Bay and Lake Erie. 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 3745-1-05 of the Antidegradation Rule, apply or may be granted by the Director of Ohio EPA.

Starting Tuesday, February 16, 2006, 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 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 on Tuesday, April 11, 2006, starting at 6:30 p.m. at the Friendship Park Senior Center, 2930 131st Street, Toledo, 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 project and all persons who do so may, at the discretion of the presiding officer, be questioned by others 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. 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 18, 2006. 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 18, 2006.

Date of Public Notice: February 14, 2006

**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 involving the permanent placement of fill material into an intermittent stream as part of the Brookridge Manor Subdivision. The application was submitted by Guy Haney, Fechko Excavating, 865 W. Liberty Street, Suite 120, Medina, Ohio 44256. The project is located at 150 Seville Road, Wadsworth, Medina County, Ohio. The Huntington District Corps of Engineers Public Notice Number for this project is 200501166. The Ohio EPA ID Number for this project is 062523.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative to develop 17 residential lots, if approved, would permit the placement of approximately 3,000 cubic yards of fill material within 364 lineal feet of the intermittent stream. The intermittent stream would be impacted by construction of a storm water detention basin and piping of the stream. The applicant's proposed minimal degradation alternative to develop 16 residential lots, if approved, would permit the placement of approximately 2,200 cubic yards of fill material within 262 lineal feet of the intermittent stream. The intermittent stream would be impacted by construction of a storm water detention basin and piping of the stream. This alternative proposes less piping of the stream than the preferred alternative. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on waters of the state.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of an unnamed tributary to Holmes Brook, within the Tuscarawas River 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 3745-1-05 of the Antidegradation Rule, apply or may be granted by the Director of the Ohio EPA.

Starting February 14, 2006, 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.

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 March 16, 2006. Comments received after this date may not be considered as part of the official record.

Persons wishing to 1) be on the 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 OF DRAFT PERMIT TO INSTALL
AND
PUBLIC INFORMATION SESSION / PUBLIC HEARING**

Notice is hereby given that on February 17, 2006, Ohio EPA issued a draft Permit to Install (PTI #02-20084) for Penn-Ohio Coal Co. d.b.a. Kimble Transfer & Recycling, 3596 State Route 39 NW, Dover, Ohio 44622. The application is a request for a Permit to Install a new solid waste transfer facility. The location of the facility will be 800' north of the intersection of E. Highland & Chamberlain Roads. A Public Information Session / Public Hearing will be held on Monday, March 20, 2006, at the Auditorium of RB Chamberlin Middle School, 10270 Ravenna Road, Twinsburg, OH 44087. The meeting will start at 6:30 p.m. The draft PTI may be reviewed at Ohio EPA, Northeast District Office, 2110 E. Aurora Road, Twinsburg, Ohio 44087, Tel:(330) 963-1200. Interested parties may contact the Ohio EPA Northeast District Office at the same address. Written comments will be accepted for the director to review until March 27, 2006 and should be sent 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.

Date of Public Notice: February 22, 2006

**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 provide streambank stabilization along Buckhorn Creek as part of an Ohio to Erie Canalway Coalition program. The application was submitted by Dan Rice, Ohio to Erie Canalway Coalition, 520 South Main Street, Suite 2452, Akron, Ohio 44311. The project is located along Buckhorn Creek just downstream of the Beagle Club Road crossing in Salem Township. The Huntington District of the U.S. Army Corps of Engineers has issued a Nationwide Permit 13 for this project. The U.S. Army Corps of Engineers project number is 200501204. The Ohio EPA ID Number for this project is 062561.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would be to regrade approximately 3,065 linear feet of the east bank of Buckhorn Creek to create a 2:1 slope, place approximately 3,000 cubic yards of armor stone along the bank, then replant with native trees and shrubs. The applicant's proposed minimal degradation alternative, if approved, would regrade approximately 3,065 linear feet of the east bank of Buckhorn Creek to create a 2:1 slope with the bank being sown in native grasses with no placement of armor stone. The applicant's proposed non-degradation alternative, if approved, would be to not conduct the project.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Buckhorn Creek, in the Tuscarawas River watershed (HUC 05040001 180 050). 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 22, 2006, 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.