

**NOTICE OF ADOPTION OF RULE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

Rule Governing

Water Quality Standards Use Designations

Notice is hereby given that the Director of the Ohio Environmental Protection Agency (Ohio EPA), under the authority of Ohio Revised Code Section 6111.041, has **adopted** the following rule of the Ohio Administrative Code:

<u>Rule #</u>	<u>Rule Title</u>	<u>Action</u>
3745-1-09	Scioto river drainage basin	Amendment

The Director's order of adoption was issued on **May 1, 2007**. This adopted rule will become effective on **August 1, 2007**. To request a copy of this rule, write to Chris Skalski, Ohio Environmental Protection Agency, Division of Surface Water, 50 West Town Street, Suite 700, P.O. Box 1049, Columbus, OH 43216-1049 or call Mr. Skalski at (614) 644-2144. The adopted rule is also available on the Ohio EPA Division of Surface Water Web site at www.epa.state.oh.us/dsw.

The Director's action in this matter is pursuant to the procedural requirements of Ohio Revised Code Chapter 119.03 and is based upon the record of the public hearing conducted by Ohio EPA on May 31, 2006, and comments received during the public comment period.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. 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, OH 43215

Public Hearing Notice
Ohio Environmental Protection Agency

Proposed new OAC Chapter 3745-110 “Nitrogen Oxides - Reasonably Available Control Technology”.

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) proposes the following new rules in the Ohio Administrative Code (OAC):

1. OAC rule 3745-110-01 [Definitions];
2. OAC rule 3745-110-02 [Applicability];
3. OAC rule 3745-110-03 [RACT requirements and/or limitations for emissions of NO_x from stationary sources];
4. OAC rule 3745-110-04 [Compliance deadlines]; and
5. OAC rule 3745-110-05 [Compliance methods].

The proposed new rules under OAC Chapter 3745-110 will apply to the eight “moderate” non-attainment counties located in the Cleveland/Akron, Ohio metropolitan area (i.e., Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit Counties) and will regulate NO_x emissions from “existing” stationary combustion sources (industrial, commercial, and institutional boilers, stationary combustion turbines and stationary internal combustion engines). In addition, the rules will apply state-wide to any “new or modified source” issued a permit-to-install after January 1, 2007.

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 July 24, 2006, 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 Friday, June 8, 2007 at 10:00 a.m. in conference room 6A at Ohio EPA, Lazarus Government Center, 50 West Town Street, Columbus, Ohio.

Pursuant to Part D of Title I of the Clean Air Act, Ohio EPA is required to establish a state implementation plan (SIP) for the attainment and maintenance of the national ambient air quality standards (NAAQS). The above mentioned rules are a part of Ohio’s SIP and the proposed amendments will be submitted to USEPA as a modification of the SIP. The above mentioned hearing shall be considered the public hearing for the SIP submittal.

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 June 8, 2007, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after June 8, 2007, 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 Alan Harness at Ohio EPA, (614) 644-4838, alan.hariness@epa.state.oh.us, or mailed to insert your name, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.

**State of Ohio
Environmental Protection Agency
Notice of Adoption of Rules**

Notice is hereby given that the Director of Environmental Protection, under the authority of Ohio Revised Code Section 3704.03(E) has adopted new rules 3745-108-01 through 108-07, Ohio's Clean Air Mercury Rules (CAMR) of the Ohio Administrative Code (OAC).

The primary purpose of this rulemaking is to comply with the requirements of U.S. EPA's Clean Air Mercury Rule (CAMR). In the May 18, 2005 Federal Register, U.S. EPA published the CAMR rule setting limits on mercury emissions from coal-fired electric utility boilers in all fifty states and three Indian Nations. In the June 9, 2006 final rule on reconsideration of CAMR, U.S. EPA finalized changes to the applicability provisions of the Hg model trading rule, the state budgets, and the deadline for the submission of initial allocations to the administrator. The mercury cap in Ohio is 2.056 tons during the years 2010 through 2017 and 0.812 tons beginning in year 2018.

Ohio is primarily proposing the adoption of U.S. EPA's model rule and has prepared the proposed rules in OAC Chapter 3745-108. The proposed rules regulate coal-fired electric utility boilers operating generators with a capacity of greater than 25 MW and cogeneration units that provide more than one-third of their electrical generating capacity for sale.

Pursuant to Section 121.39 of the Ohio Revised Code, the Division of Air Pollution Control (DAPC) is required to consult with interested parties affected by the rules before the division formally adopts them. On July 24, 2006 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 was conducted on January 29, 2007, in Columbus, Ohio. There were comments received during the public comment period that did result in changes to the rules proposed. DAPC responded as recommended in comments by US EPA as most of these comments consisted of minor clarifications and corrections to Ohio's proposed rule so that it would reflect US EPA's final model rule language. The Director's order of adoption was issued on May 1, 2007. The effective date of these rules is May 11, 2007.

To request a copy of these rules, obtain further information, or inspect or request copies of agency files and records pertaining to the proceeding contact Lee F. Burkleca, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Lee at 614-728-1344. The rules are available on the Web page for electronic downloading. The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.html>.

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (ERAC) pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with ERAC within thirty (30) days after notice of the Director's action, at 309 South Fourth Street, Suite 222, Columbus, Ohio

43215. Copies of the appeal must be served upon the Director of the Ohio EPA within three (3) days of filing with ERAC. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Ohio EPA also requests that a copy of the appeal be served upon the Environmental Enforcement Section of the Ohio Attorney General's Office.

PUBLIC NOTICE
FINAL ACTIONS OF THE DIRECTOR
ISSUANCE OF CERTIFICATES TO REPAIR TECHNICIANS UNDER
THE MOTOR VEHICLE EMISSION INSPECTION AND MAINTENANCE PROGRAM

Notice is hereby given that the Director of the Ohio Environmental Protection Agency, pursuant to Ohio Revised Code Chapter 3704.14 and Ohio Administrative Code rule 3745-26-16, has issued certificates to perform work as a Certified Repair Technician under the Motor Vehicle Emission Inspection and Maintenance Program, consistent with the requirements of that program, to the repair technicians listed below. All certificates are issued 05/01/2007.

For information regarding these final actions, contact David Alspaugh, Ohio EPA, Division of Air Pollution Control, Mobile Sources Section, P.O. Box 1049, Columbus, Ohio 43216-1049, or by telephone at (614) 644-3059. These final actions of the Director were not preceded by proposed actions, and are appealable to the Environmental Review Appeals Commission within thirty (30) days after issuance of the Director's action, pursuant to section 3745.07 of the Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. 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. Appeals must be sent to the following address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

FIRST	LAST	CITY	STATE
LOUIS	KULIS	LERROY TWP	OH
LOUIS	KULIS	MADISON TWP	OH

PUBLIC NOTICE
COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS
The Youngstown Central Area Community Improvement Corp.
Proposed Youngstown Technology Center

Notice is hereby given that on May 1, 2007, 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 Youngstown Central Area Community Improvement Corporation for the property identified as the Proposed Youngstown Technology Center property (the "Property").

The Youngstown Central Area Community Improvement Corporation conducted a voluntary action of the approximately 0.45 acre-Property located at 247-263 Federal Plaza West, Youngstown, Mahoning County, Ohio. A no further action letter was submitted on January 29, 2007 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of the Youngstown Central Area Community Improvement Corporation by Mr. Jim C. Smith, a Certified Professional, (No. CP121), 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") pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice or issuance of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An 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 Debi Tavizon, Records Management, 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

ISSUANCE OF SCRAP TIRE TRANSPORTER REGISTRATION

Notice is hereby given that on May 2, 2007, the director of Ohio EPA issued two certificates of registration as transporter of scrap tires to Metro Tire Disposal, 17373 Lahser, MI 48219. This action is subject to all rules, regulations, and specified conditions. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Directors action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed at the following address: 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
OHIO ENVIRONMENTAL PROTECTION AGENCY
SUSPENSION OF PORTION OF LABORATORY CERTIFICATION UNDER OHIO'S
VOLUNTARY ACTION PROGRAM

Notice is hereby given that on May 2, 2007, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code ("ORC") Chapter 3746 and Ohio Administrative Code ("OAC") 3745-300-04, issued Final Findings and Orders to Zande Environmental Services ("Zande") of 1233 Dublin Road, Columbus, Ohio 43215, to suspend its certification under Ohio's Voluntary Action Program to perform analyses for the following analytes and methods: Arsenic by method 7060A; Beryllium by method 7091; Mercury by methods 7470A, 7471A, 245.2; Nickel by method 7521. This suspension is limited to the certified laboratory's performance of work under the Voluntary Action Program.

Zande has been issued a revised laboratory certificate that reflects the analytes, parameter groups and methods for which they remain certified. Zande may perform analyses under the Voluntary Action Program only for those parameter groups, analytes and methods identified in its revised certificate.

The issuance of the suspension and revised certificate is 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 309 South Fourth Street, Suite 222, Columbus, OH 43215.

If you would like to review a copy of the certificate, or any documents related to the laboratory's certification, please contact 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

ISSUANCE OF SCRAP TIRE TRANSPORTER REGISTRATION

Notice is hereby given that on May 3, 2007, the director of Ohio EPA issued sixteen certificates of registration as transporter of scrap tires to Energis LLC, 15215 Day Rd., Dundee, MI 48131. This action is subject to all rules, regulations, and specified conditions. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Directors action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed at the following address: 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
OHIO ENVIRONMENTAL PROTECTION AGENCY
INITIAL CERTIFICATION OF ENVIRONMENTAL PROFESSIONAL
UNDER OHIO'S VOLUNTARY ACTION PROGRAM

Notice is hereby given that on May 3, 2007, the Director of the Ohio Environmental Protection Agency, pursuant to Ohio Revised Code ("ORC") 3746.04(B)(5) and Ohio Administrative Code ("OAC") 3745-300-05, issued an initial "certified professional" certification to: **Mr. Robert L. Wellert CP 310**. The issuance of the certification is 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 309 South Fourth Street, Room 222, Columbus, OH 43215.

If you would like to review a copy of the certificate, or any documents related to the certification, please contact Debi Tavizon, 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

**Ohio Environmental Protection Agency
P U B L I C N O T I C E
DRAFT Intended Use Plan and Management Plan
For The Drinking Water Assistance Fund
For Program Year 2008**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Drinking and Ground Waters (DDAGW) has issued the Program Year (PY) 2008 DRAFT Intended Use Plan and Management Plan for the Drinking Water Assistance Fund, which has been authorized by Ohio Revised Code section 6109.22 and Section 1452 of the Safe Drinking Water Act.

Copies of the PY 2008 DRAFT Intended Use Plan and Management Plan are available from the Division of Drinking and Ground Waters upon request, through the Internet at <http://www.epa.state.oh.us/ddagw/dwaf.html> or by writing to:

Ohio EPA
Lazarus Government Center
Attention: Flo Sellu, DDAGW
P. O. Box 1049
Columbus, Ohio 43216-1049

Written comments should be submitted to:

Ohio EPA
Lazarus Government Center
Attention: Stacy Barna, DDAGW
P. O. Box 1049
Columbus, Ohio 43216-1049
E-mail address: stacy.barna@epa.state.oh.us

Written comments must be received on or before June 6, 2007.

To allow interested persons to present their comments and suggestions, and for Ohio EPA to provide a response to questions on Ohio's PY 2008 DRAFT Program Management and Intended Use Plan, two public meetings will be held at the following times and location:

1:00 p.m. and 5:00 p.m., Wednesday, June 6, 2007

**Ohio EPA
Lazarus Government Center
50 West Town Street, Conference Room 5B
Columbus, Ohio 43215**

PUBLIC NOTICE

OHIO EPA ISSUES TEMPORARY AUTHORIZATION

On May 3, 2007, Ohio EPA issued a temporary authorization to BP Products North America and Premcor Refining Group, Inc. for their facility located at 1150 South Metcalf Street, Lima, Ohio 45804-1145. The EPA Identification Number for this facility is OHD005051826.

Why do BP Products North America & Premcor Refining Group, Inc. need this temporary authorization?

BP Products North America (BP) and Premcor Refining Group, Inc. are permitted to conduct corrective action and post closure-care activities at their facility. On March 19, 2007, Ohio EPA received a request to transfer the facility ownership and operation from BP Products North America and Premcor Refining Group, Inc. to BP Products North America and the Lima Refining Company. Prior to issuance of a Class 3 permit modification, the temporary authorization allow the requested ownership and operator change in order to prevent the disruption of ongoing waste management activities.

Can I appeal this temporary authorization?

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 temporary authorization you have the right to appeal this decision to the Environmental Review Appeals Commission (ERAC).

If I decide to appeal this final temporary authorization, how and when must I make the appeal?

If you file an appeal, you must put it in writing no later than June 4, 2007. Your appeal must explain why you are appealing the action and the grounds you are using for your appeal. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. You must file your appeal, according to Ohio Revised Code § 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: ***Chris Korleski, Director of Ohio EPA***, P.O. Box 1049, Columbus, Ohio 43216-1049.

Date of Public Notice: May 2, 2007

**PUBLIC NOTICE
OF PUBLIC HEARING FOR SECTION 401 CERTIFICATION**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) is reviewing an application for, and has begun to consider whether to issue or deny, an After-the Fact Clean Water Act Section 401 water quality certification for a project consisting of a residential subdivision requiring 1,235 linear feet of intermittent stream impact and 1,075 linear feet of ephemeral stream impact. The application was submitted by Fort Scott Development, LLC. The project is located at Blue Rock Road and River Road in Crosby Township, Hamilton County, Ohio. The Huntington District Corps of Engineers Public Notice Number for this project is 200600507. The Ohio EPA ID Number for this project is 062979.

As required by the Antidegradation Rule, rule 3745-1-05 of the Ohio Administrative Code (OAC), three alternatives have been submitted for the project. The applicant's preferred alternative, if approved, would involve filling 1,375 linear feet (0.15 acre) of ephemeral stream and 1,235 linear feet (0.25 acre) of intermittent stream. Compensatory mitigation would consist of reconstruction of 742 lf of impacted stream and coordinating with non-profit entities to complete additional stream mitigation off-site. The applicant's proposed minimal degradation alternative, if approved, would involve impacting approximately 1,075 linear feet (0.12 acre) of ephemeral stream and 1,235 linear feet (0.25 acre) of intermittent stream. The minimal degradation alternative impacts have been completed. A loss of 28 lots was realized for this option. Compensatory mitigation would consist of 2,472 linear feet of on-site creation/reconstruction of intermittent stream and 708 linear feet of ephemeral stream. The applicant's non-degradation alternative, if approved, would have no direct impacts on waters of the state.

Discharges from the activity, if approved, would result in minimal degradation to, or lowering of, the water quality of unnamed tributaries to the Great Miami River. Ohio EPA will review the application, and decide whether to grant or deny the application, in accordance with OAC Chapters 3745-1 and 3745-32. In accordance with OAC rule 3745-1-05, an antidegradation review of the application will be conducted before deciding whether to allow a lowering of water quality. All three proposed alternatives will be considered during the review process. No exclusions or waivers, as outlined by OAC rule 3745-1-05, apply or may be granted.

Starting May 2, 2007, copies of the application and technical support information may be inspected at Ohio EPA-DSW, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio, by first calling (614) 644-2001. Copies of the application and

technical support information can be made available upon request 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 6:30 p.m. on June 12, 2007 at the Crosby Township Senior/Community Center, 8910 Willey Road, Harrison, Ohio 45030. 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. 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 June 19, 2007. Comments received after this date may not be considered as part of the official record of the hearing.

Date of Public Notice: May 8, 2007

**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 renewal of a National Pollutant Discharge Elimination System (NPDES) permit for the discharge from the City of Hillsboro wastewater treatment facility. The application was submitted by the City of Hillsboro, 130 North High Street, Hillsboro, Ohio 45133.

The City of Hillsboro is requesting a general mercury variance for the wastewater treatment facility located at 1530 North High Street, Hillsboro, Highland County, Ohio. The proposed discharges are to Clear Creek

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 Clear Creek. 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.

Copies of the pending NPDES application are available for review at Ohio EPA's Southwest District Office, 401 East Fifth Street, Dayton Ohio 43138, (937) 285-6357. An Ohio EPA public hearing on the proposed project has been scheduled for 7:00 P.M. on June 26, 2007, at the Highland County Employment and Training Center, Room 27A, 1575 North High Street, Hillsboro, Ohio 45133. 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 applications. 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 July 3, 2007. Comments received after this date may not be considered as part of the official record.

Date of Public Notice: April 30, 2007

**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 construct a commercial development servicing the citizens of the City of Mt. Vernon. The application was submitted by WXZ Development, Inc. The 4.2-acre project site is located in the City of Mt. Vernon, Ohio, on the north side of U.S. 36 between Vernonview Drive and Upper Gilchrist Road. The Huntington District Corps of Engineers Public Notice Number for this project is 200501090. The Ohio EPA ID Number for this project is 062965.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would impact 255 linear feet of intermittent stream. The applicant's proposed minimal degradation alternative, if approved, would impact 255 linear feet of intermittent stream, but install vegetation swales along the perimeter of the property. 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 Center Run. 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 April 30, 2007, copies of the application for the certification and technical support information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 50 West Town Street, Suite 700. 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 RECEIVES AMENDED POST-CLOSURE PLAN
ENVIROSAFE, WYNN ROAD FACILITY**

On April 28, 2007, Ohio EPA received an amended post-closure plan from Envirosafe Services of Ohio, Inc. (Envirosafe) for the hazardous waste landfarm located at the intersection of Cedar Point Road and Wynn Road, Oregon, Ohio 43616. The EPA Identification Number for this facility is OHD000721415.

Why is Envirosafe submitting this Post-Closure Plan?

At the request of Ohio EPA, Envirosafe submitted this post closure plan. The objectives of this plan are to define procedures which will ensure compliance with Ohio and U.S. EPA post-closure regulations, including ground water monitoring requirements. The plan defines the landfarm to be closed in-place, with one portion closed with existing vegetative cover and one or more portions improved with an alternate cover suitable for construction of commercial buildings. Further, the plan reflects the provisions specified in the Closure Plan Approval received from Ohio EPA dated February 27, 2002.

When and how do I submit written comments about this Post-Closure Plan?

You can submit written comments anytime between May 3 and June 4, 2007. 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.

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

Ohio EPA, Division of Hazardous Waste Management, 50 West Town Street, Suite 700, Columbus, Ohio 43215, (614) 644-2977.

Date of Public Notice: May 9, 2007

**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 water quality certification for a project to provide a coal preparation plant (wash plant) and on-site coal waste disposal area to be able to clean coal mined from the Burr Oak No.6 and No. 7 mines and provide this coal to new markets. The application was submitted by the Buckingham Coal Company, P.O. Box 157, Glouster, Ohio 45732. The project is located in Section 26 of Monroe Township in Perry County, Ohio, approximately 0.2 miles east of Hatfield, Ohio. The Huntington District Corps of Engineers Public Notice Number for this project is 200401152. The Ohio EPA ID Number for this project is 073085.

As required by the Antidegradation Rule, rule 3745-1-05 of the Ohio Administrative Code (OAC), three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would construct a coal processing facility on a 104-acre site. The wash plant will process approximately 2 million tons of coal annually for an expected 20 years. Coal processed at this site will exceed current industry standards, contain fewer impurities, and therefore burn cleaner. Total impacts under this alternative will affect 4,263 linear feet of intermittent stream and 1,561 linear feet of ephemeral stream. Buckingham Coal will mitigate for loss of surface waters at a mitigation site near the wash plant site.

The applicant's proposed minimal degradation alternative, if approved, would avoid 390 linear feet of intermittent stream, but would result in early termination of coal processing because there would be substantially less slurry storage volume. This alternative will reduce the size and storage volume of the coal slurry impoundment by approximately 30%, thus reducing the life of the facility to 15 years. Stream impacts under this alternative would be reduced to approximately 5,434 linear feet of stream.

The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on waters of the state.

Discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of ten unnamed tributaries to Sunday Creek (HUC 05030204-070). Ohio EPA will review the application, and decide whether to grant or deny the application, in accordance with OAC Chapters 3745-1 and 3745-32. In accordance with OAC rule 3745-1-05, an antidegradation review of the application will be conducted before deciding whether to allow a lowering of water quality. All three proposed alternatives will be

considered during the review process. No exclusions or waivers, as outlined by OAC rule 3745-1-05, apply or may be granted.

Starting May 9, 2007, copies of the application and technical support information may be inspected at Ohio EPA-DSW, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio, by first calling (614) 644-2001. Copies of the application and technical support information can be made available upon request 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 thirty days of the date of this public notice.