

Public Hearing
Ohio Environmental Protection Agency
Proposed amendment of Ohio Administrative Code (OAC) rule 3745-77-01

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) is proposing amendment of OAC rule 3745-77-01, "Definitions."

The amendment is being proposed to address recent changes in the corresponding federal regulations which affect how ethanol facilities are defined as a major source. OAC rule 3745-31-01 is also affected by this change but is being public noticed separately as part of the permit-to-install and operate (PTIO) rulemaking package due to the many changes in that rule which also corresponded specifically to the PTIO program. However, we will be combining the public participation process, including the hearing, of both actions.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC was required to consult with interested parties affected by the rule before the division formally adopts it. On May 30, 2007, this rule went out for review by interested parties through June 14, 2007.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on this rule change will be conducted on Friday, August 10, 2007 at 10:00 AM in the Center for Excellence on the 7th Floor at Ohio EPA, Lazarus Government Center, 50 W. Town Street, Suite 700, 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 rule is a part of Ohio's SIP and the proposed amendment 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 this rule change. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on August 10, 2007, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after August 10, 2007, may be considered as time and circumstances permit, but will not be part of the official record of the hearing.

This rule is 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 this rule should be directed to Jennifer Hunter at Ohio EPA, (614) 644-3696, jennifer.hunter@epa.state.oh.us, or mailed to Jennifer Hunter, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.

Public Hearing
Ohio Environmental Protection Agency
Five-Year Rule Review and proposed amendment of Ohio Administrative Code
(OAC) rule 3745-15-03, proposed amendment and/or rescission
of select rules in OAC Chapter 3745-31,
and proposed rescission of all rules in OAC Chapter 3745-35

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) is proposing:

1. Amendment of the following OAC rules: 3745-31-01, "Definitions;" 3745-31-02, "Requirements;" 3745-31-03, "Permit to install exemptions;" 3745-31-04, "Applications;" 3745-31-05, "Criteria for decision by the director;" 3745-31-07, "Revocation;" 3745-31-10, "Air stationary source obligations;" 3745-31-20, "Attainment provisions - innovative control technology;" 3745-31-22, "Nonattainment provisions - conditions for approval;" 3745-31-29, "General permit to install;" 3745-31-30, "Clean unit;" 3745-31-31, "Pollution control project;" 3745-31-32, "Plantwide applicability limit;" and 3745-31-33, "Site preparation activities prior to obtaining a final permit to install."
2. Rescission of the following existing OAC rules and proposing new OAC rules in their place: 3745-31-06, "Termination" (rescind); 3745-31-06, "Completeness determinations, processing requirements, public participation, public notice and issuance" (new); 3745-31-08, "Procedure for decision by director" (rescind); 3745-31-08, "Registration status permit-to-operate" (new); 3745-31-09, "Air permit to install completeness determinations, public participation and public notice" (rescind); and 3745-31-09, "Variance on operation" (new).
3. Amendment of OAC rule 3745-15-03, "Submission of emission information," which satisfies the requirements of Section 119.032 of the Ohio Revised Code (five-year review).
4. Rescission of the following OAC rules: 3745-35-01, "Definitions;" 3745-35-02, "Permits to operate;" 3745-35-03, "Variances;" 3745-35-04, "General policy;" 3745-35-05, "Permit exemptions and registration status;" 3745-35-06, "Permits to operate for grain and feed processing operations and fertilizer mixing operations;" 3745-35-07, "Federally enforceable limitations on potential to emit;" and 3745-35-08, "General permit to operate."

The amendments are being proposed to implement the permit-to-install and operate (PTIO) program. The PTIO program combines the current permit-to-install (PTI) and permit-to-operate (PTO) programs. Rather than requiring a source to apply for a PTI, which is issued with both installation and operation terms, and then apply for a PTO within a year of construction, the new program will require one application for both a PTI and PTO and both installation and operation requirements will be issued under one document. An

additional amendment to OAC rule 3745-31-01 is being proposed to address recent changes in the corresponding federal regulations which affect how ethanol facilities are defined as a major source. Lastly, additional amendments to the following rules are incorporated to address recent changes in the corresponding federal regulations that address pollution control projects and clean unit provisions: OAC rule 3745-31-01(Y), (JJJ), (TTT), (SSSS); OAC rule 3745-31-10(C); OAC rule 3745-31-22(A)(3); OAC rule 3745-31-30; and OAC rule 3745-31-31.

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 adopts them. On March 13, 2007, these rules went out for a 45 day review by interested parties. On May 30, 2007, the additional change in rule 3745-31-01 regarding ethanol facilities went out for a 15 day review by interested parties.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on this rule change will be conducted on Friday, August 10, 2007 at 10:00 AM in the Center for Excellence on the 7th Floor at Ohio EPA, Lazarus Government Center, 50 W. Town Street, Suite 700, 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 this rule change. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on August 10, 2007, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after August 10, 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 Jennifer Hunter at Ohio EPA, (614) 644-3696, jennifer.hunter@epa.state.oh.us, or mailed to Jennifer Hunter, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.

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

Rules Governing

Surface Water Quality Standards

Notice is hereby given that the Director of the Ohio Environmental Protection Agency (Ohio EPA), under the authority of Ohio Revised Code Sections 6111.041, 6111.03 and 6111.12, has **adopted** the following rules of the Ohio Administrative Code:

Rule #	Rule Title	Action
	OAC Chapter 3745-1 Water Quality Standards	
3745-1-03	Analytical methods and availability of documents.	Rescind
3745-1-03	Analytical methods and availability of documents.	New
3745-1-38	Methodologies for development of human health criteria and values for the lake Erie drainage basin.	Amend
3745-1-39	Methodology for the development of wildlife criteria for the lake Erie drainage basin.	Amend
	OAC Chapter 3745-2 Implementation of Water Quality Standards	
3745-2-04	Determinations preliminary to development of water quality-based effluent limitations.	Amend
3745-2-12	Total maximum daily loads.	Amend

The Director's order of adoption was issued on **July 5, 2007**. These adopted rules will become effective on **October 5, 2007**. To request a copy of the rules, write to Bob Heitzman, 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. Heitzman at (614) 644-3075. The adopted rules are 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 Section 119.03 and is based upon the record of the public hearing conducted by Ohio EPA on May 2, 2007, 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 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 07/02/2007.

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
ANTHONY	PUPO	BROOKPARK	OH

PUBLIC NOTICE
COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS
KINBESS LLC – Hemisphere Industrial Park Property

Notice is hereby given that on July 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”) Chapter 3745-300, issued a Covenant Not To Sue/Final Findings and Orders to KINBESS LLC for the property identified as the Hemisphere Industrial Park property (the “Property”).

KINBESS LLC conducted a voluntary action of the approximately 25 acre-Property located at East 80th Street and Kinsman Road, Cleveland, Cuyahoga County, Ohio. A no further action letter was submitted on January 27, 2006 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of KINBESS LLC by Ms. Janet Dean, a Certified Professional, (No. CP221), as defined in ORC 3746.01(E) and OAC 3745-300-01(A)(8).

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

If you would like to review a copy of the Covenant Not To Sue/Final Findings and Orders, please contact 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

**OHIO EPA ISSUES FINAL FINDINGS AND ORDERS TO
I. SCHUMANN & COMPANY**

On June 28, 2007, Ohio EPA issued final Findings and Orders to I. Schumann & Company for its facility located at 22500 Alexander Road, Bedford, Ohio 44146. This facility is unpermitted and generates metal bearing hazardous wastes including, but not limited to, furnace lining bricks, bag house bags, and zinc oxide sludge. The EPA I.D. number for this facility is OHD004199204.

I. Schumann & Company must achieve compliance with Chapter 3734 of the Ohio Revised Code and the regulations promulgated thereunder according to the detailed compliance schedule which outlines civil penalties and payments. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

PUBLIC NOTICE

**OHIO EPA APPROVES AMENDED CLOSURE PLAN FOR
BEDFORD HEIGHTS COLLISION CENTER**

On June 22, 2007, Ohio EPA approved an amended closure plan for the Bedford Heights Collision Center for its container storage unit located at 23380 Miles Avenue, Bedford Heights, Ohio. The EPA I.D. number for this facility is OH0000059550.

Pursuant to Ohio Revised Code rule 3745-66-11 & 12, the facility's amended closure plan submitted on May 4, 2007 was approved as outlined in the Director's June 22, 2007 correspondence. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

PUBLIC NOTICE

**OHIO EPA APPROVES CLOSURE PLAN FOR
HI TECMETAL GROUP-HYDROVAC**

On June 22, 2007, Ohio EPA approved a closure plan for the Hi TecMetal Group, Inc.-HydroVac hazardous waste units located at 1177 Marquette Street, in Cleveland, Ohio. The EPA I.D. number for this facility is OHR000002873.

Pursuant to Ohio Revised Code rule 3745-55-11 & 12, the facility's closure plan received on December 29, 2006 was approved as outlined in the Director's June 22, 2007 correspondence. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

Delaware and Union Counties

Date of Public Notice: July 6, 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 involving the implementation of the first phase of the Columbus Upground Reservoir Project, including installation of an inflatable weir in the Scioto River, construction of pipelines, and construction of an 857-acre "upground reservoir." The application was submitted by the City of Columbus, 910 Dublin Road, Columbus, Ohio 43215. The project is located in Thompson and Radnor Townships, Delaware County, Ohio, with a small portion in Union County. The Huntington District Corps of Engineers Public Notice Number for this project is 2005-889-SCR. The Ohio EPA ID Number for this project is 073135.

As required by the Antidegradation Rule, rule 3745 of the Ohio Administrative Code (OAC), three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would fill about 7.27 acres of jurisdictional wetland and 0.162 acres of isolated wetlands, and would create an intermittent backwater in the Scioto River that would extend back about 5,500 feet to the Prospect Dam and 250 linear feet of stream crossings associated with a pipe from the Scioto River to the reservoir. The applicant's proposed minimal degradation alternative, if approved, would fill about 9.05 acre of emergent wetland and would require approximately 47 additional minor stream crossings, but would not create an intermittent backwater in the Scioto River. 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 the Scioto River watershed. 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 July 6, 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 this application should do so in writing to Ohio EPA-DES, 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 APPROVES CLOSURE PLAN FOR
COLUMBUS STEEL DRUM**

On June 28, 2007, Ohio EPA approved a closure plan for Columbus Steel Drum for its hazardous waste storage pad located at 1385 Blatt Boulevard, Ohio 43004. The EPA I.D. number for this facility is OHD004291654.

Pursuant to Ohio Revised Code rule 3745-55 the facility's closure plan submitted on August 5, 2005 was approved with modifications as outlined in the Director's June 28, 2007 correspondence. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

Ohio EPA PA No. 608177

Ohio Environmental Protection Agency Draft Plan Approval

PUBLIC NOTICE

Draft Plan Approval for wastewater treatment and/or disposal facilities

Ohio Environmental Protection Agency
Permits Section
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049
(614) 644-2001

Public Notice No. 07-07-022
Date of Issue of Public Notice: July 6, 2007

Name and Address of Applicant: Mayor and Council, Village of Payne, PO Box 347, Payne, OH 45880

Name and Address of Facility Where Discharge Occurs: Village of Payne WWTP, Harrison Township Road 55, Payne, Ohio 45880, Paulding County

Public notice is hereby given that Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has issued a draft plan approval for the Combined Sewer System Long-Term Control Plan for the Village of Payne. The plan is to transport, store and treat wet weather flows by constructing a CSO interceptor trunk sewer, a pump station and a retention pond. The estimated cost of the project is \$1,428,700. The project will be completed over a five year period beginning in 2007. A compliance schedule that requires implementation of the approved long-term control plan is being included in the Village's NPDES permit, Ohio EPA permit number 2PA00019*HD, which is being released for public notice concurrently with this draft plan approval.

In accordance with OAC 3745-1-05, Ohio EPA will provide an opportunity for public comment concerning this project. Comments received shall be considered by the Director before the plan is issued as final. Any person may submit written comments on the draft plan and administrative record and may request a public hearing. A request for public hearing shall be in writing and shall state the nature of the issues to be raised. In appropriate cases, including cases where there is significant public interest, the director may hold a public hearing on a draft plan or plans prior to final issuance of the plan or plans. Written comments and/or public hearing requests must be received by the Ohio

EPA, Division of Surface Water no later than 30 days from the date of this public notice. Comments and/or public hearing requests should be delivered or mailed to both of the following locations: 1) Ohio Environmental Protection Agency, Division of Surface Water, Permits Processing Unit, 50 West Town Street, Suite 700, P.O. Box 1049, Columbus, Ohio 43216-1049 and 2) Ohio Environmental Protection Agency, Northwest District Office, 347 North Dunbridge Road, Bowling Green, OH 43402. Comments received after this date may not be considered by the Director before issuing the final plan.

Copies of the draft Plan and technical support information may be reviewed and/or copies made at the Ohio EPA Northwest District Office, Northwest District Office, 347 North Dunbridge Road, Bowling Green, OH 43402, by first calling, (419) 352-8461 to make an appointment.

Date of Public Notice: July 2, 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 develop 14 residential lots on approximately 16 acres in Jackson Township, Stark County, Ohio. Seven homes have already been constructed within these 14 lots. Development includes the completed homes, drives, utilities, grass seeding and associated landscaping. The application was submitted by Timberidge Enterprises, LTD., 5595 Massillon Road, North Canton, Ohio 44720. The project is located 1000 feet northeast of the intersection of Mudbrook Street and Arlington Avenue at Wexford Estates in Jackson Township, Stark County, Ohio. The Huntington District Corps of Engineers Public Notice for this project is 199800017. The Ohio EPA ID Number for this project is 062651.

These 14 lots were part of a larger project that received approval from the U.S. Army Corps of Engineers under a Nationwide Permit #26 (NWP #26) in 1998. NWP #26 authorized impacts to 1.493 acres of wetlands. No stream impacts were authorized by NWP #26. Recent compliance inspections determined that unauthorized impacts to 2.28 acres of wetlands and 830 linear feet of stream channel had occurred which were not covered by NWP #26.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's preferred alternative, the development of all 14 lots, if approved, would include earth fill and grading of an additional 1.04 acres of wetlands on top of the 2.28 acres of wetlands that were impacted without authorization. The wetland impacts for this phase of the project would then total 3.32 acres. The project impacts would also include the 830 linear feet of streams that were impacted without authorization. The developer proposes to restore 1.11 acres of the previously impacted wetlands as part of the mitigation. Additional off-site wetland and stream mitigation will be required. The developer also intends protect through deed restrictions approximately 3.87 acres of the avoided and restored on-site wetlands.

The applicant's minimal degradation alternative, the development of 7 lots, if approved, would include earth fill and grading of the 2.28 acres of wetlands that were impacted without authorization. The project impacts would also include the 830 linear feet of streams that were impacted without authorization. The developer proposes to restore 1.11

acres of the previously impacted wetlands as part of the mitigation. Additional off-site wetland and stream mitigation will be required. The developer also intends protect through deed restrictions approximately 4.91 acres of the avoided and restored on-site wetlands.

The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on waters of the state. However, the non-degradation alternative includes 2.28 acres of previously impacted wetland area and 830 linear feet of previously filled jurisdictional stream that the developer intends to restore back to the original condition.

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 July 2, 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, 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 August 1, 2007. 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.

Date of Public Notice: July 6, 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 that proposes to place fill material into waters of the United States and the State of Ohio in association with the construction of a surface coal mine operation. The application was submitted by Oxford Mining Company. The project is located east of Kinsey Valley Road (County Road 56) and south of Oldtown Valley Road (County Road 24) in York and Clay Townships, Tuscarawas County, Ohio. The Huntington District Corps of Engineers Public Notice Number for this project is 2005-1275-TUS. The Ohio Department of Natural Resources, DMRM Application for this project is 10367. The Ohio EPA ID Number for this project is 073114.

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 place approximately 565 cubic yards of fill material into 3,165 linear feet of intermittent stream and 387 cubic yards of fill material into 2,398 linear feet of ephemeral stream, in association with coal extraction and sediment pond construction. An additional 284 linear feet of intermittent stream would be secondarily impacted in association with sediment transport. The applicant's proposed minimal degradation alternative, if approved, would place approximately 50 cubic yards of fill material into 652 linear feet of intermittent stream and 67 cubic yards of fill material into 473 linear feet of ephemeral stream, in association with coal extraction and sediment pond construction. An additional 186 linear feet of intermittent stream would be secondarily impacted in association with sediment transport. 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 Oldtown Creek. 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 July 6, 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.