

PUBLIC NOTICE

FINAL ISSUANCE OF A RENEWAL CERTIFICATE OF REGISTRATION AS A TRANSPORTER OF INFECTIOUS WASTE

Notice is hereby given that on February 3, 2009, the director of Ohio EPA issued a renewal infectious waste transporter certificate to Daniels Sharpsmart Inc, 2133-126 Upton Dr #436, Virginia Beach, Va ID No.: 00-T-00278. Persons wishing to be notified of further actions or proceedings for this project must submit a request in writing to Ohio EPA, Division of Solid and Infectious Waste Management, Attn: Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049, tel.: (614) 644-2621. This final action was not preceded by a proposed action and may be appealed to the Environmental Review Appeals Commission, at 309 South Fourth Street, Suite 222 Columbus, Ohio 43215.

State of Ohio
Environmental Protection Agency

PUBLIC NOTICE

February 3, 2009

Notice of Proposed Rule-making and Public Hearing

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Drinking and Ground Waters (DDAGW) is proposing revisions to the rules of the Ohio Administrative Code (OAC) which set forth the requirements for underground injection control wells. The proposed amendments are, in part, a result of the five year rule review requirements of Section 119.032 of the Revised Code.

The division is proposing reorganized, revised and condensed UIC rules. Reorganization of the rules includes renumbering OAC rule 3745-34-13 to 3745-34-11 (Class V wells), and 3745-34-16 to 3745-34-12 (Application by permit; authorization by permit). The proposed rules also include clarifications and establishes new requirements for new Class V storm water drainage wells. The following new proposed rules were added to compile related requirements in one location:

3745-34-11, Class V wells;
3745-34-12, Application by permit; authorization by permit;
3745-34-13, Class I permit application;
3745-34-14, Class I permit to drill applications;
3745-34-15, Class I permit to operate applications;
3745-34-16, Class V permit requirements; and
3745-34-63, Class I annual permit fee; fee per ton of waste injected.

OAC rules 3745-34-01 and 3745-34-04 include definitions and well classifications found throughout Chapter 3745-34. Definitions that are no longer applicable due to rule revisions were removed. Rules 3745-34-08 and 3745-34-09 were revised to correct citations, clarify language, and identify the content of cross-references not located in OAC Chapter 3745-34. In addition, several corrections were made in the rules to identify the authorized permit applicant (the owner) in order to be consistent with section 6111.043 of the Revised Code.

Proposed rule 3745-34-11 establishes that the transition period for either closing or obtaining a permit for motor vehicle waste disposal (MVWD) wells and large capacity cesspools has expired. Plain language was added to ban MVWD wells and large capacity cesspools, and permit approval of injection wells used for remediation purposes, and prior to injecting treated drinking water as part of an aquifer storage and recovery project. Additionally, language was added requiring owners of Class V storm

water drainage wells to construct such wells in a manner that minimizes the injection of contaminants.

Annual fee requirements were moved from current rule 3745-34-16 to proposed rule 3745-34-63, which establishes language for submitting annual fees and fees per ton of waste injected. Additional changes to this rule were made to make it consistent with section 6111.044 of the Ohio Revised Code and federal requirements.

Proposed rule 3745-34-07 contains language which notes that fluids injected into an underground source of drinking water shall not exceed established primary drinking water standards. Additionally, language was added to prevent injection into Class V wells at concentrations that cause adverse environmental impacts.

Finally, the division amended rules to correct cross-references and citations affected by the proposed revisions. These rules include, 3745-34-17, 3745-34-32, 3745-34-35, 3745-34-39, 3745-34-49, 3745-34-54, and 3745-34-59.

As part of the rule-making process, the Agency is required by Section 121.39 of the Ohio Revised Code to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by the rules. The Agency is offering you and your organization the opportunity to comment on these rules before the division adopts them.

A public hearing pursuant to §119.03 of the Ohio Revised Code will be conducted on March 10, 2009, beginning at 10:00 a.m. in Conference Room B at the Ohio EPA, Lazarus Government Center, 50 West Town Street, Columbus, Ohio. All interested persons are entitled to attend or be represented and give their written or oral comments on this proposed rule-making. A presiding officer will be present until all interested persons have been heard.

To facilitate scheduling of oral presentations, persons intending to give testimony at the hearing should ensure that Ohio EPA receives notice of such intent by 5:00 p.m. on March 9, 2009. Persons who provide Ohio EPA with prior notice will be heard ahead of persons who register at the hearing. **All visitors to Ohio EPA must register at the Security desk in the lobby upon arrival. Please bring photo identification (such as a valid driver's license). For security reasons, visitors are required to wear their badge at all times while in the building. Please arrive early to complete these procedures.** To provide notice of intent to give oral comments at the public hearing, contact Susan Baughman by mail at Ohio EPA, DDAGW, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio 43215, or by phone at (614) 644-2752.

In order to ensure that written comments are considered as part of the official record of this hearing, written comments must be received by Ohio EPA by the close of business March 10, 2009. Written comments on the proposed rules may be given to the presiding officer during the hearing, sent by mail to Susan Baughman at the address

above, or sent by email to the following address ddagw_rulecomments@epa.state.oh.us.

To obtain a copy of the proposed rules, contact Flo Sellu at Ohio EPA at (614) 644-2916 or email at flo.sellu@epa.state.oh.us. Please request the "proposed underground injection control rules" and, if a recorded message is left, be sure to include your name, telephone number, and complete mailing address. There is no charge for proposed rules. The proposed rules will be available on the Agency web page until their adoption or withdrawal. The address is: <http://www.epa.state.oh.us/ddagw/oac.html>.

Questions concerning this proposed rule-making, other than obtaining copies of the proposed rules, may be addressed to Susan Baughman at the above address or by phone at (614) 644-2752. Email can be sent to Susan.Baughman@epa.state.oh.us.

**PUBLIC NOTICE
OHIO ENVIRONMENTAL PROTECTION AGENCY
RENEWAL OF LABORATORY CERTIFICATION UNDER OHIO'S VOLUNTARY
ACTION PROGRAM**

Notice is hereby given that on January 30, 2009, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code ("ORC") 3746.04(B)(6) and Ohio Administrative Code ("OAC") 3745-300-04, issued a renewal of laboratory certification to Stantec Consulting Services, Inc. ("Stantec") of 1233 Dublin Road, Columbus, Ohio. The certification number assigned to Stantec remains CL0054.

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 the 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, Ohio 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
OHIO ENVIRONMENTAL PROTECTION AGENCY
RENEWAL OF CERTIFIED PROFESSIONALS UNDER OHIO'S VOLUNTARY
ACTION PROGRAM**

Notice is hereby given that on February 2, 2009, 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 a renewal of certification to the following Certified Professionals: **Jennifer J. Krueger, CP274 and Craig A. Cox, CP189.**

The issuance of the renewal 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 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

If you would like to review a copy of any renewal 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.

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 2/2/2009.

For information regarding these final actions, contact Michael Riggleman, 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
FRANK	HARTLEY	BARBERTON	OH
LEON	KOLOMINSKY	MAYFIELD HTS	OH
WILLIAM	COON JR	ROOTSTOWN	OH

PUBLIC NOTICE
COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS
Network Restorations II LLC, 1268 North Fourth Street

Notice is hereby given that on February 3, 2009, 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 Network Restorations II LLC for the property identified as the 1268 North Fourth Street property.

Network Restorations II LLC conducted a voluntary action of the approximately 0.41-acre property located at 1268 North Fourth Street, Columbus, Franklin County, Ohio. A no further action letter was submitted on December 27, 2007 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of Network Restorations II LLC by Jeffrey P. Hullinger, a certified professional (No. CP 214), 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 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 it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be served on the Director within three 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. 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 Officer, 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
COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS
Ohio Department of Transportation - ODOT Excess Land- Ashland

Notice is hereby given that on February 4, 2009, 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 Ohio Department of Transportation (ODOT) for the property identified as the ODOT Excess Land property (the "Property").

ODOT conducted a voluntary action of the approximately 3.364-acre Property located at 850-900 North Clark Street, Ashland, Ashland County, Ohio. A no further action letter was submitted on June 16, 2008 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of ODOT by Matthew D. Knecht, a Certified Professional (No. CP105), 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. 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

If you would like to review a copy of the Covenant Not To Sue/Final Findings and Orders, please contact Debi Tavizon, Records Management Officer, 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.

Date of Public Notice: February 5, 2009

**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 known as Water Color Estates which will consist of a housing development consisting of single-family residences with lake front and lake access lots. The application was submitted by Southshore Acres, Incorporated. The project is located north of Koehn Road between Mercer-Auglaize County Line Road and Schroeder Road. The Huntington District Corps of Engineers Public Notice Number for this project is LRH-2006-533-WAB. The Ohio EPA ID Number for this project is 083440.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative would impact 1.92 acres of low to high quality emergent, scrub brush and forested wetlands, 0.63 acres of reclaimed lake and 0.70 acres of shallow lake access channel. The applicant's proposed minimal degradation alternative, if approved, would impact 1.92 acres of low to medium quality wetlands, 0.29 acres of reclaimed lake and 0.70 acres of shallow lake access channel. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts to waters of the state.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Grand Lake St. Marys. 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 February 5, 2009, copies of the application for certification and technical support information may be inspected at Ohio EPA/DSW, 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.

Persons wishing to 1) be on Ohio EPAs parties mailing list for this project, 2) request a public hearing, or 3) submit written comments for Ohio EPAs consideration in reviewing the application should do so 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: February 6, 2009

**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 will provide additional access to the north runway at the NetJets facility located at Port Columbus International Airport. The application was submitted by the Columbus Regional Airport Authority (CRAA), 4600 International Gateway, Columbus, Ohio 43219. The U.S. Army Corps of Engineers is processing this as a modification to the CRAA's existing waterway permit Public Notice 2006-2164-2. The Ohio EPA ID Number for this project is 083469.

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 minimal degradation alternative (Alternative 1), if approved, would remove 948 Cu Yd of dirt to establish a foundation along 200 linear feet of the North Ditch. A 3-sided structure will be placed over the ditch. The amount of permanent concrete fill below the ordinary high water mark (OHWM) will be 477 Cu Yd. The applicant's proposed preferred alternative (Alternative 2), if approved, would be the placement of a box culvert in the stream. This would require 1393 Cu Yd of dirt to be excavated along 200 linear feet of the North Ditch. There would be 978 Cu Yd of permanent fill placed below the OHWM. The applicant's proposed non-degradation alternative would be the construction of a bridge to span the entire 200 linear feet of the North Ditch. If approved, would have no direct impacts on waters of the state. The applicant seeks authorization of Alternative 1.

Discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of the North Ditch, which is a tributary of the Big Walnut Creek (HUC0506001). 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 February 6, 2009, 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 43215, 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.

Date of Public Notice: February 13, 2009

**PUBLIC NOTICE
NOTICE OF RECEIPT OF ISOLATED WETLAND PERMIT
APPLICATION (LEVEL 2)**

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, an Isolated Wetland Permit (Level 2) for a project to clear and fill 1.17 acres of Category 2 wetlands. The application was submitted by the Fulton County Board of Commissioners, 152 South Fulton Street, Suite 270, Wauseon, OH 43567. The project is located at the Fulton County Airport, 9460 County Road 14, Wauseon, Ohio. The Ohio EPA Number for this project is 083423.

The review of the application will be conducted, and a decision whether to grant or deny the application will be made, in accordance with Ohio Revised Code (ORC) Sections 6111.02 to 6111.028 and other applicable provisions of state laws. Other alternatives as proposed by the applicant resulting in less adverse impact to the isolated wetland ecosystem, will be considered by Ohio EPA during the review process.

Starting February 13, 2009, copies of the application 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 20 days of the date of this public notice.

Date of Public Notice: February 9, 2009

**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 conduct surface mining activities on 390 acres to recover the #8 Pittsburgh coal seam. The application was submitted by Ohio American Energy Inc., 153 Highway 7 South, Powhatan Point, Ohio 43942. The project is located at Salt Run Road, Wells Township, Jefferson County, Ohio. The ODNR-Division of Mineral Resources Management permit number for this project is D-2180-1. The Ohio EPA ID Number for this project is 083439.

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 impact 0.81 acres of wetland, and 5,067 linear feet of intermittent stream. The applicant's proposed minimal degradation alternative, if approved, would impact 0.81 acres of wetland, and 185 linear feet of intermittent 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 Salt Run 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 February 9, 2009, 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.

Date of Public Notice: February 2, 2009

**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 proposed surface mining project. The application was submitted by Buckeye Industrial Mining Company, 4719 Industrial Road, P.O. Box 389 Lisbon, Ohio 44432. The Hamilton mine is a 194.8 acre site located in Section 21 of Paris Township in Stark County, Ohio, approximately 2 miles northeast of Robertsville, Ohio and is bounded by State Route 30 to the south of Freed Street to the north. The proposed project, if approved, would extract the No. 5 and No. 6 coal seams using conventional surface mining methods. The Huntington District of the U.S. Army Corps of Engineers public notice number is 2006-00483. The Ohio Department of Natural Resources application number for this project is 10394. The Ohio EPA ID Number for this project is 083373.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would produce approximately 643,438 tons of coal while surface mining approximately 124.7 acres. Total impacts under this alternative would affect 1.20 acres of wetlands. No streams will be impacted. The applicant's proposed minimal degradation alternative, if approved, would not eliminate the acreage of coal available to surface mine. Selection of this alternative would impact 1.17 acres of wetlands. No streams will be impacted. The minimal degradation alternative would result in the production of 643,438 tons of coal. 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 wetlands tributary to Hugle Run, which is tributary to Sandy Creek in the Muskingum River drainage basin (HUC 05040001 060). 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 February 2, 2009, 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.

Date of Public Notice: February 4, 2009

**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 proposed surface mining of the No. 3, 3A and No. 5 coal seams along with the extraction of limestone from Sands Hill Mining, LLC proposed Big Rock mine site. The application was submitted by Sands Hill Mining, LLC, 38701 State Route 160, Hamden, Ohio 45634. The project is located in Sections 22, 26, and 27 of Clinton Township in Vinton County, Ohio, approximately 2.5 miles east of Hamden, Ohio. The Huntington District of the U.S. Army Corps of Engineers public notice number is 2006-2247-OHR. The Ohio Department of Natural Resources application number for this project is 10396. The Ohio EPA ID Number for this project is 083430.

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 extract limestone and the No. 4A and No. 5 coal seam from the 260.7-acre site. Conventional surface mining methods that require removal of covering soil and rock (overburden), extraction of coal, and replacement of rock and soil to approximate original contours will be used. Following this activity, final reclamation will be completed and the land will be restored to undeveloped pastureland post-mining use. Total impacts under this alternative will affect 7,664 linear feet of intermittent and ephemeral stream and 3.91 acres of wetland. Under the preferred alternative, mining will produce approximately 1,909,555 tons of coal and 2,543,220 tons of limestone.

The applicant's proposed minimal degradation alternative, if approved, would eliminate the surface mining of approximately 64.5 acres of coal. Approximately 106 acres would remain for surface mining. Selection of this alternative would impact 6,341 feet of stream and 2.90 acres of wetland per Stantec. The minimal degradation alternative would result in the production of 1,572,333 tons of coal and 2,543,220 tons of limestone. 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 unnamed, stream tributaries and wetlands to Sugar Run which drains into Raccoon Creek in the Southeast Ohio tributaries drainage basin (HUC

05040006 030). 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(D) of the Antidegradation Rule (effective as of May 1, 1998) apply or may be granted by the Director of Ohio EPA.

Starting February 4, 2009, 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.