

**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 has adopted amended rules 3745-21-01, 3745-21-04, 3745-21-09, 3745-21-14, 3745-21-16, 3745-21-18, and 3745-21-21 of the Administrative Code, and new rules 3745-21-22, 3745-21-23, and 3745-21-24 of the Administrative Code, and rescinded rule 3745-21-11 of the Administrative Code.

The rules specified above are intended to assist the state of Ohio in achieving and/or maintaining the national 8-hour ground level ozone standard through the regulation of volatile organic compound (VOC) emissions from stationary sources. VOC emissions are a precursor to ozone formation. These rules have had their applicability extended to include the Cleveland/Akron, Ohio non-attainment area in order to aid in the reduction of ozone formation.

A public hearing on the new rules was held on February 13, 2009 in Columbus, Ohio. After considering comments and oral testimony, the Directors order of adoption was issued on March 23, 2009. The effective date of these rules is April 2, 2009.

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 Mr. Alan Harness, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Mr. Alan Harness at (614) 644-4838. This rule is available on the Web page for electronic downloading by scrolling down to OAC Chapter 3745-21, "Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and related Materials Standards." 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 Ohio Revised Code Section 3745.04. 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. Ohio EPA also requests that a copy of the appeal be served upon the Environmental Enforcement Section of the Ohio Attorney General's Office.

Date of Public Notice: March 26, 2009

**PUBLIC NOTICE
NOTICE OF RECEIPT OF 401 AND ISOLATED LEVEL 2 APPLICATIONS**

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 and Isolated Wetland Level 2 permit for a project involving land disturbance activities to continue the operation of the Beech Hollow Landfill. The application was submitted by Rumpke Waste Inc. The project is located 28 A.W. Long Road, Wellston, Ohio. The Huntington District Corps of Engineers Public Notice Number for this project is LHR-2001-39-OHR. The Ohio EPA ID Numbers for this project are 093473 for jurisdictional waters and 093474 for isolated wetlands.

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 approximately 4,606 linear feet of stream (unnamed tributaries of Little Raccoon Creek) and 0.56 acres of jurisdictional wetland. The applicant's proposed minimal degradation alternative, if approved, would impact approximately 2,246 linear feet of stream (unnamed tributaries of Little Raccoon Creek) and 0.34 acres of wetland. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on waters of the state.

The applicant's Isolated Wetland Level 2 application proposes to impact 0.60 acres of isolated wetland.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of unnamed tributaries to Little Raccoon Creek. 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.

Starting March 26, 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: March 17, 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 to conduct surface mining activities to recover the No. 8 and No. 9 coal. The application was submitted by Oxford Mining Company, LLC, 544 Chestnut Street, P.O. Box 427, Coshocton, Ohio 43812. The project is located in Sections 15, 16, 21 & 22 of Wells Township, Jefferson County, Ohio. ODNR, Division of Mineral Resources Management application number for this project is 10399. The Ohio EPA ID Number for this project is 083455.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would result in impacts to approximately 11,924 feet of streams, and 0.03 acres of wetland. The applicant's proposed minimal degradation alternative, if approved, would result in impacts to approximately 10,625 feet of streams, and 0.03 acres of wetland. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on streams or wetlands.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of unnamed tributaries to Rush Run and Blues 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 Paragraph 3745-1-05 (D) of the Antidegradation Rule (effective as of May 1, 1998), apply or may be granted by the Director of Ohio EPA.

Starting March 17, 2009, copies of the application for the certification and technical support information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 50 W.

Town St., 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

DIRECTOR'S UNILATERAL FINAL FINDINGS AND ORDERS

To the Heirs of Roweine Deibel and Helen Hill (Deceased) Respondents, property owners of 2090 Riceford Rd. SW, East Sparta, OH 44626, are hereby noticed of Ohio Environmental Protection Agency (Ohio EPA) Director's Final Findings and Orders issued on March 23, 2009, ordering all property owners to cease acceptance of solid waste and scrap tires at the Property, perform mosquito control measures immediately, establish fire lanes within thirty (30) days, and remove all scrap tires from the Property within 120 days of issuance. A copy of these Orders may be obtained by contacting Lily Aaron, Ohio EPA, Northeast District Office, 2110 E. Aurora Road, Twinsburg, OH 44087, Tel: (330) 963-1200. The Orders are also available at www.epa.state.oh.us, Forms and Publications, DSIWM, Issued Actions, Calendar Year 2009. If upon 120 days, all scrap tires are not removed from the Property, Ohio EPA may seek access to the Property and conduct removal operations of the scrap tires. If Ohio EPA incurs such removal cost, it may seek cost recovery against the property owners and/or record removal costs at the Stark County recorder and place a lien upon the Property.