

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

Notice is hereby given that in accordance with Ohio Revised Code (ORC) 119.032 (5-year rule review), the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) has reviewed the sixty-four rules contained in Ohio Administrative Code (OAC) Chapter 3745-103. These rules are related to the Acid Rain program for control of emissions of sulfur dioxide and nitrogen oxides from fossil-fuel fired electrical generating units. Our review indicated that these rules continue to be necessary and that amendment of some of the rules in this chapter was necessary.

DAPC proposed amendments to forty-three rules for any of four reasons: (1) to revise the comment at the head of rules containing citations of referenced materials, to match language prescribed by the Legislative Services Commission; (2) to provide current effective dates for referenced materials; (3) to update the rule language in four rules to make it match the corresponding text in those federal acid rain rules that have been amended since the last 5-year review; and (4) to correct minor errors of punctuation or grammar.

Additionally, OAC rule 3745-103-53 was rescinded and replaced with new text in order to correct a problem in formatting that could not be addressed in any other way.

DAPC provided facilities, trade associations and other interested parties an informal comment period that ended June 13, 2011 and received no comments on these rule amendments. These rules were filed with JCARR on August 24, 2011. Pursuant to Chapter 119.03 of the Ohio Revised Code, a public hearing on this rule review was held on October 3, 2011, in Columbus, Ohio. There were no comments received during the comment period and no changes were made to the proposed rules as a result of public comment. These rules were considered by JCARR during its hearing of October 24, 2011, on the consent agenda and no comments were offered. JCARR jurisdiction ended on October 28, 2011. The Director's order of adoption was issued on October 31, 2011. **The effective date of these rules is November 10, 2011.**

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 Dana Thompson, Ohio EPA, Division of Air Pollution Control, TRI Unit, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049. This rule is available on the Web page for electronic downloading at: <http://www.epa.ohio.gov/dapc/regs/regs.aspx#3745-103>. Questions regarding accessing the web site should be directed to Arunee Niamlarb at 614-728-1342.

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 236 East Town Street, Room 300, 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.

**PUBLIC NOTICE
FINAL ISSUANCE OF AN AMENDED CERTIFICATE
OF REGISTRATION AS A TRANSPORTER OF INFECTIOUS WASTE**

Notice is hereby given that on October 28, 2011; the director of Ohio EPA issued an amended infectious waste transporter certificate to WM Healthcare Solutions Inc, 1001 Fannin St Ste 4000, Houston, TX 77002, No. 00-T-00321. 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.

**PUBLIC NOTICE
10/28/2011 Issuance of Draft Air Pollution Permit-To-Install and Operate**

PROCTER & GAMBLE MFG CO
MUMAUGH & RESERVOIR RD,
Lima, OH 45802
Allen County

FACILITY DESC.: Soap and Other Detergent Manufacturing
PERMIT #: P0104687
PERMIT TYPE: Administrative Modification

PERMIT DESC: Administrative modification to adjust the maximum heat input capacities of the equipment.

The Director of the Ohio Environmental Protection Agency issued the draft permit above. The permit and complete instructions for requesting information or submitting comments may be obtained at: epa.ohio.gov/dapc/permit by entering the permit # or: Andrea Moore, Ohio EPA DAPC, Northwest District Office, 347 North Dunbridge Road, Bowling Green, OH 43402. Ph: (419)352-8461.

PUBLIC NOTICE
10/31/2011 Issuance of Draft Air Pollution Permit-To-Install

General Electric Aviation, Evendale Plant
One Neumann Way,
Cincinnati, OH 45215
Hamilton County

FACILITY DESC.: Aircraft Engine and Engine Parts Manufacturing
PERMIT #: P0108720
PERMIT TYPE: Administrative Modification

PERMIT DESC: Permittee-requested Administrative Modification of PTI 14-2834 issued 3/3/1993 to change synthetic minor limitations and associated record keeping from a 365-day rolling average to a 12-month rolling average for EUs P231, P234, and P235.

The Director of the Ohio Environmental Protection Agency issued the draft permit above. The permit and complete instructions for requesting information or submitting comments may be obtained at: epa.ohio.gov/dapc/permit by entering the permit # or: Mike Kramer, Hamilton County Dept. of Environmental Services, 250 William Howard Taft Pkwy., Cincinnati, OH 45219-2660. Ph: (513)946-7777.

PUBLIC NOTICE
11/1/2011 Issuance of Draft Air Pollution Permit-To-Install and Operate

Kokosing Materials, Inc. Plant 504
17531 Waterford Rd, Crane TWP Upper Sandusky
Fredericktown, OH 43019
Knox County

FACILITY DESC.: Asphalt Paving Mixture and Block Manufacturing
PERMIT #: P0108429
PERMIT TYPE: Renewal

PERMIT DESC: Hot Mix Asphalt Plant FEPTIO renewal permit

The Director of the Ohio Environmental Protection Agency issued the draft permit above. The permit and complete instructions for requesting information or submitting comments may be obtained at: epa.ohio.gov/dapc/permit by entering the permit # or: Todd Scarborough, Ohio EPA DAPC, Central District Office, 50 West Town Street, 6th Floor P.O. Box 1049, Columbus, OH 43216-1049. Ph: (614)728-3778.

**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 11/1/2011.

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. 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, made payable to "Ohio Treasurer Kevin Boyce," 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

FIRST	LAST	CITY	STATE
MICHAEL G.	BALOGH	BROOK PARK	OH
ROBERT S.	MARFLAK	SEVEN HILLS	OH
RAYMOND L.	CAVENDER II	CLEVELAND	OH
PATRICK J.	ZACK	PARMA	OH

**PUBLIC NOTICE
FINAL ACTIONS OF THE DIRECTOR
ISSUANCE OF CERTIFICATES TO REPAIR FACILITIES 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 3745-26-15, has issued certificates to perform work as a Certified Repair Facility under the Motor Vehicle Emission Inspection and Maintenance Program, consistent with the requirements of that program, to the facilities listed below. All certificates are issued 11/1/2011.

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.

COUNTY	SHOP NAME	CITY	STATE
CUYAHOGA	RAD AIR OF PARMA HEIGHTS	PARMA HEIGHTS	OH
CUYAHOGA	RAD AIR OF SEVEN HILLS	SEVEN HILLS	OH

PUBLIC NOTICE
COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS
City of Steubenville, Former Cools Hoagie

Notice is hereby given that on November 3, 2011, 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 City of Steubenville, the "Volunteer" for property known as Former Cools Hoagie (the "Property").

The Volunteer conducted a voluntary action of the approximately 0.113 acre-Property, which is located at 152-154 North Fourth Street, Steubenville, Jefferson County, Ohio. A no further action letter for the Property was submitted on June 21, 2011 to the Voluntary Action Program of the Ohio EPA Division of Environmental Response and Revitalization by David Kreeger, a Certified Professional as defined in ORC 3746.01(F) and OAC 3745-300-01(A).

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (the "Commission") pursuant to ORC 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 the Commission within thirty (30) days after notice of the action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio", 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 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 the following address: 77 South High Street, 17th Floor, Columbus, Ohio 43215.

If you would like to review a copy of the Covenant Not To Sue/Final Findings and Orders, please contact the Records Management Officer, Ohio EPA, Division of Environmental Response and Revitalization, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

PUBLIC NOTICE

11/1/2011 Issuance of Draft Air Pollution Permit-To-Install and Operate

Nexeo Solutions, LLC
2788 GLENDALE-MILFORD RD,
Evendale, OH 45241
Hamilton County

FACILITY DESC.: Other Chemical and Allied Products Merchant Wholesalers
PERMIT #: P0108685
PERMIT TYPE: Initial Installation

PERMIT DESC: Initial Installation of Organic Materials Tote Filling Line -P009
-Terms are part of Joint Stipulation and Settlement Agreement dated 4/12/11.

The Director of the Ohio Environmental Protection Agency issued the draft permit above. The permit and complete instructions for requesting information or submitting comments may be obtained at: epa.ohio.gov/dapc/permit by entering the permit # or: Mike Kramer, Hamilton County Dept. of Environmental Services, 250 William Howard Taft Pkwy., Cincinnati, OH 45219-2660. Ph: (513)946-7777.

PUBLIC NOTICE

11/2/2011 Issuance of Draft Air Pollution Permit-To-Install and Operate

Nexeo Solutions, LLC
2788 GLENDALE-MILFORD RD,
Evendale, OH 45241
Hamilton County

FACILITY DESC.: Other Chemical and Allied Products Merchant Wholesalers
PERMIT #: P0108712
PERMIT TYPE: Renewal

PERMIT DESC: This is an FEPTIO permit renewal for multiple emissions units at the facility to incorporate terms and conditions agreed upon as part of a permit appeal settlement.

The Director of the Ohio Environmental Protection Agency issued the draft permit above. The permit and complete instructions for requesting information or submitting comments may be obtained at: epa.ohio.gov/dapc/permit by entering the permit # or: Mike Kramer, Hamilton County Dept. of Environmental Services, 250 William Howard Taft Pkwy., Cincinnati, OH 45219-2660. Ph: (513)946-7777.

PUBLIC NOTICE
COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS
Toledo-Lucas County Port Authority, Former Naval Weapons Industrial Reserve
Plant Property

Notice is hereby given that on November 2, 2011, 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 Toledo-Lucas County Port Authority (the "Volunteer" for property known as the Former Naval Weapons Industrial Reserve Plant (the "Property").

The Volunteer conducted a voluntary action on the approximately 31.151 acre-Property, which is located at 1330 Laskey Road, Toledo, Lucas County, Ohio. A no further action letter for the Property was submitted on March 30, 2011 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response by William Rish, Ph.D., a Certified Professional as defined in ORC 3746.01(F) and OAC 3745-300-01(A).

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (the "Commission") pursuant to ORC 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 the Commission within thirty (30) days after notice of the action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio," 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 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 the following address: 77 South High Street, 17th Floor, Columbus, Ohio 43215.

If you would like to review a copy of the Covenant Not To Sue/Final Findings and Orders, please contact the Records Management Officer, Ohio EPA, Division of Environmental Response & Revitalization, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

PUBLIC NOTICE
11/3/2011 Issuance of Draft Air Pollution Permit-To-Install

University of Toledo Health Science Campus
3000 Arlington Ave,
Toledo, OH 43614-2598
Lucas County

FACILITY DESC.: Colleges, Universities, and Professional Schools
PERMIT #: P0108953
PERMIT TYPE: Administrative Modification

PERMIT DESC: Administrative modification to add federally enforceable restrictions on coal usage at the coal-fired boilers.

The Director of the Ohio Environmental Protection Agency issued the draft permit above. The permit and complete instructions for requesting information or submitting comments may be obtained at: epa.ohio.gov/dapc/permit by entering the permit # or: Babak Firoozi, Toledo Department of Environmental Services, 348 South Erie Street, Toledo, OH 43604. Ph: (419)936-3015.

PUBLIC NOTICE
11/3/2011 Issuance of Draft Air Pollution Permit-To-Install and Operate

Valley Flooring, LLC
6078 Kerr Road,
Gambier, OH 43022
Knox County

FACILITY DESC.: Other Millwork (including Flooring)
PERMIT #: P0108628
PERMIT TYPE: Initial Installation

PERMIT DESC: Inline Booth #1 - 1200 cfm, automatic feed, spray booth for automatic spray application of surface coatings to wood flooring.

The Director of the Ohio Environmental Protection Agency issued the draft permit above. The permit and complete instructions for requesting information or submitting comments may be obtained at: epa.ohio.gov/dapc/permit by entering the permit # or: Sara Geary, Ohio EPA DAPC, Central District Office, 50 West Town Street, 6th Floor P.O. Box 1049, Columbus, OH 43216-1049. Ph: (614)728-3778.

PUBLIC NOTICE
11/3/2011 Issuance of Draft Air Pollution Permit-To-Install and Operate

CEREAL FOOD PROCESSORS, INC.
1635 MERWIN,
Cleveland, OH 44113
Cuyahoga County

FACILITY DESC.: Wheat Farming
PERMIT #: P0108218
PERMIT TYPE: Renewal

PERMIT DESC: Renewal FEPTIO for 5 emissions units (F001 - F005) used to unload, store, mill and load feed of raw wheat arriving from the field interchangeably with other byproducts.

The Director of the Ohio Environmental Protection Agency issued the draft permit above. The permit and complete instructions for requesting information or submitting comments may be obtained at: epa.ohio.gov/dapc/permit by entering the permit # or: David Hearne, Cleveland Division of Air Quality, 2nd Floor 75 Erieview Plaza, Cleveland, OH 44114. Ph: (216)664-2297.

Date of Public Notice: October 29, 2011

**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 to culvert an unnamed intermittent tributary to the Hocking River to facilitate the development of new athletic improvements, which include a softball field and parking lot, at the Athens school campus located at 1 High School Road, The Plains, Athens County, Ohio. The application was submitted by Mr. Carl Martin, Athens City Schools, 25 South Plains Road, The Plains, OH 45780. The Ohio EPA ID Number for this project is 113829.

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 culvert approximately 426 linear feet of unnamed tributary to the Hocking River.

The applicant's proposed minimal degradation alternative, if approved, would culvert 220 linear feet of the unnamed tributary to the Hocking 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 wetlands and streams within the Hocking 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 October 29, 2011, 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. The application materials are also available online via the Ohio EPA's website at <http://www.epa.ohio.gov/dsw/401/applications.aspx>

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.

**PUBLIC NOTICE
ISSUANCE OF APPROVAL TO RELOCATE A PORTABLE AIR CONTAMINANT
SOURCE
Evans Landscaping, Inc. (1412 Trackpacktor Crusher)**

Issue Date: 11/02/2011
Relocation Number: REL02005
Facility ID: 1431004371

Facility Location: Evans Landscaping, Inc. (1412 Trackpacktor Crusher)
4229 Round Bottom Road,
Newtown, OH 45244

Facility Description: Other Crushed and Broken Stone Mining and Quarrying

Ohio EPA has received a request to relocate a portable air contaminant source for the company identified above. Upon review of the request, the Director has approved the relocation and the facility is authorized to move to 2821 Vine Street Cincinnati, Ohio upon the publication of this notice.

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, made payable to "Ohio Treasurer Josh Mandel," 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
77 South High Street, 17th Floor
Columbus, OH 43215

All inquiries concerning this action may be directed to Hamilton County Dept. of Environmental Services at (513)946-7777.

Date of Public Notice: October 30, 2011

**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 to upgrade and improve roads, construct rail spurs and install a transfer pad from rail to road, located at the existing South Point Industrial Park in South Point, Fayette and Perry Townships, Lawrence County, Ohio. The application was submitted by Dr. Bill Dingus, Lawrence Economic Development Corporation, 216 Collins Avenue, South Point, Ohio 45680-0488. The Corps Public Notice Number for this project is 2009-836-OHR. The Ohio EPA ID Number for this project is 113816.

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 include the placement of 450 linear feet of 60" corrugated metal pipe, 10 cubic yards of crushed stone and 300 cubic yards of aggregate in an unnamed tributary to the Ohio River, and clean fill in 0.07 acres of wetland. The applicant's proposed minimal degradation alternative, if approved, would include the construction of 24' span, 3-sided structure to span the stream a length of approximately 200 linear feet under the transfer pad. Fill associated would include less than 200 linear feet of 60 inch corrugated metal pipe, 30 cubic yards of crushed stone and 130 cubic yards of aggregate in an unnamed tributary to the Ohio River and clean fill in 0.07 acres of wetland. 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 wetlands and streams that discharge to the Ohio River downstream of Ohio River Mile 663. 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 October 30, 2011, 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. The application materials are also available online via the Ohio EPA's website at <http://www.epa.ohio.gov/dsw/401/applications.aspx>

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: October 31, 2011

**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 construction of a new 215 linear foot (LF) armor stone revetment, a 70 by 10 foot L-shaped concrete pier and 161 LF seawall along the Lake Erie shoreline. The application was submitted by Elias and Donny Courty and is located at 30708 Lake Road in Bay Village, Ohio. The Buffalo District Corps of Engineers Public Notice Number for this project is 2009-01658. The Ohio EPA ID Number for this project is 113824.

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 result in 3,330 cubic yards (CY) (15,618 square feet) of fill placement on the Lake Erie bottom, below the ordinary high water mark (OHWM). The applicant's proposed minimal degradation alternative, if approved, would result in 2505 CY (13,898 square feet) of fill placement on the Lake Erie bottom, below the OHWM. 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 Lake Erie. Ohio EPA will review the application, and decide whether to grant or deny the application, in accordance with Chapters 3745-1 and 3745-32. 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. All three proposed alternatives will be considered by Ohio EPA during the review process. No exclusions or waivers, as outlined by Paragraph 3745-1-05 apply or may be granted by the Director of Ohio EPA.

Starting October 31, 2011, 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. 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 30 days of the date of this public notice.

**PUBLIC NOTICE
ISSUANCE OF APPROVAL TO RELOCATE A PORTABLE AIR CONTAMINANT
SOURCE
MARUCCI AND GAFFNEY EXCAVATING**

Issue Date: 11/02/2011
Relocation Number: REL02008
Facility ID: 0250111012

Facility Location: MARUCCI AND GAFFNEY EXCAVATING
18 HOGUE ST.,
Youngstown, OH 44502

Facility Description: Site Preparation Contractors

Ohio EPA has received a request to relocate a portable air contaminant source for the company identified above. Upon review of the request, the Director has approved the relocation and the facility is authorized to move to Tod Property Sloane Ave, Youngstown, OH 44502 upon the publication of this notice.

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, made payable to "Ohio Treasurer Josh Mandel," 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
77 South High Street, 17th Floor
Columbus, OH 43215

All inquiries concerning this action may be directed to Ohio EPA DAPC, Northeast District Office at (330)425-9171.