

**NOTICE OF ADOPTION OF RULES  
OHIO ENVIRONMENTAL PROTECTION AGENCY  
Rules Governing  
Composting and Multi-Program Rules**

Notice is hereby given that the Director of the Ohio Environmental Protection Agency (Ohio EPA) has final filed the following rules of the Ohio Administrative Code:

Rule Number	Rule Title	Action
3745-27-40	Authorized feedstocks, bulking agents, and additives and classification of composting facilities.	Rescind
3745-27-41	Notification requirements for class II, III, and IV composting facilities.	Rescind
3745-27-42	Permit to install for class I solid waste composting facilities.	Rescind
3745-27-43	Additional criteria for approval of permit to install applications for class I solid waste composting facilities.	Rescind
3745-27-45	Composting facility operations.	Rescind
3745-27-46	Standards for compost products.	Rescind
3745-27-47	Closure of composting facilities.	Rescind
<b>Composting Program Chapter OAC 3745-560</b>		
<b>Definitions and Administrative Requirements for a Composting Facility</b>		
3745-560-01	Composting facilities – applicability.	New
3745-560-02	Composting facilities – definitions.	New
3745-560-03	Plan view drawing update for class IV composting facilities.	New
3745-560-04	Composting – log of operations and annual report forms.	New
3745-560-05	Composting - closure cost estimate.	New
<b>Class I Composting Facilities</b>		

3745-560-100	Class I composting facility establishment.	New
3745-560-101	Criteria and procedures for approval, termination, revocation, and administrative change of a class I composting facility permit to install.	New
3745-560-102	Procedures for commencement of operations at class I composting facilities.	New
3745-560-105	Alternative materials request for class I composting facilities.	New
3745-560-110	Operational requirements for class I composting facilities.	New
3745-560-115	Record keeping requirements for class I composting facilities.	New
3745-560-120	Compost distribution requirements for class I composting facilities.	New
3745-560-125	Compost sampling and testing requirements for class I composting facilities.	New
3745-560-130	Compost quality standards for class I composting facilities.	New
3745-560-135	Closure requirements for class I composting facilities.	New
<b>Class II Composting Facilities</b>		
3745-560-200	Class II composting facility establishment.	New
3745-560-201	Criteria for approval and termination of a class II composting facility registration.	New
3745-560-202	Procedures for commencement of operations at class II composting facilities.	New
3745-560-205	Alternative materials request for class II composting facilities.	New
3745-560-210	Operational requirements for class II composting	New

	facilities.	
3745-560-215	Record keeping requirements for class II composting facilities.	New
3745-560-220	Compost distribution requirements for class II composting facilities.	New
3745-560-225	Compost sampling and testing requirements for class II composting facilities.	New
3745-560-230	Compost quality standards for class II composting facilities.	New
3745-560-235	Closure requirements for class II composting facilities.	New
Class III Composting Facilities		
3745-560-300	Class III composting facility establishment.	New
3745-560-301	Criteria for approval and termination of a class III composting facility registration.	New
3745-560-302	Procedures for commencement of operations at class III composting facilities.	New
3745-560-310	Operational requirements for class III composting facilities.	New
3745-560-315	Record keeping requirements for class III composting facilities.	New
3745-560-320	Compost distribution requirements for class III composting facilities.	New
3745-560-325	Compost sampling and testing requirements for class III composting facilities.	New
3745-560-330	Compost quality standards for class III composting facilities.	New
3745-560-335	Closure requirements for class III composting facilities.	New
Class IV Composting Facilities		

3745-560-400	Class IV composting facility establishment.	New
3745-560-401	Criteria for approval and termination of a class IV composting facility registration.	New
3745-560-402	Procedures for commencement of operations at class IV composting facilities.	New
3745-560-410	Operational requirements for class IV composting facilities.	New
3745-560-415	Record keeping requirements for class IV composting facilities.	New
3745-560-435	Closure requirements for class IV composting facilities.	New
Multi-Program General Administration OAC 3745-500		
3745-500-01	General administration - applicability	New
3745-500-02	General administration - definitions	New
3745-500-03	Incorporation by reference	New
3745-500-35	Relationships among authorizing documents, rules, and the authority of the director and board of health	New
3745-500-50	Signatures	New
3745-500-120	Procedures for issuing, denying, modifying, transferring, and revoking licenses and permits to install	New
3745-500-130	Retention and distribution of authorizing documents – procedures for boards of health and Ohio EPA	New
3745-500-150	Alteration to a solid waste permit to install	New
3745-500-210	Variances for solid waste facilities	New
3745-500-220	Exemptions from solid waste requirements	New
3745-500-330	Termination of a permit to install issued under Chapter 3734. of the Revised Code	New
3745-500-350	Causes for revoking a permit to install issued under	New

	Chapter 3734. of the Revised Code	
3745-500-360	Administrative change to a permit to install.	New
Multi-Program Licensing OAC 3745-501		
3745-501-01	Licensing – applicability.	New
3745-501-02	Licensing – definitions.	New
3745-501-05	Licenses required for solid waste facilities.	New
3745-501-10	License applications, application procedures, and remittal of fees after license issuance.	New
3745-501-15	Criteria for issuing or denying facility licenses.	New
3745-501-20	Procedures for the licensing authority for reviewing and considering license applications.	New
3745-501-35	Transfer of licenses.	New
3745-501-40	Suspension or revocation of a license.	New
Multi-Program Financial Assurance OAC 3745-503		
3745-503-01	Financial assurance – applicability.	New
3745-503-02	Financial assurance – definitions.	New
3745-503-05	Financial assurance for a solid waste facility closure.	New
3745-503-20	Wording of financial assurance instruments.	New

The Director's order of rescission and adoption was issued on February 16, 2012. These rescinded and adopted rules will become effective on April 2, 2012.

The Director's action in this matter is pursuant to the procedural requirements of Ohio Revised Code Chapter 119 and is based upon the record of the public hearing conducted by Ohio EPA on January 4, 2012 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, 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, Ohio 43215

**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 3745-20-01, 3745-20-03 to 3745-20-13, and 3745-20-15 of the Ohio Administrative Code (OAC). These rules are part of the Asbestos Emission Control program.

The primary purpose of this rulemaking was to fulfill the requirements of ORC 119.032 (5-yr review). Changes to the rules were minor, primarily to clarify information on items referenced in the chapter and to correct typos and formatting issues. Ohio EPA also made several changes to make Ohio's rules equivalent in scope and intent with federal asbestos emission control rules.

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 October 7, 2011, these rules went out for a 30 day review by interested parties. Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes was conducted on January 9, 2012 in Columbus, Ohio. There were no comments received during the comment period or at the public hearing. The Director's order of adoption was issued on February 21, 2012. **The effective date of these rules is March 2, 2012.**

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 Paul Braun, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Paul Braun at 614-644-3734. The rules are also available on Ohio EPA's Web page for electronic downloading at: <http://www.epa.ohio.gov/dapc/regs/regs.aspx#3745-20>

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (ERAC) pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with ERAC within thirty (30) days after notice of the Director's action, at 77 South High Street, 17<sup>th</sup> Floor, Columbus, Ohio 43215. Copies of the appeal must be served upon the Director of the Ohio EPA within three (3) days of filing with ERAC. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Ohio EPA also requests that a copy of the appeal be served upon the Environmental Enforcement Section of the Ohio Attorney General's Office.

**PUBLIC NOTICE**  
**2/17/2012 Issuance of Draft Air Pollution Title V Permit**

Chrysler Group LLC - Toledo North Assembly  
4400 Chrysler Drive,  
Toledo, OH 43608-4000  
Lucas County

FACILITY DESC.:           Automobile Manufacturing  
PERMIT #:                 P0088135  
PERMIT TYPE:             Renewal

PERMIT DESC:             Automotive and Light Duty Truck Assembly Plant.

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: <http://epa.ohio.gov/dapc/permitsonline.aspx> by entering the permit # or: Danny Pittman, Toledo Department of Environmental Services, 348 South Erie Street, Toledo, OH 43604. Ph: (419) 936-3015.

**PUBLIC NOTICE**  
**2/17/2012 Issuance of Draft Air Pollution Permit-To-Install and Operate**

Skye Metal Recovery Inc  
10 Blue Knob Rd,  
Warren Twp., OH 45750  
Washington County

FACILITY DESC.: Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum)  
PERMIT #: P0108469  
PERMIT TYPE: Initial Installation

PERMIT DESC: Initial installation of spent nickel catalyst and metal grinding processing operation, including hopper, conveyors, screener, crusher, 20 mmBtu/hr natural gas-fired kiln (controlled by a baghouse, cyclone, quench tower, and afterburner), and auger with bagging station.

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: <http://epa.ohio.gov/dapc/permitsonline.aspx> by entering the permit # or: Cara Cherry, Ohio EPA DAPC, Southeast District Office, 2195 Front Street, Logan, OH 43138. Ph: (740) 385-8501.

**PUBLIC NOTICE**  
**COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS**  
**Findlay City School District, Findlay North Middle School Redevelopment Project**  
**Property**

Notice is hereby given that on February 22, 2012 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 Findlay City School District, the "Volunteer" for property known as Findlay North Middle School Redevelopment Project Property (the "Property").

The Volunteer conducted a voluntary action of the approximately 18.128 acre-Property, which is located at 1501 North Main Street, Findlay, Hancock County, Ohio. A no further action letter for the Property was submitted on June 15, 2011 to the Voluntary Action Program of the Ohio EPA Division of Environmental Response and Revitalization by Daniel M. Bremer, 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, 17<sup>th</sup> 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**  
**2/24/2012 Issuance of Draft Air Pollution Permit-To-Install and Operate**

Shelly Materials Plant #90  
395 Frank Road,  
Columbus, OH 43207  
Franklin County

FACILITY DESC.: Asphalt Paving Mixture and Block Manufacturing  
PERMIT #: P0109452  
PERMIT TYPE: OAC Chapter 3745-31 Modification

PERMIT DESC: 500 Ton Per Hour double barrel counter flow HMA plant  
controlled by a baghouse

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: <http://epa.ohio.gov/dapc/permitonline.aspx> 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.

**Date of Public Notice: February 20, 2012**

**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 remove contaminated sediments from the Federal navigation channels of the Ashtabula Harbor, which is situated within the designated Ashtabula River Area of Concern (AOC). The application was submitted by the U.S. Army Corps of Engineers. The project is located within the designated Ashtabula River Area of Concern. The Buffalo District Corps of Engineers Public Notice Number for this project is ASHTABULA-12. The Ohio EPA ID Number for this project is 123860.

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 entail dredging to the authorized depth in the Federal navigation channel, including the removal of an estimated 230,000 cubic yards of dredged material from the harbor, with placement of the dredged material at the existing Pond 5C at Elkem as previously segregated based on river stations, and open-lake area in Lake Erie. This would entail approximately 165,000 cubic yards of dredged material being placed within the Elkem embankment and approximately 65,000 cubic yards of dredged material being open-lake placed. Seven million gallons of return water may be generated at the Pinney Dock offloading site and discharged at the Minnesota Slip.

The applicant's proposed minimal degradation alternative, if approved, would entail the dredging of an estimated 185,000 cubic yards of material from the harbor, with placement at the existing Pond 5C at Elkem as previously segregated based on river stations, and open-lake area in Lake Erie. This alternative would involve dredging to -12 ft LWD between stations 205+00 and 210+00 and -10 ft LWD between stations 210+00 and 213+36, rather than project depth of -16 ft LWD as proposed in the Preferred Design Alternative. This would entail approximately 140,000 cubic yards of dredged material being placed within the Elkem embankment and approximately 45,000 cubic yards of dredged material being open-lake placed. 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 Ashtabula River. Ohio EPA will review the application, and decide whether to grant or deny the application, in accordance with OAC Chapters 3745-1 and 3745-32. In accordance with OAC rule 3745-1-05, an antidegradation review of the application will be conducted before deciding whether to allow a lowering of water quality. All three proposed alternatives will be considered during the review process. No exclusions or waivers, as outlined by OAC rule 3745-1-05, apply or may be granted.

Starting February 20, 2012, copies of the application and technical support information may be inspected at Ohio EPA-DSW, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio, by first calling (614) 644-2001. Copies of the application and technical support information can be made available upon request at Ohio EPA District Offices by calling the same number.

Ohio EPA will hold a public information session and public hearing relative to issues of lower water quality on Monday, April 9, 2012 at 5:00 p.m. at Harbor-Topky Memorial Library, 1633 Walnut Blvd., Ashtabula, OH. The public hearing will end when all interested parties have had an opportunity to provide testimony related to the project.

All interested persons are entitled to attend or be represented and give written or oral comments on the proposed project. The purpose of the hearing is to obtain additional information that will be considered by Ohio EPA prior to any further action on the application.

Ohio EPA will continue to accept written comments on the application through the close of business on April 16, 2012. Comments received after this date may not be considered as part of the official record of the hearing. Anyone may submit written comments or requests to be placed on a mailing list for information by writing to: Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.

**PUBLIC NOTICE  
ISSUANCE OF APPROVAL TO RELOCATE A PORTABLE AIR CONTAMINANT  
SOURCE  
S & S AGGREGATES PORTABLE PLT. 17**

Issue Date: 02/21/2012  
Relocation Number: REL02054  
Facility ID: 0660010247

Facility Location: S & S AGGREGATES PORTABLE PLT. 17  
29489 Chieftain Drive,  
Logan, OH 43138

Facility Description: Crushed and Broken Limestone 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 29489 Chieftain Drive, Logan, Hocking Co., 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 Ohio EPA DAPC, Southeast District Office at (740) 385-8501.

**PUBLIC NOTICE**  
**ISSUANCE OF APPROVAL TO RELOCATE A PORTABLE AIR CONTAMINANT**  
**SOURCE**  
**S & S Aggregate Inc. Portable Generator #17**

Issue Date: 02/21/2012  
Relocation Number: REL02055  
Facility ID: 0660010266

Facility Location: S & S Aggregate Inc. Portable Generator #17  
29489 Chieftain Drive,  
Logan, OH 43138

Facility Description: Crushed and Broken Limestone 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 29489 Chieftain Drive, Logan, Hocking Co., 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 Ohio EPA DAPC, Southeast District Office at (740) 385-8501.

**Date of Public Notice: February 11, 2012**

**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 U. S. Army Corps of Engineers (USACE) maintenance dredging project in the Federal navigation channel located in Toledo Harbor. The application was submitted by the USACE, Buffalo District, 1776 Niagara Street, Buffalo, NY 14207. The project is located within Toledo Harbor Federal navigation channels (Lake Approach in Maumee Bay and River Channel in Maumee River), and the dredged material open lake placement area in Lake Erie. The Buffalo District Corps of Engineers Public Notice Number for this project is TOLEDO-12. The Ohio EPA ID Number for this project is 113858.

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 be to dredge an estimated 1,500,000 cubic yards of dredged material from the Lake Approach Channel through Lake Mile 9 and lower River Channel downstream of River Mile 0.75 in 2012. Placement of the dredged material would be in the existing open lake placement area in Lake Erie and dredging will not be performed during Lake Erie storm events. The applicant's proposed minimal degradation alternative, if approved, would be to dredge an estimated 1,100,000 cubic yards of dredged material from the Lake Approach Channel through Lake Mile 9 and lower River Channel downstream of River Mile 0.75 in 2012. Placement of the material would be restricted to the northeast half of the open lake placement area, dredging will not be performed during Lake Erie storm events, and dredging will be performed between July 1 2012 and November 30, 2012. 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 Lake Erie in the vicinity of the dredged material open lake placement area located approximately 3.5 miles from the Toledo Harbor light at an azimuth of 033° 00'. 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 11, 2012, copies of the application and technical support information may be inspected at Ohio EPA-DSW, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio, by first calling (614) 644-2001. Copies of the application and technical support information can be made available upon request at Ohio EPA District Offices by calling the same number.

Ohio EPA will hold a public information session and public hearing relative to issues of lower water quality on Thursday March 29, 2012 at 6:30 p.m. at the Toledo City Council Chambers, One Government Center, 640 Jackson Street, Toledo OH. The public hearing will end when all interested parties have had an opportunity to provide testimony related to the project.

All interested persons are entitled to attend or be represented and give written or oral comments on the proposed project. The purpose of the hearing is to obtain additional information that will be considered by Ohio EPA prior to any further action on the application.

Ohio EPA will continue to accept written comments on the application through the close of business on April 5, 2012. Comments received after this date may not be considered as part of the official record of the hearing. Anyone may submit written comments or requests to be placed on a mailing list for information by writing to: Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.

Date of Public Notice: February 20, 2012

**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 placing fill in two Federally jurisdictional wetlands in order to construct Phase One of the Gray Stone Woods Residential Development Project. The application was submitted by Mr. Dick Leffler of Seneca Builders, LLC and Mr. Joe Swolsky of Gray Fox Development. The project is located southwest of the intersection of Holland-Sylvania Road and Bancroft Street in the City of Toledo, Lucas County, Ohio. The Buffalo District Corps of Engineers Public Notice Number for this project is 2008-00870. The Ohio EPA ID Number for this project is 103651.

As required by the Antidegradation Rule, rule 3745-1-05 of the Ohio Administrative Code (OAC), three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would construct 30 single family lots and enlarge an existing storm water detention basin backfilling a portion of two wetlands on-site totaling 1.93 acres. The applicant's proposed minimal degradation alternative, if approved, would construct 28 single family lots and enlarge an existing stormwater detention basin impacting 1.78 acres of wetlands on-site. 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 adjacent to Haefner Ditch. 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 20, 2012, copies of the application and technical support information may be inspected on Ohio EPA-DSW website: [www.epa.ohio.gov/dsw](http://www.epa.ohio.gov/dsw)

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 16, 2012**

**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 surface coal mine, auger coal mine, and reclamation project on a 265.9 acres site. The application was submitted by Penn Ohio Coal dba. Kimble Clay and Limestone. The project is located between Seibert Hill Road and Renner Road in York Township, Tuscarawas County. The Huntington District of the U.S. Army Corps of Engineers Number for this project is LRH-2008-00765-TUS. The Ohio EPA ID Number for this project is 123866.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred degradation alternative, if approved, would impact 3,864 feet of perennial stream, 3,886 feet of intermittent stream, 407 feet of ephemeral stream (a total of 8,157 feet of stream), 1.33 acres of category 1 wetland, and 2.53 acres of category 2 wetland (a total of 3.86 acres of wetland). The proposed minimal degradation alternative, if approved, would impact 225 feet of perennial stream, 1,160 feet of intermittent stream, 358 feet of ephemeral stream ( a total of 1,743 feet of stream), 0.07 acres of category 1 wetland, and 1.82 acres of category 2 wetland (a total of 1.89 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 the Stone Creek watershed. 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 February 16, 2012, 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.

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.