

**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 3745-18-01 through 3745-18-94 (excluding 3745-18-08, 3745-18-15, 3745-18-24 and 3745-18-54) of the Administrative Code

The primary purpose of this rulemaking is to satisfy requirements under RC 119.032 (five year review), and to reconcile state requirements with the Federal Implementation Plan for sulfur dioxide, to provide facility specific revisions to current requirements and to correct facility identifications and premise numbers.

A public hearing on the proposed amendments was held on December 6, 2005, in Columbus, Ohio. There were no comments received during the comment period and no changes were made to the proposed rules included in this adoption package as a result of public comment. The Director's order of adoption was issued on January 13, 2006. The effective date of these rules is January 23, 2006

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. Bill Spires, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Mr. Spires at 614-644-3618. This rule is available on the Web page for electronic downloading by scrolling down to OAC 3745-18, "Sulfur dioxide regulations". 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.

Public Hearing
State Emergency Response Commission
FIVE-YEAR RULE REVIEW OF
OAC CHAPTER 3750 RULES
no change, rescinded, propose as new, and amended rules

Notice is hereby given that, on behalf of the State Emergency Response Commission, the Director of Environmental Protection ("Ohio EPA") proposes to either propose as new, rescind, amend or no change the following Chapter 3750 rules of the Ohio Administrative Code, which regulates the implementation and administration of the Emergency Planning program in the State of Ohio.

Rescind

OAC 3750-30-10, General Facility Identification Requirements for Subject Facilities.
OAC rule 3750-30-11, Facility Requirements for a Multiple Establishment Facility.
OAC 3750-30-10.1, General Facility Identification Requirements for Oil and Gas Extraction Storage Facility.

Rescind then Propose as New

OAC 3750-30-20, Emergency and Hazardous Chemical Inventory Form.

Amended

OAC 3750-1-01, Definitions and Rules by Reference.
OAC 3750-25-01, Facilities Subject to Emergency Release Notification Requirements;
OAC 3750-25-05, Designation of Hazardous Substances;
OAC 3750-25-10, Determining of Reportable Quantities for Hazardous Substances;
OAC 3750-25-15, Calculations for Reportable Quantities of Continuous Releases;
OAC 3750-25-25, Release Notification Requirements;
OAC 3750-30-01, Facilities Subject to Hazardous Chemical Reporting Requirements.
OAC 3750-50-03, Emergency Planning and Community Right-to-Know Fund;
OAC 3750-50-05, Special Emergency Planning Fund;
OAC 3750-50-10, Grant Application for Emergency Planning and Community Right-to-Know Funds;
OAC 3750-50-20, Emergency Planning and Community Right-to-Know Reserve Fund.

No Change

OAC 3750-15-01, Applicability;
OAC 3750-15-02, Construction of Rules;
OAC 3750-15-10, Severability;
OAC 3750-25-12, Determining Notification Requirements of Mixtures or Solutions;
OAC 3750-25-13, Release Notification Requirements for Radionuclides and Solid Particles;
OAC 3750-25-20, Reportable Quantities for Oil including Crude Oil;
OAC 3750-30-15, List or Material Safety Data Sheets (MSDS) Reporting Requirements for Subject Facilities;

OAC 3750-30-25, Identification of Hazardous Chemicals;
OAC 3750-30-27, Threshold Quantities for Hazardous Chemical Reporting;
OAC 3750-50-01, Annual Inventory Filing Fees and Form;
OAC 3750-50-07, First-Time Filer Grant Awards;
OAC 3750-50-08, Committee Responsibilities for First-Time Filer Grant Application;
OAC 3750-50-09, Commission Responsibilities for First-Time Filer Grant Awards;
OAC 3750-50-15, Reimbursement for Costs Incurred under Chapter 3750 of the Revised Code;
OAC 3750-50-25, Grant Application for Funds in the Emergency Planning and Community Right-to-Know Reserve Fund;
OAC 3750-80-01, Application for Variance by Local Emergency Planning Committee;
OAC 3750-80-02, Criteria for Granting a Variance to a Local Emergency Planning Committee;
OAC 3750-80-03, Decision by the Emergency Response Commission;
OAC 3750-85-01, Application for Variance by Political Subdivision;
OAC 3750-85-02, Criteria for Granting a Variance to a Political Subdivision;
OAC 3750-85-03, Decision by Local Emergency Planning Committee.

The primary purpose of this review is to satisfy the requirements of R.C. 119.032 (five-year review). Ohio EPA's Division of Air Pollution Control ("DAPC") refer's any interested party to the rule synopsis for details on the rules affected by this proposed rule package.

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 proposes them. On July 1, 2005, these rules went out for a 30 day review by interested parties.

Pursuant to Chapter 119.03 of the Ohio Revised Code, a public hearing on this rule review will be conducted on February 17, 2006 at 10:00 a.m. in Conference Room C, 5th Floor at the Ohio EPA, Lazarus Government Center, 122 South Front Street, Columbus, Ohio.

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on this rule review. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on February 20, 2006, will be considered by Ohio EPA prior to final action on this rule review. Written statements submitted after February 20, 2006, may be considered as time and circumstances permit, but will not be part of the official record of the hearing.

The rules are available on the Ohio EPA Web site. The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.html>. Questions regarding accessing the web site should be directed to Arunee Niamlarb at 614-728-1342; other questions or comments about these rules should be directed to Jeff Beattie at Ohio EPA, (614) 644-2269, jeff.beattie@epa.state.oh.us or mailed to Jeff Beattie, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.

Date of Public Notice: January 19, 2005

**PUBLIC NOTICE
NOTICE OF RECEIPT OF 401 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 for a project consisting of 7 new cells in the Ohio River. These include one anchor cell, four barge mooring cells, one cell to support a crane and one cell to support a hopper. The application was submitted by the Ohio Valley Electric Corporation, P.O. Box 81, Gallipolis, Ohio 45631. The project is located at Kyger Creek Generating Station, 5758 State Route 7, Cheshire, Gallia County, Ohio. The Hungington District Corps of Engineers Public Notice Number for this project is 200100545-1. The Ohio EPA ID Number for this project is 052495.

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 the loss of a small amount of river bottom habitat. A temporary, minimal lowering of water quality would also be expected during construction. The applicant's proposed minimal degradation alternative, if approved, would have no impact on water quality but would increase land based traffic with associated air quality degradation. 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 the Ohio River. 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 January 19, 2006, copies of the application for the certification 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.

Written comments must be received by the Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio, 43216-1049 by the close of business on February 20, 2006. Comments received after this date may not be considered as part of the official record. Persons wishing to 1) be on Ohio EPA's interested parties mailing list for this project, 2) request a public hearing, or 3) submit written comments for Ohio EPA's consideration in reviewing the application should do so in writing to Ohio EPA/DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 within 30 days of the date of this public notice.

Date of Public Notice: January 27, 2006

**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 bank stabilization project on the Ohio River. The application was submitted by Amherst Industries, Inc., #2 Port Amherst Drive, Charleston, West Virginia 25306. The project is located on the right descending bank of the Ohio River between Mile 267.2 and 267.8 behind the Walmart Complex, Gallipolis, Gallia County, Ohio. The Huntington District of the U.S. Army Corps of Engineers Number for this project is 200301030. The Ohio EPA Number for this project is 052325.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would impact 3,800 feet of the Ohio River for the placement of rip rap. The applicant's proposed minimal degradation alternative, if approved, would impact 3,800 feet of the Ohio River for the placement of vertical steel sheet piling. 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 Ohio River. 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 January 27, 2006, copies of the application for the certification 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 30 days of the date of this public notice.

PUBLIC NOTICE

**OHIO EPA ISSUES DRAFT HAZARDOUS WASTE RENEWAL PERMIT TO
KLOR KLEEN, INC., CINCINNATI, OHIO**

On January 19, 2006, Ohio EPA issued a draft renewal Hazardous Waste Facility Installation and Operation Permit (Permit) to Klor Kleen, Inc. for its facility at 3118 Spring Grove Avenue, Cincinnati, Ohio 45225. The EPA Identification Number for this facility is OHD980821862.

Why does Klor Kleen, Inc. need a Permit?

Klor Kleen, Inc. is engaged primarily in the storage of hazardous waste on an epoxy-coated concrete pad. The wastes stored include spent chlorinated solvents, corrosive wastes, metal-laden wastes, wastewater treatment sludge from electroplating operations, and various off-specification commercial chemical products. Klor Kleen, Inc. wishes to continue to store hazardous waste in containers. The draft renewal Permit contains the conditions under which the facility must operate if the Permit receives final approval. To issue this draft renewal Permit, Ohio EPA determined that the Permit application is complete and meets appropriate standards and that the applicant has a history of compliance with relevant environmental laws, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. When issued, the renewal Permit will allow Klor Kleen, Inc. to continue to operate a hazardous waste container storage unit in the designated area, and will require Klor Kleen, Inc. to investigate and, if necessary, clean up any contamination from hazardous wastes or constituents that may be at the facility. Details about this draft action can be viewed on Ohio EPA's website under Stakeholders Involvement at <http://www.epa.state.oh.us/dhwm/>

Some RCRA regulations have not been authorized in the state of Ohio, therefore US EPA must issue a permit to cover those regulations. Klor Kleen's complete RCRA permit is comprised of both the US EPA and Ohio EPA permits.

How can I tell Ohio EPA what I think about this draft renewal Permit?

You can attend the public meeting and present your comments in person or submit written comments that are clear, concise, and well documented. Or, you are welcome to do both. Everyone who wants to comment at the public meeting will be allowed to speak. You should limit your presentation to five minutes and, if possible, submit a written copy of your comments to Ohio EPA at the meeting.

When and where will Ohio EPA hold a public meeting?

Ohio EPA will hold a public meeting on February 23, 2006 at 7:00 p.m. It will be at the Camp Washington Neighborhood Community Center, 1201 Stock Avenue, Cincinnati, Ohio 45225-1837.

When and how do I submit written comments?

You can submit written comments anytime between January 20, 2006 and March 6, 2006. Send your comments to Ohio EPA, Lazarus Government Center, Division of Hazardous Waste Management, Attn: Regulatory and Information Services , P.O. Box 1049, Columbus, Ohio 43216-1049, telephone number (614) 644-2977, fax number (614) 728-1245, e-mail: dhwmcomments@epa.state.oh.us.

Where can I review the Permit application and draft renewal Permit?

You can review these at one of the following locations:

Public Library of Cincinnati and Hamilton County, Clifton Branch, 351 Ludlow Avenue, Cincinnati, Ohio 45220, (513) 369-4447;

Ohio EPA, Southwest District Office, 401 East Fifth Street, Dayton, Ohio 45402, (937) 285-6357; and,

Ohio EPA, Division of Hazardous Waste Management, 122 South Front Street, Columbus, Ohio 43215, (614) 644-2917.

What will Ohio EPA do with the comments?

After carefully considering public comments, Ohio EPA will reconsider the draft renewal Permit, making any necessary changes, and issue or deny the final Permit. Ohio EPA will issue a "response to public comments," specifying any changes made to the draft renewal Permit. If you commented on the draft renewal Permit, Ohio EPA will send you a copy of the "response to public comments" and the final permit decision.

PUBLIC NOTICE

OHIO EPA ISSUES FINAL MODIFIED HAZARDOUS WASTE PERMIT

On January 17, 2006, Ohio EPA issued a final class 2 modified Hazardous Waste Facility Installation and Operation Permit (Permit) to Safety Kleen Systems, Inc. for its facility at 581 Milliken Drive SE, Hebron, Ohio. The EPA Identification Number for this facility is OHD980587364.

Why is Safety Kleen Systems, Inc. modifying its Permit?

Safety Kleen Systems, Inc., is permitted to store hazardous waste in containers and tanks at its facility. Safety Kleen Systems, Inc., is requesting the 1) installation of new piezometers, monitoring wells, and stream gauges within sixty (60) days of approval of this modification; 2) designation of wells to be sampled for a modified list of appendix to OAC Rule 3475-54-98 constituents within sixty (60) days of approval to better define the chemicals of concern at the site, and; 3) specification of followup activities Safety-Kleen will take based on the data obtained. This final modified permit will allow Safety Kleen Systems, Inc. to make the requested changes. To issue this final modified Permit, Ohio EPA determined that the modification application is complete and meets appropriate standards.

Can I appeal this final modified Permit?

Yes, if you are an officer of an agency of the state or of a political subdivision, acting in a representative capacity, or any person who would be aggrieved or adversely affected by this modified Permit, you have the right to appeal this Permit decision to the Environmental Review Appeals Commission (ERAC).

If I decide to appeal this final modified Permit, how and when must I make the appeal?

If you file an appeal, you must put it in writing no later than **February 18, 2006**. Your appeal must explain why you are appealing the action and the grounds you are using for your appeal. You must file your appeal, according to Ohio Revised Code § 3745.04, with ERAC at the following address: ***Environmental Review Appeals Commission***, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. You must send a copy of the appeal to the director of Ohio EPA at the following address no later than three (3) days after you file it with ERAC: ***Joseph P. Koncelik, Director of Ohio EPA***, P.O. Box 1049, Columbus, Ohio 43216-1049.

Date of Public Notice: January 27, 2006

**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 construct a new sanitary sewer interceptor via two stream crossings and abandon two siphon structures. The application was submitted by the Village of Mount Gilead, 72 West High Street, Mt. Gilead, Ohio 43338. The proposed crossings are located near Loren Road (Township Road 127) and South Road and South Delaware Road within the Morrow County Fairgrounds. The Huntington District of the U.S. Army Corps of Engineers Number for this project is 200500913. The Ohio EPA ID Number for this project is 052398.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would open cut trench 80 feet of stream. The applicant's proposed minimal degradation alternative, if approved, would bore underneath the stream. 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 Whetstone Creek (Scioto Rv) 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 January 27, 2006, copies of the application for the certification 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 30 days of the date of this public notice.

Date of Public Notice: January 21, 2006

**PUBLIC NOTICE
NOTICE OF RECEIPT OF 401 APPLICATIONS AND PUBLIC HEARING**

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. The project consists of restoring the Middle Harbor / East Harbor Habitat Unit by hydraulically dredging and beneficially using approximately 224,400 cubic yards of sediment removed from existing navigation channels in Lake Erie's East Harbor. Approximately 205,000 cubic yards of primarily silt and clay sediment will be relocated to Middle Harbor. This project includes impacts to vegetative shallows in East Harbor and is designed to restore approximately 10 acres of wetland and 68 acres of vegetative shallows in Middle Harbor. Approximately 19,400 cubic yards of that dredged material is composed of sand; that material will be placed in Lake Erie to enhance sand resources. In Middle Harbor, dispersal of pumped material will be controlled by silt curtains. The Middle Harbor Habitat Restoration Unit is designed to create a boomerang - shaped windbreak that will be planted with native woody plants. In addition, two small areas in Middle Harbor and one in East Harbor will be dredged adjacent to the two 10-foot culverts that are being installed in conjunction with this project: the culverts are designed to restore fish passage and hydrological connectivity to East and West Harbors from Middle Harbor. Each of the three areas will result in an approximately 100-foot by 50-foot by 4-foot deep pool. This dredged material will be relocated at an upland location within East Harbor State Park. The applicant is requesting that any restored wetlands and vegetative shallows in Middle Harbor be eligible for compensatory mitigation needs for ODNR Section 404 permitted project East Harbor and on Middle Bass Island, D.A. No. 2001-00701(6), Ottawa County Ohio. The purpose of the project is two-fold: to improve vessel safety in East Harbor for egress and ingress for boating, and to beneficially reuse the dredged channel material to ecologically restore the wetlands, vegetative shallows, fisheries and hydrologic function in Middle Harbor. The application was submitted by The Ohio Department of Natural Resources (ODNR) Division of Parks and Recreation. The project is located in the vicinity of East Harbor State Park, 1169 North Buck Road, in the City of Lakeside, Ottawa County, Ohio. The Buffalo District Corps of Engineers Public Notice Number for this project is 96-479-0013 (4). The Ohio EPA ID Number for this project is 052426.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would dredge 224,400 cubic yards of material from the existing navigation channels of Lake Erie's East Harbor and beneficially use the dredge material in Middle Harbor to restore wetlands and vegetative shallows, fish communities, water quality and hydrological functions. The Habitat Restoration Unit will significantly restore a diversified topography/substrate/habitat that will restore a more diversified assemblage of aquatic and wetland plant and associated aquatic and terrestrial wildlife species. This project also proposes to develop hydrologic connectivity

between West Harbor and East Harbor. Turbidity curtain will be used to contain the dredge material that will be hydraulically dredged using a 10" suction dredge. The project would begin upon authorization and be completed by 31 December 2009 unless an extension is needed. The applicant's proposed minimal degradation alternative, if approved, would dredge 112,200 cubic yards of material from the navigation channels of Lake Erie's East Harbor and beneficially use the dredge material in Middle Harbor to restore wetlands and coastal habitat. This project also proposes to restore hydrologic connectivity between West Harbor and East Harbor. Turbidity curtain will be used to contain the dredge material that will be hydraulically dredged using a 10" suction dredge. The project would begin upon authorization and be completed by 31 December 2009 unless an extension is needed. 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's East Harbor. 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 January 21, 2006, copies of the application for the certification and technical support information may be inspected at Ohio EPA-DSW, P.O. Box 1049, Columbus, Ohio 43216-1049 by first calling (614) 644-2001. Applications can be made available at the 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 March 9, 2006 at 6:30 p.m. at the Port Clinton Council Chambers, 1868 East Perry Street, Port Clinton, Ohio 43452. The public hearing will end when all interested parties have had an opportunity to provide testimony related to the projects.

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 the Director of Ohio EPA prior to any further action on the application. Written comments must be received by the Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio, 43216-1049 by the close of business on March 16, 2006. Comments received after this date may not be considered as part of the official record of the hearing.

Persons wishing to be on Ohio EPA's interested parties mailing list for this project, or wish to submit 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 by the close of business on March 16, 2006.

Date of Notice: January 18, 2006

**PUBLIC NOTICE
NOTICE OF PUBLIC HEARING**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA)-Division of Surface Water (DSW) has scheduled a public hearing on the draft National Pollutant Discharge Elimination System (NPDES) permit renewal (Permit No. 0IL00142) and the draft Permit to Install (Permit No. 06-7682) for installation of wastewater treatment ponds, diversion ditches, coal storage pad and mine water pumping to serve the proposed Buckingham Coal Company #7 Underground Mine.

The wastewater treatment and handling system is proposed to be located Monroe Township, Perry County, Ohio. Waters are proposed to be treated and routed to a treatment pond. Following settling/precipitation treatment in the pond, the water will pass on to a second pond to an unnamed tributary of Sunday Creek. The NPDES renewal application was submitted by Buckingham Coal Company, P.O. Box 157, 21525 State Route 13 N., Glouster, Ohio 45732.

The discharges from this facility, if approved, would result in degradation to, or lowering of, the water quality of an unnamed tributary to Sunday Creek. However, the chemical-specific water quality criteria developed to protect aquatic life and human health, set forth in OAC 3745-1-07, will not be exceeded. 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.

The public hearing has been scheduled for 6:30 P.M. on February 16, 2006, at the Ohio EPA Southeast District Office, conference room 100A, 2195 Front Street, Logan, Ohio 43138. The public hearing will end when everyone in attendance has 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 project. The purpose of the hearing is to obtain additional information that will be considered by the Director of Ohio EPA prior to any further action on the draft permits. Persons wishing to 1) be on Ohio EPA's interested parties mailing list for this project, or 2) submit comments for Ohio EPA's consideration must do so in writing to Ohio EPA-DSW, Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 by close of business on February 23, 2006. Comments received after this date may not be considered as part of the official record of this hearing.

Copies of the pending NPDES and PTI applications, draft permits and technical support information may be reviewed and/or copies made at Ohio EPA's Southeast District Office, 2195 Front Street, Logan, Ohio, by first calling (740) 385-8501 to make an appointment.