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Date of Public Notice: June 2, 2008

Delaware County

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 to construct a 20.6 acre mixed office/retail/hotel development. The application was submitted by NP Limited Partnership, 8800 Lyra Drive, Suite 550, Columbus, Ohio 43240. The project is located at the northeast corner of the Worthington Road and Polaris Parkway Intersection, in the City of Westerville, Delaware County, Ohio. The Huntington District Corps of Engineers Public Notice Number for this project is LRH-2006-115-SCR. The Ohio EPA ID Number for this project is 083335.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would impact 1,548 linear feet of intermittent stream and 0.316-acre of Category 1 wetland. The applicant's proposed minimal degradation alternative, if approved, would impact 1,548 linear feet of an intermittent stream. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on waters of the state.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of unnamed intermittent tributaries and adjacent wetlands of Alum Creek. The review of the application will be conducted, and a decision whether to grant or deny the application will be made, in accordance with Chapters 3745-1 and 3745-32 of the Ohio Administrative Code (OAC). In accordance with OAC 3745-1-05, an antidegradation review of the application will be conducted before deciding whether to allow a lowering of the water quality. Other alternatives resulting in lesser or no degradation or lowering of water quality will be considered by Ohio EPA during the review process.

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 June 2, 2008, 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 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 July 17, 2008 at 6:30 p.m. at the Orange Township Hall, located at 1680 E. Orange Road, Lewis Center, Ohio 43035. 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 and all persons who do so may, at the discretion of the presiding officer, be questioned by others present. 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 July 24, 2008. 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 July 24, 2008.