



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 08 2008

REPLY TO THE ATTENTION OF:

R-19J

Mr. Trent A. Dougherty
Director of Legal Affairs
Ohio Environmental Council
1207 Grandview Avenue, Suite 201
Columbus, Ohio 43212

Dear Mr. Dougherty:

On October 15, 2008, the U.S. Environmental Protection Agency, Region 5 provided notice to the public of its proposed approval of the State of Ohio's request for the Ohio Department of Agriculture (ODA) to administer the National Pollutant Discharge Elimination System (NPDES) program for concentrated animal feeding operations (CAFO). That notice specified that EPA would hold a public hearing and open house on November 18 in Columbus, and that the public comment period would run 60 days, until December 16. This letter is in response to your request to extend the comment period, and to hold a second public hearing on Ohio's request.

Ohio's request is a substantial revision to its NPDES program. Consequently, EPA is required to provide a minimum of 30 days for the public to comment and request a public hearing before reaching a decision to approve or disapprove the revision. In order to enhance the opportunity for review and comment on the proposal, we scheduled a hearing, hosted an open house, and offered a comment period 30 days longer than required. We were able to accommodate all those who attended the November 18 hearing, and those who wished to make oral comments were able to do so. These opportunities for public input on Ohio's request to revise its NPDES program are similar to the opportunities EPA has provided in recent actions to approve other state NPDES programs covering many types of discharges.

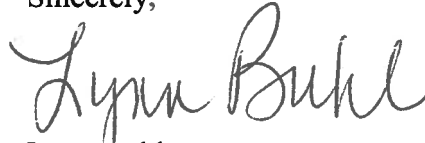
As of today, we have received over 6,000 comments for and against EPA's proposed approval. We believe our actions provide an adequate opportunity for interested parties to review and provide comment on this proposal; therefore, we have decided not to extend the comment period nor hold a second hearing.

After December 16, EPA will review all the comments received, and will respond to them in a responsiveness summary that will be posted on EPA's Website at <http://www.epa.gov/region5/water/npdestek/odacafo.htm>. We also expect to receive a revised submission from ODA in early 2009, transmitting revisions to Ohio law and rules adopted to address the issues EPA identified during our review of Ohio's 2007

application, along with an updated Attorney General's Statement. We will review that submission prior to any final decision to approve Ohio's request.

Please be assured that the Agency will review all comments prior to making our final decision. By copy of this letter, I am providing notice to others who made requests to extend the comment period and hold a second hearing on Ohio's request. We will also post a copy of this letter on EPA's Website.

Sincerely,

A handwritten signature in cursive script that reads "Lynn Buhl".

Lynn Buhl
Regional Administrator

cc: Distribution
