



**BOB TAFT**  
GOVERNOR  
STATE OF OHIO

December 28, 2006

Mary A. Gade  
Regional Administrator  
U.S. Environmental Protection Agency, Region 5 (R-19J)  
77 W. Jackson Blvd.  
Chicago, IL 60604

Dear Ms. Gade:

The State of Ohio is pleased to submit the enclosed description of the Ohio National Pollutant Discharge Elimination System (NPDES) program and related documents for the transfer of regulatory responsibility from the Ohio Environmental Protection Agency (Ohio EPA) to the Ohio Department of Agriculture (ODA). I request approval as provided under the Clean Water Act (CWA) Section 402(b) (33.U.S.C. §1343(b)) of the NPDES program.

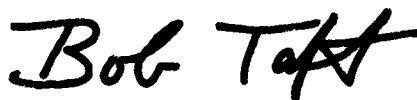
Pursuant to 40 C.F.R. Part 123, the enclosures include:

- The NPDES Program Description that explains the processes the state will use to carry out the responsibilities in accordance with 40 CFR §123.22;
- A Memorandum of Agreement that defines how the NPDES program will be administered by the ODA and reviewed by the U.S. Environmental Protection Agency, Region 5 (EPA), in accordance with 40 C.F.R. §123.24.
- Copies of all applicable portions of the Ohio Statutes and Ohio Administrative Code (OAC), including new Chapter 903 of the Ohio Revised Code for administering permits under the NPDES program, as well as related amended rules in OAC Chapters 901:10-1 to 901:10-6 covering administrative procedures, enforcement and appeal procedures, effluent limitations; and other provisions necessary to administer and enforce NPDES permits for concentrated animal feeding operations that are subject to NPDES permits under the Clean Water Act.
- A statement from the Ohio Attorney General certifying that Ohio's laws and regulations will establish adequate authority to implement a NPDES program, in accordance with 40 C.F.R. §123.23, provided that Senate Bill 393 is duly enacted into law and provided further that the Director adopts as final those rules proposed on November 9, 2006 in accordance with ORC 119.03;

In addition, the State of Ohio requests that the EPA approve a phased program approach allowed under CWA Section 402(n)(4)(A) and (B), as described in the enclosed Memorandum of Agreement for concentrated animal feeding operations.

The State of Ohio is confident that the enclosures provide sufficient documentation for the EPA to determine that the ODA possesses adequate authority to implement the proposed NPDES program, in accordance with the CWA section 402(b) and 40 C.F.R. §123. I look forward to receiving EPA's timely approval and working with you to administer this very important Clean Water Act program.

Sincerely,

A handwritten signature in black ink that reads "Bob Taft". The signature is written in a cursive, slightly stylized font.

Bob Taft  
Governor

Enclosures

cc: Jo Lynn Traub, Director, Water Division (W-15J), EPA Region 5  
James A. Hanlon, Director, Office of Wastewater Management (4203M), EPA Headquarters