



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

SEP 28 2011

REPLY TO THE ATTENTION OF:  
WN-16J

Mr. George Elmaraghy, P.E.  
Chief, Division of Surface Water  
Ohio Environmental Protection Agency  
Post Office Box 1049  
Columbus, Ohio 43216-1049

Re: Dayton Power and Light J.M. Stuart Station Permit Number OH0004316

Dear Mr. Elmaraghy:

On September 29, 2010, the United States Environmental Protection Agency objected to the draft permit for the above-referenced facility issued by the Ohio Environmental Protection Agency. We held a public hearing on March 23, 2011 and provided an opportunity for interested persons to comment on the objection until April 29, 2011.

After reviewing the comments received during the public hearing and comment period, we did not receive sufficient information to support modifying or withdrawing the objection. A copy of the responsiveness summary has been enclosed with this letter. In accordance with 40 C.F.R. § 123.44(g), we reaffirm the objection to the draft permit that there is an inadequate basis in the administrative record to support the proposed alternate thermal limitation of 11,000 Million British Thermal Units/Hour as assuring the protection and propagation of a balanced and indigenous population of shellfish, fish and wildlife in and on Little Threemile Creek.

If you do not submit a permit revised to meet the objection within 30 days of the date of this letter, the exclusive authority to issue the permit passes to EPA in accordance with 40 C.F.R. § 123.44(h)(3) and EPA may issue the permit in accordance with parts 121, 122 and 124 of 40 C.F.R. and any other guidelines and requirements of the CWA (40 C.F.R. § 123.44(h)(2)).

If you have any questions please contact Kevin Pierard of my staff at (312) 886-4448.

Sincerely,

A handwritten signature in black ink, appearing to read "Tinka G. Hyde".

Tinka G. Hyde  
Director, Water Division

Enclosure

cc: JoAnne Rau,  
Director, Environmental and Safety Management, Dayton Power and Light