

## **PUBLIC NOTICE**

### **FINAL ISSUANCE OF AN AMENDED CERTIFICATE OF REGISTRATION AS A TRANSPORTER OF INFECTIOUS WASTE**

Notice is hereby given that on November 22, 2004, the director of Ohio EPA issued an amended infectious waste transporter certificate to Stericycle Inc, 28161 N Keith Dr, Lake Forest, IL 60045, Reg. No. 00-T-00199. Persons wishing to be notified of further actions or proceedings for this project must submit a request in writing to Ohio EPA, Division of Solid and Infectious Waste Management, Attn: Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049, tel.: (614) 644-2621. This final action was not preceded by a proposed action and may be appealed to the Environmental Review Appeals Commission, at 309 South Fourth Street, Suite 222, Columbus, Ohio 43215.

## **Public Notice**

Ohio Environmental Protection Agency  
Division of Solid and Infectious Waste Management

Notice of Adoption of Policy No. DSIWM-27-20-129 on  
Procedural and Technical Considerations for the Seismic Impact Zones Location  
Restriction Demonstration

Notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) has updated policy number DSIWM-27-20-129, addressing the procedural and technical considerations for the seismic impact zones location restriction demonstration, which will become effective on November 22, 2004.

To receive a copy of this policy, please contact the Division of Solid and Infectious Waste Management (DSIWM) at (614) 644-2621. The adopted policy is also accessible on DSIWM's web page at <http://www.epa.state.oh.us/dsiwm>.

## **Public Notice**

Ohio Environmental Protection Agency  
Division of Solid and Infectious Waste Management

Notice of Adoption of Policy No. DSIWM-27-20-133 on  
Procedural and Technical Considerations for the Unstable Areas Location  
Restriction Demonstration

Notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) has updated policy number DSIWM-27-20-133, addressing the procedural and technical considerations for the unstable areas location restriction demonstration, which will become effective on November 22, 2004.

To receive a copy of this policy, please contact the Division of Solid and Infectious Waste Management (DSIWM) at (614) 644-2621. The adopted policy is also accessible on DSIWM's web page at <http://www.epa.state.oh.us/dsiwm>.

**OHIO ENVIRONMENTAL PROTECTION AGENCY  
PUBLIC NOTICE  
ISSUANCE OF A CERTIFIED PROFESSIONAL CERTIFICATE**

Notice is hereby given that on November 12, 2004, The Director of the Ohio Environmental Protection Agency, pursuant to Ohio Revised Code Section 3746.04 (B)(5) and Ohio Administrative Code Rule 3745-300-05, issued a professional certificate to John A. Zampino-CP280, to perform work as a certified professional under the Voluntary Action Program.

The issuance of this Certification is a final action of the Director and will be public noticed in accordance with OAC 3745-47-07. The action may be appealed to the Environmental Review Appeals Commission ("Commission"). 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 the Commission within thirty (30) days after notice or issuance of the action. See ORC 3745.04 and 3745.07. A copy of the appeal must be served on the Director within three (3) days after the appeal is filed with the Commission. The appeal may be filed with the Commission at 236 East Town Street, Room 300, Columbus, Ohio 43215.

If you would like to review the certificate, or any documents related to the certificate, please contact Kay Hughes, Records Management Officer, at Ohio EPA, Division of Emergency and Remedial Response, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

**PUBLIC NOTICE**  
**COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS**  
**(Pollution Risk Services, LLC) (Miami Valley Skeet Club)**

Notice is hereby given that on November 19, 2004, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code ("ORC") Chapter 3746 and Ohio Administrative Code ("OAC") Chapter 3745-300, issued a Covenant Not To Sue/Final Findings and Orders to Pollution Risk Services, LLC for the property identified as the Miami Valley Skeet Club property (the "Property").

Pollution Risk Services, LLC conducted a voluntary action of the approximately 78 acre-Property located at 9643 Bunnell Hill Road, Clearcreek Township, Warren County, Ohio. A no further action letter was submitted on February 24, 2003 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of Pollution Risk Services, LLC by Atul Pandey, a Certified Professional (CP 224), as defined in ORC 3746.01(E) and OAC 3745-300-01(A)(8).

The issuance of the Covenant Not to Sue/Final Findings and Orders is a final action of the Director. The action may be appealed to the Environmental Review Appeals Commission ("Commission"). 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 the Commission within thirty (30) days after notice or issuance of the action. (See ORC 3745.04 and 3745.07). A copy of the appeal must be served on the Director within three (3) days after the appeal is filed with the Commission. The appeal may be filed with the Commission at 309 South Fourth St., Room 222, Columbus, Ohio 43215.

If you would like to review a copy of the Covenant Not To Sue/Final Findings and Orders, please contact the Records Management Officer, Ohio EPA, Division of Emergency and Remedial Response, Voluntary Action Program, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

**PUBLIC NOTICE**  
**COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS**  
***(Robert Hendricks) (Niles Manufacturing & Finishing, Inc.)***

Notice is hereby given that on November 19, 2004, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Chapter 3746 of the Ohio Revised Code ("ORC") and Chapter 3745-300 of the Ohio Administrative Code ("OAC"), issued a Covenant Not To Sue/Final Findings and Orders to Robert Hendricks for the property identified as the Niles Manufacturing & Finishing Facility, Inc. property (the "Property").

Robert Hendricks conducted a voluntary action of the approximately 18 acre-Property located at 465 Walnut Street, Niles, Trumbull County, Ohio. A No Further Action letter was submitted on October 17, 2003 to the Voluntary Action Program of Ohio EPA, Division of Emergency and Remedial Response, on behalf of Robert Hendricks by Mr. Michael Pardus, a Certified Professional, No. CL0012, as defined in ORC 3746.01(E) and OAC 3745-300-05.

The issuance of the Covenant Not to Sue/Final Findings and Orders is a final action of the Director. The action may be appealed to the Environmental Review Appeals Commission ("Commission"). 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 the Commission within thirty (30) days after notice or issuance of the action. (See ORC 3745.04 and 3745.07). A copy of the appeal must be served on the Director within three (3) days after the appeal is filed with the Commission. The appeal may be filed with the Commission at 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

If you would like to review a copy of the Covenant Not To Sue/Final Findings and Orders, please contact the Records Management Officer, Ohio EPA, Division of Emergency and Remedial Response, Voluntary Action Program, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

**PUBLIC NOTICE**  
**OHIO ENVIRONMENTAL PROTECTION AGENCY**  
**SUSPENSION OF PORTION OF LABORATORY CERTIFICATION UNDER OHIO'S**  
**VOLUNTARY ACTION PROGRAM**

Notice is hereby given that on November 19, 2004, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code ("ORC") Chapter 3746 and Ohio Administrative Code ("OAC") 3745-300-04, issued Final Findings and Orders to Kemron Environmental Services ("Kemron"), 156 Starlite Drive, Marietta, Ohio, to suspend its certification under Ohio's Voluntary Action Program to perform analyses for Antimony by method 7041. This suspension is limited to the certified laboratory's performance of work under the Voluntary Action Program.

Kemron has been issued a revised laboratory certificate that reflects the analytes, parameter groups and methods for which Kemron remains certified. Kemron may perform analyses under the Voluntary Action Program only for those parameter groups, analytes and methods identified in its revised certificate.

The issuance of the suspension and revised certification is a final action of the Director and will be public noticed in accordance with OAC 3745-47-07. The action may be appealed to the Environmental Review Appeals Commission ("Commission"). 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 the Commission within thirty (30) days after notice or issuance of the action. See ORC 3745.04 and 3745.07. A copy of the appeal must be served on the Director within three (3) days after the appeal is filed with the Commission. The appeal may be filed with the Commission at 236 East Town Street, Room 222, Columbus, OH 43215.

If you would like to review a copy of the certificate, or any documents related to the laboratory's certification, please contact Kay Hughes, Records Management Officer, at Ohio EPA, Division of Emergency and Remedial Response, Voluntary Action Program, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

**PUBLIC NOTICE**  
**OHIO ENVIRONMENTAL PROTECTION AGENCY**  
**SUSPENSION OF PORTION OF LABORATORY CERTIFICATION,**  
**LABORATORY NAME CHANGE, AND REMOVAL OF AN ANALYTE AND METHOD**  
**FROM CERTIFICATION**  
**UNDER OHIO'S VOLUNTARY ACTION PROGRAM**

Notice is hereby given that on November 19, 2004, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code ("ORC") Chapter 3746 and Ohio Administrative Code ("OAC") 3745-300-04, issued a revised certificate to SGS Environmental Services, Inc. ("SGS") of 1258 Greenbrier Street, Charleston, West Virginia. Final Findings and Orders were issued suspending SGS's certification under Ohio's Voluntary Action Program to perform analyses for Semi-volatile Organic Compounds by method 8270C; Chlorinated Herbicides by method 8151A, and; Total Petroleum Hydrocarbons by method 418.1. This suspension is limited to the certified laboratory's performance of work under the Voluntary Action Program.

SGS has been issued a revised laboratory certificate that reflects the analytes, parameter groups and methods for which they remain certified. SGS may perform analyses under the Voluntary Action Program only for those parameter groups, analytes and methods identified in its revised certificate.

The issuance of the suspension and revised certificate is a final action of the Director and will be public noticed in accordance with OAC 3745-47-07. The action may be appealed to the Environmental Review Appeals Commission ("Commission"). 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 the Commission within thirty (30) days after notice or issuance of the action. See ORC 3745.04 and 3745.07. A copy of the appeal must be served on the Director within three (3) days after the appeal is filed with the Commission. The appeal may be filed with the Commission at 309 South Fourth Street, Suite 222, Columbus, OH 43215.

If you would like to review a copy of the certificate, or any documents related to the laboratory's certification, please contact Kay Hughes, Records Management Officer, at Ohio EPA, Division of Emergency and Remedial Response, Voluntary Action Program, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

**PUBLIC NOTICE**  
**OHIO ENVIRONMENTAL PROTECTION AGENCY**  
**SUSPENSION OF PORTION OF LABORATORY CERTIFICATION UNDER OHIO'S**  
**VOLUNTARY ACTION PROGRAM**

Notice is hereby given that on November 19, 2004, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code ("ORC") Chapter 3746 and Ohio Administrative Code ("OAC") 3745-300-04, issued Final Findings and Orders to TestAmerica Analytical Testing Corp. ("TestAmerica") of 2960 Foster Creighton Drive, Nashville, Tennessee, to suspend its certification under Ohio's Voluntary Action Program to perform analyses for Iron by method 6010B. This suspension is limited to the certified laboratory's performance of work under the Voluntary Action Program.

TestAmerica has been issued a revised laboratory certificate that reflects the analytes, parameter groups and methods for which they remain certified. TestAmerica may perform analyses under the Voluntary Action Program only for those parameter groups, analytes and methods identified in its revised certificate.

The issuance of the suspension and revised certificate is a final action of the Director and will be public noticed in accordance with OAC 3745-47-07. The action may be appealed to the Environmental Review Appeals Commission ("Commission"). 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 the Commission within thirty (30) days after notice or issuance of the action. See ORC 3745.04 and 3745.07. A copy of the appeal must be served on the Director within three (3) days after the appeal is filed with the Commission. The appeal may be filed with the Commission at 309 South Fourth Street, Suite 222, Columbus, OH 43215.

If you would like to review a copy of the certificate, or any documents related to the laboratory's certification, please contact Kay Hughes, Records Management Officer, at Ohio EPA, Division of Emergency and Remedial Response, Voluntary Action Program, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

**Statewide**

**Ohio Environmental Protection Agency**

**PUBLIC NOTICE**

Updated Project Priority List  
For The Drinking Water Assistance Fund  
For Program Year 2005

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA)-Division of Drinking and Ground Waters has issued the Updated Project Priority List for the Drinking Water Assistance Fund, which has been authorized by Ohio Revised Code section 6109.22 and Section 1452 of the Safe Drinking Water Act.

Copies of the Project Priority List are available from the Division of Drinking and Ground Waters by contacting Flo Sellu at (614) 644-2752, through the Internet at <http://www.epa.state.oh.us> or upon written request to:

Division of Drinking and Ground Waters  
Ohio Environmental Protection Agency  
P. O. Box 1049  
Columbus, Ohio 43216-1049

Written comments should be submitted to Division of Drinking and Ground Waters, Ohio EPA, at the above address. Written comments must be submitted on or before December 27, 2004.

The thirty day period commences on November 26, 2004. The final approval of the Project Priority List will not occur until after the thirty (30) day public comment period has expired. Once final approval occurs, the Updated Project Priority List will be valid from January 1, 2005 - June 30, 2005.

**PUBLIC NOTICE**

**OHIO EPA ISSUES TWO FINAL MODIFIED HAZARDOUS WASTE PERMITS**

On November 26, 2004, Ohio EPA issued two (2) final class 2 modified Hazardous Waste Facility Installation and Operation Permits (Permit) to Von Roll America, Inc., d.b.a. Waste Technologies Industries, Inc.(WTI) for its facility at 1250 St. George Street, East Liverpool, Ohio. The EPA Identification Number for this facility is OHD980613541.

**Why is Von Roll America, Inc., modifying its Permit?**

Von Roll America, Inc., is permitted to operate a hazardous waste incinerator and other related hazardous waste management units at its facility. Von Roll America, Inc., wants to: 1) update Section H Training Plan of the Part B Application which includes formatting to correspond to Ohio EPA's review checklist, changes in job positions/titles, job descriptions, required training, and the method by which training is tracked at the facility; and 2) change language in Section C and Section D in order to store lab pack waste up to one year and to add another category of major discrepancies for lab packs. These final modified permits will allow Von Roll America, Inc., to make the requested changes. To issue these final modified Permits, Ohio EPA determined that the modification applications are complete and meets appropriate standards.

**Can I appeal the final modified Permits?**

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 these modified Permits, you have the right to appeal the Permit decisions to the Environmental Review Appeals Commission (ERAC).

**If I decide to appeal the final modified Permits, how and when must I make the appeal?**

If you file an appeal, you must put it in writing no later than December 27, 2004. 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: ***Christopher Jones, Director of Ohio EPA***, P.O. Box 1049, Columbus, Ohio 43216-1049.

**Date of Public Notice: November 29, 2004**

**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 build 29 single family homes. The application was submitted by George Callas, 13876 Mohawk Trail, Middleburg Heights, Ohio 44130. As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would fill 0.176 acres of wetlands and culvert 175 linear feet of stream. The applicant's proposed minimal degradation alternative, if approved, would fill .096 acres of wetland. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on streams or wetlands. The project is located south of Wallings Road and south and east of the existing portion of Forestwood Lane. The U.S. Army Corps of Engineers Number for this project is 92-494-16(3). The Ohio EPA ID Number for this project is 042135 .

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Chippewa Creek 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 November 29, 2004, 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: November 29, 2004**

**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 the Stone Creek Homes residential community on 28-acres. The application was submitted by Stone Creek Homes, LLC, 27800 Cedar Road, Beachwood, Ohio 44122. As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would impact 1.008 acres of wetlands and 947 feet of streams. The applicant's proposed minimal degradation alternative, if approved, would impact 1.008 acres of wetlands and 638 feet of streams. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on streams or wetlands. The project is located at 1055 SOM Center Road/Ohio 91, Mayfield Heights, Cuyahoga County, Ohio. The U.S. Army Corps of Engineers Number for this project is 2004-01203(0). The Ohio EPA Number for this project is 041029.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality in the Chagrin River 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 November 29, 2004, 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.

**Cuyahoga County**

**PUBLIC NOTICE**

**OHIO EPA ISSUES FINAL FINDINGS AND ORDERS TO  
Phillips Electric Company**

On November 22, 2004, Ohio EPA issued final Findings and Orders to the Phillips Electric Company for its facility located at 4126 Saint Clair Avenue, Cleveland, Ohio 44103. This facility operates an unpermitted hazardous waste container storage unit. The EPA I.D. number for this facility is OHR000111088.

Phillips Electric Company must achieve compliance with Chapter 3734 of the Ohio Revised Code and the regulations promulgated thereunder according to the detailed compliance schedule outlined in the orders. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

**PUBLIC NOTICE**

**OHIO EPA APPROVES AMENDED CLOSURE PLAN FOR  
FORMER GREEN INDUSTRIES**

On November 3, 2004, Ohio EPA approved an amended closure plan for the Former Green Industries located at 3603 East Kemper Road, Sharonville, Ohio. The EPA I.D. number for this facility is OHD004260709.

Pursuant to Ohio Revised Code rule 3745-66-12, the facility's amended closure plan submitted on September 14, 2004 approved as outlined in the Director's November 3, 2004. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

**PUBLIC NOTICE**

**AC Rule 3745-27-10(D)(7)(c) Approval**

Notice is hereby given on November 24, 2004, pursuant to OAC 3745-27-10(D)(7)(c), Ohio EPA grants approval to the Cherokee Run Landfill, 2946 U.S. Rt. 68, Bellefontaine, OH 43311, on the continuation of the detection monitoring program for monitoring well MW-25 . This approval is subject to all rules, regulations, and specified conditions. This action of the director is final and may be appealed to the Environmental Review Appeals Commission, at 309 South Fourth Street, Room 222, Columbus, Ohio 43215. Person's wishing to be on Ohio EPA's interested parties mailing list for this project must submit a request in writing to Ohio EPA, Division of Solid and Infectious Waste Management, Attn: Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049, Tel: (614) 644-2621.

**Date of Public Notice: November 29, 2004**

**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, 401 Certification for a project (Preferred Alternative) that is estimated to impact 0.42 acres of a Category 1 and Category 2 jurisdictional wetlands and an estimated 1,316 linear feet of streams in Medina County, Ohio. The project primarily involves the redesign of a section of SR 18 by adding a two-way center turn lane to the existing four-lanes. It begins near Windfall Road and continues eastward for approximately 5.09 miles to the Medina/Summit County Line. In addition to the Preferred Alternative, the Applicant described two other alternatives, as required by Ohio EPA's rules.

The Applicant's Minimal Degradation Alternative is essentially the same as the Preferred Alternative except for minor modifications to reduce direct impacts to streams and wetlands in the project area. Under the Minimal Degradation Alternative, impacts are 1,089 linear feet, and 0.3382 acres, respectively, for streams and wetlands. The Non-Degradation or "No-Build" Alternative would continue using the existing roadway facilities, with routine maintenance. The Applicant stated that this would not be acceptable because it would not meet the purpose and need of the proposed project.

The application was submitted by the Ohio Department of Transportation (ODOT), 1980 West Broad Street, Columbus, Ohio 43223. The Ohio EPA Identification Number for this project is 042167. The U.S. Army Corps of Engineers, Huntington District, Public Notice Number is: 200401011. ODOT's ID # is MED-18-16.03, PID 4082.

The impacts from the proposed activity, if approved, would result in degradation to, or lowering of, water quality of jurisdictional wetlands and streams in the Black/Rocky River, Tuscarawas River, and Cuyahoga River Watersheds. The review of the application shall be conducted in accordance with Chapters 3745-1 and 3745-32, and other applicable provisions of the Ohio Administrative Code (OAC), including OAC 3745-1-05, before deciding whether to allow a lowering of water quality. Ohio EPA shall consider other alternatives during the review process that result in lesser or no degradation or lowering of water quality.

Starting November 29, 2004 copies of the 401 certification and associated information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 122 South Front Street, Columbus, Ohio, by first calling (614) 644-2001. Information on the 401 certification can be made available at Ohio EPA Central District Office 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.

## **Morgan and Washington Counties**

**Date of Notice: December 1, 2004**

### **PUBLIC NOTICE NOTICE OF RECEIPT OF APPLICATION AND PUBLIC HEARING ANTIDegradation**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA)-Division of Surface Water (DSW) has received an application for the modification of a National Pollutant Discharge Elimination System (NPDES) permit for the discharge from the existing American Electric Power Muskingum River Plant disposal system. The NPDES application was submitted by Ohio Power c/o American Electric Power, 1 Riverside Plaza, Columbus, Ohio 43215.

Ohio Power's preferred wastewater disposal alternative submitted for approval is proposed to treat wastewaters associated with the installation of selective catalytic reduction (SCR) technology on Unit 5 to comply with the Clean Air Act limitation for nitrogen emissions. The disposal system is located on County Lane 32 (north 3.5 miles), Waterford Township, Washington County, and Center Township, Morgan County, Ohio. Treated wastewaters are proposed to be discharged at the same location. The proposed discharges are to No Name Creek and Millstone Creek. Other wastewater disposal alternatives resulting in lesser or no degradation or lowering of water quality will be considered by Ohio EPA.

The discharges from this facility, if approved, would result in degradation to, or lowering of, the water quality of No Name Creek and Millstone Creek. However, the chemical-specific water quality criteria developed to protect aquatic life and human health, set forth in OAC 3745-1, 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 contents of the above stated application(s) indicate no exclusions or waivers, as outlined by section 3745-1-05 (D) of the antidegradation rule (effective as of October 1, 1996), apply or may be granted by the Director of Ohio EPA.

Copies of the pending NPDES application are available for review at Ohio EPA's Southeast District Office, 2195 Front Street, Logan, Ohio, (740) 385-8501. An Ohio EPA public hearing on the proposed project has been scheduled for 6:30 P.M. on January 20, 2005, at the Waterford High School, 330 Main Street, Waterford, Ohio 45786. 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 application.

Persons wishing to 1) be on the 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, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 by close of business on January 27, 2005. Comments received after this date may not be considered as part of the official record.

**PUBLIC NOTICE**

**OHIO EPA ISSUES FINAL FINDINGS AND ORDERS TO  
U.S. DOE PORTSMOUTH GASEOUS DIFFUSION PLANT**

On November 2, 2004, Ohio EPA issued final Findings and Orders to the U.S. Department of Energy Gaseous Diffusion Plant (DOE Portsmouth) for its facility located at 3980 U.S. Route 23 South, Piketon, Ohio. This facility operates a hazardous waste container storage unit. The EPA I.D. number for this facility is OH7890008983.

DOE Portsmouth must achieve compliance with Chapter 3734 of the Ohio Revised Code and the regulations in accordance with the detailed compliance schedule outlined in the orders. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

**PUBLIC NOTICE  
PROPOSED CONSENT ORDER**

The Ohio Environmental Protection Agency (Ohio EPA) has entered into a proposed Consent Order with Defendant, City of Alliance, to resolve all claims alleged in the Complaint filed by the State of Ohio, Stark County Court of Common Pleas case number 2003-CV-03019. The proposed Consent Order requires the Defendant to prevent bypasses from its wastewater treatment system, eliminate inflow and infiltration of storm water into the sanitary sewer system through a compliance schedule, and comply with all applicable provisions of Ohio's Water Pollution Control Law, R.C. Chapter 6111 and the rules adopted thereunder, and the terms and conditions of National Pollutant Discharge Elimination System (NPDES) permit No. 3PD00000\*ID, and any renewals or modifications thereof.

The proposed Consent Order assesses a civil penalty settlement in the amount of \$12,500 against Defendant for violations of R.C. Chapter 6111. The Consent Order requires the payment of the civil penalty within 30 days of its final entry date. In lieu of an additional \$100,000 civil penalty, Defendant is required to complete sewer extension projects, as a supplemental environmental project, located within Smith Township, Mahoning County, Ohio by June 1, 2009. Defendant agrees that annexation will not be a requirement for tap-in to the sewer extension projects.

Copies of the Consent Order can be obtained by writing to:

Ohio Environmental Protection Agency  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Written comments should be submitted to Ohio EPA, Northeast District Office at the above address. Written comments should be submitted on or before December 30, 2004.

The final approval and entry of the proposed Consent Order will not occur until after the thirty (30) day public comment period has expired. The thirty-day period commences on November 30, 2004. The State of Ohio and the City of Alliance reserve the right to withdraw or alter the proposed Consent Order based on comments received during the public comment period.

**PUBLIC NOTICE**

**OHIO EPA ISSUES FINAL FINDINGS AND ORDERS TO  
Sugarcreek Industries, Inc.**

On November 18, 2004, Ohio EPA issued final Findings and Orders to Sugarcreek Industries, Inc. for its facility located at 425 South Broadway Street, Sugarcreek, Ohio 44681. This facility operates an unpermitted hazardous waste container storage unit. The EPA I.D. number for this facility is OHD066046749.

Sugarcreek Industries, Inc. must achieve compliance with Chapter 3734 of the Ohio Revised Code and the regulations promulgated thereunder according to the detailed compliance schedule which outlines civil penalties and payments. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.