

State of Ohio
Environmental Protection Agency

PUBLIC NOTICE

July 18, 2005

Notice of Rule-making

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Drinking and Ground Waters (DDAGW) has adopted modifications to the Ohio Administrative Code (OAC) rules related to the regulation of organic and inorganic contaminants in drinking water, particularly arsenic. DDAGW has made these modifications to achieve consistency between Ohio's rules and U.S. EPA's National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminants Rule; Final Rule, as published in the Federal Register January 22, 2001. The State of Ohio is required to adopt these changes in order to maintain primary enforcement responsibility for the drinking water program.

Community and nontransient noncommunity public water systems in Ohio were previously required to comply with a maximum contaminant level of 50 micrograms per liter ($\mu\text{g/L}$) of arsenic in drinking water. These amendments will reduce the maximum contaminant level for arsenic to 10 $\mu\text{g/L}$, effective January 1, 2006. Additionally, the amendments clarify the trigger level for public water systems to qualify for increased monitoring of inorganic contaminants, synthetic organic contaminants (SOCs), and volatile organic contaminants (VOCs). Previously public water systems were required to increase the frequency with which they monitored for a particular contaminant if they failed to be "reliably and consistently" below the maximum contaminant of that contaminant. Under these amendments this requirement is clarified such that public water systems will be triggered into increased monitoring if they exceed 80 percent of that contaminant's maximum contaminant level. The rule amendments also clarify the scheduling of the initial monitoring for inorganic contaminants, SOCs, and VOCs required of new public water systems and those with new sources of drinking water. In an effort to allow systems in Ohio more flexibility in achieving compliance, DDAGW will allow nontransient noncommunity public water systems the option of installing point-of-use or point-of-entry treatment devices to comply with the maximum contaminant level for arsenic in drinking water, provided certain conditions are met.

The Director of Environmental Protection, after considering public comment, adopted these rules in final form, pursuant to Section 6109.04 of the Ohio Revised Code. The Director's order of adoption was issued on July 18, 2005. In accordance with Section 119.04(A) of the Revised Code the effective date of these new, amended, and rescinded rules will be August 1, 2005.

A copy of the rule may be obtained, at cost, by contacting the Hearing Clerk, Ohio EPA, 122 South Front Street, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049, or (614) 644-2129. The rule is also available electronically at the following internet address: <http://www.epa.state.oh.us/ddagw/oac.html>.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission (ERAC) pursuant to Section 3745.04 of the Ohio Revised Code. 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 ERAC within thirty (30) days after notice of the Director's action. A copy of the appeal must be served upon the Director of the Ohio Environmental Protection Agency within three (3) days of filing with ERAC. ERAC's address is: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

Public Notice

**Proposed Rulemaking Governing
Licensing of Solid Waste, Infectious Waste, and Construction and
Demolition Debris Facilities**

Notice is hereby given that the Director of Environmental Protection, under the authority of Chapter 3734 of the Ohio Revised Code and in accordance with Chapter 119, proposes to rescind and replace with new, the following rules of the Ohio Administrative Code:

3745-37-01	Solid waste facility license or infectious waste treatment facility license or construction and demolition debris facility license required.
3745-37-02	Solid waste facility license, infectious waste treatment facility license or construction and demolition debris facility license application.
3745-37-03	Criteria for issuing solid waste facility licenses, infectious waste treatment facility licenses, or construction and demolition debris facility licenses.
3745-37-04	Action by board of health or director.
3745-37-05	Expiration of licenses.
3745-37-06	Transfer of licenses.
3745-37-07	Procedures for granting, denying, suspending, modifying, revoking or disapproving transfer solid waste facility licenses, infectious waste treatment facility licenses or construction and demolition debris facility licenses.
3745-37-08	Approved list of health districts.
3745-37-09	Return of solid waste facility, infectious waste treatment facility, and construction and demolition debris facility licensing function to health districts.
3745-37-10	Time for inspections.
3745-37-11	Conditional solid waste disposal license.
3745-37-14	Authorized maximum daily waste receipts.
3745-37-15	Additional criteria for issuing solid waste facility licenses to scrap tire facilities.
3745-400-15	Modifications and exemptions.

The purpose of this rule making is to satisfy requirements mandated by Ohio Revised Code (ORC) Section 119.032 which requires all state agencies to review each of their rules every five years to determine whether or not to continue the rules without change, amend the rules, or rescind the rules.

A Public Hearing on this proposed rule making will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held at

Ohio EPA, 122 S. Front Street, Columbus, Ohio, 6th floor, Center for Excellence on August 25, 2005, at 3:30pm.

To facilitate the scheduling of oral presentations, persons intending to give testimony at the hearing should notify the Ohio EPA Public Interest Center, P.O. Box 1049, Columbus, Ohio 43216-1049, (614) 644-2160. Prior registration will ensure that registrants are heard ahead of those individuals who register at the hearing. Oral testimony may be limited to five minutes, depending on the number of persons testifying. All interested persons are entitled to attend or be represented and to present oral and/or written comments concerning the proposed rule making.

Written testimony should be sent to the attention of Amanda Graham at the Division of Solid and Infectious Waste Management, P.O. Box 1049, Columbus Ohio 43216-1049. Written comments may also be submitted to the Hearing Officer at the public hearing. Written testimony will receive the same consideration as oral testimony. All testimony received at the hearing or by close of business on August 25, 2005, will be considered by the Ohio EPA prior to final action on this rulemaking proposal. Written comments submitted after this date may be considered as time and circumstances permit.

Questions regarding this rule package should be directed to Bruce McCoy, at the Division of Solid and Infectious Waste Management, at (614) 728-5345.

To receive a copy of the proposed rules, please contact the DSIWM receptionist at (614) 644-2621. The proposed rules are also accessible on DSIWM's web page at <http://www.epa.state.oh.us/dsiwm>.

**State of Ohio
Environmental Protection Agency
Notice of Adoption of Rules**

Notice is hereby given that the Director of Environmental Protection, under the authority of Ohio Revised Code Section 3704.03 has adopted amended rules 3745-31-03 of the Administrative Code.

The primary purpose of this rulemaking is to amend Ohio Administrative Code ("OAC") 3745-31-03 to incorporate six new permit-by-rule provisions and to modify several permanent exemptions. These amendments will exempt owners or operators of various types of low-emitting air pollution sources from the need to obtain a permit-to-install.

A public hearing on the proposed amendments was held on April 21, 2005, in Columbus, Ohio. There were no comments or testimony received during the public hearing, but several parties submitted comments during the comment period. The comments were thoroughly reviewed and considered by the Ohio EPA. No changes were made to the proposed rules as a result of public comment. The Director's order of adoption was issued on July 19, 2005. The effective date of these rules is July 29, 2005.

To request a copy of these rules, obtain further information, or inspect or request copies of agency files and records pertaining to the proceeding contact Mr. Rick Carleski, c/o Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Mr. Carleski at 614-728-1742. This rule is available on the Web page for electronic downloading by scrolling down to OAC 3745-31-03, "Permit to Install exemptions". The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.html>. This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (ERAC) pursuant to Ohio Revised Code Section 3745.04. 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 ERAC within thirty (30) days after notice of the Director's action, at 309 South Fourth Street, Suite 222, Columbus, Ohio 43215. Copies of the appeal must be served upon the Director of the Ohio EPA within three (3) days of filing with ERAC. Ohio EPA also requests that a copy of the appeal be served upon the Environmental Enforcement Section of the Ohio Attorney General's Office.

Public Notice: July 26, 2005

**OHIO ENVIRONMENTAL PROTECTION AGENCY
PUBLIC NOTICE**

**VERMILION RIVER WATERSHED
TOTAL MAXIMUM DAILY LOAD REPORT**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) is providing for public review and comment the Vermilion River Watershed Total Maximum Daily Load Report (TMDL) Document. Ohio EPA developed the Document in fulfillment of Section 303(d) of the Clean Water Act which requires the identification of impaired waterbodies for which technology based effluent limitations are not stringent enough to achieve applicable water quality standards and to develop Total Maximum Daily Loads for such waters. The Document addresses impairments in Vermilion River watershed which appear on the Ohio 2004 303(d) list (assessment units 04100012 050 and 060). The impaired waters are located in the Counties of **Huron, Erie, Ashland, Lorain, and Richland**.

All interested persons wishing to submit comments for Ohio EPA's consideration may do so in writing to Ohio EPA, Central Office, 122 South Front Street, P.O. Box 1049, Columbus, OH 43216-1049, Attn: Mark Mann, or by email to mark.mann@epa.state.oh.us by the close of business, August 26, 2005. Comments received after this date may be considered as time and circumstances permit. After consideration of comments, Ohio EPA will submit the Document to the United States Environmental Protection Agency (USEPA) for approval.

To obtain a copy of the Document or other information, or to arrange to inspect Agency files or records pertaining to the Document, or to request notice of when Ohio EPA submits the Document to USEPA, please contact Mark Mann at the address above or by calling (614) 644-2023. The Document will be posted (on or before July 26, 2005) to the Ohio EPA Division of Surface Water Web site <http://www.epa.state.oh.us/dsw/index.html>.

PUBLIC NOTICE
OHIO ENVIRONMENTAL PROTECTION AGENCY
RENEWAL OF CERTIFIED PROFESSIONAL CERTIFICATIONS UNDER OHIO'S
VOLUNTARY ACTION PROGRAM

Notice is hereby given that on July 15, 2005, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code ("ORC") 3746.04(B)(5) and Ohio Administrative Code ("OAC") 3745-300-05, issued a renewal certification to Atul Pandey-CP224, Michael J. Momenee-CP236, Terry E. Stransky-CP262, John T. Garvey-CP118, Martin L. Schmidt-CP170, to perform work as certified professionals under the Voluntary Action Program.

The issuance of these renewal certificates are 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 any renewal certificate, or any documents related to the 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.

Hamilton County

PUBLIC NOTICE

APPROVAL OF C&DD FACILITY LICENSE TRANSFER

Notice is hereby given that on July 18, 2005, Ohio EPA approves the transfer of the 2005 Construction and Demolition Debris (C&DD) Facility License from Golsch Environmental Landfill, 9880 Valley Junction Rd., P.O. Box 189, Cleves, OH 45002 to Top Dog Service Company. This C&DD landfill is located at 4111 S.R. 128, Cleves, OH. This approval is subject to all rules, regulations and specified conditions. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission, at 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

Date of Public Notice: July 25, 2005

**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 applications for, and has begun to consider whether to issue or deny, Clean Water Act Section 401 certifications for the following projects located in the waters of Lake Erie:

- 1) Applicant: Russell D. Miklos
Applicant Address: 3662 Edgewater Drive, Vermilion, Ohio 44089
Project Location: Along the Lake Erie shoreline at 3662 Edgewater Drive, Vermilion, Lorain County, Ohio
Project Description: Construct an armor stone revetment resulting in 150 cubic yards of fill being placed below Ordinary High Water
Corps of Engineers' Public Notice Number:2005-00787(0)
Ohio EPA ID Number: 052265
- 2) Applicant: Christopher J. Butdorf
Applicant Address: 36776 Bellcrest Drive, Avon, Ohio 44011
Project Location: Along the Lake Erie shoreline immediately east of 3662 Edgewater Drive, Vermilion, Lorain County, Ohio
Project Description: Construct an armor stone revetment and steel crib pier resulting in 245 cubic yards of fill being placed below Ordinary High Water
Corps of Engineers' Public Notice Number: 2005-00691(0)
Ohio EPA ID Number: 052252
- 3) Applicant: Linda M. Matus
Applicant Address: 32321 Regency Court, Avon Lake, Ohio 44012
Project Location: Along the Lake Erie shoreline at 32122 Lake Road, Avon Lake, Lorain County, Ohio
Project Description: Construction of an armor stone breakwater, a concrete block seawall, and a timber crib pier resulting in 850 cubic yards of fill being placed below Ordinary High Water
Corps of Engineers' Public Notice Number: 2005-00178(0)
Ohio EPA ID Number: 052255
- 4) Applicant: Christine A. Brill
Applicant Address: 32118 Lake Road, Avon Lake, Ohio 44012
Project Location: Along the Lake Erie shoreline at 32118 Lake Road, Avon Lake, Lorain County, Ohio
Project Description: Construction of a concrete block seawall with a reinforced

concrete slab resulting in 242 cubic yards of fill being placed below Ordinary High Water

Corps of Engineers' Public Notice Number: 97-478-0007(2)

Ohio EPA ID Number: 052259

The discharges from these activities, if approved, would result in degradation to, or lowering of, the water quality of Lake Erie (HUC 04120200). The review of the applications will be conducted, and a decision whether to grant or deny the applications 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 July 1, 2003), apply or may be granted by the Director of Ohio EPA.

Beginning July 25, 2005, copies of the applications for the certifications and technical support information may be inspected at Ohio EPA-DSW, 122 S. Front Street, Columbus, Ohio 43215, by first calling (614) 644-2001. Applications can be made available at 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 at 6:30 p.m. on September 7, 2005, at Avon Lake Public Library, 32649 Electric Boulevard, Avon Lake, Ohio. 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 applications. All interested persons are entitled to attend or be represented and give oral or written comments on the proposed projects.

Ohio EPA will continue to accept written comments on the applications through the close of business on September 14, 2005. Comments received after this date may not be considered as part of the official record. Anyone may submit written comments or request to be placed on a mailing list for information by writing to: Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio, 43216-1049.