

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice  
Proposed Rulemaking Governing  
Construction and Demolition Debris**

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 3714.02 of the Ohio Revised Code and in accordance with Chapter 119, proposes to original file the following rule of the Ohio Administrative Code:

**3745-400-12            Final closure of facilities.**

This rule address construction and demolition debris regulations.

The purpose of this rule making is to establish an additional time frame for placing a cap system in the case that a construction and demolition debris (C&DD) facilities license has been revoked or denied, allowing for postponement of cap placement for Environmental Review Appeals Commission (ERAC) appeal, if ERAC deems that a prior hearing had not been held.

The public comment period will run until February 15, 2006. 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, Conference Room C, 5th floor, 122 S. Front St., Columbus, OH 43215, on February 15, 2006 at 2:00pm.

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 Mandi Graham at the Division of Solid and Infectious Waste Management (DSIWM), 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 February 15, 2006, will be considered by Ohio EPA prior to final action on this rule making proposal. Written comments submitted after this date may be considered as time and circumstances permit.

Questions regarding this rule package should be directed to Mandi Graham at (614) 728-5372.

To receive a copy of the proposed rules, please contact the DSIWM receptionist at (614) 644-2621. In addition, full copies of all proposed rules are available for review at any Ohio EPA district office and at the Ohio EPA central office. The proposed rules are also accessible on DSIWM web page at : [http://www.epa.state.oh.us/dsiwm/pages/draft\\_rule.html](http://www.epa.state.oh.us/dsiwm/pages/draft_rule.html).

**NOTICE OF ADOPTION OF RULES  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Rules Governing**

**Diesel School Bus Retrofit Grant Program**

Notice is hereby given that the Director of the Ohio Environmental Protection Agency (Ohio EPA) has adopted as final the following rules of the Ohio Administrative Code:

- 3745-49-50 Definitions
- 3745-49-51 Permitted uses, eligibility, and prioritization
- 3745-49-52 Grant administration

These rules address content of and process for the operation of the new Diesel School Bus Retrofit Grant Program.

The purpose of this rule making is to establish the Diesel School Bus Retrofit Grant Program set forth in HB 66 and the administrative process for its operation.

The Director's order of adoption was issued on January 12, 2006. These adopted rules will become effective on February 1, 2006.

The Director's action in this matter is pursuant to the procedural requirements of Ohio Revised Code Chapter 119 and is based upon the record of the public hearing conducted by Ohio EPA on December 6, 2005, and comments received during the public comment period.

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (ERAC) pursuant to Ohio Revised Code Section 3704.144. This 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. ERAC is located at 309 South Fourth Street, Suite 222, Columbus, OH, 43215. Copies of the appeal must be served on the Director of the Ohio EPA within three (3) days of filing with ERAC. The Ohio EPA is located at, 122 S. Front St., Columbus, OH, 43216-1049.

## **PUBLIC NOTICE**

### **FINAL ISSUANCE OF A REVOCATION OF INFECTIOUS WASTE GENERATOR REGISTRATION CERTIFICATE**

Notice is hereby given that, on January 12, 2006, the Ohio EPA issued an infectious waste generator registration certificate to Dialysis Services of Southern Ohio, Inc., ID No: 14-G-01297, located at 1675 Alex Dr., Wilmington, Ohio 45177, that would have been valid until September 29, 2008. On December 12, 2005, the Ohio EPA received a letter from Dialysis Services of Southern Ohio requesting revocation of the infectious waste generator registration certificate as the entity has been acquired by DaVita, Inc., effective November 1, 2005. Since Dialysis Services of Southern Ohio has been acquired by DaVita, Inc., and a registration certificate is nontransferable, the registration certificate issued to Dialysis Services of Southern Ohio, Reg. No. 14-G-01297, is hereby revoked. 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**  
**RENEWAL OF CERTIFIED PROFESSIONAL CERTIFICATIONS UNDER OHIO'S**  
**VOLUNTARY ACTION PROGRAM**

Notice is hereby given that on January 10, 2006, 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 of certification to the following Certified Professionals; **Robin J. Clark CP282; Bruce A. Savage CP265; Kevin M. Reaman CP250; Tarek D. Pinto CP281; Mark D. Butler CP137; Walter P. Kosinski CP196; Barry A. Cik CP109; Christian J. Lavallee CP264.**

The issuance of the renewal 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, OH 43215.

If you would like to review a copy of any renewal certificate, or any documents related to the certification, please contact Debi Tavizon, 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) 728-1298.

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**PUBLIC NOTICE**  
**COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS**  
**City of Lima, Kibby Corners Demolition Property**

Notice is hereby given that on January 11, 2006, 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 the City of Lima for the property identified as the Kibby Corners Demolition property (the "Property").

The City of Lima conducted a voluntary action of the approximately 0.23 acre-Property located at 702 South Main Street, Lima, Allen County. A no further action letter was submitted on October 19, 2005 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of the City of Lima by Thomas J. Mignery, CPG No. 8858, a Certified Professional (No. CP125), 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 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.

Date of Public Notice: January 20, 2006

**OHIO ENVIRONMENTAL PROTECTION AGENCY  
PUBLIC NOTICE**

**NOTICE OF AVAILABILITY and REQUEST FOR COMMENTS  
FWPCA Section 303(d) TMDL PRIORITY LIST FOR 2006**

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 Total Maximum Daily Load (TMDL) priority list for 2006 as required by Section 303(d) of the Federal Water Pollution Control Act, 33 U.S.C. Section 1313(d). The list indicates the waters of Ohio which are currently impaired and may require TMDL development in order to meet water quality standards. The waters are ranked according to level of impairment to help indicate which have the greatest need for TMDL development. The list is contained within the *2006 Integrated Water Quality Monitoring and Assessment Report*, which in accordance with federal guidance, satisfies the Clean Water Act requirements for both Section 305(b) water quality reports and Section 303(d) lists. The report describes the procedure that Ohio EPA used to develop the list and indicates which areas have been selected for TMDL development during FFY 2006 through 2008.

A public information session will be held on February 8, 2006, at 2 pm at Ohio EPA's central office, located at 122 South Front Street, Columbus, Ohio 43216.

All interested persons wishing to submit comments for Ohio EPA's consideration may do so by email to [trinka.mount@epa.state.oh.us](mailto:trinka.mount@epa.state.oh.us), or in writing to Ohio EPA, Division of Surface Water, P.O. Box 1049, Columbus, Ohio 43216-1049 Attn: 303(d) Comments, by the close of business, February 20, 2006. Comments received after this date may be considered as time and circumstances permit. After consideration of comments, Ohio EPA will submit a final document to the United States Environmental Protection Agency (USEPA) for approval. The final report must be submitted to USEPA by April 1, 2006.

The report is available on Ohio EPA Division of Surface Water Web site at <http://www.epa.state.oh.us/dsw>. To receive a printed copy, contact the Ohio EPA - DSW reception desk by telephone at (614) 644-2001 and request the report by name. To arrange to inspect Agency files or records pertaining to the document, to ask technical questions regarding the list or report, or to request notice of when Ohio EPA submits the document to USEPA, please contact Trinkka Mount at the e-mail address above or by calling (614) 644-2140.

**PUBLIC NOTICE**

Notice is hereby given that on January 12, 2006, the Director of the Environmental Protection Agency issued an Isolated Wetlands Permit to Beth Hakrem Trust c/o Church of the North Coast, 4125 Leavitt Road, Lorain Ohio 44053. The permit was issued for a project to construct a Home Depot store located west of Leavitt Road near Tower Boulevard, City of Lorain, Lorain County, Ohio. This permit was issued as a final action, and may be appealed to the Environmental Review Appeals Commission (ERAC), pursuant to Chapter 3745.04 of the Ohio Revised Code. The appeal must be filed with ERAC at 309 South Fourth Street, Room 222, Columbus, Ohio 43266-0557 within 30 days of issuance of this final action.

**Date of Notice: January 19, 2006**

**PUBLIC NOTICE  
NOTICE OF PUBLIC HEARING**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA)-Division of Surface Water (DSW) has scheduled a public hearing on the National Pollutant Discharge Elimination System (NPDES) permit modification application (Permit No. 3IC00056) for a requested increase in the whole effluent toxicity limitations for the discharges from the wastewater treatment/disposal facilities serving Thomas Steel Strip Corporation.

The wastewater treatment/disposal system is located on Delaware Avenue, NW, Warren Township, Trumbull County, Ohio. Treated wastewaters are proposed to be discharged at the same location. The proposed discharges are to the Mahoning River. The NPDES modification application was submitted by Thomas Steel Strip Corporation, Delaware Avenue, NW, Warren, Ohio 44485.

The discharges from this facility, if approved, would result in degradation to, or lowering of, the water quality of the Mahoning River. However, the chemical-specific water quality criteria developed to protect aquatic life and human health, set forth in OAC 3745-1-07, 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 public hearing has been scheduled for 6:30 P.M. on March 16, 2006, at the Warren Township Administration Building, 3765 West Market Street, Leavittsburg, Ohio 44430. 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 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, Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 by close of business on March 23, 2006. Comments received after this date may not be considered as part of the official record of this hearing.

Copies of the pending NPDES application and technical support information may be reviewed and/or copies made at Ohio EPA's Northeast District Office, 2110 East Aurora Road, Twinsburg, Ohio, by first calling (330) 963-1200 to make an appointment.

**Tuscarwas County**

**PUBLIC NOTICE**

**OHIO EPA APPROVES CLOSURE PLAN FOR  
AMKO SERVICE COMPANY**

On December 30, 2005, Ohio EPA approved an amended closure plan for the Amko Service Company located at 3470 Davis Road NW, Dover, Ohio 44622. The EPA I.D. number for this facility is OHD017998022.

Pursuant to Ohio Revised Code rule 3745-66-11 & 12, the facility's amended closure plan submitted on August 8, 2005, and revised on November 9, 2005 was approved with modifications as outlined in the Director's December 30, 2005 correspondence. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

**PUBLIC NOTICE**

**OHIO EPA ISSUES DRAFT CLASS 3 HAZARDOUS WASTE  
PERMIT MODIFICATION**

On January 6, 2006, Ohio EPA issued a draft Class 3 hazardous waste facility installation and operation permit (Permit) modification to Cytec Industries, Inc. for its facility at 1405 Greene Street, Marietta, Ohio 45750. The EPA Identification Number for this facility is OHD004341509.

**Why is Cytec Industries, Inc. Modifying its Permit?**

Cytec Industries, Inc. is a former speciality chemical manufacturing plant. Operations at the facility have ceased and Cytec is currently performing investigation and cleanup of waste areas at the site. To investigate and clean the site, Cytec Industries, Inc. needs a Permit. Cytec Industries, Inc. is requesting a Class 3 modification to add the constituents 1,1-dichloroethane and 2,4,5-T to the Integrated Groundwater Monitoring Program. The draft Permit modification contains the conditions under which the facility must operate if the Permit receives final approval. To issue this draft Permit modification, Ohio EPA determined that the Permit application is complete and meets appropriate standards and that the applicant has a history of compliance with relevant environmental laws, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. When issued, the Permit modification will allow Cytec Industries, Inc. to continue to investigate and cleanup any contamination of hazardous waste in the designated areas, or constituents that may be at the facility. Details about this draft action can be viewed on Ohio EPA's website under Stakeholders Involvement at <http://www.web.epa.state.oh.us/dhwm/>

**When and where will Ohio EPA hold a public meeting?**

You may request Ohio EPA to hold a public meeting for this draft permit modification. You should send your request to: Ohio EPA, Division of Hazardous Waste Management, Attn: Regulatory and Information Services, P.O. Box 1049, Columbus, Ohio 43216-1049, telephone number (614) 644-2977, fax number (614) 728-1425, e-mail: [dhwmcomments@epa.state.oh.us](mailto:dhwmcomments@epa.state.oh.us) If the request is granted, Ohio EPA will announce the time and location of the public meeting.

**When and how do I submit written comments?**

You can submit written comments anytime between January 10, 2006 and February 24, 2006. Send your comments to Ohio EPA, Lazarus Government Center, Division of Hazardous Waste Management, Attn: Regulatory and Information Services, P.O. Box 1049, Columbus, Ohio 43216-1049, telephone number (614) 644-2977, fax number (614) 728-1245, e-mail: [dhwmcomments@epa.state.oh.us](mailto:dhwmcomments@epa.state.oh.us).

**Where can I review the Permit application and draft Permit modification?**

You can review these at one of the following locations:

***Washington County Public Library***, 615 Fifth Street, Marietta, Ohio 45750, (740) 373-1057;

***Ohio EPA - Southeast District Office***, 2195 Front Street, Logan, Ohio 43138, (740) 385-8501; and,

***Ohio EPA, Division of Hazardous Waste Management***, 122 South Front Street, Columbus, Ohio 43215, (614) 644-2917.

**What will Ohio EPA do with the comments?**

After carefully considering public comments, Ohio EPA will reconsider the draft Permit modification, making any necessary changes, and issue or deny the final Permit. Ohio EPA will issue a "response to public comments," specifying any changes made to the draft Permit. If you commented on the draft Permit, Ohio EPA will send you copies of the "response to public comments" and the final permit decision.