

**Public Notice**  
**Ohio Environmental Protection Agency**  
**Proposed amendment of**  
**Ohio Administrative Code (OAC) rule 3745-21-17**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) proposes the following changes to the Ohio Administrative Code (OAC) related to portable fuel containers (PFC).

Amendment of rule: OAC Rule 3745-21-17 Portable Fuel Containers.

DAPC is proposing amendments to paragraphs (A) Applicability and (C) Exemptions of this rule.

The amendment to paragraph (A) consists of new text that will more clearly specify the certification requirements and requires documentation of the certification.

The amendment to paragraph (C) consists of additional text that will allow for a sell-through period for existing stock of PFCs (i.e., non-compliant PFCs).

As an on-going project, the DAPC, State Implementation Plan (SIP) Section is evaluating control strategies for VOC and NO<sub>x</sub> emission reductions which are precursors to ozone formation. This rule will provide emission reductions to assist in attaining and maintaining the eight-hour ozone standard throughout the State.

This rule also contains changes necessary to comply with ORC 121.72 which addresses incorporation of referenced materials.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC was required to consult with interested parties affected by the rule before the division formally adopts them. On July 24, 2006 these rules went out for a 30-day review by interested parties. No comments were received.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes will be conducted on Thursday, May 10, 2007 at 2:00 pm, in Conference Room 6B at Ohio EPA, Lazarus Government Center, 50 W. Town Street, Suite 700, Columbus, Ohio.

Pursuant to Part D of Title I of the Clean Air Act, Ohio EPA is required to establish a state implementation plan (SIP) for the attainment and maintenance of the national ambient air quality standards (NAAQS). The above-mentioned rule is a part of Ohios SIP and the proposed amendments will be submitted to USEPA as a modification of the SIP. The above-mentioned hearing shall be considered the public hearing for the SIP submittal.

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on these rule changes. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on May 10, 2007, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after May 10, 2007, may be considered as time and circumstances permit, but will not be part of the official record of the hearing.

These rules are available on the Web page for electronic downloading by clicking on regulations under the topics drop-down box. The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.html>. Questions regarding accessing the web

site should be directed to Arunee Niamlarb at 614-728-1342; other questions or comments about these rules should be directed to Alan Harness at Ohio EPA, (614) 644-4838, [alan.hariness@epa.state.oh.us](mailto:alan.hariness@epa.state.oh.us), or mailed to Alan Harness, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.

**BEFORE THE OHIO ENVIRONMENTAL PROTECTION AGENCY  
PUBLIC NOTICE OF RESCISSION AND AMENDMENT OF RULES  
GOVERNING HAZARDOUS WASTE MANAGEMENT**

Notice is hereby given that the Director of Environmental Protection, under the authority of the Ohio Revised Code (ORC) section 3734.12, has rescinded and adopted the amended rules of the Ohio Administrative Code listed here, as ordered on April 4, 2007:

Rescinded: 3745-50-47 Withdrawal of permits.

Amended: 3745-50-31 Exemptions.

Amended: 3745-50-32 Definitions.

Amended: 3745-50-33 Fees for the off-site disposal of hazardous waste.

Amended: 3745-50-34 Fees for the on-site disposal of hazardous waste.

Amended: 3745-50-35 Fees for the treatment of hazardous waste.

Amended: 3745-50-37 Permit application fee.

Amended: 3745-50-52 Transfer of permits.

Amended: 3745-52-40 Recordkeeping.

Amended: 3745-54-56 Emergency procedures.

Amended: 3745-54-75 Annual report.

Amended: 3745-54-77 Additional reports.

Amended: 3745-65-33 Testing and maintenance of equipment.

Amended: 3745-65-75 Annual report.

Amended: 3745-66-74 Inspections.

Amended: 3745-279-01 Definitions pertaining to used oil management standards.

The primary purpose of this rule-making is to make these rules consistent with and equivalent to their federal counterpart rule, if any, or to make these rules consistent with state statute as amended. These rules may contain additional non-substantive amendments and corrections.

The Director of Environmental Protection, after considering public comment on these proposed rescinded and amended hazardous waste management rules, rescinded and adopted these rules in final form pursuant to ORC section 3734.12. The rescission of the rescinded rule, and the amended rules, will become effective on May 13, 2007 in accordance with ORC section 119.04(A).

These rules are available electronically from the Register of Ohio, and will remain available there for approximately thirty days after their rescission or effective date. They may also be accessed at the Division of Hazardous Waste Management web site at [www.epa.state.oh.us/dhwm/welcome](http://www.epa.state.oh.us/dhwm/welcome) at the "Rules and Laws" icon.

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 ORC section 3745.04. The appeal must be in writing and must set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the ERAC within thirty days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the ERAC, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. The appeal may be filed at this address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. Notice of the filing of the appeal must be filed with the Director within three days after filing with the ERAC. Ohio EPA requests that a copy of the appeal also be served upon the Ohio Attorney General's Office, Environmental Enforcement Section.

**PUBLIC NOTICE  
FINAL ACTIONS OF THE DIRECTOR  
ISSUANCE OF CERTIFICATES TO REPAIR FACILITIES UNDER  
THE MOTOR VEHICLE EMISSION INSPECTION AND MAINTENANCE PROGRAM**

Notice is hereby given that the Director of the Ohio Environmental Protection Agency, pursuant to Ohio Revised Code Chapter 3704.14 and Ohio Administrative Code rule 3745-26-15, has issued certificates to perform work as a Certified Repair Facility under the Motor Vehicle Emission Inspection and Maintenance Program, consistent with the requirements of that program, to the facilities listed below. All certificates are issued 04/03/2007.

For information regarding these final actions, contact David Alspaugh, Ohio EPA, Division of Air Pollution Control, Mobile Sources Section, P.O. Box 1049, Columbus, Ohio 43216-1049, or by telephone at (614) 644-3059. These final actions of the Director were not preceded by proposed actions, and are appealable to the Environmental Review Appeals Commission within thirty (30) days after issuance of the Director's action, pursuant to section 3745.07 of the Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Commission. Appeals must be sent to the following address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

COUNTY	SHOP NAME	CITY	STATE
CUYAHOGA	TODD'S AUTOMOTIVE	PARMA	OH

**PUBLIC NOTICE  
FINAL ACTIONS OF THE DIRECTOR  
ISSUANCE OF CERTIFICATES TO REPAIR TECHNICIANS UNDER  
THE MOTOR VEHICLE EMISSION INSPECTION AND MAINTENANCE PROGRAM**

Notice is hereby given that the Director of the Ohio Environmental Protection Agency, pursuant to Ohio Revised Code Chapter 3704.14 and Ohio Administrative Code rule 3745-26-16, has issued certificates to perform work as a Certified Repair Technician under the Motor Vehicle Emission Inspection and Maintenance Program, consistent with the requirements of that program, to the repair technicians listed below. All certificates are issued 04/03/2007.

For information regarding these final actions, contact David Alspaugh, Ohio EPA, Division of Air Pollution Control, Mobile Sources Section, P.O. Box 1049, Columbus, Ohio 43216-1049, or by telephone at (614) 644-3059. These final actions of the Director were not preceded by proposed actions, and are appealable to the Environmental Review Appeals Commission within thirty (30) days after issuance of the Director's action, pursuant to section 3745.07 of the Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Commission. Appeals must be sent to the following address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

FIRST	LAST	CITY	STATE
BRIAN	GAYE	MAYFIELD HTS	OH
ANTHONY	ZINGALE	N RIDGEVILLE	OH
DAVID	SWEDINE	NORTON	OH
ANTHONY	CASTIGLIONE	WILLOUGHBY HILLS	OH
TODD	KERR	PARMA	OH

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

Notice is hereby given that on April 3, 2007, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code ("ORC") 3746.04(B)(6) and Ohio Administrative Code ("OAC") 3745-300-04, issued a renewal of laboratory certification to Advanced Analytics ("Advanced") of 1025 Concord Avenue, Columbus, Ohio. The certification number assigned to Advanced remains CL100.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission 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 the Commission within thirty (30) days after the notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission  
309 South Fourth Street, Room 222  
Columbus, Ohio 43215

If you would like to review a copy of the certificate, or any documents related to the laboratory's certification, please contact Debi Tavizon 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  
REINSTATEMENT OF LABORATORY CERTIFICATION UNDER OHIO'S  
VOLUNTARY ACTION PROGRAM**

Notice is hereby given that on April 5, 2007, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code ("ORC") 3746.04(B)(6) and Ohio Administrative Code ("OAC") 3745-300-04, issued a modified laboratory certificate to Zande Environmental Services ("Zande") of 1233 Dublin Road, Columbus, Ohio, granting the laboratory's request to reinstate certification under Ohio's Voluntary Action Program for Sodium and Antimony by 6010B. The modified certificate reflects changes to the previous certificate issued to Zande under the Voluntary Action Program, and reinstates certification for Sodium and Antimony by method 6010B. The certification number assigned to Zande remains CL0054.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission 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 the Commission within thirty (30) days after the notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission  
309 South Fourth Street, Room 222  
Columbus, Ohio 43215

If you would like to review a copy of the certificate, or any documents related to the laboratory's certification, please contact Debi Tavizon, Records Management, 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 EPA APPROVES CLOSURE PLAN FOR  
TUBETECH, INC.**

On April 3, 2007, Ohio EPA approved a closure plan for five former hazardous waste traps located at 900 East Taggart Street, East Palestine, Ohio 44413. The EPA I.D. number for this facility is OHD064080377.

Pursuant to Ohio Revised Code rule 3745-66-11 & 12, the facility's closure plan received on September 26, 2006 was approved, with modifications, as outlined in the Director's April 3, 2007 correspondence. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

**Date of Public Notice: April 9, 2007**

**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 initial issuance of a National Pollutant Discharge Elimination System (NPDES) permit (01N00260) for the discharge from the proposed Coshocton Ethanol fuel production facility. Public notice is also given that Ohio EPA-DSW has received an application for Permit to Install (PTI) (599783) for the construction of the proposed fuel production facility. The NPDES and PTI applications were submitted by Coshocton Ethanol, LLC, 309 South 19<sup>th</sup> Street, Omaha, NE 68102.

Coshocton Ethanol has submitted application for discharge of cooling tower blowdown, boiler blowdown, stormwater from industrial activity and reverse osmosis. The facility is proposed to be located at 18137 County Road 271, Franklin Township, Coshocton County, Ohio. The proposed discharges are to Robinson Run.

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 Robinson Run. 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.

Copies of the pending NPDES and PTI applications are available for review at Ohio EPA's Southeast District Office, 2195 Front Street, Logan, Ohio 43138, (740) 385-8501. An Ohio EPA public hearing on the proposed project has been scheduled for 6:30 P.M. on May 24, 2007, at the Coshocton High School Auditorium, 1205 Cambridge Road, Coshocton, Ohio 43812. 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 applications. 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 May 31, 2007. Comments received after this date may not be considered as part of the official record.

**Date of Public Notice: April 12, 2007**

**PUBLIC NOTICE  
NOTICE OF RECEIPT OF ISOLATED WETLAND PERMIT  
APPLICATION (LEVEL 2)**

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, an Isolated Wetland Permit (Level 2) for an after the fact project to fill 1.05 acres of isolated wetlands to construct a commercial / industrial development. The application was submitted by the Samuel Miller and Michael Shemo, 1050 Terminal Tower, 50 Public Square, Cleveland, 44113-2204. The project is located east of Bishop Rd, and north of Highland Rd, in Highland Heights, Cuyahoga county, Ohio. The Ohio EPA Number for this project is 062591.

The review of the application will be conducted, and a decision whether to grant or deny the application will be made, in accordance with Ohio Revised Code (ORC) Sections 6111.02 to 6111.028 and other applicable provisions of state laws. Other alternatives as proposed by the applicant resulting in less adverse impact to the isolated wetland ecosystem, will be considered by Ohio EPA during the review process.

Starting April 12, 2007, copies of the application and technical support information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 50 West Town Street, Suite 700, 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 20 days of the date of this public notice.

**PUBLIC NOTICE**

**OHIO EPA APPROVES CLOSURE PLAN FOR  
HI TECMETAL GROUP-WALKER HEAT TREATING**

On March 29, 2007, Ohio EPA approved a closure plan for three unpermitted hazardous waste management units located at 10601 Briggs Road, Cleveland, Ohio. The EPA I.D. number for this facility is OHD004197307.

Pursuant to Ohio Revised Code rule 3745-66-11 & 12, the facility's closure plan received on June 15, 2006 and revised on December 18, 2006, was approved, with modifications, as outlined in the Director's March 29, 2007 correspondence. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

**Date of Public Notice: April 9, 2007**

**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 (2PR00084) for the discharge from the proposed Kelleys Island Seaway Marina replacement wastewater treatment facilities. Public notice is also given that Ohio EPA-DSW has received an application for Permit to Install (PTI) (603752) for the construction of the proposed replacement wastewater treatment facilities. The NPDES and PTI applications were submitted by James Palladino/Seaway Marina, P.O. Box 749, Kelleys Island, Ohio 43438.

The proposed replacement wastewater treatment facilities would serve the existing marina, food service, laundromat, and future development. The proposed replacement wastewater treatment facility is to be located at 240 East Lakeshore Drive, Kelleys Island, Erie County, Ohio. The proposed discharges are to Lake Erie

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 Lake Erie. 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.

Copies of the pending NPDES and PTI applications are available for review at Ohio EPA's Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio 43402, (419) 352-8461. An Ohio EPA public hearing on the proposed project has been scheduled for 1:00 P.M. on May 24, 2007, at the Kelleys Island Town Hall, 120 Division Street, Kelleys Island, Ohio 43438. 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 applications. 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 May 31, 2007. Comments received after this date may not be considered as part of the official record.

**Date of Public Notice: April 6, 2007**

**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 relocate Kimball Ditch. The application was submitted by Sylvania-Cobblestones Developers, Inc., 2727 North Holland-Sylvania Road, Suite C, Toledo, Ohio 43615-1800. The project is located at southwest corner of the intersection of Brint and Mitchaw Roads, within Brookside Subdivision. The Buffalo District Corps of Engineers Public Notice Number for this project is 2005-02257. The Ohio EPA ID Number for this project is 062536.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would move 1,288 feet of Kimball Ditch approximately 200 feet south of its existing location and restore natural stream functions. The applicant's proposed minimal degradation alternative, if approved would construct six culverts over the existing Kimball Ditch. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on waters of the state.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Kimball Ditch. 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 3745-1 -05 of the Antidegradation Rule apply or may be granted by the Director of Ohio EPA.

Starting April 6, 2007, 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.

**PUBLIC NOTICE**

**OHIO EPA ISSUES FINAL FINDINGS AND ORDERS TO  
HENKEL CORPORATION**

On April 3, 2007, Ohio EPA issued final Findings and Orders to the Henkel Corporation for its facility located at 123 West Bartges Street, Akron, Ohio 44311. This facility is a large quantity generator of hazardous waste and shipped such waste to unpermitted treatment facilities. The EPA I.D. number for this facility is OHD004467452.

The Henkel Corporation 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.