

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
Storm Water Program**

Notice is hereby given that the Director of Environmental Protection, under the authority of Section 6111.03 of the Ohio Revised Code and in accordance with Chapter 119 of the Revised Code, proposes to adopt the following rule of the Ohio Administrative Code (OAC):

Rule #	Rule Title	Action
3745-39-04	Ohio EPA NPDES requirements for industries, and large and medium MS4s.	New

Note: The draft version of this rule was titled "Storm water discharges applicable to state NPDES programs." The name of the rule has been changed to make it clear that this rule does not apply to small municipal separate storm sewer systems (MS4s).

OAC Chapter 3745-39 addresses National Pollutant Discharge Elimination System (NPDES) requirements for the discharge of storm water to surface waters of the state. Rules 3745-39-01 to 03, which became effective on June 17, 2004, address U.S. EPA's small MS4 regulations, which constitute the bulk of their Phase II program. Proposed rule 3745-39-04 would address the remainder of the federal storm water rules Ohio EPA is required to administer, commonly referred to as the Phase I rules.

Rule 3745-39-04 would not alter Ohio EPA's current implementation of the NPDES storm water program. There are no new upcoming program submission deadlines associated with this rule. The sole purpose of this rulemaking is to incorporate the federal requirements into the OAC.

The public comment period will run until **5:00 p.m. on September 21, 2007**. A public hearing on this proposed rule will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held in **Room 6B at the Ohio EPA Central Office, 50 West Town Street, Suite 700, Columbus, Ohio at 2:00 p.m. on September 20, 2007**.

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.

Written testimony should be sent to the attention of Anthony Robinson at the Ohio EPA Division of Surface Water, 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 **5:00 p.m. on September 21, 2007**, will be considered by Ohio EPA prior to final action on this rulemaking. Written comments submitted after this date may be considered as time and circumstances permit.

To obtain a copy of the proposed rule, or if you have any questions about this rule package, contact Anthony Robinson, at the Division of Surface Water, at (614) 728-3392 or via e-mail at anthony.robinson@epa.state.oh.us. The proposed rule is also available on the Ohio EPA Division of Surface Water Web site at www.epa.state.oh.us/dsw and the Register of Ohio Web site at www.registerofohio.state.oh.us.

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
Scrap Tires**

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 3734.02, 3734.021, 3734.028, 3734.05, 3734.12, 3734.50, 3734.70, 3734.71, 3734.72, 3734.73, 3734.74, 3734.75, 3734.86 of the Ohio Revised Code and in accordance with Chapter 119, proposes to original file the following rule of the Ohio Administrative Code:

- 3745-27-01 Definitions.
- 3745-27-02 Permit to install.
- 3745-27-15 Financial assurance for solid waste facility final closure and scrap tire transporters.
- 3745-27-19 Operational criteria for a sanitary landfill facility.
- 3745-27-54 Registration requirement for scrap tire transporters annual registration certificate.
- 3745-27-55 Criteria for approval, denial, suspension, or revocation of an annual registration certificate for a scrap tire transporter.
- 3745-27-56 Standards for transporters of scrap tires.
- 3745-27-57 Shipping paper system for scrap tires.
- 3745-27-60 General storage and handling of scrap tires.
- 3745-27-61 Registration requirement for scrap tire collection, class II storage, class II recovery facilities.
- 3745-27-62 Criteria for approval of application for registration certificate for scrap tire collection, class II storage, class II recovery facilities.
- 3745-27-63 Class I scrap tire storage or class I scrap tire recovery permit to install application.
- 3745-27-65 Operation of scrap tire collection, storage, or recovery facilities.
- 3745-27-66 Final closure of scrap tire collection, storage, or recovery facilities.
- 3745-27-67 Mobile scrap tire recovery facilities.
- 3745-27-78 Beneficial use of scrap tires.
- 3745-27-79 Soil, surface water, and ground water contamination characterization and remediating caused by open burning or open dumping of scrap tires.
- 3745-27-99 Requirements for professional engineer certification of plans, specifications, and information.

These rules address scrap tire regulations.

The purpose of this rule making is to meet the 5-year rule review requirement.

The public comment period will run until September 13, 2007. 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, 50 West Town Street, Suite 700, Columbus, Ohio 43215, 5th Floor, Conference Room B, September 13, 2007, at 2:30pm.

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 Bob Large 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 September 13, 2007, will be considered by 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 Bob Large, at the Division of Solid and Infectious Waste Management (DSIWM), at (614) 728-5347.

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 www.epa.state.oh.us/dsiwm.

Questions regarding this rule package should be directed to Mandi Graham, at the Division of Solid and Infectious Waste Management, at (614) 644-2621.

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

CORRECTION

Ohio Environmental Protection Agency

This notice is being published to correct a notice that incorrectly indicated approval of permission for the individual identified below to open burn materials at the location identified below. The corrected notice is as follows consistent with the denial action issued by the Director:

DENIED PERMISSION FOR OPEN BURNING OAC CHAPTER 3745-19

KEVIN YECKEL

4211 BATES ROAD

MADISON OH ACTION DATE : 07/18/2007

FACILITY DESCRIPTION: AIR

IDENTIFICATION NO. : LK1238

PUBLIC NOTICE

Ohio EPA Approves Authorization to Fill, Grade, Excavate, Build, Drill or Mine Landfill at Gowdy Field–Speculative Building Property, Columbus, Ohio

On August 13, 2007, the Director of Ohio EPA issued an Ohio Administrative Code (OAC) 3745-27-13 authorization to Pandey Environmental and Gowdy Partners II, LLC to engage in filling, grading excavating, building, drilling or mining activities at the Gowdy Field–Speculative Building Property on Olentangey River Road, Columbus, Ohio (Franklin County). The authorization is to allow utility installation, roadway improvements, and monitoring well installation and sampling. The authorization was requested by Pandey Environmental, LLC on June 27, 2007 and revised on August 1, 2007 and will be conducted by Gowdy Partners II, LLC. This request was required since the area is part of a landfill, known as Gowdy Field Landfill, which was operated by the city of Columbus between 1950 and 1969.

You are hereby notified that these actions of the Director are 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 30 days after 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.

The authorization request and related materials are available for review at Ohio EPA's Central District Office by calling 614-644-3020 or emailing lisa.oltman@epa.state.oh.us for an appointment.

PUBLIC NOTICE

OHIO EPA RECEIVES AMENDED HAZARDOUS WASTE CLOSURE PLAN

On July 25, 2007, Ohio EPA received an amended hazardous waste closure plan from the City of Athens for its Service Garage landfill unit located at 387 West State Street, Athens, Ohio 45701. The EPA Identification Number for this facility is OHD987002052.

Why is the City of Athens submitting this Amended Closure Plan?

At the request of U.S. EPA and Ohio EPA, the City of Athens submitted this amended closure plan. This closure plan addresses a drain well at the Athens' Service Garage and describes several remedial options and specific details for the options considered to reach clean closure of the unit. The City of Athens plans use the chemical sodium per sulfate option to treat the remedial contaminants.

When and how do I submit written comments about this Closure Plan?

You can submit written comments anytime between August 14 and September 13, 2007. Send your comments to Ohio EPA, Division of Hazardous Waste Management, Attn: Regulatory and Information Services Section, P.O. Box 1049, Columbus, Ohio 43216, telephone number (614) 644-2977, fax number (614) 728-1245, e-mail address: dhwmcomments@epa.state.oh.us.

Where can I review the Amended Closure Plan?

You can review the Closure Plan at the following locations:

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

Ohio EPA, Division of Hazardous Waste Management, 50 West Street, Suite 700, Columbus, Ohio 43215 (614) 644-2977.

Date of Public Notice: August 13, 2007

**PUBLIC NOTICE
NOTICE OF RECEIPT OF 401 APPLICATION AND PUBLIC HEARING**

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 develop a multi-use retail development on approximately 54.5 acres of undeveloped land located on near the Junction of Heisley Road and Diamond Center Drive. The application was submitted by United Commercial of Mentor, LLC, 30325 Bainbridge Road, Solon, Ohio, 44139. The project is located in the City of Mentor, Lake County, Ohio. The Site is bordered on the north by Diamond Centre Drive, to the east by undeveloped land, to the south by a railway and on the west by a utility corridor. The Buffalo District Corps of Engineers Public Notice Number for this project is 2006-2592(2). The Ohio EPA ID Number for this project is 073139.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would fill 12.34 acres of wetlands, and relocate and restore 1,796 linear feet of a channelized stream. The applicant's proposed minimal degradation alternative, if approved, would fill 6.99 acres of wetlands and relocate and restore 1,796 linear feet of a channelized stream. 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 unnamed tributaries of Wasson Ditch, which is in the Grand 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 3745-1-05 of the Antidegradation Rule apply or may be granted by the Director of Ohio EPA.

Starting August 13, 2007, the application for the certification and technical support information may be inspected at Ohio EPA-DSW, P.O. Box 1049, Columbus, Ohio

43216-1049 by first calling (614) 644-2001. Applications can be made available at the 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 on October 2, 2007 at 5:30 p.m. at the Mentor Public Library, Garfield Room, 8215 Mentor Ave. Mentor, OH 44060. The public hearing will end when all interested parties have 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 proposed project. The purpose of the hearing is to obtain additional information that will be considered by Ohio EPA prior to any further action on the application.

Ohio EPA will continue to accept written comments on the application through the close of business on October 9, 2007. Comments received after this date may not be considered as part of the official record of the hearing. Anyone may submit written comments or requests 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.

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 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
PROPOSED CONSENT ORDER**

The Ohio Environmental Protection Agency (Ohio EPA) and the Perry County Board of Commissioners (Defendant) have entered into a Consent Order to resolve allegations of violations of Ohio Revised Code (R.C.) Chapter 6111. The complaint was previously filed by the State of Ohio in the Perry County Court of Common Pleas, and has been assigned the case number 06-CV-00137. Under the proposed Consent Order, Defendant is permanently enjoined and immediately ordered to comply with the requirements of R.C. 6111 and rules adopted thereunder, and the terms and conditions of the Director's Findings and Orders issued June 2, 1998 and National Pollution Discharge Elimination System (NPDES) permit No.0PG00023*FD. Specifically, Defendant is required to construct sanitary sewers to serve the areas in the vicinity of Buckeye Lake known as Holiday Harbor Subdivision and Fireman's Park by no later than March 1, 2010. Further, Defendant is required to maintain adequate staffing at the Crown Wherle Estates Wastewater Treatment Plant and maintain records documenting this staffing and to certify in writing, at least once every two years for a ten year period, to Ohio EPA that an audit has been conducted to evaluate compliance with NPDES permits and the effectiveness of its operation/maintenance plans. The proposed Consent Order also requires the Defendant to pay a civil penalty of thirty thousand dollars (\$30,000).

Copies of the Consent Order can be obtained from the Ohio EPA, Southeast District Office, by calling the Division of Surface Water Enforcement Supervisor at (740) 385-8501 or by writing to:

Ohio EPA, Southeast District Office
Attn: DSW Enforcement Supervisor
2195 Front Street
Logan, Ohio 43138

Written comments should be submitted to Ohio EPA, Southeast District Office at the above address. Written Comments should be submitted on or before September 19, 2007.

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 August 20, 2007. Both the State of Ohio and the Perry County Board of Commissioners 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
RAY HATEM, dba RAY'S BODY SHOP**

On August 14, 2007, Ohio EPA issued final Findings and Orders to Ray Hatem, dba Ray's Body Shop for its facility located at 601 North Pleasant Street, New Lexington, Ohio 43764. This facility is a conditionally exempt small quantity generator of hazardous waste and caused such waste to be shipped and treated at an unpermitted hazardous waste treatment facility.

Ray's Body Shop must achieve compliance with Chapter 3734 of the Ohio Revised Code and all corresponding regulations 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.

Date of Public Notice: August 15, 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 water quality certification for the Preble County Sanitary Landfill Expansion Project. The application was submitted by the Preble County Commissioners, 101 East Main Street, Eaton, Ohio 45320. The project is located at the existing Preble County Sanitary Landfill at 4239 U.S. Route 127 South, Eaton, Ohio, 45320. The Huntington Corps of Engineers public notice for this project is 2006-2454-GMR. The Ohio EPA ID Number for this project is 073163.

As required by the Antidegradation Rule, rule 3745-1-05 of the Ohio Administrative Code (OAC), three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would result in impacts to 0.03 acres of Category 1 non-forested wetlands, 0.12 acres of Category 2 non-forested wetlands, 1,904 linear feet of intermittent stream, and 730 linear feet of ephemeral streams. The applicant's proposed minimal degradation alternative, if approved, would result in impacts to 0.03 acres of Category 1 non-forested wetlands, 1,904 linear feet of intermittent stream and 730 linear feet of ephemeral streams. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on waters of the state.

Discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of two wetlands and 6 unnamed tributaries of Scheider Run, Seven Mile Creek. Ohio EPA will review the application, and decide whether to grant or deny the application, in accordance with OAC Chapters 3745-1 and 3745-32. In accordance with OAC rule 3745-1-05, an antidegradation review of the application will be conducted before deciding whether to allow a lowering of water quality. All three proposed alternatives will be considered during the review process. No exclusions or waivers, as outlined by OAC rule 3745-1-05, apply or may be granted.

Starting August 15, 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. Copies of the application and technical support information can be made available upon request 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 thirty days of the date of this public notice.