

State of Ohio
Environmental Protection Agency

December 20, 2007

Notice of Final Rule-making

Notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Drinking and Ground Waters (DDAGW) has adopted revisions to the rules of the Ohio Administrative Code (OAC) which establish total coliform monitoring and public notification requirements for public water systems. The revisions are, in part, a result of the five year rule review requirements of Section 119.032 of the Revised Code.

The division has reorganized and revised compliance and monitoring requirements for total coliform. Rule 3745-81-14 of the OAC is comprised of compliance standards for microbiological contaminants in public drinking water. The division removed language from the rule indicating that failure to monitor with repeat samples is a maximum contaminant level violation. In this situation, a public water system will still accrue a monitoring and reporting violation that will require Tier I public notification. Language requiring such public notification can now be found in rule 3745-81-21 of the Administrative Code, where it is more applicable.

Additionally, revisions made to rule 3745-81-21 clarify that five routine total coliform bacteria samples are required in the month following a total coliform positive sample. This change in rule is consistent with federal requirements in section 141.21 of the National Primary Drinking Water Regulations.

The division also revised the public notification rule 3745-81-32 of the OAC. Language was added to Tier I public notifications to make it consistent with requirements established in rules 3745-81-21 of the Ohio Administrative Code. Specifically, language was added requiring systems who have failed to monitor and report repeat total coliform samples to issue public notification. Additionally, public water systems with an exceedance of turbidity and cannot meet the requirements of the Tier II notice, must elevate the type of public notification to a Tier I in accordance with 3745-81-32 of the OAC.

Rule 3745-81-32 of the OAC incorporates a new provision requiring public water systems that experience physical or operational disruptions with a significant loss in pressure and also have obtained bacteriological samples positive for *E. coli* or fecal coliform to issue a Tier I public notice.

Finally, rule 3745-81-32 was revised to require community public water systems to issue a Tier III public notice as soon as it would be practical, but no later than one year after they learn of a violation or situation. (Public water systems were previously required to issue public notification within 90 days.) This change in requirement is consistent with section 141.204 of the National Primary Drinking Water Regulations.

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 December 20, 2007. The effective date of these new rules will be January 1, 2008, in accordance with Section 119.04(A) of the Revised Code.

A copy of the rules may be obtained, at cost, by contacting the Hearing Clerk, Ohio EPA, 50 West Town Street, Suite 700, P.O. Box 1049, Columbus, Ohio 43216-1049, or (614) 644-2129. These rules are 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 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 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, OH 43215

PUBLIC NOTICE
COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS
City of Sandusky, Mid-States Bayfront Rentals, LLC, and
Mid-States Bayfront Development, LLC
For Chesapeake Lofts Property, Sandusky, Erie County, Ohio

Notice is hereby given that on December 21, 2007, 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 Sandusky (Volunteer), Mid-States Bayfront Rentals, LLC (Owner) and Mid-States Bayfront Development, LLC (Holder) for the property identified as the Chesapeake Lofts Property (the "Property").

The City of Sandusky conducted a voluntary action on the approximately 6.25 acre property located at 401 West Shoreline Drive, Sandusky, Erie County, Ohio. A no further action letter was submitted on May 12, 2006 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of the City of Sandusky by Dan Brown, a Certified Professional (CP127), 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") 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 notice or issuance of the 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 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 Debi Tavizon, 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
City of Canton – Onesto Hotel Property

Notice is hereby given that on December 24, 2007, 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 Canton for the property identified as the Onesto Hotel property (the “Property”).

The City of Canton conducted a voluntary action of the approximately 0.15 acre-Property located at 225 2nd Street NW, Canton, Stark County, Ohio. A no further action letter was submitted on August 14, 2007 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of the City of Canton by Mr. Michael T. Coonfare, a Certified Professional, (No. CP 298), 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 Debi Tavizon, 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: December 28, 2007

**PUBLIC NOTICE
OF PUBLIC HEARING FOR SECTION 401 CERTIFICATION**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) is reviewing an application, and has begun to consider whether to issue or deny, a Clean Water Act Section 401 certification for a project to develop an in-lake dredge relocation area / wetland. The application was submitted by ODNR Division of Parks and Recreation, 2045 Morse Road, Columbus, Ohio 43229. The project is located on Grand Lake St. Marys, north east side near Anderson's Road. The Huntington District of the U.S. Army Corps of Engineers Number for this project is 2007-330-WAB. The Ohio EPA ID Number for this project is 073110.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would dredge Grand Lake St. Marys and fill 23.5 acres to develop a 23.5 acre wetland dredge relocation area. The applicant's proposed minimal degradation alternative, if approved, would dredge Grant Lake St. Marys and fill 12 acres to develop a 12 acre wetland dredge relocation area. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on streams or wetlands.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of HUC805120101-020 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 December 28, 2007, copies of the application for the certification and technical support information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 50 West Town Street, Columbus, Ohio, 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 February 21, 2008 at the St. Marys Municipal Building, Council Chamber, 101 East Spring Street, St. Marys, Ohio 45885.

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 the Director of Ohio EPA prior to any further action on the application. Written comments must be received by Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 by the close of business on February 28, 2008. Comments received after this date may not be considered as part of the official record of the hearing.

Persons wishing to be on Ohio EPA's interested parties mailing list for this project or 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 by the close of business on February 28, 2007.

PUBLIC NOTICE

**Ohio EPA Director Issues
Final Findings and Orders for the
Former Van Dyne Crotty Site located in
Dayton, Montgomery County, Ohio**

On December 27, 2007, the Director of the Ohio Environmental Protection Agency (Ohio EPA) issued as a final action Director's Final Findings and Orders (DFFOs) to Newmark, Inc., of Dayton, Ohio, for implementation of Source Control Interim Action, Plume Delineation and Remediation of the former Van Dyne Crotty facility, located at 903 Brandt Street, Dayton, Ohio (Site).

The DFFOs require the following actions: 1) identification and remediation of sources of volatile organic compound (VOC) ground water contamination; 2) delineation and remediation of the ground water contaminant plume(s) that exceed ground water remediation goals, and that are located at or have emanated from the Site; 3) evaluation of the vapor migration exposure pathway associated with the VOC source area(s) and any VOC ground water plume located at or that has emanated from the Site; and, 4) reimbursement of Ohio EPA's past and future response costs incurred in connection with the Site.

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 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 located at 309 South Fourth Street, Room 222, Columbus, Ohio (43215).

The DFFOs and related documents are available for review at Ohio EPA's Southwest District Office by calling or e-mailing Chuck Mellon, Site Coordinator, at (937) 285-6056 or chuck.mellon@epa.state.oh.us, for an appointment.