

State of Ohio
Environmental Protection Agency

PUBLIC NOTICE

May 13, 2008

Notice of Proposed Rule-making and Public Hearing

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Drinking and Ground Waters (DDAGW) is proposing revisions to a Backflow Prevention and Cross-connection Control rule of the Ohio Administrative Code (OAC), which sets forth the requirements for water service connections with booster pumps. The draft amendments are, in part, a result of the five year rule review requirements of Section 119.032 of the Revised Code.

The division is proposing revisions to rule 3745-95-07. This rule includes specifications for water service connections where booster pumps have been installed. The division drafted an amendment for this rule, which incorporates the State Fire Code standard for water service connections used for fire suppression. The proposed rule requires booster pumps used for fire suppression to install a minimum pressure sustaining valve in lieu of the low pressure cut-off device currently required.

As part of the rule-making process, the Agency is required by Section 121.39 of the Ohio Revised Code to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by the rules. The Agency is offering you and your organization the opportunity to comment on these rules before the division adopts them.

A public hearing pursuant to §119.03 of the Ohio Revised Code will be conducted on June 16, 2008, beginning at 10:00 a.m. in Conference Room B at the Ohio EPA, Lazarus Government Center, 50 West Town Street, Columbus, Ohio. All interested persons are entitled to attend or be represented and give their written or oral comments on this proposed rule-making. A presiding officer will be present until all interested persons have been heard.

To facilitate scheduling of oral presentations, persons intending to give testimony at the hearing should ensure that Ohio EPA receives notice of such intent by 5:00 p.m. on June 13, 2008. Persons who provide Ohio EPA with prior notice will be heard ahead of persons who register at the hearing. To provide notice of intent to give oral comments at the public hearing, contact Susan Baughman, Ohio EPA, DDAGW, Lazarus Government Center, P. O. Box 1049, Columbus, Ohio 43216-1049.

In order to ensure that written comments are considered as part of the official record of this hearing, written comments must be received by Ohio EPA by the close of business **June 16, 2008**. Written comments on the proposed rules may be given to the presiding officer during the hearing, sent by mail to Susan Baughman at the address above, or sent by email to the following address ddagw_rulecomments@epa.state.oh.us.

To obtain a copy of the proposed rules, contact Donna Roberts at Ohio EPA at (614) 644-2755 or email at donna.roberts@epa.state.oh.us. Please request the "proposed backflow prevention and cross-connection control rule" and, if a recorded message is left, be sure to include your name, telephone number, and complete mailing address. There is no charge for proposed rules. The proposed rules will be available on the Agency web page until their adoption or withdrawal. The address is: <http://www.epa.state.oh.us/ddagw/oac.html>.

Questions concerning this proposed rule-making, other than obtaining copies of the proposed rules, may be addressed to Susan Baughman at the above address or by phone at (614) 644-2752. Email can be sent to Susan.Baughman@epa.state.oh.us.

Date of Public Notice: May 16, 2008

**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 applicator for, and has begun to consider whether to issue or deny, a Clean Water Act Section 401 certification for a project to stabilize approximately 40 feet of stream bank on the west bank of Conneaut Creek. The application was submitted by Bessemer & Lake Erie P&C Dock Company, 2800 Livernois, Suite 200, Troy, Michigan 48083. The project is located near Conneaut, Ashtabula County, Ohio. The Buffalo District Corps of Engineers has granted conditional approval for this project under the nationwide permit program. The Ohio EPA ID Number for this project is 073233.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would include installation of 360 feet of gabion wall bank protection. The applicant's proposed minimal degradation alternative, if approved, would include installation of 220 feet of gabion wall and 140 feet of rip-rap bank protection. 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 Conneaut Creek. 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 May 16, 2008, copies of 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 July 9, 2008 at 7:00 p.m. at Conneaut City Hall, 294 Main St., Conneaut, Ohio. The public hearing will end when all interested parties have had an opportunity to provide testimony related to the projects.

All interested persons are entitled to attend or be represented and give written or oral comments on the proposed. 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 be on Ohio EPA's interested parties mailing list for this project, or wish to 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. Written comments must be received by the close of business on July 16, 2008. Comments received after this date may not be considered as part of the official record of the hearing.

Date of Public Notice: May 15, 2008

**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 slope stabilization project that involves installation of a culvert on Little Indian Creek at the Zimmer Power Generating Station. The application was submitted by Duke Energy Corporation, 1781 U.S. Route 52, Moscow, Ohio 45153. The project is located at 1781 U.S. Route 52, in Moscow, Clermont County, Ohio. The Huntington District Corps of Engineers Public Notice Number for this project is 2008-192-OHR. The Ohio EPA ID Number for this project is 083338.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would permanently impact 900 linear feet of stream and temporarily impact 50 linear feet of stream. The applicant's proposed minimal degradation alternative, if approved, would permanently impact 300 linear feet of the stream and temporarily impact 50 linear feet of 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 Little Indian Creek. The review 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 rule 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 May 15, 2008, 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 thirty days of the date of this public notice.

Date of Public Notice: May 10, 2008

**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 a project to extend two culverts to provide bank stabilization within the Larimar Lakefront Neighborhood development project. The application was submitted by WAP Construction, 1370 West 6th Street, Suite 210, Cleveland, Ohio 44113. The project is located at 30009 Lakeshore Boulevard, Willowick, Ohio 44095. The Buffalo District Corps of Engineers Public Notice Number for this project is DOA No. 2004-0621 (2). The Ohio EPA ID Number for this project is 073158.

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 impact a stream by extending two existing culvert pipes to a total length of 700 linear feet without any impacts to wetlands and 89 cubic yards of lake fill. The applicant's proposed minimal degradation alternative, if approved, would impact a stream by extending two existing culvert pipes to a total length of 500 linear feet without any impacts to wetlands. 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 an Unnamed Tributary to Lake Erie (04110003). 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 May 10, 2008, 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.

Ohio EPA will hold a public information session and public hearing relative to issues of lower water quality on June 30, 2008 at 6:30 p.m. at Willowick Public Library, 305 East 305th Street, Willowick, Ohio 44095. 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 July 8, 2008. 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.

PUBLIC NOTICE

**Ohio EPA Issues Preferred Plan for
Marathon Oil Bulk Plant #0279 Site
Fremont, Ohio
Public Meeting to be held**

On May 7, 2008, Ohio EPA issued a Preferred Plan concerning the former Marathon Oil Bulk Plant #0279 Site located at 2416 West State Street in Fremont, Sandusky County, Ohio. The Preferred Plan provides information regarding Site history, summarizes the investigation of Site contamination, provides an analysis of the feasibility of remedial alternatives, and outlines Ohio EPA's preferred alternative for remediation.

The 1.5 acre Marathon Oil Bulk Plant facility began operations in 1954 and ceased them in 1989. The storage facility consisted of above-ground storage tanks used to store leaded and unleaded gasoline, diesel fuel, and heating and lubricating oil. Based on the information identified during the remedial investigation and feasibility study, the preferred remedial alternative for the Site includes: monitored natural attenuation (i.e., ground water monitoring and evaluation program); well abandonment; a risk management plan for protection of construction and excavation workers; an environmental covenant establishing activity and use limitations for the Site property; and associated reporting.

Ohio EPA will hold a public meeting on July 17, 2008, to answer questions and to accept comments on the Preferred Plan. The public meeting will begin at 6:30 p.m. at the Brichard Public Library, Room B, located at 423 Croghan Street, Fremont, Ohio. The public meeting will begin with an information session during which Ohio EPA will present a summary of the Preferred Plan. After the information session the public can submit oral or written comments for the record regarding the Preferred Plan. Representatives from Ohio EPA will be available following the public hearing portion of the program to answer general questions about the Site and Plan.

In addition to comments provided during the public hearing, Ohio EPA will accept written comments through August 17, 2008. Anyone may submit written comments on the Preferred Plan by writing to: Ghassan Tafla, Site Coordinator, Ohio EPA Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio (43402). Comments can also be faxed to Ghassan Tafla at (419) 352-8468 or e-mailed to him at ghassan.tafla@epa.state.oh.us. Ohio EPA will consider all comments before taking a final action.

Copies of the Preferred Plan have been provided to the document repository at the Brichard Public Library in Fremont, Ohio. The Preferred Plan and related documents are available for review at Ohio EPA's Northwest District Office by calling (419) 352-8461, Information Specialist, at (419) 373-3081 for an appointment.