

**Public Hearing Notice
Ohio Environmental Protection Agency**

**Proposed new OAC rules 3745-111-01,
3745-111-02, 3745-111-03, 3745-111-04, and 3745-111-05**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) is proposing new rules in Ohio Administrative Code (OAC) Chapter 3745-111, ERC banking program for the purpose of enabling the acquisition of offsets. The new rules are being proposed to establish a voluntary ERC banking program for the purpose of emission offsets. The ERC banking program will provide for a more efficient way to generate, transfer and use ERCs in nonattainment areas within the State of Ohio. Rather than using our case-by-case method of verifying ERCs at the time of use, this program streamlines many procedural functions and creates an ERC banking system that publicly displays all available ERCs on the Ohio EPA website so that facilities in need of emission offsets know what is available before applying for a permit subject to major New Source Review.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC was required to consult with interested parties affected by the rules before the division formally adopts them. On September 15, 2007, these rules went out for a 60 day review by interested parties.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes will be conducted on Tuesday, September 23, 2008 at 10:00 AM in conference room A at Ohio EPA, Lazarus Government Center, 50 W. Town Street, Suite 700, Columbus, Ohio.

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 September 23, 2008, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after September 23, 2008, 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 Robyn Kenney at Ohio EPA, (614) 644-3425, Robyn.Kenney@epa.state.oh.us, or mailed to Robyn Kenney, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049. Persons submitting comments electronically are encouraged to follow-up with a hard copy via regular mail.

**Division of Surface Water
Credible Data (Volunteer Monitoring) Program
Qualified Date Collector Approvals
All Effective 08/11/08**

Name Organization	Level / Specialty	Expiration Date
Tina Stonemetz (#191) Atwell-Hicks	Level 2 - Stream Habitat Assessment (QHEI)	8/10/2013
Kellie Souders (#210) Malcolm Pirnie Inc.	Level 3 - Chemical Water Quality Assessment	8/10/2010
William Santelik (#211) Malcolm Pirnie Inc.	Level 3 - Chemical Water Quality Assessment	8/10/2010
Mark Dilley (#212) MAD Scientist + Assoc.	Level 3 - Fish Community Biology & QHEI	8/10/2010
Ed Wilk (#230) Ohio EPA - NEDO	Level 2 - Stream Habitat Assessment (QHEI)	8/10/2013
Kirk Roth (#231) Corradino, LLC	Level 2 - Stream Habitat Assessment (QHEI)	8/10/2013
Ralph Burson (#213) Lake Tomahawk Prop. Owners	Level 1	NA
A (Gus) DeFazio (#214) Lake Tomahawk	Level 1	NA
Megan Murphy (#215) Cleveland Metroparks	Level 1	NA
Hugh Earnhart (#216) OSU Volunteer Naturalists	Level 1	NA
Mary Lou Yano (#217) Ohio Lake Management Society	Level 1	NA
William Harding (#218) Lake Tomahawk Prop. Owners	Level 1	NA
Lisa Moore (#219) Lake Tomahawk Prop. Owners	Level 1	NA

Mark Moore (#220) Lake Tomahawk Prop. Owners	Level 1	NA
Carol O'Melia (#221) OSU Extension	Level 1	NA
Larry O'Melia (#222) OSU Extension	Level 1	NA
William Weber (#223) Cleveland Museum of Nat. History	Level 1	NA
Gary Zdrojewski (#224) Lake Tomahawk	Level 1	NA
Dana Oleskiewicz (#225) OSU Extension	Level 1	NA
Carla Roth (#226) Lake Erie Nature + Science Center	Level 1	NA
Michael Degens (#227) Williams SWCD	Level 1	NA

Date of Public Notice: August 11, 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 construct a mixed-use development consisting of commercial uses, including but not limited to retail, and office, as well as residential uses. The application was submitted by Atlantis Development Group, LLC. The 80+/- acre project site is located on Rockside Road in the city of Seven Hills, Ohio. The Buffalo District Corps of Engineers Public Notice Number for this project is 2007-01130 (0). The Ohio EPA ID Number for this project is 073287.

As required by the Antidegradation Rule, rule 3745-1-05 of the Ohio Administrative Code (OAC), three design alternatives have been submitted for the project. The Applicant's proposed Preferred Alternative, if approved, would impact 0.753 acre of Category 2 and Category 1 wetlands of which 0.303 acre are forested and 0.450 acre are non-forested wetlands, and 2,123 feet of stream channels of which 1,516 feet are non-isolated and 607 feet are isolated, and 0.473 acre of ponds. The Applicant's proposed Minimal Degradation Alternative, if approved, would impact 0.734 acre of Category 2 and Category 1 wetlands of which 0.303 acre are forested and 0.431 acre are non-forested wetlands, and 1,727 feet of stream channels of which 1,120 feet are non-isolated and 607 feet are isolated, and 0.473 acre of ponds. 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 in the Cuyahoga River watershed (HUC 04110002). 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 11, 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.

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.

PUBLIC NOTICE
Approval of 2008 Addendum to
2005 Operation and Maintenance Plan
Superior Fibers, Inc. Property

Notice is hereby given that on August 11, 2008, the Director of the Environmental Protection Agency (Ohio EPA) approved the March 2008 Addendum to the 2005 Operation and Maintenance Plan (2005 O&M Plan) for the Superior Fibers, Inc. property located at 499 North Broad Street, Bremen, Fairfield County, Ohio (Property). The 2005 O&M Plan was previously approved as part of the March 22, 2005 Covenant Not To Sue/Final Findings and Orders issued in accordance with Ohio Revised Code (ORC) Chapter 3746 and Ohio Administrative Code Chapter 3745-300.

In March 2006, Superior Fibers identified an increase of chemicals of concern in ground water monitoring wells at the Property. Pursuant to the 2005 O&M Plan, Superior Fibers was to implement a contingent ground water remedy at the Property. The contingent remedy was not implemented timely. Ohio EPA issued a Notice of Failure to Comply with Applicable Standards on December 13, 2006 in accordance with ORC Section 3746.12(B)(2). On January 26, 2007, Ohio EPA and Superior Fibers entered into a Compliance Schedule Agreement pursuant to ORC Section 3746.12(B)(3). In accordance with the Compliance Schedule Agreement, Superior Fibers submitted a proposed Addendum to the 2005 O&M Plan, which specified an alternate contingent remedy for ground water contamination at the Property, as well as a remedy for source contamination in soil and ground water. The Addendum to the 2005 O&M Plan was finalized in March 2008.

The approval of the March 2008 Addendum to the 2005 O&M Plan 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 30 days after notice or issuance of the action in accordance with ORC Section 3745.04 and 3745.07. The appeal must be accompanied by a filing fee of \$70 which the Commission, in its discretion, may reduce if by affidavit it is demonstrated 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. The appeal may be filed with the Commission at 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

To review a copy of the March 2008 Addendum to the 2005 O&M Plan, 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

**OHIO EPA ISSUES FINAL RENEWAL HAZARDOUS WASTE PERMIT
AND CLASS 3 MODIFICATION TO OGM, LTD**

On August 14, 2008, Ohio EPA issued a final renewal Hazardous Waste Facility Installation and Operation Permit (Permit) and a Class 3 Permit Modification to OGM, Ltd. (dba Clean Water, Ltd.), (fka Permafix of Dayton, Inc.) for its facility located at 300 Cherokee Drive, Dayton, Ohio 45427. The EPA Identification Number for this facility is OHD004274031.

Why does OGM, Ltd. need a Permit and Modification?

OGM, Ltd. is permitted to store containerized hazardous waste. This waste management activity is conducted inside Building E at the facility. The final renewal Permit and Class 3 Modification contain the conditions under which the facility must operate. To issue this final Permit, 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.

The Class 3 Modification allows the transfer of ownership and operation of the permitted facility to OGM, Ltd. (dba Clean Water, Ltd.). The modified Permit allows Clean Water, Ltd. to continue to store hazardous waste in containers in Building E. It also requires Clean Water, Ltd. to investigate and, if necessary, clean up any contamination from hazardous wastes or constituents that may be at the facility.

Can I appeal this final modified Permit?

Yes, if you are an officer of an agency of the state or of a political subdivision, acting in a representative capacity, or any person who would be aggrieved or adversely affected by this modified Permit, you have the right to appeal this Permit decision to the Environmental Review Appeals Commission (ERAC).

If I decide to appeal this final modified Permit, how and when must I make the appeal?

If you file an appeal, you must put it in writing no later than September 15, 2008. Your appeal must explain why you are appealing the action and the grounds you are using for your appeal. 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. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental

Enforcement Section. You must file your appeal, according to Ohio Revised Code § 3745.04 with ERAC at the following address: ***Environmental Review Appeals Commission***, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. You must send a copy of the appeal to the director of Ohio EPA at the following address no later than three (3) days after you file it with ERAC: ***Chris Korleski, Director of Ohio EPA***, P.O. Box 1049, Columbus, Ohio 43216-1049.

Date of Public Notice: August 6, 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 stabilize eroding stream banks along Sulphur Springs Creek through the Ridge Lake Development. The application was submitted by S & L Land Development, LTD, P.O. Box 324 Mineral Ridge, Ohio 44440. The project is located north of County Line Road and west of Edwards Street in Mineral Ridge, Trumbull County, Ohio. The Pittsburgh District Corps of Engineers Public Notice Number for this project is 2004-1078. The Ohio EPA ID Number for this project is 073244.

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 obtain authorization for 668 linear feet of after the fact impacts to Sulphur Springs Creek associated with stream bank stabilization activities. To address the degradation of the stream bank armament, mitigation will consist of stabilizing the exposed banks with large boulders and planting a shrub and seed mixture along the stream banks. The applicant's proposed minimal degradation alternative, if approved, would focus on stream enhancement methods for existing erosion, bank stability, and a vegetated riparian buffer. The mitigation plan proposes to create a secondary floodway channel (oxbow) under the existing road using culverts, the stream banks would gradually be graded to meet the existing banks north of the Ridge Lake site, and trees and an upland seed mixture will be planted along a designated un-mowed buffer zone. The applicant's proposed non-degradation alternative, if approved, would restore the stream channel to preconstruction grade and buffers along the stream would be revegetated.

Discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Sulphur Springs 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 6, 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.

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.

PUBLIC NOTICE

OHIO EPA RECEIVES AMENDED HAZARDOUS WASTE CLOSURE PLAN

On July 31, 2008, Ohio EPA received an amended hazardous waste closure plan from Amko Service Company for its former underground tank storage unit located at 3740 Davis Road, Dover, Ohio 44622. The EPA Identification Number for this facility is OHD017998022.

Why is Amko Service Company submitting this Closure Plan?

At the request of Ohio EPA, Amko Service Company submitted this amended closure plan. This plan outlines the facility's site conditions observed since implementation of the November 2005 amended closure plan. Amko proposes to undertake limited demolition and soil excavation activities in the area of the sump, former tank cavity, tank piping, and sink area. Also, the plan summarizes the site activities conducted since the previous closure plan submittal and concludes with a description of the proposed activities and updates to the November 2005 amended plan.

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

You can submit written comments anytime between August 18 and September 17, 2008. Send your comments 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) 728-1245, e-mail: dhwmcomments@epa.state.oh.us.

Where can I review the 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, 122 South Front Street, Columbus, Ohio 43215 (614) 644-2977.