

State of Ohio
Ohio Environmental Protection Agency
Notice of Adoption of Rules

Notice is hereby given that the Director of Environmental Protection ("Ohio EPA"), under the authority of Ohio Revised Code Section 3704.03 has prepared draft language for new Ohio Administrative Code (OAC) Rule 3745-100-17, and amendments to OAC rules 3745-100-01, 3745-100-05, 3745-100-09, 3745-100-11, 3745-100-14, 3745-100-15, and 3745-100-17 as a result of two new rules finalized by the USEPA during reporting year 2006, for reporting year 2006, Toxic Release Inventory (TRI) finalized the "TRI NAICS Rule", which requires TRI facilities to report North American Industry Classification System (NAICS) codes on their submissions instead of Standard Industrial Classification (SIC) Codes. In addition, TRI also finalized the TRI Burden Reduction Rule which expands the eligibility for use of the Form A Certification Statement in lieu of the more detailed Form R.

DAPC provided facilities, trade associations and other interested parties an informal comment period that ended August 18, 2008 and received no comments on these rule amendments. The rule was filed with JCARR on July 9, 2008. Pursuant to Chapter 119.03 of the Ohio Revised Code, a public hearing on this rule review was held on Monday, August 18, 2008, in Columbus, Ohio. There were no comments received during the comment period and no changes were made to the proposed rule as a result of public comment. This rule was considered by JCARR during its hearing of August 25, 2008, on the consent agenda and no comments were offered. JCARR jurisdiction ended on September 12, 2008. The Director's order of adoption was issued on Monday, September 15, 2008. The effective date of these rules is Thursday, September 25, 2008.

To request a copy of this rule, obtain further information, or inspect or request copies of agency files and records pertaining to the proceeding contact Muhammad Elsalahat, Ohio EPA, Division of Air Pollution Control, TRI Unit, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049. This rule is available on the Web page for electronic downloading. The URL is: <http://www.epa.state.oh.us/dapc/regs/3745-100/trirules.html>. Questions regarding accessing the web site should be directed to Arunee Niamlarb at 614-728-1342.

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (ERAC) pursuant to Ohio Revised Code Section 3745.04. 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 ERAC within thirty (30) days after notice of the Director's action, at 236 East Town Street, Room 300, Columbus, Ohio 43215. Copies of the appeal must be served upon the Director of the Ohio EPA within three (3) days of filing with ERAC. Ohio EPA also requests that a copy of the appeal be served upon the Environmental Enforcement Section of the Ohio Attorney General's Office.

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY
PUBLIC NOTICE OF PROPOSED RULE-MAKING
GOVERNING HAZARDOUS WASTE MANAGEMENT

Why is Ohio EPA proposing these rules?

The primary purpose of this proposed rule-making is to adopt rules consistent with and equivalent to regulations adopted by the U.S. Environmental Protection Agency (U.S. EPA) pursuant to the Resource Conservation and Recovery Act (RCRA). Specifically, these rules are amended, or rescinded and promulgated as new, pursuant to the RCRA rules addressed by the following Federal Registers (FRs) regarding U.S. EPA's hazardous waste rule-making:

FR 05/14/2001 at 66 FR 24270	National emissions standards for hazardous air pollutants (NESHAP) (RCRA portion only): Standards for hazardous air pollutants for hazardous waste combustors (also known as the NIC rule)
FR 02/13/2002 at 67 FR 6792	Hazardous air pollutant standards for combustors- interim standards
FR 12/19/2002 at 67 FR 77687	NESHAP correction
FR 07/30/2003 at 68 FR 44659	Recycled used oil management standards
FR 04/22/2004 at 69 FR 21737, FR 10/25/2004 at 69 FR 62217	National environmental performance track program, and its correction
FR 02/24/2005 at 70 FR 9138, FR 6/16/2005 at 70 FR 35032	Dyes and pigment production wastes (K181), and its correction
FR 03/04/2005 at 70 FR 10775, FR 06/16/2005 at 70 FR 35034	Manifest system rule, and its correction
FR 06/14/2005 at 70 FR 34537 *	Methods innovation rule and SW-846 final updates IIIB
FR 10/04/2005 at 70 FR 57769	Revision of wastewater treatment exemption for hazardous waste mixtures (also known as the headworks exemption rule)
FR 10/12/2005 at 70 FR 59401 *	Final standards for hazardous air pollutants for hazardous waste combustors (Phase I final replacement standards and Phase II) (also known as BIF/MACT corrections)

FR 07/14/2006 at 71 FR 40254 *	Hazardous waste and used oil management, corrections to 40 CFR
<p>* Please note that Ohio EPA is not addressing all of the regulatory components of this particular federal rule-making; at this time, we are not proposing some components. For the Methods innovation rule and the BIF/MACT corrections rule, the provisions we're not proposing are those in 40 CFR Parts 264 and 265, subparts AA, BB, and CC, which are not yet included in Ohio's hazardous waste management program. For the 40 CFR Corrections Rule, the federal rules amended by this FR are so many that we're breaking up Ohio's adoption of the corrections into a number of rule-makings over the next several years. This is the first portion of the Corrections Rule addressed in Ohio rule-making.</p>	

Several of these proposed Ohio rules are also amended to address cross-referencing requirements within rules. This proposal includes corrections and clarifications that are not directly included in the federal hazardous waste rules, but which are necessary to the Ohio rules to maintain the internal consistency (in wording, references, and format) of the Ohio hazardous waste management program. Many of these rules were also reviewed and amended pursuant to Ohio Revised Code (ORC) section 119.032, which requires Ohio EPA to review certain rules every five years.

What rules are we proposing to amend, rescind, and promulgate as new rules?

The Ohio Environmental Protection Agency proposes to amend, rescind, and promulgate as new the following rules of the Administrative Code [all handled by Ohio EPA's Division of Hazardous Waste Management (DHWM)]:

<u>Rule number</u>	<u>Rule title</u>	<u>Type of rule</u>
3745-50-235	Options for incinerators, cement kilns, lightweight aggregate kilns, solid fuel boilers, liquid fuel boilers, and hydrochloric acid production furnaces to minimize emissions from startup, shutdown, and malfunction events	new
3745-51-32	Hazardous waste from specific sources	rescinded
3745-51-32	Hazardous waste from specific sources	new
3745-52-21	Manifest tracking numbers, manifest printing, and obtaining manifests	new
3745-52-27	Waste minimization certification	new
3745-54-72	Manifest discrepancies	rescinded

<u>Rule number</u>	<u>Rule title</u>	<u>Type of rule</u>
3745-54-72	Manifest discrepancies	new
3745-65-71	Use of manifest system	rescinded
3745-65-71	Use of manifest system	new
3745-65-72	Manifest discrepancies	rescinded
3745-65-72	Manifest discrepancies	new
3745-266-22	Standards applicable to storers of materials that are to be used in a manner that constitutes disposal who are not the ultimate users	amended
3745-266-101	Management prior to burning	amended
3745-266-102	Permit standards for burners	amended
3745-266-112	Regulation of residues	amended
3745-270-01	Purpose, scope, and applicability- land disposal restrictions	amended
3745-270-20	Waste specific prohibitions- dyes and/or pigments production wastes	new
3745-270-40	Applicability- treatment standards	amended
3745-270-48	Universal treatment standards	amended
3745-273-60	Applicability- standards for destination facilities	amended
3745-279-10	Applicability- recycled used oil management standards	amended
3745-279-44	Rebuttable presumption for used oil transporters	amended
3745-279-53	Rebuttable presumption for used oil for processors and re-refiners	amended
3745-279-55	Analysis plan at used oil for processing and re-refining facilities	amended
3745-279-63	Rebuttable presumption for used oil burners	amended
3745-279-74	Tracking of used oil to a burner	amended

What is the relationship of this proposal to Ohio EPA DHWM's "Set I-b" rules that I've been watching for?

The rules listed above constitute about one third of the Set I-b rules package that you might have seen when they were released in draft form in March 2007. Set I-b contains over 100 rules, so we broke it into three separate proposal groups (A, B, and C) so that the public, the regulated community, and JCARR are not overwhelmed with that volume of rules to review all at once in a short time-frame. Today's proposal is the **third proposal group**, known as **Set I-b:C**. It was preceded several weeks ago by the first and second proposals of the series (Set I-b:A and Set I-b:B), each of which contained 26 to 41 rules. Although these rules have three proposal dates, it is our intent to give all the rules in the three proposals the same effective date when they are adopted (see the public notice of adoption). If you need more information about this phased proposal approach, please call Kit Arthur at the number shown at the end of this notice.

When can I tell Ohio EPA what I think about these proposed rules?

A public hearing pursuant to ORC sections 119.02 through 119.04 will be conducted on Wednesday, October 22, 2008 at 9:30 a.m. in conference center room D at the Ohio Environmental Protection Agency, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, OH. All interested parties are entitled to attend or be represented and give their written or verbal comments on this proposed rule-making. A presiding officer will be present until 10:30 a.m. or until all interested parties have been heard if that time interval is insufficient.

If you plan to attend the hearing, please be aware that all visitors to Ohio EPA must register at the security desk in the lobby upon arrival. Please bring photo identification (e.g., a valid driver's license); it is a requirement for building admittance. For security reasons, visitors are required to wear their visitor badge at all times while in the building. Please arrive a few minutes early to complete security procedures.

How and when do I provide my comments to Ohio EPA on these proposed rules?

To provide notice of intent to give verbal comments at the public hearing, contact Ms. Kit Arthur, Division of Hazardous Waste Management, Ohio EPA, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, OH, 43215. To facilitate scheduling of verbal presentations, people who intend to give testimony at the hearing should ensure that Ohio EPA receives notice of such intent by 5:00 p.m. on Tuesday, October 21, 2008. People who provide Ohio EPA with prior notice will be heard before those who register at the hearing.

In order to assure that written communications are considered as part of the official record of this hearing, written communications must be received by Ohio EPA by 5:00 p.m. on Thursday, October 23, 2008. Written communications may be filed with Ms. Arthur at the above address or with the presiding officer during the hearing. Your emailed comments on these rules are welcome but may require additional information from the sender, so please contact Ms. Arthur for further information about providing your comments electronically.

How do I get a copy of these proposed rules?

These rules may be accessed electronically via the Register of Ohio (ROO) at <http://www.RegisterOfOhio.state.oh.us/> . Once you enter the ROO website, follow the instructions to access each rule of interest. Ohio EPA does not have a downloadable “package” of these proposed rules; you will need to access them via the ROO.

To obtain a hard copy of these proposed rules, please contact Kit Arthur at the number below, request “Proposed rules Set I-b:C,” and be sure to include your name and phone number if you leave a message. There is no charge for proposed rules.

Who do I call if I have questions about the proposed rules?

Questions concerning these proposed rules may be addressed to Ohio EPA DHWM's Kit Arthur at 614/644-2932.

PUBLIC NOTICE

Ohio EPA Approves a Modification of an Authorization at Gowdy Field– Speculative Building Property, Columbus, Ohio

On September 17, 2008, the Director of Ohio EPA issued a modification of an August 13, 2007 Ohio Administrative Code (OAC) 3745-27-13 authorization. The August 13, 2007 authorization (August 2007 Authorization), to Pandey Environmental and Gowdy Partners II, addressed construction activities at the Gowdy Field–Speculative Building Property on Olentangy River Road, Columbus, Ohio (Franklin County). Specifically, the August 2007 Authorization provided for constructing a speculative building with associated activities and improvements. The August 2007 Authorization included a condition requiring that ground water monitoring begin by specified dates unless the Director authorizes another approach. This modification extends specified dates, by seven months, in Condition 4 of the August 2007 Authorization. The schedule change allows Pandey Environmental and Gowdy Partners II additional time to seek adoption of revised applicable standards for ground water as requested by Pandey Environmental in a letter dated March 14, 2008. The August 2007 Authorization, as modified, 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 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 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 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 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.

Date of Public Notice: September 19, 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 Shoreline Improvements at Sheldon Calvary Camp, North Kingsville, Ohio. The application was submitted by Harry E. Sheldon Calvary Camp Inc., 4411 Lake road, Conneaut, OH 44030. The project is located at 4411 Lake Road, Conneaut, Ohio 44030. The Buffalo District of the U.S. Army Corps of Engineers permit number is 1986-4713. The Ohio EPA ID Number for this project is 083400.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would construct 2 new detached rubblemound breakwaters with a 2:1 slope, 106 feet long, an armor stone groin 60 feet long and 380 LF of armor stone revetment. Approx. 16,624 SF of new lake bottom will be created, and 2,710 CY of fill will be placed below OHW. The applicant's proposed minimal degradation alternative, if approved, would construct 2 new detached rubble mound breakwaters with a 1.5:1 slope, 106 feet long, an armor stone groin 60 feet long, and 380 LF of armor stone revetment. Approx. 14,120 SF of new lake bottom will be created, and 2,470 CY of fill will be placed below OHW. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on streams or wetlands or lake habitat.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Lake Erie 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 September 19, 2008, copies of the application for the certification and technical support information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 50 W. 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 and public hearing relative to issues of lower water quality at 6:00 P.M. on November 13, 2008 at the Conneaut Public Library, 304 Buffalo St., Conneaut, OH 44030. 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 the Director of Ohio EPA prior to any further action on the application. Written comments must be received by the Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 by the close of business on November 20, 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 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 by close of business on November 20, 2008.

**Bulter, Clark, Clermont, Clinton, Greene, Hamilton,
Miami, Montgomery, and Warren Counties**

PUBLIC NOTICE

Director's Final Findings and Orders issued pursuant to Ohio Revised Code ("ORC") Sections 3704.03 and 3745.01 to waive the requirements of OAC 3745-72-02 and 03 to supply lower RVP gasoline in the Cincinnati and Dayton areas in response to hurricane Ike.

The Director of Ohio EPA has issued Final Findings and Orders to waive the requirements of Ohio Administrative Code rules 3745-72-02 and 03 requiring supply of lower RVP gasoline in the Cincinnati and Dayton areas. These orders have been issued in response to hurricane Ike. Any affected party under OAC Chapter 3745-72 shall maintain the appropriate records required under any federal regulations to comply with the requirements set forth in any U.S. EPA waiver issued in response to hurricane Ike. The orders became effective upon issuance of a waiver by U.S. EPA in response to hurricane Ike. For more information, contact Ohio EPA's Division of Air Pollution Control at (614) 644-2270.

Date of Public Notice: September 18, 2008

**PUBLIC NOTICE
NOTICE OF RECEIPT OF 401 APPLICATIONS 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 construct an armor stone revetment with a 10'x10' cribbing pier with rock fill, a steel walkway and stairway from the pier to a stair tower and a steel supported observation deck with concrete slab. The application was submitted by Raul Wadhawan, 1003 Parkside Drive, Lakewood, Ohio 44107. The project is located at 1003 Parkside Drive, Lakewood, Cuyahoga County, Ohio. The Buffalo District Corps of Engineers Public Notice Number for this project is 2007-903. The Ohio EPA ID Number for this project is 083342.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would create no medium or long term lowering of water quality or impact on the overall aquatic community due to the placement of clean concrete and rock fill in Lake Erie. The applicant's proposed minimal degradation alternative, if approved, would create no medium or long term lowering of water quality or impact on the overall aquatic community due to the placement of clean concrete and rock fill in Lake Erie. 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 Lake Erie. 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 (Publication Date), 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 Tuesday, October 28, 2008 at 6:30 p.m. at Ohio EPA Northeast District Office, 2110 E. Aurora Road, Twinsburg, Ohio 44087. 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 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 the Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio, 43216-1049 by the close of business on November 4, 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 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 by the close of business on November 4, 2008.

Date of Public Notice: September 19, 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 project to replace an existing bridge. The application was submitted by the Fairfield County Engineer's Office, 3026 West Fair Avenue, Lancaster, Ohio 43130. The project is located on Campground Road at the intersection of Lithopolis Road, Greenfield Township, Fairfield County, Ohio. The Huntington District Corps of Engineers Public Notice Number for this project is (H)2008-122. The Ohio EPA ID Number for this project is 083386.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would impact approximately 385 linear feet of current Hocking River channel for the replacement of the existing bridge. The applicant's proposed minimal degradation alternative, if approved, would involve the removal of the existing bridge structure and construction of a new bridge further to the south of the Campground Road and Lithopolis Road intersection, and would be limited to 200 linear feet of stream impact. 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 the Hocking River. 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 September 19, 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 30 days of the date of this public notice.

PUBLIC NOTICE

**Authorization for a Temporary Storage of Leachate
Bond Road LF**

Notice is hereby given that on September 18, 2008, pursuant to OAC 3745-27-19(K)(4), the director of Ohio EPA authorize Bond Road Landfill (Facility) to temporarily store leachate within the limits of waste placement. The Facility is located at 11425 Bond Road, West Harrison, Hamilton County, Ohio 45030. This authorization shall expire seven (7) days after the effective date of this authorization. This authorization is subject to all rules, regulations, and specified conditions. This final action was not preceded by a proposed action and is appealable 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 Directors 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 at the following address: 309 South Fourth Street, Room 222, Columbus, Ohio 43215. Person's wishing to be on Ohio EPA's interested parties mailing list for this project must submit a request in writing to Ohio EPA, Division of Solid and Infectious Waste Management, Attn: Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049, Tel: (614) 644-2621.

PUBLIC NOTICE

**Authorization for a Temporary Storage of Leachate
Rumpke Sanitary Landfill**

Notice is hereby given that on September 18, 2008, pursuant to OAC 3745-27-19(K)(4), the director of Ohio EPA authorize Rumpke Sanitary Landfill (Facility) to temporarily store leachate within the limits of waste placement. The Facility is located at 10795 Hughes Road, Cincinnati, Hamilton County, Ohio 45251. This authorization shall expire seven (7) days after the effective date of this authorization. This authorization is subject to all rules, regulations, and specified conditions. This final action was not preceded by a proposed action and is appealable 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 Directors 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 at the following address: 309 South Fourth Street, Room 222, Columbus, Ohio 43215. Person's wishing to be on Ohio EPA's interested parties mailing list for this project must submit a request in writing to Ohio EPA, Division of Solid and Infectious Waste Management, Attn: Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049, Tel: (614) 644-2621.

Date of Public Notice: September 19, 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 that consists of the construction of a single family residential subdivision approximately 45 acres in size. This residential development is referred to as the Lake Erie Shores Phases IVb. The application was submitted by Lake Erie Shores Development, LLC, 32100 Solon Road, Suite 202, Solon, Ohio 44139. The project is located to the west of Outrigger Cove, east of Oakwood Boulevard, south of Kenilworth Avenue and north of the Norfolk Southern rail line in Painesville Township, Lake County, Ohio. The Buffalo District Corps of Engineers Public Notice Number for this project is 2004-01211. The Ohio EPA ID Number for this project is 083362 previously 042148.

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 fill 0.499 acre of wetland and relocate 915 linear feet of intermittent stream. The applicant's proposed minimal degradation alternative, if approved, would fill 0.432 acre of wetland and relocate 915 linear feet of intermittent stream. 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 the Grand River and wetlands within the Grand River and Lake Erie watersheds. 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 September 19, 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 September 9, 2008, Ohio EPA received an amended hazardous waste closure plan from the Rees Plating Company for its hazardous waste container and tank storage units located at 5020 Southway Street SW, Canton, Ohio 44706. The EPA Identification Number for this facility is OHD004463998.

Why is Rees Plating Company Submitting this Closure Plan?

At the request of Ohio EPA, Rees Plating Company submitted this closure plan. This closure plan addresses: 1) the trench area which will be filled in with either cement or concrete; 2) enter into an Environmental Covenant restricting use of the property to industrial/commercial; 3) evaluate ground water to determine if it has been impacted; and, 4) conduct soil samples to determine if contamination has spread beyond the building.

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

You can submit written comments anytime between September 18, and October 20, 2008. Send your comments to Ohio EPA, Division of Hazardous Waste Management, Attn: Regulatory and Information Services, 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 Closure Plan?

You can review the Closure Plan at the following locations:

Ohio EPA, Northeast District Office, 2110 East Aurora Road, Twinsburg, Ohio 44087, tel: (216) 963-1200; and,

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