

State of Ohio
Environmental Protection Agency

October 3, 2008

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 requirements for analysis of drinking water. The revisions are, in part, a result of the five year rule review requirements of Section 119.032 of the Revised Code.

Rule 3745-81-27 of the OAC is comprised of analytical techniques for drinking water for compliance with inorganic, organic and other analyses. The division has made revisions to incorporate the U.S. EPA rule promulgated on March 12, 2007, which includes new approved methods, standardized methods and a clarification of method requirements. Minor modifications were also made to the Definitions rule in 3745-89-01 of the Administrative Code to ensure consistency between these two rules.

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 October 3, 2008. The effective date of these new rules will be October 13, 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
OHIO ENVIRONMENTAL PROTECTION AGENCY
MODIFICATION OF LABORATORY CERTIFICATION UNDER OHIO'S
VOLUNTARY ACTION PROGRAM

Notice is hereby given that on October 6, 2008, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code ("ORC") 3746.04(B)(6) and Ohio Administrative Code ("OAC") 3745-300-04, issued a modified laboratory certificate to Environmental Science Corp. ("ESC") of 12065 Lebanon Road, Mt. Juliet, Tennessee, granting the laboratory's request to modify its certification under Ohio's Voluntary Action Program to remove Total Kjeldahl Nitrogen by method 351.2 and Oil & Grease by methods 9070A and 9071B. The certification number assigned to ESC remains CL0069.

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 the 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

If you would like to review a copy of the certificate, or any documents related to the laboratory's certification, please contact 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 ENVIRONMENTAL PROTECTION AGENCY
CORRECTED LABORATORY CERTIFICATION UNDER OHIO'S
VOLUNTARY ACTION PROGRAM

Notice is hereby given that on October 6, 2008, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code ("ORC") 3746.04(B)(6) and Ohio Administrative Code ("OAC") 3745-300-04, issued a corrected laboratory certificate to TestAmerica Laboratories, Inc. ("TestAmerica"), of 4538 Gateway Circle, Dayton, Ohio, under Ohio's Voluntary Action Program to correct for typographical errors found on the certificate issued on September 10, 2008. The corrected certificate reflects changes to the previous certificate issued to TestAmerica under the Voluntary Action Program. The certification number assigned to TestAmerica remains CL0018.

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 the 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

If you would like to review a copy of the certificate, or any documents related to the laboratory's certification, please contact 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
Notice of Entry into Ohio EPA's RCRA and VAP MOA Track
Weinland Park Development LLC, Weinland Park Reinvestment LLC, City of
Columbus and Hexion Specialty Chemicals

Former Columbus Coated Fabrics

Notice is hereby given that on August 18, 2008, Weinland Park Development LLC, Weinland Park Reinvestment LLC, City of Columbus and Hexion Specialty Chemicals submitted to the Ohio Environmental Protection Agency ("Ohio EPA") a Notice of Entry in the RCRA and Voluntary Action Program Memorandum of Agreement Track (the "RCRA and VAP MOA Track"). Weinland Park Development LLC, Weinland Park Reinvestment LLC, City of Columbus and Hexion Specialty Chemicals Notice of Entry identifies the Former Columbus Coated Fabrics Site also known as the Former Decorative Surfaces International and Viking Engraving Sites, located along the east and west sides of North Grant Avenue and include the following addresses within Columbus, Ohio:

North Grant Avenue: 1209, 1217, 1280-1372, 1281-1311, 1351, 1379, 1397, 1399, 1411, 1421, 1423 and 1432

North 6th Avenue: 1218-1222, 1222-1224, 1264, 1288-1290 and 1344

as the property to undergo a voluntary action through the RCRA and VAP MOA Track.

The RCRA and VAP MOA Track was established by the United States Environmental Protection Agency and Ohio EPA on November 8, 2007 to promote the cleanup and redevelopment of contaminated or potentially contaminated properties ("Brownfields") in Ohio. The RCRA and VAP MOA supersedes the VAP MOA which was established by the two agencies on July 31, 2001.

The Notice of Entry, along with other documents regarding the voluntary action at the property, will be made available for public inspection at the Columbus Metropolitan Library (Northside Branch), at 4123 North High Street, Columbus, Franklin County, Ohio, Phone: 614-645-2275, in accordance with the RCRA and VAP MOA.

If you have questions concerning the Notice of Entry or would like to review or obtain a copy of the Notice of Entry, please contact the Records Management Officer, Ohio EPA, Division of Emergency and Remedial Response, Voluntary Action Program, 50 West Town St., Suite 700, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

Date of Public Notice: October 13, 2008

**PUBLIC NOTICE
ISSUANCE OF DRAFT 401 CERTIFICATION FOR
U.S. EPA'S VESSEL GENERAL NPDES PERMIT
AND PUBLIC HEARING**

Notice is hereby given that on October 14, 2008, the Director of the Environmental Protection Agency will issue a draft 401 Certification for the U.S. EPA's Vessel General NPDES permit. "Draft Actions" are written statements of the Director's intent with respect to the issuance, denial, etc. of a permit, license, order, etc. Interested persons may submit written comments regarding draft actions.

The U.S. EPA has issued a draft general NPDES permit for discharges from the operation of vessels. The permit would cover vessels nationwide, and covers and regulates a wide variety of discharges from vessels, including ballast water, bilge water and gray water discharged from vessels. Sanitary wastewater discharges are exempt from the Clean Water Act, but are covered by U.S. Coast Guard regulations.

All federal actions that could affect water quality in a state must obtain a certification from the state that the action meets state water quality standards. The issue affecting Ohio waters is the ballast water discharge and whether that discharge meets Ohio Water Quality Standards. Ballast water is water and associated suspended sediments taken into or discharged from ballast tanks to maintain the stability of the vessel.

The discharges from the vessels covered by this draft certification, if approved, would result in degradation to, or lowering of, the water quality of various bodies of water throughout the State of Ohio. However, the chemical-specific water quality criteria developed to protect aquatic life and human health, set forth in OAC 3745-1, will not be exceeded.

An Ohio EPA public hearing on the draft certification has been scheduled for 10:00 a.m. on November 26, 2008 at Ohio EPA's Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio 43402. The public hearing will end when everyone in attendance has had an opportunity to provide testimony related to the project.

In accordance with OAC 3745-1-05, Ohio EPA will provide an opportunity for public comment concerning this project. Comments received shall be considered by the

Director before the draft action is issued as final. Persons wishing to be on Ohio EPA's interested parties mailing list for this project or submit comments for Ohio EPA's consideration must do so in writing to Ohio EPA-DSW, Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43126-1049 by the close of business on November 26, 2008.

Copies of the draft certification and technical support information may be reviewed and/or copies made at Ohio EPA's Central Office, by first calling 614-644-2001 to make an appointment.

Date of Public Notice: October 7, 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 new residential development consisting of 26 houses on a 16.5-acre parcel. The application was submitted by Herbert Smith, 463 First Avenue, Gallipolis, Ohio 45631. The project is located off of State Route 325, south of the Village of Rio Grande, Raccoon Township, Gallia County, Ohio. The Huntington District Corps of Engineers Public Notice Number for this project is LRH-2006-2129-OHR. The Ohio EPA ID Number for this project is 073172.

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 affect 1,881 linear feet of stream for the construction of 26 houses and would relocate 1,710 linear feet of the effected streams. The applicant's proposed minimal degradation alternative, if approved, would affect 1,194 linear feet of stream for the construction of 22 new houses. Impacted streams would be piped rather than relocated as open channels under this alternative. 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 unnamed tributaries to Raccoon 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 October 7, 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

ISSUANCE OF DRAFT SOLID WASTE PERMIT TO INSTALL

AND

NOTICE OF PUBLIC INFORMATION SESSION AND PUBLIC HEARING

Notice is hereby given that on October 8, 2008, pursuant to OAC Rule 3745-27-02, Ohio Environmental Protection Agency (EPA) issued a draft Solid Waste Permit to Install (PTI) No.02-22900 to: Browning Ferris Industries of Ohio, Inc., 43502 Oberlin-Elyria Road, Oberlin, OH 44074. The permit, if issued as a final permit, authorizes the vertical expansion of the Lorain County II Landfill (Facility), located at the above address, New Russia Township, Lorain County. The Facility is requesting to excavate a berm separating the north and south sections of the landfill to install a leachate collection system and to replace the excavated area with waste. The permit would not authorize an increase in the height of the landfill. A Public Information Session / Public Hearing will be held on Thursday, December 4, 2008, at 6:30 p.m. at the Oberlin Public Library, Main Meeting Room, 65 S. Main Street, Oberlin, OH 44074. Written comments relevant to the draft Solid Waste PTI will be accepted until December 11, 2008 for the director's consideration. Comments should be sent to: Ohio EPA, Division of Solid and Infectious Waste Management, Systems Management Unit, P.O. Box 1049, Columbus, OH 43216-1049, Tel:(614)644-2621. Interested Parties may contact Ohio EPA, at the same address. The application and draft permit may be reviewed in accordance with Ohio EPA's file review procedures by contacting Ohio EPA, Northeast District Office, 2110 E. Aurora Road, Twinsburg, Ohio 44087, Tel. (330) 963-1200.

Date of Public Notice: October 15, 2008

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

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA)-Division of Surface Water (DSW) has received an application for the modification of a National Pollutant Discharge Elimination System (NPDES) permit (21B00000). The application was submitted by FirstEnergy Generation Corporation, 4701 Bay Shore Road, Oregon, Ohio 43616.

FirstEnergy Generation Corporation is requesting to incorporate mercury variance final effluent limits at the Bay Shore Wastewater Treatment Plant located at 4701 Bay Shore Road, Oregon, Lucas County, Ohio. The proposed discharges are to Lake Erie.

Other wastewater disposal alternatives resulting in lesser or no degradation or lowering of water quality will be considered by Ohio EPA.

The discharges from this facility, if approved, would result in degradation to, or lowering of, the water quality of Lake Erie. However, the chemical-specific water quality criteria developed to protect aquatic life and human health, set forth in OAC 3745-1, will not be exceeded. 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.

Copies of the pending NPDES application are available for review at Ohio EPA's Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio 43402, (419) 352-8461. An Ohio EPA public hearing on the proposed project has been scheduled for 6:30 p.m. on December 4, 2008, at the Lake Erie Center, 6200 Bayshore, Oregon, Ohio 43618. The public hearing will end when everyone in attendance has 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 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 applications. Persons wishing to 1) be on the Ohio EPA's interested parties mailing list for this project, or 2) submit comments for Ohio EPA's consideration must 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 December 11, 2008. Comments received after this date may not be considered as part of the official record.

Date of Public Notice: October 9, 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 the subject transportation project. The proposed project, WAY-3-27.14, PID 19654 will maintain a section (0.1 mile) of State Route 3 in Wayne County. The project will replace an existing culvert on SR 3 over an unnamed tributary to Killbuck Creek. A segment of the unnamed tributary that runs parallel to the SR 3 will be relocated away from the road to meet current design standards. The application was submitted by the Ohio Department of Transportation (ODOT). The Ohio EPA ID Number for this project is 083424.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The Preferred Alternative, if approved, would impact 330 linear feet of modified Class II Primary Headwater Habitat stream by the placing of this stream into a concrete box culvert. No wetlands will be impacted by the proposed project. The applicant's proposed minimal degradation alternative (the proposed build alternative), if approved, would impact 325 linear feet of modified Class II Primary Headwater Habitat stream which would include the relocation of a portion of the stream outside of the roadway embankment. The Minimal-Degradation Alternative would have no impact on wetlands. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on streams or wetlands but would not meet the purpose and need for the project.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of the Killbuck Creek watershed (HUC 05040003050). 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 October 9, 2008, copies of the application for the certification and technical support information may be inspected at Ohio EPA/DSW, 50 West Town Street Suite 700, Columbus, Ohio 43215, 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.