

PUBLIC NOTICE

FINAL ISSUANCE OF EMERGENCY REGISTRATION CERTIFICATES FOR A TRANSPORTER OF INFECTIOUS WASTE

Notice is hereby given that, on January 20, 2009, the director of Ohio EPA issued (1) one emergency infectious waste transporter certificate to Stericycle Inc, 28161 N Keith Dr, Lake Forest, IL 60045, ID No: 00-T-00199. Persons wishing to be notified of further actions or proceedings 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. This final action was not preceded by a proposed action and may be appealed to the Environmental Review Appeals Commission, at 309 South Fourth Street, Suite 222, Columbus, Ohio 43215.

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
Wastewater Permit to Install Rules**

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 6111.03, 6111.035, 6111.44, 6111.45 and 6111.46 of the Ohio Revised Code and in accordance with Chapter 119 of the Ohio Revised Code, proposes to rescind and adopt the following rules of the Ohio Administrative Code:

<u>Rule Number</u>	<u>Rule Title</u>	<u>Proposed Action</u>
3745-42-01	Definitions.	Rescind
3745-42-01	Definitions.	New
3745-42-06	General permit to install requirements.	Rescind
3745-42-06	General permit to install requirements.	New
3745-42-08	General isolation distance requirements.	Rescind
3745-42-08	Isolation distance requirements.	New
3745-42-09	Requirements for filter sand.	Rescind
3745-42-11	Holding tanks.	Rescind
3745-42-11	Holding tanks.	New

These new rules address wastewater permits to install.

The public comment period will run until **5:00 p.m. on February 24, 2009**. A public hearing on the proposed rules will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held at **10:30 a.m. on February 24, 2009** at the following location:

Ohio EPA Central Office
50 W. Town Street, Suite 700
Conference Room A
Columbus, Ohio 43215

All visitors to Ohio EPA must register at the Security desk in the lobby upon arrival. Please bring photo identification (such as a valid driver's license). For security reasons, visitors are required to wear their badge at all times while in the building. Please arrive early to complete these procedures.

To facilitate the scheduling of oral presentations, persons intending to give testimony at the hearing should notify the Ohio EPA Public Interest Center, P.O. Box 1049, Columbus, Ohio 43216-1049, (614) 644-2160. Prior registration will ensure that registrants are heard ahead of those individuals who register at the hearing. Oral testimony may be limited to five minutes, depending on the number of persons

testifying. All interested persons are entitled to attend or be represented and to present oral and/or written comments concerning the proposed rules.

Written testimony should be sent to the attention of Elizabeth Bailik at the Division of Surface Water, P.O. Box 1049, Columbus Ohio 43216-1049. Written comments may also be submitted to the Hearing Officer at the public hearing. Written testimony will receive the same consideration as oral testimony. All testimony received at the hearing or by **5:00 p.m. on February 24, 2009** will be considered by Ohio EPA prior to final action on this rulemaking proposal. Written comments submitted after this date may be considered as time and circumstances permit.

For questions regarding this rule package or to receive a copy of the proposed rules, please contact Elizabeth Bailik, at the Division of Surface Water (DSW), at (614) 644-2039 or via e-mail at elizabeth.bailik@epa.state.oh.us. In addition, the proposed rules are available for review at any Ohio EPA district office and at the Ohio EPA central office. The proposed rules are also accessible on the DSW Web site at www.epa.state.oh.us/dsw/rules/drafrules.html and on the Register of Ohio Web site at www.registerofohio.state.oh.us.

PUBLIC NOTICE
COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS
City of Hamilton/Former Mercy Hospital/Riverfront Development Property

Notice is hereby given that on January 22, 2009, 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 Hamilton for the property identified as the former Mercy Hospital/Riverfront Development Property (the "Property"). The city of Hamilton conducted a voluntary action of the -7.246 acre Property located at 100 Riverfront Plaza, Hamilton, OH 45011-2780. A no further action letter was submitted on February 7, 2008, to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of the city of Hamilton by Thomas J. Mignery, a Certified Professional (CP103), as defined in ORC 3746.01(E) and OAC 3745-300-01(A)(8).

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.

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 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.

**Allen, Hancock, Hardin, Putnam,
Seneca, and Wyandot Counties**

Public Notice Date: January 28, 2009

**OHIO ENVIRONMENTAL PROTECTION AGENCY
PUBLIC NOTICE**

**BLANCHARD RIVER WATERSHED
TOTAL MAXIMUM DAILY LOAD REPORT**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) is providing for public review and comment the Blanchard River Watershed Total Maximum Daily Load Report (TMDL) Document. Ohio EPA developed the Document in fulfillment of Section 303(d) of the Clean Water Act, which requires the identification of impaired waterbodies for which technology based effluent limitations are not stringent enough to achieve applicable water quality standards and to develop Total Maximum Daily Loads for such waters. The Document addresses impairments in the Blanchard River watershed that appear on the Ohio 2008 303(d) list (assessment units 04100008 – 010, 020, 030, 040, 050, and 060). The impaired waters are located in the Counties of Hancock, Putnam, Hardin, Allen, Wyandot and Seneca.

All interested persons wishing to submit comments for Ohio EPA's consideration may do so in writing to Ohio EPA, Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio, 43402, Attn: Katie McKibben, or by email to katie.mckibben@epa.state.oh.us by the close of business, March 2, 2009. Comments received after this date may be considered as time and circumstances permit. After consideration of comments, Ohio EPA will submit the Document to the United States Environmental Protection Agency (U.S. EPA) for approval.

To obtain a copy of the Document or other information, or to arrange to inspect Agency files or records pertaining to the Document, or to request notice of when Ohio EPA submits the Document to U.S. EPA, please contact Katie McKibben at the address above or by calling (419) 373-3013. The Document will be posted (on or before January 28, 2009) to the Ohio EPA Division of Surface Water Web site <http://www.epa.state.oh.us/dsw/index.html>.

**Crawford, Delaware, Franklin, Marion,
Morrow and Richland Counties**

PUBLIC NOTICE

The following permit is being issued on January 23, 2009 as a final action with an effective date of April 8, 2009. Final actions are actions of the Director which are effective upon issuance or a stated effective date. Pursuant to Ohio Revised Code Section 3745.04, a Final Action may be appealed to the Environmental Review Appeals Commission (ERAC) filing an appeal within 30 days of notice of the final action. 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 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 Appeals Commission at 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

Final Issuance of NPDES General Permit:

General Permit Authorization for Storm Water Discharges Associated with Construction Activity Located within Portions of the Olentangy River Watershed under the National Pollutant Discharge Elimination System

Issue Date: January 23, 2009

Effective Date: April 8, 2009

Ohio NPDES General Permit Number OHCO00001

This Final Action Was Not Preceded by a Proposed Action and Is Appealable to ERAC.

The full text of the permit and other guidance documents can be viewed over the Internet at <http://www.epa.state.oh.us/dsw/storm/index.html> or by calling Jason Fyffe at (614) 728-1793.

Date of Public Notice: December 3, 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 an after-the-fact project known as Burr Oak #7 û ATF. The application was submitted by Buckingham Coal Co., Inc., P.O. Box 157, Glouster, Ohio 45732-0157. The project is located in Section 26, Monroe Township, Perry County, Ohio. The Huntington District Corps of Engineers Public Notice Number for this project is 200301092. The Ohio EPA ID Number for this project is 062997.

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 1,612 linear feet of intermittent stream channels and 40 linear feet of ephemeral stream channels, which include 905 linear feet of fill due to hillside slippage, 462 linear feet of impoundment, 245 linear feet of fill due to excess spoil disposal, and 40 linear feet for road crossing and railroad spur development.

The applicant's proposed minimal degradation alternative, if approved, would impact 1,367 linear feet of intermittent stream channels and 40 linear feet of ephemeral stream channels, which include 905 linear feet of fill due to hillside slippage, 462 linear feet of impoundment, and 40 linear feet for road crossing and railroad spur development.

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 Sunday 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 December 3, 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 APPROVES POST-CLOSURE PLAN
KELSEY-HAYES COMPANY**

On January 15, 2009, Ohio EPA approved an amended closure plan for the Kelsey-Hayes Company's closed landfill located at 2400 Charles Street, Portsmouth, Ohio. The EPA I.D. number for this facility is OHD052859170.

Pursuant to Ohio Administrative Code rule 3745-66-11 , 12 & 18, the facility's amended closure plan submitted on November 5, 2008 was approved with modifications as outlined in the Director's January 15, 2009 correspondence. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

PUBLIC NOTICE

**Ohio EPA Director Issues
Amended Final Findings and Orders for the
Former TRW Site located in
Minerva, Stark County, Ohio**

On January 16, 2009, the Director of the Ohio Environmental Protection Agency (Ohio EPA) issued as a final action Director's Final Findings and Orders (DFFOs) to Northrop Grumman Space & Mission Systems Corp (formerly, TRW) of Los Angeles, California, and to PCC Airfoils, LLC of Beachwood, Ohio, for certain Remedial Investigation, Feasibility Study, Remedial Design and Remedial Action activities at the former TRW facility, located at 3860 Union Avenue Southeast, Minerva, Ohio (Site).

The DFFOs require the following actions, including: 1) Remedial Investigation, to determine the nature and extent of contamination; 2) Feasibility Study, to develop and evaluate options for remedial action; 3) Remedial Design, to develop the final plans and specifications for the remedial action; 4) Remedial Action, to implement and maintain the effectiveness of the final plans and specifications; and 5) 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 will be available for review at the Minerva Public Library located at 677 Lynnwood Drive in Minerva, Ohio, and at Ohio EPA's Northeast District Office located at 2110 East Aurora Road in Twinsburg, Ohio, by calling or e-mailing Vicki Deppisch, Ohio EPA DERR Site Coordinator, at (330) 963-1207 or Vicki.deppisch@state.oh.us, for an appointment.

PUBLIC NOTICE

OHIO EPA RECEIVES NEW HAZARDOUS WASTE CLOSURE PLAN

On January 16, 2009, Ohio EPA received a new hazardous waste closure plan from Universal Materials, Inc. (d.b.a. Owens Illinois) concerning four (4) former storage areas located at 3995 Mogadore Industrial Parkway in Mogadore, Ohio 44260. The EPA Identification Number for this facility is OHD980792600.

Why is Universal Materials, Inc. submitting this Closure Plan?

At the request of Ohio EPA, Universal Materials, Inc. submitted the closure plan. This closure plan intends to describe the key activities, tests, and performance standards for closing the former storage areas. It includes: closure performance standards; a description of the closure methods including decontamination, management of residues, and rinsate and soil confirmation sampling and analysis; groundwater sampling and analysis; health and safety issues; a certification of closure; and closure schedule and cost estimate.

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

You can submit written comments anytime between January 23 and February 23, 2009. Send your comments to Ohio EPA, Division of Hazardous Waste Management, Attn: Regulatory and Information Services Section, P.O. Box 1049, Columbus, Ohio 43216-1049, 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 Aurora Road, Twinsburg, Ohio 44087, tel: (330) 963-1200; and,

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

PUBLIC NOTICE

**OHIO EPA APPROVES CLOSURE PLAN FOR
AMKO SERVICE COMPANY**

On January 15, 2009, Ohio EPA approved an amended closure plan for the Amko Service Company's underground storage tank located at 3470 Davis Road NW, Dover, Ohio 44622. The EPA I.D. number for this facility is OHD017998022.

Pursuant to Ohio Revised Code rule 3745-66-11 & 12, the facility's amended closure plan submitted on July 31, 2008, and revised on November 28, 2008 was approved with modifications as outlined in the Director's January 15, 2009 correspondence. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.