

**NOTICE OF AMENDMENT, ADOPTION AND RESCISSION OF RULES
OHIO ENVIRONMENTAL PROTECTION AGENCY**

Rules Governing

Voluntary Action Program

Notice is hereby given that the Director of the Ohio Environmental Protection Agency (Ohio EPA) has rescinded and adopted the following rules of the Ohio Administrative Code:

Rescinded rules: 3745-300-15 Remediation

New rules: 3745-300-11 Remediation

Amended rules: 3745-300-01 Definitions
3745-300-02 Eligibility for participation in the voluntary action program
3745-300-03 Voluntary action program fees
3745-300-04 Certified laboratories
3745-300-05 Certified professionals
3745-300-06 Phase I property assessments for the voluntary action program
3745-300-07 Phase II property assessments
3745-300-08 Generic numerical standards
3745-300-09 Property-specific risk assessment procedures
3745-300-10 Ground water classification and response requirements
3745-300-12 Variances from generic numerical standards or property-specific risk assessment procedures
3745-300-13 Content and scope of no further action letters
3745-300-14 Audits of no further action letters.

The primary purpose of this rule-making was to update the applicable standards for voluntary cleanup based on the latest data, to improve the organization of the rules, and to incorporate the requirements of making all technical documentation available as references in the rules.

The Director's order of rescission and adoption was issued on **February 13, 2009**. These rules will become effective on March 1, 2009.

The Director's action in this matter is pursuant to the procedural requirements of Ohio Revised Code Chapter 119 and is based upon the record of the public hearing conducted by Ohio EPA on December 30, 2008, and comments received during the public comment period.

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 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 309 South Fourth Street, Room 222, Columbus, Ohio 43215. The Ohio EPA is located at 50 West Town Street, Suite 700., Columbus, OH, 43215.

PUBLIC NOTICE
OHIO ENVIRONMENTAL PROTECTION AGENCY
INITIAL CERTIFICATION OF ENVIRONMENTAL PROFESSIONAL
UNDER OHIO'S VOLUNTARY ACTION PROGRAM

Notice is hereby given that on February 17, 2009, the Director of the Ohio Environmental Protection Agency, pursuant to Ohio Revised Code ("ORC") 3746.04(B)(5) and Ohio Administrative Code ("OAC") 3745-300-05, issued an initial "certified professional" certification to: **Mr. Wendell L. Barner, CP318.**

The issuance of the certification is a final action of the Director and will be public noticed in accordance with OAC 3745-47-07. The action may be appealed to the Environmental Review Appeals Commission ("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 or issuance of the action. See ORC 3745.04 and 3745.07. 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 Commission at 309 South Fourth St., Room 222, Columbus, Ohio 43215.

If you would like to review a copy of the certificate, or any documents related to the certification, please contact Debi Tavizon, Records Management Officer, at 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
RENEWAL AND REMOVAL OF LABORATORY CERTIFICATION UNDER OHIO'S
VOLUNTARY ACTION PROGRAM

Notice is hereby given that on February 17, 2009, 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 renewal of laboratory certification to Lancaster Laboratories, Inc. ("Lancaster") of 2425 New Holland Pike, Lancaster, Pennsylvania. Lancaster also requested on its renewal application to remove certification for Total Petroleum Hydrocarbons by method 418.1. The certification number assigned to Lancaster remains CL0070.

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

**ISSUANCE OF A DRAFT SOLID WASTE PERMIT TO INSTALL
And
NOTICE OF PUBLIC HEARING**

Notice is hereby given that on February 17, 2009, a **draft** Solid Waste Permit to Install (PTI) #06-08283 was issued to: Ohio Valley Electric Corporation (OVEC), 3932 U.S. Route 23, P.O. Box 468, Piketon, Ohio 45661. The permit, if issued as a final permit, authorizes construction of the Ohio Valley Electric Corporation Kyger Creek Plant Landfill (Facility) a new residual solid waste landfill in Gallia County. OVEC is the applicant for the permit to install. A Public Hearing will be held on Wednesday, March 25, 2009, 6:30 p.m., at the River Valley High School, Cafeteria, 1428 Little Kyger Road, Cheshire, OH 45620. Written comments will be accepted until April 1, 2009, for the Director's consideration. Comments should be sent 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. Both the application and draft permit may be reviewed in accordance with Ohio EPA's file review procedures by writing to Ohio EPA Southeast District Office, 2195 Front Street, Logan, OH 43138, Tel:(740) 385-8501.

Date of Public Notice: February 19, 2009

**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 the expansion of Wal-Mart Store #5066-02. The application was submitted by KS Associates Inc., on behalf of Wal-Mart. The project is located at 35901 Chester Road, City of Avon, Lorain County, Ohio. The Army Corps of Engineers, Buffalo District Application Number for this project is 2002-00400. The Ohio EPA ID Number for this project is 083471.

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 consist of construction of an additional 39,033 sq. ft. of retail space and an additional 249 parking spaces resulting in impacts to 270.5 linear feet of a stream. The applicant's proposed minimal degradation alternative, if approved, would consist of construction of an additional 39,033 sq. ft. of retail space and an additional 205 parking spaces resulting in impacts to 200 linear feet of a headwaters stream. The applicant's proposed non-degradation alternative, if approved, would consist of construction of an additional 39,033 sq. ft. of retail space and no additional parking spaces and 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 Heider Ditch. 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 February 19, 2009, 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.

Date of Public Notice: February 26, 2009

**PUBLIC NOTICE
NOTICE OF RECEIPT OF ISOLATED WETLAND PERMIT
APPLICATION (LEVEL 2)**

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, an Isolated Wetland Permit (Level 2) for a project to construct a new high school facility impacting 1.35 acres of wetland. The application was submitted by the South Range Local School District, 11836 South Avenue, North Lima, OH 44452. The project is located at 11300 Columbiana-Canfield Rd in Beaver Township. The Ohio EPA Number for this project is 083458.

The review of the application will be conducted, and a decision whether to grant or deny the application will be made, in accordance with Ohio Revised Code (ORC) Sections 6111.02 to 6111.028 and other applicable provisions of state laws. Other alternatives as proposed by the applicant resulting in less adverse impact to the isolated wetland ecosystem, will be considered by Ohio EPA during the review process.

Starting February 26, 2009, copies of the application 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 20 days of the date of this public notice.

Date of Public Notice: February 20, 2009

**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 re-route an unnamed tributary to Mud Creek. The application was submitted by The Lakota Local School District. The project is located at Lakota High School, 5186 County Road 13, Kansas, Sandusky County, Ohio. The United States Army Corps of Engineers, Buffalo District is authorizing this project under Nationwide Permit 39. The Ohio EPA ID Number for this project is 083472.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would relocate the stream from the culvert at County Road 13 to the north edge of the school property, which would require filling 2897 linear feet of the existing stream within the school property, for the purposes of locating the new Lakota K-12 school building north and west of the existing Lakota High School. The replacement stream would implement an over-wide channel design which will improve riparian habitat, capacity and watershed services. The applicant's proposed minimal degradation alternative, if approved, would relocate the existing stream from a point 276 linear feet from the culvert at County Road 13 to a point 371 linear feet south of the north property line of the school, which would require 1968 linear feet of the existing stream to be filled. The same over-wide channel design is planned for the relocated portion of the stream. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on streams or wetlands, but would require the new school to be located on the northeast corner of the property.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Mud Creek 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 February 20, 2009, copies of the application for the certification and technical support information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 50 West 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.

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.

Date of Notice: February 20, 2009

**PUBLIC NOTICE
NOTICE OF PUBLIC HEARING**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA)-Division of Surface Water (DSW) has scheduled a public hearing on the National Pollutant Discharge Elimination System (NPDES) permit application and Permit to Install (PTI) application for the discharge from and construction of a proposed new school.

The disposal system is proposed to be located at 2482 State Route 534, Southington Township, Trumbull County, Ohio. Treated wastewaters are proposed to be discharged at the same location. The proposed discharges are to Eagle Creek and subsequently the Mahoning River. The NPDES and PTI applications were submitted by the Southington Local School District, 4432 State Route 45, Southington, Ohio 44470.

The discharges from this facility, if approved, would result in degradation to, or lowering of, the water quality of Eagle Creek and subsequently the Mahoning River. However, the chemical-specific water quality criteria developed to protect aquatic life and human health, set forth in OAC 3745-1-07, 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.

The public hearing has been scheduled for 6:30 p.m. on April 6, 2009 at the Southington Christian Church, 3285 State Route 534, Southington, Ohio 44470. 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 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, Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 by close of business on April 13, 2009. Comments received after this date may not be considered as part of the official record of this hearing.

Copies of the pending NPDES and PTI applications and technical support information may be reviewed and/or copies made at Ohio EPA's Northeast District Office, 2110 East Aurora Road, Twinsburg, Ohio 44087, by first calling (330) 963-1200 to make an appointment.