

## **PUBLIC NOTICE**

### **ISSUANCE OF SCRAP TIRE TRANSPORTER REGISTRATION**

Notice is hereby given that on April 20, 2009; the director of Ohio EPA issued fifteen certificates of registration as transporter of scrap tires to High Tread International Ltd., 490 Ohio St., Lockport, NY 14094. This action of the director of Ohio EPA is final and is appealable to the Environmental Review Appeals Commission, at 309 South Fourth Street, Room 222, Columbus, Ohio 43215. 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 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 request that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. 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. This action was not preceded by a proposed action and may be appealed to the Environmental Review Appeals Commission, at 309 South Fourth St, Ste 222, Columbus, OH 43215.

**State of Ohio**  
**Environmental Protection Agency**

**PUBLIC NOTICE**

April 20, 2009

**Notice of Proposed Rule-making and Public Hearing**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Drinking and Ground Waters (DDAGW) is proposing revisions to Chapters 3745-81 and 3745-96 of the Ohio Administrative Code (OAC), which sets forth the primary drinking water standards and requirements for consumer confidence reports. The proposed rules are, in part, a result of the five year rule review requirements of Section 119.032 of the Revised Code.

This rulemaking package includes revisions to Chapters 3745-81 and 3745-96 of the Administrative Code to incorporate the 2007 Lead and Copper Rule Short-Term Revisions and Clarifications promulgated by U.S. Environmental Protection Agency (EPA). The rulemaking also includes corrections to the lead and copper rules in Chapter 3745-81 of the OAC, previously identified by U.S. EPA. Additionally, some provisions of the federal Stage 2 Disinfectants/Disinfection Byproducts Rules (Stage 2) and the Long Term 2 Enhanced Surface Water Treatment Rules (LT2) which affect rules 3745-81-01, 3745-96-01 and 3745-96-02 are consolidated in this rulemaking package.

The drafted revisions to the Administrative Code incorporating the Lead and Copper Rule Short-Term Revisions and Clarifications include the following major revisions:

- Requirements for all community and non-transient non-community public water systems (PWS) to provide notice of tap water lead monitoring results to all served by the sampling site, regardless of whether the sample exceeds the lead action level. This notice is referred to as “consumer notification of tap water lead results” and is different from public notification and public education.
- All community PWSs will be required to include specific information about lead in their consumer confidence reports regardless of lead sample levels.
- Mandatory language, content and delivery of public education, which are required when the lead action level is exceeded, are all changing in the rule revisions. Mandatory language has been shortened to consist of an opening statement, new health effects language and sources of more information.

- Additional changes and/or clarifications are also being made to the lead line replacement reevaluation, notification requirements for treatment and source changes and monitoring revisions for systems with less than five taps for human consumption.

As part of the rule-making process, the Agency is required by Section 121.39 of the Ohio Revised Code to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by the rules. The Agency is offering you and your organization the opportunity to comment on these rules before the division adopts them.

A public hearing pursuant to §119.03 of the Ohio Revised Code will be conducted on May 27, 2009, beginning at 10:00 a.m. in Conference Room C at the Ohio EPA, Lazarus Government Center, 50 West Town Street, Columbus, Ohio. All interested persons are entitled to attend or be represented and give their written or oral comments on this proposed rule-making. A presiding officer will be present until all interested persons have been heard.

To facilitate scheduling of oral presentations, persons intending to give testimony at the hearing should ensure that Ohio EPA receives notice of such intent by 5:00 p.m. on May 26, 2009. Persons who provide Ohio EPA with prior notice will be heard ahead of persons who register at the hearing. **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 provide notice of intent to give oral comments at the public hearing, contact Susan Baughman by mail at Ohio EPA, DDAGW, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio 43215, or by phone at (614) 644-2752.

In order to ensure that written comments are considered as part of the official record of this hearing, written comments must be received by Ohio EPA by the close of business May 27, 2009. Written comments on the proposed rules may be given to the presiding officer during the hearing, sent by mail to Susan Baughman at the address above, or sent by email to the following address [ddagw\\_rulecomments@epa.state.oh.us](mailto:ddagw_rulecomments@epa.state.oh.us).

To obtain a copy of the proposed rules, contact Flo Sellu at Ohio EPA at (614) 644-2916 or email at [Flo.Sellu@epa.state.oh.us](mailto:Flo.Sellu@epa.state.oh.us). Please request the "**proposed lead and copper rules**" and, if a recorded message is left, be sure to include your name, telephone number, and complete mailing address. There is no charge for proposed rules. The proposed rules will be available on the Agency web page until their adoption or withdrawal. The address is: <http://www.epa.state.oh.us/ddagw/oac.html#proposed>.

Questions concerning this proposed rule-making, other than obtaining copies of the proposed rules, may be addressed to Susan Baughman at Ohio EPA, DDAGW, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio 43215

or by phone at (614) 644-2752.  
[Susan.Baughman@epa.state.oh.us](mailto:Susan.Baughman@epa.state.oh.us).

Email can be sent to

**State of Ohio**  
**Environmental Protection Agency**

**PUBLIC NOTICE**

April 20, 2009

**Notice of Proposed Rule-making and Public Hearing**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Drinking and Ground Waters (DDAGW) is proposing revisions to rules in Ohio Administrative Code (OAC) that govern the primary drinking water standards. Specifically, the division has proposed revisions to rules that govern the water well standards. The proposed amendments are, in part, a result of the five year rule review requirements of Section 119.032 of the Revised Code.

The division has proposed revisions to water well standards rules 3745-9-01 (Definitions), 3745-9-02 (Scope and Exemptions), 3745-9-03 (Monitoring Well), 3745-9-04 (Well Siting), 3745-9-09 (Well Development and Pump Test) and a new plan approval rule, 3745-9-10 that is related to approving a new water well.

Rule 3745-9-01 includes new definitions that support revisions drafted in rule 3745-9-04.

Rule 3745-9-02 is being modified to make general edits and clarify the applicant's requirements when applying for a variance from rules contained in the water well standards Chapter 3745-9.

Rule 3745-9-03 is being modified to update a reference in the rule.

Rule 3745-9-04 includes revisions to the existing language and new requirements that provide for the long-term protection of the well's source water. The proposed changes include specific setback distances (for example, 300 feet) from certain waste management activities for all public water supply wells and a prohibition from siting a new well where it could capture water from an aquifer beneath certain types of waste management facilities. The capture zones are the drinking water source protection area (five-year time-of-travel) or the inner management zone (one year time-of-travel).

Rule 3745-9-09 is being modified to provide additional flexibility in meeting the performance standard required when conducting pumping or aquifer tests, allowing experienced water well professionals, not just hydrogeologists, to propose and conduct alternative aquifer or pumping tests, and clarifying analytical sampling and analysis requirements for new wells to provide consistency with the contaminant names contained in Chapter 3745-81.

A new rule, 3745-91-10, is being proposed in the plan approval chapter to require development or update of a drinking water source protection plan within two years after receiving the director's approval for a new well. The rule will be applicable to most community water systems that provide water to at least 250 people and serve a political subdivision of Ohio, except school districts.

As part of the rule-making process, the Agency is required by Section 121.39 of the Ohio Revised Code to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by the rules. The Agency is offering you and your organization the opportunity to comment on these rules before the division formally adopts them.

A public hearing pursuant to §119.03 of the Ohio Revised Code will be conducted on May 27, 2009, beginning at 10:00 a.m. in Conference Room C at the Ohio EPA, Lazarus Government Center, 50 West Town Street, Columbus, Ohio. All interested persons are entitled to attend or be represented and give their written or oral comments on this proposed rule-making. A presiding officer will be present until all interested persons have been heard.

To facilitate scheduling of oral presentations, persons intending to give testimony at the hearing should ensure that Ohio EPA receives notice of such intent by 5:00 p.m. on May 26, 2009. Persons who provide Ohio EPA with prior notice will be heard ahead of persons who register at the hearing. To provide notice of intent to give oral comments at the public hearing, contact Holly Kaloz, Ohio EPA, DDAGW, Lazarus Government Center, P. O. Box 1049, Columbus, Ohio 43216-1049.

In order to ensure that written comments are considered as part of the official record of this hearing, written comments must be received by Ohio EPA by the close of business May 27, 2009. Written comments on the proposed rules may be given to the presiding officer during the hearing, sent by mail to Holly Kaloz at the address above, or sent by email to the following address [ddagw\\_rulecomments@epa.state.oh.us](mailto:ddagw_rulecomments@epa.state.oh.us).

To obtain a copy of the proposed rules, call Flo Sellu at Ohio EPA at (614) 644-2752, send email to [flo.sellu@epa.state.oh.us](mailto:flo.sellu@epa.state.oh.us), or write to "Ohio Environmental Protection Agency, Division of Drinking and Ground Waters, P.O. Box 1049, Lazarus Government Center, Columbus, Ohio 43216-1049, Attn: Flo Sellu". Please request the "proposed water well standards rules" and be sure to include your name, telephone number, and complete mailing address. There is no charge to receive a copy of these proposed rules. The proposed rules will be available on the Ohio EPA web page until their adoption or withdrawal. The address is: <http://www.epa.state.oh.us/ddagw/oac.html>.

Questions concerning this proposed rule-making, other than obtaining copies of the proposed rules, may be addressed to Holly Kaloz at the above address or by phone at (614) 644-2752. Email can be sent to [holly.kaloz@epa.state.oh.us](mailto:holly.kaloz@epa.state.oh.us).

**Public Hearing Notice**  
**Ohio Environmental Protection Agency**  
**Proposed amendments of**  
**Ohio Administrative Code (OAC) rules 3745- 109-01, 109-04, 109-07, 109-08, 109-11, 109-12, 109-13, 109-14, 109-17, 109-18, 109-19, 109-20 and 109-21**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) proposes to amend the Ohio Administrative Code (OAC) rules listed above. The amendments are being proposed for the incorporation of minor revisions and clarifications to Ohio's Clean Air Interstate Rules (CAIR) final rules. These changes are necessary as a result of comments submitted by US EPA after the end of Ohio's CAIR final rulemaking process. In addition, revisions were made to US EPA's final CAIR rule on October 19, 2007 (FR 59190) that will also be incorporated into Ohio's CAIR rules during this rulemaking.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC was required to consult with interested parties affected by the rules before the division formally adopts them. On June 6, 2008 these rules went out for a 30 day review by interested parties.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes will be conducted on Tuesday, June 2, 2009, at 10:00 AM in conference room 6C at Ohio EPA, Lazarus Government Center, 50 W. Town Street, Suite 700, Columbus, Ohio. 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, visitor's are required to wear their badge at all times while in the building. Please arrive early to complete these procedures.

Pursuant to Part D of Title I of the Clean Air Act, Ohio EPA is required to establish a state implementation plan (SIP) for the attainment and maintenance of the national ambient air quality standards (NAAQS). The above mentioned rules are a part of Ohio's SIP and the proposed amendments will be submitted to USEPA as a modification of the SIP. The above mentioned hearing shall be considered the public hearing for the SIP submittal.

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on these rule changes. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on June 2, 2009, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after June 2, 2009, may be considered as time and circumstances permit, but will not be part of the official record of the hearing.

These rules are available on the Web page for electronic downloading by clicking on "regulations" under the " topics" drop-down box. The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.html>. Questions regarding accessing the web site should be directed to Arunee Niamlarb at 614-728-1342; other questions or

comments about these rules should be directed to Lee Burkleca at Ohio EPA, (614) - 728 -1344, [lee.burkleca@epa.state.oh.us](mailto:lee.burkleca@epa.state.oh.us) or mail to Lee F. Burkleca, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.

## PUBLIC NOTICE

### OHIO ENVIRONMENTAL PROTECTION AGENCY RENEWAL OF CERTIFIED PROFESSIONAL CERTIFICATIONS UNDER OHIO'S VOLUNTARY ACTION PROGRAM

Notice is hereby given that on April 20, 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 a renewal of certification to the following Certified Professionals: **Richard W. Volpi, CP193, Michael J. McKim, CP249, John P. Pierko, CP186, John A. Simon, CP152, Eric V. Augustine, CP255, Christina G. Pollock, CP283 Linda K. Aller, CP141, and Donald A. Fay, CP254.**

The issuance of the renewal 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"). 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 any renewal 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.

Statewide

**Ohio Environmental Protection Agency  
P U B L I C N O T I C E  
DRAFT Intended Use Plan and Management Plan  
For The Drinking Water Assistance Fund  
For Program Year 2010**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Drinking and Ground Waters (DDAGW) has issued the DRAFT Intended Use Plan and Management Plan for the Drinking Water Assistance Fund, which has been authorized by Ohio Revised Code section 6109.22 and Section 1452 of the Safe Drinking Water Act and the American Recovery and Reinvestment Act of 2009.

Copies of the DRAFT Intended Use Plan and Management Plan are available from the Division of Drinking and Ground Waters upon request, through the Internet at <http://www.epa.state.oh.us/ddagw/dwaf.html> or by writing to:

Ohio EPA  
Lazarus Government Center  
Attention: Susie Bodnar, DDAGW  
P.O. Box 1049  
Columbus, Ohio 43216-1049

Written comments should be submitted to:

Ohio EPA  
Lazarus Government Center  
Attention: Stacy Barna, DDAGW  
P. O. Box 1049  
Columbus, Ohio 43216-1049  
E-mail address: [stacy.barna@epa.state.oh.us](mailto:stacy.barna@epa.state.oh.us)

**Written comments must be received on or before May 8, 2009.**

To allow interested persons to present their comments and suggestions, and for Ohio EPA to provide a response to questions on Ohio's DRAFT 2010 Program Management and Intended Use Plan, a public meeting will be held at the following time and location:

**2:00 p.m. May 7, 2009  
Riffe Government Center  
19<sup>th</sup> Floor - Room 1948  
77 South High Street  
Columbus, Ohio**

**Date of Public Notice: April 27, 2009**

**PUBLIC NOTICE  
ISSUANCE OF DRAFT NPDES PERMIT AND PUBLIC HEARING**

Notice is hereby given that on April 27, 2009, the Director of the Environmental Protection Agency will issue a draft National Pollutant Discharge Elimination System (NPDES) permit (11D00006) to AK Steel Corporation, Middletown Works, 1801 Crawford Street, Middletown, Ohio 45053. The draft permit is for discharges associated with treatment of contaminated surface and ground water from a project consisting of excavation of PCB contaminated sediment and floodplain soils along a 3,500 foot section of Dicks Creek and a 3,300 foot section of Monroe Ditch. The project also includes a groundwater treatment and disposal system along 500 feet of Monroe Ditch adjacent to AK's closed landfill located in Middletown, Butler County, Ohio. "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 discharges from the facility, if approved, would result in degradation to, or lowering of, the water quality of Dicks Creek and the Great Miami 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, 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. A public hearing has been scheduled for 6:30 P.M. on June 11, 2009 at the Middletown City Building, One Donham Plaza, Middletown, Ohio 45042. Attendees should enter through the police department. 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 draft permit. 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 43126-

1049 by the close of business on June 16, 2009. Comments received after this date may not be considered as part of the official record of this hearing.

Copies of the pending NPDES application, draft permit and technical support information may be reviewed and/or copies made at Ohio EPA's Southwest District Office, 401 East Fifth Street, Dayton, Ohio 45402-2911, by first calling (937)285-6357 to make an appointment.

**PUBLIC NOTICE**

**OHIO EPA AND U.S. EPA ISSUE DRAFT RENEWAL HAZARDOUS WASTE PERMIT  
TO  
ENVIRONMENTAL ENTERPRISES, INC.**

On April 23, 2009, Ohio EPA and U.S. EPA issued a draft renewal Hazardous Waste Facility Installation and Operation Permit (Permit) to Environmental Enterprises, Inc. for its facility at 4650 Spring Grove Avenue, Cincinnati, Ohio 45232. The EPA Identification Number for this facility is OHD083377010.

**Why does Environmental Enterprises, Inc. Need a Permit?**

Environmental Enterprises, Inc. (EEI) is a permitted hazardous waste storage and treatment facility. All waste that comes into the facility is either treated or repackaged and sent off-site to a final disposal or recycling destination. The draft renewal Permit contains the conditions under which the facility must operate if the Permit receives final approval. To issue this draft Permit, Ohio EPA determined that the Permit application is complete and meets appropriate standards and that the applicant has a history of compliance with relevant environmental laws and demonstrates sufficient reliability, expertise and competency to operate a hazardous waste facility. When issued, the renewal Permit will allow EEI to continue storing and treating hazardous waste. It will also require EEI to investigate and, if necessary, clean up any contamination from hazardous wastes or constituents that may be at the facility.

Some RCRA regulations have not been authorized in the state of Ohio, therefore U.S. EPA must issue a permit to cover those regulations. EEI's complete RCRA permit is comprised of both the U.S. EPA and Ohio EPA permits.

**How can I tell Ohio EPA and U.S. EPA what I think about this draft Permit?**

You can attend the public meeting and present your comments in person or submit written comments that are clear, concise, and well documented. Or, you are welcome to do both. Everyone who wants to comment at the public meeting will be allowed to speak. You should limit your presentation to five minutes and, if possible, submit a written copy of your comments to U.S. EPA and Ohio EPA at the meeting.

**When and where will Ohio EPA and U.S. EPA hold a Public Meeting?**

Ohio EPA and U.S. EPA will hold a public meeting on May 28, 2009 at 6:30 p.m. It will be at the Saint Bernard Municipal Building, 120 Washington Avenue, Saint Bernard, Ohio 45217.

### **When and how do I submit written comments?**

You can submit written comments anytime between April 24 and June 8, 2009. Send your comments to Ohio EPA, Division of Hazardous Waste Management, Attn: Regulatory and Information Services, P.O. Box 1049, Columbus, Ohio 43216-1049, telephone number (614) 644-2977, fax number (614) 728-1245, e-mail: [dhwmcomments@epa.state.oh.us](mailto:dhwmcomments@epa.state.oh.us). You can submit written comments about the U.S. EPA portion of the draft permit to Jae Lee, DW-8J, United States Environmental Protection Agency, 77 West Jackson Blvd., Chicago, Illinois 60604-3590, fax number (312) 886-3781, or email: [lee.jae@epamail.epa.gov](mailto:lee.jae@epamail.epa.gov).

### **Where can I review the Permit Application and draft renewal Permit?**

You can review these at one of the following locations:

***College Hill Branch Public Library***, 1400 West North Bend Road, Cincinnati, Ohio 45224, (513) 369-6036;

***Ohio EPA, Southwest District Office***, 401 East Fifth Street, Dayton, Ohio 45402-2911, (937) 285-6357;

***Ohio EPA, Division of Hazardous Waste Management***, 50 West Town Street, Suite 700, Columbus, Ohio 43215, (614) 644-2917; and,

***United States Environmental Protection Agency***, RCRA Branch, 77 West Jackson Blvd., Chicago, Illinois 60604. Call Mr. Jae Lee at (800) 621-8431, ext. 6-3781 to make arrangements to view the documents. The U.S. EPA permit information can also be viewed at [www.epa.gov/reg5rcra/wptdiv/permits/index.html](http://www.epa.gov/reg5rcra/wptdiv/permits/index.html)

### **What will Ohio EPA and U.S. EPA do with the comments?**

After carefully considering public comments, Ohio EPA and U.S. EPA will reconsider the draft Permit, making any necessary changes, and issue or deny the final Permit. Ohio EPA and U.S. EPA will issue a "response to public comments," specifying any changes made to the draft Permit. If you commented on the draft Permit, Ohio EPA and U.S. EPA will send you a copy of the "response to public comments" and the final permit decision.

**Date of Public Notice: April 27, 2009**

**PUBLIC NOTICE  
ISSUANCE OF DRAFT NPDES PERMIT AND PUBLIC HEARING**

Notice is hereby given that on April 28, 2009, the Director of the Environmental Protection Agency will issue a draft National Pollutant Discharge Elimination System (NPDES) permit (11D00006) to BP-Husky Refining LLC, P.O. Box 696, Toledo, Ohio 43697. The draft permit is for discharges from the BP Oil Toledo Refinery located at 4001 Cedar point Road, Oregon, Lucas County, Ohio. "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.

BP is requesting the addition of an outfall with monitoring requirements for overflow of stormwater runoff from the RCRA closed north pond. BP-Husky Refining, LLC has also applied for a variance from water-quality based limits for mercury for the BP Oil Toledo Refinery under OAC Rule 3745-33-07(D). The Director is providing public notice of a preliminary decision to approve this variance request. The variance application and supporting materials can be viewed at Ohio EPA's Central Office, or copies can be obtained by contacting Mike McCullough at [mike.mccullough@epa.state.oh.us](mailto:mike.mccullough@epa.state.oh.us). Comments on the permittee's application must be provided within the comment period for the NPDES permit. Further information on the variance request and draft approval is also found in the NPDES fact sheet for this permit renewal.

The discharges from the facility, if approved, would result in degradation to, or lowering of, the water quality of Maumee Bay and Lake Erie. 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, 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. A public hearing has been scheduled for 6:30 P.M. on May 27, 2009 at the Lake Erie Center, 6200 Bayshore Road, 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 draft permit. 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 43126-1049 by the close of business on June 3, 2009. Comments received after this date may not be considered as part of the official record of this hearing.

Copies of the pending NPDES application, draft permit and technical support information may be reviewed and/or copies made at Ohio EPA's Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio 43402, by first calling (419)352-8461 to make an appointment.

**PUBLIC NOTICE**

**OHIO EPA ISSUES AUTHORIZATION TO EXCAVATE, FILL, GRADE, AND  
CONDUCT BUILDING ACTIVITIES UNDER RULE 13 OF OHIO ADMINISTRATIVE  
CODE**

On April 13, 2009, Ohio EPA issued a final authorization under Rule 13 of Ohio Administrative Code 3745-27-13 to Killian Latex (fka Kittinger Trucking) for its unpermitted landfill located at 2064 Killian Road, Akron, Ohio 44312. The EPA Identification Number for this facility is OHD049370729.

**Why does Killian Latex need this Rule 13 Authorization?**

On March 18, 2009, Killian Latex requested to conduct excavation, filling, and grading activities at its facility. The request proposes to place two feet of compacted clean fill over its existing landfill. The Rule 13 authorization allows Killian Latex to perform this requested activity.

**Can I appeal this Rule 13 Authorization?**

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

**If I decide to appeal this final Rule 13 Authorization, how and when must I make the appeal?**

If you file an appeal, you must put it in writing no later than May 27, 2009. Your appeal must explain why you are appealing the action and the grounds you are using for your appeal. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. You must file your appeal, according to Ohio Revised Code § 3745.04 with ERAC at the following address: ***Environmental Review Appeals Commission***, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. You must send a copy of the appeal to the director of Ohio EPA at the following address no later than three (3) days after you file it with ERAC: ***Chris Korleski, Director of Ohio EPA***, P.O. Box 1049, Columbus, Ohio 43216-1049.