

State of Ohio
Environmental Protection Agency

May 10, 2010

Notice of Final Rule-making

Notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Drinking and Ground Waters (DDAGW) adopted revisions to the plan approval rules in Ohio Administrative Code (OAC). The revisions are, in part, a result of the five year rule review requirements of Section 119.032 of the Revised Code.

The division amended three plan approval rules, which establish requirements for plan drawings and procedures for plan approval or modification. These revisions include updating and adding documents considered as rule-by-reference, including:

- 2007 edition of “Recommended Standards for Water Works” (aka Ten State Standards);
- “Guidelines for Design of Small Public Water Systems” (aka Greenbook);
- “Guidelines for Arsenic Removal Treatment for Small Public Drinking Water Systems”; and
- “Planning and Design Criteria for Establishing Approved Capacity for 1) Surface Water and Ground Water Supply Sources, 2) Drinking Water Treatment Plants (WTPs), and 3) Source/WTP Systems” (aka Approved Capacity).

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 May 10, 2010. The effective date of these new rules will be May 20, 2010, 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: www.epa.ohio.gov/ddagw/rulemaking.aspx#final.

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
COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS
IRG Lorain LLC,
Former Ford Lorain - IRG Parcel B**

Notice is hereby given that on May 10, 2010, 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 IRG Lorain LLC, for property known as Former Ford Lorain - IRG Parcel B (the "Property").

The IRG Lorain LLC conducted a voluntary action of the approximately 58.93 acre-Property, which is located at 5401 Baumhart Road, Lorain, Lorain County, Ohio. A no further action letter for the Property was submitted on February 4, 2009 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response by David P. Regalbuto, CPG, a Certified Professional as defined in ORC 3746.01(E) and OAC 3745-300-01(A).

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC 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 or issuance of the action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Ohio Treasurer Kevin Boyce," 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: 309 South Fourth Street, 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, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

Date of Public Notice: May 21, 2010

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

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has received an application for, and has begun to consider whether to issue or deny, an Isolated Wetland Permit (Level 2) for a project to expand the existing Total Waste Logistics Penn-Ohio Facility construction demolition debris landfill impacting 1.26 acres of wetlands. The application was submitted by Total Waste Logistics, LLC, 7131 Akron Canfield Road, Canfield, OH 44406. The project is located near the Village of Negley in Middleton Township, Columbiana County. The Ohio EPA ID Number for this project is 103606.

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 April 7, 2010, copies of the application and technical support information have been available for inspection at Ohio EPA/DSW, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio, by first calling (614) 644-2001. Applications can be made available at Ohio EPA District Offices by calling the same number.

Ohio EPA will hold a public information session and public hearing relative to issues of lower water quality on July 8, 2010 at 6:00 p.m. at the Negley Fire Department, 50683 Richardson Street, P.O. Box 178, Negley, Ohio 44441. The public hearing will end when all interested parties have had an opportunity to provide testimony related to the project.

All interested persons are entitled to attend or be represented and give written or oral comments on the proposed project. The purpose of the hearing is to obtain additional information that will be considered by Ohio EPA prior to any further action on the application.

Ohio EPA will continue to accept written comments on the application through the close of business on July 15, 2010. Comments received after this date may not be considered as part of the official record of the hearing. Anyone may submit written comments or requests to be placed on a mailing list for information on this project by writing to: Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049. Please include the Ohio EPA ID Number for this project (103606) on all correspondence.

Tuscarawas County

Date of Public Notice: May 12, 2010

**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 extract the No. 6 coal seam by conventional surface coal mining activities. The application was submitted by Bair, Goodie and Associates, Inc. for Penn-Ohio Coal Co. dba Kimble Clay & Limestone, 3595 State Route 39 NW, Dover, Ohio 44622. The project is located in Lot Nos. 7, 9, 10, 20, 21 and 24, T-5-N, R-2-W, Washington Township, Tuscarawas County, Ohio. The Huntington District Corps of Engineers Public Notice Number for this project is LRH-2008-977-TUS. The Ohio EPA ID Number for this project is 093557.

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 1,893 linear feet of stream channel and 0.12 acres of wetland. The applicant's proposed minimal degradation alternative, if approved, would impact 1,433 linear feet of stream channel and 0.22 acres of wetland. 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 Dunlap Creek in the Tuscarawas River Watershed. 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 May 12, 2010, 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.