

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
Personal Information Systems**

Notice is hereby given that the Director of Environmental Protection, under the authority of Section 1347.06 of the Ohio Revised Code and in accordance with Chapter 119, proposes to adopt the following new rules of the Ohio Administrative Code:

3745-48-01 Personal information systems - definitions and incorporation by reference.

3745-48-02 Procedures for accessing confidential personal information.

3745-48-03 Valid reasons for accessing confidential personal information.

3745-48-04 Confidentiality statutes.

3745-48-05 Restricting and logging access to confidential personal information in computerized personal information systems.

These rule address Personal Information Systems.

The purpose of this rule making is to comply with Substitute House Bill 648 (127th General Assembly), which was amended in sections 1347.15, 1347.99, and 5703.211 of the Revised Code, to require agencies, boards, and commissions (state agencies) to develop administrative rules and related polices on accessing confidential personal information.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on this rule package will be conducted on Wednesday, July 28, 2010 at 10:30 AM, in room 6B 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, visitors are required to wear their badge at all times while in the building. Please arrive early to complete these procedures.

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on these rule changes. 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 rule making.

Written testimony should be sent to the attention of Mandi Payton at the Ohio EPA's Director's Office, P.O. Box 1049, Columbus Ohio 43216-1049. Written comments may also be submitted to the Hearing Officer at the public hearing. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on July 28, 2010, will be considered by Ohio EPA prior to final action on this rule package. Written statements submitted after July 28, 2010, 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. The URL is: http://epa.ohio.gov/Rules_and_Laws.aspx. Questions regarding this rule package should be directed to Mandi Payton, at the Director's Office, at (614) 644-2782.

PUBLIC NOTICE

COVENANT NOT TO SUE / FINAL FINDINGS AND ORDERS

Value Recovery Group II, LLC and the City of Gahanna

Columbus Tile Yard Property

Notice is hereby given that on July 6, 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 Value Recovery Group II, LLC and the city of Gahanna (the Volunteers) for the property known as the Columbus Tile Yard Property (the Property).

The Volunteers conducted a voluntary action of the approximately 23.6-acre Property located at 870 – 950 Claycraft Road, Gahanna, Franklin County, Ohio. A no further action (NFA) letter was submitted on November 26, 2008 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response by Steven M. Gross, a certified professional (No. CP 192), as defined in ORC 3746.01(F) and OAC 3745-300-01(A)(8).

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC 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, 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: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, OH 43215.

If you would like to review a copy of the covenant not to sue/final findings and orders, please contact the 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.

PUBLIC NOTICE

COVENANT NOT TO SUE / FINAL FINDINGS AND ORDERS

Value Recovery Group II, LLC

Value Recovery Group II, LLC Property

Notice is hereby given that on July 7, 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 Value Recovery Group II, LLC (the volunteer) for the property identified as the Value Recovery Group II, LLC Property.

The volunteer conducted a voluntary action of the approximately 1.22-acre property located at 950 Claycraft Road, Gahanna, Franklin County, Ohio. A no further action letter was submitted on December 5, 2008 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of the Value Recovery Group II, LLC by Steven M. Gross, a certified professional (No. CP 192), as defined in ORC 3746.01(F) 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 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 30 days after notice of the Director's 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 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.

If you would like to review a copy of the covenant not to sue/final findings and orders, please contact the 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.

PUBLIC NOTICE

**OHIO EPA ISSUES FINAL ENVIRONMENTAL COVENANTS TO
CHEMICAL SOLVENTS, INC.**

On July 6, 2010, Ohio EPA issued an Environmental Covenant to Chemical Solvents, Inc., for its facility located at 808 Denison Road, Cleveland, Ohio. Chemical Solvents, Inc. is a permitted hazardous waste facility and has undergone closure activities. The EPA I.D. number for this facility is OHD980897656.

Chemical Solvents, Inc. must achieve compliance with 5301.80 to 5301.92 of the Ohio Revised Code which restricts future use of its property to industrial activities where a fuel storage tank area exists as well as waste management units 12 & 13 of the non-hazardous waste holding area. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

PUBLIC NOTICE

OHIO EPA RECEIVES NEW HAZARDOUS WASTE CLOSURE PLAN

On July 2, 2010, Ohio EPA received a new hazardous waste closure plan from Cardinal Bus Sales and Service, Inc. (Cardinal Bus) for its Burn Barrel area located at 6280 Harding Highway, State Route 309 East, Lima, Ohio 45801. The EPA Identification Number for this facility is OHR000157016.

Why is Cardinal Bus submitting this Closure Plan?

As the result of the March 17, 2010 Final Findings and Orders issued by Ohio EPA, Cardinal Bus submitted this new closure plan. Cardinal Bus disposed of a 215-gallon burn barrel along with its contents and shipped it to a landfill. Samples of the ash were taken to determine if hazardous constituents are present in the surface soil. The outcome of the sampling event is unknown at this time.

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

You can submit written comments anytime between July 13, 2010, and, August 12, 2010. Send your comments to: Ohio EPA, Division of Hazardous Waste Management, Attn: Regulatory and Information Services, P.O. Box 1049, Columbus, Ohio 43216, telephone number (614) 644-2977, fax number (614) 728-1245, e-mail address: dhwmcomments@epa.state.oh.us

Where can I review the New Closure Plan?

You can review the New Closure Plan at the following locations:

Ohio EPA, Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio 43402, tel: (419) 352-8461, and;

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

Date of Public Notice: July 5, 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 extend a culvert for the purpose of providing a recreational area. The application was submitted by Christian Life Center. The project is located at 3489 Little York Road in Butler Township; Dayton, Ohio. The Huntington District Corps of Engineers Public Notice Number for this project is LRH-2010-233-GMR. The Ohio EPA ID Number for this project 103637.

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 extend the culvert on site by 236 linear feet. The applicant's proposed minimal degradation alternative, if approved, would extend the culvert on site by 199 linear feet. 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 an unnamed tributary to the Stillwater River. 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 Monday, July 5, 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.

Date of Public Notice: July 9, 2010

**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 (2PD00039) for the discharge from the Upper Sandusky Wastewater Treatment Plant. The application was submitted by the City of Upper Sandusky, 119 North Seventh Street, Upper Sandusky, Ohio 43351.

The City of Upper Sandusky requests to modify the effluent mercury discharge limit provision of the Upper Sandusky Wastewater Treatment Plant's NPDES permit by applying for a variance-based effluent mercury discharge limit. The City of Upper Sandusky wastewater treatment plant is located at 155 Indian Mill Road, Upper Sandusky, Wyandot County, Ohio. The discharges are to the Sandusky River.

Other wastewater disposal alternatives resulting in lesser or no degradation or lowering of water quality will be considered by Ohio EPA. In accordance with the antidegradation rule, OAC 3745-1-05, I have determined that a lowering of water quality in the Sandusky River is necessary. Provision (D)(1)(g) was applied to this application. This provision excludes the need for the submittal and subsequent review of technical alternatives and social and economic issues related to the degradation. Other rule provisions, however, including public participation and appropriate intergovernmental coordination were required and considered prior to reaching this decision.

Copies of the pending NPDES modification application are available for review at Ohio EPA's Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio, 43402, (phone: 419-352-8461). An Ohio EPA public hearing on the proposed project has been scheduled for 6:30 P.M. on August 24, 2010 at the Upper Sandusky Council Chambers, 119 North Seventh Street, Upper Sandusky, Ohio 43351. 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 August 31, 2010. Comments received after this date may not be considered as part of the official record.