

Public Hearing Notice

Ohio Environmental Protection Agency Proposed amendment of Rule 3745-21-25 of the Ohio Administrative Code (OAC)

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) is proposing amended rule 3745-21-25 of the Ohio Administrative Code (OAC) to the Joint Committee on Agency Rule Review (JCARR). This rule is related to the control of volatile organic compound emissions from reinforced plastic composites production operations and will be effective statewide.

This rule was originally finalized on December 14, 2009. During the initial drafting of this rule DAPC worked closely with U.S. EPA in developing appropriate standards for this rule. However, additional minor changes are now necessary to demonstrate compliance with the requirements of this rule. Specifically, paragraphs (A)(2), (A)(2)(e), and (P)(2) of this rule were amended in consultation with U.S. EPA in order to address their concerns regarding compliance with the provisions of this rule.

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 23, 2010 this rule went out for a 30-day review by interested parties. Comments were received and Ohio EPA's responses to these comments can be found in the Responsive Summary to Comments available on the internet at the URL listed at the end of this notice.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on this rule change will be conducted on Wednesday, October 6, 2010 at 10:30 am, in Conference 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, 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. 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 October 6, 2010, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after October 6, 2010 may be considered as time and circumstances permit, but will not be part of the official record of the hearing.

This rule is available on Ohio EPA's regulations web page for electronic downloading. The URL is: <http://epa.ohio.gov/dapc/regs/regs.aspx>.

Questions regarding accessing the web site should be directed to Arunee Niamlarb at 614-728-1342; other questions or comments about this rule should be directed to Alan Harness at Ohio EPA, (614) 644-4838, Alan.Harness @epa.state.oh.us, or mailed to Alan Harness, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.

**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, has final filed 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 rules 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.

The Director's order of adoption was issued on August 30, 2010. These adopted rules will become effective on September 10, 2010.

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 July 28, 2010, and comments received during the public comment period.

These rules are available on the Web page for electronic downloading. The URL is: http://epa.ohio.gov/Rules_and_Laws.aspx.

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, 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

**Before the Ohio Environmental Protection Agency
Public Notice of Amendment, Adoption, and Rescission
of Rules Governing Hazardous Waste Management**

Notice is hereby given that the Director of Environmental Protection, under the authority of the Ohio Revised Code (ORC) section 3734.12, has rescinded and adopted the rules of the Ohio Administrative Code listed here, as ordered on July 23, 2010:

Rescinded rules:	3745-55-95, 3745-67-23
New rules:	3745-51-39, 3745-51-40, 3745-51-41, 3745-52-200, 3745-52-201, 3745-52-202, 3745-52-203, 3745-52-204, 3745-52-205, 3745-52-206, 3745-52-207, 3745-52-208, 3745-52-209, 3745-52-210, 3745-52-211, 3745-52-212, 3745-52-213, 3745-52-214, 3745-52-215, 3745-52-216, 3745-55-95, 3745-67-24, 3745-270-32
Amended rules:	3745-50-10, 3745-50-11, 3745-50-19, 3745-50-21, 3745-50-24, 3745-50-27, 3745-50-29, 3745-50-30, 3745-50-38, 3745-50-39, 3745-50-41, 3745-50-42, 3745-50-43, 3745-50-44, 3745-50-45, 3745-50-51, 3745-50-53, 3745-50-58, 3745-50-62, 3745-51-02, 3745-51-03, 3745-51-04, 3745-51-05, 3745-51-06, 3745-51-09, 3745-51-23, 3745-51-31, 3745-51-33, 3745-52-10, 3745-52-11, 3745-52-12, 3745-52-34, 3745-52-44, 3745-52-53, 3745-52-56, 3745-53-11, 3745-54-01, 3745-54-03, 3745-54-11, 3745-54-12, 3745-54-15, 3745-54-16, 3745-54-52, 3745-54-56, 3745-54-72, 3745-54-73, 3745-54-77, 3745-54-97, 3745-54-98, 3745-54-99, 3745-54-100, 3745-54-101, 3745-55-11, 3745-55-13, 3745-55-15, 3745-55-20, 3745-55-40, 3745-55-42, 3745-55-43, 3745-55-45, 3745-55-47, 3745-55-51, 3745-55-91, 3745-55-92, 3745-55-93, 3745-55-96, 3745-55-98, 3745-56-21, 3745-56-23, 3745-56-51, 3745-56-80, 3745-57-03, 3745-57-04, 3745-57-06, 3745-57-40, 3745-57-43, 3745-57-47, 3745-57-72, 3745-57-74, 3745-57-75, 3745-57-81, 3745-57-83, 3745-57-84, 3745-65-01, 3745-65-11, 3745-65-15, 3745-65-16, 3745-65-52, 3745-65-56, 3745-65-72, 3745-65-73, 3745-65-90, 3745-65-93, 3745-66-11, 3745-66-12, 3745-66-13, 3745-66-15, 3745-66-20, 3745-66-40, 3745-66-42, 3745-66-43, 3745-66-44, 3745-66-45, 3745-66-47, 3745-66-74, 3745-66-91, 3745-66-92, 3745-66-93, 3745-66-95, 3745-

	66-96, 3745-66-98, 3745-66-101, 3745-67-21, 3745-67-28, 3745-67-55, 3745-67-59, 3745-67-80, 3745-68-03, 3745-68-05, 3745-68-10, 3745-68-16, 3745-69-30, 3745-69-41, 3745-69-43, 3745-69-44, 3745-69-45, 3745-205-100, 3745-205-101, 3745-205-200, 3745-205-201, 3745-256-101, 3745-256-200, 3745-256-201, 3745-266-20, 3745-266-80, 3745-266-102, 3745-266-103, 3745-266-104, 3745-266-107, 3745-266-109, 3745-266-111, 3745-266-201, 3745-266-202, 3745-266-203, 3745-266-205, 3745-266-210, 3745-266-260, 3745-270-01, 3745-270-04, 3745-270-07, 3745-270-09, 3745-270-40, 3745-270-42, 3745-270-45, 3745-270-48, 3745-270-49, 3745-273-01, 3745-273-04, 3745-273-09, 3745-273-13, 3745-273-14, 3745-273-32, 3745-273-33, 3745-273-34, 3745-273-60, 3745-279-01, 3745-279-11, 3745-279-42, 3745-279-43, 3745-279-51, 3745-279-52, 3745-279-62, 3745-279-73
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The primary purpose of this rule-making is to make these rules consistent with and equivalent to their federal counterpart rules as rescinded, created, or amended in the Federal Registers that discuss these concepts, as published in the public notice of proposal of these rules. These rules contain additional substantive and non-substantive amendments and corrections.

The Director of Environmental Protection, after considering public comment on the proposed hazardous waste management rules, adopted these rules in final form pursuant to ORC section 3734.12. The new and amended rules, and the rescission of the rescinded rules, will become effective on September 5, 2010 in accordance with ORC section 119.04(A).

These rules are available electronically from the Register of Ohio, and will remain available there for approximately ten months after their effective date. They may also be accessed at the Division of Hazardous Waste Management web site at www.epa.ohio.gov/dhwm at the "Rules and Laws" icon.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission (ERAC) pursuant to ORC Section 3745.04. The appeal must be in writing and must set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the ERAC within thirty days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, which the ERAC, in its discretion, may reduce if, by affidavit, you demonstrate that payment of the full amount of the fee would cause extreme hardship. The fee must be made payable to ^AOhio Treasurer Kevin Boyce.[@] The appeal must be filed at this address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. Notice of the filing of the appeal must be filed with the Director within three days after filing with the ERAC. Ohio EPA requests

that a copy of the appeal also be served upon the Ohio Attorney General's Office, Environmental Enforcement Section.

**PUBLIC NOTICE
FINAL ACTIONS OF THE DIRECTOR
ISSUANCE OF CERTIFICATES TO REPAIR TECHNICIANS UNDER
THE MOTOR VEHICLE EMISSION INSPECTION AND MAINTENANCE PROGRAM**

Notice is hereby given that the Director of the Ohio Environmental Protection Agency, pursuant to Ohio Revised Code Chapter 3704.14 and Ohio Administrative Code rule 3745-26-16, has issued certificates to perform work as a Certified Repair Technician under the Motor Vehicle Emission Inspection and Maintenance Program, consistent with the requirements of that program, to the repair technicians listed below. All certificates are issued 9/2/2010.

For information regarding these final actions, contact Michael Riggleman, Ohio EPA, Division of Air Pollution Control, Mobile Sources Section, P.O. Box 1049, Columbus, Ohio 43216-1049, or by telephone at (614) 644-3059. 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, 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

FIRST	LAST	CITY	STATE
MICHAEL R.	LEITCH	MADISON	OH

**PUBLIC NOTICE
OHIO ENVIRONMENTAL PROTECTION AGENCY
ADDITIONAL LABORATORY CERTIFICATION
UNDER
OHIO'S VOLUNTARY ACTION PROGRAM**

Notice is hereby given that on August 31, 2010, 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, granted ALS Laboratory Group's ("ALS") application for certification to perform analyses for several analytes using method TO15. The certification number assigned to ALS remains CL0022.

You are hereby notified that 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 it is demonstrated 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 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 certificate, or any documents related to the laboratory's certification, please contact Ohio EPA, Division of Emergency and Remedial Response, , Site Assistance & Brownfield Revitalization, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

Allen County

**PUBLIC NOTICE
OHIO EPA ISSUES EMERGENCY PERMIT TO
LIMA REFINING COMPANY**

On August 20, 2010, Ohio EPA issued an emergency permit to the Lima Refining Company to divert and temporarily store storm waters and process waters from open sewers (into D-Pond) located at their facility on 1150 S. Metcalf Street, in Lima, Ohio. This storage is required due to a large rainfall event. The U.S. EPA I.D number assigned to this facility is OHD005051826, and the emergency permit I.D. number to this action is 03-02-1032E. The expiration for this emergency is August 23, 2010.

This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

Date of Public Notice: September 3, 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. The project involves widening Pettibone Road and construction of a bike path. The application was submitted by the City of Solon. The project is located on Pettibone Road from the Solon/Glenwillow line eastward to the Geauga County Line. The Buffalo District Corps of Engineers Public Notice Number for this project is 2007-01506. The Ohio EPA ID Number for this project is 093564

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 671 feet of stream and 0.176 acres of wetland. The applicant's proposed minimal degradation alternative, if approved, would impact 543 feet of stream and 0.176 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 unnamed tributaries to Tinkers 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 September 3, 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: August 21, 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 certification for a project to develop a box-cut opening to facilitate an underground mining operation in the # 7 coal seam. Other support activities will include the construction of sediment control structures, topsoil/spoil storage areas, coal crusher/screener and stockpile areas, and construction of a maintenance shop, bathhouse and parking area.

The application was submitted by Rosebud Mining Company. The project is located in Section 24, Township 11-N, Range 7-W. The Huntington District of the U.S. Army Corps of Engineers Number for this project is LRH-2008-1022. The Ohio EPA ID Number for this project is 103617.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would impact 670 linear feet of intermittent stream channel, 223 linear feet of ephemeral stream channel, 0.627 acres of Category 1 wetland and .038 acres of Category 2 wetland. The applicant's proposed minimal degradation alternative, if approved, would impact 357 linear feet of intermittent stream channel and .589 acres of Category 1 wetland. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on streams or wetlands.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Stillwater 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 August 21, 2010, 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 Public Notice: September 4, 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 certification for the subject transportation project. The proposed project consists of constructing the Nagel Road interchange which will be located 1.7 miles east of the SR 83 interchange and 2.0 miles west of the Crocker Road interchange. The proposed interchange layout is a 3-quadrant diamond, with the eastbound entrance ramp designed as a loop ramp. The eastbound ramps will intersect Nagel Road opposite Avon Road and the westbound ramp intersection will be located 930 feet north of Avon Road intersection. Nagel Road will be widened to two through lanes in each direction between Avon Road/I-90 eastbound ramps and Chester Road, with left turn lanes at each intersection and right turn lanes where needed in the northeast section of Lorain County, within the City of Avon, Ohio. The streams involved with the project are primarily Black and Rocky Rivers watershed (HUC 04110001). The Huntington District of the U.S. Army Corps of Engineers Number for this project is 200700616. The Ohio EPA ID Number for this project is 103660.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would involve impacts to 3.57 acres of fourteen jurisdictional wetland, 1.17 acre of five jurisdictional ditches and 140 linear feet of one jurisdictional stream under the preferred alternative. The applicant's proposed minimal degradation alternative, if approved, would involve impacts that are identical to the Preferred Alternative, with exception of avoidance of 0.71 acre of Wetland O in the northwest quadrant of the Nagel Road interchange. This would be accomplished through the use of a retaining wall to construct the I-90 westbound entrance ramp. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on streams or wetlands but would not meet the purpose and need for the project.

The discharges from the activity, if approved, would result in degradation to, or lowering of the water quality to streams and wetlands in the Black and Rocky Rivers drainage basin (HUC 04110001). 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 September 4, 2010, copies of the application for the certification 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.

Written comments must be received by the Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio, 43216-1049 by the close of business on October 4, 2010. Comments received after this date may not be considered as part of the official record. 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.