

State of Ohio
Environmental Protection Agency

October 21, 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 new rules and revisions to rules in the Ohio Administrative Code (OAC) to adopt the federal Ground Water Rule (GWR). The federal GWR was published in the Federal Register on November 8, 2006. The new rules and revisions are, in part, a result of the five year rule review requirements of Section 119.032 of the Revised Code.

The division has adopted revisions to include GWR language in the following OAC rules:

3745-9-08 (Well disinfection),
3745-81-01 (Definitions),
3745-81-27 (Analytical techniques),
3745-81-32 (Public notification),
3745-81-60 (Sanitary surveys),
3745-81-72 (Disinfection of water from surface water sources),
3745-81-76 (Water source designation),
3745-89-03 (Procedure for laboratory approval),
3745-89-08 (Reporting of analytical results),
3745-96-02 (Required report content), and
3745-96-03 (Required additional health information).

DDAGW has also adopted new ground water rules in the OAC:

3745-81-41 (Ground water rule – general requirements and applicability),
3745-81-42 (Ground water rule – ground water source microbial monitoring and analytical methods),
3745-81-43 (Ground water rule – treatment technique requirements for ground water systems),
3745-81-44 (Ground water rule – treatment technique violations for ground water systems),
and
3745-81-45 (Ground water rule – reporting and recordkeeping for ground water systems).

In addition to rules listed above, the division has adopted revisions to correct a typographical error in rule 3745-96-03 of the OAC, incorporate a few clarifications in rule 3745-81-72 of the OAC and add new analytical methods to rule 3745-81-27 of the OAC, published in the Federal Register on November 10, 2009 and June 8, 2010.

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 October 21, 2010. The effective date of these new rules will be October 31, 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: <http://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, made payable to "Ohio Treasurer Kevin L. 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

Public Notice No. : 10-10-047

Date of Issue of Public Notice: October 22, 2010

National Pollutant Discharge Elimination System (NPDES) Permit Program

**PUBLIC NOTICE
OF
ISSUANCE OF THE DRAFT GENERAL NPDES PERMIT
FOR GEOTHERMAL SYSTEM DISCHARGES**

Ohio Environmental Protection Agency
Division of Surface Water, Permits Section
50 West Town Street, P.O. Box 1049
Columbus, Ohio 43216-1049
(614) 644-2001

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has issued a draft of a new general National Pollutant Discharge Elimination System (NPDES) permit for discharges from geothermal heating and cooling systems in the state of Ohio.

This new permit would cover all heating and cooling systems that would draw groundwater, run it through heat exchangers and discharge it to surface waters. While the permit covers all of these discharges, Notices-of-Intent will only be required for discharges capable of discharging 100,000 gallons per day or more. The permit would require monthly temperature monitoring during the summer and monthly flow monitoring all year for discharges of more than 100,000 gallons per day.

Copies of the draft general NPDES permit and the associated fact sheet and documentation can be obtained on the Ohio EPA-DSW web page at www.epa.ohio.gov/dsw/permits/gpfact.aspx or by contacting one of the following Ohio EPA district offices:

Southeast District Office	(740) 385-8501
Southwest District Office	(937) 285-6357
Northwest District Office	(419) 352-8461
Northeast District Office	(330) 963-1200
Central District Office	(614) 728-3778

Ohio EPA has scheduled a public hearing on the draft General Permit for geothermal discharges. The public hearing has been scheduled for 10:30 a.m. on December 7, 2010 at the Ohio EPA Central Office, Conference Room A, 50 West Town Street, Suite 700, Columbus, OH 43215. Prior to the public hearing there will be an information session to help answer questions regarding the draft general permit. The public hearing will end when everyone in attendance has had an opportunity to provide testimony related to the draft permit. Persons wishing to be on the Ohio EPA=s interested parties mailing list for this project or wishing to submit comments for Ohio EPA=s consideration may do so in writing to Ohio EPA=s Division of Surface Water, Attention: Eric Nygaard, Permits and Compliance Section, P.O. Box 1049, Columbus, Ohio 43216-1049.

Statewide

Public Notice by October 27, 2010

**PUBLIC NOTICE
AMENDED 2010 PROGRAM MANAGEMENT PLAN FOR THE WATER POLLUTION
CONTROL LOAN FUND**

Notice is hereby given that the Director issued a final action on October 19, 2010, adopting the Amended 2010 Program Management Plan for the Water Pollution Control Loan Fund (Interest Rate Amendment), under authority of Ohio Revised Code 6111.036. These actions may be appealed, in writing, within thirty (30) days of this notice, to the Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. Notice of any appeal shall be filed with the Director within three (3) days. This notice of appeal shall be sent to: Hearing Clerk, OEPA, P.O. Box 1049, Columbus, Ohio 43216-1049, Phone (614) 644-3037. Consult ORC Chapter 3745 and OAC Chapters 3745-47 and 3746-05 for requirements. A copy of the Interest Rate Amendment letter is available upon request and also through the internet at <http://www.epa.state.oh.us/LinkClick.aspx?fileticket=gzObIUdWtaw%3d&tabid=1638>

PUBLIC NOTICE
COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS
City of South Euclid for Former Cedar Center Plaza Property

Notice is hereby given that on October 21, 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 the City of South Euclid, for property known as Former Cedar Center Plaza (the "Property").

The City of South Euclid conducted a voluntary action of the approximately 12.098 acre-Property, which is located at 13861 – 13991 Cedar Road and 2096 – 2104 Warrensville Center Road, South Euclid, Cuyahoga County, Ohio. A no further action letter for the Property was submitted on March 22, 2010 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response by Mr. Thomas J. Mignery, a Certified Professional 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 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 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 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 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 ENVIRONMENTAL PROTECTION AGENCY
URBAN SETTING DESIGNATION FOR
CITY OF CLEVELAND**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) has received, on August 20, 2010, a request to approve an Urban Setting Designation (USD) for the City of Cleveland. This request was submitted by Atul Pandey, with Pandey Environmental, LLC, on behalf of the City of Cleveland.

Pursuant to Ohio Administrative Code 3745-300-10(D), Ohio's Voluntary Action Program (VAP) allows for the voluntary cleanup of contaminated property in Ohio without the risk of state civil liability. Under the VAP, ground water cleanup is required where contaminated ground water poses risks to the community or environment.

An USD may be requested for properties participating in the VAP when there is not current or anticipated future use of ground water by local residents for drinking, showering, bathing, or cooking. In these areas, an approved USD would lower the cost of cleanup and promote economic redevelopment, while still protecting public health and safety.

Ohio EPA's director may approve the request for a USD based on a demonstration by the certified professional (CP) that the USD requirements are met and if an evaluation of existing or future uses of ground water in the area have been assessed.

Comments regarding this request for the USD must be received by the close of business 45 days from date of publication of this notice. Please direct your comments by mail to Susan Netzly-Watkins, Ohio EPA, Northeast District Office, at 2110 East Aurora Rd., Twinsburg, OH 44087, or by email at Susan.Netzly@epa.state.oh.us. The USD application can be viewed by contacting Susan Netzly-Watkins at (330) 963-1201.