

**State of Ohio  
Environmental Protection Agency  
Notice of Adoption of Rules**

Notice is hereby given that the Director of Environmental Protection, under the authority of Ohio Revised Code Section 3704.03 has adopted amended, new and rescinded rules in Chapter 3745-18 of the Ohio Administrative Code (OAC).

The primary purpose of this rulemaking is to satisfy the requirements of Section 119.032 of the Ohio Revised Code (five-year review). Specific changes to the rules include removal of emission limits for facilities that have been shut down, updating of the administrative portions of certain rules, and various minor changes to correct typos and update the rule language in this chapter to meet legislative service commission (LSC) style and formatting guidelines.

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 25, 2010, these rules went out for a 30 day review by interested parties. Several comments were received during the draft comment phase, primarily identifying additional shut down facilities which were added to the rule changes. Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes was conducted on January 7, 2011 in Columbus, Ohio. Two comments were also received during the proposed rule comment period resulting in the removal of three rules from this rulemaking for further changes. These 3 rules will be adopted in a separate rulemaking.

The Director's order of adoption was issued on February 7, 2011. The effective date of these rules is February 17, 2011. To request a copy of these rules, obtain further information, or inspect or request copies of agency files and records pertaining to the proceeding contact Paul Braun, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Paul Braun at 614-644-3134. The rules are available on the Web page for electronic downloading at: <http://www.epa.state.oh.us/dapc/regs/regs.aspx>.

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (ERAC) 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 ERAC within thirty (30) days after notice of the Director's action, at 309 South Fourth Street, Suite 222, Columbus, Ohio 43215. Copies of the appeal must be served upon the Director of the Ohio EPA within three (3) days of filing with ERAC. 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 also requests that a copy of the appeal be served upon the Environmental Enforcement Section.

**PUBLIC NOTICE**  
**AMENDED COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS**  
**Downtowner Plaza Property**

Notice is hereby given that on February 7, 2011, 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 an Amended Covenant Not To Sue / Final Findings and Orders ("Amended Covenant Not to Sue") regarding an approximately 20.797-acre property known as the Downtowner Plaza, at South 2<sup>nd</sup> Street, Coshocton, Coshocton County, Ohio.

A Covenant Not to Sue issued for the Property on November 17, 2010 names A. Altman Company and Coshocton Associates, LLC ("Original Covenant Not to Sue"). However, the no further action ("NFA") letter for the property submitted on August 14, 2009 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response designated additional parties as "Volunteers" that the Original Covenant Not to Sue does not name. The Amended Covenant Not to Sue clarifies the scope of the Original Covenant Not to Sue and names all Volunteers designated by the NFA letter.

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 Josh Mandel", 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 Amended 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.

**PUBLIC NOTICE  
FINAL ISSUANCE OF AN AMENDED CERTIFICATE  
OF REGISTRATION AS A TRANSPORTER OF INFECTIOUS WASTE**

Notice is hereby given that on February 9, 2011, the director of Ohio EPA issued an amended infectious waste transporter certificate to Stericycle, Inc., 28161 N Keith Dr., Lake Forest, IL 60045, Reg. No. 00-T-00199. Persons wishing to be notified of further actions or proceedings 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 final action was not preceded by a proposed action and may be appealed to the Environmental Review Appeals Commission, at 309 South Fourth Street, Suite 222, Columbus, Ohio 43215.

**PUBLIC NOTICE  
OHIO ENVIRONMENTAL PROTECTION AGENCY  
INITIAL CERTIFICATION OF ENVIRONMENTAL PROFESSIONAL  
UNDER OHIO'S VOLUNTARY ACTION PROGRAM**

Notice is hereby given that on February 10, 2011, the Director of the Ohio Environmental Protection Agency, pursuant to Ohio Revised Code (AORC@) 3746.04(B)(5) and Ohio Administrative Code (AOAC@) 3745-300-05, issued an initial Acertified professional@ certification to: **James D. Peyton (CP331)**.

The issuance of the 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 (ACommission@). 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. A copy of the appeal must be served on the Director within three (3) days after the appeal is filed with the Commission. The appeal may be filed with the Commission at 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 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.

**PUBLIC NOTICE**  
**OHIO EPA ISSUES DRAFT HAZARDOUS WASTE PERMIT MODIFICATION**

On February 8, 2011, Ohio EPA issued a draft hazardous waste facility installation and operation permit (Permit) modification to Heritage-WTI, Inc. for its facility at 1250 Saint George Street, East Liverpool, Ohio 43920. The EPA Identification Number for this facility is OHD980613541.

**Why is Ohio EPA Initiating a Modification to Heritage-WTI, Inc.'s Permit?**

Heritage-WTI, Inc., is permitted to operate a hazardous waste incinerator and other related hazardous waste management units at its facility. Ohio EPA is initiating this draft modification to authorize Heritage to perform specific corrective measures as a part of its site-wide corrective action activities. A Statement of Basis is also being issued which identifies Ohio EPA's preferred remedies, explains the reasons for the selection of the remedies, solicits public review and comments and provides information on how the public can be involved in the remedy selection process. The draft permit modification contains the conditions under which the facility must operate if the Permit receives final approval. Details about this draft action are available on Ohio EPA's website under the Stakeholder Input header: <http://www.epa.ohio.gov/dhwm>

**How can I tell Ohio EPA what I think about this draft Modification?**

You can submit written comments anytime between **February 9 and March 26, 2011**. Send your comments to Ohio EPA, Central Office, Division of Hazardous Waste Management, Regulatory and Information Services Section, P.O. Box 1049, Columbus, Ohio 43216-1049, e-mail address: [dhwmcomments@epa.state.oh.us](mailto:dhwmcomments@epa.state.oh.us).

**When and where will Ohio EPA hold a public meeting?**

You may request Ohio EPA to hold a public meeting for the Statement of Basis. You should send your request to: Ohio EPA, Division of Hazardous Waste Management, Attn: Regulatory and Information Services Section, P.O. Box 1049, Columbus, Ohio 43216-1049, telephone number (614) 644-2917, fax number (614) 728-1245, e-mail: [dhwmcomments@epa.state.oh.us](mailto:dhwmcomments@epa.state.oh.us) If the request is granted, Ohio EPA will announce the time and location of the public meeting.

### **Where can I review the Permit Modification and Statement of Basis material?**

You can review these documents at one of the following locations:

**Carnegie Public Library**, 219 East Fourth Street, East Liverpool, Ohio 43920, (330) 385-2048;

**Ohio EPA - Northeast District Office**, 2110 East Aurora Road, Twinsburg, Ohio 44087, (330) 425-9171; and,

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

### **What will Ohio EPA do with the comments?**

After considering public comments, Ohio EPA will reconsider the draft Permit modification and Statement of Basis, making any necessary changes, and issue a final decision. Ohio 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 will send you copies of the "response to public comments" and the final permit decision.

**Date of Public Notice: January 19, 2011**

**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 an 86 foot long armor stone revetment along the Lake Erie shoreline. The application was submitted by Thomas Spooner and is located at 25570 Lake Road, in Bay Village, Ohio. The Buffalo District Corps of Engineers Project # is 2010-01634 The Ohio EPA ID Number for this project is 103711.

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 result in 103 cubic yards (CY) of fill placement and occupy a 960 square foot (SF) area on the Lake Erie bottom, below the ordinary high water mark (OHWM). The applicant's proposed minimal degradation alternative, if approved would result in 85 CY of fill placement and occupy a 730 SF area on the Lake Erie bottom, below the OHWM. 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 Lake Erie. 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 January 19, 2011, 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. And a PDF version of the application will be available on-line at <http://www.epa.state.oh.us/dsw/home.aspx>.

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: February 4, 2011**

**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 replace an existing bulkhead with 107 linear feet of new steel sheetpile bulkhead in the Cuyahoga River shipping channel. The application was submitted by John Catanese, President of Classic Seafoods. The project is located at 1600 Merwin Avenue, Cleveland, Ohio. The Buffalo District Corps of Engineers permit number for the provisional Nationwide 3 permit is 2010-01335. The Ohio EPA ID Number for this project is 113724.

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 be to construct 107 linear feet of new steel sheet pile bulkhead an average of 6 foot – 6 inches in front of a deteriorated timber wakefield sheeting bulkhead. There would also be 520 cubic yards of gravel and stone fill below the ordinary high watermark and 850 square feet of river bottom would be filled. The applicant's proposed minimal degradation alternative, if approved, would be to construct 107 linear feet of new steel sheet pile bulkhead an average of 3 foot – 6 inches in front of a deteriorated timber wakefield sheeting bulkhead. There would also be 270 cubic yards of gravel and stone fill below the ordinary high watermark and 375 square feet of river bottom would be filled. 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 the Cuyahoga River within the navigable shipping channel. 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 February 4, 2011, 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: January 23, 2012**

**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 the United States Army Corps of Engineers (USACE) 2011 maintenance dredging project located in Sandusky Harbor. The application was submitted by the USACE, Buffalo District. The project is located within the limits of the Federal navigation channels including the Turning Basin, North and South Straight Channels, Bay Channel, and Dock Channel and at the designated open lake placement area in Lake Erie. The USACE, Buffalo District Corps of Engineers Public Notice Number for this project is SANDUSKY-11. The Ohio EPA ID Number for this project is 103715.

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 be to dredge an estimated 500,000 cubic yards of material from an estimated 15,000 linear feet of the Federal navigation channels with placement of the dredged material in the existing open lake placement area in Lake Erie. The applicant's proposed minimal degradation alternative, if approved, would be to dredge an estimated 300,000 cubic yards of material from an estimated 9,000 linear feet of the Federal navigation channel with the placement of the dredged material in the existing open lake placement area in Lake Erie. Placement of dredged material at the open lake placement area will be restricted to the northwest corner of its eastern half. The project would be scheduled to occur between July 1 to April 15 to reduce impacts to aquatic species and their habitats. Dredging will not occur during Lake Erie storm events. 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 Lake Erie and Sandusky Bay. 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 January 23, 2012, 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.

Ohio EPA will hold a public information session and public hearing relative to issues of lower water quality on February 24, 2012 at 6:30 p.m. at the Sandusky City Council Chambers, 222 Meigs Street, Sandusky, Ohio 44670. 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 March 3, 2012. 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 by writing to: Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.

**Date of Public Notice: February 14, 2011**

**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 remove overburden and extract the No. 8 and No. 9 coal seams, using conventional surface and auger mining methods. The application was submitted by Oxford Mining Company, LLC. The project is located along State Route 513, at Guernsey/Noble County line, in Millwood Township, Guernsey County and Beaver Township, Noble County. The Huntington District of the U.S. Army Corps of Engineers Number for this project is LRH-2009-991-MUS. The Ohio EPA ID Number for this project is 103714.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would impact 167 feet of perennial stream, 5,312 feet of intermittent stream, 1,322 feet of ephemeral stream, (6,801 feet total), and 0.22 acres of jurisdictional wetlands. The proposed minimal degradation if approved, would impact 167 feet of perennial stream, 4,445 feet of intermittent stream, 1,149 feet of ephemeral stream, (5,761 feet total), and 0.22 acres of jurisdictional wetlands. 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 Leatherwood 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 February 14, 2011, 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.

**PUBLIC NOTICE**  
**OHIO EPA RECEIVES RENEWAL HAZARDOUS WASTE PERMIT APPLICATION**  
**SOLVAY ADVANCED POLYMERS**

On February 8, 2011, Ohio EPA received a Renewal Hazardous Waste Facility Installation and Operation Permit (Permit) Application from Solvay Advanced Polymers (Solvay) for its facility located at 17005 State Route 7, Marietta, Ohio 45750. The EPA Identification Number for this facility is OHD981529688.

**Why does Solvay need a Permit for its Facility?**

Solvay is engaged in the treatment of hazardous waste in a surface impoundment and storage of hazardous waste in containers on-site. The purpose of the renewal permit is to allow Solvay to continue to treat and store hazardous waste at the facility. For the Permit application to receive final approval, Ohio EPA must determine 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.

**Where can I review the Permit Application?**

You can review this document at the following locations:

**Ohio EPA, Southeast District Office, 2195 Front Street, Logan, Ohio 43138, (740) 385 8501; and,**

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

Questions to the facility regarding the permit application should be addressed to: Mark A. Cunningham, 17005 State Route 7, Marietta, Ohio 45750 (740) 374-6563.