

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY
Public Notice
Proposed Rulemaking Governing
Diesel School Bus Retrofit Grant Rules**

Notice is hereby given that the Director of Environmental Protection, under the authority of Section 3704.144 of the Ohio Revised Code and in accordance with Chapter 119, proposes to amend the following rules of the Ohio Administrative Code:

<u>Rule #</u>	<u>Title:</u>	<u>Type of filing:</u>
3745-49-50	Definitions.	New and Rescission
3745-49-51	Permitted uses, eligibility, and prioritization.	Amendment
3745-49-52	Grant administration.	Amendment

These rules address the permitted uses, eligibility, prioritization, and administration of the Clean Diesel Retrofit grants.

The purpose of this rule making is to propose new, amended, rescinded rules in Ohio Administrative Code (OAC) Chapter 3745-49, to the Joint Committee on Agency Rule Review (JCARR) to satisfy the requirements of Section 119.032 of the Ohio Revised Code (five-year review). Specific changes to the rules include:

- County Boards of Developmental Disabilities have been added to these rules as eligible recipient for diesel retrofit grants due to a statutory change in section 3704.144 of the Revised Code.
- A definition for “approved idle reduction technology” has been added to these rules as a technology eligible to receive grant money for.
- The language regarding “offsetting the additional cost of using ultra low sulphur diesel fuel if ultralow diesel fuel is not reasonably available in a particular geographic region” has been removed since this is the only diesel fuel that is available.
- The language for which years of school buses are eligible has been changed from “1994 or newer” to “1996 to 2006.”
- Many small changes to due to the standards of the “Rule Drafting Manual” published by the Legislative Service Commission, grammatical errors, or punctuation errors.
- One change was made to correctly incorporate an external standard into these rules.

The public comment period will run until close of business on Monday, October 17, 2011. A public hearing on this proposed rulemaking will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held Monday, October 17, 2011 at 10:30 AM in Conference Room A at Ohio EPA, Lazarus Government Center, 50 W. Town Street, Suite 700, Columbus, Ohio.

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 rulemaking.

Written testimony should be sent to the attention of Mandi Payton in the 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. Written testimony will receive the same consideration as oral testimony. All testimony received at the hearing or by close of business on Monday, October 17, 2011 will be considered by Ohio EPA prior to final action on this rulemaking proposal. Written comments submitted after this date may be considered as time and circumstances permit.

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

For questions about diesel bus retrofitting, particle standards, or program rules, contact John Paulian at john.paulian@epa.ohio.gov, or 614-644-4832. For questions about the grant program, please contact Carolyn Watkins at carolyn.watkins@epa.ohio.gov, or 614-644-3768. For questions about the rules process, please contact Mandi Payton at amanda.payton@epa.ohio.gov, or 614-644-2782.

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

Notice is hereby given that on September 14, 2011, 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, issued a modified laboratory certificate to Accutest Laboratories ("Accutest") of 2235 US Route 130, Dayton, New Jersey 08810, granting the laboratory's request to modify its certification under Ohio's Voluntary Action Program to update its certificate to include methods 8081B, 8082A, 8270D, 6010C, 6020A, 7471B. This certificate reflects changes to the previous certificate issued under the Voluntary Action Program. The certification number assigned to Accutest remains CL0056.

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (the "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 action. The appeal must be accompanied by a filing fee of \$70.00 made payable to "Treasurer, State of Ohio" 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
77 South High Street
17th Floor
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 Environmental Response and Revitalization, Site Assistance & Brownfield Revitalization, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

Date of Notice: September 23, 2011

**PUBLIC NOTICE
NOTICE OF PUBLIC HEARING**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA)-Division of Surface Water (DSW) has scheduled a public hearing on the Permit to Install (PTI) application submitted by the Metropolitan Sewer District of Greater Cincinnati, 1600 Gest Street, Cincinnati, Ohio 45204, for the Wesselman Road Sewer Phase II-A Contract 2 project consisting of 804 feet of 24-inch sanitary sewer, manholes and sewer taps from Wesselman Road to the Hampton Point Pump Station at Dent Road, in Green Township, Hamilton County, Ohio.

The public hearing has been scheduled for 6:30 p.m. on October 24, 2011 at the Nathanael Greene Lodge Ballroom, 6394 Wesselman Road, Cincinnati, Ohio 45248. 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 application. Persons wishing to 1) be on 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, Permits Processing Unit, P. O. Box 1049, Columbus, Ohio 43216-1049 by close of business on October 31, 2011. Comments received after this date may not be considered as part of the official record of this hearing.

Copies of the pending PTI application and technical support information may be reviewed and/or copies made at Ohio EPA's Southwest District Office, 401 East Fifth Street, Dayton, Ohio, by first calling (937) 285-6357 to make an appointment.

Scioto County

Verified Complaint Public Notice

**Ohio Department of Natural Resources
Division of Forestry
Shawnee State Forest**

On September 6, 2011 a verified complaint was filed with the Director of the Ohio Environmental Protection Agency. The complaint was filed by Ms. Barbara A. Lund, 2635 Hamilton Road, Lynx, Ohio 45650. The complaint was filed against the Ohio Department of Natural Resources, Division of Forestry, 2045 Morse Road, F-1, Columbus, OH 43229, alleging future violations of open burning permissions #s 110819cds15, 110819cds16, and 110819cds17, issued by the Portsmouth Local Air Agency on August 19, 2011, allowing open burning activities to be conducted by the Ohio Department of Natural Resources in the Shawnee State Forest, located in Scioto County, Ohio, from October 1, 2011 through December 31, 2011.

Further information may be obtained and agency files and records pertaining to the proceedings may be inspected and copied by contacting the Ohio Environmental Protection Agency, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio 43216-1049, telephone number (614) 644-2270 or the Air Pollution Unit, Portsmouth City Health Dept., 605 Washington Street, Third Floor, Portsmouth, Ohio 45662, telephone number (740) 353-5156. Any person may request notice concerning further actions pursuant to the complaint, including the outcome of the proceedings.