

**NOTICE OF ADOPTION OF RULES
OHIO ENVIRONMENTAL PROTECTION AGENCY
Rules Governing
Proposed Rulemaking Governing
Composting Facilities**

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 3734.026 and 3734.57 of the Ohio Revised Code and in accordance with Chapter 119, proposes to original file the following rules of the Ohio Administrative Code:

Rule Number	Rule Title	Action
3745-27-40	Authorized feedstocks, bulking agents, and additives and classification of composting facilities.	Rescind
3745-27-41	Notification requirements for class II, III, and IV composting facilities.	Rescind
3745-27-42	Permit to install for class I solid waste composting facilities.	Rescind
3745-27-43	Additional criteria for approval of permit to install applications for class I solid waste composting facilities.	Rescind
3745-27-45	Composting facility operations.	Rescind
3745-27-46	Standards for compost products.	Rescind
3745-27-47	Closure of composting facilities.	Rescind
Composting Program Chapter OAC 3745-560		
Definitions and Administrative Requirements for a Composting Facility		
3745-560-01	Composting facilities – applicability.	New
3745-560-02	Composting facilities – definitions.	New
3745-560-03	Composting registration application call-in schedules.	New
3745-560-04	Composting – log of operations and annual report forms.	New
3745-560-05	Composting - closure cost estimate.	New
Class I Composting Facilities		
3745-560-100	Class I composting facility establishment.	New

3745-560-101	Criteria and procedures for approval, termination, revocation, and administrative change of a class I composting facility permit to install.	New
3745-560-102	Facility preparation requirements for class I composting facilities.	New
3745-560-105	Alternative materials request for class I composting facilities.	New
3745-560-110	Operational requirements for class I composting facilities.	New
3745-560-115	Record keeping requirements for class I composting facilities.	New
3745-560-120	Compost distribution requirements for class I composting facilities.	New
3745-560-125	Compost sampling and testing requirements for class I composting facilities.	New
3745-560-130	Compost quality standards for class I composting facilities.	New
3745-560-135	Closure requirements for class I composting facilities.	New
Class II Composting Facilities		
3745-560-200	Class II composting facility establishment.	New
3745-560-201	Criteria for approval and termination of a class II composting facility registration.	New
3745-560-202	Facility preparation requirements for class II composting facilities.	New
3745-560-205	Alternative materials request for class II composting facilities.	New
3745-560-210	Operational requirements for class II composting facilities.	New
3745-560-215	Record keeping requirements for class II composting facilities.	New
3745-560-220	Compost distribution requirements for class II composting facilities.	New
3745-560-225	Compost sampling and testing requirements for class II composting facilities.	New
3745-560-230	Compost quality standards for class II composting facilities.	New
3745-560-235	Closure requirements for class II composting facilities.	New

Class III Composting Facilities		
3745-560-300	Class III composting facility establishment.	New
3745-560-301	Criteria for approval and termination of a class III composting facility registration.	New
3745-560-302	Facility preparation requirements for class III composting facilities.	New
3745-560-310	Operational requirements for class III composting facilities.	New
3745-560-315	Record keeping requirements for class III composting facilities.	New
3745-560-320	Compost distribution requirements for class III composting facilities.	New
3745-560-325	Compost sampling and testing requirements for class III composting facilities.	New
3745-560-330	Compost quality standards for class III composting facilities.	New
3745-560-335	Closure requirements for class III composting facilities.	New
Class IV Composting Facilities		
3745-560-400	Class IV composting facility establishment.	New
3745-560-401	Criteria for approval and termination of a class IV composting facility registration.	New
3745-560-402	Facility preparation requirements for class IV composting facilities.	New
3745-560-410	Operational requirements for class IV composting facilities.	New
3745-560-415	Record keeping requirements for class IV composting facilities.	New
3745-560-435	Closure requirements for class IV composting facilities.	New
Multi-Program General Administration OAC 3745-500		
3745-500-01	General administration - applicability	New
3745-500-02	General administration - definitions	New
3745-500-03	Incorporation by reference	New

3745-500-35	Relationships among authorizing documents, rules, and the authority of the director and board of health	New
3745-500-50	Signatures	New
3745-500-120	Procedures for issuing, denying, modifying, transferring, and revoking licenses and permits to install	New
3745-500-130	Retention and distribution of authorizing documents – procedures for boards of health and Ohio EPA	New
3745-500-150	Alteration to a solid waste permit to install	New
3745-500-210	Variances for solid waste facilities	New
3745-500-220	Exemptions from solid waste requirements	New
3745-500-330	Termination of a permit to install issued under Chapter 3734. of the Revised Code	New
3745-500-350	Causes for revoking a permit to install issued under Chapter 3734. of the Revised Code	New
3745-500-360	Administrative change to a permit to install.	New
Multi-Program Licensing OAC 3745-501		
3745-501-01	Licensing – applicability.	New
3745-501-02	Licensing – definitions.	New
3745-501-05	Licenses required for solid waste facilities.	New
3745-501-10	License applications, application procedures, and remittal of fees after license issuance.	New
3745-501-15	Criteria for issuing or denying facility licenses.	New
3745-501-20	Procedures for the licensing authority for reviewing and considering license applications.	New
3745-501-35	Transfer of licenses.	New
3745-501-40	Suspension or revocation of a license.	New
Multi-Program Financial Assurance OAC 3745-503		
3745-503-01	Financial assurance – applicability.	New

3745-503-02	Financial assurance – definitions.	New
3745-503-05	Financial assurance for a solid waste facility closure.	New
3745-503-20	Wording of financial assurance instruments.	New

The public comment period will run until 5:00 p.m. on October 25, 2011. A public hearing on the proposed rules will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held on October 25, 2011 at 10:30 am, in the 6th Floor Conference Center, Room B 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.

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 Michelle Braun at the Division of Materials and Waste Management 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 October 25, 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.

Questions regarding this rule package should be directed to Michelle Braun, at the Division of Materials and Waste Management, at (614) 728-5372.

To receive a copy of the proposed rules, please contact the DMWM receptionist at (614) 644-2621. In addition, full copies of all proposed rules are available for review at any Ohio EPA district office and at the Ohio EPA central office. The proposed rules are also accessible on DSIWM web page at www.epa.ohio.gov/dsiwm.

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

Notice is hereby given that on September 21, 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 TestAmerica, Inc. ("TestAmerica") of 4738 Gateway Circle, Dayton, Ohio 45439, granting the laboratory's request to reinstate certification under Ohio's Voluntary Action Program for Polychlorinated Biphenyls by method 8082 that had been suspended. The certification number assigned to TestAmerica remains CL0018.

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 Public Notice: September 24, 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 develop a box-cut opening to facilitate an underground mining operation. Activities include construction of sediment control structures, topsoil/ soil storage areas, coal crusher/screener 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, T-11-N, R-7-W, Harrison County. 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 899 feet of intermittent stream, 223 feet of ephemeral stream, (1,122 feet total), 0.740 acres of Category 1 wetland and 0.038 acres of Category 2 wetland. The proposed minimal degradation if approved, would impact 437 feet of intermittent stream and 0.740 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 September 24, 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 AND U.S. EPA ISSUE DRAFT RENEWAL HAZARDOUS WASTE PERMIT
TO
Sunoco, Inc. R & M

On September 27, 2011, Ohio EPA and U.S. EPA issued a draft renewal Hazardous Waste Facility Installation and Operation Permit (Permit) to Sunoco Inc., R & M (Sunoco) for its facility located at 1019 Haverhill-Ohio Furnace Road, Haverhill, Ohio 45636. The EPA Identification Number for this facility is OHD005108477.

Why does Sunoco need a Draft Renewal Permit for its Facility?

Sunoco is an organic chemical manufacturer (NAICS 325192) that produces industrial organic chemicals. The purpose of the renewal Permit is to allow Sunoco to store and treat 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. When issued, the renewal Permit will allow Sunoco to continue the storage of waste in tanks and the treatment of waste in boilers. Also, if issued, the renewal Permit will require Sunoco to investigate and, if necessary, clean up any contamination from hazardous wastes or constituents that may be at the facility.

Some RCRA regulations have not been authorized in the state of Ohio; therefore U.S. EPA must issue a permit to cover those regulations. Sunoco's complete RCRA permit is comprised of both the U.S. EPA and Ohio EPA permits.

Public comments?

All persons, including the applicant, may submit written comments relating to this draft action. Written comments or requests for a public meeting may be submitted before the end of the comment period to the addresses in the paragraph below.

When and how do I submit written comments?

You can submit written comments anytime between September 28, 2011 and November 12, 2011. Send your comments to Ohio EPA, Division of Materials and Waste Management, Attn: Dustin Tschudy, Engineering, Remediation & Authorization Section, P.O. Box 1049, Columbus, Ohio 43216-1049, telephone number (614) 644-2621, fax number (614) 728-5315, e-mail: dmwmcomments@epa.state.oh.us. You can submit written comments about the U.S. EPA portion of the draft permit to Jae Lee, LR-8J, United States Environmental Protection Agency, 77 West Jackson Blvd., Chicago, Illinois 60604-3590, telephone number (312) 886-3781, fax number (312) 692-2408, or email: lee.jae@epa.gov

Where can I review the Permit Application and draft renewal Permit?

You can review these at one of the following locations:

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

Ohio EPA, Division of Materials and Waste Management, 50 West Town Street, Suite 700, Columbus, Ohio 43215, (614) 644-2621,

U.S. EPA, RCRA Branch, 77 W. Jackson Blvd., Chicago, Illinois 60604, (312) 886-3781, and;

Ohio EPA website: <http://www.epa.ohio.gov/dmwm>

U.S. EPA website: <http://www.epa.gov/reg5rcra/wptdiv/permits/index.htm>

A copy of the draft U.S. EPA permit is available for review by the public at the following location: Portsmouth Public Library, 1220 Gallia Street, Portsmouth, Ohio 45662, (740) 354-5688.

What will Ohio EPA and U.S. EPA do with the comments?

After carefully considering public comments, Ohio EPA and U.S. EPA will reconsider the draft Permit, making any necessary changes, and issue or deny the final Permit. Ohio EPA and U.S. 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 and U.S. EPA will send you a copy of the "response to public comments" and the final permit decision.