

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 amendments to rules 3745-77-01, 3745-77-02, 3745-77-07, and 3745-77-08 of the Ohio Administrative Code. The amendments incorporate changes necessary to resolve a Notice of Deficiency(NOD) issued by the United States Environmental Protection Agency (U.S. EPA) on April 10, 2002 concerning certain aspects of Ohio's implementation of the Title V Permit program. The Notice of Deficiency is based upon U.S. EPA's finding that Ohio's regulations governing insignificant activities and emissions levels (IEUs) and Ohio's regulations requiring reports of any required monitoring at least every six months, and prompt reports of deviations do not meet the minimum Federal requirements of the Clean Air Act (Act) and 40 CFR part 70. The rule amendments are necessary to resolve the NOD and avoid the imposition of sanctions established under the Clean Air Act.

These rules went out for interested party review on March 20, 2002 which included Ohio EPA Program and Division Chiefs, District Chiefs, Assistant Director, Rules Coordinator, and parties representing large companies, small businesses, medium sized companies, environmental attorneys, citizen and environmental interest groups. A Public hearing was also held in Columbus, Ohio on July 28, 2003. The notices were also placed on the Division of Air Pollution Control's ("DAPC's") World Wide Web site in order that any other interested parties might have the opportunity to provide us with comments on these rule amendments.

The Director's order of adoption was issued on September 5, 2003. The effective date of these rules is September 16, 2003.

A copy of the response to comments received during the public comment period along with copies of the final rules are available on the World Wide Web at the URL <http://web.epa.state.oh.us/dapc/regs/regs.html>. To obtain further information, or inspect or request copies of agency files and records pertaining to the proceeding contact Mike Ahern, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049, e-mail to mike.ahern@epa.state.oh.us or call Mr. Ahern at 614-644-3631.

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (ERAC) pursuant to Ohio Revised Code 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 ERAC within thirty (30) days after notice of the Director's action, at 309 South Fourth Street, Room 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. Ohio EPA also requests that a copy of the appeal be served upon the Environmental Enforcement Section of the Ohio Attorney General's Office.

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

Notice is hereby given that on September 4, 2003, 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 renewal of laboratory certification to TestAmerica Analytical Testing Corp. ("TestAmerica") of 2960 Foster Creighton Drive, Nashville, TN. The certification number assigned to TestAmerica remains CL0033.

The issuance of the renewal 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 ("Commission"). 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 laboratory's certification, please contact Kay Hughes, 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 ENVIRONMENTAL PROTECTION AGENCY
RENEWAL OF LABORATORY CERTIFICATION UNDER OHIO'S VOLUNTARY
ACTION PROGRAM**

Notice is hereby given that on September 4, 2003, 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 renewal of laboratory certification to STL-Pittsburgh ("STL") of 450 William Pitt Way, Pittsburgh, Pennsylvania. The certification number assigned to STL remains CL0063.

The issuance of the renewal 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 ("Commission"). 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 236 East Town Street, Room 300, 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 Kay Hughes, 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 ENVIRONMENTAL PROTECTION AGENCY
LABORATORY CERTIFICATION UNDER OHIO'S VOLUNTARY ACTION PROGRAM

Notice is hereby given that on September 4, 2003, the Director of the Ohio Environmental Protection Agency (Ohio EPA), pursuant to Ohio Revised Code 3746.04(B)(6) and Ohio Administrative Code 3745-300-04, issued a laboratory certification to Environmental Science Corporation ("ESC") of 12065 Lebanon Road, Mt. Juliet, Tennessee. The certification number assigned to ESC is CL0069.

The issuance of this certificate 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 ("Commission"). 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 236 East Town Street, Room 300, Columbus, Ohio 43215.

If you would like to review a copy of the certificate, or any documents related to the laboratory's certification, please contact Kay Hughes, 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.

Statewide

Public Notice By: September 19, 2003

**PUBLIC NOTICE
DEADLINE FOR WATER RESOURCE RESTORATION SPONSORSHIP PROGRAM
PROJECT NOMINATIONS
FOR WATER POLLUTION CONTROL LOAN FUND ASSISTANCE CONSIDERATION
DURING
PROGRAM YEAR 2004**

The Director of the Ohio Environmental Protection Agency is providing notice of the submission deadline for project nominations for Water Resource Restoration Sponsorship Program Projects (WRRSP) to be considered for inclusion on the Water Pollution Control Loan Fund (WPCLF) Program Year (PY) 2004 project priority list. The nomination forms must be completed in full and submitted by the project sponsors and received at the following address, no later than close of business on October 20, 2003:

Ohio Environmental Protection Agency
Division of Environmental and Financial Assistance
ATTN: Amanda Nickell
122 South Front Street
P. O. Box 1049
Columbus, OH 43216-1049

WRRSP project nominations received after the deadline of October 20, 2003 will not be consider for funding during PY 2004.

A letter regarding this submission deadline will be mailed out to all of the entities that currently have projects on the WPCLF project priority list and other interested parties that are currently on our mailing list, along with a project nomination form to be used for WRRSP projects and instructions for completing and submitting the forms and other associated documentation. This same information will be available at <http://www.epa.state.oh.us/defa/> . Additional information regarding this deadline or submission of nominations can also be obtained by contacting Theresa Gordon at (614) 644-3664.

PUBLIC NOTICE
OHIO EPA ISSUES FINAL MODIFIED HAZARDOUS WASTE PERMIT

On September 9, 2003, Ohio EPA issued a final class 2 modified Hazardous Waste Facility Installation and Operation Permit (Permit) to Von Roll America, Inc., a.k.a. Waste Technologies Industries, Inc., for its facility at 1250 St. George Street, East Liverpool, Ohio. The EPA Identification Number for this facility is OHD980613541.

Why is Von Roll America, Inc., modifying its Permit?

Von Roll America, Inc., is permitted to operate a hazardous waste incinerator and other related hazardous waste management units at its facility. Von Roll America, Inc., requests to operate outside certain permit limits as contained in the facility's State of Ohio Hazardous Waste Facility Installation and Operation Permit and within the permit limits set forth in the Trial Burn/Comprehensive Performance Test plan. This authorization is only for the duration of the test period scheduled for the week of September 8, 2003. Once completed, Von Roll America, Inc., will revert back to the permit limits and the conditions set forth in its Ohio Hazardous Waste Facility Installation and Operation Permit.. This final modified permit will allow Von Roll America, Inc., to make the requested changes. To issue this final modified Permit, Ohio EPA determined that the modification application is complete and meets appropriate standards.

Can I appeal this final modified Permit?

Yes, if you are an officer of an agency of the state or of a political subdivision, acting in a representative capacity, or any person who would be aggrieved or adversely affected by this modified Permit, you have the right to appeal this Permit decision to the Environmental Review Appeals Commission (ERAC).

If I decide to appeal this final modified Permit, how and when must I make the appeal?

If you file an appeal, you must put it in writing no later than **October 10, 2003**. Your appeal must explain why you are appealing the action and the grounds you are using for your appeal. You must file your appeal, according to Ohio Revised Code § 3745.04, with ERAC at the following address: ***Environmental Review Appeals Commission***, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. You must send a copy of the appeal to the director of Ohio EPA at the following address no later than three (3) days after you file it with ERAC: ***Christopher Jones, Director of Ohio EPA***, P.O. Box 1049, Columbus, Ohio 43216-1049.

Date of Public Notice: September 16, 2003

**PUBLIC NOTICE
NOTICE OF RECEIPT OF ISOLATED WETLAND PERMIT
APPLICATION (LEVEL 2)**

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, an Isolated Wetland Permit (Level 2) for a project to fill one acre of category 2 isolated wetland and build 45 residences. The application was submitted by the Amistad Development Corporation, 17300 Miles Avenue, Cleveland Ohio 44128. The project is located at between Tarkington Avenue and South Miles Street S.E. near the intersection of E 176th Street. The Ohio EPA Number for this project is 033732.

The review of the application will be conducted, and a decision whether to grant or deny the application will be made, in accordance with Ohio Revised Code (ORC) Sections 6111.02 to 6111.028 and other applicable provisions of state laws. Other alternatives as proposed by the applicant resulting in less adverse impact to the isolated wetland ecosystem, will be considered by Ohio EPA during the review process.

Starting September 16, 2003, copies of the application 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.

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 20 days of the date of this public notice.

Date of Notice: September 15, 2003

**PUBLIC NOTICE
NOTICE OF RECEIPT OF APPLICATION AND PUBLIC HEARING
ANTIDegradation**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA)-Division of Surface Water (DSW) has received an application for the modification, of a National Pollutant Discharge Elimination System (NPDES) permit (3IF00009) for the discharge from the existing PET Processors, LLC disposal system. Public notice is also given that Ohio EPA-DSW has received an application for Permit to Install (PTI) (02-18434) for the construction of the proposed disposal system. The NPDES and PTI applications were submitted by PET Processors, LLC, 1350 Bacon Road, Painesville, Ohio 44077.

The disposal system submitted for approval is proposed to treat 14,400 gallons per day of industrial wastewaters associated with the installation of a new Polyethylene Terephthalate (PET) extrusion line. The system is located at 1350 Bacon Road, Painesville Township, Lake County, Ohio. Treated wastewaters are proposed to be discharged at the same location. The proposed discharges are to Lake Erie.

The discharges from this facility, if approved, would result in degradation to, or lowering of, the water quality of Lake Erie. However, the chemical-specific water quality criteria developed to protect aquatic life and human health, set forth in OAC 3745-1, will not be exceeded. 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.

The contents of the above stated applications indicate an exclusion from various portions of the antidegradation review and information submittal requirements applies as outlined by section 3745-1-05(D)(1) of the antidegradation rule (effective as of October 1, 1996). The exclusion relates to a de minimis net increase in the discharge of a regulated pollutant.

Copies of the pending NPDES and PTI applications are available for review at Ohio EPA's Northeast Office, 2110 East Aurora Road, Twinsburg, Ohio, (330) 963-1200.

An Ohio EPA public hearing on the proposed project has been scheduled for October 30, 2003 at 6:30 p.m. at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081. 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 and all persons who do so may, in the discretion of the presiding officer, be questioned by other persons present. 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 applications.

Persons wishing to 1) be on the 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, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 by close of business on November 13, 2003. Comments received after this date may not be considered as part of the official record.

Date of Public Notice: September 16, 2003

**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 install 521 linear feet of new steel sheet pile bulkhead, create a 35 foot wide barge loading pier, create a 58 foot wide equipment storage basin, and dredge a basin along the bulkhead to an elevation of 564.0 feet. The application was submitted by Michael T. Huffman, 1662 West 361st Street, Unit 10, Eastlake, Ohio 44095. The project is located just north of 35909 Lakeshore Boulevard, Eastlake, Lake County, Ohio. The Buffalo District Corps of Engineers Public Notice Number for this project is (B)86-120-6(2). The Ohio EPA ID Number for this project is 022296.

The discharges from the activity, if approved, could result in degradation to, or lowering of, the water quality of the Chagrin River (HUC 04110003). 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 16, 2003, 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.

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 Notice: September 12, 2003

**PUBLIC NOTICE
NOTICE OF RECEIPT OF 401 APPLICATION AND PUBLIC HEARING**

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 Marathon Ashland Pipe Line LLC, 5825 Cumberland Rd, Martinsville, IL 62442. The application proposes to impact 0.02 acres of Category 3 wetlands 750 ft south of SR 37 in Granville Township, Licking County as part of a project to test and maintain an existing six inch petroleum products pipeline. The Ohio EPA ID for this project is #036065.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of the Raccoon Creek Watershed (HUC 05040006). 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 3745-1-05, 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, apply or may be granted by the Director of Ohio EPA.

Beginning September 12, 2003, copies of the application for the certification and technical support information may be inspected at Ohio EPA-DSW, P.O. Box 1049, Columbus, Ohio 43216-1049 by first calling (614) 644-2001. Applications can be made available 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 at 6:30 PM on October 28, 2003, at Granville City Council Chambers, 141 E. Broadway, Granville, Ohio. The public hearing will end when all interested parties have had an opportunity to provide testimony related to the projects.

All interested persons are entitled to attend or be represented and give written or oral comments on the proposed projects. 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.

Ohio EPA will continue to accept written comments on the application through the close of business on November 4, 2003. Comments received after this date may not be considered as part of the official record of the hearing. Anyone may submit written comments or request 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: September 16, 2003

**PUBLIC NOTICE
NOTICE OF RECEIPT OF 401 APPLICATION AND PUBLIC HEARING**

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 construct a hospice residential facility. The project proposes to fill 0.23 acres of a forested Category 3 wetland. The application was submitted by Hospice of the Valley, 5190 Market Street, Youngstown, Ohio 44512. The project is located along an unnamed tributary to Mill Creek near the intersection of Sharrott Road and Calla Road, Beaver Township, Mahoning County, Ohio. The U.S. Army Corps of Engineers (Pittsburgh District) Application Number for this project is 200201869. The Ohio EPA ID Number for this project is 035352.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Mill Creek. 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, apply or may be granted by the director of Ohio EPA.

Beginning September 16, 2003, copies of the application for the certification and technical support information may be inspected at Ohio EPA-DSW, P.O. Box 1049, Columbus, Ohio 43216-1049 by first calling (614) 644-2001. Applications can be made available 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 at 7:00 p.m. on Thursday, November 13, 2003, at the South Range Community Auditorium, 11836 South Avenue, North Lima, Ohio 44452. 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 the director of 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 November 20, 2003. Comments received after this date may not be considered as part of the official record of the hearing. Anyone may submit written comments or request 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.

