

# **PUBLIC NOTICE**

## Division of Drinking and Ground Waters

### **Rule-Making**

September 25, 2003

Notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Drinking and Ground Waters (DDAGW) is proposing a new rule for the Ohio Administrative Code (OAC) in Ohio's operator certification rules establishing penalties for those persons who attempt to subvert the operator certification examination and review process. In addition, DDAGW proposes to amend three rules in the OAC that regulate the concentration of disinfection byproducts in drinking water and one rule regulating the records kept by public water systems. These amendments will correct inconsistencies between Ohio's rules and their federal counterparts, and enable Ohio to retain primary enforcement responsibility for the Safe Drinking Water Act.

Specifically, the new rule proposed is OAC rule 3745-7-18 Conduct at test site and during reviews. Also, DDAGW proposes to adopt amendments to OAC rules 3745-81-33 Record maintenance; 3745-81-70 Monitoring requirements for disinfectant residuals; 3745-81-77 Treatment techniques for control of disinfection byproduct (DBP) precursors; and 3745-81-78 Optimization of distribution systems for control of disinfection byproducts.

A public hearing pursuant to §119.02 through §119.04 of the Ohio Revised Code will be conducted on October 29, 2003, beginning at 11:00 AM in room 5C at the Ohio EPA, Lazarus Government Center, 122 South Front Street, Columbus, Ohio. A presiding officer will be present until all interested persons have been heard.

All interested persons are entitled to attend or be represented and give their written or oral comments on this proposed rule-making. To facilitate scheduling of oral presentations, persons intending to give testimony at the hearing should ensure that Ohio EPA receives notice of such intent by 5:00 p.m. on October 28, 2003. Persons who provide Ohio EPA with prior notice will be heard ahead of persons who register at the hearing. To provide notice of intent to give oral comments at the public hearing, contact Kelly Butler, Ohio EPA, DDAGW, Lazarus Government Center, P. O. Box 1049, Columbus, Ohio 43216-1049.

In order to ensure that written comments are considered as part of the official record of this hearing, written comments must be received by Ohio EPA by the close of business October 29, 2003. Written comments on the proposed rules may be filed with the Hearing Clerk at the address above or with the presiding officer during the hearing.

To obtain a copy of the proposed rules, contact Donna Roberts at Ohio EPA at (614) 644-2755 or email at [donna.roberts@epa.state.oh.us](mailto:donna.roberts@epa.state.oh.us). Please request the "proposed primacy related corrections rules" and, if a recorded message is left, be sure to include your name, telephone number, and complete mailing address. There is no charge for proposed rules.

The proposed rules will be available on the Agency web page until their adoption or withdrawal. The address is: <http://www.epa.state.oh.us/ddagw/oac.html>.

Questions concerning this proposed rule-making, other than obtaining copies of the proposed rules, may be addressed to Kelly Butler at the above address or by phone at (614) 644-2763. Email can be sent to [kelly.butler@epa.state.oh.us](mailto:kelly.butler@epa.state.oh.us).

**Public Notice: September 23, 2003**

**OHIO ENVIRONMENTAL PROTECTION AGENCY  
PUBLIC NOTICE**

**STILLWATER RIVER WATERSHED TOTAL MAXIMUM DAILY LOAD REPORT**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) is providing for public review and comment the Stillwater River Watershed Total Maximum Daily Load Report (TMDL) Document. Ohio EPA developed the Document in fulfillment of Section 303(d) of the Clean Water Act which requires the identification of impaired waterbodies for which technology based effluent limitations are not stringent enough to achieve applicable water quality standards and to develop Total Maximum Daily Loads for such waters. The Document addresses the assessment and recommended measures for impaired subwatersheds within the Stillwater River watershed that appear on the Ohio 1998 and 2002 303(d) lists. The impaired waters are located in the counties of Darke, Miami, Montgomery, and Shelby in Ohio and Randolph in Indiana.

A public information session will be held on Thursday, October 9, from 10 am to noon at the Brukner Nature Center, 5995 Horseshoe Bend Road, Troy, Ohio.

All interested persons wishing to submit comments for Ohio EPA's consideration may do so in writing to Ohio EPA, Division of Surface Water, P.O. Box 1049, Columbus, OH 43216-1049, Attn: Bob Miltner, or by email to [bob.miltner@epa.state.oh.us](mailto:bob.miltner@epa.state.oh.us) by the close of business, October 20, 2003. Comments received after this date may be considered as time and circumstances permit. After consideration of comments, Ohio EPA will submit the Document to the United States Environmental Protection Agency (USEPA) for approval.

To obtain a copy of the Document or other information, or to arrange to inspect Agency files or records pertaining to the Document, or to request notice of when Ohio EPA submits the Document to USEPA, please contact Hugh Trimble (937) 285-6444 or write to him at 401 E. Fifth Street, Dayton, Ohio 45402.

Also, the Document will be posted on September 23, 2003 to the Ohio EPA Division of Surface Water Web site <http://www.epa.state.oh.us/dsw/tmdl>.

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

Notice is hereby given that on September 25, 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 modified laboratory certificate to STL North Canton ("STL") of 4101 Shuffel Drive, NW, North Canton, Ohio, granting the laboratory's request to modify its certification under Ohio's Voluntary Action Program to remove Thallium by method 7841 and Total Petroleum Hydrocarbons by method 418.1 from its certificate. This certificate reflects changes to the previous certificate issued on July 2, 2003, under the Voluntary Action Program. The certification number assigned to STL remains CL0024.

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 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  
AMENDMENTS TO THE PROJECT PRIORITY LIST  
OF THE WATER POLLUTION CONTROL LOAN FUND**

The Director of the Ohio Environmental Protection Agency is providing notice of the addition of assistance proposals as amendments to the Water Pollution Control Loan Fund (WPCLF) priority list. The following applicant has indicated its intent to apply for financial assistance for their respective water quality improvement activities:

City of Toledo, Design for Phase 1 of River Road SSO Elimination; \$1,000,000

The addition of these activities to the priority list will not affect the potential for the WPCLF to provide assistance to other activities currently designated as Fundable on the WPCLF Intended Projects list during the current program year.

Each of these additions is a distinct final action of the Director and may be appealed as a separate action to the Environmental Review Appeals Commission pursuant to Sections 3745.04 and 6111.036 (P) of the Ohio Revised Code. The appeal must be in writing and shall set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the Environmental Review Appeals Commission within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Commission. 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, Ohio 43215.

Additional information regarding these proposals can be obtained at <http://www.epa.state.oh.us/defa/defamain/newprojects>, or by contacting Amanda Nickell at (614) 644-2798, or at this address: Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance, 122 South Front Street, P. O. Box 1049, Columbus, OH 43216-1049.

**Statewide**

**Ohio EPA PTI No. 07-0098**

**Ohio Environmental Protection Agency Draft Permit to Install**

**PUBLIC NOTICE**

Draft Permit to Install for wastewater treatment and/or disposal facilities

Ohio Environmental Protection Agency  
Permits Section  
122 South Front Street  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
(614) 644-2001

Public Notice No. OEPA 03-10-011 PTI  
Date of Issue of Public Notice: October 7, 2003

Name and Address of Applicant: ATC Associates, Inc., 950-V Taylor Station Road,  
Gahanna, Ohio 43230

Name and Address of Facility Where Discharge Occurs: Mobile Wastewater  
Treatment/Remediation System at Various Sites Across the State of Ohio

Receiving Water: limited or general high quality waters across the State of Ohio

Public notice is hereby given that Ohio Environmental Protection Agency (Ohio EPA)-Division of Surface Water (DSW) has issued a draft permit-to-install (PTI) for the construction of a mobile wastewater treatment/remediation system for the above referenced project. Ohio EPA has made a determination that the discharge from this proposed mobile wastewater treatment/remediation system would result in degradation to or lowering of the water quality of limited or general high quality waters across the State of Ohio. After considering the technical, economic, and social aspects of this project, the Director of the Ohio EPA has decided to make the preliminary determination to allow this degradation. However, the chemical-specific water quality standards developed to protect aquatic life and human health, set forth in Ohio Administrative Code (OAC) 3745-1, will not be exceeded.

In accordance with OAC 3745-1-05, Ohio EPA will provide an opportunity for public comment concerning this project. Comments received shall be considered by the Director before these permits are issued as final. Any person may submit written comments on the draft permits and administrative record and may request a public hearing. A request for public hearing shall be in writing and shall state the nature of the issues to be raised. In appropriate cases, including cases where there is significant public interest, the director may

hold a public hearing on a draft permit prior to final issuance of the permit. Written comments and/or public hearing requests must be received by the Ohio EPA, Division of Surface Water no later than 30 days from the date of this public notice. Comments and/or public hearing requests should be delivered or mailed to the following location: Ohio Environmental Protection Agency, Division of Surface Water, Permits Processing Unit, 122 South Front Street, P.O. Box 1049, Columbus, Ohio 43216. Comments received after this date may not be considered by the Director before issuing the final permit.

Copies of the draft Permit to Install and technical support information may be reviewed and/or copies made at Ohio EPA Central Office, 122 South Front Street, Columbus, Ohio, by first calling (614) 644-2039, to make an appointment.

**Date of Public Notice: September 26, 2003**

**REVISED 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.

A public notice regarding this project was initially issued September 16, 2003. However, in light of recent design modifications that may result in additional impacts, Ohio EPA is seeking comments on the project's revised proposal to fill 0.25 more acres of a forested Category 3 wetland. The total proposed impact is now 0.48 acres.

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 26, 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 November 13, 2003, at the South Range Community Auditorium, 11836 South Avenue, North Lima, Ohio 44452. The time, date and place of this hearing is unchanged from the previously scheduled hearing. 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.

**PUBLIC NOTICE**

**OHIO EPA ISSUES FINAL MODIFIED HAZARDOUS WASTE PERMIT**

On September 26, 2003, Ohio EPA issued a final modified Hazardous Waste Facility Installation and Operation Permit (Permit) to Vickery Environmental, Inc. for its facility at 3956 State Route 412, Vickery, Ohio 43464. The EPA Identification Number for this facility is OHD020273819.

**Why is Vickery Environmental, Inc. modifying its Permit?**

Vickery Environmental, Inc. is permitted to operate hazardous waste container and tank units and other related hazardous waste management units at its facility. Vickery wants to: 1) install piping and a valve to bypass FAT-3 tank and pump from the filter press to Well #5 or to pump from the filter press through a booster pump to Well #6; 2) install piping and a valve to pump from the filter press through a booster pump to Well #2; 3) install piping and four valves to allow T-9 tank and T-10 tank to be used interchangeably; 4) install piping and two valves to allow the T-9 transfer pump to pump to the bag filters or the filter press; 5) install piping and a valve to pump from the bag filter to FAT-3 tank, and 6) install piping and a pressure relief valve after the filter press. 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 28, 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 ORC § 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.

**PUBLIC NOTICE**

**RECEIPT OF PERMIT TO INSTALL APPLICATION  
(PTI #02-18548)**

Notice is hereby given on September 22, 2003, of the receipt of a Permit to Install application (PTI #02-18548) for Republic Waste Services of Ohio II, LLC (Applicant), Countywide Recycling and Disposal Facility (Facility Name), 3619 Gracemont Avenue SW. East Sparta, Stark County, Ohio 44626. The application was received by Ohio EPA on September 10, 2003 for a maximum allowed daily waste receipt increase. The application may be reviewed in accordance with Ohio EPA's file review procedures by writing to Ms. Lily Aaron, Ohio EPA Northeast District Office, 2110 E. Aurora Road, Twinsburg, Ohio 44087, tel: (330) 963-1200.

**PUBLIC NOTICE**

**OHIO ENVIRONMENTAL PROTECTION AGENCY**

Notice is hereby given that the Director of the Ohio Environmental Protection Agency, pursuant to §§ 3745.01 and 6109.04 of the Ohio Revised Code (ORC), has revoked Final Findings and Orders issued to Roy E. Barr d.b.a. Meadowlake Golf & Swim on May 7, 2002. This is a final action of the Director and may be appealed to the Environmental Review Appeals Commission (ERAC) 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 ERAC within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the ERAC. A copy of the appeal is also requested to be sent to the Office of the Attorney General, Environmental Enforcement Section. An appeal may be filed with the ERAC at the following address:

Environmental Review Appeals Commission  
309 South Fourth Street, Room 222  
Columbus, Ohio 43215

**PUBLIC NOTICE**

**OHIO EPA RECEIVES AMENDED HAZARDOUS WASTE CLOSURE PLAN**

On September 18, 2003, Ohio EPA received a hazardous waste amended closure plan from the Hoover Company concerning a container storage unit located at 101 East Maple Street, North Canton, Ohio 44720. The EPA Identification Number for this facility is OHD004462131.

**Why is the Hoover Company submitting this Closure Plan?**

At the request of Ohio EPA, the Hoover Company submitted this closure plan. The Hoover Company historically managed hazardous waste in a drum storage area from at least the 1930s until 1989. Since Hoover ceased using the drum storage area, it has been working with Ohio EPA toward closing the area. This document amends the 1997 Amended Closure Plan to include the findings since the 1997 Amended Closure Plan development, including the Geoprobe Report which identified other releases of similar contaminants near the Regulated Unit. This amended also reflects relevant aspects of the risk-based corrective action work being conducted as part of the Voluntary Environmental Corrective Action Program under the authority of U.S. Environmental Protection Agency (USEPA) Region 5. Hoover worked with Ohio EPA and USEPA to explore ways to comprehensively address the impact to the area within and surrounding the Regulated Unit. All parties agreed to merge specific closure activities into the corrective action program and to defer closure completion until corrective action was complete.

**When and how do I submit written comments about the Closure Plan?**

You can submit written comments anytime between September 25, 2003 and November 24, 2003. Send your comments to Ohio EPA, Division of Hazardous Waste Management, Attn: Regulatory and Information Services, P.O. Box 1049, Columbus, Ohio 43216-1049, telephone number (614) 644-2977, fax number (614) 728-1245, e-mail address: [dhwmcomments@epa.state.oh.us](mailto:dhwmcomments@epa.state.oh.us).

**Where can I review the Closure Plan?**

You can review the Closure Plan at the following locations:

**North Canton Public Library**, 185 North Main Street, North Canton, Ohio 44720, tel: (330) 499-4712;

**Ohio EPA, Northeast District Office**, 2110 East Aurora Road, Twinsburg, Ohio 44087, tel: (330) 963-1200;

**Ohio EPA, Division of Hazardous Waste Management**, 122 South Front Street, Columbus, Ohio 43215, (614) 644-2977.