

PUBLIC NOTICE

FINAL ISSUANCE OF A CERTIFICATE OF REGISTRATION AS A GENERATOR OF INFECTIOUS WASTE

Notice is hereby given that on October 2, 2003, the director of Ohio EPA issued an infectious waste generator certificate to Aventis Bio Services Inc., 1020 First Ave, King of Prussia, PA 19406, ID No.: 00-G-01002. 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 236 East Town Street, Room 300, Columbus, Ohio 43215.

Public Hearing
Ohio Environmental Protection Agency
Proposed New Rules
Ohio Administrative Code Chapter 3745-105
Pathological Waste Incinerator Limitations

Notice is hereby given that the Director of Environmental Protection ("Ohio EPA") is proposing new rules to the Ohio Administrative Code ("OAC"), Chapter 3745-105 of the OAC, which proposes standards for incineration of pathological waste, which is defined as human or animal remains, anatomical parts and/or tissue, the containers used to transport the material, and animal bedding if applicable. Crematories that only combust human remains and coffins are not included, and neither are veterinary clinics and animal shelters that only burn carcasses and bedding of animals that have not been exposed to diseases transmissible to humans.

3745-105-01	Applicability, definitions, and incorporation by reference
3745-105-02	Emission limits
3745-105-03	Design parameters and operating restrictions
3745-105-04	Monitoring requirements
3745-105-05	Recordkeeping
3745-105-06	Performance testing requirements

Currently, pathological waste is now regulated under OAC Chapter 3745-75, Infectious Waste Incinerator Limitations. Revisions to those rules are currently being proposed which would allow exemptions for several categories, including units that burn only pathological, chemotherapeutic, or low-level radioactive waste, and units fitting the "co-fired combustor" definition, which may include units burning predominantly pathological waste. These rules are needed to cover units burning pathological waste while operating under any of those exemptions.

Pursuant to Chapter 119.03 of the Ohio Revised Code, a public hearing on this rule review will be conducted on November 13, 2003, 10:00 a.m., in conference room 5B at, Ohio EPA, Lazarus Government Center, 122 South Front Street, Columbus, Ohio.

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on this rule review. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on November 14, 2003, will be considered by Ohio EPA prior to final action on this rule review. Written statements submitted after November 14, 2003, may be considered as time and circumstances permit, but will not be part of the official record of the hearing.

This rule is available on the Web page for electronic downloading by clicking on "regulations" under the " topics" drop-down box and scrolling down to OAC Chapter 3745-105, "Pathological Waste Incinerator Limitations". The URL is: <http://www.epa.state.oh.us/dapc/dapcmain.html>. Questions regarding accessing the web site should be directed to Arunee Niamlarb at 614-728-1342; other questions or comments

about these rules should be directed to Dana Thompson at Ohio EPA, (614) 644-3701, dana.thompson@epa.state.oh.us, or mailed to Dana Thompson, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.

NOTICE

Division of Drinking and Ground Waters

October 6, 2003

Rule-Making

Notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Drinking and Ground Waters (DDAGW) has modified the Ohio Administrative Code (OAC) rules that regulate lead and copper concentrations in public water systems. In addition, DDAGW also has amended OAC rule 3745-81-04 to eliminate a minor discrepancy with the statutory authority for assessing administrative penalties under Ohio Revised Code Section 6109.23.

Specifically, DDAGW amended six rules, rescinded five rules and adopted six new rules. Amendments were made to the following rules:

- 3745-81-04 Administrative penalties;
- 3745-81-80 Control of lead and copper - general requirements;
- 3745-81-81 Control of lead and copper applicability of corrosion control treatment steps to small, medium-sized, and large water systems;
- 3745-81-82 Control of lead and copper—description of corrosion control treatment requirements;
- 3745-81-83 Control of lead and copper—source water treatment requirements; and
- 3745-81-84 Control of lead and copper—lead service line replacement requirements.

The following four rules were rescinded and replaced by a new rule of the same number and title:

- 3745-81-85 Control of lead and copper—public education and supplemental monitoring requirements;
- 3745-81-86 Control of lead and copper—monitoring requirements for lead and copper in tap water;
- 3745-81-87 Control of lead and copper—monitoring requirements for water quality parameters; and
- 3745-81-88 Control of lead and copper—monitoring requirements for lead and copper in water entering the distribution system.

OAC rule 3745-81-89, titled “Control of lead and copper—reporting and record-keeping requirements” has been rescinded and its content, with amendments, was moved to a new rule, 3745-81-90. Finally, a new rule, OAC 3745-81-89, entitled “Analytical methods” specifying analytical methods particular to lead and copper control was adopted.

The Director of Environmental Protection, after considering public comment, adopted these rules in final form, pursuant to Section 6109.04 of the Ohio Revised Code. The Director's order of adoption was issued on October 6, 2003. The effective date of these amended rules will be October 17, 2003, in accordance with Section 119.04(A) of the Revised Code.

A copy of the rules may be obtained, at cost, by contacting the Hearing Clerk, Ohio EPA, 122 South Front Street, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049, or (614) 644-2129. These rules are also available electronically at the following internet address: <http://www.epa.state.oh.us/ddagw/oac.html>.

You are hereby notified that 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. A copy of the appeal must be served upon the Director of the Ohio Environmental Protection Agency within three (3) days of filing with ERAC. ERAC's address is: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

**PUBLIC NOTICE
OHIO ENVIRONMENTAL PROTECTION AGENCY
PUBLIC NOTICE OF FINAL RULE MAKING**

OCTOBER 6, 2003

Notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) has adopted in final form the following rules as changes to the Ohio Administrative Code.

Division of Surface Water

3745-1-51 (Amend)	Wetland narrative criteria
3745-1-54 (Amend)	Wetland antidegradation
3745-2-08 (Amend)	Mixing zone demonstration and sizing requirements
3745-40-03 (Amend)	Permits, plans and authorizations
3745-40-04 (Amend)	Land application agronomic management
3745-42-01 (New)	Definitions
3745-42-02 (New)	Applicability and procedures
3745-42-03 (New)	Requirements for applications and engineering plans
3745-42-04 (New)	Criteria for decision by the director

Division of Drinking and Ground Waters

3745-34-16 (Amend)	Application for permit: authorization for permit
3745-91-03 (Rescind)	Requirements for plan drawings
3745-91-03 (New)	Requirements for plan drawings

Division of Solid and Infectious Waste Management

3745-27-02 (New)	Permit to install
3745-27-99 (New)	Requirements for professional engineer certification of plans, specifications, and information

Division of Air Pollution Control

3745-31-01 (Amend)	Definitions
3745-31-02 (Amend)	Requirements
3745-31-03 (Amend)	Permit to install exemptions
3745-31-04 (Amend)	Applications
3745-31-05 (Amend)	Criteria for decision by director
3745-31-06 (Amend)	Termination
3745-31-07 (Amend)	Revocation
3745-31-08 (Amend)	Procedure for decision by director
3745-31-29 (New)	General permits to install
3745-35-01 (Amend)	Definitions

3745-35-02 (Amend)	Permits to operate
3745-35-08 (New)	General permit to operate

Over the past several years, the Ohio EPA has been evaluating several aspects of its rules relating to permits to install and plan approvals. The review included the rules' complexity, clarity and the overall logic of their structure. As a result of this evaluation it has been determined that the restructuring of rules relating to the permit to install process should be revised.

Formerly, the permit to install (PTI) rules which relate to most of the media programs were found in Ohio Administrative Code (OAC) 3745-31. Upon review it was determined that it can be difficult for users of the rule to be able to effectively determine applicable components of Chapter 3745-31 when most media program requirements are located in other chapters. As a result, Ohio EPA has determined that revising the rules to place PTI rules into context with their respective media programs is a reasonable approach.

The rules adopted as final today include rules which affect the PTI requirements for the surface water discharge, air pollution control and solid waste disposal components of Ohio EPA rules. Chapter 3745-31, and the requirements it contains relating to the air pollution PTI program, remain applicable to the air program. PTI requirements for surface water discharges previously found in Chapter 3745-31 were moved to new Chapter 3745-42 which is more closely associated with the surface water program. Solid waste related PTI rules have been moved to OAC 3745-27.

In addition to adopting as final the PTI rules, the final rules also clarify other areas of the rules where the Agency has received questions. The rule changes are intended to clarify which components of a PTI, plan approval submissions and reports are required to be prepared and sealed by a licensed professional engineer. These clarifying sections address requirements for the surface water discharge, solid waste and drinking water components of the rules. These rules also include requirements relating to public drinking water plans and permit applications in OAC Chapters 3745-34 and 3745-91.

The final permit related rules included in this final rule making are found in Chapters 3745-31 and 35 and relate to the establishment of a general permit program in the Division of Air Pollution Control. These rules are an effort to increase the efficiency and effectiveness of the current PTI and Permit to Operate (PTO) processes for air pollution control permits.

A copy of the rules may be obtained, at cost, by contacting the Hearing Clerk, Ohio EPA, Lazarus Government Center, 122 South Front Street, P.O. Box 1049, Columbus, Ohio 43216-1049. These rules are also available electronically on the individual program web sites at: <http://www.epa.state.oh.us/> .

The rules cited above were adopted as a final action on October 6, 2003. The effective date for the rules is October 17, 2003.

You are hereby notified that 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 of the notice of the Director's action. A copy of the appeal must be served upon the Director of the Ohio Environmental Protection Agency within three (3) days of filing with ERAC. ERAC's address is: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

**PUBLIC NOTICE
DIRECTOR'S FINAL FINDINGS AND ORDERS**

Notice is hereby given that on October 7, 2003, the director of Ohio EPA issues Final Findings and Orders to the City of Wapakoneta ("Respondent"), 102 Perry Street, Wapakoneta, Ohio 45875. Respondent is the owner, former operator, and former license holder of the City of Wapakoneta Landfill ("Facility"), located at 510 North Water Street, Wapakoneta, Auglaize County, Ohio. The Respondent shall achieve compliance with ORC Chapter 3734, the rules promulgated thereunder, and the November 29, 1996 DFFO's accordingly. Immediately upon the effective date of these Orders, Respondent shall implement the explosive gas remediation plan and demonstrate the effectiveness of the plan. Submit and implement a leachate management plan and repair leachate outbreaks. Submit and implement a ground water detection monitoring program and submit and implement a ground water quality assessment program. Complete and submit a closure certification report. These Findings and Orders are subject to all rules, regulations, and specified conditions. This final action not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission, at 309 South Fourth Street, Room 222, Columbus, Ohio 43215. Person's wishing to be on Ohio EPA's interested parties mailing list 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.

PUBLIC NOTICE
PROPOSED CONSENT ORDER

The Ohio Environmental Protection Agency (Ohio EPA) has entered into a proposed Consent Order with Joseph E. Goodell, d.b.a. The Green Acres Mobile Home Park (Defendant), to resolve all claims alleged in the Complaint filed by the State of Ohio, Defiance County Court of Common Pleas case number 02-CV-35951. The proposed Consent Order requires the Defendant to comply with all applicable provisions of Ohio's Water Pollution Control Law, R.C. Chapter 6111 and the rules and regulations promulgated thereunder, and the terms and conditions of any permit, license, or plan approval that may be issued to the Defendant. The proposed Consent Order also requires that the Defendant undertake any and all necessary remedial activities, which meet Ohio EPA approval, to abate pollution and restore the unnamed tributary of Webb Run and any associated riparian areas necessary to support other waters of the State adversely impacted due to the Defendant's activities. In addition, the proposed Consent Order requires the Defendant to repair and/or replace the sewage collection system serving the Green Acres Mobile Home Park (MHP); submit documentation of all such repairs to Ohio EPA; submit a complete and approval set of storm water removal plans; complete construction of the MHP storm water removal system (SWRS); inspect the SWRS; submit copies of the SWRS inspection reports to Ohio EPA; and properly operate and maintain the SWRS. The Defendant is also ordered not to expand the size or number of households and/or residents or tenants at the MHP until all provisions of the proposed consent order have been complied with, all plan approvals obtained, and the Defendant is in compliance with all permits and any applicable state and local health codes and laws. The proposed Consent Order also requires payment of a twenty thousand dollar (\$20,000.00) civil penalty.

Copies of the Consent Order can be obtained by writing to:

Ohio Environmental Protection Agency
Northwest District Office
347 North Dunbridge Road
P.O. Box 466
Bowling Green, OH 43402

Written comments should be submitted to Ohio EPA, Northwest District Office at the above address. Written Comments should be submitted on or before **November 6, 2003**.

The final approval and entry of the proposed Consent Order will not occur until after the thirty (30) day public comment period has expired. The thirty day period commences on **October 7, 2003**. Both the State of Ohio and Joseph E. Goodell, d.b.a Green Acres Mobile Home Park, reserve the right to withdraw or alter the proposed Consent Order based on comments received during the public comment period.

PUBLIC NOTICE
PROPOSED CONSENT ORDER

The Ohio Environmental Protection Agency (Ohio EPA) has entered into a proposed Consent Order with Joseph E. Goodell, d.b.a. The Swanton Meadows Mobile Home Park, Gary R. Van Cleef, d.b.a. The Swanton Meadows Mobile Home Park, and Van Cleef, Goodell, & Goodell Partners, d.b.a. The Swanton Meadows Mobile Home Park (Defendants), to resolve all claims alleged in the Complaint filed by the State of Ohio, Fulton County Court of Common Pleas case number 02CV260. The proposed Consent Order requires the Defendants to comply with all applicable provisions of Ohio's Water Pollution Control Law, R.C. Chapter 6111 and the rules and regulations promulgated thereunder, and the terms and conditions of any permit, license, or plan approval that may be issued to the Defendants. The proposed Consent Order also requires that the Defendants undertake any and all necessary remedial activities, which meet Ohio EPA approval, to abate pollution and restore the unnamed tributary of Al Creek and any associated riparian areas necessary to support other waters of the State adversely impacted due to the Defendants' activities. The Defendants are to hire immediately a wastewater treatment plant (WWTP) operator holding at least a Class I wastewater operator's certificate to operate and maintain the WWTP and comply with effluent limitations and monitoring requirements set forth in the proposed Consent Order until the Defendants obtain a valid, unexpired NPDES permit. In addition, the Defendants are to comply with a long-term compliance schedule that includes the replacement of the existing WWTP serving the mobile home park and construction of a new WWTP. The proposed Consent Order also requires the Defendants to submit a complete and approvable application for an NPDES modified permit and a sludge management plan. The Defendants are ordered not to expand the size or number of households and/or residents or tenants at the mobile home park until all provisions of the proposed consent order have been complied with, all plan approvals obtained, and the Defendants are in compliance with all permits and any applicable state and local health codes and laws. The proposed Consent Order also requires payment of a twenty thousand dollar (\$20,000.00) civil penalty.

Copies of the Consent Order can be obtained by writing to:

Ohio Environmental Protection Agency
Northwest District Office
347 North Dunbridge Road
P.O. Box 466
Bowling Green, OH 43402

Written comments should be submitted to Ohio EPA, Northwest District Office at the above address. Written Comments should be submitted on or before **November 6, 2003**.

The final approval and entry of the proposed Consent Order will not occur until after the thirty (30) day public comment period has expired. The thirty day period commences on

October 7, 2003. Both the State of Ohio and Joseph E. Goodell, d.b.a. The Swanton Meadows Mobile Home Park, Gary R. Van Cleef, d.b.a. The Swanton Meadows Mobile Home Park, and Van Cleef, Goodell, and Goodell Partners d.b.a. The Swanton Meadows Mobile Home Park, reserve the right to withdraw or alter the proposed Consent Order based on comments received during the public comment period.

PUBLIC NOTICE

**OHIO EPA ISSUES FINAL RENEWAL HAZARDOUS WASTE PERMIT FOR
DELPHI AUTOMOTIVE SYSTEMS, L.L.C. DAYTON, OHIO**

On October 8, 2003, Ohio EPA issued a final Ohio Hazardous Waste Facility Installation and Operation Permit Renewal (Permit) to Delphi Automotive Systems, LLC for its facility at 1420 Wisconsin Boulevard, Dayton, Ohio 45408. The EPA Identification Number for this facility is OHD060928561.

Why does Delphi Automotive Systems, LLC need a Permit?

Delphi Automotive Systems (Delphi) is engaged in the manufacture of power train and brake system components for cars and trucks. From this activity hazardous wastes are generated and stored on site. Closure of the storage areas has now been certified by the facility and approved by Ohio EPA. Delphi is now involved in corrective action activities and must renew their permit for this purpose. To issue this final renewal Permit, Ohio EPA determined that the Permit application is complete and meets appropriate standards and that the applicant has a history of compliance with relevant environmental laws, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. The renewal Permit allows the company to continue to store and treat hazardous waste at the designated areas and will require Delphi to investigate and, if necessary, clean up any contamination from hazardous wastes or constituents that may be at the facility. Details about this final action can be viewed on Ohio EPA's website at www.epa.state.oh.us/dhwm/pdf/10-08-03delphi.pdf.

Can I appeal this 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 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 November 7, 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 and 3745.07, 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.

Tuscarawas County

Ohio EPA PTI No. 06-7240

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. 03-10-020
Date of Issue of Public Notice: October 10, 2003

Name and Address of Applicant; Tusky Coal, LLC, 3 Kilsyth Court, St. Clairsville, OH, 43950

Name and Address of Facility Where Discharge Occurs: Tusky Coal No. 1 Mine, 0.8 mile west off CR 37m approximately 1,000 feet east of Dennison's NE Corner Corporation, Union Twp., Tuscarawas County

Receiving Water: unnamed tributaries of the Little Stillwater Creek

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 the wastewater treatment works/disposal system for the above referenced project. Ohio EPA has made a determination that the wastewater discharge from this proposed facility would result in degradation to or lowering of the water quality of unnamed tributaries of the Little Stillwater Creek and subsequently the Stillwater Creek and the Tuscarawas River. 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 the permit is issued as final. Any person may submit written comments on the draft permit 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 or permits prior to final issuance of the permit or permits. 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 both of the following locations: 1) Ohio Environmental Protection Agency, Division of Surface Water, Permits Processing Unit, 122 South Front Street, P.O. Box 1049, Columbus, Ohio 43216 and 2) Ohio Environmental Protection Agency, Southeast District Office, 2195 Front Street, Logan, OH, 43138. 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 the Ohio EPA Southeast District Office, 2195 Front Street, Logan, OH, 43138, by first calling (740) 385-8501 to make an appointment.