

## **PUBLIC NOTICE**

### **FINAL ISSUANCE OF AMENDED CERTIFICATE OF REGISTRATION AS A GENERATOR OF INFECTIOUS WASTE**

Notice is hereby given that on July 27, 2004, the director of Ohio EPA issued an amended infectious waste generator certificate to RCG Indiana LLC, 10585 N Meridian St Ste 160, Indianapolis, IN 46290, ID No.: 00-G-01283. 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 309 South Fourth Street, Suite 222, Columbus, Ohio 43215.

## **PUBLIC NOTICE**

### **FINAL ISSUANCE OF AN AMENDED CERTIFICATE OF REGISTRATION AS A TRANSPORTER OF INFECTIOUS WASTE**

Notice is hereby given that on July 27, 2004, the director of Ohio EPA issued an amended infectious waste transporter certificate to Stericycle Inc, 28161 N Keith Dr, Lake Forest, IL 60045, 00-T-00199. 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 309 South Fourth Street, Suite 222, Columbus, Ohio 43215.

**State of Ohio**  
**Environmental Protection Agency**

July 23, 2004

**Notice of Rulemaking**

Notice is hereby given that the Ohio Environmental Protection Agency's Division of Drinking and Ground Waters (DDAGW) has adopted a new rule to regulate filter backwash recycling and amendments to the rules of the Ohio Administrative Code (OAC) regulating microbial pathogens in drinking water. This rulemaking adopts the new requirements of USEPA's Long Term 1 Enhanced Surface Water Treatment Rule and Filter Backwash Recycling Rule, published in the Federal Register on January 14, 2002, and June 8, 2001, respectively. The amendments will improve the control of microbial pathogens in drinking water by strengthening filtration requirements and calculation of microbial inactivation by surface water systems serving fewer than ten thousand persons. The new rule will also ensure microbial control by adding requirements to water systems that recycle filter backwash through the plant's treatment processes. The division has also adopted amendments to OAC Rule 3745-81-14 "Maximum contaminant levels for microbiological contaminants" to update a reference to another recently amended rule and to OAC Rule 3745-84-01 "Public water system licenses" to update the license to operate fees pursuant to House Bill 95.

DDAGW adopted the following rule-making actions:

<u>Rule Number</u>	<u>Rule Title</u>	<u>Action</u>
3745-81-01	Definitions	Amendment
3745-81-14	Maximum contaminant levels for microbiological contaminants	Amendment
3745-81-60	Sanitary surveys	Amendment
3745-81-71	General requirements for filtration and disinfection of surface water sources	Amendment
3745-81-72	Disinfection of water from surface water sources	Rescission
3745-81-72	Disinfection of water from surface water sources	New Rule
3745-81-73	Filtration of water from surface water sources	Amendment
3745-81-74	Turbidity and disinfection monitoring requirements for surface water systems	Amendment
3745-81-75	Reporting and recordkeeping requirements	Amendment
3745-81-79	Filter backwash recycling	New Rule
3745-83-01	Operational requirements	Amendment
3745-84-01	Public water system licenses	Amendment

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 July 23, 2004. In accordance with Section 119.04(A) of

the Revised Code amended rules 3745-81-01, 3745-81-14, 3745-81-60, 3745-83-01, and 3745-84-01 and new rule 3745-81-79 will be effective on August 3, 2004. In keeping with the effective date of the federal requirements amended and new rules 3745-81-71 through 3745-81-75 and the rescission of existing rule 3745-81-72 will not be effective until January 1, 2005.

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.

**State of Ohio**  
**Environmental Protection Agency**

July 27, 2004

**Notice of Proposed Rulemaking and Public Hearing**

Notice is hereby given that the Ohio Environmental Protection Agency's Division of Drinking and Ground Waters (DDAGW) proposes to rescind the Ohio Administrative Code (OAC) rules governing the issuance of variances and exemptions, OAC rules 3745-81-40 through 3745-81-46 and 3745-81-50 through 3745-81-55. The division also proposes to amend the OAC rules regulating public notification (3745-81-32) and record maintenance (3745-81-33) to remove requirements related to variances and exemptions.

The variance and exemption rules allow Ohio EPA to issue public water systems variances and exemptions from primary drinking water rules in OAC Chapter 3745-81 provided the systems meets certain conditions. Variances allow public water systems to exceed the maximum contaminant level (MCL) of a contaminant for an undetermined period of time after the system installs what is determined to be best available technology (BAT) for removal of that contaminant. Exemptions allow a public water system to exceed a contaminant's MCL for a specific period of time provided the system requests an exemption in advance of a violation and meets other criteria set forth by the federal rule.

While variances and exemptions are intended to provide flexibility for public water systems, the criteria for systems to demonstrate they qualify for either are very rigorous. As a result, the division has no record of ever issuing a variance or exemption from the requirements in OAC Chapter 3745-81 to a public water system in Ohio. Additionally, recent amendments to the federal rules have increased the demonstration requirements, making this even more difficult. Rather than revising our rules to comply with the federal rule, the division proposes to rescind Ohio's variance and exemption rules. The Agency believes that traditional administrative actions, such as consensual findings and orders, provide a better means to address public water system compliance schedules because they will allow public water systems to use their resources to resolve their inability to comply with the MCL rather than making onerous demonstrations to the State. Administrative findings and orders may also be used prior to a violation, occurring in a manner similar to an exemption.

The division, therefore, proposes the following rule-making actions:

<u>Rule Number</u>	<u>Rule Title</u>	<u>Action</u>
3745-81-32	Public notification	Amendment
3745-81-33	Record maintenance	Amendment
3745-81-40	Requirements for a variance	Rescission
3745-81-41	Variance request	Rescission
3745-81-42	Consideration of a variance request	Rescission
3745-81-43	Disposition of a variance request	Rescission

3745-81-44	Public hearings on variances and schedules	Rescission
3745-81-45	Action after a hearing	Rescission
3745-81-46	Alternative treatment techniques	Rescission
3745-81-50	Requirements for an exemption	Rescission
3745-81-51	Exemption request	Rescission
3745-81-52	Consideration of an exemption request	Rescission
3745-81-53	Disposition of an exemption request	Rescission
3745-81-54	Public hearings on exemption schedules	Rescission
3745-81-55	Final schedule	Rescission

A public hearing pursuant to §119.02 through §119.04 of the Ohio Revised Code will be conducted on August 31, 2004, beginning at 1:30 PM in room 5A 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. The hearing for these rules will be held in conjunction with that of another recently proposed drinking water rule.

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 August 30, 2004. 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 August 31, 2004. Written comments on the proposed rules may be filed with the Kelly Butler at the mail or email 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 variance and exemption 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: [www.epa.state.oh.us/ddagw/oac.html](http://www.epa.state.oh.us/ddagw/oac.html).

Questions concerning this proposed rulemaking, other than obtaining copies of the proposed rules, may be addressed to Kelly Butler at the above address or by phone at (614) 644-2752. Email can be sent to [kelly.butler@epa.state.oh.us](mailto:kelly.butler@epa.state.oh.us).

**State of Ohio**  
**Environmental Protection Agency**  
**PUBLIC NOTICE**

July 27, 2004

**Notice of Proposed Rulemaking and Public Hearing**

Notice is hereby given that the Director of the Ohio Environmental Protection Agency has proposed amendments to rule 3745-81-28 of the Ohio Administrative Code (OAC). This rule specifies who is qualified to analyze and report analytical results for purpose of determining compliance with drinking water requirements of Chapter 3745-81 of the Administrative Code and is being amended to resolve a discrepancy between this rule and the analytical methods specified in OAC rule 3745-81-27. Specifically, the proposed amendments clarify that measurements for total and combined chlorine residual, like free chlorine residual, may be performed by any person acceptable to the director and reported by the public water system. These changes result from the five year rule review undertaken pursuant to Section 119.032 of the Ohio Revised Code (ORC).

A public hearing pursuant to §119.02 through §119.04 of the Ohio Revised Code will be held on August 31, 2004 beginning at 1:30 PM in room 5A 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. The hearing for this rule will be held in conjunction with that of other recently proposed drinking water rules.

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 PM on August 30, 2004. 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, via mail at Ohio EPA, DDAGW, Lazarus Government Center, P. O. Box 1049, Columbus, Ohio 43216-1049 or via email at [kelly.butler@epa.state.oh.us](mailto:kelly.butler@epa.state.oh.us).

In order to assure that written comments are considered as part of the official record of this hearing, written comments must be received by Ohio EPA by August 31, 2004. Written comments on the proposed rules may be filed with Kelly Butler at the mail or email address above or with the presiding officer during the hearing.

To obtain a copy of the proposed rules, contact Donna Roberts at Ohio EPA via telephone at (614) 644-2755 or via email at [donna.roberts@epa.state.oh.us](mailto:donna.roberts@epa.state.oh.us). Please request the "proposed amendments to rule 3745-81-28" and, if a recorded message is left, be sure to include your name, telephone number, and complete mailing address. There is no charge for a paper copy of the proposed rules. The proposed rules are also available on the Agency web page until their adoption or withdrawal. The address is: <http://www.epa.state.oh.us/ddagw/oac.html#proposed>.

Questions concerning this proposed rulemaking, other than obtaining copies of the proposed rules, may be addressed to Kelly Butler at (614) 644-2752. Email can be sent to [kelly.butler@epa.state.oh.us](mailto:kelly.butler@epa.state.oh.us).

**PUBLIC NOTICE**  
**COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS**

**(Giddings and Lewis, Controls, Measurement, and Sensing)/ (Stormwater Retention Pond Area of the Former Sheffield Measurement Facility)**

Notice is hereby given that on July 22, 2004, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code ("ORC") Chapter 3746 and Ohio Administrative Code ("OAC") Chapter 3745-300, issued a Covenant Not To Sue/Final Findings and Orders to Giddings and Lewis, Controls, Measurement, and Sensing for the property identified as the Former Sheffield Measurement Facility property (the "Property").

Giddings and Lewis, Controls, Measurement, and Sensing conducted a voluntary action of the Stormwater Retention Pond area of the Former Sheffield Measurement Facility, located at 721 Springfield Street, Dayton, Montgomery County, Ohio. A no further action letter was submitted on May 24, 2002 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of Giddings and Lewis, Controls, Measurement, and Sensing by Lewis C. Rhodes, Jr., a Certified Professional (No. CP201), as defined in ORC 3746.01(E) and OAC 3745-300-01(A)(8).

The issuance of the Covenant Not to Sue/Final Findings and Orders is a final action of the Director. 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.

**OHIO ENVIRONMENTAL PROTECTION AGENCY  
PUBLIC NOTICE  
ISSUANCE OF A CERTIFIED PROFESSIONAL CERTIFICATE**

Notice is hereby given that on July 21, 2004, The Director of the Ohio Environmental Protection Agency, pursuant to Ohio Revised Code Section 3746.04 (B)(5) and Ohio Administrative Code Rule 3745-300-05, issued a professional certificate to Matthew A. Cousino, CP-277, to perform work as a certified professional under the Voluntary Action Program. .

The issuance of this 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, Suite 222, Columbus, Ohio 43215.

If you would like to review the certificate, or any documents related to the certificate, please contact Kay Hughes, Records Management Officer, at Ohio EPA, Division of Emergency and Remedial Response, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

**PUBLIC NOTICE**  
**OHIO ENVIRONMENTAL PROTECTION AGENCY**  
**RENEWAL OF CERTIFIED PROFESSIONAL CERTIFICATIONS UNDER OHIO'S**  
**VOLUNTARY ACTION PROGRAM**

Notice is hereby given that on July 21, 2004, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code ("ORC") 3746.04(B)(5) and Ohio Administrative Code ("OAC") 3745-300-05, issued renewal certifications to John T. Garvey, CP-118, Julie K. Hewlett, CP-111, Troy L. Schultz, CP-244, William A. Baughman, CP-243, Edward M. McCabe, CP102, Jim C. Smith, CP-121, Charles L. Head, CP-113, Christopher W. Krumm, CP-177, Edward C. Burk, Jr., CP-129 and Dan B. Brown, CP-127, to perform work as certified professionals under the Voluntary Action Program.

The issuance of these renewal certificates are 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, Suite 222, Columbus, OH 43215.

If you would like to review a copy of any renewal certificate, or any documents related to the 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 CERTIFIED PROFESSIONAL CERTIFICATIONS UNDER OHIO'S**  
**VOLUNTARY ACTION PROGRAM**

Notice is hereby given that on July 22, 2004, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code ("ORC") 3746.04(B)(5) and Ohio Administrative Code ("OAC") 3745-300-05, issued renewal certifications to Dennis E. Schucker, CP-272, Michael J. Momenee, CP-236, Milind K. Pradhan, CP-108, Dennis A. Smalley, CP-197, Michael D. Weinstein, CP-126, Ian K. Richardson, CP-233, Terry E. Stransky, CP-262, Barry J. Franz, CP-119 and Ronald R. Clark, CP-101, to perform work as certified professionals under the Voluntary Action Program.

The issuance of these renewal certificates are 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, Suite 222, Columbus, OH 43215.

If you would like to review a copy of any renewal certificate, or any documents related to the 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**

The Natural Resource Trustees (U.S Fish and Wildlife Service, Ohio EPA and the National Oceanic and Atmospheric Administration) for the Ashtabula River, announce the availability of the Standard Operating Procedure (SOP) for Sediment Core Collection in the Ashtabula River. The field studies will be conducted over the next few months. The SOP will describe the collection of sediment cores and investigations relating to hazardous substance concentrations and toxicity of sediments in the Ashtabula River from 1980 to the present. The SOP is being issued pursuant to Section 4 of the Natural Resource Damage Assessment Plan for the Ashtabula River and Harbor which was released on February 19, 2003.

The SOP is available for public review and comment for a period of thirty (30) days from the date of this notice. Anyone interested can obtain the document by contacting Regan Williams via e-mail ( [Regan.Williams@epa.state.oh.us](mailto:Regan.Williams@epa.state.oh.us) ), by telephone at (330)963-1210 or by mail ( Ohio EPA, 2110 East Aurora Road, Twinsburg, OH 44087). Written comments can be sent via e-mail or regular mail to the same address.

**PUBLIC NOTICE**

**TERMINATION OF DIRECTOR'S FINAL FINDINGS AND ORDERS**

Notice is hereby given that on July 28, 2004, a director's letter was issued to Waste Management of Ohio, Inc. (Waste Management), 4010 Powell Road, Dayton, Ohio 45413. This action of the director, terminates the June 11, 2003 Director's Final Findings and Orders (DFFO's) issued to Waste Management for the Seriff Road Landfill (Facility). The facility is located at 1136 Seriff Road, Lima, Ohio 45449. This action of termination is subject to all rules, regulations, and specified conditions. This final action was not preceded by a proposed action and may be appealed to the Environmental Review Appeals Commission, 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**

**OHIO EPA APPROVES CLOSURE PERIOD EXTENSION REQUEST  
FROM PROVAC SERVICES, INC.**

On July 23, 2004, Ohio EPA approved a closure period extension request from Provac Services, Inc., located at 16363 St. Clair Avenue, East Liverpool, Ohio. The EPA I.D. number for this facility is OHD061718078.

The facility's June 23, 2004 extension request, pursuant to Ohio Administrative Code rule 3745-66-13(B), is for additional time to complete soil sampling and analysis required to determine the full extent of contamination, revise and submit the amended closure plan, perform remedial activities, and prepare the closure report and certify closure. This closure plan period now expires on June 23, 2005. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

**PUBLIC NOTICE**

Notice is hereby given that on July 26, 2004, the Director of the Environmental Protection Agency issued an Isolated Wetlands Permit (Level 2) to TMC Land, 23850 Sperry Drive, Westlake, Ohio 44145. The permit was issued for an project to construct a cluster housing development. This permit was issued as a final action, and may be appealed to the Environmental Review Appeals Commission (ERAC), pursuant to Chapter 3745.04 of the Ohio Revised Code. The appeal must be filed with ERAC at 309 South Fourth Street, Room 222, Columbus, Ohio 43266-0557 within 30 days of issuance of this final action.

**Date of Notice: August 7, 2004**

**PUBLIC NOTICE  
NOTICE OF PUBLIC HEARING AND DRAFT PERMIT**

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 National Pollutant Discharge Elimination System (NPDES) permit application and draft permit for the discharge from the existing storage and processing areas of Enviro Artscaping dba Garden Ridge Nursery.

The storage and processing areas are located at 05557 State Route 66 North, Defiance Township, Defiance County, Ohio. Treated wastewaters are proposed to be discharged at the same location. The proposed discharges are to Behrens Ditch and South Branch to Behrens Ditch and subsequently to Mattock Ditch and Webb Run. The NPDES applications was submitted by Enviro Artscaping, 05557 State Route 66 North, Defiance, Ohio 43512.

The discharges from this facility, if approved, would result in degradation to, or lowering of, the water quality of Behrens Ditch and South Branch to Behrens Ditch and subsequently to Mattock Ditch and Webb Run. However, the chemical-specific water quality criteria developed to protect aquatic life and human health, set forth in OAC 3745-1-07, 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 public hearing has been scheduled for 7:00 P.M. on September 22, 2004, at Defiance College, Serrick Campus Center, Hubbard Family Banquet Room, 701 North Clinton, Defiance, Ohio 43512. 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 application(s). 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 September 29, 2004. Comments received after this date may not be considered as part of the official record of this hearing.

Copies of the pending NPDES application, draft permit and technical support information may be reviewed and/or copies made at Ohio EPA's Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio, by first calling (419)352-8461 to make an appointment.

**Franklin County**

**OHIO ENVIRONMENTAL PROTECTION AGENCY  
PUBLIC NOTICE OF PUBLIC INFORMATION SESSION AND HEARING  
CONCERNING ISSUANCE OF A DRAFT PERMIT TO INSTALL FOR  
Shelly Materials Plant 91  
(PTI # 01-08828)**

Public notice is hereby given that the Ohio Environmental Protection Agency (EPA) Division of Air Pollution Control issued a draft Permit to Install (PTI) to Shelly Materials Plant 91. The draft permit was issued on May 6, 2004.

Shelly Materials Plant 91 (Shelly 91) applied for PTI # 01-08828 to modify the current emissions limits. Air pollution control equipment for this draft PTI includes a baghouse and a smoke/vapor reduction device known as a blue smoke package. Shelly 91 is located at 6055 Westerville Rd, Columbus, Ohio.

The initial comment period for the draft permit expired on June 9, 2004. During the public comment period, Ohio EPA received requests to hold a public hearing.

Ohio EPA hereby extends the public comment period until September 13, 2004 for this draft permit and has scheduled a public information session and a public hearing on the draft air permit at the following place, dates and times:

Place:	Westerville Senior Center, 310 West Main Street, Westerville, Ohio
Dates:	Public Information Session on Wednesday, August 25, 2004 Public Hearing on Thursday, September 9, 2004
Times:	Public Information Session begins at 6:30 p.m. Public Hearing begins at 6:30 p.m.

The public information session is designed to provide information and a question and answer period concerning the draft permit. The public hearing is designed only to accept comments on the draft permit. A presiding officer will be present at the public hearing and may limit oral testimony to ensure that all parties are heard. All interested persons are entitled to attend or be represented and give written or oral comments on the draft permit at the hearing. Written comments must be received by Ohio EPA by the close of business on September 13, 2004. Comments received after this date will not be considered to be a part of the official record. Written comments may be submitted at the meeting or sent to: Mr. Todd Scarborough, Ohio EPA, Central District Office - DAPC, 3232 Alum Creek Drive, Columbus, Ohio 43207.

Copies of the permit application, draft permit, and technical support information may be reviewed and/or copied by first calling to make an appointment at the Central District Office - DAPC, 3232 Alum Creek Drive, Columbus, Ohio, telephone 614-728-3778.

## **Franklin and Stark Counties**

### **PUBLIC NOTICE**

#### **DIRECTOR'S FINAL FINDINGS & ORDERS**

Pursuant to ORC Sections 3734.02(G), 3734.13 and 3745.01, notice is hereby given that on July 27, 2004, the director of Ohio EPA issued Final Findings and Orders to Park Avenue Liberty Tire Holdings, LLC (Respondent), 399 Park Avenue, Suite 3204, New York, New York 10022. Respondent is the prospective owner of a scrap tire monofill facility located in Stark County, Ohio and a Class II Recovery Facility located in Franklin County, Ohio ("Facilities"). The facilities are currently owned and operated by a subsidiary of Liberty Tire Services, LLC ("Liberty"). Respondent is hereby exempted from the requirement to file a disclosure statement at least 180 days prior to the date of the proposed change in ownership, as required in ORC Section 3734.42(F)(1) and OAC Rule 109:6-1-02(A)(3), as a result of Respondent's transfer of ownership of facility described herein. Respondent shall file the required disclosure statements within sixty (60) days after the effective date of these Orders. Respondent shall comply with all other applicable requirements of ORC Chapter 3734 and the rules adopted thereunder, as well as OAC Chapter 109:6-1. These Findings & Orders are subject to all rules, regulations, and specified conditions. This action may be appealed to the Environmental Review Appeals Commission, at 309 South Fourth Street, Room 222, Columbus, Ohio 43215. Persons 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.

**Date of Public Notice: August 4, 2004**

**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 approximately 5,929 feet of 12-inch gravity flow sanitary sewer and appurtenances to eliminate the Arrow Street Waste Water Treatment Plant and North Bend Crossing Pump Station. The application was submitted by the Metropolitan Sewer District of Greater Cincinnati, 1600 Gest Street, Cincinnati, Ohio 45204. As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's preferred alternative would be to install the 13 creek crossings using open cut methodologies. The applicant's minimal degradation alternative would be to install the 13 creek crossings using jack and bore methodologies beneath the stream beds. The applicant's non-degradation alternative would be to not construct the project. The project is located in the vicinity of 5247 North Bend Road, Cincinnati, Hamilton County, Ohio. The Louisville District Corps of Engineers Number for this project is 200400062. The Ohio EPA ID Number for this project is 042022.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Taylor Creek, a tributary of the Great Miami River. 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 August 4, 2004, 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.

**PUBLIC NOTICE**

**OAC Rule 3745-27-10(D)(7)(c) Approval**

Notice is hereby given that on July 29, 2004, pursuant to OAC 3745-27-10(D)(7)(c), the director of Ohio EPA grants approval to Rumpke Waste, Inc., 10795 Hughes Road, Cincinnati, Ohio 43251, to continue the detection monitoring program at the Bond Road Landfill (Facility) for monitoring well M-14. The facility is located at 11425 Bond Rd., West Harrison, OH 45030. This approval is subject to all rules, regulations, and specified conditions. This final action was 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 AMENDED CONSENT ORDER**

The Ohio Environmental Protection Agency (EPA) and Defendant the City of Steubenville have entered into a proposed Amended Consent Order to resolve the City of Steubenville's noncompliance with the terms of the May 27, 1998, Consent Order, in the case *State of Ohio ex rel. Jim Petro v. City of Steubenville*, Court of Common Pleas Jefferson County, Ohio, Case No. 97-CV-383 and Ohio's Water Pollution Control Regulations. The proposed Amended Consent Order would require that Defendant complete cleaning of the north interceptor, develop and implement a Long-Term Control Plan to address Sewer System Overflows (SSOs), comply with a construction schedule for the Capital Improvement Project to eliminate multiple SSOs, install the infrastructure necessary for the operation of a mobile filter press by June 1, 2005, and comply with O.R.C. Chapter 6111, the rules adopted thereunder, and the terms and conditions of its existing NPDES permit and any renewals or modifications of the permit.

To resolve Ohio EPA's claims for violations of the Consent Order, the proposed Amended Consent Order requires Defendant to pay a stipulated penalty settlement in the amount of \$10,000. The Amended Consent Order requires the payment of the stipulated penalty within 30 days of its final entry date.

Copies of the Amended Consent Order can be obtained from the Ohio EPA, Southeast District Office, by calling the Division of Surface Water Compliance and Enforcement Unit Supervisor at (740) 385-8501 or by writing to:

Compliance and Enforcement Unit Supervisor, DSW  
Ohio EPA, Southeast District Office  
2195 Front Street  
Logan, Ohio 43138

Written comments should be submitted to Ohio EPA, Southeast District Office at the above address. Written comments should be submitted on or before September 4, 2004.

The final approval and entry of the proposed Amended Consent Order will not occur until after the thirty (30) day public comment period has expired. The thirty-day period commences on August 5, 2004. The State of Ohio and the City of Steubenville reserve the right to withdraw or alter the proposed Amended Consent Order based on comments received during the public comment period.

**Date of Public Notice: August 3, 2004**

**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 fleet a floating, synthetic fuel processing facility on the Ohio River in Lawrence County. The proposed synthetic fuel facility would consist of a processing plant mounted on 2 "six cargo" barges, storage of 10,000 gallons of diluted polyvinyl acetate copolymer within cargo tanks on the barges, and a 1,000 gallon diesel storage tank. On-shore aspects of the operation would include a 25,000 gallon copolymer storage tank, a 10,000 gallon water storage tank, and a Synfuel binder mixing unit. The storage tanks would be located within existing buildings. Raw mine coal would be delivered by barge alongside the processing plant, hydraulically removed from the barge, processed in to synthetic fuel, and then transferred to an empty barge for delivery to users. An overhead walkway would span to the barge platform from the shoreline. The walkway would also support electrical lines, a water line, and a Synfuel binder transfer pipe from the shore to the barge. Two spuds and two anchors into the bed of the Ohio River would impact approximately 40 square feet of river bottom.

The project is located on the right descending bank of the Ohio River at Milepost 323.8, in Coal Grove, Lawrence County, Ohio. The application was submitted by McGinnis, Inc., 502 2<sup>nd</sup> Street, South Point, Ohio 45680. The U.S. Army Corps of Engineers' (Huntington District) Public Notice Number for this project is 200300572-1. The Ohio EPA ID Number for this project is 049330.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of the Ohio River. 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 August 3, 2004, 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.

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 Public Notice: August 3, 2004**

**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 fleet a floating, synthetic fuel processing facility on the Ohio River in Lawrence County. The proposed synthetic fuel facility would consist of a processing plant mounted on 2 "six cargo" barges, storage of 10,000 gallons of diluted polyvinyl acetate copolymer within cargo tanks on the barges, and a 1,000 gallon diesel storage tank. On-shore aspects of the operation would include a 25,000 gallon copolymer storage tank, a 10,000 gallon water storage tank, and a Synfuel binder mixing unit. The storage tanks would be located within existing buildings. Raw mine coal would be delivered by barge alongside the processing plant, hydraulically removed from the barge, processed in to synthetic fuel, and then transferred to an empty barge for delivery to users. An overhead walkway would span to the barge platform from the shoreline. The walkway would also support electrical lines, a water line, and a Synfuel binder transfer pipe from the shore to the barge. Two spuds and two anchors into the bed of the Ohio River would impact approximately 40 square feet of river bottom.

The project is located on the right descending bank of the Ohio River at Milepost 323.8, in Coal Grove, Lawrence County, Ohio. The application was submitted by McGinnis, Inc., 502 2<sup>nd</sup> Street, South Point, Ohio 45680. The U.S. Army Corps of Engineers' (Huntington District) Public Notice Number for this project is 200300572-1. The Ohio EPA ID Number for this project is 049330.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of the Ohio River. 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 August 3, 2004, 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.

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: July 30, 2004**

**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 (4PB00016) for the discharge from the existing Village of Plain City Wastewater Treatment Plant. Public notice is also given that Ohio EPA-DSW has received an application for Permit to Install (PTI) (90-807) for the construction of the proposed wastewater treatment plant expansion. The NPDES and PTI applications were submitted by the Village of Plain City, 213 South Chillicothe Street, Plain City, Ohio 43064.

The Village of Plain City's preferred wastewater disposal alternative submitted for approval is proposed to treat 750,000 gallons per day of wastewaters. The disposal system is located at 225 Central Avenue, Darby Township, Madison County, Ohio. Treated wastewaters are proposed to be discharged at the same location. The proposed discharges are to Big Darby Creek.

Other wastewater disposal alternatives resulting in lesser or no degradation or lowering of water quality will be considered by Ohio EPA.

The discharges from this facility, if approved, would result in degradation to, or lowering of, the water quality of Big Darby Creek. 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.

Copies of the pending NPDES and/or PTI applications are available for review at Ohio EPA's Central District Office, 3232 Alum Creek Drive, Columbus, Ohio, (614) 728-3778. An Ohio EPA public hearing on the proposed project has been scheduled for 6:30 p.m. on September 23, 2004 at the Pleasant Valley Joint Fire District, Training Room, 650 West Main Street, Plain City, Ohio 43064. 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 September 30, 2004. Comments received after this date may not be considered as part of the official record.

**PUBLIC NOTICE  
PROPOSED CONSENT ORDER**

The Ohio Environmental Protection Agency (EPA) and Defendant Rittman Paperboard, a Division of Caraustar Mill Group, Inc. have entered into a proposed Consent Order to resolve the Defendant's noncompliance with Ohio's Water Pollution Control Regulations. The proposed Order addresses wastewater effluent violations and unpermitted discharges at the Defendant's wastewater treatment plant (WWTP), located at 100 Industrial Avenue, Rittman, Wayne County. The proposed Consent Order would require that Defendant comply with interim WWTP effluent limits until November 30, 2005, properly operate and maintain its WWTP, comply with a construction schedule for either connecting Defendant's WWTP to the City of Rittman's wastewater collection treatment system or for upgrading Defendant's WWTP, conduct sludge, groundwater, and surface water monitoring at the Salt Street Impoundments, submit a Permit to Install Application and detailed plans for the management and closure of the Salt Street Impoundments, and comply with O.R.C. Chapter 6111, the rules adopted thereunder, and the terms and conditions of its existing NPDES permit and any renewals or modifications of the permit.

To resolve Ohio EPA's claims for violations cited in the Complaint, the proposed Consent Order requires Defendant to pay a civil penalty settlement in the amount of \$165,000 for violations of 6111. The Consent Order requires the payment of the civil penalty within 30 days of its final entry date.

Copies of the Consent Order can be obtained from the Ohio EPA, Northeast District Office, by calling the Division of Surface Water Compliance and Enforcement Unit Supervisor at (330) 963-1200 or by writing to:

Compliance and Enforcement Unit Supervisor, DSW  
Ohio EPA, Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Written comments should be submitted to Ohio EPA, Northeast District Office at the above address. Written comments should be submitted on or before \_\_\_\_\_, 2004.

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 \_\_\_\_\_, 2004. The State of Ohio and Rittman Paperboard, a Division of Caraustar Mill Group, Inc. reserve the right to withdraw or alter the proposed Consent Order based on comments received during the public comment period.