

**State of Ohio
Environmental Protection Agency
Notice of Adoption of Rules**

Notice is hereby given that the Director of Environmental Protection, under the authority of Ohio Revised Code Section 3704.03 has adopted amended rules into the Ohio Administrative Code as follows:

1. Amendment of OAC 3745-80-01 - "Definitions"
2. Amendment of OAC 3745-80-02 - "Tampering prohibitions"
3. Amendment of OAC 3745-80-03 - "Anti-tampering inspection procedures and requirements"

The primary purpose of this rulemaking is to fulfill the requirements of ORC 119.032 for the 5-year rule review. In addition, the proposed amendment to 3745-80-01 corrects an outdated definition of Clean Air Act Amendments and adds language for Incorporation by Reference. The amendments to 3745-80-02, -03 correct punctuation and grammar errors. All of these proposed changes are minor and do not affect or change the intent or stringency of the rules.

A public hearing on the proposed amendments was held on October 19, 2004, in Columbus, Ohio. No comments were received and no changes were made to the proposed rules. The Director's order of adoption was issued on January 11, 2005. The effective date of these rules is January 22, 2005.

To request a copy of these rules, obtain further information, or inspect or request copies of agency files and records pertaining to the proceeding contact Sam MacDonald, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call at 614-644-3059. The rules will be available on the Web page for electronic downloading by scrolling down to OAC 3745-80, A Statewide Motor Vehicle Anti-tampering Program. The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.html>.

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (ERAC) pursuant to Ohio Revised Code Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with ERAC within thirty (30) days after notice of the Director's action, at 309 South Fourth Street, Columbus, Ohio 43215. Copies of the appeal must be served upon the Director of the Ohio EPA within three (3) days of filing with ERAC. Ohio EPA also requests that a copy of the appeal be served upon the Environmental Enforcement Section of the Ohio Attorney General's Office.

Public Notice
Notice of Entry into Ohio EPA's
"VAP MOA Track"
Columbus and Franklin County Metro Parks
Whittier Peninsula Northern Tier

Notice is hereby given that on December 20, 2004, Columbus and Franklin County Metro Parks submitted to the Ohio Environmental Protection Agency ("Ohio EPA") a Notice of Entry in the Brownfields and Voluntary Action Program Memorandum of Agreement Track (the "VAP MOA Track"). The Columbus and Franklin County Metro Parks' Notice of Entry identifies the Whittier Peninsula Northern Tier also known as the Maier, Koch, and Cunard-Lang properties, at 347-367 Maier Place, 514 Furnace Street, and 459 Furnace Street, as the property to undergo a voluntary action through the VAP MOA Track.

The VAP MOA Track was established by the United States Environmental Protection Agency and Ohio EPA on July 31, 2001 to promote the cleanup and redevelopment of contaminated or potentially contaminated properties ("Brownfields") in Ohio. The Notice of Entry, along with other documents regarding the voluntary action at the property, will be made available for public inspection at the Metro Parks District Office, at 1069 West Main Street, Westerville, Ohio, in accordance with the MOA.

If you have questions concerning the Notice of Entry or would like to review or obtain a copy of the Notice of Entry, please contact the Records Management Officer, Ohio EPA, Division of Emergency and Remedial Response, Voluntary Action Program, 122 S. Front St., P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

**PUBLIC NOTICE
OAC Rule 3745-27-10(C)(7)(g) Approval**

Notice is hereby given that on January 10, 2005, pursuant to OAC 3745-27-10(C)(7)(g), the director of Ohio EPA approves a request for the Ashland County Commissioners, Ashland County Courthouse, 110 Cottage Street, Ashland, OH 44805, to update the background data for monitoring wells SW-4 and SW-5 using data from the past four sampling events at the Ashland County Landfill (Facility). The facility is located at County Road 1754, Ashland, Ohio 44805. This approval is subject to all rules, regulations, and specified conditions. This action of the director is final and may be appealed 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
DIRECTOR'S FINAL FINDINGS AND ORDERS**

Notice is hereby given that on January 10, 2005, Ohio EPA issued Director's Final Findings and Orders (DFFO's) to Elkem Metals Company - Ashtabula LP, 1013 Centre Road, Wilmington, DE 19805 and Elkem Metals, Inc., Airport Office Park Building 2, 400 Rouser Road, Moon Township, PA 15108 ("Respondents"). The Director's Interim Final Findings and Orders issued to Respondents on April 30, 2002, September 15, 2003, February 27, 2004 and May 28, 2004 are no longer in effect. Respondents shall comply with the January 10, 2005 DFFO's. The Orders resolve solid waste violations at the Elkem Metals Company- Ashtabula LP manufacturing plant located at 2700 Lake Road East in Ashtabula, Ohio (the Ashtabula Plant). Immediately upon the effective date of these DFFO's, Respondents shall not dispose of solid waste at the Ashtabula Plant without authorization from the Director of Ohio EPA. Respondents may begin removing the solid waste which has been open dumped at the Ashtabula Plant and solid waste subject to the Nordic real estate transaction. Respondents shall complete the removal and relocation of all solid waste which has been open dumped at the Ashtabula Plant and all solid waste subject to the Nordic real estate transaction. Before July 31, 2005, Respondents shall submit a Closure/Post Closure Plan to Ohio EPA for review and comment. These DFFO's are 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
OHIO EPA ISSUES FINAL FINDINGS AND ORDERS TO
ST. LUKE'S HOSPITAL / UHHS/CSAHS**

On January 11, 2005, Ohio EPA issued final Findings and Orders to the Saint Luke's Hospital (UHHS/CSHAS) for its facility located at 11311 Shaker Boulevard, Cleveland, Ohio. This facility operated an large quantity generator of hazardous waste. The EPA I.D. number for this facility is OHD116874419.

Saint Luke's Hospital must achieve compliance with Chapter 3734 of the Ohio Revised Code and all corresponding regulations according to the detailed compliance schedule which outlines civil penalties and payments. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

Date of Public Notice: January 19, 2005

Franklin County

**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 phased horizontal landfill expansion project. The application was submitted by Solid Waste Authority of Central Ohio, 6220 Young Road, Grove City, Ohio 43123. As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would impact 3.05 wetland acres and 1,260 feet of stream. The applicant's proposed minimal degradation alternative, if approved, would impact 1.9 wetland acres. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on streams or wetlands. The project is located south of State Route 665 and west of Interstate 71. The U.S. Army Corps of Engineers Number for this project is 2004000235. The Ohio EPA ID Number for this project is 042028.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Grant Run in the Scioto watershed. The review of the application will be conducted, and a decision whether to grant or deny the application will be made, in accordance with Chapters 3745-1 and 3745-32 of the Ohio Administrative Code (OAC). In accordance with OAC 3745-1-05, an antidegradation review of the application will be conducted before deciding whether to allow a lowering of the water quality. Other alternatives resulting in lesser or no degradation, or lowering of water quality, will be considered by Ohio EPA during the review process.

No exclusions or waivers, as outlined by Paragraph 3745-1-05 (D) of the Antidegradation Rule (effective as of May 1, 1998), apply or may be granted by the Director of Ohio EPA.

Starting January 19, 2005, copies of the application for the certification and technical support information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 122 South Front Street, Columbus, Ohio, by first calling (614) 644-2001. Applications can be made available at Ohio EPA District Offices by calling the same number.

Persons wishing to 1) be on Ohio EPA's interested parties mailing list for this project, 2) request a public hearing, or 3) submit written comments for Ohio EPA's consideration in reviewing the application should do so in writing to Ohio EPA/DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 within 30 days of the date of this public notice.

Date of Notice: January 14, 2005

Franklin County

**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 initial issuance of a National Pollutant Discharge Elimination System (NPDES) permit for the discharge from the existing Columbus Limestone, Inc. Lockbourne Facility disposal system. The application was submitted by Columbus Limestone, Inc., 433 London-Groveport Road, Lockbourne, Ohio 43137. The disposal system is designed to treat wastewaters associated with the mining and processing of sand and gravel into construction aggregate. The disposal system is located at 433 London-Groveport Road, Hamilton Township, Franklin County, Ohio. Treated wastewaters are proposed to be discharged at the same location. The proposed discharges are to Big Walnut 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 Walnut 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.

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

Copies of the pending NPDES application 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 March 1, 2005 at Ohio EPA Central District Office, Room C, 3232 Alum Creek Drive, Columbus, Ohio 43207. 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. 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 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 March 8, 2005. Comments received after this date may not be considered as part of the official record.

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

Notice is hereby given that on January 10, 2005, the director of Ohio EPA issued Final Findings and Orders to Mr. Harold J. Reddick dba Ray's Wrecking ("Respondent"), 650 South Detroit, Toledo, 43609. Respondent is the owner of a 2.47 acre parcel of land located at 998 Whittier Street, Toledo, Lucas County, Ohio (the "Property"). Upon the effective date of these Orders the Respondent shall implement mosquito control measures at the Property in accordance with the provisions of OAC Rule 3745-27-60(B)(8) and (B)(9). Respondent shall establish storage piles and fire lanes at the Property, not later than thirty (30) days after the effective date. Not later than one hundred twenty (120) days after the effective date of these Orders, Respondent shall remove or cause removal of all scrap tires from the Property . These Final Findings and Orders are 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
OHIO EPA RECEIVES NEW POST-CLOSURE PLAN
ENVIROSAFE, WYNN ROAD FACILITY**

On December 28, 2004, Ohio EPA received a new post-closure plan from Envirosafe Services of Ohio, Inc. (Envirosafe) for the hazardous waste landfarm located at the intersection of Cedar Point Road and Wynn Road, Oregon, Ohio 43616. The EPA Identification Number for this facility is OHD000721415.

Why is Envirosafe submitting this Post-Closure Plan?

At the request of Ohio EPA, Envirosafe submitted this post closure plan. The objectives of this plan are to define procedures which will ensure compliance with Ohio EPA and U.S. EPA post-closure regulations, including ground water monitoring requirements. The plan defines the scope of post-closure monitoring and maintenance activities required to 1) maintain site control and monitoring systems, and 2) monitor the potential migration of hazardous waste constituents from the Landfarm to the environment. Further, the plan reflects the provisions specified in the Closure Plan Approval received from Ohio EPA dated February 27, 2002.

When and how do I submit written comments about this Post-Closure Plan?

You can submit written comments anytime between January 14 and February 12, 2005. 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

Where can I review the Post-Closure Plan?

You can review the post-closure plan and related material at the following locations:

Toledo-Lucas County Library, Oregon Branch, 3340 Dustin Road, Oregon, Ohio 43616, tel: (419) 259-5250,

Ohio EPA, Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio 43402, tel: (419) 352-8461,

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

**PUBLIC NOTICE
OHIO EPA ISSUES EXTENSION TO COMMENT PERIOD
FOR DRAFT HAZARDOUS WASTE PERMIT MODIFICATION**

On January 3, 2005, Ohio EPA issued an extension to the comment period for the draft Class 3 permit modification issued to BP Products North America Toledo Refinery (BP Toledo Refinery) for its facility located at 4001 Cedar Point Road, Oregon, Ohio 43697-0696. BP Toledo Refinery will be implementing a site-wide Corrective Action Program which includes waste removal and/or engineering controls for six (6) waste management units at the facility. The EPA Identification Number for this facility is OHD005057542. The new comment period now ends on January 31, 2005.

You can continue to review the draft Class 3 permit modification package at the following locations:

Toledo Lucas County Public Library, Oregon Branch, 3340 Dustin Road, Toledo, Ohio 43616, tel; (419) 259-5250;

Ohio EPA - Northwest District Office, 347 North Dunbridge, Bowling Green, Ohio 43401, tel; (419) 352-8461; and,

Ohio EPA, Division of Hazardous Waste Management, 122 South Front Street, Columbus, Ohio 43215, tel; (614) 644-2917.

Comments can be sent 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: dhwmcomments@epa.state.oh.us.

Medina County

**PUBLIC NOTICE
Annual Survey
Solid & Infectious Waste Program
C&DD Program**

Notice is hereby given on January 10, 2005, in accordance with OAC Rule 3745-37-08, the director of Ohio EPA have determined that the Medina County Health District, 4800 Ledgewood Drive, P.O. Box 1033, Medina, Ohio 44258, is in substantial compliance and hereby place the Medina County Health District on Ohio EPA's Approved List(s) of health districts authorized to administer and enforce the Solid and Infectious Waste and Construction and Demolition Debris laws and rules in accordance with Sections 3734.08 and 3714.09 of the Ohio Revised Code (ORC). This approval 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, 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.

Medina County

**PUBLIC NOTICE
OHIO EPA APPROVES CLOSURE PLAN FOR
SUN CHEMICAL CORPORATION**

On January 3, 2005, Ohio EPA approved a closure plan for the former hazardous waste storage pad at Sun Chemical Corporation located at 471 East Bergey Street, Wadsworth, Ohio. The EPA I.D. number for this facility is OHD004460333.

Pursuant to Ohio Revised Code rule 3745-66-11, the facility's closure plan submitted on February 5, 2004, was approved with modification as outlined in the Director's January 3, 2005 correspondence. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

Richland County

**PUBLIC NOTICE
OHIO EPA ISSUES FINAL FINDINGS AND ORDERS TO
BROST FOUNDRY COMPANY**

On January 11, 2005, Ohio EPA issued final Findings and Orders to the Brost Foundry Company for its facility located at 198 Wayne Street, Mansfield, Ohio 44902. This facility operated an unpermitted hazardous waste storage unit. The EPA I.D. number for this facility is OHD000002295.

Brost Foundry Company must achieve compliance with Chapter 3734 of the Ohio Revised Code and all corresponding regulations according to the detailed compliance schedule which outlines civil penalties and payments. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

Summit County

**PUBLIC NOTICE
OHIO EPA APPROVES CLOSURE PLAN FOR
ACE PRECISION INDUSTRIES, INC.**

On January 3, 2005, Ohio EPA approved an amended closure plan for the Ace Precision Industries, Inc., located at 850 Moe Drive, Akron, Ohio. The EPA I.D. number for this facility is OHD987056066.

Pursuant to Ohio Revised Code rule 3745-66-11, the facility's amended closure plan submitted on November 3, 2004, was approved as outlined in the Director's January 3, 2005 correspondence. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

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

Notice is hereby given that on January 10, 2005, the director of Ohio EPA issued Final Findings and Orders to Penn-Ohio Coal Co. dba Kimble Sanitary Landfill ("Respondent"). Kimble Sanitary Landfill (the "Facility") is located at 3596 State Route 39, NW, Dover, Ohio 44622. Respondent shall cease to utilize monitoring well UMW-2 for potentiometric purposes and shall continue to use monitoring well P-8 for the determination of potentiometric surfaces. Respondent shall install a cluster of ground water monitoring wells in Homewood, Logan and Dundee Formations on the eastern side of the Facility and revise the Facility's ground water monitoring plan to include the above-noted cluster of wells and perform monitoring. Install a cluster of ground water monitoring wells in the Logan and Dundee Formations on the northern side of the Facility and revise the Facility's ground water monitoring plan to include the above-noted cluster of wells and perform monitoring. Within sixty (60) days prior to abandonment of the monitoring wells required by Order No. 2(a), Respondent shall install monitoring wells in accordance with the Facility's currently effective PTI. Respondent shall revise the Facility's PCB and hazardous waste prevention and detection program. Respondent shall continue to monitor for the parameter methylene chloride and shall pay Ohio EPA in settlement of Ohio EPA's claims for civil penalties. These Final Findings and Orders are 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.