

## **PUBLIC NOTICE**

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

Notice is hereby given that on March 18, 2005, the director of Ohio EPA issued an amended infectious waste generator certificate to Quest Diagnostics Inc, 875 Greentree Rd, Pittsburgh PA 15220, ID No.: 00-G-00951. 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 Hearing**  
**Ohio Environmental Protection Agency**  
**Proposed amendment of Ohio Administrative Code (OAC) rule 3745-21-01 and**  
**new OAC rules 3745-21-12, 3745-21-13, 3745-21-14, -3745-21-15, and 3745-21-16**  
**and**  
**Notice of Ohio EPA's intent to request U.S. EPA to Redesignate the Cincinnati**  
**area to attainment for the one-hour ozone standard**

Notice is hereby given that the Director of Environmental Protection ("Ohio EPA") proposes to amend Ohio Administrative Code (OAC) rule 3745-21-01, Definitions for Chapter 21- Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and related Materials Standards. Ohio EPA is also proposing the following new rules for Chapter 21:

**OAC rule 3745-21-12:** Control of Volatile Organic Compound Emissions from Commercial Bakery Oven Facilities.

**OAC rule 3745-21-13:** Control of Volatile Organic Compound Emissions from Reactors and Distillation Units Employed in SOCFI Chemical Production.

**OAC rule 3745-21-14:** Control of Volatile Organic Compound Emissions from Batch Operations.

**OAC rule 3745-21-15:** Control of Volatile Organic Compound Emissions from Wood Furniture Manufacturing Operations.

**OAC rule 3745-21-16:** Control of Volatile Organic Compound Emissions from Industrial Wastewater.

These rules are prompted by the action of USEPA in the March 12, 2002 Federal Register in which USEPA classified the Ohio portion of the Cincinnati-Hamilton area as moderate nonattainment for the 1-hour ozone standard effective as of July 5, 2000. USEPA had previously redesignated the Cincinnati-Hamilton area as attainment for the 1-hour ozone in a Federal Register action on June 19, 2000. However, pursuant to a petition for review of USEPA's June 19, 2000 redesignation action, the United States Court of Appeals for the Sixth Circuit Court determined that USEPA had erred in redesignating the area to attainment before Ohio had fully adopted all of the RACT rules required under Part D, Subpart 2 of the Clean Air Act. The Court vacated the previous attainment classification and remanded the matter to USEPA for further action.

In order for the Ohio portion of the Cincinnati-Hamilton area to be classified as attainment for 1-hour ozone, Ohio EPA is required to promulgate RACT rules on VOC emissions in accordance with USEPA guidance. Such guidance is provided primarily in documents on control techniques guidelines (CTG) and alternative control techniques (ACT). CTG documents contain presumptive RACT requirements for specific source categories. ACT documents contain guidance on RACT for source categories at major sources.

The amendment to OAC rule 3745-21-01 is necessary to incorporate definitions applicable to each of the new rules proposed for Chapter 21 and to incorporate references required by S.B. 265. imposition of sanctions established under the Clean Air Act.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC was required to consult with interested parties affected by the rules before the division formally proposes them. On November 9, 2004, these rules went out for a 30 day review by interested parties.

At this time, Ohio EPA is submitting this rules package and additional technical information as part of a request to redesignate the Cincinnati area to attainment with respect to the one-hour ozone standard. This request does not affect the status of the Cincinnati area with respect to the eight-hour ozone standard. The technical information includes ambient air quality data indicating attainment of the one-hour ozone standard, a summary of emissions information indicating that the air quality improvements were due to permanent emission reductions and a projection of emissions indicating that the one-hour standard will be maintained at least ten years into the future.

Pursuant to Section 119.03 of the Ohio Revised Code, public hearings on these rule changes will be conducted on April 14, 2005 and April 26, 2005 at 1:00 p. m., in Conference Room A, Hamilton County Department of Environmental Services, 250 William Howard Taft Road, Cincinnati, OH 45219.

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on these rule changes and the redesignation request. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on April 26, 2005, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after April 26, 2005, may be considered as time and circumstances permit, but will not be part of the official record of the hearing.

These rules are available on the Web page for electronic downloading by clicking on "regulations" under the " topics" drop-down box. The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.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 Bill Juris at Ohio EPA, (614) 644-3593, [bill.juris@epa.state.oh.us](mailto:bill.juris@epa.state.oh.us), or mailed to Bill Juris. Questions or comments about the redesignation should be directed to Bill Spires at Ohio EPA, (614) 644-3618, [bill.spires@epa.state.oh.us](mailto:bill.spires@epa.state.oh.us), or mailed to Bill Spires, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.

**Public Notice**  
**Ohio Environmental Protection Agency**  
**Proposed amendment of**  
**Ohio Administrative Code (OAC) rule 3745- 31-03**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) proposes to amend Ohio Administrative Code (OAC) rule 3745 - 31- 03 Permit to install exemptions. The amendments are being proposed to incorporate six new permit-by-rule provisions and to modify several permanent exemptions. These amendments will exempt owners or operators of various types of low-emitting air pollution sources from the need to obtain a permit-to-install.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC was required to consult with interested parties affected by the rule before the division formally proposes them. On August 13, 2004, these rules went out for a 30 day review by interested parties. The director of the Ohio EPA also granted an additional 30 day review period due to the request of interested parties.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes will be conducted on April 21, 2005 at 6:30 p.m., in Building E, Assembly Center, 1<sup>st</sup> Floor, of the Ohio Department of Natural Resources, 2045 Morse Road, Columbus, Ohio.

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on these rule changes. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on April 22, 2005, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after April 22, 2005, may be considered as time and circumstances permit, but will not be part of the official record of the hearing.

These rules are available on the Web page for electronic downloading by clicking on "regulations" under the " topics" drop-down box. The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.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 Rick Carleski at Ohio EPA, (614) 728-1742, rick.carleski@epa.state.oh.us, or mailed to Richard J. Carleski, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.

**PUBLIC NOTICE**

**OHIO EPA ISSUES TEMPORARY AUTHORIZATION**

On March 14, 2005, Ohio EPA issued a temporary authorization under its hazardous waste facility installation and operation permit (Hazardous Waste Permit) to BP Amoco Chemical Company (BP Amoco) for its facility at 1900 Fort Amanda Road, Lima, Ohio 45804. The EPA Identification Number for this facility is OHD042157644.

**Why does BP Amoco need this temporary authorization?**

BP Amoco is permitted to store hazardous waste in containers and tanks and also treat hazardous waste in tanks, via a filter press, and incineration at its facility located in Lima, Ohio. On January 18, 2005, Ohio EPA received BP Amoco's Class 3 modification request to allow O&D USA, Inc. to commence ownership and operation of BP Amoco Chemical Company prior to issuance of the modification. Additionally, BP Amoco wishes to transfer the facility's state hazardous waste permit from BP Amoco Chemical Company to the new owner/operator, O&D USA, Inc., effective April 1, 2005. Prior to issuance of a Class 3 permit modification, the temporary authorization allows BP Amoco Chemical Company to make the requested changes.

**Can I appeal this temporary authorization?**

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 temporary authorization you have the right to appeal this decision to the Environmental Review Appeals Commission (ERAC).

**If I decide to appeal this final temporary authorization, how and when must I make the appeal?**

If you file an appeal, you must put it in writing no later than April 13, 2005. Your appeal must explain why you are appealing the action and the grounds you are using for your appeal. You must file your appeal, according to Ohio Revised Code §3745.04, with ERAC at the following address: ***Environmental Review Appeals Commission***, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. You must send a copy of the appeal to the director of Ohio EPA at the following address no later than three (3) days after you file it with ERAC: ***Joseph P. Koncelik, Director of Ohio EPA***, P.O. Box 1049, Columbus, Ohio 43216-1049.

**PUBLIC NOTICE  
NOTICE OF PUBLIC HEARING  
OHIO ENVIRONMENTAL EDUCATION FUND AGENDA**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Office of Environmental Education (OEE) will conduct a public hearing to solicit input on the draft annual agenda for the Ohio Environmental Education Fund (OEEF) for the 2006 fiscal year.

The draft annual environmental education agenda describes proposed public outreach activities of the Office of Environmental Education, and proposed priorities for expenditures and administration of the OEEF. The OEEF General Grant Program provides approximately \$1 million annually for projects costing up to \$50,000.00 each, and another \$100,000 is earmarked for Mini Grants to support small projects costing up to \$5,000.00 each, with streamlined application and review procedures.

The public hearing will be held on March 21, 2005 at 10:00 a.m. in the Public Interest Center Conference Room on the fifth floor of the Ohio Environmental Protection Agency Central Office, located at 122 South Front Street, Columbus, Ohio 43215. The public hearing will end when all interested parties have had an opportunity to provide testimony related to the draft annual agenda.

All interested persons are entitled to attend or be represented and give written or oral comments on the draft annual agenda at the hearing. Written comments must be received by the Ohio EPA-OEE, Attention: Carolyn Watkins, P.O. Box 1049, Columbus, Ohio, 43216-1049 by the close of business on March 30, 2005. Comments received after March 30, 2005, will not be considered as part of the official record of the public hearing. After the public hearing, the Director of Environmental Protection (Director) may make any modifications to the draft annual agenda that the Director considers appropriate based upon the comments received at the public hearing.

Copies of the draft annual agenda may be reviewed at Ohio EPA's Office of Environmental Education, 122 South Front Street, Columbus, Ohio, or requested by calling (614) 644-2873 or e-mailing [oeef@epa.state.oh.us](mailto:oeef@epa.state.oh.us). The draft annual agenda has also been posted on the OEE Web page at <http://www.epa.state.oh.us/oeef/>.

**PUBLIC NOTICE**

**DIRECTOR'S UNILATERAL FINAL FINDINGS AND ORDERS**

Notice is hereby given that on March 14, 2005, the director of Ohio EPA issued Final Findings and Orders to Bryan F. and Beth A. Metzler ("Respondents"), 26370 Oxford Road, Quaker City, OH 43773. Respondents are the owners of a parcel of property located at 25640 Barber Road, Quaker City, Oxford Township, Guernsey 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 ISSUES FINAL MODIFIED HAZARDOUS WASTE PERMIT**

On March 2, 2005, Ohio EPA issued a final Class 2 modified Hazardous Waste Facility Installation and Operation Permit (Permit) to Ross Incineration Services, Inc. for its facility at 36790 Giles Road, Grafton, Ohio 44044. The EPA Identification Number for this facility is OHD048415665.

**Why is Ross Incineration Services, Inc. modifying its Permit?**

Ross Incineration Services, Inc. is permitted to operate a hazardous waste incinerator and other related hazardous waste management units at its facility. Ross Incineration Services, Inc. wishes to add the Post-Closure Care and Monitoring Plan for closed Surface Impoundment SWI 7. This final modified permit will allow Ross Incineration Services, Inc. to make the requested changes. To issue this final modified Permit, Ohio EPA determined that the modification application is complete and meets appropriate standards.

**Can I appeal this final modified Permit?**

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

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

If you file an appeal, you must put it in writing no later than **April 1, 2005**. 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: ***Joseph P. Koncelik, Director of Ohio EPA***, P.O. Box 1049, Columbus, Ohio 43216-1049.

**PUBLIC NOTICE**

Notice is hereby given that on March 15, 2005, the Director of the Environmental Protection Agency issued an Isolated Wetlands Permit to Miami County Park District, 2535 Ross Road, Tipp City, Ohio 45371. The permit was issued for a project to construct the Hobart Urban Nature Preserve at 1600 Stoneycreek Road, Troy, Miami County, Ohio. 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 Public Notice: March 24, 2005**

**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 construct 55 residential condominiums for retirement age individuals. The application was submitted by Metro Development, 4981 Bridge Lane, Mason, Ohio 45040. The project is located along the west side of Wilkens Boulevard between Natorp Drive and Merten Drive. Development is proposed for the area on the east side of Polk Run (Minimal Degradation Alternative). The Louisville District of the U.S. Army Corps of Engineers (ACOE) has issued 3 Nationwide Permits for this project, NWP 12, NWP 13, and NWP 39. The ACOE ID Number for this project is 200400443. The Ohio EPA ID Number for this project is 052205.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's preferred alternative proposes to develop both the east and west sides of Polk Run with 71 condominium units. This alternative would impact 950 linear feet of Polk Run for bank stabilization, one road crossing and 4 utility line crossings, and 385 linear feet of a Class I, ephemeral stream, and 0.03 acres of a Category 1, emergent wetland for site development. The applicant's minimal degradation alternative proposes to develop only the east side of Polk Run with 55 condominium units. This alternative would impact 730 linear feet of Polk Run for bank stabilization and 4 utility line crossings, and 385 linear feet of a Class I, ephemeral stream, and 0.03 acres of a Category 1, emergent wetland for site development. The applicant's non-degradation alternative proposes no direct impacts on the water resources on the site.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Polk Run in the Little Miami River watershed (HUC 05090202). 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 March 24, 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 Southwest District Office 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: March 22, 2005**

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

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has received an application for, and has begun to consider whether to issue or deny, an Isolated Wetland Permit (Level 2) for a project to construct a Wal-Mart Supercenter Store to replace their existing store at 1120 South Main Street, Bowling Green, Ohio. The application was submitted by Wal-mart Stores, 702 SW 8<sup>th</sup> Street, Bentonville, AR 72716-0550. The project is located on undeveloped land adjacent to and southeast of the existing Wal-Mart store and would impact 2.06 acres of Category 2, forested, isolated wetlands. Proposed mitigation is to purchase 5.2 credits from the White Star Mitigation Bank of the North Coast Regional Council of Park Districts. The Ohio EPA Number for this project is 052225.

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

Starting March 22, 2005, copies of the application and technical support information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 122 South Front Street, Columbus, Ohio, by first calling (614) 644-2001. Applications can be made available at Ohio EPA Northwest District Office by calling the same number.

Persons wishing to 1) be on Ohio EPA's interested parties mailing list for this project, 2) request a public hearing, or 3) submit written comments for Ohio EPA's consideration in reviewing the application should do so in writing to Ohio EPA/DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 within 20 days of the date of this public notice.