

## **PUBLIC NOTICE**

On the basis of preliminary staff review and application of standards and regulations, the Director of the Ohio EPA is public noticing a draft permit that regulates storm water discharges from the City of Dayton municipal separate storm sewer system (MS4) to surface waters of the state on October 26, 2005. The draft permit will be issued as a final action unless the Director revises it after consideration of comments made in writing or at a public meeting, or upon disapproval by the Administrator of the United States Environmental Protection Agency. Any person may submit written comments on the draft permit for the administrative record. A public meeting may be held to explain the content of the permit and its applicability. The date, time and location of the public meeting will be public noticed if one is to be held.

The permit affords coverage to all areas within the corporate boundary of the City of Dayton served by its MS4 and authorizes existing or new storm water point source discharges to surface waters of the State from the MS4. The permit contains requirements for a storm water management program to reduce pollutant discharges from the MS4. The permit also contains monitoring requirements to identify the impact of the discharges from the MS4 on water bodies and to assess the effectiveness of the storm water management program.

All interested persons are invited to submit written comments on the permit. Comments should be submitted no later than 30 days after the date of this public notice. Deliver or mail all comments to:

**Ohio Environmental Protection Agency  
Division of Surface Water  
Permit Processing Unit  
P.O. Box 1049  
122 South Front Street  
Columbus, OH 43216-1049**

The Ohio EPA permit number should appear next to the above address on the envelope and on each page of any submitted comments. All comments received no later than 30 days after the date of the public notice will be considered. The fact sheet and permit are available for inspection at the Ohio Environmental Protection Agency at the address shown above any time between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. Copies of this public notice, and the fact sheet and permit are available at no charge at the same address or by calling Anthony Robinson at (614) 728-3392.

**PUBLIC NOTICE**  
**COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS**  
***Ben Venue Laboratories Property***

Notice is hereby given that on October 18, 2005, 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 Ben Venue Laboratories for the property identified as the Ben Venue Laboratories property (the "Property").

Ben Venue Laboratories conducted a voluntary action of the approximately 20.90 acre-Property located at 300 Northfield Road, Bedford, Cuyahoga County, Ohio. A no further action letter was submitted on September 23, 2003 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of Ben Venue Laboratories by Mr. Matthew Knecht, a Certified Professional, No. CP105, 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 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

If you would like to review a copy of the Covenant Not To Sue/Final Findings and Orders, please contact the Records Management Officer, 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 EPA ISSUES FINAL MODIFIED HAZARDOUS WASTE PERMIT**

On October 20, 2005, Ohio EPA issued a final class 2 modified Hazardous Waste Facility Installation and Operation Permit (Permit) to Von Roll America, Inc. for its facility at 1250 St. George Street, East Liverpool, Ohio. The EPA Identification Number for this facility is OHD980613541.

**Why is Von Roll America, Inc. modifying its Permit?**

Von Roll America, Inc. is permitted to operate a hazardous waste incinerator and other related hazardous waste management units at its facility. Von Roll America, Inc., requests the addition of waste codes K-174 through K-178 to its Hazardous Waste Facility Installation and Operation permit. This final modified permit will allow Von Roll America, 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 **November 21, 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.

**Date of Public Notice: October 26, 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 project to construct medical, commercial and hotel buildings and infrastructure. The application was submitted by Plaza Properties, 3016 Maryland Avenue, Columbus, 43209-1591. The project is located on Cassady Avenue, north of I-670, Columbus, Franklin County, Ohio. The Huntington District of the U.S. Army Corps of Engineers Number for this project is (H)200501207. The Ohio EPA ID Number for this project is 052412.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would impact 1.21 acres of category 1 wetland. The applicant's proposed minimal degradation alternative, if approved, would impact .68 acres of category 1 wetland. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on wetlands.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Alum Creek 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 October 26, 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 Public Notice: October 26, 2005**

**Medina 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 project to impact wetlands for the creation of the proposed Highland Library. As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's preferred alternative would result in impacts to 1.40 acres of wetlands on-site. The applicant's minimal degradation alternative would impact 1.06 acres of wetlands on-site. The applicant's non-degradation alternative would have no direct impacts to water resources on site. The application was submitted by the Medina County District Library, 210 South Broadway, Medina, Ohio 44256. The project is located west of Ridge Road and north of Granger Road, in Granger Township, Medina County, Ohio. The Army Corps of Engineers number for this project is 2005-01481(0). The Ohio EPA number for this project is 052289.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality in the North Branch of the Rocky River watershed, within the Rocky River watershed (0411001). 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 October 26, 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.

**PUBLIC NOTICE**

**Ohio EPA Finalizes Decision Document for Glacier Clevite Heavywall Bearings (a.k.a. MIBA Bearings), McConnelsville, Ohio**

On October 19, 2005, Ohio EPA issued a Decision Document identifying the selected alternative to remediate contamination at the Glacier Clevite Heavywall Bearings facility located at 5037 State Route 60 in McConnelsville, Ohio, Morgan County.

Since production began in 1952, the facility has manufactured a variety of heavywall bearings for aircraft and locomotive engines. Formerly known as T&N Industries and Federal Mogul, the facility currently operates as MIBA Bearings. The major health and environmental risks of this site result from leaching of volatile organic compounds (VOCs) to ground water and the potential ingestion of contaminated ground water. Chemicals of concern include trichloroethene (TCE), perchloroethene (PCE), and their associated breakdown products. The selected alternative includes:

- soil vapor extraction of contaminated soil that represents a source for leaching of contaminants to ground water;
- pumping and treatment of contaminated ground water as a means of hydraulic gradient control and removal of contaminants from the saturated zone; and
- long-term monitoring to track contaminant removal and verify the continued hydraulic containment of the ground water plume.

On May 18, 2005, Ohio EPA issued a Preferred Plan that outlined Ohio EPA's preferred alternative to remediate contamination at the Site. A public meeting was held on July 7, 2005, during which public comments on the Preferred Plan were accepted. In addition, written comments on the Preferred Plan were accepted through July 15, 2005. The comments received by the Agency during the comment period are addressed in the Responsiveness Summary attached to the Decision Document.

A copy of the Decision Document has been provided to the Kate Love Simpson Morgan County Library located at 358 East Main Street in McConnelsville, Ohio. The Decision Document and related materials are also available for review at Ohio EPA's Southeast District Office located at 2195 Front Street in Logan, Ohio 43138, by calling (740) 385-8501 to set up an appointment.

The effective date of this final action is October 19, 2005. This action of the Director of the Ohio EPA 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 the 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 EPA within three (3) days of filing at the ERAC. The ERAC is located at 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

**Date of Public Notice: October 21, 2005**

**Summit County**

**PUBLIC NOTICE  
NOTICE OF RECEIPT OF 401 APPLICATION AND PUBLIC HEARING**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has received an application for, and has begun to consider whether to issue or deny, a Clean Water Act Section 401 certification for a vegetation removal project. The application was submitted by Mr. Richard McQueen, Akron-Canton Airport, 5400 Lauby Road NW #9, North Canton, Ohio 44720-1598. The project site is a 33-acre forested parcel located within the security fence at the airport. The Huntington District of the U.S. Army Corps of Engineers' Public Notice Number for this application is (H)200401282. The Ohio EPA ID Number for this project is 052286.

The delineation of the water resources report identified 3 separate areas containing 3 intermittent, headwater streams totaling 1,720 linear feet and 8 wetlands totaling 7.761 acres. Area 1 contains 2 stream sections totaling 320 linear feet and one 2.236 acre wetland. Area 2 contains one stream section of 1,400 linear feet and 2 wetlands totaling 4.564 acres. Area 3 contains 5 isolated wetlands totaling 0.961 acres. This project involves only Area 2.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would involve the clearing of a woodlot approximately 33 acres in size. This would result in impacts to 4.218 acres of a forested, Category 3 wetland, 0.346 acres of an isolated, forested, Category 2 wetland, and 1,400 linear feet of stream. The wetlands and stream would be impacted primarily by vegetation clearing, though approximately 4,000 cubic yards of fill would be placed in the wetlands due to regrading of the site. A culvert at the north end of the site would be extended by 40 linear feet and a headwall and rock channel protection would be installed. The clearing has been ordered by the Federal Aviation Authority as a safety measure due to recent wildlife strikes at the airport. Impacts to the water resources in the other two areas would be avoided by fencing these areas off from the runways.

The applicant's proposed minimal degradation alternative, if approved, would involve clearing only the southern portion of the woodlot and fencing off the northern portion. This alternative would result in impacts to 0.83 acres of a forested, Category 3 wetland, 0.346 acres of an isolated, forested, Category 2 wetland, and approximately 700 linear feet of stream. The wetlands and stream would be impacted primarily by vegetation clearing, though limited amounts of fill would be placed in the wetlands due to regrading of the site.

The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on streams or wetlands. This would involve either fencing off the entire woodlot or clearing just the upland areas.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of an unnamed tributary to Nimishillen Creek in the Tuscarawas River

watershed (HUC 05040001). 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.

Beginning October 21, 2005, 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 the Ohio EPA Northeast District Office by calling the same number.

Ohio EPA will hold a public information session and public hearing relative to issues of lower water quality on December 7, 2005, starting at 6:00 p.m. at the Green Branch Library, 4046 Massillon Road., Uniontown, Ohio 44685. The public hearing will end when all interested parties have had an opportunity to provide testimony related to the projects.

All interested persons are entitled to attend or be represented and give written or oral comments on the proposed project and all persons who do so may, at the discretion of the presiding officer, be questioned by others 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. Written comments must be received by the Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio, 43216-1049 by the close of business on December 14, 2005. Comments received after this date may not be considered as part of the official record of the hearing.

Persons wishing to be on Ohio EPA's interested parties mailing list for this project, or wish to submit 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 by the close of business on December 14, 2005.

**PUBLIC NOTICE  
OHIO EPA ISSUES FINAL RENEWAL TO DELPHI  
AUTOMOTIVE SYSTEMS-WARREN**

On October 19, 2005, Ohio EPA issued to Delphi Automotive Systems, LLC a final renewal to its Hazardous Waste Facility Installation and Operation Permit (Permit). The facility is located at 1205 North River Road at Larchmont, Warren, Ohio 44486. The EPA Identification Number for this facility is OHD000817346.

**Why Does Delphi Need a Permit?**

Delphi Automotive Systems L.L.C., (Delphi) manufactures electrical harnesses for the automotive industry and is currently performing post-closure activities. The final renewal Permit contains the conditions under which the facility will continue to operate. To issue this final renewal Permit, Ohio EPA determined that the Permit application is complete and meets appropriate standards and that the applicant has a history of compliance with relevant environmental laws, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. The renewal Permit allows Delphi to facilitate post-closure care of four closed surface impoundments, and will require Delphi to investigate and, if necessary, clean up any contamination from hazardous wastes or constituents that may be at the facility. Details about this final action can be viewed on Ohio EPA's website under Stakeholders Involvement at <http://www.epa.state.oh.us/dhwm/>

**Can I appeal this permit?**

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

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

If you file an appeal, you must put it in writing no later than November 18, 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.