

## **PUBLIC NOTICE**

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

Notice is hereby given that on October 21, 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 NOTICE**

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

Notice is hereby given that on October 24, 2005 the director of Ohio EPA issued an amended infectious waste transporter certificate to Darob Inc, 1801 Research Dr., Louisville, KY 40269, Reg. No. 00-T-00261. 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.

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice**

**Proposed Rule making Governing  
Prohibitions and Closures of Solid Waste Facilities**

Notice is hereby given that the Director of Environmental Protection, under the authority of Chapter 3734 of the Ohio Revised Code and in accordance with Chapter 119 of the Ohio Revised Code, proposes to amend the following rules of the Ohio Administrative Code:

3745-27-20 Prohibitions and closure.

The purpose of this rule making is to satisfy the requirements of Ohio Revised Code (ORC) Section 119.032, which requires all state agencies to review each of their rules every five years to determine whether to continue the rules without change, amend the rules, or rescind the rules.

A Public Hearing on this proposed rule making will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held at the Vern Riffe Center, 77 South High St., Columbus, Ohio, room South A on the 31<sup>st</sup> floor on November 29, 2005, at 10:00am.

To facilitate the scheduling of oral presentations, persons intending to give testimony at the hearing should notify the Ohio EPA Public Interest Center, P.O. Box 1049, Columbus, Ohio 43216-1049, (614) 644-2160. Prior registration will ensure that registrants are heard ahead of those individuals who register at the hearing. Oral testimony may be limited to five minutes, depending on the number of persons testifying. All interested persons are entitled to attend or be represented and to present oral and/or written comments concerning the proposed rule making.

Written testimony should be sent to the attention of Amanda Graham at the Division of Solid and Infectious Waste Management, P.O. Box 1049, Columbus Ohio 43216-1049. Written comments may also be submitted to the Hearing Officer at the public hearing. Written testimony will receive the same consideration as oral testimony. All testimony received at the hearing or by close of business on November 29, 2005, will be considered by the Ohio EPA prior to final action on this rule-making proposal. Written comments submitted after this date may be considered as time and circumstances permit.

Questions regarding this rule package should be directed to Mandi Graham, of the Division of Solid and Infectious Waste Management (DSIWM) at (614) 728-5372.

To receive a copy of the proposed rules, please contact the DSIWM receptionist at (614) 644-2621. The proposed rules are also accessible on DSIWM's web page at <http://www.epa.state.oh.us/dsiwm>.

**NOTICE OF ADOPTION OF RULES  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Rules Governing**

**The Division of Surface Water Permit to Install Program**

Notice is hereby given that the Director of the Ohio Environmental Protection Agency (Ohio EPA) has adopted the following new and amended Ohio Administrative Code rules:

3745-42-01	Definitions.	Amendment
3745-42-03	Requirements for applications and engineering plans.	Amendment
3745-42-06	General permit to install requirements.	New Rule
3745-42-08	General isolation distance requirements.	New Rule
3745-42-09	Requirements for filter sand.	New Rule
3745-42-11	Holding tanks.	New Rule

The Director's order of adoption was issued on October 27, 2005. These adopted rules will become effective on December 1, 2005.

The Director's action in this matter is pursuant to the procedural requirements of Ohio Revised Code Chapter 119 and is based upon the record of the public hearing conducted by Ohio EPA on April 20, 2005, and comments received during the public comment period.

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/dsw/rules/index.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. This 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. ERAC is located at 309 South Fourth Street, Suite 222, Columbus, OH, 43215. Copies of the appeal must be served on the Director of the Ohio EPA within three (3) days of filing with ERAC. The Ohio EPA is located at 122 S. Front St., Columbus, OH, 43216-1049.

**Public Notice**  
**Ohio Environmental Protection Agency**  
**The Director of Ohio EPA's request to replace the current requirements**  
**For E-Check in the Cincinnati and Dayton maintenance areas with**  
**Proposed amendment of**  
**Ohio Administrative Code (OAC) rule 3745-21-01, OAC rule 21-04, OAC rule 3745-**  
**21-09, OAC rule 3745-21-12**  
**and**  
**Proposed new OAC rules 3745-21-17 and 21-18**  
**and**  
**Proposed Revisions and Five-Year Rule Review of**  
**Ohio Administrative Code Chapter 72**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) proposes to amend:

- OAC rule 3745-21-01: Definitions
- OAC rule 3745-21-04: Attainment dates and compliance time schedules
- OAC rule 3745-21-09: Control of emissions of VOCs from stationary sources and perchloroethylene from dry cleaning facilities
- OAC rule 3745-21-12: Control of VOC emissions from Commercial Bakery Oven Facilities
- OAC rule 3745-72-01: Applicability
- OAC rule 3745-72-02: Definitions
- OAC rule 3745-72-03: Gasoline volatility standards and general provisions
- OAC rule 3745-72-04: Transfer documentation and record keeping
- OAC rule 3745-72-05: Liability
- OAC rule 3745-72-06: Defenses
- OAC rule 3745-72-07: Special provisions for alcohol blends
- OAC rule 3745-72-08: Quality assurance and test methods

and incorporate new rules:

- OAC rule 3745-21-17: Portable Fuel Containers and Spouts
- OAC rule 3745-21-18: Commercial Motor Vehicle and Mobile Equipment Refinishing Operations

The rule amendments and new rules are being proposed primarily as the result of the need for new control strategies for the reduction of volatile organic compound (VOC) emissions and nitrogen oxides (NOx) in the Cincinnati and Dayton metropolitan areas as a replacement for the proposed termination of the vehicle inspection program (E-Check) in those areas.

The anti-backsliding provisions of the eight-hour ozone implementation rule requires Ohio EPA to replace the emission reductions lost by the expiration of the E-Check program in Cincinnati and Dayton on December 31, 2005. Several alternative emission control options

were evaluated primarily on the basis of cost effectiveness and the ability to implement them for the next ozone season. As a result, the above rule changes and additions became necessary to realize the needed emission reductions for the Cincinnati and Dayton maintenance areas. This rulemaking addresses all of the needed emission reductions associated with the replacement of E-Check in the Dayton maintenance area and the VOC emission reductions associated with the replacement of E-Check in the Cincinnati area. An additional rulemaking will address the needed NO<sub>x</sub> reductions in the Cincinnati maintenance area.

The proposed amendments to OAC Chapter 3745-72 will require the use of low Reid vapor pressure fuel in the Cincinnati and Dayton metropolitan areas, in lieu of being just a contingency measure. The Cleveland metropolitan area will still maintain the requirement to use low Reid vapor pressure fuel as a contingency measure. As required by ORC 119.033, OAC Chapter 3745-72 is also subject to the five-year review process.

In the development of OAC Rule 3745-21-17 and OAC Rule 3745-21-18, DAPC has evaluated the design and use of the newly designed portable fuel containers (PFC's), and considers them a cost effective control measure for VOC emission reductions and recommends promulgating rules for their use in the state of Ohio. The proposed regulations will be nearly identical to the California Air Resources Board (CARB) regulations and will apply to all new gas cans and spouts sold in Ohio starting July 1, 2007.

In addition, OAC rule 3745-21-01(V)(9) and 3745-21-12(H)(4) are being amended to correct errors from rules that became effective May 28, 2005 and paragraph (RR) of OAC rule 3745-21-09 was added to address site-specific requirements on reasonably available control technology (RACT) for VOC emissions from a Sherwin-Williams Diversified Brands, Inc. facility that produces aerosol cans. Additional language was also added to paragraph (Y) of OAC rule 3745-21-09 which allows an exemption for facilities that have a total maximum annual usage of VOC that is less than or equal to 100 tons per year.

OAC rule 3745-21-09(HH) has been removed (deleted) as the facility (Goodyear Tire and Rubber) was closed between 1990 and 1992 and the process is no longer operational.

Two facility specific rules are being amended or added, OAC rule 3745-21-09(VV), Marathon Petroleum Company LLC and OAC rule 3745-21-09(T)(4)(a), Premcor Lima Refinery. The language in OAC rule 3745-21-09(VV)(1) will be completely deleted as it is no longer necessary and an alternative method of monitoring, record keeping and reporting for leak detection and repair will be added in 21-09(T)(4)(a).

In addition to the changes identified above, these rules also contain changes necessary to comply with S.B. 265 which addresses incorporation of referenced materials and changes to amend the authorizing and amplifying statutory authorities.

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

June 28, 2005 and July 1, 2005, these rules went out for a 30 day review by interested parties.

Pursuant to Section 119.03 of the Ohio Revised Code, two public hearing on these rule changes will be conducted as follows:

December 7, 2005, 10:00 a.m., in the first floor conference room at the Hamilton County Department of Environmental Services, 250 William Howard Taft Road, Cincinnati, OH 45219; and

December 7, 2005, 2:00 p.m., in Conference Room 2A, Ohio EPA Southwest District Office, 401 E. Fifth Street, Dayton, OH 45402.

All interested persons are entitled to attend or be represented at the hearings 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 December 7, 2005, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after December 7, 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 either Lee F. Burkleca at Ohio EPA, (614)-728-1344, [lee.burkleca@epa.state.oh.us](mailto:lee.burkleca@epa.state.oh.us) or Alan Harness at 614-644-4838, [alan.hariness@epa.state.oh.us](mailto:alan.hariness@epa.state.oh.us) or mailed to Lee F. Burkleca or Alan Harness, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.

**Public Hearing**  
**Ohio Environmental Protection Agency**  
**Five-Year Rule Review of Ohio Administrative Code (OAC) rule 3745-18-01 to**  
**OAC rule 3745-18-94**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) has performed a review of the above referenced rules primarily to satisfy the requirements of Section 119.032 of the Ohio Revised Code (five-year review). The DAPC finds the following rules to be necessary and with need for changes. The DAPC proposes to amend Ohio Administrative Code (OAC) rule

- 3745-18-01 Definitions.
- 3745-18-02 Ambient air quality standards - sulfur dioxide.
- 3745-18-03 Attainment dates and compliance time schedules.
- 3745-18-04 Measurement methods and procedures.
- 3745-18-06 General emission limit provisions.
- 3745-18-08 Allen County emission limits.
- 3745-18-10 Ashtabula County emission limits.
- 3745-18-11 Athens County emission limits.
- 3745-18-12 Auglaize County emission limits.
- 3745-18-15 Butler County emission limits.
- 3745-18-17 Champaign County emission limits.
- 3745-18-18 Clark County emission limits.
- 3745-18-24 Cuyahoga County emission limits.
- 3745-18-28 Erie County emission limits.
- 3745-18-29 Fairfield County emission limits.
- 3745-18-31 Franklin County emission limits.
- 3745-18-34 Geauga County emission limits.
- 3745-18-35 Greene County emission limits.
- 3745-18-37 Hamilton County emission limits.
- 3745-18-38 Hancock County emission limits.
- 3745-18-49 Lake County emission limits.
- 3745-18-50 Lawrence County emission limits.
- 3745-18-53 Lorain County emission limits.
- 3745-18-54 Lucas County emission limits.
- 3745-18-57 Marion County emission limits.
- 3745-18-61 Miami County emission limits.
- 3745-18-63 Montgomery County emission limits.
- 3745-18-66 Muskingum County emission limits.
- 3745-18-68 Ottawa County emission limits.
- 3745-18-69 Paulding County emission limits.
- 3745-18-72 Pike County emission limits.
- 3745-18-76 Richland County emission limits.
- 3745-18-77 Ross County emission limits.
- 3745-18-78 Sandusky County emission limits.

- 3745-18-79 Scioto County emission limits.
- 3745-18-80 Seneca County emission limits.
- 3745-18-81 Shelby County emission limits.
- 3745-18-82 Stark County emission limits.
- 3745-18-83 Summit County emission limits.
- 3745-18-84 Trumbull County emission limits.
- 3745-18-85 Tuscarawas County emission limits.
- 3745-18-87 Van Wert County emission limits.
- 3745-18-90 Washington County emission limits.
- 3745-18-91 Wayne County emission limits.
- 3745-18-93 Wood County emission limits.

DAPC is proposing the following changes:

Facility information was updated to include: names of owners or operators, address changes of facilities where street or highway names or numbers have changed, corrections of OEPA premise numbers and source numbers that were incorrect.

Corrections of typographical errors changes to amend the authorizing and amplifying statutory authorities.

Emission limitations in OAC rules 3745-18-31 (Franklin County), 3745-18-82 (Stark County) and 3745-18-83 (Summit County) which were less stringent than U.S. EPA's Federal Implementation Plan ("FIP") were replaced with the FIP limits. The emission limitation in paragraph (B) of OAC rule 3745-18-12 for St. Mary's Municipal Light and Power was also changed to reflect the FIP emission limitation.

Emission limitations and operating restrictions are modified at paragraph (B) of OAC rule 3745-18-82 for Canton Drop Forge. Ohio EPA believes these changes allow the facility operational flexibility without adversely affecting air quality.

Language clarifying the sulfur dioxide emission limitation for sulfur recovery units at oil refineries was added to clarify the intent of the rule at paragraph (C)(3) of 3745-18-08, paragraphs (H)(7) and (O)(9) of 3745-18-54, and paragraph (E)(4) of 3745-18-82.

In paragraph (I) of 3745-18-06, jet engine test stands are exempted from the requirements of OAC Chapter 3745-18. Ohio EPA determined sulfur dioxide emissions from these units were minor and there was no effective method accurately determine sulfur dioxide emissions from these units.

The DAPC has found the following rules to be necessary but without need for changes:

- 3745-18-05 Ambient and meteorological monitoring requirements.
- 3745-18-07 Adams County emission limits.
- 3745-18-09 Ashland County emission limits.
- 3745-18-13 Belmont County emission limits.

3745-18-14 Brown County emission limits.  
3745-18-16 Carroll County emission limits.  
3745-18-19 Clermont County emission limits.  
3745-18-20 Clinton County emission limits.  
3745-18-21 Columbiana County emission limits.  
3745-18-22 Coshocton County emission limits.  
3745-18-23 Crawford County emission limits.  
3745-18-25 Darke County emission limits.  
3745-18-26 Defiance County emission limits.  
3745-18-27 Delaware County emission limits.  
3745-18-30 Fayette County emission limits.  
3745-18-32 Fulton County emission limits.  
3745-18-33 Gallia County emission limits.  
3745-18-36 Guernsey County emission limits.  
3745-18-39 Hardin County emission limits.  
3745-18-40 Harrison County emission limits.  
3745-18-41 Henry County emission limits.  
3745-18-42 Highland County emission limits.  
3745-18-43 Hocking County emission limits.  
3745-18-44 Holmes County emission limits.  
3745-18-45 Huron County emission limits.  
3745-18-46 Jackson County emission limits.  
3745-18-47 Jefferson County emission limits.  
3745-18-48 Knox County emission limits.  
3745-18-51 Licking County emission limits.  
3745-18-52 Logan County emission limits.  
3745-18-55 Madison County emission limits.  
3745-18-56 Mahoning County emission limits.  
3745-18-58 Medina County emission limits.  
3745-18-59 Meigs County emission limits.  
3745-18-60 Mercer County emission limits.  
3745-18-62 Monroe County emission limits.  
3745-18-64 Morgan County emission limits.  
3745-18-65 Morrow County emission limits.  
3745-18-67 Noble County emission limits.  
3745-18-70 Perry County emission limits.  
3745-18-71 Pickaway County emission limits.  
3745-18-73 Portage County emission limits.  
3745-18-74 Preble County emission limits.  
3745-18-75 Putnam County emission limits.  
3745-18-86 Union County emission limits.  
3745-18-88 Vinton County emission limits.  
3745-18-89 Warren County emission limits.  
3745-18-92 Williams County emission limits.  
3745-18-94 Wyandot County emission limits.

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 August 16, 2005, these rules went out for a 30 day review by interested parties.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes will be conducted on December 6, 2005 at 10:00 a.m., in the Center for Excellence on the 6th floor, Ohio EPA, Lazarus Government Center, 122 South Front Street, Columbus, Ohio.

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on 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 December 6, 2005, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after December 6, 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 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.

Ohio EPA Permit No. OHB000001

National Pollutant Discharge Elimination System (NPDES) Permit Program

**PUBLIC NOTICE  
OF  
DRAFT GENERAL NPDES PERMIT  
FOR  
PETROLEUM BULK STORAGE FACILITIES**

Ohio Environmental Protection Agency  
Division of Surface Water, Permits Section  
122 South Front Street  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
(614) 644-2001

Public Notice No. : 05-11-022

Date of Issue of Public Notice: November 4, 2005

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA)–Division of Surface Water (DSW) has issued a draft general National Pollutant Discharge Elimination System (NPDES) permit for discharges from petroleum bulk storage facilities in the state of Ohio.

Applicants under this permit include facilities discharging wastewater from petroleum bulk storage facilities to a receiving stream. “Petroleum bulk storage facilities” are defined as facilities that include large storage tanks and/or pipelines which provide storage or conveyance for crude oil and/or petroleum products. Crude oil and/or petroleum products may be loaded and unloaded to petroleum transports such as trucks, rail cars, and barges at these facilities.

The petroleum bulk storage facilities general permit is intended to cover existing storm water discharges, contaminated with incidental amounts of petroleum products released during normal facility operations. This general permit is not proposed to be available to new dischargers or existing facilities which have not been previously regulated under an individual NPDES permit. As a result, dischargers covered by this general permit are not considered degradations under Ohio’s Antidegradation Rule [OAC Rule 3745-1-05], and this general permit is therefore not subject to the requirements under OAC Rule 3745-1-05.

**Copies of the draft general NPDES permit and the associated fact sheet and documentation can be obtained on the Ohio EPA-DSW web page at [www.epa.state.oh.us/dsw/permits/gpfact.html](http://www.epa.state.oh.us/dsw/permits/gpfact.html) or by contacting one of the following Ohio EPA district offices:**

Southeast District Office (740) 385-8501  
Southwest District Office (937) 285-6357  
Northwest District Office (419) 352-8461  
Northeast District Office (330) 963-1200  
Central District Office (614) 728-3778

In accordance with OAC 3745-1-05, Ohio EPA will provide an opportunity for public comment concerning this draft general permit. Comments received shall be considered by the Director before the draft permit is issued as final. Persons wishing to be on the Ohio EPA's interested parties mailing list for this project or wishing to submit comments for Ohio EPA's consideration may do so in writing to Ohio EPA's Division of Surface Water, Attention: Mike McCullough, Permits and Compliance Section, P.O. Box 1049, Columbus, Ohio 43216-1049 by the close of business on December 4, 2005. Comments received after this date may not be considered as part of the official record of this hearing.

**PUBLIC NOTICE**

**Ohio EPA Statement of Basis for the Proposed Remediation  
of the Former NCR Facility**

On June 20, 2005, Ohio EPA received a draft hazardous waste Corrective Measures Study (CMS) from NCR Corporation (NCR) for its former facility located at 800 Cochran Avenue, Cambridge, Ohio 43725. The EPA Identification Number for this facility is OHD001876267. Based upon a review of the draft CMS, Ohio EPA is proposing as corrective measures that NCR enter into environmental covenants to restrict land use, undertake phyto remediation and long term ground water monitoring to address ground water contamination and monitor indoor air for possible vapor intrusion of volatile compounds.

**Why is NCR submitting this Corrective Measures Study?**

Director's Final Findings & Orders issued on April 2, 1998, required NCR to conduct a RCRA facility investigation (RFI) of historic waste management areas. NCR was ordered to prepare a Corrective Measures Study to develop and evaluate the corrective action alternatives and to propose the corrective measures to be taken at the site, as needed.

**When and how do I submit written comments about this Corrective Measures Study?**

You can submit written comments anytime between October 31, and December 19, 2005. Send your comments to: Ohio EPA, Division of Hazardous Waste Management, Attn: Regulatory and Information Services, P.O. Box 1049, Columbus, Ohio 43216, telephone number (614) 644-2977, fax number (614) 728-1245, e-mail address: [dhwmcomments@epa.state.oh.us](mailto:dhwmcomments@epa.state.oh.us).

**When and Where will Ohio EPA hold a Public Meeting?**

Ohio EPA will hold a public meeting on December 8, 2005, at 6:30 p.m. It will be at the Cambridge City Council Chambers, 1131 Steubenville Avenue, Cambridge, Ohio 43725, tel.: (740) 439-2640.

**Where can I review the Corrective Measures Study?**

You can review the Ohio EPA Statement of Basis and the NCR Corrective Measures Study at the following locations:

**Guernsey County District Public Library**, 128 East 8<sup>th</sup> Street, Cambridge, Ohio 43725-2354;

**Ohio EPA, Southeast District Office**, 2195 Front Street, Logan, Ohio 43138, tel: (740) 385-850; and,

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

### **What will Ohio EPA do with the comments?**

Ohio EPA will consider all public comments on this Statement of Basis prior to making a final decision on ***remedy selection*** through issuance of a Decision Document. The Decision Document will include Ohio EPA's responses to all written and verbal comments received during the public comment period. Specific to this case, after Ohio EPA issues the Decision Document, the Director's 1998 Final Findings and Orders for NCR may be terminated upon request by NCR. Once the 1998 Orders are terminated, NCR will have an opportunity to implement the remedies by entering Ohio EPA's Voluntary Action Program. Alternatively, a new set of Orders entered into between NCR and Ohio EPA may also be the vehicle that requires NCR to implement the proposed remedies. If you commented on the Ohio EPA Statement of Basis or the NCR CMS, Ohio EPA will send you a copy of the "response to public comments" and the final CMS decision.

**Date of Public Note: November 1, 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 that involves construction of a Lowe's retail facility that will have a 138,431 square foot building footprint with associated parking. The application was submitted by Lowe's Companies, Inc., 1952 McDowell Road, Suite 101, Naperville, IL 60563. The project is located at 6150 Harrison Avenue, Green Township, Hamilton County, Ohio. The Louisville District of the U.S. Army Corps of Engineers Number for this project is 200401340-dmm. The Ohio EPA ID Number for this project is 052415.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would impact approximately 1,205 linear feet of on-site streams and 0.01 acres of a Category 1 non-forested wetland. The applicant's proposed minimal degradation alternative, if approved, would impact approximately 512 linear feet of on-site streams. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on streams or wetlands.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of unnamed tributaries to Taylor Creek of the Great Miami 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 November 1, 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: November 4, 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 impact wetlands for the creation of a commercial storage facility. As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's preferred alternative would result in impacts to 3.04 acres of wetlands on-site, of which 1.41 acres has already occurred without authorization. The applicant's minimal degradation alternative would seek authorization for impacts to 1.41 acres of wetlands, that have already occurred, on-site. The applicant's non-degradation alternative would avoid impacts to water resources on site and include the restoration of the previously impacted wetland areas. The application was submitted by Ronald Moore, 58 Northview Drive SW, Reynoldsburg, Ohio 43068. The project is located on the south side of State Route 16 approximately 1 mile west of Pataskala, in Columbia Center in Licking County, Ohio. The Army Corps of Engineers number for this project is 2004000690. The Ohio EPA number for this project is 052277.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality in the Muddy Fork watershed, within the Licking River watershed (05040006). 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 November 4, 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 ENVIRONMENTAL PROTECTION AGENCY**

**DRAFT SOLID WASTE MANAGEMENT PLAN**

Notice is hereby given that, in accordance with OCR 3734.55 (D), the Ohio Environmental Protection Agency (Ohio EPA) has issued a draft solid waste management plan for the Logan County Solid Waste Management District and is seeking public comment.

Among other things, ORC 3734.53 (A) specifies that solid waste management plans must demonstrate access to adequate solid waste management capacity for at least ten years as well as compliance with the recycling goals contained in the State Solid Waste Management Plan (State Plan).

The solid waste management plan prepared by Ohio EPA directs the Logan County Solid Waste Management District to: provide at least six sites where residential and commercial recyclable materials can be dropped off for recycling; provide a yard waste management program for at least the City of Bellefontaine; establish a new combined pay-as-you-throw/curbside recycling service; conduct a waste sort; arrange for recycling services for schools, local governmental offices, community facilities, and commercial facilities; establish a web page; establish an industrial committee; conduct regular surveys of commercial and industrial recycling activity; provide periodic collection events for household hazardous waste, scrap tires, and electronic equipment; conduct education and awareness programs for the public and schools; and submit quarterly budget and implementation reports to Ohio EPA.

A public comment period has been established that will run until November 30, 2005.

Written comments should be sent to the attention of Ernie Stall at the Division of Solid and Infectious Waste Management, P.O. Box 1049, Columbus, Ohio 43216-1049. All comments received by close of business on November 30, 2005 will be considered by Ohio EPA prior to finalizing the solid waste management plan for the Logan County Solid Waste Management District and prior to the Director's issuance of final findings and orders in accordance with ORC 3734.55 (D). Written comments submitted after this date may be considered as time and circumstances permit.

Ohio EPA may schedule one or more public information sessions at a future date based on the number of written comments received during the public comment period.

Questions regarding the solid waste management plan for the Logan County Solid Waste Management District should be directed to Ernie Stall, at the Division of Solid and Infectious Waste Management, at (614) 728-5356.

A copy of the Logan County Solid Waste Management District's solid waste management plan prepared by Ohio EPA is available for review at the reference desk of the Logan

County District Library located at 220 North Main Street, Bellefontaine, Ohio 43311-2288.  
In addition, a copy is available for review at Ohio EPA's central office in Columbus, Ohio.

**PUBLIC NOTICE**

**OHIO EPA RECEIVES AMENDED HAZARDOUS WASTE CLOSURE PLAN**

On September 30, 2005, Ohio EPA received an amended hazardous waste closure plan from the Astro Cosmos Metallurgical Corporation for its container and tank storage units located at 3225 Old Lincoln Way West, Wooster, Ohio 44691. The EPA Identification Number for this facility is OHD990659435.

**Why is Astro Cosmos Metallurgical Corporation Submitting this Closure Plan?**

At the request of Ohio EPA, the Astro Cosmos Metallurgical Corporation (ACM Corporation) submitted this closure plan. This closure plan describes the proposed activities to address soil beneath the former Pickle House floor, the 1988 spill area and adjacent former tank vault, and the August 2000 spill area. The amended plan also includes a description of the investigation activities performed, a human health risk assessment that addresses concerns raised by Ohio EPA, and amended pages describing closure activities which will be performed to address each closure area.

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

You can submit written comments anytime between October 26 and November 25, 2005. Send your comments to Ohio EPA, Division of Hazardous Waste Management, Attn: Regulatory and Information Services, P.O. Box 1049, Columbus, Ohio 43216, telephone number (614) 644-2977, fax number (614) 728-1245, e-mail address: [dhwmcomments@epa.state.oh.us](mailto:dhwmcomments@epa.state.oh.us).

**Where can I review the Closure Plan?**

You can review the Closure Plan at the following locations:

**Wayne County Public Library**, Main Branch, 304 North Market Street, Wooster Ohio 44691, tel: (330) 262-0916,

**Ohio EPA, Northeast District Office**, 2110 East Aurora Road, Twinsburg, Ohio 44087, tel: (216) 963-1200,

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