

## **PUBLIC NOTICE**

### **RECEIPT OF EVALUATION OF INFECTIOUS WASTE TREATMENT TECHNOLOGY**

On May 12, 2006, the Ohio Environmental Protection Agency, Division of Solid and Infectious Waste Management, received a request from ECODAS, 32 Birch Crescent Ste 3, Rochester, NY 14607, to seek approval of the ECODAS System as an alternative treatment technology of infectious waste. The treatment involves shredding, moisture, heat and pressure to inactivate microorganisms in infectious medical waste.

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice  
Proposed Rulemaking Governing  
Wastewater Permitting**

Notice is hereby given that the Director of Environmental Protection, under the authority of Ohio Revised Code sections 6111.03, 6111.042, 6111.12 and 6111.46, proposes to amend rules 3745-2-05, 3745-33-01, 3745-33-03, 3745-33-04 and 3745-33-08 of the Administrative Code and adopt new rule 3745-33-06 of the Administrative Code.

Ohio Administrative Code (OAC) Chapter 3745-2 covers the technical process for converting Ohio water quality standards to wasteload allocations that can be used as permit limits. The NPDES permit rules (OAC Chapter 3745-33) contain the administrative and technical requirements for writing and obtaining National Pollutant Discharge Elimination System (NPDES) permits from Ohio EPA.

The reasons for these rule amendments and new rule are: 1) to convert broadly applicable policies to rule; 2) to correct an error made in a 2002 rulemaking; 3) to settle an appeal of the Ohio River water quality standards; 4) to update administrative rules; and 5) to add protections for public water supplies and public notification of NPDES outfall locations.

A public hearing on the proposed rules will be held on Thursday, June 29, 2006 at the Ohio EPA Central Office, fifth floor conference room A, located in the Lazarus Government Center at 122 South Front Street in Columbus, Ohio. The public hearing will begin at 2:00 p.m. and adjourn when commenters complete their statements.

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on the proposed rules. Written comments may be filed with the presiding officer at the hearing or with Ohio EPA (Attn: Eric Nygaard, Ohio EPA Division of Surface Water, P.O. Box 1049, Columbus, Ohio 43216-1049) by the close of business on Friday, July 7, 2006. Comments received after that date may be considered as time and circumstances permit.

To obtain copies of the proposed rules, contact Eric Nygaard at the address above or by calling (614) 644-2024. Copies of the proposed rules are also available on the Ohio EPA Division of Surface Water Web site at [www.epa.state.oh.us/dsw](http://www.epa.state.oh.us/dsw) and the Register of Ohio Web site at [www.registerofohio.state.oh.us](http://www.registerofohio.state.oh.us).

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

Notice is hereby given that, on behalf of the State Emergency Response Commission, the Director of Environmental Protection, under the authority of Ohio Revised Code Section 3750, Emergency Planning has adopted amended rules 3750-1-01; 3750-25-01; 3750-25-05; 3750-25-10; 3750-25-15; 3750-25-25; 3750-30-01; 3750-50-03; 3750-50-05; 3750-50-10; and 3750-50-20 of the Ohio Administrative Code. We have rescinded existing rules 3750-30-10, 3750-30-10.1, and 3750-30-11 of the Ohio Administrative Code. Finally, we have also rescinded and reissued as new rule 3750-30-20 of the Ohio Administrative Code. The primary purpose of this rulemaking was to fulfill the requirements of ORC 119.032 (5 year review).

Rule amendments, and rescissions, were made to add new filing and reporting methods, modify rule language to more closely conform with federal requirements, and clarify or remove rule language that was considered vague or confusing or that was no longer necessary. New rule 3750-30-20 was added to retain portions of the rescinded rules that were deemed to remain necessary. Additionally, changes were made to address typos and formatting issues to conform with LSC style guidelines, and to fulfill the requirements of ORC 121.72 for the incorporation of materials by reference.

Public hearings on the proposed amendments were held on February 17, 2006 and April 20<sup>th</sup>, 2006, in Columbus, Ohio. There were no comments received during the comment period and no changes were made to the proposed rules as a result of public comment. The Director's order of adoption was issued on May 23, 2006. The effective date of these rules is June 5, 2006.

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 Mr. Jeff Beattie, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Mr. Beattie at 614-644-2269. The rules are available on the Web page for electronic downloading by going to the State Emergency Response Commission web site at [www.epa.state.oh.us/dapc/serc/](http://www.epa.state.oh.us/dapc/serc/)

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, Suite 222, 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.

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice  
Proposed Rulemaking Governing  
Wastewater Permit to Install Rule for Design Flow Requirements for Treatment  
Works Sized for One Hundred Thousand Gallons per Day or Less**

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 6111.03, 6111.04, 6111.44, 6111.45 and 6111.46 of the Ohio Revised Code and in accordance with Chapter 119 of the Ohio Revised Code, proposes to adopt the following new rule of the Ohio Administrative Code: **Rule 3745-42-05**. This new rule addresses wastewater permit to install regulations and creates minimum standards for estimating design flows for wastewater treatment works sized for one hundred thousand gallons per day or less.

The public comment period will run until **July 3, 2006**. A public hearing on this proposed rule will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held at **2 p.m. on June 28, 2006** at the following location:

Ohio EPA Central Office  
122 South Front Street, Conference Room B  
Columbus, Ohio 43216

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.

Written testimony should be sent to the attention of Elizabeth Bailik at the Division of Surface Water, 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 **July 3, 2006** will be considered by Ohio EPA prior to final action on this rulemaking proposal. Written comments submitted after this date may be considered as time and circumstances permit.

For questions regarding this rule package or to receive a copy of the proposed rule, please contact Elizabeth Bailik, at the Division of Surface Water (DSW), at (614) 644-2039 or via e-mail at [elizabeth.bailik@epa.state.oh.us](mailto:elizabeth.bailik@epa.state.oh.us). In addition, the proposed rule is available for review at any Ohio EPA district office and at the Ohio EPA central office. The proposed rule is also accessible on the DSW Web site at [www.epa.state.oh.us/dsw/rules/drafrules.html](http://www.epa.state.oh.us/dsw/rules/drafrules.html) and on the Register of Ohio Web site at [www.registerofohio.state.oh.us](http://www.registerofohio.state.oh.us).

**PUBLIC NOTICE**  
**Notice of Entry into Ohio EPA's "VAP MOA Track"**  
**City of Hamilton, Ohio (RiversEdge Redevelopment Project)**

Notice is hereby given that on May 19, 2006, the City of Hamilton 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 City of Hamilton's Notice of Entry identifies that RiversEdge Redevelopment Project also known as the Former Mercy Hospital at 100 Riverfront Plaza, Hamilton, Ohio 45011 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 Lane Public Library, at 300 North Third Street, Hamilton, Butler County, Ohio (513) 894-7156 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 Street, P.O. Box 1049, Columbus, Ohio 43216-1049, or by telephone at (614) 644-2924.

**PUBLIC NOTICE**  
**OHIO EPA ISSUES REVISED POLICY - CLOSURE PLAN REVIEW GUIDANCE FOR**  
**RCRA FACILITIES**

On May 30, 2006, DHWM issued its revised policy titled *Closure Plan Review Guidance for RCRA Facilities* (CPRG). DHWM had been using the 2005 version of the CPRG to convey how Ohio EPA generally expects to exercise its discretion in implementing the hazardous waste closure program. The CPRG is primarily used to assist technical staff with their evaluation of closure plans for hazardous waste management facilities. Facility owners and/or operators may also find it helpful in preparing closure plans for DHWM review.

The revisions to the document include information on post-closure plan content, a soil permeability data evaluation guidance, updates to the Generic Cleanup Numbers tables and information on outdoor exposure scenarios. The division has also reviewed its long-standing policy on the use of Maximum Contaminant Levels (MCLs) and risk values for defining groundwater cleanup levels. Rather than selecting the lower of either the MCL or risk value for a particular constituent, the policy suggests selecting the most appropriate value based on site conditions to determine cleanup levels.

The finalized CPRG and supporting documents are available on DHWM's web page at: <http://www.epa.state.oh.us/dhwm/publications.html>. Hard copy versions may also be obtained by contacting Jeri Savelle at (614) 644-2917.

**Date of Public Notice: May 19, 2006**

**PUBLIC NOTICE  
NOTICE OF RECEIPT OF 401 APPLICATIONS 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, an United States Army Corps of Engineers' Section 404 Individual Permit Clean Water Act Section 401 Water Quality Certification for a project consisting of a not-for-profit community based hospital consisting of one (1) building, associated parking areas, emergency service areas, helicopter landing pad, medical office building, and access drives. The application was submitted by Lake Hospital Systems, 10 East Washington Street, Painesville, Ohio 44077. The project is located west of Auburn Road in Concord Township, Lake County, Ohio. The Buffalo District Corps of Engineers number for this project is 2005-00213 (2). The Ohio EPA SWIMS ID Number for this project is 062590

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would impact 0.82 of an acre of federally regulated wetlands and 1,331 linear feet of perennial stream. The applicant's minimal degradation alternative, if approved, would impact 0.79 of an acre of federally regulated wetlands and 300 linear feet of perennial. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on waters of the state.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of the Grand River 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 the water quality will be considered by Ohio EPA during the review process.

No exclusions or waivers, as outlined by 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 May 19, 2006, 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. The application can be made available at the Ohio EPA Northeast District Office by call the same number.

Ohio EPA will hold a public information session and public hearing relative to the issues of lower water quality at 6:30 pm on July 5, 2006 at the Morley Library, 184 Phelps Street, Painesville, Ohio 44077. The public hearing will end when all interested parties have 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 proposed. 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 July 12, 2006. 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 this 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 July 12, 2006.

**PUBLIC NOTICE**

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

On May 1, 2006, Ohio EPA received a new hazardous waste closure plan from the Rees Plating Company for its hazardous waste container and tank storage units located at 5020 Southway Street South West, Canton, Ohio 44706. The EPA Identification Number for this facility is OHD004463998.

**Why is Rees Plating Company Submitting this Closure Plan?**

At the result of the Consent Order issued by Ohio EPA on December 29, 2005, Rees Plating Company submitted this closure plan. This closure plan includes a description of each unit including two (2) container storage areas, and one (1) tank storage (Trench) unit; sampling and analysis plan; soil sampling; decontamination procedures; a copy of the Health & Safety Plan under which the closure will be performed; a schedule for completion of the proposed work; and, estimated costs for performance of the proposed closure activities.

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

You can submit written comments anytime between May 26 and June 26, 2006. 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:

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

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