

**State of Ohio**  
**Environmental Protection Agency**

**PUBLIC NOTICE**

**Notice of Proposed Rule-making and Public Hearing**

**Date of Public Notice: July 14, 2006**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Drinking and Ground Waters (DDAGW) and Division of Surface Water (DSW) propose to modify the Ohio Administrative Code (OAC) rules regulating the certification of operators of drinking water and wastewater facilities in Ohio in Chapter 3745-7 of the Administrative Code. The proposed amendments are, in part, a result of the five year rule review requirements of Section 119.032 of the Revised Code. During this review process DDAGW and DSW determined that the existing operator certification rules were outdated and lacked clarity. The divisions have consulted with a stakeholders workgroup and solicited input from interested parties on the draft versions of these rules and are now formally proposing the rules with the Joint Committee on Agency Rule Review, the Legislative Service Commission, the Secretary of State, and the Department of Development.

The proposed amendments include clarifications to the definitions used in this chapter, a requirement for wastewater treatment systems serving less than 250 people to have a certified operator, and revisions to the classification system of both public water systems and wastewater systems. Other proposed changes include requirements for minimum staffing times for operators in responsible charge of drinking water and wastewater facilities, revisions to the eligibility criteria for certification examinations, and the inclusion of provisions for a limited class A wastewater operator. The creation of performance standards for certified operators, changing the "Advisory Board of Examiners" to the "Advisory Council of Examiners", and reductions in the number of contact hours required for operators holding multiple certificates have also been proposed. The proposed amendments also include the ability to approve contact hour providers as well as individual contact hour courses, and provisions to take action on multiple certificates in cases of fraud or falsification. Additionally, the proposed amendments make revocation of an operator's certificate permanent, refer to the statute for all fees, and include prohibitions related to falsifying information on the application or exam. The amendments proposed have also been clarified such that they prohibit anyone other than the examinee from editing or writing a Class IV examination. Due to the extent of the changes, the division proposes to rescind many of the rules and replace them with a new rule of the same number.

An information session will be conducted on August 17, 2006, beginning at 4:00 PM in conference room A at the Ohio EPA, Lazarus Government Center, 122 South Front Street, Columbus, Ohio. A public hearing pursuant to §119.03 of the Ohio Revised Code will follow the information session and begin at 5:00 PM. All interested persons are entitled to attend or be represented and give their written or oral comments on this proposed rule-

making. A presiding officer will be present until all interested persons have been heard.

To facilitate scheduling of oral presentations, persons intending to give testimony at the hearing should ensure that Ohio EPA receives notice of such intent by 5:00 p.m. on August 15, 2006. Persons who provide Ohio EPA with prior notice will be heard ahead of persons who register at the hearing. To provide notice of intent to give oral comments at the public hearing, contact Kelly Peavler, Ohio EPA, DDAGW, Lazarus Government Center, P. O. Box 1049, Columbus, Ohio 43216-1049.

In order to ensure that written comments are considered as part of the official record of this hearing, written comments must be received by Ohio EPA by the close of business August 17, 2006. Written comments on the proposed rules may be given to the presiding officer during the hearing, sent by mail to Kelly Peavler at the address above, or sent by email to the following address [ddagw\\_rulecomments@epa.state.oh.us](mailto:ddagw_rulecomments@epa.state.oh.us).

To obtain a copy of the proposed rules, contact Donna Roberts at Ohio EPA at (614) 644-2755 or email at [donna.roberts@epa.state.oh.us](mailto:donna.roberts@epa.state.oh.us). Please request the "proposed operator certification rules" and, if a recorded message is left, be sure to include your name, telephone number, and complete mailing address. There is no charge for proposed rules. The proposed rules will be available on the Agency web page until their adoption or withdrawal. The address is: <http://www.epa.state.oh.us/ddagw/oac.html>.

Questions concerning this proposed rule-making, other than obtaining copies of the proposed rules, may be addressed to Kelly Peavler at the above address or by phone at (614) 644-2752. Email can be sent to [kelly.peavler@epa.state.oh.us](mailto:kelly.peavler@epa.state.oh.us).

**State of Ohio**  
**Environmental Protection Agency**

**PUBLIC NOTICE**

**Notice of Proposed Rule-making and Public Hearing**

**Date of Public Notice: July 14, 2006**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Drinking and Ground Waters (DDAGW) is proposing two new rules in Chapter 3745-88 of the Ohio Administrative Code (OAC) for the purposes of providing loan assistance and subsidy to public water systems serving disadvantaged communities. Proposed OAC rules 3745-88-01 and 3745-88-02 outline the application process, how public water systems may qualify for disadvantaged assistance, and what kind of assistance is available.

As part of the rule-making process, the Agency is required by Section 121.39 of the Ohio Revised Code to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by the rules. The Agency is offering you and your organization the opportunity to comment on these rules before the division adopts them.

A public hearing pursuant to §119.03 of the Ohio Revised Code will be conducted on August 22, 2006, beginning at 10:00 AM in conference room B at the Ohio EPA, Lazarus Government Center, 122 South Front Street, Columbus, Ohio. All interested persons are entitled to attend or be represented and give their written or oral comments on this proposed rule-making. A presiding officer will be present until all interested persons have been heard.

To facilitate scheduling of oral presentations, persons intending to give testimony at the hearing should ensure that Ohio EPA receives notice of such intent by 5:00 p.m. on August 18, 2006. Persons who provide Ohio EPA with prior notice will be heard ahead of persons who register at the hearing. To provide notice of intent to give oral comments at the public hearing, contact Kelly Peavler, Ohio EPA, DDAGW, Lazarus Government Center, P. O. Box 1049, Columbus, Ohio 43216-1049.

In order to ensure that written comments are considered as part of the official record of this hearing, written comments must be received by Ohio EPA by the close of business August 22, 2006. Written comments on the proposed rules may be given to the presiding officer during the hearing, sent by mail to Kelly Peavler at the address above, or sent by email to the following address [ddagw\\_rulecomments@epa.state.oh.us](mailto:ddagw_rulecomments@epa.state.oh.us).

To obtain a copy of the proposed rules, contact Donna Roberts at Ohio EPA at (614) 644-2755 or email at [donna.roberts@epa.state.oh.us](mailto:donna.roberts@epa.state.oh.us). Please request the "proposed disadvantaged community loan rules" and, if a recorded message is left, be sure to include

your name, telephone number, and complete mailing address. There is no charge for proposed rules. The proposed rules will be available on the Agency web page until their adoption or withdrawal. The address is: <http://www.epa.state.oh.us/ddagw/oac.html>.

Questions concerning this proposed rule-making, other than obtaining copies of the proposed rules, may be addressed to Kelly Peavler at the above address or by phone at (614) 644-2752. Email can be sent to [kelly.peavler@epa.state.oh.us](mailto:kelly.peavler@epa.state.oh.us).

**State of Ohio**  
**Environmental Protection Agency**

**PUBLIC NOTICE**

**Notice of Proposed Rule-making and Public Hearing**

**Date of Public Notice: July 14, 2006**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Drinking and Ground Waters (DDAGW) is proposing revisions to the rules of the Ohio Administrative Code (OAC) which set the monitoring requirements for public water systems to demonstrate compliance with secondary maximum contaminant levels, the operational requirements for public water systems, and outline the requirements for installing a yard hydrant with a connection to a public water system. The draft amendments are, in part, a result of the five year rule review requirements of Section 119.032 of the Revised Code.

OAC rule 3745-82-03 describes the frequency with which public water systems are required to monitor to determine compliance with secondary maximum contaminant levels (SMCL). The division is proposing to revise the rule in order to clarify provisions related to fluoride, a contaminant for which there has been a longstanding SMCL. The division currently has policy documents describing different provisions for public water systems who add supplemental fluoride pursuant to Section 6109.20 of the Ohio Revised Code and those who do not, and is proposing to codify this regulatory structure into rule. Due to the extent of the revisions, Ohio EPA is proposing to rescind the current rule and adopt a new rule of the same number in its place. The division also proposes to amend OAC rule 3745-82-01 to clarify that all terms defined in rule 3745-81-01 also apply to OAC Chapter 3745-82.

The division has also drafted amendments to OAC rule 3745-83-01, which outlines the operational requirements for public water systems in Ohio. The revisions drafted include monitoring frequencies for various operational parameters and represent, for the most part, a codification of the operational monitoring the agency currently requires as part of the monthly operational report (MOR) form number 5003 "Minimum Required Chemical Analysis of Water for Community and Major Non-Community Water Systems". Due to the extent of the revisions, Ohio EPA is also proposing to rescind the current version of this rule and adopt a new rule of the same number in its place.

Finally, the division is proposing to revise the requirements for yard hydrants with a connection to a public water system, which are currently found in OAC 3745-99-01. The division also proposes to move the rule provisions to the backflow and cross-connection control chapter, which will involve rescinding the current rule and creating a new rule, OAC 3745-95-09. The division also proposes to provide clarification by adding the definitions of yard hydrants and weep holes to OAC 3745-95-01.

As part of the rule-making process, the Agency is required by Section 121.39 of the Ohio

Revised Code to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by the rules. The Agency is offering you and your organization the opportunity to comment on these rules before the division adopts them.

A public hearing pursuant to §119.03 of the Ohio Revised Code will be conducted on August 22, 2006, beginning at 10:00 AM in conference room B at the Ohio EPA, Lazarus Government Center, 122 South Front Street, Columbus, Ohio. All interested persons are entitled to attend or be represented and give their written or oral comments on this proposed rule-making. A presiding officer will be present until all interested persons have been heard.

To facilitate scheduling of oral presentations, persons intending to give testimony at the hearing should ensure that Ohio EPA receives notice of such intent by 5:00 p.m. on August 18, 2006. Persons who provide Ohio EPA with prior notice will be heard ahead of persons who register at the hearing. To provide notice of intent to give oral comments at the public hearing, contact Kelly Peavler, Ohio EPA, DDAGW, Lazarus Government Center, P. O. Box 1049, Columbus, Ohio 43216-1049.

In order to ensure that written comments are considered as part of the official record of this hearing, written comments must be received by Ohio EPA by the close of business August 22, 2006. Written comments on the proposed rules may be given to the presiding officer during the hearing, sent by mail to Kelly Peavler at the address above, or sent by email to the following address [ddagw\\_rulecomments@epa.state.oh.us](mailto:ddagw_rulecomments@epa.state.oh.us).

To obtain a copy of the proposed rules, contact Donna Roberts at Ohio EPA at (614) 644-2755 or email at [donna.roberts@epa.state.oh.us](mailto:donna.roberts@epa.state.oh.us). Please request the "proposed miscellaneous rules" and, if a recorded message is left, be sure to include your name, telephone number, and complete mailing address. There is no charge for proposed rules. The proposed rules will be available on the Agency web page until their adoption or withdrawal. The address is: <http://www.epa.state.oh.us/ddagw/oac.html>.

Questions concerning this proposed rule-making, other than obtaining copies of the proposed rules, may be addressed to Kelly Peavler at the above address or by phone at (614) 644-2752. Email can be sent to [kelly.peavler@epa.state.oh.us](mailto:kelly.peavler@epa.state.oh.us).

**Date of Public Notice: July 13, 2006**

**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 project to construct 385 linear feet of new armor stone revetment and four (4) detached breakwaters. The application was submitted by Haywood Beach of Saybrook, Inc., 6303 Lake Road West, Ashtabula, Ohio 44004. The project is located at 6303 Lake Road West, Saybrook Township, Ashtabula County, Ohio. The Buffalo District of the U.S. Army Corps of Engineers' Public Notice Number for this application is 98-471-0002(1). The Ohio EPA ID Number for this project is 052446.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would construct 385 linear feet of new armor stone revetment and four detached breakwaters (2 at 75 feet and 2 at 85 feet) along the shoreline of the property. Total of 1,633 cubic yards of fill below OHW. The applicant's proposed minimal degradation alternative, if approved, would construct 385 linear feet of armor stone revetment and four detached breakwaters (2 at 65 feet and 2 at 75 feet) along the shoreline of the property. Total of 1,458 cubic yards of fill below OHW. 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 Lake Erie. 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 July 13, 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. Applications can be made available at the Ohio EPA District Offices by calling the same number.

Ohio EPA will hold a public information session and public hearing relative to issues of lower water quality on at 5:30 p.m. on August 31, 2006 at the Geneva Public Library, 860 Sherman Street, Geneva, Ohio 44041. 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. 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 September 7, 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 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 September 7, 2006.

**Brown, Gallia, Lawrence, Meigs,  
Scioto, and Washington Counties**

**Date of Public Notice: July 24, 2006**

**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 consisting of channel maintenance dredging of commercially navigable waterways and public access sites on the Ohio River and its tributaries. The application was submitted by Jason Hauck, Chief of Operations, US Army Corps of Engineers Huntington District. The project is located at Racine Lock and Dam Upper and Lower Approach, RC Byrd Lock and Dam and Lower Approach, Symmes Creek Public Access Site, Ginat Run Public Access Site, Mouth of the Scioto River, Eagle Creek Public Access Site, White Oak Creek Public Access Site, and Government Harbor Muskingum River. The Ohio EPA ID Number for this project is 062690.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would allow a total of 348,000 cubic yards of sediment to be dredged from sites located on the Ohio River and its tributaries and would cause a temporary decrease in water quality during dredging and disposal, and the loss of habitat in disposal areas. The applicant's proposed minimal degradation alternative, if approved, would be similar to the preferred alternative with a smaller scope and would allow a total of 208,800 cubic yards of sediment to be dredged from sites on the Ohio River and its tributaries. This alternative creates the potential for more frequent impacts due to emergency dredging operations. The applicant's proposed non-degradation alternative, if approved, would allow no dredging to take place and 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 Ohio River. 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 3745-1-05 of the Antidegradation Rule apply or may be granted by the Director of Ohio EPA.

Starting July 24, 2006, 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.

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 August 23, 2006. Comments received after this date may not be considered as part of the official record.

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**

**Consent Order for  
Former AEP Flexo, Inc. Site, Middletown, Ohio**

The State of Ohio, by and through its Attorney General on behalf of the Ohio Environmental Protection Agency ("State"), has entered into agreement on a Consent Order in State of Ohio v. Thunder Property Holdings, LLC, Billy L. Robinson, and Charles E. Deye, Jr. The Complaint in this matter was filed in the Butler County, Ohio Court of Common Pleas on or about July 21, 2006.

The Consent Order resolves certain claims the State has against Thunder Property Holdings, LLC, Billy L. Robinson, and Charles E. Deye, Jr. regarding environmental conditions at the former AEP Flexo, Inc. site at 1300 Hook Drive, Butler County, Middletown, Ohio ("Site"). As alleged in the Complaint, hazardous wastes and industrial wastes were released at the Site. The Consent Order requires (1) completion and implementation of detailed plans and specifications for bio-remediation technology to achieve ground water cleanup goal(s) at the Site; (2) contingency for air sparging and soil vapor extraction ground water remediation system or alternative ground water remediation technology at the Site; (3) submittal of progress reports; (4) notification of completion of ground water remediation at the Site; (5) payment of enforcement costs; (6) provisions for land use and conveyance of title; (7) establishment of an escrow account to ensure performance and completion of the work; and (8) payment of past and future response costs. The Consent Order also includes a reservation of rights section reserving certain State claims.

Copies of the Consent Order and related documents, are available for review at Ohio EPA's Southwest District Office by calling Chuck Mellon, Site Coordinator, Division of Emergency and Remedial Response at (937) 285-6357, by writing to:

ATTN: Chuck Mellon, Site Coordinator  
Ohio EPA  
Southwest District Office  
401 East Fifth Street  
Dayton, Ohio 45402-2911

,or visit the EPA's Southwestern District Office website at <http://swdoweb.epa.state.oh.us/SWDO/Divisions/filerev.htm> for an appointment.

Written comments should be submitted to the State at the above address. Written comments should be submitted on or before August 22, 2006. The parties have requested the Court not approve the Consent Order until after the public comment period.

**PUBLIC NOTICE**

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

On June 15, 2006, Ohio EPA received an amended hazardous waste closure plan from Walker Heat Treating for the consolidation of three RCRA units located in at 10601 Briggs Road, Cleveland, Ohio 44111. The EPA Identification Number for this facility is OHD004197307.

**Why is Walker Heat Treating submitting this Closure Plan?**

At the request of Ohio EPA, Walker Heat Treating submitted this closure plan. This closure plan is intended to consolidate three separate areas into one area. The areas include: 1) the area outside the rear (south side) of the existing building and the associated area of former soil/waste piles east of the building, 2) the Salt Bath Room, and 3) the Atmospheric Room. This plan supersedes and replaces the three separate RCRA Closure Plans, and contains a summary of work conducted to date under the original plans.

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

You can submit written comments anytime between July 20, 2006 and August 21, 2006. Send your comments to: Ohio EPA, Division of Hazardous Waste Management, Attn: Regulatory and Information Services, P.O. Box 1049, Columbus, Ohio 43216-1049, telephone number (614) 644-2977, fax number (614) 728-1245, e-mail address: [dhwmcomments@epa.state.oh.us](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 Aurora Road, Twinsburg, Ohio 44087, tel: (330) 963-1200;

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

**PUBLIC NOTICE  
PROPOSED CONSENT ORDER**

The Ohio Environmental Protection Agency (Ohio EPA) has entered into a proposed Consent Order filed by the State of Ohio in Fayette County Court of Common Pleas, case number 06CVH00352. The Consent Order would require the City of Washington Court House to eliminate unpermitted discharges and effluent violations, and to comply with all terms and conditions of NPDES Permit 4PD00002\*MD and any renewals and modifications thereof. In addition, it requires them to comply with the requirements of Ohio Revised Code Chapter 6111 and the rules adopted under that statute, as well as the payment of fifty thousand dollars (\$50,000.00) in civil penalty. Copies of the Consent Order can be obtained by writing to:

Ohio Environmental Protection Agency  
Central District Office  
Division of Surface Water  
Attn: Enforcement Coordinator  
PO Box 1049  
Columbus, Ohio 43215

Written comments should be submitted to Ohio EPA, Central District Office at the above address. Written comments should be submitted on or before August 26, 2006.

The final approval and entry of the proposed Consent Order will not occur until after the thirty (30) day public comment period has expired. The thirty day period commences on July 27, 2006. Both the State of Ohio and the City Washington Court House reserve the right to withdraw or alter the proposed Consent Order based on comments received during the public comment period.

**PUBLIC NOTICE**

**OHIO EPA ISSUES FINAL ENVIRONMENTAL COVENANTS TO  
SOLID WASTE AUTHORITY OF CENTRAL OHIO**

On July 11, 2006, Ohio EPA issued Environmental Covenants to the Solid Waste Authority of Central Ohio (SWACO) for its facility located at 2500 Jackson Pike, Columbus, Ohio 43207. SWACO is an unpermitted hazardous waste facility undergoing closure activities for its retention basin area. The EPA I.D. number for this facility is OHD986971968.

The Solid Waste Authority of Central Ohio must achieve compliance with 5301.80 and 5301.92 of the Ohio Revised Code which restricts the use of its property to limited industrial activities as outlined in the covenants. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

**PUBLIC NOTICE**

**OHIO EPA ISSUES NOTICE OF TENTATIVE DECISION TO ISSUE A VARIANCE  
FROM CLASSIFICATION AS A WASTE**

On July 18, 2006, pursuant to Ohio Administrative Code rule 3745-50-26, the director of Ohio Environmental Protection Agency (Ohio EPA) issued a draft notice tentatively granting a variance to Metallurg Vanadium Corporation (Metallurg), located at 60790 Southgate Road, Cambridge Ohio 43725. The EPA Identification Number for this facility is OHD042319244. If issued as a final variance, certain materials that Metallurg handles would not be wastes under Ohio's hazardous waste laws. The Agency is proposing to issue this variance because Metallurg recycles wastes, and uses and manages these materials more like products than wastes.

**Why is Metallurg asking Ohio EPA to grant a Variance?**

Metallurg operates and maintains a metals recycling facility. The primary metal of interest to Metallurg is vanadium. Metallurg accepts partially reclaimed spent catalyst from the petroleum refining industry for recycling. Once received, the company recycles this catalyst by concentrating the levels of vanadium using industrial furnaces to make an alloy that contains iron and vanadium. The product is sold to the steelmaking industry for use in making steel. Vanadium makes steel stronger.

Without this variance, some of Metallurg's activities would be regulated as hazardous waste management activities and Metallurg would need a hazardous waste facility installation and operation permit (Permit). When issued, this variance will allow Metallurg to store the vanadium bearing catalyst before recycling without obtaining a permit. The draft variance contains the conditions under which the facility must operate if the variance receives final approval. To issue this draft variance, Ohio EPA evaluated the application considering the factors in rule 3745-50-24 of the Ohio Administrative Code.

**How can I tell Ohio EPA what I think about this Variance?**

You can submit written comments anytime between July 19, 2006 and August 18, 2006. Send your comments to Ohio EPA, Lazarus Government Center, Division of Hazardous Waste Management, Attn: Regulatory and Information Services, P.O. Box 1049, Columbus, Ohio 43216-1049, telephone number (614) 644-2977, fax number (614) 728-1245, e-mail: [dhwmcomments@epa.state.oh.us](mailto:dhwmcomments@epa.state.oh.us). If you have questions about the variance, please contact Karen Hale at (614) 644-2927 or [karen.hale@epa.state.oh.us](mailto:karen.hale@epa.state.oh.us).

**Where can I review the Variance Application and draft Variance?**

You can review these at one of the following locations after July 18, 2006:

**Guernsey County District Public Library**, Main Branch, 800 Steubenville Avenue, Cambridge, Ohio 43725, (740) 432-7142;

**Ohio EPA, Southeast District Office, Division of Hazardous Waste Management, 2195 Front Street, Logan, Ohio 43138; and,**

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

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

After carefully considering public comments, Ohio EPA will reconsider the draft variance, making any necessary changes, and issue or deny the final variance. Ohio EPA will issue a "response to public comments," specifying any changes made to the draft variance. If you commented on the draft variance, Ohio EPA will send you copies of the "response to public comments" and the director's final action on the variance.

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

**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 project to construct 143 linear feet of new armor stone revetment. The application was submitted by Gerald A and Mary E. Buckholz, 4140 Menlo Park Lane, Vermilion, Ohio 44089. The project is located at 4140 Menlo Park Lane, Vermilion, Lorain County, Ohio. The Buffalo District of the U.S. Army Corps of Engineers' Public Notice Number for this application is 2006-00489(0). The Ohio EPA ID Number for this project is 052519.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would construct 143 linear feet of new armor stone revetment at a 2:1 slope along the shoreline of the property. Total of 1,025 cubic yards of fill below OHW. The applicant's proposed minimal degradation alternative, if approved, would construct 143 linear feet of armor stone revetment at a 1.5:1 slope along the shoreline of the property. Total of 575 cubic yards of fill below OHW. 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 Lake Erie. 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 July 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. Applications can be made available at the Ohio EPA District Offices by calling the same number.

Ohio EPA will hold a public information session and public hearing relative to issues of lower water quality at 5:30 p.m. on September 14, 2006 at the Lorain Main Library, 351

Sixth Street, Lorain, Ohio 44052. 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 September 21, 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 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 September 21, 2006.

**Ohio EPA PA No. 03-16652**

**Ohio Environmental Protection Agency Draft Plan Approval**

**PUBLIC NOTICE**

Draft Plan Approval for wastewater treatment and/or disposal facilities

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

Public Notice No.: 06-07-053  
Date of Issue of Public Notice: July 26, 2006

Name and Address of Applicant: Fort Recovery WWTP, Attn: Randy Diller, P.O. Box 340,  
Fort Recovery, 45846

Name and Address of Facility Where Discharge Occurs: Fort Recovery WWTP, East Side  
of North First Street, Fort Recovery, Ohio 45486, Mercer County

Public notice is hereby given that Ohio Environmental Protection Agency (Ohio EPA)-  
Division of Surface Water (DSW) has issued a draft plan approval for the Long-Term  
Control Plan for CSO Abatement for the Village of Fort Recovery WWTP.

The approved plan is for sewer separation and elimination of the four existing combined  
sewer overflows. The plan includes an implementation schedule, starting in 2008 and  
extending until 2019, to complete the constructed improvements over a 12 year period as  
follows:

Phase I - Wayne Street Area. Begin construction by July 1, 2008 of the Wayne Street  
sanitary sewer separation project. Complete Construction as soon as possible, but not  
later than January 2, 2010.

Phase II - Elm Street Area. Begin construction by July 1, 2011 of the Elm Street sanitary  
sewer separation project. Complete Construction as soon as possible, but not later than  
January 2, 2013.

Phase III - Northern Areas. Begin construction by July 1, 2014 of the Northern Areas sanitary sewer separation project. Complete Construction as soon as possible, but not later than January 2, 2016.

Phase IV - Fort Site Street and School Area. Begin construction by July 1, 2017 of the Fort Site Street & School Area sanitary sewer separation project. Complete Construction as soon as possible, but not later than January 2, 2019.

The estimated cost of the improvements is \$4,504,549.00. Compliance schedules for completing the projects will be included in the Fort Recovery's NPDES permit beginning with the 2006 NPDES permit modification and continuing in the Fort Recovery NPDES permit renewals until implementation is complete. The 2006 NPDES permit modification will be public noticed at the same time as the LTCP approval.

In accordance with OAC 3745-1-05, Ohio EPA will provide an opportunity for public comment concerning this project. Comments received shall be considered by the Director before the plan is issued as final.

Any person may submit written comments on the draft plan and administrative record and may request a public hearing. A request for public hearing shall be in writing and shall state the nature of the issues to be raised. In appropriate cases, including cases where there is significant public interest, the director may hold a public hearing on a draft plan or plans prior to final issuance of the plan or plans. Written comments and/or public hearing requests must be received by the Ohio EPA, Division of Surface Water no later than 30 days from the date of this public notice. Comments and/or public hearing requests should be delivered or mailed to both of the following locations: 1) Ohio Environmental Protection Agency, Division of Surface Water, Permits Processing Unit, 122 South Front Street, P.O. Box 1049, Columbus, Ohio 43216 and 2) Ohio Environmental Protection Agency, Northwest District Office, 347 North Dunbridge Road, Bowling Green, OH 43402. Comments received after this date may not be considered by the Director before issuing the final plan.

Copies of the draft Plan and technical support information may be reviewed and/or copies made at the Ohio EPA District Office, address by first calling, (614)644-2001 to make an appointment.

**Date of Public Notice: July 27, 2006**

**PUBLIC NOTICE  
NOTICE OF RECEIPT OF ISOLATED WETLAND PERMIT  
APPLICATION (LEVEL 3)**

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 3) for a project to develop an industrial warehouse complex as part of the Rickenbacker Advanced Global Logistics Park. The application was submitted by Columbus Regional Airport Authority, 4600 International Gateway, Columbus, Ohio 43219. The project is located south of Rickenbacker International Airport, south of Ashville Pike and east of the railroad tracks, near the town of Duval, Pickaway County, Ohio. The Ohio EPA Public Notice Number for this project is 062618.

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, Section 6111.12, Ohio Administrative Code (OAC) Chapter 3745-1 and other applicable provisions of state law. In accordance with 3745-1-05, an antidegradation review of the application will be conducted before deciding whether to allow a lowering of water quality. Other alternatives as proposed by the applicant 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 in OAC 3745-1-05 (D), the Antidegradation Rule (effective as of May 1, 1998), apply or may be granted by the Director of Ohio EPA.

Starting July 27, 2006, 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 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 ISSUES FINAL ENVIRONMENTAL COVENANTS TO  
STEEL PRODUCTS CORPORATION OF AKRON**

On July 6, 2006, Ohio EPA issued Environmental Covenants to Steel Products Corporation of Akron (Steel Products) for its facility located at 1699 Commerce Drive, Stow Ohio. Steel Products is an unpermitted hazardous waste facility undergoing closure activities for its container storage area. The EPA I.D. number for this facility is OHD004156055.

Steel Products Corporation of Akron must achieve compliance with 5301.80 and 5301.92 of the Ohio Revised Code which restricts the use of its property to limited industrial activities as outlined in the covenants. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

**Date of Public Notice: July 15, 2006**

**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 surface coal mine. The application was submitted by the Penn Ohio Coal Company, dba Kimble Clay and Limestone, 3596 State Route 39 NW, Dover, Ohio 44622. The project is located along the south side of Bunker Hill Road û County Road 24, just north of Port Washington in the Second Quarter and Section 10 in Township 6 North, Range 2 and 3 West, Salem Township, Tuscarawas County, Ohio. The Huntington District Corps of Engineers Public Notice Number for this project is 2003001255. The Ohio Department of Natural Resources application number is 10307. The Ohio EPA ID Number for this project is 062621.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would impact 0.143 acres of jurisdictional wetland, 0.001 acres of isolated wetland and 7,308 linear feet of intermittent streams. The applicant's proposed minimal degradation alternative, if approved, would impact 0.041 acres of jurisdictional wetland, 0.001 acres of isolated wetland, and 6,276 linear feet of intermittent streams. 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 adjacent and isolated wetlands and tributaries to the Tuscarawas River. 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 (Date of Publication) 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.

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 August 14, 2006. Comments received after this date may not be considered as part of the official record.

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.