Statewide

PUBLIC NOTICE
FINAL ISSUANCE OF FINDINGS AND ASSESSMENT

Notice is hereby given that on October 3, 2006 the Director issued a triennial assessment of the commercial hazardous waste incinerator capacity in Ohio pursuant to Ohio Revised Code Section 3734.123 (Amended Substitute House Bill No.604). This assessment presents the current and projected incineration in the State which includes the following:

1) Total commercial incineration capacity is projected to remain 135,993 tons per year during the period, 2007-2026.

2) Total projected demand for commercial hazardous waste incineration capacity (including “in-state waste” and “import waste”) is 97,898 tons per year during the period, 2007-2026.

3) Remediation-generated hazardous wastes constitute an additional annual demand for commercial hazardous waste incineration capacity of up to 1,345 tons during the period 2007-2026.

4) Newly listed hazardous wastes are not anticipated to significantly increase demand for commercial hazardous waste incineration capacity.

5) The Director concludes that there will be adequate capacity to handle the expected demand for commercial hazardous waste incineration during the period 2007-2026.

This final action was not preceded by a proposed action, and is appealable to the Environmental Review Appeals Commission.

Before the Ohio Environmental Protection Agency
Public Notice of Amendment and Adoption of Rules Governing
the Cessation of Regulated Operations (CRO Program)

Notice is hereby given that the Director of Environmental Protection, under the authority of the Ohio Revised Code (ORC) section 3734.12, has adopted the rules of the Ohio Administrative Code listed here, as ordered on October 2, 2006:

New rule:

3745-352-01	Incorporated by reference.

Amended rules:

3745-352-05	What definitions do I need to know in order to understand the "CRO rules"?
3745-352-10	What is the "cessation of regulated operations" program and how do I determine whether the "CRO rules" apply to a facility?
3745-352-20	What are my responsibilities if I am an owner or operator?
3745-352-25	What are my responsibilities if I am a holder of a first mortgage on real property, a fiduciary, an indentured trustee for debt securities, or a receiver?
3745-352-35	How do I designate a contact person?
3745-352-40	How can I get a waiver from complying paragraph (A) of rule 3745-352-20 of the Administrative Code? (Note: The title of this rule after this amendment is effective will be "How can I get a waiver from complying with certain requirements of rule 3745-352-20 of the Administrative Code?")

The primary purpose of this rule-making is to correct and update these rules pursuant to their five-year review under ORC 119.032. As part of that review, Ohio EPA created the new rule listed in order to address cross-referencing requirements added by Senate Bill 265 of Ohio's 124th General Assembly. Ohio EPA also amended the rules listed to clarify their meaning and to make minor wording corrections.

The Director of Environmental Protection, after considering public comment on the proposed Cessation of Regulated Operations rules, adopted these rules in final form pursuant to ORC section 3734.12. The new and amended rules will become effective on October 14, 2006 in accordance with ORC section 119.04(A).

These rules are available electronically from the Register of Ohio, and will remain available there for approximately thirty days after their effective date. They may also be accessed at the Division of Hazardous Waste Management web site at www.epa.state.oh.us/dhwm/welcome at the "Rules and Laws" icon.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission (ERAC) pursuant to ORC section 3745.04. The appeal must be in writing and must set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the ERAC within thirty days after notice of the Director's action. The appeal must be accompanied by a filing fee of $70.00

which the ERAC, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. The appeal may be filed at this address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. Notice of the filing of the appeal must be filed with the Director within three days after filing with the ERAC. Ohio EPA requests that a copy of the appeal also be served upon the Ohio Attorney General's Office, Environmental Enforcement Section.

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY
PUBLIC NOTICE OF AMENDMENT OF A RULE
GOVERNING HAZARDOUS WASTE MANAGEMENT

Notice is hereby given that the Director of Environmental Protection, under the authority of the Ohio Revised Code (ORC) section 3734.12, has adopted the amended rule of the Ohio Administrative Code listed here, as ordered on October 2, 2006:

3745-50-54 Duration of permits.

The primary purpose of this rule-making is to make this rule consistent with and equivalent to its federal counterpart rule. This rule contains additional non-substantive amendments and corrections.

The Director of Environmental Protection, after considering public comment on the proposed hazardous waste management rule, adopted this rule in final form pursuant to ORC section 3734.12. The amended rule will become effective on October 14, 2006 in accordance with ORC section 119.04(A).

This rule is available electronically from the Register of Ohio, and will remain available there for approximately thirty days after its effective date. It may also be accessed at the Division of Hazardous Waste Management web site at www.epa.state.oh.us/dhwm/welcome at the "Rules and Laws" icon.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission (ERAC) pursuant to ORC section 3745.04. The appeal must be in writing and must set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the ERAC within thirty days after notice of the Director's action. The appeal must be accompanied by a filing fee of $70.00 which the ERAC, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. The appeal may be filed at this address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. Notice of the filing of the appeal must be filed with the Director within three days after filing with the ERAC. Ohio EPA requests that a copy of the appeal also be served upon the Ohio Attorney General's Office, Environmental Enforcement Section.

STATE OF OHIO
ENVIRONMENTAL PROTECTION AGENCY

October 2, 2006
Notice of Rulemaking

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Emergency and Remedial Response (DERR), has amended the following rule of the Ohio Administrative Code:

OAC 3745-300-04 - Certified Laboratories

This rule addresses the Voluntary Action Program (VAP) regulations and was modified to update the certified laboratory requirements. The rule changes clarified definitions and language related to the use of performance-based methods. Also, criteria regarding production of certified data and the adoption of the National Environmental Laboratory Accreditation Program were clarified.

The Director of Environmental Protection, after considering public comment, adopted these rules in final form, pursuant to Section 3746.04 of the Ohio Revised Code. The Director's order of adoption was issued on October 2, 2006. In accordance with Section 119.04(A) of the Revised Code, the effective date of these amended rules will be October 14, 2006.

A copy of the rules may be obtained by contacting Ildi Pallós at (614) 644-2086 or ildi.pallos@epa.state.oh.us. These rules are also available electronically on the following web page: http://www.epa.state.oh.us/derr/volunt/volunt.html.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of $70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, OH 43215

NOTICE OF ADOPTION OF RULES
OHIO ENVIRONMENTAL PROTECTION AGENCY

Rules Governing
Wastewater Permitting

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

Rule #	Rule Title	Action
3745-2-05	Calculating wasteload allocations.	Amendment
3745-33-01	Definitions.	Amendment
3745-33-03	Permit applications.	Amendment
3745-33-04	Permit actions.	Amendment
3745-33-06	Treatment and disposal standards and permit limits.	New rule
3745-33-08	Generic permit conditions.	Amendment

The Director's order of adoption was issued on **October 5, 2006**. These adopted rules will become effective on **December 1, 2006**. To request a copy of these rules, write to Eric Nygaard, Ohio Environmental Protection Agency, Division of Surface Water, P.O. Box 1049, Columbus, OH 43216-1049 or call Mr. Nygaard at (614) 644-2024. Copies of the adopted rules are also available on the Ohio EPA Division of Surface Water Web site at www.epa.state.oh.us/dsw.

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 June 29, 2006, and comments received during the public comment period.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of $70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, OH 43215

PUBLIC NOTICE
COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS
Zicka-Walker Homes, Ltd./ Riverview Estates at Coldstream

Notice is hereby given that on October 5, 2006, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code ("ORC") Chapter 3746 and Ohio Administrative Code ("OAC") Chapter 3745-300, issued a Covenant Not To Sue/Final Findings and Orders to the Zicka-Walker Homes, Ltd., K-A. Ltd., and Forestville Realty for the property identified as the Riverview Estates at Coldstream property (the "Property").

Zicka-Walker Homes, Ltd. conducted a voluntary action of the 35.529-acre property located at 4000 Red Bank Road, Hamilton County, Ohio. A no further action letter was submitted on June 6, 2006 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of Zicka-Walker Homes, Ltd., by Michael Weinstein, a Certified Professional (CP126), as defined in ORC 3746.01(E) and OAC 3745-300-01(A)(8).

The issuance of the Covenant Not to Sue/Final Findings and Orders is a final action of the Director. The action may be appealed to the Environmental Review Appeals Commission ("Commission"). The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice or issuance of the action. (See ORC 3745.04 and 3745.07). A copy of the appeal must be served on the Director within three (3) days after the appeal is filed with the Commission. The appeal may be filed with the Commission at 309 South Fourth St., Room 222, Columbus, Ohio 43215.

If you would like to review a copy of the Covenant Not To Sue/Final Findings and Orders, please contact Debi Tavizon, Records Management, Ohio EPA, Division of Emergency and Remedial Response, Voluntary Action Program, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

Ashland County

PUBLIC NOTICE
OHIO EPA ISSUES FINAL FINDINGS AND ORDERS TO
PENTAIR PUMP GROUP, INC.

On October 4, 2006, Ohio EPA issued final Findings and Orders to Pentair Pump Group, Inc. for its facility located at 740 East 9th Street, Ashland, Ohio. This facility is a small large quantity generator of hazardous waste. The EPA I.D. number for this facility is OHT400014221.

Pentair Pump Group, Inc. must achieve compliance with Chapter 3734 of the Ohio Revised Code and the regulations promulgated thereunder according to the detailed compliance schedule which outlines civil penalties and payments. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

Jackson County

PUBLIC NOTICE
DIRECTOR'S UNILATERAL FINAL FINDINGS AND ORDERS

Notice is hereby given that on August 28, 2006, the director of Ohio EPA issued Final Findings and Orders to Mr. Bruce Clark ("Respondent"), whose last known residence is 65 South Chestnut Street, Jackson, Ohio 45640. The Respondent is the owner of a parcel of land that comprises approximately 4 acres that was identified in the records of the Jackson County Recorders's Office as parcel number G11-001-00-005-00. The parcel is located on Caves Road, Jackson, Jackson County, Ohio (the "Property"). These Findings and Orders are issued to resolve violations of the State's solid waste and scrap tire laws and regulations at the Property. The text of the Findings and Orders is set forth below. These Findings and Orders require Respondent to achieve compliance with ORC Chapter 3734 and the rules promulgated thereunder according to the following compliance schedule: 1. On the effective date of the Orders, implement mosquito control measures at the Property and provide copies of mosquito control records to Ohio EPA within ten (10) days after each application of the registered pesticide, larvicide, or adulticide. 2. Not later than thirty (30) days after the effective date of the Orders, establish scrap tire storage piles and fire lanes at the Property. 3. Not later than one hundred twenty (120) days after the effective date of the Orders, remove or cause the removal of all scrap tires from the Property and arrange for their transportation, by a registered scrap tire transporter, to a scrap tire storage, monofill, monocell, or recovery facility or to any other solid waste disposal facility in another state that is operating in accordance with the laws of that state and that is authorized to accept scrap tires for disposal. 4. Obtain receipts from the registered transporter and the authorized scrap tire facility or solid waste disposal facility indicating weight, volume or number of scrap tires transported and forward such documentation to Ohio EPA with seven (7) days after completion of No. 3 above. 5. Continue to comply with Nos. 1 and 2 above until such time as all scrap tires have been removed from the Property. These Final Findings and Orders are subject to all rules, regulations, and specified conditions. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Directors action. The appeal must be accompanied by a filing fee of $70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed at the following address: 309 South Fourth Street, Room 222, Columbus, Ohio 43215. Person's wishing to be on Ohio EPA's interested parties mailing list for this project must submit a request in writing to Ohio EPA, Division of Solid and Infectious Waste Management, Attn: Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049, Tel: (614) 644-2621.

Date of Public Notice: October 6, 2006 **Lake County**

PUBLIC NOTICE
NOTICE OF RECEIPT OF 401 APPLICATION AND PUBLIC HEARING

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has received an application for, and has begun to consider whether to issue or deny, a Clean Water Act Section 401 certification for a project consisting of quarry stone protection, quarry stone breakwater, recreational beach and boat mooring area. The application was submitted by Tierra Solutions, Inc. The project is located at 1897 Fairport Nursery Road, City of Painesville, Lake County, Ohio 44077. The Buffalo District of the U.S. Army Corps of Engineers' Public Notice Number for this application is 2005-01764(2). The Ohio EPA ID Number for this project is 062588.

As required by the Antidegradation Rule, alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would place approximately 62 cubic yards of fill along 500 linear feet of shoreline and 21, 031 cubic yards of fill along 1,050 linear feet of shoreline. The applicant's proposed minimal degradation alternative would place 282 cubic yards of fill along 1,550 linear feet of shoreline. A non-degradation alternative is not required because the project is water dependent.

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 October 6, 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 Northeast District Office by calling the same number.

Ohio EPA will hold a public information session and public hearing relative to issues of lower water quality at 6:30 p.m. on November 20, 2006 at Painesville Township Hall, 55 Nye Road, Painesville, OH 44077. The public hearing will end when all interested parties have had an opportunity to provide testimony related to the projects.