

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
Water Pollution Control Loan Funds**

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 6111.036 of the Ohio Revised Code and in accordance with Chapter 119, proposes the following new rules of the Ohio Administrative Code:

3745-150-01	Definition
3745-150-02	Environmental review purpose and applicability
3745-150-03	Environmental information
3745-150-04	Environmental review
3745-150-05	Limited environmental review and limited environmental review document
3745-150-06	Environmental assessment document
3745-150-07	Supplemental study
3745-150-08	Finding of significant impact
3745-150-09	Finding of no significant impact
3745-150-10	Reaffirmation of previous environmental decisions
3745-150-11	Phasing of environmental review
3745-150-12	Obligations of assistance recipients
3745-150-13	State priority system and priority list
3745-150-14	Economic and financial need
3745-150-15	First use of funds

These rules are being proposed to implement RC Section 6111.036, where it indicates that the Director may adopt rules for implementing the Ohio Water Pollution Control Loan Fund program.

The public comment period will run until close of business November 14, 2006. 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 on November 14, 2006 at 2:00 PM in Conference room B of the Central Office of the Ohio Environmental Protection Agency located at 122 South Front Street, Columbus, Ohio.

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 Robert Monsarrat at the Division of Environmental and Financial Assistance, 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 14, 2006, will be considered by 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 Robert Monsarrat, at the Division of Environmental and Financial Assistance (DEFA), at (614) 644-2798.

To receive a copy of the proposed rules, please contact the DEFA receptionist at (614) 644-2798. In addition, full copies of all proposed rules are available for review at any Ohio EPA district office and at the Ohio EPA central office. The proposed rules are also accessible on the DEFA web page at <http://www.epa.state.oh.us/defa/>.

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
New Rules for Water Quality Trading**

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 6111.03 and 6111.04 of the Ohio Revised Code and in accordance with Chapter 119 of the Revised Code, proposes to file the following rules with the Joint Committee on Agency Rule Review (JCARR) on October 10, 2006:

<u>Rule</u>	<u>Title</u>	<u>Action</u>
3745-5-01	Definitions: as used in this chapter.	New
3745-5-02	Purpose and applicability.	New
3745-5-03	Prohibitions and restrictions.	New
3745-5-04	Water quality trading: general requirements.	New
3745-5-05	Water quality trading: general requirements for a water quality trading management plan application.	New
3745-5-06	Water quality trading: requirements for a water quality trading management plan application.	New
3745-5-07	Requirements for water quality credits.	New
3745-5-08	Water quality credits and pollutant loading calculations.	New
3745-5-09	Determining water quality baselines.	New
3745-5-10	Water quality trading: trading ratios.	New
3745-5-11	Water quality trading: incorporating trades into individual NPDES permits and general permits.	New
3745-5-12	Record keeping, reporting requirements, compliance, enforcement, and oversight.	New
3745-5-13	Public participation requirements.	New
3745-5-14	Ambient water quality monitoring requirements.	New

The purpose of this rule making is to support U.S. EPA Office of Water's *Water Quality Trading Policy*, January 2003, and to develop a voluntary water quality trading program in Ohio that would allow a National Pollutant Discharge Elimination System (NPDES) permit holder (point source) to meet its regulatory obligations by using pollutant reductions

generated by another wastewater point source or non-point source. Ohio EPA is proposing rules for water quality trading to support a program that we believe will:

1. Allow permit holders to achieve water quality improvements more quickly than would otherwise be possible;
2. Lead to a more cost effective way to achieve water quality standards in Ohio's waters;
3. Provide economic incentives for reductions in non-point source pollution, which is a major cause of water quality impairment in Ohio; and
4. Provide other environmental benefits like restoring natural flow patterns, improving aquatic habitat, increasing the ability of streams to process certain pollutants, and creating stream buffers, shading and other benefits that go beyond just reducing pollutants.

The public comment period will run until **5:00 p.m. on November 16, 2006**. 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 Ohio EPA, Central Office in Columbus, Ohio on **November 15, 2006 at 1:30 p.m. in Room C**.

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 Elizabeth Bailik at the Ohio EPA 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 5:00 p.m. on November 16, 2006, will be considered by 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 Gary Stuhfauth, Division of Surface Water, at (614) 644-2026 or via email at gary.stuhfauth@epa.state.oh.us.

To receive a copy of the proposed rules, please contact Elizabeth Bailik at (614) 644-2039. In addition, full copies of all proposed rules are available for review at any Ohio EPA district office and at the Ohio EPA central office. The proposed rules are also accessible on the Division of Surface Water Web page at: www.epa.state.oh.us/dsw.

Public Hearing
Ohio Environmental Protection Agency
Five-Year Rule Review of Ohio Administrative Code (OAC) Chapter 3745-103

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). Rules in OAC chapter 3745-103 address the requirements for issuance of acid rain operating permits for electrical generating units. The DAPC finds these rules to be necessary and with need for changes.

Amendments will be made to rules 3745-103-01 to 3745-103-09, 3745-103-11 to 3745-103-29, 3745-103-31 to 3745-103-39, 3745-103-41 to 3745-103-42, 3745-103-44 to 3745-103-45, 3745-103-47 to 3745-103-48, 3745-103-50 to 3745-103-53, 3745-103-55 to 3745-103-63, and 3745-103-65 to 3745-103-66.

OEPA will rescind rules 3745-103-10, 3745-103-43, 3745-103-64, and 3745-103-67.

OEPA is proposing new replacement rule 3745-103-43 to replace the existing 3745-103-43.

DAPC is proposing these changes to update the rules to match corresponding language in federal regulations, to address specific comments from the USEPA, and to add incorporation-by-reference language to meet the requirements of ORC 121.72. Certain of the changes are essential to maintain our approval by the USEPA to implement Title 4, Acid Rain provisions of the Clean Air Act Amendments of 1990.

The following rules are "reserved" in content and exempt from the requirements of ORC 119.032 (5-year review), but are being amended nonetheless, to update and clarify their authoring and amplifying statutes:

3745-103-30, 3745-103-40, 3745-103-46, 3745-103-49, and 3745-103-54.

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 December 29, 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 Monday, November 13, 2006, at 2:00 PM in Conference room B, 5th Floor at 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 November 13, 2006, will be considered by Ohio EPA prior to final action on this rule.

Written statements submitted after November 13, 2006, 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 Dana Thompson at Ohio EPA, (614) 644-3701 dana.thompson@epa.state.oh.us, or mailed to Dana Thompson, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
New Permit to Install Rule for Land Application Systems**

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 Revised Code, proposes to adopt the following rule of the Ohio Administrative Code:

<u>Rule</u>	<u>Title</u>
3745-42-13	Land application systems.

This rule addresses water pollution control permit to install regulations for the land application of treated sewage. The purpose of this rule making is to expand upon a rescinded Division of Surface Water policy (number 0400.014) and The Ohio State University Extension Bulletin 860, "Reuse of Reclaimed Wastewater Through Irrigation for Ohio Communities." This new rule covers the permit application requirements and the operating and maintenance requirements for a land application of treated sewage system. Any existing or proposed disposal system that land applies treated sewage will be covered by this rule.

The public comment period will run until **5:00 p.m. on November 16, 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 in **Room C at the Ohio EPA Central Office, 122 South Front Street, Columbus, Ohio at 2:15 p.m. on November 15, 2006**.

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 Ohio EPA 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 **5:00 p.m. on November 16, 2006**, will be considered by Ohio EPA prior to final action on this rulemaking. Written comments submitted after this date may be considered as time and circumstances permit.

Questions regarding this rule package should be directed to Elizabeth Bailik, at the Division of Surface Water, at (614) 644-2039 or via email at elizabeth.bailik@epa.state.oh.us.

To receive a copy of the proposed rule, please contact Elizabeth Bailik. 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 Division of Surface Water Web page at www.epa.state.oh.us/dsw.

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Rulemaking Governing
Wastewater Pretreatment**

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 6111.03(Q) and 6111.042 of the Ohio Revised Code and in accordance with Chapter 119 of the Revised Code, proposes to adopt the following rules of the Ohio Administrative Code:

<u>Rule</u>	<u>Title</u>	<u>Action</u>
3745-3-01	Definitions.	Rescind
3745-3-01	Definitions.	New
3745-3-02	Purpose and applicability.	Amend
3745-3-03	POTW pretreatment programs.	Rescind
3745-3-03	POTW pretreatment programs.	New
3745-3-04	Prohibited discharges.	Amend
3745-3-05	Notification of potential problems, including slug loading.	Amend
3745-3-06	Reporting requirements for industrial users.	Rescind
3745-3-06	Reporting requirements for industrial users.	New
3745-3-07	Trade secrets; request for confidentiality.	Amend
3745-3-09	General requirements governing application of pretreatment standards.	Amend
3745-36-01	Purpose.	Amend
3745-36-02	Definitions.	Amend
3745-36-03	Individual indirect discharge permits.	Amend
3745-36-06	Indirect discharge permit-by-rule.	Amend

These rules provide the administrative requirements for the development and implementation of pretreatment programs and for the regulation of industrial discharges to publicly owned treatment works (POTWs). These rules are also known as the "Pretreatment Rules" and "IDP Rules."

Ohio EPA is proposing amendments to the rules to adopt some of the provisions of the national pretreatment streamlining rules, published by USEPA in the Federal Register on October 14, 2005. Any revisions to the national pretreatment rules, which serve as the basis for Ohio's pretreatment rules, impact Ohio's pretreatment rules. Other changes outside the streamlining revisions are proposed based on the determinations of an internal advisory group and comments from interested parties.

The public comment period will run until **5:00 p.m. on November 17, 2006**. A public hearing on these proposed rules will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held at in **Room C at the Ohio EPA Central Office, 122 South Front Street, Columbus, Ohio at 1:30 p.m. on November 16, 2006**.

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 rules.

Written testimony should be sent to the attention of Julia Zhang at the Ohio EPA 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 **5:00 p.m. on November 17, 2006**, will be considered by Ohio EPA prior to final action on this rulemaking. Written comments submitted after this date may be considered as time and circumstances permit.

Questions regarding this rule package should be directed to Julia Zhang, at the Division of Surface Water, at (614) 728-1323 or via email at julia.zhang@epa.state.oh.us.

To receive a copy of the proposed rules, please contact Julia Zhang. In addition, the proposed rules are available for review at any Ohio EPA district office and at the Ohio EPA central office. The proposed rules are also accessible on the Division of Surface Water Web page at www.epa.state.oh.us/dsw.

PUBLIC NOTICE
OHIO ENVIRONMENTAL PROTECTION AGENCY
SUSPENSION OF PORTION OF LABORATORY CERTIFICATION UNDER OHIO'S
VOLUNTARY ACTION PROGRAM

Notice is hereby given that on October 6, 2006, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code ("ORC") Chapter 3746 and Ohio Administrative Code ("OAC") 3745-300-04, issued Final Findings and Orders to Pace Analytical Services ("Pace") of 7726 Moller Road, Indianapolis, Indiana, to suspend its certification under Ohio's Voluntary Action Program to perform analyses for Volatile Organic Compounds by methods 8021A and 8021B, and Semi-Volatile Organic Compounds by method 8270C. This suspension is limited to the certified laboratory's performance of work under the Voluntary Action Program.

Pace has been issued a revised laboratory certificate that reflects the analytes, parameter groups and methods for which they remain certified. Pace may perform analyses under the Voluntary Action Program only for those parameter groups, analytes and methods identified in its revised certificate.

The issuance of the suspension and revised certificate is a final action of the Director and will be public noticed in accordance with OAC 3745-47-07. The action may be appealed to the Environmental Review Appeals Commission ("Commission"). The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice or issuance of the action. See ORC 3745.04 and 3745.07. A copy of the appeal must be served on the Director within three (3) days after the appeal is filed with the Commission. The appeal may be filed with the Commission at 309 South Fourth Street, Suite 222, Columbus, OH 43215.

If you would like to review a copy of the certificate, or any documents related to the laboratory's certification, please contact Ohio EPA, Division of Emergency and Remedial Response, Voluntary Action Program, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

PUBLIC NOTICE
OHIO ENVIRONMENTAL PROTECTION AGENCY
URBAN SETTING DESIGNATION FOR
PROPOSED HOME DEPOT AT CITY VIEW CENTER, GARFIELD HEIGHTS

Public notice is hereby given that the Ohio Environmental Protection Agency (EPA) has received, on August 16, 2006, a request to approve an Urban Setting Designation (USD) for 16.581 acres of land located at the new City View Center shopping plaza for a proposed Home Depot store, located at the intersection of Interstate 480 (I-480) and Transportation Boulevard in the City of Garfield Heights, Cuyahoga County, Ohio. This request was submitted by Larry Smith, a Certified Professional with Burgess & Niple, Inc. on behalf of Home Depot USA, Inc.

Pursuant to Ohio Administrative Code 3745-300-10(D), Ohio's Voluntary Action Program (VAP) allows for the voluntary clean up of contaminated property in Ohio without the risk of state civil liability. Under VAP, ground water cleanup is required where contaminated ground water poses risks to the community or environment.

A USD may be requested for properties participating in the VAP when there is no current or anticipated future use of ground water by local residents for drinking, showering, bathing, or cooking. In these areas, an approved USD would lower the cost of cleanup and promote economic redevelopment while still protecting public health and safety.

The Ohio EPA director may approve the request for a USD based on a demonstration by the certified professional that the USD requirements are met and an evaluation of existing or future uses of ground water in the area have been assessed.

Comments regarding this request for USD must be received by the close of business on 30 days from date of publication of this notice. Please direct your comments by mail to Vanessa Steigerwald Dick with the Ohio EPA - Northeast District Office, 2110 East Aurora Rd., Twinsburg, OH 44087 or by email at Vanessa.Steigerwald@epa.state.oh.us. The USD application can be viewed by contacting Lily Aaron, Records Manager at Ohio EPA, Northeast District Office, (330) 963-1129.

PUBLIC NOTICE
OHIO ENVIRONMENTAL PROTECTION AGENCY
URBAN SETTING DESIGNATION FOR
THE AKRON EAST USD EXTENSION AREA, AKRON

Public notice is hereby given that the Ohio Environmental Protection Agency (EPA) has received, on May 9, 2006, a request to approve an Urban Setting Designation (USD) for approximately 393 acres of land that includes a portion of the Akron Airdock property and the Akron Municipal Airport area in the City of Akron, Summit County, Ohio. This request was submitted by Ron Clark, a Certified Professional with Floyd Browne Group on behalf of the City of Akron.

Pursuant to Ohio Administrative Code 3745-300-10(D), Ohio's Voluntary Action Program (VAP) allows for the voluntary clean up of contaminated property in Ohio without the risk of state civil liability. Under VAP, ground water cleanup is required where contaminated ground water poses risks to the community or environment.

A USD may be requested for properties participating in the VAP when there is no current or anticipated future use of ground water by local residents for drinking, showering, bathing, or cooking. In these areas, an approved USD would lower the cost of cleanup and promote economic redevelopment while still protecting public health and safety.

The Ohio EPA director may approve the request for a USD based on a demonstration by the certified professional that the USD requirements are met and an evaluation of existing or future uses of ground water in the area have been assessed.

Comments regarding this request for USD must be received by the close of business on 30 days from date of publication of this notice. Please direct your comments by mail to Vanessa Steigerwald Dick with the Ohio EPA - Northeast District Office, 2110 East Aurora Rd., Twinsburg, OH 44087 or by email at Vanessa.Steigerwald@epa.state.oh.us. The USD application can be viewed by contacting Lily Aaron, Records Manager at Ohio EPA, Northeast District Office, (330) 963-1129.

Public Notice Date: October 17, 2006

**OHIO ENVIRONMENTAL PROTECTION AGENCY
PUBLIC NOTICE
OLENTANGY RIVER WATERSHED
TOTAL MAXIMUM DAILY LOAD REPORT**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) is providing for public review and comment the Olentangy River Watershed Total Maximum Daily Load Report (TMDL) Document. Ohio EPA developed the Document in fulfillment of Section 303(d) of the Clean Water Act which requires the identification of impaired waterbodies for which technology based effluent limitations are not stringent enough to achieve applicable water quality standards and to develop Total Maximum Daily Loads for such waters. The Document addresses impairments in Olentangy River watershed which appear on the Ohio 2006 303(d) list (assessment units 05060001 090, 05060001 100, 05060001 110 and 05060001 120). The impaired waters are located in the Counties of Crawford, Delaware, Franklin, Marion, Morrow and Richland.

All interested persons wishing to submit comments for Ohio EPAÆS consideration may do so in writing to Ohio EPA, Central District Office, 122 South Front St., Columbus, OH 43216-1049, Attn: Vince.Mazeika, or by email to vince.mazeika@epa.state.oh.us by the close of business, December 1, 2006. Comments received after this date may be considered as time and circumstances permit. After consideration of comments, Ohio EPA will submit the Document to the United States Environmental Protection Agency (USEPA) for approval.

To obtain a copy of the Document or other information, or to arrange to inspect Agency files or records pertaining to the Document, or to request notice of when Ohio EPA submits the Document to USEPA, please contact Vince Mazeika at the address above or by calling (614) 728-3855. The Document will be posted (on or before October 17, 2006) to the Ohio EPA Division of Surface Water Web site <http://www.epa.state.oh.us/dsw/index.html>.

PUBLIC NOTICE
FINAL ACTIONS OF THE DIRECTOR
ISSUANCE OF CERTIFICATES TO REPAIR TECHNICIANS UNDER
THE MOTOR VEHICLE EMISSION INSPECTION AND MAINTENANCE PROGRAM

Notice is hereby given that the Director of the Ohio Environmental Protection Agency, pursuant to Ohio Revised Code Chapter 3704.14 and Ohio Administrative Code rule 3745-26-16, has issued certificates to perform work as a Certified Repair Technician under the Motor Vehicle Emission Inspection and Maintenance Program, consistent with the requirements of that program, to the repair technicians listed below. All certificates are issued 10/13/2006.

For information regarding these final actions, contact Glenn Luksik, Ohio EPA, Division of Air Pollution Control, Mobile Sources Section, P.O. Box 1049, Columbus, Ohio 43216-1049, or by telephone at (614) 644-3059. These final actions of the Director were not preceded by proposed actions, and are appealable to the Environmental Review Appeals Commission within thirty (30) days after issuance of the Director's action, pursuant to section 3745.07 of the Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Commission. Appeals must be sent to the following address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

FIRST	LAST	CITY	STATE
DALE	FLEMING	BEDFORD	OH
MICHAEL	PIERCE	LIMAVILLE	OH

PUBLIC NOTICE

OHIO EPA RECEIVES AMENDED HAZARDOUS WASTE CLOSURE PLAN

On September 26, 2006, Ohio EPA received an amended hazardous waste closure plan from Tubetech Inc. concerning wastewater treatment traps located at 900 East Taggart Street, East Palestine, Ohio 44413. The EPA Identification Number for this facility is OHD064080377.

Why is Tubetech, Inc. submitting this Closure Plan?

At the request of Ohio EPA, Tubetech, Inc. submitted this closure plan. The plan describes five (5) former wastewater treatment traps. It includes remediation of the site with stockpiled uncontaminated soil and additional clean fill as needed; limiting the use of the land to commercial or industrial use and not permitting residential land use via a deed restriction instrument. Remediation of the closure site will be completed within 90 days after Ohio EPA's approval of this amendment. The plan also discusses the closure cost estimate and certification process.

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

You can submit written comments anytime between October 16, 2006 and November 15, 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.

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

**OHIO EPA ISSUES FINAL FINDINGS AND ORDERS TO
McWANE, INC.**

On October 6, 2006, Ohio EPA issued final Findings and Orders to McWane, Inc. (d.b.a. Clow Water Systems Company) located at 2266 South Sixth Street, Coshocton, Ohio 43812. This facility was a large quantity generator of hazardous waste. The EPA I.D. number for this facility is OHD004294849.

McWane, 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.

Date of Public Notice: October 13, 2006

**PUBLIC NOTICE
NOTICE OF RECEIPT OF 401 APPLICATIONS**

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 consists of developing approximately 157 acres of agricultural land, residential properties, old fields, and young secondary growth forest into an Industrial Development Campus as part of the Rickenbacker Advanced Global Logistics Park. This Industrial development is referred to as the Canal Vause Campus. The application was submitted by Duke Realty Corporation, 5600 Blazer Parkway, Suite 100, Dublin, Ohio 43017. The project is located at 39° 49' 01.16" latitude and 82° 57' 28.85" longitude, west of the Rickenbacker International Airport, and near the town of Lockbourne in Franklin County, Ohio. The Huntington District Corps of Engineers Public Notice Number for this project is 2006-2035-SCR. The Ohio EPA SWIMS ID Number for this project is 062950.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would result in 1,737 linear feet (0.24 acre) of impact to one intermittent stream and 0.18 acre of impact to four federal jurisdictional wetlands. The stream and wetlands would either be culverted, relocated, or filled to accommodate three industrial buildings ranging in size from 535,000 square feet to 970,000 square feet. The applicant's proposed minimal degradation alternative, if approved, would result in 1,206 linear feet (0.17 acre) of impact to one intermittent stream and 0.18 acre of impact to four federal jurisdictional wetlands. The stream and wetlands would either be culverted, relocated, or filled to accommodate four industrial buildings ranging in size from 295,000 square feet to 609,000 square feet. 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 one unnamed tributary, and four unnamed wetlands in the watershed of Big Walnut Creek. 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 October 13, 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 November 13, 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

OHIO EPA GRANTS FINAL VARIANCE FROM CLASSIFICATION AS A WASTE

On September 26, 2006, Ohio EPA granted a final variance from classification as a waste to Metallurg Vanadium Corporation (Metallurg), located at 60790 Southgate Road, Cambridge, Ohio 43725. The variance from classification as a waste applies to reclaimed spent catalyst generated from petroleum refining industry.

Why did Metallurg ask 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 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). This variance will allow Metallurg to store the vanadium bearing catalyst before recycling without obtaining a permit. The variance contains the conditions under which the facility must operate.

Can I appeal this final variance from classification as a waste?

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

If I decide to appeal this final variance, how and when must I make the appeal?

If you file an appeal, you must put it in writing no later than **October 29, 2006**. Your appeal must explain why you are appealing the action and the grounds you are using for your appeal. 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. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. You must file your appeal, according to Ohio Revised Code § 3745.04 with ERAC at the following address: ***Environmental Review Appeals Commission***, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. You must send a copy of the appeal to the director of Ohio EPA at the following address no later than three (3) days after you file it with ERAC: ***Joseph P. Koncelik, Director of Ohio EPA***, P.O. Box 1049, Columbus, Ohio 43216-1049.

Date of Public Notice: October 10, 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 to construct a 70-acre residential and commercial development. The application was submitted by Great Traditions Land Development Group, Inc., 10123 Alliance Road, Suite 100, Cincinnati, Ohio 45242. The project is located adjacent to Gate of Heaven Cemetery on Montgomery Road, approximately 900 feet north of the Montgomery Road/US 22 and Cornell Road intersection, City of Montgomery, Hamilton County. The Louisville District Corps of Engineers Public Notice Number for this project is 200501701. The Ohio EPA ID Number for this project is 062929.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would culvert 400 linear-feet of North Branch Sycamore Creek immediately downstream of Montgomery Road. The applicant's proposed minimal degradation alternative, if approved, would culvert 285 linear-feet of North Branch Sycamore Creek immediately downstream of Montgomery Road. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on waters of the state.

Discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of North Branch Sycamore Creek. 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. All three proposed alternatives 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 10, 2006 copies of the application for the certification and technical support information may be inspected at Ohio EPA -DSW, 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 thirty days of the date of this public notice.

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 Recorder'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.