

## **PUBLIC NOTICE**

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

Notice is hereby given that on January 30, 2007, the director of Ohio EPA issued an infectious waste generator certificate to Nabi Biopharmaceuticals, 5800 Park of Commerce Blvd NW, Boca Raton, FL 33487, Reg. No.: 00-G-00419. Persons wishing to be notified of further actions or proceedings for this project must submit a request in writing to Ohio EPA, Division of Solid and Infectious Waste Management, Attn: Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049, tel.: (614) 644-2621. This final action was not preceded by a proposed action and may be appealed to the Environmental Review Appeals Commission, at 309 South Fourth Street, Suite 222, Columbus, Ohio 43215.

**PUBLIC NOTICE**  
**Amended Covenant Not To Sue**  
**Under Ohio's Voluntary Action Program**  
**The Stanley Works - Washington Court House Property**

Notice is hereby given that on January 26, 2007, the Acting 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 an Amended Covenant Not To Sue/Final Findings and Orders, with Amended Agreement and Plan for remedial activities, to The Stanley Works and Washington Court House Business Park LLC for the property identified as The Stanley Works property.

The approximately 22.277 acre-property is located at 1429 Old U.S. Route 35, Washington Court House, Fayette County, Ohio. On July 12, 1999, the Director of Ohio EPA issued to Stanley a Covenant Not to Sue based on a No Further Action (NFA) Letter issued for the property in 1998 by Certified Professional John Simon. The NFA Letter supports the redevelopment of the property for industrial or commercial uses, and includes a plan for activities to address contamination in ground water. To allow further time to address ground water, Stanley requested an agreed-to modification of the plan to allow for remedy adjustments and more time to achieve cleanup standards. The Amended Covenant supports the additional remedial activities.

The issuance of the Amended 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 (OL 65 \f "WP TypographicSymbols" \s 12Commission"). 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, Room 222, Columbus, Ohio 43215.

If you would like to review a copy of the Amended Covenant, or the Amended Plan or Agreement, please contact the Records Management Officer, 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 EPA Approves Authorization to Fill, Grade, Excavate, Build, Drill or Mine Landfill at Gowdy Field–Offsite Improvements Property, Columbus, Ohio**

On January 30, 2007, the Director of Ohio EPA issued an Ohio Administrative Code (OAC) 3745-27-13 authorization to Gowdy Partners, LLC to engage in filling, grading excavating, building, drilling or mining activities at the Gowdy Field–Offsite Improvements Property on Olentangey River Road, Columbus, Ohio (Franklin County). The authorization is to allow utility installation, roadway improvements, and monitoring well installation and sampling. The authorization was requested by Pandey Environmental, LLC on September 8, 2006 and revised on January 23, 2007 (January 2007 Authorization) and will be conducted by Gowdy Partners, LLC. This request was required since the area is part of a landfill, known as Gowdy Field Landfill, which was operated by the city of Columbus between 1950 and 1969.

This is the third OAC 3745-27-13 authorization request submitted by Pandey Environmental, LLC to be conducted by Gowdy Partners, LLC. The first and second authorization requests addressed site development activities, ground water monitoring, and geotechnical borings associated with the Gowdy Field Landfill and were authorized on January 24, 2006 (January 2006 Authorization) and February 2, 2006 (February 2006 Authorization), respectively. Also, a modification to the January 2006 Authorization addressing utility placement was authorized on May 30, 2006 (Modification). As a result of administrative error, public notice has not yet been issued for the January 2006 and February 2006 Authorizations and the Modification. Therefore, this public notice addresses the January 2006, February 2006, and January 2007 Authorizations as well as the Modification.

You are hereby notified that these actions of the Director are 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 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, Ohio 43215.

The authorization request and related materials are available for review at Ohio EPA's Central District Office by calling 614-644-3020 or emailing [michelle.thompson@epa.state.oh.us](mailto:michelle.thompson@epa.state.oh.us) for an appointment.

## **PUBLIC NOTICE**

### **DIRECTOR'S FINAL FINDINGS AND ORDERS**

Allen, Champaign, Hardin, Madison, Shelby and Union  
Joint Solid Waste Management District Plan

Pursuant to ORC Sections 3734.55 (D) and 3745.56 (A), notice is hereby given that on January 31, 2007 the acting director of Ohio EPA issued Final Findings and Orders to the Allen/Champaign/Hardin/Madison/Shelby/Union Joint Solid Waste Management District, Suite 301, 212 N. Elizabeth Street, Lima, Ohio 45801. The District shall proceed to implement the jointly prepared solid waste management plan in accordance with the strategies, programs, and activities described in the plan and implementation schedule included in these Findings and Orders. In accordance with Division (E) of ORC Section 3734.574, the District Board of Commissioners shall submit to the Director, not later than (30) days before the beginning of each calendar year quarter, a proposed budget for the expenditure of moneys received from levying the generation fees. These Final Findings and Orders represent a final action and are subject to all rules, regulations, and specific 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 January 27, 2007**

**PUBLIC NOTICE  
NOTICE OF RECEIPT OF 401 APPLICATIONS AND PUBLIC HEARING**

**OPERATIONS AND MAINTENANCE  
INTERIM DREDGED MATERIAL DISPOSAL PLAN  
AND (REUSE OF CDF 12)  
CLEVELAND HARBOR**

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 U.S. Army Corps of Engineers (USACE) maintenance project located on the south shore of Lake Erie, at the mouth of the Cuyahoga River. The application was submitted by the USACE, Buffalo District, 1776 Niagara Street, Buffalo, NY 14207-3199. The project is located in Cuyahoga County, Ohio, approximately 176 miles southwest of Buffalo, New York, and 96 miles east of Toledo, Ohio. The Ohio EPA ID Number for this project is 073048.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would involve the installation of and subsequent operation of an overflow weir at Confined Disposal Facility (CDF) 12 at Cleveland Harbor. To maximize the capacity of CDF 12, a sequence of operations and maintenance (O&M) activities will be performed, resulting in two interior telescoping berm raisings. After completion of both berm phases, approximately 700,000 to 800,000 cubic yards of additional capacity for dredged material will be provided. The minimal degradation alternative, would encompass the same design as the preferred alternative, however, this option would be constructed as a single berm rather than constructing telescoping berms in two stages. In the non-degradation alternative, the Federal Government would do nothing to address the need for interim placement of dredged material.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Lake Erie at the mouth of the Cuyahoga 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 January 27, 2007, 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 March 12, 2007 at 6:30 pm at the Carnegie West Branch of the Cleveland Public Library 1900 Fulton Road, Cleveland, Ohio 44113. 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 March 19, 2007. 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 March 19, 2007.

**Date of Public Notice: January 30, 2007**

**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 72 acre mixed office/retail/hotel development. The application was submitted by NP Limited Partnership, 8800 Lyra Drive, Suite 550, Columbus, Ohio 43240. The project is located north of the Lyra Drive and Gemini Place Intersection, City of Columbus, Delaware County, Ohio. The Huntington District Corps of Engineers Public Notice Number for this project is 200100602-2. The Ohio EPA ID Number for this project is 063009.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would impact 1,714 linear feet of perennial, intermittent, and ephemeral stream, 0.68-acre of Category 1 and Category 2 wetlands, and a 2.19 acre pond. The applicant's proposed minimal degradation alternative, if approved, would impact 1,016 linear feet of perennial, intermittent, and ephemeral stream, 0.68-acre of Category 1 and Category 2 wetlands, and a 2.19 acre pond. 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 unnamed tributaries and adjacent wetlands of Alum 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 of 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 January 7, 2007, 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 43216-1049 by first calling (614) 644-2001. Applications can be made available at the 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 March 1, 2007. 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  
NOTICE OF RECEIPT OF 401 APPLICATION AND PUBLIC HEARING  
FAIRPORT HARBOR**

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 U.S. Army Corps of Engineers (USACE) dredging project located in Fairport Harbor. The application was submitted by the USACE, Buffalo District. The project is located within the limits of the Federal navigation channels in the Outer Harbor and River Channel. The USACE, Buffalo District Public Notice number for this project is 07-03. The Ohio EPA ID Number for this project is 073050.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, will be to dredge an estimated 650,000 cubic yards of material in 2007, with placement of the material at the existing open-lake and nearshore areas in Lake Erie. The applicant's proposed minimal degradation alternative, if approved, will be to dredge an estimated 160,000 cubic yards from the River Channel, with placement of the material at the open-lake area. Approximately 60,000 cubic yards of sandy material will be dredged from the Entrance Channel in the Outer Harbor, and placed at the nearshore area. Dredging shall not occur during Lake Erie storm events. In addition, the dredging will occur between July 1 and September 15 in an effort to minimize any potential impacts to fish spawning activities. 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 Fairport Harbor and 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 3745-1-05 of the Antidegradation Rule apply or may be granted by the Director of Ohio EPA.

Starting February 2, 2007, 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 March 19, 2007 at 6:30 p.m. at Fairport Village Hall, 220 Third Street, Fairport, OH 44077. The public hearing will end when all interested parties have had an opportunity to provide testimony related to the project.

All interested persons are entitled to attend or be represented and give written or oral comments on the proposed 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 March 26, 2007. 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 March 26, 2007.

**Date of Public Notice: February 5, 2007**

**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 the subject transportation project. The proposed project consists of the construction of a new full-movement diamond interchange along 1-75 at Miamisburg-Springboro Pike in Miami Township, Montgomery County, Ohio. Concurrently, a section of Miamisburg- Springboro Pike will be improved to a four lane roadway at the interchange between SR 741 and Wood Road. The project extends approximately 1.3 miles along 1-75, 1.4 miles along Miamisburg-Springboro Pike, 0.4 miles along Austin Pike and 0.9 miles along SR 741. The streams involved with the project are in the Clear Creek drainage basin (HUC 05080002). The Ohio EPA ID Number for this project is SWIMS # 073056.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would involve impacts to five headwater streams for a total of 1,944 LF and 0.22 acres of wetlands. The applicant's proposed minimal degradation alternative, if approved, would involve stream impacts of 968 LF and 0.22 acres of wetland impacts. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on streams or wetlands but would not meet the purpose and need for the project.

The discharges from the activity, if approved, would result in degradation to, or lowering of the water quality to streams and wetlands in the Clear Creek drainage basin (HUC 05080002). 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 February 5, 2007, copies of the application for the certification and technical support information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 50

W. Town Street, Suite 700, 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 March 6, 2007. 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.