

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

Notice is hereby given that the Director of Environmental Protection, under the authority of Ohio Revised Code Section 3704.03 has adopted new rules 3745-110-01, 3745-110-02, 3745-110-03, 3745-110-04, and 3745-110-05 of the Administrative Code, "NOx RACT Rules."

Rules 3745-110-01 to 3745-110-05 are intended to assist the state of Ohio in achieving and/or maintaining the national 8-hour ground level ozone standard through the regulation of nitrogen oxide (NOx) emissions for stationary sources (i.e., boilers, combustion turbines and internal combustion engines). NOx emissions are a precursor to ozone formation.

A public hearing on the new rules was held on June 8, 2007 in Columbus, Ohio. After considering comments and oral testimony, the Director's order of adoption was issued on December 12, 2007. The effective date of this rule is December 22, 2007.

To request a copy of these rules, obtain further information, or inspect or request copies of agency files and records pertaining to the proceeding contact Mr. Alan Harness, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Mr. Alan Harness at (614) 644-4838. This rule is available on the Web page for electronic downloading by scrolling down to OAC 3745-21-17, (Nitrogen Oxides Reasonably Available Control Technology(. The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.html>.

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (ERAC) pursuant to Ohio Revised Code Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with ERAC within thirty (30) days after notice of the Director's action, at 309 South Fourth Street, Suite 222, Columbus, Ohio 43215. Copies of the appeal must be served upon the Director of the Ohio EPA within three (3) days of filing with ERAC. Ohio EPA also requests that a copy of the appeal be served upon the Environmental Enforcement Section of the Ohio Attorney General's Office.

PUBLIC NOTICE
COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS
200 Egbert Road, LLC - Taylor Chair Parcel

Notice is hereby given that on December 7, 2007, 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 200 Egbert Road, LLC for the property identified as the Taylor Chair Parcel property (the "Property").

200 Egbert Road, LLC conducted a voluntary action of the approximately 11.1990 acre-Property located at One Taylor Parkway, Bedford, Cuyahoga County, Ohio. A no further action letter was submitted on December 7, 2006 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of 200 Egbert Road, LLC by Ms. Janet Dean, a Certified Professional, (No. CP221), 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 Street, 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 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 ISSUES FINAL FINDINGS AND ORDERS TO
CITY PLATING AND POLISHING, LLC**

On December 6, 2007, Ohio EPA issued final Findings and Orders to City Plating and Polishing, LLC for its facility located at 4821 West 130th Street, Cleveland, Ohio 44135. This facility is a large quantity generator of hazardous waste and transported such waste to an unpermitted treatment facility. The EPA I.D. number for this facility is OHR000106815.

City Plating and Polishing, LLC must achieve compliance with Chapter 3734 of the Ohio Revised Code and all corresponding regulations 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: December 20, 2007

**PUBLIC NOTICE
NOTICE OF RECEIPT OF APPLICATION AND PUBLIC HEARING
ANTIDegradation**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA)-Division of Surface Water (DSW) has received an application for the renewal of a National Pollutant Discharge Elimination System (NPDES) permit for the discharge from the City of Sandusky wastewater treatment facility. The application was submitted by the Sandusky City Engineer, 222 Meigs Street, Sandusky, Ohio 44870.

The City of Sandusky is requesting a wastewater treatment plant expansion from 14.7 to 15.7 mgd average daily flow and an increase in loading limits from 20 mgd to 22 mgd to handle an additional 22 million of combined stormwater flow to the plant. The wastewater treatment plant is located at 304 Harrison Street, Sandusky, Erie County, Ohio. The proposed discharges are to Sandusky Bay to Lake Erie.

Other wastewater disposal alternatives resulting in lesser or no degradation or lowering of water quality will be considered by Ohio EPA.

The discharges from this facility, if approved, would result in degradation to, or lowering of, the water quality of Sandusky Bay to Lake Erie. However, the chemical-specific water quality criteria developed to protect aquatic life and human health, set forth in OAC 3745-1, will not be exceeded. 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.

Copies of the pending NPDES application are available for review at Ohio EPA's Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio 43402, (419) 352-8461. An Ohio EPA public hearing on the proposed project has been scheduled for 6:30 p.m. on February 5, 2008, at the Sandusky City Hall, First Floor Conference Room, 222 Meigs Street, Sandusky, Ohio 44870. The public hearing will end when everyone in attendance has 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 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

applications. Persons wishing to 1) be on the Ohio EPA's interested parties mailing list for this project, or 2) submit comments for Ohio EPA's consideration must do so in writing to Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 by close of business on February 12, 2008. Comments received after this date may not be considered as part of the official record.

Date of Public Notice: December 14, 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 water quality certification for the Eastern Market Expansion Project. The application was submitted by Columbia Gas Transmission Company. The project entails work at Columbia's existing Crawford Storage Well Field where Columbia is proposing to install seven new wells, seven well lines totaling 1.02 miles, and recondition seven existing wells. The project is located within the limits of their existing Crawford Storage Field located in Rockbridge, Hocking County. A Public Notice by the Huntingdon District Corps of Engineers was not required as the Project is being permitted under a Nationwide Permit #12. The Ohio EPA ID Number for this project is 073133 for the 401 Certification and 073273 for the Level 1 Isolated Wetland Permit.

As required by the Antidegradation Rule, rule 3745-1-05 of the Ohio Administrative Code (OAC), three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would impact a total of 1.08 acres of wetland which consists of a temporary impact to 0.43 acres of emergent wetland and the permanent conversion of 0.15 acres of shrub-shrub wetland and 0.50 acres of forested wetland to emergent wetland. The project will also temporary impact 585 linear feet of stream. The applicant's proposed minimal degradation alternative, if approved, would temporarily impact 0.06 acres of emergent wetland and 100 linear feet of stream. 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 the Hocking River and several of its unnamed tributaries. Ohio EPA will review the application, and decide whether to grant or deny the application, in accordance with OAC Chapters 3745-1 and 3745-32. In accordance with OAC rule 3745-1-05, an antidegradation review of the application will be conducted before deciding whether to allow a lowering of water quality. All three proposed alternatives will be considered during the review process. No exclusions or waivers, as outlined by OAC rule 3745-1-05, apply or may be granted.

Starting December 14, 2007, copies of the application and technical support information may be inspected at Ohio EPA-DSW, Lazarus Government Center, 50 West Town Street, Suite

700, Columbus, Ohio, by first calling (614) 644-2001. Copies of the application and technical support information can be made available upon request 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

**Ohio EPA Director Issues
Final Findings and Orders for
Union Tank Car, Marion, Ohio**

On December 5, 2007, the Director of the Ohio Environmental Protection Agency (Ohio EPA) issued as a final action Director's Final Findings and Orders to Union Tank Car of Chicago, Illinois, to implement a Remedial Investigation and Feasibility Study (RI/FS) order at the Union Tank Car, Marion Facility, located at 939 Holland Road, Marion, Marion County, Ohio (Site). The purpose of the RI/FS is to investigate the nature and extent of contamination at the Site.

The Director's Final Findings and Orders require the following actions: investigation of the nature and extent of releases of contaminants at the Site; assessment of the risk to human health and the environment; implementation of interim actions if necessary to address substantial threats; collection of sufficient data to support decisions regarding a remedial action for the Site; and development and evaluation of potential remedial alternatives.

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, Ohio 43215

The Director's Final Findings and Orders and related documents are available for review at Ohio EPA's Northwest District Office located at 347 North Dunbridge Road, Bowling Green, Ohio or by calling (419) 352-8461 to schedule an appointment.

Date of Public Notice: December 3, 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 proposed surface and auger mining project. The application was submitted by Buckeye Industrial Mining Company, 4719 Industrial Road, P.O. Box 389, Lisbon, Ohio 44432. The Wilson mine is a 238.2 acre site located in Sections 8, 16, and 17 of Sandy Township in Stark County, Ohio, approximately 1 mile north of Waynesburg, Ohio and west of State Route 43. The proposed project, if approved, would extract the No. 5 and No. 6 coal seams using conventional surface and auger mining methods. The Huntington District of the U.S. Army Corps of Engineers public notice number is 2006-00484. The Ohio Department of Natural Resources application number for this project is 10368. The Ohio EPA ID Number for this project is 073194.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would produce approximately 387,423 tons of coal while surface mining approximately 108.0 acres and auger mining approximately 29.3 acres. Total impacts under this alternative would affect 4,691 linear feet of intermittent and ephemeral streams and 1.13 acres of wetlands. The applicant's proposed minimal degradation alternative, if approved, would eliminate the surface mining of approximately 20.7 acres of coal and 19.0 acres of auger mined coal. Approximately 84.3 acres would remain for surface mining and 10.3 acres would remain for auger mining. Selection of this alternative would impact 2,487 feet of streams and 1.13 acres of wetlands. The minimal degradation alternative would result in the production of 307,667 tons of coal. 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, intermittent and ephemeral stream tributaries to Indian Run, which is tributary to Sandy Creek in the Muskingum River drainage basin (HUC 05040001 040). 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 December 3, 2007, copies of the application for the certification and technical support information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 50 West 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.

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.