

Public Notice
Ohio Environmental Protection Agency
Proposed amendment of
Ohio Administrative Code (OAC) rule 3745-108-07.

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) is proposing amended Ohio Administrative Code (OAC) rule 3745-108-07, Clean Air Mercury Rules to the Joint Committee on Agency Rule Review (JCARR). These rules are related to the control of mercury emissions from coal-fired power plants.

DAPC is proposing these changes as a result of the vacatur of the federal CAMR program by the U.S. Court of Appeals for the District of Columbia, *New Jersey v. Environmental Protection Agency*, 517 F.3d 574 (D.C. Cir. 2008). This rule has a January 1, 2009 deadline for affected parties to submit certifications of the operation of, and quarterly reports for their mercury monitoring programs. DAPC has decided to delay the deadline two years to January 1, 2011. Delaying the deadline will allow time for appeals of the federal court decision to run their course and for US EPA to make final decisions regarding CAMR.

In addition, keeping these deadlines two years later but still in this rule section may maintain further progress in the development of monitoring systems for mercury that will likely still be incorporated in subsequent federal/state rule making for mercury emissions from coal burning power plants.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC was required to consult with interested parties affected by the rule before the division formally adopts them. On August 19, 2008 these rules went out for a 30 day review by interested parties. Comments were received and Ohio EPA's response to those comments is available on our website at the URL listed below.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes will be conducted on Monday, November 17, 2008 at 10:30 AM, in Conference Room C, 6th Floor at Ohio EPA, Lazarus Government Center, 50 W. Town Street, Columbus, Ohio. All visitors to Ohio EPA must register at the Security desk in the lobby upon arrival. Please bring photo identification (such as a valid driver's license). For security reasons, visitor's are required to wear their badge at all times while in the building. Please arrive early to complete these procedures.

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 17, 2008, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after November 17, 2008, may be considered as time and circumstances permit, but will not be part of the official record of the hearing. All

commenters submitting comments electronically are encouraged to follow-up with a hardcopy by regular mail.

These rules are available on the Ohio EPA DAPC Web page for electronic downloading. The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.html#3745-108>. 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 Lee Burkleca at Ohio EPA, (614) 728-1344, lee.burkleca@epa.state.oh.us or mailed to Lee Burkleca, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.

PUBLIC NOTICE
COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS
Columbus Downtown Development Corporation
(Lazarus Center Property)

Notice is hereby given that on October 14, 2008, 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 Columbus Downtown Development Corporation for the property identified as the Lazarus Center Property.

Columbus Downtown Development Corporation conducted a voluntary action of the approximately 2.75-acre property located at 50 West Town Street, Columbus, Franklin County, Ohio. A no further action letter was submitted on April 25, 2008 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of Columbus Downtown Development Corporation by Thomas Shalala, a Certified Professional (CP #188), as defined in ORC 3746.01(E) and OAC 3745-300-01(A)(8).

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC 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 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 it is demonstrated 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 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 Commission at the following address: Environmental Review Appeals Commission, 309 South Fourth St., Room 222, Columbus, OH 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
COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS

Campus-Seneca, LLC, Campus Apartments, Inc. and City of Columbus
Former Seneca Hotel

Notice is hereby given that on October 15, 2008, 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 Campus-Seneca, LLC, Campus Apartments, Inc. and the city of Columbus for the property identified as the Former Seneca Hotel.

Campus-Seneca, LLC, Campus Apartments, Inc. and the city of Columbus conducted a voluntary action at the approximately 0.518-acre property located at 361 East Broad Street, Columbus, Franklin County, Ohio. A no further action (NFA) letter was submitted on September 9, 2008 and an addendum to the NFA letter dated October 9, 2008 was submitted to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of Campus-Seneca, LLC, Campus Apartments, Inc. and the city of Columbus by Matthew D. Knecht, a certified professional (No. CP 105), as defined in ORC 3746.01(E) and OAC 3745-300-01(A)(8).

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC 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 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 it is demonstrated 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 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 Commission at the following address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, OH 43215

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PUBLIC NOTICE
OHIO ENVIRONMENTAL PROTECTION AGENCY
URBAN SETTING DESIGNATION FOR
DOWNTOWNER PLAZA – COSHOCTON, OHIO

Public notice is hereby given that the Ohio Environmental Protection Agency (EPA) has received, on June 18, 2008, a request to approve an Urban Setting Designation for approximately 20.797 acres of land located on South 2nd Street in Coshocton, Ohio. This request was submitted by Zachary Pierce of BJAAM Environmental, Inc. on behalf of the Altman Company.

Pursuant to Ohio Administrative Code 3745-300-10(D), Ohio's Voluntary Action Program (VAP) allows for 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 a USD must be received by the close of business on November 26, 2008. Please direct your comments by mail to Kristin Vanecko, Ohio EPA – Southeast District Office, 2195 Front Street, Logan, Ohio, 43138 or by email at kris.vanecko@epa.state.oh.us. The USD application can be viewed by contacting Kristin Vanecko at (740) 380-5271.

PUBLIC NOTICE

**OHIO EPA ISSUES EMERGENCY PERMIT TO
LIMA REFINING COMPANY**

On October 3, 2008, Ohio EPA issued an emergency permit to the Lima Refining Company to divert and temporarily store storm waters and process waters from open sewers (into D-Pond and C-Pond) located at their facility on 1150 S. Metcalf Street, in Lima, Ohio. This storage is required due to damages that occurred to G-Tank in December 2007. G-Tank is currently out of service and will be replaced or repaired at which time the storm waters and process waters will no longer be stored in D-Pond and G-Pond. The emergency permit I.D. number assigned to this action is 03-02-1025E.

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

PUBLIC NOTICE

**OHIO EPA APPROVES CLOSURE PLAN FOR
REALM**

On October 10, 2008, Ohio EPA approved an amended post-closure plan for REALM, concerning its closed landfill located at 1400 Lowell Street, Elyria, Ohio. The EPA I.D. number for this facility is OHD004201091.

Pursuant to Ohio Revised Code rules 3745-54 and 55, as well as 3745-55-18, the facility's post-closure plan submitted on August 6, 2004, was approved as outlined in the Director's October 10, 2008 correspondence. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

Date of Public Notice: October 17, 2008

**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 the subject transportation project. The application was submitted by the Ohio Department of Transportation, 1980 West Broad Street, Columbus, Ohio 43223. The applicant proposes to place fill material in waters of the United States in order to demolish the existing Town Street Bridge over the Scioto River and construct a new bridge on a new alignment that would serve as the Town/Rich Street Bridge. The new bridge would be a 5-span ribbed precast concrete arch bridge and span the Scioto River (HUC 05060001) beginning at the Town Street/Washington Boulevard intersection on the west side of the river and terminate at the Civic Center Drive/Rich Street intersection on the east side of the river. In addition, the applicant proposes to construct parkland where the Town Street Bridge Abutment currently stands and extend the park south under the proposed new bridge, which would include slope/embankment construction, construction of a new riverwalk, and installation of stone and plantings. Construction of this park would establish direct access from Genoa Park to West Bank Park. Other roadway improvements associated with the project include curb and pavement replacement along Second Street from Rich Street south to Mound Street. The Huntington District of the U.S. Army Corps of Engineers Number for this project is 2008-00421-SCR. The Ohio EPA ID Number for this project is 083416.

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 permanent placement of approximately 1,773 cubic yards of fill material along 810 linear feet (0.52 acre) of the Scioto River to complete the construction activities mentioned above. The preferred alternative would also involve the temporary placement of approximately 33,938 cubic yards of fill material into 3.04 acres of the Scioto River for construction access. This temporary construction access area would occur within 324 linear feet of the project's proposed 810 linear foot total. The applicant's proposed minimal degradation alternative, if approved, would involve 324 linear feet of temporary impacts and 198 linear feet of permanent impacts to the Scioto River. 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 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 October 17, 2008, 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.

Ohio EPA will hold a public information session and public hearing relative to issues of lower water quality at 6:00 PM on Thursday, November 20, 2008. The meeting will be held at the Columbus Public Library, Franklinton Branch, 1061 West Town Street, Columbus, Ohio 43222.

All interested parties are entitled to attend or be represented and give written or oral comments on the proposed project. The purpose of the hearing is to obtain additional information that will be considered by the Director of Ohio EPA prior to any further action on the application.

Persons wishing to be on Ohio EPA's interested parties mailing list for this project or 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 by the close of business on November 28, 2008. Comments received after this date are not be accepted as part of the official record.

PUBLIC NOTICE

OHIO EPA RECEIVES AMENDED HAZARDOUS WASTE CLOSURE PLAN

On October 6, 2008, Ohio EPA received an amended hazardous waste closure plan from AK Steel Corporation, for its former drum storage area located at 530 North Second Street, Cambridge, Ohio 43725. The EPA Identification Number for this facility is OHD058842501.

Why is AK Steel Submitting this Amended Closure Plan?

At the request of Ohio EPA, AK Steel submitted this amended closure plan. This closure plan amends the 2004 amended closure plan by removing groundwater from the remediation objectives, revising the soil survey sampling schedule, and revising the closure completion date. With the removal of groundwater from the remediation objectives, no additional groundwater sampling or remediation will be required under this plan. However, it is acknowledged that groundwater beneath the former drum storage area and down gradient of the property to the north will be addressed separately under Ohio EPA's Corrective Action Program. The amended closure plan objectives will be implemented during 2009 and 2010. Completion is scheduled by January 2011

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

You can submit written comments anytime between October 13, 2008 and November 12, 2008. Send your comments to Ohio EPA, Division of Hazardous Waste Management, Attn: Regulatory and Information Services, P.O. Box 1049, Columbus, Ohio 43216, telephone number (614) 644-2977, fax number (614) 728-1245, e-mail address: dhwmcomments@epa.state.oh.us.

Where can I review the Amended Closure Plan?

You can review the Closure Plan at the following locations:

Ohio EPA, Southeast District Office, 2195 Front Street, Logan, Ohio 43138, tel: (740) 385-8501; and,

Ohio EPA, Division of Hazardous Waste Management, 50 West Town Street, Suite 700, Columbus, Ohio 43215; (614) 644-2977.

PUBLIC NOTICE

OHIO EPA RECEIVES AMENDED POST-CLOSURE PLAN

On September 30, 2008, Ohio EPA received an amended post-closure plan from Durez Corporation for the hazardous waste Former Surface Impoundments # 1 & 2 located at 13717 State Route 68 South, Kenton, Ohio 43326. The EPA Identification Number for this facility is OHD990747859.

Why is Durez Corporation submitting this Amended Post-Closure Plan?

At the request of Ohio EPA, Durez Corporation submitted this amended closure plan. Durez Corporation is requesting amendments to the Post Closure Plans for Former Surface Impoundments (FSIs) 1 and 2. Ohio EPA approved the abandonment and replacement of wells P-18 and P-30 which were part of the monitoring systems surrounding FSI-1 and 2. These wells were subsequently abandoned and replaced with wells P-18R and P-30R. This closure plan includes the statistical background/statistical limits for both FSI-1 and 2. Also included are geologic logs and monitoring well construction diagrams. Finally, an in-depth study of the facility's sampling and analysis plan is provided. Upon approval of the amendment, Durez Corporation will submit a revised Post Closure Plan for both FSI-1 and 2 along with certification pages.

When and how do I submit written comments about this Amended Post-Closure Plan?

You can submit written comments anytime between October 9 and November 10, 2008. 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 Post-Closure Plan?

You can review the post-closure plan and related materials at the following locations:

Ohio EPA, Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio 43402, tel: (419) 352-8461; and,

Ohio EPA, Division of Hazardous Waste Management, 50 West Town Street, Suite 700, Columbus, Ohio 43215 (614) 644-2977.