

State of Ohio
Environmental Protection Agency

April 13, 2009

Notice of Final Rule-making

Notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Drinking and Ground Waters (DDAGW) adopted revisions to the rules of the Ohio Administrative Code (OAC) which sets forth the requirements for underground injection controls. The revisions are, in part, a result of the five year rule review requirements of Section 119.032 of the Revised Code.

The division adopted reorganized, revised and condensed UIC rules. Reorganization of the rules includes renumbering OAC rule 3745-34-13 to 3745-34-11 (Class V wells), and 3745-34-16 to 3745-34-12 (Application by permit; authorization by permit). The adopted rules also include clarifications and establish new requirements for new Class V storm water drainage wells. The following new adopted rules were added to compile related requirements in one location:

3745-34-11, Class V wells;
3745-34-12, Application by permit; authorization by permit;
3745-34-13, Class I permit application;
3745-34-14, Class I permit to drill applications;
3745-34-15, Class I permit to operate applications;
3745-34-16, Class V permit requirements; and
3745-34-63, Class I annual permit fee; fee per ton of waste injected.

OAC rules 3745-34-01 and 3745-34-04 include definitions and well classifications found throughout Chapter 3745-34. Definitions that are no longer applicable due to rule revisions were removed. Rules 3745-34-08 and 3745-34-09 were revised to correct citations, clarify language, and identify the content of cross-references not located in OAC Chapter 3745-34. In addition, several corrections were made in the rules to identify the authorized permit applicant (the owner) in order to be consistent with section 6111.043 of the Revised Code.

Adopted rule 3745-34-11 establishes that the transition period for either closing or obtaining a permit for motor vehicle waste disposal (MVWD) wells and large capacity cesspools have expired. Plain language was added to ban MVWD wells and large capacity cesspools, and permit approval of injection wells used for remediation purposes, and prior to injecting treated drinking water as part of an aquifer storage and recovery project. Additionally, language was added requiring owners of Class V storm water drainage wells to construct such wells in a manner that minimizes the injection of contaminants.

Annual fee requirements were moved from current rule 3745-34-16 to adopted rule 3745-34-63, which establishes language for submitting annual fees and fees per ton of waste injected. Additional changes to this rule were made to make it consistent with section 6111.044 of the Ohio Revised Code and federal requirements.

Adopted rule 3745-34-07 contains language which notes that fluids injected into an underground source of drinking water shall not exceed established primary drinking water standards. Additionally, language was added to prevent injection into Class V wells at concentrations that cause adverse environmental impacts.

Finally, the division amended rules to correct cross-references and citations affected by the adopted revisions. These rules include, 3745-34-17, 3745-34-32, 3745-34-35, 3745-34-39, 3745-34-49, 3745-34-54, and 3745-34-59.

The Director of Environmental Protection, after considering public comment, adopted these rules in final form, pursuant to Section 6109.04 of the Ohio Revised Code. The Director's order of adoption was issued on April 13, 2009. The effective date of these new rules will be April 23, 2009, in accordance with Section 119.04(A) of the Revised Code.

A copy of the rules may be obtained, at cost, by contacting the Hearing Clerk, Ohio EPA, 50 West Town Street, Suite 700, P.O. Box 1049, Columbus, Ohio 43216-1049, or (614) 644-2129. These rules are also available electronically at the following internet address: <http://www.epa.state.oh.us/ddagw/oac.html#finalbut>.

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

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

**PUBLIC NOTICE
OHIO ENVIRONMENTAL PROTECTION AGENCY
RENEWAL OF LABORATORY CERTIFICATION UNDER OHIO'S VOLUNTARY
ACTION PROGRAM**

Notice is hereby given that on April 14, 2009, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code ("ORC") 3746.04(B)(6) and Ohio Administrative Code ("OAC") 3745-300-04, issued a renewal of laboratory certification to Environmental Science Corporation ("ESC") of 12065 Lebanon Road, Mt. Juliet, Tennessee. The certification number assigned to ESC remains CL0069.

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 the 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

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
RENEWAL OF CERTIFIED PROFESSIONAL CERTIFICATIONS UNDER OHIO'S
VOLUNTARY ACTION PROGRAM**

Notice is hereby given that on April 15, 2009, the Director of the Ohio Environmental Protection Agency, pursuant to Ohio Revised Code ("ORC") 3746.04(B)(5) and Ohio Administrative Code ("OAC") 3745-300-05, issued a renewal of certification to the following Certified Professionals: **John A. Zampino, CP280, Bradford S. White, CP146, Stephen J. Sebesta, CP308, Earl H. Rothfuss, CP202, Joel A. Hunt, CP185, and Terry L. Hair, CP273.**

The issuance of the renewal certification 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. 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 Commission at 309 South Fourth St., Room 222, Columbus, Ohio 43215.

If you would like to review a copy of any renewal certificate, or any documents related to the certification, please contact Debi Tavizon, Records Management Officer, at 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
FINAL FINDINGS AND ORDERS: EXEMPTION
Lucas County Commissioners; King Road Landfill
Lucas County, Ohio

Notice is hereby given that on April 16, 2009, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code Section 3734.02(G) issued Final Findings and Orders exempting the Lucas County Commissioners from the requirement to construct a Composite Cap System in accordance with OAC Rule 3745-27-11(G), as described in the Ohio EPA Preferred Plan for Remediation of the King Road Landfill.

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

If you would like to review a copy of the Final Findings and Orders, please contact the Records Management Officer, Ohio EPA, Division of Emergency and Remedial Response, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

Date of Notice: April 14, 2009

**PUBLIC NOTICE
NOTICE OF RECEIPT OF PUBLIC NOTICE AND PUBLIC HEARING REGARDING
CERTIFICATION OF THE U.S. ARMY CORPS OF ENGINEERS PROPOSED
REGIONAL GENERAL PERMIT FOR THE OHIO DEPARTMENT OF
TRANSPORTATION**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has received a public notice for and has begun to review the proposed *Regional General Permit (RGP) For The Ohio Department Of Transportation*, as announced in the U.S. Army Corps of Engineers Public Notice (No. 200800689) on February 6, 2009. The RGP would be solely for Ohio Department of Transportation use, and would authorize the combination of the following three Nationwide Permits formerly certified by Ohio EPA, pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Sections 404 and 401 of the Clean Water Act:

- A. Linear Transportation Projects (NWP 14)
- B. Maintenance Activities (NWP 3)
- C. Temporary Construction, Access, and Dewatering (NWP 33)

The application for authorization of the Regional General Permit was submitted by the U.S. Army Corps of Engineers, Huntington District, 502 Eight Street, Huntington West Virginia, 25701-2070. The Army Corps of Engineers Public Notice and proposed RGP describing the conditions and limitations for the activities authorized by the proposed RGP can be viewed at <http://www.lrh.usace.army.mil/kd/items/actions.cfm?action=Show&itemid=14861&destination=ShowItem>.

The discharges from the activities, if approved, would result in degradation to, or lowering of, the water quality of surface waters of the state, including wetlands and streams. In accordance with OAC Rule 3745-1, an antidegradation review of the public notice will be conducted.

No exclusions or waivers apply or may be granted by the Director of Ohio EPA, as outlined by OAC Rule 3745-1-05(D) (effective on May 1, 1998).

Starting April 14, 2009, copies of the proposed February 6, 2009 Public Notice may be inspected at-Ohio EPA-DSW, 50 West Town Street, Suite 700, Columbus, Ohio 43216-

1049 by first calling (614) 644-2001. The same information 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 the issues of lower water quality at 6:30 p.m. on May 28, 2009 at the Columbus Library South High Branch, 3540 South High Street, Columbus, Ohio 43207. The public hearing will end when all interested parties have had an opportunity to provide testimony related to the RGP.

All interested persons are entitled to attend or be represented and give written or oral comments on the proposed RGP. Written comments must be received by Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 by the close of business on June 4, 2009. Comments received after this date, unless the comment period is expressly extended by Ohio EPA, may not be considered as part of the official record of the hearing. Comments may also be faxed by the close of business on June 4, 2009 to Patti Smith, DSW Permits Processing Unit at (614) 728-5299.

The May 28, 2009 hearing may be the only hearing held by Ohio EPA on the proposed RGP. Ohio EPA will accept comments on water quality related issues only. These comments may include the public's recommendations for revised or additional 401 conditions that may be placed in Ohio EPA's 401 Water Quality Certification.

Persons wishing to be on Ohio EPA's interested parties mailing list or to submit comments for Ohio EPA's conditions on the Draft RGP 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 June 4, 2009.

PUBLIC NOTICE

**OHIO EPA APPROVES AMENDED POST-CLOSURE PLAN FOR
ASHLAND, INC**

On April 13, 2009, Ohio EPA approved an amended post-closure plan for Ashland, Inc. for its former Underground Storage Tank area located at 3849 Fisher Road, Columbus, Ohio. The EPA I.D. number for this facility is OHD000816736.

Pursuant to Ohio Administrative Code rule 3745-66-18, the facility's amended post-closure plan submitted on October 15, 2008 and revised on February 12 and March 25, 2009, was approved as outlined in the Director's April 13, 2009 correspondence. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

PUBLIC NOTICE

**Ohio EPA Issues Preferred Plan for
King Road Landfill
Sylvania, Ohio
Public Meeting to be held**

On April 16, 2009, Ohio EPA issued a Preferred Plan concerning the former King Road Landfill located at 3535 King Road in Sylvania, Lucas County, Ohio. The Preferred Plan provides information regarding Site history, summarizes the investigation of Site contamination, provides an analysis of the feasibility of remedial alternatives, and outlines Ohio EPA's preferred alternative for remediation.

The 104 acre King Road Landfill began waste disposal operations in 1954 and ceased them in 1976. From 1980 through 1991, a transfer station was operated near the main gate on King Road. Based on the information identified during the remedial investigation and feasibility study, the preferred remedial alternative for the Site includes: a landfill cap to ensure slope stability, run-off and vegetative cover, the maintenance of access controls, removal of ditch sediment hot spots, the establishment of a "no well zone" by the Lucas County Board of Health, monitored natural attenuation (i.e., ground water monitoring and evaluation program); and continued operation of the existing leachate collection and pump station at Silica Road as well as the methane gas monitoring and collection trench.

Ohio EPA will hold a public meeting on May 20, 2009, to answer questions and to accept comments on the Preferred Plan. The public meeting will begin at 6:30 p.m. at the Central Elementary School (Library), located at 7460 Central Avenue, Toledo, Ohio. The public meeting will begin with an information session during which Ohio EPA will present a summary of the Preferred Plan. After the information session the public can submit oral or written comments for the record regarding the Preferred Plan. Representatives from Ohio EPA will be available following the public hearing portion of the program to answer general questions about the Site and Plan.

In addition to comments provided during the public hearing, Ohio EPA will accept written comments through May 29, 2009. Anyone may submit written comments on the Preferred Plan by writing to: Paul Jayko, Site Coordinator, Ohio EPA Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio (43402). Comments can also be faxed to Paul Jayko at (419) 373-3038 or e-mailed to him at paul.jayko@epa.state.oh.us. Ohio EPA will consider all comments before taking a final action.

Copies of the Preferred Plan have been provided to the document repository at the Toledo-Lucas County Public Library (Sylvania Branch) located at 6749 Monroe Street in Sylvania, Ohio. The Preferred Plan and related documents are available for review at Ohio EPA's Northwest District Office by calling Linda Tilse, Information Specialist, at (419) 373-3081 for an appointment.

Date of Public Notice: April 16, 2009

**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 a request for a modification to a Clean Water Act Section 401 certification for a project to construct shoreline protection along the north and east shoreline of Prairie Creek Island. The modification request was submitted by the Ohio Department of Natural Resources. The project is located in the southern portion of Grand Lake St. Marys, in Franklin Township, Mercer County. The Huntington District of the U.S. Army Corps of Engineers Number for this project is 2007-00810. The Ohio EPA ID Number for this project is 073289.

The modification request consists of the installation of 400 linear feet of armor stone protection along the shoreline of Prairie Creek Island adjacent to the previously certified 1,100 linear feet of bank protection certified on July 31, 2008.

The discharges from the activity, if approved, may result in degradation to, or lowering of, the water quality of the Grand Lake St. Marys watershed. 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 April 16, 2009, 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, 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.

Date of Public Notice: April 16, 2009

**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 construction of an addition to the Mansfield Truck Sales and Service facility. The application was submitted by Truck Sales Leasing LTD, 3429 Brightwood Road, Midvale, Ohio 44653. The project is located on approximately 4 acres east of its existing facility at 85 E. Longview Avenue, Mansfield, Ohio 44901. The Huntington District Corps of Engineers Public Notice Number for this project is LRH-2008-395-WAL. The Ohio EPA ID Number for this project is 083413.

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 involve the placement of 1,709 cubic yards of fill material into approximately 957 linear feet of stream (Streams A and B) and 1.04 acres of wetland. The applicant's proposed minimal degradation alternative, if approved, would involve the placement of 1,691 cubic yards of fill material into approximately 679 linear feet of stream (Streams A and B) and 1.04 acres of wetland. 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 unnamed tributaries to the Rocky Fork Mohican River. 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 April 16, 2009, 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.

Date of Public Notice: April 14, 2009

**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 construction of Reid Industrial Park located in Mansfield, Ohio. The City of Mansfield proposes to develop the 102-acre parcel into 16 shovel-ready sites ranging in size from approximately 5 to 10 acres. The project includes site grading, drainage and storm water management facilities and the construction of approximately 4,700 linear feet of roadway and sanitary sewer and water utilities.

The application was submitted by The City of Mansfield, 30 North Diamond Street, Mansfield, Ohio 44902. The proposed industrial park site is located north of Crall Road and west of North Airport Road, just west of the Mansfield–Lahm Airport and directly adjacent to a proposed 60-acre expansion of the 179th Ohio Air National Guard Base. The Huntington District Corps of Engineers Public Notice Number for this project is LRH-2007-1053-WAL. The Ohio EPA ID Number for this project is 083450.

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 fill 7.76 acres of wetlands and impact approximately 5,150 feet of intermittent streams and drainageways. The applicant's proposed minimal degradation alternative, if approved, would fill 1.99 acres of wetlands and impact approximately 3,959 feet of intermittent streams and drainageways. 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 unnamed tributaries of the Rocky Fork Mohican River. 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 April 14, 2009, 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.

Ohio EPA will hold a public information session and public hearing relative to issues of lower water quality on June 11, 2009 at 6:30 p.m. at Mansfield –Lahm Airport Conference Room located at 2000 Harrington-Memorial Drive, Mansfield, Ohio 44903. 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. The purpose of the hearing is to obtain additional information that will be considered by Ohio EPA prior to any further action on the application.

Ohio EPA will continue to accept written comments on the application through the close of business on June 18, 2009. Comments received after this date may not be considered as part of the official record of the hearing. Anyone may submit written comments or requests to be placed on a mailing list for information by writing to: Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.

PUBLIC NOTICE

**OHIO EPA ISSUES NOTICE OF TENTATIVE DECISION TO ISSUE A VARIANCE
FROM CLASSIFICATION AS A WASTE**

On April 17, 2009, pursuant to Ohio Administrative Code rule 3745-50-26, the director of Ohio Environmental Protection Agency (Ohio EPA) issued a draft notice tentatively granting a variance to Envirite of Ohio, Inc. (Envirite) and AJYL Recovery Services, LLC (AJYL). Envirite is located at 2050 Central Avenue SE, Canton, Ohio 44707, US EPA ID No.: OHD980568992. AJYL is located at 1533 Allen Avenue SE, Canton, Ohio 44707, US EPA ID No.: OHD986982155. If issued as a final variance, certain materials that Envirite and AJYL handle would not be wastes under Ohio's hazardous waste laws. The Agency is proposing to issue this variance because Envirite and AJYL recycle wastes, and use and manage these materials more like process intermediates and products than wastes.

Why are Envirite and AJYL asking Ohio EPA to grant a Variance?

Envirite and AJYL will operate and maintain metal reclamation facilities. The primary metals of interest are copper, chromium, cobalt, nickel, tin, zinc or precious metals. Envirite will accept metal-bearing hazardous wastes and reclaim them to produce liquid and solid metal-bearing concentrates. These concentrates will be sent to AJYL for further reclamation of their metal values.

Without this variance, some of AJYL's activities would be regulated as hazardous waste management activities and AJYL would need a hazardous waste facility installation and operation permit. If issued, this variance will allow AJYL to store and process the liquid and solid metal-bearing concentrates without obtaining a hazardous waste permit. Envirite is already a permitted hazardous waste storage and treatment facility. The draft variance contains the conditions under which the facilities must operate if the variance receives final approval. To issue this draft variance, Ohio EPA evaluated the variance application considering the factors in rule 3745-50-24 of the Ohio Administrative Code.

How can I tell Ohio EPA what I think about this Variance?

You can submit written comments anytime between April 20, 2009 and May 21, 2009. Send your comments to Ohio EPA, Lazarus Government Center, Division of Hazardous Waste Management, Attn: Regulatory and Information Services Section, P.O. Box 1049, Columbus, Ohio 43216-1049, telephone number (614) 644-2977, fax number (614) 728-1245, e-mail: dhwmcomments@epa.state.oh.us. If you have questions about the variance, please contact Karen Hale at (614) 644-2927 or karen.hale@epa.state.oh.us.

Where can I review the Variance application and draft Variance?

You can review these at one of the following locations after April 16, 2009:

DeHoff Memorial Library, 216 Hartford Avenue, Canton, Ohio 44707, (330) 452-9014;

Ohio EPA, Northeast District Office, Division of Hazardous Waste Management, 2110 East Aurora Road, Twinsburg, Ohio 44087; and,

Ohio EPA, Division of Hazardous Waste Management, 50 West Town Street, Lazarus Government Center, Suite 700, Columbus, Ohio 43215, (614) 644-2917.

What will Ohio EPA do with the comments?

After carefully considering public comments, Ohio EPA will reconsider the draft variance, making any necessary changes, and issue or deny the final variance. Ohio EPA will issue a "response to public comments," specifying any changes made to the draft variance. If you commented on the draft variance, Ohio EPA will send you copies of the "response to public comments" and the director's final action on the variance.

Date of Public Notice: April 14, 2009

**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 a project to remove sediments from Virginia Kendall Lake. The application was submitted by Cuyahoga Valley National Park 15610 Vaughn Road, Brecksville, Ohio 44141. The project is located at Virginia Kendall Lake in Cuyahoga Valley National Park, Boston Township, Summit County, Ohio. The Ohio EPA ID Number for this project is 083378.

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 restore the original contour of the lake in two areas (total of 3.6 acres) by removing a total of 6,000 cubic yards of accumulated sediments. This will restore recreational capacity and values of the lake. The applicant's proposed minimal degradation alternative, if approved, would remove approximately 3,000 cubic yards of accumulated sediments from a smaller area (2.0 acres) of the lake. 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 Virginia Kendall Lake. 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 April 14, 2009, 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.