

**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 amended rules 3745- 109-01, 109-04, 109-07, 109-08, 109-11, 109-12, 109-13, 109-14, 109-17, 109-18, 109-19, 109-20 and 109-21 of the Ohio Administrative Code (OAC).

The primary purpose of this rulemaking is to incorporate minor revisions and clarifications to Ohio's Clean Air Interstate Rules (CAIR) final rules. The changes were necessary as a result of comments submitted by US EPA after the end of Ohio's CAIR final rulemaking process in September, 2007. In addition, revisions made to US EPA's final CAIR rule on October 19, 2007 (72 FR 59190) were also incorporated into Ohio's CAIR rules during this rulemaking.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC is required to consult with interested parties affected by the rules before the division formally adopts them. On June 6, 2008, these rules went out for a 30 day review by interested parties. Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes was conducted on June 2, 2009 in Columbus, Ohio. Comments were received. To view Ohio EPA's responses, please see the responsive summary to comments available on Ohio EPA's "What's New" webpage. The URL is: <http://www.epa.state.oh.us/dapc/page/whatsnew.html>.

The Director's order of adoption was issued on July 6, 2009. The effective date of these rules is July 16, 2009.

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 Lee Burkleca, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Lee Burkleca at 614-728-1344. The rules are available on the Web page for electronic downloading. 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 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 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. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Ohio EPA also requests that a copy of the appeal be served upon the Environmental Enforcement Section of the Ohio Attorney General's Office.

**State of Ohio**  
**Environmental Protection Agency**

July 6, 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 two rules of the Ohio Administrative Code (OAC) which sets forth provisions for providing loan assistance and subsidy to public water systems serving disadvantaged communities. The revisions are, in part, a result of the five year rule review requirements of Section 119.032 of the Revised Code.

The amendments to OAC rules 3745-88-01 and 3745-88-02 will allow increased flexibility in the administration of disadvantaged community loans, allow the division to award a greater amount in principal forgiveness and extended term loans, and allow the division to quickly and efficiently allocate resources.

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 July 6, 2009. The effective date of these amended rules will be July 16, 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>.

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

**NOTICE OF ADOPTION OF RULES  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Rules Governing**

**Water Quality Standards Use Designations**

Notice is hereby given that the Director of Environmental Protection, under the authority of Section 6111.041 of the Ohio Revised Code and in accordance with Chapter 119 of the Revised Code, has adopted the following rules of the Ohio Administrative Code:

| <b>Rule #</b> | <b>Rule Title</b>                          | <b>Action</b> |
|---------------|--|---------------|
| 3745-1-09     | Scioto river drainage basin.               | Amend         |
| 3745-1-11     | Maumee river drainage basin.               | Amend         |
| 3745-1-17     | Southwest Ohio tributaries drainage basin. | Amend         |
| 3745-1-18     | Little Miami river drainage basin.         | Amend         |
| 3745-1-25     | Mahoning river drainage basin.             | Amend         |

The Director's order of adoption was issued on **July 9, 2009**. These adopted rules will become effective on **October 9, 2009**. To request a copy of these rules, write to Chris Skalski, Ohio Environmental Protection Agency, Division of Surface Water, P.O. Box 1049, Columbus, OH 43216-1049 or call Mr. Skalski at (614) 644-2144. Copies of the adopted rules are also available on the Ohio EPA Division of Surface Water Web site at [www.epa.state.oh.us/dsw](http://www.epa.state.oh.us/dsw).

The Director's action in this matter is pursuant to the procedural requirements of Ohio Revised Code Chapter 119 and is based upon the record of the public hearing conducted by Ohio EPA on June 2, 2009, and comments received during the public comment period.

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

## **Verified Complaint Public Notice**

Ohio Department of Natural Resources  
Division of Forestry  
Shawnee State Forest  
Scioto County (73)  
Zaleski State Forest  
Vinton County (82)

On June 22, 2009, and June 25, 2009 two verified complaints were filed with the Director of the Ohio Environmental Protection Agency. The complaints were filed by Ms. Cheryl Carpenter/Voices for the Forest, 1372 Blue Run Road, Lucasville, Ohio 45648, and Mr. Matt Peters/Forest Watch, 14130 Mill Creek Road, Millfield, Ohio 45761. The complaints were filed against the Ohio Department of Natural Resources, Division of Forestry, 2045 Morse Road, F-1, Columbus, OH 43229, alleging violations of open burning permission #093004cads07, issued by the Portsmouth Local Air Agency on March 27, 2009, regarding open burning activities conducted by the Ohio Department of Natural Resources on or around April 24, 2009, in the Shawnee State Forest, located in Scioto County, Ohio. In his complaint, Mr. Peters also included allegations concerning open burning permission OB-06-82-84 issued by Ohio EPA, SEDO, to the Ohio Department of Natural Resources, Division of Forestry allowing open burning activities in the Zaleski State Forest, located in Vinton County, Ohio. Further information may be obtained and agency files and records pertaining to the proceedings may be inspected and copied by contacting the Ohio Environmental Protection Agency, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio 43216-1049, telephone number (614) 644-2270, the Air Pollution Unit, Portsmouth City Health Dept., 605 Washington Street, Third Floor, Portsmouth, Ohio 45662, telephone number (740) 353-5156, or the Ohio EPA Southeast District Office, 2195 Front Street, Logan, Ohio 43138, telephone number (740) 385-8501. Any person may request notice concerning further actions pursuant to the complaint, including the outcome of the proceedings.

## **PUBLIC NOTICE**

### **OHIO ENVIRONMENTAL PROTECTION AGENCY**

#### **DRAFT STATE SOLID WASTE MANAGEMENT PLAN**

Notice is hereby given that on July 6, 2009, the Ohio Environmental Protection Agency (Ohio EPA) issued a draft State Solid Waste Management Plan (State Plan) and is seeking public comment in accordance with Section 3734.50 of the Ohio Revised Code (ORC).

ORC 3734.50 specifies that the State Plan should: reduce reliance on landfills for the management of solid waste; establish objectives for solid waste reduction and recycling; establish restrictions on the types of solid waste that can be disposed in landfills; establish general criteria for the location of landfills; examine alternate methods for the disposal of municipal solid waste incinerator ash; establish a statewide strategy for managing scrap tires; establish a strategy to promote markets for products containing recycled materials, and; establish a program for the proper management of household hazardous waste.

A public comment period has been established that will run until August 4, 2009. In addition, five public hearings will be held to consider public comments. These hearings will be held on the following dates at the following locations:

Tuesday, July 21 at Ohio EPA's Northwest District Office, Conference Room A, 347 North Dunbridge Rd., Bowling Green, (419) 352-8461.

Wednesday, July 22 at Ohio EPA's Central Office, Conference Room C, 50 West Town St., Suite 700, Columbus (614) 644-3020.

Thursday, July 23 , at Ohio EPA's Southwest District Office, Conference Room 4A, 401 E. Fifth St., Dayton (937) 285-6357.

Wednesday, July 29 at Ohio EPA's Northeast District Office, 2110 E. Aurora Rd., Twinsburg, (330) 963-1200.

Thursday, July 30 at Ohio EPA's Southeast District Office, Room 104B, 2195 Front St., Logan (740) 385-8501.

All public hearings will begin at 2:00 p.m. To facilitate the scheduling of oral presentations, persons intending to give testimony at the hearing should notify Ohio EPA's Public Interest Center, either in writing at P.O. Box 1049, Columbus, Ohio 43215-1049, or by telephone at (614) 644-2160. Prior registration will ensure that registrants are heard ahead of those individuals who register at the hearing. Oral testimony may be limited to five minutes, depending on the number of persons

testifying. All interested persons are entitled to attend or be represented and to present oral and/or written comments.

Written testimony should be sent to the attention of Ernie Stall at Ohio EPA's Division of Solid and Infectious Waste Management (DSIWM), P.O. Box 1049, Columbus Ohio 43215-1049. Written comments may also be submitted to the Hearing Officer at the public hearing. Written testimony will receive the same consideration as oral testimony. All testimony received at the hearing or by close of business on August 4, 2009 will be considered by Ohio EPA prior to adopting the final State Plan. Written comments submitted after this date may be considered as time and circumstances permit.

Questions regarding the State Plan should be directed to Ernie Stall, at the Division of Solid and Infectious Waste Management, at (614) 728-5356.

To receive a copy of the draft State Plan, please contact the DSIWM receptionist at Ohio EPA's central office at (614) 644-2621. In addition, a copy is available for review at each of Ohio EPA's district offices and at Ohio EPA's central office. The draft State Plan is also accessible on DSIWM's web page at <http://www.epa.state.oh.us/dsiwm/pages/stateplan.html>.