

Statewide

PUBLIC NOTICE
OHIO EPA ISSUES NEW POLICY – BURNING USED OIL IN A SPACE HEATER –
FOR BUSINESSES

On July 1, 2009, DHWM issued a new guidance document called *Burning Used Oil in a Space Heater – For Businesses*. DHWM created this document as a quick guide for businesses that collect used oil to burn in space heaters. It discusses such topics as restrictions on space heater designs; when used oil can be burned in a space heater; the used oil specification; when it is acceptable to burn used oil mixed with hazardous waste; and suggestions for testing the constituents in used oil.

The guidance document is available on DHWM's web page at: <http://www.epa.state.oh.us/dhwm/pdf/UsedOilSpaceHeaterBusiness.pdf>. Hard copy versions may also be obtained by contacting DHWM at (614) 644-2917.

PUBLIC NOTICE

**OHIO EPA ISSUES FINAL FINDINGS AND ORDERS TO
U.S. FOODSERVICE, INC.**

On July 17, 2009, Ohio EPA issued final Findings and Orders to U.S. FoodService, Inc. for its facility located at 4235 Thunderbird Lane, Fairfield, Ohio. This facility is engaged in the cessation of regulated operations and applied for a waiver in connection with the temporary discontinuance of regulated operations.

U.S. FoodService, Inc. must achieve compliance with ORC Section 3752.10 and OAC Rule 3745-352-40 and all corresponding regulations according to the detailed compliance schedule which outlines civil penalties. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

PUBLIC NOTICE

OHIO EPA ISSUES FINAL MODIFIED HAZARDOUS WASTE PERMIT

On July 21, 2009, Ohio EPA issued a final class 2 modified Hazardous Waste Facility Installation and Operation Permit (Permit) to Heritage-WTI, Inc., fka Von Roll America, Inc., for its facility at 1250 St. George Street, East Liverpool, Ohio 43920-3400. The EPA Identification Number for this facility is OHD980613541.

Why is Heritage-WTI, Inc. modifying its Permit?

Heritage-WTI, Inc., is permitted to operate a hazardous waste incinerator and other related hazardous waste management units at its facility. Heritage-WTI, Inc. requests to make the following temporary changes: (1) increase their permitted container storage capacity from 684,380 to 729,215 gallons (an increase of 44,835 gallons which is approximately 6% of their current capacity); (2) store containerized waste in areas not currently permitted for storage; and, (3) increase storage time up to a maximum of eighteen (18) months for specific containerized waste. This final modified permit will allow Heritage-WTI, Inc., to make the requested changes. To issue this final modified Permit, Ohio EPA determined that the modification application is complete and meets appropriate standards.

Can I appeal this final modified Permit?

Yes, if you are an officer of an agency of the state or of a political subdivision, acting in a representative capacity, or any person who would be aggrieved or adversely affected by this modified Permit, you have the right to appeal this Permit decision to the Environmental Review Appeals Commission (ERAC).

If I decide to appeal this final modified Permit, how and when must I make the appeal?

If you file an appeal, you must put it in writing no later than **August 24, 2009**. Your appeal must explain why you are appealing the action and the grounds you are using for your appeal. 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 requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. You must file your appeal, according to Ohio Revised Code § 3745.04 with ERAC at the following address: ***Environmental Review Appeals Commission***, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. You must send a copy of the appeal to the director of Ohio EPA at the following address no later

than three (3) days after you file it with ERAC: **Chris Korleski, Director of Ohio EPA,**
P.O. Box 1049, Columbus, Ohio 43216-1049.

PUBLIC NOTICE

**OHIO EPA ISSUES FINAL ENVIRONMENTAL COVENANTS TO
McWANE, INC.**

On June 26, 2009, Ohio EPA issued an Environmental Covenant to McWane Inc., (d.b.a. Clow Water Systems Company) for its facility located at 2266 South Six Street, Coshocton, Ohio 43812. McWane, Inc. is an unpermitted hazardous waste facility and has undergone closure activities. The EPA I.D. number for this facility is OHD004294849.

McWane, Inc. must achieve compliance with 5301.80 to 5301.92 of the Ohio Revised Code which restricts the use of its property whereby the underlying groundwater shall not be extracted for any potable use. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

Date of Public Notice: July 21, 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 certification for the subject transportation project. The proposed project, FRA-270-24.14, PID 81737 will maintain a section (0.57 mile) of Interstate Route 270 in Franklin County. The project includes reconstruction of the CSX railroad bridge, channel grading work, culvert extension, stream channel excavation and erosion protection. The application was submitted by the Ohio Department of Transportation (ODOT). The Ohio EPA ID Number for this project is 093529.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The Preferred Alternative, if approved, would impact two streams for a total of 409 linear feet of warmwater stream and modified Class II Primary Headwater Habitat stream by channel protection and grading work, excavation and extension of a culvert. A portion of Category 1 wetland (0.012ac) will also be impacted by the proposed project by regarding activities along the roadway. The applicant's proposed minimal degradation alternative, if approved, would impact two streams for a total of 90 linear feet of warmwater stream and modified Class II Primary Headwater Habitat stream by the placement of erosion protection and the placement of rock channel protection. The Minimal-Degradation Alternative would have no impact on wetlands. 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 of the Olentangy River watershed (HUC 05060001-120). 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 July 21, 2009, copies of the application for the certification and technical support information may be inspected at Ohio EPA/DSW, 50 West Town Street Suite 700, Columbus, Ohio 43215, 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.

PUBLIC NOTICE

**OHIO EPA ISSUES FINAL FINDINGS AND ORDERS TO
SENECA WIRE & MANUFACTURING**

On June 29, 2009, Ohio EPA issued final Findings and Orders to Seneca Wiring and Manufacturing Company for its facility located at 319 South Vine Street, Fostoria, Ohio, 44830. As the result of a fire on the property, the facility created small piles of debris on the ground and failed to evaluate the structural fire brick waste generated while it was segregated from other demolition debris. The EPA I.D. number for this facility is OHD004177374.

Seneca Wiring and Manufacturing Company 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. 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
SENECA WIRING AND MANUFACTURING**

On June 30, 2009, Ohio EPA approved a closure plan for Seneca Wiring and Manufacturing Company for the former firebrick hazardous waste storage piles located at 319 South Vine Street, Fostoria, Ohio 44830. The EPA I.D. number for this facility is OHD004177374.

Pursuant to Ohio Administrative Code rule 3745-66-11 & 12, the facility's closure plan received on November 14, 2008, was approved with modifications as outlined in the Director's June 30, 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 FINAL FINDINGS AND ORDERS TO
LOWE'S HOME CENTERS, INC.**

On June 29, 2009, Ohio EPA issued final Findings and Orders to Lowe's Home Centers, Inc. (Lowe's) for its facility located at 12700 County Road 212, Findlay, Ohio 45840. This facility is a small quantity generator of hazardous waste and stored such waste greater than 180 days without a permit. The EPA I.D. number for this facility is OHR000126409.

Lowe's 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 related fees. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

PUBLIC NOTICE

Authorization for a Temporary Storage of Leachate

Notice is hereby given that on July 22, 2009, pursuant to OAC 3745-27-19(K)(4), the director of Ohio EPA authorize Cherokee Run Landfill, Inc. (Facility) to temporarily store leachate within the limits of waste placement at the Facility. The Facility is located at 2946 US Route 68 North, Bellefontaine, OH 45311, Logan County. This authorization shall expire seven (7) days after the effective date of this authorization. This authorization is subject to all rules, regulations, and specified 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: July 30, 2009

**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 construction of a steel crib pier and a stone revetment. The application was submitted by Anne P. Massey, 350 Bar Harbor Drive, Bay Village, Ohio 44140. The project is located along the Lake Erie shoreline on Johnson Island at 3734 Memorial Shoreway, Village of Marbelehead, Ottawa County, Ohio. The Buffalo District of the U.S. Army Corps of Engineers Public Notice for this project is 2009-00204. The Ohio EPA ID Number for this project is 093521.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed Preferred Alternative, if approved, would result in a total of 3 cy of revetment stone and 205 cy of stone-filled steel crib pier to be placed below the plane of ordinary high water (OHW = 573.4 feet IGLD 1985) and above existing grade.

The applicant's proposed Minimal Degradation Alternative, if approved, would result in a total of 3 cy of revetment stone and 175 cy of stone-filled steel crib pier to be placed below the plane of ordinary high water (OHW = 573.4 feet IGLD 1985) and above existing grade.

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 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 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 July 30, 2009, copies of the application for the certification and technical support information may be inspected at Ohio EPA-DSW, 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.

Ohio EPA will hold a public information session and public hearing relative to issues of lower water quality on September 15, 2009 at 6:30 p.m. at Danbury Township Hall, 5972 East Port Clinton Eastern Road, Marblehead, Ohio, 43440. 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. 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.

Ohio EPA will continue to accept written comments on the application through the close of business on September 22, 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 request 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.