

## **PUBLIC NOTICE**

### **ISSUANCE OF SCRAP TIRE TRANSPORTER REGISTRATION**

Notice is hereby given that on August 4, 2009; the director of Ohio EPA issued seven certificates of registration as transporter of scrap tires to West Virginia Tire Disposal Inc., 26 Bryant Branch Rd., Summersville, WV 26551. This action of the director of Ohio EPA is final and is appealable to the Environmental Review Appeals Commission, at 309 South Fourth Street, Room 222, Columbus, Ohio 43215. 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 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 request that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. 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. This action was not preceded by a proposed action and may be appealed to the Environmental Review Appeals Commission, at 309 South Fourth St, Ste 222, Columbus, OH 43215.

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

August 3, 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 rules in Ohio Administrative Code (OAC) that govern the primary drinking water standards. Specifically, the division has proposed revisions to rules that govern the water well standards. The proposed amendments are, in part, a result of the five year rule review requirements of Section 119.032 of the Revised Code.

The division has adopted revisions to water well standards rules 3745-9-01 (Definitions), 3745-9-02 (Scope and Exemptions), 3745-9-03 (Monitoring Well), 3745-9-04 (Well Siting), 3745-9-09 (Well Development and Pump Test) and a new plan approval rule, 3745-91-10 that is related to approving a new water well.

Rule 3745-9-01 includes new definitions that support revisions drafted in rule 3745-9-04.

Rule 3745-9-02 was modified to make general edits and clarify the applicant's requirements when applying for a variance from rules contained in the water well standards Chapter 3745-9.

Rule 3745-9-03 was modified to update a reference in the rule.

Rule 3745-9-04 includes revisions to the existing language and new requirements that provide for the long-term protection of the well's source water. The changes include specific setback distances (for example, 300 feet) from certain waste management activities for all public water supply wells and a prohibition from siting a new well where it could capture water from an aquifer beneath certain types of waste management facilities. The capture zones are the drinking water source protection area (five-year time-of-travel) or the inner management zone (one year time-of-travel).

Rule 3745-9-09 was modified to provide additional flexibility in meeting the performance standard required when conducting pumping or aquifer tests, allowing experienced water well professionals, not just hydrogeologists, to propose and conduct alternative aquifer or pumping tests, and clarifying analytical sampling and analysis requirements for new wells to provide consistency with the contaminant names contained in Chapter 3745-81.

A new rule, 3745-91-10, was adopted in the plan approval chapter to require development or update of a drinking water source protection plan within two years after

receiving the director's approval for a new well. The rule is applicable to community water systems that provide water to at least 250 people and serve a political subdivision of Ohio.

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 August 3, 2009. The effective date of these new rules will be September 1, 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

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice  
Proposed Rulemaking Governing  
Surface Water Quality Standards Program**

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, proposes to adopt amendments to the following rules of the Ohio Administrative Code:

<b>Rule #</b>	<b>Rule Title</b>	<b>Action</b>
3745-1-05	Antidegradation.	Amend
3745-1-07	Water use designations and statewide criteria.	Amend

Chapter 3745-1 of the Administrative Code addresses water quality standards for surface waters of the state. The rules in Chapter 3745-1 contain: beneficial use designations such as warmwater aquatic life habitat, public water supply and primary contact recreation; numeric levels and narrative statements (water quality criteria) protective of the use designations; and antidegradation provisions that establish a procedure to determine that a discharge is necessary before authorizing it.

The proposed changes to rule 3745-1-05 will, for Section 401 water quality certification projects subject to the antidegradation rule, make submittal, public notice and public hearing requirements consistent with Ohio Revised Code section 6111.30 (Application for federal water quality certification – hearing, effective 09-29-2005). The proposed changes to rule 3745-1-07 will revise the definitions of the recreation use designations, remove fecal coliform water quality criteria and revise E. coli water quality criteria.

The draft version of this rulemaking, made available for public comment in March 2009, also included revisions to rule 3745-1-31 that would restrict disposal of dredge material in Lake Erie. The Agency has decided to delay proposal of the rule 3745-1-31 revisions to allow more time to discuss them with stakeholders.

The public comment period will run until **5:00 p.m. on September 10, 2009**. A public hearing on these proposed rule amendments will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held in **Conference Room B at the Ohio EPA Central Office, 50 West Town Street, Suite 700, Columbus, Ohio at 2:00 p.m. on September 10, 2009**.

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,

visitors are required to wear their badge at all times while in the building. Please arrive early to complete these procedures.

To facilitate the scheduling of oral presentations, persons intending to give testimony at the hearing should notify the Ohio EPA Public Interest Center, P.O. Box 1049, Columbus, Ohio 43216-1049, (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 concerning the proposed rules.

Written testimony should be sent to the attention of Bob Heitzman at the Ohio EPA Division of Surface Water, P.O. Box 1049, Columbus Ohio 43216-1049. 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 **5:00 p.m. on September 10, 2009**, will be considered by Ohio EPA prior to final action on this rulemaking. Written comments submitted after this date may be considered as time and circumstances permit.

For questions regarding this rule package or to receive a copy of the proposed rules, please contact Bob Heitzman, Division of Surface Water, at (614) 644-3075 or by email at [bob.heizman@epa.state.oh.us](mailto:bob.heizman@epa.state.oh.us). In addition, the proposed rules are available for review at any Ohio EPA district office and at the Ohio EPA central office. The proposed rules are also accessible on the Ohio EPA Web site at [www.epa.state.oh.us/dsw](http://www.epa.state.oh.us/dsw) and the Register of Ohio Web site at [www.registerofohio.state.oh.us](http://www.registerofohio.state.oh.us).

**PUBLIC NOTICE**  
**FINAL ACTIONS OF THE DIRECTOR**  
**ISSUANCE OF CERTIFICATES TO REPAIR FACILITIES UNDER**  
**THE MOTOR VEHICLE EMISSION INSPECTION AND MAINTENANCE PROGRAM**

Notice is hereby given that the Director of the Ohio Environmental Protection Agency, pursuant to Ohio Revised Code Chapter 3704.14 and Ohio Administrative Code rule 3745-26-15, has issued certificates to perform work as a Certified Repair Facility under the Motor Vehicle Emission Inspection and Maintenance Program, consistent with the requirements of that program, to the facilities listed below. All certificates are issued 8/3/2009.

For information regarding these final actions, contact Michael Riggleman, Ohio EPA, Division of Air Pollution Control, Mobile Sources Section, P.O. Box 1049, Columbus, Ohio 43216-1049, or by telephone at (614) 644-3059. These final actions of the Director were not preceded by proposed actions, and are appealable to the Environmental Review Appeals Commission within thirty (30) days after issuance of the Director's action, pursuant to section 3745.07 of the Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Commission. Appeals must be sent to the following address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

COUNTY	SHOP NAME	CITY	STATE
Cuyahoga	SOUTH EUCLID SHELL	SOUTH EUCLID	OH
SUMMIT	OLDE 8 AUTOMOTIVE	NORTHFIELD CTR	OH

**PUBLIC NOTICE**  
**FINAL ACTIONS OF THE DIRECTOR**  
**ISSUANCE OF CERTIFICATES TO REPAIR TECHNICIANS UNDER**  
**THE MOTOR VEHICLE EMISSION INSPECTION AND MAINTENANCE PROGRAM**

Notice is hereby given that the Director of the Ohio Environmental Protection Agency, pursuant to Ohio Revised Code Chapter 3704.14 and Ohio Administrative Code rule 3745-26-16, has issued certificates to perform work as a Certified Repair Technician under the Motor Vehicle Emission Inspection and Maintenance Program, consistent with the requirements of that program, to the repair technicians listed below. All certificates are issued 8/3/2009.

For information regarding these final actions, contact Michael Riggleman, Ohio EPA, Division of Air Pollution Control, Mobile Sources Section, P.O. Box 1049, Columbus, Ohio 43216-1049, or by telephone at (614) 644-3059. These final actions of the Director were not preceded by proposed actions, and are appealable to the Environmental Review Appeals Commission within thirty (30) days after issuance of the Director's action, pursuant to section 3745.07 of the Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Commission. Appeals must be sent to the following address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

FIRST	LAST	CITY	STATE
MATTHEW	LASH	AVON LAKE	OH
JAMES	SPECK	EASTLAKE	OH
GERRIT	DERUYTER	MACEDONIA	OH

**PUBLIC NOTICE**  
**COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS**  
***City of Toledo & Westgate Village Shopping Center, LP***  
***Westgate Village Shopping Center***

Notice is hereby given that on August 6, 2009, 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 City of Toledo & Westgate Village Shopping Center, LP for the property identified as the Westgate Village Shopping Center property (the "Property").

City of Toledo & Westgate Village Shopping Center, LP conducted a voluntary action of the approximately 21.39-acre Property located at 3301 West Central Avenue, Toledo, Lucas County, Ohio. A no further action letter was submitted on October 1, 2008 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of City of Toledo & Westgate Village Shopping Center, LP by Donald A. Fay, a Certified Professional (No. CP254), 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. 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

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.

**Date of Public Notice: August 11, 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 with the intent of mining coal. The application was submitted by OhioAmerican Energy, Inc. The project is located at CR 78, National OCO Rd near Lafferty, OH. The Pittsburgh District Corps of Engineers Public Notice Number for this project is 08-50 (Application No. 2006-660). The Ohio EPA ID Number for this project is 083369.

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 be to extract the No. 8 coal seam from the 665.9 acre site. Conventional surface mining and highwall mining methods, that require removal of covering soil and rock (overburden), extraction of coal, and replacement of rock and soil to approximate original contours will be used. Following this activity, final reclamation will be completed and the land will be restored to undeveloped post mining use. Total Impacts under this alternative will affect 16,087 linear feet of perennial, intermittent, and ephemeral stream and 12.33 acres of wetland. Under the preferred alternative, mining will produce approximately 3,000,000 tons of coal.

The applicants proposed minimal degradation alternative, if approved, would impact 2,633 linear feet of stream and 5.4 acres of wetland. The minimal degradation alternative would result in the production of 2,500,000 tons of coal. 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 and wetlands to Wheeling Creek which drains into the Ohio 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 August 11, 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: August 8, 2009**

**PUBLIC NOTICE  
ISSUANCE OF DRAFT PERMIT TO INSTALL AND NPDES PERMIT**

Notice is hereby given that on August 11, 2009, the Director of the Environmental Protection Agency will issue a draft Permit to Install (PTI) (651252) and a draft National Pollutant Discharge Elimination System (NPDES) permit (1PA00030) to the Village of Pittsburg, P.O. Box 247, Pittsburg, Ohio 45358. The draft permits are for the construction of, and discharge from a new wastewater treatment plant and collection system to be located at 200 Railroad Street, Pittsburg, Monroe Township, Darke County, Ohio. "Draft Actions" are written statements of the Director's intent with respect to the issuance, denial, etc. of a permit, license, order, etc. Interested persons may submit written comments regarding draft actions.

The discharges from the facility, if approved, would result in degradation to, or lowering of, the water quality of an unnamed tributary/storm tile to Ludlow Creek and subsequently the Stillwater River. However, the chemical-specific water quality criteria developed to protect aquatic life and human health, set forth in OAC 3745-1-07, will not be exceeded.

In accordance with OAC 3745-1-05, Ohio EPA will provide an opportunity for public comment concerning this project. Comments received shall be considered by the Director before the draft action is issued as final. Persons wishing to 1) be on Ohio EPA's interested parties mailing list for this project, 2) submit comments for Ohio EPA's consideration or 3) request a public hearing must do so in writing to Ohio EPA-DSW, Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 by the close of business on September 8, 2009.

**PUBLIC NOTICE**

**OHIO EPA ISSUES FINAL FINDINGS AND ORDERS TO  
BASIC INCORPORATED**

On August 5, 2009, Ohio EPA issued final Findings and Orders to Basic Incorporated for its facility located at 495 Emma Street, Bettsville, Ohio. This facility is a large quantity generator of hazardous waste and stored such waste for greater than 90 days as a result of segregating and cleaning of scrap metal. The EPA I.D. number for this facility is OHD004181954.

Basic Incorporated must achieve compliance with Chapter 3734 of the Ohio Revised Code and the regulations promulgated thereunder 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.