

## **PUBLIC NOTICE**

### **FINAL ISSUANCE OF CERTIFICATE OF REGISTRATION AS A TRANSPORTER OF INFECTIOUS WASTE**

Notice is hereby given that on August 19, 2009, the director of Ohio EPA issued an infectious waste transporter certificate to Darob Inc, 1801 Research Dr, Louisville KY 40269, ID No.: 00-T-00261. Persons wishing to be notified of further actions or proceedings 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 final action was not preceded by a proposed action and may be appealed to the Environmental Review Appeals Commission, at 309 South Fourth Street, Suite 222, Columbus, Ohio 43215.

**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 3745-75-01, "Applicability, definitions, and reference to materials;" 3745-75-02, "Emission limits;" 3745-75-03, "Design parameters and operating restrictions;" 3745-75-04, "Monitoring requirements;" 3745-75-05, "Recordkeeping and inspections;" and 3745-75-06, "Certification and compliance time schedules" of the Ohio Administrative Code (OAC). These rules are related to operating, performance, testing, and recordkeeping requirements for incinerators used for disposal of medical, infectious, and other types of waste generated in a hospital setting.

The primary purpose of this rulemaking is to modify information on the availability and version of referenced materials, and make various other minor changes required for consistency with the latest style manual of the Legislative Services Commission. Also, in 3745-75-06, there is a clarification of the specific office to which emissions test results should be sent.

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 November 28, 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 30, 2009, in Columbus, Ohio. There were no comments received during the public comment period. The Director's order of adoption was issued on August 14, 2009. The effective date of these rules is August 24, 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 Dana Thompson, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Dana Thompson at 614-644-3701. The rules are available on Ohio EPA's Web page for electronic downloading. The URL is: <http://www.epa.state.oh.us/dapc/page/whatsnew.html> See the information on this chapter dated August 14, 2009.

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**  
**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 3745-105-01, "Applicability, definitions, and reference to materials;" 3745-105-02, "Emission limits;" 3745-105-03, "Design parameters and operating restrictions;" 3745-105-04, "Monitoring requirements;" 3745-105-05, "Recordkeeping;" and 3745-105-06, "Compliance and performance testing" of the Ohio Administrative Code (OAC). These rules relate to incineration of human and animal remains, anatomical parts and/or tissue, bags or containers used to transport the waste material, and animal bedding if applicable. They do not pertain to waste categories regulated by the Infectious Waste Incineration Chapter (3745-75) or to certain other incinerator categories such as crematories for human remains.

The primary purpose of this rulemaking is to modify information on the availability and version of referenced materials, and make various other minor changes required for consistency with the latest style manual of the Legislative Services Commission.

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 November 28, 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 30, 2009, in Columbus, Ohio. There were no comments received during the public comment period. The Director's order of adoption was issued on August 14, 2009. The effective date of these rules is August 24, 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 Dana Thompson, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Dana Thompson at 614-644-3701. The rules are available on Ohio EPA's Web page for electronic downloading. The URL is: <http://www.epa.state.oh.us/dapc/page/whatsnew.html> See the information on this chapter dated August 14, 2009.

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.

**PUBLIC NOTICE**  
**COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS**  
***Alcatel-Lucent USA Inc. for the Lucent Columbus Works Property***

Notice is hereby given that on August 13, 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 Alcatel-Lucent USA Inc., formerly known as Lucent Technologies, Inc. (Lucent), for the property identified as the Lucent Columbus Works property.

Lucent conducted a voluntary action of the approximately 160.259-acre property located at 6200 East Broad Street, Columbus, Franklin County, Ohio. A no further action letter was submitted on June 30, 2006 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of Lucent by Bradford S. White, a certified professional (No. CP146), as defined in ORC 3746.01(E) and OAC 3745-300-01(A).

The issuance of the Covenant Not to Sue/Final Findings and Orders is a final action of the Director and may be appealed to the Environmental Review Appeals Commission (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 served on 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. The appeal may be filed with the Commission at the following address: 309 South Fourth Street, Room 222, Columbus, Ohio 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**

### **Ohio EPA Approves Filling, Grading, Excavating, Building, and Drilling Activities at Gowdy North Property, Columbus, Ohio**

On August 14, 2009, the Director of Ohio EPA issued an Ohio Administrative Code 3745-27-13 authorization to Pandey Environmental, LLC and Gowdy Partners III, LLC to engage in filling, grading excavating, building, and drilling activities at the Gowdy North Property on Olentangey River Road, Columbus, Ohio (Franklin County). The authorization is to allow fencing, storm water management, demolition, underground storage tank removal, grading/waste consolidation, clay cap installation, piling installation, sub-slab venting system installation, building construction, roadway and parking lot construction, utility installation and active and passive gas remediation systems installation and operation. This request was required because the property is part of the Gowdy Field Landfill, which was operated by the city of Columbus between 1950 and 1969.

You are hereby notified that these actions of the Director are final and may be appealed to the Environmental Review Appeals Commission pursuant to the Ohio Revised Code 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 Environmental Review Appeals Commission at the following address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

The authorization request and related materials are available for review at Ohio EPA's Central District Office by calling 614-644-3020 or e-mailing [lisa.oltman@epa.state.oh.us](mailto:lisa.oltman@epa.state.oh.us) for an appointment.

**Public Notice**  
**Ohio Environmental Protection Agency**  
**Designation of Nont attainment Area Boundaries for Lead**

The Ohio Environmental Protection Agency (Ohio EPA) is soliciting comments regarding the extent of Ohio's nonattainment areas for the revised lead National Ambient Air Quality Standard (NAAQS) which lowered the standard from 1.5 micrograms per cubic meter (ug/m<sup>3</sup>) to 0.15 ug/m<sup>3</sup>. The United States Environmental Protection Agency (U.S. EPA) adopted this revised lead standard effective on October 15, 2008. The comments received will be used to formulate the State's formal recommendation proposal to U.S. EPA. Currently Ohio does not have any lead nonattainment areas. Ohio EPA's preliminary recommendations are for partial nonattainment areas to be established in Cuyahoga, Fulton and Logan Counties. Ohio EPA is also recommending the following areas be identified as unclassifiable until additional monitoring data can be collected to accurately identify these areas as attaining or not attaining: the remainder of Cuyahoga County and Marion, Stark, Trumbull, Hamilton, Lucas, Mahoning, Montgomery and Summit Counties.

These actions must be noticed to allow public comment and to satisfy U.S. EPA requirements for public involvement in state implementation plan related activities. Comments should be submitted on or before September 24, 2009 at the following address:

E-mail: [Jennifer.Hunter@epa.state.oh.us](mailto:Jennifer.Hunter@epa.state.oh.us)

Mailing address: Jennifer Hunter  
Ohio Environmental Protection Agency, DAPC  
Lazarus Government Center  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Phone: (614) 644-3696

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these recommendations will be conducted on: September 23, 2009 at 10:30 AM in Conference Room B at Ohio EPA, 50 West Town Street, Suite 700, Columbus, Ohio. All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on these recommendations. All oral comments presented at the hearing, and all written statements submitted at the hearing or to the above address by the close of business on September 24, 2009, will be considered with equal consideration by Ohio EPA prior to final action on these recommendations. Written statements submitted after September 24, 2009, may be considered as time and circumstances permit, but will not be part of the official record of the hearing.

The lead designation recommendation documentation is available on Ohio EPA DAPC's web page for electronic downloading by clicking on "State Implementation Plans" under

the “topics” drop-down box. The URL is: <http://www.epa.state.oh.us/dapc/SIP/lead.html> or <http://www.epa.ohio.gov/dapc/SIP/lead.html>.

Questions regarding accessing the web site should be directed to Arunee Niamlarb at (614) 728-1342; other questions or comments about this document should be directed to either Jennifer Hunter at (614) 644-3696, [Jennifer.Hunter@epa.state.oh.us](mailto:Jennifer.Hunter@epa.state.oh.us) or mailed to Jennifer Hunter at the above address.

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

Notice is hereby given that on August 20, 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 modified laboratory certificate to Pace Analytical Services, Inc. ("Pace") of 1700 Elm Street, Suite 200, Minneapolis, Minnesota, granting the laboratory's request to modify its certification under Ohio's Voluntary Action Program to update Polychlorinated Dibenzodioxins and Dibenzofurans from method 8290 to method 8290A. The certification number assigned to Pace remains CL101.

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, Site Assistance & Brownfield Revitalization, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

**PUBLIC NOTICE**  
**OHIO ENVIRONMENTAL PROTECTION AGENCY**  
**INITIAL CERTIFICATION OF ENVIRONMENTAL PROFESSIONAL**  
**UNDER OHIO'S VOLUNTARY ACTION PROGRAM**

Notice is hereby given that on August 20, 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 an initial "certified professional" certification to: **Mr. Stephen J. Conway, CP319.**

The issuance of the 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") 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 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 the 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.

**National Pollutant Discharge Elimination System (NPDES) Permit Program**

**PUBLIC NOTICE**

**NPDES Permit to Land Apply and Distribute Class A Sewage Sludge**

Ohio Environmental Protection Agency  
Permits Section  
50 West Town St., Suite 700  
P. O. Box 1049  
Columbus, Ohio 43216-1049  
(614) 644-2001

Public Notice No.: OEPA 9-08-060 DFT  
Date of Issue of Public Notice: Aug-28-2009

Name & Address of Applicant: City of Toronto Water Division, 1015 Lakeshore  
Boulevard East, PO Box 75309,  
Toronto, Ontario, Canada M4M1B3

Name and Address of Facility  
Where Discharge Occurs: Ashbridges Bay Treatment Plant, 9 Leslie Street,  
Toronto, Ontario, Canada M4M1B3, Multiple Ohio  
Counties

Outfall Flow and Location List: 584 - Land Application

Receiving Stream: Land Application

Nature of Business: Sewage sludge from the City of Toronto, Ontario is  
treated at the Ashbridges Bay Treatment Plant  
through a heat drying process to create Class A  
sewage sludge pellets that are land applied or sold as  
fertilizer.

Key parameters to be limited  
in the permit are as follows: Total in Sludge Arsenic, Total in Sludge Cadmium,  
Total in Sludge Copper, Total in Sludge Lead, Total in  
Sludge Nickel, Total in Sludge Zinc, Total in Sludge  
Selenium, Fecal Coliform in Sludge, Total in Sludge  
Mercury, Total in Sludge Molybdenum

On the basis of preliminary staff review and application of standards and regulations, the director of the Ohio Environmental Protection Agency will issue a permit for the land application subject to special conditions. The draft permit will be issued as a final action unless the director revises the draft after consideration of the record of a public meeting or written comments, or upon disapproval by the administrator of the U.S.

Environmental Protection Agency. Any person may submit written comments on the draft permit and administrative record and may request a public hearing. A request for public hearing shall be in writing and shall state the nature of the issues to be raised. In appropriate cases, including cases where there is significant public interest, the director may hold a public hearing on a draft permit or permits prior to final issuance of the permit or permits. Following final action by the director, any aggrieved party has the right to appeal to the Environmental Review Appeals Commission.

Interested persons are invited to submit written comments upon the discharge permit. Comments should be submitted in person or by mail no later than 30 days after the date of this public notice. Comments should be delivered or mailed to the following locations: 1) Ohio Environmental Protection Agency, Lazarus Government Center, Division of Surface Water, Permits Processing Unit, 50 West Town St., Suite 700, P.O. Box 1049, Columbus, Ohio 43216-1049.

The Ohio EPA permit number and public notice numbers should appear next to the above address on the envelope and on each page of any submitted comments. All comments received no later than 30 days after the date of this public notice will be considered.

The application, permit including pollutant limitations, special conditions, comments received, and other documents are available for inspection and may be copied at a cost of 5 cents per page at the Ohio Environmental Protection Agency at the address shown on page one of this public notice any time between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Copies of the public notice are available at no charge at the same address.

Mailing lists are maintained for persons or groups who desire to receive public notice for all applications in the state or for certain geographical areas. Persons or groups may also request copies of fact sheets, applications, or other documents pertaining to specific applications. Persons or groups may have their names put on such a list by making a written request to the agency at the address shown above.

**Date of Public Notice: August 28, 2009**

**PUBLIC NOTICE  
NOTICE OF PUBLIC HEARING**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA)-Division of Surface Water (DSW) has scheduled a public hearing on the draft National Pollutant Discharge Elimination System (NPDES) permit 11C00003\*ED for the discharge from the existing Aeronca Inc. disposal system.

The disposal system is located at 2320 Wedekind Drive, Middletown, Ohio, Butler County. Treated wastewaters are proposed to be discharged at the same location. The proposed discharges are to the Middletown Hydraulic Canal. The NPDES application was submitted by Aeronca, Inc., 2320 Wedekind Drive, Middletown, OH 45042.

The public hearing has been scheduled for September 23, 2009 at 6:30 pm at the Middletown Community Center, 800 Lafayette Avenue, Middletown, OH 45042. The public hearing will end when everyone in attendance has 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 project and all persons who do so may, in the discretion of the presiding officer, be questioned by other persons present. 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(s). Persons wishing to 1) be on Ohio EPA's interested parties mailing list for this project, or 2) submit comments for Ohio EPA's consideration must do so in writing to Ohio EPA-DSW, Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 by close of business on September 30, 2009. Comments received after this date may not be considered as part of the official record of this hearing.

Copies of the draft NPDES permit, application and technical support information may be reviewed and/or copies made at Ohio EPA's Southwest District Office, 401 East Fifth Street, Dayton, Ohio, by first calling (937) 285-6357 to make an appointment.

**PUBLIC NOTICE**

**OHIO EPA APPROVES CLOSURE PERIOD EXTENSION REQUEST**

**FROM CITY OF TOLEDO**

On August 17, 2009, Ohio EPA approved a closure period extension request from the City of Toledo for the former XXKem site located at 4015 Stickney Avenue, Toledo, Ohio. The EPA I.D. number for this facility is OHD980586804.

The City of Toledo's August 4, 2009, extension request, pursuant to Ohio Administrative Code rule 3745-66-13(B)(2), is for an additional 93 days due to Chrysler Corporation's involvement in the project related to bankruptcy proceedings. This closure plan period now expires on October 1, 2009. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

**Date of Public Notice: August 26, 2009**

**PUBLIC NOTICE  
NOTICE OF RECEIPT OF ISOLATED WETLAND PERMIT  
APPLICATION (LEVEL 2)**

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, an Isolated Wetland Permit (Level 2) for a project to construct a mixed use development impacting 0.97 acres of wetland. The application was submitted by Albrecht, Inc., 17 South Main Street, Akron, OH 44309. The project is located on the northwest corner of High Point Drive and Wooster Pike Road in Medina. The Ohio EPA Number for this project is 093539.

The review of the application will be conducted, and a decision whether to grant or deny the application will be made, in accordance with Ohio Revised Code (ORC) Sections 6111.02 to 6111.028 and other applicable provisions of state laws. Other alternatives as proposed by the applicant resulting in less adverse impact to the isolated wetland ecosystem will be considered by Ohio EPA during the review process.

Starting August 26, 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. 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 20 days of the date of this public notice.