

**State of Ohio
Environmental Protection Agency
Notice of Adoption of Rules**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) has performed a review of the above referenced rules primarily to satisfy the requirements of Section 119.032 of the Ohio Revised Code (five-year review). The DAPC finds the following rules to be necessary and with need for changes. The DAPC proposes to amend rule(s) 3745-104-01 to 3745-104-05, 3745-104-09, 3745-104-10, 3745-104-11, 3745-104-13, 3745-104-14, 3745-104-16, 3745-104-17, 3745-104-24, 3745-104-25, 3745-104-34, 3745-104-36, 3745-104-39, 3745-104-42, 3745-104-49, 3745-104-52, and 3745-104-53 to address minor typo graphical errors, update information on referenced items, and corrections to match LSC formatting conventions.

DAPC is proposing a change to OAC 3745-104-38 to ease reporting for subject facilities. Facilities will no longer be required to submit an RMP to Ohio EPA DAPC on their five-year anniversary. However, facilities will still be required to submit a copy of the RMP to Ohio EPA DAPC if it is an initial RMP, an RMP that is required to be updated due to a major change in the process or due to an RMP reportable release. The remaining rule amendments are due to format and language corrections.

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 24, 2009, 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 December 1, 2009 in Columbus, Ohio. There were no comments received during the comment period. The Director's order of adoption was issued on December 29, 2009. The effective date of these rules is January 8, 2010.

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 Sherri Swihart, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Sherri Swihart at 614-644-3594. These rules are available on the Web page for electronic downloading. The URL is: <http://epa.ohio.gov/dapc/regs/regs.aspx>.

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, made payable to "Ohio Treasurer Richard Cordray," 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

State of Ohio
Environmental Protection Agency

December 29, 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) has adopted revisions to rules of the Ohio Administrative Code (OAC) which establish primary drinking water standards and laboratory certification requirements. The revisions are, in part, a result of the five year rule review requirements of Section 119.032 of the Revised Code.

This rulemaking package includes revisions to Chapters 3745-81 and 3745-89 of the Administrative Code to incorporate the Long Term 2 Enhanced Surface Water Treatment Rule promulgated by U.S. Environmental Protection Agency (EPA) and published in the Federal Register on January 5, 2006. The rulemaking also incorporates additional methods available for analyzing drinking water samples required by regulation which were published in the Federal Register, June 3, 2008 and August 3, 2009.

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 December 29, 2009. The effective date of these new rules will be January 8, 2010, 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://epa.ohio.gov/ddagw/rulemaking.aspx#final>.

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, made payable to "Ohio Treasurer Richard Cordray," 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 CERTIFIED PROFESSIONAL CERTIFICATIONS UNDER
OHIO'S VOLUNTARY ACTION PROGRAM

Notice is hereby given that on December 24, 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: **Montgomery S. Bennett CP295, Mark D. Butler CP137, Robin J. Clark CP282, Tarek D. Pinto CP281, Bruce A. Savage CP265 and John A. Zampino CP280.**

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
OHIO ENVIRONMENTAL PROTECTION AGENCY
RENEWAL OF CERTIFIED PROFESSIONAL CERTIFICATIONS UNDER
OHIO'S VOLUNTARY ACTION PROGRAM

Notice is hereby given that on December 28, 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: **William R. Rish CP140 and Kevin M. Reaman CP250.**

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 ISSUANCE OF AN AMENDED CERTIFICATE OF REGISTRATION AS A TRANSPORTER OF INFECTIOUS WASTE

Notice is hereby given that on December 29, 2009, the director of Ohio EPA issued an amended infectious waste transporter certificate to Stericycle, Inc., 28161 N Keith Dr., Lake Forest, IL 60045, Reg. No. 00-T-00199. 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.

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Proposed Update to Ohio's Water Quality Management (208) Plan**

Notice is hereby given that the Director of Environmental Protection is proposing to update water quality management plans, as required by Sections 303 and 208 of the Clean Water Act. These plans describe and promote efficient and comprehensive programs for controlling water pollution from point and nonpoint sources in a defined geographic area. This update includes updated 208 Plans from the following Areawide Councils of Governments:

- **Eastgate Regional Council of Governments;**
- **Toledo Metropolitan Area Council of Governments;**
- **Miami Valley Regional Planning Commission; and**
- **Northeast Ohio Four County Regional Planning and Development Organization.**

Areawide Councils of Governments act as the lead planning agencies in 24 Ohio counties (those with large urban populations). The Areawide Agencies prepare and approve the 208 Plan in their counties. Pursuant to applicable regulations, the State of Ohio has authority to certify that the documents include the required plan elements, are consistent with one another, and are consistent with basin plans. Although the State of Ohio prepares and maintains the 208 Plan applicable in the remaining 64 counties, no updates to these counties are being considered at this time. The Governor then certifies the entire 208 Plan via submission to U.S. EPA for their approval.

The public comment period will run until **5:00 p.m. on February 10, 2010**. A public hearing on the proposed 208 Plan update will be held to consider public comments. This hearing will be held at **1:00 p.m. on February 10, 2010** at the following location:

Ohio EPA Central Office
50 W. Town Street, Suite 700
Conference Room A
Columbus, Ohio 43215

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 208 Plan update.

Written testimony should be sent to the attention of Elizabeth Bailik at the 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 February 10, 2010** will be considered by Ohio EPA prior to final action on the 208 Plan update. Written comments submitted after this date may be considered as time and circumstances permit.

For questions regarding this public notice, please contact Elizabeth Bailik, at the Division of Surface Water (DSW), at (614) 644-2039 or via e-mail at elizabeth.bailik@epa.state.oh.us. The proposed 208 Plan update is available for review at the Ohio EPA central office or on the DSW Web site at: <http://www.epa.ohio.gov/dsw/mgmtplans/208index.aspx> .

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**Public Notice
Additional Proposed Update to Ohio's Water Quality Management (208)
Plan**

Notice is hereby given that the Director of Environmental Protection is proposing to update water quality management plans, as required by Sections 303 and 208 of the Clean Water Act. These plans describe and promote efficient and comprehensive programs for controlling water pollution from point and nonpoint sources in a defined geographic area. This update includes an updated 208 Plan from the following Areawide Council of Governments:

- **Ohio-Kentucky-Indiana Regional Council of Governments**

Areawide Councils of Governments act as the lead planning agencies in 24 Ohio counties (those with large urban populations). The Areawide Agencies prepare and approve the 208 Plan in their counties. Pursuant to applicable regulations, the State of Ohio has authority to certify that the documents include the required plan elements, are consistent with one another, and are consistent with basin plans. Although the State of Ohio prepares and maintains the 208 Plan applicable in the remaining 64 counties, no updates to these counties are being considered at this time. The Governor then certifies the entire 208 Plan via submission to U.S. EPA for their approval.

The public comment period will run until **5:00 p.m. on February 26, 2010 for the above 208 update**. A public hearing on the proposed 208 Plan update will be held to consider public comments. This hearing will be held at **1:00 p.m. on February 10, 2010** at the following location:

Ohio EPA Central Office
50 W. Town Street, Suite 700
Conference Room A
Columbus, Ohio 43215

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 208 Plan update.

Written testimony should be sent to the attention of Elizabeth Bailik at the 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 February 26, 2010** will be considered by Ohio EPA prior to final action on the 208 Plan update. Written comments submitted after this date may be considered as time and circumstances permit.

For questions regarding this public notice, please contact Elizabeth Bailik, at the Division of Surface Water (DSW), at (614) 644-2039 or via e-mail at elizabeth.bailik@epa.state.oh.us. The proposed 208 Plan update is available for review at the Ohio EPA central office or on the DSW Web site at: <http://www.epa.ohio.gov/dsw/mgmtplans/208index.aspx> .

PUBLIC NOTICE
COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS
TechSouth Development Co., LLC and City of Columbus, Department of
Development, Former Techneglas, Inc., Facility Property

Notice is hereby given that on December 30, 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 TechSouth Development Co., LLC and city of Columbus, Department of Development, the "Volunteers" for property known as Former Techneglas, Inc. Facility Property (the "Property").

The "Volunteers" conducted a voluntary action of the approximately 46.371 acre-Property, which is located at 727 East Jenkins Avenue, Columbus, Franklin County, Ohio. A no further action letter for the Property was submitted on September 9, 2009 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response by Matthew D. Knecht, a Certified Professional as defined in ORC 3746.01(E) and OAC 3745-300-01(A).

This action of the Director is final and may be appealed to the Environmental Review Appeals 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 thirty (30) days after notice or issuance of the 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: 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, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

Date of Public Notice: December 24, 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 for maintenance dredging of the Federal navigation river channel in Lorain Harbor. The application was submitted by the U.S. Army Corps of Engineers, Buffalo District, located at 1776 Niagara Street, Buffalo, New York 14207-3199. The project is located in the City of Lorain, Lorain County. The Buffalo District Corps of Engineers Public Notice Number for this project is 10-03. The Ohio EPA ID Number for this project is 093583.

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 dredging approximately 300,000 cubic yards of bottom sediment from the Federal navigation channels. Approximately 200,000 cubic yards of sediment would be dredged from the Outer Harbor and the lower portion of the river channel. The material would be transported and placed into the existing open-lake placement area. Approximately 100,000 cubic yards of sediment would be dredged from the river channel upstream of river mile 2.25/Station 143+47. This material would be transported and placed into the Lorain Harbor Confined Disposal Facility (CDF). The applicant's proposed minimal degradation alternative, if approved, would involve dredging approximately 200,000 cubic yards of sediment from the Federal navigation channels. Approximately 140,000 cubic yards of sediment would be dredged from the outer harbor and a portion of the river channel downstream of river mile 2.25/STA 143+47. The material would be transported and placed into the existing open-lake placement area. Approximately 60,000 cubic yards of sediment would be dredged from the river channel upstream of river mile 2.25/STA 143+47. The material would be transported and placed into the CDF. 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 Lake Erie. 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 December 24, 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 February 15, 2010 at 6:30 p.m. at the Lorain Public Library, 351 Sixth Street, Lorain, Ohio 44052. 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 February 22, 2010. 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.