



**Ohio Environmental Protection Agency**

**DIVISION OF EMERGENCY AND REMEDIAL RESPONSE**

**50 West Town Street, Suite 700  
P.O. Box 1049  
Columbus, OH 43216  
(614) 644-2924 / FAX (614) 644-3146  
June 23, 2010**

**Notice of Availability- Natural Resource Damage Assessment Plan and Natural Resource Damage Assessment Work Plan for Sugar Creek and the Tuscarawas River.**

The Ohio Environmental Protection Agency and the U.S. Fish and Wildlife Service announce the release for public review and comment of the draft Natural Resource Damage Assessment Plan (Plan) and the draft Natural Resource Damage Assessment Work Plan for Sugar Creek and the Tuscarawas River –Biological Community Structure and Chemical Exposure Work Plan (Work Plan). The Plan was developed by representatives of the Ohio Environmental Protection Agency and the U.S. Fish and Wildlife Service to assess injuries to natural resources resulting from releases of hazardous substances to Sugar Creek and the Tuscarawas River. This Plan describes the proposed approach for determining and quantifying natural resource injuries and calculating damages associated with these injuries. The Work Plan describes the proposed sample locations, sample types, and sampling techniques used to provide information on the level of chemical contaminants in sediment and fish samples from Sugar Creek and the Tuscarawas River. The biological community assessment data will be used to determine aquatic life use attainment/impairment status of Sugar Creek and the Tuscarawas River and potentially link injuries to hazardous substances that have been released into the environment.

The agencies are seeking comments on the draft Plan and draft Work Plan. Copies of the Plan and Work Plan may be requested by mail or email to the below addresses.

Addresses:

Michael Sherron  
Ohio Environmental Protection Agency  
Southeast District Office  
2195 Front Street  
Logan, Ohio 43138  
[Michael.Sherron@epa.state.oh.us](mailto:Michael.Sherron@epa.state.oh.us)  
740-385-5251

Or

Kevin Tloczynski  
U.S. Fish and Wildlife Service  
4625 Morse Road  
Suite 104  
Columbus, OH 43230  
[kevin\\_tloczynski@fws.gov](mailto:kevin_tloczynski@fws.gov)  
614-416-8993 ext. 17

Please mail your comments to one of the above individuals. Comments must be received by July 23, 2010.

Before including your address, phone number, email address, or other personal identifying information in your comment, be advised that your entire comment – including your personal identifying information – may be made publically available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so. Such requests will be honored to the extent allowed by law.

## **PUBLIC NOTICE**

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

Notice is hereby given that on June 22, 2010, the director of Ohio EPA issued a renewal infectious waste transporter certificate to Healthcare Waste Solutions Inc of NKY, 7453 Empire Dr Ste 120, Florence, KY 41042, ID No.: 00-T-00301. 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.

## **PUBLIC NOTICE**

### **FINAL ISSUANCE OF AMENDED CERTIFICATE OF REGISTRATION AS A GENERATOR OF INFECTIOUS WASTE**

Notice is hereby given that on June 22, 2010; the director of Ohio EPA issued an amended infectious waste generator certificate to Bio Medical Applications of Ohio Inc, 10585 N Meridian St Ste 160, Indianapolis, IN 46290, Reg. No.: 00-G-00986. 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.

**PUBLIC NOTICE**  
**COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS**  
**City of Piqua (Orr-Statler Hotel)**

Notice is hereby given that on September 3, 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 the city of Piqua for the property identified as the Orr-Statler Hotel property (the "Property").

The city of Piqua conducted a voluntary action of the 0.384-acre Property located at 110 West High Street, Piqua, Miami County, Ohio. A no further action letter was submitted on January 14, 2009 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of the city of Piqua by Barry Franz, a Certified Professional (No. CP119), 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. 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 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 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 ENVIRONMENTAL PROTECTION AGENCY**  
**INITIAL CERTIFICATION OF ENVIRONMENTAL PROFESSIONAL**  
**UNDER OHIO'S VOLUNTARY ACTION PROGRAM**

Notice is hereby given that on June 24, 2010, 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: **Gerald R. Myers CP131.**

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). 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. A copy of the appeal must be served on the Director within three (3) days after the appeal is filed with the Commission. The appeal may be filed with the Commission at 309 South Fourth Street, Room 222, Columbus, OH 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.

**PUBLIC NOTICE  
OHIO EPA ISSUES FINAL FINDINGS AND ORDERS TO  
PCS NITROGEN OHIO, LP**

On June 22, 2010, Ohio EPA issued final Findings and Orders to PCS Nitrogen Ohio LP. (PCS) for its facility located at 1900 Fort Amanda Road, Lima Ohio 45802. This facility is a conditionally exempt small quantity generator of hazardous waste. As the result of the Ohio EPA site investigation on 9/18/2008, PSC violated certain provisions of Ohio Revised Code Chapter 3734. The EPA I.D. number for this facility is OHD987054061.

PCS 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.

**PUBLIC NOTICE  
OHIO EPA ISSUES EMERGENCY PERMIT TO  
LIMA REFINING COMPANY**

On June 18, 2010, Ohio EPA issued an emergency permit to the Lima Refining Company to divert and temporarily store storm waters and process waters from open sewers (into D-Pond) located at their facility on 1150 S. Metcalf Street, in Lima, Ohio. This storage is required due to a large rainfall event. The U.S. EPA I.D number assigned to this facility is OHD005051826, and the emergency permit I.D. number to this action is 03-02-1030E. The expiration for this emergency is July 1, 2010.

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  
ENVIROSAFE SERVICES OF OHIO**

On June 7, 2010, Ohio EPA issued final Findings and Orders to Envirosafe Services of Ohio, Inc. (Envirosafe) for its facility located at 876 Otter Creek Road, Oregon, Ohio 43616. This facility is a large quantity generator of hazardous waste and is a permitted treatment, storage, and disposal facility. Envirosafe failed to operate the facility pumps at Cell M for extended periods of time between November 1, 2006 to January 31, 2007. The EPA I.D. number for this facility is OHD045243706.

Envirosafe 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.

**PUBLIC NOTICE**

**NOTICE OF ADJUDICATION HEARING**

**In the Matter of:**

**SHIRLEY MASSERELLI, Owner  
(The Red Onion/The Red Onion Party Center),**

**Ohio EPA Case No. 09-DW-028**

Pursuant to the adjudication hearing request submitted by Shirley Masserelli, Owner, The Red Onion/The Red Onion Conference Center, by and through her attorney, the Ohio Environmental Protection Agency (Ohio EPA) has scheduled an adjudication hearing. The hearing concerns the proposed denial of applications for licenses to operate a public water system at The Red Onion and The Red Onion Party Center, PWS ID: #OH7936112/PWS ID: #OH7937812. The hearing is scheduled as follows:

**August 9, 2010 - 10:00 a.m.  
Ohio EPA Offices, 6th Floor Conference Center  
Lazarus Government Center  
50 West Town Street  
Columbus, Ohio 43215**

Adjudication hearing dates are subject to change without further public notice. Interested persons should contact W. Samuel Wilson, Esq., Adjudication Hearing Officer, at (614) 644-3037 to confirm that the hearing will proceed as presently scheduled.

