

STATEWIDE

**Ohio Environmental Protection Agency
P U B L I C N O T I C E**

**Final Program Management and Intended Use Plan
For the Drinking Water Assistance Fund
For Program Year 2011**

Public notice is hereby given that the Director of the Ohio Environmental Protection Agency issued a final action effective September 28, 2010 adopting the Program Management and Intended Use Plan for the Drinking Water Assistance Fund that has been authorized by Ohio Revised Code section 6109.22 and Section 1452 of the Safe Drinking Water Act. This action may be appealed, in writing, within thirty (30) days of this notice, to the Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. Notice of any appeal shall be filed with the Director within three (3) days. This notice of appeal shall be sent to: Division of Drinking and Ground Waters, Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216-1049. Consult ORC Chapter 3745 and OAC Chapters 3745-47 and 3746-05 for requirements.

Copies of the Final Program Management and Intended Use Plan are available from the Division of Drinking and Ground Waters, upon request, and also through the Internet at www.epa.ohio.gov/ddagw/financialassistance.aspx.

**Ohio Environmental Protection Agency
Division of Drinking and Ground Waters**

PUBLIC NOTICE

September 28, 2010

Public notice is hereby given that the Ohio Environmental Protection Agency, Division of Drinking and Ground Waters has adopted revisions to policy and rescinded policy. Revisions were adopted in document number LAB -01-002, entitled "Fluoride Proficiency Test for Drinking Water Laboratories." This policy describes fluoride proficiency test procedures for drinking water laboratories and has been revised in accordance with five-year review requirements. Revisions include updated rule references and removal of outdated language.

The rescinded policy is document number ADM-01-010, entitled "Organizations Affected by Drinking Water Rules and Other Interested Persons." This policy described to whom and when the division sends notices to stakeholders of rule proposal and adoption. It was determined during the five-year review that the division's process for notifying stakeholders is well established and a formal policy is no longer needed.

Copies of the policy, document number LAB-01-002 is available from the division's web site, which is found at http://www.epa.ohio.gov/ddagw/dw_policy_guidance.aspx. This policy, in addition to document number ADM-01-010 is available by writing to:

Ohio EPA
Lazarus Government Center
Attention: Susan Baughman, DDAGW
P.O. Box 1049
Columbus, Ohio 43216

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

Notice is hereby given that on September 24, 2010, 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 certification to ALS Laboratory Group of 4388 Glendale-Milford Road, Cincinnati, Ohio, granting the laboratory's request to remove Polynuclear Aromatic Hydrocarbons by method 8310 from its certification. The certification number assigned to ALS remains CL0022.

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (the "Commission") pursuant to ORC Section 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 of the action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Ohio Treasurer Kevin Boyce," 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 (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 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 certificates, 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.

Date of Public Notice: September 28, 2010

**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 a project to surface mine coal. Activities include coal extraction and reclamation and construction of attendant facilities including sediment ponds and stream crossings for haul roads. The application was submitted by B&N Coal, Inc. The project is located in Section 25 & 36, Salem Township Washington County and Section 35 & 36, Elk Township, Noble County. The Huntington District of the U.S. Army Corps of Engineers Number for this project is LRH-2009-701. The Ohio EPA ID Number for this project is 103666.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. An additional five minimal degradation alternatives were also submitted. The applicant's proposed preferred alternative, if approved, would impact 355 feet of perennial stream, 9,217 feet of intermittent stream, 7,095 feet of ephemeral stream, (16,667 total) 0.07 acres of Category 1 wetland and 0.04 acres of Category 2 wetland. Of the six minimal degradation alternatives submitted, Alternative 5 would avoid the two streams with the least amount of pre-mining impacts, and if approved, would impact 355 feet of perennial stream, 6,109 feet of intermittent stream and 3,530 feet of ephemeral stream. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on streams or wetlands.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Goulds Run watershed. 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 September 28, 2010 copies of the application for the certification and technical support information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 50 West Town Street, 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 30 days of the date of this public notice.

**PUBLIC NOTICE
OHIO EPA APPROVES CLOSURE PLAN FOR
UNITED STATES ENRICHMENT CORPORATION**

On September 24, 2010, Ohio EPA approved a closure plan for the United States Enrichment Corporation for X-700 Tanks 1, 2, 3 and 4 located at 3930 State Route 23 South, Piketon, Ohio 45661. The EPA I.D. number for this facility is OHD 987 054 723.

Pursuant to Ohio Revised Code rule 3745-55-11 & 12, the facility's closure plan received on July 26, 2010, was approved with modifications as outlined in the Director's September 24, 2010 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 RENEWAL HAZARDOUS WASTE PERMIT TO
PPG INDUSTRIES, INC., BARBERTON

On September 24, 2010, Ohio EPA issued a final renewal Hazardous Waste Facility Installation and Operation Permit (Permit) to PPG Industries, Inc., Barberton, for its facility located at 4829 Fairland Road, Barberton, Ohio 44203-3905. The EPA Identification Number for this facility is OHD004198917.

Why does PPG Industries, Inc. need a Final Renewal Permit for its Barberton Facility?

PPG Industries, Inc., Barberton (PPG) is a specialty plastic resin and chemical production facility. The purpose of the Permit is to allow continued storage of waste generated by the following operations: manufacture of optical products (plastic resins and catalysts); Teslin; silica products; and maintenance activities. PPG currently operates a Development Center. To issue this final Permit, Ohio EPA determined that the Permit application is complete and meets appropriate standards and that the applicant has a history of compliance with relevant environmental laws and demonstrates sufficient reliability, expertise and competency to operate a hazardous waste facility. The renewal Permit allows PPG to continue to store waste in containers on-site. It also requires PPG to investigate and, if necessary, clean up any contamination from hazardous wastes or constituents that may be at the facility. Details about this final action can be viewed on Ohio EPA's website at <http://www.epa.ohio.gov/dhwm>

Can I appeal this 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 Permit, you have the right to appeal this permit decision to the Environmental Review Appeals Commission (ERAC).

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

If you file an appeal, you must put it in writing no later than October 25, 2010. 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.

Date of Public Notice: October 5, 2010

**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 a project to construct a new roundabout at the intersection of Hyland Croy and Brand roads in Jerome TWP, city of Dublin, Union County, Ohio. The application was submitted by the City of Dublin, 5800 Shier-Rings Road, Dublin, Ohio 43016. The Huntington District Corps of Engineers Public Notice Number for this project is 2007-00620-SCR. The Ohio EPA ID Number for this project is 103657.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of 300 linear feet of the North Fork Indian Run. 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 October 5, 2010, copies of the application for the certification and technical support information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 122 South Front Street, 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 30 days of the date of this public notice.

Date of Public Notice: October 7, 2010

**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 to construct a recreational boat dock on the right descending bank of the Muskingum River. This public notice supersedes the notice that was published on September 16, 2010. The application was submitted by the City of Marietta. The project is located on the Muskingum River approximately 1,000 feet upstream from the confluence with the Ohio River at Marietta. The Huntington District Corps of Engineers Public Notice Number for this project is 2010-047. The Ohio EPA ID Number for this project is 103639.

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 include the placement of 35 feet of rock rip rap. The applicant's proposed minimal degradation alternative, if approved, would include the placement of 26 feet of rock rip rap. 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 the Muskingum 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 October 7, 2010, 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 November 22, 2010, at 6:00 p.m. at Washington State Community College, Main Building, Room B102, 710 Colegate Drive, Marietta, Ohio 45750. 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 November 29, 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.