

**NOTICE OF ADOPTION OF RULES
OHIO ENVIRONMENTAL PROTECTION AGENCY
Rules Governing
Research, Development, and Demonstration of Bioreactor Landfills**

Notice is hereby given that the Director of the Ohio Environmental Protection Agency (Ohio EPA) has final filed the following rules of the Ohio Administrative Code:

Rule Number	Rule Title	Action
3745-27-80	Applicability and definitions for authorizations to stabilize waste through bulk liquid addition.	New
3745-27-81	Application for a permit to stabilize waste through bulk liquid addition.	New
3745-27-82	Issuing and denying a permit to install; extending and reauthorizing an authorization to stabilize waste through bulk liquid addition.	New
3745-27-83	Gas management system operation.	New
3745-27-84	Monitoring, notification, and annual reporting requirements.	New
3745-27-85	Extending or establishing a new termination date of an authorization to stabilize waste through bulk liquid addition.	New
3745-27-86	Terminating and suspending the authorization to stabilize waste through bulk liquid addition by the owner or operator.	New
3745-27-87	Terminating and suspending the authorization to stabilize waste through bulk liquid addition by the director; corrective measures.	New
3745-27-88	Monitoring, reporting, and financial assurance requirements after termination of an authorization to stabilize waste through bulk liquid addition.	New
3745-27-89	Gas management system design.	New

The Director's order of adoption was issued on February 28, 2011. These adopted rules will become effective on June 6, 2011.

The Director's action in this matter is pursuant to the procedural requirements of Ohio Revised Code Chapter 119 and is based upon the record of the public hearing conducted by Ohio EPA on January 5, 2011, and comments received during the public comment period.

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (ERAC) pursuant to Ohio Revised Code Section 3734.02. 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 309 South Fourth Street, Room 222, Columbus, Ohio 43215. The Ohio EPA is located at 50 West Town Street, Suite 700., Columbus, OH, 43215.

Date of Public Notice: February 11, 2011

**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 Pcertification for a project 2011 Operation and Maintenance Dredging and Dredged Material Placement for the Ashtabula Harbor. The application was submitted by The U.S. Army Corps of Engineers, Buffalo District. The project is located at the Ashtabula Harbor. The Buffalo District Corps of Engineers Public Notice Number for this project is ASHTABULA-11. The Ohio EPA ID Number for this project is 113726.

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 for dredging of an estimated 300,000 cubic yards of dredged material from the harbor, with placement of the dredged material at the existing open-lake area in Lake Erie. The project would take approximately 60 days to complete. The applicant's proposed minimal degradation alternative, if approved, would be for dredging of an estimated 200,000 cubic yards of dredged material from the harbor, with placement of the dredged material at the existing open-lake area in Lake Erie. The project would take approximately 60 days to complete. 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 February 11, 2011, 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 Thursday April 14, 2011 at 5:30 p.m. at Harbor-Topky Memorial Library, 1633 Walnut Blvd., Ashtabula, Ohio 44004. 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 April 21, 2011. 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.

**PUBLIC NOTICE
OHIO EPA RECEIVES AMENDED HAZARDOUS WASTE CLOSURE PLAN**

On March 1, 2011, Ohio EPA received an amended hazardous waste closure plan from MTD Consumer Group, Inc. concerning the hazardous waste pile area located at 5389 West 130th Street, Parma, Ohio 44130. The EPA Identification Number for this facility is OHD059058263.

Why is MTD Consumer Group, Inc. submitting this Closure Plan?

As the result of the Director's Final Finding & Orders, MTD originally submitted a new closure plan on September 13, 2010. This amended closure plan identifies only three (3) areas of closure with soil containing the hazardous waste TCE rather than five (5) areas as previously reported.

When and how do I submit written comments about the Closure Plan?

You can submit written comments anytime between March 4 and April 3, 2011. Send your comments to Ohio EPA, Division of Hazardous Waste Management, Attn: Regulatory and Information Services Section, P.O. Box 1049, Columbus, Ohio 43216-1049, telephone number (614) 644-2977, fax number (614) 728-1245, e-mail address: dhwmcomments@epa.state.oh.us

Where can I review the Closure Plan?

You can review the Closure Plan at the following locations:

Ohio EPA, Northeast District Office, 2110 Aurora Road, Twinsburg, Ohio 44087, tel: (330) 963-1200; and,

Ohio EPA, Division of Hazardous Waste Management, 50 West Town Street, Suite 700, Columbus, Ohio 43215, (614) 644-2977.

Date of Public Notice: March 2, 2011

**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 the subject transportation project. The proposed project consists of improving a 0.43 mile portion of State Route (SR) 148 by realigning 0.37 mile of the roadway north of the existing SR 148. The project is designed to eliminate an existing landslide hazard along the northern side of SR 148, and a potential rockfall hazard along the existing southern slope. The design will also improve the horizontal and vertical geometry of the roadway. The roadway centerline would be moved approximately 345 feet at the maximum point of relocation. An 84-inch culvert would be constructed at Station 115+50 to carry the relocated tributary to Captina Creek under the proposed SR 148 alignment, with rock channel protection placed at the outlet of this culvert. The stream impacted by the project is an unnamed tributary to Captina Creek located in Upper Ohio-Wheeling watershed (HUC 05030106). The Huntington District of the U.S. Army Corps of Engineers Number for this project is 2010-00189-OHR. The Ohio EPA ID SWIMS Number for this project is 113732.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would involve impacts to 1,018 linear feet of one jurisdictional stream (Stream 1) under the preferred alternative. The applicant's proposed minimal degradation alternative, if approved, would involve 259 linear feet of impacts to Stream 1. However, this design would not meet the current speed design and would result in the demolition of two private structures. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on streams or wetlands but would not meet the purpose and need for the project. The applicant is requesting authorization under the preferred alternative.

The discharges from the activity, if approved, would result in degradation to, or lowering of the water quality to streams and wetlands in the Upper Ohio-Wheeling watershed (HUC 05030106). 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 March 2, 2011 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.

Written comments must be received by the Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio, 43216-1049 by the close of business on April 1, 2011. Comments received after this date may not be considered as part of the official record.

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: March 4, 2011

**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 1.3 mile recreational trail and associated rock and vegetated gabion basket bank stabilization in selected areas of Tenmile Creek. The application was submitted by the City of Sylvania. The project is located parallel to the Tenmile Creek / Ottawa River from Main Street in Sylvania to east of the US-23 bridges. The Buffalo District Corps of Engineers has issued a provisional Nationwide Permit No. LRB-2011-00025 for the bank stabilization impacts of the project. The Ohio EPA ID Number for this project is 103624.

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 impact 1,808 linear feet of Tenmile Creek / Ottawa River with a resulting 145 cubic yards of rock and gabion basket fill below the Ordinary High Water Mark. The applicant's proposed minimal degradation alternative, if approved, would impact 1,103 linear feet of Tenmile Creek / Ottawa River with a resulting 124 cubic yards of rock and gabion basket fill below the Ordinary High Water Mark. 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 Tenmile Creek / Ottawa 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 March 4, 2011, copies of the application and technical support information may be inspected on Ohio EPA-DSW website:

www.epa.ohio.gov/dsw

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.

**PUBLIC NOTICE
OHIO EPA ISSUES TEMPORARY AUTHORIZATION**

On February 24, 2011, Ohio EPA issued a temporary authorization under its hazardous waste facility installation and operation permit (Hazardous Waste Permit) to Veolia ES Technical Solutions, LLC (Veolia) for its facility at 4301 Infirmiry Road, West Carrollton, Ohio 45449. The EPA Identification Number for this facility is OHD093945293.

Why does Veolia. need this temporary authorization?

Veolia is permitted is a commercial waste management facility engaged in the reclamation of industrial solvents, blending and marketing of hazardous waste fuels, and storage for transfer of waste not processed at the facility. On October 12, 2010, Ohio EPA received Veolia's request for a temporary authorization for reconstruction of the Decant Building. The temporary authorization provides this change prior to the issuance of the Class 2 or 3 permit modification, which is currently under review.

Can I appeal this temporary authorization?

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 temporary authorization you have the right to appeal this decision to the Environmental Review Appeals Commission (ERAC).

If I decide to appeal this temporary authorization, how and when must I make the appeal?

If you file an appeal, you must put it in writing no later than **April 4, 2011**. 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: **Scott J. Nally, Director of Ohio EPA**, P.O. Box 1049, Columbus, Ohio 43216-1049.

Date of Public Notice: February 23, 2011

**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 extract coal from the Upper Freeport No. 7 coal seam using surface mining and auger mining methods. The application was submitted by Penn Ohio Coal Company, dba., Kimble Clay and Limestone. The project is located between State Route 36 and State Route 800, South of Dennison, in Mill Township, Tuscarawas County. The Huntington District of the U.S. Army Corps of Engineers Number for this project is LRH-2008-1070-MUS. The Ohio EPA ID Number for this project is 093593.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would impact 3,065 feet of intermittent stream and 575 feet of ephemeral stream (3,640 feet total). The proposed minimal degradation if approved, would impact, 1,608 feet of intermittent stream, 575 feet of ephemeral stream, (2,183 feet total), and 0.03 acres of jurisdictional wetlands. 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 Stillwater Creek 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 February 23, 2011, 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.