

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 3745-21-01, 3745-21-09, 3745-21-21, 3745-21-23, 3745-21-24, 3745-72-02, 3745-72-05, 3745-72-06, 3745-110-01, and 3745-110-03 of the Administrative Code, and new rules 3745-21-27, 3745-21-28, and 3745-21-29 of the Administrative Code.

The rules specified above are intended to assist the state of Ohio in achieving and/or maintaining the national 8-hour ground level ozone standard through the regulation of volatile organic compound (VOC) emissions from stationary sources. VOC emissions are a precursor to ozone formation. These rules have had their applicability extended to include the Cleveland/Akron, Ohio non-attainment area in order to aid in the reduction of ozone formation.

A public hearing on these rules was held on February 11, 2011 in Columbus, Ohio. After considering comments and oral testimony, the Directors order of adoption was issued on May 2, 2011. The effective date of these rules is May 12, 2011.

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 Mr. Alan Harness, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Mr. Alan Harness at (614) 644-4838. These rules are available on the Web page for electronic downloading by scrolling down to OAC Chapter 3745-21, "Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and related Materials Standards", OAC Chapter 3745-72 "Low Reid Vapor Pressure Fuel Requirements", and OAC Chapter 3745-110 "Nitrogen Oxides - Reasonably Available Control Technology." The URL is: <http://www.epa.ohio.gov/dapc/regs/regs.aspx>.

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (ERAC) pursuant to Ohio Revised Code 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 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. 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
FINAL ISSUANCE OF AN AMENDED CERTIFICATE
OF REGISTRATION AS A TRANSPORTER OF INFECTIOUS WASTE**

Notice is hereby given that on April 29, 2011; the director of Ohio EPA issued an amended infectious waste transporter certificate to Daniels Sharpmart Inc., 135 S. Lasalle St Ste 2850, Chicago, IL 60603 No. 00-T-00278. 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 A RENEWAL CERTIFICATE
OF REGISTRATION AS A TRANSPORTER OF INFECTIOUS WASTE**

Notice is hereby given that on April 29, 2011, the director of Ohio EPA issued a renewal infectious waste transporter certificate to Weavertown Transport Leasing Inc, 2 Dorrington Rd, Carnegie, PA 15106, ID No.: 00-T-00032. 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 ACTIONS OF THE DIRECTOR
ISSUANCE OF CERTIFICATES TO REPAIR TECHNICIANS UNDER
THE MOTOR VEHICLE EMISSION INSPECTION AND MAINTENANCE PROGRAM

Notice is hereby given that the Director of the Ohio Environmental Protection Agency, pursuant to Ohio Revised Code Chapter 3704.14 and Ohio Administrative Code rule 3745-26-16, has issued certificates to perform work as a Certified Repair Technician under the Motor Vehicle Emission Inspection and Maintenance Program, consistent with the requirements of that program, to the repair technicians listed below. All certificates are issued 5/2/2011.

For information regarding these final actions, contact Michael Riggleman, Ohio EPA, Division of Air Pollution Control, Mobile Sources Section, P.O. Box 1049, Columbus, Ohio 43216-1049, or by telephone at (614) 644-3059. 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 Kevin Boyce," 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

FIRST	LAST	CITY	STATE
FRANK J.	McGROARTY	SAGAMORE HILLS	OH
JOSHUA F.	SELISKAR	MENTOR ON THE LAKE	OH
LOUIS J.	KULIS	MENTOR	OH
LOUIS M.	KULIS	PAINESVILLE	OH

Public Notice Date: May 4, 2011

**PUBLIC NOTICE
PROPOSED CONSENT ORDER**

The Ohio Environmental Protection Agency (Ohio EPA) has entered into a proposed Consent Order (CO) with Norfolk Southern Railway Company (Defendant), to resolve claims that the Defendant violated Ohio Revised Code Chapter 6111 at its coal dock facility in Ashtabula, alleged in the complaint filed by the State of Ohio in Ashtabula County Court of Common Pleas. The proposed CO requires the Defendant to comply with all applicable provisions of Ohio Revised Code Chapter 6111 and the rules promulgated thereunder, to comply with the schedule set forth in the CO, and to comply with all terms and conditions of its NPDES Permit No. 3IT00011*DD and any renewals and modifications thereof. Defendant is ordered and enjoined to submit to Ohio EPA for approval a General Plan that identifies options for elimination of the discharge of coal wash water from the coal conveyor bridge. Defendant is also ordered and enjoined to update its Storm Water Pollution Prevention Plan which shall include an evaluation of the effectiveness of the improvements in eliminating the discharge of coal wash water into waters of the state.

Defendant is also ordered to pay the State of Ohio a civil penalty of one hundred fifteen thousand dollars (\$115,000.00) within thirty (30) days of the effective date of this CO. Finally, in lieu of paying an additional civil penalty of three hundred fifty thousand dollars (\$350,000.00), and in furtherance of the parties' objectives to improve the environment and the aquatic habitat in waters of the State of Ohio, as a supplemental environmental project, Defendant shall make available land that runs along the Ashtabula River and shall cause an environmental covenant to be placed upon the land. Approximately fourteen hundred (1,400) feet of fish shelves will be constructed along the shoreline to act as a habitat and spawning ground for a variety of Lake Erie fish.

Copies of the Consent Order can be obtained for the Ohio EPA, Central Office, by calling Patti Smith at 614-644-2156 or by writing to:

Patti Smith
Ohio EPA, Division of Surface Water
P.O. Box 1049
Columbus, Ohio 43216-1049

Written Comments should be submitted to the Ohio EPA, Central Office, at the above address. Written comments should be submitted on or before June 4, 2011.

The final approval and entry of the proposed Consent Order will not occur until after the thirty (30) day public comment period has expired. The thirty day period commences on May 4, 2011. The State of Ohio and Norfolk Southern Railway Company reserve the right to withdraw or alter the proposed Consent Order based on comments received during the comment period.

**PUBLIC NOTICE
FINAL ISSUANCE OF AN AMENDED CERTIFICATE
OF REGISTRATION AS A TRANSPORTER OF INFECTIOUS WASTE**

Notice is hereby given that on May 5, 2011; the director of Ohio EPA issued an amended infectious waste transporter certificate to WM Healthcare Solutions Inc, 1001 Fannin Ste 4000, Houston TX 77002, No. 00-T-00321. 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.

Date of Public Notice: April 7, 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 surface mine coal. Activities include coal extraction using conventional surface and auger mining methods and reclamation. The application was submitted by Rosebud Mining Company. The project is located east of Township Road 67, north of Township Road 172, south of County Road 40 and west of State Route 542, Rose Township, Carroll County. The Huntington District of the U.S. Army Corps of Engineers Number for this project is LRH-2006-816-TUS. The Ohio EPA ID Number for this project is 103696.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would impact 115 feet of perennial stream, 2,691 feet of intermittent stream, 2,087 feet of ephemeral stream, (4,893 feet total) and 0.23 acres of Category 2 wetland. The proposed minimal degradation if approved, would impact 115 feet of perennial stream, 1545 feet of intermittent stream and 1,067 feet of ephemeral stream (2,727 feet total). 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 Indian Fork 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 April 7, 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.

Public Notice Date: May 6, 2011

**PUBLIC NOTICE
PROPOSED CONSENT ORDERS**

The Ohio Environmental Protection Agency (Ohio EPA) has entered into proposed Consent Orders with CSX Transportation, Inc. ("CSXT") and Arcadis U.S., Inc. ("Arcadis") (Defendants), to resolve claims alleged in the complaint filed by the State of Ohio in Cuyahoga County Court of Common Pleas. The proposed Consent Orders require the Defendants to comply with all applicable provisions of Ohio Revised Code Chapter 6111 and the rules and regulations promulgated thereunder.

Defendant CSXT is also required to pay to the State of Ohio \$150,000 to the Surface Water Improvement Fund, a civil penalty of \$200,000 and \$1250.00 for the Attorney General Enforcement Costs within thirty (30) days of the entry of this Consent Order.

Defendant Arcadis is required to pay to the State of Ohio a civil penalty of \$60,000 and the Attorney General's Enforcement Costs of \$1250.00 within thirty (30) days of the entry of this Consent Order.

Copies of the Consent Orders can be obtained from the Ohio EPA, Central Office, by calling Patti Smith at 614-644-2156 or by writing to:

Patti Smith
Ohio EPA, Division of Surface Water
P.O. Box 1049
Columbus, Ohio 43216-1049

Written comments should be submitted to the Ohio EPA, Central Office, at the above address. **Written comments should be submitted on or before June 6, 2011.**

The final approval and entry of the proposed Consent Order will not occur until after the thirty (30) day public comment period has expired. The thirty day period commences on **May 6, 2011**. The State of Ohio, CSXT and Arcadis reserve the right to withdraw or alter the proposed Consent Orders based on comments received during the public comment period.

Date of Public Notice: April 28, 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 install the Stacy Substation and a 138kV overhead electric transmission line connecting the Stacy Substation to an existing transmission line to meet the demands of higher than average electric load growth. The application was submitted by Cleveland Electric Illuminating Company and American Transmission Systems, Incorporated. The project is located within an approximate 14.7 mile long corridor spanning from Mayfield Road. to Stocking Road. The Buffalo District Corps of Engineers Public Notice Number for this project is 2009-01427. The Ohio EPA ID Number for this project is 093580.

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 extend through an approximate 14.7 mile corridor filling 0.03 acre of wetland, placing 5 upright poles in wetlands along with guying anchors for four additional poles, requiring 3 permanent stream crossings, and converting 6.7 acres of forested wetland to scrub shrub wetland. This alignment represents the route approved by the Ohio Power Siting Board (OPSB) in the November 24, 2008 Certificate. The applicant's proposed minimal degradation alternative, if approved, would extend through an approximate 12.05 mile corridor placing 6 upright poles in wetlands, and converting approximately 1.7 acres of forested wetland to scrub shrub wetland. This alternate route was proposed but not selected by the OPSB. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on waters of the state but would not address the project's needs.

Discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality within the Grand River watershed. 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 April 28, 2011, copies of the application and technical support information may be inspected on Ohio EPA-DSW website: www.epa.ohio.gov/dsw

Ohio EPA will hold a public information session and public hearing relative to issues of lower water quality on at 7:00 p.m. on June 13, 2011 at the Montville Community Center, 9755 Madison Road, Montville, Ohio 44064. 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 June 20, 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.

Vinton and Jackson Counties

Date of Public Notice: May 5, 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 proposed surface mining of the No. 4A, 5, 6 and No. 7 coal seams along with the extraction of limestone from Sands Hill Mining, LLC proposed Rockcamp mine site. The application was submitted by Sands Hill Mining, LLC, 38701 State Route 160, Hamden, Ohio 45634. The project is located in Sections 36 of Wilkesville Township in Vinton County, and Section 1 of Milton Township in Jackson County, Ohio, approximately 4 miles east of Wellston, Ohio. The Huntington District of the U.S. Army Corps of Engineers public notice number is LRH-2010-326. The Ohio Department of Natural Resources approved number for this project is D-1087. The Ohio EPA ID Number for this project is 113752.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would impact 17,105 linear feet of intermittent and ephemeral stream and 0.026 acre of wetland. The proposed minimal degradation alternative, if approved, would impact 14,541 feet of stream and 0.026 acre of wetland. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on waters of the state.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of unnamed, stream tributaries and wetlands to Rich Run which drains into Little Raccoon Creek in the Raccoon Creek, Symmes Creek and other Ohio River Tributaries drainage basin (HUC 05090101 050). 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 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 May 5, 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, 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 30 days of the date of this public notice.