

**Notice: Availability of Draft Rules for Comment**  
**Amendment of Rules in OAC Chapter 3745-103, "Acid Rain Permits and Compliance"**

Notice is hereby given that in accordance with Ohio Revised Code (ORC) 119.032 (5-year rule review), the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) has reviewed the sixty-four rules contained in Ohio Administrative Code (OAC) Chapter 3745-103. These rules are related to the Acid Rain program for control of emissions of sulfur dioxide and nitrogen oxides from fossil-fuel fired electrical generating units. Our preliminary review indicates that twenty-three of these rules continue to be necessary and require no changes, forty require amendment, and one must be rescinded and replaced with a new rule.

The following twenty-one rules remain necessary and require no change:

3745-103-09, 3745-103-11, 3745-103-17, 3745-103-23, 3745-103-26, 3745-103-29, 3745-103-30, 3745-103-33, 3745-103-35, 3745-103-36, 3745-103-37, 3745-103-38, 3745-103-39, 3745-103-40, 3745-103-41, 3745-103-43, 3745-103-46, 3745-103-49, 3745-103-50, 3745-103-54, 3745-103-61

The following forty-two rules require amendment:

3745-103-01, 3745-103-02, 3745-103-03, 3745-103-04, 3745-103-05, 3745-103-06, 3745-103-07, 3745-103-08, 3745-103-12, 3745-103-13, 3745-103-14, 3745-103-15, 3745-103-16, 3745-103-18, 3745-103-19, 3745-103-20, 3745-103-21, 3745-103-22, 3745-103-24, 3745-103-25, 3745-103-27, 3745-103-28, 3745-103-31, 3745-103-32, 3745-103-34, 3745-103-35, 3745-103-42, 3745-103-44, 3745-103-45, 3745-103-47, 3745-103-48, 3745-103-51, 3745-103-52, 3745-103-55, 3745-103-56, 3745-103-57, 3745-103-58, 3745-103-59, 3745-103-60, 3745-103-62, 3745-103-63, 3745-103-65, 3745-103-66

The following rule will be rescinded and replaced by a new rule with the same number:

3745-103-53

DAPC is proposing amendments to forty rules for four reasons: (1) to revise the comment at the head of rules containing citations of referenced materials, to match language prescribed by the Legislative Services Commission; (2) to provide current effective dates for referenced materials; (3) to update the rule language in four rules to make it match the corresponding text in those federal acid rain rules that have been amended since the last 5-year review; and (4) to correct minor errors of punctuation or grammar. Of the forty-two rules, thirty-six require amendment only because of reason (1). The six rules subject to reasons (2), (3) or (4) are 3745-103-01, 3745-103-03, 3745-103-04, 3745-103-16, 3745-103-25 and 3745-103-35.

Rule 3745-103-53 is being rescinded and replaced in order to correct a problem in formatting that cannot be addressed in any other way. Also, a revision is being applied to the comment at the head of the rule pertaining to citations of referenced materials.

As part of the rule-making process, DAPC is required by Section 121.39 of the Ohio Revised Code to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by the rules. DAPC is offering your organization the opportunity to comment on these rules before the division formally proposes them.

Attached, please find the draft amended rules listed above. These rules are available electronically for download at <http://www.epa.ohio.gov/dapc/regs/regs.aspx#acid>. **We request that you provide us with any comments you may have to the changes that have been recommended by Monday, June 13, 2011.**

Please submit your comments or suggestions to the following addresses. Persons submitting comments electronically are encouraged to follow-up with a hard copy via regular mail:

E-mail:           dana.thompson@state.epa.oh.us

Mailing address:   Dana Thompson  
Ohio Environmental Protection Agency, DAPC  
Lazarus Government Center  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Phone: (614) 644-3701

Thank you,

Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency

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

Notice is hereby given that on May 11, 2011, 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 certificate to Summit Environmental Technologies, Inc. ("Summit") of 3310 Win Street, Cuyahoga Falls, Ohio, granting the laboratory's request to modify its certification under Ohio's Voluntary Action Program to remove certification for the following methods: (a) Volatile Organic Compounds by method 8260B, (b) Polynuclear Aromatic Hydrocarbons by method 8310, and; (c) Total Petroleum Hydrocarbons by method 8015B. The certification number assigned to Summit remains CL0052.

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 "Treasurer, State of Ohio" 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 certificate, or any documents related to the laboratory's certification, please contact Ohio EPA, Division of Environmental Response and Revitalization, Site Assistance & Brownfield Revitalization, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

Date of Public Notice: April 20, 2011

**PUBLIC NOTICE  
NOTICE OF RECEIPT OF 401 APPLICATION AND PUBLIC HEARING**

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 realign 0.82 mile of State Route (SR) 664 at Old Man's Cave State Park in Benton Township, Hocking County, Ohio. The application was submitted by The Ohio Department of Transportation, 1980 West Broad Street, Columbus, Ohio 43223. The realignment includes improved horizontal and vertical geometrics and is positioned north of the scenic gorge, existing park facilities, and the three-tiered parking lot. The proposed realignment extends from the park entrance near Culp Road westward and north around the three-tiered parking before reconnecting with the existing SR 664 near the Lodge Road. The project includes improving the intersections at the Lodge Road and park entrances and Culp Road through realignment and relocation for improved site distance and safety. This proposed realignment will not require pedestrians to walk across SR 664 to view or hike the scenic gorge. This project will involve the crossing of up to seven headwater streams. The streams involved with the project are within the Lower Scioto drainage basin (HUC 05060002). The U.S. Army Corps of Engineers Project Number is 2008-00849-SCR and the Ohio EPA SWIMS ID Number is 113756. The ODOT reference number for this project is HOC-664-4.08 (PID 85123).

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 impacts to a total of 961.26 linear feet of seven jurisdictional streams. The applicant's proposed minimal degradation alternative, if approved, would impact a total of 662.63 linear feet of seven jurisdictional streams, but reducing the stream impact by 298.63 linear feet. This reduction of impacts is the result of using multi-plated arches on the two Class III headwater streams, thereby spanning most if not all of the stream channel. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on waters of the state or U.S., but would not meet the purpose and need for the project.

Discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of 961.26 feet of seven streams (preferred alternative) or 662.63 feet of seven (minimal degradation alternative) unnamed headwater streams that are tributary to Queer Creek, within the Lower Scioto drainage basin (HUC 05060002). 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.

Starting April 20, 2011, copies of the application and technical support information may be inspected on Ohio EPA-DSW website: [www.epa.ohio.gov/dsw](http://www.epa.ohio.gov/dsw)

Ohio EPA will hold a public information session and public hearing relative to issues of lower water quality on Wednesday, June 8th, 2011, 6:00 pm, in the Private Dining Room, Hocking Hills Dining Lodge, 20020 State Route 664, Logan, OH 43138. 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 4, 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.

**Date of Public Notice: May 10, 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 construction of a new armor stone revetment along the Lake Erie shoreline. The application was submitted by Anna Wojtasiewicz and is located at 32304 Lake Road in Avon Lake, Ohio. The Buffalo District Corps of Engineers Project # is 2009-01653. The Ohio EPA ID Number for this project is 103702.

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 result in a 132 linear foot (LF) revetment; 1,017 cubic yards (CY) of fill placement in Lake Erie; and would occupy 4,625 square feet (SF) of Lake Erie bottom below the ordinary high water mark (OHWM). The applicant's proposed minimal degradation alternative, if approved, would result in a 127 LF revetment; 744 CY of fill placement in Lake Erie; and would occupy 2,422 SF of Lake Erie bottom below the OHWM. 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 May 10, 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.

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**

The following trade secret request was received, and the following proposed action was issued, by the Ohio Environmental Protection Agency (OEPA). "Actions" include the adoption, modification, or repeal of orders (other than emergency orders); the issuance, denial, modification or revocation of licenses, permits, leases, variances, or certificates; and the approval or disapproval of plans and specifications. "Proposed actions" are written statements of the Director's intent with respect to the issuance, denial, modification, revocation, or renewal of a permit, license or variance. Written comments and requests for a public meeting regarding a proposed action may be submitted within 30 days of notice of the proposed action.

An adjudication hearing may be held on a proposed action if a hearing request or objection is received by the OEPA within 30 days of issuance of the proposed action. Written comments, requests for public meetings and adjudication hearing requests must be sent to: Hearing Clerk, Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216-1049 (Telephone: 614-644-2129).

**PROPOSED DENIAL OF TRADE SECRET REQUEST**

**KINECTRICS NORTH AMERICA, INC.  
800 KIPPLING AVENUE  
TORONTO, ON CANADA**

**FIRSTENERGY CORPORATION  
76 SOUTH MAIN STREET  
AKRON, OHIO**

**ACTION DATE : 05/17/2011**

**REQUEST TO CONSIDER DOCUMENTS "CONFIDENTIAL AND PROPRIETARY" AND NOT SUBJECT TO DISCLOSURE UNDER OHIO'S PUBLIC RECORDS LAW IN OHIO REVISED CODE (ORC) SECTION 149.43.**