

**NOTICE OF ADOPTION OF RULES  
OHIO ENVIRONMENTAL PROTECTION AGENCY  
Rules Governing  
Pretreatment and Indirect Discharge Program**

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 6111.03 and 6111.042 of the Ohio Revised Code and in accordance with Chapter 119 of the Revised Code, has adopted the following rules of the Ohio Administrative Code:

<b>Rule #</b>	<b>Rule Title</b>	<b>Action</b>
OAC Chapter 3745-3 Industrial Discharges to Publicly Owned Treatment Works		
3745-3-01	Definitions.	Amend
3745-3-03	POTW pretreatment programs.	Amend
3745-3-04	Prohibited discharges.	Amend
3745-3-06	Reporting requirements for industrial users.	Amend
3745-3-07	Trade secrets; request for confidentiality.	Amend
3745-3-09	General requirements governing application of pretreatment standards.	Amend
OAC Chapter 3745-36 Permit Program Regulating Discharge of Nondomestic Wastewater into a POTW		
3745-36-02	Definitions.	Amend
3745-36-03	Individual indirect discharge permits.	Amend

The Director's order of adoption was issued on **August 30, 2012**. These adopted rules will become effective on **October 1, 2012**. To request a copy of these rules, write to Melinda Harris, Ohio Environmental Protection Agency, Division of Surface Water, P.O. Box 1049, Columbus, OH 43216-1049 or call Mrs. Harris at (614) 728-1357. A copy of the adopted rules is also available on the Ohio EPA Division of Surface Water website at [www.epa.ohio.gov/dsw/](http://www.epa.ohio.gov/dsw/).

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 July 11, 2012, and comments received during the public comment period.

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 Josh Mandel," 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  
77 South High Street, 17<sup>th</sup> Floor  
Columbus, Ohio 43215

**PUBLIC NOTICE**  
**8/24/2012 Issuance of Draft Air Pollution Permit-To-Install and Operate**

SWISS WOODCRAFT INC  
15 INDUSTRIAL ST,  
RITTMAN, OH 44270  
Wayne County

FACILITY DESC.: Nonupholstered Wood Household Furniture Manufacturing  
PERMIT #: P0110614  
PERMIT TYPE: OAC Chapter 3745-31 Modification

PERMIT DESC: Chapter 31 modification for manual spray booth (R001) and in line spray booth (R002) to allow for higher VOC content coatings.

The Director of the Ohio Environmental Protection Agency issued the draft permit above. The permit and complete instructions for requesting information or submitting comments may be obtained at: <http://epa.ohio.gov/dapc/permitsonline.aspx> by entering the permit # or: Richard Smith, Ohio EPA DAPC, Northeast District Office, 2110 East Aurora Road, Twinsburg, OH 44087. Ph: (330) 425-9171.

**PUBLIC NOTICE**  
**8/27/2012 Issuance of Draft Air Pollution Title V Permit**

POET Biorefining - Marion  
Hillman-Ford Road,  
Marion, OH 43302  
Marion County

FACILITY DESC.: All Other Basic Organic Chemical Manufacturing  
PERMIT #: P0110387  
PERMIT TYPE: Initial

PERMIT DESC: Initial Title V operating permit for an ethanol production facility major for greenhouse gases.

The Director of the Ohio Environmental Protection Agency issued the draft permit above. The permit and complete instructions for requesting information or submitting comments may be obtained at: <http://epa.ohio.gov/dapc/permitsonline.aspx> by entering the permit # or: Andrea Moore, Ohio EPA DAPC, Northwest District Office, 347 North Dunbridge Road, Bowling Green, OH 43402. Ph: (419) 352-8461.

**PUBLIC NOTICE**  
**8/27/2012 Issuance of Draft Air Pollution Title V Permit**

Marble Arch Products Inc.  
263 Industrial Drive,  
Franklin, OH 45005  
Warren County

FACILITY DESC.: All Other Plastics Product Manufacturing  
PERMIT #: P0110479  
PERMIT TYPE: Initial

PERMIT DESC: Initial Title V Operating Permit for an existing reinforced plastic composites production facility that includes the following operations: pouring area of marble castings; facility-wide clean-up material operation; and gel coat spray booth.

The Director of the Ohio Environmental Protection Agency issued the draft permit above. The permit and complete instructions for requesting information or submitting comments may be obtained at: <http://epa.ohio.gov/dapc/permitsonline.aspx> by entering the permit # or: Alberta Mellon, Southwest Ohio Air Quality Agency, 250 William Howard Taft Rd., Cincinnati, OH 45219. Ph: (513) 946-7777.

**PUBLIC NOTICE**  
**8/27/2012 Issuance of Draft Air Pollution Title V Permit**

POET Biorefining - Fostoria  
2111 Sandusky Street,  
Fostoria, OH 44830  
Seneca County

FACILITY DESC.: All Other Basic Organic Chemical Manufacturing  
PERMIT #: P0110375  
PERMIT TYPE: Initial

PERMIT DESC: Initial Title V operating permit for an ethanol production facility, major for greenhouse gases.

The Director of the Ohio Environmental Protection Agency issued the draft permit above. The permit and complete instructions for requesting information or submitting comments may be obtained at: <http://epa.ohio.gov/dapc/permitsonline.aspx> by entering the permit # or: Andrea Moore, Ohio EPA DAPC, Northwest District Office, 347 North Dunbridge Road, Bowling Green, OH 43402. Ph: (419) 352-8461.

**PUBLIC NOTICE**  
**8/28/2012 Issuance of Draft Air Pollution Permit-To-Install and Operate**

FABRICATED PACKAGING MATERIALS  
296 QUARRY RD,  
LANCASTER, OH 43130  
Fairfield County

FACILITY DESC.: Polystyrene Foam Product Manufacturing  
PERMIT #: P0110420  
PERMIT TYPE: Administrative Modification

PERMIT DESC: Administrative modification to allow for the use of a new resin containing a lower volatile organic compound content which allows the facility to use one-third more resin while remaining under existing emission limitations in the permit.

The Director of the Ohio Environmental Protection Agency issued the draft permit above. The permit and complete instructions for requesting information or submitting comments may be obtained at: <http://epa.ohio.gov/dapc/permitsonline.aspx> by entering the permit # or: Kelly Saavedra, Ohio EPA DAPC, Central District Office, 50 West Town Street, 6th Floor P.O. Box 1049, Columbus, OH 43216-1049. Ph: (614) 728-3778.

**PUBLIC NOTICE**  
**8/29/2012 Issuance of Draft Air Pollution Title V Permit**

Zehrco Plastics Inc. (Plant 2)  
1501 West 47 th Street,  
Ashtabula, OH 44004-0000  
Ashtabula County

FACILITY DESC.: All Other Plastics Product Manufacturing  
PERMIT #: P0108835  
PERMIT TYPE: Renewal

PERMIT DESC: Renewal Title V permit, including a four-compartment paint spray booth (R001), four mixing operations (P002, P005 - P007), two SMC machines (P001 & P004), twenty eight thermoset compression mold presses (P009 - P036) and insignificant emissions units.

The Director of the Ohio Environmental Protection Agency issued the draft permit above. The permit and complete instructions for requesting information or submitting comments may be obtained at: <http://epa.ohio.gov/dapc/permitsonline.aspx> by entering the permit # or: Tracy Gu, Ohio EPA DAPC, Northeast District Office, 2110 East Aurora Road, Twinsburg, OH 44087. Ph: (330) 425-9171.

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

Notice is hereby given that on August 29, 2012; the director of Ohio EPA issued an amended infectious waste generator certificate to DaVita Inc, 5200 Virginia Way, Brentwood TN 37027, Reg. No.: 00-G-01073. Persons wishing to be notified of further actions or proceedings for this project must submit a request in writing to Ohio EPA, Division of Materials and Waste Management, Attn: Processing and Records 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**  
**8/30/2012 Issuance of Draft Air Pollution Permit-To-Install and Operate**

NEW YORK FROZEN FOODS  
25900 FARGO AVE.,  
BEDFORD HTS., OH 44146  
Cuyahoga County

FACILITY DESC.: Frozen Specialty Food Manufacturing  
PERMIT #: P0109586  
PERMIT TYPE: Renewal

PERMIT DESC: FEPTIO renewal permit for three (3) direct natural gas-fired tunnel bread baking ovens rated at 3.36, 6.2 and 7.0 mmBtu/hr.

The Director of the Ohio Environmental Protection Agency issued the draft permit above. The permit and complete instructions for requesting information or submitting comments may be obtained at: <http://epa.ohio.gov/dapc/permitsonline.aspx> by entering the permit # or: David Hearne, Cleveland Division of Air Quality, 2nd Floor 75 Erievue Plaza, Cleveland, OH 44114. Ph: (216) 664-2297.

**PUBLIC NOTICE**  
**8/30/2012 Issuance of Draft Air Pollution Permit-To-Install and Operate**

VELOCYS  
7950 CORPORATE BLVD,  
Plain City, OH 43064  
Union County

FACILITY DESC.: Research and Development in the Physical, Engineering,  
and Life Sciences (except Biotechnology)

PERMIT #: P0109830

PERMIT TYPE: Initial Installation

PERMIT DESC: This is an initial installation permit for a new R&D testing unit. It includes a synthetic minor operational restriction to avoid the Title V permitting program for carbon monoxide.

The Director of the Ohio Environmental Protection Agency issued the draft permit above. The permit and complete instructions for requesting information or submitting comments may be obtained at: <http://epa.ohio.gov/dapc/permitsonline.aspx> by entering the permit # or: Pamela McCoy, Ohio EPA DAPC, Central District Office, 50 West Town Street, 6th Floor P.O. Box 1049, Columbus, OH 43216-1049. Ph: (614) 728-3778.

**PUBLIC NOTICE**  
**8/30/2012 Issuance of Draft Air Pollution Permit-To-Install and Operate**

VELOCYS  
7950 CORPORATE BLVD,  
Plain City, OH 43064  
Union County

FACILITY DESC.: Research and Development in the Physical, Engineering,  
and Life Sciences (except Biotechnology)

PERMIT #: P0109815

PERMIT TYPE: Administrative Modification

PERMIT DESC: Administrative modification for two R&D testing units. It includes a synthetic minor operational restriction to avoid the Title V permitting program for carbon monoxide.

The Director of the Ohio Environmental Protection Agency issued the draft permit above. The permit and complete instructions for requesting information or submitting comments may be obtained at: <http://epa.ohio.gov/dapc/permitsonline.aspx> by entering the permit # or: Pamela McCoy, Ohio EPA DAPC, Central District Office, 50 West Town Street, 6th Floor P.O. Box 1049, Columbus, OH 43216-1049. Ph: (614) 728-3778.

**PUBLIC NOTICE**  
**COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS**  
**City of Cleveland, Midtown Cleveland Property**

Notice is hereby given that on August 30, 2012, 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 Cleveland, the Volunteer for property known as Midtown Cleveland (the "Property").

The Volunteer conducted a voluntary action of the approximately 8.1974 acre-Property, which is located on a tract of land bounded by Chester Avenue and Euclid Avenue and by East 57<sup>th</sup> Street and East 61<sup>st</sup> Street in Cleveland, Cuyahoga County, Ohio. A no further action letter for the Property was submitted on December 14, 2011 to the Voluntary Action Program of Ohio EPA's Division of Environmental Response and Revitalization by John A. Zampino, and was later amended by Matthew D. Knecht, each a Certified Professional as defined in ORC 3746.01(F) and OAC 3745-300-01(A).

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (the "Commission") pursuant to ORC 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: 77 South High Street, 17<sup>th</sup> Floor, Columbus, Ohio 43215.

If you would like to review a copy of the Covenant Not to Sue/Final Findings and Orders, please contact the Records Management Officer, Ohio EPA, Division of Environmental Response and Revitalization, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

**Date of Public Notice: August 26, 2012**

**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 improvements to State Route 531 in Ashtabula County. The project will restore the structural integrity of the SR 531 roadway and embankment between Myers Road and Ninevah Road in Geneva and Saybrook Townships, Ashtabula County, Ohio. The overall project length is approximately 1.22 mile. SR 531 is a state and federal scenic byway which extends across northern Ashtabula County in northeastern Ohio following a portion of the Lake Erie shoreline. The lake-ward SR 531 roadside terrain within the project study area generally consists of bluffs that have been graded for the roadway fore-slope approximately 40 feet in elevation above the Lake Erie surface water level. Ongoing erosion and resulting slope failures and stability concerns along the fore-slope adjacent to Lake Erie are currently threatening the structural integrity of the transportation facility. The proposed project includes repair and reconstruction of approximately 3,733 feet of existing stone revetment and construction of approximately 780 feet of new stone revetment at the base of the roadway slope. The roadway fore slope will be repaired and regraded as needed and drainage improvements made along the roadway and slope. The roadway pavement will be widened to accommodate 6 foot wide paved shoulders per current design standards and resurfaced upon completion of the project. The application was submitted by The Ohio Department of Transportation, 1980 West Broad Street, Columbus, Ohio 43223.

The proposed project will require new permanent and temporary rights of way. Approximately 5.779 acres of permanent right-of-way and 1.116 acres of temporary right-of-way are required to construct the project. One (1) residential relocation will be required. Existing aerial utilities will be relocated to accommodate the proposed construction. The project will permanently impact four (4) jurisdictional wetlands totaling 0.227 acres of permanent impact. Additionally, the project will impact approximately 3.45 acres of Lake Erie by placing varying amounts of fill below the Lake Erie ordinary high water mark elevation associated with constructing new stone revetments and repairing existing stone revetments. This project is within the Lake Erie Watershed (14-digit HUC 04110003-040-050). The U.S. Army Corps of Engineers Project Number is LRH-2010-699-ERI and the Ohio EPA SWIMS ID Number is 124002. The ODOT reference number for this project is ATB 531-2.40/2.90, PID 87060/78883.

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 build alternative, the minimal degradation alternative, if approved, would involve impact to 3.45 acre of Lake Erie and impact to jurisdictional wetlands including 0.007 acre of one Category 1 wetland and 0.22 acre of three Category 2 wetlands.

The applicant's proposed preferred alternative, if approved, would impact the same as described above with the addition of 0.016 acre of one jurisdictional Category 3 wetland. 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 within the Lake Erie Watershed (14-digit HUC 04110003-040-050). 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 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 Sunday, *August 26*, copies of the application for the certification and technical support information may be inspected at Ohio EPA-Division of Surface Water, 50 West Town Street, Suite 700 Columbus, OH 43215, by first calling (614) 644-3020. 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 Monday, *September 24*. 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.

**PUBLIC NOTICE  
ISSUANCE OF APPROVAL TO RELOCATE A PORTABLE AIR CONTAMINANT  
SOURCE  
VALLEY ASPHALT CORP 26 - P909**

Issue Date: 08/30/2012  
Relocation Number: REL02326  
Facility ID: 1431984190

Facility Location: VALLEY ASPHALT CORP 26 - P909  
3333 PLANO RD,  
WASHINGTON CH, OH 41360

Facility Description: Asphalt Paving Mixture and Block Manufacturing

Ohio EPA has received a request to relocate a portable air contaminant source for the company identified above. Upon review of the request, the Director has approved the relocation and the facility is authorized to move to 14722 Bodman Rd Mt. Orab 45154 upon the publication of this notice.

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 Josh Mandel," 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  
77 South High Street, 17th Floor  
Columbus, OH 43215

All inquiries concerning this action may be directed to Southwest Ohio Air Quality Agency at (513) 946-7777.

**PUBLIC NOTICE  
ISSUANCE OF APPROVAL TO RELOCATE A PORTABLE AIR CONTAMINANT  
SOURCE  
Bzak Landscaping Maintenance Inc.**

Issue Date: 08/28/2012  
Relocation Number: REL02337  
Facility ID: 1413080483

Facility Location: Bzak Landscaping Maintenance Inc.  
931 Round Bottom Road,  
Milford, OH 45150

Facility Description: Landscaping Services

Ohio EPA has received a request to relocate a portable air contaminant source for the company identified above. Upon review of the request, the Director has approved the relocation and the facility is authorized to move to 2896 S.R. 232 Bethel, OH upon the publication of this notice.

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 Josh Mandel," 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  
77 South High Street, 17th Floor  
Columbus, OH 43215

All inquiries concerning this action may be directed to Southwest Ohio Air Quality Agency at (513) 946-7777.

**PUBLIC NOTICE**  
**ISSUANCE OF APPROVAL TO RELOCATE A PORTABLE AIR CONTAMINANT**  
**SOURCE**  
**Columbus Equipment Company**

Issue Date: 08/30/2012  
Relocation Number: REL02362  
Facility ID: 0125044130

Facility Location: Columbus Equipment Company  
65 E. Kingston Ave.,  
Columbus, OH 43207

Facility Description: Crushed and Broken Limestone Mining and Quarrying

Ohio EPA has received a request to relocate a portable air contaminant source for the company identified above. Upon review of the request, the Director has approved the relocation and the facility is authorized to move to 3552 E. 131 St. Cleveland upon the publication of this notice.

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 Josh Mandel," 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  
77 South High Street, 17th Floor  
Columbus, OH 43215

All inquiries concerning this action may be directed to Ohio EPA DAPC, Central District Office at (614)728-3778.

**PUBLIC NOTICE**  
**ISSUANCE OF APPROVAL TO RELOCATE A PORTABLE AIR CONTAMINANT**  
**SOURCE**  
**Precision Grading LLC**

Issue Date: 08/28/2012  
Relocation Number: REL02352  
Facility ID: 0165010401

Facility Location: Precision Grading LLC  
560 claycraft road,  
Columbus, OH 43230

Facility Description: Crushed and Broken Limestone Mining and Quarrying

Ohio EPA has received a request to relocate a portable air contaminant source for the company identified above. Upon review of the request, the Director has approved the relocation and the facility is authorized to move to Walnut C&DD 8675 Lancaster Newark Rd NE Baltimore, OH43105 upon the publication of this notice.

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 Josh Mandel," 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  
77 South High Street, 17th Floor  
Columbus, OH 43215

All inquiries concerning this action may be directed to Ohio EPA DAPC, Central District Office at (614) 728-3778.

**PUBLIC NOTICE  
ISSUANCE OF APPROVAL TO RELOCATE A PORTABLE AIR CONTAMINANT  
SOURCE  
Mar Zane Materials Portable Plant 12**

Issue Date: 08/27/2012  
Relocation Number: REL02330  
Facility ID: 0660950028

Facility Location: Mar Zane Materials Portable Plant 12  
3570 South River Rd.,  
Zanesville, OH 43701

Facility Description: Construction Sand and Gravel Mining

Ohio EPA has received a request to relocate a portable air contaminant source for the company identified above. Upon review of the request, the Director has approved the relocation and the facility is authorized to move to 3200 Jackson Pike, Grove City, Ohio upon the publication of this notice.

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 Josh Mandel," 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  
77 South High Street, 17th Floor  
Columbus, OH 43215

All inquiries concerning this action may be directed to Ohio EPA DAPC, Southeast District Office at (740) 385-8501.

**PUBLIC NOTICE**

**Ohio EPA Revokes Covenant Not to Sue Regarding the Former Rite Aid Property,  
3005 and 3015 East Livingston Avenue, Columbus, Ohio**

On August 31, 2012, the Director of Ohio Environmental Protection Agency (Ohio EPA) issued final findings and orders that revoke a covenant not to sue issued on June 10, 1999 for the former Rite Aid property at 1211 – 1217 South James Road and 2993 – 3014 East Livingston Avenue in Columbus, Ohio (Franklin County). The current street address for the property consists of 3005 and 3015 East Livingston Avenue. The revocation was issued pursuant to Ohio Revised Code (ORC) 3746.12(B)(3) and resulted from an audit conducted by Ohio EPA in accordance with OAC 3745-300-14 of the no further action letter for the property.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission (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 30 days after notice of the Director's 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 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 Environmental Review Appeals Commission, 77 South High Street, 17<sup>th</sup> Floor, Columbus, Ohio 43215.

If you would like to review a copy of the Final Findings and Orders, please contact the Records Management Officer, Ohio EPA, Division of Environmental Response and Revitalization, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

**PUBLIC NOTICE**  
**ISSUANCE OF APPROVAL TO RELOCATE A PORTABLE AIR CONTAMINANT**  
**SOURCE**  
**Gerken Materials, Inc**

Issue Date: 08/27/2012  
Relocation Number: REL02356  
Facility ID: 0335012002

Facility Location: Gerken Materials, Inc  
14791 State Route 15,  
Pioneer, OH 43554

Facility Description: Crushed and Broken Limestone Mining and Quarrying

Ohio EPA has received a request to relocate a portable air contaminant source for the company identified above. Upon review of the request, the Director has approved the relocation and the facility is authorized to move to Gerken Materials, Inc. Main Yard 9051 US 24 Napoleon, OH 43545 upon the publication of this notice.

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 Josh Mandel," 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  
77 South High Street, 17th Floor  
Columbus, OH 43215

All inquiries concerning this action may be directed to Ohio EPA DAPC, Northwest District Office at (419) 352-8461.

**PUBLIC NOTICE**  
**ISSUANCE OF APPROVAL TO RELOCATE A PORTABLE AIR CONTAMINANT**  
**SOURCE**  
**Gerken Materials, Inc.**

Issue Date: 08/27/2012  
Relocation Number: REL02355  
Facility ID: 0335010051

Facility Location: Gerken Materials, Inc.  
310 Quarry Drive,  
Bluffton, OH 45817

Facility Description: Crushed and Broken Limestone Mining and Quarrying

Ohio EPA has received a request to relocate a portable air contaminant source for the company identified above. Upon review of the request, the Director has approved the relocation and the facility is authorized to move to Gerken Materials, Inc. HMA 4 600 S. River Road Waterville, OH 43566 upon the publication of this notice.

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 Josh Mandel," 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  
77 South High Street, 17th Floor  
Columbus, OH 43215

All inquiries concerning this action may be directed to Ohio EPA DAPC, Northwest District Office at (419) 352-8461.

**PUBLIC NOTICE  
ISSUANCE OF APPROVAL TO RELOCATE A PORTABLE AIR CONTAMINANT  
SOURCE  
Maysville Materials, LLC**

Issue Date: 08/28/2012  
Relocation Number: REL02357  
Facility ID: 0660015018

Facility Location: Maysville Materials, LLC  
53681 Spencer Road,  
Cumberland, OH 43732

Facility Description: Crushed and Broken Limestone Mining and Quarrying

Ohio EPA has received a request to relocate a portable air contaminant source for the company identified above. Upon review of the request, the Director has approved the relocation and the facility is authorized to move to Old Town road, Fultonham, Ohio upon the publication of this notice.

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 Josh Mandel," 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  
77 South High Street, 17th Floor  
Columbus, OH 43215

All inquiries concerning this action may be directed to Ohio EPA DAPC, Southeast District Office at (740) 385-8501.

**PUBLIC NOTICE**  
**ISSUANCE OF APPROVAL TO RELOCATE A PORTABLE AIR CONTAMINANT**  
**SOURCE**  
**American Eagle Recycling, Inc.**

Issue Date: 08/28/2012  
Relocation Number: REL02359  
Facility ID: 1318008731

Facility Location: American Eagle Recycling, Inc.  
6519 SOM Center Road, Solon Village Shopping Center  
Solon, OH 44139

Facility Description: Crushed and Broken Limestone Mining and Quarrying

Ohio EPA has received a request to relocate a portable air contaminant source for the company identified above. Upon review of the request, the Director has approved the relocation and the facility is authorized to move to 150 Hall Ave SE Hubbard, Ohio 44425 upon the publication of this notice.

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 Josh Mandel," 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  
77 South High Street, 17th Floor  
Columbus, OH 43215

All inquiries concerning this action may be directed to Cleveland Division of Air Quality at (216) 664-2297.

**Date of Public Notice: August 21, 2012**

**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 an After-The-Fact (ATF) permit for inadvertent fill of wetlands associated with the clearing and grading of trees to reduce risk associated with underseepage and piping at the Beach City Dam. The application was submitted by the US Army Corps of Engineers (USACE). The project is located in Beach City, Ohio 44608, within 400 feet of the Beach City Dam embankment. The Ohio EPA ID Number for this project is 123994.

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 have removed approximately 9.0 acres of trees and discharge of fill within 0.32 acres of wetlands. The applicant's proposed minimal degradation alternative, if approved, would have provided more protection for the wetlands than the Preferred Alternative; however, inadvertent impacts associated with the Preferred Alternative have already resulted in the discharge of fill within 0.32 acres of wetlands. As such, this alternative is no longer viable. The applicant's proposed non-degradation alternative, if approved, would have had no direct impacts on waters of the state. As such, this alternative is no longer viable.

Discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Sugar Creek. 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, August 21, 2012, 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)

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.