

**NOTICE OF ADOPTION OF RULES
OHIO ENVIRONMENTAL PROTECTION AGENCY
RULES GOVERNING
CONSTRUCTION AND DEMOLITION DEBRIS**

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

# 3745-400-01	Definitions.	[Amendment]
# 3745-400-02	Relation to other prohibitions.	[Rescission]
# 3745-400-03	Facility exclusions.	[Amendment]
# 3745-400-04	Authorized, limited, and prohibited construction and demolition debris disposal methods.	[Amendment]
#3745-400-05	Clean hard fill.	[Amendment]
# 3745-400-06	Prohibited locations for construction and demolition debris facilities.	[Amendment]
# 3745-400-07	Facility design requirements and construction specifications.	[Amendment]
# 3745-400-08	Construction and final closure certification.	[Amendment]
# 3745-400-09	Site characterization.	[Amendment]
# 3745-400-10	Ground water monitoring.	[Amendment]
# 3745-400-11	Operation of facilities.	[Amendment]
# 3745-400-12	Final closure of facilities.	[Amendment]
# 3745-400-13	Financial assurance for construction and demolition debris facility final closure.	[Amendment]
# 3745-400-14	Wording of the financial instruments.	[Amendment]

The Director's order of adoption was issued on June 24, 2002. These adopted rules will become effective on August 31, 2002.

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 June 14, 2001, 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 3745.04. This 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. ERAC is located at 236 East Town Street, Room 300, Columbus, OH, 43215. Copies of the appeal must be served on the Director of Ohio EPA within three (3) days of filing with ERAC. Ohio EPA is located at 122 South Front Street, Columbus, OH, 43215.

A copy of the final rules may be obtained free of charge from Ohio EPA, Division of Solid and Infectious Waste Management (DSIWM), at (614) 644-2621. The final rules are also accessible on DSIWM's web page at <http://www.epa.state.oh.us/dsiwm>.

Public Notice

Ohio Environmental Protection Agency
Division of Solid and Infectious Waste Management

Notice of Availability of Proposed Policy on
Leachate Recirculation at Construction & Demolition Debris Landfills

Notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) has proposed a policy on Leachate Recirculation at Construction & Demolition Debris Landfills, number DSIWM-00-00-0653.

To receive a copy of the proposed policy, please contact the Division of Solid and Infectious Waste Management (DSIWM) at (614) 644-2621. The proposed policy is also accessible on DSIWM's web page at <http://www.epa.state.oh.us/dsiwm>.

Ohio EPA requests interested parties to submit written comments to Annette DeHavilland, Division of Solid and Infectious Waste Management, P.O. Box 1049, Columbus, Ohio, 43216-1049, no later than August 2, 2002.

Public Notice

Ohio Environmental Protection Agency
Division of Solid and Infectious Waste Management

Notice of Availability of Proposed Policy on
Use of Shredded Tires in Landfill Construction

Notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) has proposed a policy on Use of Shredded Tires in Landfill Construction number DSIWM-00-00-599.

To receive a copy of the proposed policy, please contact the Division of Solid and Infectious Waste Management (DSIWM) at (614) 644-2621. The proposed policy is also accessible on DSIWM's web page at <http://www.epa.state.oh.us/dsiwm>.

Ohio EPA requests interested parties to submit written comments to Annette DeHavilland, Division of Solid and Infectious Waste Management, P.O. Box 1049, Columbus, Ohio, 43216-1049, no later than August 2, 2002.

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

Notice is hereby given that on June 26, 2002, 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 STL North Canton ("STL"), 4101 Shuffel Drive, NW, North Canton, Ohio 44720, granting the laboratory's request to reinstate certification under Ohio's Voluntary Action Program for Hexavalent Chromium by method 7196A that had been suspended. The modified certificate reflects changes to the previous certificate issued to STL under the Voluntary Action Program. The certification number assigned to STL remains CL0024.

The issuance of this certificate is a final action of the Director and will be public noticed in accordance with OAC 3745-47-07. The action may be appealed to the Environmental Review Appeals Commission ("Commission"). 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 or issuance of the action. See ORC 3745.04 and 3745.07. A copy of the appeal must be served on the Director within three (3) days after the appeal is filed with the Commission. The appeal may be filed with the Commission at 236 East Town Street, Room 300, 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 Kay Hughes, Records Management Officer, at Ohio EPA, Division of Emergency and Remedial Response, Voluntary Action Program, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

Date of Public Notice: July 2, 2002

**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 an erosion control project along the Olentangy River. The project would place gabion baskets along both banks of the Olentangy River for 1,583 linear feet and the river bottom would be dredged to remove the excess buildup of material and to allow for shaping and proper placement of the gabion baskets. The application was submitted by the City of Galion, 301 Harding Way East, Galion, Ohio 44833. The project is located near Jefferson Street, Polk Township, Galion, Crawford County. The Huntington District Corps of Engineers Public Notice Number for this project is 200200274. The Ohio EPA ID Number for this project is 021474.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of the Olentangy River. 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 July 2, 2002, copies of the application for the certification and technical support information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 122 South Front Street, Columbus, Ohio, by first calling (614) 644-2001. Applications can be made available at Ohio EPA District Offices by calling the same number.

Persons wishing to 1) be on Ohio EPA's interested parties mailing list for this project, 2) request a public hearing, or 3) submit written comments for Ohio EPA's consideration in reviewing the application should do so in writing to Ohio EPA/DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 within 30 days of the date of this public notice.

Date of Public Notice: July 2, 2002

**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 dredge approximately 20,454 cubic yards of sediment from 3 navigation channels near Pew Island in Indian Lake State Park. The dredged material would be placed in one of two Dredge Material Relocation Areas (DMRA) constructed for this project. One of the DMRAs is an upland area on Pew Island. Approximately 14,500 cubic yards of sediment would be placed there. The other DMRA would be an in-lake DMRA created adjacent to Pew Island with the purpose of creating a 1.9 acre wetland. The application was submitted by the Ohio Department of Natural Resources, Division of Parks and Recreation, 1952 Belcher Drive, C-3, Columbus, Ohio 43224. The project is located at Indian Lake State Park, 12774 SR 235 North, Lakeview, Stokes Township, Logan County. The Louisville District Corps of Engineers Public Notice Number for this project is 200200261. The Ohio EPA ID Number is 020805.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Indian Lake in the Upper Great Miami River 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 July 2, 2002, copies of the application for the certification and technical support information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 122 South Front Street, Columbus, Ohio, by first calling (614) 644-2001. Applications can be made available at Ohio EPA District Offices by calling the same number.

Persons wishing to 1) be on Ohio EPA's interested parties mailing list for this project, 2) request a public hearing, or 3) submit written comments for Ohio EPA's consideration in reviewing the application should do so in writing to Ohio EPA/DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 within 30 days of the date of this public notice.

Date of Public Notice: July 2, 2002

**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 fill in 2.44 acres of wetlands and relocate 1,140 feet of unnamed tributary to Rocky River to construct a church campus and attendant features. The application was submitted by Christ Church, c/o Reverenc Marc Theodore, 19453 Lunn Road, Strongsville, Ohio 44149. The project is located on the north side of Royalton Road at the Lorain-Cuyahoga county line, Columbia Township, Lorain County, Ohio. The Buffalo District Corps of Engineers Public Notice Number for this project is 2001-01984(1).

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of wetlands and a tributary of Rocky River. 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 July 2, 2002, copies of the application for the certification and technical support information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 122 South Front Street, Columbus, Ohio, by first calling (614) 644-2001. Applications can be made available at Ohio EPA District Offices by calling the same number.

Persons wishing to 1) be on Ohio EPA's interested parties mailing list for this project, 2) request a public hearing, or 3) submit written comments for Ohio EPA's consideration in reviewing the application should do so in writing to Ohio EPA/DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 within 30 days of the date of this public notice.

Date of Public Notice: July 2, 2002

**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 impact 0.05 acres of wetland and 1,923 linear feet of ephemeral streams to construct a residential subdivision. The application was submitted by James Krivacic, P.O. Box 174, Hinckley, Ohio 44233. The project is located on the north side of Mattingly Road and west of River Road in Hinckley Township, Medina County. The Buffalo District Corps of Engineers Public Notice Number for this project is 2000-02687(1). The Ohio EPA ID Number is 020658.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of the East Branch of the Rocky River. 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 July 2, 2002, copies of the application for the certification and technical support information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 122 South Front Street, Columbus, Ohio, by first calling (614) 644-2001. Applications can be made available at Ohio EPA District Offices by calling the same number.

Persons wishing to 1) be on Ohio EPA's interested parties mailing list for this project, 2) request a public hearing, or 3) submit written comments for Ohio EPA's consideration in reviewing the application should do so in writing to Ohio EPA/DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 within 30 days of the date of this public notice.

Date of Public Notice: July 2, 2002

**PUBLIC NOTICE
NOTICE OF RECEIPT OF 401 APPLICATION**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has received an application for, and has begun to consider whether to issue or deny, a Clean Water Act Section 401 certification for a project to construct a 650 foot extension of an existing berm, a 920 foot breakwater extension and dredge 3.48 acres of Sandusky Bay for a boat mooring area . The application was submitted by Smuggler's Baypointe Development Corp, 10654 E. Bayshore Rd, Marblehead, Oh, 43440. The project is located in Sandusky Harbor, Marblehead, Ottawa County. The Buffalo District Corps of Engineers Public Notice Number for this project is 97-479-0027(4).

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Lake Erie-Sandusky Harbor. 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 July 2, 2002, copies of the application for the certification and technical support information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 122 South Front Street, Columbus, Ohio, by first calling (614) 644-2001. Applications can be made available at Ohio EPA District Offices by calling the same number.

Persons wishing to 1) be on Ohio EPA's interested parties mailing list for this project, 2) request a public hearing, or 3) submit written comments for Ohio EPA's consideration in reviewing the application should do so in writing to Ohio EPA/DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 within 30 days of the date of this public notice.

Date of Notice: July 3, 2002

**PUBLIC NOTICE
NOTICE OF RECEIPT OF APPLICATION
ANTIDEGRADATION**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA)-Division of Surface Water (DSW) has received an application for the renewal of a National Pollutant Discharge Elimination System (NPDES) permit (2PG00053) for the discharge from the existing Danbury Township Wastewater Treatment Plant disposal system. Public notice is also given that Ohio EPA-DSW has received an application for Permit to Install (PTI) (03-15381) for the construction of the proposed disposal system. The NPDES and PTI applications were submitted by the Ottawa County Sanitary Engineer, 315 Madison Street, Room 105, Port Clinton, Ohio 43452.

The disposal system submitted for approval is proposed to treat 4,000,000 gallons per day of sanitary wastewaters associated with Danbury Township and the Village of Marblehead. The system is located at 5783 Von Glahn Road, Danbury Township, Ottawa County, Ohio. Treated wastewaters are proposed to be discharged to Sandusky Bay. The proposed discharges are to Sandusky Bay and subsequently Lake Erie.

The discharges from this facility, if approved, would result in degradation to, or lowering of, the water quality of Sandusky Bay and possibly Lake Erie. However, the chemical-specific water quality criteria developed to protect aquatic life and human health, set forth in OAC 3745-1, will not be exceeded. 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.

The contents of the above stated applications indicate an exclusion from various portions of the antidegradation review and information submittal requirements applies as outlined by section 3745-1-05 (D)(1) of the antidegradation rule (effective as of October 1, 1996). The exclusion relates to a de minimis net increase in the discharge of a regulated pollutant.

Copies of the pending NPDES and PTI applications are available for review at Ohio EPA's Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio, (419) 352-8461 or (800) 686-6930. An Ohio EPA public hearing on the proposed project has been scheduled for Thursday, August 22, 2002 at 6:30 pm at the Ottawa County Emergency Operations Center (EOC), 315 Madison Street, Annex Basement, Port Clinton, Ohio. The public hearing will end when everyone in attendance has 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 project and all persons who do so may, in the discretion of the presiding

officer, be questioned by other persons present. The purpose of the hearing is to obtain additional information that will be considered by the Director of the Ohio EPA prior to any further action on the application(s).

Persons wishing to 1) be on Ohio EPA's interested parties mailing list for this project or 2) submit comments for Ohio EPA's consideration in reviewing the application must do so in writing to Ohio EPA's Division of Surface Water, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio, 43216 by close of business on August 29, 2002. Comments received after this date may not be considered as part of the official record.

PUBLIC NOTICE

OHIO ENVIRONMENTAL PROTECTION AGENCY

Notice is hereby given that the Director of the Ohio Environmental Protection Agency, pursuant to Sections 3745.01 and 6109.04 of the Ohio Revised Code, has issued Final Findings and Orders to ensure that Fowler Mobile Home Court's public water system is operated in compliance with the State's safe drinking water laws. These Final Findings and Orders provide Fowler Mobile Home Court with a schedule for resolving its drinking water violations. This final action will be effective on June 25, 2002, and may be appealed to the Environmental Review Appeals Commission (ERAC) pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be filed with the ERAC within thirty (30) days after notice of the Director's action. A copy of the appeal must be served upon the Director of the Ohio Environmental Protection Agency within three (3) days of filing at the ERAC. The ERAC's address is:

Environmental Review Appeals Commission
236 East Town Street
Room 300
Columbus, Ohio 43215

Date of Notice: June 26, 2002

PUBLIC NOTICE

PUBLIC INFORMATION SESSION

Notice is hereby given that Ohio EPA will conduct a public information session concerning the application for a Permit to Install (PTI #05-9682) received for the proposed Bigfoot Run II Sanitary Landfill. The facility will be located adjacent to the Bigfoot Run I Sanitary Landfill, approximately 1.5 miles northwest of the Village of Morrow, due north of Mason-Morrow-Millgrove Road and due south of Trovillo Road. The application was submitted by Browning-Ferris Industries of Ohio, Inc., 2420 E. Mason-Morrow-Millgrove Road, Morrow, Ohio 45152. The public information session is scheduled for Thursday, August 15, 2002, at 7:00 p.m. at the Community Center (Old South Lebanon Elementary School), 10 North High Street, South Lebanon, Ohio 45065. Interested parties may contact the Ohio EPA Southwest District Office, 401 East Fifth Street, Dayton, Ohio 45402-2911, tel.: (937) 285-6357, Attn: Jeff Meyer.

Date of Public Notice: July 2, 2002

**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 consolidate moorage and loading/offloading at Willow Island Locks and Dam. The application was submitted by the U. S. Army Corps of Engineers, Huntington District, 502 8th Street, Huntington, WV 25701-2070. The project is located at Willow Locks and Dam, Route 1, Box 224 (approximately 7 miles NE of Marietta on Ohio Route 7) Newport, Ohio 45768.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of the Ohio River. 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 July 2, 2002, copies of the application for the certification and technical support information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 122 South Front Street, Columbus, Ohio, by first calling (614) 644-2001. Applications can be made available at Ohio EPA District Offices by calling the same number.

Persons wishing to 1) be on Ohio EPA's interested parties mailing list for this project, 2) request a public hearing, or 3) submit written comments for Ohio EPA's consideration in reviewing the application should do so in writing to Ohio EPA/DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 within 30 days of the date of this public notice.