

PUBLIC NOTICE

Proposed Denial of an Application To Modify Permit To Install 06-5171 issued December 17, 1997 to Progressive Foam Products

Public notice is hereby given that on **12/09/2003** the Director of the Ohio Environmental Protection Agency has issued a proposed action denying a request to modify Permit To Install (PTI) 06-05171 originally issued December 17, 1997.

Progressive Foam Products operates an expanded polystyrene products facility located at 6753 Chestnut Ridge Road, Beach City, Ohio.

On June 24, 2002, Progressive Foam Products submitted a request for an administrative modification to remove a requirement from PTI No. 06-5171, issued December 17, 1997, that requires the installation of control equipment within one year after the facility emissions exceed 200 tons of Volatile Organic Compounds per year. This requirement constituted Best Available Technology (BAT) which demonstrated that installing control equipment is technically feasible and economically reasonable. Ohio Administrative Code (OAC) rule 3745-31-05 (A)(3) requires BAT to be employed. Updated information supplied by the applicant continues to support that the control requirement is technically feasible and economically reasonable. Therefore, the Director has proposed to deny the administrative modification request to remove the control requirement from the permit.

This denial is issued as a proposed action, pursuant to Ohio Revised Code Section 3745.07. The signed Order of the Director will become final on **01/09/2004** unless Progressive Foam Products or a citizen objector files an appeal requesting an adjudication hearing within thirty (30) days of the date of issuance, as provided by Section 3745.07 of the Ohio Revised Code. Requests for hearings shall be in writing and shall specify the issues of fact and law to be contested. Requests for hearings shall be sent to the Hearing Clerk, Ohio EPA, Box 1049, 122 South Front Street, Columbus, Ohio, 43216-1049.

PUBLIC NOTICE

Division of Drinking and Ground Waters

December 18, 2003

Rule-Making

Notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Drinking and Ground Waters (DDAGW) has adopted a new rule for the Ohio Administrative Code (OAC) in Ohio's operator certification rules establishing penalties for those persons who attempt to subvert the operator certification examination and review process. In addition, DDAGW has amended three rules in the OAC that regulate the concentration of disinfection byproducts in drinking water and one rule regulating the records kept by public water systems. These amendments correct inconsistencies between Ohio's rules and their federal counterparts and enable Ohio to retain primary enforcement responsibility for the Safe Drinking Water Act.

Specifically, the new rule proposed is OAC rule 3745-7-18 Conduct at test site and during reviews. Also, DDAGW proposes to adopt amendments to OAC rules 3745-81-33 Record maintenance; 3745-81-70 Monitoring requirements for disinfectant residuals; 3745-81-77 Treatment techniques for control of disinfection byproduct (DBP) precursors; and 3745-81-78 Optimization of distribution systems for control of disinfection byproducts.

The Director of Environmental Protection, after considering public comment, adopted these rules in final form, pursuant to Section 6109.04 of the Ohio Revised Code. The Director's order of adoption was issued on December 18, 2003. The effective date of these amended rules will be January 1, 2004, in accordance with Section 119.04(A) of the Revised Code.

A copy of the rules may be obtained, at cost, by contacting the Hearing Clerk, Ohio EPA, 122 South Front Street, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049, or (614) 644-2129. These rules are also available electronically at the following internet address: <http://www.epa.state.oh.us/ddagw/oac.html>.

You are hereby notified that this action of the Director is final 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 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. A copy of the appeal must be served upon the Director of the Ohio Environmental Protection Agency within three (3) days of filing with ERAC. ERAC's address is: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

PUBLIC NOTICE

COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS CP Snow Properties, LLC Metal Management, Inc.

Notice is hereby given that on December 11, 2003, 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 CP Snow Properties, LLC for the property identified as the Metal Management, Inc. property (the "Property").

CP Snow Properties, LLC conducted a voluntary action of the approximately 32 acre-Property located at 18899 Snow Road, Brook Park, Cuyahoga County, Ohio. A no further action letter was submitted on March 21, 2003 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of CP Snow Properties, LLC] by Keith Egan, a Certified Professional (No. CP259), as defined in ORC 3746.01(E) and OAC 3745-300-01(A)(8).

The issuance of the Covenant Not to Sue/Final Findings and Orders is a final action of the Director. 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, 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 Emergency and Remedial Response, Voluntary Action Program, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

PUBLIC NOTICE

COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS Village of Wellsville, 421 Main Street, Wellsville

Notice is hereby given that on December 11, 2003, 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 Village of Wellsville for the property identified as the 421 Main Street, Wellsville property (the "Property").

The Village of Wellsville conducted a voluntary action of the approximately 0.14 acre-Property located at 421 Main Street, Wellsville, Columbiana County, Ohio. A no further action letter was submitted on October 16, 2003 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of the Village of Wellsville by Matthew Knecht, a Certified Professional No. CP105, as defined in ORC 3746.01(E) and OAC 3745-300-01(A)(8).

The issuance of the Covenant Not to Sue/Final Findings and Orders is a final action of the Director. 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, 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 Emergency and Remedial Response, Voluntary Action Program, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

PUBLIC NOTICE

OHIO ENVIRONMENTAL PROTECTION AGENCY RENEWAL OF CERTIFIED PROFESSIONAL CERTIFICATIONS UNDER OHIO'S VOLUNTARY ACTION PROGRAM

Notice is hereby given that on December 11, 2003, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code ("ORC") 3746.04(B)(5) and Ohio Administrative Code ("OAC") 3745-300-05, issued a renewal of certification to Larry S. Smith CP133, Oren J. Gottlieb CP123, Christian J. Lavalley CP264, and Michael J. McKim CP249 to perform work as certified professionals under the Voluntary Action Program.

The issuance of these renewal certificates are 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 any renewal certificate, or any documents related to the 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.

Henry County

**PUBLIC NOTICE
CORRECTION MEASURES PLAN APPROVAL**

Pursuant to OAC Rule 3745-27-10(F), notice is hereby given that on December 18, 2003, the director of Ohio approves the corrective measures plan (CMP) and the selected corrective measure for the Henry County Landfill located in Henry County, Ohio. The CMP and the selected measure, proposes a subsurface HDPE barrier wall with a dewatering system. This approval is subject to all rules, regulations, and specified conditions. This final action was not preceded by a proposed action and may be appealed at the Environmental Review Appeals Commission, at 309 South Fourth Street, Room 222, Columbus, Ohio 43215. Person's wishing to be on Ohio EPA's interested parties mailing list 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.

PUBLIC NOTICE
OHIO EPA AND US EPA ISSUE DRAFT RENEWAL HAZARDOUS WASTE
PERMIT TO THE LUBRIZOL CORPORATION, PAINESVILLE, OHIO

On December 18, 2003, Ohio EPA and USEPA issued a draft renewal Hazardous Waste Facility Installation and Operation Permit (Permit) to The Lubrizol Corporation (Lubrizol) for its facility at 155 Freedom Road, Painesville, Ohio 44077. The EPA Identification Number for this facility is OHD004172623.

Why does Lubrizol need a Permit?

The Lubrizol Corp. in Painesville is engaged in the manufacture of lubricant additives, fuel additives, and other speciality chemicals related to the transportation industry. From these activities, hazardous waste is generated. Lubrizol is authorized to store and treat hazardous waste in tanks, and treat hazardous waste by incineration. The draft renewal Permit contains the conditions under which the facility must operate if the Permit receives final approval. To issue this draft Permit, Ohio EPA determined that the Permit application is complete and meets appropriate standards and that the applicant has a history of compliance with relevant environmental laws and demonstrates sufficient reliability, expertise and competency to operate a hazardous waste facility under Chapters 3704. and 6111. of the Revised Code, all rules and standards adopted under them, and terms and conditions of a hazardous waste facility installation and operation permit, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. When issued, the renewal Permit will allow Lubrizol to continue to store and treat hazardous waste in tanks and treat hazardous waste by incineration. It will also require Lubrizol to investigate and, if necessary, clean up any contamination from hazardous wastes or constituents that may be at the facility. Details about this draft action can be viewed on Ohio EPA's website under Stakeholders Involvement at <http://www.web.epa.state.oh.us/dhwm/>

Some RCRA regulations have not been authorized in the state of Ohio, therefore US EPA must issue a permit to cover those regulations. Lubrizol's complete RCRA permit is comprised of both the US EPA and Ohio EPA permits.

How can I tell Ohio EPA and US EPA what I think about this draft Permit?

You can attend the public meeting and present your comments in person or submit written comments that are clear, concise, and well documented. Or, you are welcome to do both. Everyone who wants to comment at the public meeting will be allowed to speak. You should limit your presentation to five minutes and, if possible, submit a written copy of your comments to US EPA and Ohio EPA at the meeting.

When and where will Ohio EPA and US EPA hold a Public Meeting?

Ohio EPA and US EPA will hold a public meeting on January 22, 2004, at 7:00 p.m. It will be held at the **Hobart Middle School Library**, 200 West Walnut Avenue, Painesville, Ohio 44077.

When and how do I submit written comments?

You can submit written comments anytime between December 19, 2003 and February 2, 2004. Send your comments to Ohio EPA, Division of Hazardous Waste Management, Attn: Regulatory and Information Services, P.O. Box 1049, Columbus, Ohio 43216-1049, telephone number (614) 644-2977, fax number (614) 728-1245, e-mail: dhwmcomments@epa.state.oh.us. You can submit written comments about the US EPA portion of the draft permit to John Gaitskill, United States Environmental Protection Agency, Waste Management Division, DW-8J, 77 West Jackson Blvd., Chicago, Illinois 60604-3590, fax number (312) 353-4788, or email: gaitskill.john@epa.gov

Where can I review the Permit Application and draft renewal Permit?

You can review these at one of the following locations:

Morley Public Library, 184 Phelps Street, Painesville, Ohio 44077, tel: (440) 352-3383;

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

Ohio EPA, Division of Hazardous Waste Management, 122 South Front Street, Columbus, Ohio 43215, tel: (614) 644-2917; and,

United States Environmental Protection Agency, Waste Management Division, DW-8J, 77 West Jackson Blvd., Chicago, Illinois 60604-3590. Call John Gaitskill at (312) 886-6795 to make arrangements to view the documents. The USEPA draft permit can be reviewed at the web page: www.epa.gov/reg5rcra/wptdiv/permits/index

What will Ohio EPA and US EPA do with the comments?

After carefully considering public comments, Ohio EPA and US EPA will reconsider the draft Permit, making any necessary changes, and issue or deny the final Permit. Ohio EPA and US EPA will issue a "response to public comments," specifying any changes made to the draft Permit. If you commented on the draft Permit, Ohio EPA and US EPA will send you a copy of the "response to public comments" and the final permit decision.

PUBLIC NOTICE

APPROVAL TO ALTER PHASING PLAN IN PTI # 03-3822

Notice is hereby given that on December 17, 2003, the director of Ohio EPA approved the request to alter PTI #03-3822, issued on February 28, 1992, for the Browning-Ferris Industries of Ohio, Inc. (BFIO) Ottawa County Landfill, 530 North Camp Road, Port Clinton, Ohio 43452. The alteration request proposes to alter the phasing plan by consolidating the 13 phases approved in the PTI into 9 phases. This authorization is subject to all rules, regulations, and specified conditions. This final action not preceded by proposed action and is appealable to the Environmental Review Appeals Commission, at 309 South Fourth Street, Room 222, Columbus, Ohio 43215. Persons wishing to be on Ohio EPA's interested parties mailing list for this project must submit a request in writing to Ohio EPA, Division of Solid and Infectious Waste Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049: Tel: (614) 644-2621.

PUBLIC NOTICE

APPROVAL OF PERMIT ALTERATION TO PTI # 03-3822

Notice is hereby given that on December 17, 2003, the director of Ohio EPA approved the request to alter PTI #03-3822, issued on February 28, 1992, for the Browning-Ferris Industries of Ohio, Inc. (BFIO) Ottawa County Landfill, 530 North Camp Road, Port Clinton, Ohio 43452. Alteration No.6: Revision to waste and final grade elevations at the south slope- Proposes to revise the waste and vegetative cover grades in an area on the south slope of the landfill where two existing access/haul roads will be removed and where excessive settlement has occurred. Alteration No.7: Soil haul road construction- proposes to construct a haul road for construction equipment to transport soils from the borrow area for use as daily, intermediate, and final covers. This authorization is subject to all rules, regulations, and specified conditions. This final action not preceded by proposed action and is appealable to the Environmental Review Appeals Commission, at 309 South Fourth Street, Room 222, Columbus, Ohio 43215. Persons wishing to be on Ohio EPA's interested parties mailing list for this project must submit a request in writing to Ohio EPA, Division of Solid and Infectious Waste Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049: Tel: (614) 644-2621.

PUBLIC NOTICE

DIRECTOR'S FINAL FINDINGS & ORDERS

Notice is hereby given that on December 17, 2003, the director of Ohio EPA issued Final Findings and Orders to Browning Ferris Industries of Ohio, Inc. (BFIO), Ottawa County Landfill, 530 North Camp Road, Port Clinton, OH 43452. The Orders address violations of Ohio Revised Code Chapter 3734 that are occurring at the Ottawa County Landfill ("Facility"). In addition to numerous operational violations, BFI violated its 1992 PTI by overfilling and filling out of phase and failing to design the explosive gas control system to prevent fires, and for failing to maintain the engineered components of the landfill. These Orders require Ottawa County Landfill, Inc. to remove all overfill (this has already been done), comply with the terms of the 1992 PTI and any subsequent authorizations, submit a landfill fire assessment plan, submit a landfill fire remediation plan, submit an isopach map with each Annual Operational Report that compares current waste placement at the Facility to the approved limits of waste placement, and pay a civil penalty of \$46,120, with \$10,000 being paid to a supplemental environmental project (SEP). These Orders are subject to all rules, regulations, and specified conditions. Persons wishing to be on Ohio EPA's interested parties mailing list 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.

PUBLIC NOTICE
Ohio EPA Finalizes Decision Document for the X-701B SWMU
in Quadrant II of the US DOE Facility in Piketon, Ohio

On December 8, 2003, Ohio EPA finalized a Decision Document identifying the selected alternative to remediate contamination at the at the X-701B SWMU in Quadrant II of the U.S. DOE Portsmouth Gaseous Diffusion Plant, in Piketon, Ohio (Pike County).

The U.S. DOE Portsmouth Gaseous Diffusion Plant (PORTS) enrichment facility encompasses approximately 1,000 of the 3,714-acre U.S. DOE Reservation. The principal process at PORTS was the separation of uranium isotopes through gaseous diffusion. PORTS began operations in 1954, enriching uranium for use in commercial reactors and U.S. Navy power reactors. Production of enriched uranium for U.S. Navy use ceased in 1991. PORTS and all its production facilities are owned by U.S. DOE and have been leased by the U.S. Enrichment Corporation (USEC) since 1993. The enrichment operation became private in July 1998. USEC ceased all enrichment operations in May 2001 and the facility was placed in cold stand by status by U.S. DOE.

The X-701B Holding Pond was an unlined, 200 ft by 50 ft pond used for the neutralization and settling of metal-bearing wastewater, solvent-contaminated solutions and acidic wastewater. The X-701B Holding Pond was in use from 1954 until November 1988 and was regulated under the Resource Conservation and Recovery Act (RCRA). The X-701B Holding Pond and Retention Basins were integrated into the Corrective Action Study/Corrective Measure Study (CAS/CMS) which was approved in March 2001. Ohio EPA's selected alternative for the X-701B Groundwater Area is oxidant injection. The selected alternative was submitted as an addendum to the CAS/CMS report in January 2003.

Ohio EPA's selected alternative for the soils at the X-701B Holding Pond and Retention Basins is capping. The alternative consists of Institutional Controls, selective removal of soil, and containment (capping). Institutional controls include the use of deed and land use restrictions. The cap shall be engineered to meet the RCRA Subtitle C substantive requirements. U.S. DOE will consolidate contaminated soil under two caps. Ohio EPA has determined that re-consolidation of soils is preferable in this instance rather than removal. One cap will cover the X-701B Holding Pond and the Eastern Retention Basin. The second cap will cover the Western Retention Basin. Contaminated soils in this area beyond the foot print of the caps would be consolidated to fit under one or both caps. The cost for this remedy is approximately \$3,000,000.

The Alternative consists of oxidant injection, and groundwater recirculation in the western portion of the plume in the source area as well as the most western horizontal well. The primary goal for injecting in this area is to eliminate the source of TCE. Oxidant would be injected in those areas to accomplish this task. Current pumping wells will be incorporated into the designs as needed. The cost for this remedy is \$43,000,000.

On September 11, 2003, Ohio EPA issued a Preferred Plan that outlined Ohio EPA's preferred alternative to remediate contamination at this SWMU. Public comments on the Preferred Plan were accepted through October 28, 2003. The comments received by the Agency during the comment period are addressed in the Responsiveness Summary which is attached to the Decision Document.

The Decision Document and related materials are available for review at Ohio EPA's Southeast District Office, located at 2195 Front Street, in Logan, Ohio, by calling (740) 385-8501 to set up an appointment. Copies of the Decision Document and related documents are also available at the U. S. Department of Energy, Environmental Information Center, 3930 U.S. Route 23, P. O. Box 693, Piketon, Ohio 45661. You may review all documents related to this decision by calling (740) 289-3317 and setting up an appointment.

The effective date of this final action is September 15, 2003. U.S. DOE must submit a Corrective Action Implementation Plan within 45 days of receipt of this action to Ohio EPA which outlines a schedule for implementing the selected remedy.