

State of Ohio
Environmental Protection Agency

CORRECTED PUBLIC NOTICE

May 2, 2005

Notice of Proposed Rule-making and Public Hearing

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Drinking and Ground Waters (DDAGW) has proposed modifications to the Ohio Administrative Code (OAC) rules related to the regulation of organic and inorganic contaminants in drinking water, particularly arsenic. DDAGW has proposed these modifications to achieve consistency between Ohio's rules and U.S. EPA's National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminants Rule; Final Rule, as published in the Federal Register January 22, 2001. The State of Ohio is required to adopt these changes in order to maintain primary enforcement responsibility for the drinking water program.

Community and nontransient noncommunity public water systems in Ohio are currently required to comply with a maximum contaminant level of 50 micrograms per liter ($\mu\text{g/L}$) of arsenic in drinking water. The proposed amendments will reduce the maximum contaminant level for arsenic to 10 $\mu\text{g/L}$, effective January 1, 2006. Additionally, the proposed amendments will clarify the trigger level for public water systems to qualify for increased monitoring of inorganic contaminants, synthetic organic contaminants (SOCs), and volatile organic contaminants (VOCs). Currently public water systems must increase the frequency with which they monitor for a particular contaminant if they fail to be "reliably and consistently" below the maximum contaminant of that contaminant. Under the proposed amendments this requirement is being clarified such that public water systems will be triggered into increased monitoring if they exceed 80 percent of that contaminant's maximum contaminant level. The rule amendments also clarify the scheduling of the initial monitoring for inorganic contaminants, SOC, and VOCs required of new public water systems and those with new sources of drinking water. In an effort to allow systems in Ohio more flexibility in achieving compliance, DDAGW has also proposed to allow nontransient noncommunity public water systems the option of installing point-of-use or point-of-entry treatment devices to comply with the maximum contaminant level for arsenic in drinking water, provided certain conditions are met.

A public hearing pursuant to §119.02 through §119.04 of the Ohio Revised Code will be conducted on June 1, 2005, beginning at 1:30 PM in room 5A at the Ohio EPA, Lazarus Government Center, 122 South Front Street, Columbus, Ohio. A presiding officer will be present until all interested persons have been heard.

All interested persons are entitled to attend or be represented and give their written or oral comments on this proposed rule-making. To facilitate scheduling of oral presentations, persons intending to give testimony at the hearing should ensure that Ohio EPA receives notice of such intent by 5:00 p.m. on May 31, 2005. Persons who provide Ohio EPA with prior notice will be heard ahead of persons who register at the hearing. To provide notice

of intent to give oral comments at the public hearing, contact Kelly Butler, Ohio EPA, DDAGW, Lazarus Government Center, P. O. Box 1049, Columbus, Ohio 43216-1049.

In order to ensure that written comments are considered as part of the official record of this hearing, written comments must be received by Ohio EPA by the close of business **June 1, 2005**. Written comments on the proposed rules may be filed with the Hearing Clerk at the address above or with the presiding officer during the hearing.

To obtain a copy of the proposed rules, contact Donna Roberts at Ohio EPA at (614) 644-2755 or email at donna.roberts@epa.state.oh.us. Please request the "proposed arsenic rules" and, if a recorded message is left, be sure to include your name, telephone number, and complete mailing address. There is no charge for proposed rules. The proposed rules will be available on the Agency web page until their adoption or withdrawal. The address is: <http://www.epa.state.oh.us/ddagw/oac.html>.

Questions concerning this proposed rule-making, other than obtaining copies of the proposed rules, may be addressed to Kelly Butler at the above address or by phone at (614) 644-2752. Email can be sent to kelly.butler@epa.state.oh.us.

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

Notice is hereby given that on May 10, 2005, the Director of the Ohio Environmental Protection Agency (Ohio EPA), pursuant to Ohio Revised Code 3746.04(B)(6) and Ohio Administrative Code 3745-300-04, issued a laboratory certification to Accutest Laboratories, ("Accutest"), of 2235 Route 130, Dayton, New Jersey. The certification number assigned to Accutest is CL0056.

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 309 South Fourth Street, Room 222, Columbus, Ohio 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.

PUBLIC NOTICE
FINAL FINDINGS AND ORDERS; ENVIRONMENTAL COVENANT
Former Turco-Purex Facility, Marion County, Ohio

Notice is hereby given that on May 6, 2005, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code Chapters 3734, 3745 and 6111, issued Final Findings and Orders, entitled "Termination and Satisfaction of Orders and Release from Liability" to Arkema Inc. for the property identified as the former Turco-Purex Facility in Marion County, Ohio (the "Site"). In addition, the Director executed an Environmental Covenant with the owner of the Site.

A Remedial Investigation and Feasibility Study was conducted for the approximately 27 acre Site, located on State Route 95, approximately 1 mile west of the City of Marion. A Preferred Plan was released for public comment on August 25, 2003 and a Decision Document was issued on January 15, 2004. The remedy selected for the Site consists of an Environmental Covenant requiring: (i) a shallow ground-water use restriction and an industrial land use restriction; and (ii) maintenance of the restrictive fence around the Site.

The issuance of the Final Findings and Orders and the Environmental Covenant 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 309 South Fourth St., Room 222, Columbus, Ohio 43215.

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

Public Notice: May 16, 2005

**OHIO ENVIRONMENTAL PROTECTION AGENCY
PUBLIC NOTICE**

**BIG DARBY CREEK WATERSHED
TOTAL MAXIMUM DAILY LOAD REPORT**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) is providing for public review and comment the Big Darby Creek Watershed Total Maximum Daily Load Report (TMDL) Document. Ohio EPA developed the Document in fulfillment of Section 303(d) of the Clean Water Act which requires the identification of impaired waterbodies for which technology based effluent limitations are not stringent enough to achieve applicable water quality standards and to develop Total Maximum Daily Loads for such waters. The Document addresses impairments in Big Darby Creek watershed which appear on the Ohio 2004 303(d) list (assessment units 05060001 190, 200, 210, and 220). The impaired waters are located in the Counties of Logan, Champaign, Union, Clark, Madison, Franklin, and Pickaway.

All interested persons wishing to submit comments for Ohio EPA's consideration may do so in writing to Ohio EPA, Central District Office, 3232 Alum Creek Drive, Columbus, OH, 43207, Attn: Mike Gallaway, or by email to mike.gallaway@epa.state.oh.us by the close of business July 15, 2005. Comments received after this date may be considered as time and circumstances permit. After consideration of comments, Ohio EPA will submit the Document to the United States Environmental Protection Agency (USEPA) for approval.

To obtain a copy of the Document or other information, or to arrange to inspect Agency files or records pertaining to the Document, or to request notice of when Ohio EPA submits the Document to USEPA, please contact Mike Gallaway at the address above or by calling (614) 728-3843. The Document will be posted (on or before May 16, 2005) to the Ohio EPA Division of Surface Water Web site <http://www.epa.state.oh.us/dsw/index.html>.

Date of Public Notice: May 18, 2005

**OHIO ENVIRONMENTAL PROTECTION AGENCY
PUBLIC NOTICE**

**SUNDAY CREEK WATERSHED
TOTAL MAXIMUM DAILY LOAD REPORT**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) is providing for public review and comment the Sunday Creek Watershed Total Maximum Daily Load Report (TMDL) Document. Ohio EPA developed the Document in fulfillment of Section 303(d) of the Clean Water Act which requires the identification of impaired waterbodies for which technology based effluent limitations are not stringent enough to achieve applicable water quality standards and to develop Total Maximum Daily Loads for such waters. The Document addresses impairments in Sunday Creek watershed which appear on the Ohio 2004 303(d) list (assessment unit 05030204 070). The impaired waters are located in the Counties of **Athens, Perry, and Morgan.**

All interested persons wishing to submit comments for Ohio EPA's consideration may do so in writing to Ohio EPA, Central Office, 122 South Front Street, P.O. Box 1049, Columbus, OH 43216-1049, Attn: Gregg Sablak, or by email to gregg.sablak@epa.state.oh.us by the close of business, June 20, 2005. Comments received after this date may be considered as time and circumstances permit. After consideration of comments, Ohio EPA will submit the Document to the United States Environmental Protection Agency (USEPA) for approval.

To obtain a copy of the Document or other information, or to arrange to inspect Agency files or records pertaining to the Document, or to request notice of when Ohio EPA submits the Document to USEPA, please contact Gregg Sablak at the address above or by calling (614) 644-4132. The Document will be posted (on or before May 18, 2005) to the Ohio EPA Division of Surface Water Web site <http://www.epa.state.oh.us/dsw/index.html>.

PUBLIC NOTICE

**Ohio EPA Finalizes Decision Document for
Ashland Chemical Company, Ashland, Ohio**

On May 6, 2005, the Director of the Ohio Environmental Protection Agency (Ohio EPA) issued a Decision Document identifying the selected alternative to remediate contamination at the Ashland Chemical Site (the Site) located at 1745 Cottage Street in the City of Ashland, Ashland County, Ohio.

The Site occupies an area of approximately 21.5 acres. The western area of the property contains the main plant consisting of one building with manufacturing and warehousing operations, an aboveground raw materials tank farm, a tanker loading area, an enclosed drum storage area, an outdoor drum storage area, and a 12,000-gallon aboveground fuel oil storage tank. The eastern area of the property consists of two buildings containing adhesive products and warehousing operations. The potential source areas at the Site include the approximately 350 to 400 cubic yards of two soil piles generated from the upgrade of the tank farm and the soils in the vicinity of the tank farm and leach beds. The types of contaminants typically found in association with the operation of the Site for surface and subsurface soil included toluene, ethylbenzene, xylenes, chloroform, trichlorofluoromethane, methylene chloride, trans-1,2-dichloroethene, 1,1,1-trichloroethane and trichloroethene. The ground water contamination at this Site consists of benzene, toluene, perchloroethylene (PCE), trichloroethene, 1,2-dichloroethene, 1,2-dichloroethane and vinyl chloride.

The selected alternative includes: institutional and engineering controls to be implemented under this remedial alternative. The remedial alternative restricts the Site to commercial/ industrial use; restricts access to subsurface soil via the environmental covenant prohibiting digging in the tank farm area without prior Ohio EPA authorization and without following an approved Soil Management Plan; it eliminates current access to constituents in ground water beneath the Site by abandonment of the existing monitoring wells; it minimizes access to the Site via physical controls, such as restrictive fencing and security measures; and it prevents future potential ground water exposure via an environmental covenant.

On October 19, 2004, Ohio EPA issued a Preferred Plan that outlines Ohio EPA's preferred alternative to remediate contamination at the Site. A public meeting was held on December 1, 2004, during which public comments on the Preferred Plan were accepted. In addition, written comments on the Preferred Plan were accepted through December 10, 2004. Comments received during the public comment period are addressed in the Responsiveness Summary attached to the Decision Document.

A copy of the Decision Document has been provided to the Ashland Public Library located at 224 Claremont, Ashland, OH 44805. The Decision Document and related documents are available for review at Ohio EPA's Northwest District Office by calling (419) 352-8461

for an appointment, or via the internet on the Northwest District Office website at <http://www.epa.state.oh.us/nwdo/>.

Date of Public Notice: May 17, 2005

**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 proposed brownfield redevelopment to create a commercial park. The application was submitted by 200 Egbert Rd. LLC, 25825 Science Park, Suite 265, Cleveland, OH 44122. As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would remove contaminated sediment from 476 feet of stream, culvert 873 feet and fill 0.03 acres of wetland. The applicant's proposed minimal degradation alternative, if approved, would remove 476 feet of contaminated sediments, culvert 476 feet of stream and fill 0.03 acres of wetland. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on streams or wetlands. The project is located at 200 Egbert Rd, Bedford, Oh, 44146. The U.S. Army Corps of Engineers Number for this project is 94-494-7(2). The Ohio EPA ID Number for this project is 052231.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of an unnamed tributary to Tinkers Creek 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 May 17, 2005, 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: May 16, 2005

**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 certification for a project to construct a U-shaped steel frame crib pier. The application was submitted by Sally Yeager, 4805 Springbrook Drive, Toledo, Ohio 43615. The project is located on Kelley's Island at 1002 Lake Shore Drive, Erie County, Ohio. The Buffalo District of the U.S. Army Corps of Engineers' Public Notice Number for this application is (B)87-475-18(1). The Ohio EPA ID number for this project is 052212.

The Preferred Alternative involves construction of a 14-foot wide, U-shaped, steel crib pier extending 180 linear feet into Lake Erie from the southwest corner of an existing steel crib shore wall. The pier will then extend for approximately 103 linear feet perpendicular to the first section. This section has a deck on the northwest corner which extends another 10 feet lakeward. The third section runs back towards the existing pier for 120 linear feet.

The Minimal Degradation Alternative is similar to the Preferred Alternative except that the first and third sections of the pier are reduced in length by 30 linear feet.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Lake Erie (HUC 04120200). 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.

Beginning May 16, 2005, copies of the application for the certification and technical support information may be inspected at Ohio EPA-DSW, P.O. Box 1049, Columbus, Ohio 43216-1049 by first calling (614) 644-2001. Applications can be made available at the Ohio EPA Northwest District Office by calling the same number.

Ohio EPA will hold a public information session and public hearing relative to issues of lower water quality at 6:00 P.M. on June 30, 2005, at the Kelley's Island Town Hall, 120 Division Street, Kelley's Island, Ohio 43438. The public hearing will end when all interested parties have had an opportunity to provide testimony related to the projects.

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 the Director of Ohio EPA prior to any further action on the application. 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 Thursday, July 7, 2005. Comments received after this date may not be considered as part of the official record of the hearing.

Persons wishing to be on Ohio EPA's interested parties mailing list for this project, or wish to submit 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 by the close of business on July 7, 2005.

**PUBLIC NOTICE
NOTICE OF PUBLIC INFORMATION SESSION**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA)-Division of Surface Water (DSW) has scheduled a public information session on the draft National Pollutant Discharge Elimination System (NPDES) permit renewal for the discharge from the existing United States Enrichment Corporation, Portsmouth Gaseous Diffusion Plant. The issuance of the draft National Pollutant Discharge Elimination System (NPDES) permit renewal public notice date is May 18, 2005 and is the subject of public notice No. 05-06-064.

The United States Enrichment Corporation, Portsmouth Gaseous Diffusion Plant is located at 3930 U.S. Route 23 South, Piketon, Pike County, Ohio. Treated wastewaters are discharged at the same location. The discharges are to Little Beaver Creek, Big Run Creek, West Ditch and the Scioto River. The application for the NPDES permit renewal was submitted by the United States Enrichment Corporation, P.O. Box 628, Piketon, Ohio 45661.

The public information session has been scheduled for 6:30 P.M. on June 9, 2005 at the Piketon City Council Chambers, 109 3rd Street, Piketon, Ohio 45661.

The purpose of the public information session is to provide additional information on the draft permit limits and conditions. 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 must do so in writing to Ohio EPA-DSW, Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 by close of business on June 18, 2005. Comments received after this date may not be considered as part of the permit record.

Copies of the draft permit may be reviewed and/or copies made at Ohio EPA's Southeast District Office, 2195 Front Street, Logan, Ohio, by first calling (740) 385-8501 to make an appointment.

Date of Public Notice: May 16, 2005

**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, Clean Water Act Section 401 certification for a proposed transportation project consisting of the construction of a new bridge over the Sandusky River on a new alignment and a parking lot. The application was submitted by the Seneca County Engineer, 111 Madison Street, Tiffin, Ohio 44883-2824. The project is located at County Road 33 over the Sandusky River, in Pleasant Township, Seneca County, Ohio. The Ohio EPA ID Number for this project is 052270. The Seneca County Engineer ID Number for the project is SEN-CR33-3.66, PID 23028.

The Preferred Alternative consists primarily of the construction of a new bridge over the Sandusky River on a new alignment. Additional work includes the construction of a new parking lot. This alternative will require the installation of piers on the Sandusky River overbank area and construction of a temporary causeway in the river.

The Minimal Degradation Alternative is basically the same as the Preferred Alternative except that different types of piers will be used that will lower impacts to the river overbank area.

The Non-Degradation Alternative involves the construction of a new bridge on the new alignment, without construction of a causeway in the Sandusky River. This would necessitate construction of the bridge from the banks of the river. There would still be impacts to the banks but elimination of the causeway would avoid a direct impact to the river.

The discharges from these activities, if approved, would result in degradation to, or lowering of, the water quality of the Sandusky River in the Sandusky River Watershed. The review of the application will be conducted in accordance with Chapters 3745-1, 3745-32, and other applicable provisions of OAC and the Ohio Revised Code (ORC). 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. Beginning May 16, 2005, copies of the application for the certification and technical support information may be inspected at Ohio EPA-DSW, P.O. Box 1049, Columbus, Ohio 43216-1049 by first calling (614) 644-2001. Applications can be made available at Ohio EPA District Offices by calling the same number.

Ohio EPA will hold a public information session and public hearing relative to issues of lower water quality at 7:00 P.M. on June 29, 2005 at the Tiffin City Council Chambers, 51 East Market Street, Tiffin, Ohio 44883. The 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 at the public hearing and provide oral testimony or written comments on the proposed project. The purpose of the hearing is to obtain additional information that will be considered by the Director of Ohio EPA prior to any further action on the application. Persons wishing to submit written comments on the project or appear on Ohio EPA's interested parties mailing list should do so in writing to Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio, 43216-1049, by the close of business on July 6, 2005. Comments received after this date may not be considered as part of the official record.