

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

Notice is hereby given that on July 6, 2005, 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 SGS Environmental Services, Inc., ("SGS"), 1258 Greenbrier Street, Charleston, West Virginia, granting the laboratory's request to reinstate certification under Ohio's Voluntary Action Program for Semi-Volatile Organic Compounds by method 8270C, and Chlorinated Herbicides by method 8151A. The modified certificate reflects changes to the previous certificate issued to SGS under the Voluntary Action Program. The certification number assigned to SGS remains CL0076.

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, Suite 222, Columbus, OH 43215.

If you would like to review a copy of the certificate, or any documents related to the laboratory's certification, please contact 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.

**OHIO ENVIRONMENTAL PROTECTION AGENCY
PUBLIC NOTICE
ISSUANCE OF A CERTIFIED PROFESSIONAL CERTIFICATE**

Notice is hereby given that on June 27, 2005, The Director of the Ohio Environmental Protection Agency, pursuant to Ohio Revised Code Section 3746.04 (B)(5) and Ohio Administrative Code Rule 3745-300-05, issued a professional certificate to David W. Behringer-CP289 to perform work as a certified professional under the Voluntary Action Program. .

The issuance of this Certification 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 S. Fourth Street, Suite 222, Columbus, Ohio 43215.

If you would like to review the certificate, or any documents related to the certificate, please contact Kay Hughes, Records Management Officer, at 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
COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS

***Hamilton Brownfield Redevelopment, LLC and
the City of Hamilton (Mosler Inc., Plant 1)***

Notice is hereby given that on July 7, 2005, 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 Hamilton Brownfield Redevelopment, LLC and the City of Hamilton for the property identified as the Mosler Inc., Plant 1 property (the "Property").

Hamilton Brownfield Redevelopment, LLC and the City of Hamilton conducted a voluntary action of the approximately 12.94 acre-Property located at 1561 Grand Avenue, Hamilton, Butler County, Ohio. A no further action letter was submitted on March 29, 2005 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of Hamilton Brownfield Redevelopment, LLC and the City of Hamilton by Michael D. Weinstein, a Certified Professional (CP126), 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 309 South Fourth St., Room 222, 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.

Allen County

PUBLIC NOTICE

**OHIO EPA ISSUES FINAL FINDINGS AND ORDERS TO
MID BUS, INC.**

On June 8, 2005, Ohio EPA issued final Findings and Orders to Mid Bus, Inc. for its facility located at 505 East Jefferson Street, Bluffton, Ohio 45817. This facility operated an unpermitted hazardous waste container storage unit. The EPA I.D. number for this facility is OHD005037221.

Mid Bus, Inc. must achieve compliance with Chapter 3734 of the Ohio Revised Code and the regulations promulgated thereunder according to the detailed compliance schedule which outlines civil penalties and payments. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

Date of Public Notice: July 14, 2005

**PUBLIC NOTICE
NOTICE OF RECEIPT OF ISOLATED WETLAND PERMIT
APPLICATION (LEVEL 2)**

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, an Isolated Wetland Permit (Level 2) for a project to construct a residential subdivision. The application was submitted by the Acacia Development Company, Ltd., 5001 Mayfield Road, Suite 209, Lyndhurst, Ohio 44124. The project is located north of Cedar Road and west of Winchester Road, Lyndhurst, Cuyahoga County, Ohio. The Ohio EPA ID Number for this project is 052319.

The review of the application will be conducted, and a decision whether to grant or deny the application will be made, in accordance with Ohio Revised Code (ORC) Sections 6111.02 to 6111.028 and other applicable provisions of state laws. Other alternatives as proposed by the applicant resulting in less adverse impact to the isolated wetland ecosystem, will be considered by Ohio EPA during the review process.

Starting July 14, 2005, copies of the application 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 20 days of the date of this public notice.

PUBLIC NOTICE

**OHIO EPA RESCHEDULES PUBLIC MEETING FOR
ENVIROSAFE SERVICES OF OHIO, INC.**

On May 12, 2005, Ohio EPA issued to EnviroSAFE Services of Ohio, Inc. (EnviroSAFE) a draft renewal and class 3 modification to its Hazardous Waste Facility Installation and Operation Permit (Permit). The facility is located at 876 Otter Creek Road, Oregon, Ohio 43616. The EPA Identification Number for this facility is OHD045243706. On June 27, 2005, Ohio EPA held a public meeting to address details of EnviroSAFE's permit renewal procedures including their request to increase the disposal capacity of Cell M through a vertical expansion which will increase the cell height by 74 feet and disposal capacity by about 950,000 cubic yards. Lastly the draft permit proposes revision to the facility's closure plan. A second public meeting is now scheduled to complete the public testimony process.

When and where will Ohio EPA hold the second public meeting?

Ohio EPA will hold a public meeting on August 2, 2005, at 7:00 p.m. It will be held at the Oregon City Council Chambers, 5330 Seaman Road, Oregon, Ohio 43616. 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 Ohio EPA at the meeting.

When and how do I submit written comments?

You can submit written comments anytime between May 13, 2005 and August 2, 2005. Send your comments to Ohio EPA, Lazarus Government Center, 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.

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

You may continue to review these at one of the following locations:

Toledo-Lucas County Public Library, Oregon Branch, 3340 Dustin Road, Oregon, Ohio 43616,
(419) 259-5250;

Ohio EPA, Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio 43402,
(419) 352-8461;

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

What will Ohio EPA do with the comments?

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

You may continue to review details about this draft action on Ohio EPA's website under Stakeholders Involvement at <http://www.epa.state.oh.us/dhwm/>.

Date of Public Notice: July 15, 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 project to conduct surface mining of limestone on a 118-acre area. The application was submitted by the LaFarge North America, Inc., 510 West Main Street, Canfield, Ohio 44406. The project is located in an unnamed tributary to Honey Creek and wetlands within the Honey Creek watershed, near Petersburg in Springfield Township, Mahoning County, Ohio. The Pittsburgh District Corps of Engineers Application Number for this project is 200301571. The Ohio EPA ID Number for this project is 052263.

The applicant submitted three alternatives for this project (Preferred, Minimal, and Non-degradation alternative). The preferred alternative proposes to impact approximately 9.9 acres of wetlands and 1,165 linear feet of stream. The minimal degradation alternative proposes to impact approximately 4.65 acres of wetlands and 760 linear feet of stream. The non-degradation alternative would not impact any waters resources of the state.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality to an unnamed tributary to Honey Creek and wetlands within the Honey 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, apply or may be granted by the Director of Ohio EPA.

Starting July 15, 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.

PUBLIC NOTICE

OHIO EPA RECEIVES AMENDED HAZARDOUS WASTE POST-CLOSURE PLAN

On June 14, 2005, Ohio EPA received an amended hazardous waste post-closure plan from Fort Recovery Industries, Inc. for its surface impoundment units located at 2440 State Route 49, Fort Recovery, Ohio 45846. The EPA Identification Number for this facility is OHD005046149.

Why is Fort Recovery Industries, Inc. submitting this Post-Closure Plan?

At the request of Ohio EPA, Fort Recovery Industries, Inc. submitted this post-closure plan. The primary intent of this amendment is to implement a corrective action program that prevents hazardous constituents from exceeding their respective concentrations limits at the compliance point by removing the hazardous waste constituents or treating them in place. Remedial alternatives that ensure the protection of human health and the environment are identified and evaluated, as well.

When and how do I submit written comments about this Post-Closure Plan?

You can submit written comments anytime between July 10 and August 9, 2005. Send your comments to Ohio EPA, Division of Hazardous Waste Management, Attn: Regulatory and Information Services, P.O. Box 1049, Columbus, Ohio 43216, telephone number (614) 644-2977, fax number (614) 728-1245, e-mail address: dhwmcomments@epa.state.oh.us.

Where can I review the Post-Closure Plan?

You can review the Post-Closure Plan at the following locations:

Ohio EPA, Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio 43402, tel: (419) 352-8461,

Ohio EPA, Division of Hazardous Waste Management, 122 South Front Street, Columbus, Ohio 43215 (614) 644-2977.

Date of Public Notice: July 15, 2005

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

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has received applications for, and has begun to consider whether to issue or deny, Clean Water Act Section 401 certifications for the following projects located in the waters of Lake Erie:

- 1) Applicant: Kwest Development
Applicant Address: 1613 South Defiance Street, Archbold, Ohio 43502
Project Location: Southwest of the intersection of Lockwood Road and Plasterbed Road, Portage Township, Ottawa County
Project Description: Construct two 200-foot rubblemound jetties and dredge approximately 12,000 cubic yards of material for the construction of a new 750-foot entrance channel into Sandusky Bay. The applicant's proposed preferred alternative, if approved, would result in 750 cubic yards of fill for beach nourishment, 2,400 cubic yards of limestone below the OHWM, 23,000 square feet of jetty footprint, no sheet piling, and 12,000 cubic yards material dredged. The applicant's proposed minimal degradation alternative, if approved, would result in 750 cubic yards fill for beach nourishment, 1500 cubic yards of limestone below OHWM, 12,000 square feet of jetty footprint, minimal sheet piling and 12,000 cubic yards of material removed below OHWM. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on Lake Erie.
Corps of Engineers' Public Notice Number: (B)2004-02085(2)
Ohio EPA ID Number: 052227

- 2) Applicant: Kwest Development
Applicant Address: 1613 South Defiance Street, Archbold, Ohio 43502
Project Location: South and west of the intersection of Lockwood Road and Plasterbed Road, Portage Township, Ottawa County
Project Description: Construct two 200-foot rubblemound jetties and dredge a new 750-foot entrance channel into Sandusky Bay with upland disposal of dredged material. This project also proposes impacts to 2.36 acres of wetlands for the construction of the Boating access channel and wetland enhancement dikes. The applicant's proposed preferred alternative, if approved, would result in 2,400 cubic yards of fill placed below the OHWM, 12,000 cubic yards of material dredged lakeward of the OHWM and 31,000 cubic yards of material excavated from existing wetland areas. The applicant's proposed minimal degradation alternative, if approved, would result in 1,500 cubic yards of fill placed below OHWM, 12,000 cubic yards of material removed lakeward of the OHWM, and 31,000 cubic yards of material excavated from existing wetland areas. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on Lake Erie.
Corps of Engineers' Public Notice Number: (B)2004-02085(3)
Ohio EPA ID Number: 052307

- 3) Applicant: Donald E. Nielsen
Applicant Address: 7404 East Bayshore Road, Marblehead, Ohio 43440
Project Location: 7404 Bayshore Road, Danbury Township, Ottawa County
Project Description: Enlarge an existing stone breakwater to provide partially sheltered access to Sandusky Bay. The applicant's proposed preferred alternative, if approved, would result in the construction of a new stone shore-connected L-shaped breakwater using some existing breakwater stone and would have dimensions of 140 feet (shore perpendicular) x 45 feet (shore parallel). The applicant's proposed minimal degradation alternative, if approved, would result in the construction of a new stone shore-connected L-shaped breakwater using some existing breakwater stone and would have dimensions of 115 feet (shore-perpendicular) x 45 feet (shore-parallel). The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on Lake Erie.
Corps of Engineers' Public Notice Number: (B)2002-01530(1)
Ohio EPA ID Number: 042160

The discharges from these activities, if approved, would result in degradation to, or lowering of, the water quality of Lake Erie (HUC 04120200). The review of the applications will be conducted, and a decision whether to grant or deny the applications 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 July 1, 2003), apply or may be granted by the Director of Ohio EPA.

Beginning July 15, 2005, copies of the applications for the certifications and technical support information may be inspected at Ohio EPA-DSW, 122 S. Front Street, Columbus, Ohio 43215, 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 August 31, 2005, at the Port Clinton City Council Chambers, 1868 East Perry Street, Port Clinton, Ohio 4352. 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 applications. All interested persons are entitled to attend or be represented and give oral or written comments on the proposed projects.

Ohio EPA will continue to accept written comments on the applications through the close of business on September 7, 2005. Comments received after this date may not be considered as part of the official record. Anyone may submit written comments or request to be placed on a mailing list for information by writing to: Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio, 43216-1049.

PUBLIC NOTICE

**Notification of a Need to Amend the Mixed Waste
Site Treatment Plan**

Notice is hereby given that United States Department of Energy (DOE), Portsmouth Gaseous Diffusion Plant (PORTS), has identified a need to amend its approved Site Treatment Plan (STP) for its facility located in Piketon, Ohio. Notice of the proposed amendment was provided to the Ohio EPA by letter dated May 31, 2005. The STP for DOE-PORTS was originally approved by the Director on October 4, 1995. DOE specifically expresses a desire to amend the STP, as follows: to extend the milestone for completion of the final WO-58, carbon sludge shipment from September 30, 2005 to September 30, 2007.

Interested persons are encouraged to review the proposed amendment request in its entirety. A copy of the draft revised plan documents may be requested from or reviewed at the Ohio EPA, Southeast District Office, 2195 Front Street, Logan, Ohio 43138, telephone (740) 385-8501. Comments concerning the proposed amendments to the STP may be submitted to the Ohio EPA, Division of Hazardous Waste Management, Attention: Regulatory and Information Services Section, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049, within 30 days of the date of this notice.

PUBLIC NOTICE

**OHIO EPA ISSUES FINAL FINDINGS AND ORDERS TO
U.S. Department of Energy - Portsmouth Gaseous Diffusion Plant**

On June 24, 2005, Ohio EPA issued final Findings and Orders to the U.S. Department of Energy-Portsmouth Gaseous Diffusion Plant (U.S. DOE Portsmouth) for its facility located at 3980 U.S. Route 23 South, Piketon, Ohio 45661. This facility operates a permitted hazardous waste container storage unit. The EPA I.D. number for this facility is OHD7890008983.

U.S. DOE Portsmouth is exempted from the hazardous waste permitting and transporter requirements for shipping and storing all cylinders of DUF pursuant to ORC rule 3734.02(G). U.S. DOE Portsmouth is also required to manage waste at the facility pursuant to an approved DUF Management Plan. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

PUBLIC NOTICE

**OHIO EPA APPROVES CLOSURE PLAN FOR
THE JOHNSON RUBBER COMPANY**

On July 5, 2005, Ohio EPA approved a closure plan for the Johnson Rubber Company located at 587 West Broadway Street, North Baltimore, Ohio. The EPA I.D. number for this facility is OHD005053913.

Pursuant to Ohio Revised Code rule 3745-66-11 & 12, the facility's amended closure plan submitted on November 19, 1991 was approved with modifications as outlined in the Director's July 5, 2005 correspondence. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.