

PUBLIC NOTICE

FINAL ISSUANCE OF AMENDED CERTIFICATE OF REGISTRATION AS A GENERATOR OF INFECTIOUS WASTE

Notice is hereby given that on November 25, 2005, the director of Ohio EPA issued an amended infectious waste generator certificate to DVA Renal Healthcare, 5200 Virginia Way, Brentwood, TN 37027, ID No.: 00-G-01073. Persons wishing to be notified of further actions or proceedings for this project must submit a request in writing to Ohio EPA, Division of Solid and Infectious Waste Management, Attn: Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049, tel.: (614) 644-2621. This final action was not preceded by a proposed action and may be appealed to the Environmental Review Appeals Commission, at 309 South Fourth Street, Suite 222, Columbus, Ohio 43215.

**State of Ohio
Environmental Protection Agency
Notice of Adoption of Rules**

Notice is hereby given that the Director of the Ohio Environmental Protection Agency (Ohio EPA), under the authority of Ohio Revised Code Section 3704.03 has adopted amended rules 3745-78-01 and 3745-78-02 of the Administrative Code.

The primary purpose of this rulemaking is to revise Ohio Administrative Code ("OAC") as follows: 3745-78-01 and 3745-78-02 will be amended to make corrections to the statutory authority from ORC 119 to ORC 3704.036(B). Ohio EPA has found it necessary to rescind the following OAC rules: 3745-78-03, -04, and -05 as the language is mirrored in ORC 3745.11.

A public hearing on the proposed amendments was held on September 7, 2005, in Columbus, Ohio. There were no comments or testimony received during the public hearing and no parties submitted comments during the comment period. Therefore, no changes were made to the proposed rules as a result of public comment. The Director's order of rescission and adoption of amended rules was issued on November 22, 2005. In accordance with Section 119.04(A) of the Revised Code the effective date of these amended and rescinded rules will be December 2, 2005.

To request a copy of these rules, obtain further information, or inspect or request copies of agency files and records pertaining to the proceeding contact Ms. Elisa Thomas, c/o Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 3216-1049 or call Ms. Elisa Thomas at 614-644-3621. This rule is available on the Web page for electronic downloading by scrolling down to OAC 3745-78, "Air Pollution Control Fees". The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.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 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 309 South Fourth Street, Suite 222, Columbus, OH, 43215. Copies of the appeal must be served on the Director of the Ohio EPA within three (3) days of filing with ERAC. The Ohio EPA is located at, 122 S. Front St., Columbus, OH, 43216-1049. Ohio EPA also requests that a copy of the appeal be served upon the Environmental Enforcement Section of the Ohio Attorney General's Office.

PUBLIC NOTICE
COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS
Viacom, Inc. - Former Westinghouse Repair Facility

Notice is hereby given that on November 22, 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 Viacom, Inc., the Volunteer and 4600 West 160th Street, LLC, the Property Owner for the property identified as the Former Westinghouse Repair Facility property.

Viacom, Inc. conducted a voluntary action of the approximately 4.8265 acre property located at 4600 West 160th Street, Cleveland, Cuyahoga County, Ohio (the "Property"). A no further action letter was submitted on December 6, 2004 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of Viacom, Inc. by Mr. William Baughman, a Certified Professional, No. CP 243, 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 Street, 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.

Statewide

Ohio Environmental Protection Agency

PUBLIC NOTICE

**Updated Project Priority List and Intended Project List
For The Drinking Water Assistance Fund
For Program Year 2006**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA)-Division of Drinking and Ground Waters has issued the Updated Project Priority List and the Updated Intended Project List for the Drinking Water Assistance Fund, which has been authorized by Ohio Revised Code section 6109.22 and Section 1452 of the Safe Drinking Water Act.

Copies of the Updated Lists are available from the Division of Drinking and Ground Waters by contacting Flo Sellu at (614) 644-2752, through the Internet at <http://www.epa.state.oh.us> or upon written request to:

Division of Drinking and Ground Waters
Ohio Environmental Protection Agency
P. O. Box 1049
Columbus, Ohio 43216-1049

Written comments should be submitted to Division of Drinking and Ground Waters, Ohio EPA, at the above address. Written comments must be submitted on or before December 27, 2005.

The thirty day period commences on November 25, 2005. The final approval of the Project Priority List will not occur until after the thirty (30) day public comment period has expired. Once final approval occurs, the Updated Project Priority List will be valid from January 1, 2006 - June 30, 2006.

Ohio EPA PA No. 03-16621

Ohio Environmental Protection Agency Draft Plan Approval

PUBLIC NOTICE

Draft Plan Approval for wastewater treatment and/or disposal facilities

Ohio Environmental Protection Agency
Permits Section
122 South Front Street
P.O. Box 1049
Columbus, Ohio 43216-1049
(614) 644-2001

Public Notice No.: 05-12-008
Date of Issue of Public Notice: December 2, 2005

Name and Address of Applicant: Larry Baxa, Village Administrator, Village of McComb, 210 East Main Street, McComb, OH 45858-0340

Name and Address of Facility Where Discharge Occurs: Village of McComb WWTP, Scott Street, McComb, OH 45858

Public notice is hereby given that Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has issued a draft plan approval for the Combined Sewer System Long Term Control Plan for the Village of McComb.

The approved plan is for sewer separation and elimination of the two existing combined sewer overflows. The estimated cost of the plan is \$2,162,848, which includes \$195,000 for residential and commercial building service connections and removal of nonsanitary flows. A modification of the Village's NPDES permit that became effective on November 1, 2005, includes a 60 month compliance schedule to complete implementation of the approved plan.

In accordance with OAC 3745-1-05, Ohio EPA will provide an opportunity for public comment concerning this project. Comments received shall be considered by the Director before the plan is issued as final. Any person may submit written comments on the draft plan and administrative record and may request a public hearing. A request for public hearing shall be in writing and shall state the nature of the issues to be raised. In appropriate cases, including cases where there is significant public interest, the director may hold a public hearing on a draft plan or plans prior to final issuance of the plan or plans. Written comments and/or public hearing requests must be received by the Ohio

EPA, Division of Surface Water no later than 30 days from the date of this public notice. Comments and/or public hearing requests should be delivered or mailed to both of the following locations: 1) Ohio Environmental Protection Agency, Division of Surface Water, Permits Processing Unit, 122 South Front Street, P.O. Box 1049, Columbus, Ohio 43216 and 2) Ohio Environmental Protection Agency, Ohio EPA Northwest District Office, 347 North Dunbridge Road, Bowling Green, OH 43402. Comments received after this date may not be considered by the Director before issuing the final plan.

Copies of the draft plan and technical support information may be reviewed and/or copies made at the Ohio EPA Northwest District Office, 347 North Dunbridge Road, Bowling Green, OH 43402 by first calling, (419) 352-8461 to make an appointment.

Ohio EPA PA No. 03-16941
Ohio Environmental Protection Agency Draft Plan Approval
PUBLIC NOTICE

Draft Plan Approval for wastewater treatment and/or disposal facilities

Ohio Environmental Protection Agency
Permits Section
122 South Front Street, P.O. Box 1049
Columbus, Ohio 43216-1049
(614) 644-2001

Public Notice No. 05-12-009
Date of Issue of Public Notice: December 2, 2005

Name and Address of Applicant: Mayor and Council, Attn: Susan Lesch, Mayor, 30 Whittlesey Avenue, PO Box 30, Norwalk, OH 44857

Name and Address of Facility Where Discharge Occurs: City of Huron WWTP, 201 Plank Road, Huron, OH 44857

Public notice is hereby given that Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has issued a draft plan approval for the Combined Sewer System Long Term Control Plan for the City of Norwalk.

The plan includes an implementation schedule to complete the constructed improvements over a 15 year period as follows:

- Years 1 - 5 Improvements at the wastewater treatment plant and the elimination of the Woodlawn Avenue CSO.
- Years 6 - 10 Elimination of Pleasant Street CSO and collection system improvements to reduce the Washington Street CSO events to 6 or less per year.
- Years 11 - 15 Collection system improvements to reduce the Cline Street CSO events to 6 or less per year.

The estimated cost of the improvements is \$12.6 million (2004 dollars). Compliance schedules for completing the projects will be included in the City's NPDES permit beginning with the 2005 renewal and continuing until implementation is complete.

In accordance with OAC 3745-1-05, Ohio EPA will provide an opportunity for public comment concerning this project. Comments received shall be considered by the Director before the plan is issued as final. Any person may submit written comments on the draft plan and administrative record and may request a public hearing. A request for public

hearing shall be in writing and shall state the nature of the issues to be raised. In appropriate cases, including cases where there is significant public interest, the director may hold a public hearing on a draft plan or plans prior to final issuance of the plan or plans. Written comments and/or public hearing requests must be received by the Ohio EPA, Division of Surface Water no later than 30 days from the date of this public notice. Comments and/or public hearing requests should be delivered or mailed to both of the following locations: 1) Ohio Environmental Protection Agency, Division of Surface Water, Permits Processing Unit, 122 South Front Street, P.O. Box 1049, Columbus, Ohio 43216 and 2) Ohio Environmental Protection Agency, Northwest District Office, 347 North Dunbridge Road, Bowling Green, OH 43402. Comments received after this date may not be considered by the Director before issuing the final plan.

Copies of the draft Plan and technical support information may be reviewed and/or copies made at the Ohio EPA Northwest District Office, 347 North Dunbridge Road, Bowling Green, OH 43402, by first calling, (419) 352-8461 to make an appointment.

PUBLIC NOTICE

Notice is hereby given that on November 23, 2005, the Director of the Environmental Protection Agency issued an Isolated Wetlands Permit to FDS Coke Plant, LLC, 275 Millard Avenue, Building #1, Toledo, Ohio 43605. The permit was issued for a project to construct a new coking facility at the Toledo-Lucas County Port Authority Facility 2, City of Toledo, Lucas County, Ohio. This permit was issued as a final action, and may be appealed to the Environmental Review Appeals Commission (ERAC), pursuant to Chapter 3745.04 of the Ohio Revised Code. The appeal must be filed with ERAC at 309 South Fourth Street, Room 222, Columbus, Ohio 43266-0557 within 30 days of issuance of this final action.

PUBLIC NOTICE

Notice is hereby given that on November 22, 2005, the Director of the Environmental Protection Agency issued an Isolated Wetlands Permit to Richfield Group, Inc, 281 Hatch Road, Wadsworth, Ohio 44281. The permit was issued for a project to construct a residential development located east of Pearl Road and south of Remsen Road in Medina Township, Medina County, Ohio. This permit was issued as a final action, and may be appealed to the Environmental Review Appeals Commission (ERAC), pursuant to Chapter 3745.04 of the Ohio Revised Code. The appeal must be filed with ERAC at 309 South Fourth Street, Room 222, Columbus, Ohio 43266-0557 within 30 days of issuance of this final action.

Date of Public Notice: November 22, 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 modify the existing US Route 33 and State Route 7 Interchange. The application was submitted by The Ohio Department of Transportation. The project is located at RockSprings in Meigs County, Ohio. The Huntington District of the U.S. Army Corps of Engineers Number for this project is 200500182. The Ohio EPA ID Number for this project is SWIMS# 052437.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would impact 1,700 linear feet of two unnamed tributaries of East Branch Thomas Fork. The applicant's proposed minimal degradation alternative, if approved, would impact 1,100 linear feet to one unnamed tributary of East Branch Thomas Fork. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on streams or wetlands.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of two primary headwater streams in the Upper Ohio-Shade River (05030202) 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 November 22, 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.

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 December

22, 2005. Comments received after this date may not be considered as part of the official record.

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

Date of Public Notice: November 30, 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 new 31-slip marina and square steel crib and access bridge for the Bailiwick Subdivision, in Marblehead, Ottawa County, Ohio. The application was submitted by Bailiwick Development LLC., 11528 Royalton Road, North Royalton, Ohio. The USACE Public Notice Number for this project is 2005-00967(1) and the Ohio EPA ID Number is 052438.

The applicant submitted three alternatives for this project (Preferred, Minimal, and Non-degradation alternative). The preferred alternative proposes to remove 147 linear feet of existing armor stone revetment along the shoreline east of the existing 70 foot long breakwater, construct a 450 linear foot rubblemound breakwater to protect the new marina, dredge the marina basin to a depth of 565 feet IGLD (1985), create a new sand beach, and construct a 20 foot by 30 foot and 6 foot by 6 foot steel crib piers with a 40 foot by 4 foot aluminum bridge connecting piers and another section to the shore on subplot 14. The minimal degradation alternative proposes to have identical impacts to those proposed in the preferred alternative except size of the larger pier is proposed to be 20 foot square. The proposed non-degradation alternative would not impact any waters resources of the state.

The discharges from these activities, if approved, may result in degradation to, or lowering of, the water quality of Lake Erie. 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 applications 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 in 3745-1-05 of the Antidegradation Rule, apply or may be granted by the director of Ohio EPA.

Beginning November 30, 2005, copies of the applications 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 6:30 p.m. on January 17, 2006 at the Danbury Local School, Library, 9451 E. Harbor Road, Marblehead, Ohio, 43440. The public 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 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.

Ohio EPA will continue to accept written comments on the application through the close of business on January 24, 2006. Comments received after this date may not be considered as part of the official record of the hearing. 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.