

**Public Hearing**  
**Ohio Environmental Protection Agency**  
**Five-Year Rule Review of Ohio Administrative Code (OAC) Chapter 3745-31, and**  
**proposal of new OAC rule 3745-31-33**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) has performed a review of OAC rules 3745-31-01 to 3745-31-32 to fulfill the requirements of Section 119.032 of the Ohio Revised Code (five-year review). This chapter of the Administrative Code addresses permits-to-install new sources. The DAPC finds these rules to be necessary and with need for changes. The DAPC also proposes new OAC rule 3745-31-33, "site preparation activities prior to obtaining a final permit-to-install."

The amendments are being proposed to: correct format and grammar; create consistency between definitions and terminology used throughout the chapter; update references to incorporated materials; update the administrative section of the rules; clarify requirements for portable sources; add new exemptions regarding dynamometers, low emitting paint booths which prepare samples for bench scale laboratory work, and short-term use of a mobile treatment units or vacuum trucks during an emergency response; update the auto body refinishing facility and printing facility permit-by-rules as a result of recent changes to OAC Chapter 21; incorporate requirements in Senate Bill 265 regarding the definition of "begin actual construction," exempt sources emitting <10 ton/year from BAT, and revise the definition of "air contaminant source."

New OAC rule 3745-31-33 is being proposed to address the requirements of Senate Bill 265. SB 265 requires DAPC include in rules the types of activities which do not constitute beginning actual construction and therefore can commence before issuance of a final permit-to-install.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC was required to consult with interested parties affected by the rules before the division formally proposes them. On June 7, 2006 these rules went out for a 30 day review by interested parties.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes will be conducted on Monday, October 23, 2006 at 10:00 AM in the Center for Excellence, 6<sup>th</sup> Floor, Ohio EPA, Lazarus Government Center, 122 South Front Street, Columbus, Ohio.

Pursuant to Part D of Title I of the Clean Air Act, Ohio EPA is required to establish a state implementation plan (SIP) for the attainment and maintenance of the national ambient air quality standards (NAAQS). Many of the above mentioned rules are a part of Ohio's SIP and the proposed amendments will be submitted to USEPA as a modification of the SIP. The above mentioned hearing shall be considered the public hearing for the SIP submittal.

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on these rule changes. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on Monday, October 23, 2006, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after October 23, 2006, may be considered as time and circumstances permit, but will not be part of the official record of the hearing.

These rules are available on the Web page for electronic downloading by clicking on "regulations" under the "topics" drop-down box. The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.html>. Questions regarding accessing the web site should be directed to Arunee Niamlarb at 614-728-1342; other questions or comments about these rules should be directed to Jennifer Nichols at Ohio EPA, (614) 644-3696, [jennifer.nichols@epa.state.oh.us](mailto:jennifer.nichols@epa.state.oh.us), or mailed to Jennifer Nichols, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.

**Public Notice**  
**Ohio Environmental Protection Agency**  
**Proposed new OAC rule 3745-114-01**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) proposes new Ohio Administrative Code (OAC) rule 3745-114-01, Toxic Air Contaminants. The amendments are being proposed to fulfill the requirements of Amended Substitute Senate Bill 265 (SB 265) of the 126<sup>th</sup> General Assembly signed into law on May 2, 2006. SB 265 amends language in section 3704.03 of the Ohio Revised Code (ORC) that results in a streamlining of the permitting process for minor sources of air pollution. The rule language addresses the portion of SB 265, contained in ORC 3704.03(F)(3)(c) and (F)(4), that gives the Ohio Environmental Protection Agency's (Ohio EPA) authority over toxic emissions. This proposed rule incorporates the list of air contaminants that meets the requirements of SB 265.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC was required to consult with interested parties affected by the rule before the division formally proposes it. On June 20, 2006, these rules went out for a 30 day review by interested parties. This comment period was extended 30 additional days on July 19, 2006.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on this rule will be conducted on October 23, 2006, at 1:00 p.m., in the Center for Excellence, 6<sup>th</sup> Floor, at Ohio EPA, Lazarus Government Center, 122 South Front Street, Columbus, Ohio.

All interested persons are entitled to attend or be represented at the hearing and give written or oral comments on these rule changes. All oral comments presented at the hearing, and all written statements submitted at the hearing or by the close of business on October 23, 2006 will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after October 23, 2006, may be considered as time and circumstances permit, but will not be part of the official record of the hearing.

These rules are available on the Web page for electronic downloading by clicking on "regulations" under the "topics" drop-down box. The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.html>. Questions regarding accessing the web site should be directed to Arunee Niamlarb at 614-728-1342; other questions or comments about these rules should be directed to Jennifer Nichols at Ohio EPA, (614) 644-3696, [jennifer.nichols@epa.state.oh.us](mailto:jennifer.nichols@epa.state.oh.us), or mailed to Jennifer Nichols, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.

**PUBLIC NOTICE**  
**FINAL ACTIONS OF THE DIRECTOR**  
**ISSUANCE OF CERTIFICATES TO REPAIR TECHNICIANS UNDER**  
**THE MOTOR VEHICLE EMISSION INSPECTION AND MAINTENANCE PROGRAM**

Notice is hereby given that the Director of the Ohio Environmental Protection Agency, pursuant to Ohio Revised Code Chapter 3704.14 and Ohio Administrative Code rule 3745-26-16, has issued certificates to perform work as a Certified Repair Technician under the Motor Vehicle Emission Inspection and Maintenance Program, consistent with the requirements of that program, to the repair technicians listed below. All certificates are issued 9/11/2006.

For information regarding these final actions, contact Glenn Luksik, Ohio EPA, Division of Air Pollution Control, Mobile Sources Section, P.O. Box 1049, Columbus, Ohio 43216-1049, or by telephone at (614) 644-3059. These final actions of the Director were not preceded by proposed actions, and are appealable to the Environmental Review Appeals Commission within thirty (30) days after issuance of the Director's action, pursuant to section 3745.07 of the Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Commission. Appeals must be sent to the following address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

FIRST	LAST	CITY	STATE
ADIB	ZAHIR	CANAL FULTON	OH
PATRICK	COSTANZO	NORTH ROYALTON	OH

**PUBLIC NOTICE  
FINAL ACTIONS OF THE DIRECTOR  
ISSUANCE OF CERTIFICATES TO REPAIR FACILITIES UNDER  
THE MOTOR VEHICLE EMISSION INSPECTION AND MAINTENANCE PROGRAM**

Notice is hereby given that the Director of the Ohio Environmental Protection Agency, pursuant to Ohio Revised Code Chapter 3704.14 and Ohio Administrative Code rule 3745-26-15, has issued certificates to perform work as a Certified Repair Facility under the Motor Vehicle Emission Inspection and Maintenance Program, consistent with the requirements of that program, to the facilities listed below. All certificates are issued 9/11/2006.

For information regarding these final actions, contact Glenn Luksik, Ohio EPA, Division of Air Pollution Control, Mobile Sources Section, P.O. Box 1049, Columbus, Ohio 43216-1049, or by telephone at (614) 644-3059. These final actions of the Director were not preceded by proposed actions, and are appealable to the Environmental Review Appeals Commission within thirty (30) days after issuance of the Director's action, pursuant to section 3745.07 of the Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Commission. Appeals must be sent to the following address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

COUNTY	SHOP NAME	CITY	STATE
Cuyahoga	MONRO MUFFLER #835	BAY VILLAGE	OHIO
Cuyahoga	MR. TIRE #867	PARMA	OHIO

**PUBLIC NOTICE  
OHIO ENVIRONMENTAL PROTECTION AGENCY  
URBAN SETTING DESIGNATION FOR  
F.E. MYERS, CITY OF ASHLAND**

Public notice is hereby given that the Ohio Environmental Protection Agency (EPA) has received, on December 15, 2005, a request to approve an Urban Setting Designation for approximately 5.6 acres of land located at 825 Orange Street, Ashland, Ohio. This request was submitted by Steven M. Gross, of Hull & Associates, Inc., on behalf of F.E. Myers.

Pursuant to Ohio Administrative Code 3745-300-10(D), Ohio's Voluntary Action Program (VAP) allows for the voluntary clean up of contaminated property in Ohio without the risk of state civil liability. Under VAP, ground water cleanup is required where contaminated ground water poses risks to the community or environment.

A USD may be requested for properties participating in the VAP when there is no current or anticipated future use of ground water by local residents for drinking, showering, bathing or cooking. In these areas, an approved USD would lower the cost of cleanup and promote economic redevelopment while still protecting public health and safety.

The Ohio EPA director may approve the request for a USD based on a demonstration by the certified professional that the USD requirements are met and an evaluation of existing or future uses of ground water in the area have been assessed.

Comments regarding this request for USD must be received by the close of business on October 13, 2006. Please direct your comments by mail to Ghassan Tafla, Ohio EPA, Division of Emergency and Remedial Response, Northwest District Office, 347 North Dunbridge Road, Bowling Green, OH 43402 or by email at [Ghassan.tafla@epa.state.oh.us](mailto:Ghassan.tafla@epa.state.oh.us). The USD application can be viewed by contacting Ghassan Tafla at (419) 352- 8461.

**PUBLIC NOTICE**  
**OHIO ENVIRONMENTAL PROTECTION AGENCY**  
**SUSPENSION OF PORTION OF LABORATORY CERTIFICATION UNDER OHIO'S**  
**VOLUNTARY ACTION PROGRAM**

Notice is hereby given that on September 12, 2006, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code ("ORC") Chapter 3746 and Ohio Administrative Code ("OAC") 3745-300-04, issued Final Findings and Orders to Southern Petroleum Laboratories, Inc., ("SPL") of 8880 Interchange Drive, Houston, Texas, to suspend its certification under Ohio's Voluntary Action Program to perform analyses for Semi-Volatile Organic Compounds by method 8270C. This suspension is limited to the certified laboratory's performance of work under the Voluntary Action Program.

SPL has been issued a revised laboratory certificate that reflects the analytes, parameter groups and methods for which they remain certified. SPL may perform analyses under the Voluntary Action Program only for those parameter groups, analytes and methods identified in its revised certificate.

The issuance of the suspension and revised 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 Debi Tavizon, Records Manager, 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**  
**Royal Tallow Holdings, Ltd., Harrison Park Development, Ltd. and**  
**the City of Columbus**  
**Harrison Park / Former A.C. Humko Property**

Notice is hereby given that on September 13, 2006, 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 Royal Tallow Holdings, Ltd., Harrison Park Development, Ltd. and the City of Columbus for the property identified as the Harrison Park / Former A.C. Humko Property (the "Property").

Royal Tallow Holdings, Ltd., Harrison Park Development, Ltd. and the City of Columbus conducted a voluntary action of the approximately 11.185-acre Property located at 525 West First Avenue, Columbus, Franklin County, Ohio. A no further action letter was submitted on March 9, 2006 and addenda to the no further action letter were submitted on March 30, 2006, June 6, 2006 and July 13, 2006 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of Royal Tallow Holdings, Ltd., Harrison Park Development, Ltd. and the City of Columbus by Atul Pandey, P.E., a Certified Professional, (No. CP 224), as defined in ORC 3746.01(E) and OAC 3745-300-01(A)(8).

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC 3745.04. 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 of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, which the Commission, in its discretion, may reduce if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission  
309 South Fourth Street, Room 222  
Columbus, OH 43215

If you would like to review a copy of the Covenant Not To Sue/Final Findings and Orders, please contact Debi Tavizon, Records Management, 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**  
**Port of Greater Cincinnati Development Authority, Red Bank Road LLC, Corporate**  
**Property Associates 9, L.P., and**  
**W.P. Carey & Co. LLC/ 4000 Red Bank Road Property**

Notice is hereby given that on September 13, 2006, 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 Port of Greater Cincinnati Development Authority, Red Bank Road LLC, Corporate Property Associates 9, L.P., and W. P. Carey & Co. LLC for the property identified as the 4000 Red Bank Road Property (the "Property").

The Port of Greater Cincinnati Development Authority and current property owners Red Bank Road LLC, Corporate Property Associates 9, L.P., and W. P. Carey & Co. conducted a voluntary action on the 35.529-acre property located at 4000 Red Bank Road, Hamilton County, Ohio. A no further action letter was submitted on May 4, 2006 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of the Port of Greater Cincinnati Development Authority and Red Bank Road LLC, Corporate Property Associates 9, L.P., and W. P. Carey & Co. by Craig Kasper, a Certified Professional (CP103), 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 Debi Tavizon, Records Management, 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 CERTIFICATION UNDER OHIO'S  
VOLUNTARY ACTION PROGRAM**

Notice is hereby given that on September 14, 2006 the Director of the Ohio Environmental Protection Agency, pursuant to Ohio Revised Code ("ORC") 3746.04(B)(5) and Ohio Administrative Code ("OAC") 3745-300-05, issued a renewal of certification to the following: **Dennis Smalley, CP197.**

The issuance of the renewal 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 South Fourth Street, Room 222, Columbus, OH 43215.

If you would like to review a copy of any renewal certificate, or any documents related to the certification, please contact Debi Tavizon, Records Management, 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**  
**OHIO ENVIRONMENTAL PROTECTION AGENCY**  
**SUSPENSION OF PORTION OF LABORATORY CERTIFICATION UNDER OHIO'S**  
**VOLUNTARY ACTION PROGRAM**

Notice is hereby given that on September 14, 2006 the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code ("ORC") Chapter 3746 and Ohio Administrative Code ("OAC") 3745-300-04, issued Final Findings and Orders to Zande Environmental Services ("Zande") of 1233 Dublin Road, Columbus, Ohio, to suspend its certification under Ohio's Voluntary Action Program to perform analyses for Antimony by methods 6010B and 7041. This suspension is limited to the certified laboratory's performance of work under the Voluntary Action Program.

Zande has been issued a revised laboratory certificate that reflects the analytes, parameter groups and methods for which they remain certified. Zande may perform analyses under the Voluntary Action Program only for those parameter groups, analytes and methods identified in its revised certificate.

The issuance of the suspension and revised 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 Debi Tavizon, Records Manager, 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 EPA APPROVES CLOSURE PERIOD EXTENSION REQUEST  
ATHENS CITY SERVICE GARAGE**

On August 23, 2006, Ohio EPA approved a closure period extension request from the City of Athens' for its Drain Well and Paint Shop areas within the City Service Garage located at 387 West State Street, Athens, Ohio. The EPA I.D. number for this facility is OHD987002052.

The facility's August 7, 2006 extension request, pursuant to Ohio Administrative Code rule 3745-66-13(B), is for additional time to develop and implement a sampling & analysis plan, complete additional groundwater monitoring and amend the closure plan. This closure period now expires on December 30, 2009. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

**Date of Public Notice: September 22, 2006**

**PUBLIC NOTICE  
NOTICE OF RECEIPT OF APPLICATION AND PUBLIC HEARING  
ANTIDEGRADATION**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA)-Division of Surface Water (DSW) has received an application for the initial issuance) of a National Pollutant Discharge Elimination System (NPDES) permit for the discharge from the existing Roberts Development Commerce Park wastewater treatment and disposal system. The NPDES permit application was submitted by Environmental Engineering Service.

The disposal system submitted for approval is proposed to treat 50,000 gallons per day of sanitary wastewaters associated with sewage treatment. The system is located on Mount Pleasant Road in Liberty Township, Clinton County, Ohio. Treated wastewaters are proposed to be discharged at the same location to an unnamed tributary of Anderson Fork.

The discharges from this facility, if approved, would result in degradation to, or lowering of, the water quality of the unnamed tributary of Anderson Fork. However, the chemical-specific water quality criteria developed to protect aquatic life and human health, set forth in OAC 3745-1, will not be exceeded. In accordance with OAC 3745-1-05, an antidegradation review of the application will be conducted before deciding whether to allow a lowering of the water quality.

The contents of the above stated application indicate an exclusion from various portions of the antidegradation review and information submittal requirements applies as outlined by section 3745-1-05 (D)(1) of the antidegradation rule (effective as of October 1, 1996). The exclusion relates to a disposal system built and operated as a land application and controlled system.

Copies of the pending NPDES application are available for review at Ohio EPA's Southwest District Office, 401 East Fifth Street, Dayton, Ohio, (937) 285-6357.

An Ohio EPA public hearing on the proposed project has been scheduled for 7:00 p.m. on November 14, 2006, at the Wilmington Municipal Building, Community Room, 69 North South Street, Wilmington, Ohio 45177. The public hearing will end when everyone in attendance has had an opportunity to provide testimony related to the project.

All interested persons are entitled to attend or be represented and give written or oral comments on the project. The purpose of the hearing is to obtain additional information that will be considered by the Director of the Ohio EPA prior to any further action on the application.

Persons wishing to 1) be on Ohio EPA's interested parties mailing list for this project or 2) submit comments for Ohio EPA's consideration in reviewing the application must do so in writing to Ohio EPA's Division of Surface Water, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio, 43216 by close of business on November 21, 2006. Comments received after this date may not be considered as part of the official record.

**PUBLIC NOTICE**

**OHIO EPA ISSUES FINAL FINDINGS AND ORDERS TO  
HUKILL CHEMICAL CORPORATION**

On September 7, 2006, Ohio EPA issued final Findings and Orders to Hukill Chemical Corporation for its facility located at 7013 Krick Road, Bedford, Ohio 44146. This facility is a large quantity generator of hazardous waste. The EPA I.D. number for this facility is OHD001926740.

Hukill Chemical Corporation must achieve compliance with Chapter 3734 of the Ohio Revised Code and all corresponding regulations 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.

**PUBLIC NOTICE**

**OAC Rule 3745-27-10(E)(8)(f)(i) Approval  
Defiance County Landfill**

Notice is hereby given that on September 13, 2006, pursuant to OAC Rule 3745-27-10(E)(8)(f)(i), the director of Ohio EPA authorized the Defiance County Commissioners to establish background ground water data for compliance monitoring using results from sampling performed prior to the initial year of compliance monitoring at the Defiance County Landfill (Facility) for wells MW-11, MW-15A, and MW-32A. The Facility is located at 13207 Canal Road, Defiance, Ohio 43512. This approval is subject to all rules, regulations, and specified conditions. This action of the director of Ohio EPA is final and is appealable to the Environmental Review Appeals Commission 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 the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission, 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 ISSUES FINAL FINDINGS AND ORDERS TO  
CROWN HOLDINGS, INC.**

On September 7, 2006, Ohio EPA issued final Findings and Orders to Crown Holdings, Inc. for its facility located at 940 Mill Park Drive, Lancaster, Ohio 43130. This facility is a large quantity generator of hazardous waste. The EPA I.D. number for this facility is OHR000002071.

Crown Holdings, Inc. must achieve compliance with Chapter 3734 of the Ohio Revised Code and all corresponding regulations 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.

**PUBLIC NOTICE**

**OHIO EPA ISSUES FINAL FINDINGS AND ORDERS TO  
HEARTLAND PETROLEUM, LLC**

On August 31, 2006, Ohio EPA issued final Findings and Orders to Heartland Petroleum, LLC for its facility located at 4376 State Route 601, Norwalk, Ohio 44857. This facility established a hazardous waste storage unit without a permit and fail to comply with hazardous waste tank system requirements. The EPA I.D. number for this facility is OHD986984383.

Heartland Petroleum, LLC Company must achieve compliance with Chapter 3734 of the Ohio Revised Code and all corresponding regulations 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.

**PUBLIC NOTICE**

**DIRECTOR'S UNILATERAL FINAL FINDINGS AND ORDERS**

Notice is hereby given that on August 28, 2006, the director of Ohio EPA issued Final Findings and Orders to Mr. Bruce Clark ("Respondent"), whose last known residence is 65 South Chestnut Street, Jackson, Ohio 45640. The Respondent is the owner of a parcel of land that comprises approximately 4 acres that was identified in the records of the Jackson County Recorder's Office as parcel number G11-001-00-005-00. The parcel is located on Caves Road, Jackson, Jackson County, Ohio (the "Property"). These Findings and Orders are issued to resolve violations of the State's solid waste and scrap tire laws and regulations at the Property. The text of the Findings and Orders is set forth below. These Findings and Orders require Respondent to achieve compliance with ORC Chapter 3734 and the rules promulgated thereunder according to the following compliance schedule: 1. On the effective date of the Orders, implement mosquito control measures at the Property and provide copies of mosquito control records to Ohio EPA within ten (10) days after each application of the registered pesticide, larvicide, or adulticide. 2. Not later than thirty (30) days after the effective date of the Orders, establish scrap tire storage piles and fire lanes at the Property. 3. Not later than one hundred twenty (120) days after the effective date of the Orders, remove or cause the removal of all scrap tires from the Property and arrange for their transportation, by a registered scrap tire transporter, to a scrap tire storage, monofill, monocell, or recovery facility or to any other solid waste disposal facility in another state that is operating in accordance with the laws of that state and that is authorized to accept scrap tires for disposal. 4. Obtain receipts from the registered transporter and the authorized scrap tire facility or solid waste disposal facility indicating weight, volume or number of scrap tires transported and forward such documentation to Ohio EPA with seven (7) days after completion of No. 3 above. 5. Continue to comply with Nos. 1 and 2 above until such time as all scrap tires have been removed from the Property. These Final Findings and Orders are subject to all rules, regulations, and specified conditions. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission 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 the Commission within thirty (30) days after notice of the Directors action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed at the following address: 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.

**Date of Public Notice: September 1, 2006**

**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 an 85 foot and a 95 foot long rubble mound breakwater, 99 linear feet of new armor stone revetment along the shoreline of the properties, relocate existing concrete modules to the center of the new breakwaters and 200 cubic yards of sand prefill inside the breakwaters. The project is located at 7531 and 75a37 Lakeshore Boulevard, Madison, Lake County, Ohio. Applications were submitted by:

David T. & Dori F. Maher  
7531 Lakeshore Boulevard  
Madison, Ohio 44057  
ACOE Public Notice Number (B)2005-0058(0)  
Ohio EPA ID Number 062539

Steve L. & Laurie A. Girton  
7537 Lakeshore Boulevard  
Madison, Ohio 44057  
ACOE Public Notice Number (B)2005-0057(0)  
Ohio EPA ID Number 062532

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would construct an 85 foot and a 95 foot long rubble mound breakwater with a 2:1 slope, 99 linear feet of new armor stone revetment, relocation of existing concrete modules and 200 cubic yards of sand prefill. Total of 1,150 cubic yards of fill below OHW. The applicant's proposed minimal degradation alternative, if approved, construct an 85 foot and a 95 foot long rubble mound breakwater with a 1.5:1 slope, 99 linear feet of armor stone revetment, relocation of existing concrete modules and 200 cubic yards of sand prefill. Total of 960 cubic yards of fill below OHW. 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 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 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 September 1, 2006, 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 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 6:00 p.m. on October 19, 2006 at the Madison Public Library, 6111 Middle Ridge Road, Madison, Ohio 44057. 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 October 26, 2006. 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 October 26, 2006.

**PUBLIC NOTICE**

**OHIO EPA ISSUES FINAL PERMIT MODIFICATION  
ENVIROSAFE SERVICES OF OHIO, INC.**

On September 12, 2006, Ohio EPA issued to Envirosafe Services of Ohio, Inc. (Envirosafe) a final permit 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.

**Why is Envirosafe Services of Ohio, Inc. modifying its Permit?**

Envirosafe Services of Ohio, Inc. (Envirosafe) is permitted to operate a hazardous waste landfill and other related hazardous waste management units at its facility. Ohio EPA is requiring Envirosafe to incorporate permit specific corrective measures that collectively represent a containment strategy for old waste managements units in the northern portion of the facility.

**Can I appeal this final modified Permit?**

Yes, if you are an officer of an agency of the state or of a political subdivision, acting in a representative capacity, or any person who would be aggrieved or adversely affected by this modified Permit, you have the right to appeal this Permit decision to the Environmental Review Appeals Commission (ERAC).

**If I decide to appeal this final modified Permit, how and when must I make the appeal?**

If you file an appeal, you must put it in writing no later than **October 14, 2006**. Your appeal must explain why you are appealing the action and the grounds you are using for your appeal. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. You must file your appeal, according to Ohio Revised Code § 3745.04 with ERAC at the following address: ***Environmental Review Appeals Commission***, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. You must send a copy of the appeal to the director of Ohio EPA at the following address no later than three (3) days after you file it with ERAC: ***Joseph P. Koncelik, Director of Ohio EPA***, P.O. Box 1049, Columbus, Ohio 43216-1049.

**PUBLIC NOTICE**

**OHIO EPA RECEIVES NEW HAZARDOUS WASTE CLOSURE PLAN  
FROM CALEX CORPORATION**

On August 24, 2006, Ohio EPA received a new hazardous waste closure plan from the Calnex Corporation located at 2415 Wilson Avenue, Campbell, Ohio 44405. The EPA Identification Number for this facility is OHD004167755.

**Why is the Calnex Corporation submitting this New Closure Plan?**

In response to Ohio EPA, the Calnex Corporation (Calnex) submitted this new closure plan. This plan describes Calnex's closure proposals for its die etch line unit which include but not limited to: the purchase of new equipment (dip tanks and storage tank) and move the etching process to indoors; cleaning of the old equipment; visual inspection of the area floor and wall; conduct soil boring in order to evaluate the subsurface soils; conduct groundwater monitoring if necessary; and conduct remediation of any contaminated soils. Calnex will also decontaminate stainless steel sampling tubes. Also, included is the closure schedule, cost estimates, and certification process.

**When and how do I submit written comments about this New Closure Plan?**

You can submit written comments anytime between September 15 and October 16, 2006. 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](mailto:dhwmcomments@epa.state.oh.us).

**Where can I review the Closure Plan?**

You can review the closure plan at the following locations:

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

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

**PUBLIC NOTICE**

**OHIO EPA ISSUES FINAL MODIFIED HAZARDOUS WASTE PERMIT**

On September 1, 2006, Ohio EPA issued a final class 2 modified Hazardous Waste Facility Installation and Operation Permit (Permit) to U.S. DOE Portsmouth Gaseous Diffusion Plant (U.S. DOE Ports) for its facility at 3930 U.S. Route 23 South, Piketon, Ohio 45661. The EPA Identification Number for this facility is OH7890008983.

**Why is U.S. DOE Ports modifying its Permit?**

U.S. DOE Ports was used to enrich uranium until 2001. The hazardous waste permit authorizes the facility to store hazardous waste in containers. U.S. DOE Ports requests to modify the current storage area resulting in up to 25% increase in the facility's container storage capacity for the X-326 storage unit. This final modified permit will allow U.S. DOE Ports to make the requested changes. To issue this final modified Permit, Ohio EPA determined that the modification application is complete and meets appropriate standards.

**Can I appeal this final modified Permit?**

Yes, if you are an officer of an agency of the state or of a political subdivision, acting in a representative capacity, or any person who would be aggrieved or adversely affected by this modified Permit, you have the right to appeal this Permit decision to the Environmental Review Appeals Commission (ERAC).

**If I decide to appeal this final modified Permit, how and when must I make the appeal?**

If you file an appeal, you must put it in writing no later than October 6, 2006. Your appeal must explain why you are appealing the action and the grounds you are using for your appeal. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. You must file your appeal, according to Ohio Revised Code § 3745.04 with ERAC at the following address: ***Environmental Review Appeals Commission***, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. You must send a copy of the appeal to the director of Ohio EPA at the following address no later than three (3) days after you file it with ERAC: ***Joseph P. Koncelik, Director of Ohio EPA***, P.O. Box 1049, Columbus, Ohio 43216-1049.