

**PUBLIC NOTICE**  
**COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS**  
**PolyOne Corporation/Dayton Plastics**

Notice is hereby given that on February 12, 2008, 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 PolyOne Corporation for the property identified as the Dayton Plastics property (the "Property").

PolyOne Corporation conducted a voluntary action of the 3.415-acre property, located at 2554 Needmore Road, Dayton, Montgomery County, Ohio. A no further action letter was submitted on June 30, 2006, to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of PolyOne Corporation by Julie Schucker, a Certified Professional (CP258), 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 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 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 the Records Management Officer, Ohio EPA, Division of Emergency and Remedial Response, Voluntary Action Program, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

**PUBLIC NOTICE  
OHIO ENVIRONMENTAL PROTECTION AGENCY  
LABORATORY NAME CHANGE  
UNDER THE VOLUNTARY ACTION PROGRAM**

Notice is hereby given that on February 14, 2008 , 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 revised laboratory certification to TestAmerica Laboratories, Inc., of 2960 Foster Creighton Drive, Nashville, Tennessee, formerly, TestAmerica Analytical Testing Corp. of said address. The certification number remains CL0033.

You are hereby notified that this action of the Director is final and may be appealed 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 the 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 at the following address:

Environmental Review Appeals Commission  
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 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 LABORATORY CERTIFICATION UNDER OHIO'S VOLUNTARY  
ACTION PROGRAM**

Notice is hereby given that on February 14, 2008 , 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 renewal of laboratory certification to Belmont Labs of 25 Holiday Drive, Englewood, Ohio. The certification number assigned to Belmont Labs remains CL0032.

You are hereby notified that this action of the Director is final and may be appealed 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 the 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 at the following address:

Environmental Review Appeals Commission  
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 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**  
**MODIFICATION OF LABORATORY CERTIFICATION UNDER OHIO'S**  
**VOLUNTARY ACTION PROGRAM**

Notice is hereby given that on February 14, 2008 , 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 DataChem Laboratories, Inc. ("DataChem") of 4388 Glendale-Milford Road, Cincinnati, Ohio, granting the laboratory's request to modify its certification under Ohio's Voluntary Action Program to remove Total Petroleum Hydrocarbons by method 418.1, Volatile Organic Compounds by method 8020A, and n-Hexane by method 8260A-modified and 8260B-modified. This certificate reflects changes to the previous certificate issued under the Voluntary Action Program. The certification number assigned to DataChem remains CL0022.

You are hereby notified that this action of the Director is final and may be appealed 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 the 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 at the following address:

Environmental Review Appeals Commission  
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 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 ISSUES EMERGENCY PERMIT TO  
LIMA REFINING COMPANY**

On February 1, 2008, Ohio EPA issued an emergency permit to the Lima Refining Company to divert and temporarily store storm waters and process waters from open sewers (into C-Pond and D-Pond) located at their facility on 1150 S. Metcalf Street, in Lima, Ohio. The Ohio EPA emergency permit I.D. number assigned to this action is 03-02-1022E.

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 MODIFIED HAZARDOUS WASTE PERMIT**

On February 15, 2008, Ohio EPA issued a final class 2 modified Hazardous Waste Facility Installation and Operation Permit (Permit) to Von Roll America, Inc. for its facility at 1250 St. George Street, East Liverpool, Ohio 43920-3400. The EPA Identification Number for this facility is OHD980613541.

**Why is Von Roll America, Inc. modifying its Permit?**

Von Roll America, Inc. is permitted to operate a hazardous waste incinerator and other related hazardous waste management units at its facility. Von Roll America, Inc. requests to increase the annual feed rate of mercury up to 25% of the permitted feed rate limit; from 355 lbs/year up to 443 lbs/year. This final modified permit will allow Von Roll America, Inc. 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 **March 19, 2008**. 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: ***Chris Korleski, Director of Ohio EPA***, P.O. Box 1049, Columbus, Ohio 43216-1049.

**PUBLIC NOTICE**

**OHIO EPA APPROVES AMENDED POST-CLOSURE PLAN FOR  
RICKENBACKER AIR NATIONAL GUARD BASE**

On February 1, 2008, Ohio EPA approved an amended post-closure plan for the Rickenbacker Air National Guard Base, IRP Site 1 for its facility located in Columbus, Ohio. The EPA I.D. number for this facility is OH3571924544.

Pursuant to Ohio Administrative Code rules 3745-66-11, 12 and/or 18, the facility's amended post-closure plan submitted on July 5, 2006 and revised on March 15, 2007, and May 22, 2007, was approved with modifications as outlined in the Director's February 1, 2008 correspondence. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

## Franklin and Pickaway Counties

**Date of Public Notice: February 11, 2008**

### **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 water quality certification for the Lockbourne Intermodal Subtrunk project. The application was submitted by the City of Columbus Division of Sewerage and Drainage, 1250 Fairwood Avenue, Columbus, Ohio 43206. The project begins off of Rowe Road in Franklin County, crosses under the Big Walnut Creek for about 180 feet and crosses Buhlen Ditch just west of the Norfolk Southern Railroad along Ashville Pike in Pickaway County, Ohio. The Ohio EPA ID Number for this project is 073266.

As required by the Antidegradation Rule, rule 3745-1-05 of the Ohio Administrative Code (OAC), three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would temporarily impact Big Walnut Creek due to the construction of a cast in place concrete slab below the bottom of Big Walnut Creek. This concrete slab would be constructed during low flow conditions using a portable, rubber diversion weir across Big Walnut Creek. The slab would be covered with 2 feet of native stream bed material and would prevent the 12' diameter sewer tunnel from floating during or after construction. This tunnel would be installed under the creek using tunneling methods and is approximately 6 feet below the stream bottom.

The applicant's proposed minimal degradation alternative, if approved, would also temporarily impact Big Walnut Creek. This alternative involves using jet grouting techniques to provide grout columns under the stream bottom which would also be used to prevent the tunnel from floating. The applicant's non-degradation alternative, if approved, avoids stream impacts by tunneling under Big Walnut Creek without the use of a cast in place concrete slab.

Discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Big Walnut Creek. Ohio EPA will review the application, and decide whether to grant or deny the application, in accordance with OAC Chapters 3745-1 and 3745-32. In accordance with OAC rule 3745-1-05, an antidegradation review of the application will be conducted before deciding whether to allow a lowering of water quality.

All three proposed alternatives will be considered during the review process. No exclusions or waivers, as outlined by OAC rule 3745-1-05, apply or may be granted.

Starting February 11, 2008, copies of the application and technical support information may be inspected at Ohio EPA-DSW, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio, by first calling (614) 644-2001. Copies of the application and technical support information can be made available upon request 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 on March 27, 2008 at 6:30 p.m. at the Hamilton Township Community Center, 6400 Lockbourne Road, Lockbourne, Ohio 43137. 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 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 April 3, 2008. Comments received after this date may not be considered as part of the official record of the hearing. Anyone may submit written comments or requests 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.

**Date of Public Notice: February 7, 2008**

**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 remove an existing 27 foot wide steel beam bridge and replace it with a 40 foot wide precast box culvert with gabion basket wing walls. The application was submitted by Geauga County Engineers, 470 Center Street, Building 5, Chardon, Ohio 44024. The project is located on Auburn Road at Bridge Creek, north of Franks Road and south of Bell Road in Auburn Township, Geauga County, Ohio. The Buffalo District of the U.S. Army Corps of Engineers' Public Notice Number for this application is 2007-154. The Ohio EPA ID Number for this project is 073265.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would impact 0.04 acres of Category 3 wetland and 80 linear feet of stream. The applicant's proposed revised minimal degradation alternative, if approved, would impact 0.01 acres of Category 3 wetland and 65 feet of stream. 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 Bridge Creek. 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 February 7, 2008, 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 Northeast 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 on March 26, 2008 at 6:00 p.m. at the Geauga County Library-Bainbridge Branch, 17222 Snyder Road, Chagrin Falls, Ohio 44023. 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 and all persons who do so may, at the discretion of the presiding officer, be questioned by others present. 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 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 April 2, 2008. Comments received after this date may not be considered as part of the official record of the hearing.

**PUBLIC NOTICE**

**OHIO EPA ISSUES FINAL FINDINGS AND ORDERS TO  
THE TAYLOR-WINFIELD CORPORATION**

On January 30, 2008, Ohio EPA issued final Findings and Orders to The Taylor-Winfield Corporation for its facility located at 3200 Innovation Place, Youngstown, Ohio 44509. This facility is a small-quantity generator of hazardous waste and shipped such waste to an unpermitted treatment facility. The EPA I.D. number for this facility is OHR000018945.

The Taylor-Winfield Corporation 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.

**PUBLIC NOTICE**

**OHIO EPA ISSUES FINAL FINDINGS AND ORDERS TO  
THE R.G. SMITH COMPANY, INC.**

On February 1, 2008, Ohio EPA issued final Findings and Orders to The R.G. Smith Company, Inc. for its facility located at 1249 Dueber Avenue S.W., Canton, Ohio 44706. This facility is a large quantity generator of hazardous waste and shipped such waste to an unpermitted treatment facility. The EPA I.D. number for this facility is OHR000042242.

The R.G. Smith Company, 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.