

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

Notice is hereby given that the Director of Environmental Protection, under the authority of Ohio Revised Code (ORC) Section 3704.03 has adopted amended Ohio Administrative Code (OAC) rules 3745-15-01, 3745-15-02, 3745-15-04, 3745-15-05, 3745-15-08, and 3745-15-09. These rules establish the general provisions for air pollution sources located in the State of Ohio. These amendments are being made as a result of a 5 year review as required in ORC 119.032.

This action does not include the "Malfunction Rule" (3745-15-06) which was originally a part of this package. After reviewing interested party comments, it was determined that OAC rule 3745-15-06 was still necessary, however, the proposed changes were removed and the rule was proposed to the Joint Committee on Agency Rule Review (JCARR) without amendments as a "no-change" rule in accordance with the requirements of ORC 119.032. Ohio EPA may still consider changes to this rule, however it will be at a future date in a separate rulemaking.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC is required to consult with interested parties affected by the rules before the division formally adopts them. On June 26, 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 was conducted on January 8, 2007 in Columbus, Ohio. Several comments were received during both the draft and proposed rule phases. These comments resulted in minor changes to the drafted language for the rules being proposed today. The Director's order of adoption was issued on January 12, 2009. The effective date of these rules is January 22, 2009.

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 Jennifer Hunter, Ohio EPA, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, Ohio 43216-1049 or call Jennifer Hunter at 614-644-3696. The rules are available on Ohio EPA DAPC's Web page for electronic downloading. The URL is: <http://www.epa.state.oh.us/dapc/regs/regs.html>.

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission ("ERAC") 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 ERAC within thirty (30) days after notice of the Director's action, at 309 South Fourth Street, Suite 222, Columbus, Ohio 43215. Copies of the appeal must be served upon the Director of the Ohio EPA within three (3) days of filing with ERAC. 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 also requests that a copy of the appeal be served upon the Environmental Enforcement Section of the Ohio Attorney General's Office.

PUBLIC NOTICE

**OHIO EPA ISSUES EMERGENCY PERMIT TO
LIMA REFINING COMPANY**

On December 24, 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 D-Pond and C-Pond) located at their facility on 1150 S. Metcalf Street, in Lima, Ohio. This storage is required due to damages that occurred to G-Tank in December 2007. G-Tank is currently out of service and will be replaced or repaired at which time the storm waters and process waters will no longer be stored in D-Pond and G-Pond. The emergency permit I.D. number assigned to this action is 03-02-1026E. The expiration for this permit is March 19, 2009.

This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

PUBLIC NOTICE

**OHIO EPA ISSUES DECLARATION AND FINAL DECISION DOCUMENT FOR
ELJER PLUMBINGWARE, INC.**

On January 9, 2009, Ohio EPA issued a Declaration and final Decision Document to the Eljer Plumbingware, Inc., located at 921 South Ellsworth Avenue, Salem, Ohio 44460. The EPA Identification Number for this facility is OHD018297523.

Why does Eljer Plumbingware, Inc. need a final Decision Document?

The Decision Document identifies Ohio EPA's selected remedy for the site, and explains the reasons for the selection of the remedy.

Eljer Plumbingware, Inc., will assume clean-up responsibilities at the Salem, Ohio site and agreed to incorporate an environmental covenant into the Columbiana County Port Authority land deed which restricts use of the property to industrial purposes only.

Can I appeal this final Decision Document?

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 the Decision Document, you have the right to appeal this Permit decision to the Environmental Review Appeals Commission (ERAC).

If I decide to appeal this final Decision Document, how and when must I make the appeal?

If you file an appeal, you must put it in writing no later than February 12, 2009. 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.

Date of Public Notice: January 16, 2009

**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 the construction of a steel-framed access tower with a cast-in-place concrete foundation pad and steel crib pier. The application was submitted by Mr. Richard A. West, 15404 Edgewater Drive, Lakewood, Ohio 44107. The project is located along the Lake Erie shoreline at the above address. The Buffalo District Corps of Engineers Public Notice Number for this project is 2008-01286. The Ohio EPA ID Number for this project is 083463.

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 result in a total of 30 cubic yards of cast-in-place concrete foundation pad and 90 cubic yards of steel crib pier framing members and stone-rubble fill to be placed below the plane of ordinary high water (OHW = 573.4 feet IGLD 1985) and above existing grade. The proposed Preferred Alternative will occupy a total of 870 square feet of lands presently lying below the plane of ordinary high water (OHW).

The applicant's proposed Minimal Degradation Alternative, if approved, would result in a total of 30 cubic yards of cast-in-place concrete foundation pad and 36 cubic yards of steel crib pier framing members and stone-rubble fill to be placed below the plane of ordinary high water (OHW = 573.4 feet IGLD 1985) and above existing grade. The proposed Minimal Degradation Alternative will occupy a total of 620 square feet of lands presently lying below the plane of ordinary high water (OHW).

The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on waters of the State.

Discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Lake Erie. Ohio EPA will review the application will be conducted, and decide whether to grant or deny the application in accordance with Chapters 3745-1 and 3745-32. In accordance with OAC 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 January 16, 2009, copies of the application for the certification and technical support information may be inspected at Ohio EPA-DSW, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio 43216-1049 by first calling (614) 644-2001. Applications can be made available upon request 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 on March 12, 2009 at 6:30 p.m. at the Avon Public Library, 32649 Electric Avenue, Avon Lake, Ohio 44012. 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.

Ohio EPA will continue to accept written comments on the application through the close of business on March 19, 2009. 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.

PUBLIC NOTICE

OHIO EPA ISSUES TWO FINAL HAZARDOUS WASTE PERMIT MODIFICATIONS

On December 31, 2008, Ohio EPA issued three (3) final class 2 modifications to the Hazardous Waste Facility Installation and Operation Permit (Permit) for Hukill Chemical Corporation (Hukill) for its facility at 7013 Krick Road, Bedford, Ohio. The EPA Identification Number for this facility is OHD001926740.

Why is Hukill modifying its Permit?

Hukill is permitted to store hazardous waste in containers and tanks. Hukill wishes to: 1) increase the facility's container storage capacity from 55,000 gallons to 68,695 gallons; 2) add a tank (T-13, 13,000 gallons) for storage of hazardous waste that increases the tank storage capacity from 164,850 gallons to 179,850 gallons; and, 3) increase treatment capacity by the addition of treatment to three tanks permitted to store hazardous waste. These final permit modifications will allow Hukill to make the requested changes. To issue these final modifications, Ohio EPA determined that the modification application is complete and meets appropriate standards.

Can I appeal the 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 these Permit modifications, you have the right to appeal the Permit decisions to the Environmental Review Appeals Commission (ERAC).

If I decide to appeal the 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 **February 2, 2009**. 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
NOTICE OF RECEIPT OF 401 APPLICATIONS AND PUBLIC HEARING**

**SANDUSKY HARBOR
(OPERATIONS AND MAINTENANCE DREDGING)**

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 U.S. Army Corps of Engineers (USACE) dredging project located in Sandusky Harbor. The application was submitted by the USACE, Buffalo District. The project is located within the limits of the Federal navigation channels including the Turning Basin, North and South Straight, Bay, Dock and Moseley Channels, and at designated open-lake areas in Lake Erie in the vicinity of Sandusky Bay. The USACE, Buffalo District Public Notice number for this project is 09-05. The Ohio EPA ID Number for this project is SWIMS 083467.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would be to dredge an estimated 350,000 cubic yards of material from the harbor with placement of the dredged material at the existing open-lake area in Lake Erie. The applicant's proposed minimal degradation alternative, if approved, would be to dredge an estimated 300,000 cubic yards of material from the harbor, with placement of the dredged material at existing open-lake areas in Lake Erie. Placement of fine-grain silt and clay dredged material at the open-lake area will be restricted to the northwest corner of its eastern half. Material that is predominantly sands may be placed at one of three nearshore placement areas. The project would be scheduled to occur between June 15 and March 15 in an effort to minimize impacts to local environmental resources, primarily fisheries. Dredging shall not occur during Lake Erie storm events. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on waters of the state.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Lake Erie and Sandusky Bay. 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 3745-1-05 of the Antidegradation Rule apply or may be granted by the Director of Ohio EPA.

Starting January 8, 2009, 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 6:30 PM on February 26, 2009 at the Sandusky City Hall, 222 Meigs Street, Sandusky, Ohio 44670. 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. 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 March 6, 2009. 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 party's 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 March 6, 2009.

Date of Public Notice: January 14, 2009

**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 rehabilitate and widen the I-270 twin bridges over the Scioto River (at section 53.53) in the City of Columbus, Jackson Township, Franklin County, Ohio. Bridge inspection indicated that the eastbound and westbound decks of the structure are failing; exhibit seeping cracks, asphalt failure, spalling, potholes, and is failing throughout. Seven wetlands, totaling 0.858 acre, will be permanently filled by pier construction, 1.96 acres of the Scioto River will be temporarily impacted by the workpad/causeway, and 0.06 acre of the Scioto River will be permanently filled by piers. The streams involved with the project are located within the Scioto River watershed (HUC 05060001). The application was submitted by the Ohio Department of Transportation, 1980 Broad Street, Columbus, Ohio 43223. The Huntington District of the U.S. Army Corps of Engineers Number for this project is 2007-00614-SCR. The Ohio EPA ID Number for this project is 083443.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would involve impacts to one stream, totaling 300 linear feet, and seven wetlands, totaling 0.858 acre. The applicant's proposed minimal degradation alternative, if approved, would involve impacts to one stream totaling 260 linear feet, and seven wetlands, totaling 0.858 acre. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on streams or wetlands but would not meet the purpose and need for the project. The applicant is seeking authorization under the minimal degradation alternative.

The discharges from the activity, if approved, would result in degradation to, or lowering of the water quality to streams and wetlands in the the Scioto River watershed (HUC 05060001) drainage basin. 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 January 14, 2009, copies of the application for the certification and technical support information may be inspected at Ohio EPA-DSW, 50 West Town Street, Suite 700, Columbus, Ohio, 43215 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. Comments received after this date may not be considered as part of the official record.

PUBLIC NOTICE

**NOTICE OF PUBLIC INFORMATION SESSION
(PTI #06-08283)**

Notice is hereby given that Ohio EPA will conduct a public information session concerning Permit to Install application (PTI) #06-08283, for Ohio Valley Electric Corporation (OVEC), Kyger Creek Plant Landfill (Facility), 5758 State Route 7, Cheshire, Gallia County, Ohio 45620. The Facility is located about 2 miles west by northwest of Kyger Creek Plant and about 1000 feet south of Little Kyger Road. This application is for a permit to install a new residual solid waste landfill. The public information session has been scheduled for Wednesday, February 18, 2009, 6:30 p.m., at the River Valley High School, Cafeteria, 1428 Little Kyger Road, Cheshire, Ohio 45620. The application may be reviewed in accordance with Ohio EPA's file review procedures by writing to Ms. Angie Hardesty, Ohio EPA Southeast District Office, 2195 Front Street, Logan, Ohio 43138, Tel:(740) 385-8501. Interested parties may contact Ohio EPA Southeast District Office at the same address and phone number.

PUBLIC NOTICE

**OHIO EPA APPROVES AMENDED CLOSURE PLAN
AK STEEL**

On January 8, 2009, Ohio EPA approved an amended closure plan for the AK Steel Asset Management Company, for the former drum storage units located at 530 North Second Street, Cambridge, Ohio. The EPA I.D. number for this facility is OHD058842501.

Pursuant to Ohio Revised Code rule 3745-66-11 &12, the facility's amended closure plan submitted on October 6, 2008, was approved, with modifications, as outlined in the Director's January 8, 2008 correspondence. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

Date of Public Notice: January 22, 2009

**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 the subject transportation project. The purpose of the project is to replace 10 deteriorating culverts along a stretch of U.S. 62 near the town of Killbuck, Ohio. Culverts warrant replacement after inspection by the District Bridge Engineer revealed structural failure, and the most critical locations were scheduled for replacement or rehabilitation. The new culverts are approximately the same diameter as the existing ones and 10 feet longer. Four Category 3 wetlands are proposed for impact, resulting in 0.23 acre of fill (0.12 acre of temporary fill, 0.11 acre permanent fill). The wetlands involved with the project are located within the Walhonding River watershed (HUC: 05040003). The Huntington District of the U.S. Army Corps of Engineers Number for this project is 2008-00913-WAL. The Ohio EPA ID Number for this project is 083446.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would involve impacts to three wetlands for a total of 5.72 acres. The applicant's proposed minimal degradation alternative, if approved, would involve impacts to four wetlands, totalling 0.23 acre. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on streams or wetlands but would not meet the purpose and need for the project. Both the preferred and minimal degradation alternatives would involve impacts to Category 3 wetlands. The applicant is seeking certification for the minimal degradation alternative. Wetland mitigation will be provided in accordance with Ohio EPA's Wetlands Water Quality Standards.

The discharges from the activity, if approved, would result in degradation to, or lowering of the water quality to wetlands and streams in the the Walhonding River watershed (HUC 05040003). 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. As stated above, the applicant is seeking authorization for the minimal degradation alternative which involves fewer wetland impacts.

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 January 22, 2009, copies of the application for the certification and technical support information may be inspected at Ohio EPA/DSW, Permits Processing Unit, 50 West Town Street, Suite 700, 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 on March 19, 2009, at 6:30 PM. The meeting location is the Killbuck Township Community Room, 340 North Main Street, Killbuck, Ohio 44637.

All interested parties 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 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, 50 West Town Street, Suite 700, Columbus, Ohio, 43215, by the close of business on March 26, 2009. Comments received after this date may not be accepted as part of the official record.

PUBLIC NOTICE
NOTICE OF RECEIPT OF 401 APPLICATIONS AND PUBLIC HEARING
FAIRPORT HARBOR
(OPERATIONS AND MAINTENANCE DREDGING)

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 U.S. Army Corps of Engineers (USACE) dredging project located in Fairport Harbor. The application was submitted by the USACE, Buffalo District. The project is located within the limits of the Federal navigation channels of Fairport Harbor, which is located on the southern shore of Lake Erie at the mouth of the Grand River (a major tributary to Lake Erie), and within the Grand River. The USACE, Buffalo District Public Notice number for this project is 09-02. The Ohio EPA ID Number for this project is 083468.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would be to dredge an estimated 650,000 cubic yards of material from the harbor with placement of the dredged material at the existing open-lake and nearshore areas in Lake Erie. The applicant's proposed minimal degradation alternative, if approved, would be to dredge an estimated 250,000 cubic yards of material from the harbor, with placement of the dredged material at existing open-lake and nearshore areas in Lake Erie. Approximately 160,000 cubic yards of fine-grain silt and clay dredged material will be discharged into the open-lake area. An estimated 90,000 cubic yards of suitable coarse grain material dredged from the entrance channel will be placed at nearshore areas. The project would be scheduled to occur between July 1 and 15 September in an effort to minimize impacts to local environmental resources, primarily fisheries. Dredging shall not occur during Lake Erie storm events. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on waters of the state.

The discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Lake Erie and the Grand River. 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 3745-1-05 of the Antidegradation Rule apply or may be granted by the Director of Ohio EPA.

Starting January 15, 2009, 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 PM on Tuesday, March 10, 2009 at the Fairport Harbor Public Library, 335 Vine Street, Fairport Harbor, Ohio 44077. 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. 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 March 17, 2009. 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 party's 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 March 17, 2009.

PUBLIC NOTICE

OHIO EPA ISSUES FINAL RENEWAL HAZARDOUS WASTE PERMIT

On December 31, 2008, Ohio EPA issued a final renewal hazardous waste facility installation and operation permit (Permit) to BASF Catalyst, LLC, fka Engelhard/Harshaw Chemical Company, for its facility at 120 Pine Street, Elyria, Ohio 44035. The EPA Identification Number for this facility is OHD004203519.

Why does BASF Catalyst, LLC need a Permit?

BASF Catalyst, LLC owns and operates an inorganic catalyst and pigment production facility. Currently, no RCRA waste is being treated or disposed at the facility. This final renewal Permit is required so BASF Catalyst, LLC can perform investigation and cleanup of past waste areas at the site. The final renewal Permit contains the conditions under which the facility must operate. To issue this final renewal Permit, Ohio EPA determined that the Permit application is complete and meets appropriate standards and that the applicant has a history of compliance with relevant environmental laws. The renewal Permit will allow BASF Catalyst, LLC to continue to investigate and cleanup any contamination of hazardous waste in the designated areas, or constituents that may be at the facility. Details about this final action can be viewed on Ohio EPA's website at <http://www.web.epa.state.oh.us/dhwm/>.

Can I appeal this 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 Permit, you have the right to appeal this permit decision to the Environmental Review Appeals Commission (ERAC).

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

If you file an appeal, you must put it in writing no later than **February 2, 2009**. 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 CLOSURE PERIOD EXTENSION REQUEST
FROM CITY OF TOLEDO**

On December 24, 2008, Ohio EPA approved a closure period extension request from the City of Toledo for the former XXKem site located at 4015 Stickney Avenue, Toledo, Ohio. The EPA I.D. number for this facility is OHD980586804.

The City of Toledo's December 2, 2008, extension request, pursuant to Ohio Administrative Code rule 3745-66-13(B)(2), is for an additional 210 days due to inclement winter weather conditions. This closure plan period now expires on June 30, 2009. This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.