

**PUBLIC NOTICE**  
**OHIO ENVIRONMENTAL PROTECTION AGENCY**  
**SUSPENSION OF LABORATORY CERTIFICATION**  
**UNDER THE VOLUNTARY ACTION PROGRAM**

Notice is hereby given that on January 23, 2009, 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 TestAmerica Laboratories, Inc., of 2960 Foster Creighton Drive, Nashville, Tennessee suspending it from performing any analyses under Ohio's Voluntary Action Program. TestAmerica (Nashville) may no longer perform any analyses under Ohio's Voluntary Action Program for a minimum of one (1) year and until its certification is reinstated by Ohio EPA.

## Public Hearing Notice

### **Proposed rule language for Ohio Administrative Code (OAC) rules 3745-17-02, 3745-17-03, 3745-17-08, 3745-17-14, 3745-18-02, 3745-18-03, 3745-3745-21-02, 3745-23-01, 3745-23-02, 3745-25-01 to 3745-25-05, and 3745-71-02 to Consolidate the Ambient Air Quality Standards for the State of Ohio**

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) is proposing the following new, amended and rescinded rules to the Joint Committee on Agency Rule Review (JCARR). The rules are related to the consolidation of Ohio's ambient air quality standards and the 5 year review of OAC chapter 3745-25 as required by Ohio Revised Code (ORC) 119.032. Specifically, Ohio EPA is proposing the following:

Amendment of OAC rules: 3745-17-03, 3745-17-14, 3745-18-03

Rescission of rules and replacement with new language, OAC rules: 3745-23-01 and 3745-25-01 to 3745-25-04

Rescission of rules with no replacement:, OAC rules: 3745-17-02, 3745-18-02, 3745-21-02, 3745-23-02, and 3745-71-02

Promulgation as new rule, OAC rule: 3745-25-05

As part of Ohio's state implementation plan (SIP) for attaining and maintaining the national ambient air quality standards (NAAQS), Ohio EPA adopted the federal standards into our state rules. The particulate matter (PM) standard was located in Ohio Administrative Code (OAC) Chapter 3745-17, sulfur dioxide (SO<sub>2</sub>) in 3745-18, carbon monoxide (CO) and ozone (O<sub>3</sub>) in 3745-21, nitrogen dioxide (NO<sub>2</sub>) in 3745-23 and lead (Pb) in 3745-71. The wide scattering of these standards throughout the various chapters often caused confusion among the regulated community, requiring them to perform extensive searches to find individual standards. The intent of this rulemaking effort is to consolidate Ohio's ambient air quality standards (AAQS) into a single rule to provide greater accessibility for the regulated community and the citizens of Ohio.

The consolidated AAQS will be included in new OAC rule 3745-25-02. OAC chapter 3745-25 was chosen as the location for this new rule because it already contains Ohio's emergency episode standards. The emergency episode standards, based on the federal standards in 40 CFR Part 51, Subpart H, set action levels above which air emergencies shall be declared. If an emergency is declared, regulated communities and facilities must implement their emergency control action programs to reduce airborne concentrations of the six priority pollutants back below the emergency levels. The placement of the AAQS rule in this chapter will combine both the regular standards and the emergency standards in one location for easier access.

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 adopts them. On November 21, 2008 these rules went out for a 30 day review by interested parties. No comments were received.

Pursuant to Section 119.03 of the Ohio Revised Code, a public hearing on these rule changes will be conducted on Thursday, March 5, 2009 at 10:30 AM, in conference room B at Ohio EPA, Lazarus Government Center, 50 W. Town Street, Columbus, Ohio. All visitors to Ohio EPA must register at the Security desk in the lobby upon arrival. Please bring photo identification (such as a valid driver's license). For security reasons, visitor's are required to wear their badge at all times while in the building. Please arrive early to complete these procedures.

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). 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 March 5, 2009, will be considered by Ohio EPA prior to final action on this rule. Written statements submitted after March 5, 2009, 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 Paul Braun at Ohio EPA, (614) 644-3734, [paul.braun@epa.state.oh.us](mailto:paul.braun@epa.state.oh.us), or mailed to Paul Braun, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.

**PUBLIC NOTICE**  
**COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS**  
***Norwood Venture I, LLC (Former American Laundry Machinery, Inc. Property)***

Notice is hereby given that on January 26, 2009, 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 Norwood Venture I, LLC for the property identified as the Former American Laundry Machinery property (the "Property").

Norwood Venture I, LLC conducted a voluntary action of the approximately 7.3-acre Property located at 5050 Section Avenue, Cincinnati, Hamilton County, Ohio. A no further action letter was submitted on October 4, 2007 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of Norwood Venture I, LLC by Michael J. Luessen, a Certified Professional (No. CP267), 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 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 served on the Director within three 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. The appeal may be filed with the Commission at 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

If you would like to review a copy of the Covenant Not To Sue/Final Findings and Orders, please contact Debi Tavizon, 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.

**Division of Surface Water  
Credible Data (Volunteer Monitoring) Program  
Project Study Plan Approvals**

Effective 1/26/09

Name (QDC#) Organization	Title	Level / Specialty (ies)
Joe Papineau (#240) EnviroScience, Inc.	Final Study Plan for 2008 Biological Survey of Beaver Creek	Level 3/ Fish, Benthic Macroinvertebrates, Chemical Water Quality Assessment

Effective 1/27/09

Name (QDC#) Organization	Title	Training Level / Specialty
Joe Papineau (#240) EnviroScience, Inc.	QAPP and Work Plan for Dissolved Oxygen Water Quality Modeling	Level 3/ Chemical Water Quality Assessment

**PUBLIC NOTICE**

The following permit is being issued as a Final Action on January 30, 2009. Final actions are actions of the Director which are effective upon issuance or a stated effective date. Pursuant to Ohio Revised Code Section 3745.04, a Final Action may be appealed to the Environmental Review Appeals Commission (ERAC) filing an appeal within 30 days of notice of the final action. 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 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 Appeals Commission at 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

Final Issuance of NPDES General Permit:

General Permit Authorization for Small Municipal Separate Storm Sewer Systems (MS4) to Discharge Storm Water under the National Pollutant Discharge Elimination System

Issue Date: January 30, 2009

Effective Date: January 30, 2009

Ohio NPDES General Permit Number OHQ000002

This Final Action Was Not Preceded by a Proposed Action and Is Appealable to ERAC.

The full text of the permit and other guidance documents can be viewed over the Internet at <http://www.epa.state.oh.us/dsw/storm/index.html> or by calling Jason Fyffe at (614) 728-1793.

**Date of Public Notice: February 3, 2009**

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

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has received an application for, and has begun to consider whether to issue or deny, an Isolated Wetland Permit (Level 2) for a project to conduct surface mining activities on 390 acres to recover the No. 8 coal. If approved, this project will impact 0.62 acres of isolated wetlands. The application was submitted by Ohio American Energy Inc., 153 Highway 7 South, Powhatan Point, Ohio 43942. The project is located in Wells Township, north of Salt Run Road and west of Buckingham Ridge Road. ODNR – Division of Mineral Resources Management permit number for this project is D-2180-1. The Ohio EPA Number for this project is 093479.

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

Starting February 3, 2009, 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. Applications can be made available at Ohio EPA District Offices by calling the same number.

Persons wishing to 1) be on Ohio EPA's interested parties mailing list for this project, 2) request a public hearing, or 3) submit written comments for Ohio EPA's consideration in reviewing the application should do so in writing to Ohio EPA/DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 within 20 days of the date of this public notice.

**Ohio EPA PA No. 657538**

**Ohio Environmental Protection Agency Draft Plan Approval**

**PUBLIC NOTICE**

Draft Plan Approval for wastewater treatment and/or disposal facilities

Ohio Environmental Protection Agency  
Permits Section  
50 West Town Street, Suite 700  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
(614) 644-2001

Public Notice No. 09-02-009  
Date of Issue of Public Notice: February 5, 2009

Name and Address of Applicant: Mr. Ronald Johns, Village Administrator, 501 Commercial Street, Mingo Junction, Ohio 43938, Jefferson County

Name and Address of Facility Where Discharge Occurs: Village of Mingo Junction WWTP, located at Erie Avenue, Mingo Junction, Ohio, 43938 Jefferson County

Public notice is hereby given that Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has issued a draft plan approval for the Combined Sewer Overflow Long-Term Control Plan for the Village of Mingo Junction. The plan is for eliminating all combined sewer overflow locations by separating all combined sewers in the wastewater collection system. The estimated cost of the plan is \$8.81 million. Construction of all projects is to be completed by no later than August 1, 2017. The Long-Term Control Plan, which was received by Ohio EPA on February 26, 2007 in accordance with requirements contained in NPDES permit number OPD00010\*HD and revisions received on June 30, 2008 and November 24, 2008, contains an implementation schedule that will be included in the Village's NPDES permit upon renewal.

Ohio EPA will provide an opportunity for public comment concerning this project. Comments received shall be considered by the Director before the plan is issued as final. Any person may submit written comments on the draft plan and administrative record and may request a public hearing. A request for public hearing shall be in writing

and shall state the nature of the issues to be raised. In appropriate cases, including cases where there is significant public interest, the director may hold a public hearing on a draft plan or plans prior to final issuance of the plan or plans. Written comments and/or public hearing requests must be received by the Ohio EPA, Division of Surface Water no later than 30 days from the date of this public notice. Comments and/or public hearing requests should be delivered or mailed to both of the following locations: 1) Ohio Environmental Protection Agency, Division of Surface Water, Permits Processing Unit, 50 West Town Street, Suite 700, P.O. Box 1049, Columbus, Ohio 43216-1049 and 2) Ohio Environmental Protection Agency, Southeast District Office, 2195 Front Street, Logan, OH 43138. Comments received after this date may not be considered by the Director before issuing the final plan.

Copies of the draft Plan and technical support information may be reviewed and/or copies made at the Ohio EPA Southeast District Office, 2195 Front Street, Logan, OH 43138, by first calling, (740) 385-8501 to make an appointment.

**Date of Public Notice: January 15, 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 an L-shaped steel crib pier, concrete block seawall with cap, and rear retaining walls. The application was submitted by Mr. Charles H. Schaffner IV, 685 Bridgeside Drive, Avon Lake, Ohio 44012. The project is located along the Lake Erie shoreline at 31944 Lake Road, Avon Lake, Ohio. The Buffalo District Corps of Engineers Public Notice Number for this project is 1997-4780001. The Ohio EPA ID Number for this project is 083464.

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 135 cy of concrete seawall blocks, 270 cy of concrete rubble and/or stone seawall backfill, and 280 cy of stone-filled steel cribbing (along 95 LF of pier centerline) 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 3850 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 135 cy of concrete seawall blocks, 270 cy of concrete rubble and/or stone seawall backfill, and 235 cy of stone-filled steel cribbing (along 80 LF of pier centerline) 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 3700 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, and decide whether to grant or deny the application in accordance with Chapters 3745-1 and 3745-32. In

accordance with rule 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 15, 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.

**Date of Public Notice: January 15, 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 crib pier and concrete block seawall, along approximately 110 linear feet of Lake Erie shoreline. The application was submitted by Mr. John A. Panuto Jr., 1900 Grove Court #409, Cleveland, Ohio 44113. The project is located along the Lake Erie shoreline at 32894 Lake Road, Avon Lake, Ohio 44012. The Buffalo District Corps of Engineers Public Notice Number for this project is 2008-01241. The Ohio EPA ID Number for this project is 083459.

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 107 cy of concrete seawall blocks, 5 cy of concrete rubble and/or stone seawall backfill, and 142 cy of stone-filled steel cribbing (along 68 LF of pier centerline) 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 1090 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 107 cy of concrete seawall blocks, 5 cy of concrete rubble and/or stone seawall backfill, and 125 cy of stone-filled steel cribbing (along 54 LF of pier centerline) 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 950 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, and decide whether to grant or deny the application in accordance with 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 January 15, 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.

**Date of Public Notice: January 30, 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 the subject transportation project. The proposed project, POR-43-23.59 PID 78243, will upgrade a section (2.21 miles) of State Route 43 in Portage County. The SR 43 improvements will upgrade the existing facility by widening the existing road and adding turning lanes at critical intersections. The project will replace two existing culverts on SR 43 over two unnamed tributaries in the Cuyahoga River watershed (HUC 04110002010). The application was submitted by the Ohio Department of Transportation (ODOT), 1980 West Broad Street, Columbus, Ohio 43223. The Ohio EPA ID Number for this project is 093480.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The Preferred Alternative, if approved, would impact a total of 228 linear feet of LRW and WWH streams, and 0.786 acre of Category 1 and 2 wetland. The applicant's proposed minimal degradation alternative, if approved, would impact a total of 228 linear feet of LRW and WWH streams, and 0.652 acre of Category 1 and 2 wetland. 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 discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of the Cuyahoga River watershed (HUC 04110002010). 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 30, 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.