

**NOTICE OF ADOPTION OF RULES
OHIO ENVIRONMENTAL PROTECTION AGENCY**

Rules Governing

Surface Water Quality Standards Program

Notice is hereby given that the Director of Environmental Protection, under the authority of Section 6111.041 of the Ohio Revised Code and in accordance with Chapter 119 of the Revised Code, has adopted the following rules of the Ohio Administrative Code:

Rule #	Rule Title	Action
3745-1-05	Antidegradation.	Amend
3745-1-07	Water use designations and statewide criteria.	Amend

The Director's order of adoption was issued on **December 15, 2009**. These adopted rules will become effective on **March 15, 2010**. To request a copy of these rules, write to Bob Heitzman, Ohio Environmental Protection Agency, Division of Surface Water, P.O. Box 1049, Columbus, OH 43216-1049 or call Mr. Heitzman at (614) 644-3075. Copies of the adopted rules are also available on the Ohio EPA Division of Surface Water Web site at www.epa.ohio.gov/dsw/.

The Director's action in this matter is pursuant to the procedural requirements of Ohio Revised Code Chapter 119 and is based upon the record of the public hearing conducted by Ohio EPA on September 10, 2009, and comments received during the public comment period.

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

Edward Rankin (#369) Ohio University	Level 3 – Stream Habitat Assessment (QHEI)	12/17/2011
Adam Lehmann (#340) Shaw Environmental	Level 2 – Benthic Macroinvertebrate Biology	12/17/2014
April Mather (#404) Alliance for the Great Lakes	Level 2 – Chemical Water Quality Assessment	12/17/2014
Rachel Taulbee (#405) Lawhon and Associates	Level 3 – Fish Community Biology – Headwater/ Wading (QHEI)	12/17/2011
Michael Durkalec (#204) Cleveland Metroparks	Level 3 – Fish Community Biology – Headwater/ Wading (QHEI)	12/17/2011
James Riddle (#407) Woolpert Inc.	Level 3 – Chemical Water Quality Assessment	12/17/2011
Kristyn Robinson (#015) Friends of the Lower Muskingum	Level 2 – Benthic Macroinvertebrate Biology	12/17/2014
Casey Swecker (#408) Environmental Solutions & Innov.	Level 2 – Stream Habitat Assessment (QHEI)	12/17/2014
Brian Bohl (#362) Hamilton County SWCD	Level 3 – Stream Habitat Assessment (QHEI)	12/17/2011
Douglas Dirksing (#418) Butler County SWCD	Level 2 – Benthic Macroinvertebrate Biology	12/17/2014
Hannah Lubbers (#274) Clermont County - OEQ	Level 3 – Chemical Water Quality Assessment	12/17/2011
Peter Moorhouse (#410) Ohio Lake Management Society	Level 1	NA
Charles Moorhouse (#411) Ohio Lake Management Society	Level 1	NA
David Bucknavich (#412) Holiday Lakes	Level 1	NA
Diane Bucknavich (#413) Holiday Lakes	Level 1	NA
Cindy Brookes (#414) Sandusky River Watershed Coalition	Level 1	NA

Dona Rhea (#415) Delaware County SWCD	Level 1	NA
Zoe Economos (#416) Case Western Reserve University	Level 1	NA
Herbert Richey (#417) Grand Lake Improvement Assoc.	Level 1	NA

PUBLIC NOTICE

**FINAL ISSUANCE OF AN AMENDED CERTIFICATE
OF REGISTRATION AS A TRANSPORTER OF INFECTIOUS WASTE**

Notice is hereby given that on December 14, 2009, the director of Ohio EPA issued an amended infectious waste transporter certificate to Stericycle, Inc., 28161 N Keith Dr., Lake Forest, IL 60045, Reg. No. 00-T-00199. Persons wishing to be notified of further actions or proceedings for this project must submit a request in writing to Ohio EPA, Division of Solid and Infectious Waste Management, Attn: Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049, tel.: (614) 644-2621. This final action was not preceded by a proposed action and may be appealed to the Environmental Review Appeals Commission, at 309 South Fourth Street, Suite 222, Columbus, Ohio 43215.

PUBLIC NOTICE

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

Notice is hereby given that on December 14, 2009, the director of Ohio EPA issued an infectious waste generator certificate to Pars Neurosurgical Associates Inc, 1212 Garfield Ave Ste 300, Parkersburg, WV 26101, Reg. No.: 00-G-01637. Persons wishing to be notified of further actions or proceedings for this project must submit a request in writing to Ohio EPA, Division of Solid and Infectious Waste Management, Attn: Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049, tel.: (614) 644-2621. This final action was not preceded by a proposed action and may be appealed to the Environmental Review Appeals Commission, at 309 South Fourth Street, Suite 222, Columbus, Ohio 43215.

PUBLIC NOTICE
OHIO ENVIRONMENTAL PROTECTION AGENCY
RENEWAL OF CERTIFIED PROFESSIONAL CERTIFICATIONS UNDER
OHIO'S VOLUNTARY ACTION PROGRAM

Notice is hereby given that on December 15, 2009, the Director of the Ohio Environmental Protection Agency, pursuant to Ohio Revised Code (AORC@) 3746.04(B)(5) and Ohio Administrative Code (AOAC@) 3745-300-05, issued a renewal of certification to the following Certified Professionals: **Patrick E. Nortz CP291, David P. Regalbuto CP235, Walter K. Kosinski CP196, and Eric M. Cherry CP142.**

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 (ACommission@). 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. 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 Commission at 309 South Fourth St., Room 222, Columbus, Ohio 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 Officer, 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
COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS
City of Springfield/ Buck Creek Development Property

Notice is hereby given that on December 7, 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 the city of Springfield for the property identified as the Buck Creek Development Property (the "Property").

The city of Springfield conducted a voluntary action of the 4.308-acre Property located at 225 to 250 Cedar Street and 220 to 236 ½ Cliff Street, Springfield, Clark County, Ohio. A no further action letter was submitted on March 31, 2009 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response on behalf of the city of Springfield by Craig Kasper, a Certified Professional (CP103), 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 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.

Date of Public Notice: December 22, 2009

**PUBLIC NOTICE
RESCHEDULED 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 modification of a National Pollutant Discharge Elimination System (NPDES) permit (2PB00056) for the discharge from the Erie County Sawmill Creek Wastewater Treatment Plant. The application was submitted by the Erie County Department of Environmental Services, PO Box 469, Huron, Ohio 44839.

Erie County requests to modify the effluent mercury discharge limit provision of the Sawmill Creek Wastewater Treatment Plant's NPDES permit by applying for a variance-based effluent mercury discharge limit. Erie County's wastewater treatment plant is located at 554 River Road, Huron, Ohio, Erie County. The discharges are to Lake Erie.

Other wastewater disposal alternatives resulting in lesser or no degradation or lowering of water quality will be considered by Ohio EPA.

Copies of the pending NPDES modification application are available for review at Ohio EPA's Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio, 43402, (phone: 419-352-8461). An Ohio EPA public hearing on the proposed project has been rescheduled for 6:30 P.M. on February 11, 2010 at the Huron Council Chambers, 417 Main Street, Huron, Ohio 44839. 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 Ohio EPA prior to any further action on the applications. Persons wishing to 1) be on the Ohio EPA's interested parties' mailing list for this project, or 2) submit comments for Ohio EPA's consideration must do so in writing to Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 by close of business on February 18, 2009. Comments received after this date may not be considered as part of the official record.

Date of Public Notice: December 18, 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 Middle Bass Dock Improvements Phase 3, located at the end of Fox Road, Middle Bass Island, Ottawa County, Ohio. The application was submitted by MBD Holdings Inc. and Put-in-Bay Twp. Port Authority P.O. Box 278, Put-in-Bay, OH 43456. The Buffalo District of the U.S. Army Corps of Engineers permit number is 2009-01269. The Ohio EPA ID Number for this project is 093577.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would remove 83 LF of deteriorated timber cribbing and 17 LF of steel sheet piling on the east side of the dock and install a new 80'X12' steel crib filled with stone and concrete slab cap, 85 LF of new steel sheet pile bulkhead, a new office, warehouse, and passenger shelter building to replace existing building to be demolished, dredge approx. 100 CY of gravel along the east side of the dock, and install fish habitat stone 65 LF by 5 FT wide along the toe of the new steel sheet pile bulkhead. Approx. 875 SF of new lake bottom below OHW will be filled and 390 CY of fill will be placed below OHW. The applicant's proposed minimal degradation alternative, if approved, would remove 83 LF of deteriorated timber cribbing and 17 LF of steel sheet piling on the east side of the dock and install a new 80'X10' steel crib filled with stone and a concrete slab cap, 83 LF of new steel sheet pile bulkhead, a new office, warehouse, and passenger shelter building to replace the existing building to be demolished, dredge approx. 100 CY of gravel along the east side of the dock and install fish habitat stone 65 LF by 5 FT wide along the toe of the new steel sheet pile bulkhead. Approx. 715 SF of new lake bottom will be filled below OHW and 342 CY of new fill will be placed below OHW. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on streams or wetlands or lake habitat.

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 apply or may be granted by the Director of Ohio EPA.

Starting December 18, 2009, copies of the application for the certification and technical support information may be inspected at Ohio EPA/DSW, Lazarus Government Center, 50 W. Town Street, Columbus, Ohio 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 and public hearing relative to issues of lower water quality at 6:30 P.M. on Tuesday, February 4, 2010 at the Port Clinton Council Chambers, 1868 East Perry Street, Port Clinton, OH 43452, Ottawa County. The public hearing will end when all interested parties have had an opportunity to provide testimony related to the project.

All interested persons are entitled to attend or be represented and give written or oral comments on the proposed project. The purpose of the hearing is to obtain additional information that will be considered by the Director of Ohio EPA prior to any further action on the application. 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 February 11, 2010. 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 close of business on February 11, 2010.