

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY
Public Notice
Proposed Rulemaking Governing
Surface Water Credible Data Program**

Notice is hereby given that the Director of Environmental Protection, under the authority of Section 6111.51 of the Ohio Revised Code and in accordance with Chapter 119 of the Revised Code, proposes to adopt amendments to the following rules of the Ohio Administrative Code:

<u>Rule #</u>	<u>Rule Title</u>	<u>Action</u>
3745-4-01	Purpose and applicability.	Amend
3745-4-02	Definitions.	Amend
3745-4-03	Qualified data collectors.	Amend
3745-4-04	Level 1 data requirements and reporting.	Amend
3745-4-05	Level 2 data requirements and reporting.	Amend
3745-4-06	Level 3 data requirements and reporting.	Amend

The credible data program classifies surface water monitoring performed by watershed groups, state agencies, schools, local volunteers and other organizations. Ohio EPA uses the data submitted under the program in ways prescribed by State law.

In 2006, Ohio EPA adopted rules that establish criteria for three levels of credible data related to surface water monitoring and assessment. The rules also: define training and experience requirements for qualified data collectors (QDCs); describe sampling protocols and field methods to ensure that the data collection and interpretation are reproducible, scientifically defensible and free from pre-conceived bias; and require Ohio EPA to establish and maintain a computerized database of all credible water quality data submitted to the Agency.

Section 119.032 of the Revised Code requires Ohio EPA to review its rules every five years to determine whether they should be changed. The Agency has reviewed the credible data rules and has identified needed changes.

The public comment period will run until **5:00 p.m. on May 24, 2011**. A public hearing on these proposed rule amendments will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held in **Conference Room B at the Ohio EPA Central Office, 50 West Town Street, Suite 700, Columbus, Ohio at 2:00 p.m. on May 24, 2011**. 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, visitors are required to wear their badge at all times while in the building. Please arrive early to complete these procedures.

To facilitate the scheduling of oral presentations, persons intending to give testimony at the hearing should notify the Ohio EPA Public Interest Center, P.O. Box 1049, Columbus, Ohio 43216-1049, (614) 644-2160. Prior registration will ensure that registrants are heard ahead of those individuals who register at the hearing. Oral testimony may be limited to five minutes, depending on the number of persons testifying. All interested persons are entitled to attend or be represented and to present oral and/or written comments concerning the proposed rules.

Written testimony should be sent to the attention of Rule Coordinator at the Ohio EPA Division of Surface Water, P.O. Box 1049, Columbus Ohio 43216-1049. Written comments may also be submitted to the Hearing Officer at the public hearing. Written testimony will receive the same consideration as oral testimony. All testimony received at the hearing or by **5:00 p.m. on May 24, 2011**, will be considered by Ohio EPA prior to final action on this rulemaking. Written comments submitted after this date may be considered as time and circumstances permit.

The proposed rules and a fact sheet explaining the rule revisions are posted on the Ohio EPA website at www.epa.ohio.gov/dsw/Home.aspx. The proposed rules are also available on the Register of Ohio website at www.registerofohio.state.oh.us. If you are unable to access the websites or have questions about the proposed rules, contact Jeff Reynolds, Division of Surface Water, at (614) 644-3635 or jeff.reynolds@epa.state.oh.us.

State of Ohio
Environmental Protection Agency
April 21, 2011
Notice of Final Rule-making

Notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Drinking and Ground Waters (DDAGW) adopted revisions to an underground injection control (UIC) rule in the Ohio Administrative Code (OAC). The revisions are, in part, a result of the five year rule review requirements of Section 119.032 of the Revised Code.

DDAGW proposed amendments to the class V well rule to allow, without a permit and in specific instances, minimal discharge of wastewater resulting from the treatment of drinking water. Currently, all such discharges are required to have a permit. However, a permit is not always necessary in these instances based on the dilution of the wastewater being discharged (and the reduction of total dissolved solids or TDS). The proposed amendments will reduce costs for some businesses no longer required to obtain a permit for these discharges.

The Director of Environmental Protection, after considering public comment, adopted this rule in final form, pursuant to Section 6109.04 of the Ohio Revised Code. The Director's order of adoption was issued on April 21, 2011. The effective date of the rule with proposed revisions will be May 2, 2011, in accordance with Section 119.04(A) of the Revised Code.

A copy of the rule may be obtained, at cost, by contacting the Hearing Clerk, Ohio EPA, 50 West Town Street, Suite 700, P.O. Box 1049, Columbus, Ohio 43216-1049, or (614) 644-2129. These rules are also available electronically at the following internet address: <http://epa.ohio.gov/ddagw/rulemaking.aspx#final> .

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, made payable to "Ohio Treasurer Josh Mandel," 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

PUBLIC NOTICE
COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS
Queensgate South Realty, LLC and City of Cincinnati, Queensgate South
Development

Notice is hereby given that on April 14, 2011, 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 Queensgate South Realty, LLC and the city of Cincinnati, (the "Volunteers") for property known as Queensgate South Development (the "Property").

The Volunteers conducted a voluntary action of the approximately 15.18 acre-Property, which is located at 520 Freeman Avenue, Cincinnati, Hamilton County, Ohio. A no further action letter for the Property was submitted on November 2, 2009 to the Voluntary Action Program of the Ohio EPA Division of Emergency and Remedial Response by Troy L. Schultz, a Certified Professional as defined in ORC 3746.01(F) and OAC 3745-300-01(A).

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (the "Commission") pursuant to ORC 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio", which the Commission, in its discretion, may reduce if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Commission at the following address: 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, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.

Date of Notice: April 29, 2011

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

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA)-Division of Surface Water (DSW) has received an application for the modification of a National Pollutant Discharge Elimination System (NPDES) permit (3PE00003) for the discharge from existing City of Euclid Wastewater Treatment Plant. The City has requested to modify the permit limits for mercury through the granting of a variance.

The Euclid wastewater treatment plant is located at 22201 Lake Shore Boulevard, Euclid, Cuyahoga County, Ohio. Treated wastewaters are proposed to be discharged at the same location. The proposed discharges are to Lake Erie. The NPDES modification application was submitted by the City of Euclid, 585 East 222nd Street, Euclid, Ohio 44123.

The discharges from this facility, if approved, would result in degradation to, or lowering of, the water quality of Lake Erie. In accordance with OAC 3745-1-05, an antidegradation review of the application will be conducted before deciding whether to allow a lowering of the water quality.

The public hearing has been scheduled for 6:30 p.m. on June 16, 2011 at the Euclid Municipal Center, 585 East 222nd Street, Euclid, Ohio 44123. 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 application. Persons wishing to 1) be on Ohio EPA's interested parties mailing list for this project, or 2) submit comments for Ohio EPA's consideration must do so in writing to Ohio EPA-DSW, Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 by close of business on June 23, 2011. Comments received after this date may not be considered as part of the official record of this hearing.

Copies of the pending NPDES application and technical support information may be reviewed and/or copies made at Ohio EPA's Northeast District Office, 2110 East Aurora Road, Twinsburg, Ohio, by first calling (330) 963-1200 to make an appointment.

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

On April 20, 2011, Ohio EPA issued a final modification to the Hazardous Waste Facility Installation and Operation Permit (Permit) for Cytec Industries, Inc. for its facility located at 1406 Greene Street, Marietta, Ohio 44750. The EPA Identification Number for this facility is OHD004341509.

Why is Cytec Industries, Inc. modifying its Permit?

Cytec Industries, Inc. (Cytec) is an owner of a former specialty chemical manufacturing facility. Operations at the facility have ceased and Cytec is currently performing investigation and cleanup of waste areas at the site. The Director of Ohio EPA has initiated this permit modification authorizing Cytec to implement corrective measures. The final permit modification language is included in Module E - Corrective Action Requirement section of the permit as an enforceable term and condition of the permit.

Can I appeal this final Permit modification?

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 the Permit decision to the Environmental Review Appeals Commission (ERAC).

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

If you file an appeal, you must put it in writing no later than May 23, 2011. 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: **Scott J Nally, Director of Ohio EPA**, P.O. Box 1049, Columbus, Ohio 43216-1049.