



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

January 29, 2021

Ms. Kay Farrar
Health Commissioner
City of Hamilton
345 High Street, Suite 330
Hamilton, Ohio 45011

Re: City of Hamilton Health Department
Director's Authorization
Approval
Health District Partners
Butler County
HD0901

**Subject: Placement on the director's approved lists
Solid and Infectious Waste Programs
Construction and Demolition Debris (C&DD) Program**

Dear Ms. Farrar:

On December 7, 2020, the Ohio Environmental Protection Agency (Ohio EPA) completed its annual survey of your health department regarding your Solid and Infectious Waste Programs and Construction and Demolition Debris Program in accordance with Ohio Administrative Code (OAC) Rule 3745-37-08. The annual survey included the time period between November 1, 2019 and December 7, 2020.

Upon review of the survey findings, I have determined that the City of Hamilton Health Department is in substantial compliance and I hereby place the City of Hamilton Health Department on my approved lists of health districts authorized to administer and enforce the solid and infectious waste and construction and demolition debris laws and rules in accordance with Sections 3734.08 and 3714.09 of the Ohio Revised Code.

Additionally, you are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC Section 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 Director's action. The appeal must be accompanied by a filing fee of \$70.00 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee 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 Environmental Review Appeals Commission at the following address:

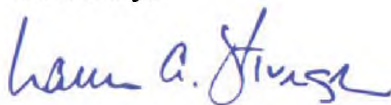
Environmental Review Appeals Commission
30 East Broad Street, 4th floor
Columbus, Ohio 43215

I consider our agencies regulatory partners and appreciate the efforts of your dedicated staff. I recognize the extraordinary role your agency has played in addressing the COVID-19 pandemic, and the challenge this incredible response may have had on health department staffing and implementation of your Solid and Infectious Waste and Construction and Demolition Debris programs. If at any time Ohio EPA can provide assistance to support these programs, please encourage your staff to contact Ohio EPA's Southwest District Office.

Enclosed please find a copy of the annual survey evaluation report for your health department, which includes an assessment of administrative activities. Please note that this annual survey evaluation has been modified due to the COVID-19 pandemic, which may have adjusted the survey period and the conventional scope of file review and field inspections. Ohio EPA hopes to resume the normal evaluation procedure for future annual surveys. If you have questions or comments regarding the manner in which our agencies administer these programs, please contact me or Vlad Cica, Chief of the Division of Materials and Waste Management.

If you have any questions concerning this letter, please contact Jill Olberding of Ohio EPA's Southwest District Office by telephone at (937) 285-6094.

Sincerely,



Laurie A. Stevenson
Director

Enclosure: 2020 Annual Survey Evaluation Report

ec: Brian Dearth, DMWM-CO
Ralph McGinnis, DMWM-CO
Michelle Ackenhausen, DMWM-SWDO

Annual Survey Evaluation Report

Ohio EPA's Delegation of the Solid & Infectious Waste and Construction & Demolition Debris
Programs to Local Health Districts

Health District: City of Hamilton Health Department Core ID: 437209 Secondary ID: HD0901	Survey Period: Start Date: 11/1/2019 End Date: 12/7/2020 Ohio EPA Inspector: Jill Olberding
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Administrative Review

A health district either meets program requirements (Y), does not meet program requirements (N), or requirements are not applicable (N/A). Upon review of health district records and other documentation, Ohio EPA made the following conclusions:

	Solid & Infectious Waste (ORC 3734)			Construction & Demolition Debris (ORC 3714)		
	Y	N	N/A	Y	N	N/A
OAC Rule 3745-37-08(C)(1) and (D)(1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Applications for licenses are on file for each licensed solid waste, infectious waste treatment, or C&DD facility in the health district.						
OAC Rule 3745-37-08(C)(2) and (D)(2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Applications are properly completed with all required information.						
OAC Rule 3745-37-08(C)(3) and (D)(3)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
All known solid waste, infectious waste treatment, and C&DD facilities operating in the health district do hold valid and unexpired licenses.						
OAC Rule 3745-37-08(C)(4)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
No license has been issued for any new solid waste or new infectious waste treatment facility prior to the director's issuance of required permits and approval of required detail plans.						
OAC Rule 3745-37-08(C)(5) and (D)(4)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Certification of inspection and compliance has been made to the director within thirty days after issuance of any license.						
OAC Rule 3745-37-08(C)(6) and (D)(5)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The health district inspects solid waste, infectious waste treatment, and C&DD facilities with sufficient frequency to ensure substantial compliance.						

	Solid & Infectious Waste (ORC 3734)			Construction & Demolition Debris (ORC 3714)		
	Y	N	N/A	Y	N	N/A
OAC Rule 3745-37-08(C)(7) and (D)(6)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The health district maintains a file of information relating to each licensed solid waste, infectious waste treatment, and C&DD facility throughout each facility's operation and applicable closure periods. Each file includes applications for licenses, certification records, inspection records, approved plans, litigation information (except that privileged by the attorney-client relationship), and other pertinent information.						
OAC Rule 3745-37-08(C)(8) and (D)(7)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The health district undertakes appropriate actions against persons whenever necessary to bring about substantial compliance with Chapters 3734. and 3714. of the Revised Code and rules adopted thereunder.						
OAC Rule 3745-37-08(C)(9) and (D)(8)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The health district takes immediate action to abate serious hazards to the public health resulting from violations of Chapters 3734. and 3714. of the Revised Code and rules adopted thereunder.						
OAC Rule 3745-37-08(C)(10) and (D)(9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The health district complies with applicable facility license transfer procedures.						
OAC Rule 3745-37-08(C)(11) and (D)(10)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The health district seeks legal assistance from appropriate state and local agencies as necessary to carry out its assigned responsibilities.						
OAC Rule 3745-37-08(D)(11)				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Each health district staff person possesses either a registered sanitarian/sanitarian-in-training certificate, the equivalent educational background required, or two years adequate work experience inspecting waste facilities.						
OAC Rule 3745-37-08(D)(12)				<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The health district maintains a file of information relating to each exemption and license special term/condition. The file includes a copy of each exemption order issued and each license issued that contains special terms and/or conditions, as well as the health district's written justification for each action.						

Comments:

OAC Rule 3745-37-08(C)(8) and (D)(7):

During the administrative review of records, Ohio EPA determined City of Hamilton Health Department (health department) properly cited conditions observed during inspections conducted throughout the survey period. The health department received no solid waste complaints during the survey period.

OAC Rule 3745-37-08(C)(9) and (D)(8):

No serious public health hazards resulting from violations of solid and infectious waste rules were on record for this survey period.

Field Surveys

Due to the ongoing COVID-19 pandemic, field surveys could not be conducted by Ohio EPA staff.

Facility & Inspection Inventory From: 11/1/2019 To: 12/7/2020			
Facility Name	Facility Type & Minimum Annual Inspection #	Comprehensive Inspections Completed	“Other” Inspections Completed
Hamilton City Transfer Station	MSW Transfer Facility (4)	2	0

Inspection Summary

The comprehensive inspection for Hamilton City Transfer Station first quarter was missed due to a combination of staffing changes and the beginning of the COVID-19 pandemic. The fourth quarter inspection would have been completed during the 2020 annual survey. The health department completed the inspection on December 9, 2020 and documented the inspection in a notice of compliance letter dated December 15, 2020.

Solid and Infectious Waste Programs Summary

The health department conducts required comprehensive inspections at licensed and registered facilities within its jurisdiction to ensure compliance with the solid and infectious waste regulations. Due to circumstances related to the COVID-19 pandemic and personnel changes, the health department was unable to complete one of the required number of inspections for the facility listed on the Facilities & Inspection Inventory Table. I observed no additional deficiencies during the administrative review of the annual survey.

It is the role of Ohio EPA to provide oversight and education to the health department in each of the programs outlined in this letter. The health department's ability to recognize, identify and cite violations in all program areas, as well as familiarity with the regulations during all types of inspections is critical to complete thorough site evaluations and enforcement of the regulations. During this survey timeframe the health department participated in virtual trainings for both the infectious waste and municipal solid waste transfer facility programs. Ohio EPA will continue to provide peer review of inspection letters and technical assistance to the health department, as necessary or requested.

Construction and Demolition Debris Program Summary

No licensed C&DD facilities exist within the health department's jurisdiction.

Post-Survey Conference

On December 7, 2020, I held a virtual post-survey conference with Kay Farrar, Health Commissioner and Jonnica Creech, Director of Environmental Health, to summarize the annual survey findings. During the post-survey conference, we discussed the health department's compliance with ORC Sections 3734.08 and 3714.09. Additionally, I shared my intention to recommend to you the health department remain on the approved lists.

This Annual Survey Evaluation Report (Report) is for internal use to perform a preliminary assessment of approved health districts. It is not to be used as an indication of a health district's overall compliance with OAC Rule 3745-37-08, which is a determination of the director of Ohio EPA. This Report and any accompanying information will be forwarded to the director for consideration and to determine substantial compliance with Rule 3745-37-08 of the Administrative Code.

Jill Olberding

Signature

12/29/2020

Date

Jill Olberding
Environmental Specialist
Division of Materials and Waste Management
Ohio Environmental Protection Agency
Southwest District Office