



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

February 8, 2021

Mr. Persis A. Sosiak
Health Commissioner
Cleveland Department of Public Health
75 Erieview Plaza
Cleveland, Ohio 44114

Re: **Cleveland Department of Public Health
Director's Authorization
Approval
Health District Partners
Cuyahoga County
HD1801**

**Subject: Placement on the director's approved lists
Solid & Infectious Waste Programs
C&DD Program**

Dear Ms. Sosiak:

On November 23, 2020, the Ohio Environmental Protection Agency (Ohio EPA) completed its annual survey of your health district 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 June 15, 2019 and November 23, 2020.

Upon review of the survey findings, I have determined that the Cleveland Department of Public Health is in substantial compliance and I hereby place the Cleveland Department of Public Health 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 district 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 Northeast District Office.

Enclosed please find a copy of the annual survey evaluation report for your health district, 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 William Lutz of Ohio EPA's Northeast District Office by telephone at (330) 963-1245.

Sincerely,



Laurie A. Stevenson
Director

Enclosure: 2020 Annual Survey Evaluation Report

BL/dy

cc: Brian Dearth, DMWM-CO
Ralph McGinnis, DMWM-CO

Annual Survey Evaluation Report

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

<p>Health District: Cleveland Department of Public Health (CDPH)</p> <p>Core ID: 291150</p> <p>Secondary ID: HD1801</p>	<p>Survey Period:</p> <p>Start Date: 6/15/2019 End Date: 11/23/2020</p> <p>Ohio EPA Inspector: William Lutz</p>
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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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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):

CDPH received fifteen solid waste and construction and demolition debris (C&DD) complaints during the survey period. Depending on the nature of the complaint, CDPH either investigated the complaint or referred the complaint to the Cuyahoga County Environmental Crimes Task Force. All complaints investigated by CDPH have been abated at this time. CDPH responds to and abates complaints in a timely manner.

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

CDPH takes appropriate actions against persons whenever necessary to bring about substantial compliance with Chapter 3734. and 3714. of the Ohio Revised Code (ORC) and the rules adopted

thereunder. No incidents of “serious hazards to the public health” were identified during the survey period.

Additional Comments:

The one C&DD landfill facility in the district, Bradley Road C&DD Landfill, has not been granted an annual license nor has operated since 2003. The health department is in litigation with the owner as the facility remains in substantial noncompliance with applicable laws and regulations.

Field Surveys

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

Facility & Inspection Inventory From: 6/15/2019 To: 11/23/2020			
Facility Name	Facility Type & Minimum Annual Inspection #	Comprehensive Inspections Completed	“Other” Inspections Completed
Harvard Refuse, Inc. ¹	Closed MSW Landfill (4-30 yrs pcc) (1)	1	0
Full Cycle Organics	Composting Facility (Class II) (4)	5	0
Rid All Corporation	Composting Facility (Class II) (4)	5	0
Cleveland Metroparks Zoo Composting Facility	Composting Facility (Class IV) (1)	2	0
Bradley Road C&DD Landfill	C&DD Landfill (4)	5	0
Cleveland Clinic	IW Treatment Facility (4)	6	0
Cleveland State University	IW Treatment Facility (4)	5	0
Louis Stokes Veterans Hospital	IW Treatment Facility (4)	6	0
ArcelorMittal Inc. Landfill	ISW Landfill (4)	5	0

Ridge Road Transfer Facility	MSW Transfer Facility (4)	5	0
US Tire Transportation LLC	Scrap Tire Facility (4)	5	0

Inspection Summary

¹ Although CDPH met their inspection requirement for 2019, no inspections were conducted at Harvard Landfill in 2020. Harvard Refuse, Inc. is surrounded by a fence and locked gate. CDPH does not have a key to the gate and relies on Ohio EPA for access. Due to the coronavirus, Ohio EPA is conducting limited field activities and has not been able to provide CDPH access to the facility.

Solid and Infectious Waste Programs Summary

The health district conducted all required comprehensive inspections at licensed and registered facilities within its jurisdiction to ensure compliance with the solid and infectious waste regulations. Additionally, I observed no deficiencies during the administrative review of the annual survey. The health district appropriately documents violations with a comprehensive Notice of Violation (NOV) to the owner/operator detailing any violations, including rule citations and any additional information from the inspection. The health district does request a response from the facility on actions taken to remedy or prevent the violation from re-occurring and conducts re-inspections at facilities, if violations are noted, to ensure that compliance is achieved. The health district effectively manages solid waste complaints and has procedures in place to escalate enforcement if necessary.

It is the role of Ohio EPA to provide oversight and education to the health district in each of the programs outlined in this letter. The health district'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. The health district staff periodically called or emailed Ohio EPA's staff for technical assistance within the program areas. They also requested training throughout the annual survey period. Ohio EPA will continue to conduct peer reviews of inspection letters and provide technical assistance to the health district, as necessary.

Construction and Demolition Debris Program Summary

Ohio EPA and CDPH staff interact via telephone and e-mail. Prior to the coronavirus pandemic, Ohio EPA and CDPH would also meet in-person and during site inspections.

CDPH maintains the required records on file and conducts quarterly inspections of the C&DD facility in its jurisdiction. CDPH conducts investigations and resolves complaints involving C&DD in a timely manner and has procedures in place to escalate enforcement action should the need arise.

No deficiencies were observed during the administrative review of the annual survey. CDPH continues to effectively manage the C&DD program.

Post-Survey Conference

On December 1, 2020, Ohio EPA held a virtual post-survey conference with CDPH to summarize the annual survey findings. Jarnal Singh, DMWM-NEDO Supervisor, and William Lutz DMWM-NEDO Environmental Specialist, represented Ohio EPA. Annie Snyder, Program Supervisor, Patrick Cusiak, Interim Commissioner of Environment, and Brian Kimball, Department Interim Director, represented CDPH. During the post-survey conference, we discussed the health district's compliance with ORC

Sections 3734.08 and 3714.09. Additionally, I shared my intention to recommend to the director that the health district remain on the director's 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.

William Lutz

Signature

January 4, 2021

Date

William Lutz
Environmental Specialist
Division of Materials and Waste Management
Ohio Environmental Protection Agency
Northeast District Office