



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

February 8, 2021

Ms. Melba R. Moore, MS, CPHA
Health Commissioner
3101 Burnet Avenue
Cincinnati, Ohio 45229

Re: Cincinnati Health Department
Director's Authorization
Approval
Health District Partners
Hamilton County
HD3101

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

Dear Ms. Moore:

On December 8, 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 October 24, 2019 and December 8, 2020.

Upon review of the survey findings, I have determined that the Cincinnati Health Department is in substantial compliance and I hereby place the Cincinnati 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 Dylan Dyer of Ohio EPA's Southwest District Office by telephone at 937-285-6048.

Sincerely,



Laurie A. Stevenson
Director

Enclosure: 2020 Annual Survey Evaluation Report

cc: 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

| | |
|--|---|
| <p>Health District: Cincinnati Health Department</p> <p>Core ID: 127898</p> <p>Secondary ID: HD3101</p> | <p>Survey Period:</p> <p>Start Date: 10/24/2019 End Date: 12/8/2020</p> <p>Ohio EPA Inspector: Dylan Dyer</p> |
|--|---|

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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input 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 the health department properly cited violations for conditions observed during inspections conducted throughout the survey period.

During the annual survey period, the health department received 21 solid waste complaints. The health department responded to all complaints in a timely manner. Of the 21 complaints, 19 are

resolved. The health department will continue to work with the property owners of the ongoing cases until the violations are abated.

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: 10/24/2019 To: 12/8/2020 | | | |
|---|--|--|--|
| Facility Name | Facility Type & Minimum Annual Inspection # | Comprehensive Inspections Completed | “Other” Inspections Completed |
| ELDA RDF | Closed MSW Landfill (4-30 yrs pcc) (1) | 3 | 0 |
| Cincinnati Transfer Facility, Este Avenue | MSW Transfer Facility (4) | 5 | 0 |
| Findlay Market In- Vessel Composting Facility | Composting Facility (Class II) (4) | 5 | 1 |
| The University Hospital | IW Treatment Facility (4) | 4 | 0 |
| US EPA Environmental Research Center | IW Treatment Facility (4) | 2 | 0 |
| Q Laboratories, Inc. | IW Treatment Facility (4) | 2 | 0 |
| Gamble Program for Clinical Studies | IW Treatment Facility (4) | 4 | 0 |
| Cincinnati Children’s Hospital Medical Center | IW Treatment Facility (4) | 3 | 0 |
| US Food and Drug Administration Forensic Chemistry Center | IW Treatment Facility (4) | 3 | 0 |
| The Christ Hospital | IW Treatment Facility (4) | 2 | 0 |

Inspection Summary

The 4th quarter inspections for ELDA RDF, The University Hospital, US EPA Environmental Research Center, Q Laboratories, Inc., Gamble Program for Clinical Studies, Cincinnati Children's Hospital Medical Center, and US Food and Drug Administration Forensic Chemistry Center have not been completed yet. Cincinnati Health Department will conduct the inspections before the end of the 4th Quarter.

US EPA Environmental Research Center was not inspected during the 1st and 2nd quarter of 2020, as the center was closed due to COVID-19.

Q Laboratories, Inc. was not inspected during the 1st and 2nd quarter 2020, as the lab was closed due to COVID-19.

Cincinnati Children's Hospital Medical Center was not inspected during the 1st quarter 2020, as the center's lab was closed due to COVID-19.

US Food and Drug Administration Forensic Chemistry Center was not inspected during the 1st quarter 2020, as the center was closed due to COVID-19.

The Christ Hospital was not inspected during the 1st quarter 2020, as the autoclave was not active and closed due to COVID-19. As of July 2020, the hospital is no longer a treatment facility.

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, the health department was unable to complete seven of the required number of inspections for facilities listed on the Facilities & Inspection Inventory table, due to the facilities being closed or unstaffed. The City of Cincinnati furloughed one sanitarian-in-training, one senior sanitarian, and the supervising sanitarian from April 6 to May 4, 2020. Additionally, during the survey period the health department was tasked with responding to 376 COVID-19 complaints.

Additionally, I observed no deficiencies during the administrative review of the annual survey. The health department appropriately documents violations with a comprehensive NOV to the owner/operator detailing any violations, including rule citations and any additional information from the inspection. The health department 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 department 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 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. The health department 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 department, as necessary.

Post-Survey Conference

On December 8, 2020, a virtual post-survey conference was held with Robin Anderson, Supervising Sanitarian, to summarize the annual survey findings. During the post-survey conference, the health department's compliance with ORC Sections 3734.08 and 3714.09 was discussed. Additionally, the intention to recommend the health department remain on the approved lists was shared during the meeting.

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.



Signature

February 4, 2021

Date

Dylan P. Dyer
Environmental Specialist
Division of Materials and Waste Management
Ohio Environmental Protection Agency
Southwest District Office