



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

February 8, 2021

Ms. Julianne Nesbit
Health Commissioner
Clermont County Public Health
2275 Bauer Road, Suite 300
Batavia, Ohio 45103

Re: Clermont County Public Health
Director's Authorization
Approval
Health District Partners
Clermont County
HD1300

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

Dear Ms. Nesbit:

On December 15, 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 December 7, 2019 and December 15, 2020.

Upon review of the survey findings, I have determined that Clermont County Public Health is in substantial compliance and I hereby place Clermont County 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:

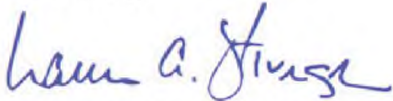
Environmental Review Appeals Commission
30 East Broad Street, 4th floor
Columbus, Ohio 43215

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 Southwest 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 Curtis DeLong of Ohio EPA's Southwest District Office by telephone at (937) 285-6072.

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

| | |
|---|---|
| Health District: Clermont County Public Health Core ID: 437210 Secondary ID: HD1300 | Survey Period: Start Date: 12/7/2019 End Date: 12/15/2020 Ohio EPA Inspector: Curtis DeLong |
|---|---|

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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input 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 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 annual survey period, the health district received 33 solid waste complaints. Fifteen complaints are closed, and the health district is working to resolve the remaining complaints. Eight of the 18 open complaints have been issued board of health orders.

OAC Rule 3745-37-08(C)(9) and (D)(8): No serious public health hazards resulting from violations of the solid and infectious waste rules were on record for this survey year.

Field Surveys

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

| Facility & Inspection Inventory From: 12/7/2019 To: 12/15/2020 | | | |
|---|--|--|--|
| Facility Name | Facility Type & Minimum Annual Inspection # | Comprehensive Inspections Completed | “Other” Inspections Completed |
| Dynegy Zimmer LLC Residual Waste Landfill | RSW Landfill (4) | 3 | 0 |
| Irvine Wood Recovery Inc | Composting Facility (Class III) (1) | 1 | 0 |
| Bzak Landscaping Inc Class III | Composting Facility (Class III) (1) | 1 | 0 |
| Bzak Landscaping Inc | Composting Facility (Class IV) (1) | 1 | 0 |
| Hotel Trucking | Composting Facility (Class IV) (1) | 1 | 0 |
| Village of Williamsburg Composting Facility | Composting Facility (Class IV) (1) | 1 | 0 |

Inspection Summary

The first quarter 2020 mandatory inspection for Dynegy Zimmer LLC Residual Waste Landfill was unable to be completed. The inspection was originally scheduled for March 20th. Restrictions limiting off-site personnel were enacted because the facility is part of an active power station. Visitor protocols and facility inspections resumed in May 2020. The health district consulted with SWDO-DMWM prior to the missed inspection.

Solid and Infectious Waste Programs Summary

The health district 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 district was unable to complete one of the required number of inspections for facilities listed on the Facilities & Inspection Inventory table. Restrictions limiting off-site personnel were enacted because the facility is part of an active power station. The facility and health district agreed the inspection should not be completed.

Additionally, I observed no deficiencies during the administrative review of the annual survey. The health district 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 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

No licensed C&DD facilities exist within the health district's jurisdiction. The health district investigates C&DD illegal disposal activity as they become known.

Post-Survey Conference

On December 15, 2020, I held a virtual post-survey conference with Robert Wildey, Director of Water and Waste, and Doug Disbennet, Sanitarian II, to summarize the annual survey findings. 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 you the health district 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.



Signature

12/17/2020
Date

Curtis DeLong, R.S.
Environmental Specialist 2
Division of Materials and Waste Management
Ohio Environmental Protection Agency
Southwest District Office