



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

April 7, 2021

Joe Mazzola, MPA
Health Commissioner
Franklin County Public Health
280 East Broad Street
Columbus, Ohio 43215

Re: Franklin County Public Health
Director's Authorization
Approval
Health District Partners
Franklin
HD2500

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

Dear Mr. Mazzola:

On March 2, 2021, 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 October 1, 2019 and September 30, 2020.

Upon review of the survey findings, I have determined that Franklin County Public Health is in substantial compliance and I hereby place Franklin 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 Central 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 Matt Boyer of Ohio EPA's Central District Office by telephone at (614) 779-0099 or email at matthew.boyer@epa.ohio.gov.

Sincerely,



Laurie A. Stevenson
Director

Enclosure: 2020 Annual Survey Evaluation Report

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

Health District: Franklin County Public Health Core ID: 141867 Secondary ID: HD2500	Survey Period: Start Date: 10/1/2019 End Date: 9/30/2020 Ohio EPA Inspector: Matt Boyer
---	---

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 review of the administrative records, Ohio EPA determined that the health district properly cited violations for conditions observed during the 112 solid waste complaint investigations conducted during the survey period. Of these, 108 were closed or resolved, and 4 were referred to the prosecutor. The health district has a regimented schedule for escalating complaints if they are not resolved in a timely manner.

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

No serious public health hazards resulting from violations of the solid and infectious waste or C&DD 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: 10/1/2019 To: 9/30/2020			
Facility Name	Facility Type & Minimum Inspection #	Comprehensive Inspections Completed	“Other” Inspections Completed
Franklin County Landfill	MSW Landfill (4)	5	0
Frank Road Recycling Solutions	C&DD Landfill (4)	4	8
Scott Wrecking C&D Landfill	C&DD Landfill (4)	1*	6
Waste Management – Canal Winchester	MSW Transfer Facility (4)	4	0
Wood Landscape	Composting Facility (Class IV) (1)	3	1
Kurtz Bros. Frank Road	Composting Facility (Class IV) (1)	4	1
Kurtz Bros. Dublin	Composting Facility (Class IV) (1)	4	0
Kurtz Bros. Westerville	Composting Facility (Class IV) (1)	4	1
Nestle’s QA Laboratory	IW Treatment Facility (4)	3	0
Ohio Dept. of Agriculture	IW Treatment Facility (4)	3	0

*Site underwent closure and registration terminated 1/19/2021.

Inspection Summary

Nestle QA Laboratory- Q1 2020 inspection missed due to COVID-19 protocols in place from facility and HD.

Ohio Dept. of Agriculture- Q1 2020 inspection missed due to COVID-19 protocols in place from facility and HD.

Scott Wrecking C&D Landfill- Facility is located in both Franklin Co. HD and City of Columbus HD jurisdictions. Active landfilling is only occurring within the City of Columbus HD’s jurisdiction. All waste

within the Franklin Co. HD's jurisdiction is covered with soil, in anticipation of constructing the final cap for the facility's closure.

The Q1 2020 inspection was missed due to COVID-19 inspection protocols in place from HD. The 2 other missed inspections were due to inactivity at the landfill and the HD prioritizing staff activities elsewhere, in response to COVID-19 related issues.

Solid and Infectious Waste Programs Summary

The health district has historically conducted all required comprehensive inspections at licensed and registered facilities within its jurisdiction to ensure compliance with the solid and infectious waste regulations. Due to unprecedented circumstances related to the COVID-19 Pandemic, the health district was unable to complete all of the required number of inspections. Exceptions and reasons are noted above.

It was also observed that the cover letter used to document some inspections at transfer facilities and compost facilities, incorrectly references Ohio Administrative Code Chapter 3745-27 instead of 3745-555 and 3745-560, respectively.

Other than these exceptions, I found no deficiencies during the administrative review of the annual survey. The health district generally documents violations appropriately, 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

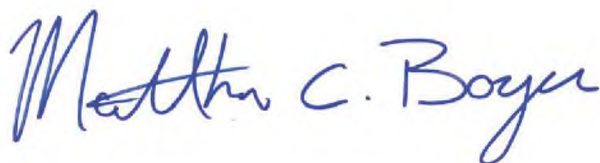
The health district has been doing a good job of conducting the required quarterly inspections at Frank Road Recycling Solutions CDD landfill. Although 3 quarterly inspections were missed at Scott Wrecking C&D landfill, it should be noted that at least 6 other focused inspections occurred during critical times of the landfill's operations. Additionally, Scott Wrecking C&D is not actively placing waste within the health district's jurisdictional area and emplaced waste is covered with an intermediate soil cap.

Post-Survey Conference

On March 2, 2021, I held a virtual post-survey conference with Jeff Gibbs, Program Manager, Jennie McAdams, Program Supervisor, and Jeff Grose, Sanitarian, from Franklin County Public Health to summarize the annual survey findings. We discussed the health district's compliance with ORC Sections 3734.08 and 3714.09. During the conference I identified the unchecked boxes on some of the checklists used and stressed the importance of using complete checklists as a compliance tool. The importance of using correct rule references on inspection letters was also conveyed. After the conference, I provided updated links to all DMWM's Inspection Checklists via email because some checklists that were utilized weren't the most recent version. I also acknowledged and commended

the health district's extra efforts, especially responding to complaints related to the Kurtz Brothers Westerville Class IV composting facility. During the conference I indicated my intention to recommend that Franklin County Public Health remain on the director's list of approved health districts.

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

March 3, 2021
Date

Matt Boyer
Environmental Specialist
Division of Materials and Waste Management
Ohio Environmental Protection Agency
Central District Office