



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

April 26, 2021

Terrence L. Holman, DVM  
Health Commissioner  
Darke County General Health  
District  
300 Garst Avenue  
Greenville, Ohio 45331

Re: Darke County General Health District  
Director's Authorization  
Approval  
Health District Partners  
Darke  
HD1900

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

Dear Dr. Holman:

On February 12, 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 February 7, 2020 and February 12, 2021.

Upon review of the survey findings, I have determined that the Darke County General Health District is in substantial compliance and I hereby place the Darke County General Health District 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

Noted in the survey are areas for improvement relating to documentation of complaints, notices of violations, and routine inspections. It is my expectation that the health district work with Ohio EPA's Southwest District Office for additional training, peer review and support. 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.

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 Richard Miller of Ohio EPA's Southwest District Office by telephone at (937) 285-6647.

Sincerely,



Laurie A. Stevenson  
Director

Enclosure: 2021 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

<b>Health District:</b> Darke County General Health District  <b>Core ID:</b> 437216  <b>Secondary ID:</b> HD1900	<b>Survey Period:</b>  <b>Start Date:</b> 2/7/2020 <b>End Date:</b> 2/12/2021  <b>Ohio EPA Inspector:</b> Richard Miller, R.S.
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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
<b>OAC Rule 3745-37-08(C)(1) and (D)(1)</b>	<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.						
<b>OAC Rule 3745-37-08(C)(2) and (D)(2)</b>	<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.						
<b>OAC Rule 3745-37-08(C)(3) and (D)(3)</b>	<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.						
<b>OAC Rule 3745-37-08(C)(4)</b>	<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.						
<b>OAC Rule 3745-37-08(C)(5) and (D)(4)</b>	<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.						
<b>OAC Rule 3745-37-08(C)(6) and (D)(5)</b>	<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
<b>OAC Rule 3745-37-08(C)(7) and (D)(6)</b>	<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.						
<b>OAC Rule 3745-37-08(C)(8) and (D)(7)</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.						
<b>OAC Rule 3745-37-08(C)(9) and (D)(8)</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.						
<b>OAC Rule 3745-37-08(C)(10) and (D)(9)</b>	<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.						
<b>OAC Rule 3745-37-08(C)(11) and (D)(10)</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The health district seeks legal assistance from appropriate state and local agencies as necessary to carry out its assigned responsibilities.						
<b>OAC Rule 3745-37-08(D)(11)</b>				<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.						
<b>OAC Rule 3745-37-08(D)(12)</b>				<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 for Darke County General Health District (health district), Ohio EPA noted some deficiencies.

During the annual survey period, the health district received three complaints. While the health district responded to two of the complaints in a timely manner, the health district did not conduct follow-up inspections during the annual survey period. The health district could not provide documentation the third complaint had been investigated; however, the health district indicated it was investigated during a routine facility inspection.

While reviewing the health district records, a copy of the NOV for one of the complaint investigations could not be located. The health district provided an unsigned version of the NOV which documented

the disposal of infectious waste in a dumpster, citing ORC 3734.01. However, this was an improper citation. Ohio EPA also reviewed several NOV letters for routine facility inspections and found no mention of the violations being resolved in subsequent inspection letters.

**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.*

<b>Facility &amp; Inspection Inventory</b> <b>From: 2/7/2020 To: 2/12/2021</b>			
<b>Facility Name</b>	<b>Facility Type &amp; Minimum Annual Inspection #</b>	<b>Comprehensive Inspections Completed</b>	<b>“Other” Inspections Completed</b>
Rumpke Waste Inc. Greenville Transfer Facility	MSW Transfer Facility (4)	4	0
Fresh Aire Farms Composting Facility	Composting Facility (Class III) (1)	2	0
Gardeners Thumb Worm Castings	Composting Facility (Class III) (1)	2	0
Fitzwater Tree & Lawn Care	Composting Facility (Class IV) (1)	2	0
Versailles WWTP	Composting Facility (Class IV) (1)	2	0
Greenville Landfill	Closed MSW Landfill (4-30 yrs pcc) (1)	3	0
New Madison Landfill	Closed MSW Landfill (4-30 yrs pcc) (1)	3	0
Liberty Township Landfill	Closed MSW Landfill (4-30 yrs pcc) (1)	2	0
Neave Township Landfill	Closed MSW Landfill (4-30 yrs pcc) (1)	3	0

### **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. The health district 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 requests a response from the facility on actions taken to remedy or prevent the violation from re-occurring. However, improvements by the health district are warranted to improve consistency and include:

- Improved tracking of complaints
- More frequent inspections of outstanding violations at complaint locations and regulated facilities
- Documenting resolution of outstanding violations
- Develop procedures 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 recommends additional peer reviews of inspection letters and offers to provide additional technical assistance to the health district, as necessary.

### **Construction and Demolition Debris Program Summary**

Currently, the health district does not have a licensed C&DD facility within its jurisdiction.

### **Post-Survey Conference**

On February 9, 2021, I held a virtual post-survey conference with Ginger Magoto, Environmental Health Director, and Dale Royster, Inspector, 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. I discussed areas of improvement for the health district and offered Ohio EPA's assistance in conducting peer review of letters and training on Ohio EPA's regulations related to the Solid and Infectious Waste and the C&DD programs.

*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.*

*Richard Miller*

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*Signature*

\_\_\_\_\_  
*Date*

Richard Miller, R.S.  
Environmental Specialist  
Division of Materials and Waste Management  
Ohio Environmental Protection Agency  
Southwest District Office