#### Ohio EPA 9/1/2021 Entered Directors Journal



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

September 1, 2021

Greg Kesterman Health Commissioner Hamilton County Public Health 250 William Howard Taft Road Cincinnati, Ohio 45219 Re: Hamilton County Public Health

Director's Authorization

Approval

**Health District Partners** 

**Hamilton County** 

HD3100

Subject: Placement on the director's approved lists

Solid & Infectious Waste Programs

**C&DD Program** 

Dear Mr. Kesterman:

On June 22, 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 August 28, 2020 and June 22, 2021.

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

Hamilton County Public Health Director's Authorization Page 2

# 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. The role your agency plays is invaluable to the effectiveness of achieving our shared mission of protecting public health and the environment. 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 and field activities. 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: 2021 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: Hamilton County Public Health  Core ID: 437228	Survey Period: Start Date: 8/28/2020 End Date: 6/22/2021
Secondary ID: HD3100	Ohio EPA Inspector: Dylan Dyer

#### **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)			
	Υ	N	N/A	Y	N	N/A
OAC Rule 3745-37-08(C)(1) and (D)(1)	$\boxtimes$			$\boxtimes$		
Applications for licenses are on file for each licensed solid waste, infectious waste treatment, or Cⅅ facility in the health district.						
OAC Rule 3745-37-08(C)(2) and (D)(2)	$\boxtimes$			$\boxtimes$		
Applications are properly completed with all required information.						
OAC Rule 3745-37-08(C)(3) and (D)(3)	×			$\boxtimes$		
All known solid waste, infectious waste treatment, and Cⅅ facilities operating in the health district do hold valid and unexpired licenses.						
OAC Rule 3745-37-08(C)(4)	$\boxtimes$					
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)	$\boxtimes$			$\boxtimes$		
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)	$\boxtimes$			$\boxtimes$		
The health district inspects solid waste, infectious waste treatment, and Cⅅ facilities with sufficient frequency to ensure substantial compliance.						

	Solid & Infectious Waste (ORC 3734)		Construction & Demolition Debris (ORC 3714)		on :	
	Υ	N	N/A	Υ	N	N/A
OAC Rule 3745-37-08(C)(7) and (D)(6)	$\boxtimes$			$\boxtimes$		
The health district maintains a file of information relating to each licensed solid waste, infectious waste treatment, and Cⅅ 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)	$\boxtimes$			$\boxtimes$		
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)	$\boxtimes$			$\boxtimes$		
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)	$\boxtimes$			$\boxtimes$		
The health district complies with applicable facility license transfer procedures.						
OAC Rule 3745-37-08(C)(11) and (D)(10)	X		1234	$\boxtimes$		
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)				$\boxtimes$		
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)				$\boxtimes$		
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 district properly cited violations for conditions observed during inspections conducted throughout the survey period.

During the annual survey period, the health district received 61 solid waste complaints. The health district responded to all complaints in a timely manner. Of the 61 complaints, 38 have been abated,

with 8 complaints requiring escalated enforcement. The health district will continue to work with the property owners of the 15 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.

#### **Additional Comments:**

<b>Facility</b>	& Inspection	Inventory
From: 8	8/28/2020 To:	6/22/2021

From: 8/28/2020 To: 6/22/2021					
Facility Name	Facility Type & Minimum Annual Inspection #	Comprehensive Inspections Completed	"Other" Inspections Completed		
Rumpke Sanitary Landfill	MSW Landfill (4)	56	0		
Bond Road Landfill	MSW Landfill (4)	4	0		
Evendale Transfer Station	MSW Transfer Facility (4)	12	0		
Burger Environmental Inc.	Cⅅ Landfill (4)	26	0		
E-Town Landfill and Recycling Inc.	Cⅅ Landfill (4)	26	0		
H. Hafner & Sons Inc. Cⅅ Facility	Cⅅ Landfill (4)	26	0		
Miamiview Landfill Development Cⅅ Landfill	Cⅅ Landfill (4)	4	0		
New Baltimore Landfill	Cⅅ Landfill (4)	26	0		
Newtown Fill	Cⅅ Landfill (4)	26	0		
Whitewater Reclamation Company	Cⅅ Landfill (4)	26	0		

Loveland Cⅅ	Cⅅ Landfill (4)	12	0
			_
Meridian Bioscience Inc.	IW Treatment Facility (4)	4	0
Meridian Innovation Center	IW Treatment Facility (4)	4	0
HIVE	IW Treatment Facility (4)	4	0
Molecular Manufacturing Facility	IW Treatment Facility (4)	4	0
Patheon Pharmaceuticals Inc.	IW Treatment Facility (4)	4	0
Advanced Testing Laboratories	IW Treatment Facility (4)	4	0
Amberley Village	Composting Facility (Class IV) (1)	2	0
Columbia Township Compost	Composting Facility (Class IV) (1)	2	0
Evans Landscaping Inc.	Composting Facility (Class IV) (1)	2	0
Village of Fairfax	Composting Facility (Class IV) (1)	2	0
Granny's Garden School Inc.	Composting Facility (Class IV) (1)	2	0
Glendale Compost Facility	Composting Facility (Class IV) (1)	2	0
H. Hafner & Sons Compost Facility	Composting Facility (Class IV) (1)	2	0
NPK Compost Facility	Composting Facility (Class IV) (1)	2	0

Reading Municipal Garage	Composting Facility (Class IV) (1)	2	0
Sycamore Township Compost	Composting Facility (Class IV) (1)	2	0
Village of Greenhills Landfill	Composting Facility (Class IV) (1)	2	0
City of Wyoming Compost	Composting Facility (Class IV) (1)	2	0

#### Field Surveys

Ohio EPA's field survey evaluation is focused on the health district inspector's familiarity with program rules and policies, the ability to recognize and document violations, and thoroughness of communication with an owner/operator.

Facility Type: Solid Waste Landfill Facility Name: Rumpke Sanitary Landfill Location: 10795 Hughes Road, Cincinnati

**Inspection Type**: Comprehensive

Facility Representative(s): Aaron Abdon

Health District Sanitarian(s): Nick Siefker, Tony Schoenlein, Emily Weglage, Chuck DeJonckheere

Ohio EPA Inspector(s): Dylan Dyer

Date: 6/22/2021

**Findings/ Recommendations**: The health district inspects this facility twice monthly to determine compliance with Ohio Administrative Code (OAC) Rule 3745-27-19. During the inspection, Nick Siefker and Tony Schoenlein observed the active working face, the north end reaction area, the perimeter slopes, ancillary structures, and conducted odor surveillance. The inspection also included an administrative review of the facility records and verification of a valid facility license. The health district inspectors noted the following:

- Working face was located in Phase 8
- Approximately five scrap tires were observed in the working face, sorted for removal
- Two leachate outbreaks were observed. One outbreak was contained by soil berms and actively being pumped. The second outbreak was also contained.
- HCPH inspectors previously conducted a waste load inspection on July 17, 2021. They
  examined the daily records on July 22, 2021, to ensure the waste load had been
  accurately logged.
- Odor surveillance activities were conducted on perimeter roads surrounding the facility.
- Facility records were found to be complete and legible.

No violations were noted.

Mr. Siefker utilized Ohio EPA's inspection checklist while conducting the inspection. He summarized his findings of the inspection to Ohio EPA following the inspection. At the time of the inspection, Ohio

EPA acknowledged the inspector's findings and made no additional recommendations. After receiving and reviewing a copy of the inspection letter, Ohio EPA determined the inspector adequately documented the inspection in the monthly notice of compliance letter dated July 6, 2021.

**Facility Type**: Composting Facility (IV) **Facility Name**: City of Wyoming Compost

Location: North of the soccer fields, east of Oak Avenue

**Inspection Type**: Comprehensive **Facility Representative(s)**: N/A

Health District Sanitarian(s): Emily Wanzer, Chuck DeJonckheere

Ohio EPA Inspector(s): Dylan Dyer

**Date**: 6/15/2021

**Findings/ Recommendations**: The health district inspects this facility semi-annually to determine compliance with OAC Rules 3745-560-400 through 420. The inspection included an administrative review of facility records, verification of a valid registration certificate, and observation of facility operations. The health district inspector noted the following:

- Daily logs were not available for review
- Several piles of yard waste intermixed with miscellaneous solid wastes were observed dumped separately from the materials placement area.
- Large areas of standing water were noted across the facility

The inspector noted the following violations:

- OAC Rule 3745-560-410(C) which states: "The owner or operator shall not accept any prohibited material at the facility."
- OAC Rule 3745-560-410 (I)(2) which states: "Maintain materials placement areas and access roads within the facility boundary in such a manner to allow facility operations and access at all times with minimum erosion and ponding of surface water."
- OAC Rule 3745-560-410 (M)(3) which states: "Undertake actions as necessary to correct the conditions causing the erosion or ponding."
- OAC Rule 3745-560-04(A) which states: "An owner or operator of a composting facility shall maintain a log of operations on forms prescribed by the Director."
- OAC Rule 3745-560-415(B)(2) which states: "Complete the log of operation at a minimum once per week unless the owner or operator has received written concurrence for an alternative frequency from Ohio EPA or the approved board of health."

Ms. Wanzer utilized Ohio EPA's inspection checklist while conducting the inspection. She summarized her findings of the inspection to Ohio EPA following the inspection. At the time of the inspection, Ohio EPA acknowledged the inspector's findings and made no additional recommendations. After receiving and reviewing a copy of the inspection letter, Ohio EPA determined the inspector adequately documented the inspection in a notice of violation letter dated July 1, 2021. A re-inspection is scheduled for July 31, 2021.

Facility Type: C&DD Landfill

Facility Name: H. Hafner & Sons Inc. C&DD Facility

**Location**: 5445 Wooster Rd, Cincinnati **Inspection Type**: Comprehensive

Facility Representative(s): Ken Polskamp, Ed Combs

Health District Sanitarian(s): Tony Schoenlein, Chuck DeJonckheere

Ohio EPA Inspector(s): Dylan Dyer

**Date**: 6/16/2021

**Findings/ Recommendations**: The health district inspects this facility twice per month to determine compliance with OAC Chapter 3745-400. The inspection included an administrative review of the facility records, verification of a valid facility license, and observation of facility operations. The health district inspector noted the following:

- The unloading zone was clearly marked.
- Roads were found in good condition.
- Facility was free of ponding, erosion, or leachate outbreaks.
- Facility logs were found to be complete.
- Piles of wood waste for mulch were stored in the Environmental Covenant area
- HCPH noted waste placement on the eastern slope needs to be surveyed to confirm compliance with authorizing documents.

No violations were noted.

Mr. Schoenlein utilized Ohio EPA's inspection checklist while conducting the inspection. He summarized his findings of the inspection to Ohio EPA following the inspection. At the time of the inspection, Ohio EPA acknowledged the inspector's findings and made no additional recommendations. After receiving and reviewing a copy of the inspection letter, Ohio EPA determined the inspector adequately documented the inspection in the monthly notice of compliance letter dated July 9, 2021.

**Facility Type**: Solid Waste Transfer Facility **Facility Name**: Evendale Transfer Station **Location**: 10751 Evendale Drive, Cincinnati

**Inspection Type**: Comprehensive

Facility Representative(s): Barry Maxwell Health District Sanitarian(s): Nick Siefker

Ohio EPA Inspector(s): Dylan Dyer

Date: 6/15/2021

**Findings/ Recommendations**: The health district inspects this facility twice per month to determine compliance with OAC Chapters 3745-501 and 3745-555. The inspection included an administrative review of facility records, verification of a valid license, and observation of facility operations. The health district inspector noted the following:

- The transfer facility's license is posted in the front office.
- The staff contact information in the contingency plan should be updated.
- Daily logs were complete and legible.
- Several areas adjacent to the walls in the access tunnel are inaccessible to the street sweeper and should be cleaned regularly to prevent litter accumulation
- The leachate control structures were cleaned prior to the inspection.

No violations were noted.

Mr. Siefker utilized Ohio EPA's inspection checklist while conducting the inspection. He summarized his findings of the inspection to Ohio EPA following the inspection. At the time of the inspection, Ohio EPA acknowledged the inspector's findings and made no additional recommendations. After receiving and reviewing a copy of the inspection letter, Ohio EPA determined the inspector adequately documented the inspection in the monthly notice of compliance letter dated July 9, 2021.

Facility Type: IW Generator w/ On-site Treatment Facility Name: Advanced Testing Laboratories

**Location**: 6954 Cornell Road, Blue Ash **Inspection Type**: Comprehensive

Facility Representative(s): Geoff Waby, Loc Nguyen, Russell Hodges, & Michael Matuskiewicz

Health District Sanitarian(s): Tony Schoenlein, Chuck DeJonckheere

Ohio EPA Inspector(s): Dylan Dyer

Date: 6/16/2021

**Findings/ Recommendations**: The health district inspects this facility quarterly to determine compliance with OAC Rule 3745-27-32. The inspection included an administrative review of the facility records and observation of facility operations. The health district inspector noted the following:

- The facility management plan is current and complete.
- The facility's current registration is valid through 2023.
- Disposal shipping papers for the treated waste were organized and complete.
- Treatment logs for the autoclave were found to be legible and complete
- Quality Assurance logs were found to be legible and complete. All spore tests were documented, and all results were negative.

No violations were noted.

Mr. Schoenlein utilized Ohio EPA's inspection checklist while conducting the inspection. He summarized his findings of the inspection to Ohio EPA following the inspection. At the time of the inspection, Ohio EPA acknowledged the inspector's findings and made no additional recommendations. After receiving and reviewing a copy of the inspection letter, Ohio EPA determined the inspector adequately documented the inspection in a notice of compliance letter dated June 21, 2021.

Facility Type: IW Generator

**Facility Name**: Cincinnati State North **Location**: 10100 Reading Road, Evendale

**Inspection Type**: Comprehensive

Facility Representative(s): Krystal Wright Health District Sanitarian(s): Nick Siefker

Ohio EPA Inspector(s): Dylan Dyer

**Date**: 6/15/2021

**Findings/ Recommendations**: This facility is a large generator of infectious waste and the health district inspected this facility to determine compliance with OAC Rules 3745-27-30 through 3745-27-36. The inspection included an administrative review of records, verification of a valid registration certificate, and observing the infectious waste handling and storage areas. The health district inspector noted the following:

- The the infectious waste storage area locked with proper signage.
- The operator properly segregated sharps at the point of generation.

No violations were noted.

Mr. Siefker utilized Ohio EPA's inspection checklist while conducting the inspection. He summarized his findings of the inspection to Ohio EPA following the inspection. At the time of the inspection, Ohio EPA acknowledged the inspector's findings and made no additional recommendations. After receiving and reviewing a copy of the inspection letter, Ohio EPA determined the inspector adequately documented the inspection in the notice of compliance letter dated June 21, 2021.

Facility Type: Scrap Tire Generator Facility Name: Car X Tire & Auto

Location: 9326 Colerain Avenue, Cincinnati

Inspection Type: Comprehensive

Facility Representative(s): Henry Araujo

Health District Sanitarian(s): Emily Weglage, Chuck DeJonckheere

Ohio EPA Inspector(s): Dylan Dyer

**Date**: 6/22/2021

**Findings/ Recommendations**: This facility is a scrap tire generator, and the health district inspected this facility to determine compliance with OAC Rule 3745-27-60. The inspection included an administrative review of records, verification of a valid scrap tire transporter registration, and observing the scrap tire storage area. The health district inspector noted the following:

- The facility was utilizing a registered scrap tire transporter.
- The facility provided a copy of the most recent disposal receipt.
- Scrap tires awaiting disposal were found to be collecting water. The inspector indicated standing water must be removed, treated for mosquito larvae, or disposed of.

No violations were noted.

Ms. Weglage utilized Ohio EPA's inspection checklist while conducting the inspection. She summarized her findings of the inspection to Ohio EPA following the inspection. At the time of the inspection, Ohio EPA acknowledged the inspector's findings and made no additional recommendations. After receiving and reviewing a copy of the inspection letter, Ohio EPA determined the inspector adequately documented the inspection in the notice of compliance letter dated June 22, 2021.

### **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.

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 requests 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 inspects the C&DD facilities twice per month and issues monthly inspection correspondence to the facilities. Health district inspectors issue notice of violation letters separately from monthly correspondence when violations exist per Ohio EPA's recommendations from previous surveys. The health district continues to work with Ohio EPA to coordinate the preliminary hydrogeologic investigations discussions with the C&DD facilities in Hamilton County. The health district conducts quarterly inspections of registered C&DD processing facilities within its jurisdiction. The health district has continued efforts to educate facility operators to improve compliance with screening of waste and daily operations.

### **Post-Survey Conference**

On June 22, 2021, I held a post-survey conference with Chuck DeJonckheere, Waste Management Division Director, 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
 08/06/2021

 Date

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