



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

November 7, 2022

Mark Adams
Health Commissioner
Lorain County Public Health
9880 Murray Ridge Road
Elyria, OH 44035

Re: Lorain County Public Health
Director's Authorization
Approval
Health District Partners
Lorain County
HD4700

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

Dear Mr. Adams:

On August 31, 2022, 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 Programs in accordance with Ohio Administrative Code (OAC) Rule 3745-37-08. The annual survey included the time period between September 3, 2021 and August 31, 2022.

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

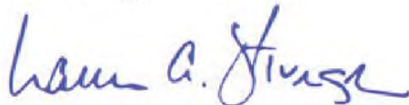
Environmental Review Appeals Commission
30 East Broad Street, 4th floor
Columbus, Ohio 43215

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 Northeast 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 Nichole Lemin, Chief of the Division of Materials and Waste Management.

If you have any questions concerning this letter, please contact Jennifer Bennage of Ohio EPA's Northeast District Office by telephone at 330-963-1151.

Sincerely,



Laurie A. Stevenson
Director

Enclosure: 2021-2022 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: Lorain County Public Health 9880 Murray Ridge Road Elyria, Ohio 44035 Core ID: 437244 Secondary ID: HD4700 HC Email: Madams@loraincountyhealth.com	Survey Period: Start Date: 9/3/2021 End Date: 8/31/2022 Ohio EPA Inspectors: Jennifer Bennage, Jennifer Carlin
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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
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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):

Lorain County Public Health undertakes appropriate actions against persons when necessary to bring about substantial compliance with Chapters 3734. and 3714. of the Revised Code and rules adopted thereunder. The health district consistently generates detailed documentation of inspection observations and appropriately sends notices of violation to facilities that are in noncompliance with Ohio's rules and regulations. Follow-up inspections are conducted to ensure the violations are

corrected. If violations remain unresolved, the health district refers the matter to the board of health or the Lorain County Prosecutor's office for enforcement action.

During the survey period, the health district investigated 189 complaints. The only complaints remaining under investigation are the ongoing odor complaints at the Lorain County II Landfill.

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 period.

Facility & Inspection Inventory From: 9/3/2021 To: 8/31/2022			
Facility Name	Facility Type & Minimum Inspection #	Comprehensive Inspections Completed	"Other" Inspections Completed
Alvarado Landscaping, Inc.	Composting Facility (Class IV) (1)	1	0
Amherst Township Yard Waste Collection Site	Composting Facility (Class IV) (1)	1	0
Avon Lake Central Fueling	Composting Facility (Class IV) (1)	1	0
City of Lorain Composting Facility	Composting Facility (Class IV) (1)	1	0
DDBK LLC	Composting Facility (Class IV) (1)	1	0
Eaton Township Composting Center	Composting Facility (Class IV) (1)	1	0
Kurtz Bros Inc-Avon Production Facility	Composting Facility (Class IV) (1)	1	0
M&B Trucking Express Corp	Composting Facility (Class IV) (1)	1	0
Morton's Landscape Development Co	Composting Facility (Class IV) (1)	1	0
Oberlin Composting Facility	Composting Facility (Class IV) (1)	1	0
Z Men Enterprises Inc.	Composting Facility (Class IV) (1)	1	0

Avon Lake Landfill	Closed MSW Landfill (4-30 yrs pcc) (1)	1	0
Lorain County II Landfill LLC	MSW Landfill (4)	4	6
Pearl Avenue LLC	C&DD Landfill (4)	4	0
Reed's Salvage Corp	C&DD Landfill (4)	4	0

Field Survey

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: Closed MSW Landfill

Facility Name: Avon Lake Landfill

Location: 750 Avon Belden Road, Avon Lake, OH 44012

Inspection Type: Comprehensive

Facility Representative(s): Darwin Ward

Health District Sanitarian(s): Juston Carpenter, Ryan Tristano, Scott Pozna

Ohio EPA Inspector(s): Jennifer Bennage, Jennifer Carlin

Date: 7/18/2022

Findings/Recommendations:

Mr. Carpenter demonstrated knowledge of the solid waste regulations and accurately evaluated the closed solid waste landfill for compliance with all applicable laws, rules, and authorizing documents. Mr. Carpenter examined the landfill cap for signs of erosion, settlement, and distressed vegetation and found none. He also examined the landfill for ponding and found a very small amount of ponding water near the class IV composting area that is located on the top of the landfill. He recommended to the facility that they regrade that area. He took pictures to document his observations.

No violations were observed.

Mr. Carpenter summarized his findings for Ohio EPA following the inspection. Ohio EPA concurred with his findings and made no additional recommendations. After receiving and reviewing a copy of the inspection letter, dated August 8, 2022, Ohio EPA determined that Mr. Carpenter accurately documented the July 18, 2022, inspection.

Facility Type: Composting Facility (IV)

Facility Name: Avon Lake Central Fueling

Location: 750 Avon Belden Road, Avon Lake, OH 44012

Inspection Type: Comprehensive

Facility Representative(s): Darwin Ward

Health District Sanitarian(s): Juston Carpenter, Ryan Tristano, Scott Pozna

Ohio EPA Inspector(s): Jennifer Bennage, Jennifer Carlin

Date: 7/18/2022

Findings/Recommendations:

Mr. Carpenter demonstrated knowledge of the solid waste regulations and accurately evaluated the class IV composting facility for compliance with all applicable laws, rules, and authorizing documents. He took pictures to document his observations. He examined the facility records and found the daily log of operations to be inadequate and their weekly self-inspection reports to be missing. Mr.

Carpenter provided the facility with blank copies of the required recordkeeping forms. He examined the composting piles and found no unauthorized materials. He did observe a small amount of ponding water near one of the composting piles.

Mr. Carpenter identified the following violations:

- OAC Rule 3745-560-415 (A) and (B): weekly logs were not available for recent months
- OAC Rule 3745-560-410 (N): leachate was observed ponding in the materials placement area

Mr. Carpenter summarized his findings for Ohio EPA following the inspection. Ohio EPA concurred with his findings and made no additional recommendations. After receiving and reviewing a copy of the notice of violation letter, dated August 8, 2022, Ohio EPA determined that Mr. Carpenter accurately documented the July 18, 2022, inspection.

Facility Type: Open Dump

Facility Name: Commerce Drive Open Dump

Location: Commerce Drive, Grafton, Parcel #s 1100099000332, 1100099000385

Inspection Type: Other

Facility Representative(s): Not present

Health District Sanitarian(s): Juston Carpenter, Ryan Tristano, Scott Pozna

Ohio EPA Inspector(s): Jennifer Bennage, Jennifer Carlin

Date: 7/18/2022

Findings/Recommendations:

During this follow-up inspection, Mr. Carpenter demonstrated knowledge of the solid waste and construction & demolition debris regulations and recorded observations to assess the progress of this ongoing cleanup. Mr. Carpenter observed both solid waste and C&DD, including wood, brick, metal, plastic, glass, and incidental municipal wastes disposed in a dug-out cell in the ground.

Mr. Carpenter identified the following violations:

- ORC 3734.03: solid wastes have been open dumped onsite
- OAC Rule 3745-400-04(B): construction and demolition debris has been illegally disposed onsite
- OAC Rule 3745-27-03 (D): open dumping had occurred onsite, and the property owner had not promptly removed and disposed of the solid waste

Mr. Carpenter summarized his findings for Ohio EPA following the inspection. Ohio EPA concurred with his findings and made no additional recommendations. Mr. Carpenter issued an initial notice of violation letter on July 5, 2022, after receiving the open dump complaint on June 27, 2022. After receiving and reviewing a copy of the notice of violation letter, Ohio EPA determined that Mr. Carpenter documented the inspection of the open dump complaint accurately. He continues to conduct follow-up inspections and keeps in close contact with the property owner via phone calls and emails while the site is being cleaned up.

Facility Type: MSW Landfill

Facility Name: Lorain County II Landfill, LLC.

Location: 43502 Oberlin-Elyria Road, Oberlin, OH 44074

Inspection Type: Comprehensive

Facility Representative(s): Christina L. Pearse-Bossick, Ryan Baisden

Health District Sanitarian(s): Juston Carpenter, Ryan Tristano, Scott Pozna

Ohio EPA Inspector(s): Jennifer Bennage, Jennifer Carlin

Date: 7/19/2022

Findings/Recommendations:

Mr. Carpenter demonstrated knowledge of the solid waste regulations and accurately evaluated the solid waste landfill for compliance with all applicable laws, rules, and authorizing documents. Mr. Carpenter used the appropriate checklist and took notes and photos to document observations. He observed and noted that the required records were onsite and complete. He also noted that the truck wheel wash was operational, the leachate holding tanks were in good condition, the leachate sump pumps' readings were in compliance, and the landfill gas flares were operational. Mr. Carpenter also noted that the sedimentation ponds were in good condition, scattered litter was minimal, and pickers were present. Mr. Carpenter did observe an area of the landfill with exposed waste, where additional waste is to not be deposited for at least 30 days. He also observed some remaining erosion on the eastern slope of the landfill, which he had previously discussed with the facility during an inspection in March 2022. When noticing a strong gas odor, Mr. Carpenter observed a small crack in a pipe which was venting landfill gas into the atmosphere; the facility's gas crew was called and repaired the crack immediately. Lastly, Mr. Carpenter observed a pool of what appeared to be leachate near the haul road southeast of the working face. When questioning the facility, they stated that the leachate was due to some temporary construction activities and would be cleaned up immediately.

Mr. Carpenter identified the following violations:

- OAC Rule 3745-27-19(G)(1): solid waste was exposed near the top of the previous haul road in an area where additional waste is to not be deposited for at least thirty days
- OAC Rule 3745-27-19(G)(4) and (J)(3): erosion rills were present on the eastern side slope of the landfill

Mr. Carpenter summarized his findings for Ohio EPA following the inspection. Ohio EPA concurred with his findings and made no additional recommendations. After receiving and reviewing a copy of the notice of violation letter dated August 1, 2022, Ohio EPA determined that Mr. Carpenter accurately documented the July 19, 2022, inspection. After receiving and reviewing a copy of the follow-up inspection letter/partial resolution of violation letter, dated August 10, 2022, Ohio EPA determined that Mr. Carpenter accurately documents the resolution of violations and continues to follow-up with the facility on remaining violations.

Facility Type: C&DD Landfill

Facility Name: Pearl Avenue, LLC

Location: 5111 Pearl Avenue, Lorain, Ohio 44055

Inspection Type: Comprehensive

Facility Representative(s): Tom Faulk

Health District Sanitarian(s): Juston Carpenter, Ryan Tristano, Scott Pozna

Ohio EPA Inspector(s): Jennifer Bennage, Jennifer Carlin

Date: 7/19/2022

Findings/Recommendations:

Mr. Carpenter demonstrated knowledge of the Construction and Demolition Debris (C&DD) regulations and accurately evaluated the facility for compliance with all applicable laws, rules, and authorizing documents. He used the appropriate checklist and took notes to document his observations. Mr. Carpenter noted that access to the site was limited, the unloading zone was properly marked, placed debris appeared to be acceptable material, there was no blowing litter, no ponding was observed, and no leachate outbreaks were observed. The daily logs of operation were reviewed and found to be complete.

Mr. Carpenter identified the following violation:

- OAC Rule 3745-400-11(C)(1): the license application was not being retained at the facility

Mr. Carpenter summarized his findings for Ohio EPA following the inspection. Ohio EPA concurred with his findings and made no additional recommendations. After receiving and reviewing a copy of

the notice of violation letter, dated August 1, 2022, Ohio EPA determined that Mr. Carpenter documented the July 19, 2022, inspection accurately.

Facility Type: IW Generator

Facility Name: CVS Pharmacy #3353

Location: 3230 Oberlin Avenue, Lorain, Ohio 44053

Inspection Type: Comprehensive

Facility Representative(s): Khaled Abdelnaby, Emily Ohlinger

Health District Sanitarian(s): Juston Carpenter, Ryan Tristano

Ohio EPA Inspector(s): Jennifer Bennage, Jennifer Carlin

Date: 8/31/2022

Findings/Recommendations:

Mr. Carpenter demonstrated knowledge of the infectious waste regulations and accurately evaluated the facility for compliance with all applicable laws and rules. The inspector confirmed that infectious waste is separated at the point of generation, the sharps containers are present in individual patient areas behind locked doors, and the infectious waste is properly labeled and placed in locked storage until removed for disposal. Mr. Carpenter noted that the collection facility is Sharp Compliance, Inc.

No violations were observed.

Mr. Carpenter summarized his findings for Ohio EPA following the inspection. Ohio EPA concurred with his findings and made no additional recommendations. After receiving and reviewing a copy of the inspection letter, dated September 1, 2022, Ohio EPA determined that Mr. Carpenter accurately documented the August 31, 2022, inspection.

Solid and Infectious Waste Programs Summary

Ohio EPA found no deficiencies with the health district's implementation of the Solid and Infectious Waste Programs. Lorain County Public Health administers the programs efficiently, effectively, and in compliance with the requirements contained in OAC Rule 3745-37-08(C). The health district ensured that all license applications are on file and properly completed by using Ohio EPA's eBusiness Center. The health district conducts all required comprehensive inspections at licensed and registered facilities within its jurisdiction to ensure compliance with the solid waste and infectious waste regulations. The health district appropriately documents violations with comprehensive notice of violation letters to the owner/operator detailing any violations, including rule citations and additional inspection observations/notes. The health district requests a response from the facility on actions taken to remedy or prevent the violations from recurring and conducts follow-up inspections to confirm that compliance is achieved. The health district also sends inspection reports/letters of compliance to those facilities with no violations, summarizing the inspection and indicating compliance. The health district effectively manages solid waste complaints and has procedures in place to escalate enforcement if necessary.

Health district staff inspect the Lorain County II Landfill with sufficient frequency to ensure substantial compliance. Quarterly comprehensive inspections are conducted at the facility, and additional complaint investigations are conducted at and around the landfill to monitor for odors in the surrounding area. Health district staff communicate their findings in response to odor complaints to Ohio EPA via telephone and e-mail. The inspectors have been working closely with Ohio EPA to resolve ongoing violations.

Construction and Demolition Debris Program Summary

Ohio EPA found no deficiencies with the health district's implementation of the Construction and Demolition Debris Program. Lorain County Public Health administers the program efficiently, effectively, and in compliance with the requirements contained in OAC Rule 3745-37-08(D). The health district ensured that license applications are on file and properly completed by using Ohio

EPA's eBusiness Center to process the Pearl Avenue LLC and the Reeds Salvage Corp C&DD landfill facility licenses.

Health district staff inspected the C&DD landfills with sufficient frequency to ensure substantial compliance, and quarterly comprehensive inspections were conducted at both facilities. The files contain current and historical applications for licenses, certification reports, inspection records, approved plans, ground water evaluation information, and other pertinent information.

Post-Survey Conference

On August 31, 2022, Ohio EPA held a post-survey conference with Jill Lis, Environmental Director; Juston Carpenter, Environmental Manager; Ryan Tristano, Inspector; and Scott Pozna, Environmental Health Supervisor, to summarize the annual survey findings. The health commissioner was aware of the meeting but was unable to attend. We discussed the health district's compliance with ORC Chapters 3734.08 and 3714.09. We informed Mr. Pozna and Mr. Carpenter of our intention to recommend to the director that the health district remain on the director's approved list.

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.

Jennifer S. Bennage
Signature

9/30/2022
Date

Jennifer S. Bennage
Environmental Specialist
Division of Materials and Waste Management
Ohio Environmental Protection Agency
Northeast District Office