

## **3745-37-08 Approved list of health districts.**

- (A) The director shall maintain the following approved lists of health districts:
- (1) The solid and infectious wastes program approved list of health districts for the purpose of issuing a license to a solid waste facility or infectious waste treatment facility under section 3734.05 of the Revised Code; and
  - (2) The construction and demolition debris program approved list of health districts for the purpose of issuing a license to a construction and demolition debris facility under section 3714.06 of the Revised Code.
- (B) Health districts placed on the solid and infectious wastes program approved list are also concurrently placed on the construction and demolition debris program approved list as required by division (A) of section 3714.09 of the Revised Code. Health districts removed from the solid and infectious wastes program approved list in accordance with division (B) of section 3734.08 of the Revised Code are also removed from the construction and demolition debris program approved list as required by division (A) of section 3714.09 of the Revised Code. Health districts which are not on the solid and infectious wastes program approved list in accordance with division (A) or (B) of section 3734.08 of the Revised Code may request that the director place the health district on the construction and demolition debris program approved list in accordance with division (B)(1) of section 3714.09 of the Revised Code.
- [Comment: The criteria for the placement of a health district on the director's construction and demolition debris approved list is contained in paragraphs (B) and (C) of rule 3745-37-09 of the Administrative Code.]
- (C) The director shall survey annually each health district on the solid and infectious wastes program approved list as provided by section 3734.08 of the Revised Code to determine whether there is substantial compliance with Chapter 3734. of the Revised Code and with Chapters 3745-27 and 3745-37 of the Administrative Code. Substantial compliance shall be deemed to exist if:
- (1) Applications for solid waste facility licenses or infectious waste treatment facility licenses are on file for each licensed solid waste facility or infectious waste treatment facility in the health district; and
  - (2) Applications are properly completed with all required information; and
  - (3) All known solid waste facilities or infectious waste treatment facilities operating in the health district and required to hold licenses by section 3734.05 of the Revised Code do hold valid and unexpired licenses; and

- (4) No license has been issued for any new solid waste facility or new infectious waste treatment facility prior to the director's issuance of required permits and approval of required detail plans; and
- (5) Certification of inspection and compliance has been made to the director within thirty days after issuance of a solid waste facility license, or infectious waste treatment facility license as required by section 3734.07 of the Revised Code; and
- (6) The health district inspects solid waste facilities or infectious waste treatment facilities subject to Chapter 3745-27 or 3745-37 of the Administrative Code, with sufficient frequency to insure substantial compliance therewith, and in any event inspects each such solid waste facility or infectious waste treatment facility at least quarterly, and inspects each such new solid waste facility or infectious waste treatment facility at least biweekly during the first three months of operation. Such quarterly inspections shall include inspection of any transport vehicles that are on the premises at the time of inspection; and
- (7) The health district maintains a file of information relating to each licensed solid waste facility and infectious waste treatment facility throughout each facility's operation and applicable closure and applicable postclosure periods. Each file shall include applications for solid waste licenses, or infectious waste treatment facility licenses, certification records, inspection records, approved plans, litigation information (except that privileged by the attorney-client relationship), and other pertinent information; and
- (8) The health district undertakes appropriate actions against persons holding solid waste licenses or infectious waste treatment facility licenses and against persons who operate solid waste facilities or infectious waste treatment facilities without holding required solid waste licenses, or infectious waste treatment facility licenses, and against other persons, whenever necessary to bring about substantial compliance with Chapter 3734. of the Revised Code and Chapters 3745-27 and 3745-37 of the Administrative Code; and
- (9) The health district takes immediate action to abate serious hazards to the public health resulting from violations of Chapter 3734. of the Revised Code, and Chapters 3745-27 and 3745-37 of the Administrative Code; and
- (10) The health district complies with rule 3745-37-07 of the Administrative Code; and
- (11) The health district seeks legal assistance from appropriate state and local agencies as necessary to carry out its assigned responsibilities.

- (D) The director shall survey annually each health district on the construction and demolition debris program approved list as provided by section 3714.09 of the Revised Code, to determine whether there is substantial compliance with Chapter 3714. of the Revised Code and with Chapters 3745-400 and 3745-37 of the Administrative Code. Substantial compliance shall be deemed to exist if:
- (1) Applications for construction and demolition debris facility licenses are on file for each licensed construction and demolition debris facility in the health district; and
  - (2) Applications are properly completed with all required information; and
  - (3) All known construction and demolition debris facilities operating in the health district and required to hold licenses by section 3714.06 of the Revised Code do hold valid and unexpired licenses; and
  - (4) Certification of inspection and compliance has been made to the director within thirty days after issuance of a construction and demolition debris facility license as required by section 3714.08 of the Revised Code; and
  - (5) The health district inspects construction and demolition debris facilities subject to Chapter 3745-400 or 3745-37 of the Administrative Code, with sufficient frequency to insure substantial compliance therewith, and in any event inspects each such construction and demolition debris facility at least quarterly, and inspects each such new construction and demolition debris facility at least bi-weekly during the first three months of operation; and
  - (6) The health district maintains a file of information relating to each licensed construction and demolition debris facility throughout operation and closure of the facility. Each file shall include applications for construction and demolition debris facility licenses, inspection records, approved exemptions and plans, certification records, litigation information (except that privileged by the attorney-client relationship), and other pertinent information; and
  - (7) The health district undertakes appropriate actions against persons holding construction and demolition debris facility licenses, and against persons who operate a construction and demolition debris facility without holding a required construction and demolition debris facility license and against other persons, whenever necessary to bring about substantial compliance with Chapter 3714. of the Revised Code and Chapters 33745-400 and 3745-37 of the Administrative Code; and
  - (8) The health district takes immediate action to abate serious hazards to the public health resulting from violations of Chapter 3714. of the Revised Code and Chapters 3745-400 and 3745-37 of the Administrative Code; and

- (9) The health district complies with rule 3745-37-07 of the Administrative Code; and
- (10) The health district seeks legal assistance from appropriate state and local agencies as necessary to carry out its assigned responsibilities; and
- (11) Each health district construction and demolition debris staff person possesses either a registered sanitarian/sanitarian in training certificate, the equivalent educational background required to be a registered sanitarian, or two years adequate work experience inspecting waste facilities; and
- (12) The health district maintains a file of information relating to each exemption issued, and each special term and/or condition imposed with each license issuance. The file shall include 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.

[Comment: Ohio EPA review of the documentation will be limited to ensuring that all documentation is complete and is incorporated into the file, not whether the documentation is technically adequate. A health district will not be removed from the construction and demolition debris program approved list for issuing an exemption or adding terms and/or conditions to a license. However, if the documentation for the action is not filed, the director may determine that the health district is not in substantial compliance with Chapter 3714. of the Revised Code.]

(E) If the director determines that:

- (1) In accordance with sections 3734.08 and 3714.09 of the Revised Code, there is substantial compliance with Chapters 3734. and 3714. of the Revised Code and Chapters 3745-27, 3745-400, and 3745-37 of the Administrative Code, he shall place the health district upon both the solid and infectious wastes program approved list and the construction and demolition debris program approved list; and
- (2) In accordance with division (B) of section 3714.09 of the Revised Code, there is substantial compliance with Chapter 3714. of the Revised Code and Chapters 3745-400 and 3745-37 of the Administrative Code, he shall place the health district upon the construction and demolition debris program approved list.

(F) If the director determines that:

- (1) In accordance with division (B) of section 3734.08 and division (A) of section 3714.09 of the Revised Code, there is not substantial compliance with Chapters 3734. and 3714. of the Revised Code and Chapters 3745-27,

3745-400, and 3745-37 of the Administrative Code, he shall promptly notify the health district of his determination by certified mail. The director or his authorized representative shall also consult with and advise the health district regarding its ineligibility to be placed on the both the solid and infectious wastes program approved list and the construction and demolition debris program approved list and steps to be taken to bring the solid waste program and/or infectious waste program and/or construction and demolition debris program into compliance; and

(2) In accordance with division (B) of Section 3714.09 of the Revised Code, there is not substantial compliance with Chapter 3714I. of the Revised Code and Chapters 3745-400 and 3745-37 of the Administrative Code, he shall promptly notify the board of health of his determination by certified mail. The director or his authorized representative shall also consult with and advise the health district regarding its ineligibility to be placed on the construction and demolition debris program approved list and steps to be taken to bring the construction and demolition debris program into compliance.

(G) Between one hundred twenty and one hundred eighty days after the mailing of the notice required by paragraph (F) of this rule, the director shall re-survey the health district. If he determines that there is substantial compliance, he shall maintain the health district on the applicable approved list(s). If he determines that there is still not substantial compliance, he shall promptly:

(1) Enter such determination into his journal; and

(2) Notify the health district of his determination by certified mail; and

(3) Publish notice of his determination in the Ohio EPA "Weekly Review"; and

(4) Publish notice of his determination in a newspaper of general circulation in the area within the jurisdiction of the health district.

(H) Within fifteen days after receipt of the notice specified by paragraph (G)(2) of this rule, the health district shall comply with the requirements of division (B) of section 3734.08 and section 3714.09 of the Revised Code.

**HISTORY: Eff 7-29-76; 5-1-90; 9-30-96**