

COMPLIANCE MONITORING AND ENFORCEMENT
PROGRAM OVERVIEW

All new and existing solid and infectious waste facilities that intend to operate or continue to operate in Ohio must obtain all necessary permits and licenses **from** the appropriate regulatory agencies. Such facilities are obligated to comply with the terms and conditions of their permits and licenses, and they must comply with all applicable rules and regulations for (operation and final closure. The Division of Solid and Infectious Waste Management is responsible for monitoring statewide compliance with Ohio's rules and regulations.

Compliance monitoring means oversight of facility operations to ensure compliance and includes such activities as site inspections, notices of violation, complaint investigations, technical assistance, evaluation of compliance with previous orders of the Director, and documentation of these activities. Our goal is to achieve compliance through technical assistance, rather than through enforcement action.

Enforcement action occurs when a facility is not in compliance and formal action is necessary to achieve a return to compliance. Violations of Ohio's solid and infectious waste regulations have been prioritized as high, medium, and low, based on the potential of the cited violation to affect human health and the environment. The specific enforcement action taken depends on this classification of the violations, as well as the length of time the entity has been out of **compliance**. Enforcement actions may include warning letters, administrative actions by the Director (both consent agreements and unilateral orders), revocation or denial of a permit or license, or referral to the Attorney General's Office for administrative or judicial action.

In an effort to standardize the solid and infectious waste compliance monitoring and enforcement program, the Ohio EPA has developed guidelines to be used by health departments on the Director's approved list and by Ohio EPA personnel to administer the solid and infectious waste programs in Ohio. Local health departments who are on the Director's approved list have direct responsibility for compliance monitoring and enforcement action at all facilities within their jurisdiction. The Ohio EPA provides ongoing technical assistance to the health department and reviews the health department's performance through an annual survey. At that time, program strengths and weaknesses are discussed, as well as specific program improvements that are needed, regulatory changes, and the Ohio EPA's expectations for continued program administration. If the health department is unable to adequately administer the solid and infectious waste program, the Director may remove the health department from the approved list.

Enforcement options available to health departments **include** warning letters, board orders, license revocation or denial, or referral to the local prosecutor for administrative or judicial action. The health department may also request assistance from the Ohio EPA when pursuing enforcement action.

The Ohio EPA may also step in to take enforcement **action** if the facility is owned by the county or when a lack of resources at the local level prevents the health **department from** aggressively pursuing enforcement action. In areas where the local health department is not on the approved list, the Ohio EPA has direct responsibility for compliance monitoring and enforcement action.