

HB 592: Facility Oversight – Highlights from December 17th meetings

Monday, December 17 | Horace Collins Meeting Room | Facility and Enforcement Groups

The December 17th meetings were comprised of two groups. In the morning, Ohio EPA spoke with representatives from public and private facilities. In the afternoon, Ohio EPA engaged with representatives from over 20 Health Departments across the state. This summary is designed to cover the high-level points from both meetings. More detailed notes are also available covering (as verbatim as possible) all issues and ideas discussed at the two meetings.

Facility Group:

The group was asked a series of questions about the current system, including what matters most when developing a facility oversight system, what currently works well and what can use improvement. The three questions resulted in answers with several easily identifiable patterns.

When asked what matters most in a facility oversight system, four clear patterns emerged:

- a. **Consistency:** This included several aspects including consistent keeping, consistency regarding what is included in an inspection and consistency with other environmental programs including NPS permits and air permits.
- b. **Qualified Personnel:** Related to consistency, this also included the need to have inspectors with proper credentials and training.
- c. **Responsiveness:** A system must include timely communication and responsiveness from both regulators and the regulated community
- d. **Streamlined/Efficiency:** This pattern emerged more clearly in the other answers, but was alluded to during this question as well. Some felt the dual system (Ohio EPA – HDs) was not effective or cost efficient. Some also suggested the background investigation requirements remain too cumbersome.

When asked what is currently working well, the main theme to emerge was Ohio EPA communication – they said it has gotten much better in the past few years. They also commended the BAT expectations as being clear and appropriate.

Turning to what doesn't work, facilities cited inconsistency, redundancy and issues with the Ohio EPA-HD relationship. Ohio EPA dug deeper into the consistency issue to ask where the biggest concerns were. The list was extensive including odors, litter, erosion, daily cover, leachate outbreaks, the definition of solid waste, ponding water, compaction, track out and fugitive dust.

Asked about ways to improve consistency (or the effects of inconsistency), the facilities had many suggestions, including:

- a. Involve fewer people in the system (too many people for how many LFs/TFs exist today);
- b. Additional and more consistent training;
- c. Developing a non-violation notice for issues that don't impact public/environmental health and safety;
- d. Ensuring RTC letters are sent out;
- e. More stable funding;
- f. And several more (see actual notes)

Facilities also believe (and the HD group generally agreed) that inspection frequency should be more flexible and based on other factors than simply the type of facility (complaint history, volume, etc...) and that more than just disposal facilities should be subject to inspections.

Health Department Group:

The Health Department group was asked to focus solely on ‘building a new facility oversight system’. Based on those results, there were a several identifiable patterns and common themes among the groups:

- a. **Permitting:** Many groups acknowledged that permitting had become very complicated and was better handled by Ohio EPA (more engineers). *Some Ohio EPA staff have noted in the past (during Phase I) that they spend a significant amount of time helping HDs review permits*;
- b. **Enforcement:** Should be centralized from Ohio EPA
- c. **Training:** There is a strong need for additional training to promote better consistency;
- d. **Guidance:** In addition to training, more guidance should be issued to promote consistency;
- e. **Frequency:** Frequency of inspections should be based on a series of factors including risk, complexity and size of facility;
- f. **HD Involvement:** Health Departments should remain a part of the inspection and oversight structure, even if their capacity changes;
- g. **Recycling Facilities:** Recycling facilities should also have some level of oversight (this is similar to what facilities said) – this appeared to be primarily related to open dumping concerns;
- h. **Funding:** Everyone supported a revamped and stabilized funding source for HDs independent of SWMDs. Especially open dumping enforcement is an unfunded mandate. Potential corrections may include keeping license/permit fees, charging facilities for oversight activities, some sort of formula funding or other methods.
- i. **C&DD:** C&DD should be included as part of solid waste
- j. **Prosecutor/Judge Outreach:** There should be greater outreach to ensure cases are prosecuted more often with appropriate consequences.

There were also differences among the groups as well, but most agreed on the above patterns. Detailed notes from each group are available.