



State of Ohio Environmental Protection Agency

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The Role of the Local Health District In the Infectious Waste Program

A health district on the Ohio EPA Director's approved list is responsible for overseeing that substantial compliance with applicable portions of Chapter 3734. of the Ohio Revised Code (ORC) is maintained within the health district. An approved health district may enter, under the statutory authority of Paragraph (C) Section 3734.07 of the ORC, at reasonable times upon any private or public property, real or personal, to inspect or investigate, obtain samples, and examine or copy records to determine compliance with Chapter 3734. of the ORC. Furthermore, an approved health department is required to take any appropriate action whenever necessary to ensure substantial compliance with Ohio's infectious waste regulations [Paragraph (A)(8) of Rule 3745-37-08 of the Ohio Administrative Code (OAC)]. At a minimum, an approved health department is required to inspect licensed and non-licensed infectious waste treatment facilities on a quarterly basis. Neither the ORC nor the OAC specifies the frequency of inspections for large and small generators of infectious waste. However, for an approved health district to maintain substantial compliance within their jurisdiction, these generators should also be inspected with adequate frequency to ensure compliance.

Compliance Monitoring:

Inspection in response to a complaint:

Health districts have a maximum of fifteen days to respond to a written request for an inspection of a facility which generates or treats infectious waste. Complaints which involve treatment facilities (licensed or unlicensed), transporters, or generators should be investigated on a prioritized basis.

Quarterly inspection of an infectious waste treatment facility:

Quarterly inspections are required to be conducted at any facility that treats infectious wastes. Such quarterly inspections shall also include the inspection of any transport vehicles that are on the premises at the time of the inspection. This includes:

- * Licensed infectious waste treatment facilities.
- * Solid waste facilities with a notation on their license to treat infectious waste.
- * On-site treatment facilities.

A file shall be maintained at the approved health district pertaining to each infectious waste treatment facility in operation and each infectious waste treatment facility closed within the last 5 years within the jurisdiction of the health district. The file shall contain facility applications and licenses, inspection records, approved plans, litigation information, and other pertinent information.

Inspection of transporters, registered generators, and small generators:

Transporters: Registered infectious waste transporters are to be inspected whenever encountered at a generator or treatment facility which is being inspected.

Reeistered infectious waste generators: The Ohio EPA recommends that registered generators should be inspected, at a minimum, oncc a year to assure that infectious wastes produced by departments within the facility are being properly handled.

Small infectious waste generators: Small generators should be inspected whenever time permits. These are the generators who most affect the solid waste stream, the sanitation worker, the public, and the environment. Often times these generators are unaware of the infectious waste regulations and are in need of education and guidance to attain compliance with the regulations. In addition, the inspection of small generators is a method of discovering generators who truly should be registered as large generators.

The above specified inspection schedules are strongly recommended but are not statutorily required.

Post-licensing Inspection:

Within thirty days after issuing a license to an infectious waste treatment facility or a solid waste facility whose license includes a notation to treat infectious waste, an approved health district is required to certify to the Director of the Ohio EPA that the facility has been inspected and is in substantial compliance with the infectious waste regulations [ORC 3734.07 (B) and OAC Rule 3745-37-08 (A)(5)].

Licensing Responsibilities:

- * Off-site infectious waste treatment facilities.
- * Notation of a solid waste license that the disposal facility also treats infectious waste. The notation that appears on a solid waste license allows a solid waste facility to accept infectious waste for treatment. The facility is required to follow all regulations pertaining to the treatment of infectious waste which includes requirements specifying approved methods, operational requirements, quality control requirements, spill containment and clean-up procedures, and an annual report.

Enforcement Responsibilities:

- * Inspections: As an authorized representative of the Board of Health, an inspector has the authority under Paragraph (C) of Section 3734.07 of the Ohio Revised Code to enter any private or public property which generates infectious wastes to assure that infectious wastes are being handled in accordance with the infectious waste regulations.
- * Notice of Violation: If during an inspection or in response to a complaint a violation is observed by the inspector, the inspector shall, as an authorized representative of the approved health district, issue a notice of violation. Based upon the severity of the situation, the inspector shall establish a time period to correct the violation and conduct a follow-up inspection. Failure of the facility to correct violations or a pattern of routine violations shall merit require consideration of escalated enforcement actions.
- * Board order, civil action, or criminal action: An approved health district may issue an order to the facility that the violation be corrected or the case may be referred to the county/city prosecutor for civil or criminal action.
- * Ohio EPA Assistance: The Ohio EPA may be called upon, by an approved health district, to provide technical or enforcement assistance. In cases where the approved health district or the county/city prosecutor is unable to pursue the action, the Ohio EPA may intervene and pursue action. Please contact your Ohio EPA district inspector for technical or enforcement assistance.

Fees:

Health districts on the Director's approved list receive one-half of the fees for the generator and transporter registrations maintained in their district. A list of these registered generators and transporters are routinely sent to the Health Commissioners. Health districts licensing infectious waste treatment facilities shall retain \$2,500.00 of the licensing fee. Fees are to be paid into a special infectious waste fund which is created in each health district and used solely to administer and enforce the infectious waste program.