

Hearing 24-005

June 11, 2024

**BEFORE THE
FRANKLIN COUNTY DISTRICT BOARD OF HEALTH
COLUMBUS, OHIO**

FINDINGS AND ORDERS

WHEREAS, Scott's Wrecking Co., Inc. (hereafter "Scott's Wrecking") holds a Construction and Demolition Debris (C&DD) license issued by Franklin County Public Health ("FCPH") namely, (CID 53526) Facility License for the Scott Wrecking Company, Inc. C&DD Landfill located at 1489 Harmon Avenue, Columbus, Ohio;

WHEREAS, Scott's Wrecking is in substantial compliance with Chapters 3704, 3714, 3745 and 6111 of the Ohio Revised Code and has maintained a history of compliance;

WHEREAS, Scott's Wrecking has proposed a transfer of the 2024 C&DD Facility License (CID 53526) to Full Circle Disposal and Recycling, LLC, ("FCDR, LLC") a wholly owned subsidiary of Iron City Waste Holdings, LLC;

WHEREAS, Franklin County Public Health ("FCPH") is authorized to license, inspect and enforce sanitary standards for C&DD facilities pursuant to Ohio Revised Code 3714 and approval by the Director of the Ohio Environmental Protection Agency ("OEPA");

WHEREAS, pursuant to Ohio Administrative Code section 3745-500-120(C), when approving a transfer of a construction and demolition debris facility, or construction and demolition debris processing facility, the approved board of health shall act in accordance with Chapters 3714., 3734., and sections 3709.20 and 3709.21 of the Revised Code, as applicable;

WHEREAS, in accordance with Ohio Revised Code 3714.06, FCDR, LLC has submitted a complete application for the purchase and transfer of the C&DD License from Scott's Wrecking;

WHEREAS, the Board heard testimony from Jeff Gibbs, Environmental Health Division Manager, Jeff Grose, Registered Environmental Health Specialist, and _____ . Jeff Gibbs testified that: FCDR, LLC submitted a "120 Day Notice of Transfer of 2024 C&DD License for Scott Wrecking Co., Inc." to the Ohio EPA and Joe Mazzola, FCPH Health Commissioner, on April 24, 2024, in compliance with Ohio Revised Code section 3714.052(D) and Ohio Administrative Code Section 3745-501-35; that staff performed due diligence to determine that FCDR, LLC has met the criteria established in Ohio Administrative Code Section 3745-501-15(A)(1-15), attached hereto as Exhibit A as if fully incorporated herein; recommended approval of the license transfer; and submitted into evidence the following:

- April 24, 2024 120 Day Notice of 2024 C&DD License for Scott Wrecking Company, Inc. submitted to Ohio EPA, FCPH and Columbus Public Health by Joyce A. Scott (a portion of the landfill is located in the municipal boundaries of the City of Columbus);
- April 24, 2024 Background Information Regarding FCDR, LLC Proposed Transferee of 2024 C&DD License for the Scott Wrecking Company Inc. C&DD Landfill submitted by Attorney Joseph P. Koncelik;
- April 24, 2024 Request for Early Determination and Waiver of Publication Related to Transfer of 2024 C&DD License for Scott Wrecking Company, Inc.;
- May 30, 2024 Ohio Secretary of State Certificate of Registration by FCDR, LLC as Foreign LLC to do business in the State of Ohio;
- May 30, 2024 Correspondence from Ryan Franco, President of FCDR, LLC indicating confirmation to abide by FCPH and Columbus Public Health MOU on Landfill Tipping Fee approved pursuant to Board Resolution 24-068;
- May 31, 2024 Correspondence from Evergreen National Indemnity Company addressing financial assurance;
- June 6, 2024 Notice of Hearing and email receipt and acknowledgement from FCDR, LLC's attorney Joseph P. Koncelik;
- June 6, 2024 correspondence from FCPH's Sustainability Supervisor Jennie McAdams to Ohio EPA Director Anne Vogel requesting comments on FCDR's exemption request as required by R.C. 3714.04(B);

- Documentation of FCPH Staff's due diligence on FCDR's compliance with Ohio Administrative Code Section 3745-501-15(A)(1-15);
- Comments for the Director of the Ohio EPA; and

WHEREAS, Scott's Wrecking and FCDR, LLC are seeking to close on June 30, 2024 and are requesting a waiver pursuant to Ohio Revised Code 3714.04(A) of the 120 day period and the Board may by order exempt any person disposing of or proposing to dispose of construction and demolition debris in such quantities or under such circumstances that, in the determination of the Board, are unlikely to adversely affect the public health or safety or the environment, or to create a fire hazard, from any provision of this Ohio Revised Code Chapter 3714 or a rule adopted thereunder, but only if:

the Board provided written notice to the director of environmental protection of the Board's intention to grant an exemption; the notice contained a description of the facts surrounding the proposed exemption and any other information that the director requested; the director provided written comment to the Board regarding the proposed exemption; and the written comment of the Director is considered by the Board prior to the Board's issuance of an order granting the exemption;

WHEREAS, representatives of FCDR, LLC, including _____ were present and represented by legal counsel, Joseph P. Koncelik.

Now, therefore, upon motion of Board Member _____, seconded by Board Member _____,

BE IT RESOLVED BY THE FRANKLIN COUNTY BOARD OF HEALTH, BOARD MEMBERS;

1. That the Board considered the comments from the Director of Ohio EPA, finds that the transfer of the license is unlikely to adversely affect the public health or safety or the environment, or to create a fire hazard, and waives the requirement in R.C. 3714.052(D) that the application for transfer of the license be submitted not later than one hundred twenty days prior to the proposed acquisition of the facility by FCDR, LLC and waives any applicable publication requirements.
2. That the Board approves the transfer of the 2024 C&DD Facility License for the Scott Wrecking Company, Inc. C&DD Landfill (CID 53526) to Full Circle Disposal and Recycling, LLC.
3. The Board directs the Health Commissioner to issue such license to FCDR, LLC, pursuant to Ohio Revised Code Chapter 3714 and as a condition of the License require that FCDR, LLC comply with the terms of any Landfill Tipping Fee MOU executed by the City of Columbus and FCPH.
4. The Board directs the Health Commissioner to issue the license upon receipt of FCDR's financial assurance for closure of the landfill conforming to the language required by Ohio Administrative Code sections 3745-400-13 and 3745-400-18;
5. The Board directs the Health Commissioner to issue the license upon receipt of documents confirming that the facility has been transferred from Scott's Wrecking to FCDR, LLC (a deed or other closing documents)
6. This resolution shall be in full force and effect from and immediately upon its adoption.

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Voting Aye Thereon:

Board Members
Franklin County Board of Health

Voting Nay Thereon:

Board Members
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