

  
Division of Hazardous Waste Management

**Response to Comments**

**Project: Von Roll America, Inc. (“VRA”); Class 3A modification  
Ohio EPA ID #: OHD 980 613 541 / 02-15-0589**

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Ohio EPA held a public hearing on February 21, 2007 regarding VRA’s request to manage mixed infectious and hazardous waste, referred to as MIHW. MIHW is defined as infectious waste that is also hazardous. That is, in order to be managed as MIHW, waste must be both infectious waste and hazardous waste. Infectious waste is defined under Ohio Administrative Code (“OAC”) 3745-27; hazardous waste is defined under OAC 3745-51-03. Waste that is solely infectious waste cannot be managed under this permit modification request. This document summarizes the comments and questions received at the public hearing and/or during the associated comment period, which ended on March 5, 2007.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health. Often, public concerns fall outside the scope of that authority. Ohio EPA may respond to those concerns in this document by identifying another government agency with more direct authority over the issue.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format. It should also be noted that permit application pages have been updated for changes resulting from other un-related permit modifications approved between the date of issuance of the draft permit modification and the date of issuance of the final permit modification.

**Concerns Regarding Compliance:**

**Comment 1:**

Alonzo Spencer made the following remarks: “I want to raise an issue regarding the public notice. I would like to know what the justification for it was. I’ll read this – “Ohio EPA determined that the permit application is complete and meets appropriate standards and that the applicant has a history of compliance with relevant environmental laws... I read this notice again, where it states that Ohio determined that the permit application is complete and meets appropriate standards and that the applicant has a

history of compliance. How does the EPA justify that statement put out in this public notice based on the history of this facility?"

**Response 1:**

*The compliance history of the VRA facility dating back to March 2005 has been evaluated and Ohio EPA has found that the facility has an overall history of compliance (copy attached).*

Concerns Regarding Anthrax:

**Comment 2:**

Alonzo Spencer had the following question: "Will this facility be permitted to handle Anthrax at all?"

Richard Wolf questioned: "...whether or not Anthrax is going to be incinerated."

**Response 2:**

*Yes, VRA will be authorized under this permit modification to manage anthrax, if it meets the definition of a mixed infectious and hazardous waste (MIHW). MIHW is defined as infectious waste that is also hazardous waste. In order to be managed as MIHW, waste must be both infectious waste and hazardous waste simultaneously. If a waste stream contained a mixture of untreated anthrax and hazardous waste with hazardous waste codes, then VRA could request to manage the waste under this permit modification request. Based upon Ohio EPA knowledge of waste generation, it is unlikely waste streams containing both anthrax and hazardous waste will be generated.*

*Untreated anthrax, by itself, does not meet the description of mixed infectious and hazardous waste (MIHW) because no hazardous waste codes are associated with it. Therefore, untreated anthrax without a hazardous component is solely infectious waste and cannot be accepted and managed at VRA at all. Solely infectious waste must be managed at an infectious waste treatment facility.*

*According to the Ohio Administrative Code (OAC) rule 3745-27-30(C)(7) "...any infectious waste or infectious waste mixture that meets the definition of hazardous waste as specified in rule 3745-51-03 of the Administrative Code shall be managed as a hazardous waste...". This is because the hazardous component of the waste would not be adequately addressed using the treatment methods approved for rendering infectious waste non-infectious. On the other hand, the infectious component of the waste would be rendered non-infectious while the hazardous portion is being addressed, i.e., at a hazardous waste incinerator. That is why mixed infectious and hazardous waste (MIHW) must be managed as a hazardous waste. Managing MIHW as a hazardous waste is the safest manner of treating MIHW.*

*Ohio EPA is responsible for review and final approval of MIHW on a case-by-case basis for acceptance and management at VRA. Ohio EPA would determine if the anthrax waste was also hazardous (i.e., carrying applicable hazardous waste codes) and whether the waste could be safely managed at VRA.*

*As additional information, the “Public Health Security and Bioterrorism Preparedness and Response Act of 2002 and the Agricultural Protection Act of 2002” require entities to register with the U.S. Department of Health and Human Services (HHS) or Agriculture (USDA) if they possess, use, or transfer biological agents or toxins (i.e. anthrax) that could pose a severe threat to public health and safety. In addition to ensuring that laboratories safely handle these select agents and toxins, the Acts also require increased safeguards and security measures for these agents, including controlling access, screening entities and personnel (i.e. security risk assessments performed by the FBI) and establishing a comprehensive and detailed national database of registered entities. The Act also imposes criminal and civil penalties for the inappropriate use of select agents and toxins. In order to gain access to anthrax, an individual or entity must acquire approval from the Center for Disease Control Select Agent Program. Because anthrax is a Select Agent, it is required to be rendered non-infectious before it leaves the room in which it was used, and is not sent out for incineration.*

Concerns Regarding Mixing of Waste:

**Comment 3:**

Alonzo Spencer had the following questions: “Will this waste be mixed together, by human or mechanical means, and at what point will the infectious and the hazardous waste come to be mixed? Will that be at the point of origin or will that be done at the facility?”

Richard Wolf had related questions, such as: “Concentration of what? What percentage of it is infectious; what percentage is hazardous? When does infectious waste contaminate hazardous waste? When does hazardous waste contain infectious?”

**Response 3:**

*The word “mixed” in mixed infectious and hazardous waste refers to the waste being simultaneously infectious as well as hazardous at the point of generation. VRA is prohibited from accepting solely infectious waste, and that will not change with the approval of this permit modification request. Therefore, solely infectious waste cannot be accepted at the VRA facility and then mixed with hazardous waste, as a means of creating mixed infectious and hazardous waste.*

*Human handling of MIHW will be kept to a minimum at the facility to ensure the safety of the personnel. Containers of MIHW will not be opened for sampling or splitting into smaller charges. However, containers being processed to the incinerator through the direct tanker bays or the direct drum pump-out stations can be opened for that purpose.*

*By law, the generator of the waste must properly characterize it to determine whether the waste is infectious, hazardous, both, or neither. The generator is also responsible for proper management, and disposal of waste in accordance with applicable regulations. Documentation that a waste is MIHW must be included for review by Ohio EPA prior to waste acceptance at VRA. VRA is not a generator of the MIHW it accepts for processing.*

*There is no “set concentration” at which waste is deemed infectious. An infectious determination is based upon the categories of infectious waste listed in the Ohio*

*Administrative Code and the expertise of Ohio EPA. In general, infectious waste does not “contaminate” hazardous waste, or vice versa.*

*MIHW could be generated in a variety of ways. For example, one way would be through the manufacture of a product, such as a vaccine that also contains a hazardous component such as mercury. The vaccine with mercury is not waste until the manufacturer (the generator) wishes to dispose of it. Disposal could be a result of materials being outdated or not in accordance with manufacturer’s specifications*

*MIHW could also be generated in hospitals, where patients may be treated with certain chemotherapy drugs that are considered hazardous waste at the time of disposal. To be hazardous, the waste would have to contain enough of the hazardous chemical or waste to carry a characteristic hazardous waste code or be a listed hazardous waste. To be MIHW, the waste would have to carry a hazardous waste code, and must also meet one of the definitions of infectious waste. Otherwise, the waste would be solely infectious, solely hazardous, or neither.*

*It is important to note that Ohio EPA relies upon the DSIWM for assistance in determining whether a waste is infectious, not infectious, or has been properly rendered non-infectious in accordance with Ohio regulations and requirements.*

#### Concerns Regarding Waste Origins:

##### **Comment 4:**

Alonzo Spencer had the following question: “Will waste be brought from outside the confines – the infectious waste – outside the confines of the United States?”

##### **Response 4:**

*Waste must be both infectious and hazardous simultaneously in order to be managed as mixed infectious and hazardous waste. VRA is not permitted to manage solely infectious waste. There is no prohibition against VRA receiving waste from outside the confines of the United States now, and there is no prohibition against VRA receiving MIHW from outside the United States.*

#### Concerns Regarding Analysis and Sampling:

##### **Comment 5:**

Alonzo Spencer asked: “What analysis protocol will be required for the infectious waste?”, and “What degree of sampling will be done for the concentrations, bacterial or viral types, and other constituents which may be present in this waste?”

##### **Response 5:**

*Today’s final permit does not require the Permittee to analyze MIHW at the East Liverpool facility. Containers of MIHW are not to be opened except for processing waste to the incinerator. MIHW will not be sampled or analyzed at VRA. As noted in response to Comment #3, a determination of whether the waste is MIHW will be based upon the generator’s description of the waste, the waste generating process, and the generator’s certification of the waste. Ohio EPA will review the generator’s determination of*

*hazardous waste codes to ensure applicability and will evaluate the waste to determine whether it is considered infectious waste.*

Concerns Regarding Waste Constituents:

**Comment 6:**

Alonzo Spencer had the following question: "Will medical needles or laboratory beakers be allowed as a part of this waste?"

**Response 6:**

*Yes, it is highly probable that some MIHW will contain medical needles or laboratory beakers as part of the waste stream. Waste is evaluated on a specific case-by-case basis, and a generator must be able to describe the waste generating process and explain why the needles or beakers are a legitimate part of the waste stream. This is true of waste already being received by VRA. Sharps, including lab instruments and needles used for hazardous chemicals (but not used for infectious materials) and laboratory glassware, (both broken and unbroken), are currently legitimate constituents of hazardous and non-hazardous waste streams received by VRA.*

Concerns Regarding Examples of MIHW:

**Comment 7:**

Alonzo Spencer asked: "Why was there a difference in the protocol of the waste that was handled, from the first handout and there were other ingredients added to the second? Why weren't they the same?"

**Response 7:**

*During the hearing, it was clarified that the citizen was referring to the fact that examples of possible mixed infectious and hazardous waste streams were provided on two occasions. The examples provided were not identical on those two occasions, and the citizen wondered why.*

*In the VRA news release for their public information meeting held on February 13, 2006, VRA provided possible examples of MIHW including "...mixtures of these materials are found during environmental cleanups such as those following the hurricanes that pounded the Gulf Coast states. It is not uncommon in these and other disasters that chemicals would be co-mingled with pharmaceuticals and other medicinal materials".*

*In the Ohio EPA news release dated February 9, 2007, entitled Ohio EPA Schedules Public Meeting Concerning East Liverpool Incinerator, examples included "...vaccines containing mercury; sharps containing chemotherapy drugs; growth plates and Petri dishes containing hazardous components; tissue and organs from small lab animals preserved in ethanol...".*

*To clarify, the examples provided by VRA and Ohio EPA on those two occasions may have been different examples. However, both examples are possible examples of MIHW. As stated previously, waste is evaluated on a specific case-by-case basis, and while many examples of possible waste streams can be provided, there is no finite list of*

*MIHW that can be distributed to the public. Each waste stream proposed as MIHW will be evaluated individually.*

Concerns Regarding Federally Approved Waste Codes:

**Comment 8:**

Richard Wolf had this question: "In your permit application it says that permitting [sic, the Permittee] may accept MIHW with federally approved hazardous waste codes the state has not yet promulgated. That seems a little ridiculous to me."

**Response 8:**

*The commenter is referring to Condition I(B).2.(a), which includes the following statement "The Permittee may accept MIHW with federally approved hazardous waste codes the state has not yet promulgated." Ohio EPA agrees that this is not authorized by Ohio Administrative Code (OAC) rule 3745-27-30(C)(7) and has removed the statement. OAC rule 3745-27-30(C)(7) specifies that "...any infectious waste or infectious waste mixture that meets the definition of hazardous waste as specified in rule 3745-51-03 of the Administrative Code shall be managed as a hazardous waste...". Federal hazardous waste codes that have not been promulgated by the state are not defined as hazardous waste under OAC rule 3745-51-03.*

Concerns Regarding Radioactivity:

**Comment 9:**

Richard Wolf had the following question: "It says MIHW must be monitored for radioactivity to ensure levels do not exceed background concentration. How about letting us know what the background concentrations are?"

**Response 9:**

*Radioactivity of incoming hazardous waste is currently evaluated by VRA personnel during analysis of samples in accordance with the Waste Characteristics and Waste Analysis Plan (WAP). Radioactivity levels of individual containers are also monitored as appropriate. In the case of MIHW waste, each individual container will be monitored.*

*Radioactivity measurements taken for quality control purposes to calibrate the monitor are measured inside of the VRA laboratory on a daily basis. Measurements between 11 and 14 counts per second are considered background levels. During waste evaluations, radioactivity readings above 14 would be considered unusual and VRA would take further action at that time. This data is considered "raw" and the monitor does not differentiate between the various forms of radioactivity.*

*In addition, any infectious waste that is also radioactive must be managed in accordance with applicable Ohio Department of Health and U.S. Nuclear Regulatory Commission regulations. Questions and concerns regarding radioactivity are referred to the Ohio Department of Health.*

### Concerns Regarding Refrigeration of MIHW:

#### **Comment 10:**

Richard Wolf asked: "You're talking about either icing or refrigerating this putrescent infectious hazardous waste but you don't tell us to what degree you're going to refrigerate it or freeze it. Is there a level at which it must be maintained?"

#### **Response 10:**

*In general, refrigeration of mixed infectious and hazardous waste should not be necessary. MIHW will be managed as high priority waste and incinerated within 48 hours of acceptance at VRA. However, if there are unforeseen circumstances that result in a delay, or waste arrives in refrigerated vehicles or on ice, or waste becomes putrescent while in route to the facility, then the waste will be incinerated immediately or refrigeration/ice may be utilized. Depending on the distance the waste travels, VRA may require the waste to be shipped on refrigerated vehicles or placed on ice.*

*Current Ohio EPA, DSIWM regulations for refrigeration of solely infectious wastes state "Maintain a maximum temperature of eight degrees centigrade or forty-six degrees Fahrenheit if either the infectious waste is left within a vehicle or trailer for greater than thirty-six hours from the time of receipt from the generator..."*

*While this is not addressed in the permit application for mixed infectious and hazardous waste, Standard Operating Procedures at VRA include monitoring of temperature sensitive waste, as appropriate. During routine inspections, the temperature of any refrigerated vehicles on-site is monitored to ensure the temperature is being maintained appropriately. If mixed infectious and hazardous waste is placed on ice or refrigerated, the waste will be monitored to ensure the ice is maintained in an adequate amount or the refrigeration temperature is maintained.*

*It is important to note that most mixed infectious and hazardous waste will not be putrescent or have the potential to become putrescent. Most MIHW will be managed without refrigeration or ice.*

### Concerns Regarding Location of Public Meetings:

#### **Comment 11:**

Several citizens raised concerns about the public hearing/meeting location and the acoustics of the building. Linda Zeigler specifically requested "Please have all future meetings for Von Roll America, Ohio EPA at either East Elementary or other East Liverpool east end public facilities."

#### **Response 11:**

*One of the comments made during the 2005 permit renewal hearing indicated that it was not convenient to the citizens for Ohio EPA to provide information just prior to the public hearing. As a result, Ohio EPA personnel contacted at least 2 dozen concerned citizens by phone approximately two weeks prior to publishing the announcement for the public hearing in two local newspapers. Citizens were provided with the location, date, and time of the meeting during those phone calls.*

*During those phone calls, citizens were offered personal, one-on-one meetings with Ohio EPA representatives in advance of the public hearing. The only members of the community to accept the offer of personal meetings were public officials (Mayor, Safety-Service Director, Health Director, Nursing Director, City Council member). Personal meetings were offered by Ohio EPA in a sincere attempt to provide information well in advance of the actual meeting. It is unfortunate that nearly all the concerned citizens who were personally contacted declined the opportunity to discuss this modification with Ohio EPA personnel in advance of the actual public hearing.*

*During the public hearing, citizens indicated that they could not hear well. When this occurred, the presenter accommodated by moving closer and speaking even louder. Other attendees indicated the presenter was speaking loudly and clearly enough to be heard throughout the room.*

*None of the contacted citizens expressed an interest or desire to move the meeting location until the night of the actual meeting. Ohio EPA believes this is the first time citizens have requested that Agency-led meetings be held at East Elementary or in the East end of town. That request can be honored for future Agency-led meetings. Ohio EPA understands that East Elementary has nearly identical meeting conditions available as other schools utilized for public meetings (i.e., a gymnasium).*

*Please note that Ohio EPA cannot dictate where Von Roll America holds their public meetings, as long as they meet the requirements in the Ohio Administrative Code.*

#### Concerns Regarding Contagiousness of MIHW:

##### **Comment 12:**

Sandy Estell had the following comment: "...untreated infectious waste, which leads me to believe that it is still contagious, it is still infectious and an even greater risk for us."

##### **Response 12:**

*Untreated infectious waste is infectious waste that has not been treated to render it non-infectious. Untreated infectious waste may be contagious (or non-contagious) to a wide degree. The designation of a waste as infectious does not differentiate the degree to which that waste could actually cause infection. In most cases, a person must have direct contact with infectious waste in order to become infected. As mentioned previously, solely infectious waste (untreated infectious waste) cannot be managed at VRA under this modification request.*

*In the case of MIHW, chemicals may have been used that would cause the waste to be less infectious, yet the waste may still be considered infectious waste. This is because other states accept methods of rendering a waste non-infectious that the state of Ohio does not recognize as an approved method. That means a waste may be rendered non-infectious or regarded as not infectious in one state, but when the generator attempts to dispose of that waste in another state, they are informed the waste is still considered infectious in that other state. In addition those chemicals may cause the infectious waste to also be hazardous, resulting in MIHW.*

Concerns Regarding the Number of Modifications:

**Comment 13:**

Virgil Reynolds made the comment: "This permit doesn't look anything like it did back in the early '80s when it (the facility) was permitted. You've had dozens and dozens of modifications."

**Response 13:**

*The modification process is described in detail in the regulations to provide time lines and structure to both the regulated community and Ohio EPA. The permit must be modified to reflect changes that are incorporated at the VRA facility. Many of the modifications describe improvements in operations, include more descriptive language, or incorporate additional restrictions into the application and permit.*

Concerns Regarding Permit Restrictions:

**Comment 14:**

Linda Ziegler had the following comment: "Keep the times, storage, and other restrictions in the permit as you just presented to us."

**Response 14:**

*The citizen made this comment due to a comment made by another citizen during the question session after the presentation (prior to the public hearing portion represented by the comments in this transcript). The other citizen expressed a desire for the Ohio EPA to eliminate the 48-hour restrictions and the 14 day restrictions, and simply allow VRA up to 30 days to process mixed infectious and hazardous waste (MIHW). Ohio EPA explained that the 48-hour, 14 day, and with rare exception, up to 30 days to manage mixed infectious and hazardous waste were developed as safety precautions to ensure the MIHW was managed in an appropriate manner. The language was very detailed in order to fully explain this. In the future, VRA may request to alter the time, storage, and/or processing restrictions included in this modification. Ohio EPA will evaluate any future modification requests in accordance with the regulations.*

*The citizen made the comment to "keep the times, storage, and other restrictions" noted above as a response to the other citizens' comment, to have the language remain as originally drafted. The time frames for storage and related restrictions in today's final permit have not changed from how these issues were detailed in the draft permit.*

Concerns Regarding Waste With Similar Restrictions:

**Comment 15:**

Linda Ziegler asked the question: "Are there other wastes that Von Roll America accepts at East Liverpool that have similar restrictions to the ones you presented and, generally speaking, what are they?"

**Response 15:**

*Yes, there are other wastes already accepted by VRA with similar restrictions in regards to processing methods, storage and/or staging restrictions, sampling and/or analysis requirements, and temperature sensitive waste that may be maintained on refrigerated vehicles or on ice. For some waste streams, restrictions are added on a specific case-by-case basis. For other waste, general restrictions are applied to waste types. The specific details for processing, staging, and storage restrictions are located in the permit application and the facility's permit.*

*For example, temperature sensitive waste may be received by VRA and staged on a refrigerated vehicle in accordance with pre-existing time restrictions. Temperature sensitive waste is inspected at the same frequency and for the same criteria (i.e., leaks, labels, etc.) as other waste. However, the temperature of the truck is monitored, as well as the fuel level to maintain the refrigeration unit. Not all temperature sensitive waste is kept on a refrigerated vehicle. Some containers may arrive packed in ice, and may be sent immediately for incineration.*

*Other waste is processed directly to the incinerator without any allowable storage of this waste in permitted storage areas. This would be similar to the restriction placed upon mixed infectious and hazardous waste, to be managed as "high priority" waste and incinerated within 48 hours of acceptance at VRA.*

*Other waste is staged and/or stored only in certain areas. Waste processed through the Bucket Hoist can only be processed, staged, and/or stored in certain locations and for certain lengths of time. Similar types of restrictions were applied to where mixed infectious waste can be processed, staged, and/or stored.*

*Because Ohio EPA recognized the management of MIHW at a hazardous waste incinerator would be a concern, additional precautions, safeguards, and restrictions were developed. Those precautions resulted in the development of additional language in the permit application and a new permit module IB. Restrictions were also added to limit the amount of MIHW which may be received on any one day, and the amount of MIHW which may be on-site at any one time.*

Concerns Regarding Temperature-Sensitive Waste:

**Comment 16:**

Linda Ziegler asked the following question: "...the air and noise pollution from a truck idling to keep cold this infectious hazardous waste is unduly intrusive to the neighborhood. And any infectious hazardous waste, which is temperature-sensitive should be kept within the Von Roll America buildings not on trucks."

**Response 16:**

*Language has been included in VRA's permit application and their permit to limit the manner in which MIHW is received, to limit management of MIHW to certain areas of the facility, and to limit the amount of time MIHW will be on-site by being managed as "high priority" waste.*

*All of those restrictions should be sufficient to limit the amount of MIHW which would require a refrigerated vehicle, and ensure that any refrigeration unit would be of adequate size. The operation of a refrigerated unit for MIHW is not expected to be any different from the refrigerated units currently operated at VRA as necessary. To clarify, the truck itself does not need to be running in order for the refrigeration unit to be operable – the refrigeration unit has a separate motor. The truck itself is not creating noise because it is not running, and there are no carbon dioxide emissions. Ohio EPA is not aware of any increase in noise levels in the neighborhood by any currently operated refrigeration units or vehicles within the VRA facility, and thus would not expect this to be an issue.*

*Once vehicles containing waste are accepted into the VRA facility, those vehicles are directed to locations where secondary containment and concrete curbing exist. Refrigerated vehicles provide a contained, temperature-controlled location for staging waste. Currently, VRA does not have a refrigeration unit located inside a building. In addition, temperature sensitive waste is not received on a daily basis. It may not be necessary to utilize a refrigerated vehicle on a regular basis. Ohio EPA believes it is appropriate to allow VRA to maintain temperature sensitive waste at the facility on refrigerated vehicles, as appropriate and necessary.*

#### Concerns Regarding the Transportation of Hazardous Waste:

##### **Comment 17:**

Linda Ziegler made the comment: “I particularly oppose the transportation of hazardous waste through East Liverpool and the risks inherent in that...”

##### **Response 17:**

*As the citizen noted, the regulations that pertain to the proper transportation of hazardous waste are under the jurisdiction of the Department of Transportation (DOT). DOT is also responsible for the regulations that pertain to the transportation of consumer packaged materials, which may or may not be dangerous, throughout our roadways.*

*The transport volume, or the amount of waste received at the facility, is not expected to increase significantly with the facility’s ability to manage MIHW.*

#### Concerns Regarding the 10-Day Transfer Facility:

##### **Comment 18:**

Linda Ziegler made the following comment: “...the parking of trucks with hazardous waste beside the Ohio River without containment around the trucks.”

##### **Response 18:**

*Ohio EPA recognizes the citizen’s concern, however this comment is not in regards to the VRA facility. The citizen is referring to the 10-Day Transfer Facility operated by Heritage Environmental Services (HES). The HES Transfer Facility is located in a gravel lot, without secondary containment, on property leased from the Columbiana County Port Authority. The Transfer Facility is a separate facility from the VRA commercial hazardous waste incinerator. The regulations pertaining to Transfer Facilities can be*

*found in the Ohio Administrative Code. Those regulations do not specify a requirement for containment.*

*To clarify, the entire VRA facility is constructed with concrete secondary containment system and concrete curbing to ensure any spills, releases, and run-off (rain) water are collected throughout the facility and managed properly.*

General Comments:

**Comment 19:**

Ohio EPA received two e-mails from citizens opposing the modification. The e-mails include requests for Ohio EPA to not approve the modification.

**Comment 20:**

Ohio EPA received two letters of support for the modification request by VRA to manage mixed infectious and hazardous waste.

Ohio EPA Note

**Concerns Regarding MIHW Containing Prions:**

During the public comment period, Ohio EPA considered the potential that prion-contaminated waste could be accepted at the facility if this permit modification is approved. A prion is a disease-causing agent that is neither bacterial nor fungal nor viral and contains no genetic material. Prions have been held responsible for a number of degenerative brain diseases, including scrapie (a fatal disease of sheep and goats), mad cow disease and Creutzfeldt–Jacob disease. Ohio EPA could not determine conclusively the effectiveness of incineration as an adequate treatment technology for prion-containing waste.

As a result, Ohio EPA has added condition I(B).2.(a)(i), which includes the following statement “The Permittee is prohibited from accepting MIHW containing prion waste or prion-contaminated debris, or prion-related waste or contaminated debris. VRA has similarly included this prohibition from accepting MIHW containing prions on page C-6a of the permit application.

**End of Response to Comments**