

Committee

June 12, 2023

I am Michelle Clements, Bath Township Trustee. Over the last two decades I have served my community in many capacities as a first responder, Township Trustee, and Emergency Management Agency Director. Not only do I serve my community as a government official, but my husband Zachariah Pitstick serves as a first responder in our community as well.

Like many others you have heard from, we are generational farmers. We bought our house and land to keep it in the family and keep the family traditions alive. Our farm is over a century old!

Unfortunately, a distant family member made the decision to erect a “poop pond” as it’s affectionately referred to in our community. A pond, that is 6 million gallons, open air sludge tank. And had the audacity to request an additional 36 million gallon pond. All of which currently falls under an agricultural exemption loophole. Ask yourself, if you’d like to live by a 42 million gallon open air pond of poop! I can assure you it doesn’t smell “like shampoo”.

Sadly, our community is faced with noxious odors, potential water contamination, pleading with the State Environmental Protection Agency to help enforce the rules and regulations they are charged with enforcing to no avail. Degradation of township roadway and safety issues with roadways not large enough to handle this amount of industrial traffic. This includes our school buses being pushed to the side of the road, many times dropping off the side of the roadways when semis are coming in and out of the Renergy digester. Multiple lawsuits have been filed and years of litigation have been underway, again to no avail.

A local grassroots effort by citizens, and help by Representative Brian Lampton and Co-sponsor Kevin Miller we have been successful in getting this matter before you for review. It is extremely important to realize we are not just speaking on behalf of Bath Township, but a coalition of concerned citizens over 5,000 strong and growing. We are asking you to support this bill.

In my line of work, a whole community approach is the key to being successful. Whole community, meaning all key stakeholders have a seat at the table to discuss the impacts of decisions at each stakeholder level. **I strongly urge you to support this bill, giving the ‘whole community’ a seat at the table.** Trustees and Commissioners have been elected to make the decisions for their constituents and it’s time we give them that opportunity and stop allowing the big business in the name of green energy to exploit loopholes that have a significant impact on the local area.

I could write for days about the impacts of the current bio-digester created for our small community, but I would rather point out imperative reasons why the bill needs to be supported without bias.

First, as a first responder myself, and coming from the planning world. I ask you, where are the Emergency Management Plans for these bio-digesters? Do the first responders responding to any type of incident at these facilities even know they exist or even what the digester is producing? In my experience, the answer is no! In June 2022, Wooster, Ohio a bio-digester exploded causing harm and injuries to three employees. The Hazardous Material Team was called by the local fire department to help with mitigating the spill. And to this day, we don't know the impact of the chemicals spilled, the actual amount and the effects on the community. There have also been at least three documented cases of fires at these types of facilities.

Facilities such as these biodigesters can pose significant dangers both to workers and to the general public. When dangerous work is involved, extra precautions must be taken, especially when catastrophic fires or explosions can occur. When chemicals are present, it can also endanger those who are exposed to the smoke caused when a fire or explosion occurs. Think, East Palestine train derailment- were still unclear on those impacts.

By the locals having a seat at the table all these concerns and questions can be answered and ironed out before something happens. Being proactive instead of reactive is the responsible action to take here! Concerns can't be brought forward when the bare minimum of notifications are being shared with the public, when these 'green' companies want to come in. Oftentimes preying on the farms that are going under. We know 'get rich quick' schemes only work for a few people while the rest of the community suffers.

### **Loopholes don't allow the community to know what chemicals they are being subject too**

The Emergency Planning Community Right to Know Act (EPCRA) regulations in [40 CFR Part 370](#) cite OSHA's broad definition of hazardous chemical (with certain exceptions listed in EPCRA Section 311(e)), which includes any element, compound, or mixture of elements that is a physical hazard or a health hazard ([29 CFR Section 1910.1200\(c\)](#) and [40 CFR Section 370.2](#)). Health hazards include, among others, chemicals that are carcinogens, toxics, reproductive toxins, irritants, corrosive, neurotoxins, hepatotoxins, and chemicals that damage the lungs, skin, eyes, or mucous membranes ([29 CFR Section 1910.1200\(c\)](#) and Appendix A). Physical hazards include, among others, chemicals that are combustible, explosive, flammable, oxidizers, reactive, unstable, water-reactive, as well as compressed gasses ([29 CFR Section 1910.1200\(c\)](#)).

To my knowledge, these digesters are not reporting their chemical activity to the Local Emergency Planning Committee. Whether they're under the limit for reporting, lack of oversight, plain laziness, or not required, the citizens have a right to know that they have a potential for a bomb in their backyard. By having a seat at the table, the pro-active planning efforts from the Local Emergency Planning Commission would assist the local response agencies in the event of a catastrophic disaster.

We know from multiple lawsuits filed, these companies are already in violation of the Clean air act. But once again, the violations have fallen on deaf ears!

## **Green Energy isn't so green!**

Just ask Jason Grostic, a Michigan Farmer whose farm is now shut down due to the amount of PFAS from the biosolids that were put on his farm in the name of fertilizer. In fact the Michigan government has seized his farm. "Grostic's 300-acre farm was shut down after Michigan officials concluded his water, his ground, his feed and his cattle were contaminated with per- and polyfluoroalkyl substances -- known as PFAS, PFOS or PFOA chemicals. The acronyms encompass more than 5,000 various manufacturing chemicals that are created to be more resistant to heat, water or oil. The traits that make those chemicals great for manufacturing have a side effect. They are called "forever chemicals" because they don't break down, but instead remain in the environment and tend to accumulate in soil, water, animals and people." The rest of the story can be found here: <https://www.dtnpf.com/agriculture/web/ag/livestock/article/2022/05/06/michigan-farm-cautionary-tale-pfas>

Because these compounds are highly toxic in very low concentrations, in 2016 the [EPA issued a Health Advisory Level](#) (HAL) of 70 parts per trillion (ppt) for PFOA and PFOS. Without controls in place, and all stakeholders holding a seat at the table to discuss these matters, we are blindly poisoning our food and water supplies without any regulations. PFAS may have been accepted practice in the 1940s but we know better now, and it's time to 'do something' about it!

Bath Township doesn't take kindly to the PFAS as we are within a short distance from Wright Patterson Air Force Base. Currently, the federal government is working to remedy PFAS issues on their installation. Within a short distance of the current biodigester sits an aquifer that serves a lot of people. We're not a third world country and shouldn't have to be begging the government to protect our water systems.

Mr. Grostic isn't alone here- but this is just one example of what will continue to happen if we don't have sufficient regulations on these green business loopholes. Quite frankly, I find it absurd that we have to beg and plead for the government to do their jobs, but secondly beg for a quality of life of safe air, water and food.

In conclusion, because I could continue to go on for days on this topic no one is trying to take away farmers rights, or industry rights. But what we are asking for is to stop the loopholes and be honest with the locals in which these so called green energy businesses swoop in under the guise of an agricultural exemption.

A whole community approach with the facts first, is what we're asking for. Not a farmer/industry get rich quick scheme. We ask again, for your SUPPORT on this bill!

Respectfully,  
Michelle Clements  
Bath Township Trustee