

October 10, 2023

Subject: Testimony in Support of Senate Bill 119

Dear Honorable Chairman Kick, Vice Chair Lear, Ranking Member Rogers, and members of the House Energy and Natural Resources Committee:

My name is Amy Mendoza, I am the City Councilperson for Ward 1 in Fostoria, Ohio. I wholeheartedly support Senator Bill Reineke's proposed Senate Bill 119 (SB 119). As a representative of the citizens of Fostoria, I know that the proposed bill is what our town wants and desperately needs. We have a shared commitment in seeking oversight for landfill facilities in Ohio causing environmental and health concerns due to under-controlled out of state waste disposals.

On June 6th, 2023 Fostoria City Council unanimously passed a Resolution via emergency to support SB 119 and to act as proponent testimony by an interested party to the Ohio Senate Committee on Agriculture and Natural Resources. Please see attached. The townspeople of Fostoria know all too well what negative effects can occur when living next to a landfill that is not properly regulated or monitored effectively.

Ironically, one year ago almost to the exact day of passing the Resolution in support of SB 119, on June 7, 2022, Fostoria City Council passed a Resolution opposing the Sunny Farms Landfill (SFL) expansion permit. Please see attached. We urgently need to gain some sort of assurance regarding our quality of life, SB 119 will help accomplish just that. Furthermore, Fostoria City Council passed a Resolution to replace the previous one in opposition of SFL expansion permit in order to make it more relevant to our most current state since some time had passed. Please see attached.

The simple truth of the matter is, if the Ohio Environmental Protection Agency (OEPA) had not allowed a Consent Order, SFL would not be operational. They like to hide behind the shield of "full compliance" that OEPA has provided them with. In reality, SFL single handedly continues to cause major health concerns and environmental risks to our citizens which OEPA is meant to protect us from. This is unacceptable. I am sure you have been given plenty of documents regarding the same from other proponents of this desired bill. Also, I am sure that there are testimonies from other proponents that are much more factual and intellectually compelling than mine. And I have no doubt that their testimony will show you exactly how dire the need for this truly is. I am so proud that I can lean on them.

Passing SB 119 would be a step in the right direction for our townspeople and all Ohioans. In the words of the great, late Dr. Martin Luther King Jr., "The time is *always right* to do *what is right*." Now is the time for you to act. I am so thankful for our citizens' commitment to this fight

because if not for them, “the powers to be” could continue to easily turn a blind eye. If not for the people of my community, Senator Reineke may not have known to extend his help and I am so grateful to him for seeking action. I am also grateful for the Seneca County Commissioners and the Seneca County Board of Health for pushing back as well. But I am most thankful for the people of Fostoria, who have fought long and hard to find change. Again, none of this would be possible, if not for them. And I hope that in the very near future, I can be thankful for all of you in this cause as well.

Being a public servant can be difficult. A very wise man once told me that it is easy to be a councilperson, all you have to do is what is right for the town. And while I appreciate the sentiment behind his advice, oftentimes, I find it much less simple than just that. But this, this decision is easy. As businesspeople, the ROI makes perfect sense and as ethical, intelligent human beings, the moral decision is blatantly obvious. Fostoria citizens’ quality of life is at risk but it is not too late for *someone* to do the right thing. In fact, there is no better time than the present. You have an opportunity *right now* to do “what is right.” Thank you for your time and consideration.

Cordially,

Amy Mendoza

Amy Mendoza (she/her/hers)
City Councilperson – Ward 1
447 Colonial Dr.
Fostoria, OH 44830 (419)
619-2382
amendoza@fostoriaohio.gov



"Our communities do not belong to us. We belong to them." – George Bernard Shaw

CITY OF FOSTORIA, OHIO

Resolution No.: 2023-40

Sponsored by:

Requested by: Councilmen Mennel and Cassidy

A RESOLUTION

To declare that City Council for the City of Fostoria opposes Sunny Farms Landfill expansion permit due to noncompliance with EPA regulations and current consent orders and agreements.

WHEREAS, WIN Waste Innovations, a wholly owned subsidiary of Wheelabrator Technologies Inc., a member of the Norican Group, all owned by Macquarie Infrastructure Partners, a division of the Macquarie Group of Sydney, Australia, is the operator of Sunny Farms Landfill located at 12500 West County Road 18, Fostoria, Ohio, in Loudon Township of Seneca County, has applied for a permit to expand geographically to increase the tonnage of waste unloaded by sixty percent (60%), which would make it one of the largest landfills in the state; and

WHEREAS, Benjamin E. Nutter, representing WIN Waste Solutions and Sunny Farm Landfill, stated in a public meeting of this Council on June 7, 2022, that part of the plan for the expansion was to move the original cell of waste to a new location, and WHEREAS, Fostoria, Ohio, (City) is the closest municipality to the landfill, with its sources of drinking water originating close to the landfill, and with each and every rail car delivered to the landfill having to slow to five miles per hour to make the turn from the east-west tracks to the north-south tracks of the CSX Railroad inside the City limits; and

WHEREAS, the Ohio Revised Code Section 3734.02 outlines rules for inspecting and licensing solid waste facilities to ensure the facilities will be maintained and operated in a sanitary manner so as not to create a nuisance, cause or contribute to water pollution, create a health hazard or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 257.3.8, as amended; and

WHEREAS, recognizing that the City has no direct authority over the regulation of landfills, while also emphasizing the importance of timely and judicious action by the Ohio EPA, the Seneca County General Health District, and the Ottawa, Sandusky, Seneca Solid Waste District, and any other regulatory authorities to ensure that the landfill complies with all state and federal laws, rules, and regulations; and

WHEREAS, emphasizing the critical importance of health and safety of all residents and committing to work closely with these agencies to ensure the citizens are protected from harmful emissions, odors, water contamination, or other potential hazards created by the landfill; and

WHEREAS, the City awaits the return of the landfill to compliance with all EPA regulations and all consent orders and agreements, and expects Best Available Control Technology practices at the landfill.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fostoria, Seneca, Hancock, and Wood Counties, Ohio:

SECTION 1. Resolution 22-32 approved by this Council at its meeting of June 7, 2022, is hereby rescinded.

SECTION 2. City Council is adamantly opposed to any expansion of the landfill either geographically or by volume received.

SECTION 3. City Council respectfully requests that WIN Waste Innovations withdraw its Permit to Install Application for expansion of the landfill.

SECTION 4. Council supports and advocates for the Ohio EPA, the Seneca County General Health District, and the Ottawa, Sandusky, Seneca Solid Waste District to hold Sunny Farms Landfill accountable to the standards required by all laws, rules, and regulations, through frequent inspections, any necessary enforcement actions, and the introduction of additional controls and safeguards required to meet Best Available Control Technology practices.

SECTION 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Revised Code of Ohio.

SECTION 6. That in order to preserve the public peace, health, safety and welfare of the City of Fostoria and its inhabitants, this measure shall take effect at the earliest time allowed by law after its passage for the reason that this resolution is necessary for the inhabitants of the City of Fostoria.

THEREFORE, upon the affirmative vote of two-thirds (2/3) of all members elected to Council, and signature by the Mayor, this resolution shall go into immediate force and effect.

Passed this **18th** day of **July**, 2023.

Steve Kauffman, President of City Council

ATTEST:

Tamara L. Drake, Clerk of City Council

Filed by me and approved by me this ____ day of _____, 2023.

Eric J. Keckler, Mayor

|

CITY OF FOSTORIA, OHIO

Resolution No.: 2023-35

Introduced by: _____

Requested by: Councilman Mennel

A RESOLUTION

To support Senate Bill 119 and to act as proponent testimony by an interested party to the Ohio Senate Committee on Agriculture and Natural Resources, and declaring an emergency to exist.

WHEREAS, Sunny Farms Landfill is located approximately four (4) miles south of Fostoria, Ohio; and

WHEREAS, every railroad car of trash delivered to Sunny Farms Landfill must slow to five miles per hour to transfer from the east-west tracks of the CSX to the north-south tracks of the CSX inside the City limits of Fostoria, Ohio; and

WHEREAS, the Ottawa, Sandusky, Seneca Solid Waste District (OSS) covers three counties with Seneca county being consistently outnumbered; and

WHEREAS, a majority of the out of state debris delivered to Sunny Farms Landfill is Construction and Demolition Debris (C&DD); and

WHEREAS, the Ohio Environmental Protection Agency (OEPA) stated at the public hearing held in Fostoria, Ohio, on May 11, 2023, that they did not have the funds to oversee Sunny Farms Landfill; and

WHEREAS, Ohio Senate Bill 119 introduced by Senator Bill Reineke addresses the above issues by specifically increasing fees for C&DD and out of state generated debris to better fund OEPA and county health departments, allowing counties generating over seventy-five percent (75%) of the revenues to a solid waste district to separate from the solid waste district upon proper filing, and generally addressing a solution to the problems incurred by the City of Fostoria, Ohio;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fostoria, Seneca, Hancock, and Wood Counties, Ohio:

SECTION 1. The Fostoria City Council hereby states on record as strongly supporting Senate Bill 119, and that this resolution be submitted to the Ohio Senate Committee on Agriculture and Natural Resources as proponent testimony by a very interested party.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Revised Code of Ohio.

SECTION 3. This resolution is hereby declared to be an emergency measure. The reason for this emergency is that the Ohio Senate is currently in the process of accepting testimony related to Ohio Senate Bill 119.

THEREFORE, upon the affirmative vote of two-thirds (2/3) of all members elected to Council, and signature by the Mayor, this resolution shall go into immediate force and effect.

Passed this **6th** day of **June**, 2023.

Steve Kauffman, President of City Council

ATTEST:

Tamara L. Drake, Clerk of City Council

Filed by me and approved by me this ____ day of _____, 2023.

Eric J. Keckler, Mayor

CITY OF FOSTORIA, OHIO

Ordinance No.: 2022- 32
Requested by: Public Affairs Committee

A RESOLUTION

To declare that City Council for the City of Fostoria opposes the Sunny Farms Landfill expansion permit based on the fact that Sunny Farms Landfill has been reported to not be in compliance with current EPA limits allowed by the Clean Air Act and may present both short term and long term environmental, health, and economic hazards and declaring an emergency to exist.

WHEREAS, Council supports the health and well being of and seeks environmental justice for Fostoria citizens; and,

WHEREAS, as reported by Chris Lund, the Environmental Consultant contracted by the Seneca County Board of Health, Sunny Farms Landfill is presently emitting twenty times the Sulfur Dioxide allowed by the Clean Air Act and therefore, is not in compliance with current Federal EPA limits; and,

WHEREAS, the Seneca County Board of Health's Environmental Consultant reported that Sunny Farms Landfill was the ~~sixth~~ ^{ninth} largest source of Sulfur Dioxide emissions in the state; and,

WHEREAS, Council fears the possible environmental impacts of Sulfur Dioxide emissions including contaminated rain, run off water, ground water, and soil, poor air quality, detrimental health effects, exposure to high CO, SO₂, and cancer-causing HAP's, harmful effects to the environment for future generations, and decline in property values directly caused by Sunny Farms Landfill; and,

WHEREAS, Council strongly desires Sunny Farms Landfill to bring their facility into full EPA compliance, before any approval of expansion;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fostoria, Seneca, Hancock, and Wood Counties, Ohio:

SECTION 1. The City Council for the City of Fostoria opposes the Sunny Farms Landfill expansion permit.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. This resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare.

THEREFORE, upon the affirmative vote of two-thirds (2/3) of all members elected to Council, and signature by the Mayor, this resolution shall go into immediate force and effect.

Passed this 7 day of June, 2022.



Steve Kauffman, President of Council

Brian Shaver

Pro tempore

ATTEST:



Tamara L. Drake, Clerk of Council

Filed with me and approved by me this 7th day of June, 2022.



Eric J. Keckler, Mayor