



WIN Waste Innovations of Seneca County  
12500 West County Road 18, Fostoria, OH 44830  
www.win-waste.com

## Opponent Testimony of Ben Nutter WIN Waste Innovations

Ohio House Energy and Natural Resources Committee  
Senate Bill 119  
October 25, 2023

Chairman Kick, Vice Chair Lear, Ranking Member Rogers, and members of the House Energy and Natural Resources Committee, thank you for the opportunity to provide testimony in opposition to Senate Bill (SB) 119. My name is Ben Nutter and I lead Community Engagement and Government Affairs for WIN Waste Innovations. I am a resident of Seneca County and have served my community as a firefighter and county commissioner. As a lifelong Seneca County resident, I understand the history — both recent and distant — of this asset in our community.

I have submitted a written copy of my testimony that includes technical information on WIN Waste Innovations. I am not going to read it to you. Instead, I would like to share some thoughts from the WIN Waste perspective.

SB119's sponsor has erroneously stated that Ohio receives waste from the East Coast because we are the cheapest option for other states. Several surrounding states have lower fees than Ohio, including Indiana and Kentucky. The flow of waste in the United States is fluid and needs to remain so. For example, Ohio exports millions of tons of hazardous and radioactive waste every year, as well as imports municipal solid waste and construction and demolition materials from other states. Senator Reineke has stated that this bill is necessary to help locals regulate landfills within their jurisdiction. Yet, in Seneca County, both the General Health District and the Solid Waste District have millions in cash reserves, much of this is from the fees that we and other landfills like us already pay. In 2022 alone, the SCGHD inspected WIN Waste Seneca County 31 times, evaluating 2,201 separate criteria, and finding ZERO violations. The Health District already has an inspector position specifically to inspect the WIN Waste landfill in Seneca County. This inspector program is funded by fees collected from WIN Waste Seneca County.



WIN Waste Innovations of Seneca County  
12500 West County Road 18, Fostoria, OH 44830  
[www.win-waste.com](http://www.win-waste.com)

This bill is not about helping local boards regulate landfills; this bill is a misguided effort to thwart out-of-state waste. This Bill creates huge increases in fees imposed at the local level without any demonstrated need whatsoever. If this Bill passes, it will hurt WIN Waste team members, local contractors and their employees, and any Ohioans who use Ohio landfill facilities.

Everyone is entitled to their own opinion; however, as elected officials, we'd ask that you look at the facts in making those opinions. "The facts" or the Ohio EPA, the regulating agency with the expertise to do so, say we are safe. The air, soil, and water around the facility is safe. We have years' worth of scientific data that supports our substantial compliance to the significant regulations on our operations. WIN Waste Innovations corrected the underinvestment by previous owners and have invested more than \$50 million dollars and Herculean efforts on behalf of our team members. Why would the state pass a law that punishes a company that has only done right by the residents of Ohio?

WIN Waste Innovations is a waste and recycling solutions company operating in multiple states from Maine to Ohio to Georgia and Florida. We operate landfills, recycling facilities, collection sites, transfer stations, and waste-to-energy facilities, all aimed at providing sustainable solutions to the waste produced by the communities we serve.

In Ohio, we own and operate the former Sunny Farms Landfill in Fostoria and the Tunnel Hill Reclamation Landfill in New Lexington, as well as WIN Ohio hauling in Heath Ohio. We're proud to provide good jobs for more than 250 Ohioans and to support local businesses and community organizations. Fees from our operations contribute nearly \$15 million annually to local and state governments in Ohio, funding that makes a substantial contribution to fund local schools.

We are committed to being a good neighbor in every community where we operate, and we hear and understand the concerns of our neighbors in Seneca County.

Since we acquired Sunny Farms Landfill in 2019, WIN Waste has made and continues to make extensive improvements to protect the environment and minimize the landfill's impact. A graphic included with our testimony shows that public



WIN Waste Innovations of Seneca County  
12500 West County Road 18, Fostoria, OH 44830  
[www.win-waste.com](http://www.win-waste.com)

complaints about odors dropped nearly to zero after we installed temporary control measures in 2019.

But we're going far beyond that to ensure that Sunny Farms Landfill is a model for operational excellence and among the most advanced landfills in the nation for environmental protection. These measures include investing \$100 million dollars in gas treatment systems at our Ohio landfills. The systems will further improve our environmental performance by capturing 98% of the hydrogen sulfide generated and converting it to solid sulfur that can be repurposed and used in agriculture. Just this month our CEO Dan Mayo announced we will be capturing the remaining gas to create renewable gas energy at our Ohio facilities in an innovative landfill gas-to-energy project that will ultimately avoid more than 120,000 tons of fossil-based CO<sub>2</sub> emissions yearly, equal to the emissions reduction of more than 130,000 acres of forest, or the elimination of the emissions from 12 million gallons of gasoline. The energy content of the renewable natural gas from the project will be equivalent to heating more than 35,000 homes.

We have made dramatic improvements in the years since we took over, and we are committed to continually improving, not only to grow our business but also to help strengthen the communities we serve. We are taking the appropriate steps with our regulators, including the Ohio EPA and the Seneca County General Health District, and we're investing our own capital to ensure that the operational excellence we have embedded since we took ownership continues well into the future.

While safety and compliance are our priorities when performing the essential service of waste management, we also work to be a transparent partner that shares insight into our regulatory requirements and to how we operate to meet these stringent compliance measures.

- Although we are required to submit the 3<sup>rd</sup> party testing that occurs regularly at the site, there are multiple agencies and companies that quality-test our work. As I mentioned earlier, in 2022 alone, the Seneca County General Health District inspected Sunny Farms Landfill 31 times and found no instance of non-compliance.



WIN Waste Innovations of Seneca County  
12500 West County Road 18, Fostoria, OH 44830  
www.win-waste.com

Our landfills in Ohio are monitored for permit compliance in the same way as virtually every industry: Certified, licensed third-party companies take air and water samples, analyze them, and report the results to the EPA.

- Ground water samples are collected and tested twice each year from a network of 60 monitoring wells.
- Surface water samples are collected and tested twice each month from permitted discharge points.
- Air meters are continuously monitored at five locations approved by the Ohio EPA and the Seneca County General Health District. They are programmed to record H<sub>2</sub>S readings every 10 minutes. In 2022, out of 20,000-plus readings per month, 99.8% were within compliance limits.

If this testing revealed violations of our permits, the Ohio EPA could be expected to take enforcement action.

- Both of the WIN landfills in Ohio are fully lined in accordance with subtitle D landfill regulations. This makes our facilities one of the safest places on Earth when it comes to protecting the environment from waste.
- Zero hazardous waste is transported to Sunny Farms Landfill. We handle primarily construction and demolition debris and some municipal solid waste (household waste).
- Our rail cars are covered. The plastic netting that covers the rail cars that carry construction and demolition debris isn't always apparent in photographs, but it is on every rail car we operate.
- We are proud of our operational excellence. Permits issued by the Ohio EPA are designed to protect human health and public welfare in the short and long term. The EPA has determined that we are in compliance with our permits, and our permit levels ensure we protect human health.

Now, to address the committee's primary purpose here today, I ask you to consider the many reasons that Senate Bill 119 is both unnecessary and bad for Ohio.



WIN Waste Innovations of Seneca County  
12500 West County Road 18, Fostoria, OH 44830  
www.win-waste.com

- The Seneca County General Health District and the Ohio EPA have years of data that confirms the surrounding community is safe. This Bill is not needed to ensure the safety of local residents — the data that proves that already exists and will continue to be generated according to the regulatory requirements already in place.
- This legislation is a tax on the municipalities, their residents, and the small businesses that perform the essential service of reliable waste disposal.
- Businesses invest in Ohio based on its **regulatory certainty**. By arbitrarily increasing regulation on waste disposal, SB 119 undermines that certainty and pulls the rug out from under an industry that employs thousands of workers.
- Because most waste disposed of in Ohio landfills comes from within Ohio, the fee hikes proposed in the bill — which would be among the highest in the entire nation — would affect Ohio-generated waste much more heavily than out-of-state waste.
- Making it more expensive to dispose of waste in Ohio runs directly counter to Ohio's efforts to be the most business-friendly state in the Midwest.
- The waste disposal industry is in no way under-regulated, as I hope I have established in these remarks today. The Ohio Environmental Protection Agency and local health districts are engaged in regular monitoring and empowered to take enforcement action when necessary.
- Waste industry workers should receive the same respect and protection as any other worker in Ohio. They do not deserve to lose their jobs because of NIMBYism.

The interstate commerce clause states that we cannot discriminate against our customers based on what state they are from. Importing waste from other states is not unusual. And Ohio is NOT overwhelmed by waste from other states. The majority of waste going into Ohio landfills each year — currently about 17 million tons — is generated in Ohio. About 6 million tons comes into Ohio from other states. And more than 1 million tons of Ohio's waste is transported to other states. Furthermore,



WIN Waste Innovations of Seneca County  
12500 West County Road 18, Fostoria, OH 44830  
[www.win-waste.com](http://www.win-waste.com)

all nuclear waste from Ohio nuclear plants is exported to other states as Ohio does not have a nuclear waste disposal facility.

We recognize that it is incumbent upon our company to operate with responsibility and care for our community. We know this means always working harder to over-communicate the actions we have taken and plan to take to be among the most technologically advanced landfills in the industry. We live and work in the community, so we want to share the peace of mind we have with our neighbors so they can be assured that the air we all breathe and the water we all drink is safe. However, we do not believe that SB 119 is part of this solution. SB 119 deters investment in Ohio because it undermines regulatory certainty for an entire industry and needlessly increase costs for businesses and Ohio residents.

While we acknowledge the efforts of the bill's sponsor and committees to revise SB 119 based on input, we remain opposed and respectfully request this committee not move forward with the legislation. We will continue to invest in Ohio, while continuing to build trust in the communities we serve.

Thank you again for the opportunity to provide opponent testimony on SB 119 and I would be happy to answer any questions from the committee at this time.