



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 Senate Agriculture and Natural Resources Committee
Senate Bill 119
May 30, 2023

Chairman Schaffer, Vice Chairman Landis, Ranking Member Hicks-Hudson and members of the Senate Agriculture 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 past and present of the landfill asset in our community.

WIN Waste Innovations is a waste and recycling solutions company operating in multiple states from Maine to 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 Sunny Farms Landfill in Fostoria and Tunnel Hill Reclamation Landfill in New Lexington. We're proud to provide good jobs for more than 150 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.

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



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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 a \$54 million gas treatment system that will further improve our performance by capturing 98% of the hydrogen sulfide generated and converting it to solid sulfur that can be used in agriculture.

We have made dramatic improvements in four years, and we're committed to continuous improvement to grow our business but also grow our relationships with the local communities we serve. We're taking the appropriate steps with our regulators, including the Ohio EPA and the Seneca County General Health District, and investing our own capital to ensure the operational excellence we have exhibited since ownership remains.

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

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

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



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programmed to record H₂S 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. In fact, the EPA has stated that we are in compliance with all applicable regulations.

- No 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 covering rail cars carrying construction and demolition debris isn't always apparent in photographs.
- We are proud of the operational excellence we exemplify. 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.
- The sulfur dioxide emissions from the landfill are below the level that would impact human health. Once the \$54 million gas treatment system I mentioned earlier will be in full operation soon and, emissions of both H₂S and SO₂ will be even further below levels that are protective of 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.

- This anti-business legislation is a tax on the municipalities, the 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 would pull the rug out from under an industry that employs thousands of workers.



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- Because the majority of waste disposed of in Ohio landfills comes from within Ohio, the fee hikes proposed in the bill would affect Ohio-generated waste much more heavily than out-of-state waste. It's a \$210 million-per-year tax hike on in-state waste vs. a \$50 million-per-year increase on 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.

The interstate commerce clause does not allow us to discriminate against our customers based on what state they are from. It is not unusual. And Ohio is NOT overwhelmed by waste from other states. The vast majority that goes into Ohio landfills each year — currently about 17 million tons — is generated in Ohio and stays in Ohio. About 6 million tons comes into Ohio from other states. And about 3 million tons of Ohio's waste is transported to other states.

We recognize that it is incumbent upon our company to operate with responsibility and care for our community. We know that must include working even harder to 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 to be assured that the air we breathe and water we drink are not impacted by the landfill.

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 sponsor and committee to revise SB 119 based on input, we remain opposed and respectfully request this committee do not move forward with the legislation. We will continue to invest in the Sunny



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Farms Landfill, with an eye toward making it the most technologically advanced site in the nation, while continuing to build trust in the community we serve.

Sunny Farms Landfill – Compliance Monitoring Summary

Intro

Sunny Farms Landfill hires third party consulting firms and testing laboratories to conduct most of our monitoring. We do not perform the monitoring with our own staff. These consultants are registered professional engineers and certified geologists and groundwater professionals who affirm that their reports are truthful and complete. It would violate their code of ethics to falsify information. Furthermore, the testing laboratories are certified by the State of Ohio.

Groundwater Monitoring Program

- Network of 60 existing monitoring wells that surround the facility.
- 28 bedrock and 32 shallow wells.
- Samples collected twice each year (semi-annual).
- Samples are collected for analysis of Ohio Administrative Code (OAC) Rule 3745-27-10 Appendix I parameters as required by Rules and the approved monitoring plans for the facility.
- Independent consultant collects samples.
- Independent certified laboratory tests samples.
- Data compared to limits by independent consultant and reported to and reviewed by Ohio EPA.
- Site is in compliance with groundwater monitoring requirements.
- Quality of groundwater in bedrock has not been impacted by the landfill.

National Pollutant Discharge Elimination System (NPDES) Monitoring Program

- Surface water that comes in contact with on-site operations is collected in four sedimentation ponds.
- Surface water is discharged offsite from the sedimentation ponds through four permitted outfalls.
- Monitoring is completed twice each month.
- Samples are collected for analysis of twice-monthly, semi-annual and annual parameters as required by the NPDES permit.
- Independent consultant collects samples.
- Independent certified laboratory tests samples.

- Data compared to limits by independent consultant and reported to and reviewed by Ohio EPA.
- No NPDES permit limits were exceeded in 2022.
- The only NPDES permit limits exceeded over the past three years were for TSS (total suspended solids). The site responded to these isolated exceedances with the appropriate control measures including erosion repair, seeding, silt fence installation and the placement of turbidity curtains within the sedimentation ponds. The site continues to maintain these control measures and no TSS exceedances have occurred since July 2021.
- Surface water leaving the site through the permitted outfalls shows no indication of impact from the landfill.

Permanent Jerome Meter Monitoring Program

- Sunny Farms maintains permanent Jerome meters at the five (5) locations approved by Ohio EPA and Seneca County General health Department (SCGHD).
- The Jerome meters are calibrated and maintained in accordance with manufacturer's specifications.
- The Jerome meters are programmed so that they record H₂S readings every 10 minutes 24 hours a day 7 days a week.
- A monthly report of the H₂S reading is submitted to the Ohio EPA and SCGHD by the 5th business day of the following month.
- Below is a summary of CY2022 Jerome Meter monitoring data that exceeded the 15 ppb H₂S standard:

Month	Number of Readings	Readings > 15 ppb	Explanation
January 2022	22,320	0	
February 2022	20,160	1	
March 2022	22,320	1	
April 2022	21,600	2	
May 2022	22,320	8	<i>6 readings upwind of facility and determined to be anomalous</i>
June 2022	21,600	28	<i>25 readings upwind of facility and determined to be anomalous</i>
July 2022	22,320	3	<i>2 readings upwind of facility and determined to be anomalous</i>
August 2022	22,320	1	
September 2022	21,600	0	
October 2022	22,320	3	<i>1 reading upwind of facility and determined to be anomalous</i>
November 2022	21,600	0	
December 2022	22,320	0	