

Good afternoon Chair Schaffer, Vice Chair Landis, Ranking member Hicks-Hudson, and the members of the Senate Agricultural and Natural Resources Committee. My name is Nate Heiser and I am honored to be here today to support SB 119. Thank you for giving me this time to speak.

Over the past five years I have attended numerous public hearings with regard to OEPA issuing more permits to the landfill. I have noticed one common denominator—the citizens have never ONCE come out as the winners. Our voices are never heard. I have also heard over and over what the high paid, public relations firms will prepare for them to tell you today.

First: you will likely hear that WIN Waste Innovations is doing a much better job than previous owners. I can tell you, they have said that exact same thing about every past owner, such as Tunnel Hill Partners and Wheelabrator, and all the other companies before them that have changed hands so many times. We always hear about how they are better, until they prove to be the same. If WIN Waste is so much better, why were there 2 recent violations? Why were they careless when installing the liner which could easily be punctured by construction debris that includes nails and sharp objects. Our community is counting on that liner to hold up. Why are “trash pickers” being used to provide oversight of the liner installation? (according to comments made in the newspaper by Ben Nutter). Shouldn't the EPA be on site for something that important? If Win Waste is so much better, why have they had 14 different supervisors in only a two year period? (according to a past supervisor)

Next you may hear that the gasses pose no health risks. We were given information from the Ohio Department of Health that lists the health risks associated with the hazardous air pollutants. We strongly disagree. When they say that, they simply mean we are not at risk of immediately falling over dead, but we are not free from long term health risks. It's always a matter of semantics.

Next you may hear them tell you they are in substantial compliance. Please understand that substantial means they are not compliant. That word is in the law to provide companies time to get into compliance. Substantial is meant to be short term. They have always been out of compliance and remain so today. Consent orders go as far back as 2001, and you cannot undo past environmental damage. Our lungs don't simply improve, even if they fix a problem that has existed for decades.

Next you may hear we are all just people with an agenda, or we are against economic development or we are anti-landfill. None of us are members of any environmental group and we have much better things to do with our time than try to ruin their business. We simply want a level playing field for all businesses in the area and we want to live without fear of disease and loss of quality of life. If they managed their business, we wouldn't have to be here today

away from our families and our own businesses. A normal landfill is about 200 tons/day. Our landfill is going to grow to 12,000 tons a day. The people who are profiting live in gated communities far away without a care in the world about us.

Next you may also hear that they have had no violations in recent years. I can assure you this is only because Covid prohibited inspections for two years. They will claim that there have been hundreds of inspections that go above and beyond what is required. However, you must understand that those "inspections" were done by landfill employees and were described as "pencil whipped" by people who work there. There is absolutely no way to inspect ground cover if you cannot get to the active site to measure, and you cannot inspect for hazardous waste by a simple visual inspection which is all that is required.

You will likely hear from them that they contribute to the community. They donate relatively small sums of money to certain groups outside of the host community in order to gain favor. The donations are no different than what most companies do, and they never donate to the host city. The city of Fostoria is given no tipping fees, grants or even money to pay for recycling. We are currently given nothing.

You will likely hear that trash should increase to our area because it is commerce. We strongly disagree with that, but even if we could agree- it should still be required to be inspected and handled safely. Currently, one cell is completely unlined at the landfill.

You will likely hear that they are doing us a favor by installing a very expensive gas containment system. This system was required many years too late and only because it was mandated by the consent order. That system is still not operational today. Today we are still breathing high hazardous gas coming off of a flare system that is creating greenhouse gasses.

You will likely hear about how they employ 50-100 people. We appreciate job creation, but again not at the expense of the 55,000 lives that live here in Seneca County.

You may also hear that Ohio exports trash. Please know that we import approximately 5.8 million tons and only export 1.3 million tons. That also includes tonnage going to surrounding border states, if a community lives on the edge of two states. Most exported waste is done to comply with hazardous waste laws and is an added expense in order to handle it responsibly. The east coast is known to send us shredded and unrecognizable trash in railcars. The term "cocktailing" has been used to describe mixing hazardous materials into railcars to avoid high costs of hazardous waste disposal. Several companies have been fined for doing this in other areas so it is always a concern.

You may also hear about how the water is perfect. We have seen reports going back to 2015 that show elevated arsenic, TDS, chloride and other contaminants that are always brushed off

as naturally occurring or they are still below the epa standards for immediate harm. Many things aren't tested and many test results have no history or interpretation attached from the lab. The lab used is also employed by the landfill which creates a conflict and the lab wasn't EPA certified until recently. We need better testing with increased funding.

You will likely hear that they are in full compliance, but you should also know they are operating currently without a PSD permit and they are operating without a yearly operating permit- which was just denied by the board of health in December and it is currently under appeal.

I hope this helps you to understand why there is such a wide difference between our two stories. This bill will be a great first step toward rectifying years of harm. Please consider voting yes to SB 119 to protect current and future generations from harm. Thank you.



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

February 8, 2019

Mr. James Lyon
12500 West County Road 18
Fostoria, Ohio 44830

Re: Sunny Farms Landfill LLC
Notice of Violation (NOV)
NOV
Municipal Solid Waste Landfills
Seneca County
MSWL018786

Subject: Notice of Violation

Dear Mr. Lyon:

On February 6, 2019, the Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office, Division of Material and Waste Management conducted an inspection of the Sunny Farms Landfill (Facility) in Fostoria, Ohio. John Pasquarette, Andy Drumm, and I represented Ohio EPA. Brian Chapman and Jose represented the Facility. This inspection was focused on the rail unloading building and the area surrounding it to investigate a complaint received by Ohio EPA. The goal of the inspection was to determine compliance with Ohio's laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745-27 of the Ohio Administrative Code (OAC).

Findings

Ohio EPA observed the following violations of Ohio's environmental laws. In order to resolve the violations at your facility, we recommend addressing the citations below promptly. Ohio EPA's Division of Surface Water (DSW) has been notified of the results of the inspection. Additional violations specific to requirements of the Clean Water Act may be cited by counterparts in DSW.

1. **ORC Chapter: 3734**

OAC Rule: 3745-27-19(K)(5): The owner or operator shall treat and dispose of collected leachate in accordance with Chapter 6111. of the Revised Code and with one of the following: (a) Treat and dispose of collected leachate on site at the sanitary landfill facility. (b) Pretreat collected leachate on-site and dispose of collected leachate off-site of the sanitary landfill facility. (c) Treat and dispose of collected leachate off-site of the sanitary landfill facility.

(a) **Description:** Ohio EPA identified an unauthorized sump that collected leachate near the rail unloading building. The sump was located just outside of the rail unloading building at the northeast corner of the building. The sump contained an electric pump. Attached to the pump was a hose that was buried underground and ran underneath the railroad tracks to the east and terminated into the pond east of the rail unloading building. During the inspection, a representative of the landfill noted that the hose in the past ran above ground but was buried this past summer. See attached photographs and photograph descriptions.

(b) **Further information:** Ohio EPA has determined that the owner/operator of Sunny Farms Landfill has not disposed of collected leachate properly.

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2. **ORC Chapter:** 3734

OAC Rule: 3745-27-19(E)(9): The owner or operator shall employ all reasonable measures to collect, properly contain, and dispose of scattered litter, including the use of portable wind screens where necessary and frequent policing of the area.

(a) **Description:** Ohio EPA noted an unacceptable amount of scattered litter around the rail unloading building, and in the pond east of the rail unloading building. The owner/operator needs to take additional measures to collect and contain scattered litter and debris that is currently not being contained within the rail unloading building. See attached photographs and photograph descriptions.

(b) **Further information:** Ohio EPA has determined that the owner/operator of Sunny Farms Landfill has not employed all reasonable measures to collect, properly contain, and dispose of scattered litter.

Conclusion

Ohio EPA requests that Sunny Farms Landfill LLC. promptly undertake the necessary measures to resolve the violations of Ohio's environmental laws and regulations. Within 14 days of receipt of this letter, please provide documentation to Ohio EPA of the actions taken to resolve the violations cited above. If you have not yet addressed the violations, please submit a compliance plan on how the company plans to correct the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, as appropriate, and may be submitted via the postal service or electronically to tyler.madeker@epa.ohio.gov.

Failure to comply with ORC Chapter 3734 and rules promulgated thereunder may result in an administrative or civil penalty. If circumstances delay resolution of violations, please submit written correspondence describing the steps that will be taken by date certain to attain compliance.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties specified in the ORC.

If you have any questions, please contact me at (419) 373-3078 or at tyler.madeker@epa.ohio.gov.

Sincerely,



Tyler Madeker
Environmental Specialist 2
Division of Materials and Waste Management
/wla

ec: Mike Reiser, DMWM-NWDO
John Pasquette, DMWM-NWDO
Bruce McCoy, DMWM-CO
Ed Brdicka, Sunny Farms Landfill, LLC

Andy Drumm, NWDO-DMWM
Tom Poffenbarger, DSW, NWDO
Matt Beckman, Seneca County Health Department
Dave Seegert, Sunny Farms Landfill, LLC

Attachment



- 1) Capped riser pipe located at the northeast corner of the rail unloading building which housed the pump and flexible discharge house.



- 2) Capped riser pipe located at the northeast corner of the rail unloading building. Power cord, flexible hose, and edge of the hard pipe that continues under the tracks are displayed.



- 3) View looking south from the capped riser pipe. The black power cord can be seen running along the east edge of the rail unloading building. Litter and debris in this photograph are indicative of the litter and debris strewn throughout the entire area.



- 4) Looking south along the western edge of the east pond. The outlet end of the drain pipe is in the distance amidst the excessive litter and debris that has collected in the pond.



5) Looking south along the western edge of the east pond. The outlet end of the drain pipe is in the midst of the excessive litter and debris that has collected in the pond.



6) Outlet end of the drain pipe as it daylights along the western edge of the east pond.



7) Broader view of the outlet end of the drain pipe displayed in photograph #6. Some of the excessive litter accumulated in the pond can be seen in this photograph.

