Seneca County Board of Health Meeting Minutes

The Seneca County Board of Health met on Thursday, December 29, 2022, at the Fostoria Municipal Building, 213 S. Main St. Fostoria Ohio 44830. With a quorum present, Board President Mr. Edward Logsdon called the Board's special meeting to order at 6:00 pm. The Board then recited the Pledge of Allegiance.

Mr. Logsdon asked the public to please sign in to speak, so that the Board could send them answers to their questions.

Board Members Roll Call:

Dr. Mark Akers–Present	Bonnie Boroff – Excused	Edward Logsdon - Present
Scott Lyons – Excused	McKenzie Posey – Present	Natasha Vitte – Present
Robert Watson – Present	Dr. Zachary West– Present	Dr. Clay Wolph - Present

Others Present:
Anne Goon, MS, RD, LD, Health Commissioner
Harold Huffman, PhD, Emergency Planning & Injury Prevention Manager
Leslie Shaffer, PhD, Health Planning & Accreditation Manager

Guests:
See attached list

Motion to Rescind Resolution 2022.19– Concerning Health Commissioner's participation on AOHC Board.

Ms. Goon withdrew her request for participation on the AOHC.

Dr. West made a motion to rescind 2022.19 Affirmation of Health Commissioner's Duties as Vice President of Association of Ohio Health Commissioners. Dr. Wolph seconded the motion. The motion carried upon roll call vote:

Dr. Mark Akers –Yes	Edward Logsdon -Yes	McKenzie Posey – Yes
Natasha Vitte – Yes	Robert Watson – Yes	Dr. Zachary West – Yes
Dr. Clay Wolph - Yes		

Election of Board President and Vice President

Mr. Logsdon wanted to review the previous vote for 2023 Board President and Vice President which was done on 12/15/2022.

Mrs. Posey made a motion to appoint Dr. Clay Wolph as President and Dr. Zachary West as Vice President. Mrs. Vitte seconded the motion. The motion carried upon roll call vote:

Dr. Mark Akers –Yes	Edward Logsdon -Yes	McKenzie Posey – Yes
Natasha Vitte – Yes	Robert Watson – Yes	Dr. Zachary West – Yes
Dr. Clay Wolph - Yes		

Public Comments concerning Sunny Farms Landfill

Mr. Logsdon asked that the members of the public sign in to speak and that they limit their comments to 3 minutes.

Dr. West acknowledged the receipt of letters from 2 members of the public that were sent to all the Board members.

Mr. Bryan Ezyk, Vice President of Operations WIN Waste Innovations was first to speak. He said that the landfill has collaborated with the Ohio EPA and the Seneca County General Health District to adhere to some of the strictest requirements for any landfill in Ohio. Mr. Ezyk stated that Sunny Farms has demonstrated superior performance. Mr. Ezyk stated that this would be supported by the November 23, 2022 email from Mr. Mike Rieser of Ohio EPA to the Board of Health and the 5/27/2022 board meeting of the Board's environmental consultant. Mr. Ezyk feels there is no need for additional license conditions.

Susan Platt, from Loudon Township, representing the group Residents Against Trash, wanted to remind the board of several reasons to deny the license. Mrs. Platt stated that the Landfill just denied all three reasonable and lawful conditions: 1. Follow the consent order and report back to the Health Department 2. Add some precautionary measures to protect the public. 3. Monitor at least once per every 50 train cars for things that should not be allowed into the Landfill. Mrs. Platts stated that the latest testing is not back yet, so this vote can not be made with any confidence. It was the group's understanding that additional testing of surrounding soil and water was prohibited, which she felt seemed illegal and suspicious. Mrs. Platt also said the Landfill was still in violation of the clean air act. She also stated New York is sending shredded materials that could be anything and feels there is no daily oversight of hazardous waste in rail cars. She is concerned that soon there will be 2,000 more tons daily of their industrial waste. Also, that approval of a permit will encourage further expansion which would be a burden on the community. Mrs. Platt was also concerned about the reporting of tonnage being accurate and if the SO2 meters are placed in the proper location to get adequate readings. Mrs. Platt's last point is that there is no plan in place for evacuation and safety for the fires that occur. The group feels that Seneca County deserves better.

Joy Walters, a resident of Fostoria, asked the board to deny the yearly landfill license, considering the landfill just denied all reasonable and necessary conditions to protect public health. She feels that the landfill has more stringent rules because the Landfill is not a normal municipal solid waste landfill, it is a 98 percent-by rail out of state Landfill that takes in 7500 tons a day, verses a landfill that takes in a few hundred tons. She said they are under consent order due to miss management that leads to human suffering and that the problem has not gone away. She feels that until the gas containment system is in place and working, there should be no permit allowed. Ms. Walters feels to approve after 15 years of noncompliance is dereliction of duty and puts the board at risk of lawsuits from the public. She said that destroying health for the sake of profit is a crime and should not be supported for gain of any kind.

Bob Podach gave out a paper titled Drinking Water Source Assessment for the City of Fostoria prior to the meeting. He spoke to Amy Klei chief, division of drinking and ground water at Ohio EPA, about local water contamination and the report about the drinking water. He also spoke with multiple people at the EPA about a re-assessment of the report of the drinking water for Fostoria. He feels this has to stop sometime and that the board should vote no. He would like no license until there is some compliance.

Terry Love from McCutchenville asked if a Board member had to have these gases in their home all day every day with their children and grandchildren, would they feel safe. He feels the Landfill is not safe.

Myra Spires 11607 W. Twp. Rd. 108, she shared that on November 30, 2022 at 7:36 she had to call the complaint number due to strong odors at her property. The company that takes the readings came and landfill odor enter her home throughout the evening. The next day, her family all had headaches, and her son still has a cough. After calling the Health Department, she found out that there was one reading of 23.04 ppb and another 22.65 ppb. She thought that anything above 15ppb was favorable for a violation. She would like to know who is keeping the Landfill accountable for readings from their own equipment. Also, Mrs. Spires would like to have the Health Department do their own reading when a complaint call is made and to issue a violation. On December 3, 2022, she had to call again for odors at her home. That day there were no readings but an air testing person reported that there was an odor. Mrs. Spires does not support the renewal of the license and does not believe that the landfill is in substantial compliance.

Allen Weinandy of 2669 E Cr. 50, Clinton township feels that the Board of Health has the duty and responsibility to protect the health and well-being of each and every Seneca County resident. He feels the Board has the responsibility and power to vote no on this matter until such time all legal obligations have been met.

Karl Walters 620 Arbor St. Fostoria said that when he and his wife ride bicycles around Fostoria and the wind is from the south slightly east, he would have to go home due to having a hard time breathing. He is also concerned about the Portage River. He feels the board should vote what their conscious tells them to do. He feels there needs to be a better job done protecting the residents of Ohio.

Nate Heiser feels Sunny Farms Landfill should have conditions on the permit and they should be more than willing to take the extra precautionary steps. Mr. Heiser feels that Sunny Farms has never been in full compliance with the consent orders which they have had for over 20 years. He also feels the board should take this to the appeals committee and there should be no license until Sunny Farms is in full compliance.

Douglas Lear was a Fostoria resident for many years. He had a daughter who died of osteosarcoma, which is a childhood disease which is very rare and he has no explanation of how she got it. The reason he is here is about the earthquake that occurred within the last week. He was wondering why it had not been mentioned and why it isn't being investigated. He was concerned that the large hill of the Landfill could cause this to happen.

2023 Operational License for WIN Waste Innovations/Sunny Farms Landfill

Ms. Goon gave the background and current status of the operating license for Sunny Farms Landfill. The Sunny farms landfill operates under multiple permits issued by the Ohio EPA: the Municipal Solid Waste Facility permit, an air pollution control permits and National Pollutant Discharge Elimination System Permits, or also known as NPDES permits. Seneca County Health Department is authorized by the EPA to issue license to facilities, which is an annual operating License separate from the permits, conduct inspection of the landfill facilities and initiating enforcement actions against owners and operators for failing to comply with Ohio Environmental rules. Currently, WIN Waste Innovations/Sunny Farms Landfill has been operating under the Partial Consent Order and Final Judgement Entry of case number 2019-CD-0224 since July 2019. That order was between the Ohio EPA and Sunny farms landfill. The reason for the Consent Order was due to alleged violations in air pollution control and solid waste laws of the state of Ohio under revised codes chapter 3704, 3714 and 3734. No notices of Violation have been issued against Sunny Farms Landfill in 2021 or

2022 by the Health District for non compliance with state regulations or the consent order. The Ohio EPA has indicated via email that Sunny Farms Landfill is in substantial compliance, indicating that there is no outstanding violations or enforcements that would preclude the Board of Health from approving the 2023 Operating License for Sunny Farms Landfill. The health district staff and leadership concur with the conclusions of the EPA and the solid waste and legal consultants employed by the Health District that WIN Waste Innovations/Sunny Farms Landfill has no outstanding violations or enforcements from 2022 that would preclude issuance of the 2023 license. Possible 2023 license conditions were created with the assistance of the Board of Health's solid waste and legal consultants. These conditions were shared with Sunny farms landfill, EPA and the Seneca County Board of Health. Based upon information we currently have and our inspections practices and observations over the last year, approval of the 2023 Operating License for Sunny Farms Landfill is recommended ideally with one or more of the proposed license conditions.

The conditions for the Operating License and Sunny Farms response to those conditions was reviewed at the 12/15/2022 meeting.

Mrs. Vitte asked if the Landfill has denied the license conditions. Ms. Goon explained that they have, but it is still up to the board if they want to add conditions.

Mr. Joseph Durham of Eastman and Smith gave an update on the proposed license conditions that was sent out and the reply that was received from Sunny Farms. Mr. Durham stated that the board has 3 options for the license 1. to Approve the license renewal, 2. To Approve the license renewal with conditions or 3. is to issue a notice of intent to deny. Since there has not been any notice of violations from the Health Department or the Ohio EPA and the indication that they are in substantial compliance Mr. Durham advice to the Board is that it would be very difficult to defend if they issued a notice of intent to deny. He explained the procedure involved with the intent to deny.

Mrs. Posey questioned if the Board approves the license with conditions but the Landfill does not accept then what would be the next steps. Mr. Durham explained that the Landfill could then appeal this decision to the Environmental Reviews Appeal Commission. The commission would then determine if the Board of Health acted lawfully and reasonably in imposing these conditions on top of the license. Then, depending on that decision, it could be appealed to a Court of Appeals.

Mrs. Posey then discussed her concerns and she would like to have more information on what would be sited as violations.

Mr. Durham explained that the Seneca County General Health District was not part of establishing the consent order. In that consent order established that 15ppb it is not a regulation. It says in the consent order that one exceedance is not a violation. If there are three readings in a 24-hr. period, then they have to notify the court but they don't have to take 3 readings. Mr. Durham reviewed condition number one is not only do you incorporate the terms of the consent order into the issuance of the license, but then it goes a step further and says that they have a duty to notify the Health Department immediately if they exceed 15ppb. He said they will question whether that is lawful and reasonable. Mr. Durham explained that the board will be adding a condition to a consent order that the Board is not a party to and it is not the regulation.

Mrs. Posey asked if there is any evidence that one of our employees was not allowed to do testing at the landfill. Ms. Goon explained that when Mr. Nainiger went to do a certain type of testing that was beyond the normal testing and at additional sites that were in the wet land and Sunny Farms was

not comfortable with having a sample collected from the wet land. Sunny Farms are required to protect the wet land. The Health Department and Sunny Farms Landfill then reached out to the EPA. The EPA has said that it can be tested and we are waiting to get the date that will work for the company doing the sampling. It will proceed as planned.

Mrs. Vitte asked if there was an end date to the consent order where they would need to abide by standard Ohio regulations. Mr. Durham explained that the consent order remains in place as long as they are in compliance. Ms. Goon explained they do have dead lines in the order which they have to meet. It is a multi-year consent order. The consent order addresses multiple details that relate to air, water and municipal waste.

Mrs. Vitte asked what the inspections the Health Department are looking for. Ms. Goon explained that the Health Department is required to use the EPA inspection form, which is a multi-page document and is available to the public.

Mrs. Posey questioned the allotment of the tonnage and how they are running out of space sooner. Ms. Goon explained that this license has nothing to do with the expansion and that question would need to be answered by Sunny Farms.

Mrs. Posey is concerned about the surrounding properties and asked if the trash on people's property. Ms. Goon explained not typically by itself, but Mr. Nainiger will notify them if an area needs cleaned more and they do have staff to clean up that trash. It is not a single time that will trigger a violation.

Dr. West is concerned about the transparency of Sunny Farms to the public.

The board had a discussion over the data that is collected from the Sunny Farms Landfill.

Mr. Watson asked for an update on where the Health Department is in the process of installing the additional monitors. Ms. Goon gave an update and explained the process of getting the monitors installed.

Mrs. Posey had questions if the strong winds affected the meter readings. Ms. Goon explained that there are two types of meters and that there are regulations for each. The Board discussed the readings and different things that can affect the meters.

Dr. Wolph asked if Seneca County had any say in putting the consent order together? Mr. Durham stated that Seneca County General Health District was not included in the consent order.

Dr. West stated for the record that the earthquake on 12/22/2022 was a 2.5 magnitude and was 1 mile from Sunny Farms.

Dr. Wolph made a motion to issue the intent to deny the 2023 Operational License for WIN Waste Innovations/Sunny Farms Landfill. Dr. West seconded the motion. The motion carried upon roll call vote:

Dr. Mark Akers –No	Edward Logsdon -Yes	McKenzie Posey – Yes
Natasha Vitte – Yes	Robert Watson – Yes	Dr. Zachary West – Yes
Dr. Clay Wolph - Yes		

Proposed Format of Health Director Performance Review

Dr. West explained the proposed format of the Health Director Performance Review

Dr. West made a motion to approve the proposed format of the Health Director Performance Review. Mrs. Vitte seconded the motion. The motion carried upon roll call vote:

Dr. Mark Akers –Yes	Edward Logsdon -Yes	McKenzie Posey – Yes
Natasha Vitte – Yes	Robert Watson – Yes	Dr. Zachary West – Yes
Dr. Clay Wolph - Yes		

Executive session – Personnel Matters

Dr. West made a motion to go into executive session purpose of disciplinary action of a staff member at 7:28. Mrs. Vitte seconded the motion. The motion carried upon roll call vote:

Dr. Mark Akers –Abstain	Edward Logsdon -No	McKenzie Posey – Yes
Natasha Vitte – Yes	Robert Watson – Yes	Dr. Zachary West – Yes
Dr. Clay Wolph – Yes		

The Board Returned from executive session at 7:46.

Mrs. Vitte made a motion to adjourn the meeting at 7:47 pm. Motion carried.

The next Board of Health meeting is scheduled for January 26, 2023, at 6:00 pm, at the North Central Ohio Education Service Center.

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Board of Health President Board of Health Secretary