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Seneca County Board of Health Files Lawsuit Against WIN Waste

(Seneca County, April 22, 2024) - The Seneca County Board of Health filed a civil lawsuit today against WIN Waste of Seneca County in Seneca County Common Pleas Court seeking a court order to enforce solid waste rules designed to prevent noxious gases and other contaminants from escaping from WIN Waste's landfill into the groundwater, streams, and air.

The lawsuit is based on violations discovered at the landfill during inspections by Seneca County General Health District in February 2024.

According to the lawsuit, the health district's inspectors discovered that WIN Waste had not planted grass or taken other actions necessary to protect the soil layer covering about 80 acres of waste in the landfill. Protecting the soil layer at a landfill from erosion and other damage is critical for preventing pollution. An undamaged soil layer prevents noxious gases from rotting wastes from being released into the air, reduces the seepage of contaminants into the groundwater, prevents rainwater from carrying pollutants into streams, reduces fire risks, keeps people and wildlife from coming into contact with the waste, avoids littering, and prevents rodents, flies, birds, and mosquitoes from transmitting disease-causing organisms from the waste to humans. The lawsuit recounts that the health district's inspectors found that WIN Waste's failure to protect the landfill's soil layer had resulted in erosion in about one and a half acres of soil cover.

The lawsuit also states that WIN Waste concealed the damage to the landfill's soil layer by stating in its inspection logs that there were no problems with the soil cover. The lawsuit seeks to end WIN Waste's falsification of the records that are supposed to document its inspections of the soil layer and other landfill features designed to prevent pollutants from escaping into the environment.

The five counts outlined in the lawsuit include failure to protect intermediate landfill cover from erosion, failure to protect the landfill cover from water damage, failure to comply best management practices for erosion control, failure to correct conditions causing ponding and erosion, violation of inspection requirements, and falsification of inspection records.

"The board of health has a mission of preventing disease, promoting wellness, and protecting the environment for our residents. By filing this lawsuit, we want to ensure that WIN Waste ceases to violate the solid waste rules meant to protect our residents and the environment," said Dr. Traci Sittason-Stark, a Seneca County Board of Health member.

"It is fitting that this lawsuit be filed on Earth Day; a day meant to highlight the importance of protecting the environment and Earth's natural resources for future generations," said Dr. Zachary West, Vice President of Seneca County Board of Health. "The Seneca County Board of Health has the responsibility and authority to take enforcement action against a noncomplying landfill facility with solid waste

violations. The Board is taking enforcement action in an effort to protect the health of our citizens and to protect the environment of the place we collectively call 'home'."

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