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DATE: August 27, 2025.
REF: SCGHD/WWI/NOV/2025/001

Brian Ezyk
WIN Waste Innovations of Seneca County LLC
12500 West County Road 18
Fostoria, Ohio 44830

Subject: Notice of Violation – Ongoing Noncompliance Issues

Dear Mr. Ezyk:

By now you should have received the inspection reports for the period of January through July of 2025 from the Seneca County General Health District (SCGHD) for the landfill owned and operated by WIN Waste Innovations of Seneca County LLC (WWSC) in Seneca County.

The primary purpose of a Notice of Violation is to enforce the regulations under which the Permittee/Licensee is regulated and require corrective action with a specified time period identified herein.

Additionally, this Notice of Violation recognizes the seriousness of the violations found during these inspections and associated records reviews and it emphasizes the need to avoid violations of this nature in the future.

During these inspections, SCGHD has identified a disturbing pattern of recurring violations of the solid waste requirements applicable to facility operations. This Notice of Violation (NOV) serves to formally document these findings and request immediate corrective action.

The following are the most persistent violations found during SCGHD's field inspections:

Identified Violations

1. **Citations: OAC Rule 3745-535-600(B)(7) Failure to Control Litter; OAC Rule 3745-535-630(A)(3)(a) and OAC Rule 3745-535-630(B)(2) Failure to Maintain Cover.**
   Requirement: OAC Rule 3745-535-600(B)(7) requires the owner or operator to employ all reasonable measures to collect, contain, and dispose of litter, including the use of wind screens where necessary and frequent policing of the area. OAC Rule 3745-535-630(A)(3)(a) requires at least six inches of soil to be applied and maintained for daily cover. OAC Rule 3745-535-630(B)(3) requires at least 12 inches of soil to be applied and maintained that meets the requirements of OAC Rule 3745-535-630(B)(2).

   Findings of Violation: Twenty-three (23) separate violation during January-July 2025. Despite regulations requiring frequent litter collection and use of fencing, inspectors noted pervasive litter around active disposal areas and insufficient corrective measures. The insufficiency of litter fencing and infrequent site policing continue to contribute to continuous on-site litter deposits and off-site litter

migration. During many inspections, SCGHD has found partially exposed and therefore not fully buried waste protruding from the soil cover (referred to as "flagging") instead of being buried under soil cover. Flagging occurring in daily cover areas violates OAC Rule 3745-535-630(A)(3)(a). If any of the areas in which flagging has been found are intermediate cover areas instead of daily cover areas, then that flagging violates OAC Rule 3745-535-630(B)(1).

Specific Non-Compliance findings include:

a) **January 27, 2025:** Loose waste was observed near the employee parking lot and access to the northeastern face of the south unit. Litter was also observed along CR 108 and in an agricultural field east of the rail building.
b) **February 7, 2025:** The quantity and placement of bull fences were observed as inadequate to contain loose litter.
c) **February 10, 2025:** Loose waste continued to escape from the rail car unloading building.
d) **February 18, 2025:** High density of litter was noted along the rail spur. Litter and flagging were observed along the south unit and local haul road due to gaps in containment fencing. A large quantity of litter observed at the north of the rail car unloading building.
e) **February 24, 2025:** A large amount of litter was in the field at east of the rail unloading shed, blowing towards US 23.
f) **February 28, 2025:** A large quantity of litter had blown past the bull fences at the north side of the south unit, visible from street-level on TR108 and US 23. Loose litter on the east face of the south unit was excessive despite litter pickers being on-site.
g) **March 3, 2025:** Flagging was present along the haul road (east edge of the south unit).
h) **March 6, 2025:** Uncontained litter was present on the east face of the south unit due to inadequate fencing for control and containment.
i) **March 13, 2025:** Flagging waste was present around the rail working face, and loose litter was observed down the east slope of the south unit. Litter fencing was present but inadequate, with litter visible along the slope and past the fences.
j) **March 14, 2025:** Loose litter could be seen from Rt. 224 coming from the working face on the south side of the south unit.
k) **March 17, 2025:** Excessive loose litter and flagging was observed along the east slope of the south unit, and fences were present but inadequate.
l) **March 18, 2025:** Multiple areas had excessive loose litter, including along the fence at the rail unloading building (some litter had gotten into sedimentation pond 2), along the haul road observed excessive flagging.
m) **March 26, 2025:** Loose litter that had blown from the working face was present on the south face of the south unit.
n) **April 1, 2025:** Flagging was present around the working face.
o) **April 22, 2025:** Flagging present on north and east face headed up the south unit.
p) **April 28, 2025:** The fencing at the end of the bull fences for the rail working face was inadequate compared to the working face's location.
q) **May 7, 2025:** Flagged litter was observed above the working face and loose litter below it on the north side of the south unit. Flagging along the south face had been present for weeks, with a plan to cover it delayed due to weather.
r) **May 14, 2025:** Loose litter was present at the turn of the haul road going up the north side of the south unit. Excessive litter was along the base of the north side of the south unit, present in the ditch and flagging from the mud cleared off the road. More litter was present along the edges of the haul road facing north.

s) **May 30, 2025:** A pile of picked litter was extremely close to TR 108, providing public access to the waste, without proper temporary containment in a bin. Loose litter was observed along the berm and the road leading to the south unit. Piles of soil contaminated with waste were still on top of the south unit.
t) **June 12, 2025:** The east face of the south unit had excessive flagging and loose litter. The top of the south unit between the two working faces also had excessive litter. The area between the haul road and the working face had excessive flagging and loose litter.
u) **July 15, 2025:** Flagging was present between the working faces and along the haul road just south of the locals working face due to traffic.
v) **July 17, 2025:** The top portion of the south unit had flagging from scraping the haul road. Present along the south part of the haul road consisted of a mix of loose and flagged litter, as well as contaminated soil.
w) **July 24, 2025:** During the SEM observation, flagging present near a gas well and some loose litter was observed along the east face.

2. Citation: OAC Rule 3745-535-620(A) Failure to Implement Disposal Restrictions

Requirement: OAC Rule 3745-535-620(A)(7) prohibits the owner or operator from accepting for disposal or disposing of whole scrap tires or shredded scrap tires, with specific exceptions for burned/partially burned tires, pyrolytic oil, contaminated soils (if solid waste definition met), scrap tire pieces from licensed recovery facilities, or rejected whole scrap tires with documentation.

Findings of Violation: Nine (9) violations during January-July. Disposal logs and inspector observations identified materials that are prohibited without prior authorization, such as whole or shredded scrap tires, ending around the landfill area. These incidents demonstrate non-compliance with disposal limitations established for public health and environmental protection.

Specific findings include:

a) **February 18, 2025:** Tires were seen around the site.
b) **March 5, 2025:** Tires were observed at the landfill.
c) **March 18, 2025:** Tires were seen around the haul road and working face.
d) **March 26, 2025:** Tires were present on the east slope of the south unit.
e) **April 22, 2025:** Tires were seen around the locals working face.
f) **May 23, 2025:** Tires were seen along the haul road and on the north face of the south unit.
g) **May 30, 2025:** Tires were seen on the top of the south unit as well as the slope adjacent to the haul road, which should be picked up and properly disposed of as they are restricted waste.
h) **July 17, 2025:** A tire was present with other waste protruding through the soil in a section of flagging.
i) **July 24, 2025:** Tires were present along the outside of the rail working face. Additionally, SCHGD noticed part of a tire in the working face and required WIN Waste to stop operations to retrieve it from the working face.

3. Citation: OAC Rule 3745-535-630(B)(5) Failure to Protect Intermediate Cover from Erosion & OAC 3745-535-650(A) requires surface water control structures to reduce the creation of erosion.

Requirement: OAC 3745-535-630(B)(5) requires erosion prevention measures to be installed to protect the intermediate cover from erosion. OAC 3745-535-650(A) requires surface water control structures to reduce the creation of erosion.

Findings of Violation: Eight (8) violations during January-July. The failure to employ measures to protect cover against erosion is resulting in numerous erosion features. Surface water control structures must also be installed and maintained under OAC 3745-535-630(B), OAC 3745-535-650(A)(1) and OAC 3745-535-650(A)(2) to prevent erosion and erosion control measures are not being installed and maintained.

Specific findings include:

a) **March 4, 2025**: Large erosion channels at the base of north face of south unit.
b) **March 18, 2025**: Numerous erosion rills were present along 11b berm.
c) **March 26, 2025**: Heavy erosion channels at the base of the south unit on the working road parallel to CR 108
d) **April 22, 2025**: Erosion channels were noted on the north, and west side of the south unit. Erosion channels were also found at the base of the north side of the south unit (they are placing rocks in the channels as a mitigation for the erosion)
e) **April 28, 2025**: Erosion channels on the north side of the south unit as well as loose litter seen above the red box.
f) **June 25, 2025**: Erosion channels were observed at the Northeast area above odor blanket.
g) **July 15, 2025**: Erosion channels were observed at the north face.
h) **July 29, 2025**: Erosion rills are still present along the north face. It has been mentioned in previous inspections that this area has received extra cover, though the erosion rills tend to come back along this face. The lack of protection against erosion has resulted in the continued erosion of the intermediate cover in this area.

4. Citation: OAC Rule 3745-535-600(B)(5) – Failure to Implement Dust Control

Requirement: OAC Rule 3745-535-600(B)(5) requires the owner or operator to conduct operations at the facility in such a manner that dust is strictly controlled so as not to cause a nuisance or health hazard.

Findings of Violation: Eight (8) violations during January-July. Visible dust clouds observed during multiple inspections indicate lapses in mitigation controls. Water trucks and other suppression equipment appear underutilized or inconsistently deployed.

Specific observations include:

a) **March 14, 2025:** Excessive dust was observed around the south unit.
b) **March 26, 2025:** Dusty conditions were observed around the base of the south unit.
c) **April 22, 2025:** In the rail unloading building, misters were on, but large amounts of dust were still leaving the building.
d) **April 28, 2025:** Dust was coming from the haul road to leading to the rail working face. Dust was also coming from a water truck that did not have the water spraying while driving on the road.
e) **May 14, 2025:** Dust began to become excessive toward the end of the inspection as things were drying up.
f) **May 30, 2025:** One water truck spreading water around the facility was insufficient to address the dust, which was both a nuisance and a health hazard.

g) **July 2, 2025:** Extremely dusty conditions were present. Two water trucks were deployed as the inspection went on.
h) **July 24, 2025:** At the rail unloading shed, the misters were on but there was still significant dust coming out of the building along the northern side.

5. **Citation: OAC Rule 3745-535-600(C)(3) – Failure to Implement Access Limitation**

Requirement: OAC Rule 3745-535-600(C)(3) states that public access shall be limited except during operating hours when operating personnel are present.

Findings of Violation: Five (5) violations during January-July. There is substantial evidence that access to the landfill has not been consistently limited outside of operational hours. These findings may pose safety and liability risks and undermine compliance with site security provisions.

Specific observations include:

a) **March 4, 2025:** Access on township road (TR) 108 was not controlled.
b) **March 11, 2025:** The area along TR 108 near the maintenance area and leachate tanks did not have access control.
c) **March 17, 2025:** No access control was observed from TR108 near the northeast side of the south unit.
d) **April 22, 2025:** No access control was observed from TR 108.
e) **April 28, 2025:** No access control was observed from TR 108.

WIN Waste has not employed access controls along TR 108 to prevent public access to the landfill during 2025 and prior years. The importance of preventing public access to the landfill has been highlighted by WIN Waste's statement that one of the spills from the leachate storage system may have been the result of a trespasser's vandalism.

The foregoing list identifies the solid waste requirements that are most frequently being violated at the landfill. SCGHD's inspection reports identify less frequently occurring violations of other solid waste requirements that are equally important.

Rcquircd Corrcctivc Actions

To remedy the issues outlined above, WWSC is required to:

Submit a written Corrective Action Plan within seven (7) calendar days, identifying the causes of the cited violations and detailing the steps that will be taken to prevent the recurrence of these violations.

Your continued attention to these matters is essential to uphold environmental standards and the health and safety of Seneca County residents. If you require clarification or would like to schedule a review of your proposed action plan, please contact this office.

Sincerely,

Ajith Singh
Director of Environmental Science and Landfill Oversight & Compliance
Seneca County General Health District

cc: Ohio EPA District Office

cc: Tyler Madeker, Ohio EPA, DMWM-NWD
Tim Watson, WIN Waste Innovations of Seneca County LLC
Dave Follett, WIN Waste Innovations of Seneca County LLC
Jordan Pruitt, Seneca County General Health District
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