



Seneca County General Health District

Board of Health Meeting Minutes

Board of Health Meeting

August 5, 2019 at 6:00 pm

Seneca County Services Building, Conference Room A

Present: Bonnie Boroff, Scott Lyons, Ann Sacksteder, Rebecca Shank, Philip Steyer, Robert Watson, Jimmie Young

Absent/

Excused: Scott Lyons

Guests: Sign in sheets attached to minutes

SCGHD Staff: Beth Schweitzer, Laura Wallrabenstein, Anita Gaietto, Lisa England

Welcome, Roll Call and Pledge of Allegiance

With quorum present, Mr. Young called the special board meeting to order on August 5, 2019 at 6:02 pm; he then presided over the Pledge of Allegiance.

Mr. Young announced that this was a special meeting with just one item on the agenda. There will not be any public comment unless a board member requests information from those individuals.

Discussion of Ohio EPA and Ohio Attorney General's Consent Order for Sunny Farms Landfill, LLC; Licensing Hearing Update on Notice of Intent to Deny the 2019 Operating License.

Mr. Young requested that Attorney Joe Durham explain where we are at in this process. Mr. Durham stated that at the last board meeting that he requested a continuance of the hearing that was set to begin on Monday July 29th due to the Attorney General and the Attorney for Sunny Farms informing Mr. Durham that they had reached a consent order. Mr. Durham did not have the consent order at the board meeting on July 25th but did receive it later that night. The consent order was filed and signed the next day in court and Mr. Durham then provided the board with copies of the consent order and a letter from the Chief of the Solid Waste Division. There were two consent orders. One resolves issues related to air and solid waste and the other, which has not been filed yet due to EPA requirements to publications and notice, is related to the water pollution violations. The consent order resolves the issues and violations with air and solid waste and with this order EPA is saying that Sunny Farms Landfill is in substantial compliance. Also the EPA is not objecting to the issuance of the license by the Board of Health. The consent order suspends and terminates the 2008 consent order; it permanently enjoins the landfill to comply with Ohio's Air and Solid Waste Laws. It addresses the issues with sulfur dioxide and the hydrogen sulfide. The EPA set up timelines as to when they require the landfill to do certain things. Mr. Durham suggests that this time line be a guide to be sure all conditions are met by the landfill. The requirements for the solid waste regulations continue the requirement that the landfill continues to monitor the hydrogen sulfide with the permanent monitoring stations that Sunny Farms are currently using. There is a possibility the landfill could petition to lessen the requirements if they can get the results that would indicate the odors aren't an issue. There are also limits on the size of the working face, limits in the use of daily soil as intermediate cover and the use of the odor blanket. There are requirements that Sunny Farms submits reports to the Board of Health and the Ohio EPA that methane monitoring and control measures are in place. There are provisions about keeping the roads clean and litter control. There are requirements that the scales are certified, inspected and approved according to law. There is a requirement about taking video of the unloading of the railcars. Some of these requirements were in previous orders and some are new issues being addressed in this consent order. Mr. Durham stated that there are civil penalties for the landfill totaling 1.7 million dollars. Of that money \$600,000 is being put into the Fostoria Community Trust. The trust can be used for health, safety and the environment. The remaining 1.1 million will go to two different divisions of the Ohio EPA. There are agreed upon penalties for future violations. Mr. Durham also stated that the consent order also addresses the under reported waste issue from August of 2018. The consent also took care of the issues with the characterization of waste. The Solid Waste District also entered into an agreement with Sunny Farms Landfill. The consent order was signed by Judge Kelbley.

Mr. Durham next talked about the separate consent order which was for the water pollution violations from February 21, 2019. This has not been signed by the judge yet but will permanently enjoin the landfill to comply with the water pollution statutes.

Mr. Durham stated if the board decided to have a hearing it could start August 26th with everyone's schedules, but with the letter from the Ohio EPA and the consent order there is no reason to go to a hearing. Mr. Durham recommends that the board approve issuing the license.

Mr. Young asked if any board member would like to ask any questions.

Mr. Steyer started by asking Mr. Durham if the daily limits of intake are to remain the same. Mr. Durham responded that they are not changed. Mr. Steyer also asked if Judge Kelbley retires who would take over jurisdiction. Mr. Durham responded it would be whoever takes Judge Kelbley's place. Mr. Steyer's next question was upon renewal can the board issue a license with restriction without going through the whole process. Mr. Durham said yes but there are limitations on what the board could add on conditions, but they could be subject to appeal. Mr. Durham also stated the board should consider hiring their own consultant to help monitor the landfill. Mr. Durham recommends the first thing the board should do is go through the consent order and look at the time lines and requirements the landfill needs to meet. Mr. Steyer would like to know more about the procedure to verify the scales. Mr. Steyer feels the scales are very important. Mr. Durham said they are to be certified.

Mr. Young feels that things have come a long way and a lot of improvements have been made since November, but there are still things that can be addressed.

Mr. Steyer was told that the odors were smelled close to New Riegel but the person who told Mr. Steyer did not call the hot line. Mr. Steyer asked that people keep calling the hot line.

Mr. Nutter stated that from the testing that is done on site and around the facility on fixed monitors that the landfill is not emitting any H₂S. Mr. Nutter says they investigate every call that is made if they have the information that makes it possible to investigate.

Mr. Steyer also had concerns about monitoring of the sulfur dioxide. Mr. Durham stated that the Ohio EPA has addressed those issues in the consent order. Mrs. Schweitzer also added that the Health Department did just receive a report today at 4:28pm from the Ohio EPA, which was requested the day after the last board meeting. The report was about the sulfur dioxide readings. The readings have not been fully reviewed at the time of the meeting.

Mr. Steyer is interested in finding out more about the Fostoria Community Trust fund.

Mr. Young reviewed the options the Board has at this time.

Mr. Young requested a motion to approve the renewal of the Sunny Farms Landfill License for 2019. Mrs. Sacksteder made a motion to approve the renewal of the Sunny Farms Landfill License for 2019. Mr. Steyer seconded the motion. Mrs. Boroff – Yes. Mrs. Sacksteder – Yes. Mrs. Shank – Yes. Mr. Steyer – Yes. Mr. Watson – Yes. Mr. Young – Yes.

Adjournment

Mrs. Shank made a motion to adjourn the meeting. Meeting adjourned at 6:35p.m.