

A Special Meeting of the Board of Directors for the Cuyahoga County Board of Health

will be held at 5:00 p.m. on Wednesday, August 11, 2021

at the **Sheet Metal Workers Local 33 Hall located at 12515 Corporate Dr, Parma, OH 44130**

Application Under Consideration For The Proposed Valley Belt C&DD Facility
To Be Located In Brooklyn Heights, Ohio.

A copy of the plans that were submitted may be accessed from the link below:

<https://edocpub.epa.ohio.gov/publicportal/ViewDocument.aspx?docid=1564967>

There are currently a total of four active construction and demolition debris landfills in the Cuyahoga County Board of Health's jurisdiction; two are located in the Village of Brooklyn Heights, one in Solon/Glenwillow, and the fourth is in Valley View. A construction and demolition debris processing/recycling facility is located in Garfield Heights. There are also closed solid waste landfills, closed C&DD landfills, solid waste transfer facilities, and composting sites spread across 26 communities in the Cuyahoga County Board of Health jurisdiction.

The Cuyahoga County Board of Health is responsible for implementing and enforcing ORC 3714 and OAC 3745-400, to ensure that a facility is adhering to the law and rules contained therein. The Cuyahoga County Board of Health conducts routine inspections on a quarterly basis at a minimum of all landfills located within its jurisdiction. Additional inspections are conducted if deemed necessary and complaint investigations are handled by the Cuyahoga County Board of Health. The Board of Health also works in conjunction with the Cleveland Division of Air Quality that follows up on dust and/or air quality-related complaints.

As part of the application process, there was a public meeting held on Monday, June 28, 2021, where Kurtz Brothers Inc. allowed for public questions and comments. The responses from Kurtz Brothers, Inc. are located below.

Responses from Kurtz Brothers Inc. (“KBI” or “Kurtz”) to the questions presented by the Public at the June 28, 2021 Public Meeting regarding the application for the new Landfill Application in Brooklyn Heights, Ohio.

Q1: Grainger property - There's a drainage pipe located on that property that has caused extensive damage to our building throughout the years and our company would just like to understand who's responsible for maintaining that pipe, who owns the drainage pipe, and we'd like to have some type of access to make sure that we can inspect it and make sure that that pipe stays clear to prevent future flooding in our building. And we would also like to know what repairs were completed recently on that drainage pipe to prevent the flooding that occurred this year.

A1: KBI - It is believed that the storm sewer is owned by a public entity; it was not installed by Kurtz Bros. (“Kurtz”). Repairs and maintenance are generally the responsibility of the public entity/owner of the pipe. In 2020, an employee of Kurtz removed debris that accumulated on a catch basin to the storm sewer and replaced the catch-basin grate, which was damaged. This general maintenance was performed even though Kurtz is not responsible for such maintenance. To our knowledge, no flooding has occurred since this maintenance was performed.

Q2: What are the landfills and extensive mess up and down Valley Belt Rd doing to the property values of the business owners in that area?

A2: KBI - Kurtz does not agree with the characterization of the condition of Valley Belt Road used in the question. Kurtz does not have any specific information regarding property values in the area necessary to respond to the question. However, the landfills are located in an area zoned industrial. Therefore, this portion of the Village was designated for industrial use which includes operation of a landfill.

Q3: We also were of the understanding that the other dump in our community was supposed to have access through Valley belt would like to know why that was cut off, forcing those trucks into a residential area?

A3: KBI - The other landfill referenced in the question is operated by Rosby Resource Recycling, Inc. Access to this landfill through Valley Belt Road stopped when CSX (the railroad owner) stopped granting access to a crossing on the road. Kurtz is open to discussing access via Valley Belt Road with Rosby Resource Recycling, Inc.

Q4: Who are RDKF?

A4: KBI - RDKF is the name of a privately held joint venture between the William J. Rosby Trust and CDF, Inc. CDF, Inc. is an affiliate of Kurtz Bros.

Q5: How close will the proposed landfill be to the property lines of the people on Schaaf Rd?

A5: KBI - Ohio EPA regulations require a 500-foot set back from an occupied dwelling. The landfill design meets the Ohio EPA siting criteria for setbacks.

Q6: Will there be any sound walls or dirt walls?

A6: KBI - Kurtz will construct berms between the dwellings and the disposal area.

Q7: What will be your days and times of operation?

A7: KBI - The current proposal is Monday – Friday 7:00 am – 7:00 pm, Saturday – 7:00 am - 3:00 pm consistent with local regulations; however, our standard Public Hours of Operation are Monday – Friday 7:00am-4:00pm.

Q8: Why can't Rosby use Valley Belt Rd, saving everyone a lot of dirt and noise and headaches?

A8: KBI - See response to question #3 above.

Q9: What do you do with the recycled materials, and what are these materials? Do they leave the site?

A9: KBI - Recycled material segmented from construction and demolition debris include wood, cardboard, brick, block, concrete, sandstone, granite, sand and metal. These materials are incorporated into products such as road base, commercial soils & fill, mulch, and other products. Recycled materials leave the site. Kurtz strives to recycle as much material as possible to avoid disposal in the landfill. Kurtz has often recycled as much as 350,000 cubic yards of construction demolition debris and other materials annually. Kurtz is an active member and leader in organizations that promote recycling, such as the following:

- Kurtz is a member of RCI Certified – Recycling Certification Institute
- CDRA – Construction, Demolition, Recycling Association (John Kurtz is in the CDRA Hall of Fame)
- Kurtz provides recycling services for LEED construction through the USGBC

Q10: How much do you make from landfill now and how much more are you going to make by expanding it?

A10: KBI - Kurtz is a privately held company. It does not publish financial information like a publicly traded company.

Q11: What are you paying in taxes?

A11: KBI - With regard to landfill operations, Kurtz paid \$26,916 in payroll taxes in 2020 to the Village of Brooklyn Heights. Kurtz has paid several hundred thousand dollars over the life of

the facility in city, state and federal taxes. Additionally, Kurtz has paid well over \$1.0 million dollars in fees to the EPA and Board of Health in landfill disposal fees.

Q12: Who will be responsible for damage to the roadway due to increase truck traffic? In the future is Kurtz Bros going to increase their contributions to the village for repairs? Are they going to assume all repairs and maintenance of Schaaf Rd and Valley Belt Rd, while the landfill is an operation?

A12: KBI - Kurtz does not anticipate any increase in truck traffic to the publicly owned and maintained roads.

Q13: What is the timeline for this?

A13: KBI (with regard to the life expectancy of the proposed facility itself) - The application contemplates a 25-year life for the facility; however, Kurtz does not anticipate the facility to be open that long.

Q14: Why is the proposed landfill being placed here?

A14: KBI - The proposed footprint is adjacent to portions of the existing landfill that is nearing the end of its lifecycle and, therefore, much of the infrastructure is already in place. In addition, the expansion areas were evaluated and deemed in full compliance with Ohio EPA construction & demolition debris landfill siting criteria. Ohio EPA landfill siting criteria are designed to ensure protection of human health and the environment. Therefore, this area has been demonstrated to have geology suitable for siting of a construction & demolition debris landfill.

Q15: What is the need to expand?

A15: KBI - Kurtz is expanding because it requires additional disposal capacity and it wishes to continue its recycling operations at this location. Construction & demolition debris that cannot be recycled will be disposed in the landfill.

Q16: What are the materials that are going to be in there?

A16: KBI - This facility will accept construction and demolition debris, defined as those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including, houses, buildings, industrial or commercial facilities, or roadways. Construction and demolition debris does not include materials identified or listed as solid wastes, garbage, infectious wastes, or hazardous wastes.

Q17: Who is going to keep monitoring that; the EPA, or to health, how often?

A17: Both the Ohio EPA and the Cuyahoga County Board of Health (“CCBH”) have oversight responsibilities, including inspecting the landfill. The frequency of inspection is best answered by Ohio EPA and the CCBH.

Q18: Is a traffic impact study available?

A18: KBI - A traffic study is not required for expansion of the current licensed facility. However, Kurtz does not anticipate increased traffic resulting from the proposed expansion.

Q19: Is a proposed development plan available? The only plan that was given to the village was from DGB and Assoc. showing the height of the fill, the setbacks, etc.

A19: KBI - Copies of the entire application, including engineering design drawings are available for inspection at CCBH’s Offices. Kurtz has no current redevelopment plans for the facility post closure of the landfill.

Q20: Is there any information available regarding environmental clearances for the stream that runs behind that Schaaf Rd area?

A20: KBI - According to USGS Topographical Mapping (2019) as well as internal setback mapping review, the only stream that runs near Schaaf Road is West Creek which is south of Granger Road. The proposed landfill does not impact this stream.

Q21: What does being compliant mean for the Board of Health? What does Kurtz Bros have to do to be in compliance, are they going to go above and beyond that?

A21: KBI - Ohio EPA construction and demolition debris regulations are designed to be protective of human health and the environment. The Ohio EPA regularly reviews its regulations and updates them to incorporate best practices. Ohio EPA just completed its five-year review of the C&DD regulations in 2021.

The proposed landfill fully complies with Ohio EPA regulations. Ohio EPA reviewed the detailed engineering drawings and full application and communicated to the Cuyahoga Board of Health on May 18th that the application meets all applicable regulations. The application consists of a comprehensive study of the property including ground water characterization, slope stability analysis and geotechnical properties of subsurface soils and clays. Kurtz’s design includes a clay liner along the bottom and slopes of the landfill. Operating protocols will be established to meet or exceed required standards for construction and operation of the landfill.

Q22: Would you be willing to take and test, take responsibility for any dangerous materials dust, debris and water testing specifically noted and nearby homes and surfaces by the residents are the business owners or tenants at their request?

A22: KBI - Construction and demolition debris landfills are strictly prohibited from accepting household solid waste, industrial waste and/or hazardous waste. Both the Ohio EPA and Cuyahoga County Board of Health monitor all waste disposed in the landfill. Air emissions from the facility are regulated by Ohio EPA through an air emission control permit. The facility is not within 500 feet of a residential or public water supply well. All residents receive their water from the City of Cleveland. Also, groundwater is monitored at the landfill and all monitoring data is provided to Ohio EPA and the Cuyahoga County Board of Health. Kurtz has a strong record of compliance with all applicable construction and demolition debris regulation which are designed to be protective of human health and the environment.

Q23: Would you be willing to take that responsibility to come to our home, a year or two from now, and have the dust tested on our window sills that you're depositing right behind our home and take responsibility for that in the long term health effects that can be caused from it?

A23: KBI - As set forth in response to question 22, the landfill does not receive household solid waste, industrial waste and/or hazardous wastes. Furthermore, all air emissions from the landfill are regulated through an Ohio EPA air emissions permit. Dust generated from the landfill is generally related to soil becoming airborne as a result of truck traffic or placement of cover material (i.e. soil). Dust control measures will be utilized as required under the Ohio EPA air emission permit.

Q24: What is the percentage of landfill sites in Brooklyn Heights and proposed landfill sites versus residential area? What percentage of other communities in northern Ohio are at that percentage or higher?

A24: Unknown. Defer to Cuyahoga County Board of Health

GENERAL COMMENTS FROM THE MEETING TO BE GIVEN TO THE BOARD OF DIRECTORS AT THE CUYAHOGA COUNTY BOARD OF HEALTH FOR CONSIDERATION

The general consensus is that the community is tired of being dumped.

There's extensive mess up and down Valley belt road.

The village of Brooklyn Heights is just tired of being dumped on, and the mess, the speeding trucks, and the community has been growing, and we're just don't want this anymore.

We do not need any more landfills here.

You need information to have a fair meeting and I don't feel like it's fair. I would suggest to the Board of Health have another meeting after we get answers to questions.

I understand Kurtz is living independence perhaps they should look at some of their empty land there and put it there.

And for residents who are listening, you're going to have dirt in your window sills on your decks. You're going to hear backup alarms constantly.

We have trucks going down that don't have their back parts locked down so it's bang, bang, bang, think you're in a constant thunderstorm or war zone.

Diesel smells and noise. The Board of Health should take the health of the people into consideration. And that should be their number one priority.

Rosby is allowed to operate 7am to 7pm, six days a week.

I also protest this kind of meeting, because there's many residents who are senior citizens who don't have zoom and don't know how to use them.

Perhaps it should be an in-person meeting.

And I do want to note for the record that from a due process standpoint and I recognize COVID, but the inability to have any questions answered is difficult to many of the citizens who are participating, the count is now 71 for the record, in particular, since no presentation was given to even explain the facility that's proposed.

There's really a lot of information that's just not known about this particular facility.

And while revised code section 3714.053 is required, it's required for community input, and it's difficult for a community to provide input when they haven't really been given a full presentation on the project.

While I recognize that the county department of health keeps records, and has a file on this matter, as does the Ohio EPA. For the average citizen, it's unfair not to be able to be a little more forthcoming.

And I do want to note since this is recorded for the record, the village has a population of just over 1500 people about 430 families call the village of Brooklyn Heights their home. And it's only 1.76 square miles, so it's not a large, it's not a large community, and it's historically significant community in proximity to the Cuyahoga River.

This facility, and I don't want to split hairs in the type of facility from composting facilities to C&DD landfills to sanitary landfills, etc. But this would be about the seventh landfill, in Brooklyn Heights I believe two are closed. And there are approximately four other landfill type operations that are still going. Some of them are operational for years.

The proposed facility abuts residential property. It also abuts property owned by the village of Brooklyn Heights and it's also close to Valley Belt Road, which is a commercial light industrial park including over 25 businesses that will be impacted by the truck traffic and this will be very large truck traffic I might add going down Valley Belt Rd and it will have a detrimental effect on the condition of Schaaf Rd and most likely Granger road.

Landfills are known to cause dust, noise, debris from their facilities there detrimental to the health safety and welfare of those businesses and residences that are in proximity.

I'm sure that no one on the call here in the zoom meeting would want to live next door to a C&DD landfill. The site has some trees at it also provides a buffer to Valley Belt Rd business area. But there is a risk of groundwater issues flooding run off questions were raised by an adjacent business owner already. And these are issues that have not been thoroughly addressed from the perspective that we have, in part because we haven't seen everything that's been filed with the EPA.

The combined impact of this project will have a negative impact on the property values of Brooklyn Heights which will adversely affect your school system.

And while we recognize that the OAC has design requirements that need to be reviewed further at least for us to weigh in on this matter, were concerned that the EPA letter of compliance just says that it's compliant. It doesn't say how sufficient, it doesn't give any other information about any other issues that the village of Brooklyn Heights should be cognizant of.

It is in proximity to the Cuyahoga River, and there is a concern for existing flooding issues, we would request the hearing of the board on July 28 to be able to make some comments at that after we have been able to review some of the other information that I think would be relevant to the formal position of the village of Brooklyn Heights.

An end date hasn't been provided in the application.

I'm impacted by the noise and the dust daily.

I asked that we're only one and three quarter square miles of community and we've been scarred and impacted greatly over the years.

As was stated previously there's a number of operating landfills, and the landfill operations have termination dates that are many years out, there's really not another need for a construction debris separating facility in Brooklyn Heights, there's no need due to the existing landfills that are there now.

I see clouds of dust in the air I call the Cleveland division of air quality. And, due to COVID, they don't respond, they're not allowed to leave their house. So we have nobody governing landfills. This particular landfill is going into virgin farmland, that's valuable to Brooklyn Hts for future development.

These landfills operating, when they're done, it leaves us with nothing. They operate and it brings nothing into Brooklyn Heights. There's no revenue sharing.

There's no support for Brooklyn Heights and the traffic. We've had landfills that are still leaching methane gas. To this day, you know we've been scarred, you know we have a community that's been cut in half by I-480, and the noise from that. We can't get barricade walls to stop the noise. We're tired of being stepped on here in Brooklyn Heights, and we need somebody to stand up and protect us. And Kurtz Bros is looking for profit sharing. They're already operating there, and they have a long term operation agreements.

Enough is enough. There's really no need to expand into virgin territory which is going to take down trees and landscaping for this operation to continue and go forward.

There's so much more possibility that can be done with that land, even if it's left natural.

It will take away future opportunities and Brooklyn Hts is a very small village.

It will directly affect the environment and the Cuyahoga River, it will contaminate our groundwater, reduce our air quality, increase emissions. The pollution negatively affects the socio economic development.

We are subject to constant backup alarms. I wonder what that does, psychologically, to a person to their cognitive development to their overall health.

It's time to put an end to these landfills.

And I would challenge you all with the question. Are you willing to make life for people better. This is a community filled with hardworking caring people who care for one another this community and their kids.

I would ask you to consider people over profits.

We are a community less than 1.8 square miles in size and too much of it is dedicated to waste that contains asbestos and lead. As we know lead poisoning is a big problem especially for children and mesothelioma is all over the TV.

I'm also surprised, to the Cuyahoga County Board of Health, that our municipality doesn't have the right to design the site on this kind of zoning. It surprises me that we're in a situation where we can decide what kinds of homes are built in a community. We don't have any input on what types of materials get put into the ground and into our air. That makes no sense to me whatsoever.

I would encourage everyone to go on a go on Google and search an article from Cleveland scene dot com, clevscene.com, and just type in tomb with a view.

Due to economic problems on a global scale I do urge Kurtz Bros to seek a landfill alternative because they are out there.

And the other thing is that I'm really worried about is what's the impact of this on the health of our residents and truly what does that look like a lot of science takes time and it doesn't seem like we know until years later that things are causing cancer and other different types of illnesses and so how is that going to affect the residents of this village. That's all. Thank you.

I've dedicated my life to promoting health and wellness and cancer prevention. My interest is in the Cuyahoga County Department of Health, upholding the objectives of Healthy People 2020, and now 2030 to advance the health and well-being of our residents, specifically the Leading Health Indicator to reduce the number of days people are exposed to unhealthy air, EH-01. In addition to objectives for neighborhood and the built environment and the social determinants of health, which are to increase the proportion of people whose water supply needs safe drink. Drinking Water Act regulations and reduce health and environmental risk from hazardous sites, EH-05, and reduce the amount of toxic pollutants released into the environment, EH-06.

I also want the Board of Health to know that currently I have 59 petitions in my possession with 278 signatures.