



August 25, 2023

Ohio EPA's Division of Air Pollution Control
Northeast District Office
2110 East Aurora Rd.
Twinsburg, OH 44087

Submitted to DAPCNE.Comments@epa.ohio.gov

Fair Shake Environmental Legal Services is a nonprofit environmental law firm and community democracy organization working for environmental justice throughout Ohio, Pennsylvania, and West Virginia. We appreciate the opportunity to submit the following comments concerning the proposed permit to install and operate a 13.72 MMBtu/hr Thermolyzer® pyrolysis unit at SOBE Thermal Energy Systems, LLC (SOBE) in Youngstown, OH.

In response to a frequently asked question regarding information about environmental justice, the Ohio EPA indicated that it “issues permits based upon standards that are equally protective of all Ohio citizens” ([Ohio EPA and environmental justice](#)). Fair Shake does not believe that a permit issued for SOBE would reflect standards that are equally protective of all citizens because the permit does not take into account cumulative, disproportionate environmental impacts faced by the surrounding environmental justice community. As such, Fair Shake believes that the air permit for this pyrolysis facility should be denied because the emissions from this facility will disproportionately and unequally impact communities of color and low-income residents who live closest to the facility and who already bear a disproportionate and unequal impact from unhealthy air quality. To reiterate, an air permit issued to this facility will not be equally protective, but will further exacerbate poor air quality and health impacts suffered by communities of color and low-income residents living nearby.

We understand that the Ohio EPA uses the [EJ Screening Tool](#) to determine prioritized counties for distribution of settlement funds, and, using this same screening tool, it is clear to see that this facility is located in and surrounds census tracts identified as Environmental Justice communities. The EJ Index, which combines environmental and socioeconomic indicators within the EJ Screening Tool, shows this unequal burden. In blockgroup 390998140001, where this facility is being proposed, communities of color and low-income communities already face a higher burden from environmental air pollutants than most communities across the state and country.

Specifically:

- PM2.5: higher burden than 72% of other census tracts across the state
- Air Toxics Cancer Risk: higher burden than 99% of census tracts across the state
- Air Toxics Respiratory HI: higher burden than 97% of census tracts across the state
- Toxic Releases into the Air: higher burden than 71% of census tracts across the state
- Traffic Proximity: higher burden than 95% of census tracts across the state



Ohio DEP states that “high levels of PM2.5 can contribute to a number of health impacts, including premature mortality, aggravation of respiratory and cardiovascular disease, lung disease, decreased lung function, asthma attacks, and other cardiovascular impacts” ([State of Ohio Fine Particular State Implementation Plan for Ohio's Nonattainment Areas](#), page 1.). Unfortunately, these health disparities are already felt where this facility is being proposed, and, according to the EJ Screening Tool, residents in this census tract bear disproportionately higher rates of low life expectancy, heart disease, and asthma.

This facility is permitted to emit over 10 tons of PM10/PM2.5 per year, in addition to emissions of NOx, CO, SO2, and VOCs. This would add significantly more air pollutants into the community and would further exacerbate poor air quality for residents that are already suffering the physical health impacts that poor air quality brings.

As part of its mission, Fair Shake provides civic education and engagement around environmental justice issues in Youngstown. In 2023, during engagement activities with approximately 320 residents Youngstown community members, we heard residents express their vision for a community with clean air and lower pollution in which kids can play outside without being harmed. The SOBE facility does not align with the community’s vision for their future. Environmental justice dictates that communities have meaningful involvement in decisions made about the environment in which they live, learn, and work. We ask the Ohio EPA to listen to and trust community members and residents who live near this facility.

For these reasons, the permit to install and operate the 13.72 MMBtu/hr Thermolyzer® pyrolysis unit at SOBE should be denied. However, if Ohio EPA chooses to issue the permit despite the environmental justice concerns raised in this comment letter, we request that the Ohio EPA take the following actions to mitigate impacts and protect the health of surrounding communities:

- 1) Make records and monitoring data easily available to the public in a format that can be understood by the average citizen, including in times of any incidents or breaches of protocol;
- 2) Mandate additional control technologies to minimize cumulative community health impacts;
- 3) Develop a well-communicated emergency response plan in cooperation with local emergency services to be employed in the event of an accident, with special attention paid to the needs of disabled residents;
- 4) Conduct a thorough environmental justice and cumulative impact analysis to ensure impacts from the facility do not disproportionately fall on environmental justice communities, and consult with the community about what additional measures will be implemented to protect vulnerable residents.

If these reasonable protective steps cannot be included as enforceable permit terms, then the company should be urged to enter into a community benefit agreement to ensure that emissions from this proposed installation do not add to the disproportionate environmental burdens of the local environmental justice community.



We appreciate the opportunity to comment on this permit.

Signed,

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