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November 4, 2026

VIA E-MAIL & OVERNIGHT MAIL

Jack VanKley
132 Northwoods Blvd.
Columbus, Ohio 43235

Re: Unauthorized Soil Sampling and Testing

Dear Jack:

On behalf of our client WIN Waste Innovations this letter is in response to Julie Richards' letter dated October 29, 2026 where she indicates that the Seneca County General Health District ("SCGHD") intends to conduct soil sampling and testing from test pits at WIN Waste Innovations of Seneca County LLC's ("WIN Waste's") landfill facility. Her letter states that soil sampling and testing operations will commence within the next two weeks. We ask that you provide this response to Ms. Richards immediately.

As you are aware, WIN Waste executed a remarkable environmental improvement by relocating the contents of an old, unlined landfill into space permitted as part of WIN Waste's expansion of its entirely secure, state-of-the art, technologically advanced landfill facility. The comprehensive, Ohio EPA-approved, Waste Relocation Plan that allowed this environmental improvement to be executed is attached. Section 3.4 of the Plan indicates Ohio EPA's permitting directive for proper confirmation that all historic waste materials from the old landfill have been relocated.

It also under Ohio Revised Code 3734.07(C), the authority of a board of health to enter property to inspect or investigate and obtain samples is expressly tied to determining compliance with R.C. Chapter 3734 and the rules adopted under that chapter. The statute also requires the board of health to state the purpose and necessity of the inspection. Ms. Richards' October 29, 2026 letter fails to state the regulatory purpose and necessity of the inspection and fails to state the precise section of R.C. Chapter 3734 and the rules adopted under it for which SCGHD is allegedly determining compliance.

WIN Waste understands that Ohio EPA has not sanctioned SCGHD's planned sampling efforts as Ohio EPA has already determined that soil sampling and testing is not required.

As there is no Ohio solid waste statutory or regulatory requirement under R.C. Chapter 3734 to investigate or secure samples from a long-closed landfill any effort by SCGHD to perform such

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sampling exceeds its authority under R.C. 3734.07(C) and violates OAC 3745-37-08(C)(11). Of course, WIN Waste will not refuse entry to our facility by SCGHD or hinder or thwart any aspect of a lawful inspection. WIN Waste will follow all requirements in its solid waste permit and in the Waste Relocation Plan. Should SCGHD proceed to take samples and not follow Ohio Revised Code 3734.07(C), WIN Waste will be compelled to remedy the trespass and other offenses committed during and after such sampling event.

WIN Waste reserves all rights concerning SCGHD's proposed entry and sampling. Nothing in this letter or subsequent action of WIN Waste should be construed as a waiver of any rights or defenses available to WIN Waste.

Sincerely,

Squire Patton Boggs (US) LLP

Dale E. Papajcik

cc: John Logue, Director, Ohio EPA c/o Todd Anderson, Chief Legal Officer, Ohio EPA
Joe Goicochea, Chief of the Division of Materials and Waste Management, Ohio EPA