

Erosion/Landfill Operation: Federal Court Addresses Ohio County's Request for Injunctive Relief



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The United States District Court (N.D. Ohio) ("Court") addressed in an August 12th Memorandum Opinion ("Opinion") an issue arising out of the operation of a solid waste landfill. *See Seneca County Board of Health v. WIN Waste Innovations of Seneca County, LLC*, 2026 WL 2333166.

The question addressed was whether the alleged failure of the landfill operator to comply with certain Ohio solid-waste involving failure to protect cover soil, control surface water, correct erosion, and accurately complete daily inspection forms warranted injunctive relief.

WIN Waste Innovations of Seneca County LLC ("WIN") operates what is described as a roughly 220-acre solid-waste landfill in Seneca County, Ohio. The landfill consists of two "mountains of waste" – one that has been filled to capacity and capped with soil and grass, and another that is stated to still accept a substantial amount of demolition debris (denominated "South Hill").

The landfill is stated to be subject to a 2019 Partial Consent Order entered into after problems under prior ownership. A component of the Order requires 24 inches of intermediate cover and continued compliance with Ohio's solid-waste laws and rules.

WIN indicated the investment of 24 inches of intermediate cover and continued compliance with Ohio's solid-waste laws and rules (Doc. 48-1 at 2–3). It states it has since invested more than \$100 million in gas collection, odor control, emissions-control technology, and related infrastructure.

The Seneca County Board of Health ("Board") has been approved by Ohio to serve as the primary inspection and enforcement authority for the Ohio solid-waste rules. Referenced in the Opinion are inspection records from the following time periods for the South Hill:

- Fall of 2023 through May 2024.
- January and February 2024.
- Five inspection dates in the Summer of 2025, ending August 7, 2025.

The Board claimed that WIN failed to:

- Protect intermediate cover from erosion.
- Use surface-water controls that minimized erosion.
- Correct conditions causing erosion.
- Accurately complete required inspection records.

The Ohio Environmental Protection Agency ("OEPA") inspected the entire landfill after such alleged violations in December 2025. Four inspectors from OEPA are stated to have found the landfill in

substantial compliance with the governing statutes, permits, and consent orders. However, the Board cited its own inspections on April 15 and April 28, 2026, which allege that the erosion-control problems continue.

The Board filed an action in the Court seeking injunctive relief. WIN moved for summary judgment arguing that the request should be denied.

Ohio law is noted to provide that a court:

... shall grant preliminary and permanent injunctive relief upon a showing that the person against whom the action is brought has violated, is violating, or is threatening to violate Ohio's solid-waste rules.

While this language is cited by the Board as including past violations, the Court states that it cannot issue an injunction when there is:

... nothing left to prevent, correct, or restrain.

The Court states that the Board is seeking prospective relief only, as opposed to civil penalties or damages and has identified no condition from the remaining claims that an order can repair. It cites work that WIN has undertaken to address the relevant issues.

A case is stated to become moot when intervening events have completely and irrevocably eradicated the effects of the alleged violation and there is no reasonable expectation that the violation will recur. The record involving this landfill is held to meet those three conditions, citing:

- Effects of the stipulated erosion and water-control conditions have been eliminated.
- Evidence does not support a reasonable expectation that those same violations will recur.
- The April 2026 observations are insufficient because they fail to connect them the same location, cause, or allegedly deficient erosion controls on the South Hill.

The Court also cites that a separate problem for the Board. An injunction must state its terms specifically and describe in reasonable detail...the act or acts restrained or required. The Board is stated to have failed to identify what measure, above and beyond those already taken, must be installed, where it must be installed, how long it must remain, or what objective result would establish compliance.

WIN's Motion for Summary Judgment is granted.

A copy of the Opinion can be found [here](#).