

The following was provided by Commissioner Tom Less - District 3 – Merion Village

Revised language was reviewed and voted on by the Area Commission:

- This was after we confirmed that no fertilizer production will occur at the facility, just mixing and packaging of preprocessed products (think pellets).
- This also includes no storage of ammonium nitrate or use of any raw products such as ammonia which can cause a smell or create an explosion hazard.
- The building is required by fire code to use dry sprinklers and is being retrofitted, and CPH is involved for air quality controls and monitoring.
- If the business goes out of compliance on any provision, they would be subject to environmental court proceedings.
- The only product SDS that was provided with concern was the use of dolomitic limestone, which can carry silica dust that needs to be collected. The applicant confirmed the use of dust collectors/scrubbers in the building to meet OEPA/OSHA and CPH requirements.
- No material is allowed outside the building for storage.

I talked to Rob Dorans today (May 24, 2023), he indicated he planned to follow up with a meeting with the community and applicant on this too.

Language for voting:

3389.083(4.) - Manufacturing facilities, specific nature. "To allow for the manufacturing of organic granular fertilizer and organic/inorganic briquettes/tablets, both of which use exclusively pre-processed materials."

The following conditions will also be recommended to the Board for consideration:

- 1) No storage of product or materials outside of the building.
- 2) All operations will take place inside the building. The applicant may later look into installing a prefab greenhouse of approximately 100 square feet, subject to any required city permits.
- 3) There may be temporary storage of equipment/machinery outside of the building until it has been installed inside the building.
- 4) The applicant shall take best measures to reduce the distribution of dust to the exterior of the building and will utilize a dust collector.

Feedback from City Planning:

- *What we are pointing to for the ammonium nitrate limitation is code section 3387.01 which forbids the manufacture, storage, and sale of explosives within city limits.*
- *Technically speaking, ammonium nitrate by itself is not considered an explosive, just an oxidizer, and would require a fuel source to be mixed in with it to become an explosive. However, my understanding is that since it only requires a small amount of combustible fuel to be combined with it in order to cross into becoming a true explosive, and given that fuel could come from a large number of items already present in an industrial operation, we believe this section would cover ammonium nitrate sufficiently.*
- *As far as dust mitigation, this would likely be covered under OEPA oversight as I understand it. I am cc'ing Adam Holbrook with CPH's environmental health section to speak to how/if silica dust would be monitored and mitigation efforts enforced.*

For more information, Jamie Friese, Shannon Pine and Tony Celebreeze are all involved, as well as Adam from CPH