

APPROVED AS TO FORM

  
DEPARTMENT OF LAW

**AN ORDINANCE**

**Imposing a Moratorium for a Period of 12 Months on Pyrolysis or Gasification or Combustion of Tires, Chipped Tires, Plastics and Electronic Waste in the City of Youngstown, Ohio**

**WHEREAS**, for the purpose of protecting the environment and public health, this Ordinance imposes a moratorium on construction or operation in the City of Youngstown, Ohio (the City) of any facility that converts, or attempts to convert, plastics, tire derived chips, chipped tires, and/or electronic waste, into fuel or feedstock through certain chemical conversion processes, including gasification or pyrolysis; and

**WHEREAS**, under Article XVIII, Section 3, of the Ohio Constitution, municipalities are given broad authority to "exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary, and other similar regulations, as are not in conflict with general law"; and

**WHEREAS**, Youngstown City Council passed RES-23-18 on September 20, 2023, objecting to an Ohio Environmental Protection Agency ("Ohio EPA") issued draft permit-to-install and operate (permit number P0132799) submitted by SOBE Thermal who seeks to construct a pyrolysis unit that will extract syngas from tire derived chips in the City of Youngstown; and

**WHEREAS**, the United States Environmental Protection Agency ("U.S. EPA") determined that the Ohio EPA's draft permit-to-install and operate (permit number P0132799) raises potential environmental justice and civil rights concerns due to the pyrolysis unit's proximity to neighborhoods that have some of the highest levels of environmental justice indexes reported by EJScreen; and

**WHEREAS**, the proposal states that the pyrolysis unit would operate in the vicinity of densely populated neighborhoods, hospitals, schools, Youngstown State University student housing, and churches on a parcel currently zoned as a Mixed-Use Community District (MU-C), which means it is not zoned for industrial or energy production facilities, and the currently operating SOBE Thermal to which the pyrolysis unit would be added is *only* permitted in the area due to a pre-existing use exception; and

**WHEREAS**, recent scientific and technological evidence demonstrate that, by using heat and or chemicals to break down plastic waste into new plastic polymers or feedstock, chemical conversion releases pollutants into the environment (e.g. dioxin emissions and crude, contaminated hydrocarbon fuels) and emits carbon; and

**WHEREAS**, exposing tires, tire derived chips, plastics, chipped tires, and or electronic waste to high heat creates pollution; and

**WHEREAS**, SOBE Thermal, the company which proposes to build the currently proposed pyrolysis unit, has not demonstrated that its technology would be safe and reliable; and

**WHEREAS**, multiple pyrolysis and gasification plants in the country have experienced explosions and fires; and

**WHEREAS**, the transportation and storage of plastics, tire derived chips, chipped tires, and/or electronic waste in Youngstown will create a burden on city infrastructure and neighboring communities; and

**WHEREAS**, the Youngstown City Council desires to investigate the impacts that pyrolysis and gasification would have on the community's safety and well-being before any facility that converts, or attempts to convert, plastics, tire derived chips, chipped tires, and or electronic waste, into fuel or feedstock through certain chemical conversion processes, including pyrolysis or gasification, starts construction and begins operating; and

**WHEREAS**, a moratorium will allow the City time to accomplish this goal.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF YOUNGSTOWN, STATE OF OHIO:

#### **SECTION 1**

That Youngstown City Council hereby imposes a moratorium on the construction and operation of any facility that converts, or attempts to convert, plastics, tire derived chips, chipped tires, and/or electronic waste into fuel or feedstock through certain chemical conversion processes, including pyrolysis or gasification, for 12 months.

#### **SECTION 2**

That Youngstown City Council finds that a moratorium for 12 months is reasonable and will allow for adequate research into these types of facilities.

#### **SECTION 3**

That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety, the emergency being the necessity to impose a moratorium for a period of 12 months on pyrolysis or gasification or combustion of tires, chipped tires, plastics and electronic waste in the City of Youngstown, as above described; and provided it receives the affirmative vote of six of the members elected to the legislative authority, it shall take effect and be in force

immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED: THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
MAYOR