



Chairman Kick, Vice Chair Lear, Ranking Member Rodgers, and members of the House Energy and Natural Resources Committee, thank you for allowing me to testify in opposition to SB 119.

My name is Patrick J. Loper, P.E. and I will be impacted by SB 119.

We understand SB 119 to be instigated by the operation of one solid waste facility in Seneca County. We also understand the intentions of the bill: 1) To ensure Ohio does not continue to be the Northeast's trash can 2) To provide for additional funding to inadequately funded local regulatory programs and 3) To provide funding to "mitigate impacts" of a facility. However, this bill as written will not only fail to accomplish the desired effects but also have a negative economic impact on Ohio citizens.

Ohio will remain the Northeast's trash can, regardless of the proposed tax included in SB 119. Ohio has tried to influence the flow of waste into the state, but its efforts were found to be unconstitutional in 1991.

C&DD fees currently provide local boards of health a minimum of \$0.40 per ton for C&DD material disposed of within the health district. The proposed "permissive fee" in this bill would allow for a 1100% increase in funding to the health department per ton disposed. While this increase is "permissive", there is no requirement to demonstrate a need or plan to enact the fee; and once enacted the fee never goes away. The fee will be used to tax the citizens of Ohio without their approval, by unelected officials who will pass the funds on to an entity that has no authority to tax.

Proponents of SB 119 from Seneca County have shared that the Seneca County Board of Health does not have the funding needed to regulate the facility in question. In 2022, at least 30 inspections of the facility were done, and if more inspections are needed the \$841,000 collected in C&DD fees during that year would have paid for more than 30 inspections.

Proponents of SB 119 have also shared that the new funds can be used to "mitigate impacts". The phrase "mitigate impacts" is not defined or limited in any way, and to the best of my knowledge the phrase does not exist anywhere else in the Ohio Revised Code. What does "mitigate impacts" mean? Who gets to decide what "mitigate impacts" means? SB 119 would provide the Boards of Health funding with no restriction of need or use.

I hope this body recognizes that taxing Ohio businesses and citizens will not solve Seneca County's out of state waste problem.

Thank you for your time and consideration.

Signature: 

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