

SB 119 Testimony

Chairman Kick, Vice-Chair Lear, Ranking Member Rogers and members of the House Energy and Natural Resource Committee. Good morning and thank you for allowing me to provide opponent testimony this day.

My name is Mark Coppeler I am a commissioner in Ottawa County and I am Chairman of the Ottawa, Sandusky and Seneca County Solid Waste District (OSS SWD).

SB 119 would appear to have one main goal in mind. In a statement by Senator Reineke who sponsored the bill he states the following:

"Ohio has been the destination for out-of-state trash at the cost of the health and safety of our citizens," Reineke said. "Out-of-state trash deserves to be treated the exact same as waste collected locally, and the communities near and around these districts deserve the resources to combat the health and safety concerns it brings. Senate Bill 119 includes no new fee increases nor does it impose any new regulations. The permissive fee allows for more oversight and enforcement of current regulations on landfills by local boards of health, which should be empowered to protect their constituents."

Most of us agree that Ohio shouldn't be the dumping ground for the east coast at bargain prices. Because of Interstate Commerce rules the district is not allowed to charge more to take out of state trash then it does for in district trash. The district can charge Franklin County a surcharge, but we are restricted from charging more to out of state trash generators. Doesn't make sense.

However, the last part of the SB is interesting.

Senate Bill 119 would also update the ability for a county to withdraw from a solid waste management district, which currently requires all counties to agree before a county can leave. This bill would allow a county that contributes 75% or more of the revenue to the district to unilaterally exit the district. It would appear that breaking up the OSS Solid Waste District by allowing Seneca County to exit is a key part of this bill.

This is concerning. Solid Waste Districts were formed by ORC with certain criteria. The population of our counties required us to form the OSS SWD to meet those requirements. If SB 119 passes and is signed into law that would allow Seneca County to unilaterally withdraw from the district. The effect would be to destroy our SWD and the recycling programs associated with the district.

I have been a commissioner for going on seven years. Most of the commissioners from Ottawa and Sandusky County have served five years or more. In contrast the two of the Seneca County commissioners have served three years and one commissioner is in his first year. I point this out as the OSS SWD has always worked together with all three counties in the best interest of the district. We don't disagree that there should be more oversight at the landfill.

2017 – 2019 there was much discussion as to what was being brought in by railcar to the landfill from the east coast. The material is pulverized and is not identifiable. It has been the EPA's position that the "generator knowledge is used for the CDD waste stream." This was sited once again in the minutes of our June 7, 2023 OSS SWD meeting. The District asked for more help in classifying the material being brought to the SFLF facility. Cameras were installed and eventually a new agreement was reached that

brought in additional funding for all involved with regulating the landfill. This was a concerted effort by all three counties.

Oversight and control of the landfill has been and issue. The Seneca County commissioners have stated that there is insufficient funding for the Seneca County Health Department. In the OSS SWD June 7, 2023 meeting Commissioner Paradiso stated that the budget committee met to discuss the possibility of providing additional funding to the Seneca County Board of Health to provide additional oversight of the SFLF. This position would be a Seneca County Board of Health employee and asked that the OSS SWD provide reimbursement up to \$100,000 per year. Commissioner Stahl said the budget committee had agreed to provide funding and recommended to approve \$50,000 for the remainder of 2023 from July 1 to the end of the year. Subsequently a motion was made by Commissioner Stahl and seconded by Commissioner Paradiso to provide \$50,000 supplemental appropriation. Motion passed unanimously. Commissioner Stahl did say that the board would like to see reports from this inspector on findings at the landfill.

That last comment by Commissioner Stahl is important. In the 2022 Seneca County Board of Health Audit, the Construction and Demolition Debris fund started the year with a balance of \$2,976,118 and ended the year with a balance of \$3,856,012. A carryover of \$879.894.

After watching the Senate testimonies and reading some of the news articles it was obvious that the information that was being presented was not entirely factual and it appears the desired outcome of this bill will be to allow Seneca County to leave the SWD. There has never been a 2-1 vote against Seneca County and there has never been a desire to restrict anyone from joining the Policy Committee. I made this very clear during our SWD committee meeting on August 2, 2023 and brought up the following:

During Senate testimony Commissioner Paradiso stated the following: “despite our efforts to advocate for increased oversight funding our county faces challenges within the joint board. The interests of the other two counties often outweigh our own leaving us outvoted on decisions that directly impact our community”.

A quote from Commissioner Frankart taken from a local news article saying, “Would you ever sign any contract that you didn’t have an escape out of? ‘Hell no’ Frankart said, we’re outnumbered at the Ottawa Sandusky Seneca Solid Waste District. I hate to say it, but it’s a 2 to 1 vote whenever we ask for more oversight they don’t want to hear us”.

Lastly, testimony from resident Nate Heiser, “OSS kept me from being appointed to the solid waste policy committee”.

I then looked back on my seven years as a commissioner and I could not recall a single time where we didn’t have a unanimous vote or where we voted against Seneca County. Other commissioners agreed with that view.

Commissioner Paradiso said that he may have misspoken in saying that Seneca County is outvoted by the other two counties. Commissioner Paradiso agrees that Seneca County has never been outvoted in any OSS Solid Waste District votes in the past.

Commissioner Frankart in regards to his quote, “it’s a 2 to 1 vote whenever we ask for more oversight they don’t want to hear us”, Commissioner Frankart did say that when the Seneca County

Commissioners did ask for additional funds for oversight of the landfill that the OSS Board did help in providing that funding.

Commissioner Paradiso then argued that Nate Heiser's statement was still correct because he remembers a Seneca County Commissioners meeting where the three commissioners made a resolution to have him join as a member of the OSS Policy Committee. However, that is not how members of the policy committee are voted in. Under ORC 3734.54 B it lays out the process of providing the seven members from each committee to the policy committee as follows.

Under ORC 3734.54 each County within a joint solid waste district is responsible for the makeup of their County Policy Committee. The Policy Committee is made up of A commissioner, an executive member representing the largest municipality in the county, a township trustee and Health Department Director. They approve the remaining three which is a representative of a solid waste generator, a person representing the interests of citizens and a representative of the general public. This is all done in the county they are representing and in the case of the OSS SWD the other two counties have no say in who is appointed by a single county.

Commissioner Paradiso and Frankart admitted that they were not aware that was how members were appointed.

The power of the Policy Committee and the OSS SWD is defined by the ORC. Solid waste districts have limited power to regulate landfills under their rule making authority in ORC 343.91 (G). Some would like us to place strict limits on the landfill, but that falls to the Ohio EPA and to the governing Health Department. However, the Policy Committee added new landfill siting rules with the Policy Committee Plan. Those provisions were stripped out by the Ohio EPA. At the October 4, 2023 board meeting the OSS SWD adopted Resolution 10-4-23 Requiring Approval of Plans and Specifications, Prior to the Construction, Enlargement or Modification of Solid Waste Facilities. This is a District rule to regulate the landfill. Once again this shows that the OSS SWD takes the regulation of the landfill seriously and takes into consideration the concerns of those that would be most directly affected by landfill expansion.

The Policy Committee recently had its 5 year solid waste plan approved by the Ohio EPA. 21 members, 7 from each county, met and drafted the new plan over 18 months. Seneca County participated with updating our plan and not once objected to what was proposed or the allocation of funds as provided under the plan. Seneca County Commissioners voted to approve the plan, as did the largest municipality along with other cities and townships representing approximately 84% of the population of Seneca County. At no time during this process did the Commissioners, the Municipalities or Townships object to the plan as not meeting the needs and concerns of the County. They voted to approve the Plan

Senator Reineke who I have the utmost respect for, stated in his testimony that it was always a 2 to 1 vote on any issue. It is simply not the case and it would have been nice to have more dialogue with the Senator on the landfill issue. I gave the Senator information from a presentation we had at a TMACOG meeting that offers solutions to control waste and odor from landfills. Not sure if he acted on that information or not.

Commissioner Paradiso did state in Senate testimony "Furthermore, it has become evident that under current laws leaving a tri-county district like ours is a difficult, if not impossible task. In light of this situation, our county urgently requires an exit strategy.

Commissioner Frankart was also quoted in news article "He compared it to a bad marriage and said at this point, his county wants a divorce.

This need to leave the district is puzzling. Seneca County has never mentioned to the OSS SWD board or tot the Policy Committee their desire or need to leave the district. I hope it's apparent that we do work with Seneca County to the best of our capacity to address their issues.

I agree that the funding is flawed and that we should be able to charge more for out-of-state waste. I agree that more oversight of the landfill is appropriate and would like to see the Ohio EPA take a more assertive stance in this matter. If the Senator's bill goes into effect with funding changes in place, why would it be necessary for the county to leave the district. Not only would it destroy the recycling efforts in our three counties, but across the State of Ohio.

Thank you for the opportunity to speak to this issue today and I am willing to answer any questions you may have.