

To: Chairman Kick, Vice Chair Lear, Ranking Member Rogers, and members of the House Energy & Natural Resources Committee

From: Anthony Paradiso, Seneca County Commissioner

Subject: SB 119 Proponent Testimony, 4th Hearing, May 1, 2024

Chairman Kick, Vice Chair Lear, Ranking Member Rogers, and members of the House Energy & Natural Resources Committee:

My name is Anthony Paradiso, and on behalf of the Seneca County Commissioners, I am here today to provide proponent testimony in support of Substitute SB119 that makes critical changes to the way we handle in-state and out-of-state trash in Ohio. Quite frankly, we need your help and that's why I and a number of supporters are here today.

As commissioners, we were elected to represent all of the people of our county. It is very frustrating to be in a position where we need to make a critical decision in our county, but our hands are tied.

Better on our own:

The Ohio EPA has authorized the county health districts in 58 counties to administer their solid waste programs in those counties, while the EPA itself administers the program in the other 30 counties. The Seneca County General Health District is authorized to enforce the solid waste program in our county, including WIN Waste of Seneca County landfill which receives 96% of the tonnage dumped in the district. As you might imagine, this is a huge burden for our local health district. Given the size of the landfill, which is in the top ten in the state, our local health department needs more resources to do its job and provide adequate monitoring of the landfill and its impact on the health and wellness of our residents.

Seneca County is part of a three-county solid waste management district known as the Ottawa, Sandusky, Seneca Solid Waste Management District or

OSS. The governing board of OSS is made up of three commissioners from each county for a total of nine voting members. This means that the other six commissioners can easily outvote Seneca County's three commissioners on how OSS funds will be distributed. For this reason, it is futile for us to put our request for funding to a vote, when the other commissioners have indicated in OSS discussions that they would not support these requests.

Seneca County receives just a small percentage of OSS's revenues to reimburse us for the cost of regulation of the WIN Waste of Seneca County landfill, even though this landfill receives 96% of the tonnage dumped in the OSS district. This places a disproportionate burden on Seneca County to regulate waste disposal activities with little financial assistance from OSS.

Since OSS receives solid waste disposal fees from the landfill, we have asked OSS to use more of these funds to assist the Seneca County health district in addressing environmental threats from that landfill. We have received some *limited* funds for this purpose. However, we have received considerable resistance to our requests for additional funds that are necessary to regulate the landfill, even though OSS receives considerable fees from the landfill.

For example, we asked OSS to provide the health district with \$500,000 to defray the expense of installing air pollution monitors to measure the concentrations of noxious gas from the landfill. In response to that request, OSS solicited advice from non-lawyers at the Ohio EPA, who advised that solid waste fees cannot be used for this purpose. OSS used that advice as an excuse not to fund the monitors even though our attorney advised OSS that the proposed expenditure was lawful. We did not get that much-needed money. If we were on our own, we would have funded the monitors with the landfill's fees.

Our hands are tied

Current Ohio law doesn't allow our county to create or manage our own solid waste plan. It is very difficult as a county commissioner to tell your constituents that you are part of a regional district, but you have limited authority over the funds that are generated from Seneca County and the services that are being funded or implemented in Seneca County.

Regional districts are common in Ohio. I will provide an example that occurred recently in the Ohio Legislature.

Just three years ago, our local mental health and recovery services board was a three-county district. In 2021, we accepted Ottawa County to join our three-county district, creating now a four-county district. Ohio Revised Code Section 340.01 allows and gives authority to a county to enter or exit a mental health board district, which includes creating their county's own district or merging into another district. This code was clarified and updated a few times in the past three years to give authority to local county commissioners and to specify the requirements for an exit plan and/or for a potential new merger.

You, the legislators, understood the importance of providing local control for such districts to the county commissioners. You, the legislators, amended and approved this code. We are asking you to do the same here. Give authority to the local counties to write their destiny. County commissioners are responsible for representing the interests of the county and are elected in office by the residents of the county. Whether or not Seneca County decides to remain part of the current solid waste district, this bill provides a fundamental right that should be available not just for us, but for all other counties in Ohio.

The only exit plan currently provided in the law allows a county to withdraw from a solid waste management district only if all counties agree to the withdrawal. In that event, a county is a captive of the solid waste management district even if the district takes actions that disadvantage or exploit the dissenting county. SB 119 provides us with a reliable exit plan if it is in the county's best interest to form its own district.

Additional Funds:

In addition to the increased fees that would be received from waste revenue to the departing county that left a multicounty district, this bill gives an option to the local county, if they deem necessary, to impose a permissive tax on construction and demolition debris.

This bill does not raise taxes or fees. There is a permissive tax on construction and demolition debris of \$2.00 per ton. If a local authority feels more money is needed to monitor a landfill, this would give them the option.

With all the out-of-state trash coming into our county - around 7,000 tons per day - more resources are needed to conduct adequate and proper supervision.

In conclusion, on behalf of the Seneca County Commissioners, thank you for listening to my testimony. SB 119 passed the Senate by a vote of 30-0 and we are eager to achieve a similar level of support in the Ohio House of Representatives with your help.

This is a good bill that would clean up a few outdated laws and one that is needed to put control back in the hands of the local authorities who must answer their constituents and deal with the problem in their area.

Thank you,

Anthony J. Paradiso, Seneca County Commissioner