

Vance Environmental Ltd.

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

My name is Kitt Cooper Jr., and I am the owner operator of Vance Environmental Ltd., a construction and demolition debris ("C&DD") landfill located in Dayton. My employees and I are hard-working Ohioans. My customers are Ohio homeowners and contractors working in Ohio's construction and demolition industries. Vance Environmental Ltd. serves Ohioans working on projects in Ohio.

Senator Reineke and his constituents are upset with a local Municipal Solid Waste ("MSW") Landfill that accepts out of state trash from the East Coast via Railroad. This MSW landfill accepted 2.1 million tons of out of state C&DD in 2022. ALL of Ohio's C&DD Landfills COMBINED accepted 3.3 million tons of C&DD in 2022. There is no doubt the MSW Landfill in Fostoria, that spurred the creation of SB 119, accepts large quantities of out of state C&DD for disposal.

In his October 4th sponsor testimony, Senator Reineke described SB 119 as necessary to thwart out-of-state waste from being disposed of in Ohio, and to ensure adequate funding is available for local oversight of disposal facilities. The Seneca County Health District already receives approximately \$800,000 per year of disposal fee-generated revenue and inspects Sunny Farms Landfill, on average, twice a month, or 24 times per year. The minimum inspection frequency required by Ohio law is 4 per year. Notwithstanding, information in the record shows that the current owners of Sunny Farms Landfill have made significant investments to remedy the issues complained of by Seneca County residents and that Sunny Farms Landfill has been operating in compliance with applicable regulations for the past several years. Senator Reineke's call for additional oversight is unsupported.

Since SB 119 is designed to punish out of state waste coming into a MSW Landfill, the fee increase should not be targeting Ohio's C&DD Landfills. By applying this fee increase to all the C&DD Landfills in Ohio, SB 119 could take over \$13 million dollars out of the hands of hard-working Ohioans and that money would be given to regulatory agencies that are not even requesting this fee increase in the first place.

In the early 1990's, Ohio tried to influence out of state waste but was stopped by the Interstate Commerce Clause. I ask the legislature to revisit this issue again, directly, before raising fees on Ohioans.

If the Legislature believes that we need to raise fees to thwart out of state waste, there is another solution.

With respect to the disposal of C&DD, require MSW Landfills to pay MSW Fees (for disposal of C&DD at a MSW Landfill) and let Ohio's C&DD Landfills pay C&DD fees (for disposal at a C&DD Landfill). MSW Fees are already at the higher levels (\$4.75/per ton) that SB 119 aims to raise C&DD Fees to. Requiring MSW Landfills to pay MSW Fees for the disposal of C&DD at a MSW Landfill would raise the amount of fees Sunny Farms is paying on C&DD from \$3.3 million per year to \$10 million per year. This approach will also protect Ohioans from unnecessary fee increases for the disposal of C&DD in C&DD Landfills.

I am asking the committee to protect Ohioans from SB 119's attack on out of state waste.

Very Truly Yours,

s. Kitt C Cooper Jr.

Kitt Cooper Jr.