

Cuyahoga County Solid Waste District

Opponent Testimony to SB 119

House Energy and Natural Resources Committee – May 1, 2024

Chairman Kick, Vice Chair Lear, Ranking Member Rogers, and members of the House Energy and Natural Resources committee; good morning and thank you for the opportunity to provide opponent testimony on SB 119. My name is Elizabeth Biggins-Ramer. I am the Executive Director of the Cuyahoga County Solid Waste District and I am speaking today on behalf of the Organization of Solid Waste Districts of Ohio (or OSWDO).

OSWDO has communicated with Senator Reineke since the introduction of SB 119 and he attended an OSWDO meeting. In addition, an OSWDO subcommittee offered alternative language to address the underlying concern of many of Senator Reineke's constituents in Seneca County, the importation of out-of-state waste by rail to the Sunny Farms Landfill, that is not included in the current version of the bill. Unfortunately, the current bill will do nothing to address those concerns. However, provisions of SB 119 raise many concerns and potential unintended consequences for OSWDO members and many solid waste management districts throughout Ohio and the organization voted to oppose SB 119. The version before this committee contains a provision that allows certain counties to withdraw from a SWMD, unilaterally, with the withdrawal becoming effective after 180 days. Specifically, SB 119

- a. Allows a county that is the location of solid waste facilities that collectively paid more than 75% of the annual revenue of a joint SWMD during the prior year to adopt a resolution declaring that the county will unilaterally withdraw from the joint district without the approval of the other member counties.
- b. Authorizes solid waste management districts to levy tiered disposal fees on the disposal of C&DD at a disposal facility located in the SWMD, which the SWMD must then forward to the local board of health to be used to enforce C&DD regulations and to mitigate the public health, safety, and welfare impacts of solid waste and C&DD facilities.

The existing statutory procedures for withdrawing from a joint SWMD include protections to ensure the non-withdrawing county or counties can establish a viable solid waste district both financially and programmatically. The proposed legislation overrides those procedures and creates the following potential unintended consequences:

The resulting SWMD comprised of the non-withdrawing county or counties may be required to combine with an existing SWMD to meet minimum population requirements to form a SWMD and to submit and obtain approval of a new solid waste management plan.

The resulting SWMD comprised of the non-withdrawing county or counties may have to substantially increase solid waste fees on its residents to fund Ohio EPA-mandated solid waste and recycling programs.

By establishing specially tailored criteria for withdrawing from a joint SWMD, SB 119 creates a precedent that encourages other counties to request their own specially tailored criteria to withdraw from a joint SMWD. In doing so, SB 119 encourages the break-up of joint SWMDs to create more single-county districts. This is contrary to one of the purposes of creating joint SWMDs under HB 592 in 1989, i.e., to encourage regional cooperation and planning for solid waste management and recycling.

OSWDO respectfully submits that existing ORC 343.012 and ORC 3734.521 governing the process for withdrawing from joint SWMDs be kept in their current form because they protect the interests of both withdrawing and non-withdrawing counties and ensures that the solid waste districts resulting from a withdrawal are able to successfully finance and implement their new solid waste management plans.

OSWDO also opposes SB 119's proposal to utilize SWMDs to levy and collect C&DD disposal fees for local health departments. Health departments currently have the authority to levy C&DD disposal fees under ORC 3714.07. It is not necessary to require SWMDs to levy and collect disposal fees for health departments.

Finally, OSWDO submits that existing law in Chapter 3714 authorizes local health departments to utilize their C&DD funds to inspect and enforce regulations pertaining to the disposal of C&DD, including disposal of C&DD at a solid waste landfill. OSWDO does not oppose, however, proposals to clarify that health departments may utilize C&DD funds to enforce compliance with regulations concerning the disposal of C&DD at solid waste facilities.

Thank you for your attention and consideration to our concerns. I am happy to provide any additional information or answer any questions you may have regarding our concerns about SB 119.