



May 1, 2024

Chairman Darrell Kick
House Energy and Natural Resources Committee
77 S. High Street, Floor 11
Columbus, OH 43215

RE: Opponent Testimony on SB 119

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

My name is John Scott Fabian, and I am the President of the Board of Trustees of the Jefferson-Belmont Regional Solid Waste Authority, also known as JB Green Team. I am submitting this written testimony to express our **strong opposition to SB 119**.

Since the introduction of SB 119, the bill has changed considerably. My organization has been opposed to the policies within SB 119 from the beginning, and we remain opposed to this bill today for a very simple reason – the bill creates **statewide problems** by attempting (and failing) to address a **local problem**.

After a series of local disputes, the proponents of this legislation asked the sponsor to create a mechanism to allow them to **unilaterally** withdraw from their joint solid waste management district (SWMD) after an arbitrary deadline of 180 days. Their request has resulted in this legislation, which will have unintended statewide consequences if it passes.

The main issue with the “unilateral withdrawal” process proposed in SB 119 is that it only takes one entity into consideration – the county that wants to withdraw. What SB 119 fails to address are the interests of the non-withdrawing county or counties, their largest municipalities, other cities, villages and townships in the counties, as well as participants in the waste management industry, and the people and businesses that generate solid waste. There are zero assurances in SB 119 that every other entity needs to have a plan in place to deal with their trash in the event of a district dissolution – a problem that does **not** exist in the current process laid out in statute today, which leads me to a separate point of contention.

Another key issue with the conversation surrounding SB 119 is the misnomer that there is not a current process for a county to leave solid waste management district. This is objectively false. Ohio Revised Code 3734.521 lays out exactly what the current process is and, crucially, takes **everyone affected** into consideration, and does not allow one entity to change the makeup of a district unilaterally and arbitrarily before there is a sufficient plan in place to deal with whatever fallout may come from dissolving an existing district.

Under the existing withdrawal process, everyone affected by a proposed withdrawal is required to first prepare and adopt a new solid waste management plan, have it ratified by the board of county commissioners, the

largest municipality, and by cities, villages and townships representing at least 60% of the population of the county, and then obtain final approval from Ohio EPA. This process takes about 18 months to perform in total; well beyond the 180 days prescribed by SB 119. As stated before: If this legislation passes, and a withdrawal occurs without these safeguards in place, citizens of Ohio will be left with no plan in place for their trash removal.

Finally, and perhaps most frustratingly, the bill has been described as necessary to curb the out-of-state waste from coming into Ohio via rail. Again, this is objectively false. SB 119 does not include a single provision that would reduce the tonnage of out-of-state waste coming into Ohio. Past versions of similar legislation have attempted, and failed, to prevent East Coast trash from crossing state lines for disposal in Ohio. Any such attempts have violated interstate commerce laws – and SB 119 is no exception.

In conclusion, JB Green Team feels that the local issues that exist in Seneca County should be solved locally. The political infighting occurring between members of **one** solid waste management district should not result in the stark departure of statewide law that has been in place, and utilized successfully, for nearly three decades. SB 119 is wholly unnecessary and quite simply **bad statewide policy**. We respectfully request that you do not enact this legislation.

Sincerely,



J. Scott Fabian
President, Board of Trustees
Jefferson-Belmont Regional Solid Waste Authority