

TESTIMONY IN SUPPORT OF SUB. H.B. 23  
ON BEHALF OF THE OHIO AGGREGATES & INDUSTRIAL MINERALS ASSOCIATION  
BEFORE THE OHIO HOUSE FINANCE  
COMMITTEE

Chair Edwards, Vice Chair LaRe, Ranking Member Sweeney and members of the Ohio House Finance Committee, my name is Brian Barger, and I am the legal counsel for the Ohio Aggregates & Industrial Minerals Association. Thank you for the opportunity to testify today in support of Substitute House Bill 23 which, through a recent amendment, address the need for a sustainable supply of construction aggregate material for local infrastructure projects.

Well over half of all construction aggregate materials (sand, gravel, and crushed limestone) which are used in the construction of infrastructure projects are paid for with tax dollars. Therefore, it stands to reason that good public policy should ensure that a local and sustainable source of these materials is readily available, especially since the cost of aggregate can double for every ten miles it must be hauled.

Recent Ohio Department of Transportation Research Report No. 111464, Analysis of Ohio's Fine and Coarse Aggregate Reserve Balances, points to a looming shortfall in the availability of local construction aggregate supplies and identifies the conditional use zoning process as one solution to ensure locally available, quality aggregate supplies are sustainable. (This study was done well before the announcement of any mega project, which only highlight this issue.) The conditional use zoning process itself does not change the underlying zoning of the land, so, for instance, if the land is zoned agricultural, it remains zoned agricultural and only the use itself is subject to regulation.

Amending sections 303.02 and 519.02 of the Revised Code to require townships and county zoning to utilize the existing conditional use zoning process when an aggregate producer is seeking to add land to continue an already permitted operation will greatly help to ensure a reliable and sustainable flow of construction aggregates from existing local sources. However, requiring nearby mineral land to be rezoned (as opposed to utilizing the conditional use process) has proven to be unworkable, even when an operation has been in existence for decades, or, in many cases, well over 100 years. Importantly, this language does not require the conditional use process when a new mining operation is being considered, nor does this language require automatic approval of a conditional use. For many, or perhaps even most townships, the proposed amendment will simply reflect the status quo as many townships already utilize the conditional use process.

On behalf of the Ohio Aggregates & Industrial Minerals Association, we thank you for including the much-needed amendment in Sub. H.B. 23 and offer our strong support for its passage. I will gladly answer any questions that you may have.