

**John Scott Fabian, President, Board of Trustees of the  
Jefferson Belmont Regional Solid Waste Authority  
Senate Agriculture and Natural Resources Committee  
Senate Bill 119 – Opponent Testimony  
May 30, 2023**

Chairman Schaffer, Vice Chair Landis, Ranking Member Hicks-Hudson and members of the Senate Agriculture and Natural Resources Committee, thank you for this opportunity to provide testimony on Amended Substitute Senate Bill 119.

I am the President of the Board of Trustees of the Jefferson Belmont Regional Solid Waste Authority (JBRSWA) which, pursuant to ORC 343.011, manages the joint solid waste management district comprised of Jefferson County and Belmont County. I am writing to you on behalf of JBRSWA to express our concerns about the potential effects of SB 119 in its current form on our District and the residents and businesses in Jefferson and Belmont Counties.

Like many of Ohio's solid waste management districts, JBRSWA has invested substantial funds for the infrastructure necessary to provide recycling services for residents, businesses, communities, schools and other institutions within the District. JBRSWA annually spends approximately \$1,500,000 to provide recycling services to comply with the State Solid Waste Management Plan and Ohio EPA rules. The District operates and maintains more than 50 drop-off-recycling sites where the public can put a variety of recyclable materials into 6-yard containers (bought by the District). The District also provides its 6-yard containers to 252 schools, universities, businesses, and nonprofits for recycling collection. The District collects the containers once or several times per week using District-owned and operated front-loading trucks. The District hauls the recyclables to its facility where they are loaded by District-owned industrial loaders into semi-trucks that transport the waste to a processing center. The District owns and maintains a facility in each county to shelter and maintain the District's vehicles. JBRSWA provides community cleanup events throughout the entire District for residents to discard appliances and other bulk items, scrap tires, electronics, and other items that typically are not collected by a regular municipal trash service. The district also owns trailers, compactors, and other equipment. JBRSWA spent more than \$4,500,000 to create the infrastructure to provide these services.

The provision in Am. Sub. SB 119 (line 621; proposed Section 343.012(B)(1) that would allow one county to unilaterally and abruptly withdraw from a joint district is likely to create a disruptive and difficult problem unwinding the joint district's large investments in recycling infrastructure. When a county withdraws from a joint solid waste management district, it is de facto the dissolution of an independent political subdivision, with all the complications inherent in such a dissolution. Existing Ohio law regarding withdrawals encourages negotiation and compromise between the counties within the joint district, and therefore tends to address the process of winding up the joint district's finances in a constructive way. JBRSWA respectfully opposes the adoption of proposed Section 343.012(B)(1) in SB 119 in its current form.

JBRSWA currently levies a solid waste management district disposal fee of \$1.00 per ton for in-district solid waste, \$2.00 per ton for out-of-district waste, and \$1.00 ton on out-of-state waste. JBRSWA also contractually negotiated a 50 cent per ton surcharge on out-of-state waste delivered to the Apex Landfill in Jefferson County, which is the only solid waste disposal facility located in the District. JBRSWA respectfully disagrees with the proposal in Am. Sub. S.B. 119 to replace the tiered disposal fees that solid waste districts are authorized to levy under existing law (Section 3745.57(B)(1), (2) and (3)), with a flat \$4.00 per ton disposal fee that applies to all solid waste regardless of where it originated. The small additional fee a solid waste district currently is allowed to levy on out-of-district solid waste has been a feature of Ohio's solid waste law since the early 1990's. The out-of-district fee is a means by which generators that export waste to a neighboring district pay a small amount to compensate the host district for the burdens of hosting a landfill, such as increased traffic and wear and tear on county, city and township roads that trash haulers use to access the landfill, additional law enforcement and emergency response, cleaning up litter that escapes from trash trucks on the way to the landfill, and oversight and monitoring landfill operations. Districts that export their waste to another district do not have these burdens and expenses, and it is only fair they provide a small amount of additional fees to compensate the host districts that must manage these burdens. This was the basic compromise that was struck when the tiered disposal fees were established under Section 3734.57(B)(1), (2) and (3), and the tiered fee system has worked extremely well ever since.

In addition, JBRSWA is concerned that increasing the Ohio EPA and solid waste management district disposal fee to \$7.50 and \$4.00 respectively will result in significant increases in the cost of disposal and recycling for residents and businesses in the District and throughout the entire State of Ohio. When the cost of disposal increases, it is an additional burden on all our residents and businesses. Increasing the cost of disposal also results in greater frequency of improper disposal and illegal dumping that must be addressed by the district and other local agencies. When recyclable material is collected, there is always a residual amount nonrecyclable contamination that must be separated and disposed of as solid waste. The increased fees on disposal of solid waste will have to be passed along to the communities that provide curbside and drop-off recycling programs. It is possible that some communities may suspend their recycling programs instead of paying the increased costs for processing.

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.