

May 30, 2023
Ohio Senate Agriculture and Natural Resources Committee
Opponent Testimony to Senate Sub Bill 119

Chairman Schaffer, Vice Chair Landis, Ranking Member Hicks-Hudson, and Members of the Senate Agriculture & Natural Resources Committee:

My name is David Cieply, and I currently serve as the Executive Vice President of Landfill Operations for the Apex facility, which is owned and operated by Interstate Waste Services (IWS). Apex is located in Amsterdam, Ohio which sits almost directly on the Jefferson-Harrison County Line. We appreciate the time and opportunity today to talk to you about our concerns with Senate Sub Bill 119.

IWS purchased the Apex facility three years ago from a small owner-operator who, in all candor, had consistent compliance issues. At the time of purchase, the site was considered underperforming by nearly any standard. After our acquisition, IWS invested more than \$55 million dollars to modernize the facility and ensure consistent, long-term compliance with not only EPA standards, by modern best practices, replacing nearly every railcar and rail container, installing a new leachate management system, expanding renewable, green gas recovery, and replacing virtually all pieces of equipment operating on the site. IWS also made significant investments in the workforce, as well—we currently employ 137 full time employees and have seen an 45% increase in payroll from 2020-2022, including a 27% increase in payroll per FTE.

In three short years, we have seen a dramatic improvement in every aspect of the facility, and we have metrics to back this up. Our aerial footage of the site is also telling—the investments we made in paving, green space, and site enhancements are clearly evident.

However, what I believe has been most beneficial is the community outreach. As part of my role with the company and at the site, I make it a personal mission to have an open line of communication with our local elected officials at every level. If and when I do hear of a problem or concern, I make direct contact to clear up any miscommunication or hear the concern through. We have hosted our federal, state, and local delegations for a site tour and presentation of the before and after photos. Another great example of this local engagement is County Road 51, a mile-long stretch of road that leads to our facility but is also public access. Throughout the years, the wear and tear on this road has left its mark and it was no longer considered safe for many residents to use. Apex met with local neighbors, mayors, and commissioners to be a partner in the solution. Late last year, we entered into a RUMA agreement with the Harrison County Engineer's office to help maintain the road, using our own equipment and resources to improve the safety and pass ability of this roadway for the general public. We have also committed more than half a million dollars to match state funds to completely repave the stretch entirely.

Our investments to the site, surrounding communities, and local workforce are indicative of our commitment to operate in the best way possible. We understand the industry we are in—we

are not always a popular one, but the services we provide are critical and essential to the community. There is a proper and responsible way to manage waste streams, and our company has demonstrated our ability, willingness, and capacity to do just that.

Simply put, Senate Sub Bill 119 is a heavy-handed response to a local problem. Current Ohio Revised Code provisions and the regulations in place here in Ohio have provided a very structured system to ensure environmental protection as well as public input. We were glad to see that the sub-bill removed language on local input that we considered vague and redundant, as current law already mandates three opportunities for public hearings and forums. However, our specific concerns regard the proposed fee structure.

Fees: The proposed fee increases in the sub bill, are staggering, especially as our industry, like all others, contends with overall cost inflation and persistent supply chain challenges. To combat and offset these new rates, we will have no choice but to pass the burden to our commercial and residential customers, an equally unfair and unpopular reality. Many of our commercial customers are valued industries for the State of Ohio, including the oil & gas industry, manufacturers, and municipalities—the proposed fees would have a dramatic and negative effect for everyone, but most of all, those right here in Ohio. At the proposed rates, companies like ours would not be able to operate in a material way in Ohio, and I believe you would see small operations that do not have corporate resources to maintain the level of expertise, infrastructure, or workforce that we are able to.

Our request to you is simple: do not use a heavy hand to cripple an essential service over what we consider a localized issue. Senate Bill 119 is an enormous overhaul and reform of the solid waste industry, with impacts and ripple effects that are largely not being considered. Meanwhile, there are dozens of solid waste operations that are responsible stewards of our environment, our resources, and the people of Ohio. Like you, we want to see good public policy that protects business stability & growth while also ensuring a good quality of life for the public. From our extensive work here in Ohio and all over the country, we know that both can occur simultaneously—but we request time and a thorough process to consider all angles. We look forward to working with Senator Reineke and members of this committee during this process to be a partner in this important endeavor.

Thank you for you this opportunity to engage, and I welcome any follow up questions at the address provided above.

David Cieply
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Apex Landfill- Amsterdam, Ohio