

Good afternoon, Chairman Schaffer, Vice Chair Landis, Ranking Member HicksHudson, and the members of the Senate Agricultural and Natural Resources Committee. My name is Lorie Venable, and I'm a resident of Fairborn. I am honored to be here today to offer testimony for Senate Bill 119. I am just one voice in a group of Ohio citizens numbering over 5,000 seeking to improve our quality of life and communities that have been affected by environmental problems. I believe our experience in Greene County is relevant although we have a sewage pit and not a solid waste facility because all the same concerns are present, and all the same behaviors and misbehaviors seem to be rampant.

We believe SB 119 will help citizens across Ohio by ensuring communities have a say and a seat at the table. Too many times decisions are made without local input or even knowledge of what is being proposed for our communities.

This bill will prohibit the OEPA from issuing or renewing a permit for a facility unless the facility will benefit the public and serve the public convenience and necessity.

It will also ensure when OEPA issues or renews a permit they must establish the applicant has demonstrated a history of compliance with Federal and State environmental laws along with local regulations.

OEPA's mission statement is "**The Ohio Environmental Protection Agency is a state agency whose goal is to protect the environment and public health by ensuring compliance with environmental laws.**" While this is a noble mission statement, the citizens of Ohio feel that our concerns are not being addressed.

We have attempted to work with OEPA on our issues for years. Our group had an in-person meeting with OEPA in April 2022 that was negotiated by Governor DeWine's office. At this meeting OEPA stated the following: "TRUST US," and "we're attempting to bring the company back into compliance." These same companies are still not in compliance after 4-5 years of citizens asking for OEPA's help. Why do large-scale industrial operations continually get help from OEPA to come back into compliance while local citizens suffer year after year.

These companies seem to operate in rural and small communities in hopes that their activities won't be noticed, or the number of citizens will be so low they believe the citizens won't put up much of a fight. What they fail to understand is the internet and social media opens lines of communication with other groups suffering from the same industry. There are also unintended consequences that put a financial hardship on small communities.

- Health and Safety Issues
 - A local group conducted an unscientific survey inquiring about health issues.
 - 40% of respondents responded with an increase in health issues since the facility was built in 2014, including respiratory issues, inflammation, headaches, blood clotting and skin infections.
 - Township roads are not meant for industrial truck traffic and cause early degradation of roads, putting citizens at risk.

- When school buses and semi-truck traffic meet, they both must drop their outside wheels off the pavement. We are extremely lucky no school children have been harmed.
 - A 2020 County Engineer's report confirmed traffic and safety issues.
 - Lack of Emergency Management Plans puts local fire/EMS personnel in jeopardy when responding to an unknown event.
 - Spills
 - One facility has had 3 spills. A spill that occurred on December 24, 2022, has still not been cleaned up and the resident had to contact USEPA to ensure action was taken.
 - Fires have occurred at multiple locations due to chemicals produced or hauled in which causes a great risk to the neighbors.
 - One facility had a fire that took 4 township fire departments over 8 hours to ensure the facility would not explode due to the methane produced.
- Noxious Odors
 - Residents around one facility have challenged their property values due to the horrible smell and won a decrease in their property taxes.
 - Citizens are not able to enjoy their own property. The noxious odors permeate their homes even with their windows and doors closed.
 - My husband and another military veteran have suffered flash backs to their time in Iraq and Afghanistan and the burn pits. Have you experienced a loved one who is suffering a flash back, especially one that already suffers from PTSD? No veteran should have to suffer these effects.
 - School children have vomited at their bus stops.
 - Results of an unscientific survey found these results relate to odor.
 - 72% of respondents have already started the process to move or seriously considered moving.
 - 56% of respondents would NOT have moved to the community or the odor would have caused them to seek another location before buying their current property.
 - One local group started using "Smell My City," a free app to track odor complaints. It uses GIS to pinpoint your exact location, populates GMT time, uses a 1-5 rating system, allows you to comment on "smell description," "symptoms" and "additional comments." From September 2019 - May 23, 2023, local citizens reported over 7,500 nuisance odors originating from the local facility, with over 850 reports since January 2023. We have shared this information with OEPA on numerous occasions, yet the citizens are still dealing with this issue 3 years later.
- Negative Economic Impact/Reduced Tax Revenue

- Via social media, the Wright Patterson military community are warning their incoming members to avoid the community with the “odor issue.”
- Most of these companies claim a tax exemption or reduction that lowers their tax bill and causes economic hardship on townships or smaller communities.

We believe that OEPA’s permitting process is ineffective and unreasonable. Why would OEPA approve a permit when the facility would be built above the Great Miami Valley Sole Source aquifer that provides water to over 400,000 citizens, is located 1.5 miles from a cement company that regularly blast the surface for mining purposes and allow these companies to hire their own “experts” to prepare reports for OEPA. All these factors were provided to OEPA during the community comment period, but the permit was still issued.

OEPA has now resorted to not entering public records into their online eDoc system with the excuse of "we're in litigation with the company." So, in essence, Ohio citizens cannot view public records on facilities that we believe are not operating per regulations and affecting our quality of life. Local citizens are not involved in OEPA's lawsuit. OEPA does not update their “spill database” that provides information to citizens where spills occur.

USEPA is now involved and has issued a Notice of Violation to one company and are still investigating this same company and possible OEPA. USEPA delegated authority to the OEPA to oversee and enforce environmental issues in Ohio. We are extremely concerned that the working level of the OEPA and this industry have a very inappropriately close relationship for a regulator and a regulated company. There also seems to be a revolving door between OEPA and this industry as people move between the two for employment.

OEPA has ignored, not communicated with communities and citizens, failed to enforce the Clean Air Act, the Clean Water Act, Ohio regulations and the very permits they approved. While the USEPA delegated authority to OEPA to oversee environment laws and regulations, it seems as if OEPA has further delegated this authority to certain industries and generally caters to these same industries. We have been concerned that the working level of the OEPA and these industries have a very inappropriately close relationship between a regulator and a regulated company. Letting a company self-report or self-monitor doesn’t work. All we have to do is look at the Boeing 757 Max aircraft. The FAA allowed Boeing to self-inspect and 340 people died. As a civilian retiree from the Air Force after 33 years I know that if a responsibility is delegated to a subordinate unit and they don’t accomplish the job, the work would be re-delegated or pulled back up to a higher organization. Along with losing jobs, they would lose the funding that goes with it. I’m sure you nor Governor DeWine wants Ohio to lose jobs and the funding that goes with it.

We are also working with our legislators to enact legislation to properly regulate industries that are causing major concerns for locations like ours.

Both of our industries’ issues are best served by more local control which answers to local electorates. Ohio citizens have a right for our voices and concerns to be heard and taken into consideration. The citizens of Ohio deserve better.

Thank You for your time.

I would also like to provide you with data on Ohio's Industrial Anerobic Biodigesters and Storage Lagoon.

Ohio has 13 Industrial Anerobic Biodigesters and Storage Lagoons with over 128,000,000 million gallons of biosolids and another 25,000,000 gallons in the pipeline. These facilities have almost 200 Notice of Violations with only 1 fine from OEPA. Every year this industry request additional storage lagoons/ponds for the increase in effluent they produce. OEPA seems to rubber stamp all permits requested by this industry. If you would like additional information, please contact me.