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R-135-1557

To: Goran Babic, Deputy Policy Director
Senate Majority Caucus

From: Bill Rowland, Division Chief *(WGR)*

Date: June 6, 2023

Subject: Sub. S.B. 119

This table summarizes how the latest substitute version of the bill differs from the As Introduced version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

| S.B. 119 (As Introduced) | Sub. S.B. 119 (I_134_1079-5) |
|---|--|
| Solid waste disposal fees | |
| <p>Increases, from \$4.75/ton to \$8.50/ton, the total state fees on the transfer or disposal of solid waste and distributes the fees as follows:</p> <ol style="list-style-type: none"> 17¢/ton to the existing Hazardous Waste Facility Management Fund; 95¢/ton to the existing Hazardous Waste Cleanup Fund; \$1.42/ton to the existing Waste Management Fund; \$4.44/ton to the existing Environmental Protection Fund; 39¢/ton to the existing Soil and Water Conservation District Assistance Fund; 13¢/ton to the National Priority List Remedial Support Fund, which is created by the bill and which must be used by OEPA for removal and remedial actions and long-term operation and maintenance costs associated with federal mandates under the federal | <p>Instead, retains the current \$4.75/ton in state fees, eliminates the Local Landfill Oversight Fund (established by the As Introduced version), and distributes the fees as follows:</p> <ol style="list-style-type: none"> 11¢/ton to the existing Hazardous Waste Facility Management Fund; 60¢/ton to the existing Hazardous Waste Cleanup Fund; 90¢/ton to the existing Waste Management Fund; \$2.81/ton to the existing Environmental Protection Fund; 25¢/ton to the existing Soil and Water Conservation District Assistance Fund (same as current law); and 8¢/ton to the National Priority List Remedial Support Fund, which is created by the bill and used for the same purposes as specified in the As Introduced version (<i>R.C. 3734.57(A) and 3734.579</i>). |

| S.B. 119 (As Introduced) | Sub. S.B. 119 (I_134_1079-5) |
|--|---|
| <p>Comprehensive Environmental Response, Compensation, and Liability Act; and</p> <p>7. \$1/ton to the Local Landfill Oversight Fund, which is created by the bill and which must be used by OEPA to make distributions to local boards of health for the enforcement of the laws governing solid waste (<i>R.C. 3734.57(A), 3734.579, and 3734.58</i>).</p> <p>Increases and changes the structure of the fees levied by a county or joint solid waste management district (SWMD) so that a district may levy a fee of \$7.50/ton on the disposal of solid waste within the district, instead of a fee of \$1 to \$4/ton depending on where the solid waste is generated as in current law (<i>R.C. 3734.57(B)</i>).</p> <p>No provision.</p> | <p>No provision (retains the current rates of the existing fees).</p> <p>Adds to the purposes for which existing SWMD disposal fees may be used to allow an SWMD to provide financial assistance to counties, boards of health, municipal corporations, and townships to mitigate the impacts of solid waste facilities to public health, safety, and welfare (<i>R.C. 3734.57(G)(11)</i>).</p> |
| Construction and demolition debris disposal fees | |
| <p>Increases, from 85¢/cubic yard or \$1.70/ton to \$3.75/cubic yard or \$7.50/ton, the existing state fees associated with the transfer and disposal of construction and demolition debris (C&DD) (<i>R.C. 3714.07, 3714.071, and 4714.073</i>).</p> <p>No provision.</p> | <p>No provision (retains the current rates of the existing fees).</p> <p>Authorizes a SWMD in which a C&DD disposal facility or a solid waste disposal facility is located to levy a disposal fee of \$1 to \$2/ton on C&DD and asbestos or asbestos-containing material generated within the district's jurisdiction or generated out-of-state, and a disposal fee of \$2 to \$4/ton on C&DD generated in Ohio, but outside of the jurisdiction of the board (<i>R.C. 3714.07(E)</i>).</p> |

| S.B. 119 (As Introduced) | Sub. S.B. 119 (I_134_1079-5) |
|---|--|
| No provision. | Requires the proceeds of the C&DD fees to be paid to the board of health with jurisdiction over the facility to be used to administer the C&DD law within its jurisdiction, to abate accumulations of C&DD, and to mitigate the impacts to public health, safety, and welfare of C&DD facilities and solid waste facilities (<i>R.C. 3714.07(A)(4) and (E)</i>). |
| Joint solid waste management districts | |
| Allows a county that generated more than 75% of the annual revenue of a joint SWMD during the prior year to adopt a resolution declaring that the county will unilaterally withdraw from the joint SWMD and does not require the approval of the other member counties for the withdrawal (<i>R.C. 343.012 and 3734.521, with conforming changes in other R.C. sections</i>). | Similar, but specifies that the withdrawing county must be the locale of solid waste management facilities that collectively paid more the 75% of the annual revenue of the joint SWMD and specifies that if a nonwithdrawing county objects to the withdrawal, the board of directors of the joint SWMD must conduct a meeting to discuss the objection (<i>R.C. 343.012(D)</i>). |
| No provision. | Specifies that if, after the meeting, the withdrawing county still desires to withdraw, the board of directors must approve the withdrawal (<i>R.C. 343.012(D)</i>). |
| Requires the OEPA Director to take all actions necessary to effectuate the withdrawal so that the withdrawal is effective within 90 days after the submission of a unilateral withdrawal resolution by the withdrawing county (<i>R.C. 3734.521(I)</i>). | Same, but extends the time period to 180 days. |
| Solid waste disposal facility permit | |
| Prohibits the OEPA or a board of health from issuing or renewing a permit for a new or expanded solid waste facility unless the facility will benefit the public and serve the public convenience and necessity (<i>R.C. 3734.44</i>). | No provision. |