



2023 Officers

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Chairman Schaffer, Vice Chair Landis, Ranking Member Hicks-Hudson, and members of the Senate Agriculture and Natural Resources Committee, thank you for the opportunity to provide interested party testimony on Substitute Senate Bill 119. The Organization of Solid Waste Districts of Ohio (OSWDO) represents the 52 solid waste management districts (SWMD) across the state. Our organization and other stakeholders came together during the House Bill 592 process (adoption in 1988) with the goal of addressing the lack of comprehensive regulations governing solid waste facilities and a lack of planning for how to manage Ohio's solid waste; decreasing available landfill capacity and fewer operating landfill facilities; a lack of planning for new disposal facilities; ground water contamination from poorly sited and designed landfill facilities; explosions due to methane gas migrating from landfill facilities; desire for increased local control over waste; a lack of consistent and effective enforcement of the solid waste regulations; limited public involvement in the landfill approval process; poor operating history of some Ohio landfills; and reducing Ohio's reliance on landfills by establishing recycling and other programs to divert materials away from landfill disposal.

As a result of House Bill 592, landfills in Ohio are much more protective of human health and the environment than they were in the past, and the solid waste management district structure across Ohio plays a critical role in planning for the future solid waste management needs in their regions, and there has been a dramatic increase in the recycling programs in existence throughout the State. OSWDO's efforts are focused on preserving and advancing the gains in recycling and protection of the environment since the adoption of House Bill 592 and is concerned about the following aspects of Sub. Senate Bill 119 in its current form.

Solid waste disposal fee increase and elimination of tiered fees

Substitute Senate Bill 119 proposes to eliminate the option for tiered solid waste fees and changes the disposal fee to \$4.00/ton. The tiered fee system originated from the House Bill 592 process as the 88 Ohio counties were each tasked with planning for adequate disposal capacity in their district as an individual county SWMD or a collective joint SWMD. As not every county had a public or private landfill in their jurisdiction, the tiered fee was a compromise to allow solid waste districts bearing the additional costs associated with having a landfill located in their districts levy a modest additional fee on exporting districts that choose to rely on out-of-district landfills for their waste disposal. The small additional fee compensates the host district to help defray the added costs of having a landfill in their community.

Our understanding of the solid waste district disposal fee under Sub. Senate Bill 119 in its current form is that a district would be able to implement a \$4.00 per ton disposal fee or no fee and, with no discretion to set the amount of the disposal fee between zero and \$4.00/ton. In addition, the bill does not specify whether the new fee amounts can only take effect after the solid waste district's policy committee implements the process required under O.R.C. §3734.57 for changing or abolishing the amount of disposal fees, which requires local ratification or amending the solid waste plan.

Revenue considerations are a key part of the solid waste planning process. A change in fees like those proposed in Sub. Senate Bill 119 would likely require many districts to update and amend their solid waste plans. Plan updates require significant SWMD personnel, money, and the process takes a considerable amount of time to complete. Because Sub. Senate Bill 119 in its current form eliminates the concept of tiered fees, removes solid waste district discretion to choose the amount of the disposal fee within a defined range, and fails to specify the procedure by which the new fee levels established under Sub. Senate Bill 119 are to be implemented by districts, OSWDO respectfully requests the committee to consider additional changes and stakeholder input before taking any action on Sub. Senate Bill 119.

Unilateral withdrawal from a joint solid waste management district

Sub. Senate Bill 119 would allow a county to unilaterally withdraw from a joint SWMD, if that county generated more than 75% of the annual revenue of the joint SWMD in the immediately preceding calendar year. The bill also includes an expedited timeline of 90 days for the completion of the withdrawal process.

OSWDO has concerns about deviating from the current process for withdrawal from a joint SWMD outlined in ORC 3734.521. The procedures in place today were designed to facilitate discussion between the counties involved in the joint SWMD, and to avoid the possible creation of "orphan" counties that do not have the practical ability to generate the funding or provide the infrastructure necessary to operate as an independent solid waste district and provide recycling services mandated by the State Solid Waste Management Plan. OSWDO is concerned that without this discussion, there would be room for hasty decisions with the potential for unintended consequences. Additionally, OSWDO is concerned that the necessary steps to adequately separate a district and form two new, functioning districts (and requiring both to complete new solid waste management plans) cannot be completed in the 90-day timeline.

Thank you again for the opportunity to provide testimony on Sub. Senate Bill 119. We look forward to continuing our conversation.