

SB 119 -V5 Summary

Chairman Schaffer and members to the Committee. I would like to thank you for the opportunity to provide the following, opposition, testimony to the latest version of Senate Bill 119. I would like to ask that you give our testimony careful consideration during your process.

- The new permissive and variable fee for C&DD in the bill now will be levied and passed through SWMDs to local health boards.
Are there no guidelines for expenditures of fees by Health Departments, as there is for Solid Waste Management Districts.
Will the health departments be allowed to construct new buildings.
Will they be allowed to pay for the operation of other health department programs; ie; home health nursing, children's health programs, vaccination clinics, etc.
Are the Districts expected to collect the fee, pursue legal enforcement for non-paying facilities, and absorb the direct and indirect cost associated with the collection and disbursement of funds to the Health Department.
- Clarifies that boards of health can use the new fund dollars for the "health, safety, and welfare."
Health, safety, welfare? Can anyone explain this to me in detail as it pertains to allowable Health Departments expenditures. Then, can anyone show me the authorization in law that allows Health Districts to perform the functions and duties of a Solid Waste Management District or Authority.
Washington County Ohio has a population of approximately 60,000. Their Environmental Health Division of the Health Department operates all of its programs on \$650,000 per year. Includes Food Safety, Household Sewage, private water systems, parks & campgrounds, public swimming pools & spas, Tattoo Parlors, Nuisance Complaints, and Garbage Haulers. Only Nuisance Complaints can sometimes be related to solid waste. If the Health Department is on the Director's Approved List it may provide for quarterly inspections of disposal facilities and transfer stations. Our SWMD has only one Health District (Noble County) that is on the Disrectors Approved List to administer solid waste programs. Muskingum County's Health District has an operating C&DD Landfill but is not on the Director's Approved List to administer solid waste programs.
- For district disposal fees, clarifies that SWMDs can use the funds for the "health, safety, and welfare" as well.
- Health, safety, welfare? Can anyone explain this to me in detail as it pertains to allowable expenditures. We are restricted by 11 approved uses for fees collected by the District.
- The new allowable use in 3734.57(G)(11) has been revised to state as follows:
"(11) Providing financial assistance to individual counties, boards of health, municipal corporations, and townships for the costs of mitigating impacts to public health, safety, and welfare of solid waste disposal or transfer facilities within the applicable political subdivision."
- How should we expect to fund this requirement for 164 political subdivisions that exist within the SouthEastern Ohio Joint Solid Waste Management District's six member counties. We currently do not have the available funds to do this, and never expect to have the funds. And will not increase the District's Contract Fees to provide for it because we have no mechanism allowed by law to do this.

Let me go further on how to remedy the C&DD fee problem.

Remove the C&DD exemption from the existing solid waste rules and declare it all SOLID WASTE with the same fee structure as solid waste. Authorize solid waste districts without landfills to

Authorize it in their Generation Fees & Capacity Assurance Agreements (Contract Fees)

From this point forward there will no longer be "Exempt Wastes"

Authorize solid waste management districts with landfills the ability to collect the money in their tier fee structure.

Change the Ohio Solid Waste Definition to the following:

"Solid waste" means any garbage, paper, litter, refuse, cans, bottles, waste processed for the express purpose of incineration, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, other discarded material, including offensive or unsightly matter, solid, liquid, semisolid or contained liquid or gaseous material resulting from industrial, commercial, mining or community activities but does not include solid or dissolved material in sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources and have permits under article eleven, chapter twenty-two of this code, or source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, including any nuclear or byproduct material considered by federal standards to be below regulatory concern, or a hazardous waste either identified or listed under article eighteen, chapter twenty-two of this code, or refuse, slurry, overburden or other waste or material resulting from coal-fired electric power or steam generation, the exploration, development, production, storage and recovery of coal, oil and gas, and other mineral resources placed or disposed of at a facility which is regulated under article two, three, four, six, seven, eight, nine or ten, chapter twenty-two or chapter twenty-two-a of this code, so long as such placement or disposal is in conformance with a permit issued pursuant to said chapters. "Solid waste" does not include materials which are recycled by being used or reused in an industrial process to make a product, as effective substitutes for commercial products, or are returned to the original process as a substitute for raw material feedstock.

Dissolution of a District

Now, as far as separation of District Counties or Members. Allow an Addendum to be added to the District's Initial Joinder Agreement that would spell out the mechanism for that individual district's dissolution. Furthermore, place in that Addendum the mechanism to be used for the distribution of finances, assets, liabilities, and debt. If it cannot be drawn by the Prosecuting Attorneys representing the individual counties within the solid waste management district, set up an arbitration default.

Leaving no more than 180 days to have the dissolution completed.

For future reference, this shouldn't be referred to as a dissolution. It's a full-blown, hateful Divorce.

Seneca County will also be required to form a single-county Solid Waste Management District after the separation by Ohio EPA. They will also be required to fund the SWMD and formulate a Solid Waste Management Plan to be approved by the Director of Ohio EPA. The counties remaining in the initial solid waste management district (Ottawa/Sandusky) will also be required to reformulate their District, formulate a new solid waste management plan with a new funding mechanism, or be funded by their county commissioners.

OPINION

My opinion is, and I have been told by confidential sources, that this will not be the last district split.

All that this bill is doing is taking up the time and resources of Ohio's solid waste districts to prevent it from destroying the entire solid waste system in Ohio in order for 1 county to break away from a District. To spend funds from Construction & Demolition Waste collected by, or transferred to, their health department as it damn-well pleases without any accounting for what it does with those fees.

Ottawa and Sandusky Counties will then be subject to out-of-district fees for disposal of solid waste in Seneca County at San Lan Landfill. In addition to that, Ottawa and Sandusky Counties will need to place a Generation Fee on waste being shipped to San Lan and other landfills in Ohio. These two counties' residents and businesses will be paying more than double for collection and disposal over what they have in the past.

I was a District Coordinator and Policy Committee Member for 35.5 years until I retired on 1/1/2023 and this is the most ridiculous bill that I have ever seen. This appears to be some selfish money grab by the Seneca County Health Department that it cannot legally make under current law. Regardless of whether this bill passes or not the Senator and the Health District are making an ill-informed move that will have a lasting and negative impact on all of Ohio's Solid Waste Management Districts. Everyone will sweat bullets every day hoping that they didn't offend or alienate one of their member counties.

Respectfully,

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