

**House Bill 33 – Amendment to Allow 6119 Districts to Commission Peace Officers
Proponent Testimony
Ohio Senate Finance Committee – May 30, 2023**

Chairman Dolan, Vice Chair Cirino, Ranking Member Sykes, and members of the Ohio Senate Finance Committee, thank you for the opportunity to testify before you today. My name is Eric Luckage. I am the Chief Legal Officer of the Northeast Ohio Regional Sewer District (NEORS). I am here today in support of an amendment to ORC Chapter 6119, Chapter 109, and Section 737.04 that would authorize regional water and sewer district organizations to commission their own peace officers as police. For NEORS, this would mean our organization would no longer rely upon the Cuyahoga County Sheriff's Department or other municipal police departments to hold the NEORS officers' commissions.

NEORS was established in 1972, pursuant to ORC Chapter 6119, and is a ratepayer-funded political subdivision of the State of Ohio serving over 1 million residents in our Lake Erie communities. NEORS's mission is to provide progressive regional management of sewage and stormwater that protects the environment across 368 square miles. Our service area includes the City of Cleveland and 61 communities across the majority of Cuyahoga County and portions of Summit, Lorain, and Lake counties.

NEORS is responsible for critical infrastructure, including 3 wastewater treatment facilities, one of which is the largest in Ohio. The 3 plants treat 80-90 billion gallons of wastewater in a typical year. NEORS is currently investing \$3 Billion to construct 7 deep tunnels, pump stations, electricity sub-stations and other improvements to help control combined sewer overflows pursuant to its consent decree with EPA, known as "Project Clean Lake". Combined, those tunnels will be 18 miles long. We are responsible for an incredible amount of critical infrastructure.

To protect its critical infrastructure and 750 employees, NEORS's security department employs 35 officers, including a Chief, Lieutenant and three Sergeants. NEORS officers are Ohio Peace Officer Training Academy (OPOTA) trained and certified by the Ohio Peace Officer Training Commission (OPOTC) as peace officers.¹ Our officers and employees face a range of challenges, including 3 shooting incidents just this year not involving, but near our employees performing system maintenance.

According to the U.S. Department of Homeland Security, ***"Drinking water and wastewater treatment are essential to modern life and the Nation's economy. Therefore, it is critical that we enhance the security and resilience of the Nation's drinking water and wastewater"***

¹ Of NEORS's 35 current officers, 27 are commissioned peace officers and 8 are armed security. The 8 armed security officers were retained from the prior force of armed security when NEORS began transitioning to commissioned peace officers in 2008. Today, and going forward, NEORS hires only OPOTA trained and OPATC certified peace officers for its security department. Through attrition, the entire force will eventually be all peace officers.

infrastructures, collectively known as the Water and Wastewater Sector (Sector).” Water and Wastewater Systems Sector-Specific Plan, Executive Summary (<https://www.cisa.gov/sites/default/files/publications/nipp-ssp-water-2015-508.pdf>).

Under current Ohio law, regional districts, like NEORS, are not among the approximately 25 different types of entities authorized to have police departments. We would like to change that. Some of our officers are commissioned by various other municipal police departments, out of necessity or because our officers also work part-time for those municipalities. NEORS also participates in a police commissioning Memorandum of Understanding (MOU) with the Cuyahoga County Sheriff’s Department. This situation is not ideal for either party. While NEORS appreciates the past cooperation with the Sheriff’s Department, the uncertainty of this process creates hardships for both the County and NEORS. Under the MOU, the Sheriff may authorize special deputy status for NEORS’s Ohio certified peace officers, meaning that the Sheriff holds some of our officers’ police commissions. The MOU gives the Sheriff the exclusive decision-making authority to grant or deny the District officers’ commissions. Like most Sheriff’s Departments, ours deals with a dynamic range of issues. It is probably safe to say that any jurisdiction would prefer to not commission police officers employed by another jurisdiction. There are liability and administrative burden concerns. Fortunately, the commissioning of our officers is something that the District would rather manage itself. We have a patchwork solution that clearly needs to be streamlined.

Our proposed amendment has been very narrowly tailored. It would not increase government bureaucracy or create additional layers of government. It would simply allow our sewer district – one that already employs peace officers to hold the commissions of its own officers, rather than the current practice of relying on other jurisdictions. The amendment will result in administrative efficiencies, including lessening the burden on our local Sheriff, and will help ensure that quality OPOTA trained officers hired by NEORS are promptly and efficiently commissioned as police. The ORC now includes at least 25 other “police officer” definitions, including many other Ohio political subdivisions such as conservancy districts, metropolitan housing authorities, regional transit authorities, state universities, port authorities, and other entities such as hospitals and railroads.

NEORS is unique among political subdivisions in Ohio. It serves over 1 million people but lacks the autonomous police commissioning authority enjoyed by so many other local governments. Under current law, NEORS is not authorized to enter into mutual aid agreements with neighboring municipalities such agreements. Our proposal also amends ORC 737.04 to authorize such mutual aid agreements. This will benefit NEORS and our neighboring municipalities.

I leave you with two additional quotes from CISA website. <https://www.cisa.gov/topics/critical-infrastructure-security-and-resilience/critical-infrastructure-sectors/water-and-wastewater-sector>. CISA is the Cybersecurity & Infrastructure Security Agency of the U.S. Department of Homeland Security:

“The Water and Wastewater Systems Sector is vulnerable to a variety of attacks, including contamination with deadly agents; physical attacks, such as the release of toxic gaseous chemicals; and cyberattacks. The result of any variety of attack could be large numbers of illnesses or casualties and/or a denial of service that would also impact public health and economic vitality. The sector is also vulnerable to natural disasters. Critical services, such as firefighting and healthcare (hospitals), and other dependent and interdependent sectors, such as Energy, Food and Agriculture, and Transportation Systems, would suffer negative impacts from a denial of service.” (“overview” section)

“...both the ability to “supply water” and “manage wastewater” are considered National Critical Functions – functions of government and the private sector so vital to the U.S. that their disruption, corruption, or dysfunction would have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof.” (“overview” section)

On behalf of our 7-member Board of Trustees, our Chief Executive Officer, Kyle Dreyfuss-Wells, our 35 officers, our more than 750 employees, and our more than 1 million residents in the Lake Erie watershed, we thank you for listening today. We urge your acceptance of our amendment to permit the Northeast Ohio Regional Sewer District to commission our own police officers. Your continued support of our police officers is greatly appreciated. Thank you again for the opportunity to testify, and I am happy to answer any questions you may have.