

TESTIMONY IN SUPPORT OF SUB. H.B. 23

ON BEHALF OF THE OHIO AGGREGATES & INDUSTRIAL MINERALS ASSOCIATION

BEFORE THE

OHIO SENATE TRANSPORTATION COMMITTEE

Chair Kunze, Vice Chair Reineke, Ranking Member Antonio and members of the Ohio Senate Transportation Committee, my name is Brian Barger, and I am the legal counsel for the Ohio Aggregates & Industrial Minerals Association. Thank you for the opportunity to testify today in support of Sub. House Bill 23 which, in recognition of the many necessary infrastructure projects, also addresses the need for a sustainable supply of construction aggregate material to build these very projects.

Well over half of all construction aggregate materials (sand, gravel, and crushed limestone) produced by the industry are purchased with tax dollars and are used to build streets, roads, highways, bridges, sewers, and water lines, among other uses. Therefore, it is good public policy to ensure that a local and sustainable source of these materials is readily available, especially since the cost of aggregates increases if that material needs to be trucked any distance.

The recent 2021 Ohio Department of Transportation Research Report No. 111464, Analysis of Ohio's Fine and Coarse Aggregate Reserve Balances, points to a looming shortfall in the availability of local construction aggregate supplies, and identifies the conditional use zoning process as one solution to ensure that such supplies are sustainable. (This study was done before the announcement of any mega project, which only highlights this issue.)

The language in Sub. H.B. 23 amends §§ 303.02 and 519.02 of the Revised Code to require township and county zoning to utilize the local board of zoning appeals, when an aggregate operation is applying to add land to continue an already established and permitted operation. This language will help to ensure a reliable and sustainable flow of construction aggregates from these existing local sources.

Importantly, this language:

- Does not require the conditional use process when a new mining operation is being considered;
- Does not require automatic approval of a conditional use;
- Does not limit a township's ability to make decisions on an individual basis
- Does not require townships to accept a mining operation without recourse; and
- Does not limit a township's ability to place conditions or restrictions on the existing mining operation through the local board of zoning appeals.

For many, or perhaps even most townships, the proposed amendment will simply reflect the status quo as many townships already utilize the board of zoning appeals for these decisions.

On behalf of the Ohio Aggregates & Industrial Minerals Association, we offer our support for its passage. I will gladly answer any questions that you may have.