



## 2025 Officers

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Miami County Solid Waste District

**Jennifer Jones**, Vice President  
Geauga-Trumbull Solid Waste District

**Krista Fourman**, Treasurer  
Darke County Solid Waste District

**Joe Durham** Secretary  
Eastman Smith.

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### **Interested Party Testimony to Am. S.B. No. 147 House Community Revitalization Committee – May 20, 2025**

Chairman Click, Vice Chair Mullins, Ranking Member Brewer, and members of the House Community Revitalization Resources committee; thank you for the opportunity to provide interested party testimony on Am. S.B. 147 (and House Bill 222). My name is Brad Petry. I am the President and speaking today on behalf of the Organization of Solid Waste Districts of Ohio (“OSWDO”).

OSWDO has communicated with the Sponsor, Senator Reineke, since the introduction of the predecessor bill, S.B. 119, and he attended an OSWDO meeting. In addition, an OSWDO subcommittee offered alternative language to address the underlying concern of many of Senator Reineke’s constituents in Seneca County, i.e., the importation of out-of-state waste by rail to the Sunny Farms Landfill, that is not included in the current version of Am. S.B. 147. There is nothing in S.B. 147 that addresses those concerns.

OSWDO’s membership is comprised of Ohio’s 52 solid waste management districts. Pursuant to O.R.C. §§3734.52 and 3734.53, the purposes of a solid waste management district are to: (a) provide for the safe and sanitary management of solid waste within the district; (b) prepare and implement a solid waste management plan that complies with the goals and objectives of the State solid waste management plan; and (c) certify the availability of solid waste management facility capacity to meet the needs of the district for at least 10 years. Ohio Rev. Code §§ 3734.52(A) and 3734.53(A). The State solid waste management plan sets forth the goals and objectives for solid waste reduction, recycling, reuse, and minimization to reduce the reliance on landfills for the management of solid waste.

1. Senate Bill 147 in its current form includes a new allowable use of the proceeds of solid waste disposal and generation fees levied by a solid waste management district under O.R.C. 3734.57(G). Proposed subparagraph (G)(11) would allow a solid waste district to:

Provid[e] 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.

OSWDO’s members believe proposed subparagraph (G)(11) is not necessary because existing provisions in O.R.C. 3734.57(G)(1) through (10) already enable solid waste districts to provide

financial assistance to counties, municipalities, townships and health departments to address typical impacts that solid waste facilities have on roads, public facilities, emergency and other public services, and provide financial assistance to law enforcement and health departments to enforce compliance with solid waste laws and regulations including prohibitions against open dumping and littering. OSWDO is concerned that if the language of proposed G(11) is construed to go beyond these typical facility impacts, based on its reference to “mitigating the impacts to public ... welfare,” solid waste districts may be inundated with requests for financial assistance to address a facility’s alleged impacts on property values and the local tax base, or other similar unconventional and difficult-to-substantiate effects that are frequently raised in connection with controversial projects like landfills, jails, and oil and gas pipelines.

2. AM. S.B. 147 creates a new procedure for a county to withdraw from a joint solid waste management district. Under the new procedure, the boards of county commissioners of the counties that comprise the joint district shall enter a memorandum of understanding (MOU) that describes how the counties will operate as a joint district during the ensuing two years until the withdrawal is final. It would be helpful to clarify that the MOU is based on and must be consistent with the joint district’s approved solid waste management plan that is then in effect. The counties should not be able to use the MOU to contravene or attempt to renegotiate the terms of the district’s existing solid waste management plan which was ratified by the municipalities and townships representing at least 60% of each counties’ population and was approved by Ohio EPA. Because the MOU provisions in AM. S.B. 147 do not allow for the participation of the municipalities and townships, Ohio EPA, or any other stakeholders except the boards of county commissioners, the MOU should be required to follow the joint district’s existing solid waste management plan.

AM. S.B. 147 should also require the MOU to provide that if the district’s existing solid waste is due to be updated during the two-year period the MOU is in effect, then the parties shall continue to implement the existing solid waste plan until the expiration of the MOU and shall not be required to commence an update of the existing solid waste plan. The MOU should also be required to provide that the existing solid waste district will provide a reasonable amount of funds to pay for the costs of preparing new solid waste management plans for each new district that will result from the withdrawal process.

These clarifications may facilitate a smoother and more efficient process for the counties involved in separating from a joint solid waste management district. Thank you for the opportunity to provide these comments as the Legislature deliberates AM. S.B. 147 and HB 222.