



The Honorable Gary Click
Chairman, Ohio House Community Revitalization Committee
77 S. High Street, Floor 11
Columbus, OH 43215

RE: Written Interested Party Testimony on SB 147

Chairman Click, Vice Chair Mullins, Ranking Member Brewer, and members of the Ohio House Community Revitalization Committee:

Thank you for this opportunity to submit written interested party testimony to SB 147, Sen. Reineke's bill to revise several of Ohio's solid waste laws. My name is Scott Fabian, and I am the President of the Board of Trustees for the Jefferson-Belmont Regional Solid Waste Authority, also known as JB Green Team. JB Green Team is one of eight regional solid waste *authorities* in the State of Ohio, and the only multi-county authority in the state. We appreciate the opportunity to go on the record with our updated stance on SB 147 and also discuss the need for an amendment - **AM_136_0455**.

Our involvement in this legislation dates back to 2023 to the previous General Assembly with SB 119. As this committee is aware, SB 119 was a very different piece of legislation than SB 147 is today. For more than two years, JB Green Team has been involved with the different iterations of this bill, and Senator Reineke has always heard our feedback with respect and responsiveness. While JB Green was in the position to have to testify as opponents to SB 119 in the 135th General Assembly, we are no longer in such a position to do so given the extensive work that Senator Reineke put into incorporating our feedback, and other feedback from other regional solid waste districts and solid waste authorities.

Namely, by incorporating a memorandum of understanding (MOU) to the beginning of the process of a district "divorce" and by giving all parties up to two years to create new solid waste management plans, this creates a clear process that districts would have to abide by in the event of a county withdrawal and subsequent district dissolution. We sincerely appreciate Senator Reineke for incorporating our feedback to find a resolution to our main concerns.

Part of my testimony today is to further advocate for a final clarifying amendment that specifically speaks to how regional solid waste *authorities* are to conduct a dissolution – that amendment is **AM_136_0455**. As already mentioned, JB Green Team is the only multi-county authority in the state, and thus, the only Authority that could be affected by a "divorce." Given the unique nature of the governing structure of a Solid Waste Authority as compared to a Solid Waste Management District, we feel it is important to clarify how the new the withdrawal process would affect them.

The main difference a District and an Authority boils down to the fact that an Authority is governed by a Board of Trustees (made up of county commissioners, township trustees, and municipalities) as

opposed to a District that is governed by a Board of Directors (made up of only the county commissioners from each of the counties).

AM_136_0455 lays out the identical process for withdrawal for Authorities as it does for Districts – but recognizes that the Board of Trustees has more than only county commissioners on it, so the decision to “divorce” also includes the township trustees and municipality representation on the Board, rather than just leaving it to the county commissioners that are on the Board, as is currently in the bill.

Additionally, AM_136_0455 also allows an Authority to utilize an already-agreed upon “divorce” process if one is present in the existing Authority formation agreement. If such a process is not in the formation agreement, then the withdrawal process is governed by the new process laid out in SB 147, as described above. We feel strongly that AM_136_0455 is needed to ensure that SB 147 is implemented consistently across the state to be cognizant of all types of solid waste management structures. I have included AM_136_0455 as part of my testimony so you may see the language yourself. We respectfully ask that the committee adopt this amendment before voting SB 147 out of this committee.

Thank you again for your consideration, and if there are any questions, please contact our government affairs representative at Governmental Policy Group, Michael Guastella, at michael@gpgrhr.com. Thank you again.

Sincerely,

J. Scott Fabian
President, Board of Trustees
Jefferson-Belmont Regional Solid Waste Authority

Am. S. B. No. 147

As Passed by the Senate

_____ moved to amend as follows:

In line 769, after "sections" insert "3734.522,"

In line 2033, delete "The" and insert "Subject to division (H) of
this section, a"

After line 2132, insert:

"(H) In the case of a joint solid waste management
district that is managed by a board of trustees of a regional
solid waste management authority and that is operating under an
agreement entered into pursuant to section 343.011 of the
Revised Code, any withdrawal of a county from the district is
subject to the following:

(1) If the agreement governs the withdrawal of a county
from the joint district, the board of county commissioners of a
county that is a member of the joint district may withdraw from
the district only pursuant to that agreement.

(2) If the agreement does not govern the withdrawal of a
county from the joint district, the board of county
commissioners of a county that is a member of the joint district



may withdraw from the district in accordance with divisions (B) 18
to (G) of this section, provided the board first does all of the 19
following: 20

(a) Adopts a resolution proposing to withdraw from the 21
district; 22

(b) Delivers written notice of the proposed withdrawal to 23
the legislative authority of each municipal corporation and 24
township under the jurisdiction of the regional solid waste 25
management authority. Not later than ninety days after the 26
receipt of the written notice under this division, each such 27
legislative authority shall either approve or disapprove of the 28
proposed withdrawal by ordinance or resolution and deliver a 29
copy of the ordinance or resolution to the board of county 30
commissioners. 31

(c) Obtains the approval of the withdrawal from a 32
combination of municipal corporations and townships with a 33
combined population comprising at least sixty per cent of the 34
total population of the solid waste management district, 35
provided that that combination shall include the municipal 36
corporation having the largest population in each county within 37
the boundaries of the district. 38

Upon satisfaction of the requirements of divisions (H) (2) 39
(a) to (c) of this section, the board of county commissioners 40
may proceed to withdraw from the joint solid waste management 41
district in the manner specified in divisions (B) to (G) of this 42
section." 43

The motion was _____ agreed to.

SYNOPSIS

**County withdrawal from a joint SWMD that is managed by a
regional solid waste management authority**

R.C. 343.011 and 3734.522

Creates an exception to the bill's new procedures for the
withdrawal of a county from a joint solid waste management
district (SWMD), by stating that those procedures do not apply
in the case of a joint SWMD that is managed by a regional solid
waste management authority if the authority manages the joint
SWMD in accordance with an agreement and the agreement governs
the withdrawal of a county from the joint SWMD.

Imposes preliminary requirements prior to authorizing a
county to proceed with the withdrawal from a joint SWMD in
accordance with the bill if:

-The joint SWMD is managed by a regional solid waste
management authority; and

-The authority manages the joint SWMD in accordance with
an agreement, but the agreement does not have terms governing a
county's withdrawal from the joint SWMD.

Specifies that the board of county commissioners of the
withdrawing county must comply with those preliminary
requirements as follows:

1. It must adopt a resolution proposing to withdraw from
the SWMD;

2. It must deliver written notice of the proposed
withdrawal to the legislative authority of each municipal
corporation and township under the jurisdiction of the regional
solid waste management authority; and

3. It must obtain the approval of the withdrawal from a	72
combination of municipal corporations and townships with a	73
combined population comprising at least 60% of the total	74
population of the solid waste management district, provided that	75
that combination includes the municipal corporation having the	76
largest population in each county within the boundaries of the	77
district.	78