

Members of The Agriculture and Natural Resources Committee, Ranking member Schaffer;

Proponent Testimony for SB 147

Ohio is in desperate need of the urgent passage of SB 147. I am involved with numerous groups in Ohio who are dealing with the same situation we have in Seneca County. This is NOT an isolated issue. Only 37 counties are in single waste management districts, and the remaining counties are in joint waste management districts. HB 592 was formed to protect local communities from the onslaught of out-of-state waste. The solid waste districts were formed to provide a level of protection for the people. The solid waste districts were designed to give the commissioners the ability to establish rules within the districts to provide protection to their constituents. The agreements establishing the solid waste districts were formed in the 80's and the law has not been updated to reflect decades of changes created by the problems from shipping mammoth amounts of waste to landfills by rail beginning around 2010. The joint agreements formed over 40 years ago were designed to help the counties in those districts, not to hurt certain counties involved. Over the years, these joint agreements have led to severe inequality. The county that becomes a target for waste-by-rail is left to deal with the consequences, while the remaining counties benefit financially from disposal fees distributed throughout the entire district. Our county provides over 90% of the funds for the joint solid waste district, while being on the hook for 100% of the expenses and risks resulting from the landfill's presence. Our county receives only a small percentage of the disposal fees that are generated at our expense. This system is not only unjust financially, but socially. It creates a situation in which our commissioners can be outnumbered on any vote to uphold their commitment to their constituents.

Current law provides that a county whose interests are no longer being well served by a joint solid waste district may depart from the district if the other counties in the district unanimously agree to the departure. However, it is unlikely that a county in which a landfill is located can obtain the unanimous approval of other counties who want to keep receiving fees from that landfill without bearing the burdens and risks associated with the landfill.

Not only that, but the enormous foreign investment companies involved with out-of-state waste have the ability to file lawsuits against any solid waste district that attempts to promulgate rules regulating a landfill or against any health district that places conditions on the license that would provide necessary oversight. These regulatory activities are necessary in Seneca County, given the landfill's history of non-compliance and violations that the OEPA repeatedly overlooked. Unfortunately, the OEPA has sided with the landfill at every public hearing, despite public outcry and hundreds of violations, making health district oversight of the landfill even more important. SB 147 would provide the necessary funding to pay for that oversight.

The landfill is currently suing both the solid waste district as well as the county health district in order to strip them of their oversight capabilities and possibly bankrupt the

agency. This is costing large sums of money. This bill would give Seneca County the ability to separate from the joint solid waste agreement if necessary. That would give our county commissioners the power to vote to protect our community with additional rules and funds for necessary oversight and legal fees. The bill also would provide the health district with increased funds generated by the disposal of construction and demolition debris in the county. The OEPA has failed us over and over again. Primary oversight has been given to the health district, and this requires additional funds to provide the resources to inspect a landfill that is planning to expand from 261 acres to 480 acres and has been authorized by Ohio EPA to accept up to 9,500 tons of waste per day, most of which originates from out of state. Construction and demolition debris accounts for the majority of waste coming in by rail, and if mismanaged it can contaminate the environment just like municipal solid waste can. Yet the current law assesses far smaller disposal fees on construction and demolition debris to regulate its impacts than on municipal solid waste.

The continual expansion of this landfill has created what appears to be a massive mountain range. Neighbors of the landfill have been forced to leave their family farms to escape the landfill's impacts, and many more are living in fear of the unknown future that awaits them. Will their children inherit anything of value, or just a disaster zone?

Not long ago, the OEPA visited the landfill and never noticed erosions that the hired environmental consultant for the health district discovered just a few weeks later. Ohio EPA's landfill inspection reports did not note the erosions that were there. Erosions can allow toxic leachate to escape and put our Ohio soil and water at risk. The erosion has led to a civil lawsuit by the health district against the landfill. Just this month the landfill has made the news for having two massive leachate leaks, one of which was estimated to be 53,000 gallons. The second is still under investigation. Leachate is toxic and puts our groundwater at risk. The cleanup for the first spill was still underway, when the second leak was discovered just last week. There was also another train derailment last month, causing contamination of soil with ethanol that will be shipped to the landfill for disposal.

To address all of these problems, the health district has formed a new landfill oversight department to be staffed with employees dedicated solely to landfill oversight. This will increase the health district's need for funding to pay for the expenses necessary to regulate this expanding landfill. As the mountains of waste grow, the risks to our air, water and soil expand. The latest leachate spills are more examples of the reasons we need this bill to pass as soon as possible. We need adequate funding and adequate rules to protect all residents of Seneca County.

The health district is working to hire more experts and provide added oversight that is extremely expensive. The Seneca County is not the only county that could use additional funds enabling its health district to address problems similar to ours. This is necessary for any area with waste by rail. These areas are going to grow in Ohio, since the East Coast has initiatives to limit new landfills. Our problems will grow in Ohio as a result.

The House has already unanimously voted in favor of the prior bill, SB 119. There have been numerous testimonies given by proponents during three prior trips made to the Statehouse. Several of those residents have already sold their homes and moved away, due to the insecurity of their health and property value. The committee must understand that what harms our area isn't isolated, and it will cost the state a hefty price tag once numerous areas are left with cleanup costs that will far exceed the bond money set aside. The problem is growing across Ohio as the East Coast is working hard to pass legislation to stop all landfills in their states and then pass their waste on to Ohio by rail. The next area affected could be your home. If Ohio isn't ready to limit the out-of-state waste problem, they must quickly address the consequences it has created. The oversight funding is required for basic human rights for the communities affected as well as preventing massive superfund sites that will cost the state in the end. The bill will put the control back in the hands of the commissioners that live in the area.

It's time to act, and this bill is an important first step. We shouldn't be forced to remain in a bad joint agreement that puts our community at risk. The future costs to the state are predictable if you look into why the East Coast is passing solid waste legislation to prevent these problems. The specialty waste, contaminated soil, industrial waste and construction and demolition debris have been dumped cheaply in local municipal solid waste landfills, forcing their neighbors people to live in sacrifice zones. Poor and minority communities have been targeted. This bill is a first step to give us back local control and funding for necessary oversight until further legislation is written to solve the larger problem. Since the expansion permits were approved for landfills in Seneca and Perry Counties; Ohio will soon be taking 24,000 tons A DAY in just two small areas of Ohio! This is hard to fathom and will be a burden on future generations. Waste coming by rail is shredded and difficult to inspect the contents. Why are they allowed to bring in millions of tons of C&DD for a lower rate than the MSW rate? In addition, all landfill liners eventually leak – the OEPA publicly verified this during public hearing. We need your support to provide the minimum necessary protection for all Ohioans.

Respectfully, Dr. Clay Wolph, Fostoria, Seneca County- President Board of Health