

Chairman Kick, Vice Chair Lear, Ranking Member Rodgers, and members of the House Energy and Natural Resources Committee, thank you for allowing me to testify in opposition to SB 119.

My name is Michael Dinneen. I am a member and trustee of the Construction and Demolition Association of Ohio, a former executive board member of the national Construction and Demolition Recycling Association, an employee of a third generation Ohio waste materials company and a member of the OEPA Materials Management Advisory Council. I share all of this because it gives me a unique perspective on SB 119 before you.

The construction and demolition waste industry in Ohio includes over 60 facilities, primarily operated by Ohio family-owned businesses. We handle your construction and demolition waste or CDD. CDD is the material that comes from your bathroom or kitchen remodel, the deck you remove from your home or the house that your local nonprofit land bank takes down across Ohio. The resulting material is highly recyclable, and the entrepreneurs of our industry are working every day to find responsible outlets for it.

Based upon the testimony we have listened to on SB 119, we understand this bill to be instigated by the operation of one solid waste facility in Seneca County. We also understand this bill to be intended to be a proactive approach to ensure Ohio does not continue to be the Northeast's trashcan, provide for additional funding to inadequately funded local regulatory programs, and provide funding to "mitigate impacts" of a facility.

Ohio will remain the Northeast's trashcan, regardless of the proposed tax included in SB 119. The additional taxes will not change the status quo, it will simply add taxes to Ohioans. Ohio has tried to influence the flow of waste into the state many times, in particular its efforts were found to be unconstitutional in 1991. If the goal is to influence the flow of out of state waste, we must look at the 30 year old ruling and see what has changed.

As proponents of SB 119 have shared, the majority of the CDD fees pay for much more than the regulation of disposal. They are correct. The recipients of 62.5% of the fees are the Ohio EPA's recycling and litter prevention grants program and the Ohio Soil and Water Conservation Districts across the state. The CDD fees do however provide local boards of health a minimum of \$0.40 per ton of C&DD material disposed of in the health district, the only disposal fee to provide direct funding for boards of health. The proposed "permissive fee" would allow for a 1100% increase per ton in funding to the health departments. While this increase is "permissive", no need is required to enact the fee and once enacted the fee never goes away. The fee will be used to tax the citizens of Ohio without their approval, by officials who will pass the funds onto an entity that has no authority to tax.

Proponents of SB 119 from Seneca County have shared that the Seneca County Board of Health does not have the funding to regulate the facility in question. However, the Seneca County Board of Health was the recipient of approximately \$841,000 in 2022. The Seneca County Board of Health 2022 audit also shows a cash fund balance of \$3,856,012 existed on 12/31/2022. During 2022 at least 30 inspections of the facility were done, if more inspections are needed \$841,000 should pay for more than 30 inspections.

Proponents of SB 119 have also shared that the new funds would be allowed to be used to “mitigate impacts”. The phrase “mitigate impacts” is not defined or limited in any way, and to the best of my knowledge the phrase does not exist anywhere else in the Ohio Revised Code. What does “mitigate impacts” mean? Who gets to decide what “mitigate impacts” means? In 2022 SB 119 would have provided the Boards of Health with between \$20,000,000 and \$37,000,000 in funding, with no restriction of need or use.

I hope this body recognizes that taxing Ohio businesses and citizens will not solve Seneca County’s out of state waste problem.

Thank you for your time and consideration.