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Proponent Testimony on Sub. S.B. No. 119  
House Energy and Natural Resources Committee – May 1, 2024

Chairman Kick, Vice Chair Lear, Ranking Member Rogers, and members of the House Energy and Natural Resources Committee; good morning and thank you for the opportunity to provide proponent testimony on Senate Bill 119. My name is Jack Van Kley, and I am speaking today as the attorney for the Seneca County Board of Commissioners.

The Commissioners have asked me to explain the need for the proposed amendments in Senate Bill 119 that would provide solid waste management districts and boards of health with more flexibility to use waste disposal fees to address the problems caused by landfills and other waste disposal facilities. Revised Code 3714.07 currently allows disposal fees for construction and demolition debris to be used only to implement the construction and demolition debris program. For the most part, Revised Code 3734.57 currently allows solid waste disposal fees to be used only for implementing solid waste programs.

These restrictions have hampered the ability of solid waste management districts and health departments to protect the public from other harmful impacts caused by landfills and other waste facilities. These funding limitations have impaired the ability of the Ottawa-Sandusky-Seneca Solid Waste Management District (“OSS”) and the Seneca County Board of Health to protect the residents of Seneca County from the problems caused by the WIN Waste of Seneca County landfill. This is one of the largest landfills in Ohio, which is fueled by massive quantities of waste arriving by railcar from east coast states. This landfill takes in more than two million tons of waste per year.

For decades, the community around this landfill has suffered from noxious landfill odors from hydrogen sulfide that smells like rotten eggs. The landfill also releases sulfur dioxide, which can be harmful to human health. Although the recent installation of a gas extraction system at the landfill has improved the situation, the community around the landfill is still reporting offensive odors from the landfill.

The Seneca County General Health District has determined that two more continuous air pollution monitors are necessary to measure the sulfur dioxide and hydrogen sulfide coming from the landfill. These monitors are expensive, with the price tag for installation and the first year of operation estimated at \$700,000. Yet, although we believe that Revised Code 3734.57 authorizes OSS to assist the Seneca County health district with funding for this purpose, Ohio EPA has told OSS that solid waste disposal fees cannot be used for this purpose. This law needs to be amended to clarify and expand the authorized uses for these fees.

To make the situation even worse for the people of Seneca County, the landfill has applied to Ohio EPA for permission to expand its size and to increase the already enormous amount of waste it takes in every day. This expansion would not only increase the threats of pollution but would cause many other types of damage as well.

Ohio EPA has the authority under Ohio Administrative Code 3745-27-02(G)(2) to consider the social and economic impacts caused by pollution and other environmental impacts when considering a permit to install for a landfill, but it has been reluctant to study these impacts or protect the public from them. Ohio EPA does not have the authority to examine other types of harm, such as the landfill's potential damage to agriculture, wildlife, economics, health, housing, infrastructure, land use, real estate, and transportation. Consequently, it is evident that Seneca County needs to study and mitigate the many negative impacts that could result from this landfill expansion.

For this reason, the Seneca County General Health District has commissioned an environmental impact study that will evaluate these potential impacts from the landfill expansion. A comprehensive environmental study is justified for a landfill of this magnitude when the potential impact is unknown. The estimated cost for this study will be \$500,000 to \$1 million. However, the health district is being told that the disposal fees for solid waste and construction and demolition debris cannot be used for this purpose.

Senate Bill 119 would address these gaps in public protection. Amended language proposed for Revised Code 3714.07 would allow boards of health and Ohio EPA to use fees paid to dispose of construction and demolition debris for funding the mitigation of negative impacts to public health, safety, and welfare from landfills. Similarly, amended language proposed for Revised Code 3734.57(G) would allow solid waste management districts to dedicate funds from solid waste disposal fees for the use of counties, health boards, municipalities, and townships to address negative impacts to public health, safety, and welfare from solid waste landfills.

We trust that these comments will support the necessity of this legislation. We urge the committee to support Senate Bill 119.