



**Ohio Coal Association**  
**Justin Bis, President**  
**Senate Agriculture and Natural Resources Committee**  
**Senate Bill 119 Opponent Testimony**  
**June 6, 2023**

Chair Schaffer, Vice Chair Landis, Ranking Member Hicks-Hudson, and members of the Agriculture and Natural Resources Committee. I am Justin Bis, President of the Ohio Coal Association (OCA). On behalf of OCA, thank you for allowing me to provide written testimony on Senate Bill 119. The Ohio Coal Association is a trade association collectively representing every aspect of the regional coal industry, including coal production, equipment manufacturing and supply, electric power generation, engineering, coal transportation, blasting and other similar enterprises.

OCA has several concerns with Senate Bill 119 and asks that the Senate not take action on the legislation until these issues have been addressed.

First, Senate Bill 119 imposes a fee increase on Ohio businesses, municipalities, and Ohio's citizens of between \$161,767,412 to \$207,987,925 per year. Since most of the solid waste and Construction and Demolition Debris (C&DD) that is disposed of in Ohio landfills is generated in Ohio, this fee increase will disproportionately impact Ohio businesses, Ohio municipalities and Ohio's citizens and would be higher than any surrounding state. In addition, there is no demonstrated need by the Ohio Environmental Protection Agency (OEPA), Ohio Solid Waste Management Districts or Ohio Health Departments for additional funds to carry out their duties.

Below is more detail on the breakdown of these fees.

State Disposal Fee \$8.50/ton + District Disposal Fee \$7.50/ton + Host Community Fee \$.25/ton = \$16.25/ton. Note, this does not include generation fees that range from \$.35/ton to \$10.00/ton or designations fees that range from \$1.50 - \$8.00/ton.

Second, the bill would impose a statewide solution for a local problem. The local community of Fostoria currently has the authority to resolve issues through local zoning authority and their Solid Waste Management Plan. Their current draft is

under review by the OEPA and contains a siting strategy that gives additional authority to the County Commissioners to determine if expansions comply with the plan.

Third, Senate Bill 119 would revise the standard for approval of a new (or expanded) solid waste facility. The bill requires that the Director of the OEPA determine that the new or expanded solid waste facility, “will benefit the public and serve the public convenience and necessity.” These terms are vague, ambiguous and their addition to the statute is unnecessary. No landfill or expansion could ever be sited under these subjective terms.

Currently, it takes more than 5 years to obtain a permit for a new or expanded solid waste landfill and costs millions of dollars in consulting fees, legal fees, and property acquisitions costs.

The OEPA does not issue solid waste facility permits on the “if-come”. You must have control of the property, you must spend years examining the site hydrogeology, you must prepare detailed applications consisting of thousands of pages, you must undergo a review by the Solid Waste Management District and if applicable you must obtain local zoning approval. Solid waste companies are willing to endure this process because the process is based upon science and clear statutory siting-criteria.

Unlike other projects/facilities that fulfill public needs such as power plants, solar farms and wind farms, solid waste facilities are subject to local zoning requirements. Ohio communities are free to develop local land use requirements and solid waste facilities must comply with local zoning requirements.

Ohio Solid Waste Management Districts have the authority to adopt Solid Waste Management Plans that include rules, “Governing the maintenance, protection, and use of solid waste collection, storage, disposal, transfer, recycling, processing, and resource recovery facilities within the district and requiring the submission of general plans and specifications for the construction, enlargement, or modification of any such facility to the board of county commissioners or board of directors of the district for review and approval as complying with the plan or amended plan of the district.” Thus, Ohio Solid Waste Districts have the power to impact the expansion of existing facilities and establishment of new facilities.

Again, we urge the Senate not to move forward with Senate Bill 119 until all of these issues have been addressed.

Thank you, Mr. Chairman and members of the Committee, for the opportunity to provide comments on Senate Bill 119.