



Subject: Testimony in Support of Senate Bill 119 | May 30th, 2023

Honorable Chairman Schaffer, Vice Chair Landis, Ranking Member Hicks-Hudson, Senator Wilkin and Senator O'Brien,

I am Bill Frankart, and on behalf of the Seneca County Board of Commissioners, I am here today to provide testimony in support of Senator Bill Reineke's proposed Senate Bill 119. My aim is to offer more context and background information to better explain the need for this vital legislation.

To provide some perspective, according to the Ohio Environmental Protection Agency, Sunny Farms Landfill received approximately 2.1 million tons of waste in 2022. This staggering amount, equivalent to 4.2 billion pounds, is comparable to the weight of about 40 fully-loaded ships the size of the Titanic. Among this waste, the EPA estimates that 2 million tons were categorized as Construction and Demolition Debris, while the remaining 100,000 tons were considered Solid Waste.

Based on these figures, the current fee structure generated approximately \$1,785,000 in revenue for various divisions of the Ohio EPA directly from this facility last year. Most of these funds, around \$1.5 million, were allocated to the EPA Division of Environmental and Financial Assistance's recycling and litter prevention program, meaning nearly 84 percent of the fees collected were dedicated to this.

This raises an important question: **how much state funding is allocated to testing, oversight and enforcement actions at this facility?** We inquire because the Seneca County General Health District received about \$800,000 in fees from the facility last year. All of this funding must be used for specific purposes, most of which are directly related to oversight at SFL. EPA officials have informed us that state funds generated at the landfill do not have the same legal requirement, and we perceive this as another example of the flawed framework of current laws.

Considering the facility's history of noncompliance, its failure to meet the standards of the Federal Clean Air Act and numerous notices of violations from the Ohio EPA, it is evident that a higher level of oversight is necessary at this facility. Our objective is for the landfill to meet the highest standards of state and federal rules and regulations, which are currently being met by the majority of other facilities in our state.

Our concern is that this sizable facility, which generates millions of dollars in state funding annually, is being taken advantage of in order to finance other projects and priorities when the money should be allocated locally to increase oversight. It is unjust, and unfair to our residents that the challenges they are facing are currently subsidizing recycling programs and other EPA projects in different parts of the state.

SB 119 helps to address this inequity by augmenting funding for oversight and aligning the resources generated with the size and scale of these facilities. The facilities that receive the most waste and have the highest potential for air, water or quality of life issues would be the primary beneficiaries of oversight resources.

The fee analysis reveals several noteworthy statistics, and perhaps the most striking is that out of the estimated \$3,675,000 paid in fees by the facility in 2022, less than \$1.1 million, or approximately 29.4 percent, remained within the local community.



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We are disappointed with the insufficient oversight provided by the Ohio EPA. Furthermore, we were disheartened by comments made by an environmental specialist from the EPA's Bowling Green office during an NPDES permit public hearing in Fostoria earlier this month, indicating that the agency has "limited resources" for sampling purposes.

This situation emphasizes the necessity of increasing landfill fees through SB 119, enabling local and state agencies to possess adequate resources to ensure unequivocally that all potential nuisances and problems stemming from these facilities are properly managed.

As the amount of waste entering the facility grows, more funding should be made available to regulatory agencies, allowing oversight to reach an acceptable level. This way, we can assure our residents without a doubt that their air, water and overall quality of life are protected. We, the Seneca County Commissioners, believe that the provisions outlined in Senate Bill 119 help to accomplish our goals and address the issues previously outlined in this testimony.

During the May 23rd hearing this committee held, we briefly mentioned another important aspect that we would like to address: our need to have the option to exit the Ottawa-Sandusky-Seneca Joint Solid Waste Management District. These districts have a separate pool of funding outside of what was previously mentioned in this testimony. Under state law, this money has two primary uses: to protect public health and the environment by promoting alternative waste materials management options that reduce reliance on landfills and ensuring that waste management facilities are constructed and operated in compliance with applicable laws and regulations.

According to our staff's analysis, an estimated 87.2 percent of the SWMD's revenue in 2023 will directly come from fees generated by Sunny Farms Landfill. Out of the projected revenue of \$1,745,151, nearly \$1.3 million is expected to be derived from the Host Community Fee paid by SFL to the district, based on a fee of \$0.75 per ton of waste disposed that was established in 2019. Additionally, a significant portion of disposal and designation fees are directly generated by this facility.

Reviewing the 2019 expenses, we found that only \$45,413, or approximately 2.5 percent of the OSS expenses, were allocated to assist health departments with oversight. It's important to note that this funding isn't solely designated for oversight at SFL but also at the landfill in Ottawa County.

In our country, the principle of "innocent until proven guilty" holds significant value. We firmly believe in this principle. However, when an individual is convicted of a crime, they are often placed on probation. Considering the history at this facility and the lowered bar of the consent order, our view is that the responsibility and burden of proof lie with SFL to show to our community that they can meet the same state and federal standards expected of all similar facilities in the state.

Ultimately, we all share the same goal concerning this facility: ensuring the health and safety of our residents. Among the various actions taken in recent years, SB 119 provides the most comprehensive approach to help us achieve this goal to represent our citizens and to show them that their voices are not going unheard. We urge you to join us in supporting SB 119.

Sincerely,

The Seneca County Board of Commissioners



Seneca County Commissioners

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Sources:

Ohio EPA fee schedule: <https://epa.ohio.gov/static/Portals/47/facts/feeschedule.pdf>

OSS SWMD Solid Waste Management Plan (latest draft, pending approval): <https://recycleoss.org/wp-content/uploads/2-7-2023-OSS-Adopted-Draft-Solid-Waste-Plan.pdf>

Commissioners' Office analysis of disposal fees for state and local agencies:
<http://senecacountyohio.gov/wp-content/uploads/2023/05/Info-regarding-landfill-fees.pdf>

Commissioners' Office analysis of fees received by OSS SWMD: <http://senecacountyohio.gov/wp-content/uploads/2023/05/OSS-Financial-Breakdown.pdf>

Video clip of "disheartening comments" from May OEPA NPDES: <http://senecacountyohio.gov/wp-content/uploads/2023/05/Landfill-Q-and-A-1.mp4>