



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

S.B. 119
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Reineke

Amanda Goodman, Attorney

SUMMARY

Solid waste management

- Increases, from \$4.75/ton to \$8.50/ton, the total state fees on the transfer or disposal of solid waste and alters the distribution of those fees.
- Increases and changes the structure of the fees levied by a county or joint solid waste management district so that a district may levy a fee of \$7.50/ton on the disposal of solid waste within the district, instead of a fee of \$1 to \$4/ton depending on where the solid waste is generated as in current law.
- Allows a county that generated more than 75% of the annual revenue of a joint solid waste management district (SWMD) during the prior year to adopt a resolution declaring that the county will unilaterally withdraw from the joint SWMD and does not require the approval of the other member counties for the withdrawal.
- Requires the Director of Environmental Protection to take all actions necessary to effectuate the withdrawal within 90 days of the submission of the resolution to the Director and the other member counties.
- Prohibits the OEPA or a board of health from issuing or renewing a permit for a new or expanded solid waste facility unless the facility will benefit the public and serve the public convenience and necessity.

C&DD fee changes

- Increases, from 85¢/cubic yard or \$1.70/ton to \$3.75/cubic yard or \$7.50/ton, the fees associated with the transfer and disposal of construction and demolition debris (C&DD).

DETAILED ANALYSIS

Solid waste management

State solid waste disposal fee changes

The bill increases total state fees on the transfer or disposal of solid waste (trash and other wastes) from \$4.75/ton to \$8.50/ton. It also changes how the fees are distributed as follows:

Solid waste fee changes			
Type of fee	Current fee	Fee under S.B. 119	Purpose of fee
Solid waste transfer or disposal fee ¹	20¢/ton	17¢/ton	Credited to the Hazardous Waste Facility Management Fund for the Ohio Environmental Protection Agency's (OEPA) administration of the hazardous waste program
Solid waste transfer or disposal fee ²	70¢/ton	95¢/ton	Credited to the Hazardous Waste Cleanup Fund for OEPA's hazardous waste program, including investigations and cleanup activities
Solid waste transfer or disposal fee ³	75¢/ton	\$1.42/ton	Credited to the Waste Management Fund for OEPA's administration and enforcement of the law governing construction and demolition debris, and solid, hazardous, and infectious waste, including ground water evaluations and enforcement
Solid waste transfer or disposal fee ⁴	\$2.85/ton	\$4.44/ton	Credited to the Environmental Protection Fund for OEPA's costs associated with administering and enforcing all laws under OEPA's jurisdiction

¹ R.C. 3734.57(A)(1).

² R.C. 3734.57(A)(1).

³ R.C. 3734.57(A)(2).

⁴ R.C. 3734.57(A)(3).

Solid waste fee changes			
Type of fee	Current fee	Fee under S.B. 119	Purpose of fee
Solid waste transfer or disposal fee ⁵	25¢/ton	39¢/ton	Credited to the Soil and Water Conservation District Assistance Fund to provide assistance to soil and water conservation districts
Solid waste transfer or disposal fee ⁶	Not applicable	13¢/ton	Credited to the National Priority List Remedial Support Fund, created by the bill, to be used by OEPA for removal and remedial actions and long-term operation and maintenance costs associated with federal mandates under the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). ⁷
Solid waste transfer or disposal fee ⁸	Not applicable	\$1/ton	Credited to the Local Landfill Oversight Fund, created by the bill, to be distributed by OEPA to local boards of health for the enforcement of the laws governing solid waste (money in the fund is distributed to each board of health in proportionate amounts based on the quantity of solid waste disposed of in the relevant solid waste management district) ⁹

Solid waste fees – county or joint solid waste management district

The bill increases and changes the structure of the fees that may be levied by a solid waste management district (SWMD) on the disposal of solid waste in the district. Currently, for solid waste generated within the district or from out-of-state, the district may charge a fee

⁵ R.C. 3734.57(A)(4).

⁶ R.C. 3734.57(A)(5).

⁷ R.C. 3734.58. The Director also may use fund money to enter into contracts and grant agreements with federal, state, or local government agencies, nonprofit organizations, colleges, and universities to carry out the responsibilities of the OEPA for the purposes discussed, above.

⁸ R.C. 3734.57(A)(6).

⁹ R.C. 3734.579.

between \$1 and \$2/ton for waste disposal. However, for solid waste generated outside of the district, but in-state, the district may charge a fee between \$2 and \$4/ton for waste disposal. Those fees are credited to the county or joint SWMD's special fund to be used for the district's operation, including preparation and implementation of their solid waste management plan and providing financial assistance to boards of health and the county.

The bill removes the district's authority to charge different fees based on where the solid waste was generated. Instead, it imposes a flat increased fee of \$7.50/ton or \$3.25/cubic yard for all waste regardless of where it was generated. The fee collected still is credited to the county or joint district's special fund to be used as specified above.¹⁰

County withdrawal from a SWMD

The bill creates a unilateral process by which certain counties may withdraw from a joint SWMD in lieu of the current process. Under the bill, if a county generated more than 75% of the annual revenue of the joint SWMD in the immediately preceding calendar year, the board of county commissioners may adopt a resolution ("unilateral withdrawal resolution") declaring that the county will unilaterally withdraw from the joint SWMD. The withdrawing county must submit the resolution to the boards of county commissioners of the other counties comprising the joint SWMD and to the OEPA Director. Approval of the other counties that are a part of the joint SWMD is not required, which is not the case under current law.¹¹

The bill requires the OEPA Director to take all actions necessary to effectuate the withdrawal so that the withdrawal is effective within 90 days after the submission of the unilateral withdrawal resolution. After the expiration of the 90-day period, the withdrawing county is severed from the joint SWMD and must comply with all necessary provisions of the law governing county SWMDs. The bill expressly prohibits the OEPA Director from requiring the withdrawing county to form a joint SWMD or to rejoin the joint SWMD from which the county withdrew.¹²

Solid waste facility permit

The bill prohibits OEPA or a board of health from issuing or renewing a permit for a new or expanded solid waste facility unless the facility will benefit the public and serve the public convenience and necessity.

Under current law, OEPA or a board of health cannot issue or renew a permit for a new or expanded solid waste facility unless the applicant demonstrates a history of compliance with environmental laws in Ohio and other jurisdictions. Further, an applicant must demonstrate that the applicant is presently in substantial compliance with, or on a legally enforceable schedule that will result in compliance with, environmental laws in Ohio and other jurisdictions.

¹⁰ R.C. 3734.57(B), conforming changes in R.C. 3734.53, 3734.55, 3734.571, 3734.572, 3734.573, and 3734.574.

¹¹ R.C. 343.012, conforming changes in R.C. 343.01.

¹² R.C. 3734.521.

Current law also imposes additional conditions on the issuance of a permit for a new or expanded facility.¹³

Construction and demolition debris (C&DD) fee changes

The bill increases fees associated with the transfer or disposal of C&DD from a total of 85¢/cubic yard or \$1.70/ton to \$3.75/cubic yard or \$7.50/ton.

The specific fee increases are as follows:

C&DD fee increases			
Type of fee	Current fee	Fee under S.B. 119	Purpose of fee
Disposal of C&DD and asbestos at a licensed C&DD or solid waste facility ¹⁴	30¢/cubic yard or 60¢/ton	\$1.32/cubic yard or \$2.64/ton	To assist boards of health and OEPA in administering and enforcing the laws governing C&DD transfer and disposal
Disposal of C&DD at a licensed C&DD facility ¹⁵	Up to 5¢/cubic yard or 10¢/ton	Up to 22¢/cubic yard or 44¢/ton	To fund and conduct ground water monitoring at C&DD facilities by boards of health and OEPA.
Disposal of C&DD and asbestos at a licensed C&DD or solid waste facility ¹⁶	12.5¢/cubic yard or 25¢/ton	55¢/cubic yard or \$1.10/ton	Credited to the Soil and Water Conservation District Assistance Fund to provide assistance to soil and water conservation districts
Disposal of C&DD and asbestos at a licensed C&DD or solid waste facility ¹⁷	37.5¢/cubic yard or 75¢/ton	\$1.55/cubic yard or \$3.10/ton	Credited to the Recycling and Litter Prevention Fund for recycling and litter prevention programs administered by OEPA and administrative costs of OEPA

¹³ R.C. 3734.44(D). See R.C. Chapter 3734 and rules adopted under it for additional conditions for issuance of a solid waste facility permit.

¹⁴ R.C. 3714.07(A)(1).

¹⁵ R.C. 3714.071(A).

¹⁶ R.C. 3714.073(A)(1).

¹⁷ R.C. 3714.073(A)(2).

C&DD fee increases			
Type of fee	Current fee	Fee under S.B. 119	Purpose of fee
Disposal of C&DD and asbestos at a licensed C&DD or solid waste facility ¹⁸	Not applicable	11¢/cubic yard or 22¢/ton	Credited to the Waste Management Fund for OEPA's administration and enforcement of the law governing construction and demolition debris, and solid, hazardous, and infectious waste, including ground water evaluations and enforcement

HISTORY

Action	Date
Introduced	05-09-23

ANSB0119IN-135/ts

¹⁸ R.C. 3714.073(A)(3).