



State of Ohio Environmental Protection Agency

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**Proponent Testimony on S.B. 234
Ohio Environmental Protection Agency
Senate Environment and Natural Resources Committee
December 6, 2005**

Good afternoon, Chairman Niehaus and members of the committee. My name is Laura Powell, and I am Assistant Director of Ohio EPA. I appreciate the opportunity to testify this afternoon on behalf of the Agency as a proponent to Senate Bill 234, sponsored by Senator Niehaus, which incorporates the recommendations of the Construction and Demolition Debris (C&DD) Study Committee and mirrors the negotiated changes made to H.B. 397 which does the same.

S.B. 234 contains provisions that will address many of Ohio EPA's long-standing concerns with the existing C&DD program and C&DD landfill facilities. As some of you may recall from testimony we provided on bills that have been brought to this committee in the past, our concerns have included the lack of adequate statutory siting criteria; lack of background checks for owners/operators; inadequate groundwater monitoring that would determine if contamination from the facility impacted ground water; and lack of financial assurance for closure and post-closure care. In more recent years, new concerns have arisen about the increasing amounts of pulverized material, not recognizable as construction and demolition debris, showing up at some C&DD facilities in large volumes for disposal. We also began receiving increasing numbers of odor complaints associated in part with hydrogen sulfide generation at some sites. In light of our concerns, we have consistently advocated for legislative changes that address these concerns and result in a C&DD program that would ensure that those facilities are protective of human health and the environment. We believe S.B. 234, and its companion bill, H.B. 397, sponsored by Representative Hagan, address those concerns.

As a representative on the Committee for Ohio EPA, I would like to recognize Senator Niehaus' involvement on the C&DD Study Committee and the subsequent work that has gone into developing a bill that is balanced. We appreciate the leadership and determination that has been required to work through the issues before the Study Committee. The charge of the committee was challenging and the time in which to conduct a thorough review of the program was limited. Despite the controversial nature of some of the items before us for debate, the Agency was pleased with the constructive discussion and the compromises that were reached. The Agency was supportive of the recommended changes that were presented in the final report, and as such, have been supportive of H.B. 397 which has gone through several iterations and now S.B. 234, which reflects those changes as well. These bills will move us forward in environmental protection associated with C&DD landfills.

Bob Taft, Governor
Bruce Johnson, Lieutenant Governor
Joseph P. Koncelik, Director

In conclusion, Ohio EPA has observed first hand the numerous problems associated with the disposal of C&DD in Ohio. Other Federal agencies, including U.S. EPA and the Agency for Toxic Substances and Disease Registry, have also testified to the problems that C&DD disposal has caused in the State. There are also numerous citizens from throughout Ohio that have experienced these problems and expressed to us their concerns with the manner in which C&DD is handled and disposed of in our state. We recognize that this committee has not had the benefit of the lengthy discussions that have taken place to arrive at the version of S.B. 234 before you today. However, we would encourage you to support this bill, or H.B. 397 as vehicles to help establish a program that will protect the citizens of Ohio while enabling C&DD landfills to remain a viable part of Ohio's economy.

Again, I appreciate the opportunity to testify and am happy to answer any questions you may have.