



State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

P.O. Box 1049
Columbus, Ohio 43216-1049

**Senate Environment and Natural Resources Committee
Interested Party Testimony by Ohio EPA
SB 224**

February 8, 2006

Good afternoon Chairman Niehaus and members of the Senate Environment and Natural Resources Committee. My name is Tracy Freeman and I'm a legislative liaison with Ohio EPA. I'm here today to offer brief testimony as an interested party for Senate Bill 224 sponsored by Senator Kirk Schuring.

We welcome the United States Geological Survey (USGS) study and understand that USGS will be utilizing numerous sources of existing data including that from Ohio's solid waste landfills within the study area. USGS anticipates that the thirteen county basin-wide study report will provide policymakers with detailed hydrogeologic information needed to make decisions regarding future land and water uses in the basin.

While the level of detailed hydrogeologic information for a thirteen county area will be a welcome addition in understanding the regional basin, it will not replace the need for the site-specific level of hydrogeologic evaluation provided by Ohio EPA's landfill permit process. You have been provided with a fact sheet titled ***Solid Waste Landfill Siting, Permitting & Hydrogeologic Investigation*** which outlines this process. This fact sheet describes Ohio EPA's consideration of the impact of fractures and ground water flow in permit reviews and clearly illustrates that we do evaluate whether such fractures represent a pathway for contaminant migration.

Based on previous testimony before this committee regarding the Agency's review of fractured till I feel it is appropriate to clarify and correct some of the statements relating to our current siting process, and our attention to fracture-related ground water flow through soils and bedrock near landfills. It was stated that our staff isn't knowledgeable in this "relatively new science." This is simply not true. Published scientific studies of ground water flow through fracture systems in soils and bedrock have been readily available for the last 30 years. Accordingly, our professional staff are trained in all aspects of hydrogeology and have been well aware of the occurrence of fracture-related ground water flow and have considered it in their technical recommendations regarding the protection of Ohio's ground water resources. We have provided the committee with a list of all the known articles and research into this area that we have reviewed and are in our files.



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Fractures do exist in both bedrock and glacial till, however, the issue is not simply one of their existence but whether or not fractures are interconnected and significantly control ground water occurrence and flow. Existing scientific methods can determine if any such interconnection exists and we currently have the statutory authority to require such testing. Ohio EPA's position is that our current solid waste landfill regulations requiring a good geologic setting, enhanced by proper engineering and surrounded by extensive ground water monitoring, provide the necessary safeguards for ground water supplies near landfills. The permit process provides a site-specific evaluation of the hydrogeology. The information anticipated from a basin wide study will not provide such site-specific information or evaluation.

I would like to speak briefly to the issue of the moratorium proposed in the bill. Our Agency is not opposed to moratoriums across the board. For example, we raised no concerns with the recent moratorium, which expired in December, on new construction and demolition debris landfills. Due to changes in that industry, existing statute and regulations needed to be reviewed and enhanced to address numerous environmental problems that had arisen over time. We are pleased with the outcome of H.B. 397 that will address those concerns.

While the Agency is not categorically opposed to moratoriums, we cannot support a moratorium that is tied to the completion of the USGS regional basin study. The Agency believes that the statute and rules currently provide us with the authority we need to ensure that solid waste landfills are suitably sited, constructed, operated, monitored, closed, and undergo post-closure care. As such, we believe that the facilities that have been permitted under those regulations are protective of human health and the environment. However, we do recognize there is a separate issue of public debate revolving around broader land use issues and specifically the concentration of regional sized landfills in areas of Ohio which results in some areas of the state having significantly more landfill capacity than others.

In conclusion, I would like to reiterate our current siting criteria is very protective of ground water resources and goes well beyond other states and federal requirements. We think the USGS study is an excellent opportunity for Northeast Ohio. It will provide state, regional and local planners with additional knowledge about potential impacts to ground water such as point and non-point source pollution, surface mining, urban growth and development, and how these relate to land and water use planning.

Thank you for your time and I welcome any questions you may have.

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