

June 17, 2009

The Honorable Dale Mallory  
Ohio House of Representatives  
77 South High Street 13<sup>th</sup> Floor  
Columbus, OH 43215

Dear Representative Mallory,

We appreciate the quick consideration of HB 141, regarding home sewage systems. We believe such systems present a variety of environmental concerns to many Ohioans. However, there is one small provision within HB 141 (and SB 110, the companion bill) that deeply concerns Ohio municipalities with central sewage systems. It is a concern that has not been discussed with any of our members. Nor were any of our members or the League invited to participate in the deliberations of the Home Sewage and On-Site Sewage Treatment Study Commission, that brought forth the recommendations that are included in HB 141.

The provision which troubles us is:

<u>Governmental entities constructing central sewer systems</u>	541
<u>shall construct the central sewer systems in a manner that</u>	542
<u>minimizes the distance between the foundations of the structures</u>	543
<u>to be serviced by the central sewer system and the connecting</u>	544
<u>point of the central sewer system. The rules shall provide that</u>	545
<u>a property owner that is required under rules to connect to a</u>	546
<u>municipal central sewer system not be required to submit to</u>	547
<u>annexation by the municipal corporation as a condition of</u>	548
<u>connecting to the municipal central sewer system.</u>	549

Under this provision, municipalities are required to build our systems according to a state standard in the first sentence and are not allowed to require annexation in the second.

We believe the first sentence is totally unnecessary. While the state has little experience in building sewage systems, our members have been building such systems for over one hundred years. We just don't need the guidance.

However, that is a small matter compared to the second sentence of this clause. Under the provision of that sentence, municipal policies related to the sewage system built by a municipality's ratepayers and taxpayers will have their policies on annexation overridden by state regulation and the decision of a public health agency. We do not believe local municipal policies related to whom may use our central sewage system and annexation is a matter for state statute. Should the Ohio Township Association, which did have a seat at the table during the deliberations of the Home Sewage and On-Site Sewage Treatment

Study Commission, wish to open up again the fight over Ohio's annexation law on this or other matters, we would look forward to having that lively discussion, which, last time, lasted over ten years.

However, we do not think, in a bill with an emergency clause, the question of who controls the policies of municipal utilities on any matter, including annexation, should not be addressed by the General Assembly. Many in the General Assembly have expressed their concern about the welfare of cities and villages through bills introduced and votes taken during this session. We very much appreciate that trend, but find the abovementioned clause in HB 141 contrary to that sentiment. Our members' control of development and municipal revenues rests significantly with our control, expansion and maintenance of our water and sewer systems, built primarily through the support of our citizens. Thwarting our efforts to manage those resources for maximum development will not be in the interest of the state, the economy or our members.

We would urge you to delete this anti-annexation clause from HB 141.

Thanking you in advance for your kind consideration of our views, I remain

Sincerely,

John K. Mahoney  
Deputy Director

cc. Members of the Ohio House of Representatives