



House  
Legislative  
Analysis  
Section

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## YARD CLIPPINGS IN LANDFILLS

House Bill 4872 as passed by the House

Second Analysis (7-19-90)

Sponsor: Rep. James A. Kosteva

Committee: Conservation, Recreation, & Environment

### THE APPARENT PROBLEM:

Due to the rapid filling of landfill space and the pollution problems associated with incineration, several proposals have been introduced to encourage alternative uses of materials that are often sent to disposal facilities such as landfills and incinerators. Recently discussion has centered around yard clippings and other composting materials that are often sent to disposal facilities but can be quite beneficial to humans. The Department of Natural Resources (DNR) estimates that composting materials make up 8-12 percent of the state's landfill contents. It has been suggested that it would make more sense for the state to recover composting materials than to continue to bury and burn these materials. Successful composting programs have been established in some areas of the state. The \$800 million Quality of Life Bond Proposal allocated \$150 million for solid waste projects, and some communities have received grants and loans to establish composting programs under the proposal. However, many feel that the state needs to adopt a policy that encourages and places more emphasis on composting as a means of reducing the waste that enters the waste stream.

The Solid Waste Management Act includes animal waste under the definition of solid waste and excludes from regulation materials that are regulated under other statutes. Animal waste generated from livestock and poultry is often used as a composting material and regulated under an agreement between the Department of Natural Resources and the Department of Agriculture regarding generally accepted agricultural and management practices. Amendments in statute are necessary to clarify that the regulation of poultry and livestock waste is separate from regulation of other animal waste.

### THE CONTENT OF THE BILL:

The bill would amend the Solid Waste Management Act to prohibit sanitary landfills or municipal solid waste (MSW) incinerators from accepting yard clippings that were generated or collected after January 1, 1992 on land owned by a county, municipality or state facility. After January 1, 1994 landfills and MSW incinerators could not accept yard clippings for disposal from any source. The bill would also amend the act to modify the definition of "yard clippings" to mean "leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush or tree trimmings less than four feet in length and two inches in diameter that could be converted to compost humus." The term would not include stumps, agricultural wastes, animal waste, roots, sewage sludge, or garbage. In addition, the bill's provisions would not apply to yard clippings that were diseased or infested.

The bill would also amend the act to specify that organic waste generated in the production of livestock and poultry would not be included under the definition of solid waste.

### FISCAL IMPLICATIONS:

According to the Department of Natural Resources, the bill will have fiscal implications for the state because it would require inspections and enforcement actions to ensure compliance with the bill. However, an estimate of costs cannot be determined at this time. (7-18-90)

### ARGUMENTS:

#### For:

Grass clippings, leaves, wood chips, and other items such as these are natural composting and landscaping materials. It does not make sense for the state to allow these materials to be landfilled or burned at a time when landfill space is so scarce and the burning of waste adds to the pollution problem. Grass clippings and leaves decompose much faster in a natural setting than in a landfill with little moisture. The burning of leaves and wood can produce a smoke that is sometimes just as concentrated with toxins as smoke emitted into the air by industrial facilities. The bill will address these issues by establishing a state policy that requires citizens to find other uses for composting materials, thereby encouraging recycling and helping to reduce the amount of waste flowing into the waste stream.

#### For:

Under current law, management of waste generated from livestock and poultry is governed according to an agreement between the Departments of Agriculture and Natural Resources. The bill will maintain the agreement by excluding poultry and livestock waste from management as solid waste, thereby ensuring that the waste will be used according to generally accepted agricultural and management practices as set forth by the Agriculture Commission.

#### Against:

Although the concept of the bill is very noble, the bill is not practical. Currently, there are not enough composting facilities to meet the demand that would be established once the bill is in effect. The legislature has not addressed this issue, and although a representative of the waste management industry has suggested that private industry will probably be able to meet the demand for composting facilities, it is not clear whether this is actually the case. In addition, the bill will require the source separation of yard waste, thus increasing solid waste collection costs. Some industry representatives expect collection costs to increase 10-20 percent due to the need for a separate pickup of composting materials. Although it is expected that some of the costs to establish composting programs will be offset by money saved by not sending the waste to a landfill, it has been suggested that the costs for collection plus the costs of operating a composting facility will offset any cost savings that might have resulted from composting. Further,

H.B. 4872 (7-18-90)

it is not clear how the bill would be enforced.

**Response:** Although the initial costs to establish composting programs may exceed the cost of landfilling composting materials, the long-term savings to the state due to composting programs in terms of a reduction in waste entering the waste stream, a healthier environment and healthier citizens will make any costs to establish composting programs seem negligible.

***Against:***

Currently, local units can ban certain materials from their waste stream by enacting an ordinance that specifies the materials to be banned. Local units know what is best for their area, and the state should continue to allow the local units to act in ways that they think will serve their best interest.

**Response:** There are 83 counties and approximately 1,242 townships within the state of Michigan. If each decided to establish its own type of ban on yard waste, there would be no consistency in regards to treatment of the waste and no guarantee that the waste would decrease as a percentage of the waste stream. The bill will establish a relatively inexpensive and consistent policy to address the composting problem.

***Against:***

Many citizens burn leaves and other yard materials during the fall. However, by banning the landfilling or incineration of these materials, citizens will be forced to find an alternative way to dispose of these materials, and many feel that a ban on these disposal alternatives will lead to an increase in the burning of yard waste.

***POSITIONS:***

The Department of Natural Resources supports the bill. (7-18-90)

The American Lung Association of Michigan supports the bill. (7-18-90)

The Michigan Nursery and Landscape Association supports the bill. (7-19-90)

The Granger Waste Management Co. supports the concept of the bill. (7-18-90)