

ALLOW YARD CLIPPINGS IN DESIGNATED LANDFILLS

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House Bill 5334

Sponsor: Rep. Jeff Mayes

Committee: Energy and Technology

Complete to 10-19-09

A SUMMARY OF HOUSE BILL 5334 AS INTRODUCED 9-10-09

The bill would amend Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act (NREPA) to allow the disposal of yard clippings in a landfill that was designated as a landfill energy production facility in its operating license and to prescribe the requirements for receiving this designation.

Section 11514 of NREPA prohibits more than a de minimis amount of yard clippings to be knowingly delivered to or knowingly allowed to be disposed of in a landfill unless the clippings are diseased, infested, or from invasive species. House Bill 5334 would also make an exception for yard clippings sent to a landfill energy production facility. The clippings would have to be disposed of in landfill cells served by a landfill gas collection system in the landfill energy production facility.

Requirements for designation. A landfill that met all of the following requirements would be designated as a landfill energy production facility in its operating license:

- The landfill has a landfill gas collection system capable of recovering landfill gas from landfill cells receiving yard clippings and the landfill's operating record contains documentation of the system's installation.
- At least every other year, the landfill energy production facility recovered and "beneficially utilized" not less than 70 percent of the annual gas production from the landfill as a source of energy for one or more of the following uses: (1) generation of electricity, a direct fuel use, or any use as a substitute for a conventional fuel; (2) flaring during testing, maintenance, malfunction, or unplanned interruption of landfill gas collection or of an on-site or off-site energy use; for planning, construction, or proving capacity for an intended on-site or off-site energy use; or a similar reason.
- To calculate the percentage of landfill gas recovered and beneficially used, the amount of gas recovered as reported by the landfill in its annual report under Section 11507a would be divided by the estimated total amount of the gas generated by the landfill annually, and the quotient would be multiplied by 100.
- The two allowable methods for estimating the total amount of gas generated by the landfill annually are: (1) the EPA landfill gas emission model (LANDGEM) using prescribed default values for the methane generation rate and for the potential methane generation capacity; or (2) a site-specific gas

generation estimation proposed by the landfill owner or operator and approved by the Department of Environmental Quality.

- Flaring could not be used for more than a total of two continuous years, except that the Department of Environmental Quality would have to approve a request to extend flaring if the landfill owner or operator submitted a schedule for the use of landfill gas for the generation of electricity, a direct fuel use, or any other use as a substitute for conventional fuels.

Failure to meet 70 percent requirement. If a landfill energy production facility failed to meet the requirement that it recover and beneficially use at least 70 percent of its gas production, the Department of Environmental Quality could revoke, suspend, or modify the landfill's designation as a landfill energy production facility, in addition to other sanctions allowed under Part 115.

Annual report. Section 115107a requires a landfill owner or operator to submit an annual report to the state and to the county and municipality in which it is located that contains specified information about the amount of solid waste the landfill received and the landfill's remaining disposal capacity. Under the bill, a landfill designated as a landfill energy production facility would also have to report on (1) the amount of landfill gas recovered at the landfill during the year, as determined by metering or another approved method and (2) how the landfill gas was managed.

MCL 324.11504 et al.

FISCAL IMPACT:

Under current law, yard clippings may not be disposed in landfills. Yard waste must be separated and disposed of at recycling and composting sites. According to the Department of Environmental Quality (DEQ), total waste disposal in Michigan landfills was 57.1 million cubic yards in Fiscal Year 2008. DEQ receives revenue from the Solid Waste Surcharge which is charged on solid wastes that are disposed of in landfills. The landfill operators pay seven cents per cubic yard of solid waste.

Under House Bill 5334, yard clippings could now be disposed of in landfills, if those facilities qualify as a Landfill Energy Production Facility (LEPF). In FY 2008, approximately 1.1 million cubic yards of yard clippings were composted at registered composting facilities. Because yard clippings can now be deposited and would no longer have to be separated from solid waste, qualified landfills may receive a greater amount of waste which would generate additional revenue from the Solid Waste Surcharge to DEQ. The amount of this increase in revenue cannot be determined because it is dependent upon how much additional solid waste is taken to the landfill. However, if all 1.1 million cubic yards of yard clippings were taken to qualified landfills, the revenue increase would be \$77,000 annually to DEQ.

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