

ALLOW YARD CLIPPINGS IN DESIGNATED LANDFILLS

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House Bill 4265 (Substitute H-3)
Sponsor: Rep. Paul Opsommer

House Bill 4266 (Substitute H-2)
Sponsor: Rep. Ken Horn
Committee: Energy and Technology
Complete to 3-14-12

A SUMMARY OF HOUSE BILLS 4265 AND 4266 AS REPORTED BY COMMITTEE

The bills would amend Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act (NREPA) to allow the disposal of source separated yard clippings in a landfill under certain circumstances, require additional information in an annual report submitted by landfill owners or operators, and expand the type of yard clippings for which more than a *de minimis* amount may be landfilled. The bills are tie-barred to each other, meaning that neither could become law unless both were enacted.

House Bill 4265 would add Section 11512b to the NREPA (MCL 324.11512b) to allow source separated yard clippings to be disposed of in landfill cells serviced by a landfill gas collection system if the following requirements are met:

- Installation of the landfill gas collection system is documented in the landfill's operating record.
- The landfill recovers and uses gas produced from the landfill cells served by the landfill gas collection system as a source of energy for generating electricity, a direct fuel use, or any other use as a substitute for conventional fuels. The landfill could flare gas under any of the following circumstances:
 - for testing or maintenance;
 - if necessary because of malfunction or planned or unplanned interruption of the landfill gas collection system 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,
 - for other reasons of a limited, temporary, or intermittent nature.
- If the landfill is owned or operated by a municipality, county, or governmental authority created pursuant to statute, the governing body of the public entity has held a public hearing on the issue of disposing of source separated yard clippings at the landfill.

House Bill 4266 would amend Sections 11507a and 11514 of NREPA (MCL 324.11507a and 325.11514) to require additional information to be added to the annual report submitted by landfill owners or operators and expand the types of yard clippings of which more than a *de minimis* amount can be delivered to or disposed of in a landfill.

Annual report. Section 115107a of NREPA 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 that accepted yard clippings under House Bill 4265 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; (2) how the landfill gas was utilized; and (3) the time periods during which any flaring took place and the reasons for the flaring.

Yard clippings. 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 4266 would also make an exception if the landfill utilizes landfill gas as a source of energy as provided under the provisions of House Bill 4265; the yard clippings do not consist of shrubbery, brush, or tree trimmings; the yard clippings are source separated; and before January 1, 2015, the yard clippings are transported to the landfill in a vehicle that is not transporting any other solid waste or that allows the source separated yard clippings to be unloaded separately from other solid waste in a manner not otherwise prohibited by law.

FISCAL IMPACT:

Under current law, yard clippings may not be disposed on in landfills. Yard waste must be separated and disposed of at recycling and composting sites. According to the Department of Environmental Quality (DEQ), the total solid waste disposal in Michigan landfills in FY 2011 was approximately 40 million cubic yards. DEQ receives revenue from the Solid Waste Surcharge which is charged on solid wastes that are disposed of in landfills. The landfill owners and operators pay the surcharge fee of twelve cents per cubic yard of solid waste. In FY 2011-12, these fees will generate approximately \$4.6 million.

Under the provisions of House Bill 4265 (H-3), source separated yard clippings could now be disposed of in landfills, if those facilities are served by a landfill gas collection system. In FY 2011, approximately 1.4 million cubic yards of yard clippings were composted at registered composting facilities. Because the bill would allow source separated yard clippings to now be deposited at qualified landfills, those landfills may receive a greater amount of waste which would generate additional revenue from the Solid Waste Surcharge to the 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 1.4 million cubic yards of yard clippings were source separated and taken to qualified landfills, the revenue increase would be \$168,000 annually to DEQ.

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