



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4265 (Substitute H-3 as passed by the House)
House Bill 4266 (Substitute H-2 as passed by the House)
Sponsor: Representative Paul Opsommer (H.B. 4265)
Representative Ken Horn (H.B. 4266)
House Committee: Energy and Technology
Senate Committee: Energy and Technology

Date Completed: 5-14-12

CONTENT

House Bill 4266 (H-2) would amend Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act to do the following:

- Create an exception to the ban on landfill disposal of yard waste clippings for the generation of landfill gas as a source of energy.
- Require a landfill owner or operator that accepted yard clippings for the generation of landfill gas to include information about the amount and use of the gas in a required annual report.

House Bill 4265 (H-3) would amend Part 115 to prescribe conditions for the disposal of yard clippings in a landfill for the collection of landfill gas.

The bills are tie-barred.

House Bill 4266 (H-2)

Disposal of Yard Clippings in Landfill

Part 115 prohibits the disposal in a landfill of more than a de minimis amount of yard clippings, unless they are diseased, infested, or composed of invasive species. The bill would create an exception if the landfill used landfill gas as a source of energy as provided in Section 11512b (which House Bill 4265 (H-3) would add), and all of the following applied to the yard clippings:

- They did not consist of shrubbery, brush, or tree trimmings.
- They were segregated at the source of generation.
- Before January 1, 2015, they were transported to the landfill in a vehicle that was not transporting any other solid waste or that allowed the source separated clippings to be unloaded separately from other solid waste in a manner not otherwise prohibited by law.

Annual Report

The owner or operator of a landfill annually must submit to the State, and the county and municipality in which the landfill is located, a report that contains information on both of the following:

- The amount of solid waste the landfill received during the year, to the extent possible, by county, state, or country of origin.
- The amount of remaining disposal capacity at the landfill.

Under the bill, if the landfill accepted yard clippings, the report also would have to include all of the following:

- The amount of landfill gas recovered during the year, as determined by metering or other approved method.
- How the gas was used.
- The time periods during which any flaring took place and the reasons for it.

State Solid Waste Management Objectives

Part 115 requires the State to develop policies and practices that promote recycling and the reuse of materials and, to the extent practical, minimize the use of landfilling as a method for waste disposal. Part 115 states, "Policies and practices that promote recycling and reuse of materials, including materials from electronic devices, will conserve raw materials, conserve landfill space, and avoid the contamination of soil and groundwater from heavy metals and other pollutants." The bill also would indicate that such policies and practices provide alternative energy sources.

House Bill 4265 (H-3)

The bill would add Section 11512b, which would allow yard clippings maintained segregated from other solid waste at the source of generation to be disposed of in landfill cells served by a landfill gas collection system if all of the following requirements were met:

- Installation of the gas collection system was documented in the landfill's operating record.
- The landfill recovered and used gas produced from those cells as a source of energy for generating electricity, a direct fuel use, or any other use as a substitute for conventional fuels.
- If the landfill were owned or operated by a municipality, county, or statutory governmental authority, the applicable governing body had held a public hearing on the issue of disposing of source separated yard clippings at the landfill.

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 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.
- For other reasons of a limited, temporary, or intermittent nature.

Proposed MCL 324.11512b (H.B. 4265)
MCL 324.11507a & 324.11514 (H.B. 4266)

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have a small, likely positive fiscal impact on the Department of Environmental Quality (DEQ). Waste that is disposed of at a landfill is currently subject to a fee of 12 cents per cubic yard. Any yard waste disposed of in a landfill under the bill would be subject to that fee as well. According to the DEQ, each year approximately 1.4 million cubic yards of yard waste are brought to composting facilities, where this fee is not charged. Assuming that some percentage of yard waste disposal was switched from composting facilities to landfills, the DEQ would receive new revenue of between \$0 and \$168,000 annually.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.