

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Environmental Preservation and Conservation Committee

BILL: CS/ SB 1052

INTRODUCER: Committee on Environmental Preservation and Conservation and Senator Gaetz

SUBJECT: Solid Waste Disposal

DATE: April 20, 2010 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiggins	Kiger	EP	Fav/CS
2.			CA	
3.				
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

The Committee Substitute (CS) amends s. 403.708, F. S., to allow the disposal of yard trash in Class I landfills that use an active landfill gas collection system and provide or arrange for beneficial use of the gas.

The CS amends s. 403.708, F. S.

The CS has an effective date of July 1, 2010.

**II. Present Situation:**

According to chapter 62-701.340, Florida Administrative Code, Class I landfills are those that receive an average of 20 tons or more of Class I waste per day. Class I waste means solid waste that is not hazardous waste, and that is not prohibited from disposal in a lined landfill. Currently, section 403.708, F.S., prohibits the deposit of yard trash in lined landfills classified by the Department of Environmental Protection (DEP) rule as Class I landfills. Yard trash that is source separated from solid waste may be accepted at a solid waste disposal area where separate yard trash composting facilities are provided and maintained. According to DEP, many local

governments have expended significant money on implementing separate collection programs for yard trash. Due to the rising cost of purchasing additional land for landfill purposes, depositing yard trash in landfills has been discouraged. There are businesses that turn yard trash into mulch and other products and cities and municipalities are encouraged to recycle yard trash.

Section 403.706, F.S., requires each county to implement a plan to achieve a goal of composting no less than 5% and up to 10% of organic materials that would otherwise be disposed of in a landfill.

The Energy, Climate Change and Economic Security Act of 2008 established a new statewide recycling goal of 75% by 2020. The act directed DEP to submit to the Florida Legislature a comprehensive program to achieve this goal. On January 4, 2010, the DEP submitted the required report to the Legislature.

According to the report, Florida generates more than 32 million tons of municipal solid waste annually, almost two tons per resident per year. Today, more than two decades after the Legislature passed Florida's first 30% recycling goal, Floridians collectively recycle only 28% of their solid waste. The report explores ways to change that fact through heightened public awareness, state leadership, development and expansion of recycling markets, and more investments throughout the local government and commercial sectors.

### **III. Effect of Proposed Changes:**

**Section 1:** Amends s. 403.708, F. S. to allow Class I landfills, that have an active gas collection system and provide or arrange for use of the landfill gas, to accept yard trash. Further a qualified permitted Class I landfill, before receiving yard trash, must obtain a minor permit modification to its operating permit which describes the beneficial use being made of the landfill gas and modifies the facility's operation plan. The permittee must certify that gas collection and beneficial use will continue after the disposal unit is closed.

According to DEP<sup>1</sup>, 44 landfills have active gas collection systems. There are currently about 12 active landfills with active gas collection systems that beneficially use the gas. Those landfills would be affected by this CS. This CS would allow those landfills to accept yard trash for disposal. There are also about 32 landfills that actively collect landfill gas but do not beneficially use the gas. Some of those landfills could install a system to beneficially use the gas, and those landfills would then also be allowed to accept yard trash.

The elimination of the lined landfill yard trash ban could impact several different fronts. Combined collection with household waste might, in some cases, result in more efficient collection and possibly fewer waste-hauling trucks on the road. This, in turn, may result in a cost savings. Decreased vehicle traffic would positively impact energy consumption and greenhouse gas emissions. On the other hand, when yard trash is disposed of in a landfill, it decomposes under anaerobic conditions and generates methane, a greenhouse gas that has a global warming potential 21 times greater than carbon dioxide. If this methane is captured very efficiently and

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<sup>1</sup> [http://www.dep.state.fl.us/waste/quick\\_topics/publications/shw/recycling/75percent/75\\_recycling\\_report.pdf](http://www.dep.state.fl.us/waste/quick_topics/publications/shw/recycling/75percent/75_recycling_report.pdf).

utilized to produce energy, it may result in energy savings and reduced greenhouse gas emissions. If the methane produced by the yard trash is not captured very efficiently, total greenhouse gas emissions would be expected to increase. It is not yet clear whether the active gas collection systems currently in place will operate efficiently enough to result in an overall decrease in greenhouse gas emissions.

Combining collection of household waste and yard trash would have an impact on the waste management industry specifically, local governments, landfill operators, haulers, yard trash facilities, biomass facilities, and compost/top soil producers. A study is currently underway as part of a DEP-funded research effort under contract with the University of Florida to evaluate the overall impacts of allowing yard trash disposal in some lined landfills. Allowing these landfills to accept yard trash will, most likely, increase the amount of landfill gas generated, resulting in greater efficiency and more alternative fuel produced. However, the amount of yard trash that is available for mulch or compost would be reduced. Allowing yard trash to be disposed of in Class I landfills may also impede the local government's composting requirement provided for in s. 403.706, F.S. This section set a goal that no less than 5 percent of the organic material will be composted within the county and its municipalities. To allow yard trash, the most likely materials to be composted, to go to Class I landfills could make it more challenging for some counties to achieve this goal. Further s. 403.706 (2), F.S., encourages each county to consider plans for mulching organic materials that would otherwise be disposed of in a landfill. The most likely material to produce mulch is yard trash.

**Section 2.** Provides for an effective date of July 1, 2010.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

**B. Private Sector Impact:**

Owners of Class I landfills may benefit from the allowance of yard trash in landfills that collect the gas and use it or sell it. Businesses that operate yard trash processing facilities may see a reduction in the availability of yard trash. Class I landfills may elect to install a system to collect landfill gas and use it and would incur start up costs of the system and its installation.

**C. Government Sector Impact:**

Specific impacts are unknown. Since the CS is permissive each local government still retains control of the yard trash waste stream. Since many local governments have separate collection programs for yard trash they may realize a savings by the potential to combine collection programs.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Environmental Preservation and Conservation on April 20, 2010:**

The CS specifies that a qualified permitted Class I landfill must obtain a minor permit modification to its operating permit which describes the beneficial use being made of the landfill gas and modifies the facility's operation plan before receiving yard trash. The permittee must certify that gas collection and beneficial use will continue after the disposal unit that is accepting yard trash is closed.

**B. Amendments:**

None.