

**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: SB 2416

INTRODUCER: Senator Gaetz

SUBJECT: Relating to Solid Waste Disposal

DATE: March 31, 2009

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiggins	Kiger	EP	<b>Favorable</b>
2.			CA	
3.				
4.				
5.				
6.				

---

**I. Summary:**

The bill amends s. 403.78, F.S., to allow yard trash into Class I landfills if they use an active gas collection system to collect landfill gas generated at the disposal facility and provide for a beneficial use of the gas.

This act shall take effect July 1, 2009.

The bill amends section 403.78, Florida Statutes.

**II. Present Situation:**

Currently, there are 53 active Class I landfills and 41 Class III landfills in Florida. According to rule 62-701.340, Florida Administrative Code, landfills or solid waste disposal units are classified according to the amount or types of wastes received.

- Class I landfills are those which receive an average of 20 tons or more of Class I waste<sup>1</sup> per day.
- Class II landfills are those which receive an average of less than 20 tons of Class I waste per day. (These are no longer being permitted since most such facilities opt to be permitted as a Class I landfill.)
- Class III landfills are those which receive only Class III waste<sup>2</sup>. Class III landfills cannot accept putrescible household waste. The DEP shall exempt Class III landfills from some or

---

<sup>1</sup> Class I wastes means solid waste which is not hazardous waste, and which is not prohibited from disposal in a lined landfill. (rule 62-701.200, F.A.C.)

all of the requirements for liners, leachate controls, and water quality monitoring if the applicant demonstrates that no significant threat to the environment will result from the exemption based upon the types of waste received, methods for controlling types of waste disposed of, and the results of the required hydrogeological and geotechnical investigations.

Section 408.708, F.S., prohibits yard waste from being placed in a landfill. According to the statute, yard trash may only be accepted at a Class I facility where separate yard trash composting facilities are provided. Most local governments now arrange for a separate collection of yard trash from residences and businesses. The yard trash is either taken to a processing facility to be turned into mulch, compost, or fuel or it is disposed of in a Class III landfill or construction and demolition (C&D) debris disposal facility.

Due to the rising cost of gas and Florida's stalled economy there is an increased interest in innovative ways to reduce waste. Historically, placing yard waste in landfills has been discouraged due to the cost of purchasing land for landfill purposes. There are businesses that turn yard waste into mulch and other products and cities and municipalities are encouraged to recycle their yard waste. This eliminates yard waste from the landfills and allows these businesses to provide a service, eliminate waste, and turn a profit. In 2008, SB 2052 amended, s. 403.7061, F.S., to allow, rather than require, the DEP to initiate certain rulemaking regarding waste-to-energy (WTE) facilities. This allows DEP to only initiate rulemaking if a need arises. DEP has not received any requests or recognized a need to initiate this change to the prohibition on yard waste in landfills.

According to DEP, there are approximately nine landfills that are fitted to collect the gas and use it for a beneficial purpose. This bill would allow those landfills to accept yard trash for disposal. There are also about 45 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.

DEP has reported, that proponents of the bill suggest that allowing these landfills to accept yard trash will increase the amount of landfill gas generated, resulting in greater efficiency and more alternative fuel produced. However, the bill would also reduce the amount of yard trash that is available for mulch or compost.

The bill may make it more difficult for counties who are implementing the requirements in sections 403.706(2)(d) and (e), F.S., amended by HB 7135<sup>3</sup>. Subsection 403.706(2), F.S., requires each county to develop and implement a plan to compost organic materials that would otherwise be disposed of in a landfill. It sets a goal of no less than 5 percent of the organic material would be composted within the county and its municipalities. To allow yard trash, the most likely material to be composted, to go to Class I landfills, makes it more challenging for counties to achieve this goal. This subsection also encourages each county to consider plans for mulching organic materials that would otherwise be disposed of in a landfill. The most likely material to be used to produce mulch is yard trash.

---

<sup>2</sup> "Class III wastes" means yard trash, construction and demolition debris, processed tires, asbestos, carpet, cardboard, paper, glass, plastic, furniture other than appliances, or other materials approved by the DEP that are not expected to produce leachate which poses a threat to public health or the environment.

<sup>3</sup> Ch. 2008-227 L.O.F. The Energy Climate Change, and Economic Security Act of 2008

**III. Effect of Proposed Changes:**

**Section 1** amends section 403.78, F.S., and would allow yard trash into landfills classified as Class I landfills provided they collect landfill gas generated at the disposal facility and reuse that gas in a beneficial manner.

**Section 2** provides that the act shall take effect July 1, 2009.

**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:**

Privately owned landfills may benefit from the allowance of yard trash in landfills that collect the gas and reuse it. Businesses that operate yard trash processing facilities could see a decrease in the availability of yard trash. Businesses that operate Class III landfills or C&D disposal facilities could see a decrease in tipping fees if yard trash is diverted to Class I landfills. Businesses that operate a Class I landfill and elect to put in a system to beneficially use landfill gas would incur some up-front costs of installing such a system.

**Government Sector Impact:**

According to DEP, many local governments have expended significant money on implementing separate collection programs for yard trash. In some cases the local government might save money if it could do away with separate collections and just take all the yard trash to the Class I landfill. In other cases the local government might find it more difficult or expensive to collect enough yard trash to continue supplying a mulching, composting, or fuel-making operation.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

According to DEP, combining collection of household waste and yard trash could have a major impact on the waste management industry, and may impact local governments, landfill operators, haulers, yard trash facilities, biomass facilities, and compost/top soil producers. All of these outcomes, as well as the methane potential of yard trash, are being explored in detail as part of a department-funded research effort under contract with the University of Florida.

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

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

None.

**B. Amendments:**

None.