

The Florida Senate  
**VETO MESSAGE BILL ANALYSIS**

(This document is based on the enrolled bill, as presented to the Governor.)

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

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BILL: CS/HB 569

INTRODUCER: Agriculture and Natural Resources Policy Committee and Rep. Poppell

SUBJECT: Solid Waste Disposal

DATE: June 15, 2010

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

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Withdrawn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

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**I. Summary:**

The Committee Substitute (CS) amends s. 403.708, F.S., to allow Class I landfills to accept yard trash provided they: are designed to utilize an active gas collection system, arrange for the beneficial use of the landfill gas collected at such facilities, and obtain a permit modification. The CS would also permit these landfills to accept yard trash for the purposes of using it for landfill cover.

The CS requires that the 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 facility closes. Further, if the landfill is located in a county that owns and operates a compost facility, a waste-to-energy facility, or a biomass facility that sells renewable energy to a public utility and that is authorized to accept yard trash, the Department of Environmental Protection (DEP) must notify and provide the county the opportunity to comment on the application for permit modification. This exception for the disposal of yard trash created by the bill does not apply to a county that operates under a constitutional home rule charter<sup>1</sup>.

Finally, the CS provides that the exception to the ban on disposing yard trash in a Class I landfill is not intended to have a material impact on current operations at existing waste-to-energy or biomass facilities.

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

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<sup>1</sup> Currently only Miami-Dade County operates under a constitutional home rule charter.

The CS amends s. 403.708, Florida Statutes.

## 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 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 funds 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., encourages counties to develop plans for mulching 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 active gas collection systems and provide or arrange for beneficial 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. Landfills would also be permitted to accept yard trash for the purposes of using it for cover.

Provisions are also created to provide that the DEP notify and provide an opportunity to comment to any county in which a landfill is located if the county owns and operates a compost facility, a waste-to-energy facility, or a biomass facility that sells renewable energy to a public utility and that is authorized to accept yard trash,

The CS provides that the exceptions for disposal of yard trash in a Class I landfill does not apply to a county that operates under a constitutional home rule charter. Additionally, the CS provides that is not the intent of the legislature that the yard trash exception have a material impact on operations at waste-to-energy or biomass facilities.

According to DEP<sup>2</sup>, 44 landfills have active gas collection systems. There are currently 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 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 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. Section 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. To allow yard trash to go to Class I landfills could discourage counties from pursuing plans for mulching or composting those materials.

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

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

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<sup>2</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).

**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. Veto:****A. Governor's Stated Reason for Veto:**

CS/HB 569 allows the disposal of yard trash in Class I landfills, a practice currently prohibited by Florida's Solid Waste Management Act. Although the bill requires landfills to capture and make beneficial use of methane gas to qualify to accept yard trash, it directs materials to landfills that would otherwise be recycled. The Governor stated that he was concerned with the lack of Florida-specific data to support a conclusion that the proposed practice would result in a net reduction of greenhouse gases or a savings to consumers.

The Governor further stated that because Florida is a leader in recycling he was concerned that this bill will be a step backward in our efforts. Additionally, the Governor stated that maintaining a ban on yard trash disposal in a Class I landfill means it will extend the life of these costly and difficult to site facilities.

**B. Professional Staff Comments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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