

1                   A bill to be entitled  
 2           An act relating to solid waste disposal; amending s.  
 3           403.708, F.S.; authorizing the disposal of yard trash at a  
 4           Class I landfill if the landfill has a system for  
 5           collecting landfill gas and arranging for the reuse of the  
 6           gas; requiring the Department of Environmental Protection  
 7           to develop and adopt a methodology to award recycling  
 8           credit for such use; requiring the landfill to obtain a  
 9           minor permit modification to its operating permit before  
 10          receiving yard trash; specifying which entities of local  
 11          government may accept incidental amounts of yard trash at  
 12          a landfill; providing applicability; providing an  
 13          effective date.

14  
 15 Be It Enacted by the Legislature of the State of Florida:

16  
 17           Section 1. Paragraph (c) of subsection (12) of section  
 18           403.708, Florida Statutes, is amended to read:

19           403.708 Prohibition; penalty.—

20           (12) A person who knows or should know of the nature of  
 21           the following types of solid waste may not dispose of such solid  
 22           waste in landfills:

23           (c)1. Yard trash in lined landfills classified by  
 24           department rule as Class I landfills, unless the Class I  
 25           landfill uses an active gas-collection system to collect  
 26           landfill gas generated at the disposal facility and provides or  
 27           arranges for a beneficial use of the gas. A Class I landfill may  
 28           also accept yard trash for the purpose of mulching and using the

29 yard trash to provide landfill cover for municipal solid waste  
30 disposed at the landfill. The department shall, by rule, develop  
31 and adopt a methodology to award recycling credit for the use or  
32 disposal of yard trash at a Class I landfill having a gas-  
33 collection system that makes beneficial use of the collected  
34 landfill gas. A qualifying permitted Class I landfill must  
35 obtain a minor permit modification to its operating permit which  
36 describes the beneficial use being made of the landfill gas and  
37 modifies the facility's operation plan before receiving yard  
38 trash as authorized under this subparagraph. The permittee must  
39 certify that gas collection and beneficial use will continue  
40 after closure of the disposal facility that is accepting yard  
41 trash. If the landfill is located in a county that owns and  
42 operates a compost facility, waste-to-energy facility, or  
43 biomass facility that sells renewable energy to a public utility  
44 and that is authorized to accept yard trash, the department  
45 shall provide the county with notice of, and opportunity to  
46 comment on, the application for permit modification.

47 2. Yard trash that is source separated from solid waste  
48 may be accepted at a solid waste disposal area if ~~where~~ separate  
49 yard trash composting facilities are provided and maintained.  
50 The department recognizes that incidental amounts of yard trash  
51 may be disposed of in Class I landfills. In any enforcement  
52 action taken pursuant to this paragraph, the department shall  
53 consider the difficulty of removing incidental amounts of yard  
54 trash from a mixed solid waste stream. This limited exception  
55 applies in all units of local government, including, but not  
56 limited to, municipalities, counties, and special districts.

57 However, the exception does not apply to a county that currently  
58 operates under a constitutional home rule charter authorized in  
59 1956 in a statewide referendum. The limited exception to the ban  
60 on disposing of yard trash in a Class I landfill is not intended  
61 to have a material impact on current operations at existing  
62 waste-to-energy or biomass facilities.

63 Section 2. This act shall take effect July 1, 2010.