



816484

LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/23/2010 04:21 PM

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Senators Gaetz and Sobel moved the following:

1           **Senate Substitute for Amendment (130306) (with title**  
2 **amendment)**

3  
4           Between lines 925 and 926  
5 insert:

6           Section 13. Paragraph (c) of subsection (12) of section  
7 403.708, Florida Statutes, is amended to read:

8           403.708 Prohibition; penalty.—

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

12           (c)1. Yard trash in lined landfills classified by  
13 department rule as Class I landfills, unless the Class I



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14 landfill uses an active gas-collection system to collect  
15 landfill gas generated at the disposal facility and provides or  
16 arranges for a beneficial use of the gas. A Class I landfill may  
17 also accept yard trash for the purpose of mulching and utilizing  
18 such yard trash to provide landfill cover for municipal solid  
19 waste disposed at the landfill. The department, by rule, shall  
20 develop and adopt a methodology to award recycling credit for  
21 the use of yard trash at a Class I landfill with a gas-  
22 collection system that makes beneficial use of the collected  
23 landfill gas. A qualifying permitted Class I landfill shall  
24 obtain a minor permit modification to its operating permit which  
25 describes the beneficial use being made of the landfill gas and  
26 modifies the facility's operation plan before receiving yard  
27 trash as authorized by this subparagraph. The permittee must  
28 certify that gas collection and beneficial use will continue  
29 after closure of the disposal facility that is accepting yard  
30 trash. If the landfill is located in a county that owns and  
31 operates a compost facility, waste to energy facility, or  
32 biomass facility that sells renewable energy to a public utility  
33 and that is authorized to accept yard trash, then the department  
34 shall provide to the county notice of, and opportunity to  
35 comment on, the application for permit modification.

36 2. Yard trash that is source separated from solid waste may  
37 be accepted at a solid waste disposal area if ~~where~~ separate  
38 yard trash composting facilities are provided and maintained.  
39 The department recognizes that incidental amounts of yard trash  
40 may be disposed of in Class I landfills. In any enforcement  
41 action taken pursuant to this paragraph, the department shall  
42 consider the difficulty of removing incidental amounts of yard



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43 trash from a mixed solid waste stream. This limited exception  
44 applies to all units of local government, including, but not  
45 limited to municipalities, counties, and special districts.  
46 However, this limited exception does not apply to any county  
47 that currently operates under a constitutional home rule charter  
48 previously authorized in 1956 by the voters of Florida in a  
49 statewide referendum. This limited exception to the ban on  
50 disposing of yard trash in a Class I landfill is not intended to  
51 have a material impact on current operations at existing waste-  
52 to-energy or biomass facilities.

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55 ===== T I T L E A M E N D M E N T =====

56 And the title is amended as follows:

57 Delete line 69

58 and insert:

59 a cross-reference; requirements; providing an  
60 exemption; amending s. 403.708, F.S.; authorizing the  
61 disposal of yard trash at a Class I landfill if the  
62 landfill has a system for collecting landfill gas and  
63 arranges for the reuse of the gas; requiring that the  
64 department develop and adopt a methodology to award  
65 recycling credit for the use of yard trash at certain  
66 Class I landfills; requiring that a qualifying  
67 permitted Class I landfill obtain a minor permit  
68 modification to its operating permit before receiving  
69 yard trash; providing application; repealing s.  
70 288.1185, F.S.;