Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1220 of the Regular Session

1	State of Arkansas	As Engrossed: S3/26/09		
2	87th General Assembly	A Bill		
3	Regular Session, 2009		SENATE BILL 870	
4				
5	By: Senator Teague			
6				
7				
8		For An Act To Be Entitled		
9	AN ACT TO PERMIT SOLID WASTE MANAGEMENT			
10	FACILITI	ES TO COLLECT AND CONVERT METHANE	GAS	
11	FROM LAN	DFILLS TO ELECTRICITY OR OTHER		
12	ALTERNAT	IVE SOURCES OF ENERGY; AND FOR OTH	HER	
13	PURPOSES	•		
14				
15		Subtitle		
16	TO PE	RMIT THE USE OF LANDFILL GAS IN TH	ΗE	
17	CREAT	ION OR PRODUCTION OF ALTERNATIVE		
18	SOURC	ES OF ENERGY.		
19				
20				
21	BE IT ENACTED BY THE GR	ENERAL ASSEMBLY OF THE STATE OF AR	KANSAS:	
22				
23	SECTION 1. Arkan	nsas Code § 8-6-220 is amended to	read as follows:	
24	8-6-220. Yard wa	aste.		
25	(a) <u>(1)(A) Except</u>	t as provided in subdivision (a)(2	?) of this section, it	
26	It is established by th	his section that it is illegal for	any yard waste to be	
27	placed in a solid waste	e management facility solely for t	the purpose of	
28	disposal, except for fo	ugitive amounts of yard waste.		
29	<u>(B)</u>	A permitted solid waste landfill	may collect landfill	
30	gas from the fugitive a	amounts of yard waste for conversi	on to energy.	
31	(2)(A) If	authorized by the Arkansas Depart	ment of Environmental	
32	Quality through a perm	it modification process including	a public notice and	
33	comment period, yard wa	aste may be accepted by a permitte	ed solid waste	
34	landfill that operates a landfill gas to energy system for the recovery and			
35	use of landfill gas as	a renewable energy fuel source.		



As Engrossed: S3/26/09 SB870

1	(B) The department shall consider, at a minimum, the
2	following before authorizing yard waste to be accepted by a solid waste
3	landfill for disposal:
4	(i) The number and types of permitted compost
5	facilities accepting yard waste within the service areas of the solid waste
6	landfill;
7	(ii) The environmental impact of the proposed change
8	in disposing of yard waste at a solid waste landfill instead of a permitted
9	compost facility;
10	(iii) The financial impact to each permitted compost
11	facility located within the service area of the solid waste landfill;
12	(iv) Whether the regional solid waste management
13	board hosting the solid waste landfill and hosting a permitted compost
14	facility within the landfill's service area supports the request;
15	(v) The amount of yard waste the solid waste
16	landfill intends to accept and the basis for estimating the volume of yard
17	waste to be disposed in the landfill;
18	(vi) The financial impact to residents and industry
19	within the service area of the solid waste landfill;
20	(vii) The location of the solid waste landfill;
21	(viii) The location within the solid waste landfill
22	for the placement of yard waste;
23	(ix) The plans to offset the effects of disposing or
24	yard waste on the volume reduction for municipal waste disposal;
25	(x) A description and timeline for the landfill gas
26	collected from the yard waste to become a renewable energy fuel source;
27	(xi) The design and efficiency of the landfill gas
28	collection system;
29	(xii) A list of purchase power agreements that
30	guarantee the collection and use of the landfill gas collected from the yard
31	waste for energy conversion; and
32	(xiii) Other information as may be required by the
33	<u>department.</u>
34	(C) Landfill gas recovered through the landfill gas to
35	energy system shall be utilized for the generation of electricity or used as
36	a substitute for conventional fuels

1	(b)(1) In addition to composting requirements for regional solid waste			
2	management districts set forth in § 8-6-719, each district shall furnish yard			
3	waste reduction or usage and/or opportunities to ensure that its residents			
4	are provided with the availability to choose, based upon need by population			
5	and/or or area, ways and means of usage, reduction, reuse, and/or or			
6	composting of yard waste.			
7	(2) Such choices of yard waste reduction and/or or usage shall			
8	be submitted to the Arkansas Department of Environmental Quality for approval			
9	and shall become an integral part of the district's solid waste management			
10	plan.			
11	(c) For purposes of As used in this section:			
12	(1) "Fugitive amounts of yard waste" means small quantities that			
13	escape the approved methods of usage, reduction, reuse, or composting of yard			
14	waste; and			
15	(2) "Landfill gas to energy system" means the process of			
16	collecting, storing, and converting landfill gas to electricity for a direct			
17	fuel use or other use as a substitute for conventional fuels, including			
18	without limitation flaring for system testing, system maintenance, or proving			
19	capacity for an intended energy use; and			
20	$\frac{(2)}{(3)}$ "Yard waste" means grass clippings, leaves, and shrubbery			
21	trimmings.			
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23	/s/ Teague			
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25	APPROVED: 4/7/2009			
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