

**ARKANSAS SENATE**  
87th General Assembly - Regular Session, 2009  
**Amendment Form**

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**Subtitle of Senate Bill No. 870**

"TO PERMIT THE USE OF LANDFILL GAS IN THE CREATION OR PRODUCTION OF  
ALTERNATIVE SOURCES OF ENERGY."

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**Amendment No. 1 to Senate Bill No. 870.**

Amend Senate Bill No. 870 as originally introduced:

Delete Section 1 in its entirety and substitute the following:

"SECTION 1. Arkansas Code § 8-6-220 is amended to read as follows:  
8-6-220. Yard waste.

(a)(1)(A) Except as provided in subdivision (a)(2) of this section, it is illegal for any yard waste to be placed in a solid waste management facility solely for the purpose of disposal, except for fugitive amounts of yard waste.

(B) A permitted solid waste landfill may collect landfill gas from the fugitive amounts of yard waste for conversion to energy.

(2)(A) If authorized by the Arkansas Department of Environmental Quality through a permit modification process including a public notice and comment period, yard waste may be accepted by a permitted solid waste landfill that operates a landfill gas to energy system for the recovery and use of landfill gas as a renewable energy fuel source.

(B) The department shall consider, at a minimum, the following before authorizing yard waste to be accepted by a solid waste landfill for disposal:

(i) The number and types of permitted compost facilities accepting yard waste within the service areas of the solid waste landfill;

(ii) The environmental impact of the proposed change in disposing of yard waste at a solid waste landfill instead of a permitted compost facility;

(iii) The financial impact to each permitted compost facility located within the service area of the solid waste landfill;

(iv) Whether the regional solid waste management board hosting the solid waste landfill and hosting a permitted compost facility within the landfill's service area supports the request;

(v) The amount of yard waste the solid waste landfill intends to accept and the basis for estimating the volume of yard waste to be disposed in the landfill;

(vi) The financial impact to residents and industry



within the service area of the solid waste landfill;

(vii) The location of the solid waste landfill;

(viii) The location within the solid waste landfill  
for the placement of yard waste;

(ix) The plans to offset the effects of disposing of  
yard waste on the volume reduction for municipal waste disposal;

(x) A description and timeline for the landfill gas  
collected from the yard waste to become a renewable energy fuel source;

(xi) The design and efficiency of the landfill gas  
collection system;

(xii) A list of purchase power agreements that  
guarantee the collection and use of the landfill gas collected from the yard  
waste for energy conversion; and

(xiii) Other information as may be required by the  
department.

(C) Landfill gas recovered through the landfill gas to  
energy system shall be utilized for the generation of electricity or used as  
a substitute for conventional fuels.

(b)(1) In addition to composting requirements for regional solid waste management districts set forth in § 8-6-719, each district shall furnish yard waste reduction or usage and/or opportunities to ensure that its residents are provided with the availability to choose, based upon need by population ~~and/or~~ or area, ways and means of usage, reduction, reuse, ~~and/or~~ or composting of yard waste.

(2) Such choices of yard waste reduction ~~and/or~~ or usage shall be submitted to the Arkansas Department of Environmental Quality for approval and shall become an integral part of the district's solid waste management plan.

(c) ~~For purposes of~~ As used in this section:

(1) "Fugitive amounts of yard waste" means small quantities that escape the approved methods of usage, reduction, reuse, or composting of yard waste; ~~and~~

(2) "Landfill gas to energy system" means the process of  
collecting, storing, and converting landfill gas to electricity for a direct  
fuel use or other use as a substitute for conventional fuels, including  
without limitation flaring for system testing, system maintenance, or proving  
capacity for an intended energy use; and

~~(2)~~(3) "Yard waste" means grass clippings, leaves, and shrubbery trimmings."

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Teague  
MAG/CDS - 03-25-2009 09:26  
MAG318

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Secretary