

Yard “Waste”¹ Management Committee Consensus Points

Introduction

Under the leadership of Governor Ruth Ann Minner the Department of Natural Resources and Environmental Control established the Yard “Waste” Management Committee (“Committee”) to advise the State on the effects of banning yard “waste” from disposal, as proposed in Senate Bill 225. These issues include educating various segments of the population on sustainable behavior and how to best manage their yard “waste,” the capability of the private sector to manage the material that would be diverted from the landfills, and the marketability of the products made from the diverted material. The Committee met four times between August and December of 2005 and established subcommittees to evaluate yard “waste” collection, processing, marketing, and education. In addition, the Committee reviewed guidance drafted by DNREC for the design and operation of composting facilities², considered the effect of a ban on homeowners and businesses, identified zoning and land use issues, made recommendations regarding enforcement, and considered the yard “waste” elements of Senate Bill 225.

To help respond to questions from legislators and their constituents concerning the impact that a proposed ban on yard “waste” disposal would have on Delaware residents and businesses, the Committee endorses the concept of such a ban and agrees to the following points:

1. Yard “Trimnings” are a Valuable Resource and Should be Diverted From Disposal

The Committee arrived at several broad but important conclusions regarding yard “waste” management in the State of Delaware based on experiences both in Delaware and in other states. These conclusions are listed below and are incorporated into the body of this report:

- Yard “waste” is not a “waste” but a valuable resource and should not be disposed of or allowed to take up costly landfill space. To eliminate the negative connotation of “waste” this material shall be referred to as “yard trimmings.”
- Private sector and local government solutions of managing yard trimmings have proven effective and should be encouraged.
- DSWA may not be needed to manage this material and should serve only as the choice of last resort. Most states handle this at the county or municipal level or in the private sector.
- Yard trimmings diversion promotes sustainability and a conservation ethic.
- The issue of yard trimmings management in Delaware has been well studied. Further studies or questions can be handled as required.
- The definition of “Organic Yard Waste” as proposed in SB 225 should be adopted as the definition of “Yard Trimmings” which is – plant material resulting from lawn maintenance and other horticultural gardening and landscaping activities and includes grass, leaves,

¹ Draft legislation SB 225 defines the term “organic yard waste” as “plant material resulting from lawn maintenance and other horticultural gardening and landscaping activities and includes grass, leaves, prunings, brush, shrubs, garden material, Christmas trees and tree limbs up to 4 inches in diameter.” The Committee recommends changing the term to “yard trimmings” and adding the provision that organic material not suitable for composting may continue to be delivered to landfills.

² The Committee recognizes the value of such guidance and agrees with DNREC’s intention to subject it to public review.

prunings, brush, shrubs, garden material, Christmas trees and tree limbs up to 4 inches in diameter.

2. A Ban on the Landfilling of Yard Trimmings Would Require Only Modest Changes by Homeowners and Businesses

Homeowners and businesses would keep yard trimmings separate from trash and choose to manage it by:

- Keeping the material on site by composting, mulching, and grasscycling (using a mulching mower);
- Dropping off the material at a yard trimmings processing facility; or
- Arranging to have the material picked up (e.g., by a private hauler or landscaping company).³

3. No Significant Changes to Collection Systems are Expected to be Required

- The private waste hauling industry is prepared and equipped to collect separated yard trimmings and transport it to processing facilities if the State implements a ban on landfilling this material. The collection capacity exists to handle all of the material that would be diverted from the landfills.
- Each individual hauler would decide how to work this additional collection service into its business plan.
- The hauling community believes that the establishment of several processing facilities throughout the state (at least one in New Castle and Kent County and two in Sussex County) would ensure a smooth transition for transport of the material.
- The availability of scales at processing facilities is recommended to help the public make comparisons about tipping fees. The use of scales, however, will be at the discretion of the site owner/operator.
- A ban implementation date 12 months after enactment or administrative establishment of the ban would allow enough time for haulers to gear up for the changes.
- A review committee composed of an assortment of stakeholders is recommended to ensure that the yard trimmings management process remains on track and addresses issues as they arise.
- Private haulers should not be held responsible for enforcing the requirement that residents and businesses separate their yard trimmings from their trash; this must be the responsibility of governmental entities that have enforcement authority.
- Municipalities will have to make provisions for the collection of yard trimmings. Several already have the framework in place.

³ The cost/price of yard trimmings pick up is uncertain and will depend on a variety of market factors, including fuel prices and disposition costs. Nevertheless, a recent study (“Analysis of the Impact of a Yard Waste Ban on Landfill Quantities and Household Costs,” Sept. 15, 2004, by DSM Environmental Services, Inc.) estimated that the monthly cost would be \$4 to \$5 in most areas and \$2 to \$3 in incorporated areas with organized trash pickup (see p. 50 of the report). The haulers subsequently reported to RPAC that they would expect the cost to range from \$3 to \$7 per month. However, innovative strategies such as co-collection and/or franchising of trash districts can reduce or possibly even eliminate these added costs. Homeowners’ flexibility in negotiating yard trimmings collection to suit their needs may also reduce these costs even further.

4. Yard Trimmings Can be Converted into Useful Products

- A variety of technologies for processing yard trimmings are well developed and can be applied in Delaware. Both “minimal” and “low” technology processing⁴ are currently being used in Delaware.
- Yard trimmings can be processed without creating threats to human health or the environment. Processing facilities should adhere to “Best Management Practices” (BMPs). Draft guidance incorporating BMPs for processing facilities is attached to this report. DNREC should work with the potentially regulated community and public to develop a final guidance document for implementation and use.
- The quality and marketability of the finished product depend to a large extent on the level of technology used in processing. Intermediate- to high-level technology⁵ should be encouraged so that high-quality products will be produced. At the same time, the Committee recognizes that some operations, especially those run by municipalities or communities, are interested not in producing a saleable product but rather in providing a service (and perhaps a free soil amendment) to their residents. These operations should be encouraged but may need some assistance in implementing measures to minimize potential threats to human health or the environment.
- There is substantial private sector interest in managing yard trimmings in Delaware, and the private sector should be given every opportunity to manage the material. However, there is no guarantee that the private sector will step forward to process all of the diverted material. Therefore, the DSWA should be prepared to serve as the backup processor if necessary.⁶

5. More than Sufficient Markets Exist for High-quality Compost

- Any Delaware business that wants to purchase a yard trimmings compost for its own use or for resale must import this material from an out-of-state manufacturer because it is not produced in Delaware. Yet Delaware continues to landfill its yard trimmings.
- Much of the large woody material (stumps, limbs, etc.) in Delaware is already being processed. A yard trimmings ban will not adversely impact this market because the demand for finished mulch products is growing. There might be some price adjustments due to the sudden increase in feedstock, but tip-fee income should mitigate the impact. Carbon based bulking agents will also be in demand for composting leaves and grass.
- The demand for commercial grade compost is growing throughout the state. The addition of yard trimmings sourced materials may cause some disruption in the marketplace,

⁴ As described by DSM in its previously cited report, “minimal” technology composting involves placing the material in large windrows and turning it infrequently (perhaps only once a year) with a front-end loader. Production of stabilized compost requires three years. “Low” technology compost involves smaller windrows and more frequent turning (determined by monitoring of temperature and moisture content) and produces stabilized compost in 12 to 18 months.

⁵ As described by DSM, “intermediate” technology composting involves the use of specialized windrow-turning equipment, frequent turning (about once a week), and production of stabilized compost in 4 to 8 months. “High” technology composting involves sophisticated methods such as static piles or in-vessel systems which are not appropriate for yard trimmings alone but may be appropriate for co-composting of bio-solids or food waste with yard trimmings.

⁶ SB 225 specifies that DSWA will provide this service if the private sector does not provide facilities capable of managing all of the yard trimmings requiring processing.

depending on the amount of material and what entities are producing the product (for example, a municipality that produces a yard trimmings product will likely undersell a commercial operation). Nonetheless, in our neighboring states, the supply of yard trimmings compost almost never meets the demand and there's no reason to expect Delaware's production will be any different.

- Government agencies that use large quantities of mulch and soil amendments (especially DelDOT but also DAS and possibly others) should be encouraged to use products made from diverted waste if they meet their specifications.
- Because of the complexity involved in producing a high-quality composted product, the length of time the process requires, and capital costs involved (land and equipment acquisition), some form of subsidy or financial assistance may be required to help facilities get established, particularly for local government operations.

6. An Effective Public Education Campaign Should be Implemented

- The public outreach effort should be designed to reach and gain the cooperation of all groups affected by the ban. These groups include households and businesses; political representatives; cities, towns, and counties; waste haulers; and processors. The focus of the outreach and the appropriate outreach tools will likely be different for each group.
- The educational effort should use proven methods of outreach that foster sustainable behavior.⁷
- The educational campaign will require financial resources. Approximately \$1 per person per year should be allocated for initial promotion of the ban and education of the affected groups. This represents about 20% of the funding that will be available if Senate Bill 225 is enacted. After start-up, the annual amount budgeted for education and outreach should be reduced to about 50¢ per person per year (10% of the available funds).
- Recommended components of an educational campaign are contained in the report of the Education Subcommittee.

7. Enforcement Should be a Tool of Last Resort; Emphasis Must be on Education

- Some governmental oversight of processing facilities is necessary to prevent potential environmental problems such as odors and/or runoff.
- The emphasis must be on education rather than enforcement. Only after education and compliance assistance by DSWA have proven ineffective should DNREC exercise its formal enforcement authority when addressing problems with yard trimmings management.
- Any legislation, regulation, or guidance addressing the management of yard trimmings must contain a provision for the proper disposal of yard trimmings that are not suitable to be managed at a yard trimmings processing facility.

⁷ Recent research shows written materials to be effective tools for educating the public. Newspapers, bill stuffers, and direct mail are among effective vehicles for households. Flow charts and fact sheets that convey a lot of information in a concise format are effective for political representatives. More recommendations for conducting outreach to various impacted groups are outlined in the report of the Education Subcommittee (Sept. 28, 2005).

8. Zoning and Land Use Requirements Allow Opportunity for Mulching and Composting Operations to Become Established

- In Kent and Sussex Counties composting facilities must be addressed by the county via the “conditional use” process. In New Castle County requirements would be determined by facility classification.
- County government can encourage the establishment of these facilities by revising their zoning ordinances to include composting where appropriate and eliminating the need to go through the conditional use process.
- Composting operations would be allowed in a variety of locations and those locations where they are specifically prohibited is limited.

9. The Committee Supports a Yard Trimmings Ban as has been Enacted and Implemented in 23 Other States

- A ban on landfilling yard trimmings will give small businesses the confidence needed to invest in yard trimmings management facilities and equipment, resulting in multiple business opportunities for Delawareans.

Conclusion

The Committee supports the enactment of a yard trimmings ban in the State of Delaware. Such a ban, properly implemented and supported, will benefit the citizens of the state by increasing the life of our landfills, providing new or expanded business opportunities, returning valuable resources to the soil, making high-quality home-grown compost available to homeowners, and in general improving the sustainability of our lifestyle.