February 22, 2011

House Energy and Technology Committee
Lansing, Michigan 48912

Re: HB 4265 and HB 4266 – Yard Waste Ban Exemption

Dear Representatives,

The Michigan Environmental Council was established in 1980 and is a coalition of environmental, public health and faith based groups from across Michigan. We have worked in a variety of areas including waste disposal and energy policy since our inception. This legislation involves the intersection of the two policy arenas and thus requires careful analysis.

We worked on the 1995 legislation that placed the ban on yard waste in Michigan. We supported the ban because first and foremost – yard waste is not trash. When properly handled, yard waste is good for the environment. That has not changed. Grass clippings if not collected and allowed to return to the lawn leads to a healthier lawn that needs less watering. Secondly, all yard waste when combined and composted creates a soil enhancement that can benefit gardens and green spaces around the home.

In-vessel composting of organic waste is also used to capture both organic gases for the purpose of energy production, and still have a by-product of soil enhancement materials. This proposed legislation is a step in the wrong direction in the management of organic materials.

Of critical importance these days is the loss of jobs that will occur due to this bill. **This bill will lead to some composting companies closing their doors, people losing their jobs, and significant losses by those who have financed expensive composting machinery.** Educational efforts over the last twenty years of the value of mulching mowers, backyard composting and soil enrichment will be undermined.

Landfills and landfill gas, on the other hand, are a source of toxic air pollutants, a potential risk to drinking water and can be a nuisance lowering the property value of nearby homes. Therefore, absent a clear showing of other benefits, the default should be to reject any policy that leads to the construction of more landfills in our communities. The legislation also will be an administrative nightmare, making enforcement of the yard

waste ban virtually impossible, especially in those communities that send waste to a variety of facilities.

There has also been some misinformation on the amount of energy that will be generated. If all major landfills in the state put in gas collection systems we would have approximately 270 MW of capacity. The trend is already happening due to the significant increase in value of energy derived from landfill gas due to its "renewable energy" status under 295 PA 2008. Adding yard waste to those facilities only increases that capacity to around 300 MW. Therefore, adding yard waste will only lead to an approximate 30 MW increase in landfill gas capacity.

Lastly, including yard waste into landfills would have a net impact of increasing greenhouse gases into our atmosphere. This is because the breakdown of these materials in the low oxygen landfill setting creates methane instead of carbon dioxide. Methane is a much more powerful greenhouse gas than carbon dioxide (23 times more). This fact coupled with relatively low gas collection rate of landfills leads to a net increase in greenhouse gases even assuming the overly optimistic capture rate included in the bill. The overall projected increase in renewable energy of approximately only 30 MW annually is made meaningless by the increase in greenhouse gases.

**More greenhouse gases, more landfills and more layoff notices make this bill bad policy for the state of Michigan.** Instead Michigan should be exploring policies that would make us a clean energy leader around the country. We urge members to oppose HBs 4265 and 4266.

Sincerely,

James Clift, Policy Director