



SPONSOR: Rep. Smith & Sen. Vaughn & Sen. Venables

HOUSE OF REPRESENTATIVES

143rd GENERAL ASSEMBLY

HOUSE BILL NO. 8

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE DISPOSAL OF YARD WASTE IN THE CHERRY ISLAND LANDFILL AND IN OTHER LANDFILLS, AND RAISING THE ELEVATION OF THE CHERRY ISLAND LANDFILL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Subchapter I of Chapter 64, Title 7 of the Delaware Code by adding thereto a new section to read:

2 “§6433. Cherry Island Landfill; yard waste; elevation.

3 (a) Notwithstanding the provisions of the Department of Natural Resources and Environmental Control (DNREC)
4 Secretary’s orders or permits, or regulations or laws to the contrary, for the remaining useful life of the Delaware Solid Waste
5 Authority’s (Authority) Cherry Island Landfill (CIL) (Northern Solid Waste Management Center-2), the disposal of residential yard
6 waste is permitted in the landfill. The term ‘yard waste’ means plant material resulting from lawn maintenance and other
7 horticultural gardening and landscaping activities, and includes grass, leaves, prunings, brush, shrubs, garden materials, Christmas
8 trees, and tree limbs up to 4 inches in diameter.

9 (b) Notwithstanding the provisions of the DNREC Secretary’s orders or permits, or regulations or laws to the contrary,
10 for the remaining useful life of the CIL, the maximum elevation of the CIL may not exceed 202 feet above mean sea level. The
11 Authority shall regularly evaluate the stability of the CIL and demonstrate to the Solid and Hazardous Waste Management Branch
12 of DNREC that appropriate shear strengths exist and that the CIL remains stable.

13 (c) The Authority shall ensure that engineering changes, including foundation improvements, the installation of drains
14 and perimeter berms, and other necessary changes, are designed and in place to ensure that the environment and public health and
15 safety are protected as the elevation of the CIL rises.

16 (d) The Authority shall continue its mission of encouraging increased recycling of yard waste for the remaining useful
17 life of the CIL.”.

18 Section 2. The Secretary of the Department of Natural Resources and Environmental Control is prohibited from excluding yard
19 waste from any landfill in the State of Delaware unless he or she has been given consent to do so by the General Assembly.

SYNOPSIS

Permit SW-06/01 has restructured the size of the Cherry Island Landfill to a vertical expansion of 195 feet above mean sea level, but has excluded residential yard waste deliveries to that site. The Delaware Solid Waste Authority has indicated that raising the height of the landfill by 6 feet would enable residential yard waste to be accommodated by the landfill at no additional cost and with no change in the date at which the landfill will reach full capacity.

The Secretary of DNREC has indicated that his long term goal is to ban the deposit of residential yard waste at Kent and Sussex County landfills, in addition to landfills in New Castle County. This bill will leave such a policy change in the hands of the General Assembly.