SPONSOR: Sen. McBride & Rep. Valihura
Sens. Sokola Copeland Sorenson & Connor & Reps. Lavelle Gilligan
Sen. Amick, Cloutier

DELAWARE STATE SENATE
144th GENERAL ASSEMBLY

SENATE JOINT RESOLUTION NO. 2

A RESOLUTION REQUIRING THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE SOLID WASTE AUTHORITY TO DELAY THE ENFORCEMENT OF THE YARD WASTE BAN FOR CHERRY ISLAND LANDFILL UNTIL JANUARY 15, 2008 AND TO UNDERTAKE A NUMBER OF ACTIVITIES THAT WILL RESULT IN A SUITABLE YARD WASTE RECYCLING PROGRAM FOR NORTHERN NEW CASTLE COUNTY.

WHEREAS, the Department of Natural Resources and Environmental Control (DNREC) issued Permit SW-06/01 to the Delaware Solid Waste Authority (DSWA) on January 6, 2006 allowing the expansion of Cherry Island Landfill to 195 feet, an increase of 23 feet; and

WHEREAS, continued disposal of yard waste would require an increase of at least six feet – approximately 25 percent higher than the permitted height increase; and

WHEREAS, Permit SW-06/01 included a condition banning the disposal of yard waste at Cherry Island Landfill effective January 1, 2007; and

WHEREAS, 23 other states and numerous local governments have implemented a ban on yard waste being disposed of in landfills; and

WHEREAS, approximately 19 percent of the municipal solid waste being disposed of at Cherry Island Landfill has been yard waste; and

WHEREAS, Delaware is a net importer of compost and yard waste is a reusable resource that can be converted to compost and utilized in Delaware; and

WHEREAS, the expansion of Cherry Island Landfill will cost an estimated $100 million, or approximately $4.6 million per foot; and

WHEREAS, the capacity at Cherry Island Landfill is a valuable economic asset that should be used for waste that can not otherwise be reused or recycled; and

WHEREAS, The Solid Waste Management Technical Working Group recommended a ban be imposed to prohibit the disposal of yard waste at all of the state's landfills and concluded that it would be extremely difficult if not impossible to construct a new landfill in Northern New Castle County; and

WHEREAS, it is estimated that the life of Cherry Island Landfill could be extended by several years by eliminating the disposal of yard waste into the landfill at current overall recycling rates.

WHEREAS, residents of New Castle County are concerned that there is not a comprehensive solution for unlimited yard waste recycling; and

WHEREAS, residents of New Castle County and the trash haulers have been uncertain regarding the issues of pricing and transportation;

NOW THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 144th General Assembly of the State of Delaware, with the approval of the Governor, that the Department of Natural Resources and Environmental Control and the Delaware Solid Waste Authority are directed to the delay the enforcement of the yard waste ban until January 15, 2008.

BE IT FURTHER RESOLVED that DNREC and DSWA shall continue to meet with trash haulers and yard waste businesses and the Recycling Public Advisory Council for the purpose of developing a program that will simplify and economize yard waste recycling for the residents of New Castle County.

BE IT FURTHER RESOLVED that DNREC and DSWA shall work with all necessary partners to open and operate, as long as feasible, at least three demonstration community yard waste sites which shall be available to the public for disposal and recovery of residential yard waste.

BE IT FURTHER RESOLVED that DNREC shall identify and coordinate activities with private, commercial yard waste processing operations to assure that all such operations are appropriately permitted, if needed, and able to accept yard waste from residents and commercial haulers by December 31, 2007.

BE IT FURTHER RESOLVED that DNREC and DSWA shall work closely with commercial trash haulers and others yard waste hauling businesses operating in Northern New Castle County to assure that, to the maximum extent practicable, all residents have cost effective options available for yard waste collection.

BE IT FURTHER RESOLVED that DSWA shall continue to accept, at rates established by DSWA, yard waste from the public and licensed waste haulers.

BE IT FURTHER RESOLVED that DNREC and DSWA will implement and assist, as appropriate and feasible, in marketing and educational efforts to advertise public and private options for collection, recycling and disposal of yard waste.

BE IT FURTHER RESOLVED that in order to assess progress toward efficient and effective implementation of the yard waste ban on January 15, 2008, DNREC and DSWA shall jointly submit written reports to the General Assembly no later than June 30, September 15 and December 15 2007. The reports shall summarize progress on activities identified in

this resolution. The General Assembly, at its discretion, may hold hearings to assess such progress and determine any other actions that may need to be undertaken.

SYNOPSIS

This Concurrent Resolution directs DNREC and DSWA to delay the ban on yard waste disposal at the Cherry Island Landfill until January 15, 2008. The Resolution directs DNREC and DSWA to undertake a number of activities in order to develop and implement a suitable yard waste recycling program for the residents of New Caste County. It also requires regular written reports to General Assembly on progress toward implementing the yard waste ban and provides the General Assembly with the opportunity to hold hearings on the matter. This Joint Resolution directs DNREC and DSWA to delay the ban on yard waste disposal at the Cherry Island Landfill until January 15, 2008. The Resolution directs DNREC and DSWA to undertake a number of activities in order to develop and implement a suitable yard waste recycling program for the residents of New Caste County. It also requires regular written reports to General Assembly on progress toward implementing the yard waste ban and provides the General Assembly with the opportunity to hold hearings on the matter.

Author: Senator McBride

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