LEELANAU COUNTY
SOLID WASTE MANAGEMENT PLANNING COMMITTEE (SWMPC)

NOTICE OF MEETING

The **Leelanau County Solid Waste Management Planning Committee (SWMPC)** will meet at the Leelanau County Government Center on **Tuesday, July 6, 2021** at the conclusion of the Solid Waste Council meeting (approximate start time-2:00 pm)

(Please silence any unnecessary cellular/electronic devices)

Members
Bill Perkins – Chairman
Marcia Harris – Vice-Chair
Jim Palmer – Chair Pro-Tem
Lois Bahle
Mark Bevelhymer
Tim Bolin
Pat Deering
John Fletcher
Andrew Gale
Melinda Lautner
Tom MacDonald
David McCulloch
Carrie Sharp
Kathleen Wiejaczka

CALL TO ORDER

ROLL CALL

PUBLIC COMMENT

STAFF COMMENTS

CONSIDERATION OF AGENDA

CONSIDERATION OF JANUARY 11, 2021 MINUTES ***pg 2-4***

UNFINISHED BUSINESS

NEW BUSINESS

1. Discussion: Amendment to Solid Waste Plan ***pg 5***
   a. Import / Export Authorization or Agreements?

COMMUNICATIONS / CORRESPONDENCE

1. Amendment Process – Frequently Asked Questions ***pgs 6-11***

PUBLIC COMMENTS

STAFF COMMENTS

MEMBER / CHAIRPERSON'S COMMENTS

ADJOURNMENT

(Proceedings of the meeting are being recorded and are not the official record of the meeting; the formally approved/accepted written copy of the minutes will be the official record of the meeting.)

A MEETING OF THE LEELANAU COUNTY
SOLID WASTE MANAGEMENT PLANNING COMMITTEE (SWMPC)
WAS HELD ON TUESDAY, JANUARY 11, 2021 AT THE
LEELANAU COUNTY GOVERNMENT CENTER.

Proceedings of the meeting were recorded and are not the official record of the meeting. The formally approved written copy of the minutes will be the official record of the meeting.

CALL TO ORDER: Meeting called to order at 11:21 a.m. by Chairman Perkins. The meeting was held in the Commissioners meeting room at the Leelanau County Government Center, 8527 E. Government Center Dr., Suttons Bay MI and via ZOOM.

ROLL CALL

Members Present: (via ZOOM)	M. Harris (11:32), C. Sharp, K. Wiejaczka, L. Bahle (11:32), A. Gale, J. Fletcher
Members Present: (At Government Center)	B. Perkins, D. McCulloch, T. MacDonald, P. Deering,
Members Absent: (prior notice)	M. Bevelhymer, T. Bolin, J. Palmer
Members Absent:	None.
Staff:	T. Galla, Director, G. Myer, Senior Planner
Public: (Via ZOOM)	None.
Public: (At Government Center)	None.

PUBLIC COMMENT – None.

CONFLICT OF INTEREST – None.

ANNUAL ORGANIZATIONAL ITEMS

Election of Officers

Perkins suggested they elect the same officers as currently on the Solid Waste Council (SWC) board.

Motion by McCulloch, seconded by Sharp, to elect Perkins – Chairman, Harris – Vice-Chair, and Palmer – Chairman Pro-Tem. Motion carried 8-0.

CONSIDERATION OF AGENDA

Motion by McCulloch, seconded by Lautner, to accept the agenda as presented. Motion carried 8-0.

NEW BUSINESS

Meeting Schedule

Motion by McCulloch, seconded by Lautner, to accept the meeting schedule as presented. Motion carried 8-0.

Amendment to Solid Waste Plan

Galla reviewed the information included in the agenda packet: a map of Michigan Counties for reference when discussing importing and exporting solid waste, import/export sample letters, and some suggested changes. The state wants a list similar to the "suggested changes" showing what will be changed in the Plan. Galla continued, saying the three biggest areas of discussion are: import authorization, export authorization for solid waste, and updating recycling programs. Galla mentioned prior discussion in Elmwood Township regarding curbside recycling and said that may be something to address. In the past, Leelanau County was pretty limited on the counties that could bring waste into Leelanau County, and this could be opened up to more counties if there was interest. Galla explained that Bevelhymer and Palmer have stated in the past, that because of travel and transportation costs we are limited. Downstate haulers would not drive all the way up here passing other facilities along the way just to reach the landfill in Leelanau County. Perkins asked where our waste goes now. Galla responded that according to the Plan, waste generated in Leelanau County is supposed to go to Glen's Landfill. However, if you look at the volumes reported from different landfills, you will see sharp differences over the years as to waste coming in from different counties. Our recycling did not increase as much as the difference in the volumes reported by the landfills. Any violations of the Plan and follo-up falls under the responsibility of the county and the SWMPC.

(Harris and Bahle present 11:32)

Galla continued, saying Leelanau County was pretty tight as far as the counties they listed for import/export. When the plan was done, there was a lot of concern over Canadian waste and waste from others states coming into Michigan.

Perkins suggested asking Palmer, who is the manager of Glen's Landfill, what he thinks is a reasonable number of counties to include. Gale stated he had questions for Palmer and Bevelhymer regarding different waste haulers in different states and he will submit those questions to Galla. Gale questioned the functionality of partnering with other counties to dispose of each other's waste. Perkins stated if for some reason our landfill closed, then we would have a place to take our waste. Galla clarified that there are two different lists in the plan, a primary and a contingency. The primary list is for the counties our haulers can take waste to at any time, and they identify us as a place they can take their waste to at any time. The contingency list is when/if our landfill closes, we can haul our waste to the named contingency counties. These lists are required to be in the plan.

Discussion ensued on who Green For Life (GFL) Environmental Inc. f/k/a American Waste, and Glen's Landfill have agreements with.

Perkins stated that they need to gather information on who is currently importing/exporting waste with the county. Also, include the proper wording to allow a township to figure out for themselves if they want curbside recycling. Perkins questioned if a township chose to do curbside recycling if they would still be a part of the recycling plan. Galla responded that the townships and villages voted on the

recycling fee so we don't just remove it if one goes to curbside recycling. It is something that needs more discussion on how it would work. If a community goes to curbside, how could you say for sure those residents were not still using the recycling sites? Galla continued to review some changes that needed to be done: junk ordinance, selected system, and programs. Galla commented on letters that need to go out to other counties regarding import/export.

Bahle commented that the fear of import coming from far away could change in the future and she doesn't think they should be to open with that. Fletcher stated he wants to know what the potential import material could be.

Landfill designations.

Perkins said they will collect this information and review it at the next meeting in March.

Galla stated the cost to do this amendment to the plan will come out of the SWC budget because the state has not allocated any funds. We are not waiting for the state mandate to update; we are pursuing an amendment to the plan.

COMUNICATIONS/CORRESPONDENCE

The following were included in the agenda packet:

- Amendment process – frequently asked questions
- Sample letter for import/export
- Map of MI Counties
- List of SWMPC Members

PUBLIC COMMENT – None

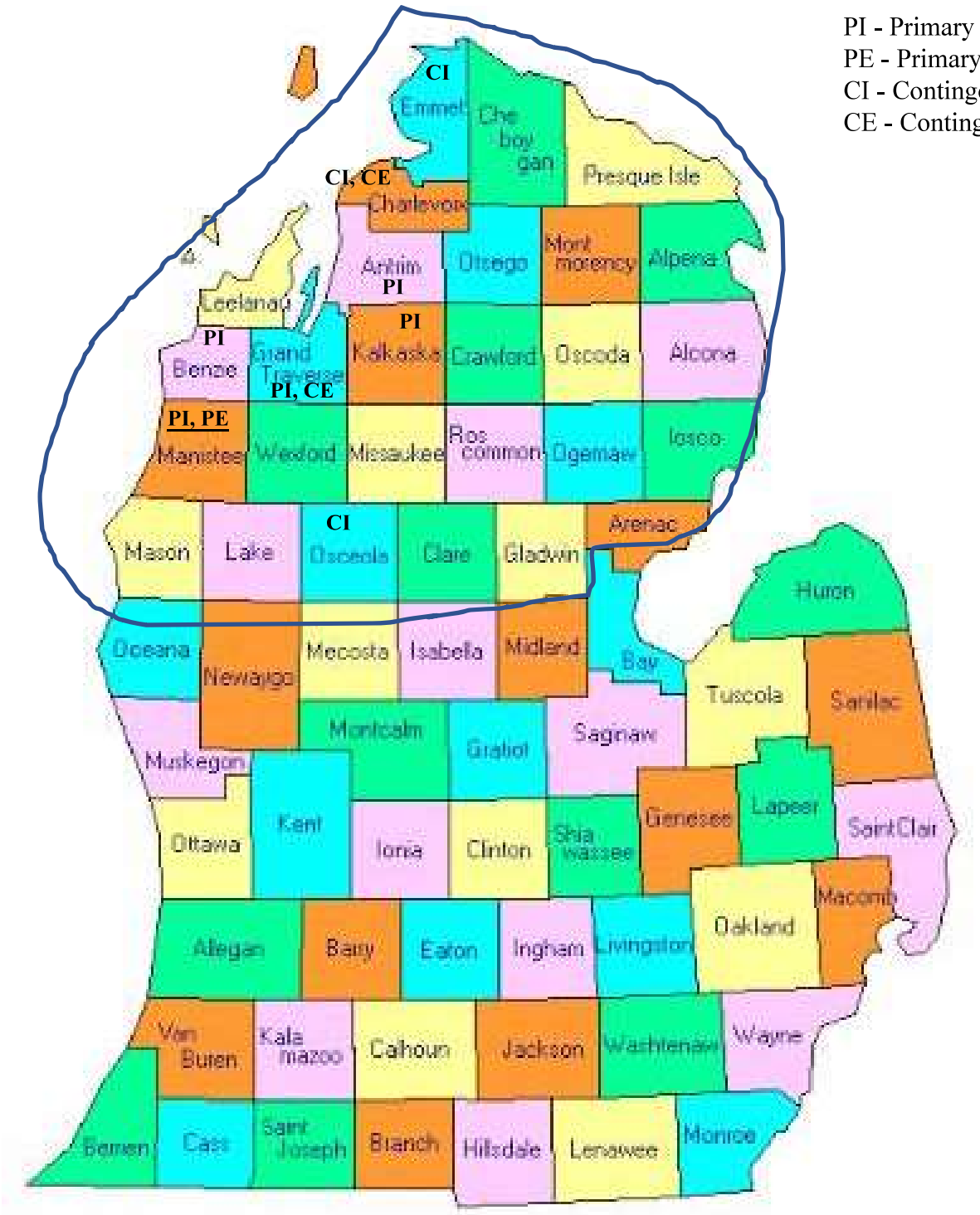
STAFF COMMENTS – None.

MEMBER/CHAIRPERSON COMMENTS – None.

ADJOURNMENT
Meeting adjourned by consensus at 11:58 a.m.

DRAFT

PI - Primary Import
PE - Primary Export
CI - Contingency Import
CE - Contingency Export



Proposed Counties to include in the Solid Waste Management Plan as PRIMARY for'Import/Export' Authorization.

SOLID WASTE MANAGEMENT PLAN AMENDMENT

FREQUENTLY ASKED QUESTIONS

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Amendment Approval Process 5

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1. What statute and rules govern the Solid Waste Planning Program?

Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and the rules promulgated under the Act.

2. What is the difference between a solid waste plan amendment and a solid waste plan update?

A plan can be amended by the county at any time. An amendment can be used to change a portion of the plan, or the entire plan. However, an amendment cannot take the place of a full plan update, even if the amendment is approved near the same time the Director of the Michigan Department of Environmental Quality (DEQ) calls for a plan update. A plan update may only be initiated by the Director of the DEQ and may not be initiated by the county (R299.4709).

3. Is there a limit to the number of changes I can make to the plan in an amendment?

No, you may make as many changes as needed. However, if you are amending the plan close to a five-year update, the amendment will not serve as a substitute for a full plan update.

4. Does the amendment approval process differ from the plan update approval process?

No, an amendment follows the same approval process and steps as a full plan update. See the attached flowchart at the end of this document for further guidance (R 299.4709[4]).

5. How long does it take for a DEQ decision to be made on an amendment?

In most cases, a decision will be made within six (6) months of the submittal date (Section 324.11537[1]).

6. How do I write the plan amendment?

The recommendation for the most useful way to present an amendment is to include all of the proposed changes in a single document or cover letter, and include any revised forms, tables, or maps. It is not necessary to make each change to the originally approved plan pages and send the entire plan to the DEQ for approval.

Please see the table below for common amendments. Recommendations for writing and presenting the amendment have been included to facilitate prompt and efficient processing of the amendments, and to demonstrate compliance with Part 115 and its administrative rules:

Part of the plan you would like to change (or amend):	Please include the following in the amendment package in addition to the list under question 6:
Add a solid waste facility located in your county.	• A complete facility description. • An updated facility map including any proposed expansions envisioned under the plan. • In the cover letter, include the facility that will be added, and all page numbers where the facility will be referenced.
Add a solid waste facility located outside of the county to demonstrate 10-year capacity requirements.	• A complete facility description. • A facility map. • An updated copy of the export authorization table if not originally identified.* • A letter from the facility stating they have available capacity to fulfill the 10-year capacity requirement. • In the cover letter, include the facility that will be added, including all page numbers where the facility will be referenced.
Change an existing facility description to allow expansion, or change the type of disposal area when no siting procedure exists in the plan (i.e., you would like to	• A completed revised facility description that includes the expansion or changes. • A facility map that includes the expansion area. • In the cover letter, include changes made to the “Authorized Disposal Area” section of the plan’s Siting Review Procedure and either state

Part of the plan you would like to change (or amend):	Please include the following in the amendment package in addition to the list under question 6:
change a Type B transfer station to a Type A transfer station).	the specific site expansion by acreage and/or capacity, OR change the plan to add an approvable siting process and criteria.
Authorize another county to import waste to your county, or authorize your waste to be exported to another county.	• An updated copy of the import or export authorization table. * • In the cover letter, include a general statement indicating the new county that will be authorized to import or export waste, including "all references to importing or exporting counties will include 'x' county."
Authorize automatic consistency with the plan for a specific disposal area.	• A completed revised facility description that includes the expansion or changes. • A facility map that includes the expansion area. • In the cover letter, include changes made to the "Solid Waste Disposal Areas" to include the facility and the "Authorized Disposal Area" of the plan's siting review procedure.
Change the name of a facility. *It is not necessary to amend the plan if a facility name has changed through sale or other means. You may wish to include this change if you are amending the plan for other reasons.*	• In the cover letter, include a general statement such as "all references to 'X Landfill' in the plan will be changed to 'Z Landfill'."

*The import or export of waste is not authorized until the reciprocal county also authorizes the import/export (324.11538[6]). If the county is listed in future import/export area of the table and a facility becomes operational, an amendment is not needed to include it as a "current" authorized import or export county.

7. What are Plan Amendment Requirements and the Approval Process?

The amendment approval process is the same and requires the same steps be taken as that for a plan update. See the attached flow chart for more details (R 299.4709).

To demonstrate compliance with Part 115 and to assist with prompt and efficient processing of amendments, please include the following when submitting the amendment to the DEQ for final approval:

- A cover letter explaining major concepts or changes included in the amendment, the exact language to be changed by the amendment, and all revised tables, forms, and maps.
- The signed and approved minutes and/or resolution indicating approval of the amendment by the Solid Waste Management Planning Committee (1 – Approval prior to the 90-day public comment period; and 2 – Approval before the County Board of Commissioners [BOC] formal action, as per Section 324.11535).
- The signed and approved minutes and/or resolution indicating approval of the amendment by the BOC.
- A copy of the notice of public hearing that includes the date of publication. The notice must be a minimum of 30 days prior to the public hearing date to comply with Section 324.11535 (f).
- The notes taken at the public hearing, including all written and oral comments on the plan.
- The signed resolution or approval of the amendment from at least 67 percent of all municipalities, as per Section 324.11536. Please include a list of all municipalities within the County.
- List of the Solid Waste Management Planning Committee (SWMPC) members and their areas or representation.

8. Who are the fourteen members of the SWMPC?

The 14-member SWMPC consists of the following: 4 that represent the solid waste management industry, 2 that represent environmental interest groups, 1 that represents county government, 1 that represents city government, 1 that represents township government, 1 that represents the regional solid waste planning agency, 1 that represents industrial waste generators, and 3 that represent the general public (Section 324.11534[2]) and (R 299.4703).

> "Solid Waste Management Industry" as defined in R 299.4105(j).
>
> "Environmental Interest Group" as defined in R 299.4102(o).
>
> "Regional Solid Waste Planning Agency" as defined in Section 324.11505(2).
>
> "General Public" as defined in R 299.4103(e).

Please note that Part 115 does not provide definitions for each of the SWMPC member positions. Therefore, to demonstrate compliance with Part 115, it is recommended that the county be able to explain how each member represents the position it holds, if challenged.

9. Does a 14-member SWMPC need to be appointed to develop an amendment?

Yes, an SWMPC shall be appointed (Section 324.11534[1]). The process of amending a plan is the same as the original development of a plan, therefore requiring a SWMPC to be in compliance with Part 115, unless a SWMPC is already established/appointed (R 299.4709[4]).

10. How is the public notified of the Public Hearing that is required during the 90-day public comment period? Is there a timeframe required for the notice?

The Public Hearing shall be published in a newspaper having a majority circulation within the county to demonstrate compliance with Part 115. The notice shall indicate a location where copies of the plan are available for public inspection, shall indicate the time and place of the public hearing, and shall be published not less than 30 days before a hearing (324.11535[f]).

11. How long does a Designated Planning Agency have to revise the amendment once the 90-day public comment period has ended?

The Designated Planning Agency has 30 days to revise the amendment, get SWMPC approval, and recommend the amendment to the BOC (Section 324.11536[3]).

12. If the BOC disapproves the amendment, how long does the SWMPC have to revise it and send it back to the BOC for approval?

30 days (324.11536[3]).

13. Does a BOC have to provide the objections when disapproving the amendment?

Yes, the BOC must provide objections when disapproving the amendment (Section 324.11536[3]). It is suggested to have written objections. Verbal objections provided and contained in the meeting minutes also adequately demonstrates compliance.

14. Is there is a statutory timeframe in which the BOC must make a decision on the amendment?

There is no timeframe specified in Part 115.

15. What happens if the BOC does not take formal action on the amendment?

The amendment process is stopped until the BOC either approves or disapproves the amendment with objections. R299.4708 describes the amendment process, and states that the next step of the approval process continues after the BOC takes formal action.

16. What happens to the amendment if the BOC disapproves the amendment a second time?

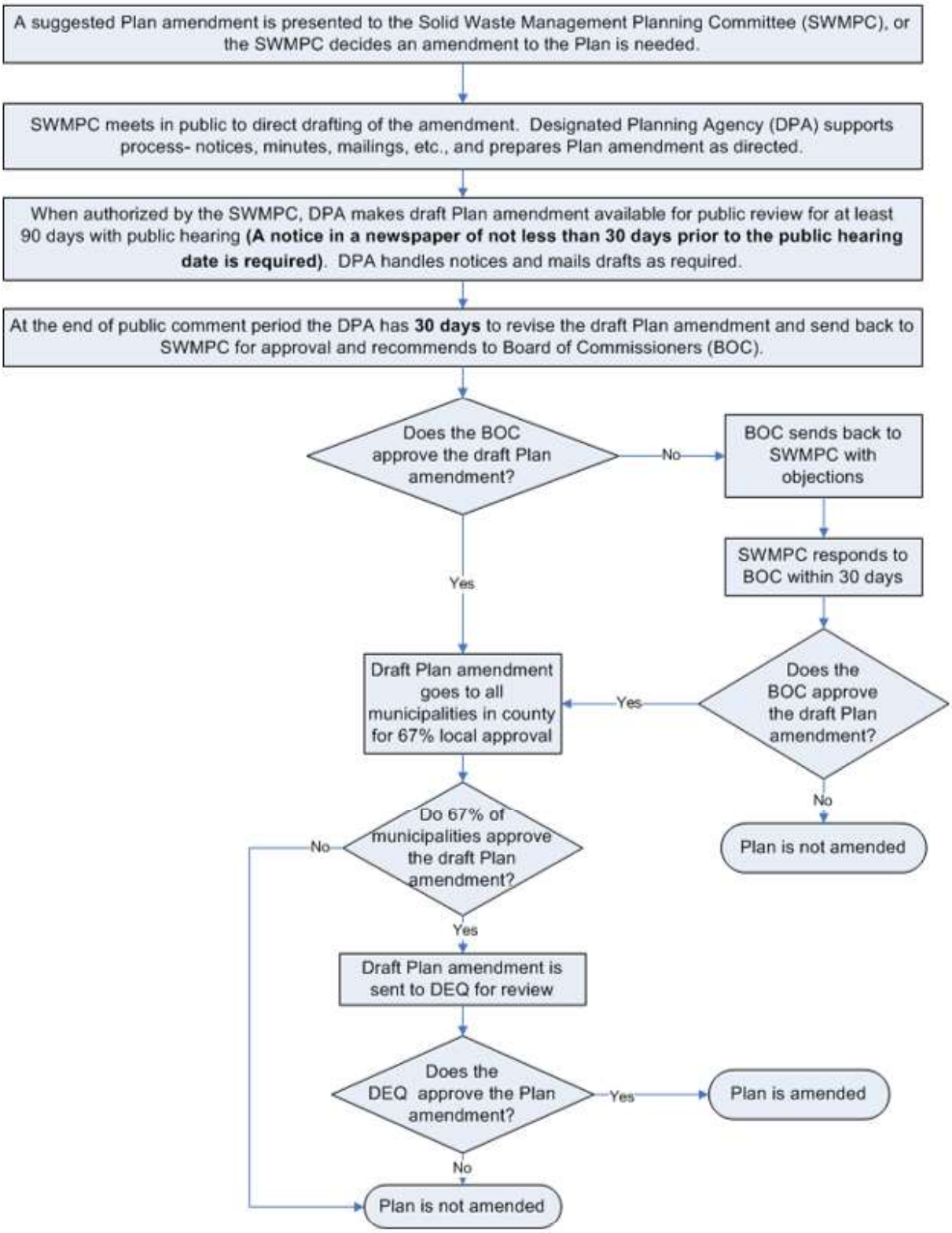
If the amendment was *required* by the DEQ and is not approved by the BOC a second time, the BOC may prepare its own amendment. If the BOC chooses not to prepare its own amendment, the DEQ will prepare the amendment for the County (R299.4709(2)).

If the amendment that is being pursued was *not required* by the DEQ and is not approved by the BOC a second time, the amendment pursued will not be completed and the process will be considered terminated. Any new amendment must start at the beginning of the process (R299.4709(4)).

17. Will the DEQ assume responsibility for and prepare the amendment if it has been disapproved by the BOC or municipalities?

The DEQ only assumes responsibility for and prepares plan updates that were initiated by the DEQ Director, unless the amendment was required by the DEQ, then the DEQ would prepare the amendment (Section 324.11533[6]).

Amendment Approval Process



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