

STATE OF MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

LANSING



DAN WYANT DIRECTOR

December 2, 2013

Mr. John E. Pelkola, Chairperson Ontonagon County Board of Commissioners 725 Greenland Road Ontonagon, Michigan 49953

Dear Mr. Pelkola:

The locally approved amendment to the Ontonagon County Solid Waste Management Plan (Plan Amendment) received by the Department of Environmental Quality (DEQ) on August 29, 2013, is hereby approved with modifications. The Plan Amendment required some modifications that were sent to the Ontonagon County Designated Planning Agency Contact, Mr. Kim J. Stoker on October 4, 2013. The approval of the modifications was received from Ontonagon County on October 21, 2013.

The following were modifications that were made to the Plan Amendment:

- The amendment to page 21, Table 1-A, Current Import Volume Authorization of Solid Waste, identified the following counties in the table: Baraga, Gogebic, Houghton, Iron, and Keweenaw. The Amendment did not state any "Authorized Condition" however; it is our understanding that it was the County's intent to authorize these counties for primary disposal. Therefore, the Amendment shall include a "P" for each of these counties under the Authorized Condition column in the Table. This modification also applies to page 22, Table 1-B, Future Import Volume Authorization of Solid Waste Contingent on New Facilities Being Sited, in the amendment.
- Further, the County did not include any contingency disposal options in Table 1-A. Therefore, the following counties shall be included for contingency disposal: Alger, Delta, Marquette, and Schoolcraft. Furthermore, the Amendment shall include a "C" for each of these counties under the Authorized Condition column in the Table. This modification also applies to the amendment to page 22, Table 1-B, Future Import Volume Authorization of Solid Waste Contingent on New Facilities Being Sited, in the amendment.

Upon approval by the DEQ, the Plan Amendment makes the following changes in addition to the modifications listed above:

- Adds a facility description for Ever-Green Landfill & Recycling Center, LLC.
- Adds Ever-Green Landfill & Recycling Center, LLC as a Type III Solid Waste Disposal Area in the County.

- Adds Ever-Green Landfill and Recycling Center, LLC (Ever-Green) as a facility that is deemed automatically consistent with the Plan for any new or amended permitting at the landfill.
- Changes all references in the Plan from Smurfit Stone Container to Ever-Green Landfill and Recycling Center, LLC.

The DEQ would like to thank Ontonagon County for its efforts in addressing its solid waste management issues. If you have any questions, please contact Ms. Rhonda S. Oyer, Chief, Sustainable Materials Management Unit, Solid Waste Section, Office of Waste Management and Radiological Protection, at 517-284-6591; oyerr@michigan.gov; or DEQ, P.O. Box 30241, Lansing, Michigan 48909-7741.

Sincerely,

Aupbrand Borne.

Elizabeth M. Browne, Chief Office of Waste Management and Radiological Protection 517-284-6551

cc: Senator Tom Casperson Representative Scott Dianda Mr. Kim Stoker, Western Upper Peninsula Planning & Development Commission Mr. Pat Tucker, Ever-Green Mr. Dan Wyant, Director, DEQ Mr. Jim Sygo, Deputy Director, DEQ Ms. Maggie Datema, Legislative Affairs, DEQ Mr. Phil Roycraft/Ms. Carolyn St Cyr, DEQ Ms. Rhonda S. Oyer, DEQ Mr. Steve Sliver/Ms. Christina Miller, DEQ\Ontonagon County File

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Ontonagon County Board of Commissioners Courthouse, 725 Greenland Road Ontonagon, MI 49953 Telephone (906) 884-4255 Fax (906) 884-6796

Chairperson John E. Pelkola Vice Chairperson Dale Parent **Commissioners** Hubert J. Lukkari Dennis H. O'Brien Carl R. Nykanen

October 16, 2013

Christina Miller Sustainable Materials Management Unit Solid Waste Section Office of Waste Management and Radiology Protection Department of Environmental Quality Constitution Hall 525 West Allegan Street P.O. Box 30473 Lansing, MI 48909-7973

Dear Ms. Miller

As a follow up to your letter dated October 4, 2013, the Ontonagon County Board of Commissioners respectfully requests the DEQ to issue your approval of the Ontonagon County Solid Waste Management Plan Amendment.

Ontonagon County Board of Commissioners met in regular session on October 15, 2013 and reviewed the recommended modifications to the Ontonagon County Solid Waste Management Plan Amendment. The Board of Commissioners concurred with your recommendation of approving the modifications as follows:

- Amendment to page 21, Table 1-A, Current Import Volume Authorization of Solid Waste, identified the following counties in the table: Baraga, Gogebic, Houghton, Iron, and Keweenaw. The Amendment did not state any "Authorized Condition" however; it was the County's intent to authorize these counties for primary disposal. Therefore, the Amendment should indicate a "P" for each of these counties under Authorized Condition column in the Table. This modification also applies to page 22, Table 1-B, Future Import Volume Authorization of Solid Waste Contingent on New Facilities Being Sited, in the amendment.
- It was an oversight by the County not to include any contingency disposal options in Table 1-A. Therefore, the following counties should have been included for contingency disposal: Alger, Delta, Marquette, and Schoolcraft. Furthermore, the Amendment should include a "C" for each of these counties under the Authorized Condition column in the Table. This modification also applies to the amendment to page 22, Table 1-B, Future Import Volume Authorization of Solid Waste Contingent on New Facilities Being Sited, in the amendment.

RECEIVED OCT 21 2013 DEQ-RMD Thank you for your attention to this request. If there is anything further you require please contact Kim J. Stoker, Executive Director of the Western U.P. Planning and Development Region (WUPPDR) at 906-482-7205, ext. 316 or by email at <u>kstoker@wuppdr.org</u>.

Sincerely,

John Delhola

John Pelkola, Chair Board of Commissioners Ontonagon County

Enc: Copy 10/15/2013 Board Minutes

Cc: Kim J. Stoker, Executive Director, WUPPDR



Western Upper Peninsula Planning & Development Regional Commission

P.O. BOX 365 • HOUGHTON, MICHIGAN 49931 906-482-7205 • FAX 906-482-9032 • e-mail: info@wuppdr.org

August 28, 2013

Ms. Christina Miller Solid Waste Planning, Reporting and Surcharge Coordinator Office of Waste Management and Radiological Protection Department of Environmental Quality, Constitution Hall, Atrium North 525 West Allegan Lansing, MI 48933

> RE: Ontonagon County Solid Waste Management Plan Amendment Ever-Green Landfill & Recycling Center LLC

Dear Ms. Miller,

This is a synopsis of the amendment to the 1997 Ontonagon County Solid Waste Management Plan (hereinafter referred to as The Plan). The Plan is being amended to allow for waste from the five surrounding counties (Baraga, Gogebic, Houghton, Iron and Keweenaw) to be imported and deposited at Ever-Green Landfill and Recycling Center, LLC (hereinafter referred to as Ever-Green Landfill) or any subsequently permitted and licensed landfill in the county.

<u>Attachment 1</u>: letter dated December 7, 2012 from Ever-Green Landfill (Patrick Tucker) addressed to Kim J. Stoker. Question as to whether the acquisition and operation of the former Smurfit Stone landfill by his company is consistent with the Plan. Ever-Green Landfill would operate as a Type III landfill. After review of the Plan and correspondence, Tucker believes all of their proposed activities are consistent.

Attachment 2: letter dated December 28, 2012 from DEQ (Phil Roycraft, P.E., District Supervisor, Office of Waste Management & Radiological Protection) regarding Ever-Green Landfill; Operating License Application, Technical Review; Waste Data System Number 478636. Application is found to be technically deficient in three areas: 1) "Final Cell Layout" requested, 2) five additional monitoring wells need to be installed in the uppermost aquifer, as well as one additional upgradient well. If a different method is chosen for evaluating well data, an appropriate number of background samples must be collected. 3) In order for a disposal area to serve the needs of another county.....the service.... must be <u>explicitly</u> authorized in the approved Solid Waste Management Plan of the receiving county. DEQ requests the Final Cell Layout Plan and Monitoring Well Work Plan be submitted by January 31, 2013.

Attachment 3: email dated January 8, 2013 from Eugene Fiszer, Ontonagon County Gov Rtd. Mary Taddeucci, WUPPDR Administrative Assistant, stating the County Board of Commissioners approved the Brownfield Committee (aka Ontonagon County Solid Waste Committee) Membership attached. Ms. Christina Miller August 28, 2013 Page 2 of 4

<u>Attachment 4</u>: email dated January 9, 2013 from Mary Taddeucci, WUPPDR Administrative Assistant, contacting the Ontonagon County Solid Waste Planning Committee to schedule the first committee meeting. (Meeting date is set for January 30, 2013 – see Attachment 8, January 30, 2013 draft minutes).

<u>Attachment 5</u>: letter dated January 21, 2013 from Charles E. Barbieri of Foster, Swift, Collins & Smith PC, Attorneys on behalf of Ever-Green Landfill to Kim Stoker regarding the Amendment to the Plan. The changes would allow wastes to be imported from several nearby counties and deposited at Ever-Green Landfill or any subsequently permitted and licensed landfill in the County. The letter outlines four specific changes and 2013 amendments to the Ontonagon County Solid Waste Management Plan.

<u>Attachment 6</u>: letter dated January 30, 2013 from Charles E. Barbieri, Foster Swift Collins & Smith PC Attorneys for Ever-Green Landfill to Kim Stoker. This letter revises the January 21, 2013 letter and includes the amendments (6) to the Plan.

<u>Attachment 7</u>: Agenda for the first meeting of the Ontonagon County Solid Waste Planning Committee, scheduled for January 30, 2013 and Attendance Sheet.

<u>Attachment 8</u>: January 30, 2013 draft minutes and revised pages in the Plan and Attendance Sheet. After discussion, the committee approves the proposed changes to the plan.

#1: Pages 13, 21, 22, 25, 27 are revised;

#2: Page 44, 1st paragraph, Siting Criteria will state "The following process describes the criteria and procedures to be used to site all solid waste disposal areas and determine consistency with this Plan, except any new or amended permit of Ever-Green Landfill and Recycling, as approved by DEQ, shall be deemed consistent with the Plan;

#3: All references to Smurfit Stone Container are hereby changed to Ever-Green Landfill & Recycling Center, LLC.

The committee also approves the 90 day Public Comment period be posted.

<u>Attachment 9</u>: letter dated February 1, 2013 to the Ontonagon Herald (Ontonagon County's weekly newspaper) to post the Public Review Period notice in the Wednesday, February 6, 2013 edition. Comment period ends May 7, 2013. Letter, notice and original affidavit attached.

<u>Attachment 10</u>: letter dated February 5, 2013 from Kim Stoker to the Ontonagon County municipalities and the Ontonagon County Clerk, along with a copy of the 1999 Solid Waste Plan, the proposed changes to the Plan and a copy of the Public Review Period Notice.

Ms. Christina Miller August 28; 2013 Page 3 of 4

<u>Attachment 11</u>: letter and email dated March 11, 2013 from Kim Stoker to Ontonagon County Solid Waste Planning Committee. Includes cover letter showing comments/changes made by Christina Miller, DEQ, January 30, 2013 minutes and draft Public Hearing Notice. Changes to be made as follows:

<u>Page 7, last paragraph, 2nd sentence</u>, reads "Tucker said initially the *licenses* were 600 acres...". Miller said "This is probably *permits*, but I don't know what he actually said. A permit identifies where a cell can be built. A license gives them permission to dispose of waste in that cell". The word "licenses" will have to be amended. <u>Page 8, 4th paragraph down</u>, first two lines read "Strong said regarding Amendment #6, if we don't do it, you are approved for Type III, but if you go with Type II, its already considered consistent for C & D. If we don't do this, we have to go through the steps. Miller said the underlined portion is incorrect. A C & D landfill is permitted as a Type II landfill, not a Type II. This portion would need amending.

<u>Attachment 12</u>: letter dated March 26, 2013 to Ontonagon Herald to publish Notice of Public Hearing in the Wednesday, April 3, 2013 issue of the Ontonagon Herald. The Hearing is to be held on Thursday, May 9, 2013 at the Ontonagon County Courthouse. Original affidavit attached.

<u>Attachment 13</u>: email/letter dated March 27, 2013 from Kim Stoker to the Ontonagon County Solid Waste Planning Committee stating a Public Hearing will be held at the Ontonagon County Courthouse on May 9, 2013 to receive comments on the proposed Amendment to the Ontonagon County Solid Waste Management Plan.

The letter also states the Planning Committee will meet on Tuesday, May 14, 2013 to finalize the amendment to the Solid Waste Management Plan.

<u>Attachment 14</u>: letter dated April 9, 2013 from Kim Stoker to Planning Committee to reschedule the Planning committee meeting to Thursday, May 9, 2013, same day as the Public Hearing.

<u>Attachment 15</u>: letter dated May 1, 2013, to the Ontonagon County Solid Waste Management Planning Committee, c/o Ontonagon County Clerk's office and received from Ontonagon County Clerk on May 9, 2013. The letter was presented at Planning Committee meeting. Letter was from Jeffrey L. Woolstrom, of Honigman, Miller, Schwartz and Cohn LLP, Attorneys and Counselors, on behalf of the Michigan Waste Industries Association (MWIA), regarding proposed Plan amendment. Letter stated MWIA is opposed to the proposed amendment to the Plan because of serious concerns.

<u>Attachment 16</u>: letter dated May 7, 2013 from Charles E. Barbieri of Foster, Swift, Collins & Smith PC Attorneys, on behalf of Ever-Green Landfill in response to comments made by Michigan Waste Industries Association. They disagree with these comments.

Ms. Christina Miller August 28, 2013 Page 4 of 4

Attachment 17: May 9, 2009 public hearing comments and public hearing attendance sheet.

<u>Attachment 17A</u>: minutes of the May 9, 2013 Ontonagon County Solid Waste Planning Committee. The committee accepts the amendment to the Ontonagon County Solid Waste Management Plan; <u>Motion carried</u>. 2 – Nays; 1 - abstain.

<u>Attachment 18</u>: Email dated May 17, 2013, from Sue Harter to Eugene Fiszer, Ontonagon County Clerk and Letter, dated May 17, 2013, from Kim Stoker to the Ontonagon County Board of Commissioners, stating the Solid Waste Planning Committee held a Public Hearing on May 9th and that a motion was made to accept the amendment to the Ontonagon County Solid Waste Management Plan as drafted. The letter asked for the County Board to approve the Plan amendments as presented to them to send out to the County municipalities for their approval/rejection.

<u>Attachment 19</u>: letter dated July 11, 2013 from the Ontonagon County Clerk to Mary Taddeucci, WUPPDR Administrative Assistant, along with the official board minutes of the May 21, 2013 Board of Commissioners meeting. The minutes show that on page 122 of the Solid Waste Plan, the amendments to the Ontonagon County Solid Waste Plan were approved.

<u>Attachment 20</u>: letter dated May 24, 2013 from Kim Stoker to all Ontonagon County municipalities (12): Village of Ontonagon, Townships of Bergland, Bohemia, Carp Lake, Greenland, Haight, Interior, Matchwood, McMillan, Ontonagon, Rockland and Stannard, requesting each Council/Board take action at their June meeting to either approve or disapprove the Amendment to The Plan.

<u>Attachment 21</u>: Resolutions of Support. A minimum of 67% approval is required in order for the amendment to be approved. Of the 12 municipalities, resolutions are received from 10. This gives an 83% approval rate.

Sincerely,

Executive Director

Attachments

cc: John Pelkola, Chairman, Ontonagon County Board of Commissioners Stacey Preiss, Clerk, Ontonagon County Patrick Tucker, Ever-Green Landfill & Recycling Center, LLC



Western Upper Peninsula Planning & Development Regional Commission

P.O. BOX 365 • HOUGHTON, MICHIGAN 49931 906-482-7205 • FAX 906-482-9032 • e-mail: info@wuppdr.org

TO: Ontonagon County Board of Commissioners

- FROM: Kim J. Stoker, VASS WUPPDR Executive Director & Solid Waste Committee Chair
- Re: Amendment of the Ontonagon County Solid Waste Management Plan
- DATE: May 17, 2013

Dear Commissioners:

The Ontonagon County Solid Waste Planning Committee held a Public Hearing on May 9, 2013 at the Ontonagon County Courthouse beginning at 4:00 EST. A quorum of the Planning Committee was present at the Public Hearing to listen to public comments and after the hearing was closed a committee meeting was called to order.

After much discussion and considering the public comments a motion was made to accept the amendments to the Ontonagon Solid Waste Management Plan as drafted (see attached).

The next step in the approval process is for the County Board of Commissioners to approve the Plan amendments as presented to them by the Solid Waste Committee to send out to your municipalities for their approval/rejection. The Plan must be approved by no less than sixtyseven percent (67%) of your municipalities of which there are twelve (12) so it must be approved by a minimum of nine (9). If 67% approve the amendment, the Plan will then be sent to the MDNR for their approval. I am also attaching the Amendment Flow Chart for your review should you have any questions.

Thank you for your time and consideration in this matter.

Attachments

2013 Proposed AMENDMENTS TO ONTONAGON COUNTY SOLID WASTE PLAN

- 1. Replace page 13 as shown in attachment.
- 2. Replace page 21 as shown in attachment.
- 3. Replace page 22 as shown in attachment.
- 4. Replace page 25 as shown in attachment.
- 5. Replace page 27 as shown in attachment.
- 6. Amend first paragraph below SITING CRITERIA AND PROCESS on page 44 to state:

The following process describes the criteria and procedures to be used to site all solid waste disposal areas and determine consistency with this Plan, except any new or amended permitting of Ever-Green Landfill & Recycling Center, LLC as approved by DEQ shall be deemed consistent with the Plan.

7. All references to Smurfit Stone Container are hereby changed to Ever-Green Landfill & Recycling Center, LLC.

DATA BASE

FACILITY DESCRIPTIONS

Facility Type: Sanitary Landfill Type III (Low Hazard Industrial Waste), Type II (when permitted and licensed) Facility Name: Ever-Green Landfill & Recycling Center, LLC

Location: Town: 51N Range: 39W Section(s): 24 County: _____

Map identifying location included in Attachment Section: 🛛 Yes 🗌 No

If facility is an Incinerator or a Transfer Station, list the final disposal site and location for Incinerator ash or Transfer Station wastes:

Public X Private Owner:

Operating Status (check)	Waste Types Received (check all that apply)
X open	residential
closed	commercial
X licensed	X industrial **
unlicensed	construction & demolition
construction permit	contaminated soils
open, but closure	special wastes *
pending	other:
the state of the state in the	dian a section list and/or conditions

* Explanation of special wastes, including a specific list and/or conditions:

**	Licensed	for	Low	Hazard	Industrial	Waste;	see	page	44	

<u>Site Size:</u> Total area of facility property: Total area sited for use: Total area permitted: Operating: Not excavated:	1252.89 <u>260</u> <u>260</u> <u>176</u> <u>84</u>	acres acres acres acres * acres
Current capacity: Estimated lifetime: Estimated days open per year: Estimated yearly disposal volume:	588, <u>006</u>	tons or Xyds ³ ** years days tons or yds ³
(if applicable) Annual energy production: Landfill gas recovery projects: Waste-to-energy incinerators:		megawatts megawatts
* This acreage reflects Active	e Type III not a	final grade.

** See page 44

SELECTED SYSTEM

IMPORT AUTHORIZATION

If a Licensed solid waste disposal area is currently operating within the County, disposal of solid waste generated by the EXPORTING COUNTY is authorized by the IMPORTING COUNTY up to the AUTHORIZED QUANTITY according to the CONDITIONS AUTHORIZED in Table 1-A.

Table 1-A CURRENT IMPORT VOLUME AUTHORIZATION OF SOLID WASTE \mathcal{O} AUTHORIZED AUTHORIZED AUTHORIZED IMPORTING **EXPORTING** FACILITY CONDITIONS² COUNTY NAME **OUANTITY**/ QUANTITY/ COUNTY ANNUAL DAILY Ontonagon Baraga RETURN TO AMENDMENT Gogebic Ontonagon LETTER Ontonagon Houghton Ontonagon Iron Ontonagon Keweenaw

¹ Facilities are only listed if the exporting county is restricted to using specific facilities within the importing county.

² Authorization indicated by P = Primary Disposal; C = Contingency Disposal; * = Other conditions exist and detailed explanation is included in the Attachment Section.

If a new solid waste disposal area is constructed and operating in the future in the County, then disposal of solid waste generated by the EXPORTING COUNTY is authorized by the IMPORTING COUNTY up to the AUTHORIZED QUANTITY according to the AUTHORIZED CONDITIONS in Table 1-B.

Table 1-B

FUTURE IMPORT VOLUME AUTHORIZATION OF SOLID WASTE CONTINGENT ON NEW FACILITIES BEING SITED

IMPORTING COUNTY	EXPORTING COUNTY	FACILITY NAME ^I	AUTHORIZED QUANTITY/ DAILY	AUTHORIZED QUANTITY/ ANNUAL	AUTHORIZED CONDITIONS ²	
Ontonagon	Baraga					RETURN TO AMENDMENT
Ontonagon	Gogebic					LETTER
Ontonagon	Houghton	- <u></u>				
<u>Ontonagon</u>	Iron					
Ontonagon	Keweenaw					

Additional authorizations and the above information for those authorizations are listed on an attached page.

¹ Facilities are only listed if the exporting county is restricted to using specific facilities within the importing county.

² Authorization indicated by P = Primary Disposal; C = Contingency Disposal; * = Other conditions exist and detailed explanation is included in the Attachment Section.

SELECTED SYSTEM

SOLID WASTE DISPOSAL AREAS

The following identifies the names of existing disposal areas which will be utilized to provide the required capacity and management needs for the solid waste generated within the County for the next five years and, if possible, the next ten years. Pages III-7-1 through III-7-5 contain descriptions of the solid waste disposal facilities which are located within the County and the disposal facilities located outside of the County which will be utilized by the County for the planning period. Additional facilities within the County with applicable permits and licenses may be utilized as they are sited by this Plan, or amended into this Plan, and become available for disposal. If this Plan update is amended to identify additional facilities in other counties outside the County, those facilities may only be used if such import is authorized in the receiving County's Plan. Facilities outside of Michigan may also be used if legally available for such use.

Type II Landfill:Type A Transfer Facility:K & W Landfill, Inc.-----Type B Transfer Facility:-----Type III Landfill:Processing Plant:Ever-Green Landfill & Recycling Center, LLC

Incinerator:

Waste Piles:

Waste-to-Energy Incinerator:

<u>Other:</u>

Additional facilities are listed on an attached page. Letters from or agreements with the listed disposal areas owners/operators stating their facility capacity and willingness to accept the County's solid waste are in the AttachmentsSection.

*See page 44

SELECTED SYSTEM

FACILITY DESCRIPTIONS

Sanitary Landfill Type III (Low Hazard Industrial Waste), Facility Type: Type II (when permitted and licensed) Facility Name: Ever-Green Landfill & Recycling Center, LLC County: Location: Town: <u>51N</u> Range: <u>39W</u> Section(s): <u>24</u>

Map identifying location included in Attachment Section: X Yes No

Owner:

If facility is an Incinerator or a Transfer Station, list the final disposal site and location for Incinerator ash or Transfer Station wastes :

Public	Private	

Operating Sta	itus (check)	Waste Typ	es Received (check all that apply)
X	open		residential
	closed		commercial
X	licensed	X	industrial **
	unlicensed		construction & demolition
\mathbf{X}	construction permit		contaminated soils
	open, but closure		special wastes *
	pending		other:

* Explanation of special wastes, including a specific list and/or conditions:

** Licensed for Low Hazard Industrial Waste; see page 44

Site Size:		
Total area of facility property:	1252.89	acres
Total area sited for use:	260	acres
Total area permitted:	260	acres
Operating:	176	acres *
Not excavated:	84	acres
Current capacity:	588,006	\Box tons or X yds ³ **
Estimated lifetime:		years
Estimated days open per year:		days
Estimated yearly disposal volume:		tons or yds ³
(if applicable)		
Annual energy production:		
Landfill gas recovery projects;		megawatts
Waste-to-energy incinerators:		megawatts
* This acreage reflects A	Active Type III not a	final grade.
** See page 44.		