



JOHN ENGLER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



RUSSELL J. HARDING
DIRECTOR

January 28, 2002

Mr. Richard Bartz, Chairperson
Berrien County Board of Commissioners
811 Port Street
St. Joseph, Michigan 49085

Dear Mr. Bartz:

The Department of Environmental Quality (DEQ) received the locally approved update to the Berrien County Solid Waste Management Plan (Plan) on June 14, 2001. Except for the items indicated below, the Plan is approvable. As outlined in the September 6, 2001 letter to Mr. John Gruchot, Berrien County Solid Waste Management Coordinator, from Ms. Christina Miller, DEQ, Waste Management Division (WMD), and as confirmed in your letter dated October 23, 2001, the DEQ makes the following modifications to the Plan:

Page [II-17](#), DISPOSAL AREAS, paragraph 4, states: "Maintain relatively restricted waste importation and exportation to eight contiguous counties . . ." These shall reflect the same counties as the importation and exportation tables on pages III-2 through III-5 a, as well as page I-4. All of these pages included 12 counties, if Berrien County (County) is included in the count, rather than the eight listed on page II-17, paragraph 4. Therefore, this paragraph has been changed to reflect 12 contiguous counties.

Page [III-1](#), IMPORT/EXPORT AUTHORIZATIONS, paragraphs 2 and 3 have been deleted because the Plan cannot restrict the disposal of waste generated within the County at landfills within the County because no authorization is needed for such disposal. This comment also applies to all the Berrien County Landfill Use Agreements under the Acceptance of Berrien County Waste section.

[Appendix D](#), ALL BERRIEN COUNTY LANDFILL USE AGREEMENTS, paragraph 3, Representation by the Parties: It shall be noted for clarification purposes that the Plan supersedes the Landfill Use Agreements and, also, that this paragraph is not enforceable under the Plan.

The following changes have been made to the rest of the Plan to reflect a reduction by 2.9 million cubic yards, the amount of airspace sited for expansion at Forest Lawn Landfill (FLL), due to the construction permit issued October 16, 2001. The

Plan currently identifies 13.9 million cubic yards as the total airspace for FLL, which includes the 2.9 million cubic yards mentioned above. The expansion authorized for FLL should now reflect 11 million cubic yards of airspace.

Page I-4, DISPOSAL AREAS, paragraph 3: The first sentence will read:

Grant airspace expansions of 13.9 million cubic yards to Orchard Hill Landfill and 4.4 million cubic yards to Southeast Berrien County Landfill, as sited on the facility maps in the Landfill Use Agreements for the respective facilities at Appendix D, and grant an airspace expansion of 11.0 million cubic yards to Forest Lawn Landfill, as sited on the portion of the facility map labeled 'lateral expansion disposal area' in the Landfill Use Agreement for Forest Lawn Landfill at Appendix D.

Page II-2, SOLID WASTE DISPOSAL AREAS, paragraph 1: The second sentence will read:

The table shows disposal capacity (gate yards) and years of facility life remaining, based upon the siting of airspace expansions of 13.9 million cubic yards at Orchard Hill Landfill, 11.0 million cubic yards at Forest Lawn Landfill, and 4.4 million cubic yards at Southeast Berrien County Landfill.

Page II-4, SOLID WASTE FACILITY DESCRIPTIONS, paragraph 1: The last sentence will read:

Capacity figures for the landfills in Berrien County include expansions of 13.9 million cubic yards at Orchard Hill Landfill and 4.4 million cubic yards at Southeast Berrien County Landfill, as sited on the facility maps in the Landfill Use Agreements for the respective facilities at Appendix D, and an expansion of 11.0 million cubic yards at the Forest Lawn Landfill, as sited on the portion of the facility map labeled 'lateral expansion disposal area' in the Landfill Use Agreement for Forest Lawn Landfill at Appendix D.

Page II-4.a, FACILITY DESCRIPTION FOR FOREST LAWN LANDFILL: The bottom explanatory note indicated by the asterisk will read: "Includes an airspace expansion of 11.0 M (million) cubic yards, sited in this Plan Update."

Page II-17, DISPOSAL AREAS, paragraph 3: The first sentence will read:

Grant airspace expansions of 13.9 million cubic yards to Orchard Hill Landfill and 4.4 million cubic yards to Southeast Berrien County Landfill, as sited on the facility maps in the Landfill Use Agreements for the respective facilities at Appendix D, and grant an airspace expansion of 11.0 million cubic yards to Forest Lawn Landfill, as sited on the portion of

the facility map labeled 'lateral expansion disposal area' in the Landfill Use Agreement for Forest Lawn Landfill at Appendix D.

Page III-6, SOLID WASTE DISPOSAL AREAS, paragraph 1: The second sentence will read:

The table shows disposal capacity (gate yards) and years of facility life remaining, based upon the siting of airspace expansions of 13.9 million cubic yards at Orchard Hills Landfill, 11.0 million cubic yards at Forest Lawn Landfill, and 4.4 million cubic yards at Southeast Berrien County Landfill.

Page III-6 a, FACILITY DESCRIPTION FOR FOREST LAWN LANDFILL: The bottom explanatory note indicated by the asterisk will read: "Includes an airspace expansion of 11.0 M (million) cubic yards, sited in this Plan update."

Page III-17, SITING PROCEDURE, paragraph 2: Sub paragraph (a) will read:

Eleven million cubic yards of airspace expansion at Forest Lawn Landfill (as sited on the portion of the facility map labeled 'lateral expansion disposal area' in the Landfill Use Agreement for Forest Lawn Landfill at Appendix D).

APPENDIX D, page D-1, LISTED CAPACITY, paragraph 1: A sentence will be added to the end of the paragraph to read:

Please note that the expansion area for Forest Lawn Landfill sited in this Plan Update is only that portion labeled 'lateral expansion disposal area' on its facility map.

With these modifications, the County's updated Plan is hereby approved, and the County now assumes responsibility for the enforcement and implementation of this Plan. Please ensure that a copy of this letter is included with copies of the approved Plan distributed by the County.

By approving the Plan with modifications, the DEQ has determined that it complies with the provisions of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and the Part 115 administrative rules concerning the required content of solid waste management plans. Specifically, the DEQ has determined that the Plan identifies the enforceable mechanisms that authorize the state, a county, a municipality, or a person to take legal action to guarantee compliance with the Plan, as required by Part 115. The Plan is enforceable, however, only to the extent the County properly implements these enforceable mechanisms under applicable enabling legislation. The Plan itself does not serve as such underlying enabling authority, and DEQ approval of the Plan neither restricts nor expands County authority to implement these enforceable mechanisms.

The Plan may also contain other provisions that are neither required nor expressly authorized for inclusion in a solid waste management plan. The DEQ approval of the Plan does not extend to any such provisions. Under Part 115, the DEQ has no statutory authority to determine whether such provisions have any force or effect.

The DEQ applauds your efforts and commitment in addressing the solid waste management issues in Berrien County. If you have any questions, please contact Ms. Rhonda Oyer Zimmerman, Chief, Solid Waste Management Unit, WMD, at 517-373-4750.

Sincerely,

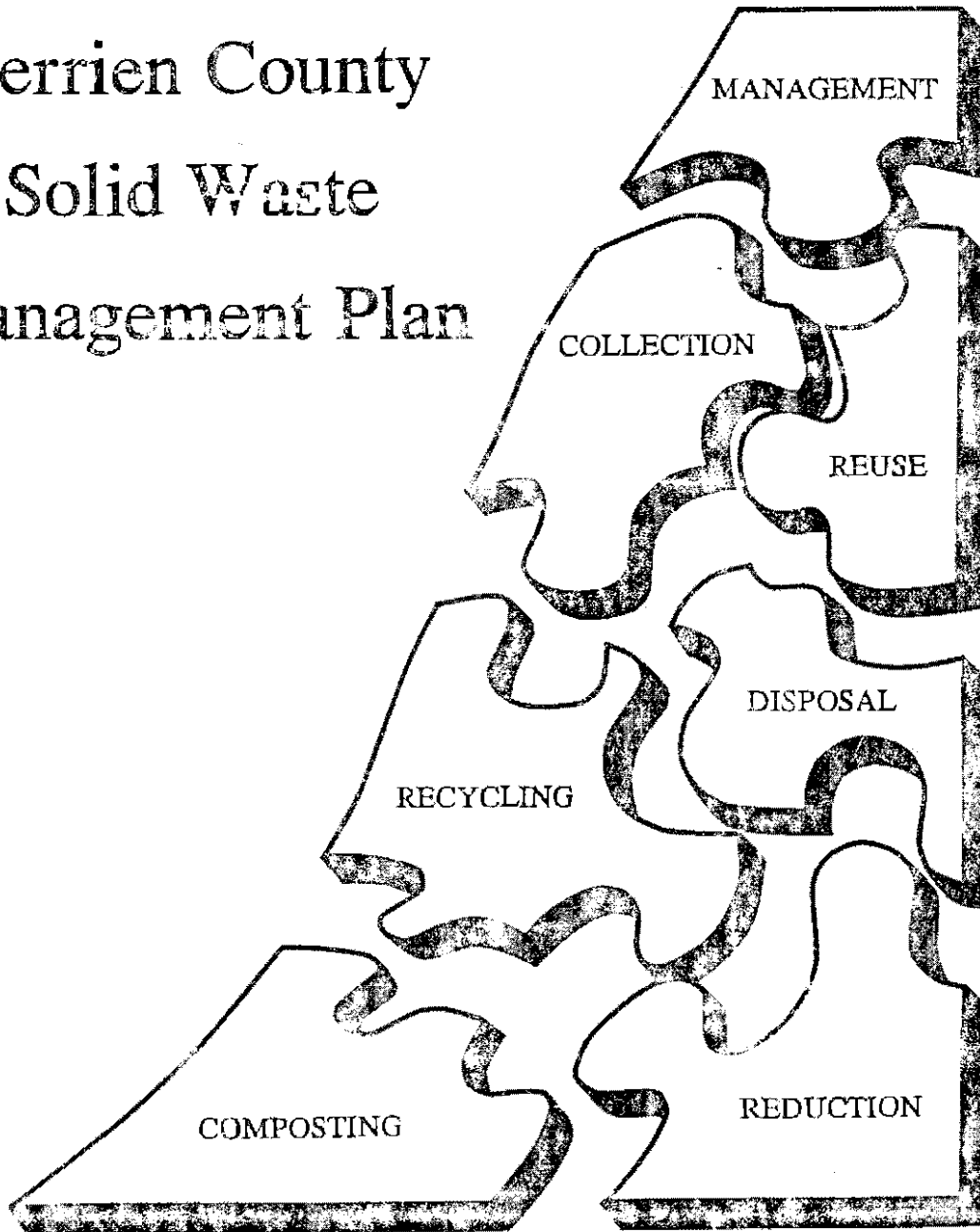


Russell J. Harding
Director
517-373-7917

cc: Senator Harry Gast
Representative Ron Jelinek
Representative Charles T. LaSata
Mr. John Gruchot, Berrien County Solid Waste Management Coordinator
Mr. Arthur R. Nash Jr., Deputy Director, DEQ
Mr. Thomas M. Hickson, Legislative Liaison, DEQ
Mr. Jim Sygo, DEQ
Ms. Joan Peck, DEQ
Mr. Tomas Leep, DEQ – Kalamazoo
Ms. Rhonda Oyer Zimmerman, DEQ
Ms. Christina Miller, DEQ
Berrien County File

March 2001

Berrien County
Solid Waste
Management Plan



2nd Update

**BERRIEN COUNTY
SOLID WASTE MANAGEMENT PLAN
SECOND UPDATE**

DATE SUBMITTED TO DEQ: JUN 21 2001

DESIGNATED PLANNING AGENCY PREPARING THIS PLAN UPDATE:

Berrien County Department of Planning, Public Works & Land Description

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CENTRAL REPOSITORY LOCATION: Berrien County Department of Planning, Public Works
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SECTION I

**EXECUTIVE SUMMARY
&
INTRODUCTION**

I. EXECUTIVE SUMMARY

The following summarizes the solid waste management system selected to manage solid waste within the county. In case of conflicting information between the executive summary and the remaining contents of the Plan update, the information provided in the main body of the Plan update will take precedence.

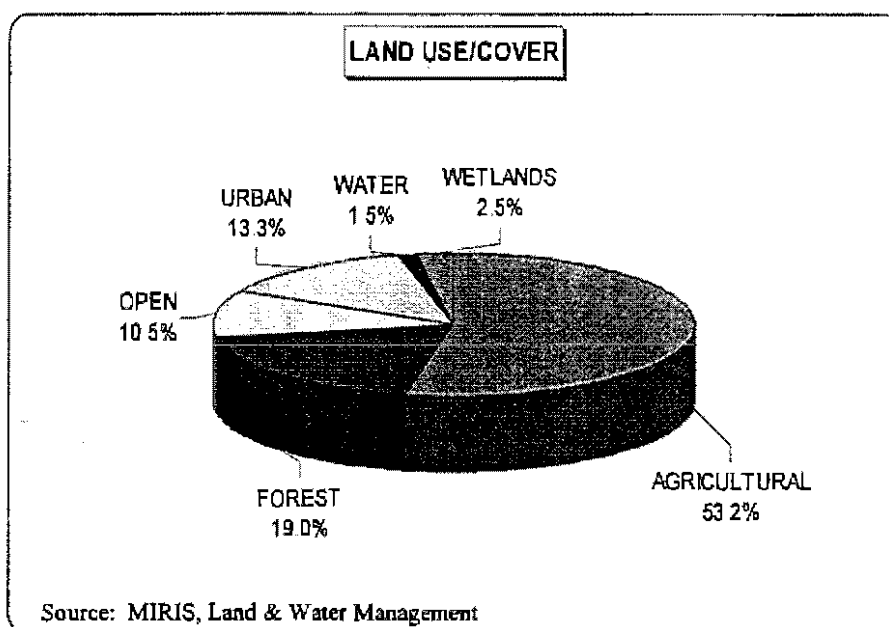
OVERALL VIEW OF THE COUNTY

<u>Local Governmental Unit</u>	<u>Population</u>	<u>% of Land Use</u>		<u>% of Economic Base*</u>					
		<u>Rural</u>	<u>Urban</u>	<u>Ag</u>	<u>For</u>	<u>Ind</u>	<u>Com</u>	<u>Oth</u>	
Berrien County	160,713	87	13	4	0.5	38	48	10	

*(Ag=Agriculture / For=Forestry / Ind=Industry / Com=Commercial / Oth=All other categories)
(Source: U.S. Census Bureau, 1996 estimates; Michigan Department of Agriculture, 1994)

The requested information is not available at the individual municipal level, and estimates of the percent of economic base proved troublesome. This Plan uses data on the annual earnings and income for each sector. Other criteria, such as level of employment, showed the total for both agriculture and forestry as less than one percent, depending upon the source. These figures seemed inaccurate, given the major presence of agriculture in the County. Still, earnings and income figures should also be balanced with a more detailed analysis of Berrien County land use, shown in figure I.1 below. This combination of data appears to provide a more accurate picture. Wastes produced in agricultural or forestry related activities are more organic, and can more often be handled outside of a municipal solid waste system, including composting at the site of waste generation. On the other hand, industrial and commercial wastes are the type most often requiring handling by traditional waste management practices, such as collection by waste haulers for disposal or resource recovery.

Figure I.1



CONCLUSIONS

The Solid Waste Planning Committee considered three different waste management alternatives during development of this Plan Update. A system was considered to be a legitimate alternative only if it made large scale changes to the management components currently in place, versus smaller changes within those components. Also, as required by statute, the Committee considered the State's solid waste management goals for 2005 (see below), and therefore, incineration was again considered as one of the alternatives.

State's Solid Waste Management Goals for the Year 2005

Reduction	8-12%
Reuse	4-6%
Composting	8-12%
Recycling	20-30%
Waste-to-Energy (incineration)	35-45%
Landfill	10-20%

The first alternative that the Committee considered, keeps the current system essentially intact, with some changes to increase the County's involvement in resource recovery components. This alternative leaves waste disposal and most collection in the hands of the private sector and municipalities. As there are no solid waste incinerators in the immediate region, disposal means landfilling. Resource recovery is handled by both the municipalities and private sector again, but with some involvement by the County through direct programs, financial incentives, public education and promotion of resource recovery techniques. This alternative allows for increased involvement by the County in these areas, as resources and circumstances permit. It is also the system that is advocated by this Plan Update, and the rationale for this will be explained more fully below, and to a greater extent in other sections.

A second and third alternative considered the possibility of the County controlling waste disposal through ownership and possibly operation of a landfill or incinerator within Berrien County. This would require the County to purchase an existing landfill, construct a new one, or build an incinerator. All other aspects of the solid waste management system would stay the same as alternative number one, if possible. The primary goal of these alternatives is to guarantee long term disposal capacity within the County's borders for County generated waste. Another chief benefit is the potential to limit environmental risk and local impact associated with large volumes of imported waste that currently enter the County. Berrien County generates only about 15% of the waste that is disposed at the three landfills within its borders. While there is no inherent difference between the waste generated within Berrien County and imported waste, with respect to environmental risk and local impact, that risk and impact is increased, however, with exposure to and accumulation of increased volume.

A major hurdle to achieving alternative two or three is technical and financial. While the County has been collecting fees from the two privately owned landfills for several years through Landfill Use Agreements, the Landfill Use Fund (LUF) established with these funds is not at a level that

Section I. Executive Summary

could cover the capital expenditures for either of these alternatives, according to past studies on these issues. Also, the County would still need to contend with the same issues that face all disposal facilities, whether public or private, most particularly those related to competition. Capacity at each of the landfills within Berrien County is estimated to be sufficient for ten years or more. This would put the County in the position of competing for waste for at least that amount of time. Under current State and Federal legislation, the County would not be able to have exclusive access to any particular waste stream, unless changes were made to the current collection system. Since there is not sufficient waste within Berrien County to support all the facilities that will remain open under alternatives two and three, all would need to attract waste from outside County borders for ten to fifteen years, defeating one of the main goals of establishing this alternative. A real world example of this scenario is the Southeast Berrien County Landfill Authority. As a not-for-profit municipal corporation, they needed 648,000 cubic yards in '98-'99 to meet their fiscal requirements. Currently, the whole of Berrien County is estimated to require disposal for less than that amount, at 698,415 cubic yards per year. In this case, there was barely enough waste within Berrien County to support even that one landfill, let alone three. (Orchard Hill Landfill, however, has consistently operated at levels that could be sustained solely by Berrien County waste.)

Another side effect of implementing these alternatives would be the likely diminished revenue from a waste fee, to pay for resource recovery programs. Since the current LUF would quite conceivably be depleted to cover the initial investment for these alternatives, the types of resource recovery programs now run by the County, and certainly those expanded services envisioned in this Update, would be difficult to support.

A possible solution to these circumstances would be to make major changes to the waste collection component. This would most likely require the cities, villages and townships to relinquish their authority over waste management collection in their jurisdiction, in the form of some type of County-wide waste district, or some other scenario. Due to the complex nature of changing the current waste management system to one of greater control required by these alternatives, while yielding minimal environmental benefits, and with potential for greater costs, the Committee rejected them during this planning period. Perhaps future Plan Updates will find the County in a better position to move towards these alternatives, depending upon the level of funds available to pursue them and the status of the existing landfill capacity.

SELECTED ALTERNATIVE

System Components

RESOURCE CONSERVATION EFFORTS

- Expand implementation of the County's internal waste reduction policy, to serve as a model for businesses, institutions and local governments throughout the County.
- Continue the County run household hazardous waste (HHW) collection programs and consider expanding services, as needed.

Section I. Executive Summary

- Continue the County run Clean Sweep program for agricultural related pesticides.
- Promote individual action to practice resource conservation.

VOLUME REDUCTION TECHNIQUES

- Promote private sector efforts to pursue volume reduction methods in waste handling

RESOURCE RECOVERY PROGRAMS

- Maintain current system of municipal control over the development of curbside recycling programs, and continue to explore methods to use technical assistance and financial assistance or incentives to expand current availability.
- Expand access to drop-off recycling programs, where curbside collection may not be cost effective, through financial assistance, incentives or more direct County involvement in program development.
- Encourage the development and provide technical assistance for the development and expansion of new or existing composting programs, including back yard composting

COLLECTION PROCESSES AND TRANSPORTATION

- Maintain the current system of a combination of mostly private waste hauling, with the exception of a few municipally controlled routes and municipal control over specific items, such as leaves, brush and large items.
- Maintain the system of municipal control over the access to and availability of waste hauling services, but provide technical assistance when requested.
- Promote the availability of and encourage expanded private sector development of volume based trash collection rates that encourage waste reduction and resource recovery efforts.

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APPROVAL
LETTER

DISPOSAL AREAS

- Maintain existing reliance on landfilling as the primary waste disposal method (see Table II.2).
- Maintain the current ownership structure of the three landfills within the County, two of which are privately owned and operated (Forest Lawn and Orchard Hill) and one which is owned by a municipal waste authority (Southeast Berrien County)
- Grant an airspace expansion of 13.9 million cubic yards to Forest Lawn and Orchard Hill landfills and 4.4 million cu. yd. to Southeast Berrien County Landfill, as sited on the facility maps in the Landfill Use Agreements at Appendix D. No further expansions will be granted unless the local host community approves of requested expansion by resolution.
- Maintain relatively restricted waste importation and exportation to 12 contiguous counties in southwestern Michigan (see Section III). Current U.S. Supreme Court rulings continue to preclude any ability to control out-of-state waste flow.



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- Continue to encourage the disposal of Berrien County waste into the local landfills as a first priority, with regional waste and then out-of-state waste as lower priorities, including the continued use financial incentives, in the form of rate structures, in any existing or new Landfill Use Agreements.

INSTITUTIONAL ARRANGEMENTS

- Maintain a mix of private and public sector involvement in waste management operations, with the public sector operations occurring primarily at the local level. The exception being County involvement in HHW related collections and the development and operation of some collection programs for difficult to manage wastes, such as tires and appliances.
- Continue the County's role as one primarily focussing on technical assistance, promotion and financial assistance for the development locally controlled resource recovery programs.
- Maintain the Resource Recovery Coordinator's office as the County's focal point for waste reduction, recycling, composting and related waste management programming.

EDUCATIONAL AND INFORMATIONAL PROGRAMS

- Continue the County's role as a resource for information on resource recovery programs, including access to existing programs.
- Expand and develop current and new public education programs that promote and encourage resource recovery activities and programs at the individual, municipal, business and institutional levels.

CAPITAL, OPERATIONAL AND MAINTENANCE COSTS

- Continue to use the portion of the Landfill Use Fund allocated for resource recovery and waste management activities as the main source of funding for County programs in those areas.
- Costs associated with disposal will continue to be paid for by fees for services with waste haulers and landfill operators.

I. INTRODUCTION

GOALS AND OBJECTIVES

- Goal 1.** Promote an integrated solid waste management system which provides for the protection of public health and the environment, through cooperation between the public and private sectors.
- Objective 1.1:** Encourage, promote, and where appropriate, establish environmentally sound and socially responsible collection, transportation, storage and disposal techniques to manage solid waste.
- Objective 1.2:** Maintain an administrative and planning structure for solid waste management within the County, primarily through the continued staffing the Resource Recovery Coordinator or similar positions.
- Objective 1.3:** Promote and participate in cooperative efforts among state, regional and local governmental units, including continued membership in the Southwest Michigan Solid Waste Consortium.
- Objective 1.4:** Support and encourage local, state and national legislation which is beneficial to environmentally sound management of solid waste.
- Objective 1.5:** Explore the feasibility of developing a County surcharge ordinance on all waste entering landfills within Berrien County, as a possible alternative to the current contractually based Landfill Use Fund, and its effects upon the ongoing and proposed programs described in the Plan Update.
- Objective 1.6:** Maintain existing and, as appropriate, establish new monitoring programs in cooperation with the landfills in Berrien County to address public concerns in regard to their environmental impact.
- Objective 1.7:** Maintain a fund to finance the administrative and operational costs associated with the promotion of an environmentally sound integrated solid waste management system.
- Objective 1.8:** Explore the feasibility of developing a program to address the measurable impacts of landfills upon the market value of property purchased prior to their development and within their immediate vicinity.
- Objective 1.9:** Coordinate independent volumetric analysis of the in-County landfills on an annual basis, to assess the availability of local disposal capacity for Berrien County waste.

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Goal 2. Enhance and develop public education programs that inform County residents, institutions and businesses of the benefits and techniques of environmentally sound solid waste management.

Objective 2.1 Continue existing and develop new educational programs targeting school aged children, to teach them the benefits and techniques of waste reduction, recycling and resource conservation.

Objective 2.2 Develop programs to provide services such as waste audits, full cost accounting analysis of existing programs and pollution prevention training to municipal officials, institutions and businesses.

Objective 2.3 Continue programs to educate the public on cost effective waste reduction and resource recovery techniques that they can use within their own homes.

Objective 2.4 Continue and enhance methods of informing the public, municipalities, institutions and businesses of the availability of existing public and private sector resource recovery and recycling services, including the County's household hazardous waste and agricultural pesticide collection programs.

Objective 2.5 Develop public education programs that teach the general public of the environmental, public health and economic benefits of waste reduction, recycling and resource conservation.

Goal 3. Establish new and maintain existing programs that implement waste reduction, resource conservation and resource recovery methods.

Objective 3.1 Continue staffing of the Resource Recovery Coordinator, or similar positions, as the primary facilitator of programs aimed at achieving this goal.

Objective 3.2 Maintain and enhance the County waste reduction policy, including, to the greatest extent practical, the purchase of recycled content products, and promote such policies and practices to other businesses and institutions.

Objective 3.3 Maintain and enhance the operation of the County's household hazardous waste collection program.

Objective 3.4 Under the guidance of and with financial support from the Michigan Department of Agriculture, maintain and enhance the pesticide Clean Sweep program, which is currently a cooperative program among Berrien, Cass and Van Buren counties.

Section I. Introduction

- Objective 3.5 Cooperate with existing private and municipal programs to assist with the recovery and processing of yard waste and other compostable materials into beneficial products.
- Objective 3.6 Develop technical assistance programs that encourage the establishment or enhancement of municipal, institutional and business recycling and waste reduction programs, especially in conjunction with educational programs targeting school systems, so that the education is combined with actual collection programs.
- Objective 3.7 Explore the continued use of financial incentives to influence and assist with the development of waste reduction and recycling programs within municipalities, institutions and businesses, with an emphasis on unit based pricing (pay-as-you-throw) of solid waste collection services
- Objective 3.8 Develop programs to recover materials and items that are difficult for most municipalities to manage, such as, but not limited to, tires and appliances.

SECTION II

**DATA BASE
&
SOLID WASTE MANAGEMENT ALTERNATIVES**

II. DATA BASE

Identification of sources of waste generation within the county, total quantity of solid waste generated and requiring disposal, and sources of the information.

The total quantity of solid waste needing disposal was drawn from what is currently most authoritative source on that matter, which is the States' Report of Solid Waste Landfilled in the State of Michigan. Since there are no incinerators used to handle Berrien County generated waste, the landfilling report should cover all disposed of waste.

Regarding waste generation, several sources were consulted. General estimates on the make-up of waste streams and percentages came from the U.S. EPA's Characterization of Municipal Solid Waste (MSW) in the United States and Part II (Background) of the Southwest Michigan Recycling Market Strategy. The latter was developed for the Southwest Michigan Solid Waste Consortium. These types of sources do not fully address the categories of waste requested by this document, nor does any type of report compiled by the State. Therefore, local inquiries were made of the major haulers and recycling centers in the County to determine estimates of the full range of information required by this Plan. The following table shows estimates of current and projected waste generation in terms of cubic yards, for ease of analysis related to landfill capacity requirements.

Table II.1
WASTE GENERATION
CURRENT AND PROJECTED
(cu. yd. / year)

<u>waste category</u>	<u>current</u>	<u>year 5</u>	<u>year 10</u>
Residential	208,600	170,000	160,000
Commercial & Industrial	174,300	145,000	135,000
Industrial Process	198,200	170,000	160,000
Construction & Demolition	182,793	155,000	145,000
Municipal Sludge	2,800	1,800	0

CURRENT:

TOTAL QUANTITY OF SOLID WASTE GENERATED: 766,693 cu yd / year

TOTAL QUANTITY OF SOLID WASTE NEEDING DISPOSAL: 698,415 cu yd / year

(Sources: Characterization of Municipal Solid Waste in the United States, 1996 Update, US EPA; Southwest Michigan Recycling Market Development Strategy, Part II, Background, Resource Recycling Systems, Public Policy Associates; Interviews with waste haulers, recycling operations and waste water treatment plants, etc.)

Section II. Data Base

Based on this data, Berrien County has a current recycling rate of roughly 10% of total waste, with a higher percentage if one focuses only on the standard residential and office waste streams. This is a rough estimate of generation and the resulting recycling rates, but it appears to be in line with the level of recycling programs currently serving the major population centers which rely heavily on voluntary individual action to subscribe for such service or self-haul to drop-off centers. It's below the recycling rate of some of the other regional counties, and indicates a need for improvement.

SOLID WASTE DISPOSAL AREAS

This is an inventory and description of all solid waste disposal areas within the county, or to be utilized by the County, to meet its disposal needs for the planning period (see Table II.2). The table shows disposal capacity (gate yards) and years remaining, based upon the siting of 13.9 M cu yd of expansion at Forest Lawn and Orchard Hill landfill, and 4.4 M cu yd of expansion at Southeast Berrien County Landfill. Appendix D includes documentation from the facilities indicating that Berrien County has access to this disposal capacity, either by letter or by a Landfill Use Agreement, for the in-County Landfills.



Table II.2

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INVENTORY OF SOLID WASTE DISPOSAL AREAS
and
ANNUAL CAPACITY AVAILABLE FOR BERRIEN COUNTY WASTE
OVER THE 10 YR. PLANNING PERIOD (estimated)
(cu yd/year)

<u>Type II Landfills</u>	<u>County</u>	<u>Disposal Capacity</u>	<u>Yrs.</u>
Orchard Hill	Berrien	700,000	44
Forest Lawn	Berrien	4,000,000	9
Southeast Berrien County Landfill	Berrien	650,000	21
Westside RDF	St. Joseph	1,200,000	11
Calhoun County C&C Landfill	Calhoun	1,000,000	13
Ottawa County Farms	Ottawa	1,500,000	25
Autumn Hills	Ottawa	1,500,000	28
Hasting Sanitary Service (WM)	Barry	600,000	10
Pitsch Sanitary Landfill	Ionia	240,000	22
<u>Type A Transfer Stations</u>			
Reliable Disposal	Berrien	450,000	n/a
Cork Street	Kalamazoo	n/a	n/a

(Source: Report of Solid Waste Landfilled in Michigan, Oct. 1, 1998 - Sept. 30, 1999, MI DEQ; Interviews with Landfills and copies of landfill provided facility descriptions)

The combination of the above two tables demonstrates that Berrien County will have sufficient disposal capacity for the length of the Planning Period under the current solid waste management system. (See Section IV for further explanation)

Figure II.1 shows the current waste flow patterns that were used to assist in determining the disposal areas identified in Table II.2

SOLID WASTE FLOW PATTERNS (cubic yards)

0 - 999
 1,000 - 9,999
 10,000 - 99,999
 100,000 - 299,999
 300,000 - 499,999
 500,000 +
 waste that stays within county

The map illustrates the following waste flow patterns (cubic yards):

- ALLEGAN to VAN BUREN:** 106,375
- KALAMAZOO to VAN BUREN:** 267,959
- KALAMAZOO to CALHOUN:** 333,455
- KALAMAZOO to ST. JOSEPH:** 221,128
- KALAMAZOO to CASS:** 145,739
- KALAMAZOO to BERRIEN:** 546,549
- CALHOUN to ST. JOSEPH:** 76,360
- ST. JOSEPH to CASS:** 18,671
- CASS to BERRIEN:** 18,387
- BERRIEN to CASS:** 48,054
- BERRIEN to VAN BUREN:** 147,845
- BERRIEN to ALLEGAN:** 2,924
- BERRIEN to KALAMAZOO:** 23,557
- BERRIEN to ST. JOSEPH:** 41,550
- BERRIEN to CASS:** 15,193
- BERRIEN to BRANCH:** 369
- BRANCH to ST. JOSEPH:** 38,752
- ST. JOSEPH to KALAMAZOO:** 48,851
- ST. JOSEPH to CALHOUN:** 35,638
- ST. JOSEPH to ALLEGAN:** 11,837
- ST. JOSEPH to VAN BUREN:** 10,844
- ST. JOSEPH to CASS:** 8,753
- ST. JOSEPH to BRANCH:** 774
- ST. JOSEPH to KALAMAZOO:** 467,780
- ST. JOSEPH to ALLEGAN:** 106,375
- ST. JOSEPH to VAN BUREN:** 23,557
- ST. JOSEPH to CASS:** 18,671
- ST. JOSEPH to BRANCH:** 369
- ST. JOSEPH to KALAMAZOO:** 48,851
- ST. JOSEPH to ALLEGAN:** 11,837
- ST. JOSEPH to VAN BUREN:** 10,844
- ST. JOSEPH to CASS:** 8,753
- ST. JOSEPH to BRANCH:** 774
- ST. JOSEPH to KALAMAZOO:** 467,780
- ST. JOSEPH to ALLEGAN:** 106,375
- ST. JOSEPH to VAN BUREN:** 23,557
- ST. JOSEPH to CASS:** 18,671
- ST. JOSEPH to BRANCH:** 369
- ST. JOSEPH to KALAMAZOO:** 48,851
- ST. JOSEPH to ALLEGAN:** 11,837
- ST. JOSEPH to VAN BUREN:** 10,844
- ST. JOSEPH to CASS:** 8,753
- ST. JOSEPH to BRANCH:** 774
- ST. JOSEPH to KALAMAZOO:** 467,780
- ST. JOSEPH to ALLEGAN:** 106,375
- ST. JOSEPH to VAN BUREN:** 23,557
- ST. JOSEPH to CASS:** 18,671
- ST. JOSEPH to BRANCH:** 369
- ST. JOSEPH to KALAMAZOO:** 48,851
- ST. JOSEPH to ALLEGAN:** 11,837
- ST. JOSEPH to VAN BUREN:** 10,844
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- ST. JOSEPH to BRANCH:** 774
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- ST. JOSEPH to VAN BUREN:** 23,557
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- ST. JOSEPH to KALAMAZOO:** 48,851
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- ST. JOSEPH to VAN BUREN:** 23,557
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- ST. JOSEPH to VAN BUREN:** 10,844
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- ST. JOSEPH to ALLEGAN:** 11,837
- ST. JOSEPH to VAN BUREN:** 10,844
- ST. JOSEPH to CASS:** 8,753
- ST. JOSEPH to BRANCH:** 774
- ST. JOSEPH to KALAMAZOO:** 467,780
- ST. JOSEPH to ALLEGAN:** 106,375
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- ST. JOSEPH to CASS:** 8,753
- ST. JOSEPH to BRANCH:** 774
- ST. JOSEPH to KALAMAZOO:** 467,780
- ST. JOSEPH to ALLEGAN:** 106,375
- ST. JOSEPH to VAN BUREN:** 23,557
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- ST. JOSEPH to CASS:** 8,753
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- ST. JOSEPH to KALAMAZOO:** 467,780
- ST. JOSEPH to ALLEGAN:** 106,375
- ST. JOSEPH to VAN BUREN:** 23,557
- ST. JOSEPH to CASS:** 18,671
- ST. JOSEPH to BRANCH:** 369
- ST. JOSEPH to KALAMAZOO:** 48,851
- ST. JOSEPH to ALLEGAN:** 11,837
- ST. JOSEPH to VAN BUREN**

II-3

SOLID WASTE FACILITY DESCRIPTIONS**How to interpret the data:**

The following pages describe the facilities listed in the Table II.2, showing solid waste disposal areas to be used by Berrien County over the ten year planning period, as required in Part 115, 1994 PA 451, as amended. The figures were provided through a combination of information provided by the facilities and Michigan DEQ. For planning purposes, the focus is mainly on the capacity and volume figures, as opposed to the acreages. Estimates of yearly disposal volume were taken from the DEQ's Report of Solid Waste Landfilled in Michigan for the period Oct. 1, 97 through Sept. 30, '99.

Capacity figures for the landfills in Berrien County include a 13.9 M cu yd expansion at Forest Lawn and Orchard Hill landfill, and 4.4 M cu yds of expansion at Southeast Berrien County Landfill, as sited on the facility maps in Appendix D.

The "estimated lifetime" figures cannot be calculated through simple division of the "current capacity" by the "estimated yearly disposal volume". There are several reasons for this. The most important factor is that the estimated volume is through the gate of the facility on a trash truck (gate yards), and the capacity is for the airspace volume in the landfill itself. There is significant compaction of waste that occurs within a landfill, after being dumped by the truck. Not only does landfill equipment drive over the top of the waste to compact it, but over time the newer waste on top acts as a continuous compactor of the waste below it. Another factor relates to the type of waste, its corresponding density, and the type of vehicle bringing the waste in. Some trucks compact waste more than others, and some waste types are capable of being compacted more. Waste loads that are closer to 1 to 1 ratios (1 cy at the gate = 1 cy in the landfill) cannot be compacted much after being dumped by the truck, but those with higher ratios can be compacted more. Lastly, not all landfill operations compact equally well. This is one way that a landfill can gain some cost efficiency and extend the life of the landfill, making themselves more competitive.

FACILITY DESCRIPTIONS

Facility Type: TYPE II LANDFILL

Facility Name: FOREST LAWN LANDFILL

County: BERRIEN Location: Town 8S Range 20W Section(s) 17

Map identifying location included in Attachment Section: X 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: FOREST LAWN LANDFILL, INC (REPUBLIC IND.)

Operating Status (check)

- X open
- closed
- X licensed
- unlicensed
- construction permit
- open, but closure pending

Waste Types Received (check all that apply)

- X residential
- X commercial
- X industrial
- X construction & demolition
- contaminated soils
- special wastes *
- X other: FLY ASH, FOUNDRY SAND, TREES & STUMPS, WASTEWATER SLUDGE, ASBESTOS

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

Site Size:

Total area of facility property:	284	acres
Total area sited for use:	209	acres
Total area permitted:	105	acres
operating	105	acres
not excavated	0	acres
Current capacity:	* 16 M	cu yds
Estimated lifetime:	9	years
Estimated days open per year:	286	days
Estimated yearly disposal volume:	1,250,000	tons

RETURN TO
APPROVAL
LETTER

(if applicable)

Annual energy production:		
landfill gas recovery projects:	N/A	megawatts
waste-to-energy incinerators	N/A	megawatts

*Includes an airspace expansion of 13.9 M (million) cubic yards, granted in this Plan Update.



FACILITY DESCRIPTIONS

Facility Type: TYPE II LANDFILL

Facility Name: ORCHARD HILL LANDFILL

County: BERRIEN Location: Town 3S Range 17W Section(s) 28& 33

Map identifying location included in Attachment Section: X 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: LANDFILL MANAGEMENT COMPANY

Operating Status (check)

X open
closed
X licensed
unlicensed
X construction permit
open, but closure pending

Waste Types Received (check all that apply)

X residential
X commercial
X industrial
X construction & demolition
contaminated soils
special wastes *
X other: FLY ASH, FOUNDRY SAND,
TREES & STUMPS, WASTEWATER
SLUDGES, ASBESTOS

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

Site Size:

Total area of facility property:	283	acres
Total area sited for use:	283	acres
Total area permitted:	160	acres
operating	66	acres
not excavated	51	acres

Current capacity:	* 20.6 M	cu yds
Estimated lifetime:	44	years
Estimated days open per year:	285	days
Estimated yearly disposal volume:	700,000	cu yd

(if applicable)

Annual energy production:		
landfill gas recovery projects:	N/A	megawatts
waste-to-energy incinerators	N/A	megawatts

*Includes an airspace expansion of 13.9 M (million) cubic yards, granted in this Plan Update.

FACILITY DESCRIPTIONS

Facility Type: TYPE II LANDFILL

Facility Name: SOUTHEAST BERRIEN COUNTY LANDFILL

County: BERRIEN Location: Town 8S Range 17W Section(s) 6

Map identifying location included in Attachment Section: X 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:

X Public Private Owner: SOUTHEAST BERRIEN COUNTY LANDFILL AUTHORITY

Operating Status (check)	Waste Types Received (check all that apply)
X open	X residential
closed	X commercial
X licensed	X industrial
unlicensed	X construction & demolition
X construction permit	X contaminated soils
open, but closure pending	X special wastes *
	X other: ASBESTOS

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

NON-HAZARDOUS COMMERCIAL AND INDUSTRIAL WASTES THAT HAVE BEEN APPROVED FOR DISPOSAL

Site Size:

Total area of facility property:	230	acres
Total area sited for use:	110	acres
Total area permitted:	71	acres
operating	24	acres
not excavated	47	acres

Current capacity:	* 8.9 M	cu yds
Estimated lifetime:	21	years
Estimated days open per year:	285	days
Estimated yearly disposal volume:	650,000	cu yd

(if applicable)

Annual energy production:		
landfill gas recovery projects:	N/A	megawatts
waste-to-energy incinerators	N/A	megawatts

*Includes an airspace expansion of 4.4 M (million) cubic yards, granted in this Plan Update.

FACILITY DESCRIPTIONS

Facility Type: Type II Landfill

Facility Name: C&C Landfill

County: Calhoun

Location: Town: 1S

Range: 6W

Section(s): 28

Map identifying location included in Appendix D: X Yes No

If facility is an incinerator or transfer station, list the final disposal site and location for incinerator ash or transfer station wastes:

 Public X Private Owner: Browning-Ferris Industries of SE Michigan

<u>Operating Status</u>	<u>Waste Types Received</u>
<u>X</u> Open	<u>X</u> Residential
<u> </u> Closed	<u>X</u> Commercial
<u>X</u> Licensed	<u>X</u> Industrial
<u> </u> Unlicensed	<u>X</u> Construction and Demolition
<u> </u> Construction Permit	<u>X</u> Contaminated Soils
<u> </u> Open, But Closure Pending	<u>X</u> Special Wastes*
	<u>X</u> Other: <u>Type III Wastes</u>

*Explanation of special wastes, including a specific list and/or conditions: Non-hazardous solid and semi-solid wastes; no hazardous or liquid wastes

Site Size:

Total area of facility property:	<u>224</u>	Acres
Total area sited for use:	<u>154</u>	Acres
Total area permitted:	<u>129</u>	Acres
Operating:	<u>33</u>	Acres
Not excavated:	<u>21</u>	Acres

Current capacity:	<u>7,570,000</u>	Cubic Yards
Estimated lifetime:	<u>7</u>	Years
Estimated days open per year:	<u>286</u>	Days
Estimated yearly disposal volumes:	<u>1,000,000</u>	Cubic Yards

Annual energy production:

Landfill gas recovery projects:	<u>3</u>	Megawatts
Waste-to-energy incinerators:	<u>NA</u>	Megawatts

In accordance with this Plan and an agreement between BFI and Calhoun County, the C&C Landfill is authorized to expand by 16 acres of refuse fill area in addition to the existing facility. When combined with the existing available landfill space, this additional area will result in total capacity of 14,000,000 cubic yards and an estimated lifetime of fourteen (14) years.

The landfill and final elevation after closure shall be no higher than 1090 feet above sea level. Such final elevation shall be certified by a Michigan registered land surveyor or Michigan licensed engineer

FACILITY DESCRIPTIONS

Facility Type: Type II Landfill

Facility Name: Westside Landfill

County: St. Joseph Location: Town: 6S Range: 12W Section(s): 26

Map identifying location included in Appendix A: X Yes No

 Public X Private Owner: Waste Management of Michigan, Inc.

<u>Operating Status</u>	<u>Waste Types Received</u>
<u>X</u> Open	<u>X</u> Residential
<u> </u> Closed	<u>X</u> Commercial
<u>X</u> Licensed	<u>X</u> Industrial
<u> </u> Unlicensed	<u>X</u> Construction and Demolition
<u> </u> Construction Permit	<u>X</u> Contaminated Soils
<u> </u> Open, But Closure Pending	<u>X</u> Special Wastes*
	<u> </u> Other:

*Explanation of special wastes, including a specific list and/or conditions:
Foundry Sand, Fly Ash, Wastewater Sludges, Trees and Stumps, and Asbestos

Site Size:

Total area of facility property:	<u>640</u>	Acres
Total area sited for use:	<u>490</u>	Acres
Total area permitted:	<u>85</u>	Acres
Operating:	<u>85</u>	Acres
Not excavated:	<u>0</u>	Acres

Current capacity:	<u>14,790,000</u>	Cubic Yards
Estimated lifetime:	<u>12</u>	Years
Estimated days open per year:	<u>300+</u>	Days
Estimated yearly disposal volumes:	<u>1,200,000</u>	Cubic Yards

Annual energy production:

Landfill gas recovery projects:	<u>NA</u>	Megawatts
Waste-to-energy incinerators:	<u>NA</u>	Megawatts

Facility Name: Ottawa County Farms Landfill

County: Ottawa Location: Town: 8N Range: 14W Section(s): 26 & 27

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: NA

☐ Public ☒ Private Owner: Allied Waste Systems

Operating Status

- ☒ open
- ☐ closed
- ☒ licensed
- ☐ unlicensed
- ☒ construction permit
- ☐ open, but closure pending

Waste Types Received

- ☒ residential
- ☒ commercial
- ☒ industrial
- ☒ construction & demolition
- ☒ contaminated soils
- ☒ special wastes*
- ☐ other: _____

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

Site Size:

Total area of facility property:	<u>240</u>	acres
Total area sited for use:	<u>197</u>	acres
Total area permitted:	<u>240</u>	acres
Operating:	<u>37</u>	acres
Not excavated:	<u>125</u>	acres

Current capacity:	<u>16,500,000</u>	<input type="checkbox"/> tons or <input checked="" type="checkbox"/> yds ³
Estimated lifetime:	<u>25-30</u>	years
Estimated days open per year:	<u>286</u>	days
Estimated yearly disposal value:	<u>500,000</u>	<input checked="" type="checkbox"/> tons or <input type="checkbox"/> yds ³

Annual energy production:

Landfill gas recovery projects:	<u>4,565</u>	megawatts
Waste-to-energy incinerators:	<u>NA</u>	megawatts

FACILITY DESCRIPTIONS

Facility Type: Type II Landfill

Facility Name: South Kent County Landfill

County: Kent Location: Town: 5N Range: 12W Section(s): 36

Map identifying location included in Attachment Section: Yes X No

If facility is an incinerator or a transfer station, list the final disposal site and location for incinerator ash or transfer station wastes:

X Public Private Owner: _____

Operating Status (check)

X open
____ closed
X licensed
____ unlicensed
X construction permit
____ open, but closure
____ pending

Waste Types Received (check all that apply)

X residential
X commercial
X industrial
X construction & demolition
X contaminated soils
X special wastes *
X other: Incinerator ash

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

Site Size:

Total area of facility property:	<u>250</u>	acres
Total area sited for use:	<u>112</u>	acres
Total area permitted:	<u>112</u>	acres
Operating:	<u>31</u>	acres
Not excavated:	<u>81</u>	acres
Current capacity:	<u>7,6000,000</u>	tons or yds ³
Estimated lifetime:	<u>38</u>	years
Estimated days open per year:	<u>310</u>	days
Estimated yearly disposal volume:	<u>155,000</u>	tons or yds ³

(if applicable)

Annual energy production:

Landfill gas recovery projects: N/A megawatts

Waste-to-energy incinerators: N/A megawatts

FACILITY DESCRIPTIONS

Facility Type: TYPE II LANDFILL

Facility Name: PITSCH SANITARY LANDFILL

County: IONIA Location: Town 8N Range 7W Section(s) 7

Map identifying location included in Attachment Section: X 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: PITSCH COMPANIES

Operating Status (check)

X open
closed
X licensed
unlicensed
construction permit
open, but closure pending

Waste Types Received (check all that apply)

X residential
X commercial
industrial
X construction & demolition
X contaminated soils
X special wastes *
other:

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

Site Size:

Total area of facility property:	143.5	acres
Total area sited for use:	41.28	acres
Total area permitted:	78.44	acres
operating	8.44	acres
not excavated	70	acres

Current capacity:	4.5 M	cu yds
Estimated lifetime:	22	years
Estimated days open per year:	307	days
Estimated yearly disposal volume:	83,000	tons

(if applicable)

Annual energy production:		
landfill gas recovery projects:	N/A	megawatts
waste-to-energy incinerators	N/A	megawatts

FACILITY DESCRIPTIONS

Facility Type: TYPE A TRANSFER STATION & PROCESSING CENTER

Facility Name: RELIABLE DISPOSAL

County: BERRIEN Location: Town 5S Range 19W Section(s) 33

Map identifying location included in Attachment Section: Yes x 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: RELIABLE DISPOSAL, INC. (REPUBLIC, IND.)

Operating Status (check)	Waste Types Received (check all that apply)
X open	X residential
closed	X commercial
X licensed	X industrial
unlicensed	X construction & demolition
construction permit	contaminated soils
open, but closure pending	X special wastes *
	other:

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

Site Size:

Total area of facility property:	acres
Total area sited for use:	acres
Total area permitted:	acres
operating	acres
not excavated	acres

Current capacity:	cu yds
Estimated lifetime:	years
Estimated days open per year:	300 days
Estimated yearly disposal volume:	150,000 tons

(if applicable)

Annual energy production:	
landfill gas recovery projects:	N/A megawatts
waste-to-energy incinerators	N/A megawatts

FACILITY DESCRIPTIONS

Facility Type: Transfer Station

Facility Name: Cork Street Transfer Station

County: Kalamazoo Location: Town: 2S Range: 11W Section(s): 36

Map Identifying location Included in Appendix A: X Yes No

The Cork Street Transfer Station uses the C&C Landfill located in Calhoun County for final disposal of wastes collected and processed at the facility.

 Public X Private Owner: BFI Waste Systems of Michigan, Inc.

<u>Operating Status</u>		<u>Waste Types Received</u>	
<u>X</u>	Open	<u>X</u>	Residential
<u> </u>	Closed	<u>X</u>	Commercial
<u>X</u>	Licensed	<u>X</u>	Industrial
<u> </u>	Unlicensed	<u>X</u>	Construction and Demolition
<u> </u>	Construction Permit	<u> </u>	Contaminated Soils
<u> </u>	Open, But Closure Pending	<u> </u>	Special Wastes*
<u> </u>		<u> </u>	Other:

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

Site Size:

Total area of facility property: 8 Acres

Total area sited for use: 2.758 Acres

Total area permitted: NA Acres

Operating: NA Acres

Not excavated: NA Acres

Current capacity: NA Cubic Yards

Estimated lifetime: >10 Years

Estimated days open per year: 300 Days

Estimated yearly disposal volumes: NA Cubic Yards

Annual energy production:

Landfill gas recovery projects: NA Megawatts

Waste-to-energy incinerators: NA Megawatts

SOLID WASTE COLLECTION SERVICES AND TRANSPORTATION INFRASTRUCTURE

1. Collection Services

The following map (Figure II.2) shows the level of municipal solid waste services currently available throughout the County. The map on the next page (Figure II.3) shows the location of the more permanently operating solid waste management facilities with public access. More details regarding those facilities is listed in Appendix A.

Figure II.2

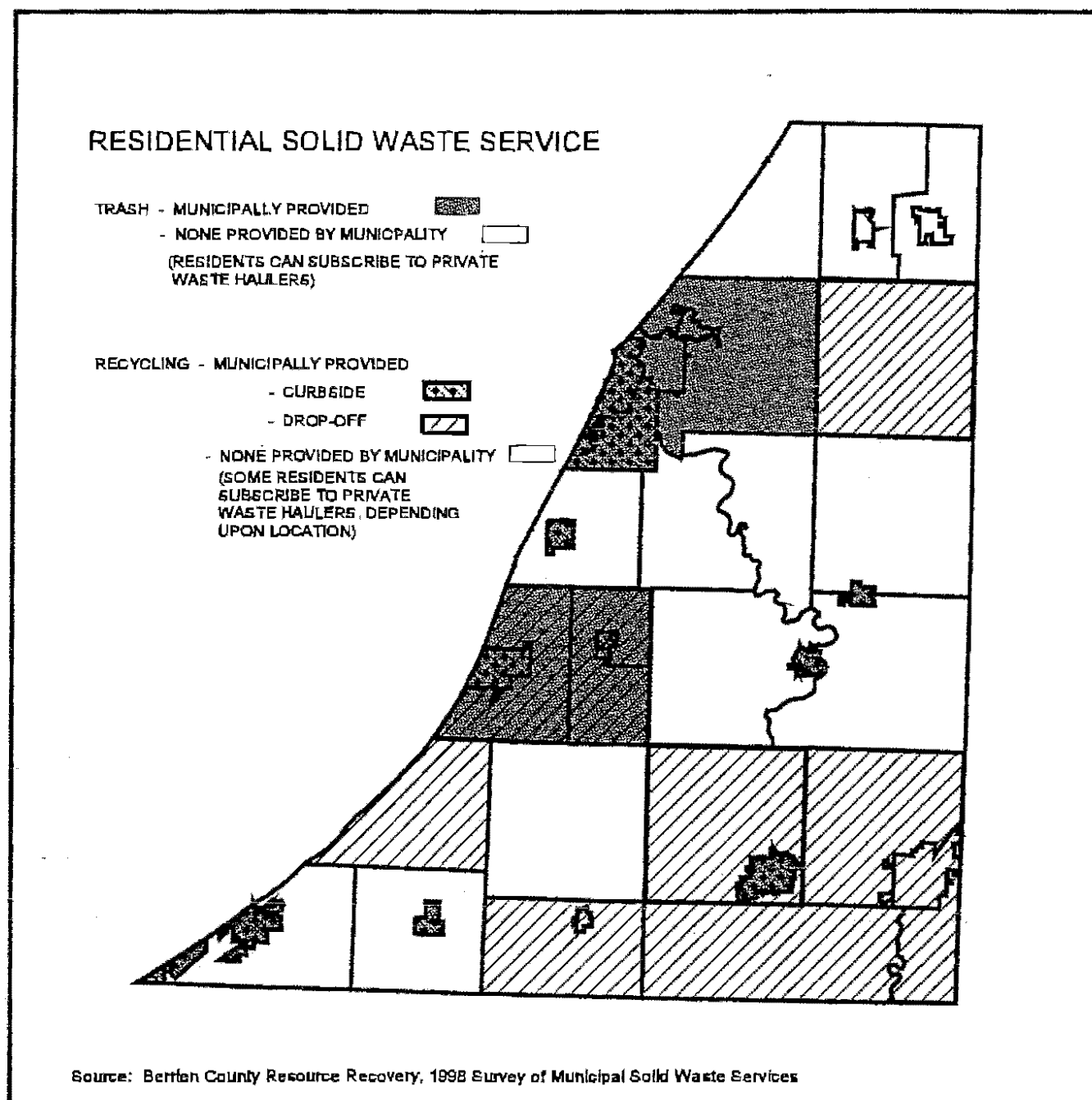
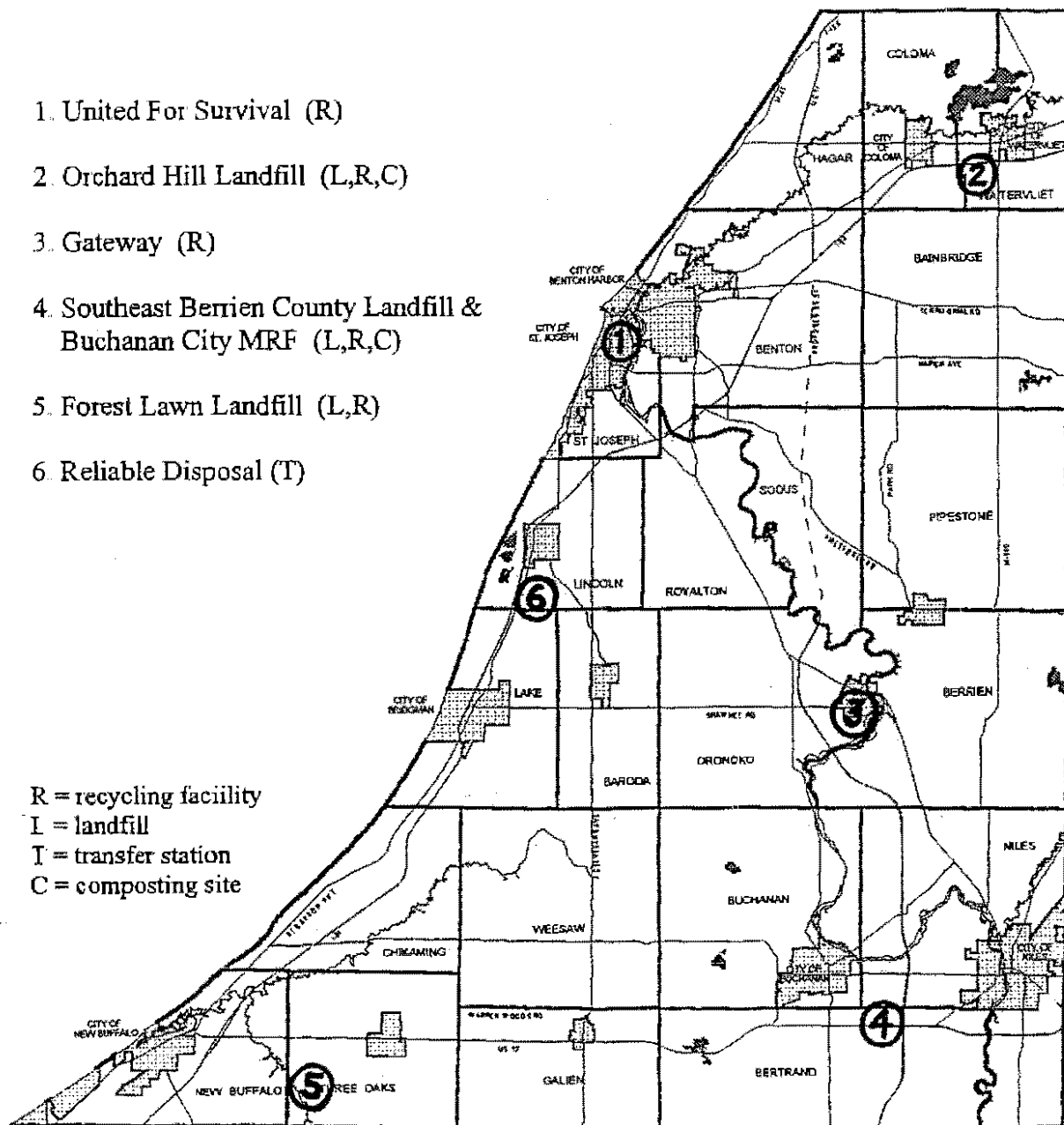


Figure II.3

SOLID WASTE MANAGEMENT FACILITY LOCATIONS WITHIN BERRIEN COUNTY



Section II. Data Base

2. Transportation Infrastructure

The existing transportation infrastructure has been adequately handling the current solid waste management system. Any maintenance required as a result of solid waste activities, primarily around the landfills, is addressed through the current LUF Agreements. In the absence of these Agreements, this matter would require a different solution.

All major waste disposal facilities are within 1 mile of a State or Federal highway and are on all-weather roads.

EVALUATION OF DEFICIENCIES AND PROBLEMS

The patch work of services shown by the solid waste services map, indicates that there is great potential for increasing the level of recycling and other resource recovery related services throughout the County. (See also Tables III-5 to III-7, in Sec. III) The goals and objectives of this Plan are intended to address that matter through increasing coordination through the Resource Recovery Coordinator's office.

DEMOGRAPHICS

1. Population

According to the Bureau of Census of the United States Department of Commerce, Berrien County had an estimated population of 160,713 in 1997. The population of Berrien county ranks 2nd out of the 7 counties that are members of the Southwest Michigan Solid Waste Consortium (SWMSWC) (see Figure II.4). The SWMSWC is an inter-county organization, governed by an interlocal agreement, that serves as a forum to discuss common problems and concerns and to propose policies and plans with regard to solid waste management. It also engages in projects and conducts studies of mutual interest. Berrien County's population is also prominent at the State level, with a ranking of 12th out of Michigan's 83 counties. (see Figure II.5)

The best available estimates of future population appear in Figure II.6, and were prepared by the Michigan Department of Commerce. Berrien County's population is expected to remain relatively stable over the next decade, while the remainder of Michigan is anticipated to continue steady growth.

Existing population concentrations (see Figure II.7) in Berrien County can be used to identify those areas of the County which are the centers of residential waste generation. They also are an important consideration when deciding where solid waste handling and disposal facilities may be located as well as a possible indicator of the level and types of economically viable service attainable in a given area.

Figure II.4

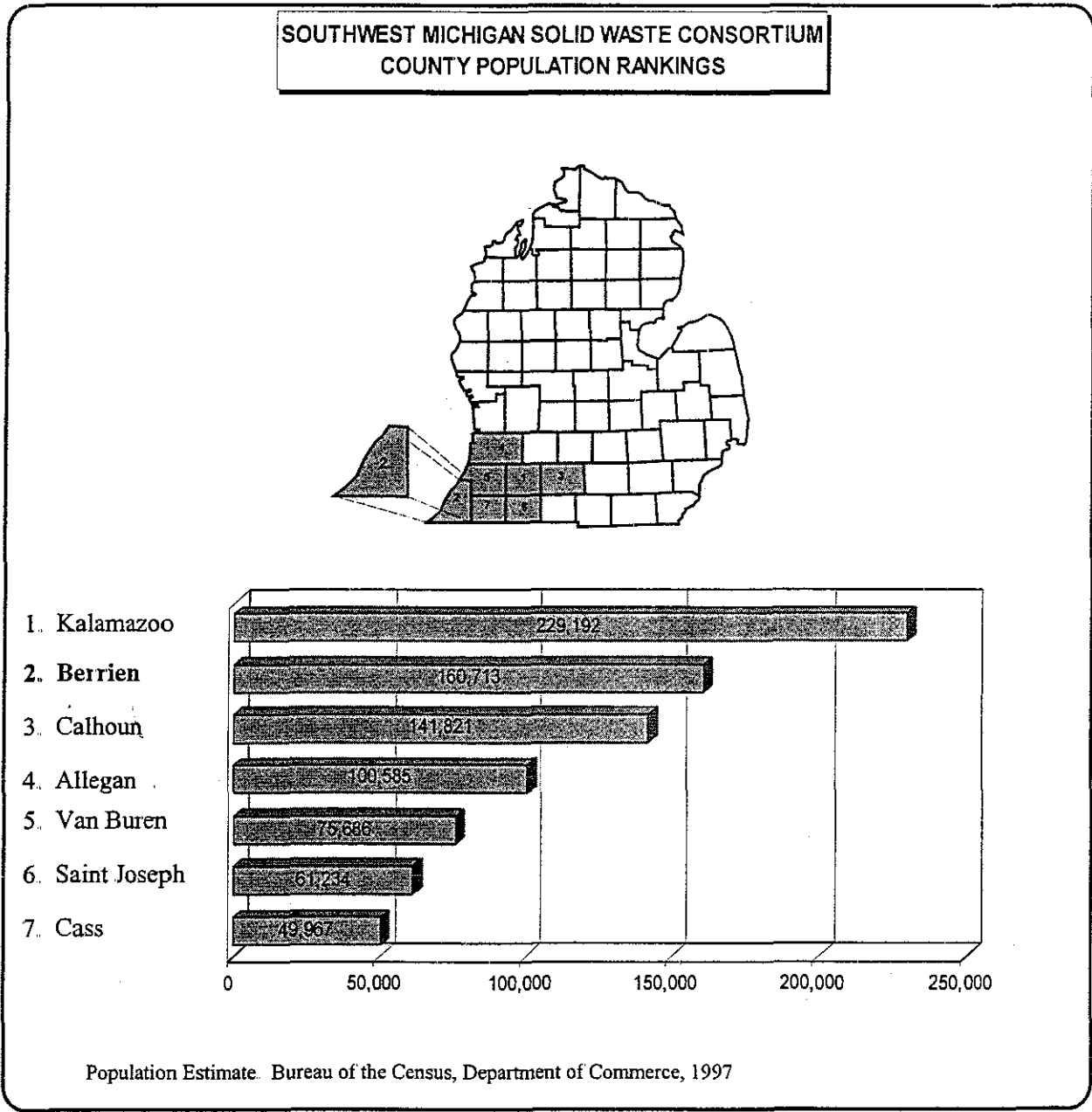


Figure II 5

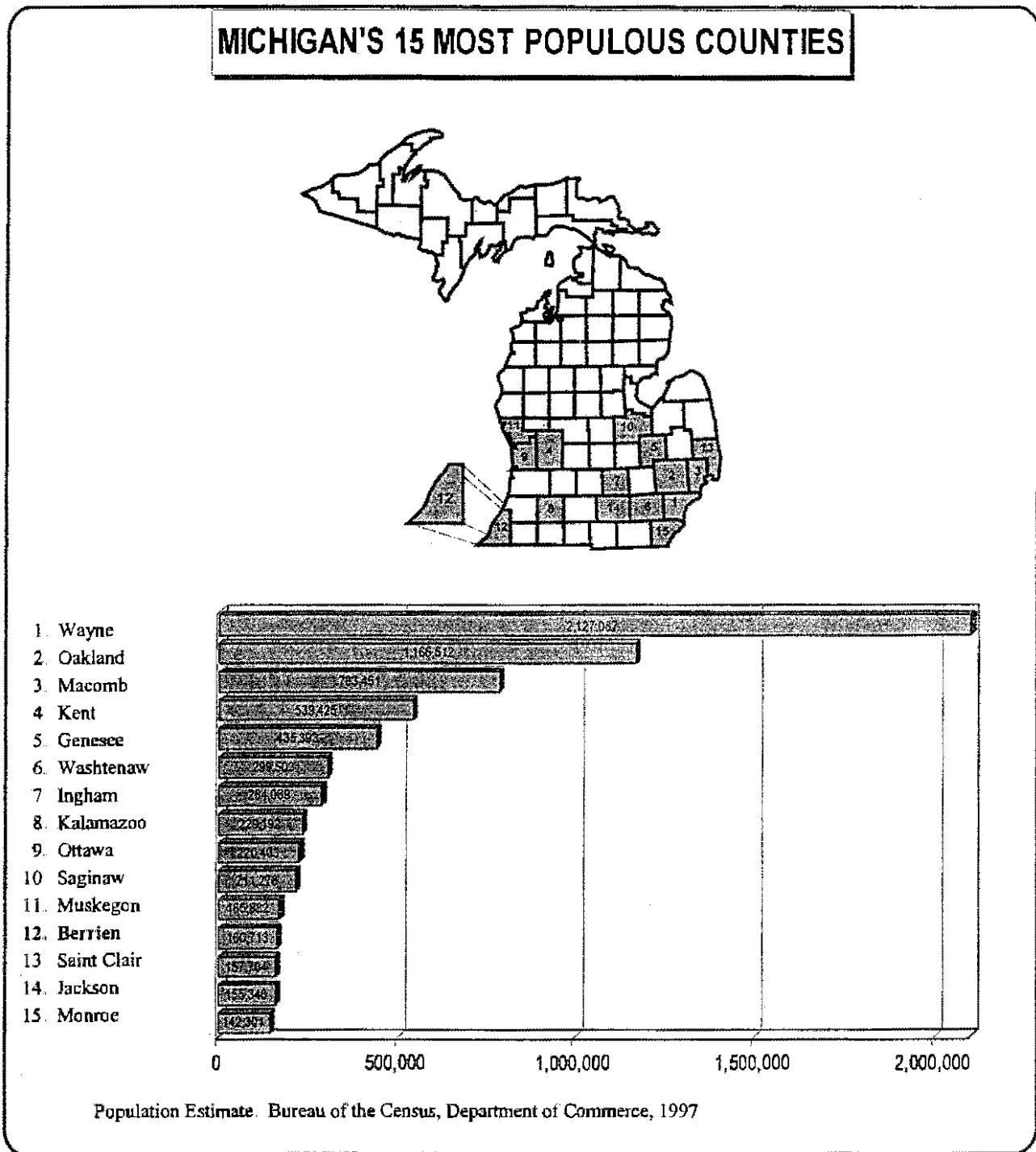


Figure II.6

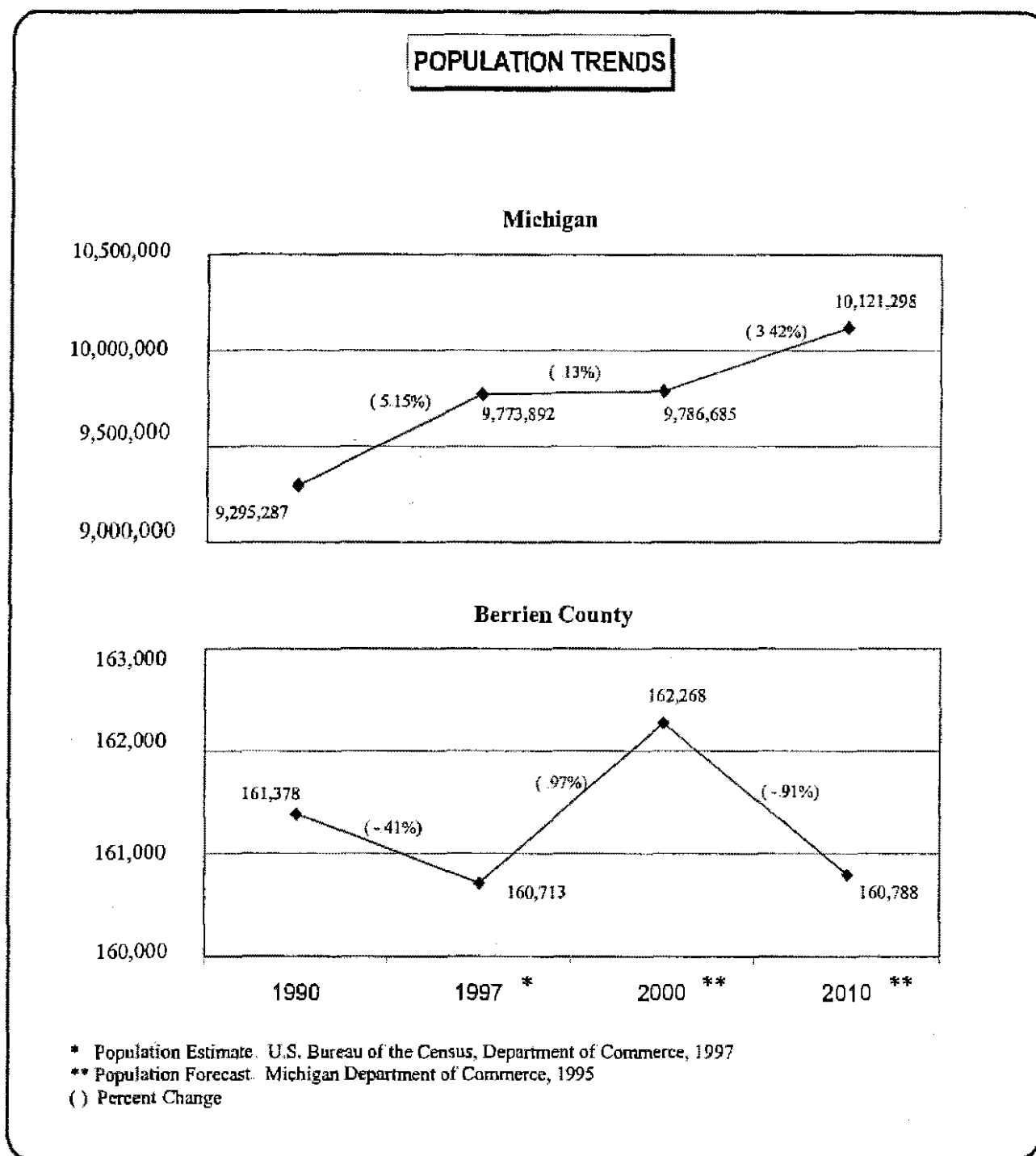
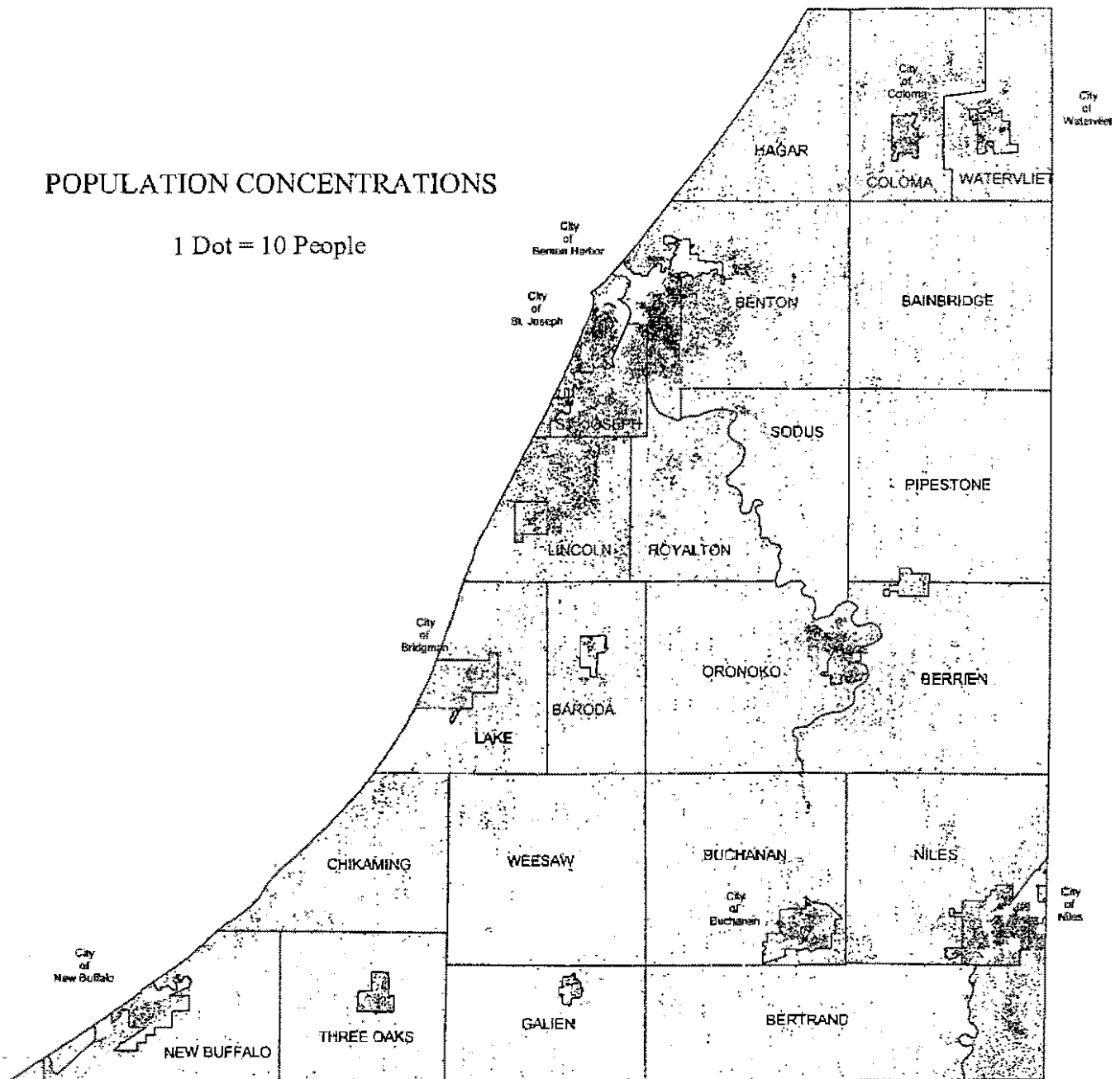


Figure II 7



Source: U.S. Bureau of the Census, Department of Commerce, 1990

Section II. Data Base

2. Economic Base

The 1993 estimated median household incomes for the SWMSWC members are displayed in Table II.3. Median household income can be an important indicator of the amount of goods consumed, which relates to the level of services required.

Figure II.8 illustrates the major areas of commercial and industrial activity in the County. It is not intended to be all-inclusive and thus show the location of every commercial and industrial site. Rather, it shows the location of the major generators of commercial and industrial waste.

Table II.3

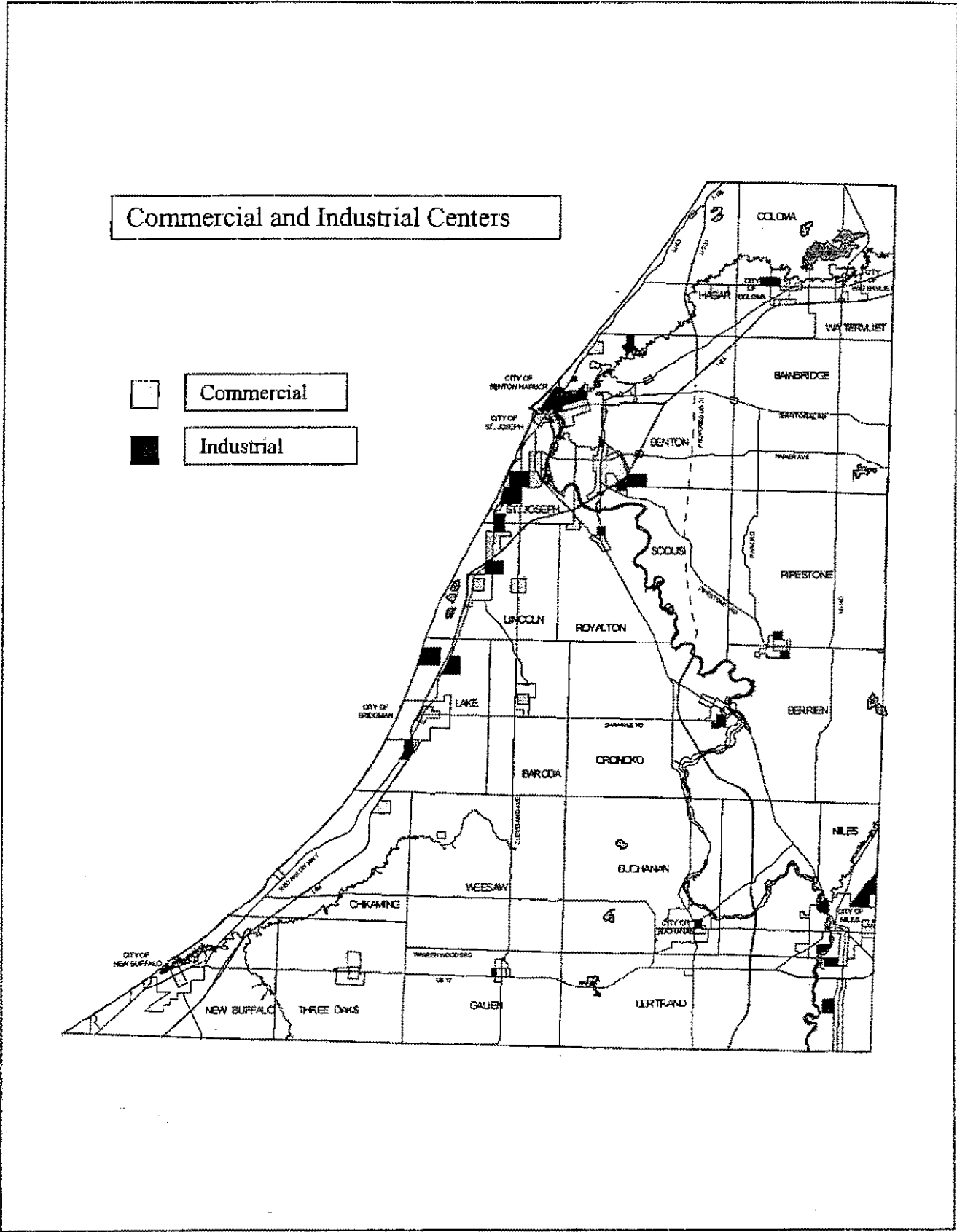
Estimated Median Household Income
by SWMSWC Member Counties

COUNTY	Median Family Income
State of Michigan	\$32,533
Allegan	\$35,531
Berrien	\$30,058
Calhoun	\$31,373
Cass	\$31,030
Kalamazoo	\$36,474
Saint Joseph	\$31,727
Van Buren	\$29,208

Source: Small Area Income and Poverty Estimates Program.

U.S. Bureau of the Census, Department of Commerce, 1993

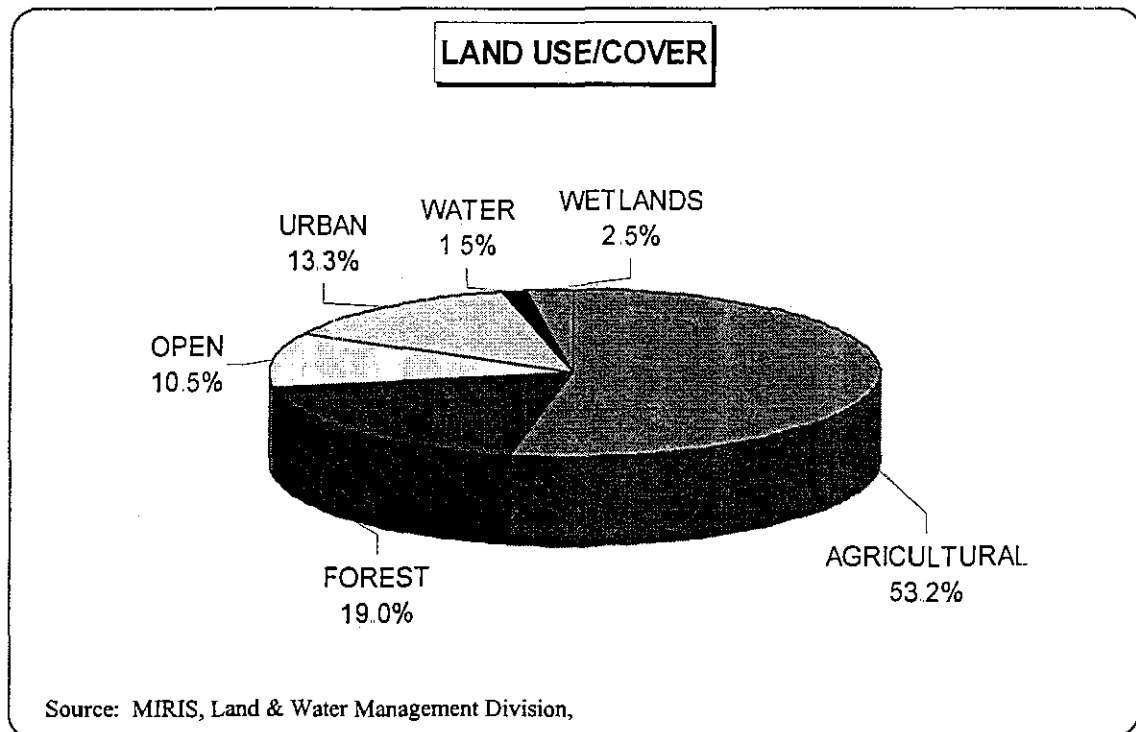
Figure II 8



LAND DEVELOPMENT

A land use/cover inventory was assembled for Berrien county through the use and interpretation of 1978 color infrared aerial photographs. This Michigan Department of Natural Resources completed the inventory as part of the Michigan Resource Information System (MIRIS). A summary of Berrien County's distribution of land use/cover is shown in Figure II.9. For purposes of illustration, urban use is defined to include those activities that commonly comprise an urban environment such as residential, commercial, industrial and transportation.

Figure II.9



The categories of urban and agriculture are considered to be land use activities that are taking place on the land. On the other hand, land cover expresses what is found on the surface of non-activity land and encompasses the categories of wetlands, forest, open land and water. Since Berrien County is not expected to see a great encrease in population over the planning period, the future land use is not anticipated to change greatly.

Land outside the concentrated areas of population (Figure II.7) is primarily in agricultural use. Since much of that land is considered to be prime agricultural land, many townships have taken steps to aid in its protection. Therefore, any increase in population is expected to result in an expansion of existing population centers instead of the creation of new ones.

II. SOLID WASTE MANAGEMENT SYSTEM ALTERNATIVES

The following describes the three (3) solid waste management system alternatives considered by the Solid Waste Planning Committee. The manner of evaluation of each alternative is also described. Details regarding the selected system are located in the following section (Section III), and further review of the non-selected systems is located in Appendix B, in accordance with the Michigan DEQ's Plan Format.

EVALUATION METHOD

The system alternatives were evaluated through a combination of objective and subjective analysis, and ranked accordingly. They appear below in their rank order. No scoring system, as such, was applied to individual criteria, but those criteria were analyzed for significant impediments to pursuing a particular management system, relative to the others. The analysis was based upon the goals and objectives established for this plan, and upon the following criteria, in accordance with the Administrative Rules of Part 115 of PA451 and as prescribed in the DEQ guidance for this Update:

- Technical Feasibility
- Economic Feasibility
- Access to Land
- Access to Transportation networks to accommodate the development and operation of solid waste transporting, processing and disposal facilities.
- Effects on Energy, production possibilities and impacts of shortages on solid waste management systems
- Environmental Impacts
- Public Acceptability

The Solid Waste Planning Committee considered three different waste management alternatives during development of this Plan Update. A system was considered to be a legitimate alternative only if it made significant changes to the management components currently in place, versus smaller changes within those components. A hypothetical example of a significant change would be if the County looked at controlling in-County waste hauling through development of a County-wide waste authority or district, versus the current system where local municipalities make the decisions on the level and availability of waste hauling and recycling services for their residents. Conversely, a small scale change would be one where the County increases direct involvement in resource recovery programs, versus limiting its role to only promotion, encouragement, and public education. As with these examples, the focus of the evaluation is on the County's role in the components of the alternatives. Also, as required by statute, the Committee considered the State's solid waste management goals for 2005 (see below), and, therefore, incineration was again considered as one of the alternatives.

Section II. Solid Waste Management Alternatives

State's Solid Waste Management Goals for the Year 2005

Reduction	8-12%
Reuse	4-6%
Composting	8-12%
Recycling	20-30%
Waste-to-Energy (incineration)	35-45%
Landfill	10-20%

SYSTEM ALTERNATIVE #1:

(MAINTAIN CURRENT SOLID WASTE MANAGEMENT SYSTEM)

Goals

- Expand the County's current Resource Recovery programs in a manner that maintains a balance between local control and County involvement.
- Execute the above goal in a manner that minimizes the financial burden on Berrien County residents.

System Components

RESOURCE CONSERVATION EFFORTS

- Expand implementation of the County's internal waste reduction policy, to serve as a model for businesses, institutions and local governments throughout the County.
- Continue the County run household hazardous waste (HHW) collection programs and consider expanding services, as needed.
- Continue the County run Clean Sweep program for agricultural related pesticides.
- Promote individual action to practice resource conservation.

VOLUME REDUCTION TECHNIQUES

- Promote private sector efforts to pursue volume reduction methods in waste handling

RESOURCE RECOVERY PROGRAMS

- Maintain current system of municipal control over the development of curbside recycling programs, and continue to explore methods to use technical assistance and financial assistance or incentives to expand current availability.
- Expand access to drop-off recycling programs, where curbside collection may not be cost effective, through financial assistance, incentives or more direct County involvement in program development.

Section II. Solid Waste Management Alternatives

- Encourage the development and provide technical assistance for the development and expansion of new or existing composting programs, including back yard composting.

COLLECTION PROCESSES AND TRANSPORTATION

- Maintain the current system of a combination of mostly private waste hauling, with the exception of a few municipally controlled routes and municipal control over specific items, such as leaves, brush and large items.
- Maintain the system of municipal control over the access to and availability of waste hauling services, but provide technical assistance when requested.
- Promote the availability of and encourage expanded private sector development of volume based trash collection rates that encourage waste reduction and resource recovery efforts.

DISPOSAL AREAS

- Maintain existing reliance on landfilling as the primary waste disposal method (see Table II.2).
- Maintain the current ownership structure of the three landfills within the County, two of which are privately owned and operated (Forest Lawn and Orchard Hill) and one which is owned by a municipal waste authority (Southeast Berrien County)
- Grant an airspace expansion of 13.9 million cu yd to Forest Lawn and Orchard Hill landfills and 4.4 million cu yd to Southeast Berrien County Landfill, as sited in the Landfill Use Agreements in Appendix D. No further expansions will be granted to any landfill unless the host community approves of such expansion by resolution.
- Maintain relatively restricted waste importation and exportation to eight contiguous counties in southwestern Michigan (see Section III). Current U.S. Supreme Court rulings preclude any ability to control out-of-state waste flow.
- Continue to encourage the disposal of Berrien County waste into the local landfills as a first priority, with regional waste and then out-of-state waste as lower priorities, including the continued use financial incentives, in the form of rate structures, in any existing or new Landfill Use Agreements.

INSTITUTIONAL ARRANGEMENTS

- Maintain a mix of private and public sector involvement in waste management operations, with the public sector operations occurring primarily at the local level. The exception being County involvement in HHW related collections and the development and operation of some collection programs for difficult to manage wastes, such as tires and appliances.
- Continue the County's role as one primarily focussing on technical assistance, promotion and financial assistance for the development locally controlled resource recovery programs.

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Section II. Solid Waste Management Alternatives

- Maintain the Resource Recovery Coordinator's office as the County's focal point for waste reduction, recycling, composting and related waste management programming.

EDUCATIONAL AND INFORMATIONAL PROGRAMS

- Continue the County's role as a resource for information on resource recovery programs, including access to existing programs.
- Expand and develop current and new public education programs that promote and encourage resource recovery activities and programs at the individual, municipal, business and institutional levels.

CAPITAL, OPERATIONAL AND MAINTENANCE COSTS

- Continue to use the portion of the Landfill Use Fund allocated for resource recovery and waste management activities as the main source of funding for County programs in those areas.
- Costs associated with disposal will continue to be paid for by fees for services with waste haulers and landfill operators.

Evaluation Summary (System #1)

TECHNICAL and ECONOMIC FEASIBILITY

These two criteria are closely related so they will be treated together. Also, statutory and regulatory issues are considered to be technical.

The fact that this system has been operating for some time is a demonstration of its technical feasibility. Also, the current funding mechanism has demonstrated its feasibility to maintain the system. The Landfill Use Fund (LUF) is available to at least maintain current programming levels. Any continuation of existing Landfill Use Agreements or negotiation of new ones would add to the LUF and easily provide for the expanded programming envisioned in the Plan Update.

ACCESS TO LAND

The landfills are already sited, so this criterion is met.

ACCESS TO TRANSPORTATION NETWORKS

As demonstrated by the current waste management system, there is a sufficient road network in the County to easily support this alternative.

EFFECTS ON ENERGY

Some energy is being harnessed from the landfills. One example is Forest Lawn Landfill that is using the energy from the methane gas in the landfill to burn off a portion of the landfill's leachate. This lowers the amount of leachate that must be treated at a waste water treatment plant, and the energy used in that treatment.

Section II. Solid Waste Management Alternatives

Anticipated increases in general energy prices, including vehicle fuel, are not estimated to be significant enough to affect any of the waste management components significantly.

ENVIRONMENTAL IMPACTS

The environmental impacts of this system are mostly associated with disposal components reliance on landfilling, and these impacts are greatest in the immediate vicinity of the landfills. These include expanding land consumption for landfilling, potential groundwater contamination, air pollution, odors and nuisances. There are State and federal regulation, of course, governing their operation, such as mandated capturing of certain landfill gases. Well monitoring, by the landfill owners, with DEQ oversight, and the County Health Dept. have not detected any groundwater contamination.

Another aspect of these impacts relates to the volume of waste landfilled, due primarily to imported waste. While there is no difference in the environmental impact of a unit of out-of-county waste versus a unit of Berrien County waste, there is increased risk associated with acceptance of and exposure to increased volume. The U.S. Supreme Court rulings have precluded the County from eliminating out-of-state waste.

Post closure environmental impacts at modern Type II landfills can only be speculated, as there is no body of evidence yet, since none or few have closed. The landfills are in compliance with regulations related to funding for post closure care. While the levels required may be debatable, landfill compliance doesn't appear to be.

Any decrease, due to economic factors, in the limited county role in resource recovery would negatively affect the environment in proportion to the decrease in waste reduction, hazardous waste collection or recycling. It would also lose any potential gains from an increase in county involvement.

PUBLIC ACCEPTABILITY

There will be some public opposition, especially regarding the continued reliance on landfilling and expansion to the facilities. This will be seen as guaranteeing large volumes of imported waste.

On balance, though, the public appears to be accepting of the current waste management system. It will also be attractive that County involvement in resource recovery activities are possible without changing the current funding mechanism, which minimizes costs to Berrien County residents. Also, the feasibility of mitigating some of the impacts in the vicinity of the landfills will be addressed in this system alternative.

Section II Solid Waste Management Alternatives

SYSTEM ALTERNATIVE # 2 **(COUNTY OWNED LANDFILL)** **(MAINTAIN OTHER COMPONENTS TO GREATEST EXTENT POSSIBLE)**

Goals

- Guarantee that Berrien County will have access to in-County waste disposal for the long term (well beyond the 10 years planning period).
- Eliminate or greatly control the amount of out-of-county or out-of-state waste imported to Berrien County, so that the health risks, environmental risks, nuisances and truck traffic associated with large volumes of waste are eliminated or significantly lowered.

System Components

RESOURCE CONSERVATION EFFORTS

- Expand implementation of the County's internal waste reduction policy, to serve as a model for businesses, institutions and local governments throughout the County.
- Continue the County run household hazardous waste (HHW) collection programs and consider expanding services, as needed.
- Continue the County run Clean Sweep program for agricultural related pesticides.
- Promote individual action to practice resource conservation.

VOLUME REDUCTION TECHNIQUES

- Promote private sector efforts to pursue volume reduction methods in waste handling

RESOURCE RECOVERY PROGRAMS

- Maintain current system of municipal control over the development of curbside recycling programs, and continue to explore methods to use technical assistance and financial assistance or incentives to expand current availability.
- Expand access to drop-off recycling programs, where curbside collection may not be cost effective, through financial assistance, incentives or more direct County involvement in program development.
- Encourage the development and provide technical assistance for the development and expansion of new or existing composting programs, including back yard composting.

COLLECTION PROCESSES AND TRANSPORTATION

- Develop a system to ensure the flow of a sufficient amount of waste into the Berrien County owned Landfill (BCL) to cover its annual costs. Based upon the waste intake records of the 3

Section II. Solid Waste Management Alternatives

landfills within Berrien County, this is estimated to require capturing a minimum of 75% of total Berrien County waste needing disposal.

- Maintain the current system of a combination of mostly private waste hauling, with the exception of a few municipally controlled routes and municipal control over specific items, such as leaves, brush and large items.
- Maintain the system of municipal control over the access to and availability of waste hauling services, but provide technical assistance when requested.
- Promote the availability and encourage expanded private sector development of volume based trash collection rates that encourage waste reduction and resource recovery efforts.

DISPOSAL AREAS

- Maintain existing reliance on landfilling as the primary waste disposal method.
- Purchase one of the three landfills that are currently operating within Berrien County. The remaining landfills will either be both privately owned or one privately owned and the other being a municipal authority (SEBCLA).
- Maintain operations at the BCL by contracting with the private sector for operational services or staffing with County employees.
- Do not grant any airspace expansions to the other two remaining landfills, so that eventually the BCL will be the only landfill in Berrien County.
- Maintain relatively restricted waste importation authorization to Berrien County from the twelve contiguous counties in southwestern Michigan (see Section III). Current U.S. Supreme Court rulings preclude any ability to control out-of-state waste flow.
- Eliminate export authority for any Berrien County waste to other Michigan counties, so as to limit as much competition as possible over Berrien County waste. Current U.S. Supreme Court rulings preclude any ability to prohibit waste from flowing out-of-state.

INSTITUTIONAL ARRANGEMENTS

- Maintain a mix of private and public sector involvement in all components of waste management in the short run, with the public sector collection and resource recovery occurring primarily at the local level. The exception being County involvement in HHW/Clean Sweep collections and the development of some collection programs for difficult to manage wastes, such as tires and appliances.
- Continue the County's role of technical assistance, promotion and financial assistance for the development of locally controlled resource recovery programs.

Section II. Solid Waste Management Alternatives

- Develop and staff a waste management division or program office at the County level that manages all the waste management components under the County's control, including, but no longer limited to, resource recovery.

EDUCATIONAL AND INFORMATIONAL PROGRAMS

- Continue the County's role as a resource for information on resource recovery programs, including access to existing programs.
- Expand and develop current and new public education programs that promote and encourage resource recovery activities and programs at the individual, municipal, business and institutional levels.

CAPITAL, OPERATIONAL AND MAINTENANCE COSTS

- Continue to use the portion of the Landfill Use Fund (LUF) allocated for resource recovery and waste management activities as the main source of funding for County related programs in those areas.

or

- Use the LUF to assist with the purchase of the BCL, so that the level of bonding, or other funding source, that will be needed to cover the cost of purchase can be minimized.
- If the LUF is used towards the purchase, then to adhere to the Goals and Objective of this Plan Update, the County must develop a new funding mechanism that will continue resource recovery programming at least at the current levels and ideally at the expanded levels envisioned.
- Costs associated with disposal will continue to be paid for by fees for services with waste haulers and landfill operators, including the BCL.

Evaluation Summary (System #2)

TECHNICAL and ECONOMIC FEASIBILITY

These two criteria are closely related so they will be treated together. Also, statutory and regulatory issues are considered to be technical.

Given that at least one of the two remaining in-County landfills is projected to be around for at least 10 years, it may be difficult to direct the needed waste to the BCL, as they compete against each other. This possibility was also noted in the Berrien County Solid Waste Importation Limit Feasibility Study, performed by Dell Engineering, Inc. in 1989. That report stated that since the other landfills "...will be directly competing with the County's landfill, the actual volume of solid waste entering the County's landfill may be significantly less than anticipated in this report." There is no State or federal legislation that would give the County exclusive access to a

Section II. Solid Waste Management Alternatives

particular waste stream. Therefore, the County would need to gain control of a portion of the collection system component, and abandon the intent of keeping the non-disposal components of the current waste management system intact. Methods of controlling collection are by performing collection operations or forming a waste authority or district that then enters into contracts with private waste haulers directing waste to the BCL. The latter requires the municipalities to relinquish control over that issue or for all to voluntarily enter similar contracts. Neither of these scenarios are common, even within the Southeast Berrien County Landfill Authority, making it a difficult proposition. The former, performing hauling operations, has increased capital and operational costs, without a guarantee of getting all the needed waste due to competition, or again asking municipalities to relinquish control by letting the County perform collection services. If municipalities relinquish control, the area from which waste is drawn may be so small that tipping fees may have to be well above the non-participating areas, making this a less attractive option.

Initial capital and start-up costs are an economic concern. The Dell Engineering, Inc. study estimated the capital cost of developing a new landfill in 1989 at over \$5 million. While there isn't an exact correlation to purchasing a landfill, considering inflation and the value of landfill space that entices so many smaller companies to sell out to large national ones, it can be safely assumed that purchase is a multi-million dollar proposition. This would place a large financial burden on County residents, even if the LUF was used in its entirety to assist with the development. On its own, the current level of the LUF could only pay for a fraction of the costs.

Using the LUF for capital would eliminate that funding for resource recovery programming. It's most likely that the landfills would not agree to extending their Landfill Use Agreements, since the County would be in direct competition with them for waste. This means the LUF would not be replenished. An alternate source would be a surcharge ordinance on waste disposed of in County. The draw back is that it would also apply to the waste the County was seeking, increasing the total costs of the system. One more option would be generating that money from waste entering the BCL. This might be even less attractive than a surcharge, since it would increase the County's tipping fees only, making it less competitive. Therefore, the current resource recovery programming, and certainly any expanded programming, would be in jeopardy, unless costs were increased to Berrien County residents. If the LUF is not used to pay for start-up, it still would not be replenished. This means programming would probably stay near current levels, and may impact the LUF's ability to be used for other programs, such as roads, environmental clean-ups, or parks and recreation.

Since there is not sufficient waste within Berrien County to support all the facilities that will remain open under alternatives two and three, all would need to attract waste from outside County borders for ten to fifteen years, defeating one of the main goals of establishing this alternative. A real world example of this scenario is the Southeast Berrien County Landfill Authority. As a not-for-profit municipal corporation, they needed 648,000 cubic yards in '98-'99 to meet their fiscal requirements. Currently, the whole of Berrien County is estimated to require disposal for less than that amount, at 615,622 cubic yards per year. In this case, there was not enough waste within Berrien County to support even that one landfill, let alone three. (Orchard Hill Landfill, however, has consistently operated at levels that could be sustained solely by Berrien County waste.)

Section II. Solid Waste Management Alternatives

Lastly, the County would now take on direct environmental liability for disposal, associated with the BCL and related operations.

ACCESS TO LAND

The landfill are already sited, so this criterion is met.

ACCESS TO TRANSPORTATION NETWORKS

As demonstrated by the current waste management system, there is a sufficient road network in the County to easily support this alternative.

EFFECTS ON ENERGY

Some energy is being harnessed from the landfills. One example is Forest Lawn Landfill that is using the energy from the methane gas in the landfill to burn off a portion of the landfill's leachate. This lowers the amount of leachate that must be treated at a waste water treatment plant, and the energy used in that treatment.

Anticipated increases in general energy prices, including vehicle fuel, are not estimated to be significant enough to affect any of the waste management components significantly.

ENVIRONMENTAL IMPACTS

The environmental impacts of this system are mostly associated with disposal components reliance on landfilling, and these impacts are greatest in the immediate vicinity of the landfills. These include expanding land consumption for landfilling, potential groundwater contamination, air pollution, odors and nuisances. There are State and federal regulation, of course, governing their operation, such as mandated capturing of certain landfill gases. Well monitoring, by the landfill owners and County Health Dept. have not detected any groundwater contamination.

Post closure environmental impacts at modern Type II landfills can only be speculated, as there is no body of evidence yet, since none, or few have closed. The landfills are in compliance with regulations related to funding for post closure care. While the levels required may be debatable, landfill compliance doesn't appear to be.

Any decrease, due to economic factors, in the limited county role in resource recovery would negatively affect the environment in proportion to the decrease in waste reduction, hazardous waste collection or recycling. It would also lose any potential gains from an increase in county involvement.

On balance the environmental impacts of this system alternative are not significantly different than the current solid waste management system, and under worst case scenarios may be somewhat greater.

PUBLIC ACCEPTABILITY

The estimated increase in costs may be a big factor in possible public rejection of this system alternative. This may be true independent of any of the other factors, but when considered in connection with the apparent lack of environmental gains, at least until the first landfill closes,

Section II. Solid Waste Management Alternatives

opposition could be stronger. It may be hard for the public to see any benefit since the landfills, and their imported waste, will still be around for some time.

SYSTEM ALTERNATIVE #3

(COUNTY DEVELOPS AND OWNS WASTE TO ENERGY INCINERATOR)
(MAINTAIN OTHER COMPONENTS TO GREATEST EXTENT POSSIBLE)

Goals

- Reduce reliance on landfilling and its associated expanding land use and environmental impacts.
- Reduce the volume waste disposed of in Berrien County
- Generate revenues through the sale of the energy created

System Components

RESOURCE CONSERVATION EFFORTS

- Expand implementation of the County's internal waste reduction policy, to serve as a model for businesses, institutions and local governments throughout the County.
- Continue the County run household hazardous waste (HHW) collection programs and consider expanding services, as needed.
- Continue the County run Clean Sweep program for agricultural related pesticides.
- Promote individual action to practice resource conservation.

VOLUME REDUCTION TECHNIQUES

- Promote private sector efforts to pursue volume reduction methods in waste handling.
- Waste incineration averages a 90% reduction in the volume of waste that ultimately needs to be landfilled.

RESOURCE RECOVERY PROGRAMS

- Maintain current system of municipal control over the development of curbside recycling programs, and continue to explore methods of technical assistance and financial assistance or incentives to expand current availability.
- Expand access to drop-off recycling programs, where curbside collection may not be cost effective, through financial assistance, incentives or more direct County involvement in program development.

Section II. Solid Waste Management Alternatives

- Encourage the development and provide technical assistance for the development and expansion of new or existing composting programs, including back yard composting.

COLLECTION PROCESSES AND TRANSPORTATION

- Develop a system to ensure the flow of a sufficient amount of waste into the Berrien County owned Waste-to-Energy Incinerator (Incinerator) to cover the remainder of its operational costs that are not covered by energy sales revenues. Based upon the Solid Waste to Energy Feasibility Study for Berrien County Michigan, Camp, Dresser & McKee, 1986, this is estimated to require capturing a minimum 20-25% of the total Berrien County waste, to operate the smallest size incinerator considered feasible in that study.
- Maintain the current system of a combination of mostly private waste hauling, with the exception of a few municipally controlled routes or municipal control over specific items, such as leaves, brush and large items.
- Maintain the system of municipal control over the development of contracts for waste hauling services, but provide technical assistance when requested.
- Promote the availability and encourage expanded private sector development of volume based trash collection rates that encourage waste reduction and resource recovery efforts.

DISPOSAL AREAS

- Site and develop an Incinerator.
- Operate the incinerator by contracting with the private sector or with County employees.
- Maintain the current ownership structure of the three landfills within the County, two of which are privately owned and operated (Forest Lawn and Orchard Hill) and one which is owned by a municipal waste authority (Southeast Berrien County).
- Do not grant any airspace expansions to the landfills, to eventually limit in-County competition for Berrien County waste going to the incinerator and reduce reliance on landfilling.
- Maintain relatively restricted waste importation authorization to Berrien County from the eight contiguous counties in southwestern Michigan (see Section III). Current U.S. Supreme Court rulings preclude any ability to control out-of-state waste flow.
- Eliminate export authority for any Berrien County waste to other Michigan counties, so as to limit as much competition as possible over Berrien County waste. Current U.S. Supreme Court rulings preclude any ability to prohibit waste from flowing out-of-state.

INSTITUTIONAL ARRANGEMENTS

- Maintain a mix of private and public sector involvement in waste management operations, with the public sector operations occurring primarily at the local level. The exception being

Section II. Solid Waste Management Alternatives

County involvement in HHW related collections and the development and operation of some collection programs for difficult to manage wastes, such as tires and appliances.

- Continue the County's role of technical assistance, promotion and financial assistance for the development locally controlled resource recovery programs.
- Develop and staff a waste management division or program office at the County level that manages all the waste management components under the County's control, including, but no longer limited to, resource recovery.

EDUCATIONAL AND INFORMATIONAL PROGRAMS

- Continue the County's role as a resource for information on resource recovery programs, including access to existing programs.
- Expand and develop current and new public education programs that promote and encourage resource recovery activities and programs at the individual, municipal, business and institutional levels.

CAPITAL, OPERATIONAL AND MAINTENANCE COSTS

- Continue to use the portion of the Landfill Use Fund (LUF) allocated for resource recovery and waste management activities as the main source of funding for County related programs in those areas.

or

- Use the LUF to assist with the capital costs of siting and developing the Incinerator, so that the level of bonding, or other funding source that will be needed can be minimized
- If the LUF is used towards the purchase, then to adhere to the Goals and Objective of this Plan Update, the County must develop a new funding mechanism that will continue resource recovery programming at least at the current levels and ideally at the expanded levels envisioned.
- Costs associated with landfill disposal will continue to be paid for by fees for services with waste haulers and landfill operators, and those associated with the Incinerator will be paid through a combination of fees for services and revenues generated by the sale of energy.

Evaluation Summary (System #3)

TECHNICAL and ECONOMIC FEASIBILITY

Many elements of these two criteria are related so they will be treated together. Also, statutory and regulatory issues are considered to be technical.

Section II. Solid Waste Management Alternatives

The 1986, Camp, Dresser & McKee (CDM) feasibility study of incineration for Berrien County concluded that the County will be unable to capture all of the County generated waste, so any Incinerator developed could not serve all of the County's disposal needs. This means that there will always be a need for landfilling of Berrien County waste, in addition to the need for landfilling incinerator ash, and the first goal of this system may not be realized to the extent desired.

Given that at least two of the three in-County landfills are projected to be around for at least 10 years, it may be difficult to direct the needed waste to any size Incinerator, as they compete against each other. Historically, tipping fees at incinerators are higher than landfilling, even after sale of energy, making the matter worse (energy sales do not cover operational costs). There is no State or federal legislation that would give the County exclusive access to a particular waste stream. Therefore, the County would need to gain control of a portion of the collection system component, and abandon the intent of keeping the non-disposal components of the current waste management system intact. Methods of controlling collection are by performing collection operations or forming a waste authority or district that then enters into contracts with private waste haulers directing waste to the incinerator. The latter requires the municipalities to relinquish control over that issue or for all to voluntarily enter similar contracts. Neither of these scenarios are common, even within the Southeast Berrien County Landfill Authority, making it a difficult proposition. The former, performing hauling operations, has increased capital and operational costs, without a guarantee of getting all the needed waste due to competition, or again asking municipalities to relinquish control by letting the County perform collection services. If municipalities relinquish control, the area from which waste is drawn may be so small that tipping fees may have to be well above the non-participating areas, making this a less attractive option.

Initial capital and start-up costs are an economic concern. The CDM study estimated the costs for the smallest viable Incinerator at over \$9 million in 1986, which would only be higher today. This would place a large cost burden on County residents, even if the LUF was used in its entirety to assist with the development. On its own, the current level of the LUF could only pay for a fraction of the costs. Also, the CDM study projected significant increases in energy costs and landfilling costs, in order to make the project feasible. Those changes have not happened in this region of the country. Energy sales would offset some costs, but would not sustain the project.

Using the LUF for capital would eliminate that funding for resource recovery programming. It's most likely that the landfills would not agree to extending their Landfill Use Agreements, since the County would be in direct competition with them for waste. This means the LUF would not be replenished. An alternate source would be a surcharge ordinance on waste disposed of in County. The draw back is that it would also apply to the waste the County was seeking. One more option would be generating that money from waste entering the Incinerator. This might be even less attractive than a surcharge, since it would increase the County's tipping fees only, making it less competitive. Therefore, the current resource recovery programming, and certainly any expanded programming, would be in jeopardy, unless costs were increased to Berrien County residents. If the LUF is not used to pay for start-up, it still would not be replenished. This means programming would probably stay near current levels, and may impact the LUF's

Section II. Solid Waste Management Alternatives

ability to be used for other programs, such as roads, environmental clean-ups, or parks and recreation.

As the County began to capture more waste, it would cause the landfills to import even more waste than they do currently. This could foster a negative attitude toward recycling, because it not only makes room for more imported waste from out-of-state or counties that don't have any disposal facilities, it would also be costing them more to do it.

Lastly, any environmental liability associated with the Incinerator and related operations would be borne directly by the County.

ACCESS TO LAND

It is not guaranteed that the County could even find an acceptable place to locate the Incinerator. The history of locating solid waste facilities usually includes major public opposition. For the next 10 or more years the public would be asked to allow another solid waste disposal facility in addition to the existing ones.

ACCESS TO TRANSPORTATION NETWORKS

There is a sufficient road network in the County to easily support this alternative.

EFFECTS ON ENERGY

The generation of energy from the Incinerator would be used in limited local areas, as deemed feasible by the CDM study. It would lessen the burden on traditional energy sources in those areas.

Some energy is being harnessed from the landfills. One example is Forest Lawn Landfill that is using the energy from the methane gas in the landfill to burn off a portion of the landfill's leachate. This lowers the amount of leachate that must be treated at a waste water treatment plant, and the energy used in that treatment.

Anticipated increases in general energy prices are not estimated to be significant enough to affect any of the waste management components significantly.

ENVIRONMENTAL IMPACTS

While incineration diminishes the land use impacts and potential impacts to the groundwater, it does have some air pollution concerns. Current incinerators, however, have stringent air pollution regulations to adhere to, just as landfills have regulations for their associated impacts. Both sources of impacts would continue until the time when all in-county landfills are closed. It is still a form of disposal, so it has the same environmental effects related to depletion of natural resources due to manufacture of more consumer goods.

There is a corresponding decrease in natural resource extraction for energy production in relation to the energy created. Since local energy production is primarily through nuclear power, air pollution is not decreased, and possibly increased. While disposal of the incinerator ash is

Section II. Solid Waste Management Alternatives

required, its risks are not as great as those associated with the nuclear waste of local power generation.

Any decrease, due to economic factors, in the limited county role in resource recovery would negatively affect the environment in proportion to the decrease in waste reduction, hazardous waste collection or recycling. It would also lose any potential gains from an increase in county involvement.

On balance the environmental impacts of this system alternative are not significantly different than the other two systems, and under worst case scenarios can be greater.

PUBLIC ACCEPTABILITY

The estimated increase in costs may be a big factor in possible public rejection of this system alternative. This may be true independent of any of the other factors, but when considered in connection with the apparent lack of environmental gains, opposition could be stronger. As stated earlier, opposition could be so strong at the siting stage, that it would be rejected on that alone.

SECTION III

SELECTED SOLID WASTE MANAGEMENT SYSTEM

III. SELECTED SOLID WASTE MANAGEMENT SYSTEM

IMPORT / EXPORT AUTHORIZATIONS

1. Import Authorizations

This Plan recognizes the right of Forest Lawn Landfill, Orchard Hill Landfill and the Southeast Berrien County Landfill, all of which are located in Berrien County, but none of which are under direct County control, to receive solid waste generated outside of Berrien County, consistent with the following restrictions:

As a first priority, Forest Lawn Landfill and Orchard Hill Landfill shall accept all solid waste permitted under Part 115, 1994 PA 451, as amended, that is generated within the borders of Berrien County, Michigan, provided the hauler pays the appropriate landfill tipping fee, and otherwise complies with reasonable operational controls and requirements imposed by the landfills. Then without violating any other restrictions that may be imposed elsewhere in this Plan, each landfill may accept waste from outside Berrien County.



As a first priority, Southeast Berrien County Landfill shall accept all waste permitted under Part 115, 1994 PA 451, as amended, that is generated within the borders of the member municipalities of the Southeast Berrien County Landfill Authority, provided the hauler pays the appropriate landfill tipping fee. As a second priority Southeast Berrien County Landfill shall accept all solid waste permitted under Part 115, 1994 PA 451, as amended, that is generated within the borders of Berrien County, provided the hauler pays the appropriate landfill tipping fee, and otherwise complies with reasonable operational controls and requirements imposed by the landfill. Then without violating any other restrictions that may be imposed elsewhere in this Plan, each landfill may accept waste from outside Berrien County.

If a landfill chooses to accept waste from outside Berrien County, the importation of waste through this planning period will be accepted from those counties identified in Tables III-1 and III-2. Any written requests from those counties for such importation are attached to this Plan in Appendix D. Although this Plan explicitly authorizes waste to be imported from those counties identified in Tables III-1 and III-2, it does not authorize the importation of waste from counties whose plans do not explicitly authorize the exportation of waste to Berrien County, as required in Sec. 11538(6), Rule 711(e)(iii)(C) of Part 115, 1994 PA 451, as amended.

2. Export Authorizations

This Plan only authorizes the exportation of solid waste from Berrien County to those Michigan counties that explicitly authorize the importation of waste originating in Berrien County in an approved solid waste management plan. The counties that this Plan explicitly authorizes to take waste from Berrien County are listed in Tables III-3 and III-4. Any written requests from those counties for such exportation are attached to this Plan in Appendix D.

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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 III-1

CURRENT IMPORT VOLUME AUTHORIZATION OF SOLID WASTE

IMPORTING COUNTY	EXPORTING COUNTY	FACILITY NAME ¹	AUTHORIZED QUANTITY/ DAILY	AUTHORIZED QUANTITY/ ANNUAL	AUTHORIZED CONDITIONS ²
<u>BERRIEN</u>	<u>ALLEGAN</u>	<u>N/A</u>	<u>100%</u>	<u>100%</u>	<u>P</u>
<u>"</u>	<u>BRANCH</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>
<u>"</u>	<u>CALHOUN</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>
<u>"</u>	<u>CASS</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>
<u>"</u>	<u>KALAMAZOO</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>
<u>"</u>	<u>ST. JOSEPH</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>
<u>"</u>	<u>VAN BUREN</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>

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

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 III-1

CURRENT IMPORT VOLUME AUTHORIZATION OF SOLID WASTE

IMPORTING COUNTY	EXPORTING COUNTY	FACILITY NAME ¹	AUTHORIZED QUANTITY/ DAILY	AUTHORIZED QUANTITY/ ANNUAL	AUTHORIZED CONDITIONS ²
Berrien	Barry	N/A	100%	100%	P
"	Ionia	"	"	"	"
"	Kent	"	"	"	"
"	Ottawa	"	"	"	"

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

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 III-2

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

IMPORTING COUNTY	EXPORTING COUNTY	FACILITY NAME ¹	AUTHORIZED QUANTITY/ DAILY	AUTHORIZED QUANTITY/ ANNUAL	AUTHORIZED CONDITIONS ²
<u>BERRIEN</u>	<u>ALLEGAN</u>	<u>N/A</u>	<u>100%</u>	<u>100%</u>	<u>P</u>
<u>"</u>	<u>BRANCH</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>
<u>"</u>	<u>CALHOUN</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>
<u>"</u>	<u>CASS</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>
<u>"</u>	<u>KALAMAZOO</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>
<u>"</u>	<u>ST. JOSEPH</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>
<u>"</u>	<u>VAN BUREN</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>

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

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 III - 2

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

IMPORTING COUNTY	EXPORTING COUNTY	FACILITY NAME ¹	AUTHORIZED QUANTITY/ DAILY	AUTHORIZED QUANTITY/ ANNUAL	AUTHORIZED CONDITIONS ²
Berrien	Barry	N/A	100%	100%	P
"	Ionia	N/A	"	"	"
"	Kent	"	"	"	"
"	Ottawa	"	"	"	"

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

EXPORT AUTHORIZATION

If a Licensed solid waste disposal area is currently operating within another County, disposal of solid waste generated by the EXPORTING COUNTY is authorized up to the AUTHORIZED QUANTITY according to the CONDITIONS AUTHORIZED in Table 2-A if authorized for import in the approved Solid Waste Management Plan of the receiving County.

Table III.3

CURRENT EXPORT VOLUME AUTHORIZATION OF SOLID WASTE

EXPORTING COUNTY	IMPORTING COUNTY	FACILITY NAME ¹	AUTHORIZED QUANTITY/ DAILY	AUTHORIZED QUANTITY/ ANNUAL	AUTHORIZED CONDITIONS ²
<u>BERRIEN</u>	<u>ALLEGAN</u>	<u>N/A</u>	<u>100%</u>	<u>100%</u>	<u>P</u>
<u>"</u>	<u>BRANCH</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>
<u>"</u>	<u>CALHOUN</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>
<u>"</u>	<u>CASS</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>
<u>"</u>	<u>KALAMAZOO</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>
<u>"</u>	<u>ST. JOSEPH</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>
<u>"</u>	<u>VAN BUREN</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>

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

EXPORT AUTHORIZATION

If a Licensed solid waste disposal area is currently operating within another County, disposal of solid waste generated by the EXPORTING COUNTY is authorized up to the AUTHORIZED QUANTITY according to the CONDITIONS AUTHORIZED in Table 2-A if authorized for import in the approved Solid Waste Management Plan of the receiving County.

Table III-3

CURRENT EXPORT VOLUME AUTHORIZATION OF SOLID WASTE

EXPORTING COUNTY	IMPORTING COUNTY	FACILITY NAME ¹	AUTHORIZED QUANTITY/ DAILY	AUTHORIZED QUANTITY/ ANNUAL	AUTHORIZED CONDITIONS ²
<u>Berrien</u>	<u>Barry</u>	<u>N/A</u>	<u>100%</u>	<u>100%</u>	<u>P</u>
<u>"</u>	<u>Ionia</u>	<u>Pitsch Sanitary Landfill</u>	<u>"</u>	<u>"</u>	<u>P *Special Waste</u> <u>(see appendix D)</u>
<u>"</u>	<u>Kent</u>	<u>N/A</u>	<u>"</u>	<u>"</u>	<u>P</u>
<u>"</u>	<u>Ottawa</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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

If a new solid waste disposal area is constructed and operates in the future in another County, then disposal of solid waste generated by the EXPORTING COUNTY is authorized up to the AUTHORIZED QUANTITY according to the AUTHORIZED CONDITIONS in Table 2-B if authorized for import in the approved Solid Waste Management Plan of the receiving County.

Table III-4

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

EXPORTING COUNTY	IMPORTING COUNTY	FACILITY NAME ¹	AUTHORIZED QUANTITY/ DAILY	AUTHORIZED QUANTITY/ ANNUAL	AUTHORIZED CONDITIONS ²
<u>Berrien</u>	<u>Barry</u>	<u>N/A</u>	<u>100%</u>	<u>100%</u>	<u>P</u>
<u>"</u>	<u>Ionia</u>	<u>Pitsch Sanitary Landfill</u>	<u>"</u>	<u>"</u>	<u>P *Special Waste (see appendix D)</u>
<u>"</u>	<u>Kent</u>	<u>N/A</u>	<u>"</u>	<u>"</u>	<u>P</u>
<u>"</u>	<u>Ottawa</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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

If a new solid waste disposal area is constructed and operates in the future in another County, then disposal of solid waste generated by the EXPORTING COUNTY is authorized up to the AUTHORIZED QUANTITY according to the AUTHORIZED CONDITIONS in Table 2-B if authorized for import in the approved Solid Waste Management Plan of the receiving County.

Table III-4

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

EXPORTING COUNTY	IMPORTING COUNTY	FACILITY NAME ¹	AUTHORIZED QUANTITY/ DAILY	AUTHORIZED QUANTITY/ ANNUAL	AUTHORIZED CONDITIONS ²
<u>BERRIEN</u>	<u>ALLEGAN</u>	<u>N/A</u>	<u>100%</u>	<u>100%</u>	<u>P</u>
<u>"</u>	<u>BRANCH</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>
<u>"</u>	<u>CALHOUN</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>
<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>
<u>"</u>	<u>CASS</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>
<u>"</u>	<u>KALAMAZOO</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>
<u>"</u>	<u>ST. JOSEPH</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>
<u>Additional authorizations and the above information for those authorizations are listed on an attached page.</u>					
<u>"</u>	<u>VAN BUREN</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>

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.

Section III. Selected Solid Waste Management System

SOLID WASTE DISPOSAL AREAS

This is an inventory and description of all solid waste disposal areas within the county, or to be utilized by the County, to meet its disposal needs for the planning period (see Table III.4a). The table shows disposal capacity (gate yards) and years remaining, based upon the siting of 13.9 M cu yd of expansion at Forest Lawn and Orchard Hill landfill, and 4.4 M cu yd of expansion at Southeast Berrien County Landfill. Appendix D includes documentation from the facilities indicating that Berrien County has access to this disposal capacity, either by letter or by a Landfill Use Agreement, for the in-County Landfills.



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Table III.4a

INVENTORY OF SOLID WASTE DISPOSAL AREAS
and
ANNUAL CAPACITY AVAILABLE FOR BERRIEN COUNTY WASTE
OVER THE 10 YR. PLANNING PERIOD (estimated)
(cu yd/year)

<u>Type II Landfills</u>	<u>County</u>	<u>Disposal Capacity</u>	<u>Yrs.</u>
Orchard Hill	Berrien	700,000	44
Forest Lawn	Berrien	4,000,000	9
Southeast Berrien County Landfill	Berrien	650,000	21
Westside RDF	St. Joseph	1,200,000	11
Calhoun County C&C Landfill	Calhoun	1,000,000	13
Ottawa County Farms	Ottawa	1,500,000	25
Autumn Hills	Ottawa	1,500,000	28
Hasting Sanitary Service (WM)	Barry	600,000	10
Pitsch Sanitary Landfill	Ionia	240,000	22
<u>Type A Transfer Stations</u>			
Reliable Disposal	Berrien	450,000	n/a
Cork Street	Kalamazoo	n/a	n/a

(Source: Report of Solid Waste Landfilled in Michigan, Oct 1, 1998 - Sept 30, 1999, MI DEQ; Interviews with Landfills and copies of landfill provided facility descriptions)

The combination of the above two tables demonstrates that Berrien County will have sufficient disposal capacity for the length of the Planning Period under the current solid waste management system. (See Section IV for further explanation)

FACILITY DESCRIPTIONS

The following pages describe the facilities listed in the Table III.4a, showing solid waste disposal areas to be used by Berrien County over the ten year planning period, as required in Part 115, 1994 PA 451, as amended.

FACILITY DESCRIPTIONS

Facility Type: TYPE II LANDFILL

Facility Name: FOREST LAWN LANDFILL

County: BERRIEN Location: Town 8S Range 20W Section(s) 17

Map identifying location included in Attachment Section: X 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: FOREST LAWN LANDFILL, INC (REPUBLIC IND.)

Operating Status (check)	Waste Types Received (check all that apply)
X open	X residential
closed	X commercial
X licensed	X industrial
unlicensed	X construction & demolition
construction permit	contaminated soils
open, but closure pending	special wastes *
	X other: FLY ASH, FOUNDRY SAND, TREES & STUMPS, WASTEWATER SLUDGE, ASBESTOS

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

Site Size:

Total area of facility property:	284	acres
Total area sited for use:	209	acres
Total area permitted:	105	acres
operating	105	acres
not excavated	0	acres

Current capacity:	* 16 M	cu yds
Estimated lifetime:	9	years
Estimated days open per year:	286	days
Estimated yearly disposal volume:	1,250,000	tons

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(if applicable)

Annual energy production:		
landfill gas recovery projects:	N/A	megawatts
waste-to-energy incinerators	N/A	megawatts

*Includes an airspace expansion of 13.9 M (million) cubic yards, granted in this Plan Update



FACILITY DESCRIPTIONS

Facility Type: TYPE II LANDFILL

Facility Name: ORCHARD HILL LANDFILL

County: BERRIEN Location: Town 3S Range 17W Section(s) 28& 33

Map identifying location included in Attachment Section: X 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: LANDFILL MANAGEMENT COMPANY

Operating Status (check)

X open
closed
X licensed
unlicensed
X construction permit
open, but closure pending

Waste Types Received (check all that apply)

X residential
X commercial
X industrial
X construction & demolition
contaminated soils
special wastes *
X other: FLY ASH, FOUNDRY SAND,
TREES & STUMPS, WASTEWATER
SLUDGES, ASBESTOS

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

Site Size:

Total area of facility property:	283	acres
Total area sited for use:	283	acres
Total area permitted:	160	acres
operating	66	acres
not excavated	51	acres

Current capacity:	* 20.6 M	cu yds
Estimated lifetime:	44	years
Estimated days open per year:	285	days
Estimated yearly disposal volume:	700,000	cu yd

(if applicable)

Annual energy production:		
landfill gas recovery projects:	N/A	megawatts
waste-to-energy incinerators	N/A	megawatts

*Includes an airspace expansion of 13.9 M (million) cubic yards, granted in this Plan Update

FACILITY DESCRIPTIONS

Facility Type: TYPE II LANDFILL

Facility Name: SOUTHEAST BERRIEN COUNTY LANDFILL

County: BERRIEN Location: Town 8S Range 17W Section(s) 6

Map identifying location included in Attachment Section: X 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:

X Public Private Owner: SOUTHEAST BERRIEN COUNTY LANDFILL AUTHORITY

Operating Status (check)	Waste Types Received (check all that apply)
X open	X residential
closed	X commercial
X licensed	X industrial
unlicensed	X construction & demolition
X construction permit	X contaminated soils
open, but closure pending	X special wastes *
	X other: ASBESTOS

*Explanation of special wastes, including a specific list and/or conditions:
NON-HAZARDOUS COMMERCIAL AND INDUSTRIAL WASTES THAT HAVE BEEN APPROVED
FOR DISPOSAL.

Site Size:

Total area of facility property:	230	acres
Total area sited for use:	110	acres
Total area permitted:	71	acres
operating	24	acres
not excavated	47	acres

Current capacity:	* 8.9 M	cu yds
Estimated lifetime:	21	years
Estimated days open per year:	285	days
Estimated yearly disposal volume:	650,000	cu yd

(if applicable)

Annual energy production:		
landfill gas recovery projects:	N/A	megawatts
waste-to-energy incinerators	N/A	megawatts

*Includes an airspace expansion of 4.4 M (million) cubic yards, granted in this Plan Update.

FACILITY DESCRIPTIONS

Facility Type: Type II Landfill

Facility Name: C&C Landfill

County: Calhoun

Location: Town: IS

Range: 6W

Section(s): 28

Map identifying location included in Appendix D: X Yes No

If facility is an incinerator or transfer station, list the final disposal site and location for incinerator ash or transfer station wastes:

 Public X Private Owner: Browning-Ferris Industries of SE Michigan

<u>Operating Status</u>		<u>Waste Types Received</u>	
<u>X</u>	Open	<u>X</u>	Residential
<u> </u>	Closed	<u>X</u>	Commercial
<u>X</u>	Licensed	<u>X</u>	Industrial
<u> </u>	Unlicensed	<u>X</u>	Construction and Demolition
<u> </u>	Construction Permit	<u>X</u>	Contaminated Soils
<u> </u>	Open, But Closure Pending	<u>X</u>	Special Wastes*
<u> </u>		<u>X</u>	Other: <u>Type III Wastes</u>

*Explanation of special wastes, including a specific list and/or conditions: Non-hazardous solid and semi-solid wastes; no hazardous or liquid wastes

Site Size:

Total area of facility property:	<u>224</u>	Acres
Total area sited for use:	<u>154</u>	Acres
Total area permitted:	<u>129</u>	Acres
Operating:	<u>33</u>	Acres
Not excavated:	<u>21</u>	Acres

Current capacity:	<u>7,570,000</u>	Cubic Yards
Estimated lifetime:	<u>7</u>	Years
Estimated days open per year:	<u>286</u>	Days
Estimated yearly disposal volumes:	<u>1,000,000</u>	Cubic Yards

Annual energy production:

Landfill gas recovery projects:	<u>3</u>	Megawatts
Waste-to-energy incinerators:	<u>NA</u>	Megawatts

In accordance with this Plan and an agreement between BFI and Calhoun County, the C&C Landfill is authorized to expand by 16 acres of refuse fill area in addition to the existing facility. When combined with the existing available landfill space, this additional area will result in total capacity of 14,000,000 cubic yards and an estimated lifetime of fourteen (14) years.

The landfill and final elevation after closure shall be no higher than 1090 feet above sea level. Such final elevation shall be certified by a Michigan registered land surveyor or Michigan licensed engineer

FACILITY DESCRIPTIONS

Facility Type: Type II Landfill

Facility Name: Westside Landfill

County: St. Joseph

Location: Town: 6S

Range: 12W

Section(s): 26

Map identifying location included in Appendix A: X Yes No

 Public X Private Owner: Waste Management of Michigan, Inc.

Operating Status

<u>X</u>	Open
<u> </u>	Closed
<u>X</u>	Licensed
<u> </u>	Unlicensed
<u> </u>	Construction Permit
<u> </u>	Open, But Closure Pending

Waste Types Received

<u>X</u>	Residential
<u>X</u>	Commercial
<u>X</u>	Industrial
<u>X</u>	Construction and Demolition
<u>X</u>	Contaminated Soils
<u>X</u>	Special Wastes*
<u> </u>	Other:

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

Foundry Sand, Fly Ash, Wastewater Sludges, Trees and Stumps, and Asbestos

Site Size:

Total area of facility property:

640 Acres

Total area sited for use:

490 Acres

Total area permitted:

85 Acres

Operating:

85 Acres

Not excavated:

0 Acres

Current capacity:

14,790,000 Cubic Yards

Estimated lifetime:

12 Years

Estimated days open per year:

300+ Days

Estimated yearly disposal volumes:

1,200,000 Cubic Yards

Annual energy production:

Landfill gas recovery projects:

NA Megawatts

Waste-to-energy Incinerators:

NA Megawatts

Facility Name: Ottawa County Farms Landfill

County: Ottawa Location: Town: 8N Range: 14W Section(s): 26 & 27

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: NA

☐ Public ☒ Private Owner: Allied Waste Systems

Operating Status

- ☒ open
- ☐ closed
- ☒ licensed
- ☐ unlicensed
- ☒ construction permit
- ☐ open, but closure pending

Waste Types Received

- ☒ residential
- ☒ commercial
- ☒ industrial
- ☒ construction & demolition
- ☒ contaminated soils
- ☒ special wastes*
- ☐ other: _____

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

Site Size:

Total area of facility property:	<u>240</u>	acres
Total area sited for use:	<u>197</u>	acres
Total area permitted:	<u>240</u>	acres
Operating:	<u>37</u>	acres
Not excavated:	<u>125</u>	acres

Current capacity:	<u>16,500,000</u>	<input type="checkbox"/> tons or <input checked="" type="checkbox"/> yds ³
Estimated lifetime:	<u>25-30</u>	years
Estimated days open per year:	<u>286</u>	days
Estimated yearly disposal value:	<u>500,000</u>	<input checked="" type="checkbox"/> tons or <input type="checkbox"/> yds ³

Annual energy production:

Landfill gas recovery projects:	<u>4,565</u>	megawatts
Waste-to-energy incinerators:	<u>NA</u>	megawatts

FACILITY DESCRIPTIONS

Facility Type: Type II Solid Waste Landfill

Facility Name: Autumn Hills Recycling and Disposal Facility

County: Ottawa Location: Town: 5N Range: 14W Section(s): 36

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 ☒ Private Owner: Waste Management of Michigan, Inc.

Operating Status (check)

Waste Types Received (check all that apply)

☒ open
☐ closed
☒ licensed
☐ unlicensed
☒ construction permit
☐ open, but closure
☐ pending

☒ residential
☒ commercial
☒ industrial
☒ construction & demolition
☒ contaminated soils
☒ special wastes *
☒ other: Solidification/Yard Waste

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

Foundry sands, sludges, fly ash, etc.

Site Size:

Total area of facility property:	314	acres
Total area sited for use:	197	acres
Total area permitted:	99.3	acres
Operating:	35.1	acres
Not excavated:	64.2	acres

Current capacity:	20.75	yds ³
Estimated lifetime:	30.2	years
Estimated days open per year:	286	days
Estimated yearly disposal volume:	500,000	tons

(if applicable)

Annual energy production:

Landfill gas recovery projects:	<u>N/A</u>	megawatts
Waste-to-energy incinerators	<u>N/A</u>	megawatts

FACILITY DESCRIPTIONS

Facility Type: Type II Landfill

Facility Name: City Environmental Services Landfill Inc., of Hastings

County: Barry Location: Town: 3w Range: 8n Section(s): 6

Map identifying location included in Attachment Section: X 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: N.A.

 Public X Private Owner:

Operating Status (check)		Waste Types Received (check all that apply)	
<u>X</u>	open	<u>X</u>	residential
<u> </u>	closed	<u>X</u>	commercial
<u>X</u>	licensed	<u>X</u>	industrial
<u> </u>	unlicensed	<u>X</u>	construction & demolition
<u>X</u>	construction permit	<u>X</u>	contaminated soils
<u> </u>	open, but closure	<u>X</u>	special wastes *
<u> </u>	pending	<u>X</u>	other: <u>Asbestos</u>

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

Foundry Sand, Fly Ash, Waste Water Sludges, Trees & Stumps

Site Size:

Total area of facility property: 330 acres

Total area sited for use: 330 acres

Total area permitted: 48 acres

Operating: 19.5 acres

Not excavated: 28.5 acres

Current capacity: 5,000,000 yds³

Estimated lifetime: 10+ years

Estimated days open per year: 308 days

Estimated yearly disposal volume: 175,000 tons

(if applicable)

Annual energy production:

Landfill gas recovery projects: N.A. megawatts

Waste-to-energy incinerators: N.A. megawatts

FACILITY DESCRIPTIONS

Facility Type: Type II Landfill

Facility Name: South Kent County Landfill

County: Kent Location: Town: 5N Range: 12W Section(s): 36

Map identifying location included in Attachment Section: Yes X No

If facility is an incinerator or a transfer station, list the final disposal site and location for incinerator ash or transfer station wastes:

X Public Private Owner: _____

Operating Status (check)

X open
____ closed
X licensed
____ unlicensed
X construction permit
____ open, but closure
____ pending

Waste Types Received (check all that apply)

X residential
X commercial
X industrial
X construction & demolition
X contaminated soils
X special wastes *
X other: Incinerator ash

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

Site Size:

Total area of facility property:	<u>250</u>	acres
Total area sited for use:	<u>112</u>	acres
Total area permitted:	<u>112</u>	acres
Operating:	<u>31</u>	acres
Not excavated:	<u>81</u>	acres
Current capacity:	<u>7,6000,000</u>	tons or yds ³
Estimated lifetime:	<u>38</u>	years
Estimated days open per year:	<u>310</u>	days
Estimated yearly disposal volume:	<u>155,000</u>	tons or yds ³

(if applicable)

Annual energy production:		
Landfill gas recovery projects:	<u>N/A</u>	megawatts
Waste-to-energy incinerators:	<u>N/A</u>	megawatts

FACILITY DESCRIPTIONS

Facility Type: TYPE II LANDFILL

Facility Name: PITSCH SANITARY LANDFILL

County: IONIA Location: Town 8N Range 7W Section(s) 7

Map identifying location included in Attachment Section: X 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: PITSCH COMPANIES

Operating Status (check)	Waste Types Received (check all that apply)
X open	X residential
closed	X commercial
X licensed	industrial
unlicensed	X construction & demolition
construction permit	X contaminated soils
open, but closure pending	X special wastes *
	other:

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

Site Size:

Total area of facility property:	143.5 acres
Total area sited for use:	41.28 acres
Total area permitted:	78.44 acres
operating	8.44 acres
not excavated	70 acres

Current capacity:	4.5 M cu yds
Estimated lifetime:	22 years
Estimated days open per year:	307 days
Estimated yearly disposal volume:	83,000 tons

(if applicable)

Annual energy production:	
landfill gas recovery projects:	N/A megawatts
waste-to-energy incinerators	N/A megawatts

FACILITY DESCRIPTIONS

Facility Type: TYPE A TRANSFER STATION & PROCESSING CENTER

Facility Name: RELIABLE DISPOSAL

County: BERRIEN Location: Town 5S Range 19W Section(s) 33

Map identifying location included in Attachment Section: Yes x 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: RELIABLE DISPOSAL, INC. (REPUBLIC, IND.)

Operating Status (check)

X open
closed
X licensed
unlicensed
construction permit
open, but closure pending

Waste Types Received (check all that apply)

X residential
X commercial
X industrial
X construction & demolition
contaminated soils
X special wastes *
other:

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

YARD WASTE

Site Size:

Total area of facility property:	acres
Total area sited for use:	acres
Total area permitted:	acres
operating	acres
not excavated	acres

Current capacity:	cu yds
Estimated lifetime:	years
Estimated days open per year:	300 days
Estimated yearly disposal volume:	150,000 tons

(if applicable)

Annual energy production:	
landfill gas recovery projects:	N/A megawatts
waste-to-energy incinerators	N/A megawatts

FACILITY DESCRIPTIONS

Facility Type: Transfer Station

Facility Name: Cork Street Transfer Station

County: Kalamazoo Location: Town: 25 Range: 11W Section(s): 36

Map Identifying location included in Appendix A: X Yes No

The Cork Street Transfer Station uses the C&C Landfill located in Calhoun County for final disposal of wastes collected and processed at the facility.

 Public X Private Owner: BFI Waste Systems of Michigan, Inc.

<u>Operating Status</u>		<u>Waste Types Received</u>	
<u> X </u>	Open	<u> X </u>	Residential
<u> </u>	Closed	<u> X </u>	Commercial
<u> X </u>	Licensed	<u> X </u>	Industrial
<u> </u>	Unlicensed	<u> X </u>	Construction and Demolition
<u> </u>	Construction Permit	<u> </u>	Contaminated Soils
<u> </u>	Open, But Closure Pending	<u> </u>	Special Wastes*
<u> </u>		<u> </u>	Other:

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

Site Size:

Total area of facility property:

 8 Acres

Total area sited for use:

2.758 Acres

Total area permitted:

NA Acres

Operating:

NA Acres

Not excavated:

NA Acres

Current capacity:

NA Cubic Yards

Estimated lifetime:

>10 Years

Estimated days open per year:

300 Days

Estimated yearly disposal volumes:

NA Cubic Yards

Annual energy production:

Landfill gas recovery projects:

NA Megawatts

Waste-to-energy incinerators:

NA Megawatts

Section III. Selected Solid Waste Management System

SOLID WASTE COLLECTION SERVICES AND TRANSPORTATION INFRASTRUCTURE

1. Collection Services

To address the patch-work of services, especially recycling services, that currently exist in the County, the County needs to expand involvement in these efforts, following the objectives set forth in the Introduction. These efforts should primarily initiate in the Resource Recovery Coordinator's office, either through direct involvement, or through contracting of services to accomplish particular objectives.

In the short term, the objectives to enhance the current HHW program, introduce tire collections and assist with the collection of other hard to manage solid wastes will take precedence. In terms of education and targeted waste generating sectors, focus will be placed on school recycling programs, by offering a combination of educational presentations and development of sustainable recycling collection programs targeting entire schools districts. A sub-committee is currently reviewing this issue, and will be making specific recommendations in the near future. Another short term educational program will target home composting, as a means of reducing the amount of waste that needs handling through traditional collection systems.

Long term, the County will again address financial assistance or incentives that can be targeted at the municipal level, to bring more convenient recycling to areas where it is absent, and to ensure continued strong service in those communities that have lead the way in these efforts. Additionally, the County will target the commercial and industrial sectors to maximize their waste reduction and recycling efforts.

2. Transportation Infrastructure

The major components of the transportation infrastructure will remain intact. Recently, road improvements were made near Forest Lawn Landfill, through partial funding from the Landfill Use Fund. Pending the outcome of potential new or extended Landfill Use Agreements with any or all of the landfills, infrastructure improvements in the direct vicinity of the landfills will be continued. Any other improvements to the transportation infrastructure will come as a matter of course of any County Road Commission, or State DOT activity, independent of landfill or waste management activities.

RESOURCE CONSERVATION EFFORTS

The primary resource conservation activities throughout the County are the household hazardous waste (HHW) and Clean Sweep pesticide collections. The county will look at expanding these, or at least enhancing their promotion. In addition, it will continue to pursue opportunities to work jointly with neighboring counties, as endorsed by the Southwest Michigan Solid Waste Consortium.

Section III. Selected Solid Waste Management System

WASTE REDUCTION, RECYCLING & COMPOSTING PROGRAMS

As these matters are handled primarily at the local municipal level, the County will need to explore its role in these matters to determine its most appropriate course of action. At a minimum, the County will need to develop a better information network with municipal and privately run programs to be able to assess the current level of activity going on (See Tables III-5 through III-10 for more details regarding current and projected programs). The County can promote those waste reduction, recycling and composting programs that do exist and assist with the development of more such programs or increased access to those existing.

In addition, the County will begin development of County run collection programs for some of the problem area waste streams, such as tires. Renewed use of a financial incentive tool, as a follow-on to the defunct LUF Grant program, which terminated due to a lack of grant requests, will be explored and utilized.

EDUCATIONAL AND INFORMATIONAL PROGRAMS

The main education focus has been, and will continue to be through the school systems. It has, so far, been almost exclusively as a part of the 5th grade targeted Natural Resource Days. While this program has great value, the Solid Waste Planning Committee is recommending year round in-school educational programming. In addition, this programming is geared towards start-up and maintenance of recycling collection programs becoming institutionalized within County school systems.

Also, more general education and promotion is required. This can take the form of promoting current programs or outlets for recycling through a comprehensive recycling guide and internet information on the County's website.

Section III. Selected Solid Waste Management System

TABLE III-5

RECYCLING:

Program Name	Service Area ¹	Public or Private	Collection Point ²	Collection Frequency ³	Materials Collected ⁴	Program Management Responsibilities ⁵ :		
						Development	Operation	Evaluation
BUCHANAN CITY MRF	BERTRAND TWP @ S.E. BERRIEN COUNTY LANDFILL (SEBCL) / O	PUB	D	D	P,N,C,OP,G,M,T	3, SEBCL AUTH.	3	3, SEBCL AUTH.
ORCHARD HILL LANDFILL	WATERVLIET TWP / O, F	PRI	D	D	P,N,C,G,M	5	5	5
FOREST LAWN LANDFILL	THREE OAKS TWP / O	PRI	D	D	P,N,C,G,M,T	5	5	5
RELIABLE DISPOSAL	LINCOLN TWP / (Limited to trash customers)	PRI	D	D	P,N,C,G,M	5	5	5
UNITED FOR SURVIVAL	ST. JOSEPH CITY / O	PUB/PRI	D	B	P,N,C,G,M	3,4	4,5	4
GATEWAY	BERRIEN SPRINGS / O	PRI	D	D	N,C,OP	5	5	5
L.O.F.T. RECYCLING	BENTON HARBOR CITY / O	PRI	D	M	P,N,C,G,M	4	4,5	4
BAINBRIDGE TWP	BAINBRIDGE TWP	PUB/PRI	D	M	P,N,C,G,M	3	3,5	3
BARODA TWP	BARODA TWP	PUB/PRI	D	B	P,N,C,G,M	3	3,5	3
BERRIEN SPRINGS VIL	BERRIEN SPRINGS VIL	PUB/PRI	C	B	P,N,C,G,M	3	5	3
BRIDGMAN CITY	BRIDGMAN CITY	PUB/PRI	C	B	P,N,C,G,M	3	5	3
BUCHANAN CITY	BUCHANAN CITY	PUB	C	W	P,N,C,G,M	3	3	3
CHIKAMING TWP	CHIKAMING TWP	PUB/PRI	D	M-SP,SU,F	P,N,C,G,M	3	3,5	3
EAU CLAIRE VILLAGE	EAU CLAIRE VILLAGE	PUB/PRI	C	B	P,N,C,G,M	3	5	3
GALIEN VIL/TWP	GALIEN VIL/TWP	PUB/PRI	D	M	P,N,C,G,M	3	3,5	3
GRAND BEACH VIL	GRAND BEACH VIL	PUB/PRI	C	B	P,N,C,G,M	3	5	3
LAKE TWP	LAKE TWP	PUB/PRI	D	M	P,N,C,G,M	3	3,5	3
MICHIANA VIL	MICHIANA VIL	PUB/PRI	C	B	P,N,C,G,M	3	5	3
NEW BUFFALO CITY	NEW BUFFALO CITY	PUB/PRI	C	B	P,N,C,G,M	3	5	3
SHOREHAM VIL	SHOREHAM VIL	PUB/PRI	C	B	P,N,C,OP,G,M	3	5	3
STEVENSVILLE VIL	STEVENSVILLE VIL	PUB/PRI	C	B	P,N,C,G,M	3	5	3
ST JOSEPH CITY	ST JOSEPH CITY	PUB/PRI	C	B	P,N,C,OP,G,M	3	5	3
ST JOSEPH TWP	ST JOSEPH TWP	PUB/PRI	C	B	P,N,C,OP,G,M	3	5	3
THREE OAKS VIL	THREE OAKS VIL	PUB/PRI	C	B	P,N,C,G,M	3	5	3
WEESAW TWP	WEESAW TWP	PUB/PRI	D	M-SP,SU,F	P,N,C,G,M	3	3,5	3

1-Municipality where program is sited / O = Open to all County residents, F = Fee charged, except in cases of municipal or customer preferences.

2-c=curbside; d=drop-off; o=onsite

3-d=daily; w=weekly; b=biweekly; m=monthly; If seasonal-Sp=Spring; Su=Summer; Fa=Fall; Wi=Winter

4-p=plastics; n=newspaper; c=corrugated containers; op=other paper; g=glass; m=metals; t=tires; a=appliances

5-1=Designated Planning Agency; 2=County Board; 3=Municipality; 4=Environmental Group as named; 5=Private Owner/Operator

Section III. Selected Solid Waste Management System

TABLE III-6

COMPOSTING:

Program Name	Service Area ¹	Public or Private	Collection Point ²	Collection Frequency ³	Materials Collected ⁴	Program Management Responsibilities ⁵ :		
						Development	Operation	Evaluation
SEBC LANDFILL	BERTRAND TWP / O	PUB	D	D	G,L,B	SEBCL AUTH	SEBCL AUTH	SEBCL AUTH
ORCHARD HILL LANDFILL	WATERVLIET TWP / O / F	PRI	D	D	G,L,B	5	5	5
RELIABLE DISPOSAL	LINCOLN TWP / (limited to trash customers)	PRI	D	D	G,L,B	5	5	5
BARODA TWP	BARODA TWP (limited)	PUB/PRI	C	SP,FA	L	3	3,5	3
BARODA VIL	BARODA VIL	PUB/PRI	C	SP,FA	L	3	3,5	3
BENTON TWP	BENTON TWP	PUB	C	SP,FA	G,L,B	3	3	3
BERRIEN SPRINGS VIL	BERRIEN SPRINGS VIL	PUB	C	SP,SU,FA	G,L,B	3	3	3
BRIDGMAN CITY	BRIDGMAN CITY	PUB/PRI	C	SP,SU,FA	G,L,B	3	3,5	3
BUCHANAN CITY	BUCHANAN CITY	PUB	C	SP,SU,FA	G,L,B	3	3	3
COLOMA CITY	COLOMA CITY	PUB	D/C	SP,SU,FA / SP,FA	G,B / L	3	3	3
EAU CLAIRE VIL	EAU CLAIRE VIL	PUB	D/C	SP,SU,FA	G,B,L	3	3	3
GALIEN VIL	GALIEN VIL	PUB	D/C	SP,SU,FA	G,B / G,B,L	3	3	3
GRAND BEACH	GRAND BEACH	PUB	C	SP,FA	B,L	3	3	3
MICHIANA VIL	MICHIANA VIL	PUB	C	SP,FA	B,L	3	3	3
NEW BUFFALO CITY	NEW BUFFALO CITY	PUB	C	SP,FA	B,L	3	3	3
NILES CITY	NILES CITY	PUB	C	SP,SU,FL	B,L	3	3	3
SHOREHAM VIL	SHOREHAM VIL	PUB/PRI	C	SP,SU,FL	B,G,L	3	3	3
STEVENSVILLE VIL	STEVENSVILLE VIL	PUB	C	SP,FL	L	3	3	3
ST. JOSEPH CITY	ST. JOSEPH CITY	PUB/PRI	C	SP,SU,FA / SP,SU,FA	B,L / G,B	3	3,5	3
ST. JOSEPH TWP	ST. JOSEPH TWP	PUB/PRI	C	SP,SU,FA	B,L,G	3	3,5	3
THREE OAKS VIL	THREE OAKS VIL	PUB	D/C	SP, SU,FA / SP,FA	B,L / L	3	3	3
WEESAW	WEESAW	PUB	C	SP,FA	L	3	3	3

1-Municipality where program is sited / O = Open to all County residents; F = Fee charged, except in cases of municipal or customer preferences.

2-c=curbside; d=drop-off; o=onsite

3-d=daily; w=weekly; b=biweekly; m=monthly; If seasonal-Sp=Spring; Su=Summer; Fa=Fall; Wi=Winter

4-g=grass clippings; l=leaves; b=brush; f=food; w=wood; p=paper; s=municipal sewage sludge; a=animal waste/bedding

5-1=Designated Planning Agency; 2=County Board; 3=Municipality; 4=Environmental Group as named; 5=Private Owner/Operator

Section III. Selected Solid Waste Management System

TABLE III-7

SOURCE SEPARATION OF POTENTIALLY HAZARDOUS MATERIALS:

Program Name	Service Area ¹	Public or Private	Collection Point ²	Collection Frequency ³	Materials Collected ⁴	Program Management Responsibilities ⁵ :		
						Development	Operation	Evaluation
BERRIEN COUNTY HOUSEHOLD HAZARDOUS WASTE (hhw) COLLECTIONS	VARIOUS LOCATIONS / O	PUB/PRI	D	6/YR	ALL LISTED	1	1,5	1
"CLEAN SWEEP" PESTICIDE COLLECTIONS	O (with Ag. pesticides) + CASS & VAN BUREN COUNTIES (VIA GRANT WITH MICH. DEPT. OF AGRICULTURE)	PUB	D	4+/YR	AGRICULTURAL PESTICIDES	1	1	1
SOUTHEAST BERRIEN COUNTY LANDFILL (SEBCL) AUTHORITY HHW COLLECTIONS	BERTRAND TWP. @ SEBC LANDFILL / O / F (no charge to municipal units that make up the SEBCL Authority)	PUB/PRI	D	2/YR	ALL LISTED	3	3	3
BUCHANAN CITY MRF	BERTRAND TWP @S.E.B.C.L. / O	PUB	D	D	U,B1,B2	3, SEBCL	3	3,SEBCL
UNITED FOR SURVIVAL	ST. JOSEPH CITY / O	PRI	D	B	U,AF,B2(fee)	3	3,5	3
VARIOUS AUTO SERVICE STATIONS, AUTO PART STORES, etc. (see App.D for DEQ generated list) (Call first as programs may not be consistently offered)	O / F??	PRI	D	?	U	5	5	5

1-Municipality where program is sited / O = Open to all County residents; F = Fee charged, except in cases of municipal or customer preferences.

2-c=curbside; d=drop-off; o=onsite

3-d=daily; w=weekly; b=biweekly; m=monthly; If seasonal-Sp=Spring; Su=Summer; Fa=Fall; Wi=Winter

4-ar=aerosol cans; a=automotive products (other than used oil, oil filters, antifreeze); af=antifreeze; b1=batteries(lead acid);

b2=batteries(household); c=cleaners/polishes; h=hobby/art supplies; of=oil filters; p=paints/solvents; ps=pesticides; ph=personal health care products; u=used oil

5-1=Designated Planning Agency; 2=County Board; 3=Municipality; 4=Environmental Group as named; 5=Private Owner/Operator

Section III. Selected Solid Waste Management System

TABLE III-8

PROPOSED RECYCLING:

Program Name	Service Area ¹	Public or Private	Collection Point ²	Collection Frequency ²	Materials Collected ⁴	Program Management Responsibilities ⁵ :		
						Development	Operation	Evaluation
SAME AS TABLE III-5								
Plus, County will work on the development of more recycling programs or greater access to existing programs, through promotion, technical assistance, and the development of financial incentives, as a follow-on to the discontinued Landfill Use Fund Grant program.								

1-Municipality where program is sited / O = Open to all County residents; F = Fee charged, except in cases of municipal or customer preferences.

2-c=curbside; d=drop-off; o=onsite

3-d=daily; w=weekly; b=biweekly; m=monthly; If seasonal-Sp=Spring; Su=Summer; Fa=Fall; Wi=Winter

4-p=plastics; n=newspaper; c=corrugated containers; op=other paper; g=glass; m=metals; t=tires; a=appliances

5-1=Designated Planning Agency; 2=County Board; 3=Municipality; 4=Environmental Group as named; 5=Private Owner/Operator

Section III. Selected Solid Waste Management System

TABLE III-9

PROPOSED COMPOSTING:

Program Name	Service Area ¹	Public or Private	Collection Point ²	Collection Frequency ³	Materials Collected ⁴	Program Management Responsibilities ⁵ :		
						Development	Operation	Evaluation
SAME AS TABLE III-6								
Plus, County will work on the development of more programs or greater access to existing programs, through promotion, technical assistance, and the development of financial incentives, as a follow-on to the discontinued Landfill Use Fund Grant program.								

1-Municipality where program is sited / O = Open to all County residents; F = Fee charged, except in cases of municipal or customer preferences.

2-c=curbside; d=drop-off; o=onsite

3-d=daily; w=weekly; b=biweekly; m=monthly; If seasonal-Sp=Spring; Su=Summer; Fa=Fall; Wi=Winter

4-g=grass clippings; l=leaves; b=brush; f=food; w=wood; p=paper; s=municipal sewage sludge; a=animal waste/bedding

5-1=Designated Planning Agency; 2=County Board; 3=Municipality; 4=Environmental Group as named; 5=Private

Owner/Operator

Section III. Selected Solid Waste Management System

TABLE III-10

PROPOSED SOURCE SEPARATION OF POTENTIALLY HAZARDOUS MATERIALS:

Program Name	Service Area ¹	Public or Private	Collection Point ²	Collection Frequency ³	Materials Collected ⁴	Program Management Responsibilities ⁵ :		
						Development	Operation	Evaluation
SAME AS TABLE III-7 (Except that County anticipates taking over the funding for the 2 collections at the SEBCL.)								
Plus, County will work to expand programs or access to programs through promotion, technical assistance and exploring the possibility of financial incentives or assistance.								

1-Municipality where program is sited / O = Open to all County residents; F = Fee charged, except in cases of municipal or customer preferences.

2-c=curbside; d=drop-off; o=onsite

3-d=daily; w=weekly; b=biweekly; m=monthly; If seasonal-Sp=Spring; Su=Summer; Fa=Fall; Wi=Winter

4-ar=aerosol cans; a=automotive products (other than used oil, oil filters, antifreeze); af=antifreeze; b1=batteries(lead acid);

b2=batteries(household); c=cleaners/polishes; h=hobby/art supplies; of=oil filters; p=paints/solvents; ps=pesticides; ph=personal health care products; u=used oil

5-1=Designated Planning Agency; 2=County Board; 3=Municipality; 4=Environmental Group as named; 5=Private Owner/Operator

Section III. Selected Solid Waste Management System

PROJECTED DIVERSION RATES:

The following estimates the annual amount of solid waste which is expected to be diverted from landfills and incinerators as a result of current resource recovery programs, and projections for five and ten years. When available, current rates were provided by a combination of local haulers and organizations that process those materials for recycling. The 5 and 10 year estimates are based on doubling the current diversion, which seems plausible given the currently low recycling rate of 10 percent within Berrien County. If information is not available for the current diversion rates of a particular material, then estimates for years 5 and 10 are derived (when available) from the waste composition analysis performed by Resource Recovery Systems, Inc., Ann Arbor, for the Regional Consortium study, referenced earlier in this document. Then a modest estimate of 5 and 10 percent diversion for years 5 and 10 respectively are applied to the composition figures, yielding the numbers shown below.

<u>Collected Material:</u>	<u>Projected Annual Tons Diverted:</u>			<u>Collected Material:</u>	<u>Projected Annual Tons Diverted:</u>		
	Current	5th Yr	10th Yr		Current	5th Yr	10th Yr
A. TOTAL PLASTICS:	171	228	342	G. GRASS AND LEAVES:	14,360	14,800	15,300
B. NEWSPAPER:	2,420	3,227	4,840	H. TOTAL WOOD WASTE:	--	340	681
C. CORRUGATED CONTAINERS:	2,161	2,881	4,322	I. CONSTRUCTION AND DEMOLITION:	--	--	--
D. TOTAL OTHER PAPER:	324	432	648	J. FOOD AND FOOD PROCESSING:	--	660	1,340
E. TOTAL GLASS:	319	425	638	K. TIRES:	670	670	670
F. OTHER MATERIALS:				L. TOTAL METALS:	336	448	672
F1. HHW	14	20	25	F3.			
F2.				F4.			

MARKET AVAILABILITY FOR COLLECTED MATERIALS:

The following identifies how much volume that existing markets are able to utilize of the recovered materials which were diverted from the County's solid waste stream.

<u>Collected Material:</u>	<u>In-State Markets</u>	<u>Out-of-State Markets</u>	<u>Collected Material</u>	<u>In-State Markets</u>	<u>Out-of-State Markets</u>
A. TOTAL PLASTICS:	80%	20%	G. GRASS AND LEAVES:	100%	
B. NEWSPAPER:	100%		H. TOTAL WOOD WASTE:	100%	
C. CORRUGATED CONTAINERS:	100%		I. CONSTRUCTION AND DEMOLITION:		
D. TOTAL OTHER PAPER:	90%	10%	J. FOOD AND FOOD PROCESSING		
E. TOTAL GLASS:	90%	10%	K. TIRES:	50%	50%
F. OTHER MATERIALS:			L. TOTAL METALS:	100%	
F1.			F3.		
F2.			F4.		

Section III. Selected Solid Waste Management System

TIMETABLE

This timetable is a guideline to implement components of the Selected System. Timelines may be adjusted later, if necessary.

TIMETABLE

Management Components	Timeline (starting date, unless end date indicated)
Resource Conservation	
General public education	ongoing
Implement county waste reduction policy	ongoing
Promote waste reduction and recycled content products to business	2001
Expand HHW and Clean Sweep programs	ongoing
Resource Recovery	
Assist with development or enhancement of municipal recycling	ongoing
Explore renewed use of financial incentives to promote greater county-wide recycling (follow-on to Grant program)	ongoing
Promote and train for residential backyard composting	2001
Continue participation in Natural Resource Days	ongoing
Assist / Develop collections for non-standard refuse (tires, etc.)	2000
Promote and assist with enhanced yard waste collection	2002
Develop school based education and recycling collection prog.	2001
Disposal Areas	
Both import and export waste within authorized zone facilities	ongoing
Develop monitoring oversight program for landfill self load inspection	2000 - 2001
Initiate monitoring oversight program for landfill self load inspection	2001
Initiate annual volumetric analysis of landfill capacities	2001
Explore need for / feasibility of property value impact mitigation around landfills	2000-2001
Institutional Arrangements	
Continue membership in Regional Consortium	ongoing
Continue landfill use agreements with in-county landfills	ongoing
Determine appropriate circumstances for more direct County program operations (beyond HHW and Clean Sweep)	ongoing
Service agreements between municipalities and waste industry	ongoing

Section III. Selected Solid Waste Management System

SITING PROCEDURE

Since this Plan identifies at least 10 years of disposal capacity for Berrien County generated waste, then in accordance with State rules and regulations, a Siting Procedure is not required to be part of this Plan. The Solid Waste Planning Committee has opted not to include such a Siting Procedure, and no solid waste disposal area types, other than those listed below, may be sited by this Plan. Any proposal to construct a solid waste disposal facility shall be deemed inconsistent with this Plan, except for those listed below.

The following solid waste disposal area types are sited by this Plan and proposals to construct these airspace expansions, as described here and within the Landfill Use Agreements, effective March 1, 2001, shall be deemed consistent with this Plan (see Appendix D.).

- a. 13.9 million cubic yards of airspace expansion at Forest Lawn Landfill.
- b. 13.9 million cubic yards of airspace expansion at Orchard Hill Landfill.
- c. 4.4 million cubic yards of airspace expansion at Southeast Berrien County Landfill.

RETURN TO
APPROVAL
LETTER

MANAGEMENT COMPONENT

In reference to the management components and programs listed in the timetable, most are to be initiated or coordinated out of the Resource Recovery Coordinator's office, and the Berrien County Board of Commissioners is designated as the local agency responsible for Plan Update monitoring and enforcement. With the exception of the ongoing HHW and Clean Sweep programs, most of these involve some form of education, promotion or assistance, rather than direct operations. Of course, one of the components is to explore the County's relationship to the municipalities and business community, with an eye toward gauging the need or appropriateness of more direct County operational programs.

Currently, these types of program are handled primarily at the local level, through service agreements between municipalities and the waste industry. While that will most likely remain the standard during this planning period, the County will look at increased technical assistance and renewed attempts at using financial incentives to increase waste reduction and recycling.

Another important management component is grant relationships, such as the Clean Sweep program with Michigan Dept. of Agriculture. Other opportunities need to be explored, such as pollution prevention loan assistance to businesses, as administered by the MDEQ's Pollution Prevention Division.

11 mill yds³
Forest Lawn Landfill
(see modification)

AS OF 5/9/02
FLL HAS ASKED
FOR 4.2 MILL YD³
(NOT YET PERMITTED)
1. ONLY 16.8 MILL YD³
CAN BE PERMITTED

Section III. Selected Solid Waste Management System

LOCAL ORDINANCES AND REGULATIONS

Section 11538 (8) and rule 710(3) of Part 115, 1994 PA 451, as amended, prohibits enforcement of all County and local ordinances and regulations pertaining to solid waste disposal areas unless explicitly included in an approved Solid Waste Management Plan. Local regulations and ordinances intended to be part of this Plan must be specified below and the manner in which they will be applied must be described.

Category - Ordinance

The County may adopt an ordinance for the purpose of imposing a surcharge on waste disposed within the borders of Berrien County

Manner of Application

Any fees collected from such a surcharge ordinance must be used for the sole purpose of supporting solid waste related activities, and the amount collected must be necessary to support those program services.

SECTION IV

CAPACITY CERTIFICATION PROCESS

IV. CAPACITY CERTIFICATION PROCESS

Every county with less than ten years of capacity identified in their Plans is required to annually prepare and submit to the DEQ an analysis and certification of solid waste disposal capacity validly available to the County. This certification is required to be prepared and approved by the County Board of Commissioners.

- X This County has more than ten years capacity identified in this Plan and, therefore, an Annual Certification process is not included in this Plan.

The method used to determine ten years of capacity, for the purposes of this Plan Update was as follows:

First, the determination was based upon the continuation of the current Solid Waste Management System, as the Selected System. Since population levels in Berrien County are projected to remain relatively constant, there is no anticipated increase in the amount of waste needing disposal, as reported in Table II.1 as 698,415 cubic yards annually. Accounting for increased County efforts in resource recovery, a decrease in waste generation (Table II.1) and an increase in waste diversion from disposal (See p. III-14) is projected, meaning even less waste will need disposal in later years. According to the information in Table II.2, most of the facilities would be able to individually handle Berrien County's waste on annual basis. Of course, Berrien County waste does not and will not go to only one facility, but will be spread across several, depending upon waste hauling contracts with various municipalities and businesses.

The letters of facility access in Appendix D and Import/Export Authorizations in Section III, coupled with the estimates of annual capacity and years of facility life, as listed in Table II.2, clearly demonstrate that Berrien County will have access to multiple disposal facilities that will be present for the 10 year planning period and beyond. This Plan identifies roughly fifteen times more disposal capacity annually available than needed for Berrien County waste. Also, two of them, Orchard Hill and Southeast Berrien County, can significantly increase their annual intake and still be operating for more than 10 years.

- Ten years of disposal capacity has not been identified in this Plan. The County will annually submit capacity certifications to the DEQ by June 30 of each year on the form provided by the DEQ. The County's process for determination of annual capacity and submission of the County's capacity certification is as follows:

APPENDIX A

ADDITIONAL INFORMATION REGARDING THE SELECTED SOLID WASTE MANAGEMENT SYSTEM

A. ADDITIONAL INFORMATION REGARDING THE SELECTED SYSTEM

EVALUATION OF RECYCLING

This evaluation of the selected solid waste management system alternative (System # 1) includes an analysis of how it addresses several components of waste management, as outlined in Rule 711(c) of Part 115. It also shows the evaluation of the system based upon the evaluation criteria enumerated in Section II (Data Base) of this Plan Update, and the advantages and disadvantages of the system. This portion of the Plan does not provide the same level of detail of System # 1, as has been provided in Section III (Selected Solid Waste Management System). Program elements are addressed as they relate to the specific waste management components or evaluation criteria that this Plan must incorporate by Administrative Rule.

DETAILED FEATURES OF RECYCLING & COMPOSTING PROGRAMS

EQUIPMENT SELECTION: Since most programs and services are provided by the private sector, or combination of private and public sector in the form of local municipalities, these matters have not often come under the County's purview. The exceptions are the Clean Sweep pesticide storage shed and a baler purchased by a non-profit organization, with funds from the one round of the County's Landfill Use Fund Grant program. (Due to lack of response in round two, the LUF-Grant program was discontinued for reevaluation and a follow-on program). In the case of the pesticide shed, the one purchased came with a strong recommendation from a key representative of Michigan Department of Agriculture office that was administering that grant, and the grant did not require that recipients go out to bid. With regard to the LUF-Grant assisted purchase of a baler, the Resource Recovery Coordinator, as grant administrator, relied on the grantee to identify the equipment, but also required documentation justifying the selection. Other equipment that may be purchased directly by the County for future programs would be made through competitive bidding, ensuring that cost effective and quality equipment is purchased. Purchases of equipment with assistance from County money, similar to the terminated LUF-Grant program, would again require documentation to justify the selection before any money was allocated.

SITE AVAILABILITY & SELECTION: With the exception, again, of the Clean Sweep program, the County has not been involved in the site selection of any permanently sited programs during the previous planning period. The Clean Sweep site was placed on existing County property that was centrally located for the target group; users of pesticides. This took advantage of the low cost purchase and development of the site and accessibility by the target group. Any disposal sites proposed during this planning period would be subject to this Plan Update's siting procedure, with exception of the airspace expansion granted to the landfills, as enumerated in section III.

Appendix A

COMPOSTING OPERATING PARAMETERS: Since the County is not currently involved in the operation of any composting sites, and with none planned immediately, there are no operating parameters developed for monitoring composting programs. Existing non-county programs are governed by their own parameters, and their compliance with all appropriate laws and regulations is assumed to be monitored by the agencies responsible for such oversight.

Table A.1 estimates the types and volumes of material potentially available for recycling and composting on an annual basis. The data provided reflects estimates for the year 2000.

Table A.1

MATERIAL AVAILABLE FOR RECYCLING (tons)

MATERIAL	COMMERCIAL /INDUS	RESIDENTIAL	TOTAL
newsprint	1105	5366	6471
white office paper	1004	157	1161
mixed office paper	3089	1183	4272
cardboard	16318	2406	18724
magazines	546	915	1461
boxboard	443	1893	2336
clear glass	296	1775	2071
green glass	117	552	669
amber glass	86	552	638
steel cans	2200	1657	3857
aluminum	341	694	1035
other metal	655	0	655
clear HDPE	83	239	319
colored HDPE	83	197	280
PET	83	276	359
plastic film	266	0	266
PS foam	139	189	328
other plastic	1058	0	1058
textiles	679	0	679
food waste	914	5302	6216
yard waste	4169	14841	19010
wood waste	2919	1429	4348
tires		394	394
rubber	391		391
other organics	1162	1815	2977
other inorganics	767	868	1635
TOTAL	38913	42697	81610

source: Southwest Michigan Recycling Market Development Strategy: Part II Background, May 1995. Prepared for the Southwest Michigan Solid Waste Consortium by Resource Recycling Systems, Inc. and Public Policy Associates.

COORDINATION EFFORTS

Solid Waste Management Plans need to be developed and implemented with due regard for both local conditions and the State and federal regulatory framework for protecting public health and the environment. The following states the ways in which coordination will be achieved to minimize potential conflicts with other programs and, if possible, to enhance those programs.

Any programs developed by the County or encouraged/promoted by the County, shall first be in conformance with all applicable Federal, State and local laws. Partnerships will be developed with other agencies or institutions, after review of current programs, to ensure they are complementary.

The types of coordination efforts that take place currently and are anticipated to remain, considering that the existing waste management system was identified as the selected system are as follows:

- County Waste Reduction policy
- Involvement in the Southwest Michigan Solid Waste Consortium
- Service contracts between municipalities and private sector services
- Joint use of the Clean Sweep pesticide collection shed and scheduling among Berrien, Cass and Van Buren counties.
- Joint Household Hazardous Waste collection with neighboring counties, where an agreement can be developed

Appendix A

COSTS & FUNDING

Annual figures for programs coordinated or managed by the County, except for some one time purchases such as the Clean Sweep equipment storage shed and various other equipment and supplies.

Table A.2

System Component	Estimated Costs	Potential Funding Sources
Resource Conservation Efforts		
HHW	\$35,000	*Landfill Use Fund (LUF)
Clean Sweep Collections	\$12,000	LUF + State Grant
Clean Sweep (equip shed)	\$2,000	LUF
Promotion	\$3,000	LUF
Resource Recovery Programs		
School recycling start-ups	\$15,000	LUF
Direct collections (tires, etc.)	\$10,000	LUF
Financial incentives (follow-on to LUF Grant program)	\$125,000	LUF
Technical Assistance	\$2,000	LUF
Promotion	\$3,000	LUF
Landfill monitoring	\$10,000	LUF
Well Testing	\$3,000	LUF
Educational and Informational Programs		
In-school education	\$15,000	LUF
Public education materials	\$2,000	LUF
Promotion	\$1,000	LUF
Management Arrangements	\$65,000	LUF
Staffing		
Professional Associations		
Subscriptions		
SWMSW Consortium		
Supplies/Equipment/Maintenance		
Office	\$500	LUF
Operational (Clean Sweep, etc.)	\$1,000	LUF
TOTAL	\$304,500	LUF

* The Landfill Use Fund (LUF) was developed with money collected through Landfill Use Agreements (Agreements) with Forest Lawn Landfill and Orchard Hill Landfill, which were negotiated during the previous Plan Update. Resource recovery programs draw from a portion of the LUF, in accordance with established policies as set by the Board of Commissioners, which has authority over the LUF.

EVALUATION SUMMARY

The evaluation of the selected system with respect to technical feasibility, economic feasibility, access to land, access to transportation networks, effects on energy, environmental impacts and public acceptability can be found Section II. Solid Waste Management Alternatives.

ADVANTAGES AND DISADVANTAGES

ADVANTAGES:

- The system is in place and operating successfully, with minimal demonstrated short term negative impacts.
- No large capital expenses are required by public entities to maintain the system.
- It provides the County with the ability maintain the Landfill Use Fund (LUF) at a level that will provide sufficient funds for current and anticipated resource recovery programs.
- It's allows for greater public sector influence and involvement with resource recovery programs, primarily through the County, to the extent acceptable by the public and local municipalities.
- The County run HHW collections program can continue at current levels or expand to cover the County more fully.
- The funding source is derived from an impact fee placed most heavily upon out-of-county and especially out-of-state sources of waste generation, which keeps the financial burden on Berrien County residents as low as possible.
- Having landfills located within the County allows for some level of County control, through its siting approval authority, over the availability of the required 10 years of disposal capacity.
- The funding mechanism allows expenditures that mitigate some of the negative effects of landfills (road damage) and the clean up or handling of other environmental impacts throughout the County, not associated with the landfills.
- The funding mechanism is structured to allow spending on programs that bring recreational benefits to County residents.
- The abundant landfill disposal capacity remains a relatively inexpensive method of waste disposal, keeping the costs low for that component of the integrated waste management system. This should, theoretically, allow more financial resources to be available for the other components, such as resource recovery.

Appendix A

DISADVANTAGES:

- The short and long term (post closure) environmental and health risks associated with the large volume of waste landfilled within the County. The level of risk associated with long term environmental impacts surrounding contemporary Type II landfills is not fully known, but groundwater contamination is of greatest concern.
- Impact on local property owners in the immediate vicinity of the landfills and on the roads, resulting from truck traffic.
- Impact on local property owners in the immediate vicinity of the landfills, resulting from noise, odors and occasional blowing trash associated with operations directly at the facility
- An abundance of disposal capacity keeps disposal costs low, decreasing the cost difference between recycling and disposal, and lessens the economic incentives to recycle.
- Accepting large volumes of imported waste can foster an attitude among some members of the public that recycling isn't worthwhile if it only saves room in the landfills for more imported waste.

APPENDIX B

NON-SELECTED SYSTEMS

B. NON-SELECTED SYSTEMS

Section II., Solid Waste Management Alternatives, provides greater analysis of non-selected systems, including the System Components and an Evaluation Summary. This Appendix reviews System Alternatives #2 and #3 by summarizing the advantages and disadvantages of each.

SYSTEM ALTERNATIVE # 2 **(COUNTY OWNED LANDFILL)**

(MAINTAIN OTHER COMPONENTS TO GREATEST EXTENT POSSIBLE)

ADVANTAGES:

- Landfills are already sited and the current system demonstrates that there is sufficient infrastructure to support the continued reliance on landfilling within the County as the disposal component of an integrated waste management system.
- Access to the State mandated 10 years of disposal capacity is guaranteed through the County's own landfill.
- Eventual decrease or elimination of imported waste entering Berrien County, when competing facilities close in 10+ years, and the associated environmental risks and negative impacts from large volumes of waste.

DISADVANTAGES:

- Significantly increased financial burden on Berrien County residents related to the purchase of a landfill.
- Potential loss of current funding mechanism, and definite loss of continued waste fees to replenish it, resulting in diminished or limited resource recovery programming by the County.
- Lack of apparent environmental benefit until one of the competing facilities closes, while costing more to operate versus the current system.
- Likely increase of imported waste at competing facilities, assuming Berrien County is successful in capturing a significant portion of the in-County waste.
- Need to alter other components of the waste management system, especially the collection component. This would require increased capital and operational expenses by the County, passed on to County residents, or the relinquishing of control over waste collection services by local municipalities.

SYSTEM ALTERNATIVE #3

(COUNTY DEVELOPS AND OWNS WASTE TO ENERGY INCINERATOR)
(MAINTAIN OTHER COMPONENTS TO GREATEST EXTENT POSSIBLE)

ADVANTAGES:

- Decreased reliance on landfilling to some extent.
- Potential to recover some of the operational costs of this system alternative through energy sales.
- Eventual decrease or elimination of imported waste entering Berrien County, when competing facilities close in 10+ years, and the associated environmental risks and negative impacts from large volumes of waste.

DISADVANTAGES:

- Significantly increased financial burden on Berrien County residents related to the development of an Incinerator.
- Potential inability to site the Incinerator, due to local opposition.
- Potential loss of current funding mechanism, and definite loss of continued waste fees to replenish it, resulting in diminished or limited resource recovery programming by the County.
- Lack of apparent environmental benefit until one of the competing facilities closes, and potential air pollution increase, while costing more to operate versus the current system.
- Continued partial reliance on landfilling for Incinerator ash and that portion of the waste needing disposal that won't be incinerated, depending upon the size of the Incinerator. Size is a function of the availability of funds to develop incineration and markets for the energy produced.
- Lack of the needed increase in energy and landfilling costs in this region of the country, as projected in the 1986 Camp, Dresser and McKee study, that were deemed necessary to make an Incinerator economically viable.
- Possible increase of imported waste at competing facilities, assuming Berrien County is successful in capturing a the needed portion of the in-County waste.
- Need to alter other components of the waste management system, especially the collection component. This would require increased capital and operational expenses by the County, passed on to County residents, or the relinquishing of control over waste collection services by local municipalities.

APPENDIX C

PUBLIC PARTICIPATION

C. PUBLIC PARTICIPATION AND APPROVAL

The following summarizes the processes which were used in the development and local approval of the Plan Update, including a summary of public participation in those processes, documentation of each of the required approval steps, and a description of the appointment of the solid waste management planning committee, along with the members of that committee.

PUBLIC PARTICIPATION

In accordance with Part 115, 1994 PA 451, as amended, all appropriate parties were notified of the County's intent to prepare a Plan Update, and informed of the meeting dates and locations, as the copies of some of those letters and public notices included in this appendix indicate. A mailing list was developed to include interested parties not automatically required for notification, and copies of agendas for all meetings have been distributed to that list. In addition the meetings were posted as required. Lastly, the municipalities were contacted directly a further time to remind them of their role in the Update process.

BERRIEN COUNTY COURTHOUSE

BERRIEN COUNTY
DEPARTMENT OF PLANNING,
PUBLIC WORKS & LAND DESCRIPTION

ROOM 105
811 PORT STREET
ST. JOSEPH, MICHIGAN 49085
TELEPHONE 616 / 983-7111, Ext. 8617
FAX 616 / 982-8611

September 15, 1997

Colleen Melendy, Clerk
New Buffalo Township
17425 Red Arrow Highway
New Buffalo, MI 49117

SUBJ: Notice of Intent to Prepare an Update to the Solid Waste Management Plan

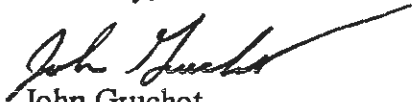
Dear Ms. Melendy:

In accordance with Part 115 (Solid Waste Management) of P.A. 451 (Natural Resources and Environmental Protection Act) of 1994, as amended, the County is submitting a copy of its Notice of Intent to each municipality within Berrien County.

Meetings of the Berrien County Solid Waste Management Planning Committee are tentatively scheduled for the first Wednesday of each month, starting with the month of October 1997 and running through the completion of the Update process. Notice of the meetings will be posted in accordance with Michigan's Open Meetings Act.

Contact the undersigned for any questions.

Sincerely,


John Gruchot
Resource Recovery Coordinator

G:\planning\john\solidwas\plancomm\munnotis

**BERRIEN COUNTY
DEPARTMENT OF PLANNING,
PUBLIC WORKS & LAND DESCRIPTION**

BERRIEN COUNTY COURTHOUSE



**ROOM 105
811 PORT STREET
ST. JOSEPH, MICHIGAN 49085
TELEPHONE 616 / 983-7111, Ext. 8617
FAX 616 / 982-8611**

October 24, 1997

To Whom it May Concern:

This letter is a follow-up to one sent at an earlier date notifying the municipalities that the County will be preparing an update to the Solid Waste Management Plan, as mandated by the State Department of Environmental Quality. The County's Solid Waste Planning Committee is now meeting regularly, on the first Wednesday of every month at 3:30pm in the large conference room at the County Health Department building on M-139, at the corner of Starlite Drive, in Benton Township. These meetings are open to the public and are posted as required. It is suggested that you check for the posting to ensure that a meeting has not been canceled, before coming out.


John Gruchot

Resource Recovery Coordinator

BERRIEN COUNTY COURTHOUSE



**BERRIEN COUNTY
DEPARTMENT OF PLANNING,
PUBLIC WORKS & LAND DESCRIPTION**

**ROOM 105
811 PORT STREET
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FAX 616 / 982-8611**

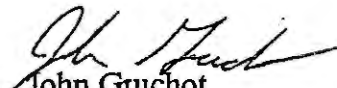
PUBLIC NOTICE

**BERRIEN COUNTY SOLID WASTE PLANNING COMMITTEE
1999 MEETING SCHEDULE**

In accordance with the Part 115 of the P.A. 451 (Natural Resources and Environmental Protection Act) you are being notified of the following scheduled meeting dates for the Berrien County Solid Waste Planning Committee, as it prepares the Update to the Berrien County Solid Waste Management Plan. Meetings are on the 1st Wednesday of each month.

February 3, 1999	May 5, 1999	August 4, 1999	November 3, 1999
March 3, 1999	June 2, 1999	September 1, 1999	December 1, 1999
April 7, 1999	July 7, 1999	October 6, 1999	

The meeting time is 3:30 PM for all meetings. The meeting location is the Commissioner's Board Room on the ground floor of the Berrien County Administration Center, at 701 Main St., St. Joseph, Michigan. Members of the public wishing to attend may want to confirm the meeting status by contacting the Resource Recovery Coordinator's office at (616) 983-7111 ext. 8350. Meetings may be canceled for lack of business or inclement weather.


John Gruchot
Resource Recovery Coordinator

1-20-99



COUNTY OF BERRIEN

DEPARTMENT OF PLANNING & PUBLIC WORKS

Planning Commission • Board of Public Works • GIS/Land Description

Resource Recovery • County Transit • Harbor Authority

Berrien County Administration Center – 701 Main Street – St. Joseph, MI 49085-1392

Telephone: 616/983-7111, Ext. 8617 – Fax: 616/982-8611 – jgruchot@courthouse.co.berrien.mi.us

8

Watervliet City Board
Olive Grady, Clerk
PO Box 86
Watervliet, MI 49098

March 25, 1999

RE: Berrien County Solid Waste Plan Update

As you were notified in September 1997 the Berrien County Solid Waste Planning Committee began meeting and diligently working on preparing the second update to the Berrien County Solid Waste Management Plan. The Committee is now close to finishing a draft of this updated plan. It is anticipated that the draft plan will be released for a 90-day public review period by early summer. In the meantime I would like to take this opportunity to again invite you or a representative from your municipality to the Committee's meetings. You can also provide input through your Committee representatives. These are Larry Smith, Bainbridge Township Supervisor, representing townships and Mary Goff, Mayor of the City of St. Joseph, representing cities/villages.

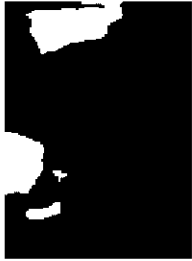
We welcome your inputs, in particular the Committee would like input on specific solid waste programs or activities that you think need to be offered or expanded in Berrien County. You can offer these suggestions now or wait until you see the draft of the County Solid Waste Management Plan. This draft plan will identify the programs and activities that are currently being provided in addition to new ones being proposed by the Committee. After the draft plan is released County staff will be available to attend one of your local meetings to summarize and discuss the plan with you.

After the 90-day review period there will be a public hearing held on the draft plan. This provides an additional avenue for comments on the plan. In closing I ask that you take time to carefully review the draft plan and feel free to ask questions or seek clarification. If you offer comments and suggestions please make them specific enough that they can be properly considered before the plan is finalized.

Sincerely,

Dennis Schuh

Dennis Schuh, Director
Planning & Public Works



COUNTY OF BERRIEN

DEPARTMENT OF PLANNING & PUBLIC WORKS

Planning Commission • Board of Public Works • GIS/Land Description

Resource Recovery • County Transit • Harbor Authority

Berrien County Administration Center – 701 Main Street – St. Joseph, MI 49085-1392

Telephone: 616/983-7111, Ext 8617 – Fax: 616/982-8611 – jgruchot@courthouse.co.berrien.mi.us

PUBLIC NOTICE

MEETING SCHEDULED

The next meeting of the Berrien County Solid Waste Planning Committee (BCSWPC) is scheduled for Wednesday, September 1, 1999 at 3:30pm, in the Commissioners Board Room of the Berrien County Administration Center at 701 Main St. in St. Joseph, Michigan. The purpose of the meeting is to discuss a draft of the Berrien County Solid Waste Management Plan Update and determine its readiness for a 90 day public review and comment period.

Any questions should be directed to John Gruchot, Resource Recovery Coordinator at 983-7111 ext. 8350.



COUNTY OF BERRIEN

DEPARTMENT OF PLANNING & PUBLIC WORKS

Planning Commission • Board of Public Works • GIS/Land Description

Resource Recovery • County Transit • Harbor Authority

Berrien County Administration Center – 701 Main Street – St. Joseph, MI 49085-1392

Telephone: 616/983-7111, Ext 8617 – Fax: 616/982-8611 – jgruchot@courthouse.co.berrien.mi.us

PUBLIC NOTICE

PUBLIC COMMENT PERIOD / MEETING CANCELLATIONS

The BCSWPC has released a DRAFT of the Solid Waste Management Plan Update for a Public Comment period through January 14, 2000. Therefore, all of the regularly scheduled meetings of the Berrien County Solid Waste Planning Committee (BCSWPC) have been cancelled for the remainder of 1999. Also, a public hearing has been scheduled for evening of November 18th, 1999. Further notice will be given when the time and location are set.

Any questions should be directed to John Gruchot, Resource Recovery Coordinator at 983-7111 ext. 8350.



COUNTY OF BERRIEN

DEPARTMENT OF PLANNING & PUBLIC WORKS

Planning Commission • Board of Public Works • GIS/Land Description

Resource Recovery • County Transit • Harbor Authority

Berrien County Administration Center – 701 Main Street – St. Joseph, MI 49085-1392
Telephone: 616/983-7111, Ext. 8617 – Fax: 616/982-8611 – jgruchot@berriencounty.org

PUBLIC NOTICE

PUBLIC HEARING / PUBLIC COMMENT PERIOD

The Berrien County Solid Waste Planning Committee (BCSWPC) has scheduled a Public Hearing on Thursday, November 18, 1999 at 7:00 PM, at the Chan Shun Hall Auditorium of Andrews University in Berrien Springs, for the DRAFT Solid Waste Management Plan Update. This Hearing is part of the Public Comment period running through January 14, 2000, in accordance with Part 115, 1994 PA 451, as amended.

Copies of the Draft Plan Update for review have been forwarded to your local library, City, Village or Township Hall, and the County Planning Department at the Berrien County Administration Center, 701 Main St., St. Joseph, MI. You can also request a copy through the Planning Department by calling 983-7111, ext. 8502.

BERRIEN COUNTY COURTHOUSE



701 MAIN STREET

ST. JOSEPH, MICHIGAN 49085

TELEPHONE: (616)983-7111, EXT. 8095

BOARD OF COMMISSIONERS

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Robert Wooley
James Atterberry

February 15, 2001

Paul Pantaleo, Chairperson
Berrien County Solid Waste Planning Committee
Berrien County Administration Center
701 Main Street
St. Joseph, MI 49085

subj: Draft - Berrien County Solid Waste Management Plan, 2nd Update

Dear Mr. Pantaleo,

The Berrien County Board of Commissioners respectfully submits the following comments on the current draft of the Berrien County Solid Waste Management Plan, 2nd Update (Plan). On February 15, 2001, the County Board passed a resolution to enter into Landfill Use Agreements with Forest Lawn Landfill, Orchard Hill Landfill and Southeast Berrien County Landfill, that include provisions affecting the current draft Plan. More specifically those provisions relate to the size and allowable airspace expansions of those facilities, as referenced within the Plan and as commented on below:

1. The sections enumerated below, which allow for 2.5 million cubic yards of airspace expansion at each landfill located within Berrien County and/or prohibit further expansions if at least 10 years of disposal capacity can be demonstrated within Berrien County for Berrien County waste, should be changed. They should now allow 4.4 million cubic yards of airspace expansion at the Southeast Berrien County Landfill and 13.9 million cubic yards airspace expansion at each of Forest Lawn and Orchard Hill landfills, with no restrictions to further expansion, except as established in Landfill Use Agreements executed between each facility and Berrien County. Those Landfill Use Agreements will be attached to the Plan at Appendix D.

[p.I-4, DISPOSAL AREAS, para.3; p.II-2, SOLID WASTE DISPOSAL AREAS, para.1; p.II-4, SOLID WASTE FACILITY DESCRIPTIONS, para.1; p.II-23, DISPOSAL AREAS, para.3; p.III-6, SOLID WASTE DISPOSAL AREAS; p.III-16, 1. AUTHORIZED DISPOSAL AREA TYPES, para.2; p.III-16, PROCESS, para.1; and p.D-1, LISTED CAPACITY, para.1]

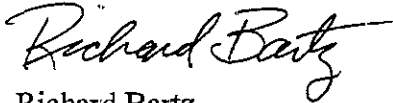
2. Table II.2 (on p.II.2) should be updated using the allowable airspace expansions stated above, to compute the estimated lifetime of the Southeast Berrien County Landfill, Forest Lawn Landfill and Orchard Hill Landfill.

3. pp II-5,6,7; FACILITY DESCRIPTIONS of Forest Lawn, Orchard and the Southeast Berrien County landfills: Change the Site Size data to incorporate the airspace expansions stated in the Landfill Use Agreements.

4. Appendix D, ATTACHEMENTS: Remove the site plan drawings and legal property description for Forest Lawn, Orchard Hill and Southeast Berrien County landfills. The Landfill Use Agreements, when attached and to be available through the Berrien County Planning Department as the Designated Planning Agency, will include the current site plan drawings and legal property descriptions.

Incorporation of the above comments will make the current draft of the Plan consistent with the associated provisions of the Landfill Use Agreements.

Sincerely,

A handwritten signature in cursive script, reading "Richard Bartz". The signature is written in dark ink and is positioned above the printed name and title.

Richard Bartz
Chairperson, Board of Commissioners



JOHN ENGLER, Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY

'Better Service for a Better Environment'

HOLLISTER BUILDING PO BOX 30473 LANSING MI 48909-7973

INTERNET: www.deq.state.mi.us

RUSSELL J. HARDING, Director

REPLY TO:

WASTE MANAGEMENT DIVISION
PO BOX 30241
LANSING MI 48909-7741

January 19, 2000

Mr John Gruchot
Berrien County Department of Planning and Public Works
County Courthouse
811 Port Street – Room 105
St Joseph, Michigan 49085

Dear Mr. Gruchot:

I have received and reviewed a copy of the draft Berrien County (County) Solid Waste Management Plan Update (Plan) released for the 90-day public comment period October 29, 1999. I will address our comments in the same order as the topics appear in the Plan. The following areas of the County's Plan may be cause for concern and may require revision or additional information.

- Cover Page Please indicate the date when the final Plan is submitted to the Department of Environmental Quality (DEQ) for approval. If different versions of the Plan are prepared during the update process, listing the date can ensure that discussions between the DEQ and the County are referring to the correct document.
- Page II-6 The Total Area Sited For Use should not be smaller than the Total Area Permitted
- Page II-9 I believe that the map identifying the location of the Westside Landfill is in Appendix D, not Appendix A as indicated.
- Page II-10 There are two Page II-10's. This comment is for the first Page II-10. According to this facility description, the Reliable Disposal Type A Transfer Station and Processing Center is open, but is neither licensed, nor has a construction permit. Please indicate if this facility is licensed and/or has a construction permit. Also, please state the final destination and location for the transfer station waste.
- Page III-6 The first paragraph should reference Appendix D, not Attachment D.

It was the DEQ's intent that Section III should stand alone without having to reference other sections of the Plan (the reference to Appendix D above notwithstanding.) We would prefer that the Solid Waste Facility Descriptions be presented here as well as in Section II

Page III-17 The first bullet item requires that written authorization be obtained from the governing body of the local governmental jurisdiction stating that the proposed facility meets all local ordinances and regulations. This requirement should be deleted as refusal would preempt the siting process. If the county wants to enforce any local ordinance or regulation which affect solid waste disposal areas, the provisions of the local ordinances and regulations must be identified in the Plan update. If this material is for informational use only, that should be so stated. If this information is to be used as siting criteria, the specific siting requirements must be specified in the plan as objective, measurable criteria


Page III-18 Language needs to be added to Application Requirement E stating that if no action is taken by the County, then the application is considered consistent by the County.

What does Siting Criteria A mean and how will it be measured? Siting Criteria must be objective and measurable. Furthermore, the criteria are for siting of new disposal areas that have not yet been constructed. How will compliance be measured for a facility which does not yet exist?

Page III-19 An authorized agent or party responsible for Plan enforcement has not been identified as designated in the Plan Format for Local Responsibility for Plan Update Monitoring and Enforcement. This must be included as the Plan is not approvable without it.

I appreciate the efforts that you have shown in the development of the Plan and the degree to which the Plan Format has been utilized. This makes the document much easier to review. I hope these comments are useful to Berrien County as you attempt to develop an approvable Plan. If you have any questions or comments, please contact me by telephone or by e-mail, at staronm@state.mi.us.

Sincerely,



Matt Staron
Solid Waste Management Unit
Waste Management Division
517-373-4741

cc: Mr. Seth Phillips, DEQ
Berrien County File

Southeast Berrien County Landfill Authority

3200 Chamberlain Road, Buchanan, MI 49107 • (616) 695-2500 • Fax (616) 695-4230

January 31, 2000

Mr. John Gruchot
Resource Recovery Coordinator
Room 104
811 Port Street
St. Joseph, Michigan 49085

Re: Draft Berrien County Solid Waste Management Plan

Dear Mr. Gruchot:

The Southeast Berrien County Landfill Authority believes part B of the Siting Criteria on page III-18 of the Plan to be in conflict with MDEQ Part 115 Administrative Rule 299.4412(4)[Rule 412 (4)]. Rule 412 (4) expressly prohibits the active work area from being closer than 100 feet to adjacent property lines and 300 feet to domiciles. Rule 412 (4) goes even further including restrictions for intermediate locations. Since it is our belief that the County is not looking to unnecessarily duplicate regulations already covered adequately by the State we think part B should be deleted from the plan.

Please contact me at your earliest convenience if you have any questions.

Sincerely,

SOUTHEAST BERRIEN COUNTY LANDFILL AUTHORITY



Bruce M. Knapp, P.E.
General Manager



LANDFILL MANAGEMENT COMPANY

ORCHARD HILL SANITARY LANDFILL

3290 HENNESEY ROAD • PHONE (616) 463-5588 • WATERVLIET, MICHIGAN 49098

January 28, 2000

Mr. Dennis Schuh, Director
Berrien County Department of Planning, Public Works & Land Description
701 Main Street
St. Joseph, Michigan 49085-1392

Re: Proposed Berrien County Solid Waste Management Plan Second Update

Dear Mr. Schuh:

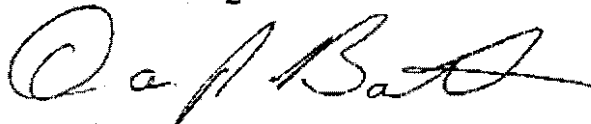
Landfill Management Co. would like to submit for your consideration the following comments with regard to the proposed Solid Waste Plan Update currently out for public comment.

It is our opinion that solid waste generated within the State of Michigan should share the same free flow practices as solid waste generated outside the State of Michigan. We understand that our opinion on this matter may not be warmly received and therefore in the spirit of compromise we ask the following. That the Berrien County Solid Waste Management Plan Update include for primary disposal at solid waste facilities within the county the following southwestern Michigan counties. Allegan, Barry, Branch, Calhoun, Cass, Ionia, Kalamazoo, Kent, Ottawa, St. Joseph and Van Buren counties.

This proposal would allow for free flow of solid waste in southwestern Michigan and allow us to focus our marketing endeavors accordingly.

Should you have questions regarding this matter, please contact me at (616) 463-5588.

Sincerely,
Landfill Management Co.



Daniel J. Batts
Manager



FOREST LAWN LANDFILL AND RECYCLING CENTER

ENGINEERED FOR ENVIRONMENTAL PROTECTION

8230 West Forest Lawn Road • Three Oaks, Michigan 49128 • (616) 756-7532 • FAX (616) 756-7556

January 28, 2000

County of Berrien
Department of Planning & Public Works
Berrien County Administration Center
701 Main Street
St. Joseph, MI 49085-1392
Attn: RRC

RE: COMMENTS TO DRAFT BERRIEN COUNTY SOLID WASTE MANAGEMENT PLAN UPDATE

Dear Sir/Madam:

We are writing to provide comment to the proposed draft of the Berrien County Solid Waste Management Plan Update. We believe the proposed Plan should be amended to delete the provisions that disallow landfill expansion for the next ten years.

Decisions about future expansion should be left to the future. A future landfill expansion may be more or less desirable depending on economic circumstances, the compliance record of a particular landfill, alternative disposal options, new technologies, and many other variables. Trying to predict all those variables and make all those decisions now is not good planning.

Landfill expansion can be limited by contract with the landfills. That process is underway right now. Adding a duplicative provision to the Plan is unnecessary.

Landfills have many benefits. They attract industry, provide good jobs and provide a revenue stream to local government. The landfill business should not be arbitrarily restricted.

Any detrimental effects of a landfill (real or perceived) can be controlled or offset. Property values can be guaranteed, environmental risk can be managed, wear and tear on roads can be repaired, etc. All of these mitigating strategies are already being put in place by contract, all at the landfills' expense.

Finally, it is questionable whether the County Board could bind a future Board to vote down a future landfill expansion. In similar cases, a prearranged agreement to have a political body vote a certain way has been determined to be an unconstitutional attempt to restrict the political process. It seems unwise to introduce this unnecessary uncertainty into the Plan.

We ask that the County remove from the Plan the few sentences that prohibit landfill expansions for the next ten years. These provisions preempt future decisions, unnecessarily duplicate contractual provisions, incorrectly treat landfills as having costs that exceed their benefits, and may not be enforceable anyway.

Sincerely,

Robert Walls, General Manager

U
Connie Dziepak
5268 W Elm Valley Rd
Three Oaks MI
49128

November 15, 1999

Berrien County Solid Waste Planning Committee
Berrien County Courthouse
701 Main St
St Joseph MI 49085-1392

Dear Committee members,

This letter is in regard to the County Solid Waste Plan and its update. I support and urge approval of the updated plan due to the provision that forbids landfill expansions unless the cumulative total of space remaining for Berrien County's garbage in the three state-licensed landfills falls below a ten (10) year capacity.

Congratulations and appreciation to those on the solid waste planning committee who have worked hard on a plan which is directed toward protecting the public health and the environment. Thank you.

Sincerely,

Connie Dziepak
Connie Dziepak

SOLID WASTE PLAN UPDATE MEETING

NOVEMBER 18, 1999

COMMENTS

STEVE ESSLING – Governmental & Regulatory Affairs Representative for Waste Management. For those of you that attend regularly have seen my face, my (tyrant) is going to be a rerun from months gone by or even last year. One of the things that I'm requesting of this group this county and this board is that you liberalize your export potential in your plan. Right now you have 6 or 7 counties that you can export to and two of them have landfills, Calhoun and St. Joseph. We in Hastings, that's the office that I'm from, wish to do a increase in the counties that we can do business with, oh must have been four or five years ago. And to do that the county said okay if you want to bring more trash in we have to go ahead and have a commitment from you folks that you allow more trash out. So as a trade off what we did is we allowed, we were a closed at the time, the plan only recognized our landfill, we agreed to allow 100% of Barry County's waste to leave Barry County and go to any other county that would go ahead and explicitly authorize that in the plan. We originally had five counties that we started discussing with. That went to twelve counties and ended up with nineteen. Now why did that happen. Why did the county go ahead and say, "sure go ahead and have more counties?" Well after we negotiated the cap on the daily intake of the landfill, it no longer was important or relevant where that waste came from. If we could go ahead and do 500 , 600, 800 tons a day, as long as we stayed within our guide lines, federal statutes, state statutes and anything local that they had for performance standards, it really matter where it came from or where it went to. So, in this county, about 2/3's of the trash that's disposed of in Berrien County comes from out of state or out of country. Is it important to you folks if you can bring in that much waste from out of state that you really restrict the companies that are doing business in your county from going out and getting that business from other counties. If you have, and I think I understand that you have contracts, commitments or caps in this county, so you negotiate, you don't have caps, I thought you were in negotiations with these and that's what I thought you were going ahead and negotiate, but you do have some type of volume (im), so whether they use that up fast or use it up slow, I guess it's up to the negotiation process. Where it comes from in the state of Michigan, I don't know, maybe it you folks would rather have out of state rather than in state, but if your meeting the guide lines, I can't see where it makes a difference where your trash comes from or where it goes to. Now, currently waste management is doing a job for the DEQ and waste is leaving Berrien County and going to Ottawa County. Your going oh gosh, how did that happen? What we're relying on is a letter that went to Dennis Schuh from the Berrien County Corporate Council, Thomas ().

Their office has recently received two request from Berrien County to certify that exportation of some waste from of solid waste from Berrien County is consistent with the County Plan. The relevant portion of the Plan is found on page 46. That paragraph that provides although it is the county's intention to discourage the exportation of Berrien County solid waste, this plan that is written does not prevent the practice. Currently the same waste shed including the tonages of explicitly authorized that is identified for importation of solid waste into Berrien County is authorized in the Plan as potential out of county disposal area. This plan only authorizes the exportation of solid waste from Berrien County to those Michigan counties which explicitly the importation of waste originating in Berrien County and their approved 641 Solid Waste Master Plan. The second sentence of the relevant paragraph, specifically authorized to exportation Berrien County solid waste to Branch, Cass, Kalamazoo, Van Buren, Allegan County, Cass County and St. Joseph. The first and third sentences of this paragraph allow exportation other Michigan counties as long as the importing county plan so allows. Therefore it is my opinion that Berrien County 641 Plan currently allows the exportation of Berrien County solid waste to any county in Michigan as long as the importing county's plan so allows. Berrien County's Plan would not have to be amended to accommodate Ottawa County in honoring its request as both have authorized their importation to Berrien County (). Something as liberal as that, I think we can go ahead and (). Do we go ahead and take alot of trash out of Berrien County? No not really. We got Three Rivers, or Westside Landfill. But there are certain instances where we would like to do certain jobs. We have contracts for nationwide contracts, corporate contracts and state wide contracts we would like to honor and be able to imdemify our customer if possible. If we have to take that waste to one of our competitions landfills we can't () that waste will the former owner not responsible to Michigan () laws if there is some kind of problem in the future. So. with that I think I'm finished.

recent grant are scheduled for NOV 26; Dec 17; Dec 31; March 17; May 26; July 1; Aug. 11 and Sept. 1.

Police from the sheriff's department will be joined on the patrols by police from Lincoln Township, Berrien Springs-Oronoko Township, Buchanan, New Buffalo and state police.

Solid waste plan ready for inspection

ST. JOSEPH — Berrien County's new Solid Waste Management Plan is open to public review through Jan. 31.

The county is seeking public comment on the draft plan, which will be used as a strategy to manage waste going into landfills, and develop and encourage recycling and other waste reduction efforts.

John Gruchot, county resource recovery coordinator, said the draft plan is available for review at the county planning department at the Berrien Administration Center, 701 Main St., St. Joseph.

The plan is also available at city, village and township offices. Public libraries that are members of the Southwest Michigan Library Cooperative may also have copies.

A personal copy can be obtained by calling 983-7111, extension 8502, or sending a written request to: Berrien County Planning Department, Administration Center, 701 Main St., St. Joseph, Mich. 49085-1392.

Written comments will be accepted at the same address, mailed to the attention of the resource recovery

NOV 3 Herald-Palladium said ground beef

Those not sign commodities can at the SMCAA of St. in Benton H a.m. and 4:30 p.m. bring proof of information, call 934-

Schinkel on wild

BENTON T Schinkel, a local recognized as an present "Feeding Birds," a free lecture the Lake Michigan mental Center, the

The lecture the Blue Lecture public is invited information, call 8100, ext. 5075

SJ school to bus

ST. JOSEPH School Board buying a \$77,000 regular meeting

The bus, an from Midwest be ready by mid was purchased June, two older from the fleet, district's bus

Funds for the the district's ge

0200+ Diamond View Drive Cassopolis, MI 49031

Plaintiffs attorney, bar no address and telephone no.

LEONARD A WHITE (P35418)

Taglia, Fette, Dumke, Passaro & Kahne, P.C.

720 State Street, P.O. Box 890 St. Joseph, Michigan 49085

1-616-983-0755

Defendants name(s) and address(es)

THEODORE F YOUNTS

321 Parkwest Court Apartment K3

Lansing, Michigan 48908

KENT R. ANDERS and TAMMY J. ANDERS

2478 South 17th Street Niles, Michigan 49120

To THEODORE F YOUNTS, Defendant

IT IS ORDERED:

1. You are being sued by plaintiff in this court to recover money

owing from Defendant Younts to Plaintiff pursuant to note and mortgage in default and for appointment of receiver. You must file your answer or take other action permitted by law in this court at the court address above on or before 12/21/99. If you fail to do so, a default judgment may be entered against you for the relief demanded in the complaint filed in this case.

2. A copy of this order shall be published once each week in The Herald Palladium, 3450 Hollywood Road, St. Joseph, MI 49085 for three consecutive weeks and proof of publication shall be filed in this court.

A copy of this order shall be sent to Defendant Theodore F Younts at last known address by registered mail, return receipt

IN THE MATTER OF: ERIC J. REYNOLDS JR.

A petition has been filed in the above matter. A hearing on the petition will be conducted by the court on NOVEMBER 24, 1999 AT 1:30 p.m. in COURTROOM #305, BERRIEN COUNTY COURTHOUSE, ST. JOSEPH, MI.

IT IS THEREFORE ORDERED that ERIC J. REYNOLDS personally appear before the court at the time and place stated above

SAID MINOR COMES WITHIN THE MEANING OF PROBATE CHAPTER 712A OF THE COMPILED LAWS OF 1948 AS AMENDED. This hearing may result in an order affecting your rights to custody of the said minor child and/or terminating your parental rights in and to the said minor child

November 1, 1999
Thomas E. Nelson Judge of Probate
hp/adv
November 4, 1999

PUBLIC COMMENT PERIOD FOR SOLID WASTE MANAGEMENT PLAN

Berrien County is seeking public comments through January 31, 2000 on the Draft of the Berrien County Solid Waste Management Plan Update, in accordance with part 115, 1994 PA 451, as amended. The Draft Plan is available for review at the Berrien County Planning Department and City, Village and Township offices. Local public libraries that are members of the Southwest Michigan Library Cooperative may also have a copy for review. A personal copy can be obtained by calling 983-7111 ext. 8502, or making a written request to: Berrien County Planning Department, Administration Center, 701 Main Street, St. Joseph, MI 49085-1392. One copy per request. Written comments will also be accepted at this address, attention to RRC.

cal man devours

Details inside

get into a discussion of local affairs with He'll eat your

regular reader of

The Herald-Palladium. Every afternoon in 30 minutes or less, he consumes 24 towns, 3 counties, one state, the country and finally, the world.

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COUNTY OF BERRIEN
DEPARTMENT OF PLANNING & PUBLIC WORKS
Planning Commission - Board of Public Works - GIS/Land Description
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Berrien County Administration Center - 701 Main Street - St. Joseph, MI 49085-1392
Telephone: 616/983-7111 Ext. 8617 - Fax: 616/982-8611

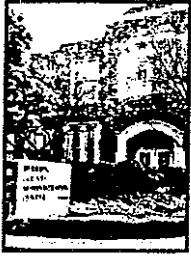
PUBLIC NOTICE

December 22, 2000

MEETING SCHEDULED

The Berrien County Solid Waste Planning Committee (BCSWPC) will hold a meeting scheduled for **Tuesday, January 9, 2001 at 3:30pm**, in the Commissioners Board Room of the Berrien County Administration Center at 701 Main St. in St. Joseph, Michigan. The purpose of the meeting is to discuss the County's Landfill Use Agreements with the three in-County landfills (Forest Lawn, Orchard Hill and Southeast Berrien County Landfill Authority), as they relate to the Draft - Solid Waste Management Plan Update.

Any questions should be directed to John Gruchot, Resource Recovery Coordinator at 983-7111 ext. 8350



COUNTY OF BERRIEN

DEPARTMENT OF PLANNING & PUBLIC WORKS

Planning Commission • Board of Public Works • GIS/Land Description

Resource Recovery • County Transit • Harbor Authority

Berrien County Administration Center – 701 Main Street – St. Joseph, MI 49085-1392

Telephone: 616/983-7111, Ext. 8617 – Fax: 616/982-8611 – dschuh@courthouse.co.berrien.mi.us

PUBLIC NOTICE

February 20, 2001

MEETING SCHEDULED

The Berrien County Solid Waste Planning Committee (BCSWPC) has scheduled a meeting for **Wednesday, March 7, 2001 at 3:30pm**, in the Commissioners Board Room of the Berrien County Administration Center at 701 Main St. in St. Joseph, Michigan. The purpose of the meeting is to discuss any and all public comments on the Draft - Solid Waste Management Plan Update. The Committee will consider each comment for incorporation into the Plan and whether to recommend the resulting Plan Update for approval by the County Board of Commissioners.

Any questions should be directed to John Gruchot, Solid Waste Management Coordinator at 983-7111 ext. 8350.



COUNTY OF BERRIEN

DEPARTMENT OF PLANNING & PUBLIC WORKS

Planning Commission - Board of Public Works - GIS/Land Description

Resource Recovery - County Transit - Harbor Authority

Berrien County Administration Center - 701 Main Street - St. Joseph, MI 49085-1392

Telephone: 616/983-7111, Ext. 8617 - Fax: 616/982-8611

PUBLIC NOTICE

February 21, 2001

*****clarification of Feb 20 Notice*****

The scheduled meeting is not a public hearing. The second bolded phrase contains the clarified information. Sorry, for any confusion this may have caused.

MEETING SCHEDULED

The Berrien County Solid Waste Planning Committee (BCSWPC) has scheduled a meeting for **Wednesday, March 7, 2001 at 3:30pm**, in the Commissioners Board Room of the Berrien County Administration Center at 701 Main St. in St. Joseph, Michigan. The purpose of the meeting is to discuss any and all public comments, **that were received during the now closed public comment period**, on the Draft - Solid Waste Management Plan Update. The Committee will consider each comment for incorporation into the Plan and whether to recommend the resulting Plan Update for approval by the County Board of Commissioners.

Any questions should be directed to John Gruchot, Solid Waste Management Coordinator at 983-7111 ext. 8350

Appendix C

PLANNING COMMITTEE APPOINTMENT PROCEDURE

Berrien County has maintained an active Solid Waste Planning Committee since the previous Update round. Therefore, only re-appointment for the standard two year terms was required for most of the Committee. A few vacancies developed, and the DPA sought volunteers for those positions and made recommendations to the Board of Commissioners, who exercised their authority to accept or reject those recommendations. Appointments and re-appointments were made in accordance with established procedures for other County committees, with the exception that the members of this Committee represent prescribed interests, as dictated by State statute. The Committee is comprised of the following members:

INDUSTRIAL WASTE GENERATOR

Jim Polashak, Menasha Paper

SOLID WASTE MANAGEMENT INDUSTRY

Eric Stoub, Republic Industries (Reliable Disposal)

Willie Williams, Industrial Sanitation (Resigned Oct '00, No replacement found after search)

Daniel Batts, Orchard Hill Landfill

Bruce Knapp, Southeast Berrien County Landfill

ENVIRONMENTAL INTEREST GROUPS

Jacquelin Taglia, United for Survival

Charles Nelson, Sarett Nature Center

CITY GOVERNMENT

Mary Goff, City of St. Joseph, Mayor

TOWNSHIP GOVERNMENT

Leonard Smith, Jr., Bainbridge Township, Supervisor

COUNTY GOVERNMENT

Andrew Vavra, Commissioner

REGIONAL SOLID WASTE PLANNING AGENCY

Paul Pantaleo, Southwest Michigan Commission

GENERAL PUBLIC

Chuck Sittig, Three Oaks Township resident

Robert Spies, Benton Township resident

Ron Paustian, Eau Claire Village resident

2ND NOMINATIONS & APPOINTMENTS CONTINUED...

Commissioner Nitz moved, supported by Commissioner Chandler, to waive the rules and re-appoint Nick Jewell to the Building Authority. Motion carried unanimously.

BUILDING AUTHORITY (3 YEAR TERMS)

Nick Jewell – New term Expiring: 10/31/2002

Commissioner Nitz moved, supported by Commissioner Vavra, to waive the rules and re-appoint Jake Paschall to the Family Independence Agency Board. Motion carried unanimously.

FAMILY INDEPENDENCE AGENCY BOARD (3 YEAR TERM)

Jake Paschall – New Term Expiring: 10/31/2002

Commissioner Nitz moved, supported by Commissioner Witkowski, to waive the rules and appoint the following individuals to the Solid Waste Planning Committee. Motion carried unanimously.

SOLID WASTE PLANNING (2 YEAR TERMS)

Jacquelin Taglia – New Term Expiring: 10/31/2001
Daniel Batts – New Term Expiring: 10/31/2001
Bruce Knapp – New Term Expiring: 10/31/2001
Eric Stoub – New Term Expiring: 10/31/2001
Paul Pantaleo – New Term Expiring: 10/31/2001
Willie Williams – New Term Expiring: 10/31/2001
Andrew Vavra – New Term Expiring: 10/31/2001
Mary J. Goff – New Term Expiring: 10/31/2001
Leonard Smith – New Term Expiring: 10/31/2001
Robert Spies – New Term Expiring: 10/31/2001
Charles Sittig – New Term Expiring: 10/31/2001
Charles Nelson – New Term Expiring: 10/31/2001
Jim Polashak – New Term Expiring: 10/31/2001

1ST NOMINATIONS:

Commissioner Vavra moved, supported by Commissioner Witkowski, to make the first nomination to re-appoint Dorothy Shook and Mary Wilhelmsen to the Area Agency on Aging. Motion carried unanimously.

AREA AGENCY ON AGING (2 YEAR TERMS)

Dorothy Shook – Term Expiring: 12/31/99

**COMMITTEE APPROVAL OF SOLID WASTE MANAGEMENT PLAN-2ND UPDATE
AND
RECOMMENDATION FOR APPROVAL TO COUNTY BOARD OF COMMISSIONER**

The following is an excerpt from the minutes of the March 7, 2001 meeting of the Berrien County Solid Waste Planning Committee:

MEMBERS PRESENT: Daniel Batts Bruce Knapp Chuck Nelson Paul Pantaleo
 Charles Sittig Leonard Smith Eric Stoub Jacquelin Taglia
 Andrew Vavra Mary Goff Jim Polashak

MEMBERS ABSENT: Robert Spies Ron Paustian

OTHERS PRESENT: John Gruchot - Solid Waste Management Coordinator, Berrien Co.
 Dennis Schuh - Director, Berrien Co. Planning Dept.
 Leslie Anderson - Admin. Assistant, Berrien Co. Planning Dept.
 Bob Walls - Forest Lawn Landfill
 Steve Essling - Waste Management
 Scott Aiken - Herald-Palladium (newspaper)

B. Consideration to Approve the Plan Update and Recommend Approval by the County Board of Commissioners.

Mr. Batts moved, seconded by Mr. Smith, that the Committee approve the Plan Update, as modified by incorporation of the appropriate changes just accepted by the Committee in the "Analysis of Comments", and that the Committee also recommend to the County Board of Commissioners that it should approve the Plan Update after the changes are incorporated MOTION CARRIED

Mr. Gruchot was directed to make the changes to the Plan Update and to inform the County Board of the Committee's recommendation to have that final version of the Plan Update approved.

STATE OF MICHIGAN)
COUNTY OF BERRIEN } SS

I, M. LOUISE STINE, Clerk of the County of Berrien, Clerk of the Circuit Court of said County, the same being a Court of Record and having a seal, do hereby certify that I have compared the below copy with the record thereof now remaining in my office and have found it to be a true copy.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have affixed the Seal of said Circuit Court at St Joseph, this 8th day of JUNE, A.D. 2001

M. LOUISE STINE
COUNTY CLERK

Debra Vitale
DEPUTY CLERK

March 29, 2001

P0103067

TO THE HONORABLE BOARD OF COMMISSIONERS OF BERRIEN COUNTY, MICHIGAN: Your Personnel and Human Services Committee respectfully recommends the adoption of the following:

RESOLUTION

WHEREAS, the Berrien County Solid Waste Planning Committee (Committee) has completed the second update of the Berrien County Solid Waste Management Plan (Plan), as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended, and

WHEREAS, the purpose of the Plan is to ensure access to sufficient disposal capacity for a ten-year period and to establish a County policy and work plan for waste reduction and resource recovery initiatives throughout Berrien County, and

WHEREAS, a public comment period and all public hearings as required by law have been held, and

WHEREAS, said Plan, dated March 7, 2001, is consistent with the Landfill Use Agreements that were authorized by resolution of this Board of Commissioners, dated February 15, 2001, including provisions for specified landfill capacity expansions, and signed by all appropriate parties, and

WHEREAS, the Committee passed a motion to approve said Plan at its March 7, 2001 meeting and recommends that this Board also approve said Plan.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that this Board of Commissioners approves the second update of the Berrien County Solid Waste Management Plan, dated March 7, 2001, and

BE IT HEREBY FURTHER RESOLVED, that Plan is authorized for release to the various municipalities for their review, in accordance with Michigan law.

Respectfully submitted,

PERSONNEL AND HUMAN SERVICES COMMITTEE

Debra Panozzo
Debra Panozzo, Chairperson

Andrew Vavra
Andrew Vavra

James E. Atterberry
James E. Atterberry

Bret Witkowski
Bret Witkowski

MAY 23 2001

RESOLUTION

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended, and

WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County, and

WHEREAS, a public hearing and comment period as required by law have been held, with the incorporation of applicable comments into the Plan Update, and

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution, said Plan Update on March 29, 2001, and

WHEREAS, approval by two-thirds of all municipalities within Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that on May 7, 2001 the Bainbridge Township Board approved the Berrien County Solid Waste Management Plan - 2nd Update, dated March, 2001.



BARODA TOWNSHIP

JUN 04 2001

9091 First Street • P.O. Box 215 • Baroda, Michigan 49101 • (616) 422-2300 • Fax (616) 422-2407

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended, and

WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County, and

WHEREAS, a public hearing and comment period as required by law have been held, with the incorporation of applicable comments into the Plan Update, and

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution, said Plan Update on March 29, 2001, and

WHEREAS, approval by two-thirds of all municipalities within Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that on May 21, 2001 the Baroda Township approved the Berrien County Solid Waste Management Plan - 2nd Update, dated March, 2001.

Motion by Steven Nitz, seconded by Jerry Nitz

Roll-call vote: 5 Yea
 0 Nay

Barbara Reisig
Barbara Reisig, Clerk



VILLAGE OF BARODA

9091 First Street
P.O. Box 54
Baroda, Michigan 49101
(616) 422-1828

MAY 09 2001

Upon motion made by Larry Nye, seconded by Bob Getz, the following Resolution was adopted:

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended, and

WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County, and

WHEREAS, a public hearing and comment period as required by law have been held, with the incorporation of applicable comments into the Plan Update, and


WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution, said Plan Update on March 29, 2001, and

WHEREAS, approval by two-thirds of all municipalities within Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that on Monday, May 7, 2001 the Village of Baroda Council approved the Berrien County Solid Waste Management Plan-2nd Update, dated March, 2001

The following aye votes were recorded: John Harner, Bill Bennitt, Bob Getz, and Larry Nye

The following nay votes were recorded: None


Beth Antosz, Clerk, Village of Baroda

APR 23 2001

RESOLUTION

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended, and

WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County, and

WHEREAS, a public hearing and comment period as required by law have been held, with the incorporation of applicable comments into the Plan Update, and

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution, said Plan Update on March 29, 2001, and

WHEREAS, approval by two-thirds of all municipalities within Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that on April 16, 2001 the *Village of Berrien Springs* approved the Berrien County Solid Waste Management Plan - 2nd Update, dated March, 2001.

Moved by Robert Caulpetzer, seconded by Mike Marsh, to adopt the resolution requested by the Berrien County Solid Waste Planning Committee.

Robert Caulpetzer, Aye; Jan Chaudoir, Aye; Kimberley Dustin, Aye; Mike Marsh, Aye; Sandra Swartz, Aye- Motion carried.



Sheri Kesterke
Village Clerk



Jan Chaudoir
President

MAY 14 2001

RESOLUTION

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended, and

WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County, and

WHEREAS, a public hearing and comment period as required by law have been held, with the incorporation of applicable comments into the Plan Update, and

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution, said Plan Update on March 29, 2001, and

WHEREAS, approval by two-thirds of all municipalities within Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that on April 12, 2001 the Bertrand Township approved the Berrien County Solid Waste Management Plan - 2nd Update, dated March, 2001.

Alinda Frame, Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN – STATE OF MICHIGAN
RESOLUTION NO. 2001-05

MAY 11 2001

At a Regular Meeting of the City Commission of the City of Bridgman, County of Berrien, State of Michigan, held in the City Hall, Bridgman, Michigan, on the 7th day of May, A D , 2000, at 7:00 o'clock p m Eastern Standard time.

PRESENT: Commissioners Catania, Crocker, Gedeon-Kuhn, Liskey,
Skiba and Boyd.

ABSENT: Commissioners Birmingham.

The following resolution was offered by Commissioner Crocker
and supported by Commissioner Gedeon-Kuhn

RESOLUTION

WHEREAS, the Berrien County Solid Waste planning Committee has completed the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended, and

WIHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County. and

WHEREAS, a public hearing and comment period as required by law have been held, with the incorporation of applicable comments into the Plan Update, and

WHEREAS, AT THE RECOMMENDATION OF THE solid Waste Planning Committee, the County Board approved by resolution, said Plan Update on March 29, 2001, and

WHEREAS, approval by two-thirds of all municipalities within Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

NOW, THEREFORE BE IT HEREBY RESOLVED, that the City Commission of the City of Bridgman at their meeting on May 7th, 2001 hereby approves the Berrien County Solid Waste Management Plan – 2nd Update, dated March, 2001 dopt the following procedures for investigating, evaluating, and settling all damage or claims arising through the operations of the water and sanitary sewer system which is under the control of the City of Bridgman.

AYES: Catania, Crocker, Gedeon-Kuhn, Liskey, Skiba and Boyd.

NAYS: None.

ABSTAIN: None.

RESOLUTION

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended, and

WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County, and

WHEREAS, a public hearing and comment period as required by law have been held, with the incorporation of applicable comments into the Plan Update, and

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution, said Plan Update on March 29, 2001, and

WHEREAS, approval by two-thirds of all municipalities within Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval

NOW, THEREFORE, BE IT HEREBY RESOLVED, that on May 7, 2001 the Buchanan Township Board approved the Berrien County Solid Waste Management Plan - 2nd Update, dated March, 2001.

RESOLUTION 2001.04/10

A RESOLUTION APPROVING THE BERRIEN COUNTY SOLID WASTE
MANAGEMENT PLAN-2ND UPDATE

APR 26 2001

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended, and

WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within the Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County, and

WHEREAS, a public hearing and comment period as required by law have been held, with the incorporation of applicable comments into the Plan Update, and

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution, said Plan Update on March 29, 2001, and

WHEREAS, approval by two-thirds of all municipalities within the Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that on April 23, 2001 the City Commission of the City of Buchanan approved the Berrien County Solid Waste Management Plan - 2nd Update, dated March 2001.

Resolution proposed by Commissioner Garmire; supported by Commissioner Backus.

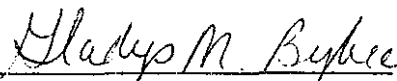
AYES: Backus, Garmire, Fisher, King, Hagey

NAYES:

ABSTAIN:


ABSENT:

RESOLUTION DECLARED ADOPTED.


Gladys M. Bybee, City Clerk

CERTIFICATION

I hereby certify that the above is a true and complete copy of a resolution adopted by the City Commission of the City of Buchanan, County of Berrien, State of Michigan, at a regular meeting held on the 23rd day of April, 2001, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said act.


Gladys M. Bybee, City Clerk

The adoption of the following resolution was offered by Carl Anderson, supported by William Markse:

**CHIKAMING TOWNSHIP
BERRIEN COUNTY SOLID WASTE MANAGEMENT PLAN
2ND UPDATE**

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended; and

WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County; and

WHEREAS, a public hearing and comment period as required by law have been held, with the incorporation of applicable comments into the Plan Update; and

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved by resolution, said Plan Update on March 29, 2001; and

WHEREAS, approval by two-thirds of all municipalities within Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

NOW, THEREFORE, BE IT RESOLVED, that on May 10, 2001 the Chikaming Township Board approved the Berrien County Solid Waste Management Plan – 2nd Update, dated March, 2001.

AYES: Anderson, Dudeck, Simmons, Gibson and Marske

NAYS: None

ABSENT: None

Jeanne Dudeck
Jeanne Dudeck, Township Clerk

**Coloma Charter Township
Berrien County, Michigan
Resolution # 2001/2 - 4**

MAY 15 2001

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended, and

WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County, and

WHEREAS, a public hearing and comment period, as required by law, have been held, with the incorporation of applicable comments into the Plan Update, and

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution, said Plan Update on March 29, 2001, and

WHEREAS, approval by two-thirds of all municipalities within Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

NOW, THEREFORE, BE IT RESOLVED that on May 9th, 2001 the Board of Trustees of Coloma Charter Township approved the Berrien County Solid Waste Plan-2nd Update, dated March 2001.

The foregoing resolution offered by Board Member Lance Becht and supported by Board Member Robert Molter.

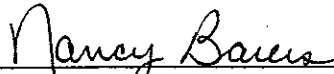
Upon roll call vote, the following trustees voted:

AYE:	NAY:	ABSENT:	ABSTAIN:
Supervisor Moser	None	Trustee Duffield	None
Clerk Baiers			
Treasurer Becht			
Trustee Aviles			
Trustee Molter			
Trustee Teutsch			

The Supervisor declared the resolution adopted.

CERTIFICATE

I, Nancy Baiers, the duly elected and acting Clerk of Coloma Charter Township, hereby certify that the foregoing resolution was adopted by the Township Board of Coloma Charter Township at the regular meeting of the Coloma Charter Township Board of Trustees held, May 9, 2001 at which a quorum was present, by a roll call vote of said members as hereinbefore set forth, and that said resolution was ordered to take immediate effect.


Nancy Baiers, Clerk
Coloma Charter Township

City of Coloma
Regular Commission Meeting
April 23, 2001

Present: Wohler, Munchow, Root, Polashak, Smith, Freitag, Owen.
Absent: None.

Visitors: Rod Burkholder, Herman Fullriede, Ken Gustafson, Sue Moser,
Bob Robinson, Monte Sternaman, Cliff Stevens, Marvin Taylor,
Bob Wooley, 3 unknown.

The meeting was called to order in the City Commission Chambers at
7:30 p.m. by Mayor Owen.

8. Motion by Root, supported by Wohler, to adopt the
Operation of Electronically Amplified Sound Systems
in Motor Vehicles, creating section 38-36 of Chapter
38, Article II, effective May 13, 2001. Yes:
Wohler, Munchow, Root, Polashak, Smith, Freitag,
Owen. No: none.

Noise Ordinance
Adopted.

Motion CARRIED.

9. Mayor Owen read the sample Resolution from the County
regarding the Berrien County Solid Waste Management
Plan-2nd Update. Bob Wooley commented on the Plan.
A motion was made by Polashak, supported by Root, to
adopt the Resolution supporting the Berrien County
Solid Waste Planning Commission's Resolution. Yes:
Wohler, Munchow, Root, Polashak, Smith, Freitag,
Owen. No: none.

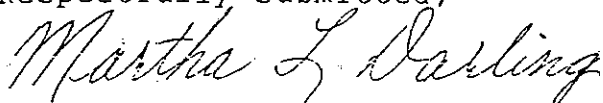
Solid Waste
Resolution
Approved.

Motion CARRIED.

13. A Finance Committee meeting will be held on Thursday,
May 10, at 3:30 p.m. at City Hall.
14. Mayor Owen said a letter was received from Coloma
Township regarding their contribution to the CWAEDC.
A copy will be on the mayor's desk.
15. A meeting is tentatively scheduled for June 6th to
discuss the Cemetery Board Agreement.
16. Motion by Polashak, supported by Root, to adjourn.
Motion CARRIED.

Meeting adjourned at 8:15 p.m.

Respectfully submitted,



Martha L. Darling, Clerk, City of Coloma

Village of Galien

121 S. Cleveland, POB 296, Galien, MI 49113-0296
Tel: 616 545-3647 Fax: 616 545-0023

Galien Village Council

WHEREAS, the Berrien County Solid Waste Management Committee has completed the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended, and

WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County, and

WHEREAS, a public hearing and comment period as required by law have been held, with the incorporation of applicable comments into the Plan Update, and

WHEREAS, at the recommendation of the Solid Waste Management Planning Committee, the County Board approved, by resolution, said Plan Update on March 29, 2001, and

WHEREAS, approval by two-thirds of all municipalities within Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that on June 11, 2001 the Galien Village Council approved the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001.

RESOLUTION - 01/02

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended and

WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County, and

WHEREAS, a public hearing and comment period as require by law have been held, with the incorporation of applicable comments into the Plan Update, and

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution , said Plan Update on March 29, 2001, and

WHEREAS, approval by two-thirds of all municipalities within Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

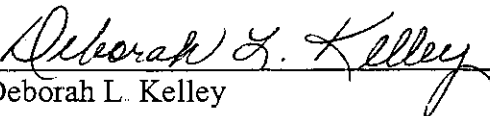
NOW, THEREFORE, BE IT HEREBY RESOLVED, that on May 14, 2001, the Hagar Township Board approved the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001. Motion was offered by O'Leary and supported by Kelley

ROLL CALL VOTE: YEA - 5

NAY - 0

ABSENT/ABSTAIN - 0

TOWNSHIP OF HAGAR


Deborah L. Kelley
Hagar Township Clerk

LAKE CHARTER TOWNSHIP

RESOLUTION

MAY 25 2001

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection act of 1994, as amended, and;

WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County, and;

WHEREAS, a public hearing and comment period as required by law have been held, with the incorporation of applicable comments into the Plan Update, and;

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution, said Plan Update on March 29, 2001, and;

WHEREAS, approval by two-thirds of all municipalities within Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval

NOW THEREFORE BE IT HEREBY RESOLVED, that on May 21, 2001 the Lake Charter Township Board approved the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001.

The foregoing Resolution by board member Berndt seconded by board member Payne


Upon a roll call vote, the following voted:

4 ayes

3 nays

The Supervisor declared the resolution adopted.


Loren Berndt, Lake Charter Township
Supervisor


Gloria A. Payne, Lake Charter Township
Clerk

MAY 25 2001

RESOLUTION

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended, and

WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County, and

WHEREAS, a public hearing and comment period as required by law have been held, with the incorporation of applicable comments into the Plan Update, and

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution, said Plan Update on March 29, 2001, and

WHEREAS, approval by two-thirds of all municipalities within Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that on May 8, 2001 the Lincoln Charter Township Board of Trustees approved the Berrien County Solid Waste Management Plan - 2nd Update, dated March, 2001.

At a regular meeting of the City Council of the City of Niles, a Michigan municipal corporation, held in the Council Chambers, 16 South Third Street, Niles, Michigan (49120), on the 14th day of May, 2001, at 7:30 p.m. o'clock, local time, the following resolution for the was offered.

RESOLUTION #2001-05/1432

Council Member Robert Durm offered the following resolution and moved for its adoption, seconded by **Council Member Robert Chute**.

RESOLVED BY: City Council, City of Niles, Michigan,

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended; and

WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County; and

WHEREAS, a public hearing and comment period as required by law have been held, with the incorporation of applicable comments into the Plan Update; and

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution, said Plan Update on March 29, 2001; and

WHEREAS, approval by two-thirds of all municipalities with Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

NOW, THEREFORE, BE IT RESOLVED that on May 14, 2001 the City Council of the City of Niles approved the Berrien County Solid Waste Management Plan - 2nd Update, dated March, 2001.

ROLL CALL: **YEA:** Georgia Boggs, Patricia Gallagher, Robert Durm, Robert Chute, William Weimer, Daniel Everett, Scott Clark

NAY: None **ABSENT:** Daniel VandenHeede **ABSTAIN:** None

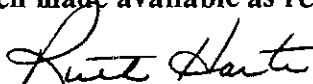
RESOLUTION DECLARED ADOPTED.

CITY OF NILES

(SEAL)


Ruth Harte, City Clerk

I hereby certify the foregoing resolution is a true and complete copy of a resolution adopted by the City of Niles, County of Berrien, State of Michigan, at a regular meeting held on May 14, 2001, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.


Ruth Harte, City Clerk

**NILES TOWNSHIP
BERRIEN COUNTY SOLID WASTE PLAN
RESOLUTION 01-10**

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended, and

WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County, and

WHEREAS, a public hearing and comment period as required by law have been held, with the incorporation of applicable comments into the Plan Update, and

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution, said Plan Update, and

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution, said Plan Update on March 29, 2001, and

WHEREAS, approved by two-third of all municipalities within Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

NOW THEREFORE, BE IT HEREBY RESOLVED, that on May 21, 2001 the Niles Township Board approved the Berrien County Solid Waste Management Plan - 2nd Update, dated March 2001.

The foregoing resolution offered by board member **Robert Jones**. Supported by board member **William Myers**

Upon a roll call vote, the following voted:

AYES: Cooper, Durm-Hiatt, Jones, Myers, Noble, Ringler, Tonkin

NAYS: None

ABSTAIN: None

Resolution declared adopted.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Niles Township Board, County of Berrien, State of Michigan, at a Regular Meeting held May 21, 2001, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act


Marge Durm-Hiatt, Clerk

SAMPLE
RESOLUTION

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended, and

WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County, and

WHEREAS, a public hearing and comment period as required by law have been held, with the incorporation of applicable comments into the Plan Update, and

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution, said Plan Update on March 29, 2001, and

WHEREAS, approval by two-thirds of all municipalities within Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that on May 4 2001 the Oshtemo County Board approved the Berrien County Solid Waste Management Plan - 2nd Update, dated March, 2001.



RICHARD E. SCHINKEL, CLERK

MAY 18 2001

**PIPESTONE TOWNSHIP
RESOLUTION #2001-3
BERRIEN COUNTY SOLID WASTE MANAGEMENT PLAN RESOLUTION**

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan- 2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources Environmental Protection Act of 1994, as amended, and

WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the health and the environment, including waste reduction and resource recovery initiatives throughout the County, and

WHEREAS, a public hearing and comment period as required by law have been held, with the incorporation of applicable comments into the Plan Update, and

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution, said Plan Update on March 29, 2001, and

WHEREAS, approval by two-thirds of all municipalities with Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval

NOW, THEREFORE, BE IT FURTHER RESOLVED, that on May 14, 2001 the Pipestone Township Board approved the Berrien County Solid Waste Management Plan - 2nd Update, dated March, 2001.

Motion made by Bishop, seconded by Skibbe to adopt the foregoing resolution

Upon roll call vote

The following voted "aye": "Harner, Nimtz, Skibbe, Bishop and Davis"
"nay": "none"

The supervisor declared the resolution adopted on May 14, 2001



Alan Nimtz, Pipestone Twp Clerk

Certificate

I, Alan Nimtz, the duly elected and acting clerk of Pipestone Township, hereby clarify that the foregoing resolution was adopted by the Township Board of the said Township at the regular meeting of said board held on May 14, 2001 at which meeting a quorum was present, by a roll call vote of said members as herein before set forth; that said resolution was ordered to take effect.



Alan Nimtz, Pipestone Twp Clerk

**RESOLUTION OF SUPPORT
BERRIEN COUNTY SOLID WASTE MANAGEMENT PLAN
SECOND UPDATE**

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan - 2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994 as amended, and

WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County, and

WHEREAS, the public hearing and comment period as required by law have been held, with the incorporation of applicable comments into the Plan Update, and

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution, said Plan Update on March 29, 2001, and

WHEREAS, approval by two-thirds of all municipalities within Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that on June 11, 2001, the **ROYALTON TOWNSHIP BOARD OF TRUSTEES** approved the Berrien County Solid Waste Management Plan-2nd Update, dated March, 2001.

Attest:

Witness:


Rocky Genovese, Clerk


Steve Tilly, Supervisor

Dated: June 11, 2001

VILLAGE OF SHOREHAM

BERRIEN COUNTY
ST. JOSEPH, MICHIGAN 49085

JUN 11 2001

2862 W. Garden Lane
St. Joseph, MI 49085
June 6, 2001

Mr. John Gruchot
Berrien County Dept. of Planning & Public Works
701 Main Street
St. Joseph, MI 49085

Dear Mr. Gruchot:

The Village of Shoreham has approved the Berrien County Solid Waste Management Plan-2nd update per the following resolution at its May 9 meeting.

Motion was made by M. Seaman, seconded by R. Wilschke, as follows:

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan-2nd update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended, and

WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County, and

WHEREAS, a public hearing and comment period as required by law have been held, with the inception of applicable comments into the Plan Update, and

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution, said Plan Update on March 29, 2001, and

WHEREAS, approval by two-thirds of all municipalities within Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

NOW, THEREFORE BE IT HEREBY RESOLVED, that on May 9, 2001, the Village of Shoreham approved the Berrien County Solid Waste Management Plan - 2nd update, dated March 2001.

Motion carried

Sincerely,



Angela J. Larsen, Clerk

SODUS TOWNSHIP
4056 S. PIPESTONE RD.
SODUS, MICHIGAN 49126

MAY 29 2001

RESOLUTION

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended, and

WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County, and

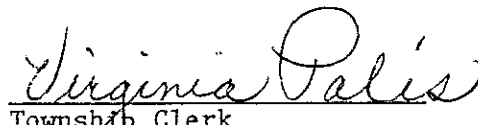
WHEREAS, a public hearing and comment period as required by law have been held, with the incorporation of applicable comments into the Plan Update, and

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution, said Plan Update on March 29, 2001, and

WHEREAS, approval by two-thirds of all municipalities within Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that on May 22, 2001 the SODUS TOWNSHIP BOARD OF TRUSTEES approved the Berrien County Solid Waste Management Plan-2nd Update, dated March, 2001.

I hereby attest that the foregoing resolution was adopted by the Township of Sodus, County of Berrien, State of Michigan, at a regular meeting held on May 22, 2001.


Township Clerk

RESOLUTION

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended, and


WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County, and

WHEREAS, a public hearing and comment period as required by law have been held, with the incorporation of applicable comments into the Plan Update, and

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution, said Plan Update on March 29, 2001, and

WHEREAS, approval by two-thirds of all municipalities within Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that on APRIL 23, 2001 the ST. JOSEPH CITY COMMISSION approved the Berrien County Solid Waste Management Plan - 2nd Update, dated March, 2001.


MARY GOFF, MAYOR


PEGGY A. BLOCK, CITY CLERK

RESOLUTION

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001, as required by Part I 15 of PA 45 1, the Natural Resources and Environmental Protection Act of 1994, as amended, and

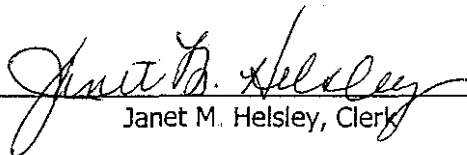
WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County, and

WHEREAS, a public hearing and comment period as required by law have been held, with the incorporation of applicable comments into the Plan Update, and

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution, said Plan Update on March 29, 2001, and

WHEREAS, approval by two-thirds of all municipalities within Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that on April 16, 2001 the St Joseph Charter Township Board of Trustees approved the Berrien County Solid Waste Management Plan - 2nd Update, dated March 2001.


Janet M. Helsley, Clerk

VILLAGE OF STEVENSVILLE
BERRIEN COUNTY MICHIGAN

A RESOLUTION TO APPROVE THE BERRIEN COUNTY SOLID WASTE
MANAGEMENT PLAN-2ND UPDATE.

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended, and

WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County, and

WHEREAS, a public hearing and comment period as required by law have been held, with the incorporation of applicable comments into the Plan Update, and

WHEREAS, at the recommendation of the Solid Waste Planning committee, and the County Board approved, by resolution, said Plan Update on March 29, 2001, and

WHEREAS, approval by two-thirds of all municipalities within Berrien County is required by State stature for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that on June 14, 2001, the Village of Stevensville approved the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001.

Yeas 6

Nays 0

Abstain 0

Marcia M. Harris
Marcia M. Harris, President 6/14/01

Deborah Narregan
Deborah Narregan, Clerk 6/14/01

Resolution for Solid Waste Plan

MAY 18 2001

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended, and

WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiative throughout the County, and

WHEREAS, a public hearing and comment period as required by law have been held, with the incorporation of applicable comments into the Plan Update, and

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution, said Plan Update on March 29, 2001, and

WHEREAS, approval by two-thirds of all municipalities within Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that on May 14, 2001 the Three Oaks Township Board approved the Berrien County Solid Waste Management Plan – 2nd Update, dated March, 2001.

Foregoing resolution was offered by Sittig

And Supported by Cummings

Upon a roll call vote, the following voted:

"AYE" Harrington, Cummings, Sittig, Osburn

"NAY" NONE

Absent Doepker

The supervisor declared the resolution adopted.

5-14-01

Date


Three Oaks Township Clerk

Watervliet Township Board

P.O. Box 384, 3901 M-140

Watervliet, Michigan 49098

Telephone: (616)463-5113

Fax: (616)463-4808

RESOLUTION

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan-2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended, and

WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County, and

WHEREAS, a public hearing and comment period as required by law has been held, with the incorporation of applicable comments into the Plan Update, and

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution, said Plan Update on March 29, 2011, and

WHEREAS, approval by two-thirds of all municipalities within Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that on April 16, 2011 the Watervliet Township Board approved the Berrien County Solid Waste Management Plan - 2nd Update, dated March, 2011.

The motion was made by James Jarvis and supported by Dan Hutchins.

Merle Bujack: YES

Eva M. Baumeister: YES

Dolores Youdell: YES

James Jarvis: YES

Dan Hutchins: YES

**CITY OF WATERVLIET
RESOLUTION**

APR 16 2001

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan - 2nd Update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended, and


WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County, and

WHEREAS, a public hearing and comment period as required by law have been held, with the incorporation of applicable comments into the Plan Update, and

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution, said Plan Update on March 29, 2001, and

WHEREAS, approval by two-thirds of all municipalities within Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that on April 10, 2001 the City of Watervliet approved the Berrien County Solid Waste Management Plan - 2nd Update, dated March, 2001.


Olive Lynda Grady
City Clerk

Certified to be a true copy, April 10, 2001



WEESAW TOWNSHIP
P.O. Box 138 • 13518 STATE STREET
NEW TROY, MI 49119



SOLID WASTE MANAGEMENT PLAN RESOLUTION

WHEREAS, the Berrien County Solid Waste Planning Committee has completed the Berrien County Solid Waste Management Plan – 2nd update, dated March 2001, as required by Part 115 of PA 451, the Natural Resources and Environmental Protection Act of 1994, as amended, and

WHEREAS, the purpose of the Plan Update is to establish a framework for solid waste management within Berrien County that protects the public health and the environment, including waste reduction and resource recovery initiatives throughout the County, and

WHEREAS, a public hearing and comment period as required by law have been held, with the incorporation of applicable comments into the Plan Update, and

WHEREAS, at the recommendation of the Solid Waste Planning Committee, the County Board approved, by resolution, said Plan Update on March 29, 2001, and

WHEREAS, approval by two-thirds of all municipalities within Berrien County is required by State statute for the Plan Update to be designated as locally approved and forwarded as such to the State Department of Environmental Quality for its review for final approval.

NOW, THEREFORE, BE it HEREBY RESOLVED, that on June 5, 2001, the WEESAW TOWNSHIP BOARD approved the Berrien County Solid Waste Management Plan – 2nd Update, dated March 2001.

Moved by Board Member:

Green

Supported by Board Member:

Marks

Upon roll call vote, the following voted:

"aye": Oman, Smith, Jones, Green, Marks

"nay": _____

The supervisor declared the resolution adopted.

Michael J. Oman

Supervisor

6-5-01

Date

Manda J. Green

Clerk

6/5/01

Date

APPENDIX D

ATTACHMENTS

D. ATTACHMENTS

PLAN IMPLEMENTATION STRATEGY

The County will implement its role in the Plan primarily through the Resource Recovery Coordinator position. The components of the Plan will be implemented as established in the Management Components portion of Section III. of this Update. The County cannot have control over all those components, as it is not the responsible party for all of them. It will need to rely on those other agencies, businesses and institutions to perform their respective roles, attempting to influence them to work towards the goals of this Plan Update.



The County Board's approval of this Update will serve as documentation of acceptance of responsibility for its role. Other entities will perform their roles as a function of the nature of their interests in the waste management system.

LISTED CAPACITY

Authorized access to the landfills within Berrien County comes through Landfill Use Agreements with those facilities or a letter of intent to accept such waste, even though it would be hard to image the scenario where waste was rejected by one of those facilities. Those Agreements are incorporated into this appendix. Facility maps are included, showing the expansion areas at each facility.

Access to other disposal areas are documented by attached letters, with a map of each facility included. Additionally, all available letters from counties listed in this Plan Update as import or export counties, are included in this appendix.

**BERRIEN COUNTY, MICHIGAN
LANDFILL USE AGREEMENT**

This Agreement signed this 22nd day of February, 2001 by and between the COUNTY OF BERRIEN, a Michigan municipal corporation with offices at 701 Main Street, St. Joseph, Michigan 49085 ("the County") and FLL, Inc. with offices at 8230 W. Forest Lawn Road, Three Oaks, MI 49128 ("the Contractor").

BACKGROUND

Contractor is the operator of a landfill on certain property located in Berrien County. The County has established a Landfill Use Fund ("the Fund") to assure that the County will have sufficient funds to promote non-disposal options, monitor landfill use, promote the public health and well being throughout the County and implement the County's Solid Waste Management Plan as updated and approved by the Michigan DEQ ("the Plan"). The Fund is established for these purposes and shall be dedicated to carrying out the purposes set forth in this Agreement.

TERMS AND CONDITIONS OF AGREEMENT

In consideration of mutual promises set forth herein and for other good and valuable consideration, the parties agree as follows:

1. Landfill.

The Contractor currently owns and operates a Type II Landfill ("the Landfill") pursuant to the requirements of Part 115 of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, as amended, M.C.L. Sections 324.11501-324.11549 ("Part 115"). The Landfill is located on property in Three Oaks Township, Berrien County, Michigan, and is more particularly shown and described on Exhibit A, attached hereto. Exhibit A also sets forth the maximum volume of air space, expressed in cubic yards, by which the Landfill may be expanded during the term of this Agreement, except as otherwise described herein.

The Contractor agrees that it will not request any additional landfill expansion including acreage and/or airspace beyond that identified on Exhibit A, unless the expansion is supported by means of a resolution by the Three Oaks Township Board.

2. **Purpose of Agreement.**

The purpose of this Agreement is to protect the public health and environment, to provide for the regulation and management of solid wastes and to implement the Plan as updated.

3. **Representation by the Parties.**

The Contractor represents that it will use its best efforts to maintain all necessary licenses and permits required by Part 115, and that it will operate the Landfill in accordance with the Plan as updated, and all applicable laws, regulations, licenses and permits. Nothing contained in this Agreement shall limit or impair in any way the Authority's right to comment on, oppose, or challenge the Plan or any proposed or final amendment thereto.

The County represents that it will keep the Plan in compliance with the terms of this Agreement, and will not approve a subsequent Plan update, which is inconsistent with this Agreement, as long as this Agreement is in effect. The County will encourage all local units of government in the County to have their solid waste disposed of in facilities located in the County.

It is expressly agreed that although this Agreement may be attached to the Plan, it is not a part of the Plan. However, future Plan updates, as approved by the DEQ, must be, and continue to be no more restrictive than this Agreement as to: (1) landfill expansion; (2) solid waste importation from outside Berrien County, as and to the extent stated in the Plan update dated June 1993; and (3) waste disposal volumes. If any DEQ approved or established Plan update is inconsistent on any of these issues, this Agreement is subject to renegotiation.

RETURN TO
APPROVAL
LETTER



4. **Records.**

The Contractor shall keep records in compliance with MCL 324.11507a and MAC R299.4438. In addition, the Contractor shall keep any and all records necessary to verify any reporting made to the County under the terms of this Agreement. These records shall be maintained by the Contractor for not less than five years and shall be made available to the County for inspection upon request. The County agrees to keep all the information in the records confidential, except the geographic origin and volume of waste, to the extent that the County can do so consistent with its obligations under the Michigan Freedom of Information Act and other applicable law.

5. **Survey Control**

The Contractor shall establish an on-site permanent benchmark (for vertical and horizontal control) at the Landfill site. At least annually the County shall prepare and pay for a topographic survey of the permitted disposal area.

6. **Definitions**

For the purposes of this Agreement, the following terms have the definitions indicated:

A. "Quarter": A three month segment of the year, divided as follows:

- (1) Quarter 1: January 1 - March 31
- (2) Quarter 2: April 1 - June 30
- (3) Quarter 3: July 1 - September 30
- (4) Quarter 4: October 1 - December 31

B. "Annual": The twelve consecutive months of January 1 through December 31.

C. "Solid Waste" shall have the meaning assigned to that term under Part 115.

7. **Landfill Monitoring Program**

- A. The Contractor agrees to allow the County from time-to-time to visually observe and review the Landfill's waste screening program, as required by the Administrative Rules of Part 115, or as maintained as part of the facility's operating record. This will include a review of records and observation of all procedures utilized in the Landfill's program. Its purpose is to determine the Landfill's compliance with state-mandated procedures, including actions taken when unpermitted materials are found in the waste being screened. The County will not attempt to perform the screening of waste loads. Any person conducting observations or review on behalf of the County will be specifically authorized by County resolution, and the Contractor will be entitled to request a copy of such resolution and positive identification of the individual before granting access to the Landfill. The County recognizes and agrees that any person acting on its behalf will hold all information and records obtained through such observation and review in confidence, subject only to the County's obligations under the Michigan Freedom of Information Act and other applicable law. The County's representative will not be entitled to take video, photographs or test samples without the prior written consent of the Contractor and shall not be entitled to continuous monitoring. Any observations and review will be conducted during normal business hours upon reasonable prior notice to the Landfill manager.

8. **Landfill Use Fee**

- A. From and after the execution of this Agreement, and so long as this Agreement remains in effect, the Contractor agrees to pay quarterly to the County a Landfill Use Fee, in lieu of any other landfill use-type fees or assessments which the County is authorized to levy during the term hereof. Landfill use-type fees or assessments does not refer to personal or real property taxes, or to other land ownership assessments (such as drains, sewage, etc.), if any, which must be paid by the landfill owners pursuant to the Michigan Constitution or statutes.

The Landfill Use Fee shall be paid at the following rate:

1. 10¢ per cubic yard of solid waste originating in Berrien County (Zone 1)
2. 20¢ per cubic yard of solid waste originating in Van Buren, Cass, Allegan, St. Joseph, Kalamazoo, Branch and Calhoun Counties in Michigan, and St. Joseph and LaPorte Counties in Indiana (Zone 2).
3. 51¢ per cubic yard of solid waste originating from outside Zone 1 or Zone 2 (Zone 3).

B. If the Contractor changes the method of acceptance of solid waste to weight (not volume), for the purposes of this Agreement, the Contractor agrees to pay the County a Landfill Use Fee at the following rate:

1. 30¢ per ton of solid waste originating in Berrien County (Zone 1).
2. 60¢ per ton of solid waste originating in Van Buren, Cass, Allegan, St. Joseph, Kalamazoo, Branch and Calhoun Counties in Michigan, and St. Joseph and LaPorte Counties in Indiana (Zone 2).
3. \$1.53 per ton of solid waste originating from outside Zone 1 or Zone 2 (Zone 3).

C. If the Contractor uses weight (and not volume) to calculate the Landfill Use Fee, the record of weight shall be used to calculate the Landfill Use Fee payable to the County.

D. The terms "cubic yards" or "tons" as used herein shall mean the number of cubic yards or tons of solid waste which the Contractor received for disposal in the Landfill. The Contractor agrees to exclusively use either a volume based or weight based method for reporting quantities of solid waste to the County on no less than an annual basis.

E. The Landfill Use Fee, as specified in this Paragraph 8, shall be payable based upon the actual volume (cubic yards) or weight (tons) of solid waste received for disposal in the Landfill. The Landfill Use Fee shall be payable on all solid waste received for disposal in the Landfill, including solid waste that is approved by the DEQ for use in haul roads

located within the solid waste disposal area boundary, landfill construction, cover or capping and compostable materials other than yard waste. The Landfill Use Fee shall not be payable on yard waste that is composted or materials that are recycled and not deposited in the Landfill. For the purposes of determining the Landfill Use Fee under this Paragraph, a waste shall be deemed to have originated at the place where the waste was generated (i.e., where the waste became a waste), and a waste that is delivered to the Landfill from a solid waste transfer station shall not be deemed to have originated at the transfer station.

- F. Beginning January 1, 2002, and annually thereafter, the fees specified in subparagraphs A and B above will be increased or decreased by the same percentage, rounded to the nearest whole cent, as the last published Consumers Price Index for "All Urban Consumers" as reported by the Bureau of Labor Statistics, U.S. Department of Labor.
- G. Notwithstanding anything in this Agreement to the contrary, all Landfill Use Fees which are paid by the Contractor under this Agreement, beginning on the date this Agreement takes effect, shall be deposited by the County into an escrow account at a commercial banking institution, where such funds shall remain until the next time that the Michigan DEQ either approves or disapproves an updated Plan. If the Michigan DEQ approves or establishes an updated Plan which includes: (i) expansion areas consistent with this Agreement; (ii) the importation of out-of-county solid waste no more restrictive than this Agreement, as and to the extent stated in the Plan update, dated June 1993; and (iii) no restrictions on waste volumes any more restrictive than those in existence on the date of this Agreement; then the escrowed Landfill Use Fees may thereupon be released and used by the County in accordance with applicable law and this Agreement.

If any Berrien County Solid Waste Management Plan approved or established by the Michigan DEQ is inconsistent with this Agreement on any of the issues described in (i), (ii) and (iii) above, this Agreement shall be subject to renegotiation. All Landfill Use Fees paid by the Contractor during the negotiating period shall be held in escrow, in

the manner described in the preceding paragraph, until a satisfactory agreement is executed between the Contractor and the County.

If the parties are unable to negotiate a mutually acceptable modification within six months after the approval or establishment of the inconsistent Plan (which six-month period may be extended by mutual agreement of the parties), then (A) this Agreement shall be deemed to have been terminated by the mutual consent of the parties pursuant to paragraph 14 as of the expiration of the negotiation period, and (B) all Landfill Use Fees paid by the Contractor from the effective date of this Agreement through the end of the negotiation period shall be released from the escrow and disbursed to the Contractor.

The Contractor's obligation to pay Landfill Use Fees hereunder is subject to and contingent upon the County's continuing compliance with and satisfaction of the terms and conditions of this Agreement.

9. Fund Payments.

- A.** The Contractor shall forward to the County the quarterly Landfill Use Fee not later than the 30th day following the quarter in which fees were collected.
- B.** With each quarterly Landfill Use Fee payment, the Contractor shall submit to the County a statement signed by an officer of the Contractor in form and substance of Exhibit B attached hereto certifying the total volume or weight, by zone, of solid waste received by the Contractor which the Contractor is required to pay a fee during that quarter pursuant to Paragraph 8.
- C.** The Contractor shall provide access to representatives of the County, at all reasonable times, as to permit the County to inspect the receipt of solid waste and the corresponding record-keeping methodology, and to verify compliance with this Agreement.
- D.** If the Contractor fails to make a timely payment of the Landfill Use Fee, the Contractor shall pay interest on the unpaid amount due at the rate of 1.5% per month (18% per annum). In addition, a material breach of this contract will occur if the Contractor is more than 90 days delinquent in forwarding the quarterly Landfill Use Fee to the County.

10. **Maintenance and Management of Fund.**

Subject to paragraph 8(G) above, the County shall deposit all Landfill Use Fees collected pursuant to this Agreement into the Fund. The County shall hold the Fund in separate accounts, which shall not be commingled with the general funds or other funds of the County. The Fund shall be managed and applied in accordance with the Landfill Use Fund Regulations

Within 90 days following the close of each fiscal year (or portion thereof) of the County, that begins or ends while this Agreement is in effect, the County shall distribute from the Landfill Use Fund and pay over to Three Oaks Township, the host community of the facility, a minimum of 15% of all Landfill Use Fees collected from Forest Lawn Landfill during the immediately preceding fiscal year of the County. The County shall not adopt or modify any Landfill Use Fund regulations inconsistent with this Agreement. This paragraph shall not be construed to relieve the Contractor from any impact fees imposed pursuant to MCL 324.11532 (4). The percentage allocated to the local unit under this paragraph shall be open to modification if the fee schedule outlined in paragraph 8 is changed.

Pursuant to the Landfill Use Fund Regulations as in effect on the date of the Agreement, the Berrien County Board of Commissioners (the "Board") may, by a majority vote, and in its sole discretion, change the percentages specified in the Regulations for allocating the Fund. While this Agreement remains in effect, the County will deliver written notice to the Contractor not less than 30 days before any meeting of the Board at which the Board will consider or act upon any proposed amendment of the Landfill Use Fund Regulations, including any amendment of the Fund allocation provisions thereof.

11. **Successors**

The following limitations shall apply to any transfer of the Contractor's interest in the Landfill for operation as a landfill:

- A. **Sale or Lease.** The Contractor shall not sell or lease the Landfill as a landfill or permit another party to operate the Landfill, unless the Contractor requires that its successor, assignee or lessee agree, in writing, to be bound by the terms of this Agreement.

B. Restrictive Covenant. The Contractor shall execute an instrument which imposes a restrictive covenant upon parcels A and B as described on Exhibit A. The restrictive covenant shall be recorded with the Berrien County Register of Deeds. The restrictive covenant shall run for the term of this Agreement and shall require that all owners, lessees or users of the Landfill as a landfill and their successors, assigns, heirs and lessees and all employees, agents or servants of the foregoing, comply with and be bound by the terms of this Agreement in all dealings with the site as a landfill. The restrictive covenant shall terminate when this Landfill Use Agreement terminates and it shall so state in the restrictive covenant.

12. Acceptance of Berrien County Waste.

The Contractor agrees to accept in its landfill all solid waste permitted by Part 115 and relevant licenses thereunder and which is generated within the borders of Berrien County, provided the hauler pays the applicable tipping fee and otherwise complies with reasonable operational controls and requirements imposed by the Contractor.

13. Size of Landfill.

- A. The County agrees to issue a letter of consistency for any one or more proposed expansions of the Landfill within the property described on Exhibit A (including a cumulative total of up to 13.9 million cubic yards of disposal capacity for the vertical and lateral expansions), provided that the County has received drawings showing that the proposed expansion is in accordance with this Agreement and the Plan. Consistent with Paragraph 3 above, this Agreement is based upon the mutual understanding of the Contractor and the County that the Plan will be amended and approved as contemplated hereby.
- B. The County agrees that every future update of the Plan will include all Landfill expansions that are also reflected in any preceding Plan or update, including expansions described or referred to in this Agreement.
- C. The County's agreement to issue a letter of consistency and include the proposed expansion in future Plan updates as set forth above shall not constitute a guarantee by the County that a construction permit or operating license for the proposed expansion shall be issued by the Michigan DEQ.

14. **Term.**

This Agreement takes effect on the first day of the month immediately following the month in which this agreement and the County's Landfill Use Agreements with the Southeast Berrien County Landfill Authority and Orchard Hill Landfill are executed in accordance with Paragraph 16 (I), and shall remain in effect for the life of the Landfill, as described in Exhibit A. The Agreement may be terminated earlier only by mutual consent or pursuant to Paragraph 1 or Paragraph 8(G) above.

At the termination of this Agreement as provided in this Paragraph [14], the Contractor and the County shall be returned to the status quo and shall be restored to all rights and remedies which they had in the absence of this Agreement, unless the parties reach a new written Agreement. It is agreed and understood that, except as specifically provided in Paragraph 8(G) above, under no circumstances shall the County be obligated or required to return any amount paid by the Contractor as Landfill Use Fees pursuant to this Agreement, even if the Agreement is terminated and/or modified pursuant to the provisions of the Agreement. All amounts paid by the Contractor to the County as Landfill Use Fees shall be retained by the County except as otherwise ordered by a court or otherwise provided herein.

Further, upon termination of this Agreement, all representations of the County with respect to future Plan updates shall terminate and nothing herein shall be deemed to limit the right of the County to take actions it deems appropriate in future Plan updates or in any amendment to its Plan.

15. **Modifications.**

This Agreement may not be modified, amended or altered except by means of a written instrument executed by the County and the Contractor.

16. Miscellaneous.

- A. Benefit and Assignment. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Except as otherwise specified herein, neither party may assign any of its rights or delegate its duties under this Agreement without prior written consent of the other party, which consent will not unreasonably be withheld.
- B. Entire Agreement. This writing and the attached Exhibits contain the entire Agreement between the parties with respect to the matters described herein and are a complete and exclusive statement of the terms thereof and supersede all previous agreements.
- C. Invalidity. The invalidity of any provision of this Agreement shall not affect the validity of the remainder of any such provision or the remaining provisions of this Agreement.
- D. Interpretation. The paragraph headings and background included in the Agreement have been used solely for convenience and shall not be used in conjunction with the interpretation of this Agreement.
- E. Waiver. The failure of either party at any time to require performance by the other party of any provision of this Agreement shall not be deemed a continuing waiver of that provision or a waiver of any other provision of this Agreement and shall in no way affect the full right to require such performance from the other party at any time thereafter.
- F. Notices. All notices or communications required or permitted to be given hereunder shall be deemed given when personally delivered or on the second succeeding business day after being mailed by registered or certified mail, return receipt requested, to the appropriate party at its address set forth at the beginning of this Agreement, or at such other address as shall be specified by notice given hereunder.
- G. Authority. Each party has full power and authority to enter into and perform this Agreement, and the person signing this Agreement on behalf of each has been properly authorized and empowered to enter into this Agreement. Each party further acknowledges that it has read this Agreement, understands it and agrees to be bound by it.

- H. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original.
- I. Truck Entrance. Contractor will continue to use the existing truck entrance to the Landfill unless the County otherwise agrees. Access to all disposal areas of the Landfill will be by an internal road system served by this entrance and built and maintained by the Contractor.
- J. Property Value Guarantee Program. Contractor agrees use best efforts in good faith to enter into property value guarantee letter agreements (Exhibit C) with the affected landowners identified by the County (Exhibit D), in the form attached hereto.
- K. Preservation of Environmentally Sensitive Areas. The Contractor agrees to donate environmentally sensitive lands on the west side of its property, including that portion described as Future Conservation Area (+/- 45.48 acres) at Exhibit A of this Agreement, to a conservancy, fishing, or similar non-profit organization, pursuant to the terms of Consent Order No. 115-11-31-02-99 between the Contractor and the Michigan, DEQ, Waste Management Division.
- L. Amendment and Restatement This Agreement modifies and amends the prior agreement dated February 24, 1994 between the parties subject to the letter Amendment Agreement dated April 8, 1998, which shall continue and remain in full force and effect, as modified and restated in this Agreement.
- M. Relationship to Other Landfill Use Agreements. This Agreement and the Contractor's obligations hereunder are contingent upon the execution of Landfill Use Agreements between the County and each of Forest Lawn Landfill and the Southeast Berrien County Landfill Authority in the forms in which such agreements were presented to the Contractor for the purposes of its approval of this Agreement. If such agreements are amended in any material respect from the forms presented to the Contractor, as described above, the Authority shall be entitled to terminate this Agreement by written notice to the County.

IN WITNESS HEREOF, the parties have signed this Agreement on the day and year first set forth above.

COUNTY OF BERRIEN

CONTRACTOR: FLL, Inc.

By: Richard Bartz
Richard Bartz,
Chairperson of the Board

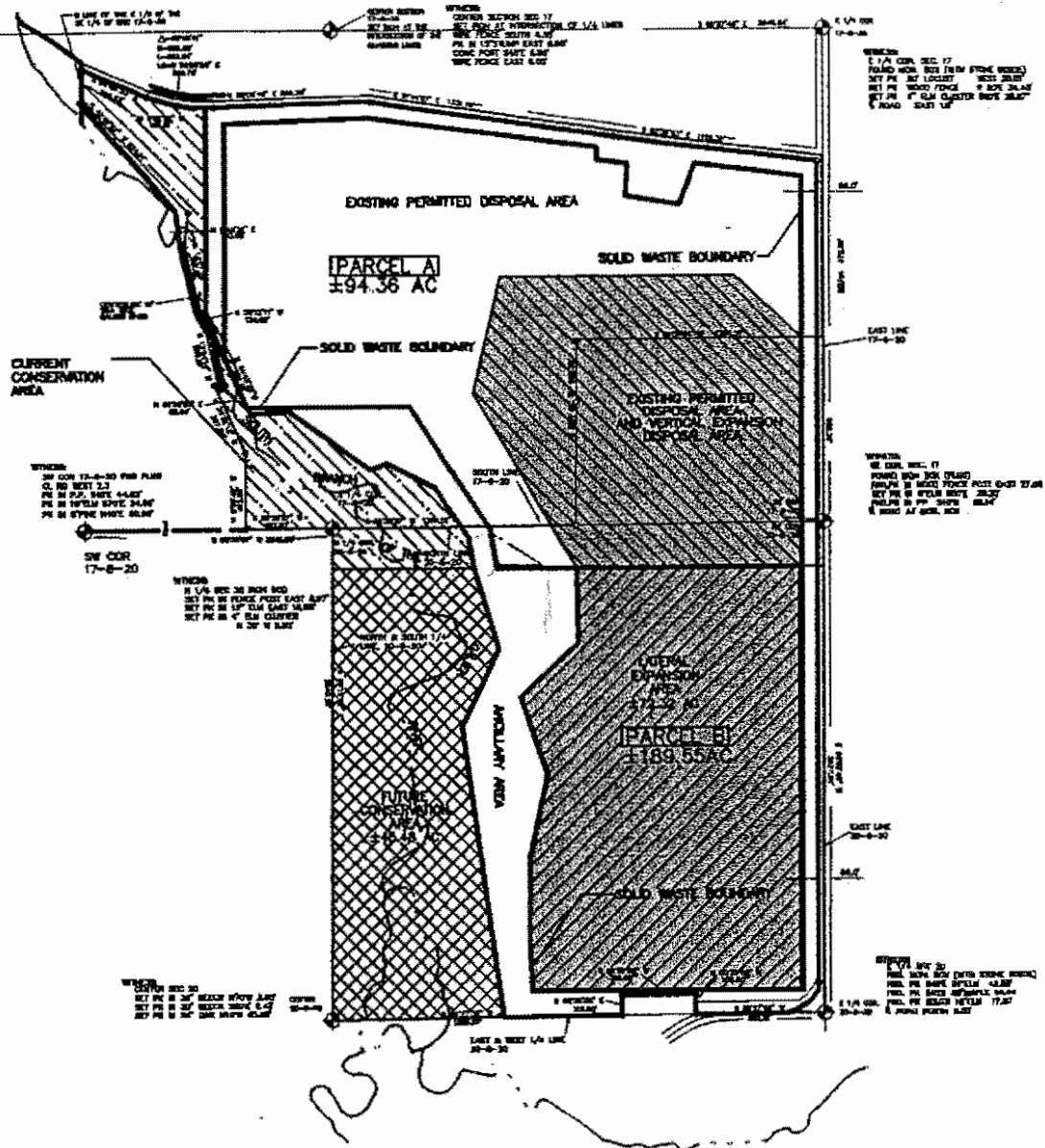
By: KW
[name] Kevin Walbridge
[title] Regional Vice President

By: M. Louise Stine
Louise Stine,
County Clerk

Attest: Michelle D. Baker
[name] MICHELL D. BAKER
[title] Notary Public, Berrien County, MI
My Commission Expires 11/6/2004

DATE 1/17/01
 DWN DAP
 APP DSV
 REV
 PROJECT NO.
 801487

REPUBLIC SERVICES, INC.
 FOREST LAWN LANDFILL
 BERRIEN COUNTY, MICHIGAN
BOUNDARY SURVEY



PROPERTY BOUNDARY DESCRIPTION

PARCEL A

THAT PART OF THE SOUTH HALF OF SECTION 17, TOWNSHIP 8 SOUTH, RANGE 20 WEST, THREE OAKS TOWNSHIP, BERRIEN COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 17; THENCE NORTH ON THE EAST LINE OF SAID SECTION 17, A DISTANCE OF 988.30 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE SOUTH 89 DEGREES 31' 04" WEST 1324.37 FEET; THENCE SOUTH 0 DEGREES 04' 40" 988.36 FEET TO THE SOUTH LINE OF SECTION 17; THENCE SOUTH 89 DEGREES 30' 57" WEST ON SAID SOUTH LINE 1320.12 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 17; THENCE CONTINUING ON SAID SOUTH LINE SOUTH 89 DEGREES 30' 00" WEST 467.83 FEET; THENCE NORTH 0 DEGREES 00' 48" WEST 412.50 FEET; THENCE NORTH 24 DEGREES 32' 13" WEST 397.50 FEET; THENCE NORTH 89 DEGREES 30' 57" EAST 55.54 FEET TO A MEANDER POINT; THENCE NORTH 13 DEGREES 04' 14" WEST ON A MEANDER LINE 280.87 FEET TO A MEANDER POINT; THENCE NORTH 28 DEGREES 13' 11" WEST ON A MEANDER LINE 134.62 FEET TO A MEANDER POINT; THENCE NORTH 14 DEGREES 07' 29" WEST ON A MEANDER LINE 382.52 FEET TO A MEANDER POINT; THENCE NORTH 6 DEGREES 40' 21" EAST ON A MEANDER LINE 183.06 FEET TO A MEANDER POINT; THENCE NORTH 42 DEGREES 48' 52" WEST ON A MEANDER LINE 834.91 FEET TO A MEANDER POINT, SAID POINT ALSO BEING ON THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 17; THENCE NORTH 0 DEGREES 02' 52" WEST ON SAID WEST LINE 198.81 FEET TO THE CENTERLINE OF FOREST LAWN ROAD; THENCE SOUTH 66 DEGREES 05' 33" EAST ON SAID CENTERLINE 390.23 FEET; THENCE SOUTHEASTERLY ON SAID CENTERLINE 382.84 FEET ON A 808.99 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 80 DEGREES 55' 55" EAST 358.78 FEET; THENCE NORTH 88 DEGREES 08' 48" EAST ON SAID CENTERLINE 839.23 FEET; THENCE SOUTH 81 DEGREES 44' 07" EAST ON SAID CENTERLINE 1331.19 FEET; THENCE SOUTH 82 DEGREES 36' 03" EAST ON SAID CENTERLINE 1126.32 FEET TO THE EAST LINE OF SAID SECTION 17; THENCE SOUTH ON SAID EAST LINE 972.38 FEET TO THE POINT OF BEGINNING; ALSO ALL THE LAND LYING BETWEEN SAID MEANDER LINE AND THE CENTERLINE OF THE GALIEN RIVER, CONTAINING 84.36 ACRES MORE OR LESS.

SUBJECT TO THE RIGHTS OF THE PUBLIC AND OF ANY GOVERNMENTAL UNIT IN ANY PART THEREOF TAKEN, USED, OR DEEDED FOR STREET, ROAD, OR HIGHWAY PURPOSES.

THIS SURVEY COMPLIES WITH THE REQUIREMENTS OF SECTION 3, P.A. 132 OF 1970 AS AMENDED.

THIS SURVEY WAS PERFORMED WITH AN ERROR OF CLOSURE NO GREATER THAN 1 IN 5000.

ASSUMED THE EAST LINE OF SAID SECTION 17 TO BEAR SOUTH.

PARCEL B

THAT PART OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 20 WEST, THREE OAKS TOWNSHIP, BERRIEN COUNTY, MICHIGAN, AND THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 8 SOUTH, RANGE 20 WEST, THREE OAKS TOWNSHIP, BERRIEN COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 20; THENCE SOUTH 0 DEGREES 03' 45" WEST ON THE EAST LINE OF SAID SECTION 20, A DISTANCE OF 2637.84 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 20; THENCE SOUTH 89 DEGREES 27' 55" WEST ON THE EAST AND WEST QUARTER LINE OF SAID SECTION 20, A DISTANCE OF 890.81 FEET; THENCE NORTH 0 DEGREES 32' 05" WEST 109.50 FEET; THENCE SOUTH 88 DEGREES 27' 55" WEST 398.00 FEET; THENCE SOUTH 0 DEGREES 32' 05" EAST 109.50 FEET TO A POINT ON THE EAST AND WEST QUARTER LINE OF SAID SECTION 20; THENCE SOUTH 89 DEGREES 27' 55" WEST ON SAID EAST AND WEST QUARTER LINE 1585.61 FEET TO THE CENTER OF SAID SECTION 20; THENCE NORTH 0 DEGREES 12' 02" EAST ON THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 20, A DISTANCE OF 2640.26 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 20; THENCE NORTH 89 DEGREES 30' 57" EAST ON THE NORTH LINE OF SAID SECTION 20, A DISTANCE OF 1320.12 FEET; THENCE NORTH 0 DEGREES 04' 40" WEST 988.36 FEET; THENCE NORTH 89 DEGREES 31' 04" EAST 1324.37 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 17; THENCE SOUTH ON SAID EAST LINE 988.30 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 17 AND THE PLACE OF BEGINNING.

CONTAINING 189.53 ACRES, MORE OR LESS.

SUBJECT TO THE RIGHTS OF THE PUBLIC AND OF ANY GOVERNMENTAL UNIT IN ANY PART THEREOF TAKEN, USED, OR DEEDED FOR STREET, ROAD, OR HIGHWAY PURPOSES.

THE SURVEY COMPLIES WITH THE REQUIREMENTS OF SECTION 3, P.A. 132 OF 1970 AS AMENDED.

THIS SURVEY WAS PERFORMED WITH AN ERROR OF CLOSURE NO GREATER THAN 1 IN 5000.

ASSUMED THE EAST LINE OF SAID SECTION 17 TO BEAR SOUTH.

LATERAL EXPANSION DISPOSAL AREA

PART OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 20 WEST, THREE OAKS TOWNSHIP, BERRIEN COUNTY, MICHIGAN, , MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 20--8--20; THENCE SOUTH 00 DEGREES 03 MINUTES 45 SECONDS WEST (BEARINGS BASED ON THE PUBLISHED LANDFILL COORDINATE SYSTEM), A DISTANCE OF 234.50 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 15 SECONDS WEST, 118.21 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 38 MINUTES 01 SECONDS WEST, 1203.90 FEET; THENCE S 00 DEGREES 48 MINUTES 04 SECONDS EAST, 402.70 FEET; THENCE SOUTH 48 DEGREES 45 MINUTES 30 SECONDS WEST, 422.82 FEET; THENCE SOUTH 18 DEGREES 08 MINUTES 48 SECONDS EAST, 441.28 FEET; THENCE SOUTH 12 DEGREES 20 MINUTES 48 SECONDS WEST, 452.99 FEET; THENCE SOUTH 00 DEGREES 24 MINUTES 58 SECONDS WEST, 465.94 FEET; THENCE SOUTH 03 DEGREES 12 MINUTES 00 SECONDS EAST, 254.03 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 1447.44 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 2278.84 FEET, TO THE POINT OF BEGINNING, CONTAINING 72.324 ACRES MORE OR LESS.

FUTURE CONSERVATION AREA

THAT PART OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 20 WEST, THREE OAKS TOWNSHIP, BERRIEN COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT ON THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 20 A DISTANCE OF 218.73 FEET SOUTH 0' 12' 02" WEST OF THE NORTH QUARTER CORNER OF SAID SECTION 20; THENCE EAST 789.93 FEET; THENCE SOUTH 17' 08' 58" EAST 484.02 FEET; THENCE SOUTH 25' 55' 16" WEST 480.29 FEET; THENCE SOUTH 8' 02' 34" EAST 579.48 FEET TO THE EAST AND WEST QUARTER LINE OF SAID SECTION 20; THENCE SOUTH 89' 27' 54" WEST ON SAID EAST AND WEST QUARTER LINE 831.84 FEET TO THE CENTER OF SAID SECTION 20; THENCE NORTH 0' 12' 02" EAST ON THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 20 A DISTANCE OF 2,420.53 FEET TO THE POINT OF BEGINNING.

CONTAINING 45.48 ACRES MORE OR LESS.

SUBJECT TO SURVEY.

SUBJECT TO THE RIGHTS OF PUBLIC AND OF ANY GOVERNMENTAL UNIT IN ANY PART THEREOF TAKEN, USED, OR DEED FOR STREET, ROAD, OR HIGHWAY PURPOSES.

ASSUMED THE SOUTH LINE OF SAID SECTION 17 TO BEAR SOUTH 89' 30' 57" WEST PER WRIGHTMAN & ASSOCIATES, INC. DRAWING NUMBER C-1871, DATED 3/31/98.

DATE 1/17/01
DWN DAP
APP DSV
REV
PROJECT NO.
801487

REPUBLIC SERVICES, INC.
FOREST LAWN LANDFILL
BERRIEN COUNTY, MICHIGAN

BOUNDARY SURVEY

**QUARTERLY REPORT
BERRIEN COUNTY LANDFILL USE FEE**

(VOLUME BASED)

(Report and payment are due no later than 30 days after the end of the quarter.)

LANDFILL NAME: _____ YEAR: 2001 QUARTER: _____

AREAS	Cu. Yd. SOLID WASTE	@ RATE PER Cu. Yd. *	= FEE DUE
ZONE 1 BERRIEN COUNTY	_____	\$.10	_____
ZONE 2 7 S.W. MI COUNTIES	_____	\$.20	_____
ST. JOSEPH & LaPORTE COs. (IN)	_____	\$.20	_____
ZONE 3 ALL OTHER	_____	\$.51	_____

TOTAL QUARTERLY FEE DUE: \$

VERIFIED BY: _____ DATE: _____

AUTHORIZED SIGNATURE

* To be adjusted annually, in accordance with paragraph 8.F. of this Agreement. The County will provide an updated report form annually.

**QUARTERLY REPORT
BERRIEN COUNTY LANDFILL USE FEE**

(WEIGHT BASED)

(Report and payment are due no later than 30 days after the end of the quarter.)

LANDFILL NAME: _____ YEAR: 2001 QUARTER: _____

AREAS	TONS SOLID WASTE	@ RATE PER TON *	= FEE DUE
ZONE 1 BERRIEN COUNTY	_____	\$.30	_____
ZONE 2 7 S.W. MI COUNTIES	_____	\$.60	_____
ST. JOSEPH & LaPORIE COs (IN)	_____	\$.60	_____
ZONE 3 ALL OTHER	_____	\$ 1.53	_____

TOTAL QUARTERLY FEE DUE: \$

VERIFIED BY: _____ DATE: _____

AUTHORIZED SIGNATURE

* To be adjusted annually, in accordance with paragraph B.F. of this Agreement. The County will provide an updated report form annually.

PROPERTY VALUE GUARANTEE PROGRAM LETTER AGREEMENT

Re: Property Value Agreement

Dear [Landowner]:

FLL, Inc. owns and operates the Forest Lawn Landfill in Three Oaks Township, Berrien County, Michigan. As part of a Landfill Use Agreement between FLL and the County of Berrien, FLL has agreed to guarantee the current value of your property, which has been determined by independent appraisal (appraiser jointly selected by FLL and landowner) to be \$_____, without regard to any proposed landfill expansions. Accordingly, FLL agrees that if and when you choose to sell your property to an unrelated third-party buyer, or if your property is otherwise transferred in an arms length transaction, and if the purchase price (not reduced by commissions, transfer taxes, or other closing costs or transaction costs) is less than the appraised amount set forth above, FLL will pay you the difference at the closing of your property sale. This property value guarantee shall continue as long as you own your property (and shall terminate on your transfer of the property). These rights are not assignable by you and do not apply to any property acquired by you after the date of this letter.

To accept this offer, please sign and return a copy of this letter to Manager, Forest Lawn Landfill, 8230 Forest Lawn Road, Three Oaks, Michigan 49128.

Very truly yours,

Forest Lawn Landfill

Accepted:

[Date]

[Landowner]

PARCELS TO BE INCLUDED IN THE PROPERTY VALUE GUARANTEE PROGRAM

The following properties shall be included in the Property Value Guarantee Program outlined in paragraph 16 L.

Berrien County Parcel Identification Number

11-20-0020-0001-02-1
11-20-0020-0003-07-4
11-20-0020-0003-08-2
11-20-0020-0003-09-1
11-20-0021-0013-01-9
11-20-0021-0013-03-5
11-20-0021-0013-06-0
11-20-0021-0013-09-4
11-20-0021-0014-01-5
11-20-0021-0014-02-3

**BERRIEN COUNTY, MICHIGAN
LANDFILL USE AGREEMENT**

This Agreement signed this 19th day of February, 2001 by and between the COUNTY OF BERRIEN, a Michigan municipal corporation with offices at 701 Main Street, St. Joseph, Michigan 49085 ("the County") and Landfill Management Company with offices at 5300 Miller Road, Kalamazoo, MI 49048 ("the Contractor").

BACKGROUND

Contractor is the operator of a landfill on certain property located in Berrien County. The County has established a Landfill Use Fund ("the Fund") to assure that the County will have sufficient funds to promote non-disposal options, monitor landfill use, promote the public health and well being throughout the County and implement the County's Solid Waste Management Plan as updated and approved by the Michigan DEQ ("the Plan"). The Fund is established for these purposes and shall be dedicated to carrying out the purposes set forth in this Agreement.

TERMS AND CONDITIONS OF AGREEMENT

In consideration of mutual promises set forth herein and for other good and valuable consideration, the parties agree as follows:

1. Landfill.

The Contractor currently owns and operates a Type II Landfill ("the Landfill") pursuant to the requirements of Part 115 of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, as amended, M.C.L. Sections 324.11501-324.11549 ("Part 115"). The Landfill is located on property in Berrien County, Michigan, and is more particularly described on Exhibit A, attached hereto. Exhibit A also sets forth the maximum volume of air space, expressed in cubic yards, by which the Landfill may be expanded during the term of this Agreement, except as otherwise described herein.

The Contractor agrees that it will not request any additional landfill expansion including acreage and/or airspace beyond that identified on Exhibit A prior to the termination of this Agreement, unless the expansion is supported by means of a resolution by the board of each municipality in which the expansion would occur

2. **Purpose of Agreement.**

The purpose of this Agreement is to protect the public health and environment, to provide for the regulation and management of solid wastes and to implement the Plan as updated.

3. **Representation by the Parties.**

The Contractor represents that it will use its best efforts to maintain all necessary licenses and permits required by Part 115, and that it will operate the Landfill in accordance with the Plan as updated, and all applicable laws, regulations, licenses and permits. Nothing contained in this Agreement shall limit or impair in any way the Contractor's right to comment on, oppose, or challenge the Plan or any proposed or final amendment thereto.

The County represents that it will keep the Plan in compliance with the terms of this Agreement, and will not approve a subsequent Plan update, which is inconsistent with this Agreement, as long as this Agreement is in effect. The County will encourage all local units of government in the County to have their solid waste disposed of in facilities located in the County.

It is expressly agreed that although this Agreement may be attached to the Plan, it is not a part of the Plan. However, future Plan updates, as approved by the DEQ, must be, and continue to be no more restrictive than this Agreement as to: (1) landfill expansion; (2) solid waste importation from outside Berrien County, as and to the extent stated in the Plan update dated June 1993; and (3) waste disposal volumes. If any DEQ approved or established Plan update is inconsistent on any of these issues, this Agreement is subject to renegotiation.

4. **Records.**

The Contractor shall keep records in compliance with MCL 324.11507a and MAC R299 4438. In addition, the Contractor shall keep any and all records necessary to verify any reporting made to the County under the terms of this Agreement. These records shall be maintained by the Contractor for not less than five years and shall be made available to the County for inspection upon request. The County agrees to keep all the information in the records confidential, except the geographic origin and volume of waste, to the extent that the County can do so consistent with its obligations under the Michigan Freedom of Information Act and other applicable law.

5. **Survey Control**

The Contractor shall establish an on-site permanent benchmark (for vertical and horizontal control) at the Landfill site. At least annually the County may prepare and pay for a topographic survey of the permitted disposal area.

6. **Definitions**

For the purposes of this Agreement, the following terms have the definitions indicated:

A. "Quarter": A three month segment of the year, divided as follows:

- (1) Quarter 1: January 1 - March 31
- (2) Quarter 2: April 1 - June 30
- (3) Quarter 3: July 1 - September 30
- (4) Quarter 4: October 1 - December 31

B. "Annual": The twelve consecutive months of January 1 through December 31.

C. "Solid Waste" shall have the meaning assigned to that term under Part 115.

7. **Landfill Monitoring Program**

- A. The Contractor agrees to allow the County from time-to-time to visually observe and review the Landfill's waste screening program, as required by the Administrative Rules of Part 115, or as maintained as part of the facility's operating record. This will include a review of records and observation of all procedures utilized in the Landfill's program. Its purpose is to determine the Landfill's compliance with state-mandated procedures, including actions taken when unpermitted materials are found in the waste being screened. The County will not attempt to perform the screening of waste loads. Any person conducting observations or review on behalf of the County will be specifically authorized by County resolution, and the Contractor will be entitled to request a copy of such resolution and positive identification of the individual before granting access to the Landfill. The County recognizes and agrees that any person acting on its behalf will hold all information and records obtained through such observation and review in confidence, subject only to the County's obligations under the Michigan Freedom of Information Act and other applicable law. The County's representative will not be entitled to take video, photographs or test samples without the prior written consent of the Contractor and shall not be entitled to continuous monitoring. Any observations and review will be conducted during normal business hours upon reasonable prior notice to the Landfill manager.

8. **Landfill Use Fee**

- A. From and after the execution of this Agreement, and so long as this Agreement remains in effect, the Contractor agrees to pay quarterly to the County a Landfill Use Fee, in lieu of any other landfill use-type fees or assessments which the County is authorized to levy during the term hereof. Landfill use-type fees or assessments does not refer to personal or real property taxes, or to other land ownership assessments (such as drains, sewage, etc.), if any, which must be paid by the landfill owners pursuant to the Michigan Constitution or statutes.

The Landfill Use Fee shall be paid at the following rate:

1. 10¢ per cubic yard of solid waste originating in Berrien County (Zone 1).
2. 20¢ per cubic yard of solid waste originating in Van Buren, Cass, Allegan, St. Joseph, Kalamazoo, Branch and Calhoun Counties in Michigan, and St. Joseph and LaPorte Counties in Indiana (Zone 2).
3. 51¢ per cubic yard of solid waste originating from outside Zone 1 or Zone 2 (Zone 3).

B. If the Contractor changes the method of acceptance of solid waste to weight (not volume), for the purposes of this Agreement, the Contractor agrees to pay the County a Landfill Use Fee at the following rate:

1. 30¢ per ton of solid waste originating in Berrien County (Zone 1).
2. 60¢ per ton of solid waste originating in Van Buren, Cass, Allegan, St. Joseph, Kalamazoo, Branch and Calhoun Counties in Michigan, and St. Joseph and LaPorte Counties in Indiana (Zone 2).
3. \$1.53 per ton of solid waste originating from outside Zone 1 or Zone 2 (Zone 3).

C. If the Contractor uses weight (and not volume) to calculate the Landfill Use Fee, the record of weight shall be used to calculate the Landfill Use Fee payable to the County.

D. The terms "cubic yards" or "tons" as used herein shall mean the number of cubic yards or tons of solid waste which the Contractor received for disposal in the Landfill. The Contractor agrees to exclusively use either a volume based or weight based method for reporting quantities of solid waste to the County on no less than an annual basis.

E. The Landfill Use Fee, as specified in this Paragraph 8, shall be payable based upon the actual volume (cubic yards) or weight (tons) of solid waste received for disposal in the Landfill. The Landfill Use Fee shall be payable on all solid waste received for disposal in the Landfill, including solid waste that is approved by the DEQ for use in haul roads.

located within the solid waste disposal area boundary, landfill construction, cover or capping and compostable materials other than yard waste. The Landfill Use Fee shall not be payable on yard waste that is composted or materials that are recycled and not deposited in the Landfill. For the purposes of determining the Landfill Use Fee under this Paragraph, a waste shall be deemed to have originated at the place where the waste was generated (i.e., where the waste became a waste), and a waste that is delivered to the Landfill from a solid waste transfer station shall not be deemed to have originated at the transfer station.

- F. Beginning January 1, 2002, and annually thereafter, the fees specified in subparagraphs A and B above will be increased or decreased by the same percentage, rounded to the nearest whole cent, as the last published Consumers Price Index for "All Urban Consumers" as reported by the Bureau of Labor Statistics, U.S. Department of Labor.
- G. Notwithstanding anything in this Agreement to the contrary, all Landfill Use Fees which are paid by the Contractor under this Agreement, beginning on the date this Agreement takes effect, shall be deposited by the County into an escrow account at a commercial banking institution, where such funds shall remain until the next time that the Michigan DEQ either approves or disapproves an updated Plan. If the Michigan DEQ approves or establishes an updated Plan which includes: (i) expansion areas consistent with this Agreement; (ii) the importation of out-of-county solid waste no more restrictive than this Agreement, as and to the extent stated in the Plan update dated June 1993; and (iii) no restrictions on waste volumes any more restrictive than those in existence on the date of this Agreement; then the escrowed Landfill Use Fees may thereupon be released and used by the County in accordance with applicable law and this Agreement.

If any Berrien County Solid Waste Management Plan approved or established by the Michigan DEQ is inconsistent with this Agreement on any of the issues described in (i), (ii) and (iii) above, this Agreement shall be subject to renegotiation. All Landfill Use Fees paid by the Contractor during the negotiating period shall be held in escrow, in

the manner described in the preceding paragraph, until a satisfactory agreement is executed between the Contractor and the County.

If the parties are unable to negotiate a mutually acceptable modification within six months after the approval or establishment of the inconsistent Plan (which six-month period may be extended by mutual agreement of the parties), then (A) this Agreement shall be deemed to have been terminated by the mutual consent of the parties pursuant to paragraph 14 as of the expiration of the negotiation period, and (B) all Landfill Use Fees paid by the Contractor from the effective date of this Agreement through the end of the negotiation period shall be released from the escrow and disbursed to the Contractor.

The Contractor's obligation to pay Landfill Use Fees hereunder is subject to and contingent upon the County's continuing compliance with and satisfaction of the terms and conditions of this Agreement.

9. Fund Payments.

- A.** The Contractor shall forward to the County the quarterly Landfill Use Fee not later than the 30th day following the quarter in which fees were collected.
- B.** With each quarterly Landfill Use Fee payment, the Contractor shall submit to the County a statement signed by an officer of the Contractor in form and substance of Exhibit B attached hereto certifying the total volume or weight, by zone, of solid waste received by the Contractor which the Contractor is required to pay a fee during that quarter pursuant to Paragraph 8.
- C.** The Contractor shall provide access to representatives of the County, at all reasonable times, as to permit the County to inspect the receipt of solid waste and the corresponding record-keeping methodology, and to verify compliance with this Agreement.
- D.** If the Contractor fails to make a timely payment of the Landfill Use Fee, the Contractor shall pay interest on the unpaid amount due at the rate of 1.5% per month (18% per annum). In addition, a material breach of this contract will occur if the Contractor is more than 90 days delinquent in forwarding the quarterly Landfill Use Fee to the County.

10. **Maintenance and Management of Fund.**

Subject to paragraph 8(G) above, the County shall deposit all Landfill Use Fees collected pursuant to this Agreement into the Fund. The County shall hold the Fund in separate accounts, which shall not be commingled with the general funds or other funds of the County. The Fund shall be managed and applied in accordance with the Landfill Use Fund Regulations.

Within 90 days following the close of each fiscal year (or portion thereof) of the County, that begins or ends while this Agreement is in effect, the County shall distribute from the Landfill Use Fund and pay over to the impacted communities of Watervliet Township and Coloma Township a minimum of 15% of all Landfill Use Fees collected from Orchard Hill Landfill (5% to the host community and 10% to the other community). The County shall not adopt or modify any Landfill Use Fund regulations inconsistent with this Agreement. This paragraph shall not be construed to relieve the Contractor from any impact fees imposed pursuant to MCL 324.11532 (4). The percentage allocated to the local unit under this paragraph shall be open to modification if the fee schedule outlined in paragraph 8 is changed.

Pursuant to the Landfill Use Fund Regulations as in effect on the date of the Agreement, the Berrien County Board of Commissioners (the "Board") may, by a majority vote, and in its sole discretion, change the percentages specified in the Regulations for allocating the Fund. While this Agreement remains in effect, the County will deliver written notice to the Contractor not less than 30 days before any meeting of the Board at which the Board will consider or act upon any proposed amendment of the Landfill Use Fund Regulations, including any amendment of the Fund allocation provisions thereof.

11. **Successors**

The following limitations shall apply to any transfer of the Contractor's interest in the Landfill for operation as a landfill:

- A. **Sale or Lease.** The Contractor shall not sell or lease the Landfill as a landfill or permit another party to operate the Landfill, unless the Contractor requires that its successor, assignee or lessee agree, in writing, to be bound by the terms of this Agreement.

- B** Restrictive Covenant. The Contractor shall execute an instrument which imposes a restrictive covenant upon parcels A,B and C as described on Exhibit A. When the State issues an operating license for any portion of parcel D, as described on Exhibit A, the Contractor will execute an instrument, which imposes a restrictive covenant upon that portion of parcel D. The restrictive covenant shall be recorded with the Berrien County Register of Deeds. The restrictive covenant shall run for the term of this Agreement and shall require that all owners, lessees or users of the Landfill as a landfill and their successors, assigns, heirs and lessees and all employees, agents or servants of the foregoing, comply with and be bound by the terms of this Agreement in all dealings with the site as a landfill. The restrictive covenant shall terminate when this Landfill Use Agreement terminates and it shall so state in the restrictive covenant.

12. Acceptance of Berrien County Waste.

The Contractor agrees to accept in its landfill all solid waste permitted by Part 115 and relevant licenses thereunder and which is generated within the borders of Berrien County, provided the hauler pays the applicable tipping fee and otherwise complies with reasonable operational controls and requirements imposed by the Contractor.

13. Size of Landfill.

- A.** The County agrees to issue a letter of consistency for any one or more proposed expansions of the Landfill within the property described on Exhibit A (including up to 13.9 million cubic yards of disposal capacity for a lateral expansion on Parcel D), provided that the County has received drawings showing that the proposed expansion is in accordance with this Agreement and the Plan. Consistent with Paragraph 3 above, this Agreement is based upon the mutual understanding of the Contractor and the County that the Plan will be amended and approved as contemplated hereby.
- B.** The County agrees that every future update of the Plan will include all Landfill expansions that are also reflected in any preceding Plan or update, including expansions described or referred to in this Agreement.

- C. The County's agreement to issue a letter of consistency and include the proposed expansion in future Plan updates as set forth above shall not constitute a guarantee by the County that a construction permit or operating license for the proposed expansion shall be issued by the Michigan DEQ.

14. **Term.**

This Agreement takes effect on the first day of the month immediately following the month in which this agreement and the County's Landfill Use Agreements with Forest Lawn Landfill and the Southeast Berrien County Landfill Authority are executed in accordance with Paragraph 16 (I), and shall remain in effect for the life of the Landfill, as described in Exhibit A. The Agreement may be terminated earlier only by mutual consent or pursuant to Paragraph 1 or Paragraph 8(G) above.

At the termination of this Agreement as provided in this Paragraph [14], the Contractor and the County shall be returned to the status quo and shall be restored to all rights and remedies which they had in the absence of this Agreement, unless the parties reach a new written Agreement. It is agreed and understood that, except as specifically provided in Paragraph 8(G) above, under no circumstances shall the County be obligated or required to return any amount paid by the Contractor as Landfill Use Fees pursuant to this Agreement, even if the Agreement is terminated and/or modified pursuant to the provisions of the Agreement. All amounts paid by the Contractor to the County as Landfill Use Fees shall be retained by the County except as otherwise ordered by a court or otherwise provided herein.

Further, upon termination of this Agreement, all representations of the County with respect to future Plan updates shall terminate and nothing herein shall be deemed to limit the right of the County to take actions it deems appropriate in future Plan updates or in any amendment to its Plan.

15. **Modifications.**

This Agreement may not be modified, amended or altered except by means of a written instrument executed by the County and the Contractor.

16. Miscellaneous.

- A. Benefit and Assignment This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Except as otherwise specified herein, neither party may assign any of its rights or delegate its duties under this Agreement without prior written consent of the other party, which consent will not unreasonably be withheld.
- B. Entire Agreement This writing and the attached Exhibits contain the entire Agreement between the parties with respect to the matters described herein and are a complete and exclusive statement of the terms thereof and supersede all previous agreements.
- C. Invalidity The invalidity of any provision of this Agreement shall not affect the validity of the remainder of any such provision or the remaining provisions of this Agreement.
- D. Interpretation The paragraph headings and background included in the Agreement have been used solely for convenience and shall not be used in conjunction with the interpretation of this Agreement.
- E. Waiver The failure of either party at any time to require performance by the other party of any provision of this Agreement shall not be deemed a continuing waiver of that provision or a waiver of any other provision of this Agreement and shall in no way affect the full right to require such performance from the other party at any time thereafter.
- F. Notices All notices or communications required or permitted to be given hereunder shall be deemed given when personally delivered or on the second succeeding business day after being mailed by registered or certified mail, return receipt requested, to the appropriate party at its address set forth at the beginning of this Agreement, or at such other address as shall be specified by notice given hereunder.
- G. Authority Each party has full power and authority to enter into and perform this Agreement, and the person signing this Agreement on behalf of each has been properly authorized and empowered to enter into this Agreement. Each party further acknowledges that it has read this Agreement, understands it and agrees to be bound by it.
- H. Counterparts This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original.

- I. Property Value Guarantee Program. Contractor agrees use best efforts in good faith to enter into property value guarantee letter agreements (Exhibit C) with the affected landowners identified by the County (Exhibit D), in the form attached hereto.
- J. Amendment and Restatement. This Agreement modifies and amends the prior agreement dated March 4, 1994 between the parties, which shall continue and remain in full force and effect, as modified and restated in this Agreement.
- K. Relationship to Other Landfill Use Agreements This Agreement and the Contractor's obligations hereunder are contingent upon the execution of Landfill Use Agreements between the County and each of Forest Lawn Landfill and the Southeast Berrien County Landfill Authority in the forms in which such agreements were presented to the Contractor for the purposes of its approval of this Agreement. If such agreements are amended in any material respect from the forms presented to the Contractor, as described above, the Contractor shall be entitled to terminate this Agreement by written notice to the County.

IN WITNESS HEREOF, the parties have signed this Agreement on the day and year first set forth above.

COUNTY OF BERRIEN

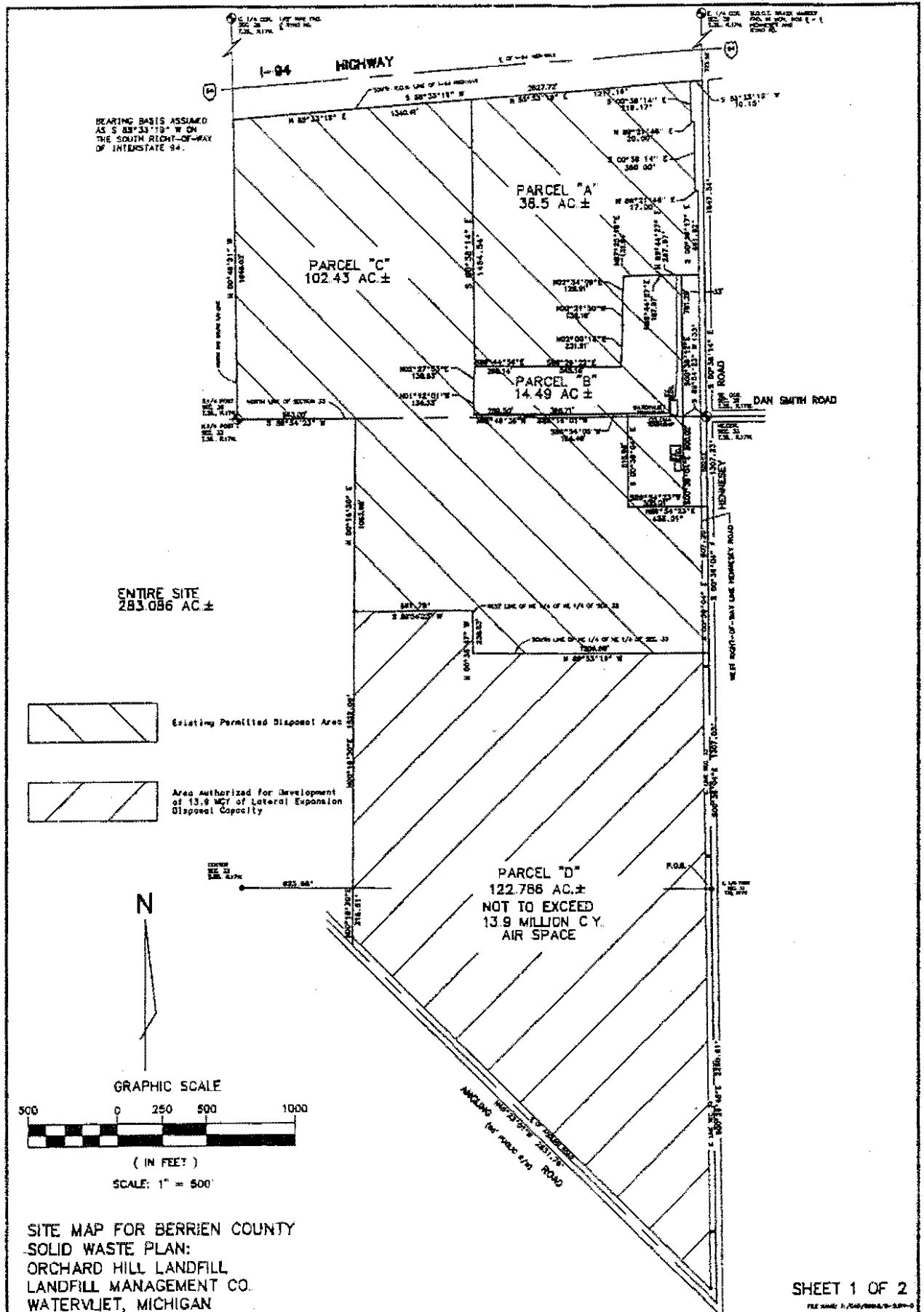
By: Richard Bartz
Richard Bartz,
Chairperson of the Board

By: M. Louise Stine
Louise Stine,
County Clerk

LANDFILL MANAGEMENT COMPANY

By: John Balkema
[name] John Balkema
[title] President

Attest: Ralph Balkema
[name] Ralph Balkema
[title] Vice President



SHEET 1 OF 2

FILE NAME: 17040/00000-0-000-0



ARCHITECTS
ENGINEERS
PLANNERS
SURVEYORS

GOVE ASSOCIATES, INC.

1601 Portage Street
Kalamazoo, Michigan
(816) 385-0011

SCALE: 1" = 500' 01/04/01
DRAWN BY: BPT
CHECKED BY: J.E.S.
APPROVED BY: J.E.S. 1-4-01

PROJECT
NUMBER
B9518-9



OVERALL PARCEL DESCRIPTION

DECEMBER 27, 2000

A parcel of land that is part of Sections 28 and 33 in Town 3 South, Range 17 West, Coloma and Watervliet Townships, Berrien County, Michigan described as:

Beginning at the Section Corner common to Sections 27, 28, 33 and 34 in Town 3 South, Range 17 West, Berrien County, Michigan; thence N00°38'14"W 1847.34 feet along the East Line of Section 28 to the South Right-of-Way Line of Interstate Highway I-94; thence S85°33'19"W 2627.72 feet along said south line to the North and South 1/4 Line of said section 28; thence S00°48'21"E 1848.03 feet along said line to the 1/4 Corner common to aforementioned sections 28 and 33; thence N89°54'23"E 583.00 feet along the section line common to said sections; thence S00°18'30"W 2912.55 feet to the centerline of Angling Road; thence S45°23'01"E along said centerline, 2831.78 feet to the east line of said section 33; thence N00°26'48"W, along said east line of said section 33, 2290.61 feet to the east quarter post of said section 33; thence N00°39'04"W 2614.26 feet, along said east line to the Section Corner common to Sections 27, 28, 33 and 34 and the Point of Beginning. Containing 283.086 acres more or less and excepting all easements and restrictions of record, if any.

DESCRIPTION PARCEL "A"

MAY 12, 1993

A parcel of land that is part of Sections 28 in Town 3 South, Range 17 West, Watervliet Township, Berrien County, Michigan described as:

Commencing at the Southeast corner of Section 28, Town 3 South, Range 17 West, Berrien County, Michigan; thence N00°38'14"W 1847.34 feet along the East Line of section 28; thence S85°33'19"W 70.15 feet along the South Right-of-Way of Interstate 94 to the Point of Beginning; thence S00°38'14"E 219.17 feet; thence N89°21'46"E 20.00 feet; thence S00°38'14"E 380.00 feet; thence N89°21'46"E 17.00 feet; thence S00°38'17"E 461.62 feet; thence S89°44'27"W 287.97 feet; thence S87°25'18"W 131.84 feet; thence S02°34'09"W 129.91 feet; thence S00°21'50"E 136.19 feet; thence S02°00'18"W 231.91 feet; thence N89°26'22"W 545.16 feet; thence N89°44'56"W 288.14 feet; thence N00°38'14"W 1464.54 feet; thence N85°33'19"E 1217.16 feet along the South Right-of-Way of Interstate 94 to the Point of Beginning. Containing 38.5 acres more or less and subject to all easements and restrictions, if any.

DESCRIPTION PARCEL "B"

APRIL 8 1992

A parcel of land that is part of Sections 28 and 33 in Town 3 South, Range 17 West, Coloma and Watervliet Townships, Berrien County, Michigan described as:

Commencing at the Northeast corner of Section 33, Town 3 South, Range 17 West, Berrien County, Michigan; thence S89°54'23"W 133.00 feet along the North Line of said section to the Point of Beginning; thence S00°39'04"E 500.02 feet; thence S89°54'23"W 305.01 feet; thence N00°39'04"W 515.98 feet; thence S89°34'05"W 164.49 feet; thence S89°18'01"W 398.71 feet; thence N89°46'38"W 289.30 feet; thence N01°12'01"W 134.33 feet; thence N02°27'53"E 135.83 feet; thence S89°44'56"E 288.14 feet; thence S89°26'22"E 545.16 feet; thence N02°00'18"E 231.91 feet; thence N00°21'50"W 136.19 feet; thence N02°34'09"E 129.91 feet; thence N87°25'18"E 131.84 feet; thence N89°44'27"E 187.97 feet; thence S00°38'12"E 781.29 feet to the North Line of Section 33, Town 3 South, Range 17 West and the Point of Beginning. Containing 14.49 acres and subject to all easements and restrictions, if any.

DESCRIPTION PARCEL "C"

October 27, 1992

A parcel of land that is part of Sections 28 and 33 in Town 3 South, Range 17 West, in Coloma and Watervliet Townships Berrien County, Michigan described as:

Commencing at the Section Corner common to Sections 27, 28, 33 and 34 in Town 3 South, Range 17 West, Berrien County, Michigan; thence S00°39'04"E 500.03 feet along the east line of said Section 33 to the Point of Beginning; thence continuing along said line S00°39'04"E 807.20 feet to the South Line of the NE 1/4 of the NE 1/4 of said section; thence N89°53'19"W 1309.59 feet along said line to the West Line of the NE 1/4 of the NE 1/4 of said section; thence N00°35'47"W 238.53 feet along said line; thence S89°54'23"W 661.78 feet; thence N00°18'30"E 1063.98 feet to the section line common to aforementioned Sections 33 and 28; thence S89°54'23"W 663.00 feet along said section line to the 1/4 corner common between said sections; thence N00°48'21"W 1848.03 feet along the North/South 1/4 line of said Section 28 to the South Right-of-Way of Interstate 94; thence N85°33'19"E 1340.41 feet along said south line; thence S00°38'14"E 1464.54 feet; thence S02°27'53"W 136.83 feet; thence S01°12'01"E 134.33 feet; thence S89°46'38"E 289.50 feet; thence N89°18'01"E 398.71 feet; thence N89°34'05"E 164.49 feet; thence S00°39'04"E 515.98 feet; thence N89°54'23"E 438.01 feet to the East line of said Section 33 and the Point of Beginning. Containing 102.43 acres more or less and subject to all easements and restrictions of record, if any.

DESCRIPTION PARCEL "D"

December 27, 2000

A parcel of land situated in Coloma Township, Berrien County, Michigan being described as:

Beginning at the east quarter post of Section 33, Town 3 South, Range 17 West and running thence South 00°26'48" East along the east line of said section, 2290.61 feet to the centerline of Angling Road; thence North 45°23'01" West along said centerline, 2831.78 feet; thence North 00°18'30" East 318.51 feet to the east and west quarter line of said section; thence continuing North 00°18'30" East 1532.06 feet; thence North 89°54'23" East 661.78 feet to the west line of the northeast quarter of the northeast quarter of said section; thence South 00°35'47" East along said line, 238.53 feet to the south line of the northeast quarter of the northeast quarter of said section; thence South 89°53'19" East along said line, 1309.59 feet to the east line of said section; thence South 00°39'04" East along said line, 1307.03 feet to the Point of Beginning, containing 122.786 acres, the easterly and southerly 33.00 feet thereof being subject to use for county highway right-of-way purposes.

SITE MAP FOR BERRIEN COUNTY
SOLID WASTE PLAN:
ORCHARD HILL LANDFILL
LANDFILL MANAGEMENT CO.
WATERVLIET, MICHIGAN

SHEET 2 OF 2



ARCHITECTS
ENGINEERS
PLANNERS
SURVEYORS

GOVE ASSOCIATES, INC.

1601 Portage Street
Kalamazoo, Michigan
(616) 385-0011

SCALE: 1" = 500'
DRAWN BY:
CHECKED BY:
APPROVED BY: J.E.B.

01/04/01
BPT
J.E.B.
1-4-01

PROJECT
NUMBER
B9618-9



**QUARTERLY REPORT
BERRIEN COUNTY LANDFILL USE FEE**

(VOLUME BASED)

(Report and payment are due no later than 30 days after the end of the quarter.)

LANDFILL NAME: _____ YEAR: 2001 QUARTER: _____

AREAS	Cu. Yd. SOLID WASTE	@ RATE PER Cu. Yd. *	= FEE DUE
ZONE 1 BERRIEN COUNTY	_____	\$.10	_____
ZONE 2 7 S.W. MI COUNTIES	_____	\$.20	_____
ST. JOSEPH & LaPORTE COs. (IN)	_____	\$.20	_____
ZONE 3 ALL OTHER	_____	\$.51	_____

TOTAL QUARTERLY FEE DUE: \$

VERIFIED BY: _____ DATE: _____

AUTHORIZED SIGNATURE

* To be adjusted annually, in accordance with paragraph 8.F of this Agreement. The County will provide an updated report form annually.

**QUARTERLY REPORT
BERRIEN COUNTY LANDFILL USE FEE**

(WEIGHT BASED)

(Report and payment are due no later than 30 days after the end of the quarter)

LANDFILL NAME: _____ YEAR: 2001 QUARTER: _____

AREAS	TONS SOLID WASTE	@ RATE PER TON *	= FEE DUE
ZONE 1 BERRIEN COUNTY	_____	\$ 30	_____
ZONE 2 7 S.W. MI COUNTIES	_____	\$.60	_____
ST. JOSEPH & LaPORTE COs. (IN)	_____	\$.60	_____
ZONE 3 ALL OTHER	_____	\$ 1.53	_____

TOTAL QUARTERLY FEE DUE: \$

VERIFIED BY: _____ DATE: _____

AUTHORIZED SIGNATURE

* To be adjusted annually, in accordance with paragraph 8 F of this Agreement. The County will provide an updated report form annually

PROPERTY VALUE GUARANTEE PROGRAM LETTER AGREEMENT

Re: Property Value Agreement

Dear [Landowner]:

Landfill Management Company owns and operates the Orchard Hill Landfill in Watervliet and Coloma Townships of Berrien County, Michigan. As part of a Landfill Use Agreement between Landfill Management Company and the County of Berrien, Landfill Management Company has agreed to guarantee the current value of your property, which has been determined by independent appraisal (appraiser jointly selected by Landfill Management Company and landowner) to be \$_____, without regard to any proposed landfill expansions. Accordingly, Landfill Management Company agrees that if and when you choose to sell your property to an unrelated third-party buyer, or if your property is otherwise transferred in an arms length transaction, and if the purchase price (not reduced by commissions, transfer taxes, or other closing costs or transaction costs) is less than the appraised amount set forth above, Landfill Management Company will pay you the difference at the closing of your property sale. This property value guarantee shall continue as long as you own your property (and shall terminate on your transfer of the property). These rights are not assignable by you and do not apply to any property acquired by you after the date of this letter.

To accept this offer, please sign and return a copy of this letter to Manager, Orchard Hill Landfill, 3290 Hennessey Road, Watervliet, Michigan 49001.

Very truly yours,

Orchard Hill Landfill

Accepted:

[Date]

[Landowner]

PARCELS TO BE INCLUDED IN THE PROPERTY VALUE GUARANTEE PROGRAM

The following properties shall be included in the Property Value Guarantee Program outlined in paragraph 16. I.

Berrien County Parcel Identification Number

11-08-0033-0017-01-7
11-08-0033-0010-00-4
11-08-0033-0003-00-8
11-08-0033-0015-04-9

**BERRIEN COUNTY, MICHIGAN
LANDFILL USE AGREEMENT**

This Agreement signed this 27 day of February, 2001 by and between the COUNTY OF BERRIEN, a Michigan municipal corporation with offices at 701 Main Street, St. Joseph, Michigan 49085 ("the County") and the SOUTHEAST BERRIEN COUNTY LANDFILL AUTHORITY, a municipal authority, with offices at 3200 Chamberlain Road, Post Office Box 142, Buchanan, MI 49107 ("the Authority").

BACKGROUND

Authority is the operator of a landfill on certain property located in Berrien County. The County has established a Landfill Use Fund ("the Fund") to assure that the County will have sufficient funds to promote non-disposal options, monitor landfill use, promote the public health and well being throughout the County and implement the County's Solid Waste Management Plan as updated and approved by the Michigan DEQ ("the Plan"). The Fund is established for these purposes and shall be dedicated to carrying out the purposes set forth in this Agreement.

TERMS AND CONDITIONS OF AGREEMENT

In consideration of mutual promises set forth herein and for other good and valuable consideration, the parties agree as follows:

1. Landfill.

The Authority currently owns and operates a Type II Landfill ("the Landfill") pursuant to the requirements of Part 115 of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, as amended, M.C.L. Sections 324.11501-324.11549 ("Part 115"). The Landfill is located on property in Bertrand Township, Berrien County, Michigan, and is more particularly described on Exhibit A, attached hereto. Exhibit A also sets forth the maximum volume of air space, expressed in cubic yards, by which the Landfill may be expanded during the term of this Agreement, except as otherwise described herein.

The Authority agrees that it will not seek a permit to construct any solid waste disposal areas located beyond the boundaries of the property described on Exhibit A, or in excess of the volume of air space described on Exhibit A, prior to the termination of this Agreement or January 1, 2011, whichever comes first, unless (i) the Authority has less than four years of life remaining at the Landfill (calculated by dividing the Landfill's air space capacity at that time by the annual intake at the Landfill averaged over the time period from the effective date of this Agreement through the date of the request), or (ii) another landfill located in the County applies for or is granted any air space beyond the areas and/or volumes initially designated in a Landfill Use Agreement between that landfill and the County (specifically, 13.9 million cubic yards each in the cases of Forest Lawn Landfill and Orchard Hill Landfill). If the Authority breaches its covenant set forth in the preceding sentence, the County shall be authorized to negotiate higher contractual air space limitations with Forest Lawn Landfill and Orchard Hill Landfill. If the County issues a letter of consistency in support of a construction permit application filed by another landfill located in the County during the term of this Agreement for air space beyond the areas and/or volumes initially designated in a Landfill Use Agreement with the County, in the form in which such agreement was presented to the Authority for the purposes of its approval of this Agreement, the Authority shall have the option either to (A) receive a letter of consistency for an equal amount of air space applied for by the Landfill pursuant to subparagraph (ii) above, which the County shall issue in timely support of the Authority's application; or (B) terminate this Agreement by delivering to the County written notice of termination pursuant to this Paragraph.

2. **Purpose of Agreement.**

The purpose of this Agreement is to protect the public health and environment, to provide for the regulation and management of solid wastes and to implement the Plan as updated.

3. **Representation by the Parties.**

The Authority represents that it will use its best efforts to maintain all necessary licenses and permits required by Part 115, and that it will operate the Landfill in accordance with the Plan as updated, and all applicable laws, regulations, licenses and permits. Nothing contained in this Agreement shall limit or impair in any way the Authority's right to comment on, oppose, or challenge the Plan or any proposed or final amendment thereto.

The County represents that it will keep the Plan in compliance with the terms of this Agreement, and will not approve a subsequent Plan update, which is inconsistent with this Agreement, as long as this Agreement is in effect. The County will encourage all local units of government in the County to have their solid waste disposed of in facilities located in the County.

It is expressly agreed that although this Agreement may be attached to the Plan, it is not a part of the Plan. However, future Plan updates, as approved by the DEQ, must be, and continue to be no more restrictive than this Agreement as to: (1) landfill expansion; (2) solid waste importation from outside Berrien County, as and to the extent stated in the Plan update dated June 1993; and (3) waste disposal volumes. If any DEQ approved or established Plan update is inconsistent on any of these issues, this Agreement is subject to renegotiation.

4. Records.

The Authority shall keep records in compliance with MCL 324.11507a and MAC R299.4438. In addition, the Authority shall keep any and all records necessary to verify any reporting made to the County under the terms of this Agreement. These records shall be maintained by the Authority for not less than five years and shall be made available to the County for inspection upon request. The County agrees to keep all the information in the records confidential, except the geographic origin and volume of waste, to the extent that the County can do so consistent with its obligations under the Michigan Freedom of Information Act and other applicable law.

5. Survey Control

The Authority shall establish an on-site permanent benchmark (for vertical and horizontal control) at the Landfill site. At least annually the County shall prepare and pay for a topographic survey of the permitted disposal area. A copy of the survey shall be delivered to the Authority in digital format as specified by the Authority.

6. **Definitions**

For the purposes of this Agreement, the following terms have the definitions indicated:

- A. "Quarter": A three month segment of the year, divided as follows:
 - (1) Quarter 1: January 1 - March 31
 - (2) Quarter 2: April 1 - June 30
 - (3) Quarter 3: July 1 - September 30
 - (4) Quarter 4: October 1 - December 31
- B. "Annual": The twelve consecutive months of January 1 through December 31.
- C. "Solid Waste" shall have the meaning assigned to that term under Part 115.

7. **Landfill Monitoring Program**

- A. The Authority agrees to allow the County from time-to-time to visually observe and review the Landfill's waste screening program, as required by the Administrative Rules of Part 115, or as maintained as part of the facility's operating record. This will include a review of records and observation of all procedures utilized in the Landfill's program. Its purpose is to determine the Landfill's compliance with state-mandated procedures, including actions taken when unpermitted materials are found in the waste being screened. The County will not attempt to perform the screening of waste loads. Any person conducting observations or review on behalf of the County will be specifically authorized by County resolution, and the Authority will be entitled to request a copy of such resolution and positive identification of the individual before granting access to the Landfill. The County recognizes and agrees that any person acting on its behalf will hold all information and records obtained through such observation and review in confidence, subject only to the County's obligations under the Michigan Freedom of Information Act and other applicable law. The County's representative will not be entitled to take video, photographs or test samples without the prior written consent of the Authority and shall not be entitled to continuous monitoring. Any observations and review will be conducted during normal business hours upon reasonable prior notice to the Landfill manager.

8. Landfill Use Fee

A. From and after the execution of this Agreement, and so long as this Agreement remains in effect, the Authority agrees to pay quarterly to the County a Landfill Use Fee, in lieu of any other landfill use-type fees or assessments which the County is authorized to levy during the term hereof. Landfill use-type fees or assessments does not refer to personal or real property taxes, or to other land ownership assessments (such as drains, sewage, etc.), if any, which must be paid by the landfill owners pursuant to the Michigan Constitution or statutes. The Landfill Use Fee shall be paid at the following rate, subject to Paragraph 11(A) of this Agreement:

1. 0¢ per cubic yard of solid waste originating in the City of Niles, City of Buchanan, Niles Township, Bertrand Township and Buchanan Township (Zone 0).
2. 10¢ per cubic yard of solid waste originating in Berrien County outside of Zone 0 (Zone 1).
3. 20¢ per cubic yard of solid waste originating in Van Buren, Cass, Allegan, St. Joseph, Kalamazoo, Branch and Calhoun Counties in Michigan, and St. Joseph and LaPorte Counties in Indiana (Zone 2).
4. 51¢ per cubic yard of solid waste originating from outside Zone 0, 1 or 2 (Zone 3).

B. If the Authority changes the method of acceptance of solid waste to weight (not volume), for the purposes of this Agreement, the Authority agrees to pay the County a Landfill Use Fee at the following rate, subject to Paragraph 11(A) of this Agreement:

1. 0¢ per ton of solid waste originating in the City of Niles, City of Buchanan, Niles Township, Bertrand Township and Buchanan Township (Zone 0)
2. 30¢ per ton of solid waste originating in Berrien County outside of Zone 0 (Zone 1).

3. 60¢ per ton of solid waste originating in Van Buren, Cass, Allegan, St. Joseph, Kalamazoo, Branch and Calhoun Counties in Michigan, and St. Joseph and LaPorte Counties in Indiana (Zone 2).
 4. \$1.53 per ton of solid waste originating from outside Zone 0,1 or 2 (Zone 3).
- C. If the Authority uses weight (and not volume) to calculate the Landfill Use Fee, the record of weight shall be used to calculate the Landfill Use Fee payable to the County.
- D. The terms “cubic yards” or “tons” as used herein shall mean the number of cubic yards or tons of solid waste which the Authority received for disposal in the Landfill. The Authority agrees to exclusively use either a volume based or weight based method for reporting quantities of solid waste to the County on no less than an annual basis.
- E. The Landfill Use Fee, as specified in this Paragraph 8, shall be payable based upon the actual volume (cubic yards) or weight (tons) of solid waste received for disposal in the Landfill. The Landfill Use Fee shall be payable on all solid waste received for disposal in the Landfill, including solid waste that is approved by the DEQ for use in haul roads located within the solid waste disposal area boundary, landfill construction, cover or capping and compostable materials other than yard waste. The Landfill Use Fee shall not be payable on yard waste that is composted or materials that are recycled and not deposited in the Landfill. For the purposes of determining the Landfill Use Fee under this Paragraph, a waste shall be deemed to have originated at the place where the waste was generated (i.e., where the waste became a waste), and a waste that is delivered to the Landfill from a solid waste transfer station shall not be deemed to have originated at the transfer station.
- F. Beginning January 1, 2002, and annually thereafter, the fees specified in subparagraphs A and B above will be increased or decreased by the same percentage, rounded to the nearest whole cent, as the last published Consumers Price Index for “All Urban Consumers” as reported by the Bureau of Labor Statistics, U.S. Department of Labor.

G. Notwithstanding anything in this Agreement to the contrary, all Landfill Use Fees which are paid by the Authority under this Agreement shall be deposited by the County into an escrow account at a commercial banking institution, where such funds shall remain until the next time that the Michigan DEQ either approves or disapproves an updated Plan. If the Michigan DEQ approves or establishes an updated Plan which includes: (i) expansion areas consistent with this Agreement; (ii) the importation of out-of-county solid waste no more restrictive than this Agreement, as and to the extent stated in the Plan update dated June 1993; and (iii) no restrictions on waste volumes any more restrictive than those in existence on the date of this Agreement; then the escrowed Landfill Use Fees may thereupon be released and used by the County in accordance with applicable law and this Agreement.

If any Berrien County Solid Waste Management Plan approved or established by the Michigan DEQ is inconsistent with this Agreement on any of the issues described in (i), (ii) and (iii) above, this Agreement shall be subject to renegotiation. All Landfill Use Fees paid by the Authority during the negotiating period shall be held in escrow, in the manner described in the preceding paragraph, until a satisfactory agreement is executed between the Authority and the County.

If the parties are unable to negotiate a mutually acceptable modification within six months after the approval or establishment of the inconsistent Plan (which six-month period may be extended by mutual agreement of the parties), then (A) this Agreement shall be deemed to have been terminated by the mutual consent of the parties pursuant to paragraph 14 as of the expiration of the negotiation period, and (B) all Landfill Use Fees paid by the Authority from the effective date of this Agreement through the end of the negotiation period shall be released from the escrow and disbursed to the Authority.

The Authority's obligation to pay Landfill Use Fees hereunder is subject to and contingent upon the County's continuing compliance with and satisfaction of the terms and conditions of this Agreement.

9. **Fund Payments.**

- A. The Authority shall forward to the County the quarterly Landfill Use Fee not later than the 30th day following the quarter in which fees were collected.
- B. With each quarterly Landfill Use Fee payment, the Authority shall submit to the County a statement signed by an officer of the Authority in form and substance of Exhibit B attached hereto certifying the total volume or weight, by zone, of solid waste received by the Authority which the Authority is required to pay a fee during that quarter pursuant to Paragraph 8.
- C. The Authority shall provide access to representatives of the County, at all reasonable times, as to permit the County to inspect the receipt of solid waste and the corresponding record-keeping methodology, and to verify compliance with this Agreement.
- D. If the Authority fails to make a timely payment of the Landfill Use Fee, the Authority shall pay interest on the unpaid amount due at the rate of 1.5% per month (18% per annum). In addition, a material breach of this contract will occur if the Authority is more than 90 days delinquent in forwarding the quarterly Landfill Use Fee to the County.

10. **Maintenance and Management of Fund.**

Subject to paragraph 8(G) above, the County shall deposit all Landfill Use Fees collected pursuant to this Agreement into the Fund. The County shall hold the Fund in separate accounts, which shall not be commingled with the general funds or other funds of the County. The Fund shall be managed and applied in accordance with the Landfill Use Fund Regulations.

Within 90 days following the close of each fiscal year (or portion thereof) of the County, that begins or ends while this Agreement is in effect, the County shall distribute from the Landfill Use Fund and pay over to the Authority's five member municipalities a minimum of 15% of all Landfill Use Fees collected from the Authority during the immediately preceding fiscal year of the County. The County shall allocate such payment among the member municipalities based on the proportion that each respective member's population bears to the total population of all five members, based on the last decennial census. The County shall not adopt or modify any

Landfill Use Fund regulations inconsistent with this Agreement. This paragraph shall not be construed to relieve the Authority from any impact fees imposed pursuant to MCL 324.11532 (4).

The County shall provide funding for a minimum of two Household Hazardous Waste collection days per year at the Landfill. Such funding shall cover all costs of collection facilities; transportation, processing, treatment, storage and disposal services; and all personnel costs associated with the Household Hazardous Waste collection days. These collection days shall be open and free of charge to all Berrien County residents.

The County shall provide funding or reimbursement, as provided in this Paragraph, for the construction of improvements of Mayflower Road from US 12 to Niles-Buchanan Road, and of Chamberlain Road from Mayflower Road to the original Chamberlain Road entrance of the Landfill. The Authority funded the improvements to Mayflower Road, which have been completed, and proposes to cause improvements to be made to Chamberlain Road following the execution of this Agreement. The County shall assure that Mayflower and Chamberlain Roads will continue to be designated as all-weather roads. The County's financial commitment to these road improvement projects shall be equal to 50% of the Landfill Use Fees paid by the Authority during the term of this Agreement.

Within 90 days from the date of this Agreement, the County shall pay to the Authority \$300,000, representing partial reimbursement of the road improvement costs incurred by the Authority for the improvement of Mayflower Road. Thereafter, the County shall reimburse the Authority for the remainder of the Authority's costs incurred or to be incurred for the improvement of Mayflower and Chamberlain Roads, up to a maximum equal to the excess of 50% of the Landfill Use Fees paid by the Authority during the term of this Agreement over \$300,000. Such reimbursement shall be paid by the County to the Authority over the balance of the term of this Agreement, not less frequently than annually.

The County shall provide financial support to the Authority for expenses associated with the operation of the recycling drop-off center located at the Landfill in an amount not less than the highest level of County support provided to any other recycling drop-off program.

Pursuant to the Landfill Use Fund Regulations as in effect on the date of the Agreement, the Berrien County Board of Commissioners (the "Board") may, by a majority vote, and in its sole discretion, change the percentages specified in the Regulations for allocating the Fund, provided that no such amendment shall impair the County's ability to meet its obligations under this Paragraph 10. While this Agreement remains in effect, the County will deliver written notice to the Authority not less than 30 days before any meeting of the Board at which the Board will consider or act upon any proposed amendment of the Landfill Use Fund Regulations, including any amendment of the Fund allocation provisions thereof.

11. Successors

The following limitations shall apply to any transfer of the Authority's interest in the Landfill for operation as a landfill:

- A. Sale or Lease. The Authority shall not sell or lease the Landfill as a landfill or permit another party to operate the Landfill, unless the Authority requires that its successor, assignee or lessee agree, in writing, to be bound by the terms of this Agreement. In the event of a sale or lease of the Landfill to a private, for-profit business entity that continues to operate the Landfill, Paragraphs 8(A) and 8(B) of this Agreement shall thereupon be deemed automatically amended to incorporate the Landfill Use Fee rate structure set forth in the County's Landfill Use Agreements with Forest Lawn and Orchard Hill Landfills.
- B. Restrictive Covenant. The Authority shall execute an instrument which imposes a restrictive covenant upon the land described on Exhibit A. The restrictive covenant shall be recorded with the Berrien County Register of Deeds. The restrictive covenant shall run for the term of this Agreement and shall require that all owners, lessees or users of the Landfill as a landfill and their successors, assigns, heirs and lessees and all employees, agents or servants of the foregoing, comply with and be bound by the terms

of this Agreement in all dealings with the site as a landfill. The restrictive covenant shall terminate when this Landfill Use Agreement terminates and it shall so state in the restrictive covenant.

12. Acceptance of Berrien County Waste.

The Authority agrees to accept in its landfill all solid waste permitted by Part 115 and relevant licenses thereunder and which is generated within the borders of the five municipalities of the City of Niles, City of Buchanan, Niles Township, Bertrand Township and Buchanan Township, provided the hauler pays the applicable tipping fee and otherwise complies with reasonable operational controls and requirements imposed by the Authority.

13. Size of Landfill.

- A.** The County agrees to issue a letter of consistency for any one or more proposed expansions of the Landfill within the property described on Exhibit A (including a cumulative total of up to 4.4 million cubic yards of disposal capacity for lateral and vertical expansions), provided that the County has received drawings showing that the proposed expansion is in accordance with this Agreement and the Plan. Consistent with Paragraph 3 above, this Agreement is based upon the mutual understanding of the Authority and the County that the Plan will be amended and approved as contemplated hereby.
- B.** The County agrees that every future update of the Plan will include all Landfill expansions that are also reflected in any preceding Plan or update, including expansions described or referred to in this Agreement.
- C.** The County's agreement to issue a letter of consistency and include the proposed expansion in future Plan updates as set forth above shall not constitute a guarantee by the County that a construction permit or operating license for the proposed expansion shall be issued by the Michigan DEQ.

14. Term.

This Agreement takes effect on the first day of the month immediately following the month in which this agreement and the County's Landfill Use Agreements with Forest Lawn Landfill and Orchard Hill Landfill are executed in accordance with Paragraph 16 (I). This Agreement shall remain in effect for a period of ten years after the effective date. This Agreement may be terminated earlier only by mutual consent or pursuant to Paragraph 1 or Paragraph 8(G) above.

If this Agreement remains in effect for the full ten-year term described above, this Agreement will thereafter extend year-to-year, unless either party gives 90 days advance written notice to terminate this Agreement.

At the termination of this Agreement as provided in this Paragraph 14, the Authority and the County shall be returned to the status quo and shall be restored to all rights and remedies which they had in the absence of this Agreement, unless the parties reach a new written Agreement. It is agreed and understood that, except as specifically provided in Paragraph 8(G) above, under no circumstances shall the County be obligated or required to return any amount paid by the Authority as Landfill Use Fees pursuant to this Agreement, even if the Agreement is terminated and/or modified pursuant to the provisions of the Agreement. All amounts paid by the Authority to the County as Landfill Use Fees shall be retained by the County except as otherwise ordered by a court or otherwise provided herein.

Further, upon termination of this Agreement, all representations of the County with respect to future Plan updates shall terminate and nothing herein shall be deemed to limit the right of the County to take actions it deems appropriate in future Plan updates or in any amendment to its Plan.

15. Modifications.

This Agreement may not be modified, amended or altered except by means of a written instrument executed by the County and the Authority.

16. Miscellaneous.

- A. Benefit and Assignment This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Except as otherwise specified herein, neither party may assign any of its rights or delegate its duties under this Agreement without prior written consent of the other party, which consent will not unreasonably be withheld.
- B. Entire Agreement This writing and the attached Exhibits contain the entire Agreement between the parties with respect to the matters described herein and are a complete and exclusive statement of the terms hereof.
- C. Invalidity The invalidity of any provision of this Agreement shall not affect the validity of the remainder of any such provision or the remaining provisions of this Agreement.
- D. Interpretation The paragraph headings and background included in the Agreement have been used solely for convenience and shall not be used in conjunction with the interpretation of this Agreement.
- E. Waiver The failure of either party at any time to require performance by the other party of any provision of this Agreement shall not be deemed a continuing waiver of that provision or a waiver of any other provision of this Agreement and shall in no way affect the full right to require such performance from the other party at any time thereafter.
- F. Notices All notices or communications required or permitted to be given hereunder shall be deemed given when personally delivered or on the second succeeding business day after being mailed by registered or certified mail, return receipt requested, to the appropriate party at its address set forth at the beginning of this Agreement, or at such other address as shall be specified by notice given hereunder.
- G. Authority Each party has full power and authority to enter into and perform this Agreement, and the person signing this Agreement on behalf of each has been properly authorized and empowered to enter into this Agreement. Each party further acknowledges that it has read this Agreement, understands it and agrees to be bound by it.

- H. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original.
- I. Relationship to Other Landfill Use Agreements This Agreement and the Authority's obligations hereunder are contingent upon the execution of Landfill Use Agreements between the County and each of Forest Lawn Landfill and Orchard Hill Landfill in the forms in which such agreements were presented to the Authority for the purposes of its approval of this Agreement. If either of such Agreements is amended in any material respect from the forms presented to the Authority, as described above, the Authority shall be entitled to terminate this Agreement by written notice to the County

IN WITNESS WHEREOF, the parties have signed this Agreement on the day and year first set forth above.

COUNTY OF BERRIEN

By: Richard Bartz
Richard Bartz,
Chairperson of the Board

By: M. Louise Stine
Louise Stine,
County Clerk

**SOUTHEAST BERRIEN COUNTY
LANDFILL AUTHORITY**

By: Richard B Haigh
Richard Haigh,
Chairperson of the Board of Trustees

By: Robert Werrbach
Robert Werrbach,
Secretary of the Board of Trustees

SOUTHEAST BERRIEN COUNTY LANDFILL
BERTRAND TOWNSHIP, MICHIGAN

LEGAL DESCRIPTION

COMMENCING AT THE NE CORNER OF SECTION 6, T8S, R17W; THENCE N 89° 52' 19" W 2645.32' ALONG THE NORTH LINE OF SAID SECTION AND THE CENTERLINE OF CHAMBERLAIN ROAD TO THE N ¼ CORNER OF SAID SECTION; THENCE S 00° 08' 16" W 300.02' TO THE POINT OF BEGINNING; THENCE S 00° 08' 16" W 590.00'; THENCE EAST 1055.26'; THENCE NORTH 590.00'; THENCE N 89° 52' 19" W TO POINT OF BEGINNING. CONTAINING 14.3 ACRES. ALL BEING A PART OF THE N ½ OF SECTION 6, T8S, R17W, BERTRAND TOWNSHIP, BERRIEN COUNTY, MICHIGAN.

**QUARTERLY REPORT
BERRIEN COUNTY LANDFILL USE FEE**

(VOLUME BASED)

(Report and payment are due no later than 30 days after the end of the quarter.)

LANDFILL NAME: _____ YEAR: 2001 QUARTER: _____

AREAS	Cu. Yd. SOLID WASTE	@ RATE PER Cu. Yd. *	= FEE DUE
ZONE 0 NILES CITY/TWP, BUCHANAN CITY/TWP, BERTRAND TWP	_____	_____	_____
ZONE 1 OTHER BERRIEN COUNTY	_____	\$.10	_____
ZONE 2 7 S W. MI COUNTIES	_____	\$.20	_____
ST JOSEPH & LaPORTE COs. (IN)	_____	\$.20	_____
ZONE 3 ALL OTHER	_____	\$.51	_____
TOTAL QUARTERLY FEE DUE:			\$ _____

VERIFIED BY: _____ DATE: _____

AUTHORIZED SIGNATURE

* To be adjusted annually, in accordance with paragraph 8.F. of this Agreement. The County will provide an updated report form annually.

**QUARTERLY REPORT
BERRIEN COUNTY LANDFILL USE FEE**

(WEIGHT BASED)

(Report and payment are due no later than 30 days after the end of the quarter)

LANDFILL NAME: _____ YEAR: 2001 QUARTER: _____

AREAS	TONS SOLID WASTE	@ RATE PER TON *	= FEE DUE
ZONE 0 NILES CTY/TWP, BUCHANAN CTY/TWP, BERTRAND TWP	_____	_____	_____
ZONE 1 OTHER BERRIEN COUNTY	_____	\$.30	_____
ZONE 2 7 S.W. MI COUNTIES	_____	\$.60	_____
ST. JOSEPH & LaPORTE COs. (IN)	_____	\$.60	_____
ZONE 3 ALL OTHER	_____	\$ 1.53	_____

TOTAL QUARTERLY FEE DUE: \$

VERIFIED BY: _____ DATE: _____

AUTHORIZED SIGNATURE

* To be adjusted annually, in accordance with paragraph 8 F of this Agreement. The County will provide an updated report form annually.

Southeast Berrien County Landfill Authority

3200 Chamberlain Road, Buchanan, MI 49107 • (616) 695-2500 • Fax (616) 695-4230

March 20, 2001

John Gruchot
Berrien County Planning Department
County Administration Center
701 Main Street
St. Joseph, MI 49085

Re: Access to the Southeast Berrien County Landfill for Berrien County Generated Waste

Dear Mr. Gruchot:

While the Southeast Berrien County Landfill Authority retains the right, through its recently negotiated Landfill Use Agreement with Berrien County, to prohibit the acceptance of waste generated within Berrien County, but outside the borders of the Authority's five municipal members, it currently has no intentions of exercising that right. Therefore, all waste generated within Berrien County will be accepted for disposal at the Authority's landfill throughout the ten-year planning period, provided the hauler pays the applicable tipping fee and otherwise complies with reasonable operational controls and requirements imposed by, the Authority, and permits issued by the Michigan Department of Environmental Quality.

The Authority will notify the County in advance of any change in the Authority's intentions on this matter.

Sincerely,


Bruce M. Knapp, P.E.
General Manager



WESTSIDE RECYCLING AND DISPOSAL FACILITY
A WASTE MANAGEMENT COMPANY

P. O. Box 392
14094 M-60 West
Three Rivers, MI 49093
(616) 279-5444
(616) 273-1662 Fax

October 28, 1998

John Gruchot
Resource Recovery Coordinator
County Courthouse
Rm 105
811 Port St.
St. Joseph, MI 49085

Dear Mr Gruchot:

Westside RDF has accepted waste from Berrien County for a number of years. The volume we have accepted is included in the total annual volume as specified in our fact sheet.

In 1995 the St. Joseph County Plan was amended to allow our landfill to accept up to a combined total of 1,500,000 cubic yards of waste from any authorized counties in our plan. The only restriction that we have is that we will give first priority to St Joseph County solid waste should we reach the annual volume limit. I want to assure you that we are currently a long way from having to make that decision.

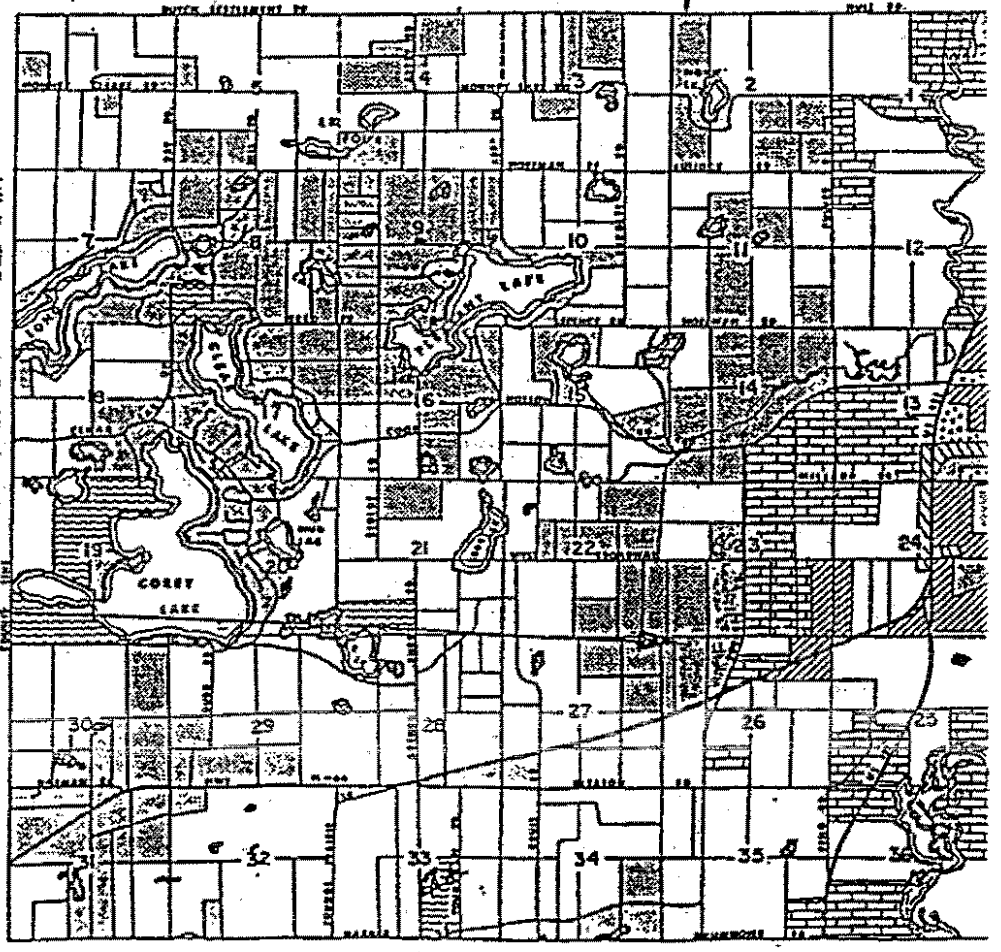
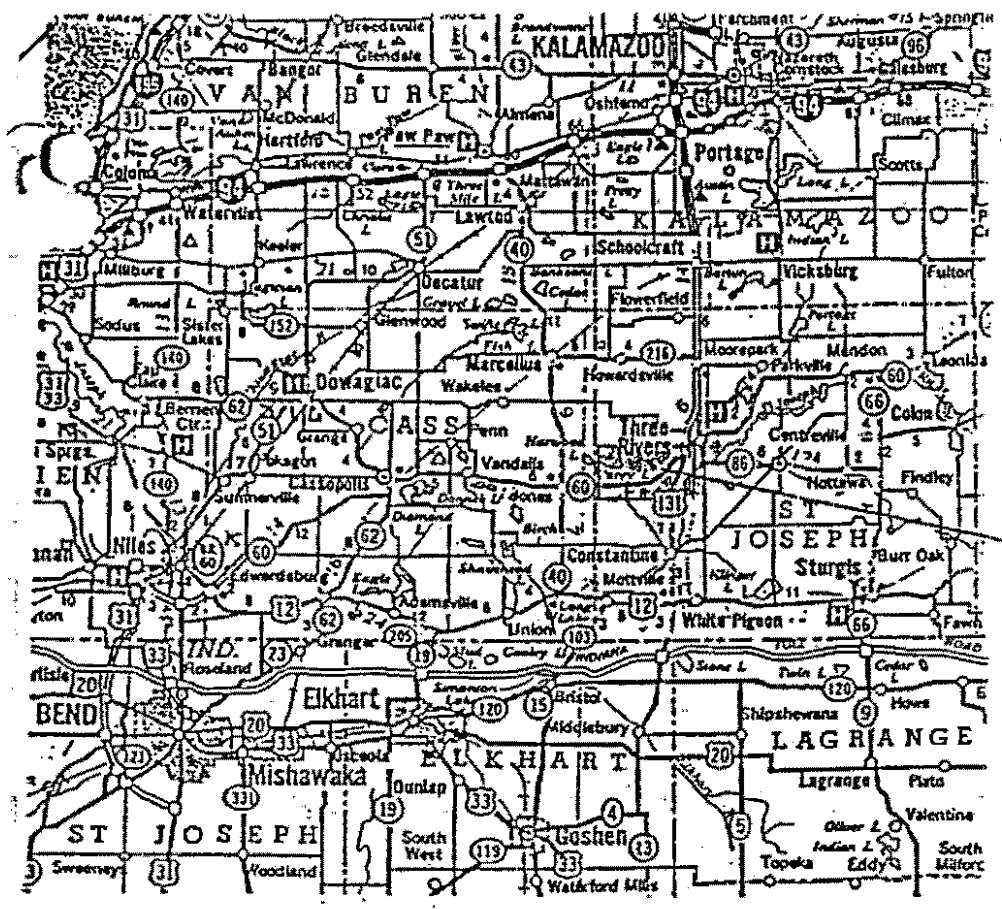
We can accept waste, without limit, from authorized counties, up to 1,500,000 cubic yards per year. We are, therefore, requesting authorization to accept up to 100% of the waste generated in Berrien County, subject to the annual volume cap authorized in the St. Joseph County Solid Waste Plan.

St. Joseph County has also started the Solid Waste Management Plan update process and it is my belief that the current philosophy regarding waste acceptance will continue to be a part of the updated plan. We have also recently signed an ammended Host Community Agreement with St. Joseph County that will allow us to increase our annual volume cap from 1,500,000 cubic yards to 1,750,000 cubic yards. This provision will also be included as part of the plan update.

If you have any questions, please give me a call.

Yours Truly,


Tom Wilson
Site Manager



WESTSIDE
LANDFILL



May 22, 1998

Mr. John Gruchot
Berrien County Plan Dept. & Public Works
County Courthouse Room 105
811 Port Street
St Joseph, MI 49085

RE: Berrien County Solid Waste Management Plan Update
Explicitly Authorized Solid Waste Exports

Dear Mr. Gruchot:

BFI Waste Systems of North America, Inc. is a waste disposal company operating three Type II Sanitary Landfills in Michigan. These disposal facilities are authorized to accept municipal refuse, non-hazardous industrial waste and non-hazardous contaminated soils. These facilities are C&C Landfill in Calhoun County (south central Michigan), Arbor Hills Landfill in Washtenaw County (southeast Michigan) and Vienna Junction Landfill in Monroe County (also southeast Michigan). Included with this letter are the facility descriptions for each of the three BFI sites. You will be required by the MDEQ to provide this information in your planning process.

BFI understands that your county has indicated to the Michigan Department of Environmental Quality (MDEQ) its intention to update your solid waste management plan as required by Part 115 of the Natural Resources and Environmental Protection Act. In order for a landfill located in one county to serve the disposal needs of another county, Part 115 requires that the solid waste management plans of both counties explicitly authorize such services. The MDEQ also recommends, as part of your solid waste management plan update, that the updated plan explicitly identify the quantity of waste which may be exported to another county for disposal. Current export/import authorizations for your county are listed in the MDEQ "Export/Import Authorizations in County Solid Waste Management Plan Updates - January 1996". A copy of this report can be obtained from the MDEQ.

BFI's intent in sending this letter is to ask that your Solid Waste Planning Committee review its current export authorizations. We would then ask that your committee consider providing for export authorization to the three counties identified above (Calhoun, Washtenaw and Monroe) in the event that your county should ever be in need of one of

County SW Planning
May 22, 1998
Page 2

these disposal facilities in the next five to ten years (as required by the solid waste planning process). BFI would also ask your committee to consider authorizing each of these three landfills to serve up to 100 percent of the daily and annual disposal needs of your county, again, in the event that this should ever be necessary.

BFI would be pleased to help your county to provide for its long term disposal needs. We looks to provide any assistance we may offer to you as you move through this solid waste planning update process. We would also be happy to attend any scheduled meetings at which you might request BFI to be present in order to discuss this request in more detail. I thank you for your attention to this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathleen A. Klein', with a long horizontal flourish extending to the right.

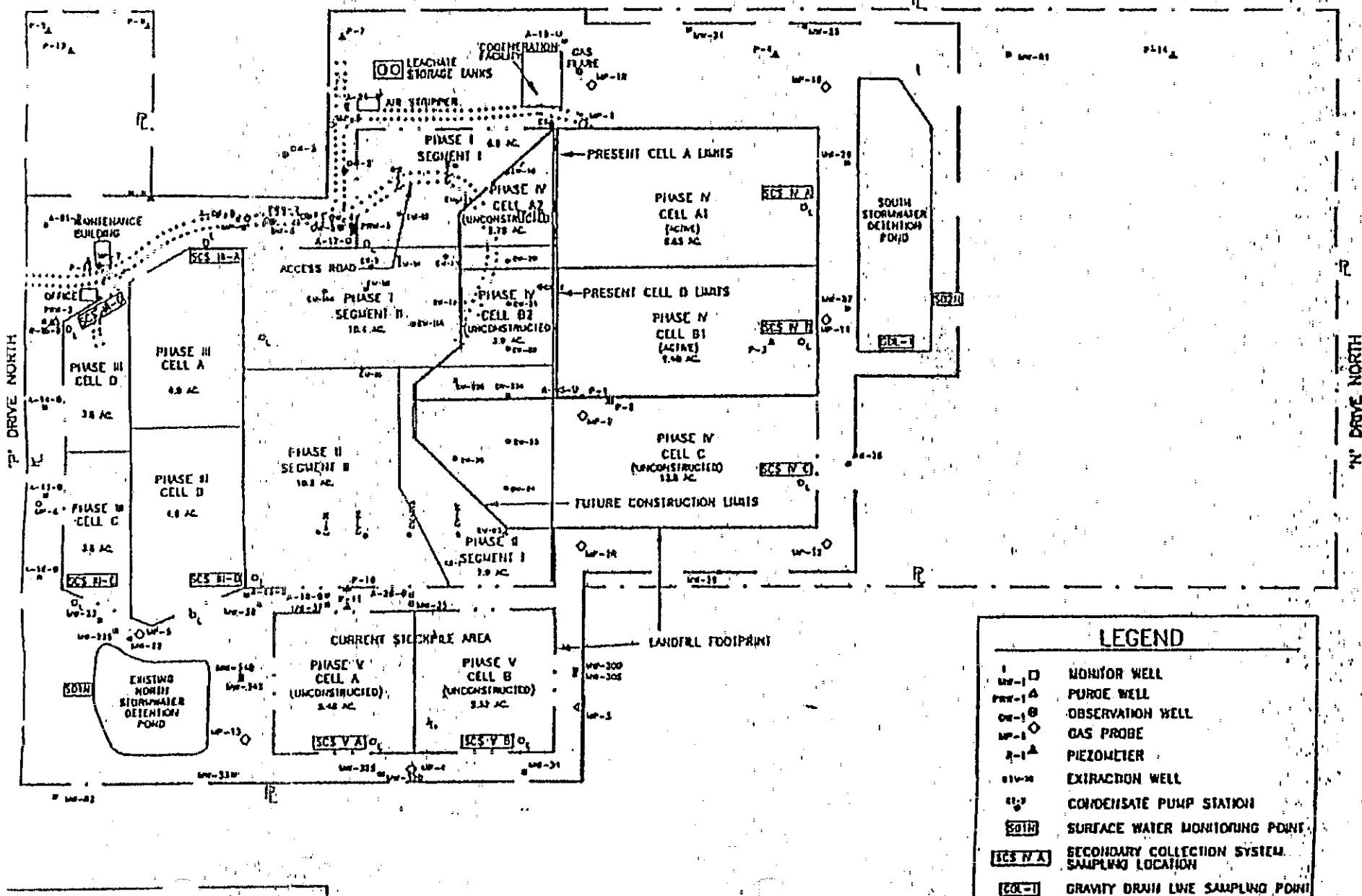
Kathleen A. Klein
BFI Public Sector Representative

Encl.

MONITORING LOCATIONS
PAGE 1 OF 2

1" = 500'

15 MILE ROAD



SAUK TRAIL HILLS DEVELOPMENT, INC.

5011 S. Lilley Road

Canton, MI 48188

Phone: (313) 397-2790 Fax: (313) 397-2694

November 10, 1997

Mr. John Gruchot
Resource Recovery Coordinator
Berrien County Planning Department
County Courthouse
811 Port Street - Room 105
St. Joseph, MI 49085

**Re: Berrien County Solid Waste Management Plan Update
Explicitly Authorized Solid Waste Exports**

Dear Mr. Gruchot:

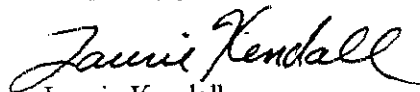
I understand that Berrien County has indicated to the Michigan Department of Environmental Quality ("MDEQ") that the County intends to prepare an update to its solid waste management plan (the "Plan Update") as required by Part 115 of the Natural Resources and Environmental Protection Act, and that you are the contact person for the Plan Update. As you may know, in order for a landfill located in one county to serve the disposal needs of another county, Part 115 requires that the solid waste management plans for both counties explicitly authorize such service. Further, although not expressly required under Part 115, MDEQ's "Guide to Preparing the Solid Waste Management Plan Update Format" recommends that a Plan Update explicitly identify the quantity of waste which may be exported to another county for disposal. The relevant pages of this MDEQ guidance document are enclosed. This letter formally requests that the Berrien County Plan Update explicitly authorize each of the following landfills owned and operated by Allied Waste Industries, Inc. ("Allied") to serve up to 100 percent of the daily and annual disposal needs of Berrien County:

Allied Landfill	Host County
Auburn Hills (Auburn Hills, MI)	Oakland
Ottawa Farms (Coopersville, MI)	Ottawa
Sauk Trail Hills (Canton, MI)	Wayne

The existing MDEQ-approved solid waste management plan for Berrien County apparently does not explicitly authorize the service requested in this letter. Allied believes that its landfills can provide competitively priced, environmentally sound solid waste disposal services that are currently unavailable to Berrien County residents under the existing plan.

Allied would be happy to provide the you with any information Berrien County might require with respect to this request. Thank you for your attention to this matter and I look forward to hearing from you soon.

Very truly yours,

A handwritten signature in cursive script that reads "Laurie Kendall".

Laurie Kendall
District Landfill General Manager
ALLIED WASTE INDUSTRIES, INC

Enclosure



Waste ManagementSM

Grand Rapids Customer Service Center
1668 Porter Street, S.W.
Grand Rapids, Michigan 49509-1756

Phone 616 538 3750

May 1, 1998

Mr. John Gruchot
Berrien County Planning Dept. and Public Works
County Courthouse
811 Port Street - Room 105
St. Joseph, MI 49085

Re: Waste Management Landfills in Michigan

Dear Solid Waste Planning Committee Members:

Waste Management of Michigan, Inc. owns and operates eight (8) licensed solid waste landfills located throughout the lower peninsula of Michigan. All of these landfills are allowed to receive waste from many counties and a few from all counties in the lower peninsula. Attached please find the following information:

- 1 MDEQ standard format information sheets for each of our landfills
- 2 A map showing the location of our landfills
- 3 A listing for each landfill showing which counties may import waste to the site

The list of counties for each site is based upon existing county plans or our existing host agreements with counties which provide for the county to add these counties during the current plan updates. In most cases there is no requirement to have signed inter-county agreements. However, for those counties that do require inter-county agreements, we have indicated that on the sheet. We are encouraging all counties to have their plans as open as possible with regards to inter-county transfers and to not require signed agreements between the counties. In some cases, we are requesting our host counties to add additional counties, during the update process, which are not covered under a host agreement. These are also indicated on the attached sheets.

As you update your plan, please add as many of our landfills, as you wish, to your plan and notify our host counties of your intentions and request that they also include you in their plans.

May 1, 1998

Page 2

Mr John Gruchot

Berrien County Planning Dept. and Public Works

Berrien County

If you have any questions, need additional information, or wish to add your county as an exporting county to one of our landfills, please call me at (616) 538-1921 ext 151.

Sincerely,

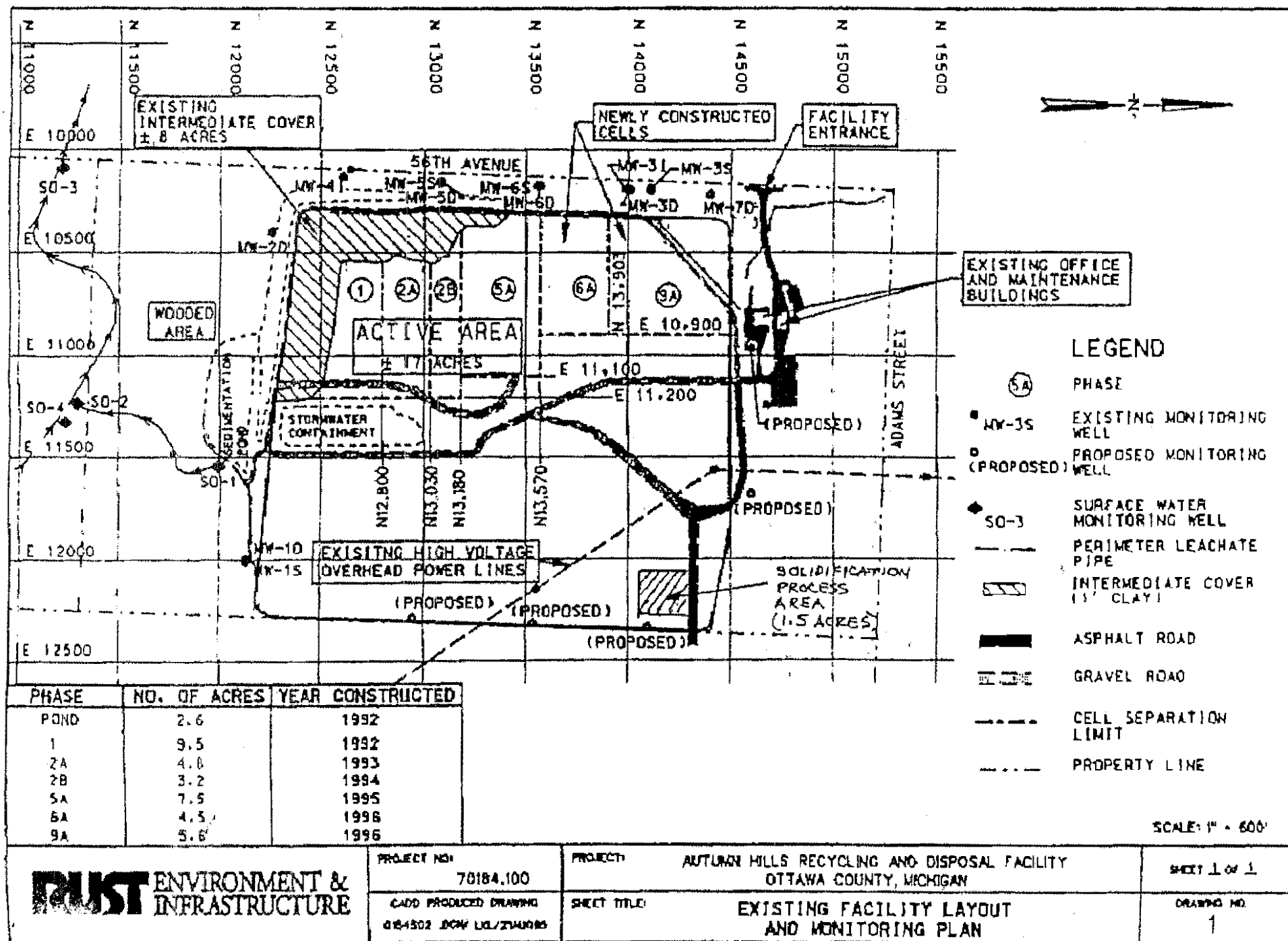
WASTE MANAGEMENT OF MICHIGAN, INC.

A handwritten signature in black ink, appearing to read "Jeff Poole".

Jeff Poole

Manager, Business Development

File: Berrien County, 616/983-7111 Ext. 8350



800 441-9712

November 21, 1998

Mr. John Gruchot
Resource Recovery Coordinator
Room 104
Berrien County Courthouse
St. Joseph, Michigan 49085

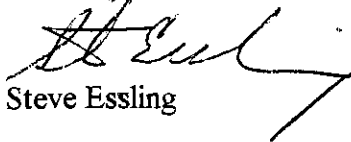
Dear Mr. Gruchot,

City Environmental Services Landfill, Inc. of Hastings can provide primary disposal, for up to 100%, of Berrien County's waste for the up and coming planning period. Our facility has just received a new construction permit this spring. Based on 1998 "flows" the Hastings site has 20+ years of capacity.

With this correspondence is Barry County's May 28, 1998 request for reciprocal agreements for the counties in our Host Community Agreement. Additionally, I have included a facility description and a site plan.

If you have questions regarding this letter, please feel free to call me at 919-945-2260.

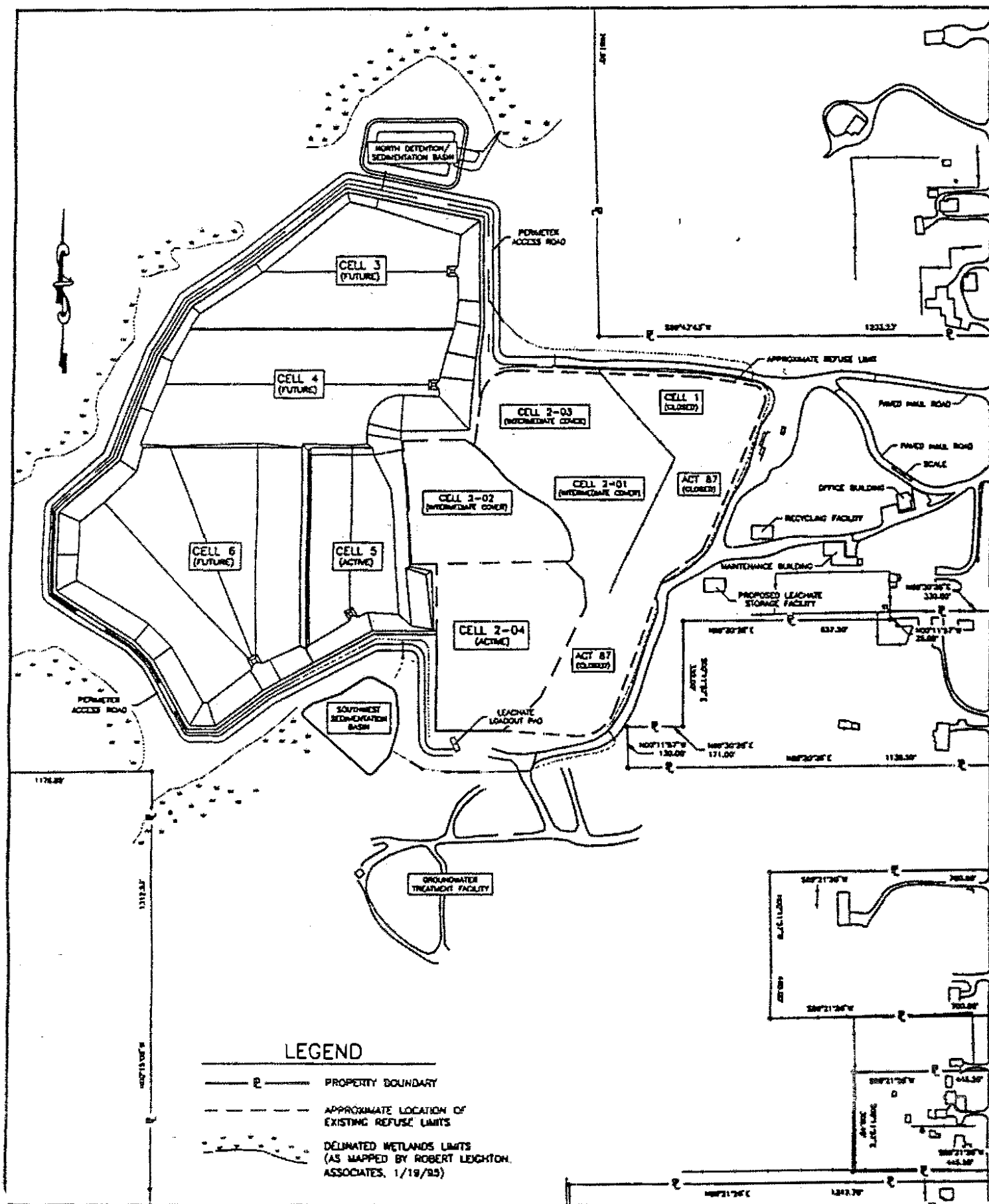
Sincerely,


Steve Essling



City Environmental Services Landfill, Inc. of Hastings





GENERAL SITE PLAN

CITY ENVIRONMENTAL SERVICES LANDFILL, INC. OF HASTINGS

DATE: 10/3/97

HSS-GSP.DWG

Demolition Engineers
Asbestos Abatement
Salvaged Building Materials
Excavating and Underground Services
Concrete Recycling



Companies
SANITARY DIVISION

- Landfill Operation
- Dumpster Service
- Commercial & Residential Waste Services
- Land Development

September 11, 1998

Berrien
John Gruchot
Berrien County Planning Department and Public Works
County Courthouse, 811 Port Street - Room 105
St. Joseph, MI. 49085

Dear John Gruchot:

Pitsch Sanitary Landfill would like to be named in your Solid Waste Management Plan as a receiving landfill. The following attachment is the facility description for the Pitsch Sanitary Landfill located in Belding, Michigan, County of Ionia.

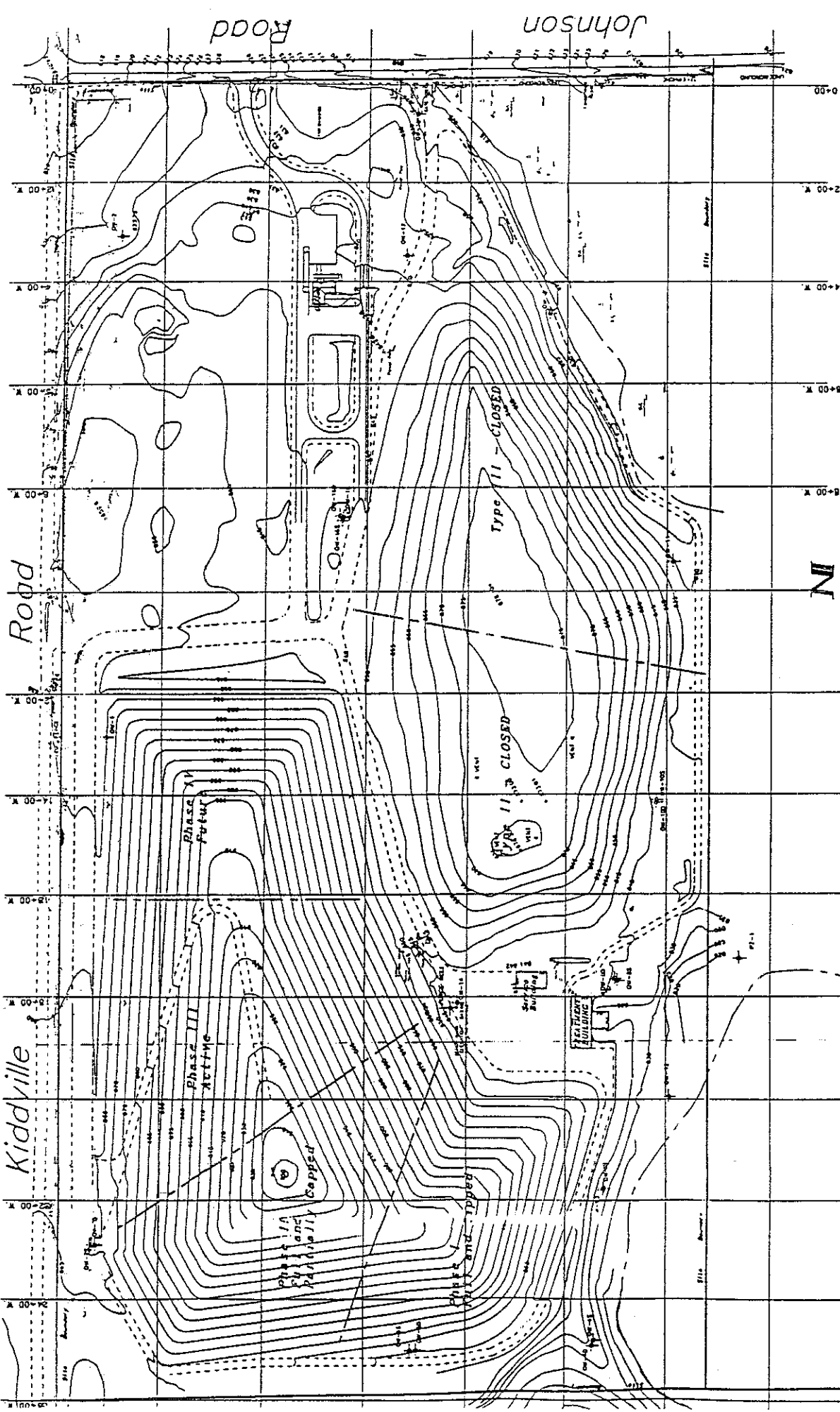
If you have any questions please call me at 616-794-3050 or fax me at 616-794-1769.

Sincerely;

A handwritten signature in cursive script that reads "Douglas A. Carson".

Douglas A. Carson
Director of Communications

Enc. 5



N

SCALE 1" = 200.00'

SITE PLAN

PITSCH SANITARY LANDFILL
SECTION 7, ORLEANS TOWNSHIP, IOWA CO.
SCHAUT ASSOCIATES INC.

CONSULTING ENGINEERS
SAM LEONARD & ASSOCIATES
1111 W. 10TH ST. SPOKANE, IDAHO 83402

DATE	BY	CHKD	APP'D	REV
11-1-78	ML	ML	ML	1
11-1-78	ML	ML	ML	2
11-1-78	ML	ML	ML	3
11-1-78	ML	ML	ML	4
11-1-78	ML	ML	ML	5
11-1-78	ML	ML	ML	6
11-1-78	ML	ML	ML	7
11-1-78	ML	ML	ML	8
11-1-78	ML	ML	ML	9
11-1-78	ML	ML	ML	10

ALLEGAN COUNTY HEALTH DEPARTMENT

2233 - 33rd St., Allegan, MI. 49010

Office Administration
(616) 673-5411
Personal Health Services
673-5413



Resource Recovery
673-5411
Environmental Health
673-5415


Medical Director

Karl Zimmerman
Administrative Health Officer

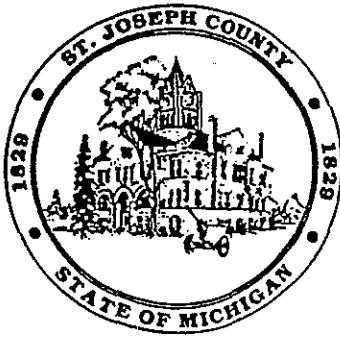
June 4, 1998

John Gruchot, Resource Recovery Coordinator
Berrien County Courthouse
811 Port St.
St. Joseph, MI 49085

Dear John,

I have examined numbers provided by area waste haulers, as well as the figures contained in the Landfill Receipt Reports, and attempted to calculate Allegan's landfill capacity needs for the next 10 year planning period. Based on current disposal patterns, I would expect Berrien County to continue as an importer of Allegan's waste, providing your county plan endorses the practice. While our plan will authorize export (of up to 100% of total waste) to any county which approves such import in its plan, we are also including specific volume projections to indicate that our capacity requirements are covered.

The projections for Berrien County are presented as a range, to reflect potentially wide fluctuations due to changes in waste flow. The tons per day totals are based on 365 days per year, and the 5th and 10th year benchmarks were set according to MDEQ's suggestions that our planning period begin in January 1999. I have not attempted to differentiate between municipal solid waste and special waste, so totals reflect both categories. Also, the range is not based on our total waste generation rate but on our projected discard rate, which increases only slightly with population growth due to modest expansions in county diversion efforts.



PLANNING COMMISSION

Telephone: (616) 467- 5617

125 W. Main St.
P.O. Box 277
Centreville, MI 49032-0277

DATE: April 20, 1998

TO: All Lower Peninsula Designated Solid Waste Planning Agency
Representatives

FROM: St. Joseph County Solid Waste Planning Committee

RE: Solid Waste Management Plan Import/Export Arrangements

The St. Joseph County Solid Waste Planning Committee intends on listing all Lower Peninsula Counties as authorized exporters of Type II solid waste to St. Joseph County. Westside Landfill, located near Three Rivers, is owned and operated by Waste Management of Michigan and has a licensed life capacity of approximately 12 years. In addition to the currently licensed capacity Westside has an additional 280 acres available for future development. Westside Landfill has a current annual cap of 1.75 million gate cubic yards of solid waste with St. Joseph County contributing approximately 255,000 gate cubic yards per year.

If your county wishes to utilize Westside Landfill as a disposal area St. Joseph County must be listed in your plan as an authorized import/export county. Arrangements for specific amounts of waste to be exported to Westside Landfill should be made with Waste Management 616-279-5444.

The St. Joseph County Solid Waste Planning Committee requests that reciprocal agreements, allowing St. Joseph County to export solid waste to your county, be included in your county plans for counties that wish to include St. Joseph County as an import/export county.

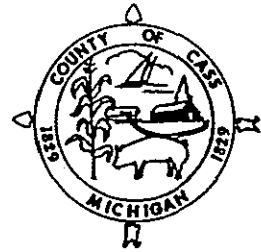
Please direct correspondence and inquiries to:

Mr. Craig Laurent
Environmental Consultant
PO Box 44
Battle Creek, MI 49016
Phone 616-962-5082

Sincerely,

Craig Laurent, Environmental Consultant

Cass County Board of Commissioners



Courthouse
Cassopolis, Michigan 49031
Phone (616) 445-4420
Fax (616) 445-8978
Tax I.D. 38-6004839

To: Designated Solid Waste Planning Agency Representatives for:
*Berrien, St. Joseph, Branch, Hillsdale, Lenawee, Monroe, Wayne,
Washentaw, Jackson, Calhoun, Kalamazoo, Van Buren, Allegan,
Barry, Eaton, Ingham, Livingston, Oakland, Shiawassee, Clinton, Ionia, Kent,
Ottawa, Gratiot, Montcalm, Muskegon, Oceana, Newaygo, Mecosta, Isabella*

Date: July 29, 1998

Re: Solid Waste Management Plan Update Import/Export Arrangements

The Cass County Solid Waste Planning Committee has identified 30 counties in Michigan as possible candidates for import/export authorization of solid waste. Cass County would like to list your county in our plan as an importer and exporter of solid waste. Cass County is requesting that your county plan update authorizes Cass County for 100 percent solid waste import and export.

Exportation of Cass County Solid Waste

Cass County will authorize the exportation of up to 100 percent of the Cass County solid waste stream to any of the counties listed above whose Solid Waste Management Plan specifically authorizes the acceptance of Cass County's solid waste.

Importation of Out-of-County Solid Waste

Currently, Cass County does not have any disposal areas within its borders. However, Cass County will list your county as a possible future importer of solid waste if a facility is ever sited within the County.

The Michigan Department of Environmental Quality requires that a letter of authorization for import and export of solid waste is included in the Plan Update. If your county decides to include Cass County as an importer and exporter of solid waste, please send a letter stating the authorization and any stipulations or conditions that may apply. Cass County would also like facility descriptions for each Type II and Type III landfill, Type A and Type B transfer station, incinerator, and waste-to-energy facility operating within your county.

To be able to complete the draft plan update, a prompt response letter would be greatly appreciated. Please direct all correspondence to the address below. If you have any questions or would like to discuss this matter in more detail, please call me at (616)925-1137 or e-mail swmicomm@cpuinc.net.

Sincerely,

Marcy Hamilton

Marcy Hamilton

Southwestern Michigan Commission

185 E. Main Street, Suite 701

Benton Harbor, MI 49022 fax (616) 925-0288

C:\MYDOCS\CASSSWMP\IMPORT.WPD



Mr. John Gruchot
Berrien County Planning Dept.
County Courthouse
811 Port Street - Room 105
St. Joseph, MI 49085

May 18, 1998

Dear John,

In preparing the Solid Waste Management Plan Update, Calhoun County has recognized 17 counties within its primary disposal region for import and export authorization. Your county has been recognized for the transfer of solid waste within this primary disposal region. In trying to keep within a balanced approach to authorizing waste flows, we are requesting that your SWMP Update recognize Calhoun County for solid waste import and export.

Historically, waste flows between your county and Calhoun County may or may not have taken place. In attempting to keep our plans consistent, we are requesting that you provide documentation for the way your county will choose to authorize import and export, including any individual county volume limitations and restrictions on the types of solid waste.

Calhoun County has recognized that natural market changes do take place among the solid waste industry. Therefore, Calhoun County is considering allowing 100% import and export between these 17 counties to avoid any future Plan import and export volume violations. Allowing this free flow within the primary disposal region also will allow the waste industry people to more effectively, economically, and environmentally serve counties and their people.

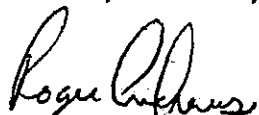
Because your county has been recognized for the transfer of solid waste within this primary disposal region, we would like to compile a complete inventory of all disposal facilities. We are requesting that you provide a "facility description" for each Type II and Type III landfill, Type A and Type B transfer station, incinerator, waste-to-energy, and waste pile facility operating within your county. For each facility, please indicate the counties in which the facility presently services and whether restrictions will limit the use of the facility.

In collecting information for a complete inventory of all solid waste disposal facilities within this primary disposal region, it will allow Calhoun County to analyze the existing capacity and available capacity. In order

to determine what these capacities will be and to assess the volumes of future imports, we are requesting that you provide information about your county's projected waste generation volumes, present and projected population densities, and structure of economic base.

Although we are requesting much information from you and your county, we would appreciate your cooperation to get this information to us in a timely manner. If you anticipate any delays in obtaining this information, please notify Victoria Shelby at (616) 781-0973.

Thank you kindly for your cooperation.

A handwritten signature in black ink, appearing to read "Roger Andrews". The signature is fluid and cursive, with the first name "Roger" being more prominent than the last name "Andrews".

Roger Andrews
Calhoun County Bldg.
315 West Green Street
Marshall, MI 49068



BRANCH COUNTY COURTHOUSE

31 DIVISION STREET • COLDWATER • MICHIGAN • 49036
TELEPHONE (517) 279-4301

FAX (517) 278-4130

August 25, 1998

Berrien County Planning Department and Public Works
Mr. John Gruchot
County Courthouse
811 Port Street, Room #105
St. Joseph, MI 49085

Re: Import/Export Agreement for Solid Waste Management

Dear Mr. Gruchot:

Branch County hereby requests that Berrien County include Branch County as an approved importing county in its 1998 Solid Waste Management Plan (SWMP) update. In turn, Branch County will list Berrien County as an approved importing county in its SWMP. However, please be advised that Branch County does not currently contain a solid waste disposal facility within its borders. Branch County has opted to require a written agreement for other counties to be included in its SWMP. Please contact Ken Strong at (517) 279-4310 at your earliest convenience to indicate Berrien County's willingness to proceed as requested, or if a written agreement will be required. We appreciate your prompt response in this regard.

Yours very truly,

BRANCH COUNTY COURTHOUSE

A handwritten signature in cursive script, appearing to read "Charles L. Buck".

Board of Commissioners

cc: Ken Strong, Branch County Drain Commissioner
Jeff Eves, American Hydrogeology Corporation

Ottawa County Environmental Health

Solid Waste Management
Program

Memorandum

To: **JOHN GRUCHOT**
Solid Waste Management Planning
Committees/Designated Planning
Agencies for:

Allegan, Barry, Berrien, Branch,
Calhoun, Cass, Clare, Clinton, Eaton,
Gratiot, Ionia, Isabella, Kalamazoo, Kent
Lake, Mason, Mecosta, Muskegon,
Montcalm, Newago, Oceana, Osceola,
St. Joseph, Van Buren Counties.

From: Darwin J. Baas, Solid Waste Management
Coordinator *Darwin J. Baas*

Date: Monday, June 22, 1998

Subject: Ottawa County Import/Export
Authorizations for Type II/III Solid Waste

In preparing the Solid Waste Management Plan Update, Ottawa County has recognized 24 counties within the disposal region for import and export authorization.

Importation of Out-of-County Solid Waste

Ottawa County has approved the counties listed above for disposal of Type II/III solid waste and authorizes solid waste from these counties to be deposited in licensed facilities located in Ottawa County. Solid waste may be imported from one or any combination of the above listed counties if explicitly authorized by the exporting county's Solid Waste Management Plan. Disposal of solid waste in licensed Type II facilities in Ottawa County is subject to an annual cap of 1,500,000 tons annually.

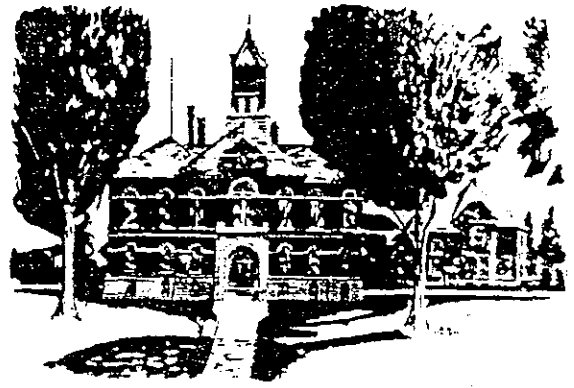
Exportation of Ottawa County Solid Waste

Ottawa County will authorize the exportation of up to 100 percent of the Ottawa County solid waste stream to any of the counties listed above whose Solid Waste Management Plan specifically authorize the acceptance of Ottawa County's solid waste.

BARRY COUNTY COURTHOUSE

220 W. STATE STREET
HASTINGS, MICHIGAN 49058

May 28, 1998



Mr Robert Spies, Chairman
Berrien County Solid Waste Planning Committee
215 S Park Rd
Benton Harbor, Mi 49022

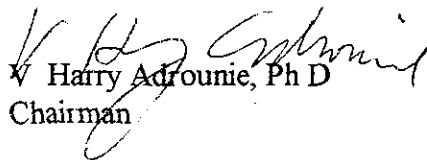
Dear Mr Spies,

Last year, the Department of Environmental Quality approved amendments to the Barry County Solid Waste Plan authorizing export of Solid waste from Barry County to all 82 counties in Michigan, and primary disposal at our landfill in Hastings from 19 Michigan counties - one of which is Berrien County

We respectfully request you take whatever actions are necessary to provide explicit authority for the exportation of solid waste from Berrien County to Barry County. We realize you are commencing the process of updating your solid waste management plan and inclusion of our request in that update would be timely for our purposes

If there is any further information you may need or if you would like to discuss this matter further, please do not hesitate to contact me at (616) 945-9516

Sincerely,


Harry Adronie, Ph D
Chairman

cc: Mr. Neil Nitz
Mr John Gruchot



RESOURCE RECOVERY PROJECT OF IONIA COUNTY

March 13, 1998

TO: Designated Planning Agencies for Berrien, Branch, Calhoun, Cass, Clare, Jackson, Kalamazoo, Midland, Mecosta, Osceola, Saginaw, Shiawassee, St. Joseph, Van Buren, and Wexford Counties

FROM: Don Lehman, Ionia County Solid Waste Coordinator

RE: Solid Waste Management Plan Import/Export Arrangements

At Ionia County's Solid Waste Planning Committee meeting on March 5, your county was designated as a county from which "Special Wastes" will be accepted at solid waste disposal facilities in Ionia County. Presently that consists of the Pitsch Landfill in northwest Ionia County. "Special Wastes," as described in Ionia County's Solid Waste Management Plan, consists of construction and demolition debris, foundry sand, sludge, contaminated soils, street sweepings, fly ash, slag, agricultural waste, and others. These "Special Wastes" are Type II wastes, but exclude general Type II residential, commercial, and industrial wastes.

As Ionia County updates its SWMP we will be listing your county as a potential exporter of "Special Waste" to Ionia County. Ionia County's Solid Waste Planning Committee requests that your Solid Waste Management Plan records Ionia County as an importing County for this type of waste. Some counties may desire that this type of arrangement be reciprocal and want their county to be recorded as an importing county for some of Ionia County's waste. If this is the desire of your Solid Waste Planning Committee, please contact me at your convenience.

Ionia County will most likely put an annual cap on the amount of waste permitted to be disposed of at the Pitsch Landfill in order to maintain sufficient capacity for Ionia County's future needs. This could put some restrictions on the use of Pitsch Landfill by your county, but under current conditions the need for restrictions seems to be very limited or even nonexistent.

If you have any questions or comments about Ionia County's intent in proposing this waste disposal relationship, please contact me with your questions or concerns. It is to be hoped that this type of arrangement will help provide your county, and Ionia County, with both primary and contingency capacity over the next ten years and beyond.

Sincerely,

A handwritten signature in cursive script, appearing to read "Don Lehman".

Donald Lehman
Solid Waste Coordinator