

# **APPENDIX**

## **ADDITIONAL INFORMATION**

### **REGARDING THE**

### **SELECTED**

### **SYSTEM**

## APPENDIX A

## EVALUATION OF RECYCLING

The following provides additional information regarding implementation and evaluations of various components of the Selected System.

Recycling in Kent County began as a fund raising effort for a summer camp for inner-city youth in 1972. Professor James Bosscher, a Professor in the Engineering Department at Calvin College, organized a glass collection campaign with the aid of Bruce Grant of WOOD. As a result of the extensive publicity, the volunteers were absolutely overwhelmed with glass. Dr. Bosscher and undergraduate engineering students went to work and developed probably the world's foremost example of appropriate technology: a glass smasher which was faster and more efficient than all known glass smashers and which was assembled at a cost of only \$50.00!

Thus, Recycling Unlimited was born. A corporation was formed, a board was appointed and Recycle Unlimited was on its way. It included extensive cooperation from the governments of the City of Grand Rapids and the County of Kent. Funds were provided on an annual basis by both governmental units for quite some time. In addition, private industry in the Kent County area contributed substantially in the way of equipment and money.

At the same time that RU was getting established, another extremely important development was taking place. The solid waste disposal system in Kent County was being consolidated into the Kent County Solid Waste Disposal System. As a result, many of the smaller disposal sites went out of business and the entire system was replaced by a few sanitary landfills operated by Kent County and by a few private companies. This consolidation made it possible to discuss recycling and resource recovery in a broader context.

Another factor entered at this time with a dispute between the Association of Grand Rapids Area Governments (AGRAG) and the Kent County Board of Public Works. AGRAG was anxious to develop a resource recovery and recycling facility and felt the County was not proceeding rapidly enough. The County Board of Public Works, on the other hand, believed that their main responsibility was first to establish an environmentally safe landfill, and then proceed to development of a resource recovery and recycling facility. Kent County finally joined AGRAG in sponsoring a study of the potential for resource recovery in Kent County. This study pointed the way in a preliminary fashion to a comprehensive recycling program in Kent County.

A key factor in the mid-70's was the renegotiation of the rate structure at the Kent County Landfill. As a result, a 10 cent per ton surcharge was established to be devoted to recycling efforts. A second 10 cents per ton surcharge was authorized for the purpose of solid waste planning, especially for planning of recycling and resource recovery efforts. This finally provided a firm funding base for the development in the areas of recycling and resource recovery. Although these surcharges have since been dropped, the concept of using landfill gate revenues for recycling has been accepted by all participants in the system. Thus, the funding for recycling has come from that source, rather than from the City and County government general funds.

From 1974 through 1989, the Kent County Department of Public Works had contracted with Recycle Unlimited, a private, non-profit organization in order to provide residents with the option to recycle certain household items. Page A-4 shows a breakdown of the financial contracts for those years.

Due to financial constraints, in December 1989, Recycle Unlimited informed the Department of Public Works that as of January 31, 1990, they would terminate all recycling services. This decision put the County Board of Commissioners in a position of dealing with residential recycling since after that date, there would be no organization providing similar services in Kent County. The Solid Waste Sub-Committee developed the following three options:

1. Let RU go out of business and the County, under the former 641 Plan, begin a recycling program.
2. The Kent County Commissioners authorize the BPW to enter into a residential recycling program similar to RU's.
3. The County not enter into residential recycling at that time.

The option decided by the BPW was to allow RU to terminate their services and the County start a totally new program. By February 1990, the Kent County DPW had a residential recycling program in place for at least a two year commitment. This time in the history of the recycling program proved to be a milestone for the Department as 22 drop-off sites were established throughout the County and, for the first time, hauling contracts were developed for the collection and hauling services of recyclables.

During this same time frame, the BPW completed and submitted to the MDEQ the draft Solid Waste Management Plan for Kent County. Residential recycling was a major component of that plan. In October of 1990, the plan was approved by the MDEQ.

Recognizing that the development of a county wide residential recycling program is complex, requiring a cooperative effort between Kent County, cities, townships, villages and private sector interests, the BPW appointed a Residential Recycling Advisory Committee (RRAC). The Committee was to study the development and implementation of a residential recycling system and prepare recommendations on specific components as follows:

1. Materials to be recovered
2. Collection and transportation
3. Processing and marketing of recovered materials
4. System financing (public vs. private)
5. Education and publicity
6. Legal aspects of implementation

The RRAC report was submitted to the BPW on October 23, 1991. Board Members conducted several meetings to review and discuss recommendations resulting in some additions to the final report which was presented on January 8, 1992 to Kent County cities, townships and waste haulers. From this report, evolved the present curbside recycling program within the County.

In 1993, the existing building was purchased and plans were developed to implement a curbside recycling program in Kent County. The DPW initiated plans to expand the materials recovery facility by purchasing two parcels of land adjacent to the existing building. A contract was executed with a vendor for new processing equipment and an additional 12,000 square foot tipping floor building was constructed. The end result of this plan enabled the DPW to finally implement a curbside recycling program for the residents of Kent County.

Beginning in the spring of 1994, the Department of Public Works began phasing out the existing



22 drop-off sites. By August of 1994 the drop-off sites were eliminated and residential curbside recycling was in full gear. There are presently two material recovery facilities which process residential curbside material. The County owned and operated facility and one private facility owned and operated by Waste Management.

Since the County has been involved in residential recycling, it has processed and sold over 76,684 tons of recyclables. It is estimated that private industry has processed over 24,000 tons of residential material since the beginning of curbside recycling in Kent County. Below is a summary of tonnages for the curbside recycling programs in Kent County since 1990.

	1990	1991	1992	1993	1994	1995	1996	1997	Totals
Paper	5,713	9,929	12,507	12,705	9,081	3,650	3,288	5,631	62,504
Plastics	173	338	439	437	366	395	384	399	2,931
Glass	989	1,800	2,022	874	384	357	418	344	7,188
Metals	<u>400</u>	<u>579</u>	<u>655</u>	<u>587</u>	<u>533</u>	<u>477</u>	<u>407</u>	<u>423</u>	<u>4,061</u>
County	7,275	12,646	15,623	14,603	10,364	4,879	4,497	6,797	76,684
Private					<u>6,000</u>	<u>6,000</u>	<u>6,000</u>	<u>6,000</u>	<u>24,000</u>
Totals	7,275	12,646	15,623	14,603	16,364	10,879	10,497	12,797	100,684

## **History of Recycle Unlimited Financial Contracts**

**1974 through July 1977** - Revenue sharing funds paid to Recycle Unlimited (RU) by Kent County at \$2.50/ton recyclables recovered, for a total of \$20,525. County's Department of Public Works (DPW) also pays an additional \$8,611.50 in 1977 from 10 cent surcharge placed on gate tip fees at county landfill.

**1978** - RU paid \$17.50/ton with a cap or maximum of \$24,500. Total for year is \$22,698.47. Money comes from 10 cent surcharge at landfill.

**1979** - RU contract remains the same as in 1978, total paid is \$16,650.88 along with an additional \$6,000. RU agrees to minimal fee for newspaper at \$2.50/ton if the market price remains below \$20.00/ton. However, when the market price exceeds \$23.00/ton, DPW will not pay for newspaper tonnages recovered. These funds would be used for public education and normal operating costs at RU. Recycle Unlimited may petition the Board of Public Works for the excess funds for capital improvements, equipment, ect. or to "advance the cause of recycling", or by making its operations more efficient.

**1980** - Contract will pay \$25.00/ton for all materials invoiced except newsprint. Limit or cap set at \$28,000. In October 1980, the per ton payment went up to \$40.00 and was made retroactive. RU received an extra \$6,720.00. Fire at the processing facility was on Labor Day, reason for the increase in per ton fee paid.

**1981** - Contract goes to a \$40,000.00 cap. A quarterly incentive rebate was initiated; \$25.00/ton if less than 200 tons per quarter, \$35.00/ton if more than 200 tons a quarter. Monthly fixed rate of \$1,200.00. Total paid out \$32,287.74 plus an additional \$1,200.00.

**1982** - Contract was set at a \$55,000.00 cap with a basic set rate of \$1,500.00/month with a quarterly incentive of \$40.00/ton deduct basic compensation and advances. Additional section of contract was for the pilot curbside program. The County paid for all equipment on a six month contract; paid \$40.00/ton which included newsprint plus added \$3,000.00/month fee for service of pilot project. Overall limit was set at \$56,500.00.

**1983 through 1985** - RU signed a three year contract with a sliding scale. Ottawa County reimburses Kent County DPW for payments given to RU and transportation costs. Curbside goes into effect through 1985.

1983 - \$30.00/ton. Cap = \$40,000, plus \$30,000 capital equipment.

1984 - \$27.50/ton. Cap = \$70,000

1985 - \$25.00/ton. Cap = \$70,000 (Greatest amount of tonnages were collected at this time)

**1986** - RU contract goes to \$22.50/ton and a cap of \$70,000.

**1987** - RU contract increases to \$30.00/ton and a cap of \$70,000.

**1988 through 1989** - Contract remains at \$30.00/ton and a cap of \$70,000. However, RU is now paid on a monthly basis (not quarterly) also plastic tonnages will be paid for the first time. RU will more than likely exceed cap for the first time ever this year.

## DETAILED FEATURES OF RECYCLING AND COMPOSTING PROGRAMS:

List below the types and volumes of material available for recycling or composting.

<u>MATERIAL</u>	<u>TPY</u>
Newsprint	28,600
White office paper	5,469
Mixed office paper	27,463
Cardboard	71,088
Magazines	13,533
Box board	20,021
Clear glass	14,311
Green glass	4,611
Amber glass	4,450
Steel cans	17,968
Aluminum	3,962
Other metal	4,585
Clear HDPE	1,952
Colored HDPE	1,684
PET	2,225
Plastic film	11,249
PS foam	2,987
Other plastic	18,289
Textiles	15,689
Food waste	43,167
Yard waste	69,061
Wood waste	20,257
Tires	4,686
Other organics	18,557
Other inorganics	<u>9,753</u>
<b>TOTALS</b>	<b>435,624</b>

The following briefly describes the processes used or to be used to select the equipment and locations of the recycling and composting programs included in the Selected System. Difficulties encountered during past selection processes are also summarized along with how those problems were addressed:

### **Equipment Selection**

Existing Programs:

No new equipment is planned for at this time.

Proposed Programs:

None

### **Site Availability & Selection**

Existing Programs:

Not Applicable

Proposed Programs:

Not Applicable

**Composting Operating Parameters:****NOT APPLICABLE**

The following identifies some of the operating parameters which are to be used or are planned to be used to monitor the composting programs.

**Existing Programs:**

<u>Program Name:</u>	<u>pH Range</u>	<u>Heat Range</u>	<u>Other Parameter</u>	<u>Measurement Unit</u>
—	—	—	—	
—	—	—	—	
—	—	—	—	
—	—	—	—	
—	—	—	—	
—	—	—	—	
—	—	—	—	
—	—	—	—	

**Proposed Programs:**

<u>Program Name</u>	<u>pH Range</u>	<u>Heat Range</u>	<u>Other Parameter</u>	<u>Measurement Unit</u>
—	—	—	—	
—	—	—	—	
—	—	—	—	
—	—	—	—	
—	—	—	—	
—	—	—	—	
—	—	—	—	

## **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 quality of the air, water, and land. 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.

It may be necessary to enter into various types of agreements between public and private sectors to be able to implement the various components of this solid waste management system. The known existing arrangements are described below which are considered necessary to successfully implement this system within the County. In addition, proposed arrangements are recommended which address any discrepancies that the existing arrangements may have created or overlooked. Since arrangements may exist between two or more private parties that are not public knowledge, this section may not be comprehensive of all the arrangements within the County. Additionally, it may be necessary to cancel or enter into new or revised arrangements as conditions change during the planning period. The entities responsible for developing, approving, and enforcing these arrangements are also noted.

Ultimate responsibility for implementing and enforcing the Solid Waste Management Plan rests with the Kent County Board of Commissioners. Staff from the Kent County Department of Public Works, under guidance from the Board of Public Works, oversees the daily operation and management of the integrated solid waste system within the County.

Several existing agreements are essential to the implementation of the selected system. Currently, Kent County has site acquisition and service contracts (forty year term) with the six metropolitan cities (Grand Rapids, East Grand Rapids, Kentwood, Walker, Grandville and Wyoming) to ensure an adequate amount of combustible solid waste is supplied to the Waste-To-Energy Facility. There are also delivery agreements with the waste haulers who are licensed within these six cities to deliver all combustible solid waste collected within the six cities to the Waste-To-Energy Facility. These delivery agreements expire in December 2002.

The County does not have any formal import/export agreements with the counties identified in the Plan listed in Tables 1-A and 2-A on Pages III-2,3 and 5. If, in the future, the Kent County Department of Public Works negotiates a formal agreement with any of the counties listed per the authorized conditions, the DPW will forward a copy of the agreements to the Michigan Department of Environmental Quality.

## COSTS & FUNDING:

The following estimates the necessary management, capital, and operational and maintenance requirements for each applicable component of the solid waste management system. In addition, potential funding sources have been identified to support those components. It is the intent of the County to pursue and implement a solid waste disposal surcharge/host agreement on solid waste facilities within Kent County to assist in financing some of these programs.

System Component <sup>1</sup>	Estimated Costs*	Potential Funding Sources
<u>Resource Conservation Efforts</u> Waste-To-Energy and District Heating & Cooling	\$27,770,000	Refuse Disposal System Revenues
<u>Resource Recovery Programs</u> Household Hazardous Waste Material Recovery Facility	\$96,000 \$496,000	Refuse Disposal System Revenues
<u>Volume Reduction Techniques</u>	N/A	Private Sector
<u>Collection Processes</u>	N/A	Private Sector
<u>Transportation</u>	N/A	Private Sector
<u>Disposal Areas</u> South Kent Landfill North Kent Transfer Station	\$2,519,000 \$633,000	Refuse Disposal System Revenues
<u>Future Disposal Area Uses</u>	NONE	Refuse Disposal System Revenues
<u>Management Arrangements</u>	Included in above numbers	Refuse Disposal System Revenues
<u>Educational &amp; Informational Programs</u>	\$83,000	Refuse Disposal System Revenues

<sup>1</sup> These components and their subcomponents may vary with each system.

\* All cost figures are for County managed programs only and are 1999 projections.

### Funding Options for County Solid Waste Management Programs

#### 1. Present System:

Solid and hazardous waste management programs funded through tipping fees generated from the South Kent Landfill.

2. Generator User Fee:

- a. Under Public Act 185 of 1957, the Board of Public Works appears to have the authority to create an assessment district to manage solid waste systems. Applying this concept to collect a user fee the County would need to define the area and services to be provided.
- b. Under Public Act 138, local units of government could assess up to \$25.00/household for recycling related services. The local governmental unit then may enter a contract with the County to provide recycling services.

3. Agreement with solid waste disposal facilities doing business with Kent County

This could be approached in two different ways:

- a. A set fee structured in the Plan for solid waste disposal facilities. This concept requires all solid waste disposal facilities that want to be authorized in the Plan to agree to pay Kent County a negotiated fee on solid waste from Kent County.
- b. The County could open a bidding process to all facilities that want Kent County solid waste and develop contracts with all or selected facilities that meet the requirements established by the County.

4. Voluntary fee from municipalities in Kent County sponsoring the County Solid Waste Program.

This could be based on the volume of solid waste generated or population in each municipality.

5. Voluntary fee agreement with solid waste facilities using Kent County solid waste.

This would consist of a formal contract between solid waste disposal facilities using county solid waste. The fee would be determined by the facility and offered to the County at will.

6. General Fund

The County would pay for all or portion of the waste management programs from the General Fund.

7. Combination of fees coming from the General Fund and one or more of the previous mentioned concepts.

8. Combination of alternatives with fees collected by governing entities that they would share with the county solid waste program.



## EVALUATION SUMMARY OF THE SELECTED SYSTEM:

The solid waste management system has been evaluated for anticipated positive and negative impacts on the public health, economics, environmental conditions, siting considerations, existing disposal areas, and energy consumption and production which would occur as a result of implementing this Selected System. In addition, the Selected System was evaluated to determine if it would be technically and economically feasible, whether the public would accept this Selected System, and the effectiveness of the educational and informational programs. Impacts to the resource recovery programs created by the solid waste collection system, local support groups, institutional arrangements, and the population in the County in addition to market availability for the collected materials and the transportation network were also considered. Impediments to implementing the solid waste management system are identified and proposed activities which will help overcome those problems are also addressed to assure successful programs. The Selected System was also evaluated as to how it relates to the Michigan Solid Waste Policy's goals. The following summarizes the findings of this evaluation and the basis for selecting this system:

The current system for refuse disposal in Kent County is based on a plan which incorporates an integrated solid waste system of energy recovery, material processing, landfilling and expanded education in resource recovery. The past plans have targeted waste to energy and material recovery. Since Kent County has a well established integrated solid waste management system, this plan update is targeted at increasing the public on education of resource recovery and household hazardous waste programs; specifically, how to increase recycling, composting, waste reduction and reuse while maintaining (or decreasing) the present degree of landfilling. This update outlines the degree of waste reduction, composting and recycling which will best serve the County. The County will, during the next five year planning period, study and determine the best means for implementing waste reduction and reuse as a part of its solid waste management plan.

Three solid waste system alternatives were formulated for Kent County based on the components of waste reduction, composting, recycling, energy recovery and landfilling in the past plan. These alternative systems were compared to where Kent County actually is in relation to the systems. The alternatives differ by level of volumes of materials to be recovered: low, moderate, high and actual. The goal of this update is to identify a realistic system that can be implemented in Kent County over the long and short term of this Plan.

Based on the previous approved Plan, Kent County implemented Alternative #3 (high volume material recovery, waste to energy and landfilling) as the method for managing and disposing of solid waste generated within Kent County. Due to the economics of the waste industry, all levels of waste reduction were not met in Alternative #3. As discussed in Section II of this Plan, it is the intent of this Plan to strive towards obtaining the suggested levels recognized by the State of Michigan.

The committee evaluated the alternative solid waste management systems against the statutorily defined criteria described in Section II. Since Alternative #3 was not being totally met, an alternative system was selected which could realistically achieve the goals and objectives set forth in this Plan. The Selected System requires no new technologies for effective

## **EVALUATION SUMMARY CONTINUED:**

implementation. By building on the current system, which has sustained support in the past, this approach should prove acceptable to the general public. The following pages will examine the selected system described in Section II as to the technical feasibility, economic feasibility, access to land and transportation networks, energy consumption and production, environmental impacts and public acceptability.

### **Technical Feasibility**

The technical feasibility of waste reduction, reuse, recycling, composting, waste-to-energy and landfilling has already been proven by their existence in the County and across the State. The equipment, management and criteria necessary to establish the selected diversion rates have been or are currently in existence in the County.

Waste reduction requires the application of technologies that replace single use products with more durable goods, finding new ways for a product to be used or implementing manufacturing processes that generate less waste and/or build recyclability into products. The primary responsibility for waste reduction must be assumed by the private sector. However, strong incentives for waste reduction, such as legislation requiring the recyclability of packaging products to reduce the waste generated is imperative. Local business and industry has already begun addressing these issues and will be assisted by the Kent County Resource Recovery Program to continue developing waste reduction strategies.

Current composting services exist in the Kent County area to reach a diversion rate of 4-5 percent. Expansion of services by the private sector, more municipalities providing leaf and/or yard waste collection services and an expansion of individuals doing more backyard composting are all means that may be available to reach higher volume recovery rates.

Recycling diversion rates of 4-6 percent are presently being met within the residential curbside programs in Kent County. Over the past several years residential recycling has been re-established through curbside recycling programs and several drop-off sites throughout the County. Commercial recycling diversion rates are more difficult to establish due to the lack of data received from private companies. The collection, processing and operations associated with commercial recycling have been developed and established for a number of years in Kent County. Commercial and residential recycling is well developed in Kent County and technically feasible.

The technical feasibility of energy recovery is demonstrated by the large number of successfully operating waste-to-energy facilities throughout the world. Kent County has also demonstrated the technical feasibility of energy recovery by owning and managing the operation of a waste-to-energy facility for the past eight years.

The technical feasibility of landfilling has also been long established as a solid waste management component and advancements in this component will continue to safeguard the environment.

## **EVALUATION SUMMARY CONTINUED:**

### **Economic Feasibility**

The economic feasibility of waste reduction has been demonstrated by businesses and industries which employ this component for handling their solid waste stream. As disposal costs rise, any methods used to reduce the amount of solid waste generated will directly benefit that company.

Composting programs continue to grow throughout the United States. It has generally been concluded that a well designed, well operated composting program can be economically feasible.

The economic feasibility of recycling is more difficult to demonstrate. However, commercial recycling has been extensively established in Kent County. Numerous companies and services exist that provide for collection and processing of various recyclable materials from businesses and industries. As long as markets remain stable, private sector will provide the service for commercial materials recovery.

Residential recycling does not see the same type of economics come into play as at the commercial level. Residential collected materials do not provide for the same high market prices that commercial materials demand. In addition, contamination is more likely to occur at the residential level which in turn reduces the prices. Kent County is committed to making residential recycling economically feasible within their integrated solid waste management program.

The economic feasibility of the County's Waste-To-Energy Facility is the number one priority within the solid waste system for Kent County. Contracts have been established with haulers to ensure that the facility will have enough waste to burn and to maintain the financial integrity of the bond indenture for the system.

The economic feasibility of landfilling has been well demonstrated in Kent County as well as many other areas. It has proven to be an inexpensive method of disposing of solid waste, providing that there is adequate land available. This trend has changed in recent years, as it is now becoming exceedingly more expensive to develop landfill sites due to more stringent state and federal laws regulating the construction and operation of solid wastes disposal facilities. Presently, Kent County and the surrounding areas have ample landfill space available for the short and long term, but as the economic feasibility of land disposal decreases, resource recovery options will become more viable.

### **Access to Land**

Availability of land space is more of a requirement for landfills than any other disposal technology. The availability of needed land space for landfills and transfer stations in Kent County is adequate to manage the solid waste generated in Kent County for the planning period encompassed in this Plan.

## **EVALUATION SUMMARY CONTINUED:**

### **Access to Transportation Networks**

The County has three interstate highways, one U.S. highway and eight state highways. Four railroad lines serve Kent County, three freight and one passenger. The highways and railways link Kent County to all points in the state and provide access to national highway systems in adjoining states. In addition, due to Kent County's highly urbanized area, a well-built infrastructure of major thoroughfares and roadways exist in the County. The selected system for Kent County is adequately served by the existing transportation structure.

### **Energy Consumption**

Energy savings are realized by implementing waste reduction, reuse and composting. They serve to conserve natural resources and reduce the amount of energy needed in the operation of a land disposal site. In addition, recycling and composting increase the BTU/lb. In a typical waste stream which allows the Waste-To-Energy Facility to burn more efficient.

The Waste-To-Energy Facility also has a positive effect on the overall energy requirements in the area. The facility uses a resource that is typically buried to create steam and electricity. The steam is sold to the District Heating and Cooling Operations owned by the County while the electricity is sold to Consumers Power Company.

### **Environmental Impacts**

Any materials recovery program implemented and/or expanded will have a positive benefit to the overall solid waste refuse disposal system. By implementing the technologies stated in the selected system, it will lengthen the existing life of the present landfill and conserve natural resources. Since no new facilities will be sited within this Plan period, there will be no new environmental impacts created.

### **Public Acceptability**

The public has accepted the previous Plan and Selected System. Considering that there are no new systems or facilities being sited within this Plan period, it is therefore likely that the public will continue to accept the present Plan and Selected System with greater emphasis being placed on the technologies of reuse, recycling, waste reduction and composting through a comprehensive educational program.

## EVALUATION SUMMARY CONTINUED:

It is the intent of this Plan and the Committee to strive towards obtaining the suggested levels recognized by the State of Michigan which are as follows:

<u>Technology</u>	<u>Percent of Waste Stream</u>
Waste Reduction	8 - 12
Reuse	4 - 6
Recycling	20 - 30
Composting	8 - 12
Waste To Energy	35 - 45
Landfill	10 - 20

It also seems somewhat unrealistic, at this point, to try to reach a level of landfilling in the 10-20 percent range. Until landfill space becomes more scarce, it is the Committee's feeling that this level is unachievable. As stated above, incinerating is operating at its maximum level of 190,000 tons per year and can not feasibly burn anymore waste. Therefore, the most logical avenue for this Plan is to increase recycling, composting, reuse and waste reduction through a comprehensive educational effort. This in turn may lessen or at least hold steady the amount of waste which is landfilled. It is the goal of this Plan to obtain the following levels for the next 5 and 10 year periods:

### Year 2005

<u>Technology</u>	<u>Percent of Waste Stream</u>	<u>Projected Tonnages</u>
Waste Reduction	5 - 7	42,000
Reuse	3 - 4	32,000
Composting	5 - 7	53,000
Recycling	10- 15	105,000
Waste to Energy	18	190,000
Landfilling	60	<u>631,000</u>
		1,053,000

### Year 2010

<u>Technology</u>	<u>Percent of Waste Stream</u>	<u>Projected Tonnages</u>
Waste Reduction	7 - 9	62,000
Reuse	4 - 5	45,000
Composting	7 - 9	62,000
Recycling	14 - 19	158,000
Waste to Energy	17	190,000
Landfilling	55	<u>620,000</u>
		1,137,000

## **ADVANTAGES AND DISADVANTAGES OF THE SELECTED SYSTEM:**

Each solid waste management system has pros and cons relating to its implementation within the County. Following is an outline of the major advantages and disadvantages for this Selected System.

### **ADVANTAGES:**

1. Increased and expanded resource recovery programs will extend present landfill life.
2. Educational efforts will be expanded and emphasized.
3. Increased household hazardous waste programs.
4. Lower program operational costs compared to private sector.
5. Better data base and record keeping.
6. The Selected System is technically and economically feasible.
7. Publicly owned and operated system can offer more resource recovery and educational programs than a private system.
- 8.

### **DISADVANTAGES:**

1. Continually decreasing number of private waste haulers resulting in less competition.
2. Resources for educational and resource recovery programs are limited.
3. Flat rate disposal fees diminish the motivation to recycle.
4. Difficult to determine the level of commercial and industrial waste reduction.
5. Insufficient data base to determine the complete waste reduction picture.
6. Recycling markets are volatile and sometimes sparse.

## **ADVANTAGES AND DISADVANTAGES OF THE NON-SELECTED SYSTEM:**

Each solid waste management system has pros and cons relating to its implementation within the County. Following is a summary of the major advantages and disadvantages for this non-selected system.

The same advantages will apply to the non selected systems as did to the selected system, only to a lesser level.

### **ADVANTAGES:**

1. Increased and expanded resource recovery programs will extend present landfill life.
2. Educational efforts will be expanded and emphasized.
3. Increased household hazardous waste programs.
4. Lower program operational costs compared to private sector.
5. Better data base and record keeping.
6. The Selected System is technically and economically feasible.
7. Publicly owned and operated system can offer more resource recovery and educational programs than a private system.
- 8.

### **DISADVANTAGES:**

1. Continually decreasing number of private waste haulers resulting in less competition.
2. Resources for educational and resource recovery programs may be limited.
3. Flat rate disposal fees diminish the motivation to recycle.
4. Difficult to determine the level of commercial and industrial waste reduction.
5. Insufficient data base to determine the complete waste reduction picture.
6. Recycling markets are volatile and sometimes sparse.
- 7.

## APPENDIX B



### **EDUCATIONAL AND INFORMATIONAL PROGRAMS:**

Same as Selected System discussed in previous section. The levels of technology are the only differences between the systems.

### **CAPITAL, OPERATIONAL, AND MAINTENANCE COSTS:**

Same as Selected System discussed in previous section. The levels of technology are the only differences between the systems.

### **EVALUATION SUMMARY OF NON-SELECTED SYSTEM:**

The non-selected system was evaluated to determine its potential of impacting human health, economics, environmental, transportation, siting and energy resources of the County. In addition, it was reviewed for technical feasibility, and whether it would have public support. Following is a brief summary of that evaluation along with an explanation why this system was not chosen to be implemented.

#### **Alternative #1 - Low volume materials recovery, waste-to-energy and landfilling**

<u>Technology</u>	<u>Percent of Waste Stream</u>
Waste Reduction	1 - 2
Recycling	4 - 6
Composting	2 - 3
Waste To Energy	35 - 41
Landfill	48 - 58

This alternative calls for the implementation of low volume materials recovery program effecting 30% of the estimated tonnages available for recovery by waste reduction, recycling and composting. It is expected that implementing a low volume materials recovery program will effect 7-11% of the total solid waste stream generated in Kent County.

#### **Alternative #2 - Moderate volume materials recovery, waste-to-energy and landfilling**

<u>Technology</u>	<u>Percent of Waste Stream</u>
Waste Reduction	2 - 3
Recycling	7 - 9
Composting	3 - 4
Waste To Energy	35 - 41
Landfill	43 - 53

This alternative differs from Alternative #1 in that a moderate materials recovery program will effect 50% of the estimated tonnages available for recovery by waste reduction, recycling and composting. All total it is expected that this alternative will effect 12-16% of the total solid waste stream generated in Kent County.

## EVALUATION SUMMARY CONTINUED:

### Alternative #3 - High volume materials recovery, waste-to-energy and landfilling

<u>Technology</u>	<u>Percent of Waste Stream</u>
Waste Reduction	4 - 5
Recycling	12 - 14
Composting	5 - 6
Waste To Energy	35 - 41
Landfill	34 - 44

This alternative differs from Alternatives #1 and #2 with the high materials recovery program effecting 80% of the estimated tonnages available for recovery by waste reduction, recycling and composting. This alternative will effect 21-25% of the total solid waste stream generated in Kent County.

## **NON-SELECTED**

### **SYSTEMS**

Before selecting the solid waste management system contained within this Plan update, the County developed and considered other alternative systems. The details of the non-selected systems are available for review in the County's repository. The following section provides a brief description of these non-selected systems and an explanation why they were not selected. Complete one evaluation summary for each non-selected alternative system.

#### **Description of Alternative Systems**

Kent County selected a plan for solid waste management that included energy recovery, landfilling, material recovery and expanded resource recovery efforts. Landfilling is still the predominant means of waste disposal in and around Kent County. It also is a very convenient and somewhat accurate number to obtain. For the basis of this plan, the landfilling tonnage was used from the landfill reports obtained from the State of Michigan. Waste to energy is still a vital part of the county's plan and will continue to be in the future. The Waste-To-Energy Facility continues to process approximately 190,000 tons of waste per year. This is also a very accurate and obtainable number and reflects optimum operating conditions at the facility. As the total projected solid waste quantities for Kent County continue to increase, the percent of waste incinerated will continue to decrease. This leaves the remaining four classes of technology (reuse, waste reduction, composting and recycling) to compete for the remaining volume of trash. They are also the most difficult to analyze and gather accurate information.

This Plan will use the same alternative solid waste management systems that were developed in the past Plan. The integrated solid waste system for Kent County has not changed and all the technology components discussed in the previous Plan will remain as part of the updated Plan. Only the percentages of the total solid waste stream for the components mentioned will vary towards eventually trying to reach the suggested state goals.

## **SYSTEM COMPONENTS:**

The following briefly describes the various components of the non-selected system.

## **RESOURCE CONSERVATION EFFORTS:**

Same as Selected System discussed in previous section. The levels of technology are the only differences between the systems.

## **VOLUME REDUCTION TECHNIQUES:**

Same as Selected System discussed in previous section. The levels of technology are the only differences between the systems.

## **RESOURCE RECOVERY PROGRAMS:**

Same as Selected System discussed in previous section. The levels of technology are the only differences between the systems.

## **COLLECTION PROCESSES:**

Same as Selected System discussed in previous section. The levels of technology are the only differences between the systems.

## **TRANSPORTATION:**

Same as Selected System discussed in previous section. The levels of technology are the only differences between the systems.

## **DISPOSAL AREAS:**

Same as Selected System discussed in previous section. The levels of technology are the only differences between the systems.

## **INSTITUTIONAL ARRANGEMENTS:**

Same as Selected System discussed in previous section. The levels of technology are the only differences between the systems.

## APPENDIX C

6-24-99-79

RESOLUTION BY COMMISSIONER MCGUIRE

WHEREAS, PA 451 of 1994, the Natural Resources & Environmental Protection Act, as amended, requires all Michigan counties to have a Solid Waste Management Plan; and

WHEREAS, Michigan State law requires that all PA 451 plans be revised every five years; and

WHEREAS, the Kent County Board of Commissioners on August 28, 1997, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of PA 451; and

WHEREAS, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan; and

WHEREAS, the Kent County Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan; and

WHEREAS, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments; and

WHEREAS, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan; and

WHEREAS, the Board of Public Works has recommended that the Board of Commissioners approve the updated Plan; and

WHEREAS, the Board of Commissioners has reviewed the details of the Plan.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners wishes to compliment the Solid Waste Planning Advisory Committee and acknowledge its efforts in drafting a thoughtful and well conceived plan for solid waste management; and

BE IT FURTHER RESOLVED that the Kent County Board of Commissioners hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the Plan to all of the municipalities in the County for review and approval.

Commissioner McGuire moved the resolution be adopted.

I, TERRI L. LAND, Clerk of the Circuit Court of said County of Kent do hereby certify that the above and foregoing is a true and correct transcript of: a resolution adopted by the Kent County Board of Commissioners at their meeting held Thursday, June 24, 1999.

compared by me with the original, now on record in the office of the Clerk of said County and Court, and of the whole of said original record.

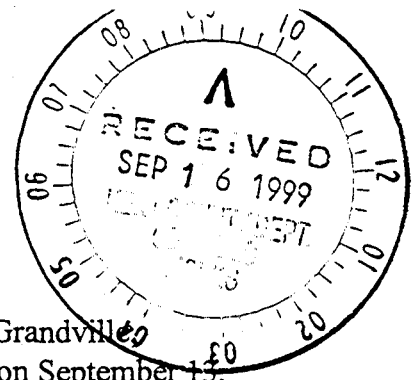
In Testimony Whereof, I have hereunto set my hand and official seal at the City of Grand Rapids, in said county, this 24th day of June one thousand nine hundred and 99.

TERRI L. LAND, Clerk

By Mary Beth Hollinrake Deputy  
Mary Beth Hollinrake, Chief Deputy County Clerk

**RESOLUTION NO. 2362**

**A RESOLUTION APPROVING ACT 451  
SOLID WASTE MANAGEMENT PLAN**



Minutes of a regular meeting of the City Council of the City of Grandville, County of Kent, Michigan, held in the Council Chambers, in said City on September 15, 1999, at 7:00 p.m.

**PRESENT:** Council Members Bouma, De Witt, Gates, Maas, Petersen, and Pettijohn.

**ABSENT:** Mayor Buck.

The following preamble and resolution were offered by Council Member Gates and seconded by Council Member Pettijohn:

WHEREAS, Public Act 451 as required by Section 11539a of Part 115, Solid Waste Management, of the Natural Resources & Environmental Protection Act 1994, as amended, requires all Michigan counties to have a Solid Waste Management Plan, and

WHEREAS, Michigan State law requires that all Public Act 451 plans be revised every five years, and

WHEREAS, the Kent County Board of Commissioners on August 28, 1997, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451, and

WHEREAS, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan, and

WHEREAS, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments, and

WHEREAS, the Solid Waste Planning Committee has adopted and approved a final Kent County solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners has reviewed the details of the Plan on June 24, 1999, approved the Solid Waste Management Plan for Kent



County, Michigan, and directed the designated planning agency to present the Plan to all municipalities and units of government in the County for approval, and

WHEREAS, Public Act 451, Part 115 requires that two-thirds of municipalities and units of government in the County approve the Solid Waste Management Plan Update.

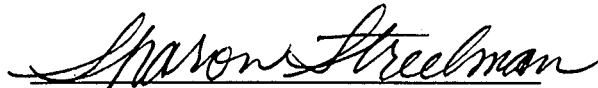
NOW, THEREFORE, BE IT RESOLVED that the City of Grandville hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.

YEAS: Council Members Bouma, De Witt, Gates, Maas, Petersen, and Pettijohn.

NAYS: None.

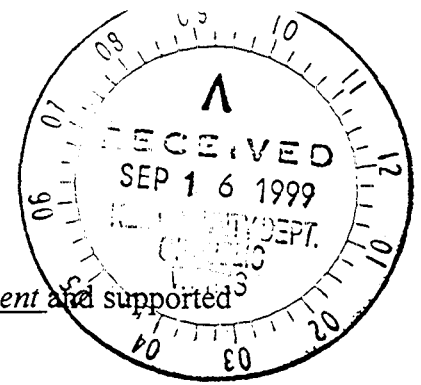
RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing resolution was adopted by the Grandville City Council at a regular meeting held on the 13th day of September, 1999.



Sharon Streelman, CMC/AAE  
Grandville City Clerk

VILLAGE COUNCIL  
VILLAGE OF KENT CITY  
KENT COUNTY, MICHIGAN



The foregoing resolution was offered by Council member Clement and supported by Council member Boersma.

**RESOLUTION NO. 99-19**

**A RESOLUTION TO ADOPT ACT 451 SOLID WASTE MANAGEMENT PLAN, AS RECOMMENDED BY KENT COUNTY BOARD OF COMMISSIONERS.**

Act 451 Solid Waste Management Plan

WHEREAS, Public Act 451 as required by Section 11538a of Part 115, Solid Waste Management, of the Natural Resources & Environmental Protection Act 1994, as amended, required all Michigan counties to have a Solid Waste Management Plan, and

WHEREAS, Michigan State law requires that all Public Act 451 plans be revised every five years, and

WHEREAS, the Kent County Board of Commissioners on August 28, 1997, Indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451, and

WHEREAS, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan, and

WHEREAS, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners has reviewed the details of the Plan and on June 24, 1999, approved the Solid Waste Management Plan for Kent County, Michigan, and directed the designated planning agency to present the Plan to all municipalities and units of government in the County for approval, and

WHEREAS, Public Act, 451, Part 115 requires that two-thirds of municipalities and units of government in the County approve the Solid Waste Management Plan Update, and

NOW, THEREFORE, BE IT RESOLVED that the Village of Kent City hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.

AYES: 6

NAYS: 0

ABSENT: 1

RESOLUTION DECLARED ADOPTED:

I, hereby certify, that this is a true and complete copy of a resolution adopted by the Village Council of the Village of Kent City, Kent County, Michigan, at a regular meeting held on September 13, 1999, which was conducted and public notice given in compliance with the Open Meetings Act, Act No. 267, Public Acts of Michigan of 1976, as amended.

  
\_\_\_\_\_  
Mary Portell, Clerk



**RESOLUTION 99-41**  
**Act 451 Solid Waste Management Plan**

WHEREAS, Public Act 451 as required by Section 11539a of Part 115, Solid Waste Management, of the Natural Resources & Environmental Protection Act 1994, as amended, requires all Michigan counties to have a Solid Waste Management Plan, and

WHEREAS, Michigan State law requires that all Public Act 451 plans be revised every five years, and

WHEREAS, the Kent County Board of Commissioners on August 28, 1997, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451, and

WHEREAS, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan, and

WHEREAS, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments, and

WHEREAS, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners has reviewed the details of the Plan and on June 24, 1999, approved the Solid Waste Management Plan for Kent County, Michigan, and directed the designated planning agency to present the Plan to all municipalities and units of government in the County for approval, and

WHEREAS, Public Act 451, Part 115 requires that two-thirds of municipalities and units of government in the County approve the Solid Waste Management Plan Update, and

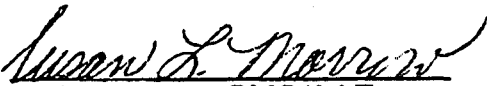
NOW, THEREFORE, BE IT RESOLVED that Plainfield Charter Township hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.

AYES: Supervisor Vonk, Clerk Morrow, Treasurer Stover, Trustees Briggs, Litzan, Siebers, and Spalding

NAYS: None

ABSENT: None

ABSTAIN: None

  
Susan L. Morrow, CMC/AEE

Plainfield Charter Township Clerk

Dated: September 13, 1999

I hereby declare that the foregoing is a true copy of Resolution 99-41 adopted by the Plainfield Charter Township Board at its regular meeting held on the 13th day of September 1999.

---

Susan L. Morrow, CMC/AEE  
Plainfield Charter Township Clerk

R99-31

Act 451 Solid Waste Management Plan

JUL 06 1999

WHEREAS, Public Act 451 as required by Section 11539a of Part 113, Solid Waste Management, of the Natural Resources & Environmental Protection Act 1994, as amended, requires all Michigan counties to have a Solid Waste Management Plan, and

WHEREAS, Michigan State law requires that all Public Act 451 plans be revised every five years, and

WHEREAS, the Kent County Board of Commissioners on August 28, 1997, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451, and

WHEREAS, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan, and

WHEREAS, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments, and

WHEREAS, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners has reviewed the details of the Plan and on June 24, 1999, approved the Solid Waste Management Plan for Kent County, Michigan, and directed the designated planning agency to present the Plan to all municipalities and units of government in the County for approval, and

WHEREAS, Public Act 451, Part 115 requires that two-thirds of municipalities and units of government in the County approve the Solid Waste Management Plan Update, and

NOW, THEREFORE, BE IT RESOLVED that Village of Caledonia hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.

S:\SWO\SWMA\PLANS\Units of gov RESOLUTI.WPD

*Aimee M. Beumler*  
*Village Clerk*

# SOLO<sup>N</sup> Township

Established in 1857

Solon Township  
Kent County  
2305 19 Mile Road NE  
Cedar Springs, MI 49319  
Tel 616 696-1718  
Fax 616 696-3970

## ACT 451 SOLID WASTE MANAGEMENT PLAN

WHEREAS, Public Act 451 as required by Section 11539a of Part 115, Solid Waste Management, of the Natural Resources & Environmental Protection Act 1994, as amended, requires all Michigan counties to have a Solid Waste Management Plan, and

WHEREAS, Michigan State law requires that all Public Act 451 plans be revised every five years, and

WHEREAS, the Kent County Board of Commissioners on August 28, 1997, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451, and

WHEREAS, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan, and

WHEREAS, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments, and

WHEREAS, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners has reviewed the details of the Plan and on June 24, 1999, approved the Solid Waste Management Plan for Kent County, Michigan, and directed the designated planning agency to present the Plan to all municipalities and units of government in the County for approval, and

WHEREAS, Public Act 451, Part 115 requires that two-thirds of municipalities and units of government in the County approve the Solid Waste Management Plan Update, and

NOW, THEREFORE, BE IT RESOLVED that Solon Township hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.

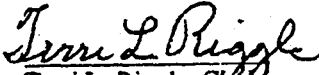
The foregoing resolution offered by Board Member Havens and supported by Board Member Riggle. The following voted "AYE": Cornell, Riggle, Havens, Johnson and Olmsted.

"NAY": None.

Absent: None.

The Supervisor declared the resolution adopted.

I, Terri L. Riggle, the duly appointed and acting Clerk of Solon Township, hereby certify that the foregoing resolution was adopted by the Township Board of said Township at a regular meeting of said Board held on September 14, 1999.

  
Terri L. Riggle, Clerk

**VILLAGE COUNCIL  
VILLAGE OF SPARTA  
Kent County, Michigan**

Councilmember Champney, supported by Councilmember Chris Brown, moved the adoption of the following resolution

**RESOLUTION NO. 99-48**

**A RESOLUTION APPROVING THE KENT COUNTY  
SOLID WASTE MANAGEMENT PLAN DATED MAY 1999**

**WHEREAS**, Public Act 451 as required by Section 11539a of Part 115, Solid Waste Management, of the Natural Resources & Environmental Protection Act 1994, as amended, requires all Michigan counties to have a Solid Waste Management Plan, and

**WHEREAS**, Michigan State law requires that all Public Act 451 plans be revised every five years, and

**WHEREAS**, the Kent County Board of Commissioners on August 28, 1997, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451, and

**WHEREAS**, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan, and

**WHEREAS**, the Kent County Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan, and

**WHEREAS**, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments, and

**WHEREAS**, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan, and

**WHEREAS**, the Kent County Board of Commissioners has reviewed the details of the Plan and on June 24, 1999, approved the Solid Waste Management Plan for Kent County, Michigan, and directed the designated planning agency to present the Plan to all municipalities and units of government in the County for approval, and

**WHEREAS**, Public Act 451, Part 115 requires that two-thirds of municipalities and units of government in the County approve the Solid Waste Management Plan Update, and

**NOW, THEREFORE, BE IT RESOLVED:**

1 The Village Council hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.

2. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded

**YEAS:** Councilmembers: Clapp II, Eary, Sheckler, Wever, Charles Brown, Chris Brown, Champney.

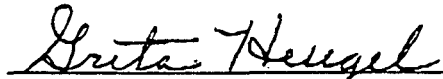
**NAYS:** Councilmembers: None

**ABSENT:** Councilmembers: None

**ABSTAIN:** Councilmembers: None

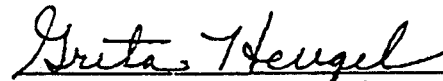
**RESOLUTION DECLARED ADOPTED.**

**DATED:** September 13, 1999

  
Greta Heugel, Village Clerk

### **CERTIFICATION**

I certify that the foregoing is a true and complete copy of a resolution adopted by the Village Council of the Village of Sparta at a regular meeting held on September 13, 1999, which was conducted in accordance with the Open Meetings Act, Act 267 of the Public Acts of Michigan of 1976, as amended.

  
Greta Heugel, Village Clerk



**RESOLUTION**  
**GRAND RAPIDS CHARTER TOWNSHIP**  
**KENT COUNTY, MICHIGAN**

WHEREAS, Public Act 451 as required by Section 11539a of Part 115, Solid Waste Management, of the Natural Resources & Environmental Protection Act of 1994, as amended, requires all Michigan counties to have a Solid Waste Management Plan, and

WHEREAS, Michigan State law requires that all Public Act 451 plans be revised every five years, and

WHEREAS, the Kent County Board of Commissioners on August 28, 1997, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451, and

WHEREAS, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan, and

WHEREAS, The Kent County Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan, and

WHEREAS, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments, and

WHEREAS, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners has reviewed the details of the Plan and on June 24, 1999, approved the Solid Waste Management Plan for Kent County, Michigan, and directed the designated planning agency to present the Plan to all municipalities and units of government in the County for approval, and

WHEREAS, Public Act 451, Part 115 requires that two-thirds of municipalities and units of government in the County approve the Solid Waste Management Plan Update, and

NOW, THEREFORE, BE IT RESOLVED that Grand Rapids Charter Township hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.

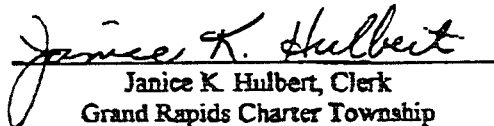
The foregoing Resolution was offered by Board Member Van Popering  
and supported by Board Member Lovell  
and the vote being as follows:

YEAS      DE VRIES, ENDSLEY, GREY, HULBERT, LOVELL, VAN POPERING

NAYS      NONE

ABSENT    ROBINETTE

Resolution declared adopted

  
Janice K. Hulbert, Clerk  
Grand Rapids Charter Township

**CERTIFICATION**

I hereby certify the foregoing to be a true copy of a Resolution adopted at a regular meeting of the Grand Rapids Township Board held on September 7, 1999



**CITY OF ROCKFORD  
RESOLUTION 99-49**

**RESOLUTION APPROVING THE KENT COUNTY  
ACT 451 SOLID WASTE MANAGEMENT PLAN**

The following resolution was offered by Council member Eadie, and supported by Council member Blakeslee:

- WHEREAS, Public Act 451, as required by Section 11539a of Part 115, Solid Waste Management, of the Natural Resources & Environmental Protection Act 1994, as amended, requires all Michigan counties to have a Solid Waste Management Plan; and
- WHEREAS, Michigan State law requires that all Public Act 451 plans be revised every five (5) years; and
- WHEREAS, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan; and
- WHEREAS, the Kent County Board of Commissioner on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan; and
- WHEREAS, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments; and
- WHEREAS, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan; and
- WHEREAS, the Kent County Board of Commissioners has reviewed the details of the Plan and on June 24, 1999, approved the Solid Waste Management Plan for Kent County, Michigan, and directed the designated planning agency to present the Plan to all municipalities and units of government in the County for approval; and
- WHEREAS, Public Act 451, Part 115 requires that two-thirds of municipalities and units of government in the County approve the Solid Waste Management Plan Update; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rockford hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.

AYES: Mayor Doane, Mayor Pro-tem Eadie, Council member Rogers, Biegalle, and Blakeslee

NAYS: None

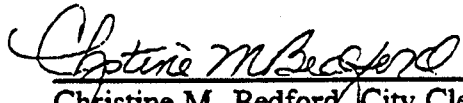
ABSENT: None

ABSTAIN: None

#### CERTIFICATION

I, the undersigned duly qualified and acting Clerk of the City of Rockford (the "City") do hereby certify that the foregoing is a true and complete copy of a resolution adopted by of the City of Rockford (the "City") of the City, at a regular meeting held on September 13, 1999, the original of which is on file in my office.

Dated: September 13, 1999

  
Christine M. Bedford, City Clerk

Act 451 Solid Waste Management Plan

WHEREAS, Public Act 451 as required by Section 11539a of Part 115, Solid Waste Management, of the Natural Resources & Environmental Protection Act 1994, as amended, requires all Michigan counties to have a Solid Waste Management Plan, and

WHEREAS, Michigan State law requires that all Public Act 451 plans be revised every five years, and

WHEREAS, the Kent County Board of Commissioners on August 28, 1997, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451, and

WHEREAS, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan, and

WHEREAS, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments, and

WHEREAS, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners has reviewed the details of the Plan and on June 24, 1999, approved the Solid Waste Management Plan for Kent County, Michigan, and directed the designated planning agency to present the Plan to all municipalities and units of government in the County for approval, and

WHEREAS, Public Act 451, Part 115 requires that two-thirds of municipalities and units of government in the County approve the Solid Waste Management Plan Update, and

NOW, THEREFORE, BE IT RESOLVED that East Grand Rapids hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.

Adopted by the East Grand Rapids  
City Commission on September 7, 1999

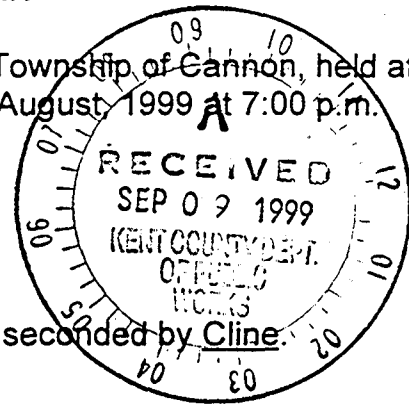
  
Karen K. Brower, City Clerk

**TOWNSHIP OF CANNON  
COUNTY OF KENT, MICHIGAN**

At a regular meeting of the Township Board of the Township of Cannon, held at the Township Hall, Rockford, Michigan, on the 23<sup>rd</sup> day of August, 1999 At 7:00 p.m.

**PRESENT:** Barker, Cline, Davies, Shupe, Tidey

**ABSENT:** Alles and Bloom



The following resolution was offered by Davies and seconded by Cline.

**RESOLUTION  
ACT 451 SOLID WASTE MANAGEMENT PLAN**

**WHEREAS**, Public Act 451 as required by Section 11539a of Part 115, Solid Waste Management, of the Natural Resources & Environmental Protection Act 1994, as amended, requires all Michigan counties to have a Solid Waste Management Plan, and

**WHEREAS**, Michigan State law requires that all Public Act 451 plans be revised every five years, and

**WHEREAS**, the Kent County Board of Commissioners on August 28, 1997, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451, and

**WHEREAS**, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan, and

**WHEREAS**, the Kent County Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan, and

**WHEREAS**, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments, and

**WHEREAS**, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan, and

**WHEREAS**, the Kent County Board of Commissioners has reviewed the details of the Plan and on June 24, 1999, approved the Solid Waste Management Plan for Kent County, Michigan, and directed the designated planning agency to present the Plan to all municipalities and units of government in the County for approval, and

KC SOLID WASTE MANAGEMENT PLAN – PAGE 2

WHEREAS, Public Act 451, Part 115 requires that two-thirds of municipalities and units of government in the County approve the Solid Waste Management Plan Update, and

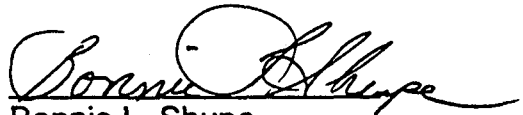
NOW, THEREFORE, BE IT RESOLVED that the Cannon Township Board approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.

AYES: 5

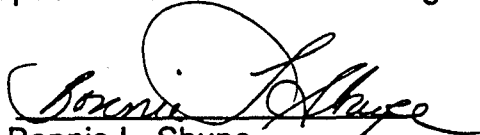
NAYS: 0

ABSENT: 2

RESOLUTION DECLARED ADOPTED.

  
Bonnie L. Shupe  
Cannon Township Clerk

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Township Board of the Township of Cannon at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

  
Bonnie L. Shupe  
Cannon Township Clerk

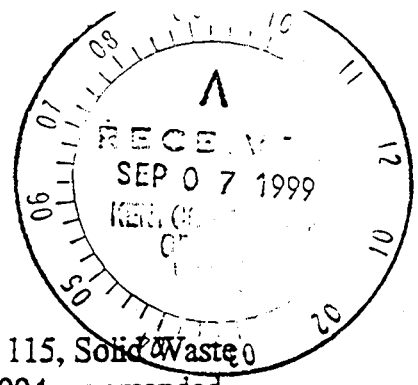
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TOWNSHIP OF COURTLAND

KENT COUNTY, MICHIGAN

RESOLUTION 99-14

Act 451 Solid Waste Management Plan



WHEREAS, Public Act 451 as required by Section 11539a of Part 115, Solid Waste Management, of the Natural Resources & Environmental Protection Act 1994, as amended, requires all Michigan counties to have a Solid Waste Management Plan, and

WHEREAS, Michigan State law requires that all Public Act 451 plans be revised every five years, and

WHEREAS, the Kent County Board of Commissioners on August 28, 1997, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451, and

WHEREAS, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan, and

WHEREAS, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments, and

WHEREAS, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners has reviewed the details of the Plan and on June 24, 1999, approved the Solid Waste Management Plan for Kent County, Michigan, and directed the designated planning agency to present the Plan to all municipalities and units of government in the County for approval, and

WHEREAS, Public Act 451, Part 115 requires that two-thirds of municipalities and units of government in the County approve the Solid Waste Management Plan Update, and

NOW, THEREFORE, BE IT RESOLVED that Courtland Township hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.

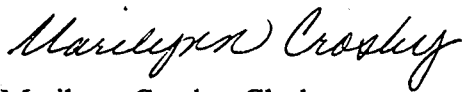
Offered by McIntyre, supported by Davis.

AYES: Davis, Crosby, McIntyre, Post, Porter

NAYS: None

**RESOLUTION DECLARED ADOPTED.**

I, Marilyn Crosby, Clerk of the Township of Courtland, do hereby certify that the foregoing is a true and correct copy of a resolution offered at the Courtland Township Regular Board Meeting, held on Wednesday, September 1, 1999.

A handwritten signature in cursive script that reads "Marilynn Crosby".

Marilynn Crosby, Clerk



RESOLUTION

Act 451 Solid Waste Management Plan

WHEREAS, Public Act 451 as required by Section 11539a of Part 115, Solid Waste Management, of the Natural Resources & Environmental Protection Act 1994, as amended, requires all Michigan counties to have a Solid Waste Management Plan, and

WHEREAS, Michigan State law requires that all Public Act 451 plans be revised every five years, and

WHEREAS, the Kent County Board of Commissioners on August 28, 1997, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451, and

WHEREAS, the Kent County Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan, and

WHEREAS, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments, and

WHEREAS, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners has reviewed the details of the Plan and on June 24, 1999, approved the Solid Waste Management Plan for Kent County, Michigan, and directed the designated planning agency to present the Plan to all municipalities and units of government in the County for approval, and

WHEREAS, Public Act 451, Part 115 requires that two-thirds of municipalities and units of government in the County approve the Solid Waste Management Plan Update, and

NOW, THEREFORE, BE IT RESOLVED that City of Walker hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.

Commissioner A. Parent supported by  
resolution be adopted. that the above

AYES: 7  
NAYS: 0  
ABSENT: 0

Motion passed and resolution declared adopted.

Date: 8/23/99

Sandra A. Wisniewski  
Sandra A. Wisniewski, City Clerk

I, Sandra A. Wisniewski, the duly qualified City Clerk of  
the City of Walker, Kent County, Michigan, do hereby certify  
that the foregoing is a true and complete copy of a  
resolution adopted by the City Commission of said City on  
the 23rd day of August, 1999.

IN WITNESS WHEREOF, I have hereunto affixed my official  
signature this 24th day of August, 1999

Sandra A. Wisniewski  
Sandra A. Wisniewski, City Clerk

seal

ALPINE TOWNSHIP  
KENT COUNTY, MICHIGAN  
RESOLUTION #99-26

**A RESOLUTION IN SUPPORT OF KENT COUNTY DEPARTMENT OF PUBLIC WORKS  
SOLID WASTE MANAGEMENT PLAN**

WHEREAS, Public Act 451 as required by Section 11539a of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act 1994, as amended, requires all Michigan counties to have a Solid Waste Management Plan, and

WHEREAS, Michigan State law requires that all Public Act 451 plans be revised every five years, and

WHEREAS, the Kent County Board of Commissioners on August 28, 1997, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451, and

WHEREAS, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan, and

WHEREAS, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments, and

WHEREAS, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners has reviewed the details of the Plan and on June 24, 1999, approved the Solid Waste Management Plan for Kent County Michigan, and directed the designated planning agency to present the Plan to all municipalities and local units of government in the County for approval, and

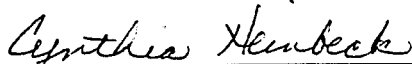
WHEREAS, Public Act 451, Part 115 requires that two-thirds of those municipalities and local units of government in the County approve the Solid Waste Management Plan Update, and

NOW THEREFORE, BE IT RESOLVED that Alpine Township hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.

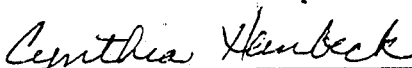
At a regular meeting of the Alpine Township Board of Trustees held on Monday, August 16, 1999, Brechting offered a motion, supported by Schweitzer, to approve the foregoing resolution.

AYE: Brechting, Chase, Johnson, Roth, Schweitzer, and Steffens  
NAY: None  
ABSENT: Heinbeck

RESOLUTION #99-26 WAS DECLARED ADOPTED.

  
\_\_\_\_\_  
Cynthia Heinbeck, Clerk

I hereby certify the above to be a true copy of a resolution adopted by the Alpine Township Board at a regular meeting held at the Alpine Township Hall on Monday, August 16, 1999, pursuant to the required statutory procedures.

  
\_\_\_\_\_  
Cynthia Heinbeck  
Alpine Township Clerk

Act 451 Solid Waste Management Plan

WHEREAS, Public Act 451 as required by Section 11539a of Part 115, Solid Waste Management, of the Natural Resources & Environmental Protection Act 1994, as amended, requires all Michigan counties to have a Solid Waste Management Plan, and

WHEREAS, Michigan State law requires that all Public Act 451 plans be revised every five years, and

WHEREAS, the Kent County Board of Commissioners on August 28, 1997, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451, and

WHEREAS, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan, and

WHEREAS, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments, and

WHEREAS, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners has reviewed the details of the Plan and on June 24, 1999, approved the Solid Waste Management Plan for Kent County, Michigan, and directed the designated planning agency to present the Plan to all municipalities and units of government in the County for approval, and

WHEREAS, Public Act 451, Part 115 requires that two-thirds of municipalities and units of government in the County approve the Solid Waste Management Plan Update, and

NOW, THEREFORE, BE IT RESOLVED that Vergennes Township hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.

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Mari C. Stone

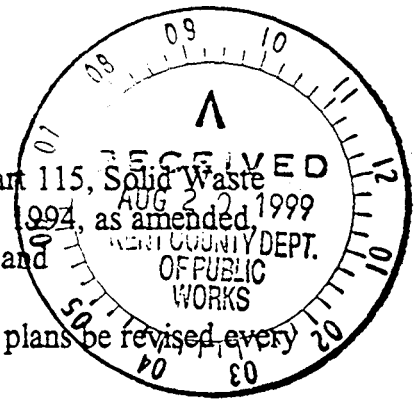
Mari C. Stone, Clerk

Tim Wittenbach

Tim Wittenbach, Supervisor

Act 451 Solid Waste Management Plan

WHEREAS, Public Act 451 as required by Section 11539a of Part 115, Solid Waste Management, of the Natural Resources & Environmental Protection Act 1994, as amended, 1999 requires all Michigan counties to have a Solid Waste Management Plan, and



WHEREAS, Michigan State law requires that all Public Act 451 plans be revised every five years, and

WHEREAS, the Kent County Board of Commissioners on August 28, 1997, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451, and

WHEREAS, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan, and

WHEREAS, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments, and

WHEREAS, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners has reviewed the details of the Plan and on June 24, 1999, approved the Solid Waste Management Plan for Kent County, Michigan, and directed the designated planning agency to present the Plan to all municipalities and units of government in the County for approval, and

WHEREAS, Public Act 451, Part 115 requires that two-thirds of municipalities and units of government in the County approve the Solid Waste Management Plan Update, and

NOW, THEREFORE, BE IT RESOLVED that Bowne Township hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.

Act 451 Solid Waste Management Plan

WHEREAS, Public Act 451 as required by Section 11539a of Part 115, Solid Waste Management, of the Natural Resources & Environmental Protection Act 1994, as amended, requires all Michigan counties to have a Solid Waste Management Plan, and

WHEREAS, Michigan State law requires that all Public Act 451 plans be revised every five years, and

WHEREAS, the Kent County Board of Commissioners on August 28, 1997, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451, and

WHEREAS, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan, and

WHEREAS, the Kent Count Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan, and

WHEREAS, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments, and

WHEREAS, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan, and

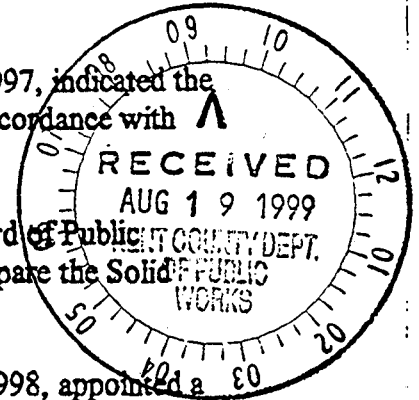
WHEREAS, the Kent County Board of Commissioners has reviewed the details of the Plan and on June 24, 1999, approved the Solid Waste Management Plan for Kent County, Michigan, and directed the designated planning agency to present the Plan to all municipalities and units of government in the County for approval, and

WHEREAS, Public Act 451, Part 115 requires that two-thirds of municipalities and units of government in the County approve the Solid Waste Management Plan Update, and

NOW, THEREFORE, BE IT RESOLVED that SPARTA TOWNSHIP hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.

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*Ad. Beggs* 8/17/99





Company *Dennis*  
 Location *Kent Co Dept of Public Works*

From *Carol L Wells*  
 Company *Lowell Township*  
 Location

Fax # *336-3338*

Telephone #

Fax # *616-897-6482* Telephone # *616-897-7600*

Original  
Disposition

☐ Destroy

☐ Return

☐ Call for pickup

## RESOLUTION NO. 99/02

### ACT 451 SOLID WASTE MANAGEMENT PLAN

**WHEREAS**, Public Act 451 as required by Section 11539a of Part 115, Solid Waste Management, of the Natural Resources & Environmental Protection Act 1994, as amended, requires all Michigan counties to have a Solid Waste Management Plan, and

**WHEREAS**, Michigan State law requires that all Public Act 451 plans be revised every five years, and

**WHEREAS**, the Kent County Board of Commissioners on August 28, 1997, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451, and

**WHEREAS**, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan, and

**WHEREAS**, the Kent County Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan, and

**WHEREAS**, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments, and

**WHEREAS**, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan, and

**WHEREAS**, the Kent County Board of Commissioners has reviewed the details of the Plan and on June 24, 1999, approved the Solid Waste Management Plan for Kent County, Michigan, and directed the designated planning agency to present the Plan to all municipalities and units of government in the County for approval, and

**WHEREAS**, Public Act 451, Part 115 requires that two-thirds of municipalities and units of government in the County approve the Solid Waste Management Plan Update, and

**NOW, THEREFORE, BE IT RESOLVED** that Lowell Charter Township hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.

AYES: Timpson, Fletcher, Wells, Blough, R. Huver, Vanderbilt

NAYS: None

ABSENT: J. Huver

Date Adopted: 16 August, 1999

Lowell Charter Township Board of Trustees

By: *Carol L Wells*

Carol L Wells, Clerk

Act 451 Solid Waste Management Plan

#99-138

WHEREAS, Public Act 451 as required by Section 11539a of Part 115, Solid Waste Management, of the Natural Resources & Environmental Protection Act 1994, as amended, requires all Michigan counties to have a Solid Waste Management Plan, and

WHEREAS, Michigan State law requires that all Public Act 451 plans be revised every five years, and

WHEREAS, the Kent County Board of Commissioners on August 28, 1997, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451, and

WHEREAS, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan, and

WHEREAS, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments, and

WHEREAS, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners has reviewed the details of the Plan and on June 24, 1999, approved the Solid Waste Management Plan for Kent County, Michigan, and directed the designated planning agency to present the Plan to all municipalities and units of government in the County for approval, and

WHEREAS, Public Act 451, Part 115 requires that two-thirds of municipalities and units of government in the County approve the Solid Waste Management Plan Update, and

NOW, THEREFORE, BE IT RESOLVED that Sand Lake Village hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.

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mm - Simpson and Honeycutt

AYES: Ducal - Enter - Hayden - Honeycutt - Simpson - Thiller

NAYS: NONE

ABSTAIN: NONE

ABSENT: NONE



# TYRONE TOWNSHIP BOARD

BOX 275, 43 S. MAIN • KENT CITY, MICHIGAN 49330 • (616) 678-4779 • FAX (616) 678-5513

## RESOLUTION 99-11 Act 451 Solid Waste Management Plan

WHEREAS, Public Act 451 as required by Section 11539a of Part 115, Solid Waste Management, of the Natural Resources & Environmental Protection Act 1994, as amended, requires all Michigan counties to have a Solid Waste Management Plan, and

WHEREAS, Michigan State law requires that all Public Act 451 plans be revised every five years, and

WHEREAS, the Kent County Board of Commissioners on August 28, 1997, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451, and

WHEREAS, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan, and

WHEREAS, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments, and

WHEREAS, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners has reviewed the details of the Plan and on June 24, 1999, approved the Solid Waste Management Plan for Kent County, Michigan, and directed the designated planning agency to present the Plan to all municipalities and units of government in the County for approval, and

WHEREAS, Public Act 451, Part 115 requires that two-thirds of municipalities and units of government in the County approve the Solid Waste Management Plan Update, and

NOW, THEREFORE, BE IT RESOLVED that TYRONE TWP. hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.  
MOTION TO ACCEPT THE COUNTY WASTE PLAN OFFERED BY TIM, SECONDED BY IONE  
ROLL CALL VOTE AS FOLLOWS:  
AYES: TIM BOERSMA, IONE STARK, SHELLEY WORLEY  
NAYES: NONE  
ABSENT: JULI HALL,  
ABSTAINED: NONE

RESOLUTION 99-11 DECLARED ADOPTED

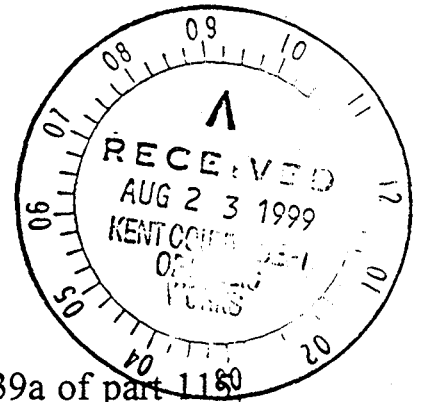
SHELLEY WORLEY, CLERK

\*REGULAR BRD MTG/HELD ON AUGUST 10TH, 1999



**RESOLUTION**

**99-Aug-09-Sup**



**Act 451 Solid Waste Management Plan**

**Whereas**, Public Act 451 as required by Section 11539a of part 1160, Solid Waste Management, of the Natural Resources & Environmental Protection Act 1994, as amended, requires all Michigan counties to have a Solid Waste Management Plan;

**Whereas**, Michigan State law requires that all Public Act 451 be revised every five years;

**Whereas**, the Kent County Board of Commissioners on August 28, 1997, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451;

**Whereas**, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan;

**Whereas**, the Kent County Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan;

**Whereas**, the Solid Waste Planning Committee prepared an updated draft plan, held a public meeting, reviewed the draft plan and revised it in response to public comments;

**Whereas**, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan;

**Whereas**, the Kent County Board of Commissioners has reviewed the details of the Plan and on June 24, 1999, approved the Solid Waste Management Plan for Kent County, Michigan, and directed the designated planning agency to present the Plan to all municipalities and units of government in the County for approval;

**Whereas**, Public Act 451, Part 115 requires that two-thirds of the municipalities and units of government in the County approve the Solid Waste Management Plan Update;

**NOW, THEREFORE, BE IT RESOLVED** that Gaines Charter Township hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.

This Resolution of the Board of Trustees of the Charter Township of Gaines is hereby declared adopted on this 9<sup>th</sup> day of August, 1999 with a motion offered by Pieters and supported by Vanlaan..

**Ayes:** All

**Nays:** None

**Absent:** Haagsma, Fryling

**RESOLUTION DECLARED ADOPTED AUGUST 9, 1999**

Crystal Osterink

Crystal Osterink, Gaines Charter Township Clerk

Don R. Hilton Sr.

Don R. Hilton, Sr., Supervisor



# Oakfield Township

WHEREAS, Public Act 451 as required by Section 11539a of Part 115, Solid Waste Management, of the Natural Resources & Environmental Protection Act 1994, as amended, requires all Michigan counties to have a Solid Waste Management Plan, and

WHEREAS, Michigan State law requires that all Public Act 451 plans be revised every five years, and

WHEREAS, the Kent County Board of Commissioners on August 28, 1997, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451, and

WHEREAS, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan, and

WHEREAS, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments, and

WHEREAS, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners has reviewed the details of the Plan and on June 24, 1999, approved the Solid Waste Management Plan for Kent County, Michigan, and directed the designated planning agency to present the Plan to all municipalities and units of government in the County for approval, and

WHEREAS, Public Act 451, Part 115 requires that two-thirds of municipalities and units of government in the County approve the Solid Waste Management Plan Update, and

NOW, THEREFORE, BE IT RESOLVED that Oakfield Township hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.

July 13, 1999



Ruth Wasiukiewicz  
Oakfield Township, Clerk

RESOLUTION 27-99

ALGOMA TOWNSHIP  
KENT COUNTY, MICHIGAN

Solid Waste Management Plan

At a regular meeting of the Algoma Township Board, held on the 13th day of July, 1999, at the Algoma Township Hall, 10531 Algoma Ave., Rockford, Mi. with all members present, the following Resolution was offered by Member Bigney and supported by Member Spitsbergen.

WHEREAS, Public Act 451 as required by Section 11539a of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act 1994, as amended, requires all Michigan counties have a Solid Waste Management Plan, and

WHEREAS, Michigan State law requires that all Public Act 451 Plans be revised every five years, and

WHEREAS, the Kent County Board of Commissioners on August 28, 1977, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451, and

WHEREAS, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissions to prepare the Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan, and

WHEREAS, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments, and

WHEREAS, the Solid Waste Planning Committee has adopted and approval a final Kent County Solid Waste Management Plan, and

WHEREAS, the Kent County board of Commissioners has reviewed the details of the Plan and on June 24, 1999, approved the Solid Waste Management Plan for Kent County, Michigan, and directed the designated planning agency to present the Plan to all municipalities and units of government in the county for approval, and

WHEREAS, Public Act 451, Part 115 requires that two-thirds of municipalities and units of government in the County approve the Solid Waste Management Plan Update, and

NOW, THEREFORE, BE IT RESOLVED, that Algoma Township hereby approves the Solid Waste Management Plan for Kent county, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.

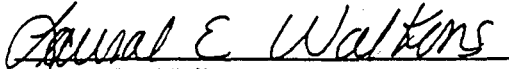
AYES: Walkons, Ellenwood, Spitsbergen, Bigney, Uplinger

NAYS : None


ABSENT: None

ABSTAINED: None

Motion carried. Resolution declared adopted.

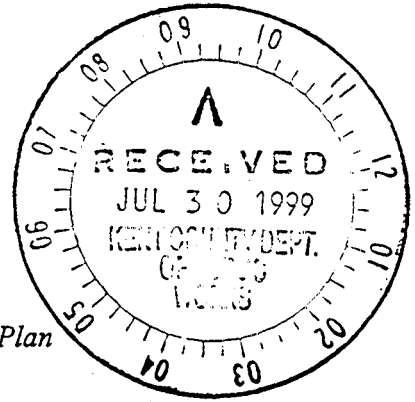
  
Laural E. Walkons  
Algoma Township Clerk

I, Laural E. Walkons, hereby certify that the foregoing is a true and complete copy of Resolution 27-99 adopted at a regular meeting of the Algoma Township Board on July 13, 1999,

  
Laural E. Walkons  
Algoma Township Clerk

**CASCADE CHARTER TOWNSHIP  
KENT COUNTY, MICHIGAN**

*Kent County Act 451 Solid Waste Management Plan  
Resolution 36 of 1999*



WHEREAS, Public Act 451 as required by Section 1 1539a of Part 115, Solid Waste Management, of the Natural Resources & Environmental Protection Act 1994, as amended, requires all Michigan counties to have a Solid Waste Management Plan, and

WHEREAS, Michigan State law requires that all Public Act 451 plans be revised every five years, and

WHEREAS, the Kent County Board of Commissioners on August 28, 1997, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451, and

WHEREAS, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan, and

WHEREAS, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments, and

WHEREAS, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan, and


WHEREAS, the Kent County Board of Commissioners has reviewed the details of the Plan and on June 24, 1999, approved the Solid Waste Management Plan for Kent County, Michigan, and directed the designated planning agency to present the Plan to all municipalities and units of government in the County for approval, and

WHEREAS, Public Act 451, Part 115 requires that two-thirds of municipalities and units of government in the County approve the Solid Waste Management Plan Update, and

NOW, THEREFORE, BE IT RESOLVED that the Cascade Charter Township Board hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.


The foregoing Resolution was offered by Board Member Parrish, supported by Board Member Kleinheksel. The roll call vote being as follows:

YEAS: Carpenter, Goodyke, Julien, Kleinheksel and Parrish  
NAYS: None  
ABSTAIN: None  
ABSENT: Johnson and Timmons

  
Marlene K. Kleinheksel  
Cascade Charter Township Clerk

*CERTIFICATION*

I certify the foregoing to be a true copy of a Resolution adopted at a Regular Meeting of the Cascade Charter Township Board on the 28th day of July 1999.

  
Marlene K. Kleinheksel  
Cascade Charter Township Clerk



**TOWNSHIP OF GRATTAN**  
**COUNTY OF KENT, MICHIGAN**  
**RESOLUTION NO. 99-712     4**

**Resolution Approving**  
**Act 451 Solid Waste Management Plan**

At a regular meeting of the Township Board of the Township of Grattan, held at the Township Hall, 12050 Old Belding Road, within the Township, on the 12TH day of JUNE, 1999, at 7:00 P.M.

PRESENT: Members HERWEYER, GURNEY, PALAZZOLO, ANDERSON, NUGENT

ABSENY: Members NONE

The following preamble and resolution were offered by Member ANDERSON  
and seconded by Member NUGENT.

**WHEREAS**, Public Act 451 as required by Section 11539a of Part 115, Solid Waste Management, of the Natural Resources & Environmental Protection Act 1994, as amended, requires all Michigan counties to have a Solid Waste Management Plan, and

**WHEREAS**, Michigan State law requires that all Public Act 451 plans be revised every five years, and

**WHEREAS**, the Kent County Board of Commissioners on August 28, 1997, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451, and

**WHEREAS**, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan, and

**WHEREAS**, the Kent Count Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan, and

**WHEREAS**, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments, and

**WHEREAS**, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan, and

**WHEREAS**, the Board of Public Works has recommended that the Kent County Board of Commissioners approve the updated Plan, and

**WHEREAS**, the Kent County Board of Commissioners has reviewed the details of the Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Kent County Board of Commissioners wishes to compliment the Solid Waste Planning Advisory Committee and acknowledge its efforts in drafting a thoughtful and well conceived plan for solid waste management, and

**BE IT FURTHER RESOLVED** that the Kent County Board of Commissioners hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to all of the municipalities in the County for review approval.

AYES: Members NUGENT, PALAZZOLO, HERWEYER, GURNEY, ANDERSON

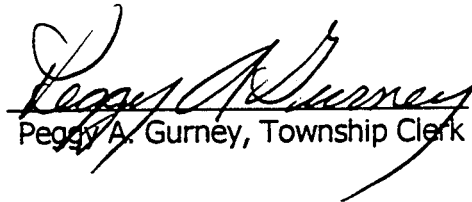
NAYS: Members NONE

**RESOLUTION DECLARED ADOPTED:**



PEGGY A. GURNEY, TOWNSHIP CLERK

I HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Township of Grattan at a regular meeting thereof held on the date first stated above, and I further certify that the public notice of such meeting was given as provided by law.

  
Peggy A. Gurney, Township Clerk



## Nelson Township

2 Maple Street • Sand Lake, MI 49343

Telephone 616-636-5332 • Fax 616-636-4452

### Act 451 Solid Waste Management Plan

WHEREAS, Public Act 451 as required by Section 11539a of Part 115, Solid Waste Management, of the Natural Resources & Environmental Protection Act 1994, as amended, requires all Michigan counties to have a Solid Waste Management Plan, and

WHEREAS, Michigan State law requires that all Public Act 451 plans be revised every five years, and

WHEREAS, the Kent County Board of Commissioners on August 28, 1997, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451, and

WHEREAS, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan, and

WHEREAS, the Solid Waste Planning Committee prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments, and

WHEREAS, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan, and

WHEREAS, the Kent County Board of Commissioners has reviewed the details of the Plan and on June 24, 1999, approved the Solid Waste Management Plan for Kent County, Michigan, and directed the designated planning agency to present the Plan to all municipalities and units of government in the County for approval, and

WHEREAS, Public Act 451, Part 115 requires that two-thirds of municipalities and units of government in the County approve the Solid Waste Management Plan Update, and

NOW, THEREFORE, BE IT RESOLVED that TOWNSHIP OF NELSON hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.

July 14, 1999  
Laura Hoffman  
mark

**ADA TOWNSHIP  
RESOLUTION R-072699-1**

**A RESOLUTION TO APPROVE THE JUNE 24, 1999 KENT COUNTY SOLID WASTE MANAGEMENT PLAN UPDATE.**

At the July 26, 1999 regular meeting of the Ada Township Board of Trustees, the following Resolution was offered by Member Vogelsang and seconded by Member Rhoades:

**WHEREAS**, Public Act 451 as required by Section 11539a of Part 115, Solid Waste Management, of the Natural Resources & Environmental Protection Act 1994, as amended, requires all Michigan counties to have Solid Waste Management Plan, and

**WHEREAS**, Michigan State law requires that all Public Act 451 plans be revised every five years, and

**WHEREAS**, the Kent County Board of Commissioners on August 28, 1997, indicated the County's intent to prepare a County Solid Waste Management Plan Update in accordance with the requirements of Public Act 451, and

**WHEREAS**, the Kent County Board of Commissioners selected the Board of Public Works as the designated planning agency for the Board of Commissioners to prepare the Solid Waste Management Plan, and

**WHEREAS**, the Kent County Board of Commissioners on February 12, 1998, appointed a Solid Waste Management Plan Advisory Committee to assist in the preparation of the Solid Waste Management Plan, and

**WHEREAS**, the Solid Waste Planning Committee has prepared an updated draft plan, held a public hearing, reviewed the draft plan and revised it in response to public comments, and

**WHEREAS**, the Solid Waste Planning Committee has adopted and approved a final Kent County Solid Waste Management Plan, and

**WHEREAS**, the Kent County Board of Commissioners has reviewed the details of the Plan and on June 24, 1999, approved the Solid Waste Management Plan for Kent County, Michigan, and directed the designated planning agency to present the Plan to all municipalities and units of government in the County for approval, and

**WHEREAS**, Public Act 451, Part 115 requires that two-thirds of municipalities and units of government in the County approve the solid Waste Management Plan Update, and

**NOW, THEREFORE, BE IT RESOLVED** that the Township of Ada hereby approves the Solid Waste Management Plan for Kent County, Michigan, and directs the designated planning agency to present the plan to the State of Michigan for final approval.

**AYES:** Vogelsang, Soderberg, Millhuff, Haga, Rhoades, Baker

**NAYES:** none

**ABSENT:** Nygren

Motion carried.

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Township of Ada, County of Kent, State of Michigan, at a meeting held on July 26, 1999, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Michigan Public Acts of 1976, including in the case of a special or rescheduled meeting, notice by posting at least 18 hours prior to the time set for said meeting.

Dated: July 26, 1999

  
Deborah Ensing Millhuff  
Ada Township Clerk

## PUBLIC PARTICIPATION AND APPROVAL

The following summarizes the processes which were used in the development and local approval of the Plan 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.

The Kent County Board of Commissioners, in compliance with P.A. 451, 1994, designated the Kent County Board of Public Works (KCBPW) to be the solid waste planning agency for the County. The Kent County Department of Public Works (KCDPW), as an agent for the KCBPW, prepared this Plan in accordance with Part 115 of the Natural Resources and Environmental Protection Act, 1994 PA 451.

The Board of Public Works will be the agency responsible for any information regarding host community negotiations. The Kent County Department of Public Works will be responsible for publishing the public notices regarding the solid waste planning committee meetings.

The following steps are required in the approval process for an Act 451 Solid Waste Management Plan.

1. The Kent County Department of Public Works (the designated planning agency) submits a draft plan to the Act 451 Solid Waste Planning Committee. The Planning Committee instructs the Designated Planning Agency to revise the plan and ultimately approves the draft for a public hearing.
2. The draft plan is submitted to reviewing agencies and is made available to the general public.
3. The Designated Planning Agency must allow 90 days for review and comment. All comments must be submitted to the Kent County Department of Public Works.
4. The Designated Planning Agency conducts a public hearing on the proposed Plan. A notice is published not less than 30 days before the hearing in a newspaper having major circulation. The Designated Planning Agency prepares a transcript or other type of record of the public hearing. The record is subject to inspection by the general public.
5. The Designated Planning Agency again reviews the Plan and revises it in response to public comments if appropriate, then submits the Plan to the Planning Committee.
6. After approval by a majority of the Planning Committee and within 30 days of the closing of

the public comment period, the Plan must be submitted for formal action by the County Board of Commissioners. If the County Board of Commissioners votes in favor of the Plan, then the formal action has been completed.

7. If the Plan is not approved by the County Board of Commissioners, the Plan is returned to the Planning Committee with a statement of objections to the Plan. The Planning Committee then has 30 days to review and return the Plan to the County Board of Commissioners.
8. 67% of all municipalities in the County must then approve the Plan.
9. The Designated Planning Agency submits the locally approved Plan, along with hearing record and responses, and all resolutions approving or disapproving the Plan to the MDEQ.
10. The MDEQ either approves or disapproves the submitted Plan within six (6) months.

## PUBLIC PARTICIPATION

**PUBLIC INVOLVEMENT PROCESS:** A description of the process used, including dates of public meetings, copies of public notices, documentation of approval from solid waste planning committee, County board of commissioners, and municipalities.

Public participation is a vital element in the preparation of a Plan which will be acceptable to the county and provide the best selection of a waste management system.

Sec. 11535

Sec. 11538(1)(e) Complete the following checklist to ensure compliance with the Act/Rules.

Rules 706, 707, 711(g) Provide documentation in Appendix C as necessary.

Opportunities for public participation were provided as required per act/rules

Yes No

The DPA conducted a public participation program to encourage public and municipal participation and involvement in the development and implementation of the Plan. [Rule 706(1)]

Yes No

The DPA maintained a mailing list of all municipalities, affected public agencies, private sector, and all interested persons who requested information regarding the Plan. [Rule 706(2)]

Yes No

The DPA notified by letter, each chief elected official of each municipality and any other person so requesting within the county at least ten days before planning committee's public meeting. [SEC. 11535(c)]

Yes No

Public meetings had time for questions and comments from the general public. [Rule 706(3)]

Yes No

Public meetings were scheduled at convenient times for public. [Rule 706(4)]

Yes No

The DPA held public meetings with planning committee at least quarterly during Plan preparation. [Rule 706(5)] (Meetings of the planning committee with DPA staff support fulfill this requirement.)

Yes No



The DPA maintained at least one central repository where all documents related to the Plan could be inspected by the public. Rule 706(7)]

Yes No

The DPA allowed a period of at least three months for review and comment on the proposed Plan following authorization by the planning committee for public review. A copy of the proposed Plan was sent to the Director, to each municipality, to adjacent counties and municipalities that may be affected by the Plan or which have requested the opportunity to review the Plan, and the designated regional solid waste management planning agency for that county. [Sec. 11535(d) Rule 707(3)]

All of these comments were submitted with the Plan to the governmental unit that filed notice of intent. [Sec. 11535(d), Rule 707(2)]

Yes No

A notice was published at the time the Plan was submitted for review under Sec. 11535(d) as to the availability of the Plan for inspection or copying. [Sec. 11535(e)]

Yes No

The DPA held a public hearing on the proposed Plan during the public comment period. [Sec. 11535(f), Rule 707(3)]

Yes No

The DPA published notice in a paper with major circulation in the county not less than 30 days before such hearing, which included a location where the public could inspect copies of the Plan and the time and place of the public hearing. [Sec. 11535(f)]

Yes No

The DPA prepared a transcript, recording, or other complete record of the public hearing proceedings, and this record could be copied or inspected by the general public upon request after the public hearing. [Rule 707(3)]

Yes No

If necessary, the DPA revised the Plan in response to public hearing comments and then submitted the Plan to the planning committee. [Rule 707(4)]

Yes No

## PUBLIC PARTICIPATION

A listing of the meeting locations and dates, along with a copy of the dated notice as published in the newspaper is included in Appendix C.

Yes No

Record of attendance at public meetings included in Appendix C. [Rule 711(g)(I)]

Yes No

Record of citizen concerns and questions included in Appendix C. [Rule 711(g)(ii)]

Yes No

**PLANNING COMMITTEE APPOINTMENT PROCEDURE:**

**RULE VI, SPECIAL COMMITTEES**

**STANDING RULES OF THE KENT COUNTY BOARD OF COMMISSIONERS**

Special or Advisory Committees of the County Board may be appointed by the Commission upon approval by the Board. It shall be the duty of such Special or Advisory Committees to report to the Board in writing upon matters referred to them. Special or Advisory Committees shall automatically expire on December 31 in the year of the appointment unless the term of the Special or Advisory Committee is specifically stated in the appointing resolution; provided however, in such event the terms of all members shall still automatically expire on December 31 in the year of the appointment. Special or Advisory Committees may consist, in part or wholly, of persons who are not County Commissioners.

Opportunities for appointment to the Solid Waste Planning Committee were advertised and applications were accepted by the Board of Public Works which were approved by the County Board of Commissioners.

All committee members were appointed as required by Public Act 451, Part 115 for a two year term.

**KENT COUNTY SOLID WASTE MANAGEMENT PLANNING COMMITTEE  
RULES OF PROCEDURE**

1. The Kent County Solid Waste Management Planning Committee ("Committee") is established by Kent County under Part 115 of Public Act No. 451 of 1994, as amended.
2. At its initial meeting and annually thereafter, the Committee shall elect a Chairperson and a Vice-Chairperson. The Chairperson shall preside at all meetings, call meetings of the Committee, and generally perform the duties of a presiding officer. The Vice-Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson. The terms of the Chairperson and Vice-Chairperson shall be one year.
3. Meetings of the Committee shall be called by the Chairperson or may be scheduled by vote of the Committee. Members of the Committee shall be given written notice of meetings called by the Chairperson not less than 48 hours in advance of the meeting.
4. The agenda for a Committee meeting shall be established by the Chairperson and the Department of Public Works Deputy Director.
5. A quorum shall consist of a majority of the members of the Committee. All motions, resolutions, or other decisions of the Committee shall require a vote of a majority of a quorum present at a meeting except that a solid waste management plan shall only be approved by a majority of the members appointed and serving as required by MCLA 324.11534(1). Robert's Rule of Order shall govern the proceedings of the Committee in all cases not inconsistent with these rules or state law.
6. The Department of Public Works staff shall prepare and maintain minutes of Committee meetings, subject to review and approval by the Committee.
7. A member of the Committee who has three (3) unexcused absences from Committee meetings during a twelve-month period may be subject to removal from the Committee for nonperformance of duty pursuant to MCLA 324.11534(2).

**PLANNING COMMITTEE**

Committee member names and the company, group, or governmental entity represented from throughout the County are listed below.

**Four representatives of the solid waste management industry:**

1. Brad Bugbee, Bugbee Refuse & Recycling, Inc.
2. Jeff Poole, Waste Management of West Michigan
3. Jeff Hughes, Sunset Waste Systems
4. John E. VanTholen, Knight Transport

**One representative from an industrial waste generator:**

1. Michael DeWitt, DeWitt Barrel, Inc.

**Two representatives from environmental interest groups from organizations that are active within the County:**

1. Paul D. Brown, West Michigan Environmental Action Council
2. William A. Stough, Center For Environmental Study

**One representative from County government. All government representatives shall be elected officials or a designee of an elected official.**

1. Elaine Buege, County Commissioner

**One representative from township government:**

1. Richard A. Herweyer, Supervisor Grattan Township

**One representative from city government:**

1. Willie Alexander, Jr., Director of Streets and Sanitation, Grand Rapids

**One representative from the regional solid waste planning agency:**

1. None

**Three representatives from the general public who reside within the County:**

1. Samuel C. Hurley, IV
2. Norris E. Brookens
3. John Schlaak

SOLID WASTE DIVISION  
Waste-to-Energy Facility  
District Heating and  
Cooling Operations  
Landfill Operations  
Recycling  
Resource Recovery



**WATER AND SEWER DIVISION**

Financing  
Construction  
Operation

**Board of Public Works**

**SENT VIA FACSIMILE**

Chairman  
ROGER G. LANINGA  
Vice Chairman  
BEVERLY R. REKENY  
Secretary  
CHERRY H. JACOBUS  
KATHERINE KUHN  
PAUL McGUIRE  
DAVID H. MORREN  
CURT A. KEMPPAINEN  
Director

September 5, 1997

Ms. Karen Jones  
Display Advertising  
The Grand Rapids Press  
155 Michigan Avenue NW  
Grand Rapids, MI 49503

RE: Kent County Board of Public Works  
Solicitation for Solid Waste Management Planning Committee Representatives

Dear Ms. Jones:

Please find enclosed a copy of an advertisement for proposals for publication which the Department of Public Works wishes to have placed in your newspaper beginning Wednesday, September 10, through Sunday, September 14, 1997.

We also request that two copies of the advertisement be included with our invoice. If you have any questions, please feel free to call me at 336-3427.

Sincerely,

KENT COUNTY DEPARTMENT OF PUBLIC WORKS

Dee Race  
Office Administrator

S:\ADMIN\MISCELLA\GRPAD.WPD

**KENT COUNTY  
BOARD OF PUBLIC WORKS  
SOLICITATION FOR  
SOLID WASTE MANAGEMENT PLANNING  
COMMITTEE REPRESENTATIVES**

Kent County is commencing the process to update its Solid Waste Management Plan following Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. A requirement of the planning process is the appointment of a planning committee consisting of 14 members. Three of the committee members are needed to represent the public. The Board of Public Works is seeking applications from interested Kent County residents that would like to be considered to serve on this committee. Membership is subject to appointment by the Kent County Board of Commissioners for a two-year term. Interested candidates can receive an application from the Kent County Department of Public Works by contacting Dee Race, Office Administrator at 336-3427. Questions about the Committee may be directed to Douglas G. Wood, Deputy Director, at 336-3532. Application must be made no later than September 19, 1997.

**Jerry O. Kooiman  
Chairman  
Kent County Board of Public Works**

# FAX TRANSMISSION

# KENT COUNTY DEPARTMENT OF PUBLIC WORKS

1500 SCRIBNER AVENUE NW

GRAND RAPIDS, MI 49504

**616-336-3694**

**FAX: 616-336-3338**

**To:** Karen Jones **Date:** January 14, 1999

**Fax #:** 616/222-5206 **Pages:** 2, including this cover sheet.

**From:** Dee Race, Office Administrator

**Subject:** Kent County Department of Public Works  
Kent County Refuse Disposal System  
Notice of Public hearing  
Kent County Solid Waste Management Plan Update

Please find a copy of an advertisement for publication which the Department of Public Works wishes to have placed in your newspaper as soon as possible.

We also request that two copies of the advertisement be included with our invoice. If you have any questions, please call me at 336-3427.

## **PUBLIC NOTICE**

### **KENT COUNTY SOLID WASTE MANAGEMENT PLAN UPDATE DRAFT**

The Kent County Solid Waste Planning Committee has drafted a Solid Waste Management Plan update as required by the Natural Resources and Environmental Protection Act, 1994 PA 451, Part 115, Solid Waste Management, and its administrative rules. The draft Plan addresses the County's strategies and methods to handle its solid waste for the next five year planning period.

The selected alternatives chosen by the Planning Committee include continued reliance on the existing integrated solid waste system of energy recovery, landfilling, recycling, household hazardous waste collection and expanded education in resource recovery.

A 90-day review and comment period on the draft Plan has been established for review by regulating agencies, all municipalities in the County and the general public. The draft Plan can be reviewed by the public at the following location:

Kent County Department of Public Works  
1500 Scribner, NW  
Grand Rapids, MI 49504

A Public Hearing on the draft Plan will be conducted on March 17, 1999 for the purpose of receiving comments from interested persons. The hearing will be held at 7:00 p.m. at the following location:

Kent County Department of Public Works  
Earl G. Woodworth Building Meeting Chambers  
1500 Scribner, NW  
Grand Rapids, MI 49504

Written comments received through April 17, 1999 will be considered by the Committee prior to the final adoption and should be sent to:

Douglas G. Wood  
Deputy Director  
Kent County Department of Public Works  
1500 Scribner, NW  
Grand Rapids, MI 49504

Copies of this Plan are available at cost. For further information, call 336-3694.

**KENT COUNTY BOARD OF PUBLIC WORKS**

Jerry O. Kooiman, Chairperson



**SOLID WASTE DIVISION**  
Waste-to-Energy Facility  
District Heating and  
Cooling Operations  
Landfill Operations  
Recycling  
Resource Recovery



**WATER AND SEWER DIVISION**  
Financing  
Construction  
Operation

## **Board of Public Works**

**JOHN J. KROONMAN**  
Chairman  
**ROGER G. LANINGA**  
Vice Chairman  
**BEVERLY R. REKENY**  
Secretary  
**CHERRY H. JACOBUS**  
**PAUL McG**  
**DAVID H. MORRIS**  
**TOM POSTMUS**  
**CURT A. KEMPPAINEN**  
Director

**March 17, 1999 - 7:00 P.M.**

Meeting called to order at 7:05 p.m. by Douglas Wood

**Present:** Commissioner Elaine Buege, Richard Herweyer, Grattan Township  
Supervisor, Douglas Wood, KCDPW Deputy Director;  
Dennis Kmiecik, KCDPW; Steve Essling, US Waste;  
Charlene Haraburda, Stenographer

### **PUBLIC HEARING**

A hearing was held on the Kent County Solid Waste Management Plan Update

### **PUBLIC COMMENT**

None.

### **ADJOURNMENT**

At 7:20 p.m. Douglas Wood adjourned the public hearing.



JOHN ENGLER, Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY

*"Better Service for a Better Environment"*

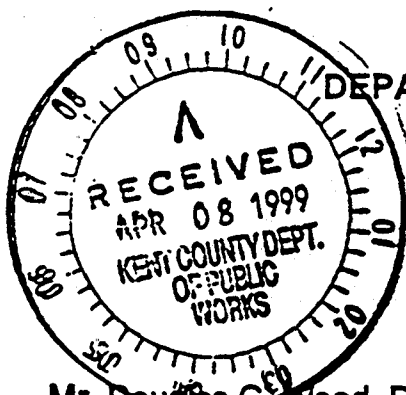
HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973

INTERNET: [www.deq.state.mi.us](http://www.deq.state.mi.us)

RUSSELL J. HARDING, Director

REPLY TO:

WASTE MANAGEMENT DIVISION  
PO BOX 30241  
LANSING MI 48909-7741



April 5, 1999

Mr. Douglas C. Wood, Deputy Director  
Kent County Board of Public Works  
1500 Scribner Avenue, N.W.  
Grand Rapids, Michigan 49504

Dear Mr. Wood:

I have received and reviewed a copy of the draft Kent County Solid Waste Management Plan Update (Plan) and I have a few comments. I believe that the Plan will be approvable when these comments are addressed. I will list our comments in the same order as the topics appear in the Plan. In my opinion, the following areas of the County's Plan may require revision or additional information:

- Page II-1 Neither Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA) or the promulgated rules define the term Industrial Special Waste (ISW). If the County intends to use this term, a definition of the term should be included in the Plan.
- Page II-14 The location information on this facility has not been provided. The permitted area, 78.44 acres, is larger than the 28.36 acre area sited for use. I do not understand how this can occur. The area under a construction permit should be smaller or equal to the area sited for use. These comments also apply to page III-18.
- Page II-17 Does the reference at the bottom of the page referring to Michigan truck lines mean to refer to Michigan trunk lines?
- Page III-23 Other than incineration, the techniques described on this page are not volume reduction techniques, but instead are recycling or other waste reduction programs. Volume reduction involves the use of a process to reduce the physical size of the waste. Waste reduction information should be presented in Appendix A.

**Page III-25** The box to indicate that composting programs are not feasible has been checked, but then the Plan states that composting is handled by the private sector. This section is not intended to be just for public or county provided programs. Composting programs that are being conducted or planned by the private sector should be discussed as well.

**Page III-42** Section 16.C which is the same as 15.A will also prohibit expansions of existing landfills such as single source industrial landfills and the South Kent Landfill within the planning period because expansions are considered new disposal areas. Is this the county's intent?

Section 16.E includes waste piles, composting facilities and resource recovery areas. Waste piles are classified as disposal areas (see Rule 129 of the Part 115 Rules). Solid waste composting and resource recovery areas are also classified as disposal areas. The heading of this section is confusing. How are these facilities non-disposal areas?

**Page III-43** Paragraph three should include default statements so that if no action is taken by the appropriate body within the specified time frame, the application will be considered consistent.

The process specified in paragraph four does not follow the State's process for permitting. An application to the State for a construction permit must include a finding of consistency from the County or other documentation as described in Rule 902. The State does not request a finding of consistency from the County. That is the responsibility of the applicant prior to applying for a permit. This section should also include a statement that the County's decision on consistency will be based solely on the Plan's criteria.

**Page III-44** Item number six and item 10 on page III-45 require agreements for roads. The Plan cannot require that the developer sign such agreements as the local unit of government could stop a development arbitrarily by refusing to sign an agreement. The Plan can require signed statements from the developer regarding road improvements and maintenance, however.

**Page III-45** Item number three requires compliance with unspecified state and federal laws. How will the county determine this and upon what criteria will an application to site a disposal area be judged?

Item seven. Section 32301 of Part 323 of NREPA defines only the term "environmental area." We suggest that the Plan refer to an "environmental area as defined in Section 32301. . . ."

In item number eight, references to a wellhead protection area should specify an area approved by the DEQ, not as defined by the Environmental Protection Agency. A map of groundwater recharge areas within the county should be included in the Plan, if available.

**Page III-46** Item number 11 requires compliance with Act 451. How will this be determined by the County and who in the County will judge a proposed site for this criterion? As written, this is too vague.

Item number 14 needs to be explained. What does this criterion mean to an applicant and how will this be measured by the County?

Item number 15 requires negotiation of a host agreement which is a subjective discretionary act and not allowed. This criterion should be deleted.

Item III.16.I states that consistency may be voided by violation of the Plan. This is not allowable. A consistency determination is a point-in-time determination on a proposal by a developer. Once a site has been determined to be consistent with the Plan, that determination can not be revoked by future acts.

Item III.16.J lists several types of facilities that are not solid waste disposal areas and are not subject to the requirements of Part 115 of Act 451 or county solid waste planning. Listing of these facilities in the Plan is not necessary as the Plan has no control over them even if it is not specified in the Plan.

The reporting requirement should be included in section III.16.H as specific criterion in the form of a signed statement from the developer agreeing to supply the reports to the County.

**Page III-47** The last sentence should be deleted. The County can make failure to submit reports a plan violation subject to enforcement actions by the County, but a Plan violation cannot void siting.

**Page III-48** The correct citation for what used to be Act 641 is: "Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended."

**Page III-58** Number 12 pertains to composting and recycling. Yard waste compost and source/site separated recycled items are not

considered solid waste and are therefore exempt from regulation by the Plan.

Number 13 provides overly broad authority for adoption of local regulations on additions or expansions of solid waste disposal areas and is not approvable as written. It is exactly this type of local control that the law intended not to allow. If this item is meant to describe something else, please clarify.

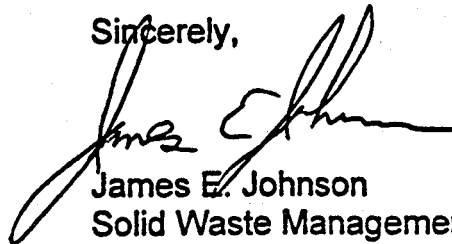
Page III-59 The Plan states that more than ten years of capacity has been identified and identifies several landfills with capacity, however, I could not find any specific demonstration of disposal capacity in the Plan to confirm that over ten years of capacity exists for the County's use. Please provide.

Page C-7 What environmental interest groups are represented on the SWPC? Only the representative's names are listed.

Page D-8 This page is not numbered. Under the Special Conditions heading the Plan states that export tonnage may increase or decrease from year to year without a Plan amendment. I believe that the Plan correctly states that the tonnage listed on table 2-A will be in effect as long as the contracts are in force. If those contracts are not in force, I agree that the Plan properly authorizes a return to the 1990 authorized amounts. Any change to the export tonnage restrictions other than those identified will require a Plan amendment.

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 that these comments are useful to Kent County as you attempt to develop an approvable Plan. If you have any further questions or comments, please feel free to contact me at the phone number below, or by email at [johnsoj1@state.mi.us](mailto:johnsoj1@state.mi.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'James E. Johnson', is written over the typed name.

James E. Johnson  
Solid Waste Management Unit  
Waste Management Division  
517-373-4738

cc: Mr. Seth Phillips, DEQ  
Kent County File

Response to comments from the State

- Page II-1      Added definition for ISW – “Industrial special wastes may be any soil/material which meets the approval of the Kent County Solid Waste Disposal System such as contaminated soils, sludges, foundry sands, ashes etc.” **This is pretty good, however it appears that the definition could be changed in the future by the County Solid Waste Disposal System. The definition should be more specific, for example, “Industrial Special Waste means contaminated, soils, sludges, foundry sands...”**
- Page II-14      Changed per the State’s request (this was the information supplied to the County). Also changed on Page III-18.
- Page II-17      Changed to read Michigan trunk lines
- Page III-23      Corrected per the State’s request
- Page III-25      Checked the box that states “Composting programs within the County are feasible.”
- Page III-42      Added to III.16.B “Expansion of the South Kent Landfill shall be considered consistent with this Plan and is not subject to the consistency criteria. Expansion into Allegan County must be consistent with Allegan County’s Solid Waste Plan.”
- Added to section III.15.A and III.16.C – “Except as provided in III.16.B”
- Deleted Section III.16.E with the exception of adding composting facilities and waste piles to III.16.D
- Page III-43      Paragraph three was deleted from the Plan
- Paragraph four was changed to read as follows:
- For any facility which requires any license or any permit from the State, the complete application will be placed before either the Solid Waste Planning Committee or the Designated Planning Agency, as determined solely by the Director of the DPW. In the event the application is placed before the Solid Waste Planning Committee, the Solid Waste Planning Committee shall forward its recommendation as to consistency with this Plan to the Designated Planning Agency within 60 days of receipt of the request from the applicant; provided, however, if the DPW does not have an administratively complete application at the time the request for a determination of consistency from the applicant is received, the Solid Waste Planning Committee shall forward its recommendation as to

consistency with this Plan to the Designated Planning Agency within 60 days of the date on which the DPW has found the application to be administratively complete. The Designated Planning Agency shall then submit its report and recommendation as to the facility's consistency with the Plan to the Kent County Board of Commissioners within 30 days of its receipt of the Solid Waste Planning Committee's recommendation. If the application is placed before the Designated Planning Agency, the Designated Planning Agency shall forward its recommendation as to consistency with this Plan to the Kent County Board of Commissioners within 60 days of receipt of the request from the applicant, or 60 days of the date on which the DPW has found the application to be administratively complete, whichever is later. The Kent County Board of commissioners shall make the final determination as to consistency with this Plan. The Kent County Board of Commissioners decision on consistency will be based solely on this Plan's criteria. **This looks good, but should include statements that automatically find the proposal consistent and move the process along if the County's agencies fail to act within the prescribed timeframes.**

Page III-44 Number 6 was changed to read "The application shall include information on the type of road serving the facility and if the road is not paved, all weather "A" road, a **signed** statement that the developer shall agree to upgrade the road is required by Section III.16.H."

Number 10 on page III-45 was changed to read "The proposed facility shall be located on a paved, all weather class "A" road. If the proposed facility is not on such a road, the developer shall **provide a signed statement agreeing to upgrade** the road serving the facility to a paved, all weather class "A" road before commencing operation of the facility."

Page III-45 The existing Item number 3 is deleted and replaced with the following:

A report is required describing how the applicants proposal will address the goals and policies as outlined in the State of Michigan Solid Waste Policy. The report shall include how the proposal will promote waste reduction, reuse, composting, recycling or incineration, whichever is applicable to the proposal.

Item seven was changed to read "The proposed facility shall not be located in an environmental area as defined in ....."

Item eight was left as it is. This is verbatim from the guide on page 35. **That is true, however the writing of the Guide was started**

before the State had delegation from the EPA for our wellhead protection program and after the State received delegation of that program, the language in the Guide was never changed. Now that DEQ has responsibility for that program in Michigan, it is more appropriate to refer to DEQ approved wellhead protection areas than EPA defined ones.

Page III-46 Item 11 was deleted

Item 14 was changed to read "The proposed facility must be consistent with the waste hauler's agreements (see Appendix D for examples) between .."

Item 15 on host agreements was deleted and added to Section III.17.A.3.b and d, and on page A-9.

Item III.16.1 was deleted

Item III.16.J was left as is

Reporting requirements are addressed in a new section (III.21 PLAN VIOLATIONS)

Page III-47 Last sentence changed to state – "Applicant agrees that failure to submit this report is a violation of this Plan."

Page III-48 Corrected per State's request

Page III-58 Deleted item 13 per State's request and left item 12.

Page III-59 Added data to page III-59 to satisfy State's request

Page C-7 Added environmental interest groups by representative's name

Page D-8 Comment acknowledged

Added Section: III.21 PLAN VIOLATIONS which reads as follows:

The following shall constitute a violation of this Plan and Part 115 of Public Act No. 451 of 1994, as amended:

1. The failure of a solid waste disposal facility to continue to comply with the consistency criteria in Section III.16.H following a



consistency determination by the Kent County Board of Commissioners.

2. The failure of any solid waste disposal facility to file with the DPW the quarterly reports required by Section III.16.J.
3. The failure of any person to comply with the Export Authorization in Section III.3 and Appendix D.
4. The failure of any person to comply with any other requirement of this Plan.

Kent County may pursue any and all legal and equitable remedies for a violation of this Plan.

S/swo/swma/plans/correspo/response from state

**SOLID WASTE DIVISION**

Waste-to-Energy Facility  
District Heating and  
Cooling Operations  
Landfill Operations  
Recycling  
Resource Recovery

**WATER AND SEWER DIVISION**

Financing  
Construction  
Operation

## **Board of Public Works**

**JERRY O. KOOIMAN**  
Chairman

**ROGER G. LANINGA**  
Vice Chairman

**BEVERLY R. REKENY**  
Secretary

**CHERRY H. JACOBUS**  
PAUL McGUIRE

**DAVID H. MORREN**  
TOM POSTMUS

**CURT A. KEMPPAINEN**  
Director

**Kent County**  
**Solid Waste Management Advisory Committee**  
**Woodworth Building DPW Conference Room**  
**May 12, 1999**  
**3:00 p.m.**

### **AGENDA**

- 1. Review and Approval of Minutes**
- 2. Public Comment**
- 3. Discussion and Changes from State's Comments**
- 4. Review and Approval of Kent County Solid Waste Management Plan**
- 5. Miscellaneous**

**KENT COUNTY  
SOLID WASTE MANAGEMENT ADVISORY COMMITTEE  
MINUTES**

**May 12, 1999**

**MEMBERS PRESENT:** Willie Alexander, Norris Brookens, Paul Brown, Elaine Buege, Richard Herweyer, Samuel Hurley, Jeff Poole, John Schlaack, John VanTholen,

**ABSENT:** Brad Bugbee, Michael DeWitt, Jeff Hughes, Bill Stough

**ALSO PRESENT:** Douglas Wood, Deputy Director; Dennis Kmiecik, Solid Waste Manager; Charlene Haraburda, Stenographer

**I. Review and Approval of Minutes**

Chairman Schlaack requested that a motion be made approving the minutes of April 14, 1999.

Motion passed.

**II. Public Comment**

None

**III. Discussion and Changes from Public Comments**

Dennis Kmiecik, Solid Waste Manager stated that comments received from the MDEQ for revision of Page II-1, III-43, 44, 45 have been completed. Conversation ensued between staff and committee members and it was the consensus that the committee members supported the revised language.

**IV. Approval of Kent County Solid Waste Management Plan**

It was moved by member Herweyer and seconded by member Alexander to recommend that the Kent County Solid Waste Management Plan be presented to the Board of Public Works for approval at the May 26, 1999 meeting.

**AYES:** Willie Alexander, Norris Brookens, Paul Brown, Elaine Buege, Richard Herweyer, Samuel Hurley, Jeff Poole, John Schlaack, John VanTholen

**NAYES:** None.

**ABSENT:** Brad Bugbee, Michael DeWitt, Jeff Hughes, Bill Stough

Motion passed.

Committee members requested that staff keep them informed of the progression of the updated plan.

**V. Miscellaneous**

None

**VI. Adjournment**

There being no further business, the Advisory Committee adjourned at 3:15 p.m.

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**John Schlaack, Chairman**

**S:\SWOISWMA\PLANS\MINUTES\5-12-99**

**KENT COUNTY  
SOLID WASTE MANAGEMENT ADVISORY COMMITTEE  
MINUTES**

**April 14, 1999**

**MEMBERS PRESENT:** Norris Brookens, Paul Brown, Elaine Buege, Richard Herweyer, Samuel Hurley, John Schlaack, Bill Stough, John VanTholen, Darrell VanderKooi

**ABSENT:** Brad Bugbee, Michael DeWitt, Jeff Hughes, Jeff Poole

**ALSO PRESENT:** Douglas Wood, Deputy Director, Dennis Kmiecik, Solid Waste Manager, Charlene Haraburda, Stenographer

**I. Review and Approval of Minutes**

Chairman Schlaack requested that a motion be made approving the minutes of January 13, 1999.

Motion passed.

**II. Public Comment**

None

**III. Discussion and Changes from Public Comments**

Dennis Kmiecik, Solid Waste Manager stated that the March 17, 1999 Public hearing for the Kent County Waste Management Plan Update produced no public comments (copy enclosed). He further stated that comments were received from the MDEQ for revision of Page II-1, II-14, II-17, III-23, III-25, III-42 - III-48, III-58, III-59, Page C-7 and D-8. Conversation ensued between staff and committee members and it was the consensus of the members that some of the comments from the MDEQ were too vague and needed clarification, III.16H (3) should be deleted, and III-17A, 2nd paragraph, 1st sentence PA 451 should replace PA 115 (in the corrections) before approval of the update.

**IV. Approval of Kent County Solid Waste Management Plan**

The approval of the Solid Waste Management Plan was tentatively rescheduled for Tuesday, April 20, 1999 because of the April 5, 1999-letter from James Johnson, Solid Waste Management Unit of the MDEQ. Douglas Wood and Dennis Kmiecik stated that they will meet with Richard Butler of Varnum, Riddering, Schmidt, & Howlett April 16, 1999 to discuss the appropriate way to handle the comments from the MDEQ.

**V. Miscellaneous**

None

**VI. Adjournment**

There being no further business, the Advisory Committee adjourned at 4:00 p.m.

---

John Schlaack, Chairman

**SOLID WASTE DIVISION**

Waste-to-Energy Facility  
District Heating and  
Cooling Operations  
Landfill Operations  
Recycling  
Resource Recovery

**WATER AND SEWER DIVISION**

Financing  
Construction  
Operation



**Board of Public Works**

**Kent County  
Solid Waste Management Advisory Committee  
Woodworth Building Board Chambers  
April 14, 1999  
3:00 p.m.**

**JERRY O. KOOIMAN**  
Chairman  
**ROGER G. LANINGA**  
Vice Chairman  
**BEVERLY R. REKENY**  
Secretary  
**CHERRY H. JACOBUS**  
**PAUL McGUIRE**  
**DAVID H. MORREN**  
**TOM POSTMUS**  
**CURT A. KEMPPAINEN**  
Director

**AGENDA**

1. Review and Approval of Minutes
2. Public Comment
3. Discussion and Changes from Public Comments
4. Review and Approval of Kent County Solid Waste Management Plan
5. Miscellaneous

**SOLID WASTE DIVISION**  
Waste-to-Energy Facility  
District Heating and  
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**WATER AND SEWER DIVISION**  
Financing  
Construction  
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## **Board of Public Works**

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DAVID H. MORREN  
TOM POSTMUS  
CURT A. KEMPPAINEN  
Director

# **MEMO**

**To:** Solid Waste Management Advisory Committee  
**From:** Dennis Kmiecik  
**Subject:** Committee Meeting Date  
**Date:** March 10, 1999

The public hearing on the proposed Kent County Solid Waste Plan will take place on March 17, 1999 at 7:00 p.m. in the Road Commission Chambers. You are welcome to attend, but it is not required.

The next Solid Waste Management Advisory Committee meeting will be held on April 14, 1999 at 3:00 p.m. Please call Char Haraburda at 336-2570 by April 8, 1999 as we need to know how many members will be attending the meeting because a majority vote of the thirteen members is needed to approve the Kent County Waste Plan update.

**SOLID WASTE DIVISION**  
Waste-to-Energy Facility  
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Resource Recovery



**WATER AND SEWER DIVISION**  
Financing  
Construction  
Operation

## **Board of Public Works**

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PAUL McGUIRE  
DAVID H. MORREN  
TOM POSTMUS  
CURT A. KEMPPAINEN  
Director

**March 17, 1999 - 7:00 P.M.**

Meeting called to order at 7:05 p.m. by Douglas Wood

**Present:** Commissioner Elaine Buege, Richard Herweyer, Grattan Township  
Supervisor, Douglas Wood, KCDPW Deputy Director;  
Dennis Kmiecik, KCDPW; Steve Essling, US Waste;  
Charlene Haraburda, Stenographer

### **PUBLIC HEARING**

A hearing was held on the Kent County Solid Waste Management Plan Update

### **PUBLIC COMMENT**

None.

### **ADJOURNMENT**

At 7:20 p.m. Douglas Wood adjourned the public hearing.



**SOLID WASTE DIVISION**

Waste-to-Energy Facility  
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**WATER AND SEWER DIVISION**

Financing  
Construction  
Operation

**Board of Public Works**

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Secretary

CHERRY H. JACOB  
KATHERINE KUHN

PAUL McGUIRE

DAVID H. MORREN

CURT A. KEMPPAINEN  
Director

**Kent County  
Solid Waste Management Advisory Committee  
Woodworth Building Board Chambers  
January 13, 1999  
3:00 p.m.**

**AGENDA**

1. Review and Approval of Minutes
2. Public Comment
3. Discussion and Approval of Surcharge Language to be included in the Plan
4. Approval of Kent County Solid Waste Management Plan
  - a. Ninety day public comment
  - b. Public hearing
5. Discussion of the Pitsch Companies Proposal
6. Miscellaneous

*July 8th  
meetings  
Cancelled*

Earl G. Woodworth Building • 1500 Scribner Avenue, N.W. • Grand Rapids, MI 49504  
Telephone: (616) 336-3694 Facsimile: (616) 336-3338 E-Mail at: [info@kentmi.org](mailto:info@kentmi.org)

**KENT COUNTY  
SOLID WASTE MANAGEMENT ADVISORY COMMITTEE  
MINUTES**

**January 13, 1999**

**MEMBERS PRESENT:** Paul Brown, Elaine Buege, Richard Herweyer, Jeff Hughes, Samuel Hurley, John Schlaack, Bill Stough, John VanTholen

**ABSENT:** Willie Alexander, Brad Bugbee, Norris Brookens, Michael DeWitt, Jeff Poole

**ALSO PRESENT:** Steve Essling, US Waste; Andy Vredenberg, Gary Pitsch, Pitsch Companies; Richard Butler, DPW Counsel; Rick Chapla, The Right Place Program; Douglas Wood, Deputy Director; Dennis Kmiecik, Solid Waste Manager; Charlene Haraburda, Stenographer

**I. Review and Approval of Minutes**

Chairman Schlaack requested that a motion be made approving the minutes of December 9, 1998.

Motion passed.

**II. Public Comment**

None

**III. Discussion and Approval of Surcharge Language to be included in the Plan**

Douglas Wood, Deputy Director stated that in Seth Phillip's (MDEQ Solid Waste Management Division) letter of October 29, 1998 it was suggested that if the committee wanted to include waste disposal surcharges in the plan update, there has to be language in the plan referring to that option. As a result of that suggestion, Dennis Kmiecik, Solid Waste Manager put together an addition under the Selected System called Costs & Funding (A-9).

It was the consensus of the committee to make an addition to the statement, "It is the intent of the County to pursue and implement a solid waste disposal surcharge on solid waste disposal facilities in Kent County to assist in financing this program." This sentence is on Page III-50, last sentence of III.17.A.3.b, first sentence of Page III-51, last sentence of III.17.A.3.d. and last sentence of Page A-9.

It was moved by member Herweyer and seconded by member Hurley to accept the revised language pertaining to waste disposal surcharges in the Solid Waste Management Plan Update draft.

**AYES:** Elaine Buege, Paul Brown, Richard Herweyer, Jeff Hughes, Samuel Hurley, John Schlaack, Bill Stough, John VanTholen

**NAYS:** None

**ABSENT:** Willie Alexander, Norris Brookens, Brad Bugbee, Michael DeWitt,  
Jeff Poole

#### **IV. Approval of Kent County Solid Waste Management Plan**

Douglas Wood, Deputy Director discussed the motion for approval to issue the draft plan for public comment which is 90 days and the public hearing will take place approximately 60 days into the 90-day period. All committee members will be invited. Also, during that 90-day period the County will accept written correspondence. After the written correspondence and the record from the public hearing, the Committee will go through all comments as to whether they need to be addressed in the plan. Once all issues are addressed, then the committee would take action on the draft plan and recommend it to the Board of Commissioners for approval. Mr. Kmiecik stated that the public hearing would be March 17, 1999.

It was moved by member Buege and seconded by member Herweyer to have the draft plan, with the revised language, be approved for public hearing.

**AYES:** Paul Brown, Elaine Buege, Richard Herweyer, Samuel Hurley,  
Jeff Hughes, John Schlaack, Bill Stough, John VanTholen

**NAYS:** None

**ABSENT:** Willie Alexander, Norris Brookens, Brad Bugbee, Michael DeWitt,  
Jeff Poole

#### **V. Review of the Pitsch Companies Proposal**

Andy Vredenberg representing the Pitsch Companies described their proposed solid waste transfer and processing facility to be at 633 Richmond NW. The facility is next to their existing buildings. They will lease the back third of the Reliable Equipment Building which is zoned heavy industrial. He stated that the Pitsch Companies would be applying for a Type A Transfer Station license under the 1990 Kent County Solid Waste Plan and he requested that the Solid Waste Management Plan committee recommend to the Board of Public Works and Board of Commissioners that Pitsch Companies be given a letter of consistency in accordance with the 1990 Kent County Solid Waste Plan.

Mr. Wood stated that based on the County's existing plan and from the information received, the location of the property is consistent with zoning and meets all other criteria as listed in the plan. There are issues raised by the City of Grand Rapids and other issues within the proposal that Pitsch Companies presented to us and those issues will be addressed when Pitsch Companies obtain their construction permit from MDEQ. Conversation ensued between Mr. Vredenberg and the committee members and it was the consensus of the committee that the site is consistent with the existing plan.

Rick Chapla of the Right Place Program stated that one of the major criteria is the zoning and clearly this is a principal permitted use within the city industrial zoning classification. He further stated that the details of construction are still evolving and clearly will be addressed at another point. Mr. Chapla said that it appears from a zoning and Renaissance zoning standpoint that it would be hard pressed for anyone to find

inconsistency especially with the criteria you have to work from and since there are a number of recycling type activities already ongoing in that area,

It was moved by member Buege and seconded by member Hurley that the request by Pitsch Companies for a letter of consistency be recommended to the Board of Public Works and Board of Commissioners for their approval.

**AYES:** Paul Brown, Elaine Buege, Richard Herweyer, Samuel Hurley,  
Jeff Hughes, John Schlaack, John VanTholen

**NAYS:** None

**ABSTAINED:** Bill Stough

**ABSENT:** Willie Alexander, Norris Brookens, Brad Bugbee, Michael DeWitt,  
Jeff Poole

**V. Miscellaneous**

Mr. Wood acknowledged the involvement and dedication on the part of the Committee Members in developing the plan update. He further stated that the committee will be notified of the public hearing and there may be two or three meetings after that. He stated that once the plan is presented to the MDEQ and it receives their approval, there will be some implementation by the committee.

**VI. Adjournment**

There being no further business, the Advisory Committee adjourned at 3:35 p.m.

---

John Schlaack, Chairman

**SOLID WASTE DIVISION**  
Waste-to-Energy Facility  
District Heating and  
Cooling Operations  
Landfill Operations  
Recycling  
Resource Recovery



**JERRY D. KOOLMAN**  
Chairman  
**ROGER G. LANINGA**  
Vice Chairman  
**BEVERLY R. REKENY**  
Secretary  
**CHERRY H. JACOBSON**  
**KATHERINE KU**  
**PAUL MCGUIRE**  
**DAVID H. MORREN**  
**CURT A. KEMPPAINEN**  
Director

**WATER AND SEWER DIVISION**  
Financing  
Construction  
Operation

## **Board of Public Works**

**Kent County**  
**Solid Waste Management Advisory Committee**  
**Woodworth Building Board Chambers**  
**December 9, 1998**  
**3:00 p.m.**

### **AGENDA**

- 1. Review and Approval of Minutes**
- 2. Public Comment**
- 3. Review and Approval of Kent County Solid Waste Management Plan**
- 4. Review of the Pitsch Companies Proposal**
- 5. Miscellaneous**

**KENT COUNTY  
SOLID WASTE MANAGEMENT ADVISORY COMMITTEE  
MINUTES**

**December 9, 1998**

**MEMBERS PRESENT:** Willie Alexander, Paul Brown, Norris Brookens, Elaine Buege, Richard Herweyer, Samuel Hurley, Jeff Poole, John Schlaack, John VanTholen

**ABSENT:** Brad Bugbee, Michael DeWitt, Jeff Hughes, Bill Stough

**ALSO PRESENT:** Doug Fenske, Fenske Enterprises, Inc.; Andy Vredenberg, Gary Pitsch, Pitsch Companies; Richard Butler, DPW Counsel; Douglas Wood, Deputy Director; Dennis Kmiecik, Solid Waste Manager; Charlene Haraburda, Stenographer

**I. Review and Approval of Minutes**

Chairman Schlaack requested that a motion be made approving the minutes of November 18, 1998.

Motion passed.

**II. Public Comment**

Andy Vredenberg, Pitsch Companies stated that he thought after reviewing paragraph one and two of the Consistency Criteria that it was the consensus based on the minutes of September 16, 1998 regarding the 500' setback that it should not apply when the proposed facility is in an industrial zone. He further stated that there was a 500' setback from adjacent property lines and road right-of-ways (ROW). He expressed concern about urban areas that may be close to a ROW that may abut a commercial zone and/or industrial zone, and inquired if that was a practical approach when trying to develop a disposal facility in an urban setting.

Doug Fenske, Fenske Enterprises, Inc. stated that on December 2, 1998 he presented to Curt Kemppainen an amended document to his submittal of October 9th. He assumed that it would have been on the committee's agenda and he was present to answer questions. Mr. Wood stated that he is preparing a response to the letter presented to Mr. Kemppainen and explained that the issue will not be discussed on today's agenda.

**III. Review and Approval of Kent County Solid Waste Management Plan**

Douglas Wood, Deputy Director discussed the Consistency Criteria and stated that DPW Counsel, Richard Butler felt that the language needed further clarification which is along the line of Mr. Vredenberg's concern. Mr. Butler stated that rather than using the term, domiciles, it would be better described that the 500' separation requirement would be from residential zoned property. He further stated that if the facility is located on industrial property none of the three requirements apply. The 500' distance would be measured from the nearest point of the facility. Conversation ensued between staff and

committee members. Mr. Wood stated that these are the minimal requirements if the committee approves a request based on the siting criteria. The proposed facility would have to comply with the municipality's regulations and ordinances.

Mr. Wood discussed an October 19, 1998 letter from the MDEQ concerning waste disposal surcharges. Conversation ensued and it was the consensus of the committee that page III-58, III.19 (item 12) dealing with disposal surcharges should be deleted. The disposal surcharge issue will be in the January 6, 1999 agenda. Mr. Wood stated that he would give a copy of the letter and the court case to the members (member Buege departed 3:30 p.m.)

Members suggested that the November 9, 1998 draft of the Kent County Solid Waste Management Plan in Section III page 39, III.16D and III.16E should be clarified, "proposed" facilities.

It was moved by member Herweyer and seconded by member Brookens to accept the Consistency Criteria into the draft plan.

AYES: Willie Alexander, Paul Brown, Norris Brookens, Richard Herweyer, Samuel Hurley, Jeff Poole, John Schlaack, John VanTholen

NAYS: None

ABSENT: Elaine Buege, Brad Bugbee, Michael DeWitt, Jeff Hughes, Bill Stough

#### **IV. Review of the Pitsch Companies Proposal**

Andy Vredenberg representing the Pitsch Companies explained the proposed solid waste transfer and processing facility to staff and the committee. He suggested that the committee and staff review the Outline of Consistency with the Kent County Solid Waste Plan and the Preliminary Engineering Report prepared by Dell Engineering, Inc. The proposed facility would be at 633 Richmond NW next to their existing company and they will lease the back half of the Reliable Equipment Building which is zoned heavy industrial. He stated that the Pitsch Companies would be applying for a Type A Transfer Station license under the 1990 Kent County Solid Waste Plan. He further stated Pitsch Companies would be transferring municipal solid waste from the proposed Richmond facility to their landfill located in Ionia County. They would also be recycling and pulling out construction and demolition materials which would be clean wood, concrete, metal and expand upon that to include cardboard and drywall. He stated that they will be upgrading the sanitary sewer systems to dispose of any liquid waste generated at the site.

#### **V. Miscellaneous**

The Advisory Committee's next meeting will be January 6, 1999 at 3:00 p.m..

#### **VI. Adjournment**

There being no further business, the Advisory Committee adjourned at 4:00 p.m.

---

John Schlaack, Chairman

**SOLID WASTE DIVISION**

Waste-to-Energy Facility  
District Heating and  
Cooling Operations  
Landfill Operations  
Recycling  
Resource Recovery



**WATER AND SEWER DIVISION**

Financing  
Construction  
Operation

**Board of Public Works**

JERRY O. KOOIMAN  
Chairman  
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Vice Chairman  
BEVERLY R. REKENY  
Secretary  
CHERRY H. JACOBUS  
KATHERINE KUHN  
PAUL McGUIRE  
DAVID H. MORREN  
CURT A. KEMPPAINEN  
Director

**Kent County  
Solid Waste Management Advisory Committee  
Woodworth Building Board Chambers  
November 18, 1998  
3:00 p.m.**

**AGENDA**

1. Review and Approval of Minutes
2. Public Comment
3. Review and Approval of Kent County Solid Waste Management Plan
4. Miscellaneous





**KENT COUNTY  
SOLID WASTE MANAGEMENT ADVISORY COMMITTEE  
MINUTES**

**November 18, 1998**

**MEMBERS PRESENT:** Paul Brown, Elaine Buege, Richard Herweyer, Jeff Hughes, Samuel Hurley, Jeff Poole, John Schlaack, Michael DeWitt, Bill Stough, John VanTholen

**ABSENT:** Willie Alexander, Norris Brookens, Brad Bugbee

**ALSO PRESENT:** Steve Essling, US Waste; Gary Pitsch, Pitsch Companies; Richard Butler, DPW Counsel; Douglas Wood, Deputy Director; Dennis Kmiecik, Solid Waste Manager; Charlene Haraburda, Stenographer

**I. Review and Approval of Minutes**

Chairman Schlaack requested that a motion be made approving the minutes of October 28, 1998.

Motion passed.

**II. Public Comment**

None.

**III. Review and Approval of Siting Consistency Criteria**

Douglas Wood, Deputy Director and Dennis Kmiecik, Solid Waste Manager discussed the siting consistency criteria with the committee and the results were as follows:

Section 1 accepted as is.

Section 2, II-4: Special Waste\* explanation should read, "\*\*Explanation of special wastes, including a specific list and/or conditions: Foundry soil, street sweeping, sludge and contaminated soil.

11-5 being the transfer station, 11-10 being the Type II landfill in Montcalm County and II-13 being Waste Management of Michigan Transfer Stations are mentioned in data base but not in the selected plan, III-8 through III-17.

II-16 Sparta Foundry Waste Disposal Facility needs to be checked, open. Mr. Kmiecik stated that he would verify the information that was sent to the County.

II-6 and III-9 under the column headed "Waste Types Received", Industrial

should be checked.

II-10 under site size, total area sited for use should be 40.32 not 4032 acres.

II-18, the sentence collection services are traditionally based on flat monthly fees is too vague and must take into consideration different by the size of the container.

Section III, III-7 check if Lubbers Resource System is the correct name.

III-43 (14) was omitted when the committee voted on the criteria. In the draft it was listed as No. 8. Mr. Kmiecik will check if it was voted out by the committee and tied to the objectives.

III-49, 7th paragraph the elimination or modification of the sentence , *"A representative from the Commission sits on the Act 451 Planning Committee, providing insight and information throughout the Act 451 Planning process."* The reason for this change is that there was no representation from the Commission.

III-53, Local Ordinances and Regulations Affecting Solid Waste Disposal, Mr. Wood stated that it was one of the criteria in siting No 1 that the host facility must comply with all local land use plan zoning ordinances or applicable rule and regulation of the local municipalities, and that would be tied into III-53, No. 2.

This plan incorporates as enforceable the specific provision based on existing zoning ordinances, but the words, zoning ordinance are not accurate. The law states rules, regulation, ordinances, etc., which is not limited to zoning ordinances. Mr. Wood stated that the County has written all municipalities and townships for their ordinances to incorporate them into this section. Mr. Butler stated that the goal was for facilities such as transfer stations, processing plants, and material recovery facilities to be consistent with the plan, provided they meet all the criteria in the plan including local zoning. He further stated based on two telephone conversations with the state, it was the state's position that it cannot be done that way. The state is allowing local zoning to apply in those units that already are allowing these facilities, but preempting zoning in those local units that do not provide for them under the zoning ordinance. Mr. Wood stated it has been the County Commissioners desire when a facility is implemented to insure that there is input from the municipality or township that facility is going to go into.

Conversation ensued between staff and committee. Mr. Wood stated he wants to revisit the State's example, review earlier drafts and develop some suggested criteria. He further stated that the committee has not addressed III-55 No. 3, which offers adoption and implementation of local regulations governing non-siting issues such as, landscaping, screening, hours of operation, noise, litter, odor, dust control, operating records and reports, facility security, monitoring of wastes, composting and recycling. Mr. Wood stated that staff can make some recommendations at the next meeting for that section.

III-42 and III-43, staff would take pages and show what was added and what was taken out.

III-23 3rd paragraph check Recycle America

Section 4, Appendix A, B approved as is.

Appendix C, page C-6 standing rules is not consistent with the statute and it will be corrected to imply that the special or advisory committee shall automatically expire on December 31st.

Appendix D, Solid Waste Import, paragraph 3, the counties are not importers to Kent County, they are exporters to Kent County.

**IV. Miscellaneous**

. The Advisory Committee's next meeting will be December 9, 1998 at 3:00 p.m..

**V. Adjournment**

There being no further business, the Advisory Committee adjourned at 4:25 p.m.

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John Schlaack, Chairman

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**SOLID WASTE DIVISION**  
Waste-to-Energy Facility  
District Heating and  
Cooling Operations  
Landfill Operations  
Recycling  
Resource Recovery



JERRY O. KOOIMAN  
Chairman  
ROGER G. LANINGA  
Vice Chairman  
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Secretary  
CHERRY H. JACOBUS  
KATHERINE KUHN  
PAUL McGUIRE  
DAVID H. MORREN  
CURT A. KEMPPAINEN  
Director

**WATER AND SEWER DIVISION**  
Planning  
Construction  
Operation

## **Board of Public Works**

**Kent County**  
**Solid Waste Management Advisory Committee**  
**Woodworth Building Board Chambers**  
**October 28, 1998**  
**3:00 p.m.**

### **AGENDA**

1. Review and Approval of Minutes
2. Public Comment
3. Review and Approval of Siting Consistency Criteria
4. Miscellaneous

**KENT COUNTY  
SOLID WASTE MANAGEMENT ADVISORY COMMITTEE  
MINUTES**

**October 28, 1998**

**MEMBERS PRESENT:** Willie Alexander, Paul Brown, Elaine Buege, Brad Bugbee,  
Richard Herweyer, Jeff Hughes, Samuel Hurley, Jeff Poole,  
John Schlaack

**ABSENT:** Norris Brookens, Michael DeWitt, Bill Stough, John VanTholen

**ALSO PRESENT:** Cathy Vander Meulen, City of Walker; Rob Carr, Ottawa Farms;  
Don Visser, Visser & Bolthouse; Paul Dykstra, Walkerview Inc.;  
Joel Pauwens, Zeeland; Curt Kemppainen, Director;  
Richard Butler, DPW Counsel; Douglas Wood, Deputy Director;  
Dennis Kmiecik, Solid Waste Manager;  
Charlene Haraburda, Stenographer

**I. Review and Approval of Minutes**

Chairman Schlaack requested that a motion be made approving the minutes of September 30, 1998 and October 14, 1998.

Motion passed.

**II. Public Comment**

Ms. Cathy Vander Meulen, City of Walker Assistant Manager, stated that the Fenske Enterprises, Inc. (FEI) landfill proposal was discussed at the City Commission meeting held October 26, 1998 and a motion passed that the City Commission objects to any Type II landfill operation at the Fenske property. (copy enclosed).

Ms. Vander Meulen stated that it is the city's objective to develop that property as an industrial site, clean up what is existing on the site, and put it into productive property. There are a number of concerns not addressed by Mr. Fenske regarding the problem with alleged contamination on the site as well as some other issues. The City of Walker is requesting that the committee does not include that site as part of the plan update.

Mr. Douglas Wood, Deputy Director inquired if the City of Walker's new land use plan changed from what it was in the previous land use plan or is it the same? Ms. Vander Meulen stated the City of Walker revised its land use plan and the property being discussed has been zoned industrial for a number of years, and remains industrial in the new master plan. She further stated that it can be developed industrial because it does have good access to Wilson Avenue but the problem is that it does not have any utilities. Mr. Wood inquired if there was a proposal for a Type III landfill, would that be consistent with the new land use plan? Ms. Vander Meulen stated that Mr. Fenske is asking for a Type II landfill and zoning is preempted for a Type III landfill following the current plan and

the entire area of FEI both in Kent and Ottawa County as one facility. He continued that in that regard there is a matter of a super priority lien that the DEQ has on the entire Ottawa side and a significant portion of the Fenske Property on the Kent County side. Mr. Visser stated that he believes a Type III is appropriate and believes the DEQ is in harmony with that viewpoint. He further stated if it were a Type III landfill, they anticipate that they would have to make some arrangements with the DEQ to either partially or fully work on remediation of the existing issues as part of the licensing. Mr. Wood inquired if there was a 201 or 307 grant to clean up the site. Mr. Visser replied that there is a grant to clean up the site.

Member Poole inquired if the committee is being asked to approve a Type II site to an individual that currently is not the owner? Mr. Visser stated that he did not believe that is correct. Mr. Visser stated the firm that he is representing has the tax deed, however, the way the law is written, they cannot take possession of the property until after the six months expire and as he stated before, they have four of the five tax deeds for each of the five years. He further stated that theoretically, at that particular point, if someone redeems those taxes, then the deed becomes null and void. The deed currently resides in Walkerview, Inc. However, Walkerview Inc. is not entitled to take possession of it without getting a writ from the court which means after the redemption period someone would have to file a title action. He further stated who will end up being the owner is unknown at this time.

Mr. Wood inquired of Ms. Vander Meulen did the council consider Type II and Type III? Ms. Vander Meulen stated they were responding to the request of Mr. Fenske for this particular Type II. Ms. Vander Meulen stated that Type III landfills are subject to local zoning. Mr. Wood stated in the County's current plan they are subject to local zoning. Ms. Vander Meulen continued that depending on the ownership issue, it is between the City of Walker and Mr. Dykstra as far as whether or not it is permitted.

Mr. Butler stated that Mr. Fenske did receive a construction permit for a Type III on the Kent County, City of Walker portion of the side. That permit expired and has never been renewed. If the committee wants to permit Type III landfills, and wants to remove the prohibition in the proposed plan, he thought the committee would want to make that subject to the consistency criteria that is spelled out here. He further stated that Mr. Wood and Mr. Kmiecek have mentioned previously if the committee wanted to do that, staff will want to go back and look at the criteria because they were not designed with landfills in mind (either Type II or Type III). Mr. Wood stated if Mr. Fenske or whoever owns it sought a Type III landfill under the existing plan, they could be found consistent if they met the zoning ordinances of the City of Walker. Mr. Butler stated there is not a siting criteria in the current plan and Type III landfills are subject to local zoning. He further stated the proposal before you provides that Type II and Type III are not permitted at all regardless of local zoning and deemed inconsistent with the plan.

Mr. Wood stated that he inquired of Mr. Fenske at the October 14th meeting, if he was going to apply for a Type III landfill under the existing plan, Mr. Fenske's response was no. Mr. Fenske was emphatic that he wanted a Type II and he wanted it placed in the current plan and he kept stating "I exist", and the fact of the matter is that the facility does not exist. The facility does not exist as a landfill of any sort. Mr. Wood continued that Mr. Fenske has to go through the process whether it is the County or MDEQ. Mr. Wood stated that he was unsure if Mr. Fenske understood that and Mr. Wood tried to word it in different ways but then stated he would relate the matter to legal counsel Mr.

**AYES:** Willie Alexander, Paul Brown, Elaine Buege, Brad Bugbee,  
Richard Herweyer, Jeff Hughes, Samuel Hurley, Jeff Poole,  
John Schlaack

**NAYES:** None

**ABSENCES:** Norris Brookens, Michael DeWitt, Bill Stough, John VanTholen

Motion passed.

Member Herweyer stated by allowing a Type III landfill to be cited in the future, it could fill a need for recycling demolition or construction material that is currently not being dealt with. He inquired if the County and any of its facilities process demolition concrete and anything else? Mr. Wood stated that would be covered under the definition of processing facilities which we allow. Mr. Wood further stated if the question was, is the County disallowing a processing facility and if so, the answer was no.

#### **IV. Miscellaneous**

Mr. Wood and Mr. Kmiecek stated that they would put the entire package together and mail the draft plans around November 11th so the Committee can review them. The Advisory Committee's next meeting will be November 18, 1998 at 3:00 p.m..

#### **V. Adjournment**

There being no further business, the Advisory Committee adjourned at 3:45 p.m.

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John Schlaack, Chairman

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**SOLID WASTE DIVISION**  
Waste-to-Energy Facility  
District Heating and  
Cooling Operations  
Landfill Operations  
Recycling  
Resource Recovery



**WATER AND SEWER DIVISION**  
Planning  
Construction  
Operation

## **Board of Public Works**

**JERRY C. ROSSMAN**  
Chairman  
**ROGER G. LANINGA**  
Vice Chairman  
**BEVERLY R. REKENY**  
Secretary  
**CHERRY H. JACOBUS**  
**KATHERINE KUHN**  
**PAUL McGUIRE**  
**DAVID H. MORREN**  
**CURT A. KEMPPAINEN**  
Director

**Kent County**  
**Solid Waste Management Advisory Committee**  
**Woodworth Building Board Chambers**  
**October 14, 1998**  
**3:00 p.m.**

### **AGENDA**

1. Review and Approval of Minutes
2. Public Comment
3. Discussion of Fenske Sanitary Landfill Request
4. Review and Approval of Siting Consistency Criteria
5. Discussion of Financial Alternatives
5. Miscellaneous



**KENT COUNTY  
SOLID WASTE MANAGEMENT ADVISORY COMMITTEE  
MINUTES**

**October 14, 1998**

**MEMBERS PRESENT:** Norris Brookens, Paul Brown, Elaine Buege, Richard Herweyer, Jeff Hughes, John Schlaack, Bill Stough, John VanTholen

**ABSENT:** Brad Bugbee, Eric DeLong, Michael DeWitt, Samuel Hurley, Jeff Poole

**ALSO PRESENT:** Douglas Fenske; Steve Essling, USA Waste; Scott Connors, City of Walker; Andrew Vredenberg, Pitsch Companies; Curt Kemppainen, Director; Richard Butler, DPW Counsel; Douglas Wood, Deputy Director; Dennis Kmiecik, Solid Waste Manager; Charlene Haraburda, Stenographer

**I. Review and Approval of Minutes**

Chairman Schlaack stated that since a quorum was not present the minutes of September 30, 1998 could not be approved.

**II. Public Comment**

None.

**III. Discussion of Douglas Fenske Sanitary Landfill Request**

Mr. Douglas Fenske representing Fenske Enterprises, Inc. made a presentation on the history and status of the Fenske landfill located in the City of Walker.

Mr. Fenske stated that the site had been operating for thirty years and is not a new landfill. The landfill located in Kent County was a Type III disposal area but will be re-designed to a Type II landfill. He stated that he needs documentation of consistency from the County with the Plan in existence at the time of the permit request. Mr. Fenske further stated that Ottawa County put his request for a future Type III (formerly Type II) disposal area in their updated plan.

Mr. Fenske stated the landfill was closed in 1990 under a Cease and Desist Order from the Department of Natural Resources (now MDEQ). After that action by MDEQ the facility had financial problems resulting in a bankruptcy. Mr. Fenske stated that he gathered information from MDEQ files indicating that the contamination had nothing to do with the landfill operation. After finding this information, Mr. Fenske stated he contacted Representative Ken Sikkema's office and David Ladd a representative from the Governors office that resulted in several meetings with MDEQ (Cathy Wilson, Legislative Liaison, MDEQ). Mr. Fenske stated that he wanted to make it clear to the committee that there are no known site deficiencies and the site is not known to have ever caused any contamination. Mr. Fenske referred to a letter dated October 14, 1998 signed by Amy LaChance, District Supervisor, Waste Management Division, MDEQ which was

addressed to Curt Kemppainen (KCDPW Director) and Darwin Baas (Solid Waste Coordinator, Ottawa County) a copy is attached and will be made part of the public record. Mr. Wood stated that the letter arrived today and would be handed out to the committee following the presentation.

Mr. Fenske presented information concerning geology and hydrogeology of the site. Mr. Wood interrupted at this time to provide Mr. Fenske some guidance on information relevant to the committee, e.g., capacity issues and specific proposal. Mr. Fenske restated his proposal to have a Type II landfill located in Kent County.

Mr. Fenske completed his presentation and answered questions. During his presentation Mr. Fenske referred to a plan amendment. Mr. Wood asked if he is requesting an amendment to the existing Plan? Mr. Fenske responded that he is not seeking an amendment to the existing plan for his proposal. He further stated that the investors of the future Type II landfill facility are interested in the outcome of these meetings, and the investors stated that they would be agreeable to enter into a host community agreement with the City/County. Mr. Fenske stated that fees generated by the FEI facility, could help the County fund its programs as it is doing in Ottawa County. Conversation ensued between Mr. Fenske, staff and the Solid Waste Planning Committee.

Mr. Wood stated that on August 19, 1998 he sent a letter to MDEQ seeking clarification on the status of several disposal areas including the Fenske landfill. Mr. Wood explained that MDEQ responded on October 14, 1998. Mr. Wood explained that it is the MDEQ opinion that the Type III construction permit issued several years ago has expired. Mr. Wood asked if Mr. Fenske was going to reapply for a Type III landfill? Mr. Fenske responded that he will not be applying for a Type III landfill in Kent County. Mr. Fenske explained that he will be applying for a Type III landfill in Ottawa County. Mr. Wood asked when he would be applying for a Type II landfill in Kent County? Mr. Fenske responded that he will be submitting by the end of the year. Mr. Wood explained that the existing plan Type III disposal facilities are consistent if they meet all local zoning requirements. Mr. Fenske stated that he is not applying for a Type II or Type III permit under the existing plan. Mr. Fenske stated that he wants to be included in the plan update.

Mr. Wood explained that the committee will be addressing siting criteria and the issue of whether the County needs additional disposal capacity at their next meeting.

Mr. Fenske stated that he understands that the County may not need additional capacity. Mr. Fenske stated that he has an existing facility and it should not be written out of the plan (update). Committee members had questions on the flood plain. Mr. Fenske stated that the area is an excellent geologically for a landfill. A committee member asked why the Type II landfill isn't located in Ottawa County? Mr. Fenske stated that Ottawa County changed their plan that does not allow a landfill in a flood plain.

#### **IV. Review and Approval of Disposal Facilities Siting Criteria**

Dennis Kmiecik stated that the Siting Criteria had been reviewed by the County's legal counsel and seems to have more clarity. Douglas Wood stated that the committee should be looking into the issue of exclusion or inclusion of Type II and Type III landfills because that ties in with Mr. Fenske's proposal for a Type II landfill in Kent County. He

stated that the homework is to study the Procedures and Consistency Criteria for New Solid Waste Disposal Facilities and the committee has to revisit the issue under Item C, Disposal Areas That Are Inconsistent With This Plan. He further stated that at the next meeting, the committee will make a decision on that issue and if the committee's decision is to change the criteria, then we will have to include additional siting criteria for Type II landfills. Mr. Wood stated between now and the next meeting, he would talk to legal counsel and pass the answers to the committee concerning the issue of the Fenske landfill being an "existing facility".

**V. Discussion of Financial Alternatives**

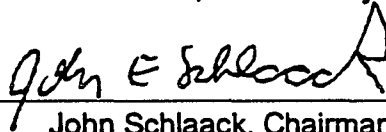
Douglas Wood stated that the Committee should be thinking about funding options for County Solid Waste Management Programs. Conversation ensued between staff and committee members with suggestions of a user or tipping fee at the County Materials Recovery Facility and for the Household Hazardous Waste (HHW) Program being a possibility. Another suggestion was to help a certain class of small businesses to participate in HHW program for a fee. Also, a suggestion was made about forming an alliance of several townships to participate together in the collection of household hazardous waste. Mr. Wood stated that he would like to make a presentation to Grattan Township Board about cost sharing of HHW collection.

**VI. Miscellaneous**

The Advisory Committee's next meeting will be October 28, 1998 at 3:00 p.m..

**VII. Adjournment**

There being no further business, the Advisory Committee adjourned at 4:35 p.m.



John Schlaack, Chairman

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Waste-to-Energy Facility  
District Heating and  
Cooling Operations  
Landfill Operations  
Recycling  
Resource Recovery

**WATER AND SEWER DIVISION**

Planning  
Construction  
Operation



## **Board of Public Works**

Chairman  
ROGER G. LANINGA  
Vice Chairman  
BEVERLY R. REKENY  
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KATHERINE KUHN  
PAUL McGUIRE  
DAVID H. MORREN  
CURT A. KEMPPAINEN  
Director

**Kent County  
Solid Waste Management Advisory Committee  
Woodworth Building Board Chambers  
September 30, 1998  
3:00 p.m.**

### **AGENDA**

1. Review and Approval of Minutes
2. Public Comment
3. Review and Approval of Disposal Facilities Siting Criteria
  - a. Pitsch Companies letter dated September 18, 1998
4. Discussion of Fenske Letter of September 9, 1998
5. Miscellaneous

Earl G. Woodworth Building • 1500 Scribner Avenue, N.W. • Grand Rapids, Michigan 49504-3299  
Telephone: (616) 336-3694 Facsimile: (616) 336-3338 E-Mail address: kcdpw@dpw.co.kent.mi.us

**KENT COUNTY  
SOLID WASTE MANAGEMENT ADVISORY COMMITTEE  
MINUTES**

**September 30, 1998**

**MEMBERS PRESENT:** Norris Brookens, Paul Brown, Elaine Buege, Richard Herweyer, Michael DeWitt, Jeff Hughes, Samuel Hurley, Jeff Poole, John Schlaack, Bill Stough, John VanThoen

**ABSENT:** Brad Bugbee, Eric DeLong

**ALSO PRESENT:** Andrew Vredenberg, Pitch Companies; Douglas Wood, Deputy Director; Dennis Kmiecik, Solid Waste Manager; Charlene Haraburda, Stenographer

**I. Review and Approval of Minutes**

Chairman Schlaack requested that a motion be made approving the minutes of September 16, 1998.

Motion passed.

**II. Public Comment**

Andrew Vredenberg of Pitsch Companies stated that the third paragraph of the Resource Recovery Facilities Report should be clarified because it is unclear whether it pertains to trash generated by Pitsch employees in the facility or does it mean the solid waste generated in a transfer facility after taking out the recycling demolition debris?

Mr. Vredenberg further stated that Site Criteria 1 and 2 should be clarified because it is not clear whether the municipal zoning ordinance prevails or the siting criteria setback of 500' prevails. Site Criteria 10 is not clear as to what kind of agreements we would be agreeing to with the County.

**III. Review and Approval of Disposal Facilities Siting Criteria**

Dennis Kmiecik, Solid Waste Manager answered Mr. Vredenberg question that the solid waste generated from the recycled demolition debris would have to be taken to the WTE or a county facility not the trash generated by employees. He further explained that the municipal zoning ordinance would prevail over the 500' setback.

Conversation ensued between the committee and staff concerning the third paragraph of the Resource Recovery Facilities Report and the fourth paragraph, last sentence of the Transfer Facility and Processing Plants Report. It was the consensus of the committee that these paragraphs must be clarified because they seem to state that all of the waste from that facility must be directed to the County. It was also questioned by the committee if out-of-county waste would become Kent County waste. The committee stated that if a transfer station becomes a point of generation and the point of generation is outside the six cities and outside of the county, it would not be in the best interest of

the County. Further changes would be the fourth paragraph, first sentence the "50 tons a day" should be changed to "less than 150 tons a day".

The committee and staff reviewed the siting criteria and the results are as follows:

Item 1 first sentence should be changed to "In the event that there is no local zoning, a new facility shall not be located closer than 500 feet from adjacent property lines unless not an industrial zoned area, road rights-of-ways, inland lakes and perennial streams."

Item 2 change the word "domiciles" to "residential zoned property".

Item 3 through Item 9 were accepted as written.

Item 10 needs revision by the County's attorney.

Item 11 change the word "weather" with "season".

Item 12 through Item 15 were accepted as written.

It was the consensus of the committee and staff to have the County's attorneys review the Resource Recovery Facilities Report, Transfer Facilities and Processing Plants Report and the Siting Criteria and have the results for discussion at the next meeting.

Mr. Wood asked the committee to review the September 18, 1998 letter from Andrew Vredenburg of Pitsch Companies concerning proposed facility siting language which Mr. Vredenburg requested the committee consider in their rewrite of the Kent County Solid Waste Plan.

#### **IV. Discussion of Mr. Fenske's Letter of September 9, 1998**

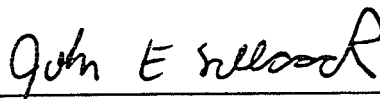
Mr. Wood stated that the County received a letter from Mr. Fenske pertaining to a Type III Waste Disposal Site. Mr. Wood further stated that he wrote to the MDEQ concerning that letter and has not received a response. Mr. Fenske was invited to the SWMP Committee meeting October 14, 1998 to enlighten the Committee and County about his future plans.

#### **V. Miscellaneous**

The Advisory Committee's next meeting will be October 14, 1998 at 3:00 p.m..

#### **VII. Adjournment**

There being no further business, the Advisory Committee adjourned at 4:30 p.m.

  
\_\_\_\_\_  
John Schlaack, Chairman

Waste-to-Energy Facility  
District Heating and  
Cooling Operations  
Landfill Operations  
Recycling  
Resource Recovery

**WATER AND SEWER DIVISION**

Financing  
Construction  
Operation



## **Board of Public Works**

Chairman  
ROGER G. LANINGA  
Vice Chairman  
BEVERLY R. REKENY  
Secretary  
CHERRY H. JACOBUS  
KATHERINE KL  
PAUL McGU  
DAVID H. MORREN  
CURT A. KEMPPAINEN  
Director

**Kent County  
Solid Waste Management Advisory Committee  
Woodworth Building Board Chambers  
September 16, 1998  
3:00 p.m.**

### **AGENDA**

1. Review and Approval of Minutes
2. Public Comment
3. Approval of Solid Waste Disposal System Alternatives
4. Review and Discussion of Disposal Facilities Siting Criteria (review sections 5.C.4, pages 5-26 - 5-29 in existing plan)
5. Miscellaneous

**KENT COUNTY  
SOLID WASTE MANAGEMENT ADVISORY COMMITTEE  
MINUTES**

**September 16, 1998**

**MEMBERS PRESENT:** Norris Brookens, Paul Brown, Elaine Buege, Brad Bugbee,  
Richard Herweyer, John VanTholen Michael DeWitt,  
Samuel Hurley, Jeff Hughes, Jeff Poole, John Schlaack,  
Bill Stough

**ABSENT:** Eric DeLong

**ALSO PRESENT:** Andrew Vredenberg, Pitch Companies  
Dennis Kmiecik, Solid Waste Manager,  
Charlene Haraburda, Stenographer

**I. Review and Approval of Minutes**

Chairman Schlaack requested that a motion be made approving the minutes of August 19, 1998 and September 2, 1998.

Motion passed.

**II. Public Comment**

Andrew Vredenberg of Pitsch Companies stated that the committee was getting to the review of siting criteria and that he had reviewed the material and had taken issue with Item 1 and Item 2. He further stated that the siting of a transfer station in an urban setting is for the purpose of economics. The reason being that landfills are being developed away from urban settings and there is a need for transfer stations locally so the haulers do not have to travel long distances to dispose of trash. He further stated that finding an area with 500' setbacks would require anyone to accumulate a large quantity of land in order to be able to build. There are several areas in the city of Grand Rapids where Pitsch Companies are looking to develop a transfer station and the difficulty is we are not going to be 500' from any property line. We want to put the transfer station inside a building so it will not be open to the elements. We could find a large warehouse but because of the 500' setback that would eliminate that for us. He stated that local ordinances have certain setbacks but not any of them have a 500' setback. It would be more reasonable to look toward what a common local ordinance would require for setbacks for commercial and industrial type developments and not have this as the exception to the general rule. Items 1 and 2 are making it more difficult to develop disposal facilities without considering what the local ordinances requires for setback for those types of facilities.

**III. Approval of Solid Waste Disposal System Alternatives**

Dennis Kmiecik, Solid Waste Manager explained that the Solid Waste Disposal System Alternatives were discussed at the previous meeting and opened the discussion to the committee for additional comment. Conversation ensued between committee and



staff and it was the consensus of the committee to accept the Solid Waste Disposal System Alternatives with some changes in sentence structure and grammatical corrections.

It was moved by Member Bugbee and seconded by Member Buege to accept the Solid Waste Disposal System Alternatives for recommendation to the Board of Public Works for their approval.

**AYES:** Buege, Brookens, Brown, Bugbee, DeWitt, Herweyer, Hughes, Hurley, Poole, Schlaack, Stough, VanTholen

**NAYS:** None

**ABSENT:** DeLong

Motion passed.

#### **IV. Review and Discussion of Disposal Facilities Siting Criteria**

Mr. Kmiecik presented a letter to the committee for discussion from Doug Fenske about his request for inclusion of the FEI site in the county solid waste plan for unlimited type II waste disposal transfer and recovery and by-product recovery operations. It was the consensus of the committee that his request would be discussed in a future meeting.

The committee conferred with staff about the siting criteria Items 1 and 2. It was the consensus of the committee that the ordinances of the municipality should be taken into consideration first and if there are none referring to location of new facilities or expansion of old facilities that 500' from property lines, etc. and 1,000' from schools is too vast an accumulation of land for any company to undertake.

Items 3 through 8 were accepted in their entirety

Item 9 the committee stated that the word agriculture and commercial should be eliminated from that item

Item 10 should include that the owners and operator should cooperate in the recycling component of the County's plan.

Item 11 and 12 were accepted in their entirety

It was the consensus of the committee to add item 13 to the siting criteria that all operators of solid waste facilities permitted and licensed under Act 451 must submit a quarterly report which covers a specific time period with information concerning Name, location, permit number, telephone number, and quantity of waste received at facility.

#### **V. Miscellaneous**

The Advisory Committee's next meeting will be September 30, 1998 at 3:00 p.m..

**VII. Adjournment**

There being no further business, the Advisory Committee adjourned at 4:40 p.m.

  
\_\_\_\_\_  
John Schlaack, Chairman

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**SOLID WASTE DIVISION**  
Waste-to-Energy Facility  
District Heating and  
Cooling Operations  
Landfill Operations  
Recycling  
Resource Recovery

**WATER AND SEWER DIVISION**  
Financing  
Construction  
Operation



JERRY O. KOOIMAN  
Chairman  
ROGER G. LANINGA  
Vice Chairman  
BEVERLY R. REKENY  
Secretary  
CHERRY H. JACOB  
KATHERINE KU...  
PAUL McGUIRE  
DAVID H. MORREN  
CURT A. KEMPPAINEN  
Director

## **Board of Public Works**

**Kent County**  
**Solid Waste Management Advisory Committee**  
**Woodworth Building Board Chambers**  
**September 2, 1998**  
**3:00 p.m.**

### **AGENDA**

1. Review and Approval of Minutes
2. Public Comment
3. Review and Discussion of Solid Waste Disposal System Alternatives and Goals (review sections 4.G, pages 4-64 - 4-70, section 5.0, pages 5-1 - 5-4, and section 5.B, pages 5-13 - 5-20 in existing plan)
4. Review and Discussion of Disposal Facilities Siting Criteria (review sections 5.C.4, pages 5-26 - 5-29 in existing plan)
5. Miscellaneous



**KENT COUNTY  
SOLID WASTE MANAGEMENT ADVISORY COMMITTEE  
MINUTES**

**September 2, 1998**

**MEMBERS PRESENT:** Norris Brookens, Paul Brown, Elaine Buege, Brad Bugbee,  
Richard Herweyer, John VanTholen Michael DeWitt,  
Samuel Hurley

**ABSENT:** Jeff Hughes, Jeff Poole, John Schlaack, Eric DeLong, Bill Stough

**ALSO PRESENT:** Steve Essling, USA Waste;  
Dennis Kmiecik, Solid Waste Manager;  
Charlene Haraburda, Stenographer

**I. Review and Approval of Minutes**

The August 19, 1998 minutes could not be approved as a quorum was not present.

**II. Public Comment**

None.

**III. Review of Solid Waste Disposal System Alternatives and Goals**

Dennis Kmiecik, Solid Waste Manager explained the Projection for the Selected System. Conversation ensued between the Advisory Committee and Mr. Kmiecik. Mr. Kmiecik stated that he got his census figures from the EPA, Grand Valley State's Office of Economic Expansion, and the State of Michigan's studies. He stated that the projected population numbers are multiplied by a factor which is in a given range, to determine the solid waste generation for municipal, industrial and commercial solid waste generated in a specific county.

Consensus of the committee was the Projection is as close as possible to accuracy for accumulating information. The committee further stated that they did not wish to increase the landfill tonnage, but redirect the future growth. The committee stated that the concept is solid with the addition of a range of percentages, and a rounding of those numbers. Mr. Kmiecik stated that he would take those numbers and transpose them into three systems for next meeting. He further stated that he would keep the landfill and WTE steady and the committee could select from three systems. Mr. Kmiecik stated that he would take the discussion and suggestions of the committee and put them into a summary for their review.

Member Brookens stated that the County should look into ways of incinerating tires because there is a need for that service.

**IV. Review of Disposal Facilities Siting Criteria**

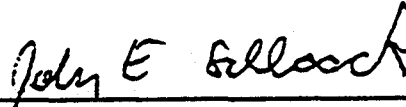
Mr. Kmiecik stated we will have information on the next meeting on siting criteria.

**V. Miscellaneous**

The Advisory Committee's next meeting will be September 16, 1998 at 3:00 p.m..

**VII. Adjournment**

There being no further business, the Advisory Committee adjourned at 4:20 p.m.



John Schlaack, Chairman

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**SOLID WASTE DIVISION**

Waste-to-Energy Facility  
District Heating and  
Cooling Operations  
Landfill Operations  
Recycling  
Resource Recovery

**WATER AND SEWER DIVISION**

Financing  
Construction  
Operation

JERRY O. KOOIMAN  
Chairman

ROGER G. LANINGA  
Vice Chairman

BEVERLY R. REKENY  
Secretary

CHERRY H. JACOBUS

KATHERINE KUHN

PAUL McGUIRE

DAVID H. MORREN

CURT A. KEMPPAINEN  
Director

## Board of Public Works

**Kent County  
Solid Waste Management Advisory Committee  
Woodworth Building Board Chambers**

**August 19, 1998**

**3:00 p.m.**

### AGENDA

1. Review and Approval of Minutes
2. Public Comment
3. Review and Approval of Solid Waste Export and Import Authorization
4. Review and Discussion of Solid Waste Disposal System Alternatives and Goals
5. Miscellaneous

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**KENT COUNTY  
SOLID WASTE MANAGEMENT ADVISORY COMMITTEE  
MINUTES**

**August 19, 1998**

**MEMBERS PRESENT:** Norris Brookens, Paul Brown, Elaine Buege, Eric DeLong,  
Richard Herweyer, Samuel Hurley, Jeff Poole, John Schlaack,  
Bill Stough

**ABSENT:** Brad Bugbee, Michael DeWitt, Jeff Hughes, John VanTholen

**ALSO PRESENT:** Andrew Vredenberg, Pitsch Companies;  
Douglas Wood, Director of Solid Waste Operations;  
Dennis Kmiecik, Solid Waste Manager,  
Charlene Haraburda, Stenographer

**I. Review and Approval of Minutes**

Chairman Schlaack requested that a motion be made approving the minutes of July 22, 1998 and August 5, 1998.

Motion passed

**II. Public Comment**

Andrew Vredenberg of Pitsch Companies stated that since Pitsch Companies have a landfill in Ionia County, they would like the same opportunity for increased exportation tonnage as the other counties in the revised plan.

**III. Review and Approval of Solid Waste Export and Import Authorization**

Douglas Wood, Director of Solid Waste stated that because of the concern about increases or decreases from the export amount at the last meeting, a sentence was added to the Solid Waste Export Condition. The addition is on page 2, second sentence, "It is understood and intended until the next update of the plan that the daily and annual export tonnage authorized may increase or decrease from year to year without a Plan amendment based on economic and other factors".

Mr. Wood further stated that the numbers identified in the table were tied to the landfill waste receipt reports received from the State and regarded these as a benchmark of the tonnage and the flow. The condition is linked to the agreements that were signed by the waste haulers. If in the event that the haulers are abiding by the agreement and if more waste is flowing to that county, then as a result of the agreement the county has agreed that they would not enforce the Plan. If the agreements are not signed in four years, then the County would go back to the 1990 levels, which are in the table and the Export Condition. Member Poole stated that the issue of automatically going back to the 1990 levels was not agreed upon in the Import/Export Subcommittee. Mr. Wood stated that the County has spent time and resources in evaluating this and trying to make

changes that would be satisfactory to everyone. He further stated that the County's legal counsel stated the first level of enforcement is the SWMP and then the second level is municipal ordinances. Conversation ensued between the County staff and the Committee members concerning the haulers' contract.

It was moved by member Poole and seconded by member Brookens to approve the Solid Waste Export Condition with the deletion of the final paragraph which starts with "In the event contracts .... and ends with authorization shown in Table 2-A".

AYES: Poole, Brookens  
NAYES: Buege, Brown, DeLong, Herweyer, Hurley, Schlaack, Stough  
ABSENT: Bugbee, DeWitt, Hughes, VanTholen

Motion did not pass.

It was moved by member Buege and seconded by member Herweyer to accept the Solid Waste Export Condition as written which includes Export Authorization Table 2A and Chart 2A

AYES: Buege, Brown, DeLong, Herweyer, Hurley, Schlaack,  
NAYES: Brookens, Poole, Stough  
ABSENT: Bugbee, DeWitt, Hughes, VanTholen

Motion passed.

#### **IV. Review and Discussion of Solid Waste Disposal System Alternatives and Goals**

Dennis Kmiecik, Solid Waste Manager discussed the Solid Waste Import Condition with the committee and conversation ensued between staff and committee members concerning the programs involved in the integrated management system.

It was moved by member Brookens and seconded by member DeLong to accept the Solid Waste Import Condition with the substitution of the word "reviewed" in place of "terminated" in the last sentence of the last paragraph.

AYES: Buege, Brookens, Brown, DeLong, Herweyer, Hurley, Schlaack, Stough  
NAYES: Poole  
ABSENT: DeWitt, Hughes, Bugbee, VanTholen

Motion passed.

Conversation ensued and it was suggested by committee members that staff present to the committee for review, the percentage of waste reduction, reuse, composting, recycling, waste-to-energy and landfilling comparable to the 1990 Solid Waste Plan figures and future projections (2005, 2010). Another request by members was to have the information about solid waste quantities be put together in a way that trends could be shown.



**V. Miscellaneous**

The Advisory Committee's next meeting will be September 2, 1998 at 3:00 p.m.

**VII. Adjournment**

There being no further business, the Advisory Committee adjourned at 4:50 p.m.

*John E. Schlaack*

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John Schlaack, Chairman

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Waste-to-Energy Facility  
District Heating and  
Cooling Operations  
Landfill Operations  
Recycling  
Resource Recovery



## Board of Public Works

**WATER AND SEWER DIVISION**  
Planning  
Construction  
Operation

Chairman  
ROGER G. LANINGA  
Vice Chairman  
BEVERLY R. REKENY  
Secretary  
CHERRY H. JACOBUS  
KATHERINE KUHN  
PAUL McGUIRE  
DAVID H. MORREN  
CURT A. KEMPPAINEN  
Director

**Kent County**  
**Solid Waste Management Advisory Committee**  
**Woodworth Building Board Chambers**  
**August 5, 1998**  
**3:00 p.m.**

### AGENDA

1. Review and Approval of Minutes
2. Public Comment
3. Review of Solid Waste Import/Export Report
4. Discussion of Alternative Systems
5. Miscellaneous

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Earl G. Woodworth Building • 1500 Scribner Avenue, N.W. • Grand Rapids, Michigan 49504-3299  
Telephone: (616) 336-3694 Facsimile: (616) 336-3338 E-Mail address: kcdpw@dpw.co.kent.mi.us

**KENT COUNTY  
SOLID WASTE MANAGEMENT ADVISORY COMMITTEE  
MINUTES**

**August 5, 1998**

**MEMBERS PRESENT:** Norris Brookens, Brad Bugbee, Richard Herweyer, Jeff Hughes, Jeff Poole, John Schlaack, John VanTholen

**ABSENT:** Paul Brown, Elaine Buege, Eric DeLong, Michael DeWitt, Samuel Hurley, Bill Stough

**ALSO PRESENT:** Steve Essling, USA Waste;  
Douglas Wood, Director of Solid Waste Operations;  
Dennis Kmiecik, Solid Waste Manager;  
Charlene Haraburda, Stenographer

**I. Review and Approval of Minutes**

The July 22, 1998 minutes could not be approved as a quorum was not present.

**II. Public Comment**

Steve Essling, USA Waste stated Barry County is scheduled for 45 tons/day and he is not certain that the landfill can take 45 tons. He further suggested that the Barry County Landfill have the same opportunities that are available to the other landfills. Mr. Essling stated that the plan should be written so that it is open ended enough to do the things we want to do in the near future.

**III. Review of Solid Waste Import/Export Report**

Douglas Wood, Director of Solid Waste Operations discussed Table 2A , Current Export Volume Authorization of Solid Waste. He stated that the table was created by the County taking the tonnage that has been reported from the MDEQ. The table does not account for growth during the five-year Plan period. He stated that Table 2A is tied to Chart 2A. Mr. Wood then explained Table 2A, Chart 2A and a description of the narrative condition to the Committee.

Conversation ensued between committee members, staff, and Mr. Essling of USA Waste, pertaining to solid waste distribution. Member Poole inquired as to the meaning of 3rd paragraph, 5th line down as it pertains to delivery of solid waste to other counties without restriction. He further stated that at the bottom of the page, it mentions higher amounts. In one paragraph it states without restriction and then in contrast, it is stating restricted to the items on the table. He inquired if it were higher amounts than what is in Table 2a or is it referencing that those are the amounts. Mr. Wood stated that it is referencing that those are the amounts but also referencing the provision of the contract that states that the county would not enforce that provision of the plan. Mr. Poole inquired if table 2A insures the integrity of the system because of the fact that the County has 190,000 tons directed to the incinerator. He inquired if the current agreement with

the haulers were not renewed would you still have the assurance that the county system is protected. Mr. Wood stated that the chart and condition were representing the total county integrated solid waste management system. If this is misleading to the committee, there could be a chart representing only Kent County which would bundle the WTE and landfill. Mr. Wood further explained that the integrated system would not be maintained without the condition in effect. Without the condition, the integrated system and its programs could not be maintained.

Further suggestions by committee members were balancing waste between the different counties taking solid waste from Kent County.

Mr. Essling suggested replacing quantities with authorized conditions because a number of counties are acknowledging primary disposal and not counting each load. Mr. Wood stated he would look into the legal aspects of the suggestions.

#### **IV. Discussion of Alternative System**

It was moved by member Herweyer and seconded by member Hughes to postpone the discussion of the Alternative System until the next meeting when a quorum is present.

Motion passed.

#### **V. Miscellaneous**

Mr. Wood stated that staff would prepare a table describing alternative solid waste systems and recommend a system that includes waste-to-energy, composting, recycling, waste reduction, reuse, and landfilling.

The Advisory Committee's next meeting will be August 19, 1998 at 3:00 p.m..

#### **VII. Adjournment**

There being no further business, the Advisory Committee adjourned at 4:15 p.m.

  
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John Schlaack, Chairman

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Waste-to-Energy Facility  
District Heating and  
Cooling Operations  
Landfill Operations  
Recycling  
Resource Recovery

**WATER AND SEWER DIVISION**

Financing  
Construction  
Operation



**Board of Public Works**

Chairman  
ROGER G. LANINGA  
Vice Chairman  
BEVERLY R. REKENY  
Secretary  
CHERRY H. JACOBUS  
KATHERINE KU  
PAUL McGUI  
DAVID H. MORREN  
CURT A. KEMPPAINEN  
Director

**Kent County  
Solid Waste Management Advisory Committee  
Woodworth Building Board Chambers  
July 22, 1998  
3:00 p.m.**

**AGENDA**

1. Review and Approval of Minutes
2. Public Comment
3. Review and Discussion of Goals and Objectives
4. Review of Solid Waste Import/Export Report
5. Miscellaneous



**KENT COUNTY  
SOLID WASTE MANAGEMENT ADVISORY COMMITTEE  
MINUTES**

**July 22, 1998**

**MEMBERS PRESENT:** Elaine Buege, Norris Brookens, Paul Brown, Brad Bugbee,  
Michael DeWitt, Richard Herweyer, Jeff Hughes, Samuel Hurley,  
John Schlaack, John VanTholen

**ABSENT:** Eric DeLong, Jeff Poole, Bill Stough

**ALSO PRESENT:** Steve Essling, USA Waste;  
Douglas Wood, Director of Solid Waste Operations;  
Dennis Kmiecik, Solid Waste Manager;  
Charlene Haraburda, Stenographer

**I. Review and Approval of Minutes**

Chairman Schlaack requested that a motion be made approving the June 24, 1998 minutes.

The minutes were approved with the sentence restructure of "Chairman Schlaack suggested leaving goal 5 as is, and the subcommittee can put it into goal 2 if it is the consensus of the subcommittee" (middle, page 2).

Motion passed.

**II. Public Comment**

None.

**III. Review and Discussion of Goals and Objectives**

Conversation ensued between committee members and staff pertaining to refining goals and objectives. The revisions processed by the Committee are as follows:

**Goal 3, Objective 2:** Develop and agree on data reporting mechanism with private waste hauling companies operating within the County with focus on solid waste categories that are not reported, e.g., yard waste and recycling.

**Goal 4, Objective 3:** Provide household hazardous waste services to conditionally exempted small quantity generators.

**Goal 4, Objective 4:** Develop a household hazardous waste outreach program with townships.

**Goal 5, Objective 2:** Work with economic development agencies to actively assist, recruit, and retain businesses which use, market or manufacture with recycled materials.

It was moved by member Buege and seconded by member Hurley to accept the above modifications to the Goals and objectives formulated by the Goals and Objectives subcommittee.

AYES: Buege, Brookens, Brown, Bugbee, DeWitt, Herweyer, Hughes, Hurley, Schlaack, VanTholen

NAYS: None

ABSENT: DeLong, Poole, Stough

Motion passed.

#### **IV. Solid Waste Import/Export Subcommittee**

Conversation ensued between staff and committee members discussing the Solid Waste Flow Chart and the draft letter. Member Buege stated that there was some confusion on the third paragraph of the letter about table description. Mr. Wood stated he agreed and language in the conditions will be revised to correspond to the tables in the Plan Format.

Mr. Wood stated that it would be in the best interest of the advisory committee to hold further discussion of the import/export issue until the August 5, 1998 because member Poole will be present for the next meeting and he would like to be involved in the discussions.

Mr. Kmiecik suggested the committee read page III-5 in the committee manual and 4-64 through 4-70 in the old plan for the August 5th meeting.

#### **VI. Miscellaneous**

Mr. Wood stated the time and dedication of the Goals/Objectives Subcommittee and the Import/Export Subcommittee were greatly appreciated.

The Advisory Committee's next meeting will be August 5, 1998 at 3:00 p.m..

#### **VII. Adjournment**

There being no further business, the Advisory Committee adjourned at 4:15 p.m.

  
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John Schlaack, Chairman

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**SOLID WASTE DIVISION**

Waste-to-Energy Facility  
District Heating and  
Cooling Operations  
Landfill Operations  
Recycling  
Resource Recovery

**WATER AND SEWER DIVISION**

Financing  
Construction  
Operation

**Board of Public Works**

JERRY O. KOOIMAN  
Chairman

ROGER G. LANINGA  
Vice Chairman

BEVERLY R. REKENY  
Secretary

CHERRY H. JACOBUS  
KATHERINE KUHN

PAUL McGUIRE

DAVID H. MORREN

CURT A. KEMPPAINEN  
Director

**Kent County  
Solid Waste Management Advisory Committee  
Woodworth Building Board Chambers  
June 24, 1998  
3:00 p.m.**

**AGENDA**

1. Review and Approval of Minutes
2. Introduction of New Committee Member
3. Public Comment
4. Review and Discussion of Goals and Objectives
5. Solid Waste Import/Export Sub-Committee Report
5. Miscellaneous



**KENT COUNTY  
SOLID WASTE MANAGEMENT ADVISORY COMMITTEE  
MINUTES**

**June 24, 1998**

**MEMBERS PRESENT:** Elaine Buege, Norris Brookens, Paul Brown, Eric DeLong  
Richard Herweyer, Jeff Hughes, Jeff Poole, John Schlaack,  
Bill Stough, John VanTholen

**ABSENT:** Brad Bugbee, Michael DeWitt, Samuel Hurley,

**ALSO PRESENT:** Steve Essling, USA Waste;  
Douglas Wood, Director of Solid Waste Operations;  
Dennis Kmiecik, Solid Waste Manager;  
Charlene Haraburda, Stenographer

**I. Review and Approval of Minutes**

Chairman Schlaack requested that a motion be made approving the June 10, 1998 minutes.

The minutes were approved unanimously.

**II. Introduction of New Committee Member**

Chairman Schlaack introduced Bill Stough representing Environmental Interest Groups. Member Stough stated his expertise is on industrial waste management. He further stated that he founded and operated an industrial waste exchange, worked at Lubbers Resource System for two years and is an Environmental consultant.

**III. Public Comment**

None.

**IV. Review and Discussion of Goals and Objectives**

Conversation ensued between committee members and staff pertaining to refining goals and objectives. The consensus of the committee was to reconstruct Goal 1 as follows:

**Goal 1** Maintain a high quality, integrated solid waste management plan with focus on public education, protection of the public health and the environment and to maintain a viable waste management stream process.

Member Poole previously suggested a subcommittee for Goals and Objectives would be beneficial for the Committee and the suggestion was brought up again for discussion.

It was moved by member Buege and seconded by member Brookens to form a

subcommittee to develop goals and objectives with members Buege, Herweyer, Brown, and Hughes participating in the subcommittee.

**AYES:** Buege, Brookens, Brown, DeLong, Herweyer, Hughes, Poole, Schlaack, VanTholen

**NAYS:** None

**ABSENT:** Bugbee, DeWitt, Hurley,

**Motion passed.**

The committee members continued to discuss the remaining goals and the results are as follows:

**Goal 2** Provide a public awareness program for county residents, businesses and industries that promotes hazardous waste management, reuse, and waste reduction and recycling.

**Goal 3** Develop and improve data base on solid waste management within Kent County to help assess achievement of Plan.

**Goal 4** Member Herweyer suggested the addition of a third objective working with the out lying townships in HHW collection.

**Goal 5** Encouraging the purchase and use of recycled products.

It was the suggestion to let the subcommittee come up with objectives. Chairman Schlaack suggested leaving the suggestion as goal 5 and the subcommittee can put it into goal 2 if it is the consensus of the subcommittee.

Member Brown brought up the financial aspect of goals and objectives and Mr. Wood stated there should be a goal and objectives for financing.

Committee members inquired how to entice a company to come to Kent County and use the resources we have here. Member Brown stated that funding is available for existing industries to use recovered commodities. Member Stough suggested a goal to encourage the County to work with the cities and other municipalities to encourage economic development. He further stated that there is a Clean Michigan Bill for economic environmental development. He further suggested that Kent County should have a goal that could encourage economical development for recycled commodities generated in the county. He further suggested that the committee should think of other alternatives to going to paper processing mills because of the distance. Conversation ensued between members and staff and the committee's consensus was to develop Goal 6 as follows:

**Goal 6** The County would encourage the economic development that would use the recycled material collected by the County or within a four-county region. Further conversation lead to the suggestion of the objective of working with economic development agencies because they are aware of opportunities.

**OR**

**Goal 6** To encourage the development of industries to assist in increasing recycling activities. To encourage economic development that utilizes recycled commodities as a raw material.

**V. Solid Waste Import/Export Subcommittee**

The next meeting of the Import/Export Subcommittee will be July 2, 1998 at 8:00 a.m.

**VI. Miscellaneous**

The Goals/Objectives Subcommittee will meet June 29, 1998 at 8:00 a.m.

The Advisory Committee's next meeting will be July 22, 1998 at 3:00 p.m..

**VII. Adjournment**

There being no further business, the Advisory Committee adjourned at 4:45 p.m.

  
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John Schlaack, Chairman

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**SOLID WASTE DIVISION**

Waste-to-Energy Facility  
District Heating and  
Cooling Operations  
Landfill Operations  
Recycling  
Resource Recovery

**WATER AND SEWER DIVISION**

Financing  
Construction  
Operation

**Board of Public Works**

JERRY O. KOOIMAN  
Chairman

ROGER G. LANINGA  
Vice Chairman

BEVERLY R. REKENY  
Secretary

CHERRY H. JACOBUS

KATHERINE KUHN

PAUL McGUIRE

DAVID H. MORREN

CURT A. KEMPPAINEN  
Director

**Kent County  
Solid Waste Management Advisory Committee  
Woodworth Building Board Chambers  
June 10, 1998  
3:00 p.m.**

**AGENDA**

1. Review and Approval of Minutes
2. Public Comment
3. Review and Discussion of Solid Waste System Deficiencies and Problems
4. Miscellaneous

**KENT COUNTY  
SOLID WASTE MANAGEMENT ADVISORY COMMITTEE  
MINUTES**

**June 10, 1998**

**MEMBERS PRESENT:** Elaine Buege, Norris Brookens, Paul Brown, Brad Bugbee,  
Richard Herweyer, Samuel Hurley, Jeff Poole

**ABSENT:** Michael DeWitt, Jeff Hughes, Eric DeLong, John Schlaack,  
John VanTholen

**ALSO PRESENT:** Steve Essling, USA Waste;  
Douglas Wood, Director of Solid Waste Operations;  
Dennis Kmiecik, Solid Waste Manager;  
Charlene Haraburda, Stenographer

**I. Review and Approval of Minutes**

Vice Chair Herweyer requested that a motion be made approving the  
May 27, 1998 minutes.

The minutes were approved unanimously.

**II. Public Comment**

None.

**III. Review and Discussion of Solid Waste System Deficiencies and Problems**

Douglas Wood, Director of Solid Waste Operations reported that there is no accurate data available for yard waste diversion, and there is a lack of convenient, affordable yard waste services. Conversation ensued between committee members and staff and the members familiar with yard waste costs stated that the cost is usually around \$10 a month and that it is not a popular service. Mr. Wood stated that the County is not involved in composting and the last SWMP left composting to private haulers, cities and Townships. Vice Chair Herweyer stated that composting is not an issue with outlying townships. Mr. Wood stated there is no encouragement of backyard composting and there is a lack of public education in composting.

Mr. Wood stated that the Plan stated that the County would manage the bulk of their waste, but that has changed since the *Carbone* U.S. Supreme Court decision. He further stated that all the waste does go to the incinerator from the six cities with the exception of exempted waste. He stated that the county has contracts with all of the waste haulers to deliver the waste to the WTE. Conversation ensued between committee members and staff and it was the consensus of the committee that a subcommittee should be formed to investigate the importation and exportation of solid waste in Kent County.

It was moved by member Poole and seconded by member Brookens to form an

import/export subcommittee with Members Bugbee, Brookens, Poole, Hurley participating in the import/export subcommittee.

AYES: Buege, Brookens, Brown, Bugbee, Herweyer, Hurley, Poole

NAYS: None

ABSENT: DeLong, DeWitt, Hughes, Schlaack, VanTholen

Motion passed.

The committee discussed issues related to financing programs and services. Mr. Wood informed the committee that the County began the North Kent Landfill and took over the Sparta and Kentwood landfills. He further stated that the management and closure of the Sparta and Kentwood landfills are paid by users of the South Kent Landfill and not with County tax dollars. Another expenditure of the South Kent Landfill is the resource recovery which involves the public education program including tours, newsletters, public information mailers and implementation of the movement toward curbside. Mr. Wood continued that there are other ways to finance recycling, e.g. the "Mary Brown" bill is where the municipality has to pass an ordinance. He further stated that another possible source of financing is a fee placed on customer bills by the waste haulers. Eaton County presently uses this type of revenue source. Conversation ensued between the staff and committee members to explore other opportunities of revenue for the closed landfills and resource recovery. Mr. Wood stated that there are possible sources of funds but every source of funds has its opposition. He further stated that the County's general fund has not contributed in this area, but then there would be competition against other county programs. Member Buege stated that the Board of Commissioners would want to keep solid waste as an enterprise fund. She further stated that Grand Rapids Press has a survey out to certain commissioners about their interest in resource recovery. Committee members and staff stated that they would be interested in the results of the survey. Member Brown stated that getting sponsors or industries could help with the educational advertising program. Member Brown further stated that additional funding sources could be generated by franchising, tipping fees, tonnage surcharge, state and county grant money. Conversation ensued between Mr. Wood and committee members about the pros and cons of franchising as an option.

Steve Essling of USA Waste spoke on surcharges and stated there is a variety of different mechanisms and it's a real debate for counties that do not have a disposal system to generate revenue. He further stated one of the problems is getting a system that is fair. Eaton County has a \$.60 per month/household charge that is collected by the waste industry on their billing statement. Ingham County is considering a leaving tax of .20 to .30 cents per cubic yard for trash that is leaving the county.

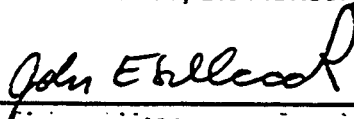
Vice Chair Herweyer inquired as to what percentage of tipping fees go to financing these programs and how does the committee put a dollar amount on all of the goals. Mr. Wood stated that staff will give the committee a history on how the programs are paid for. Mr. Wood stated that staff would consolidate the goals and objectives from the deficiencies and problems and comments from the minutes into a narrative of three items and develop goals and objectives for the committee's review on June 24th.

**VI. Miscellaneous**

The Advisory Committee meeting scheduled for July 8, 1998 has been canceled.

**VII. Adjournment**

There being no further business, the Advisory Committee adjourned at 4:15 p.m.

  
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**SOLID WASTE DIVISION**  
Waste-to-Energy Facility  
District Heating and  
Cooling Operations  
Landfill Operations  
Recycling  
Resource Recovery



JERRY O. KOOIMAN  
Chairman

ROGER G. LANINGA  
Vice Chairman

BEVERLY R. REKENY  
Secretary

CHERRY H. JACOBUS  
KATHERINE KUHN

PAUL McGUIRE  
DAVID H. MORREN

CURT A. KEMPPAINEN  
Director

## Board of Public Works

**WATER AND SEWER DIVISION**  
Financing  
Construction  
Operation

**Kent County**  
**Solid Waste Management Advisory Committee**  
**Woodworth Building Board Chambers**  
**May 27, 1998**  
**3:00 p.m.**

### AGENDA

1. Review and Approval of Minutes
2. Public Comment
3. Review and Discussion of Solid Waste System Deficiencies and Problems
4. Miscellaneous



**KENT COUNTY  
SOLID WASTE MANAGEMENT ADVISORY COMMITTEE  
MINUTES**

**May 27, 1998**

**MEMBERS PRESENT:** Elaine Buege, Norris Brookens, Paul Brown, Brad Bugbee,  
Eric DeLong, Richard Herweyer, Samuel Hurley  
Jeff Poole, John Schlaack, John VanTholen

**ABSENT:** Michael DeWitt, Jeff Hughes

**ALSO PRESENT:** Steve Essling, USA Waste, Fred Van Oeveren, City of Grand  
Rapids; Bob Van Stright, Valley City Disposal; Douglas Wood,  
Director of Solid Waste Operations; Dennis Kmiecik, Solid Waste  
Manager; Charlene Haraburda, Stenographer

**I. Review and Approval of Minutes**

Chairman Schlaack requested that a motion be made approving the  
May 13, 1998 minutes.

The minutes were approved unanimously.

**II. Public Comment**

None.

**III. Review and Discussion of Solid Waste System Deficiencies and Problems**

Fred Van Oeveren, Grand Rapids Treatment Plant Supervisor, stated that the City does not have rules or regulations on the disposal of HHW. There is a pending sewer use ordinance that will be passed in the near future, but there is nothing in it that addresses HHW. At the present time we refer citizens to Kent County. He further stated that there are no sanctions against a citizen dumping HHW down the drain. However with the city's developing storm water program, one of the components of the storm water program is going to be the development of a public education/outreach program where we educate people into not dumping HHW in the drain or catch basin because it will end up in the surface water.

Mr. Van Oeveren stated that he was not aware the county was working with the City of Wyoming in the HHW department and that he stated that could be something the city of Grand Rapids could do also. He further stated that the City could set up a day where citizens could drop off with us and we would pass it onto the County. He stated the educational program is in the developing stages and they are working with Kent Intermediate School District and the public museum. He further stated that John Schaut is the Coordinator of the education outreach program at the Waste Water Treatment plant and can be reached at 456-3625.

Mr. Wood inquired if the needs of the people who have been educated as part of

the stormwater program will be met if there is no final outlet for that material? Mr. Van Oeveren inquired as to what type of restrictions, operational procedures and personnel are involved if the City sets up a permanent drop off site at the wastewater treatment plant? Mr. Wood stated that the County staff would go through all the rules and requirements with the City. He further stated that would be an interesting way to approach having a permanent site for this type of material.

Bob Van Stright of Valley City Disposal stated that the company deals with large volume industrial customers and they handle bulk liquid tank trailers, roll off loads for plating sludges, volumes in drums, and some business comes from referral from the County. He informed the Committee that they are transporters, not a disposal site, and they work with disposal sites. He familiarized the committee with their process of consolidating loads into a program that will handle small quantities. He stated a drum may contain a dozen different generators that become part of that drum and then we would have a dozen manifests that would accompany this load. Pesticides and herbicides cannot tie into the fuel blending because it is incinerated. They become a difficult disposal because it is more costly in terms of the permitting process and the handling process. Valley City Disposal is not set up to handle unknowns and that is where the County takes over. The Committee inquired if they had a process of disposal of fluorescent lamps. Mr. Stright stated that they have developed a process for fluorescent lamps that crush the bulbs within a contained system, pulling the air off the material as it is processing, a conveyor pulls the air containing the mercury vapor through a multi stage filter and strips out the mercury in an activated carbon system. This process is contained within a small semi-truck trailer so it is designed to go to the sites. This is better than the old way of repackaging the bulbs so they would not break. We do except for a nominal cost from homeowners.

Chairman Schlaack suggested finishing discussion on the Advancement of Recycling. The committee has already discussed the big issue of charging for the service, giving suggestions of coming up with blended rates, and having volumetric service. Mr. Wood inquired of the Committee if there should be any education or outreach to multi family residents. He further inquired if this is something we should be developing as a goal to focus on that group? Member Poole stated that if the apartment management were aware that getting the weight down from garbage would save them money, that should be a motivator for the apartment complexes. Mr. Wood stated that the Committee's focus has to be on education with apartment managers, owners, and associations to work with them particularly in the six cities where there can be economic trade off on their recycling.

Mr. Wood inquired of the Committee their opinion of encouraging townships and cities to recycle. Member Herweyer stated If the township were targeted for recycling it would have to be at the curb and cost effective. He further offered that people would do it if it was a blended rate and if it were convenient. He informed the committee that Grattan Township has a manned three day spring cleanup for recyclables and it is becoming more popular and the township pays by the roll off.

Mr. Wood inquired as to how the figure of 30 tons/day was arrived at and Mr. Kmiecik stated that we had the tonnage and number from the city of Grand Rapids on number of households that participated in the program and we then based that on the percentage of people. Mr. Kmiecik stated that getting more people to recycle is a goal. Mr. Wood suggested that developing markets, higher public awareness, public sector

purchasing recycling products, and working with local businesses should be considered as part of the plan.

Member Brookens inquired as to forming subcommittees. Mr. Kmiecik stated there are three areas of concentration and that is import/export, goals and objectives and the selected system (landfills, WTE, recycling, waste reduction). Mr. Wood stated that the committee should finish the deficiencies and problems issue, then the staff would draft goals and the Committee would refine those goals and once the goals are in place the remaining piece would be the import/export issue insuring we have enough capacity for five years and the subsequent ten years. Then the Committee can put together a mechanism that would implement the goals.

**VI. Miscellaneous**

None.

**VII. Adjournment**

There being no further business, the Advisory Committee adjourned at 4:45 p.m.

  
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John Schlaack, Chairman

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**SOLID WASTE DIVISION**

Waste-to-Energy Facility  
District Heating and  
Cooling Operations  
Landfill Operations  
Recycling  
Resource Recovery



**WATER AND SEWER DIVISION**

Financing  
Construction  
Operation

JERRY O. KOOIMAN  
Chairman

ROGER G. LANINGA  
Vice Chairman

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CURT A. KEMPPAINEN  
Director

## **Board of Public Works**

Kent County

Solid Waste Management Advisory Committee

Woodworth Building Board Chambers

May 13, 1998

3:00 p.m.

### **AGENDA**

1. Review and Approval of Minutes
2. Public Comment
3. Review and Discussion of Solid Waste System Deficiency and Problems
4. Miscellaneous

**KENT COUNTY  
SOLID WASTE MANAGEMENT ADVISORY COMMITTEE  
MINUTES**

**May 13, 1998**

**MEMBERS PRESENT:** Elaine Buege, Norris Brookens, Paul Brown, Eric DeLong,  
Michael DeWitt, Richard Herweyer, Jeff Hughes, Jeff Poole,  
John Schlaack, John VanTholen

**ABSENT:** Brad Bugbee, Samuel Hurley

**ALSO PRESENT:** Douglas Wood, Director of Solid Waste Operations;  
Dennis Kmiecik, Solid Waste Manager,

**I. Review and Approval of Minutes**

Chairman Schlaack requested that a motion be made approving the April 29, 1998 minutes.

The minutes were approved unanimously.

**II. Public Comment**

None.

**III. Review and Discussion of Solid Waste System Deficiencies and Problems**

Member Poole presented a video on the Southfield, Michigan household hazardous waste collection to demonstrate to the committee how their operation works. He stated that they also do the City of Livonia. Conversation ensued between staff and committee members with suggestions by committee members to find a way and source of funding, charge residents a reasonable fee, build a permanent drop off site, open facility for commercial, check for existing facilities, and to enlist the involvement of county, township, city for clean up days.

Member Poole mentioned Valley City and Safety Clean are commercial generators for disposal. Douglas Wood stated that it would be beneficial for the committee to have a representative from these companies at the next meeting to answer any questions.

Mr. Wood inquired of the committee if the 14 days that the County has HHW collection is adequate for the population. He further stated that the education issue should be developed more. Member Poole stated that the cost of constructing a drop off site is not as much of a concern. He further stated that Ottawa County has approached both landfill operators and worked out an arrangement with Waste Management and Sunset Waste Systems to put up a facility. Ottawa County paid for the facility, we gave them a place to put it, they trained our people to operate it, and the County then arranges the HHW schedule. Mr. Wood stated if the committee thinks there should be more opportunity for people to participate then the goal would be to have expanded availability

of HHW disposal. He further stated that the committee should outline objectives of what they want to accomplish, develop a fee structure, and obtain private sector involvement. Mr. Wood stated that staff will develop a draft on goals and objective on the HHW Program.

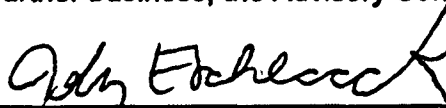
Member Buege stated that public education is weak in terms of what is available for recycling HHW. Mr. Wood agreed that the county's role should be in the public education awareness area and in the past five years we have dedicated less funds to this area. Member Poole stated that one of the goals should be to promote the use of recyclable materials. Mr. Wood stated that there should be a goal to get our businesses and governments to use that type of material. Member Buege suggested working through school programs and contacting municipal clerks to start a voter awareness program. Mr. Wood stated that the goal of the committee could be to develop a goal that involves the school and municipalities more. He further stated it would be good for the committee to give guidance on areas that they felt needed more resources than the other area. Chairman Schlaack inquired if there was a survey on HHW for the committee's review.

**VI. Miscellaneous**

None.

**VII. Adjournment**

There being no further business, the Advisory Committee adjourned at 4:30 p.m.

  
\_\_\_\_\_  
John Schlaack, Chairman

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Waste-to-Energy Facility  
District Heating and  
Cooling Operations  
Landfill Operations  
Recycling  
Resource Recovery

**WATER AND SEWER DIVISION**

Financing  
Construction  
Operation



**Board of Public Works**

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KATHERINE KUHN  
PAUL McGUIRE  
DAVID H. MORREN  
CURT A. KEMPPAINEN  
Director

**Kent County  
Solid Waste Management Advisory Committee  
Woodworth Building Board Chambers  
April 29, 1998  
3:00 p.m.**

**AGENDA**

1. Review and Approval of Minutes
2. Public Comment
3. Review of Data Base Information
4. Review of Land Use Information
5. Review and Discussion of Solid Waste System Deficiencies and Problems
6. Miscellaneous

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**KENT COUNTY  
SOLID WASTE MANAGEMENT ADVISORY COMMITTEE  
MINUTES**

**APRIL 29, 1998**

**MEMBERS PRESENT:** Elaine Buege, Norris Brookens, Paul Brown, Brad Bugbee,  
Michael DeWitt, Richard Herweyer, Jeff Poole, John Schlaack,  
John VanTholen

**ABSENT:** Eric DeLong, Jeff Hughes, Samuel Hurley

**ALSO PRESENT:** Douglas Wood, Director of Solid Waste Operations;  
Dennis Kmiecik, Solid Waste Manager,  
Charlene Haraburda, Stenographer

**I. Review and Approval of Minutes**

It was moved by Member Herweyer and seconded by Member Buege to approve minutes for the April 15, 1998 meeting as presented.

The minutes were approved unanimously.

**II. Public Comment**

None.

**III. Review of Data Base Information**

Mr. Kmiecik, Solid Waste Manager, presented for discussion the Kent County Population Projections from 1990 to 2010, Estimated Employee Projections, Projected Solid Waste Generation (preliminary estimates - tons per day), and Distribution of Kent County Solid Waste Discards (copies enclosed). Conversation ensued between staff and Committee members discussing the population and what the total generated tons per day of solid waste is in Kent County. Mr. Kmiecik stated that the County is trying to obtain real numbers to justify these projections.

Member Poole stated that the committee's focus and goals should be on the actual amount generated that needs to be managed. Member Brown requested a breakdown on single family and multi-family units.

**IV. Review of Land Use Information**

Mr. Kmiecik discussed the demographic of 1978 - 1991 Kent County Land Use Comparison (copy enclosed). He stated that although it is 1998, the trends are the same. The committee and staff discussed types and percentages of land use such as agricultural, forest, urban, open field, wetland, and water. Member Buege requested information about a study into farmland projection. Mr. Kmiecik stated he would provide the color coded map for the committee's review.



Douglas Wood, Deputy Director stated the significance of looking at this type of data is for the future need for landfills, disposal opportunities and requirements. He further said that he did not think there would be any necessity for the committee to be putting into place landfills or identifying areas.

#### **V. Review and Discussion of Solid Waste System Deficiencies and Problems**

Mr. Wood stated the Evaluation of Deficiencies and Problems Report (copy enclosed) is to help the committee develop goals, and those goals are what the committee should be focusing on and projecting for the next five to 10 years. Conversation ensued between staff and committee members about the household hazardous waste (HHW) program. Member Brown stated there is a need for a permanent site. Member VanTholen requested an average cost per resident per visit from the County's Hazardous Waste Collections. Mr. Kmiecek handed out the figures pertaining to Member VanTholen's inquiry and explained the collection summary to the committee members (copy enclosed). Member DeWitt brought up the subject of charging for HHW disposal. Member Bugbee suggested that a charge could drive people to throw the hazardous waste into the trash. Mr. Wood stated that the HHW program has to be accessible year around and more public education is needed. He inquired if the committee believed there is a need for a more expanded program, should it be kept as is, or look at options of expansion, and should there be a permanent centralized location and a fee charged. Member Herweyer stated that several townships have contracts with haulers to do cleanups over a two to three day period, with the townships absorbing the cost. He further said the liquid HHW is excluded from the collection but suggested that it would be reasonable to charge for it and work in conjunction with those haulers so there is a place to dispose of the waste. Member Poole stated that Waste Management does cleanups frequently in the Detroit area and charge the townships and cities.

Member Poole suggested concentrating on goals first. He further inquired if it was the committee's goal to insure that adequate disposal capacity is available for Kent County residents up to the year 2010? He inquired if the committee has to make sure that the private and public sectors address the issue. He asked for clarification on what the goals for this committee are. Mr. Wood stated that the committee can formulate goals and bring them to the next meeting. Member Poole stated that in Clinton County, subcommittee meetings were held to set goals. Mr. Wood stated that the committee could do goals first and the formation of subcommittees were suitable. Member Brown stated that it is valuable for the committee to know what the perceived deficiencies are at the staff level. Member DeWitt inquired if there was not a licensed waste facility (treatment storage and disposal) in the area. Mr. Wood suggested that could be one of the goals, finding an existing facility.

Mr. Wood stated that committee members brought up good points that general goals could be completed in terms of capacity, disposal, protection, public health, welfare and safety. Mr. Wood suggested that the committee has to get the specifics on what the perceived deficiencies and problems are. There must be a clear definition of the goals and how is the committee going to measure achieving that specific goal. He stated, for example on HHW, if the goal is to let private sector have it, then there should be definition on how the private sector is going to accomplish it or the goal is useless. If some of the goals result in expenditures, the county board will want to know how will it be paid for. Mr. Wood stated the staff put together some goals related to WTE and landfill but they were general. He further said that between now and the next meeting examine

the perceived problems and deficiencies and the committee may want to add or delete items from the list. As staff we thought there was a need to have some discussion on what the deficiencies and problems are before getting into the goals.

Chairman Schlaack stated going through the deficiencies, we need to develop some goals, need to understand what some of the issues are, and to have people in the industry or other people other than the county give their perspective. These are the issue areas and after we investigate this information, we can have consensus on the HHW issue on whether we need to address it, leave it alone or come up with remedies later. Member Poole offered to get information on Ottawa County waste facility and the company's landfill drop off site. He would also obtain and provide information on their Detroit HHW program. Member Brookens raised the idea of looking into disposal of agricultural pesticides because pesticides have to be relicensed every two years and after three years it is illegal to use them and they have to be disposed of.

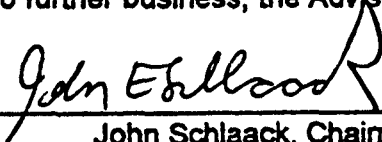
Chairman Schlaack suggested as homework, the committee members should continue reviewing and evaluating the deficiencies and problems report for the next meeting.

**VI. Miscellaneous**

None.

**VII. Adjournment**

There being no further business, the Advisory Committee adjourned at 4:45 p.m.



John Schlaack, Chairman

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**SOLID WASTE DIVISION**

Waste-to-Energy Facility  
District Heating and  
Cooling Operations  
Landfill Operations  
Recycling  
Resource Recovery

**WATER AND SEWER DIVISION**

Financing  
Construction  
Operation



**Board of Public Works**

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Chairman

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Vice Chairman

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KATHERINE KU

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DAVID H. MORREN

CURT A. KEMPPAINEN  
Director

**Kent County  
Solid Waste Management Advisory Committee  
Woodworth Building Board Chambers  
April 15, 1998  
3:00 p.m.**

**AGENDA**

1. Review and Approval of Minutes
2. Public Comment
3. Correspondence
  - a. Letter from County Commssioner Fritz Walfield to Jerry Kooiman, Chairmain BPW
  - b. Letter from Gary Pitsch to Don Knottnerus, Mayor, City of Walker
4. Determination of Consistency-Pitsch Companies
5. Miscellaneous

**KENT COUNTY  
SOLID WASTE MANAGEMENT ADVISORY COMMITTEE  
MINUTES**

**APRIL 15, 1998**

**MEMBERS PRESENT:** Elaine Buege, Norris Brookens, Paul Brown, Brad Bugbee, Eric DeLong, Michael DeWitt, Richard Herweyer, Samuel Hurley, Jeff Poole, John Schlaack, John VanTholen

**ABSENT:** Jeff Hughes

**ALSO PRESENT:** James Hatch, Walker City Manager; Cathy Vander Meulen, Walker Planning Director; Doug Carson, Pitsch Companies; Andrew Vredenburg, Pitsch Companies; Gary Pitsch, Pitsch Companies; Kenneth Vermeulen, Attorney, Pitsch Companies; Jon DeWitt, Attorney, KCDPW; Thomas Schaub; Douglas Wood, Director of Solid Waste Operations; Dennis Kmiecik, Solid Waste Manager; Charlene Haraburda, Stenographer

**I. Review and Approval of Minutes**

It was moved by Member DeWitt and seconded by Member Herweyer to approve minutes for the April 1, 1998 meeting as presented.

The minutes were approved unanimously.

**II. Public Comment**

Kenneth Vermeulen, Attorney, Pitsch Companies stated that it was understood at the last meeting there would be an opportunity today to address the points raised by the City of Walker. One of those points is that the city suggested that the storm water from the site would be discharged to the wetlands. All drainage from the site will be discharged in the city sewer or storm water sewer. Applicable state and federal laws would require that there be a storm water management plan and that storm water would be diverted to the drain. In reviewing the staff report, there is a statement that there were no facts submitted to the committee to refute the facts submitted by the city of Walker. In fact, we have some materials addressing each of the points that we are prepared to submit to the committee today. Since the last meeting Pitsch Companies met with Cathy Vander Meulen, City of Walker Planning Director, Mr. Hatch, City Manager and again with the Mayor and City Commissioners and thought progress had been made addressing the City's concern.

Mr. Vermeulen displayed a map of the entire property and stated that most of the facility is set back off Alpine Avenue with a driveway that goes between two of the lots. The wetland is in the far corner and lower in elevation than front area. Tree and grasses are growing and that is usually not designated as a wetland. None of the facility will be built on the wetland. The County drain runs across the north end of the property and another one runs on the South property line and those are at the elevation of the marsh area. There is a berm that separates the storm drain from that low lying area. Two years

ago the DEQ walked the property and suggested that the berm that separates the drain from this marsh area is probably the cause of the marsh area. This whole area drains back to the corner but because of the berm it cannot go any place. If the berm was removed, it would probably go into the county drain. This facility would be required to get a storm water permit. The storm water will go to this county drain and not impact the wetlands.

The next issue is that the facility being proposed is intended to be in compliance with regional, county and municipal land use plans whether that includes the land use plan developed eight or nine years after the solid waste management plan was approved. The local zoning ordinance is for heavy industrial use. If the city states that local zoning will not allow this kind of use, that is exclusionary zoning and is prohibited under state law. In terms of local zoning, we think we are in compliance and this is the most appropriate type of property for a business like this. The City of Walker has adopted a new local land use plan which states they would now like this site to be commercial development. Part 115 clearly states that local zoning is preempted by the state statutes. Local units of government cannot preclude the location of solid waste facilities in their locality.

The construction plan must comply with the Soil Erosion Sedimentation Act in facility design, construction, and operation. This proposed recycling/transfer station cannot be built without a construction permit. The work being done presently at that site has nothing to do with construction of the transfer station. If it were, we would be in violation of that law. We have been filling that site in accordance with another job where we needed to get rid of some dirt and because of weather restrains, we had trouble getting that area leveled off. This site can be developed in strict compliance with the Soil Erosion Sedimentation Act and we represent to this committee that we will do that.

In terms of the city's representation about loading docks and access drives within 350' of the school, where did they get the distances? If there are different dimensions we are required to meet, we can modify the location of the building. The property is isolated from the school in terms of visibility and we can further isolate the school area. A vast majority of loading and unloading, truck movement and dumping would be inside the building. In terms of noise issues, there will be minimal work outside of the enclosed building. We would have garbage drop off, individual drop off, and yard waste drop off. We can make it available to the public and that would be outside. If the committee does not want that activity to take place, we can modify the plans. Mr. Pitsch stated that they are advocating recycling and cannot see that this proposal is contrary to the best interest of the people in Kent County or contrary to Solid Waste Management Plan. In the solid waste management plan 5.A.1.f. it states "The construction of transfer stations within Kent County will have a relatively small environmental impact. Other than possible odor problems, a transfer station could be compared to any typical commercial establishment". Pitsch Companies primary goal is to recycle and dispose of construction/demolition debris and are not going to have the type of problems typically associated with landfills. 5.C.4.c. states, "It is the intention of Kent County to promote all forms of recycling solid waste and minimize land disposal. If recycling plans are proposed in the future, they shall be considered consistent with the concept and goals of this plan under all circumstances, Kent County wishes to recycle or reuse as much solid waste as possible". Pitsch Companies is the only company recycling construction/demolition debris on a large scale and would like to increase that, but we need the proposed facility to be able to do that. The recycling aspect of this proposal is

probably its most important element.

Jon DeWitt, KCDPW attorney, stated that the zoning ordinance is not an issue for this committee. It is outside of the Solid Waste Management Planning Committee's authority to determine if this site is consistent with the zoning ordinance. It is not part of the Solid Waste Plan. The Committee's job is to determine whether it is consistent with the solid waste plan and it only refers to a land use plan.

Mr. Vermeulen questioned Jon DeWitt as to his position whether or not a land use plan developed long after the development of this plan is a relevant land use plan. Jon DeWitt stated that he thought that the intent clearly was at the time the plan was written and the only logical thing was that it has to be consistent with current land use plan at the time the proposal comes before the Solid Waste Planning Committee. He further stated that he thought that the plan applies to the current land use plan that Walker has adopted. Mr. Vermeulen stated this was not the initial reaction of the DEQ in Lansing who approve county plans. Our position would be that the solid waste management committee that adopted this plan in 1990 knew what land use plans were out there and believed that consistency with those plans was a good idea for citing facilities like this. What happened here is a location that had been purchased for that intent had been specifically changed in a very recently adopted land use plan. Jon DeWitt stated that this document is a plan and not a statute and it was the goal in his opinion that they were trying to make sure that solid waste management facilities continued to comply with these items listed on page 5- 28 and only one of them is a land use plan. Mr. Vermeulen stated that even if this commercial use designation in their most recent land use plan were relevant, the county plan itself states that transfer stations are most comparable to a commercial establishment. Member Herweyer stated that he did not believe that the site plan is to be considered by this committee. Jon DeWitt stated that until the changes have been made you cannot address any concerns you might have. He further stated that proposed changes can only be considered if the committee should decide to table that issue while a change is made and then you can reconsider or take it back up once the change is made. He advised the Committee not to worry if it complies with the wetland's statute or whether it complies with the Soil Erosion Sedimentation Act, the only authority the committee has, is to look at the proposed facility and find whether it is consistent with the solid waste management plan.

### **III. Correspondence from Commissioner Walfield and Gary Pitsch**

Mr. Wood stated that County Commissioner Walfield wrote a letter to Jerry Kooiman, Chairman of the Department of Public Works concerning the Pitsch Companies proposal (copy enclosed). Also, for the Committee's review, is a letter from Gary Pitsch to Mayor Knottnerus of Walker (copy enclosed). Mr. Vermeulen stated that he thought the issue in the letter had been resolved. He further said he discussed with Mr. Wood and Mr. Kemppainen the prohibition on new landfills in the plan as currently drafted, does not preclude transfer stations or recycling facilities, to the contrary, it clearly contemplates that there would be transfer stations and recycling facilities provided they went through this procedure. Mr. Wood responded that the Committee is not bound by the content of the letter. But, he stated, he is obliged to transmit correspondence to the Committee.

### **IV. Determination of Consistency for Pitsch Companies**

Jon DeWitt advised that typically what this committee would do is to make a

motion to adopt the following recommendation. Then decide what to put in the recommendation as to consistency or inconsistency. Whatever is created or passed as a motion in the nature of a recommendation, will be put into the minutes as part of the actions of the committee. The recommendation will then go to the BPW for them to send down to the County Board of Commissioners.

Mr. Hatch, Walker City Manager, stated that City staff has met with counsel and the intent of that meeting was to resolve some of what had occurred at the last meeting. He further stated that there was some acquiescence on the part of Mr. Pitch and counsel, to some of the concerns that the City had expressed to this committee. That meeting was with the mayor and City Commissioners. After that meeting, they felt comfortable to meet with the entire city commission that evening and there was an unanimous decision on their part that there is still opposition to the proposed facility at that location based upon conditions that were presented at the Solid Waste Management Planning Committee's April 1st meeting.

Ms. Vander Meulen stated that the land use plan had been adopted by the Planning Commission in October of 1997 and that area of designation is community commercial. However, the appropriate point the Committee Members have to look at is what does the city master land use plan call for.

Mr. Vermeulen stated under 5.C.4.d., "An applicant will not be allowed to transfer large amounts of solid waste to landfills in adjacent counties". A transfer station designed to transfer large amounts of solid waste would be inconsistent with that. Pitsch Companies interpretation is that any transfer of volume that is within the volume authorized for intercounty shipment in the County plan is by definition not large.

Chairman Schlaack stated that in the current existing plan on page 5-28 there are sixteen requirements for consistency or inconsistency of the proposed facility by the plan. Conversation ensued between Jon DeWitt, staff, Pitsch Companies and the committee as to the issue of consistency or in consistency of the sixteen items.

Items 1 and 2 no comment.

Item 3 Member Buege and Member Herweyer stated that it is not consistent with community commercial because of the nearness of the school and location of adjacent residential property which is not consistent with community commercial. Ms. Vander Meulen stated that the front portion of the property, the entrance way, is already zoned commercial and the back portion of the site is zoned heavy industrial. The master plan calls for the site to be community commercial. Mr. Vermeulen stated as to the residences along Alpine these are all commercial businesses as well as on the other side and behind of the west side are commercial establishments. There is 500' to the fence line. Hillside Street has a few residences which are 350' to 400' from the fence at the corner of the property and 600' or 800' to the proposed building.

Item 4 Conversation ensued between Committee Members and Pitsch Companies. Mr. Vermeulen stated that the proposed facility will comply with County and local flow control ordinances. He also stated that Pitsch Companies signed the Third Interim Delivery Agreement.

Items 5 and 6 no comment.

Item 7 Member DeLong inquired if the plans show a pretreatment system? Mr. Vermeulen stated that there is no reason to believe that we will need a pretreatment system. Mr. Doug Carson of Pitsch Companies stated no liquids, pesticides, herbicides or any other waste would be allowed in our roll off containers that go to our landfill. Member DeLong stated that there is not the same control in what goes into your garbage trucks. Mr. Vermeulen stated that we will be required to test our wastewater discharge if it exceeds the local pretreatment standard.

Items 8 and 9 no comment.

Item 10 Conversation ensued and Mr. Vermeulen stated the building site is not on a wetland and they are not going to be using the wetland area.

Item 11 Committee Members inquired if there was sufficient isolation. Mr. Pitsch stated that we have given a 20' side and a 50' frontage and that is how we interpreted the present setbacks. Member Herweyer stated that he did not think 500' was adequate and would create an attractive nuisance to the school. Mr. Vermeulen stated if this is not isolated enough, tell us what is because we need to know. Jon DeWitt stated that the committee will not be developing standards as to proper isolation distance because that is outside the jurisdiction of the committee.

Item 12 no comment, items 13 through 15 are not applicable, and item 16 have not seen the license yet.

It was moved by Member Michael DeWitt that the plan as discussed previously in the sixteen requirements be put forth for a vote of consistency with the Solid Waste Management Plan.

Motion failed for lack of support.

Conversation ensued and Member Buege made the following recommendation.

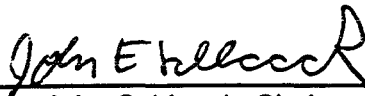
It was moved by Member Buege and seconded by Member Brookens that it be recommended to the County Board of Commissioners that the proposed submittal by Pitsch Companies to construct a transfer station in the City of Walker is not consistent with the approved Kent County Solid Waste Management Plan primarily with items 3 and 9 of 5.C.4.f. and to some extent 10 and 11 of the same section.

Motion passed.

AYES: 7  
NAYS: 4

#### V. Adjournment

There being no further business, the Advisory Committee adjourned at 4:45 p.m.



John Schlaack, Chairman



District Heating and  
Cooling Operations  
Landfill Operations  
Recycling  
Resource Recovery



**WATER AND SEWER DIVISION**

Financing  
Construction  
Operation

**Board of Public Works**

ROGER G. LANINGA  
Vice Chairman  
BEVERLY R. REKENY  
Secretary  
CHERRY H. JACOBUS  
KATHERINE KUHN  
PAUL McGUIRE  
DAVID H. MORRELL  
CURT A. KEMPPAINEN  
Director

**Kent County  
Solid Waste Management Advisory Committee  
Woodworth Building Board Chambers  
April 1, 1998  
3:00 p.m.**

**AGENDA**

1. Review and Approval of Minutes
2. Public Comment
3. Overview of Determination of Consistency Process
4. Presentation of Pitsch Proposal

Earl G. Woodworth Building • 1500 Scribner Avenue, N.W. • Grand Rapids, Michigan 49504-3299  
Telephone: (616) 336-3694 Facsimile: (616) 336-3338 E-Mail address: kcdpw@dpw.co.kent.mi.us

**KENT COUNTY  
SOLID WASTE MANAGEMENT ADVISORY COMMITTEE**

**MINUTES**

**APRIL 1, 1998**

**MEMBERS PRESENT:** Elaine Buege, Norris Brookens, Paul Brown,  
Michael DeWitt, Rich Herweyer, Jeff Hughes, Samuel Hurley,  
Jeff Poole, John Schlaack, John VanTholen

**ABSENT:** Brad Bugbee, Eric Delong

**ALSO PRESENT:** James Hatch, Walker City Manager, Cathy Vander Meulen,  
Walker Planning Director, Andrew Vredenburg, Pitsch Companies;  
Gary Pitsch, Pitsch Companies; Kenneth Vermeulen, Attorney,  
Pitsch Companies; Jon DeWitt, Attorney, KCDPW; Commissioner  
Beverly Rekeny, Douglas Wood, Director of Solid Waste  
Operations; Dennis Kmiecik, Solid Waste Manager;  
Charlene Haraburda, Stenographer

**I. Review and Approval of Minutes**

It was moved by member DeWitt and seconded by member Buege to approve minutes for the March 18, 1998 meeting as presented.

The minutes were approved unanimously.

**II. Public Comment**

Cathy Vander Meulen, City of Walker Planning Director, asked if the City could reserve time to make a presentation following Pitsch Companies. Chairman Schlaack agreed to their request.

**III. Overview of Determination of Consistency Process**

Jon DeWitt, KCDPW attorney presented an introduction/overview for the Pitsch Companies' request for determination of consistency with Kent County Solid Waste Management Plan(copy attached). Douglas Wood stated that he will provide key pages of the 1990 plan so the committee will be aware of the information to focus on.

**IV. Presentation of Pitsch Proposal**

Mr. Pitsch, President of Pitsch Companies, stated that the company started as a demolition company and has been in existence since 1958. Pitsch Companies acquired a landfill in 1970 and in the mid-1980's began a roll off business. Currently, construction debris is dumped at the Richmond Street location, loaded on transfer trailers and hauled

to their landfill. This operation is an unlicensed transfer operation in compliance with state law. Their business growth has dictated a need to upgrade operations and the reason for the transfer station. There is a demand from customers in Muskegon and Ottawa Counties and Pitsch Companies cannot pursue that without a transfer station. Committee members inquired as to the tons transferred per day. Mr. Pitsch stated that presently Richmond Street location processes 200 yards/day of uncompacted construction debris. This facility has reached its maximum capacity. He further stated that they are proposing at the transfer station, as a limit 75 tons/day because of the limitation of 100 tons/day import/export agreement between Kent County and Ionia County. They would like to see an increase in solid waste export from Kent County and Ionia County in the plan update.

Member DeWitt inquired if there would be any restriction on the type of waste that will be allowed in or will it be just construction and demolition debris? Mr. Pitsch stated that they are asking for Type A transfer station/material recovery facility. That facility is not restricted to construction and demolition debris. It can also accept Type II waste. Pitsch Companies main objective is to address the growth of roll off business and keep avenues open for growth potential in these other counties.

Member Poole inquired how waste that is governed by flow control ordinance will be managed at the transfer station. Mr. Pitsch stated that Pitsch Companies is negotiating with Kent County on the Third Interim Delivery Agreement, and are prepared to sign with some assurance by the County that construction debris and yard waste, which is not presently part of the waste stream would remain that way in the future. He further stated that waste received at the transfer station from the flow control cities would be delivered, if not exempt, to the incinerator. Member Hughes inquired since Pitsch Companies has not signed the interim agreement, was it complying with the system as it exists. Mr. Pitsch stated they are complying with it as it was last year in the quota system. Mr. Vermeulen, Pitsch Companies attorney, stated that until last year it was handled under a quota basis and they are continuing to meet that number. In fact some waste that does not need to go to the incinerator under flow control ordinances is going there and some waste that perhaps falls within the flow control ordinances may not be going there. Pitsch companies needs confirmation from the county that they do not want construction demolition debris brought to the incinerator. He further stated that he discussed this issue with Mr. Wood today and believes that issue can be resolved and are prepared to sign a contract at that point.

Member Poole inquired if the County had two different flow control agreements? Jon DeWitt, Attorney for KCDPW, stated that the County is no longer operating under a quota system. Mr. Wood stated that he had notified Pitsch Companies of the Second Interim Delivery Agreement expiration. Mr. Wood further explained the quota system concept to the committee and that it expired December 31, 1997, and the new agreement which is being referred to was signed by all the haulers with the exception of Pitsch Companies. Mr. Wood stated that it was his opinion that Pitsch Companies were holding up the signing of the current agreement as leverage for this determination of consistency. If Pitsch Companies is presently operating under the past agreement which is a quota, they are not in compliance with city flow control ordinances. Mr. Wood stated that the County will have to deal with this noncompliance matter because of the signed agreements with other haulers. Mr. Vermeulen stated that these two issues are completely separate and Pitsch Companies is certainly willing to sign the contract

provided we can work out this issue of the construction and demolition debris. Mr. Vermeulen explained the status of flow control in the courts to the Committee. He stated that the reason that there are these contracts is because they are clearly enforceable as opposed to the ordinances that may or may not be subject to challenge. It is one of the terms that the haulers have agreed to, that is not challenge the ordinances based on constitutionality.

Mr. Wood inquired if the concrete crushing operation will be at the new site? Mr. Pitsch stated that at this point, no, they are just talking about a transfer station. There is a crushing, recycling operation on North Park Street in the City of Walker, which has been in operation for 5 or 6 years. Mr. Wood inquired if they would separate the concrete at the transfer station and take it over to the other site? Mr. Pitsch replied that was correct.

Mr. Wood inquired if they are going to limit the amount to 75 tons/day going out of Kent County to Ionia? Mr. Pitsch replied that was correct. Mr. Wood inquired if you received 25 tons from Ottawa County and 75 tons from Kent County you may be putting more through the facility. He further stated discussion in the past about Pitsch Companies reporting periods and that they have done more than 75 tons from Kent County. Mr. Vermeulen stated that every day we do more than that from the Kent County total because we take waste from other than the transfer facility. The limit rate is 100 tons/day from Kent County. Mr. Wood commented that the state requires solid waste landfill receipt reports from all landfills. Pitsch Companies reported in fiscal year October 1, 1996 to September 30, 1997 that 95,743 cubic yards (31,914 tons) of Type II and Type III solid waste were received at the landfill. While it is within the 100 tons, it exceeds the 75 tons/day. Are you going to drop down? Mr. Pitsch stated 25% of the amount that we reported going into Ionia landfill did not go through the transfer station. It came from households in western Kent County. Mr. Wood asked how the 75 tons relate to the 87 tons per day going to Ionia from Kent County. Mr. Pitsch replied that the 87 tons include waste that did not go to the transfer station now and will not go transfer in the future. Mr. Pitsch stated that the 75 tons/day we have been discussing are only from the proposed transfer station. Pitsch Companies stated that the transfer station that we are proposing to site would take approximately 75 tons/day to Ionia County landfill leaving 25 tons/day to come from non roll off box sources. He further stated that our proposal would be to limit the total export out of Kent County to Ionia County to 100 tons/day. And the 87 tons/day include our transfer station on Richmond plus trucks that go to Lowell and other places in Kent County. Mr. Wood commented that the landfill waste receipt reports are only for landfills and transfer stations are not required to report. Mr. Vermeulen stated that transfer stations can be a concern because they have the potential to divert large amounts of waste to other counties and Pitsch Companies is committing to you in our proposal that will not happen. Any diversion of waste to other counties through this transfer station will be in accordance with the limits of the county plan, the current plan and whatever limits this committee is starting to work on now. Mr. Wood asked how much solid waste does Pitsch Companies expect to receive from Ottawa County through the transfer station? Mr. Vermeulen stated it is unclear how waste generated in Ottawa County will be ultimately disposed of in Ionia by going through a transfer station located in Kent County. He further inquired if this fell within the Kent County generated Ionia county limits or not? Mr. Wood stated that it did not.

Mr. Wood inquired if there is an ecosystem transfer station in Ionia County? Member Poole stated that it was a licensed transfer station and was closed about December 1, 1997.

Mr. Vermeulen stated if the county plan does not incorporate local zoning as a specific criteria, the statute clearly preempts local zoning. For example, local zoning is a plan requirement for Type III disposal facilities otherwise local zoning is preempted by state statute. Mr. Vermeulen further stated that he understands that the City of Walker recently changed the land use plan, but the area under current zoning is zoned heavy industrial.

Cathy Vander Meulen, Planning Director for the City of Walker, stated that the City of Walker is moving forward to rezone the subject property from MH Heavy Industrial to Commercial to make the property's zoning consistent with the new Master Plan approved in October 1997. The city's ordinance committee has endorsed this action and the rezoning will be considered by the planning commission in May or June of this year. The basis for identifying this property as "Community Commercial" designation in the Master Plan is as follows:

1. lack of any proposed industrial development plans for the parcel.
2. Nature and character of development of the surrounding area along Alpine Avenue/Hillside.
3. Potential for traffic safety hazards along Alpine by mixing industrial truck traffic with commercial and residential traffic in the area.
4. Commercial redevelopment efforts, and plans, including the recent relocation and reconstruction of Hillside Drive, refurbishing the "old stadium" area and new commercial development proposal for the northwest corner of Hillside and Alpine Avenue. The City has invested approximately \$500,000 toward the redevelopment.
5. Close proximity of the site to Fairview Elementary School.

Ms. Vander Meulen further stated that based on the master plan and the future land use plan which designate the subject site for "Community Commercial" the proposed facility is not in compliance with the local land use plan. She further discussed (copy attached) other aspects of the proposed transfer station matter including: non-compliance with the City of Walker soil redistribution ordinance, mineral mining board, and Mr. Pitsch's letter to Mayor Krottnerus.

Member Poole inquired if the current zoning is heavy industrial and why isn't the transfer station allowed on the current zoning? Ms. Vander Meulen stated that the City of Walker does not allow for that particular use in their zoning ordinance. Member Poole requested a copy of the zoning ordinance for the committee from Ms. Vander Meulen so the committee could research the language that references or does not reference a transfer station.

Douglas Wood, Director of Solid Waste Operations, inquired as to the type of zoning the Pitsch concrete crushing operation has. Ms. Vander Meulen stated that it is

zoned heavy industrial. Mr. Wood further inquired if the City of Walker had to execute a variance to implement that facility. Ms. Vander Meulen stated she believed that the Board of Appeals interpreted the zoning ordinance for this use and found it to be consistent with similar uses permitted in the "MH" zone.

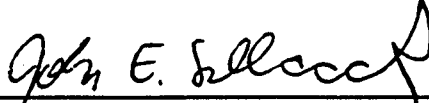
Kenneth Vermeulen, Attorney for Pitsch Companies, inquired if Pitsch Companies had been notified of the soil erosion violations. Ms. Vander Meulen stated that Pitsch Companies had received copies of the violation notices. Committee members would like to see the March 6th letter from Pitsch Companies. Mr. Wood stated he would have a copy of that letter for the next meeting.

James Hatch, Walker City Manager, stated that he and Ms. Vander Meulen are here with license from both the Mayor and the City Commission to provide the County and the Committee members with a position statement as to their interpretation of what is being proposed. The City of Walker wants to state that the City has for a long time had an excellent working relationship with Pitsch Companies and they have always been an excellent corporate citizen. Mr. Hatch stated that the City struggled with the location of the proposed site and that is why we are here today to express our concerns. Gary Pitsch, President of Pitsch Companies, inquired if there is an alternate location. Mr. Hatch stated that one of the things that we had early conversation about was if there was a location that would accommodate both the needs of the Pitsch Companies and the City of Walker and we hoped we could come to some resolution but that did not happen. The City of Walker intends to pursue a downtown development authority for that area. The location of the transfer station and what is being proposed for the location causes concern.

#### **X. Adjournment**

Mr. Wood stated the committee will receive a staff report and pages of the plan for discussion at the April 15 meeting. Member Poole would like guidance to the reference in the plan to small and large volumes of transfer station.

There being no further business, the Advisory Committee adjourned at 4:30 p.m.

  
\_\_\_\_\_  
John Schlaack, Chairman

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District Heating and  
Cooling Operations  
Landfill Operations  
Recycling  
Resource Recovery



**WATER AND SEWER DIVISION**

Financing  
Construction  
Operation

**Board of Public Works**

ROGER G. LANINGA  
Vice Chairman  
BEVERLY R. REKENY  
Secretary  
CHERRY H. JACOBUS  
KATHERINE KUPHA  
PAUL McGL  
DAVID H. MORRELL  
CURT A. KEMPPAINEN  
Director

**Kent County  
Solid Waste Management Advisory Committee  
Woodworth Building Board Chambers  
March 18, 1998  
3:00 p.m.**

**AGENDA**

1. Review and Approval of Minutes
2. Public Comment
3. Election of Chairman
4. History and Overview of Recycling in Kent County
5. History and Overview of Household Hazardous Waste Program
6. History and Overview of Landfill Operations in Kent County
7. Discussion of Data Base Information
8. Review of Plan Goals and Objectives

Earl G. Woodworth Building • 1500 Scribner Avenue, N.W. • Grand Rapids, Michigan 49504-3299  
Telephone: (616) 336-3694 Facsimile: (616) 336-3338 E-Mail address: kcdpw@dpw.co.kent.mi.us

**KENT COUNTY  
SOLID WASTE MANAGEMENT ADVISORY COMMITTEE**

**MINUTES**

**MARCH 18, 1998**

**MEMBERS PRESENT:** Elaine Buege, Norris Brookens, Paul Brown Brad Bugbee,  
Michael DeWitt, Rich Herweyer, Samuel Hurley, Jeff Poole,  
John Schlaack, John VanTholen

**ABSENT:** Eric Delong, Jeff Hughes, Rick Sullivan

**ALSO PRESENT:** Douglas Wood, Director of Solid Waste Operations;  
Dennis Kmiecik, Solid Waste Manager;  
Charlene Haraburda, Stenographer

**I. Review and Approval of Minutes**

It was moved by member DeWitt and seconded by member Brookens to approve minutes for the March 4, 1998 meeting as presented.

The minutes were approved unanimously.

Douglas Wood, Director of Solid Waste Operations, stated that Rick Sullivan had resigned from the committee due to other commitments.

**II. Public Comment**

None

**III. Election of Chairman**

It was moved by member Beuge and seconded by member DeWitt to appoint John Schlaack as Chair.

**AYES:** Buege, Brookens, Brown, Bugbee, DeWitt, Herweyer, Hurley, Poole, Schlaack,  
VanTholen

**NAYS:** None

Motion passed unanimously.

It was moved by member DeWitt and seconded by member Brookens to appoint Richard Herweyer as Vice Chair.

**AYES:** Buege, Brookens, Brown, Bugbee, DeWitt, Herweyer, Hurley, Poole, Schlaack,  
VanTholen

**NAYS:** None



Motion passed unanimously.

**IV. History and Overview of Recycling in Kent County**

Dennis Kmiecik, Solid Waste Manager, presented the history of recycling in Kent County (copy enclosed). Discussion ensued between committee members and staff concerning increasing the effort to recover recycled items, future goals for encouraging the use of recycling, recycling markets, storage, disposal of recyclables and minimum content legislation. Mr. Wood stated that the goals for the committee were drafted and there would be a review of the committees' goals and objectives at future meetings.

**V. History & Overview of Household Hazardous Waste & Resource Recovery Programs**

Mr. Kmiecik informed the committee on the history, policies, procedures and statistics for the Household Hazardous Waste Program (copy enclosed). Discussion followed between staff and committee members.

**VI. History and Overview of Landfill Operations in Kent County**

Mr. Wood discussed the history of the landfill operation. He stated the County accepted ownership for two landfills: Sparta Landfill and Kentwood Landfill. Both landfills are closed and capped. Mr. Wood explained that these two sites are on the USEPA National Priorities. The County took responsibility over both sites and did not pursue any potentially responsible parties that used the sites and contributed to the contamination. Mr. Wood stressed that the cleanup expenses were budgeted out of the Department of Public Works and not out of the County General Fund. The North Kent Landfill, owed and operated by the County, closed in 1985. The remaining South Kent Landfill is the only Type II landfill operating in the County. Mr. Wood explained the chart of the landfill operating budget and the programs that receive landfill dollars (copy enclosed), which include perpetual care for the closed landfills, Act 451, household hazardous waste, resource recovery with public education, operation of the North Kent Transfer Station and landfill, South Kent landfill and the material's recovery facility.

**VII. Discussion of Data Base Information**

Mr. Wood distributed a table summarizing the Kent County projected solid waste generation, preliminary estimates of tons per day since 1995 to 2010 (copy enclosed). Also distributed was the Kent County population projection for 1990 to 2010 for the committee information.

**VIII. Review of Plan Goals and Objectives**

Due to time constraints, this item was moved to the next meeting.

**IX. Discussion of Determination of Consistency**

Mr. Wood stated that the Pitsch Companies have proposed a solid waste processing facility in the City of Walker. The proposal will have to be consistent with the

Kent County Solid Waste Management Plan. The Pitsch companies will be attending the next meeting. City of Walker representatives will also be given the opportunity to present information concerning the proposal. He requested, in preparation for that meeting, the committee read Section 5 (5.C.4.f) of the Kent County Act 641 Solid Waste Management Plan, which deals with transfer station requirements for implementation of new disposal facilities. He stated that staff will put together literature on what is felt the attention should be focused on. He further stated that the outcome of this meeting will be passed onto the Board of Public Works (BPW) as a recommendation. Then the recommendation of the BPW will be presented to the Board of Commissioners for their approval.

Conversation ensued with committee members stating that this request by Pitsch is contrary to existing zoning of the City of Walker and the SWMP. Mr. Wood passed out the request letter for determination of consistency from the Department of Environment Quality for committee review. Mr. Wood stated that if he is given information by Pitsch Companies, he will pass it onto the committee members.

**X. Adjournment**

There being no further business, the Advisory Committee adjourned at 4:45 p.m.

  
\_\_\_\_\_  
John Schlaack, Chair

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Waste-to-Energy Facility  
District Heating and  
Cooling Operations  
Landfill Operations  
Recycling  
Resource Recovery



**WATER AND SEWER DIVISION**

Financing  
Construction  
Operation

**Board of Public Works**

Chairman  
ROGER G. LANINGA  
Vice Chairman  
BEVERLY R. REKENY  
Secretary  
CHERRY H. JACOBUS  
KATHERINE KU  
PAUL McGUIRE  
DAVID H. MORREN  
CURT A. KEMPPAINEN  
Director

**Kent County  
Solid Waste Management Advisory Committee  
Woodworth Building Board Chambers  
March 4, 1998  
3:00 p.m.**

**AGENDA**

1. Review and Approval of Minutes
2. Public Comment
3. Election of Chairman
4. History of Waste-to-Energy Facility  
Bill Allen, WTE Administrative Manager
5. Overview of "Flow Control"  
Richard Butler, Varnum, Riddering, Schmidt, Howlett
6. History of Recycling and Household Hazardous Waste Programs  
Dennis Kmiecik
7. Overview of Landfill Disposal Facilities Serving Kent County
8. Review of Solid Waste Generation Report
9. Correspondence

Earl G. Woodworth Building • 1500 Scribner Avenue, N.W. • Grand Rapids, Michigan 49504-3299  
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**KENT COUNTY  
SOLID WASTE MANAGEMENT ADVISORY COMMITTEE**

**MINUTES**

**MARCH 4, 1998**

**MEMBERS PRESENT:** Rich Herweyer, Paul Brown, Jeff Poole, John VanTholen,  
Elaine Buege, Brad Bugbee, Michael DeWitt,  
Samuel Hurley, Norris Brookens, John Schlaack, Rick Sullivan

**ABSENT:** Eric Delong, Jeff Hughes

**ALSO PRESENT:** Douglas Wood, Director of Solid Waste Operations;  
Dennis Kmiecik, Solid Waste Manager,  
Richard Butler, Varnum, Riddering, Schmidt & Howlett (VRS&H) ;  
Bill Allen, WTE Administrator

**I. Review and Approval of Minutes**

Doug Wood stated that the minutes from the February 18, 1998 meeting were sent to members for their review and approval.

It was moved by Buege and supported by Poole to approve the minutes for February 18, 1998 as presented.

**II. Public Comment**

None

**III. Election of Chairman**

The election of chair people was delayed until the next meeting when all members would be present. The Committee adopted the Kent County Solid Waste Management Planning Committee Rules of Procedure which will govern future meetings.

**Motion**

It was moved by member Brookens and supported by member DeWitt to approve the Kent County Solid Waste Management Planning Committee Rules of Procedure which will govern future meetings.

**IV. History of Waste-to-Energy Facility**

Bill Allen, WTE Administrator Manager, gave an overview and history on the WTE to inform and educate members on the project.

**V. Overview of "Flow Control"**

Richard Butler, Varnum, Riddering, Schmidt, Howlett, presented an overview of "flow control" and how it will relate to the 451 Planning Committee's work.

**VI. History of Recycling and Household Hazardous Waste Programs**

Due to time constraints, this item was moved to the next meeting.

**VII. Overview of Landfill Disposal Facilities Serving Kent County**

Mr. Wood distributed a table summarizing the solid waste tonnage processed or disposed in landfills or the waste-to-energy facility.

**VIII. Review of Solid Waste Generation Report**

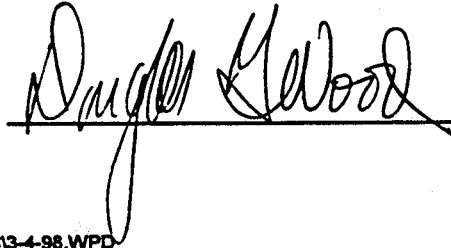
Mr. Wood handed out descriptions of the facilities serving this area. Also distributed was a Kent County Generated Solid Waste Report.

**IX. Correspondence**

A letter from the City of Walker concerning a proposed transfer station by Pitsch Companies was briefly discussed and will be discussed again in future meetings.

**X. Adjournment**

There being no further business, Douglas Wood adjourned the Advisory Committee at 5:10 p.m.



A handwritten signature in black ink, reading "Douglas Wood", is written over a horizontal line. The signature is stylized with a large, looped 'D' and a cursive 'Wood'.

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Waste-to-Energy Facility  
District Heating and  
Cooling Operations  
Landfill Operations  
Recycling  
Resource Recovery



**WATER AND SEWER DIVISION**

Planning  
Construction  
Operation

## **Board of Public Works**

Chairman  
ROGER G. LANINGA  
Vice Chairman  
BEVERLY R. REKENY  
Secretary  
CHERRY H. JACOBUS  
KATHERINE KUHN  
PAUL MCGUIRE  
DAVID H. MORREN  
CURT A. KEMPPAINEN  
Director

**Kent County  
Solid Waste Management Advisory Committee  
February 18, 1998  
3:30 p.m.**

### **AGENDA**

1. Introductions
2. Public Comment
3. Overview of Committee Administrative Details
4. Overview of Advisory Committee Responsibilities
5. Overview of handouts
6. Schedule for future meetings
7. Department Video

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**KENT COUNTY  
SOLID WASTE MANAGEMENT ADVISORY COMMITTEE**

**MINUTES**

**FEBRUARY 18, 1998**

**MEMBERS PRESENT:** Rich Herweyer, Paul Brown, Jeff Poole, John VanTholen,  
Elaine Buege, Jeff Hughes, Brad Bugbee, Michael DeWitt,  
Samuel Hurley, Eric Delong, Norris Brookens

**ABSENT:** John Schlaack, Rick Sullivan

**ALSO PRESENT:** Douglas Wood, Director of Solid Waste Operations;  
Dennis Kmiecik, Solid Waste Manager; Kathy Babins,  
RR Specialist; Deb Doan, RR Specialist; Richard Butler,  
Varnum, Riddering, Schmidt & Howlett (VRS&H) ;  
Charlene Haraburda, Stenographer

**I. Introductions**

Douglas Wood, Director of Solid Waste Operations called the meeting of the Solid Waste Management Advisory Committee (SWMAC) to order at 3:30 p.m. Mr. Wood introduced staff to the Advisory Committee members and the SWMAC gave background about their occupations and experience in the categories that they were chosen to represent.

**II. Public Comment**

Mr. Wood informed the Committee that the Plan update process is open to the public. At each meeting an opportunity for public comment will be available.

**III. Overview of Committee Administrative Details**

Richard Butler of VRS&H explained the rules of procedure governing the correct protocol for initiating the meetings (copy enclosed). Mr. Wood stated that the committee members were entitled to a fee of \$35. per meeting and round trip mileage. Mr. Wood suggested that the election of Chairperson and Vice-Chairperson be decided at the next meeting.

**IV. Overview of Advisory Committee Responsibilities**

Mr. Wood stated that the purpose of this committee was to create a five year Solid Waste Management Plan Update for Kent County. He said as we hold meetings, our staff will be reviewing and establishing goals and objectives. The committee will be informed on facilities that service Kent County but are outside the county. There will be a

discussion about imports and exports. It will be necessary to develop a schedule for implementation of the plan and the largest portion of the committees work will be done by May. After the update is drafted there will be public hearings which are required by state statute, approval by the Board of Commissioners and the approval of at least 67% of the municipalities in Kent County.

MDEQ is the organization that we will be reporting to and they have a staff person assigned to work with the County until completion of the plan and approval by the end of 1998.

**V. Overview of Handouts**

Mr. Wood advised committee members to bring the notebook that staff compiled to future meetings and suggested chapters to become familiar with. He explained that the DEQ developed the update format as guidelines for the committee's progress.

**VI. Schedule for Future Meetings**

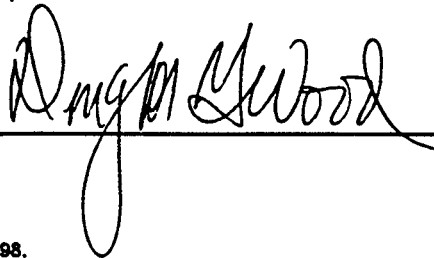
The committee members agreed that future meetings would be every other Wednesday at 3:00 p.m. with the next meeting on March 4, 1998.

**IX. Department Video**

An informative video was shown to the committee members of the facilities that Kent County operated. Mr. Wood and staff answered questions that arose from the video.

**X. Adjournment**

There being no further business, Douglas Wood adjourned the Advisory Committee at 4:35 p.m.

A handwritten signature in cursive script, reading "Douglas Wood", is written over a horizontal line.

S:\SWOISWMA\PLANS\MINUTES\2-18-98.



APPENDIX D

**Plan Implementation Strategy**

The following discusses how the County intends to implement the plan and provides documentation of acceptance of responsibilities from all entities that will be performing a role in the Plan.

Section II recommends an offshoot of Alternative 3 from the previous Plan as the preferred solid waste management strategy for Kent County. Section I, Goals and Objectives, reflects intentions to increase public education and expand the present household hazardous waste program for the next five year planning period. The main emphasis of the Solid Waste Management Plan is the continuation of the present system. This system has worked well in the County during the previous Plan and no major changes are foreseen in the five year planning period with the exception of possible alternative financing for some of the present programs such as the Household Hazardous Waste Program, Resource Recovery Programs and Material Recovery Facility which rely solely on revenues generated from tipping fees from the South Kent Landfill.

The Act 451 Plan implementation and management responsibilities will be assumed by the Kent County Board of Public Works acting through the Kent County Department of Public Works. The Kent County Department of Public Works is the designated Planning Agency and is responsible for writing the Kent County Solid Waste Management Plan.

## APPENDIX D

**Resolutions**

The following are resolutions from County Board of Commissioners approving municipality's request to be included in an adjacent County's Plan.

**Listed Capacity**

Documentation from landfills that the County has access to their listed capacity.



**Date:** November 10, 1998  
**To:** Attention: Dennis  
c/o Kent Co. PA 451  
**From:** Randy Dozeman  
**Subject:** Autumn Hills RDF

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**Please take note that Autumn Hills RDF has the capacity (average 750,000 tons/yr) and is willing to accept the listed amount of waste from Kent County. In addition Ottawa County's Plan lists Kent County as an approved county.**

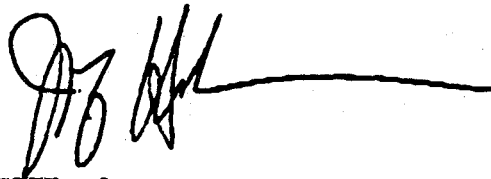
**Mr. Doug Wood  
Kent County  
Department of Public Works  
1500 Scribner Avenue N.W.  
Grand Rapids, Michigan 49504-3299**

**January 14, 1999**

**Dear Doug,**

**Kent County is in the process of updating its PA 451, Part 115, Solid Waste Management Plan. Allied Waste Industries operates two landfills, the Central Landfill in Montcalm County and the Ottawa County Farms Landfill located in Ottawa County, which are included in the Plan. I am writing the County to advise you that both of our referenced landfills have the permitted capacity to receive the volumes outlined in the plan for the five year plan period. Should you have any questions or require any further information, please contact me at your convenience.**

**Sincerely,  
ALLIED WASTE INDUSTRIES, INC.**



**Jeff Hughes  
District Manager**

- Salvaged Building Materials
- Excavating and Underground Services
- Concrete Recycling



- Dumpster Service
- Commercial & Residential Waste Service
- Portable Toilet Services
- Land Development

November 10, 1998

Mr. Dennis Kmiecik  
Kent County DPW  
1500 Scribner Avenue, N. W.  
Grand Rapids, Michigan 49504

FAX 336-3338

Dear Mr. Kmiecik:

Be advised that Pitsch Sanitary Landfill has capacity to receive up to 50,000 tons per year of waste from the residents of Kent County. This capacity is available each year beginning in 1999 and running thru the year 2019.

This statement of capacity is intended to conform with the requirements of the revised Kent County Solid Waste Plan.

Please call if you have any questions.

Sincerely,

Gary Pitsch  
President

GP:rd

D-3c

HOME OFFICE: 675 Richmond, N.W., Grand Rapids, Michigan 49504

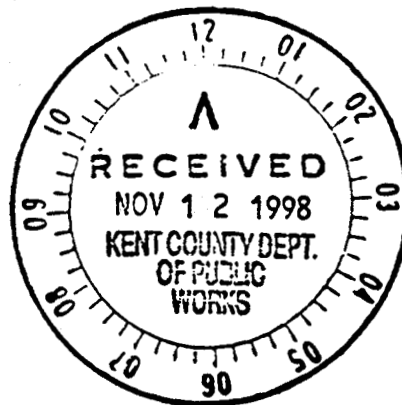
Telephone: (616) 363-4895

FAX: (616) 363-5585

TOTAL P.01

November 11, 1998

Mr. Dennis Kmiecik  
Kent County Department of Public Works  
1500 Scribner Ave. NW  
Grand Rapids, Michigan 49504-3299



Dear Mr. Kmiecik,

City Environmental Services Landfill, Inc. of Hastings can provide primary disposal, for up to 100%, of Kent Counties 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 our contiguous counties. 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

D-3d



City Environmental Services Landfill, Inc. of Hastings



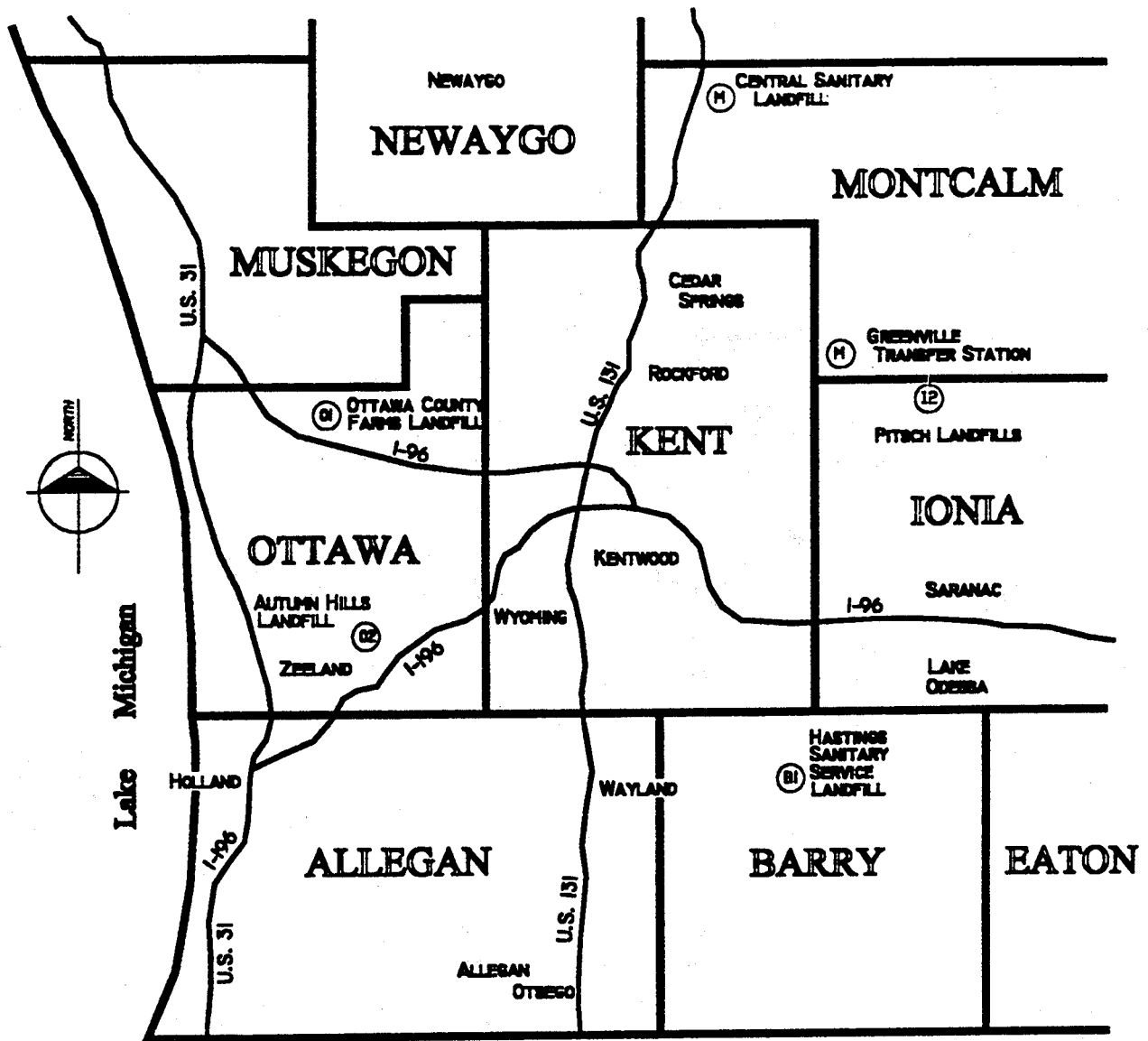



## ATTACHMENTS

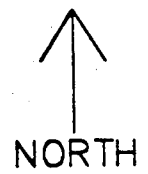
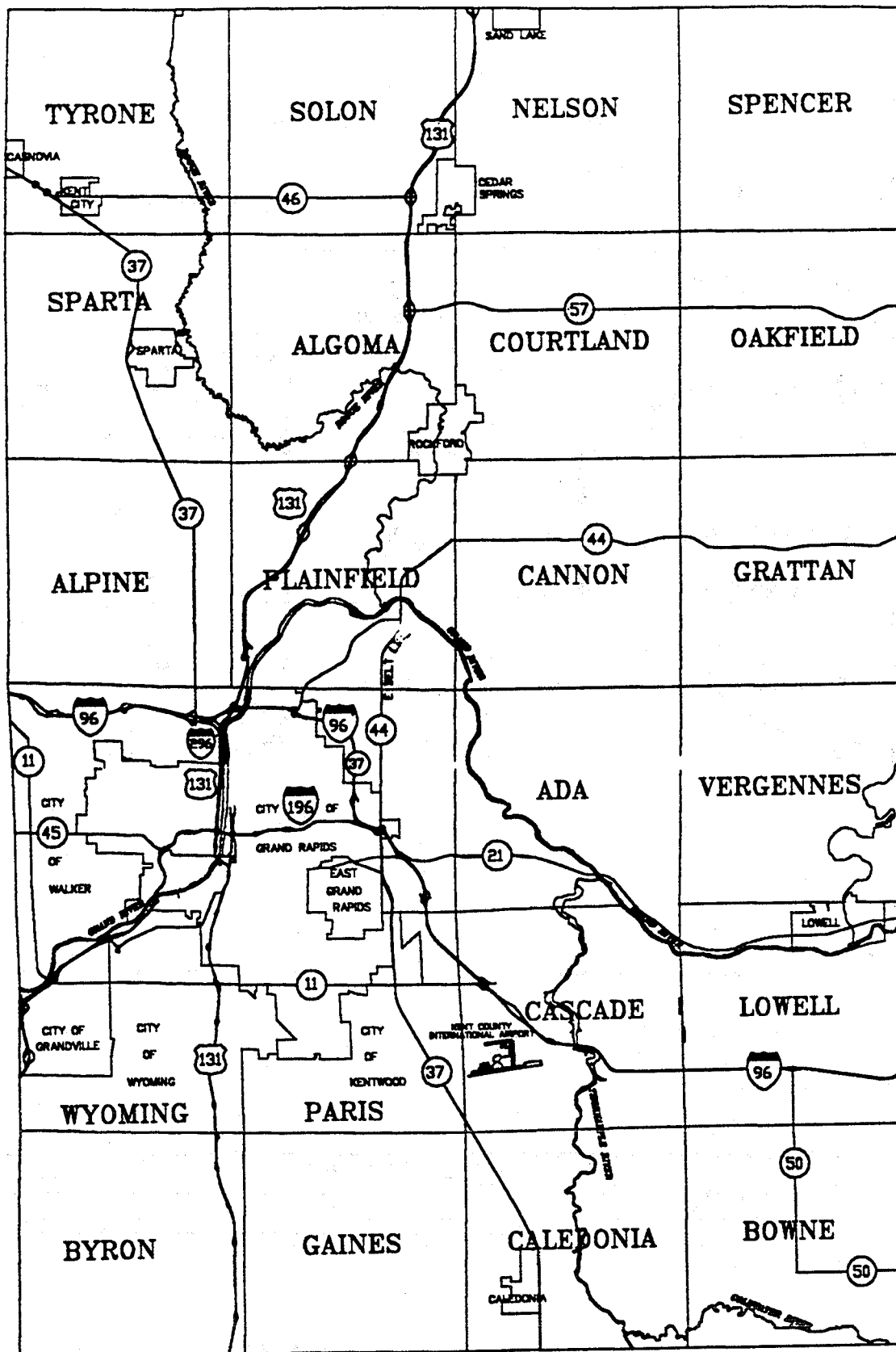
### Maps


Maps showing locations of solid waste disposal facilities used by the County.





	KENT COUNTY	Dwg By: WAK
	ACT 451	Rev By:
	Solid Waste Plan	Approved: DK
	ADJACENT COUNTY DISPOSAL FACILITIES	Drawing no.232355
Scale: 1:60 Date: 11/12/98 File Name: s:/swo/skl/mrf/acdf		

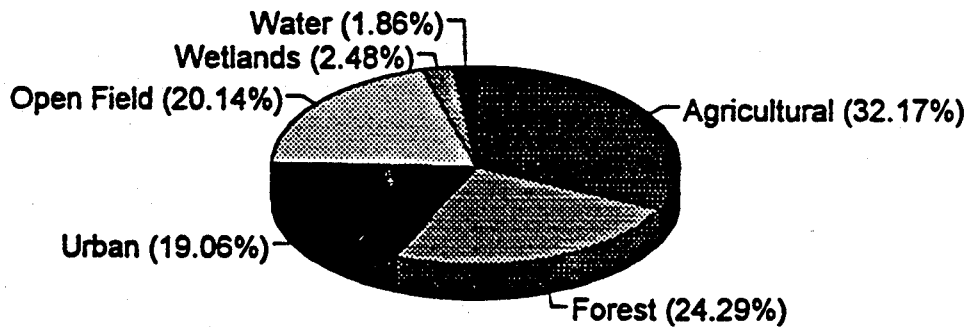


	<b>KENT COUNTY</b> ACT 451 Solid Waste Plan PRIMARY HAUL ROADS		Dwg By: WAK Rev By: Approved: DK Drawing no.
	Scale: 1:60 Date: 11/12/98		File Name: s:/swo/skl/mrf/pri.hual-rds

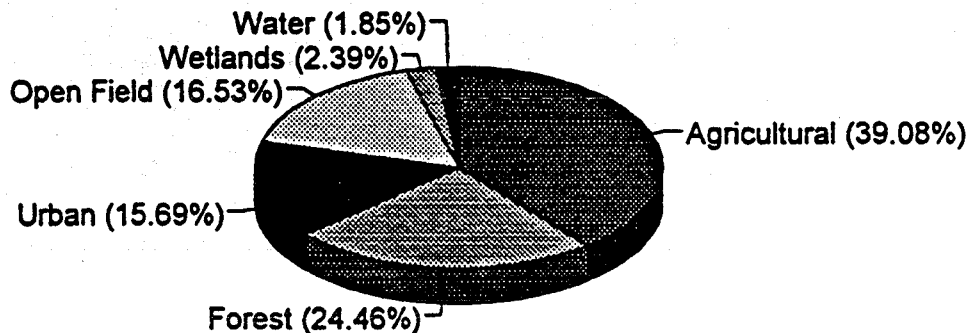
## 1978 - 1991 Kent County Land Use Comparison

Land Use Type	1991		1978		Difference 78-91	% Change
	% of County	Acres	% of County	Acres		
Agricultural	32.17	179,507.5	39.08	218,055.0	-38,547.5	-17.68
Forest	24.29	135,487.5	24.46	136,477.5	-990.0	-1.16
Urban	19.06	106,345.0	15.69	87,480.0	18,865.0	21.56
Open Field	20.14	112,337.5	16.53	92,210.0	20,127.5	21.83
Wetlands	2.48	13,827.5	2.39	13,340.0	487.5	3.65
Water	1.86	10,400.0	1.85	10,342.5	57.5	0.56
Total	100.00	557,905.0	100.00	557,905.0		

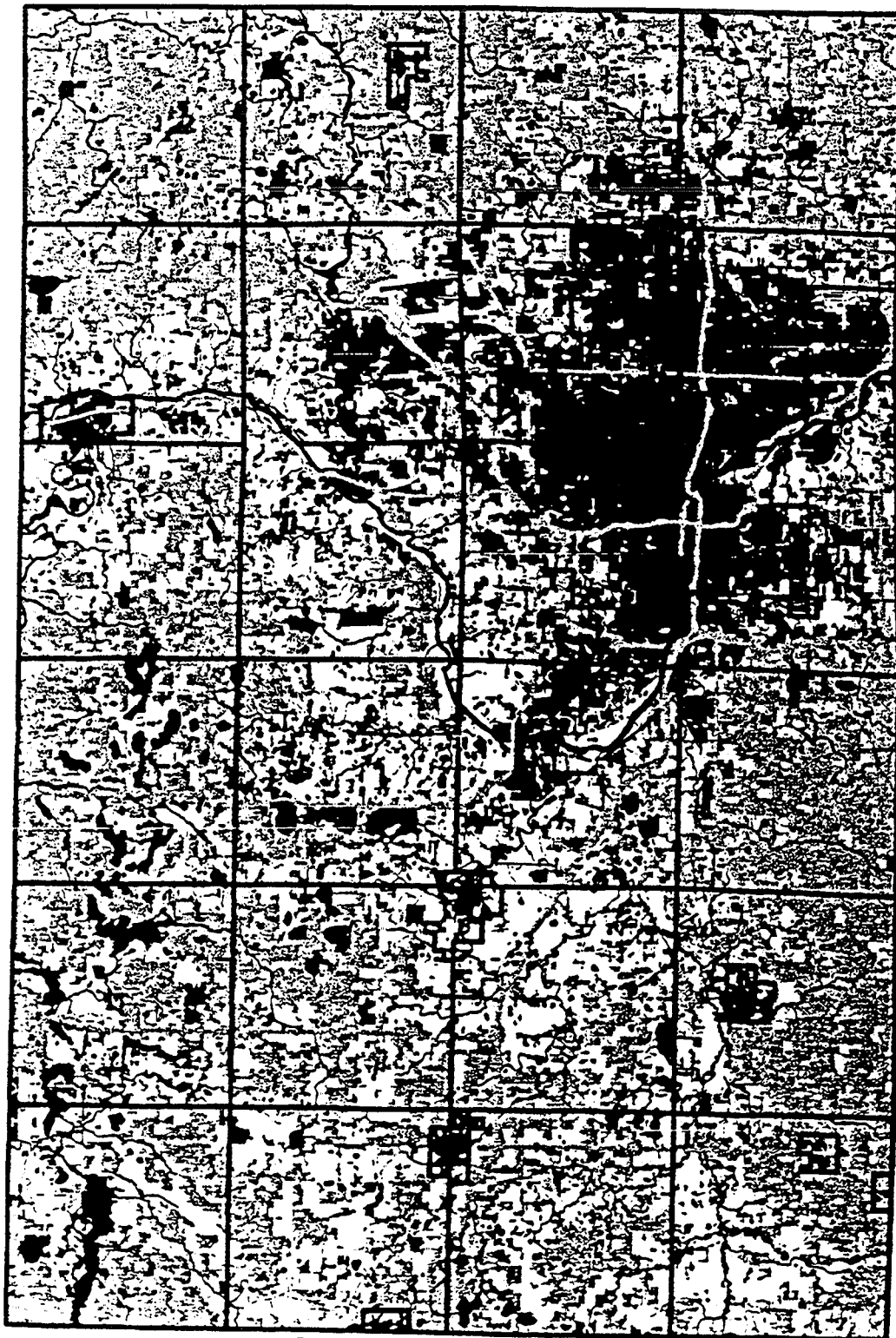
### 1991 Kent County Land Use



### 1978 Kent County Land Use



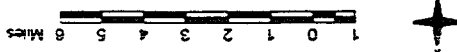
# 1991 Land Use / Cover Kent County, Michigan



Land Use/Cover Classification

- Urban
- Agriculture
- Open Field
- Deciduous Forest
- Coniferous Forest
- Wetlands
- Water

- Township Lines
- State/Federal Highways
- Rivers/Streams
- Drains/Intermittent Streams



Information Services Center  
Robert B. Annis Water Resources Institute  
Grand Valley State University  
Map Prepared: March, 1998

## ATTACHMENTS

### Inter-County Agreements

Copies of Inter-County agreements with other Counties (if any).

None at the present time.



# RESOURCE RECOVERY PROJECT OF IONIA COUNTY

March 3, 1999

Mr. Dennis W. Kmiecik, P.E.  
Solid Waste Manager  
Earl G. Woodworth Building  
1500 Scribner Ave, N.W.  
Grand Rapids, MI 49504-3299

Re: Solid Waste Plan Amendment

Dear Dennis:

Ionia County's Solid Waste Management Committee has acknowledged Kent County in their Plan update. As in the past, Ionia County has agreed to the limit of 100 tons per day of type II solid waste originating in Kent County. Ionia County also agrees to include Kent County as a proposed disposal facility. This letter confirms this agreement.

If you have further questions or comments regarding this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, reading "Michele A. Stemler".

Michele A. Stemler

Ionia County Resource Recovery Project



**Special Conditions**

Special conditions affecting import or export of solid waste.

**Kent County  
Solid Waste Export Condition\***

Kent County has had an integrated solid waste management system which includes the Kent County Waste-to-Energy Facility, the South Kent Landfill, the North Kent Transfer Station, the Material Recovery Facility, the Household Hazardous Waste Program, perpetual care for closed landfills, and public education programs. Through this integrated system, Kent County takes a comprehensive approach to the management of solid waste within the County.

As part of the County's integrated system, the 1990 Solid Waste Management Plan permitted a limited amount of waste generated within Kent County to be disposed of in certain adjoining counties. This limited disposal in other counties was established to allow such disposal for waste generated in outlying areas of the County where disposal facilities in adjoining counties are much closer and convenient for haulers serving customers in those areas than facilities within Kent County (e.g., South Kent Landfill, North Kent Transfer Station).

In 1997, the County entered into contracts (effective January 1, 1998) with waste haulers operating in the six Cities (Grand Rapids, Wyoming, East Grand Rapids, Grandville, Kentwood and Walker) which require the haulers to deliver all combustible waste in the six Cities to the Waste-to-Energy Facility. As part of the contract, the County agreed that haulers entering into these contracts would be permitted to deliver solid waste generated outside of the six Cities to other counties without restriction. By agreeing to this contract provision (which was a necessary compromise to reach agreement with the haulers), the County has reduced part of its programs under the integrated system approach. Therefore, if these contracts expire without renewal or are otherwise no longer in place, the County intends to restore the fully integrated system which existed prior to these contracts as outlined in the 1990 Plan.

Accordingly, except as provided below, the export tonnage limitations under this Plan shall be limited to tonnages described in the 1990 Plan. They are:

County	Tonnage (Daily)	Tonnage (Annual)
Ottawa	300	109,500
Ionia	100	36,500
Barry	12	4,380
Montcalm	20	7,300

However, while the hauler contracts described above remain in effect, the export tonnage authorizations in Table 2-A shall apply. \*\*The specific amounts of the export tonnage authorized

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\* Authorized conditions, Table 2-A

\*\* A flow Chart describing such export tonnage authorizations is attached

daily and annually in Table 2-A are based on the filed 1996-1997 "Solid Waste Landfill Waste Receipt Reports" filed with the Michigan Department of Environmental Quality. It is understood and intended until the next update of the Plan that the daily and annual export tonnage authorized may increase or decrease from year to year (without a Plan amendment) based on economic and other factors.

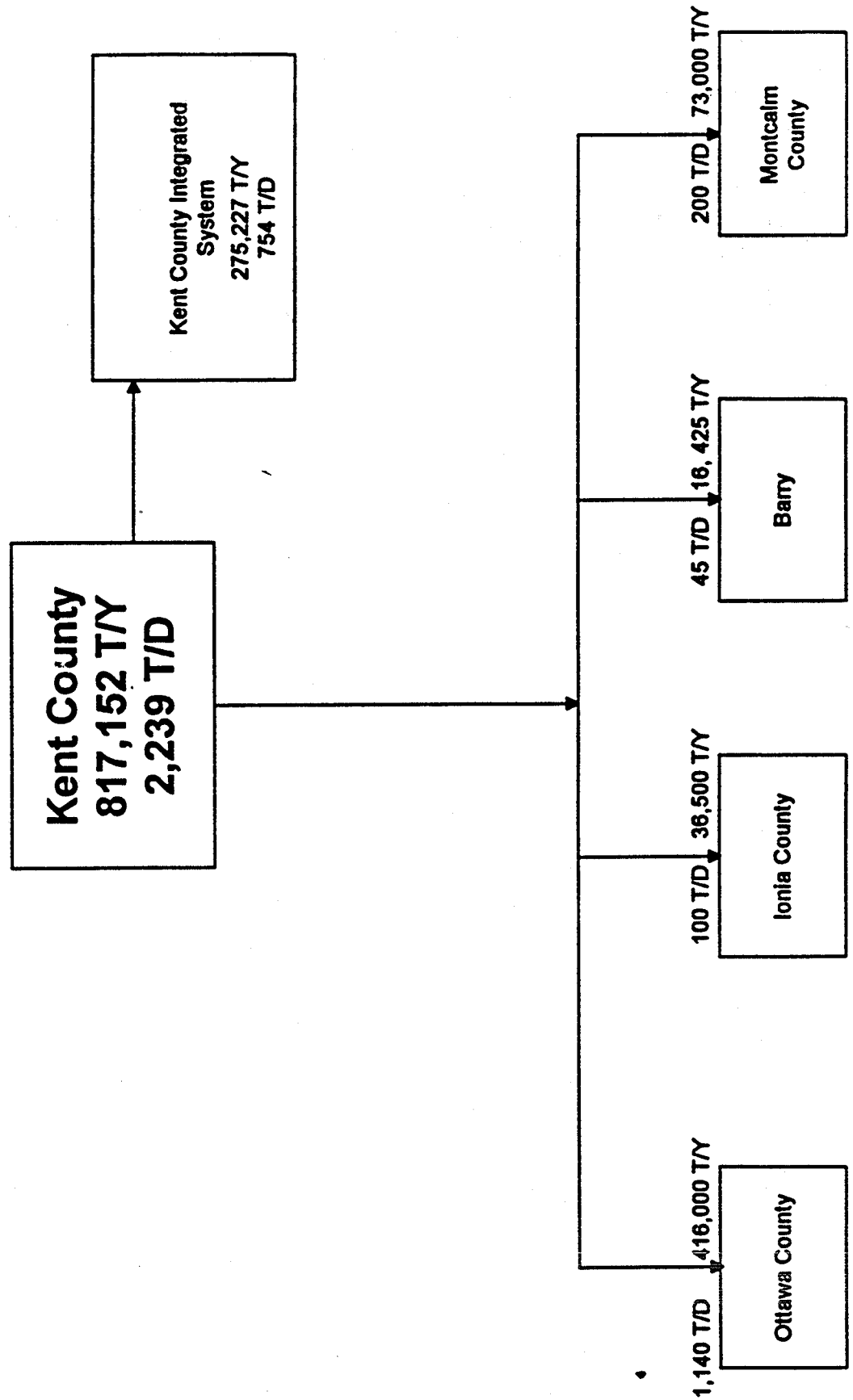
In the event contracts are not renewed, or in the event the contracts are terminated by the County pursuant to termination provisions in the contracts, the Board of Public Works will give thirty (30) days notice to all municipalities and licensed waste haulers within the county of the date on which the export tonnage limitations described above from the 1990 Plan shall become effective in place of the export authorizations shown in Table 2-A.

S:\SWO\SWMA\PLANS\451SWMP\CONDITIO WPD  
August 14, 1998

# CHART 2-A

## KENT COUNTY

### SOLID WASTE EXPORT FLOW CHART



**Kent County  
Solid Waste Import Condition\***

Kent County has had an integrated solid waste management system which includes the Kent County Waste-to-Energy Facility, the South Kent Landfill, the North Kent Transfer Station, the Material Recovery Facility, the Household Hazardous Waste Program, perpetual care for closed landfills, and public education programs. Through this integrated system, Kent County takes a comprehensive approach to the management of solid waste within the County.

As part of the County's integrated system, the 1990 Solid Waste Management Plan permitted a limited amount of waste generated from several surrounding counties to be imported into Kent County and disposed of in the South Kent Landfill. These counties were Allegan, Ottawa, Montcalm, Ionia and Barry.

This Plan will recognize the following counties as those from whom Kent County facilities import solid waste: Allegan, Ottawa, Montcalm, Ionia, Barry, Calhoun, Clinton, Eaton, Gratiot, Kalamazoo, Mecosta, Newaygo, Oceana and Van Buren.

Kent County's first and main concern is to provide long term disposal for the residents of the County (20 years). In the event, as determined solely by the Board of Public Works, that long term disposal is not being met, any contracts for importation with the above mentioned counties will be reviewed or not renewed.

S:\SWO\SWMA\PLANS\451SWMP\CONDITIM.WPD

### **THIRD INTERIM DELIVERY AGREEMENT**

THIS THIRD INTERIM DELIVERY AGREEMENT (the "Agreement") is entered into this \_\_\_\_ day of \_\_\_\_\_, 1997 between the County of Kent, Michigan, a Michigan municipal corporation, acting by and through its Board of Public Works, 1500 Scribner, NW, Grand Rapids, Michigan (the "County"), and \_\_\_\_\_, a \_\_\_\_\_ corporation, with its principal offices located at \_\_\_\_\_, \_\_\_\_\_, (the "Hauler").

#### **WITNESSETH:**

WHEREAS, Kent County has implemented an integrated system for the management of solid waste within Kent County, and

WHEREAS, a key component of the County's integrated solid waste management system is the Kent County Waste-to-Energy Facility which reduces reliance on landfills and provides for the recovery of steam and electricity from the combustion of solid waste, and

WHEREAS, the proper operation of the Kent County Waste-to-Energy Facility requires an adequate flow of processible solid waste, and

WHEREAS, Kent County desires to enter into agreements with waste haulers for the supply of combustible solid waste to the Kent County Waste-to-Energy Facility, and

WHEREAS, the parties wish to set forth their respective rights and obligations regarding the collection, transport and disposal of combustible solid waste at the Waste-to-Energy Facility.

NOW, THEREFORE, in consideration of the premises and the mutual undertakings and benefits to accrue to the parties, the parties hereto agree to the following:

#### **1.00 Definitions**

**1.01** As used in this Agreement, each of the following terms shall have the meaning set forth below:

"Ashes" means the residue from the burning of wood, coal, coke, refuse, waste water sludge, or other combustible materials.

**"Associates"** means in reference to the Hauler, its personnel, employees, consultants, subcontractors, agents, parent company, or any entities associated, affiliated, or subsidiary to the Hauler, now existing or hereinafter created.

**"Board"** means the Board of Public Works, Kent County, Michigan, established pursuant to Act No. 185 of the Public Acts of 1957, as amended, or its successor board, commission, or council as authorized by law.

**"Cities"** means the Cities of Grand Rapids, East Grand Rapids, Kentwood, Wyoming, Grandville, and Walker.

**"Combustible Waste"** means Solid Waste that is combustible in the WTE as shall be determined solely by the Board. **"Combustible Waste"** shall include: (a) Garbage; (b) combustible rubbish, such as paper; cardboard; cartons; wood; boxes; rags; cloth; bedding; leather; grass; leaves and brush; yard trimmings; tree limbs; timber; logs, and stumps six (6) inches in diameter or less; carpeting; and combustible construction and demolition debris; and (c) any other Solid Waste that is combustible in the WTE as shall be determined solely by the Board. **"Combustible Waste"** shall exclude: (a) Nonprocessable Waste including noncombustible Solid Waste, such as Ashes; noncombustible Rubbish; incinerator ash; incinerator residue; municipal and industrial sludges; animal waste; pathological and biological waste; asbestos and asbestos waste products; explosives; radioactive materials; appliances; concrete rubble; noncombustible construction and demolition debris; rock; gravel and earth materials; automobiles; trailers; equipment wire and cable; (b) all waste other than Solid Waste (such as Hazardous Waste, Site-Separated Materials, and Source Separated Materials), and (c) any other type of waste that is noncombustible in the WTE as shall be determined solely by the Board.

**"County"** means the County of Kent, Michigan, acting by and through its Board of Public Works.

**"Disposal Area"** means a disposal area as defined in Part 115 of Act No. 451 of 1994, as amended.

**"Garbage"** means rejected food wastes, including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetable.

**"Hazardous Waste"** means any material or substance which, and by reason of its composition or characteristic, is (a) toxic or hazardous waste as defined in either the Solid Waste Disposal Act, 42 U.S.C. §§ 6901 *et seq.*, as amended, or any successor legislation, and the regulations thereunder, or in Act No. 451 of the Public Acts of Michigan, 1994, as amended, or any successor legislation, and the regulations thereunder, or any other applicable federal, state or local law and the regulations thereunder, (b) special nuclear or by-products material within the meaning of the Atomic Energy Act of 1954, or any other applicable federal, state

or local law and the regulations thereunder. If any governmental agency or unit now or hereafter having appropriate jurisdiction shall determine that substances which were not considered harmful, toxic or dangerous, are harmful, toxic or dangerous, then such substances shall be Hazardous Waste for the purposes of this Agreement as of the effective date of any such determination.

"Nonprocessable Waste" means that portion of Solid Waste that cannot be processed at the WTE including, without limitation, ashes, metal furniture and appliances, concrete rubble, mixed roofing materials, noncombustible building debris, rock, gravel and other earthen materials, large automotive vehicle parts, engines, blocks and transmissions, agricultural and farm machinery and equipment, marine vessels and major parts thereof, trailers, and other large machinery or equipment, wire and cable, as well as, dead animals, offal from slaughterhouses and wholesale food processing establishments, pathological and biological waste, sewage, sludge, liquid wastes, explosives, chemicals and radioactive materials, or other materials which by applicable law, ordinance, rule or regulation may not be processed by the WTE, or which, in the sole determination of the Board (a) may present a substantial endangerment to public health or safety, (b) may cause applicable air quality or water effluent standards to be violated by the normal operation of the WTE, or (c) will materially and adversely affect the operation of the WTE, unless such Nonprocessable Waste is delivered in minimal quantities and concentrations as part of normal collections.

"Person" means any individual, firm, public or private corporation, partnership, trust, public or private agency or any other entity or any group of such persons.

"Premises" means any enclosed area used for residential, commercial, or industrial purposes, separately or in combination, to which a separate street address, postal address or box, tax roll description, or other similar identification has been assigned to or is in use by a Person having control of the area.

"Rubbish" means non-putrescible Solid Waste, excluding Ashes, consisting of combustible and non-combustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.

"Site of Generation" means any premises in or on which Solid Waste is generated by any Person.

"Site-Separated Materials" means recyclable materials (including, but not limited to, bottles, cans, newspapers, corrugated containers, metals, grass, leaves, brush and yard trimmings) that are separated from Solid Waste after collection from a Site of Generation by either a Waste Hauler or by the operators of a Disposal Area to which it is delivered.



"Solid Waste" means Garbage, Rubbish, Ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, and animal waste provided, however, that this definition shall not include Hazardous Waste, Site-Separated Materials, Source Separated Materials, human body waste, liquid or other waste regulated by statute, ferrous or non-ferrous scrap directed to a scrap metal processor or to a reuser of ferrous or non-ferrous products, and slag or slag products directed to a slag processor or to a reuser of slag or slag products.

"Solid Waste Container" means a container or receptacle designed or used for depositing, storing, or accumulating Solid Waste for collection or transportation by a Waste Hauler. Without limitation, this definition shall include dumpsters, packer boxes, and roll-offs or other receptacles designed or used to store Solid Waste or to transport Solid Waste from a Site of Generation.

"Source-Separated Materials" means recyclable materials (including, but not limited to, bottles, cans, newspapers, corrugated containers, metals, grass, leaves, brush, and yard trimmings) that are separated from Solid Waste prior to the collection of Solid Waste from a Site of Generation.

"Subcontractor" means any person, firm or corporation, other than employees of the Hauler, who or which contracts with the Hauler, directly or indirectly, to perform in part or assist the Hauler in providing services.

"Tipping Fee" means the fee charged to the Hauler for delivery of Combustible Waste to the WTE as set forth on Exhibit A.

"WTE" means the Kent County Waste-To-Energy Facility located at 950 Market Avenue, S.W., Grand Rapids, Michigan, as is presently existing or hereafter modified.

## **2.00 Term of the Agreement**

**2.01** This Agreement shall commence on January 1, 1998 (the "Commencement Date") and continue in full force and effect for a five (5) year period until December 31, 2002.

**2.02** The Agreement shall be automatically extended for two (2) additional five-year terms unless either party terminates the Agreement by giving notice thereof to the other party in writing at least 180 days prior to the expiration of the then current five-year term. If such notice is given by either party, the Agreement shall not extend for any additional five-year terms and the Agreement shall terminate at the expiration of the then current five-year term.

- 2.03** The County reserves the right to terminate this Agreement at any time if the total amount of Combustible Waste delivered to WTE pursuant to this Agreement and similar agreements with other haulers is less than the following minimum amounts at the end of each calendar quarter:

<u>Quarter</u>	<u>Tonnage</u>
1st (January - March)	50,000
2nd (April - June)	50,500
3rd (July - September)	52,000
4th (October - December)	52,000

The County shall not exercise its right to terminate this Agreement without first providing the Hauler with thirty (30) days written notice. Termination of the Agreement by the County pursuant to this provision shall not waive any of the County's remedies for violations or Stipulated Contract Damages prior to the effective date of termination.

### **3.00 Obligations of the County**

- 3.01** The County shall accept Combustible Waste for disposal and processing at the WTE in accordance with the terms of this Agreement.
- 3.02** The County shall charge the Tipping Fee to the Hauler for delivery of Combustible Waste collected by the Hauler from a Site of Generation within the Cities. The County shall establish the Tipping Fee to be charged to the Hauler and may adjust the Tipping Fee as specified in Exhibit A.
- 3.03** The County reserves the right to inspect all loads delivered by the Hauler to the WTE. The County reserves the right to reject any waste that is Nonprocessable Waste as determined by the County. If any Nonprocessable Waste is rejected for disposal and processing by the County, the Hauler shall be required to transport such Nonprocessable Waste to a Disposal Area selected by the Hauler.
- 3.04** Notwithstanding any other provision of this Agreement, the County may, at its discretion, seek to contract with the Hauler, and other haulers who have signed a similar agreement with the County, to obtain additional Combustible Waste within or outside Kent County if the amount of Combustible Waste collected and disposed of at the WTE is insufficient to meet the needs of the WTE. The Hauler expressly recognizes the County's right to enter into such contracts and expressly waives any claim that such contracts violate any obligations or provisions set forth in this Agreement.

3.05 The County agrees that with respect to this Hauler and any other hauler who enters into and complies with this Agreement or a similar agreement, the County will not enforce the restrictions of the Kent County Solid Waste Management Plan (the "Plan") on the transportation of waste for disposal in other counties nor will it require the Cities to enforce the provision of their ordinances which require the Hauler or other haulers to deliver Combustible Waste to the WTE ("Flow Control Ordinances"). The County agrees to use its best efforts to prevent any other entity from enforcing the Plan against any such hauler. Except as provided above, the Flow Control Ordinances and the Kent County Solid Waste Management Plan shall remain in full force and effect during the term of this Agreement. In addition, nothing in this Agreement shall be construed to prevent the enforcement of all other ordinances, rules, or regulations of the Cities and the County, existing or hereinafter enacted.

3.06 The County shall not accept at the County's South Kent Landfill deliveries of Combustible Waste collected within the Cities by a hauler which has not signed an agreement similar to this Agreement with the County.

3.07 The County agrees to the following:

- (a) With respect to any hauler which collects Combustible Waste within the Cities and which does not enter into an agreement with the County similar to this Agreement ("Non-participating Hauler"), the County will enforce the Plan's restrictions on the transportation of waste for disposal in other counties to the full extent allowed by law.
- (b) If a Non-participating Hauler collects Combustible Waste for disposal within the Cities and does not deliver the Combustible Waste to the WTE, the following conditions apply:
  - (i) The County will promptly investigate any report that a Non-participating Hauler is collecting Combustible Waste in the Cities and not delivering the Combustible Waste to the WTE;
    - (A) If the Non-participating hauler is disposing of the Combustible Waste at the South Kent Landfill, the County shall promptly notify the Non-participating Hauler that the Combustible Waste will not be accepted at the South Kent Landfill;
    - (B) If the Non-participating Hauler is disposing of the Combustible Waste at a disposal area owned or leased by the Hauler or a hauler who has signed a similar agreement with the County (a "Participating Hauler"), the Participating Hauler shall promptly

notify the Non-participating Hauler that the Combustible Waste will not be accepted at the Participating Hauler's disposal area;

- (C) If the Non-participating Hauler is disposing of Combustible Waste at a disposal area not owned or operated by a Participating Hauler, the County shall enforce the Plan to the extent allowed by law and use its best efforts to cause the Cities to enforce their Flow Control Ordinances to require that all Combustible Waste be delivered to the WTE.
- (c) The County agrees that it will not enter into an agreement with any hauler which collects Combustible Waste within the Cities with terms less restrictive than the terms of this Agreement. Should the County do so, this Agreement shall be deemed to be immediately amended to incorporate such less restrictive terms without further action by Hauler or the County. This subparagraph (c) shall not apply, however, to any contract entered into by the County pursuant to Section 3.04, or contracts entered into by Ogden Martin Systems of Kent, Inc. under its Construction and Service Agreement with the County.
- (d) If the County's Plan or the Cities' Flow Control Ordinances are deemed by a final judgment of a court to be unenforceable because they violate the Commerce Clause of the United States Constitution, and for that reason the County is unable to obtain injunctive relief, or a final judgment materially or adversely affects the enforceability of this Agreement, this Agreement shall be suspended during the period the Plan or the Flow Control Ordinances are not enforceable against a Non-participating Hauler. For purposes of this paragraph, "final judgment" shall mean the judgment entered by a court after all available appeals have been concluded.
- (e) Hauler agrees, during the term of this Agreement, not to challenge the validity or enforceability of the County's Plan or the Cities' Flow Control Ordinances through litigation or otherwise. Hauler shall not be precluded from challenging solid waste management plans or other flow control restrictions involving parts of the State other than Kent County, it being understood that the Hauler shall continue to comply with the terms of this Agreement irrespective of the results of such other litigation.
- (f) Hauler agrees that its failure to comply with the terms and conditions of this Agreement will result in irreparable harm to the County, that it would be difficult to determine the damages actually suffered by the County, and that the Stipulated Contract Damages in Exhibit B are a reasonable approximation of the actual damages the County would suffer.

- (g) Hauler agrees to cooperate with the County in the implementation of this section by doing the following:
- (i) Promptly advise the County whenever it has knowledge that a Non-participating Hauler is violating the Plan and/or the Flow Control Ordinances; or a Participating Hauler is violating the terms of an agreement similar to this Agreement;
  - (ii) Provide all information in the possession of the Hauler regarding names, volume, routes, or other relevant information concerning the activities of the Non-participating Hauler.

**3.08** The County shall enforce compliance with this Agreement and similar agreements against this Hauler and all other Participating Haulers.

#### **4.00 Obligations of the Hauler**

**4.01** The Hauler shall deliver to the WTE all Combustible Waste collected or transported from a Site of Generation within the Cities. The Hauler shall not deliver Combustible Waste collected or transported from any Site of Generation within the Cities to any Disposal Area other than the WTE. Notwithstanding an interruption or cessation in the operation of the WTE, the Hauler shall deliver all Combustible Waste collected or transported from a Site of Generation within the Cities to the WTE and shall pay the Tipping Fee as provided in this Agreement. The Hauler shall pay to the County the Tipping Fee established by the County in accordance with Exhibit A and all rules and regulations established by the County.

**4.02** Hauler agrees to monitor the collection, transportation, and delivery of Combustible Waste delivered by the Hauler to the WTE. The obligation of the Hauler to deliver all Combustible Waste to the WTE pursuant to Section 4.01 shall be absolute and unconditional regardless of whether the Combustible Waste is transported in the same load or vehicle as Solid Waste which is not Combustible Waste unless the Board, acting through its designated representatives, has made a prior written determination that a specific load of waste consists primarily of waste that would not be accepted for delivery at the WTE. Such a written determination of the County shall not be applicable to waste collected from any Site of Generation, any load or vehicle, any hauler, or any facts or circumstances other than those expressly identified in the written determination. If the Hauler collects both Combustible Waste and Nonprocessable Waste within the same vehicle and the County has not made a prior written determination that the load will not be accepted at the WTE, the Hauler shall provide a means for separating Combustible Waste for disposal at the WTE from Nonprocessable Waste that is not permitted for disposal at the WTE. If the Hauler fails to separate Combustible Waste from Nonprocessable Waste and Nonprocessable Waste is delivered to the WTE for processing (or Nonprocessable Waste is processed at the WTE), the County reserves the right to reject the Nonprocessable Waste and require the Hauler to

deliver and dispose of such Nonprocessable Waste at a disposal area selected by the Hauler. The rejection of Nonprocessable Waste by the County does not relieve the Hauler of its obligations under this Agreement.

- 4.03 The Hauler shall not deliver Combustible Waste to a site for site separation of recyclable materials unless the Board, acting through its designated representatives, after request of the Hauler, has made a prior written determination that such delivery does not violate this Agreement. Such a written determination shall not be applicable to waste collected from any Site of Generation, any load or vehicle, any hauler, or any facts or circumstances other than those expressly identified in the written determination. A written determination pursuant to this Section shall not relieve the Hauler from the obligation to deliver to the WTE all Combustible Waste remaining in a load after site separation of recyclable materials.
- 4.04 The Hauler shall not deliver Hazardous Waste to the WTE.
- 4.05 The Hauler shall obtain and keep current all necessary federal, state, and local licenses and permits for the collection and transportation of waste in the Cities.
- 4.06 If the Hauler owns, operates, or leases a Disposal Area, the Hauler shall monitor such Disposal Area for any Combustible Waste generated within the Cities. The Hauler shall not permit any hauler (whether or not the hauler has a similar agreement with the County) to dispose of Combustible Waste generated within the Cities at the Hauler's Disposal Area if the County provides the Hauler with written notice and evidence that such hauler is disposing of Combustible Waste generated in Cities at a disposal area other than the WTE.
- 4.07 The Hauler agrees to allow the County to inspect all waste delivered to the WTE for disposal and processing prior to the County's acceptance of such waste for disposal and processing.
- 4.08 Prior to delivery of waste to the WTE for disposal and processing, the Hauler shall provide the County with information on the origin of such waste.
- 4.09 The Hauler shall comply with all rules and regulations adopted by the County for the administration and operation of the WTE including the "Kent County Waste-To-Energy Facility Haulers Rules and Regulations," as may be modified by the County from time to time ("WTE Rules"). In the event of an inconsistency between the rules and regulations and the terms of this Agreement, the terms of this Agreement shall control.
- 4.10 (a) The Hauler shall not collect Solid Waste from a Solid Waste Container within the Cities or transport a Solid Waste Container unless the Solid Waste Container has been marked in compliance with subsection (b) below.

(b) A Solid Waste Container having a capacity of at least one-half (1/2) cubic yard shall be plainly marked with the name and current street address or the name and current telephone number of the Hauler which collects Solid Waste from or transports Solid Waste within the Solid Waste Container. The name and current street address or the name and current telephone number of the Hauler shall be plainly marked on at least three (3) sides of the Solid Waste Container in letters and figures not less than three (3) inches in height.

(c) The Hauler shall display on each vehicle delivering Combustible Waste to the WTE the County master decal and City license decals as required by the WTE Rules.

#### **5.00 Stipulated Contract Damages**

**5.01** Hauler hereby agrees to be subject to the Stipulated Contract Damages as set forth in Exhibit B attached to this Agreement and incorporated by reference herein for violation of, or failure to comply with any provisions of this Agreement. If there is a violation of this Agreement, the County's Director of the Department of Public Works shall notify the Hauler of such violation in writing in accordance with Article 12. Such notice shall include a description of the violation(s), and the total accrued amount of Stipulated Contract Damages to be paid by the Hauler. Each day that a violation continues and each vehicle in violation of this Agreement shall be a separate violation for purposes of Stipulated Contract Damages set forth in Exhibit B and this Agreement. If the Hauler commits three or more violations of the requirement of Section 4.01 to deliver all Combustible Waste collected within the Cities to the WTE, the County reserves the right (in addition to remedies pursuant to this Agreement) to commence enforcement of the Plan against the Hauler, to request the Cities to commence enforcement of their Flow Control Ordinances against the Hauler, and to request the Cities to revoke the Hauler's waste hauling license for any additional violations.

**5.02** If the Hauler is required to pay any Stipulated Contract Damages, such payment shall be made by Hauler to the County within fourteen (14) days of assessment by the County. Failure of the Hauler to pay all assessed Stipulated Contract Damages may subject the Hauler to suit in a court of competent jurisdiction for a breach of contract and any other legal or equitable claims arising out of the Hauler's actions under this Agreement.

#### **6.00 Compliance with Laws**

**6.01** Except as provided in Section 3.05, the Hauler shall comply with and shall require its Associates to comply with all applicable Federal, State and local laws, ordinances, code(s), regulations and policies, existing or hereinafter enacted. The Hauler and its Associates shall comply with all ordinances of the Cities including, without limitation, all waste hauler regulations and licensing requirements.

### 12.00 Notices

- 12.01 All notices required or permitted under this Agreement shall be given in writing, and mailed by certified mail and addressed as follows:

If to the County:

Director  
Department of Public Works  
1500 Scribner, N.W.  
Grand Rapids, MI 49503

If to the Hauler:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### 13.00 Waiver

- 13.01 The County shall not be deemed to have waived any of its rights under this Agreement unless such waiver is in writing and signed by the County.
- 13.02 No delay or omission on the part of the County in exercising any right including, but not limited to, the imposition of Stipulated Contract Damages, shall operate as a waiver of such right or any other right. A waiver on any one (1) occasion shall not be construed as a waiver of any right on any future occasion.
- 13.03 No failure by the County to insist upon the strict performance of any covenant, agreement, term or condition of this Agreement or to exercise any right, term or remedy consequent upon a breach thereof shall constitute a waiver of any such breach or such covenant, agreement, term and condition.

### 14.00 Miscellaneous

- 14.01 If any provision of this Agreement or the application thereof to any Person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Agreement, or the application of such provision to persons or circumstances other than those as to which it is invalid or unenforceable shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
- 14.02 This instrument, including all Exhibits attached hereto which are made a part of this Agreement, contains the entire agreement between the parties and all prior negotiations and agreements are merged herein. Neither the County nor the County's agents have made any representations except those expressly set forth herein, and no rights or remedies are or shall be acquired by the Hauler by implication or otherwise unless expressly set forth herein. The Hauler hereby waives any defense it may have to the validity of the execution of this Agreement.



- 14.03** Unless the context otherwise expressly requires, the words "herein," "hereof" and "hereunder" and other words of similar import refer to this Agreement as a whole and not to any particular Article, Section, or other Subdivision.
- 14.04** The headings of the Articles in this Agreement are for convenience only and shall not be used to construe or interpret the scope or intent of this Agreement or in any way affect the same.
- 14.05** Except as otherwise provided in this Agreement, the rights and remedies set forth herein are not exclusive and are in addition to any of the rights or remedies provided by law or equity. This Agreement and all actions arising hereunder shall be governed by, subject to and construed according to the law of the State of Michigan. The Hauler agrees, consents and submits to the personal jurisdiction of any competent court in Kent County, Michigan, for any action arising out of this Agreement. The Hauler agrees that service of process at the address and in the manner specified in Article 12 will be sufficient to put the Hauler on notice and hereby waives any and all claims relative to such notice. The Hauler also agrees that it will not commence any action against the County because of any matter whatsoever arising out of, or relating to the validity, construction, interpretation and enforcement of this Agreement, in any courts other than those in the County of Kent, State of Michigan unless original jurisdiction can be had in the United States District Court, Western District of Michigan, Southern Division.
- 14.06** If any Associate of the Hauler shall take any action which, if done by a party, would constitute a breach of this Agreement, the same shall be deemed a breach by the Hauler.
- 14.07** It is understood that this is not an exclusive contract, and that the County may contract with other waste haulers.
- 14.08** The Hauler covenants that it is not, and will not become in arrears to the County upon any contract, debt, or other obligation to the County, including real property and personal property taxes.
- 14.09** This Agreement may be executed in any number of counterparts and all of said counterparts taken together shall be deemed to constitute one and the same instrument. Promptly after the execution thereof, the County shall submit to the Hauler a conformed copy of this Agreement.
- 14.10** As used herein, the singular shall include the plural, the plural the singular, and the uses of any gender shall be applicable to all.

- 6.02 The Hauler shall commit no trespass on any public or private property in the collection, transportation and delivery of Combustible Waste pursuant to this Agreement.

### 7.00 Insurance

- 7.01 The Hauler shall, at its expense, secure and maintain during the term of this Agreement insurance policies as required by each of the Cities in which the Hauler collects or transports Solid Waste. The County shall be named as an additional insured on all such policies. Certificates of the insurance policies with a 20-day cancellation clause shall be filed by the Hauler with and approved by the County at least fifteen (15) days before the Commencement Date. The Hauler shall provide the County with new certificates of insurance if the policies first supplied are canceled, materially restricted, not renewed, or allowed to lapse in any way. The County reserves the right to request complete certified copies of the policies if deemed necessary by the County to ascertain details of the coverages not provided by the certificates.

### 8.00 Indemnification

- 8.01 The Hauler agrees to indemnify, defend, and hold harmless the County, its officers, agents, and employees against and from any and all liabilities, obligations, damages, penalties, claims, costs, charges, losses and expenses (including without limitation, fees and expenses for attorneys, expert witnesses and other consultants) which may be imposed upon, incurred by or asserted against the County, its departments, employees, officers, or agents by reason of any of the following occurring during the term of this Agreement:

- (a) Any negligent act, error, or omission attributable in whole or in part to the Hauler or any of its Associates, now existing or hereafter created arising out of or related to this Agreement; and
- (b) Any material failure by the Hauler or any of its employees or Associates to perform its obligations under this Agreement.

Nothing herein shall obligate the Hauler to indemnify the County from the negligent acts, errors, or omissions of the County, its departments, employees, officers, or agents.

- 8.02 The Hauler agrees that it is its responsibility and not the responsibility of the County to safeguard the property that it or its Associates use while performing this Agreement. Further, the Hauler agrees to hold the County harmless for any loss of such property used by any such Person pursuant to the Hauler's performance under this Agreement.

8.03 The indemnification obligation under this Article shall not be limited by any limitation on the amount or type of damages, compensation, or benefits payable under Workers' Compensation Acts or other employee benefit acts.

8.04 For purposes of Article 8, the term "County" shall be deemed to include the County of Kent, the Board of Public Works, the Board of Commissioners, and all other boards or commissions, now existing or hereafter created, their officers, agents, representatives, and employees.

#### 9.00 Subcontracting

9.01 The Hauler may subcontract any portion of the Services to be provided under this Agreement; provided, however, that any subcontract shall not relieve the Hauler of any of its responsibilities, duties and liabilities hereunder. The Hauler shall be solely responsible to the County for the acts or defaults of its Subcontractor and of each Subcontractor's Associates, each of whom shall for this purpose be deemed to be the agent or employee of the Hauler.

#### 10.00 Assignment

10.01 The Hauler shall not assign, transfer, convey or otherwise dispose of any interest whatsoever in this Agreement without the prior written consent of the County thereto, which consent shall not be unreasonably withheld; provided, however, that County consent shall not be required for the Hauler to do any of the following: assign, transfer, convey or otherwise dispose of the Hauler's interest in this Agreement to another hauler that has signed a similar agreement with the County; or assign, transfer, convey or otherwise dispose of the Hauler's interest in this Agreement to a parent or subsidiary corporation, or other legal entity related to the Hauler.

#### 11.00 Amendments

11.01 Any changes or modification of this Agreement shall be in writing and shall be mutually agreed to by the parties.

11.02 No Amendment to this Agreement shall be effective and binding upon the parties unless it expressly makes reference to this Agreement, is in writing, is signed and acknowledged by duly authorized representatives of both parties, and is approved and executed by the Kent County Board of Public Works.

14.11 This Agreement shall be binding upon and inure to the benefit of the parties, and their respective agents, successors, and assigns.

\*\*\*\*\*

IN WITNESS WHEREOF, the County and the Hauler, by and through their authorized officers and representatives, have executed this Agreement as of the date first above written.

KENT COUNTY BOARD  
OF PUBLIC WORKS

HAULER

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

**Exhibit A**  
**Calculation Method for Increase in Tipping Fee**

- 1.01** The Tipping Fee will be set in accordance with the Waste-to-Energy Rate Study approved September 20, 1989 by the Kent County Board of Public Works, as revised. The Rate Study is on file at the offices of the Department of Public Works.

For information purposes only, the estimated disposal fee for the years 1998 through 2002 are as follows:

1998	\$ 53.71/ ton
1999	\$ 57.21/ ton
2000	\$ 59.97/ ton
2001	\$ 66.23/ ton
2002	\$ 67.98/ ton

Haulers will be notified in writing of the actual Tipping Fee a minimum of ninety (90) days prior to the effective date.

**Exhibit B**  
**Stipulated Contract Damages**

<u>Reference To Agreement</u>	<u>Violation</u>	<u>1st Violation During Term of Agreement</u>	<u>2nd Violation During Term of Agreement</u>	<u>3rd and Subsequent Violations During Term of Agreement</u>
4.01, 4.02	Failure to deliver all Combustible Waste to the WTE	\$250 per vehicle	\$500 per vehicle	\$1,000 per vehicle
4.05	Delivery of Combustible Waste to a site for site separation without County's prior written determination	\$100 per vehicle	\$250 per vehicle	\$500 per vehicle
4.05	Failure to keep current all necessary licenses and permits	\$100 per day	\$250 per day	\$500 per day
4.06	Cause or permit Combustible Waste collected within Cities to be disposed at its Disposal Area after notice as described in 4.06.	\$500 per vehicle	\$1,000 per vehicle	\$2,500 per vehicle

<u>Reference To Agreement</u>	<u>Violation</u>	<u>1st Violation During Term of Agreement</u>	<u>2nd Violation During Term of Agreement</u>	<u>3rd and Subsequent Violations During Term of Agreement</u>
4.09, 4.10(c)	Failure to comply with all rules and regulations for administration and operation of WTE	\$100 per vehicle	\$250 per vehicle	\$500 per vehicle
4.10(a),(b)	Collection from unmarked Solid Waste containers	\$10 per container	\$25 per container	\$50 per container
7.01	Failure to provide and maintain insurance policies and comply with 7.01	\$100 per day	\$250 per day	\$500 per day

SITE ACQUISITION AND SERVICE CONTRACT  
1985 COMBUSTIBLE WASTE DISPOSAL AMENDMENT

THIS AGREEMENT, made and entered into as of the 6th day of November, 1985, by and between the CITY OF GRAND RAPIDS ("Municipality") and the COUNTY OF KENT ("County").

W I T N E S S E T H:

WHEREAS, the County has previously established the Kent County Refuse Disposal System ("System") pursuant to the provisions of Act No. 185 of the Public Acts of Michigan, 1957, as amended ("Act 185") for the purpose of acquiring and providing disposal facilities and services for the disposal of certain solid wastes for the benefit of local units of government within the County; and

WHEREAS, the County and the Municipality have previously entered into a Site Acquisition and Service Contract dated as of October 1, 1970 and a Site Acquisition and Service Contract Amendment dated May 5, 1980 (collectively referred to as the "Existing Contract") under which the County is currently providing the solid waste disposal services and facilities of the System to the Municipality; and

WHEREAS, Section 25 of Act No. 641 of the Public Acts of Michigan, 1978, as amended ("Act 641") requires all counties to adopt a solid waste management plan; and

WHEREAS, the County adopted its Solid Waste Management Plan pursuant to the provisions of Act 641, which Plan was approved by the governing bodies of not less than 67% of municipalities within



the County and by the Director of the Michigan Department of Natural Resources both as required by Act 641; and

WHEREAS, Section 25 of Act 641 requires solid waste management plans to include an enforceable program and process to assure that the nonhazardous solid waste generated or to be generated for a 20-year period is collected and recovered, processed, or disposed of at facilities which comply with Act 641 and rules promulgated pursuant to the provisions of Act 641; and

WHEREAS, Section 24 of Act 641 provides that a municipality or a county shall assure that all solid waste is removed from sites of generation frequently enough to protect the public health and is delivered to licensed solid waste disposal areas; and

WHEREAS, Section 30(1)(c) of Act 641 provides that the rules of the Michigan Department of Natural Resources shall require solid waste management plans to evaluate and select technically and economically feasible solid waste management options which may include resource recovery systems; and

WHEREAS, the Kent County Solid Waste Management Plan recommends the construction and operation of a refuse-to-energy facility, i.e., a mass-burn steam energy generating incinerator with an average daily processing capacity of approximately 530 tons per day, as a part of the System previously established under Act 185 or by contract or lease with public or private vendors; and

WHEREAS, a mass-burn incinerator is a more energy-efficient method of solid waste disposal than sanitary landfills; and

WHEREAS, the mass-burn incinerator to be built by or on behalf of the County is designed to provide a disposal facility for combustible solid waste generated within the Municipality for a minimum of twenty (20) years; and

WHEREAS, use of the mass-burn incinerator will extend the life of existing landfills, reduce the potential hazards to ground and surface water at existing landfills, and lessen the need for additional sanitary landfills within the County; and

WHEREAS, the County intends to finance the capital cost of the mass-burn incinerator through the issuance of bonds pursuant to Act 185 or other pertinent statutes, or by contract or lease with public or private vendors; and

WHEREAS, the Municipality desires to continue to use the System, including the mass-burn incinerator portion of the System to be constructed by or on behalf of the County; and

WHEREAS, because the mass-burn incinerator portion of the System must rely on revenues from the disposal of waste and the sale of energy to be economically feasible, an adequate supply of combustible waste as fuel must be guaranteed for the mass-burn incinerator; and

WHEREAS, the Kent County Solid Waste Management Plan approved by the Director of the Michigan Department of Natural Resources, as provided by applicable statutes of the State of Michigan, affirmatively endorses the assurance of an adequate supply of fuel to the mass-burn incinerator portion of the System; and

WHEREAS, the County and the Municipality desire to amend the Existing Contract to prescribe their respective rights and obliga-

tions with respect to the mass-burn incinerator portion of the System and to assure an adequate supply of combustible waste to the mass-burn incinerator; and

WHEREAS, the County and the Municipality have entered into the Existing Contract and desire to enter into this Amendment thereto to protect the public health and the general welfare of the people in the County and in the Municipality as required and authorized by the Constitution and the statutes of the State of Michigan, and especially Article IV, Sections 51 and 52 of the Constitution and Acts 185 and 641; and

WHEREAS, the County and the Municipality desire to continue to be bound by the terms of the Existing Contract as modified by this Amendment.

NOW, THEREFORE, in consideration of the promises and the covenants of each, the parties agree that the Existing Contract is hereby amended to add the following:

1985 COMBUSTIBLE WASTE DISPOSAL AMENDMENT

1. Definitions. The definitions in the Existing Contract shall have the same meanings when used in this Amendment. As used in this Amendment, the words and phrases listed below shall have the following meanings:

(a) "Act 641" means Act No. 641 of the Public Acts of Michigan, 1978, as amended.

(b) "Act 641 Plan" means the Kent County Solid Waste Management Plan approved by the Kent County Board of Commissioners and by the Director of the Department of Natural Resources, pursuant to the requirements and pro-

visions of Act 641, and any amendments thereto adopted in accordance with Act 641.

(c) "Ashes" means the residue from the burning of wood, coal, coke, refuse, waste water sludge, or other combustible materials.

(d) "Board of Public Works" means the Kent County Board of Public Works established pursuant to the provisions of Act 185.

(e) "Combustible Waste" means Solid Waste that is combustible in the MBI as shall be determined solely by the Board of Public Works. "Combustible Waste" shall include: (a) Garbage, (b) combustible Rubbish, such as paper; cardboard; cartons; wood; boxes; rags; cloth; bedding; leather; grass; leaves and brush; yard trimmings; tree limbs, timber, logs, and stumps six (6) inches or less in diameter; carpeting; and combustible construction and demolition debris; and (c) any other Solid Waste that is combustible in the MBI as shall be determined solely by the Board of Public Works. "Combustible Waste" shall exclude: (a) noncombustible Solid Waste, such as Ashes; noncombustible Rubbish; incinerator ash; incinerator residue; municipal and industrial sludges; animal waste; pathological and biological waste; asbestos and asbestos waste products; explosives; radioactive materials; appliances; concrete rubble; noncombustible construction and demolition debris; rock; gravel and earthen materials; automobiles;

trailers; equipment wire and cable; (b) all waste other than Solid Waste (such as Hazardous Waste, Site-Separated Materials, and Source-Separated Materials), and (c) any other waste that is predominantly noncombustible in the MBI as shall be determined solely by the Board of Public Works.

(f) "Commercial Operation Date" means the date when the MBI has been completed and tested and is, in the sole opinion of the County, ready for full commercial operation.

(g) "County" means the County of Kent, Michigan, acting by and through its Board of Commissioners or its Department of Public Works established pursuant to the provisions of Act No. 185 of the Public Arts of Michigan, 1957, as amended.

(h) "Disposal Site" means any of the following: 1) a Solid Waste transfer facility, 2) a single incinerator having an average daily design capacity exceeding fifty (50) tons of Solid Waste per day or two or more incinerators located at one site under the control of one Person and having an aggregate average daily design capacity exceeding one hundred fifty (150) tons of Solid Waste per day, 3) a sanitary landfill, 4) a Solid Waste processing plant, or 5) any other Solid Waste handling or disposal facility utilized in the disposal of Solid Waste.

(i) "Existing Contract" means the Site Acquisition and Service Contract dated October 1, 1970 and the

Service Contract Amendment dated May 5, 1980, between the County and the Municipality.

(j) "Garbage" means rejected food wastes including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetable.

(k) "Hazardous Waste" means hazardous waste as defined in Act No. 64 of the Public Acts of Michigan, 1979, as amended from time to time, and as identified in administrative rules promulgated from time to time pursuant to the provisions of said Act by the Director of the Michigan Department of Natural Resources.

(l) "MBI" means the mass-burn energy-generating incinerator to be constructed by or on behalf of, or available by contract or lease with, the County within the City of Grand Rapids in accordance with this Amendment and the Act 641 Plan, and may include the Steam Loop Facilities to the extent the same are owned and/or operated by the County or the Steam Purchase and Distribution Contract if the Steam Loop Facilities are owned and/or operated by the Municipality or another person and shall include any contract to sell electricity generated by the MBI.

(m) "Municipality" means the City of Grand Rapids.

(n) "Person" means any individual, firm, public or private corporation, partnership, trust, public or private agency or any other entity, or any group of such persons.

(o) "Premises" means any enclosed area used for residential, commercial, or industrial purposes, separately or in combination, to which a separate street address, postal address or box, tax roll description, or other similar identification has been assigned to or is in use by a Person having control of the area.

(p) "Rubbish" means nonputrescible Solid Waste, excluding Ashes, consisting of combustible and noncombustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.

(q) "Site of Generation" means any Premises in or on which Solid Waste is generated by any Person.

(r) "Site-Separated Materials" means recyclable materials (including, but not limited to, bottles, cans, newspapers, corrugated containers, metals, grass, leaves, brush, and yard trimmings) that are separated from Solid Waste after collection from a Site of Generation by the Municipality, a Waste Hauler or by the operators of a Disposal Site to which it is delivered.

(s) "Solid Waste" means Garbage, Rubbish, Ashes, incinerator ash, incinerator residue, street cleanings,

municipal and industrial sludges, solid commercial and solid industrial waste, and animal waste provided, however, that this definition shall not include Hazardous Waste, Site-Separated Materials, Source-Separated Materials, human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a reuser of slag or slag products.

(t) "Source-Separated Materials" means recyclable materials (including, but not limited to, bottles, cans, newspapers, corrugated containers, metals, grass, leaves, brush and yard trimmings) that are separated from Solid Waste prior to the collection of Solid Waste from a Site of Generation.

(u) "Steam Loop Facilities" means the existing steam generating plant and the facilities for distributing steam to persons in the downtown area of the City of Grand Rapids and any reconstruction, alteration, extension, modification or change hereafter made thereto.

(v) "Steam Purchase and Distribution Contract" means any contract by the County to sell steam generated by the MBI to the Municipality or any other person.

(w) "System" means the Kent County Refuse Disposal System, and every aspect thereof (including, but not limited to, equipment, sanitary landfills, transfer



stations, and the MBI), that is acquired, constructed, or operated, or is to be acquired, constructed, or operated by or on behalf of, or available by contract or lease with, the County in accordance with the Act 641 Plan.

(x) "Tipping Fee" means the fee established by the Board of Public Works pursuant to this Amendment for disposal of Combustible Waste.

(y) "Waste Hauler" means any Person, other than the Municipality, engaged in the business of collecting and transporting, delivering and disposing of Solid Waste generated within the Municipality.

2. Existing Contract Continued. As modified herein, the Existing Contract shall, for the duration of its term, continue and remain in full force and effect in accordance with its terms and provisions. This Amendment, however, shall control with respect to the collection and disposal of all Combustible Waste generated within the Municipality. The Existing Contract, for the duration of its term, shall continue to govern the collection and disposal of Acceptable Refuse and Special Refuse generated within the Municipality in all instances in which such Refuse does not constitute Combustible Waste. The County contract bonds issued in 1970 and in 1982 to finance landfill facilities and equipment used to provide services pursuant to the Existing Contract by the System established in 1970 and heretofore enlarged and extended, are full faith and credit general obligations of the County payable from certain taxes levied by the County but have actually been paid from disposal rates and other charges paid to the County

as provided in the Existing Contract. This procedure and those disposal rates and charges for Acceptable Refuse and Special Refuse shall not be changed or otherwise affected by this Amendment. Correspondingly, any Tipping Fees and other charges received by the County in payment for services provided by the MBI pursuant to this Amendment shall be used to pay any bonds or other obligations incurred by the County by contract or lease to finance the acquisition or availability of the MBI.

3. Construction and Operation of MBI; Notice of Operation Date. The County shall construct, operate, and maintain the MBI, or cause the MBI to be constructed, operated, and maintained, to accept and dispose of all Combustible Waste generated within the Municipality and delivered to the MBI pursuant to this Agreement. The County shall give ten (10) business days' notice to the Municipality of the Commercial Operation Date of the MBI. Within three (3) business days of such notice, the Municipality shall give written notice of the Commercial Operation Date to all Waste Haulers.

4. Assistance with Permits and Approvals. The County and the Municipality reaffirm the agreement, consent, and permit set forth in paragraph 2 and paragraph 5 of the Existing Contract and shall continue to use their mutual good faith efforts to execute, issue or obtain such agreements, consents, approvals, licenses, permits, ordinances, resolutions, authorizations and the like as may be necessary or appropriate in connection with the design, financing, location, construction, testing, and operation of the MBI or as may be necessary or appropriate to carry out the

purposes of Act 185 and this Amendment and to implement the Act 641 Plan.

5. Testing of MBI. For purposes of testing the operation of the MBI prior to the Commercial Operation Date, the Municipality, upon seven (7) business days' notice, shall collect and deliver to the MBI, or cause to be collected and delivered to the MBI, Combustible Waste in the amounts and for the period of time specified in the notice. The fee to be charged for the delivery and disposal of such Combustible Waste at the MBI shall be equal to the fee then charged at County landfills. The delivery and disposal of Combustible Waste at the MBI prior to the Commercial Operation Date pursuant to this paragraph shall not relieve the Municipality of any other obligations, duties, and responsibilities under this Agreement.

6. Delivery of Combustible Waste to MBI. Commencing on the Commercial Operation Date and in furtherance of paragraph 2 of the Existing Contract, the Municipality shall collect and deliver, or cause to be collected and delivered, all Combustible Waste generated within its boundaries to the MBI and shall by ordinance require all Waste Haulers: (a) to deliver to the MBI all Combustible Waste generated within the Municipality, and (b) to pay the Tipping Fee when required by paragraph 11 hereof. The Municipality shall take all action, including, but not limited to the actions described in paragraph 13 of this Amendment, as may be necessary to ensure that all Combustible Waste generated within its boundaries shall, commencing on the Commercial Operation Date, be delivered only to the MBI and not to any other Disposal Site.

The collection and delivery of Combustible Waste pursuant to the Existing Contract and this Amendment shall be in compliance with Act 185, Act 641, the Act 641 Plan, and any other applicable federal and state laws, statutes, rules and regulations. The Municipality shall by ordinance require all Waste Haulers to comply with Act 641, the Act 641 Plan, and any other applicable federal and state laws, statutes, rules and regulations.

7. Disposal of Combustible Waste. Commencing on the Commercial Operation Date, the County, or its representative, shall receive and dispose of all Combustible Waste delivered to the MBI pursuant to paragraph 6 of this Amendment. The County, or its representative, reserves the right to dispose of Combustible Waste delivered to the MBI at other Disposal Sites of the System when, in the sole opinion of the County or its representative, such disposal is desirable for the efficient operation of the MBI or the MBI is unable to accept and dispose of Combustible Waste. The County, or its representative, shall be solely responsible for the disposal of Combustible Waste delivered to the MBI. Neither the Municipality nor any Waste Hauler delivering Combustible Waste to the MBI shall be liable for any fees or expenses other than the Tipping Fee charged in accordance with paragraph 11 of this Amendment. In disposing of Combustible Waste delivered pursuant to this Amendment, the County, or its representative, shall comply with the Existing Contract, Act 185, Act 641, the Act 641 Plan, and other applicable federal and state laws, statutes, rules and regulations.

8. Right of Refusal; Hazardous Waste. The County, or its representative, shall, in its sole discretion, have the right to refuse delivery to the MBI of any material which is not Combustible Waste but to the extent such material is Acceptable Refuse it may be delivered to the County landfills pursuant to the Existing Contract and the Act 641 Plan. The Municipality shall not deliver Hazardous Waste to the MBI. The Municipality shall by ordinance prohibit Waste Haulers from delivering Hazardous Waste to the MBI.

9. Rules and Regulations. The Board of Public Works shall adopt specific rules and regulations from time to time for the administration and operation of the MBI in addition to those pertaining to the existing Disposal Sites of the System. The Municipality shall comply with all such rules and regulations adopted by the Board of Public Works. The Municipality shall by ordinance require all Waste Haulers to comply with such rules and regulations adopted by the Board of Public Works. The Municipality shall take all action as may be necessary to ensure compliance with such rules and regulations of the Board of Public Works.

10. Other Waste Disposal Facilities. The Municipality shall not hereafter acquire, construct, operate, or maintain, or permit the acquisition, construction, operation or maintenance, of any Disposal Site within its boundaries during the term of this Amendment except as authorized by the County, by contract or otherwise, consistent with the Act 641 Plan.

11. Tipping Fees. The Municipality hereby consents to the imposition and collection of a Tipping Fee by or on behalf of the

County for the acceptance and disposal of Combustible Waste pursuant to this Amendment. The Tipping Fee shall be charged to and paid by the Municipality for any delivery of Combustible Waste to the MBI by a) the Municipality, or b) a Waste Hauler operating pursuant to a contract with the Municipality where such contract provides that the Tipping Fee at the MBI shall be paid by the Municipality. In all other instances, the Tipping Fee shall be charged to and paid by the Waste Hauler delivering Combustible Waste to the MBI. The obligation to pay the Tipping Fee charged pursuant to this paragraph shall be absolute and unconditional whether or not the County, or its representative, disposes of the delivered Combustible Waste, in whole or in part, at other Disposal Sites of the System pursuant to paragraph 7 of this Amendment and whether or not the MBI is operable or in operation at the time of delivery of Combustible Waste. The gross revenues derived from the Tipping Fee, together with revenues derived from the sale of steam, electricity, or other energy or by-products generated by the MBI, shall be sufficient to defray: (a) all actual expenditures for administration, operation, and maintenance (including reasonable reserves for operation, maintenance, and replacements) incurred in providing for the disposal of and in disposing of Combustible Waste pursuant to this Amendment, and (b) all actual obligations of the County (including a reasonable reserve for such obligations) incurred in providing for the disposal of and in disposing of Combustible Waste pursuant to this Amendment. The Tipping Fee shall be fixed and may be revised biannually by the Board of Public Works, subject to paragraph 15

of this Amendment, so as to produce these amounts and shall not be greater than necessary to produce these amounts. There shall at all times be a Tipping Fee for Combustible Waste delivered to the MBI separate and apart from the disposal rate charged for Acceptable Refuse charged pursuant to the Existing Contract. In the event that the Municipality fails to pay Tipping Fees for which it is liable pursuant to this paragraph, the County shall have the remedies prescribed in Section 17 of Act No. 185 of the Public Acts of Michigan, 1957, as amended. In addition, the County shall have all other remedies provided by law.

12. Other Users; Disposal of Solid Waste. In order to utilize fully the capacity of the MBI, the County, or its representative, may accept Combustible Waste from any Person, including the County, in addition to the Combustible Waste required to be delivered pursuant to paragraph 6 of this Amendment. The County shall charge a Tipping Fee for such deliveries of Combustible Waste which shall be fixed and may be revised from time to time by the Board of Public Works provided, however, that it shall not be less than the Tipping Fee established pursuant to paragraph 11 of this Amendment. The acceptance and disposal of Combustible Waste pursuant to this paragraph shall be consistent with the Act 641 Plan.

13. Responsibility of Contracting Municipality. The Municipality shall be solely responsible for the enactment and enforcement of ordinances required to be enacted by this Amendment as well as to establish its own rules and regulations for Combustible Waste disposal, not inconsistent herewith, and for Acceptable

Refuse disposal not inconsistent with the Existing Contract, all to protect the public health, safety, and welfare. The Municipality shall take all action (including but not limited to criminal prosecution, civil actions for injunctive or other equitable relief, and suspension or revocation of licenses, franchise or permits) as may be necessary to enforce such ordinances, rules and regulations. The Municipality shall also be solely responsible for the issuance of any licenses, franchises, or permits to Waste Haulers, and for the enforcement of the terms thereof and for the regulation of the conduct of Waste Haulers and of the use of the streets, alleys, and public places in the Municipality for the collection and/or hauling of Combustible Waste.

14. County Records. The County agrees to maintain, or cause to be maintained, separate, complete and accurate accounting records of expenditures and obligations incurred and quantities involved in Combustible Waste reception and disposal at the MBI pursuant to this Amendment and to have said records audited annually by an independent auditing firm. The County shall furnish, or cause to be furnished, to the Municipality a copy of such annual audit within one hundred twenty (120) days after the close of the fiscal year of the MBI as established by the Board of Public Works. The County agrees to maintain, or cause to be maintained, information in sufficient detail to permit the Municipality to ascertain the costs of Combustible Waste acceptance and disposal services at the MBI, separate and apart from the cost of such services at other Disposal Sites of the County. Upon reasonable notice by the Municipality, the County shall make available,



or cause to be made available, books and records regarding the operation of the Combustible Waste acceptance and disposal services at the MBI pursuant to this Amendment.

15. MBI Advisory Committee. A MBI Advisory Committee is hereby created consisting of a representative appointed by the Municipality, together with the representatives of other cities, villages or townships which execute amendments or agreements substantially in the form of this Amendment. The Municipality shall determine the term and method of appointment of its representative on the MBI Advisory Committee. The representative appointed by the Municipality may be either an elected or appointed officer or employee. The Municipality may authorize its appointed representative to designate any other officer or employee of the Municipality to act as the Municipality's representative in the absence of the appointed representative. The MBI Advisory Committee shall elect a Chairman, determine times and places of its meetings, and establish rules of procedure. The Committee, and not the Existing Contract Community Advisory Board, shall advise the County and the Board of Public Works regarding the operation of the MBI and the Tipping Fee established pursuant to paragraph 11 of this Amendment. The Board of Public Works shall not increase the Tipping Fee established pursuant to paragraph 11 unless the Board shall have given thirty (30) days' notice to the Municipality of its intent to increase the Tipping Fee and of the date and time a public hearing shall be held thereon by the Board of Public Works. At such public hearing, the MBI Advisory Committee and other interested parties shall be given an oppor-

tunity to be heard. The Board of Public Works may thereafter increase the Tipping Fee in accordance with paragraph 11 of this Amendment. No notice or public hearing shall be required prior to a reduction in the Tipping Fee by the Board of Public Works.

16. Financing. As stated in paragraph 2 of this Amendment, the County has financed the acquisition and equipping of its existing Disposal Sites in the System by the issuance of County contract bonds issued pursuant to Act 185. These bonds have been paid from the disposal rates paid to the County for the disposal of Acceptable Refuse pursuant to the Existing Contract but the bonds are full faith and credit general obligations of the County payable from the proceeds of certain ad valorem taxes levied for that purpose, if necessary. The MBI similarly may be financed by the issue by the County of contract bonds pursuant to Act 185 or other pertinent statutes which, as to payment from the proceeds of taxes, will be on a parity and without priority with the two outstanding Refuse Disposal System bond issues issued to finance such existing Disposal Sites; as to payment from the proceeds of Tipping Fees and sales of steam energy derived from the MBI, any such new County contract bonds or other obligations issued by or on behalf of the County for the MBI will have a superior and first priority claim for the financing of the MBI. Existing County contract bonds issued to finance existing Disposal Sites will have a superior and first priority claim on the proceeds of disposal rates and charges received by the County pursuant to the Existing Contract.

17. Miscellaneous.

(a) Effective Date. This Amendment shall become effective on the earliest date on which the following have both occurred: 1) execution of amendments or agreements substantially in the form hereof by any combination of cities, villages, or townships within Kent County in which an aggregate minimum of 625 tons per day of Combustible Waste is generated, and 2) completion of financing of the MBI by the County or on behalf of the County and the unconditional availability of funds for the construction of the MBI. The County shall give notice to the Municipality of the effective date of this Amendment.

(b) Term. This Amendment shall be binding and remain in effect until the expiration of forty (40) years from the effective date as determined pursuant to a) above. This Amendment shall continue and remain in full force and effect as an independent and integrated agreement between the Municipality and the County on the terms and provisions set forth in this Amendment notwithstanding the expiration or termination of the Existing Contract.

(c) Assignment. The Existing Contract and this Amendment, or any interest therein, shall not be assigned, transferred, or otherwise encumbered, by the Municipality. The Municipality hereby consents to the assignment by the County of such of the County's rights

and obligations under the Existing Contract and Amendment as the County shall determine to be desirable to provide for the acquisition, construction, operation, and maintenance of the MBI.

(d) Amendments. This Amendment may be amended from time to time by written agreement duly authorized and executed by the parties hereto, but such amendment shall not affect the Existing Contract unless specifically so provided; this Amendment shall not be subject to any amendment which would in any manner affect either the security of or the prompt payment of principal or interest on the existing outstanding County contract bonds or which would affect any obligation of the County incurred in financing the MBI as evidenced by bonds, contract or lease. It is hereby declared that the terms of this Amendment insofar as they pertain to the security of any such obligation of the County shall be deemed to be for the benefit of the holders, assignees, or beneficiaries thereof.

(e) Severability. If any provision of the Existing Contract or this Amendment shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such provision shall not affect any of the remaining provisions of the Existing Contract or this Amendment, and the Existing Contract and this Amendment shall be construed and enforced as if such invalid

and unenforceable provision had not been contained herein.

(f) Termination. Neither the County nor the Municipality shall have the right to terminate the Existing Contract or this Amendment for any reason whatsoever, including breach or default in the obligations of the parties and this Amendment shall, for its term, remain in full force and effect and may at all times be enforced by either party at law or in equity.

(g) Waiver. No waiver by either party of any term or condition of the Existing Contract or this Amendment shall be deemed or construed as a waiver of any other term or condition, nor shall a waiver of any breach be deemed to constitute a waiver of any subsequent breach, whether of the same or of a different section, subsection, paragraph, clause, phrase, or other provision of the Existing Contract or this Amendment.

(h) Notices. All notices required or permitted by the Existing Contract or this Amendment shall be in writing and shall be sent by certified mail, return receipt requested, postage prepaid, to the following addresses:

If to the County:

Department of Public Works  
1500 Scribner, N.W.  
Grand Rapids, Michigan 49504  
Attention: Director

If to the Municipality:

City Clerk  
and Floor, City Hall  
Grand Rapids, MI 49503  
Attention: \_\_\_\_\_

(i) Captions. Captions or headings used in this Amendment are for convenience only and in no way define, limit or describe the scope or intent of any provision or section of this Amendment.

(j) Governing Law. The Existing Contract and this Amendment shall be governed by and interpreted in accordance with the laws of the State of Michigan.

IN WITNESS WHEREOF, the parties have executed this Amendment on this 6th day of November, 1985.

WITNESSES:

KENT COUNTY, a Michigan  
county corporation, by its Board  
Board of Public Works

Kerry F. Nisbett  
Kerry F. Nisbett

By: Beth M. Bandstra  
Beth M. Bandstra  
Its: Chairperson, Board of  
Public Works

Kerry F. Nisbett  
Kerry F. Nisbett

By: Ronald D. Sytsma  
Ronald D. Sytsma  
Its: Secretary, Board of  
Public Works

CITY OF GRAND RAPIDS, a Michigan  
home rule city

Emeline Jack

By: Ronald A. Hildahl  
Its: Mayor

Blenda Scott

APPROVED FOR MAYOR'S SIGNATURE

Stanley Bakita

By: Linda L. Smith  
Its: City Clerk