

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

INTEROFFICE COMMUNICATION

January 23, 1995

To: Environmental Policy Committee
From: Russ Harding, Deputy Director
Subject: Proposed Mandatory Regional Planning/Host Agreement
Approach for Solid Waste Management Planning

At your December 1994 meeting, we presented a framework we suggest be used as the basis for legislative changes to the Solid Waste Management Planning Program under the Solid Waste Management Act, 1978 PA 641, as amended. At that meeting you requested a more detailed explanation of this proposal.

Attached is a detailed description of the proposal discussed in December. Unless there is need for further discussion or development of additional portions of this proposal, the Department of Natural Resources intends to proceed with this proposal as the basis for development of proposed legislation to address the planning program.

Attachment

cc: Director Roland Harmes
David Freed, Chief of Staff
Leslie Bender, Legislative Liaison
Jim Sygo, WMD

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

INTEROFFICE COMMUNICATION

January 11, 1995

To: Russ Harding, Deputy Director
From: Jim Sygo, Chief, Waste Management Division
Subject: Proposed Detailed Mandatory Regional Planning Approach for
Solid Waste Management Planning

Per your request subsequent to the December 7, 1994 meeting of the Natural Resources Commission's Environmental Policy Committee (EPC), this memo outlines the possible management details of the mandatory regional solid waste management planning proposal which you requested we prepare and which was discussed with the EPC. Staff will begin development of suggested specific legislative language based on your direction following your review of this detailed proposal.

The attached narrative provides significant detail and discussion on the component parts of this proposal and includes a map of possible regional boundaries based on our understanding of existing landfill locations and service areas, historic relationships between counties, and our estimates of logical generalized markets. We understand that service overlaps will still exist in any regional configuration, that specific information will likely dictate adjustments to these boundaries, and that there are many other ways in which logical boundaries can be designed.

We have also attached a rough estimate based on available estimated information of the expected current Type II disposal capacities of each of these proposed regions. These regional estimates should be used with great caution. The numbers were developed by Oakland County staff from a number of sources and reconciled through averaging. While this information is the best effort at developing such Michigan specific information currently available, there are still issues to be resolved which impact on the methodology used. While we believe these estimates cover the majority of generated waste, there are potentially significant portions of the waste stream which are not included such as Type III wastes, unquantified industrial and demolition wastes, and out-of-state imports which cannot currently be accounted for. In addition, Type II disposal capacity through existing incinerators has not been included. Likewise, disposal capacity for municipal solid waste incinerator ash, Type III disposal areas, or special industrial landfills have not been included. Nevertheless, we



Russ Harding
Page 2
January 11, 1995

believe for purposes of evaluating this proposal, these figures are sufficient to determine that all suggested regions are very likely to well exceed the 66-month capacity trigger included in the siting portion of the proposal.

If you have any questions about this information or need additional materials, please contact me.

Attachment

cc: Frank Ruswick, WMD
Karl Zollner, Jr., WMD
Seth Phillips, WMD

A handwritten signature in black ink, appearing to read "Russ Harding", with the date "1/11/95" written to its right.

Regional Solid Waste Management Planning Proposal

Background

Throughout the approximately four years that the Department of Natural Resources (Department) has been conducting the comprehensive, statewide review of the Solid Waste Management Planning Program (Program) under the Solid Waste Management Act, 1978 PA 641, as amended (Act 641), the Department has been guided by five fundamental goals as the basis for looking at alternative approaches for the Program. These five goals are:

- making the planning process simpler, more certain and more flexible;
- improving the ability of solid waste service providers to rely on market forces to influence waste management decisions;
- reducing the level of micro-management of unnecessary waste management issues at all levels;
- increasing the role of regional approaches to solid waste management; and
- reducing the need for Department involvement in resolving local waste management issues.

With these goals in mind, through a number of different activities, the Department has developed a series of planning proposals for discussions with the wide array of stakeholders involved with the Program. Consensus was reached on improvements to the mechanics and timeliness of the planning process. This consensus is reflected in the October 25, 1993 draft planning amendments prepared by the Department. However, consensus has not been reached on the issues of regional planning, facility siting and control of intercounty waste movement. After consideration of all suggestions and reviews, it is clear to the Department that a consensus approach to addressing these issues is not currently achievable.

After careful consideration of the various ideas, suggestions and comments received throughout this review effort, the Department is recommending an approach to these issues which is described below. Although not discussed herein, the consensus features of the noted October, 1993 draft amendments relating to mechanics and timeliness are intended to be embodied in this proposal.

Regional Planning Proposal

The first element of this proposal calls for establishment of mandatory regional planning areas rather than the current planning system of 83 individual counties. During the planning review process it became clear that the State is not capable of developing adequate incentives to bring about a voluntary system of large planning regions. Since the Department believes that today's waste management needs can best be served by broadening the effective application of market forces (resulting in fewer, larger, more viable and protective disposal areas; as well as growth in solid waste reduction and recovery through requiring units of government to work on a larger, more cooperative scale), this proposal calls for the establishment of five large solid waste planning regions as indicated on the attached map. The Department recognizes that planning regions can be drawn in many logical configurations and numbers. The attached map indicates a suggested design based on Department staffs' best estimates of appropriate regions based on many factors including existing landfill locations and service areas, historic relationships between counties and general estimates of logical markets. Since there is no governmental entity at the regional level with the independent authority to prepare and implement solid waste plans, each county within each region will still be responsible for development of its solid waste management plan. County plans would still be prepared to evaluate county specific conditions and needs, develop waste reduction and recycling programs, ensure application of appropriate local ordinances or other controls which could still be applicable to local waste management needs, identify local entities with operational responsibilities for local waste management components, and so on. These individual plans will also be necessary to provide for the state mandated fall back siting procedure and cross regional waste controls both of which are discussed later in this proposal.

The Department will use the composite of the county plans within each region to establish the regional plan. Counties will be encouraged to develop a single, region-wide planning committee to develop a true, single regional plan which incorporates all the counties of the region if possible, as is currently provided for in Act 641, but will not be required to do so.

Control of Waste Movements

Current requirements of Act 641 limit the intercounty movement of solid waste for disposal to only transfers between counties whose plans mutually authorize such transfers. Throughout the planning review, it has been clear that this complex, intricate web of waste authorizations can impose severe limitations on communities' disposal options. These limits can impact price, selection of the best facility design for control of liability and negotiation for additional services beyond disposal. These restrictions have also created significant limitations to cost effective management of contamination site cleanup efforts throughout the State.

This proposal calls for easing the rigid regulatory restrictions on waste movement and improving the application of free market principles by proposing that all waste be allowed to move freely within the boundaries of each planning region. This will allow greater flexibility and choice while still providing the tools necessary for planning areas to define existing and needed capacity for current and future solid waste disposal needs.

Importation of waste from one region into another would remain subject to the specific authorization requirement of the individual county plans involved. This will require that every county plan contain a county specific import authorization section which would apply to such cross region transfers. However, existing waste disposal contracts which would require waste to cross regional boundaries for disposal would continue to be honored for ten years or until the expiration of the existing contract, whichever occurs first, regardless of the authorizations contained or not contained in county plans. After this period, such contracts will not be permitted. This exemption would not recognize such contracts if, at the time they were executed, their provisions violated existing Plans or other requirements of Act 641. Existing requirements of some county plans which mandate execution of intercounty disposal agreements in addition to the explicit authorization requirement of the plans will no longer be permitted.

Control of waste exports within a region would no longer exist as an element of the Program. Where export control is necessary for specific local reasons, such controls will need to be developed through local contractual or other operational arrangements. They will not be enforceable provisions under Act 641. Likewise, export control between regions will not exist. While importation to a region will require plan specific import authorizations, the requirement for matching export authorizations will not be retained.

Interstate Waste Transfers

Michigan is currently unable to restrict the movement of solid waste into or out of Michigan. This proposal is unable to resolve this issue. It is anticipated that the United States Congress will enact legislation during 1995 to provide authority for such state level controls. If Congress enacts authority through legislation similar to what was under consideration in 1994, authority over interstate waste flows will be able to immediately go to the local entities of government responsible for solid waste planning. The Department believes this proposal will be compatible with the framework recently considered by Congress over interstate waste movements.

Capacity/Disposal Facility Siting

Currently disposal facility siting is done on a county-by-county basis based on each county's available time based disposal capacity. Recent amendments to Act 641 will require every county with less than ten years of identified capacity to do an annual certification of capacity. Insufficient capacity, based on such certifications, will initiate a given county's objective, criteria-based disposal area siting process.

This proposal calls for using the capacity demonstrations of each county within a region in composite to determine a region's available disposal capacity. It will require that every county be required to conduct the annual capacity certification and provide that certification to the Department. The Department will then annually determine the available disposal capacity of each region based on these certifications and available waste generation numbers for the region, plus all imports/exports between regions/states authorized as required by aggregating the county specific data and correcting as necessary for duplications, deletions, etc. Out of region capacity would need to be specifically identified in the county plans for the region in order to be considered.

If a region has sufficient capacity (66 months), no disposal area siting will be required. If a region lacks adequate capacity, the siting mechanisms of each county plan within the region would be made effective for siting additional disposal capacity on a first come first served basis until sufficient capacity is sited within the region to bring the regional capacity above the 66 month threshold. In order to ensure a level playing field for siting throughout the region, each county plan would be required to contain a state mandated, criteria based siting process with all counties having the same criteria and time lines.

If capacity exceeds 66 months and a developer wishes to site a facility, siting decisions will be made locally through whatever negotiated host agreement process each individual community chooses to use. For purposes of permitting, consistency with the plan would be demonstrated to the Department through provision of a host agreement signed between the facility developer and the host municipality. Host agreements would need to identify site location, size, capacity, type of facility or other permit related limitations but could not authorize specific provisions which would not comply with minimum requirements of Act 641. Local zoning, ordinances and other local controls could be applied through the host agreement process. Siting accomplished through the mandatory process identified previously, would preempt all local zoning, other ordinances, land use plans, etc.

In order for counties and the State to conduct this annual capacity review, legal requirements need to be established requiring development and submission of basic disposal capacity and waste quantity information to counties and the State. It was recognized through development of the October 1993 amendments that such requirements would be developed in subsequent Administrative Rules. This proposal calls for development of such specifics within the legislation which would be necessary to implement this proposal.

Region I - Upper Peninsula

Landfill capacity in millions of cubic yards

K&W	1.25
Western UP	4
Menominee	.48
Marquette CO.	2.956
Delta Co.	.998
Wood Island	.4
Dafter	.745
total	10.829

Generation by County - Type II MSW only

	tons/year	yards/year	yards/year@2:1
Alger	12971	38913	19456.5
Baraga	9976	29928	14964
Chippewa	30827	92481	46240.5
Delta	47061	141183	70591.5
Dickinson	41783	125349	62674.5
Gogebic	18522	55566	27783
Houghton	33431	100293	50146.5
Iron	12801	38403	19201.5
Keweenaw	1502	4506	2253
Luce	5373	16119	8059.5
Mackinac	8590	25770	12885
Marquette	60890	182670	91335
Menominee	36000	108000	54000
Ontonagon	28440	85320	42660
Schoolcraft	8794	26382	13191
Total	356961	1070883	535441.5

Regional Capacity

Type II Generation/yr in bank yards =	535441.1
Type II Air Space in Bank yards =	10829000
Capacity in years =	20.22445

Region II - Northern Lower Peninsula

Landfill Capacity in millions of cubic yards

Allis Park	3.5
Cedear Ridge	.775
Montmorency/Oscoda	.9
CES- Waters	1.151
Glen's	18
Harland's	3.283
Wexford Co.	1.518
Total	29.127

Generation by County - Type II MSW only

	tons/year	yards/year	yards/year@2:1
Alcona	8525	25575	12787.5
Alpena	38444	115332	57666
Antrim	19122	57366	28683
Benzie	12257	36771	18385.5
Charlevoix	33906	101718	50859
Cheboygan	19451	58353	29176.5
Crawford	13386	40158	20079
Emmet	29236	87708	43854
Grand Traverse	71042	213126	106563
Kalkaska	15153	45459	22729.5
Manistee	14185	42555	21277.5
Missaukee	11416	34248	17124
Montmorency	8391	25173	12586.5
Oscoda	7909	23727	11863.5
Otsego	20902	62706	31353
Presque Isle	11510	34530	17265
Roscommon	16940	50820	25410
Wexford	35594	106782	53391
Total	387369	1162107	581053.5

Regional Capacity

Type II Generation/yr in bank yards =	581053.5
Type II Air Space in Bank yards =	29127000
Capacity in years =	50.1279142

Region III - Central

Landfill Capacity in millions of cubic yards

Mason County	.101
Northern Oaks	9.528
Whitefeather	5.32
Midland	.2
Venice Park	4.5
People's	5.68
Taymouth	2.2
Sexton	1.32
Brent Run	10.176
Citizen's Disposal	5.25
Lapeer Co. (Sexton)	1.5
Tri-City	11.13
Total	56.905

Generation by County - Type II MSW only

	tons/year	yards/year	yards/year@2:1
Arenac	13824	41472	20736
Bay	126679	380037	190018.5
Clare	25041	75123	37561.5
Isabella	48180	144540	72270
Genesee	455978	1367934	683967
Gladwin	19460	58380	29190
Gratiot	45778	137334	68667
Huron	45086	135258	67629
Iosco	30996	92988	46494
Lake	7642	22926	11463
Lapeer	77419	232257	116128.5
Mason	38755	116265	58132.5
Mecosta	34315	102945	51472.5
Midland	168949	506847	253423.5
Newaygo	38931	116793	58396.5
Oceana	25707	77121	38560.5
Ogemaw	18537	55611	27805.5
Osceola	28801	86403	43201.5
Saginaw	321610	964830	482415
Sanilac	48463	145389	72694.5
Shiawasee	71844	215532	107766
Tuscola	60583	181749	90874.5
Total	1752578	5257734	2628867

Regional Capacity

Type II Generation/yr in bank yards =	2628867
Type II Air Space in Bank yards =	56905000
Capacity in years =	21.6462073

Region IV - Southwest

Landfill Capacity in millions of cubic yards

Central LF(Montcalm	1.5
White Lake	1.2
Muskegon Co.	1.05
South Kent	2.5
Pitsch	.717
Forest Lawn	3.5
SE Berrien	3
Orchard Hills	8.8
Ottawa Co. Farms	9.3
Attumn Hills	18.113
Zeeland (Holland)	.5
C&C	1.5
West Side	7.735
Laidlaw(Adrian)	2.417
Jackson County	.134
McGill Rd.	1
Granger #1	4
Granger #2	6.5
Hastings	1.164
Total	74.63

Generation by County - Type II MSW only

	tons/year	yards/year	yards/year@2:1
Allegan	171832	515496	257748
Barry	46914	140742	70371
Berrien	224828	674484	337242
Branch	50866	152598	76299
Calhoun	227751	683253	341626.5
Cass	58169	174507	87253.5
Clinton	52650	157950	78975
Eaton	88487	265461	132730.5
Hillsdale	55152	165456	82728
Ingham	305892	917676	458838
Ionia	65449	196347	98173.5
Jackson	171974	515922	257961
Kalamazoo	379688	1139064	569532
Kent	746908	2240724	1120362
Lenawee	129994	389982	194991
Montcalm	57977	173931	86965.5
Muskegon	233605	700815	350407.5
Ottawa	273015	819045	409522.5
StJoseph.	87036	261108	130554
VanBuren	85750	257250	128625
Total	3513937	10541811	5270906

Regional Capacity

Type II Generation/yr in bank yards =	5270906
Type II Air Space in Bank yards =	74630000
Capacity in years =	14.1588562

Region V - Southeast

Landfill Capacity in millions of cubic yards

Arbor Hills	12.5
Vienna Junction	3
Carleton Farms	32
Riverview	17.4
Woodland Meadows	23.419
Sauk Trail Hills	16.6
Collier Road	1.628
Eagle Valley	8.142
Wayne Disposal-Oakl	8.2
Pine Tree Acres	10
Smith Creek	6.9
Total	139.789

Generation by County - Type II MSW only

	tons/year	yards/year	yards/year@2:1
Livingston	123695	371085	185542.5
Macomb	906069	2718207	1359104
Monroe	158487	475461	237730.5
Oakland	1258196	3774588	1887294
St. Clair	175231	525693	262846.5
Washtenaw	318853	956559	478279.5
Wayne	2500527	7501581	3750791
Total	5441058	16323174	8161587

Regional Capacity

Type II Generation/yr in bank yards =	8161587
Type II Air Space in Bank yards =	139789000
Capacity in years =	17.1276738