

PART 115 MATERIALS MANAGEMENT PLANNING QUESTIONS & ANSWERS

This working document shall be used to provide **preliminary** answers to questions identified and subject to change.

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1. **When did the new law become effective?**

March 29, 2023

2. **Where can I view the new statutory language?**

[Part 115 Statute](#)

3. **Is there a guide that I can use to gain a greater understanding of planning, the goals, and the process?**

Yes, please see the [Quick Guide](#) found online for more information.

4. **When was the Materials Management Plan (MMP) initiated? And how?**

The MMP process was initiated by the EGLE Director and the initiation start date is **January 8, 2024**. Specifically, each County Board of Commissioners received a [letter via electronic mail](#) (email) initiating the process with additional instructions on the next steps by counties. Complimentary copies were also emailed to each county clerk and the current designated planning agency contacts for their reference.

5. **Are there required timeframes for planning in the new law and what happens if they are not met?**

Yes, there are established timeframes at each step of the new planning process. Therefore, all steps must be completed within the specified timeframe otherwise EGLE may take over writing the MMP, combine it with another county, or the MMP may automatically move to the next step in the approval process if no action is taken within the given timeframe.

6. **What is the next step the County is required to take after receiving the letter from the Director for the MMP Initiation?**

Counties have 180-days to file a Notice of Intent (NOI), which is required to be submitted by **July 6, 2024**. Within the NOI, each County must either accept or decline responsibilities as the County Approval Agency (CAA). Prior to submitting the NOI, the entity that will accept CAA responsibilities is required to consult with all adjacent counties to determine the potential to develop a multicounty MMP, and an interlocal agreement is required between counties pursuing a multicounty MMP. The link to submit the Notice of Intent (NOI) can be found on the following website: www.Michigan.gov/EGLEMMP.

7. **What are the responsibilities of the CAA if they accept?**

- Primarily responsible for all aspects of the MMP and Implementation.
- Identifies the [Designated Planning Agency \(DPA\)](#).
- Appoints the [Materials Management Planning Committee \(MMPC\)](#).
- Oversees the creation and implementation of the DPA's work program.
- Receives and utilizes the [MMP Grant](#) funds.
- MMP **approval** rights at various stages of the process.
- Primarily responsible for identifying capacity needed for the planning area.

8. What happens if the County declines CAA responsibilities?

- If the Board of Commissioners (BOC) declines, they must:
 - Notify all municipalities within their County and its Regional Planning Agency (RPA) of this decision.
 - Forgo their ability to approve and loses authority over the MMP.
- The CAA is the entity that will receive the annual MMP grant funding used for MMP development and implementation, as appropriate. Therefore, if the BOC declines, they will not be eligible for funding.

9. What happens if all entities (BOC; Municipalities; and Regional Planning Agency) decline the CAA responsibilities?

- EGLE may:
 - Prepare the MMP for the County.
 - Combine the County MMP with another County.
- Counties will lose their MMP grant funding.
- BOC will be automatically responsible for implementing the EGLE prepared MMP.
- EGLE Prepared Plan will:
 - Be developed using a standard format with these specific requirements:
 - All Materials Utilization Facilities' that comply with local zoning requirements, to be consistent with the MMP.
 - No additional landfill capacity.
 - Require waste haulers to provide recycling pickup per the Benchmark Recycling Standard.

10. Can official submittals and notices be sent using electronic mail (email)?

Yes, written notice may be given by electronic mail if the recipient has indicated that they will receive notices by electronic mail and has specified the email address to which the notices can be sent. (11571(11)). It is the responsibility of each county to ensure that they have, provide, and use a valid email address that is being monitored by the appropriate entity.

11. What is needed to document the adjacent county consultation has taken place for the submittal of the NOI?

Part 115 does not prescribe the specifics of the consultation process, only that the BOC must consult with the adjacent counties. Therefore, written documentation showing the multicounty consideration request has been sent to each adjacent county and the response to the request from those counties is required to be submitted. Written documentation may be in the form of letters, emails, meeting minutes, resolutions, etc. and should be addressed to the adjacent county BOC's. Written documentation of the final BOC decision (resolution, meeting minutes) from each adjacent county can be sent from the DPA. This documentation may simply state what the county intends to officially pursue regarding working with its adjacent counties.

12. Who should be notified for the adjacent county consultation in each county?

The adjacent county consultation request should be directed to the Board of Commissioners, or County Executive as applicable, of each adjacent county. It is recommended that you also include a copy of the consultation request to each of the current county [Designated Planning Agency](#) contacts as well. A resolution documenting the direction the county is open to pursuing with details on who to contact for further discussion is sufficient documentation for the required consultation as long as it has been provided to all appropriate counties.

13. Is a county only limited to their adjacent counties when developing a multicounty MMP or can they work with other counties as well? Is there a limit to the number of counties that can develop a single Plan together?

A county is not limited to just their adjacent counties when developing a multicounty MMP. Counties are required to consult with all adjacent counties but are also encouraged to contact additional counties in an effort to create a more efficient and robust materials management system. Counties do not have to be adjacent/contiguous to develop a multicounty plan. Further, the statute does not limit the number of counties that can develop a multicounty plan.

14. Can counties develop two individual county plans and still be eligible for the multicounty planning funding incentive?

No. Counties must commit to working together and developing one MMP in order to be eligible for the multi county funding incentive. However, the MMP format has been developed to allow for separation of certain components (such as siting and mechanisms) by county or municipality, so individuality for each county may **exist** within a multicounty plan, but it must still be developed as one multicounty plan.

15. What is required to demonstrate that a group of counties intend to develop a single county MMP together?

An interlocal agreement (ILA) developed pursuant to the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512 is required to demonstrate a group of counties intend to develop a multicounty MMP. EGLE will not be reviewing ILAs for content; but will use the ILAs to confirm which counties have indicated that they will be pursuing a multicounty MMP together.

16. What does an ILA need to include? Are there other recommended items that may be included in the ILA?

An ILA should meet the requirements of the Urban Cooperation Act (1967 (Ex Sess) PA 7, MCL 124.501 to 124.512) and confirm each county that intends to develop and ultimately implement an MMP together. Other recommended items that could be included in the ILA are the following: DPA appointment; County Liaisons; MMPC appointment procedures;

MMP Grant Distribution; Budget; Additional funding distribution; process for approval of activities; MMP Implementation; etc.

NOTE: ILAs may be modified to include other items through an ILA amendment per the Urban Cooperation Act.

17. If a multicounty plan is being pursued does each county's BOC still need to file a NOI to become the CAA?

Yes, each county's BOC will still need to accept CAA responsibilities, complete the multicounty consultation, complete an interlocal agreement, and submit its NOI to become the CAA.

18. For a Multi-County MMP, does each County have a designated DPA or is there one DPA?

There is a single DPA for a multicounty MMP. Each county would have their own CAA. It is recommended that the CAA act as a liaison for each County by attending meetings and disseminating information back to the County, but there would only be single official DPA.

19. When should the CAA appoint the new materials management planning committee (MMPC)?

Each county will be required to appoint an MMPC after the NOI has been officially submitted to the Department. However, as long as appointments to the MMPC have been made through the proper process, appointments made after the effective date of the amendments (March 29, 2023) will be accepted.

20. Who should be designated as the DPA? Can two people be listed?

The CAA shall identify an entity/department, and a single specific contact person representing that entity as the DPA. Both the entity and the person would be designated officially and represent the DPA. Two people cannot be identified in an official capacity, but after the DPA has been officially declared, EGLE may be contacted to add an additional person in an "unofficial" capacity to receive notices, communications, etc.

- Per Rule 702 the DPA shall have the necessary expertise and the legal, financial, and institutional capabilities to prepare the plan. Examples of appropriate entities to be appointed as the DPA include:
 - Regional, county, or municipal planning commissions.
 - Departments of public works.
 - Road commissions.
 - Drain commissioners.
 - County executives.
 - Materials Management/Solid waste disposal authorities.

21. What role/responsibility does the DPA have in the implementation of an approved MMP?

The CAA is ultimately responsible for Plan implementation. Historically, the DPA has been the entity to facilitate implementation of the Plan for items such as contracts, answering questions, and making sure the Plan is implemented the way it is supposed to be. DPAs are the primary governmental resource for information about the Plan and the Plan development process. They would also help implement the Plan. The Plan format requires a responsible party be listed for implementation, which may be the DPA or another entity specified in the Plan, but the CAA is ultimately responsible for the development and implementation of the Plan.

22. Can I include extra or additional members to my materials management planning committee (MMPC)?

The MMPC members are set forth in Section 11572 of Part 115. These members have voting rights for the MMP development and approval process. Additional parties and stakeholders may, and are encouraged to attend meetings, provide input, consult, and participate through various means. However, they would not be part of the “official” MMPC, nor have voting rights for MMP approval and development process purposes.

23. What else do I need to do after filing my Notice of Intent (NOI)?

After filing their NOI, a county must identify their Designated Planning Agency, appoint their Materials Management Planning Committee, and develop, approve, and submit a work program to EGLE for approval within 180 days. Within the first 30 days, however, counties must also submit a copy of their NOI to the legislative body of each municipality within the planning area, as well as request publication of the NOI on their webpages and other multimedia outlets. Finally, the County Approval Agency (CAA) must publish a summary of what is included within the NOI in a newspaper or by electronic media that has major circulation or viewership in the planning area.

24. Will there be funding available to create an MMP? If so, how much?

Yes, funding under [MMP Grants](#) will be available to those counties that file a notice of intent to prepare a new MMP once initiated by the Director. This funding:

- Provides a base amount of funding to supplement the costs for preparing, implementing, and maintaining MMPs.
- Base amount of \$60,000 for each county.
- An additional \$10,000/county for multi-county plans.
- And \$0.50 per capita, up to \$300,000 would be available in the first three years to cover the higher upfront costs of initiating the new planning process.

25. What can the MMP Grant money be used for?

Funds can be used for preparing, implementing, and maintaining an MMP. The MMP development costs take precedence.

Including but not limited to:

- Developing a work program as described in Section 11587 of Part 115.
- Developing and amending an MMP.
- Ensuring public participation.
- Resources used to determine if new facilities are consistent with the MMP.
- Collecting, submitting, and evaluating data for facility reporting purposes.
- Recycling education and outreach.
- Establishing and continuing recycling and materials utilization programs consistent with the goals.
- Preparing required reports for EGLE.
- Obtaining support for the MMP and planning process.
- Other efforts related to MMP implementation.

26. Can the MMP grant funding be used for the required NOI activities started prior the executed Grant Contract?

Yes, based on the items identified above, activities to establish the MMP work program to develop the MMP and other efforts to obtain support for the MMP and planning process are allowable funding expenses. It should be noted that the MMP Grant program, specifically regarding the MMP development and approval process, is not a reimbursement grant program, but rather a task-based grant to achieve specific deliverables to develop an MMP. Therefore, these activities can be listed as expenses in the MMP Work Program, budget, and expense documentation.

27. What are the benefits of working with another county?

Please see the [Multicounty Materials Management Planning](#) Information Sheet.

28. Can I be added to an email list to get more information when it becomes available?

Yes, as information becomes available, messages through our GovDelivery system will be published. Please subscribe specifically to [Materials Management News and Info](#) and [Materials Management Planning](#) to receive electronic updates. Also, please know that EGLE will provide various opportunities for stakeholder engagement throughout the implementation process. Therefore, please continue to watch for emails for other information as well.

29. Where can I find more information and who can I contact?

- **Materials Management Planning:**
 - Planning Website: www.Michigan.gov/EGLEMMP.
 - [Planning Staff Program Map](#).
- **Recycling and Program Development:**
 - Recycling Website: www.Michigan.gov/MIRECYCLES.

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○ Recycling Specialists Staff Map.

Items they can assist with:

- Evaluating current programs.
- Determining potential local mechanisms to implement and enforce your program.
- Setting goals appropriate for your planning areas to reduce recyclables from being disposed.
- Identifying potential funding mechanisms for the county(s) to achieve their goals.
- Benchmark recycling standard and reaching the recycling rate.

30. I have questions, where can I send them?

Please send planning related questions to:
EGLE-MMP@michigan.gov.

Please send general Part 115 questions to:
EGLE-MMD-SW@michigan.gov.

Solid Waste Management Plan Status Questions

31. **How does a facility demonstrate consistency prior to an approval of their new Materials Management Plan (MMP)?**

The siting process in your currently approved Solid Waste Management Plan (SWMP) will only be used for proposed landfill expansions. For facilities other than landfills, the following statutory section should be reviewed for demonstration of consistency when applying for a facility authorization (notification; registration; general permit or construction permit):

Section 11508(2) states the following:

(a) Before an MMP is initially approved by the department under section 11575(9), the department may issue a construction permit for a solid waste processing and transfer facility or an approval under a general permit or a registration for a materials utilization facility if the county approval agency and the legislative body of the municipality in which the facility is or is proposed to be located have each notified the department in writing that they approve the issuance.

(b) Proposed landfill expansions shall follow the siting process of the existing solid waste management plan until an MMP for the planning area is approved by the department.

(c) Before an MMP for the planning area has been approved by the department, materials utilization facilities that are required to provide a notification or registration to the department under part 115 may be sited under local zoning ordinances.

Therefore, the type of facility and the level of authorization needed will depend on which siting process and documentation is identified in statute as needed to demonstrate consistency with the applicable county solid waste management plan.

NOTE: Solid waste disposal areas that are included in the current SWMP or received a construction permit prior to March 29, 2023, are considered existing facilities, Therefore, they are considered automatically consistent and can receive authorization as appropriate without further documentation.

NOTE: Any requirement of a county approval agency (CAA) can be fulfilled by either the County Board of Commissioners (BOC) or the elected county executive, as appropriate; until a CAA is formally identified for a county or planning area.

32. Do a county plan’s import and export authorizations and other mechanisms in their current solid waste management plan stay in effect now that the law is in effect?

YES. – Import and export authorizations will stay in effect until new MMP’s have been approved; however, new MMPs will not have import and export authorization requirements. Please see Section 11571(1) which states, “...The approved solid waste management plan in effect on the effective date of the amendatory act that added this section remains in effect until a materials management plan has been approved for the planning area under this subpart.” Therefore, all parts of the currently approved solid waste management plans, including its Import/Export authorizations, shall stay in effect until a new materials management plan has been approved.

33. Can a solid waste management plan (SWMP) be amended after the effective date of the new law?

YES. However, EGLE’s priority will be on the new MMP process and implementation. Therefore, it is only recommended that counties proceed with an amendment to the SWMP in special circumstances such as to properly manage the county’s mechanisms for managing their solid waste such as, siting of landfills, import and export authorizations, or revisions to funding mechanisms or other local mechanisms identified in the solid waste management plan.

34. What process is required for an amendment to a solid waste management plan and which planning committee shall be appointed for the amendment?

A county shall follow the approval process and is required to have a 14-member solid waste management planning committee, as required prior to the effective date of the new law. Specifically, see Section 11571(1) which states, “...Before a materials management plan is approved for a county pursuant 11575, a solid waste management plan may be amended pursuant to the procedures that applied under section 11533 and former sections 11534 to 11537a immediately before the effective date of the amendatory act that added this section.”

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35. Where can I find my current Solid Waste Management Plan and related items online?

Please see link to these items online under the “Solid Waste Management Plan” section header on our planning website.