

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 was **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 was each County required to complete once they received the letter from the Director for the MMP Initiation?**

Counties had to file a Notice of Intent (NOI), by **July 6, 2024**, unless an extension was granted. Each County accepted the responsibilities as the County Approval Agency (CAA). Prior to submitting the NOI, consultation with all adjacent counties was completed to determine potential collaboration to develop a multicounty MMP. Interlocal agreements were established if counties decided to pursue a multicounty MMP.

7. **What are the responsibilities of the CAA?**

- 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. 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.

**9. Were counties limited to only their adjacent counties when developing a multicounty MMP or were they able to work with other counties as well? Also, was there a limit to the number of counties that can develop a single Plan together?**

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

**10. Could counties develop two individual county plans and still be eligible for the multicounty planning funding incentive?**

No. Counties were required to commit to working together and developing a single MMP in order to be eligible for the multi county funding incentive.

**11. What was required to demonstrate that a group of counties intended 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 was required to demonstrate a group of counties intend to develop a multicounty MMP. EGLE did not review each ILA for content; but used the ILAs to confirm which counties indicated that they were pursuing a multicounty MMP together.

**12. 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.

**13. If a multicounty plan was being pursued did each county's BOC still need to file a NOI to become the CAA?**

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

**14. 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.

**15. 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.

**16. 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.

**17. 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.

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

After filing their NOI, a county’s immediate next steps are to identify their Designated Planning Agency, appoint their Materials Management Planning Committee, and develop, approve, and submit a work program to EGLE for approval. Counties were also required to 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) was required to notify by newspaper or by electronic media that has major circulation or viewership in the planning area of their NOI acceptance.

**19. NEW - Can the MMP format be expanded beyond the items identified in the template to meet the needs and goals of our planning area?**

Yes, it is encouraged that each planning area does a comprehensive evaluation of the current baseline of their materials management infrastructure and systems to identify gaps and opportunities when developing their MMP. This will help create to the vision of the planning area and to help meet their needs and goals. Each planning area will have their own unique circumstances that they may want to address and/or accomplish when developing their MMP. Link to the [Materials Management Plan Format](#)

**20. 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 and receive EGLE approval of their work program. 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.

**21. 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.

**22. What are the benefits of working with another county?**

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

**23. 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.

**24. Where can I find more information and who can I contact?**

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

## Solid Waste Management Plan Status Questions

### 25. 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.

### 26. 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.



**27. 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.

**28. 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."

**29. 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.

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

Please send planning related questions to:  
[EGLE-MMP@michigan.gov](mailto:EGLE-MMP@michigan.gov).

Please send general Part 115 questions to:  
[EGLE-MMD-SW@michigan.gov](mailto:EGLE-MMD-SW@michigan.gov).