

# APPENDICES

## ADDITIONAL INFORMATION

### REGARDING THE SELECTED SYSTEM

#### **Clare County Solid Waste Management Plan Update 2000**

- A. Evaluation of Selected System
  - B. Non-Selected Systems
  - C. Public Participation and Approval
  - D. Plan Implementation Strategy
-

**Appendix A**

**EVALUATION OF SELECTED SYSTEM**

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

***EVALUATION OF RESOURCE RECOVERY PROGRAMS***

An overview of current recycling programs in Clare County has been presented in the "Overview of Resource Recovery Programs" section in the main body of the plan document beginning on page III-15.

Recycling programs in Clare County are presently operated by the private sector. The materials collected are cardboard, newspaper, steel ("tin") cans, aluminum, #1 and #2 plastic, and clear, green and amber glass.

These materials are collected from the following locations in the manner described below:

1. Materials are delivered directly to the Northern Oaks Recycling & Disposal Facility in Hayes Township.
2. Materials are collected at curbside from residences in the City of Clare.
3. Materials are dropped off at the Surrey Township Transfer Station by residents of Surrey Township, Garfield Township, Grant Township, and the Village of Farwell.
4. Cardboard is collected separately from businesses throughout the County.
5. Direct drop-off at the MRF in Mt. Pleasant (Isabella County).
6. Farwell High School, Mid Michigan Community College, and the Clare County Building have recycling programs for white paper, steel, cardboard, and other materials.

All of these materials are transported to a Materials Recovery Facility in Isabella County for separation if required, processing, and marketing. A portion of the recyclable materials collected are transported to the MRF as commingled tin, glass, plastic, and aluminum.

In 1997, the total quantity of recyclable materials collected from these programs was 260 tons. In 1998, the total quantity collected through was 102.75 tons.

Composting programs are operated by both the private and public sectors in Clare County. Currently, curbside collection of yard wastes occurs only in the City of Clare and Lincoln Township. Composting sites where yard wastes may be dropped off are located in Lincoln, Garfield and Surrey Townships, and in the City of Harrison. Finally, yard wastes may be brought directly to the Northern Oaks facility where a separate composting area is available. The yard waste collected in Clare is also hauled to this site. In 1998, 2,588 cubic yards of material were composted at the Northern Oaks facility.

## EVALUATION OF SELECTED SYSTEM

Finally, Waste Management sponsors an annual Household Hazardous Waste Collection at the Northern Oaks site. Residents are able to bring in potentially hazardous materials from their homes for collection and disposal by trained personnel. The event, which usually takes place in early October, is publicized in the local media.

The current resource recovery programs that are available are functioning well, and they provide all residents with an opportunity to participate through one or more of the mechanisms described above. However, several deficiencies are noted below:

1. There are no coordinated, countywide efforts to inform the public about recycling or to promote resource recovery activities. Some basic promotional materials would be highly beneficial.
2. Curbside recycling usually has a positive impact on participation by increasing the convenience of recycling to residents. However, curbside recycling is presently limited to the City of Clare where the service is provided under a contract with private industry. Most other municipalities in the County do not contract for collection services. Instead, arrangements for service are left up to the individual.
3. A household hazardous waste collection day is sponsored annually by Northern Oaks RDF. The positive benefits of this program would be enhanced if the collection frequency could be increased. Also, the current collection is usually conducted on a Friday, and residents have expressed an interest in having the service available on a Saturday when more people could participate.

### ***DETAILED FEATURES OF RECYCLING AND COMPOSTING PROGRAMS:***

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

Material	% of Waste Stream	Annual Quantity (Tons)
Paper (all types)	15%	3,633
Plastics	9%	2,180
Glass	5%	1,211
Ferrous Metals	7%	1,695
Aluminum	0.8%	194
Yard Waste	4%	969

## EVALUTION OF SELECTED SYSTEM

*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

**RECYCLING:** Equipment is currently selected by private solid waste industry as its needs dictate. No major problems have been encountered in the selection of this equipment.

**COMPOSTING:** Current equipment selection is addressed by the private solid waste industry in providing yard waste collection services in various communities. Municipalities that provide some form of yard waste collection generally utilize normal public works equipment such as portable chippers for brush. No specific problems with equipment selection have been reported and no major new equipment needs have been identified.

#### Proposed Programs

No new programs or equipment needs have been identified.

### ***SITE AVAILABILITY & SELECTION***

#### Existing Programs

**RECYCLING:** Programs will continue to operate at their existing sites. No specific site needs have been identified.

**COMPOSTING:** No specific site needs have been identified. The private solid waste industry that collects yard waste has made adequate arrangements for a composting area adjacent to the existing landfill sites. Municipalities that collect yard waste and brush generally utilize vacant publicly-owned sites for placement of material.

#### Proposed Programs

No new programs or siting needs have been identified.

EVALUTION OF SELECTED SYSTEM

**COMPOSTING OPERATING PARAMETERS:**

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

Not applicable: There are no commercial composting operations in the County. 85 to 90% of county residents have the ability to conduct backyard composting.

Composting of yard waste occurs at the Northern Oaks RDF. This is not a commercial operation.

The City of Harrison collects leaves and yard waste and piles them in an area where they are left to naturally compost.

Surrey Township transfer station accepts leaves and yard waste, which is windrowed. This is not a commercial operation.

**Existing Programs**

Program Name:	pH Range	Heat Range	Other Parameter	Measurement
None				

**Proposed Programs**

Program Name:	pH Range	Heat Range	Other Parameter	Measurement
None				

**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 state 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.

1. The municipalities within Clare County may enter into agreements (i.e., contracts) with other entities, both public and private, for solid waste management services, including the collection and transportation of solid waste, recyclable materials, and yard waste.
2. The Clare County Board of Commissioners will negotiate written inter-county agreements with counties specified in this plan update for acceptance of solid waste for disposal in Clare County.
3. The Clare County Board of Commissioners has entered into a Host Community Agreement with Waste Management, Inc., covering the operation of the Northern Oaks Recycling and Disposal Facility.

EVALUTION OF SELECTED SYSTEM

**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.*

System Component <sup>1</sup>	Estimated Costs	Potential Funding Sources
Resource Conservation Efforts	Unknown	Voluntary efforts by private enterprise businesses, industries & institutions
Resource Recovery Programs	Unknown	Private industry, municipalities, customer fees
Volume Reduction Techniques	\$ 85,000	Private enterprise: composting, recycling, and household hazardous waste collection
Collection Processes	\$ 1,240,000/year	Private enterprise & customer fees
Transportation	\$ 0.00	
Disposal Areas	\$ 800,000/5-acre cell	Private enterprise
Future Disposal Area Uses	Unknown	Private enterprise & Clare County
Management Arrangements	\$ 200,000	Clare County Board of Commissioners (host community fees)
Educational & Informational Programs	\$ 10,000	Private enterprise and Clare County

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

***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 selected system is technically and economically feasible. All of the major components, including collection, transportation, disposal, recycling, and composting are proven technologies that are currently in place and have been accepted by the public. To a large degree, the selected plan is a continuation of the current management system.

The following discussion describes the anticipated positive and negative impacts on public health, economics, environmental conditions, siting considerations, existing disposal areas, and energy consumption and production.

**PUBLIC HEALTH**

The selected plan relies mainly on the Northern Oaks RDF located in Section 32, Hayes Township, Clare County, for final disposal of solid waste. Landfills that are properly sited, constructed, operated, and closed should have minimal effects on groundwater and the environment.

Recycling and composting may reduce public health impacts by removing materials from the waste stream that would otherwise go to a disposal facility.

The proper collection and transportation of solid waste reduces the potential for negative health impacts.

**ECONOMICS**

Landfilling is still the most economical method of solid waste disposal for the short term. However, landfilling could be costly if a landfill is improperly designed or operated, resulting in surface or groundwater pollution. The selected plan relies on landfills located

## EVALUTION OF SELECTED SYSTEM

in surrounding counties that are in full compliance with Part 115 and other applicable laws. Properly designed and operated landfills will minimize the risk of pollution. However, landfilling will also result in the disposal of materials that could be recycled or reused at a lower cost than the manufacture of new materials.

It is this plan's intent that the County may explore and implement all feasible options in the future for financing resource recovery programs, including educational programs. This includes the authority to impose waste disposal surcharges, as recently determined by the Michigan Court of Appeals (October 1998).

The recycling component of the selected system also has positive economic impacts by generating revenues from the sale of materials. However, these revenues are typically subject to wide market fluctuations, and they are not expected to entirely offset the costs of operation.

Solid waste collection through an open market system provides competitive pricing and economies of scale. Transfer stations can provide cost savings by making collection routes more efficient and reducing the transportation costs incurred by collection vehicles.

## ENVIRONMENTAL CONDITIONS

The selected system will have minimal environmental impacts because it does not call for the siting of any major new solid waste facilities.

Recycling and composting facilities help to reduce reliance on landfills and, consequently, they also help to reduce the environmental consequences of landfills. However, recycling and composting facilities can also cause nuisance conditions if they are not properly designed and maintained. Also, composting facilities can have odor problems if they are not properly operated.

## SITING CONSIDERATIONS

The selected system will have minimal impacts on siting because no new facilities are proposed. Landfills are extremely difficult to site because of public opposition and the need to identify an environmentally sound location that will meet all Part 115 requirements. Clare County has access to sufficient capacity for the next 10 years and beyond. There is no need to site a new landfill or any other disposal facilities.

## EXISTING DISPOSAL AREAS

The selected plan relies on the existing landfill in Clare County to provide disposal capacity for the next 10 years. No new landfills will be required. Also, solid waste that is generated outside Clare County, from counties that are specifically authorized by this plan, will be accepted at the landfill for disposal.

## EVALUTION OF SELECTED SYSTEM

### **ENERGY CONSUMPTION AND PRODUCTION**

The selected plan relies on a landfill located in Clare County for the disposal of the County's solid waste. The current system results in lower energy consumption than if solid waste had to be transported to disposal facilities located outside Clare County.

The transportation of recyclable materials and yard waste also consumes energy. However, materials recovery can also save energy by reusing certain items, or substituting recycled materials for newly manufactured components.

Sanitary landfills represent a loss of energy resources due to the burial of materials that could be otherwise recovered and utilized. However, methane gas can be recovered from landfills, which is then used as an energy source. No methane recovery currently takes place at Northern Oaks.

EVALUTION OF SELECTED SYSTEM

***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. Major components already in place
2. System is accepted by the public
3. Minimal costs
4. No new sites or facilities required
5. No major institutional changes required

**DISADVANTAGES:**

1. No strong incentive to increase materials recovery much beyond current levels
2. Public information/education focus lacking in current system (may be overcome through education efforts as recommended in plan)

**Appendix B**

**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.*

**ALTERNATIVE B: ENHANCED MATERIALS RECOVERY**

Under this option, use of the present landfill as the primary means of disposal would continue. However, attention would focus on the expansion of recycling and composting opportunities within the County.

**ALTERNATIVE C: REGIONAL SOLID WASTE MANAGEMENT SYSTEM**

This alternative called for the creation of a regional solid waste management system in cooperation with several surrounding counties. This option would involve the creation of a formal solid waste management authority or similar entity.

NON-SELECTED SYSTEMS

***ALTERNATIVE B: ENHANCED MATERIALS RECOVERY***

**SYSTEM COMPONENTS:**

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

**RESOURCE CONSERVATION EFFORTS:**

Voluntary measures by consumers, businesses, and industries.

**VOLUME REDUCTION TECHNIQUES:**

Use of volume reduction equipment by private solid waste industry and materials recovery programs: compactors, balers, shredders.

**RESOURCE RECOVERY PROGRAMS:**

1. Expanded curbside recycling in municipalities
2. Yard waste collection by private industry & municipalities
3. Home composting by residents

**COLLECTION PROCESSES:**

Collection mainly by private solid waste industry under municipal contracts & individual subscriptions.

**TRANSPORTATION:**

Transportation mainly by private solid waste industry.

**DISPOSAL AREAS:**

Northern Oaks RDF, Section 32, Hayes Township, Clare County

**INSTITUTIONAL ARRANGEMENTS:**

1. Arrangements for solid waste collection & transportation under municipal contracts and individual subscriptions with residents & businesses.
2. Host community agreement between County and private landfill owner/operator.

NON-SELECTED SYSTEMS

**EDUCATIONAL AND INFORMATIONAL PROGRAMS:**

Countywide education programs conducted by County, MSU Extension, or other entity.

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

Specific costs are unknown. Operational costs would be greater than for those in the existing system due to costs for increased collection and transportation of recyclable materials.

**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.

The technical and economic feasibility of implementing this alternative (enhanced materials recovery) were judged to be less desirable in the short term (1 – 5 years) than the selected system. Also, this alternative would consume more energy due to expanded collection and transportation of recyclable materials.

Also, opportunities for materials recovery are widely available under the selected system. There is no documented demand for additional services in this regard. Under the selected system (Alternative A), local governments are free to establish resource recovery programs in any manner they feel would best suit the needs of their residents. This arrangement was judged to be preferable to mandating recovery programs under Alternative B.

NON-SELECTED SYSTEMS

***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.*

**ADVANTAGES:**

1. Increased levels of materials recovery
2. Greater conservation of landfill space through diversion.
3. Low capital costs due to minimal facility requirements.

**DISADVANTAGES:**

1. Higher operating costs for expanded collection and transportation of recyclable materials
2. Municipalities would need to accept expanded responsibilities for contracting for solid waste services.
3. Municipalities and residents would need to accept higher costs for expanded recycling collection, either curbside or through establishment of additional drop-off sites.

NON-SELECTED SYSTEMS

***ALTERNATIVE C: REGIONAL SOLID WASTE MANAGEMENT SYSTEM***

**SYSTEM COMPONENTS:**

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

**RESOURCE CONSERVATION EFFORTS:**

Voluntary measures by consumers, businesses, and industries.

**VOLUME REDUCTION TECHNIQUES:**

Use of volume reduction equipment by private solid waste industry & materials recovery programs: compactors, balers, shredders

**RESOURCE RECOVERY PROGRAMS:**

1. Potential development of regional MRF and composting facility.
2. Regional marketing of recyclable materials and compost

**COLLECTION PROCESSES:**

Collection mainly by private solid waste industry under contracts with regional solid waste authority or similar entity.

**TRANSPORTATION:**

Transportation mainly by private solid waste industry.

**DISPOSAL AREAS:**

Northern Oaks RDF, Section 32, Hayes Township, Clare County

**INSTITUTIONAL ARRANGEMENTS:**

1. Establishment of formal multi-county solid waste management authority or similar entity.
2. Agreements between authority & counties for solid waste services.
3. Agreements between municipalities and counties and/or directly with authority for solid waste services
4. Agreements between authority and private solid waste industry for collection, transportation,

## NON-SELECTED SYSTEMS

and other solid waste services

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

Programs carried out by multi-county authority

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

1. High initial start-up costs for establishment of authority, administration and staffing
2. Potential high capital costs for regional materials recovery and composting facilities.

### **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.

The evaluation of this alternative was similar to the selected system in many respects. However, there were also some significant differences. The following discussion describes the positive and negative impacts on public health, economics, environmental conditions, siting considerations, existing disposal areas, and energy consumption and production, as they differ from the selected system:

1. This alternative would be expected to have somewhat greater public health benefits than the selected system by further reducing reliance on landfills through a higher level of materials recovery. Proper collection of solid waste would be better served by contracting for collection services on a regional basis.
2. This option would generate greater revenues from recycled materials by collecting a larger quantity of materials. Also, it may be possible to achieve cost savings on solid waste services by obtaining competitive bids on a regional basis. However, higher costs would be associated with the initial formation of an authority, and with the development of regional resource recovery facilities. Feasibility studies would need to be conducted for such facilities, and their proposed capital and operating costs are not presently known.
3. Like the selected system, no new disposal areas would need to be sited under this alternative. The existing landfills that presently serve the counties participating in the authority would continue to be used. However, as previously noted, large-scale regional materials recovery and waste processing facilities are considered to be part of this alternative. Such facilities would face public opposition and would be difficult to site.

#### NON-SELECTED SYSTEMS

4. Energy would also be consumed under this alternative to collect and transport solid waste, recyclable materials, and yard waste. However, there would presumably be greater energy savings through a greater level of materials recovery. Depending on the locations of materials recovery and processing facilities, there may be greater fuel consumption to transport materials than under the selected system.

#### **Alternative C was not selected for the following major reasons:**

1. A major problem associated with the alternative is the complexity of creating a regional solid waste authority. In particular, there does not presently appear to be any strong support for this concept. Local governments are likely to perceive the creation of a solid waste authority as a loss of home rule authority. Also, the formation of an authority would likely be perceived as creating another level of government ("bureaucracy") and would meet with public opposition. The private solid waste industry would probably also oppose the formation of an authority as excessively restrictive or unfairly competitive. Without strong support by elected officials, the public, and private industry, a proposed solid waste authority would not succeed.
2. There are simply too many technical, economic, and political uncertainties to make a regional system feasible at this time. However, the concept does hold potential, and it should be re-evaluated in the future as the solid waste management systems in the region continue to evolve.

NON-SELECTED SYSTEMS

**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.*

ADVANTAGES:

1. Regional collection and marketing of recyclable materials.
2. Regional purchasing of recycled products.
3. Potential cost savings through regional contracts for solid waste services.

DISADVANTAGES:

1. Political barriers to establishing multi-county authority.
2. Higher costs for regional processing facilities.
3. Opposition to siting any new solid waste facilities.

## Appendix C

### 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.

- ◆ Several mechanisms were used to encourage involvement by local governments and the public in the Solid Waste Management Plan update process. These are summarized below:
- ◆ Time for public comment was reserved on the agenda for each meeting of the Planning Committee, generally midway through each meeting at 7:00 p.m.
- ◆ The Planning Committee's meeting calendar (fourth Thursday of each month) was published and distributed to all municipalities in the County. Meetings were scheduled from 6 to 8 p.m.
- ◆ A general notice was published as required that announced the general availability of the draft plan when it was released for public review for a three-month period.
- ◆ The draft plan was distributed to all municipalities in the County, adjacent counties as required by Act 451, and the other counties listed in the "Import Authorization" tables for review. The plan was also placed at public libraries for review by interested persons.
- ◆ After the draft plan was released for review, Planning Committee members arranged to meet with various local governments to discuss the updated plan.
- ◆ A general notice announcing the public hearing on the draft plan was published at least 30 days prior to the hearing.
- ◆ A public hearing was held on the draft plan to provide all interested persons an opportunity to voice questions or concerns regarding the updated plan.

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.*

The public involvement process is described on the preceding page. The Solid Waste Management Planning Committee met on the following dates.

February 26, 1998	January 27, 2000
March 26, 1998	February 17, 2000
April 23, 1998	March 8, 2000
May 28, 1998	May 25, 2000
June 25, 1998	June 14, 2000
July 23, 1998	
August 27, 1998	
September 24, 1998	
October 21, 1998	
November 24, 1998	
December 17, 1998	
January 28, 1999	
February 25, 1999	
March 25, 1999	
April 22, 1999	
May 20, 1999	
June 24, 1999	
September 21, 1999 (Public Hearing)	

**PLAN APPROVALS:**

The Clare County Solid Waste Management Plan Update was approved by the Clare County Solid Waste Management Planning Committee on June 24, 1999; approved with changes on March 8, 2000.

The Solid Waste Management Plan Update was approved by the Clare County Board of Commissioners on \_\_\_\_\_, 2000.

The Solid Waste Management Plan Update was submitted to the municipalities within Clare County on \_\_\_\_\_, 2000.

The Solid Waste Management Plan Update was approved by 67% of the municipalities in the County on \_\_\_\_\_, 2000.

**PUBLIC PARTICIPATION**

The Solid Waste Management Plan Update was submitted to the Michigan Department of Environmental Quality on \_\_\_\_\_, 2000.

The Solid Waste Management Plan Update was approved by the Michigan Department of Environmental Quality on \_\_\_\_\_, 2000.

**CLARE COUNTY SOLID WASTE PLANNING  
COMMITTEE  
NOTICE**

**PLEASE NOTE:**

**THE CLARE COUNTY SOLID WASTE PLANNING  
COMMITTEE WILL BE HOLDING A PUBLIC  
HEARING ON SEPTEMBER 21<sup>ST</sup> TO ADDRESS  
WRITTEN QUESTIONS AND COMMENTS IN  
REGARD TO THE UPDATED SOLID WASTE PLAN.**

**THE PUBLIC HEARING WILL BE HELD IN  
MEETING ROOM A IN THE BASEMENT OF THE  
CLARE COUNTY COURTHOUSE. THE HEARING  
WILL START AT 6:00 P.M.**

**QUESTIONS AND COMMENTS SHOULD BE  
ADDRESSED TO THE COUNTY ADMINISTRATOR,  
P.O.Box 438, HARRISON, MICHIGAN 48625 OR  
EMAIL AT [clarecountyadmin@mich.com](mailto:clarecountyadmin@mich.com).**

**FOR MORE INFORMATION PHONE 539-2510**

**Posted August 10, 1999  
11:00 a.m.**

September 21, 1999  
Harrison, Michigan 48625

10-5-99 Carol  
Approved Minutes  
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**MOTIONS REQUIRING BOARD ACTION CONT'D:**

Motion was made by C/Karen Lipovsky and seconded by C/Forrest Meek to transfer \$144.90 from contingency #191-890-956.299 to #101-430-961.000, animal control dog damage and authorize a check be drawn up to \$144.90, if fourth pig perishes to Paul and Aprilei Workman for the loss of their three pigs per report from Township Supervisor, Thomas Krchmar. Motion carried.

Motion was made by C/Jennifer Elkins and seconded by C/Karen Lipovsky to purchase from McDonald Computer Network Services, One Workstation Ultra PRW 400 Intel Pentium II 400Mhz w/512k Cache, 64MB 100 Mhz Ram 10Gb, Ultra ATA Hard Drive, 3.5 Floppy Drive, 40X CD Rom Drive, ATI 3D Charger 8Mb Video, Ms Windows 98, Kingston10/100 PC Network Card, AOC 17" Monitor 3/5 year onsite warranty (5 on CPU & Memory), for \$1,250.00 to be transferred from new equipment line #101-901-978.172 (Administrator) into new equipment line #101-901-978.275 (Drain Dept.) to pay for same. Motion carried.

Motion was made by C/Jennifer Elkins and seconded by C/Karen Lipovsky to purchase from McDonald Computer Network Services One GIS Mapping Machine Ultra PRW-400 Intel Pentium II 305 Mhz w 512k Cache, 256 MB, 100 Mhz Ram, 10Gb Ultra ATA hard drive, 3.5 floppy disk, 40X CD Rom Drive, Atl 3D Charger 8 Mb Video, MS Ps/2 Style Mouse, MS Windows 98, Kingston 10/100 PCI Network Card for \$1,400.00 and one 56K PCI Internal Modem at \$79.00 for a total of \$1,479.00 to be transferred from new equipment #101-901-978.172 (Administrator) to: 1/2 \$739.50 into new equipment #101-901-978.371 (Building Dept.) and 1/2 \$739.50 into new equipment #101-901-978.372 (Electrical Dept.) to pay for same. Motion carried.

Motion was made by C/Jennifer Elkins and seconded by C/Karen Lipovsky to purchase from Quill's Office - One HP Laser Jet Printer 2100 for \$699.99 and transfer \$699.99 from #101-901-978.172 (Administrator) to #101-901-978.371 (Building) to pay for same and have McDonald Computer Service install printer. Motion carried.

Motion was made by C/Jennifer Elkins and seconded by C/Karen Lipovsky to amend the General Appropriations Act and have County Treasurer create a new activity "Middle Michigan Development Corporation" (Non-Profit Organization) and transfer \$20,000.00 from contingency #101-890-956.299 for same. Roll call revealed a unanimous vote of five being: C/Jennifer Elkins, C/Karen Lipovsky, C/Al Bransdorfer, C/Forrest Meek and C/Bert Kortess with C/Ed Ensz absent. Motion carried.

The recreational plan submitted by Sundberg & Associates was then reviewed and examined by the Board for consideration.

With no further business to come before the Board, Chairman recessed this meeting at 5:25 p.m. for dinner, to reconvene at 6:00 p.m. in Room "A" of the Courthouse Building, Harrison, Mi. for a Public Hearing on the new Updated Solid Waste Plan.

The recessed meeting of the Clare County Board of Commissioners was reconvened at 6:10 p.m. Chairman Kortess opened the public hearing on the Solid Waste Update with Chairperson, Marianne Meile reiterating the changes made to the new plan. Basically; updated demographics, hauling company and possible alternatives. New plan addresses recycling and some composting. The main change was importing counties in our plan by an increase of (3) three counties to the original plan of (13) thirteen counties being: Antrim, Charlevoix and Emmet along with Alcona, Arenac, Gratiot, Gladwin, Iosco, Isabella, Kalkaska, Lake, Mecosta, Missaukee, Ogemaw, Osceola and Roscommon. Bay and Crawford County to be Contingency Counties. Only nine counties using presently.

Northern Oaks to be the only facility in Clare County. They also have composting and recycling. Only Type II - no Transfer Stations only a few Transfer Type "B". No processing or sludge plants will be

PUBLIC PARTICIPATION

September 21, 1999  
Harrison, Michigan 48625

10-5-99 *am*  
Approved Minutes  
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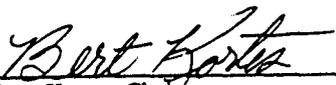
allowed in Clare County. (Section 22). Northern Oaks to make reports to the County, looking at a ten-year projection at this point. Ground samples are to be done by the site manager.

Mr. Willard Dancer reiterated the concerns of one resident south of the landfill in regard to the quality of their water. Shirley Rilett expressed concern, that the public notice was advertised too soon and should have been published for a second time with entities given a written notice to attend the public hearing. Solid Waste Board at that point, requested the Board of Commissioners to send out a letter to all townships, cities and village - stating: (1). Here is the Plan, (2) Board action is needed to approve or reject, (3) All Solid Waste Committee Members can be available at their local meetings for informational purposes. Also a notice should be published stating: The Updated Solid Waste Plan is now in the hands of your local entities, those with concerns should attend your local entity meetings for information on the new solid waste update. Discussion was held on whether the Solid Waste Committee should put together the changes and publish in the paper.

Mr. Steven Essling with Government & Regulatory Affairs of Greater Michigan Landfill Division then approached the Board stating that there is no time frame on municipalities to approve or no statute for 67% approval by the townships. He suggested that the Board of Commissioners adopt a resolution reiterating the steps taken by the Solid Waste Committee in their updating process and send out to all entities. He also suggested that quarterly meetings be held by the Solid Waste Committee and the Board of Commissioners to keep things fresh and give the public a tool to vent and have the waste facilitator present to answer questions. Mr. Essling noted, that new rules from the DEQ have come down in regard to recycling. He also said that III-35, #3, Sub.7 (part of our operational host agreement) that part should be taken out of the plan, can't use plan to enforce the document between two parties, but could mention there is an agreement between the County and Waste Management. Mr. Essling further reiterated that providing we strike #7, the DEQ will probably approve the plan. Whether any inclusions or deletions are made depends on PA #138 (Mary Brown Bill) satisfying fees up to \$25.00 per year, per household.

With no further feedback from the public, a motion was made by C/Al Bransdorfer and seconded by C/Ed Ensz to close the public meeting and adjourn at 7:20 p.m. until the next regular Board of Commissioners' Meeting to be held October 5, 1999 in the Commissioners' Chambers commencing at 9:30 a.m. or at the call of the Chair. Motion carried.

  
Carol A. McAulay, Clerk  
Clare County Board of Commissioners

  
Bert Kortés, Chairperson  
Clare County Board of Commissioners

PUBLIC PARTICIPATION

June 6, 2000  
Harrison, Michigan 48625

6-20-00  
Unapproved Minutes  
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Meeting was recessed at 12:00 noon for lunch and back in session at 1:00 p.m. with the completion of committee reports.

MOTIONS NEEDING BOARD ACTION CONTINUED:

A motion was made by C/Forrest Meek to have the US Army Corp of Engineers in conjunction with Canadian Maritime Engineers devise, design and construct a system of impoundments at Sarnia/Port Huron with appropriate shipping canals and necessary mechanical controls that will retain the waters of upper Lakes Huron and Michigan 581 ft. above mean sea-level. Chairman asked for a support three times. Motion failed due to lack of support.

A motion was made by C/Forrest Meek and seconded by C/Karen Lipovsky to bring back from the table Resolution #11 in regard to the Federal Drug Administration changing its licensing and patent/copyrighting procedures presented at the last meeting, May 16, 2000. Motion carried.

A motion was made by C/Forrest Meek and seconded by C/Ed Ensz to approve Clare County Resolution #11 regarding licensing and patent/copyrighting procedures of the Federal Drug Administration. Roll call revealed five yeas being: C/Forrest Meek, C/Ed Ensz, C/John Parker, C/Karen Lipovsky and C/Bert Kortez with two nays being: C/Jennifer Elkins and C/Al Bransdorfer. Resolution adopted. cc: Governor, Senator Abraham, Representative Camp, State Representatives, Schuette and Caul, FDA and all 82 Counties.

A motion was made by C/Karen Lipovsky and seconded by C/Al Bransdorfer to amend the May 2, 2000 minutes for the #331 Marine Budget and change the CCS & M from #101-331-862.000 to #101-331-862.001. Motion carried.

A motion was made by C/Al Bransdorfer and seconded by C/Karen Lipovsky to approve the purchase of a VHF Radio in the amount of \$489.90 to be paid from #101-901-978.302 (capital outlay). Motion carried.

A motion was made by C/Karen Lipovsky and seconded by C/Forrest Meek to approve the refund of an electrical permit in the amount of \$58.00 for permit #12357 to Mr. Ralph Homes. Roll call revealed two yeas being: C/Karen Lipovsky and C/Bert Kortez with five nays being: C/Jennifer Elkins, C/John Parker, C/Al Bransdorfer, C/Forrest Meek and C/Ed Ensz. Motion defeated.

A motion was made by C/Jennifer Elkins and seconded by C/Forrest Meek to amend the General Appropriations Act and decrease line item #101-245-710.000 (FICA) by \$165.00 and increase line item #101-242-710.000 (FICA) by the same amount. Also decrease line #101-245-711.000 (Medicare) by \$39.00 and increase line #101-242-711.000 (Medicare) by the same amount and decrease line #101-245-705.000 by \$2,711.00 and increase line #101-242-705.000 (part-time) by the same amount to correct the Remuneration Activity for grant purposes and have the Treasurer make the necessary adjustments. Motion carried.

A motion was made by C/Forrest Meek and seconded by C/Karen Lipovsky to transfer \$400.00 from contingency #101-890-965.299 to the following line items: #101-442-707.000 (per diem) the amount of \$300.00 and #101-442-864.000 the amount of \$100.00. Motion carried, with one opposed being: C/Jennifer Elkins. *Solid Waste*

A motion was made by C/Forrest Meek and seconded by C/Jennifer Elkins to have the Chairman write a letter to the Clare County Solid Waste Planning Committee stating that the following 20 Counties are to be included in the Clare Solid Waste Plan without contingencies: Alcona, Arenac, Crawford, Gladwin, Gratiot, Iosco, Isabella, Kalkaska, Lake, Mecosta, Missaukee, Ogemaw, Osceola, Roscommon, Antrim, Bay, Charlevoix, Emmet, Montcalm and Newaygo. Roll call revealed a unanimous vote of seven yeas being: C/Forrest Meek, C/Jennifer Elkins, C/John Parker, C/Karen Lipovsky, C/Ed Ensz, C/Al Bransdorfer and C/Bert Kortez. Motion carried.

PUBLIC PARTICIPATION

June 20, 2000  
Harrison, Michigan 48625

Unapproved Minutes  
Page Three

1. Drain Commissioner or another Commissioner
2. Chair of the County Planning Commission and the other member shall be appointed to three-year terms. The County Commission must have one to three members on the Parks & Recreation Commission.

The duties of the Parks and Recreation Commission are to:

- (a) Study the parks, preserve parkways, recreation and other conservation facilities;
- (b) Develop a County Ordinance Area & Facility need survey;
- (c) Create a plan to meet identified needs;
- (d) The agency may accept property gifts, purchase property or use the power of condemnation to take needed properties and compensate the owner.

Roll call revealed three yeas being: C/John Parker, C/Forrest Meek and C/Ed Ensz with four nays being: C/Jennifer Elkins, C/Al Bransdorfer, C/Karen Lipovsky and C/Bert Kortes. Motion defeated.

A motion was made by C/Jennifer Elkins and seconded by C/Karen Lipovsky to eliminate Fund 678, (other fringe benefits) and reclassify the revenues and expenditures and other related budget amounts in the General Fund and have the Treasurer amend the General Fund accordingly. Motion carried.

A motion was made by C/Jennifer Elkins and seconded by C/Al Bransdorfer to re-name the Health Benefits Self-Insurance, Fund 677 to Retirees Health Insurance Benefits, Fund 677 and have the Treasurer make the necessary changes because health insurance is now included in each individual county budget. Motion carried.

A motion was made by C/Jennifer Elkins and seconded by C/John Parker to have the Treasurer close the Drain Equipment Revolving Fund 639 and transfer the balance back to the general fund, as the fund has not been used for several years. Motion carried.

A motion was made by C/Jennifer Elkins and seconded by C/Karen Lipovsky to amend the General Appropriations Act and have the Treasurer transfer \$200,000.00 from the #677 Fund into the General Fund and make the necessary journal entries. Motion carried.

A motion was made by C/Jennifer Elkins and seconded by C/Karen Lipovsky to amend the General Appropriations Act and increase #101-000-699.677 (appropriation transfer-in) by \$101,570.00 and decrease #101-000-978.677 (health insurance self-insured) by \$98,430.00 and have the Treasurer make the necessary journal entries. Motion carried.

A motion was made by C/Jennifer Elkins and seconded by C/Karen Lipovsky to transfer from contingency #101-890-956.299 the amount of \$55,000.00 into #101-990-998.291 (child care probate) by the same amount of \$55,000.00 and have the Treasurer make the necessary adjustments. Motion carried.

A motion was made by C/Karen Lipovsky and seconded by C/Jennifer Elkins to amend the General Appropriations Act and reduce new equipment #249-372-978.000 (electrical) by \$5000 and reduce new equipment #249-371-978.000 (building) by \$5000 and reduce part-time secretary #249-372-705.000 by \$1,417.00 and have the Treasurer make the necessary reductions with the necessary transfers back to the General Fund. Motion carried.

A motion was made by C/Al Bransdorfer and seconded by C/Karen Lipovsky to authorize the purchase of a Dell Dimension XPS Series Computer in the amount of \$1,956.00 to be taken from #101-901-978.265 (courthouse new equipment) to maintain the identification badges and keyless entry information. Motion carried.

A motion was made by C/Forrest Meek and seconded by C/Jennifer Elkins to approve and print 130 copies in the amount of \$727.00 for the Solid Waste Plan Update with the twenty county reciprocal agreements, as recommended by the Solid Waste Planning Committee at their June 14, 2000 meeting. Motion carried.

PUBLIC PARTICIPATION

***PLANNING COMMITTEE APPOINTMENT PROCEDURE:***

The Clare County Administrator and the Clare County Board of Commissioners developed a list of potential candidates for the Planning Committee, including several individuals who had been involved in the preparation of the County's previous Solid Waste Plan under Part 115. After reviewing the list of candidates, the County Board appointed the 14-member Planning Committee in February 1998. Additional appointments were made as necessary over the course of the plan update to fill vacancies.

## PUBLIC PARTICIPATION

### 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:

- ◆ Richard Leszcz, Waste Management
- ◆ Merle Harmon, Waste Management (February 1998 – December 1999)
- ◆ Teresa Ziegler, Waste Management (October 1998 - January 2000)
- ◆ Brian Graves, Key Energy (formerly Well Tech) (1998 to January 2000)
- ◆ Steven Essling, Waste Management (January 2000 to present)
- ◆ Richard Warzecha, Waste Management (February 2000 to present)
- ◆ Scott Darling, waste hauler (February 2000 to present)
- ◆ Gail White, Waste Management (February – September 1998)

One representative from an industrial waste generator

- ◆ Dave Stamper, Central Concrete Products

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

- ◆ Ann Hunt, Citizens for Alternatives to Chemical Contamination (CACC)
- ◆ Marion Miele, Citizens for Logical Alternative & Responsible Environment (CLARE)(1998 to October, 1999)
- ◆ Shirley Rilett, CLARE (January 2000 to present)

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

- ◆ Forrest Meek, County Board of Commissioners (January 1999 – present)
- ◆ Shirley Rilett, County Board of Commissioners (1998)

One representative from township government:

- ◆ Robert Hale, Hayes Township

One representative from city government:

- ◆ Richard Heintz, City of Harrison (1998)
- ◆ Doug Cobb, City of Harrison (January 1999 to present)

One representative from the regional solid waste planning agency

- ◆ Sue Fortune, Executive Director, East Central Michigan Planning & Development Regional Commission, replaced by Gerald Schmiedicke, Clare County resident, June 14, 2000

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

- ◆ Donna Scott, Garfield Township resident
- ◆ Larry Gross, Greenwood Township resident
- ◆ George Randall, Hayes Township resident

**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.*

**ACTION #1:** Develop and distribute materials recovery education materials.

**Lead Responsibilities:** County Board of Commissioners and DPA

**Timeline:** Initiate 3 months after DEQ approval, ongoing thereafter

**ACTION #2:** Investigate ways to expand and promote opportunities for separation and collection of household hazardous wastes.

**Lead Responsibilities:** County Board, DPA, private solid waste industry.

**Timeline:** Initiate investigations and discussions within 3 months of DEQ approval.

**ACTION #3:** Review implementation progress and recommend adjustments as necessary.

**Lead Responsibilities:** Clare County Board of Commissioners.

**Timeline:** Initiate 6 months after DEQ approval, at 6-month intervals thereafter.

ATTACHMENTS

**RESOLUTIONS**

*The following are resolutions from County Board of Commissioners approving requests of municipalities to be included in an adjacent County's Plan.*

None

ATTACHMENTS

***LISTED CAPACITY***

*Documentation from landfills that the County has access to their listed capacity:*

According to the "Development and Operation Agreement" between Clare County and Waste Management of Michigan, dated June 18, 1990, as cited below:

Page 10, Section 4.4

Priority for Disposal of County Generated Solid Waste. At all times during which the Landfill Facility is in operation, WMM shall provide first priority to the disposal of County generated Solid Waste.

Pages 10 & 11, Section 4.6:

Guarantee of Capacity to County

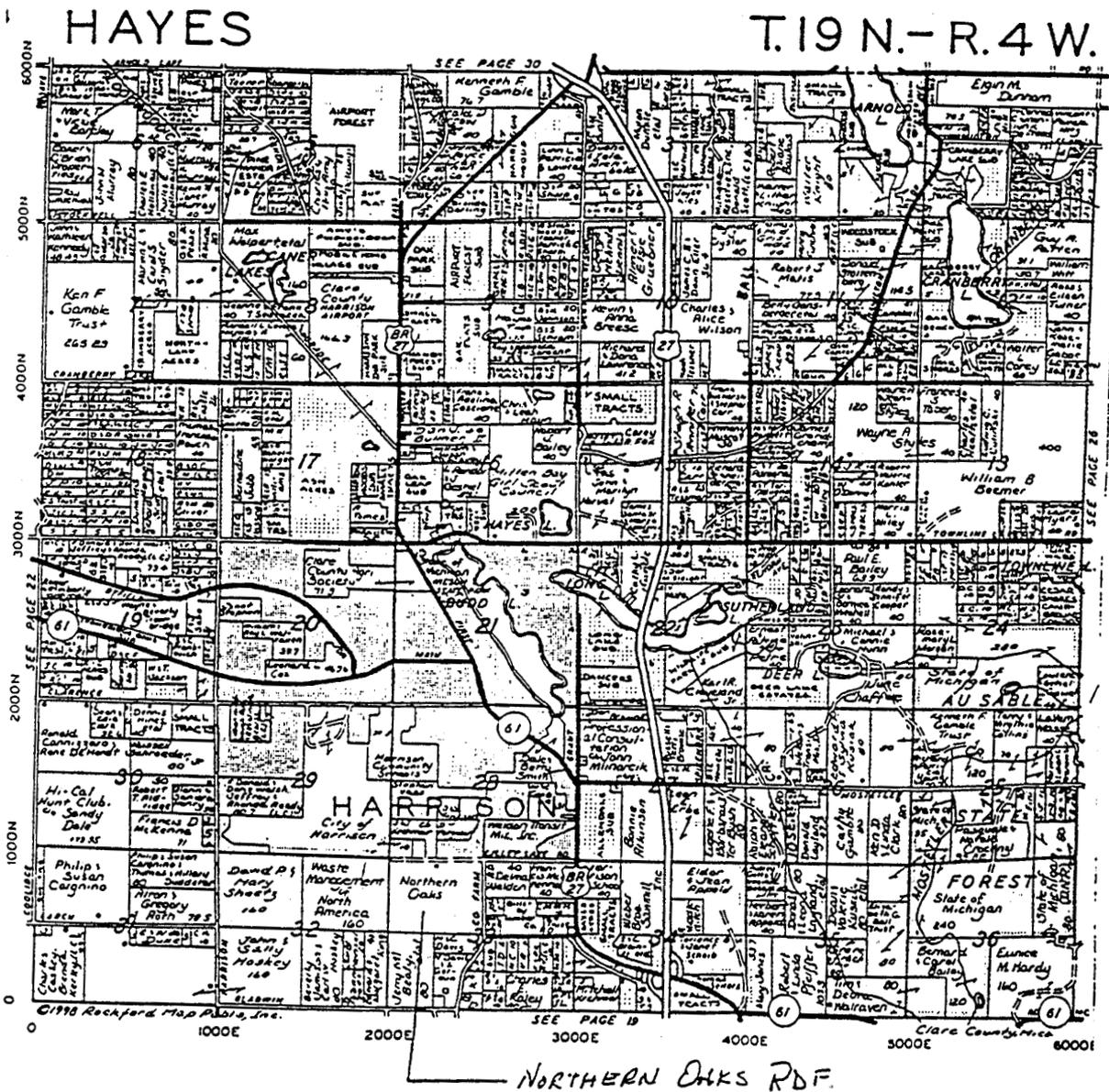
- A. WMM guarantees that it will retain sufficient capacity at the Landfill Facility to accept all Solid Waste generated within the County for a period of twenty (20) years from the Delivery Date ("Guarantee Period"). Such Guarantee is conditioned upon substantial compliance by the County with the terms and conditions herein set forth. The Guarantee Period shall automatically be extended for a like period of time, which WMM would elect to extend the term of this Agreement pursuant to the provisions of Section 3.3 herein. This Guarantee shall survive the termination, but not the expiration, of this Agreement, subject to the provisions set forth below.
  
- B. In the event said Guarantee is breached as a result of depletion of Landfill Facility airspace as a result of WMM's disposal of solid waste generated outside of the County or as a result of such other factors within the control of WMM, WMM's sole obligation to the County, and County's sole remedy, shall be WMM's obligation to transport and dispose of Solid Waste generated within the County at a properly licensed sanitary landfill, for the remainder of the Guarantee Period, at a fee not to exceed the Gate Rate which would have been charged by WMM to the County at the Landfill Facility under the terms set forth within this Agreement.

ATTACHMENTS

MAPS

Maps showing locations of solid waste disposal facilities used by the County.

A map showing the general location of the Northern Oaks RDF (Section 32, Hayes Township, Clare County) is included below:



ATTACHMENTS

***INTERCOUNTY AGREEMENTS***

*Copies of Intercounty agreements with other Counties (if any).*

Clare County requires written agreements ("intercounty agreements") with the counties that are authorized to export solid waste to Clare County for disposal. Intercounty agreements will be attached as they are executed and received.

ATTACHMENTS

***SPECIAL CONDITIONS***

Special conditions affecting the import or export of solid waste are:

**Volume Limits.** Volume limits are addressed in Section 4.5 of the Development and Operation Agreement between Waste Management of Michigan and the Clare County Board of Commissioners dated June 18, 1990.

ATTACHMENTS

***CLARE COUNTY SOLID WASTE MANAGEMENT PLANNING COMMITTEE MINUTES***

Minutes of meetings of the Clare County Solid Waste Management Planning Committee are hereby attached as part of this Plan Update. The minutes are available separately upon request from the Clare County Administrator.

Clare County Solid Waste Planning Committee  
February 26, 1998

The meeting was called to order by Drain Commissioner Charlie Pardue at 7 pm. First order of business was the swearing in of all committee members by County Clerk Carol McAuley.

Members present: Donna Scott, George Randall, Shirley Rilett, Ann Hunt, Marion Miele, Dave Stamper, Richard Leszcz, Merle Harmon, and Gail White. Absences: Larry Gross, Robert Hale, Richard Heintz, and Sue Fortune. Also present: Tim Wolverton, County Administrator, Doug Bell, CCSWPC Consultant, and Charlie Pardue, Drain Commissioner.

*Election of Officers:*

Shirley Rilett nominated Marion Miele as CHAIR; Rich Leszcz nominate Dave Stamper. A roll call vote resulted in 5 votes for Miele, 4 for Stamper. Miele elected Chair and took over running the meeting.

George Randall nominated Dave Stamper as CO-CHAIR; Shirley Rilett nominated Larry Gross. Roll call vote resulted in 5 votes for Stamper, 4 for Gross. Stamper elected Co-Chair.

Richard Leszcz nominated Ann Hunt SECRETARY, supported by Shirley Rilett. There being no further nominations, Ann Hunt was elected Secretary by acclamation.

*Presentation of Goals and Objectives:*

Doug Bell proceeded to go through the goals and objectives of the solid waste planning process as he perceived them. He stated that the primary goal is to come up with an environmentally sound, cost effective plan capable of meeting the county's needs for the next ten years.

He next reviewed the history of the solid waste planning process from the enactment of Act 641 through the Natural Resources and Environmental Policy Act, part 115. He noted changes from the prior update process:

- requirement to use a standard plan format
- requirement of annual certification of 10 year capacity if capacity under 66 months. If county can demonstrate 10 year capacity, siting doesn't have to be addressed. If capacity falls below 66 months, siting process must be initiated.
- criteria-based siting process

Bell reviewed the solid waste plan drafting and approval process.

*Timetables:*

Leszcz asked if the worksheets were available to provide the framework for generating the data-based information.

The concern that the timetable is too short was raised. The process should have been initiated in June, 1997, since the DEQ has requested a completed, approved plan by December 1, 1998, and envisioned an 18-month planning process. Bell responded that all counties are in the same position, and that if the county is working diligently on the plan and making reasonable progress it is unlikely that DEQ will take over the planning process.

Randall noted that included in committee members' packets were letters from Missaukee, Mason, Barry, and Sauk Hills offering to take waste (Allied Waste Industries). This initiated a discussion of reciprocal agreements and the remaining capacity at Northern Oaks.

Miele said she is willing to contact Seth Phillips, DEQ Solid Waste Planning Unit, to get a better understanding of how tight the deadlines are. Bell had given the County Board of Commissioners the time frame as presented to the SWPC tonight.

White suggested that the committee get started on the work to be done and see how much can be accomplished.

*Assignments:*

Bell noted that he has a report that includes what reciprocal agreements are in place on a county-by-county basis.

Next meeting will focus on a review of the goals and objectives, the review of the executive summary, and a statement of general goals.

Discussion ensued on which version of the 1988 update we'll rely upon. Wolverton is to contact the DEQ and request a copy of the approved plan. Plans obtained through Leonard Urbaniak will be returned as they are incomplete. Copies of the approved plan will be made available to all committee members.

At this time there are seven meetings allocated, but there may be a need to have some meetings in between in order to stick to the timetable.

Hunt requested that committee members be provided with the following:  
standard plan format  
current reciprocal agreements  
current capacity  
the "approved" plan according to DEQ

Leszcz moved that the Clare County Solid Waste Planning Committee meet on the 4th Thursday of each month at 6 pm; motion supported by Randall. Motion carried.

Discussion of the responsibility for collection of data -- currently the task of Bell

Randall moved that the next meeting of the CCSWPC be the 4th Thursday in March at 6 pm (not April as noted on the timetable distributed); supported by Scott. Motion carried.

Hunt suggested that draft materials be provided to committee members for review no less than seven days prior to the scheduled meetings. It was noted that there is a budget for copies and communications.

Bell distributed a questionnaire to Leszcz, Harmon and White with a request for information on current sw management systems and capacity. The information request does not address recycling and compost systems. Transfer stations should be included as part of the system.

Bell noted that he has an annual report on solid waste landfills, identifying them by county and where wastes are going.

Hunt moved that we schedule public comment at the half-way point in meetings (7 pm), that there be 3 to 5 minutes allocated per person, and that public comment continue no more than 30 minutes total; motion supported by Harmon. Motion carried.

It was also decided to have a vote at 8 pm to determine whether or not to continue the meeting beyond 8 pm.

*Public Comment:*

Bert Kortez questioned Bell if a unit of government fails to respond to the request to approve the SWP update, does that count as a negative vote? Bell responded that there had to be a response. If the total of responses does not meet the 67% required figure, the plan is not approved. Out of the 19 units, 13 must approve.

Rlett suggested that meetings would run more smoothly if members would raise their hands and wait to be recognized, and that Roberts' Rules of Order be followed.

Leszcz moved to adjourn at 9 pm. Motion carried.

Respectfully submitted,

Ann Hunt, Secretary

Clare County Solid Waste Planning Committee

<u>Name</u>	<u>Address</u>	<u>City/State/Zip</u>	<u>Phone/Fax</u>	<u>Email</u>
Doug Bell			517-386-6491	dabell@voyager.net
Sue Fortune	3535 State Street	Saginaw, MI 48602	517-797-0800	
Larry Gross	4854 North Jackson	Harrison, MI 48625	517-539-3844	
Robert Hale	492 North Clare Avenue	Harrison, MI 48625	517-539-6461	
Merle Harmon	PO Box 86	Reed City, MI 49677	517-539-9626/539-8464	mharmon@glccomputers.com
Richard Heintz	600 South Second	Harrison, MI 48625	517-539-3429	
Ann Hunt	11463 Bringold Avenue	Lake, MI 48632	517-588-9845/644-2549	huntan@pilot.msu.edu
Richard Leszcz	PO Box 813	Harrison, MI 48625	571-539-6111/539-6545	
Marion Miele	PO Box 434	Harrison, MI 48625	517-539-2180/w386-8617	mmiele@remcen.ehhs.cmich.edu
George Randall	4922 Wildwood	Harrison, MI 48625	517-539-2745	
Shirley Rilett	PO Box 504	Harrison, MI 48625	517-539-1152	
Donna Scott	9300 South Hemlock Road	Farwell, MI 48622	517-544-2464	
Dave Stamper	2744 North Harrison Ave	Harrison, MI 48625	517-539-1223	
Gail White	2480 Spruce Hill	Farwell, MI 48622	517-588-4369	

Clare County Solid Waste Planning Committee  
March 26, 1998

The meeting was called to order by Chairperson Marion Miele at 6 pm.

Members present: Donna Scott, George Randall, Shirley Rilett, Ann Hunt, Marion Miele, Richard Leszcz, Merle Harmon, Gail White, Larry Gross, Richard Heintz, and Sue Fortune. Absent: Robert Hale and Dave Stamper. Also present: Tim Wolverton, County Administrator, Doug Bell, CCSWPC Consultant, and Charlie Pardue, Drain Commissioner.

Heintz moved to adopt the minutes of February 26 as presented, supported by Rilett. Motion carried.

Chairperson Miele reviewed basic protocol to be observed by the committee. She then reviewed the list of items provided in members' packets and/or available at the meeting.

- DEQ Plan Format (2 documents - Format, and Guide to the Using the Format)
- How to Use the Table
- Part 115 Solid Waste Management Act
- Current Reciprocal Agreements with: Missaukee, Mecosta, Ogemaw, Isabella, Gladwin, Roscommon, Osceola, Gratiot, and Bay Counties (all current reciprocals on file, per Wolverton)
- Clare County Solid Waste Plan Update, 1988, printed March of 1998
- Requests for Reciprocal Agreements from: Ionia, Mason, and Barry Counties, and one from Allied Waste (Sauk Hills)
- Packet from Doug Bell including goals and objectives and work papers
- Also available is a report on solid waste landfills in Michigan, 10/96-9/97 (request from Wolverton if you want a copy)

Goals:

Doug Bell reiterated the goals as stated in the 1988 Update.

Proposed suggestions for amendments to the presented goals (language changes in *italics*), all made by Hunt:

2. Encourage inter-county cooperation in the development of a solid waste management system *while maintaining capacity for Clare County solid waste.*

5. Promote governmental, institutional, commercial, industrial and *residential* recycling capabilities.

6. Encourage the creation and expansion of markets for recycled materials, and the use of recyclable and recycled materials by government, business, industry, and the public, *including the adoption of recycled materials purchase policies.*

Discussion:

#2: Scott -- Good to spell out the need to maintain county capacity.  
Randall -- Can we add a statement limiting waste from other counties?

#5: Scott -- Is there any unit of government that has recycling collection. Response from Harmon: City of Clare has curbside pickup by contract. There is a mandatory charge, but use is voluntary.

#6: Scott requested an explanation of a recycled materials purchase policy.  
Fortune: Purchase recycled materials first

White: This is a good idea, but should it be in the goals?

Gross: Listing it in the goals is encouraging the practice

Heintz: Are we trying to tell people what to buy?

Miele: This is an encouragement, not a mandate.

Heintz responded that encouragement is equivalent to enforcement.

White: Feels we may be overstepping our bounds

Bell: We'll address how to later in the implementation part of the plan. This is a promoting concept.

Scott: Does "encourage" mean the same as "force?" This statement is without guidelines or penalties.

Heintz: This is not a problem now, but what about ten years from now... Throwing waste in the back yard may not conform with the law and then we'll have the law out enforcing violations.

Bell: Might we soften it?

Hunt: "Encourage" is a soft word. It is not a mandate.

White: This concept is already covered in the original language.

White moved to adopt the goals as written, with the suggested changes to #2 and #5. Supported by Leszcz.

Randall amended the motion to include the #6 changes, supported by Gross.

Roll call vote on the amended motion --

Aye: Scott, Gross, Randall, Rlett, Hunt, Miele, Fortune

Nay: Heintz, Leszcz, Harmon, White

Motion to amend the original motion carried 7 to 4.

Roll call vote on the motion to adopt --

Aye: Scott, Gross, Randall, Rlett, Hunt, Miele, Fortune

Nay: Heintz, Leszcz, Harmon, White

Motion to carried 7 to 4.

#### Objectives:

Hunt proposed changes (in *italics*) to the language presented:

c. Develop and implement education programs for waste reduction, source separation, recycling, and integrated solid waste management for County residents, *businesses, industries and institutions.*

d. Encourage *and support* the expanded use of private/nonprofit organizations for operating and coordinating formal efforts in recycling and resource recovery.

h. Encourage the expanded use of all feasible, *environmentally and economically sound,* non-landfill alternatives for solid waste management.

i. Encourage *and support* appropriate local, state, and federal legislation to provide incentives for waste reduction, source separation, and recycling.

#### Discussion:

Scott: I understand "encourage and support" legislation, but how does this apply to non-profits?

Bell: Through partnerships such as the Midland Volunteers for Recycling

Hunt: I've worked with non-profits and know that there is no money to take on costly projects without funding.

Fortune moved to adopt the Objectives with the proposed changes, supported by Rlett.

Roll call vote --

Aye: Scott, Gross, Randall, Rlett, Heintz, Hunt, Miele, Fortune, Leszcz, Harmon, White.

Nay: none

Motion carried unanimously.

*Problems and Deficiencies:*

Heintz: Waste Management is only open 5 days a week. The City of Harrison wants it open Saturday (9-12) or Wednesday evening. Does that fall under this question?

Bell: Examples show that this question is wide open. DEQ does not get specific on what is intended by this question.

Hunt: The database is incorrect in the 1988 Update. Information was directly imported from the 1983 plan without revisions.

Scott: Question of the use of Northern Oaks by Harrison residents.

Heintz: The majority of city residents would like to take their waste and recyclables directly to Northern Oaks.

Leszcz: Northern Oaks is open 9-5, Monday through Friday.

Randall: Is there a problem with after hours dumping?

Leszcz: Yes

Heintz: If the facility were open, residents would take wastes, but the hours are limited.

Leszcz: Northern Oaks works on a 60 hours workload. The volume doesn't substantiate extended hours. WM would have to put on additional staff. Operation hours would have to be addressed in the context of Resolution 90-13 (Clare County and Waste Management agreement).

*Solid Waste Collection Services Information:*

Thanks to Merle Harmon, the matrix was completed for waste handling services within the county. (see attached)

Leszcz suggested that the Secretary contact the other haulers operating within the county and request information from them to be added to the database. Other haulers identified are:

Dent (Remus)

John's Refuse

City Management (Sanford)

Lincoln Sanitation (Lake George)

USA Waste

*Public Comment:*

Bill McDonough, representing Waste Management, related the history of the purchase and development of Northern Oaks. Since the opening of the facility, WMX has paid the county and township (Hayes) close to \$1 million in fees.

He stated that since the contract includes the number of counties that should be in the county plan, he believes that it is time for the county to add the balance [43 additional counties] to the plan. The current Solid Waste Management Plan requires reciprocal agreements, but the law doesn't. DEQ now requires only an agreement between counties (not reciprocal).

Most landfills are not open on Saturdays.

Heintz: Money only goes to Hayes Township, not to the City of Harrison. But Harrison gets the heat. The plan doesn't reference cities as units of government.

McDonough: Money goes to Clare County because of the agreement. Money goes to the township because of the state law.

McDonough then addressed the USA Waste/WMX merger. Merger was proposed three weeks ago, but the Securities and Exchange Commission and the Justice Department have to check for a monopoly that doesn't benefit the people in the areas affected by the merger. Then the shareholders will have to approve the merger, anticipated midsummer to

December. WMX did not have a Chief Financial Officer/Chief Executive Officer, so the WMX Board decided to hire USA Waste's CFO/CEOs to serve those functions.

Scott: Is USA Waste a national company?

McDonough: Started in 1990, with a CEO that left BFI to work for USA Wastes. It grew through mergers and acquisitions.

Scott: What will that do to us?

McDonough: Two months ago, USA Waste bought City Management; their operations will be merged. United Waste operates in Michigan (western and UP -- Glen's Landfill in Traverse City area). In 97, USA Waste bought United Waste. In the fall of 97, USA Waste sold its Michigan operations to Allied Wastes from Manistee south. The merger will undergo a lot of scrutiny. Most continue to compete with City Management and USA Waste until the merger is complete.

Randall: Is this an adverse takeover?

McDonough: No. USA Waste approached WMX when the previous CEO left. Current WMX shareholders will own 60%, USA Waste shareholders will own 40%. It will operate with a jointly split board. US name will remain Waste Management. The Chair of the Board is a non-executive office.

Bert Kortez: There is legislation going on now that might address impacted governmental entities. The trouble has been determining the degree of impact. He further suggested that the City of Harrison set up a recycling drop of station on city property, perhaps by the city hall.

#### *Next Tasks:*

Doug Bell stated that he will continue to collect information for the data base, and will begin the discussion of alternative systems.

Hunt announced that she would not be able to attend the next meeting as she will be out of town. Fortune volunteered to take minutes in her absence.

#### *Questions:*

Randall asked numerous questions that he had identified in his review of the 1988 Update. He requested clarification of the different types of landfill (Type I, Type II, and Type III) and the materials they could accept. He asked for a definition of a tipping fee, and then raised the issue of discarded tires and the problems with their disposal.

There being no further business before the Committee, White moved to adjourn at 7:45 pm. Motion carried.

Respectfully submitted,

Ann Hunt, Secretary

**CLARE COUNTY SOLID WASTE PLANNING COMMITTEE**

**April 23, 1998**

**PRESIDING:** Marion Miele, Chairperson

The April 23, 1998 Clare County Solid Waste Planning Committee meeting was called to order at 6:05 p.m.

Members present (at call to order): Larry Gross, George Randall, Shirley Rillett, Robert Hale, Marion Miele, Dave Stamper, Sue Fortune, Richard Leszcz, Gail White

Others: Doug Bell, consultant, Don Emerson, Weltech, Brian Graves, Weltech, Williard Dancer, Tim Wolverton, Carol McAuley, Tony Barber, Weltech

Excused: Donna Scott

Brian Graves was recognized and welcomed as the newest member to the Clare County Solid Waste Planning Committee. County Clerk McAuley noted that Mr. Graves would be sworn in momentarily.

**Approval of the Minutes**

The March 26, 1998 minutes were reviewed for correction and approval. Randall questioned which haulers were dumping at Northern Oaks. Leszcz noted that WMI pickup is in Clare only. Bell reported that everything recorded as originating in Clare County is shown as going to Northern Oaks and that this is now the best information available.

Moved by Randall, seconded by Rillett to approve the minutes as printed. Motion carried.

Mr. Graves officially joined the S/W Planning Committee at 6:15 p.m.

**Weltech Presentation (Donald Emerson)**

The Chair reported that at last months meeting a representative from Waste Management had been allowed time to speak to the group during Public Comment and that it was her feeling that this courtesy should be now be extended to the Weltech representative. She also noted that if anyone wishes to be placed upon the agenda, they should call her at (517) 386-8617 prior to the meeting.

Mr. Emerson stated that he is a geologist with Weltech and his purpose in attending the meeting was to explain Weltech's plan to construct a facility to handle oil sludge waste. This waste is presently trucked out to disposal sites or solidified on site and left. This material, once solidified, now goes to

the Northern Oaks facility. The proposed new facility would be centralized to handle the material in a more responsible way and would be located in Redding Township.

He explained that he had been in contact with Seth Phillips of MDEQ and had been advised that the first step in the process would be to request that the County amend the existing solid waste plan (1988) in order to begin the permitting process with MDEQ. Weltech's application cannot be submitted until the Plan is amended.

Rillett: The County's existing plan does not allow sludge to be dumped.  
Emerson: Mixing with kiln dust makes it inert by absorbing the free liquids which renders it a non-hazardous waste.

Rillett: The update to the existing solid waste plan is just in the first phase and the committee is not ready to do an amendment.

Emerson: Seth Phillips stated that the process can run concurrent with the solid waste plan amendment process.

Miele: Uncomfortable approving anything at this point and would have concerns regarding a hasty decision at this point.

Rillett: The 1988 Plan had problems being put together and Seth Phillips had cautioned the county to "do it right this time." The Committee is going to go slow.

Leszcz: How long is the permitting process?  
Emerson: 9-12 months

Bell: All Plans must be submitted to MDEQ by December 1, 1998. The DEQ Director can then take up to six (6) months to approve.

*Moved by Randall; seconded by White to consider the Weltech proposal to construct a facility at a future date and only after provision and review of all additional relevant information by Weltech.*

Emerson: Will provide detailed packets of information including leaving copies of drawings with the County Board.

Rillett: Redding Township residents are opposed.  
Emerson: The Township Supervisor is "hot/cold" on the project.

Rillett: Is Weltech a transfer station?  
Emerson: No

Stamper: Why can't this be done at the old Kal-Con site?  
Emerson: Cost of transportation and economies of scale.

Randall called the question. Roll call.

Aye: Randall, Fortune, Leszcz, White, Graves  
Nays: Gross, Rillett, Hale, Miele, Stamper

A tie vote was recorded. *Motion defeated.*

Mr. Emerson indicated that he will provide a complete packet of information with drawings as soon as possible and will continue to keep the Committee updated.

### Solid Waste Management Alternatives - Doug Bell

Mr. Bell reviewed his April 16, 1998 memo which detailed the following:

1. Information on solid waste collection and transportation services.
2. County population and solid waste generation data.
3. Memo concerning alternative solid waste management systems

A summary chart of solid waste generation and land fill disposal was prepared using the most current MDEQ report as a source. Mr. Bell noted that this is the best information we have ever had in terms of identifying the amount of waste being generated. These figures do not include recyclables or special industrial-type waste generation. Mr. Bell also noted that the EPA criteria for individual waste generation is now 4.4 pounds per person.

Also included in the review materials was information on Clare County population trends and estimates. Population trends have a linear relationship to solid waste generation (more population equals more waste generation). Mr. Bell noted that virtually all of the waste currently being disposed of at Northern Oaks is generated within Clare County and if figures are correct and strong population growth trends continue as estimated, 90,000 cubic yards of waste will be generated in-county by the year 2008.

### 7:00 p.m. - Public Comment Period

No one from the public wished to be heard, however, Rillett noted how interesting the chart detailing Solid Waste Collection and Transportation Systems was and asked if this chart will be included in the plan update. Mr. Bell indicated that he intends to develop a combination chart using the existing chart as a base.

Alternative Solid Waste Management Systems review:

Mr. Bell reviewed his memo which summarized the alternatives which were considered during the development of the current Solid Waste Management Plan (approved in 1991). He stated that he suggested using these alternatives as a starting point for development of the new set of alternatives. Three alternatives were detailed within Mr. Bell's memo:

1. Maintain Status Quo
2. Utilize existing landfill with enhanced recycling and composting.
3. Study development of a regional solid waste management system.

The Advantages/Disadvantages of each alternative were also reviewed by Mr. Bell.

Questions:

Rillett: What is the state's position on regional solid waste management?

Bell: The State favors this approach but provides little incentive to it's development.

Fortune: The "regions" would be five (5) DEQ-designated geographic areas within the state. A free flow of waste would be allowed within these regions. This is not a dead issue, it is still favored by the Department although nothing will probably be done during this round of amendments.

Randall: (To Leszcz) Is Waste Management considering the sale of approximately 40 acres of land in Hayes Township (on East Lily Lake Road) to a private developer?

Leszcz: Yes - WMI would like to sell it if possible (37.6 acres). Provision of sewer and water would be at the developers expense. Annexation of this property by the township would also help the high school with their emergency ingress/egress.

Miele: Has suggested that Mr. Randall put all of his excellent questions in the form of a letter to Waste Management and then the Committee can review the information.

Following discussion, Mr. Bell indicated that he will explore all of the alternatives as proposed and put them together in more detail along with a evaluation process for each committee member. This will allow the development of the preferred alternative and will then be documented in the updated plan.

The Chair thanked Mr. Bell personally and on behalf of the Committee for his excellent work. Mr. Bell also noted for benefit of Committee members that he was presently working in Task IV and Task V of the existing Plan.

Rillett: Will the committee get into anything regarding scrap tires.

Bell: This certainly can be identified as a deficiency in the current plan and be worked on by the committee.

Randall: Four (4) resolutions (authored by Mr. Randall) will be offered on scrap tires at the MUCC summer meeting. There will also be a resolution to the legislature in support of developing and implementing a state-wide recycling program.

Miele: Any calls for information requests should be directed to Mr. Wolverton. If you wish to address the Committee, 3-5 minutes will be allowed under Public Comment. If you wish to say more, please call her at (517) 386-8617 to be placed on the agenda.

Wolverton: Finance needs W-4's for processing of per diem requests.

There being no other business to come before the Committee, it was moved by Randall, seconded by White that the meeting be adjourned. Adjournment: 7:30 p.m.



Sue Fortune  
(Acting) Recording Secretary

***NEXT MEETING: MAY 28, 1998 AT 6:00 P.M.***

## Clare County Solid Waste Planning Committee Meeting of May 28, 1998

The monthly meeting of the Clare County Solid Waste Planning Committee was called to order by Chairperson Marion Miele in the basement of the Clare County Courthouse at 6:03 pm, Thursday, May 28, 1998.

Members in attendance were: Brian Graves, Robert Hale, Merle Harmon, Ann Hunt, Richard Leszcz, Marion Miele, George Randall, Shirley Rilett, Donna Scott and Dave Stamper.

Committee members absent: Sue Fortune, Larry Gross, Richard Heintz, Gail White.

Also present were Doug Bell, Charlie Pardue, Commissioners Bert Kortez and Malcom Wilborn, and an unidentified member of the public.

Changes of address were noted for Merle Harmon (1900 Sullivan Drive, Harrison, MI 48625) and Brian Graves (PO Box 249, Harrison, MI 48625)

Approval of the minutes of April 23, 1998 was moved by Rilett, supported by Leszcz. Motion carried.

Correspondence was distributed and read. Correspondence included a letter from Committee member George Randall to Waste Management, dated 5/12/98, and the response from William McDonough, dated 5/21/98 (copies available at the meeting), and communication from Donald Emerson, WellTech, to all committee members, dated 5/14/98, and a response to same from Committee Chair Marion Miele (attached).

Miele noted that she had attended the Redding Township Board meeting, and said that the residents did not seem happy with the WellTech proposal. Emerson told Miele that he did not think WellTech has a chance to construct the facility without the approval of township residents. A second presentation by WellTech is schedule for the CCSWPC June meeting.

### Work Plan:

Bell reviewed the materials that he had distributed prior to the meeting. He presented three alternatives (status quo = landfill and voluntary recycling/composting, enhanced recycling and composting along with a landfill, or a regional solid waste management authority) and criteria for evaluating them. Criteria include:

- technical feasibility
- economic feasibility
- access to land and transportation routes
- energy consumption/production
- environmental impacts (short and long term)
- public health effects
- public acceptance

Rilett: The law specifies the criteria. Will this [ranking] be a part of the Plan?

Bell: We are required to present alternatives and explain how each was evaluated. The Plan will focus on the selected alternative in detail.

Randall: Alternative A [status quo] with an additional 1500 to 4000 cubic yards per day.. could we maintain the current management system?

Leszcz: Yes

Randall: I would think that this would fall under Alternative B [enhanced].

Bell: I am assuming that enhanced composting would go beyond what we are doing now. As far as recycling, what the committee is charged with doing as far as recommending options available. Most recycling is done through the private sector and could be continued.

Enhanced materials recovery could include several options:

- establish educational programs
- become more actively involved in conducting recycling options - recycling center, recycling coordinator, etc.
- in-between - cooperation with the private sector and promotion of their programs

Miele: Question of how to tie in the Plan with the private sector operations.

Harmon: If the public doesn't feel industry doesn't meet the needs of those who want to recycling, there may be an alternative: County could use some tipping fee money to propose to Northern Oaks to pay for increased hours of operation to see if the expense is justified.

Leszcz: Or the Townships could use tipping fees to set up recycling centers in the townships.

Harmon: The other issue is criteria. The intent is to come up with a system which is most favored. My analogy may not be like those of others.

*Interlude - Discussion of time factors and need for committee members to do their homework. Bell stated that the numerical ranking system is only a tool. Discussion will make it possible for the committee to pick a direction in which it should go.*

Randall: There is a state law that residents of communities of greater than 7500 population may not burn leaves. This criteria is expected to go down.

Harmon: That is a good point, but we not know whether or not it will happen. We have to act within the laws in effect today. WMX can accommodate leaves and yard waste for the county [in Northern Oaks].

Scott: If we are going to do recycling, we must make it easier. I don't see it happening without a push. I want to hear more about what systems we already have and want to hear input from others.

Miele: Expected difficulty in discussions, but not necessarily on this issue.

Randall: [read recycling resolution to be presented at MUCC annual conference in June, calling for mandatory state-wide recycling] I expect this resolution to be adopted and pushed before the Legislature.

Leszcz: I thought we should fill [the matrix] out and have Doug tally and present the data.

Scott: In our plan can't we allow for inclusion of recycling? That way if the Legislature changes the laws, we can do it, and it won't conflict.

Rilett: Over the past few years I've heard a lot of comments about recycling. The Board has tried to stir up interest. Public would like recycling, wish there were a county plan [for recycling], but don't really want to comply unless it is made mandatory.

Harmon: I know where you're coming from. We pick up from 25,000 homes per week. Evert has very little participation, though the charge is mandatory and use is voluntary. Midland has excellent participation. Clare County is influenced strongly by the dollar factor. People don't want to pay more for recycling and there is a high seasonal population fluctuation. I filled out my matrix based on the experience of people already serviced. Don't think we'll see a grand diversion factor.

Miele: It should be available and in the plan for the future.

Bell: Alternatives A and B have only fine differences.

A is the status quo - doesn't prevent the expansion of recycling and composting

B means working harder at increasing diversion of wastes

County could do information and education to promote recycling and composting

Leszcz: Recycling on an individual basis is up at the facility. People come in and recycle. As far as curbside pickup, most say they can't afford it. But the costs are pretty similar. I can bring you figures for the last couple of years, though we now comingle plastics, glass and tin to send to the MRF. The figures show a steady increase.

Miele: The more information in the plan the better.

Leszcz: I don't know why we don't do like New York and mandate it.

Randall: Rather have items included in the plan

Hunt: Our most outstanding deficiency in the current plan is the failure of the database to be accurate. We need to bring it up to date so we can plan accurately.

**Public Comment**

Commissioner Walborn: In recyclables, have we experienced an increase in marketing?

Leszcz: Can't respond to that, don't deal with marketing.

Walborn: Heard that industry doesn't like recycled paper (jamming in copy machines, etc.)

Leszcz: According to Waste Age, the commodities price has dropped, but don't know whether that is due to availability or not buying them. To recycle costs more... WMX has contracts locked in.

Commissioner Kortez: Recycling has to be built into the plan to make it costly not to recycle. Hit the public in the pocketbook. Sometimes bins aren't available in recycling centers. Requested a report on tipping fees from Northern Oaks. Inquired as to the feasibility of building and operating a MRF in Clare County.

Harmon: It would be feasible with the right conditions, such as a regional solid waste authority to assure guaranteed volumes.

Leszcz: If we secure a four-county surrounding area and grant money, and an export contract, a MRF could be feasible.

End of Public Comment.

Rilett: I don't see recycling as a boom to being with. I think it's a mindset we have to grow into. In Grand Rapids, recycling is taught in the schools along with picking up highway litter. It needs to be taught from the beginning to become automatic - We will do it.

Leszcz: When I worked in Sanilac County, we had a once a month program in the elementary and middle schools on recycling. When I came to Clare County, I tried to do the same thing and could only get into Amble School on career day. The program didn't continue. It was aimed at fifth-sixth-seventh graders.

Scott: Could we write this into our Plan?

Leszcz: Yes. Could be in the Plan and WMX has the materials to be used in schools and in the community.

Miele: Materials are out there, but currently recycling is a part of the social studies curriculum.

Leszcz: The Sanilac County program took place once a quarter, but efforts to talk to Ashcroft [Harrison Superintendent of Schools] have not been successful.

Hunt: It is difficult for schools to promote what they don't practice. Farwell serves lunch on disposable dishes and puts out a tremendous quantity of trash every day. The only recycling program in the school is paper collected by Special Education students.

#### Solid Waste Alternatives Matrix

Discussion began on the matrix proposed by Bell to evaluate alternative waste management systems. His intention was that committee members complete this as an assignment prior to the meeting. However, most had not, choosing to wait for discussion among committee members to clarify meanings, values, etc.

Hunt proposed to draw the matrix on the white board and rate the alternatives using Bell's descriptions, but only positive numbers. She drew the matrix, directed the discussion, and recorded the totals. Bell will process the raw scores and return the weighted responses to committee members for further discussion and prioritization.

	Status Quo	Enhanced Recycling/Composting	Regional Solid Waste Management System
Technology	35/31	31/33	20/21
Economics	24/15	16/28	7/5
Land/Access	36/36	35/35	33/28
Energy Use & Production	27/25	16/16	12/8
Environmental Impacts	11/13	25/22	11/10
Health Effects	14/16	18/17	12/8
Public Acceptance	20/17	21/ <i>22</i>	8/13

KEY:	General	Technology	Health Effects
	4 = very positive	<i>readily available</i>	<b>very beneficial</b>
	3 = positive	<i>specialty markets</i>	<b>beneficial impact</b>
	2 = neutral	<i>developing markets</i>	<b>no impact</b>
	1 = negative	<i>prototypes</i>	<b>minor risk</b>
	0 = very negative	<i>research and development stage</i>	<b>high risk</b>

first figure is for the period of 5 years, second is for the 10 year period

Discussion produced a new scale. 9 of the 10 committee members voted, with the raw scores reflecting the sum of the votes - 4 voting 3 would yield a raw score of 12, 3 voting 2 would yield a raw score of 6, etc. The scores are then added to produce a total raw score for the group. A vote of 2 was assumed to be a "no impact" rating.

Harmon: If an alternative is technologically feasible, shouldn't that be a "no impact"? There would be no change if using a system that is already in place.

Bell: In the last round of planning, technological feasibility had no meaning. The discussion was on landfilling versus incineration, and the inclination should be that using a proven technology is more feasible than one unproved.

Leszcz: The technology is here [for the status quo].

Scott: But is it a positive thing for our county as long as it's out there?

Hunt suggested revising the scale to add an additional value to the numbers. (see italicized values, above. These values were used for technological feasibility)

Harmon questioned the definition of a regional solid waste management facility. For common discussion purposes, Hunt proposed a 5-county solid waste system with Clare County in the center, a common base for disposal and processing.

Energy Conservation and Production: Production of energy from the disposal system as a criteria for rating.

Noting that it was 8 pm, Rilett moved to continue the meeting until the current task was completed, supported by Scott. Motion carried.

Enhanced Recycling and Composting alternative was agreed to be a landfill with the expansion of recycling and composting availability and usage.

Health Impacts: Criteria was whether the alternative improved or mitigated potential or actual public health hazards. The value scale was further refined to add the values in bold for this rating.

Randall reviewed the response to his letter. He stated that the mood is hostile.

#4 - a gas monitoring system is used to detect landfill gases

#5 - groundwater monitoring audits of disposal areas

Randall stated the questions were answered, then denied. He stated that he differs with the respondent on the impact of the increase in yardage to local communities because of the transportation routes that are available.

Last item - questions the response that with 55 counties included in the landfill operational area the total yardage would be unlikely to exceed 3,000 cubic yards per day.

Leszcz moved to adjourn at 8:20 pm. Motion carried.

Respectfully submitted,

Ann Hunt, Secretary

Attachments:

1. Correspondence - George Randall to Waste Management, dated May 12, 1998
2. Correspondence - William McDonough, Waste Management, to George Randall, dated May 21, 1998
3. Correspondence - Don Emerson, WellTech, to Committee members, dated May 14, 1998
4. Correspondence - Marion Miele, CCSWPC Chair, to Don Emerson, WellTech, dated May 15, 1998
5. Memo - Doug Bell, CCSWPC Consultant, to Planning Committee Members dated May 21, 1998, with 5 pages of attachments

Clare County Solid Waste Planning Committee  
June 25, 1998

The meeting was called to order by Chairperson Marion Miele at 6 pm.

Members present: Brian Graves, Robert Hale, Ann Hunt, Richard Leszcz, Marion Miehle, George Randall, Shirley Rilett, Donna Scott, and Dave Stamper.  
Absent: Sue Fortune, Larry Gross, Merle Harmon, Richard Heinz, and Gail White.  
Also present: Tim Wolverton, County Administrator, Doug Bell, CCSWPC Consultant, County Commissioner Bert Kortez; Redding Township residents William Underhill, Patricia Schrom, Kim Krchmar, Twsp Supervisor Tom Krchmar, Chester Kelley, and Pat Kelley; and WellTech general manager Tony Barber.

Rilett moved to approve the minutes of the May 28 meeting, supported by Scott. Motion carried.

WellTech Proposal, Don Emerson, Geologist

Mr. Emerson returned to discuss the proposed siting and construction of a facility to process oil and gas production wastes by mixing them with cement kiln dust (CKD) to create a solidified waste that could be disposed of in the Northern Oaks facility. Emerson first requested questions, expressing surprise that no committee member had contacted him directly with questions. Randall responded that since the CCSWPC had voted to defer consideration, many may have waited to study the proposal.

Rilett questioned Emerson regarding the company's relationship with Redding Township. She stated that it was her understanding the he had been to Redding Township a couple of time and had told township residents that if they didn't want the facility it wouldn't be pursued there. She stated that she felt the CCSWPC was being used like a pawn in a game between Clare County and Redding Township.

Emerson responded that he did not make such a statement. When pressed further by Miele who was present at the meeting and quoted Emerson's statement to the Township, he stated that this was his personal opinion, not the company's view. He further stated that the state law required amendment of the plan [to site the waste processing facility]. When asked by Rilett about the Township's position on the issue, Tony Barber, WellTech general manager who was present in the audience, stated that the company wanted local support, but would follow the protocol of the powers that be.

Emerson went on to describe the facility as well designed to handle the activity, with an capable electric system, secondary containment consisting of a 60 mil HDPE liner (landfill standard), and a monitoring system built in to check the integrity of the concrete floor. The building will be well ventilated with a 5,000 CFM blower. He distributed copies of a DEQ letter signed by Jim Sygo, Chief, Waste Management Division, approving the construction of a similar facility in Kalkaska County.

Randall asked him what kinds of gasses were going to be exhausted. Emerson responded water vapor, not gasses, would be exhausted. Vapor would obscure vision. Heat would also be exhausted.

Scott asked him about the final disposal destination of the product. Emerson stated that the solidified product would be disposed of in the Northern Oaks landfill. He stated the drilling muds, sludges, and frac sands cannot be disposed of in a sanitary landfill. By solidifying them, they could be so disposed. Rilett confirmed that the landfill cannot accept sludges, that they must be made inert. However she noted that this waste will quickly fill up the landfill.

Hunt questioned the source of the CKD, noting that the LaFarge cement kiln in Alpena routinely burns hazardous waste as a fuel and that this "recycling" of hazardous waste is exempt from RCRA under the Boilers and Industrial Furnaces (BIF) criteria. As such, the CKD is contaminated by lead and other toxic materials and has contaminated a large area of the city of Alpena with toxic ash. Emerson responded that the CKD would come from Medusa Cement in Charlevoix. When asked if Medusa burns toxic/hazardous waste as fuel, Emerson responded that no CKD would come from Alpena. When pressed, he stated that he did not know what Medusa used for fuel, but that CKD is exempt under the Part 115 revisions. Hunt noted that the proposal did not address the source, transport, or toxicity of CKD, only the oilfield waste portion of the mixture. She further noted that the exhaust fans could easily emit the CKD into the neighborhood.

Randall asked about testing for hydrogen sulfide (H<sub>2</sub>S) in the wastes. Emerson responded that you can smell H<sub>2</sub>S, and that the company had other options to handle H<sub>2</sub>S wastes.

Miele asked if WellTech had gone to Redding Township since April. Emerson responded that they had not. She asked what is the company's base of support in the community. He responded that 20 people in the township [those present at the meeting] do not represent the township opinion. Miele further noted that the Redding Township board had made a decision and that no one appeared to be upset with the board for turning down the proposal. She stated that she believes in supporting the decision of the local community and not forcing a decision down their throats.

Randall again addressed the issue of H<sub>2</sub>S-contaminated wastes, citing that his concern comes from the fact that a gas company drilled wells in the center of Manistee that had high levels of H<sub>2</sub>S in the gas, causing periodic evacuations of the area. Emerson stated that the company would not accept H<sub>2</sub>S wastes and will monitor materials. He stated that knowing the geology of the area, the company can predict that certain wastes will or not be contaminated, that they are consistent.

Rilett followed up on Emerson's statement about the base of support, stating that minimizing the status of a township board is belittling on his part. People go to the polls and vote for them to represent them. The township board is charged with making the best decision for their area.

Miele asked if WellTech had approached other townships. Emerson responded that the company's primary reason for selecting the site (Miller SWD) was an existing presence there. There is a currently operating brine disposal well for disposing of the free liquids off the sludges, the landfill is close, and it's on a Class A road. The location is ideal from an operations standpoint. ~~Randall noted that the location is a mile and a half from Temple.~~

Emerson said that the operation was designed to minimize the impact on the surrounding area. Miele asked him to describe the service area. Emerson responded that it would be adjacent counties, about 20 to 50 miles. Bell noted that the import/export provisions under Part 115 would still apply [to the facility].

Scott questioned the distance to the nearest residence. Emerson responded that the closest was across M-61. Pat Kelley from the audience noted that she lives 0.1 mile from the tanks and smells them all the time. Scott continued that if such a facility were to be built, it needed to be completely far away from people, since odors carry. Vapors travel faster and farther, and local residents need to know what is coming out of the facility.

Stamper noted that according to the proposal submitted to the CCSWPC, if we were to let you do this, you could haul this in from anywhere in Michigan. Because the waste would be processed in Clare County, it could be legally put into our landfill. Emerson responded that

wastes would primarily come from central counties due to economic feasibility. Stamper further questioned if WellTech would try other properties owned in Hamilton Township. Miele directed the question to Tony Barber, general manager, adding "Do you know of any approaches to other townships?" Barber responded that the company already owns this site, and that from a business standpoint this was the best one.

Emerson wrapped up the presentation, noting that we all drive automobiles and that the only way they get down the road is with oil and gas. With gas production and development comes wastes. WellTech is trying to provide a service to its clients and deal with the waste stream in a responsible manner. DEQ has already approved a similar site. The process needs to go through, at the very least deserves consideration of the request.

Scott stated that she doesn't seem to know where the company will bring the waste from. Emerson responded that wastes will come from local counties. She further expressed concern about the local residents. Emerson responded that 1.75 miles to the south there is a residential area. WellTech took those concerns into consideration, moving the processing facility to the western end of the property to isolate it. This area has the same residential density as the Kankaska County site. A public comment meeting there addressed local concerns.

#### Work Plan

Bell reported on the results of the May meeting exercise. He noted that the preferred option for a five year period was the status quo, for a ten year period would be enhanced recycling and composting along with a landfill. He was trying to get an indication of the committee's preference for developing a management plan. He asked if this is where the numbers came out, does this reflect the <sup>W</sup>ises of the committee for the five and ten year periods? The response was affirmative.

It was noted that by the work plan, we should have completed the plan and approved the Executive Summary. Bell confirmed that the original plan was ambitious, and that the CCSWPC is on track or ahead of most counties. Indeed, some have not yet convened their committees!

Scott asked if he had gone through the existing plan and find areas to change or leave as is. Bell responded that there are concepts in the existing plan that may well be carried into the new plan, and that is a good place to start. There may be new items that are now required but that had not been addressed.

Miele asked about progress on the database update. Bell responded that the waste industry had provided earlier estimates. He was going through them and comparing waste estimates with population calculations. The real numbers we have are quantities of waste being landfilled for Clare County. The other numbers are estimates based on population factors. Population figures have been updated. 96 estimates are broken down by local unit of government. Miele asked him when we start writing the plan. Bell responded that following the matrix exercise, he can start plugging in the numbers.

#### Public Comment Period:

Bill Underhill, Redding Township - I drive by the wells and about gag. I know what they plan will be a problem. Redding has become a dumping spot -- tires, and now this. I am bitterly opposed.

Pat Kelley, Redding Township - I live one tenth of a mile from the facility. I woke up in the night with headaches from the terrible smell. I don't want it. People are moving up full time in August that live closer, and they don't want it either.

Chester Kelley, Redding Township - We retired here from California, and are well aware of what dump stations can do. They polluted the whole water table from Riverside to Chino, and we needed an aqueduct to supply water. I've seen industrial waste tank trucks going in. There is more than brine water being disposed of here, we can put up with brine water but not industrial waste. There is a sour gas smell; it is heavy, there is no air to move it. I'm concerned about the people living there. I hate to see everything going down that pipe -- pressure and percolation will force it back up into the water table. I don't believe the area is zoned industrial. Leszcz asked him what direction he lived from the facility. Kelley responded that he is west of the facility and that people moving up in August are even closer to the west of the facility. It was stated that Redding Township is not zoned. Scott noted that with no current zoning, the facility would be grandfathered in when zoning is enacted. Kelley stated that they keep putting in more tanks, painting them green so they'll blend in, and sees more potential for accidents.

The Kelleys submitted correspondence from Arthur and Rosemary Moulton, the neighbors moving up in August (attached)

Tom Krchmar, Redding Township Supervisor - The people don't want this, no one has come forward to support it. We were always told the company needed our approval, but we found out now that they plan to go over our heads. The Kalkaska facility was described as operational, but it is not yet operating. I am skeptical about this. The counties they are hauling in from have not been set. We proposed a local committee and a contract to monitor the facility, but they won't talk about that. They say the DEQ will monitor the operation, but our experience with the tire fire has taught us differently.

Patricia Schrom, Redding Township Deputy Clerk - I am concerned about the air. We have a premature baby in our family and how will this affect it. I am concerned about the water and how fast this will fill up the landfill.

Miele asked if WellTech plans to approach Redding Township for a vote? Emerson responded that they never asked them for a vote since it's not required in the permit process.

Chester Kelley noted that the current facility is open 24 hours a day, seven days a week, with no one on site to monitor who drops what.

Bert Kortes, Clare County commissioner -- WellTech first came to the County Commission as we instructed them to go to Redding Township to get their blessing. At the MTA meetings, some folks thought it was a great idea -- as long as it's located elsewhere. The problem is that it is difficult to find a place -- the people don't want it. It is political suicide to go along with it.

Every township should address zoning -- there are other proposals lurking in the wings. Kortes talked about HB 5284, which addresses the intercounty flow of solid waste. He supports addressing solid waste problems on the county level, and that Solid Waste Planning Committees should be addressing the issues within each county.

Miele stepped aside as chair to address the CCSWPC in a public capacity. She stated that she has noticed trends lately, that any corporation feels they can go around the CCSWPC to the County Board of Commissioners for assistance. The system doesn't work that way. Proposals only go to the board after the plan is written, and companies should follow the protocol.

Pat Kelley asked who is monitoring the wells and who to contact. Response -- DEQ, Saginaw Bay district office.

Hunt addressed concerns about the proposal including the fact that groundwater monitoring is not a protection but rather an indicator that the system has been breached, the disposal of other liquid wastes in a brine disposal well, concerns about background testing, existing contamination from the Bowling operation that preceded WellTech (Mid Michigan Trucking, closed by DNR criminal enforcement action), CKD source and toxicity. She concluded that she could not in any manner support this proposal.

Public comment was closed at 7:20 pm. Graves left the meeting at that time.

Bell provided information on the next steps and that in preparation for the next meeting, we should all review section three of the planning guidelines - solid waste management systems, and pages 22-42 of the guidance document. He will start drafting the management systems portion of the plan.

#### Siting Criteria:

Bell stated that this is a review process and example of a local siting process. There is no siting process in the current plan, since the location was specifically authorized, and that can continue. A siting process is only required when capacity falls to less than 5 years' capacity. The county has the discretion to name prohibited facilities. If not specifically prohibited, facilities can be sited. If there is more than ten years' capacity, this is optional. The primary criteria is established by law, the secondary criteria is part of a technical review process. The review would have to determine whether a proposed facility is consistent with the Plan (i.e., WellTech wants to be specifically listed). This process could be used with multiple sites under consideration, as a comparison factor. He recommended reviewing the DEQ siting guide on pages 27 and 28 and 33. This proposal was distributed as an example.

Randall stated that he differed on whether this should be optional. He was reminded of the animosity when Northern Oaks was sited -- petitions and ballots were part of the controversy, two commissioners were recalled, etc. He sees no reason to have a repeat. By the time we finish with our job, we should be able to set up siting procedure. We would be delinquent in our duty if we don't come up with a siting procedure. Bell responded that most counties don't have a criteria. Could be a statement of arrogance that they plan to continue to send their trash elsewhere.

Randall then questioned some of the criteria, stating that these were inadequate protections. Noting that they were DEQ minimum criteria, Bell stated that the county could strengthen those provisions and increase isolation distances as long as they did not preclude siting.

Scott asked if we can disallow siting in a wetland? Bell responded that if we don't stipulate that, it can be sited. Without stronger county criteria, standards default to state minimums. Stamper stated that we should tighten the standards and that they should be guidelines for the future.

Hunt agreed that it is important to include siting criteria. Who knows when the plan would be rewritten? However, we should not find "acceptable" a barely adequate ranking. She further stated that she would support the concept of negotiation with the local community (residents) as a mandatory part of the siting process.

Scott asked about the capacity of Northern Oaks. Leszcz responded that current capacity is 42 years. Randall asked about the noise level. Leszcz responded that testing is done at the four corners of the WMX property and that levels fall considerably below EPA requirements. Testing is done on an annual basis. Backup alarms have to be audible, but trees, berms and the buffer zone help mitigate operational noise. Scott asked that landfill operation reports provided to the County routinely be forwarded to the CCSWPC.

Further New Business:

Randall distributed copies of "Five Myths About Garbage and Why They're Wrong," by William Rathje and Cullen Murphy, from *Smithsonian Magazine*. He noted that 60% of garbage is recyclable, and that the biodegradation process doesn't happen in a modern landfill. He suggested that committee members read the article.

There being no further business before the Committee, Leszcz moved to adjourn at 7:50 pm. Motion carried.

Respectfully submitted,

Ann Hunt, Secretary

Attachments to minutes, provided at meeting:

- Minutes of May 28, 1998
- Proposal titled "Government Owned Auto Scrap Tire Reduction/Recycling Plant Proposal"
- "Five Major Myths About Garbage, and Why They're Wrong," by William Rathje and Cullen Murphy, *Smithsonian Magazine* (distributed by George Randall)
- Communication to the Committee from Arthur and Rosemary Moulton regarding WellTech proposal

Provided in advance of meeting:

- Douglas Bell cover memo of June 17
- D Bell - Alternative Plan Evaluation Results
- D Bell - Siting Criteria for Solid Waste Disposal Facilities

Clare County Solid Waste Planning Committee  
July 23, 1998

The meeting was called to order by Chairperson Marion Miele at 6:06 pm.

Members present: Larry Gross, Robert Hale, Merle Harmon, Richard Heintz (at 6:30), Ann Hunt, Richard Leszcz, Marion Miele, George Randall, Shirley Rilett (at 6:08), Donna Scott, Dave Stamper, and Gail White.

Absent: Sue Fortune and Brian Graves.

Also present: Tim Wolverton, County Administrator, and Doug Bell, CCSWPC Consultant

Others present: Julie Severn, Clare *Sentinel*, County Commissioner Bert Kortes, and Bill McDonough, Waste Management

Randall moved to approve the minutes of the June 25 meeting as corrected, supported by Scott. Motion carried.

Randall asked for a moment of personal privilege to complement the minutes provided by the Secretary.

Correspondence

The Secretary noted the following correspondence. (Those starred were distributed at the meeting. The rest were distributed with the meeting packet.)

- 7/1/98 letter from Elizabeth Browne, Shiawassee District Supervisor, DEQ, to Ric R. Crawford, Venice Park Recycling and Disposal Facility, alleging potential violations of Part 115, PA 451
- 7/8/98 letter from Edward Haapala, Saginaw Bay District Supervisor, DEQ, to Richard Leszcz, Northern Oaks Recycling and Disposal Facility, alleging potential violations of Part 115, PA 451
- 6/22/98 Darwin Baas, Solid Waste Management Coordinator, Ottawa County Environmental Health, regarding intercounty solid waste agreements
- 6/22/98 letter from Arthur and Rosemary Moulton, Harrison, regarding WellTech proposal (read during 6/25/98 meeting)
- 6/26/98 letter from Larry Sullivan, Planning Director, Charlevoix County, regarding intercounty agreements
- 6/30/98 memo from Helen Laurenz, Gratiot County Solid Waste Planning Committee, regarding reciprocal agreements
- Notice of public hearing 8/18/98 regarding the Drinking Water Revolving Fund
- ~~Resolution on Statewide Recycling Program adopted by the general membership of Michigan United Conservation Clubs at their annual meeting 6/26-6/28/98~~
- Notice and minutes of the Gratiot County Solid Waste Planning Committee

Absences

There has been spotty attendance by several members. The Chair requested recommendations for an attendance policy.

Randall suggested that communication be in the form of a letter to absent members.

Wolverton suggested three consecutive meetings be the criteria, but that may be excessive since we meet monthly.

Harmon stated that any policy adopted should be in effect from this point forward.

Hunt stated that those absent frequently should be asked if they intend to continue to participate in the work of the Committee.

Stamper moved that any member that misses his/her second unexcused meeting be notified by letter with a copy to the Board of Commissioners. At the third meeting missed, the Chair would request that person be replaced by the Board. Said policy is to go into effect with its adoption and not be retroactive. Supported by Hunt. Motion carried.

#### Plan Update Process.

Bell reviewed the material he had sent to Committee members prior to the meeting. He noted that of the current and future counties authorized for export, none have licensed solid waste disposal facilities. There is no need for an export agreement at this time since we have a licensed facility within the county, but we may chose to establish contingency agreements. Of all the counties currently listed, only Bay has a licensed facility. None are licensed or proposed in the other counties.

He reminded the Committee that types of new facilities not specifically prohibited in the Plan Update are considered approved for siting, according to the DEQ.

Scott -- Would a processing plant be like [the proposed WellTech facility]?

Bell -- Yes, and another would be a contaminated soil burner. (A discussion followed on the technology of burning contaminated soils by heating them to a temperature that would destroy hydrocarbon contaminants.)

Hunt asked if there had been discussion within the Committee of items 5 through 10, since she did not recall decisions or recommendations being made on these issues.

Bell responded that we did talk about collection and transportation, making a list of haulers and their areas. The rest we didn't talk about in great detail. Volume reduction is a processing step. Waste reduction hasn't been discussed. In the final plan we may want to go into more detail, encouraging business and consumers to reduce waste generation.

Hunt noted that she remembered the goals heading in a different direction.

#### Intercounty Agreements

Northern Oaks has been importing wastes from other counties. Bill McDonough, Waste Management, was at the Clare County Commission meeting Monday (7/20) to address issues relative to the alleged violations and the service area. Miele asked him to come to this meeting to address both the DEQ notices of potential violations and the WMX requests for increased intercounty agreements.

DEQ Letters -- According to conversation with Jim Sygo (Chief, Waste Management Division, DEQ), the letters are coming out because the DEQ wants out of the solid waste planning and review process and to leave this to the counties to administer. Legislation is pending to enable this handoff of authority. MAC [Michigan Association of Counties] has not agreed that this makes sense to do, and DEQ is trying to force the counties to do something. So they combed the 1997 annual reports to identify potential violations and asked the counties to take enforcement action to correct the violations, as well as to pressure them to take over the solid waste regulation.

Northern Oaks letters allege potential violations of the Solid Waste Plan by receiving wastes from Gratiot, Bay and Roscommon counties. Roscommon and Gratiot have signed

Bell said that the concept of reciprocity developed during the initial planning cycle, and was not a part of Act 641. Whether we want to continue to use agreements is optional, including special conditions and limitations.

Leszcz further elaborated that counties don't have to have agreements; they just have to be listed in one another's plans.

Randall quoted the Gratiot County inquiry stating that they want 100% import/export agreement, which could be up to 120,000 tons per year. Do we want to sign an agreement for up to 120,000 tons/year?  
yds 3 yds 3

Miele said that we don't know what other counties are doing. Everyone wants to ask, and they all deserve consideration.

McDonough proposed to do a presentation to the Committee based on a waste generation and flow designed without considering the current contracts with Northern Oaks. His detailed presentation involving a map of Michigan, identified solid waste facilities, and logical service areas will be duplicated by Miele and provided to Committee members. [Secretary's note of thanks so she doesn't have to reproduce her sketches!]

He noted that the Committee may be able to work out contingency agreements with Wexford County and City of Midland, but those are both public facilities with limited service areas. Also within the Northern Oaks service "circle" are the Pierson landfill (private with about 4 million yards capacity), and the Whitefeather landfill in Bay County which is currently a WMX facility but must be sold as part of the merger agreement. Whitefeather has a similar capacity to Northern Oaks.

Other potential backup facilities could be the Crawford County facility at Waters. It is easily accessible up US-27, but privately owned facilities may not accept wastes from other counties. Once you go north of M-46, and take out the western counties served by Allied Waste, WMX is the only hauler/landfill operator of any size.

Scott asked if Northern Oaks were to close, would Waste Management be obligated to take our waste at another WMX site?

McDonough stated that is why WMX considers the Waters facility to be a good choice. Crawford County has about a 25-county service area.

Stamper asked about the status of A-1. McDonough responded that they operate a transfer station in Kalkaska, but there are now owned by WMX through the merger.

Hunt asked if the law allowed for one-way agreements, i.e., export, not import? What about export contingency only?

McDonough responded that it would be legal, but they (WMX) want it to go both ways.

Bell noted that the Committee can put conditions on the transfer of waste.

WMX is currently hauling in Gladwin, Gratiot, Roscommon, Isabella, Mecosta, Osceola, Ogemaw and Bay counties in the proposed service area. New counties in the circle are Iosco, Arenac, Lake, Newaygo and Wexford counties. Midland, Missaukee and Manistee do not have currently operating reciprocal agreements. There is a transfer station in Montcalm County and one in Gratiot County that was recently closed but will be opened and that waste could go to Northern Oaks.

agreements; Bay is a contingent only. The Bay County agreement is only signed by Clare County, not by Bay and could therefore be a violation.

Miele noted that the CLARE [Citizens for Logical Alternatives and a Responsible Environment] suit to establish the service area for Northern Oaks identified the Bay County letter as not an intercounty agreement but as a statement of intent. The letter appears to be with Traxler/B & K Appraisal, not Bay County itself.

McDonough countered that the settlement agreement with Clare County agreed to accept wastes from Bay County.

After a period of discussion between Miele and McDonough, it became apparent that one was addressing CLARE (the citizens' group) and the other Clare (the county) in the findings of the various legal decisions. The Chair further stated that, according to the legal findings, DEQ (then DNR), and agency representatives, the Plan (Solid Waste Management Plan) is the law. Contracts, interpretations, and agreements can be subjects of discussion, but the County Plan is the final authority over what is allowed to be done with solid waste within the county.

Randall admitted confusion among various documents that have been provided to the Committee. One lists a group of counties with authorized reciprocal agreements, another states a different, but overlapping group. By comparing three sets of data provided to us, none is in full agreement!

Harmon stated that we needed to focus on going forward instead of dwelling on the past.

Miele agreed, but stated her intention to clarify the record.

McDonough next addressed the Venice Park letter, stating that approximately one yard of waste from Clare County was included in a load the hauler had picked up. The yard was asbestos removed in Clare County. He further noted that there is a general rule with the enforcement personnel that if a hauling route crosses county lines, no more than 10% of the waste in the truck at the time of disposal can be from a different county or the hauler will have to track the waste.

#### Public Comment Period:

There being no public comment, this portion of the meeting was closed at 7 pm.

#### Intercounty Agreements, part 2:

Miele noted that because it may take more than one meeting to discuss this issue, we should plan to schedule an additional session.

Hunt suggested that we not try to do this in August. With vacations, scheduling would be self-defeating.

Scott asked of the 13 counties listed in our plan, how many are actually reciprocal (having licensed facilities)?

Miele noted that the DEQ no longer refers to them as "reciprocal," but rather as intercounty agreements.

Randall asked what is the point if there is no facility [in the other county].

Miele thanked McDonough for an excellent presentation. The visuals helped Committee members to understand both what options currently exist and those for future consideration. She will use a digital camera to duplicate the map and distribute copies to Committee members.

Bell noted that the handout he had distributed indicated current disposal volumes and captured limits from the current agreements and contract with the County of Clare.

Wolverton noted that Clare County is currently pursuing Empowerment Zone status, and that Miele has consented to serve as an environmental representative in the development of a ten-year strategic plan. Anyone willing to volunteer to work on this project, please call Tim at 539-2510.

Miele asked the Committee if, after learning what the possible service area could be and knowing we need to gather additional information on those counties, do we want to ask Bill McDonough to return?

McDonough responded that he is willing to return. He is seeking amendment of the agreement with Clare County, but noted that a new Michigan manager will be arriving soon, with no history in this state. (Bob Baress from the Pacific Northwest)

Miele responded that we need to work to an agreement that will make the parties happy.

Harmon asked if she envisioned a decision/consensus at the next meeting?

Rilett responded that she doesn't know the answer. But she has thought about the problems of ten years ago, and the bottom line is that decisions were made behind the backs of the people. "I don't ever want to do that again. Each of us needs to think about who we represent. The people of Clare County should be first and foremost."

Miele added that we will probably narrow the list, but may not reach agreement in one meeting.

Wolverton asked if the public would be covered under the 90-day comment period?

Rilett responded that generally only means Township Boards would consider the Plan, not the 25,000 citizens of the county. CCSWPC owes the public a lot of education as far as what we are working on -- that is the only way to learn what the public thinks. When the plans go to the Townships, only 10-15% of those elected officials will read them.

Wolverton said that after a perceived consensus we could hold town meetings and go over the proposed counties.

Rilett responded that as a former township official during the last round, and having a Commission representative she still didn't know what was going on until 5 to 6 months down the road.

Miele added that last time the Plan and the contract didn't mesh. This time they need to agree.

Rilett stated that the County Board of Commissioners is getting pressure from Waste Management about the 55-county provision of the contract. Leszcz just wanted to pick from the list.

McDonough responded that Waste Management's intent was to remind the Board of Commissioners of the agreement. The letter was not intended as a threat, but as a reminder. They want to work out the numbers between 13 and 55 counties.

Hunt suggested providing as much information as possible to Committee members in advance of the next meeting to be most productive in considering the potential service area.

Bell responded that he will assemble as much as possible. Wolverton will duplicate and distribute it.

Randall asked if minutes and meeting materials could be distributed at least two weeks prior to the next meeting to give members time to prepare.

Wolverton responded that he will try to get them out as soon as possible.

There being no further business before the Committee, Harmon moved to adjourn at 8:05 pm. Motion carried.

Respectfully submitted,

Ann Hunt, Secretary

SOLID WASTE PLANNING MEETING  
August 27, 1998

Meeting called to order by Chairperson, Marion Miele. Those present: George, Merle, Doug Bell, Richard, Larry, Marion, Donna and Shirley. Bill McDonough was also present.

There being a lack of quorum, those present decided to informally discuss reciprocal agreements and other issues regarding the solid waste plan. Bill M. explained that he personally does not like deep well injection. He would rather solidify product and then dispose in landfill. An odor could be present.

Richard is permitted by Type II landfill to do same as Well-Tech but needs it approved in the current update of the solid waste plan which could be included in the plan. Richard would like the possibility of creating a similar program on the Northern Oakes site. Marion said that Tony Barber of Well-Tech was going to contact Summerfield Township to see if they give approval for their siting in that township. Committee does not want Well-Tech included in the new plan unless Summerfield agrees first.

Some are in favor of limiting amount of garbage able to dispose in Northern Oakes.

Waste Management is selling off Bay area landfill.

Those present decided to hold a special meeting on September 10, 1998 at 6:00pm because of there being a lack of quorum to make decision this evening. Marion urged everyone to be present. Sue Fortune has missed several meetings.

Recording minutes,

Shirley Rilett

Clare County Solid Waste Planning Committee  
September 24, 1998

The meeting was called to order by chairperson Marion Miele at 6:07 pm in Room A of the Clare County Building.

Members in attendance: Sue Fortune, Larry Gross, Robert Hale (at 6:20), Merle Harmon, Ann Hunt, Richard Leszcz, Marion Miele, George Randall, Shirley Rilett, Donna Scott, and Dave Stamper. Absent: Brian Grave, Richard Heinz, and Gail White.

Also present: Doug Bell, Consultant, Bert Kortess, Chairman, Clare County Board of Commissioners, and Bill McDonough, Environmental Health & Safety, Waste Management

Correspondence

The secretary read a letter from William McDonough, Michigan Region Environmental, Health and Safety Director, Waste Management, addressed to the committee. (attached)

Other items distributed included: article from the *Saginaw News* "Recycling pays, eases pressure on Midland landfill," September 13, 1998; and *Rachel's Environment & Health Weekly* #617, "Headlines: Landfills are Dangerous."

Minutes

Corrections to the July 23, 1998 minutes were offered by George Randall. Randall moved approval of the corrected minutes, supported by Rilett. Motion carried.

Corrections to the August 27, 1998 work meeting minutes were offered by Miele. Scott moved approval of the corrected minutes, supported by Stamper. Motion carried.

Well Tech

Well-Tech had been designated time to present updated information regarding their oil and gas waste solidification proposal, but no company representative was in attendance.

Waste Management

The remainder of the meeting was spent in continued discussion of the primary service area for the Northern Oaks facility, contingency counties, methods of adding counties, and caps on landfill rates.

Rilett questioned the inclusion of Bay and Montcalm counties only by action of the Board of Commissioners (BoC) as proposed in the McDonough letter.

McDonough responded that they may need to be included, but waste from these counties would only be received with additional approval from the BoC.

Rilett - Can we do that without an amendment?

McDonough - Yes, as long as it is stated in the Plan.

Scott - Would we address Midland and Wexford counties the same way?

McDonough - They would be contingency counties to receive waste from only if their landfills closed and no longer accepted waste.

Randall noted that the proposed cut to 3500 cubic yards/day (as proposed in the McDonough letter) times 260 days of operation was 910,000 yards/year. At present the landfill is receiving 524,000 yards/year, an increase of 386,000 yards/year.

McDonough noted that this is a reduction from the limit, not the actual daily total.

Randall said that this Board wouldn't look well at receiving an additional 400,000 yards/year.

Harmon - WMI is looking for disposal capacity for counties we now service.

McDonough - The 3500 yards/day figure includes the proposed new counties without contingencies. Most are in the plan now.

New counties are: Alcona, Arenac, Iosco, and Lake.

Randall noted the article he had circulated which noted the reduction of 498,748 cubic feet/year from the Midland landfill.

Clare County has 25,000 residents City of Midland has 12,000 homes -- roughly equivalent to Clare County
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McDonough - WMI is proposing to drop Bay, Manistee and Saginaw counties [in the current Plan update].

Rilett - Counting the contingency counties, there are 12 new ones.

McDonough - We have to look at the situation where if a landfill closes

Scott - If contingent, and we accept, are we then obligated to continue accepting waste from these counties?

Bell - The Committee can put conditions on contingency - time limits, temporary basis, amounts...

Randall - According to the 5/21/98 letter from WMI, if all 55 counties [listed in the Agreement between WMI and the BoC] were added, it would be unlikely Northern Oaks would receive 3,000 yards/day; now we are talking 3,500 instead of 3,000.

McDonough - WMI wanted flexibility for special waste jobs.

Miele noted that the cap is calculated on a rolling average.

Harmon responded that there would be approximately 700 yards/day, but those numbers are already included in the 2500 yards/day calculation.

Leszcz added that they listed the limit of 3,500 yards/day because a soil job could exceed 3,000 yards/day, wanting a cushion to do a job in a limited amount of time.

Randall - Aren't you supposed to guarantee Clare County 20 years' capacity?

McDonough responded 20 years from the time of opening.

Miele confirmed that the Agreement stipulated 20 years' disposal capacity for Clare County waste.

Randall asked if this was how the life of the landfill was calculated.

McDonough responded that the life of Northern Oaks was expected to be 20 to 25 years.

Randall asked about expansion.

McDonough responded only with the permission of the county. The 300 foot set-back cuts into the 120 acres, and there are height limitations. But any change would take approval of the BoC.

Miele - After reading the letter... if a county is named in the Plan, contingency or not, it's in the Plan. I am nervous about Crawford County - it has a big landfill with lots of agreements. I haven't given much thought to Saginaw. I can see a contingency county, not four. There have to be more limits. It's hard to foresee four landfills going down at once!

Harmon clarified the impact on Clare County of Crawford County's agreements. If their landfill closed, we'd only take Crawford County trash.

McDonough - WMI's primary commitments are to Crawford and Clare counties. Those counties only, not intercounty agreements. As far as export, recommend we list all the counties because the goal is to make our waste go away. For import, Crawford is primary because it is closest, has best transportation routes. Saginaw is farther away (Birch Run); Charlevoix and Leelanau even farther.

Rilett asked for an impact on Clare County if the Crawford landfill closed, what about overnight waste (the "24-Hour" Rule).

McDonough and Harmon claimed they had never heard of this rule, which was explained as an operating rule which allowed waste deposited in a transfer station that stays there for 24-hours became the "property" of the county and therefore could be disposed of as that county's trash. McDonough stated that the county of origin remained the same. This initiated intense discussion with several committee members asserting that they had been told of this "rule" by DNR/DEQ persons. Others claimed that it was not so. Finally recommendation was for the Secretary to contact Seth Phillips in the DEQ Solid Waste Unit to ask for written clarification.

McDonough stated that as an operating procedure at a transfer station where waste comes in from multiple counties, the proportion is maintained ( 1/2 waste goes to one landfill, 1/2 to other

Leszcz - The state is currently on a binge on Marathon and Total to clean up oil fields. There could be a real push, and WMI wanted to see a back up. WMI can operate under the average, but needs flexibility.

Randall - At the last meeting the Committee discussed averaging, especially winter/summer rates. Total unlikely to exceed figure.

McDonough - WMI is still suggesting that we use the same rolling year calculation as in the Agreement with the county. Contingency counties, if added, would still have to be limited by volume. If the limit is 3,000 yards/day, and WMI takes in 2,500 yards/day from the primary service area, it would be limited to accept only 500 yards/day additional waste from special jobs.

Stamper - How much is the landfill taking in now?

Leszcz - 2700 to 2800 yards/day now.

McDonough - Historically Northern Oaks started at about 1,500 yards/day, but that has gone up with the merger and "special things" Rich has going on.

Scott questioned the addition of Charlevoix County as an import contingency.

Harmon - If Charlevoix closed, waste should go to Leelanau and vice versa, even Crawford/Otsego. WMI has to look at transportation and other costs.

Rilett - So if we are looking realistically and we probably will never receive waste from Charlevoix, why include it in the Plan?

Harmon - To provide relief if needed.

Rilett - I'm not comfortable with that in the Plan.

McDonough responded to the question of why naming additional counties: There are volume limits in other areas, agreements for the future, and what if Northern Oaks were to be closed - might have to take wastes to more than one county. Charlevoix is not really that important. Crawford is important to WMI. It is the next closest landfill and most Northern Oaks waste could go there. Saginaw and Crawford are the most important to WMI for contingency.

Scott questioned the capacity of the potential contingency landfills, wanting to determine their capacity to take our waste.

Leszcz and McDonough responded:

Crawford - lot of capacity - 22 years projected landfill life

Charlevoix - smaller - takes in 800 yards/day - 2 years capacity, seeking expansion

Saginaw - similar in size to Northern Oaks - about 18 years capacity

Leelanau - tremendous capacity - similar volume to NO - 20 year landfill life

Gross questioned the service area for Charlevoix County. McDonough responded that the 800 yards/day were about evenly split between Charlevoix and Emmet counties

Stamper asked how many yards/day would come from the four additional proposed counties.

McDonough suggested that for insurance, list all the counties for export. Harmon and Leszcz echoed this sentiment stating that adding counties is a plus, a freebie. There are no disadvantages.

Rilett reiterated that the issue is importing waste from four counties.

McDonough stated that the only one WMI needs is Crawford, for logistical reasons. He also suggested Bay for export, noting that the Bay County landfill, while not owned by WMI, would also be a good choice for a contingency.

Gross supported Crawford County as contingency, but only for waste generated in Crawford County. He expressed concern about the resolution of the question on the 24-Hour Rule.

Hunt stated that she support the inclusion of Crawford County for contingency only and with strict stipulations as to time, amount, and other factors. She stated that the inclusion of Bay County under the same conditions would be a strategic decision, and could allow for some competitive advantage for the county. She expressed concern about just listing all the counties for export, stating that there was a moral obligation to not just spread our garbage everywhere without accepting waste on a reciprocal basis. She also said the waste from contingency counties must be generated in that county.

Public Comment:

Bert Kortés, Chairman, Clare County Board of Commissioners: Likes the stipulation to only waste generated within the county [for contingency], but wondered if Saginaw has a cap?

McDonough responded that it has had no agreement in place with an established cap, but the Saginaw Plan limited the amount of waste up until about 4 years ago. Saginaw County had four landfills, but is now down to two.

Kortés continued, would the excess be hauled in here? What about disposing everyone else's in Saginaw, then bringing Saginaw County waste here?

Scenario 2: Crawford has to shut down. What would we do with other counties' waste if our county's waste exceeded the cap because we had taken in contingency wastes and the total exceeded our rolling average cap?

Harmon responded that they wouldn't let the company get into that situation, because of WMI's responsibility to its customers. Crawford will have to have contingencies, too. No county should have just one.

McDonough added that there are additional choices in northeastern lower Michigan.

Leszcz added that if our cap is 3,000 yards/day, and even though they need the space, we can only accept the difference. That is the purpose of naming all the counties to assure disposal.

McDonough continued that Bert is pointing out scenarios where a landfill could close. If Alcona is added to our plan, and both Crawford and Montmorency/Otsego were closed, DEQ could use emergency authority to direct waste, although this would have to be done in writing and with a specified time limit.

Rilett requested McDonough to comment on why we should list all the counties in the lower peninsula, and on the last line of the letter where he stated that WMI reserves the right to request other counties.

McDonough responded that the company would have to request an amendment to the Plan to add more counties.

depending on agreements) although the waste itself may not be the exact waste generated from that county.

An incident that occurred several years ago involving a WMI truck coming from Midland County that dumped on the floor of the Surrey Township Transfer Station was discussed and additional information added to the recollection of several committee members.

Rilett - After all the stipulations we talk about are in the Plan, how hard will it be to regulate without a lawsuit?

Bell - There is a reliance on the landfill operators only accepting waste from authorized counties. They are required to report annually. As far as day-to-day monitoring and enforcement, some counties are more involved but the majority is self-policed. Clare County does not have a certified Health Department which could assume this task, leaving the DEQ as enforcer.

Rilett - I thought the DEQ wanted to get out of enforcement of Solid Waste. Is there any kind of enforcement mechanism to guarantee to the county that those things are not going to happen?

Bell - There is always a county/DEQ conflict over staffing and money. If the county is more willing to be involved, that is certainly ok with the DEQ, but I don't see a lot of involvement in the enforcement area from the DEQ.

Rilett - As a general rule counties expect that whoever they're doing business with they would want them to be fair and do their own policing.

Randall - DEQ doesn't have much of an enforcement arm. They were using DNR conservation officers, and some may still be assigned to DEQ, but there is almost nothing...

McDonough - It comes down to trusting industry to comply with agreements and plans. The last round of reports were complete, even reporting their own violations (although usually small volume). Industry tried to comply with the language in the Plans requiring reporting where waste comes from - part of the current Agreement between WMI and BoC.

Miele - For peace of mind, see ordinance as an enforcement tool. We should set parameters for contingency operation, export/import and primary service areas.

Scott asked how many of the counties in the requested primary service area have landfills.

McDonough - none

Scott - In other words, we receive their waste, but there is no reciprocal. We don't have to worry about them if our landfill is closed?

Bell - The county would not be obligated to take care of their waste.

Miele - I don't have a problem with the primary service area; I have a problem with the contingency counties as proposed.

Harmon noted in response to discussion about volume caps that restrictions are already in place [through the Agreement]. Would caps be by county?

Hunt responded that she felt the cap should be reiterated in the Plan, and that there would be an overall cap restricting total yardage. In addition, there could be provisions to stipulate conditions and define contingencies included in the Plan.

Rilett commented that she felt that the Committee has talked about this issue quite a bit, and that we all know about what we want. WMI has worked very well with the Committee on the Solid Waste Plan. She suggested that she is very comfortable with the primary service area, but not with the contingency issue.

Hunt suggested that we address the issue in separate steps: Primary service area, Cap, Contingency and restrictions.

Motion by Harmon:

*The Clare County Solid Waste Planning Committee agrees to accept as the primary service area, the following counties: Alcona, Arenac, Gladwin, Gratiot, Isabella, Lake, Mecosta, Missaukee, Ogemaw, Osceola, and Roscommon.*

Supported by Scott.

↓  
10500

Rilett asked if WMI were totally secure in the proposed primary service area.

Harmon responded that they were happy with it. WMI representatives had felt that if they presented what was wanted and needed up front, that this would be seen as in the best interests of all.

Stamper questioned WMI about a proposed solidification plant, and what impact that would have on the operation of the landfill if were operated in one of our primary service areas.

Hunt responded that such wastes could be stipulated out if the Committee chose to.

Rilett called the question as a roll call vote:

Fortune - yes	Heinz - absent	Rilett - yes
Graves - absent	Hunt - yes	Scott - yes
Gross - yes	Leszcz - yes	Stamper - yes
Hale - yes	Miele - yes	White - absent
Harmon - yes	Randall - yes	

Motion carried unanimously.

Hunt then questioned Leszcz about the current disposal figures.

Current cap is 4000 yards/day      McDonough proposal is for 3500 yards/day  
discussion of 3000 yards/day      current disposal averaging 2800 yards/day  
A rolling year is a twelve month period that ends with today.

Scott - Was WMI projecting the life of the landfill based on the cap?

Randall responded that the current projection of 17.6 years is based on 16 million cubic yards.

Gross indicated support for a limit of 3000 yards/day.

McDonough noted that the 4,000 yards/day figure comes from the Agreement between WMI and the Clare County BoC. If the Agreement weren't amended with the new cap on waste, the county could be in default of the Agreement. Consequently, WMI could continue to receive waste, but the county would not receive compensation from WMI.

Rilett was confused by the previous statement. She questioned WMI on what their managers would have to say in response to the proposed limitation.

McDonough responded that if the cap were 3,000 yards/day, that would be acceptable. But cautioned that this must be amended to the Agreement.

Leszcz said that Northern Oaks would live with it, but it would be tight. He would be more comfortable with a cap between 3,000 and 3,500 yards/day.

Harmon reported that he was in a meeting with the person who would sign an amendment, Bob Barris, and he stated that the limit proposed in the McDonough letter 'made sense.'

Leszcz followed up stating that he had talked with his boss and that they would feel best with a few hundred yards' leeway.

Randall reported on the result of his calculation, noting that the projected landfill life would be 20.5 years.

Scott proposed making a cap of 3,000 yards/day, with the exception of when hauling in contaminated soil.

Rilett responded that she'd rather have a hard and fast number.

Harmon agreed, stating that staying with a rolling cap provided a clean number to work with.

Leszcz added that he's not asking for 3,500 yards/day, but that he needs a cushion.

Stamper stated that he had no problem making a motion to cap yardage at 3,000 yards/day, but wanted assurance from WMI representatives that the county won't be sued.

Leszcz assured him that he [Leszcz] would generate a letter to WMI to support the proposal during the writing/review process. The county and WMI would need to work on the necessary amendment to the Agreement. He further noted that the Agreement is with the Board of Commissioners, and that there needed to be a binding amendment to that document. WMI would formulate a letter of support to be attached to the Plan review documents.

Bert Kortez was asked to comment. He stated that the Board will go with whatever the CCSWPC recommends. Most of the concern about landfill issues comes from Shirley, Bert and Carol Hole. The majority of the Board is waiting for direction to come from the Committee, although they would certainly want a legal review.

Stamper reiterated his concern about legal repercussions of making the change.

Rilett made the motion:

*Clare County Solid Waste Planning Committee establishes a 3,000 cubic yard/day cap, based on a 5-year rolling average.*

Motion supported by Stamper.

The question was called on a roll-call vote:

Fortune - yes	Heinz - absent	Rilett - yes
Graves - absent	Hunt - yes	Scott - yes
Gross - yes	Leszcz - yes	Stamper - yes
Hale - yes	Miele - yes	White - absent
Harmon - yes	Randall - yes	

Motion carried unanimously.

The next issue to be addressed was naming counties approved for contingency.

Leszcz made the motion:

*The Clare County Solid Waste Planning Committee approves the inclusion of Bay and Crawford counties in the Solid Waste Plan for the export and import of solid waste on a contingency basis only, subject to the stipulations and criteria adopted by the Committee.*

Motion supported by Hunt.

The question was called on a roll-call vote:

Fortune - yes	Heinz - absent	Rilett - yes
Graves - absent	Hunt - yes	Scott - yes
Gross - yes	Leszcz - yes	Stamper - yes
Hale - yes	Miele - yes	White - absent
Harmon - yes	Randall - yes	

Motion carried unanimously.

Rilett asked if WMI were year 2000 compliant?

Harmon responded that the company was in the process of assessing its systems to get them millenium-ready.

Rilett noted that Y2k compliance could become a contingency problem in tracking wastes.

Harmon responded that this problem was addressed in the recent merger. USA Waste was further along in the process, being a smaller company. Mainframe computer will be ready; PCs are being assessed and updated.

Stamper asked if WMI had any plans for solidification [of oil and gas wastes such as proposed by WellTech].

Leszcz responded that WMI would like the Committee to consider an option to do solidification at Northern Oaks.

Stamper questioned if this material would still fall under the cap?

Leszcz responded that it would have to.

Randall made a motion to change the scheduled date of the next meeting to Wednesday, October 21 due to conflicts of several Committee members. Hunt supported the motion. Motion carried by voice vote.

Next items for discussion at 10/21 meeting:

Address the Bay/Montcalm intercounty question posed by the McDonough letter  
Conditions for contingency  
Mechanisms for adding other counties  
Solidification

Discussion ensued addressing the solidification question, followed by a commitment by Leszcz and McDonough to bring a proposal before the Committee at the next meeting. Rilett restated her opposition to any proposal that doesn't first have township support.

Other discussion revolved around the proposal by the Empowerment Project to have a feasibility study of a tire shredding facility to address the problems of abandoned/discarded tires and to hopefully avoid future fires.

Motion by Gross to adjourn at 8:20 pm.

Respectfully submitted,

/s/ Ann Hunt, Secretary

Clare County Solid Waste Planning Committee  
Meeting of October 22, 1998

The monthly meeting of the Clare County Solid Waste Planning Committee was called to order by chairperson Marion Miele at 6:07 pm in the basement of the Clare County Building.

Members in attendance: Robert Hale, Merle Harmon, Ann Hunt, Richard Leszcz, Marion Miele, George Randall, Shirley Rilett, Donna Scott, Dave Stamper, and new member representing the waste industry and replacing Gail White, Teresa Ziegler.

Absent: Sue Fortune (conflicting meeting), Brian Graves, Larry Gross and Richard Heinz.

Minutes

Rilett moved to approve the minutes of the September meeting, as corrected, supported by Scott. Motion carried.

Correspondence

Hunt read the email from Seth Phillips, DEQ, in response to the CCSWPC's question about the "24 Hour" Rule. (attachment 1)

Work Plan Update

Bell stated that with the resolution of the service area and conditions issues, we'll be in good shape as these are the main issues of contention central to the Plan. He is ready to begin drafting.

Hunt questioned whether we wanted to revise our meeting schedule due to the holidays which conflict with our scheduled meetings in November and December. She suggested that we skip a meeting and combine the two for an early December meeting to give Bell time to draft the Plan.

Bell raised a question about the quantities of recyclable materials to go from Northern Oaks to the Isabella County MRF.

Scott moved that we shift the November meeting to 11/24, supported by Randall. Motion carried.

Rilett questioned the procedure of reviewing the Plan.

Bell responded that the Townships receive the plan for a 90-day review period under the general public review, and again after the Board of Commissioners complete their review. Townships give final approval. When the plan is released for general public comment, the notice will be published and provided to municipalities along with a copy of the Plan with a request to keep it available for the public.

Scott asked whether the municipalities have 90 days to reject.

Bell responded that there is no time limit on approval, that the municipalities have to act one way or another. It has been proposed that there be a default or time limit for the review, but this change has not been adopted by the Legislature.

Scott asked if there has to be a majority to accept.

Bell responded that 2/3s of the municipalities have to approve. (13 in Clare County)

### Intercounty Agreements

Randall distributed attachment #2, on which he had marked the service area counties and the contingency counties. He questioned whether all counties have been approved for import and export of garbage. Discussion ensued because the counties in the primary service area do not have disposal facilities. Only contingency counties are for "import and export" of garbage. Handout was corrected: Item 2 should read *Additional counties approved for WMI by SWMP Committee on 9-24-98, contingency basis only under very restricted conditions.*

Randall further questioned WMI representatives on the committee regarding the intake of waste. In 1997, waste averaged 1564 cubic yards/day. 1998 figures, based on 4<sup>th</sup> quarter estimates, appear to be 1800 cubic yards/day.

Randall asked if WMI would intend to go up to that figure by the end of the year.

Leszcz responded that NO was doing a contaminated soil job when he provided the figures at the last meeting. Waste has dropped off now, but another job is coming up in November.

Randall asked if he should have checked with the Board of Commissioners before accepting the contaminated soil job.

Leszcz responded that he did not have to check with anyone as long as NO stayed under its cap of 4000 cubic yards/day.

Randall further asked why, since the daily yardage increased from 1500 to 2800, wasn't the Commission informed of this.

Leszcz again responded that the yardage was under the cap.

Scott asked if 3000 cubic yards/day is an agreeable figure, would that number have to be reflected in the Agreement?

Leszcz noted that the cap is presently 4000 cubic yards/day. WMI representatives agreed to drop the cap to 3000 cubic yards/day with the approval of the Clare County Board of Commissioners, but that he was concerned about exceeding the limits with special jobs.

Scott stated that she thought WMI would live with 3000 cubic yards/day, agree with the County, and then end the hassle.

Miele questioned Randall about the train of his reasoning. She asked about the quotes from the 9/22/98 minutes on pages 3 and 7, stating the current rate of 2800 cubic yards/day. Are you saying they aren't averaging 2800 cubic yards/day?

Randall responded that in 1998, the third quarter figures were based on September 2300, August 1754, and July 1950. He asked if NO intended to reach the 2800 cubic yards/day level by December.

Leszcz answered that NO had a special project during September. If the question had been what the daily *average* was from the first of January, he would have responded differently.

Rilett asked if that wasn't a bit misleading. She stated further, "If I remember correctly, we were left with the knowledge over the year the rolling average was 2700 to 2800 cubic yards/day. [WMI] did not explain the numbers as they did tonight."

Leszcz stated that if he had been asked to provide a rolling average, he could have. He was asked for the disposal rate now.

Rilett asked how much the landfill is taking in.

Leszcz responded that he couldn't answer that.

Rilett pressed further, asking for an approximate answer.

Leszcz answered the current rate 1800 to 2000 cubic yards/day.

Randall added that the average daily rate was 2300 cubic yards in September. Calculating this out, at the present time the landfill is taking in 35,000 cubic yards more than in 1997, and projecting 43,000 cubic yards/year.

Scott noted that she got the average. She asked him [Leszcz] and he said he has special things coming in. 2700 versus 2800 cubic yards/day - I don't see what difference it makes, as long as the daily cap isn't exceeded.

Stamper noted that the fluctuation can happen - 2000 cubic yards today, 3000 cubic yards tomorrow.

Miele stated that the question was not addressing the difference between the monthly average and the daily figures, again as long as the cap wasn't exceeded.

Randall stated that he initiated the discussion on 4000 cubic yards/day to show the difference between the monthly average and the daily input. He suggested using the time span of one year because of seasonal variations.

Leszcz stated the NO has a 5-year rolling average.

Scott approved of accepting clean-up wastes as long as they didn't exceed the rolling average limits.

\* Miele reiterated that the cap is based on a rolling average - not to exceed 3000 cubic yards/day based on a 5-year rolling average.

Randall said that he wanted to change the contract limits from 260 days to 261 days of operation.

Hunt responded that the committee can't do anything about the contract. This is outside of the area we can change. The cap, according to contract, is calculated on a 5-year rolling average.

Miele asked what the contract states on calculating royalties.

Leszcz responded that royalties are paid quarterly.

Bell noted that there is a theoretical maximum of 260 days [of operation] for calculations.

Leszcz responded that WMI hoped to go to 6 days a week or 286 days/year, but now only 5.

Scott commented that it wouldn't matter as long as it doesn't go over the cap.

Randall elaborated that 3000 cubic yards/day times 52 by adding the extra day; he suggests changing the cap to reflect the difference in the operating year.

Miele responded that we [CCSWPC] figured the cap based on a 260 day year.

Randall continued: Additional 26 days adds 68,000 cubic yards; meaning 858,000 cubic yards/year. A 260-day year is 3300 cubic yards/day, and runs the life of the landfill down to 18.6 years (a 2-year decrease). He wants us to maintain a 20-year life/capacity.

Scott asked how would it work if we put the cap at 780,000 cubic yards/year?

Stamper responded 286 days/year by 3000 cubic yards/day limit?

Leszcz added that we [WMI] agreed to go down to 3000, if we go into the agreement, everything else goes bye-bye.

Miele stated that the purpose of the discussion was to clarify questions and document the discussion in the minutes.

Harmon added the discussed changes in the contract were agreed to by consensus at the last meeting, to change the cap, nothing else – not days of operations, averages or formulas.

Randall stated that in his mind it was a yearly cap.

**Public Comment Period:**

Bert Kortés – Townships don't necessarily have to respond to the Plan.

Bell interjected If they give neither a yes nor a no, there is no response.

Kortés continued, by not approving, essentially they don't approve the Plan. It is important that the municipalities know we want/expect them to give us a vote.

Scott responded that last time we had a hard time getting responses back, Many didn't return them, despite committee members going to meetings to solicit responses. At that time, they had 90 days to reject, then an okay by default.

Miele suggested that at the next meeting, local municipalities be divided up among members and that we attend meetings.

Kortés continued, Sometimes we have difficulty deciding what words mean. We need to have an average over a period of time. An increase of 1000 cubic yards/day, knowing that royalties will increase, will increase NO by 50%/day. Dealing with Hayes Township and Harrison, this translates into increased vehicular traffic and impact on roads. The question is, how much more?

Harmon stated that the transfer station in Tawas averages 3 to 4 loads a day, and 3 to 400 yards/day can be carried in one truck. The rest of the increase will come off the freeway into the southern end of town.

Kortes said that he would like to see a report on truck traffic (commercial disposal), since the perception is that this will impact the tourist trade.

Leszcz responded that he would put it on the list to generate the report.

Leszcz submitted the following comments on behalf of Bill McDonough, who is no longer employed by WMI, regarding solidification:

*Waste Management requests that language be added to the solid waste plan which states that solid waste processing facilities are allowed by the plan and shall be deemed consistent with the solid waste plan if their location is approved by the Clare County Board of Commissioners.*

Kortes, commenting on the sludge issue, said that he can understand 3000 cubic yards as refuse, sludge is a different matter. He hopes that this plan will exempt this kind of traffic, as it is much more dangerous per cubic yard.

Stamper noted that this waste is already coming through our town.. brine water, always oil, and wastes acquired in trucks.

Kortes stated that it cannot be brought into the landfill if in liquid form.

Stamper added that it cannot be accepted unless solidified.

Kortes said that even though the composition is changed by adding kiln dust, the waste still has the same danger as in the liquid form; the solid would still be dangerous.

Discussion returned to the cap/rolling average issue...

Scott stated that the committee had never discussed the number of days during the discussion of the cap. If this is a part of the contract, we have to accept 286 days or fight to change the contract.

Randall noted the prior correspondence has consistently stated 260 days, and he had read nothing to the contrary, so he used that number.

Randall moved to set the cap at 3000 cubic yards/day, and 783,000 cubic yards/year, based on a 261-day operating year, on a 5-year rolling average. Supported by Hale.

Scott asked if the motion were passed, are you [Randall] telling them [WMI] they can't operate on Saturday?

Randall responded that they could if within the cap.

Scott continued, if you want to spread business out over 6 days, doesn't this limit it?

Randall responded that it is not necessary to specify the number of days if you have an annual cap.

\* Stamper added that 286 days set by contract x 4000 cubic yards/day = 1,144,000 cubic yards/year. George wants to lower the cap 200,000 yards/year; Rick says that will put him out of business.

Scott asked if we are going to chop both the cap and days? Amend the contract? Shirley asked where we were in court....

The calculation was amended that 26 fewer days at 3,000 yards/day equals 78,000 cubic yards/year cut.

Randall amended the motion to remove 261 days and leave yearly cap of 783,000 cubic yards/year. Amendment supported by Hale.

Harmon stated that he wanted to go back to the statement made during the public comment period - WMI had presented their information up front, and now he feels we are regressing. This proposal is not what we agreed to.

Rilett responded that when we discussed the issue of 3000 cubic yards/day, no one brought up the issue of the number of days. This was not considered because it was not thought of.

Harmon reiterated that the committee had agreed not to change the contract; but to change the rolling average.

Ziegler stated that she agreed with Harmon, that the committee's digressing from what was previously voted on would not benefit county royalties. The county should look favorably on what we have done.

Miele noted the continued conflict between the plan and the agreement; that these don't jibe. Those that are concerned about these issues will look to the County Plan which came first.

Stamper stated that it was his understanding that the committee's previous action was voting on decreasing the contract agreement by 1000 cubic yards/day.

The question was called and the vote on the amendment was:

Fortune	absent	Leszcz	no
Graves	absent	Miele	no
Gross	absent	Randall	yes
Hale	yes	Rilett	yes
Harmon	no	Scott	no
Heinz	absent	Stamper	no
Hunt	no	Ziegler	no

Amendment failed.

The question was called on the motion itself, and the vote was:

Fortune	absent	Leszcz	no
Graves	absent	Miele	no
Gross	absent	Randall	yes
Hale	yes	Rilett	yes
Harmon	no	Scott	no
Heinz	absent	Stamper	no
Hunt	no	Ziegler	no

Motion failed.

Mechanism for Considering Addition of Bay and Montcalm Counties to Primary Service Area:

Harmon stated that he was seeking preapproval of the committee to add counties if the Board of Commissioners approved adding them (without having to amend the plan).

Miele stated that she believed the law was set up to protect people, that any amendments needed to go through the approval process.

Scott asked if we wanted to give up this [authority] to the Board of Commissioners? She noted that in that case adding counties to the plan would not come back to the Committee.

Bell responded that she was correct. He is not sure whether that kind of process would be legally acceptable. He felt the Committee should either approve with conditions or not; that we shouldn't amend the plan without the amendment process being followed.

Leszcz asked what if some of the counties we approved are not mentioned in other plans? Shouldn't we leave a mechanism open to replace a county?

Rilett stated that she doesn't believe it is fair to the public to give the commissioners that much authority - even to replace a county. Most commissioners are not familiar with the plan. This would not be a good move

Leszcz clarified that he did not mean the commissioners, he was just addressing the issue of replacing counties.

Hunt commented that this would provide a sales opportunity for WMI.

Harmon responded that the solicitation needed to come from the committee so it doesn't sound like a sales pitch from the hauler.

Bell stated that at some point there needs to be a committee process to address other counties. This contact should come from the committee -- designated agency, committee chair or consultant on behalf of the committee/county. This should happen before the Plan gets done so if a county declines there would be time to solicit another one.

Scott suggested that this should be done, that the counties approved for the primary and contingent waste areas should be contacted.

Rilett moved to leave the power of making the decision to add counties to the Plan with the Solid Waste Planning Committee, supported by Stamper. A roll-call vote indicated all members present supporting the motion. Motion carried.

Stamper asked if we were going to contact the counties.

Scott moved to instruct the consultant to contact each of the counties in the primary service area and the contingency counties, as approved by the CCSWPC, to ascertain whether they are willing to include us in their plan. Supported by Stamper. Roll call vote:

Fortune	absent	Leszcz	yes
Graves	absent	Miele	no
Gross	absent	Randall	yes
Hale	yes	Rilett	yes
Harmon	yes	Scott	yes
Heinz	absent	Stamper	yes
Hunt	yes	Ziegler	yes

Motion carried.

Harmon asked for a date by which the letters would be sent. Bell responded by the end of October.

Stamper moved to extend the meeting until 8:30, supported by Randall. Voice vote, motion carried.

### Contingency Conditions

Harmon asked if the DEQ has a definition of contingency.

Bell said that he had posed that question to Seth Phillips, who stated it was up to us to define. Criteria could include:

What constitutes contingency

Clarification of time limit

Intention of committee to stay within the volume cap (limiting contingency to excess capacity).

Leszcz posed the scenario that another landfill were closed due to DEQ measures, only waste from two counties would be acceptable, how can this affect the cap?

Miele stated that conditions could include the rolling average and an emergency/short-term basis.

Leszcz responded that it could be for a period of three to four months.

Hunt noted that counties should have more than one contingency.

Miele commented that even if both contingent counties were closed, she'd not be in favor of lifting the cap.

Leszcz stated that if DEQ reads contingency in our plan, they have the power to force us to take the waste.

Hunt responded that if the state is directing additional waste to Clare County, it should be with a state order. We don't crack the cap.

Scott commented that if a county or company voluntarily closes a facility we should not be committed to take their waste. She supported rescinding the contingency if it is voluntarily closed.

Randall asked if Crawford County were to close, would we be obligated to just fake waste from Crawford or from all the counties that dispose in Crawford County?

Leszcz answered only Crawford County waste.

Hunt moved that contingency be defined as short-term (no greater than six months), waste generated within the contingency county, that total volume must stay within the volume cap, and that the contingency relationship end if the contingent county voluntarily closes its waste disposal facility. Supported by Scott. Roll call vote:

Fortune	absent	Leszcz	yes
Graves	absent	Miele	yes

Gross	absent	Randall	yes
Hale	yes	Rilett	yes
Harmon	yes	Scott	yes
Heinz	absent	Stamper	yes
Hunt	yes	Ziegler	yes

Motion carried.

Scott asked questions to clarify the early discussion by asking why we would want a mechanism for adding counties. She suggested that WMI have a list prepared for back-up counties.

Rilett stated that if the letters go out on time, we should hit every county's board meeting.

Bell stated that he would ask for responses prior to the next committee meeting.

#### Solidification

Rilett stated that the last time we met, Richard Leszcz was to attend the Hayes Township meeting.

Leszcz responded that he did not attend the meeting; he was waiting for the engineers to come up with drawings.

Discussion ensued of the language proposed by McDonough (page 5, paragraph 4)

Miele stated that planning starts with the committee and that we have always been careful to heed the wishes of local government. It is important to her that industry go to the impacted local municipality first and gain their approval before they can be put in the Plan.

Leszcz suggested that *Clare County* be changed to *Solid Waste Planning Committee*. If WellTech came and we said *no*, it would be done with. If we said *yes*, they would have to go to the township.

Stamper moved that for a solidification operation to be okayed, it has to first be approved by the affected township [local municipality], then the Clare County Solid Waste Planning Committee, then to the Clare County Board of Commissioners for approval before siting. Supported by Rilett.

Miele reiterated that the most important part of the process is to send it out for local township approval.

Scott asked if she was talking about before we completed the plan?

Stamper responded that if they wanted to do this, they would have to follow this process.

Scott if we put in the plan with these stipulations, are you okaying the process and then approval for siting?

Rilett stated that she was not in favor of putting the process in the plan at all.

Leszcz said that he heard the concerns and agree with both. He is in favor of it because we don't want it just any place in the county, but at the landfill. Such a plant should only be built in a secure facility.

Hunt responded that the motion doesn't address location.

Miele stated that this short-steps the process. Such a plant should go through the amendment and approval process.

Rilett said that if Stamper changed the motion to require it to be in the Plan, she would withdraw support for the motion.

Harmon wanted to know if there were a solidification unit at Northern Oaks, and if he lived within a mile, would he smell this? Will the smell increase the level of smell at the corners of the property

Stamper responded true, but untrue. If sour waste, you will smell it, but we don't want any sour waste.

Randall stated that he saw the motion as a procedure to be followed, and that any agencies could refuse.

Harmon asked further if we eliminated sour gas, would he have increased odor?

Stamper said that even though the gas wasn't sour, there would still be an odor.

Miele stated that if citizens came to the county board after all approval processes, what would be the impact on the rest of the county?

Scott said that it should be a part of the plan, not an amendment.

Randall said that it should go out to all the townships for approval.

Hunt suggested that we table this discussion and pick it up at the next meeting.

Hale moved adjournment at 8:40 pm.

Respectfully submitted,  
/s/ Ann Hunt, Secretary

Please note new member:

Teresa Ziegler  
2470 Kapplinger  
Farwell, MI 48622  
539-8493, ext. 3131 (work)  
539-8460 (fax)

**Clare County Solid Waste Planning Committee  
Meeting of November 24, 1998**

The meeting was called to order at 6:05 pm in the basement of the Clare County Courthouse.

Members in attendance: Brian Graves, Larry Gross, Merle Harmon, Ann Hunt, Richard Leszcz, Marion Miele, George Randall, Shirley Rilett, Teresa Ziegler.

Members absent: Sue Fortune, Robert Hale, Richard Heintz, Donna Scott, and Dave Stamper

Also present: Doug Bell, Consultant

Leszcz moved adoption of the minutes of October 22, 1998, supported by Rilett.

Randall offered clarifications as follows: Page 3, ¾ way down the page, statement by Miele, although reported as stated, should have said, "... based on a yearly average over a 5-year period." Page 5, statement by Stamper, although reported as stated, should have correctly stated, "... 286 x 3,000 equals 858,000 cubic yards/year, or an increase of 284,000 cubic yards/year."

Minutes approved as presented.

Correspondence

The secretary read the letter from Scott Brown to the DEQ and their response regarding the operation of brine disposal wells and the proposal to site a solidification facility in Redding Township (attachment 1).

Intercounty Letters

Bell distributed copies of the intercounty solicitation letter sent to Crawford County. Letters were sent to all counties in both the primary service area and the contingency counties.

Leszcz questioned where the wording came from in the Bay/Crawford letter regarding the cap.

Bell stated that this was defined at the last meeting.

Leszcz questioned whether it was appropriate for us to tell them that we are reducing our volume cap prior to asking for reciprocal.

Bell responded that these letters aren't asking for reciprocals, but if there is a volume limit imposed, they need to reflect that in their plans.

Leszcz asked what if they put it in their plans and they are not compatible? He has received calls from three counties, and WMI is making contracts to haul waste. He questions why the statement was made.

Bell responded that these are the conditions of authorization, according to the September 24 minutes, page 9.

Leszcz added that he had gone to the DEQ plan update guidelines and did not find any requirement that would limit the import of waste.

Bell responded that it is not required but the limit is part of the Plan. Limits can be daily, and conditions can be listed, etc. For example, Macomb County's Pine Tree Acres has annual limits for Sanilac and Tuscola counties. If quantities are limited, the letter needs to acknowledge this.

Leszcz added that it points out the need for other counties to come up with other disposal sites.

Miele asked whether the intercounty agreement that was used for the last update would be used again.

Bell responded that this question has come up in conversations with Missaukee and Osceola counties. They were saying it was not necessary to have separate written agreements if the conditions are specified in the plans, but are okay if added.

Miele stated that the county could set the parameters, that the new intercounty agreement came out of the contention the last time around. We need to provide continuity, using the same agreement with all counties.

Leszcz cited the problem being the restraints. The state mandates recycling and every county is doing it.

Miele responded that in the intercounty agreements, the law supercedes everything, but if both sides [WMI and CLARE] agreed, we should work from it.

Bell added that it would be helpful to other counties and should be standardized and presented by Clare County.

Leszcz responded that would be no problem. He asked if it would be the responsibility of Clare County Commission to obtain agreements. This was the procedure in the judgement order, with the assistance of WMI.

Rilett noted that whatever the judgement says, it would not be a problem since administration of the plan is out of the hands of the Drain Commission.

Miele wanted the intercounty agreement included in the Plan.

Leszcz suggested that a group review and possibly streamline the agreement, to which Rilett responded that should be worked out with Tim [Wolverton] and Bert [Kortes].

Leszcz suggested Marion, Tim and himself. She [Miele] is very familiar with the agreement, and we need to do this.

Rilett suggested that the County Board Chair should appoint the persons to be responsible.

Harmon moved that the Clare County Solid Waste Planning Committee will require a consistent intercounty agreement to be signed by all counties in the primary and contingent service area. Supported by Rilett.

Rilett asked, What is the timeline?

Leszcz responded, "Yesterday."

Harmon agreed that it is pretty urgent.

Bell added that it is needed to follow up to some of the letters, stating that we will be requiring a separate written agreement.

Leszcz said that the reciprocals should be going out with the Plan for review. He suggested that if Miele or anyone else wants to discuss this, he would be available to meet through the Northern Oaks office or at the county building; he wants to move the process along.

Miele suggested that we set up the committee from here.

The motion was voted on by roll call vote:

Fortune	absent	Leszcz	yes
Graves	yes	Miele	yes
Gross	yes	Randall	yes
Hale	absent	Rilett	yes
Harmon	yes	Scott	absent
Heinz	absent	Stamper	absent
Hunt	yes	Ziegler	yes

Motion carried.

It was decided that the committee to work on the intercounty agreement would be Merle Harmon, Ann Hunt, Richard Leszcz, and Marion Miele. They will meet December 1, 6 pm, at Pepperocini's.

Hunt asked why Wexford and Montcalm counties were approached with letters.

Bell responded that along with Bay and Crawford, these were listed as contingency counties. Bay and Crawford were contingency both ways; Wexford and Montcalm were contingency disposal only.

Hunt stated that they were discussed, but the only reciprocals that were approved were Bay and Crawford. Harmon and Leszcz concurred in this statement. She stated further that the CCSWPC voted for Bay and Crawford counties, but only as reciprocals. The others were discussed as choices during the discussion with Bill McDonough.

Harmon stated that Clare will be in Wexford County's plan as a contingency site.

Leszcz questioned which way the contingency would flow.

Harmon responded that if the Wexford County landfill shuts down, we will be their contingency disposal site.

Miele responded further, stating they can say whatever they want, but if doesn't hold true if not specifically listed in both plans.

Hunt suggested that we should clarify the situation, that these letters [Wexford and Montcalm] were sent in error and that we regret any misunderstanding...

Bell responded that the letter only asks if they would accept waste on a contingency basis. If they have identified Clare in the Wexford plan, then we should let them know.

Responses from the letters to date:

Arenac – will be in Clare Plan as a primary service area

Gladwin – will be in Clare Plan as a primary service area

Ogemaw – will be in Clare Plan as a primary service area

Roscommon – will be in Clare Plan as a primary service area

Alcona – will not

Gratiot has responded yes

Iosco – no response

Isabella – no response

Lake – no response

Missaukee – will identify Clare and ready to sign intercounty agreement

Osceola has responded yes

Mecosta, through the DEQ, which is writing their plan, has responded yes

Hunt noted that we have heard from Mason County, which is outside our service area. Will they be contacted?

Bell said they could be.

Randall asked who would be substituted for Alcona County.

Harmon responded that WMI intends to lobby them. If they still decline, is it the committee's intent to identify an alternative? Don't know who that would be, but it doesn't make sense for Alcona not to identify Clare since it could have a negative impact. WMI supplies all transportation.

Leszcz questioned whether the committee approved 12 and 1 or 13 and 1 (other counties + Clare).

Hunt responded 12 and Clare.

Leszcz stated that we never did discuss this issue. What if Alcona continues not to accept?

Harmon responded that if he had to throw a dart, if Alcona were to say no, he would have to say Montcalm County.

Miele said that she has faith Alcona will say yes.

Harmon said that the county made the decision without representation from the company to explain the advantages.

#### Draft Plan

Bell distributed the draft Plan prior to the meeting. He stated the appendix will provide additional supplemental information, as well as the Executive Summary which will be added later. The committee had reviewed a prior draft up to the Import/Export section. Pointing out the section on Resource Recovery, Bell said that he tried to describe to the best of his knowledge various programs active in the county. The Plan asks for informational and educational programs, which he left blank because the committee had not discussed this area yet. He asked if there were any active programs, who would be responsible for implementation, and whether MSU extension would be involved.

Miele noted that all of these were mentioned in the Ordinance, but that yes, they should be a part of the Plan.

Bell responded that some things take place now, like Leszcz going into the schools, various classes, etc. He asked if this was offered on a community-wide basis.

Gross noted that at one point there was discussion of a Solid Waste Coordinator doing some educational work. Jim Neff was being considered for that job.

Rilett responded that he was appointed at the last meeting, that Solid Waste education will be a seasonal project to be worked on outside the gypsy moth program. He will take care of this after the gypsy moth responsibilities are taken care of.

Bell added that a number of counties have some type of solid waste/recycling education coordinator outside of landfill operations.

Rilett stated that she was unaware of any educational programs Leszcz was offering in the schools.

Leszcz responded that he participated in Career Days, Earth day, but not in the high schools. He concentrates on 5<sup>th</sup> and 6<sup>th</sup> graders. He describes how landfills operated, what can be recycled, and urges students to take things out of the garbage and recycle them.

Harmon added that the Isabella County MRF is a destination for a lot of school field trips.

Rilett stated that the Grand Rapids public schools are teaching the concept of waste reduction at the preschool level.

Leszcz added that the hardest thing is to get principals to come across with transportation to the facility. They don't want to take time for field trips. Amble is the only school that has visited the landfill.

Public Comment – 7 pm

There being no comment, the meeting returned to the discussion at hand.

Rilett identified the back of the cover page as containing erroneous information – asking why the designated planning agency is listed as the Department of Public Works and Charlie Pardue as the designated contact?

Bell responded that it was listed because the DEQ has them listed that way on their list.

Rilett suggested that the DEQ may not have been notified of the county's change of agency.

Bell stated that we might consider some kind of management advisory board to continue with the implementation of the Plan after the Plan's adoption, for example educational programs.

Rilett noted that it seemed to her that there was some mention in Act 641 of the Solid Waste Planning Committee meeting once a year, and she asked if there were anything similar in the new Act.

Bell responded that the Planning agency and the committee are to meet a minimum of quarterly, but only during the planning or amendment process.

Rilett asked again if there were anything in the Act that addresses continued oversight.

Bell responded no, that there is no additional role for the planning committee once the plan is adopted. He further noted that the committee has not had much time to review the draft Plan.

Hunt clarified that Surrey Township had constructed its own transfer facility with Clean Michigan Funds, and that it was publicly owned, but operated by Waste Management under contract with the Township. She noted that there is no mention within the Plan of the agreement between WMI and Clare County over the operation of the landfill and asked if this should be mentioned.

Bell identified the siting process as one for further discussion. He stated that there are at least two options: 1. No process, just list those types of facilities that are forbidden to be sited within the county (i.e., incinerators, etc.). 2. A specific siting process and how it will work for other types of solid waste facilities (for example, the Well Tech solidification proposal).

Randall said that he was under the impression we had discussed this issue earlier and had agreed to set up a site committee to avoid a repetition of the process of siting Northern Oaks. He distributed an article titled "Trash as a Burning Questions" that addresses the situation in Macomb County. He

would think we would want to include a siting process; our population is growing and finding a place will be harder and harder.

Rilett indicated that the Act 641 required the county to certify remaining capacity every year.

Bell corrected her statement, saying that it only applies if there are less than 10 years' capacity.

Leszcz indicated that he wanted to know whether or not we are going to put anything in the Plan regarding a solidification plant, or are we going to exclude it. He was questioned as to whether or not he had approached Hayes Township. He responded that he had not and did not intend to do so. The landfill is already sited there, and a solidification process doesn't require additional engineering work. At this point, he has no intention of approaching Hayes Township unless mandated by the CCSWPC or the Plan to do so.

Miele reiterated her directive to approach the local government as a courtesy and solicit their opinion.

Leszcz responded that if this body writes that into the Plan, he will do so.

Miele made the statement that as a member of both the committee and the community, if the proposal is not approved by the local community, she would not be in favor of it.

Harmon said that he thought he understood where Leszcz is coming from. That if the procedure is put into the Plan, it should include the parameters the committee wants. The timing of doing both the Plan and the proposal for the solidification process is not feasible. WMI would like to have the option but it should be put into the Plan with restrictions.

Miele said we are going to have to sell the Plan, and if we are asked if there is the potential for a solidification plant, what do we say?

Rilett agreed with Miele, stating that she is not in favor of a general statement in the Plan. Lots of Hayes Township residents are opposed. If the proposal is put into the Plan, even with the approval of the Township, we are inviting that era back again.

Ziegler asked how people are aware of the process. What type of knowledge do they have?

Rilett responded that when the Redding Township issue came up, people become aware. Neighbors came to meetings and expressed their opposition.

Ziegler stated that there isn't necessarily an odor with solidification.

Miele said that could be a selling point, but she was talking about the concept in the Plan. She knows it costs to put plans together, but also knows that if WMI wants the facility at Northern Oaks they would be making a grave error if they don't have plans ready and approach the township for their approval.

Leszcz responded that it doesn't work that way. As a manager, he has to look at alternative ways of making money for the company.

Miele insisted that if WMI gets approval from the local government, the proposal would be written into the plan.

Harmon moved that we establish siting criteria in the Plan for a solidification unit with parameters to be agreed upon at a later meeting, supported by Leszcz.

Rilett stated that she doesn't believe that WMI would need plans and drawings to go to the Township.

Leszcz said that he has done that before, and that he wants to see it in writing, and to follow the letter of the law. If he is wrong in this assumption, he waits to be shown.

Bell stated that there should be either a specific site or a specific process.

Leszcz said that we would be doing the same thing if we had less than ten years' capacity, we would need to identify the steps to be authorized.

Hunt asked for clarification of Harmon's motion, that siting parameters must be agreed upon before the Plan is approved by the committee and released for public comment.

Harmon responded that yes, his motion did not say that but that was his intent.

Rilett commented on the public review process and approaching the township.

Ziegler, to Rilett, stated that she understood her position, but at the same time people's knowledge may not be accurate.

Leszcz reiterated that if the committee is requesting something it should be written.

Hunt supported having hard and fast criteria in the Plan, not optional criteria.

Leszcz stated that he believed that what is happening is that some members of the committee don't want to sign the Plan, that we are afraid to put our names on it. We keep referring to "the People". We should put restraints and restrictions in the Plan.

Randall stated that he believed we are putting the cart before the horse, that if we put language in the plan and don't have the permission of the township, it is just language.

Harmon suggested that we look at the process. We have been appointed by the county to put the plan together as representatives of the people of the county. If the Plan says that the local government must approve the proposal by unanimous vote, that procedure must be followed. He doesn't disagree that we need township approval for siting.

Miele suggested that they come as a package.

Harmon said that if we [WMI] were there at the planning stage a few months before, and then came back with a full blown proposal, the six months' lag time defeats the proposal because the township would then be in turmoil.

Ziegler agreed with Harmon about the turmoil a proposal can create. Newspapers during the recent local elections were still referencing the landfill issue. She can remember the old Surrey Township dump - it was a disaster, nothing was taken care of, no liners. Now there are liners, regulations, reports, etc. WMI is fighting to keep it a clean process. Solidification process is better in a controlled location.

Rilett agreed with Ziegler, but this is a county committee. WMI or whoever owes the people an explanation of what is proposed. She believes Leszcz thinks he'll get a no when he approaches the township.

Leszcz responded that he doesn't think so, that is not the reason.

Rilett said that the people have been through this in the past ten years, and that we have to be especially careful with this area [Hayes Township/Harrison area].

Harmon asked if she was saying that she didn't trust the township board?

Rilett answered no, but agreed you [WMI] need to get their approval before it goes into the Plan.

Hunt stated that she believes there should be criteria regardless of the type of facility. There should be uniform criteria which would be applied to whatever kind of waste processing facility could be sited.

Rilett noted that at the time the property was sold to WMI, all seven county commissioners admitted they didn't know what was in the Plan; one didn't even think s/he had a copy.

Hunt offered a friendly amendment to Harmon's motion: substitute waste processing facility for solidification unit, and add before the completion of the Plan prior to public review. Zieger supported the amendment.

Miele asked Graves what had happened to WellTech's proposal.

Graves responded that they were having difficulty finding land.

Rilett stated that using such general broad terms, a township could read the possibility of solid waste processing, deep well injection, or a burning system into the Plan.

Bell stated that it could not be incineration because of air quality requirements, but that it could be a solid, mixed waste, or soil burning facility. Incineration runs into EPA as well as DEQ restrictions.

Harmon asked if a township wanted a facility, would that require a Plan amendment if it wasn't in the Plan?

A roll call vote on the amendment was as follows:

Fortune	absent	Leszcz	yes
Graves	yes	Miele	no
Gross	no	Randall	yes
Hale	absent	Rilett	no
Harmon	yes	Scott	absent
Heinz	absent	Stamper	absent
Hunt	yes	Ziegler	yes

Motion carried by a vote of 6 yes, 3 no.

The vote on the full motion, with the amendment, was as follows:

Fortune	absent	Leszcz	yes
Graves	yes	Miele	no
Gross	no	Randall	yes
Hale	absent	Rilett	no
Harmon	yes	Scott	absent
Heinz	absent	Stamper	absent
Hunt	yes	Ziegler	yes

Motion carried by a vote of 6 yes, 3 no.

Next Meeting

The next meeting is schedule for Christmas Eve. After considerable discussion and comparing of schedules, it was agreed to shift the meeting to Thursday, December 17, a week earlier.

Leszcz moved adjournment.

Meeting adjourned at 8:02 pm.

Respectfully submitted,

/s/ Ann Hunt, Secretary

**Clare County Solid Waste Planning Committee  
Meeting of December 17, 1998**

The monthly meeting of the Clare County Solid Waste Planning Committee (CCSWPC) was called to order at 6:03 pm in Meeting Room B of the Clare County Courthouse.

Members in attendance: Larry Gross (arrived at 6:10), Robert Hale, Ann Hunt, Richard Leszcz, Marion Miele, George Randall, Shirley Rilett, Donna Scott, and Teresa Ziegler.  
Committee members absent: Sue Fortune, Brian Graves, Merle Harmon, Richard Heinz, and Dave Stamper.

Others present: Doug Bell, Consultant, Tim Wolverton, County Administrator, Bert Kortes, Chairperson of the Clare County Board of Commissioners, Joe Parkinson, resident of Hayes Township, and Jerry Litke, Hayes Township Supervisor.

Leszcz moved approval of the minutes of the November 24 meeting, supported by Rilett. Motion carried.

There was no correspondence to report.

Solid Waste Plan Update

Miele reported that a small committee made up of her, Richard Leszcz, and Ann Hunt met December 1 to review and propose changes to the existing intercounty agreement. Copies of the proposed revision were distributed to CCSWPC members prior to the meeting and Hunt distributed copies of the language in Act 451, which references intercounty agreements.

Randall addressed the rolling 5-year average in Section 4.5, page 10 "Volume Limitations" of the existing contract between WMI and Clare County. The contract states that the volume of waste is to be audited at the end of each calendar year, commencing with the fourth year of operation. Since we are now beyond the 4<sup>th</sup> year, Randall proposed to amend the language to state "... to be determined on an annual basis over a five-year period" in the letter which was sent to the other counties. Since these letters have already been sent, the proposal is moot. Miele asked Randall to wait on other proposed changes until the contract update.

Hunt requested that Bell locate the correct citations in the law referenced in the Intercounty Agreement and to fill in the blanks.

Rilett questioned whether the volume limitations would be affected if a solidification plant were sited in Gladwin County, could processed wastes be disposed of in our landfill? She wants the committee to be aware of how quickly the landfill will fill up if disposal at or equal to 3000 cubic yards/day.

Leszcz responded that at the present volume, there is a 43-year lifespan. If the limit were 4000 cubic yards, the lifespan would be 28 years.

Rilett asked if solidification waste could be further compressed.

Leszcz responded that the waste is almost like dirt, and dirt fills voids. 1:1 ratio, when you add dirt to refuse, dirt fills the voids.

Rilett asked about the characteristics of solidification waste.

Leszcz stated that it is 70% solid.

Miele asked Ziegler to describe the waste.

Ziegler responded that the waste is not in a cube; it is like solid, which can be pushed and moved around to fill the voids in a landfill. It can be compacted with landfill material.

Miele further questioned, is this stuff dry?

Ziegler responded yes, but like soil it has some moisture in it. It is like making a cake; liquid and flour are combined to make a batter.

Leszcz added that material being disposed of in a landfill must pass a paint filter test. The material is put in a filter and timed to determine what percentage of liquid would come through a filter.

Hale asked what is the allowable percentage of moisture.

Leszcz responded 60% solid is allowed by DEQ.

Discussion ensued regarding sewage sludge versus oil field sludge. There is a question of whether the contract would allow the disposal of the latter. Leszcz stated that it would be allowed if it passed the paint filter test.

Randall questioned the kiln dust and whether that is the same as incinerator ash.

Leszcz responded that it could not be from a municipal waste incinerator because of the concern regarding heavy metals.

**Public Comment:**

Miele prefaced comments by letting members of the public know about prior CCSWPC motions and actions addressing solidification plans.

Bert Kortez - He saw a demonstration of solidification at Well Tech and said the substance looks like mud. Is there a licensing process to establish a solidification plant? Bell responded affirmatively. Does it have to be a part of the plan?

Bell responded that the disposal area and other parts of the proposal would require licensing. Before a construction application is considered, DEQ asks the county for a finding of consistency with the solid waste plan. The plan would identify a specific site or spell out a siting process. When the county finds the proposal consistent with the plan, DEQ will review the application.

Kortez asked if the solidification material would have to be under the 3000 yard/day cap. If he had his druthers, he would prefer general refuse over this stuff. He continued, describing a conversation with Seth Phillips of DEQ's waste management staff that confirmed that townships cannot, as a single entity, have veto power over siting [of a facility].

Leszcz asked Kortez what he thought the material is.

Kortez responded that you couldn't pour this material into the landfill before processing it. The solidification process doesn't remove hazardous components. Lots of things that go into the landfill are bad... like batteries... but we don't need more.

Leszcz stated that the material had to be tested prior to mixing it and making it a solid.

Kortes stated that we don't have to add additional siting language if we have capacity for 20 years.

Miele responded that we have discussed siting criteria and would require local approval.

Kortes said that he called the DEQ. We cannot make up additional criteria beyond Act 451 - the DEQ would reject the plan. They consider this a subjective approach and we cannot give veto power to the townships.

Miele used an example to illustrate the proposed siting process, which would include local approval.

Kortes said the process is that the county board is the final approving entity. If the township board approves and says no, but the county board okays it, the outcome would be overriding the township decision.

Leszcz said that if you wish to put language in the plan specific to siting a certain type of facility it would have to be approved by 2/3 of the municipalities. If the plan stipulates the process, the individual/company would have to follow the process.

Bell added that the CCSWPC could limit certain criteria to certain kinds of facilities. The process has to be based on objective, measurable criteria, avoiding anything subjective. If we use a process in the plan, it has to meet the criteria okayed by DEQ.

Randall referenced the minutes of the October meeting where Stamper made a motion regarding a solidification plant which would require township then CCSWPC then county board approval before siting.

Scott asked if we could put in [the Plan] where they could be sited.

Bell responded that the county could include a process, which must be based on objective criteria, not subjective such as a vote of a local board. Act 451 preempts local control.

Rilett posed a hypothetical situation in which, by leaving the motion as is, a solidification plant could be sited on Northern Oaks property. However, WellTech could site 4 or 5 processing facilities and then bring the waste in to Northern Oaks. What is to keep another company from siting a facility under these criteria?

Bell stated that there are other options. The county could, through the planning process, pick and choose what kind of facility could be sited. Local siting process could include requirements to hold a public hearing on a proposal, but it would still have to follow a process.

Miele asked why the motion opened the door to anything?

Bell responded that the CCSWPC could limit the types of facilities, could refuse certain types.

Miele asked, "What about local control?"

Bell responded, "It won't fly."

Miele stated that the CCSWPC was going to put language in the plan addressing local control, but the consultant did not tell us we couldn't during those discussions.

Rilett added that the proposal could allow multiple facilities.

Joe Parkinson, Hayes Township resident, asked Leszcz about the testing process; who tests? Who verifies?

Leszcz referred the question to Ziegler.

Ziegler responded that the generator of the waste is responsible for testing through an independent lab. Based on the generator's knowledge of the source/type of waste, certain tests would be run such as a TCLP which tests metals, organics, volatiles, etc. The waste must meet certain criteria. After tests are run, results are submitted with generator's waste profile sheet which is reviewed by a WMI representative and sent on to engineers to be sure the waste is within state limits.

Parkinson questioned if added materials could cut down the hazards?

Ziegler responded that the material is just solidified, all liquids must be tested.

Parkinson stated that he had a problem with the owner of the materials paying for the test and giving it to the landfill operator.

Leszcz responded that these are credible labs, certified by the state, and approved by the WMI engineer. Then the site [landfill] has the choice whether to take it or not. Every truckload is tested. If have a facility at Northern Oaks, the waste will come in as sludge, and then mixed with cement kiln dust, sawdust, wood chips, etc.

Parkinson questioned, "And none of this is toxic?"

Leszcz responded that a Type II landfill cannot accept hazardous waste.

Rilett probed further, asking if approval is given for each load.

Ziegler responded that testing is done in accordance with DEQ and EPA rules for testing procedures.

Rilett stated that she couldn't be convinced that there are enough licensed labs around to test each and every load [of sludge].

Leszcz responded that he has been in the waste business for 23 years and that a consultant is on site quickly to deal with spills. He referenced the recent accident in Freeman Township where diesel fuel was spilled and consultants had to determine how much soil had to be removed to avoid contamination of ground and surface waters.

Ziegler added that she has attended tests, and they rely on representative samples.

Rilett told about a meeting in this room, which was standing room only and conducted by the DNR. The question was asked about inspections of the landfill and the frequency of site visits. The DNR responded that they were conducted in accordance to the rules. Rilett read from a paper announcing the drastic cutting of staff and then asked the question again. DNR admitted that downsizing had an impact on the inspections and that there were not enough inspectors. She then asked Bell if there is anything in Act 451 to address air quality. We had heard from Redding Township residents that the process stinks.

Bell responded that odor concerns could be a part, especially isolation distances and permitting issues.

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TCLP =  
toxicity  
characteristic  
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process

Rilett asked if anyone knew if the air quality questions for the Redding Township residents had been addressed. Someone responded that they had been given log sheets to document occurrences. Randall read from the DEQ response "... noise, time of day, or frequency of trucks are not regulated..."

Leszcz stated that the WMI proposal would not include deep well injection, but the other proposal had included injection of 5000-gallon tankers of liquid.

Jerry Litke, Hayes Township Supervisor, introduced himself, saying that he was here to listen and learn and had no comment.

Randall asked Leszcz if he would put in a 5000 CFM fan to exhaust gases.

Leszcz responded that they haven't designed it yet.

Randall rephrased the question, asking if WMI foresees the need for a fan.

Parkinson asked, you say you [WMI] haven't designed it - is it your responsibility or DEQ to put together the prints?

Leszcz responded that there are several basic types of facilities. For a sludge job, could be an open top mixed with a backhoe, tested, mixed with refuse, and covered daily.

Litke stated that WMI is a solid waste disposal facility. Now are they talking about changing what comes into the site to accept liquids?

Leszcz responded, Northern Oaks is a solid waste disposal facility bringing in liquids and processing it for disposal into the landfill. Some facilities don't have disposal. Well Tech proposed mixing the wastes off-site and then transporting them for disposal.

Scott asked if they had to have liners.

Leszcz responded, oh, yes.

Rilett asked if by giving you [WMI] permission to site one at Northern Oaks, does this give any other company open invitation to site one elsewhere?

Bell responded not necessarily as long as we designate one specific site.

Waldron asked if WMI had a ballpark estimate for capital outlay and energy consumption.

Leszcz estimate Well Tec's cost at about \$25,000 (construction, unknown labor costs) At Northern Oaks, already have liners and staff, no free liquids would be accepted or disposed of, only sludge. He estimated \$6,000 to construct a vat. Testing and transportation to the site would be provided. They would have to purchase solid materials. WMI would have a competitive advantage.

Rilett noted that the motion did not give Northern Oaks siting privileges, it was generalized.

There being no further public comment, the public comment period was closed.

Miele stated that the CCSWPC has repeatedly discussed criteria to give the final say-so to the townships. Why are we finding out only tonight that this is only hot air?

Bell responded that the purpose was to address local concerns. If the purpose was for local okay, there would not have been any facilities discussed with DEQ over the last 10 years, despite valid local concerns. DEQ has tried to design siting criteria (an ongoing process of what they'll accept, since they have become more stringent over the last round of updates). DEQ doesn't provide "good examples," so there is a constant push and shove. Preemption goes back to Act 641.

Miele stated that as a committee we have discussed local government being able to say no or yes, but nothing has been said to discourage us from the local control issue.

Bell said the committee has looked at two sets of criteria – the original DNR criteria and a shorter version on primary criteria. Only at the last committee meeting did the committee bring up siting criteria.

[chairperson excused Leszcz at 7:20 due to a prior commitment and the committee took a short break]

Randall said that at the last meeting Harmon proposed language for siting a solidification process. The committee agreed, but everyone understood that there would be local control.

Randall made a motion to reconsider the motion of November 24, 1998, regarding siting criteria, supported by Rilett.

Hunt stated that she had proposed amendatory language to the proposal to extend the siting criteria to any potential solid waste processing or disposal facility, based on the understanding that there would be provisions for local review at the front end of the process. She stated that she felt she was misled and supported reconsideration.

Ziegler stated that she was opposed to the motion, and that it should not be rescinded tonight. There are not enough people here tonight who made and supported the motion.

Rilett noted that everyone knew about the meeting and could have attended.

The question was called, and a roll call vote was taken:

Fortune	absent	Leszcz	absent
Graves	absent	Miele	yes
Gross	yes	Randall	yes
Hale	yes	Rilett	yes
Harmon	absent	Scott	yes
Heinz	absent	Stamper	absent
Hunt	yes	Ziegler	no

Motion carried, 7 yes to 1 no.

Scott made a motion to not include any siting criteria in the Plan, supported by Randall.

Ziegler stated again that she felt it inappropriate to consider this motion in the absence of the full committee.

Rilett called the question. The vote was by roll call as follows:

Fortune	absent	Leszcz	absent
Graves	absent	Miele	yes
Gross	yes	Randall	yes
Hale	yes	Rilett	yes
Harmon	absent	Scott	yes

Heinz absent Stamper absent  
Hunt yes Ziegler no  
Motion carried, 7 yes to 1 no.

Rilett asked about the letter from Bell on the siting process. What do we do about the present site?

Bell responded that we could identify the present site (Northern Oaks) and state our intent not to site any further facilities; say the site already exists, and that no additional facilities would be sited as long as the county has 66 months of disposal capacity.

Miele clarified that Northern Oaks is located in Section 32 of Hayes Township. She stated that the motion means that no new facilities, including solidification plants, transfer stations, etc., anything which requires licensing, could be sited in Clare County.

Bell noted that roll off units and open facilities don't require licensing.

Randall clarified how many yards of capacity calculated into years of landfill life span. His calculations were based on Leszcz's statement that there were 16 million cubic yards available. At 3000 cubic yards/day, that makes 18 years of capacity.

Rilett stated that before we had Act 451, we had Act 641 which said we had to notify DNR in June of each year what was the remaining capacity.

Bell responded that we only have to notify when capacity reaches less than 10 years.

Rilett added the Leszcz had stated earlier in the meeting that Northern Oaks had 43 years' capacity.

Bell confirmed that was the figure in the annual solid waste report.

Parkinson asked if they are putting in more waste?

Scott responded that the cap was at 4000 cubic yards/day, but now it will be 3000 cubic yards/day. Northern Oaks has been running at about 2200 cubic yards/day.

Rilett asked whether or not the county would sponsor a person going to each township to explain changes in the plan before the township votes.

Hunt noted that during the initial public review process, the committee divided up local municipalities and attended meetings to talk about the Plan.

Scott suggested that we have a document that explains the changes.

Bell said that the Executive Summary won't be too helpful; he could put together a public summary for that purpose.

Randall wanted to make sure the progress on the Plan is satisfactory so the DEQ won't come in and take over the planning process.

Bell noted that Arenac County had their first meeting Friday, and Isabella County hasn't named their committee yet. The only plan that is complete is Leelanau County's which is before the DEQ for consideration.

Rilett said she was asked by a township if the Solid Waste Committee has to ask for an extension. How strict are they about the timetables?

Bell responded that they aren't very strict. We can expect a reminder from DEQ.

Miele suggested that we be proactive and contact DEQ to let them know where we are in the process.

Bell responded that he could send a letter. He will have the complete draft, the executive summary, and the appendix for the next meeting [January].

Scott made a motion that we contact the DEQ to advise them where we are in the plan update process, and project a finish date, supported by Hunt. Voice vote approved the motion unanimously.

Rilett stated that under Act 641, the minutes of the meetings were part of the Plan. What about Act 451?

Bell said that it is not specified. We could add them if we wanted to.

Hunt moved to include the minutes of the meetings of the Clare County Solid Waste Planning Committee in the Plan, supported by Scott. Voice vote approved the motion unanimously.

Randall questioned legislation that would have removed the county as a responsible party for planning or oversight. Kortess noted that the bill died in committee.

Hunt made a motion in recognition of Shirley Rilett's long participation in the solid waste planning process and that she'll be missed. Supported by Randall. Motion approved by voice vote.

Miele noted that we now have several members who have not attended in some time. She asked Kortess if there were any openings for which Rilett might be eligible.

Next meeting, Thursday, January 28, 1999, at 6 pm.

Rilett moved to adjourn at 8:00 pm.

Respectfully submitted,

/s/ Ann Hunt, Secretary

Clare County Solid Waste Planning Committee  
January 28, 1999

The monthly meeting of the Clare County Solid Waste Planning Committee was called to order by Chairperson Marion Miele at 6 pm in the basement of the Clare County Courthouse.

Members in attendance were: Forrest Meek, Larry Gross, Robert Hale, Ann Hunt, Richard Leszcz, Marion Miele, George Randall, Donna Scott, Dave Stamper, and Teresa Ziegler.

Committee members absent: Doug Cobb, Sue Fortune, Brian Graves, and Merle Harmon

Also in attendance: Doug Bell, Consultant, and Shirley Rilett, Hatton Township Supervisor

Chairperson Miele noted that Forrest Meek is the new representative of the Clare County Board of Commissioners and Doug Cobb will represent the City of Harrison.

Minutes of December 17, 1998

Randall and Leszcz offered corrections to the minutes. Stamper moved adoption of the minutes as corrected, supported by Scott. Motion carried with Leszcz dissenting.

Correspondence

None received since last meeting

Handouts

Ziegler submitted a description of the paint filter test (attachment 1) which was discussed during the December meeting.

Randall submitted three articles on recycling and solid waste (attachments 2-4)

Plan Update

Miele addressed the issue of siting criteria. The committee felt it important that siting would have the approval of the local municipality, but found that this was a misassumption. There is no provision for local control which would meet DEQ approval, so a motion was made and passed to remove siting criteria from the Plan at this time.

Leszcz stated that he had left the meeting early, and was upset to read that after he had left the solidification plan was voted out that we had, at one time, voted in. He stated that he was rescinding his vote to decline from 4000 cubic yards/day to 3000 cubic yards/day. This is a violation of the resolution with the county commission. If the county continues on this track, he may recommend rescinding payment from Waste Management to the county, and the 3% CPI tax on refuse.

Miele responded that as of the December meeting, the county had not allocated any funds for the continuation of solid waste planning in 1999. There was concern because the consultant sat through meetings while the issue of local control was discussed and did not correct the majority's assumptions. Solidification plans have been on the agenda for the past six months.

Leszcz stated that he was following the law. Provisions were to be put into the Plan for solidification. The committee is trying to reduce [Northern Oaks'] daily volume and put me out of business.

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Miele said that if the committee had allowed the language to stay in the Plan, it would have thrown control out the window.

Randall added that at the October meeting, Harmon had proposed adding the language to the Plan, and we agreed. In November, the line of local control was discussed as being necessary from the local municipality to the county to the committee. If the county signs off on the agreement, the county has no control, only the DEQ.

Leszcz responded that the committee is prohibiting him from doing business. The facility is one of the best in the state, but the committee is not letting him do business.

Scott said that she understood where Leszcz is coming from, but that he is playing hardball. The committee set a cap of 3000 cubic yards/day without talking about solidification. She never has wanted more than we already have. She is not happy about the rescinding of the resolution, but when she found out that the issue of local control could not be addressed, she supported it.

Bell said that the Plan could address local government to work out an agreement with the local community. This could be included in the Plan without a *de facto* siting process.

Scott directed the statement to Bell, "but you've known all along. Does the state say we cannot let a local unit of government have veto power over any site?"

Bell responded, no, only through vetoing the Plan.

Scott added, then why didn't you tell us?

Bell said that he was talking about including a facility up front [specifying a facility]. Siting criteria is for future processes. If you want to permit a specific facility, the Plan can include it.

Scott stated that if we're going to site a facility, we'd have to do it for anyone, otherwise we'd be establishing a monopoly.

Leszcz interjected, then why cut my legs off? I may not build a solidification plant for five to ten years, and this is a five to ten year plan. If it is excluded from the Plan, nothing can be done until the next Plan.

Scott stated that the solidification plant was never in our Plan.

Leszcz said the laws are changing. Government is stopping solidification in the field, and wants to move to centralized disposal facilities.

Scott responded that the committee can go back and open up the Plan through amendment.

Miele added that it was not the intent of the committee to shut down Northern Oaks, it acted out of genuine concern for the community's future. Leszcz said it would take too long to draw up plans [for presentation to local unit of government]. Company can come up before the committee to ask for an amendment.

Leszcz asked why doesn't the committee abide by the decision of 4000 cubic yards/day and 55 counties?

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Miele responded that this was a Plan versus Contract issue.

Leszcz said it has been nine years since the contract was signed, and this is a new update. The county resolution was for 4,000 cubic yards/day and 55 counties.

Miele responded that the Solid Waste Plan said 13 counties. This committee has added counties [for this update] for [WMI's] benefit.

Leszcz responded that the counties that were added were ones where WMI was already picking up waste.

Scott stated that she was on the Clare County Solid Waste Planning Committee before the commissioners signed the contract. Commissioners who signed the contract told her that they'd never read the Plan.

Leszcz responded that he has abided by the law. He objects to the way things were handled last month, but that he wants the committee to succeed.

Miele responded that she never questioned his intent.

Hunt clarified her position on the vote of the last meeting to Leszcz, stating that she felt it inappropriate to handle siting on the basis of one company's proposal, but rather that siting should be a generic process, allowing a proposal to stand or fall on its own. She believed that the local unit of government would have the opportunity for first review, but learned in December that this was untrue. Thus, she withdrew her support for the resolution to include a siting process in the Plan.

Randall referenced the handouts he had distributed, noting that many communities are receiving Canadian trash without having the ability to stop it. Companies are cramming the trash down the throats of the local community.

Meek questioned what the meaning of the word "siting" is in this context.

Bell explained that it is establishing the location of a facility. A solid waste facility is usually a landfill but could include processing plants, incinerators, or large, licensed transfer facilities.

Meek asked what is the harm of the process if it meets the requirements of the law?

Miele responded that solidification is not the issue - local control is the issue. Last month we had included language that would have been removed by the DEQ if included in the final Plan.

Meek noted that when federal money comes in, local control goes out. Money equals authority, regulations, etc. We can fight for local control, but if we take federal/state money, we have to accept federal/state guidelines.

Scott responded that we don't take money for solid waste planning.

Meek then asked who sets the criteria for solid waste?

Scott responded that the DEQ sets the criteria; the committee is set up by state guidelines, and the Plan is written to guidelines. There is no money to pay for solid waste management or planning, it is up to us to write the Plan.

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Meek asked what is the function of this committee?

Bell responded that the planning committee drafts the plan, then it is sent out for a public review period of 90 days, followed by a public hearing. The committee then makes any necessary changes and forwards it to the county board of commissioners for review. They can approve it as submitted, return with specific objections, or abandon the committee process and write their own plan. After the commissioners approve, the plan is formally submitted to the local units of government for their review. 67% must approve the Plan before it is sent to the DEQ for final approval and adoption.

Meek then asked if the 4000 cubic yards/day is valid today.

Scott responded that it is in the contract, but not in the Plan.

Randall noted that state law requires the Plan to be updated every 5 years.

Meek asked who makes up the plan for a facility?

Miele responded that the company does, but has to follow state criteria.

Leszcz asked why he should come back with an amendment to the Plan when siting criteria could be put into the Plan. Judge ruled to abide by the Plan, but the county resolution is still in effect, and the court directed these issues to be taken up in the planning process.

Randall noted that the figure of 3000 cubic yards/day was first proposed in a letter from Bill McDonough, WMI, responding to a letter from George Randall, and he read the wording from the letter. (letter of 5/21/98, in which McDonough states that even if waste were to be imported from all 55 counties, it would be unlikely to reach 3000 cubic yards/day.

Meek again questioned what is the harm [of solidification].

Miele reiterated that the discussion is not of whether or not there is harm, but whether there is local say over facilities located in their area.

Scott asked how solidification is done.

Stamper responded that they do a lot of it.

Scott then asked if townships had any say over solidification within their borders.

Stamper responded that companies take the tanker trucks and wash them out. The liquid waste is hauled to Kalkaska to process, and then trucked to Cedar Ridge (landfill) for disposal. Soloban solidified waste from some sites on M-61, taking it off-site for solidification, and then hauling the waste to Northern Oaks for disposal. Solidification is done in roll-offs or in pits.

Scott stated that she did not realize that solidification was going on in the townships.

**Public Comment:**

*Shirley Rilett, Hatton Township Supervisor, stated that after being on the Solid Waste Planning Committee for so many years she couldn't stay away! She recounted the fact*

*that KalCon came to the county board two or three years ago with a solidification plan. At the time, the County Board of Commissioners referred them to the township for local okay. In Redding Township there was quite an upheaval; people came to this committee to beg us not to allow the facility to be built. Northern townships also turned it down. Leszcz then brought up the idea, and we asked him to go to Hayes Township for approval. Prior to the vote in November, the committee believed we had a say in the process. Solidification waste will cut the landfill capacity/life of the landfill. She clearly remembered the vote on the reduction to 3000 cubic yards/day, and Leszcz voted yes.*

*This committee has worked together very well and hard. It was not Rilett's intention to cut off business. She reminded Leszcz that in business there are often two sides, and this time your side doesn't win.*

Scott asked if it is required to have a license to solidify on site, can Northern Oaks get a license to solidify?

In response to numerous questions about the process of solidification at the well site, Hunt, who had served for several years on a state-level committee to re-write the rules governing oil and gas exploration and development in Michigan, explained the process. At the well head, a pit is dug to hold the fluids that are generated during the drilling process. This pit is required to be lined. Into the pit goes drilling muds which are a mixture of stone cuttings and dirt combined with additives to keep the drill bit lubricated during the drilling process. Also, brine (production water) which comes out of the ground during the process is piped into the pit. The brine contains the common contaminants of benzene, ethylbenzene, toluene and xylene. When a well is "completed," or connected to either a gas pipeline or in the case of oil to a battery of tanks, the free liquid in the pit (brines) is pumped out and hauled away to be injected down hole (deep well injection), injected into a low-producing strata to force more product out of the well (enhanced production), or held in tanks and used by county road commissions for ice and dust control. The remaining contents of the pit are then mixed with a stiffening agent or solidification agent in the pit, the liner is folded over the top of the contents, and a bulldozer then pushes earth on top. When the site is completed, no marker is required to identify the location of the pit. Hunt further noted that two of the highest volume waste streams were exempted from the provisions of the Resource Conservation and Recovery Act (RCRA) when enacted by Congress because of the tremendous political power they wielded. Both waste streams contain many of the same toxic chemicals that are highly regulated in other industries. The oil and gas industry and the mining industry assured Congress that they were able to manage their wastes safely, and not pose a threat to human health or the environment.

Leszcz noted that it is more expensive to solidify on site.

Gross questioned the process of stiffening and what could be used to stiffen the waste.

#### Executive Summary

Bell explained that it follows the DEQ criteria. The committee offered several changes in language and corrected some of the information. These corrections were noted on the materials distributed by Bell prior to the meeting.

Leszcz asked if the county had hired a Solid Waste Coordinator?

Gross responded that Jim Neff has been hired, but that his job description includes soil erosion, gypsy moth coordination, as well as solid waste. Rilett added that his job title is

environmental affairs, and that he is to work with the schools on recycling and other issues.

Scott noted that what is necessary may not be education but more cooperation from the public.

Bell said that the appendix will include a roster of the committee and asked for updated information. A sheet was circulated for such purpose and is attached (attachment 5)

Leszcz questioned the participation of the representative of the East Central Michigan Planning District. Their representative has only attended three meetings in the past year. He asked if we are paying the planning district for their participation.

Scott requested that the committee notify the district that they are not being represented and was told that Tim Wolverton was doing that.

Bell suggested that we ask the county representative Dennis Zimmerman (from Lake George) to participate.

Bell also provided the citations from Act 451 for the intercounty agreement (solid waste part 115, hazardous waste part 111).

Meek stated that he was concerned about the longevity of the landfill. He believes this is stop-gap technology and that there are other technologies coming along. He suggested that the Solid Waste Coordinator attend a conference in Dallas in June to learn about other technologies, but was told by other Commissioners that they fund nothing south of Lansing. There hasn't been a good understanding of what the problems are. The bottom line is, "What's the harm?" Danger is in old dumps leaching into the water table.

Miele reiterated that the issue is not harm, it is that the language would have opened the door to the solid waste industry - the committee wanted to have control of the future. The question is not whether we have a solidification plant, but "Do we have a say?"

Leszcz stated that Bell had said that the committee could name a facility in a section or a township.

Miele responded that the former language was general.

Bell noted that any company can come in and approach the committee for a Plan amendment.

Stamper said that when he worked for KalCon, they met with the DEQ when they wanted to build a facility in Redding Township. The DEQ at that time said that KalCon would have to get township support, [Leszcz clarified that the Plan comes first], supervisor's signature, then come to the Solid Waste Planning Committee.

Bell said that a proposal for a solid waste facility must first be found consistent with the county solid waste plan by the designated planning official (drain commissioner, county executive, etc.). That person would then issue a statement of consistency through either specific mention in the Plan or following a siting process. The last couple of generations of plans did a lousy job of siting criteria, so DEQ is scrutinizing Plans closely. If the language is contrary to DEQ criteria, the Plan is rejected. The finding of consistency allows the company to proceed with filing an application for a permit.

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Leszcz noted that if this body [CCSWPC] named Northern Oaks as the disposal facility designated for a processing facility only, this would be the way to proceed. Or WMI would have to request a Plan amendment.

Rilett said that she voted against the siting motion in November because it appeared to be a lame duck motion. The siting parameters should be part of the package. Between the November and December meetings, we found out from DEQ that we couldn't include siting language that included local control veto power.

Leszcz moved to designate Northern Oaks (section 32, Hayes Township) as the only site for a processing plant. Motion was rescinded by the maker after a discussion of a parliamentary procedure.

Scott moved to extend the meeting to 8:20 pm, supported by Leszcz. Motion passed with Gross dissenting.

Scott requested reconsideration of her motion of 12/17/98 to not include any siting criteria in the Plan. Supported by Randall. Motion carried by the vote of 6 yes to 4 no.

Leszcz moved that the Northern Oaks Recycling and Disposal Facility, Section 32, Hayes Township, be the designated site for a solidification processing plant in Clare County. Supported by Ziegler.

Miele asked for clarification. If we say yes to Waste Management and put this in the Plan, are we looking at litigation by other companies when we give Northern Oaks the go ahead?

Leszcz responded that he did not know.

Ziegler said that if we designate this site now, but another company comes in and wants an amendment, we could ask for legal opinion.

Miele said that when WellTech came in, we asked them to go to the local township for their approval.

Meek stated that we have a facility to handle this, and Northern Oaks is the best way to handle it.

Leszcz rescinded his motion with the understanding that WMI and the county would each seek legal input on the question of potential litigation if the CCSWPC designates Northern Oaks as the sole site for a solidification processing plant.

Stamper moved that Commissioner Meek be requested to seek legal advice on behalf of the committee and county on this issue, and that county counsel be invited to attend the meeting of February 25 to respond to this question. Supported by Hunt.

Meek asked if the county had another facility, would that comply?

Scott responded that this is a brand new thing. Solidification is not the same as a landfill, but the landfill is the final disposal site for the solidification waste.

Randall expressed concern about 4000' deep injection wells for brine disposal along M-61. The neighbors of the facility complained about the odor. If sludge is processed at Northern Oaks, the smell could be blown all over the place.

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Miele asked that language be added to the motion to invite the prosecutor to the next meeting (February 25) to address the issues.

Stamper responded to the issue of hydrogen sulfide contaminated sludges.

Rilett asked if it is illegal for a municipality to intentionally create a monopoly?

Vote was taken on the motion to request a legal review; motion carried.

Scott questioned whether a progress report had been made to the DEQ. Since Bell had agreed to make such a report and he had left the meeting at 8:00 pm, there was no answer to that question.

Leszcz moved adjournment at 8:25.

Respectfully submitted,

/s/ Ann Hunt, Secretary

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RECEIVED  
3-4-99

Clare County Solid Waste Planning Committee  
February 25, 1999

The meeting was called to order at 6:07 pm in the basement of the Clare County Courthouse by Chairperson Marion Miele.

Members in attendance: Merle Harmon, Ann Hunt, Richard Leszcz, Forrest Meek, Marion Miele, George Randall, Donna Scott, and David Stamper.

Members absent: Doug Cobb, Sue Fortune, Brian Graves, Larry Gross, Robert Hale and Teresa Ziegler.

Also in attendance: Doug Bell, Consultant; Bert Kortjes, Chairperson, Clare County Board of Commissioners; Shirley Rilett, Hatton Township Supervisor; Hayes Township residents John Scherrer, Gerald Litke, Joe Parkinson, Joan Kortjes, and Lee Dancer.

Randall moved approval of the minutes of January 28, 1999, supported by Hunt. Motion carried.

Overview of County Board of Commissioners Meeting of 2/16/99

Miele reported that the commissioners had asked Bell and her to attend the meeting to respond to concerns raised that the CCSWPC was not making sufficient progress. Also the board had not appropriated any funds for the continuation of the committee. The Commissioners budgeted enough for the committee to meet one more time (tonight) to finish the Plan.

Scott asked what is still needed for the Plan in addition to the existing Plan?

Bell responded that the Plan draft had been sent out in November, and that since then he had added appendices, the executive summary, and (at the meeting) a packet of corrections. Members of the committee will receive a full, clean copy before it is sent out for public review. He noted that the committee has had the plan since November, and that only minor changes had been made since that time.

The committee will not be given any more time by the Board of Commissioners.

Scott asked if the County Board is shutting us off, whether we are done or not done.

Miele stated that she had told the Board that the Plan is about complete.

Meek questioned whether, in light of the discussion at the last meeting about siting a sludge processing facility, is there any provision in the Plan?

Bell responded that there is no provision for any solid waste disposal facilities.

Randall asked where, specifically, in the Plan this was stated. He reminded the committee of the earlier statement that if a facility was not specifically forbidden, it is okay.

Bell noted that the language precluding the siting of any additional facilities has been added to the Plan.

Scott asked further whether what we have done is sufficient – reviewing the existing Plan, making changes – and we are not required to do anything more.

Bert Kortjes, Chairperson, Clare County Board of Commissioners

The first item Mr. Kortés addressed was the budget. Since the County is on an accrual system of accounting, they don't know where the fund balances are yet; they haven't closed 1998. The event that precipitated asking Miele and Bell to appear was that Bell's contract with the county expired 12/31/98. It is hoped that they can work something out. There was a concern that the Plan preparation process was dragging out, and that the obligation to communication with the County Board of Commissioners was not being met and vice versa. The problem was determining how long the process will go on. The committee has worked very well, overcoming problems, disagreeing, and moving on. The number of reciprocals has increased, the daily cap was decreased to 3,000 cubic yards/day. This still was a potential 30% increase in yardage over current levels.

Everything went well – agreed to reciprocals, changes of yardage. But progress bogged down with discussion of the sludge plant (many, many problems with this proposal). This is a contentious issue. The last proposal was to locate it in Hayes Township [at Northern Oaks]. The townships have to approve the Plan by 67%. If the Plan is too controversial, other townships will join Hayes in rejecting the Plan (such as Hatton). And other townships won't even vote, which essentially registers as a negative response.

Kortés talked with Seth Phillips, DEQ, during the last week or so, and asked him questions:

Can the Plan designate a specific parcel? *Absolutely yes*

Do you need to? *No, as long as there is capacity available. With capacity, there is no need to site any further areas.*

What about the deadline? *Not too big of a problem yet. This will be determined case-by-case. Only a few counties have submitted their plans.*

What if the Plan is rejected (or not submitted on time)? *DEQ would write the Plan for us, but they don't really want to.*

Then what happens? *Public hearing by DEQ.*

We have the Plan, we have the reciprocals, we have an agreement on yardage; the Plan is ready to go to the public. Any changes from this time forward can go through the Plan amendment process.

Scott stated that members of the CCSWPC attended township board meetings to help educate the local municipalities about the Plan. Local units can be careless about getting this done. She suggested giving them a month after delivering the Plan, then attending meetings. Once they understand, they'll vote to approve. She believes this Plan is an improvement over the existing Plan.

Kortés agreed, stating she is absolutely right. But there are still townships that are not county-oriented. There are three or four who won't respond. But we have enough that will agree unless we add something contentious.

Miele affirmed Scott's statement, saying that we had discussed going as a group to the local municipalities.

Meek said that he is still trying to catch up. There is a problem at the wellheads; are we going to sweep it under the rug?

Leszcz said we want to get this done. The solidification question was discussed, plus the committee in past months had decreased the yardage and rearranged the counties. His intent is for a solid business decision. WMI doesn't necessarily want to put a solidification operation in at Northern Oaks. Changes in WMI will do away totally with the solidification issue. Harmon will explain changes at the appropriate time in the agenda.

Randall pointed out discrepancies in yardage reported in the meeting of 9/24/98 versus the August totals reported to the county.

Leszcz responded that when Randall asked the question, he reported the amount taken in that day. The monthly figures include a special waste project.

Randall then questioned a statement made in a letter from Seth Phillips to the county dated 10/29/98, that the revenues from disposal must support solid waste activities.

Bell responded that in Clare County, the fees are host fees, not impact fees. The question of the use of surcharges is currently in court, appealing on the restrictions on their use. Surcharges can be adopted by local ordinance. Fees are not taxes and must support solid waste program activities.

Leszcz affirmed, stating there are state fees, county fees, and township fees.

Scott asked if this is so little that the work we are doing can't be covered by the solid waste fees.

Kortes responded that the money goes into the General Fund, and totals about \$200,000/year

Scott asked how much it costs the county a month for the committee's expenses. It bothers her that the county gets \$200k a year, but doesn't have enough money to fund us to do the work we're required to do by law.

Randall noted that WMI pays the county and township in excess of \$250,000 a year. He wondered what services are being provided.

Scott said that if the county is spending the money on other things and not supporting what's required to be done, that's not right.

Kortes responded that there comes a point, when the process bogs down, that the Board wonders what's going to happen. The next Board meeting is March 3, from 2-5 pm, then again from 6 pm until finished. Miele asked for time on the agenda.

Hunt explained the process of authorization of the Plan and how the committee is a part of the process. The law states that the committee is to make changes and forward on to the next step. Further, she wanted the ability to review any document in its final form that goes out with her name on it.

Kortes agreed that this was a reasonable proposal. And that the committee should present it at the next board meeting.

Randall, noting the agreement to reduce the cubic yardage/day, asked if the contract should be amended? Other committee members responded that this is a legal question and had to be put before the board.

Meek again brought up the issue of the sludge.

Miele responded that the process is happening. The committee has already turned down a company who wanted to site in Redding Township. The committee had a concern about the creation of a monopoly.

Leszcz responded that he was looking for a way to increase revenues. Due to changes that will be explained, WMI will pull the proposal away to keep it from hindering the Plan. The problem of sludge will not go unattended – it is currently being shipped to Shiawasee County

Miele added that the solidification process is still going on in the county with or without a solidification plant.

Randall supported, stating that it would be a stumbling block for approval [of the Plan].

Harmon addressed the Committee. Over the last two weeks, WMI has closed the Cadillac office and the Waters hauling operation, and is moving those trucks and employees to Harrison. This will make more than a hundred employees working out of Harrison. In order to support this, WMI is asking the CCSWPC to add Crawford and Kalkaska counties to the Plan as primary disposal areas. He stated that the impact would not be that significant. There is a landfill at the county line at Waters in Crawford County. The trucks would leave Harrison and would make two dumps at Waters, then return to Clare County with full loads to dump at Northern Oaks. This would give WMI more flexibility in their operations. Wexford County waste still would have to go to the Wexford County landfill. There would be no increase in volume, but will add flexibility to routing.

Stamper asked if we let these counties in, will solidification waste from Northern A-1 in Kalkaska be able to come here?

Leszcz responded that it is going to Charlevoix by agreement with the company.

Miele asked about the number of yards per day from these counties. Harmon responded that he didn't know.

Meek asked what company Harmon represents.

Harmon responded that he represents the hauling division of WMI.

Randall interjected that he feels the intercounty agreement is far too long.

Scott noted that we already have Crawford as a contingency county, and we'll continue to have that. She asked if WMI wants to add Crawford and Kalkaska so their waste can be hauled back to Northern Oaks at the end of the day.

Leszcz responded that if they put six trucks up there, and they did two dumps at Waters, then 6 loads would be returning.

Harmon added that an average would be 200-300 cubic yards/day.

Stamper stated that if the committee authorizes this, Northern A-1 and Key Energy/Welltech can haul solids here.

Harmon responded that they could, but Northern Oaks has to keep under the cap. If they are close to the limit, the trucks will have to dump at Waters.

Scott stated that the proposal sounded reasonable to her as long as they stayed under the cap.

**Public Comment:**

Lee Dancer, Hayes Township, stated his concern about local government not being included in the planning regarding a solidification unit coming to the landfill. The township was not officially approached. Is this legal? Ethical? Sensible? As the host township, it didn't seem right. But he has a better idea of what is going on after hearing the discussion and reading the minutes. Still, does the township make any difference?

Miele responded that the committee had tried to write language into the Plan regarding local government approval, but we learned later that we couldn't do that. As of tonight, the solidification facility doesn't seem to be an issue.

Dancer stated that he was also concerned about the lack of official notification; the township should be informed of what was being planned for it.

Randall responded that because of the lack of local control provisions, we have added language preventing the siting of any solid waste processing facility in the county.

Scott supported his statement, saying that up to two months ago we had a provision in the Plan, but then we found out we couldn't do that.

Dancer said that both Redding and Summerfield townships were approached. Hayes didn't hear anything. It is a moot point anyhow, but they felt they had no say in the process.

Kortes raised a question regarding Kalkaska and Crawford Counties – do either of them accept out of state or Canadian wastes?

Harmon responded that Kalkaska has no landfill. Crawford accepts no out of state or out of country wastes.

Shirley Rilett, Hatton Township Supervisor, asked if WMI owns the landfill in Charlevoix County?

Harmon responded that WMI does own Cedar Ridge in Charlevoix County.

Rilett then asked why not take solidification waste up there rather than bringing it down here [to Northern Oaks]?

Harmon said that the routing touches on the corner of Missaukee and Crawford counties, and Kalkaska is a logical addition.

Rilett then asked if the minutes of the prior meeting had been sent out.

Hunt responded that they were mailed to Tim Wolverton on the Monday after the last meeting (February 1), but they had not been distributed prior to the meeting and were available there.

Rilett noted that not sending them out eliminated the cover letter reminding members of the next meeting.

Randall noted that he had made a motion at one time regarding getting the minutes out two weeks prior to the next meeting.

Miele stated that the County Administrator dropped the ball.

Dancer then asked that if the primary disposal for the added counties would be Crawford/Otsego, couldn't these counties be written into the Plan as secondary disposal?

Harmon responded that it was true, but WMI doesn't want its hands tied. He stated they wanted to keep the yardage cap, not stipulate primary versus secondary or adding routing restrictions.

Rilett urged the committee that even though the solidification issue is moot, to look into the future and the amendment process. We have had two companies approach us. Keep in mind that there are political aspects to the whole thing. The amendment process can result in the same end

Bell suggested that in terms of getting the Plan done, and wanting to get a clean copy to review prior to public release, that the next meeting be scheduled as a work session. His time is limited by other commitments, and he will not enter into a contract extension if he doesn't feel he can fulfill it.

Scott asked what we have to do so that he can put this together. If we add what WMI has asked for and omit the solidification plant?

Bell responded that he will add the two counties, distribute the Plan, and urged members to mark them up with comments in preparation for the next meeting.

Jerry Litke, Hayes Township Supervisor, questioned what Miele had meant by establishing a monopoly?

Miele responded that the committee had said no to WelTech. Language was introduced last meeting to site a solidification plant at Northern Oaks, which would have allowed only one in the county, but the committee was concerned about facing litigation for limited siting.

Public comment closed at 7:30 pm

Harmon made the motion to enter into intercounty agreements for waste disposal with Crawford and Kankaska counties.

Randall asked if that means we change Crawford from a contingency to a reciprocal?

Bell responded that they can be listed in both categories.

Miele stated that we can change the status to full intercounty primary.

Randall supported the motion.

Bell stated that the conditions in the Plan cover all counties – yardage, etc.

Meek asked what was the rationale for these terms – primary, reciprocal, and contingency.

Bell responded that in case of operational failure, a contingency would provide disposal service.

Scott added that the provision was to protect us in case our landfill is shut down.

Stamper stated his opinion on adding Kankaska County. He said that he thinks a lot of us don't understand what is going on. A solidification in Kankaska County, when waste is brought in and solidified, means the waste is generated in Kankaska County. Therefore the sludge could be hauled to Northern Oaks after solidification. It could be hauled here or to Cedar Ridge.

Miele added that only when it is processed does it become solid waste. Then it is generated in Kankaska County. There are two trucking firms in this county that could haul solidification waste back.

Harmon noted that the total still had to remain under the cap.

Leszcz stated that currently sludges from Clare county which are processed cannot be disposed of here. Northern Oaks will have to know all the points of generation, and will deal with local waste before that from out of the area.

Scott asked if we have a problem with disposing of solidification sludge in our landfill?

Leszcz responded no, we are doing that right now.

Scott then asked, where is the problem? It's a choice between solidification waste versus household waste.

Harmon noted that the sludges currently being disposed of are of the same nature from Evart Products, Accustar, and the waste water treatment plant, and no problems have been observed.

Stamper stated that there is no sense solidifying here if there are two plants up there. He asked what is the camp at Cedar Ridge.

Neither Harmon nor Leszcz knew.

Miele stated that when we approved the Bay and Crawford counties for contingency, she had a concern about the number of counties currently disposing of waste in Crawford County.

Scott asked what about Crawford? We have one of the best landfills in the state. She wasn't worried as long as they don't go beyond 3000 cubic yards/day.

Miele responded that her concern was initially about Crawford County, and that she was expressing a personal opinion as a member of the committee.

Harmon responded that if trash were generated within the county, the trash is the same.

Miele responded that her concern was about the size of the service area for Crawford County.

Harmon asked why the concern over the service area?

Miele responded that she had a concern about monitoring what is brought in. McDonough [Wm. McDonough, WMI Engineer] had stated that they couldn't guarantee all the waste would be from the county, but the quantity would be the same.

Harmon stated that they couldn't stop someone who lives in another county [out of the service area] from dumping household wastes elsewhere. We have to trust the integrity of the company operating within the county. He further stated, "Any trucks under my control, that's 50-60 trucks, operate under the highest ethical standards. I will not ask drivers to violate those standards."

Dancer noted that this appears to be a tradeoff between dropping the solidification project on site and expansion.

Harmon responded yes and no. The solidification plant could have gone anywhere, it didn't have to be at Northern Oaks. There are no solidification plans at this point.

Dancer asked if the same oilfield stuff could come in from other counties?

Harmon responded that the material could come in here, yes, and it is already coming here.

Leszcz noted that if a solidification plan were operating here, it could take liquid from all over. WMI might have still be pursuing this project, but the new trucking routes offer a better idea to meet the cap.

Dancer noted that he would have a concern about the quantity of waste from Kalkaska/Crawford counties as opposed to Gladwin, Isabella. This won't limit it from coming in, just where it comes from.

Rilett asked if the committee would vote on the counties separately or one vote.

Randall called the question. The vote was:

Cobb	absent	Leszcz	yes
Fortune	absent	Meek	yes
Graves	absent	Miele	no
Gross	absent	Randall	yes
Hale	absent	Scott	yes
Harmon	yes	Stamper	no
Hunt	yes	Ziegler	absent

Motion carried by a vote of 6 yes, 2 no.

Randall suggested that the intercounty agreement be reviewed and checked for typos, and that suggested language be added to the agreement.

Next Meeting

Thursday, March 25, 6-8 pm. This will be a work session. Please review the Plan in detail and note comments.

In addition, any available committee members are urged to attend the Board of Commissioners meeting March 3, at 6 pm.

Meeting adjourned at 8:05 pm.

Respectfully submitted,

Ann Hunt, Secretary

Clare County Solid Waste Planning Committee  
March 25, 1999

Meeting was called to order at 6:05 by Chairperson Marion Miele.

Members in attendance: Larry Gross, Robert Hale, Merle Harmon, Ann Hunt, Richard Leszcz, Forrest Meek, Marion Miele, George Randall, Donna Scott and Teresa Ziegler.

Absent: Doug Cobb, Sue Fortune, Brian Graves and Dave Stamper.

Others in attendance: Doug Bell, Consultant; Tim Wolverton, County Administrator; Bert Kortes, Chairman of Clare County Board of Commissioners, and Shirley Rilett, Hatton Township Supervisor.

Randall moved acceptance of the minutes of February 25 as presented, supported by Scott. Motion carried.

Scott reported on the Clare County Board of Commissioners meeting. Committee members were not on the agenda as promised, and had to wait until 7:30 to address the commission. Scott, Stamper and Randall represented the CCSWPC. The committee did not use half of its budgeted amount for 1998, but the remainder was rolled into the General Fund. Randall noted that over \$200,000 from Northern Oaks operations goes into the General Fund annually. Meek responded that the problem was not money but the timelines that were dragging out. Hunt noted that the committee did not get started until February 1998 due the failure of the Board of Commissioners to appoint members to the committee.

Work Plan

Bell stated that all members of the committee should have received the draft plan in time to review it prior to this meeting. The update is now complete. This is not as lengthy as the prior plan because of the abbreviated format [required by DEQ].

Leszcz asked to address the committee before going further. He stated that there was a recent meeting conducted at Northern Oaks with upper WMI management. The reorganization and merger was a topic, particularly how it was impacted by the proposed Clare County 451 Plan. Leszcz has been instructed to inform the CCSWPC that he cannot support the Plan as it stands now. On questioning, he stated that the problematic areas were the reduction in daily volume [from the contract signed with Clare County Board of Commissioners] and the number of counties involved. Leszcz apologized to the Committee, stating that he believed things were going well, but he cannot support the Plan. If the committee chooses to meet and discuss the problems, he will agree to do so.

Wolverton, asking for clarification, queried if the Plan doesn't match the Agreement, then it is not acceptable.

Miele noted that the WMI merger had taken place in July, and it is now March. Why hadn't the committee seen or heard this before? She further asked who had instructed Leszcz not to support the Plan.

Leszcz responded Terry Cooney, Vice President of Landfill Operations, Northern Michigan.

Scott asked what vote was necessary to pass the Plan?

Bell responded that eight of the fourteen members of the committee had to vote in favor.

Scott said there are [10] of us here, what if we wanted to vote on the Plan tonight?

Bell responded that it takes 8 to make a quorum, thus 8 to make a majority. For purposes of approving the Plan the vote is a majority of members not a majority of those present at a meeting. However, it is not necessary to vote on the final plan at this time, just to release it for public comment.

Scott asked if the committee does not approve the Plan, what is the status? What is the alternative?

Leszcz admitted that he didn't know. That there may be other ways to resolve the issue.

Hunt stated that at a minimum the database would have to be updated, the capacity for the next ten years would have to be addressed.

Scott stated that she is a private citizen representing the public. You [Leszcz] have private interests you represent.

Leszcz responded that he represents solid waste and his company, but he is still a citizen of Clare County. He further stated that we have an Agreement in place [with the county] and the Plan should follow.

Miele stated that WMI proposed the counties [for the primary service area] and proposed the daily limit [cap decrease]. At the time, you were asked "can you live with that?" McDonough, then representing WMI after the reorganization, said the company could. The committee has bargained in good faith... The time has been wasted; this is a good Plan. This is ridiculous, I can't believe that you'd tell us at the last minute that there is a problem!

Randall asked for clarification of the areas of disagreement, to which Leszcz responded the number of counties and the daily volume. Randall noted that there are more counties than before. Leszcz responded, "One more."

Scott stated that WMI picked out the counties, and added two more at the last meeting. Although this is not personal, it is a hard pill to swallow.

Miele said to Leszcz that his bosses are putting him in an uncomfortable position. Nothing is in writing. The committee directed to write the Plan included three representatives of Solid Waste, plus Brian Graves and Dave Stamper.

Wolverton asked what we can do now: Update the existing Plan, Negotiate with WMI, or Give it to the state to write.

Hunt stated that there was a fourth option, which is to release it to the public for review without a vote [of the committee].

Randall noted that Leszcz voted in support of the change of the daily cap from 4,000 cubic yards/day to 3,000 cubic yards/day.

Leszcz noted that he rescinded his vote at a subsequent meeting. He then asked if the committee has to approve the Plan prior to the public review.

Bell responded that the committee can authorize release of the Plan for a 90-day public review. When we release the draft plan, we know it is still draft. Technically, everything in the Plan is subject to change.

Wolverton asked if the committee releases the Plan for public review, is it necessary for a majority of 8 to vote to release?

Bell responded that there needs to be action by motion to release or by resolution.

Wolverton then asked if 67% of the local governments don't approve the Plan, then what?

Bell responded that if they don't, that ends the process. The Plan comes back in between then to the county board, then the commission approves it and sends it back to the Committee to send out to the public boards for approval. If it fails to get 67% approval, it goes to the DEQ as locally rejected, and they can accept/change/reject. In the past, if a Plan was locally rejected, DEQ would try to convene some sort of meeting to resolve outstanding issues.

Ziegler asked if the committee votes to release the Plan tonight, and the public makes no comments during the 90 days, then what happens? This Plan is something they should not be seeing.

Miele asked Ziegler to clarify her statement... The Plan as it stands right now? The Plan that WMI doesn't agree with?

Scott noted that if the Plan goes out as it is, changes will be made based on the comments.

Ziegler asked, "Then what?" Does WMI have the opportunity to continue on with the stance that the draft Plan is not the Plan that we believe is the correct Plan?

Bell stated that if we release the Plan, it is with the understanding that we will strive for consensus. A minority/dissenting opinion could be added, and individual members of the committee can provide comments during the 90-day public review period as well.

Ziegler asked if comments by committee members and industry will be taken into consideration.

Bell responded that all questions and comments must be addressed in the appendix.

Scott noted that industry comments, however, don't count any more than any one individual's comments.

Hunt asked Bell to locate the section of Part 451 where a super majority is required for approval of the Plan. Bell responded that this was in a DEQ operating decision, not in the Act.

Wolverton asked if the public comments resulted in substantive changes, would there be an additional public comment period?

Bell responded that the committee would have to play that carefully – if the final product after the comment period has major change(s), we would be obligated to go back, renotify the public, and hold an additional hearing process.

Wolverton then asked for clarification on the issue of capacity.

Bell responded that if there was a significant change in the number of counties, that could impact capacity. Volume would be a closer call. We would need input from DEQ before re-doing the public review process.

Meek asked for clarification of the role of the committee.

Bell responded that if the Board of Commissioners has objections and wants changes, they can send the Plan back to the CCSWPC one time with a statement of specific objections. The committee has to respond within 30 days to their objections, either by incorporating the changes or rejecting them. If the Board feels strongly, they can write their own Plan.

*Public Comment:*

Bert Kortess noted that the Board of Commissioners has instances of when a majority of those elected are needed to adopt a measure ... relating to money matters. He supported the committee checking into this issue. He apologized for the fact that the CCSWPC was not listed on the Board agenda. He knew the issue had been resolved prior to the meeting since the Commission minutes did not set a final date for the Committee to complete work.

He stated that he was sorry for Merle, Rich and Teresa, that they were in a terrible position representing both the community and WMI. WMI corporate could tell you

"if it doesn't mirror the contract, we won't accept it." The could also say this is not a update but a new Plan, and that's debatable. WMI corporate is in a win/win situation: if DEQ adopts the Plan, they can sue the county saying that this is a new Plan and the contract takes precedence. There are alternatives, and you've discussed some of them:

- ◆ Pass the plan and ship it to DEQ and WMI could sue. If they lose, they still win because the update is better than the old plan.
- ◆ Update the old Plan. If this reflects a simple update, submit it, and we can guarantee WMI will sue. The argument would be that this is an update and the old plan continues to take precedence. Would this be a better position?
- ◆ Board of Commissioners really does have the final say-so, because they could recognize the contract over the Plan (with 55 counties). I would do what I can do to fight that, but this is not the same Board as it has been in the past. Then I doubt that 67% of the townships would go along with the contract.

Randall asked wasn't it decided in court that the Plan supercedes the contract?

Kortes responded, yes, all the way to appellate court. But WMI would still argue that this is a new plan. [Clarification was provided on the different rulings made in the issues decided by the courts.]

Shirley Rilett said that she is not the least surprised, that some have seen the writing on the wall. She has no animosity for Teresa, Rich and Merle, they all work for employers who said this is the way to do it, and this means their job. If she were on the committee, she knows what she'd do. It's time to get tough. She believes that there is no chance in hell the board of commissioners will support the committee - the board signed a contract for the money last month, stating all they want is more money for the county. She doesn't look for that to change. She believes WMI will sue no matter what. She supports going back to the 1988 Plan and adding the changes that we must have.

[What followed was a reiteration of statements made earlier. For brevity, I have edited the duplicative statements that do not cover new material. Aeh]

Following a comment by Meek of the need for business to build for future capacity, Miele provided information to him regarding the primacy of the county solid waste plan over any contract entered into by governmental units and industry. As a consequence, the contract between Clare County and WMI is not enforceable in those areas that are in conflict with the Solid Waste Plan. The contract was signed without any regard to the Plan (which had been adopted first).

Harmon stated that he valued the opinions of the members of the CCSWPC. This [statement by WMI] was a big shock to everyone here. This was never the intention all along, not the intent of the solid waste industry representatives. This was news they received yesterday. He suggested that we reschedule a meeting to take up the Plan and address issues at some future time.

Randall addressed the issue of volume. He stated at the present time Northern Oaks is running at about ½ the capacity that we're allowing them – about 2,000 cubic yards/day or 578,000 <sup>44,657</sup> cubic yards/year. He then went through the figures on the chart attached to the minutes as handout #1. He noted that the cost of transporting wastes from far lying counties increases dramatically, and has significantly impacted WMI's ability to attract waste from other counties. He stated that he can't see what WMI's objection is since the landfill is only running at half volume at the present. 1554

Rilett asked if WMI came out and said that they wanted the contract in place or are they willing to work with the CCSWPC?

Harmon responded that if the 4,000 cubic yards/day is in place, then there could be a good faith effort to resolve other differences.

Hunt stated that she shared the concerns stated by other committee members. She feels incredibly frustrated. She feels that we should make the corrections in language as necessary, but not in context. Tonight has been a waste of time other than venting frustration. She believes we should let the Plan go to the public and let the chips fall where they may.

Randall made the motion to correct the Plan as needed and put it out before the public; supported by Meek.

Leszcz asked what "correct the plan as need" means? Are we voting to send this out now?

Miele responded that the original intent would remain. Corrections are not differences in intent. Corrections are words, figures, not changes in direction.

Harmon asked if proposing a change in the volume cap would be an issue that could be discussed.

Miele responded that it would not be an issue for discussion, since it would be a change in direction.

Scott asked if we were still working on changes or are we to review what has been done?

Harmon asked if he made a motion and got support for a change, could it not be voted in?

Hunt stated that she believed that legally, a committee member who brings a motion to a meeting which is supported and approved has to be considered. However, this was not the intent of her suggestion.

Hunt then called the question.

Cobb

absent

Leszcz

no

Fortune	absent	Meek	yes
Graves	absent	Miele	yes
Gross	yes	Randall	yes
Hale	yes	Scott	yes
Harmon	no	Stamper	absent
Hunt	yes	Ziegler	no

Motion carried with seven yes, three no.

Leszcz moved adjournment at 8:10 pm.

Respectfully submitted,

/s/ Ann Hunt, Secretary

ESTIMATE OF LANDFILL USAGE WITH 1998 AGREEMENT

COUNTY	WASTE VOLUME, YD <sup>3</sup> 10-1 THRU 9-30 FISCAL YEAR		INCREASE, % 1997 TO 1998	YD <sup>3</sup> /DAY BASED ON 286 DAY YR		YD <sup>3</sup> /DAY BASED ON 3000 YD <sup>3</sup> /DAY 286 DAY YR	YD <sup>3</sup> /YR BASED ON 3000 YD <sup>3</sup> /DAY 286 DAY YR	TOTAL YD <sup>3</sup> BASED ON NEW AGREEMENT 286 DAYS/YR	
	1997	1998		1997	1998			TOTAL/YR	YD <sup>3</sup> /DAY
BAY	46397	46269	-0.99	162.2	161.8	—	—	CONTINGENT BASIS ONLY	
CLARE	70447	85961	22	246.3	300.5	366.6 *	104847.6		
GLADWIN	20674	21146	2	72.3	73.9	160.5	45760		
GRATIOT	16192	25543	52	56.6	89.3	126.5	36179		
ISABELLA	108479	113388	4	379.3	396.5	412.4 *	117946.4		
MECOSTA	41051	53387	30	143.5	186.7	318.6	91119.6		
OSCEOLA	6459	9202	42	22.6	32.2	50.2	14357.2		
OSCEOLA	56263	65509	16	196.7	229	436.7	124896.2		
ROSCOMMON	19528	24252	24	68.3	84.8	151.6	43357.6		
TOTAL/YR	381490	444657	16.5	1347.8	1554.4	2023.1	578463.6	3000.7	857999.6
ALCONA								133.8	38256
ARENA								133.8	38256
CRAWFORD								133.8	38256
IOSCO								133.8	38256
KALKASKA								174.82	50000
LAKE								133.8	38256
MISSAUKEE								133.8	38256

**Clare County Solid Waste Planning Committee**  
April 22, 1999

The monthly meeting of the Clare County Solid Waste Planning Committee (CCSWPC) was called to order at 6:05 pm by Chairperson Marion Miele.

Members in attendance: Doug Cobb, Larry Gross, Robert Hale, Ann Hunt, Richard Leszcz, Forrest Meek (arrived at 6:30), Marion Miele, George Randall, and Donna Scott.

Members absent: Sue Fortune, Brian Graves, Merle Harmon, David Stamper and Teresa Ziegler.

Consultant Doug Bell was not present

Other persons present included: Tim Wolverton, Clare County Administrator, Harrison residents Dave Sander, Linda O'Leary, Jack McNutt, Ireta and Willard Dancer, Bert Kortess, Clare County Commissioner, and Shirley Rilett, Hatton Township Supervisor.

Correspondence -

A packet has been received from the Tri-County Solid Waste Advisory Council requesting that Clare County assist with the costs of a forum for solid waste committee members. Scott recommended that the Clare County Board of Commissioners contribute \$50 for this program, supported by Randall. Motion carried. Other materials were circulated to committee members.

Correspondence has been received from Richard Leszcz, Manager, Northern Oaks Recycling and Disposal Facility, regarding proposed changes in the Clare County Solid Waste Plan (the Plan).

Minutes of March 25

Randall submitted corrected figures for 1999 Northern Oaks landfill projections - 1554 cubic yards/day, or 444,657 cubic yards per year.

Page 2, paragraph 12 was amended to reflect that Miele was addressing Leszcz with the question.

Randall moved approval of the minutes as corrected, supported by Gross. Motion carried.

Introductions

Doug Cobb, representing the City of Harrison, was introduced. All persons present were also introduced.

WMI Letter - Miele noted that she attended a meeting last week with Lynn Grim, Bert Kortess, Tim Wolverton, Richard Leszcz, and Mr. Cooney of WMI to discuss the Plan update, problems WMI had with it, and potential resolutions. The letter of 4/19 addresses this discussion.

Scott asked if the committee had authorized Miele to participate in these negotiations.

Miele responded that the committee had not, but that this was an informal meeting to look at potential options. This was not a negotiation session.

Leszcz added that this meeting was clarification of the bombshell of the last meeting. The goal was to try to bring down the number of counties.

Scott interrupted that it bothers her that the committee was represented without approval, then addressed Leszcz that he was now talking about putting on more counties.

Leszcz corrected the list of counties on page 4 of the letter – Gratiot and Roscommon should have been included.

Scott asked about volume with the addition of Bay County.

Leszcz noted that the committee had previously voted on the 15 counties, and WMI had no problem with any of them. They did have a problem with volume. The additional four counties may be needed to meet the cap. If Northern Oaks (NO) was only receiving a thousand cubic yards/day, he would ask for approval to add one or more counties to meet the cap.

Randall noted that Bay is now a contingency county. Would that be moved to a regular county?

Leszcz answered yes, that Bay would be considered part of the service area, but that WMI would not draw from Bay without approval.

Scott noted that the cap is now 3000 cubic yards/day.

Leszcz responded that the solid waste planning committee cannot dictate caps. He stated that this was a challenge by industry, and referred to fax from the Michigan Waste Industries Association.

Scott reiterated that the new Plan authorizes up to 3000 cubic yards/day, but now WMI wants to go higher.

Miele stated that there has never been a cap. It was discussed in committee at 3000 cubic yards/day, but the contract states 4000 cubic yards/day. The court set the service area in line with the original Plan, the contract stipulates the cap. The committee can address the issue of the service area.

Randall, reading from the September 1998 minutes, said "Rilett made the motion... all members voted in-support", including members representing solid waste – Leszcz, Harmon, and White.

Leszcz stated that he rescinded his support at a subsequent meeting.

Randall continued that item 2 in the letter, addressing truck traffic, came from a letter he had addressed to Logsdon in May, 1998. He noted the plan to swing to the solution he had proposed at that time.

Leszcz responded that the new truck route had been part of the plan all along, but had to be coordinated with four entities: City of Harrison, Harrison Schools, Clare County DPW, and WMI.

Wolverton announced that there would be a meeting 4/28 with Brook Wood, Harrison mayor, WMI, Miele, 3 representatives from USDA, and Joe Ashcroft to address the road. There was always an agreement to put in a road, but a question of funding. This may now be addressed

through the new funding available to the county. The road will benefit the school, city, and industrial park. An engineering firm will be retained to address issues.

Jack McNutt, Harrison City Clerk, added that during the negotiations to bring WMI into the industrial park, the decision was made to route trucks north and south on US 27. However, there was a recognition that when trucks returned at 2-3 pm, they would encounter the heaviest traffic. Now they come in the same route they leave by, but instead of back tracking, the road around the back of the landfill to the industrial park will take care of the traffic. It is not intended as a major thoroughfare, but as a WMI route.

Leszcz added that WMI had access down Spruce for truck traffic, but rerouted due to the traffic.

McNutt reiterated that it was not intended to be a public road.

Leszcz added that the southeast section of the landfill is adjacent to the school property. Along with letting trucks in and out, it will provide an emergency evacuation route for the schools.

McNutt stated that the city supports the establishment of the route, and considered it an asset. The problem has been funding.

Kortes supported their statements, adding that the goal was to ease traffic coming from the west and when they leave town.

McNutt added that the new route would take 50% of the trucks off the road because they'd be able to circle right back to the trucking office.

Randall referring to the meeting of May, 1998, said the question has come up before and noted the trucking routes currently used.

McNutt added that the intention was to link the landfill with the hauling office.

Scott noted that this new road wouldn't affect the routing when trucks come in from the south.

Meek asked if the current route caused WMI to put extra miles on their trucks?

Randall stated that the current routes are the most practical routes, and don't increase miles significantly.

Leszcz added that the intent is to get trucks on the freeway as soon as possible.

McNutt stated that the City of Harrison has an excellent relationship with WMI; that the company has always been responsive to their concerns.

Randall then addressed item 3 in the letter. He asked for how long this partnership would exist. That the company wants the agreement to be extended to 20 years – the life of the facility. The revision of the Plan is only good for 5 years, and the letter indicates that they want to extend the Plan to 20 years.

Leszcz noted that the landfill opened in 1991.

Wolverton clarified that the company wants to address the agreement in partnership with the County. If the legislation is successful, and capacity isn't an issue, our only cap is in the contract. An extension of the agreement would benefit the county. In eleven years, with no revision, the landfill becomes the property of WMI and the revenue will be entirely theirs. Now Clare County disposal rates are limited to increases in accordance with the consumer price index. At the end of the current agreement, with no revision, there will be no more fees, no more price protection, etc. An amended agreement is in the best interests of both parties.

Randall offered figures regarding the potential life of the landfill at current rates and with the different caps.

Scott asked if there are eleven years left of the 20-year agreement, why do you [Wolverton] want us to go beyond the eleven years?

Wolverton clarified that he was speaking about the contract, not the Plan. There is a 20-year contract between WMI and the County, with 11 years to run. If agreement can be reached with the CCSWPC, WMI will rewrite the agreement with Clare County to be a partner so both will benefit for the life of the landfill. It makes sense to be a partner.

Scott asked what the CCSWPC has to say about it?

Wolverton responded that there is an agreement on the service area, WMI will open the contract and rewrite for the partnership.

Scott asked if this is a hard agreement. WMI has turned on us before.

Leszcz responded by asking what happens when the agreement goes away? He gave an example of a substantial increase in disposal fees following a lapsed agreement.

Miele added that the letter is an overview of the discussion.

Leszcz stated that he didn't have a problem with the 15 counties. But with four additional counties available if the cap isn't met, he would have options after receiving permission to add.

#### Public Comment

McNutt – The first item in the letter concerns the CCSWPC, the second concerns the city, and the third the county. The committee needs to address #1. The county commissioners control capacity, not the CCSWPC. We have to work within the Plan.

Sander asked what the volume is today. What difference does it make which counties we draw from if we have a volume cap? If laws say that only certain wastes may be accepted, then it doesn't matter where it comes from.

Leszcz responded that NO is currently taking in 1400-1800 cubic yards/day, based on the 9 counties we currently draw from. The Agreement called for 55 counties, so it doesn't matter where it comes from.

Miele responded that the committee is concerned with the service area, and with the health, safety and welfare of the citizens of Clare County. Our responsibility is to update the Plan, and that doesn't always coincide with the Agreement.

Sander noted that they [WMI] want more, we want less.

Leszcz stated that WMI may be able to get up to the cap within the 15 counties, but he doesn't know that for sure. Perhaps WMI won't be able to draw from some counties, and the company also wants to protect its other operations.

Randall noted that the farther out WMI goes, the less is hauled in. It's economics.

Leszcz agreed, and stated the company also tries to protect other service areas.

Randall stated that he wants to adjust the figure [cap] more than once every five years. It should vary yearly, and he wants to add that provision to the Plan.

Willard Dancer noted that the new counties are all on the Lakes, that they are seaport counties. He suggested that any additional counties be inland counties.

McNutt stated that the planned counties all have landfills closer than NO.

Leszcz responded that Cedar Ridge is having problems and that it will reach capacity in 5 years. Transportation costs are the issue. There is no intent to bring in Canadian waste, and this is stipulated in the contract.

Rilett asked if the minutes would reflect why Mr. Bell was not present.

Hunt responded that the minutes would note his absence, but we didn't know what reason he was absent.

Kortes added that he has presented the new Plan to the committee, and the committee was to go over that. There were problems with the extension of his contract and the costs, that may be part of why he wasn't here.

To McNutt - These are separate issues, you are right. The Solid Waste Plan is apart from them, as is the cap. Concerns raised by industry are before the attorney general right now, and there is no indication which way she'll rule. Some county plans may be found in violation of 451. The contract states 4000 cubic yards, and that's where they want to go. He is concerned about the rolling average provision, and what happens when they hit that - do they shut down? When there are 60 months or less capacity, the company can site a new landfill. The law will state that there isn't much choice as a county - we may not be able to refuse a new location. We are looking for a way to get along with WMI. We would rather deal with them on the number of counties, volume, costs - these are issues of control. It is important to know what the volume will be. If we take in 4000 cubic yards/day, the life of the landfill will decrease.

Scott noted that if the landfill goes down, Clare County waste has to be taken care of without additional fees.

Ireta Dancer asked if Canadian waste comes into Bay County, and we get Bay County waste, aren't we going to end up with Canadian waste?

Leszcz responded that the Whitefeather landfill cannot take in Canadian waste. The quickest way to be certain is by checking the county plans. It has to come into a transfer station or by barge. We're only talking about residential and business waste, nothing from transfer stations.

Sander noted that he was wearing his Budd Lake Association hat, and addressed the nuisance of gulls and other landfill birds. Millions of them roost on the lake at night and all over town, and head to the dump during the day. This issue needs to be addressed.

Miele responded that this is an issue of vector control, and the committee cannot address that. The issue has to be handled by the county, WMI and DEQ by contract.

Randall added that a landfill cannot be located closer than 2 miles or 10,000 feet from an airport because of the danger of birds.

Rilett stated again that it bothered her that Mr. Bell isn't here and he hasn't contacted anyone [in the committee]. She wants assurance that he'll complete the Plan.

Kortes stated that he might be concerned about Bell, that there isn't a signed contract, but a verbal agreement to continue. Money is the issue. Total pay is considerably less than he had anticipated. There are examples of a consultant walking away.

To Ireta Dancer – Canadian waste is excluded by contract. If it is brought into a transfer station, it does not become part of the county's waste after a certain period of time.

Rilett stated that she is still not settled with the 24-hour rule. She came across a video with attorney explaining that the state recognized the rule that if garbage stayed within a county for 24 hours, it became that county's. [Hunt provided Rilett with a copy of the email from Seth Phillips, DEQ Waste Management Division, denying the validity of any 24-hour rule.]

Miele asked Leszcz if out-of-state equaled out-of-country.

Leszcz responded yes, out-of-state is any waste not from Michigan.

Close of Public Comment

Leszcz noted that Bell has sent out the Plan update. He made the motion that we add Bay, Antrim, Charlevoix, and Emmett counties to the existing Plan. Motion supported by Meek.

Randall offered an amendment that Bay no longer be considered a contingency and that their waste be factored in to the calculations. Amendment did not receive support.

Scott stated that in our Plan, Bay is listed as a reciprocal, contingency county. What will we use for contingency if Bay is part of the service area?

Leszcz responded that it can still be contingent in the event of a breakdown or problem. Any additions would have to have approval if WMI can't reach the cap.

Scott asked if our plan gives approval.

Hunt asked for clarification what Leszcz meant by asking permission. Was he to ask individuals or boards?

Leszcz responded boards or their representatives.

Hunt then asked about the Middlegrounds clean up. The Middlegrounds is a landfill located on an island in the middle of the Saginaw River at Bay City which is contaminated by PCB

and other industrial wastes. The DEQ and EPA are currently working on a remediation plan for the contamination. Would NO receive any of those wastes?

Leszcz responded that it could receive wastes if they met with DEQ/EPA standards for disposal in a Type II landfill.

Randall noted that the contamination is caused by GM and they are paying \$28 million to have the wastes removed to an upstream island.

Meek asked for clarification of the types of waste that cannot be accepted in a type II landfill. Randall responded by reading a list of special wastes such as liquid industrial, WWTP sludge, oilfield sludge, car wash waste, and the grease pits of automotive service facilities.

Cobb stated that he didn't believe a motion could be amended. Why are we entertaining a motion to accept more counties when we haven't addressed the issue of yardage?

Hunt responded that the draft Plan has a cap of 3000 cubic yards/day.

Gross asked if the additional four counties were to be backup, why not include them in a different classification?

Miele added, or a plan amendment later on...

Leszcz responded that then the amendment would have to come back here [before the CCSWPC] and go through county approval process. WMI has 15 counties now. What if Ogemaw [for example] says no, then they'd be down to 14. Three or four more could do the same. Then the company would be back to 1400 to 1800 cubic yards/day. Volume is the issue. We are trying to get this plan out [to the public].

Miele noted that there is a trend that other counties are naming every other county - there is no danger of exclusion.

Leszcz stated that is the trend in the southern counties - Wayne, Oakland and Macomb. They are not finding this to be the case in the central/northern counties. If he could name all 55 counties ... The control mechanism is the volume cap of the contract. The counties named in the Plan will be asked to identify Clare County in their plans.

Gross asked to amend the motion to add "with committee approval"?

Scott stated that if we're going to do that, then forget the 3000 cap. I don't think we leave it that he comes to the committee - it should be the commissioners.

Leszcz reiterated that this is only a volume issue.

Miele stated her concerns about the four additional counties. We now have contingencies with Bay and Crawford, and Crawford was later added as part of the service area. Now Bay and Charlevoix. We're getting big here!

Hunt asked if the proposed counties were a substitution or an add on?

Leszcz proposed an amendment to the motion to add counties only when needed to meet the contractual cap, and only by affirmative action of the Clare County Board of Commissioners. Meek supported the amendatory language.

The motion in its entirety reads: *The Clare County Solid Waste Planning Committee will accept the addition of Bay, Antrim, Charlevoix, and Emmett counties only if needed to meet the contractual volume cap, and only by affirmative action of the Clare County Board of Commissioners.*

Roll Call vote:

Cobb	yes	Leszcz	yes
Fortune	absent	Meek	yes
Graves	absent	Miele	no
Gross	yes	Randall	yes
Hale	no	Scott	yes
Harmon	absent	Stamper	absent
Hunt	yes	Ziegler	absent

Motion carried, 7 yes, 2 no.

Scott then asked what will happen if the Plan and the Agreement don't coincide on the volume cap.

Hunt was asked if she would duplicate and distribute her comments on the draft plan.

Randall noted that there were not definitions included in the Plan. He suggested adding the definition of *contingency* from the October minutes, page 8.

Leszcz asked Wolverton to get the amendment to Mr. Bell along with language changes; Wolverton agreed. Leszcz then suggested meeting earlier to address only the Plan.

Next meeting will be Thursday, May 20, at 6 pm. Wolverton will reserve the room.

Meek moved adjournment at 8:05.

Respectfully submitted,

/s/ Ann Hunt, Secretary.

**Clare County Solid Waste Planning Committee**  
**Meeting of May 20, 1999**

The monthly meeting of the Clare County Solid Waste Planning Committee was called to order at 6 pm in the basement of the Clare County Courthouse.

Members in attendance: Robert Hale, Ann Hunt, Richard Leszcz, Forrest Meek, Marion Miele, George Randall, Donna Scott and Teresa Ziegler.

Absent: Doug Cobb, Sue Fortune, Brian Graves, Larry Gross, Merle Harmon, and David Stamper.

Also in attendance: Bert Kortess, Chair, Clare County Board of Commissioners, and Shirley Rilett, Supervisor, Hatton Township.

Randall moved approval of the minutes of April 22, 1999 (distributed at the meeting), supported by Leszcz. Motion carried.

Randall went to the Michigan Recycling Coalition annual meeting, but was only able to access the display area. The Board of Commissioners had not approved the contribution of \$50 which the Committee had requested at the April meeting so the Committee could take advantage of the Solid Waste Planners Summit. Miele extended apologies on behalf of the Committee; follow up on the Committee's recommendation did not occur.

Hunt inquired about the status of Mr. Bell's involvement with the Committee and what would happen if he didn't continue. Kortess will check his contract and will contact Bell to determine his intentions.

The Committee then moved into work session to go through the Solid Waste Plan Update, marking corrections and changes. No minutes were taken.

At 8 pm, Scott moved to continue working until the Committee had finished with the Appendices, supported by Ziegler. Motion carried.

Next meeting June 24. All Committee members should receive the final Plan Update prior to the meeting for review. At the next meeting, Committee members should be prepared to release the Plan for public review and to determine which local units of government they'll approach for questions and to support the Update. Leszcz recommended that all Committee members be contacted by letter in advance of the meeting for the vote to release the Plan Update.

Motion to adjourn at 8:40 pm.

Respectfully submitted,  
/s/ Ann Hunt, Secretary

## Clare County Solid Waste Planning Committee

Meeting of June 24, 1999

The monthly meeting of the Clare County Solid Waste Planning Committee was called to order at 6 pm on Thursday, June 24, 1999, in the basement of the Clare County Courthouse by Chairperson Marion Miele.

Members in attendance: George Randall, Marion Miele, Richard Leszcz, Ann Hunt, Robert Hale, Teresa Ziegler, Donna Scott, Larry Gross and Forrest Meek.  
Absent: Doug Cobb, Sue Fortune, Brian Graves, Merle Harmon, and Dave Stamper.  
Also present: Clare County Administrator Tim Wolverton, Clare County Commissioner Bert Kortés, and Hatton Township Supervisor Shirley Rilett.

Minutes of the May Meeting: Scott moved to accept the minutes of May 20, 1999, as presented, supported by Ziegler. Motion carried.

### Correspondence:

1. Notice of Clinton County Solid Waste meeting and agenda, June 29, 1999, St. Johns.
2. State Senator Bill Schuette announcing the availability of Clean Michigan Fund grants.

### Plan Update Review:

Consultant Doug Bell is no longer contracted by the county for the planning process. He has brought in a copy of the current disk, with corrections, which have been provided to Chairperson Miele and Secretary Hunt.

The committee proceeded to go through the revised Plan as presented at the meeting, making corrections and notations as it moved through the Plan page by page.

The committee agreed to include the minutes of the meetings in their entirety as a part of the Plan, not referenced as previously stated.

Hunt moved that the Plan Update be printed on recycled paper, on both sides (duplexed), supported by Meek. Motion carried.

### Public Comment:

Shirley Rilett – "Good job!"

Bert Kortés asked for clarification of the process, particularly in the absence of the prior consultant.

Leszcz moved that Hunt be paid at the rate of \$20 to \$25/hour to complete the formatting and editing changes as stated at tonight's meeting, supported by Meek. Motion carried.

Scott moved that the committee approve the Clare County Solid Waste Management Plan Update as corrected June 24, 1999, pending a review of the final plan by Miele, Ziegler, and Gross, then released for a 90 day public review. Motion supported by Randall.

Roll Call vote:

Cobb	absent	Leszcz	yes
Fortune	absent	Meek	yes
Graves	absent	Miele	yes
Gross	yes	Randall	yes
Hale	yes	Scott	yes
Harmon	absent	Stamper	absent
Hunt	yes	Ziegler	yes

Motion carried with nine affirmative votes, a majority of the members serving on the committee.

Leszcz moved to hold the public hearing date on September 1, 1999, in the basement of the Clare County Courthouse with Commission Chairperson Bert Kortés chairing the meeting. Wolverton will take care of public notice and arrangements. Motion supported by Scott. Motion carried.

Next steps:

- ◆ 90 day public review which includes a public hearing
- ◆ CCSWPC convenes to address issues raised during the public review process (hearing and written comments) – October 21, 1999
- ◆ Plan Update sent to Clare County Board of Commissioners for review and approval
- ◆ Plan comes back to CCSWPC to formally send it to local units of government for final approval. A letter will be sent with the Plan Update to let them know that if they want a committee member to attend their meeting to address the update, to please call.

Leszcz moved to adjourn at 7:54 pm.

Respectfully submitted,  
/s/ Ann Hunt, Secretary

# CLARE COUNTY SOLID WASTE PLANNING COMMITTEE

January 27, 2000

The meeting was called to order by Co-chair David Stamper at 7:05 pm in Meeting Room A of the Clare County Courthouse.

Members in attendance: Steve Essling, Larry Gross, Ann Hunt, Richard Leszcz, Forrest Meek, George Randall, Shirley Rilett, Donna Scott, David Stamper and Teresa Ziegler. Shirley Rilett has been appointed to replace Marion Miele, representing environmental interests. Steve Essling has been appointed to replace Merle Harmon representing the solid waste management industry.

Absent: Doug Cobb, Sue Fortune, Brian Graves, and Robert Hale. Ms Fortune asked to be excused because of her agency's annual meeting the next day.

Hunt moved to reschedule public comment to 8 pm, midway through the meeting, supported by Scott. Motion carried.

Leszcz moved acceptance of the minutes of the last meeting (June 24, 1999) as presented, supported by Rilett. Motion carried.

Essling moved approval of the agenda, supported by Leszcz. Motion carried.

## Officers for 2000

Rilett nominated Larry Gross as chair. Leszcz nominated David Stamper as chair. Stamper respectfully declined.

Leszcz questioned the appropriateness of electing new officers since the committee members' terms are scheduled to expire 2/17/2000.

Kortes responded that for the first time a committee meets, officers are elected. Committee members are appointed for a two-year term. At the conclusion of the term, they can appoint up to an additional two years. He stated that the committee needed to elect a chair and co-chair.

Rilett commented that she could not imagine the board (of commissioners) not approving an extension, that it would be a horrific expense to recruit and train new members. We need to elect a new chair and finish the process.

Leszcz nominated Ann Hunt as Chair. Hunt declined, stating she believed she could better serve the committee by finishing the term as Secretary.

Meek moved nominations are closed.

Randall moved unanimous consent in the election of Larry Gross as Chair. Supported by Hunt. Motion carried.

Rilett nominated Teresa Ziegler as Co-chair. Leszcz nominated Forrest Meek as Co-chair. Hunt moved to close the nominations, supported by Rilett.

A roll-call vote was taken:

Cobb - absent	Leszcz - Meek
Essling - abstain	Meek - Ziegler
Fortune - absent	Randall - Ziegler
Graves - absent	Rilett - Ziegler
Gross - Ziegler	Scott - Ziegler
Hale - absent	Stamper - Ziegler
Hunt - Ziegler	Ziegler - Ziegler

Results: Ziegler - 8, Meek 1, Abstain 1. Ziegler was elected as Co-chair.

Ziegler nominated Ann Hunt as Secretary. There were no other nominations. Scott moved to close nominations and move election by unanimous consent, supported by Randall. Motion carried.

#### Correspondence

1. Seth Phillips, Waste Management Division, DEQ, written comments on the draft plan as released for public comment. (distributed with meeting notice)
2. Michigan Waste Industries Association, represented by Honigman, Miller and Schwartz, comments on solid waste plan updates in general (not specific to Clare County update). (distributed prior to meeting)
3. Chapin Cook, Director Genesee County Metropolitan Planning Commission, requesting inclusion in our plan, and response from Hunt. Leszcz objected to the characterization in the response that the landfill can operate "efficiently and profitably." Hunt explained that statement was based on presentations by WMI to the SWPC that the approval of the counties requested would permit the landfill to operate efficiently and profitably.
4. Steven Essling, Waste Management, Inc., commenting on the draft plan. (attachment 1)
5. Essling distributed a disclaimer adopted by DEQ which is being attached to all approved plans which addresses local ordinances and/or regulations that are not statutorily addressed in the law or rules. (attachment 2)
6. Hunt distributed an email from David Dempsey, Michigan Environmental Council, relaying an opinion from Attorney General Jennifer Granholm in response to the MWIA statements on the update plans. (attachment 3)

Rilett stated that she had a copy of the Essling letter for some time. She stated that the WM representatives on the SWP Committee had led the committee to believe what we were doing was sufficient. She felt the committee had worked very hard with WM to give them extra counties and other concessions. [WM representatives] knew all along WM wouldn't agree with the plan. We were falsely led to believe that WM was working in good faith with the committee, but we have found that not to be true at all.

Randall added that the committee had believed that we had local control of incinerator ash [for the proposed solidification project] and found out after the fact that wasn't the case. He faults Doug Bell who knew this all along. The committee reconsidered the issue when we found we had no control. There are too many hazards and can't control the stink. If use fly ash from Alpena, it could have arsenic in it. Don't want it mixed with any material that goes into the landfill. WM is not up to 4000 cubic yards/day, and may be pressured to fill up with sludge. We turned down this project and don't want it.

Essling had two comments. He was Barry County Health Department director, then worked for private industry. The plan is still in the committee process until the commissioners approve it, and it can be changed. There is a host agreement between the facility and the county regulating volumes, hours of operation, and that should be driving the planning process. The plan could be made open-ended and don't put weight in it since the agreement is much more solid. Planning should be generic, repeating what is bound by the agreement with the county and company.

Randall stated that there is no host agreement addressing this kind of waste.

Essling responded that it would fall under the Federal and state rules. The company would declare it non-hazardous and it would be tested by the generator. The company doesn't want hazardous wastes, defending it would be expensive, and it could create a bad situation. He referenced Venice Park and Autumn Hills [landfills operated by WM] which accept solidification wastes. Autumn Hills accepts Lifesaver wastes mixed with wood chips.

Rilett asked Essling if he had been provided with a copy of the decision in C.L.A.R.E., Inc. vs. Clare County Board of Commissioners.

Essling responded, asking if the suit had come to resolution with Sygo [Chief, Waste Management Division, DEQ] letter.

Rilett clarified that the Judge had declared that the solid waste plan has precedence over the agreement. The solidification operation had been presented to the committee, and we asked WMI to present the proposal to Hayes Township and get their agreement. WMI refused. Rilett, and the majority of the committee, felt we didn't have the right to impose [this project] on Hayes Township without their knowledge.

#### Public Hearing (September 21, 1999)

Hunt asked if there were minutes available for the public meeting.

Kortes responded, asking if Tim Wolverton [former County Administrator] would have them.

Rilett noted that she had presented a letter of comments but that has not been included with the hearing comments.

Ziegler said that she recalls some individuals making comments but cannot remember what they said.

Rilett noted that [former Chair] Marion had asked the board to be in charge of the hearing.

County Administrator Grim located the minutes of the hearing and distributed copies. (attachment 4)

#### Public Comment

There was no public comment

#### Old Business

Plan Status: The update has undergone public review and comment. The next step is for the CCSWPC to review the comments and respond to them, make appropriate changes in the update, and then forward it to the Board of Commissioners for their review and approval. If they approve it as written, the next step will be for the CCSWPC to send it to the local municipalities for their approval. If the Board recommends changes, we will have to address those issues, either make changes or explain why the changes are not incorporated, and return it to the Board for their approval. The committee believes there will be at minimum three more meetings – one to complete review of comments and changes, one to approve and send on to the Board, and one to receive from Board and send on to municipalities. The recommendation was made that the terms of CCSWPC members be extended 90 days. Completion within that period will be dependent on the response of the Board.

DEQ Comments: Using the letter from Seth Phillips, Waste Management Division, DEQ, as the guideline, the following issues were addressed. Numbers are page references in the Phillips letter. The changed pages are all attached (attachment 5).

II-1. "other acceptable organic matter" was deleted since this is a reference to historic action and WM representative Leszcz believed that statement was accurate as amended.

II-1. Facility description sheets were included in the original draft supplied to the County Administrator for duplication and distribution. However, pages II-4 and III-9 through 11 were omitted from the copies provided to committee members and, apparently, the DEQ. Updated information on Northern Oaks was provided, with updated information on the other sites forthcoming.

II-8. Secretary read noted solid waste management system deficiencies as noted in the Roscommon County update. Rilett, Meek, Ziegler, Leszcz and Randall all had comments on plan deficiencies and solutions to recycling problems and solid waste issues. Changes were made and agreed to.

III-31 & 35. The issue of local ordinances and regulation were addressed. Essling presented a list of stipulations in the Host Agreement which, he believes, preclude the need for including them in a list of potential ordinances (attachment 5). Hunt stated that she believed the list should stand as written, however, the language on III-31 referencing local ordinances could be removed. Essling responded that he believed including the list would be in conflict with the Host Agreement, and create a conflict over which one prevails. Hunt suggested that removing the sentence on III-31 and retaining the list on III-35 would give the county the authority to adopt and implement ordinances, but does not mandate their adoption. Leszcz objected, stating that there would be conflict.

Rilett moved to delete the sentence: *Local ordinances are also applicable as long as they are not in conflict with Act 451 or this plan, as described on page III-36(sic)*, and to retain the list of subjects for local ordinances on page III-35. Supported by Ziegler. Roll call vote as follows:

Cobb - absent	Leszcz - no
Essling - no	Meek - yes
Fortune - absent	Randall - yes
Graves - absent	Rilett - yes
Gross - yes	Scott - yes
Hale - absent	Stamper - yes
Hunt - yes	Ziegler - yes

Results: Yes 8, No 2. Motion carried.

III-31 & 33. The DEQ questioned who was responsible for the enforcement of the plan since no agency was designated with that responsibility. After discussion, the committee decided to insert the word *enforcement* on page III-31 in the sentence *The Clare County Board of Commissioners will have the primary responsibilities for overseeing, enforcing, and coordinating the implementation of this plan.* On page III-33, under the subheading **Local Responsibility for Plan Update Monitoring and Enforcement:** the words after Clare County Board of Commissioners were deleted. Finally, the sentence *The State of Michigan is responsible for the development, operation and enforcement of the various laws and rules regarding the management of solid waste in the State of Michigan* was added in the **Recommended Management System** at the suggestion of Essling.

Leszcz provided a map of the facility and certification of capacity, two additional deficiencies not addressed by the committee. (III-36 and D-4)

Next meeting: Thursday, February 17 at 6 pm

Leszcz moved adjournment at 9:20 pm.

Respectfully submitted,  
Ann Hunt, Secretary.

CLARE COUNTY  
2-23-00 JD

**CLARE COUNTY SOLID WASTE PLANNING COMMITTEE**  
**February 17, 2000**

The meeting was called to order by Chairperson Larry Gross at 6:05 pm in Meeting Room A of the Clare County Courthouse.

Members in attendance: Doug Cobb, Steve Essling, Larry Gross, Robert Hale, Ann Hunt, Richard Leszcz, Forrest Meek, George Randall, Shirley Rilett, and Donna Scott. New member Richard Warzecha, representing Solid Waste Industry, was introduced.

Absent: Sue Fortune and Dave Stamper.

Essling offered clarification of Page 2, paragraph 12, sentence 2: The generating company... Sentence 3: Waste Management ~~the company~~ doesn't want....

In the discussion of solid waste management system deficiencies, Essling wanted to insert language reiterating statements he said he had made at the prior meeting. Secretary noted that the discussion of other committee members was not recorded, and that the listing on II-8 was approved by the committee as a whole.

Leszcz offered a correction to the last sentence on page 2, striking the a before Sygo. Randall differed on II-4, regarding the estimated lifetime of the landfill which was stated at 37.6 years. Leszcz responded that WM engineers had calculated the lifetime and he conveyed the figures. Based on current yardage, the lifetime is more like 40 years. If volume increased to 4,000 cubic yards/day immediately, the lifetime would still be in excess of 16 years. Randall raised the issue of the number of days the landfill is open per year. Leszcz stated that the figures are all based on current operations.

Meek raised a Point of Order, and asked Scott Darling, who had entered the meeting about 6:15, if he were appointed to the committee. Darling responded that he was self-employed and had asked to join the committee. Paperwork had been sent to him, but the commissioners present (Meek and Kortez) had no recollection of his appointment. He was welcomed, but asked not to vote until his appointment was confirmed.

Leszcz moved approval of the minutes as corrected, supported by Randall. Motion carried.

Scott moved approval of the agenda, supported by Essling, with the clarification that we would be electing a Co-Chair, not a Vice-Chairman.

Rilett nominated Donna Scott to be Co-Chair, supported by Meek. Meek moved the nominations be closed. Randall moved unanimous consent, supported by Meek. Motion carried.

There was no correspondence to report.

## OLD BUSINESS

Responses to the letter from Seth Phillips, Waste Management Division, DEQ, continued with Page III-36, addressing capacity.

Leszcz had provided the Secretary with a letter confirming capacity, but that letter was address to Dave Stamper under the assumption that he would become the Chair. Leszcz was asked to re-issue the letter, addressing it to Gross.

Leszcz noted that the facility data sheets (III-9, etc) should be sufficient to confirm capacity.

Essling noted that it is customary for the DEQ to check available records to substantiate capacity.

### A-4 Composting

Discussion centered on the fact that there are no composting operations that check parameters and market finished compost. It was decided to state the various large-scale operations, and indicate that none of them are commercial.

### A-6 Volume Reduction

Dollar amounts were determined by estimated costs. It was noted that Clare County appears to be questioned on this and other areas where other counties are not questioned.

### D-3 Capacity

Essling suggested referencing sections 4.4 and 4.6 in the Agreement

### D-4 Site Map

Randall provided a copy of the plat map for Hayes Township, Leszcz indicated the location. Map to be inserted.

### D-6 Volume Limits

Essling suggested inserting language from Section 4-5 of the Agreement referencing volume limits.

Phillips indicated that Section 2 is not appropriate, and is designed to circumvent the planning process.

Essling moved to drop contingency and drop #2, that the agreed upon counties [in #2] be made primary, and that reference be made to sections 4.4, 4.5, and 4.6 in the Agreement. Supported by Meek.

Rilett stated that she wasn't sure if he was adding words to confuse; he doesn't want the counties to be contingency but primary.

Essling responded that the DEQ would not accept additional counties as stated in #2.

Rilett answered that WM is adding additional counties rather than correcting [the Plan] as Seth said. Does Essling want the host agreement to supersede the Plan?

Essling responded "No."

Leszcz added that section 2 has to go away.

Scott asked if this goes to the fact that Northern Oaks is not getting enough waste?

Leszcz responded yes, but it is not changing what we approved.

Scott referred back to last year's discussion on adding counties. This is not a deficiency as far as DEQ is concerned, but is as far as WM.

Leszcz stated that things change; counties, routes, etc.

Rilett stated that she thought we were to address the concerns of DEQ, instead WM is trying to get more counties.

Leszcz agreed; address the issues of DEQ, and discuss new counties under New Business.

Hunt agreed that removing section 2 is appropriate, however contingency is not an issue with DEQ.

Cobb said that he kept reading the last few lines. The county can approve, agree, but cannot change import authorization.

Essling addressed the issue of intercounty agreements, citing the act (324.11538(6), attachment 1) which says they must be explicitly authorized. He said that there is an agreement between two counties if they are explicitly listed in both plans.

Leszcz concurred, saying that if counties are not mentioned in both plans, they are not considered valid.

Essling asked what contingency did that the Host Agreement didn't.

Leszcz addressed Darling, asking if we agree to have intercounty reciprocals, where do you think haulers are going to go when they can't dispose of waste from other counties. He stated that the committee would be restricting business by intercounty agreements.

Hunt stated that intercounty agreements are neither required nor precluded by the Act. It is the decision of the committee to include agreements.

Randall concurred that we need agreement as to what will coming.

Gross brought the discussion back to D-6, stating that some believe contingency is not workable.

Essling corrected him, stating that it is not necessary, since the Host Agreement sets the limits.

Hunt called the question.

A roll call vote was taken:

Cobb – Yes	Leszcz – Yes
Darling – Yes	Meek – Yes
Essling – Yes	Randall – No
Fortune – Absent	Rilett – No
Gross – No	Scott – No
Hale – No	Stamper – Absent
Hunt – No	Warzecha – Yes

The vote was a tie at 6 yes, 6 no. A tie vote means the motion does not prevail.

Hunt move the deletion of section 2 on page D-6, supported by Leszcz. Motion carried by voice vote.

Scott moved to change the citation referencing the volume limits to Section 4.5 of the Host Agreement as new section 2 on D-6, supported by Randall.

Essling stated that the volume limit sets the upper limit on a 5-year rolling average; he also noted that contingency counties are currently listed in the Plan.

Motion carried by voice vote, completing the DEQ list of concerns.

## NEW BUSINESS

Leszcz stated that since we had eliminated section 2 on D-6, Antrim, Bay, Charlevoix and Emmet counties were eliminated from the importation of wastes. Can't do it - losing volume, and these counties should be made primary. Scott responded that the committee's intent was never to make these counties primary.

Leszcz responded that listing them as additional counties was a mechanism to add those counties. Now they have been struck from the Plan.

Essling, quoting the Host Agreement, stated that there are still 55 counties that WM can insist upon.

Scott asked why we should have a plan if we can't say what counties can be included.

Essling responded that Clare County has a contract, despite the recall of commissioners. The judge had said the Plan was a controlling factor. WM intends to work with the county. They know they can't get 55 counties without going broke. We have 20 counties on the list and it would be easy for the county to agree with the list and agree with contingency counties being changed to primary. The company is in the process of reconfiguring with a new Plan.

Rilett said that the judge made a ruling and we have to live with the ruling. She asked Essling, "Do you believe 55 counties is still in effect?"

Essling said the ruling said that the county will cooperate with WM. WM is asking for contingency counties to be changed to primary. The agreement sets the upper limit of what can be taken in, and we're not there.

Rilett said that it is deplorable what the industry representatives did with this committee. They led us to believe that WM was working with us, but now the representatives are coming back wanting 55 counties.

Essling agreed that the judgment by the court at that time upheld the solid waste plan.

Leszcz said the settlement agreement that the Host Agreement is still in force. With the next update, we have to address new counties. We have 20 counties that he feels conform minus the restrictions and handcuffs. Restrictions are put on him as a facility/hauler, including reciprocal agreements. "I am asking for 20 counties primary. Give me 20 counties so that I can get my volume in and make a dollar."

Rilett responded that her bottom line is that she has to represent the county.

Leszcz added that he does, too, since he lives here.

Scott questioned if we gave WM all the counties as primary, would they then go to the county and ask for more.

Cobb asked if all this doesn't go back to the 4,000 yard limit?

Leszcz confirmed 4,000 cubic yards and a 16.4 year lifetime.

Randall noted the [Attorney General] Granholm opinion in response to the MWIA statement. They had argued that the county does not have unlimited authority through the plan unless expressly identified. Part 115 clearly contemplates limits on volume.

Gross stated that this should have been made clear early in the planning process before it went to public comment.

Hunt, noting the hour and the heated discussion, moved to adjourn and take up this question first at the next meeting.

PUBLIC COMMENT

Commissioner Bert Kortez asked committee members to submit expense sheets and asked how long we believed this process would take.

Meeting adjourned at 9:07 pm.

Next meeting scheduled for WEDNESDAY, MARCH 9 at 6 pm.

Respectfully submitted,

Ann Hunt, Secretary

# CLARE COUNTY SOLID WASTE PLANNING COMMITTEE

March 8, 2000

The meeting was called to order by Chairperson Larry Gross at 6:00 pm in Meeting Room A of the Clare County Courthouse.

Members in attendance: Doug Cobb, Scott Darling, Steve Essling, Larry Gross, Robert Hale, Ann Hunt, Richard Leszcz, Forrest Meek, George Randall, Shirley Rilett, Donna Scott, David Stamper, and Rich Warzecha. Absent: Sue Fortune.

Essling proposed adding an item addressing the issue of consistency for a reconfiguration of the Northern Oaks Recycling and Disposal Facility's new cells to the agenda. It was added as a new business item. Meek moved adoption of the agenda as amended, supported by Essling. Motion carried.

Meek moved approval of the minutes of the meeting of February 17, 2000, supported by Rilett. Motion carried.

## OLD BUSINESS:

### Service Area -

Randall stated that he had made a list of the 20 counties, the ones in our plan and the four contingency counties. (Essling, representing Waste Management, had sent a letter to all members seeking approval of a suggested list of counties without contingency designations.) There are only two additional counties being requested - Montcalm and Newaygo. Montcalm has a landfill.

Gross asked Essling if he had comments to add to the letter.

Essling responded that the letter was a restatement of positions taken at the last meeting. Leszcz questioned if a motion needed to be made.

Rilett responded that in order for the list to be voted on again, a motion would have to be made by the prevailing side (motion to reconsider).

Essling disagreed, stating that the person who originally brought the motion could bring it up again.

Randall made a motion to reconsider the issue of counties, supported by Meek. After discussion, and clarification that the motion addressed designating the four counties from contingency to primary, a voice vote was taken with all but one voting yes. Motion carried. Randall stated that he had gone through the minutes of prior meetings and believed that after the Committee had turned down WMI's request for a solidification facility at Northern Oaks, they agreed to let WMI have the [contingency] counties as primary in place of solidification.

Members with access to prior minutes disagreed, citing some discussion from prior meetings.

Leszcz agreed that there was not an agreement to move the four counties in question (Antrim, Bay, Charlevoix, and Emmett) from contingency to primary import counties.

Scott asked Leszcz if he was stating that removing section 2 from page D-6 in effect changed the designation of the four counties to primary.

Rilett made a motion that the contingency counties Antrim, Bay, Charlevoix and Emmett remain as contingency counties, supported by Hunt.

Hunt clarified that removing Section 2 on page D-6 did not remove counties from contingency status, nor did it remove counties from listings on pages III-3 and 4. Removing the section only removed the mechanism for adding new counties [through action of the Board of Commissioners] that DEQ objected to.

Rilett reiterated that the motion meant no changes. She cited Michigan Attorney General Jennifer Granholm, responding to comments made by the solid waste industry told DEQ that counties couldn't adopt volume limits, "Part 115 clearly contemplates limitations on types and amounts of waste."

Leszcz noted that we already have volume limits.

Essling stated that the solid waste rules did say that, and now more than half of the counties have host agreements. Can't have both.

Rilett responded that in Clare County we can. The court determined that our Solid Waste Plan takes precedence over the Host Agreement.

Leszcz added that WMI has an agreement with Clare County. He further stated that with the elimination of D-6 and this motion, we have eliminated the ability of Waste Management to go to the County to get additional volume.

Cobb noted that the counties are still contingency.

Leszcz responded that before WMI could go to the county and ask for additional counties to increase volume [D-6, Section 2 original language]. These counties will remain contingency and can only come in if there is a problem in the counties. Why would the Board (sic) vote before to leave paragraph 2 before and now it won't.

Scott stated that this is a problem. We went through all this, gave WMI the prerogative to bring in trucks at the end of their runs, etc. We never said you can bring yardage in to meet the cap.

Leszcz responded that he hoped the Board would think about the agreement and the ability to meet the cap.

Scott stated that the commissioners jumped the gun and entered into a contract in violation of the Plan. The Plan remains primary. We have fought ever since then to have a say.

Rilett noted that this sounds like a threat, as did Steve's letter.

Leszcz responded that it is not a threat, it is just business.

Gross said that we have been haggling over this for a long time. The Committee has been working with WMI in good faith. This should have been settled months ago.

Leszcz responded that the comments and objections from DEQ changed the Plan with the changes.

Rilett called the question. A roll call vote was taken:

Cobb - yes	Leszcz - no
Darling - no	Meek - no
Essling - no	Randall - no
Fortune - absent	Rilett - yes
Gross - yes	Scott - yes
Hale - yes	Stamper - yes
Hunt - yes	Warzecha - no

Motion carried, 7 yes, 6 no.

Randall asked if we should reconsider a vote on the removal of Section 32 [D-6]. We're taking these counties out.

Scott responded that according to what we had [original Section 2], Rich could go to the Board to change counties to primary. DEQ objected. Removing Section 2 doesn't address contingency.

Rilett asked Leszcz what is the volume in the counties brought forward - Montcalm and Newaygo?

Leszcz responded that those counties were proposed to fill the circle.

Meek asked at what distance hauling becomes unprofitable.

Warzecha responded that a 90-mile radius was the limit.

Randall wondered why WMI wanted Antrim, Charlevoix, and Emmett counties when they are more than 90 miles from Harrison.

Leszcz responded that once a transfer truck is packed and started down the road, it becomes more economical to transport.

Essling added that Charlevoix has a landfill that could be a backup, guaranteed disposal. Randall, to Leszcz, Kalkaska has a solidification plant in operation. Is there any intent to haul any of that stuff down here?

Leszcz responded, "I don't know, George. I'm going for my own."

Essling added that the same requirements apply in and out of the county. The generator declares the waste non-hazardous, it must meet the test, and then could be disposed of.

Leszcz added further: The primary reason to include Kalkaska is to dispose of trash. We could accept solidification waste, but it is up to them to bring it in. It would have to meet WMI specifications. There are lots of other ways to obtain dollars.

We will take in C-soils [contaminated soils] over garbage because there's more money.

There's testing and compatibility, etc. It still has to be taken into account what the current solid waste stream is and how it mixes.

#### PUBLIC COMMENT

There was no public comment.

OLD BUSINESS, continued.

#### Letter from Shirley Rilett, 9/28/99

Leszcz asked why we were just seeing this letter now. Hunt responded that the County Administrator did not provide Committee members with the letter, despite the fact that it had been submitted during the public comment period.

Rilett stated that the procedure was starting in an incorrect manner. The letter was to call attention to the Board of the correct procedure, and it has been corrected. The minutes of the hearing indicate that a public hearing advertisement had been placed in the newspaper of general circulation, but not information was included to explain the issues or invite comment. In order for the public to make comments, the public has to be informed about what to comment on. The plan was to put out information – a plan for the County Administrator and the Committee Chair to write articles, but it never happened [both have left the area].

Meek asked what Rilett wanted as a remedy?

Rilett responded that she thought the issue would be addressed by what was said at the hearing. Therefore, the public was never aware they were in the public comment period. Essling said that he was at the hearing and remembered the discussion. The meeting was properly noticed, there was a public hearing at which to receive comments, but that is not the place to act on the comments. We have to come to a meeting to respond to the comments. The county fulfilled its obligation.

Rilett noted that her letter never made it to public comment, and the plan was never carried out. Steve is right that they did have an ad. To be fair to the public, however, they have to be informed.

Hunt added that this Committee planned for members to meet with the Township Boards to provide them with information.

Rilett said she knew of one township that didn't receive a cover letter with their copy of the Plan. It is of foremost concern that we give them the opportunity to ask questions.

Leszcz recommended that a cover letter be included with the Plan offering for Committee members to attend board meetings.

Essling note that each municipality of the county has to meet and consider the Plan.

Rilett stated that the Plan has to be explained.

Essling said that in his travels in the county, he hasn't found one person that is concerned or thinks there may be a problem at the landfill.

Scott moved that when the Solid Waste Planning Committee send the Plan out to the municipalities for consideration that a letter be attached telling them of their responsibilities as a Board, that the majority of municipalities must approve before the Plan takes effect, urging them to take time to understand the Plan, and stating the procedure of how they should vote as a board. Supported by Rilett.

Meek offered an amendment, adding a one-page summary of the Plan, supported by Rilett, and accepted by Scott.

Cobb objected, asking who would interpret the Plan?

Rilett responded that it would only be a one-page summary.

Leszcz stated that he doesn't have a problem, that members of the board would go to the townships.

Warzecha responded that the summary would be an interpretation.

Cobb noted that most wouldn't read it, but that wouldn't be our fault. We should present the Plan as a package, but the problem will be of who will write the summary.

Meek said the county has performed its responsibility, that's a done deal Shirley has a point that there should be more explanation. I seen nothing wrong with informing the public. I see nothing wrong with a one-page summary.

Rilett added that when she received the Plan, she thought it was because she had come to the meetings. There was nothing to indicate that it should have gone to the township.

A voice vote was taken on the amendment to the motion, which passed. A roll call vote was taken on the motion as a whole:

Cobb - no

Darling - no

Essling - yes

Fortune - absent

Gross - yes

Hale - no

Hunt - yes

Motion carried, 7 yes, 6 no.

Leszcz - no

Meek - yes

Randall - yes

Rilett - yes

Scott - yes

Stamper - no

Warzecha - no

#### Waste Industry letter (Honigman, Miller, Schwartz & Cohn), 9/2/99

Essling summarized the letter, stating that the industry looked at county plans and the law and made generic comments to the planning process and sent the letter to all the counties that were involved in the planning process. The industry disagrees with the adoption of ordinances for haulers, diversion rates, etc. No action needs to be taken on this letter.

#### NEW BUSINESS

##### Consistency with the Plan

Essling stated that since we are still in the planning process, it is convenient to come to the Committee at this time. Any increase in volume has to be determined to be consistent with the Plan. Northern Oaks is proposing a reconfiguration of the waste cells, shifting them from an east/west orientation to north/south. The inside pitch of the new cells will comply with the new construction rules, though not with the original permit to construct. Because of 10 years' of data regarding groundwater flows and depths, engineers have determined that the groundwater is deeper than originally thought. The proposed cells will continue to meet DEQ requirements for isolation from groundwater.

WMI believes the new proposal is consistent with the Plan - there is no growth laterally or horizontally, and cells won't exceed the final elevation in the permits and host agreement.

WMI will meet the hydrogeological requirements. No changes will be made to the existing cells; the proposal only addresses new cells. Going ten feet deeper will increase capacity.

Scott asked if WMI had reconfigured other sites.

Essling responded that Hastings had been. The cells have a 1 on 3 slope for the subgrade in order to maintain friction with the liner, but maintains the same footprint while accepting more waste in the same area.

Hunt asked how much more.

Leszcz responded that Northern Oaks is currently taking in 1600 cubic yards/day. At that rate, the landfill will last 40 years. With the new design, landfill expectancy is 60 years. At 3000 cubic yards/day and current configuration, landfill life is more than 21 years; with reconfiguration an additional 10.3 years would extend it to about 33 years.

Rilett noted that this is an engineering concept that she doesn't understand. She is concerned with the depth of the cells. Her question is how far between the bottom of the cell and the aquifer. How much lower as compared to the existing; how close to the aquifer?

Essling responded that it depends on where you are in the cell. The center is the lowest, and it will be lowered by 10 feet. The isolation distance will not be changed. The goal is to maximize the facility.

Scott asked if the proposal was to protect the area, or more due to economics.

Essling responded that they are fixed on the area, but want to maximize the economics.

WMI formerly agreed to the boundaries of the cells. Height and boundaries have not changed from the Host Agreement or Plan.

Leszcz added that the proposal only changes the bottom elevations, and WMI is asking for a letter stating that this is consistent with the Plan.

Essling submitted a motion in writing, which was moved by Meek and supported by Scott: A vertical expansion of the Northern Oaks Recycling and Disposal Facility, Hayes Township, Clare County, is consistent with the Clare County Solid Waste Plan. The proposed vertical expansion would not change the final (top) elevation nor would it expand any horizontal (footprint) boundary.

Rilett stated that 10 years ago the landfill was consistent with DEQ rules regarding depth: now, because the rules have changed, we have to decide if this proposal is consistent with the Plan.

Essling stated that the issue is groundwater and you people can't make a decision on that.

The Plan references the outer boundaries and we have to determine consistency with that.

Scott referred to the original Plan and asked if there is a problem with it.

Essling said he wouldn't bring anything to the committee that is not consistent. Nothing has changed regarding isolation from groundwater.

Rilett asked if WMI already felt the proposal was consistent, why would they bring it to the group for a vote?

Leszcz responded that the rules call for a determination.

Cobb asked if there is no doubt that the proposal is consistent, why do you need our permission?

Leszcz responded that the proposal stays within the footprint, but new rules change the elevation of the slope. The vote is that there is no change in footprint.

Gross asked for clarification that WMI could go to DEQ and go deeper.

Leszcz responded that the proposal would still have to be approved and go according to the rules.

Scott asked if this information had been available ten years ago, could the cells have been dug deeper then? Would they be in compliance?

Rilett also asked if the DEQ rules have changed.

Essling responded that the isolation distance is the same.

Leszcz responded that the question is: "Is this proposal going beyond the original footprint okayed in the original plan?" New regulations change the slope, letting the cells go 10' deeper.

Randall questioned how the leachate would be removed from deeper cells.

Leszcz responded that pumps would be lowered and manholes would be lengthened.

Essling read from the Solid Waste Rules (section 902.1.a) regarding a definition of a consistency determination which is required to be submitted with a proposal to construct. Rilett asked if the committee votes no, would you [WMI] come back to ask us to make it consistent?

Lesczc responded no.

Randall noted that the cubic footage would change due to the increased depth.

Rilett stated that consistency only addresses elevation and boundaries.

A roll call vote was taken on the motion:

Cobb - no

Darling - yes

Essling - yes

Fortune - absent

Gross - no

Hale - no

Hunt - no

Lesczc - yes

Meek - yes

Randall - yes

Rilett - no

Scott - yes

Stamper - yes

Warzecha - yes

Motion carried, 8 yes, 5 no.

A copy of the vote will be sent to the County Board of Commissioners and ask them to respond to the issue with a copy to WMI and the Committee members.

#### Conveyance of the Plan

Hunt moved that the Solid Waste Planning Committee convey the Plan to the Board of Commissioners for their consideration and approval, supported by Stamper.

Voice vote, motion carried with two nays.

Procedure from this point forward is as follows:

1. Plan is conveyed to Board of Commissioners for consideration. They have three courses of action:
  - Approve as submitted and return to Committee to send on to municipalities
  - Make comments for suggested changes and return to Committee for consideration
  - Reject the Plan and write their own.
2. Committee meets after the Commissioners have decided and then either make changes and resubmit to Board of Commissioners or, if Plan approved as submitted, finalize dates, etc. and send on to municipalities with cover letter and one-page summary.
3. Local municipalities consider the Plan and indicate their approval or rejection. Once 66% approve, Plan is conveyed to DEQ for final approval.

At least, Committee will have one more meeting, although changes suggested by the Board may lengthen the process.

Meeting adjourned at 8:15 pm. Next meeting will be called after the Board acts.

Respectfully submitted,

Ann Hunt, Secretary

**MINUTES OF THE CLARE COUNTY  
BOARD OF COMMISSIONERS**

September 21, 1999  
Harrison, Michigan 48625

10-5-99 *am*  
Approved Minutes  
Page One

The regular meeting of the Clare County Board of Commissioners was held on September 21, 1999, commencing at 9:30 a.m. and called to order by Chairman Kortés. The Pledge of Allegiance was led by C/Bert Kortés.

Roll call revealed six members present being: C/Jennifer Elkins, C/Al Bransdorfer, C/Forrest Meek, C/Edward Ensz, C/Karen Lipovsky and C/Bert Kortés.

Motion was made by C/Forrest Meek and seconded by C/Karen Lipovsky to accept the agenda with modifications. Motion carried.

Motion was made by C/Forrest Meek and seconded by C/Jennifer Elkins to approve the regular minutes of September 1, 1999 with an amendment to page three, third paragraph from the bottom, first sentence, delete - the word (Supervisory). Motion carried.

Motion was made by C/Forrest Meek and seconded by C/Jennifer Elkins to approve the closed minutes of September 1, 1999 as printed. Motion carried.

Anne Smith, Family Independence Board Member appeared before the Board in regard to being appointed to another term. Motion was made by C/Forrest Meek and seconded by C/Edward Ensz to re-appoint Anne Smith to the F.I.A. Board for a term of three years, beginning October 1, 1999 through October 1, 2002. Along with the reappointment, Anne was presented a resolution from the Board for her outstanding service of 25 years service on that Board. Roll call revealed a unanimous vote of six yeas being: C/Forrest Meek, C/Edward Ensz, C/Al Bransdorfer, C/Karen Lipovsky, C/Jennifer Elkins and C/Bert Kortés. Resolution adopted.

**CORRESPONDENCE AND MOTIONS NEEDING BOARD ACTION:**

#3. Family & Medical Leave Policy - referred to Prosecutor for review.

Discussion was held in regard to a request from the Saginaw Valley Blood Program to hold a blood drive, here at the County Building for employees, which would go directly to the Mid Michigan Regional Health Community. A motion was made by C/Jennifer Elkins and seconded by C/Karen Lipovsky to authorize a blood drive for Clare County Blood Service in cooperation with the Saginaw Valley Blood Program, with date to be determined later. Roll call revealed a vote of three yeas being: C/Al Bransdorfer, C/Jennifer Elkins and C/Karen Lipovsky and three nays being: C/Al Bransdorfer, C/Forrest Meek, C/Edward Ensz and C/Bert Kortés. Motion failed due to a tie vote.

Chairman Kortés, then opened the Truth In Taxation Hearing at 10:30 a.m. to set the County's proposed increase of 0.3022 of a mill on 1999 taxable value from 4.9459 mills to 5.0251 mills. Millage rate levied in 1998 was 5.0753.

A motion was made by C/Jennifer Elkins and seconded by C/Forrest Meek to authorize the expenditures for August 1999, in the amount of \$636,664.31 with General Fund expenditures totaling \$530,379.58. Motion carried.

A motion was made by C/Jennifer Elkins and seconded by C/Karen Lipovsky to approve the purchase of a computer for Emergency Preparedness from Gateway Computer for \$2,036.00 and pay from #101-426-978.000 (new equipment). Motion carried with two nays being: C/Forrest Meek and C/Ed Ensz.

MOTIONS REQUIRING BOARD ACTION CONT'D.

*RESERVED  
10-5-99  
Cam*  
A motion was made by C/Jennifer Elkins and seconded by C/Forrest Meek to correct a negative balance in the County Health Insurance Fund #677715.000 by \$13,062.02, #101-136-715.000 by \$10,373.05, #101-133-715.000 by \$12,167.75, #101-131-175.000 and amend the General Appropriations Act by decreasing line items #101-229-0 by \$24,173.45, #101-148-715.000 by \$10,389.11, #101-152-715.000 by \$3,122.85, #101-282-715.000 by \$8,625.00, #101-321-716.000 by \$7,658.00, #101-321-716.001 by \$4,095.00, #101-322-715.000 by \$32,218.00, #101-333-715.000 by \$14,816.67, #101-323-715.000 by \$30,541.95 and Funds: #215-000-715.000 by \$45,979.44, #239-000-715.000 by \$2,726.08 and #261-000-715.000 by \$62,188.28 which totals \$282,135.98 to be transferred into Appropriations Transfer Out #101-990-998.677 and increase Appropriations Transfer In #101-000-699.677 by the same amount with the County Treasurer to make the necessary journal entries. Motion carried.

A motion was made by C/Karen Lipovsky and seconded by C/Jennifer Elkins to approve the addendum for Contract No. ND87-1165, between Clare County Transit Corporation and the Clare County Board of Commissioners to extend the contract from October 1, 1999, to continue for a maximum of sixty (60) months, and authorize the Chairman to sign same. Motion carried.

A motion was made by C/Forrest Meek and seconded by C/Al Bransdorfer to concur with Tuscola County Board of Commissioners' Personal Property Tax Revenue Resolution. cc: Governor, Legislators, Tuscola County and Michigan Association of Counties. Motion carried.

A motion was made by C/Karen Lipovsky and seconded by C/Jennifer Elkins to allow Wayne Pribbernow, part-time Animal Control Officer to attend classes with area veterinarians to be applied towards 104 hours of training. Motion carried.

Motion was made by C/Ed Ensz and seconded by C/Forrest Meek to allow the County Clerk to purchase two (2) Microsoft Office 97's from Crystal Computers @ \$310.00 each to be paid out of #101-901978.215. Motion carried.

*RESERVED  
10-5-99  
Cam*  
~~Motion was made by C/Jennifer Elkins and seconded by C/Forrest Meek to transfer \$42.00 from contingency #101-890-956.299 to appropriation transfer out #101-990-998.701 and transfer in #701-000-271.000 (Trust & Agency Account) for over payment on restitution. Motion carried.~~

Motion was made by C/Jennifer Elkins and seconded by C/Karen Lipovsky to allow Elected Officials, who presently do not have health insurance be allowed to purchase health insurance under the County's Blue Cross/Blue Shield to be categorized with the P.O.L.C. Unit. Motion carried.

A motion was made by C/Al Bransdorfer and seconded by C/Jennifer Elkins to approve a salary increase for Darrell Schlese, Circuit Court/Probate Court Administrator/Juvenile Referee retro-active to January 1, 1999 as follows: Base salary for 1999 to be \$39,492.54 and transfer \$3,715.44 from contingency #101-890-956.000 to #101-152-702.000 with a 3% increase of \$1,184.78 for the year 2000 and 3% increase of \$1,220.32 for the year 2001 and Gladwin County to pay half of the salary increase. Motion carried.

A motion was made by C/Al Bransdorfer and seconded by C/Jennifer Elkins to implement the 2% pay increase for all non-union court employees - retro to January 1, 1999. Motion carried.

Recess was called at 11:10 a.m. and back in session at 11:30 a.m. with Chairman Kortess closing the Truth In Taxation Public Hearing with no public comment.

Public comment time was then opened at 11:35 a.m. with C/Kortess introducing John Parker, Candidate for District #2, County Commissioner and Angie Reed, new reporter for the Morning Sun. At that time Terry Johnson, Frost Township addressed the Board in regard to the House Numbering Ordinance recently adopted. He expressed concerns in regard to the house numbers in the County - not being correct or in sync with the street index ranges so emergency calls could be handled efficiently and promptly. He, himself was working with Consumers Energy to correct his own address, but reiterated it

September 21, 1999  
Harrison, Michigan 48625

10-5-99 Cam  
Approved Minutes  
Page Three

takes about four or five months. Mr. Johnson would be approaching his own local entity concerning this problem and asked the Board, if an ad hoc committee could be formed to address this problem. Committee members to look into with 911 Board.

Recess was called for lunch at 12:00 noon and back in session at 1:10 p.m.

*Amended  
10-5-99  
Cam*  
A motion was made by C/Al Bransdorfer and seconded by C/Karen Lipovsky to approve a rental/lease agreement with Pitney Bowes for a new postage machine in the amount of \$456.60 per month for 48 months, equipment will be owned at the end of 48 months excluding meter. ~~with above amount to be paid out of the 245 fund.~~ Transfer \$1732.77 from contingency #101-890-956.299, with \$1008.42 to #101-905-991.000 (principal), \$103.38 to #101-905-995.000 (interest) and \$621.00 to #101-295-851.000 (maintenance) and increase capital outlay #101-901-978.295 by \$21916.00 and increase debt service control #101-000-698.000 by \$21916.00 with Treasurer to make the necessary journal entries. Motion carried.

Motion was made by C/Karen Lipovsky and seconded by C/Jennifer Elkins to approve \$5,681.00 for a computer training program. Courses would be offered in 3 hour blocks twice a week on days and times selected by the County for two groups, each receiving 36 hours of instructions to be paid out of #101-259-957.000. Motion carried.

A motion was made by C/Jennifer Elkins and seconded by C/Karen Lipovsky to allow Administrator to hire a confidential secretary and permit the health insurance coverage for same to begin immediately upon date of employment. Motion carried.

Motion was made by C/Jennifer Elkins and seconded by C/Forrest Meek to authorize the Chair to sign a free maintenance agreement (for 12-months) on the new communications system with I.T.I. Motion carried.

Recess was called at 2:25 p.m. and back in session at 2:45 p.m. with District Court Magistrate, Rick LaBoda on the agenda in regard to the drunk driving and drug caseflow reimbursement in the amount of \$6,713.75. A request was made by the Magistrate to put \$1720.00 in three line items in the red and purchase a new copy machine, typewriter and new computer for the Court Recorder. After much discussion, request was tabled for further information.

Public comment time was opened at 3:00 p.m. with Mr. Dennis Sheehey, Bertha Lake Association and Charles Pardue, Drain Commissioner. Discussion was held on the twenty-three year old problem and a need for action. Drain Commissioner to come back to the next Board of Commissioners' Meeting, October 5, 1999 with updated results.

Motion was made by C/Al Bransdorfer and seconded by C/Karen Lipovsky to allow the Sheriff's Department to purchase a portable video surveillance system and training for same to be used for drug activity surveillance in the amount of \$2995.00 to be paid out of #265-000-978.000, Drug Law Enforcement Fund, contingent upon quote still being valid. Motion carried.

Motion for purchase of an in-car camera for Secondary Road Patrol Unit given to Budget Committee for clarification.

Motion was made by C/Forrest Meek and seconded by C/Ed Ensz to appoint Jon Ringelberg to the Clare County Planning Commission for a one-year term 9/21/99 to 9/21/00. Motion carried.

Motion was made by C/Ed Ensz and seconded by C/Forrest Meek to have Administrator submit a letter to the D.E.Q. Air Quality Control Office advocating their support of the burning of tires as long as it does not surpass the E.P.A. Clean Air Guidelines. Motion carried.

Motion was made by C/Karen Lipovsky and seconded by C/Forrest Meek to have the Building & Grounds Committee create a designated parking space for the County Administrator. Motion carried.

**MOTIONS REQUIRING BOARD ACTION CONT'D:**

Motion was made by C/Karen Lipovsky and seconded by C/Forrest Meek to transfer \$144.90 from contingency #191-890-956.299 to #101-430-961.000, animal control dog damage and authorize a check be drawn up to \$144.90, if fourth pig perishes to Paul and Aprilei Workman for the loss of their three pigs per report from Township Supervisor, Thomas Krchmar. Motion carried.

Motion was made by C/Jennifer Elkins and seconded by C/Karen Lipovsky to purchase from McDonald Computer Network Services, One Workstation Ultra PRW 400 Intel Pentium II 400Mhz w/512k Cache, 64MB 100 Mhz Ram 10Gb, Ultra ATA Hard Drive, 3.5 Floppy Drive, 40X CD Rom Drive, ATI 3D Charger 8Mb Video, Ms Windows 98, Kingston 10/100 PC Network Card, AOC 17" Monitor 3/5 year onsite warranty (5 on CPU & Memory), for \$1,250.00 to be transferred from new equipment line #101-901-978.172 (Administrator) into new equipment line #101-901-978.275 (Drain Dept.) to pay for same. Motion carried.

Motion was made by C/Jennifer Elkins and seconded by C/Karen Lipovsky to purchase from McDonald Computer Network Services One GIS Mapping Machine Ultra PRW-400 Intel Pentium II 305 Mhz w 512k Cache, 256 MB, 100 Mhz Ram, 10Gb Ultra ATA hard drive, 3.5 floppy disk, 40X CD Rom Drive, Atl 3D Charger 8 Mb Video, MS Ps/2 Style Mouse, MS Windows 98, Kingston 10/100 PCI Network Card for \$1,400.00 and one 56K PCI Internal Modem at \$79.00 for a total of \$1,479.00 to be transferred from new equipment #101-901-978.172 (Administrator) to: 1/2 \$739.50 into new equipment #101-901-978.371 (Building Dept.) and 1/2 \$739.50 into new equipment #101-901-978.372 (Electrical Dept.) to pay for same. Motion carried.

Motion was made by C/Jennifer Elkins and seconded by C/Karen Lipovsky to purchase from Quill's Office - One HP Laser Jet Printer 2100 for \$699.99 and transfer \$699.99 from #101-901-978.172 (Administrator) to #101-901-978.371 (Building) to pay for same and have McDonald Computer Service install printer. Motion carried.

Motion was made by C/Jennifer Elkins and seconded by C/Karen Lipovsky to amend the General Appropriations Act and have County Treasurer create a new activity "Middle Michigan Development Corporation" (Non-Profit Organization) and transfer \$20,000.00 from contingency #101-890-956.299 for same. Roll call revealed a unanimous vote of five being: C/Jennifer Elkins, C/Karen Lipovsky, C/A1 Brandsdorfer, C/Forrest Meek and C/Bert Kortess with C/Ed Ensz absent. Motion carried.

The recreational plan submitted by Sundberg & Associates was then reviewed and examined by the Board for consideration.

With no further business to come before the Board, Chairman recessed this meeting at 5:25 p.m. for dinner, to reconvene at 6:00 p.m. in Room "A" of the Courthouse Building, Harrison, Mi. for a Public Hearing on the new Updated Solid Waste Plan.

The recessed meeting of the Clare County Board of Commissioners was reconvened at 6:10 p.m. Chairman Kortess opened the public hearing on the Solid Waste Update with Chairperson, Marianne Meile reiterating the changes made to the new plan. Basically; updated demographics, hauling company and possible alternatives. New plan addresses recycling and some composting. The main change was importing counties in our plan by an increase of (3) three counties to the original plan of (13) thirteen counties being: Antrim, Charlevoix and Emmet along with Alcona, Arenac, Gratiot, Gladwin, Iosco, Isabella, Kalkaska, Lake, Mecosta, Missaukee, Ogemaw, Osceola and Roscommon. Bay and Crawford County to be Contingency Counties. Only nine counties using presently.

Northern Oaks to be the only facility in Clare County. They also have composting and recycling. Only Type II - no Transfer Stations only a few Transfer Type "B". No processing or sludge plants will be

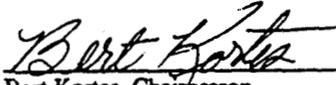
allowed in Clare County. (Section 22). Northern Oaks to make reports to the County, looking at a ten-year projection at this point. Ground samples are to be done by the site manager.

Mr. Willard Dancer reiterated the concerns of one resident south of the landfill in regard to the quality of their water. Shirley Rilett expressed concern, that the public notice was advertised too soon and should have been published for a second time with entities given a written notice to attend the public hearing. Solid Waste Board at that point, requested the Board of Commissioners to send out a letter to all townships, cities and village - stating: (1). Here is the Plan, (2) Board action is needed to approve or reject, (3) All Solid Waste Committee Members can be available at their local meetings for informational purposes. Also a notice should be published stating: The Updated Solid Waste Plan is now in the hands of your local entities, those with concerns should attend your local entity meetings for information on the new solid waste update. Discussion was held on whether the Solid Waste Committee should put together the changes and publish in the paper.

Mr. Steven Essling with Government & Regulatory Affairs of Greater Michigan Landfill Division then approached the Board stating that there is no time frame on municipalities to approve or no statute for 67% approval by the townships. He suggested that the Board of Commissioners adopt a resolution reiterating the steps taken by the Solid Waste Committee in their updating process and send out to all entities. He also suggested that quarterly meetings be held by the Solid Waste Committee and the Board of Commissioners to keep things fresh and give the public a tool to vent and have the waste facilitator present to answer questions. Mr. Essling noted, that new rules from the DEQ have come down in regard to recycling. He also said that III-35, #3, Sub.7 (part of our operational host agreement) that part should be taken out of the plan, can't use plan to enforce the document between two parties, but could mention there is an agreement between the County and Waste Management. Mr. Essling further reiterated that providing we strike #7, the DEQ will probably approve the plan. Whether any inclusions or deletions are made depends on PA #138 (Mary Brown Bill) satisfying fees up to \$25.00 per year, per household.

With no further feedback from the public, a motion was made by C/Al Bransdorfer and seconded by C/Ed Ensz to close the public meeting and adjourn at 7:20 p.m. until the next regular Board of Commissioners' Meeting to be held October 5, 1999 in the Commissioners' Chambers commencing at 9:30 a.m. or at the call of the Chair. Motion carried.

  
Carol A. McAulay, Clerk  
Clare County Board of Commissioners

  
Bert Kortés, Chairperson  
Clare County Board of Commissioners

# MINUTES OF THE CLARE COUNTY BOARD OF COMMISSIONERS

May 2, 2000  
Harrison, Michigan 48625

5-16-00  
~~Un~~approved Minutes  
Page One

The regular meeting of the Clare County Board of Commissioners was called to order at 9:35 a.m. by Chairman Kortés. The Pledge of Allegiance was led by C/Bert Kortés.

Roll revealed four members present being: C/John Parker, C/Karen Lipovsky, C/Ed Ensz and C/Bert Kortés with C/Forrest Meek in attendance at 10:15 a.m. and C/Al Bransdorfer in attendance at 10:00 a.m. and C/Jennifer Elkins absent.

A motion was made by C/Karen Lipovsky and seconded by C/John Parker to accept the agenda as modified. Motion carried.

A motion was made by C/Ed Ensz and seconded by C/Karen Lipovsky to approve the regular minutes of April 18, 2000 as printed. Motion carried.

A resolution for naming a lake started on Shively property in 1969 was presented by committee, there being no public available for comments a motion was made by C/John Parker and seconded by C/Karen Lipovsky to approve Clare County Resolution #00-9 officially naming the lake in the Southeast 1/4 of Section 32, T17N, R3W, Sheridan Township, Clare County, State of Michigan as Shively Lake. Roll call revealed four yeas being: C/John Parker, C/Karen Lipovsky, C/Ed Ensz and C/Bert Kortés with C/Forrest Meek, C/Al Bransdorfer and C/Jennifer Elkins absent. Resolution adopted.

Marc Fry with Alliance Construction Group LLC then approached the Board in regard to designing the new Animal Shelter for Clare County in the amount of \$21,000. If Alliance is chosen to design the project, the contract will reflect the ability to cancel the construction portion of the project, at the end of the design phase. This will give the County the ability to bid and award the project to another company if desired. After much discussion, a motion was made by C/Karen Lipovsky and seconded by C/Al Bransdorfer to proceed with the contractual agreement with Alliance Construction in the amount of \$21,000 to do the architectural design for the Animal Shelter, with Chair to sign same and the above amount to be paid out of #413-000-702.000. Roll call revealed five yeas being: C/Karen Lipovsky, C/Al Bransdorfer, C/John Parker, C/Forrest Meek and C/Bert Kortés with one nay being: C/Ed Ensz and C/Jennifer Elkins absent. Motion carried.

A public hearing on the Housing Commission's Resolution #00-08 was then opened by the Chairman at 10:30 a.m. for one hour for public comment.

A motion was made by C/John Parker and seconded by C/Karen Lipovsky to allow the following language to go on the Primary Election to be held on August 8, 2000 for renewal of the Senior Service millage @ .48 mill for another five years:

Shall the County of Clare levy up to .48mill (\$0.48 per \$1,000.00) of taxable value for the purpose of providing services to the elderly of Clare County as provided in PA39 of 1976, for the years 2000 to 2004, inclusive (commencing with the December 2000 tax billing), such amount being an increase over the 15 mill limitation provided in Section 6 of Article IX of the Michigan Constitution of 1963. Said levy is a renewal of a prior .48 mill voted millage, which is currently levied at .4752 mills and would otherwise expire with the December 2000 billing date. It is estimated that .48 mills will raise \$288,000.00 in funds in the first year.

Roll call revealed a vote of four yeas being: C/John Parker, C/Karen Lipovsky, C/Ed Ensz and C/Bert Kortés with C/Forrest Meek, C/Al Bransdorfer and C/Jennifer Elkins absent. Motion carried.

Recess was called at 10:35 a.m. and back in session at 11:01 a.m. with Chairman closing the public hearing at 11:30 a.m. on the CDBG Housing Application, which is requesting more allocation through MISHDA due to emergency and housing needs in Clare County.

A motion was made by C/Ed Ensz and seconded by C/Karen Lipovsky to adopt Resolution #00-08 authorizing the Clare County Housing Commission to submit the application for funding in the amount of \$175,000.00 through the 2000 Michigan CDBG Housing Program on its behalf. Roll call revealed a vote of six yeas being: C/Ed Ensz, C/Karen Lipovsky, C/John Parker, C/Al Bransdorfer, C/Forrest Meek, and C/Bert Kortez with C/Jennifer Elkins absent. Resolution adopted.

A motion was made by C/Ed Ensz and seconded by C/Karen Lipovsky to allow the County Clerk to fill the vacant position of Chief Deputy, per UAW Contract, Unit II for the County Clerk/Register of Deeds/Abstract Office and move \$715.00 from contingency #101-890-956.299 to full time salary #101-236-704.000. Motion carried.

A motion was made by C/Karen Lipovsky and seconded by C/John Parker to allow the Sheriff's Department to purchase 22 SIG Arms, Model 226, 40 Cal. Handguns from the Michigan State Police in the amount of \$12,798.50 to be paid from #101-901-978.301 (capital outlay, Sheriff's Office & Patrol). Motion carried.

A motion was made by C/Karen Lipovsky and seconded by C/John Parker to allow the Sheriff's Department to purchase gun accessories in the amount of \$3507.92 of which \$2801.50 to be paid from #101-901-978.301 (capital outlay - Sheriff's Office & Patrol) and \$706.42 to be paid from #101-301-747.000 (uniforms and accessories.) Motion carried.

A motion was made by C/Al Bransdorfer and seconded by C/Karen Lipovsky to amend the General Appropriations Act and transfer from contingency #101-890-956.299 in the amount of \$24,600.00 into the following 331 Marine Budget line items: Motion carried.

#101-331-704.000	Salary Law Enforcement	\$9,000.00
#101-331-705.000	Salary Education	\$1,275.00
#101-331-706.000	Salary Livery - S&R, B&R	\$ 750.00
#101-331-862.000	CCS & M	\$4,575.00
#101-331-978.000	New Equipment	<u>\$9,000.00</u>
	Total	\$24,000.00

A motion was made by C/Al Bransdorfer and seconded by C/Karen Lipovsky to purchase a laser radar in the amount of \$2,685.00 to be paid from #101-333-978.000. Motion carried.

A motion was made by C/Al Bransdorfer and seconded by C/Karen Lipovsky to purchase three bikes and accessories in the amount of \$2,095.00 to be paid from #101-321-978.000 (new equipment) Motion carried.

A motion was made by C/Al Bransdorfer and seconded by C/Karen Lipovsky to allow the Sheriff's Department to purchase Officer's equipment and uniforms in the amount of \$1,140.44 with \$601.00 to be paid from School Safety Grant, line item #101-321-978.000 (new equipment) and \$539.44 to be paid from line item #101-301-747.000 (uniforms and accessories.) Motion carried.

A motion was made by C/John Parker and seconded by C/Karen Lipovsky to authorize Richard W. Hughes to attend the N.M.F.S.C. Spring Conference and Training on May 24, 2000 with a registration fee of \$150.00 to be paid from line item #215-000-864.000 (convention, seminar expenses.) Motion carried.

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A motion was made by C/Ed Ensz and seconded by C/Karen Lipovsky to raise the fees for NSF checks from \$5.00 to \$20.00. Motion carried.

A motion was made by C/Karen Lipovsky and seconded by C/Forrest Meek to allow the Administrator to attend the Michigan Association of Counties Administrative Officers Conference to be held on May 23, 2000 – May 26, 2000 at Crystal Mountain Resort. Motion carried.

A motion was made by C/Karen Lipovsky and seconded by C/Forrest Meek to purchase a used Lanier Copier, Model #6725, with document feeder, toner and sorter in the amount of \$3,000 to be paid from line #101-901-978.172 and place the former copier, that was in the Administrator's Office in the outer chambers of the Board of Commissioners for their use. Motion carried.

A motion was made by C/Forrest Meek and seconded by C/John Parker to allow C/Karen Lipovsky to abstain from voting on the reappointments on the Construction Board of Appeals. Motion carried.

A motion was made by C/Ed Ensz and seconded by C/Al Bransdorfer to reappoint Gerald Lipovsky, Mark Mann, Joseph Nosedo Sr., George Palmer and Brook Wood to the Construction Board of Appeals for a two-year term to begin on May 20, 2000. Motion carried.

A motion was made by C/John Parker and seconded by C/Karen Lipovsky to allow Kim Halis, Director of the Equalization Department to attend a workshop on May 22, 2000 for understanding the valuation of golf courses, in order to evaluate Eagle Glen Golf Course with expenses to stay within the County guidelines and paid out of line #101-225-864.000. Motion carried.

Discussion was then held on the evaluation of the Administrator's Assistant and a salary increase due to her six-month probationary period being completed. Matter was tabled for afternoon session and recess was called for lunch at 12:20 p.m.

Meeting was back in order at 1:30 p.m. with a motion made by C/Karen Lipovsky to approve a salary increase for the Administrator's Assistant from \$8.801 per hour to 10.769 per hour, effective April 24, 2000 and transfer \$929.00 from #101-172-705.000 (part-time secretary) to #101-172-704.000 (full-time secretary) and authorize the Treasurer and Bookkeeping to make the necessary budget adjustments. Chairman Kortez asked three times for a support to the above motion. Motion died for lack of support.

A motion was made by C/John Parker and seconded by C/Ed Ensz to approve a salary increase from \$8.801 per hour to 9.801 per hour for the Administrator's Assistant, effective April 24, 2000 and transfer \$131.00 from #101-172-705.000 to #101-172-704.000 and authorize the Treasurer and Bookkeeping to make the necessary budget adjustments. Motion carried.

A motion was made by C/John Parker and seconded by C/Ed Ensz to allow the County Administrator to approve all credit card payments with documentation, due to short *payment due dates*. Motion carried.

A motion was made by C/John Parker and seconded by C/Karen Lipovsky to authorize the expenditures for the month of April, 2000 in the amount of \$588,040.49 with the General Fund expenditures totaling \$552,957.02. Motion carried.

A motion was made by C/Forrest Meek to approve the Solid Waste Plan Update. Chairman asked, three times for support. Motion died for lack of support.

A motion was made by C/Forrest Meek and seconded by C/Al Bransdorfer to disapprove the Solid Waste Plan Update and send back to the Solid Waste Planning Committee with the following

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[ objection: The Board of Commissioners believes the number of Counties in the Plan should be addressed. Motion carried. ]

A motion was made by C/Karen Lipovsky and seconded by C/Ed Ensz to allow the Building Inspector and Electrical Inspector to go to a Certified Inspectors Training @ \$80.00 ea. and pay out of #101-371-957.000 and #101-372-957.000. The above training to be held at the Doherty Hotel on May 7, 2000 and May 8, 2000. Motion carried.

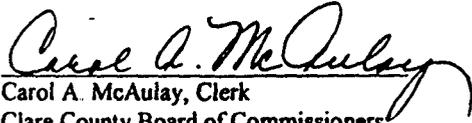
C/Ed Ensz excused at 3:20 p.m.

At that point, a motion was made by C/Al Bransdorfer and seconded by C/John Parker to go into closed session at 3:25 p.m. to discuss labor relations pertaining to Unit II. Roll call revealed a vote of five yeas being: C/Al Bransdorfer, C/John Parker, C/Karen Lipovsky, C/Forrest Meek and C/Bert Kortés, with C/Ed Ensz and C/Jennifer Elkins absent. Motion carried.

#### CLOSED SESSION

A motion was made by C/Forrest Meek and seconded by C/John Parker to come out of closed session at 3:40 p.m. Roll call revealed a vote of five yeas being: C/Forrest Meek, C/John Parker, C/Karen Lipovsky, C/Al Bransdorfer and C/Bert Kortés, with C/Ed Ensz and C/Jennifer Elkins absent. Motion carried.

With no further business to come before the Board a motion was made by C/Al Bransdorfer and seconded by C/Karen Lipovsky to adjourn the meeting at 3:40 p.m. until the next regular meeting to be held on May 16, 2000, commencing at 9:30 a.m. in the Commissioners' Chambers. Motion carried.

  
Carol A. McAulay, Clerk  
Clare County Board of Commissioners

\_\_\_\_\_  
Bert Kortés, Chairperson  
Clare County Board of Commissioners

/cam

**A G E N D A**

**CLARE COUNTY SOLID WASTE PLANNING COMMITTEE**

**MAY 25, 2000**

**6:00 p.m. – Conference Room "A"**

**Clare County Courthouse – Harrison, Michigan 48625**

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**Call to Order:**

**Agenda Approval:**

**Approval of Minutes:**

**Solid Waste Plan Update:**

**Comments from:**

- a. **The Board of Commissioners,  
Re: Number of Counties in the Plan should be  
addressed.**
- b. **Terry Cooney, WM**
- c. **Seth Phillips, DEQ and  
Lynn Dumroese, DEQ**
- d. **Thomas G. Plunkett. Esq.  
William, Schaefer, Ruby & Williams, PC**

**Questions and Answers:**

**Public Comment:**

**Any other matters to come before the Committee.**

**Adjournment:**

RECEIVED  
5-22-00

The meeting of the Clare County Solid Waste Planning Committee, originally scheduled by the County Administrator for May 25, 2000, will not be an official meeting of the Committee. The Committee has not yet received official notice in writing of the objections of the Board of Commissioners to the Solid Waste Plan update, so there is no current business to address.

The next meeting of the Clare County Solid Waste Planning Committee is scheduled for Thursday, June 8, 2000, at 7:00pm, pending official receipt of the County Board of Commissioner's objections.

signed Lawrence Gross  
Lawrence Gross, Chairperson

May 22, 2000

Donna M. Scott  
Donna M. Scott, Co-Chair

Ann E. Hunt  
Ann E. Hunt, Secretary

UNAPPROVED MINUTES

**CLARE COUNTY SOLID WASTE PLANNING COMMITTEE**

Meeting of June 14, 2000

The meeting was called to order by Chairperson Larry Gross at 7 pm in meeting room A of the Clare County Courthouse.

Members in attendance: Scott Darling, Steven Essling, Larry Gross, Robert Hale, Ann Hunt, Richard Leszcz, Forrest Meek, George Randall, Shirley Rilett, and Rich Warzecha. Absent: Doug Cobb, Sue Fortune, Donna Scott, and Dave Stamper. New member Gerald Schmiedicke, appointed by the Clare County Board of Commissioners to represent regional solid waste planning in place of Sue Fortune of the East Central Michigan Planning and Development Regional Commission, arrived during the course of the meeting.

Members of the public: Dave Sanders and Dale Dancer. Terry Cooney, WMI; Pat Maurer, Clare County Review; Susan Field, Clare Morning Sun; Karen Lipovsky, Bert Kortés and Jennifer Elkins, Clare County Commissioners; Lynn Grim, Clare County Administrator, and Tracy Byard, County Administrator's Assistant.

Meek moved approval of the agenda, supported by Rilett. Motion carried.

Meek moved approval of the minutes of March 8, supported by Hale. Motion carried.

Correspondence

The Secretary read a letter from Bert Kortés, Chairperson of the Clare County Board of Commissioners, dated June 7, 2000, and stating their objections to the Solid Waste Update presented to them.

Old Business

Board of Commissioners Response:

Randall indicated that he had provided maps of the affected counties in the Lower Peninsula.

Meek asked if the counties had been run by Waste Management?

Leszcz asked if we should first act on the correspondence.

Gross noted that we were addressing the correspondence in the old business. He went on to state that the Board of Commissioners asked the Committee to update the Solid Waste Plan and this has lasted for an eternity. The Committee has gone through the Plan and updated it; that was done last summer. The current issue under contention but the reality is that this issue has been dealt with once. The Committee has been open minded, listened to Waste Management's concerns, and cooperated. Last summer the Committee gave you [Waste Management] what you wanted. We had an agreement, but things have changed and we have been stalemated since. I'm just saying this for the record so we know how we got to this point. Personally, I believe we have dealt with this before, I believe the Committee is not stonewalling, we are not not being cooperative. We have bargained in good faith, considering both sides.

Leszcz - There are 20 counties listed, certain few counties are contingency. When the paragraph was removed, the Plan reverted to the counties listed in the Plan. They can't be

contingency with the paragraph removed. When the paragraph was removed, something else has to change.

Randall – The change was made due to the letter from Seth Phillips and our need to conform with the DEQ's direction.

Rilett – The newspapers and other people are saying that we are not open minded. The number 13 counties is being quoted over and over. There haven't been 13 counties for a long time. It has been 17 counties and 4 contingency.

Meek – If what Richard has been saying is correct, DEQ won't accept contingency.

Hunt – DEQ has never objected to contingency. They objected to a process which was a part of the original draft which allowed the Board of Commissioners to change contingency counties to primary counties, outside of the solid waste planning process. Nothing in the Phillips letter mentions contingency or objects to it.

Leszcz referenced page D-6 [Appendix].

Hunt reiterated that DEQ objected to the process not to the contingency designation.

Meek – We had Seth Phillips here the first week in June and a lot of things were said. "I don't know what the problem is. The Host Agreement calls for 66 counties, and the county is stuck with this."

Randall – That is not quite true. The Plan was in place before the contract. The Plan takes precedence over the contract. We have heard nothing for ten years but howling and whining for 55 counties. The landfill is at half capacity – about 1900 cubic yards/day. They shouldn't have any trouble with 13 counties reaching 2,000 average, even more with 17. We can't say they will do it, only that we're making it possible.

Essling – Seth had the impression that 4,000 cubic yards/day is a ceiling we were working with and accepted by both the county and company. If the county gets 4,000 cubic yards/day, why does it matter where it comes from?

The planning process is just that until we send it off to the Commission, just as DEQ sent comments and we amended. The Plan preceded the contract with the county. The Board of Commissioners negotiated the sale of the property and the contract. I believe that since the County Commissioners signed the contract for the planning process and is also the agency that negotiated the contract, there is an obligation to make those things consistent.

I believe that Waste Management is entitled to ask for 55 counties, but that it's not in anyone's best interest. If 4,000 cubic yards/day is the main point of the contract, that is our ceiling. We have 20 years' capacity at that level. If there is some mistake, we are still obligated to take care of Clare County waste at a fixed price.

Schmiedicke – I have a question. What difference does it make where the trash comes from? I am alluding to the counties, not to the volume. I am concerned that we're not taking into account the concerns of the population in developing a rainy day fund or reserve for whatever circumstances come at the end of the 20-year period. We are not involved in reducing things in the [waste] stream that could extend the life of the landfill.

Randall – We don't need to collect waste from the whole state, why give it to them? I asked Richard how far out and back he could go and still make a profit, and he said 90 miles.

Emmett County is 130 miles out. We have counties south of us, like Manistee and Clinton, that are closer.

Schmiedicke – There are so many things that make a Plan economically feasible. We can't look only at the mileage, other areas make the economics feasible. We have yet to hear a proposal for the whole state.

Randall – 55 counties is the whole Lower Peninsula except Wayne, Oakland and Macomb counties.

Schmiedicke – We have to come to some sort of understanding about all things, not just the number of counties.

Randall noted that the landfill life figure at 4,000 cubic yards/day is actually 16.4 years.

Essling responded that he is correct. The 20 years' lifetime is based on current flows.

Meek – Reserve capacity is not an issue. The real issue is 4,000 cubic yards/day average. Do we have agreement? What difference does it make as long as it meets the criteria?

Schmiedicke – As long as the check comes, beyond it isn't our concern.

Rilett – I beg to differ. Some are concerned not just for the issue but for the future. They believe that with more counties with this update, Waste Management will do the same thing again – agree, renege – it left a bad color. They will ask for more again until they reach 55.

Schmiedicke – The concern is to make the economics viable and that everyone concerned benefits.

Meek – At the county level, if we can get the thing resolved soon, as equitably as we can, we intend to open the contract with Waste Management and negotiate down the number of counties.

Rilett asked why doesn't Waste Management amend the contract to agree with the Plan?

Schmiedicke – Is there middle ground?

Rilett – A benefit is what we strive for. A benefit to one is not a benefit to others. Some don't feel this way – they are concerned about the land, roads, smells....

Essling – When we step back and look at the Host Agreement and capacity, we are still on target. If we were bad, unscrupulous operators, we'd have dropped prices and hogged it all and not be on target. Still have half the capacity we said we'd have. We could have dropped prices and captured the market. Other facilities in the area are cheaper than our prices.

Schmiedicke – DPW was thwarted at every turn in the community as it tried to establish recycling. If the Committee were concerned, we would be removing a lot of things from the stream.

Rilett commented that it was her understanding that a certain amount of recyclables at Northern Oak were actually buried in the landfill.

Leszcz responded that there were recyclables buried. If they are contaminated [by non-recyclable materials], they have to, required by law.

Rilett asked what effort has been made to make sure there is no contamination of recyclables.

Leszcz responded that if the volume were where it's supposed to be, he could afford more personnel to monitor recycling.

Randall – I suggest you contact the City of Midland. Their program is voluntary and recovers 28-29%.

Schmiedicke – The question remains, who is responsible? The Committee has some ownership. We cannot expect you [Waste Management] to do everything.

Leszcz – It costs about \$40,000/year for Household Hazardous Waste day. We make every effort to accommodate and get materials out of the waste stream.

Gross – This goes back a long way. A solid waste coordinator was going to be hired, but it hasn't happened.

Leszcz – The City of Clare pays for recycling. You could pay for it, or charge for it. Someone would have to work 10-11 hours a day and then could answer questions about anything buried out back.

Randall noted that DEQ would like us to do more recycling.

Leszcz – Yes, if we had sufficient funds we could afford to hire and monitor.

Meek – We've had a liaison with I-75 corridor recycling. Sparsely populated counties like our are able to break even if they are recycling paper – locating bins near grocery stores. Jail trustees under supervision can be used to sort. Roscommon is making an intensive effort to recycle, others are struggling. We have a large area, an itinerate population, and is unpredictable. The county has attempted to address the concerns that we want to recycle, but at what cost?

To make the program work we have to factor in variables. Need to keep our source (Waste Management) so they are solvent. I don't understand their books, but we need to rely on them to take care of garbage. It is not unreasonable to designate 20 counties and go on with the contract.

Leszcz asked if that was a motion?

Meek – I didn't mean it that way.

Rilett – The issue is simply 21 counties. If the Clare County Solid Waste Planning Committee doesn't do it, the Board of Commissioners will. [to Meek] Is it our responsibility to keep Waste Management solvent?

Meek – Yes, to take care of our garbage.

Rilett – I don't see it as our responsibility for us to get garbage for them.

Schmiedicke – We need to create an environment for them to fulfill their side of the contract. It's an issue of good faith. If the Committee doesn't act, the commission or state will. What prevents them from coming back? Maybe we will have provided them with the resource to increase the flow. 21 is a given, why not lead the charge?

Gross – Everyone represents a certain area, like I represent the general public. That factors into this.

Schmiedicke – This is not a level at which we fulfill a contract which was entered into. The lift of the landfill is of concern. If it closes, there is no resource. We can't take care of the needs of the community. Until we all stop producing garbage, we need Waste Management.

Rilett – [to Gross] Thank you for mentioning the entities we represent. We don't all represent entities that support expansion. What do you represent, Gerry?

Schmiedicke – My appointment is based on the representation of Sue Fortune, it's larger than this area, central Michigan.

Rilett – Schmiedicke was appointed to represent regional planning, but I don't fault him because the error was made by the Board of Commissioners.

Meek objected, stating that he represents them because he lives in the county.

Rilett reiterated that he does not belong to the regional planning agency.

#### Public Comment

Terry Cooney, Divisional Vice President of Landfill Operations, Waste Management:  
The Plan and the contract don't agree with one another but work well. Under the Host County Agreement, we know we have the ability to go to the county to amend the Plan or wait until the next process and go to the list then.

If you approve this Plan, and they are still out of synch with one another, my company can go to a judge and force the county to bring the Plan into synch with the contract. We would ask for all 55 counties, even though from practical standpoint we wouldn't draw from that. I indicated that I am willing to meet with the Board and negotiate areas of the contract. We are amenable to go with 20 counties. WE don't want to get argumentative or litigate. WE could put someone there [for recycling] but there is a tremendous cost and that is a free service.

What you recommend here tonight may not be what is approved in the final Plan. Local municipalities and DEQ have to review before the Plan is final. If it is still out of balance, we have a decision to make. Usually we don't have two legal documents that conflict with one another.

Bert Kortes, Chairman, Clare County Board of Commissioners:

We did have an individual who did take care of recycling. The Solid Waste Plan should make sure there is someone there, a positive step. Then the problem will be eliminated. There are many issues that haven't even been addressed. But first, the Committee should be complimented. If you look the Plan over, it is outstanding except for one contentious issue. If anyone takes the time to read the Plan, they will know the Committee has done a great job.

Preliminary discussion has started today with Waste Management and attorneys to extend the life of the contract and to address the rolling average. We can avoid litigation if

we come to an agreement here. There is a lot of contention, and all represent certain facets and entities, but have done a great job.

Dave Sanders, Harrison resident:

We keep hearing "up to 4,000 cubic yards/day" but we are only hearing daily yardage from Waste Management.

Kortes responded that if we look at a longer stretch of time, it's closer to 1900-2000.

Schmiedicke added that is only part of the answer. A gentleman on site used to maintain records to substantiate Waste Management's numbers.

Sanders - This side is proposing lawsuits, but they're maintaining the records.

Essling noted that there is a \$10,000 per day penalty for falsifying records.

Sanders continued - Are there certain counties that produce waste that is more profitable for long-term hauling? For example trash from Gratiot County versus oil and gas waste from Antrim?

Leszcz responded yes, but Antrim is not acceptable now.

Cooney added that municipal solid waste is normally more attractive; cleanup projects are awarded by competitive bid.

Sanders continued - In some communities there is factory contamination. Will that end up in the landfill?

Leszcz responded yes, but that it would have to be tested.

Sanders asked what is going to indicate when the landfill is full?

Cooney responded that they would have to get a license from the DEQ designating the footprint, depth, slope, and height, and an approved plan of what to do when they reach the height. They have to notify the state and present a certified closing plan before the state will approve it.

Dale Dancer, Clare County Resident:

Rilett is right. Waste Management keeps the figures. Charlie [former waste monitor] was there to see what was coming in. Recycling was not part of his job. We've tried recycling, but no response. I don't know what is the solution. This has been going on for eight years. Who proposed the other counties?

Hunt - Waste Management

Dancer - Why?

Cooney - Proximity, potential waste generation, a little bit here and there.

Dancer - Some are closer but you skipped them.

Cooney - Some put their waste in their own county's landfill.

Essling - We tried to piggyback in the event we had a problem.

Dancer - It is to the county's advantage that we have someone out there. We should have someone there.

Close of Public Comment.

Rilett responded to Cooney's statement and questioned him regarding the reopening of the contract. Some commissioners tried very diligently to get Waste Management to make some concessions and to work with the Solid Waste Committee. My understanding is that you refused. Are you willing to open the contract before a decision is made?

Cooney - Yes

Rilett - What parts?

Cooney - Rolling average, life of the contract, and the number of counties. We'll end up with a better contract.

Rilett – Are you willing to open and discuss it within the next 30 days?

Cooney – We don't want to see the process delayed.

Rilett – Why not?

Cooney – We have 55 [counties]. For the next process, 20 is fine and we will live with it. Next time it may be 30.

Rilett – You are not willing to open the contract and negotiate with the Clare County Solid Waste Planning Committee?

Cooney – Yes, we are willing to open and negotiate.

Randall – There should be more agreement between the Plan and contract.

Cooney – We want to resolve this and get them in synch.

Rilett – Mr. Cooney, I don't mean to pick on you, but how long have you been with Waste Management?

Cooney – Waste Management for 3 years, solid waste management for 20 years.

Rilett noted that when the contract was written, the contract was not in synch with the Plan.

Cooney responded that Waste Management knew that, but chose not to force the issue and waited for the normal planning process.

Meek made a motion that would include 20 counties plus Clare County and that we submit to the Board of Commissioners as primary counties; supported by Essling.

Cobb – Absent

Darling – yes

Essling – yes

Gross – no

Hale – no

Hunt – no

Leszcz – yes

6 members voting yes, 5 voting no, the motion carried.

Meek – yes

Randall – no

Rilett – no

Schmiedicke – yes

Scott – absent

Stamper – absent

Warzecha – yes

Gross – Well, that settles the issue.

#### Review the Approval Process

After the plan is changed, it will be resubmitted to the Board of Commissioners. If approved, they will send it to the municipalities. 67% of the local municipalities have to approve it to send it on to the DEQ for final approval.

Rilett – We had voted at one time to put a synopsis together to go to all townships.

Leszcz – Can we do that? Will the Board of Commissioners allow us to do that?

Rilett – It doesn't make much sense to send them a Plan without instructions.

Leszcz – If it helps to get the Plan adopted, I'm all for it!

Essling volunteered to help put a synopsis together. Hunt, Gross, and Rilett all have commitments which limit their availability within the next two weeks.

Kortes noted that the printing still had to be done, and the quote is good for 90 days (from 4/18).

Rilett asked how the minutes of tonight's meeting will be approved. They need to be added to the Plan.

Hunt noted that the CCSWPC had voted to have the Plan printed on recycled paper and duplexed (printed on both sides) to conserve paper.

Meek made a motion to adjourn.

Meeting adjourned at 8:40 pm.

Respectfully submitted,  
Ann Hunt, Secretary

## MINUTES OF THE CLARE COUNTY BOARD OF COMMISSIONERS

June 6, 2000  
Harrison, Michigan 48625

6-20-00  
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The regular meeting of the Clare County Board of Commissioners was called to order at 9:40 a.m. by Chairman Kortez. The Pledge of Allegiance was led by C/Bert Kortez.

Roll call revealed seven members present being: C/John Parker, C/Jennifer Elkins, C/Karen Lipovsky, C/Ed Ensz, C/Al Bransdorfer, C/Forrest Meek and C/Bert Kortez.

A motion was made by C/Forrest Meek and seconded by C/John Parker to accept the agenda with the modifications. Motion carried.

A motion was made by C/Karen Lipovsky and seconded by C/Jennifer Elkins to approve the regular minutes of May 16, 2000 as printed. Motion carried.

### CORRESPONDENCE AND MOTIONS NEEDING BOARD ACTION:

- #1. Memo from Wayne State University regarding leadership in small business awards cc: to Ed Kerr, Executive Director Clare Co. Enterprise Community and George Dunn, President Middle Michigan Development Corporation.
- #4. Motion was made by C/Jennifer Elkins and seconded by C/John Parker to concur with Arenac Co. Board of Commissioners in regard to funding for CDBG and copies to be sent to Rep. Camp and Senator Abraham as well as MAC and NACO. Motion carried.
- #5. Motion was made by C/Jennifer Elkins and seconded by C/Forrest Meek to create a special fund for the Building and Electrical Departments per new amended State Construction Code. A motion was made by C/John Parker and seconded by C/Karen Lipovsky to amend the General Appropriations Act, to create a new Building Department Fund 249 and authorize the Treasurer to transfer from the General Fund all budgeted amounts for the Building & Electrical revenues and expenditures including capital outlay to Fund 249. The Treasurer is to create an overhead expense line # 249-371-965.000 (building) and overhead expense line #249-372-965.000 (electrical) and also create revenue line #101-000-629.371 (building) and #101-000-629.372 (electrical). Motion carried.
- #9. C/John Parker to check on clarification for Shively Lake.
- #16. Motion was made by C/Forrest Meek and seconded by C/Karen Lipovsky to allow the Clare Conservation District to have the fencing being torn down at the old little league field, as long as they are willing to haul away and install at no expense to the County. Motion carried.
- #19. Resolution from Arenac County regarding housing of prison-bound felons to county jails, tabled for afternoon session.

Win Johnson, County Treasurer then addressed the Board in regard to work done on the new parking lot. A motion was made by C/Ed Ensz and seconded by C/Karen Lipovsky to pay Henry Excavating the sum of \$3,420.00 from line #466-000-967.001 (jail construction fund) for the southwest parking lot behind the jail. Motion carried.

Reports were then presented by the various committees.

Public comment time was then opened at 10:40 a.m. by the Chair with no public comment.

Recess was called at 10:41 a.m. and back in session at 11:05 a.m. with Sue Seebeck, visitor in attendance and the continuation of committee reports.

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Meeting was recessed at 12:00 noon for lunch and back in session at 1:00 p.m. with the completion of committee reports.

MOTIONS NEEDING BOARD ACTION CONTINUED:

A motion was made by C/Forrest Meek to have the US Army Corp of Engineers in conjunction with Canadian Maritime Engineers devise, design and construct a system of impoundments at Sarnia/Port Huron with appropriate shipping canals and necessary mechanical controls that will retain the waters of upper Lakes Huron and Michigan 581 ft. above mean sea-level. Chairman asked for a support three times. Motion failed due to lack of support.

A motion was made by C/Forrest Meek and seconded by C/Karen Lipovsky to bring back from the table Resolution #11 in regard to the Federal Drug Administration changing its licensing and patent/copyrighting procedures presented at the last meeting, May 16, 2000. Motion carried.

A motion was made by C/Forrest Meek and seconded by C/Ed Ensz to approve Clare County Resolution #11 regarding licensing and patent/copyrighting procedures of the Federal Drug Administration. Roll call revealed five yeas being: C/Forrest Meek, C/Ed Ensz, C/John Parker, C/Karen Lipovsky and C/Bert Kortez with two nays being: C/Jennifer Elkins and C/Al Bransdorfer. Resolution adopted. cc: Governor, Senator Abraham, Representative Camp, State Representatives, Schuette and Caul, FDA and all 82 Counties.

A motion was made by C/Karen Lipovsky and seconded by C/Al Bransdorfer to amend the May 2, 2000 minutes for the #331 Marine Budget and change the CCS & M from #101-331-862.000 to #101-331-862.001. Motion carried.

A motion was made by C/Al Bransdorfer and seconded by C/Karen Lipovsky to approve the purchase of a VHF Radio in the amount of \$489.90 to be paid from #101-901-978.302 (capital outlay). Motion carried.

A motion was made by C/Karen Lipovsky and seconded by C/Forrest Meek to approve the refund of an electrical permit in the amount of \$58.00 for permit #12357 to Mr. Ralph Homes. Roll call revealed two yeas being: C/Karen Lipovsky and C/Bert Kortez with five nays being: C/Jennifer Elkins, C/John Parker, C/Al Bransdorfer, C/Forrest Meek and C/Ed Ensz. Motion defeated.

A motion was made by C/Jennifer Elkins and seconded by C/Forrest Meek to amend the General Appropriations Act and decrease line item #101-245-710.000 (FICA) by \$165.00 and increase line item #101-242-710.000 (FICA) by the same amount. Also decrease line #101-245-711.000 (Medicare) by \$39.00 and increase line #101-242-711.000 (Medicare) by the same amount and decrease line #101-245-705.000 by \$2,711.00 and increase line #101-242-705.000 (part-time) by the same amount to correct the Remuneration Activity for grant purposes and have the Treasurer make the necessary adjustments. Motion carried.

A motion was made by C/Forrest Meek and seconded by C/Karen Lipovsky to transfer \$400.00 from contingency #101-890-965.299 to the following line items: #101-442-707.000 (per diem) the amount of \$300.00 and #101-442-864.000 the amount of \$100.00. Motion carried, with one opposed being: C/Jennifer Elkins.

A motion was made by C/Forrest Meek and seconded by C/Jennifer Elkins to have the Chairman write a letter to the Clare County Solid Waste Planning Committee stating that the following 20 Counties are to be included in the Clare Solid Waste Plan without contingencies: Alcona, Arenac, Crawford, Gladwin, Gratiot, Iosco, Isabella, Kalkaska, Lake, Mecosta, Missaukee, Ogemaw, Osceola, Roscommon, Antrim, Bay, Charlevoix, Emmet, Montcalm and Newaygo. Roll call revealed a unanimous vote of seven yeas being C/Forrest Meek, C/Jennifer Elkins, C/John Parker, C/Karen Lipovsky, C/Ed Ensz, C/Al Bransdorfer and C/Bert Kortez. Motion carried.

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A motion was made by C/Forrest Meek to reappoint the Solid Waste Planning Committee with term ending December 31, 2000 in order to complete the Clare County Solid Waste Plan Update. Chairman asked three times for a support. Motion failed due to lack of support.

Chairman Bert Kortez then handed the Chairmanship over to Vice Chair, C/Karen Lipovsky. A motion was then made by C/Bert Kortez and seconded by C/Al Bransdorfer to reconsider the previous motion and reappoint the Solid Waste Committee with terms ending December 31, 2000. Roll call revealed a unanimous vote of seven yeas being: C/Bert Kortez, C/Al Bransdorfer, C/Forrest Meek, C/Jennifer Elkins, C/John Parker, C/Ed Ensz and C/Karen Lipovsky. Motion carried.

A motion was made by C/Forrest Meek and seconded by C/Jennifer Elkins to appoint Gerald Schmeidicke to the Solid Waste Planning Committee replacing the position of Sue Fortune. Motion carried, with one nay being: C/Al Bransdorfer.

Vice-Chair, C/Karen Lipovsky then handed the meeting over to Chairman C/Bert Kortez.

A motion was made by C/Jennifer Elkins and seconded by C/John Parker to authorize the expenditures for the month of May 2000 in the amount of \$609,874.35 with the General Fund expenditures totaling \$578,184.56. Motion carried.

Recess was called at 2:45 p.m. and back in session at 3:05 p.m.

A motion was made by C/Karen Lipovsky and seconded by C/Ed Ensz to have the Chair sign the lease (renewal) agreement between Clare County and "Yvonne's Aero-Port Restaurant" located on the Clare County Airport property. The term begins January 1, 2000 and terminates December 31, 2009 for \$200.00 a month with annual payment of \$2,400.00 yearly. Motion carried.

A motion was made by C/Karen Lipovsky and seconded by C/John Parker to hire a part-time person for 18.75 hrs @ \$7.00 per hr. at the Animal Shelter and have said person take the necessary training to become a certified Animal Control Officer and transfer \$2365.00 from #101-430-704.000 into #101-430-705.000 (part-time) Motion carried.

A motion was made by C/Karen Lipovsky and seconded by C/Jennifer Elkins to adopt the Resolution declaring Clare County's intent to reimburse for project expenditures (animal control shelter) and authorize filing with the State Treasury. Roll call revealed six yeas being: C/Karen Lipovsky, C/Jennifer Elkins, C/Al Bransdorfer, C/Forrest Meek, C/John Parker and C/Bert Kortez with C/Ed Ensz voting no. Motion carried.

A motion was made by C/Karen Lipovsky and seconded by C/Jennifer Elkins to amend the previously passed millage proposal, per Prosecutor's review and delete "up to" in the following proposal language:

Shall the County of Clare levy 1 mill (\$1.00 per \$1,000.00 of valuation) per year for a period of five (5) years, to be collected for the years, 2000 through 2004, to provide spraying within the boundaries of Clare County, to reduce the nuisance of Gypsy Moth, with the 15 mill constitutional tax limitation increased thereby. The one (1) mill will provide approximately \$500,000.00 per year to operate the Gypsy Moth Program.

Motion carried with one nay being: C/Al Bransdorfer.

A motion was made by C/Al Bransdorfer and seconded by C/Karen Lipovsky to concur with Arenac County regarding the State of Michigan enacting new sentencing guidelines which had the effect of shifting prisoner-bound felons to county jails and amend PA #92. Motion carried.

A motion was made by C/Karen Lipovsky and seconded by C/Al Bransdorfer to write off an uncollectible debt from Mortgage America. Motion carried.

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Administrator's report was then given with discussion held on county policies needing adoption. A motion was made by C/AI Bransdorfer and seconded by C/Karen Lipovsky to approve the County Vehicle Policy for the following unlimited use:

Building Department Head  
Electrical Department Head  
Civil Defense Director  
Informational Technology Coordinator & Dir. Of Environmental Affairs

And for the following limited use:

Drain Commissioner  
Maintenance Department

Motion carried - with policy to be reviewed by the committee on or before six months.

Need for a County of Clare Food and Beverage Policy. A motion was made by C/Jennifer Elkins and seconded by C/Karen Lipovsky to adopt the Clare County Food and Beverage Policy effective June 6, 2000 and create a new line item in the County Administrator's budget #101-175-752.000 (food & provisions) and move \$500 from contingency #101-890-956.299 into #101-175-752.000. Motion carried.

A motion was made by C/AI Bransdorfer and seconded by C/Jennifer Elkins to adopt the Clare County Violence in the Workplace Policy effective June 6, 2000 in order to meet the criteria for any grant applications. Motion carried.

A motion was made by C/AI Bransdorfer and seconded by C/Karen Lipovsky to adopt a Sexual Harassment Policy, which will be required by the USDA. Motion carried.

Budget adjustment needed for FOC/Michigan Works. A motion was made by C/Karen Lipovsky and seconded by C/John Parker to amend the General Appropriations Act and increase revenues #101-000-519 000 (Michigan Works Employment) by \$2,417.00 and increase expenditures #101-145-864.001 (mileage reimbursement @ .31 per mile) by the same amount and authorize the Treasurer and Bookkeeping to make the necessary adjustments. (new contract amount is \$31,709.39). Motion carried.

Recess was called at 2:50 p.m. and back in session at 3:05 p.m. with a motion by C/AI Bransdorfer and seconded by C/Jennifer Elkins to authorize the purchase and installation of security cameras in the halls of the Courthouse and at the same install the wiring for the proposed equipment. Motion carried.

A motion was made by C/Karen Lipovsky and seconded by C/Jennifer Elkins to amend the General Appropriations Act and increase the revenues #101-000-675.000 (private sources) and increase the expenditures #101-265-978.000 (courthouse and grounds, security Rap Grant) by \$37,628 and move from contingency #101-890-956.299 the amount of \$26,585.38 into #101-901-978.266 (new equipment) to purchase Rap Grant equipment, that was authorized at the April 4, 2000 - Board of Commissioners' Meeting and authorize Bookkeeping to pay vendors for said equipment. Motion carried.

A motion was made by C/Ed Ensz and seconded by C/Karen Lipovsky to appoint Pamala Tiszai as Chief Deputy Drain Commissioner at the second year step-level rate of \$10.728 per hr., per Supervisory Contract, Unit #2 effective June 04, 2000. Roll call revealed five yeas being: C/Ed Ensz, C/Karen Lipovsky, C/AI Bransdorfer, C/John Parker and C/Bert Kortez with two nays being: C/Jennifer Elkins and C/Forrest Meek. Motion carried.

C/Ed Ensz excused at 4:05 p.m.

A motion was made by C/Forrest Meek and seconded by C/Karen Lipovsky to transfer \$1146.00 from Assistant Director Salary line #101-682-704.000 (Veterans) into Services/Support Fees line #101-682-815 000 to purchase NVO Information System Software. This system is a comprehensive collection of indispensable information for the administration of Veterans Benefits. Motion carried.

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A motion was made by C/Karen Lipovsky and seconded by C/Al Bransdorfer to transfer \$25,000 from #245-000-930.001 and transfer \$19,487.86 from #245-000-930.000 into #245-000-971.000 to purchase the Agin Properties. Roll call revealed a unanimous vote of six yeas being: C/Karen Lipovsky, C/Al Bransdorfer, C/Forrest Meek, C/Jennifer Elkins, C/John Parker and C/Bert Kortes with C/Ed Ensz absent. Motion carried.

A motion was made by C/Jennifer Elkins and seconded by C/Karen Lipovsky to appoint the County Administrator as the Fiscal Officer for Clare County. Motion carried.

With no further business to come before the Board, a motion was made by C/Karen Lipovsky and seconded by C/Jennifer Elkins to adjourn at 4:35 p.m. until the next regular meeting to be held on June 20, 2000 commencing at 9:30 a.m. in the Commissioners' Chambers. Motion carried.

  
\_\_\_\_\_  
Carol A. McAulay, Clerk  
Clare County Board of Commissioners

\_\_\_\_\_  
Bert Kortes, Chairperson  
Clare County Board of Commissioners

/cam

# CLARE COUNTY BOARD OF COMMISSIONERS



225 W. Main Street, P.O. Box 438, Harrison, Michigan 48625

(517) 539-7436 PHONE

District 1  
JENNIFER ELKINS  
District 2  
JOHN PARKER  
District 3  
ALFRED BRANSDORFER  
District 4  
FORREST MEEK  
District 5  
EDWARD ENSZ  
District 6  
KAREN LIPOVSKY  
District 7  
BERT KORTES

June 7, 2000

Mr. Larry Gross  
Chairperson, Clare County  
Solid Waste Planning Committee  
4854 North Jackson  
Harrison, MI 48625

Dear Larry:

On June 6, 2000, the Clare County Board of Commissioners voted to submit the Solid Waste Plan back to the Solid Waste Planning Committee, requesting that the Committee re-address the number of counties that are allowed to bring refuse into the Clare County landfill located at Northern Oaks.

The motion that was made stipulated the following Counties are to be included in the plan, free of the "Contingency" designation:

- |             |               |                |
|-------------|---------------|----------------|
| 1. Alcona   | 8. Kalkaska   | 15. Antrim     |
| 2. Arenac   | 9. Lake       | 16. Bay        |
| 3. Crawford | 10. Mecosta   | 17. Charlevoix |
| 4. Gladwin  | 11. Missaukee | 18. Emmett     |
| 5. Gratiot  | 12. Ogemaw    | 19. Montcalm   |
| 6. Iosco    | 13. Osceola   | 20. Newaygo    |
| 7. Isabella | 14. Roscommon |                |

It would be appreciated if the Solid Waste Planning Committee could meet, review and respond back to the Board by July 6, 2000.

The Board, further, approved the reappointment of all the presently seated Solid Waste Planning Committee Members. The expiration of the term will be December 31, 2000. Another motion was made and passed to appoint Mr. Gerald Schmiedicke onto the Committee. Mr. Schmiedicke will represent the East Central Michigan Planning and Development Regional Commission on the Solid Waste Planning Committee.

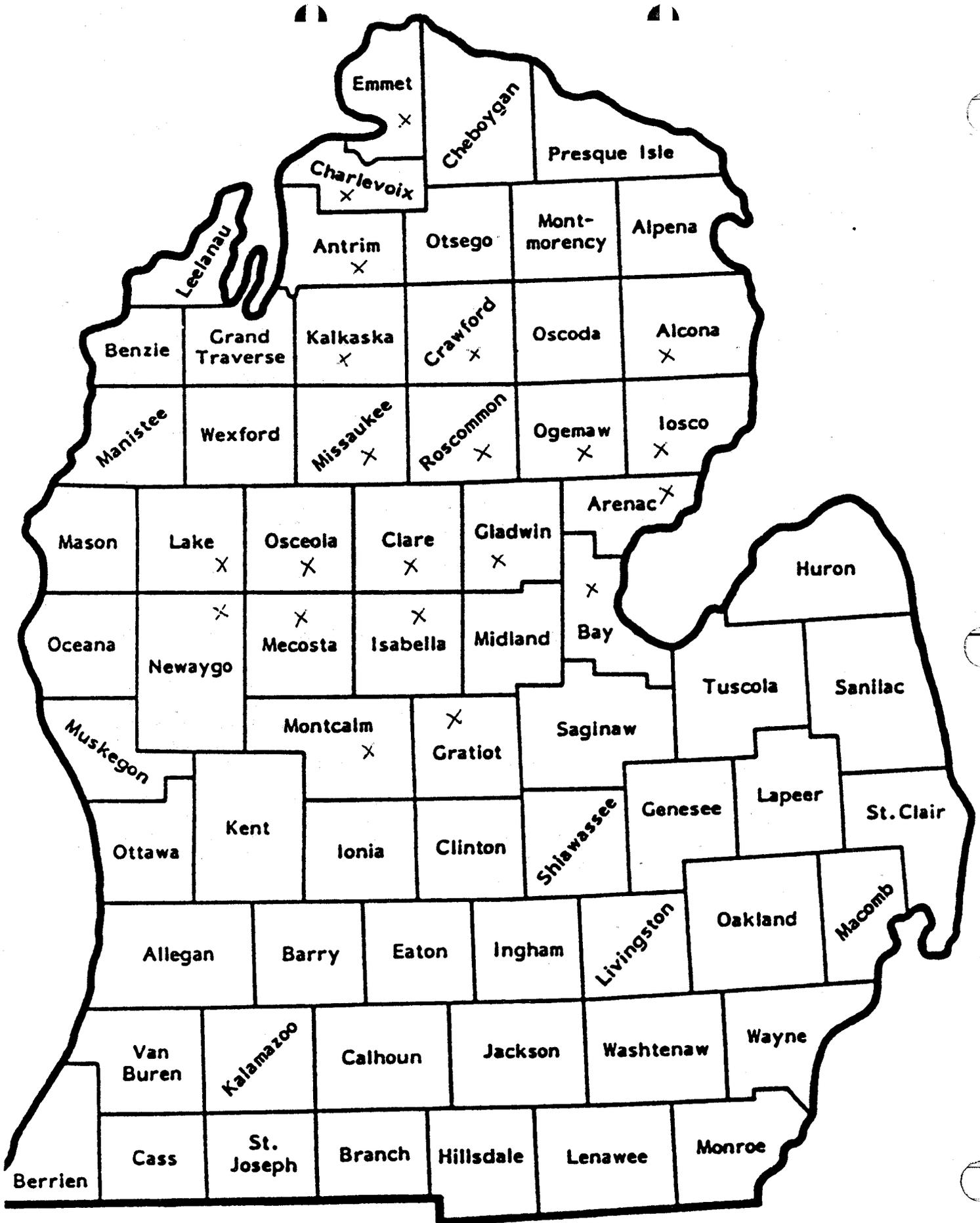
We have also been informed that the Solid Waste Planning Committee will meet on June 14, 2000 in the Clare County Courthouse basement, Meeting Room A, at 7:00 p.m.; once you submit an agenda to the County Administrator, Lynn Grim, she will then put the necessary information together for your meeting and have the data sent to all Solid Waste Planning Committee Members.

Sincerely,

Bert Kortés,  
Chairperson, Clare County  
Board of Commissioners

cc: Carol A. McAulay, County Clerk/Register of Deeds  
Lynn Grim, County Administrator  
Solid Waste Planning Committee Members  
County Commissioners  
Seth Phillips, Chief, Solid Waste Management Unit,  
Waste Management Division, D.E.Q., State of Michigan





# MINUTES OF THE CLARE COUNTY BOARD OF COMMISSIONERS

June 20, 2000  
Harrison, Michigan 48625

7-5-00  
Unapproved Minutes  
Page One

The regular meeting of the Clare County Board of Commissioners was called to order at 9:35 a.m. by Chairman Kortez. The Pledge of Allegiance was led by C/Bert Kortez.

Roll call revealed seven members present being: C/John Parker, C/Jennifer Elkins, C/Karen Lipovsky, C/Ed Ensz, C/Al Bransdorfer, C/Forrest Meek and C/Bert Kortez. Sally Pletzer, Candidate for County Commissioner, District #7 was also in attendance.

A motion was made by C/Karen Lipovsky and seconded by C/John Parker to accept the agenda as modified. Motion carried.

A motion was made by C/Karen Lipovsky and seconded by C/John Parker to approve the regular minutes of June 6, 2000 as printed. Motion carried.

Mr. Bob Fagen, from Farm & Home Publishers, LTD then approached the Board in regard to publishing the new plat books for Clare County, which will be digitized. A motion was made by C/Al Bransdorfer and seconded by C/Ed Ensz to concur with the contract and authorize the release of information for publishing the plat book. Motion carried.

## CORRESPONDENCE AND MOTIONS NEEDING BOARD ACTION:

A motion was made by C/Al Bransdorfer and seconded by C/Jennifer Elkins to allow the Administrator and the Assistant Administrator along with any Commissioner to attend the MAC Summer Conference – August 20<sup>th</sup> through August 22<sup>nd</sup>. Roll call revealed five yeas being: C/Al Bransdorfer, C/Jennifer Elkins, C/John Parker, C/Karen Lipovsky and C/Bert Kortez with two nays being C/Forrest Meek and C/Ed Ensz. Motion carried.

Discussion was held on the construction of the parking lot south of the jail and courthouse. A motion was made by C/Forrest Meek and seconded by C/Ed Ensz to authorize the Building & Grounds Committee to remove everything but the center building on the old little league field with a cost not to exceed \$1000. Motion carried.

Recess was called at 10:35 a.m. and back in session at 10:55 a.m. with committee reports.

County Treasurer, Win Johnson appeared before the Board with the cash-flow report, stating that the State was very slow on the CRP's reimbursement payments and that in February they will be sending certified mail the final notices on delinquent taxes.

Lauren Essenmacher, Clare/Gladwin Senior Services' Director was then on the agenda to get the approval for the 2000-01 budget. Lauren stated that the new budget reflected an increase of approximately 3.7% which would include the auxiliary services. A motion was made by C/John Parker and seconded by C/Jennifer Elkins to approve the Clare/Gladwin Services for the Aging fiscal 2000-01 budget for Clare County. Motion carried.

Public comment time was opened at 12:20 p.m. by Chairman Kortez with Sue Seebeck, Harrison Resident asking for clarification on some of the committee reports. Sue asked about the Solid Waste Plan bringing in more counties and the action taken. In reference to the "Children at Risk" – what did wonderful ideas mean? She also commented on the 911 system and the problem of not being able to keep staff on the job. Sue feels the County should give the raise to the 911 staff instead of purchasing the high-priced guns at the Sheriff's Department.

Meeting was recessed for lunch at 12:30 p.m. and back in session at 2:15 p.m. with the Administrator's Report. Health Insurance rates went up approximately 30% for the retirees. A meeting will be taking place with the retirees for future options on medical insurance to reduce premiums on June 23, 2000.

**MOTIONS NEEDING BOARD ACTION CONTINUED:**

A motion was made by C/AI Bransdorfer and seconded by C/Karen Lipovsky to transfer:

From	To
101-331-704.000 (Salary Law Enforce) \$1,100.00	101-331-705.000 (Salary Education) \$1,100.00
101-351-704.000 (Full Time Salary) \$26,900.00	101-351-705.000 (Part-time Salary) \$8,300.00
	101-351-706.000 (Overtime) \$18,600.00
101-301-967.004 (Spec Proj./Arson) \$ 6,300.00	101-301-967.001 (Sp.Proj. Win/Hom) \$6,300.00
101-301-704.000 (Full-time Salary) \$16,500.00	101-301-706.000 (Overtime) \$16,500.00

totaling \$50,800.00 to bring accounts into balance. Motion carried.

A motion was made by C/AI Bransdorfer and seconded by C/Karen Lipovsky to approve the purchase of bunks and a table for cell seven to increase occupancy for the amount of \$2,650.00 to be paid from #101-901-978.351 (building repair & maintenance) and transfer \$185.59 from #101-901-978.301 into #101-901-978.351. Motion carried.

A motion was made by C/AI Bransdorfer and seconded by C/Forrest Meek to authorize the County Emergency Director to purchase maps (county, townships, village and cities) not to exceed \$3000.00 to be paid from #101-901-978.426 (new equipment/civil defense). Motion carried.

A motion was made by C/AI Bransdorfer and seconded by C/Jennifer Elkins to allow Bob Duby to attend the Emergency Preparedness Annual Conference at Crystal Mountain, October 10<sup>th</sup> through 12<sup>th</sup> and authorize the registration fee of \$105.00 to be paid from #101-412-957.000 (training). Motion carried.

A motion was made by C/Karen Lipovsky and seconded by C/Jennifer Elkins to authorize the County Building Authority to proceed with the USDA Loan for the remodeling of the Courthouse to improve offices and safety in the amount not to exceed \$260,000.00. After much discussion a subsidiary motion was made by C/Forrest Meek and seconded by C/Ed Ensz to postpone indefinitely, roll call revealed two yeas being: C/Forrest Meek and C/Ed Ensz with five nays being: C/Jennifer Elkins, C/John Parker, C/Karen Lipovsky, C/AI Bransdorfer and C/Bert Kortez. Motion defeated. Roll call on the main motion to authorize the Building Authority to proceed with the USDA Loan revealed five yeas being: C/Jennifer Elkins, C/John Parker, C/Karen Lipovsky, C/AI Bransdorfer and C/Bert Kortez with two nays being: C/Forrest Meek and C/Ed Ensz. Motion carried.

A motion was made by C/Karen Lipovsky and seconded by C/Forrest Meek to transfer \$867.50 from #245-000-930.000 (courthouse repair) into #245-000-971.000 (land purchase) of the Agin properties to cover the closing costs. Motion carried.

A motion was made by C/Ed Ensz and seconded by C/Karen Lipovsky to approve the annual fee for the Cleaning Service in the amount of \$36,328.50 and have chair sign same, effective date October 1, 2000. Roll call revealed a unanimous vote of seven yeas being: C/Ed Ensz, C/Karen Lipovsky, C/Jennifer Elkins, C/John Parker, C/Forrest Meek, C/AI Bransdorfer and C/Bert Kortez. Motion carried.

A motion was made by C/Forrest Meek and seconded by C/John Parker to create Clare County Parks and Recreation Commission under Michigan's 1965 comprehensive statue as amended. Said commission to consist of ten persons appointed by the County Board of Commissioners and shall consist of the following:

1. Drain Commissioner or another Commissioner
2. Chair of the County Planning Commission and the other member shall be appointed to three-year terms. The County Commission must have one to three members on the Parks & Recreation Commission.

The duties of the Parks and Recreation Commission are to:

- (a) Study the parks, preserve parkways, recreation and other conservation facilities;
- (b) Develop a County Ordinance Area & Facility need survey;
- (c) Create a plan to meet identified needs;
- (d) The agency may accept property gifts, purchase property or use the power of condemnation to take needed properties and compensate the owner.

Roll call revealed three yeas being: C/John Parker, C/Forrest Meek and C/Ed Ensz with four nays being: C/Jennifer Elkins, C/Al Bransdorfer, C/Karen Lipovsky and C/Bert Kortez. Motion defeated.

A motion was made by C/Jennifer Elkins and seconded by C/Karen Lipovsky to eliminate Fund 678, (other fringe benefits) and reclassify the revenues and expenditures and other related budget amounts in the General Fund and have the Treasurer amend the General Fund accordingly. Motion carried.

A motion was made by C/Jennifer Elkins and seconded by C/Al Bransdorfer to re-name the Health Benefits Self-Insurance, Fund 677 to Retirees Health Insurance Benefits, Fund 677 and have the Treasurer make the necessary changes because health insurance is now included in each individual county budget. Motion carried.

A motion was made by C/Jennifer Elkins and seconded by C/John Parker to have the Treasurer close the Drain Equipment Revolving Fund 639 and transfer the balance back to the general fund, as the fund has not been used for several years. Motion carried.

A motion was made by C/Jennifer Elkins and seconded by C/Karen Lipovsky to amend the General Appropriations Act and have the Treasurer transfer \$200,000.00 from the #677 Fund into the General Fund and make the necessary journal entries. Motion carried.

A motion was made by C/Jennifer Elkins and seconded by C/Karen Lipovsky to amend the General Appropriations Act and increase #101-000-699.677 (appropriation transfer-in) by \$101,570.00 and decrease #101-000-978.677 (health insurance self-insured) by \$98,430.00 and have the Treasurer make the necessary journal entries. Motion carried.

A motion was made by C/Jennifer Elkins and seconded by C/Karen Lipovsky to transfer from contingency #101-890-956.299 the amount of \$55,000.00 into #101-990-998.291 (child care probate) by the same amount of \$55,000.00 and have the Treasurer make the necessary adjustments. Motion carried.

A motion was made by C/Karen Lipovsky and seconded by C/Jennifer Elkins to amend the General Appropriations Act and reduce new equipment #249-372-978.000 (electrical) by \$5000 and reduce new equipment #249-371-978.000 (building) by \$5000 and reduce part-time secretary #249-372-705.000 by \$1,417.00 and have the Treasurer make the necessary reductions with the necessary transfers back to the General Fund. Motion carried.

A motion was made by C/Al Bransdorfer and seconded by C/Karen Lipovsky to authorize the purchase of a Dell Dimension XPS Series Computer in the amount of \$1,956.00 to be taken from #101-901-978.265 (courthouse new equipment) to maintain the identification badges and keyless entry information. Motion carried.

A motion was made by C/Forrest Meek and seconded by C/Jennifer Elkins to approve and print 130 copies in the amount of \$727.00 for the Solid Waste Plan Update with the twenty county reciprocal agreements, as recommended by the Solid Waste Planning Committee at their June 14, 2000 meeting. Motion carried.

June 20, 2000  
Harrison, Michigan 48625

7-5-00  
Unapproved Minutes  
Page Four

A motion was made by C/Karen Lipovsky and seconded by C/Jennifer Elkins to amend the General Appropriations Act and increase the appropriation transfer-out from the revolving tax fund #616-000-998.101 and increase the transfer-in #101-000-699.616 by \$115,000.00, then increase the appropriation transfer-out #101-990-998.239 by \$115,000.00 and increase #239-000-699.101 appropriation transfer-in by the same amount and have the Treasurer make the necessary adjustments. Motion carried.

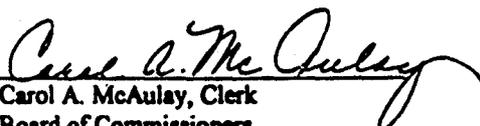
A motion was made by C/Karen Lipovsky and seconded by C/Ed Ensz to allow Nick Linendoll, as Computer Programmer to set up the software program for the BS & A Equalizer Permit System in the Building & Electrical Department as a temporary full-time position, starting June 19, 2000 for 37.5 hrs. per week, not to exceed 8 weeks at the rate of \$9.066 per hr., not to exceed \$2,720.00 Motion carried.

A motion was made by C/Karen Lipovsky and seconded by C/John Parker to approve Wayne Pribbernow as a full-time Assistant Dog Warden effective June 18, 2000 with a beginning salary of \$17,678.75 per year to be paid from #101-430-702.000 (full-time salary). Motion carried.

Recess was called at 3:30 p.m. and back in session at 3:50 p.m. with Ted Pych with Michigan Association of Counties. Mr. Pych explained he was the new representative on board and asked for any questions or information that he could take back to MAC. Commissioners expressed concern about the hospitality room at the conference site and the cost back to the taxpayers of the individual counties. Also the back-door politics practiced with Region VII Area Agency.

A motion was made by C/Ed Ensz and seconded by C/Forrest Meek to transfer \$750.00 into the Drain Commissioner's travel, & expense account #101-275-864.000 to cover unexpected conference expenses. After much discussion, a motion was made by C/Al Bransdorfer and seconded by C/Jennifer Elkins to table this matter for clarification on the request for funds and passing of the new drain code. Motion carried, with one nay being: C/Forrest Meek.

With no further business to come before the Board, a motion was made by C/Jennifer Elkins and seconded by C/John Parker to adjourn at 5:00 p.m. until the next regular meeting to be held on July 5, 2000 commencing at 9:30 a.m. in the Commissioners' Chambers. Motion carried.

  
Carol A. McAulay, Clerk  
Board of Commissioners

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Bert Kortez, Chairman  
Board of Commissioners

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**MINUTES OF THE CLARE COUNTY  
BOARD OF COMMISSIONERS**

July 5, 2000  
Harrison, Michigan 48625

7-18-00  
~~Un~~approved Minutes  
Page One

The regular meeting of the Clare County Board of Commissioners was called to order at 9:35 a.m. by Chairman Kortés. The Pledge of Allegiance was led by C/Bert Kortés.

Roll call revealed seven members present being: C/John Parker, C/Jennifer Elkins, C/Karen Lipovsky, C/Ed Ensz, C/Al Bransdorfer, C/Forrest Meek and C/Bert Kortés. Sally Pletzer, Candidate for County Commissioner, District #7 was also in attendance.

A motion was made by C/Forrest Meek and seconded by C/Jennifer Elkins to accept the agenda as presented. Motion carried.

A motion was made by C/Forrest Meek and seconded by C/John Parker to approve the regular minutes of June 20, 2000 as printed. Motion carried.

**CORRESPONDENCE AND MOTIONS NEEDING BOARD ACTION:**

A motion was made by C/Jennifer Elkins and seconded by C/Al Bransdorfer to amend the Facility Emergency/Bomb Threat Plan, page 11, for unauthorized time off as follows:

**L. Unauthorized Time Off**

Upon notification of a bomb threat, Department Heads will notify personnel, reporting to them of the bomb threat. The Department Head may inform his employees that they are free to leave the premises at their own volition before the order to evacuate the building has been issued by the Threat Assessment Team; with the provision that any absent time outside of the authorized evacuation time, as stipulated by the Threat Assessment Team, must be covered by: a) unpaid time b) paid personal time or c) vacation time.

Roll call revealed a vote of four yeas being: C/Jennifer Elkins, C/Al Bransdorfer, C/Karen Lipovsky and C/Bert Kortés with a vote of three nays being: C/Forrest Meek, C/Ed Ensz and C/John Parker. Motion carried.

A motion was made by C/Jennifer Elkins and seconded by C/John Parker to authorize the Treasurer to balance the 200 Funds, that are out of balance in the 2000 budget by reducing the fund balance. Motion carried.

A motion was made by C/Jennifer Elkins and seconded by C/John Parker to approve the user license fee, through Manatron for the Sheriff's Department and Equalization Department for access to the general ledger inquiry, at the rate of \$2,250.00 to be paid from #101-259-815.000 (service /support fees) and authorize Bookkeeping to pay same. Motion carried.

A motion was made by C/Ed Ensz and seconded by C/Karen Lipovsky to purchase a Hewlett Packard Laser Jet Printer Model #4050 from Office Depot in the amount of \$1,080.07 plus cable in the amount of \$19.50 for a total of \$1,099.57 to be paid from #101-901-978.259 (new equipment computers) and authorize Bookkeeping to pay same. Motion carried.

A motion was made by C/Karen Lipovsky and seconded by C/Jennifer Elkins to adopt the Resolution approving the Building Authority Contract, authorizing publication of notice of intent, authorizing filing with the Michigan Department of Treasury and authorizing the County Clerk to sign same. Roll

call revealed a unanimous vote of four yeas being: C/Karen Lipovsky, C/Jennifer Elkins, C/John Parker and C/Bert Kortez. Resolution adopted. *Annual Meeting*

A motion was made by C/Karen Lipovsky and seconded by C/Jennifer Elkins to adopt the Limited Tax Full Faith and Credit General Obligation Contract of Lease between the Building Authority and the County Board of Commissioners pledging the County's full faith and obligation and authorizing the Chair and the County Clerk to sign same. Roll call revealed a vote of four yeas being: C/Karen Lipovsky, C/Jennifer Elkins, C/John Parker and C/Bert Kortez with three nays being: C/Al Bransdorfer, C/Forrest Meek and C/Ed Ensz. Motion carried. *Annual Meeting*

Recess was called at 11:15 a.m. and back in session at 11:40 a.m.

Reciprocal agreements were then discussed with a motion made by C/Jennifer Elkins and seconded by C/Al Bransdorfer to approve the reciprocal agreement with Missaukee County and have Chair sign same. A subsidiary motion was made by C/Forrest Meek to postpone the main motion indefinitely. Chairman Kortez asked for a second for this motion three times, with none forthcoming. Motion to postpone indefinitely failed for lack of support. Roll call on the main motion revealed a unanimous vote of seven yeas being: C/Jennifer Elkins, C/Al Bransdorfer, C/John Parker, C/Karen Lipovsky, C/Ed Ensz, C/Forrest Meek and C/Bert Kortez. Motion carried.

Discussion then took place on the construction of the southwest parking lot, with C/Ed Ensz making a motion and C/Forrest Meek seconding to plant six trees on the K.C. property to distinguish the property line, not to exceed an amount of \$300.00. The Board felt a written agreement should be in place for liability purposes. At that time, C/Forrest Meek decided to withdraw his support to the motion and C/Ed Ensz withdrew his motion. Consensus was also given to approve the bid of Henry's @\$750.00 to remove the dugouts at the old little league field.

A motion was made by C/Karen Lipovsky and seconded by C/Ed Ensz to allow Ray Bruff and Wayne Pribbernow to attend a Chemical Immobilization Training Program to be held in Chicago, Illinois, August 14<sup>th</sup> and 15<sup>th</sup> with a total cost of \$90.00 registration, to be paid from #101-430-864.000. Current employees will cover the shelter during that time. Motion carried.

A motion was made by C/Forrest Meek and seconded by C/Jennifer Elkins to include in the Solid Waste Plan Update, the agenda of the Solid Waste Meeting held on May 25, 2000 (a quorum of the Solid Waste Committee was not present). Motion carried.

With no further business to come before the Board, a motion was made by C/Ensz and seconded by C/Jennifer Elkins to adjourn at 1:05 p.m. until the next regular meeting to be held on July 18, 2000 commencing at 9:30 a.m. in the Commissioners' Chambers. Motion carried.

  
Carol A. McAulay, Clerk  
Board of Commissioners

\_\_\_\_\_  
Bert Kortez, Chairperson  
Board of Commissioners