



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



DAN WYANT
DIRECTOR

June 7, 2013

Mr. Dan Koorndyk, Chair
Kent County Board of Commissioners
300 Monroe Avenue NW
Grand Rapids, Michigan 49503

Dear Mr. Koorndyk:

The locally approved amendment to the Kent County Solid Waste Management Plan (Plan Amendment) received by the Department of Environmental Quality (DEQ) on March 8, 2013, is hereby approved.

The Plan Amendment creates the following changes:

- New goals and objectives including supporting actions.
- An updated facility description for the Kent County Waste-to-Energy Facility.
- Added authorization to import institutional waste from all municipalities and State or Federal Departments.
- Additional consistency criteria were added.
- Language was added, for informational purposes only, to the Solid Waste Management Components Section regarding potential county ordinance provisions.
- Additional areas of regulation that are approved without further authorization from or amendment to the Plan.
- Language indicating that any potential ordinance intended to regulate the location, development or operations of solid waste disposal areas shall be done through a properly promulgated plan amendment.
- Adds failure to comply with a county solid waste management ordinance or any other requirement of the Plan as a Plan violation.

The DEQ would like to thank Kent County for its efforts in addressing its solid waste management issues. If you have any questions, please contact Ms. Rhonda S. Oyer, Chief, Sustainable Materials Management Unit, Solid Waste Section, Office of Waste Management and Radiological Protection, at 517-373-4750; oyerr@michigan.gov; or DEQ, P.O. Box 30241, Lansing, Michigan 48909-7741.

Sincerely,

Elizabeth M. Browne, Chief
Office of Waste Management and
Radiological Protection
517-373-9523

cc: Senator Dave Hildenbrand
Representative Winnie Brinks
Representative Brandon Dillon
Representative Rob VerHeulen
Mr. Dennis Kmiecik, Kent County
Mr. Douglas Wood, Kent County
Mr. Dan Wyant, Director, DEQ
Mr. Jim Sygo, Deputy Director, DEQ
Ms. Maggie Datema, Legislative Affairs, DEQ
Mr. Fred Sellers, DEQ
Ms. Rhonda S. Oyer, DEQ
Mr. Steve Sliver/Ms. Christina Miller, DEQ\Kent County File

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Director



Board of Public Works

March 6, 2013

Ms. Christina Miller
Solid Waste Management Coordinator
Department of Environmental Quality
Constitutional Hall, Atrium North
PO Box 30241
Lansing, MI 48909

Re: Kent County Solid Waste Management Plan Amendment/Final Approval

Dear Ms. Miller:

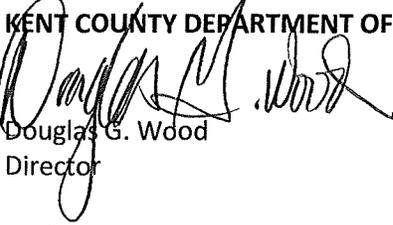
On behalf of the Kent County Board of Public Works, serving as the designated planning agency, enclosed is a copy of the Kent County Solid Waste Management Plan Amendment which was prepared in compliance with Section 11539a of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act 1994 PA 451, as amended.

The amendment will become Appendix F of the current plan which was approved in April 2000 by the Michigan Department of Environmental Quality. Enclosed is the amendment with all changes noted by page and section (Section 1). On November 8, 2012, the Kent County Board of Commissioners approved the Plan Amendment (Section 3). The Plan was then distributed to the 35 local units of government within Kent County for their approval (67%). The resolutions approving the Plan are located in Section 6. For the final step in the approval process, Kent County is requesting final review and approval of the Plan Amendment.

Please contact Dennis Kmiecik at 616-336-4369 or email Dennis.Kmiecik@kentcountymi.gov if you have any questions.

Best regards,

KENT COUNTY DEPARTMENT OF PUBLIC WORKS


Douglas G. Wood
Director

Enclosures



AMENDMENT TO KENT COUNTY ACT 451
SOLID WASTE MANAGEMENT PLAN
December 2011

The Kent County Act 451 Solid Waste Management Plan (May 1999) is hereby amended as follows:

Amendment to: Section I.2, pages I-3 thru I-6

The following Goals and Objectives replace those in the Plan Amendment dated August 25, 2009

Policy Statement:

The Kent County Solid Waste Management Plan works toward the goal of utilizing 50% of the Municipal Solid Waste (MSW) generated in Kent County by 2015, as defined by the Michigan Solid Waste Policy 2007. Kent County will strive to make continuous improvements toward this goal by establishing and implementing systems that take into consideration the economic vitality, ecological integrity, and social equity of the management of MSW. All systems established and managed within these principles will foster the ultimate goal of a sustainable Solid Waste Management Plan.

This policy statement will guide the following goals and objectives:

Goal 1: Maintain a sustainable solid waste management system centered on the protection of public health and the environment.

Objective 1: Ensure long-term disposal capacity is available for Kent County residents and businesses.

Action 1: Evaluate each year the long-term availability of final disposal capacity for solid waste that includes in the evaluation solid waste facilities owned and operated by Kent County and regional disposal facilities.

Action 2: Obtain agreements or a contract as needed with public or private entities to make certain long-term (20-year) solid waste disposal capacity is available.

Objective 2: Ensure maintenance and operation of a waste management system that includes the Waste-to-Energy Facility, South Kent Landfill, Material Recovery Facility, North Kent Transfer Facility, recycling drop-off centers, household hazardous waste facilities and resource recovery programs in accordance with federal, state and local laws, rules and regulations.

Action 1: Prepare a feasibility analysis decision-making tool for expansion of the Waste-to-Energy Facility that includes examination of service area, capital requirements and legal requirements.

Action 2: Evaluate, recommend and/or implement the usage of long term disposal contracts with existing landfill companies in lieu of expanding the South Kent Landfill.

Action 3: Complete expansion plan for South Kent Landfill into Allegan County that includes additional properties needed, economic analysis, cooperative partnership with Allegan County concerning long-term disposal requirements for both Counties, implementation schedule, sustainable development and environmental accounting considerations above those required by rule, regulation or law.

Objective 3: Evaluate, recommend and/or implement an economic financing plan that provides support for solid waste management services.

Action 1: Evaluate long-term legacy costs for closed landfills.

Action 2: Develop equitable financing plan for solid waste management services.

Objective 4: Examine and evaluate alternative solid waste technologies for management of recoverable materials and organic wastes.

Action 1: Form a technical work group and partnerships by 2015 to research organic waste technologies that may include anaerobic digestion

Action 2: Form a technical work group by 2015 to research recovery material technologies that may include unseparated commercial and industrial waste sources.

Goal 2: Develop, maintain and expand public education programs and marketing and public relations materials which showcase, support & explain the Solid Waste and Resource Recovery services to increase participation in all programs by 5% per year.

Objective 1: Increase participation in the Earth Day Recycle Challenge and similar outreach programs.

Action 1: Utilize the Kent ISD courier service to send information

Action 2: Establish a database of schools & organizations that participate in tours/presentations to send program information by direct mail.

Action 3: Increase budget to provide incentives for participants.

Action 4: Research potential corporate sponsors or partners for the Recycle Challenge, Random Recycling Rewards, Waste & Recycling Guide, West MI Take Back Meds and other outreach programs.

Objective 2: Utilize the education center at the Materials Recovery Facility for a variety of community activities and continue to expand availability of services.

Action 1: Establish a schedule that includes preplanned activities

Action 2: Evaluate the feasibility of hosting fee-based private functions

Action 3: Develop signage to enhance comprehension on self- and staff-guided tours

Action 4: Develop a display area to be open to the public with exhibits promoting recycling and resource recovery

Action 5: Evaluate opening the education center for a limited amount of "public hours", including weekends and evenings.

Objective 3: Maintain a separate webpage for emphasizing recycling and other waste reduction techniques and maintain the information to be accurate and timely.

Action 1: Review all printed materials to ensure logos and web addresses are listed

Action 2: Evaluate websites to ensure they are user-friendly

Action 3: Increase exposure of websites by asking partner/community organizations to post links on their websites

Objective 4: Establish a composting education program by 2015.

Action 1: Research potential community partners – both corporate sponsorships and program partnerships to avoid duplication of community programs.

Action 2: Research available programs to promote backyard composting through at-cost sales of compost bins

Action 3: Create an educational program to teach and promote backyard composting

Action 4: Research the options for incentives for residents to compost yard wastes and food wastes (where allowed)

Objective 5: Develop new and continue to update timely marketing materials and media releases that promote new and established Resource Recovery programs and Solid Waste services.

Action 1: Continue to promote the Household Hazardous Waste program and find new resources for promotion of the program

Action 2: Continue the Household Waste Guide production with yearly updates

Action 3: Maintain online version of the Household Waste Guide & update as needed throughout the year

Action 4: Continue to produce handouts for distribution at recycling drop off centers

Action 5: Distribute and update the information/press kit that highlights all aspects of DPW to be used for promotional opportunities

Action 6: Purchase promotional gifts – magnets, etc.

Action 7: Utilize social media to increase outreach

Objective 6: Increase the educational opportunities available for schools

Action 1: Establish education kits that teachers can borrow for use in the classroom

Action 2: Create lesson plans for new presentations on specific topics that can be brought to a school or presented in the Materials Recovery Facility Education Center.

Action 3: Correlate lesson plans & tour content to the Michigan State Grade Level Content Expectations

Action 4: Encourage recycling in schools by researching available resources for school recycling and assisting schools in establishing and expanding recycling programs

Objective 7: Continue to assist local businesses, non-profit organizations and schools in finding outlets for recyclable materials and reducing waste generation.

Action 1: Research options for recycling and promoting options to businesses

Action 2: Develop web-based resources for non-residential waste reduction

Goal 3: Ensure Kent County residents have access to convenient, state-of-the-art technologies and cost effective access to public and private residential recycling programs.

Objective 1: Maintain Material Recovery Facility operations to reliably process recyclable materials.

Action 1: Seek to increase process amount by 1,000 tons per year until capacity is reached

Action 2: Actively pursue markets for the sale of recyclable materials

Action 3: Assess methods to improve processing efficiency, product quality and marketability of output

Objective 2: Facilitate a plan to increase public and private recycling options for multifamily dwellings, condominiums, apartment complexes, public facilities/areas, rural areas and special events by 2015.

Action 1: Work with local municipalities and planning agencies to include recycling options for facilities other than single-family residences

Action 2: Continue to analyze and promote recycling drop-off centers for rural areas

Action 3: Work with local waste companies to develop programs to expand recycling opportunities for multifamily dwellings, condominiums, apartment complexes, rural areas and special events

4: Provide more opportunities to remove hazardous materials from the waste stream.

Objective 1: Evaluate the feasibility of establishing a permanent, centrally located Household Hazardous Waste (HHW) facility.

Action 1: Seek to increase usage of the county's four appointment-based centers by 5% each year

Action 2: Evaluate the ability to eliminate disposal fees for underserved communities

Action 3: Evaluate feasibility of private sector providing HHW management services

Objective 2: Investigate and work with other programs and/or businesses for the additional collection and disposal of common hazards including compact fluorescent bulbs, electronics, batteries, motor oil, latex paint, pharmaceuticals and sharps

Action 1: Utilize partnerships to establish and promote programs

Action 2: Seek sponsorships for program support

Action 3: Participate in product stewardship initiatives that partner with manufacturers, retailers, environmental groups, federal agencies and other key stakeholders to reduce the health and environmental impacts of consumer products

Objective 3: Evaluate feasibility of providing collections for Conditionally Exempt Small Quantity Generators (CESQG) to safely dispose of hazardous materials.

Action 1: Develop criteria for participating CESQG businesses

Action 2: Develop billing and cost accounting system for participating CESQG businesses

Action 3: Evaluate feasibility of private sector providing CESQG waste management services

Objective 4: Evaluate feasibility of designing, funding and building a permanent Household Hazardous Waste (HHW) and Conditionally Exempt Small Quantity Generator (CESQG) facility.

Action 1: Service a minimum of 5,000 households annually.

Action 2: Establish "business hours" that include weekdays and weekends

Action 3: Allocate space to include a reuse/ swap center for usable materials

Action 4: Investigate the feasibility of accepting and bulking latex paint

Section II, page II-6

The following replaces sections of the Plan Update approved on April 3, 2000.

CHANGE(S):

1. Under 'Waste Types Received (check all that apply)', check box for 'other' and label as "institutional waste**"
2. Below 'Explanation of special wastes, including a specific list and/or conditions', insert the following text:
**Institutional waste includes material discarded by schools, nonmedical waste discarded by hospitals, material discarded by nonmanufacturing activities at prisons and government facilities, and material discarded by other similar establishments or facilities.
3. Under 'Site Size', Annual energy production: Waste-to-Energy incinerators:' delete '72/day' and add '140,000'. After 'megawatts', delete '116,000 lb. Of steam/hr'

Section III – SELECTED SYSTEM

III.2 IMPORT AUTHORIZATION Table 1-A

CHANGE(S):

1. Page III-3, below listing for 'Importing County: Kent, Exporting County: VanBuren', insert the following text:
"In addition to the import authorizations listed in Table 1-A, the County may accept institutional waste for disposal at the Waste-To-Energy Facility from municipalities located outside the County and from State or Federal Departments and Agencies." Institutional waste includes material discarded by schools, nonmedical waste discarded by hospitals, material discarded by nonmanufacturing activities at prisons and government facilities, and material discarded by other similar establishments or facilities.

III.5 SOLID WASTE DISPOSAL AREAS FACILITY DESCRIPTIONS – Page III-10

CHANGE(S):

1. Insert same three changes as Section II.3, page II-6

Section III.16.G, page III-44

Revise Nos. 11-13 of Section III.16.G., Consistency Criteria, to read as follows:

"11. For all proposed facilities that are Type A or Type B transfer facilities, to the extent that the solid waste coming to the transfer station is generated from within the cities of Grand Rapids, Wyoming, East Grand Rapids, Kentwood, Grandville, or Walker, the applicant shall agree to comply with the applicable city or county ordinances directing waste to the Waste-to-Energy

Facility located at 950 Market Street and shall at all times comply with such ordinances and ordinance amendments.

12. If the proposed facility is a Resource Recovery Facility, to the extent that the materials coming to the facility are generated from within the cities of Grand Rapids, Wyoming, East Grand Rapids, Kentwood, Grandville, or Walker, the applicant must agree that all residue from such materials must be disposed of in compliance with the ordinances of the six cities or the county directing waste generated to the Waste-to-Energy Facility located at 950 Market Street, and shall at all times comply with such ordinances and ordinance amendments.

13. If the proposed facility is located in Wyoming, Grand Rapids, East Grand Rapids, Kentwood, Grandville, or Walker it must submit a written statement indicating that it will operate in compliance with all applicable ordinances and amendments, in effect at the time of the consistency determination, from the areas identified above or County issued ordinances, including, but not limited to, ordinance requirements directing solid waste to designated County facilities.

Section III.17.B, page III-50

Insert the following between the second and third paragraphs of Section III.17.B, page III-51

“The County may, however, enter into amendments of the new or amended base contract with the six cities, and contracts with other local units of government if appropriate, to implement a solid waste management program as provided in Section III.17.D. As part of a solid waste management program, the County may adopt and enforce a county solid waste management ordinance as an “enforceable mechanism” authorized by this Plan. The purpose of a County ordinance is to implement the approved Kent County Solid Waste Management Plan, as amended, and as adopted pursuant to Part 115 Solid Waste Management of Public Act 451 of 1994; to protect and promote the public health, safety and welfare of Kent County residents by regulating the collection, transportation, and disposal of solid waste; to establish conditions for issuing waste hauler licenses; to provide residents and businesses an incentive to recycle, thereby reducing the volume of solid waste; to preserve and improve the environment; to promulgate solid waste management rules and regulations; to provide penalties for violations of the Ordinance; and to establish and assess a Countywide surcharge on solid waste generated for final disposal to be used to fund closed county landfills and the Household Hazardous Waste Program. A county ordinance may include, but not be limited to, licensing of waste haulers including requirements for collection, transportation, and disposal of solid waste; transportation and disposal of recyclables; promote and encourage recycling, including source-separation and anti-scavenging provisions; and any matters related thereto, including criminal penalties, sanctions for civil infractions, and other legal or equitable remedies for violations. The requirements of a county solid waste management ordinance shall be in addition to any requirements of city, township, or village ordinances.

A county solid waste management ordinance shall be considered an approved “enforceable mechanism” under this Plan. The adoption and enforcement of a county solid waste management ordinance shall be deemed to be consistent with this Plan and the Michigan Solid Waste Policy.

Section III.17.B.1, page III-51

Delete the first paragraph of III.17.B.1 (p. III-51) and replace with the following:

“Cities possess home rule powers to pass and enforce ordinances to license waste haulers, regulate the use of their streets, and establish requirements for solid waste management, transportation and disposal. Hence, in 1985, Kent County entered into contracts with six cities requiring them to pass ordinances to ensure flow of waste to the Kent County Waste-to-Energy (WTE) Facility.

By law, the County has the authority to adopt and enforce a county ordinance relating to “county affairs.” Under Part 115 of NREPA, counties are charged with the responsibility for adopting and enforcing county solid waste management plans which shall include “enforceable mechanisms” to achieve solid waste management objectives. Part 115 specifically provides that an “enforceable mechanism” under a county solid waste management plan may include county ordinances.

Section III.19, page III-57 number 3 add # 15:

15. A county ordinance to meet the stated purposes of an ordinance as set forth in section III.17.B, which ordinance may include the following:
 - a. licensing of waste haulers;
 - b. requirements for collection and transportation of solid waste;
 - c. promote and encourage recycling, including source-separation and anti-scavenging provisions; and
 - d. any matters related thereto, including criminal penalties, sanctions for civil infractions, and other legal or equitable remedies for violations.

The requirements of a county solid waste management ordinance shall be in addition to any requirements of city, township, or village ordinances. The potential ordinance is not intended to regulate the location, development or operation of solid waste disposal areas. Regulation regarding the location, development or operation of solid waste disposal areas shall be done through a properly promulgated plan amendment in accordance with the provisions of Part 115.

Section III.20, page III-57

Revise Number 4 of Section III.20, p. III-57, Plan Violations, to read as follows:

“Failure to comply with a county solid waste management ordinance.

Change original Number 4 to Number 5

“Failure of any person to comply with any other requirement of this Plan.”

Page III-57, Number 3 updated as follows:

1. Certain ancillary construction details, such as landscaping, fencing and screening
2. Hours of operation
3. Noise, litter, vibration, odor, vector control and dust control
4. Lighting
5. Facility security
6. Monitoring of wastes accepted and prohibited refers to compliance with restrictions contained in the Plan and is not an authority to regulate waste acceptance and screening requirements imposed on disposal areas through their operating license and regulated by the Michigan Department of Environmental Quality.
7. Storm water and sewer management
8. Storage of materials on site. This authority refers to enforcement of local blight and junk-related regulations and is not an authority for the county or municipalities to regulate waste piles in conflict with the Michigan Department of Environmental Quality regulatory authority under R299.4129 and R299.4130 of the Part 115 Administrative Rules.
9. Traffic patterns, roads ingress/egress, parking, curb and gutter
10. Signage
11. Emergency services, i.e., fire protection
12. Composting and recycling
13. Building or other structure height
14. A county ordinance to meet the stated purposes of an ordinance as set forth in section III.17.B, which ordinance may include the following:
 - a. licensing of waste haulers;
 - b. requirements for collection and transportation of solid waste;
 - c. promote and encourage recycling, including source-separation and anti-scavenging provisions; and
 - d. any matters related thereto, including criminal penalties, sanctions for civil infractions, and other legal or equitable remedies for violations.

The requirements of a county solid waste management ordinance shall be in addition to any requirements of city, township, or village ordinances. The potential ordinance is not intended to regulate the location, development or operation of solid waste disposal areas. Regulation regarding the location, development or operation of solid waste disposal areas shall be done through a properly promulgated plan amendment in accordance with the provisions of Part 115.