



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



DAN WYANT  
DIRECTOR

April 19, 2011

Ms. Leslie Housler, Chairperson  
Wexford County Board of Commissioners  
437 East Division Street  
Cadillac, Michigan 49601

Dear Ms. Housler:

The Department of Environmental Quality (DEQ) received the locally-approved amendment to the Wexford County Solid Waste Management Plan (Plan Amendment) on November 23, 2010. Please note that due to the recent DEQ separation from Department of Natural Resources and Environment (DNRE), all references to the "DNRE" in the Plan Amendment, modification letter, and this approval letter are now changed to "Department of Environmental Quality" or "DEQ." Except for the items indicated below, the Plan Amendment is approvable. As outlined in the March 4, 2011, revised letter to you from Ms. Christina Miller, DEQ, Resource Management Division (RMD), and as confirmed in your letter dated March 21, 2011, the DEQ makes the following modifications to the Plan Amendment:

Page II-3 and III-7, FACILITY DESCRIPTION: The "Construction Permit" box shall be marked under the operating status on the facility description.

Page III-10, SOLID WASTE COLLECTION SERVICES AND TRANSPORTATION, second paragraph, last sentence states, "Final disposal of all solid waste shall be in a permitted and licensed landfill located in Wexford County." This sentence is not consistent with the Export Authorization Table found on page III-4a. Therefore, the sentence shall be replaced with the following: "Final disposal of all solid waste shall be in a permitted and licensed landfill located in Wexford County or in counties authorized per the export authorizations found in Table 2-A."

Page III-26, SITING CRITERIA AND PROCESS, second paragraph states, "Expansion of the Wexford County Landfill is authorized by this Plan and shall be limited to the total acreage found on the Facility Description." This language authorizes the landfill to initiate the siting criteria; however, it was the County's intent to deem the facility automatically consistent with the Plan without the need to go through the siting process and meet the siting criteria. In order to alleviate this discrepancy this sentence shall be replaced with the following: "Expansions of the Wexford County Landfill, limited to the total acreage found on the Facility Description found in pages II-3 and III-7 of the Plan, are deemed automatically consistent with the Plan."

Page III-27 and III-28, criteria i, ii, and iii refer to "active work area." Please note that the term "active work area" only applies to landfills under Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and its administrative rules. It was the County's intent to apply these criteria to all disposal

area types and not just landfills. Therefore, the phrase "active work area" shall be replaced with "area where solid waste will be handled, disposed, or managed."

Page III-31, LOCAL ORDINANCES AND REGULATIONS AFFECTING SOLID WASTE DISPOSAL, subsection 1(B), fourth line down, shall identify that a sample ordinance is included. Therefore, the phrase "(Sample Ordinance Included)" shall be added after the phrase "Wexford County Ordinance # \_\_\_\_\_."

Page 8, SAMPLE SOLID WASTE ORDINANCE, Section 8, Administrative Rules: This section states that the Board of Public Works may promulgate administrative rules to carry out the provision of the ordinance. However, a sample of the administrative rules is not included in the Plan Amendment. In order for the Plan Amendment to be approvable with the sample ordinance, the administrative rules must be included. Therefore, the following sample rules for the ordinance are identified below and separated with a double line.

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## **ADMINISTRATIVE RULES FOR WEXFORD COUNTY SOLID WASTE ORDINANCE**

\_\_\_\_\_, 2011

### **ADMINISTRATIVE RULES FOR AN ORDINANCE TO REGULATE THE COLLECTION, TRANSPORTATION, DELIVERY AND DISPOSAL OF SOLID WASTE; TO REQUIRE THE LICENSING OF WASTE HAULERS; TO PROHIBIT ROADSIDE DUMPING OF REFUSE; AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.**

- Section 1: Definitions
- Section 2: Collection Service Requirements
- Section 3: Fees
- Section 4: County Designated Facility
- Section 5: Registration and Reporting Requirements

THE BOARD OF PUBLIC WORKS OF WEXFORD COUNTY HEREBY PROMULGATES THE FOLLOWING RULES AND REGULATIONS FOR THE WEXFORD COUNTY SOLID WASTE ORDINANCE:

#### **SECTION 1**

#### **DEFINITIONS**

- 1.1 **Definitions.** For purposes of these Rules and Regulations, the definitions provided for key words and phrases will be those contained in Section 2 of the Solid Waste Ordinance. The following definitions are hereby added to that list:

- 1) "Act 451 Solid Waste Management Planning Process" means an authorized solid waste planning process managed by a DEQ-approved Wexford County designated planning agent as described in Act 451, Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).

- 2) "DPW" means the Department of Public Works for Wexford County.
- 3) "DEQ" means the Michigan Department Environmental Quality.

## **SECTION 2**

### **COLLECTION SERVICE REQUIREMENTS**

- 2.1 Requirements for Hauler License. A hauler license will be required for all those engaged in the business of collecting, transporting, delivering, or disposing of solid waste or recyclable materials generated within Wexford County. This may include:
  - a) Refuse haulers
  - b) Recycling collection companies
- 2.2 Exception to Requirement for Hauler License. Individuals hauling solid waste or recyclable materials from their own residence or site of principal business activity to county-designated facilities are exempt from the requirement to have a hauler license.

## **SECTION 3**

### **FEES**

- 3.1 Initial Hauler License Application Fee. At the time of initial application for a hauler license, a base application fee of \$100.00 (one hundred dollars) shall be paid to the DPW. An additional fee of \$25.00 (twenty-five dollars) for each truck to be used in Wexford County for the collection of solid waste shall be paid to the DPW at the time of license application. Each truck shall be listed on the license application, identified by truck type, model, and identifying marker.
- 3.2 License Renewal Fee. At the time of renewal application for a hauler license, a base application fee of \$25.00 (twenty-five dollars) shall be paid to the DPW. An additional fee of \$15.00 (fifteen dollars) for each truck to be used in Wexford County for the collection of solid waste shall be paid to the DPW at the time of submitting an application for license renewal. Each truck shall be listed on the license application, identified by truck type, model, and identifying marker.

## **SECTION 4**

### **COUNTY DESIGNATED FACILITY**

- 4.1 County Designated Facilities. The county designates permitted and licensed landfills operating within Wexford County or outside the State of Michigan for the deposit of solid waste generated within Wexford County to be utilized by all licensed solid waste haulers.

- 4.2 Contingent Disposal Option. If for any reason an emergency or permanent closure of the County-Designated Facilities occurs, Wexford County will notify licensed waste haulers of available contingency disposal options. Such a contingency shall be in compliance with the current approved County Solid Waste Management Plan.

## SECTION 5

### REGISTRATION AND REPORTING REQUIREMENTS

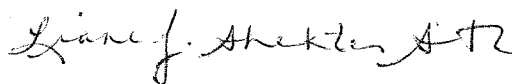
- 5.1 Licensed haulers are required to submit quarterly reports on a form prepared by the DPW of their estimated activity in the previous three-month period in collecting solid waste, special refuse, and recyclable material. Such estimates shall be in the form of both cubic yards and tonnages, and shall be broken down by type of collection activity and by point of final delivery. Due dates for filing this information are the twentieth day of January, April, July, and October of each year.

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With these modifications, the Plan Amendment is hereby approved. When distributing copies of the approved Plan Amendment, please ensure that a copy of this letter is included.

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

Sincerely,



Liane J. Shekter Smith, P.E., Chief  
Resource Management Division  
517-373-9523

cc: Senator Darwin L. Boohar  
Representative Phil Potvin  
Mr. John Divizzo, Wexford County  
Mr. Dan Wyant, Director, DEQ  
Mr. Jim Sygo, Deputy Director, DEQ  
Mr. Randy Gross, Director of Legislative Affairs, DEQ  
Mr. Steve Sliver, DEQ  
Mr. Phil Roycraft, DEQ  
Ms. Rhonda S. Oyer, DEQ  
Ms. Christina Miller, DEQ  
Wexford County File

DEPARTMENT OF PUBLIC WORKS

3161 SOUTH LAKE MITCHELL DRIVE  
CADILLAC, MICHIGAN 49601  
231-775-0155  
231-775-0156 (FAX)



LANDFILL

990 NORTH U.S. 131  
MANTON, MICHIGAN 49663  
231-824-6858  
231-824-6859 (FAX)

November 19, 2010

Ms. Christina Miller  
Department of Natural Resources and Environment  
Solid Waste Management Unit  
525 West Allegan Street  
P.O. Box 30241  
Lansing, Michigan 48909

**Re: Wexford County Solid Waste Management Plan Amendment (2009)**

Dear Ms. Miller:

Wexford County is submitting an amendment to its current approved solid waste management plan in accordance with *Rule 709* of the Solid Waste Management Act Administrative Rules promulgated pursuant to Part 115 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

The proposed amendment was released for public review on March 2, 2009. A public hearing was held on May 21, 2009. The proposed amendment was modified based on public comments received and approved by the Solid Waste Management Planning Committee on June 29, 2009. The proposed amendment was received by the Board of Commissioners on July 15, 2009.

On August 24, 2010, the Board of Commissioners provided written objections to the plan and received the Solid Waste Management Planning Committee's response.

On September 15, 2010, the Board of Commissioners approved the amendment with changes and authorized its release to the municipalities for approval.

Wexford County received approval of the amendment through resolution of at least 67% of its municipalities; 16 of the 21.

Documentation pertaining to the amendment is attached for department review. If you have any questions, comments, or concerns please do not hesitate to contact me.

Sincerely,

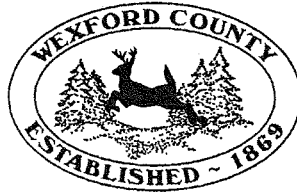
A handwritten signature in dark ink, appearing to read "John Divozzo".  
John Divozzo

DNRE

NOV 23 2010

ENVIRONMENTAL RESOURCE  
MANAGEMENT DIVISION





September 16, 2010

Subject: Wexford County 2009 Solid Waste Management Plan Amendment

Released for public review on March 2, 2009

Public Comment Period: March 16, 2009 to June 15, 2009

Public Hearing Date: May 21, 2009

The Amendment consists of changes to six sections of the Current Solid Waste Management Plan (approved by the MDEQ on March 7, 2002) and inclusion of a draft solid waste ordinance. The Department of Public Works and the Solid Waste Management Planning Committee have reviewed all public comments regarding the 2009 Plan Amendment.

June 29, 2009: Solid Waste Management Planning Committee approval of the 2009 Plan Amendment;

**Roll Call Vote [7-3]:**

Yeas (7): Matt Gunnerson, Jane Finnerty, Jerry Richards, Jean Schnitker, Scott Conradson, Rich Leszcz, and Mike Solomon.  
Nays (3): Todd Harland, Michael Kennedy, and Mark Howie.  
Abstain (1): Bob Johnson.  
Absent (2): Painter and Bathrick.  
Vacant (1): Environmental Group Representative.

July 6, 2009: Solid Waste Management Planning Committee reaffirmed its approval of the 2009 Plan Amendment

**Roll Call Vote [9-0]:**

Yeas (9): Russell Painter, Matt Gunnerson, Jane Finnerty, Jerry Richards, Jean Schnitker, Scott Conradson, Rich Leszcz, Mike Solomon, and Michael Kennedy.  
Nays (0): None.  
Absent (4): Todd Harland, Robert Johnson, Mark Howie, and Glenn Bathrick.  
Vacant (1): Environmental Group Representative.

**DNRE**

NOV 23 2010

ENVIRONMENTAL RESOURCE  
MANAGEMENT DIVISION

The Board of Commissioners reviewed the Plan Amendment and provided its written objections to the Solid Waste Management Planning Committee on August 24, 2010.

The Solid Waste Management Planning Committee reviewed the BOC objections and provided its response on August 24, 2010.

The Board of Commissioners approved the Plan Amendment on September 15, 2010.

**The 2009 Plan Amendment is detailed as follows:**

- **Import/Export Authorization – Amendment #1**

The Current Plan includes import/export authorization for solid waste generated outside Wexford County; specifically pages III-4 through III-5b (Tables 1A, 2A, 1B, and 2B). Four (4) counties are listed to import/export solid waste.

**The proposed amended language to the Import Authorization is as follows:**

1. Import Authorization; Page III-4, Table 1A

- a. Delete the language; *“\*\*Contingency – refers to authorization to import or export waste into or from Wexford County only under emergency conditions to be defined within any processed agreement”* from page III-4 (Table 1A).

In the March 7, 2002 approval letter for the Current Plan; the MDEQ stated that the Current Plan was approved with the deletion of this language. Since Wexford County is including Table 1A in its Amendment, this language must be deleted for public review.

- b. Include Antrim, Benzie, Grand Traverse, Kalkaska, Lake, Emmett, Charlevoix, Otsego, Crawford, Leelanau, Manistee, Roscommon, Ogemaw, Mason, Osceola, Clare, Gladwin, Oceana, Newaygo, Mecosta, and Isabella Counties; Authorized Condition is “Primary (Agreement Required) \*\*”

The “\*\*” refers to Special Conditions, which are detailed on page D-6 of the Current Plan; Wexford County is not proposing any changes to this page.

- c. Remove reference to the Wexford County Landfill in the Facility Name column of Table 1A.

**The proposed amended language to the Export Authorization is as follows:**



Wexford County Board of Commissioners  
Regular Meeting \* Wednesday, September 15, 2010  
Page five (5)

Comm Beck stated he has watched this board dealing with the landfill issue over the last six years. He believes if the county sells the landfill it will be the worst thing that could happen today for the citizens of Wexford County.

Comm Saari invited all to look at the renovations to the Law Library. The Building and Recreation Committee will then address the furniture needs for the room.

Comm Stump believes the last time the SWMP Amendment failed due to lack of trust between municipalities and townships and the people presenting the plan. Now, five years late, he sees the same process. It is important to earn their trust.


**Chairman's Comments**

Comm Housler thanked all for attending the meeting tonight.

**Adjourn**

**MOTION** by Comm Akers with the support of Comm Bulock to  
adjourn at 7:05 p.m.

All in favor.

  
Leslie Housler, Board Chairperson

  
Elaine L Richardson, County Clerk

STATE OF MICHIGAN     )  
                                      )ss  
COUNTY OF WEXFORD    )

I, **Elaine L. Richardson**, County Clerk and Court Clerk for  
the Circuit Court of said County, do hereby certify that the  
foregoing is a true and correct copy of the original on file in  
this office.

Signed and sealed in the City of Cadillac, on this date: November 18, 2010

  
**ELAINE L. RICHARDSON**, County Clerk

1. Export Authorization; Page III-4a, Table 2A

- a. Add Osceola County; Authorized Condition is "Contingency"

**Please see attached Amended pages III-4 and III-4a.**

- **Facility Description – Amendment #2**

The Current Plan includes a Facility Description for the Wexford County Landfill (pages II-3 and III-7).

Since 2005, Wexford County has performed extensive site remediation and received approval for construction permit modifications as necessary to mitigate concerns regarding historic groundwater contamination and to receive an approved Remedial Action Plan for the site.

In 2006, Wexford County purchased 18.18 acres of land from the DNR to maintain adequate distance from the property line to the limits of waste on the eastern border of the facility. This was necessary to provide adequate airspace for county residents and businesses and continue site remediation through to completion.

In 2008, Wexford County received an approved construction permit for expansion of the existing disposal area.

In 2009, Wexford County performed a topographical survey of the in-place waste and compared this to the permitted design capacity resulting in an increase to the design capacity and remaining site life.

In an effort to maintain accurate and current records, the Facility Description listed on pages II-3 and III-7 requires amending.

**Please see attached Amended pages II-3 and III-7.**

- **Solid Waste Collection Services and Transportation – Amendment #3**

This section requires amending to be consistent with the other proposed changes to the Current Plan (page III-10).

**Wexford County is proposing to delete the current language of the Solid Waste Collection Services and Transportation section and replace with the following text:**

Collection services within the County are currently handled by private haulers that collect solid waste in the County and transport it to the Wexford County Landfill located in Cedar Creek Township. There is one transfer station in Haring Charter Township served by Waste Management, Inc. Refuse collection is available to all residents in the cities, villages, and townships in the County through private waste haulers or the residents can elect to haul their own waste to a disposal area located within the County. Final disposal of all solid waste shall be in a permitted and licensed landfill located in Wexford County.

Waste haulers and County residents are served by state trunklines, as well as, County maintained primary and secondary roads.

Overall, the County is adequately served by the present system of solid waste collection, transportation, and disposal.

**Please see attached Amended page III-10.**

- **Siting Review Procedures – Amendment #4**

Pursuant to the MDEQ approval letter dated March 7, 2002, the Current Plan was approved if pages III-26 and III-26a were deleted and replaced with the following language (the current siting review procedures):

*“The Wexford County Department of Public Works is authorized to vertically and horizontally expand the current Wexford County Sanitary Landfill. The expansion of the Wexford County Landfill is restricted to property owned or leased by the Wexford County Department of Public Works.”*

*In the case of transfer stations, the facility must be located on industrial or commercially zoned property. The transfer facility will be no closer than 300 feet from the nearest residential unit existing at the time of the application. It shall be located on a paved concrete or asphalt pad designed and constructed for that purpose. Ingress and egress shall be to and from a Class A connector street or major road. The perimeter of the facility shall be fenced (the fence shall be a minimum of five feet high).”*

Wexford County is proposing to delete the text in this section and replace with new language to allow expansion of the present operating landfill to its full potential and to include specific siting criteria in the event available airspace is reduced to less than 66 months.

**Please see attached Amended pages III-26 to III-29.**

- **Local Ordinances and Regulations Affecting Solid Waste Disposal – Amendment #5**

In the March 7, 2002 approval letter for the Current Plan; the MDEQ stated the Plan was approved with the deletion of this entire section. This section requires amending in order to allow for various local regulations regarding solid waste management. Wexford County has included a draft solid waste ordinance for future consideration. The draft ordinance is included in this section as Attachment A.

**Please see the attached Amended pages III-30 and 31; including Attachment A.**

- **Capacity Certifications – Amendment #6**

The current solid waste capacity for the Wexford County exceeds 20 years. Wexford County is proposing amendments to the Facility Description on pages II-3 and III-7, which identify over 40 years of site life at the existing disposal facility located within the County; the proposed change in text for this section is necessary to maintain consistency throughout the Plan.

**Please see the attached Amended page III-33.**

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# AMENDMENT #1

## IMPORT AUTHORIZATION

If a Licensed solid waste disposal area is currently operating within the County, disposal of solid waste generated by the EXPORTING COUNTY is authorized by the IMPORTING COUNTY up to the AUTHORIZED QUANTITY according to the CONDITIONS AUTHORIZED in Table 1-A.

**TABLE 1-A**

### CURRENT IMPORT VOLUME AUTHORIZATION OF SOLID WASTE

IMPORTING COUNTY	EXPORTING COUNTY	FACILITY NAME <sup>1</sup>	AUTHORIZED QUANTITY/ DAILY	AUTHORIZED QUANTITY/ ANNUAL	AUTHORIZED CONDITIONS <sup>2</sup>
<u>Wexford</u>	<u>Missaukee</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Primary (Agreement Required) *</u>
<u>Wexford</u>	<u>Leelanau</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Primary (Agreement Required) *</u>
<u>Wexford</u>	<u>Clare</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Primary (Agreement Required) *</u>
<u>Wexford</u>	<u>Manistee</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Primary (Agreement Required) *</u>
<u>Wexford</u>	<u>Osceola</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Primary (Agreement Required) *</u>
<u>Wexford</u>	<u>Antrim</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Primary (Agreement Required) *</u>
<u>Wexford</u>	<u>Benzie</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Primary (Agreement Required) *</u>
<u>Wexford</u>	<u>Grand Traverse</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Primary (Agreement Required) *</u>
<u>Wexford</u>	<u>Kalkaska</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Primary (Agreement Required) *</u>
<u>Wexford</u>	<u>Lake</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Primary (Agreement Required) *</u>
<u>Wexford</u>	<u>Emmett</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Primary (Agreement Required) *</u>

<sup>1</sup> Facilities are only listed if the exporting county is restricted to using specific facilities within the importing county.

<sup>2</sup> Authorization indicated by P = Primary Disposal; C = Contingency Disposal; \* = Other conditions exist and detailed explanation is included in the Attachment Section.

## IMPORT AUTHORIZATION

If a Licensed solid waste disposal area is currently operating within the County, disposal of solid waste generated by the EXPORTING COUNTY is authorized by the IMPORTING COUNTY up to the AUTHORIZED QUANTITY according to the CONDITIONS AUTHORIZED in Table 1-A.

**TABLE 1-A; continued**

### CURRENT IMPORT VOLUME AUTHORIZATION OF SOLID WASTE

IMPORTING COUNTY	EXPORTING COUNTY	FACILITY NAME <sup>3</sup>	AUTHORIZED QUANTITY/ DAILY	AUTHORIZED QUANTITY/ ANNUAL	AUTHORIZED CONDITIONS <sup>4</sup>
<u>Wexford</u>	<u>Charlevoix</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Primary (Agreement Required) *</u>
<u>Wexford</u>	<u>Otsego</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Primary (Agreement Required) *</u>
<u>Wexford</u>	<u>Crawford</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Primary (Agreement Required) *</u>
<u>Wexford</u>	<u>Roscommon</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Primary (Agreement Required) *</u>
<u>Wexford</u>	<u>Ogemaw</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Primary (Agreement Required) *</u>
<u>Wexford</u>	<u>Mason</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Primary (Agreement Required) *</u>
<u>Wexford</u>	<u>Gladwin</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Primary (Agreement Required) *</u>
<u>Wexford</u>	<u>Oceana</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Primary (Agreement Required) *</u>
<u>Wexford</u>	<u>Newaygo</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Primary (Agreement Required) *</u>
<u>Wexford</u>	<u>Mecosta</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Primary (Agreement Required) *</u>
<u>Wexford</u>	<u>Isabella</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Primary (Agreement Required) *</u>

<sup>3</sup> Facilities are only listed if the exporting county is restricted to using specific facilities within the importing county.

<sup>4</sup> Authorization indicated by P = Primary Disposal; C = Contingency Disposal; \* = Other conditions exist and detailed explanation is included in the Attachment Section.

## EXPORT AUTHORIZATION

If a Licensed solid waste disposal area is currently operating within another County, disposal of solid waste generated by the EXPORTING COUNTY is authorized up to the AUTHORIZED QUANTITY according to the CONDITIONS AUTHORIZED in Table 2-A; IF authorized for import in the approved Solid Waste Management Plan of the receiving County.

**TABLE 2-A**

### CURRENT EXPORT VOLUME AUTHORIZATION OF SOLID WASTE

EXPORTING COUNTY	IMPORTING COUNTY	FACILITY NAME <sup>1</sup>	AUTHORIZED QUANTITY/ DAILY	AUTHORIZED QUANTITY/ ANNUAL	AUTHORIZED CONDITIONS <sup>2</sup>
<u>Wexford</u>	<u>Missaukee</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Primary (Agreement Required)*</u>
<u>Wexford</u>	<u>Manistee</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Contingency</u>
<u>Wexford</u>	<u>Leelanau</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Contingency</u>
<u>Wexford</u>	<u>Clare</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Contingency</u>
<u>Wexford</u>	<u>Osceola</u>	<u>N/A</u>	<u>Negotiated</u>	<u>Negotiated</u>	<u>Contingency</u>

<sup>1</sup> Facilities are only listed if the exporting county is restricted to using specific facilities within the importing county.

<sup>2</sup> Authorization indicated by P = Primary Disposal; C = Contingency Disposal; \* = Other conditions exist and detailed explanation is included in the Attachment Section.



## AMENDMENT #2

**FACILITY DESCRIPTIONS**

Facility Type: Sanitary Type II Landfill

Facility Name: Wexford County Landfill

County: Wexford Location: Town: 23N Range: 9W Section: 33/34

Map identifying location included in Attachment Section: ☒ Yes ☐ No

If facility is an Incinerator or a Transfer Station, list the final disposal site and location for Incinerator Ash or Transfer Station Wastes: Not applicable

☒ Public ☐ Private Owner: Wexford County

Operating Status (Check)

Waste Types Received (check all that apply)

- ☒ open
- ☐ closed
- ☒ licensed
- ☐ unlicensed
- ☐ construction permit
- ☐ open, but closure
- ☐ pending

- ☒ residential
- ☒ commercial
- ☒ industrial
- ☒ construction & demolition
- ☒ contaminated soils
- ☒ special wastes\*
- ☒ other: all other non-hazardous wastes regulated by Act 451, Part 115

\*Explanation of special wastes, including a specific list and/or conditions:

- Lime, Asbestos, Wastewater Treatment Sludge, Street Sweepings, Foundry Sand, Ash, other non-hazardous wastes as defined in Act 451, Part 115 that require special handling or treatment

Site Size:

Total area of facility property:	<u>196.4</u>	acres
Total area sited for use:	<u>196.4</u>	acres
Total Area permitted:	<u>56.1</u>	acres
Operating:	<u>33.1</u>	acres
Not excavated:	<u>23.0</u>	acres

<b>Current Capacity:</b>	<u>4,600,000</u>	<input type="checkbox"/> tons or <input checked="" type="checkbox"/> yards
Estimated Lifetime:	<u>40</u>	years
Estimated days open per year:	<u>260</u>	days
Estimated yearly disposal volume:	<u>200,000</u>	<input type="checkbox"/> tons or <input checked="" type="checkbox"/> yards

(If applicable)

Annual energy production:

Landfill gas recovery projects:	_____	megawatts
Waste-to-energy incinerators:	_____	megawatts

## FACILITY DESCRIPTIONS

Facility Type: Sanitary Type II Landfill

Facility Name: Wexford County Landfill

County: Wexford Location: Town: 23N Range: 9W Section: 33/34

Map identifying location included in Attachment Section: ☒ Yes ☐ No

If facility is an Incinerator or a Transfer Station, list the final disposal site and location for Incinerator Ash or Transfer Station Wastes: Not applicable

☒ Public ☐ Private Owner: Wexford County

Operating Status (Check)

- ☒ open
- ☐ closed
- ☒ licensed
- ☐ unlicensed
- ☐ construction permit
- ☐ open, but closure
- ☐ pending

Waste Types Received (check all that apply)

- ☒ residential
- ☒ commercial
- ☒ industrial
- ☒ construction & demolition
- ☒ contaminated soils
- ☒ special wastes\*
- ☒ other: all other non-hazardous wastes regulated by Act 451, Part 115

\*Explanation of special wastes, including a specific list and/or conditions:

- Lime, Asbestos, Wastewater Treatment Sludge, Street Sweepings, Foundry Sand, Ash, other non-hazardous wastes as defined in Act 451, Part 115 that require special handling or treatment

Site Size:

Total area of facility property:	<u>196.4</u>	acres
Total area sited for use:	<u>196.4</u>	acres
Total Area permitted:	<u>56.1</u>	acres
Operating:	<u>33.1</u>	acres
Not excavated:	<u>23.0</u>	acres

<b>Current Capacity:</b>	<u>4,600,000</u>	<input type="checkbox"/> tons or <input checked="" type="checkbox"/> yards
Estimated Lifetime:	<u>40</u>	years
Estimated days open per year:	<u>260</u>	days
Estimated yearly disposal volume:	<u>200,000</u>	<input type="checkbox"/> tons or <input checked="" type="checkbox"/> yards

(If applicable)

Annual energy production:

Landfill gas recovery projects:	_____	megawatts
Waste-to-energy incinerators:	_____	megawatts



## AMENDMENT #3

**SOLID WASTE COLLECTION SERVICES AND TRANSPORTATION:**

The following describes the solid waste collection services and transportation infrastructure, which will be utilized within the County to collect and transport waste.

Collection services within the County are currently handled by private haulers that collect solid waste in the County and transport it to the Wexford County Landfill located in Cedar Creek Township. There is one transfer station in Haring Charter Township served by Waste Management, Inc. Refuse collection is available to all residents in the cities, villages, and townships in the County through private waste haulers or the residents can elect to haul their own waste to a disposal area located within the County. Final disposal of all solid waste shall be in a permitted and licensed landfill located in Wexford County.

Waste haulers and County residents are served by state trunklines, as well as, County maintained primary and secondary roads.

Overall, the County is adequately served by the present system of solid waste collection, transportation, and disposal.

## AMENDMENT #4

## **SITING REVIEW PROCEDURES**

### **AUTHORIZED DISPOSAL AREA TYPES**

The following solid waste disposal area types may not be sited by this Plan. Any proposal to construct a facility listed herein shall be deemed inconsistent with this Plan unless specifically added to the Plan through a properly approved Plan amendment.

N/A

### **SITING CRITERIA AND PROCESS**

The following process describes the criteria and procedures to be used to site solid waste disposal facilities and determine consistency with this Plan. (Attach additional pages if necessary.)

**Expansion of the Wexford County Landfill is authorized by this Plan and shall be limited to the total acreage found on the Facility Description.**

Proposals for all new disposal areas must be found consistent with the criteria contained in this section before a determination of consistency may be issued.

1. To initiate the review under this Plan, the facility developer shall submit ten copies of the information required below to the Wexford County Board of Commissioners (BOC).
2. Solid waste facility siting proposals will be reviewed for consistency with the Plan. The BOC may designate or appoint a solid waste planning committee, a technical committee, or a planning agency, as it deems appropriate, to review the solid waste facility proposal for consistency with the Plan according to the procedures outlined herein. In that case, the designated planning agency must be appointed within 30 days of the BOC receiving this application. This chosen body shall make a recommendation to the BOC on the consistency of the proposal; however, it is the responsibility of the BOC to make the decision on whether the proposal is consistent with the County Plan. A proposal that is declared to be consistent with the Plan by the BOC shall become part of the Plan upon issuance of a construction permit by the DNRE.
3. Upon receipt of the application from the BOC, the designated planning agency shall have 30 days to review the application for administrative completeness in accordance with the requirements listed in subparts (i)-(vii) below. If it is not complete, the developer shall be notified and given an opportunity to provide additional information to make the application complete. The developer has 30 working days to provide the requested information. If no determination is made within 30 working days after the reception of the additional information by the designated planning agency, the application shall be considered administratively complete.
  - i. The application shall include a name, address, and telephone number for: the applicant (including partners and other ownership interests), the property owner(s) of the site, any consulting engineers and geologists that will be involved in the project, a designated contact person for the facility developer (if different than the applicant), and shall specify the type of facility being proposed.



ii. The application shall contain information on the site location and orientation. This shall include a legal land description of the project area, a site map showing all roadways and principal land features within two miles of the site, a topographic map with contour intervals of no more than ten feet for the site, a map and description of all access roads showing their location, type of surface material, proposed access point to the facility, haul route from access roads to the nearest state trunkline, and a current map showing the proposed site and surrounding zoning, domiciles, and present usage of all property within one mile of the site.

iii. The application shall contain a map showing locations of any permitted oil and gas wells drilled in the section containing a proposed landfill site and in adjacent sections and their current status. The plugging records of any permitted oil and gas wells on a proposed landfill site shall also be included with the application.

iv. The application shall contain a description of the current site use and ground cover, a map showing the locations of all structures within 1,200 feet of the perimeter of the site, the location of all utilities, the location of the 100-year floodplain as defined by Rule 323.311 of the administrative rules of Part 31, Water Resources Protection, of Act 451, as amended within 1,200 feet of the site, the location of all wetlands as defined by Part 303, Wetlands Protection, of Act 451, as amended within 1,200 feet of the site, and the site soil types and general geological characteristics.

v. The application shall contain a description of the proposed site and facility design. This shall consist of a written proposal including the final design capacity.

vi. The application shall contain a description of the operations of the facility and shall provide information indicating the planned annual usage, anticipated sources of solid waste, and the facility life expectancy.

vii. If necessary to satisfy the requirements of criteria xiii, a signed statement indicating the willingness of the developer to provide road improvements and/or maintenance.

4. Within 45 days from the date the application is determined to be administratively complete, the designated planning agency shall complete the consistency review and make their recommendations to the BOC who shall send the County's written final determination of consistency for the proposal to the applicant. To be found consistent with the Plan, a proposed solid waste disposal area must comply with all the siting criteria and requirements described in subparts (i)-(xiii) below.

As provided by Section 11537a of Part 115 of Act 451, as amended, if Wexford County has 66 months of disposal capacity available for all waste generated in the county, the BOC may, at its discretion, refuse to allow this siting criteria to be used.

#### **Siting Criteria**

- i. The active work area for a new facility or expansion of an existing facility shall not be located closer than 100 feet from adjacent property lines or road rights-of-way.
  - a. In addition, the approval of an isolation distance less than 200 feet from adjacent property lines or road rights-of-way requires the existence of a berm, which is not less than 8 feet high, which has a 4 foot fence on top and that is constructed around the perimeter of the active work area or the existence of natural screening that offers equivalent protection.

- ii. The active work area for a new facility or expansion of an existing facility shall not be located closer than 300 feet from domiciles or public schools existing at the time of submission of the application.
- iii. The active work area for a new facility or expansion of an existing facility shall not be located closer than 400 feet from inland lakes and streams, but not including drains as defined by 1956 PA 40, MCL 280.1.
- iv. A new, previously unlicensed sanitary landfill shall not be constructed within 10,000 feet of a licensed airport runway. This restriction does not apply to expansions of existing sanitary landfills.
- v. A facility shall not be located in a 100-year floodplain as defined by Rule 323.311 of the administrative rules of Part 31, Water Resources Protection, of Act 451, as amended.
- vi. A facility shall not be located in a wetland regulated by Part 303, Wetlands Protection, of Act 451, as amended unless a permit is issued.
- vii. A facility shall not be constructed in lands enrolled under Part 361, Farmland and Open Space Preservation, of Act 451, as amended.
- viii. A facility shall not be located in a sensitive environmental area as defined in Part 323, Shorelands Protection and Management, of Act 451, as amended or in areas of unique habitat as defined by the Department of Natural Resources, Natural Features Inventory.
- ix. A facility shall not be located in an area of groundwater recharge as defined by the United States Geological Survey or in a wellhead protection area as approved by the DNRE.
- x. A facility shall not be located in a designated historic or archaeological area as defined by the state historical preservation officer.
- xi. A facility shall not be located or permitted to expand on land owned by the United States of America or the state of Michigan. Disposal areas may be located on state land only if both of the following conditions are met:
  - a. Thorough investigation and evaluation of the proposed site by the developer indicates, to the satisfaction of the DNRE, that the site is suitable for such use; and
  - b. The state determines that the land may be released for landfill purposes and the facility developer acquires the property in fee title from the state in accordance with state requirements for such acquisition.
- xii. Facilities may only be located on property zoned as agricultural, industrial, or commercial at the time the facility developer applies to the county for such determination of consistency under the Plan. Facilities may be located on unzoned property, but may not be located on property zoned residential.
- xiii. A facility shall be located on a paved, all weather "Class A" road. If a facility is not on such a road, the developer shall sign a statement agreeing to provide for upgrading and/or maintenance of the road serving the facility.

5. If the facility developer does not agree with the consistency decision by the BOC or if no consistency determination has been rendered within 45 working days, the developer may request the DNRE determine consistency of the proposal with the Plan as part of DNRE review of a construction permit application.

6. If the proposal is found to be inconsistent with the Plan, the facility developer may provide additional information to address the identified deficiencies. The facility developer has 30 days to submit the additional information to the designated planning agency. The designated planning agency may only determine consistency and make its recommendation to the BOC on such a resubmittal in regards to the criteria originally found deficient.

7. After the additional information provided by the developer to address identified deficiencies has been submitted to the designated planning agency, the agency has 30 days to make a recommendation to the BOC. Upon receiving the designated planning agency's recommendation, the BOC must determine whether the corrected proposal is consistent with the Plan.

8. If the facility developer does not agree with the consistency decision by the BOC or if no consistency determination has been rendered within 45 working days, the developer may request the DNRE determine consistency of the proposal with the Plan as part of the DNRE review of a construction permit application.

9. The final determination of consistency with the Plan shall be made by the DNRE upon submittal by the developer of an application for a construction permit. The DNRE shall review the determination made by the BOC to insure that the criteria and review procedures have been properly adhered to by the County.

## AMENDMENT #5

## LOCAL ORDINANCES AND REGULATIONS AFFECTING SOLID WASTE DISPOSAL

This Plan update's relationship to local ordinances and regulations within the County is described in the option(s) marked below:

- ☒ 1. Section 11538 (8) and Rule 710 (3) of Part 115 prohibits enforcement of all county and local ordinances and regulations pertaining to solid waste disposal areas unless explicitly included in an approved Solid Waste Management Plan. Local regulations and ordinances intended to be part of this Plan must be specified below and the manner in which they will be applied described.

There are two principal areas where the County's Solid Waste Management System is authorized to include ordinance provisions and appropriate rules and regulations.

These are:

- A. Selected provisions of the Siting Mechanism contained in this Plan cover ancillary construction details and operational aspects of any permitted facility that is sited within the County. These provisions are considered to be consistent with the Plan and are enabled and authorized by the Plan including any ordinance and related rules and regulations required to implement them which may be adopted and implemented by the appropriate governmental unit without additional authorization from, or formal amendment to, the Solid Waste Management Plan. These include and are not limited to the following:
  - a. Certain ancillary construction details;
  - b. Hours of operation;
  - c. Noise, litter, odor and dust controls as well as other site nuisances;
  - d. Operating records and reports;
  - e. Facility security and safety;
  - f. Monitoring requirements for wastes accepted, banned or prohibited;
  - g. Volume reduction, recycling, and composting requirements;
  - h. Waste disposal surcharges;
  - i. Licensing of waste haulers; and
  - j. Enforcement of import/export authorization.
- B. The Plan's enforceable Program and Process, including Authorized Management Component, the Authorized Import/Export conditions, and the Plan's authorized Ordinance provisions, will be carried out through the County's system of intergovernmental contracts, Wexford County Ordinance #\_\_\_\_\_ in current and future amended form, its administrative rules and regulations, and the supporting hauler licensing, facility designation agreements, and service contracts and system procurement provisions. These provisions and mechanisms are considered to be consistent with the Plan's Enforceable program, including any further amendments to the ordinances and related rules and regulations, as required to implement the Plan's Enforceable Program which may be adopted and implemented by the appropriate governmental unit without additional authorization from, or formal amendment to, the Solid Waste Management Plan, except that such amendments shall not exceed the authority provided for in Part 115 of NREPA with regards to the location of disposal areas.

SELECTED SYSTEM – 2009 Amendment to Local Ordinances and Regulations Affecting Solid Waste Disposal

☐ 2. This Plan recognizes and incorporates as enforceable the following specific provisions based on existing zoning ordinances:

- A. Geographic area/Unit of Government: \_\_\_\_\_  
Type of disposal area affected: \_\_\_\_\_  
Ordinance or legal basis: \_\_\_\_\_  
Requirement / Restriction: \_\_\_\_\_
- B. Geographic area/Unit of Government: \_\_\_\_\_  
Type of disposal area affected: \_\_\_\_\_  
Ordinance or legal basis: \_\_\_\_\_  
Requirement / Restriction: \_\_\_\_\_
- C. Geographic area/Unit of Government: \_\_\_\_\_  
Type of disposal area affected: \_\_\_\_\_  
Ordinance or legal basis: \_\_\_\_\_  
Requirement / Restriction: \_\_\_\_\_
- D. Geographic area/Unit of Government: \_\_\_\_\_  
Type of disposal area affected: \_\_\_\_\_  
Ordinance or legal basis: \_\_\_\_\_  
Requirement / Restriction: \_\_\_\_\_

☒ 3. This Plan authorizes adoption and implementation of local regulations governing the following subjects by the indicated units of government without further authorization from or amendment to the Plan.

Regulations meeting these qualifications may be adopted and implemented by the appropriate governmental unit without additional authorization from, or formal amendment to, the Solid Waste Management Plan. Allowable areas of local regulation, beyond those specified elsewhere in this document, include:

1. Certain ancillary construction details, such as landscaping and screening;
2. Hours of operation;
3. Noise, litter, odor, and dust control;
4. Operating records and reports;
5. Facility security;
6. Monitoring of wastes accepted and prohibited; and
7. Composting and recycling.

ATTACHMENT A

SOLID WASTE ORDINANCE

DRAFT

**WEXFORD COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION TO ADOPT AN ORDINANCE TO REGULATE THE  
COLLECTION, TRANSPORTATION, DELIVERY AND DISPOSAL OF SOLID  
WASTE; TO REQUIRE THE LICENSING OF WASTE HAULERS; TO  
PROHIBIT ROADSIDE DUMPING OF REFUSE; AND TO PROVIDE  
PENALTIES AND REMEDIES FOR VIOLATIONS THEREOF**

**WHEREAS**, Wexford County is required under Part 115 of the Natural Resources and Environmental Protection Act (NREPA), MCL 342.11501 *et seq.*, to have a Solid Waste Management Plan; and

**WHEREAS**, Wexford County wishes to amend its Solid Waste Management Plan to take into account the sale of the County-owned landfill to a private entity, and to provide for regulation of the collection, transportation and disposal of solid waste by ordinance; and

**WHEREAS**, Wexford County is authorized under Part 115 of NREPA and MCL 46.11(j) to adopt an ordinance regulating the collection, transportation and disposal of solid waste generated within Wexford County.

**THEREFORE BE IT RESOLVED**, that the Wexford County Board of Commissioners hereby adopts the Wexford County Solid Waste Ordinance, attached and incorporated by reference as Exhibit 1 to this Resolution; and

**BE IT FURTHER RESOLVED**, that the license fees to be charged annually for solid waste haulers shall be as follows, payable to the DPW upon application for a license or license renewal, and subject to change from time to time by County Board Resolution:

Initial Base License Fee	= \$100.00
Initial Fee for Each Truck	= \$ 25.00
Renewal Base License Fee	= \$ 25.00
Renewal Fee for Each Truck	= \$ 15.00

**BE IT FINALLY RESOLVED**, that this Ordinance shall take effect sixty (60) days after its adoption when notice of its adoption is published in a newspaper of general circulation in the County.



# DRAFT

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO REGULATE THE COLLECTION, TRANSPORTATION,  
DELIVERY AND DISPOSAL OF SOLID WASTE; TO REQUIRE THE LICENSING OF  
WASTE HAULERS; TO PROHIBIT ROADSIDE DUMPING OF REFUSE; AND TO  
PROVIDE PENALTIES AND REMEDIES FOR VIOLATIONS THEREOF**

**THE COUNTY OF WEXFORD ORDAINS:**

**Section 1. Adoption of Ordinance.** The Wexford County Solid Waste Ordinance is hereby adopted to read as follows:

**SECTION 1**

**SHORT TITLE**

This Ordinance may be referred to as the "Solid Waste Ordinance" of the County of Wexford.

**SECTION 2**

**DEFINITIONS**

2.1 **Definitions.** For purposes of this Ordinance, the words and phrases listed below shall have the following meanings:

- 1) "Administrative Rules" means, except as otherwise expressly provided herein, those administrative rules promulgated under Section 8 of this Ordinance.
- 2) "BPW" means the Board of Public Works of the County.
- 3) "Container Pick Up" means the collection of refuse from one container on one day.
- 4) "County" means the County of Wexford, Michigan, acting through the County Board.
- 5) "County Board" means the Board of Commissioners of the County of Wexford.
- 6) "County-approved Refuse Container" means a container meeting all the specifications set forth in this Ordinance.
- 7) "County-Designated Facility" means a facility which is identified in the Administrative Rules as an approved location for the disposal of refuse including any of the following: (1) a licensed and permitted sanitary landfill operating within Wexford County, Michigan, or (2) any other solid waste handling facility utilized in

the transfer or disposal of solid waste located outside of the State of Michigan.

- 8) "Director" means the Director of the Department of Public Works of the County of Wexford, or other person appointed by the County Board to administer or enforce this Ordinance.
- 9) "Hazardous Waste" means hazardous waste as defined in the NREPA, as amended, and as identified in administrative rules promulgated pursuant to the NREPA. See Attachment A.
- 10) "Individual" means any person who transports solid waste who is not a licensed waste hauler.
- 11) "Local Unit of Government" means a city, village, general law township or charter township within the County.
- 12) "NREPA" means Part 115, Solid Waste Management, of the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
- 13) "Person" means an individual, firm, public or private corporation, partnership, trust, public or private agency or any other entity or any group of persons.
- 14) "Premises" means a parcel of land, including any building or structures located thereon, within the County, which is being used for residential, commercial, industrial or institutional purposes, either separately or in combination, and to which a separate street address, postal address or box, tax roll description, or other similar identification has been assigned, or is being used by a person having control of the area.
- 15) "Recyclable Material" means material or articles separated for the express purpose of preparation and delivery to a secondary market or other legitimate end use, including, but not limited to, newspaper, corrugated cardboard, magazines, computer print-out paper, office paper, glass containers, high density and low density polyethylene (HDPE and LDPE) containers, polyethylene terephthalate (PET) containers, tin cans, ferrous metal and nonferrous metal.
- 16) "Refuse" means solid waste.
- 17) "Rural" means a unit of local government which is a general law township.
- 18) "Solid Waste" means solid waste as defined in the NREPA, as amended. See Attachment B.

- 19) "Special Refuse" means furniture, household appliances, brush, large tree limbs and other bulky refuse items, as may be further defined in the Administrative Rules.
- 20) "Tipping Fee" means a fee established by the owner of a County-Designated Facility to be charged upon delivery of solid waste to a County-Designated Facility.
- 21) "Urban" means any unit of local government which is a city, village or charter township.
- 22) "Waste Hauler" or "Hauler" means any person engaged, in whole or in part, in the business of collecting transporting, delivering, or disposing of solid waste within the County, other than refuse generated by the person so hauling.
- 23) "Yard Waste" means leaves, grass clippings, vegetable or other garden debris, shrubbery or brush or tree trimmings that can be converted to compost humus. Yard waste does not include stumps, agricultural waste, animal waste, roots, sewage sludge or garbage.

### SECTION 3

#### **LICENSING OF HAULERS**

- 3.1 Hauler License. No person shall engage in the business of collecting, transporting, delivering or disposing of solid waste or recyclable material generated within the County, without first obtaining a hauler license.
- 3.2 License Application. Every person desiring to engage in the business of collecting, transporting, delivering or disposing of solid waste or recyclables generated within the County shall make written application to the Director on forms provided by or prescribed by the BPW. The application shall require such information as will enable the BPW to determine whether the applicant, if licensed, will serve the public in compliance with requirements of this Ordinance, and all other applicable laws, statutes, ordinances, rules, and regulations.
- 3.3 Approval or Denial of License. Upon receipt of an administratively complete application and payment of the licensing fee, the Director shall grant or deny the hauler license. If denied, a letter to the hauler explaining the reasons for the denial will be provided within ten (10) working days. If a license is denied, the applicant shall be provided with the opportunity for a hearing before the BPW within ten (10) working days of receipt of a written request for same from the applicant. The request for a hearing must be filed by the applicant with the Director within ten (10) working days of receipt of the denial. The BPW may affirm the denial of the issuance of the license for any of the following reasons:

- a) Failure of the applicant to comply with this Ordinance.
  - b) A violation of this Ordinance or other applicable laws, statutes, ordinances, rules, and regulations.
  - c) A prior criminal conviction, other than minor traffic offense, or prior license revocation, when such criminal conviction or license revocation bears on the ability of the applicant to serve the public as a refuse hauler in a safe and lawful manner.
  - d) A misrepresentation of a material fact in the application for the license.
- 3.4 License Fee. An annual hauler licensing fee shall be paid by the applicant upon submittal of a license application to the Director. A license fee schedule shall be adopted by resolution of the County Board and shall reasonably cover the cost of administration of the licensing. A fee schedule shall continue in full force and effect until amended by the County Board.
- 3.5 License Expiration and Renewal. A license issued under this Section shall expire on the first day of January of each year. A license shall be renewed annually, and the license fee paid, in the manner set forth in this Section, unless the applicant's license has been revoked in accordance with the terms of this Ordinance.
- 3.6 License Scope and Restrictions. A license issued under this Section may restrict the scope of services of the hauler based on the services defined in the hauler's license application. Restrictions may include (1) the geographic area to be served, (2) the class of waste generator to be served (such as residential, commercial or institutional), (3) the type of material to be collected (such as special refuse or recyclable materials), (4) the points of collection (such as curb, alley, roadside, or drop station), and/or the schedule of such collections and (5) the vehicles the hauler may use to make collections. The scope of services provided by a hauler shall be limited as expressly stated in the hauler license.
- 3.7 Non-transferability of Licenses. A hauler license shall be non-transferable.

#### SECTION 4

#### **CONDITIONS OF HAULER LICENSE**

- 4.1 General License Conditions. It shall be a condition of each hauler license that the hauler shall comply with all of the following:
- a) All provisions of this Ordinance, and any amendments thereto.

- b) All applicable federal, state, county, and local laws, statutes, rules and regulations, including, but not limited to, those pertaining to the collecting, transporting, delivering or disposal of solid waste and recyclable material generated within the County.
- c) All applicable provisions of the Wexford County Solid Waste Plan as required under the NREPA and any agreements regarding inter-county transport of solid waste authorized or restricted through that Plan.
- d) All applicable provisions of the Administrative Rules promulgated under Section 8 of this Ordinance.
- e) The hauler shall arrange for the delivery of all solid waste collected under the provisions of this Ordinance to a County-Designated Facility. However, the export of solid waste out of the State of Michigan shall be allowed as provided by federal and State law.
- f) The hauler shall not knowingly allow materials in solid waste collected by the hauler that have been banned by the County, or its designated agent, as described by the Administrative Rules.

4.2 Specific License Conditions. As a condition of a hauler license issued pursuant to this Ordinance, the hauler shall:

- (a) File in writing with the Director by the first (1<sup>st</sup>) day of January annually each of the following:
  - 1) A description of the methods and equipment the applicant will use for collecting refuse and/or recyclable material within the County.
  - 2) A description of the type of collection to be provided and the geographic area of the County to be served.
  - 3) A plan for meeting all collection and disposal requirements outlined in the Ordinance and in other local, state and federal regulations, as appropriate.
  - 4) Proof of liability insurance.
  - 5) A schedule of basic rates for collection, the services provided to customers and all fees associated with those services.
  - 6) A list of all collection trucks to be used in the County, including the capacity, license plate number, and identifying markers of each.

- (b) Notify the Director in writing ten (10) days prior to any substantive change in the information filed under subsection (a) above.
- (c) File with the Director by the twentieth (20<sup>th</sup>) day of January, April, July and October of each year, operations information from the last full three (3) month period. This information shall include the segregated quantities, in yards and tons, of solid waste, yard waste, and recyclable material collected by the hauler within the County.
- (d) Establish fees for service.

## **SECTION 5**

### **PROPER DISPOSAL OF REFUSE**

- 5.1 **Unlawful Dumping.** No person shall deposit or cause to be deposited, sort, scatter, throw, drop or leave any solid waste, hazardous waste, special refuse, yard waste or recyclable material upon or into any street, right-of-way, alley, container or other property, public or private, within the County without the prior permission of the owner, proprietor, occupant, or agent in charge of the premises.
- 5.2 **Accumulation of Refuse.** No owner and/or occupant of a residential dwelling unit or commercial establishment shall permit the accumulation of refuse upon any urban residential or commercial premises for a period in excess of fifteen (15) days. No owner or occupant of a residential dwelling unit shall permit the accumulation of refuse upon any rural residential premises for a period in excess of thirty (30) days.
- 5.3 **Composting and Recycling.** Yard waste may be accumulated on residential property for composting purposes in a manner which will not create odor, harbor rodents or become a public nuisance. Yard waste which has been collected commercially may only be accumulated if actively managed as compost in a manner which will not create odor, harbor rodents, or become a public nuisance.

Recyclable material may be accumulated in a manner which will not create odor, harbor rodents or become a public nuisance, for the express purpose of transport and delivery to a recycling facility.

- 5.4 **Collection Restrictions.** No person shall place in any refuse container any material that might endanger collection personnel or which would be detrimental to the normal operation of collection, including, but not limited to, gaseous, solid or liquid poisons, dead animals, ammunition, explosives, or any material that possesses heat sufficient to ignite other collected materials.

- 5.5 Anti-Scavenging. No person shall take, collect or transport any refuse, yard waste, or recyclable material from any street right-of-way, alley or dumpster which has been designated for collection by a public agency or licensed hauler. This includes materials that have been placed at a drop-off location, at the edge of a curb, road or alley, or other designated collection site. Materials so restricted shall be placed in a well-marked container, stating the name of the authorized agent. An exception to this provision shall be annual bulk clean-ups sponsored by a local unit of government whereby scavenging of materials set out for refuse pick up reduces the volume of reusable material being disposed of in a landfill.

## SECTION 6

### **REFUSE CONTAINER SPECIFICATIONS**

- 6.1 Approved Residential Refuse Containers. For the purposes of residential refuse collection, an approved residential refuse container shall be a plastic bag or can liner closed by drawstring or twist tie, or a container constructed of a permanent material such as steel, aluminum or plastic with a tight fitting cover, which, if lifted manually shall have a capacity of no less than five or more than thirty (30) gallons and a gross weight not exceeding fifty (50) pounds.
- 6.2 Approved Commercial Refuse Containers. For the purpose of commercial refuse collection, an approved refuse container shall consist of a durable, water-tight metal container or dumpster with tight-fitting cover meeting the National Solid Waste Management Association, American National Standards Institute, and Consumer Products Safety Commission Standards for design, application and safety. The lid and side doors of all commercial refuse collection containers shall be kept closed. The net volume of refuse in a commercial refuse container placed for collection shall not exceed the specified capacity of the container.
- 6.3 Condition of Containers. The owner and/or occupant of each residential and commercial premises shall keep all refuse containers clean and in good repair, and shall maintain sanitary conditions in and around each refuse container.

## SECTION 7

### **DISPOSAL OF SOLID WASTE**

- 7.1 Approved Collection Methods. The owner or occupant of each residential and commercial property in the County shall be responsible for securing an approved method of solid waste collection. Approved methods shall be limited to: (1) arrangements with a licensed waste hauler, or (2) transport of a person's own solid waste to a County-Designated Facility.

- 7.2 Approved Refuse Container. Any person setting out refuse other than special refuse for collection by a waste hauler shall place all accumulated refuse in an approved refuse container as provided in Section 6 of this Ordinance. A hauler shall not pick up refuse from any residential or commercial location within the County unless it has been placed in a County-Approved Refuse Container.
- 7.3 Delivery of Solid Waste by Waste Haulers. Waste haulers shall (a) deliver all solid waste collected or transported from a site of generation within the County to a County-Designated Facility set forth in the hauler's valid hauler license, and (b) pay the tipping fee for delivery thereof. However, the export of solid waste out of the State of Michigan shall be allowed as provided by federal and State law.
- 7.4 Delivery of Solid Waste by Individuals. An individual transporting solid waste from his or her premises shall (a) deliver such waste to a County-Designated Facility and (b) pay the tipping fee for delivery thereof.
- 7.5 Contingent Disposal Option. If for any reason an emergency or permanent closure of the County-Designated Facilities occurs, Wexford County will notify licensed waste haulers of available contingency disposal options. Such a contingency shall be in compliance with the current approved County Solid Waste Management Plan.

## **SECTION 8**

### **ADMINISTRATIVE RULES**

- 8.1 Promulgation by BPW: Approval by County Board. The BPW may promulgate Administrative Rules to carry out the provisions of this Ordinance. The Administrative Rules shall be subject to approval by resolution of the County Board following the same procedures as are required for the adoption of ordinances.

## **SECTION 9**

### **ENFORCEMENT**

- 9.1 Authorized County Officials. The following personnel of the County of Wexford shall have the authority to enforce this Ordinance and to issue and serve notices and citations for violations of this Ordinance:
- a) The Director of Public Works, or his/her designee.
  - b) The Wexford County Sheriff or his/her deputies.



## SECTION 10

### **VIOLATIONS AND REMEDIES**

- 10.1 Violation. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any license issued pursuant to this Ordinance shall be guilty of a misdemeanor, punishable by a fine of not more than \$500 or imprisonment for not more than 90 days, or both. Each day that a violation is permitted to continue shall constitute a separate infraction.
- 10.2 Additional Remedies. In addition to enforcing a violation of this Ordinance as a misdemeanor, the County may initiate proceedings in a court of competent jurisdiction to abate or eliminate a violation or to seek other equitable and/or legal relief, including, but not limited to, suspension of a hauler license.

**Section 2. Severability.** The invalidity of any clause, sentence, paragraph or part of this Ordinance shall not affect the validity of the remaining parts of this Ordinance.

**Section 3. Repeal.** Any ordinances or parts of ordinances inconsistent with this Ordinance are repealed.

**Section 4. Effective Date of Ordinance.** The Ordinance shall take effect sixty (60) days after its adoption.

State of Michigan     )  
County of Wexford    )

I, Elaine L. Richardson, Clerk of the County of Wexford and of the Wexford County Board of Commissioners, do hereby certify that the foregoing Ordinance was adopted by a majority vote of the Board on \_\_\_\_\_, 2010.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County of Wexford this \_\_\_\_\_ day of \_\_\_\_\_, 2010, at Cadillac, Michigan.

\_\_\_\_\_  
Elaine L. Richardson, Clerk

ATTACHMENT A

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)

Act 451 of 1994

324.11103 Definitions; G to O.

Sec. 11103.

"Hazardous waste" means waste or a combination of waste and other discarded material including solid, liquid, semisolid, or contained gaseous material that because of its quantity, quality, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or serious incapacitating but reversible illness, or may pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed. Hazardous waste does not include material that is solid or dissolved material in domestic sewage discharge, solid or dissolved material in an irrigation return flow discharge, industrial discharge that is a point source subject to permits under section 402 of title IV of the federal water pollution control act, chapter 758, 86 Stat. 880, 33 U.S.C. 1342, or is a source, special nuclear, or by-product material as defined by the atomic energy act of 1954, chapter 1073, 68 Stat. 919.

ATTACHMENT B

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)

Act 451 of 1994

Part 115

Solid Waste Management

324.11506 Definitions; S to Y.

Sec. 11506.

"Solid waste" means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, and animal waste other than organic waste generated in the production of livestock and poultry. Solid waste does not include the following:

- (a) Human body waste.
- (b) Medical waste as it is defined in part 138 of the public health code, 1978 PA 368, MCL 333.13801 to 333.13831, and regulated under that part and part 55.
- (c) Organic waste generated in the production of livestock and poultry.
- (d) Liquid waste.
- (e) Ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products.
- (f) Slag or slag products directed to a slag processor or to a reuser of slag or slag products.
- (g) Sludges and ashes managed as recycled, or nondetrimental materials appropriate for agricultural or silvicultural use pursuant to a plan approved by the department. Food processing residuals; wood ashes resulting solely from a source that burns only wood that is untreated and inert; lime from kraft pulping processes generated prior to bleaching; or aquatic plants may be applied on, or composted and applied on, farmland or forestland for an agricultural or silvicultural purpose, or used as animal feed, as appropriate, and such an application or use does not require a plan described in this subdivision or a permit or license under this part. In addition, source separated materials approved by the department for land application for agricultural and silvicultural purposes and compost produced from those materials may be applied to the land for agricultural and silvicultural purposes and such an application does not require a plan described in this subdivision or permit or license under this part. Land application authorized under this subdivision for an agricultural or silvicultural purpose, or use as animal feed, as provided for in this subdivision shall occur in a manner that prevents losses from runoff and leaching, and if applied to land, the land application shall be at an agronomic rate consistent with generally accepted agricultural and management practices under the Michigan right to farm act, 1981 PA 93, MCL 286.471 to 286.474.
- (h) Materials approved for emergency disposal by the department.
- (i) Source separated materials.
- (j) Site separated material.
- (k) Fly ash or any other ash produced from the combustion of coal, when used in the following instances:
  - (i) With a maximum of 6% of unburned carbon as a component of concrete, grout, mortar, or casting molds.
  - (ii) With a maximum of 12% unburned carbon passing M.D.O.T. test method MTM 101 when used as a raw material in asphalt for road construction.

## AMENDMENT #6

## CAPACITY CERTIFICATIONS

Every County with less than ten years of capacity identified in their Plan is required to annually prepare and submit to the DNRE an analysis and certification of solid waste disposal capacity validly available to the County. This certification is required to be prepared and approved by the County Board of Commissioners.

- ☒ This County has more than ten years capacity identified in this Plan and an annual certification process is not included in this Plan.
- ☐ Ten years of disposal capacity has not been identified in this Plan. The County will annually submit capacity certifications to the DNRE by June 30 of each year on the form provided by DNRE. The County's process for determination of annual capacity and submission of the County's capacity certification is as follows:

As indicated on page II-3 (and III-7), estimated yearly volumes of solid waste disposal in the Wexford County Landfill from its current service area (Wexford and Missaukee) is 200,000 yards per year, before compaction. With an estimated 50% compaction rate, the annual volume of space taken up by solid waste is approximately 100,000 cubic yards per year. With a current capacity of over 4 million cubic yards (2008 Construction Permit), the projected site life of the landfill is 40 years.

**Roll call: Motion approved unanimously.**

5. 2009 Solid Waste Management Plan Amendment

**MOTION by Comm Copley with the support of Comm Bullock to approve the Wexford County 2009 Solid Waste Management Plan Amendment, as presented, and authorize release to the municipalities for approval.**

A commissioner expressed that flow control was not put in the amendment in order to sell the landfill. If the landfill does not sell, the county still needs flow control. It was pointed out that the SWM Committee recommended flow control. It was also pointed out that the county is not voting on the ordinance tonight, just a plan to go to all municipalities.

John Divozzo, Director of the Department of Public Works came forward to explain the amendment to the SWMP. The Plan amendment was approved by the SWM Committee on June 29, 2009. The Board of Commissioners raised their objections to the amendment at their August 24 joint meeting with the SWM Committee. Also, at the same meeting the SWM Committee requested that the ordinance be removed from the amendment, as well as flow control. Mr. Divozzo explained that flow control cannot be removed because it is in the current solid waste plan.

Another commissioner questioned Mr. Divozzo as to why the county landfill does not operate in the black. He explained that years ago, the landfill was making \$1,000,000 a year in interest. In 1991, the interest earned dropped to approximately \$250,000. The contamination, construction of new cells, and the county taking interest money for projects all helped to decrease their fund. He also spoke of the decrease in revenues he is seeing, which includes foundry sand.

Ken Hinton, Administrator felt the issues in the amendment were well addressed. The potential that the county may have to continue to operate the landfill is out there because there is not a final sale document. The county needs to look at protecting their citizens and passing the SWMP amendment is the best way to do that.

**Roll call: Motion passed seven to two with Comm Stump and Beck voting against the motion.**

6. 5<sup>th</sup> Annual Open Government Rally – *Added*

There will be an Open Government Rally held on October 6, 2010 at the Courthouse from 5:00 p.m. to 6:00 p.m.

7. Cancelled September 1, 2010 meeting – *Added*

A commissioner expressed concern that he did not receive notice of the September 1, 2010 meeting being cancelled. Others spoke of receiving the cancellation in the board packet.

#### **Administrator's Report**

Adm. Hinton is in the process of meeting with department heads to review their 2011 budgets. Once the process is completed, Adm. Hinton will compile all the data and make his recommendations, if necessary.

#### **Correspondence**

Board members received a letter from Northern Michigan Substance Abuse regarding the retirement of their Executive Director Dennis Priess.

#### **Public Comments**

Matthew Gunnerson is a member of the SWM Board for both Wexford and Missaukee. He explained how the SWM board functions in sending information to the Board of Commissioners. He believes some of the information they submitted was changed and he questions why they have meetings.

Rita McNamara believes that flow control and the sale of the landfill are linked within the plan. She stated that some small landfills O&M do operate in the black and questioned why Wexford County does not. She does not believe the county can address the sins of the past with gate rate increase. She believes the county has the waste volume to sustain the operation at the landfill. She went on to further express her dissatisfaction with this board and their actions.

Michael MacCready of Manton was glad this board clarified what is going on with the SWMP amendment. He then discussed how the DPW packets are being distributed to the public, free or under FOIA. He also questioned why Drain Commissioner Solomon was being paid to attend certain meetings and billing the DPW. He thanked the board for their diligence. In conclusion, he stated that he has not heard a bad word on American Waste.

Matthew Gunnerson of Best Trash Removal believes that the county should look at selling the landfill.

#### **Liaison Reports**

Comm Copley attended a Housing Council meeting and went with CAMA to a meeting in Midland. He also attended a meeting in the City Council Chambers with CAMA where they discussed a plan for looking into getting more business and maintaining business in the Cadillac/Wexford County area.

#### **Board Comment**