Solid Waste Management Plan Amendment Primer

State law requires every county to maintain a solid waste management plan to “assure that all the non-hazardous solid waste generated in the county is collected and recovered, processed, or disposed of for a ten-year period at facilities which comply with state laws and rules.” That plan is to be updated every 5 years. The current update to the Jackson County Solid Waste Management Plan was adopted in the Year 2000 and the Resource Recovery Facility (RRF) recently closed. Consequently, the Board of Commissioners initiated the process for amending the Document.¹

Plan Development & Approval Processes
The development and approval processes for amending the Jackson County Solid Waste Management Plan can be divided into two parts.

Overall Development & Approval Process
The County is responsible for amending the Plan. Once the County Board of Commissioners approves the Document, it must also be approved by at least 19 of the 27 municipalities (i.e., townships, villages, and city) which comprise the County. Once that local approval is attained, the amended Plan is submitted to the Director of the Department of Environmental Quality (DEQ) for final approval. If the approval of at least 67% of the municipalities cannot be secured, the DEQ prepares the Plan, which is final.

County Development & Approval Process
As the Designated Planning Agency, the Region 2 Planning Commission will assist the Solid Waste Planning Committee in the development of the amended Plan and serve as its staff. In this role, Region 2 will be the primary contact with the Department of Environmental Quality and be responsible for ensuring that the amended Plan is properly noticed, that a 90-day public comment period is provided, and that a public hearing is held. Region 2 is also responsible for providing the general public access to the Update (i.e., a repository), which may also include a link on the County’s website.

¹ See the Department of Environmental Quality (DEQ) for more information on the amendment process.

www.co.jackson.mi.us/county_planning_commission/solid_waste_planning_committee.asp
The Solid Waste Planning Committee is responsible for overseeing the work of Region 2 in compiling the Plan amendment and providing a public forum in which the Document can be discussed openly. In this capacity, the Committee is responsible for reviewing any comments received during the required 90-day public comment period, holding a public hearing on the proposed amendments, and approving the Plan (i.e., essentially recommend approval to the Board of Commissioners). The Committee will also be responsible for responding to any objections or requests for changes made by the Board of Commissioners.

The Board of Commissioners is responsible for submitting a Notice of Intent to prepare a Plan Update to the Department of Environmental Quality (DEQ), which names Region 2 as the Designated Planning Agency. The Commission must also appoint the required 14 members of the Solid Waste Planning Committee; this task is completed. Its other responsibility is to approve the Document once it is submitted by the Committee.

**Solid Waste Planning Committee Structure**
The County Board appointed a 14 member Solid Waste Planning Committee to oversee the development of the amended Plan and to recommend its approval to the Board of Commissioners. The membership of the Committee contains the following types of officials:

- 4 representatives of the solid waste management industry (Charles Dunigan, David Emmons, Tonia Olson, and James Schwelkert);
- 1 representative from an industrial waste generator (Jason Kurpinski);
- 2 representatives from environmental interest groups (Pegg Clevenger and Mark Muhich);
- 1 representative from county government (Steve Shotwell);
- 1 representative from township government (Dan Wymer);
- 1 representative from city government (Derek Dobies);
- 1 representative from the regional solid waste planning agency (Phil Duckham); and
- 3 representatives from the general public (Glenn Remington, Jack Ripstra, and Geoff Snyder).
The Planning Process & Local Plan Approval Checklist

The Department of Environmental Quality has developed a ‘cookbook’ approach to developing and approving the amended Plan:

The Planning Process

It is estimated that it will take at least 16 months to develop the amended Plan, guide it through the local approval process, and submit it to the DEQ for final approval:

- **Month 1:**
  - The “Notice of Intent” to prepare the amended Plan is submitted to the Department of Environmental Quality (DEQ), naming Region 2 Planning Commission as the Designated Planning Agency for the project [completed];

- **Month 2:**
  - The Board of Commissioners appoints the Solid Waste Planning Committee [completed];

- **Months 3-9:**
  - Region 2 staff works with the Solid Waste Planning Committee to develop the Update, which includes a public participation program [commencing];

- **Months 10-12:**
  - The Plan is noticed, commencing a 90-day public comment period;
  - The Committee holds a public hearing on the Document prior to seeking a majority vote for approval from among its representatives;

- **Month 13:**
  - The Board of Commissioners approves the Update. *Alternately, the Board may send it back to the Committee with a statement of objections. The Committee then has 30 days to review those objections and return the Plan to the Board with its recommendations;*

- **Months 14-15:**
  - The Document is then submitted to the 19 townships, 7 villages, and 1 city in the County for approval by at least 67% of those municipalities. *If that level of local approval cannot be achieved, the DEQ prepares a final plan;*

- **Month 16:**
  - A place where the Update can be accessed by the general public (i.e., a repository) is established. *This will most likely including a link on the County’s website; and*
  - The Update is also submitted to the DEQ for the approval of its Director.
Plan Approval Checklist

Guidance provided by the Department of Environmental Quality (DEQ) includes the following checklist to ensure that the amended Plan was successfully completed through the local approval process:

- The Plan was placed on public notice, a public comment period of at least 90 days was provided prior to the public hearing, and a public hearing on the Plan was conducted by the Designated Planning Agency (DPA). ................................................................. [Y] [N]
- Following the public hearing, the Plan was submitted to the Solid Waste Management Planning Committee for approval. ................................................................. [Y] [N]
- Within 30 days of closing of the public comment period and after the amended Plan was approved by the majority of Planning Committee representatives, the Plan was submitted to the Board of Commissioners. ................................................................. [Y] [N]
- The Plan was approved by the Board of Commissioners. ................................................................. [Y] [N]
  o If no, the Plan was returned to the Planning Committee along with a statement of objections. ................................................................. [Y] [N]
  o Within 30 days, the Committee reviewed the objections and returned the Plan with its recommendations. ................................................................. [Y] [N]
  o Notice of Intent, approve the recommendations as submitted or make changes and state the reasons for the changes. ................................................................. [Y] [N]
- The Plan was then submitted to all municipalities within the county. ................................................................. [Y] [N]
- The Plan was approved by the governing bodies of at least 67 percent of the County’s municipalities before being submitted to the DEQ. ................................................................. [Y] [N]
  o If no, the Director of the DEQ prepares the Plan, which is final. ................................................................. [Y] [N]
- Copies of the votes (approvals and disapprovals) by local entities should be recorded in the format in Appendix C. ................................................................. [Y] [N]
- Copies of the Plan, including all local actions are placed in a location accessible by the general public (i.e., a repository), most likely including a link on the County’s website. ................................................................. [Y] [N]

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This Primer was created using the Department of Environmental Quality’s A Guide to Preparing the Solid Waste Management Plan Update Format. Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act (PA 451 of 1994), and its Administrative rules must also be reviewed during the planning process.
October 2, 2013

Ms. Christina Miller  
Solid Waste Planning, Reporting and Surcharge Coordinator  
Office of Waste Management and Radiological Protection  
Michigan Department of Environmental Quality  

Subject: Jackson County Solid Waste Management Plan  

Dear Ms. Miller,  

I am pleased to announce that the County of Jackson is formally announcing its intent to amend the Jackson County Solid Waste Management Plan. The NOI and accompanying resolution are attached to this letter for your records. The Region 2 Planning Commission has been designated by the Board of Commissioners as the agency responsible for the preparation of the plan amendment.  

I look forward to communicating with you throughout the project and would appreciate any advice you may have on amending the plan given the closure of the resource recovery facility (i.e., incinerator). My contact information is listed on the NOI.  

Sincerely,  

Grant E. Bauman, AICP  
Principal Planner
COUNTY'S NOTICE OF INTENT TO PREPARE
COUNTY SOLID WASTE MANAGEMENT PLAN UPDATE

Authorized by Section 11533, Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Section 11533 indicates that the County, Municipalities, or Regional Planning Agency (as appropriate) shall notify the State as to their intent with regard to preparation of the County Solid Waste Management Plan Update.

The County of Jackson does hereby serve notice that it:

☒ will
☐ will not

prepare and file with the State of Michigan, Department of Environmental Quality, Office of Waste Management and Radiological Protection an update of its County Solid Waste Management Plan as required by Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Such update plan shall fulfill all the requirements of Part 115, as well as all applicable administrative rules.

Signed by: [Signature]
Chairperson, Board of Commissioners

Complete the following only if preparing plan update:

Region 2 Planning Commission is designated by the above named County as the agency responsible for preparation of the Solid Waste Management Plan Update. The address, contact person, and phone number for the County's designated planning agency is:

Name of Contact Person: Grant E. Bauman, AICP | Principal Planner
Name of Designated Planning Agency: Region 2 Planning Commission
Address of Agency: 120 W. Michigan Avenue | 9th Floor
City: Jackson | State: MI | Zip Code: 49201
Telephone: (517) 768-6711 | Fax: (517) 788-4635
E-mail Address: gbaumann@co.jackson.mi.us

Please attach a copy of the Resolution or meeting minutes of the Board of Commissioners agreeing to prepare the plan update.

When completed, submit this form to:
SUSTAINABLE MATERIALS MANAGEMENT UNIT
SOLID WASTE SECTION
OFFICE OF WASTE MANAGEMENT AND RADILOGICAL PROTECTION
DEPARTMENT OF ENVIRONMENTAL QUALITY
PO BOX 30241
LANSDING MI 48909-7741

County Notice of Intent received by Department of Environmental Quality, Office of Waste Management and Radiological Protection

By: ___________________________ Date: ___________________________
WHEREAS, the County of Jackson is required to prepare and update a Solid Waste Management Plan to assure that all the non-hazardous solid waste generated in the county is collected and recovered, processed, or disposed of for a ten-year period at facilities which comply with state laws and rules; and

WHEREAS, the County of Jackson intends to prepare an amendment to its Solid Waste Management Plan; and

WHEREAS, the amendment process officially begins with the filing of a “Notice of Intent” with the Michigan Department of Environmental Quality; and

WHEREAS, that “Notice” must designate the planning agency that will perform the work and commits the County to prepare the amendment;

THEREFORE BE IT RESOLVED that the County Board of Commissioners commits to preparing the amendment and names the Region 2 Planning Commission as the planning agency responsible for preparing the document.

I hereby certify the foregoing is a true and correct copy of a resolution unanimously adopted by the Jackson County Board of Commissioners at a regular meeting held September 17, 2013.

Attachment: Notice of Intent to Prepare an Amendment to the Jackson County Solid Waste Management Plan

James E. Shotwell, Jr., Chairperson
Jackson County Board of Commissioners
September 17, 2013

STATE OF MICHIGAN

COUNTY OF JACKSON

I, Amanda Riska, the duly qualified and acting Clerk of the County of Jackson, Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the County Board of Commissioners of the County of Jackson, State of Michigan, at a regular meeting held on September 17, 2013 at which meeting a quorum was present and remained throughout and that an original thereof is on file in the records of the County. I further certify that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act No. 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Amanda Riska, County Clerk
Date 9-23-2013