

**STATE OF MICHIGAN
COUNTY OF CLINTON
1999-29
LEGISLATIVE FINDINGS RESOLUTION**

At a regular meeting of the Clinton County Board of Commissioners held in St. Johns, Michigan on November 30th, 1999, at a.m.

PRESENT: John Arehart, Russel H. Bauerle, Richard Hawks, Scott A. Hummel, Larry Martin, Sara Clark Pierson and Mary Rademacher.

ABSENT: None

The following resolution was offered by Commissioner Pierson and supported by Commissioner Bauerle.

WHEREAS, the Clinton County Board of Commissioners (“Board”) has adopted a Solid Waste Management Plan (“Plan”) and Solid Waste Management Ordinance (“Ordinance”) under the authority of 1994 PA 115 (“Part 115”) as amended;

WHEREAS, the Plan and Ordinance require the Board to make certain legislative findings regarding the landfills operating within Clinton County (“County”);

WHEREAS, the Plan and Ordinance refer to a “legally executed agreement” as an instrument for facilitating specific conditions of the Plan;

WHEREAS, the County and Granger have reached an agreement through an Addendum to the Landfill User Fee Agreement that incorporates by reference legislative findings made by the Board and such an Addendum therefore qualifies as a legally executed agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board makes the following legislative findings in connection with the current Plan and Ordinance and these findings shall control the interpretation of the Plan and Ordinance;

BE IT FURTHER RESOLVED that the current annual volumetric waste deposit cap of 2,000,000 cubic gate yards per year reflects the County’s waste disposal planning needs;

BE IT FURTHER RESOLVED that for purposes of Ordinance Article 5.4, increases in the County waste deposit cap of 2,000,000 cubic gate yards shall be granted by the Board if the landfill operator confirms that the increase will not jeopardize:

- a. the availability of 10 years disposal capacity from the date of the request for a cap expansion,
- b. its ability to meet Part 115 operational requirements,
- c. its ability to review traffic, mud-tracking or litter nuisances,
- d. a commitment to refrain from accepting annually more than 200,000 cubic gate yards of out of state and international waste; or
- e. the Plan's maximum cap, which is currently 2,500,000 cubic gate yards annually.

BE IT FURTHER RESOLVED that once approved by the Board, the annual cap shall renew automatically unless the Board reviews the above conditions and finds that Granger has not met its confirmation commitments;

BE IT FURTHER RESOLVED that for purposes of Ordinance Article 5.8, landfill operational hours of 6:30 AM to 4:30 PM at the Watertown Facility and 6:00 AM to 5:30 PM at the DeWitt Facility, Monday through Saturday (except where necessary to accommodate holidays, cleanup programs, emergencies or extenuating circumstances of which Granger has given written or electronic notice to the County) balance the interests of the landfill operators with the general health, safety and welfare needs of the County Citizens generally and the landfills' neighbors, specifically;

BE IT FURTHER RESOLVED that the Board will grant an expansion of the above hours at a particular landfill in the event that the host township petitions the Board for such an expansion;

BE IT FURTHER RESOLVED that for purposes of Ordinance Article 5.15, "adequate fencing" is that approved by the MDEQ pursuant to Part 115 and its regulations, provided it delineates the entire edge of the permitted property;

BE IT FURTHER RESOLVED that for purposes of Ordinance Article 5.18, mud-tracking requirements beyond remedial sweeping and speed bumps shall require the mutual determination of the County and the landfill operators;

BE IT FURTHER RESOLVED that for purposes of the Nuisance and Hazard provisions in Ordinance Article 5.16 Granger shall maintain its facilities within the County to meet Part 115 and its regulations and the provisions of the County's Plan Update and Revised Ordinance under consideration as of the date of these findings;

BE IT FURTHER RESOLVED that for purposes of Ordinance Article 5.23, the County shall indemnify and hold Granger harmless for any personal injury to the County's employees or agents during a site inspection of a Granger landfill facility occasioned by Granger's negligence or by conditions normally present at an operating landfill, and the County shall indemnify and hold Granger harmless for any damage to Granger's property caused by a County employee or agent during a site inspection of a Granger landfill facility;

BE IT FURTHER RESOLVED that if the Litigation is dismissed and the Addendum with the Granger Companies remains in effect as of May 1, 2000, the County shall commit that its year 2000 appropriations to this grant program will be at least \$20,000 greater than the 1998 expenditures on this grant program.

YEAS: Russel H. Bauerle, Scott A. Hummel, Larry Martin, Mary L. Rademacher, John Arehart, Sara Pierson and Richard Hawks.

NAYS: None

RESOLUTION ADOPTED

**STATE OF MICHIGAN
COUNTY OF CLINTON**

I, DIANE ZUKER, Clerk of the County of Clinton do hereby certify that the foregoing resolution was duly adopted by the Clinton County Board of Commissioners as regular meeting held November 30, 1999 as on file in the records of this office.

Diane Zuker, Clinton County Clerk