

1998-31

RESOLUTION

WHEREAS, Part 115 of Michigan's Solid Waste Management Act (MCL 324.11501 *et seq.*) requires Clinton County to promulgate and periodically update a Solid Waste Management Plan ("Plan") and further requires that such a Plan designate the counties from which solid waste may be imported for disposal;

WHEREAS, Clinton County has adopted such a Plan and designated certain counties from which waste may be imported;

WHEREAS, the Clinton County Solid Waste Planning Committee has recommended that the County's Plan be amended to add Livingston, Jackson, Washtenaw, Calhoun, and Kent Counties to the list of counties approved for the import and export of solid waste;

WHEREAS, Clinton County has determined that it would be in the best interests of its citizens to expand the geographic area from which waste may be imported or exported for disposal provided certain conditions are met;

WHEREAS, Clinton County determines that the amendments to its Plan as recommended by its Planning Committee and provided below will expand the geographic area from which waste may be imported or to which it can be exported, subject to conditions that will enable Clinton County to maintain appropriate disposal capacity for its own waste and otherwise promote the health, safety and welfare of its citizens;

NOW, THEREFORE, BE IT RESOLVED that the following amendments to the Clinton County Solid Waste Management Plan Update of May 19, 1990 are hereby approved:

* * *

[To Part II-16, entitled "Inter-County Waste Flow," the following counties shall be added to the list of counties and then following the list, the paragraph below shall be added:]

...Livingston, Jackson, Washtenaw, Calhoun, and Kent.

Clinton County may import waste from or export waste to the counties in the above-listing subject to import or export provisions contained within those county plans and subject to import conditions contained in Part VI-6-7, entitled "InterCounty Transportation of Waste."

[A paragraph shall be added to Part V-28, entitled "Landfilling/Transfer Stations":]

H) And may use Type II licensed disposal facilities located in Livingston, Jackson, Washtenaw, Calhoun and Kent Counties subject to import restrictions of those counties' plans, and provided that Clinton County is included as a county from which waste may be received.

[A new section II shall be added to the section entitled "Intracounty Transportation of Waste" at page VI-7:]

II. Clinton County will also accept out of county waste generated from within Livingston, Jackson, Washtenaw, Calhoun, and Kent Counties provided the following conditions are met:

1. Any landfill facility operator accepting such waste shall be obligated under a then current SUP/Memorandum of Understanding, which it is honoring and which, among other provisions, governs the import of waste from the aforeidentified counties; and

2. That Clinton County is able to maintain its certification of adequate waste disposal capacity as required under the Solid Waste Management Act;

3. That the aforeidentified counties have MDEQ-approved Solid Waste Management Plans that specifically identify Clinton County as receiving an identified number of tons of waste per day as agreed to by Clinton County;

4. That the aforeidentified counties will agree to accept Clinton County Waste under similar conditions as mentioned above; and

5. That no special type waste, including soils, industrial and wastewater treatment plant sludges and fly ash shall be received from any of the aforedescribed counties.

* * *

[An additional paragraph shall be added at the end of the Section entitled "Review and Modification of Existing Landfills and Processing Facilities" at the bottom of Page D – 17:]

Clinton County and any landfill or processing facility operator shall attempt to negotiate a renewal of an expiring SUP/Memorandum of Understanding. In the event that the parties are unable to successfully negotiate and agree to such a renewal by the time the MOU expires, the facility operator shall be considered in noncompliance with this Plan, and the DIA may not issue a letter of consistency to the facility operator until such time as a new SUP/Memorandum of Understanding has been agreed to by the parties. Furthermore, the waste import authorizations provided in Part II of this Plan's Section entitled "Intracounty Transportation of Waste" shall be revoked until such time as a new SUP/Memorandum of Understanding has been agreed to by both parties.

BE IT FURTHER RESOLVED that the Clinton County Plan Update in 1990 is otherwise ratified, although any prior county resolutions, motions, plans or actions that are inconsistent with the provisions of this Resolution are hereby rescinded, modified or amended to the extent of the inconsistency.

UPDATE OF MAY 19, 1990

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 at a regular meeting held June 30, 1998, as on file in the records of this office.

Diane Zuker, County Clerk