

SITING REVIEW PROCEDURES

In the Solid Waste Management Plan Update - September 2000, Van Buren County had demonstrated 5 and 10 years of disposal capacity for solid waste generated within the county. The Solid Waste Management Plan (Plan) did not include future solid waste facility siting procedures in the document stating that “Van Buren County’s current disposal needs were met.” However, solid waste management includes other types of facilities that are consistent with the goals and objectives of this Plan. This amendment is set forth to allow solid waste processing, recycling processing, and transfer stations to be sited within the boundaries of Van Buren County.

Authorized Facility Types

The following solid waste facilities may not be sited by this plan. Any proposal to construct a facility listed herein shall be deemed inconsistent with this Plan.

Hazardous waste landfills [Type I]

Type II landfills

Type III landfills

Incinerators

Waste to Energy Facilities

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The following solid waste facilities may be sited by this Plan.

Solid Waste Processing Plants

Solid Waste Material Recovery Facilities (MRF)

Type A Transfer Stations

Type B Transfer Stations

Other (as described in PA 451 Part 115)

Definitions

See Appendix E

Siting Criteria and Process

The following describes the criteria and procedures to be used to site solid waste facilities and determine consistency with this Plan.

Van Buren County has determined that its solid waste needs may be better served to allow for additional alternative solid waste management options. This amendment to the Plan includes the following facility siting procedure.

Fees

1. The applicant will provide an application fee to the Designated Planning Agent (DPA) along with their application and accompanying documents to cover actual application and review process costs.
2. The host community may also at their discretion charge the applicant fees for notifications and consultants.

Local Government Agreement (Option 1)

This option is available for Type A & B Transfer stations only and is voluntary for an applicant. The applicant and the governing body of the local governmental jurisdiction where a facility is proposed to be sited (the host community), and the county will sign a legally binding civil agreement which shall include the following:

1. A statement concluding that the proposed transfer station is consistent with the Plan's goals and objectives and meets the siting requirements described in part C: Application Requirements and part D: Criteria for Evaluation outlined in the Application to County (Option 2) below.
2. A means of amending or updating the agreement.
3. Duration of the agreement.
4. Any consequences of a breach of the agreement by either party.

Host communities are strongly urged to consult with the County planning department, County health department, the public agency(ies) with jurisdiction over any streets or roads providing access to a site, any public works departments whose services might be affected, their own planning entity (department, commission, zoning board) and consultants that might be deemed to be of value. Host communities are cautioned not to address subjects for which the Michigan Department of Environmental Quality exercises preemptive control (i.e. air quality).

In the case where a local governmental unit itself is applying to develop a facility at a site under the jurisdiction of another local unit(s) of government, the procedure above will apply. The applying local unit shall be considered the applicant. In the case where a local governmental unit

itself is applying to develop a facility at a site under their own jurisdiction, it may not enter into an agreement with itself.

As soon as a host community agreement process is initiated, the local unit of government involved shall notify all residents and landowners within one (1) mile of the proposed site, in writing, that negotiations are taking place for the siting of a new solid waste transfer facility. The notice shall allow residents and landowners not less than fifteen (15) days to send written comments to a designated local unit of government.

A host community agreement shall first be drafted and negotiated between the host community and the applicant. When each of these two parties feel that the content of the agreement addresses all pertinent issues, then the draft agreement shall be forwarded to the County DPA. The County shall then negotiate with the applicant and add any issues of concern. When the County is satisfied with the content of the agreement, the agreement shall be given back to the local unit of government. The local unit of government Board or Council shall then vote on the agreement. If the agreement is passed and signed, it shall be forwarded to the County Board of Commissioners (BOC) for approval. Within fifteen (15) days of the BOC signing an agreement, the DPA shall provide a letter to the applicant, the chief elected official of the host community and all residents, and landowners within one (1) mile of the site, determining that the proposed facility is consistent with the Plan.

If either the local unit of government or the BOC do not vote in favor of the agreement, then the agreement shall be negotiated further until a point when the parties involved are in agreement. If an agreement between the parties cannot be reached, then the applicant may choose to go through the County application procedure listed in Section B Appeal Process below.

A determination of consistency shall provide a one-year period wherein the applicant is eligible to initiate Michigan Department of Environmental Quality (MDEQ) construction (and/or other applicable) permit applications. If a MDEQ facility construction permit has not been initiated within one (1) year or it has been denied, the applicant must reapply to the host community and the county, before reapplying to the MDEQ. If an amendment is made to the proposed site plan subsequent to signing the Civil Agreement, evidence of the amendment must be made to the host community and the County DPA.

Application to County (Option2)

The second choice is a required element of the County Solid Waste Management Plan. This is always an option for an applicant wishing to develop a solid waste facility, as long as the BOC has voted to activate the Solid Waste Management Planning Committee and the siting criteria.

This choice provides a definite procedure of review, a time frame, and specific criteria for determining consistency with this plan. The applicant must show the impacts that the proposed facility might have on natural resources, traffic patterns, adjacent land usage how the proposed use can harmoniously coexist with the adjacent property uses and potential future use.

The Van Buren County Solid Waste Management (SWM) Planning Committee will be responsible for review of applications and for determining whether or not the proposed solid waste facilities are consistent with the Van Buren County Solid Waste Management Plan. The SWM Planning Committee shall use the following criteria, information, and process when reviewing proposals and determining consistency.

A. Administrative Process

The following administrative process will be followed when a proposed solid waste facility is brought before the SWM Planning Committee by a prospective developer or by the county:

1. The prospective developer shall go before the SWM Planning Committee with a written request and all required documentation as required in parts C and D and will pay the required review fee.
2. Within thirty (30) days of receipt of the proposed project and all required documentation, the SWM Planning Committee will establish a public review period of ninety (90) days and set a date for public hearing to be held at the end of the public review period.
3. The public hearing will be conducted by the Van Buren County SWM Planning Committee.
4. The public hearing will be preceded by a notice in a newspaper of general circulation at least thirty (30) days prior to the hearing.
5. The SWM Planning Committee shall seek comments by the County Planning Commission, County Road Commission, County Drain Commission, County Health Department, and any other agencies related to land use issues.
6. The SWM Planning Committee shall seek comments by the local government in which the proposed development would be located and from affected neighboring governments.
7. The SWM Planning Committee may also choose to hire an outside consultant to assist with this evaluation. The developer will be responsible for paying all reasonable fees associated with this review as agreed upon by all parties before consultant is engaged.
8. Within forty-five (45) days following the public hearing, the SWM Planning Committee shall make its determination of consistency using the criteria described in part D below. SWM

Planning Committee may take longer to make its decision if agreed upon by the applicant in writing.

9. If a determination is not made within 165 days of receipt of all required information (or the time allowance agreed upon by the applicant in writing) the proposal will be considered to be approved.
10. The SWM Planning Committee must provide written determination of consistency or inconsistency that includes reasoning and facts which support their decision.
11. The developer may appeal the decision of the SWM Planning Committee through the process as presented in part B. Appeal Process.

B. Appeal Process

1. If, and only if, a proposed development is found to be inconsistent with the Van Buren County Solid Waste Management Plan by the SWM Planning Committee, an appeal by the developer may be made to the County Board of Commissioners within thirty (30) days of the decision by the SWM Planning Committee. The appeal hearing between the developer and the County Board of Commissioners must be held within forty-five (45) days of receipt of the request by the County Board Chairman. A review meeting can be adjourned for up to thirty (30) days to gather further information.
2. The appeal process before the County Board of Commissioners shall be identical to the SWM Planning Committee review process in terms of information considered and criteria used to determine consistency. The developer, however, may provide additional information to the Board.
3. The review hearing will be preceded by at least one public notice in a newspaper of general circulation at least thirty (30) days prior to the date of the meeting.
4. At the time an appeal is received by the Board of Commissioners, the Board shall notify the County Planning Commission, County Road Commission, County Drain Commission, County Health Department, and any other agencies related to land use issues.
5. Within 30 days of the appeal hearing, the County Board of Commissioners must provide a written determination of consistency or inconsistency. This determination must include the reasons and facts supporting their decision. If the County Board of Commissioners upholds the determination of inconsistency rendered by the SWM Planning Committee, the developer may address the deficiencies identified by the Board of Commissioners and the Solid Waste

Committee and resubmit the project proposal to the SWM Planning Committee for subsequent review for consistency.

C. Application Requirements

The following are minimum standards and if any state or federal laws are more stringent, the highest standard will apply. The developer of a proposed new or expanded solid waste facility shall submit the following information to the SWM Planning Committee:

1. The applicant's name and address in full, and the principal offices and resident agent of the business, if the applicant is not the sole proprietor.
2. A notarized statement that the applicant is either owner of the land involved, acting on behalf of the owner, or has an option to buy said land.
3. A written statement that the proposed development is consistent with proven technologies and with all statutory changes to and requirements of PA 451.
4. Documentation of state and federal compliance for bonding of financial resources.
5. Documentation of a Phase I Environmental Site Assessment conducted in accordance with the most recent American Society of Testing Materials (ASTM) standard.
6. Identification of all wells (domestic, industrial, municipal, oil, gas) within 1/2 mile of the site, and Wellhead Protection Areas will be indicated on an area map or site plan overlay.
7. Identification of all existing surface water bodies including drainage ditches, streams, rivers, ponds, lakes, wetlands, and 100-year floodplains will be indicated on an area map or site plan overlay.
8. A hydrogeological report prepared by a qualified hydrogeologist or registered professional engineer as per the State Professional Standard of Care. This report shall include:
 - a. A narrative about existing groundwater and surface water quality and a disclosure should be described of known or suspected risks to groundwater affecting the study area.
 - b. Conclusions about the environmental impacts association with the proposed development. The conclusions should be supported by scientific reasoning and should include a discussion of any uncertainties and/or alternative interpretations.
 - c. Provide a statement of the limitations or disclaimers.
9. A site plan of the proposed project that includes the following elements:

- a. The site plan must be drawn on a scale of no more than 100 feet to the inch and must be prepared by a registered professional engineer.
- b. The parcel(s), identified by address, parcel lines and location, including dimensions, angles and size, corresponding to, and including, the legal description of the parcel(s).
- c. The scale, north point, boundary dimensions, topography (with two-foot contour intervals), and existing natural features, such as woodlots, streams, rivers, lakes, ponds, wetlands, drainage ditches or conveyances, 100-year floodplains, and sand dunes.
- d. Soil survey data, regarding the soils and their compatibility with the proposed use.
- e. Existing man-made features, such as buildings, high-tension towers, pipelines (water, sewer, or gas), underground cables, excavations, bridges, culverts, drains and easements.
- f. Adjacent properties and their existing land uses including the identification of any structures and their uses within 300 feet of the property boundary.
- g. The location, size, height, and finished floor and grade line elevations of all proposed buildings.
- h. The proposed sidewalks, driveways, roads, and other transportation features within and adjacent to the site.
- i. The location, number, and size of parking spaces in the off-street parking area and the identification of service lanes and service parking.
- j. The location, use, and size of any open space areas, and the identification of any proposed landscaping, fences, or walls on the site;
- k. The location of naturally vegetated buffers (a minimum 100 feet deep) along all lakes, rivers, streams, and wetland areas.
- l. The proposed connections to or expansions of existing utilities.
- m. The proposed location and sizing of storm water management techniques.
- n. Documentation showing compliance with state and federal air pollution control requirements.
- o. Show the location of the entrance on a paved road. If a proposed facility site is not located on an existing “class A” road, the proposed plan will provide for upgrading and/or maintenance of the public access road or roads to the site.

- p. A collection system and/or management plan which documents compliance with state and federal laws regarding water quality controls.
10. Documentation showing compliance with the Van Buren County Drain Commission's Site Development and Drainage Rules and Storm Water Design Standards.
11. If the proposed project is a processing facility, a site plan for the facility after it has been closed.
12. An operation and management plan that will include, at a minimum, the following:
- a. Provisions for site security and access control.
 - b. Procedures to monitor source, volume, and suitability of wastes entering the site.
 - c. Provisions for housekeeping, litter control (to include access road housekeeping and monitoring the load security of vehicles exiting and entering the site), and odor controls.
 - d. Provisions for management, handling, transport, and disposal of all incidental wastes which are a result of ongoing processes at the site.
 - e. Wet-weather site provisions and measures to mitigate vehicle transport of soil or mud onto public roadways.
12. Narrative statements concerning:
- a. The impact of the proposed development on the existing site with regard to soil erosion, wildlife habitat, air quality, surface and ground water quality, and noise and vibration levels, light pollution, and methods for limiting that impact.
 - b. Expected demands on community services (fire, police, roads, utilities, etc) and how these demands are to be met.

D. Criteria for Evaluation

A proposal will be considered consistent with the Van Buren County Solid Waste Management Plan objectives, if the SWM Planning Committee confirms all the following statements:

1. The proposed facility will not significantly alter the existing solid waste management system, except to improve upon it by lowering costs, increasing environmental protection, or enhancing the potential for reuse and recycling.

2. The proposed facility is designed to accommodate and encourage reuse and recycling, and is located to meet the possible needs of a multi-county service area, utilizing major transportation routes.
3. The initial hydrogeological study indicates probable compliance with statutory requirements (a consultant may be useful in determining this).
4. The signed engineering reports and draft plans indicate probable compliance with statutory standards (a consultant may be useful in determining this).
5. The proposed facility uses proven technologies.
6. The proposed facility is compatible in appearance with surrounding land uses by open space or isolation areas, buffering, screening, fencing, light pollution controls, or other techniques.
7. The proposed facility layout (including the buildings, parking areas, etc) is designed to retain as many natural features on the site as possible and to minimize adverse effects on natural features and surrounding land uses.
8. The proposed facility including, appurtenances, parking surfaces, service roads, etc. shall be set back
 - a. 300 feet from any residential lot line, church, park preschool, or school unless permission is otherwise granted in writing by the current land owner.
 - b. 1,000 feet from adjacent *protected lands* where absence of such setback would result in harm, impairment and/or destruction of natural features contrary to the public health, safety and general welfare]
9. The proposed facility is not located nor has impervious surfaces planned within the 100 year floodplain and has a minimum 100 foot naturally vegetated buffer along surface water features (river, stream, drain, pond, lake, and wetland) on the site.
10. The capacity of local public services required to meet the needs of a proposed facility, including fire protection, police, ambulance, road maintenance and snow removal, emergency services, sewer, water, sanitation, and utilities will either:
 - a. Already exist at levels such that the local government will not incur substantial additional costs, or
 - b. Be improved as necessary by the applicant, under guarantee of a performance surety to the county, or

- c. The proposed facility will provide these services for its own use, with no demand on public services.
11. The proposed facility appropriately addresses other areas of concern: noise, hours of operation, light pollution, litter control, screening or other measures to afford surrounding land uses protection, end use of the site, monetary contributions, public services, and payments for extraordinary use of public services.
 12. The entrance of the proposed facility is located on an existing Class A Road or the developer has guaranteed a plan for improving and maintaining the road to sufficient standards.
 13. The proposed facility is in compliance with PA 451 and all associated amendments and rules in effect at the time of application.
 14. Procedures have been established for management, handling, transport, and disposal of all incoming wastes, and incidental wastes associated with the ongoing processes of the proposed facility.
 15. Procedures have been established which minimize all aspects of environmental impact including, but not limited to, air, ground and surface water, soil, light and noise pollution, odor, and aesthetic considerations.

Recommendations

In preparing this amendment to the Van Buren County Solid Waste Management Plan, the Solid Waste Management Planning Committee has prepared the following recommendation for consideration when siting and designing a solid waste processing or transfer facility. These are as follows:

1. The SWM Planning Committee recommends using storm water management techniques such as Low Impact Development to lessen the impacts on surface water and groundwater quality. Structural and non-structural best management practices are described in the Low Impact Development Manual for Michigan: A Design Guide for Implementers and Reviewers. Low impact development techniques which are appropriate for site conditions should be utilized to reduce storm water runoff by slowing it down, spreading it out and soaking it in as much as possible. Only as a last resort should storm water be removed from all roofs, canopies and paved areas and carried away in an underground piped drainage system.
2. Landscaping using plants to native to southwest Michigan are encouraged. Use of invasive weed species is strongly discouraged.

3. To the extent possible, the proposed facility should preserve the natural topography of the site.

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