

County Solid Waste and Materials Management Planning 101



Represents reusable materials landfilled in 2019

This document provides a **quick overview** of what the Michigan Solid Waste Planning Program (a.k.a. Michigan's Materials Management Planning Program) is, why it is important, how it is implemented, and state and county responsibilities.

The two names above reflect the transition occurring in the states and nationally in how we view our “trash.” Currently mandated Solid Waste Management Plans focus primarily on landfilling and incineration of waste. The transition is focusing on reuse, recycling, food rescue, composting, and other sustainable practices, an approach called “Materials Management” in government circles and the “Circular Economy” in industry. Recirculating materials in the economy through these sustainable practices will develop and increase Michigan's materials management **infrastructure**; create new and **additional supply chains**; spawn new **markets**; keep **revenue** in the region; and promote **economic growth**.

This transition is reflected in proposed legislation amending relevant statute, that is currently under consideration in the Senate.

WHY DO I NEED TO KNOW ABOUT COUNTY SOLID WASTE MANAGEMENT PLANNING NOW?

- Funding opportunities for recycling materials management and County Solid Waste/Materials Management Planning are available.
- Amendments to Part 115 have been introduced [see [HB 4454 - 4461](#)].
- There is a shift of focus from solid waste disposal and landfilling to materials management.
- Prepare and engage counties for future planning activities.
- This shift to materials management aligns with Michigan's [MI Healthy Climate Plan](#).

WHAT IS A COUNTY SOLID WASTE MANAGEMENT PLAN (PLAN)?

Each county is required by law to have a Plan that ensures adequate waste disposal capacity and assures that all non-hazardous solid waste generated within the county is collected and recovered, processed, or disposed at facilities that comply with state laws and rules. Specifically, Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and the administrative rules promulgated pursuant to Part 115. Plans also identify and regulate local criteria for siting of solid waste facilities such as landfills, transfer stations and processing facilities.

HOW DO PLANS HELP A COUNTY?

- ✓ It is the tool that gives a county its authority over solid waste related activities within their county.
- ✓ Allow for mechanisms to fund and promote materials management methods like recycling and composting.
- ✓ Create and understand the county's solid waste and materials management infrastructure (existing and new).
- ✓ Define county or regional needs, goals, and identify possible areas of growth.
- ✓ Encourage collaboration through partnerships to manage materials that are generated.

WHERE CAN I FIND MY PLAN?

Michigan.gov/EGLESWMP [scroll to the bottom of the page; use search box to find the appropriate county link].

WHO IS RESPONSIBLE FOR IMPLEMENTING AND ENFORCING THE PLAN?

Ultimately it is the County Board of Commissioners (BOC)/County Executive's responsibility to adopt, implement and enforce their Plan.

WHO ELSE IS INVOLVED IN PLANNING ACTIVITIES?

- Each county has appointed a [Designated Planning Agency \(DPA\) Contact](#).
- Locally appointed Solid Waste Management Planning Committee.

WHAT IS A SOLID WASTE MANAGEMENT PLANNING COMMITTEE (SWMPC)? IS IT AN ADVISORY GROUP OR VOTING BODY?

- A County SWMPC is a local voting body made up of a 14-member committee.
- Main role is to develop and approve the Plan for submission to the BOC for adoption. The SWMPC is also required in the Plan approval process.

WHAT ARE THE IMPORTANT SECTIONS TO UNDERSTAND IN YOUR PLAN?

- Siting and development of local siting criteria for solid waste facilities.
NOTE: This section of the Plan preempts local zoning restrictions
- Landfill disposal capacity certifications.
- Import/export authorizations of for solid waste disposal.
- Ordinances and contracts that control solid waste facilities.
- Plan enforcement mechanisms/entity.

WHAT RESOURCES ARE AVAILABLE?

- Funding Opportunities (see [Planning Website](#)).
- [EGLE Planning Staff](#) and [Recycling Specialists](#).
- [Regional Planning Agencies](#).
- [County DPA Contacts](#).

HOW MUCH TIME DOES IT TAKE TO IMPLEMENT, DEVELOP, OR AMEND A PLAN?

- Implementation is an **ongoing** activity depending on the needs of the county.
- The Plan should be reviewed **periodically** to ensure the goals of the county are being met.
- The amendment **development time varies** depending on the complexity of the changes being pursued. For more information see [Plan Amendment Approval Process Flowchart](#).
- Once the amendment has been developed the amendment may take **approximately 1 ½ years** to complete the **approval** process.
- EGLE staff and stakeholders are encouraging counties to either **start or continue** to **engage** with surrounding counties and municipalities regarding materials management planning and related activities.

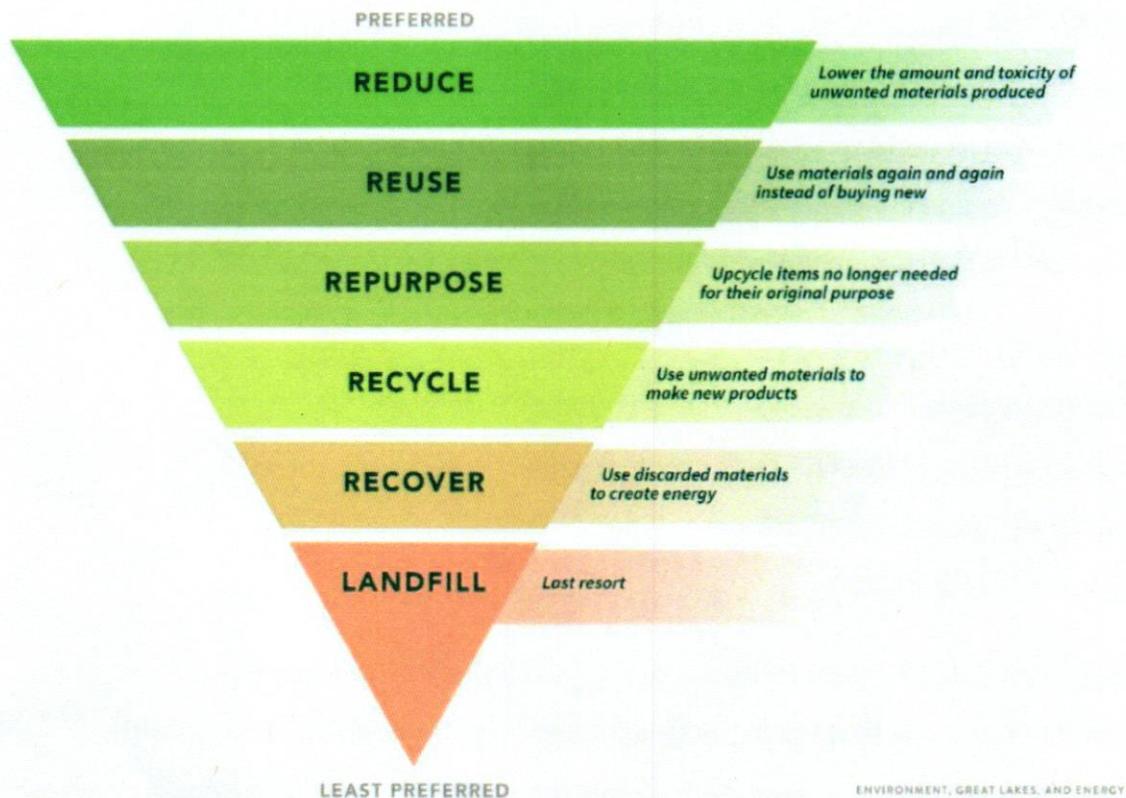
HOW DO I AMEND MY PLAN?

- It is the same development and approval process as developing your currently approved plan. For more information see the [Plan Amendment Frequently Asked Questions](#).
- **NOTE:** All activities related to your Plan and its approval is public.

WHAT ARE SOME OF THE ITEMS REQUIRED OF THE NEW MATERIALS MANAGEMENT PLANNING PROGRAM FROM THE INTRODUCED PART 115 AMENDMENTS PACKAGE?

- Identify **all** materials management facilities and capacity.
 - Solid waste facilities; recycling and organics management facilities.
- Focus on **utilization** capacity (recyclable and organics management).

SUSTAINABLE MATERIALS MANAGEMENT



- Promote **regional** planning.
- Develop **goals** for utilization and recycling.
- Provides avenue for siting of **NEW types** of facilities (material recovery, facilities, compost facilities, anaerobic digesters, and other source separated facilities).
- Annual Materials Management Planning **grants**.
- **NO import/export** authorization requirement.
- **Reconfigured** Materials Management Planning Committee.
- Approval process with specified **timeframes**.
- **Fast-track** amendment process.

For more information, visit Michigan.gov/EGLESWMP, refer to [Materials Management Planning - Introduced Legislation](#), or contact EGLE-MaterialsManagementPlanning@Michigan.gov.

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PART 115 MATERIALS MANAGEMENT PLANNING QUESTIONS & ANSWERS

This working document shall be used to provide **preliminary** answers to questions identified and subject to change. NEW & REVISED items shall be noted; please refer to the revision date at the bottom for the most up-to-date version

1. When does the new law become effective?

March 29, 2023

2. Where can I view the new statutory language?

Part 115 Statute

3. REVISED: When will the Materials Management Plan (MMP) be initiated? And how?

The timeframe for initiation has not yet been determined; However, it should be noted that there will be sufficient notice to counties prior to any initiation of the MMP process. The MMP process will be initiated by the EGLE Director.

4. NEW: What do we do with our solid waste management planning committee now?

Please keep your current solid waste management planning committee (SWMPC) intact until EGLE initiates the MMP process. Further, if a county is amending their SWMPC they will continue to utilize the SWMPC for this purpose until the Plan Amendment is approved or a new MMP is approved, whichever comes first.

Should we switch to the new materials management planning committee (MMPC) representation now?

NO, each county will be required to form a MMPC once the Department initiates the MMP process.

[LOOK FOR A PLANNING COMMITTEE INFORMATION SHEET COMING SOON]

5. NEW: Can a solid waste management plan be amended after the effective date of the new law?

YES.

What process is required to be followed to allow for an amendment to a solid waste management plan and which planning committee shall be appointed for the amendment?

A county shall follow the approval process and is required to have a 14-member solid waste management planning committee, as required prior to the effective date of the new law. Specifically, see Section 11571(1) which states, "...Before a materials management plan is approved for a county pursuant 11575, a solid waste management plan may be amended pursuant to the procedures that applied under section 11533 and former sections 11534 to 11537a immediately before the effective date of the amendatory act that added this section."

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6. **NEW: Do a county plan's import and export authorizations and other mechanisms stay in effect after the law goes into effect?**

YES – while section 11513 (the current law that requires solid waste disposal areas to only accept solid waste that is authorized per applicable approved county solid waste management plans i.e. Import/Export authorizations) will be replaced with new language no longer pertaining to this provision; however, Section 11571(1) (effective 3/29/23) states, "...*The approved solid waste management plan in effect on the effective date of the amendatory act that added this section remains in effect until a materials management plan has been approved for the planning area under this subpart.*" Therefore, all parts of the currently approved solid waste management plans, including its Import/Export authorizations, shall stay in effect until a new materials management plan has been approved.

7. **NEW: How does a proposed facility demonstrate consistency with their current solid waste management Plan, prior to a new MMP approval?**

Section 11508(2) states the following:

(a) Before an MMP is initially approved by the department under section 11575(9), the department may issue a construction permit for a solid waste processing and transfer facility or an approval under a general permit or a registration for a materials utilization facility if the county approval agency and the legislative body of the municipality in which the facility is or is proposed to be located have each notified the department in writing that they approve the issuance.

(b) Proposed landfill expansions shall follow the siting process of the existing solid waste management plan until an MMP for the planning area is approved by the department.

(c) Before an MMP for the planning area has been approved by the department, materials utilization facilities that are required to provide a notification or registration to the department under part 115 may be sited under local zoning ordinances.

Therefore, the type of facility and the level of authorization needed, will depend on which siting process and documentation is needed to demonstrate consistency with the applicable county solid waste management plan. [LOOK FOR A CONSISTENCY DETERMINATION QUESTIONS INFORMATION SHEET COMING SOON]

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8. Will there be funding available to create an MMP? If so, how much?

Yes, funding under **MMP Grants** will be available to those counties that file a notice of intent to prepare a new MMP once initiated by the Director. This funding:

- Covers local costs for preparing, implementing, and maintaining MMPs.
- Base amount of \$60,000 for each county.
- An additional \$10,000/county for multi-county plans.
- And \$0.50 per capita, up to \$300,000 would be available in the first three years to cover the higher upfront costs of initiating the new planning process.

9. What are some of the benefits of working with another county?

There are A LOT of benefits of working with other counties and reasons for doing so; below is a list of some of them [*LOOK FOR A MULTI-COUNTY BENEFITS & ACTIVITIES INFORMATION SHEETS COMING SOON*]

- The additional grant money to counties that work together can equate to a substantial amount to utilize for the MMP programing and implementation.
- Develop streamlined access to regional facilities.
- Identify creative solutions to collaborate with counties facing similar challenges and opportunities.
- Create a unified educational campaign for residents across a larger geographic area with standardized information about recycling, composting, waste, and other management opportunities. This allows for contamination reduction in the materials generated, creating a more marketable material, and increasing ownership and buy-in for valuable programs and services.
- Identify one or more county(s) to develop needed expertise to lead the effort to plan and support implementation of that plan. Instead of requiring each county to allocate staff to do all or some part of this required work.
- Establish regional facilities to meet the needs of all collaborating counties and assure capacity availability for all materials generated.
- Increase service provision opportunities such as, material collection (access), overall tonnage of materials (allowing for better marketing of materials); consistent education/outreach, allowing for less contamination, etc.
- When filling the required NEW seats of your Material Management Planning Committee it may be easier to obtain specialized positions for representation, (i.e. landfill, compost facilities, MRF, etc.) due to the increased planning area.
- Achieve needed economies of scale in a variety of other aspects of materials management which can reduce costs and improve efficiencies.

PART 115 MATERIALS MANAGEMENT PLANNING QUESTIONS & ANSWERS

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10. What can I be doing now?

- Start reaching out to adjacent counties to see if there is any interest in potentially creating a materials management program together. [As a multi-county materials management plan; authority; building partnerships for future infrastructure/capacity needs, etc.]
- Review your various mechanisms to see if they might need any changes or new ones might need to be pursued. Some examples (only those related to materials management): Agreements (with facilities and/or other counties); Solid waste or other materials management related ordinances (hauler licensing, flow-control to publicly owned materials management facilities, etc.); funding mechanisms; materials management related authorities; contracts, etc.
- Look at potential partnerships (private industry and communities) and see where opportunities may exist to collaborate.

11. You have been asked by your county Administration to give an update on the new requirements. Any suggestions on how to respond?

EGLE recommends waiting until more information is available. Further, as information becomes available, messages through our GovDelivery system will be published. Please subscribe specifically, to [Materials Management News and Info](#) and [Materials Management Planning](#) to receive electronic updates. Also, please know that EGLE will provide various opportunities for stakeholder engagement throughout the implementation process.

12. I have questions, where can I send them?

Please send planning related questions directly to our Planning email: EGLE-MMP@michigan.gov. Send general implementation questions to the following email: EGLE-MMD-SW@michigan.gov.

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MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY



The transition from solid waste to materials management planning is coming soon!

Michigan Department of Environment, Great Lakes, and Energy sent this bulletin at 01/31/2023 10:00 AM EST

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MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY



The transition from solid waste to materials management planning is coming soon!

Legislation revitalizing Michigan's solid waste statute was signed into law in the last part of December. This is exciting news for the state of Michigan, as it memorializes our new way of thinking about end-of-life materials; it is a change from items being disposed to a [holistic materials management approach](#)!



While this is an exciting time, implementing the new law is a huge undertaking that will require thoughtful, deliberate changes, and updates to EGLE's programs. This is especially the case for Michigan's planning program, as it will require creating an all-NEW [Materials Management Planning Program](#).

EGLE knows everyone is excited and anxious to find out what this means for them and when things will get started. EGLE has been developing an implementation plan and process, but there are still many unknowns that need to be fleshed out. Please watch our website at Michigan.gov/SolidWaste for updates.

The first and most important thing to know is that while EGLE is working behind the scenes to get things ready for implementing the changes in the law and the new programs these changes necessitate, implementation will be done in a manner to provide sufficient time for EGLE, counties, materials management facilities, and other stakeholders to prepare to implement the changes. Stakeholders will also be provided opportunities to comment, ask questions, and engage in trainings and webinars.

As many of you know, EGLE has a Materials Management Planning Workgroup (MMP Workgroup) that has been meeting for about a year. EGLE plans to utilize this group to help guide counties, specifically their designated planning agencies, through the process to prepare for the initiation of the new Materials Management Planning Program. It is important to ensure that someone from your county is included and participating in the MMP Workgroup meetings to receive the most up-to-date information. Please confirm that you have someone in the group by reaching out to your [County or Regional Designated Planning Agency Contact](#) and let EGLE know at EGLE-MaterialsManagementPlanning@Michigan.gov, if changes or additions to the MMP Workgroup are needed.

Please see the following information responsive to the planning questions EGLE has been receiving:

The new law becomes effective on **March 29, 2023**. To stay informed on planning related items, please subscribe to [Materials Management News and Info](#) and [Materials Management Planning](#) to receive electronic updates.

The timeframe for initiation of the Materials Management Plan (MMP) has not yet been determined and will be initiated by EGLE. However, it should be noted that there will be sufficient notice to counties prior to any initiation of the MMP process. There will be funding available to counties that file a notice of intent to prepare a new MMP and additional funds for counties that develop a multi-county MMP.

Prior to EGLE initiating the MMP process, make sure that someone representing your county is participating in the MMP Workgroup, then start reaching out to adjacent counties to see if there is any interest in creating a materials management program together. Review your various materials management mechanisms to see if they need any changes or if new mechanisms need to be pursued. Look for potential partnerships with both private industry and communities, to see if opportunities may exist to collaborate. And last but not least, participate in upcoming webinars, trainings, pertinent conferences, and get engaged as much as you can!

There are a lot of benefits from working with other counties to develop a MMP, including but not limited to the compounding effect of additional grant funding for counties. Counties with similar challenges with infrastructures and programs may have a similar solution. Not every county needs a state-of-the-art materials management facility, but every county will need to provide capacity for the materials they are generating. Other benefits of working with other counties include the potential increase in collected materials, increase in recycling access, increase in overall tonnage of materials collected allowing for better marketing, having a consistent education and outreach program that provides for less contamination, and having more economies of scale and efficiencies in contracting, education, and providing services.



We understand that county planners are being asked by county administration to give an update on the new requirements, and planners are unsure how best to proceed. We recommend waiting until more information is available. As new information becomes available, it will be shared electronically. Additionally, we encourage that they subscribe to [Materials Management News and Info](#) and [Materials Management Planning](#), to receive updates. EGLE will be providing various opportunities for stakeholder engagement throughout the implementation process.

As stated above, our hope is to utilize our MMP Workgroup to continue engagement, provide education for the various new MMP requirements (and other pertinent requirements), provide opportunities for stakeholders to ask questions, connect counties for future collaboration, etc. All of these items will allow counties to start and create the MMP

more efficiently and effectively once EGLE has initiated the MMP process. We appreciate your patience as we venture together through this process during this historic time in Michigan!

If you have planning questions related the new law please email EGLE-MaterialsManagementPlanning@Michigan.gov and if you have general questions related to the new law, please email EGLE-MMD-SW@Michigan.gov.



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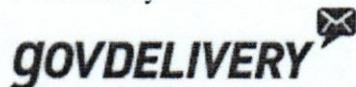
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