



Kelly Goward
Solid Waste Planning Committee Chairperson

Kimberly Wolters
Solid Waste Planning Coordinator

To: Ottawa County Board of Commissioners, Administrator, and Corporation Counsel

From: Kelly Goward, Chair, Ottawa County Solid Waste Planning Committee

Re: Information and required actions under [Act 451 of 1994, Part 115](#)

Background information:

Currently, Part 115 requires Michigan counties to implement Solid Waste Management Plans (SWMP), which focus on maintaining landfill capacity. Earlier this year, the governor signed an eight-bill package amending Part 115 with the intent of increasing the State’s 19% recycling rate (among the lowest in the nation) to 30% by 2029. The statutory changes will drive diversion of waste from landfills and to recovery of materials to recycle into valuable new products with a transition from SWMPs to a new Materials Management Plan (MMP). The new MMPs will focus on not only maintaining landfill capacity, but also materials recovery, management, and value-added processing. **Every county will be required to replace its SWMP with an MMP.**

The goal of this letter is to inform the Ottawa County Board of Commissioners (BOC) of their important role in the Ottawa County [MMP development process](#). The current SWMP Committee has regularly met this year to discuss the MMP process and impacts. It is the recommendation of the Committee that the County serve as the County Approval Agency (CAA). The Committee looks forward to discussing the process with administration in the near future. Until then, important base information is summarized below.

Action Item:

A [Notice of Intent](#) (NOI) to prepare the MMP must be submitted to the State, either by the BOC or another [eligible entity](#), designating a CAA. The NOI must be filed within **180 days** of the date on the Notice to Comply that the County recently received (copy attached). The BOC must pass a [resolution](#) to either accept or decline to be the CAA. A draft resolution has been created and is available upon request when the Board is ready.

See graphic below for the potential impacts if the BOC fails to submit an NOI for the County and/or declines to accept the role of CAA.

Commented [BH1]: Insert link to quick guide

Commented [BH2]: Insert link to definition

Commented [BH3]: Revise once letter is distributed

NOI - SUBMITTED

- Ottawa County maintains local control over management of solid waste, recycling, organics, and other related activities.
- Identifies gaps and local needs for infrastructure and services to better serve community members.
- Ottawa County receives funding through MMP Grant awarded annually:
 - Approximately \$210,000 per year for initial 3 years (\$630,000).
 - \$60,000 annually after initial 3-year period.

NOI - NOT SUBMITTED

- Potential loss of local control, Ottawa County MMP is developed by all municipalities jointly, Governor appointed regional planning agency, or EGLE.
- Community members lose a voice in the process including what infrastructure and services are needed.
- Loss of grant funding totalling \$630,000 in first three years and \$60,000 per year after third year.

In summary, if the BOC accepts the CAA designation, they then have the ability to:

- Appoint the Designated Planning Agent (DPA). Currently the DPA is Kim Wolters. SWMP Committee recommends reappointing her as DPA for the MMP, and
- Appoint members to Materials Management Planning Committee (MMPC), and
- Receive and manage the related [grant funding](#) for the planning and implementation processes.

Commented [BH4]: Insert link for more information

If the BOC declines the CAA designation, they then must:

- Consult with adjacent counties, the regional planning agency, and local units within the County to determine which [eligible entity\(ies\)](#) are best suited to serve as CAA and DPA, and
- Ensure that the identified CAA submits the NOI before the deadline, and
- Recognize that State grant funding will be distributed to the entity serving as the CAA, not to the County, and
- Recognize that the CAA will appoint members to the MMPC, not the County.

Commented [BH5]: Link to definition

If an NOI is not submitted by an eligible entity by the required deadline, the State will prepare the MMP for the County and the BOC will still be responsible for ensuring its implementation.

We appreciate the cooperation of the BOC, Administration, and Corporation Counsel in completing the required steps to comply with the [Part 115 changes](#) that will affect all residents and businesses in the County.

Commented [BH6]: Insert link to MMP planning page on EGLE site

Please reach out to the Solid Waste Planning Committee by contacting Kim Wolters (kwolters@miottawa.org) with any questions or concerns or by attending [any SWPC meeting](#).

Commented [BH7]: Insert upcoming meeting dates.

Sincerely,

Kelly Goward

Solid Waste Planning Committee Chair

BOARD OF COMMISSIONERS OF THE COUNTY OF OTTAWA COUNTY

RESOLUTION NAMING THE COUNTY APPROVAL AGENCY, OTTAWA COUNTY BOARD OF COMMISSIONERS APPROVING SUBMISSION OF A NOTICE OF INTENT TO PREPARE THE MATERIALS MANAGEMENT PLAN, ~~AND~~ REAPPOINT THE DESIGNATED PLANNING AGENT, AND ESTABLISH MEMBERS OF THE MATERIALS MANAGEMENT PLANNING COMMITTEE

Commented [BH1]: And establish/appoint members of the MMPC?

At a regular meeting of the Board of Commissioners of the County of Ottawa, Michigan, held on November __, 2023, the following commissioners were present:

and the following were absent:

The following preamble and resolution were offered by Commissioner _____ and supported by Commissioner _____:

WHEREAS, Ottawa County is, per requirements of Part 115 of the Natural Resources and Environmental Protection Act, 194 PA 451, and as enforced by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), currently undergoing changes related to laws enacted on March 29, 2023 which require the development of a Materials Management Plan (MMP) to replace the current Solid Waste Management Plan (SWMP).

WHEREAS, in furtherance of the abovementioned statutory requirements, the Ottawa County Board of Commissioners intend to maintain local control over services provided to citizens of Ottawa County and maintain the designated grant funding totaling \$630,000 in the first three years and \$60,000 per year after the third year; and

WHEREAS, the MMP will include a proactive strategy for Ottawa County to provide integrated programs and policies that emphasize waste prevention, reduction, recycling, and composting, with an overarching goal of assuring long-term management of waste generated within Ottawa County; and

WHEREAS, the currently active 14 member Solid Waste Planning Committee has met and determined that this MMP is best generated locally where the specific needs of our community can be best met, and the aforementioned additional grant funding can be distributed for appropriate projects after board approval; and

WHEREAS, Part 115 as amended requires a Notice of Intent (NOI) to be submitted by the Ottawa County Board of Commissioners by no later than March 23, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THIS BOARD OF COMMISSIONERS OF THE COUNTY OF OTTAWA, AS FOLLOWS:

1. the Ottawa County Board of Commissioners appoints itself as County Approval Agency (CAA).

2. the NOI to authorizes the currently acting Designated Planning Agent (DPA) to submit the NOI prepare the MMP to EGLE; and
3. the Board designates the currently acting Solid Waste Management Plan Coordinator as the new MMP Coordinator and to continue as the DPA going forward; and
4. the Ottawa County Board of Commissioners will establish and appoints ~~the current members of the Solid Waste Planning Committee will act as the newly formed Material Management Planning Committee (MMPC).~~ the new Material Management Planning Committee, within 180 days submits a notice of intent, will consist of the below representatives for a term of 5-years as outlined in Part 115:
 - a. A representative of a solid waste disposal facility
 - b. A representative of a hauler
 - c. A representative of a materials recovery facility operator
 - d. A representative of a compost facility or anaerobic digester operator
 - e. A representative of a waste diversion, reuse, or reduction facility operator
 - f. A representative of an environmental interest group
 - g. An elected official of the County
 - h. An elected official of a township
 - i. An elected official of a city or village
 - j. A representative of a business that generates a managed material
 - 4-k. A representative of regional planning agency
5. the County Clerk is hereby directed to forward three (3) certified copies of this resolution to the Secretary of the Issuer.
6. all resolutions or parts thereof in conflict with this resolution are hereby repealed but only to the extent of such conflict.

Commented [BH2]: Is this consistent with statute?

Commented [KW3R2]: No it is not

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YEAS _____

NAYS _____

ABSTENTIONS _____

RESOLUTION DECLARED ADOPTED.

COUNTY OF OTTAWA

By: _____

Joe Moss, Chairperson
Board of Commissioners

By: _____

Justin F. Roebuck, County Clerk/Register

STATE OF MICHIGAN)

) SS

COUNTY OF OTTAWA)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the County of Ottawa Board of Commissioners, held on November ____, 2023 and that the said minutes are on file in the office of the County Clerk and are available to the public. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976.

Justin F. Roebuck
County Clerk, County of Ottawa, MI

Dated: _____, 20263

Number of Seats	Current SWPC Seats	Current SWPC Members
1	Industry	Justin O: Landfill/Republic
2	Industry	Matt R: Landfill/WM
3	Industry	Russ B: Hauler/Arrowaste
4	Industry	Kari B: Processor/Padnos
5	Environmental Group	Kelly G: Outdoor Discovery
6	Environmental Group	Benjamin J: OCCD
7	Environmental Health	Stew W: EH
8	City Representative	Dan B: City of Holland
9	Township Representative	Ton O: Zeeland
10	BOC	Jacob B: OC BOC
11	Public	Becky H
12	Public	Ken F
13	Public	Randy K
14	Industrial Generator	Vacant

Future MMPC Seats	Possible Current Member to Fill MMPC
Solid Waste Disposal Facility	
Hauler	
Material Recovery Facility (MRF)	
Compost Facility/ Aerobic Digester	
Waste diversion, reuse, or reduction facility operator	
Environmental Group	
BOC (County Elected Official)	
Elected Township Official	
Elected City Official	
Business that generates a managed material	
Regional Planning Agency	