

TIMETABLE FOR SELECTED SYSTEM IMPLEMENTATION:

This timetable is a guideline to implement components of the Selected System. The Timeline gives a range of time in which the component will be implemented such as "1995-1999" or "On-going." Timelines may be adjusted later, if necessary.

TABLE III-5

Management Components	Timeline
Designate Identified Task Forces	Within 2 months following Plan approval by 2/3 communities
Develop/Adopt Implementation Action Plans	May 2001
Preliminary Program Specifications for Planned Programs	2001
Initiate Education Programs	2001
Initiate all other Programs	2002
Initiate and Implement Proposed Strategies	Annual/Ongoing
Data Tracking to Assess Program Performance	Annual/Ongoing
Update Implementation Action Plans	Annual/Ongoing

SITING REVIEW PROCEDURES

The Siting Review Procedures contained in this Plan begins with a description of *Unauthorized Disposal Area Types* followed by a description of *Authorized Disposal Area Types* and the *Siting Criteria and Process*.

Per the requirements of Part 115 Section 11533 of NREPA, this Plan includes an Enforceable Program and process that assures that the nonhazardous solid waste to be generated in the planning area over the next 10 years will be collected and recovered, processed, and disposed of at disposal areas that comply with state law and rules promulgated by the Michigan DEQ governing the location, design and operation of the disposal areas.

As provided for in Part 115 Section 11537 (a) of NREPA, this Plan demonstrates that the planning area has in excess of 66 months of available disposal capacity and will have in excess of 66 months of available disposal capacity for the duration of the 5 year planning period for which this Plan is provided. As a result, the County may refuse to utilize the siting mechanism contained herein until the County is no longer able to demonstrate 66 months of disposal capacity or until the County amends this Plan to provide for the annual certification process described in Part 115 Section 11538 (4) of NREPA.

This Plan does not include an annual certification process, as provided for in Part 115 Section 11538 (2) of NREPA, since specific disposal areas are identified in this Plan for the ten year period after approval of the Plan and, as such, is not required to provide the annual certification process described in Part 115 Section 11538 (4) of NREPA, or the interim siting mechanism described in Part 115 Section 11538 (3) of NREPA.

UNAUTHORIZED DISPOSAL AREA TYPES

The following types of solid waste disposal areas are specifically excluded from this Plan and will not be allowed to be sited by this Plan. Any proposal to construct a facility listed herein shall be deemed inconsistent with this Plan.

- Municipal Solid Waste Incinerator
- Sanitary Landfill
- Non sponsored facilities

Siting of new landfills, incinerators, or non-sponsored facilities of any type, or expansions of existing landfills or non-sponsored facilities will only be considered for determination of consistency as part of a 5-year update process or as a free standing plan amendment.

AUTHORIZED DISPOSAL AREA TYPES

This Plan's Enforceable Program and process, per the requirements of Part 115 Section 11533 of NREPA, includes existing and new disposal areas within the County as described below. Disposal areas at specific sites identified in this Plan are automatically included in the Plan and do not have to be processed through any Plan siting mechanism.

Disposal areas at specific sites are identified on page III-11 and listed according to the type of disposal area activity that is authorized by this Plan.

A siting mechanism is included within this Plan to site sponsored mixed waste processing and transfer station facilities regulated under Part 115.

A facility shall be considered a sponsored facility only if it is sponsored by County agencies or local municipalities or their authorities. Sponsorship is defined to mean, at a minimum, ownership or long-term lease (20 years or more) of the land on which the proposed facility is located. Such facilities will be reviewed for siting following the Plan's siting mechanisms as provided for in this in this plan.

Facilities regulated under Part 115 do not include commercial operations that only dispose of waste that is generated on site.

Exemptions

A. Source Separated Processing Facilities

Processing facilities that process only source separated materials are not subject to siting control under County solid waste plans. In the event that a source separated processing facility is proposed it can be located with the approval of the local municipal government.

B. Type B Transfer Stations

Type B Transfer Stations are defined in Part 115 as facilities that accept less than 200 uncompacted cubic yards of solid waste per day or that are not designed to accept waste with mechanical compaction devices.

Type B Transfer Stations designed to accept less than 60 uncompacted cubic gate yards of waste per day are not subject to this siting process. Facilities proposed to accept 60 uncompacted cubic gate yards per day or less will be considered automatically consistent with this Plan.

Facilities capable of accepting over 60 uncompacted gate yards per day must follow the standard siting process outlined herein.

C. Expansions of Existing Transfer Stations and Mixed Waste Processing Facilities

Expansions of existing transfer stations and mixed waste processing facilities are required to follow the siting process outlined herein unless the expansion will increase the existing physical size of the facility by 50% or less.

If the conditions described above are met, expansions of existing mixed waste processing and transfer station facilities will be automatically considered consistent with this Plan.

SITING CRITERIA AND PROCESS

The following four sections describe the application process and site review criteria to be used to site solid waste disposal facilities and determine consistency with this Plan.

Section A:	Site Review Procedures
Section B:	Selection and Role of the Solid Waste Facility Siting Committee
Section C:	Application Guidelines
Section D:	Proposal Evaluation Criteria

Section A: Site Review Procedures

Overview

Requests for determinations of consistency for sponsored facilities may be submitted at any time, following the procedures identified in the following pages. Proposals for new facilities will be found consistent with the Plan should they meet a set of minimum objective criteria, as defined in Section D.

Proposals should be submitted to the Washtenaw County Director of Public Works (DPW Director) who will determine if the proposal is administratively complete. Upon the determination of administrative completeness, a Solid Waste Facility Siting Committee (SWFSC), appointed by the Washtenaw County Board of Commissioners (BOC), will evaluate the project for its compliance with the criteria established in the Plan. The SWFSC shall evaluate the proposal for consistency and forward their findings and recommendations to the County Board of Public Works (BPW).

The BPW is responsible for verifying that the SWFSC reviewed the proposal in accordance with the siting mechanism contained in the Plan. The BPW then forwards a recommendation to the BOC. The BOC will make a determination, based solely on the criteria contained within the Plan, and forward a

recommendation regarding consistency to the Michigan Department of Environmental Quality (MDEQ) and the applicant. The MDEQ makes the final consistency determination.

A listing of specific steps and associated timelines are included in the following pages.

Suggested Timeline for Standard Review Process

The following timeline is an estimation and is intended to be a general guidance. Efforts will be taken to adhere to the timeline as closely as possible. However, deviations may be required at any step in the process. If deviations should occur, in no case will the term of the entire process exceed 280 days. If the BOC does not submit a recommendation to the MDEQ by the end of day 280, the proposal will be considered consistent with this plan from the standpoint of the County. A final determination of consistency will be made by the MDEQ

Step	Suggested Cumulative Time (days)	Action
1.		Applicant submits application materials to the DPW Director, including 15 copies of the proposal, printed double sided on recycled paper, and the appropriate fee.
2.	14	Within fourteen days of its receipt, the DPW Director determines whether or not the application is administratively complete. If the application is not administratively complete, the DPW Director shall notify the applicant and the process ends. If the DPW Director does not notify the applicant within 21 days, the application will be considered administratively complete and the process will continue.
3.	28	Within fourteen days of the determination of completeness, the DPW Director shall notify the local host community and forward a copy of the proposal.
4.	45	Local municipality(s) selects representatives to SWFSC (see Section B).
5.	55	BOC appoints SWFSC with membership as identified in Section B; DPW Director sends copy of application to each appointed member and establishes organizational meeting of the SWFSC.
6.	75	SWFSC makes proposal available to the public, begins review, and sets date for first public meeting to be held within 30 days.
7.	105	First public meeting and review.

At least 10 days prior to the first meeting of the SWFSC a public notice shall be published in the local newspaper of record for the municipality where the proposed facility is to be located which identifies the meeting place and time, the applicant and a description of the proposed facility. The public notice shall also be mailed to the routine list of recipients of County meeting notices as well as:

- i) The applicant;
- ii) the owners of the property within 300 feet of the boundary of the property for which approval is being considered, as shown by the latest equalization roll;
- iii) All occupants of structures within 300 feet of the property in question. If the name of an occupant is not known, the term "occupant" may be used in the notice. Notification need not be given to more than one (1) occupant of a structure, except that, if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure;
- iv) The chief elected official of each municipality in the County;
- v) Members of the SWFSC;

- vi) Any other notification required by the Michigan Open Meeting Act; P.A. 267 of 1976, as amended; and
- vii) Any other notification required by Part 115 of NREPA.

At the first meeting, the SWFSC will develop the initial evaluation of the proposed facility according to proposal evaluation criteria (see Section D). The public may submit comments on the application at the meeting or to the DPW Director up to two calendar days following the public meeting.

If, after the first public meeting, the following two conditions are met, the applicant may advance to step 10.

- 1) The applicant submits no changes to the initial proposal, and
- 2) There is minimal public opposition.

8. 120 Applicant may submit changes to the proposal in response to the first public meeting up to fifteen (15) days following the public meeting. Any changes will be resubmitted to the DPW Director, who will forward copies to the SWFSC and make them available to the public.

9. 130 Second public meeting is held.

Public notice shall occur similarly as with the first public meeting

At the second public meeting any changes to the initial proposal will be discussed and the SWFSC will present its final decision. If deemed necessary, or if requested by the local host community, the committee may call additional public meetings at this time. The committee may call no more than two (2) additional meetings.*

10. 160 The SWFSC will submit its recommendations, based solely on the established criteria, to the BPW.

11. 190 BPW verifies that the proposal was reviewed according to the established criteria and submits recommendations to the BOC.

12. 220 BOC makes final determination of consistency, based solely on the established criteria. If an Application is found to be consistent with the Plan, formal notice will be forwarded to the Michigan DEQ with a copy to the Applicant. If an Application is found to be not consistent with the Plan, formal notice will be forwarded to the Applicant.

13. AT DEQ ACTION Application Review - Followup: The SWFSC shall receive formal written notice from the DPW at the time that the Applicant receives its Construction Permit from the Michigan DEQ or is rejected for that Construction Permit and at the time that the Applicant receives its Operating License. At the discretion of the chair or a simple majority of the members of the SWFSC, it will reconvene as needed within 15 days of the DEQ action. The SWFSC shall officially dissolve after this 15 day period.

END

* If the committee deems additional meetings necessary, the timeline will be extended from this point by thirty (30) days for each additional meeting. A total of no more than two additional meetings will be permitted.

Section B: Selection and Role of the Solid Waste Facility Siting Committee

The purpose of the Solid Waste Facility Siting Committee (SWFSC) is to review proposals for transfer stations and mixed waste processing facilities, inspect the proposed site, and report a recommendation regarding consistency with the Solid Waste Management Plan to the Board of Public Works.

When a proposal for facility development is submitted for review, the DPW Director shall notify the BOC who will appoint a SWFSC with the following representation:

- 1 person representing environmental concerns;
- 1 person representing the Washtenaw County Department of Environment & Infrastructure Services;
- 1 person representing the Washtenaw County Public Works Division;
- 1 person representing the Washtenaw County Drain Commissioner's office;
- 1 person representing the Washtenaw County Planning Department;
- 1 person representing the Washtenaw County Road Commission;
- 1 person representing the Washtenaw County Environmental Health Division;
- 1 person representing the Regional Solid Waste Planning Agency; and
- 2 people representing the municipality in which the facility site is proposed, including the chief elected official or designee (both voting members);
- 2 people from any municipality located within three (3) miles of the active work area of the proposed site, including the chief elected official or designee, and another representative from that municipality*. Only one (1) of these persons will be a voting member, the other(s) will be non-voting** member(s).

* In the event that more than one municipality is located within three (3) miles of the active work site, these municipalities will together choose only one person to be a voting member to represent those municipalities, and each municipality then will designate one (1) non-voting member.

**Non-voting members will be allowed a full voice in all SWFSC proceedings and access to all materials available to voting members, but will not be permitted to vote on matters before the committee.

The representatives from the County Road Commission and from the local municipality(s) will be selected by that agency and government(s), respectively. The names of the selected individuals will be submitted to the County Board of Commissioners (BOC) for confirmation of appointment.

The SWFSC will be dissolved when either the proposal is deemed inconsistent with the SWMP or the MDEQ has issued a facility construction permit.

The County DPW Director shall call for the first meeting of the SWFSC, preside as Chair, and officially convene the first meeting of the SWFSC. The first order of business shall be to elect a Chairperson to the SWFSC. The Committee shall abide by *Robert's Rules of Order* for all formal proceedings.

Section C: Application Guidelines

The applicant shall submit a minimum of 15 copies of the proposal, printed double sided, along with an application deposit of \$10,000 to the DPW. The deposit will cover costs associated with the application review, including but not limited to:

1. Staff time spent on review-related activities
2. Conducting required public meetings and related services
3. Publication and mailing of notices and printing of documents
4. Consultant fees for specialized services relating to project review

Costs incurred above and beyond the initial deposit will be charged to the applicant and any remainder will be refunded.

At the time of proposal submittal, all documentation needed to demonstrate compliance with the application guidelines and evaluation criteria must be submitted. The DPW Director will review the application to determine whether it is administratively complete.

An Administratively Complete Application:

An administratively complete application shall include all the items identified below. The required information shall be used in this Site Review Process to apply the minimum siting criteria as provided for in Part 115 Section 11538 (3) of NREPA. Some of the requirements for an administratively complete application are for informational purposes in order to assist in completing the Siting Review Process.

- 1: Type of Facility (processing facility, transfer station)
- 2: Legal description of all parcels included in the proposed disposal area.
- 3: Name, address and telephone number for:
 - a) The applicant and its parent company, if any;
 - b) Property owner of the site (if different);
 - c) Operator of the proposed disposal area (if different);
 - d) Designer/Engineer and other consultants for the proposed disposal area; and
 - e) Designated contact for the Siting Review Process.
- 4: A statement that the applicant is the owner of all the parcels involved in the application or, if the owner of any of the parcels is different than the applicant, documentation in the form of land contracts, purchase agreements, or other binding legal instruments which substantiate the applicant's ability to proceed with development and operation of all parcels involved in the application.
- 5: General site location map(s). The general site location map(s) shall include more than one drawing where required for clarity. One set of the general site location map(s) shall be drawn at a scale and of such accuracy that one can readily interpret the general site location map(s). Another set of the general site location map(s) shall be reduced so each sheet shall fit on 8 1/2 by 11 inch, or 8 1/2 by 14 inch, paper. Such general site location map(s) shall be designed and prepared by a registered professional architect, landscape architect, engineer, land surveyor, or community planner. The general site location map(s) shall include the following information:
 - a) The parcel(s) within the general site location map, identified by parcel lines and location including dimensions, angles and size, correlated with the legal description of said parcel(s).
 - b) The scale, north point, boundary dimensions, topography, and natural features such as woodlots, streams, rivers, lakes, drainage and similar features.

- c) Existing man-made features such as roads, buildings, structures, high tension towers, pipelines, existing utilities such as water and sewer lines, excavations, bridges, culverts, drains and easements, and shall identify adjacent properties and their existing uses including:
 - i) Access roads to the site along with all highways and County Roads;
 - ii) Proposed access point(s) to the site;
 - iii) Location of any public use airports licensed by the Bureau of Aeronautics Michigan Department of Transportation that are within ten thousand (10,000) feet of the proposed active disposal area;
 - iv) Location of public and private water wells within one mile of the proposed active disposal area and showing established/approved wellhead protection areas;
 - v) Residences, commercial establishments, industries, institutions including schools, churches, hospitals and historic or archaeological sites within one mile of the proposed active disposal area; and
 - vi) Surface drainage patterns, including all drains regulated by the Washtenaw County Drain Commissioner's office within one-mile radius of site boundaries.
 - d) Current zoning at the site and for adjacent land uses.
 - e) Boundaries of all local units of government.
- 6: A detailed site plan or plans describing 1) the site as it exists, and 2) the site in use as a solid waste disposal area. The site plan shall include more than one drawing where required for clarity. One set of the site plans shall be drawn at a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy one can readily interpret the site plan. Another set of the site plan shall be reduced so each sheet shall fit on 8 1/2 by 11 inch, or 8 1/2 by 14 inch, paper. Such site plan shall be designed and prepared by a registered professional architect, landscape architect, engineer, land surveyor, or community planner. The site plan shall include the following information:
- a) The parcel(s), identified by parcel lines and location including dimensions, angles and size, correlated with the legal description of said parcel(s).
 - b) The scale, north point, boundary dimensions, existing topography (at least two (2) feet contour intervals), and existing natural features including woodlots, streams, rivers, ponds, lakes, wetlands, high risk erosion areas, slopes over 25%, beach, sand dunes, drainage and similar features, including:
 - i) One hundred year flood plains (as identified by DNR flood plain maps and as defined in the Part 115 Administrative Rules) within the boundaries of the site;
 - ii) Lands regulated under the Farmland and Open Space Preservation Act, 1974, Part 361 of NREPA, as emended, that are within the boundaries of the site;
 - iii) Location of surface water within the boundaries of the site;
 - iv) All wetlands (regulated and non-regulated) within the boundaries of the site;
 - v) Location of drains within the boundaries of the site;
 - vi) Topography information based on USGS datum, or selected on-site elevations; and
 - vii) Soil analysis based on a Modern Progressive Soil Survey of the County. If such survey is not completed for the site, then generalized soil analysis data regarding the soils and their adaptability to the use must be submitted.
 - c) Location and boundary dimensions of existing man-made features within the boundaries of the site including buildings, structures, high tension towers, pipelines, water wells, existing utilities including water and sewer lines, excavations, bridges, culverts, drains, easements and any known existing contamination.

- d) The location and boundary dimensions of proposed changes within the boundaries of the site including:
 - i) Solid waste processing and disposal areas;
 - ii) On site roads, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site including staging area for trucks waiting to use the facility, parking spaces in the off-street parking areas and the identification of service lanes and service parking;
 - iii) Main and accessory buildings, their relation one to another and to any existing structures on the site, the height of all buildings and square footage of floor space, finished floor and grade line elevations;
 - iv) Open spaces, landscaping and buffering and security features, greenbelts, fences and walls;
 - v) Connections to existing utilities and proposed extensions thereof;
 - vi) Soil erosion and sediment control measures including preventative soil erosion devices or measures, both during and after any site work related to the development, when required;
 - vii) Interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances;
 - viii) Underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated stormwater or wash water, and all similar uses;
 - ix) Exterior and interior drains, on-site sewage systems, dry wells; catch basins; retention/detention areas; sumps and other facilities designed to collect, store or transport stormwater or wastewater including point of discharge for all drains; and
 - x) Any other man-made features not specifically described above.
- e) Conceptual engineering plans for construction of the facility.

7: A written narrative that shall include the following information:

- a) Name and type of solid waste facility.
- b) General description of the facility and how it functions (for informational purposes in the Permit Review Process) including the types and quantities of waste to be delivered to the facility, the targeted service area (to include specific communities, major commercial and industrial establishments, institutions, and waste haulers potentially served by the facility), useful life and capacities of the facility, description of how each type of material will be handled at the facility, the eventual disposition of the materials to be handled by the facility, the proposed operating schedules (days and hours), a description of any resource recovery, recycling and composting activity planned for the site, the expected employment of the facility, a discussion of the economic and engineering feasibility of the final use plan for the site, and the applicant's rationale for developing the facility.
- c) Summary of the results of the DEQ advisory analysis (if completed), with responses to any points raised in the advisory analysis and a copy of the advisory analysis attached as an exhibit.
- d) Summary of the results of an Environmental Permits Checklist (with a copy attached as an exhibit), with discussion regarding any required permits along with current permit status documentation including either copies of received permits attached as exhibits, letters of intent to approve and issue a permit, letters of understanding for concurrent approval (issuing a permit) from those agencies or summary of discussions held with authorities responsible for issuing those permits. The site plans should be drawn to show design/placement as required for compliance with each of the applicable permits. Permits to be covered where applicable include:
 - i) Well permit,
 - ii) Type II water supply permit,
 - iii) Type III water supply permit,
 - iv) On site sewage disposal permit,
 - v) Soil erosion permit,

- vi) Land division or subdivision approval,
 - vii) Waste disposal or storage or monitor wells permit(s),
 - viii) Sand dune mining permit,
 - ix) Permit to cut forest products,
 - x) Forestry use or special use permit,
 - xi) Easements for utilities and public agencies (on state or federal lands),
 - xii) Dam construction permit,
 - xiii) Certificate of Public Convenience and necessity for pipelines,
 - xiv) Air quality installation permit, operating permit,
 - xv) National Pollutant Discharge Elimination System permit,
 - xvi) Groundwater discharge permit,
 - xvii) Wastewater collection and treatment facilities construction permit,
 - xviii) Great Lakes Shorelands permit,
 - xix) Inland Lakes and Streams permit, and
 - xx) Wetlands permit.
- e) An inventory of public services (fire protection, sewer, water, sanitation, emergency services/response, quasi-public utility companies (gas, electric, telephone)) showing:
- i) Public services which are required by the solid waste facility,
 - ii) Public services which exist to service the site of the solid waste facility.
- f) Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.
- g) Other narrative statements necessary which specifically address the siting standards listed in part two of this chapter.
- h) Other narrative statements necessary regarding design and operation of the proposed facility in response to applicable requirements of County and local ordinances and rules/regulations.
- i) Nuisance Mitigation Plan in the form of a detailed narrative to address planned mitigation steps for the following:
- a. Litter;
 - b. Odor;
 - c. Dust;
 - d. Noise;
 - e. Vibration;
 - f. Pests and diseases;
 - g. Flammable or explosive materials;
 - h. Emergency response;
 - i. Limiting access (inc. fencing, gates, natural barriers, or other methods);
 - j. Restricting access in loading, unloading, and handling areas;
 - k. Handling bulky items;
 - l. Collecting, storing, and removing liquid waste;
 - m. Removing or confining salvaged materials at the end of each business day;
 - n. Contingency in the event of a plant malfunction or facility breakdown;
 - o. Facility/equipment maintenance and cleaning; and
 - p. Storm water management plan and maintenance schedule.

Section D: Minimum Standard Siting Criteria

Minimum Standard Siting Criteria are considered minimum standards that any proposed facility must meet. Each criterion listed below must be answered in the affirmative in order for a facility to fulfill the Minimum Standard Siting Criteria requirements. Detailed descriptions of each criterion follow the yes/no checklist below.

MINIMUM STANDARD SITING CRITERIA EVALUATION CHECKLIST

	YES	NO	CRITERION (See detailed descriptions following checklist)
A			Site Ownership
B			Frontage on Appropriate Roads
C			Distance from Wetlands
D			Distance from Farmland and Open Space Part 361 NREPA Lands
E			Distance from Designated Historic Sites
F			Distance from 100 Year Flood Plains
G			Distance from Water, Beaches
H			Distance from Water Well Serving a Dwelling
I			Distance from Specified Building Types
J			Distance from Land Conservancy Parcels
K			Distance from Schools and Educational Establishments
L			Distance from Certain Recreational Facilities
M			Distance from MDEQ Natural Features Inventory Lands
N			Distance from Specified Types of Natural Resource Lands
O			Distance from Certain Additional Recreational Lands
P			Design Incorporates Woodland Protection Plan with Signed Statement
Q			Design Incorporates Nuisance Mitigation Plan with Signed Statement
R			Design Incorporates Certain Setback Requirements with Signed Statement
S			Analysis Submitted Documenting Availability of Required Public Services
T			Signed Statement to Abide by Certain Regulatory Requirements
U			Signed Statement to Abide by Certain Non-locational Zoning Requirements

MINIMUM STANDARD SITING CRITERIA DETAILED DESCRIPTIONS

- A. The site and respective parcel must be owned by the applicant or under long term lease (20 years or greater) from a public agency.
- B. The proposed site has frontage on or direct access to a paved county primary road or state trunk line.
- C. No part of the site and respective parcel(s) is located within or less than 100 feet from a regulated wetland as defined by Part 303 of P.A. 451 of 1994, as amended (being the Wetlands part of the Michigan NREPA, M.C.L. 324.30301 *et. seq.*)
- D. No part of the site and respective parcel(s) is located within or less than 100 feet from land enrolled under the Farmland and Open Space Preservation Act, 1974, Part 361 of NREPA.

- E. No part of the site and respective parcel(s) is located within or less than 100 feet from land that is a designated historic or archaeological area as defined by the State Historic Preservation Officer (SHPO) or by local historic preservation districts.
- F. No part of the site and respective parcel(s) is located within or less than 100 feet from one hundred year flood plains (as identified by Michigan DNR flood plain maps and as defined in the Part 115 Administrative Rules).
- G. No part of the site and respective parcel(s) is located within or less than 300 feet from the boundary edge of:
 - 1. Any surface water (as identified by Michigan DNR surface water maps and as defined in the Part 115 Administrative Rules); and
 - 2. Beach contiguous to a lake or stream
- H. No part of the site and respective parcel(s) is located within or less than 100 feet from a water well which services a dwelling (which is drilled by a licensed well driller and a well log is filed with the Geological Survey Division of the DEQ and County Health Department) in existence on the date the disposal area application was found complete.
- I. No part of the site and respective parcel(s) is located within or less than 300 feet from dwellings, duplexes, apartment buildings, hospital, medical care facilities and foster care facilities in existence on the date the disposal area application was found complete.
- J. No part of the site and respective parcel(s) is located within or less than 300 feet from lands which are held by a land conservancy or which have development restrictions held by a land conservancy, either of which were in existence on the date the disposal area application was found complete.
- K. No part of the site and respective parcel(s) is located less than 1000 feet from the boundary edge of schools and education establishments in existence on the date the disposal area application was found complete.
- L. No part of the site and respective parcel(s) is located less than 300 feet from the boundary edge of certain recreation facilities identified below:
 - 1. Snowmobile and all terrain vehicle trails which are marked and signed and receive care, grooming with public funds;
 - 2. Horse, bicycle, hiking and ski trails which are marked and signed and receive care, grooming with public funds;
 - 3. Abandoned rail road right-of-ways when owned by a railroad company or a public agency;
 - 4. The parcel boundary of state game area;
 - 5. The parcel boundary of municipal and county parks with recreation facility improvements;
 - 6. A national park or recreation area designated by the U.S. Department of Interior;
 - 7. A national scenic river designated by the U.S. Department of Interior; and
 - 8. A special interest area as designated by the U.S. Forest Service.
- M. No part of the site and respective parcel(s) is located within or less than 300 feet from land listed on the MDNR Natural Features Inventory, as determined by the MDNR through the Environmental Review process for compliance with Act 365, Endangered Species Protection, of the NREPA as amended.
- N. No part of the site and respective parcel(s) is located within or less than 300 feet from land regulated under parts 351 through 361 of P.A. 451 of 1994, as amended (being the Wilderness and Natural Areas, Sand Dunes, Biological Diversity, Natural Beauty Roads, Sanctuaries, Farmland and Open Space preservation part of the Michigan NREPA, M.C.L. 324.35101 *et. seq.* through 324.35101 *et. seq.*) and part 511 of P.A. 451 of 1994, as amended (being the Commercial

Forests part of the Michigan NREPA, M.C.L. 324.51101 *et seq.*).

- O. No part of the site and respective parcel(s) is located less than 300 feet from the boundary edge of certain recreation lands:
1. The parcel boundary of a state park;
 2. The parcel boundary of day, summer and retreat camps;
 3. Federally designated wild and scenic river corridors;
 4. State designated natural river's water's edge; and
 5. The parcel boundary of arboretums, sanctuaries established under statute.
- P. Applicant's Proposal includes a Woodland Protection Plan designed to protect woodlands and other trees on site and includes a written and signed statement from the Applicant indicating that they will abide by and remain in compliance with the Woodland Protection Plan at all times. Submittal by the applicant of this Woodland Protection Plan and the signed statement is required to meet this criterion. The adequacy of the submittal will not be used to determine if this criterion has been satisfied.
- Q. Applicant's Proposal includes a Nuisance Mitigation Plan designed to mitigate nuisances identified under Administratively Complete application; Section 7. i. and includes a written and signed statement from the Applicant indicating that they will abide by and remain in compliance with the Nuisance Mitigation Plan at all times. Submittal by the applicant of this Nuisance Mitigation Plan and the signed statement is required to meet this criterion. The adequacy of the submittal will not be used to determine if this criterion has been satisfied.
- R. Applicant's Proposal demonstrates that the facility as designed and constructed will incorporate the following setback, buffering, screening and service access requirements and includes a written and signed statement from the Applicant indicating that they will abide by and remain in compliance with these requirements at all times. Submittal by the applicant of this signed statement is required to meet this criterion. Vegetation belt, buffer, screening and service access area shall meet standards which are not less than:
1. Vegetation Belt: A vegetation belt of five (5) feet from the parcel line toward the center of the parcel will be maintained in woody plant vegetation to provide visual screening from roads and adjacent property. The vegetation belt will not include any improvements, buildings or fences except for an entrance drive(s), utilities and identification signs.
 2. Buffers: Measuring toward the center of the disposal area property, but not within the 5 foot vegetation belt, a buffer shall be established which:
 - a: Shall not be occupied by any structure, storage of equipment, materials, operations, or by similar activities.
 - b: Shall consist of the following for any side of the parcel that is adjacent to an industrial or commercial zoned area:
 - a buffer area setback of fifty (50) feet, or
 - a berm four (4) feet or more high, not sloped greater than (1) vertical for each of the same two units horizontal, or
 - a solid wall four (4) feet, or more, in height, or
 - a proportionately adjusted combination of the above.
 - c: Shall consist of the following for any side of the parcel that is adjacent to all other uses:
 - a buffer area setback of one hundred (100) feet, or
 - a buffer area setback of fifty (50) feet followed by a berm four (4) feet, or more high not sloped greater than (1) vertical for each of the same two units horizontal, or
 - a buffer area setback of twenty-five (25) feet followed by a solid wall four (4) feet, or more, in height.
- S. An analysis has been submitted that defines the public services which are required by the solid waste disposal area, that inventories existing public services (fire protection, sewer, water, sanitation, County emergency services/response, and utilities including gas, electric, telephone) available at the site boundaries and that documents that the existing public services are the same as

or exceed the public services required by the solid waste disposal area. Submittal by the Applicant of this analysis is required to satisfy this criterion. The adequacy of the submittal will not be used to determine if this criterion has been satisfied.

- T. Applicant has submitted a written and signed statement that the disposal area will abide by and remain in compliance with applicable parts of the Michigan Subdivision Control Act; Michigan Soil Erosion and Sedimentation Control Act; Michigan Construction Code; applicable state air and water pollution standards; local wellhead protection ordinances, applicable building codes, state and local health codes, local noise ordinances and local junk ordinances as determined with the advice of appropriate state and local officials and as specified in Section III of the Solid Waste Plan, Local Ordinances and Regulations. Submittal by the Applicant of this signed statement is required to satisfy this criterion. The adequacy of the submittal will not be used to determine if this criterion has been satisfied.

- U. Applicant has submitted a written and signed statement that the disposal area will abide by and remain in compliance with any applicable part of the respective zoning ordinance's regulations dealing with: parcel size, road frontage, setback requirements, buffering and screening, off street parking, signs, as specified in Section III of the Solid Waste Plan, Local Ordinances and Regulations but not subject to zoning regulation of location of a solid waste disposal area as a land use. Submittal by the Applicant of this signed statement is required to satisfy this criterion. The adequacy of the submittal will not be used to determine if this criterion has been satisfied.