MEMORANDUM OF UNDERSTANDING

Solid Waste Management Planning Process

This Memorandum of Understanding (MOU), entered into this date of February 18, 1998, by and between, the St. Clair County Solid Waste Management Planning Committee, hereinafter referred to as the “COMMITTEE”, and the St. Clair County Metropolitan Planning Commission, hereinafter referred to as the “DESIGNATED PLANNING AGENCY” or “DPA”, for the purpose of identifying the roles and responsibilities of the parties in agreeing to cooperate in the St. Clair County’s solid waste management planning process.

The Michigan Department of Environmental Quality, Waste Management Division, under authority of Section 11539a of part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act 1994 P.A. 451, as amended, have issued the following requirements to guide Michigan counties in the preparation of an updated solid waste management plan. This MOU is not intended to replace any of Part 115 or its Administrative Rules.

Pursuant to Section 11533, the County Board of Commissioners shall appoint a Committee to assist the agency designated to prepare the plan. The term of appoint for the COMMITTEE is two years. The COMMITTEE shall consist of 14 members. Of the members appointed, four (4) shall represent the solid waste management industry, two (2) shall represent environmental interest groups, one (1) shall represent county government, one (1) shall represent city government, one (1) shall represent township government, one (1) shall represent the regional solid waste planning agency (SEMCOG), one (1) shall represent industrial waste generators, and three (3) shall represent the general public. A member appointed to represent a county, city or township government shall be an elected official of that government or the designee of that elected official. Vacancies shall be filled in the same manner as the original appointments. A member may be removed for non-performance of duty. The role of the COMMITTEE is to be a policy body in this process which directs drafting of the plan, approves the plan and recommends the plan to the County Board of Commissioners.

Pursuant to Section 11533, Rule 702(1), the County Board of Commissioners shall appoint the DPA who is responsible for the plan preparation. The duties of the DPA are specified in both sections of the law and rules (Section 11535 and Rules 706, 707, 711[g]). These duties include:

- arrange and hold meetings of the COMMITTEE
- hold public hearings on the draft plan
- publish public notices
- do research and gather information and public comments necessary to prepare the plan
- draft plan materials and documents
• mail notices and plan materials as necessary
• maintain a central repository for public review of plan materials
• maintain mailing lists
• conduct all public participation activities.

In carrying out these duties, the DPA provides staff support to the COMMITTEE. The St. Clair County Metropolitan Planning Commission (SCCMPC) operates under the State Enabling Legislation and is charged with the responsibility of comprehensive planning for the county. The County Board of Commissioners appropriates funds to staff the SCCMPC’s annual work program which consists of six full-time employees. Inasmuch as staff is responsible for duties comparable to what has and continues to be required for the drafting of the solid waste management plan, it is appropriate that the staff which serves the St. Clair County Metropolitan Planning Commission can serve the staff functions of the DPA.

There is no role of approval by the SCCMPC in this process. The COMMITTEE serves that function and will continue.

Therefore, the COMMITTEE, and not the SCCMPC serves as the policy body in the preparation and drafting of the solid waste plan. By designating the SCCMPC as the DPA, it is implicit that the staff of the SCCMPC will function as staff to the COMMITTEE and there will be no approval authority on behalf of the SCCMPC.

Attest:

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Ted Frantz, Chairperson     Date
Solid Waste Management Planning Committee

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Steven Cooper, Chairperson     Date
St. Clair County Metropolitan Planning Commission