

Wayne County Solid Waste Management Plan

Amendment to Facility Inclusion Request Riverview Land Preserve

MAY 2, 2022

209-4211498 .017

PRESENTED FOR

City of Riverview

14100 Civic Park Drive
Riverview, MI 48193

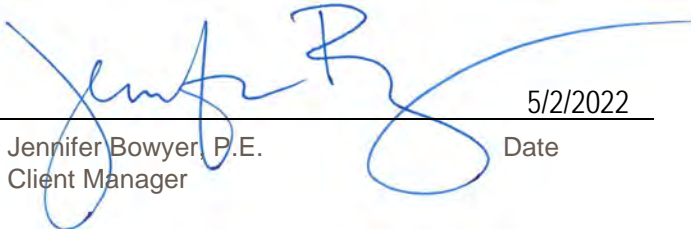
SUBMITTED BY

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REPORT CERTIFICATION

The material and data in this report were prepared under the supervision and direction of the undersigned.



5/2/2022

Jennifer Bowyer, P.E.
Client Manager

Date

EXECUTIVE SUMMARY

The City of Riverview (City) submitted a Facility Inclusion Request (FIR) to the Wayne County Solid Waste Management Planning Committee (Committee) on January 6, 2021, to expand the Riverview Land Preserve (RLP) by about 45 acres. After review of the FIR and a public hearing on August 2, 2021, the Committee made a motion to accept the recommendation of the Environmental Services Director (ESD) Mr. Patrick Cullen, as set forth in his memorandum dated July 26, 2021 ("Memorandum"), and to further request that the City conduct informative sessions with surrounding communities to apprise them of the application and operational processes.

This Amendment to the 2021 FIR Application ("Amendment") includes responses to the three (3) recommendations in the Memorandum and addresses the issue of community involvement. Those recommendations are specifically addressed in the following sections of this Amendment.

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Attachment 2 Additional Support Letter

Attachment 2 M-EGLE Communication

ACRONYMS/ABBREVIATIONS

Acronyms/Abbreviations	Definition
WCSWMP	Wayne County Solid Waste Management Plan
ESD	Environmental Services Division
M-EGLE	Michigan Department of Environment, Great Lakes, and Energy
FIR	Facility Inclusion Request
RLP	Riverview Land Preserve

1.0 COMMUNITY SUPPORT

On March 7, 2022, the sitting Riverview City Council (“City Council”) unanimously expressed support for the current landfill expansion request (FIR). The motion language is “that Support by the Riverview City Council of the Riverview Landfill Expansion Application, as submitted to Wayne County in 2021, which is critical to derive revenue from its operations while the City seeks other viable alternatives in financially securing our City’s future, be Approved.”

In April 2022, the City conducted a survey, administered by Cobalt Community Research (Cobalt), to assess the residents support within the City for this expansion proposal. The survey was sent to 8,797 registered voters by mail, with the option to respond on-line or by mail. On April 18, 2022, Cobalt presented the data to the City Council. The results were two to one (2:1) in favor of the expansion, of 2,715 responses. The survey text is included here:

Land Preserve Expansion

1. The City of Riverview – in conjunction with Riverview Land Preserve (RLP) – has proposed a 45-acre expansion to have capacity for an additional 15 years of operation. RLP serves 16 Downriver communities (with a population of over 300,000 people – around 18 percent of Wayne County’s total population).

RLP currently contributes \$3.5 million in revenue to the City of Riverview annually, making up approximately one-fourth of the City’s general fund budget which helps to support police, fire and other public services. The \$3.5 million contribution to the general fund is equivalent to approximately 11 mills of property tax levy, which otherwise would need to be placed upon property owners tax bills to provide the current level of City services.

Do you support the expansion of the Riverview Land Preserve?

☐ Yes ☐ No

The administration and evaluation of the survey results confirmed and documented the largely unspoken, quiet support for the expansion by the City’s residents. It is important to note the participation rate is 30.8% which well exceeds the typical response rate for such surveys and is well over the response rate needed to validate the data. A summary from Cobalt is provided as Attachment 1.

The City is very conscious of the surrounding community residents’ opposition to the expansion. However, the RLP expansion request is technically sound, complies with environmental regulations, and provides an “essential service” as defined in the Covid-19 pandemic shut-downs in 2019-2021. The 2021 FIR further made the argument that the RLP is a regional resource and benefits the surrounding Downriver communities. In spite of the landfill-adjacent residents’ opposition, several surrounding communities have expressed support for the proposed expansion and submitted statements to that effect. The support for the expansion is based on the fiscal obligations of each community; to provide services at the lowest possible cost.

The Mayor, City Manager, and City Council have conducted open dialogues with surrounding and regional communities and County government to express the importance of the continuation of the RLP. Most communities recognize the necessity of solid waste services and are supportive of this request for expansion. Their letters of support were submitted with the original FIR and one additional from the City of Taylor is attached hereto for the Committee’s review (Attachment 2).

2.0 RECYCLING

2.1 WAYNE COUNTY ESD RECOMMENDATION

In the Memorandum, Mr. Cullen wrote:

“As a demonstration of its consistency with the goals of the WCSWMP, ESD recommends that the City of Riverview amend its Host Community Agreement with a commitment to either (a.) provide curbside recycling services to its residents or (b.) ensure the establishment and operation of a second recycling drop off center in the City.”

2.2 CITY RESPONSE

The City has historically invested time and expense to survey residents to determine if curbside recycling was a desired service. Results have consistently indicated that residents did not want this service provided, especially if it resulted in an increase in taxes or fees to the City.

At the April 4, 2022 City Council Meeting, the City's Purchasing Department brought forward the results of a solicitation for bids for curbside, City-wide recycling services. A single bid was provided, with the result that the action was approved to enter a 5-year curbside collection agreement in the City.

The City did receive a grant from the State of Michigan, as indicated in the original FIR application, to establish a second recycling drop off facility on the north side of the City. That second site is still in development but will be open soon for resident drop-offs. The City's statement that the landfill drop off would close if the expansion is not granted was not meant to indicate lack of commitment to this service (p. 4-5 of the Memorandum), but reflected the operational and safety difficulties of having residents entering an unsupervised, closed facility. The second site is outside landfill limits and could remain operational, but with additional costs and operational and considerations for a different City department.

In light of the newly-approved recycling contract for the City, additional grant applications will be submitted to the State of Michigan to reduce the initial expense to the City (i.e., totes purchase and information/promotional materials).

The authorization of this contract also represents another financial investment by the City to comply with the WCSWMP goal to reduce disposal, and to improve the County participation in recycling. Riverview diligently attempted to work with the City of Trenton to develop a joint recycling program, but the City of Trenton's tension regarding the expansion proved insurmountable. Furthermore, residents of the City have expressed some pushback regarding dissatisfaction over additional costs, and this may prove to be an unpopular decision with City residents, but the City is committed to implementing this program.

3.0 ACCESS

3.1 WAYNE COUNTY ESD RECOMMENDATION

In the Memorandum, Mr. Cullen wrote:

“ESD recommends that the RLP revise its application and the City of Riverview amend its Host Community Agreement to relocate the main entrance to the landfill off of King Road to eliminate the impact that truck traffic has on residents and businesses. If the relocated entrance involves property of another community, ESD recommends that a Host Community Agreement between RLP and the additional community be submitted as part of the revised application.”

3.2 CITY RESPONSE

The Allen Road property that will be used for access was purchased by the City in 2017. The frontage on Allen Road would require an easement from Brownstown Township to install a curb cut and access existing utilities.

The City has provided a mutually beneficial proposal to Brownstown Township which describes the proposed access road and property development. The proposal to Brownstown Township included engineering renderings showing the proposed road alignment, parcel development, landscaping, and other site characteristics, included as Figures 1 and 2. The renderings showed the mutually beneficial advantages to installing a business park at that location, while maintaining the separation of landfill services from Brownstown Township's Dawnshire subdivision.

The City's officials met with Brownstown Township officials on multiple occasions subsequent to the hearing, including a meeting with the Wayne County Director of Economic Development to discuss the proposal and obtain approval for the required easement. However, at no fault of the City, little progress has been made for the City to obtain such approval from Brownstown Township for the required easement as Brownstown Township officials have refused to take action to consider the approval of the proposal. Recently, the City's Manager, Mayor, and Mayor Pro-Tem met with the Brownstown Township Manager. At the meeting, the City's officials were informed by the Brownstown Township Manager that the Brownstown Board of Trustees would oppose any business development, any road or access development, and that the Brownstown Board of Trustees would issue a letter of opposition to the proposal and the landfill expansion.

As a direct result of Brownstown Township's refusal to take action to consider the approval of the proposal and Brownstown Township's opposition to the landfill expansion, the City has determined that it is in the City's best interest to move forward with obtaining the necessary permits for the curb cut and access to existing utilities and build the proposed access road and property development in compliance with all Local, County and State requirements. Moreover, the City is not required per Part 115 to enter into a Host Community Agreement with Brownstown Township for the access road. In discussions with M-EGLE, M-EGLE noted that, “host community agreements are not required by Part 115”...while “HCAs can be required by the county plan, they are not enforceable by the state under Part 115.” While the Memorandum recommended that the City enter into a Host Community Agreement with Brownstown Township, Part 115 does not require such agreement. As a result, the City will not be entering into a Host Community Agreement with Brownstown Township. The communication from M-EGLE to that effect is included as Attachment 3.

In addition, any Committee requirement extending another municipality a *defacto* or *dejure* veto over the Land Preserve's application is both legally repugnant to the limited jurisdiction of the Committee's statutory authority and is a dangerous precedent. It is repugnant because the statute's factors do not extend to the Committee any authority to render the present application in any way dependent upon the will of another municipality. It is likewise a danger to the exclusive regulatory jurisdiction of a city to govern itself within its own municipal limits. The

application addresses the Land Preserve's operation in its own municipal boundaries. To add a condition essentially requiring the Land Preserve to expand into another municipality degrades Riverview's governmental autonomy. Each municipality's authority is limited to its own borders. See *City of Riverview v. Sibley Limestone*, no. 257337, Michigan Court of Appeals, April 18, 2006.

4.0 ISOLATION DISTANCES

4.1 WAYNE COUNTY ESD RECOMMENDATION

In the Memorandum, Mr. Cullen wrote:

“ESD recommends that the RLP submits a revised application that identifies a minimum isolation distance from the boundary of the proposed expansion to the Frank & Poet Drain and identifies distances to all off-site water bodies as required in the facility inclusion application.”

4.2 CITY RESPONSE

The City submitted a map depicting off-site water bodies and labeled clusters of related surface water bodies in the original FIR application. A more detailed map is being provided in this Amendment to clarify the distances to each individual water body. The revised map has an alpha-numeric key for each body, with the distances and type of water body listed in a table attachment. The map is attached as Figure E1, and the table is attached as Table E1.

The proposed isolation distance to the Frank and Poet Drain is at least 75 feet from the proposed solid waste boundary to the 100-foot drain corridor boundary. The drain corridor is wider than the drain channel itself, to allow for channel meander, bank access, and flood storage. Once constructed and surveyed, the drain corridor will be documented with an easement as part of the Wayne County permit requirements for the drain location and improvements.

In addition to the isolation distance, any stormwater discharge from the landfill property would be subject to the Wayne County Stormwater Ordinance. The Ordinance requires that stormwater discharge rates are strictly controlled, and stormwater run off is contained and settled before it is released. The RLP will comply with the Ordinance requirements and protect the receiving water body (the Frank and Poet Drain).

The Michigan Part 115 solid waste rules exempt county drains from isolation requirements. It should be noted, however, that the landfill operates under their Integrated Contingency Plan which covers the requirements of the Spill, Prevention, Control and Cleanup (SPCC) and the Storm Water Pollution Prevention Plan (SWPPP) requirements under EPA and State regulations. The plan requires that operational protections are in place to protect surface waters from pollution, as well as regulatory and reporting requirements.

TABLES

Table E1 One-Mile Radius Wetlands and Water Bodies Mapping

**RIVERVIEW LAND PRESERVE
ONE-MILE RADIUS WETLANDS MAPPING
FACILITY INCLUSION REQUEST - APPENDIX E**

MAP ID	WATER BODY DESCRIPTION	WETLAND TYPE	CLOSEST DISTANCE TO SITE (MI)	DIR.
1	Detroit River	Riverine	1.70	E
2	Stormwater Pond	Freshwater Emergent Wetland	1.24	SE
3	Sibley Quarry/Monofill -Groundwater	Freshwater Pond	0.73	E
3A	Sibley Quarry/Monofill - Treatment Pond	Freshwater Pond	0.95	E
3B	Sibley Quarry/Monofill - Discharge Pond	Freshwater Pond	1.39	E
4	Huntington Drain	Riverine	0 - 1.0+	NE
4A	Patriot Park - Stormwater Pond	Freshwater Pond	0.53	NE
4B	Patriot Park - Stormwater Pond	Freshwater Pond	0.79	NE
5	Mapped Wetland	Freshwater Forested/Shrub Wetland/Freshwater Pond/Riverine	0.70	NNE
6	Mapped Wetland	Freshwater Emergent Wetland/Riverine	0.62	N
7	Mapped Wetland	Freshwater Forested/Shrub Wetland	0.45	NW
8	Mapped wetland	Freshwater Forested/Shrub Wetland	0.56	W
8A	Stormwater Pond	Freshwater Pond	0.93	W
8B	Ditch/Channel - RailRoad	Freshwater Pond	0.82	W
8C	Ditch/Channel - Industrial	Freshwater Pond	0.79	W
8D	Stormwater Pond	Freshwater Pond	0.84	W
8E	Stormwater Pond	Freshwater Pond	0.90	W
9	Gudith Drain	Freshwater Pond/Riverine	0.1 - 1.0+	W
9A	Tributary to Gudith Drain	Riverine	0.47	W
9B	On-Site Stormwater Pond	Freshwater Pond/Riverine	0.90	SW
10	Blakely Drain	Freshwater Pond/Riverine	0.10	W
10A	Mapped Wetland	Freshwater Forested/Shrub Wetland	0.13	W
10B	Blakely Conservation Easement	Freshwater Pond	0 - 0.2	SW
11	Mapped Wetland	Freshwater Forested/Shrub Wetland	0.63	SW
12	Mapped Wetland	Freshwater Forested/Shrub Wetland	0.83	WSW
13	Clee Drain	Freshwater Pond	0.66	WSW
13A	Mapped Wetland	Freshwater Forested/Shrub Wetland	0.89	SW
13B	Stormwater Pond / Clee Drain	Freshwater Pond	1.04	SW
14	Mapped Wetland	Freshwater Emergent Wetland	0.06	N
15	Marsh Creek (Drain)	Freshwater Pond	0.14	SW
16N	Frank and Poet Drain	Riverine	0 - 1.0+	N
16S	Frank and Poet Drain	Riverine	0 - 1.0+	S
17	Van Kleef Drain	Riverine	0.77	NW
18	Golf Course Pond	Freshwater Pond	0.06	E
19	Golf Course Pond	Freshwater Pond	0.17	SE
20	Golf Course Pond	Freshwater Pond	0.12	SE

FIGURES

Figure 1 Access Road Rendering – Street-level view from West looking East

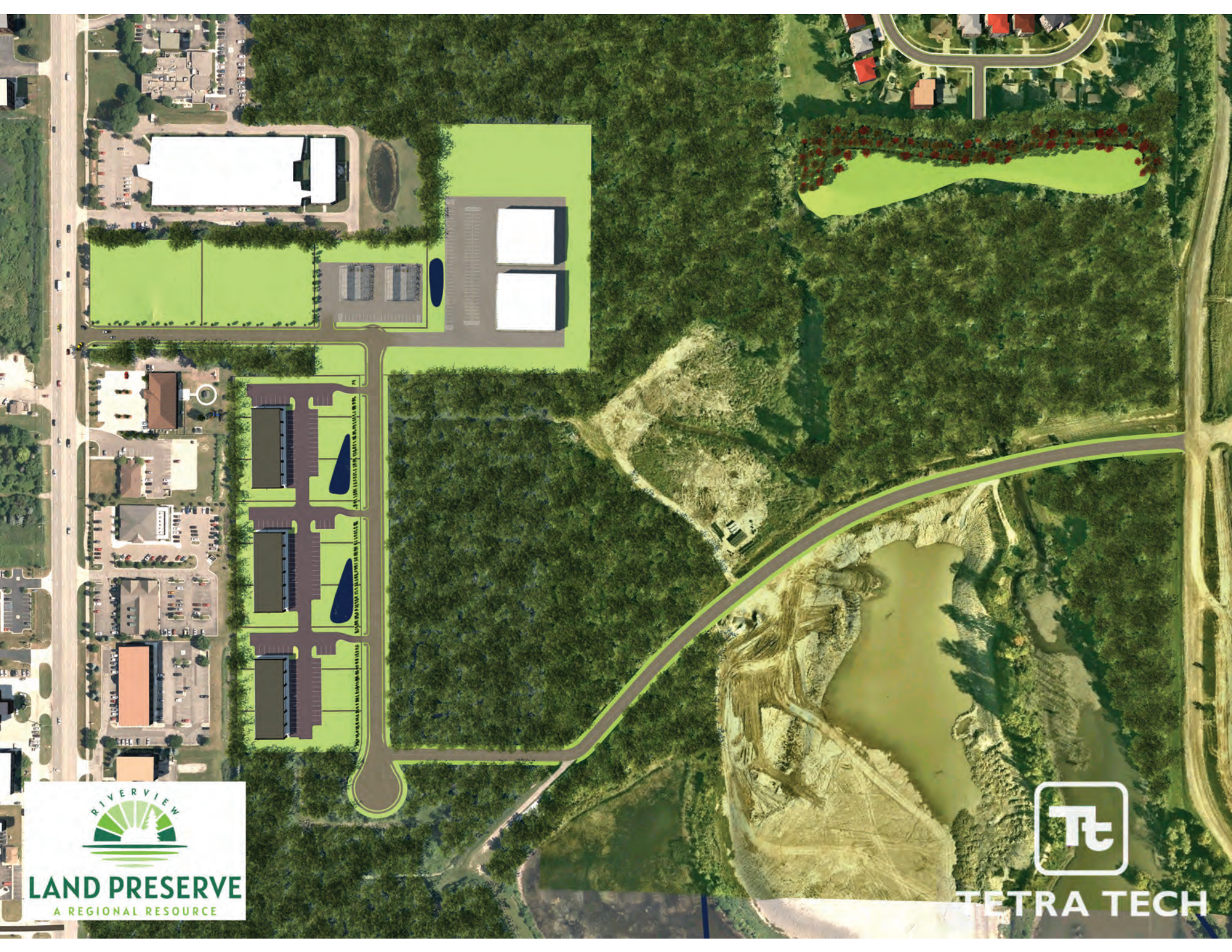
Figure 2 Access Road Rendering – Aerial view of potential development(s)

Figure E1 Wetlands Inventory

Figure 1: Access Road Rendering – Street-level view from West looking East



Figure 2: Access Road Rendering – Aerial view of potential development(s)



LAND PRESERVE
A REGIONAL RESOURCE



TETRA TECH

Figure E1: Wetland Inventory and 1-Mile Radius

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ONE-MILE RADIUS WETLANDS MAPPING
FACILITY INCLUSION REQUEST - APPENDIX E**

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ATTACHMENT 1: COBALT SURVEY STATISTICS

City of Riverview Resident Study

April 2022



Methodology

- Single mailing to 8,797 residents from City voting records
- Conducted using a single mailing in March 2022. Residents had the option to respond online with unique, random ID number or respond with a postage-paid business reply envelope.
- Valid response from approximately 2,715 residents, providing +/- 1.56 percent margin of error with a confidence level of 95%
 - **Note:** National surveys with a margin of error +/- 5% require a sample of 384 responses to reflect a population of 330,000,000

Population	Count	Gender % Female	Average Age
Mailing List	8,797	54.6%	54
Sample	2,715	53.1%	62

Distribution of Support

Land Preserve Expansion

1. The City of Riverview – in conjunction with Riverview Land Preserve (RLP) – has proposed a 45-acre expansion to have capacity for an additional 15 years of operation. RLP serves 16 Downriver communities (with a population of over 300,000 people – around 18 percent of Wayne County’s total population).

RLP currently contributes \$3.5 million in revenue to the City of Riverview annually, making up approximately one-fourth of the City’s general fund budget which helps to support police, fire and other public services. The \$3.5 million contribution to the general fund is equivalent to approximately 11 mills of property tax levy, which otherwise would need to be placed upon property owners tax bills to provide the current level of City services.

Do you support the expansion of the Riverview Land Preserve?

☐ Yes

☐ No

	Paper	Web	Total	Total
Yes	1420	327	1747	64.3%
No	710	258	968	35.7%

ATTACHMENT 2: SUPPORT LETTER

TIMOTHY WOOLLEY
Mayor

CYNTHIA A. BOWER
City Clerk

MICHELLE TOCCO
Treasurer

City of Taylor

23555 GODDARD ROAD

Taylor, MI 48180

PHONE: (734) 287-6550

www.cityoftaylor.com

CITY COUNCIL

DOUGLAS A. GEISS
Chairman

JILL BRANDANA
Chairwoman Pro-Tem

Council Members
CHARLEY JOHNSON
BUTCH RAMIK
LINDSEY ROSE
IRA SLAVEN
ANGIE WINTON

February 14, 2022

Wayne County Executive, Warren Evans
Chief of Staff Assad Turfe
Assistant Wayne County, Executive Khalil Rahal
Wayne County Facility Inclusion Committee
City of Riverview Mayor Andrew Swift

Re: The City of Riverview's Application to Expand Riverview Land Preserve

Dear Mr. Evans, Mr. Turfe, Mr. Rahal, Ms. Watts, FIC, Mayor Swift,

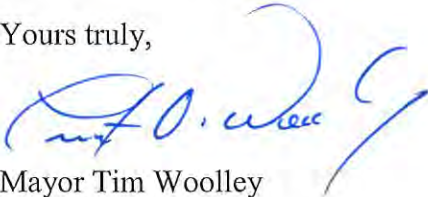
I support the City's application to expand the Riverview Land Preserve (RLP), which has provided a vital service to our region for more than 50 years and is an essential part of the Downriver infrastructure. An expansion will benefit the residents and businesses in my community in a number of ways, including:

- Having RLP close by makes Downriver life better by protecting local family and municipal finances.
 - Having RLP close saves my constituents a notable amount of money each year, freeing up resident's money for other needs.
 - RLP provides safe and low-cost contract disposal services for commercial development as well as residential construction projects.
- RLP is an important resource for all neighboring communities. Annually, the Land Preserve generates millions of dollars in fees to support Wayne County household recycling and enrichment programs such as Community Shred Day each fall.
- I appreciate that RLP produces affordable renewable energy for Downriver. RLP's landfill gas-to-energy system collects enough gas to provide electricity to 3,700 homes every year and is sold to DTE Energy.
- RLP creates and sustains good paying jobs.
- Through its purchasing, the Land Preserve supports many businesses in my community.
- RLP is an educational resource for school districts, universities and civic groups. School field trips, STEM projects, visits from local Boy Scout Troops, and more help our youth learn first-hand about the importance of recycling at home and the role of landfills when it comes to managing waste.

Riverview Assistant City Manager and Land Preserve Director, Mr. Jeff Dobek has been strengthening our partnership, and he has truly opened lines of communications to Downriver citizens in my community and beyond.

RLP serves 16 local communities (with a population of over 300,000 people- around 18 percent of Wayne County's total population) very well and is good neighbor. I firmly support the City in its efforts to expand the life of the Riverview Land Preserve. This is an extremely important project for our region's economic and functional stability.

Yours truly,



Mayor Tim Woolley
City of Taylor

Wayne County Executive Warren Evans: ceo@waynecounty.com

Assistant Wayne County Executive Khalil Rahal: krahal@waynecounty.com

Wayne County Executive Chief of Staff Assad Turfe: aturfe@waynecounty.com

Wayne County DPW Director Beverly Watts: bwatts@waynecounty.com

City of Riverview Mayor Andrew Swift: aswift@cityofriverview.com

ATTACHMENT 2: M-EGLE COMMUNICATION

From: Kecskemeti, Tracy (EGLE) <KECSKEMETIT@michigan.gov>

Sent: Monday, December 20, 2021 10:27 AM

To: [REDACTED]; Keatley, Aaron (EGLE) <KeatleyA@michigan.gov>

Subject: RE: Solid Waste - Host Agreement

Hi [REDACTED]

Host community agreements are not required by Part 115. Part 115, as it is currently written, requires that a disposal area be included in the county solid waste plan for the county where the site is located. HCAs can be required by the county plan, but they are not enforceable by the state under Part 115. Wayne County's plan has an HCA requirement. I can't think of another county with that system, but I can look into that if needed. If you're dealing with a site in a county with an HCA requirement, you should contact that county about the access road question - I don't want to take a guess at how they approach that issue.

The proposed Part 115 amendments provide for more direct involvement from adjacent counties in planning, but there is still no HCA requirement.

Please let me know if you need more information and I will connect you with our planning staff.

Thank you,

Tracy Kecskemeti
Assistant Director
Materials Management Division
Michigan Department of Environment, Great Lakes and Energy (EGLE)
248-200-6469 | kecskemetit@michigan.gov
[Follow Us](#) | [Michigan.gov/EGLE](https://michigan.gov/EGLE)

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Hi Aaron,

I hope all is well!

I'm looking for some information regarding Host Agreements for Solid Waste Landfills.

Is a host agreement required with a municipality that doesn't actually have the landfill (or any waste) located in any part of the municipality.....but does has an access road to the landfill itself?

I've been looking through various documents but can't find my answer.