



# Public Services

## MEMORANDUM

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**To:** Wayne County Facility Inclusion Committee (FIC)

**From:** Patrick Cullen, Environmental Services Division (ESD) Director *PC*

**Date:** November 10, 2022

**Re:** Proposed Riverview Land Preserve (RLP) Expansion - Cell 8 Revised Application

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Staff of the Wayne County Department of Public Services' Environmental Services Division (ESD) has completed its review of the City of Riverview's revised application for inclusion into the Wayne County Solid Waste Management Plan (WCSWMP) for an expansion of their Type II municipal solid waste landfill located at 20863 Grange Rd. in Riverview, MI. This revised application was submitted in response to the motion made at the August 2, 2021, meeting of the FIC to address the concerns of Wayne County and the potentially affected parties.

The proposed Cell 8 would overlay the existing Cell 7 and extend eastward for an approximate 45 acres on City owned golf course property, resulting in 16.5 million cubic yards of additional solid waste disposal airspace. The proposed expansion also includes the relocation of the Frank & Poet and Huntington Creek West Drains to accommodate Cell 8. Pursuant to Part 115 of State Act 451, the facility must demonstrate consistency with the WCSWMP to apply for a construction permit from the Michigan Department of Environment, Great Lakes and Energy (EGLE).

Pursuant to the inclusion process outlined in the WCSWMP, ESD sent notices to potentially affected parties within one half mile of the Riverview Land Preserve notifying them of the revised application and providing 30 days to submit comments on this proposal. Copies of the revised application were available for review at the Riverview Public Library and on the Wayne County website. The public comment period ended on November 7, 2022, with more than 200 written comments received from the public on the revised proposal. Separate from the written comments directed to the FIC, the City of Riverview submitted 143 electronic form letters of support for their revised proposal. Two online petitions were submitted by a Trenton resident in opposition to the proposal.

A meeting of the FIC has been scheduled for November 14, 2022. The facility inclusion process in the WCSWMP directs the FIC to review the new information and to consider any remaining comments. The process further directs that "At the end of the meeting the FIC will either determine that their concerns have been reasonably addressed and recommend inclusion of the facility, or will reject the application."

## **ESD Staff Analysis – RLP Revised Application**

The City of Riverview submitted a revised application to the FIC on May 2, 2022. This revised application makes amendments to their January 5, 2021, original application and their July 14, 2021 corrected application.

### **I. Wayne County Solid Waste Disposal Capacity**

The abundance of solid waste disposal capacity in southeast Michigan is one of the factors that have kept disposal costs so low, making Wayne County facilities very attractive for Ontario and other regional sources of waste. Excess disposal capacity also works as a disincentive to the development of material recycling facilities and alternative waste technologies, especially when commodity markets decline. Recent work done by statewide stakeholder groups has resulted in proposed State legislation that moves away from the concept of solid waste management and towards the development of a more sustainable material management system and circular economy. The potential value of discarded materials that could be reclaimed is estimated at \$435 million annually in Michigan. Adding landfill capacity works against the primary goal of the WCSWMP to “reduce the amount of solid waste generated that must be landfilled.”

Michigan law requires every County to develop a solid waste management plan that ensures at least 10 years of disposal capacity for all waste generated within the County. Wayne County currently has approximately 17.9 years of permitted landfill disposal capacity remaining at its four municipal solid waste landfills. Not included in that estimate is sited, but not yet permitted, disposal capacity available at Carleton Farms Landfill in Sumpter Township and reciprocal import/export agreements with Macomb, Monroe, Oakland, and Washtenaw Counties resulting in an effective capacity of more than 25 years. Wayne County currently has sufficient capacity to meet its solid waste disposal needs. There eventually will be need for additional disposal airspace in Wayne County, however, the Committee is advised that they are not required to approve this expansion based on currently sited solid waste disposal capacity.

## **II. August 2, 2021 FIC Motion**

The following motion was passed by the FIC at its August 2, 2021, meeting:

*Riverview Land Preserve must submit a revised application for inclusion that adequately addresses the concerns of Wayne County and the potentially affected parties, specifically:*

- *Recommendations contained in the July 26, 2021 memo from the Environmental Services Division:*
  - *An amended Host Community Agreement from the City of Riverview 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.*
  - *A revised application from RLP and an amended Host Community Agreement from the City of Riverview 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.*
  - *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.*
- *The City of Riverview must have discussions with the leadership of Trenton, Woodhaven and Brownstown Township*

Each of the requests from the FIC on August 2, 2021 are addressed in order below, starting with the recommendations contained in the July 26, 2021 memo from the Environmental Services Division:

***An amended Host Community Agreement from the City of Riverview 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.***

The first and primary goal of Wayne County's Solid Waste Management Plan is to "Reduce the amount of solid waste generated that must be landfilled." One identified means to achieve that goal is to "encourage curbside recycling." Of the 43 communities in Wayne County, Riverview is one of only seven that does not provide curbside recycling services to their residents; and one of only six in the County that does not meet EGLE's definition of providing "convenient access" to recycling (each community with 10,000 or more people must provide each resident access to curbside recycling to meet this standard; or provide at least one drop off location per 10,000 people).

On April 4, 2022, the City of Riverview approved a bid for a 5-year curbside recycling collection service, however the service has yet to be implemented. The City states in their revised application that “additional grant applications will be submitted to the State of Michigan to reduce the initial expense to the City (i.e., totes purchase and informational/promotional materials).” The City also states in their revised application that a second recycling drop off facility, which the City had received prior grant funding for, would “be open soon for resident drop-offs.”

The City points out in their revised application that prior resident surveys regarding curbside recycling “indicated that residents did not want the service provided, especially if it resulted in an increase in taxes or fees to the City” and further that “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.”

***A revised application from RLP and an amended Host Community Agreement from the City of Riverview 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.***

The City’s revised application indicates that their proposal to relocate the landfill entrance on Allen Road “would require an easement from Brownstown Township to install a curb cut and access existing utilities.” The application goes on to state that “...little progress has been made for the City to obtain such approval from Brownstown Township for the required easement” and that “the City’s officials were informed by the Brownstown Township Manager that the Brownstown Township Board of Trustees would oppose...any road or access development...”

The City’s revised application also states “...the City has determined that it is in the City’s best interest to move forward with obtaining the necessary permits for the curb and cut access to existing utilities and build the proposed access road...” It is unclear how the City expects to accomplish these tasks without Brownstown Township’s authorization.

It is important to note that the FIC has not directed the applicant to any specific location for a relocated entrance; it has simply supported the concept to address several of the concerns of the potentially affected parties including truck traffic, noise and blowing debris. Despite the challenges it has encountered constructing an entrance from Allen Road, the City has not offered any alternate entrance as an option. A Sibley Road entrance to the facility, for example, would be located entirely within the City’s boundaries and not require authorization from a bordering municipality.

As an alternate effort to address the impact of truck traffic, the City recently passed a resolution to support the financing of up to 50% of the cost for improvements to the King/Grange roads intersection, subject to approval by the FIC and others for their proposed expansion.

***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.***

Wayne County's facility inclusion application requires that new and expanded landfill proposals provide site plans that include "Distances to off-site water bodies including wetlands and surface drainage within one mile of the site boundary..." The revised application submitted by Riverview includes a more detailed map (Figure E1) and table (Table E1) that identifies major off-site water bodies and the nearest distance to the proposed landfill expansion site. Other than one minor misidentification of a County Drain (Huntington West), the revised proposal meets the requirements of Section II(D) of the facility inclusion application.

***The City of Riverview must have discussions with the leadership of Trenton, Woodhaven and Brownstown Township.***

The revised application did not separately identify the efforts the City of Riverview undertook to have discussions with the three potentially affected communities; however, references are made in different areas of the document of meetings and related discussions that occurred.

Section 1.0 of the revised application states that "The Mayor, City Manager, and City Council have conducted open dialogues with surrounding and regional communities and County government to express the importance of continuation of the RLP."

Section 2.2 (Recycling) states that "Riverview diligently attempted to work with the City of Trenton to develop a joint recycling program..."

Section 3.2 (Access) references the discussions that the City had with Brownstown Township in relation to relocating the landfill entrance.

There is no reference in the revised application to any specific discussions held with the leadership of the City of Woodhaven.

**III. Host Community Agreement**

A Host Community Agreement between the owner of a proposed solid waste disposal area and the municipality it is located in has been the most critical element to Wayne County's facility inclusion process. The standard past practice for municipalities applying to the FIC for new or expanded solid waste disposal areas was to submit a resolution from the respective City Council or Board of Trustees authorizing the proposed application and operation.

In its 2021 application, the City of Riverview submitted a City Council resolution that included a very robust Host Community Agreement between the City and the RLP. It was drafted in a way that is more like a standard Host Community Agreement the Committee would be presented between a private company and municipality for a new or expanded landfill.

In its August 2, 2021, motion, the FIC specifically requested that the City of Riverview provide "An amended Host Community Agreement" to address issues related to community recycling and their proposed relocation of the landfill entrance. The revised application submitted on May 4, 2022 did not include an amended Host Community Agreement nor did it include a resolution from the Riverview City Council supporting the revised application.

On June 20, 2022, the City submitted a copy of the City Council resolution (dated April 4, 2022) authorizing a 5-year curbside recycling agreement as support to Section 2.0 of their revised application. After multiple requests from ESD, the City subsequently submitted a resolution from City Council dated July 18, 2022, that supported the May 2, 2022 revised application.

#### **IV. Summary**

The ESD staff review of Riverview's revised application noted the following:

- Wayne County currently has sufficient disposal capacity to meet its needs.
- The City of Riverview has entered into a 5-year agreement for curbside recycling services; however, this program has not yet been implemented nor has a second drop off facility been established.
- The City of Riverview was unable to reach an agreement with Brownstown Township regarding their proposed relocation of the landfill entrance.
- As an alternate to relocating the landfill entrance, the City of Riverview passed a resolution to finance up to 50% of the cost for improvements to the King/Grange road intersection, subject to approval of the expansion request by the FIC and others.
- The revised application sufficiently addressed Wayne County's concerns regarding isolation distances and identification of off-site water bodies.
- The revised application mentions discussions held with Brownstown Township related to the proposed landfill entrance relocation and with Trenton in relation to community recycling services. No specific discussions with the City of Woodhaven were identified in the revised application
- The revised application did not include an amended Host Community Agreement as requested by the FIC; City Council resolutions in support of their recycling contract and in support of the May 2, 2022 revised application were submitted in lieu of an amended Host Community Agreement.