



Public Services

MEMORANDUM

To: Wayne County Facility Inclusion Committee (FIC)

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

Date: July 26, 2021

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

Staff of the Wayne County Department of Public Services' Environmental Services Division (ESD) has completed its review of the City of Riverview's 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.

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 in order to accommodate Cell 8. Pursuant to Part 115 of State Act 451, the facility must demonstrate consistency with the WCSWMP in order 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 application and providing 30 days to submit comments on this proposal. Copies of the application were available for review at the Riverview Public Library and on the Wayne County website. The public comment period ended on July 2, 2021 with 477 written comments received from the public on the proposal. Separate from the written comments directed to the FIC, the City of Riverview submitted a petition with 418 signatures and 208 postcards in support of their proposal. A copy of an online petition with 1,141 electronic signatures in opposition to the proposal was submitted by a Trenton resident.

ESD staff finds that the Riverview Land Preserve Cell 8 expansion is not consistent with the WCSWMP as proposed and recommends that the FIC requests the applicant submit a revised proposal that adequately addresses the concerns raised by Wayne County and the potentially affected parties. ESD has outlined its specific areas of concern and recommendations in the attached staff analysis of the facility inclusion request from the City of Riverview.

ESD Staff Analysis – Riverview Land Preserve Proposed Cell 8 Expansion

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 11.2 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; newly sited (2018) disposal capacity at Woodland Meadows Landfill in Van Buren Township; and reciprocal import/export agreements with Macomb, Monroe, Oakland and Washtenaw Counties resulting in an effective capacity well in excess of 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.

2017 FIC Request/Wayne County Recommendations

The current expansion request from the City of Riverview is essentially identical in terms of size and location to their request made in 2017. Similar concerns over the proposal have been expressed by the potentially affected parties in written comments to the FIC. The following motion was made at the 2017 FIC meeting:

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

- *Recommendations and comments contained in the September 9, 2017 memo from the Land Resource Management Division*
- *Additional information that addresses quality of life/nuisance concerns from neighboring residents including odor; air quality (including dust and blowing debris); King Rd. maintenance and cleanliness; noise.*
- *Isolation distance of the proposed expansion to the Frank and Poet Drain; measures to protect water quality*

- *Additional information regarding facility and regional capacity as stated in both the LRMD memo and the Committee comments, including analysis of extending lifetime of existing airspace by limiting waste acceptance*
- *A cost-benefit analysis of the proposed expansion, including:*
 - *Cost for expansion vs. revenue received*
 - *Proposed financing for expansion*
 - *Financial impacts to Riverview residents of operating the landfill to current capacity vs. proposed expansion*

Listed below are the recommendations made by the Land Resource Management Division (now ESD) staff in 2017:

- *A new Host Community Agreement in the form of a resolution from the Riverview City Council and Mayor that includes specific support for the inclusion application submitted to the Committee. The resolution at a minimum should reference the volume of waste being proposed as part of the expansion, the intended location of the proposed Cell 8 and any other revisions requested by the Facility Inclusion Committee.*
- *The removal of the proposed MSE retaining wall from the proposal and a limit of the total requested Cell 8 expansion to the originally proposed volume of 12 million cubic yards.*
- *A written commitment to provide curbside recycling services to Riverview residents prior to the construction of the proposed expansion.*
- *The relocation of the main entrance to the landfill off of King Road.*

Each of the requests from the FIC in 2017 is addressed in order below.

A. LRMD (now ESD) 2017 recommendations

- *A new Host Community Agreement in the form of a resolution from the Riverview City Council and Mayor that includes specific support for the inclusion application submitted to the Committee. The resolution at a minimum should reference the volume of waste being proposed as part of the expansion, the intended location of the proposed Cell 8 and any other revisions requested by the Facility Inclusion Committee.*

Host Community Agreements between the owner of a proposed solid waste disposal area and the municipality in which it is located have 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 2017, Riverview's council resolution was not consistent with the application that was submitted regarding proposed capacity of the facility.

The current application presented to the FIC contains a resolution from Riverview City Council that authorizes a far more robust Host Community Agreement (Appendix A.1 in the application) between the City and the RLP. The Host Community Agreement clearly states the purpose, scope and proposed capacity of the facility that is consistent with what is proposed in the application. It

was drafted in a way that is more similar to a standard Host Community Agreement the Committee would be presented between a private company and municipality for a new or expanded landfill. The reasons for the request for a new Host Community Agreement noted in 2017 have been addressed in this application. In this new application, ESD staff is recommending revisions to the Host Community Agreement for different reasons as noted further below.

- *The removal of the proposed MSE retaining wall from the proposal and a limit of the total requested Cell 8 expansion to the originally proposed volume of 12 million cubic yards.*

The current proposal does not include a proposed MSE retaining wall as part of its plan, which comports with the 2017 recommendation. More importantly, the proposed capacity of the facility authorized by Riverview City Council (16.5 million cubic yards) is now consistent with what the stated capacity is in the application. ESD staff finds that this issue has been resolved in the current application.

- *A written commitment to provide curbside recycling services to Riverview residents prior to the construction of the proposed expansion.*

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 and Trenton are two of only eight that do not provide curbside recycling services to their residents; and two of only six in the County that do 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).

The application states that the City of Riverview currently operates a recycling drop off center at the RLP; has extended the hours at the drop off site in order to increase resident participation, collects household batteries and ink jet printer cartridges and toner at City Hall; provides paper shredding events open to downriver residents; has implemented a prescription medication collection drop off; and has offered to work with Wayne County to provide the RLP as a drop off location for Household Hazardous Waste.

The application further states that the City of Riverview was recently awarded a grant from EGLE to expand its current recycling program which includes the purchase of totes for its residents and the creation of a satellite drop off location on the northeast side of the City. Although Riverview's expanded program falls short of providing curbside service to its residents, the establishment of a second drop off location on the northeast side of the City would meet the standard of "convenient access."

ESD staff has concern over statements made in a July 1, 2021 memo addressed to the FIC written by Ms. Jennifer Bowyer (consulting engineer for RLP) on behalf of the City of Riverview. In the memo it is stated that "... the RLP provides a local drop off (with a second in development) for the Downriver communities to drop off recyclable materials. If the RLP closes, that service will no longer be available" and "Refusal to expand this small site will not have any notable effect on recycling other than close the citizen drop off location at the RLP." These statements make it appear as if the City of

Riverview is not serious in its intentions towards making and sustaining improvements in its recycling program, regardless of the state grant funding they have been awarded.

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.

- *The relocation of the main entrance to the landfill off of King Road.*

Nuisance concerns over odor, dust, noise, blowing debris and traffic along King Road at the landfill entrance remain among the most numerous reasons cited during the public comment period from the potentially affected parties in opposition to this expansion. Riverview Land Preserve operates largely in compliance with all Federal, State and local environmental regulations. The facility's license and Operations Plan contain numerous measures to address nuisance conditions on and off site and the application notes several improvements made at the facility to address residential nuisance concerns. However, even the best run municipal solid waste landfill that employs the latest Best Management Practices, has sufficient equipment and personnel, and proactively monitors off site conditions will still be a source of periodic nuisances, especially in adjacent residential areas.

The Riverview Land Preserve may be the most unique operating Type II landfill in the State in terms of how embedded it is in a densely populated residential area. With prevailing westerly winds, the proposed Cell 8 will have the greatest impact on quality of life to Riverview residents living immediately east of the facility. Their current buffer of approximately 2,400 feet will be reduced in half to approximately 1,200 feet. This will increase the potential exposure of those residents to odor, noise and blowing debris. Trenton residents who live immediately south of King Road will likely also experience these nuisances, especially as work progresses on the south side of the proposed Cell 8 and when there are northerly winds.

Riverview Land Preserve operates a sweeper and utilizes paper pickers along King Rd. in excess of the 2,500 feet east and west of Grange Road that is required by the Wayne County Solid Waste Ordinance. However, these measures do not address the impact of traffic and noise associated with using this route as the main landfill entrance. These impacts are felt primarily by Trenton residents located south of King Road.

In Section 2.9 of the application, it is stated that "The City is currently evaluating other options for entrance locations and plans to include a proposed alternate location in the M-EGLE Construction Permit application." Section 8(d) of the Host Community Agreement states: "The main truck entrance and exit will be on King Road. RLP will seek approvals from Brownstown Township and the State of Michigan to relocate the entrance way to the RLP of off property that was acquired in Brownstown Township for that purpose."

The City of Riverview and the RLP have not been prohibited by Wayne County's Facility Inclusion Process in seeking approval from other communities or the State in relocating the entrance. This was a known, identified request from Wayne County staff and the FIC in 2017 and Riverview has had nearly four years to make progress on this issue. But the application as submitted and the Host Community Agreement authorized by the City identifies the entrance as remaining on King Road.

A critical element to this issue for the FIC is that if a relocated entrance involves the property of another community, that area is likely to be deemed by EGLE as part of RLP's defined disposal area in its construction permit and operating license. This would mean that the facility would be located in two different communities and ESD would expect that a Host Community Agreement would be in place for both. An approval of the proposal as submitted would not ensure that the entrance would be relocated as requested by Wayne County and the FIC in 2017.

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.

B. 2017 FIC Requests

- *Additional information that addresses quality of life/nuisance concerns from neighboring residents including odor; air quality (including dust and blowing debris); King Rd. maintenance and cleanliness; noise.*

Nuisance mitigation measures are outlined in Section 9.0 of RLP's application. Please see ESD comments and recommendation above regarding nuisance concerns of the potentially affected parties.

- *Isolation distance of the proposed expansion to the Frank and Poet Drain; measures to protect water quality*

The application does not identify the isolation distance of the proposed expansion to the Frank & Poet Drain. State rules exclude County Drains from isolation distance requirements. However, Section 2D of Wayne County's facility inclusion application does require the applicant to identify "Distances to off-site water bodies including wetlands and surface drainage within one mile of the site boundary;" Section 6 of RLP's application discusses surface and groundwater monitoring measures that are taken to ensure the protection of water quality and Appendix E identifies offsite wetlands within one mile of the site boundary. It does not appear that all off-site water bodies (i.e. natural watercourses) have been identified in the application as required, however.

As noted above, the application proposes to relocate the Frank & Poet and Huntington Creek West Drains in order to accommodate Cell 8. These relocations will require permitting through both Wayne County and EGLE. Wayne County's permit will require sufficient easement to be established in order to ensure future maintenance of the Drains. The proposed relocations would be of benefit to the landowners in both drainage districts by removing existing obstructions and providing improved flood storage throughout the corridor. The costs for this project would be paid for entirely by RLP and the City of Riverview.

ESD recommends that 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.

- *Additional information regarding facility and regional capacity as stated in both the LRMD memo and the Committee comments, including analysis of extending lifetime of existing airspace by limiting waste acceptance*

Section 1.5 of RLP's application discusses facility and regional capacity information. Please see ESD comments above regarding Wayne County facility disposal capacity.

- *A cost-benefit analysis of the proposed expansion, including:*
 - *Cost for expansion vs. revenue received*
 - *Proposed financing for expansion*
 - *Financial impacts to Riverview residents of operating the landfill to current capacity vs. proposed expansion*

Section 1.4.1 of the application discusses the cost-benefits of the proposed expansion and its financial impacts on Riverview residents. Sections 8.5 – 8.6 addresses the proposed financing of the construction and operation of the expansion.

Summary

Wayne County Environmental Services Division staff finds that the City of Riverview's request for inclusion of the Cell 8 expansion at the Riverview Land Preserve is not consistent with the Wayne County Solid Waste Management Plan as proposed and recommends that the Facility Inclusion Committee request a revised proposal to address the concerns of Wayne County and the potentially affected parties. The revised proposal should contain the following:

- 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.
- ESD recommends that RLP submit 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.

Please note that if a revised proposal is requested by the Committee and subsequently submitted by the applicant, the Facility Inclusion Process requires an additional notification to all potentially affected parties along with a 30 day comment period. Within two weeks after the public comment period, the Committee would meet again to consider the revised proposal.