

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE COMMUNICATION

OPERATIONAL MEMO 115-8
REVISION 1

December 17, 1998

TO: All Waste Management Division Supervisors
FROM: Jim Sygo, Chief, Waste Management Division
SUBJECT: Procedure for Consistency Determinations

This memo outlines a procedure for use by the Waste Management Division (WMD) in determining if a solid waste disposal area proposal is consistent with the county solid waste management plan (Plan).

When a district supervisor needs to determine if a proposal is consistent, he or she should forward a written request to the Solid Waste Management Unit (SWMU) Chief. This request should contain all the information necessary for planning staff to evaluate the proposal. Information should include name, location, type of proposal and the consistency findings made by the county including the name of the person and the agency in the county that made the decision, the basis of that decision, and, if available, the procedure used by the county to make the decision.

Information should also be provided which pertains to the basis on which the county Plan requires consistency determinations to be made. For instance, if the county Plan requires a facility to meet certain isolation distance criteria to be consistent with the Plan, include information that addresses these criteria so that planning staff can review the information. This may include such information as isolation distances, design criteria, commitments by the developer, host community agreements, etc. District staff should coordinate with the planning staff to determine the extent of information needed.

The district supervisor should also call the SWMU supervisor and verbally indicate whether he or she agrees with the county's opinion.

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Once received, the SWMU County Coordinator will review the information against the requirements of the approved county Plan and determine if the proposal appears consistent with the Plan. This review will include both the propriety of the county consistency determination, and an independent determination of consistency when applicable. These reviews will compare the requirements of the approved county Plan against the information provided by the district.

A memo to the district supervisor outlining the results of these reviews will be prepared by the County Coordinator for the SWMU supervisor's signature within ten working days of receiving the district written request, unless additional time to resolve relevant issues is needed. The memo will set forth the SWMU position on consistency and the basis for that decision. If the proposed SWMU determination differs from the determination made by the county, this issue will be reviewed by the Solid Waste Program Section Chief, the Enforcement Section Chief, the WMD Compliance and Enforcement Program Manager, the WMD Assistant Division Chief, and the WMD Division Chief, before the memo is sent to the district.

The district will rely on the SWMU determination of consistency in acting on a permit application. If district staff disagrees with the findings of the SWMU, follow-up coordination between district and SWMU staff will be needed with issues elevated through management as appropriate to resolve any disagreements.