

CLINTON COUNTY BOARD OF COMMISSIONERS

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Administrator
Ryan L. Wood
Clerk of the Board
Diane Zuker

RESOLUTION 2009-7 **FOR APPROVAL OF CAPITAL REGION AIRPORT AUTHORITY'S REVISED** **MEMORANDUM OF UNDERSTANDING TO SITE AN AIRPORT INCINERATOR**

At a special meeting of the Clinton County Board of Commissioners held in St. Johns, Michigan on May 7, 2009, at 7:00 p.m.

PRESENT: David Pohl, Larry E. Martin, Jack Enderle, Eileen Heideman, Robert E. Showers and Adam Stacey

ABSENT: Paul McNamara

The following resolution was offered by Commissioner Showers and supported by Commissioner Pohl:

WHEREAS, Clinton County ("County") has adopted a Solid Waste Management Plan ("Plan") pursuant to Part 115 of PA 451 of 1994 ("Part 115"), being MCL §324.11501 et seq.,

WHEREAS, the Plan contains a siting procedure ("Siting Procedure") for review of the consistency of any application for new solid waste disposal areas, including incinerators, within the County;

WHEREAS, the Siting Procedure requires the Clinton County Board of Commissioners ("BOC") to appoint a Site Review Committee ("SRC") to review any application for a new disposal area; for the BOC to make a decision on consistency within 30 days of its receipt of the SRC's recommendation; and--if the BOC makes a negative determination--for an Applicant to request reconsideration by the SRC and BOC within 60 days by providing additional information to the County;

WHEREAS, the Capital Region Airport Authority ("CRAA") has requested that the County implement that Siting Procedure to review a proposed incinerator facility ("Incinerator Facility") at the Capital City Airport to dispose of a waste stream generated at the Airport by the Animal Plant and Health Inspection Service (APHIS);

WHEREAS, the BOC received the SRC's recommendation on the CRAA's proposed Incinerator Facility on March 26, 2009 in the form of a recommended Memorandum of Understanding ("MOU") and on that date the BOC rejected the CRAA's application by refusing to approve the MOU;

WHEREAS, the CRAA on March 31, 2009 and April 1, 2009 requested reconsideration of the BOC's decision pursuant to Paragraph 14 of the Siting Procedure by submitting new information and a proposed revised MOU ("CRAA's Revised MOU"), thereby triggering the 60 day reconsideration review procedures of the Siting Procedure;

NOW, THEREFORE, BE IT RESOLVED that the BOC finds that the CRAA Request for Reconsideration is timely and that the revised application in the form of the CRAA Revised MOU is properly and timely before the BOC for reconsideration;

BE IT FURTHER RESOLVED that the BOC approves the CRAA Revised MOU; directs its execution by the BOC Chairperson and County Clerk and directs the County Administrator to promptly forward the signed copy of the CRAA Revised MOU to the CRAA along with a copy of this Resolution;

BE IT FURTHER RESOLVED that that the BOC Chairperson is directed to forward a letter of Plan consistency to the MDEQ-WHMD, provided that the County Clerk receives from the CRAA by June 1, 2009, a copy of the CRAA Revised MOU that has been signed and approved by the CRAA;

BE IT FURTHER RESOLVED that the BOC Chairperson is directed to send a letter of Plan Inconsistency to the MDEQ-WHMD on or before June 6, 2009 if the County Clerk does not receive a copy of the CRAA Revised MOU, which has been signed and approved by the CRAA by June 1, 2009;

BE IT FURTHER RESOLVED that any resolution, motion or portion thereof that is inconsistent with the above resolution is hereby amended, modified, or superseded.

YEAS: Jack Enderle, David Pohl, Robert E. Showers and Larry Martin

NAYS: Eileen Heideman and Adam Stacey

RESOLUTION ADOPTED

STATE OF MICHIGAN
COUNTY OF CLINTON

I, DIANE ZUKER, Clerk of the County of Clinton do hereby certify that the foregoing resolution was duly adopted by the Clinton County Board of Commissioners at a special meeting held May 7, 2009 and is on file in the records of this office.

Diane Zuker, Clinton County Clerk