

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 7, 2009

Action Agenda

Item No. 6-a

SUBJECT: Update and Recommended Actions – Solid Waste Transfer Station Site Selection

DEPARTMENT: County Management
Solid Waste Management

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S): *Under Separate Cover*

- 1) *Preliminary Concept Plan for a SWTS on Hwy 54*
- 2) *Preliminary Concept Plan for a SWTS on Paydarfar Property*
- 3) *Paydarfar Property – Environmental Assessment (EA)*
- 4) *Paydarfar Property – Finding of No Significant Impact (FONSI) Report*
- 5) *Decision Making Flow Chart and Narrative*
- 6) *Staff Response to Questions Concerning the Adopted Exclusionary Criteria*

INFORMATION CONTACT(S):

Frank W. Clifton, County Manager, 245-2306
Gwen Harvey, Assistant County Manager, 245-2307
Gayle Wilson, Director, Solid Waste Management, 968-2885
Craig Benedict, Director, Planning, 245-2592

PURPOSE: To provide an update on several issues and recommended actions for bringing the search process for a Solid Waste Transfer Station (SWTS) in Orange County to a conclusion.

BACKGROUND:

Summary of Actions and Events Since BOCC Direction to County Management on September 9, 2009:

- The Chapel Hill Town Council acted on September 28, 2009 to remove the Town-owned 8-acre site on Millhouse Road near the Town Operations Center from further consideration by the County for use as a Solid Waste Transfer Station.
- County Management and Legal provided notice to West 54, LLC that the proposed Highway 54 site (0.7 miles west of Orange Grove Road on NC 54 ; 142.7 acres and North Side of NC 54, 8.0 acres) remained under active consideration by the BOCC for use as a Solid Waste Transfer Station.

- County Management has continued discussions with City of Durham officials on the potential use of their Solid Waste Transfer Station located off East Club Boulevard to receive solid waste for disposal from Orange County and the Towns of Carrboro, Chapel Hill and Hillsborough. Orange County has been given verbal assurances that either a short-term or long-term use remains possible.
- A preliminary concept plan for siting a Solid Waste Transfer Station on the County-owned Paydarfar site off Millhouse Road has been further refined by Olver, Inc.
- A Cultural/Archaeological survey of the Paydarfar site was completed as part of the environmental assessment prepared by Olver, Inc. and submitted to the State Clearing House. Planning has issued a Finding of No Significant Impact (FONSI).
- County Management and Planning have had discussions with NC Department of Transportation (NCDOT) officials regarding access and traffic issues pertinent to the Paydarfar site. Olver, Inc. has also discussed this issue with NCDOT.
- Financial Services has continued to coordinate with Bond Counsel on bond reimbursement aspects related to the potential use of the Paydarfar site for the Solid Waste Transfer Station.
- Solicitations have been made by Solid Waste Management for interest by haulers/host landfills to receive solid waste that would be transferred from a Solid Waste Transfer Station sited within Orange County. Four firms representing seven (7) landfills have responded.
- Requests for Proposals (RFPs) have been issued by Asset Management and Purchasing seeking a principal consulting firm and peer review consulting firm to be engaged for the design and engineering of a Solid Waste Transfer Station that would be sited within Orange County, pending BOCC decision on specific site.
- Solid Waste Management has continued to coordinate with Town partners on potential operational and fiscal impacts of an in-County or out-of-County Solid Waste Transfer Station.
- Solid Waste Management has provided a tour of the Hwy 54, Paydarfar, and City of Durham Transfer Station sites to members of the BOCC.
- Lease of the house at 6823 Millhouse Road (future Millhouse Road Park property) has been delayed pending a BOCC decision on the Solid Waste Transfer Station.

Review of Current Conditions and Circumstances:

- The BOCC has two alternative sites within the County under consideration for a solid waste transfer station, each with objections from affected communities.
- The Hwy 54 site is ready to move forward given an affirmative decision by the BOCC (subject to purchase of the site).

- The City of Durham transfer station appears to be a viable option with details and actual costs subject to final negotiations.
- The County owned 10 acre Paydarfar site is a viable option within the County's control but comes with objections similar to those posed by the previously considered Eubanks Road.
- The remaining projected capacity at the current landfill could be exhausted, under best management practices, by Summer 2012.
- The need for a solid waste solution within the County remains a reality, notwithstanding meticulous review and public debate over alternatives; i.e., waste to energy technologies utilization of private vendors, and other options available.
- The solid waste transfer site selection process, re-opened in December 2007 with the engagement of Olver, Inc., has involved intensive technical research and been infused with substantial community participation over a period approaching 2 years.
- Orange County government through the Solid Waste Management Enterprise Fund has expended in excess of \$490,584 for all work, meetings, reports, specialty subcontractors, and certain fees related to the SWTS site search (January 2008 to Present).
- The BOCC has previously agreed to the creation of a Community Advisory Group to be engaged with Solid Waste management and the chosen engineering group to provide a conduit for information, communications and dialogue regarding the development and implementation of a state-of-the-art facility in the spirit of mitigating to the greatest extent practical any adverse impacts.
- The accompanying Attachments are provided to further illustrate current findings and subsequent steps in the decision making process. Attachment 6, Staff Response to Questions Concerning the Adopted Exclusionary Criteria, addresses why, for example, the Paydarfar site proposal did not emerge earlier in the analysis by Olver, Inc.
 - 1) Preliminary Concept Plan for a SWTS on Hwy 54
 - 2) Preliminary Concept Plan for a SWTS on Paydarfar property
 - 3) Paydarfar Property – Environmental Assessment (EA)
 - 4) Paydarfar Property – Finding of No Significant Impact (FONSI) Report
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Summary

The County has spent two years and several hundred thousand dollars pursuing a resolution as to how to handle solid waste disposal once the county landfill closes. Ultimately any site selected within the County for a Solid Waste Transfer Station has negative consequences and connotations, real or imagined. It is estimated approximately 30 months will be needed from the time of the site decision to allow for facility design, permitting, bidding and award of a contract, and construction. The current estimate for landfill capacity is Summer 2012; Further

delays in decision making make an interim plan necessary. The Durham Transfer Station would be a satisfactory remedy as an interim measure.

Orange County is a leader in environmental stewardship. Efforts in this process cannot be viewed as being anything but comprehensive; subject to immense scrutiny and with broad community involvement. Where ever a facility is placed it will impact upon that area and the routes to that location. Where ever placed, all practical means can be employed to establish high standards of quality in facility appearance and operations. These considerations have been paramount in staff efforts to bring forth viable options, consistent with the economic impacts upon future waste disposal costs.

County Management and Solid Waste Management have provided the BOCC a solid body of information that should enable a consensus to emerge on solid waste disposal options. Ultimately, it is the responsibility of the BOCC to make that decision. Staff is prepared to present the various options and respond to questions.

FINANCIAL IMPACT: The cost associated with the negotiation/acquisition and design/development of the solid waste transfer station is estimated at \$5-6 million. When the BOCC received a Capital Funding Update at its budget work session on October 27, 2009, an estimate of \$8 million was provided, representing the *high end* of a funding equation given the unknowns of a land acquisition. Solid Waste Management still believes the \$5-6 million range is viable.

The transfer station capital project will be financed through debt issuance secured by Solid Waste Enterprise Fund and County General Fund revenue with the intent that payment would come entirely from Solid Waste Fund Revenue. Sufficient reserves are available within the Solid Waste Enterprise Fund to initiate property acquisition.

RECOMMENDATION(S): The County Manager recommends the Board consider adopting a motion to approve either Option A, Option B, or Option C and the associated actions contained within the chosen Option, as detailed below.

Option A. Highway 54 site – If the BOCC is prepared to move forward on this site then:

- 1) Authorize the County Attorney and County Management to complete negotiations to acquire the Hwy 54 site, up to a total of 150.87 acres (142.87 main acreage; 8.0 access acreage). The appraised value is \$935,000. A minimum of 36.2 acres is recommended.
- 2) Authorize a reimbursement resolution for the project and authorize actions by Finance to secure financing for land acquisition, professional services, and other project related expenditures as may be required, including appropriate budget amendments
- 3) Direct the County Clerk to begin solicitation of volunteer representatives from the Hwy 54 area to serve on a Community Advisory Committee to be appointed by the BOCC to help guide the design/development phase of the Solid Waste Transfer Station on the Hwy 54 site per BOCC authorization January 2009

Option B: City of Durham transfer station – If the BOCC sees this option as a viable solution, then:

- 1) Authorize the County Manager to proceed with validating an inter-local agreement between Orange County and the City of Durham formalizing future arrangements.
- 2) Direct County Management to begin working with the Towns on amending the 1999 Inter-local Agreement is necessary with regard to the County obligation to provide solid waste disposal facilities and formalizing waste stream flow commitments so that any agreement with the City of Durham provides the towns and county the best rate possible over the course of a long-term agreement.

Option C: County owned property north of old landfill off of Millhouse Road – If the BOCC sees merit in this option, then:

- 1) Direct County Management to begin the process associated with reimbursing the Parks and Open Space Fund for the purchase of the Paydarfar property (\$191,172).
- 2) Authorize a reimbursement resolution for the project and authorize Financial Services to initiate actions to secure financing for land acquisition, professional services, and other project related expenditures as may be required, including budget amendments.
- 3) Request Town of Chapel Hill to donate two adjacent parcels (PIN#9871702353; 9870890971)
- 4) Direct the County Clerk to begin solicitation of volunteer representatives from the Millhouse Road area to serve on a Community Advisory Committee to be appointed by the BOCC to help guide the design/development phase of the project per BOCC authorization January 2009

Note I:

Public water and sewer is located very near this property and could be extended to the site via a bore under the railroad. If there is value in extending those utilities to the site (for this facility and the future park facilities on the parcel to the north) then an amendment would be required to the Water/Sewer Boundary Agreement. We believe the site can be serviced with a well and septic tank system so this item might be considered as part of developing the future park site.

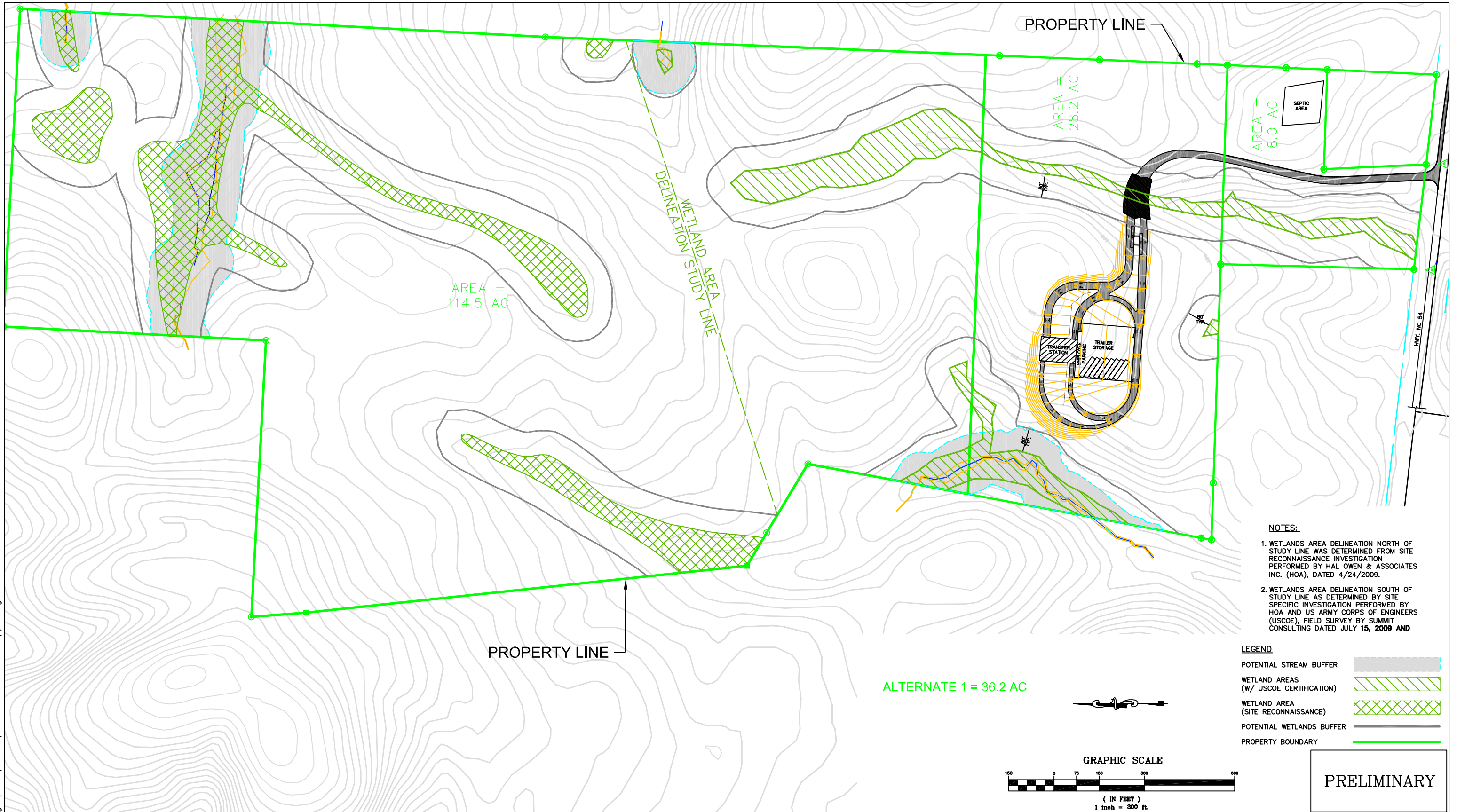
Note II:

Selection of this site will generate community concern and opposition. While not fully mitigating the selection of this site upon all parties, it is suggested that the BOCC might consider allocating some portion of the land purchase differential between the Hwy 54 site (\$935,000 appraised value) and the acquisition reimbursement on the County owned site (\$191,172) totaling \$744,838 as seed money toward public facility improvements in the area (utilities, park improvements, etc.)

Note III:

Alternatively, the BOCC might consider a landfill/transfer station County-Municipal solid waste disposal surcharge (\$1.00 per ton generates approximately \$57,000 annually) and dedicate it to the surrounding community (within 3000 feet) for improvements, including utilities and other public facilities. This surcharge could be implemented beginning July 1, 2010, initially applied to the municipal solid waste (MSW) landfill tonnage.

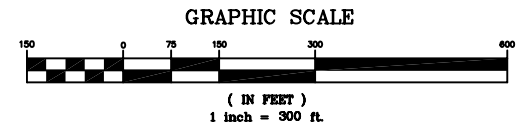
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- NOTES:**
1. WETLANDS AREA DELINEATION NORTH OF STUDY LINE WAS DETERMINED FROM SITE RECONNAISSANCE INVESTIGATION PERFORMED BY HAL OWEN & ASSOCIATES INC. (HOA), DATED 4/24/2009.
 2. WETLANDS AREA DELINEATION SOUTH OF STUDY LINE AS DETERMINED BY SITE SPECIFIC INVESTIGATION PERFORMED BY HOA AND US ARMY CORPS OF ENGINEERS (USCOE), FIELD SURVEY BY SUMMIT CONSULTING DATED JULY 15, 2009 AND

LEGEND

POTENTIAL STREAM BUFFER	
WETLAND AREAS (W/ USCOE CERTIFICATION)	
WETLAND AREA (SITE RECONNAISSANCE)	
POTENTIAL WETLANDS BUFFER	
PROPERTY BOUNDARY	



PRELIMINARY

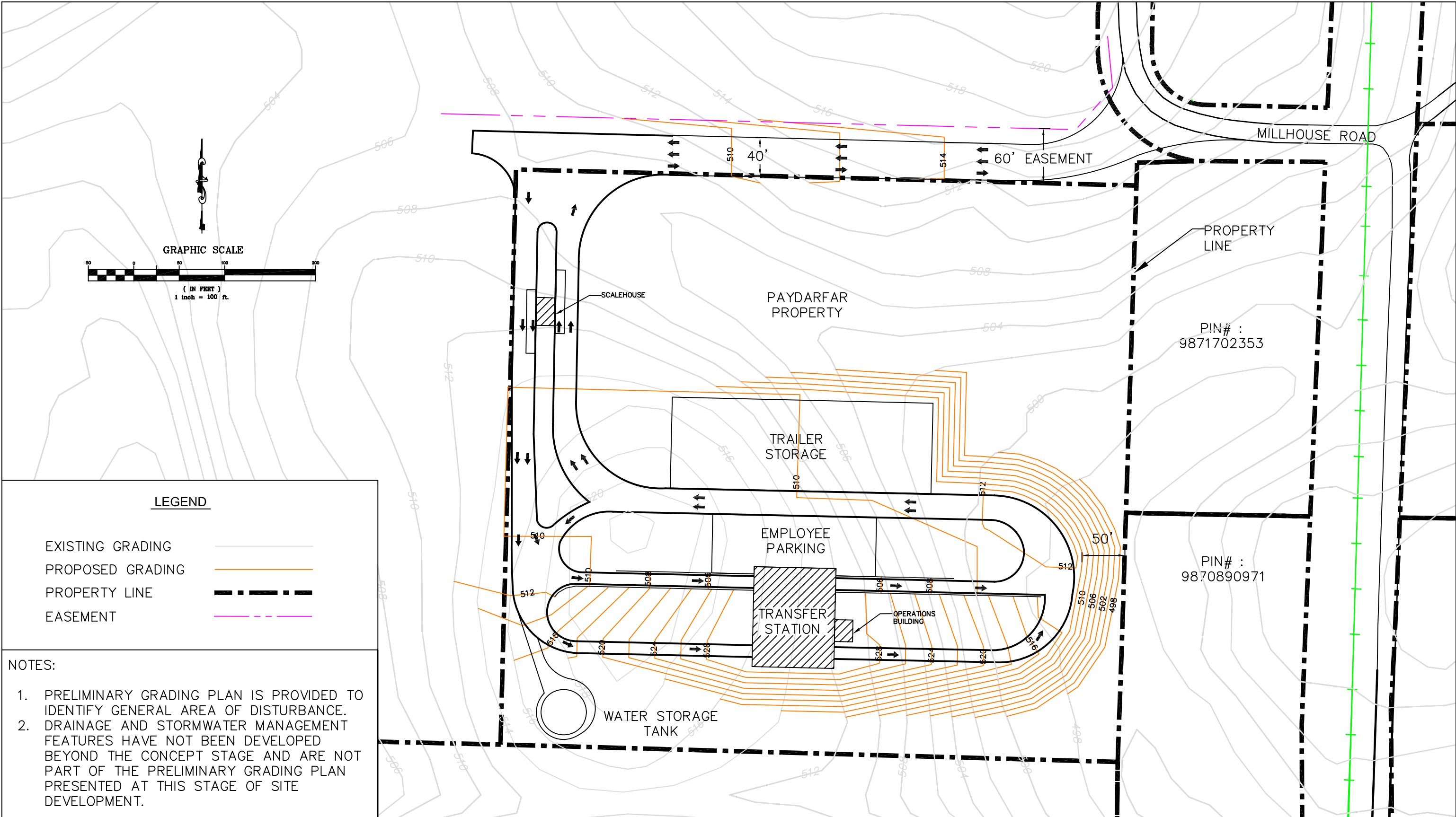
OLVER INCORPORATED
 Consultants and Environmental Engineers
 C-15557
 1135 KILDAIRE FARM ROAD, SUITE 200
 CARY, NORTH CAROLINA 27511 (919) 657-0232

Designed: <u>RCS</u>	Scale: <u>1"=300'</u>
Drawn: <u>JMD</u>	Job No.: <u>20151</u>
Checked: <u>RCS</u>	Date: <u>NOV. 2009</u>


ORANGE COUNTY, NC
 PROPOSED TRANSFER STATION
 WEST 54 LLC (056) SITE
 FIGURE 1


Rev.	Description	Date	By


Sheet No.:	
FIGURE 1	
File Name:	J:\BRAGGS\DCA\20151\CONVENIENCE CENTER-PPT.DWG




LEGEND

EXISTING GRADING 


PROPOSED GRADING 

PROPERTY LINE 

EASEMENT 

NOTES:

1. PRELIMINARY GRADING PLAN IS PROVIDED TO IDENTIFY GENERAL AREA OF DISTURBANCE.
2. DRAINAGE AND STORMWATER MANAGEMENT FEATURES HAVE NOT BEEN DEVELOPED BEYOND THE CONCEPT STAGE AND ARE NOT PART OF THE PRELIMINARY GRADING PLAN PRESENTED AT THIS STAGE OF SITE DEVELOPMENT.



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Designed: <u> RCS </u>	Scale: <u> 1"=100'-0" </u>
Drawn: <u> NTB </u>	Job No.: <u> 20151 </u>
Checked: <u> RCS </u>	Date: <u> NOV. 2009 </u>

**ORANGE COUNTY, NC
 TRANSFER STATION SITING**

**PAYDARFAR SITE
 PRELIMINARY CONCEPT LAYOUT – SINGLE BAY**

				Sheet No.:
				File Name:
Rev.	Description	Date	By	