

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 11, 2008

**Action Agenda
Item No.** 6-e

SUBJECT: Site Selection Approval – Orange County Transfer Station

DEPARTMENT:

County Manager's Office
Solid Waste Department

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Staff Memorandum to the County
Manager

*Olver, Inc. Report to the BOCC – Site
Selection Status Report (Under Separate
Cover)*

INFORMATION CONTACT:

Laura Blackmon, County Manager, 245-
2306

Gwen Harvey, Assistant Manager, 245-
2307

Gayle Wilson, Solid Waste Director,
968-2285

PURPOSE:

To present technical report, including options, and recommendations to enable the BOCC to approve a site for a Solid Waste Transfer Station in Orange County

BACKGROUND:

At its Transfer Station Work Session on October 21, 2008 the BOCC decided on three candidate sites to take forward to further public scrutiny and participation. The sites were:

Site 056 – 0.7 miles west of Orange Grove Road on NC 54 (West 54, LLC) – 142.7 acres

Site 759 – 0.3 miles west of Orange Grove Road on NC 54 (OWASA) – 43 acres

Site 779 – 1.0 mile west of Orange Grove Road on NC 54 (Warren & Dodson) – 85.5 acres

The Public Comment Meeting was held on November 17 followed by a Transfer Station Work Session on November 18. At the Work Session, the BOCC received a summary presentation from Olver, Inc. on the interests and concerns raised by the community. As a result of their debriefing and discussion, the BOCC directed County Management and Olver, Inc. to provide additional information that would help facilitate a site decision, proposed to occur on December 11, 2008. Two documents are attached in response – a Site Selection Status Report by Olver, Inc. and a Staff Memorandum to the County Manager.

Technical Report

The Site Selection Status Report was designed to address the major questions from the Public Comment Meeting as summarized below:

Siting Process Overview: Three sets of criteria – Exclusionary, Technical, and Community-Specific – based upon extensive BOCC and public participation and input were applied to 242 parcels resulting in the presentation of ten (10) candidate sites and BOCC determination of three (3) sites held for Public Comment .

Exclusionary criteria included the minimum 25 acre site size to provide adequate buffering and allow sufficient space for storm water management and selected expansion in facility functions to meet future solid waste management needs.

Technical criteria considered rail access with additional points granted to the scoring of any site with potential rail access.

Amenities: Environmental Protection Agency guidance documents suggest a number of amenity-related provisions that may be applicable to the affected community, and agreed to by the local governing body, including roadside cleanup of litter on access routes, provisions for environmental education and learning, and restrictions on vehicle traffic, etc.

Zoning: A transfer station can be located in all zoning districts in the exclusive planning jurisdiction of the County where governmental facilities and office buildings are permitted. If not located within an area within the County's exclusive planning jurisdiction, other units of government may be involved in permitting/approval. Based upon current industrial zoning classifications in the County, there are only four available parcels, the largest of which is approximately 5.8 acres.

Permitting: Transfer facility application requirements include site and operations plan, zoning approval letter from local government, and other information pertinent to ground water monitoring, surface water monitoring, and environmental compliance. Based upon initial discussions with the Department of Environment and Natural Resources (DENR), permitting of the proposed transfer station will not require a formal traffic study and will not require an Environmental Assessment.

Sustainability Considerations: The proposed transfer station could be salvaged or renovated for other future use if waste transfer is discontinued. The building envelope will be constructed from environmentally preferable materials that minimize lifecycle environmental impacts, resource depletion, and human toxicity. Best management practices will be implemented in the development of storm water management and control measures for areas beyond the building envelope.

Fire Protection and Utilities: Proposed facility assumes well(s), fire storage tank and booster pumping system coupled with dry type sprinkler system. Non-potable water for transfer station wash down will be provided from the fire protection ground storage tank. Wash down water will be collected and conveyed to a storage tank for containment until recycled or pumped and hauled to a Publicly-Owned Treatment Works (POTW) for disposal.

Waste to Energy Alternatives: The Gershman, Brickner and Bratton Inc. (GBB) report concluded that at Orange County's current level of MSW generation (less than 250 tons per day), it would not be economical to develop a stand-alone waste combustion facility to handle Orange County waste only, and there is insufficient time to forge a regional partnership to pursue, or navigate the environmental obstacles in either case.

Near-Term Solid Waste Management Strategy: The Solid Waste Advisory Board (SWAB), based on its review, of the GBB report, recommends concentrating primarily on siting the transfer station and continuing successful, aggressive recycling efforts.

Recommendations

Olver, Inc. makes the following recommendation for BOCC consideration:

Pursue acquisition of Site 056 (142.7 acres) for the Orange County Transfer Station

(Page 11, Olver, Inc. Report)

- Undeveloped
- Heavily wooded
- Direct access to NC-54
- Minimal floodplain/steep slope encumbrance
- Expansion opportunity for selected ancillary facilities
- Excellent buffering
- Condition upon acquisition of required easement required across second parcel
- Willing seller
- Maintain Site 759 as the second choice

Solid Waste Management makes the following recommendation for BOCC consideration:
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Pursue acquisition of Site 056 (142.7 acres) for the Orange County Transfer Station

(Pages 5-6, Staff Memo to County Manager)

- Within Orange County planning jurisdiction
- No known environmental issues
- High score in both technical and community specific aspects
- Directly accessible from Hwy 54
- Supports no existing farming or other commercial activity
- Large enough to offer few site plan development constraints, potential for future expandability, and maximum buffering
- Forested with re-growth of pine trees
- Not in close proximity to schools, churches, recreation sites
- No known substantive surface or groundwater restrictions
- Will impact few residences
- Bordered on two sides by other public purposes
- Willing seller

The following actions are recommended by Olver, Inc. and Solid Waste Management in conjunction and support of the recommended Site 056 decision:

- Olver, Inc. to prepare an Environmental Assessment (EA) in accordance with State Environmental Policy Act (SEPA) guidelines as part of the site plan approval process.
- The BOCC to expand the Solid Waste Advisory Board (SWAB) membership with the addition of a neighborhood representative to help address and evaluate concerns relating to the transfer station development and provide feedback and advice back to the BOCC.

Discussion

Since the decision in November 2007 to discontinue development of a transfer station on Eubanks Road, and utilize the services of an experienced consulting engineering firm as technical advisor and facilitator, the BOCC, staff, and community have been deeply engaged in a new and systematic siting process.

The new process was founded upon and guided by meaningful, relevant search criteria, painstakingly applied, and presented with extensive documentation for public information and participation. The process was intended and strived to uphold the values of transparency, accountability, and integrity. Momentum has been maintained over the past year because of the criticality of timelines, with respectful appreciation that the task would be difficult, and in recognition no process would go unchallenged or without controversy.

Concurrent with the re-opened site search, the BOCC, SWAB, and staff have pursued and explored alternative waste technologies as evidenced in the comprehensive assessment by Greshman, Brickner and Bratton. While a small scale, mass-burn, modular technology may be a suitable approach for Orange County, given our annual tonnage at present it was deemed too risky and problematic to pursue because of economics, environmental considerations, and time.

The reality remains the County must make every effort to have the transfer station ready when the landfill reaches capacity in late spring-early summer 2011 and the projected timeline for moving forward is at best optimistic and tenuous. (Appendix C, Olver, Inc. Report)

FINANCIAL IMPACT:

There will be substantial costs to the County in the overall land acquisition, design and development of a selected site and the permitting and construction of the actual facility along with any ancillary features the BOCC may authorize. Preliminary estimates for the transfer station alone, separate from land purchase, range from \$5-7 million.

RECOMMENDATION(S):

The Manager recommends the Board:

1. Receive Olver, Inc. Report and Staff Memorandum;
2. Approve recommendation from Olver, Inc. and Solid Waste Management to select Site 056 for the Orange County Solid Waste Transfer Station;

3. Authorize the Manager to negotiate the acquisition of the approved site for the development and construction of the Solid Waste Transfer Station; including: performance of surveys, appraisals, and associated tasks necessary to support acquisition; and initiation of site plan development and permitting for the new facility
4. Authorize expansion of the Solid Waste Advisory Board membership by the addition of a permanent ex officio (non-voting) member to represent new transfer station neighborhood in transfer station planning and operations; and direct the County Clerk to begin solicitation for nominations to be brought for approval at its meeting on January 22, 2009

County management will report back to the Board at its January 22 regular meeting regarding the progress of property acquisition, site plan development, and recommendation for financing the acquisition.

Memorandum

To: Laura Blackmon, County Manager

From: Gayle Wilson, Solid Waste Director

Subject: Transfer Station Site Search

Date: November 28, 2008

While the technical consultant is preparing a comprehensive response to the Board of Commissioners' inquiries and requests, I thought it might be useful to prepare some comments from a staff perspective.

Background

Since a search for a landfill site in the mid 1990s was not successful, staff has consistently brought forth the concept that a transfer station would be required to manage solid waste. Even Orange County's remarkable success in reducing waste has not altered that reality.

In 2001 staff proposed, as part of a Eubanks Road property master plan that the Board of County Commissioners (BOCC) was considering, that the plan indicate a transfer station be located on this property. The BOCC adopted the master plan, absent confirmation that the transfer station would be located there. The BOCC was not ready to commit at that time and wanted to keep its options open.

In late 2005, the BOCC requested that the Solid Waste Advisory Board (SWAB) consider how to proceed with resolving the transfer station matter. The result was a SWAB memorandum in March 2006 confirming that the Eubanks Road site could adequately handle the transfer station. Subsequent discussions with the BOCC resulted in a request for the SWAB to evaluate delivering waste to the Durham Transfer Station rather than local development of a Transfer Station. In August 2006 the SWAB's assessment concluded that the Durham option was not prudent and recommended to the BOCC proceeding expeditiously to develop an in-County facility. In March 2007, the BOCC directed staff to begin planning for a Transfer Station on Eubanks Road (and simultaneously created the Historic Rogers Road Neighborhood Task Force to continue discussions of a neighborhood enhancement program). At the November 15, 2007 meeting the BOCC decided to initiate a new process for identifying and evaluating alternate locations for the Transfer Station.

Subsequent to this November 2007 decision to develop a new transfer siting process, the BOCC obtained the services of an experienced technical consultant to assist in the site search endeavor, developed a new systematic site search process and timeline, created levels of search criteria, created ranking and weighting factors for the criteria, and

incorporated a public input, participation and open meeting component that allowed any county resident to understand, follow and become involved in the process.

Through a series of work sessions and public information meetings the BOCC has labored to develop meaningful and relevant search criteria that appropriately reflected their and the community's environmental and social ethic, including substantive discussions and careful decisions regarding environmental protection, environmental justice, impacts on surrounding neighborhoods, site size, utility availability, zoning and land use, permitting, travel distance and routing, and numerous other search elements.

Weighting and ranking factors were painstakingly discussed and decided. Input regarding environmental justice was requested from the Human Relations Commission. Significant and preeminent focus was given to conducting a fully public process that included extensive opportunity for public awareness and comment, documentation availability, and a transparent process. Alternative technology feasibility has been evaluated, presented and found to not be cost-effective at the level of tonnage that Orange County generates. At least as important the project consultant determined that the siting process for a waste combustion facility or similar technology has been judged far too long to meet the community's needs; a period of seven to ten years is the expected length for facility development.

Over the past twenty years several attempts at a regional solution to managing solid waste have been made by or on behalf of Orange County by the Landfill Owners Group, staff, Triangle J COG, Towns, and various individual elected officials. These efforts have included alternative technologies, multi-jurisdictional landfills and transfer stations and joint recycling programs. None of these attempts was successful for various reasons. However, Orange County continues to be willing to discuss any legitimate alternatives to handling its waste with responsible parties. It is highly likely that genuine long-term solutions to waste management could result from partnering with our neighbors and/or in pursuing a technological opportunity. However, it is the short-term reality that is now before us. We have the challenge we have, not the one we want.

Discussion

Numerous issues have been raised lately regarding the transfer station site search process and criteria, especially now that the BOCC is in the later stages of decision making. Very little was new information and very few issues surfaced that had not been discussed or considered by the BOCC or its technical consultant. There are virtually unlimited adjustments or revisions that could be made to the adopted criteria, ranking, or weighing or other factors. The BOCC was challenged regarding a number of criteria and choices were made through compromise and consensus.

We could engage another consultant. We could seek further alternative technologies in hopes that there is some magic garbage bullet or black box that will make the waste disappear. We could revisit site size, the issue of availability of public utilities, alternative technologies, traffic, environmental justice, or any other criteria or factors.

We could adjust the weighting factors. Making any of these changes could result in additional sites, fewer sites, or sites in other areas of the county. While staff and the consultant await BOCC direction on any alternative approaches thought necessary, those approaches will delay the inevitable need for a decision. The section below addresses some of the issues raised in recent public meetings and the responses based on staff review of work accomplished.

Site Size

The final three candidate sites all exceed the minimum 25 acre search criteria. The BOCC discussed and considered various factors in deciding on the size criteria to be used for the site search process. Staff has previously reviewed with the BOCC various ancillary facilities/services that could be considered to accompany the transfer station and enhance or improve its functionality and/or citizen convenience. Recent discussions have even mentioned the possible need for some future alternative technology type facility. The BOCC has discussed buffering possibilities that would minimize neighborhood impacts and a larger site would allow more buffering. Staff has also previously advocated for an emergency storm debris management area. So while no decisions are being requested regarding any of these possible future needs at this time, it is important to keep in mind potential future needs before selecting and binding future Boards to an undersized property.

While reference has been made to the City of Greensboro's transfer station being on only a 10- acre site, our discussions with Greensboro waste management staff has resulted in their freely acknowledging that their site is too small and constrained.

Staff advises the BOCC to consider this occasion to secure a larger rather than smaller site to eliminate any need for another divisive and disagreeable site search process in the future. It is a certainty under even the best conditions Orange County will have waste and recyclables to manage for decades into the future and will require a location on which to manage it, whether with a transfer station or alternative methodology. If additional property is obtained there would be both an urban and a rural option for future facility/services consideration. We also believe that if a call for smaller sites is granted by the BOCC and smaller sites are identified, these smaller sites will be criticized by their respective neighbors either as being too small or being selected as the result of a corrupted search that deviates from the established public process.

Timeline

The County's landfill is projected to reach capacity in late spring-early summer of 2011. The consultant's suggested timeline to have the new transfer station ready when needed is very optimistic. Delays beyond the current decision making timeline (December 11) will almost certainly result in a necessity to develop (permit and fund) an interim waste transfer contingency plan. The BOCC has already reconsidered its original decision to locate the facility on Eubanks Road and developed the current comprehensive and systematic process to identify a site. To abandon or significantly alter the current process

at this critical stage would probably undermine any additional new or modified site search process and make the final decision permanently suspect and further lengthen transfer station decision-making and project development.

Traffic

Concerns for traffic and other community impact issues have been thoroughly discussed and considered and are integrated throughout the various criteria. Decisions were made to minimize truck traffic on neighborhood roadways and that the final sites are all located along major roadways is evidence of this importance. The large transfer trucks will not be traveling on smaller roads or within neighborhoods and we believe that Highway 54 will be more than adequate to handle the anticipated traffic. In fact, the BOCC can contractually prescribe the routes used by the transfer trucks and we will recommend that they do so. Any site will be developed in close cooperation with state DOT.

Environmental

The issues of public utilities, groundwater contamination, watersheds, facility wash down, and the other various concerns for the environmental protection have been substantively discussed and addressed by the BOCC.

The County has thirty-six plus years of waste management history on which its environmental record can be judged. We lead the state and are among the leaders in the southeast regarding our recycling and waste reduction successes. We operate extremely successful Hazardous Household Waste and electronics recycling programs. We have operated landfills, both unlined and modern lined facilities without a single notice of violation or compliance order during this thirty-six-year period. Our environmental monitoring is second to none in its rigor, consistency and depth and we were among the first if not first in the state in install groundwater monitoring wells at a sanitary landfill in the mid-1970's. The state and local permitting process will require strict adherence to a variety of rules and regulations. All requirements will be met or exceeded.

Summary

There are several conclusions associated with this site search process:

- There is no perfect site or perfect site process
- Any site selected will have opposition
- Unlimited potential adjustments, second-guessing, revisions and delays are possible
- Each adjustment or revision is likely to result in new candidates sites
- All reasonable and necessary actions to protect neighborhoods and the environment will be taken
- The BOCC performed due diligence in carefully crafting the criteria and weighting factors
- The BOCC performed due diligence by establishing a open, fair and informative public process

- The landfill will reach capacity in late spring-early summer 2011 and no practical alternative exists to transferring waste

The Board of Commissioners has spent considerable time and productive effort in developing a fair, open, and comprehensive station siting process, based on an aggressive timeline, consistent with the projected closure of the Orange County Landfill, and with acute sensitivity to community impacts. There was never any preconception that a decision would be made that satisfied every resident or answered every conceivable question. That is impossible. The transfer station site search process was predictably difficult and should soon be brought to its natural conclusion and future waste related siting processes avoided to the extent possible.

Finally, for those residents who have a vision of the future of local waste management and wish to be involved in creating a more sustainable plan for the future should consider volunteering for the local Solid Waste Advisory Board and its ongoing discussions and investigations. Alternatively, citizens could become involved in following the progress of the County's Solid Waste Planning Work Group as they seek to complete a 10-year solid waste management plan by next spring and make ready for public comment. It is certainly less helpful to only become involved a critical junctures of implementation of existing plans or at times where there are severe time constraints.

Recommendation

It is staff's recommendation that Site 056 (West 54 LLC/Howell property) be selected as the site for an Orange County Transfer Station:

- It is in Orange County's planning jurisdiction.
- It possesses no known environmental justice issues.
- It scored high in both technical and community specific aspects of evaluation (combined criteria score ranked it in top 5).
- It is accessible directly from Highway 54 and requires no other roadways for transfer trucks to travel to the interstate.
- It supports no existing farming or other active commercial activity.
- It is large enough to offer few site plan development constraints, to support potential future ability to expand, and provide maximum buffering from present and future surrounding development.
- It has been forested and currently supports primarily a re-growth of pine trees.
- It is not in close proximity to schools, churches, and recreation sites.
- It has no known substantive surface or groundwater restrictions or likely existing environmental concerns.
- It also will impact very few residences.
- Regarding adjacent land uses it is bordered on two sides by other public purpose (OWASA) property allowing further buffering.
- It has a seller willing to negotiate.

11

It is staff's opinion that from an operational and financial perspective Sites #857 and #573 (Hillsborough) and Site #669 (Eubanks Road) are superior. Unfortunately, we believe these sites are not pragmatic options. From past experience and current statements of some of Hillsborough's leaders we believe that the Town of Hillsborough would consider annexation or other uncooperative measures to prohibit the permitting and utilization of either of these sites for a transfer station and possibly even withhold public utilities approvals. Site #669 is not a realistic due to environmental justice concerns and perceptions and a process Town of Chapel Hill staff has previously indicated would include a rezoning and special use permit possibly taking two years.

Site 759 is owned by OWASA and is already dedicated to public use. OWASA has indicated an unwillingness to sell and there may be a reluctance to acquire another public entity's property through use of eminent domain. We believe this site would work fine as a location for a transfer station. While it is my understanding and full confidence that the land application of biosolids is being conducted within strict adherence to all environmental regulations and standards, I am a little concerned that there might be some discrete or delayed impacts found that may over time be improperly attributed to the transfer station or inappropriately cast suspicion that the transfer station was a source. By this property being in the public domain, we believe it better suited to act as a buffer to the adjoining West 54 LLC (Howell) property. If this site is ultimately selected we would recommend proceeding directly to an Environmental Impact Statement rather than beginning with an Environmental Assessment.

Site 779 (Dodson property) is a multi-generational farm that the owner has no interest in selling. There are two other very similar options available in sites #056 and #759 that we think should be considered by the BOCC before this site, since it is similarly situated. It is very probable eminent domain will be necessary to acquire this site.

Staff believes that all three of the final candidate sites would be satisfactory sites for a transfer station. Staff believes that the site search process has been rigorous, fair, and reflective of the priorities and perspectives of the BOCC. Staff believes that continued debate will not add substantively to the process or to the information already presented. Staff further believes it reasonable to consider that maintaining both an urban and rural waste management facility is equitable, given that the existing Eubanks Road facilities date to the early 1970's and will continue to contribute to supporting Orange County waste management functions. Therefore we believe that the entire Site #056 property should be acquired so that future Board's may have waste management options other than Eubanks Road. We believe it is now time to make a decision and proceed expeditiously with property acquisition, site plan development and permitting. We should make every effort to have the facility ready when the landfill reaches capacity in late spring- early summer 2011.