Memorandum

To: SWAG

From: Solid Waste and Public Works Staff of Orange County and Towns of Carrboro, Chapel Hill and Hillsborough

Subject: Priority Items for Inclusion in Interlocal Agreement

Date: September 12, 2014

Introduction

The SWAG requested at its August 25, 2014, meeting that staff of Solid Waste and Public Works Departments set some priorities among the various issues previously identified and enumerated in the BOCC work session of May 13, 2014, and from the SWAG meeting on August 25 that could be part of an interlocal agreement (ILA) among the parties.

To begin the staff discussions, it was felt, in order to establish a contextual framework, that a general set of values should be considered. The proposed values for the Interlocal Agreement for solid waste and recycling are expressed below:

The general objective of the ILA is to develop the organizational framework for the Towns, University and County to work together regarding the provision of solid waste and recycling services and facilities, except for those services or facilities excluded from joint purview. The ILA should also:

- Include funding parameters and means for covered services and facilities that are equitable and adequate to meet short and long term funding obligations;
- Include an advisory function that incorporates substantive citizen and government participation and involvement to provide advice, monitoring, recommendations, etc. to ILA signatories;
- Acknowledge the shared interest of signatories in pursuing environmentally responsible policies, programs and practices whose objectives are minimization of waste to be land disposed and maximizing the reduction, reuse and recycling of waste materials;
- Ensure cost-effective and efficient program and facility operations;
- Prioritize environmental education and outreach around solid waste issues to all residents, businesses and institutions within Orange County; and
- Promote a high level of customer service through programs, services and facilities.

Discussion

Based on discussions among the Town and County solid waste and public works staffs, various issues for creating a functional ILA and future solid waste governance activities were divided into the following three broad categories:

1. Immediate Priority: Elements that should be part of ILA and addressed in the near term;
2. Short-term Priority: Elements of importance that can be part of an ILA but whose details for determining governance are not pressing and can be more specifically defined at a later date; and
3. Long-term Priority: Items of longer-term interest that can be taken up either later by SWAG or by a subsequent advisory board and are not critical to implementation of ILA.

The staffs of all four jurisdictions have prioritized key issues into a table shown on the following pages, according to our general consensual agreement by the ranking method above. In addition, we have provided some comments noting if the items are already addressed in some form in the draft ILA the SWAG has received. Also included are other general comments and notes that may be useful in furthering the discussion among the SWAG to develop the final ILA.

It is recommended that the SWAG consider the prioritization of key issues for the development of the ILA as detailed in this memorandum.

Immediate Priority		
Key Issue	Section of current DRAFT ILA	Additional Comments
Recycling Programs and Services including existing programs/services parameters	Section IV; Section VI article E (performance measures).	While a very specific and well-defined list of current services is now shown as Section IV, whether a specific process governing program expansion, improvement, modification, etc. is necessary or appropriate to be incorporated into the ILA is uncertain. It is clear that programs will change or evolve over time and perhaps changes could be evaluated and discussed by the permanent advisory function contemplated for the ILA and not otherwise delineated in the ILA at this time.
Equitable Funding Mechanisms for establishing fees and making future joint decisions including degree of County discretion in fee (or Tax) setting	Section V	The current Section V discusses financial issues and fees in detail relative to urban & multifamily fees that are assessed solely within the Towns, but does not cover other recycling or other county waste program/facility funding elements. This section is predicated on continued use of fees to fund municipal programs and will have to be revised depending on yet to be made funding decisions.
Creating permanent advisory body including citizens	Section VI article G .	The SWAG is this body for now. Once the SWAG addresses the immediate priorities of developing and authorizing an ILA and creating a recycling financing mechanism, there is already consensus on creating a broader, ongoing advisory function that would include residents. While staff feels creation of an advisory body is essential, it is not likely to be accomplished in the next four meetings of the SWAG.
Development of a Waste Transfer Station within Orange County	Section III Article B and Section VI Article F.	Staff believes development of a local waste transfer facility is important, but does not think that details such as the ownership, operations, location and users of the facility must be defined in the ILA at this time.
Defining Debt in re: withdrawal from ILA	Section I article B and Section V article D	There has been discussion of the need to better define the debt obligations should a member wish to withdraw from the agreement at some point in the future.
Emergency Storm Debris Management/Planning	Section VI article B	The text in Section VI article B seems to adequately cover this element.
Supporting Public Education on Solid Waste & Recycling Issues	Section VI, article D	A communication plan shall be reviewed by the advisory group or board.
C&D Waste	Section IIA	Existing language in Section II.A seems adequate.

Short-term Priority		
Key Issue	**Section of current DRAFT ILA**	**Additional Comments**
Alternate technologies (not burial) including but not limited to organics collection and processing (possibly including biosolids), Waste-to-Energy, etc.	Diversion of organics referenced in Section VI article E.	Alternative technologies hold great promise but staff feels this issue, given the other pressing waste management issues, is better delayed for future consideration by a detailed amendment. Existing ILA language or inclusion in the mission of a future advisory body would seem to sanction or empower ILA members to proceed to evaluate and examine a wide range of possible technologies.
How to involve UNC CH & UNC Hospital		UNC and UNC Hospital are both invited and encouraged to be part of ILA. When UNC and the Hospital are ready to participate the ILA can easily be amended to incorporate them.
Long-term Priority		
Key Issue	**Section of current DRAFT ILA**	**Additional Comments**
Future use of closed LF sites		Long term issue.
Reducing SW not recycled/Regulatory	Section VI article C	Section VI article C addresses existing ordinance (RRMO) regarding solid waste, including landfill bans, illegal dumping, etc. Further investigation of solid waste reduction initiatives may include: regulatory approaches such as landfill bans, further promotion of backyard composting, PAYT and other economic and non-economic incentives. This issue is important but does not seem to be a high priority matter given other, more pressing solid waste business. It would seem appropriate that a new advisory entity could evaluate and make recommendations on these issues either at the request of one or more ILA members or self-initiated.
Partnerships w/ neighboring jurisdictions		While generally appealing it does not appear to be an immediate priority, but rather a longer term issue.