

ORANGE COUNTY BOARD OF COMMISSIONERS

RESOLUTION EXERCISING ORANGE COUNTY'S RIGHT TO INCREASE THE MIXED SOLID WASTE TIPPING FEE TO MITIGATE ADVERSE ENVIRONMENTAL CONDITIONS AND REQUESTING ORANGE COUNTY'S PARTNER MUNICIPALITIES ENDORSE THE USE OF REVENUES GENERATED BY THE INCREASED FEES FOR REMEDIATION EFFORTS IN THE ROGERS ROAD AREA

WHEREAS, the Towns of Carrboro, Chapel Hill, and Hillsborough (the "Partners") are Partners with Orange County in managing solid waste through the Agreement for Solid Waste Management (the "Agreement"); and

WHEREAS, Orange County and its partners have, for many years, received comment on and studied issues involved in remediating adverse environmental conditions and other adverse conditions that may exist in the Rogers Road Area near the Orange County Landfill (the "Landfill"); and

WHEREAS, Orange County and its Partners have been presented, through the years, with evidence purportedly linking the operations of the Landfill to adverse environmental conditions and other adverse conditions in the Rogers Road Area; and

WHEREAS, in spite of Orange County and its Partners' best efforts, solutions to address adverse environmental conditions and adverse harmful conditions in the Rogers Road Area have failed to materialize to the extent necessary to properly address concerns and conditions of importance to the Rogers Road Area residents; and

WHEREAS, Orange County and Chapel Hill and Carrboro residents who live in the Rogers Road Area have endured, among other things, adverse environmental conditions, poor living conditions, landfill related odor conditions, contaminated drinking wells and failing septic systems for many years; and

WHEREAS, Section 4 of the Agreement authorizes Orange County to increase the Mixed Solid Waste Tipping Fee upon thirty (30) days notice to its Partners so long as the increase does not exceed ten percent (10%); and

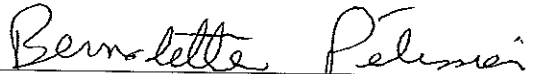
WHEREAS, Section 4 of the Agreement reserves unto Orange County the absolute right to adjust any and all rates and fees for the purpose of, among other things, paying "costs of remediating any adverse environmental conditions at any time existing with respect to the System"; and

WHEREAS, Section 7 of the Agreement authorizes Orange County and its Partners to finance from system funds community benefits for the neighborhoods surrounding the Landfill;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of County Commissioners hereby provides NOTICE to its Partners pursuant to Exhibit B of the Agreement that it will, effective July 1, 2011 increase the Mixed Solid Waste Tipping Fee by five dollars per ton of delivered solid waste to a total of \$57 per ton for FY 2011-12.

BE IT FURTHER RESOLVED, that the Orange County Board of County Commissioners hereby exercises its right to increase the Mixed Solid Waste Tipping Fee to pay for costs of remediating adverse environmental conditions in the neighborhoods surrounding the Landfill and requests its Partners endorse the use of this fee increase revenue, should sufficient funds remain following the environmental remediation, to remediate limited non-environmental conditions and or provide community benefits to the neighborhoods near the Landfill.

This the 26 day of May, 2011.


Bernadette Pelissier, Chair
Orange County Board of Commissioners

Attest:


Clerk to the Board of Commissioners