

## Memorandum

To: Solid Waste Advisory Board

From: Gayle Wilson, Solid Waste Director

Subject: Interlocal Agreement for Solid Waste Management

Date: August 11, 2010

At the May 2010 SWAB meeting a request was made for staff to prepare a report for the August 11, 2010 SWAB meeting that:

- Provides an outline of the existing Interlocal Agreement (Attachment A)
- Notes the changes that have occurred that affect the Interlocal Agreement (IA)
- Summarizes the local philosophy as it pertains to the IA

Following a subsequent meeting with Chairman Jan Sassaman I was asked to prepare a list of elements that need to be considered in discussing a potential new Interlocal Agreement.

### Philosophy

The philosophy that led to the original establishment of the IA appears to be a desire by the Town of Carrboro, Town of Chapel Hill, and Orange County to continue the intra-County cooperation and partnership arrangement that proved reasonably effective for several years, under the tutelary leadership of the Landfill Owners Group. Given the successful performance achieved with regard to landfill operations and its auxiliary services/facilities since 1972, as well as the expanding accomplishments of local recycling programs, it is understandable that some continuing partnership arrangement would have been of interest. The jurisdictions had similar commitments and objectives, such as responsible environmental stewardship, a serious desire to reduce waste and increase recycling opportunities, operating in a manner that is respectful of and responsive to County residents, a demand for efficient, convenient and reliable services, and a funding mechanism that is fair and equitable.

A major impetus for the 1999 change in county-wide solid waste management was the increasing expense and business/regulatory complexity of owning and operating permitted disposal facilities, partially as a result of new environmental regulations and their resulting costs. Additionally, citizen expectations and activism related to recycling and waste reduction and high demands for environmental protection were also a factor. There was also a critical need to improve and streamline decision making capabilities that were cumbersome under the prior joint decision making arrangement. The most striking example of the failure of decision making was the inability to decide on a landfill site, following a six year, half-million dollar site search process during which several

technically sound sites were identified. Most elected officials simply felt that the County was better situated and able to assume management responsibility and equally represented all county residents.

### Changes Affecting the Interlocal Agreement

By most standards of assessment the IA has been a success and has generally met most expectations with regard to execution and operation. The fact that no partner jurisdiction or resident group has requested a formal amendment to or dissolution of the IA is a testament to its successful functioning.

While there may have been rather minor impacts over the past decade with regard to the Interlocal Agreement's provisions, none have had a degree of impact of the transfer station process decision not to develop a local waste disposal facility. Of course this decision could be revisited again in the future. The fundamental basis of the establishment of the IA was the expectation of the provision of a local disposal facility to serve the needs of the entire county and the core governmental responsibility of waste collection. When coupled with the corollary obligation for partners to deliver their waste to the disposal facility to help finance operations, this was the original key component objective of the agreement.

There are also some more transitional related provisions of the IA's provisions that may no longer be relevant. For example, the provisions relating to the County assumption of authority, taking on employees, acquiring system assets, effective dates, Greene Tract disposition, and setting of fees, rates or charges may no longer be needed.

### Elements for New Interlocal Agreement Consideration

The following issues are proposed for consideration/discussion as part of development of a new Interlocal Agreement:

- Financial responsibility for closure and post-closure of landfills
- Municipal waste transfer/disposal
- Provision of storm debris management/processing
- Provision of yard waste management/processing
- Greene Tract issues, if any
- State waste plan preparation/coordination
- Local governments solid waste advisory or coordinating body
- Solid Waste Convenience Centers
- Provision of recycling and waste reduction services/programs
- Long-term management of solid waste enterprise fund and programs/facilities
  - County department
  - Public Authority

It is assumed that the SWAB will discuss these and other relevant Interlocal

Agreement matters as necessary and consider recommendations for the governing bodies to take into account. This will depend in the short term on Town waste handling decisions once the landfill closes and assumptions on joint future disposal opportunities. While it may be possible to revise/modify the existing Interlocal Agreement for Solid Waste Management, it appears that consideration of a new, replacement Interlocal Agreement may be more practicable. Of course it is also possible to take no joint action at this time and each jurisdiction simply goes its own way with regard to waste disposal and potentially recycling.

Staff is available to provide additional information as necessary.