

TO: Joyce M. Grossnickle, Administrative Officer

FROM: Kevin L. Demosky, Acting Director

DATE: May 3, 2011

RECEIVED

Subject: Walkersville Heritage Farm Park Yard Waste Site

Presenter (Name & Title): Kevin Demosky, Acting Director, Division of Utilities and Solid Waste Management (DUSWM) & Phil Harris, Department Head (DUSWM, Department of Solid Waste)

Requested Date: May 26, 2011

County Manager's Office
Phone: 629-7012

Type of Briefing: (Click box to select)

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Administrative Business

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Worksession

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Closed Session

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BOCC/BOE Mtg.

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County/Municipal Mtg.

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Public Hearing

Board Action Desired:

☒

Decision

☐

Guidance

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Information

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PowerPoint Presentation

Staff Coordination: This topic has been thoroughly coordinated with the following Division/Department Directors, and they will have representatives at the presentation. (click to place a check mark in the appropriate box).

	Staff	Initials	Date	Comments
	County Attorney			
✓	County Manager/ Assistant County Manager	BS	5/9/11	
✓	Finance Director	mm	5/4/11	
✓	Budget Officer	JRK	5/4/11	
	Fire & Rescue Services Dir.	mgv	5/4/11	
	Management Services Director			

	Staff	Initials	Date	Comments
	Permitting & Development Review Director			
	Planning Director			
	Public Works Director			
	Utilities and Solid Waste Management Director			
	Elected Officials			
	Independent Agencies			
	Other			

Attachments:

☒

Yes

☐

No

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TO: Joyce M. Grossnickle, Administrative Officer

FROM:

Kevin L. Demosky, Acting Director

DATE:

May 3, 2011

Subject: Walkersville Heritage Farm Park Yard Waste Site

Presenter (Name & Title):

Kevin Demosky, Acting Director, Division of Utilities and Solid Waste Management (DUSWM) & Phil Harris,
Department Head (DUSWM, Department of Solid Waste)

Requested Date: May 12, 2011

Phone: x12997 or x12963

Type of Briefing: (Click box to select)

☐

Administrative Business

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Worksession

☐

Closed Session

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BOCC/BOE Mtg.

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✓	Finance Director	mm	5/10/11	
✓	Budget Officer	JRK	5/4/11	
	Fire & Rescue Services Dir.			
	Management Services Director	mgu	5/4/11	

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	Utilities and Solid Waste Management Director			
	Elected Officials			
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Date

Signature

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MEMORANDUM

TO: Board of County Commissioners (BOCC)
FROM: Kevin L. Demosky, Acting Director, DUSWM
DATE: May 3, 2011
RE: Walkersville Heritage Farm Park Yard Waste Site

ISSUE: Should the Board of County Commissioners discontinue the yard waste recycling program functioning out of the Walkersville Heritage Farm Park location?

HISTORY:

The yard waste recycling site located at the Walkersville's Heritage Farm Park was established in late 1992. Some of the reasons for establishing this recycling location at the time were to encourage diversion and recycling of yard waste material in response to the State's planned disposal ban on source-separated loads of yard waste and the planned recycling requirements implementation requiring Frederick County to recycle at least 20% of its waste (known as the Maryland Recycling Act, or MRA) both of which were implemented in 1994.

Since most yard waste has relatively high moisture content and the State measures recycling rates based on tons instead of volume, yard waste was an initial recycling target for most Maryland counties as they ramped up to meet the new recycling requirements. Even to this day, yard waste recycled by both public and private programs continues to represent a large proportion of the Counties recycling rate.

Initially there were three satellite yard waste recycling locations: Walkersville Heritage Farm Park, the Town of Brunswick, and the Town of Mount Airy in addition to the Reichs Ford Road yard waste recycling site.¹ An initial agreement of responsibilities was established in 1994 with the opening paragraph of the document describing these sites as a joint venture of the Recycling Department and host municipality and signed by applicable town employees that included the following provisions:

The County's responsibilities by way of the initial agreement were as follows:

- ◆ Supply the tub grinder to and from the site for processing collected materials
- ◆ Fund the cost of operation of the tub grinder
- ◆ Establish hours of processing with the host DPW supervisor
- ◆ Established the maximum storage capacity for each location in the event of equipment breakdowns

¹ The Both the Brunswick and Mount Airy locations eventually closed due to environmental concerns and/or misuse and illegal dumping issues.

- ◊ Establish the date for release of processed material and that processed material acceptance shall be on a first-come-first-serve basis
- ◊ Be involved in any changes made to the site by the Host and have the opportunity to review suggested changes
- ◊ Supply basic signage on site
- ◊ Conduct periodic inspections on the site and monitor yard trimming collected in order to determine grinding frequency
- ◊ Set the limitations on what size and kinds of materials to be accepted
- ◊ Waive tipping fees on undesirable material removed from the sites

The Host's responsibilities were as follows:

- ◊ Provide a site large enough for the handling of collected and processed material
- ◊ Develop and maintain the site and all associated roadways, fencing/gating, and lighting as needed except in the case of hardship (defined as labor shortages, fund availability, weather conditions, etc) the host may seek assistance from the County
- ◊ Host's DPW crews will conduct frequent site inspections to keep collected material in desirable location or pile
- ◊ May establish hours and days of site availability to the public
- ◊ Provide labor and equipment assistance as follows
 1. Equipment and operator to feed collected material to the tub grinder
 2. Equipment and operator to remove processed material from the grinder offshoot area
 3. Site greater than one-half acre in and a means to remove the processed material from the offshoot area. Walkersville being a site of this size will need to supply two dump trucks and drivers
 4. Sites smaller than one-half acre will provide means to remove material to the side away from the offshoot area. Brunswick and Mount Airy being sites of this size would use a loader/backhoe to push processed material
 5. Labor to assist with grinding operations
 6. Monitor for undesired material on a regular basis during stockpile maintenance and inspections
 7. Loader as scheduled by the County for removal of material from the site

It is worth noting that none of the duly elected leaders of the three municipalities or the County signed the aforementioned agreement so the binding nature of the terms and conditions are questionable. The existing operating records from the former Bureau of Solid Waste Management suggest that all parties initially attempted to manage these yard waste recycling locations by way of this joint responsibility arrangement. However, over time the responsibility for site operations shifted to the County either formally or informally for all locations with the exception of the Mount Airy site. The Mount Airy site continued to be operated close to the agreed upon terms up until it closed due because of regulatory concerns about odor control and groundwater/surface water discharge.

Specific to the Walkersville site, in an October 7, 1998 letter, to then-Director Mr. Robert Hayes of the County's Public Works Department, from the Town of Walkersville Burgess John L. Thompson requested, among other things, that the County take responsibility for providing a loader to keep the accumulated yard waste pile maintained, or provide compensation to the Town should they have to maintain the yard waste pile themselves. Mr. Hayes responded to this request on November 16, 1998 stating that the County (DPW) would assume full responsibility for the control of the yard

waste by maintaining it in an orderly fashion effective December 1, 1998. During the months leading up to this decision the Town of Walkersville suggested that closure of this site may be necessary due to their concerns from a large backlog of accumulated yard waste resulting from a series of equipment breakdowns. The Town further believed that the County was responsible for all operational aspects of the site. The Heritage Farm Park site has continued to operate under County control since that time.

When the establishment of unstaffed yard waste recycling drop-offs was being considered in the late 1980's it was determined by County staff at that time that no applicable local or state requirements regarding yard waste composting facilities existed. Ms Harriet West, then County Recycling Specialist, provided this determination in a November 29, 1989 letter to the Honorable Mayor Orley Bourland, of the Town of Walkersville. Since this time, much has changed in the state regarding the management of yard waste and composting regulations. In order to conduct a natural wood waste processing operation such as those currently being conducted, a Natural Wood Waste Processing Permit (NWWPP) is required by the Maryland Department of the Environment (MDE). In addition, concerns regarding ground and surface water pollution (nutrients) from such operations have increased since this site was established in efforts to improve the health of the Chesapeake Bay. Increased nutrient management and stormwater management requirements have since been implemented. No planned environmental controls such as stormwater ponds or corresponding permits are in place at this location to address this pollutant potential. Questions on the legality of the continued operations of the Heritage Farm Park yard waste site exist at the staff level due to these potential liabilities.

Should the County be required to address future regulatory issues, particularly the storm water management, designing, permitting and constructing these elements at this location would potentially be very costly to the County. In addition, the operational requirements of a Natural Wood Waste Processing Permit, if applied, are such that the Division of Utilities and Solid Waste Management would be unable to meet them without costly site improvements such as perimeter fencing, and additional staffing and rolling stock.

BACKGROUND

At the time satellite yard waste processing centers were established, limited yard waste collection and processing activity was being conducted at the Reichs Ford Road solid waste management facility. The operation was being conducted on the operational rubble disposal cell and voluminous piles of raw and processed yard waste had to be frequently relocated atop the disposal cell as the working face constantly shifted. In the process, the already low-grade processed material often became mixed with rubble waste resulting in a product that was not desirable to the public.

In June 2008, the Rubblefill capping project was completed and a permanent yard waste processing facility with improved and enlarged operating surface was opened at the Reichs Ford Road location. This new yard waste center now provides an attractive, highly functional location for both commercial and residential yard waste drop-off. It also allows for a more diversified processing operation, which results in the creation of two distinct salable organic products that are now highly desired by the general public. The Reichs Ford Road facility now has the storage capacity to accept the yard waste volumes typically experienced at the Walkersville site. It allows for better monitoring of incoming material and necessary record keeping, which is important for State recycling reporting purposes.

In addition to the environmental and permitting concerns regarding the Heritage Farm Park site, this site is a relatively expensive site or program to operate. Not only are there associated program costs, but this site is also plagued by illegal dumping by various commercial entities. In many cases material has to be removed via roll-off truck from this location either because it is municipal solid waste or the land clearing debris is too large for the County's processing equipment. In either case there are associated clean-up expenses and lost tipping fees with this unauthorized use.

A survey of municipalities and communities (HOAs) is listed below and indicates where curbside or drop-off services exist for yard waste collection.

YARD WASTE COLLECTION SURVEY

MUNICIPALITIES	Curbside	Drop-Off	
Brunswick		x	Every other weekend April - November and weekdays at DPW facility
Burkittsville	x		Twice monthly curbside collection - April - November plus leaves/Christmas trees
Emmitsburg		x	1st and 3rd Saturday of month April - November 9 a.m. to noon
Frederick City	x		Twice monthly curbside collection
Middletown	x		Every Tuesday April - December
Myersville		x	Every third weekend April - November (Friday, Saturday and Sunday)
New Market	x		Weekly curbside pickup April - November
Rosemont		x	Uses containers at Brunswick
Thurmont	x	x	Weekly curbside grass/leaves only April - November and Yard Waste drop-off once a month April -
Thurmont	x		Weekly curbside pickup of grass and leaves only April - November
Walkersville			Residents may take their yard waste to Heritage Farm Park
Woodsboro	x		Weekly curbside pickup April - November
COMMUNITIES			
Villages of Urbana	x		Weekly curbside pickup April - November
Urbana Highlands	x		Weekly curbside pickup March - November
Spring Ridge	x		Weekly curbside pickup April - 2nd week of December
Lake Linganore	x		Weekly curbside pickup April - November
Farmbrook	x		Weekly curbside pickup April - November + special pickups December, February & March

FISCAL CONSIDERATION

The estimated fiscal year 2012 program budget for the Walkersville Heritage Farm Park yard waste recycling site is \$108,409. Of this, \$35,271 is direct costs and \$73,138 is in indirect costs. The indirect cost projections assume that the majority, if not all, of the yard waste would arrive at the Reichs Ford Road location for processing even if the Heritage Farm Park location were to be closed. This assumption is made in part due to the state ban on source-separated yard material and the County ban on yard trimmings being commingled for disposal with municipal solid waste or construction and demolition (C&D) waste.

Given the lack of controls associated with the Heritage Farm Park site, the finished organic product has never achieved the level of quality as is produced at the Reichs Ford Road location and therefore is typically given away at no charge. Should the BOCC decide to close this location and centralize all County operated yard waste processing activities to the Reichs Ford Road location, the yard trimming quality control would improve allowing the materials to be processed into a higher quality material and sold to the general public. Using calendar year 2010 tonnage estimates and current sales pricing for double ground mulch, the DUSWM estimates that it would generate an additional \$82,000 in revenue on product sales alone that could help off-set recycling program costs. This revenue increase would not be the result of user fee increases because customers would be making voluntary or discretionary purchases of the product. This funding increase does not include the anticipated recovery of lost tipping fee revenue associated with the illegal dumping of chargeable waste material at the Heritage Farm Park site.

In summary the total fiscal year 2012 savings of this closure is estimated to exceed \$117,000.

RECOMMENDATIONS

The DUSWM recommends that the BOCC cease the County's involvement in the Walkersville Heritage Farm Park yard waste recycling center effective July 1, 2011.

This recommendation is made based on the following:

- The FY 2012 savings can subsequently be used to offset the yard waste recycling program expenses or other recycling program expenses;
- Regulatory concerns regarding the current use of the site and the costs to address regulatory (MDE) requirements when they come to bear;
- Changes in operations at the Reichs Ford Road facility creating an appropriately sized centralized site for yard waste drop-off and disposal;
- The majority of incorporated municipalities and large HOAs already have some form of yard waste collection program in place that provide yard waste disposal options that did not exist in the 1990s when Heritage Farm Park was established.

Alternative Options

Option #1

Should there be a desire by the Town of Walkersville to continue the operation of the yard waste processing center, the BOCC may consider directing staff to develop a new agreement for this location, which better defines the terms and conditions and is ultimately executed by the duly elected officials of both Frederick County and the Town of Walkersville.

If this option is considered, DUSWM recommends that ownership of the site, both the raw and processed material, all operational aspects of the site (excluding the actual processing of raw materials) and all liabilities related to this site and its operation be assumed in full by the Town of Walkersville. Additionally, DUSWM would perform as a contractor whereby providing only the yard waste processing services to the site and be responsible for the operation and maintenance of all rolling stock necessary to perform this contract function. Similar to the arrangement at the former Mt. Airy and City of Frederick sites, DUSWM functioned as a contract operator (non-compensated). In return for this "contract service" the Town of Walkersville would be responsible for all annual direct program costs associated with this program. If the BOCC desires to implement this option, it is recommended that a mutually agreeable deadline be established to execute this agreement.

Option #2

If the either the BOCC or the Town of Walkersville did not desire to pursue Alternate Option #1, but still wanted to retain this site and its operation in some form, another option would be to consider allowing a private yard waste processing entity to utilize this location as a base of operations. The BOCC could direct staff to work in conjunction with the Town of Walkersville to explore the feasibility of allowing such privatization to occur at this location. This feasibility study would explore environmental controls necessary to conduct future operations at this location and build these requirements into an operating contract, or simply identify these requirements in a solicitation and allow the private sector an opportunity to make a cost-to-benefit analysis of such long term operation. In addition, an amendment to the Solid Waste Management Plan (SWMP) should follow the process prescribed within it, so the site is properly vetted. As a practical matter, while DUSWM's experience suggests that this site and its various constraints make a prospective private operation unlikely, it is an option nevertheless.

Attachment

cc: Phil Harris, Superintendent (DUSWM, Department of Solid Waste)

Compost sites are a joint adventure of the Recycling Dept. and municipality host, as a means of recycling yard trimmings from the residential stream.

The Recycling Dept. contribution to each site will be as follows:

- 1) We will supply the tub grinder to and from the site, for processing the collected material.
- 2) Recycling funds the cost of operation of the tub grinder (ie: fuels, repairs, maintenance, and operator).
- 3) Recycling operations will set the hours of processing with the Host DPW Supervisor
- 4) In case of equipment breakdown, the site will remain open until maximum collection point and then will temporarily close until the equipment is working. The site capacity is as follows:
 - A: Walkersville capacity is 2500 cubic yards
 - B: Brunswick capacity is 1500 cubic yards
 - C: Mt. Airy capacity is 1500 cubic yards
- 5) Recycling operations sets the dates for processed material release, and will determine who should receive the materials. Staff will determine that the receiving of processed material will be on a first come, first serve basis. The Host may request of the Recycling Operations a quantity of processed material for Host projects.
- 6) Recycling Dept. requests that if changes are to be made to a site by the Host, that staff have the opportunity to review the plans of the site (ie: capacity, operation space for equipment)
- 7) Recycling Dept. will supply basic signage on site (ie: hours, desired material, availability of processed material)
- 8) Recycling operation staff will conduct periodic checks on the site to monitor amount of collected yard trimmings and to determine scheduling of tub grinder
- 9) Recycling Dept. will set the limitations of what size and kinds of materials that will be processed
- 10) Recycling Operation staff will schedule the removal and hauling of undesired material from site
- 11) Bureau of Solid Waste will waive tipping fees on undesired material removed from the sites

The Host contribution to the site will be as follows:

- 1) The Host municipality will provide a site large enough for the handling of the collected and processed material
- 2) Host will develop and maintain the site, and all associated roadways, fencing/gating, and lighting as needed. If in case of

Don from City of Brunswick 9-21-94
Mark Mofly 9/21/94
Sam Eyles
Town of Walkersville
9-21-94
Town of Mt Airy

hardship (ie: short on labor, available funds, weather conditions, etc.), host may seek assistance of Recycling Dept.

3) Host DPW crew will conduct frequent site inspections, in order to keep collected material in desired location or piles

4) Host may set the hours and days of site availability to the public

5) Host will provide assistance of labor and equipment as follows:

A. Equipment and operator to feed collected material to the tub grinder.

B. Equipment and operator to remove processed material from the tub grinder offshoot area

C. Site greater than one-half acre in size will provide means to remove the processed material from offshoot area. Walkersville being a site of this size will need to supply two dump trucks and drivers

D. Site smaller than One-half acre in size will provide means to remove material from off shoot. Brunswick and Mt. Airy being sites of this size would use a loader/backhoe can push the processed material to the side away from the offshoot area

E. Labor will be needed at the offshoot area of tub to provide assistance to grinder operator to spot trouble from the ground

6) Host will monitor for undesired material. This should be conducted on a regular basis at the same time the stock pile is maintained and checked.

7) Host will provide assistance of a loader as scheduled by Recycling Operations Supervisor for removal of material from site.

Town of Brunswick 9-21-94

Sam Eyles
Town of Walkersville
9-21-94

Mont Murphy town of Mt Airy
9/21/94