

<b>Subject:</b> Expedited Bill 16-19, Special Capital Improvements Project – Gude Landfill Remediation	
<b>Purpose:</b> Public Hearing followed by Action – Council Vote Required	
<b>Analyst:</b> Glenn Orlin, Deputy Director	<b>Committee:</b> None
<b>Keyword:</b> #GudeLandfill	
Other Search Terms: Capital Improvements, Environment, Infiltration	

**EXPECTED ATTENDEES**

None.

**This report contains:**

Staff Report to the Council  
Attachments to Full Staff Report to the Council

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**MEMORANDUM**

June 21, 2019

TO: County Council

FROM: Glenn Orlin, <sup>GO</sup>Deputy Director

SUBJECT: Expedited Bill 16-19, Special Capital Improvements Project – Gude Landfill Remediation

PURPOSE: Public Hearing/Action – Council Vote Required

Section §302 of the County Charter and Section §20-1 of the County Code require certain capital improvement projects to be individually authorized by law if the locally-funded cost is projected to exceed \$17,137,000 in FY20 dollars. On May 23, 2019 the County Executive requested this Special Capital Improvements Project bill associated with his recommendation for the FY19-24 Capital Improvements Program.<sup>1</sup>

Council action on the Bill is followed by the public hearing.

<b>Attachments</b>	<b><u>Circle #</u></b>
Executive's transmittal	1
Expedited Bill 16-19	2
Legislative Request Form	4
Fiscal and Economic Impact Statement	5
Project Description Form	8

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<sup>1</sup>#GudeLandfill  
Other Search Terms: Capital Improvements, Environment, Infiltration



OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Marc Elrich  
County Executive

**MEMORANDUM**

May 23, 2019

**TO:** Nancy Navarro, President, County Council  
**FROM:** Marc Elrich, County Executive *Marc Elrich*  
**SUBJECT:** Special Capital Improvements Project Legislation  
Gude Landfill Remediation (P801801)

In accordance with Section 302 of the County Charter and Section 20-1 of the Montgomery County Code, I am forwarding the attached Special Capital Improvements Project Legislation Authorization and Legislative Request Report for the Gude Landfill Remediation (P801801) project.

This request is necessary because the local cost of the above project exceeds the FY20 Special Capital Improvements Project Legislation threshold of \$17,137,000 as set by Executive Order. The purpose of the project is set forth below.

This project provides for the remediation of low-level environmental contamination at the Gude Landfill. Remediation of the Gude Landfill will include toupee capping (regrading and capping the top of the landfill and selected slope areas with a synthetic liner and two feet of soil) and increased gas collection through the installation of additional gas extraction wells. These remediation measures will reduce infiltration of rainwater into the landfill resulting in the generation of less leachate, fewer leachate seeps, and better control of landfill gas migration. The project will be funded through the Solid Waste Disposal fund.

I recommend prompt passage of this legislation to advance this project.

ME:aa

**Attachments**

- c: Dale Tibbitts, Special Assistant to the County Executive
- Debbi Spielberg, Special Assistant to the County Executive
- Claire Iseli, Special Assistant to the County Executive
- BB Otero, Special Assistant to the County Executive
- Fariba Kassiri, Deputy Chief Administrative Officer
- Jerome Fletcher, Assistant Chief Administrative Officer
- Adriana Hochberg, Assistant Chief Administrative Officer
- Caroline Sturgis, Assistant Chief Administrative Officer
- Richard S. Madaleno, Director, Office of Management and Budget
- Greg Ossont, Deputy Director, Department of General Services
- Michael Coveyou, Acting Director, Department of Finance

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Expedited Bill No. 16-19  
Concerning: Capital Improvements  
Program – Gude Landfill Remediation  
Project  
Revised: May 30, 2019 Draft No. 1  
Introduced: June 18, 2019  
Expires: December 18, 2020  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Council President at the Request of the County Executive

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**AN EXPEDITED ACT** to authorize the planning, design, and construction of the Gude Landfill Remediation (P801801) project in the Rockville area.

By adding to the laws of Montgomery County 2019

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1.**       The laws of Montgomery County, Maryland, are amended to read  
2 as follows:

3           Montgomery County, Maryland, is authorized to construct/remediate the Gude  
4 Landfill Remediation Project No. 801801 in the Rockville area.

5           **Sec. 2.       Expedited Effective Date.**

6           The Council declares that this legislation is necessary for the immediate  
7 protection of the public interest. This Act takes effect on the date on which it becomes  
8 law.

9 *Approved:*

10

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Nancy Navarro, President, County Council

Date

11 *Approved:*

12

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Marc Elrich, County Executive

Date

13 *This is a correct copy of Council action.*

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Megan Davey Limarzi, Esq.  
Clerk of the Council

Date

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**Bill XX - 19**  
**Rockville Core**  
**Legislative Request Report**

1. **Description** - The County Executive requests that capital project No. 801801 Gude Landfill Remediation be authorized as a "Special Capital Improvements Project" pursuant to Section §302 of the County Charter and Section §20-1 of the Montgomery County Code.
2. **Problem** - Section §302 of the County Charter and Section §20-1 of the County Code require certain capital improvement projects to be individually authorized by law if the locally-funded cost is projected to exceed \$17,137,000 in FY20 dollars. The estimated locally-funded cost of this project in the FY20 Capital Budget and Amended FY19-24 Capital Improvements Program is \$28,700,000 for planning, design, and construction costs.
3. **Goals and Objectives** - This project provides for the remediation of low-level environmental contamination at the Gude Landfill. Remediation of the Gude Landfill will include toupee capping (regrading and capping the top of the landfill and selected slope areas with a synthetic liner and two feet of soil) and increased gas collection through the installation of additional gas extraction wells. These remediation measures will reduce infiltration of rainwater into the landfill resulting in the generation of less leachate, fewer leachate seeps, and better control of landfill gas migration. The project will be funded through the Solid Waste Disposal fund.
4. **Coordination** - This project has been coordinated with Maryland Department of the Environment (MDE), Department of Permitting Services, the Maryland-National Capital Park and Planning Commission, the U.S. Army Corps of Engineers, the Gude Landfill Concerned Citizens (GLCC), County social service agencies, and adjacent property owners.
5. **Fiscal Impact** – Not Applicable.
6. **Impact** – Not applicable
7. **Evaluation** - Capital projects are evaluated biennially by the County Executive and County Council as part of the Capital Improvements Program review.
8. **Experience Elsewhere** - Not Applicable.
9. **Sources of Information** – General Services
10. **Applications Within Municipalities** - Not Applicable.
11. **Penalties** - None Required.

**Fiscal Impact Statement**  
**Council Bill XX-19 Special Capital Improvements Project**  
**Gude Landfill Remediation P801801**

**1. Legislative Summary.**

Section §302 of the County Charter and Section §20-1 of the County Code require certain capital improvement projects to be individually authorized by law if the locally-funded cost is projected to exceed \$17,137,000 in FY20 dollars. The Executive requested a bill for one project - Gude Landfill Remediation - that now requires Special Capital Improvement Project legislation.

**2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.**

There are no expenditures or revenues associated with this bill. The bill serves only to authorize the designation of the Gude Landfill Remediation project as a Special Capital Improvement Project.

**3. Revenue and expenditure estimates covering at least the next 6 fiscal years.**

See item #2 above.

**4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.**

Not applicable. There are no personnel costs associated with this bill.

**5. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.**

Not applicable.

**6. An estimate of the staff time needed to implement the bill.**

Not applicable. This bill does not affect staff responsibilities.

**7. An explanation of how the addition of new staff responsibilities would affect other duties.**

Not applicable.

**8. An estimate of costs when an additional appropriation is needed.**

Not applicable.

9. A description of any variable that could affect revenue and cost estimates.

Not applicable.

10. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

11. If a bill is likely to have no fiscal impact, why that is the case.

This bill authorizes the designation of the project as a Special Capital Improvement project. No new appropriation is required.

12. Other fiscal impacts or comments.


None.

13. The following contributed to and concurred with this analysis:

Anita Aryeetey, Office of Management and Budget.



Richard S. Madaleno, Director  
Office of Management and Budget

  
Date

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**Economic Impact Statement  
Council Bill XX-18, Special Capital Improvements Project  
Gude Landfill Remediation**

**Background:**

Section §302 of the County Charter and Section §20-1 of the County Code require certain capital improvement projects to be individually authorized by law if the locally-funded cost is projected to exceed \$17,137,000 in FY20 dollars. The Executive requested a bill for one project - Gude Landfill Remediation - that now requires Special Capital Improvement Project legislation.

**1. The sources of information, assumptions, and methodologies used.**

This bill has no economic impact, as it serves only to authorize the designation of the Gude Landfill Remediation project as a Special Capital Improvement Project.

**2. A description of any variable that could affect the economic impact estimates.**

Not applicable. This bill has no economic impact, as it serves only to authorize the designation of the Gude Landfill Remediation Capital Improvement Project.

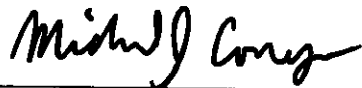
**3. The Bill's positive or negative effect, if any on employment, spending, saving, investment, incomes, and property values in the County.**

The bill has no economic impact – as it serves only to authorize the designation of the Gude Landfill Remediation as a Special Capital Improvement Project.

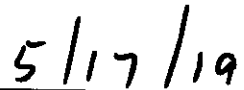
**4. If a Bill is likely to have no economic impact, why is that the case?**

The bill has no economic impact – as it serves only to authorize the designation of the Gude Landfill Remediation as a Special Capital Improvement Project.

**5. The following contributed to and concurred with this analysis: David Platt, Finance and Anita Aryeetey, Management and Budget.**



Michael Coveyou, Acting Director  
Department of Finance



Date

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# Gude Landfill Remediation (P801801)

<b>Category</b>	Solid Waste-Sanitation	<b>Date Last Modified</b>	10/15/18
<b>SubCategory</b>	Solid Waste Management	<b>Administering Agency</b>	Environmental Protection
<b>Planning Area</b>	Upper Rock Creek Watershed	<b>Status</b>	Ongoing

Total	Thru FY18	Rem FY18	Total 6 Years	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	Beyond 6 Years
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### EXPENDITURE SCHEDULE (\$000s)

	Total	Thru FY18	Rem FY18	Total 6 Years	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	Beyond 6 Years
Planning, Design and Supervision	1,900	205	295	1,400	500	400	300	200	-	-	-
Site Improvements and Utilities	500	-	500	-	-	-	-	-	-	-	-
Construction	26,300	-	-	26,300	-	8,000	12,000	6,300	-	-	-
<b>TOTAL EXPENDITURES</b>	<b>28,700</b>	<b>205</b>	<b>795</b>	<b>27,700</b>	<b>500</b>	<b>8,400</b>	<b>12,300</b>	<b>6,500</b>	-	-	-

### FUNDING SCHEDULE (\$000s)

	Total	Thru FY18	Rem FY18	Total 6 Years	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	Beyond 6 Years
Current Revenue: Solid Waste Disposal	28,700	205	795	27,700	500	8,400	12,300	6,500	-	-	-
<b>TOTAL FUNDING SOURCES</b>	<b>28,700</b>	<b>205</b>	<b>795</b>	<b>27,700</b>	<b>500</b>	<b>8,400</b>	<b>12,300</b>	<b>6,500</b>	-	-	-

### OPERATING BUDGET IMPACT (\$000s)

Maintenance				125	-	-	-	25	50	50	
<b>NET IMPACT</b>				<b>125</b>	-	-	-	<b>25</b>	<b>50</b>	<b>50</b>	

### APPROPRIATION AND EXPENDITURE DATA (\$000s)

Appropriation FY 20 Request	8,400	Year First Appropriation	FY18
Cumulative Appropriation	1,500	Last FY's Cost Estimate	28,700
Expenditure / Encumbrances	998		
Unencumbered Balance	502		

## PROJECT DESCRIPTION

This project provides for the remediation of low-level environmental contamination at the Gude Landfill. The Maryland Department of the Environment (MDE) approved an Assessment of Corrective Measures (ACM) report for Gude Landfill in July 2016 which specifically outlines the approved remediation method. Remediation of the Gude Landfill will include toupee capping (regrading and capping the top of the landfill and selected slope areas with a synthetic liner and two feet of soil) and increased gas collection through the installation of additional gas extraction wells. These remediation measures will reduce infiltration of rainwater into the landfill resulting in the generation of less leachate, fewer leachate seeps, and better control of landfill gas migration.

## LOCATION

600 E. Gude Drive, Rockville, MD

## ESTIMATED SCHEDULE

The Gude Landfill Remediation project construction will begin in March 2020 (FY20) and is scheduled to be completed in Fall 2022 (FY23).

## PROJECT JUSTIFICATION

The County and MDE entered a consent order in May 2013 which outlined requirements for assessing low-level groundwater contamination, gas migration, and other problems at the Gude Landfill. The Consent Order included provisions requiring a Work Plan and schedule to be established for assessing potential risks to human health and the environment, and development of an Assessment of Corrective Measures (ACM) report and implementation schedule. After consultation with industry experts, community groups, MDE, and County government leadership, the Department of Environmental Protection's (DEP) initial proposal to MDE in 2014 addressed the low-level groundwater contamination at the site with installation of bioremediation wells on the property. MDE's assessment of this bioremediation corrective measure in April 2015 determined that additional corrective measures would need to be included in the bioremediation approach to address all MDE's requirements. A revised ACM report was submitted to MDE in April 2016 addressing all MDE's comments and selecting corrective measures consisting of a toupee cap, additional landfill gas collection, and stormwater drainage improvements. The County has been mandated to perform work outlined in the consent order. Moving forward with the remediation of Gude Landfill, as required by MDE, will also address concerns raised by the adjacent community and allow planning for potential future uses of the property.

## COORDINATION

Maryland Department of the Environment (MDE), Department of Permitting Services, the Maryland-National Capital Park and Planning Commission, the U.S. Army Corps of Engineers, the Gude Landfill Concerned Citizens (GLCC), County social service agencies, and adjacent property owners.

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