



Committee: Directly to Council
Committee Review: N/A
Staff: Keith Levchenko, Senior Legislative Analyst
Purpose: To receive testimony/final action - vote expected
Keywords: #DEP and Gude Landfill Remediation and CIP

AGENDA ITEMS #12 & 13A
October 20, 2020
Public Hearing/Action

SUBJECT

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

EXPECTED ATTENDEES

None

DESCRIPTION/ISSUE

- 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 the “Special Projects Legislation threshold.” The threshold is \$17,503,000 in FY21 dollars.
- On May 23, 2019 the County Executive transmitted a request for a Special Capital Improvements Project bill associated with his recommendation for the FY19-24 Capital Improvements Program for the Gude Landfill Remediation project. Expedited Bill 16-19 was introduced on June 18, 2019.
- In a memorandum to the Council dated June 25, 2019, the County Executive suggested the Council wait on consideration of special projects legislation for the Gude Landfill Remediation project until closer to the start of construction for the project (assumed to be late FY20 or early FY21 at that time), and that the project cost would be updated after more detailed design work had been completed.
- As part of the FY21-26 Capital Improvements Program, the Gude Landfill Remediation project was approved with an updated total project cost estimate of \$61.7 million and a revised construction schedule (construction to begin in FY22 and be completed in FY27).

COUNCIL STAFF RECOMMENDATION

- Council Staff recommends approval of Expedited Bill 16-19 as introduced on June 18, 2019.

This report contains:

- Expedited Bill 16-19 (as introduced on June 18, 2019) ©1
- May 23, 2019 Transmittal from the County Executive
 - Executive's transmittal ©3
 - Legislative Request Form ©4
 - Fiscal and Economic Impact Statement ©5
 - Project Description Form ©8

- Calculation for Special Projects Legislation FY20 Threshold ©9
- June 25, 2019 Memorandum from the County Executive ©10
- FY21-26 Approved Gude Landfill Remediation Project Description Form ©11

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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

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

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

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

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

Bill



GO
CC
MM
ML
BD
AM

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

RECEIVED
MONTGOMERY COUNTY
2019 MAY 29 09:11:00

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.

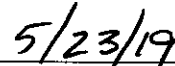
None.

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

**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.

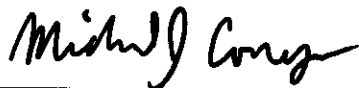
3. The Bill's positive or negative effect, if any on employment, spending, saving, investment, incomes, and property values in the County.

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.

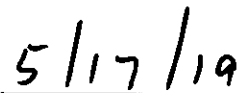
4. If a Bill is likely to have no economic impact, why is that the case?

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

Gude Landfill Remediation (P801801)

Category	Solid Waste-Sanitation	Date Last Modified	10/15/18
SubCategory	Solid Waste Management	Administering Agency	Environmental Protection
Planning Area	Upper Rock Creek Watershed	Status	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	-	-	-
TOTAL EXPENDITURES	28,700	205	795	27,700	500	8,400	12,300	6,500	-	-	-

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	-	-	-
TOTAL FUNDING SOURCES	28,700	205	795	27,700	500	8,400	12,300	6,500	-	-	-

OPERATING BUDGET IMPACT (\$000s)

Maintenance				125	-	-	-	25	50	50
NET IMPACT				125	-	-	-	25	50	50

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.

Calculation for FY20 SPL threshold (rounded-up to the nearest thousand)

Original Cost Criterion = New Cost Criterion (X)
\$4,000,000

June 1978 Cost Index / From Current Index **30.6** = Current Year Cost Index - **June 2018 (131.1)**

Formula x = 17,137,254.90 Verification 17,137,254.90

New FY20 SPL threshold 17,137,254.90

OMB IT Team to use this number for the SPL report - Full CIP which is rounded to the nearest thousand

17,137,000

***** USE THIS FOR PUBLICATION IN CAPITAL BUDGET PROCESS SECTION**

Prior FY19 SPL threshold # 16,431,000

Increase from FY19 to FY20 threshold 706,000

Prior FY13 Full CE Recommended CIP # used for SPL report in the Publication	12,863,000.0
Prior FY14 Biennial year CE Recommended CIP # used for SPL report in the Publication	12,902,000.00
Prior FY15 Full CE Recommended CIP # used for SPL report in the Publication	13,621,000.0
Prior FY16 Biennial year CE Recommended CIP # used for SPL report in the Publication	14,431,000.0
Prior FY17 Biennial CE Recommended CIP # used for SPL report in the Publication	15,072,000.0
Prior FY18 Full CE Recommended CIP # used for SPL report in the Publication	15,699,000.0
Prior FY19 Full CE Recommended CIP # used for SPL report in the Publication	16,431,000.0

NOTE: Obtain June 1978 Cost Index and Current Cost Index from this Website

https://www.census.gov/construction/nrs/pdf/price_uc.pdf




OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Marc Elrich
County Executive

MEMORANDUM

June 25, 2019

TO: Nancy Navarro, President, County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Special Capital Improvements Project Legislation
Gude Landfill Remediation (P801801)

Given that construction of the Gude Landfill project will not occur until late FY20 or early in FY21, I have asked staff to resubmit Special Projects Legislation for this project closer to the expected construction start date when we will also have updated cost figures. Based on continued progress in development of the design of the project, the current placeholder construction cost figures underestimate the likely cost of the project. Taking the bill up later will allow Council to act on more accurate information.

ME:mb



Gude Landfill Remediation

(P801801)

Category	Recycling and Resource Management	Date Last Modified	01/03/20
SubCategory	Recycling and Resource Management	Administering Agency	Environmental Protection
Planning Area	Upper Rock Creek Watershed	Status	Ongoing

EXPENDITURE SCHEDULE (\$000s)

Cost Elements	Total	Thru FY19	Est FY20	Total 6 Years	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	Beyond 6 Years
Planning, Design and Supervision	6,955	1,363	707	4,795	456	771	932	905	877	854	90
Construction	54,791	-	-	54,133	-	17,558	10,561	11,200	9,810	5,004	658
TOTAL EXPENDITURES	61,746	1,363	707	58,928	456	18,329	11,493	12,105	10,687	5,858	748

FUNDING SCHEDULE (\$000s)

Funding Source	Total	Thru FY19	Est FY20	Total 6 Years	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	Beyond 6 Years
Current Revenue: Solid Waste Disposal	28,700	1,363	707	26,630	456	18,329	7,845	-	-	-	-
Revenue Bonds	33,046	-	-	32,298	-	-	3,648	12,105	10,687	5,858	748
TOTAL FUNDING SOURCES	61,746	1,363	707	58,928	456	18,329	11,493	12,105	10,687	5,858	748

APPROPRIATION AND EXPENDITURE DATA (\$000s)

Appropriation FY 21 Request	-	Year First Appropriation	FY18
Appropriation FY 22 Request	10,955	Last FY's Cost Estimate	28,700
Cumulative Appropriation	9,900		
Expenditure / Encumbrances	1,796		
Unencumbered Balance	8,104		

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 Corrective Measure Alternative (CMA) for this remediation project. The MDE approved CMA 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, Maryland

ESTIMATED SCHEDULE

The Gude Landfill Remediation project construction will begin in FY22 and is scheduled to be completed in FY27.

COST CHANGE

Costs increased due to updated estimates from a Maryland Department of the Environment-approved scope. A delay in construction is also reflected as DEP considers phasing to reduce costs. New 60% design documents based on the phasing and an updated cost estimate are expected in early 2020. The scope, design, and cost are subject to final MDE review, and continued cost refinements are expected.

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 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 of 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 future reuses of the property.

FISCAL NOTE

The source of the additional funding will likely be Solid Waste (Disposal Fund) Revenue Bonds. Discussions are under way with Finance and the Office of Management and Budget pursuant to this option, but it may change if another financing method is more advantageous.

DISCLOSURES

A pedestrian impact analysis has been completed for this project.

COORDINATION

Northeast Maryland Waste Disposal Authority (NMWDA), Maryland Department of the Environment (MDE), Department of Permitting Services, Health and Human 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.