

BOARD OF ALDERMEN

ITEM NO. E(1)

**AGENDA ITEM ABSTRACT
MEETING DATE: June 1, 2010**

TITLE: Discussion of Orange County's No Fault Well Replacement

DEPARTMENT: Community and Economic Development	PUBLIC HEARING: YES ____ NO <u>x</u>
ATTACHMENTS: A. Resolution B. Orange County Solid Waste Landfill Impact Zone- No Fault Privately owned Well Repair Policy (Proposed) C. Email from Orange County Manager	FOR INFORMATION CONTACT: James Harris 918-7319

PURPOSE:

The purpose of item is to present to the Board of Aldermen the recommendation from Orange County for the No Fault Well Replacement Policy and the request for Carrboro's consent to use enterprise fund revenues to provide for "public benefits" such as well replacement.

BACKGROUND:

At its February 2nd meeting the BOCC approved the concept of establishing a No Fault Well Replacement Policy for residential wells that have failed within an area designated as the Landfill Impact Zone.

The policy is intended to allow for an orderly process to consider and respond to complaints from owners of property where residential wells within the area of the Landfill have failed. It is assumed that landfill revenue resources will be used to fund the program (now and going forward). If and when public water is extended through the area, the issue will become moot. Until then, the policy offers a manner in which to address the issue in a comprehensive and measured manner.

It was requested that the Board of Aldermen review and consider approval of the policy and assignment of landfill revenues to this purpose. Technical aspects of the program may fluctuate over time but the basic assumptions should hold true going forward.

In 1999, Orange County, the Town of Chapel Hill, Carrboro, and the Towns of Hillsborough entered into agreement whereby Orange County (subject to terms of the agreement) assumed the solid waste management responsibility for the disposal of solid waste county-wide. Among the many items covered in the agreement were provisions for the county to address various improvements within the "area" neighboring the landfill property at the time of the agreement.

Part 6 of the agreement states that "the County will finance benefits from the system funds to the extent legally permissible." It goes on to say that the parties will cooperate to provide public health benefits to the community of residents and property owners in the neighborhood of the existing landfill. There was also a Landfill Benefits Committee established to study of benefits and a report from that committee is or has been done.

Under the 1999 agreement, implementation of the proposed Well Replacement Policy requires the approval of all parties to that agreement.

Additional information has been provided in response to the following questions:

1. If there is no evidence that there is any well contamination caused by the landfill, why should landfill funds be used to support this policy?
2. Given said lack of evidence, why does the policy use a 3000 foot perimeter? It seems a much narrower perimeter might be more appropriate particularly in the areas where the landfill is “downstream” from the property in question.
3. Is the County able to run such a program with general revenues, i.e., not landfill revenue?

A response from the Orange County Manager is listed as Attachment C.

FISCAL AND STAFF IMPACT:

None

RECOMMENDATION:

It is recommended that the Board consider this No Fault Well Policy proposal from the County and that if the Board wishes to endorse the policy, the attached resolution should be adopted, which approves the policy to the extent it is permitted by law.