

**GUDE LANDFILL REMEDIATION**

**GLCC/DEP MEETING NO. 16**

DATE: April 14, 2011  
TIME: 7:30 PM to 9:00 PM  
LOCATION: Montgomery County Transfer Station

ATTENDANCE:

<u>Name</u>	<u>Organization</u>	<u>Designation</u>
Laszlo Harsanyi	Gude Landfill Concerned Citizens (GLCC)	Member
Dave Peterson	Gude Landfill Concerned Citizens (GLCC)	Member
Julia Tillery	Gude Landfill Concerned Citizens (GLCC)	Member
Keith Ligon	Gude Landfill Concerned Citizens (GLCC)	Member
Peter Karasik	Montgomery County Dept. of Env. Protection (DEP)	Section Chief
Steve Lezinski	Montgomery County Dept. of Env. Protection (DEP)	Engineer III
John Kumm	EA Engineering, Science, and Technology, Inc	DEP Consultant

The Meeting Agenda is included as Attachment 1.  
Contact information for attendees is included as Attachment 2.  
Chronology of Closed Action and Follow-up Items is included as Attachment 3  
Other Attachments are referenced within the text.

MINUTES:

- 1) Steve Lezinski of DEP asked for confirmation of GLCC approval of the minutes from GLCC/DEP Meeting No. 15. GLCC confirmed acceptance.
- 2) Steve Lezinski reviewed the updated (Revision 5) Gude Landfill – Remediation and Reuse Schedule (included as Attachment 4), and noted that the Assessment of Corrective Measures (ACM) would be the next step after amending the Nature and Extent Study (NES) Report.
- 3) Steve Lezinski reviewed the updated Community Communications Milestone schedule (also included under Attachment 4). GLCC stated that the Milestone schedule was very helpful. Steve confirmed the project and milestone schedules are “living” documents that will be updated and revised during project progression.
- 4) Keith Ligon of GLCC asked about the scheduling of the next Community meeting. Peter Karasik of DEP proposed that the next Community meeting be scheduled after MDE’s acceptance of the amended NES Report.
- 5) GLCC stated that although the typical frequency of the Derwood Station HOA newsletters was quarterly, the next logical time for including a project status update in the HOA newsletters was

after MDE acceptance of the amended NES Report.

- 6) Steve Lezinski stated that DEP had formally submitted a work plan for NES Amendment No. 1 to MDE on March 30, 2011 (GLCC was copied on the submittal). The work plan outlined the proposed additional investigations and analyses to address MDE's comments on the NES Report. Steve stated that MDE had previously accepted the work plan via e-mail and would be sending a formal letter of acceptance.
- 7) Steve Lezinski reviewed the proposed locations of the three (3) new permanent groundwater monitoring wells in the Derwood Station Community. New temporary groundwater monitoring locations along bordering streams were also reviewed. The temporary monitoring locations will provide a groundwater "snapshot" in localized areas in the vicinity of the Gude Landfill for NES purposes; however, they will not be maintained on a continuous long-term basis. John Kumm of EA and Steve discussed the reasons for the chosen locations, including position relative to the existing groundwater monitoring wells and the groundwater gradient, as well as accessibility. Steve explained that the monitoring infrastructure for the temporary monitoring locations would be installed using "direct push" technology or hand augering due to the relative inaccessibility of the site locations.
- 8) Peter Karasik stated that if unexpected analytical results were obtained from any of the groundwater monitoring locations, particularly the permanent monitoring wells in the Derwood Station Community, additional sampling would be evaluated and could be undertaken.
- 9) John Kumm reviewed some of the funding options for site remediation and reuse. At the federal level, EPA administers Cleanup Grants to state and local governments in amounts up to \$200,000 per site. The grants require at least a 20 percent cost share and must be used within 3 years. EPA also has a grant program for implementing renewable energy at contaminated sites, under which the Department of Energy National Renewable Energy Laboratory will conduct a renewable energy feasibility study at eligible sites. Maryland Department of the Environment and Business & Economic Development administer the Brownfields Revitalization Incentives Program (BRIP). However, only "inculpable persons" are eligible so the Gude Landfill could not use the program. A summary of these programs is included as Attachment 5.
- 10) Steve Lezinski suggested that one of the monthly DEP/GLCC meetings could be devoted to the subject of reuse options for the Landfill and the land reuse decision making process. GLCC agreed with the idea.
- 11) Steve Lezinski discussed landfill setback requirements. MDE and COMAR have no specific setback requirements other than to state that facility design must accommodate infrastructure, environmental control and monitoring systems, and site maintenance activities. Montgomery County requires up to 200 feet for certain types of solid waste activities. Other Maryland counties have similar requirements. A summary of these requirements is included as Attachment 6. Peter Karasik pointed out that the distance from waste to the nearest home in Derwood Station is approximately 150 to 200 feet and that the gas pipeline right-of-way, which has been there longer than either the landfill or the Community, provides a natural barrier of sorts. Steve emphasized

- that excavation and relocation of waste would increase this distance. It was also pointed out the very wide buffer around the Oaks Landfill was the result of the County's planning process when that facility was sited.
- 12) Peter Karasik asked how GLCC felt about waste relocation as a potential interim corrective measure. Keith Ligon stated that the benefits would have to be weighed against the undesirable aspects, such as odor and noise. Steve Lezinski reiterated that waste relocation is a viable option that has MDE's preliminary approval.
  - 13) Steve Lezinski reviewed current operations at the Landfill. He advised that the next semi-annual groundwater sampling event would occur from April 19-26. The most recent improvements (December 2010/January 2011) to the landfill gas collection system continue to be very effective – the weekly and quarterly landfill gas monitoring events have indicated no methane exceedances.
  - 14) Steve Lezinski also advised that the landfill maintenance contractor will be performing access road maintenance in April. He indicated that site maintenance would also include selective tree trimming and cutting along site roads to improve access and landfill gas piping to protect this infrastructure.
  - 15) Peter Karasik noted that all storm debris stored at Gude Landfill has been removed, so the concrete pad area is clear.
  - 16) The next DEP/GLCC meeting will be scheduled for Thursday May 12<sup>th</sup>. The topics are yet to be determined. One of the future meetings will be dedicated to explaining the County decision making process that will be followed in deciding about expenditures for landfill remediation and site reuse.

#### **Recently Closed Action and Follow-up Items**

- 11-2 GLCC inquired if the County had investigated the potential for a Brownfields Grant for the Remediation/Land Reuse project.  
Status: Closed. Grant funding options were presented to GLCC on 4/14/11.
- 15-1 DEP and EA will establish a list of key project milestones for inclusion in the Project Communications Plan.  
Status: Closed. As part of the Project Communications Plan, an updated project schedule and key project milestones were presented to GLCC on 4/14/11.
- 15-2 DEP and EA will determine the current regulation for setbacks at new landfills and report this information to GLCC.  
Status: Closed. Applicable landfill setback requirements were determined and presented to GLCC on 4/14/11.
- 15-3 DEP will submit the proposed action plan for further investigation and analysis to satisfy MDE's concerns about the Nature and Extent Study to MDE by March 18, 2011.

Status: Closed. The work plan of Amendment No. 1 to the NES was submitted to and accepted by MDE in March 2011.

**New Action and Follow-up Items**

16-1 DEP and EA will evaluate the potential interim corrective measure of excavation and relocation of waste in greater detail, and present this to GLCC at a future monthly meeting.

Status: Open.

16-2 DEP and EA will further evaluate end use options and present these to GLCC in a future monthly meeting.

Status: Open.

*The above summation is the writer's interpretation of the items discussed at the meeting. Comments involving differences in understanding of any of the meeting items will be received for a period of thirty (30) days from the date of these meeting minutes. Clarifications will be made, as deemed necessary. If no comments are received within the specified time period, the minutes will remain as written.*

**ATTACHMENT 1**



**Gude Landfill Remediation  
Gude Landfill Concerned Citizens  
Monthly Meeting No. 16**

**Meeting Agenda**

- 1. GLCC/DEP Meeting Minutes (Meeting No. 15)**
  - a. Approved via K. Ligon email 4/9/11.
  
- 2. Gude Landfill Remediation & Reuse – Schedule and Milestones**
  - a. See attached Schedule (rev.5).
  - b. See attached Community Communication Milestones (draft).
  - c. Action & Follow Up Item 15-1 – Complete.
  
- 3. Nature and Extent Study (NES) Amendment No. 1**
  - a. DEP submitted NES Amendment No. 1 to MDE (and GLCC) via email on 3/30/11.
  - b. Outlines additional investigations and analyses to address MDE comments on existing information provided in the NES.
  - c. Action & Follow Up Item 15-3 – Complete.
  
- 4. Applicable Remediation/Land Reuse Grants**
  - a. EPA Brownfields Cleanup Grants.
  - b. EPA RE-Powering America’s Land: Site Renewable Energy Feasibility Studies.
  - c. MDE Brownfields Revitalization Incentive Program Tax Credits (N/A currently).
  - d. Action & Follow Up Item 11-2 – Complete.
  
- 5. Landfill Setback Requirements**
  - a. MDE – no standard landfill setback distance requirement, more of a site specific design consideration to accommodate facility infrastructure, environmental control and monitoring systems and site maintenance activities.
  - b. County – 200 to 300 feet, depending on solid waste management activity.
  - c. Other County – varies, but similar.
  - d. Action & Follow Up Item 15-2 – Complete.
  
- 6. Current Gude Landfill Operations**
  - a. Monitoring
    - DEP Groundwater & Surface water – Semi-Annual monitoring to be conducted April 19-26.
    - DEP Landfill Gas – Weekly monitoring has indicated no methane exceedences.
    - Contractor Landfill Gas – Quarterly monitoring in March 2011 has indicated no methane exceedences.
  - b. Post-Closure Care
    - Site Maintenance – DSWS Landfill Maintenance Contractor is performing access road maintenance in April 2011.

**Gude Landfill Remediation  
Gude Landfill Concerned Citizens  
Monthly Meeting No. 16**

**Meeting Agenda**

**7. Next Meeting/Action Items**

- a. To Close
  - 11-2, 15-1, 15-2 and 15-3 – as referenced above.
- b. To Leave Open – N/A
- c. New Actions Items from Meeting

**ATTACHMENT 2**





**ATTACHMENT 3**



Chronology of Closed Action and Follow-up Items  
as of  
GLCC/DEP Meeting No. 16

- 5-01 DEP and EA to research the existence of a comprehensive database for closed landfill reuse options.  
Status: Closed. EA provided a list of landfill reuse resources, which was attached to the minutes for Meeting No. 7.
- 5-02 GLCC to schedule next Derwood Community Meeting; second quarter 2010.  
Status: Closed. GLCC noted that the Community will continue to be welcome at the monthly meetings, and these will be included in the DEP letter to the HOAs and the residents. Therefore, GLCC does not plan to schedule another community meeting at this time.
- 5-03 DEP to contact MDE regarding the spring and northwest slope surface water sampling, and leachate seep repairs on northwest slope.  
Status: Closed. DEP and MDE met on December 21, 2009 and discussed these issues. The outcome was summarized in Attachment No. 4 of the Meeting No. 7 minutes.
- 5-04 DEP to post the recent aerial survey of the Gude Landfill on the remediation project website.  
Status: Closed. The image has been posted on the website.
- 5-05 DEP to evaluate if Biochemical and Chemical Oxygen Demand (BOD/COD) can be included for analysis purposes in surface water samples.  
Status: Closed. After further discussion, GLCC agreed that BOD sampling would not be conducted, since it would be difficult to discern whether the results were affected by the landfill. DEP agreed to collect samples for COD analysis. The objectives and plan for COD sampling was and agreed to between DEP and GLCC.
- 5-06 DEP to reschedule the dioxin/furan testing of the Gude Landfill gas-to-energy engine.  
Status: Closed. The testing was conducted in early March 2010 but the results have not yet been reported.
- 5-07 EA to provide a list of the chemical analytes that were detected in the Gude Landfill groundwater/surface water sampling that are carcinogens.  
Status: Closed. EA provided a summary of risk and carcinogenic effects for chemical analytes, which is included as Attachment No. 6 to the Meeting No. 7 minutes.
- 6-01 DEP and EA to create a list of open agenda items (i.e., action and follow-up items).  
Status: Closed. This list is included in the meeting minutes and will be carried into subsequent minutes.
- 6-02 DEP and EA to finalize more precise locations of the new monitoring wells. Follow-up work with permitting agencies, utility locators, and adjoining property owners will be conducted.  
Status: Closed. Additional location information finalized.

Chronology of Closed Action and Follow-up Items  
as of  
GLCC/DEP Meeting No. 16

- 6-03 GLCC/DEP/EA to finalize an approach to communicate all aspects of the expanded monitoring well program to the Derwood Community.  
Status: Closed. Initial letters to be sent to the HOAs, with follow-up letters to residents in the immediate area of proposed intrusive activities.
- 7-01 DEP to complete interim measures for leachate redirection at seep locations.  
Status: Closed. Completed May/June 2010.
- 7-02 DEP to finalize and send letter to HOAs regarding the landfill remediation project and proposed groundwater monitoring well locations within the Community.  
Status: Closed. DEP prepared the Community notification letter dated 2-26-10 for distribution to the residents via the HOA presidents.
- 7-03 DEP to obtain dioxin/furan test results for flare and engine.  
Status: Closed. Results provided to GLCC June 2010.
- 8-01 EA will provide DEP with a full version of the Draft Study Plan as a PDF for posting on the website and an abbreviated PDF version for distribution to GLCC members.  
Status: Closed. Received by County on August 6, 2010. County to post on remediation webpage.
- 8-02 GLCC will distribute the DEP Community Letter in a special edition of each of the three HOA newsletters, both by e-mail and standard mail, by the end of March.  
Status: Closed.
- 9-01 DEP and EA will provide a list of milestones and dates to include as a schedule update with minutes from each meeting.  
Status: Closed.
- 9-02 DEP and EA will identify special instructions for residents and the driller to be used during the actual well drilling for inclusion in the individual resident notification letters.  
Status: Closed. Completed June 2010.
- 10-1 EA will prepare a Maryland Toxic Air Pollutant regulation compliance demonstration for dioxin/furan emissions from the flares and engines at Oaks and Gude.  
Status: Closed. DEP will post on the Remediation webpage.
- 10-2 GLCC will meet independently on June 20, 2010 to discuss the process of early integration of end use objectives into the corrective action planning process and will propose a pathway and procedure to DEP at the July 8, 2010 DEP/GLCC meeting.  
Status: Closed. During Meeting No. 11, GLCC provided the County guidance on preferred end uses from the Community for the Gude Landfill site.

Chronology of Closed Action and Follow-up Items  
as of  
GLCC/DEP Meeting No. 16

- 11-1 GLCC requested Bob Hoyt, Director of DEP to attend the next GLCC/DEP monthly meeting on September 15, 2010 to discuss the Request for Expression of Interest (REOI).  
Status: Closed.
- 11-2 GLCC inquired if the County had investigated the potential for a Brownfields Grant for the Remediation/Land Reuse project.  
Status: Closed. Grant funding options were presented to GLCC on 4/14/11.
- 12-1 Using the risk evaluation methodology, EA will back calculate contaminant concentrations that would represent a human risk concern for vapor intrusion from groundwater into indoor air.  
Status: Closed. The calculation was made by EA and included in the analysis and provided to GLCC.
- 13-1 EA will revise the last two sentences in paragraph 5) of the minutes for Meeting No. 12 to clarify the concept.  
Status: Closed. Changes are reflected in Meeting No. 12 Minutes.
- 13-2 EA will prepare and submit to DEP for review a summary of the project status including background, status, and the remaining activities to complete the project. The HOA Presidents will distribute this summary to Derwood Station residents.  
Status: Closed. The Nature and Extent Study Fact Sheet was e-mailed to GLCC/HOA Presidents by Steve Lezinski on 12/23/10 for distribution to the Derwood Station Residential Community.
- 13-3 EA will research the applicability of 40 CFR Part 258 Subpart E and report back to DEP and GLCC.  
Status: Closed. A response was provided via e-mail by Steve Lezinski to GLCC on 11/3/10 – the regulation is not applicable to Gude Landfill.
- 14-1 DEP will address conformance of the current monitoring program to the 2001 County Groundwater Protection Plan.  
Status: Closed. It was determined that the Ground Water Protection Strategy is not an active program within DEP.
- 14-2 DEP will contact the County Attorney and the County Real Estate Office concerning potential property value impacts and seller's obligations.  
Status: Closed. The Office of the County Attorney cannot provide legal advice to members of the Community. If members of the Community desire advice on property value impacts and seller's obligations, they would have to obtain this legal advice from their own legal counsel.
- 15-1 DEP and EA will establish a list of key project milestones for inclusion in the Project Communications Plan.  
Status: Closed. As part of the Project Communications Plan, an updated project schedule and key project milestones were presented to GLCC on 4/14/11.

Chronology of Closed Action and Follow-up Items  
as of  
GLCC/DEP Meeting No. 16

- 15-2 DEP and EA will determine the current regulation for setbacks at new landfills and report this information to GLCC.  
Status: Closed. Applicable setback requirements were determined and presented to GLCC on 4/14/11.
- 15-3 DEP will submit the proposed action plan for further investigation and analysis to satisfy MDE's concerns about the Nature and Extent Study to MDE by March 18, 2011.  
Status: Closed. The work plan of Amendment No. 1 to the Nature and Extent Study was submitted to and accepted by MDE in March 2011.

**ATTACHMENT 4**



## Gude Landfill - Remediation and Reuse Schedule

Revision 5  
4/13/11

Phase No.	Remediation Phase Work	Projected Schedule	Duration	Status
0	Aerial Mapping, Field Survey and Limit of Waste Delineation			
	- Aerial Mapping	May 2009 – Jul. 2010	3 Months	Complete
	- Field Survey	Jun. 2009 – Feb. 2011	21 Months	Complete
	- Limit of Waste Delineation	Aug. 2009 – Jan. 2010	6 Months	Complete
1	Nature and Extent Study (NES)			
	- NES Field Investigations and NES Report	Sep. 2009 – Nov. 2010	14 Months	Complete
	- MDE Review and Comment	Nov. 2010 – Feb. 2011	4 Months	Complete
	- County Response to MDE Review	Feb. 2011 – Mar. 2011	1 Month	On-Going
	- MDE Concurrence on County Response (NES Report Amend. No. 1)	Mar. 2011 – Apr. 2011	1 Month	On-Going
	- Field Investigations and Analyses to Finalize NES Report	Apr. 2011 – Jul. 2011	4 Months	Future
	- MDE and County Concurrence on Conclusions of Final NES Report	Aug. 2011 – Sep. 2011	2 months	Future
2	Assessment of Corrective Measures (ACM)			
	- ACM Field Investigations and Report	Oct. 2011 – Mar. 2012	6 months	Future
	- MDE and County Concurrence on Conclusions of Final ACM Report	Apr. 2012 – Sep. 2012	6 months	Future
3	Corrective Measure Planning, Design and Permitting	Oct. 2012 – Dec. 2013	15 Months	Future
4	Corrective Measure Construction Stage I	Jan. 2014 – Dec. 2014	12 Months	Future
5	Corrective Measure Construction Stage II	Jan. 2015 – Dec. 2015	12 Months	Future
6	Corrective Measure Construction Stage III	Jan. 2016 – Dec. 2016	12 Months	Future

Phase No.	Reuse Phase Work	Projected Schedule	Duration	Status
3a	Request for Expression of Interest	Concurrent with Remediation Phase 3	To be Determined	Future
3b	Reuse Area Planning, Design and Permitting	Concurrent with Remediation Phase 3	To be Determined	Future
4a	Reuse Area Construction Stage I	Concurrent with Remediation Phase 4	To be Determined	Future
5a	Reuse Area Construction Stage II	Concurrent with Remediation Phase 5	To be Determined	Future
6a	Reuse Area Construction Stage III	Concurrent with Remediation Phase 6	To be Determined	Future

**Gude Landfill - Remediation and Resue Project  
Community Communication Milestones**

DRAFT 4/13/2011

Milestone No.	Project Milestone	Date Initiated	Action to be Performed	Date Accomplished
	<b>Past:</b>			
1	Organize Monthly Meetings between GLCC and DEP for the Gude Landfill	6/11/09	DEP to organize and host monthly meetings regarding the Gude Landfill with GLCC that are open to the Derwood Station Community.	On-Going
2	Participate in a Community Meeting to discuss the Gude Landfill	9/24/09	DEP and GLCC to brief the Derwood Station Community on current conditions at the Gude Landfill, site contamination, future remediation work and potential site resue options.	9/24/09
3	Prepare a Public Notification Letter to discuss the Gude Landfill NES and Future GWM Wells	2/26/10	DEP to prepare and distribute a public notification letter regarding the Gude Landfill NES and Future GWM Wells to residents of the Derwood Station Community.	2/26/10
4	Prepare a Public Notification Letter to discuss the Gude Landfill NES and Installation of GWM Wells	6/25/10	DEP to prepare and distribute a public notification letter regarding the Gude Landfill NES and Installation of GWM Wells to residents of the Derwood Station Community that are near the proposed GWM locations.	6/25/10
5	Prepare and submit the Gude Landfill NES for MDE Review and Comment	9/30/09	DEP to prepare a NES for the Gude Landfill to assess the nature and extent of groundwater contamination and submit a Report to MDE for review and comment.	11/19/10
6	Prepare a Fact Sheet to discuss the Gude Landfill NES	12/23/10	DEP to prepare a Fact Sheet to summarize the work, status and findings of the Gude Landfill NES. GLCC to distribute via the Derwood Station HOA's Newsletters to the Derwood Station Community.	12/23/10
7	Initiate Meeting with MDE to discuss Comments on Gude Landfill NES	2/23/11	DEP to initiate a meeting with MDE to discuss MDE comments on the Gude Landfill NES.	2/23/11
8	Formalize MDE Comments and DEP Responses on the Gude Landfill NES	3/23/11	DEP to formalize and submit MDE Comments and DEP responses on the Gude Landfill NES to MDE.	3/30/11
	<b>Future:</b>			
9	Complete additional investigations and analyses per MDE Comments on the Gude Landfill NES	3/30/11	DEP to complete additional investigations and analyses per MDE comments on the Gude Landfill NES and submit Amendment No.1 to the NES Report for MDE review and comment.	Future
10	Prepare a Quarterly Newsletter regarding the Gude Landfill	Future	DEP to prepare a Quarterly newsletter to summarize on-going site activities regarding the Gude Landfill. GLCC to distribute via the Derwood Station HOA's Newsletters to the Derwood Station Community and DEP to distribute to adjacent commercial landowners and stakeholders.	Future
11	Prepare a Fact Sheet to discuss the Findings of the Final Gude Landfill NES	Future	DEP to prepare a Fact Sheet to summarize the Final Findings of the Gude Landfill NES. GLCC to distribute via the Derwood Station HOA's Newsletters to the Derwood Station Community and DEP to distribute to adjacent commercial landowners and stakeholders.	Future
12	Prepare a Fact Sheet to discuss the Remediation Feasibility Memorandum for the Gude Landfill	Future	DEP to prepare a Fact Sheet to summarize the Remediation Feasibility Memorandum for the Gude Landfill. GLCC to distribute via the Derwood Station HOA's Newsletters to the Derwood Station Community and DEP to distribute to adjacent commercial landowners and stakeholders.	Future
13	Participate in a Community Meeting to discuss the Final Gude Landfill NES and introduce the Future ACM	Future	DEP to brief (and obtain feedback from) the Derwood Station Community on the final findings of the Gude Landfill NES following MDE approval and preparation of the future ACM to assess the potential corrective measures to mitigate groundwater contamination.	Future
14	Prepare a Fact Sheet to discuss the Findings of the Final Gude Landfill ACM	Future	DEP to prepare a Fact Sheet to summarize the Findings of the Final Gude Landfill ACM. GLCC to distribute via the Derwood Station HOA's Newsletters to the Derwood Station Community and DEP to distribute to adjacent commercial landowners and stakeholders.	Future
15	Prepare a Fact Sheet to discuss potential Land Reuses that comply with the Findings of the Final Gude Landfill ACM	Future	DEP to prepare a Fact Sheet to summarize the potential Land Reuses that comply with the Findings of the Final Gude Landfill ACM. GLCC to distribute via the Derwood Station HOA's Newsletters to the Derwood Station Community and DEP to distribute to adjacent commercial landowners and stakeholders.	Future
16	Participate in a Community Meeting to discuss the Findings of the Final Gude Landfill ACM and discuss Land Resue	Future	DEP to brief (and obtain feedback from) the Derwood Station Community on the Findings of the Final Gude Landfill ACM and suitable Land Reuses that comply with ACM requirements at the Gude Landfill. Other County Agencies and Stakeholders will be invited to discuss Land Resue: M-NCPPC, Office of the County Executive, GLCC, Derwood Station Community, etc.	Future

- Notes.  
1. GLCC - Gude Landfill Concerned Citizens.  
2. DEP - Montgomery County Department of Environmental Protection.  
3. MDE - Maryland Department of the Environment.  
4. NES - Nature and Extent Study.  
5. GWM - Groundwater Monitoring Wells.  
6. ACM - Assessment of Corrective Measures.  
7. M-NCPPC - Maryland-National Capital Parks and Planning Commission.

**ATTACHMENT 5**



## GLCC/DEP Meetings – Action & Follow Up Item

### 11-2 GLCC inquired if the County had investigated the potential for a Brownfields Grant for the Remediation/Land Reuse project.

#### EPA Brownfields Cleanup Grants

State, local, and tribal governments are eligible for Cleanup Grants of up to \$200,000 per site under this program, which can be used for funding cleanup activities. The program requires a 20 percent cost share and must be completed within 3 years of receiving the grant. See attached Summary Handout.

*There does not appear to be any eligibility restrictions that would exclude the Gude Landfill from this initiative. No application deadline period is noted.*

#### RE-Powering America's Land: Siting Renewable Energy on Potentially Contaminated Land and Mine Sites

EPA is soliciting applications to evaluate the potential development of renewable energy on potentially or formerly contaminated properties. This evaluation will be in the form of a feasibility study conducted by the Department of Energy National Renewable Energy Laboratory (NREL) that will determine the best renewable energy technology for the site, the optimal location for placement of the renewable energy technology, potential energy generating capacity, the return on the investment, and the economic feasibility of the renewable energy projects. The purpose of the technical assistance is to reuse sites, improve communities, create jobs, develop partnerships, decrease the use of green space for siting renewable energy, and increase the amount of renewable energy generated. EPA also plans to write case studies based on the technical assistance, and develop a body of knowledge of the unique aspects of siting renewable energy on contaminated sites that can be applied to other projects. EPA will provide technical assistance to successful applicants as described below. Eligible entities are tribal, local, regional, and state governments and nonprofit organizations that have a demonstrated partnership with a governmental entity. The feasibility study will evaluate the technical and economic opportunities and challenges at the sites. It will:

- Provide a preliminary analysis of the economic and physical viability of the site;
- Review the economics, capital costs, and payback period of the proposed system(s);
- Assess renewable resource availability; Identify possible system size, design and location;
- Highlight financing options such as cost/benefit, return on investment, and available incentives/rebates/stimulus (timeframe of their availability),
- Estimate number of jobs created; and
- Estimate GHG Emission Reductions.

See attached Summary Handout.

*There does not appear to be any eligibility restrictions that would exclude the Gude Landfill from this initiative. Deadline is 5/20/2011*

#### Brownfields Revitalization Incentive Program (BRIP)

Administered by the Maryland Departments of Environment (MDE) and Business & Economic Development (DBED), the BRIP offers real property tax credits for eligible sites. For up to five years after clean-up a site may qualify for a real property tax credit between 50% and 70% of the increased value of the site. (In an Enterprise Zone, the tax credit may last for up to 10 years). However, to be eligible, the site must be owned by an inculpable person.

*This incentive would only apply to the Gude Landfill site if it were purchased for redevelopment by a tax paying entity.*



# EPA Brownfields Cleanup Grants: Interested in Applying for Funding? *Here's what you need to know to get started...*

## *What is EPA's Brownfields Program?*



Lakewood, Colorado

The U.S. Environmental Protection Agency's (EPA) Brownfields Program is designed to empower states, communities, and other stakeholders to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields. EPA provides technical and financial assistance for brownfields activities through an approach based on four main goals: protecting human health and the environment, sustaining reuse, promoting partnerships, and strengthening the marketplace. Brownfields grants serve as the foundation of the Brownfields Program and support revitalization efforts by funding environmental assessment, cleanup, and job training activities. Thousands of properties have been assessed and cleaned up through the Brownfields Program, clearing the way for their reuse.



Lakewood, Colorado

A brownfield is defined as: real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. The 2002 Brownfields Law further defines the term to include a site that is: "contaminated by a controlled substance; contaminated by petroleum or a petroleum product excluded from the definition of 'hazardous substance'; or mine-scarred land."

## *What are the Four Grant Types?*

- ✓ Assessment grants provide funding for brownfields inventories, planning, environmental assessments, and community outreach.
- ✓ Revolving Loan Fund grants provide funding to capitalize a revolving loan fund that provides subgrants to carry out assessment and/or cleanup activities at brownfields.

- ✓ **Cleanup grants** provide direct funding for cleanup activities at specific sites.
- ✓ Job Training grants provide environmental training for residents of brownfields communities.

## *What are Cleanup Grants?*

Brownfields Cleanup grants provide funding for a grant recipient to carry out cleanup activities at brownfield sites. Funds may be used to address sites contaminated by petroleum and/or hazardous substances, pollutants, or contaminants (including hazardous substances commingled with petroleum).

**For the complete discussion of Brownfields Program grant funding, refer to the EPA Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup grants at: <http://www.epa.gov/brownfields/applicat.htm>**

## *How Do I Apply for a Cleanup Grant?*

Applicants submit a proposal for each grant type that they are applying for (i.e., assessment, revolving loan fund, and/or cleanup). Each proposal must address the selection criteria outlined in the guidelines.

Grant proposals should be concise and well organized, and must provide the information requested in the guidelines. Applicants must demonstrate that they meet threshold criteria requirements and must respond to evaluation criteria. Factual information about your proposed project and community must be provided.

Proposals must include:

- ✓ Cover letter describing project
- ✓ Applicant information
- ✓ Applicable mandatory attachments (e.g., state letter)
- ✓ Responses to evaluation criteria

All applicants must refer to the Proposal Guidelines published by EPA.

## *Who is Eligible to Apply for a Cleanup Grant?*

Eligible entities include: state, local, and tribal governments, with the exception of certain Indian tribes in Alaska; general purpose units of local government, land clearance authorities, or other quasi-governmental entities; regional council or redevelopment agencies; states or legislatures; or nonprofit organizations.

Some properties are excluded from the definition of a brownfield unless EPA makes a site-specific funding determination that allows grant funds to be used at that site.

In order to receive a Cleanup grant, the applicant must be the sole owner of the property that is the subject of its cleanup grant proposal by time of proposal submission. For the purposes of eligibility determinations in the guidelines only, the term “own” means fee simple title. A written ASTM or equivalent Phase I report must be completed and a minimum of an ASTM or equivalent Phase II site assessment must be underway or completed prior to proposal submission.

### *How Much Cleanup Grant Funding is Available?*

- ✓ Up to \$200,000 per site – no entity may apply for funding cleanup activities at more than five sites.
- ✓ Cleanup Grants require a 20 percent cost share, which may be in the form of a contribution of money, labor, material, or services, and must be for eligible and allowable costs.

### *How Long is the Cleanup Grant Period?*

The performance period for a cleanup grant is three years.

### *Where Do I Find the Proposal Guidelines?*

Electronic copies of the Proposal Guidelines can be obtained from the EPA brownfields Web site at:

<http://www.epa.gov/brownfields/applicat.htm>

Additional information on grant programs may be found at: [www.grants.gov](http://www.grants.gov)

### *Is Pre-Application Assistance Available?*

If resources permit, EPA Regions may conduct open meetings with potential applicants. Check with your regional office for date and location information. Your regional Brownfields Program contacts can be found at: <http://www.epa.gov/brownfields/corcntct.htm>

EPA can respond to questions from applicants about threshold criteria, including site eligibility and ownership.

### *What is the Evaluation/Selection Process?*

Brownfields grants are awarded on a competitive basis. Evaluation panels consisting of EPA staff and other federal agency representatives assess how well the proposals meet the threshold and ranking criteria outlined in the Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup grants. Final selections are made by EPA senior management after considering the ranking of proposals by the evaluation panels. Responses to threshold criteria are evaluated on a pass/fail basis. If the proposal does not meet the threshold criteria, the proposal will not be evaluated. In some circumstances, EPA may seek additional information.

## US EPA RE-Powering Feasibility Studies

### 2011 Request for Applications (RFA)

#### RE-POWERING AND THE U.S. EPA

Through its *RE-Powering America's Land: Siting Renewable Energy on Potentially Contaminated Land and Mine Sites* initiative, The U.S. Environmental Protection Agency (EPA) is soliciting applications from states, tribes, regional governments, and communities that want to evaluate the potential development of renewable energy on potentially or formerly contaminated properties. This evaluation will be in the form of a feasibility study conducted by the Department of Energy National Renewable Energy Laboratory (NREL) that will determine the best renewable energy technology for the site, the optimal location for placement of the renewable energy technology, potential energy generating capacity, the return on the investment, and the economic feasibility of the renewable energy projects.

The purpose of the technical assistance is to reuse sites, improve communities, create jobs, develop partnerships, decrease the use of greenspace for siting renewable energy, and increase the amount of renewable energy generated. EPA also plans to write case studies based on the technical assistance, and develop a body of knowledge of the unique aspects of siting renewable energy on contaminated sites that can be applied to other projects.

EPA will provide technical assistance to successful applicants as described below. Eligible entities are tribal, local, regional, and state governments and nonprofit organizations that have a demonstrated partnership with a governmental entity.

The feasibility study will evaluate the technical and economic opportunities and challenges at the sites. It will:

- Provide a preliminary analysis of the economic and physical viability of the site;
- Review the economics, capital costs, and payback period of the proposed system(s);
- Assess renewable resource availability;
- Identify possible system size, design and location;
- Highlight financing options such as cost/benefit, return on investment, and available incentives/rebates/stimulus (timeframe of their availability),
- Estimate number of jobs created; and
- Estimate GHG Emission Reductions.

Renewable energy types that will be considered are Solar Photovoltaic (PV), concentrated solar power (CSP), wind, biorefinery (from wood or crop waste), biopower (from wood or crop waste), and geothermal. For Brownfield and Superfund sites, these feasibility studies are used to help determine the potential future use of the site which informs the assessment and remedy decisions. For example, this information helps inform remedy decisions and design by providing information on the best place to site renewable energy on the property.

EPA prefers applications for utility or commercial scale renewable projects. Also preferred are applications for renewable energy opportunities located directly on the site instead of placement on a building at the site.

This technical assistance is not available to determine renewable energy feasibility for projects where the renewable energy would be going primarily to power the cleanup of the site.

The applicant must form a team to work with EPA/NREL and to follow up on the feasibility study and technical assistance. This informal team could include representatives from relevant sectors, including the site owner or representative, government, business, public interest groups, civic associations, and individual citizens. The team will be responsible for working with NREL pre- and post-site visit, and working with the applicant to ensure all appropriate stakeholders are represented in the assistance.

For more information on RE-Powering America's Land, please visit EPA's RE-Powering Web site at:

<http://www.epa.gov/renewableenergyland>.

#### TECHNICAL ASSISTANCE OPPORTUNITY

Through its *RE-Powering America's Land: Siting Renewable Energy on Potentially Contaminated Land and Mine Sites* initiative, EPA identified more than 11,000 EPA tracked sites and nearly 15 million acres that have potential for developing solar, wind, biomass and geothermal facilities. EPA and NREL are conducting feasibility studies of developing renewable energy production on Superfund, brownfields, RCRA Corrective Action, and former landfill or mining sites.

EPA is offering direct technical assistance from NREL to communities and states that want to incorporate renewable resources on their contaminated sites. Selected communities or states will receive assistance, first in the form of a site visit from NREL's experts. EPA will provide this assistance through an Inter-Agency Agreement with NREL, not a grant. NREL will engage with state or local staff to study the specific site, and meet with elected officials, business leaders, citizen organizations and representatives of other stakeholder groups as needed. Second, upon completion of the analysis, the applicant will receive a final report developed by NREL that explains the best renewable energy technology for the site including specifications for the system, the optimal location for placement of the renewable energy technology on the site, potential energy generating capacity, capital costs, the return on the investment, and the economic feasibility of the renewable energy projects.

Additionally, EPA will offer assistance by providing advice on site cleanup and liability concerns and provide assistance throughout the permitting process.

EPA plans to assist approximately 20 communities in 2011. EPA anticipates announcing the selected communities in 2011, and working with the communities over a period of 12-24 months.

**U.S. EPA must receive applications by 5:00 p.m. ET, 05/20/2011.**

## PROCESS FOR SELECTION

EPA will evaluate applications based on the criteria listed below. Project descriptions should be detailed and clearly identify the current or formerly contaminated site and the specific activities that would be most helpful from the EPA/NREL team. Applicants must first meet Threshold Criterion listed below. If applicants meet the Threshold Criteria, the proposals will be reviewed and ranked by EPA. Following this initial review, EPA will provide promising applicant materials to NREL to conduct an initial screening prior to selection based on information provided by applicant in question 2 below, GIS programs, and state and local incentives. NREL will categorize each proposal as high, medium, or low likelihood of success. EPA will make final selections after reviewing information presented by NREL. Additionally, when making the final decisions, EPA will consider regional and programmatic distribution as well as the diversity of renewable energy technologies.

## THRESHOLD CRITERIA

1. **APPLICANT ELIGIBILITY:** *The applicant must be (1) a tribal, state, local, or regional government; or (2) an incorporated nonprofit organization incorporated or domiciled in the United States or an academic institution that has a demonstrated partnership with a governmental agency.* Applicants must be located in, and project activities must be conducted within, the United States, Puerto Rico, or a territory or possession of the U.S.
2. **SITE ELIGIBILITY:** *The applicant must demonstrate the site is a current or former contaminated site and is suitable for the renewable energy type proposed. If known, please specify whether the site is a Superfund site, a brownfield, a RCRA Corrective Action site, a landfill, abandoned mind land, etc.* The site does not have to be a site of federal interest. Sites with state involvement or potentially contaminated sites will be considered.
3. **LETTER FROM SITE OWNER:** *Site owner must support this project and be committed to its success.* The response to this request for applications will require a letter of support from the owner of the site.

## EVALUATION CRITERIA

1. *Need for EPA/NREL assistance.* Explain why support from EPA and NREL is critical to the development of a renewable energy project at the site. If technical support is not granted, would the project likely succeed anyway?
2. *Describe site history and explain the characteristics of the site that may make it suitable for the renewable energy type proposed.* Provide the latitude and longitude of the site if possible. If latitude and are unknown, provide a detailed site address. Describe site history, contamination at the site, history of any assessment or cleanup work at the site, and current status. If cleanup at the site is needed, please explain if there is a cleanup plan in place, how the renewable energy installation would fit into that plan, interaction with regulatory agencies on the cleanup, and

plans to involve the public. Describe site location, approximate total acreage of site, proposed acreage for siting renewable energy, slope, known information on resource availability of proposed renewable energy type, any foreseen potential impediments to locating renewable energy at this location, any remaining structures, and any significant features of the site. When possible, include site images and site maps. If any electricity is consumed onsite, provide the amount consumed per month, the local utility rates, and the name of the local utility. Provide information on any renewable energy feasibility studies that have been conducted or are planned for the site.

3. *Interest from the local utility.* To what extent has the local utility been involved in the project? To what extent has the utility committed to collaborating on this project on purchasing the renewable energy? Please provide a letter of support from the local utility. If you are unable to provide a letter, what is your plan for involving the local utility in the renewable energy project?

4. *Explain how this project relates to a broader plan for the area.* Describe how this renewable energy project fits into the municipality's long-term plans for this site, neighborhood, or community. Explain your plan for using the feasibility study once it is complete.

5. *The project is transferable and useful to other geographic locations.* Identify any likely findings or obstacles that may be useful at other sites.

6. *Although this assistance will be free to the applicant, communities, regional government and states that show commitment through partnerships, such as local government staff time, support from local businesses, and other local resources, will have priority in the selection process.* Applicants should include a list of supporters and describe any previous collaborations on environmental issues, or growth and development issues, if applicable. Applicants should also mention any potential matching funds and other technical assistance programs or grants for which they may be applying.

7. *Demonstrate Community Engagement and Partnerships.* Describe 1) your plan to engage the targeted community in the project and 2) the extent to which you have developed relationships with partners. Include letters of support from community-based organizations and other partners as part of your application.

## SUBMITTING YOUR APPLICATION

To be considered complete and eligible for review, all applications must include a summary page, cover letter, project description, letter of support from the community's main elected official or agency decision official, and documentation of partner participation. All parts of the application must be submitted together. The following format is required:

### Summary Page (no longer than one page)

The summary page should include the project title, name and contact information for the project manager, type of renewable energy feasibility requested, and a brief description of the proposed

project. If a non-profit organization or academic institution is submitting the application, then the name and contact information for the governmental partner must also be provided.

Cover letter (does not count against page limit)

The cover letter that accompanies your application must be signed by an official with the authority to commit your government, agency or organization to the project and should be written on your official letterhead.

Project description (no longer than six single pages (three double sided pages))

The request for assistance must describe the project clearly and specifically. The narrative must provide a concise overview of the project, including the current conditions at the site and how EPA/NREL assistance will support the project. The narrative must address how the applicant meets the threshold and evaluation criteria. If other project partners or funding sources are involved, their role and contribution must be clearly defined. In reviewing the project description, reviewers will not consider any pages over the six page limit. Project descriptions must use no smaller than 11-point type and should have page margins all around of at least one inch.

Letter of support from elected official (not included in page limit)

Applicants must include a letter of support from the primary elected official in the community (e.g., mayor, county commission chair). If the applicant is a state government agency, the letter should be from the head of the agency or an elected official. Also include a list of other stakeholders who support the project; letters from these people are not required. Please include these materials with the application.

Documentation of partner participation (not included in page limit)

Applicants should include letters of support from the principal partners in the local team that will be assisting the EPA/NREL team and directing follow-up activities. Please include these letters with the application. Principal partners will be expected to participate in a conference call for the finalists.

## DUE DATE AND MAILING INSTRUCTIONS

**Applications are due 05/20/2011 at 5:00 p.m. Eastern Time (ET).** Applicants may submit their applications via email, through the U.S. Postal Service, or commercial delivery service. **Email is the preferred delivery method.** Only one method should be used for the submission of the original, complete application.

Electronic Submissions Applications

Email must be submitted to mail box **matthews.lura@epa.gov** and be received by 5:00 p.m. ET on **05/20/2011**. **Applications received after 5:00 p.m. ET on 05/20/2011 will not be considered. All required documents must be attached to the email as a scanned Adobe PDF file.** Please note that if you choose to submit your materials via email, you are accepting all risks attendant to email submission including server delays and transmission difficulties. Email submissions exceeding 15MB will experience transmission delays when they are received by the

Agency. For these size submissions, applicants should submit the application materials via hardcopy because if they are sent via email, they may be received late and not considered for funding.

#### Hard Copy Submissions Applications

Hard copy must be postmarked by the U.S. Postal Service or received in the EPA program office via commercial delivery service by **05/20/2011**, 5:00 p.m. ET. Applications must be sent to the EPA contact address listed below. **Two printed copies and a CD containing an electronic, scanned Adobe PDF file copy of the completed application are required. Applications postmarked by the USPS or received by EPA via commercial delivery service after 5:00 p.m. ET on 05/20/2011 will not be considered.**

#### *Application Submission Address for Regular Mail (USPS):*

Lura Matthews  
Center for Program Analysis  
U.S. Environmental Protection Agency  
Mail Code 5101T  
1200 Pennsylvania Ave. NW  
Washington, DC 20460

#### *Application Submission Address for Express Mail/Courier Delivery:*

Lura Matthews  
Center for Program Analysis  
U.S. Environmental Protection Agency  
1301 Constitution Ave. NW  
EPA West Building, Room 3417  
Washington, DC 20004

#### **If you have questions about this solicitation, please contact:**

Lura Matthews  
[Matthews.Lura@epa.gov](mailto:Matthews.Lura@epa.gov)  
202-566-2539

**ATTACHMENT 6**



## GLCC/DEP Meetings – Action & Follow Up Item

### 15-2 DEP and EA will determine the current regulation for setbacks at new landfills and report this information to GLCC.

There is no regulatory requirement from MDE for the maintenance of a buffer between the landfill waste disposal footprint and the property boundary. However, there may be local zoning requirements.

As far as guidance, MDE would encourage the permit holder/applicant to ensure there is sufficient buffer to account for sediment control, surface water runoff collection and storage ponds, appropriate monitoring, site security, etc. There is no official guidance document for setback distance.

#### Montgomery County:

Sanitary Landfills are zoned under I-2-Heavy industrial in the Montgomery County Zoning Ordinance. In *Section 59-G-2.54.2.*, the following setbacks are identified:

- A solid waste transfer station operation must not be located on any part of a floodplain or wetland, or within 300 feet of a stream.
- There must be at least a 200 foot buffer between the proposed sorting and storage operations and any lot line.

There are no specific references regarding the minimum setback between landfills and property lines.

#### Sources:

*Montgomery County Comprehensive Solid Waste Management Plan for the Years 2009 through 2019*

[http://www.montgomerycountymd.gov/swstmpl.asp?url=/content/dep/solidwaste/reference/10yr\\_plan/index.asp](http://www.montgomerycountymd.gov/swstmpl.asp?url=/content/dep/solidwaste/reference/10yr_plan/index.asp)

*Montgomery County Zoning Ordinance*

[http://www.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:montgomeryco\\_md\\_mc](http://www.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:montgomeryco_md_mc)

**GLCC/DEP Meetings – Action & Follow Up Item**

**15-2 DEP and EA will determine the current regulation for setbacks at new landfills and report this information to GLCC.**

Charles County:

The following setbacks apply to Charles County:

- All fixed installations shall be located at least 750 feet from any existing homes and shall not be less than 300 feet from any property line. However, in the case where the site is completely surrounded by the IG, IH, or BP Zones, the fixed installations shall not be less than 100 feet from any property line.
- There shall be no land filling within a minimum of 200 feet of any surface water including springs, seeps, or intermittent streams.

Source:

*Charles County, Maryland Comprehensive Solid Waste Management Plan 2000-2010*  
[www.charlescounty.org/pgm/rim/plans/solidwasteplan.pdf](http://www.charlescounty.org/pgm/rim/plans/solidwasteplan.pdf)  
4.18.2 Minimum Zoning Standards, Table 4-3

Baltimore County:

Baltimore County requires a three-hundred-foot-wide buffer area established along the outer perimeter of the edge where no sanitary fill is placed.  
Source:

*Baltimore County Zoning Regulations*  
<http://www.baltimorecountymd.gov/agencies/law/countycode.html#regs>