

Commissioners hire lawyer to search for land

Seeking site for regional landfill

By Craig O'Donnell
codonnell@chespub.com

CHESTERTOWN – Kent County will spend up to \$200,000 on legal advice, consultants and planning for a new regional landfill.

In September 1992 – 18½ years ago – the county joined three others who had already agreed to operate a Mid-Shore Regional Landfill. That year, Nicholson Landfill was capped and turned into a transfer station.

Talbot County was first in line. Its landfill is closing, and Caroline County is opening the next regional operation in 2011. Queen Anne's County will come next, in 2031, and then Kent.

Jan. 1, 2051 will be the day a regional landfill has to open here. It will serve the three other counties too. So far, Maryland Environmental Service has operated the Mid-Shore Regional Landfill under contract. MES is described on its Web site as "an independent state agency that aims to protect and enhance the state's air, land and water resources"

In a phone interview last week, Jack Steinmetz, county economic development director, said he was reviewing the county's financial report and the CPA's notes, when he noticed the county's contractual obligation: to own 200-some acres of land for the regional landfill here.

At the April 7 county commissioners' meeting, Commissioners Roy Crow, William Pickrum and Ron Fithian voted unanimously to hire Roger Truitt of the Baltimore office of law firm DLA Piper to locate land and begin planning and permitting.

Steinmetz said, "We need guidance of legal counsel ... his role is helping identify individuals, and consultants to us that we approve."

Essentially, he said, the county needs to plan ahead – 40 years ahead. "There's a highly specialized requirement for locating land ... we don't have that skill set."

Tom Yeager, the county's attorney, added that the permitting and environmental issues were out of his area of expertise, while Truitt was a certified engineer who had operated Sussex County, Del. landfills before turning to the law.

We have a shrinking number of lands available. We need about 200 acres."

Over the years the cost of land is rising and there are fewer and fewer candidate locations, he said.

He said he counted 288 parcels over 200 acres in size; but "having land and having land that's usable are different things.

"Some are wetlands, some are conservation tracts, some are at the ends of the county" and would be difficult and costly for large trash trucks to reach.

As the county looks for a location, the plan must minimize aesthetic impact. There will be an increased truck traffic, with an impact on roads.

If the county buys land now, it can be used for 40 years. Also, it brings "the certainty of long-term planning.

"This is a big project here (and) we will do it right the first time," added Steinmetz.

Pickrum asked how to justify the contract: "What is the justification for a sole source?"

Hayman called Truitt "a one-of-a-kind guy."

Expenses related to Truitt, consultants and others are at \$200,000 total. Steinmetz agreed to "report action taken at no less than a monthly basis."

Last summer, Pickrum suggested that the Alexander gravel pit near Massey was a potential regional landfill location.

The 193-acre mine is leased and operated by H&K Group of Skippack, Pa. The entire farm is 348 acres.

The county has already committed itself to owning the land, Steinmetz said. Truitt will be a "conduit for us for consultants and industry leaders who can tell us" the best site or sites.

County Administrator Susie Hayman added, "Per the agreements we signed we should already have this land. We're a little behind."

The county's capital budget contains \$800,000 in a special fund for the landfill. By drawing from this for planning, said Steinmetz, there's no impact on upcoming operating budgets.

From his perspective, said Steinmetz, "This landfill is opening tomorrow, not 42 years from now. It's tomorrow because our contractual obligation is to control the land ...