



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett  
County Executive

Robert G. Hoyt  
Director

MEMORANDUM

July 1, 2010

TO: Isiah Leggett  
County Executive

FROM: Robert G. Hoyt, Director *Robert G. Hoyt*  
Department of Environmental Protection

SUBJECT: Decision Memorandum – 17-Acre Land Swap with Maryland-National Capital Park and Planning Commission (M-NCPPC) to Address Intrusion by Gude Landfill Trash onto M-NCPPC Property

**Purpose:** The purpose of this memorandum is to recommend exchanging approximately 17-acres of County-owned land at the perimeter of Gude Landfill that is waste-free for an almost equal area of adjacent M-NCPPC land where waste was inappropriately placed on M-NCPPC property in the late 1970's. The purpose of the exchange is to facilitate the County's remediation of the landfill site in accordance with Maryland Department of the Environment (MDE) guidelines.

**Background:** The Department of Environmental Protection's (DEP) consultant performed an investigation into the nature and extent of low level surface and groundwater contamination at the Gude Landfill. During the investigation, test pits were dug with excavation equipment around the landfill perimeter to identify the outermost extent of waste placement. The fieldwork and historical photographs revealed that waste extended beyond the County property line onto approximately 16.5 acres of M-NCPPC property at the northeast side of the landfill. MDE informed DEP that the County needs to have control of this area in order to perform the necessary remediation activities. Since April 2010, DEP and M-NCPPC staff have shared historical information, conducted several site visits and prepared this joint recommendation.

**Analysis:** Figure 1, attached, shows the area where waste was placed on M-NCPPC property and the two perimeter areas DEP is recommending for the exchange. This trade will serve the interest of all parties. One parcel the County would be giving up is an odd corner that crosses a major gas utility right-of-way and is best left vacant. The other is in a stream valley and is suitable only as a natural park buffer. Performing the land exchange will enable DEP to have control of all land where waste was placed. M-NCPPC is satisfied with this acre for acre exchange.

Isiah Leggett  
July 1, 2010  
Page 2

**Recommendation:** Direct DEP to enter into a formal agreement for the land exchange and follow all public processes in accordance with COMCOR 11B.45.01 "Disposition of Real Property" necessary to subdivide the existing parcels and reassign ownership. DEP will work with the Office of Real Estate to verify that all required procedures and notifications are performed.

**Attachments:** Tab 1 – Figure 1 Showing Affected Gude Landfill Parcels

**Coordination:** Office of Real Estate, Office of the County Attorney, M-NCPPC

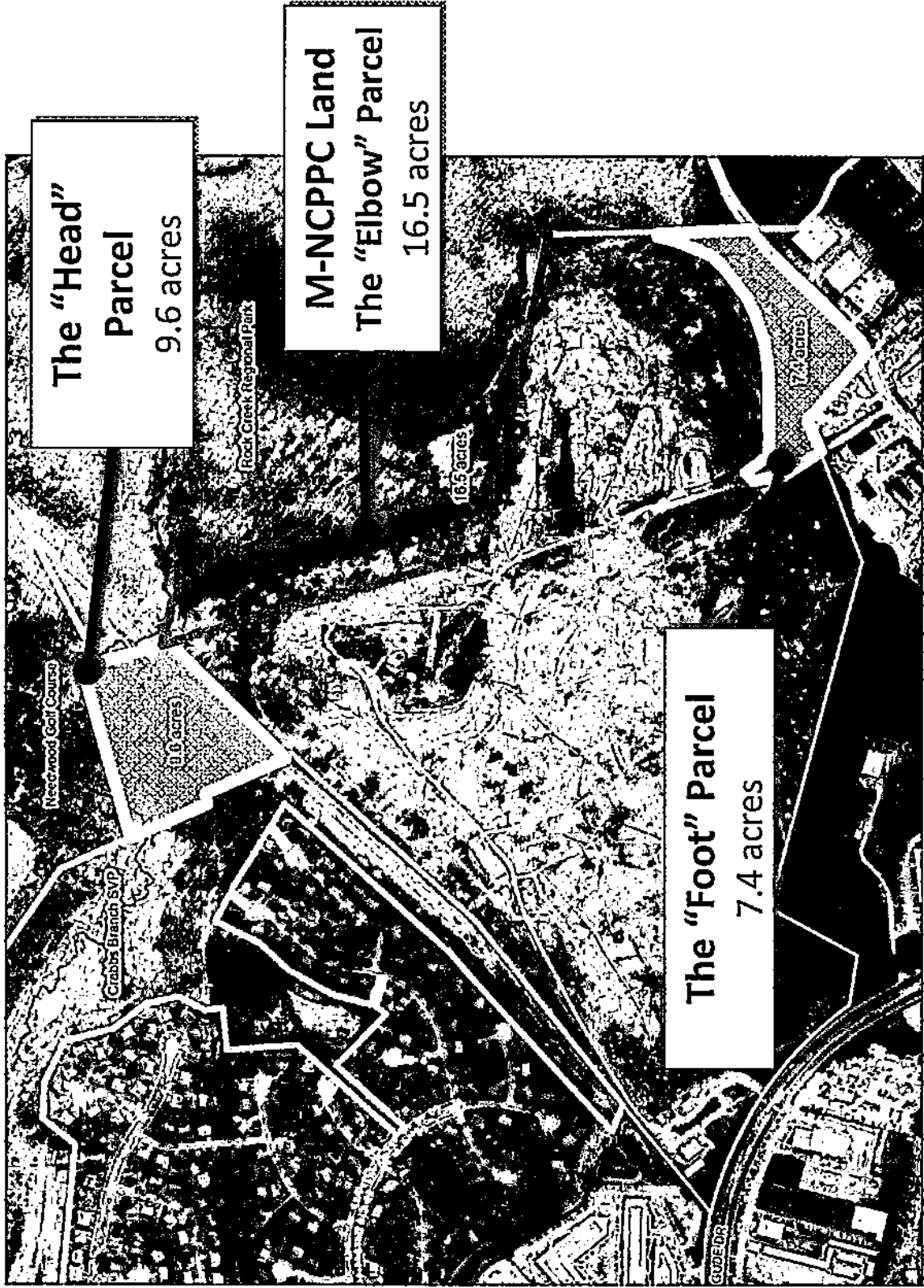
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County Executive Decision:

Agree       Disagree       Schedule Briefing       See/Call Me

Isiah Leggett      07/28/10  
County Executive      Date

# Proposed Land-swap



TRANSMITTAL FORM  
CE/CAO ACTION

Date: July 1, 2010

2010 JUL 2 AM 11:51

T11-0012 RR X

(Check One)	
Executive Orders	
Executive Regulations	
Zoning Text Amendments	
Grants	
Legislation/Bills/Resolutions	
Ordinances	
Supplemental Appropriations	
Other -- Decision Memo	X

7/7 Executive Office Routing Comment:  
Please have Terilyn Brooks sign off first 8/6/10 OCA Done.  
7/16 Jo Joni/Rebecca

SUBJECT: Land Swap with MNCPPC to Address Intrusion by Gude Landfill Trash onto MNCPPC Property

TIME CONSTRAINTS (Select One):

Specific Date: July 12, 2010  
20

RUSH: 2010 JUL 15 AM 11:17

ORIGINATING DEPARTMENT: Department of Environmental Protection

Director: Robert G. Hoyt

Signature: 

Director's Aide: Nancy G. Frechette 47

Phone: 240-777-7730

Departmental Contact: Dan Locke

Phone: 240-777-6402

DEP Internal Signatures: \_\_\_\_\_

FORWARDED TO:

DATE:

REVIEW/SIGNATURE:

FORWARDED TO:

DATE:

REVIEW/SIGNATURE:

FORWARDED TO:

DATE:

REVIEW/SIGNATURE:

Documents must be reviewed and stamped as approved by the County Attorney's Office prior to submission to the Office of the County Executive unless a boiler plate exemption is on file or the document falls under the "other" category above.

Approved as to form and legality:

 7/12/10  
County Attorney Staff Signature / Date

COUNTY ATTY.

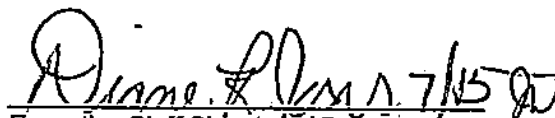
For Executive Staff Use Only


8 JUL 10 9:47 Fiscal Analysis Reviewed and Approved by OMB

\_\_\_\_ CAO Review (for CE signature documents only)

\_\_\_\_ Ready for CE/CAO Signature

Return to Department

  
Executive Staff Signature / Date

  
CAO Signature / Date