

ENROLLED ORDINANCE 172-044

APPROVE ORCHARD RIDGE LANDFILL EASTERN EXPANSION AGREEMENT

WHEREAS, pursuant to Section 289.33 Wisconsin Statutes, Waukesha County has been participating as an “affected municipality” in the negotiation process with Waste Management, Inc. and the Village of Menomonee Falls for the proposed Eastern Expansion of the Orchard Ridge Landfill; and

WHEREAS, affected municipalities have representation on a “local committee” to negotiate with the owner of the landfill for a solid waste disposal facility license on matters concerning the location, design, construction, operation, closing and long-term care of the facility; and

WHEREAS, through Enrolled Ordinance 158-143, the Waukesha County Board of Supervisors approved an agreement that was negotiated by a local committee in 2004 for the Orchard Ridge Landfill Southern Expansion (“2004 Agreement”), which was amended and approved by the County Board in 2008 (Amendment #1) and 2009 (Horizontal & Vertical Expansions) through Enrolled Ordinances 163-65 and 163-072 respectively; and

WHEREAS, on September 14, 2017, the local committee for the Eastern Expansion of the Orchard Ridge Landfill voted 5-0 to recommend applying the amended version of the 2004 Agreement to the Eastern Expansion with further amendments, as briefly summarized below:

- (1) Increase landfill capacity through the Eastern Expansion by an estimated 5.5 million tons (5.5 years) plus 9.7 million tons (9.7 years) for the planned exhumation and reconstruction of the previously closed Boundary Road Landfill;
 - (2) Improve vector and odor control efforts, especially during the exhumation process;
 - (3) Provide copies of all state landfill reports and related correspondence to the affected municipalities;
 - (4) Require the per ton host fee to increase annually by 3%;
 - (5) Increase Waukesha County’s share of total host fees collected from 5% to 10%;
 - (6) Require removal of a drive-through culvert under County Line Road and road repair;
- and

WHEREAS, the Menomonee Falls Village Board approved the above noted amendments to the 2004 Agreement on September 18, 2017; and

WHEREAS, Waukesha County staff have reviewed and support the proposed amendments to the 2004 Agreement for the East Expansion, recognizing that all other provisions of the 2004 Agreement and previously approved amendments remain in effect, including the continuation of annual payments to Waukesha County of \$40,000 to support residential electronics recycling.

THE COUNTY BOARD OF SUPERVISORS OF WAUKESHA COUNTY ORDAIN that the agreement for the Eastern Expansion of the Orchard Ridge Landfill, as approved by the local committee and on file in the Office of the County Clerk, is hereby approved, and the County Clerk and the County Executive shall sign the agreement on behalf of Waukesha County.

BE IT FURTHER ORDAINED that all revenues collected under this agreement shall be used to offset Waukesha County costs for solid waste, household hazardous waste, and recycling programs or other Department of Parks and Land Use operations and capital expenditures.

FISCAL NOTE

APPROVE ORCHARD RIDGE LANDFILL EASTERN EXPANSION AGREEMENT

This ordinance approves the agreements negotiated by the County and affected municipalities to expand the capacity of the Orchard Ridge solid waste disposal facility, estimated by department management to be completed in year 2019. Under the agreement, the County would receive an increase of 5% to 10% of the tonnage fee for the facility, which in 2017 is approximately \$4.40/ton. The rate increases annually by 3%. The County will continue to receive \$40,000 for a residential electronics recycling program.

	3-year avg. tons (2014-2016)	Fee Per Ton	Waukesha County fee share	Res. Electronics Recycling prog.	Est. landfill siting revenues (Orchard Ridge)
2017	726,900	\$4.40	5%	\$40,000	\$199,918
2018	726,900	\$4.53	5%	\$40,000	\$204,716
2019	726,900	\$4.67	10%	\$40,000	\$379,314

The total revenue received at this facility in any given year will fluctuate based on the amount of material received. The proposed 2018 budget includes landfill fees under the current agreement. The additional revenue will begin on the date disposal begins in the Eastern Expansion, estimated to occur in 2019. The increase in revenue, estimated at \$175,000 for a full year at current tonnages, could be appropriated in the annual budget process to offset County costs for operations and capital expenditures within the Department of Parks and Land Use.

This ordinance results in no new direct tax levy impact in the 2018 budget.

Lawrence M. Dahl
Lawrence M. Dahl
Accounting Services Manager

APPROVE ORCHARD RIDGE LANDFILL EASTERN EXPANSION AGREEMENT

Presented by:
Executive Committee

Approved by: Land Use, Parks,
and Environment Committee

Approved by:
Finance Committee

Paul L. Decker, Chair

ABSENT

David D. Zimmermann, Chair

James A. Heinrich, Chair

James A. Heinrich

Kathleen M. Cummings

absent

Timothy Dondlinger

Christine M. Howard

Keith Hammitt

Thomas A. Michalski

Larry Nelson

Robert L. Kolb

Richard Morris

David W. Swan

William Mitchell

Duane E. Paulson

Peter M. Wolff

Thomas J. Schellinger

Steve Whittow

David D. Zimmermann

Ted Wysocki

Ted Wysocki

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 10/24/17,
Kathleen Novack, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X
Vetoed: _____

Date: 10/30/17,
Paul Farrow, County Executive

D1 - Kolb	AYE	D14 - Wood	AYE
D2 - Zimmermann	AYE	D15 - Mitchell	AYE
D3 - Morris	AYE	D16 - Crowley	AYE
D4 - Batzko	AYE	D17 - Paulson	AYE
D5 - Dondlinger	AYE	D18 - Nelson	AYE
D6 - Walz	AYE	D19 - Cummings	AYE
D7 - Grant	AYE	D20 - Schellinger	AYE
D8 - Michalski	AYE	D21 - Zaborowski	AYE
D9 - Heinrich	(M) AYE	D22 - Wysocki	Notified
D10 - Swan	(2) AYE	D23 - Hammitt	Notified
D11 - Howard	AYE	D24 - Whittow	AYE
D12 - Wolff	AYE	D25 - Johnson	AYE
D13 - Decker	AYE		
170-0-044	Passed (23 Y - 0 N - 2 Absent)	Majority Vote	>