

ENROLLED ORDINANCE 163-13

AGREE TO WAIVE RENEGOTIATION OF EXISTING AGREEMENTS AFFECTING  
THE VEOLIA EMERALD PARK LANDFILL AND THE VEOLIA EMERALD  
PARK LANDFILL WESTERN HORIZONTAL EXPANSION

WHEREAS, the Veolia Emerald Park Landfill (formerly known as the Onyx Emerald Park Landfill) is a solid waste disposal facility located within the City of Muskego, Waukesha County, Wisconsin; and

WHEREAS, the City of Muskego, Waukesha County, City of Franklin, Town of Norway, and Racine County each constitute an “Affected Municipality” under Wis. Stat. § 289.01(1); and

WHEREAS, on or about December 23, 2005, Veolia Emerald Park, LLC submitted an Initial Site Report for the Veolia Emerald Park Landfill Western Horizontal Expansion; and

WHEREAS, pursuant to Article IV, paragraph 27 of the 1999 Negotiated Agreement, the “Affected Municipalities” can agree to waive negotiations for future expansions thereby continuing applicable terms and rate schedules found in the 1999 Negotiated Agreement; and

WHEREAS, after careful consideration of the Initial Site Report as it relates to the future operation of the Veolia Emerald Park Landfill, the provisions of the 1999 Negotiated Agreement, the commercial benefit, and the health, safety, and welfare of the public, the Waukesha County Board of Supervisors passed Enrolled Ordinance 161-5 electing to exercise its option to waive negotiations; and

WHEREAS, between 1998 and 2007 Emerald Park erred in calculating the annual increase of direct fee payments by use of 4 digit rounding, resulting in overpayments of direct fees to the “Affected Municipalities” in the total sum of \$88,936.37; and

WHEREAS, Veolia erroneously did not collect State Fees from the generator of solid waste including a recycling fee and an environmental repair fee per ton of solid waste disposed from some of the “Affected Municipalities” for waste received between 1998 and 2000, despite depositing the State Fees totaling \$150,916 on behalf of the “Affected Municipalities.”

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the agreement to waive renegotiation for the Veolia Emerald Park Landfill Western Horizontal Expansion between Veolia Emerald Park Landfill and the City of Muskego, City of Franklin, Town of Norway, Racine County, and Waukesha County may be executed by the appropriate County officials.

BE IT FURTHER ORDAINED that Waukesha County shall sign the Settlement Agreement between Veolia ES Emerald Park Landfill, LLC and the City of Muskego, City of Franklin, Town of Norway, Racine County, and Waukesha County that resolves errors by Veolia for rounding overpayment and State fee payments under the 1999 Negotiated Agreement by granting Veolia a one-time exemption of 61,031 tons of shredder fluff from the Direct Payments.

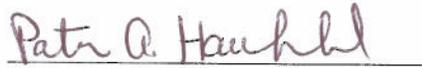
BE IT FURTHER ORDAINED that the Director of the Parks and Land Use Department is authorized to notify Veolia Emerald Park of the decision of Waukesha County pursuant to this ordinance.

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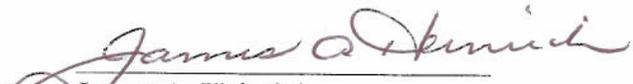
Presented by:  
Land Use, Parks and  
Environment Committee

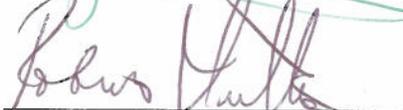
Approved by:  
Finance Committee

  
Fritz Ruf, Chair

  
Patricia A. Haukohl, Chair

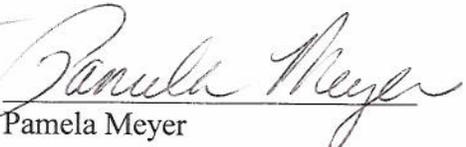
  
Janel Brandtjen

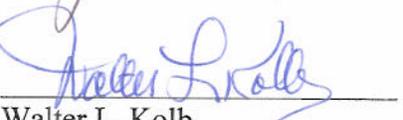
  
James A. Heinrich

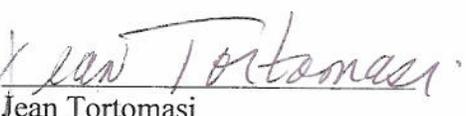
  
Robert Hutton

  
Robert Hutton

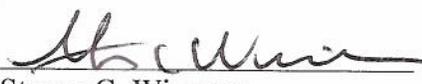
  
James Jeskewitz

  
Pamela Meyer

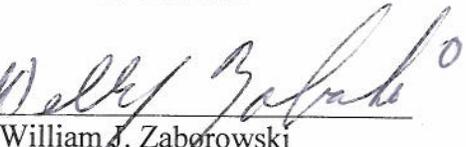
  
Walter L. Kolb

  
Jean Tortomasi

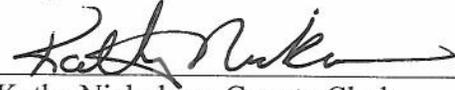
  
Ted Rolfs

  
Steven C. Wimmer

  
Gilbert W. Yerke

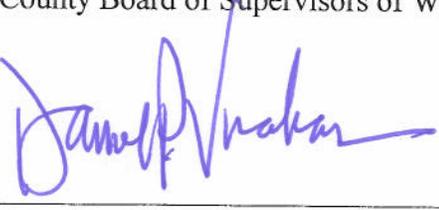
  
William J. Zaborowski

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

Date: 6/27/08,   
Kathy Nickolaus, County Clerk

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

Approved: X  
Vetoed: \_\_\_\_\_



Date: 6-30-08, \_\_\_\_\_  
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-06/25/08

(ORD) NUMBER-1630013

1	D. FALSTAD.....	AYE	2	T. ROLFS.....	AYE
3	R. HUTTON.....		4	J. DWYER.....	AYE
5	J. JESKEWITZ.....		6	J. BRANDTJEN.....	AYE
7	P. HAUKOHL.....	AYE	8	T. SCHELLINGER....	AYE
9	J. HEINRICH.....	AYE	10	D. SWAN.....	AYE
11	F. RUF.....	AYE	12	P. WOLFF.....	AYE
13	J. BEHREND.....	AYE	14	B. MORRIS.....	
15	P. MEYERS.....	AYE	16	D. PAULSON.....	AYE
17	J. TORTOMASI.....	AYE	18	K. CUMMINGS.....	AYE
19	S. WIMMER.....	AYE	20	P. JASKE.....	AYE
21	W. ZABOROWSKI....	AYE	22	P. GUNDRUM.....	AYE
23	J. PLEDL.....	AYE	24	W. KOLB.....	AYE
25	G. YERKE.....	AYE			

TOTAL AYES-22

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS   X  

TOTAL VOTES-22