

2
3
4 **RESOLUTION BY THE RACINE COUNTY ECONOMIC DEVELOPMENT AND LAND USE**
5 **PLANNING COMMITTEE AUTHORIZING RACINE COUNTY TO WAIVE**
6 **RENEGOTIATION OF EXISTING AGREEMENTS AFFECTING THE VEOLIA ES**
7 **EMERALD PARK LANDFILL WESTERN HORIZONTAL EXPANSION**

8
9 To the Honorable Members of the Racine County Board of Supervisors:

10
11 **BE IT RESOLVED** by the Racine County Board of Supervisors that Racine County
12 Planning and Development Department is authorized to exercise its option under the terms
13 in Paragraph 27 of Negotiated Agreement, as detailed in "Exhibit A" that is attached hereto
14 and incorporated herein, resulting from litigation in Waukesha County Case No.
15 99CV1476.

16
17 **BE IT FURTHER RESOLVED** by the Racine County Board of Supervisors that any
18 two of the County Clerk, the County Executive and/or the County Board Chairman are
19 authorized to execute any contracts, agreements or other documents necessary to carry
20 out the intent of this resolution.

21
22
23
24
25 Respectfully submitted,

26
27 1st Reading _____

**ECONOMIC DEVELOPMENT AND LAND
USE PLANNING COMMITTEE**

28
29 2nd Reading _____

30
31 BOARD ACTION

Robert D. Grove, Chairman

32 Adopted _____

33 For _____

34 Against _____

35 Absent _____

Mark M. Gleason, Vice-Chairman

36
37 VOTE REQUIRED: Majority

Ronald Molnar, Secretary

38
39 Prepared by:
40 Planning & Development Dept.

Thomas Pringle

41
42
43 _____
David Cooke

44
45 _____
Monte Osterman

46
47
48 _____
Joseph F. Bellante III

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

4 The foregoing legislation adopted by the County Board of Supervisors of Racine County,
5 Wisconsin, is hereby:

6
7 Approved: _____

8 Vetoed: _____

9
10 Date: _____,

11
12 _____
13 James A. Ladwig, County Executive

14
15
16
17
18 **INFORMATION ONLY**

19
20
21
22 **WHEREAS**, on or about July 6, 2011, Veolia ES Emerald Park Landfill, LLC,
23 submitted a Request for Local Approval for the Veolia Es Emerald Park Landfill Western
24 Expansion as the Department of Natural Resources has waived the requirement for an
25 Initial Site Report , as the proposed expansion are was included in the previous Initial Site
26 Report; and

27
28 **WHEREAS**, the Veolia ES Emerald Landfill (formerly known as the Onyx Emerald
29 Park, Emerald Park Landfill, and the Superior Emerald Park Landfill) is a solid waste
30 disposal facility located within the City of Muskego, Waukesha County, Wisconsin; and

31
32 **WHEREAS**, Veolia ES Emerald Landfill, LLC, a domestic limited liability company,
33 is the current owner of the Veolia ES Emerald Landfill; and

34
35 **WHEREAS**, the City of Muskego, Waukesha County, City of Franklin, Town of
36 Norway, and Racine County each constitute an "Affected Municipality" under Wis. Stat. §
37 289.01(1); and

38
39 **WHEREAS**, the Veolia ES Emerald Landfill, is licensed by the Wisconsin
40 Department of Natural Resources ("WDNR") under WDNR License No. 3290 pursuant to
41 Chapter 289 of the Wisconsin Statutes; and

42
43 **WHEREAS**, the Veolia ES Emerald Landfill is further subject to multiple
44 agreements, to wit: the Interim Construction Agreement, Stipulation as to Agreed Upon
45 Issues as to Negotiated Agreement, the Arbitration Award of the Wisconsin Waste
46 Facilities Siting Board, the Settlement Agreement and Mutual Release in Case No.
47 99CV1476, and the January 20, 2000, Letter of Understanding regarding City of Muskego
48 v. Superior Emerald Park Landfill, Inc. (all of which are collectively referred to herein as the
49 "Agreement"); and

50
51

4 **WHEREAS**, the Agreement arises out of, and is related to, an expansion of the
5 Veolia ES Emerald Landfill; and

6
7 **WHEREAS**, the Agreement was ultimately concluded on or about March 13, 2000,
8 after approximately two years of contentious litigation; and

9
10 **WHEREAS**, the aforementioned Stipulation as to Agreed Upon Issues as to
11 Negotiated Agreement and the Negotiated Agreement incorporated therein (the
12 "Negotiated Agreement") was entered into under Wis. Stat. § 289.33(9)(g); and

13
14 **WHEREAS**, Paragraph 27 of the Negotiated Agreement (attached hereto and
15 incorporated by reference as "Exhibit A") expressly grants the Affected Municipalities the
16 option to waive negotiations for future expansions and thereby make applicable all terms
17 and rate schedules for compensation set forth in the Negotiated Agreement.

18
19

27. Future Expansions.

The Affected Municipalities shall have the option to waive negotiations for future expansions from Superior Service, Inc. on property owned by Emerald Park Landfill, Inc., Superior Services, Inc., or a related company which is within, contiguous to, or within one half mile of the Solid Waste Facility. This option shall be a waiver of renegotiation of that contract for future expansions and shall make applicable all terms and rate schedules for compensation set forth in this contract. The Affected Municipalities shall have six months from the date of receiving the Initial Site Report to make this election. This election shall be in writing and approved by each of the municipalities in writing or by the City of Muskego.