



## LEGAL SERVICES DEPARTMENT

### Office of the City Attorney


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**TO:** Members of the Municipal Services Committee

**FROM:** Christopher R. Behrens, City Attorney 

**DATE:** November 16, 2022

**RE:** Tentative Outagamie County Northwest Landfill Expansion Agreement

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Members of the Municipal Services Committee:

Outagamie County will soon be expanding its operations into the northwest quarter of the landfill. As part of the regulatory process for the County's expansion the County has engaged in negotiations with the Landfill Siting Committee. The committee includes representatives from the affected municipalities including City of Appleton, Village of Little Chute and Town of Grand Chute and is represented by legal counsel. This Committee appointed me as the City of Appleton's representative on the Landfill Siting Committee. The Committee has been meeting regularly and engaged in negotiations with the County for the past year.

The Committee negotiated with the County with respect to many different factors relating to the future operation of the landfill in the expanded area. While the County is required to meet certain basic operation requirements as set forth in the Wisconsin Administrative Code and elsewhere, the municipalities were able to negotiate for additional mitigation efforts above and beyond those basic requirements. Some of those include the installation of a horizontal and vertical gas collection system throughout the northwest landfill that is intended to capture most of the gases created and process them onsite for renewable energy; implementation of a perimeter odor mitigation system using some of the most current and effective technology; and continued use of a predator bird service to assist with dispersing and repelling seagulls. In addition, the municipalities negotiated a \$1.5 million grant from the County to be distributed over a 15-year period to the municipalities based upon percentage allocations to each municipality as detailed in the agreement.

This agreement was recently approved by the Landfill Siting Committee and is now being presented to the municipalities' respective governing bodies as well as to the County Board for approval. After a year's worth of work and effort by the Landfill Siting Committee as well as the County, this agreement is ready for approval.

Based upon the above, I respectfully recommend APPROVAL OF THE OUTAGAMIE COUNTY NORTHWEST LANDFILL EXPANSION AGREEMENT CONTINGENT UPON APPROVAL BY THE OUTAGAMIE COUNTY BOARD, VILLAGE OF LITTLE CHUTE AND TOWN OF GRAND CHUTE.

CRB:jljg

Citylaw: A21-0007

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