



RESOLUTION # 21-10/24

TO: HONORABLE MEMBERS OF THE LA CROSSE COUNTY BOARD OF SUPERVISORS

ITEM # 10-12

BOARD ACTION

Adopted:

For: 26

Against: 0

Abstain: 0

Abs/Excd: 4

Vote Req: 1

Other Action: 1

PUBLIC WORKS AND INFRASTRUCTURE COMMITTEE ACTION

Adopted:

For: 6

Against: 0

Abstain: 0

Abs/Excd: 1

RE: APPROVAL OF AMENDMENT NO. 10 TO THE SOLID WASTE DISPOSAL SERVICE AGREEMENT BETWEEN LA CROSSE COUNTY AND NORTHERN STATES POWER COMPANY (XCEL ENERGY) REGARDING CHANGES IN EPA REGULATIONS AND FINANCIAL CONTRIBUTION TO ADDITIONAL INSURANCE

WHEREAS, La Crosse County and Northern States Power Company, now doing business as Xcel Energy, entered into a Solid Waste Disposal Agreement dated March 18, 1986 for the construction and operation of the Refuse Derived Fuel Facility on French Island; and,

WHEREAS, over the years this agreement has been amended multiple times for various reasons, including the most recent amendment in 2017 which extended the terms of the contract to 2030; and

WHEREAS, recent changes in the U.S. Environmental Protection Agency's regulations regarding PFOA (perfluorooctanoic acid) and PFOS (perfluorooctanesulfonic acid) have the potential to impact some of the terms and conditions in the current contract; and

WHEREAS, La Crosse County and Xcel Energy have reached an agreement to amend the current contract with the following terms:

- Recognizing that, due to the ubiquitous presence of PFAS, the refuse derived fuel used in the waste to energy process may contain PFAS;
- Providing for an environmental impairment liability insurance product to protect both parties;
- Providing for La Crosse County to financially contribute to the cost of insurance based on the County's use of the facility, which cost is capped at \$75,000 per year;

WHEREAS, it is in the best interests of the County of La Crosse to enter into such an amendment.

NOW THEREFORE BE IT RESOLVED, that the La Crosse County Board authorizes the County Board Chair to execute Amendment No. 10 to the Solid Waste Disposal Service Agreement in accordance with the above terms, after approval by Corporation Counsel.

FISCAL NOTE: There are sufficient budget dollars in 2024 and 2025 to cover the additional cost from the contract amendment. Solid Waste operations are tracked in division 650.650.1000 in the County financial system.

Date: 10/17/2024

COMMITTEE CHAIR

RECORDING CLERK

	Reviewed Only	Recommended	Not Recommended	
Co. Admin.	_____		_____	Requested By: Jadd Stilwell Date Requested: September 25, 2024 Drafted By: Corporation Counsel
Fin. Director	_____	_____	_____	
Corp. Counsel	<u>AMF for MLD</u>	_____	_____	
Board Chair	_____	_____	_____	

Adopted by the La Crosse County Board this 17 Day of October, 2024

STATE OF WISCONSIN
COUNTY OF LA CROSSE

I, Ginny Dankmeyer, County Clerk of La Crosse County do hereby certify that this document is a true and correct copy of the original resolution required by law to be in my custody and which the County Board of Supervisors of La Crosse County adopted at a meeting held on the 17th day of October 2024.

Ginny Dankmeyer, La Crosse County Clerk