



Legislation Details (With Text)

**File #:** 50706      **Version:** 1      **Name:** Landfill Remediation Charge

**Type:** Ordinance      **Status:** Passed

**File created:** 2/26/2018      **In control:** FINANCE COMMITTEE

**On agenda:** 3/20/2018      **Final action:** 3/20/2018

**Enactment date:** 3/29/2018      **Enactment #:** ORD-18-00034

**Title:** Amending Section 35.025 of the Madison General Ordinance to clarify the purposes of the Landfill Remediation Charge.

**Sponsors:** Mark Clear, Denise DeMarb

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
3/20/2018	1	COMMON COUNCIL	Adopt	Pass
3/12/2018	1	FINANCE COMMITTEE	Return to Lead with the Recommendation for Approval	Pass
3/7/2018	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
3/6/2018	1	BOARD OF PUBLIC WORKS	Referred	
3/6/2018	D1	COMMON COUNCIL	Refer	Pass
2/28/2018	1	Attorney's Office/Approval Group	Referred for Introduction	

**Fiscal Note**

No Appropriation Required.

**Title**

Amending Section 35.025 of the Madison General Ordinance to clarify the purposes of the Landfill Remediation Charge.

**Body**

**DRAFTER'S ANALYSIS:** The City currently owns and operates six closed landfills. As part of our continuing duties as the owners of these facilities, the City must ensure that the landfills are properly maintained and cared for to protect against explosions, environmental contamination, or other threats to the public health, safety and welfare. As part of our ongoing duties, the City maintains the landfill cap, the gas collection and gas monitoring system, the leachate collection system, and monitoring wells around the facility. This ensures that the sewage from the closed landfills continues to drain from the facilities to the MMSD treatment facility and that storm water and surface water discharges from the facility are not negatively impacted. The importance of remediating the closed landfills became apparent when the Greentree landfill caused an explosion in 1983. The City established the Landfill Remediation Charge in 1992 as a means to finance the City's remediation efforts of its closed landfills (MGO Sec. 35.025 Cr. by Ord. 10,551, 12-11-92). This charge is a sewerage charge that is collected by the Madison Sewer Utility, with the rate being set annually based upon the City's costs to maintain the landfills. The charge raised approximately \$456,000 in revenue in 2017, an amount that is still short of the City's total costs to oversee the closed landfills (approximately \$721,000 in 2017).

The Madison Water Utility currently permits private wells within the City under Section 13.21, MGO. Wells that do not meet State law standards (i.e., they are not constructed or maintained properly, or they

contain unsafe water) must be abandoned under State and local laws and regulations. Improperly abandoned private wells can provide a direct pathway for contaminated surface water and storm water to infiltrate groundwater and enter the municipal drinking water supply. In 2009, the City created a well abandonment rebate program that provides a partial rebate to private property owners who properly abandon a private well (ORD-09-00124, Pub. 8-20-09, Eff. 1-1-10). Because of the public benefit to the City’s surface water and storm water conveyance systems attributable to the proper abandonment of private wells, the funding of this rebate was provided for by the Landfill Remediation Charge. Approximately \$10,000 in rebates were issued in each of 2015 and 2016, with only \$2,502 being issued in 2017.

This ordinance updates the language of Section 35.025, the ordinance that establishes the City’s Landfill Remediation Charge to better set forth the Council’s determination that this charge is a lawful sewerage charge under Wis. Stat. § 66.0821(4)(a) and that the revenues from this charge may only be used for the collection, transportation, pumping, treatment and final disposition of sewage or storm water and surface water. A pending bill before the State Legislature makes it necessary for the Council to update this language to better express the City’s intent.

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The Common Council of the City of Madison do hereby ordain as follows:

Section 35.025 entitled “Landfill Remediation” of the Madison General Ordinances is amended to read as follows:

**“35.025 LANDFILL REMEDIATION CHARGE.**

(1) It is hereby determined and declared to be desirable and necessary for the protection of the public health, safety and welfare to remedy the release of organic and inorganic substances from solid waste landfills operated by the City, ~~and to encourage the proper abandonment of private drinking water wells.~~ Said releases are potentially detrimental to the air, ~~and groundwater,~~ and surface water quality. ~~If gases are allowed to concentrate, they may be toxic, combustible or explosive. Proper care and maintenance of the City’s solid waste landfills is therefore needed to ensure that the landfill maintains its integrity so that the leachate system in the landfill properly conveys waste and pollutants to a treatment facility and that the landfill’s storm water conveyance system functions properly.~~

In addition, it is hereby determined and declared to be desirable and necessary for the protection of the public health, safety and welfare to encourage the proper abandonment of unpermitted private drinking water wells within the Madison Water Utility service area as required by Sec.13.21, MGO. Unpermitted and improperly abandoned wells represent potential direct pathways for contaminated surface water and storm water to infiltrate groundwater contamination to and enter the municipal drinking water supply.

In order to finance the environmental remediation of solid waste landfills operated by the City and to encourage the proper abandonment of unpermitted private drinking water wells located in the City of Madison or on properties served by the Madison Water Utility, there shall be established a sewerage service charge pursuant to Wis. Stat. § 66.0821(4)(a), upon all lots, lands and premises served or benefited by the sanitary sewerage system of the City of Madison, also referred to as “The Madison Sewer Utility,” a public utility within the purview of Wis. Stat. § 66.0801. The Council declares that this Landfill Remediation Charge, by supporting the proper care and maintenance of the City’s solid waste landfills and encouraging the proper abandonment of private wells will be used for the collection, transportation, pumping, treatment and final disposition of sewage or storm water and surface water.

(2) Transfer of Assets. The land rights and improvements of the city, or such rights determined to exist, for the following landfills are hereby transferred to the land assets of the Madison Sewer Utility:

- (a) Mineral Point Landfill, Parcel No(s). 0708-243-0301-3 and 0708-243-0302-1.
- (b) Greentree Landfill, Parcel No. 0708-362-0302-9.

- (c) Demetral Landfill, Parcel Nos. 0710-062-0918-6 and 0710-062-1401-0.
  - (d) Sycamore Landfill, Parcel Nos. 0810-343-0099-7 and 0810-343-0802-4.
  - (e) Olin Landfill, Parcel No. 0709-264-1904-9.
  - (f) Sycamore clean fill site, Parcel No. 0810-342-0239-1.
- (3) Administration. The Water Utility Manager, City Engineer and Finance Director shall establish procedures for review by their respective Boards and approval by the Common Council to properly allocate the costs for the administration of this service.
- (4) Schedule of Landfill Remediation Fees Charges. The Landfill Remediation Charge shall be administered by the Sewer Utility. The Charge shall be in addition to the demand charges established by Section 35.02(7)(b) of these ordinances and shall be set by the City Engineer. These rates shall be set annually, and will go into effect upon approval by the Board of Public Works and the Common Council. For the purpose of calculating the bills for the customers of the Sewer Utility, the Landfill Remediation Charge may be added to demand charges established by Section 35.02(7)(b). Sewer customers without a meter who are billed a flat rate for sewer service shall be charged, under the approved schedule, based on the appropriate sized meter applicable to their water service.
- (5) The bills for Landfill Remediation charges shall be dated and issued to users. A late payment charge of one percent (1%) of any unpaid balance shall be assessed and added to the bill for such services if the amount of the bill is not paid within twenty-five (25) days thereafter (the "due date") and an additional late payment charge of one percent (1%) of the unpaid balance of the bill plus any previously assessed late payment charge remaining due at the end of every monthly anniversary of the due date shall be assessed and added to bills then remaining unpaid."