

Legislation Details (With Text)

File #: 2007-0366 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 7/2/2007 **In control:** Growth Management and Natural Resources Committee

On agenda: **Final action:** 7/23/2007

Enactment date: 8/3/2007 **Enactment #:** 15872

Title: AN ORDINANCE authorizing the King County executive to enter into amended and restated contracts with respect to the sale of landfill gas generated at the Cedar Hills regional landfill.

Sponsors: Larry Phillips, Reagan Dunn

Indexes: Cedar Hills, Contracts, Landfills

Code sections:

Attachments: 1. 15872.pdf, 2. 2007-0366 Staff Report - Landfill Gas agreement restate (7-10-07).doc, 3. Cedar Hills Landfill Gas PR Rev1 Clean (7-10-07).ppt, 4. A. Amended and Restated Project Development and Gas Sales Agreement, 5. B. King County Amended and Restated Plant Site Lease, 6. C. Schedule 1.1 (Plant Site Lease) (Amended and Restated Project Development and Gas Sales Agreement) Definitions, 7. E. Schedule 5.1 Gas Sale Payment, 8. D. Schedule 4.1.1 Project Timetable

Date	Ver.	Action By	Action	Result
7/23/2007	1	Metropolitan King County Council	Hearing Held	
7/23/2007	1	Metropolitan King County Council	Passed	Pass
7/10/2007	1	Growth Management and Natural Resources Committee	Recommended Do Pass	Pass
7/2/2007	1	Metropolitan King County Council	Introduced and Referred	

Clerk 6/21/2007

AN ORDINANCE authorizing the King County executive to enter into amended and restated contracts with respect to the sale of landfill gas generated at the Cedar Hills regional landfill.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. The Cedar Hills regional landfill ("the landfill") produces landfill gas, a valuable green energy resource created by the anaerobic decomposition of organic wastes, containing methane, carbon dioxide and trace concentrations of other compounds that may be utilized as a marketable energy product.

B. The King County council previously found in Ordinance 14723 that, pursuant to K.C.C. 4.56.100, unique circumstances existed that made a negotiated direct sale of the landfill gas generated by the landfill in the best interest of the public. Ordinance 14723 also:

1. Authorized the King County executive or the executive's designee to enter into three agreements with Bio Energy (Washington), LLC ("Bio Energy") for the sale and conversion into energy of landfill gas generated by the landfill: Landfill Gas Sales Agreement Cedar Hills Regional; Project Development Agreement; and Plant Site Lease (collectively, "the original project agreements"); and

2. Directed that income earned from this project shall be deposited into the solid waste operating fund.

C. King County and Bio Energy entered into the original project agreements on January 20, 2004. Industrial Power Generating Company, LLC, a Delaware limited liability company ("Ingenco"), has proposed purchasing all of the membership interests of Bio Energy, such purchase being conditioned, in part, upon amending the original project agreements on terms acceptable to Ingenco and the county.

D. The solid waste division and Ingenco have completed negotiations on amendments to the original project agreements.

SECTION 2. The King County executive or the executive's designee is hereby authorized to enter into two agreements amending and restating the original project

agreements for the sale of landfill gas generated by the Cedar Hills regional landfill, substantially in the form of Attachments A, B, C, D and E to this ordinance.