

Legislation Text

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

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.