

**COMMUNICATION FROM DISTRICT 20 SUPERVISOR COENEN TO THE  
BROWN COUNTY BOARD OF SUPERVISORS REGARDING COMPLIANCE  
WITH LANDFILL SITING AGREEMENT**

**WHEREAS**, Brown County (“County”) and the Town of Holland (“Holland”) are parties to a Landfill Siting Agreement (“Agreement”) governing all local financial aspects of the Brown County South Landfill (“South Landfill”). This Agreement established a Community Impact Fee (a/k/a “Tipping Fee”) that is paid to Holland and residents neighboring the South Landfill to help offset some of the impacts of having the South Landfill in the community; and

**WHEREAS**, the County has not paid Holland the Tipping Fee for waste that the County classifies as “beneficial reuse” waste disposed of in the South Landfill. Director Dean Haen has justified this practice in writing by citing the WDNR “*State form as basis of payment which alternative daily cover is exempt from state fees*” and “*WDNR Approved wastes for use as Alternative Daily Cover or Beneficial Use are not subject to state or town fees*”. There is no such exemption in the Agreement and no basis for this justification in State Statute; and

**WHEREAS**, each quarterly payment summary from the County has cited the WDNR Fee Exemptions as the basis for nonpayment of the Holland Tipping Fee for beneficial reuse waste; and

**WHEREAS**, local Tipping Fees paid to Holland are governed solely by the Agreement between the County and Holland. The WDNR, through its attorneys, has acknowledged that all local financial aspects of each landfill in Wisconsin are established in the relevant landfill siting agreements and that WDNR's fee structure does not apply to local Tipping Fees; and

**WHEREAS**, Brown County Port and Resource Recovery Department (“Department”) Attorney David Crass acknowledged in writing the lack of any exemption in the Agreement that would justify nonpayment of the Tipping Fee to Holland for beneficial reuse waste, stating that “*it is clear that the Town's residential, agricultural, and commercial wastes accepted for no fee are excluded when calculating the Host Community Fee. . . . But there is no similar provision addressing materials accepted for a reduced fee, or for use as alternative daily fill*”; and

**WHEREAS**, in response to Holland providing the County with actual notice of its position on the payment of local Tipping Fees for beneficial reuse waste in February of 2022, the Department directed Attorney Crass to draft a legal opinion responding to Holland's position; and

**WHEREAS**, over the course of over three years, Holland has brought this issue to the attention of the Department, which has not resulted in any substantive talks or plans by the Department to pay. The Department continues its practice of nonpayment to this day;

**NOW THEREFORE BE IT RESOLVED**, that the Brown County Board of Supervisors hereby directs the Brown County Port and Resource Recovery Department to acknowledge that “beneficial reuse materials” left in the South Landfill are wastes, and compensate Holland and the landowners neighboring the South Landfill for back-pay under the Landfill Siting Agreement in the amount of \$1,014,751.14 plus interest (as of Q3 2025); and

**BE IT FURTHER RESOLVED**, that the Brown County Port and Resource Recovery Department is hereby directed to pay the current local Tipping Fee to Holland and the landowners neighboring the South Landfill for all future beneficial reuse waste disposed of in the South Landfill, including waste used for any “beneficial” purposes such as alternate daily cover, berms, road base, etc; and

**BE IT FURTHER RESOLVED**, that all Brown County officials and employees are hereby authorized and directed to take all action necessary to implement the intent of this Resolution, which is to ensure that Holland and its residents are fully compensated for all beneficial reuse waste that has been or will be disposed of at the South Landfill by paying the local Tipping Fee for all such waste.

**Respectfully submitted by District 20 County Board Supervisor Devon Coenen on  
December 17, 2025.**