Redevelopment Authority of the City of Milwaukee

Resolution No.:	**10369**
Adopted on:	August 16, 2012
Project Area:	N/A
Aldermanic District:	N/A

Resolution authorizing settlement agreement between RACM and LWD PRP Group for the LWD Incinerator Site.

Whereas, the Redevelopment Authority contracted for the disposal of hazardous waste at the LWD Incinerator Site in Calvert City, Kentucky in 1992, according to records maintained by the United States Environmental Protection Agency (USEPA); and

Whereas, the Redevelopment Authority is considered the generator of such waste under federal law when environmental cleanups are required at brownfield properties and, as the generator of hazardous waste, is ultimately responsible for the fate of such waste; and

Whereas, the USEPA has conducted a removal action and an enforcement action under the Superfund program at the LWD Incinerator site for which a Potential Responsible Party (PRP) Group has been established, and

Whereas, the PRP Group is in settlement negotiations with the USEPA for past and ongoing costs associated with the removal action; and

Whereas, the PRP Group has asserted cost recovery and contribution claims against the Redevelopment Authority as a contributor and has offered a *de minimis* settlement in the amount of $3,000 to fully and completely settle its potential liability at the LWD Incinerator Site, and to be indemnified from certain potential claims related to the LWD Incinerator Site; now, therefore, be it

Resolved, that the Redevelopment Authority agrees to accept the settlement agreement to be indemnified of past and future claims related to the LWD Incinerator Site; and

Be It Further Resolved, that the proper officials of the Redevelopment Authority are authorized to make a payment to the PRP Group in the amount of $3,000 and to take any further action required for implementation of the settlement agreement.

CERTIFICATION

I certify that the forgoing is a true and exact copy of a resolution adopted by the Redevelopment Authority of the City of Milwaukee, WI on the date set forth above.

(seal)

David P. Misky
Assistant Executive Director-Secretary