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2025 RES-049

ACCEPTANCE OF FUNDS FROM CLEAN FUEL DANE LLC

Clean Fuel Dane, LLC is in Noncompliance with the phosphorus removal requirements identified in the Dane County, Clean Fuel Dane, LLC, Third Amendment to Ground Lease. Biannual monitoring reports submitted to the County on March 21, 2025 indicated that less than 60% of phosphorus was removed over the 6-month period from July 2024 through December 2024.

Per the terms of the *Phosphorus Management Plan*, if the Lessee (Clean Fuel Dane, LLC) fails to remove a minimum of 60% of the phosphorus from the liquid and solid manure stream delivered to the Lessee's anaerobic digester, then the Lessee shall pay the County a phosphorus penalty of \$75,000 with respect to each such failure.

THEREFORE, BE IT RESOLVED, that the Dane County Board of Supervisors and the Dane County Executive hereby authorize acceptance of the \$75,000 penalty.

BE IT FINALLY RESOLVED, that the expense account LWRWSMGT 21808 "Operating Equipment and Rental" be increased by \$75,000, that the revenue account LWRWSMGT 80193 "Phosphorus Remove Penalty Funds" be increased by \$75,000 and that these funds shall carry forward until expended.