



MARATHON COUNTY ENVIRONMENTAL RESOURCES COMMITTEE **AMENDED AGENDA**

Date & Time of Meeting: **Tuesday, November 2, 2021 at 3:00 p.m.**

Meeting Location: **WebEx/Courthouse Assembly Room, B-105, 500 Forest Street, Wausau WI 54403**

Committee Members: Jacob Langenhahn - Chair; Sara Guild, -Vice-chair; Rick Seefeldt, Allen Drabek, Bill Conway, Dave Oberbeck, Eric Vogel - FSA Member, Marilyn Bhend – WI Towns & Villages Association (non-voting member)

Marathon County Mission Statement: *Marathon County Government serves people by leading, coordinating, and providing county, regional, and statewide initiatives. It directly or in cooperation with other public and private partners provides services and creates opportunities that make Marathon County and the surrounding area a preferred place to live, work, visit, and do business. (Last updated 12-20-05).*

Environmental Resources Committee Mission Statement: *Provide leadership for the implementation of the County Strategic Plan, monitoring outcomes, reviewing and recommending to the County Board policies related to environmental resource initiatives of Marathon County. (Revised: 04/17/12)*

Strategic Plan Goals 2018 - 2022: Objective 5.2 - Promote sound land use decisions that conserve and preserve natural resources in decisions with economic development and growth.

Objective 6.3 - Protect and enhance the quantity and quality of potable groundwater and potable surface water supplies.

Persons wishing to attend the meeting by phone may call into the **telephone conference ten (10) minutes prior to the start time indicated above using the following number:**

Phone Number: 1-408-418-9388

Access Code/Meeting Number: 146 270 5670

Please Note: If you are prompted to provide an “Attendee Identification Number” enter the # sign. No other number is required to participate in the telephone conference.

When you enter the telephone conference, **PLEASE PUT YOUR PHONE ON MUTE!**

The meeting will also be broadcast on Public Access or at <https://tinyurl.com/MarathonCountyBoard>

- 1. Call meeting to order**
- 2. Public Comment (15 minute limit)** *(Any person who wishes to address the County Board, or one of its committees, during the "Public Comment" portion of meetings, must provide his or her name, address, and the topic he or she wishes to present to the Marathon County Clerk, or chair of the committee, no later than five minutes before the start of the meeting.)*
- 3. Approval of October 5, 2021 Committee minutes**
- 4. Operational Functions required by Statute, Ordinance, or Resolution:**
 - A. Public Hearings, Review, Possible Actions, and Possible Recommendations to the County Board for its Consideration (County Zoning changes) - None
 - B. Review and Possible Recommendations to County Board for its Consideration (Town Zoning changes pursuant to §60.62(3) Wis. Stats.) - None
 - C. Review and Possible Recommendations to County Board for its Consideration
 1. Update to Chapter 19, Sec. 19.07 – Animals of the Marathon County Code of Ordinances
 - D. Review and Possible Action
 1. Proposed 2022 meeting schedule
- 5. Educational Presentations/Outcome Monitoring Reports and Committee Discussion**
 - A. Department Updates: Conservation Planning and Zoning (CPZ), Parks Recreation and Forestry (PRF) Solid Waste CPZ
 1. Update on Fenwood Creek:
 - A. Funding request
 - B. Buffer and gully inventory
 - C. Water quality monitoring
 2. Wisconsin Fund (POWTS)
 3. Animal Waste and Nutrient Management Ordinance revisions, set public hearing date
 - 4. Environmental Repair Fund Update**
- 6. Policy Issues Discussion and Committee Determination to the County Board for its Consideration**
- 7. Next meeting November 30, 2021 3:00 pm Assembly Room and future agenda items:**

**MARATHON COUNTY
ENVIRONMENTAL RESOURCES COMMITTEE
AMENDED AGENDA**

- A. Committee members are asked to bring ideas for future discussion
- B. Announcements/Requests/Correspondence
 - 1. Strategic Plan implementation update


8. Adjournment

Any person planning to attend this meeting who needs some type of special accommodation in order to participate should call the County Clerk's Office at 715-261-1500 at least one business day before the meeting.

EMAILED AND/OR FAXED TO:

News Dept. at Daily Herald (715-848-9361), City Pages (715-848-5887),
Midwest Radio Group (715-848-3158), Marshfield News (877-943-0443),
TPP Printing (715 223-3505)

Date: November 1, 2021
Time: 12:38 p.m.
By: cek
Date/Time/By: _____

SIGNED  _____

Presiding Officer or Designee

NOTICE POSTED AT COURTHOUSE:

Date: _____
Time: _____ a.m. / p.m.
By: County Clerk



**Marathon County
Environmental Resources Committee Minutes
Tuesday, October 5, 2021
500 Forest Street, Wausau WI**

Attendance:	<u>Member</u>	<u>Present</u>	<u>Not present</u>
<i>Chair</i>	Jacob Langenhahn.....	X	
<i>Vice-Chair</i>	Sara Guild.....	X	
	Rick Seefeldt	X	
	Bill Conway	X	
	Allen Drabek	X	
	Arnold Schlei		X
	Dave Oberbeck.....	X	
	Marilyn Bhend		X
	Eric Vogel		X (excused)

Also present via Webex, phone or in person: Paul Daigle, Laurie Miskimins, Jared Mader, Dominique Swangstu, and Cindy Kraeger – Conservation, Planning, and Zoning (CPZ); Dustin Vreeland, Annette Totzke, Lorton Stieber, Carol Stieber, David Telschow, Kris Schumacher, Natalie Schumacher, Jon Blume, John Kennedy –BEPCO; Chris Hamerla – Golden Sands RC & D, Craig McEwen County Board Vice Chair and Michael Puerner – Corporation Counsel.

1. **Call to order** – Called to order by Vice Chair Guild at 3:05 p.m. via WEBEX.
2. **Public Comment** – None.
3. **Approval of August 31, 2021 Committee minutes**

Motion / second by Seefeldt /Drabek to approve of the August 31, 2021 Environmental Resources Committee minutes as distributed.

Motion **carried** by voice vote, no dissent.

4. **Operational Functions required by Statute, Ordinance, or Resolution:**

A. **Public Hearings, Review, Possible Actions, and Possible Recommendations to the County Board for its Consideration (County Zoning changes)**

1. Tim Vreeland on behalf of Chad & Jenny Stieber – G-A General Agriculture to R-E Rural Estate– Town of Rib Falls

Discussion: Swangstu was sworn in and noted the staff report and decision sheet had been included in the packet. Swangstu reviewed the rezone request of 5.344 acres shown as Lot #1 of the Certified Survey Map (CSM) that was submitted with the petition. The area proposed to be rezoned has DNR mapped wetlands, is covered by the shoreland overlay, as well as has FEMA floodplain areas. Swangstu additionally reviewed the reasoning behind why CPZ staff are recommending approval of the rezone request, citing the rezone standards, requirements, and pertinent site characteristics. The Town of Rib Falls has reviewed the application and recommends approval without any concerns.

Lorton Stieber was sworn in and stated the reason for the rezone would be to build a storage building to store his personal equipment and to have a small workshop.

There was no additional testimony in favor or opposed to this rezone request virtually or in person. Testimony portion of the hearing was closed at 3:20 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

Action: **Motion /** second by Drabek / Seefeldt to recommend approval to County Board, of the Tim Vreeland on behalf of Chad & Jenny Stieber rezone request. Noting the reasoning provided in the staff report and conclusions of law. The Committee determined the rezone is consistent with the Marathon County and Town comprehensive plans, and is not located in the Farmland Preservation Zoning District. Adequate facilities are present or will be provided and providing any necessary public facilities will not burden local government. Based on the proposed land division and existing land uses onsite the rezone should not result in any adverse effect on natural areas. The committee made their recommendation of approval based on the information, findings of fact, and conclusions of law as described in the CPZ staff report included in the ERC packet.

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Motion **carried** by voice vote, no dissent.

Follow through: Forward to County Board for action at their next regularly scheduled meeting.

2. Naef Farms INC (Herbert & Sheri Naef) – G-A General Agriculture to L-D-R Low Density Residential and L-D-R Low Density Residential to G-A General Agriculture– Town of Hewitt

Discussion: Swangstu was sworn in and noted the staff report and decision sheet had been included in the packet. Swangstu reviewed the rezone request of Lot #1 1.583 acres shown of the CSM that was submitted with the petition to L-D-R Low Density Residential from GA and Outlot #1 0.414 acres to G-A General Agriculture to L-D-R. Swangstu additionally reviewed the reasoning behind why CPZ staff are recommending approval of the rezone request, citing the rezone standards, requirements, and pertinent site characteristics.

The Town of Hewitt has reviewed the application and recommends approval without any concerns.

There was no additional testimony in favor or opposed to this rezone request virtually or in person.

Testimony portion of the hearing was closed at 3:25 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

Action: **Motion** / second by Seefeldt / Drabek to recommend approval to County Board, of the Naef Farms INC (Herbert & Sheri Naef) rezone request. Noting the reasoning provided in the staff report and conclusions of law. The Committee determined the rezone is consistent with the Marathon County and Town comprehensive plans, and is not located in the Farmland Preservation Zoning District. Adequate facilities are present or will be provided and providing any necessary public facilities will not burden local government. Based on the proposed land division and existing land uses onsite the rezone should not result in any adverse effect on natural areas. The committee made their recommendation of approval based on the information, findings of fact, and conclusions of law as described in the CPZ staff report included in the ERC packet.

Motion **carried** by voice vote, no dissent.

Follow through: Forward to County Board for action at their next regularly scheduled meeting.

3. Loren Weiland – G-A General Agriculture to R-E Rural Estate – Town of Frankfort

Discussion: Swangstu was sworn in and noted the staff report and decision sheet had been included in the packet. Swangstu reviewed the proposed rezone part of the existing Lot #1 10.10 acres of the CSM that was submitted with the petition (approx. 6 acres of the existing 10.10 acre parcel proposed to be rezoned). Swangstu additionally reviewed the reasoning behind why CPZ staff are recommending approval of the rezone request, citing the rezone standards, requirements, and pertinent site characteristics.

The Town of Frankfort has reviewed the application and recommends approval without any concerns.

There was no additional testimony in favor or opposed to this rezone request virtually or in person.

Testimony portion of the hearing was closed at 3:33 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

Action: **Motion** / second by Drabek / Seefeldt to recommend approval to County Board, of the Loren Weiland rezone request. Noting the reasoning provided in the staff report and conclusions of law. The Committee determined the rezone is consistent with the Marathon County and Town comprehensive plans, and is not located in the Farmland Preservation Zoning District. Adequate facilities are present or will be provided and providing any necessary public facilities will not burden local government. Based on the proposed land division and existing land uses onsite the rezone should not result in any adverse effect on natural areas. The committee made their recommendation of approval based on the information, findings of fact, and conclusions of law as described in the CPZ staff report included in the ERC packet.

Motion **carried** by voice vote, no dissent.

Follow through: Forward to County Board for action at their next regularly scheduled meeting.

With the consent of the Committee the agenda items were reordered.

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B. Review and Possible Recommendation to County Board for its Consideration (Town Zoning changes pursuant to §60.62(3) Wis. Stats.)

1. Town of Texas – PIN# 078.2907.021.0977

Discussion: Swangstu stated the Town of Texas is town zoned and the rezone petition submitted was intended to change the zoning classification/district from M-1 Light Industrial to C-1 Commercial Light for PIN# 078.2907.021.0977. The zoning change was approved at the town board meeting on June 7, 2021. Although the town is town zoned, County Board approval is still needed per Wis. Stats.

Action: **Motion** / second by Oberbeck / Conway to recommend approval to the County Board, of the Town of Texas, PIN# 078.2907.021.0977 zone change. Motion **carried** by voice vote, no dissent.

Chair Langenhahn arrives.

4. Tim Vreeland on behalf of Allen Drabek – R-R Rural Residential to L-D-R Low Density Residential – Town of Frankfort

Allen Drabek recused himself as an ERC member.

Discussion: Swangstu was sworn in and noted the staff report and decision sheet had been included in the packet. Swangstu reviewed the proposed rezone request along with the reason CPZ staff are recommending postponement of the rezone request. Based on Wis Stat., 59.69(5)(e)3 the ERC may not recommend approval of the rezone as proposed due to the fact the town has filed a resolution of disapproval, therefore the ERC may only recommend approval with change or disapproval. A change in the zoning district, parcel size, parcel configuration would constitute as a “Change” which could be included in a motion to recommend Approval with Change.

Swangstu discussed the Land Division Ordinance for the Town of Frankfort found and verified after the staff report was completed, therefore there will be some revisions and additional comments provided to give clarity. The Town of Frankfort’s land division ordinance was a 2.5 acre minimum, whereas an amendment to such ordinance was found which established a 2.0 acre minimum to be consistent with the A1/2 zoning district for the town (in 2006 referring to an old zoning ordinance). A public hearing was held on January 9, 2006 to change the minimum lot size to 2 acres. CPZ staff is working with the Town to ensure it was adopted correctly, as well as will be working with the owner and town to discuss alternative options.

Drabek was sworn in and is the owner of the parcel and would like to build a single family home on the parcel and due to the zoning standard that there may be no more than one single family home on a parcel the rezone and land division was required.

David Telschow was sworn in and is the Town Chair of the Town of Frankfort. Telschow stated this is a unique situation and never had a disapproval until this current time and reviewed the current ordinance minimum lot size requirements.

The Town of Frankfort has reviewed the application and recommends denial of the rezone request, referencing the town’s minimum lot size.

There was no additional testimony in favor or opposed to this rezone request virtually or in person. Testimony portion of the hearing was closed at 4:05 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

Action: **Motion** / second by Langenhahn / Seefeldt to postpone the Tim Vreeland on behalf of Allen Drabek rezone until the next meeting date to give the town, applicant, and county the opportunity to discuss all of the options.

Motion **carried** by voice vote, no dissent.

Follow through: CPZ staff, the applicant, and the Town of Frankfort will work together to discuss alternative options, possible solutions and potential changes to the rezone in question.

C. Review and Possible Recommendations to County Board for its Consideration – None.

Langenhahn resumes Chair position.

D. Review and Possible Action

1. Update to resolution enabling CPZ to apply for Soil and Water Resource Management Grants

Discussion: Daigle discussed the resolution that was included in the meeting packet. Daigle

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discussed a more efficient process of allowing CPZ to perform administrative which would allow ERC to focus more on policy discussions.

Motion: Motion / second by Drabek/ Guild to approve the resolution enabling CPZ to apply for Soil and Water Resource Management Grants.

5. **Educational Presentations/Outcome Monitoring Reports and Committee Discussion**

A. Department Updates: Conservation, Planning and Zoning (CPZ), Parks Recreation and Forestry (PRF) Solid Waste

1. Update on Fenwood Creek funding request

Discussion: Daigle discussed still working on seeking funds for the project. Miskimins stated there are multiple options being explored for funding. The County Administrator has indicated he will take the project forward for consideration of ARPA funding. The County Board will be considering ARPA projects and the criteria for which ones they will fund starting in early 2022. If the Fenwood is not identified for ARPA funding, the County Administrator may consider making a special project request in 2022 or 2023 budget process for some of the pilot funding.

2. Progress on River and Lake Projects – aquatic invasive plant, restorations and future goals

Discussion: Daigle introduced Jared Mader and Chris Hamerla to the Committee. Mader presented some of the lake and shoreland projects that have been completed over the past year. Mader also presented the goals that the county has for the next two years as it relates to water quality improvement. The proposed projects are all directly tied to the objectives of the Land and Water Plan and the outcomes that were established.

Hamerla presented on the AIS work that Golden Sands RC&D does for Marathon and the surrounding counties. Hamerla highlighted on the outreach and education efforts that took place in Marathon county relating to AIS over the past year. Hamerla also discussed the contract that Marathon County entered with Golden Sands that designates Golden Sands as the agent to administer DNR grant funding for AIS outreach and practices.

3. Strategic Plan Progress Discussion

Discussion: Craig McEwen reviewed the Strategies and Outcomes of Objective 5.2 and 6.3. of the 2022 Strategic Plan. The deadline of meeting these objectives is December 31, 2022. The committee should start looking at where we are in relation to the strategies and outcomes, and consider if these are the right strategies and outcomes to carry forward. Changes and revisions can be considered, and achievement dates may need to be extended due to COVID. The process and timeline for revisions would be finalized in 2022.

Follow through: At the November 30th ERC, CPZ and Parks will provide status updates on the current outcomes for Objectives 5.2 and 6.3 of the Strategic Plan. ERC can then begin the discussion on whether or not revisions and changes may be needed.

6. **Policy Issues Discussion and Committee Determination to the County Board for its Consideration**

7. **Next meeting date, time & location and future agenda items:**

Tuesday, November 2, 2021 3:00 p.m. Marathon County Courthouse, Assembly Room 500 Forest Street Wausau WI

A. Committee members are asked to bring ideas for future discussion

B. Announcements/Requests/Correspondence

8. **Adjourn – Motion** / second by Seefeldt / Drabek to **adjourn** at 4:50 p.m. Motion **carried** by voice vote, no dissent.

Laurie Miskimins, CPZ Director

For Jacob Langenhahn, Chair

cc: (via email/web site) ERC members; County Administrator; Corporation Counsel; County Clerk

LM/cek

ORDINANCE #O-__-21

AMENDING SECTION 19.07 OF THE MARATHON COUNTY GENERAL CODE OF ORDINANCES

WHEREAS, Section 19.07 of the General Code of Ordinances for Marathon County governs the presence of animals within public park buildings; and

WHEREAS, Section 19.07(1)(a) of the General Code of Ordinances for Marathon County currently states as follows:

(1)(a) *Restricted*. No person having immediate custody, care or control of a dog or other animal, shall permit said animal to enter and/or remain in any public park building, bathing beach, the Marathon County Sports Complex, the Marathon Park Amphitheater or playground safety surface area in any County park, except assistance dogs or animals being used or trained to assist emergency services workers or as authorized by the Commission; and

WHEREAS, the Marathon County Park Commission voted to recommend the following amendment to this Ordinance:

(1)(a) *Restricted*. No person having immediate custody, care or control of a dog or other animal, shall permit said animal to enter and/or remain in any public park building, bathing beach, the Marathon County Sports Complex, the Marathon Park Amphitheater or playground safety surface area in any County park, except assistance dogs or animals being used to assist emergency services workers or as authorized by the Commission or their designee.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Marathon does hereby ordain to amend Section 19.07 of the General Code of Ordinances for Marathon County to state as follows:

(1)(a) *Restricted*. No person having immediate custody, care or control of a dog or other animal, shall permit said animal to enter and/or remain in any public park building, bathing beach, the Marathon County Sports Complex, the Marathon Park Amphitheater or playground safety surface area in any County park, except assistance dogs or animals being used to assist emergency services workers or as authorized by the Commission or their designee.

BE IT FURTHER RESOLVED that the amendment shall take effect upon passage and publication.

Dated the ____ day of _____, 2021.

ENVIRONMENTAL RESOURCES COMMITTEE

Fiscal Impact: None. The proposed changes do not have a direct budgetary impact.

Proposed 2022 ERC Meeting Dates

- January 4th
- February 1st
- March 1st
- April 5th
- May 3rd
- May 31st
- July 5th
- August 2nd
- August 30th
- October 4th
- November 1st
- November 29th

The Health & Human Services Committee; Environmental Resources Committee; Public Safety Committee; Infrastructure Committee; and Extension, Education & Economic Development Committee shall meet as follows during the week of the first Thursday of each month:

Tuesday - Environmental Resources



MEMORANDUM

DATE: November 2, 2021
TO: Environmental Resources Committee
FROM: Paul Daigle-County Conservationist
SUBJECT: ORDINANCE REVISIONS - Chapter 11.02 – Animal Waste Management Ordinance

The Marathon County Conservation, Planning, and Zoning Department (CPZ) is currently revising Chapter 11.02 – Animal Waste Management Ordinance of the General Code of Ordinances. The proposed revisions are for clarification of Marathon County’s Chapter 11.02 – Animal Waste Management Ordinance.

The types of changes proposed include:

- Update additional definitions
- Separate, identify and clarify the following State Performance Standards and Prohibitions:
 - Tolerable Soil loss
 - Add clean water diversions for feedlots, manure storages, and barnyards in Water Quality Management areas
 - Process Wastewater
 - No Unconfined manure piles in a water quality management area.
 - Add 5 foot Tillage setback

The approximate timeline and important dates are as follows:

- ❖ **November 2, 2021** Education at Environmental Resource Committee on proposed changes
- ❖ **November and December 2021** -- distribution of various public interest groups (farmers, EPPIC, lake groups, etc.), meet with groups if requested. Hold at least one open house on proposed changes.
- ❖ **January 4, 2022** Hold public hearing at Environmental Resources Committee introducing draft ordinance changes. (3:00pm – Courthouse Assembly room, 500 Forest Street, Wausau, WI 54403) The intent of this hearing is to allow public input regarding ordinance changes and address any questions/concerns related to ordinance language.
- ❖ **January 2022**– Chapter 11.02 submitted to County Board for Approval
- ❖ **February 2022** – Chapter 11.02 backup date for approval at County Board.
- ❖ **March 1st, 2022** if proposed changes are approved they would go into effect no later than this date.

These ordinance revisions coincide with Objective 5.2 and 6.3 of the Marathon County Strategic Plan – Promote sound land use decisions that conserve and preserve natural resources in decision with economic development and growth; and also protect and enhance the quantity and quality of potable groundwater and potable surface water supplies, respectively. If you have any questions or concerns related to the Animal Waste Management Ordinance revisions, please feel free to contact me.

The Marathon County Conservation, Planning, and Zoning (CPZ) Department’s mission is to protect our community’s land and environment. We promote thoughtful and deliberate use of resources to insure that Marathon County has healthy people, a healthy economy, and a healthy environment, today and tomorrow.

Conservation, Planning & Zoning Department

210 River Drive | Wausau, WI 54403-5449 | Tel 715.261.6000 | Fax 715.261.6016 | Call 800.236.0153 if within Marathon County
cpz@co.marathon.wi.us | www.co.marathon.wi.us

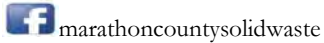


Marathon County Solid Waste Department

R18500 Hwy 29
Ringle, WI 54471

Director:	715-446-3101 X104
Operations Manager:	715-551-5864
Business Office:	715-446-3101 X100
Scale Office:	715-446-3101 X103
Solid Waste & Recycling Info Line:	877-270-3989 toll-free

marathoncountysolidwaste.org



MEMORANDUM

TO: LANCE LEONHARD
FROM: MELEESA JOHNSON
SUBJECT: STATUS OF SWD ENVIRONMENTAL REPAIR FUND
DATE: JANUARY 8, 2021 (THIS IS A COPY OF MEMO PROVIDED TO ERC ON JANUARY 11, 2019, WITH UPDATES IN BLUE)

In 1992 the Solid Waste Management Board (SWMB), in collaboration with the Marathon County Board, established an Environmental Repair Fund (not to be confused with the County's Environmental Impact Fund). The funding source, a landfill disposal surcharge, was assessed from 1993 through 1999. The purpose of the fund was to provide supplemental funding to municipalities under order, either from DNR or EPA, to close and cleanup their disposal sites. Qualifying municipalities could request a percentage of the actual costs spent for complying with such orders. Qualifying municipalities had to be customers of the Marathon County Solid Waste Department. Since its inception, monies of the Environmental Repair Fund were disbursed to a number of qualifying municipalities.

With the close of the old municipal disposal locations, the SWMB is starting the process of shifting the focus of the remaining funding dollars. While the previous emphasis was specifically for DNR or EPA-required cleanups, the SWMB has been looking at a broader mission, including, but not limited to support funding for environmental education in county schools, college scholarships for those interested in environmentally-related degrees and environmental stewardship programming.

In that transition the SWMB established a task force and reviewed options for use of the money. As well, all Marathon County municipalities who may have used the Marathon County landfills and contributed to the fund were notified of the potential change to the purpose of the fund. And staff spent an enormous amount of time reviewing archives to make an assessment as to what municipalities actually contributed (used the landfill services). That archive search provided minimal specific information.

I conducted a legislative history review and discovered 59.70(2)(q), which specifically allows counties to establish such funds, was added to a budget bill and ultimately became law. Additionally, there is some evidence that the language was explicitly created on behalf of and for Marathon County (in response to the challenges of Holtz Krause); no other county landfills have established such a fund or assessed such a fee.

In order for the SWMB to move forward with dissolving the fund and changing how the funds will be used, statute needs to be changed. I am working with Sen. Petrowski's office to either add a

proposal to the upcoming budget bill or introduce a stand-alone bill. I am leaving that to the senator's discretion.

Follow up note to Lance Jan 8, 2021

The senator's staff has indicated that the senator spoke with Chairperson Gibbs about how the chairperson would like the senator proceed. That discussion is reported to have happened early in 2020, but there was no feedback to senate staff. Senate staff will follow up with the senator.

My recommendation to senate staff is that the senator consider an amendment to the upcoming budget (the original insertion of this section of statute appears to have been a part of the budget process, possibly as a 999 motion) that would rescind the language of §59.70(1)(q). The other option would be to amend the existing law to allow a broader scope on how the monies may be used. For instance, the amended language would be expanding to say, "...purpose of cleaning up closed or abandoned solid waste disposal sites within the county and for the cleanup of contaminants from the air, land or waster in an effort to protect human health and the environment...". Senate staff said that will be a decision for the senator, but will keep me posted.

Without a change in statute the fund cannot be used for anything other than cleanups of closed or abandoned solid waste sites. As well, the resulting resolution/agreement between the Solid Waste Management Board and the County Board clearly articulates that the fund may only be used for the purpose enumerated by statute.

While this is only speculation, given the limitations of statute and the county resolution/agreement, possible using for monies of the fund could range wildly. Of course, it seems logical that the money could be used to off-set the capital costs of a wastewater treatment facility. However, there are municipalities, whose waste disposal payments helped build the fund, who would like to see some of that money come back to them. For instance, Marathon has asked for consideration of a grant to clean up the old railroad tie facility. Other municipalities will then consider their options for such a request. But again, this is only speculation.

My apologies for not supplying this sooner. I honestly thought I had brief you and that the fate of this fund was in the hands of the legislature.

Wisconsin Statute 50.70(1)(q):

Impose fees, in addition to the fees imposed under ch. 289, upon persons who dispose of solid waste at publicly owned solid waste disposal sites in the county for the purpose of cleaning up closed or abandoned solid waste disposal sites within the county, subject to all of the following conditions:

1. The fees are based on the amount of solid waste that is disposed of by each person.
2. The fees may not exceed 20 percent of the amount that is charged for the disposal of the solid waste.
3. The effective date of the fees and any increase in the fees is January 1 and such effective date is at least 120 days after the date on which the board adopts the fee increase.
4. The cleanup of the site is conducted under the supervision of the department of natural resources.
5. The board may prevent the implementation of, or may terminate, fees imposed by the solid waste management board.

JOINT RESOLUTION AND AGREEMENT BETWEEN MARATHON COUNTY BOARD OF
SUPERVISORS AND THE MARATHON COUNTY SOLID WASTE MANAGEMENT BOARD
REGARDING TIPPING FEE SURCHARGES

WHEREAS, Wisconsin Statutes Chapter 59.07(135)(q) allows counties to impose fees upon persons disposing of solid waste at publicly owned solid waste disposal sites for the purpose of cleaning up closed or abandoned landfill sites within the County, and,

WHEREAS, Marathon County, pursuant to authority granted by Wisconsin Statutes 59.07 (135) (q) ~~has through~~ its Solid Waste Management Board approved a tipping fee surcharge of \$4 per ton to be levied ~~on~~ upon all solid waste entering the Marathon County Landfill, beginning in 1993;

NOW, THEREFORE the Board of Supervisors of the County of Marathon and the Marathon County Solid Waste Management Board agree as follows:

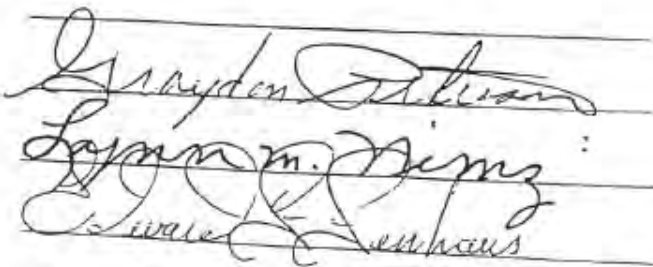
1. That Marathon County does by this agreement establish a policy for dealing with future landfill cleanup operations that may occur within the confines of Marathon County,
2. That the policy established by Marathon County is designed to assist in the process of cleaning up landfill sites within the County when such landfill sites have been identified by the DNR or the EPA as being in need of investigation, remedial cleanup and mitigation,
3. That the policy established by Marathon County is designed to provide a monetary contribution towards landfill cleanup projects, up to a maximum of 20% of the total estimated cost of the project.
4. That Marathon County Solid Waste Management Board shall have the right to determine the amount to be contributed to any particular landfill cleanup project

based upon, but not limited to the following criteria:

- A. The estimated cost of the cleanup project.
 - B. The estimated or approximated cost of the local share.
 - C. The extent to which the municipalities involved utilize the RingleMarathon County landfill.
 - D. The percentage of solid waste in a landfill site contributed by Marathon County municipalities, business and corporations.
 - E. The extent to which insurance coverage may be available for all or some of the potential responsible parties.
5. That by this policy Marathon County, through the Marathon County Solid Waste Management Board, retains the right to assess a tipping fee surcharge up to the allowable 20% of tipping fees currently authorized by Wisconsin Statute 59.07 (135) (q) for the purposes allowed by the said statute.
 6. That in the event the funds generated by the tipping fee surcharge are insufficient to provide for multiple concurrent cleanup projects, or in the event tipping fees are reduced for any reason, then Marathon County, by its Solid Waste Management Board, reserves the right to allocate the distribution of such funds, or provide multi-year funding, as it shall see fit.
 7. That all such designated funds shall be assigned and distributed by written agreement between the Marathon County Solid Waste Management Board and the duly established steering committee, cleanup committee, or other local municipal body established for or charged with the purpose of coordinating the cleanup effort.
 8. Municipalities that request funding shall appear by their duly authorized representatives before the Solid Waste Management Board prepared to

demonstrate that:

- A. The DNR or EPA has issued an order directing that cleanup activities are required.
 - B. An operational plan to clean up or otherwise bring the landfill site into conformity has been approved by the DNR or EPA.
 - C. Steps have been taken to solicit and obtain funding from the DNR, from potential responsible parties, and from insurance coverage which may have been in effect during the active phase of the landfill.
 - D. Credible data which verifies the cost and allocation of the cost of the cleanup or remediation plan is provided to Marathon County.
9. That Marathon County requires the designated tipping fee surcharges to be used only towards cleanup projects located within the borders of Marathon County.
 10. That the Marathon County Board of Supervisors reserves the right granted under Wisconsin Statute 59.07 (135) (q) to prevent the implementation of or terminate ~~the tipping fee surcharge~~ any such agreement on tipping fees imposed by the Solid Waste Management Board with which it disagrees.
 11. That either Marathon County Board of Supervisors or the Marathon County Solid Waste Management Board may terminate this ~~Joint Resolution and Agreement~~ by providing 60 days notice in writing to the other party, and that any changes or amendments to this agreement may be made at any time by mutual agreement between the parties.






Marathon County Solid Waste Department

172900 Hwy 29
Ringle, WI 54471

Director:	715-573-3165
Operations Manager:	715-551-5864
Business Office:	715-446-3101 X100
Scale Office:	715-446-3101 X103
Solid Waste & Recycling Info Line:	877-270-3989 toll-free

marathoncountysolidwaste.org

 marathoncountysolidwaste

MEMORANDUM

TO: LANCE LEONHARD
FROM: MELEESA JOHNSON
SUBJECT: ENVIRONMENTAL REPAIR FUND-BACKGROUND AND POTENTIAL USES
DATE: AUGUST 2, 2021

In 1992 the Solid Waste Management Board (SWMB), in collaboration with the Marathon County Board (County), established an Environmental Repair Fund (not to be confused with the county's Environmental Impact Fund). The primary rationale for developing this fund was found in the increasing problems of old municipal dump sites, some of which were abandoned and now causing environmental harm (e.g.: Holz Krause or Gorski Landfill).

In order to build a fund to address the noted harm, a landfill disposal surcharge was assessed at the Solid Waste Department (SWD) from 1993 through 1999. The stated purpose of the fund was to provide supplemental funding to municipalities under order, either from DNR or EPA, to close and cleanup their disposal sites. Qualifying municipalities could request a percentage of the actual costs spent for complying with such orders. Qualifying municipalities had to be customers of the Marathon County Solid Waste Department (SWD). Since its inception, monies of the Environmental Repair Fund were disbursed to a number of qualifying municipalities.

The County derived its authority to impose such a fee under 1991 Wisconsin Act 269 (budget proposal). Act 269 established Wisconsin Statutes §59.07(135)(q) [later §59.70(2)(q)] which says that solid waste management boards may:

Impose fees...upon persons who dispose of solid waste at publicly owned solid waste disposal sites in the county for the purpose of cleaning up closed or abandoned solid waste disposal sites within the county, subject to all of the following conditions:

- 1. The fees are based on the amount of solid waste that is disposed of by each person.*
- 2. The fees may not exceed 20 percent of the amount that is charged for the disposal of the solid waste.*
- 3. The effective date of the fees and any increase in the fees is January 1 and such effective date is at least 120 days after the date on which the board adopts the fee increase.*
- 4. The cleanup of the site is conducted under the supervision of the department of natural resources.*
- 5. The board may prevent the implementation of, or may terminate, fees imposed by the solid waste management board.*

In September 2017 the SWMB sent a memo to all County municipalities (even non-SWD customers) to determine if there existed any outstanding closure orders and subsequent associated costs. No responses were received to this inquiry. The SWMB then evaluated options on how the best use the remaining sum (\$657,439). In this process it learned that because the fund was established under statute for specific purposes, it could not unilaterally or arbitrarily use it for any other purpose than the original intent. As a result, SWD staff had a number of conversations with legislative staff about having the law changed or deleted. To date, there has been no legislative action.

Given this background, the original intent and the statutory framework the question of other uses of the fund have been explored (assuming no statutory change). The following are options that would require additional legal scrutiny and evaluation of the County's commitment to the original intent of the fee imposed to its customers. 1) Partially fund the mandated closure of Area B Landfill; 2) Partially fund the cost of an onsite wastewater treatment facility at the SWD site; 3) Partially fund a new household hazardous waste facility at the SWD; 4) Provide grants to municipalities for contaminated site cleanups (non-landfill sites); 5) Provide grants to County K-12 schools for environmental education programs.