

CHAPTER 10

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10.01 INTENT

(1) **Purpose.** Hazardous waste and toxic substances have become a major concern in the acquisition and ownership of real estate. Federal and State laws and regulations impose sever restrictions and significant economic sanction upon the owners of real estate that contain hazardous waste and toxic substances. This ordinance is intended to protect the citizens of Marinette County by assessing the acquisition, of delinquent tax foreclosure, purchase, or otherwise, of lands by Marinette County that may or may not contain hazardous waste and toxic substances. It is the intent of Marinette County to foreclose on tax delinquent properties with known contamination so as to eliminate any health risk to the general public. Each property will be evaluated to determine the extent of the contamination and to determine whether the county has the resources to abate such health risks. It is an additional interest of Marinette County to manage all County-owned or controlled lands in such a manner as to meet the due care standards promulgated by State and Federal laws and regulations relating to toxic and hazardous substances, and to recommend precautions against foreseeable acts or omissions relating to such county-owned or controlled lands.

(Ord #230 2/27/01)

10.02 SCOPE

All interest in real property presently owned or contemplated for acquisition by Marinette County pursuant to §59.07(1)(c), §59.07(17)(c) Wis. Stats., or Chapters 75, 32, 83 Wis. Stats., or by any other method, shall be subject to this ordinance.

10.03 PREAPPROVAL

Prior to the acquisition or the execution of any contract or document obligating acquisition of any real property in the name of Marinette County, the responsible County agency or entity shall make referral of intent to acquire to the Environmental Site Assessment Committee. Marinette County shall acquire real property only after the Environmental Site Assessment Committee has given consideration to and approved said acquisition.

10.04 ENVIRONMENTAL SITE ASSESSMENT COMMITTEE

(1) **Composition.** The Environmental Site Assessment Committee (ESAC) shall consist of:

- County Administrator
- Emergency Management Director
- Land Information Director
- County Treasurer
- Forestry/Parks Administrator
- Corporation Counsel
- County Conservationist
- Land Information Committee Chairperson or his/her designee

(2) **Procedure.**

(a) Upon receiving referral to acquire from any Marinette County Agency

or entity that proposes real estate acquisition, the Environmental Site Assessment Committee, or certain members thereof as designated by the Chair, shall within a reasonable time after the referral, cause a personal inspection of the premises to make an initial determination as to whether there is a reasonable basis to believe that hazardous waste or toxic substances may exist on or beneath the surface of said premises.

- (b) In the event it reasonably appears to the Committee that no hazardous waste or toxic substances are present, the Committee shall, on appropriate forms, return approval to the referring entity.
 - (c) In the event the Committee cannot reasonably determine the presence of hazardous waste or toxic substances, or has reason to believe such do exist and with the approval of the Environmental Site Assessment Committee and the Marinette County Land Information Committee, the ESAC Chair may engage an engineering consultant to prepare a formal environmental assessment report of the premises, which shall include a statement of the environmental hazards discovered, the remediation required or likely to be required, and an estimate of the cost of such remediation. Copies of this environmental assessment report shall be provided to the referring entity, the County Board Chairperson, and the County Clerk.
 - (d) Acquisition of lands containing hazardous waste or toxic substances by Marinette County is not prohibited by this Ordinance. The ESAC shall forward a copy of the environmental assessment report to the Land Information Committee for their review and consideration. The Land Information Committee shall make a recommendation to the County Board of supervisors as to whether or not such lands should be acquired.
 - (e) All lands acquired by Marinette County that are determined to have contamination shall be referred to the ESAC. The ESAC shall have the authority to take the necessary action to properly dispose of any hazardous substances which may be stored in above ground containers, to properly remove and dispose of any below ground storage tanks and to dispose of any non hazardous wastes present at the site.
- (3) Personal Liability.** No member of the ESAC shall be personally liable or responsible for decisions made by judgments rendered in effectuating this ordinance.

(Ord #164 5/28/95, Ord #230 2/27/01, Ord#241 10/23/01, Ord #260 8/27/02, Ord #328 5/26/09, Ord #342 7/27/10, Ord #364 3/26/13)

10.05 COMMITTEE OPERATING POLICIES

- (1) Chairperson.** The Chairperson shall be elected annually by the members of the ESAC and shall preside over meetings.
- (2) Vice-Chairperson.** In order to assure the continuity of operations in the absence of the Chairperson, the Committee has established a post of Vice-Chairperson, who shall be appointed by the Chairperson. In the absence of the Chairperson, the Vice-Chairperson will preside over the meetings.
- (3) Secretary.** In order to assure that the proper minutes of all meetings are kept,

the Chairperson shall designate a Secretary to keep minutes of the business conducted. Such minutes shall be forwarded to the Chairperson for distribution as required.

- (4) **Meeting Location.** The ESAC will establish its normal meeting location in the Marinette County Courthouse.
- (5) **Meeting Dates and Times.** The ESAC will conduct meetings as deemed appropriate according to need. Special meetings of the ESAC may be called by the Chairperson.
- (6) **Agenda Items.** Items to be included in the agenda will be submitted to the Chairperson at least five (5) working days prior to the meeting of the ESAC unless an emergency condition is present. The agenda will be compiled and mailed to Committee members and others who request copies, at least twenty-four (24) hours prior to the committee meetings.
- (7) **Quorum.** A quorum will consist of fifty percent (50%) of the ESAC.
- (8) **Voting.** A simple majority vote of the quorum of members present is required for any action.
- (9) **Budget, Revenues, and Expenses.** All bills of the ESAC will be reviewed by the ESAC on a periodic basis. Recommendations for payment shall be forwarded to the Land Information Committee for authorization. The funding necessary for investigation and/or remediation of properties under this chapter shall be taken from a non-lapsing account created for this purpose. This non-lapsing account shall be funded from grants received for site investigation or remediation and from 100% (one hundred percent) of the proceeds received from the sale of the properties on which site investigation and/or remediation activities have taken place.
- (10) **Information Request.** Any entity requesting information concerning the ESAC program will complete regular Environmental Site Assessment forms.
- (11) **Minutes of Meetings.** Minutes of all meetings and sessions of the ESAC will be distributed to Committee members, County Clerk and others who request them.
- (12) **Legal Notice.** A legal notice and agenda of all ESAC meetings will be circulated to Committee members, posted publicly, and distributed to the media, all in accordance with the open meeting law.
(Ord #140 10/25/94, Ord #144 11/15/94, Ord #230 2/27/01, Ord #296 1/31/06, Ord #328 5/26/09)