When an operator elects to post a single bond in lieu of separate bonds previously posted on individual mining sites, the department may not release the separate bonds until the department accepts the new bond.

(5) REVIEW OF AMOUNTS. If an operator disagrees with the amount of the bonds or other security that the department requires under this section, the operator may seek review under s. 295.77 of the amount required. The operator may post a bond or other security in the amount required by the department and begin mining without forfeiting its right to seek review.

295.60 Impacts to wetlands. (1) DEFINITIONS. In this section:

(a) "Area of special natural resource interest" has the meaning given in s. 281.37 (1) (a).

(b) "Artificial wetland" means a landscape feature where hydrophytic vegetation may be present as a result of human modifications to the landscape or hydrology and for which there is no prior wetland or stream history.

(c) "ASNRI wetland" means a wetland that is within the boundary of an area of special natural resource interest or that is in close proximity to or that has a direct hydrologic connection to an area of special natural resource interest.

(d) "Compensation" means the implementation of measures that will function to improve functional values of wetlands or other water quality functions to offset significant adverse impacts that remain after all practicable avoidance and minimization measures have been achieved.

(e) "Federal compensatory mitigation requirement" means any mitigation requirement that is imposed by the federal government.

(f) "Federal wetland" means a wetland that is not a nonfederal wetland and includes an ASNRI wetland.

(g) "Functional values and water quality" means the water quality related wetland functional values and uses specified in sub. (6).

(h) "Impact" means a permanent, temporary, cumulative, secondary, direct or indirect result that is attributable to a discharge to which the wetland water quality standards apply.

(i) "Mitigation" means the restoration, enhancement, or creation of wetlands to offset significant adverse impacts to other wetlands.

(j) "Mitigation bank" means a system of accounting for wetland loss and mitigation that includes one or more sites where wetlands are restored, enhanced, or created to provide transferable credits to be subsequently applied to offset significant adverse impacts to other wetlands.

(k) "Nonfederal wetland" has the meaning given in s. 281.36 (1) (c) and includes an ASNRI wetland.

(L) "On–site location" means a location that is within one–half mile of an outer boundary of a mining site.

(m) "Practicable" means available and capable of being implemented after taking into consideration cost, available technology, and logistics in light of the overall project purposes and the needs for bulk sampling or a mining operation.

(n) "Riparian restoration project" means a project that will restore or enhance the natural beneficial uses and value of a watercourse.

(o) "Water basin" means the Lake Michigan basin, the Lake Superior basin, or the Mississippi River basin or other water basin established by the department.

(p) "Water management unit" means a subdivision of a water basin that is established on a hydrological basis by the department.

(q) "Watershed" means an area of land where all of the water drains into a common waterway.

(r) "Wetland water quality standard" means a water quality standard specified under sub. (6).

(2) SCOPE. This section applies to any water quality certification, or any other approval that involves an evaluation of impact to wetlands, that is associated with mining or bulk sampling.

(3) WETLAND DETERMINATIONS AND DELINEATIONS. For purposes of this section, wetland determinations and wetland boundary delineations shall be consistent with the U.S. Army Corps of Engineers 1987 Wetlands Delineation Manual and any final regional supplement to the manual. The department may rely on wetland determinations and wetland boundary delineations made by other agencies and consultants. If the applicant for a water quality certification or for any other approval for an activity involving impacts to wetlands has provided information to the department that is identified in the manual or any final regional supplement as being sufficient to make a wetland determination or a delineation of boundaries, the department may visit the site to conduct surveys or gather additional site–specific quantitative data provided that the department does not discontinue the processing of the application to do so.

(4) WATER QUALITY CERTIFICATION FOR FEDERAL WETLANDS. (a) For purposes of issuing a water quality certification that is required pursuant to 33 USC 1341 (a) for a discharge associated with a mining operation or bulk sampling into a federal wetland or for issuing any other approval associated with a mining operation for an activity that involves any impact to a federal wetland, the department shall review

the federal compensatory mitigation requirements proposed as part of the federal permit application.

(b) For purposes of determining whether to issue a water quality certification or other approval that requires an evaluation of impacts to federal wetlands, the department shall determine whether it has reasonable assurance that the federal permitting process and federal compensatory mitigation requirements will offset any significant adverse impact to the functional values and water quality of the federal wetland. For purposes of areas of special natural resource interest and federal wetlands that are ASNRI wetlands, the department shall determine that reasonable assurance exists if significant adverse impacts have been avoided or minimized to the extent practicable and any remaining significant adverse impacts are offset by compensation or mitigation. If the department determines that reasonable assurance exists, the department may not impose any additional conditions.

(c) If the department determines that reasonable assurance does not exist under par. (b), it may impose conditions in the water quality certification or other approval if such conditions are limited to those that are necessary to offset any significant adverse impacts to the federal wetland that are not offset by the federal compensatory mitigation requirements in the federal permit or other approval. Any conditions imposed by the department shall permit a compensation and mitigation program as provided in sub. (8).

(d) In imposing conditions under par. (c), the department may not increase the number of acres to be mitigated under the federal compensatory mitigation requirements that are applicable to the federal wetland.

(e) The department shall issue a water quality certification under this subsection if the federal permitting process, including any federal compensatory mitigation requirement, offsets the significant adverse impacts to the functional values and water quality of the federal wetland.

(5) WATER QUALITY CERTIFICATION FOR NONFEDERAL WETLANDS. (a) *Certification required.* No person may discharge dredge or fill material associated with a mining operation or bulk sampling into a nonfederal wetland unless the discharge is authorized under a water quality certification issued under this section.

(b) *Avoidance or minimization of impacts.* For purposes of issuing a water quality certification for a discharge subject to par. (a) or evaluating impacts to nonfederal wetlands for any approval requiring an evaluation of impacts to nonfederal wetlands, the department shall first determine whether any impact to the nonfederal wetland caused by the mining operation or bulk sampling can be avoided or minimized to the extent practicable. If the impacts have been avoided or minimized to the extent practicable, any remaining impacts to nonfederal wetlands or to areas of special natural resource interest may not be a basis for a denial of a water quality certification provided that any remaining significant adverse impacts are offset under a compensation and mitigation program under sub. (8).

(c) *Siting analysis.* 1. An applicant for a water quality certification for a nonfederal wetland shall submit a siting analysis to the department for review. In reviewing the siting analysis, the department shall recognize all of the following:

a. The limitations associated with the proposed location of the ferrous mineral deposits to be mined or associated with bulk sampling.

b. The need for the mining waste sites and any processing facilities to be contiguous to the location of the ferrous mineral deposits to be mined.

c. The presumption that nonfederal wetlands will be impacted.

2. The siting analysis shall be limited to an analysis of alternative configurations associated with the areas of the proposed ferrous mineral deposits to be mined at the mining site and with the areas that are contiguous to those deposits.

3. If it is impracticable to avoid an impact to, or the use of, a nonfederal wetland, the applicant shall identify in the siting analysis, and the department shall review, those configurations that would result in impacts to the fewest acres of nonfederal wetlands to the extent practicable. The department shall determine which configuration will minimize the impacts to the fewest acres.

4. After the department makes the determination under subd. 3., the department shall evaluate the impact of the mining operation to the functional values and water quality of the nonfederal wetland.

(5m) EVALUATION OF IMPACTS. The department shall determine the impact of a proposed activity upon the functional values and water quality of a wetland by using wetland ecological evaluation methods jointly accepted by the U.S. Army Corps of Engineers and the department and appropriate to the affected wetland.

(6) WETLAND WATER QUALITY STANDARDS. The following wetland water quality standards shall apply to any water quality certification under sub. (4) or (5):

(a) Adverse impacts to the functional values and water quality of wetlands and adverse impacts to other waters of the state that are influenced by wetlands shall be minimized, and any significant adverse impacts remaining after minimization shall be subject to a compensation and mitigation program under sub. (8). For purposes of this section, functional values and uses consist of all of the following:

1. Storm and flood water storage and retention and the moderation of water level fluctuation extremes.

2. Hydrologic functions including the maintenance of dry season streamflow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, and the flow of groundwater through a wetland.

3. Filtration or storage of sediments, nutrients, or toxic substances that would otherwise adversely impact the quality of waters of the state.

4. Shoreline protection against erosion through the dissipation of wave energy and water velocity and anchoring of sediments.

5. Habitat for aquatic organisms in the food web including fish, crustaceans, mollusks, insects, annelids, and planktonic organisms and the plants and animals upon which these aquatic organisms feed and depend upon for their needs in all life stages.

6. Habitat for resident and transient wildlife species, including mammals, birds, reptiles, and amphibians, for breeding, resting, nesting, escape cover, travel corridors, and food.

7. Recreational, cultural, educational, scientific, and natural scenic beauty values and uses.

(b) All of the following shall be minimized in order to avoid significant adverse impacts for the purpose of maintaining or enhancing the functional values and water quality identified under par. (a), and any minimization of the following must be taken into account in the department's evaluation of significant adverse impacts:

1. The use of liquids, fill, or other solids or gases.

2. The presence of floating or submerged debris, oil, or other material.

3. The use of materials producing color, odor, taste, or unsightliness.

4. The presence of concentrations or combinations of substances that are toxic or harmful to human, animal, or plant life.

5. Adverse effects on hydrological conditions necessary to support the biological and physical characteristics that are naturally present in wetlands. For purposes of this subdivision, the hydrological conditions include of all of the following:

a. Water currents and erosion and sedimentation patterns.

b. Water temperature variations.

c. The chemical, nutrient, and dissolved oxygen regime of the wetland.

d. The movement of aquatic fauna.

e. The pH of the wetland.

f. Water levels or elevations.

6. Adverse effects on existing habitat and populations of animals and vegetation found in wetlands.

(6m) SCOPE OF EVALUATION. For purposes of issuing a water quality certification under sub. (4) or (5), the department shall evaluate whether an activity will result in a significant adverse impact to the functional values and water quality associated with a wetland by doing all of the following:

(a) Comparing the functional values and water quality of the wetland with other wetlands located within the boundaries of the mining site or within the same water management unit as the mining site and with other waters of the state that are located in the same water management unit.

(b) Taking into consideration the floristic province in which the mining site is located.

(7) APPROVAL BY DEPARTMENT; NONFEDERAL WETLANDS. The department shall issue a water quality certification under this section for a nonfederal wetland, if the department determines all of the following:

(a) All practicable measures will be taken to minimize the adverse impacts to wetlands.

(b) Any significant adverse impacts to functional values and water quality that remain are offset through a compensation or mitigation program under sub. (8).

(8) COMPENSATION AND MITIGATION PROGRAM. (a) *Contents.* A compensation and mitigation program to offset significant adverse impacts to functional values and water quality of wetlands shall contain all of the following:

1. Proposed projects for compensation or mitigation and a schedule for implementing the projects. The projects may include riparian restoration projects. These projects may be performed by a person other than the applicant, subject to the department's approval of the projects and schedule.

2. If the program is applicable to a federal wetland, all federal compensatory mitigation requirements associated with the federal wetland application.

(b) *Option of applicant.* An applicant submitting a program under par. (a) may submit proposals for compensation or mitigation or any combination thereof.

(c) *Ratios for mitigation.* The amount of mitigation required may not exceed 1.5 acres of mitigation for each acre of adversely impacted wetland. For purpose of credits in a mitigation bank, each acre that is subject to mitigation shall count as at least one credit.

(d) *Sequence.* If it is not practicable or ecologically preferable to conduct compensation or mitigation at an on–site location or if there is no on–site location that will provide sufficient wetland acreage, the department shall allow the applicant to conduct compensation or mitigation at a site other than an on–site location. Compensation or mitigation shall be accomplished through the following options:

1. Implementation of a project for compensation or mitigation. Projects for compensation at a site other than an on–site location may include projects to protect upland groundwater recharge areas, shoreline stabilization projects, and riparian restoration projects.

2. Purchase of credits from a mitigation bank for a site in a mitigation bank that is located anywhere in the state.

3. Purchase of mitigation credits from a mitigation bank established prior to February 1, 2002, if the department determines that the bank sponsor is in compliance with any applicable memorandum of understanding between the bank sponsor and the department.

(9) MINING PERMIT. Any water quality certification issued by the department, including all of the conditions imposed as part of the certification, shall be included in the mining permit.

(10) CONSERVATION EASEMENTS. (a) A person who is the holder of a water quality certification that authorizes mitigation to be implemented by the holder of the certification at an on–site location shall grant a conservation easement under s. 700.40 to the department to ensure that the wetland that is subject to the mitigation will not be destroyed or substantially degraded by any subsequent proprietor of or holder of interest in the property on which the wetland is located. The department shall suspend the mining permit if the holder of the permit fails to grant the easement within the time limit set forth in the mining permit. If the holder subsequently grants the conservation easement to the department, the department shall reinstate the mining permit.

(b) Notwithstanding par. (a), the department shall modify or release a conservation easement granted under par. (a) if all of the following apply:

1. The department determines that part or all of the wetland subject to the mitigation ceases to be a wetland.

2. The person who is required to grant the conservation easement did not contribute to the loss of the wetland as specified in subd. 1.

3. Any subsequent proprietor of or holder of interest in the property on which the wetland specified in subd. 1. is located did not contribute to the loss of the wetland.

(11) EXEMPTIONS. (a) *Artificial wetlands.* All of the following artificial wetlands that are associated with a mining operation are exempt from the water quality certification provisions and compensation and mitigation provisions under this section and under any other statute or rule relating to impacts on wetlands:

1. An artificial wetland that is a sedimentation or stormwater detention basin or associated conveyance feature operated and maintained only for sediment detention and flood storage purposes.

2. An artificial wetland that is an active sewage lagoon, cooling pond, waste disposal pit, fish rearing pond, or landscape pond.

3. An artificial wetland that is actively maintained farm drainage and roadside ditches.

4. An artificial wetland as part of an active mining operation.

(c) *Other exempted activities.* For nonfederal wetlands, all of the following activities that are associated with a mining operation or bulk sampling are exempt from the water quality provisions and compensation and mitigation provisions under this section and any other law relating to impact on wetlands if the applicant minimizes any adverse effect on the environment as a result of the activities:

1. Maintenance, emergency repair, or reconstruction of damaged parts of structures that are in use in a wetland.

2. Construction or maintenance of irrigation or drainage ditches.

3. Construction or maintenance of farm roads, forest roads, or temporary mining roads that is performed in accordance with best management practices, as determined by the department.

(12) RELATIONSHIP TO OTHER LAWS. None of the following apply to a mining operation or bulk sampling:

(a) Sections 281.36 and 281.37, except as otherwise specifically provided in this section.

(b) Any rule promulgated by the department relating to wetlands that conflicts with this section, except that no rule promulgated by the department under s. 281.36 or 281.37 applies to a mining operation or bulk sampling.

295.605 Impacts to navigable waters. (1) DEFINITION. In this section, "navigable water activity" means an activity for which a permit or contract is required under s. 30.12, 30.123, 30.19, 30.195, or 30.20.

(2) PERMIT OR CONTRACT REQUIRED. No person may engage in any navigable water activity associated with bulk sampling or mining unless the person has been issued a permit or entered into a contract as provided under sub. (4).

(3) APPLICATION; RIPARIAN STATUS. (a) Any person who intends to engage in a navigable water activity associated with bulk sampling or mining need not be a riparian owner to do any of the following:

1. Apply for and be issued an individual permit for a navigable water activity under s. 30.12, 30.123, 30.19, or 30.195.

1m. Enter into a contract under s. 30.20.

2. Engage in an activity that is exempt under s. 30.12, 30.123, 30.19, 30.195, or 30.20.

3. Seek authorization under a general permit issued under s. 30.12, 30.123, 30.19, or 30.20.

(b) If a person is applying for more than one permit or contract for a navigable water activity associated with bulk sampling or mining, the person may file a single application. The application shall include any information requested by the department under s. 295.45 (3).

(4) REQUIREMENTS. (a) *Generally.* The department shall issue a permit, or enter into a contract, for a navigable water activity if the navigable water activity meets all of the following requirements:

1. The navigable water activity will not significantly impair public rights and interests in a navigable water.

2. The navigable water activity will not significantly reduce the effective flood flow capacity of a stream.

3. The navigable water activity will not significantly affect the rights of riparian owners or the applicant obtains the consent of the riparian owners.

4. The navigable water activity will not significantly degrade water quality.

(b) *Measures.* The person applying for the permit or contract shall submit a plan to the department containing proposed measures to to meet the requirements under par. (a) and a proposed schedule for implementing the measures. The plan shall include one or more of the following measures:

1. Measures to offset significant impacts to navigable waters by providing public access to, restoring, or enlarging up to 1.5 acres of navigable waters in exchange for each acre of navigable waters that is significantly impacted.

2. Measures to improve public rights or interests in navigable waters.

3. Measures to offset significant impacts to water quality or quantity.

4. Measures to enhance flood storage.

5. Compensation or mitigation as provided under s. 295.60.

6. Conservation measures as provided in s. 295.61.

(bn) *Plan review; finding.* In reviewing the plan, the department may require that measures that are in addition to, or in conjunction with, one or more of the measures specified in par. (b) 1. to 6. be included in the plan. After reviewing the plan and application, if the department finds that the requirements under par. (a) will be met by implementing some or all of the measures contained in the plan, the department shall determine which measures shall be required, shall approve a schedule for implementation, and shall issue the permit or enter into the contract.

(c) *Applicability of requirements.* The requirements that are specified in par. (a) 1. to 4. are in lieu of any requirements required for permits under ss. 30.12 (3m) (c), 30.123 (8) (c), 30.19 (4) (c), and 30.195 (2) (c) and are in lieu of any requirements for contracts under s. 30.20 that relate to the state's or public's interests and shall be used, in conjunction with the measures required under par. (b), in any evaluation by the department pursuant to 33 USC 1341.

(5) PERMIT CONDITIONS. The department may impose conditions in a permit for a navigable water activity that it determines to be necessary to ensure that the navigable water activities subject to the permit meet the requirements under par. (a).

(6) RELATIONSHIP TO OTHER LAWS. (a) Chapter 30 and any rules promulgated under that chapter apply to any navigable water activity subject to this section to the extent that they do not conflict with this section, except as provided in par. (b).

(b) Sections 30.208, 30.209, and 30.2095 and any rules promulgated under those sections, do not apply to any navigable water activity that is subject to this section.

295.607 Shoreland and floodplain zoning. (a) In this section:

1. "Development or construction activity" means a waste site, structure, building, fill, or other development or construction activity.

2. "Shoreland or floodplain zoning ordinance" means a shoreland or floodplain zoning ordinance or regulation adopted under s. 59.692, 61.351, 62.231, 87.30, or 281.31.

(b) The department may not prohibit a development or construction activity to be located in an area that would otherwise be prohibited under a shoreland or floodplain zoning ordinance if the development or construction activity is authorized by the department as part of a mining operation covered by a mining permit under s. 295.58.

(c) A development or construction activity located in an area that would otherwise be prohibited under a shoreland or floodplain zoning ordinance does not violate the applicable ordinance if the development or construction activity is authorized by the department as part of a mining operation covered by a mining permit under s. 295.58. No shoreland or floodplain zoning variance is required for a development or construction activity located as provided under this paragraph.

295.61 Withdrawals of surface waters and groundwater. (1) DEFINITIONS. In this section:

(a) "Authorized base level of water loss" has the meaning given in s. 281.35 (1) (b).

(b) "Environmentally sound and economically feasible water conservation measures" has the meaning given in s. 281.346 (1) (i).

(c) "Great Lakes basin" has the meaning given in s. 281.35 (1) (d).

(d) "High capacity well" has the meaning given in s. 281.34 (1) (b).

(e) "Interbasin diversion" has the meaning given in s. 281.35 (1) (g).

(f) "Upper Mississippi River basin" has the meaning given in s. 281.35 (1) (j).

(g) Unless the context otherwise requires, "use" includes dewatering.

(h) "Water loss" has the meaning given in s. 281.35 (1) (L).

(i) "Withdrawal" has the meaning given in s. 281.35 (1) (m).

(2) PERMIT REQUIRED. No person may engage in any withdrawal or use of surface water as part of a mining operation or bulk sampling unless the person has been issued a water withdrawal permit under this section. No person may engage in any withdrawal or use of groundwater as part of a mining operation or bulk sampling if the capacity and rate of withdrawal of all wells involved in the withdrawal of groundwater or the dewatering of mines exceeds 100,000 gallons each day unless the person has been issued a water withdrawal permit under this section.

(3) PERMIT APPLICATION. (a) *Application.* Any person applying for a water withdrawal permit is required to submit only one application. A person applying for such a permit need not be a riparian owner. An application for a water withdrawal permit shall include any information requested by the department under s. 295.45 (3).

(b) *Siting analysis.* If withdrawal of water at a mining operation or for bulk sampling will involve one or more high capacity wells, the department shall require an applicant for a water withdrawal permit to submit a siting analysis for the purpose of determining the location of the high capacity wells. The analysis shall

include alternate proposed locations for each high capacity well. In evaluating a submitted analysis, the department shall recognize there is a need for mining waste sites, processing facilities, including wastewater and sludge storage or treatment lagoons, to be contiguous to the location of the ferrous mineral deposit, and shall allow any high capacity well to be located so that need will be met. The department shall determine which location for each high capacity well has the fewest overall adverse environmental impacts to the extent practicable. In determining what is practicable, the department shall take into consideration the ability to implement any conservation measures that may be required under sub. (4) (b). Section 281.346 (5) (b) 5. does not apply to determining a location under this paragraph.

(c) *Entry to land.* After an application for a water withdrawal permit has been submitted under this section, the applicant may enter any land from which the applicant proposes to withdraw water or use water for the purpose of making any surveys required for the mining operation or bulk sampling, but no work may be commenced necessary for the mining operation or the bulk sampling until the department issues the permit under this section.

(4) PERMIT ISSUANCE. (a) *General requirements.* The department shall issue a water withdrawal permit if the withdrawal or use of the surface water or groundwater meets all of the following requirements:

1. The proposed withdrawal and uses of the water are substantially consistent with the protection of public health, safety, and welfare and will not be significantly detrimental to the public interest.

2. The proposed withdrawal and uses of the water will not have a significant adverse impact on the environment and ecosystem of the Great Lakes basin or the Upper Mississippi River basin.

3. The proposed withdrawal and use of the water will not be significantly detrimental to the quantity and quality of the waters of the state.

4. The proposed withdrawal and use of the water will not significantly impair the rights of riparian owners or the applicant obtains the consent of the riparian owners.

5. The proposed withdrawal and use of the water will not result in significant injury to public rights in navigable waters.

6. If the withdrawal or the use of the water will result in an interbasin diversion, the requirements of s. 281.35 (5) (d) 7. are met.

7. The proposed withdrawal or use of the water will comply with any requirements imposed by the department under par. (cm).

(b) *Conservation measures.* The person applying for the permit shall submit a plan to the department containing proposed conservation measures to meet the requirements under par. (a) and a proposed schedule for implementing the measures. The plan shall include one or more of the following measures:

1. Environmentally sound and economically feasible water conservation measures.

2. Restoration of hydrologic conditions and functions of the source watershed, or if the withdrawal is from a stream tributary to one of the Great Lakes, restoration of the hydrologic conditions and functions of that stream.

3. Protection of important upland groundwater recharge areas.

4. Stabilization of shorelands.

5. Restoration or enhancement of the natural beneficial uses and values of a stream or river.

6. Implementation of any feasible methods to offset impacts to water quality or quantity.

7. Supplementation of additional water to water bodies to offset lower water levels.

8. Taking steps to improve public rights or interests in navigable waters, if navigable waters are subject to the permit.

9. Mitigation or compensation as provided in s. 295.60.

10. Measures to offset significant impacts to navigable waters by providing public access to, restoring, or enlarging up to 1.5 acres of navigable waters in exchange for each acre of natural navigable waters that is significantly impacted.

11. A riparian restoration project, as defined in s. 295.60 (1) (n).

12. Measures as provided in s. 295.605.

(bn) *Plan review; finding.* In reviewing the plan, the department may require that conservation measures that are in addition to, or in conjunction with, one or more of the conservation measures specified in par. (b) 1. to 12. be included in the plan. After reviewing the plan and application, if the department finds that the requirements under par. (a) will be met by implementing some or all of the conservation measures contained in the plan, the department shall determine which measures shall be required, shall approve a schedule for implementation, and shall issue the permit.

(cm) *Impacts to water supplies.* If the department determines that a proposed withdrawal or use of water will result in a significant impact to a public or private water supply, the department shall require the applicant to offset that impact in a manner approved by the department, which may include a requirement that the

applicant provide a replacement water supply of similar quality or provide an increased amount of water to the water supply.

(d) *Public benefits.* If the department finds under par. (bn) that the applicant cannot meet all of the applicable requirements under par. (a), the department shall nevertheless issue the water withdrawal permit if the department determines that the public benefits resulting from the mining operation exceed any injury to public rights and interests in a body of water that is affected by the mining operation or bulk sampling. In making this determination, the department shall recognize that the withdrawal and use of the waters of the state in connection with mining is in the public's interest and welfare and fulfills a public purpose and shall consider all of the following factors:

1. The extent to which the public rights in a navigable body of water, and its related environment, may be substantially and irreparably injured by the proposed withdrawal or use.

2. Public benefits that may be provided by increased employment, economic activity, and tax revenues from the mining operation.

3. The direct and indirect social benefits and costs that will result from the proposed mining operation.

4. The rights of riparian owners or other competing users to the water that will be subject to the permit.

5. The extent to which any impacts from mining or bulk sampling will be temporary.

(e) *Use of nonriparian waters.* Water withdrawn in accordance with a water withdrawal permit may be used on nonriparian property.

(f) *Limits on permit denials.* If the department determines that one of the water withdrawal activities subject to an application for a water withdrawal permit does not meet the requirements for issuing the permit under par. (a), (bn), or (d) and will not be authorized under the permit, the failure to authorize the activity may not affect the department's determination as to whether to approve or deny the permit for other water withdrawal activities that are subject to the application.

(5) PERMIT CONDITIONS. The department may impose reasonable conditions in a water withdrawal permit that do not interfere with the mining operation or bulk sampling or limit the amount of water needed for the mining operation or bulk sampling and that relate to any of the following:

(a) The location of the withdrawal or use.

(b) The authorized base level of water loss from the withdrawal or use.

(c) The dates on which or seasons during which withdrawal or use of the water may occur.

(d) The purposes for the withdrawal or use of the water.

(e) The amount and quality of return flow required and the place of the discharge.

(f) The requirements for reporting volumes and rates of withdrawal and any other data specified by the department.

(g) Any other conditions that the department determines are necessary to protect the environment and the public health, safety, and welfare and to ensure the conservation and proper management of the waters of the state.

(6) PERMIT MODIFICATIONS. (a) 1. An operator to whom a permit has been issued under this section may request a modification of any condition in the permit.

2. If the request for a modification under subd. 1. does not result in an increase in an existing withdrawal resulting in a water loss averaging more than 2,000,000 gallons per day in any 30–day period above the operator's authorized base level of water loss, within 30 days of receiving the request the department shall approve the request and amend the permit to incorporate the modification.

3. a. If the request for a modification under subd. 1. results in an increase in an existing withdrawal resulting in a water loss averaging more than 2,000,000 gallons per day in any 30–day period above the operator's authorized base level of water loss, the department shall determine whether it is required, under ch. NR 150, Wis. Adm. Code, to prepare an environmental assessment or environmental impact statement and, if so, shall prepare an environmental assessment or an environmental impact statement. If the department determines that, under ch. NR 150, Wis. Adm. Code, the operator must prepare an environmental impact report, the department may only request information in the environmental impact report that relates to decisions that the department makes under this section related to the permit and the department shall limit its analysis to an evaluation of the request for the modification.

b. The department shall publish a class 1 notice, under ch. 985, of the availability of information about a request to which this subdivision applies, its proposed decision on the request, the opportunity to comment within 30 days after the notice is published, and the opportunity to request a public informational hearing. The department shall also provide the notice to the applicant, the persons specified in s. 30.18 (4) (a), and if the modification involves a structure through which water transferred from the Great Lakes basin would be returned to the source watershed through a stream tributary to one of the Great Lakes, the governing body

of each city, village, and town through which the stream flows or that is adjacent to the stream downstream from the point at which the water would enter the stream.

c. Within 180 days of receiving a request to which this subdivision applies, the department shall approve or deny as provided in sub. (4) the request and, if it approves the request, shall amend the permit to incorporate the modification.

(b) 1. The department may propose modifications to any of the conditions in the water withdrawal permit. If it proposes a modification, the department shall determine whether it is required, under ch. NR 150, Wis. Adm. Code, to prepare an environmental assessment or environmental impact statement and, if so, shall prepare an environmental assessment or an environmental impact statement. If the department determines that, under ch. NR 150, Wis. Adm. Code, the operator must prepare an environmental impact report, the department may only request information in the environmental impact report that relates to decisions that the department makes under this section related to the permit and the department shall limit its analysis to an evaluation of the proposed modification.

2. The department shall publish a class 1 notice, under ch. 985, of the availability of information about a proposed modification under this paragraph, the opportunity to comment within 30 days after the notice is published, and the opportunity to request a public informational hearing. The department shall also provide the notice to the applicant, the persons specified in s. 30.18 (4) (a), and if the modification involves a structure through which water transferred from the Great Lakes basin would be returned to the source watershed through a stream tributary to one of the Great Lakes, the governing body of each city, village, and town through which the stream flows or that is adjacent to the stream downstream from the point at which the water would enter the stream.

3. The department may not impose the modification until after the end of the public comment period under subd. 2.

4. Any modified condition under this paragraph may not interfere with the mining operation or limit the amount of water needed for the mining operation if the holder of the water withdrawal permit is implementing any conservation measures that are applicable under the permit.

(7) RELATIONSHIP TO OTHER LAWS. None of the following apply to water withdrawal or use that is associated with mining operations or bulk sampling:

(a) Sections 30.18, 281.34, and 281.35 and any rules promulgated under those sections, except as specifically provided in this section.

(b) Any provision of ch. NR 812, Wis. Adm. Code, that conflicts with this section, except that s. NR 812.08, Wis. Adm. Code, does not apply to water withdrawal or use that is associated with mining operations or bulk sampling.

295.62 Mining waste site construction and completion reports. (1) An operator shall construct a mining waste site substantially in accordance with the approved mining waste site feasibility study and plan of operation.

(2) The operator shall inspect the mining waste site before it is used and ensure that all associated structures are in substantial compliance with the mining waste site feasibility study and plan of operation. The operator shall have a professional engineer, registered as such under ch. 443, document mining waste site construction and render an opinion as to whether the mining waste site has been constructed in substantial conformance with the mining waste site feasibility study and plan of operation. The engineer may use aerial or ground photographs to document the inspection, but photographs do not in themselves constitute compliance with this

subsection. The operator shall maintain a complete file describing the items inspected and their condition.

(3) An operator shall notify the department in writing when the mining waste site has been constructed in substantial compliance with the mining waste site feasibility study and plan of operation.

(4) (a) Within 5 business days of receipt of written notice from an operator that the mining waste site has been constructed in substantial compliance with the mining waste site feasibility study and plan of operation, the department shall either review and inspect the mining waste site to ensure that it was constructed according to the approved mining waste site feasibility study and plan of operation or notify the operator that the department will not conduct a review and inspection before disposal of mining waste in the mining waste site. Within 3 business days of any review and inspection, the department shall notify the operator that the mining waste site may be used for the disposal of mining waste or identify all steps that must be completed to bring the mining waste site into substantial compliance with the mining waste site plan of operation. After the operator completes the steps, the operator shall notify the department that the steps have been completed.

(b) An operator may dispose of mining waste in a mining waste site after one of the following occurs:

1. The operator receives notice from the department under par. (a) that the department will not conduct a review and inspection before disposal of mining waste in the mining waste site.

2. The operator receives notice from the department under par. (a) that the mining waste site may be used for the disposal of mining waste.

3. The operator provides notice to the department under par. (a) that any steps required by the department to be completed under par. (a) have been completed.

295.63 Modifications; reporting. (1) (a) An operator at any time may request a change to a mining permit, the mining plan, the reclamation plan, or the mining waste site feasibility study and plan of operation for any mining site that the operator owns or leases, or request cancellation of the mining permit for any or all of the unmined part of a mining site. The operator shall submit an application for the change or cancellation in the form of a letter giving notice to the department of the proposed change or cancellation and shall identify in the letter the tract of land to be affected by a change in the mining plan, reclamation plan, or mining waste site feasibility study and plan of operation or to be removed from the permitted mining site.

(b) The department shall grant a request under par. (a) unless it determines that the requested change makes it impossible for the permit holder to substantially comply with the approved mining plan, reclamation plan, or mining waste site feasibility study and plan of operation. If the department determines that the requested change would make substantial compliance impossible, it shall follow the procedure in sub. (3).

(c) If the request under par. (a) is to cancel any or all of the unmined part of a mining site, the department shall ascertain, by inspection, if mining has occurred on the land. If the department finds that no mining has occurred, the department shall order release of the bond or other security posted for the land being removed from the permitted mining site and cancel or amend the operator's written authorization to conduct mining on the mining site. The department may not approve the removal of land where mining has occurred from a permitted mining site, or release that land

from the bond or other security under this subsection, unless the operator has completed reclamation to the satisfaction of the department.

(2) The operator shall furnish the department with a report for each mining site within 30 days after the end of every 12–month period after issuance of the permit, within 30 days after completion of all mining at the mining site, and within 30 days after completion of the mining plan and of the reclamation plan, describing any reclamation work accomplished, or experimental reclamation work performed, during the preceding year. The operator shall include in the reports an annual plan map, color–coded and with a legend, showing all of the following, as of December 31 of the previous year, or as near to December 31 of the previous year as mining operations permit:

(a) Location and boundary of the mining area.

(b) Any mine mill.

(c) Any open pit.

(d) Stockpiles of overburden.

(e) Stockpiles of waste rock.

(f) Ferrous ore stockpiles.

(g) Streams, lakes, and reservoirs.

(h) Tailings basins.

(i) Roads.

(j) Sequential numbers or letters or other method, as approved by the department, permanently assigned to portions of the mining site that have been abandoned before abandonment of the entire mining operation.

(k) Changes in the surface area disturbed by mining during the preceding year, indicated by vertical crosshatching or other method approved by the department.

(L) Anticipated changes in the surface area disturbed by mining during the current year, indicated by horizontal crosshatching or other method approved by the department.

(m) Elevations of stockpiles and tailings basins.

(n) Drainage on and away from the surface area disturbed by mining, showing directional flow of water in drainage ways, natural watercourses, and streams, intermittent and flowing, including discharge from the mining.

(o) The name of the geologist, engineer, or surveyor responsible for the preparation of the map.

(p) The date the map was prepared.

(3) If the department finds that a change requested under sub. (1) (a) would make substantial compliance with the approved mining plan, reclamation plan, or mining waste site feasibility study and plan of operation impossible or it finds, based on a review conducted no more frequently than every 5 years, that because of changing conditions, including changes in reclamation costs or reclamation technology, the reclamation plan for a mining site is no longer sufficient to reasonably provide for reclamation of the mining site consistent with this subchapter, it shall require the applicant to submit an amended mining plan, reclamation plan, or mining waste site feasibility study and plan of operation and applications for amending any approval associated with the proposed amendments to the mining plan, reclamation plan, or mining waste site feasibility study and plan of operation. The public notice, public comment, and public hearing procedures in s. 295.57 apply to amended plans and applications under this subsection. The department shall approve or deny the amended mining plan, reclamation plan, or mining waste site feasibility study and plan of operation in accordance with s.

295.58, within 30 days following the close of the public comment period. The applicant may continue to operate under the existing mining permit until the amended mining permit is issued or denied.

295.635 Required mining waste site inspections, record keeping, reporting, and responses. (1) DEFINITIONS. In this section:

(a) "Active dam" means a dam and associated settling area into which tailings or wastewater are being introduced or that has not been reclaimed in a manner approved by the department.

(b) "Inactive dam" means a dam and associated settling area that is no longer being used for disposal of tailings or wastewater and that has been reclaimed in a manner approved by the department.

(2) GENERAL. The operator shall, at least monthly, visually inspect all of the following and record observations in a mining waste site operating log:

(a) The active portions of the mining waste site for possible damage or structural weakening.

(b) Mining waste handling and monitoring equipment and readings, to ensure normal operation and measurements.

(c) Fences or barriers around the mining waste site, for possible damage.

(d) The buffer area around the mining waste site, for possible environmental damage related to its operation.

(3) ACTIVE DAMS. The operator shall, at least monthly, inspect active dams and record the findings in the mining waste site operating log. The operator shall record at least all of the following findings:

(a) Condition of vegetation on the dam and within 50 feet from the outside base.

(b) Piezometric levels within the mass of the dam.

(c) Condition of soil surfaces on the top and slopes of the dam and within 50 feet from the outside base.

(d) Condition of drainage ditches near the base of the dam.

(e) Liquid surface level and amount of freeboard.

(f) Condition of spillways, conduits, and water level control structures.

(4) INACTIVE DAMS. The operator shall inspect inactive dams quarterly and record the findings in the mining waste site operating log. The operator shall record at least all of the following findings:

(a) Condition of soil surfaces on the top and slopes of the dam and within 50 feet from the outside base.

(b) Piezometric levels within the mass of the dam if that instrumentation has been determined to be necessary or is required in the long–term care provisions of the mining waste site feasibility study and plan of operation.

(c) Condition of spillways, conduits, and water level control structures.

(5) DEFECTIVE CONDITIONS OF DAMS POSING RISK OF ADVERSE IMPACT. When a defective condition that poses a significant risk of adverse impact to the environment is found during an inspection of a dam, the operator shall ensure that it is recorded and corrected at the earliest practicable time. At the earliest practicable time, the operator shall make a written report to the department of the condition and the actions proposed and taken for its correction. Within 5 business days of receipt of a written report, the department may confirm the correction of the condition and specify any necessary additional corrective action. An operator shall consider any of the following items as indicating a condition that requires prompt investigation and that may require corrective action:

(a) Seepage on the outer face of the dam accompanied by boils, sand cones, or deltas.

(b) Silt accumulations, boils, deltas, or cones in the drainage ditches at the base of the dam.

(c) Cracking of soil surface on the top or either face of the dam.

(d) Bulging of the outside face of the dam.

(e) Seepage, damp areas, or boils in the vicinity of, or erosion around, a conduit through the dam.

(f) Any shrinkage of the top or faces of the dam.

(6) POTENTIAL DEFECTS OF DAMS. All of the following conditions indicate potential defects and the operator shall closely check them on subsequent inspections for an active dam and conduct an intermediate inspection if they exist for an inactive dam:

(a) Patches of overgrown vegetation on the outside face or close to the base of the dam.

(b) Surface erosion, gullying, or wave erosion on the inside of the dam.

(c) Surface erosion, gullying, or damp areas on the outside of the dam, including the berm and the area within 50 feet from the outside base.

(d) Erosion below any conduit.

(e) Wet areas or soggy soil on the outside of, or in natural soil below, the dam.

(7) RECORD KEEPING RELATED TO DAMS. (a) The operator shall retain all records relating to dam monitoring, analytical, and verification activities and data, including all original strip chart recordings and instrumentation, calibration, and maintenance records, until termination of operator responsibility, except to the extent that copies of those records have previously been provided to the department.

(b) The operator shall maintain in a permanent file all of the following construction records pertaining to any dam in case they are needed for future reference:

1. Aerial photos of the construction site before construction.

2. Construction drawings and modifications of the drawings.

3. Construction specifications and modifications of the specifications.

4. Results of all soil tests on foundations and fill materials.

5. Logs of borings and engineering geology reports.

6. Copies of construction progress inspections pertinent to core trench, toe drain, internal drains, and other significant phases of the structure including, at the option of the operator, photographs of various structural items.

7. Aerial photos of the entire dam taken within 90 days after all construction is completed.

8. A description of and justification for all deviations or variances from the construction plans and specifications.

(8) RESPONSES TO UNPLANNED EVENTS. If a mining waste site has an accidental or emergency discharge, a fire, an explosion, or other unplanned or unpredicted event that is likely to damage human health or the environment, the operator shall follow the procedures set forth in the contingency plan under s. 295.51 (6) (f) and shall report the incident to the department and to county, town, and tribal governmental agencies immediately after the operator has discovered the event.

(9) ANNUAL REPORT. The operator shall submit to the department an annual summary report concerning the mining waste site containing all of the following:

(a) Statistical summaries of annual and cumulative data.

(b) A comparison of the summaries under par. (a) to mining waste characterization, leachate characterizations, effluent predictions, and baseline water quality and background water quality data as contained in the approved mining waste site feasibility study and plan of operation.

(c) The results of verification procedures and a presentation of the error associated with each parameter reported.

(d) Information from monitoring wells that have not been affected, including a discussion of whether the baseline values should be modified due to natural variability and what the new values should be.

(10) APPLICABILITY. This section does not apply to a surface mine that is backfilled with mining waste.

295.64 Mining site monitoring; general. (1) GENERAL. The department, as a condition of a mining permit, shall require the operator to perform adequate monitoring of environmental changes during the course of the mining and for the additional period of time that is necessary to satisfactorily complete reclamation and completely release the operator from any bonds or other security required. The department may monitor environmental changes concurrently with the operator and for an additional period after the security is released.

(2) ANALYSES. (a) The department shall review baseline water quality data with respect to groundwater and monitoring data associated with the mine, mining waste sites, and sites for the disposal of wastes that are not mining wastes at the time of each review of the mining permit or reclamation plan under s. 295.63 (3) and when the operator requests a modification of the mining permit or reclamation plan.

(b) An operator shall have bacteriological analyses of water samples and all radiological analyses associated with the mining site performed by the state

laboratory of hygiene or at a laboratory certified or approved by the department of health services. An operator shall have other laboratory tests the results of which are submitted to the department under this subchapter performed by a laboratory certified or registered under s. 299.11, except that this requirement does not apply to any of the following:

1. Physical testing of soil.

2. Air quality tests.

3. Tests for hydrogen ion concentration (pH).

4. Tests for chlorine residual.

5. Tests for temperature.

295.643 Mining waste site monitoring. (1) GENERAL. The department may require the monitoring of groundwater, surface water, leachate, or other physical features associated with a mining waste site.

(2) PHYSICAL FEATURES. The department may require the monitoring of air quality, berms, embankments, vegetation growth, and drainage control structures associated with the mining waste site. The department may require monitoring of other chemical or biological conditions, if the department determines that the monitoring is necessary to assess the impact of the mining waste site on critical aquatic and terrestrial ecosystems.

(3) MONITORING WELLS AND OTHER DEVICES. (a) The department shall require the installation of groundwater monitoring wells at a mining waste site. The department may require installation of leachate monitoring wells, lysimeters, moisture probes, and similar devices and associated water quality sampling and analysis programs to detect the effects of leachate on groundwater.

(b) The department shall determine the required number of groundwater monitoring wells based on the size of the mining waste site, the design of the mining waste site, the types of mining waste, and the hydrologic and geologic setting of the mining waste site. The department shall ensure that the number of wells is adequate to yield samples representative of the groundwater quality both up gradient and down gradient of the mining waste site.

(c) An operator shall construct all monitoring wells in accordance with ch. NR 141, Wis. Adm. Code, and in such a manner as to prevent, to the extent practicable, the exchange of water between aquifers.

(4) DESTRUCTION OF MONITORING DEVICES. (a) If for any reason a monitoring well or other monitoring device associated with a mining waste site is destroyed or otherwise fails to function properly, the operator shall notify the department in writing within 5 days of discovering the destruction or malfunction.

(b) The operator shall either restore the monitoring well or other device or properly abandon it and replace it with a functioning device within 60 days of notifying the department under par. (a) unless the department notifies the operator otherwise in writing within 30 days of receiving notice from the operator.

(5) SAMPLING OTHER WELLS. The department may require an operator to sample public or private wells as part of a regular monitoring program or to determine the extent of groundwater contamination associated with a mining waste site. If the owner of a well does not authorize access for sampling, the operator shall promptly notify the department.

(6) REQUIRED MONITORING AND ANALYSIS. (a) An operator shall monitor groundwater at locations identified in the waste site feasibility study and plan of operation on a quarterly basis, during March, June, September, and December,

unless the department agrees to an alternate schedule. The department may base an alternate schedule on the hydrogeologic system's characteristics, such as flow velocity and stratigraphy, and on fluctuations in quality as determined through background water quality or baseline water quality sampling and mining waste type. The operator shall analyze for the parameters listed in the approved waste site feasibility study and plan of operation.

(b) An operator shall use the methods for groundwater and surface water sample collection, preservation, and analysis that are specified in the approved mining waste site facility study and plan of operation.

(7) WATER ELEVATION MEASUREMENTS. The operator shall make water elevation measurements on a quarterly basis.

(8) OPERATIONS REPORT. The department may require an operator to submit an operations report to assess the effectiveness and environmental acceptability of mining waste site operations. The operator may include in the report a discussion of confinement of the active fill area and an analysis of leachate and other monitoring, surface water control and erosion control, revegetation, settlement, volume of the mining waste site utilized, leachate quantity and quality, slope stability, equipment performance, volume and type of waste disposed of, and other relevant parameters.

(9) REPORTS OF MONITORING DATA. The operator shall forward to the department, within 60 days after sampling, 3 copies of the monitoring data required by this section to be collected during each quarter.

295.645 Groundwater quality, monitoring, and response. (1) DEFINITIONS. In this section:

(a) "Alternative concentration limit" means the concentration of a substance in groundwater established by the department to replace a groundwater quality standard when the department grants an exemption.

(b) "Statistically significantly different" means an amount of change determined by the use of statistical tests for measuring significance at the 95 percent confidence level.

(2) DESIGN MANAGEMENT ZONE. (a) Notwithstanding the rule–making authority in s. 160.21 (2) and except as provided under par. (b), for the purposes of ch. 160, the horizontal distance to the boundary of the design management zone for a mining operation is 1,200 feet from the limits of the engineered structures of the mining waste site, including any wastewater and sludge storage or treatment lagoons, the edge of the mine, and the adjacent mine mill and ferrous mineral processing facilities or at the boundary of the property owned or leased by the applicant, whichever distance is less.

(b) When issuing or modifying a mining permit or issuing or reissuing any other approval, the department may expand the design management zone by a horizontal distance of up to an additional 1,200 feet in any direction as provided in this paragraph, but not beyond the boundary of the property owned or leased by the applicant. The department may not expand the design management zone unless the applicant demonstrates all of the following:

1. That preventive action limits and enforcement standards or alternative concentration limits cannot be met at the boundary of the design management zone if it is not expanded.

2. That preventive action limits and enforcement standards or alternative concentration limits will be met at the boundary of the expanded design management zone.

(c) Notwithstanding the rule–making authority in s. 160.21 (2), for the purposes of ch. 160, the vertical distance to the boundary of the design management zone for a mining site, including any mining waste site, extends no deeper than 1,000 feet into the Precambrian bedrock or than the final depth of the mining excavation, whichever is greater.

(3) POINT OF STANDARDS APPLICATION. (a) Any point at which groundwater is monitored is a point of standards application to determine whether a preventive action limit or an alternative concentration limit to a preventive action limit has been attained or exceeded for an activity regulated under a mining permit or another approval related to the mining operation. Any of the following is a point of standards application to determine whether an enforcement standard or an alternative concentration limit to an enforcement standard has been attained or exceeded for an activity regulated under a mining permit or another approval related to the mining operation:

1. Any point of present groundwater use.

2. Any point beyond the boundary of the property on which the activity is conducted, subject to par. (b).

3. Any point that is within the boundary of the property on which the activity is conducted but is beyond the design management zone, subject to par. (b).

(b) No point at a depth of greater than 1,000 feet into the Precambrian bedrock or than the final depth of the mining excavation, whichever is greater, is a point of standards application under this subsection.

(c) Section 160.21 (2) does not apply to an activity regulated under this subchapter.

(4) CHANGE IN GROUNDWATER QUALITY. If the analysis of samples collected through monitoring indicates that the quality of groundwater is statistically significantly different from either baseline water quality or background water quality and the evaluation of the data shows a reasonable probability that without intervention groundwater quality standards or alternative concentration limits will be attained or exceeded, the operator shall do all of the following:

(a) Notify the department within 10 days after the operator receives the results of the analysis of the samples.

(b) Determine, if possible, the cause of the difference in water quality, such as a spill, a design failure, or an improper operational procedure.

(c) Determine the extent of groundwater contamination or the potential for groundwater contamination.

(d) Implement the applicable portions of the approved contingency plan.

(5) RESPONSE CONCERNING PREVENTIVE ACTION LIMITS. In accordance with s. NR 140.24 (1) to (5), Wis. Adm. Code, the department shall evaluate the range of responses proposed by the operator when a preventive action limit or an alternative concentration limit to a preventive action limit is attained or exceeded and the analysis of samples indicates that the quality of groundwater is statistically significantly different from either baseline water quality or background water quality at a point of standards application. In designating the appropriate response, the department shall evaluate the operator's proposed range of responses, including any alternate responses to those identified in s. NR 140.24, Wis. Adm. Code. For any alternate responses, the department shall consider the technical and economic

feasibility of alternate responses, the practicality of stopping the further release of the substance, and the risks and benefits of continued mining operations. The department shall designate the appropriate response, except that, notwithstanding s. 160.21 (3) and the rule–making authority under s. 160.21 (1), the department may not prohibit a practice or activity or require closure and abandonment of a mining waste site, including any wastewater and sludge storage or treatment lagoon, unless it has followed the procedures in s. 295.78 and satisfies the requirements of s. 160.23 (4) and (6). The department may determine that no response is necessary and that an exemption is not required when the requirements of s. NR 140.24 (5) (a) or (b), Wis. Adm. Code are met.

(6) RESPONSE CONCERNING ENFORCEMENT STANDARDS. (a) In accordance with s. NR 140.26 (1) and (2), Wis. Adm. Code, the department shall evaluate the range of responses proposed by the operator based on the responses listed in Table 6 of s. NR 140.26, Wis. Adm. Code, when an enforcement standard or an alternative concentration limit to an enforcement standard is attained or exceeded and the analysis of samples indicates that the quality of groundwater is statistically significantly different from either baseline water quality or background water quality at a point of standards application. In designating the appropriate response, the department shall evaluate the operator's proposed range of responses against those identified in Table 6 of s. NR 140.26, Wis. Adm. Code. The department shall designate the appropriate response, except that, notwithstanding ss. 160.21 (3) and 160.25 (1) (a) and the rule–making authority under s. 160.21 (1), the department may not prohibit a practice or activity or require closure and abandonment of a mining waste site, including any wastewater and sludge storage or treatment lagoon, unless it has followed the procedures in s. 295.78 and all of the following apply:

1. The department bases its decision upon reliable test data.

2. The department determines, to a reasonable certainty, by the greater weight of the credible evidence, that no other remedial action would prevent the violation of the enforcement standard at the point of standards application.

3. The department establishes the basis for the boundary and duration of the prohibition.

4. The department ensures that any prohibition imposed is reasonably related in time and scope to maintaining compliance with the enforcement standard at the point of standards application.

5. If the substance involved is naturally occurring, unless the substance involved is carcinogenic, teratogenic, or mutagenic in humans, the department considers the existence of the background concentration of the substance in evaluating response options to the noncompliance with the enforcement standard or alternative concentration limit for that substance and determines that the proposed prohibition will result in the protection of or substantial improvement in groundwater quality notwithstanding the background concentrations of the substance.

(b) The department may only require a remedial action to be taken if the remedial action is reasonably related in time and scope to the substance, activity, or practice that caused the enforcement standard or alternative concentration limit to an enforcement standard to be attained or exceeded and the quality of groundwater to be statistically significantly different from either baseline water quality or background water quality at the point of standards application.

(c) If nitrates or any substance of welfare concern attains or exceeds an enforcement standard and if the analysis of samples indicates that the quality of

groundwater is statistically significantly different from either baseline or background water quality, then the department shall evaluate whether the enforcement standard was attained or exceeded in whole or in part due to high background water quality concentrations of the substance and whether the additional concentrations represent a public welfare concern before it designates the appropriate response and, notwithstanding ss. 160.21 (3) and 160.25 (1) (a) and the rule–making authority under s. 160.21 (1), the department may not prohibit a practice or activity or require closure and abandonment of a mining waste site, including any wastewater and sludge storage or treatment lagoon, unless it has followed the procedures in s. 295.78 and par. (a) 1. to 4. apply.

(d) If compliance with an enforcement standard is achieved at a point of standards application, then sub. (5) applies.

(7) ENVIRONMENTAL ANALYSIS NOT REQUIRED. An action under sub. (5) or (6) with respect to a specific site does not constitute a major state action under s. 1.11 (2).

(8) EXEMPTIONS TO GROUNDWATER QUALITY STANDARDS. When issuing or modifying a mining permit or issuing or reissuing any other approval, the department may grant an exemption from a groundwater quality standard and establish an alternative concentration limit to a groundwater quality standard.

(9) APPLICABILITY OF OTHER LAW. Chapter NR 140, Wis Adm. Code, applies to mining operations and mining sites, including mining waste sites, only to the extent that it does not conflict with this section.

295.65 Successors. (1) When one operator succeeds to the interest of another in an uncompleted mining operation by sale, assignment, lease, or otherwise, the department shall release the first operator from the duties imposed upon the first operator by this subchapter as to the mining operation and transfer the mining

permit and any approvals under ss. 295.60, 295.605, and 295.61 to the successor operator if all of the following apply:

(a) The successor operator agrees to comply with the requirements of this subchapter.

(b) The successor operator discloses whether it has forfeited any performance security because of noncompliance with any mining laws within the previous 10 years, posts any bond or other security required under s. 295.59, and assumes all responsibilities of all applicable approvals granted to the predecessor operator.

(2) The department is not required to prepare an environmental impact statement or an environmental assessment for the purposes of this section.

295.66 Cessation of mining or reclamation. If there is a cessation of mining or reclamation for 30 days or more that is not set forth in either the mining plan or the reclamation plan, the operator shall notify the department of the cessation within 48 hours of the cessation of mining and shall begin stabilization of the mining site. The department may require the operator to provide technical, engineering, and any other information that the operator believes shows that its actions to stabilize the mining site are adequate. If the department determines, after reviewing the information provided by the operator, that the proposed stabilization of the mining site will result in a substantial adverse impact to the environment, the department shall order the operator to begin additional measures to protect the environment, including, if the cessation is reasonably anticipated to extend for a protracted period of time, reclamation according to the reclamation plan or part of the reclamation plan. Usual and regular shutdown of operations on weekends, for maintenance or repair of equipment or facilities, or for other customary reasons do not constitute a cessation of mining.

295.67 Determination of abandonment of mining. (1) Except as provided in sub. (2), abandonment of mining occurs if there is a cessation of mining, not set forth in an operator's mining plan or reclamation plan or by any other sufficient written or constructive notice, extending for more than 6 consecutive months.

(2) Abandonment of mining does not occur if all of the following apply:

(a) The cessation of mining is due either to labor strikes or to unforeseen developments such as adverse market conditions.

(b) The cessation of mining does not continue beyond the time, not to exceed 5 years, specified by the department.

(c) The mining site is maintained in an environmentally stable manner during the cessation of mining.

(d) The reclamation of the mining site continues according to the reclamation plan during the cessation of mining to the extent practicable.

295.68 Certificates of completion and release of security. (1) Upon the petition of the operator, but not less than 4 years after notification to the department by the operator of the completion of the reclamation plan or not less than one year after notification to the department by the operator of the completion of the reclamation plan as to a portion of the mining site, if the department finds that the operator has completed reclamation of any portion of the mining site in accordance with the reclamation plan and this subchapter, the department shall issue a certificate of completion setting forth a description of the area reclaimed and a statement that the operator has fulfilled its duties under the reclamation plan as to that area.

(2) Upon the issuance of any certificate of completion under sub. (1) for any portion of the mining site, but not for the entire mining site, the department shall

allow the operator to reduce the amount of the bond or other security provided under s. 295.59 (1) to an amount equal to the estimated cost of reclamation of the portion of the mining site that is disturbed or for which reclamation has been completed but no certificate of completion has been issued.

(3) Upon issuance of a certificate or certificates of completion of reclamation for the entire mining site, the department shall require the operator to maintain a bond or other security under s. 295.59 (1) equal to at least 10 percent of the cost to the state of reclamation of the entire mining site, except that if the mining site in the mining plan is less than 10 acres, the department may release the bond or other security after issuance of the certificate of completion for the entire mining site.

(4) After 10 years after the issuance of a certificate or certificates of completion for the entire mining site, the department shall release the remaining bond or other security provided under s. 295.59 (1) if the department finds that the reclamation plan has been complied with.

295.69 Termination of proof of financial responsibility for long–term care of mining waste site. (1) One year after closure, and annually thereafter until the department terminates the obligation to maintain proof of financial responsibility for long–term care of a mining waste site under sub. (2) (c), an operator who has carried out all necessary long–term care during the preceding year, may apply to the department for a reduction in the amount of the proof of financial responsibility provided under s. 295.59 (2m) equal to the costs of long–term care for that year. The operator shall provide an itemized list of costs incurred. If the department determines that the costs incurred are in accordance with the long–term care requirements in the approved waste site feasibility study and plan of operation and that adequate funds exist to complete required long–term care for the remainder

of the 40–year period on which the amount of the proof of financial responsibility was originally determined, the department shall authorize in writing a reduction in the amount of proof of financial responsibility provided. The department shall make its determinations within 90 days of an application.

(2) (a) An operator may apply to the department for termination of its obligation to maintain proof of financial responsibility for long–term care of the mining waste site under s. 295.59 (2m) at any time after the mining waste site has been closed for 20 years by submitting an application that demonstrates that continuation of the obligation to maintain proof of financial responsibility for long–term care is not necessary for adequate protection of public health or the environment. The burden is on the operator to prove by a preponderance of the evidence that continuation of the obligation to maintain proof of financial responsibility for long–term care is not necessary for adequate protection of public health or the environment.

(b) Within 30 days of receiving an application under par. (a), the department shall provide notice to the public of the application for termination of the obligation to maintain proof of financial responsibility for long–term care. In the notice, the department shall invite the submission of written comments by any person on the application within 30 days of the day on which the notice is published. The department shall provide the notice by publishing a class 1 notice under ch. 985 in the official newspaper designated under s. 985.04 or 985.05 or, if none exists, in a newspaper likely to give notice in the area of the mining waste site. The department shall also send the notice to the operator.

(c) Within 120 days of the day on which the department publishes the notice under par. (b), the department shall determine either that proof of financial

responsibility for long–term care of the mining waste site is no longer required, in which case the applicant is relieved of the responsibility of providing proof of financial responsibility for long–term care, or that proof of financial responsibility for long–term care of the mining waste site is still required, in which case the applicant may not submit another application under par. (a) until at least 5 years have elapsed since the previous application.

295.695 Inspections by the department. (1) Any duly authorized officer, employee, or representative of the department who has received the safety training under 30 CFR 48.31 may enter and inspect any property, premises, or place on or at which any mining operation or facility is located or is being constructed or installed at any reasonable time for the purpose of ascertaining the state of compliance with this subchapter and the provisions of chs. 281, 283, 285, 289, 291, 292, and 299 and rules promulgated under those chapters that are applicable to the mining operation. No person may refuse entry or access to any authorized representative of the department who requests entry for purposes of inspection, and who presents appropriate credentials.

(2) No person may obstruct, hamper, or interfere with any inspection authorized in sub. (1).

(3) The department shall furnish to the operator a written report on any inspection setting forth all observations, relevant information, and data that relate to compliance status.

295.73 Fees. (1) An applicant for a mining permit is not required to pay any application or filing fee for any approval other than a mining permit, notwithstanding any fee required under ch. 23, 29, 30, 169, 281, 283, 285, 289, or 291, or rules promulgated under those chapters.

(3) (a) The department shall assess an applicant a fee equal to its costs for evaluating the mining project, including the costs for consultants retained by the department to evaluate the application for the mining permit and the application for any other approval and to perform environmental analysis under s. 1.11 or $1,100,000, whichever is less.

(b) The applicant shall pay fees as follows:

1. One hundred thousand dollars shall be paid at the time that the bulk sampling plan is filed under s. 295.45 or at the time that the notice of the intention to file a mining permit application is filed, whichever is first.

2. Two hundred fifty thousand dollars when the department provides cost information demonstrating that the payment under subd. 1. has been fully allocated against actual costs.

3. Two hundred fifty thousand dollars when the department provides cost information demonstrating that the payment under subd. 2. has been fully allocated against actual costs.

4. Two hundred fifty thousand dollars when the department provides cost information demonstrating that the payment under subd. 3. has been fully allocated against actual costs.

5. Two hundred fifty thousand dollars when the department provides cost information demonstrating that the payment under subd. 4. has been fully allocated against actual costs.

(b) After the department approves or denies the application for a mining permit or, if the applicant withdraws the application for a mining permit, after the applicant withdraws the application, the department shall refund to the applicant any amount

paid by the applicant under par. (a) but not fully allocated against the department's actual costs.

(4) Subchapter VI of ch. 289 does not apply to mining waste disposed of in a mining waste site covered by a mining permit, except that an operator shall pay the fees specified in ss. 289.63 (4), 289.64 (3), and 289.67 (1) (d).

295.75 Effect of other laws. If there is a conflict between a provision in this subchapter and a provision in ch. 23, 29, 30, 160, 169, 281, 283, 285, 289, or 291 or in a rule promulgated under one of those chapters, the provision in this subchapter controls.

295.77 Review. (1) Notwithstanding s. 227.42, no person is entitled to a contested case hearing on a decision by the department under this subchapter or on a decision by the department relating to the issuance of an approval.

(2) Judicial review of a decision described in sub. (1) is the exclusive method for challenging the decision. The court shall base review of a decision described in sub. (1) on the administrative record before the department. The scope of the review is that specified in s. 227.57. No judicial review is available before the department issues the final decision on an approval.

295.78 Mining and reclamation; orders. (1) (a) If the department finds a violation of law or any unapproved deviation from the mining plan, reclamation plan, or mining waste site feasibility study and plan of operation at a mining site under a mining permit, the department shall do one of the following:

1. Issue an order requiring the operator to comply with the law, mining plan, reclamation plan, or mining waste site feasibility study and plan of operation within a specified time.

2. Require the alleged violator to appear before the department for a hearing and answer the department's charges.

3. Request the department of justice to initiate action under s. 295.79.

(b) Any order issued under par. (a) 1. following a hearing takes effect immediately. Any other order takes effect 10 days after the date the order is served, unless the person named in the order requests in writing a hearing before the department within the 10–day period.

(c) If no hearing on an order issued under par. (a) 1. was held and if the department receives a request for a hearing within 10 days after the date the order is served, the department shall provide due notice and hold a hearing. If after the hearing the department finds that no violation has occurred, it shall rescind its order.

(d) If an operator fails to comply with an order issued under par. (a) 1. within the time for compliance specified in the order, the department shall suspend the mining permit until the operator fully complies with the order, except that if the operator seeks review of the order under s. 295.77, mining may continue until the final disposition of the action, except as provided under sub. (4).

(e) The department shall inform the department of justice of a suspension under par. (d) within 14 days. After receiving notice of a suspension, the department of justice may commence an action under s. 295.79.

(2) If reclamation of a mining site is not proceeding in accordance with the reclamation plan and the operator has not begun to rectify deficiencies within the time specified in an order, or if the reclamation is not properly completed in conformance with the reclamation plan within one year after completion or abandonment of mining on any portion of the mining site, unless because of acts of God, such as adverse weather affecting grading, planting, and growing conditions,

the department, with the staff, equipment, and material under its control, or by contract with others, shall take the actions that are necessary for the reclamation of mined areas. The operator is liable for the cost to the state of reclamation conducted under this subsection.

(3) The department shall cancel all other mining permits held by an operator who refuses to reclaim a mining site in compliance with the reclamation plan after the completion of mining or after the cancellation of a mining permit. The department may not issue any mining permit for that mining site or any other mining site in this state to an operator who refused to reclaim the mining site in compliance with the reclamation plan.

(4) At any time that the department determines that the continuance of mining constitutes an immediate and substantial threat to public health and safety or the environment, the department may request the department of justice to institute an action in circuit court of the county in which the mine is located for a restraining order or injunction or other appropriate remedy to stop mining until the immediate and substantial threat is eliminated.

(5) Section 281.346 (7m) does not apply to a water withdrawal associated with a mining operation for which a mining permit has been issued.

295.79 Enforcement; penalties. (1) The department of justice shall enforce this subchapter and any order issued under this subchapter. The circuit court of the county where the violation occurred has jurisdiction to enforce this subchapter or any orders issued under this subchapter, by injunction or other appropriate relief.

(2) (a) Any person who authorizes or engages in mining without a mining permit and written authorization to mine under s. 295.59 (3) shall forfeit all profits

obtained from those illegal activities and not more than $5,000 for each day during which the mine was in operation.

(b) A person to whom par. (a) applies is also liable to the department for the full cost of reclaiming the affected area of land and any damages caused by the mining.

(c) If the violator of par. (a) is a corporation, limited liability company, partnership, or association, any officer, director, member, manager, or partner who knowingly authorizes, supervises, or contracts for mining is also subject to the penalties in this subsection.

(3) Any person who makes or causes to be made in an application or report required by this subchapter a statement known to the person to be false or misleading in any material respect or who refuses to submit information required by a mining permit or by this subchapter may be fined not less than $1,000 nor more than $5,000. If the false or misleading statement is material to the issuance of the mining permit and the mining permit would not have been issued had the false or misleading statement not been made, the court may revoke the mining permit. If any violation under this subsection is repeated the court may revoke the mining permit.

(4) (a) Any person who commits a violation of this subchapter or any permit or order issued under this subchapter, except for the violations enumerated in subs. (2) or (3), shall forfeit not less than $10 nor more than $5,000 for each violation. Each day of continued violation is a separate offense, except that no forfeiture may be imposed during the time that continued mining is authorized under s. 295.63 (3). While an order is suspended, stayed, or enjoined, this penalty does not accrue.

(b) In addition to the penalties provided under par. (a), the court may award the department of justice the reasonable and necessary expenses of the investigation and prosecution of the violation, including attorney fees. The department of justice

shall deposit in the state treasury for deposit into the general fund all moneys that the court awards to the department or the state under this paragraph. These moneys shall be credited to the appropriation account under s. 20.455 (1) (gh).

(5) Any person having an interest that is or may be adversely affected may intervene as a matter of right, in any enforcement action brought under this section.

SECTION 66. 299.85 (7) (a) 2. and 4. of the statutes are amended to read:

299.85 **(7)** (a) 2. Notwithstanding minimum or maximum forfeitures specified in ss. 29.314 (7), 29.334 (2), 29.604 (5) (a), 29.611 (11), 29.889 (10) (c) 2., 29.969, 29.971 (1) (a), (1m) (a), (3), (3m), (11g) (b), (11m) (b), and (11r) (b), 30.298 (1), (2), and (3), 30.49 (1) (a) and (c), 31.23 (2), 281.75 (19), 281.98 (1), 281.99 (2) (a) 1., 283.91 (2), 285.41 (7), 285.57 (5), 285.59 (8), 285.87 (1), 287.95 (1), (2) (b), and (3) (b), 287.97, 289.96 (2) and (3) (a), 291.97 (1), 292.99 (1) and (1m), 293.81, 293.87 (3) and (4) (a), 295.19 (3) (a) and (b) 1., 295.37 (2), 295.79 (2), (3), and (4), 299.15 (4), 299.51 (5), 299.53 (4) (c) 1., 299.62 (3) (a) and (c), and 299.97 (1), if a regulated entity that qualifies under sub. (2) for participation in the Environmental Compliance Audit Program corrects violations that it discloses in a report that meets the requirements of sub. (3) within 90 days after the department receives the report that meets the requirements of sub. (3), the regulated entity may not be required to forfeit more than $500 for each violation, regardless of the number of days during which the violation continues.

4. Notwithstanding minimum or maximum forfeitures specified in ss. 29.314 (7), 29.334 (2), 29.604 (5) (a), 29.611 (11), 29.889 (10) (c) 2., 29.969, 29.971 (1) (a), (1m) (a), (3), (3m), (11g) (b), (11m) (b), and (11r) (b), 30.298 (1), (2), and (3), 30.49 (1) (a) and (c), 31.23 (2), 281.75 (19), 281.98 (1), 281.99 (2) (a) 1., 283.91 (2), 285.41 (7), 285.57 (5), 285.59 (8), 285.87 (1), 287.95 (1), (2) (b), and (3) (b), 287.97, 289.96 (2) and (3) (a),

291.97 (1), 292.99 (1) and (1m), 293.81, 293.87 (3) and (4) (a), 295.19 (3) (a) and (b) 1., 295.37 (2), 295.79 (2), (3), and (4), 299.15 (4), 299.51 (5), 299.53 (4) (c) 1., 299.62 (3) (a) and (c), and 299.97 (1), if the department approves a compliance schedule under sub. (6) and the regulated entity corrects the violations according to the compliance schedule, the regulated entity may not be required to forfeit more than $500 for each violation, regardless of the number of days during which the violation continues.

SECTION 67. 299.95 of the statutes is amended to read:

299.95 Enforcement; duty of department of justice; expenses. The attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except ss. 285.57, 285.59, and 299.64, and all rules, special orders, licenses, plan approvals, permits, and water quality certifications of the department, except those promulgated or issued under ss. 285.57, 285.59, and 299.64 and except as provided in ss. 285.86 and 299.85 (7) (am). ~~The~~ Except as provided in s. 295.79 (1), the circuit court for Dane county or for any other county where a violation occurred in whole or in part has jurisdiction to enforce chs. 281 to 285 and 289 to 295 or this chapter or the rule, special order, license, plan approval, permit, or certification by injunctional and other relief appropriate for enforcement. For purposes of this proceeding where chs. 281 to 285 and 289 to 295 or this chapter or the rule, special order, license, plan approval, permit or certification prohibits in whole or in part any pollution, a violation is considered a public nuisance. The department of natural resources may enter into agreements with the department of justice to assist with the administration of chs. 281 to 285 and 289 to 295 and this chapter. Any funds paid to the department of justice under these agreements shall be credited to the appropriation account under s. 20.455 (1) (k).

SECTION 68. 323.60 (1) (gm) of the statutes is created to read:

323.60 **(1)** (gm) "Minerals" mean unbeneficiated metallic ore but does not include mineral aggregates such as stone, sand, and gravel.

SECTION 69. 323.60 (5) (d) 3. of the statutes is amended to read:

323.60 **(5)** (d) 3. All facilities with 10 or more employees in major group classifications 10 to 13 in the standard industrial classification manual, 1987 edition, published by the U.S. office of management and budget, at which a toxic chemical is used at or above an applicable threshold quantity, except that compliance with the toxic chemical release form requirements under this subdivision is not required for the placement of a toxic chemical in a storage or disposal site or facility that is located at a facility with a permit under ch. 293 or a mining permit under subch. III of ch. 295 if the toxic chemical consists of or is contained in merchantable by–products, as defined in s. 293.01 (7) or 295.41 (25), minerals ~~as defined in s. 293.01 (8),~~ or refuse, as defined in s. 293.01 (25) or 295.41 (41).

SECTION 70. 710.02 (2) (d) of the statutes is amended to read:

710.02 **(2)** (d) An exploration mining lease as defined in s. 107.001 (1) and land used for mining and associated activities under chs. 293 and 295.

SECTION 71. Nonstatutory provisions.

(1) RULES.

(a) The department of natural resources shall submit in proposed form rules revising chapters NR 130, 131, 132, and 182, Wisconsin Administrative Code, that are in effect on the effective date of this paragraph and revising any other rules promulgated under section 293.13 (1) (a) of the statutes that are in effect on the effective date of this paragraph to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 5th month beginning after the

effective date of this paragraph. The proposed revised rules shall clarify that chapters NR 130, 131, 132, and 182, Wisconsin Administrative Code, and any other rules promulgated under section 293.13 (1) (a) of the statutes do not apply to ferrous metallic mining.

(b) The department of natural resources shall submit in proposed form rules revising chapters NR 500 to 555 and 600 to 679, Wisconsin Administrative Code, that are in effect on the effective date of this paragraph and revising any other rules promulgated under sections 289.05 and 289.06 (1) of the statutes that are in effect on the effective date of this paragraph to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 5th month beginning after the effective date of this paragraph. The department shall revise the rules in chapters NR 500 to 555 and 600 to 679, Wisconsin Administrative Code, and any other rules promulgated under sections 289.05 and 289.06 (1) of the statutes so that they are consistent with subchapter III of chapter 295, of the statutes, as created by this act.

(c) The department of natural resources shall submit, to the legislative council staff under section 227.15 (1) of the statutes, no later than the first day of the 5th month beginning after the effective date of this paragraph, in proposed form rules revising any rules of the department that are in effect on the effective date of this paragraph, in addition to the rules under paragraphs (a) and (b), that provide exemptions for nonferrous mining or associated activities to provide the same exemptions for ferrous mining and associated activities.

(d) Notwithstanding section 227.137 (2) of the statutes, the department of natural resources is not required to prepare an economic impact report for the revised rules required under paragraphs (a) to (c).

(END)

Parisi, Lori

From: Vick, Jason
Sent: Wednesday, December 07, 2011 9:37 AM
To: LRB.Legal
Subject: Draft Review: LRB 11-3520/1 Topic: Regulation of iron mining; change distribution of net proceeds tax

Please Jacket LRB 11-3520/1 for the ASSEMBLY.

Barman, Mike

From: Vick, Jason
Sent: Monday, December 12, 2011 8:57 AM
To: Barman, Mike
Subject: RE: FE request on LRB 3520/1

yes

Jason Vick
Office of Rep. Mark Honadel
21st Assembly District
608-266-0611

From: Barman, Mike
Sent: Monday, December 12, 2011 7:50 AM
To: Vick, Jason
Subject: RE: FE request on LRB 3520/1
Importance: High

I assuming from your email that you would like me to submit an "early FE" request (prior to introduction) to DOA for this draft ... is that correct?

Mike Barman (Lead Program Assistant)
State of Wisconsin - Legislative Reference Bureau
Legal Section - Front Office
1 East Main Street, Suite 200, Madison, WI 53703
(608) 266-3561 / mike.barman@legis.wisconsin.gov

From: Vick, Jason
Sent: Friday, December 09, 2011 11:32 AM
To: Barman, Mike
Cc: Bellin, Charlie
Subject: FE request on LRB 3520/1

Hi Mike,

I wanted to bring to your attention that LRB 3520/1 (regulation of iron mining) will need a Fiscal estimate. While not yet introduced, the LRB draft was released and made available yesterday.

The bill will be formally introduced by the Committee on Jobs next Wednesday and will receive a public hearing that same day. I have CCed Charlie Bellin, as he is the clerk for that committee.

Thanks,

Jason Vick
Office of Rep. Mark Honadel
21st Assembly District
608-266-0611

Fiscal Estimate System

Mike Barman - LRB

ACTIVE

LRB Number: 11-3520/1

Introduction Number:

Comment: Rush FE Request - Hearing 12/14/2011

Request Date: 12/12/2011 9:12:03 AM

Description:

Subject: CONFIDENTIAL DRAFT/BILL and Assignments

Edit the Request

Draft/Bill: Not attached

Wisconsin Department of Administration *101 East Wilson Street* *Madison, WI 53702*

Submitted
12-12-2011