

2013 DRAFTING REQUEST

Senate Amendment (SA-SB1)

Received: 1/25/2013
Received By: btradewe
Wanted: Soon
Same as LRB: a0087
For: Thomas Tiffany (608) 266-2509
By/Representing: Larry Konopacki (Leg. council)
May Contact: Drafter: btradewe
Subject: Environment - mining
Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Tiffany@legis.wi.gov
Carbon copy (CC) to: larry.konopacki@legis.wisconsin.gov
anna.henning@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Mining waste characterization

Instructions:

1. Modify the language on page 104, lines 8-9 to require, at a minimum, static testing, kinetic testing, and microscopic testing for mineralization characterization.
2. Design management zone. On pp. 182-183, modify s. 295.645 (2) to provide that the horizontal distance to the boundary of the design management zone for a mining operation shall be no more than 1,200 feet from the limits of the engineered structures, etc. or the boundary of the property, whichever is greater (i.e., mirror current law with regard to the horizontal boundary of the design management zone). Remove authority for the DNR to expand the horizontal area of the design management zone. Retain the new vertical limit on the design management zone under the bill.
3. Add language to design management zone provision about where operator must monitor (as in DNR's rules)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	btradewe 2/3/2013	csicilia 1/28/2013	jfrantze 1/28/2013	_____	mbarman 1/28/2013		
/1		chanaman 2/3/2013	jfrantze 2/3/2013	_____	chanaman 2/3/2013	sbasford 2/3/2013	

FE Sent For:

<END>

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3. Add language ~~about~~ to design management zone provision about where operator must monitor (as in DNR's rules)



State of Wisconsin
2013 - 2014 LEGISLATURE

Today



LRBa0042/P1

RCT...f...

gk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE BILL 1 ✓

Alte

submit

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 104, line 8: delete the material beginning with "the method" and ✓
3 ending with "600/2-78-054" on line 9 and substitute "static testing, kinetic testing,
4 and microscopic testing for mineralization characterization". ✓

5 **2.** Page 183, line 5: delete lines 5 to 17 and substitute:

x 6 "(b) When issuing or modifying a mining permit or issuing or reissuing any
7 other approval, the department may reduce the design management zone by a
8 horizontal distance of not more than 600 feet. The department may not reduce the
9 design management zone unless the department determines that preventive action
10 limits and enforcement standards or alternative concentration limits will be met at
11 the boundary of the reduced design management zone. The department shall

1 consider the following factors in determining whether to reduce the design
2 management zone:

3 1. Nature, thickness, and permeability of unconsolidated materials, including
4 topography.

5 2. Nature and permeability of bedrock.

6 3. Groundwater depth, flow direction, and velocity.

7 4. Waste volume, type, and characteristics.

8 5. Contaminant mobility.

9 6. Distances to the property boundary and surface waters.

10 7. Engineering design of the facility.

11 8. Life span of the facility.

12 9. Present and anticipated uses of land and groundwater.

13 10. Potential abatement options if an enforcement standard is exceeded.” ✓

14 **3.** Page 183, line 22: after that line insert:

15 “(d) An operator shall monitor groundwater quality at locations approved by
16 the department along the boundary of the design management zone and within the
17 design management zone.”.

18 (END)

Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0042/P1dn

RCT/.....

gjs

- date -

This amendment corresponds to the first item in the request received on Friday, January 25. It includes the following:

1. Changes to the language concerning the testing used in waste characterization. ✓
2. Changes to the provisions about the size of the design management zone. This language is based on DNR's rules, ss. NR 182.075 (1) (b) and 140.22 (3). I am uncertain whether the intent is to include the language about the factors that DNR must consider in determining whether to reduce the size of the DMZ. This language is based on s. NR 140.22 (3) (c). Please let me know if it should be removed from the draft. ✓
3. Language concerning the placement of groundwater monitoring wells. DNR's rule on the subject, s. NR 182.075 (1u) (a) and (b), requires the operator of a mining site to monitor groundwater quality at locations approved by the department along and within the DMZ and the mandatory intervention boundary. The bill includes that requirement for the MIB, so this draft does not change language concerning the placement of groundwater monitoring wells in relation to the MIB (see page 188, lines 17 to 20). This amendment adds language concerning the placement of groundwater monitoring wells in relation to the DMZ. ✓ ←

Please contact me with any questions or redraft instructions.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0042/P1dn

RCT:cjs:jf

January 28, 2013

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Phone: (608) 266-7290
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State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa0042/01
RCT:cjs:jf

Today

VMY

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**SENATE AMENDMENT ,
TO SENATE BILL 1**

*no
changes*

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