

Chapter NR 182

REGULATION OF METALLIC MINING WASTES

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NR 182.01 Purpose. The purpose of this chapter is to identify metallic mining and prospecting wastes and to regulate the location, design, construction, operation, maintenance, closure and long-term care of the site and facilities for the storage and disposal of metallic mining and prospecting wastes. The rules consider the special requirements of metallic mining operations in the location, design, construction, operation and maintenance of sites and facilities for the disposal of metallic mining wastes as well as any special environmental concerns that will arise as the result of the storage and disposal of metallic mining wastes.

History: Cr. Register, August, 1982, No. 320, eff. 9-1-82.

NR 182.02 Applicability. (1) These rules govern all solid waste disposal sites and facilities for metallic mineral mining and prospecting operations as defined in s. 144.81 (5) and (12), Stats.

(2) To the extent that prospecting and mining wastes are identified by the department as hazardous under s. 144.62 (2) (a), Stats., the disposal of such wastes in a waste site governed by this chapter shall be governed and licensed under this chapter, and not under ch. NR 181, subject to amendment, if necessary, to comply with applicable federal regulations adopted pursuant to the resource conservation and recovery act of 1976, PL 94-580, or otherwise to adequately protect the environment. Prior to a hearing under s. 144.836, Stats., the department shall designate those mining and prospecting wastes which are identified by the department as hazardous under s. 144.62 (2) (a), Stats.

(3) Owners of sites utilized for the disposal of mining waste, where the mining operation was in existence on May 21, 1978 may seek approval of any feasibility study or plan of operation for such sites. Such sites shall be licensed after a determination by the department that the disposal of nonhazardous waste is being undertaken in an environmentally sound manner. Upon such determination, compliance with the licensing requirement shall be administered in a manner which does not require substantial structural modification of the existing site, expenditure which is not appropriate for the nonhazardous nature of the waste or interruption of the mining operation, provided however, that only ss. NR 182.01, 182.02 (1) to (5) and (7), 182.03 to 182.05, 182.12 to 182.15, 182.18 and 182.19 shall be applicable to such sites.

(4) Sites and facilities utilized for the storage, transportation, treatment and disposal of nonmining solid wastes, not covered by the definition of metallic mineral mining and prospecting wastes, shall comply with the provisions of chs. NR 180 and 181.

(5) The provisions of this chapter are not applicable to the design, construction or operation of industrial wastewater facilities, sewerage systems and waterworks treating liquid waste approved under s. 144.04, Stats., and/or permitted under ch. 147, Stats., nor to sites used solely for the disposal of liquid industrial wastes which have been approved under s. 144.04, Stats., and/or permitted under ch. 147, Stats., except for sites and facilities used for the ultimate disposal of metallic mining and prospecting waste.

(6) Any waste disposal site or facility licensed pursuant to this chapter shall be located, designed, constructed and operated in such a manner so as to:

(a) Comply with water quality standards issued pursuant to s. 144.025 (2) (b), Stats;

(b) Comply with s. 147.07 (1), Stats., relating to toxic pollutants;

(c) Comply with all applicable regulations promulgated under ch. 147, Stats., if any such facility has a point source discharge to the waters of the state including, but not limited to, any point source discharge from a leachate or surface water runoff collection system;

(d) Comply with s. 147.02 (2), Stats., and have the approval of the municipal authority for that discharge, if any such facility discharges to a publicly owned treatment works.

(7) Any waste disposal site or facility licensed pursuant to this chapter shall be located, designed, constructed and operated in such a manner so as to prevent air emissions from such facility causing a violation of standards or regulations promulgated pursuant to ss. 144.30 to 144.426, Stats.

(8) Any waste disposal site or facility licensed pursuant to this chapter shall be located, designed, constructed and operated in such a manner consistent with the requirements of ss. 144.80 to 144.94, Stats., and the rules and regulations promulgated pursuant thereto.

(9) Pursuant to s. 144.83 (2) (a), Stats., the department may classify prospecting and mining activities according to the type of minerals involved. The department recognizes that the minimum standards contained in this chapter may be insufficient in regulating uranium prospecting and mining operations and the disposal of radioactive waste resulting from these and other metallic mining operations. Accordingly, the department shall cooperate with the department of health and social services and the radiation protection council, pursuant to ss. 140.53 (1) (a) and 140.56 (4), to assist in defining the term "radioactive mining waste". The department shall continue its evaluation of disposal practices for such wastes and shall, if necessary, request that rules be adopted to regulate uranium prospecting and mining and radioactive wastes resulting from any metallic prospecting or mining operation.

2. Determine, if possible, the cause of the difference in quality such as the result of a spill, a design failure or an improper operation procedure.

3. Determine the extent of groundwater contamination or the potential for groundwater contamination.

4. Implement the applicable portion of the contingency plan and notify the department promptly of any additional remedial steps being taken.

(h) If for any reason a monitoring well or other monitoring device is destroyed or otherwise fails to properly function, the site operator shall immediately notify the department in writing. All such devices either shall be restored or properly abandoned and replaced with a functioning device within 60 days of notification of the department unless the owner is notified otherwise in writing by the department.

(i) The department may require the operator to sample public or private wells as part of a regular monitoring program or to determine the extent of groundwater contamination.

(j) No person shall begin construction of a solid waste disposal site or facility until baseline groundwater quality in accordance with the parameters in par. (e) 2. have been determined and results of such analyses submitted to the department.

(3) **SURFACE WATER.** The department may require the monitoring of surface water runoff, leachate seeps, sump pumpings, sedimentation ponds and other surface water discharges resulting from site operation and of surface waters which may be affected by such discharges.

(4) **MONITORING PHYSICAL FEATURES.** The department may require the monitoring of air quality, landfill settlement, berm or embankment stability, vegetation growth, drainage control structures, and may require monitoring of other chemical or biological conditions, if determined to be necessary to assess the impact of the disposal site on critical aquatic and terrestrial ecosystems.

(5) **OPERATIONS REPORT.** The department may require the owner or operator of any land disposal site or facility, or any person who permits the use of property for such purpose, to submit an operations report to assess the effectiveness and environmental acceptability of site operations. The contents of the report may include a discussion of confinement of the active area, analysis of leachate, and other monitoring, surface water control and erosion control, revegetation, settlement, volume utilized, leachate quantity and quality, slope stability, equipment performance, volume and type of disposed waste, and other relevant mine parameters.

History: Cr. Register, August, 1982, No. 320, eff. 9-1-82.

NR 182.14 Recordkeeping and reporting. (1) (a) An owner of a mine waste disposal site or facility shall keep an operating log. This log shall, at all reasonable times, be open for inspection by any duly designated department employee.

(b) The following information shall be recorded promptly, as it becomes available, and maintained in the operating log until closure of the facility unless otherwise provided.

1. A record of each waste disposed of or stored on a weekly basis at the waste site or facility including the following:

a. A description of the type of each mining waste.

b. The quantity in units of volume or weight of pounds, tons, gallons, or cubic yards of each disposed of or stored waste, the method of treatment, disposal or storage used for each; and the dates of treatment, disposal or storage.

c. Locations, with respect to permanently surveyed benchmarks, where each is disposed of or stored.

d. Waste characterization and analyses, as specified in this chapter.

2. Monitoring data, as required in this chapter.

3. Summary reports and records of all incidents requiring initiation of a contingency plan as specified in this chapter or resulting in human health or environmental damage.

4. Records or results of visual inspections required under this chapter.

(c) An owner of a mine waste facility shall be required to retain all records of monitoring, analytical, and verification activities and data, including all original strip chart recordings and instrumentation, calibration and maintenance records until termination of owner responsibility, except to the extent that copies of such records have previously been provided to the department.

(d) A dam owner shall maintain in a permanent file the following construction records pertaining to said dam for future reference should they be needed.

1. Aerial photo of the construction site before construction.

2. Construction drawings and modifications thereof.

3. Construction specifications and modifications thereof.

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 applicant, photographs of various structural items.

7. Aerial stereo 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.

(2) (a) An owner of a mine waste disposal site or facility shall comply with the requirements under these rules in reporting incidents such as fires, explosions, discharges or releases of materials into the environment. In the event that a facility has an accidental or emergency discharge, a fire, an explosion or other unplanned or unpredicted event which has the potential for damaging human health or the environment or exceeds any limit which requires a response as stated in the contingency plan, the