



1995 ASSEMBLY BILL 338

April 28, 1995 - Introduced by Representatives BLACK, REYNOLDS, NOTESTEIN, BALDWIN, DUEHOLM, BOYLE, R. POTTER, BOCK, HANSON, TRAVIS, R. YOUNG, SPRINGER, PLOMBON, CARPENTER, WILDER and VANDER LOOP, cosponsored by Senators CLAUSING, C. POTTER, DECKER, BURKE and CHVALA, by request of Wolf River Territory Business Association; Arrowhead High School Save the Earth Club; Muskies Inc.; American Association of Retired Persons; Wisconsin Wildlife Federation; Menominee Indian Tribe of Wisconsin; The Servite Center for Life; Oneida Environmental Resources Board; Wisconsin Trout Unlimited; The River Alliance of Wisconsin; Izaak Walton League of Wisconsin; Northeast Wisconsin Environmental Network; Rolling Stone Lake Protection and Rehabilitation District; Mining Impact Coalition of Wisconsin, Inc.; Post Lake Protection and Rehabilitation District; Greenpeace; UW Eau Claire Student Environmental Action Coalition; John Muir Chapter Sierra Club; Anishinaabe Nijii; Watershed Alliance for Environmental Responsibility; UW Stevens Point Environmental Council; Pikeral Crane Lake Protection and Rehabilitation District; Environmentally Concerned Citizens of the Lakeland Area (ECCOLA); Shoreline Park Preservation, Inc.; Mining Impact Coalition of Dane County; Honor Our Neighbors and Resources (HONOR); Wisconsin's Environmental Decade; Citizens for Responsible Government; Grey Panthers of Wisconsin; Mining Impact Coalition of Southeast Wisconsin; Citizens for a Better Environment; Northwoods Conservation Association; Wisconsin Greens; Outdoor and Environmental Club of Beloit College; Wisconsin Resources Protection Council; Center for Alternative Mining Development Policy; Four Lakes Group Sierra Club; St. Croix Valley Greens; Superior Wilderness Action Network; University of Wisconsin Greens; Wolf River Trout Unlimited; Progressive Student Network; Wolf River Lakes and Stream Association; Wisconsin Environmental Law Society; Milwaukee Area Greens Mining Task Force; Midwest Office Sierra Club; Wolf River Watershed Alliance; Clean Water Action Council of Northeast Wisconsin; Rusk County Citizen Action Group, Inc.; Wolf River Conservation Club; Midwest Headwaters Earth First!; Public and Environmental Affairs Council; Forest County Potawatomi Tribe; UW Whitewater Environmental Federation; Wisconsin Public Interest Research Group (WISPIRG); Izaak Walton League -- Milwaukee Chapter; Lake Michigan Federation; Kids for Clean Water; UW Stevens Point Chapter of the Wildlife Society; Aldo Leopold Chapter - Society For Conservation Biology; Audubon Council of Wisconsin; Madison Audubon; Environmental Affairs UWGB; Round River Alliance; Northeast Wisconsin Audubon; and Northern Thunder. Referred to Committee on Environment and Utilities.

1 **AN ACT to repeal** 144.83 (4) (j); **to amend** 144.83 (title); and **to create** 144.83 (7)
2 of the statutes; **relating to:** exemptions from rules regulating mining and
3 regulating the storage and disposal of mining waste.

Analysis by the Legislative Reference Bureau

Under current law, the department of natural resources (DNR) regulates prospecting for and mining of metallic minerals. DNR promulgates rules to regulate prospecting and mining, including rules to ensure that prospecting and mining are conducted in a way that protects the environment and rules requiring the reclamation of prospecting and mining sites. DNR also promulgates rules regulating the storage and disposal of solid waste. Current law authorizes DNR to promulgate rules under which DNR may grant exceptions to its rules regulating prospecting and mining and its rules regulating the storage and disposal of solid waste as they relate to solid waste that is mining waste, as long as the exceptions do not result in the violation of a state or federal environmental law or endanger public health, safety or welfare or the environment.

This bill prohibits DNR from granting exceptions to its rules regulating prospecting and mining. The bill also prohibits DNR from granting exceptions to its rules regulating the storage and disposal of solid waste as they relate to solid waste that is mining waste.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 144.83 (title) of the statutes is amended to read:

5 **144.83 (title) Department powers and duties; limitations.**

6 **SECTION 2.** 144.83 (4) (j) of the statutes is repealed.

7 **SECTION 3.** 144.83 (7) of the statutes is created to read:

8 144.83 (7) (a) The department may not grant an exemption, modification or
9 variance that makes less restrictive a requirement in a rule promulgated under this
10 subchapter.

11 (b) The department may not grant an exemption, modification or variance that
12 makes less restrictive a requirement in a rule promulgated under subch. IV as the

1 requirement relates to the storage or disposal of solid waste from mining or
2 prospecting.

3 (END)