

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 ASSEMBLY BILL 547**

February 18, 2002 – Offered by Representative McCORMICK.

1 **AN ACT** *to amend* 289.05 (2), 291.01 (7), 293.15 (9), 293.15 (11) and 293.93; and
2 *to create* 291.05 (2m), 293.17 and 293.38 of the statutes; **relating to:**
3 environmental regulation of mining and notice to transferees of interests in
4 mining sites.

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

5 **SECTION 1.** 289.05 (2) of the statutes is amended to read:
6 289.05 (2) With the advice and comment of the metallic mining council, the
7 department shall promulgate rules for the identification and regulation of metallic
8 mining wastes. The rules promulgated to identify metallic mining wastes and to
9 regulate the location, design, construction, operation, and maintenance of facilities
10 for the disposal of metallic mining wastes shall be in accordance with ~~any or all of~~
11 the provisions under this chapter and chs. 30 and 283. The rules shall take into

1 consideration ~~the special requirements of metallic mining operations in the location,~~
2 ~~design, construction, operation and maintenance of facilities for the disposal of~~
3 ~~metallic mining wastes as well as any special environmental concerns that will arise~~
4 as a result of the disposal of metallic mining wastes. In promulgating the rules, the
5 department shall give consideration to research, studies, data, and
6 recommendations of the U.S. environmental protection agency on the subject of
7 metallic mining wastes arising from the agency's efforts to implement the resource
8 conservation and recovery act. The department may not promulgate rules under this
9 subsection that are less stringent than the rules promulgated under subs. (1) and (3).

10 **SECTION 2.** 291.01 (7) of the statutes is amended to read:

11 291.01 (7) "Hazardous waste" or "waste" means any solid waste identified by
12 the department as hazardous under s. 291.05 (1), (2), (2m), or (4).

13 **SECTION 3.** 291.05 (2m) of the statutes is created to read:

14 291.05 **(2m)** Notwithstanding subs. (1) and (2) and any exemption under 42
15 USC 6921 (b), the department shall identify a solid waste as a hazardous waste if the
16 solid waste is from the extraction, beneficiation, or processing of ores and minerals,
17 and the solid waste otherwise satisfies the criteria under 42 USC 6921 (a) or has the
18 characteristics, or is listed, under 42 USC 6921 (b).

19 **SECTION 4.** 293.15 (9) of the statutes is amended to read:

20 293.15 **(9)** Promulgate rules by which the department may grant an exemption,
21 modification, or variance, either making a requirement more or less restrictive, from
22 any rule promulgated under ~~chs. 289 to 292~~ and this chapter, if the exemption,
23 modification, or variance does not result in the violation of any federal
24 environmental statute or regulation or state environmental law statute or rule, other

1 than the rule from which the exemption, modification, or variance is granted, or
2 endanger public health, safety, or welfare or the environment.

3 **SECTION 5.** 293.15 (11) of the statutes is amended to read:

4 293.15 (11) Notwithstanding chs. 289 and 291, promulgate rules establishing
5 groundwater quality standards or groundwater quantity standards, or both, for any
6 prospecting or mining activity, including standards for any mining waste site. If the
7 department establishes groundwater quality standards under this subsection, the
8 department shall require the use of a 3-dimensional design management zone for
9 purposes of facility design, the review of facility performance, and enforcement that
10 extends no further than 150 feet from the outer waste boundary or the edge of a
11 facility other than a waste facility or no further than the boundary of the property
12 owned or leased by the applicant, whichever distance is less.

13 **SECTION 6.** 293.17 of the statutes is created to read:

14 **293.17 Limitation on department power.** The department may not grant,
15 for the storage or disposal of solid waste from mining or prospecting, an exemption,
16 modification, or variance that makes less restrictive a requirement in a rule
17 promulgated under ch. 289 or 291.

18 **SECTION 7.** 293.38 of the statutes is created to read:

19 **293.38 Notice to transferee.** Before a person who holds an ownership
20 interest in a mining site for which an application under s. 293.37 is pending with the
21 department transfers an ownership interest in that mining site, the person shall
22 notify the transferee in writing of the provisions of ss. 289.05 (2), 291.05 (2m), 293.13
23 (2), 293.17, and 293.93 and of rules promulgated under those provisions.

24 **SECTION 8.** 293.93 of the statutes is amended to read:

