

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

4           **295.645 Groundwater quality, monitoring, and response. (1)**

5           **DEFINITIONS.** In this section:

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

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

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

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

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

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

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

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

21           1. Any point of present groundwater use.

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

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

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

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

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

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

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

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

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

19 (5) RESPONSE CONCERNING PREVENTIVE ACTION LIMITS. In accordance with s. NR  
20 140.24 (1) to (5), Wis. Adm. Code, the department shall evaluate the range of  
21 responses proposed by the operator when a preventive action limit or an alternative  
22 concentration limit to a preventive action limit is attained or exceeded and the  
23 analysis of samples indicates that the quality of groundwater is statistically  
24 significantly different from either baseline water quality or background water  
25 quality at a point of standards application. In designating the appropriate response,

1 the department shall evaluate the operator's proposed range of responses, including  
2 any alternate responses to those identified in s. NR 140.24, Wis. Adm. Code. For any  
3 alternate responses, the department shall consider the technical and economic  
4 feasibility of alternate responses, the practicality of stopping the further release of  
5 the substance, and the risks and benefits of continued mining operations. The  
6 department shall designate the appropriate response, except that, notwithstanding  
7 s. 160.21 (3) and the rule-making authority under s. 160.21 (1), the department may  
8 not prohibit a practice or activity or require closure and abandonment of a mining  
9 waste site, including any wastewater and sludge storage or treatment lagoon, unless  
10 it has followed the procedures in s. 295.78 and satisfies the requirements of s. 160.23  
11 (4) and (6). The department may determine that no response is necessary and that  
12 an exemption is not required when the requirements of s. NR 140.24 (5) (a) or (b), Wis.  
13 Adm. Code are met.

14 (6) RESPONSE CONCERNING ENFORCEMENT STANDARDS. (a) In accordance with s.  
15 NR 140.26 (1) and (2), Wis. Adm. Code, the department shall evaluate the range of  
16 responses proposed by the operator based on the responses listed in Table 6 of s. NR  
17 140.26, Wis. Adm. Code, when an enforcement standard or an alternative  
18 concentration limit to an enforcement standard is attained or exceeded and the  
19 analysis of samples indicates that the quality of groundwater is statistically  
20 significantly different from either baseline water quality or background water  
21 quality at a point of standards application. In designating the appropriate response,  
22 the department shall evaluate the operator's proposed range of responses against  
23 those identified in Table 6 of s. NR 140.26, Wis. Adm. Code. The department shall  
24 designate the appropriate response, except that, notwithstanding ss. 160.21 (3) and  
25 160.25 (1) (a) and the rule-making authority under s. 160.21 (1), the department may

1 not prohibit a practice or activity or require closure and abandonment of a mining  
2 waste site, including any wastewater and sludge storage or treatment lagoon, unless  
3 it has followed the procedures in s. 295.78 and all of the following apply:

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

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

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

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

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

21 (b) The department may only require a remedial action to be taken if the  
22 remedial action is reasonably related in time and scope to the substance, activity, or  
23 practice that caused the enforcement standard or alternative concentration limit to  
24 an enforcement standard to be attained or exceeded and the quality of groundwater

1 to be statistically significantly different from either baseline water quality or  
2 background water quality at the point of standards application.

3 (c) If nitrates or any substance of welfare concern attains or exceeds an  
4 enforcement standard and if the analysis of samples indicates that the quality of  
5 groundwater is statistically significantly different from either baseline or  
6 background water quality, then the department shall evaluate whether the  
7 enforcement standard was attained or exceeded in whole or in part due to high  
8 background water quality concentrations of the substance and whether the  
9 additional concentrations represent a public welfare concern before it designates the  
10 appropriate response and, notwithstanding ss. 160.21 (3) and 160.25 (1) (a) and the  
11 rule-making authority under s. 160.21 (1), the department may not prohibit a  
12 practice or activity or require closure and abandonment of a mining waste site,  
13 including any wastewater and sludge storage or treatment lagoon, unless it has  
14 followed the procedures in s. 295.78 and par. (a) 1. to 4. apply.

*Except as provided under par (am),*

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

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17 (6m) MANDATORY INTERVENTION BOUNDARY FOR MINING WASTE SITE. (a) The

18 horizontal distance to the mandatory intervention boundary for a mining waste site

19 is ~~150~~<sup>300</sup> feet from the outer waste boundary, *or the outer edge of the excavation* unless the boundary of the design  
20 management zone is within ~~300~~<sup>600</sup> feet of the outer waste boundary, in which case the *or the outer edge of the excavation*

21 mandatory intervention boundary is one-half the distance from the outer waste  
22 boundary *or the outer edge of the excavation* to the boundary of the design management zone.

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23 (b) An operator shall monitor groundwater quality at locations approved by the  
24 department along the mandatory intervention boundary, except for any portion of

1 the mandatory intervention boundary that is within another mandatory  
2 intervention boundary, and within the mandatory intervention boundary. <sup>Insert 157-2</sup>

3 (c) 1. Notwithstanding sub. (5), if a preventive action limit or an enforcement  
4 standard has been exceeded beyond the mandatory intervention boundary, the  
5 department shall require a response in accordance with s. NR 140.24, Wis. Adm.  
6 Code, except that s. NR 140.24 (5), Wis. Adm. Code, does not apply.

7 2. If sampling results indicate that an enforcement standard or a preventive  
8 action limit has been exceeded within, but not beyond, the mandatory intervention  
9 boundary and a comparison of sampling results to the results of modeling indicates  
10 that the sampling results are consistent with the design and expected performance  
11 of the mining waste site, the operator may recommend a no response action, and the  
12 department may approve a no response action if that is authorized under s. NR  
13 140.24 (5), Wis. Adm. Code.

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

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

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

23 **295.65 Successors.** (1) When one operator succeeds to the interest of another  
24 in an uncompleted mining operation by sale, assignment, lease, or otherwise, the  
25 department shall release the first operator from the duties imposed upon the first

1 operator by this subchapter as to the mining operation and transfer the mining  
2 permit and any approvals under ss. 295.60, 295.605, and 295.61 to the successor  
3 operator if all of the following apply:

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

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

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

12 **295.66 Cessation of mining or reclamation.** If there is a cessation of  
13 mining or reclamation for 30 days or more that is not set forth in either the mining  
14 plan or the reclamation plan, the operator shall notify the department of the  
15 cessation within 48 hours of the cessation of mining and shall begin stabilization of  
16 the mining site. The department may require the operator to provide technical,  
17 engineering, and any other information that the operator believes shows that its  
18 actions to stabilize the mining site are adequate. If the department determines, after  
19 reviewing the information provided by the operator, that the proposed stabilization  
20 of the mining site will result in a substantial adverse impact to the environment, the  
21 department shall order the operator to begin additional measures to protect the  
22 environment, including, if the cessation is reasonably anticipated to extend for a  
23 protracted period of time, reclamation according to the reclamation plan or part of  
24 the reclamation plan. Usual and regular shutdown of operations on weekends, for



1 maintenance or repair of equipment or facilities, or for other customary reasons do  
2 not constitute a cessation of mining.

3 **295.67 Determination of abandonment of mining.** (1) Except as provided  
4 in sub. (2), abandonment of mining occurs if there is a cessation of mining, not set  
5 forth in an operator's mining plan or reclamation plan or by any other sufficient  
6 written or constructive notice, extending for more than 6 consecutive months.

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

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

10 (b) The cessation of mining does not continue beyond the time, not to exceed  
11 5 years, specified by the department.

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

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

16 **295.68 Certificates of completion and release of security.** (1) Upon the  
17 petition of the operator, but not less than 4 years after notification to the department  
18 by the operator of the completion of the reclamation plan or not less than one year  
19 after notification to the department by the operator of the completion of the  
20 reclamation plan as to a portion of the mining site, if the department finds that the  
21 operator has completed reclamation of any portion of the mining site in accordance  
22 with the reclamation plan and this subchapter, the department shall issue a  
23 certificate of completion setting forth a description of the area reclaimed and a  
24 statement that the operator has fulfilled its duties under the reclamation plan as to  
25 that area.

1           (2) Upon the issuance of any certificate of completion under sub. (1) for any  
2 portion of the mining site, but not for the entire mining site, the department shall  
3 allow the operator to reduce the amount of the bond or other security provided under  
4 s. 295.59 (1) to an amount equal to the estimated cost of reclamation of the portion  
5 of the mining site that is disturbed or for which reclamation has been completed but  
6 no certificate of completion has been issued.

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

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

17           **295.69 Termination of proof of financial responsibility for long-term**  
18 **care of mining waste site.** (1) One year after closure, and annually thereafter  
19 until the department terminates the obligation to maintain proof of financial  
20 responsibility for long-term care of a mining waste site under sub. (2) (c), an operator  
21 who has carried out all necessary long-term care during the preceding year, may  
22 apply to the department for a reduction in the amount of the proof of financial  
23 responsibility provided under s. 295.59 (2m) equal to the costs of long-term care for  
24 that year. The operator shall provide an itemized list of costs incurred. If the  
25 department determines that the costs incurred are in accordance with the long-term

1 care requirements in the approved waste site feasibility study and plan of operation  
2 and that adequate funds exist to complete required long-term care for the remainder  
3 of the 40-year period on which the amount of the proof of financial responsibility was  
4 originally determined, the department shall authorize in writing a reduction in the  
5 amount of proof of financial responsibility provided. The department shall make its  
6 determinations within 90 days of an application.

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

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

1           (c) Within 120 days of the day on which the department publishes the notice  
2 under par. (b), the department shall determine either that proof of financial  
3 responsibility for long-term care of the mining waste site is no longer required, in  
4 which case the applicant is relieved of the responsibility of providing proof of  
5 financial responsibility for long-term care, or that proof of financial responsibility  
6 for long-term care of the mining waste site is still required, in which case the  
7 applicant may not submit another application under par. (a) until at least 5 years  
8 have elapsed since the previous application.

9           **295.695 Inspections by the department.** (1) Any duly authorized officer,  
10 employee, or representative of the department who has received the safety training  
11 under 30 CFR 48.31 may enter and inspect any property, premises, or place on or at  
12 which any mining operation or facility is located or is being constructed or installed  
13 at any reasonable time for the purpose of ascertaining the state of compliance with  
14 this subchapter and the provisions of chs. 281, 283, 285, 289, 291, 292, and 299 and  
15 rules promulgated under those chapters that are applicable to the mining operation.  
16 No person may refuse entry or access to any authorized representative of the  
17 department who requests entry for purposes of inspection, and who presents  
18 appropriate credentials.

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

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

24           **295.73 Fees.** (1) (a) Except as provided in par. (b), an applicant for a mining  
25 permit is not required to pay any application or filing fee for any approval other than

1 a mining permit, notwithstanding any fee required under ch. 23, 29, 30, 169, 281,  
2 283, 285, 289, or 291, or rules promulgated under those chapters.

3 (b) An applicant for a mining permit shall pay any fee required under s. 281.343

4 (3) (c) 1.

5 (3) (a) The department shall assess an applicant a fee equal to its costs, other  
6 than costs ~~to perform environmental analysis under s. 1.11~~ <sup>of a contract under par. (d)</sup> for evaluating the  
7 mining project, including the costs for consultants retained by the department to  
8 evaluate the application for the mining permit and the application for any other  
9 approval, or \$2,000,000, whichever is less.

10 (b) The applicant shall pay the fees under par. (a) as follows:

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

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

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

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

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

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

4           7. Two hundred fifty thousand dollars when the department provides cost  
5 information demonstrating that the payment under subd. 6. has been fully allocated  
6 against actual costs.

7           8. Two hundred fifty thousand dollars when the department provides cost  
8 information demonstrating that the payment under subd. 7. has been fully allocated  
9 against actual costs.

10          9. One hundred fifty thousand dollars when the department provides cost  
11 information demonstrating that the payment under subd. 8. has been fully allocated  
12 against actual costs.

13           (c) After the department approves or denies the application for a mining permit  
14 or, if the applicant withdraws the application for a mining permit, after the applicant  
15 withdraws the application, the department shall refund to the applicant any amount  
16 paid by the applicant under par. (a) but not fully allocated against the department's  
17 actual costs.

18           (d) In addition to the fees under par. (a), if the department contracts under s.  
19 295.53 (1) with a consultant to assist in preparation of an environmental impact  
20 statement and awards the contract on the basis of competitive bids, the applicant  
21 shall pay the full costs as provided in the contract.

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

1           **295.75 Effect of other laws.** (1) Except as provided in sub. (2), if there is a  
2 conflict between a provision in this subchapter and a provision in ch. 23, 29, 30, 160,  
3 169, 281, 283, 285, 289, or 291 or in a rule promulgated under one of those chapters,  
4 the provision in this subchapter controls.

5           (2) (a) If there is a conflict between a provision in this subchapter and a  
6 provision in s. 281.343, the provision in s. 281.343 controls.

7           (b) If there is a conflict between a provision in this subchapter and a provision  
8 in s. 281.346, the provision in s. 281.346 controls, except as provided in s. 295.57 (9).

9           **295.77 Review.** (1) Notwithstanding s. 227.42, no person is entitled to a  
10 contested case hearing on a decision by the department under this subchapter or on  
11 a decision by the department relating to the issuance of an approval.

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

17 **295.78 Mining and reclamation; orders.** (1) (a) If the department finds a  
18 violation of law or any unapproved deviation from the mining plan, reclamation plan,  
19 or mining waste site feasibility study and plan of operation at a mining site under  
20 a mining permit, the department shall do one of the following:

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

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

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

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

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

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

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

18          (2) If reclamation of a mining site is not proceeding in accordance with the  
19 reclamation plan and the operator has not begun to rectify deficiencies within the  
20 time specified in an order, or if the reclamation is not properly completed in  
21 conformance with the reclamation plan within one year after completion or  
22 abandonment of mining on any portion of the mining site, unless because of acts of  
23 God, such as adverse weather affecting grading, planting, and growing conditions,  
24 the department, with the staff, equipment, and material under its control, or by  
25 contract with others, shall take the actions that are necessary for the reclamation of



1       mined areas. The operator is liable for the cost to the state of reclamation conducted  
2       under this subsection.

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

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

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

17           **295.79 Enforcement; penalties.** **(1)** The department of justice shall enforce  
18       this subchapter and any order issued under this subchapter. The circuit court of the  
19       county where the violation occurred has jurisdiction to enforce this subchapter or any  
20       orders issued under this subchapter, by injunction or other appropriate relief.

21           **(2)** (a) Any person who authorizes or engages in mining without a mining  
22       permit and written authorization to mine under s. 295.59 (3) shall forfeit all profits  
23       obtained from those illegal activities and not more than \$5,000 for each day during  
24       which the mine was in operation.

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

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

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

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

21 (b) In addition to the penalties provided under par. (a), the court may award  
22 the department of justice the reasonable and necessary expenses of the investigation  
23 and prosecution of the violation, including attorney fees. The department of justice  
24 shall deposit in the state treasury for deposit into the general fund all moneys that

1 the court awards to the department or the state under this paragraph. These moneys  
2 shall be credited to the appropriation account under s. 20.455 (1) (gh).

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

5 **SECTION 87.** 299.85 (7) (a) 2. and 4. of the statutes are amended to read:

6 299.85 (7) (a) 2. Notwithstanding minimum or maximum forfeitures specified  
7 in ss. 29.314 (7), 29.334 (2), 29.604 (5) (a), 29.611 (11), 29.889 (10) (c) 2., 29.969,  
8 29.971 (1) (a), (1m) (a), (3), (3m), (11g) (b), (11m) (b), and (11r) (b), 30.298 (1), (2), and  
9 (3), 30.49 (1) (a) and (c), 31.23 (2), 281.75 (19), 281.98 (1), 281.99 (2) (a) 1., 283.91 (2),  
10 285.41 (7), 285.57 (5), 285.59 (8), 285.87 (1), 287.95 (1), (2) (b), and (3) (b), 287.97,  
11 289.96 (2) and (3) (a), 291.97 (1), 292.99 (1) and (1m), 293.81, 293.87 (3) and (4) (a),  
12 295.19 (3) (a) and (b) 1., 295.37 (2), 295.79 (2), (3), and (4), 299.15 (4), 299.51 (5),  
13 299.53 (4) (c) 1., 299.62 (3) (a) and (c), and 299.97 (1), if a regulated entity that  
14 qualifies under sub. (2) for participation in the Environmental Compliance Audit  
15 Program corrects violations that it discloses in a report that meets the requirements  
16 of sub. (3) within 90 days after the department receives the report that meets the  
17 requirements of sub. (3), the regulated entity may not be required to forfeit more than  
18 \$500 for each violation, regardless of the number of days during which the violation  
19 continues.

20 4. Notwithstanding minimum or maximum forfeitures specified in ss. 29.314  
21 (7), 29.334 (2), 29.604 (5) (a), 29.611 (11), 29.889 (10) (c) 2., 29.969, 29.971 (1) (a), (1m)  
22 (a), (3), (3m), (11g) (b), (11m) (b), and (11r) (b), 30.298 (1), (2), and (3), 30.49 (1) (a) and  
23 (c), 31.23 (2), 281.75 (19), 281.98 (1), 281.99 (2) (a) 1., 283.91 (2), 285.41 (7), 285.57  
24 (5), 285.59 (8), 285.87 (1), 287.95 (1), (2) (b), and (3) (b), 287.97, 289.96 (2) and (3) (a),  
25 291.97 (1), 292.99 (1) and (1m), 293.81, 293.87 (3) and (4) (a), 295.19 (3) (a) and (b)

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

7 **SECTION 88.** 299.95 of the statutes is amended to read:

8 **299.95 Enforcement; duty of department of justice; expenses.** The  
9 attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except  
10 ss. 285.57, 285.59, and 299.64, and all rules, special orders, licenses, plan approvals,  
11 permits, and water quality certifications of the department, except those  
12 promulgated or issued under ss. 285.57, 285.59, and 299.64 and except as provided  
13 in ss. 285.86 and 299.85 (7) (am). ~~The~~ Except as provided in s. 295.79 (1), the circuit  
14 court for Dane county or for any other county where a violation occurred in whole or  
15 in part has jurisdiction to enforce chs. 281 to 285 and 289 to 295 or this chapter or  
16 the rule, special order, license, plan approval, permit, or certification by injunctive  
17 and other relief appropriate for enforcement. For purposes of this proceeding where  
18 chs. 281 to 285 and 289 to 295 or this chapter or the rule, special order, license, plan  
19 approval, permit or certification prohibits in whole or in part any pollution, a  
20 violation is considered a public nuisance. The department of natural resources may  
21 enter into agreements with the department of justice to assist with the  
22 administration of chs. 281 to 285 and 289 to 295 and this chapter. Any funds paid  
23 to the department of justice under these agreements shall be credited to the  
24 appropriation account under s. 20.455 (1) (k).

25 **SECTION 89.** 323.60 (1) (gm) of the statutes is created to read:

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

3           **SECTION 90.** 323.60 (5) (d) 3. of the statutes is amended to read:

4           323.60 (5) (d) 3. All facilities with 10 or more employees in major group  
5 classifications 10 to 13 in the standard industrial classification manual, 1987  
6 edition, published by the U.S. office of management and budget, at which a toxic  
7 chemical is used at or above an applicable threshold quantity, except that compliance  
8 with the toxic chemical release form requirements under this subdivision is not  
9 required for the placement of a toxic chemical in a storage or disposal site or facility  
10 that is located at a facility with a permit under ch. 293 or a mining permit under  
11 subch. III of ch. 295 if the toxic chemical consists of or is contained in merchantable  
12 by-products, as defined in s. 293.01 (7) or 295.41 (25), minerals as defined in s. 293.01  
13 (~~8~~), or refuse, as defined in s. 293.01 (25) or 295.41 (41).

14           **SECTION 91.** 710.02 (2) (d) of the statutes is amended to read:

15           710.02 (2) (d) An exploration mining lease as defined in s. 107.001 (1) and land  
16 used for mining and associated activities under chs. 293 and 295.

17           **SECTION 92. Nonstatutory provisions.**

18           (1) RULES.

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

1 chapters NR 130, 131, 132, and 182, Wisconsin Administrative Code, and any other  
2 rules promulgated under section 293.13 (1) (a) of the statutes do not apply to ferrous  
3 metallic mining.

4 (b) The department of natural resources shall submit in proposed form rules  
5 revising chapters NR 500 to 555 and 600 to 679, Wisconsin Administrative Code, that  
6 are in effect on the effective date of this paragraph and revising any other rules  
7 promulgated under sections 289.05 and 289.06 (1) of the statutes that are in effect  
8 on the effective date of this paragraph to the legislative council staff under section  
9 227.15 (1) of the statutes no later than the first day of the 5th month beginning after  
10 the effective date of this paragraph. The department shall revise the rules in  
11 chapters NR 500 to 555 and 600 to 679, Wisconsin Administrative Code, and any  
12 other rules promulgated under sections 289.05 and 289.06 (1) of the statutes so that  
13 they are consistent with subchapter III of chapter 295, of the statutes, as created by  
14 this act.

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

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

25 (END)

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✓

1 SECTION 1. 70.375 (2) (a) of the statutes is amended to read:

2 70.375 (2) (a) ~~In~~ Except as provided in subs. (2b) and (2c), with respect to mines  
3 not in operation on November 28, 1981, there is imposed upon persons engaged in  
4 mining metalliferous minerals in this state a net proceeds occupation tax effective  
5 on the date on which extraction begins to compensate the state and municipalities  
6 for the loss of valuable, irreplaceable metalliferous minerals. The amount of the tax  
7 shall be determined by applying the rates established under sub. (5) to the net  
8 proceeds of each mine. The net proceeds of each mine for each year are the difference  
9 between the gross proceeds and the deductions allowed under sub. (4) for the year.

10 SECTION 2. 70.375 (2b) of the statutes is created to read:

11 70.375 (2b) MINIMUM TAX. With respect to mines in operation after December  
12 31, 2011, beginning with the month in which a permit is issued to a person under s.  
13 295.47, and for each of the 60 months following that month, the amount of the tax  
14 imposed on that person is the greater of the tax computed under sub. (2) or an amount  
15 equal to \$83,333 for each month.

16 SECTION 3. 70.375 (2c) of the statutes is created to read:

17 70.375 (2c) CREDIT. With respect to mines in operation after December 31,  
18 2011, if a person subject to sub. (2b) would have paid less tax under sub. (2) than  
19 under sub. (2b), the person may claim as a credit against the tax imposed under sub.  
20 (2) or (2b) an amount equal to the difference between the amount paid under sub. (2b)  
21 and the amount that the person would have paid under sub. (2), except that the  
22 person may not claim a credit amount that would result in less than the total  
23 minimum tax liability computed under sub. (2b) for the period for which the person

1 is subject to sub. (2b). The person may carry forward the amount of any unused credit  
2 under this subsection, as adjusted under sub. (6), to claim against the person's tax  
3 liability in subsequent years until the total amount of the credit is used.

4 **SECTION 4.** 70.375 (6) of the statutes is amended to read:

5 70.375 (6) INDEXING. For calendar year 1983 and corresponding fiscal years and  
6 thereafter, the dollar amounts in sub. (5) and s. 70.395 (1) and (2) (d) 1m. and 5. a.  
7 and (dg), and the amount of any unused credit under sub. (2c), shall be changed to  
8 reflect the percentage change between the gross national product deflator for June  
9 of the current year and the gross national product deflator for June of the previous  
10 year, as determined by the U.S. department of commerce as of December 30 of the  
11 year for which the taxes are due, except that no annual increase may be more than  
12 10%. For calendar year 1983 and corresponding fiscal years and thereafter until  
13 calendar year 1997 and corresponding fiscal years, the dollar amounts in s. 70.395  
14 (1m), 1995 stats., shall be changed to reflect the percentage change between the gross  
15 national product deflator for June of the current year and the gross national product  
16 deflator for June of the previous year, as determined by the U.S. department of  
17 commerce as of December 30 of the year for which the taxes are due, except that no  
18 annual increase may be more than 10%. The revised amounts shall be rounded to  
19 the nearest whole number divisible by 100 and shall not be reduced below the  
20 amounts under sub. (5) on November 28, 1981. Annually, the department shall  
21 adopt any changes in dollar amounts required under this subsection and incorporate  
22 them into the appropriate tax forms.

**History:** 1977 c. 31, 272; 1979 c. 32 s. 92 (1); 1981 c. 86, 314; 1983 a. 27 ss. 1184b to 1184m, 1803g, 1803r, 2202 (45); 1985 a. 29; 1987 a. 27; 1987 a. 312 ss. 1, 17; 1991 a. 39; 1993 a. 112; 1995 a. 27, 225, 227; 1997 a. 27, 237; 2005 a. 347.



1 SECTION 5. 70.395 (1e) of the statutes is renumbered 70.395 (1e) (intro.) and  
2 amended to read:

3 70.395 (1e) DISTRIBUTION. (intro.) Fifteen days after the collection of the tax  
4 under ss. 70.38 to 70.39, the department of administration, upon certification of the  
5 department of revenue, shall transfer the amount collected in respect to mines not  
6 in operation on November 28, 1981, to the investment and local impact fund, except  
7 as follows:

History: 1977 c. 31, 185, 423; 1979 c. 34 s. 2102 (46) (c); 1979 c. 63; 1979 c. 175 s. 53; 1981 c. 86 ss. 27 to 36, 71; 1981 c. 374 s. 150; 1983 a. 27 ss. 1184u to 1185r, 2202 (38) and (45); 1983 a. 410 ss. 22, 2202 (38); 1985 a. 29 ss. 1214s to 1214z, 3200 (46) (a); 1985 a. 332 s. 253; 1987 a. 399; 1989 a. 31; 1991 a. 39, 259; 1995 a. 27, 227; 1997 a. 27; 1999 a. 32.

8 SECTION 6. 70.395 (1e) (a) of the statutes is created to read:

9 70.395 (1e) (a) For the first 24 months following the month in which a person  
10 is issued a permit under s. 295.47, the department of administration shall credit the  
11 amount collected from any such person, not to exceed \$1,000,000 annually or  
12 \$2,000,000 total, to the appropriation under s. 20.445 (1) (sm) and shall transfer any  
13 amount in excess of \$1,000,000 annually, or \$2,000,000 total, to the investment and  
14 local impact fund as provided under par. (b).

15 SECTION 7. 70.395 (1e) (b) of the statutes is created to read:

16 70.395 (1e) (b) Except as provided under par. (a), the department of  
17 administration shall transfer 60 percent of the amount collected from each person  
18 extracting ferrous metallic minerals in this state to the investment and local impact  
19 fund and 40 percent of the amount collected from any such person into the economic  
20 development fund.

**Insert JK - 3**

21 SECTION 8. 70.395 (2) (dc) 2. of the statutes is amended to read:

1           70.395 (2) (dc) 2. A person making a payment under subd. 1. shall pay an  
2 additional ~~\$50,000~~ \$75,000 upon notification by the board that the board has  
3 distributed 50% of the payment under subd. 1.

History: 1977 c. 31, 185, 423; 1979 c. 34 s. 2102 (46) (c); 1979 c. 63; 1979 c. 175 s. 53; 1981 c. 86 ss. 27 to 36, 71; 1981 c. 374 s. 150; 1983 a. 27 ss. 1184u to 1185r, 2202 (38) and (45); 1983 a. 410 ss. 22, 2202 (38); 1985 a. 29 ss. 1214s to 1214z, 3200 (46) (a); 1985 a. 332 s. 253; 1987 a. 399; 1989 a. 31; 1991 a. 39, 259; 1995 a. 27, 227; 1997 a. 27; 1999 a. 32.

4           **SECTION 9.** 70.395 (2) (dc) 3. of the statutes is amended to read:

5           70.395 (2) (dc) 3. A person making a payment under subd. 2. shall pay an  
6 additional ~~\$50,000~~ \$75,000 upon notification by the board that the board has  
7 distributed all of the payment under subd. 1. and 50% of the payment under subd.  
8 2.

History: 1977 c. 31, 185, 423; 1979 c. 34 s. 2102 (46) (c); 1979 c. 63; 1979 c. 175 s. 53; 1981 c. 86 ss. 27 to 36, 71; 1981 c. 374 s. 150; 1983 a. 27 ss. 1184u to 1185r, 2202 (38) and (45); 1983 a. 410 ss. 22, 2202 (38); 1985 a. 29 ss. 1214s to 1214z, 3200 (46) (a); 1985 a. 332 s. 253; 1987 a. 399; 1989 a. 31; 1991 a. 39, 259; 1995 a. 27, 227; 1997 a. 27; 1999 a. 32.

**Insert JK - 4**

9           **SECTION 10.** 70.395 (2) (dg) of the statutes is amended to read:

10           70.395 (2) (dg) Each person constructing a metalliferous mining site shall pay  
11 to the department of revenue for deposit in the investment and local impact fund, as  
12 a construction fee, an amount sufficient to make the construction period payments  
13 under par. (d) 5. in respect to that site. Any person paying a construction fee under  
14 this paragraph may credit against taxes due under s. 70.375 an amount equal to the  
15 payments that the taxpayer has made under this paragraph, provided that the credit  
16 does not reduce the taxpayer's liability under s. 70.375 below the amount needed to  
17 make the first-dollar payments under par. (d) 1., 2. and 2m. for that year in respect  
18 to the taxpayer's mine. For the first 24 months following the month in which the  
19 taxpayer is issued a permit under s. 295.47, the taxpayer may not use the credit to  
20 reduce the taxpayer's liability under s. 70.375 below the minimum amount required  
21 under s. 70.375 (2b), but the taxpayer may use the credit in subsequent years to  
22 reduce the taxpayer's liability under s. 70.375 below the minimum amount required

- 1 under s. 70.375 (2<sup>b</sup>). Any amount not creditable because of that limitation in any
- 2 year may be carried forward.

**History:** 1977 c. 31, 185, 423; 1979 c. 34 s. 2102 (46) (c); 1979 c. 63; 1979 c. 175 s. 53; 1981 c. 86 ss. 27 to 36, 71; 1981 c. 374 s. 150; 1983 a. 27 ss. 1184u to 1185r, 2202 (38) and (45); 1983 a. 410 ss. 22, 2202 (38); 1985 a. 29 ss. 1214s to 1214z, 3200 (46) (a); 1985 a. 332 s. 253; 1987 a. 399; 1989 a. 31; 1991 a. 39, 259; 1995 a. 27, 227; 1997 a. 27; 1999 a. 32.

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GMM.....

(INSERT GM-2)

1           **SECTION 1.** 20.445 (1) (gm) of the statutes is created to read:

2           20.445 (1) (gm) *Mining industry jobs training grants.* All moneys credited to  
3 this appropriation account under s. 70.395 (1e) (a), for mining skills training grants  
4 under s. 106.05 and for mining equipment manufacturing training grants under s.  
5 106.35.

(END OF INSERT)

(INSERT GM-3)

6           **SECTION 2.** 106.05 of the statutes is created to read:

7           **106.05 Mining skills training grants.** From the appropriation account  
8 under s. 20.445 (1) (gm), the department, in consultation with the Wisconsin  
9 Economic Development Corporation, shall award a grant annually of not more than  
10 \$500,000 to Cooperative Educational Service Agency Number 12 or to an  
11 organization operating a skills improvement apprenticeship program that is  
12 authorized to administer the operating engineers certification program and to  
13 provide training in the operation of heavy equipment for the purpose of establishing,  
14 funding, and facilitating cross-training partnership programs between that agency  
15 and that organization.

16           **SECTION 3.** 106.35 of the statutes is created to read:

17           **106.35 Mining equipment manufacturing training grants.** From the  
18 appropriation account under s. 20.445 (1) (gm), the department, in consultation with  
19 the Wisconsin Economic Development Corporation, shall award a grant annually of  
20 not more than \$500,000 to Cooperative Educational Service Agency Number 1 or to  
21 an organization operating an economic and workforce development center in the

1     southeastern area of this state to establish, fund, and facilitate cross-training  
2     partnership programs between that service agency and that organization for the  
3     purpose of establishing classroom curriculum and hands-on job training programs  
4     that provide individuals with the opportunity to receive instruction relating to the  
5     performance of manufacturing jobs in facilities in that area that are involved in  
6     producing equipment and products related to the mining industry.

(END OF INSERT)

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RNK:.....

INSERT 11-22 RK

1 to the extent that regulation of the placement or maintenance of the structure,  
2 building, fill, or development is required for compliance with a floodplain zoning  
3 under s. 295.607 (3) (c)

as provided

ordinance

INSERT 106-20 RK

4  
5 3m. That the proposed mining is likely to meet or exceed the regulations that  
6 apply to municipal floodplain zoning ordinances contained in the uniform rules  
7 promulgated by the department for preparation and implementation of municipal  
8 floodplain zoning ordinances.

INSERT 128-14 RK

9 (c) A municipal floodplain zoning ordinance under s. 295.58, which prohibits  
10 development or construction activity authorized by the department as part of a  
11 mining operation covered by a mining permit under s. 295.58, except to the extent  
12 necessary for the municipality to which the floodplain zoning ordinance applies to  
13 maintain eligibility for participation in the National Flood Insurance Program

Insert 157-2

50379/P2  
✓

When approving locations for monitoring, the department  
shall ensure that duplicative monitoring is not required  
within overlapping mandatory intervention boundaries. ©

1           **Insert 3-15-RT**

2           **SECTION 1.** 25.49 (2m) of the statutes is created to read:

3           25.49 (2m) The moneys transferred under s. 70.395 (1e).

4           **Insert 18-19-RT**

5           **SECTION 2.** 227.48<sup>e3</sup>(3) (c) of the statutes is created to read:

6           227.48<sup>e3</sup>(3) (c) If the proceeding relates to mining for ferrous minerals, as  
7 defined in s. 295.41 (18), that the petition, claim, or defense was commenced, used,  
8 or continued primarily for the purpose of causing delay to an activity authorized  
9 under a license that is the subject of the hearing.

10          **SECTION 3.** 238.14 of the statutes is created to read:

11          **238.14 Business development grants and loans.** When funds described in  
12 s. 25.49 (2m) are appropriated to the corporation, the corporation shall use the funds  
13 to make grants and loans to businesses in this state, and the corporation shall give  
14 preference for grants and loans to businesses located in an area affected by mining  
15 for ferrous minerals.

16          **Insert 156-22-RT**

17          (am) The department may reduce the mandatory intervention boundary under  
18 par. (a) by a horizontal distance of up to 150 feet if the department determines that  
19 the reduction is necessary to adequately identify and respond to potential  
20 groundwater quality issues.

21          **Insert 165-16-RT**

22          **295.77 Review.** (1) A person is entitled to a contested case hearing on a  
23 decision by the department under this subchapter or on a decision by the department



1 relating to the issuance of an approval only if the person is entitled to a contested case  
2 hearing under s. 227.42 and the person is aggrieved by one of the following:

3 (a) A decision under s. 295.58 to grant or deny a mining permit or a decision  
4 to grant or deny a related approval.

5 (b) A final decision on the environmental impact statement for a proposed  
6 mine.

7 (2) A person is only entitled to a contested case hearing under sub. (1) if the  
8 person requests the hearing within 30 days after the department issues the decision  
9 to grant or deny the mining permit, except that if <sup>the</sup> request concerns an approval on  
10 which the department issues a decision, as authorized under s. 295.57 (8) (b) or (c),  
11 after the deadline under s. 295.57 (8) (a), a person may request a contested case  
12 hearing on that decision within 30 days after the department issues that decision.

13 (3) (a) The hearing examiner presiding over a contested case hearing under this  
14 section shall issue a final decision on the case no more than 150 days after the  
15 department issues the decision to grant or deny the mining permit, except that if the  
16 contested case concerns an approval on which the department issues a decision, as  
17 authorized under s. 295.57 (8) (b) or (c), after the deadline under s. 295.57 (8) (a), the  
18 hearing examiner shall issue a final decision on the case no more than 150 days after  
19 the department issues the decision on that approval.

20 (b) If the hearing examiner does not issue a final decision by the deadline under  
21 par. (a), the decision of the department being reviewed by the hearing examiner is  
22 affirmed.

23 (c) The hearing examiner may not issue an order prohibiting activity  
24 authorized under a decision of the department being reviewed in the contested case  
25 hearing.

1           (4) (a) A person seeking judicial review of the decision in a contested case  
2 hearing under this section<sup>✓</sup> shall comply with the requirements for service and filing  
3 in s. 227.53 (1) (a).<sup>✓</sup>

4           (b) A person seeking judicial review of a decision under this subchapter<sup>✓</sup> shall  
5 commence the action no more than 30 days after the decision is filed.