

1 **(35)** “Person” means an individual, corporation, limited liability company,
2 partnership, association, local governmental agency, interstate agency, state agency,
3 or federal agency.

4 **(36)** “Piping” means the progressive erosion of materials from an embankment
5 or foundation caused by the seepage of water.

6 **(37)** “Principal shareholder” means any person who owns at least 10 percent
7 of the beneficial ownership of an applicant or operator.

8 **(38)** “Reagent” means a substance or compound that is added to a system in
9 order to bring about a chemical reaction or is added to see if a reaction occurs to
10 confirm the presence of another substance.

11 **(39)** “Reclamation” means the process by which an area physically or
12 environmentally affected by exploration or mining is rehabilitated to either its
13 original state or to a state that provides long-term environmental stability.

14 **(40)** “Reclamation plan” means the proposal for the reclamation of an
15 exploration site under s. 295.44 (2) (b) or a mining site under s. 295.49.

16 **(41)** “Refuse” means all mining waste and all waste materials deposited on or
17 in the mining site from other sources, except merchantable by-products.

18 **(42)** “Related person” means any person that owns or operates a mining site
19 in the United States and that is one of the following when an application for a mining
20 permit is submitted to the department:

21 (a) The parent corporation of the applicant.

22 (b) A person that holds more than a 30 percent ownership interest in the
23 applicant.

24 (c) A subsidiary or affiliate of the applicant in which the applicant holds more
25 than a 30 percent ownership interest.

1 **(44)** “Subsidence” means lateral or vertical ground movement caused by a
2 failure, initiated at the mine, of a man-made underground mine, that directly
3 damages residences or commercial buildings, except that “subsidence” does not
4 include lateral or vertical ground movement caused by earthquake, landslide, soil
5 conditions, soil erosion, soil freezing and thawing, or roots of trees and shrubs.

6 **(45)** “Tailings” means waste material resulting from beneficiation of crushed
7 ferrous minerals at a concentrator or from washing, concentration, or treatment of
8 crushed ferrous minerals.

9 **(46)** “Unsuitable” means that the land proposed for mining is not suitable for
10 mining because the mining activity will more probably than not destroy or
11 irreparably damage any of the following:

12 (a) Habitat required for survival of species of vegetation or wildlife designated
13 as endangered through prior inclusion in rules adopted by the department, if the
14 endangered species cannot be reestablished elsewhere.

15 (b) Unique features of the land, as determined by state or federal designation
16 and incorporated in rules adopted by the department, as any of the following, which
17 cannot have their unique characteristic preserved by relocation or replacement
18 elsewhere:

- 19 1. Wilderness areas.
- 20 2. Wild and scenic rivers.
- 21 3. National or state parks.
- 22 4. Wildlife refuges and areas.
- 23 5. Listed properties, as defined in s. 44.31 (4).

24 **(46m)** “Wastewater and sludge storage or treatment lagoon” means a
25 man-made containment structure that is constructed primarily of earthen

1 materials, that is for the treatment or storage of wastewater, storm water, or sludge,
2 and that is not a land disposal system, as defined in s. NR 140.05 (11), Wis. Adm.
3 Code.

4 (47) “Waters of the state” has the meaning given in s. 281.01 (18).

5 (48) “Water supply” means the sources and their surroundings from which
6 water is supplied for drinking or domestic purposes.

7 (49) “Wetland” has the meaning given in s. 23.32 (1).

8 **295.43 Responsibilities related to mining.** The department shall serve as
9 the central unit of state government to ensure that the impact from mining and
10 reclamation on the air, lands, waters, plants, fish, and wildlife in this state will be
11 minimized and mitigated to the extent practicable. The administration of
12 occupational health and safety laws and rules that apply to mining remain
13 exclusively the responsibility of the department of safety and professional services.
14 The powers and duties of the geological and natural history survey under s. 36.25 (6)
15 remain exclusively the responsibility of the geological and natural history survey.
16 Nothing in this section prevents the department of safety and professional services
17 and the geological and natural history survey from cooperating with the department
18 in the exercise of their respective powers and duties.

19 **295.44 Exploration. (1) DEFINITIONS.** In this section:

20 (a) “Abandonment” means the filling or sealing of a drillhole.

21 (b) “Clay slurry” means a fluid mixture of native clay formation or commercial
22 clay or clay mineral products and water prepared with only the amount of water
23 necessary to produce fluidity.

24 (c) “Concrete grout” means a mixture consisting of type A portland cement and
25 an equal or lesser volume of dry sand combined with water.

1 (d) “Driller” means a person who performs core, rotary, percussion, or other
2 drilling involved in exploration for ferrous minerals.

3 (e) “Drilling site” means the area disturbed by exploration, including the
4 drillhole.

5 (f) “Dump bailer” means a cylindrical container with a valve that empties the
6 contents of the container at the bottom of a drillhole.

7 (g) “Explorer” means any person who engages in exploration or who contracts
8 for the services of drillers for the purpose of exploration.

9 (h) “Exploration” means the on-site geologic examination from the surface of
10 an area by core, rotary, percussion, or other drilling, where the diameter of the hole
11 does not exceed 18 inches, for the purpose of searching for ferrous minerals or
12 establishing the nature of a known ferrous mineral deposit, including associated
13 activities such as clearing and preparing sites or constructing roads for drilling.
14 “Exploration” does not include drilling for the purpose of collecting soil samples or
15 for determining radioactivity by means of placement of devices that are sensitive to
16 radiation.

17 (i) “License year” means the period beginning on July 1 of any year and ending
18 on the following June 30.

19 (j) “Neat cement grout” means a mixture consisting of type A portland cement
20 and water.

21 (k) “Termination” means the filling of drillholes and the reclamation of a
22 drilling site.

23 **(2) LICENSE.** No person may engage in exploration, or contract for the services
24 of drillers for purposes of exploration, without an annual license from the
25 department. The department shall provide copies of the application for an

1 exploration license to the state geologist upon issuance of the exploration license. A
2 person seeking an exploration license shall file an application that includes all of the
3 following:

4 (a) An exploration plan that includes all of the following:

5 1. A description of the site where the exploration will take place and a map of
6 that area showing the locations of the exploration.

7 2. A description of the means and method that will be used for the exploration.

8 3. A description of the grading and stabilization of the excavation, sides, and
9 benches that will be conducted.

10 4. A description of how the grading and stabilization of any deposits of refuse
11 will be conducted.

12 5. A description of how any diversion and drainage of water from the
13 exploration site will be conducted.

14 6. A description of how any backfilling will be conducted.

15 7. A description of how any pollutant-bearing minerals or materials will be
16 covered.

17 8. A description of how the topsoils will be removed and stockpiled or how other
18 measures will be taken to protect topsoils before exploration.

19 9. A description of how vegetative cover will be provided.

20 10. A description of how any water impoundment will be accomplished.

21 11. Identification of the means and method that will be used to prevent
22 significant environmental pollution to the extent practicable.

23 (b) A reclamation plan, designed to minimize adverse effects to the
24 environment to the extent practicable, that includes all of the following:

1 1. A description of how all toxic and hazardous wastes and other solid waste
2 will be disposed of in solid or hazardous waste disposal facilities licensed under ch.
3 289 or 291 or otherwise in an environmentally sound manner.

4 2. A description of how topsoil will be preserved for purposes of future use in
5 reclamation.

6 3. A description of how revegetation will be conducted to stabilize disturbed
7 soils and prevent air and water pollution to the extent practicable.

8 4. A description of how disturbance to wetlands will be minimized to the extent
9 practicable.

10 5. A statement that all drillholes will be abandoned in compliance with sub. (5).

11 (c) An exploration license fee of \$300.

12 (d) A bond, as provided in sub. (3) (a).

13 (e) A certificate of insurance showing that the applicant has in force a liability
14 insurance policy issued by an insurance company licensed to do business in this state
15 covering all exploration conducted or contracted for by the explorer in this state and
16 affording personal injury and property damage protection in a total amount
17 determined to be adequate by the department, but not more than \$1,000,000 and not
18 less than \$50,000.

19 (f) A copy of the applicant's most recent annual report to the federal securities
20 and exchange commission on form 10-K, or, if this is not available, a report of the
21 applicant's current assets and liabilities or other data necessary to establish that the
22 applicant is competent to conduct exploration in this state.

23 (2m) CONFIDENTIALITY. The department ^{and the state geologist} shall protect as confidential any
24 information, other than effluent data, contained in an application for an exploration
25 license, upon a showing that the information is entitled to protection as a trade



1 secret, as defined in s. 134.90 (1) (c), and any information relating to the location,
2 quality, or quantity of a ferrous mineral deposit, to production or sales figures, or to
3 processes or production unique to the applicant or that would tend to adversely affect
4 the competitive position of the applicant if made public.

5 **(3) BOND.** (a) An applicant shall submit, as part of the application for an
6 exploration license, a bond in the amount of \$5,000 that is conditioned on faithful
7 performance of the requirements of this section, that is issued by a surety company
8 licensed to do business in this state, and that provides that the bond may not be
9 canceled by the surety, except after not less than 90 days' notice to the department
10 in writing by registered or certified mail.

11 (b) If the surety for a bond submitted under par. (a) issues a cancellation notice,
12 the explorer shall deliver a replacement bond at least 30 days before the expiration
13 of the 90 day notice period. If the explorer fails to submit a replacement bond, the
14 explorer may not engage in exploration until the explorer submits a replacement
15 bond.

16 (c) If the license of the surety company for a bond submitted under par. (a) is
17 revoked or suspended, the explorer, within 30 days after receiving written notice
18 from the department, shall deliver a replacement bond. If the explorer fails to submit
19 a replacement bond, the explorer may not engage in exploration until the explorer
20 submits a replacement bond.

21 (d) The department may require that the amount of the bond submitted under
22 this subsection be increased at any time, if the department determines that the level
23 of activity by the explorer makes it likely that the bond would be inadequate to fund
24 the termination of all drillholes for which the explorer is responsible.

1 (e) The department shall release a bond submitted under this subsection one
2 year after the issuance of the last certificate of completion of exploration under sub.
3 (9) (c) 3. if the explorer no longer holds an exploration license and the department
4 determines that the explorer has complied with this section.

5 **(4) ISSUANCE OR DENIAL OF EXPLORATION LICENSE.** (a) Except as provided in par.
6 (c), within 10 business days of receiving an administratively complete application for
7 an exploration license, the department shall issue the exploration license or provide
8 the notice required under par. (f) of intent not to issue the exploration license, unless
9 the application is for an upcoming license year. If an application is for an upcoming
10 license year, the department shall issue the exploration license or provide the notice
11 required under par. (f) of intent not to issue the exploration license within 10
12 business days of receiving an administratively complete application or on the next
13 July 1, whichever is later.

14 (b) An application for an exploration license is considered to be
15 administratively complete on the day that it is submitted, unless, before the 10th
16 business day after receiving the application, the department provides the applicant
17 with written notification that the application is not administratively complete. The
18 department may determine that an application is not administratively complete only
19 if the application does not include an exploration plan; a reclamation plan; an
20 exploration license fee; a bond; a certificate of insurance; or a copy of the applicant's
21 most recent annual report to the federal securities and exchange commission on form
22 10-K, or, if this is not available, a report of the applicant's current assets and
23 liabilities or other data necessary to establish that the applicant is competent to
24 conduct exploration in this state. The department may not consider the quality of

1 the information provided. In a notice provided under this paragraph, the
2 department shall identify what is missing from the application.

3 (c) If the department provides notification, in compliance with par. (b), that an
4 application is not administratively complete, the department shall issue the
5 exploration license or provide the notice required under par. (f) of intent not to issue
6 the license within 7 business days of receipt of the missing item, unless the
7 application is for an upcoming license year. If the application is for an upcoming
8 license year, the department shall issue the exploration license or provide the notice
9 required under par. (f) of intent not to issue the exploration license within 7 business
10 days of receipt of the missing item or on the next July 1, whichever is later.

11 (d) If the department does not comply with par. (a) or (c), the application is
12 automatically approved and the department shall issue an exploration license that
13 includes the requirements in sub. (5). The explorer may engage in exploration based
14 on the automatic approval, notwithstanding any delay by the department in issuing
15 the license.

16 (e) Subject to par. (f), the department shall deny an application for an
17 exploration license if the department finds that, after the activities in the exploration
18 plan and the reclamation plan have been completed, the exploration will have a
19 substantial and irreparable adverse impact on the environment or present a
20 substantial risk of injury to public health and welfare.

21 (f) Before denying an application, the department shall provide the applicant
22 with written notification of its intent not to issue the exploration license, setting
23 forth all of the reasons for its intent not to issue the exploration license, including
24 reference to competent evidence supporting its position. The department shall
25 provide the person with an opportunity to correct any deficiencies in the exploration

1 plan or reclamation plan within 10 business days. If the person amends the
2 exploration plan or reclamation plan and corrects the deficiencies, the department
3 shall issue the exploration license within 10 business days of receipt of the amended
4 exploration plan or reclamation plan, unless the application is for an upcoming
5 license year. If an application is for an upcoming license year, the department shall
6 issue the exploration license within 10 business days of receipt of the amended
7 exploration plan or reclamation plan or on the next July 1, whichever is later. If the
8 department determines that the deficiencies have not been corrected, it shall deny
9 the application, in writing, setting forth all of the reasons for its determination,
10 including reference to competent evidence supporting the determination.

11 (5) REQUIREMENTS IN EXPLORATION LICENSE. The department shall include all of
12 the following in an exploration license:

13 (a) A requirement that if the explorer wishes to temporarily abandon a drillhole
14 so that the explorer may use the drillhole for future exploration, the explorer leave
15 the well casing in place and seal the upper end of the casing with a watertight
16 threaded or welded cap.

17 (b) A requirement to permanently abandon a drillhole 4 inches in diameter or
18 smaller by filling the drillhole from the bottom upward to the surface of the ground
19 with concrete grout or neat cement grout.

20 (c) A requirement to ^{permanently} abandon a drillhole larger than 4 inches in diameter by ✓
21 filling the drillhole from the bottom upward to the surface of the ground with
22 concrete grout or neat cement grout or in one of the following ways:

23 1. If the drillhole is constructed in limestone, dolomite, shale, or Precambrian
24 formations, such as granite, gabbro, gneiss, schist, slate, greenstone, or quartzite, by
25 filling the drillhole with gravel or crushed rock or, if it is physically impracticable to

1 use gravel or crushed rock and if the department approves, with clay slurry, from the
2 bottom upward to a point 20 feet below the top of the first rock formation encountered
3 below the surface of the ground or to at least 40 feet below the surface of the ground,
4 whichever is the greater depth, and filling the remainder of the drillhole with
5 concrete grout or neat cement grout.

6 2. If the drillhole is constructed in sandstone formation, by filling the drillhole
7 with disinfected sand or pea gravel or, if it is physically impracticable to use sand or
8 pea gravel and if the department approves, with clay slurry, from the bottom upward
9 to a point 20 feet below the top of the first rock formation encountered below the
10 surface of the ground or to at least 40 feet below the surface of the ground, whichever
11 is the greater depth, and filling the remainder of the drillhole with concrete grout or
12 neat cement grout.

13 3. If the drillhole is constructed in glacial drift or other unconsolidated
14 formation, by filling the hole with clean clay slurry to a point 20 feet below the surface
15 of the ground and filling the remainder of the drillhole with concrete grout or neat
16 cement grout.

17 4. If the drillhole is constructed in mixed rock types, by filling the drillhole as
18 provided in subds. 1., 2., and 3., and providing a concrete grout or neat cement grout
19 plug that extends at least 20 feet above and below the point of surface contact
20 between each recognized geologic rock type.

21 (d) 1. A requirement to use a conductor pipe or, when practical, a dump bailer
22 when filling a drillhole.

23 2. A requirement to keep the bottom end of the conductor pipe submerged in
24 concrete grout or neat cement grout at all times when concrete grout or neat cement
25 grout is placed under water using a conductor pipe.

1 3. A requirement to fill the drillhole at the same time that all or part of the
2 drillhole casing is removed from an unconsolidated formation, such as sand or gravel,
3 that will not remain open upon abandonment of a drillhole and to keep the end of the
4 casing below the surface of the fill material throughout the operation.

5 (e) A requirement to obtain approval from the department of the method of
6 containing the flow from, and the method of eventual abandonment of, a drillhole
7 that penetrates an aquifer under artesian pressure so that the groundwater flows at
8 the surface of the ground.

9 **(6) RENEWALS.** (a) An explorer wishing to renew an exploration license shall
10 file with the department a renewal application that includes all of the following:

11 1. A renewal fee of \$150.

12 2. A bond that satisfies sub. (3) (a).

13 3. A certificate of insurance that satisfies sub. (2) (e).

14 4. A copy of the applicant's most recent annual report to the federal securities
15 and exchange commission on form 10-K, or, if this is not available, a report of the
16 applicant's current assets and liabilities or other data necessary to establish that the
17 applicant is competent to conduct exploration in this state.

18 5. Either a statement that no changes are being proposed to the exploration
19 plan and reclamation plan previously approved by the department or a new
20 exploration plan or reclamation plan if the applicant proposes to make changes.

21 (b) Except as provided in par. (d), within 10 business days of receiving an
22 administratively complete application for renewal of an exploration license, the
23 department shall renew the exploration license or provide the notice, required under
24 par. (g), of intent not to renew the exploration license.

1 (c) An application for renewal of an exploration license is considered to be
 2 administratively complete on the day that it is submitted, unless, before the 10th
 3 business day after receiving the application, the department provides the explorer
 4 with written notification that the application is not administratively complete. The
 5 department may determine that an application is not administratively complete only
 6 if the application does not include a renewal fee; a bond; a certificate of insurance;
 7 a copy of the applicant's most recent annual report to the federal securities and
 8 exchange commission on form 10-K, or, if this is not available, a report of the
 9 applicant's current assets and liabilities or other data necessary to establish that the
 10 applicant is competent to conduct exploration in this state; or either a statement that
 11 no changes are being proposed to the exploration plan and reclamation plan
 12 previously approved by the department or a new exploration plan or reclamation
 13 plan if the applicant proposes to make changes. The department may not consider
 14 the quality of any information provided. In a notice provided under this paragraph,
 15 the department shall identify what is missing from the application.

16 (d) If the department provides notification, in compliance with par. (c), that an
 17 application is not administratively complete, the department shall renew the
 18 exploration license or provide the notice, required under par. (g), of intent not to
 19 renew the exploration license within 7 business days of receipt of the missing item.

20 (e) If the department does not comply with par. (b) or (d), the application for
 21 renewal is automatically approved.

22 (f) Subject to par. (g), the department shall deny an application for renewal of
 23 an exploration license only if the applicant has filed a new exploration plan or
 24 reclamation plan and the department finds that the exploration, after completion of

25 the new exploration plan and the new reclamation plan, will have a substantial and
 the activities in have been completed

1 irreparable adverse impact on the environment or present a substantial risk of injury
2 to public health and welfare.

3 (g) Before denying an application, the department shall provide the person who
4 submitted the application with written notification of its intent not to renew the
5 exploration license, setting forth all of the reasons for its intent not to renew the
6 exploration license, including reference to competent evidence supporting its
7 position. The department shall provide the person with an opportunity to correct any
8 deficiencies in the exploration plan or restoration plan within 10 business days. If
9 the person amends the exploration plan or reclamation plan and corrects the
10 deficiencies, the department shall renew the exploration license within 10 business
11 days of receipt of the amended exploration plan or reclamation plan. If the
12 department determines that the deficiencies have not been corrected, it shall deny
13 the application, in writing, setting forth all of the reasons for its determination,
14 including reference to competent evidence supporting the determination.

15 (h) The renewal of an exploration license takes effect on the date of issuance
16 and expires on the following June 30.

17 **(7) REVOCATION OR SUSPENSION OF EXPLORATION LICENSE.** After a hearing, the
18 department may revoke or suspend an exploration license if it determines that any
19 of the following apply:

20 (a) The explorer has not complied with a statute, a rule promulgated by the
21 department, or a condition in the exploration license.

22 (b) The explorer has failed to increase bond amounts to adequate levels as
23 provided under sub (3) (d).

24 **(8) NOTICE PROCEDURE.** (a) An explorer shall notify the department of the
25 explorer's intent to drill on a parcel by registered mail at least 5 days prior to the

1 beginning of drilling. Notice is considered to be given on the date that the
2 department receives the notice. In the notice, the explorer shall specify which
3 drillholes identified in the exploration plan the explorer intends to drill. The
4 explorer shall send the notice to the subunit of the department with authority over
5 mine reclamation.

6 (b) A notice of intent to drill provided under par. (a) remains in effect for one
7 year beginning on the date that the department receives the notice. If the explorer
8 wishes to continue drilling on the parcel after the notice is no longer in effect, the
9 explorer shall resubmit a notice of intent to drill on the parcel.

10 **(9) REPORTS.** (a) Within 10 days after completing the temporary or permanent
11 abandonment of a drillhole, an explorer shall file with the department an
12 abandonment report that describes the means and method used in the abandonment
13 and is signed by an authorized representative of the explorer attesting to the
14 accuracy of the information contained in the report. The explorer shall submit the
15 abandonment report to the department's district office for the district in which the
16 drilling site is located.

17 (b) After permanent abandonment of a drillhole and regrading and
18 revegetation of the drilling site, an explorer shall notify the department of
19 completion of termination of the drilling site. The explorer shall submit the notice,
20 in writing, to the department's district office for the district in which the drilling site
21 is located.

22 (c) 1. After receipt of a notice under par. (b), the department shall notify the
23 explorer in writing whether the termination is satisfactory or unsatisfactory. If the
24 termination is unsatisfactory, the department shall inform the explorer of the
25 necessary corrective measures. Following the completion of corrective measures, the

1 explorer shall file written notice with the department's district office for the district
2 in which the drilling site is located specifying the means and method used and
3 stating that termination is complete.

4 2. If an explorer fails to comply with corrective measures identified under subd.
5 1., the department may suspend the explorer's exploration license in accordance with
6 sub. (7).

7 3. Upon satisfactory completion of termination of a drilling site, the
8 department shall issue a certificate of completion. The department may not issue a
9 certificate of completion for a drilling site that has only been temporarily abandoned.

10 **(10) DRILLING FEES.** Upon the submission of a report under sub. (9) (a) of
11 temporary abandonment of a drillhole, if the drillhole is temporarily abandoned, or
12 upon submission of a report under sub. (9) (a) of permanent abandonment of a
13 drillhole, if the drillhole is not temporarily abandoned, the explorer shall pay a fee
14 to the department. The fee is \$100 per drillhole for the first 20 drillholes for which
15 a report is filed in a license year and \$50 for each subsequent drillhole for which a
16 report is filed in that license year.

17 **(11) INSPECTIONS.** (a) Any duly authorized officer, employee, or representative
18 of the department may enter and inspect any property, premises, or place on or at
19 which exploration is being performed at any reasonable time for the purpose of
20 ascertaining the state of compliance with this section. No explorer may refuse entry
21 or access to any authorized representative of the department who requests entry for
22 the purposes of inspection and who presents appropriate credentials.

23 (b) No person may obstruct, hamper, or interfere with any inspection
24 authorized in par. (a).

25 (c) No inspector may obstruct, hamper, or interfere with exploration activities.

1 **(12) EXEMPTION.** This section does not apply to an operator with a mining
2 permit who is engaged in exploration activities on lands included in a mining plan
3 and reclamation plan, if the mining plan or reclamation plan contains provisions
4 relating to termination of the exploration activities.

5 **(13) ENVIRONMENTAL ANALYSIS NOT REQUIRED.** The department is not required
6 to prepare an environmental impact statement or an environmental assessment for
7 an application for an exploration license.

8 **295.443 Local impact committee; local agreement.** **(1)** A county, town,
9 village, city, or tribal government likely to be substantially affected by potential or
10 proposed mining may designate an existing committee, or establish a committee, for
11 purposes of:

12 (a) Facilitating communications between operators and itself.

13 (b) Analyzing implications of mining.

14 (c) Reviewing and commenting on reclamation plans.

15 (d) Developing solutions to mining-induced growth problems.

16 (e) Recommending priorities for local action.

17 (f) Formulating recommendations to the investment and local impact fund
18 board regarding distribution of funds under s. 70.395 (2) (g) related to mining for
19 ferrous minerals.

20 (g) Negotiating a local agreement under sub. (1m).

21 **(1m)** A county, town, village, city, or tribal government that requires an
22 operator to obtain an approval or permit under a zoning or land use ordinance and
23 a county, town, village, or city in which any portion of a proposed mining site is
24 located may, individually or in conjunction with other counties, towns, villages,
25 cities, or tribal governments, enter into one or more agreements with an operator for

1 the development of a mining operation. The local agreement may include any of the
2 following:

3 (a) A legal description of the land subject to the agreement and the names of
4 its legal and equitable owners.

5 (b) The duration of the agreement.

6 (c) The uses permitted on the land.

7 (d) A description of any conditions, terms, restrictions, or other requirements
8 determined to be necessary by the county, town, village, city, or tribal government for
9 the public health, safety, or welfare of its residents.

10 (e) A description of any obligation undertaken by the county, town, village, city,
11 or tribal government to enable the development to proceed.

12 (f) The applicability or nonapplicability of county, town, village, city, or tribal
13 ordinances, approvals, or resolutions.

14 (g) A provision for the amendment of the agreement.

15 (h) Other provisions determined to be reasonable and necessary by the parties
16 to the agreement.

17 **(2)** A county, town, village, city, or tribal government affected in common with
18 another county, town, village, city, or tribal government by a proposed or existing
19 mine may cooperatively designate or establish a joint committee, but may also
20 maintain a separate committee under sub. (1). Committees under this section may
21 include representatives of affected units of government, business, and industry,
22 manpower, health, protective or service agencies, school districts, or environmental
23 and other interest groups or other interested parties.

24 **(3)** Persons applying for an exploration license under s. 295.44 shall thereafter
25 appoint a liaison person to any committee established under sub. (1) or (2), and shall

1 provide such reasonable information as is requested by the committee. Operators
2 and persons applying for an exploration license under s. 295.44 shall thereafter
3 make reasonable efforts to design and operate mining operations in harmony with
4 community development objectives.

5 (4) Committees established under sub. (1) or (2) may be funded by their
6 appointing authority, and may, through their appointing authority, submit a request
7 for operating funds to the investment and local impact fund board under s. 70.395.
8 Committees established under sub. (1) shall be eligible for funds only if the county,
9 town, village or city is also a participant in a joint committee, if any, established
10 under sub. (2). The investment and local impact fund board may not grant funds for
11 the use of more than one committee established under sub. (1) in relation to a
12 particular mining proposal unless a joint committee has been established under sub.
13 (2). The investment and local impact fund board shall grant operating funds to any
14 committee that submits a request and is eligible under this subsection and s. 70.395
15 (2) (fm). Committees may hire staff, enter into contracts with private firms or
16 consultants or contract with a regional planning commission or other agency for staff
17 services for mining-related purposes or the purposes under s. 70.395 (2) (fm).

18 **295.45 Bulk sampling plan.** (1) A person who intends to engage in bulk
19 sampling may file a bulk sampling plan with the department. The collection of data
20 under a bulk sampling plan may include sampling and analysis related to
21 geophysical, geochemical, groundwater, and surface water conditions, as well as any
22 other data or studies necessary to prepare an application for a mining permit,
23 including the mining plan, reclamation plan, mining waste site feasibility study and
24 plan of operation, or any other approval required for the proposed mining.

25 (2) A person shall include all of the following in a bulk sampling plan:

1 (a) A description and map of the bulk sampling site, including the number of
2 acres in the site, the number of acres of land that will be disturbed, if any, associated
3 with each bulk sampling location, and the locations and types of sampling or studies
4 to be conducted at each bulk sampling location.

5 (b) A description of the methods to be used for the bulk sampling.

6 (c) A site-specific plan for controlling surface erosion that conforms to
7 requirements under ss. 281.33 (3) and 283.33 and that identifies how impacts to
8 plant and wildlife habitats will be avoided or minimized to the extent practicable.

9 (d) A revegetation plan for each area where bulk sampling will be performed
10 that describes how adverse impacts to the environment will be avoided or minimized
11 to the extent practicable and how the site will be revegetated and stabilized and that
12 identifies how adverse impacts to plant and wildlife habitats will be avoided or
13 minimized to the extent practicable.

14 (e) The estimated time for completing the bulk sampling and revegetation of
15 the bulk sampling locations.

16 (f) A description of any known adverse environmental impacts that are likely
17 to be caused by the bulk sampling and how those impacts will be avoided or
18 minimized to the extent practicable.

19 (g) A description of any adverse effects, as defined in s. 44.31 (1), that the bulk
20 sampling might have on any historic property, as defined in s. 44.31 (3), that is a
21 listed property, as defined in s. 44.31 (4), that is on the Wisconsin inventory of historic
22 places, as defined in s. 44.31 (12), or that is on the list of locally designated historic
23 places under s. 44.45; or any scenic or recreational areas; and plans to avoid or
24 minimize those adverse effects to the extent practicable.

1 **(2m)** The department shall protect as confidential any information, other than
2 effluent data, contained in a bulk sampling plan and in any application for an
3 approval that is required before the bulk sampling may be implemented, upon a
4 showing that the information is entitled to protection as a trade secret, as defined in
5 s. 134.90 (1) (c), and any information relating to the location, quality, or quantity of
6 a ferrous mineral deposit, to production or sales figures, or to processes or production
7 unique to the applicant or that would tend to adversely affect the competitive
8 position of the applicant if made public.

9 **(3)** Within 14 days of receipt of a bulk sampling plan, the department shall
10 identify for the applicant, in writing, all approvals that are required before the bulk
11 sampling may be implemented, any waivers, exemptions, or exceptions to those
12 approvals that are potentially available, and any information that the department
13 needs to issue the approvals or to issue a decision on any waiver, exemption, or
14 exception. If no approvals are required, the department shall notify the applicant
15 that no approvals are required and that the applicant may proceed with the bulk
16 sampling.

17 **(3e)** If a storm water discharge permit under s. 283.33 (1) (a) or a water quality
18 certification under rules promulgated under subch. II of ch. 281 to implement 33
19 USC 1341 (a) is required before bulk sampling may be implemented, the person filing
20 the bulk sampling plan may apply for and be issued the permit or certification.

21 **(3m)** The department shall act on any required construction site erosion
22 control and storm water management approval, notwithstanding any authorization
23 by the department of a local program to administer construction site erosion control
24 and storm water management requirements.

25 **(3s)** An applicant shall submit all of the following at the same time:

1 (a) Applications for individual approvals identified under sub. (3).

2 (b) Applications for coverage under general permits or registration permits
3 identified under sub. (3).

4 (c) Applications for waivers, exemptions, or exceptions identified under sub.
5 (3).

6 (d) A bond, as provided in sub. (5).

7 **(4)** (a) Notwithstanding any provision in ch. 23, 29, 30, 169, 281, 283, 285, 289,
8 or 291 or in a rule promulgated under those chapters that is applicable to an approval
9 identified under sub. (3), the application for any approval, for a waiver, exemption,
10 or exception to an approval, or for a determination that the proposed bulk sampling
11 activity is below the threshold that requires an approval, is considered to be complete
12 on the 30th day after the department receives the application, unless, before that
13 day, the department provides the applicant with written notification that the
14 application is not complete, stating the reason for the determination and describing
15 the specific information necessary to make the application complete.

16 (b) If the department provides a notice under par. (a), the applicant shall
17 supplement the application by providing the specified information. The application
18 is complete when the applicant provides the information.

19 (c) If the department determines that the issuance of an approval is contingent
20 upon the issuance of a permit under s. 29.604 (6m), and if the application for the
21 permit under s. 29.604 (6m) is filed with the approval application, the department
22 may not determine that the approval application is incomplete on the basis that the
23 department has not yet issued the permit under s. 29.604 (6m).

24 **(5)** (a) A person who intends to engage in bulk sampling shall submit with the
25 bulk sampling plan a bond in the amount of \$5,000 that is conditioned on faithful

1 performance of the requirements of this section, that is issued by a surety company
2 licensed to do business in this state, and that provides that the bond may not be
3 canceled by the surety, except after not less than 90 days' notice to the department
4 in writing by registered or certified mail.

5 (b) If the surety for a bond submitted under par. (a) issues a cancellation notice,
6 the person who filed the bulk sampling plan shall deliver a replacement bond at least
7 30 days before the expiration of the 90-day notice period. If the person fails to submit
8 a replacement bond, the person may not engage in bulk sampling until the person
9 submits a replacement bond.

10 (c) If the license of the surety company for a bond submitted under par. (a) is
11 revoked or suspended, the person who filed the bulk sampling plan, within 30 days
12 after receiving written notice from the department, shall deliver a replacement bond.
13 If the person fails to submit a replacement bond, the person may not engage in bulk
14 sampling until the person submits a replacement bond.

15 (d) The department may require that the amount of the bond submitted under
16 this subsection be increased at any time, if the department determines that it is
17 unlikely that the bond would be adequate to fund the cost to this state of completing
18 the revegetation plan.

19 (e) The department shall release a bond submitted under this subsection one
20 year after the time for completing the bulk sampling and the revegetation set forth
21 in the bulk sampling plan if the department determines that the person who engaged
22 in bulk sampling has complied with this section.

23 (7) Notwithstanding any provision in ch. 23, 29, 30, 169, 281, 283, 285, 289, or
24 291 or a rule promulgated under those chapters applicable to an approval identified
25 under sub. (3), all of the following apply:

1 (a) When considering an application for an approval identified under sub. (3),
2 the department shall recognize the fixed location of the ~~metallic~~ ^{ferrous} mineral deposits, ✓
3 the water needs inherent in mining, and the need for mining waste sites and
4 processing facilities, including wastewater and sludge storage or treatment lagoons,
5 to be contiguous to the location of the ferrous mineral deposits.

6 (b) When issuing an approval, the department shall require the bulk sampling
7 activity for which the approval is issued to be conducted at locations that result in
8 the fewest overall adverse environmental impacts, to the extent practicable.

9 (8) In determining whether to approve or deny an application for an approval
10 identified under sub. (3), the department shall consider the site-specific erosion
11 control plan, the revegetation plan, and any mitigation under s. 295.60, any
12 measures under s. 295.605, or any conservation measures under s. 295.61 that the
13 applicant proposes to take.

14 (9) Notwithstanding any inconsistent period in ch. 23, 29, 30, 169, 281, 283,
15 285, 289, or 291 or in a rule promulgated under those chapters that is applicable to
16 an approval identified under sub. (3), the department shall approve or deny ^{an} ~~the~~ ✓
17 application within 30 days after the day on which the application is considered to be
18 complete under sub. (4) if any of the following apply:

19 (a) The application is for a waiver, exemption, or exception to an approval for
20 a bulk sampling activity or for a determination that the proposed bulk sampling
21 activity is below the threshold that requires an approval.

22 (b) The application is for a determination of eligibility for coverage under a
23 general permit or a registration permit.

24 (10) (a) Notwithstanding any inconsistent period in ch. 23, 29, 30, 169, 281,
25 283, 285, 289, or 291 or in a rule promulgated under those chapters that is applicable

1 to an approval identified under sub. (3), the department shall approve or deny any
2 application for an approval identified under sub. (3) to which sub. (9) does not apply
3 within 60 days after the date on which the application is considered to be complete
4 under sub. (4), unless the application is for an individual permit for which federal law
5 requires the opportunity for public comment or the ability to request a public hearing
6 prior to issuance of the approval.

7 (b) The department shall publish a class 1 notice, under ch. 985, that describes
8 the availability of information concerning the activity for which an approval
9 described in par. (a) is required, its proposed decision, its draft approval, information
10 or summaries related to the approval, the department's analyses and preliminary
11 determinations relating to the approval, the preapplication description under s.
12 295.46, any additional information that a law concerning the approval requires to be
13 made available, and the opportunity to submit written comments within 30 days
14 after the notice is published.

15 (c) In the notice under par. (b), the department shall also specify the date, time,
16 and location of the public informational hearing. ^{under par. (e)} The department shall send the
17 notice to any person to whom the department is required to give notice of any
18 proposed determination, application, or hearing concerning an approval described
19 in par. (a) under the laws relating to the issuance of the approval. ✓

20 (d) If there is more than one approval described in par. (a), the department shall
21 issue one notice and coordinate the public comment period for all of the approvals.
22 If possible, the department shall coordinate the notice and the public comment
23 period for an approval that is an individual permit for which federal law requires the
24 opportunity for public comment or the ability to request a public hearing prior to

1 issuance of the approval with notice and the public comment period for the approvals
2 described in par. (a).

3 (e) The department shall hold a public informational hearing within 30 days
4 after publishing the notice under par. (b). The department shall hold the public
5 informational hearing in the county where the majority of the proposed bulk
6 sampling site is located. If there is more than one approval described in par. (a), the
7 department shall hold a single public informational hearing covering all of the
8 approvals and the preapplication description under s. 295.46. If possible, the
9 department shall include consideration of an approval that is an individual permit
10 for which federal law requires the opportunity for public comment or the ability to
11 request a public hearing prior to issuance of the approval in the public informational
12 hearing under this paragraph. The public informational hearing under this
13 paragraph is not a contested case hearing under ch. 227.

14 (10g) (a) If it is not possible to coordinate the public comment period and public
15 informational hearing for an approval that is an individual permit for which federal
16 law requires the opportunity for public comment or the ability to request a public
17 hearing prior to issuance of the approval with the public comment period and public
18 informational hearing under sub. (10), the department shall issue a separate public
19 notice and hold a separate public informational hearing for the approval in
20 accordance with the law governing the approval.

21 (b) The department shall approve or deny the application for an approval to ✓
22 which par. (a) applies ^{Insert 63-22} within 180 days after the date on which the application is ✓
23 considered to be complete under sub. (4).

24 (10r) An approval identified under sub. (3) is issued upon mailing and is final
25 and effective upon issuance.

1 (11) The department is not required to prepare an environmental impact
2 statement or an environmental assessment for an approval required for bulk
3 sampling.

4 **295.46 Preapplication description.** (1) A person who files a bulk sampling
5 plan under s. 295.45 with regard to a proposed mining project shall file, together with
6 the bulk sampling plan, a general description of the proposed mining project. A
7 person who proposes to engage in a mining project, but who does not file a bulk
8 sampling plan, shall file a general description of the proposed mining project with
9 the department at the time that the person provides the notice of intent to file an
10 application for a mining permit under s. 295.465. The general description shall
11 include all of the following:

12 (a) A description of the proposed mining site.

13 (b) A map that shows all of the following:

14 1. The boundaries of the area of land that will be affected by the proposed
15 mining project.

16 2. The location and names of all streams, roads, railroads, pipelines, and utility
17 lines on or within 1,000 feet of the proposed mining site.

18 3. The name or names of the owner or owners of the proposed mining site.

19 4. The name of each city, village, or town in which the proposed mining site is
20 located and the name of any other city, village, or town that is located within 3 miles
21 of the proposed mining site.

22 5. The federal natural resources conservation service land capabilities
23 classifications of the area affected by the proposed mining project.

24 6. The elevation of the water table.

1 (c) A general description of the nature, extent, and final configuration of the
2 proposed excavation and mining site, including an estimate of the production of
3 tailings, waste rock, and other refuse and the location of their disposal.

4 (d) A general conceptual description of the likely operating procedures of the
5 proposed mining project.

6 (e) The likely location, and a general description, of the excavation, waste site,
7 and processing facilities relating to the proposed mining project.

8 **(2)** (a) If the department provides notice to an applicant under s. 295.45 (3) that
9 no approvals are required for bulk sampling or if a person who proposes to engage
10 in a mining project files a preapplication description of the proposed mining project
11 at the time that the person provides the notice of intent to file an application for a
12 mining permit under s. 295.465 because the person did not file a bulk sampling plan,
13 the department shall publish a class 1 notice, under ch. 985, of a public informational
14 hearing on the proposed mining project. The department shall publish the notice
15 when ^{it} ~~it~~ notifies the applicant that no approvals are required or after it receives the ✓
16 notice of intent.

17 (b) In a notice under par. (a), the department shall do all of the following:

18 1. Describe the availability of the preapplication description.
19 2. Describe the opportunity to submit written comments within 30 days after
20 the notice is published.

21 3. Specify the date, time, and location of the public informational hearing.

22 (c) The department shall send a notice under par. (a) to all of the following:

23 1. The clerk of any city, village, town, or county within which any part the
24 proposed mining site lies.

1 2. The clerk of any city, village, or town, contiguous to any city, village, or town
2 within which any portion of the proposed mining site is located.

3 3. Any regional planning commission for the area within which the affected
4 area lies.

5 4. Any state agency that the department knows may be required to grant a
6 permit or other authorization necessary for the proposed mining project.

7 5. Any interested person who has requested notification.

8 (d) The department shall hold a public informational hearing within 30 days
9 after publishing the notice under par. (a). The department shall hold the public
10 informational hearing in the county in which the majority of the proposed mining site
11 is located.

12 **295.465 Preapplication notification.** (1) Except as provided in sub. (3), at
13 least 12 months before filing an application for a mining permit under s. 295.47, a
14 person proposing to engage in a mining project shall notify the department in writing
15 of the intention to file an application for a mining permit. After receiving the
16 notification, the department shall hold at least one meeting with the person to make
17 a preliminary assessment of the project's scope, to make an analysis of alternatives,
18 to identify potential interested persons, and to ensure that the person making the
19 proposal is aware of all of the following:

20 (a) The approvals, including the filing requirements for the approvals, that the
21 person may be required to obtain for the mining project.

22 (b) The requirements for submission of an environmental impact report and for
23 submission of any other information required by the department to prepare an
24 environmental impact statement under s. 295.53.

1 (c) The information the department will require to enable the department to
2 process the application for the mining permit in a timely manner.

3 (2) Within 60 days of a meeting under sub. (1), the department shall provide
4 all of the following to the person:

5 (a) A detailed written summary of the requirements under sub. (1) (a) to (c).

6 (b) Any available information relevant to the potential impacts of the mining
7 project on rare, threatened, or endangered species and historic or cultural resources
8 and any other information relevant to potential impacts that may occur from the
9 project that are required to be considered under s. 1.11.

10 (c) Available information to evaluate the environmental impact of the project
11 and to expedite the preparation of the environmental impact report and the
12 environmental impact statement, including information concerning preliminary
13 environmental reviews, field studies, and investigations; monitoring programs to
14 establish baseline water quality; laboratory studies and investigations; advisory
15 services; and the timing and the processes associated with any necessary
16 consultations with other state or federal agencies and within the department, such
17 as those required for endangered resources and cultural resource consultations and
18 approvals.

19 (3) A person who files an application under s. 295.47 for a mining proposal is
20 not required to provide notice under sub. (1) if the person files the application no
21 more than one year after the department denied the person's application for the same
22 mining proposal.

23 **295.47 Application for mining permit.** (1) (a) No person may engage in
24 mining or reclamation at any mining site unless the mining site is covered by a
25 mining permit and by written authorization to mine under s. 295.59 (3). An

1 applicant shall submit an application for a mining permit to the department in
2 writing and in reproducible form and shall provide the number of copies that are
3 requested by the department. An application and a mining permit are required for
4 each separate mining site. The applicant shall distribute copies of the application
5 to the clerk of any city, village, town, or county with zoning jurisdiction over the
6 proposed site, to the clerk of any city, village, town, or county within whose
7 boundaries any portion of the proposed mining site is located, to the elected
8 governing body of any federally recognized American Indian tribe or band with a
9 reservation the boundaries of which are within 20 miles of the proposed site, and to
10 the main public library of each city, village, town, or county with zoning jurisdiction
11 over the proposed site or within whose boundaries any portion of the proposed site
12 is located.

13 (b) If a person proposes to conduct mining at a mining site that includes an
14 abandoned mining site, the person shall include plans for reclamation of the
15 abandoned mining site, or the portion of the abandoned mining site that is included
16 in the mining site, in its mining plan and reclamation plan.

17 (2) As a part of each application for a mining permit, the applicant shall furnish
18 all of the following:

19 (a) A mining plan under s. 295.48.

20 (b) A reclamation plan under s. 295.49.

21 (c) A mining waste site feasibility study and plan of operation under s. 295.51.

22 (e) The name and address of each owner of land within the mining site and each
23 person known by the applicant to hold any option or lease on land within the mining
24 site.

25 (f) A list of all mining permits in this state held by the applicant.

1 (g) Evidence the applicant has applied or will apply for necessary permits or
2 other permissions under all applicable zoning ordinances and that the applicant has
3 applied or will apply to the department for any approval and has applied or will apply
4 for any other license or permit required under state law.

5 (h) 1. The information specified in subd. 2. concerning the occurrence of any of
6 the following within 10 years before the application is submitted:

7 a. A forfeiture by the applicant, principal shareholder of the applicant, or a
8 related person of a mining reclamation bond that was sufficient to cover all costs of
9 reclamation and was posted in accordance with a permit or other approval for a
10 mining operation in the United States, unless the forfeiture was by agreement with
11 the entity for whose benefit the bond was posted.

12 b. A felony conviction of the applicant, a related person, or an officer or director
13 of the applicant for a violation of a law for the protection of the natural environment
14 arising out of the operation of a mining site in the United States.

15 c. The bankruptcy or dissolution of the applicant or a related person that
16 resulted in the failure to reclaim a mining site in the United States in violation of a
17 state or federal law.

18 d. The permanent revocation of a mining permit or other mining approval
19 issued to the applicant or a related person if the permit or other mining approval was
20 revoked because of a failure to reclaim a mining site in the United States in violation
21 of state or federal law.

22 2. The applicant shall specify the name and address of the person involved in
23 and the date and location of each occurrence described in subd. 1.

24 (i) A description of any land contiguous to the proposed mining site that the
25 applicant owns or leases or has an option to purchase or lease.

1 (j) Any other pertinent information that the applicant believes may be useful
2 to the department.

3 **295.48 Mining plan. (1) GENERAL.** An applicant for a mining permit shall
4 submit as part of the application a mining plan that includes a description of the
5 proposed mining site and either a detailed map drawn to a scale approved by the
6 department or aerial photographs, if the photographs show the details to the
7 satisfaction of the department, prepared and certified by a competent engineer,
8 surveyor, or other person approved by the department that show all of the following:

9 (a) The boundaries of the area of land that will be affected.

10 (b) The drainage area above and below the area that will be affected.

11 (c) The location and names of all streams, roads, railroads, pipelines, and
12 utility lines on or within 1,000 feet of the mining site.

13 (d) The name or names of the owner or owners of the mining site.

14 (e) The name of the city, village, or town in which the mining site is located and
15 the name of any other city, village, or town that is within 3 miles of the mining site.

16 **(2) DESCRIPTIVE DATA.** The applicant shall provide descriptive data to
17 accompany the map or photographs under sub. (1), including all of the following:

18 (a) The federal natural resources conservation service land capabilities
19 classifications of the affected area.

20 (b) The elevation of the water table.

21 (c) Details of the nature, extent, and final configuration of the proposed
22 excavation and mining site, including the total estimated production of tailings,
23 waste rock, and other refuse and the location of their disposal.

24 (d) The nature and depth of the overburden.

1 **(3) OPERATING PROCEDURES.** The applicant shall also include in the mining plan
2 the details of the proposed operating procedures, including descriptions of all of the
3 following:

4 (a) The sequence of mining operations.

5 (b) The handling of overburden materials.

6 (c) The production, handling, and final disposition of tailings.

7 (d) The milling, concentrating, refining, and other processing of ferrous
8 minerals.

9 (e) The storage, loading, and transportation of the final product.

10 (f) Groundwater and surface water management techniques, including
11 provisions for erosion protection and drainage control, and a water management
12 plan showing water sources, flow paths and rates, storage volumes, and release
13 points.

14 (g) Plans for collection, treatment, and discharge of any water resulting from
15 the mining.

16 (h) Plans for protecting air quality under ch. 285.

17 (hm) A plan for monitoring environmental changes at the mining site.

18 (hr) An assessment of the risk of the occurrence of an accidental health or
19 environmental hazard in connection with the operation of the mine. The assessment
20 shall include, with specificity, a description of the assumptions that the applicant
21 used in making the risk assessment and the contingency measures that the applicant
22 proposes to take in the event of that an accidental health or environmental hazard
23 occurs.

24 (i) Measures for notifying the public and responsible governmental agencies of
25 potentially hazardous conditions, including the movement or accumulation of toxic

1 wastes in groundwater and surface water, soils, and vegetation, and other
2 consequences of the operation of importance to public health, safety, and welfare.

3 (j) All surface facilities associated with the mining site and any use of mining
4 waste in reclamation or the construction of any facility or structure.

5 (k) All geological and geotechnical investigations and drilling programs.

6 (L) A plan for completing and submitting a preblasting survey to the
7 department before any blasting is conducted.

8 (4) REQUIRED DEMONSTRATIONS. The applicant shall demonstrate in the mining
9 plan that the proposed mining will be consistent with the reclamation plan under s.
10 295.49 and that all of the following will apply, at a minimum:

11 (a) Handling and storage of all materials on the mining site will be done in an
12 environmentally sound manner.

13 (b) Buildings and other structures will be painted and maintained in a manner
14 that is visually compatible with the surrounding vegetational and earth conditions,
15 except that if a building or other structure cannot be painted and maintained in a
16 manner that is visually compatible or if painting and maintaining a building or other
17 structure in a manner that is visually compatible would cause safety concerns, the
18 building or structure will be made as visually inconspicuous as is practicable.

19 (c) Effective means will be taken to limit access to the mining site to minimize
20 exposure of the public to hazards.

21 (d) The use of mine mill chemicals and processing reagent wastes will be
22 governed by all of the following:

23 1. Reagents and mine mill chemicals will not be used in a manner that will
24 result in substantial harm to public safety or health or to the environment.

1 2. Reagents and mine mill chemicals that consist of or contain water soluble
2 salts or metals will be used in accordance with any applicable approval.

3 3. Reagents will not be used or stored at the mining site if they are not included
4 in the mining waste site feasibility study and plan of operation or in the mining plan,
5 except for reagents for laboratory, testing, research, or experimental purposes.

6 (e) Provisions will be made for back-up equipment in the event of the
7 breakdown of critical operation equipment.

8 (f) The design and operation specifications for mining site facilities include
9 features, which may include emergency power supplies, redundant equipment, or
10 temporary holding facilities, to deal with emergency conditions.

11 (g) Mining site facilities are designed to minimize disturbance to surface areas,
12 to the extent practicable.

13 (h) Where practicable, elevation differences in water-based transport systems
14 will be used for gravity flows to minimize pumping facilities and pressures.

15 (i) The following apply:

16 1. Systems for transporting tailings in slurry through pipelines that are not
17 buried are designed to provide for emergency tailings conveyance or storage in case
18 a pipeline breaks, plugs, freezes, or needs repairs and will be accessible for
19 inspection, emergency repair, and maintenance.

20 2. The location of emergency spill containment areas is consistent with the
21 prevention of substantial environmental pollution of surface waters.

22 3. In the event of a power failure, tailings pipelines will be self draining to a
23 tailings area or an emergency spill containment area or standby pumps and pipelines
24 or standby power is provided.

25 4. More than one emergency spill containment area is provided if necessary.

1 (j) If practicable, all liquid effluents from the mining site will be directed to a
2 common point, for treatment if necessary, before discharge to a natural watercourse.

3 (L) If sanitary wastes will be directed to a tailings area they will be
4 appropriately treated.

5 **295.49 Reclamation plan. (1)** An applicant for a mining permit shall submit
6 as part of the application a reclamation plan, designed to minimize adverse effects
7 to the environment to the extent practicable, that includes all of the following:

8 (a) A description of the manner, location, sequence, and timing of reclamation
9 of the mining site, including the mine, mining waste site, and sites for the disposal
10 of wastes that are not mining wastes.

11 (am) Prereclamation and postreclamation drawings.

12 (b) A map showing the specific reclamation proposal for each area of the mining
13 site.

14 (c) A description of ongoing reclamation procedures during mining.

15 (d) A description of proposed interim and final topography and slope
16 stabilization.

17 (e) A description of the proposed final land use and the relationship to
18 surrounding land and land use.

19 (f) Plans for the long-term care of the mining site, that include all of the
20 following:

21 1. Monitoring of the mine; mining waste sites; sites for the disposal of wastes
22 that are not mining wastes; groundwater quality; and surface water quality.

23 2. The names of persons legally and operationally responsible for long-term
24 care.

1 (g) Projected costs of reclamation, including the estimated cost of fulfilling the
2 reclamation plan.

3 **(2)** The applicant shall demonstrate in the reclamation plan that all of the
4 following will apply to the proposed reclamation, at a minimum:

5 (a) All toxic and hazardous wastes will be disposed of in conformance with
6 applicable state and federal laws.

7 (b) At the conclusion of mining activity, each tunnel, shaft, and other
8 underground opening will be sealed in a manner that will prevent seepage of water
9 in amounts that may be expected to create a safety, health, or environmental hazard,
10 unless the applicant demonstrates alternative uses for the tunnel, shaft, or other
11 underground opening that do not endanger public health or safety and that conform
12 to applicable environmental protection and mine safety laws and rules.

13 (c) Grading and stabilization of the excavation, sides, benches, and final slope
14 will conform with state and federal environmental and safety requirements and will
15 prevent erosion and environmental pollution to the extent practicable.

16 (d) Grading and stabilization of the mining waste site and sites for the disposal
17 of wastes that are not mining wastes will conform with state and federal
18 environmental and safety requirements.

19 (e) Merchantable by-products will be stabilized.

20 (f) Diversion and drainage of water from the mining site, including the mining
21 waste site and sites for the disposal of wastes that are not mining wastes, will be
22 adequate to prevent erosion and contamination of surface water and groundwater
23 to the extent practicable.

1 (g) Backfilling with tailings, waste rock, overburden, or borrow materials will
2 be conducted where the backfilling will not interfere with the mining and will not
3 cause an applicable groundwater quality standard to be exceeded.

4 (h) All underground and surface runoff waters from the mining site will be
5 managed, impounded, or treated in compliance with any approval that regulates
6 construction site erosion control or storm water management or discharge.

7 (i) All surface structures constructed as part of the mining activities will be
8 removed unless an alternate use is approved in the reclamation plan.

9 (j) Adequate measures will be taken to prevent significant subsidence, but if
10 subsidence does occur, the affected area will be reclaimed.

11 (k) All recoverable topsoil from surface areas disturbed by the mining will be
12 removed and stored in an environmentally acceptable manner for use in reclamation
13 or in the mitigation or minimization of adverse environmental impacts.

14 (L) All disturbed surface areas will be revegetated as soon as practicable after
15 the disturbance to stabilize slopes and minimize air pollution and water pollution,
16 with the objective of reestablishing a variety of plants and animals indigenous to the
17 area immediately prior to mining to the extent practicable.

18 (m) Plant species not indigenous to the area will be used for revegetation only
19 if necessary to provide rapid stabilization of slopes and prevention of erosion and only
20 with the approval of the department, but the objective under par. (L) will be
21 maintained.

22 (3) If it is physically or economically impracticable or environmentally or
23 socially undesirable for the reclamation process to return the area affected by mining
24 to its original state, the applicant shall provide, in the reclamation plan, the reasons

1 it would be impracticable or undesirable and a discussion of alternative conditions
2 and uses to which the affected area can be put.

3 **295.51 Mining waste site location criteria; feasibility study, and plan**
4 **of operation. (1) DEFINITIONS.** In this section:

5 (a) "Groundwater flow net" means a drawing showing equipotential contour
6 lines and the direction that groundwater will flow.

7 (c) "Regional" means relating to the area that may affect or be affected by a
8 proposed mining waste site, which ordinarily will not exceed the area within a radius
9 of 5 miles of the mining waste site.

10 (e) "Water budget" means an assessment of water inputs, outputs, and net
11 changes to a natural system or engineered facility over a fixed period.

12 (f) "Well nest" means 2 or more wells constructed to different depths and
13 installed within 10 feet of each other at the ground surface.

14 **(1e) HAZARDOUS MINING WASTE.** (a) Prior to the informational hearing under s.
15 295.57 (5) the department shall designate any mining wastes identified by the
16 department as hazardous under s. 291.05 (1).

17 (b) The disposal of any mining wastes that are identified by the department as
18 hazardous under s. 291.05 (1) in a mining waste site is subject to this subchapter, and
19 not to chs. NR 660 to ~~669~~⁶⁷⁹, Wis. Adm. Code, except as necessary to comply with ✓
20 applicable federal regulations adopted under the federal Resource Conservation and
21 Recovery Act, 42 USC 6901 to 6991m.

22 **(1m) LOCATION CRITERIA.** (a) Except as provided in par. (b), no person may locate
23 or operate a mining waste site, excluding the portion of a mining site from which
24 ferrous minerals are extracted and that is backfilled with mining waste, within 1,000
25 feet of any of the following:

1 1. The nearest edge of the right-of-way of any state trunk highway, as defined
2 in s. 340.01 (60).

3 2. The boundary of any state or national park.

4 3. The boundary of a scenic easement purchased by the department or the
5 department of transportation.

6 4. The boundary of a designated scenic or wild river.

7 5. A scenic overlook designated by the department by rule.

8 6. A hiking or biking trail designated by the department or the U.S. Congress.

9 (b) The prohibition in par. (a) does not apply if, regardless of season, the
10 proposed mining waste site is visually inconspicuous due to screening or being
11 visually absorbed due to natural objects, compatible natural plantings, earth berm,
12 or other appropriate means; or if, regardless of season, the proposed mining waste
13 site is screened so as to be as aesthetically pleasing and inconspicuous as is feasible.

14 (b) Except as provided in par. (bn), no person may locate or operate a mining
15 waste site, excluding the portion of a mining site from which ferrous minerals are
16 extracted and that is backfilled with mining waste, within 1,000 feet of a navigable
17 water that is a lake, pond, or flowage.

18 (bg) Except as provided in par. (bn), no person may locate or operate a mining
19 waste site, excluding the portion of a mining site from which ferrous minerals are
20 extracted and that is backfilled with mining waste, within 300 feet of a navigable
21 water that is a river or stream.

22 (bn) The prohibitions in pars. (be) and (bg) do not apply to an activity that is
23 associated with a mining waste site and that is approved by the department under
24 s. 295.60, 295.605, or 295.61.

1 (bq) No person may locate or operate a mining waste site, excluding the portion
2 of a mining site from which ferrous minerals are extracted and that is backfilled with
3 mining waste, within a floodplain.

4 (bt) No person may locate or operate a mining waste site, excluding the portion
5 of a mining site from which ferrous minerals are extracted and that is backfilled with
6 mining waste, in an area within the property owned by the mining operator and on
7 which the mining site is located if the area is closer than 200 feet to the outer
8 boundary of that property.

9 (c) No person may locate or operate a mining waste site, excluding the portion
10 of a mining site from which ferrous minerals are extracted and that is backfilled with
11 mining waste, within 1,200 feet of any public or private water supply well that
12 provides water for human consumption.

13 (d) No person may locate or operate a mining waste site, excluding the portion
14 of a mining site from which ferrous minerals are extracted and that is backfilled with
15 mining waste, within an area that contains mineral resources that are known at the
16 time the application for the mining permit is issued, are likely to be mined in the
17 future, and lie within 1,000 feet of the surface.

18 **(1s) BACKFILLED WASTE SITE.** For surface mining, the portion of a mining site
19 from which ferrous minerals are extracted and that is backfilled with mining waste
20 and any buildings, structures, roads, or drainage controls associated with that
21 portion of the mining site may be considered a single mining waste site.

22 **(2) GENERAL.** An applicant for a mining permit shall submit as part of the
23 application a mining waste site feasibility study and plan of operation that
24 demonstrates the suitability of the proposed mining waste site for the disposal of
25 mining wastes and that describes the operation of the mining waste site.

1 **(3) WASTE CHARACTERIZATION AND ANALYSIS.** For the purposes of this section, the
2 applicant shall perform waste characterization and analysis, to identify the
3 quantities, variability, and physical, radiological, and chemical properties of each
4 mining waste as necessary to assess the potential environmental impact of handling,
5 storage, and disposal. The applicant may include in the waste characterization and
6 analysis a review of the literature and results from similar existing facilities,
7 materials, or studies. For the purpose of the waste characterization and analysis,
8 the applicant shall conduct testing on representative samples of materials available,
9 on individual mining wastes from the mining process, and if the applicant proposes
10 mixed storage or disposal of individual mining wastes, on composite mining wastes.
11 If physical or chemical segregation of a mining waste is proposed, the applicant shall
12 test each individual waste resulting from the physical or chemical segregation. The
13 applicant shall complete all of the following components of the waste
14 characterization and analysis:

15 (a) Identification of all mining wastes that will be disposed of or stored in the
16 mining waste site, including classification of mining waste types, estimates of the
17 rates of generation and volumes of each type, and an explanation of the proposed
18 ultimate disposition of each type.

19 (b) Chemical, radiological, physical, and mineralogical analyses of each type
20 of mining waste.

21 (c) Analyses of the particle size of the mining wastes.

22 (d) Chemical and physical characteristics testing, including testing to
23 determine the leaching potential of the mining wastes and the composition of the
24 resulting leachate, using, at a minimum, the method in federal environmental
25 protection agency publication EPA 600/2-78-054, except that this testing is not

1 required if the applicant demonstrates, based on the analyses in pars. (b) and (c) or
2 on past experience, that there is not a probability for significant environmental
3 damage or a probability of an adverse impact on public health, safety, or welfare.

4 (4) SITE SPECIFIC INFORMATION. In addition to performing the mining waste
5 characterization and analysis under sub. (3), for the purposes of the mining waste
6 site feasibility study and plan of operation, an applicant shall conduct field and
7 laboratory investigations to determine physical, chemical, and biological
8 characteristics of the proposed mining waste site. The applicant shall do all of the
9 following:

10 (a) Perform field investigations to determine the specific topography, soil types,
11 and depth to bedrock and groundwater.

12 (b) Perform at least one soil boring, to bedrock or refusal, every 80 acres,
13 characterizing the major geomorphic features such as ridges and lowlands and
14 characterizing each major soil layer according to the unified soil classification
15 system.

16 (c) Prepare a boring log for each soil boring, including soil and rock descriptions,
17 method of drilling, method of sampling, sample depths, date of boring, and water
18 level measurements and dates, with elevations referring to United States geological
19 survey mean sea level datum.

20 (d) Collect soil samples to adequately determine the geology and ensure the
21 proper design and monitoring of the mining waste site, including doing all of the
22 following:

23 1. Collecting the soil samples at not greater than 5 foot depth intervals, unless
24 physical conditions such as soil homogeneity indicate that greater intervals are
25 adequate.

1 2. Collecting the soil samples using generally accepted techniques for sampling
2 undisturbed soils, where that is appropriate.

3 3. Classifying all soil samples according to the unified soil classification
4 system.

5 (e) Perform soil tests as necessary for classification and correlation purposes
6 and to develop necessary geotechnical design parameters for the mining waste site,
7 without compositing soil samples.

8 (f) Determine the hydraulic conductivity of the various soil strata, using in situ
9 hydraulic conductivity testing procedures as appropriate to confirm values
10 determined in the laboratory.

11 (g) Determine horizontal and vertical groundwater flow patterns in and around
12 the proposed mining waste site based on data obtained from groundwater
13 monitoring wells and piezometers constructed in conformity with ch. NR 141, Wis.
14 Adm. Code.

15 (h) Conduct a program to establish baseline water quality through monitoring
16 groundwater and surface water in the vicinity of the mine and the proposed mining
17 waste site on a monthly basis and establishing physical–chemical and biological
18 characteristics of the concentrations of substances in the water before mining begins
19 at the mining site. The applicant shall do all of the following:

20 1. Select physical–chemical parameters based on transport and
21 transformation mechanisms in the environment as well as other factors affecting the
22 mobility and toxicity of pollutants.

23 2. Select biological parameters based on the environmental characterizations
24 under sub. (5) (g), the degree of impact predicted, and the potentially affected
25 organism's sensitivity to contaminants.

1 3. Establish a final parameter list for groundwater and surface water based on
2 preliminary sampling and known information concerning the waters in the vicinity
3 of the mine and the mining waste site, consideration of applicable water quality
4 standards, and the geology and composition of the ferrous mineral deposit that will
5 be mined. At a minimum, in the program under this paragraph the applicant shall
6 collect water quality data for all of the following parameters:

- 7 a. Specific conductance.
8 b. Temperature.
9 c. Hydrogen ion concentration (pH).
10 d. Dissolved oxygen.
11 e. The major anions sulfate, chloride, and bicarbonate.
12 f. The major cations calcium, magnesium, potassium, and sodium.
13 g. Other total and dissolved metals, including aluminum, iron, and manganese,
14 that may be introduced by the mining activities.
15 h. General chemistry, including total alkalinity, total organic carbon, gross
16 alpha, gross beta, ammonia, nitrate, total dissolved solids, total hardness, and total
17 suspended solids.

18 **(5) CONTENTS RELATED TO WASTE SITE FEASIBILITY.** An applicant shall include all
19 of the following in the mining waste site feasibility study and plan of operation:

20 (a) A description of the mining waste site location, proposed acreage, proposed
21 mining waste site life and range of disposal capacity, and estimated types and
22 quantities of mining wastes to be contained.

23 (b) A description of the mining waste characterization and analysis conducted
24 under sub. (3), including a description of the test methods used in evaluating the

1 characteristics of the mining waste and the procedures and records for documenting
2 the chain of custody of the test samples.

3 (c) An existing site conditions plan sheet consisting of a topographic survey of
4 the area, with elevations tied to United States geological survey mean sea level
5 datum, illustrating the property boundaries, proposed boundaries of the mining
6 waste site, survey grid and north arrow, buildings, water supply wells, utility lines,
7 other man-made features, soil boring locations, observation well locations, and other
8 pertinent information.

9 (d) A series of geologic cross-sections illustrating existing topography; soil
10 borings; soil classification; soil properties; interpreted soil stratigraphy; bedrock;
11 well and boring locations and constructions; and stabilized water level readings.

12 (e) A water table map, using the existing site conditions plan under par. (c) as
13 a base, that is based on stabilized water level readings and, if seasonal changes in
14 groundwater levels are significant, maps those changes.

15 (f) If more than 2 well nests are constructed, groundwater flow nets to illustrate
16 horizontal and vertical flow, which may be illustrated on the geologic cross-sections
17 under par. (d), if appropriate.

18 (g) An environmental characterization that describes the structure and
19 functional relationships of ecosystems potentially affected by the proposed mining
20 waste site.

21 (h) A report on the water quality data collected under the baseline monitoring
22 program under sub. (4) (h) to establish baseline water quality.

23 (i) A land use map, using the existing site conditions plan under par. (c) as a
24 base, showing plant communities, wildlife habitat, places where rare and

1 endangered species have been sighted, archaeological or historic sites, buildings,
2 and areas of social importance.

3 (j) A table showing existing water quality of all potentially affected surface
4 waters, indicating important aquatic habitat.

5 (k) Local climatological data for seasonal precipitation, evaporation, air
6 temperature, and wind velocity and direction. The applicant may use an annual
7 record on the proposed mining waste site or adequate data to correlate the proposed
8 mining waste site conditions to an existing observation station as the basis for this
9 data.

10 (L) A discussion of regional conditions, supplemented with maps or
11 cross-sections where appropriate, addressing all of the following:

12 1. Topography.

13 2. Hydrology, including surface water drainage patterns and important
14 hydrologic features such as navigable waters, springs, drainage divides, and
15 wetlands.

16 3. Geology, including the nature and distribution of bedrock and
17 unconsolidated deposits.

18 4. Hydrogeology, including depth of groundwater, flow directions, recharge and
19 discharge areas, groundwater divides, aquifers, and the identification of the aquifers
20 used by all public and private wells within at least 1,200 feet of the proposed mining
21 waste site.

22 5. Groundwater and surface water quality and precipitation chemistry.

23 6. Climatology.

24 7. Identification of owners of land adjacent to the proposed mining waste site.

25 8. Zoning.

1 9. Existing land uses with particular emphasis on known recreational, historic,
2 archaeological, scientific, cultural, or scenic significance.

3 10. Existing or proposed access roads and weight restrictions on those roads.

4 11. Identification of aquatic and terrestrial ecosystems such as stream orders
5 and classifications.

6 (m) A discussion of alternative methods of disposing of mining waste materials,
7 including an analysis of the practicability of the reuse, sale, recovery, or processing
8 of the mining wastes for other purposes.

9 (n) An analysis of the results of the mining waste characterizations under sub.
10 (3), the site specific information under sub. (4) and this subsection, and the regional
11 information under par. (L) in relation to the approach for locating the mining waste
12 site and developing appropriate design, construction, operation, monitoring, and
13 long-term care requirements for each type of mining waste.

14 (o) A proposed mining waste site design, based on conclusions resulting from
15 analysis of the mining waste characterizations under sub. (3) and the site data under
16 sub. (4), that includes all of the following:

17 1. A map, using the existing site conditions plan under par. (c) as a base, that
18 shows proposed access, lateral extent of filling, and phases of mining waste site
19 development.

20 2. A series of cross-sections, using the geological cross-sections under par. (d)
21 as the base, that show existing topography, proposed base grades, and final grades.

22 3. Preliminary earthwork balance calculations, showing amounts of materials
23 expected to be moved on the mining waste site prior to the disposal of mining waste.

24 4. Proposed methods for leachate control.