

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

3           1. A renewal fee of \$150.

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

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

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

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

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

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

1 applicant is competent to conduct exploration in this state; or either a statement that  
2 no changes are being proposed to the exploration plan and reclamation plan  
3 previously approved by the department or a new exploration plan or reclamation  
4 plan if the applicant proposes to make changes. The department may not consider  
5 the quality of any information provided. In a notice provided under this paragraph,  
6 the department shall identify what is missing from the application.

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

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

13 (f) Subject to par. (g), the department shall deny an application for renewal of  
14 an exploration license only if the applicant has filed a new exploration plan or  
15 reclamation plan and the department finds that the exploration, after the activities  
16 in the new exploration plan and the new reclamation plan have been completed, will  
17 have a substantial and irreparable adverse impact on the environment or present a  
18 substantial risk of injury to public health and welfare.

19 (g) Before denying an application, the department shall provide the person who  
20 submitted the application with written notification of its intent not to renew the  
21 exploration license, setting forth all of the reasons for its intent not to renew the  
22 exploration license, including reference to competent evidence supporting its  
23 position. The department shall provide the person with an opportunity to correct any  
24 deficiencies in the exploration plan or restoration plan within 10 business days. If  
25 the person amends the exploration plan or reclamation plan and corrects the

1 deficiencies, the department shall renew the exploration license within 10 business  
2 days of receipt of the amended exploration plan or reclamation plan. If the  
3 department determines that the deficiencies have not been corrected, it shall deny  
4 the application, in writing, setting forth all of the reasons for its determination,  
5 including reference to competent evidence supporting the determination.

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

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

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

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

15 **(8) NOTICE PROCEDURE.** (a) An explorer shall notify the department of the  
16 explorer's intent to drill on a parcel by registered mail at least 5 days prior to the  
17 beginning of drilling. Notice is considered to be given on the date that the  
18 department receives the notice. In the notice, the explorer shall specify which  
19 drillholes identified in the exploration plan the explorer intends to drill. The  
20 explorer shall send the notice to the subunit of the department with authority over  
21 mine reclamation.

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

1           (9) REPORTS. (a) Within 10 days after completing the temporary or permanent  
2 abandonment of a drillhole, an explorer shall file with the department an  
3 abandonment report that describes the means and method used in the abandonment  
4 and is signed by an authorized representative of the explorer attesting to the  
5 accuracy of the information contained in the report. The explorer shall submit the  
6 abandonment report to the department's district office for the district in which the  
7 drilling site is located.

8           (b) After permanent abandonment of a drillhole and regrading and  
9 revegetation of the drilling site, an explorer shall notify the department of  
10 completion of termination of the drilling site. The explorer shall submit the notice,  
11 in writing, to the department's district office for the district in which the drilling site  
12 is located.

13           (c) 1. After receipt of a notice under par. (b), the department shall notify the  
14 explorer in writing whether the termination is satisfactory or unsatisfactory. If the  
15 termination is unsatisfactory, the department shall inform the explorer of the  
16 necessary corrective measures. Following the completion of corrective measures, the  
17 explorer shall file written notice with the department's district office for the district  
18 in which the drilling site is located specifying the means and method used and  
19 stating that termination is complete.

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

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

1           (10) DRILLING FEES. Upon the submission of a report under sub. (9) (a) of  
2 temporary abandonment of a drillhole, if the drillhole is temporarily abandoned, or  
3 upon submission of a report under sub. (9) (a) of permanent abandonment of a  
4 drillhole, if the drillhole is not temporarily abandoned, the explorer shall pay a fee  
5 to the department. The fee is \$100 per drillhole for the first 20 drillholes for which  
6 a report is filed in a license year and \$50 for each subsequent drillhole for which a  
7 report is filed in that license year.

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

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

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

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

21           (13) ENVIRONMENTAL ANALYSIS NOT REQUIRED. The department is not required  
22 to prepare an environmental impact statement or an environmental assessment for  
23 an application for an exploration license.

24           **295.443 Local impact committee; local agreement.** (1) A county, town,  
25 village, city, or tribal government likely to be substantially affected by potential or

1 proposed mining may designate an existing committee, or establish a committee, for  
2 purposes of:

3 (a) Facilitating communications between operators and itself.

4 (b) Analyzing implications of mining.

5 (c) Reviewing and commenting on reclamation plans.

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

7 (e) Recommending priorities for local action.

8 (f) Formulating recommendations to the investment and local impact fund

9 board regarding distribution of funds under s. 70.395 (2) (g) related to mining for  
10 ferrous minerals.

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

12 **(1m)** A county, town, village, city, or tribal government that requires an  
13 operator to obtain an approval or permit under a zoning or land use ordinance and  
14 a county, town, village, or city in which any portion of a proposed mining site is  
15 located may, individually or in conjunction with other counties, towns, villages,  
16 cities, or tribal governments, enter into one or more agreements with an operator for  
17 the development of a mining operation. The local agreement may include any of the  
18 following:

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

21 (b) The duration of the agreement.

22 (c) The uses permitted on the land.

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

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

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

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

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

8 (2) A county, town, village, city, or tribal government affected in common with  
9 another county, town, village, city, or tribal government by a proposed or existing  
10 mine may cooperatively designate or establish a joint committee, but may also  
11 maintain a separate committee under sub. (1). Committees under this section may  
12 include representatives of affected units of government, business, and industry,  
13 manpower, health, protective or service agencies, school districts, or environmental  
14 and other interest groups or other interested parties.

15 (3) Persons applying for an exploration license under s. 295.44 shall thereafter  
16 appoint a liaison person to any committee established under sub. (1) or (2), and shall  
17 provide such reasonable information as is requested by the committee. Operators  
18 and persons applying for an exploration license under s. 295.44 shall thereafter  
19 make reasonable efforts to design and operate mining operations in harmony with  
20 community development objectives.

21 (4) Committees established under sub. (1) or (2) may be funded by their  
22 appointing authority, and may, through their appointing authority, submit a request  
23 for operating funds to the investment and local impact fund board under s. 70.395.  
24 Committees established under sub. (1) shall be eligible for funds only if the county,  
25 town, village or city is also a participant in a joint committee, if any, established

1 under sub. (2). The investment and local impact fund board may not grant funds for  
2 the use of more than one committee established under sub. (1) in relation to a  
3 particular mining proposal unless a joint committee has been established under sub.  
4 (2). The investment and local impact fund board shall grant operating funds to any  
5 committee that submits a request and is eligible under this subsection and s. 70.395  
6 (2) (fm). Committees may hire staff, enter into contracts with private firms or  
7 consultants or contract with a regional planning commission or other agency for staff  
8 services for mining-related purposes or the purposes under s. 70.395 (2) (fm).

9 **295.45 Bulk sampling plan.** (1) A person who intends to engage in bulk  
10 sampling may file a bulk sampling plan with the department. The collection of data  
11 under a bulk sampling plan may include sampling and analysis related to  
12 geophysical, geochemical, groundwater, and surface water conditions, as well as any  
13 other data or studies necessary to prepare an application for a mining permit,  
14 including the mining plan, reclamation plan, mining waste site feasibility study and  
15 plan of operation, or any other approval required for the proposed mining.

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

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

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

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



1 (d) A revegetation plan for each area where bulk sampling will be performed  
2 that describes how adverse impacts to the environment will be avoided or minimized  
3 to the extent practicable and how the site will be revegetated and stabilized and that  
4 identifies how adverse impacts to plant and wildlife habitats will be avoided or  
5 minimized to the extent practicable.

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

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

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

17 **(2m)** The department shall protect as confidential any information, other than  
18 effluent data, contained in a bulk sampling plan and in any application for an  
19 approval that is required before the bulk sampling may be implemented, upon a  
20 showing that the information is entitled to protection as a trade secret, as defined in  
21 s. 134.90 (1) (c), and any information relating to the location, quality, or quantity of  
22 a ferrous mineral deposit, to production or sales figures, or to processes or production  
23 unique to the applicant or that would tend to adversely affect the competitive  
24 position of the applicant if made public.

1           **(3)** Within 14 days of receipt of a bulk sampling plan, the department shall  
2 identify for the applicant, in writing, all approvals that are required before the bulk  
3 sampling may be implemented, any waivers, exemptions, or exceptions to those  
4 approvals that are potentially available, and any information that the department  
5 needs to issue the approvals or to issue a decision on any waiver, exemption, or  
6 exception. If no approvals are required, the department shall notify the applicant  
7 that no approvals are required and that the applicant may proceed with the bulk  
8 sampling.

9           **(3e)** If a storm water discharge permit under s. 283.33 (1) (a) or a water quality  
10 certification under rules promulgated under subch. II of ch. 281 to implement 33  
11 USC 1341 (a) is required before bulk sampling may be implemented, the person filing  
12 the bulk sampling plan may apply for and be issued the permit or certification.

13           **(3m)** The department shall act on any required construction site erosion  
14 control and storm water management approval, notwithstanding any authorization  
15 by the department of a local program to administer construction site erosion control  
16 and storm water management requirements.

17           **(3s)** An applicant shall submit all of the following at the same time:

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

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

21           (c) Applications for waivers, exemptions, or exceptions identified under sub.  
22 (3).

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

24           **(4)** (a) Notwithstanding any provision in ch. 23, 29, 30, <sup>31,</sup> 169, 281, 283, 285, 289,  
25 or 291 or in a rule promulgated under those chapters that is applicable to an approval

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1 identified under sub. (3), the application for any approval, for a waiver, exemption,  
2 or exception to an approval, or for a determination that the proposed bulk sampling  
3 activity is below the threshold that requires an approval, is considered to be complete  
4 on the 30th day after the department receives the application, unless, before that  
5 day, the department provides the applicant with written notification that the  
6 application is not complete, stating the reason for the determination and describing  
7 the specific information necessary to make the application complete.

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

11 (c) If the department determines that the issuance of an approval is contingent  
12 upon the issuance of a permit under s. 29.604 (6m), and if the application for the  
13 permit under s. 29.604 (6m) is filed with the approval application, the department  
14 may not determine that the approval application is incomplete on the basis that the  
15 department has not yet issued the permit under s. 29.604 (6m).

16 (5) (a) A person who intends to engage in bulk sampling shall submit with the  
17 bulk sampling plan a bond in the amount of \$5,000 that is conditioned on faithful  
18 performance of the requirements of this section, that is issued by a surety company  
19 licensed to do business in this state, and that provides that the bond may not be  
20 canceled by the surety, except after not less than 90 days' notice to the department  
21 in writing by registered or certified mail.

22 (b) If the surety for a bond submitted under par. (a) issues a cancellation notice,  
23 the person who filed the bulk sampling plan shall deliver a replacement bond at least  
24 30 days before the expiration of the 90-day notice period. If the person fails to submit

1 a replacement bond, the person may not engage in bulk sampling until the person  
2 submits a replacement bond.

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

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

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

16 (7) Notwithstanding any provision in ch. 23, 29, 30, 169, 281, 283, 285, 289, or  
17 291 or a rule promulgated under those chapters applicable to an approval identified  
18 under sub. (3), all of the following apply:

19 (a) When considering an application for an approval identified under sub. (3),  
20 the department shall recognize the fixed location of the ferrous mineral deposits, the  
21 water needs inherent in mining, and the need for mining waste sites and processing  
22 facilities, including wastewater and sludge storage or treatment lagoons, to be  
23 contiguous to the location of the ferrous mineral deposits.

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

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

9 (9) Notwithstanding any inconsistent period in ch. 23, 29, 30, 169, 281, 283,  
10 285, 289, or 291 or in a rule promulgated under those chapters that is applicable to  
11 an approval identified under sub. (3), the department shall approve or deny an  
12 application within 30 days after the day on which the application is considered to be  
13 complete under sub. (4) if any of the following apply:

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

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

19 (10) (a) Notwithstanding any inconsistent period in ch. 23, 29, 30, 169, 281,  
20 283, 285, 289, or 291 or in a rule promulgated under those chapters that is applicable  
21 to an approval identified under sub. (3), the department shall approve or deny any  
22 application for an approval identified under sub. (3) to which sub. (9) does not apply  
23 within 60 days after the date on which the application is considered to be complete  
24 under sub. (4), unless the application is for an individual permit for which federal law

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1 requires the opportunity for public comment or the ability to request a public hearing ✓  
2 prior to issuance of the approval.

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

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11 (c) In the notice under par. (b), the department shall also specify the date, time,  
12 and location of the public informational hearing under par. (e). The department shall  
13 send the notice to any person to whom the department is required to give notice of  
14 any proposed determination, application, or hearing concerning an approval  
15 described in par. (a) under the laws relating to the issuance of the approval.

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

23 (e) The department shall hold a public informational hearing <sup>the</sup> within 30 days  
24 after publishing the <sup>date of publication of the</sup> notice under par. (b). The department shall hold the public  
25 informational hearing in the county where the majority of the proposed bulk

and to any person who has requested notice

1 sampling site is located. If there is more than one approval described in par. (a), the  
2 department shall hold a single public informational hearing covering all of the  
3 approvals and the preapplication description under s. 295.46. If possible, the  
4 department shall include consideration of an approval that is an individual permit  
5 for which federal law requires the opportunity for public comment or the ability to  
6 request a public hearing prior to issuance of the approval in the public informational  
7 hearing under this paragraph. The public informational hearing under this  
8 paragraph is not a contested case hearing under ch. 227.

9 (10g) (a) If it is not possible to coordinate the public comment period and public  
10 informational hearing for an approval that is an individual permit for which federal  
11 law requires the opportunity for public comment or the ability to request a public  
12 hearing prior to issuance of the approval with the public comment period and public  
13 informational hearing under sub. (10), the department shall issue a separate public  
14 notice and hold a separate public informational hearing for the approval in  
15 accordance with the law governing the approval.

16 (b) The department shall approve or deny the application for an approval that  
17 is an individual permit for which federal law requires the opportunity for public  
18 comment or the ability to request a public hearing prior to issuance of the approval  
19 within 180 days after the date on which the application is considered to be complete  
20 under sub. (4).

21 (10r) An approval identified under sub. (3) is issued upon mailing and is final  
22 and effective upon issuance.

23 (11) The department is not required to prepare an environmental impact  
24 statement or an environmental assessment for an approval required for bulk  
25 sampling.

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

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

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

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

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

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

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

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

21           6. The elevation of the water table.

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



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

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

5 (2) (a) If the department provides notice to an applicant under s. 295.45 (3) that  
6 no approvals are required for bulk sampling or if a person who proposes to engage  
7 in a mining project files a preapplication description of the proposed mining project  
8 at the time that the person provides the notice of intent to file an application for a  
9 mining permit under s. 295.465 because the person did not file a bulk sampling plan,

10 the department shall publish a class 1 notice, under ch. 985, of a public informational

11 hearing on the proposed mining project. The department shall publish the notice

12 when it notifies the applicant that no approvals are required or after it receives the

13 notice of intent.

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

15 1. Describe the availability of the preapplication description.

16 2. Describe the opportunity to submit written comments within 30 days after  
17 the <sup>date of publication of the</sup> notice ~~is published~~.

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

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

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

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

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

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

3 5. Any interested person who has requested notification. *INS. 67-3*

4 (d) The department shall hold a public informational hearing within 30 days  
5 after publishing the *date of the publication of the* notice under par. (a). The department shall hold the public  
6 informational hearing in the county in which the majority of the proposed mining site  
7 is located.

8 **295.465 Preapplication notification.** (1) Except as provided in sub. (3), at  
9 least 12 months before filing an application for a mining permit under s. 295.47, a  
10 person proposing to engage in a mining project shall notify the department *in writing*  
11 of the intention to file an application for a mining permit. After receiving the  
12 notification, the department shall hold at least one meeting with the person to make  
13 a preliminary assessment of the project's scope, to make an analysis of alternatives,  
14 to identify potential interested persons, and to ensure that the person making the  
15 proposal is aware of all of the following:

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

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

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

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

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

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

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

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

18 **295.47 Application for mining permit.** (1) (a) No person may engage in  
19 mining or reclamation at any mining site unless the mining site is covered by a  
20 mining permit and by written authorization to mine under s. 295.59 (3). An  
21 applicant shall submit an application for a mining permit to the department in  
22 writing and in reproducible form and shall provide the number of copies that are  
23 requested by the department. An application and a mining permit are required for  
24 each separate mining site. The applicant shall distribute copies of the application  
25 to the clerk of any city, village, town, or county with zoning jurisdiction over the

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1 proposed site, to the clerk of any city, village, town, or county within whose  
2 boundaries any portion of the proposed mining site is located, to the elected  
3 governing body of any federally recognized American Indian tribe or band with a  
4 reservation the boundaries of which are within 20 miles of the proposed site, and to  
5 the main public library of each city, village, town, or county with zoning jurisdiction  
6 over the proposed site or within whose boundaries any portion of the proposed site  
7 is located.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 **295.48 Mining plan. (1) GENERAL.** An applicant for a mining permit shall  
25 submit as part of the application a mining plan that includes a description of the

1 proposed mining site and either a detailed map drawn to a scale approved by the  
2 department or aerial photographs, if the photographs show the details to the  
3 satisfaction of the department, prepared and certified by a competent engineer,  
4 surveyor, or other person approved by the department that show all of the following:

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

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

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

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

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

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

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

16 (b) The elevation of the water table.

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

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

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

24 (a) The sequence of mining operations.

25 (b) The handling of overburden materials.

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

2 (d) The milling, concentrating, refining, and other processing of ferrous  
3 minerals.

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

5 (f) Groundwater and surface water management techniques, including  
6 provisions for erosion protection and drainage control, and a water management  
7 plan showing water sources, flow paths and rates, storage volumes, and release  
8 points.

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

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

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

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

19 (i) Measures for notifying the public and responsible governmental agencies of  
20 potentially hazardous conditions, including the movement or accumulation of toxic  
21 wastes in groundwater and surface water, soils, and vegetation, and other  
22 consequences of the operation of importance to public health, safety, and welfare.

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

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

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

3           (4) REQUIRED DEMONSTRATIONS. The applicant shall demonstrate in the mining  
4 plan that the proposed mining will be consistent with the reclamation plan under s.  
5 295.49 and that all of the following will apply, at a minimum:

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

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

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

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

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

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

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



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

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

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

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

10 (i) The following apply:

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

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

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

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

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

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

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

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

7           (am) Prereclamation and postreclamation drawings.

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

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

11          (d) A description of proposed interim and final topography and slope  
12 stabilization.

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

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

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

19           2. The names of persons legally and operationally responsible for long-term  
20 care.

21          (g) Projected costs of reclamation, including the estimated cost of fulfilling the  
22 reclamation plan.

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

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

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

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

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

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

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

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

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

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

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

5 (k) All recoverable topsoil from surface areas disturbed by the mining will be  
6 removed and stored in an environmentally acceptable manner for use in reclamation  
7 or in <sup>offsetting</sup> ~~the mitigation~~ or <sup>minimizing</sup> ~~minimization~~ of adverse environmental impacts.

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

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

16 (3) If it is physically or economically impracticable or environmentally or  
17 socially undesirable for the reclamation process to return the area affected by mining  
18 to its original state, the applicant shall provide, in the reclamation plan, the reasons  
19 it would be impracticable or undesirable and a discussion of alternative conditions  
20 and uses to which the affected area can be put.

21 **295.51 Mining waste site location criteria; feasibility study, and plan**  
22 **of operation.** (1) DEFINITIONS. In this section:

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

1 (c) “Regional” means relating to the area that may affect or be affected by a  
2 proposed mining waste site, which ordinarily will not exceed the area within a radius  
3 of 5 miles of the mining waste site.

4 (e) “Water budget” means an assessment of water inputs, outputs, and net  
5 changes to a natural system or engineered facility over a fixed period.

6 (f) “Well nest” means 2 or more wells constructed to different depths and  
7 installed within 10 feet of each other at the ground surface.

8 **(1e) HAZARDOUS MINING WASTE.** (a) Prior to the informational hearing under s.  
9 295.57 (5) the department shall designate any mining wastes identified by the  
10 department as hazardous under s. 291.05 (1).

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

16 **(1m) LOCATION CRITERIA.** (a) Except as provided in par. (b), no person may locate  
17 or operate a mining waste site, excluding the portion of a mining site from which  
18 ferrous minerals are extracted and that is backfilled with mining waste, within 1,000  
19 feet of any of the following:

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

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

23 3. The boundary of a scenic easement purchased by the department or the  
24 department of transportation.

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

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

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

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

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

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

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

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

22           (bt) No person may locate or operate a mining waste site, excluding the portion  
23 of a mining site from which ferrous minerals are extracted and that is backfilled with  
24 mining waste, in an area within the property owned <sup>or leased</sup> by the mining operator and on <sup>Insert 99-24</sup> and on

1 which the mining site is located if the area is closer than 200 feet to the outer  
2 boundary of that property.

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

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

12 (1s) BACKFILLED WASTE SITE. For surface mining, the portion of a mining site  
13 from which ferrous minerals are extracted and that is backfilled with mining waste  
14 and any buildings, structures, roads, or drainage controls associated with that  
15 portion of the mining site may be considered a single mining waste site.

16 (2) GENERAL. An applicant for a mining permit shall submit as part of the  
17 application a mining waste site feasibility study and plan of operation that  
18 demonstrates the suitability of the proposed mining waste site for the disposal of  
19 mining wastes and that describes the operation of the mining waste site.

20 (3) WASTE CHARACTERIZATION AND ANALYSIS. For the purposes of this section, the  
21 applicant shall perform waste characterization and analysis, to identify the  
22 quantities, variability, and physical, radiological, and chemical properties of each  
23 mining waste as necessary to assess the potential environmental impact of handling,  
24 storage, and disposal. The applicant may include in the waste characterization and  
25 analysis a review of the literature and results from similar existing facilities,

1 materials, or studies. For the purpose of the waste characterization and analysis,  
2 the applicant shall conduct testing on representative samples of materials available,  
3 on individual mining wastes from the mining process, and if the applicant proposes  
4 mixed storage or disposal of individual mining wastes, on composite mining wastes.  
5 If physical or chemical segregation of a mining waste is proposed, the applicant shall  
6 test each individual waste resulting from the physical or chemical segregation. The  
7 applicant shall complete all of the following components of the waste  
8 characterization and analysis:

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

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

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

16 (d) Chemical and physical characteristics testing, including testing to  
17 determine the leaching potential of the mining wastes and the composition of the  
18 resulting leachate, using, at a minimum, the method in federal environmental  
19 protection agency publication EPA 600/2-78-054, except that this testing is not  
20 required if the applicant demonstrates, based on the analyses in pars. (b) and (c) or  
21 on past experience, that there is not a probability for significant environmental  
22 damage or a probability of an adverse impact on public health, safety, or welfare.

23 (4) SITE SPECIFIC INFORMATION. In addition to performing the mining waste  
24 characterization and analysis under sub. (3), for the purposes of the mining waste  
25 site feasibility study and plan of operation, an applicant shall conduct field and



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1 laboratory investigations to determine physical, chemical, and biological  
2 characteristics of the proposed mining waste site. The applicant shall do all of the  
3 following:

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

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

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

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

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

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

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

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

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

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

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

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

19           2.     Select biological parameters based on the environmental characterizations  
20           under sub. (5) (g), the degree of impact predicted, and the potentially affected  
21           organism’s sensitivity to contaminants.

22           3.     Establish a final parameter list for groundwater and surface water based on  
23           preliminary sampling and known information concerning the waters in the vicinity  
24           of the mine and the mining waste site, consideration of applicable water quality  
25           standards, and the geology and composition of the ferrous mineral deposit that will

1 be mined. At a minimum, in the program under this paragraph the applicant shall  
2 collect water quality data for all of the following parameters:

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

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

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

19 (b) A description of the mining waste characterization and analysis conducted  
20 under sub. (3), including a description of the test methods used in evaluating the  
21 characteristics of the mining waste and the procedures and records for documenting  
22 the chain of custody of the test samples.

23 (c) An existing site conditions plan sheet consisting of a topographic survey of  
24 the area, with elevations tied to United States geological survey mean sea level  
25 datum, illustrating the property boundaries, proposed boundaries of the mining

1 waste site, survey grid and north arrow, buildings, water supply wells, utility lines,  
2 other man-made features, soil boring locations, observation well locations, and other  
3 pertinent information.

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

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

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

13 (g) An environmental characterization that describes the structure and  
14 functional relationships of ecosystems potentially affected by the proposed mining  
15 waste site.

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

18 (i) A land use map, using the existing site conditions plan under par. (c) as a  
19 base, showing plant communities, wildlife habitat, places where rare and  
20 endangered species have been sighted, archaeological or historic sites, buildings,  
21 and areas of social importance.

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

24 (k) Local climatological data for seasonal precipitation, evaporation, air  
25 temperature, and wind velocity and direction. The applicant may use an annual

1 record on the proposed mining waste site or adequate data to correlate the proposed  
2 mining waste site conditions to an existing observation station as the basis for this  
3 data.

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

6 1. Topography.

7 2. Hydrology, including surface water drainage patterns and important  
8 hydrologic features such as navigable waters, springs, drainage divides, and  
9 wetlands.

10 3. Geology, including the nature and distribution of bedrock and  
11 unconsolidated deposits.

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

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

17 6. Climatology.

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

19 8. Zoning.

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

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

23 11. Identification of aquatic and terrestrial ecosystems such as stream orders  
24 and classifications.

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

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

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

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

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

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

19 4. Proposed methods for leachate control.

20 5. Proposed methods of mining waste site development, phasing, access control,  
21 and other special design features.

22 6. Expected material balances showing the quantities of each type of mining  
23 waste identified in par. (a) showing the amounts generated, disposed of on site, and  
24 taken off site, including all of the following:

25 a. The projected conditions existing at the end of a typical year of production.

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1           b. The projected conditions existing at the end of operations.

2           c. The projected conditions existing at the end of reclamation.

3           7. A discussion of the reasoning behind the design of the major features of the  
4 mining waste site, such as traffic routing, base grade and relationships to subsurface  
5 conditions, anticipated waste types and characteristics, phases of development,  
6 mining waste site monitoring, and similar design features.

7           8. A proposed monitoring program, based on potential variations in the quality  
8 and quantity of mining waste and methods of processing, transport and disposal, and  
9 on the variability of important environmental conditions, designed to monitor the  
10 proposed mining waste site for compliance with all environmental standards that  
11 are applicable under this subchapter.

12           9. The results of engineering and hydrologic modeling to assess mining waste  
13 site performance relative to compliance with applicable groundwater quality  
14 standards to a depth of not more than 1,000 feet into the Precambrian bedrock or to  
15 the final depth of the mining excavation, whichever is greater, and to compliance  
16 with applicable surface water quality standards, examining a period equal to the  
17 proposed period in which the mining waste site is proposed to operate plus 100 years  
18 after closure of the mining waste site. The applicant may also include information  
19 from other mining operations and operations for the extraction of nonferrous  
20 metallic minerals to substantiate that the proposed mining waste site design,  
21 including associated contingency plans and monitoring and response plans, will  
22 allow for the operation and closure of the mining waste site in a manner that will not  
23 substantially adversely affect groundwater and surface water quality in accordance  
24 with applicable standards.

1           10. If the applicant proposes to expand an existing mining waste site, an  
2 evaluation of the existing mining waste site design and operation.

3           (p) Preliminary water budgets for the periods before construction, during  
4 construction, and after closure of the mining waste site, each addressing  
5 climatological situations depicting dry, wet, and average precipitation and  
6 evaporation conditions, based on climatological records. In preparing the water  
7 budget, the applicant shall consider precipitation, slurry water input and return,  
8 evaporation, surface runoff, evapotranspiration, the moisture holding capacity of  
9 soil and mining waste, and the velocities and volumes of groundwater flow. In the  
10 water budget, the applicant shall describe the estimated amount and quality of  
11 seepage and discharge to surface water and groundwater.

12           (q) An analysis of the impact of the mining waste site on aesthetics and how  
13 any impact can be minimized or ~~mitigated~~ <sup>offset</sup> to the extent practicable.

14           (r) Data regarding the safety factors of tailings basin embankments,  
15 considering the following, on a case-by-case basis:

16           1. Geology of the mining waste site including type and homogeneity of the  
17 foundation.

18           2. Materials and methods to be used for embankment construction.

19           3. Physical and chemical characteristics of the mining waste as deposited and  
20 predicted changes through time.

21           4. The potential area to be affected in case of failure, considering land use and  
22 the surrounding environment.

23           5. Requirements of the mine safety and health administration of the federal  
24 department of labor.



1 (s) An economic analysis, including an engineer's cost estimate, for mining  
2 waste site closure and long-term care.

3 (t) Identification and analysis of alternatives to the design and location of any  
4 new proposed mining waste site and discussion of operation alternatives to the  
5 extent they have a significant impact on design and location alternatives.

6 (u) An appendix that includes all of the following:

7 1. Boring logs, soil tests, well construction data, and water level  
8 measurements.

9 2. A description of the methods and equations used in the analysis of the raw  
10 data.

11 3. References.

12 **(6) CONTENTS RELATING TO OPERATION.** An applicant for a mining permit shall  
13 submit as part of the mining waste site feasibility study and plan of operation  
14 provisions relating to operation of the mining waste site including all of the following:

15 (a) Engineering plans consisting of all of the following:

16 1. An existing site conditions plan sheet indicating site conditions before  
17 development to the extent not provided under sub. (5).

18 2. A base grade plan sheet indicating mining waste site base grades or the  
19 appearance of the mining waste site if it were excavated in its entirety to the base  
20 elevation, before installation of any engineering modifications and before disposal  
21 of any mining wastes.

22 3. An engineering modifications plan sheet indicating the appearance of the  
23 mining waste site after installation of engineering modifications.

1           4. A final site topography plan sheet indicating the appearance of the site at  
2 closing including the details necessary to prepare the mining waste site for  
3 reclamation and long-term care.

4           5. A series of phasing plan sheets showing initial mining waste site  
5 preparations for each subsequent major phase or new area where substantial mining  
6 waste site preparation must be performed, along with a list of construction items and  
7 quantities projected to be necessary to prepare the phase indicated.

8           6. A site monitoring plan sheet showing the location of all devices for the  
9 monitoring of leachate quality, leachate production, and groundwater quality and  
10 levels in both the natural zone of saturation and that developed within the mining  
11 waste site, along with a table indicating the parameters to be monitored for and the  
12 frequency of monitoring before and during mining waste site development.

13           7. A long-term care plan sheet showing the completion of closure and  
14 indicating those items anticipated to be performed during the period of long-term  
15 care for the mining waste site, along with a discussion of the procedures to be used  
16 for the inspection and maintenance of runoff control structures, settlement, erosion  
17 damage, leachate control facilities, and leachate and groundwater monitoring and  
18 a table listing those items and the anticipated schedule for monitoring and  
19 maintenance.

20           8. If applicable, the following information on the plan sheets under subs. 1.  
21 to 7.:

- 22           a. A survey grid with baselines and monuments to be used for field control.  
23           b. Limits of filling for each major mining waste type or fill area.  
24           c. All drainage patterns and surface water drainage control structures both  
25 within the actual fill area and at the perimeter of the mining waste site, including

1 any berms, ditches, sedimentation basins, pumps, sumps, culverts, pipes, inlets,  
2 velocity breaks, sodding, erosion matting, vegetation, or other methods of erosion  
3 control.

4 d. The method of placing mining waste within each phase.

5 e. Ground surface contours at the time represented by the drawing, indicating  
6 spot elevations for key features.

7 f. Areas to be cleared, grubbed, and stripped of topsoil.

8 g. Borrow areas for liner materials, granular materials for filter beds, berms,  
9 roadway construction, and cover materials.

10 h. All soil stockpiles, including soils to be used for cover, topsoil, liner materials,  
11 filter bed materials, and other excavation.

12 i. Access roads and traffic flow patterns to and within the active fill area.

13 j. All temporary and permanent fencing.

14 k. The methods of screening such as berms, vegetation, or special fencing.

15 L. Leachate collection, control, and treatment systems, including any pipes,  
16 manholes, trenches, berms, collection sumps or basins, pumps, risers, liners, and  
17 liner splices.

18 m. Leachate and groundwater monitoring devices and systems.

19 n. Disposal areas for severe weather operations.

20 o. Support buildings, utilities, gates, and signs.

21 p. Handling areas for the segregation of various types of mining waste.

22 q. Construction notes and references to details.

23 r. On the appropriate plan sheet, the location of each cross-section under subd.

24 9., with the section labeled using the mining waste site grid system.

1           9. A series of mining waste site cross-sections, drawn perpendicular and  
2 parallel to the mining waste site baseline at a maximum distance of 500 feet between  
3 cross-sections and at points of important construction features, each cross-section  
4 showing, where applicable: existing and proposed base and final grades; soil borings  
5 and monitoring wells that the section passes through or is adjacent to; soil types,  
6 bedrock, and water table; leachate control, collection, and monitoring systems;  
7 quantity of mining waste and area filled by each major mining waste type; drainage  
8 control structures; access roads and ramps on the mining waste site perimeter and  
9 within the active fill area; the filling sequence or phases; and other appropriate site  
10 features.

11           10. Drawings and typical sections for, as appropriate, drainage control  
12 structures, tailings distribution systems, access roads, fencing, leachate control  
13 systems and monitoring devices, buildings, signs, and other construction details.

14           (b) A plan for initial site preparations, including a discussion of the field  
15 measurements, photographs to be taken, and sampling and testing procedures to be  
16 used to verify that the in-field conditions encountered were the same as those  
17 defined in the mining waste site feasibility study and plan of operation and to  
18 document that the mining waste site was constructed according to the engineering  
19 plans and specifications submitted for department approval.

20           (c) A description of typical daily operations, including a discussion of the  
21 timetable for development; methods for determining mining waste types disposed of  
22 or excluded; typical mining waste handling techniques; hours of operation; traffic  
23 routing; drainage and erosion control; windy, wet, and cold weather operations; fire  
24 protection equipment; methods for dust control; method of placing mining waste

1 materials; monitoring; closure of filled areas; leachate control methods; and critical  
2 backup equipment.

3 (d) An analysis of the financial responsibility for closure and long-term care  
4 from the time of closing of the mining waste site to termination of the obligation to  
5 maintain proof of financial responsibility for long-term care.

6 (e) A description of procedures for backfilling all soil borings and monitoring  
7 wells when they are abandoned.

8 (f) A contingency plan to prevent or minimize damage to human health or the  
9 environment in the event of an accidental or emergency discharge or other condition  
10 that does not comply with conditions of the mining permit or other applicable  
11 standards. The applicant shall ensure that the plan does all of the following:

12 1. Follows the spill prevention, control, and countermeasures plan in  
13 regulations promulgated under 33 USC 1321.

14 2. Indicates, for the monitoring programs required under sub. (5) (o) 8., the  
15 levels of substances that if exceeded require the operator to activate the contingency  
16 plan.

17 3. Includes a provision for more concentrated and frequent monitoring in the  
18 area of any excessive measurement.

19 4. Describes possible accidental or emergency discharges or other unplanned  
20 events and identifies the corresponding corrective action or alternative action to be  
21 implemented should the criteria for action be exceeded.

22 5. Specifies the action to be taken if an analysis of groundwater samples  
23 requires a response.

24 (g) A list of the groundwater and surface water quality parameters for which  
25 the applicant will monitor under s. 295.643 and a description of the methods for

1 groundwater and surface water sample collection, preservation, and analysis that  
2 will be used.

3 (7) REQUIRED DEMONSTRATIONS. Through the mining waste site feasibility study  
4 and plan of operation, the applicant shall demonstrate that all of the following apply  
5 or will apply with respect to the operation of the mining waste site, excluding the area  
6 from which ferrous minerals will be extracted and that is backfilled with mining  
7 waste:

8 (a) No mining waste will be deposited in such a way that the mining waste or  
9 leachate from the mining waste will result in a violation of any applicable surface  
10 water quality criteria or standards, applicable wetland water quality standards, or  
11 applicable groundwater quality standards.

12 (b) Surface water drainage will be diverted away from and off the active fill  
13 area.

14 (c) Access to the mining waste site will be restricted through the use of fencing,  
15 natural barriers, or other methods approved by the department.

16 (d) The entire perimeter of the mining waste site will be made accessible for  
17 inspection and for earth moving equipment required for emergency maintenance.

18 (e) Any area to be used for the disposal of mining waste and any borrow areas  
19 will first be stripped of all topsoil to ensure that adequate amounts are available for  
20 reclamation and closure activities.

21 (f) Effective means will be taken to control dust resulting from the mining  
22 waste site.

23 (g) Provisions will be made for back-up equipment in the event of the  
24 breakdown of critical operating equipment.

1 (h) The design and operation specifications for mining waste site facilities  
2 include contingency measures, which may include emergency power supplies,  
3 redundant equipment, or temporary holding facilities, to deal with emergency  
4 conditions.

5 (hm) Any mining waste site designed with a liner or situated in soils with  
6 sufficiently low permeability to either partially or completely contain leachate is  
7 designed with a leachate management system that can effectively remove leachate,  
8 prevent surface seepage, and promote adequate settlement to permit final  
9 reclamation.

10 (i) All surface water drainage ditches, culverts, and other drainage control  
11 structures are designed for a rainfall event measured in terms of the depth of the  
12 rainfall occurring within a 24-hour period and having an expected recurrence  
13 interval of once in 100 years.

14 (j) The final slopes of the completed mining waste site will be no less than 20  
15 percent and no greater than 50 percent, unless the mining waste site is specifically  
16 designed for a final use compatible with other slopes.

17 (k) The final cover design for the mining waste site is based on the results of  
18 the mining waste characterization and engineering needs identified in studying the  
19 mining waste site feasibility.

20 (L) Provisions are made for collection and treatment of leachate for all areas  
21 designed to contain leachate.

22 (m) The mining waste site is located and designed, and will be constructed and  
23 operated, so that any liner system or naturally occurring soil barrier is compatible  
24 with all mining waste that is disposed of or stored in the mining waste site.

1           (n) For any dam, sufficient freeboard, measured from the inside of the top of  
2 the dam, to contain a rainfall event measured in terms of the depth of the rainfall  
3 occurring within a 24-hour period and having an expected recurrence interval of  
4 once in 100 years and to prevent overtopping by waves during such a rainfall event  
5 or a minimum of 2 feet of freeboard, whichever is greater, will be provided.

6           (o) Drainage or filter bed material has been selected and designed to promote  
7 drainage, reduce the potential for piping, and be stable under leaching conditions.

8           (p) Material used in earth embankments or drainage or filter beds will be free  
9 of vegetation, organic soils, frozen soils, and other extraneous matter that could  
10 affect the compactibility, density, permeability, or shear strength of the finished  
11 embankment.

12           (q) Embankment materials and drainage or filter bed materials will be  
13 compacted to 90 percent of the maximum dry density as determined by the standard  
14 proctor compaction test, ASTM D698, or to a greater density as necessitated by the  
15 embankment height, and the materials will be compacted in appropriate layers as  
16 determined through the slope stability analysis, except that compaction and  
17 crushing of waste rock for use outside an earth core is not required.

18           (r) Emergency spill containment areas will be provided near the tailings  
19 pipeline in case of power or pipeline failure.

20           (s) Tailings pipelines will be self-draining to the tailings area or to an  
21 emergency spill containment area.

22           (t) The mining waste site is located in the same watershed as the surface  
23 facilities for the mining unless it is not practicable to locate the mining waste site in  
24 the same watershed as the surface facilities for the mining, as determined on a site  
25 specific basis.



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1           (u) The disposal of the mining waste will minimize the discharge of  
2 environmental pollutants to groundwater to the extent practicable.

3           (w) Tailings pipelines are as short as practicable.

4           (x) Upstream rainfall catchment areas are minimized.

5           (y) The outside of the top of any dam is higher than the inside of the top of the  
6 dam so that runoff from the top is forced to the inside of the dam.

7           (z) The mining waste site design includes staged reclamation, if practicable.

8           **(8) LIMITATION ON REGULATION OF CERTAIN MINING WASTE.** The department may  
9 not regulate the use of mining waste in reclamation or in the construction of any  
10 facility or structure on a mining site except through the department's review of the  
11 mining plan and reclamation plan and the approval of the application for the mining  
12 permit.

13           **(9) APPLICABILITY OF OTHER LAWS.** Subchapters I to V and VIII of ch. 289 and  
14 rules promulgated under those subchapters do not apply to a mining waste site, to  
15 the disposal of mining waste in a mining waste site, or to mining wastes used in the  
16 reclamation or construction of facilities and structures on the mining site.

17           **295.53 Environmental impact statement. (1) CONSULTANTS.** The  
18 department may enter into contracts for environmental consultant services under  
19 s. 23.41 to assist in the preparation of an environmental impact statement or to  
20 provide assistance to applicants.

21           **(2) NOTICE.** After the department receives an application for a mining permit,  
22 it shall notify the public and affected agencies that an environmental impact  
23 statement will be prepared for the proposed mine and that the process of identifying  
24 major issues under s. NR 150.21 (3), Wis. Adm. Code, is beginning.