

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3 wishes to continue drilling on the parcel after the notice is no longer in effect, the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

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

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

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

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

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

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

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

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

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

23 **(12) EXEMPTION.** This section does not apply to an operator with a mining
24 permit who is engaged in exploration activities on lands included in a mining plan

1 and reclamation plan, if the mining plan or reclamation plan contains provisions
2 relating to termination of the exploration activities.

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

6 **295.443 Local impact committee; local agreement.** (1) A county, town,
7 village, city, or tribal government likely to be substantially affected by potential or
8 proposed mining may designate an existing committee, or establish a committee, for
9 purposes of:

- 10 (a) Facilitating communications between operators and itself.
11 (b) Analyzing implications of mining.
12 (c) Reviewing and commenting on reclamation plans.
13 (d) Developing solutions to mining–induced growth problems.
14 (e) Recommending priorities for local action.
15 (f) Formulating recommendations to the investment and local impact fund
16 board regarding distribution of funds under s. 70.395 (2) (g) related to mining for
17 ferrous minerals.
18 (g) Negotiating a local agreement under sub. (1m).

19 (1m) A county, town, village, city, or tribal government that requires an
20 operator to obtain an approval or permit under a zoning or land use ordinance and
21 a county, town, village, or city in which any portion of a proposed mining site is
22 located may, individually or in conjunction with other counties, towns, villages,
23 cities, or tribal governments, enter into one or more agreements with an operator for
24 the development of a mining operation. The local agreement may include any of the
25 following:

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

3 (b) The duration of the agreement.

4 (c) The uses permitted on the land.

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

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

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

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

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

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

22 **(3)** Persons applying for an exploration license under s. 295.44 shall thereafter
23 appoint a liaison person to any committee established under sub. (1) or (2), and shall
24 provide such reasonable information as is requested by the committee. Operators
25 and persons applying for an exploration license under s. 295.44 shall thereafter

1 make reasonable efforts to design and operate mining operations in harmony with
2 community development objectives.

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

16 **295.45 Bulk sampling plan.** (1) A person who intends to engage in bulk
17 sampling may file a bulk sampling plan with the department. The collection of data
18 under a bulk sampling plan may include sampling and analysis related to
19 geophysical, geochemical, groundwater, and surface water conditions, as well as any
20 other data or studies necessary to prepare an application for a mining permit,
21 including the mining plan, reclamation plan, mining waste site feasibility study and
22 plan of operation, or any other approval required for the proposed mining.

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

24 (a) A description and map of the bulk sampling site, including the number of
25 acres in the site, the number of acres of land that will be disturbed, if any, associated

1 with each bulk sampling location, and the locations and types of sampling or studies
2 to be conducted at each bulk sampling location.

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

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

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

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

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

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

23 **(2m)** The department shall protect as confidential any information, other than
24 effluent data, contained in a bulk sampling plan and in any application for an
25 approval that is required before the bulk sampling may be implemented, upon a

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

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

14 (3e) If a storm water discharge permit under s. 283.33 (1) (a) or a water quality
15 certification under rules promulgated under subch. II of ch. 281 to implement 33
16 USC 1341 (a) is required before bulk sampling may be implemented, the person filing
17 the bulk sampling plan may apply for and be issued the permit or certification.

18 (3m) The department shall act on any required construction site erosion
19 control and storm water management approval, notwithstanding any authorization
20 by the department of a local program to administer construction site erosion control
21 and storm water management requirements.

22 (3s) An applicant shall submit all of the following at the same time:

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

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

1 (c) Applications for waivers, exemptions, or exceptions identified under sub.
2 (3).

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

4 (4) (a) Notwithstanding any provision in ch. 23, 29, 30, 31, 169, 281, 283, 285,
5 289, or 291 or in a rule promulgated under those chapters that is applicable to an
6 approval identified under sub. (3), the application for any approval, for a waiver,
7 exemption, or exception to an approval, or for a determination that the proposed bulk
8 sampling activity is below the threshold that requires an approval, is considered to
9 be complete on the 30th day after the department receives the application, unless,
10 before that day, the department provides the applicant with written notification that
11 the application is not complete, stating the reason for the determination and
12 describing the specific information necessary to make the application complete.

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

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

21 (5) (a) A person who intends to engage in bulk sampling shall submit with the
22 bulk sampling plan a bond in the amount of \$5,000 that is conditioned on faithful
23 performance of the requirements of this section, that is issued by a surety company
24 licensed to do business in this state, and that provides that the bond may not be

1 canceled by the surety, except after not less than 90 days' notice to the department
2 in writing by registered or certified mail.

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

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

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

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

21 (7) Notwithstanding any provision in ch. 23, 29, 30, 31, 169, 281, 283, 285, 289,
22 or 291 or a rule promulgated under those chapters applicable to an approval
23 identified under sub. (3), the department shall require the bulk sampling activity for
24 which the approval is issued to be conducted at locations that result in the fewest
25 overall adverse environmental impacts, to the extent practicable

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

6 (b) The department may modify the application for an approval identified
7 under sub. (3) in order to meet the requirements applicable to the approval, and, as
8 modified, approve the application.

9 **(9)** Notwithstanding any inconsistent period in ch. 23, 29, 30, 31, 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 or
18 authorization to proceed under a general permit or a registration permit.

19 **(10)** (a) Notwithstanding any inconsistent period in ch. 23, 29, 30, 31, 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

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

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

14 (c) In the notice under par. (b), the department shall also specify the date, time,
15 and location of the public informational hearing under par. (e). The department shall
16 send the notice to any person to whom the department is required to give notice of
17 any proposed determination, application, or hearing concerning an approval
18 described in par. (a) under the laws relating to the issuance of the approval and to
19 any person who has requested notice. The department's notice to interested persons
20 under this paragraph may be given through an electronic notification system
21 established by the department.

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

1 opportunity for public comment or the ability to request a public hearing prior to
2 issuance of the approval with notice and the public comment period for the approvals
3 described in par. (a).

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

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

22 (b) The department shall approve or deny the application for an approval that
23 is an individual permit for which federal law requires the opportunity for public
24 comment or the ability to request a public hearing prior to issuance of the approval

1 within 180 days after the date on which the application is considered to be complete
2 under sub. (4).

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

5 (11) The department is not required to prepare an environmental impact
6 statement or an environmental assessment for an approval required for bulk
7 sampling.

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

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

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

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

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

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

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

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

3 6. The elevation of the water table.

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

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

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

11 **(2)** (a) If the department provides notice to an applicant under s. 295.45 (3) that
12 no approvals are required for bulk sampling or if a person who proposes to engage
13 in a mining project files a preapplication description of the proposed mining project
14 at the time that the person provides the notice of intent to file an application for a
15 mining permit under s. 295.465 because the person did not file a bulk sampling plan,
16 the department shall publish a class 1 notice, under ch. 985, and shall publish notice
17 on the department's Internet site, of a public informational hearing on the proposed
18 mining project. The date on which the department first publishes the notice on its
19 Internet site shall be considered the date of the publication of the notice required to
20 be published under this paragraph. The department shall publish the notice when
21 it notifies the applicant that no approvals are required or after it receives the notice
22 of intent.

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

24 1. Describe the availability of the preapplication description.

1 2. Describe the opportunity to submit written comments within 30 days after
2 the date of the publication of the notice.

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

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

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

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

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

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

13 5. Any interested person who has requested notification. The department's
14 notice under this subdivision may be given through an electronic notification system
15 established by the department.

16 (d) The department shall hold a public informational hearing within 30 days
17 after the date of the publication of the notice under par. (a). The department shall
18 hold the public informational hearing in the county in which the majority of the
19 proposed mining site is located.

20 **295.465 Preapplication notification.** (1) Except as provided in sub. (3), at
21 least 12 months before filing an application for a mining permit under s. 295.47, a
22 person proposing to engage in a mining project shall notify the department and the
23 U.S. Army Corps of Engineers in writing of the intention to file an application for a
24 mining permit. After receiving the notification, the department shall hold at least
25 one meeting with the person to make a preliminary assessment of the project's scope,

1 to make an analysis of alternatives, to identify potential interested persons, and to
2 ensure that the person making the proposal is aware of all of the following:

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

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

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

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

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

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

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

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

5 (4) After providing notice to the U.S. Army Corps of Engineers under sub. (1),
6 a person shall make a good faith effort to meet with the U.S. Army Corps of Engineers
7 to discuss the mining project, the environmental impact report, and information
8 related to federal requirements that may be applicable to the mining project.

9 **295.47 Application for mining permit.** (1) (a) No person may engage in
10 mining or reclamation at any mining site unless the mining site is covered by a
11 mining permit and by written authorization to mine under s. 295.59 (3). An
12 applicant shall submit an application for a mining permit to the department in
13 writing and in reproducible form and shall provide the number of copies that are
14 requested by the department. An application and a mining permit are required for
15 each separate mining site. The applicant shall distribute copies of the application
16 to the clerk of any city, village, town, or county with zoning jurisdiction over the
17 proposed site, to the clerk of any city, village, town, or county within whose
18 boundaries any portion of the proposed mining site is located, to the elected
19 governing body of any federally recognized American Indian tribe or band with a
20 reservation the boundaries of which are within 20 miles of the proposed site, and to
21 the main public library of each city, village, town, or county with zoning jurisdiction
22 over the proposed site or within whose boundaries any portion of the proposed site
23 is located.

24 (b) If a person proposes to conduct mining at a mining site that includes an
25 abandoned mining site, the person shall include plans for reclamation of the

1 abandoned mining site, or the portion of the abandoned mining site that is included
2 in the mining site, in its mining plan and reclamation plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 **295.48 Mining plan. (1) GENERAL.** An applicant for a mining permit shall
15 submit as part of the application a mining plan that includes a description of the
16 proposed mining site and either a detailed map drawn to a scale approved by the
17 department or aerial photographs, if the photographs show the details to the
18 satisfaction of the department, prepared and certified by a competent engineer,
19 surveyor, or other person approved by the department that show all of the following:

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

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

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

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

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

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

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

7 (b) The elevation of the water table.

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

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

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

15 (a) The sequence of mining operations.

16 (b) The handling of overburden materials.

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

18 (d) The milling, concentrating, refining, and other processing of ferrous
19 minerals.

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

21 (f) Groundwater and surface water management techniques, including
22 provisions for erosion protection and drainage control, and a water management
23 plan showing water sources, flow paths and rates, storage volumes, and release
24 points.

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

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

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

5 (hr) An assessment of the risk of the occurrence of an accidental health or
6 environmental hazard in connection with the operation of the mine. The assessment
7 shall include, with specificity, a description of the assumptions that the applicant
8 used in making the risk assessment and the contingency measures that the applicant
9 proposes to take in the event that an accidental health or environmental hazard
10 occurs.

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

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

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

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

20 (4) REQUIRED DEMONSTRATIONS. The applicant shall demonstrate in the mining
21 plan that the proposed mining will be consistent with the reclamation plan under s.
22 295.49 and that all of the following will apply, at a minimum:

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

1 (b) Buildings and other structures will be painted and maintained in a manner
2 that is visually compatible with the surrounding vegetational and earth conditions,
3 except that if a building or other structure cannot be painted and maintained in a
4 manner that is visually compatible or if painting and maintaining a building or other
5 structure in a manner that is visually compatible would cause safety concerns, the
6 building or structure will be made as visually inconspicuous as is practicable.

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

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

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

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

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

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

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

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

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

3 (i) The following apply:

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

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

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

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

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

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

18 **295.49 Reclamation plan.** (1) An applicant for a mining permit shall submit
19 as part of the application a reclamation plan, designed to minimize adverse effects
20 to the environment to the extent practicable, that includes all of the following:

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

24 (am) Prereclamation and postreclamation drawings.

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

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

4 (d) A description of proposed interim and final topography and slope
5 stabilization.

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

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

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

12 2. The names of persons legally and operationally responsible for long-term
13 care.

14 (g) Projected costs of reclamation, including the estimated cost of fulfilling the
15 reclamation plan.

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

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

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

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

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

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

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

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

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

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

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

22 (k) All recoverable topsoil from surface areas disturbed by the mining will be
23 removed and stored in an environmentally acceptable manner for use in reclamation
24 or in offsetting or minimizing adverse environmental impacts.

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

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

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

14 **295.51 Mining waste site location criteria; feasibility study, and plan**
15 **of operation. (1) DEFINITIONS.** In this section:

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

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

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

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

1 **(1e) HAZARDOUS MINING WASTE.** (a) Prior to the informational hearing under s.
2 295.57 (5) the department shall designate any mining wastes identified by the
3 department as hazardous under s. 291.05 (1).

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

9 **(1m) LOCATION CRITERIA.** (a) Except as provided in par. (b), no person may locate
10 or operate a mining waste site, excluding the portion of a mining site from which
11 ferrous minerals are extracted and that is backfilled with mining waste, within 1,000
12 feet of any of the following:

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

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

16 3. The boundary of a scenic easement purchased by the department or the
17 department of transportation.

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

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

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

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

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

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

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

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

15 (bt) No person may locate or operate a mining waste site, excluding the portion
16 of a mining site from which ferrous minerals are extracted and that is backfilled with
17 mining waste, in an area within the property owned or leased by the mining operator,
18 or on which the mining operator holds an easement, and on which the mining site
19 is located if the area is closer than 200 feet to the outer boundary of that property.

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

24 (d) No person may locate or operate a mining waste site, excluding the portion
25 of a mining site from which ferrous minerals are extracted and that is backfilled with

1 mining waste, within an area that contains mineral resources that are known at the
2 time the application for the mining permit is issued, are likely to be mined in the
3 future, and lie within 1,000 feet of the surface.

4 (1s) BACKFILLED WASTE SITE. For surface mining, the portion of a mining site
5 from which ferrous minerals are extracted and that is backfilled with mining waste
6 and any buildings, structures, roads, or drainage controls associated with that
7 portion of the mining site may be considered a single mining waste site.

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

12 (3) WASTE CHARACTERIZATION AND ANALYSIS. For the purposes of this section, the
13 applicant shall perform waste characterization and analysis, to identify the
14 quantities, variability, and physical, radiological, and chemical properties of each
15 mining waste as necessary to assess the potential environmental impact of handling,
16 storage, and disposal. The applicant may include in the waste characterization and
17 analysis a review of the literature and results from similar existing facilities,
18 materials, or studies. For the purpose of the waste characterization and analysis,
19 the applicant shall conduct testing on representative samples of materials available,
20 on individual mining wastes from the mining process, and if the applicant proposes
21 mixed storage or disposal of individual mining wastes, on composite mining wastes.
22 If physical or chemical segregation of a mining waste is proposed, the applicant shall
23 test each individual waste resulting from the physical or chemical segregation. The
24 applicant shall complete all of the following components of the waste
25 characterization and analysis:

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

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

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

8 (d) Chemical and physical characteristics testing, including testing to
9 determine the leaching potential of the mining wastes and the composition of the
10 resulting leachate, using, at a minimum, the method in federal environmental
11 protection agency publication EPA 600/2-78-054, except that this testing is not
12 required if the applicant demonstrates, based on the analyses in pars. (b) and (c) or
13 on past experience, that there is not a probability for significant ^{adverse} environmental
14 ~~damage~~ ^{impact} for a probability of an adverse impact on public health, safety, or welfare.

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

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

23 (b) Perform at least one soil boring, to bedrock or refusal, every 80 acres,
24 characterizing the major geomorphic features such as ridges and lowlands and

1 characterizing each major soil layer according to the unified soil classification
2 system.

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

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

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

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

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

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

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

23 (g) Determine horizontal and vertical groundwater flow patterns in and around
24 the proposed mining waste site based on data obtained from groundwater

1 monitoring wells and piezometers constructed in conformity with ch. NR 141, Wis.
2 Adm. Code.

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

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

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

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

20 a. Specific conductance.

21 b. Temperature.

22 c. Hydrogen ion concentration (pH).

23 d. Dissolved oxygen.

24 e. The major anions sulfate, chloride, and bicarbonate.

25 f. The major cations calcium, magnesium, potassium, and sodium.

1 g. Other total and dissolved metals, including aluminum, iron, and manganese,
2 that may be introduced by the mining activities.

3 h. General chemistry, including total alkalinity, total organic carbon, gross
4 alpha, gross beta, ammonia, nitrate, total dissolved solids, total hardness, and total
5 suspended solids.

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

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

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

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

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

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

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

7 (g) An environmental characterization that describes the structure and
8 functional relationships of ecosystems potentially affected by the proposed mining
9 waste site.

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

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

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

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

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

25 1. Topography.

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

4 3. Geology, including the nature and distribution of bedrock and
5 unconsolidated deposits.

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

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

11 6. Climatology.

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

13 8. Zoning.

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

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

17 11. Identification of aquatic and terrestrial ecosystems such as stream orders
18 and classifications.

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

22 (n) An analysis of the results of the mining waste characterizations under sub.
23 (3), the site specific information under sub. (4) and this subsection, and the regional
24 information under par. (L) in relation to the approach for locating the mining waste

1 site and developing appropriate design, construction, operation, monitoring, and
2 long-term care requirements for each type of mining waste.

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

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

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

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

13 4. Proposed methods for leachate control.

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

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

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

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

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

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

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

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

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

21 (p) Preliminary water budgets for the periods before construction, during
22 construction, and after closure of the mining waste site, each addressing
23 climatological situations depicting dry, wet, and average precipitation and
24 evaporation conditions, based on climatological records. In preparing the water
25 budget, the applicant shall consider precipitation, slurry water input and return,

1 evaporation, surface runoff, evapotranspiration, the moisture holding capacity of
2 soil and mining waste, and the velocities and volumes of groundwater flow. In the
3 water budget, the applicant shall describe the estimated amount and quality of
4 seepage and discharge to surface water and groundwater.

5 (q) An analysis of the impact of the mining waste site on aesthetics and how
6 any impact can be minimized or offset to the extent practicable.

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

9 1. Geology of the mining waste site including type and homogeneity of the
10 foundation.

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

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

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

16 5. Requirements of the mine safety and health administration of the federal
17 department of labor.

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

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

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

24 1. Boring logs, soil tests, well construction data, and water level
25 measurements.

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

3 3. References.

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

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

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

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

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

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

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

23 6. A site monitoring plan sheet showing the location of all devices for the
24 monitoring of leachate quality, leachate production, and groundwater quality and
25 levels in both the natural zone of saturation and that developed within the mining

1 waste site, along with a table indicating the parameters to be monitored for and the
2 frequency of monitoring before and during mining waste site development.

3 7. A long-term care plan sheet showing the completion of closure and
4 indicating those items anticipated to be performed during the period of long-term
5 care for the mining waste site, along with a discussion of the procedures to be used
6 for the inspection and maintenance of runoff control structures, settlement, erosion
7 damage, leachate control facilities, and leachate and groundwater monitoring and
8 a table listing those items and the anticipated schedule for monitoring and
9 maintenance.

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

12 a. A survey grid with baselines and monuments to be used for field control.

13 b. Limits of filling for each major mining waste type or fill area.

14 c. All drainage patterns and surface water drainage control structures both
15 within the actual fill area and at the perimeter of the mining waste site, including
16 any berms, ditches, sedimentation basins, pumps, sumps, culverts, pipes, inlets,
17 velocity breaks, sodding, erosion matting, vegetation, or other methods of erosion
18 control.

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

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

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

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

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

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

4 j. All temporary and permanent fencing.

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

6 L. Leachate collection, control, and treatment systems, including any pipes,
7 manholes, trenches, berms, collection sumps or basins, pumps, risers, liners, and
8 liner splices.

9 m. Leachate and groundwater monitoring devices and systems.

10 n. Disposal areas for severe weather operations.

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

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

13 q. Construction notes and references to details.

14 r. On the appropriate plan sheet, the location of each cross-section under subd.
15 9., with the section labeled using the mining waste site grid system.

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

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

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

10 (c) A description of typical daily operations, including a discussion of the
11 timetable for development; methods for determining mining waste types disposed of
12 or excluded; typical mining waste handling techniques; hours of operation; traffic
13 routing; drainage and erosion control; windy, wet, and cold weather operations; fire
14 protection equipment; methods for dust control; method of placing mining waste
15 materials; monitoring; closure of filled areas; leachate control methods; and critical
16 backup equipment.

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

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

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

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

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

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

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

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

13 (g) A list of the groundwater and surface water quality parameters for which
14 the applicant will monitor under s. 295.643 and a description of the methods for
15 groundwater and surface water sample collection, preservation, and analysis that
16 will be used.

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

22 (a) No mining waste will be deposited in such a way that the mining waste or
23 leachate from the mining waste will result in a violation of any applicable surface
24 water quality criteria or standards, applicable wetland water quality standards, or
25 applicable groundwater quality standards.

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

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

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

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

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

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

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

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

23 (i) All surface water drainage ditches, culverts, and other drainage control
24 structures are designed for a rainfall event measured in terms of the depth of the

1 rainfall occurring within a 24-hour period and having an expected recurrence
2 interval of once in 100 years.

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

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

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

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

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

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

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

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

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

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

11 (t) The mining waste site is located in the same watershed as the surface
12 facilities for the mining unless it is not practicable to locate the mining waste site in
13 the same watershed as the surface facilities for the mining, as determined on a site
14 specific basis.

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

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

18 (x) Upstream rainfall catchment areas are minimized.

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

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

22 (8) LIMITATION ON REGULATION OF CERTAIN MINING WASTE. The department may
23 not regulate the use of mining waste in reclamation or in the construction of any
24 facility or structure on a mining site except through the department's review of the

1 mining plan and reclamation plan and the approval of the application for the mining
2 permit.

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

7 **295.53 Environmental impact statement.** (1) CONSULTANTS. The
8 department may enter into contracts for environmental consultant services under
9 s. 23.41 to assist in the preparation of an environmental impact statement or to
10 provide assistance to applicants.

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

15 (3) ENVIRONMENTAL IMPACT REPORT. (a) An applicant shall prepare an
16 environmental impact report for the mining project. In the environmental impact
17 report, the applicant shall provide a description of the proposed mining project, the
18 present environmental conditions in the area and the anticipated environmental
19 impacts of the proposed mining project, the present socioeconomic conditions in the
20 area and the anticipated socioeconomic impacts of the proposed mining project,
21 details of any wetlands mitigation program under s. 295.60 (8), any measures for
22 navigable waters under s. 295.605 (4), any proposed changes to the forest
23 designations specified in sub. (4) (c), and the alternatives to the proposed mining
24 project. As the applicant provides more information or makes modifications to the
25 proposed mining project, the department may revise the requirements it specified

1 under s. 295.465 (1) (b) to ensure the potential environmental effects can be
2 identified in the department's environmental impact statement.

3 (b) The department shall assist the applicant in meeting the deadlines for
4 ultimate submission and review of any scientific analyses consistent with this
5 subchapter. If a particular scientific analysis is not completed as of the date the
6 environmental impact report is required to be submitted, the applicant shall identify
7 in the environmental impact report the scope of the analysis and anticipated date
8 that it will be submitted.

9 (c) 1. The applicant shall submit the environmental impact report with the
10 application for the mining permit.

11 3. Upon receipt of the environmental impact report, the department shall
12 review the environmental impact report and, if the department finds that the
13 environmental impact report does not contain information reasonably necessary for
14 the department to evaluate the proposed mining project and its environmental
15 effects, the department may request additional information from the applicant.

16 (d) The department shall accept original data from an environmental impact
17 report for use in the environmental impact statement and need not verify all original
18 data provided by the applicant to accept the data as accurate. The department shall
19 use original data from an environmental impact report in the environmental impact
20 statement if the data contains the information identified under s. 295.465 (1) (b) and
21 any of the following conditions is met:

22 1. The department, its consultant, or a cooperating state or federal agency
23 collects sufficient data to perform a limited statistical comparison with data from the
24 environmental impact report that demonstrates that the data sets are statistically
25 similar within a reasonable confidence limit.

1 2. An expert who is employed by, or is a consultant to, the department or is
2 employed by, or is a consultant to, a cooperating state or federal agency determines
3 that the data is within the range of expected results.

4 3. The department, its consultant or a cooperating state or federal agency
5 determines that the methodology used in the environmental impact report is
6 scientifically and technically adequate for the tests being performed.

7 **(4) PROCEDURE FOR ENVIRONMENTAL IMPACT STATEMENT.** (a) The department shall
8 prepare an environmental impact statement for every application for a mining
9 permit. In preparing the environmental impact statement, the department shall
10 comply with s. 1.11 (2) and s. NR 150.22 (2), Wis. Adm. Code.

11 (b) The department shall include in the environmental impact statement a
12 description of the significant long-term and short-term impacts, including impacts
13 after the mining has ended, on all of the following:

- 14 1. Tourism.
- 15 2. Employment.
- 16 3. Schools and medical care facilities.
- 17 4. Private and public social services.
- 18 5. The tax base.
- 19 6. The local economy.

20 (c) The department and other state agencies shall address the application for
21 a mining permit, for any approval, and for any action relating to the mining project
22 involving other state agencies in one comprehensive analysis in the environmental
23 impact statement prepared by the department, including any environmental
24 analysis required by the department with regard to any of the following: