

2. The wetlands are not special or unique utilizing the result of the analysis made pursuant to this chapter; and

3. The area of wetlands to be used shall not exceed 5 acres.

(5) The burden of proof to establish compliance with the requirements of this chapter shall be on the operator.

(6) The hearing procedure outlined in s. 144.836, Stats., shall govern all hearings on the operator's mining permit application.

History: Cr. Register, August, 1982, No. 320, eff. 9-1-82.

NR 132.07 Mining plan. The mining plan shall include the following:

(1) A detailed map of the proposed mining site in accordance with s. 144.85 (3) (a), Stats.

(2) Details of the nature, extent and final configuration of the proposed excavation and mining site including location and total production of tailings and other mining refuse, and nature and depth of overburden.

(3) Details of the proposed operating procedures, which may be furnished by reference to documents submitted pursuant to ch. NR 182 including:

(a) Mining operation sequence.

(b) Handling of overburden materials.

(c) Tailings production, handling and final disposition.

(d) Ore processing including milling, concentrating, refining, etc.

(e) Storage, loading and transportation of final product.

(f) Ground and surface water management techniques including provisions for erosion prevention and drainage control and a detailed water management plan showing source, flow paths and rates, storage volumes and release points.

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

(h) Plans for air quality protection pursuant to ss. 144.30 through 144.426, Stats.

(i) The applicant shall prepare a risk assessment of possible accidental health and environmental hazards potentially associated with the mine operation. Contingency measures with respect to these risks and hazards, and the assumptions in this assessment, shall be explicitly stated.

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

(k) Description of all surface facilities associated with the mining site.

(l) Description of all geological/geotechnical investigations and drilling programs.

(4) Evidence satisfactory to the department that the proposed mining operation will be consistent with the reclamation plan and will comply with the following minimum standards:

(a) Grading and stabilization of excavation, sides and benches to conform with state and federal environmental and safety requirements and to prevent erosion and environmental pollution.

(b) Grading and stabilization of deposits of mining refuse in conformance with state and federal environmental and safety requirements and solid waste laws and regulations.

(c) Stabilization of merchantable by-products.

(d) Adequate diversion and drainage of water from the mining site to prevent erosion and contamination of surface and groundwaters.

(e) Notwithstanding the provisions of s. NR 112.20, the backfilling of excavations where such procedure will not interfere with the mining operation and will not:

1. Cause an exceedance of any groundwater quality standard, including any drinking water standard, implemented under this chapter in accordance with the provisions of ch. NR 182, or

2. Adversely affect public health or welfare.

(f) Handling and storage of all materials on the mining site in an environmentally sound manner as determined by the department. Materials not licensed pursuant to ch. NR 182 but deemed by the department to present a potential threat to the environment shall be subject to the waste characterization analysis procedures set forth in s. NR 182.08 (2) (b).

(g) Removal and stockpiling, or other measures to protect topsoils consistent with environmental considerations and reclamation, prior to mining unless the department determines that such action will be environmentally undesirable.

(h) Maintenance of adequate vegetative cover where feasible to prevent erosion.

(i) Impoundment of water where necessary in a safe and environmentally acceptable manner.

(j) Adequate planning of the site to achieve the aesthetic standards for the entire mine site described in ss. NR 132.17 and 132.18 (5).

(k) Identification and prevention of pollution as defined in s. 144.01 (10), Stats., resulting from leaching of waste materials, in accordance with state and federal solid waste laws and regulations.

(l) Identification and prevention of significant environmental pollution as defined in s. 144.01 (3), Stats.

(m) Maintenance of appropriate emergency procedures to minimize damage to public health, safety and welfare and the environment from events described under sub. (3) (i).

(5) Submission of a plan for a preblasting survey, such survey being completed and submitted to the department prior to any blasting.

History: Cr. Register, August, 1982, No. 320, eff. 9-1-82; r. and recr. (4) (e), Register, December, 1986, No. 372, eff. 1-1-87.

NR 132.08 Reclamation plan. The reclamation plan for the mining site shall include the following:

(1) Detailed information and maps on reclamation procedures including:

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