



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1997 ASSEMBLY BILL 586**

November 11, 1997 – Offered by COMMITTEE ON ENVIRONMENT.

1     **AN ACT** *to renumber* 293.37 (2) (h) and 293.86; *to amend* 289.41 (4) (a); and *to*  
2            **create** 289.41 (4) (d), 293.31 (4m), 293.37 (2) (i) and (j), 293.37 (3m), 293.50,  
3            293.86 (title) and 293.86 (2) and (3) of the statutes; **relating to:** requirements  
4            concerning metallic mining.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

5            **SECTION 1.** 289.41 (4) (a) of the statutes is amended to read:

6            289.41 (4) (a) *Net worth method.* ~~A Except as provided in par. (d), a company~~  
7            may establish proof of financial responsibility required under sub. (2) (a), (c) or (d)  
8            by applying to the department and meeting the net worth requirements.

9            **SECTION 2.** 289.41 (4) (d) of the statutes is created to read:

10           289.41 (4) (d) *Mining facilities.* A company may not establish proof of financial  
11           responsibility for an approved mining facility by meeting the net worth  
12           requirements.

1           **SECTION 3.** 293.31 (4m) of the statutes is created to read:

2           293.31 (**4m**) The department shall require a person submitting a notice of  
3 intent to apply for a mining permit to collect baseline data and information regarding  
4 the condition of the natural environment in the area that is likely to be affected by  
5 the proposed mining operation.

6           **SECTION 4.** 293.37 (2) (h) of the statutes is renumbered 293.37 (2) (p).

7           **SECTION 5.** 293.37 (2) (i) and (j) of the statutes are created to read:

8           293.37 (**2**) (i) A comprehensive study of weather conditions at the proposed  
9 mining site, with emphasis on the potential extremes of weather that may affect the  
10 mining site during construction and operation, and during and after reclamation.

11           (j) A comprehensive study of geological conditions at the proposed mining site,  
12 with emphasis on the potential for catastrophic geological events that may affect the  
13 mining site.

14           **SECTION 6.** 293.37 (3m) of the statutes is created to read:

15           293.37 (**3m**) (a) In this subsection, “significant environmental harm” means  
16 environmental harm that causes substantial danger to public health or animal or  
17 plant life.

18           (am) For each proposed mining operation, the department shall identify  
19 mining operations in North America that, within 20 years before a notice of intent  
20 is filed under s. 293.31 (1), have caused significant environmental harm that is  
21 similar to the environmental harm that could result from the proposed mining  
22 operation.

23           (b) The applicant shall, as part of the mining permit application, do all of the  
24 following:

1           1. Identify the construction techniques, mining technologies, operational  
2 procedures and other factors that resulted in the kinds of environmental harm  
3 identified by the department under par. (am).

4           2. Evaluate how the proposed mine, the mining plan and the reclamation plan  
5 ensure that the kinds of environmental harm identified by the department under  
6 par. (am) will be avoided or mitigated in connection with the proposed mining  
7 operation.

8           3. Develop a contingency plan to mitigate the effects of any of the kinds of  
9 environmental harm identified by the department under par. (am).

10           **SECTION 7.** 293.50 of the statutes is created to read:

11           **293.50 Mining site construction. (1) INSPECTION FEE.** An operator shall  
12 pay an annual inspection fee, established by the department by rule, that shall cover  
13 the actual costs incurred by the department or its agents in inspecting the  
14 construction, operation and reclamation of a mining site.

15           **(2) INSTALLATION OF TAILINGS DISPOSAL AREA LINER.** All individuals who install  
16 a liner or final cover for a tailings disposal area shall be certified by the National  
17 Institute for Certification of Engineering Technicians or another entity specified by  
18 the department by rule.

19           **SECTION 8.** 293.86 (title) of the statutes is created to read:

20           **293.86 (title) Entry to property; inspections.**

21           **SECTION 9.** 293.86 of the statutes is renumbered 293.86 (1).

22           **SECTION 10.** 293.86 (2) and (3) of the statutes are created to read:

23           **293.86 (2) INSPECTION OF MINING SITE ACTIVITIES.** The department or its agents  
24 shall inspect activities that disturb the soil and construction and operation activities  
25 on a mining site to determine compliance with this chapter, rules promulgated under

1 this chapter and all conditions of the mining permit. The department shall  
2 determine the frequency of inspections based on the phase of the mining project and  
3 on weather conditions.

4 **(3) QUALITY ASSURANCE CONTRACTOR.** An operator shall contract with a quality  
5 assurance contractor to monitor the initial construction on a mining site and the  
6 installation of any liner and final cover for the tailings disposal area.

7 **SECTION 11. Initial applicability.**

8 (1) The treatment of sections 289.41 (4) (a) and (d), 293.31 (4m), 293.37 (2) (i)  
9 and (j) and (3m), 293.50 and 293.86 (2) and (3) of the statutes and the renumbering  
10 of section 293.86 of the statutes first apply to a mining operation for which a mining  
11 permit under section 293.49 of the statutes has not been approved or denied by the  
12 department of natural resources on the effective date of this subsection.

13 **(END)**