



2023 ASSEMBLY BILL 319

June 9, 2023 - Introduced by Representative ARMSTRONG. Referred to Committee on Local Government.

1 **AN ACT** *to amend* 295.11 (6) (b); and *to create* 295.11 (6) (a) 6., 295.12 (3) (m)
2 and 295.16 (4) (k) of the statutes; **relating to:** asphalt or concrete plants at a
3 nonmetallic mining site and modifying and creating administrative rules
4 related to nonmetallic mining.

Analysis by the Legislative Reference Bureau

Under current law, all active mining sites for nonmetallic minerals such as sand or gravel must have a valid reclamation permit from the county, city, village, or town where the mine is located. Current law requires counties—and allows cities, villages, and towns—to have in place a nonmetallic mining reclamation ordinance to address how nonmetallic mining sites will be rehabilitated after mining operations cease. Current law requires certain provisions to be included in such ordinances, including a requirement for a mine operator to submit a reclamation plan, pay annual fees, and provide proof of financial responsibility to meet reclamation requirements.

This bill provides that an asphalt or concrete plant may be considered part of a “nonmetallic mining site” that is subject to reclamation ordinances and rules, including requirements relating to reclamation plans, fees, and financial assurances. The bill also provides that, if an asphalt or concrete plant will be included in a nonmetallic mining site, the reclamation plan for the site must include the area where the plant will be located, where related structures and equipment or stockpiles of materials will be located, and where related activities will take place. However, under the bill, if such a plant remains in operation after the remainder of

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the mining site is closed and reclaimed, the plant is no longer subject to reclamation ordinances and rules.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 295.11 (6) (a) 6. of the statutes is created to read:

2 295.11 (6) (a) 6. Areas where a plant or other facility for producing asphalt
3 pavement or concrete is located, where related structures and equipment or
4 stockpiles of materials are located, and where related activities take place.

5 **SECTION 2.** 295.11 (6) (b) of the statutes is amended to read:

6 295.11 (6) (b) “Nonmetallic mining site” does not include any area described in
7 par. (a) 1. to 5. that is not used for nonmetallic mining or for purposes related to
8 nonmetallic mining on or after October 14, 1997, or any area described in par. (a) 6.
9 that is not used on or after October 14, 1997.

10 **SECTION 3.** 295.12 (3) (m) of the statutes is created to read:

11 295.12 (3) (m) Except as provided in s. 295.16 (4) (k), if a plant or other facility
12 for producing asphalt pavement or concrete will operate at a nonmetallic mining site,
13 a requirement for the operator to include in the nonmetallic mining reclamation plan
14 the area where the plant or facility will be located, where related structures and
15 equipment or stockpiles of materials will be located, and where related activities will
16 take place.

17 **SECTION 4.** 295.16 (4) (k) of the statutes is created to read:

18 295.16 (4) (k) Any activities in areas where a plant or other facility for
19 producing asphalt pavement or concrete is located, where related structures and
20 equipment or stockpiles of materials are located, and where related activities take

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1 place, if the plant or other facility continues to operate after the closure and
2 reclamation of the remainder of the nonmetallic mining site.

3 **SECTION 5.** NR 135.02 (3) (m) of the administrative code is created to read:

4 NR 135.02 **(3)** (m) Any activities in areas where a plant or other facility for
5 producing asphalt pavement or concrete is located, where related structures and
6 equipment or stockpiles of materials are located, and where related activities take
7 place, if the plant or other facility continues to operate after the closure and
8 reclamation of the remainder of the nonmetallic mining site.

9 **SECTION 6.** NR 135.03 (16) (a) 7. of the administrative code is created to read:

10 NR 135.03 **(16)** (a) 7. Areas where a plant or other facility for producing asphalt
11 pavement or concrete is located, where related structures and equipment or
12 stockpiles of materials are located, and where related activities take place.

13 **SECTION 7.** NR 135.03 (16) (b) 3. of the administrative code is amended to read:

14 NR 135.03 **(16)** (b) 3. Areas Except as provided in par. (a) 7., areas previously
15 mined but used after 8 months following December 1, 2000 for a non-mining activity,
16 such as stockpiles of materials used for an industrial process unrelated to
17 nonmetallic mining.

18 **SECTION 8.** NR 135.03 (25) (b) 4. of the administrative code is amended to read:

19 NR 135.03 **(25)** (b) 4. Areas previously mined but used after 8 months following
20 December 1, 2000 for a non-mining activity, such as stockpiling of materials used for
21 an industrial activity such as ~~an asphalt plant, concrete batch plant, a~~ block and tile
22 operation or other industry that uses products produced from nonmetallic mining.

23 **SECTION 9.** NR 135.03 (25) (b) 6. of the administrative code is created to read:

24 NR 135.03 **(25)** (b) 6. Areas where a plant or other facility for producing asphalt
25 pavement or concrete is located, where related structures and equipment or

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1 stockpiles of materials are located, and where related activities take place, if the
2 plant or other facility continues to operate after the closure and reclamation of the
3 remainder of the nonmetallic mining site.

4 **SECTION 10.** NR 135.19 (2m) of the administrative code is created to read:

5 NR 135.19 (2m) ASPHALT AND CONCRETE PLANTS. Except as provided in s. NR
6 135.02 (3) (m), if a plant or other facility for producing asphalt pavement or concrete
7 will operate at a nonmetallic mining site, the reclamation plan shall include the area
8 where the plant or facility will be located, where related structures and equipment
9 or stockpiles of materials will be located, and where related activities will take place.

10 **SECTION 11. Effective dates.** This act takes effect on the day after publication,
11 except as follows:

12 (1) ADMINISTRATIVE RULES. The treatment of administrative rules take effect as
13 provided in s. 227.265.

14 (END)