

1
2 **ORDINANCE No.**

3
4 **ORDINANCE AMENDING THE NONMETALLIC MINING RECLAMATION ORDINANCE**

5
6 I. That Chapter 30 of the General Code of Ordinances of Chippewa County
7 be repealed, and recreated to read as attached.

8
9 II. That this ordinance shall take effect upon passage and publication.

10
11 Dated this _____ day of June, 2007.

12
13
14 LAND CONSERVATION COMMITTEE

15
16
17
18 _____
19 Paul Michels

20
21
22 _____
23 Duane Boettcher

24
25
26 _____
27 James Dahl

28
29
30 _____
31 Marilyn Holte

32
33
34
35
36 There will be no fiscal impact associated with these ordinance changes.
37
38

1
2
3
4 **CHAPTER 30**
5 **NON-METALLIC MINING RECLAMATION**
6 **(Cr. #7-01)**

7
8 **DIVISION 1. GENERALLY**
9

- 10 **Sec. 30-31. Purpose.**
11
12 **Sec. 30-32. Statutory authority.**
13
14 **Sec. 30-33. Restrictions adopted under other authority.**
15
16 **Sec. 30-34. Interpretation.**
17
18 **Sec. 30-35. Applicability.**
19 **(a) Overall applicability.**
20 **(b) Exemptions.**
21
22 **Sec. 30-36. Administration.**
23
24 **Sec. 30-37. Effective date.**
25
26 **Sec. 30-38. Definitions.**
27

28 **DIVISION 2.**
29

- 30 **Sec. 30-56. Right of entry and inspection.**
31
32 **Sec. 30-57. Orders and citations.**
33 **(a) Enforcement orders.**
34 **(b) Special orders.**
35 **(c) Review of orders.**
36 **(d) Citations.**
37 **(e) Enforcement.**
38
39 **Sec. 30-58. Penalties.**
40
41
42
43
44
45
46
47
48

DIVISION 3. STANDARDS

- 1
- 2
- 3 Sec. 30-76. Standards.
- 4 Sec. 30-77. Refuse and other solid wastes.
- 5 Sec. 30-78. Area disturbed and contemporaneous reclamation.
- 6 Sec. 30-79. Public health, safety and welfare.
- 7 Sec. 30-80. Habitat restoration.
- 8 Sec. 30-81. Compliance with environmental regulations.
- 9 Sec. 30-82. Surface water and wetlands protection.
- 10 Sec. 30-83. Groundwater protection.

DIVISION 4. PERMITTING

- 11
- 12
- 13
- 14 Sec. 30-101. Nonmetallic mining reclamation permit application.
- 15 (a) Required submittal.
- 16 (b) Reclamation permit application contents
- 17
- 18
- 19 Sec. 30-102. Reclamation plan.
- 20 (a) Reclamation plan requirements.
- 21 (b) Existing plans and approvals.
- 22 (c) Approval of reclamation plan.
- 23
- 24 Sec. 30-103. Financial assurance.
- 25 (a) Financial assurance requirements.
- 26 (b) Private nonmetallic mines
- 27 (c) Public nonmetallic mining.
- 28
- 29 Sec. 30-104. Public notice and right of hearing.
- 30 (a) Reclamation plan hearing.
- 31 (b) Local transportation-related mines.
- 32
- 33 Sec. 30-105. Issuance of a nonmetallic mining reclamation permit.
- 34 (a) Permit required.
- 35 (b) Permit issuance
- 36 (c) Automatic permitting for local transportation-related mines.
- 37 (d) Expedited review.
- 38 (e) Permit conditions.
- 39
- 40
- 41
- 42 Sec. 30-106. Permit denial.
- 43
- 44 Sec. 30-107. Alternative requirements.
- 45 (a) Scope of alternative requirements
- 46 (b) Procedures.
- 47

- 1 (c) Transmittal of decision on request for
- 2 alternate requirement.
- 3 (d) Notice to state department of natural
- 4 resources.

5

6 Sec. 30-108. Permit duration.

7

8 Sec. 30-109. Permit transfer.

9

10 Sec. 30-110. Previously permitted sites.

11

12 Sec. 30-111. Review.

13

14 DIVISION 5. ADMINISTRATION

15

16 Sec. 30-131. Permit modification.

- 17 (a) By the county.
- 18 (b) At the operator's option.
- 19 (c) Required by the operator.
- 20 (d) Review.

21

22 Sec. 30-132. Permit suspension or revocation.

- 23 (a) Grounds.
- 24 (b) Procedures.
- 25 (c) Consequences.

26

27 Sec. 30-133. Annual operator reporting.

- 28 (a) Contents and deadline.
- 29 (b) Inspection in lieu of report.
- 30 (c) Retention of annual reports.

31

32 Sec. 30-134. Plan review fees.

- 33 (a) Amount and applicability.
- 34 (b) Establishment of fee.
- 35 (c) Annual review.
- 36 (d) Expedited plan review fee.
- 37 (e) Relation to annual fee.

38

39 Sec. 30-135. Annual fees.

- 40 (a) Areas subject to fees, procedures and
- 41 deadline.
- 42 (b) State department of natural resources share
- 43 of fee.
- 44 (c) County's share of fee.
- 45 (d) Reduced fee for inactive mines.

46

47

48

1 **Sec. 30-136.** **Regulatory reporting and documentation.**
2 (a) Reporting.
3 (b) Documentation.
4
5 **Sec. 30-137.** **Completed reclamation; reporting,**
6 **certification and effect.**
7 (a) Reporting.
8 (b) Reporting of interim reclamation.
9 (c) Certification of completed
10 reclamation.
11 (d) Effect of completed reclamation.
12 (e) Effect of inaction following report of
13 completed reclamation.
14
15 **Sec. 30-138.** **Permit termination.**
16
17 **DIVISION 6. FEES.**
18
19 **Sec. 30-156. Fee Schedule.**
20
21 Appendix I
22
23 Appendix II

1 **DIVISION 1. GENERALLY**

2

3 **Sec. 30-31. Purpose.**

4

5 The purpose of this article is to establish a local program to
6 ensure the effective reclamation of nonmetallic mining sites on
7 which nonmetallic mining takes place in the county after the
8 effective date of the ordinance from which this article is derived,
9 in compliance with Wis. Admin. Code NR ch. 135 and Wis. Stats. ch.
10 295, subch. 1 (Wis. Stats. § 295.11 et seq.)

11

12 (Ord. No. 7-01, § 2, 7-10-2001)

13

14

15 **Sec. 30-32. Statutory authority.**

16

17 This article is adopted under authority of Wis. Stats. § 295.13(1),
18 59.51, and Wis. Admin. Code NR § 135.32.

19

20 (Ord. No. 7-01, § 3, 7-10-2001)

21

22

23 **Sec. 30-33. Restrictions adopted under other authority.**

24

25 The purpose of this article is to adopt and implement the uniform
26 statewide standards for nonmetallic mining reclamation required by
27 Wis. Stats. § 295.12(1)(a) and contained in Wis. Admin. Code NR ch.
28 135. It is not intended that this article repeal, abrogate, annul,
29 impair or interfere with any existing rules, regulation, ordinances
30 or permits not concerning nonmetallic mining reclamation previously
31 adopted pursuant to other state law.

32

33 (Ord. No. 7-01, § 4, 7-10-2001)

34

1 **Sec. 30-34. Interpretation.**
2

3 In their interpretation and application, the provisions of this
4 article shall be held to be the applicable requirements for
5 nonmetallic mining reclamation and shall not be deemed a limitation
6 or repeal of any other power granted by statute outside the
7 reclamation requirements for nonmetallic mining sites required by
8 Wis. Stats. ch. 295, subch. 1 (Wis. Stats. § 295.11 et seq.) and
9 Wis. Admin. Code NR ch. 135. Where any terms or requirements of
10 this article may be inconsistent or conflicting, the more
11 restrictive requirements or interpretation shall apply. Where a
12 provision of this article is required by statute, or by a standard
13 in Wis. Admin. Code NR ch. 135, and where the provision is unclear,
14 the provision shall be interpreted to be consistent with the statute
15 and the provisions of Wis. Admin. Code NR ch. 135.

16
17 (Ord. No. 7-01, § 5, 7-10-2001)
18
19

20 **Sec. 30-35. Applicability.**
21

22 (a) *Overall applicability.* The requirements of this article
23 apply to all operators of nonmetallic mining sites within the
24 county and as provided in Wis. Admin. Code NR § 135.02(1) and
25 135.02(2) except where exempted in subsection (b) of this
26 section and except for nonmetallic mining sites located in a
27 city, village or town within the county that has adopted an
28 ordinance pursuant to Wis. Stats. § 295.14 and Wis. Admin. Code
29 NR § 135.32(2).
30

31 (b) *Exemptions.* This article does not apply to
32 the exempt activities listed in Wis. Admin. Code NR §
33 135.02(3).
34

35 (Ord. No. 7-01, § 7, 7-10-2001)
36
37

38 **Sec. 30-36. Administration.**
39

40 The provisions of this article shall be administered by the county
41 land conservation department. The land conservation department
42 shall coordinate it's efforts with those of the county zoning
43 department in circumstances where a site or operation is subject to
44 a conditional use permit under chapters 54 and 70, or other
45 ordinance administrated by the county zoning authority.
46

47 (Ord. No. 7-01, § 8, 7-10-2001)
48

1 **Sec. 30-37. Effective date.**

2
3
4
5
6
7

The provisions of this article shall take effect on August 1, 2007.
(Ord. No. 7-01, § 9, 7-10-2001)

8 **Sec. 30-38. Definitions.**

9
10
11
12
13

All definitions for the purposes of this article are those contained in Wis. Admin. Code NR § 135.03, as listed herein, with additional definitions as provided in this section.

14
15

(1) *Administrative authority* means the county land conservation department.

16
17
18
19
20

(2) *Alternative requirement* means an alternative to the reclamation standards of this article provided through a written authorization granted by the county pursuant to section 30-107.

21
22
23
24
25
26
27
28
29
30
31
32
33

(3) *Applicable reclamation ordinance* means a nonmetallic mining reclamation ordinance, including this article, that applies to a particular nonmetallic mining site and complies with the requirements of this article, Wis. Admin. Code NR ch. 135 and Wis. Stats. ch. 295, subch. 1 (Wis. Stats. § 295.11 et seq.), unless the state department of natural resources is the regulatory authority as defined in subsection b.3 of the definition of "regulatory authority" in this section. If the state department of natural resources is the regulatory authority, the term "applicable reclamation ordinance" means the relevant and applicable provisions of Wis. Admin. Code NR ch. 135.

34
35
36
37
38

(4) *Borrow site* means an area outside of a transportation project site from which stone, soil, sand or gravel is excavated for use at the project site, except the term does not include commercial sources.

39
40
41
42
43
44
45

(5) *Contemporaneous reclamation* means the sequential or progressive reclamation of portions of the nonmetallic mining site affected by mining operations that is performed in advance of final site reclamation, but which may or may not be final reclamation, performed to minimize the area exposed to erosion, at any one time, by nonmetallic mining activities.

46
47
48

(6) *Department* means the state department of natural resources.

1 (7) *Environmental pollution* has the meaning in Wis. Stats. §
2 295.11(2).
3

4 (8) *Financial assurance* means a commitment of funds or
5 resources by an operator to a regulatory authority that
6 satisfies the requirements in section 30-103 and is sufficient
7 to pay for reclamation activities required by this article.
8

9 (9) *Highwall* means a vertical or nearly vertical face in solid
10 rock or a slope of consolidated or unconsolidated material that
11 exceeds 3:1.
12

13 (10) *Landowner* means the person who has title to land in fee
14 simple or who holds a land contract for the land. A landowner
15 is not a person who owns nonmetallic mineral rights to land, if
16 a different person possesses title to that land in fee simple
17 or holds a land contract for that land.
18

19 (11) *Licensed professional geologist* means a person who is
20 licensed as a professional geologist pursuant to _____
21

22 (12) *Municipality* means any city, county, town or village.
23

24 (13) *Nonmetallic mineral* means a product, commodity or material
25 consisting principally of naturally occurring, organic or
26 inorganic, nonmetallic, nonrenewable material. Nonmetallic
27 minerals include, but are not limited to, stone, sand, gravel,
28 asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and
29 topsoil.
30

31 (14) *Nonmetallic mining* and *mining* means all of following:
32

33 a. Operations or activities at a nonmetallic mining site
34 for the extraction from the earth of mineral aggregates or
35 nonmetallic minerals for sale or use by the operator.
36 Nonmetallic mining includes use of mining equipment or
37 techniques to remove materials from the in-place
38 nonmetallic mineral deposit, including drilling and
39 blasting, as well as associated activities such as
40 excavation, grading and dredging. Nonmetallic mining does
41 not include removal from the earth of products or
42 commodities that contain only minor or incidental amounts
43 of nonmetallic minerals, such as commercial sod,
44 agricultural crops, ornamental or garden plants, forest
45 products, Christmas trees or plant nursery stock.
46
47
48

1 b. Processes carried out at a nonmetallic mining site
2 that are related to the preparation or processing of the
3 mineral aggregates or nonmetallic minerals obtained from
4 the nonmetallic mining site. These processes include, but
5 are not limited to stockpiling of materials, blending
6 mineral aggregates or nonmetallic minerals with other
7 mineral aggregates or nonmetallic minerals, blasting,
8 grading, crushing, screening, scalping and dewatering.
9

10 (15) *Nonmetallic mining reclamation or reclamation* means the
11 rehabilitation of a nonmetallic mining site to achieve a land
12 use specified in a nonmetallic mining reclamation plan approved
13 under this article, including removal or reuse of nonmetallic
14 mining refuse, grading of the nonmetallic mining site, removal,
15 storage and replacement of topsoil, stabilization of soil
16 conditions, reestablishment of vegetative cover, control of
17 surface water and groundwater, prevention of environmental
18 pollution and if practicable, the restoration of plant, fish
19 and wildlife habitat.
20

21 (16) *Nonmetallic mining refuse* means waste soil, rock and
22 mineral, as well as other natural site material resulting from
23 nonmetallic mining. Nonmetallic mining refuse does not include
24 marketable byproducts resulting directly from or displaced by
25 the nonmetallic mining that are scheduled to be removed from
26 the nonmetallic mining site within a reasonable period of time
27 after extraction.
28

29 (17) *Nonmetallic mining site and site* means all contiguous
30 areas of present or proposed mining described in subsection
31 (17)a of this definition, subject to the qualifications in
32 subsection (17)b of this definition.
33

34 a. Nonmetallic mining site means the following:
35

- 36 1. The location where nonmetallic mining is proposed
37 or conducted.
- 38
- 39 2. Storage and processing areas that are in or
40 contiguous to areas excavated for nonmetallic mining.
- 41
- 42 3. Areas where nonmetallic mining refuse is deposited.
- 43
- 44 4. Areas affected by activities such as the
45 construction or improvement of private roads or haulage
46 ways for nonmetallic mining.
- 47
- 48 5. Areas where grading or regrading is necessary.

1 6. Areas where nonmetallic mining reclamation
2 activities are carried out or structures needed for
3 nonmetallic mining reclamation, such as topsoil
4 stockpile areas, revegetation test plots, or channels
5 for surface water diversion, are located.
6

7 b. The term "nonmetallic mine site" does not include any of
8 the following areas:
9

10 1. Those portions of sites listed in subsection (a) of
11 this definition not used for nonmetallic mining or
12 purposes related to nonmetallic mining after August 1,
13 2001.
14

15 2. Separate, previously mined areas that are not used
16 for nonmetallic mineral extraction after August 1,
17 2001, and are not contiguous to mine sites, including
18 separate areas that are connected to active mine sites
19 by public or private roads.
20

21 3. Areas previously mined but used after August 1,
22 2001, for a non-mining activity, such as stockpiles of
23 materials used for an industrial process unrelated to
24 nonmetallic mining.
25

26 (18) *Operator* means any person who is engaged in, or who has
27 applied for a permit to engage in, nonmetallic mining, whether
28 individually, jointly or through subsidiaries, agents, employees,
29 contractors or subcontractors.
30

31 (19) *Person* means an individual, owner, operator, corporation,
32 limited liability company, partnership, association, county,
33 municipality, interstate agency, state agency, or federal agency.
34

35 (20) *Registered professional engineer* means a person who is
36 registered as a professional engineer pursuant to Wis. Stats. §§
37 443.04 and 443.09.
38

39 (21) *Regulatory authority* means the following:
40

41 a. The county for nonmetallic mine sites located within its
42 jurisdiction; or
43

44 b. 1. A municipality in which the nonmetallic mining site
45 is located and which has adopted an applicable
46 reclamation ordinance;
47

1 2. The county in which the nonmetallic mining site is
2 located, if no reclamation municipal ordinance exists
3 pursuant to subsection b1 of this definition, provided
4 the county has an applicable reclamation ordinance; or
5

6 3. The state department of natural resources, but only
7 if there is no applicable reclamation ordinance enacted
8 by the municipality or the county in which the
9 nonmetallic mining site is located.

10
11 (22) *Replacement of topsoil* means the replacement or
12 redistribution of topsoil or topsoil substitute material to all
13 areas where topsoil was actually removed or affected by
14 nonmetallic mining for the purposes of providing adequate
15 vegetative cover and stabilization of soil conditions needed to
16 achieve the approved postmining land use and as required by the
17 reclamation plan approved pursuant to this article.
18

19 (23) *Solid waste* means any garbage, refuse, sludge from a waste
20 treatment plant, water supply treatment plant or air pollution
21 control facility and other discarded or salvageable materials,
22 including solid, liquid, semisolid or contained gaseous materials
23 resulting from industrial, commercial, mining and agricultural
24 operations, and from community activities, but does not include
25 solids or dissolved material in domestic sewage, or solid or
26 dissolved materials in irrigation return flows or industrial
27 discharges which are point sources subject to permits under Wis.
28 Stats. ch. 283, or source material, special nuclear material or
29 byproduct material, as defined in Wis. Stats. § 254.31(1).
30

31 (24) *Topsoil* means the surface layer of soil which is generally
32 more fertile than the underlying soil layers, which is the
33 natural medium for plant growth and which can provide the plant
34 growth, soil stability and other attributes necessary to meet the
35 success standards approved in the reclamation plan.
36

37 (25) *Topsoil substitute material* means soil or other
38 unconsolidated material either used alone or mixed with other
39 beneficial materials and which can provide the plant growth, site
40 stability and other attributes necessary to meet the success
41 standards approved in the reclamation plan.
42
43
44
45
46
47
48

1 (26) *Unreclaimed acre* and *unreclaimed acres* mean:

2
3 a. Those unreclaimed areas in which nonmetallic mining has
4 occurred after August 1, 2001, and areas where
5 nonmetallic mining reclamation has been completed but
6 is not yet certified as reclaimed under subsection 30-
7 137(c). However the term does not include any areas
8 described in subsection b of this definition.
9

10 b. The terms "unreclaimed acre" and "unreclaimed acres" do
11 not include:

12
13 1. Those areas where reclamation has been completed
14 and certified as reclaimed under subsection 30-137(c).
15

16 2. Those areas previously affected by nonmetallic
17 mining but which are not used for nonmetallic mining
18 after August 1, 2001.
19

20 3. Those portions of nonmetallic mining sites, which
21 are included in an nonmetallic mining reclamation plan,
22 approved pursuant to this article but is not yet
23 affected by nonmetallic mining.
24

25 4. Areas previously mined but used after August 1,
26 2001, for a nonmining activity, such as stockpiling of
27 materials used for an industrial activity such as an
28 asphalt plant, concrete batch plant, block and tile
29 operation or other industry that uses products produced
30 from nonmetallic mining, provided the stockpiles are
31 associated with the on-site industrial processes.
32

33 5. For purposes of fees under section 30-135, those
34 areas within a nonmetallic mining site which the county
35 has determined to have been successfully reclaimed on
36 an interim basis in accordance with subsection 30-137
37 (c).
38

39 (Ord. No. 7-01, § 10, 7-10-2001)

40 **Cross references:** Definitions generally, § 1-3.

41
42
43 Secs. 30-39---30-55. Reserved.
44
45
46
47
48

1
2
3 **DIVISION 2.**

4 **Sec. 30-56. Right of entry and inspection.**

5 For the purpose of ascertaining compliance with the provisions of Wis.
6 Stats., ch. 295, subch. 1 (Wis. Stats. § 295.11 et seq.), Wis. Admin.
7 Code NR ch. 135, or this article, any authorized officer, agent,
8 employee or representative of the county may inspect any nonmetallic
9 mining site subject to this article as provided in Wis. Stats.
10 § 295.17(1) and Wis. Admin. Code NR § 135.42.

11 (Ord. No. 7-01, § 31, 7-10-2001)

12
13
14
15 **Sec. 30-57. Orders and citations.**

- 16
17 (a) *Enforcement orders.* The county may issue orders as set
18 forth in Wis. Stats. § 295.19(1)(a) to enforce Wis. Stats.
19 ch. 295, subch. 1 (Wis. Stats. § 295.11 et seq.), Wis.
20 Admin. Code NR ch. 135, this article, a permit issued
21 pursuant to this article or a reclamation plan required by
22 section 30-102 and a permit issued under this article. A
23 violation of this article, an order or permit issued
24 pursuant to this article or a reclamation plan required by
25 section 30-102 and a permit issued under this article shall
26 be considered a violation of Wis. Stats. ch. 295, subch. 1
27 (Wis. Stats. § 295.11 et seq.) and Wis. Admin. Code NR ch.
28 135.
- 29
30 (b) *Special orders.* The county may issue a special order as set
31 forth in Wis. Stats. § 295.19(1)(b) and (c) suspending or
32 revoking a nonmetallic mining reclamation permit pursuant to
33 section 30-132, or directing an operator to immediately
34 cease an activity regulated under Wis. Stats. ch 295, subch.
35 1 (Wisconsin Stats. § 295.11 et seq.), Wisconsin Admin. Code
36 NR ch. 135 or this article until the necessary plan approval
37 is obtained.
- 38
39 (c) *Review of orders.* An order issued under subsections (a) or
40 (b) of this section may be reviewed as provided in Wis.
41 Admin. Code NR § 135.43(2).
- 42
43 (d) *Citations.* The county may issue a citation under Wis. Stats.
44 § 66.0113 and section 1-12 to collect forfeitures or require
45 any action needed to enforce Wis. Stats. ch. 295, subch. 1
46 (Wis Stats. § 295.11 et seq.), Wis. Admin. Code NR ch. 135,
47 this article, a permit issued pursuant to this article or a
48 reclamation plan required by section 30-102 and a permit

1 issued under this article. The issuance of a citation under
2 this subsection shall not preclude proceeding under any
3 other ordinance or law relating to the same or any other
4 matter. Proceeding under any other ordinance or law
5 relating to the same or any other matter shall not preclude
6 the issuance of a citation under this subsection.
7

8 (e) *Enforcement.* The administrative authority may submit any
9 order issued under this section to the district attorney,
10 the corporation counsel, the municipal attorney or the
11 attorney general for enforcement for enforcement as provided
12 in Wis. Stats. § 295.19(1)(d).
13

14 (Ord. No. 7-01, § 32, 7-10-2001)
15
16

17 **Sec. 30-58. Penalties.**
18

19 Any violation of Wis. Stats. ch. 295, subch. 1 (Wis. Stats. § 295.11
20 et seq.), Wis. Admin. Code NR ch. 135, this article a permit issued
21 pursuant to this article or a reclamation plan required by
22 section 30-102 and a permit issued under this article may result in
23 forfeitures as provided in Wis. Stats. § 295.19(3) optional and
24 section 1-12.
25

26 (Ord. No. 7-01, § 33, 7-10-2001)
27

28 Secs. 30-59---30-75. Reserved.
29

30 **DIVISION 3. STANDARDS**
31

32 **Sec. 30-76. Standards.**
33

34 All nonmetallic mining sites subject to this article shall be
35 reclaimed in conformance with the general performance standards
36 contained in subch. II of ch. NR 135, Wisconsin Administrative Code
37 (Wis. Admin. Code NR § 135.05 et seq.) and the technical guidance and
38 standards for site reclamation as established in *Reclamation Standards*
39 *for Non-Metallic Mines in Chippewa County*, on file in the
40 land conservation department.
41

42 (Ord. No. 7-01, § 11(11.00), 7-10-2001)
43
44
45
46
47
48

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

Sec. 30-77. Refuse and other solid wastes.

Nonmetallic mining refuse shall be reused in accordance with a reclamation plan. Other solid wastes shall be disposed of in accordance with applicable rules of the department adopted pursuant to Wis. Stats. chs. 289 and 291.

(Ord. No. 7-01, § 11(11.11), 7-10-2001)

Sec. 30-78. Area disturbed and contemporaneous reclamation.

Nonmetallic mining reclamation shall be conducted, to the extent practicable, to minimize the area disturbed by nonmetallic mining and to provide for nonmetallic mining reclamation of portions of the nonmetallic mining site while nonmetallic mining continues on other portions of the nonmetallic mining site.

(Ord. No. 7-01, § 11(11.12), 7-10-2001)

Sec. 30-79. Public health, safety and welfare.

All nonmetallic mining sites shall be reclaimed in a manner so as to comply with federal, state and local regulations governing public health, safety and welfare.

(Ord. No. 7-01, § 11(11.13), 7-10-2001)

Cross references: Health, ch. 34.

Sec. 30-80. Habitat restoration.

When the land use required by the reclamation plan approved pursuant to an applicable reclamation ordinance requires plant, fish or wildlife habitat, it shall be re-stored, to the extent practicable, to a condition at least as suitable as that which existed before the lands were affected by nonmetallic mining operations.

(Ord. No. 7-01, § 11(11.14), 7-10-2001)

1 **Sec. 30-81. Compliance with environmental regulations.**

2
3 Reclamation of nonmetallic mining sites shall comply with any other
4 applicable federal, state and local laws including those related to
5 environmental protection, zoning and land use control. Note: Other
6 applicable environmental, zoning or land use regulations may include
7 Wis. Admin. Code NR chs. 103, 115, 116, 117, 205, 216, 269,
8 105, 106, 140, 150, 151, 340, 500-590, and 812, Wis. Stats. chs. 30
9 and 91, and Section 404 of the Clean Water Act (33 USC s. 1344),
10 which may be applicable to all or part of either an existing or
11 proposed nonmetallic mining project.

12
13 (Ord. No. 7-01, § 11(11.15), 7-10-2001)

14
15
16 **Sec. 30-82. Surface water and wetlands protection.**

17
18 Nonmetallic mining reclamation shall be conducted and completed in a
19 manner that assures compliance with water quality standards for
20 surface waters and wetlands contained in Wis. Admin. Code NR chs. 102
21 through 105. Before disturbing the surface of a nonmetallic mining
22 site and removing topsoil, all necessary measures for diversion and
23 drainage of runoff from the site to prevent pollution of waters of the
24 state shall be installed in accordance with the reclamation plans
25 approved pursuant to an applicable reclamation ordinance. Diverted or
26 channelized runoff resulting from reclamation may not adversely affect
27 neighboring properties.

28
29 (Ord. No. 7-01, § 11(11.20), 7-10-2001)

30
31
32 **Sec. 30-83. Groundwater protection.**

33
34 (a) *Groundwater quantity.* A nonmetallic mining site shall be
35 reclaimed in a manner that does not cause a permanent
36 lowering of the water table that results in adverse effects
37 on surface waters or a significant reduction in the quantity
38 of groundwater reasonably available for future users of
39 groundwater.

40
41 (b) *Groundwater quality.* Nonmetallic mining reclamation shall
42 be conducted in a manner, which does not cause groundwater
43 quality standards in Wis. Admin. Code NR ch. 140 to be
44 exceeded at a point of standards application.

45
46 (Ord. No. 7-01, § 11(11.30), 7-10-2001)

47 Secs. 30-84---30-100. Reserved.

1
2
3 **DIVISION 4. PERMITTING**

4 **Sec. 30-101. Nonmetallic mining reclamation permit application.**

5 (a) *Required submittal.* All operators of all nonmetallic mining
6 sites shall apply for a reclamation permit from the county.
7 All reclamation permit applications under this section shall
8 be accompanied by the information required by Wis. Admin.
9 Code NR § 135.18(3).

10
11 (b) **Reclamation permit application contents.** The operator of any
12 nonmetallic mine site that engages in or plans to engage in
13 nonmetallic mining shall submit an application that meets
14 the requirements of Wis. Admin. Code NR ch. § 135.18(2) and
15 the submittals required under subsection (a) of this section
16 to the administrative authority prior to beginning
17 operations. This application shall be accompanied by a plan
18 review fee as specified in section 30-134.

19
20 (Ord. No. 7-01, § 12, 7-10-2001)

21
22
23 **Sec. 30-102. Reclamation plan.**

24
25 (a) *Reclamation plan requirements.* All operators of nonmetallic
26 mining sites subject to this article shall prepare and
27 submit a reclamation plan that meets the requirements of
28 Wis. Admin. Code NR § 135.19, and specifications for plans
29 as established in *Plan Specifications for Non-Metallic Mines*
30 *in Chippewa County*, on file in the land conservation
31 department.

32
33 (b) *Existing plans and approvals.* To avoid duplication of
34 effort, the reclamation plan required by subsection (a) of
35 this section may, by reference, incorporate existing plans
36 or materials that meet the requirements of this.

37
38 (c) *Approval of reclamation plan.* The administrative authority
39 shall approve, conditionally approve or deny the reclamation
40 plan submitted under this section in writing. The
41 operator shall keep a copy of the reclamation plan required
42 by this section, once approved by the county under this
43 article, at the mine site or, if not practicable, at the
44 operator's nearest office or place of business.

45
46 (Ord. No. 7-01, § 13, 7-10-2001)

1 **Sec. 30-103. Financial assurance.**
2

3 (a) *Financial assurance requirements.* All operators of
4 nonmetallic mining sites in the county shall prepare and
5 submit a proof of financial assurance of successful
6 reclamation that meets the requirements of Wis. Admin. Code
7 NR § 135.40.
8

9 (b) *Private nonmetallic mines.* The operator of any nonmetallic
10 mining site that applies for a reclamation permit in
11 conformance with subsection 30-101(b) shall submit the proof
12 of financial assurance required by subsection (a) of this
13 section, as specified in the reclamation permit issued to it
14 under this article.
15

16 (c) *Public nonmetallic mining.* The financial assurance
17 requirements of this section do not apply to nonmetallic
18 mining conducted by the state, a state agency, board,
19 commission or department, or a municipality.
20

21 (Ord. No. 7-01, § 14, 7-10-2001)
22
23

24 **Sec. 30-104. Public notice and right of hearing.**
25

26 (a) *Reclamation plan hearing.* The county shall provide public
27 notice and the opportunity for a public informational
28 hearing as set forth in Wis. Admin. Code NR §§ 135.20(1) and
29 135.20(2) for any nonmetallic mining site for which a
30 complete reclamation permit application that satisfies
31 subsection 30-101 is received.
32

33 (b) *Local transportation-related mines.* No public notice or
34 informational hearing is required for a nonmetallic mining
35 reclamation permit issued to a local transportation-related
36 mine pursuant to subsection 30-105 (c).
37

38 (Ord. No. 7-01, § 15, 7-10-2001)
39
40
41
42
43
44
45
46
47

1 **Sec. 30-105. Issuance of a nonmetallic mining reclamation permit.**

- 2
- 3 (a) *Permit required.* No person may engage in nonmetallic mining
4 or nonmetallic mining reclamation in the county after
5 without a reclamation permit issued pursuant to this
6 section, except nonmetallic mining sites exempt from this
7 article as provided in subsection 30-35(b).
- 8
- 9 (b) *Permit issuance.* Applications for reclamation permits for
10 nonmetallic mining sites that satisfy subsection 30-101
11 shall be issued a reclamation permit or otherwise acted on
12 as provided in Wis. Admin. Code NR § 135.21(2). The permit
13 shall require compliance with a reclamation plan submitted
14 by the applicant that conforms to subsection 30-102 (c), and
15 provision by the applicant of financial assurance that
16 conforms to subsection 30-103 (c), payable to the county
17 prior to beginning mining.
- 18
- 19 (c) *Automatic permit for local transportation-related mines.*
20 The county shall issue an automatic permit under this
21 subsection for any borrow site operated to provide material
22 for a locally-administered transportation project that meets
23 the criteria in Wis. Admin. Code NR § 135.23(1)(a). This
24 automatic permit shall be issued according to the provisions
25 of Wis. Admin. Code NR § 135.23(1)(b)-(j).
- 26
- 27 (d) *Expedited review.* Any operator of a nonmetallic mining site
28 may obtain an expedited review of a reclamation permit
29 application by paying the expedited review fee specified in
30 subsection 30-134(d). The expedited review shall be carried
31 out according to the provisions of Wis. Admin. Code NR §
32 135.23(2). Such expedited review shall not waive, shorten
33 or otherwise affect the public notice and right of hearing
34 pursuant to section 30-104.
- 35
- 36 (e) *Permit conditions.* Permits issued under this section may
37 include conditions as provided in Wis. Admin. Code NR §
38 135.21(3). One required condition shall be that new mines
39 shall obtain financial assurance prior to beginning mining
40 pursuant to Wis. Admin. Code NR § 135.40.

41
42 (Ord. No. 7-01, § 16, 7-10-2001)

1 **Sec. 30-106. Permit denial.**

2
3
4
5
6
7
8
9

An application for a nonmetallic mining reclamation permit shall be denied if any of the factors specified in Wis. Admin. Code NR § 135.22 Section exist.

(Ord. No. 7-01, § 17, 7-10-2001)

10 **Sec. 30-107. Alternative requirements.**

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

- (a) *Scope of alternative requirements approvable.* An operator of a nonmetallic mining site may request an alternative requirement to any reclamation standard established in section 30-76. Such a request may be made only on the basis of the criteria set forth in Wis. Admin Code NR § 135.26(1).
- (b) *Procedures.* The operator of a nonmetallic mining site requesting an alternate requirement in subsection (a) of this section shall demonstrate all the criteria in Wis. Admin. Code NR § 135.26(1). This shall be submitted in writing to the administrative authority. The administrative authority shall evaluate and act upon the request. It may grant the request, grant the request with conditions, or deny the request. Decisions of the administrative authority, as rendered under this section, may be appealed to the county land conservation committee established under Wis. Stats. ch. 92 and acting under the authority of Wis. Stats. §§ 92.07(2) and 92.07(11).
- (c) *Transmittal of decision on request for alternate requirement.* The decision on a request for alternative reclamation requirements shall be in writing to the applicant and shall include documentation of why the alternative requirement was or was not approved.
- (d) *Notice to state department of natural resources.* The county shall provide notice to the state department of natural resources as provided in Wis. Admin. Code NR § 135.26(3).

(Ord. No. 7-01, § 18, 7-10-2001)

41
42
43
44
45
46
47
48

1 **Sec. 30-108. Permit duration.**

2

3 A nonmetallic mining reclamation permit issued under this article
4 shall last through operation and reclamation of the
5 nonmetallic mining site, unless suspended or revoked pursuant to
6 subsection 30-57(b), or as limited under Wis. Admin. Code NR § 135.24
7 where the mine operator is not the
8 landowner.

9

10 (Ord. No. 7-01, § 19, 7-10-2001)

11

12 **Sec. 30-109. Permit transfer.**

13

14 A nonmetallic mining reclamation permit issued under this article
15 shall be transferred to a new owner or operator upon
16 satisfaction of the conditions in Wis. Admin. Code NR § 135.28.

17

18 (Ord. No. 7-01, § 20, 7-10-2001)

19

20

21 **Sec. 30-110. Previously permitted sites.**

22

23 For any nonmetallic mining site which had a reclamation permit
24 previously issued pursuant to Wis. Admin. Code NR ch. that becomes
25 subject to reclamation permitting authority of the county, the
26 previously issued municipal reclamation permit's terms and conditions
27 shall remain in force until they can be modified by the
28 county pursuant to section 30-131. This could happen if, for example,
29 a municipality's program was terminated by the municipality or revoked
30 by the Department - in such cases nonmetallic mine sites would revert
31 to the county program.

32

33 (Ord. No. 7-01, § 21, 7-10-2001)

34

35

36 **Sec. 30-111. Review.**

37

38 Any permitting decision or action made by the county under
39 this article may be reviewed as set forth in Wis. Admin.
40 Code NR § 135.30.

41

42 (Ord. No. 7-01, § 22, 7-10-2001)

43

44 Secs. 30-112---30-130. Reserved.

45

46

47

1 **DIVISION 5. ADMINISTRATION***

2
3
4 *Cross references: Administration, ch. 2.
5

6 **Sec. 30-131. Permit modification.**
7

- 8 (a) *By the county.* A nonmetallic mining reclamation permit
9 issued under this article may be modified by the county if
10 it finds that, due to changing conditions, the nonmetallic
11 mining site is no longer in compliance with this article.
12 Such modification shall be by an order conforming to the
13 procedures in section 30-57 and as provided in Wis. Admin.
14 Code NR § 135.24(1).
15
- 16 (b) *At the operator's option.* If the operator of any
17 nonmetallic mine that holds a reclamation permit issued
18 under this article desires to modify such permit or
19 reclamation plan approved under this article, it may request
20 such modification by submitting a written application for
21 such modification to the administrative authority. The
22 application for permit or plan modification shall be acted
23 on using the standards and procedures of this article.
24
- 25 (c) *Required by the operator.* The operator of any nonmetallic
26 mine that holds a reclamation permit issued under this
27 article shall request a modification of such permit if
28 required under the circumstances set out in Wis. Admin. Code
29 NR § 135.27. Such application for permit modification shall
30 be acted on using the standards and procedures of this
31 article.
32
- 33 (d) ~~23.40~~ *Review.* All actions on permit modifications
34 requested or initiated under this section are subject to
35 review under section 30-111.
36

37 (Ord. No. 7-01, § 23, 7-10-2001)
38
39
40
41
42
43
44
45
46
47

1 **Sec. 30-132. Permit suspension or revocation.**
2

- 3 (a) *Grounds.* The county may suspend or revoke a nonmetallic
4 mining reclamation permit issued pursuant to this article if
5 it finds any of the grounds listed in Wis. Admin. Code NR §
6 135.25(1).
7
- 8 (b) *Procedures.* If the county finds grounds for suspending or
9 revoking a nonmetallic mining reclamation permit set forth
10 in subsection 30-132(a), it may issue a special order
11 suspending or revoking such permit as set forth in
12 subsection 30-57(b).
13
- 14 (c) *Consequences.* The consequences of a reclamation permit
15 suspension or revocation order under subsection (b) of this
16 section shall be as set forth in Wis. Admin. Code NR §
17 135.25(2) and (3).
18

19 (Ord. No. 7-01, § 24, 7-10-2001)
20
21

22 **Sec. 30-133. Annual operator reporting.**
23

- 24 (a) *Contents and deadline.* Annual reports shall be submitted by
25 the operators of nonmetallic mining sites that satisfy the
26 requirements of Wis. Admin. Code NR § 135.36. These reports
27 shall be for reclamation during a calendar year, and
28 submitted, in writing, within 60 days of the end of each
29 calendar year to the county land conservation department.
30 Annual reports shall be submitted until reclamation at each
31 nonmetallic mining site is certified as complete under
32 section 30-137.
33
- 34 (b) *Inspection in lieu of report.* The county may, at its
35 discretion, obtain the information required in subsection
36 (a) of this section by written documentation of an
37 inspection it completes during a calendar year, as set forth
38 in Wis. Admin. Code NR § 135.36(4).
39
40
41
42
43
44
45
46

1 (c) *Retention of annual reports.* Annual reports submitted under
2 this section or inspection records that replace them shall
3 be retained by the county for at least 10 years after the
4 calendar year to which they apply. These records, or
5 accurate copies of them, shall be made available to the
6 state department of natural resources upon written request
7 or during its inspection or audit activities carried out
8 pursuant to Wis. Admin. Code NR ch. 135.
9

10 (Ord. No. 7-01, § 25, 7-10-2001)

11
12 **Sec. 30-134. Plan review fees.**
13

- 14 (a) *Amount and applicability.* A person who intends to operate a
15 nonmetallic mining site for which a permit application has
16 been submitted under subsection 30-101 shall submit a non-
17 refundable plan review fee based upon a plan review fee
18 schedule approved by the Board of Supervisors.
19
- 20 (b) *Establishment of fee.* The plan review fee shall be
21 established to equal as closely as possible the county's
22 cost of administering the permitting and plan review
23 processes established in sections 30-101 through 30-107.
24
- 25 (c) *Annual review.* The plan review fee shall be reviewed
26 annually by the land conservation committee and shall be
27 adjusted by the committee to account for changes in the cost
28 of public administration. No plan review fee may be
29 assessed under this section for any nonmetallic mine site
30 for any local transportation-related mine issued an automatic
31 permit under subsection 30-105(c). A separate plan review
32 fee shall be paid under this section for any modification to
33 an existing reclamation plan submitted pursuant to section
34 30-131.
35
- 36 (d) *Expedited plan review fee.* A person who intends to
37 operate a nonmetallic mining site for which a permit
38 application has been submitted under subsection 30-101(b)
39 may obtain expedited reclamation plan review by paying a fee
40 of \$500. This expedited plan review process and permit
41 action shall be completed within 45 days of the permit
42 application. Such fee shall be in addition to that required
43 in subsection (a) of this section.
44
45
46

1 (e) *Relation to annual fee.* Any reclamation plan review fee or
2 expedited reclamation plan review fee collected under this
3 section shall be added to and collected as part of the first
4 annual fee collected under section 30-135.

5
6 (Ord. No. 7-01, § 26, 7-10-2001)
7

8
9 **Sec. 30-135. Annual fees.**
10

11 (a) *Areas subject to fees, procedures and deadline.* Operators
12 of all nonmetallic mining sites subject to reclamation
13 permits issued under this article shall submit an annual fee
14 to the county land conservation department. These fees
15 shall be calculated based on amount of unreclaimed acres of
16 each site, as defined in Wis. Admin. Code NR §
17 135.39(1)(a) and according to its provisions. Such fees
18 apply to a calendar year or any part of a year in which
19 nonmetallic mining takes place, until final reclamation is
20 certified as complete under section 30-137. Fees shall be
21 paid no later than January 31 for the previous year.
22

23 (b) *State department of natural resources share of fee.* Fees
24 paid under this section shall include a share for the
25 department of natural resources equal to the amount
26 specified in Wis. Admin. Code NR 135.39(3). For sites on
27 which no nonmetallic mining has taken place during a
28 calendar year, fees to be paid under this section for the
29 following year shall forward fees collected under this
30 subsection to the state department of natural resources by
31 March 31st.
32

33 (c) *County share of fee.*

34 1. Fees paid under this section shall also include an
35 annual fee due to the county, which shall be the amount
36 specified in section 30-156.
37

38 2. Fees are to be established on an unreclaimed acre basis,
39 and equal as closely as possible the county or municipal
40 cost of administering the reclamation program - see Wis.
41 Admin. Code NR § 295.13(3)(e)1 for details]. Wis. Admin.
42 Code NR § 135.39(4)(b) [preamble], further requires that
43 annual fees must equal as closely as possible the county or
44 municipality's expenses to administer the program, including
45 but not limited to the examination and approval of plans,
46 cost to ensure compliance, inspecting nonmetallic mining
47 sites and administering the reclamation program set up under

1 this ordinance. Wis. Admin. Code NR 135.39(4)(b)1., also
2 provides the county or municipality may use these fees only
3 for reasonable expenses associated with administration of a
4 nonmetallic mining reclamation program.

- 5
6 (d) *Reduced fee for inactive mines.* Any site on which no
7 nonmetallic mining activity has taken place in a calendar
8 year, and where no activity is planned for the following
9 calendar year, shall be assessed at a reduced fee as
10 specified in 30-156.

11
12 (Ord. No. 7-01, § 27, 7-10-2001)

13
14
15 **Sec. 30- 136. Regulatory reporting and documentation.**

- 16
17 (a) *Reporting.* The county shall send an annual report to the
18 state department of natural resources including the
19 information required by Wis. Admin. Code NR § 135.37.
20 Section NR 135.37, by March 31 for the previous calendar
21 year.

- 22
23 (b) *Documentation.* The county shall, to the best of its
24 ability, maintain the information set forth in Wis. Admin.
25 Code NR § 135.47(3), and make it available to the state
26 department of natural resources for that agency's audit of
27 the county's reclamation program pursuant to Wis. Admin.
28 Code NR § 135.47.

29
30 (Ord. No. 7-01, § 28, 7-10-2001)

31
32
33 **Sec. 30-137. Completed reclamation; reporting, certification and**
34 **effect.**

- 35
36 (a) *Reporting.* The operator of a nonmetallic mining site may
37 certify completion of reclamation for a portion or all of
38 the nonmetallic mining site pursuant to a reclamation plan
39 prepared and approved pursuant to this article and Wis.
40 Admin. Code NR ch. 135.

- 41
42 (b) *29.20 Reporting of interim reclamation.* The operator of a
43 nonmetallic mining site may report completion of interim
44 reclamation as specified in the reclamation plan for the
45 site prepared and approved pursuant to this article and Wis.
46 Admin. Code NR ch. 135. Reporting of interim reclamation

1 shall be done according to the procedures in subsection (a)
2 of this section.

3
4 (c) *Certification of completed reclamation.* The county shall
5 inspect a nonmetallic mining site for which reporting of
6 reclamation or interim reclamation has been submitted
7 pursuant to this subsection within 60 days of receipt, and
8 make a determination in writing in accordance with Wis.
9 Admin. Code NR § 135.40(7)(c). If it is determined that
10 interim or final reclamation is complete, including
11 revegetation as specified in a plan that conforms with
12 section 30-102, the county shall issue the mine operator a
13 written certificate of completion.

14
15 (d) *Effect of completed reclamation.* If reclamation is
16 certified by the county as complete under subsection (c) of
17 this section for part or all of a nonmetallic mining site,
18 then:

19
20 (1) No fee shall be assessed under section 30-135 for
21 the area so certified.

22
23 (2) The financial assurance required by section 30-103
24 shall be released.

25
26 (3) For sites which are reported as interim reclaimed
27 under subsection (b) of this section and so certified
28 under subsection (c) of this section, financial
29 assurance for reclaiming the certified area shall be
30 waived.

31
32 (e) *Effect of inaction following report of completed*
33 *reclamation.* If no written response as required by
34 subsection (c) of this section for an area of the mine site
35 reported as reclaimed or interim reclaimed is given within
36 60 days of receiving such request, any annual fee paid to
37 the county for it under section 30-135 shall be refunded.

38
39 (Ord. No. 7-01, § 29, 7-10-2001)

1 **Sec. 30-138. Permit termination.**

2
3 When all final reclamation required by a reclamation plan conforming
4 to section 30-102 and required by this article is certified as
5 complete pursuant to section 30-136, the county shall issue a written
6 statement to the operator of the nonmetallic mining site, thereby
7 terminating the reclamation permit.

8
9 (Ord. No. 7-01, § 30, 7-10-2001)

10
11 Secs. 30-139---30-155. Reserved.

12
13
14 **DIVISION 6. FEES**

15
16 **Sec. 30-156. Fee schedule.**

17
18 The base fee schedule for administration of the county ordinance for
19 nonmetallic mining reclamation has been established in accordance with
20 Sec. 30-134 and Sec. 30-135 of this ordinance.

21
22 This fee schedule is provided as Table 1.

23
24 This fee schedule will be updated annually through the Chippewa County
25 budget process. Upon adoption of the annual budget, the updated fee
26 schedule will become part of this ordinance.

27
28 Note: For permitted sites undergoing significant expansion, the
29 operator is responsible for submitting necessary plan revisions.
30 Expanded facilities shall be subject to plan review based upon
31 the area of expansion.

32
33 Note: Public notice of permit fees in zoned towns will be charged
34 by the zoning office, through the conditional use permitting
35 process, at a rate established for that purpose. In addition to
36 the stated fees, applicants shall be responsible for the payment
37 of all reasonable expenses of the committee for retaining outside
38 expert assistance in analyzing the applicant's application and
39 its conformity to the requirements of this article.

40
41
42
43
44
45
46

1 **TABLE 1 - FEE SCHEDULE FOR ADMINISTRATION OF CHIPPEWA COUNTY**
 2 **ORDINANCE FOR NON METALLIC MINING RECLAMATION.**

3
 4 **Fees for Plan Review** **Effective Jan. 1, 2007**

5		
6	1 to 5 acres	\$ 500.00
7	6 to 10 acres	\$ 750.00
8	11 to 15 acres	\$ 875.00
9	16-25 acres	\$1,000.00
10	26-50 acres	\$1,500.00
11	51 or more acres	\$1,875.00

12
 13 NOTE: For permitted sites undergoing significant expansion, the operator is responsible for submitting
 14 necessary plan revisions. Expanded facilities shall be subject to plan review based on the area of
 15 expansion.

16
 17 **Annual Fees For Active and Inactive Sites** **Annual Fees For Active and Inactive Sites**

18	2007	2007	
19 Annual Permit Fees	Annual	Annual	Annual
20 Mine Size in Unreclaimed Acres,	County	County	State
21 Acres Rounded to the Nearest	Fee	Fee	Fee
22 Whole Acre	(Active Sites)	(Inactive sites)	
23			
24	1 to 5 acres		
25	does not include mines < 1 acre	\$190	\$ 35
26	6 to 10 acres	\$370	\$ 70
27	11 to 15 acres	\$560	\$105
28	16 to 25 acres	\$750	\$140
29	26 to 50 acres	\$875	\$160
30	51 acres or larger	\$935	\$175

31
 32 **State permit fee for inactive sites is \$15.00 for all sizes.**

35 Permit Fees for New Mines	<u>Zoned Town</u>	<u>Unzoned Town</u>
36 Public Notice	0	\$ 50.00
37 Public Hearing	0	\$150.00

38
 39 NOTE: Public notice of permit fees in zoned towns will be charged by the Zoning Office, through
 40 conditional use permitting process, at rate established for that purpose.

41
 42 In addition to the stated fees, applicants shall be responsible for the payment of all reasonable
 43 expenses of the committee for retaining outside expert assistance in analyzing the applicant's
 44 application and it's conformity to the requirements of the Non-Metallic Mining Reclamation Ordinance.

45
 46 **(Ord. No. 7-01, 7-10-2001)**

47
 48 **Secs. 30-157---30-180. Reserved.**

1 **APPENDIX I**

2
3 **RECLAMATION STANDARDS FOR NON-METALLIC**
4 **MINES IN CHIPPEWA COUNTY**

5
6 These reclamation standards have been developed as a consistent basis for
7 non-metallic mine reclamation. They have been developed to meet minimum
8 state of Wisconsin requirements (under NR135) and to aid Chippewa County in
9 administration and review of non-metallic mining permits.

10
11 The following are minimum technical standards that apply to all permitted
12 non-metallic mine sites.

13
14 **A. SLOPES**

15
16 Final slopes shall not exceed three (3) feet horizontal to one (1) foot
17 vertical incline. This slope angle shall extend vertically six (6) feet
18 below the lowest seasonal groundwater level if groundwater is present. In
19 cases of bedrock quarries final slopes may be steeper than 3:1 if it can be
20 shown that the final quarry face will be stable and safe at the proposed
21 slope; a slope no steeper than 3:1 shall be created at a designated location
22 or locations, depending on the size of the water body to allow for a safe
23 exit.

24
25 All areas affected by mining shall be addressed in the approved reclamation
26 plan, pursuant to s. 30-102 to provide that a stable and safe condition
27 consistent with the post-mining land use is achieved. The reclamation plan
28 may designate highwalls or other unmined and undisturbed natural solid
29 bedrock as stable and safe and not in need of reclamation or designate other
30 areas affected by mining including slopes comprised of unconsolidated
31 materials that exceed a 3:1 slope, whether or not graded, as stable and
32 safe. For slopes designated as stable under this subsection, the regulatory
33 authority may require that either: a site-specific engineering analysis be
34 performed by a registered professional engineer to demonstrate that an
35 acceptable slope stability factor is attainable at a steeper slope, or the
36 operator perform a field test plot demonstration to demonstrate that a
37 stable and safe condition will be achieved and that the post-mining land use
38 specified in the reclamation plan will not be adversely affected.

39
40 Final reclaimed slopes covered by topsoil or topsoil substitute material may
41 not be steeper than a 3:1 horizontal to vertical incline, unless found
42 acceptable through one or more of the following: alternative requirements
43 are approved under s. 30-107; steeper slopes are shown to be stable through
44 a field plot demonstration approved as part of an approved reclamation plan;
45 or stable slopes can be demonstrated based on site-specific engineering
46 analysis performed by a registered professional engineer. All areas in the
47 nonmetallic mine site where topsoil or topsoil substitute material is to be
48

1 reapplied shall be graded or otherwise prepared prior to topsoil or topsoil
2 substitute material redistribution to provide the optimum adherence between
3 the topsoil or topsoil substitute material and the underlying material.

4
5 **B. TOPSOIL STORAGE AND REAPPLICATION**

6
7 (1) Topsoil shall be systematically stripped and stockpiled for future
8 application. The A and B horizons shall be stripped and separately
9 stockpiled, unless the applicant can prove that the full volume of the B
10 horizon is not needed to support a proposed vegetative cover. In all cases
11 a minimum of 8 inches of topsoil shall be stripped and stockpiled. If the
12 site is documented to lack these minimum depths of topsoil a waiver may be
13 allowed under which that topsoil which is present will be required to be
14 stripped and retained.

15
16 (2) Soil stockpiles shall be seeded down to retain soil.

17
18 (3) Soil stockpiles shall be graded to 3:1 slope or flatter.

19
20 (4) The location of stockpiled soil or topsoil substitute material shall
21 be chosen to protect the material from erosion, further disturbance or
22 contamination. Runoff water shall be diverted around all locations in which
23 soil material is stockpiled.

24
25 (5) In reclamation, topsoil shall be reapplied to the site as uniformly as
26 possible. Sites which lack adequate topsoil shall have the topsoil applied
27 preferentially to the sloped areas.

28
29 (6) The reapplication of soil horizons (A and B) shall be such that each
30 horizon is placed back in its original location in the profile.

31
32 (7) Topsoil Waivers

33 The County may consider waivers of topsoil requirements under the following
34 conditions:

35 (a) The site, before extraction activities begins, lacks the minimum
36 required depth.

37 (b) The actual depth of available topsoil is documented before
38 excavation begins and every attempt is made to strip and
39 stockpile that amount of topsoil; and

40 (c) Other provisions approved by the county have been made to assure
41 that the soil condition is stable for subsequent stabilization
42 treatment. No waiver from topsoil standards will be considered
43 if the landowner or operator, through intention or negligence
44 allows existing topsoil to be removed from the site.

45
46 **C. STABILIZATION TREATMENTS**

47
48 (1) Seeding shall be required on all exposed areas immediately following
49 completion of topsoil reapplication. Seeding shall be completed in
50 accordance with Appendix A, Section (1).

51 (2) Planting of woody vegetation may be accepted in combination with other
52 stabilization techniques. Species used shall be compatible with site

1 characteristics. On flat areas or slopes less than 6:1 (17 percent) trees
2 alone may be planted without seeding the site.

3 (3) Sodding, rip-rap or other appropriate measures may be required for
4 areas of drainageways which convey concentrated flow to, across or from the
5 site, and for critical erosion areas as needed to correct a problem on the
6 site. Sod shall be installed according to Appendix A, Section (2).

7 (4) Mulch shall be applied to all seeded areas greater than 10:1 (10
8 percent) slope. Mulch is to be applied pursuant to Appendix A, Section (3).

9 (5) Riprap; when required for drainageways, ditch outlets, culvert ends or
10 bridge openings, as shown on the Site Plan, or as required by the Department
11 to deter or correct a problem on the site; shall be installed according to
12 Appendix A, Section (4).

13 (6) Use of silt fence, sediment basins, rock weirs and similar structures
14 and methods which require ongoing maintenance will generally not be accepted
15 for long-term reclamation. The intent of final reclamation is to leave the
16 site in a maintenance free and stable condition.

17 (7) Any future amendments, revisions or modifications of any cited
18 standards or appendixes incorporated herein are made a part of these
19 standards.

20 (8) In all cases, measures shall be taken to assure that soil, sediment
21 and debris from the mine site do not leave the boundaries of the mine site.
22

23 **D. WASTEWATER AND STORMWATER DISCHARGE**

24 Water from site dewatering and washing operations will meet the conditions
25 of the required Wisconsin Pollution Discharge Elimination System (WPDES)
26 permit from DNR.
27
28

29 Stormwater runoff leaving the site will be controlled to limit sediment
30 delivery to surface waters. Appropriate stormwater discharge or
31 construction site erosion permits must be obtained.
32

33 **E. WASTE STORAGE AT SITE**

34 It is the duty of the landowner to remove all waste substances as may be
35 deposited by himself or others. During the period of the permit and
36 thereafter, no gravel pit or borrow site shall be used to receive, store, or
37 serve as a depository for demolition materials, or solid waste except yard
38 waste as defined in Wis. Stat. 159.01(17) and except authorized solid waste
39 management and recycling programs consistent with local, state or federal
40 guidelines and administered by the Chippewa County Solid Waste Management
41 Authority.
42

43 **F. PROGRESSIVE RECLAMATION**

44 Reclamation activities are to be conducted on an ongoing and progressive
45 basis. The county will review progress toward reclamation on an ongoing
46 basis.
47

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52

11. wells within 660 feet of the site;

12. groundwater elevation at the site and source of the information (boring, county groundwater map, well data, etc); and

13. locations of all utilities at the site.

(b) Supporting Information for Initial Site Description:

1. Owner and Applicant Information

The name and address of the landowner and name and address of the applicant (if other than the landowner).

2. Lease(s)

A copy of the signed lease(s) which authorizes an operator to enter upon the lessor's land for the purpose of mining. The expiration date of the lease shall be clearly indicated thereon. A substitute form may be used to verify that a lease is in effect without requiring the entire lease.

3. Legal Description

A legal description and tax parcel numbers of property subject to application.

4. Parties of interest

List of names and addresses of parties of interest within 660 feet of the project site.

5. Soil Information

Thicknesses of the A & B soil horizons and the method of determination.

(2) Site Operations Plan

The Site Operations Plan shall include a site operations map and supporting text.

(a) Site Operations Maps, to include:

- 1. Location and description of mining site boundary;
- 2. locations of separation boundaries and separation dimensions (from structures, public roads, rights-of-way, zoning districts, etc.) as referenced in Mine Site Standards.
- 3. planned cell boundaries;

- 1 4. location and extent of disturbed areas including the area of
2 excavation, spoils piles, topsoil stock-piles, wash ponds, and/or
3 sediment basins;
- 4
- 5 5. processing facilities;
- 6
- 7 6. location and discharge point of site dewatering systems;
- 8
- 9 7. arrows indicating the directions of flow of surface runoff
10 internal and external to the site;
- 11
- 12 8. vegetative (i.e. trees) and structural (i.e. berms) measures to
13 be taken to screen the operation from view of surrounding
14 landuses, where required;
- 15
- 16 9. roads, culverts, and all points of public road access; and
- 17
- 18 10. practices to limit onsite erosion and offsite sediment delivery
19 during excavation. Temporary measures may include but need not
20 be limited to the following: water diversions, grassed
21 waterways, sediment basins, filter strips, silt fencing, bale
22 check dams, sod strips, rock riprap, temporary seeding and
23 mulching.
- 24

25 (b) Description of Site Operations:

- 26
- 27 1. Description or list of the type of materials to be extracted;
- 28
- 29 2. description or list of the type of extraction and processing
30 activities to be conducted at the site;
- 31
- 32 3. estimated volume of materials to be extracted during the
33 operation of each cell, during the permit period, and during the
34 full life of the operation;
- 35
- 36 4. methods for site dewatering and effluent discharge. Discharges
37 may require a Wisconsin Pollution Discharge Elimination System
38 permit.
- 39
- 40 5. stormwater permits required by other agencies;
- 41
- 42 6. erosion control permits required by other agencies;
- 43

44 **Note:** County permits may be granted contingent on receipt of all other
45 required permits for effluent discharge, stormwater management, erosion
46 control, and highway road access.

- 1 7. description of reclamation activities to be conducted during
2 mining operations. This includes but is not limited to a
3 description of topsoil stripping, stabilization and conservation
4 methods to be used during operations. Reclamation activities are
5 to be conducted on an ongoing and progressive basis;
6
- 7 8. the sequence of progression through and between planned cells;
8 and
9
- 10 9. a timetable for the commencement and cessation of nonmetallic
11 mining operations. The timetable shall document the sequence of
12 excavation and reclamation during operation of each cell, during
13 the permit period, and during the projected life of the site.
14

15 **(3) Final Site Plan**

16
17 The Final Site Plan shall include a final site map and text describing
18 measures to be used to restore the site. Site reclamation shall comply with
19 county Reclamation Standards.
20

21 (a) Final Site Maps

- 22 1. Final depths, final slope angles, and slope stabilization
23 measures;
24
- 25 2. areas which convey concentrated flow to, across, or from the
26 site;
27
- 28 3. locations of facilities or structures to remain in place;
29
- 30 4. locations of planned development features on the site following
31 closure; and
32
- 33 5. cross sections through the site - sufficient sections to show
34 current ground surface, final slopes, groundwater elevation, and
35 significant ground elevations.
36

37
38 (b) Description of Final Reclamation:

- 39 1. Description of plans for disposition of surface structures,
40 roads, and related facilities after cessation of mining;
41
- 42 2. Description of topsoil reapplication;
43
- 44 3. A description of how the reclamation plan addresses the long-term
45 safety of the reclaimed mining site. The description shall
46 include a discussion of site-specific safety measures to be
47 implemented at the site and include measures that address public
48 safety with regard to adjacent land uses.
49

50
51 Note: Safety measures include: visual warnings, physical barriers,
52 slope modifications such as reclamation blasting, scaling of the

1 rock face, creation of benches. Other measures may be employed if
2 found to be equivalent by a registered professional engineer.
3

4 4. Seeding plan which shall include a seeding schedule, seeding type
5 and rates, mulching, netting, tree plantings, and other
6 techniques needed to accomplish soil and slope stabilization; and
7

8 5. Description of anticipated future use of the site.
9

10 **(4) Other Information**

11
12 The county may require other information as may be necessary to determine
13 the nature of the extraction operation and proposed reclamation
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52