

 Blue text indicates changes from 2001 Ordinance.

**CHAPTER 10  
NON-METALLIC MINING RECLAMATION  
(Cr. #7-01)**

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Appendix II

**PART I - GENERAL**

- SECTION 1           **1.00 Title.** Nonmetallic mining reclamation ordinance for the County of Chippewa.
- SECTION 2           **2.00 Purpose.** The purpose of this chapter is to establish a local program to ensure the effective reclamation of nonmetallic mining sites on which nonmetallic mining takes place in Chippewa County after the effective date of this chapter, in compliance with Chapter NR 135, Wisconsin Administrative Code and Subchapter I of Chapter 295, Wisconsin Statutes.
- SECTION 3           **3.00 Statutory Authority.** This chapter is adopted under authority of **Section 295.13(1), Wisconsin Statutes, Section NR 135.32, Wisconsin Administrative Code, and Section 59.51, Wisconsin Statutes.**
- SECTION 4           **4.00 Restrictions Adopted Under Other Authority.**  
The purpose of this chapter is to adopt and implement the uniform statewide standards for nonmetallic mining reclamation required by Section 295.12(1)(a), Stats. and contained in Chapter NR 135, Wisconsin Administrative Code. It is not intended that this chapter repeal, abrogate, annul, impair or interfere with any existing rules, regulation, ordinances or permits not concerning nonmetallic mining reclamation previously adopted pursuant to other Wisconsin law.
- SECTION 5           **5.00 Interpretation.** In their interpretation and application, the provisions of this chapter shall be held to be the applicable requirements for nonmetallic mining reclamation and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes outside the reclamation requirements for nonmetallic mining sites required by subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin Administrative Code. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 135, Wisconsin

Administrative Code, and where the provision is unclear, the provision shall be interpreted to be consistent with the Wisconsin Statutes and the provisions of Chapter NR 135, Wisconsin Administrative Code.

SECTION 6           **6.00 Severability.** Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

SECTION 7           **7.00 Applicability.**  
**7.10 Overall Applicability.** The requirements of this chapter apply to all operators of nonmetallic mining sites within the County of Chippewa ~~operating on or commencing to operate after August 1<sup>st</sup>, 2001~~ and as provided in Sections NR 135.02(1) and (2), Wisconsin Administrative Code except where exempted in **sub. 7.20** and except for nonmetallic mining sites located in a city, village or town within Chippewa County that has adopted an ordinance pursuant to Section 295.14, Wisconsin Statutes, and Section NR 135.32(2), Wisconsin Administrative Code.

**7.20 Exemptions.** This chapter does not apply to the exempt activities listed in Section NR 135.02(3), Wisconsin Administrative Code.

SECTION 8           **8.00 Administration.** The provisions of this chapter shall be administered by the Chippewa County Land Conservation Department. The Land Conservation Department shall coordinate its efforts with those of the Chippewa County Zoning Department in circumstances where a site or operation is subject to a conditional use permit under the County Comprehensive Zoning Ordinance, County Shoreland Ordinance, or other Ordinance as administered by the County Zoning authority.

SECTION 9           **9.00 Effective Date.** The provisions of this chapter shall take effect on. ~~August 1<sup>st</sup>, 2001.~~

"Insert Date"

SECTION 10

**10.00 Definitions.** All definitions for the purposes of this chapter are those contained in Section NR 135.03, Wisconsin Administrative Code, as listed herein, with additional definitions as provided in this section.

(0) "Administrative authority" means the Chippewa County Land Conservation Department.

(1) "Alternative requirement" means an alternative to the reclamation standards of this chapter provided through a written authorization granted by the County of Chippewa pursuant to **s. 18.**

(2) "Applicable reclamation ordinance" means a nonmetallic mining reclamation ordinance, including this chapter, that applies to a particular nonmetallic mining site and complies with the requirements of this Chapter NR 135, Wisconsin Administrative Code and ch. 295, such. I, Stats., unless the Wisconsin Department of Natural Resources is the regulatory authority as defined in **sub. (20) (b) 3.** If the Wisconsin Department of Natural Resources is the regulatory authority, "applicable reclamation ordinance" means the relevant and applicable provisions of Chapter NR 135, Wisconsin Administrative Code.

(2m) "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.

(3) "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.

NON-METALLIC MINING 10.00 (4)

(4) "Department" means the Wisconsin Department of Natural Resources.

(5) "Environmental pollution" has the meaning in s. 295.11(2), Stats.

~~(6) "Existing mine" means a nonmetallic mine where nonmetallic mining takes place before August 1, 2001.~~

~~(6)(7)~~ "Financial assurance" means a commitment of funds or resources by an operator to a regulatory authority that satisfies the requirements in **s. 14** and is sufficient to pay for reclamation activities required by this chapter.

(7) "Highwall" means a vertical or nearly vertical face in solid rock or a slope of consolidated or unconsolidated material that exceeds 3:1.

(8) "Landowner" means the person who has title to land in fee simple or who holds a land contract for the land. A landowner is not a person who owns nonmetallic mineral rights to land, if a different person possesses title to that land in fee simple or holds a land contract for that land.

(9) "Licensed professional geologist" means a person who is licensed as a professional geologist pursuant to ch. 470, Stats.

~~(10)(9)~~ "Municipality" means any city, county, town or village.

~~(11)(10)~~ "Nonmetallic mineral" means a product, commodity or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and topsoil.

NON-METALLIC MINING 10.00 (11)

~~(11)~~ (12) "Nonmetallic mining" or "mining" means all of following:

(a) Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

(b) Processes carried out at a nonmetallic mining site that is related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping and dewatering.

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

NON-METALLIC MINING 10.00 (13)

~~(14)~~ ~~(13)~~ "Nonmetallic mining refuse" means waste soil, rock and mineral, as well as other natural site material resulting from nonmetallic mining. Nonmetallic mining refuse does not include marketable by-products resulting directly from or displaced by the nonmetallic mining that are scheduled to be removed from the nonmetallic mining site within a reasonable period of time after extraction. NON-METALLIC MINING 10.00 (14)

~~(15)~~ ~~(14)~~ "Nonmetallic mining site" or "site" means all contiguous areas of present or proposed mining described in **par. (a)**, subject to the qualifications in **par. (b)**.

(a) Nonmetallic mining site means the following:

1. The location where nonmetallic mining is proposed or conducted.
2. Storage and processing areas that are in or contiguous to areas excavated for nonmetallic mining.
3. Areas where nonmetallic mining refuse is deposited.
4. Areas affected by activities such as the construction or improvement of private roads or haulage ways for nonmetallic mining.
5. Areas where grading or regrading is necessary.
6. Areas where nonmetallic mining reclamation activities are carried out or structures needed for nonmetallic mining reclamation, such as topsoil stockpile areas, revegetation test plots, or channels for surface water diversion, are located.

(b) "Nonmetallic mine site" does not include any of the following areas:

1. Those portions of sites listed in **par. (a)** not used for nonmetallic mining or purposes related to nonmetallic mining after August 1, 2001.

NON-METALLIC MINING 10.00(15) (b) (2)

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

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

~~(16)~~ ~~(15)~~ "Operator" means any person who is engaged in, or who has applied for a permit to engage in, nonmetallic mining, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.

~~(16)~~ ~~"Registered geologist" means a person who is registered as a professional geologist pursuant to ss. 443.037 and 443.09, Stats.~~

(17) "Person" means an individual, owner, operator, corporation, limited liability company, partnership, association, county, municipality, interstate agency, state agency, or federal agency.

~~(18)~~ ~~(17)~~ "Registered professional engineer" means a person who is registered as a professional engineer pursuant to ss. 443.04 and 443.09, Stats.

~~(19)~~ ~~(18)~~ "Regulatory authority" means the following:

(a) "Chippewa County" for nonmetallic mine sites located within its jurisdiction, or

(b) 1. A municipality in which the nonmetallic mining site is located and which has adopted an applicable reclamation ordinance,

2. The county in which the nonmetallic mining site is located, if no reclamation municipal ordinance exists pursuant to **subd. 1.**, provided the county has an applicable reclamation ordinance, or

NON-METALLIC MINING 10.00 (19) (3)

3. The Wisconsin Department of Natural Resources, but only if there is no applicable reclamation ordinance enacted by the municipality or the county in which the nonmetallic mining site is located.

(20) ~~(19)~~ "Replacement of topsoil" means the replacement or redistribution of topsoil or topsoil substitute material to all areas where topsoil was actually removed or affected by nonmetallic mining for the purposes of providing adequate vegetative cover and stabilization of soil conditions needed to achieve the approved post-mining land use and as required by the reclamation plan approved pursuant to this chapter.

(21) ~~(20)~~ "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under ch. 283, Stats., or source material, special nuclear material or by-product material, as defined in s. 254.31(1), Stats.

(22) ~~(21)~~ "Topsoil" means the surface layer of soil which is generally more fertile than the underlying soil layers, which is the natural medium for plant growth and which can provide the plant growth, soil stability and other attributes necessary to meet the success standards approved in the reclamation plan.

~~(23)~~ ~~(22)~~ "Topsoil substitute material" means soil or other unconsolidated material either used alone or mixed with other beneficial materials and which can provide the plant growth, site stability and other attributes necessary to meet the success standards approved in the reclamation plan.

~~(24)~~ ~~(23)~~ (a) "Unreclaimed acre" or "unreclaimed acres" means those unreclaimed areas in which nonmetallic mining has occurred after August 1, 2001 and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed under **sub. 29.30**. However the term does not include any areas described in **par. (b)**.

(b) "Unreclaimed acre" or "unreclaimed acres" does not include:

1. Those areas where reclamation has been completed and certified as reclaimed under **sub. 29.30**.
2. Those areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after August 1, 2001.
3. Those portions of nonmetallic mining sites, which are included in an nonmetallic mining reclamation plan, approved pursuant to this chapter but is not yet affected by nonmetallic mining.
4. Areas previously mined but used after August 1, 2001 for a non-mining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from nonmetallic mining, ~~provided the stockpiles are associated with the on-site industrial processes.~~

5. For purposes of fees under **s. 27**, those areas within a nonmetallic mining site which Chippewa County has determined to have been successfully reclaimed on an interim basis in accordance with **sub. 29.30**.

**PART II - STANDARDS**

SECTION 11

**11.00 Standards.** All nonmetallic mining sites subject to this chapter shall be reclaimed in conformance with the general performance standards contained in Subchapter II of Chapter NR 135, Wisconsin Administrative Code, and the technical guidance and standards for site reclamation as established in Reclamation Standards for Non-metallic Mines in Chippewa County, Appendix I+.

**11.11 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 chs. 289 and 291, Stats.

**11.12 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.

**11.13 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.

**11.14 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 restored, to the extent practicable, to a condition at least as suitable as that which existed before the lands were affected by nonmetallic mining operations.

**11.15 Compliance with Environmental Regulations.**

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

~~History: Cr. Register, September, 2000, No. 537, eff. 12-1-00.~~

**11.20 Surface Water and Wetlands Protection.**

Nonmetallic mining reclamation shall be conducted and completed in a manner that assures compliance with water quality standards for surface waters and wetlands contained in chs. NR102 through NR105, [Wisconsin Administrative Code](#). Before disturbing the surface of a nonmetallic mining site and removing topsoil, all necessary measures for diversion and drainage of runoff from the site to prevent pollution of waters of the state shall be installed in accordance with the reclamation plans approved pursuant to an applicable reclamation ordinance. Diverted or channelized runoff resulting from reclamation may not adversely affect neighboring properties.

**11.30 Groundwater Protection.**

(1) GROUNDWATER QUANTITY. A nonmetallic mining site shall be reclaimed in a manner that does not cause a permanent lowering of the water table that results in adverse effects on surface waters or a significant reduction in the quantity of groundwater reasonably available for future users of groundwater.

(2) GROUNDWATER QUALITY. Nonmetallic mining reclamation shall be conducted in a manner, which does not cause groundwater quality standards in ch. NR 140 to be exceeded at a point of standards application.

**PART III - PERMITTING**

SECTION 12      **12.00 Nonmetallic Mining Reclamation Permit Application.**

**12.10 Required Submittal.** All ~~The~~ operators of all nonmetallic mining sites ~~that operate on or after September 1<sup>st</sup>, 2001~~ shall apply for a reclamation permit from Chippewa County. All reclamation permit applications under this section shall be accompanied by the information required by Section NR 135.18 ~~(1)(3)~~, Wisconsin Administrative Code.

~~**12.20 Existing Mines.** The operator of any existing nonmetallic mine shall apply for an automatic reclamation permit from Chippewa County by providing the information required by Section NR 135.18(1), Wisconsin Administrative Code and the submittals required under sub. 12.10 no later than August 1st, 2001.~~

**12.20 Reclamation Permit Application Contents**

~~12.30 New Mines~~ The operator of any nonmetallic mine site that engages in or plans to engage in nonmetallic mining ~~that will begin operations after August 1<sup>st</sup>, 2001 or which has not applied for an automatic reclamation permit pursuant to sub. 12.20~~ shall submit an application that meets the requirements of Sections NR 135.18(2), Wisconsin Administrative Code and the submittals required under sub. 12.10 to the administrative authority prior to beginning operations. This application shall be accompanied by a plan review fee as specified in **secs. 26 and 27.**

SECTION 13

**13.00 Reclamation Plan.**

**13.10 Reclamation Plan Requirements.** All operators of nonmetallic mining sites subject to this chapter shall prepare and submit a reclamation plan that meets the requirements of Section NR 135.19, Wisconsin Administrative Code, and specifications for plans as established in Plan Specifications for Non-Metallic Mines in Chippewa County, Appendix 2 II.

~~13.20 Existing Mines.~~ The operator of any nonmetallic mining site that submits an automatic permit application in conformance with ~~sub. 12.20~~ shall submit the reclamation plan required by ~~sub. 13.10~~ by the deadline date, which applies to each operation as follows:

- ~~Municipal facilities~~ — August 1, 2002
- ~~Zoned Municipalities~~ — August 1, 2002  
(without active zoning permit)
- ~~Zoned Municipalities~~ — August 1, 2003  
(with active zoning permit)
- ~~Unzoned Municipalities~~ — August 1, 2003
- ~~Inactive Sites, Zoned and~~
- ~~Unzoned Municipalities~~ — August 1, 2004

~~13.30 New Mines.~~ The operator of any nonmetallic mining site that applies for a permit in conformance with ~~sub. 12.30~~ shall submit the reclamation plan required by ~~sub. 13.10~~ with its application for a reclamation permit.

**13.20** ~~13.40~~ **Existing Plans and Approvals.** To avoid duplication of effort, the reclamation plan required by **sub. 13.10** may, by reference, incorporate existing plans or materials that meet the requirements of this chapter. ~~Previous approvals for nonmetallic mining sites that apply in accordance with sub. 12.20 shall satisfy the requirements of sub. 13.10 if they meet the requirements of Section NR 135.21(1)(d), Wisconsin Administrative Code.~~

**13.30** ~~13.50~~ **Approval of Reclamation Plan.** The administrative authority shall approve, conditionally approve or deny the reclamation plan submitted under this section in writing as part of permit issuance pursuant to **sub. 16.20** for existing mines and **sub. 16.40**. ~~for new mines. Conditional approvals of reclamation plans shall be made according to sub. 16.70, and denials of reclamation plans made according to s. 17.~~ The operator shall keep a copy of the reclamation plan required by this section, once approved by Chippewa County under this chapter, at the mine site or, if not practicable, at the operator's nearest office or place of business.

## SECTION 14

**14.00 Financial Assurance.**

**14.10 Financial Assurance Requirements.** All operators of nonmetallic mining sites in Chippewa County shall prepare and submit a proof of financial assurance of successful reclamation that meets the requirements of Section 135.40, Wisconsin Administrative Code.

**14.20 Private Nonmetallic Mines. Existing Mines.**

~~The operator of any nonmetallic mining site that applies for an automatic reclamation permit in conformance with sub. 12.20 shall submit the proof of financial assurance required by sub. 14.10 no later than the deadline date for reclamation plan submittal as specified in Section 13.10.~~

~~14.30 New Mines.~~ The operator of any nonmetallic mining site that applies for a reclamation permit in conformance with ~~sub. 12.30~~ shall submit the proof of financial assurance required by ~~sub. 14.10~~ as specified in the reclamation permit issued to it under this chapter.

**14.30 14.40 Public Nonmetallic Mining.** The financial assurance requirements of this section do not apply to nonmetallic mining conducted by the State of Wisconsin, a state agency, board, commission or department, or a municipality.

SECTION 15

**15.00 Public Notice and Right of Hearing.**

**15.10 Reclamation Plan Hearing. ~~New Mines.~~**

Chippewa County shall provide public notice and the opportunity for a public informational hearing as set forth in Sections NR 135.20(1) and (2), Wisconsin Administrative Code for any nonmetallic mining site for which a complete reclamation permit application that satisfies ~~s.12 sub. 12.30~~ is received.

~~15.20 Existing Mines.~~ No public notice or informational hearing is required on an application for a reclamation permit for an existing mine that satisfies ~~sub. 12.20~~, except as provided in Section NR 135.20(4)(c), Wisconsin Administrative Code.

**15.20 15.30 Local Transportation-Related Mines.**

No public notice or informational hearing is required for a nonmetallic mining reclamation permit issued to a local transportation-related mine pursuant to ~~sub. 16.30. 50.~~

SECTION 16

**16.00 Issuance of a Nonmetallic Mining Reclamation Permit.**

**16.10 Permit Required.** ~~Every operator of a nonmetallic mining site in Chippewa County who engages in or plans to engage in nonmetallic mining after September 1<sup>st</sup>, 2001 shall obtain a reclamation permit issued under this section, except nonmetallic mining sites exempt from this chapter as provided in sub 7.20.~~ No person may engage in nonmetallic mining or nonmetallic mining reclamation in Chippewa County ~~after September 1<sup>st</sup>, 2001~~ without a reclamation permit issued pursuant to this section, except nonmetallic mining sites exempt from this chapter as provided in sub. 7.20. ~~chapter.~~

~~**16.20 Automatic Permit for Existing Mines.** Chippewa County shall issue an automatic reclamation permit to the operator of any nonmetallic mining site that submits an application meeting the requirements of sub. 12.20 as set forth in Section 135.21(1), Wisconsin Administrative Code. The automatic permit shall be issued within 30 days of such application.~~

~~**16.30 Evaluation of Follow-Up Submittals for Existing Mines.** Mines covered by automatic permits issued under sub. 16.20 shall submit a reclamation plan in accordance with sub. 13.20 and proof of financial assurance in accordance with sub. 14.20 by the deadlines established in those subsections. Reasonable extensions to these deadlines may be granted in writing by Chippewa County where extenuating circumstances exist. The follow-up submittals required by this subsection shall be evaluated using the criteria and procedures in Sections NR 135.21(1) (d), (e) and (f).~~

**16.20 ~~16.40~~ Permit Issuance for New Mines.**

Applications for reclamation permits for nonmetallic mining sites ~~not permitted under sub 16.20~~ that satisfy **s.12 sub. 12.30** shall be issued a reclamation permit or otherwise acted on as provided in Section NR 135.21(2), Wisconsin Administrative Code. The permit shall require compliance with a reclamation plan submitted by the applicant that conforms to **sub. 13.10 13.30**, and provision by the applicant of financial assurance that conforms to **s.14 sub. 14.30** payable to Chippewa County prior to beginning mining.

**16.30 ~~16.50~~ Automatic Permit for Local**

**Transportation-Related Mines.** Chippewa County shall issue an automatic permit under this subsection for any borrow site operated to provide material for a locally-administered transportation project that meets the criteria in Section NR 135.23(1)(a), Wisconsin Administrative Code. This automatic permit shall be issued according to the provisions of Sections NR 135.23(1)(b) through (j), Wisconsin Administrative Code.

**16.40 ~~16.60~~ Expedited Review.** Any operator of a nonmetallic mining site may obtain an expedited review of a reclamation permit application by paying the expedited review fee specified in **sub. 25.20**. The expedited review shall be carried out according to the provisions of Section NR 135.23(2), Wisconsin Administrative Code. Such expedited review shall not waive, shorten or otherwise affect the public notice and right of hearing pursuant to **s. 15**.

**16.50 ~~16.70~~ Permit Conditions.** Permits issued under this section may include conditions as provided in Section NR 135.21(3), Wisconsin Administrative Code. One required condition shall be that new mines shall obtain financial assurance prior to beginning mining pursuant to Section NR 135.40, Wisconsin Administrative Code.

SECTION 17      **17.00 Permit Denial.** An application for a nonmetallic mining reclamation permit shall be denied if any of the factors specified in Section NR 135.22, Wisconsin Administrative Code exist.

SECTION 18      **18.00 Alternative Requirements.**

**18.10 Scope of Alternative Requirements Approvable.** An operator of a nonmetallic mining site may request an alternative requirement to any reclamation standard established in **s. 11.00**. Such a request may be made only on the basis of the criteria set forth in Section NR 135.26(1), Wisconsin Administrative Code.

**18.20 Procedures.** The operator of a nonmetallic mining site requesting an alternate requirement in **sub. 18.10** shall demonstrate all the criteria in Section NR 135.26(1), Wisconsin Administrative Code. 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 S.92 and acting under the authority of 92.07(2) and 92.07(11).

**18.30 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.

**18.40 Notice to Wisconsin Department of Natural Resources.** Chippewa County shall provide notice to the Wisconsin Department of Natural Resources as provided in Section NR 135.26(3), Wisconsin Administrative Code.

SECTION 19      **19.00 Permit Duration.** A nonmetallic mining reclamation permit issued under this chapter shall last through operation and reclamation of the nonmetallic mining site, unless suspended or revoked pursuant to **sub. 32.20**, or as limited under Section ~~NR 135.27~~ ~~NR 135.24~~, Wisconsin Administrative Code where the mine operator is not the landowner.

SECTION 20      **20.00 Permit Transfer.** A nonmetallic mining reclamation permit issued under this chapter shall be transferred to a new owner or operator upon satisfaction of the conditions in Section NR 135.28, Wisconsin Administrative Code.

SECTION 21      **21.00 Previously Permitted Sites.** For any nonmetallic mining site which had a reclamation permit previously issued pursuant to Chapter NR 135, Wisconsin Administrative Code that becomes subject to reclamation permitting authority of Chippewa County, the previously-issued municipal reclamation permit's terms and conditions shall remain in force until they can be modified by Chippewa County pursuant to **sub. 23.10**. ~~This could happen if, for example, a municipality's program was terminated by the municipality or revoked by the Department - in such cases nonmetallic mine sites would revert to the county program.~~

SECTION 22      **22.00 Review.** Any permitting decision or action made by Chippewa County under this chapter may be reviewed as set forth in Section NR 135.30, Wisconsin Administrative Code.

**PART IV - ADMINISTRATION**

SECTION 23

**23.00 Permit Modification.**

**23.10 By Chippewa County.** A nonmetallic mining reclamation permit issued under this chapter may be modified by Chippewa County if it finds that, due to changing conditions, the nonmetallic mining site is no longer in compliance with this chapter. Such modification shall be by an order conforming to the procedures in **s. 32** and as provided in Section NR 135.24(1), Wisconsin Administrative Code.

**23.20 At the Operator's Option.** If the operator of any nonmetallic mine that holds a reclamation permit issued under this chapter desires to modify such permit or reclamation plan approved under this chapter, it may request such modification by submitting a written application for such modification to the administrative authority. The application for permit or plan modification shall be acted on using the standards and procedures of this chapter.

**23.30 Required by the Operator.** The operator of any nonmetallic mine that holds a reclamation permit issued under this chapter shall request a modification of such permit if required under the circumstances set out in Section NR 135.27, Wisconsin Administrative Code. Such application for permit modification shall be acted on using the standards and procedures of this chapter.

**23.40 Review.** All actions on permit modifications requested or initiated under this section are subject to review under **s. 22**.

SECTION 24

**24.00 Permit Suspension or Revocation**

**24.10 Grounds.** Chippewa County may suspend or revoke a nonmetallic mining reclamation permit issued pursuant to this chapter if it finds any of the grounds listed in Section NR 135.25(1), Wisconsin Administrative Code.

**24.20 Procedures.** If Chippewa County finds grounds for suspending or revoking a nonmetallic mining reclamation permit set forth in **sub. 24.10**, it may issue a special order suspending or revoking such permit as set forth in **sub. 32.20**.

**24.30 Consequences.** The consequences of an reclamation permit suspension or revocation order under **sub. 24.20** shall be as set forth in Sections NR 135.25(2) and (3), Wisconsin Administrative Code.

SECTION 25

**25.00 Annual Operator Reporting.**

**25.10 Contents and Deadline.** Annual reports shall be submitted by the operators of nonmetallic mining sites that satisfy the requirements of Section 135.36, Wisconsin Administrative Code. These reports shall be for reclamation during a calendar year, and ~~shall be~~ submitted, in writing, within 60 days of before the end of each calendar year to the Chippewa County Land Conservation Department. Annual reports shall be submitted until reclamation at each nonmetallic mining site is certified as complete under **s. 29**.

**25.20 Inspection in Lieu of Report.** Chippewa County may, at its discretion, obtain the information required in **sub. 25.10** by written documentation of an inspection it completes during a calendar year, as set forth in Section NR 135.36(4), Wisconsin Administrative Code.

**25.30 Retention of Annual Reports.** Annual reports submitted under this section or inspection records that replace them shall be retained by Chippewa County for at least 10 years after the calendar year to which they apply. These records, or accurate copies of them, shall be made available to the Wisconsin Department of Natural Resources upon written request or during its inspection or audit activities carried out pursuant to Chapter NR 135, Wisconsin Administrative Code.

## SECTION 26

**26.00 Plan Review Fees.**

**26.10 Amount and Applicability.** A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under ~~s.12 sub. 12.30~~ shall submit a non-refundable plan review fee based upon a plan review fee schedule approved by the Chippewa County Board of Supervisors

**26.11** The plan review fee shall be established to equal as closely as possible the County's cost of administering the permitting and plan review processes established in section 12.00 - 18.00 of this ordinance.

**26.12** The plan review fee shall be reviewed annually by the Land Conservation Committee and shall be adjusted by the Committee to account for changes in the cost of public administration. A separate plan review fee shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to **s. 23.**

No plan review fee may be assessed under this section ~~for any nonmetallic mine site for which an application for an automatic reclamation permit is submitted that meets the requirements of sub. 12.20~~ or for any local transportation-related mine issued an automatic permit under ~~sub. 16.30~~ **16.50.**

**26.20 Expedited Plan Review Fee.** A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under ~~s.12 sub. 12.30~~ may obtain expedited reclamation plan review by paying a fee of \$500. This expedited plan review process and permit action shall be completed within 45 days of the permit application. Such fee shall be in addition to that required in **sub. 26.10.**

**26.30 Relation to Annual Fee.** Any reclamation plan review fee or expedited reclamation plan review fee collected under this section shall be added to and collected as part of the first annual fee collected under **s. 27.**

## SECTION 27

**27.00 Annual Fees.****27.10 Areas Subject to Fees, Procedures and**

**Deadline.** Operators of all nonmetallic mining sites subject to reclamation permits issued under this chapter shall submit an annual fee to the Chippewa County Land Conservation Department. These fees shall be calculated based on amount of unreclaimed acres of each site, as defined in Section NR 135.39(1) (a), Wisconsin Administrative Code and according to its provisions. Such fees apply to a calendar year or any part of a year in which nonmetallic mining takes place, until final reclamation is certified as complete under **s. 29.** Fees shall be paid no later than January 31 for the previous year. ~~Fees paid under this section shall include both a share for the Wisconsin Department of Natural Resources under **sub. 27.20** and a share for Chippewa County under **sub. 27.30** that equals as closely as possible the costs of examination and approval of nonmetallic mining reclamation plans and the inspection of nonmetallic mining reclamation sites. These fees shall be calculated based on amount of unreclaimed acres of each site, as defined in Section NR 135.39(1), Wisconsin Administrative Code and according to its provisions. Such fees apply to a calendar year or any part of a year in which nonmetallic mining takes place, until final reclamation is certified as complete under **s. 29.** Fees shall be paid no later than December 31 before the year for which they apply.~~

**27.20 Wisconsin Department of Natural Resources**

**Share of Fee.** Fees paid under this section shall include a share for the Wisconsin Department of Natural Resources equal to the amount specified in Section NR 135.39(3), Wisconsin Administrative Code. For sites on which no nonmetallic mining has taken place during a calendar year, fees to be paid under this section for the following year shall forward fees collected under this subsection to the Wisconsin Department of Natural Resources by March 31<sup>st</sup> ~~shall be the amount specified in the permit fee schedule.~~

**27.30 County Share of Fee.** (1) Fees paid under this section shall also include an annual fee due to Chippewa County, which shall be the amount specified in the permit fee schedule.

(2) Fees are to be established on an unreclaimed acre basis, and equal as closely as possible the county or municipal cost of administering the reclamation program - see s. 295.13(3)(e)1. for details]. Section NR 135.39(4)(b)[preamble], Wis. Adm. Code further requires that annual fees must equal as closely as possible the county or municipality's expenses to administer the program, including but not limited to the examination and approval of plans, cost to ensure compliance, inspecting nonmetallic mining sites and administering the reclamation program set up under this ordinance. Section NR 135.39(4)(b)1., Wis. Adm. Code also provides the county or municipality may use these fees only for reasonable expenses associated with administration of a nonmetallic mining reclamation program.

**27.40 Reduced Fee for Inactive Mines.** Any site on which no nonmetallic mining activity has taken place in a calendar year, and where no activity is planned for the following calendar year, shall be assessed at a reduced fee as specified in the permit fee schedule.†

SECTION 28

**28.00 Regulatory Reporting and Documentation.**

**28.10 Reporting.** Chippewa County shall send an annual report to the Wisconsin Department of Natural Resources including the information required by Section NR 135.37, Wisconsin Administrative Code, by March 31 for the previous calendar year.

**28.20 Documentation.** Chippewa County shall, to the best of its ability, maintain the information set forth in Section NR 135.47(3), Wisconsin Administrative Code, and make it available to the Wisconsin Department of Natural Resources for that agency's audit of Chippewa County's reclamation program pursuant to Section NR 135.47, Wisconsin Administrative Code.

SECTION 29

**29.00 Completed Reclamation - Reporting, Certification and Effect**

**29.10 Reporting.** The operator of a nonmetallic mining site may certify completion of reclamation for a portion or all of the nonmetallic mining site pursuant to a reclamation plan prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code.

**29.20 Reporting of Interim Reclamation.** The operator of a nonmetallic mining site may report completion of interim reclamation as specified in the reclamation plan for the site prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code. Reporting of interim reclamation shall be done according to the procedures in **sub. 29.10**.

**29.30 Certification of Completed Reclamation.** Chippewa County shall inspect a nonmetallic mining site for which reporting of reclamation or interim reclamation has been submitted pursuant to this subsection within 60 days of receipt, and make a determination in writing in accordance with Section NR 135.40(7)©, Wisconsin Administrative Code. If it is determined that interim or final reclamation is complete, including revegetation as specified in a plan that conforms with **s. 13**, Chippewa County shall issue the mine operator a written certificate of completion.

**29.40 Effect of Completed Reclamation.** If reclamation is certified by Chippewa County as complete under **sub. 29.30** for part or all of a nonmetallic mining site, then:

(1) No fee shall be assessed under **s. 27** for the area so certified.

(2) The financial assurance required by **s. 14** shall be released.

(3) For sites which are reported as interim reclaimed under **sub. 29.20** and so certified under **sub. 29.30**, financial assurance for reclaiming the certified area shall be waived.

**29.50 Effect of Inaction Following Report of Completed Reclamation.** If no written response as required by **sub. 29.30** for an area of the mine site reported as reclaimed or interim reclaimed is given within 60 days of receiving such request, any annual fee paid to Chippewa County for it under **s. 27** shall be refunded.

SECTION 30

**30.00 Permit Termination.** When all final reclamation required by a reclamation plan conforming to **s. 13** and required by this chapter is certified as complete pursuant to **s. 28 ~~sub. 29.30~~**, Chippewa County shall issue a written statement to the operator of the nonmetallic mining site, thereby terminating the reclamation permit.

**PART V - ENFORCEMENT**

SECTION 31

**31.00 Right of Entry and Inspection.** For the purpose of ascertaining compliance with the provisions of Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, or this chapter, any authorized officer, agent, employee or representative of Chippewa County may inspect any nonmetallic mining site subject to this chapter as provided in Section 295.17(1), Wisconsin Statutes and Section NR 135.42, Wisconsin Administrative Code.

## SECTION 32

**32.00 Orders and Citations.**

**32.10 Enforcement Orders.** Chippewa County may issue orders as set forth in Section 295.19(1) (a), Wisconsin Statutes to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by **s. 13** and a permit issued under this chapter. A violation of this chapter, an order or permit issued pursuant to this chapter or a reclamation plan required by **s. 13** and a permit issued under this chapter shall be considered a violation of Subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin Administrative Code.

**32.20 Special Orders.** Chippewa County may issue a special order as set forth in Sections 295.19(1) (b) and ©, Wisconsin Statutes suspending or revoking a nonmetallic mining reclamation permit pursuant to **s. 24**, or directing an operator to immediately cease an activity regulated under Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code or this chapter until the necessary plan approval is obtained.

**32.30 Review of Orders.** An order issued under **sub. 32.10** or **sub. 32.20** may be reviewed as provided in Section NR 135.43(2), Wisconsin Administrative Code.

**32.40 Citations.** Chippewa County may issue a citation under s. 66.119, Stats. and Sec. 25.05 of the Chippewa County General Code of Ordinances to collect forfeitures or require any action needed to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by **s. 13** and a permit issued under this chapter. The issuance of a citation under this subsection shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.

**32.50 Enforcement.** The Administrative authority may submit any order issued under **s. 32** to the district attorney, the corporation counsel, the municipal attorney or the attorney general for enforcement for enforcement as provided in Section 295.19(1)(d), Wisconsin Statutes.

SECTION 33

**33.00 Penalties.** Any violation of Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by **s. 13** and a permit issued under this chapter may result in forfeitures as provided in Section 295.19(3), Wisconsin Statutes ~~optional~~: and Sec. 25.05 of the Chippewa County General Code of Ordinances.

## APPENDIX I

### RECLAMATION STANDARDS FOR NON-METALLIC MINES IN CHIPPEWA COUNTY

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

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

#### A. SLOPES

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

All areas affected by mining shall be addressed in the approved reclamation plan, pursuant to s. 13 to provide that a stable and safe condition consistent with the post-mining land use is achieved. The reclamation plan may designate highwalls or other unmined and undisturbed natural solid bedrock as stable and safe and not in need of reclamation or designate other areas affected by mining including slopes comprised of unconsolidated materials that exceed a 3:1 slope, whether or not graded, as stable and safe. For slopes designated as stable under this subsection, the regulatory authority may require that either: a site-specific engineering analysis be performed by a registered professional engineer to demonstrate that an acceptable slope stability factor is attainable at a steeper slope, or the operator perform a field test plot demonstration to demonstrate that a stable and safe condition will be achieved and that the post-mining land use specified in the reclamation plan will not be adversely affected.

Final reclaimed slopes covered by topsoil or topsoil substitute material may not be steeper than a 3:1 horizontal to vertical incline, unless found acceptable through one or more of the following: alternative requirements are approved under s. 18; steeper slopes are shown to be stable through a field plot demonstration approved as part of an approved reclamation plan; or stable slopes can be demonstrated based on site-specific engineering analysis performed by a registered professional engineer. All areas in the nonmetallic mine site where topsoil or topsoil substitute material is to be reapplied shall be

graded or otherwise prepared prior to topsoil or topsoil substitute material redistribution to provide the optimum adherence between the topsoil or topsoil substitute material and the underlying material.

#### **B. TOPSOIL STORAGE AND REAPPLICATION**

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

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

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

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

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

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

(7) Topsoil Waivers

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

- (a) The site, before extraction activities begins, lacks the minimum required depth.
- (b) The actual depth of available topsoil is documented before excavation begins and every attempt is made to strip and stockpile that amount of topsoil; and
- © Other provisions approved by the county have been made to assure that the soil condition is stable for subsequent stabilization treatment. No waiver from topsoil standards will be considered if the landowner or operator, through intention or negligence allows existing topsoil to be removed from the site.

#### **C. STABILIZATION TREATMENTS**

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

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

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

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

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

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

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

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

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

#### **D. WASTEWATER AND STORMWATER DISCHARGE**

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

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

#### **E. WASTE STORAGE AT SITE**

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

#### **F. PROGRESSIVE RECLAMATION**

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

## APPENDIX 2

### PLAN SPECIFICATIONS FOR NON-METALLIC MINES IN CHIPPEWA COUNTY

These standards of plan development are provided to aid applicants for non-metallic mining permits in the development of plans for mine permits and to aid Chippewa County in review of applications for non-metallic mining permits.

Three components of the Site Plan are an Initial Site Description, a Site Operations Plan, and a Final Site Description.

Maps are to show locations and activities referenced in the supporting text. Maps are to be drawn at a scale adequate to convey all required information. Detailed maps are not to be of scale less than 1 inch = 200 feet. Contours intervals for topographic maps is to be 10 feet or less.

#### (1) Initial Site Plan

The Initial Site Plan shall include an initial site map and supporting text.

##### (a) Initial Site Maps, to include:

1. Location map to indicate general location of the project in the county or township;
2. topographic map of affected lands;
3. property boundaries showing the land under consideration and neighboring parcels located within 660 feet of the project site;
4. roads located on or within 660 feet of the project site, with road names indicated;
5. road right-of-way lines;
6. locations of all structures within 660 feet of the site and the use of each structure;
7. locations and names of all intermittent and perennial streams as indicated on SGS 7.5 min topographic maps;
8. areas which convey concentrated flows to or from the site;
9. locations of all wetlands within 660 feet of the site;

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

(b) Description of Site Operations:

1. Description or list of the type of materials to be extracted;
2. description or list of the type of extraction and processing activities to be conducted at the site;
3. estimated volume of materials to be extracted during the operation of each cell, during the permit period, and during the full life of the operation;
4. methods for site dewatering and effluent discharge. Discharges may require a Wisconsin Pollution Discharge Elimination System permit.
5. stormwater permits required by other agencies;
6. erosion control permits required by other agencies;

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

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

**(3) Final Site Plan**

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

(a) Final Site Maps

1. Final depths, final slope angles, and slope stabilization measures;
2. areas which convey concentrated flow to, across, or from the site;
3. locations of facilities or structures to remain in place;
4. locations of planned development features on the site following closure; and
5. cross sections through the site - sufficient sections to show current ground surface, final slopes, groundwater elevation, and significant ground elevations.

(b) Description of Final Reclamation:

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

Note: Safety measures include: visual warnings, physical barriers, slope modifications such as reclamation blasting, scaling of the rock face, creation of benches. Other measures may be employed if found to be equivalent by a registered professional engineer.

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

5. ~~4.~~ description of anticipated future use of the site.

**(4) Other Information**

The county may require other information as may be necessary to determine the nature of the extraction operation and proposed reclamation