



Washington County Nonmetallic Mining Reclamation Ordinance

SUMMARY

PURPOSE and APPLICABILITY

The purpose of this ordinance is to adopt and implement effective reclamation requirements for nonmetallic mining sites in Washington County, in compliance with Chapter NR 135, Wisconsin Administrative Code and Subchapter I of Chapter 295, Wis. Stats. **It is NOT intended to interfere with any existing zoning rules or regulations relating to the location, operation or end land use of a nonmetallic mining facility.**

The reclamation requirements covered under this ordinance apply only to areas of nonmetallic mines that are active after August 1, 2001. It does not allow for regulating abandoned mines or permanently retired areas of active mines. State law mandates a number of other exemptions as well, including:

- Operations subject to Chapter 30 and other state permit
- Farm pits used for farm-related purposes
- Borrow pits for a transportation project where the activity occurs within property boundaries of that facility
- Grading for restoring land following a flood or natural disaster.
- Sites of less than 1 acre
- Activities related to a solid waste disposal facility
- Sites under contract with and subject to the reclamation requirements of the Wisconsin Department of Transportation (WisDOT).

STANDARDS

State law promulgated minimum statewide standards in an effort to create consistent and reasonable local reclamation regulations statewide. These standards are incorporated into this ordinance and cover a wide variety of issues and concerns which, also by state law, may not be exceeded by the county. The principle (or main) standards include the following aspects of nonmetallic mining reclamation activities:

- Reuse and proper storage of refuse
- Minimizing areas disturbed
- Compliance with other environmental regulations
- Protection of surface water, groundwater and wetlands
- Retention and reuse of topsoil
- Restoration of the site suitable for planned, post-mining land-use
- Stabilized and safe slopes
- Re-vegetation
- Maintenance of restoration measures

PERMITTING

Local Transportation-related mines (both existing and proposed) must also apply for and be granted an automatic permit. They are not required to submit a reclamation plan, as are private operators; however, they must have contractual provisions with WisDOT which actively imposes other reclamation requirements. They are also exempt from financial assurance requirements.

All new or proposed mines must apply for and obtain a Reclamation Permit prior to commencing operations. A Reclamation Plan must be submitted at the time application is made and financial assurance must be posted prior to commencing operations.

RECLAMATION PLAN

Mine operators must prepare and submit a “Reclamation Plan” in order to receive and/or retain a permit. The County will review these plans and ensure they meet minimum standards and specifications before issuing permits for new mine operations. An automatic permit may be suspended or revoked for existing operations that fail to submit a proper plan within the timeframe established by the county.

Reclamation Plans are detailed maps and drawings depicting such things as: topography, boundaries, vegetation cover, existing operation features (wash ponds, stockpiles, etc.), surface and groundwater features, buildings, etc. They also must provide a description of post-mining land use and details and descriptions of reclamation measures that will be implemented

FINANCIAL ASSURANCE

New and existing mines (except those used solely for transportation–related projects) must submit an acceptable form of financial assurance (performance bond, certificate of deposit, letter of credit, etc.). The amount of the financial assurance will be established by the County and be based on what it would cost the County to implement a reclamation plan, in the event an operator fails to do so. The amount may be adjusted up or down as needed to reflect changing field conditions.

PUBLIC NOTICES AND HEARINGS

A class 1 public notice must be published before reclamation permits are granted to a new or proposed mining operation. If requested by a citizen, the opportunity for a public hearing must also be provided. Efforts will be made to conduct the reclamation hearing in conjunction with a zoning hearing, if one is being conducted for the proposed operation.

REPORTING

Mine operators are required to submit annual reports to the county, the purpose of which are to certify the number of acres being actively mined and number of acres reclaimed on an annual basis. The county uses these reports to verify fee amounts and to track progress. This information is also used for the County’s annual reports to the DNR.

FEES

The legislature intended this program to be “self-funded” and therefore provided the regulatory authority with the ability to collect fees. There are two types of fees involved. One is a “Plan Review Fee” which the County charges to cover costs incurred by staff to review reclamation plans to ensure they met minimum standards. The other type of fee is an “Annual Fee”. This fee is paid to the County annually by operators to cover basic administration of the ordinance.

PERMIT TERMINATION

After the County certifies through on-site inspections that all reclamation measures have been completed in accordance with the approved Reclamation Plan, the Reclamation Permit is terminated. As such, any outstanding financial assurance is released and annual reporting is no longer required.

ENFORCEMENT

There are a number of standard enforcement options which the County may exercise if provisions of this chapter are violated. These options include such measures as stop work orders, permit suspension and/or revocation, citations and forfeiture of financial assurance. Operators are allowed opportunities to review any orders by the county in a contested case hearing. They also have the right to appeal decisions made by the county.

FUTHER INFORMATION

For further information about Washington County’s Nonmetallic Mining Reclamation Ordinance, please contact the Washington County Land & Water Conservation Division at 262.335.4800.