

(4) Any request for modification of the monitoring plan contained in the mining permit shall comply with the procedures in s. NR 131.12.

(5) Bacteriological analyses of water samples, and all radiological analyses, shall be performed by the state laboratory of hygiene or at a laboratory certified or approved by the department of health and social services. Other laboratory test results submitted to the department under this chapter shall be performed by a laboratory certified or registered under ch. NR 149. The following tests are excluded from this requirement:

- (a) Physical testing of soil,
- (b) Air quality tests,
- (c) pH,
- (d) Chlorine residual,
- (e) Temperature

Note: The requirement in this section to submit data from a certified or registered laboratory is effective on August 28, 1986.

History: Cr. Register, August, 1982, No. 320, eff. 9-1-82; cr. (5), Register, April, 1986, No. 364, eff. 8-28-86.

**NR 132.12 Permit review and modification.** (1) The department shall review the mining and reclamation plans annually after the date of the mining permit issuance or a review as provided in s. NR 132.11 (2).

(2) If the department finds that because of changing conditions, including but not limited to changes in reclamation costs, reclamation technology, minimum standards in s. 144.83 (2) (b), Stats., or government land use plans, the reclamation plan for a mining site is no longer sufficient to reasonably provide for reclamation of the mining site consistent with ss. 144.80 to 144.94, Stats., and the provisions of this chapter, the department shall require the applicant to submit amended mining and reclamation plans which shall be processed in the same manner as an application for an original mining permit. The applicant shall be deemed to hold a temporary mining permit which shall be effective until the amended mining permit is issued or denied.

(3) (a) If an operator desires to amend or cancel a permit, mining plan or reclamation plan, an amended application shall be submitted to the department on forms provided by the department. An application for an increase or decrease in the area of a mining site or for a change in the mining or reclamation plans shall be processed in the same manner as an original application for a mining permit. If 5 or more interested persons do not request a hearing in writing within 30 days of notice under s. 144.836 (3), Stats., no hearing need be held on the modification.

(b) If the amended application is to cancel any or all of a mining site where no mining has taken place, the department shall order the release of the bond or security or portions thereof posted on the land being removed from the mining site and cancel or amend the operator's written authorization to conduct mining on the mining site.

History: Cr. Register, August, 1982, No. 320, eff. 9-1-82.

**NR 132.13 Certificates of completion and bond release.** (1) Not less than 4 years after notification to the department of completion of the reclama-

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tion plan, the operator may petition the department to reduce the amount of the bond. After public hearing conducted pursuant to s. 144.836, Stats., the department shall issue a certificate of completion provided the operator has fulfilled its duties under the reclamation plan.

(2) Upon issuance of a certificate of completion, the department shall reduce the amount of the bond or security to an amount equal to the estimated cost of reclamation of the portion of the mining site for which a certificate of completion has not been issued.

(3) Upon issuance of a certificate or certificates of completion of reclamation for the entire mining site, the department shall require the operator to maintain a bond equal to at least 10% of the cost to the state of reclaiming the entire mining site if mining of the site was wholly underground or at least 20% of the cost to the state of reclamation of the entire mining site if any surface mining was conducted.

(4) After 20 years after issuance of the latest certificate or certificates of completion for the mining site, the department shall release the bond or security if the department determines that the operator has complied with the reclamation plan.

History: Cr. Register, August, 1982, No. 320, eff. 9-1-82.

**NR 132.14 Inspections.** (1) Any duly authorized officer, employe or representative of the department may enter and inspect any property, premises or place on or at a mining site at any reasonable time for the purpose of ascertaining the state of compliance with this chapter and ss. 144.80 to 144.94, Stats.

(2) No operator may refuse entry or access to any authorized representative of the department who requests entry for purposes of inspection and who presents appropriate credentials.

(3) No person may obstruct, hamper or interfere with any such inspection.

History: Cr. Register, August, 1982, No. 320, eff. 9-1-82.

**NR 132.15 Confidentiality.** All data submitted by an applicant for a mining permit as an operator shall be considered a public record unless confidential status is granted to such data pursuant to s. NR 2.19.

History: Cr. Register, August, 1982, No. 320, eff. 9-1-82.

**NR 132.16 Enforcement.** (1) (a) The department shall hold a public hearing related to alleged or potential environmental pollution upon the verified complaint of 6 or more citizens filed with the department. The complaint shall state the name and address of a person within the state authorized to receive service of answer and other papers in behalf of complainants.

(b) The department may order the complainants to file security for costs in a sum deemed to be adequate but not to exceed \$100 within 20 days after the service upon them of a copy of such order and all proceedings on the part of such complainants shall be stayed until security is filed.

(c) The department shall serve a copy of the complaint and notice of the hearing upon the alleged or potential polluter either personally or by registered mail directed to his or her last known post office address at

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least 20 days prior to the time set for the hearing which shall be held not later than 90 days from the filing of the complaint.

(d) The respondent shall file his or her verified answer to the complaint with the department and serve a copy on the person so designated by the complainants not later than 5 days prior to the date set for the hearing, unless the time for answering is extended by the department for cause shown.

(e) For purposes of any hearing under this chapter, the secretary may issue subpoenas and administer oaths.

(f) Within 90 days after the closing of the hearing, the department shall make and file its findings of fact, conclusions of law and order, which shall be subject to review under ch. 227, Stats. If the department determines that any complaint has been filed maliciously or in bad faith it shall so find, and the person complained against shall be entitled to recover his or her expenses on the hearing in civil action.

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