



State of Wisconsin
1997 - 1998 LEGISLATURE

LRBs0305/3
RCT:kaf:lp

**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 1997 SENATE BILL 3**

November 11, 1997 – Offered by COMMITTEE ON ENVIRONMENT.

1 **AN ACT** *to amend* 293.49 (1) (a) (intro.); and *to create* 293.50 of the statutes;
2 **relating to:** issuance of metallic mining permits for the mining of sulfide ore
3 bodies.

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

4 **SECTION 1.** 293.49 (1) (a) (intro.) of the statutes is amended to read:
5 293.49 (1) (a) (intro.) Except as provided in sub. (2) and s. 293.50 and except
6 with respect to property specified in s. 41.41 (11), within 90 days of the completion
7 of the public hearing record, the department shall issue the mining permit if it finds:

8 **SECTION 2.** 293.50 of the statutes is created to read:

9 **293.50 Moratorium on issuance of permits for mining of sulfide ore**
10 **bodies.** (1) In this section:

11 (a) “Pollution” means degradation that results in a violation of an
12 environmental law as determined by an administrative proceeding, civil action,

1 criminal action or other legal proceeding, if the proceeding or action affords to the
2 alleged violator due process rights of notice and an opportunity for a contested
3 hearing. For the purpose of this paragraph, a stipulated fine, forfeiture or other
4 penalty is considered a determination of a violation, regardless of whether there is
5 a finding or admission of liability.

6 (b) "Sulfide ore body" means a mineral deposit in which metals are mixed with
7 sulfide minerals.

8 **(2)** Beginning on the effective date of this subsection [revisor inserts date],
9 the department may not issue a permit under s. 293.49 for the mining of a sulfide ore
10 body until all of the following conditions are satisfied:

11 (a) The department determines, based on information that is provided by an
12 applicant for a permit under s. 293.49 and is verified by the department, that a
13 mining operation in a sulfide ore body that, together with the host rock in which the
14 ore body is located and in which the refuse is deposited, is capable of generating acid
15 mine drainage operated in the United States or Canada for at least 10 years after
16 December 31, 1976, without the pollution of groundwater or surface water from acid
17 drainage or the release of heavy metals at the mining waste site or at the mine site.

18 (b) The department determines, based on information that is provided by an
19 applicant for a permit under s. 293.49 and is verified by the department, that a
20 mining operation in the United States or Canada that operated in a sulfide ore body
21 that, together with the host rock in which the ore body is located, is capable of
22 generating acid mine drainage has closed at any time without causing, after
23 December 31, 1976, pollution of groundwater or surface water from acid drainage or
24 the release of heavy metals at the mine site.

1 (c) The department determines, based on information that is provided by an
2 applicant for a permit under s. 293.49 and is verified by the department, that the
3 mine waste facility proposed by the applicant is designed using technology,
4 appropriate for use in this state, that is proven to prevent pollution of groundwater
5 and surface water from acid drainage or the release of heavy metals. The
6 information may consist of any of the following:

- 7 1. The results of laboratory studies or field demonstrations of the technology
- 8 that the applicant proposes to use for the mining waste facility.
- 9 2. At least 3 case histories from other types of waste facilities at which the
- 10 technology that the applicant proposes to use for the mining waste facility were
- 11 effectively implemented.

12 **(3)** This section applies without regard to the date of submission of the permit
13 application.

14 (END)