

## CHAPTER 11

### NONMETALLIC MINING RECLAMATION

- 11.01 General Provisions
- 11.02 Standards
- 11.03 Nonmetallic Mining Reclamation Permits
- 11.04 Administration
- 11.05 Enforcement

## NONMETALLIC MINING RECLAMATION 11.02

**11.01 GENERAL PROVISIONS.** (1) **TITLE.** This chapter shall be known as the Non-metallic Mining Reclamation Chapter for the Town of Kewaskum.

(2) **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 the Town after the effective date of this chapter, in compliance with Wis. Adm. Code NR 135, and Ch. 295, Subch. I, Wis. Stats.

(3) **STATUTORY AUTHORITY.** This chapter is adopted under authority of §295.14(1), Wis. Stats, Wis. Adm. Code NR 135.32, and §60.22, Wis. Stats.

(4) **RESTRICTIONS ADOPTED UNDER OTHER AUTHORITY.** The purpose of this chapter is to adopt and implement the uniform statewide standards for nonmetallic mining required by §295.12(1)(a), Wis. Stats. and contained in Wis. Adm. Code NR 135. 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.

(5) **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 Ch. 295 Subch. I, Wis. Stats., and Wis. Adm. Code NR 135. 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 Wis. Adm. Code NR 135 and where the provision is unclear, the provision shall be interpreted to be consistent with the Wisconsin Statutes and the provisions of Wis. Adm. Code NR 135.

Note regarding secs. (4) and (5) above: Consistent with §295.12(1)(a), Wis. Stats, a Town ordinance enacted pursuant to Wis. Adm. Code Ch. NR 135, is the method of putting in place uniform Statewide standards for nonmetallic mining reclamation. Once these reclamation programs are set up, reclamation should not be required or otherwise regulated under zoning or their controls. Zoning or other approvals finalized before Wis. Adm. Code NR 135 authorized reclamation programs (like ones using this model ordinance as guide) can continue, and are contemplated by Wis. Adm. Code NR 135.21(1)(d). Future zoning approvals or conditional use permits may be used to regulate other aspects of nonmetallic mining such as siting or operations, but this chapter pre-empts future zoning approvals or conditional use permits as a means to establish reclamation requirements.

(6) **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.

(7) **APPLICABILITY.** (a) *Overall Applicability* (Am. Ord. #8-07). The requirements of this chapter apply to all operators of nonmetallic mining sites within the Town and as provided in Wis. Adm. Code NR 135.02(1) and (2), except where exempted in par. (b) below.

(b) *Exemptions.* This chapter does not apply to the exempt activities listed in Wis. Adm. Code NR 135.02(3).

(8) **ADMINISTRATION.** The provisions of this chapter shall be administered by the Town.

## NONMETALLIC MINING RECLAMATION 11.02

(9)EFFECTIVE DATE. The provisions of this chapter shall take effect on June 1, 2001.

(10)DEFINITIONS. The definitions for the purposes of this chapter are those contained in Wis. Adm. Code NR 135.03.

**11.02 STANDARDS.** All nonmetallic mining sites subject to this chapter shall be reclaimed in conformance with the standards contained in Wis. Adm. Code NR 135 Subch. II.

**11.03 NONMETALLIC MINING RECLAMATION PERMITS.** (1) APPLICATION. (a) *Required* (Am. Ord. #8-07). The operator of all nonmetallic mining sites that operate in the Town shall apply for a reclamation permit from the Town. All reclamation permit applications under this section shall be accompanied by the information required by Wis. Adm. Code NR 135.18(3).

(b)*Existing Mines* (Am. Ord. #8-07). The operator of any existing nonmetallic mine shall apply for an automatic reclamation permit from the Town providing the information required by Wis. Adm. Code NR 135.18(1) and the submittals required under par. (a) above to Town of Kewaskum at P.O. Box 484, 9019 Kettle Moraine Drive, Kewaskum, WI 53040.

(c)*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, 2001 or which has not applied for an automatic reclamation permit pursuant to par. (b) above shall submit an application that meets the requirements of Wis. Adm. Code NR 135.18(2) and the submittals required under par. (a) above to the Town of Kewaskum at P.O. Box 484, 9019 Kettle Moraine Drive, Kewaskum, WI 53040 prior to beginning operations. This application shall be accompanied by a plan review fee as specified in sec. 11.04(4) of this chapter.

(2)RECLAMATION PLAN. (a) *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 Wis. Adm. Code NR 135.19

(b)*Existing Mines*. The operator of any nonmetallic mining site that submits an automatic permit application in conformance with sub. (1)(b) above shall submit the reclamation plan required by par. (a) above. The date as determined by the Town after said application has been received based on consideration of:

- 1.The time needed for the mine operator to prepare the reclamation plan or amend an existing plan,
- 2.The needs of the Town to distribute workload in reviewing reclamation plans, and
- 3.Other relevant factors no later than (3) years after submittal.

Note: The above options are presented to give the Town maximum flexibility in scheduling its evaluation of follow-up submittals by mines issued automatic reclamation permits. Other approaches may be also be chosen by a county or municipality to meet its obligation, under Wis. Adm. Code NR 135.21(1)(f), to act on complete follow-up submittals within 30 days of receiving them. In exercising this scheduling discretion, however, a county or municipality needs to

## NONMETALLIC MINING RECLAMATION 11.05

comply with the requirement in §295.12(3)(dm), Wis. Stats, that the follow-up submittals must be provided between one and 3 years after the date of application for the automatic permit.

(c)*New Mines*. The operator of any nonmetallic mining site that applies for a permit in conformance with sub. (1)(c) above shall submit the reclamation plan required by par. (a) above with its application for a reclamation permit.

(d)*Existing Plans and Approvals*. To avoid duplication of effort, the reclamation plan required by par. (a) above 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. (1)(b) above shall satisfy the requirements of par. (a) above if they meet the requirements of Wis. Adm. Code NR 135.21(1)(d).

(e)*Approval of Reclamation Plan*. The Town shall approve, conditionally approve or deny the reclamation plan submitted under this section in writing as part of permit issuance pursuant to sub. (5)(b) below for existing mines and sub. (5)(d) below for new mines. Conditional approvals of reclamation plans shall be made according to sub. (5)(g) below, and denials of reclamation plans made according to sub. (6) below. The operator shall keep a copy of the reclamation plan required by this section, once approved by the Town under this chapter, at the mine site or, if not practicable, at the operators nearest office or place of business.

(3)FINANCIAL ASSURANCE. (a) *Requirements*. All operators of nonmetallic mining sites in the Town shall prepare and submit a proof of financial assurance of successful reclamation that meets the requirements of Wis. Adm. Code. 135.40.

(b)*Existing Mines*. The operator of any nonmetallic mining site that submits an automatic permit application in conformance with sub. (1)(b) above shall submit the financial assurance required by par. (a) above. The date as determined by the Town after said application has been received based on consideration of:

- 1.The time needed for the mine operator to prepare the reclamation plan or amend an existing plan,
- 2.The needs of the Town to distribute workload in reviewing reclamation plans, and
- 3.Other relevant factors

no later than 3 years after submittal.

Note: The above options are presented to give the Town maximum flexibility in scheduling its evaluation of follow-up submittals by mines issued automatic reclamation permits. Other approaches may be also be chosen by a county or municipality to meet its obligation, under Wis. Adm. Code NR 135.21(1)(f) to act on complete follow-up submittals within 30 days of receiving them. In exercising this scheduling discretion, however, a county or municipality needs to comply with the requirement in §295.12(3)(dm), Wis. Stats, that the follow-up submittals must be provided between one and 3 years after the date of application for the automatic permit.

(c)*New Mines*. The operator of any nonmetallic mining site that applies for a reclamation permit in conformance with sub. (1)(c) above shall submit the proof of financial assurance required by par. (a) above as specified in the reclamation permit issued to it under this chapter.

## NONMETALLIC MINING RECLAMATION 11.05

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

(4)PUBLIC NOTICE AND RIGHT OF HEARING. (a) *New Mines.* The Town shall provide public notice and the opportunity for a public informational hearing as set forth in Wis. Adm. Code NR 135.20(1) and (2) for any nonmetallic mining site for which a complete reclamation permit application that satisfies sub. (1)(c) above is received.

(b)*Existing Mines.* No public notice or informational hearing is required on an application for a reclamation permit for an existing mine that satisfies sub.(1)(b) above, except as provided in Wis. Adm. Code NR 135.20(4)(c).

(c)*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. (5)(e) below.

(5)ISSUANCE OF A NONMETALLIC MINING RECLAMATION PERMIT. (a) *Required.* Every operator of a nonmetallic mining site in the Town who engages in or plans to engage in nonmetallic mining after September 1, 2001 shall obtain a reclamation permit issued under this section, except nonmetallic mining sites exempt from this chapter as provided in sec. 11.01(7)(b) of this chapter No person may engage in nonmetallic mining or nonmetallic mining reclamation after September 1, 2001 without a reclamation permit issued pursuant to this chapter.

(b)*Automatic Permit for Existing Mines.* The Town shall issue an automatic reclamation permit to the operator of any nonmetallic mining that submits an application meeting the requirements of sub. (1)(b) above as set forth in Wis. Adm. Code 135.21(1). The automatic permit shall be issued within 30 days of such application.

(c)*Evaluation of Follow Up Submittals For Existing Mines.* Mines covered by automatic permits issued under par. (b) above shall submit a reclamation plan in accordance with sub. (2)(b) above and proof of financial assurance in accordance with sub. (3)(b) above by the deadlines established in those subsections. Reasonable extensions to these deadlines may be granted in writing by the Town where extenuating circumstances exist. The follow-up submittals required by this subsection shall be evaluated using the criteria and procedures in Wis. Adm. Code NR 135.21(1)(d), (e) and (f).

(d)*Permit Issuance For New Mines.* Applications for reclamation permits for nonmetallic mining sites not permitted under par. (b) above that satisfy sub. (1)(c) above shall be issued a reclamation permit or otherwise acted on as provided in Wis. Adm. Code NR 135.21(2). The permit shall require compliance with a reclamation plan submitted by the applicant that conforms with sub. (3)(c) above and provision by the applicant of financial assurance that conforms with sub. (2)(b) above payable to the Town prior to beginning mining.

(e)*Automatic Permit For Local Transportation Related Mines.* The Town 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 Wis. Adm. Code NR 135.23(1)(a). This automatic permit shall be issued according to the provisions of Wis. Adm. Code NR 135.23(1)(b) through (j).

## NONMETALLIC MINING RECLAMATION 11.05

Note: A reclamation permit is not required under this subsection for nonmetallic mines sites that are operated to provide materials for construction, maintenance and repair of transportation facilities that are subject to the Wisconsin Department of Transportation concerning restoration of the nonmetallic mining site, as provided by §295.16(1)(c), Wis. Stats. Plan review fees may not be assessed for local transportation-related mines permitted under this subsection, and the county or municipality may not assess them an annual fee under sec. 11.04(5) of this chapter that is greater than Wis. Adm. Code NR 135.23(1)(f).

(f)*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 sec. 11.04(4)(b) of this chapter. The expedited review shall be carried out according to the provisions of Wis. Adm. Code NR 135.23(2). Such expedited review shall not waive, shorten or otherwise affect the public notice and right of hearing pursuant to sub. (4) above.

(g)*Permit Conditions.* Permits issued under this section may include conditions as provided in Wis. Adm. Code NR 135.21(3). One required condition shall be that new mines shall obtain financial assurance prior to beginning mining pursuant to Wis. Adm. Code NR 135.40.

(6)PERMIT DENIAL. An application for a nonmetallic mining reclamation permit shall be denied if any of the factors specified in Wis. Adm. Code NR 135.22.

(7)ALTERNATIVE REQUIREMENTS. (a) *Alternative Requirements.* An operator of a nonmetallic mining site may request an alternative requirement to any reclamation standard established in sec. 11.02 of this chapter. Such a request may be made only on the basis of the criteria set forth in Wis. Adm. Code NR 135.26(1).

(b)*Existing Mines.* The operator of a nonmetallic mining site requesting an alternative requirement in par. (a) above shall demonstrate all the criteria in Wis. Adm. Code NR 135.26(1). This shall be submitted in writing to Town of Kewaskum at P.O. Box 484, 9019 Kettle Moraine Drive, Kewaskum WI 53040. Criteria review and recommendation shall be completed by the Plan Commission within 90 days of submittal and decision by the Town Board within 60 days of such recommendation.

(c)*Transmittal of Decision on Request For Alternate Requirements.* 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 Wisconsin Department of Natural Resources.* The Town shall provide notice to the Wisconsin Department of Natural Resources as provided in Wis. Adm. Code NR 135.26(3)(a).

(8)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 sec. 11.05(2)(b) of this chapter or as limited under Wis. Adm. Code NR 135.27 where the mine operator is not the landowner.

(9)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 Wis. Adm. Code NR 135.28.

## NONMETALLIC MINING RECLAMATION 11.05

(10)PREVIOUSLY PERMITTED SITES. For any nonmetallic mining site which had a reclamation permit previously issued pursuant to Wis. Adm. Code NR 135 that becomes subject to reclamation permitting authority of Washington County the previously-issued municipal reclamation permit's terms and conditions shall remain in force until they can be modified by Washington County pursuant to sec. 11.04(1)(a) of this chapter.

(11)REVIEW. Any permitting decision or action made by the Town under this chapter may be reviewed as set forth in Wis. Adm. Code NR 135.30.

**11.04 ADMINISTRATION.** (1) PERMIT MODIFICATION.(a) *By the Town.* A non-metallic mining reclamation permit issued under this chapter may be modified by the Town 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 with the procedures in. sec. 11.05(2) of this chapter and as provided in Wis. Adm. Code NR 135.24(1).

(b)*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 submitted a written application for such modification to the Town of Kewaskum at P.O. Box 484, 9019 Kettle Moraine Drive, Kewaskum, WI 53040. The application for permit or plan modification shall be acted on using the standards and procedures of this chapter.

(c)*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 Wis. Adm. Code NR 135.27. Such application for permit modification shall be acted on using the standards and procedures of this chapter.

(d)*Review.* All actions on permit modifications requested or initiated under this section are subject to review under sec. 11.03(11) of this chapter.

(2)PERMIT SUSPENSION OR REVOCATION. (a) *Grounds.* The Town may suspend or revoke a nonmetallic mining reclamation permit issued pursuant to this chapter if it finds any of the grounds listed in Wis. Adm. Code NR 135.25(1).

(b)*Procedures.* If the Town finds grounds for suspending or revoking a nonmetallic mining reclamation permit set forth in par. (a) above it may issue a special order suspending or revoking such permit as set forth in sec. 11.05(2)(b) of this chapter.

(c)*Consequences.* The consequences of an reclamation permit suspension or revocation order under par. (b) above shall be as set forth in Wis. Adm. Code. NR 135.25(2) and (3).

(3)ANNUAL OPERATOR REPORTING. (a) *Contents and Deadline.* Annual reports shall be submitted by the operators of nonmetallic mining sites that satisfy the requirements of Wis. Adm. Code 135.36. These reports shall be for reclamation during a calendar year, and submitted in writing within 60 days of the end of each calendar year to P.O. Box 484, 9019 Kettle Moraine Drive, Kewaskum, WI 53040. Annual reports shall be submitted until reclamation at each nonmetallic mining site is certified as complete under sub. (8) below.

## NONMETALLIC MINING RECLAMATION 11.05

(b)*Inspection in Lieu of Report.* The Town may, at its discretion, obtain the information required in par. (a) above by written documentation of an inspection it completes during a calendar year, as set forth in Wis. Adm. Code NR 135.36(4).

(c)*Retention of Annual Reports.* Annual reports submitted under this section or inspection records that replace them shall be retained by the Town for at least 10 years after the calendar year to which they apply at P.O. Box 484, 9019 Kettle Moraine Drive, Kewaskum WI 53040. 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 Wis. Adm. Code NR 135.

(4)PLAN REVIEW FEES. (a) *Amount and Applicability.* A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under sec. 11.03(1)(c) of this chapter shall submit a non-refundable plan review fee of \$500 to the Town of Kewaskum at P.O. Box 484, 9019 Kettle Moraine Drive, Kewaskum, WI 53040. 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 sec. 11.03(1)(b) of this chapter or for any local transportation-related mine issued an automatic permit under sec. 11.03(5)(e) of this chapter. A separate plan review fee shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to this section.

(b)*Expedited Plan Review Fee.* A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under sec. 11.03(1)(c) of this chapter may obtain expedited reclamation plan review by paying a fee of \$1,000. Such fee shall be in addition to that required in sub. (6)(a) below.

(c)*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 sub. (5) below.

(5)ANNUAL FEES. (a) *Areas Subject to Fees, Procedures and Deadlines.* Operators of all nonmetallic mining sites subject to reclamation permits issued under this chapter to the Town of Kewaskum at P.O. Box 484, 9019 Kettle Moraine Dr., Kewaskum, WI 53040. Fees paid under this section shall include both a share for the Wisconsin Department of Natural Resources under par. (b) below and a share for the Town under par. (c) below that equals as closely as possible the costs of examination and approval on 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 Wis. Adm. Code NR 135.39(1) 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 sub. (7) below. Fees shall be paid no later than December 31 before the year for which they apply.

(b)*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 Wis. Adm. Code NR 135.39(3). 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 be \$15. The DNR's share of the annual fees shall be transferred to the Department by March 31, for the previous year.

## NONMETALLIC MINING RECLAMATION 11.05

(c)*Town's Share of Fee.* Fees paid under this section shall also include an annual fee due to the Town which shall be equal to the cost of administration and inspection on an unreclaimed acre basis not greater than Wis. Adm. Code NR 135.39(4)(c).

(d)*Reduced Fee For Inactive Mines Optional.* Any site on which no nonmetallic mining activity has taken place in a calendar year shall be assessed a fee for the following calendar year to be determined by the Town.

(e)*Documentation of the Town's Share of Fee.* If the annual fee in par. (c) below is greater than that established in Wis. Adm. Code NR 135.39(4)(c), the Town shall document in writing its estimated program cost and the need for its annual fees established in par. (c) below on or before June 1, 2001. This documentation shall be available for public inspection.

(6)REGULATORY REPORTING AND DOCUMENTATION. (a) *Reporting.* The Town shall send an annual report to the Wisconsin Department of Natural Resources including the information required by Wis. Adm. Code NR 135.37.

(b)*Documentation.* The Town shall, to the best of its ability, maintain the information set forth in Wis. Adm. Code NR 135.47(3) and make it available to the Wisconsin Department of Natural Resources for that agency's audit of the Town's reclamation program pursuant to Wis. Adm. Code NR 135.47.

(7)COMPLETED RECLAMATION: REPORTING, CERTIFICATION AND EFFECT.

(a) *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 Wis. Adm. Code NR 135.

(b)*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 Wis. Adm. Code NR 135. Reporting of interim reclamation shall be done according to the procedures in par. (a) above.

(c)*Certification of Completed Reclamation.* The Town 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 Wis. Adm. Code NR 135.40(7)(c). If it is determined that interim or final reclamation is complete, including revegetation as specified in a plan that conforms with sec. 11.03(2) of this chapter, the Town shall issue the mine operator a written certificate of completion.

(d)*Effect of Completed Reclamation.* If reclamation is certified by the Town as completed under par. (c) above for part of all of a nonmetallic mining site, then:

1.No fee shall be assessed under sub. (5) above for the area so certified.

2.The financial assurance required by sec. 11.03(3) of this chapter shall be released.

3For sites which are reported as interim reclaimed under par. (b) above and so certified under par. (c) above financial assurance for reclaiming the certified area shall be reduced.

## NONMETALLIC MINING RECLAMATION 11.05

(e)*Effect of Inaction Following Report of Completed Reclamation.* If no written response as required by par. (c) above 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 the Town for it under sub. (5) above shall be refunded.

(8)PERMIT TERMINATION. When all final reclamation required by a reclamation plan conforming to sec. 11.03(2) of this chapter and required by this chapter is certified as complete pursuant to sub. (6) above the Town shall issue a written statement to the operator of the nonmetallic mining site, thereby terminating the reclamation permit.

**11.05 ENFORCEMENT.**(1) RIGHT OF ENTRY AND INSPECTION. For the purpose of ascertaining compliance with the provisions of Ch. 295, Subch. I, Wis. Stats., Wis. Adm. Code NR 135, or this chapter, an authorized officer, agent, employee or representative of the Town may inspect any nonmetallic mining site subject to this chapter as provided in §295.17(1), Wis. Stats., and Wis. Adm. Code NR 135.42.

Note: Under section Wis. Adm. Code NR 135.42(1), persons entering nonmetallic mine sites under this right of inspection shall obtain training and provide their own safety equipment as needed to comply with applicable federal, state and local laws or regulations.

(2)ORDERS AND CITATIONS. (a) *Enforcement Orders.* The Town may issue orders as set forth in §295.19(1)(a), Wis. Stats., to enforce Ch. 295 Subch. I, Wis. Stats., Wis. Adm. Code NR 135, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by sec. 11.03(2) of this chapter 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 sec. 11.03(2) of this chapter and a permit issued under this chapter shall be considered a violation of Ch, 295, Subch. I, Wis. Stats., and Wis. Adm. Code NR 135.

(b)*Special Orders.* The Town may issue a special order as set forth in §295.19(1)(b) and (c), Wis. Stats., suspending or revoking a nonmetallic mining reclamation permit pursuant to sec. 11.04(2) of this chapter, or directing an operator to immediately cease an activity regulated under of Ch. 295 Subch. I, Wis. Stats., Wis. Adm. Code NR 135, or this chapter until the necessary plan approval is obtained.

(c)*Review of Orders.* An order issued under par. (a) or (b) above may be reviewed as provided in Wis. Adm. Code NR 135.43(2).

(d)*Citations.* The Town may issue a citation under §66.0119, Wis. Stats., to collect forfeitures or require any action needed to enforce Ch. 295 Subch. I, Wis. Stats., Wis. Adm. Code NR 135, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by sec. 11.03(2) of this chapter 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.

(e)*Enforcement.* The Town may submit any order issued under this subsection to the District Attorney, the Town attorney or the Attorney General for enforcement for enforcement as provided in §295.19(1)(d), Wis. Stats.

## NONMETALLIC MINING RECLAMATION 11.05

(3)PENALTIES. Any violation of Ch. 295 Subch. I, Wis. Stats., Wis. Adm. Code NR 135, this chapter, a permit issued pursuant to the chapter or a reclamation plan required by sec. 11.03(2) of this chapter and a permit issued under this chapter may result in forfeitures as provided in §295.19(3), Wis. Stats., and sec. 17.20(15) of this Code.