



NR-135 Non-Metallic Mining Reclamation Program

Ordinance Applicability & Definition of Non-Metallic Mining

Ordinance Applicability & Exemptions

Wisconsin Administrative Code NR-135 and the Counties' Non-Metallic Mining Reclamation Ordinances discuss the applicability of the reclamation requirements for existing and new sites. A summary of the specific exemptions from these requirements are listed below. Landowners or operators should consult the Counties' ordinances (available for downloading at www.eastcentralrpc.org) for more specific information.

Exemptions

- ? Nonmetallic mining at a site or that portion of a site that is subject to permit and reclamation requirements of the Wisconsin Department of Natural Resources under sections 30.19, 30.195 or 30.20, Stats., and complies with Chapter NR 340, Wisconsin Administrative Code or excavations subject to the permit and reclamation requirements of sections 30.30 or 30.31, Stats.
- ? Excavations or grading by a person solely for domestic or farm use at that person's residence or farm.
- ? Excavations or grading conducted for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility, or any other transportation facility where the excavation or grading is entirely within the property boundaries of the transportation facility.
- ? Grading conducted for preparing a construction site or restoring land following a flood or natural disaster.
- ? Excavations for building construction purposes conducted on the building site.
- ? Nonmetallic mining at nonmetallic mining sites that affect less than one acre of total area over the life of the mine.
- ? Any mining operation, the reclamation of which is required in a permit obtained under Chapter 293, Stats.
- ? Any activities required to prepare, operate or close a solid waste disposal facility under Chapter 289, Stats., or a hazardous waste disposal facility under Chapter 291, Stats., that are conducted on the property where the facility is located,
- ? Nonmetallic mining conducted to obtain stone, soil, sand or gravel for construction, reconstruction, maintenance or repair of a highway, railroad, airport, or any other transportation facility or part thereof, if the nonmetallic mining is subject to the requirements of the Wisconsin Department of Transportation concerning the restoration of the nonmetallic mining site.
- ? Dredging for navigational purposes, to construct or maintain farm drainage ditches and for the remediation of environmental contamination and the disposal of spoils from these activities.
- ? The excavation of ponds, regardless of size, if all excavated materials remain on the site during its construction and after its completion and the excavation of ponds, regardless of size, if contained within designated wetland or shoreland areas which do not permit the stockpiling, or use, of the excavated materials on the site.

Definitions of Non-Metallic Mining

The following is a summary of the definitions contained in the Counties' Ordinances pertaining to non-metallic mining sites:

Existing Mine: A nonmetallic mine where nonmetallic mining takes place before August 1, 2001.

Nonmetallic Mineral: 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.

Nonmetallic 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 topsoil removal, 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 are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the same 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, pulverizing, and de-watering.

Non-metallic Mining Site: Contiguous areas of present or proposed mining which fit one or more of the conditions outlined below:

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 re-grading is necessary.
6. Areas where nonmetallic mining reclamation activities are carried out or structures needed for nonmetallic mining reclamation, such as topsoil stockpile areas, re-vegetation test plots, or channels for surface water diversion, are located.

A non-metallic mine site does not include any of the following areas:

1. Those portions of sites listed above that are not used for nonmetallic mining or purposes related to nonmetallic mining after August 1, 2001.
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.
4. Areas no longer being actively mined after August 1, 2001 but are still carrying out related non-metallic mining processes using materials mined from a different site.



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