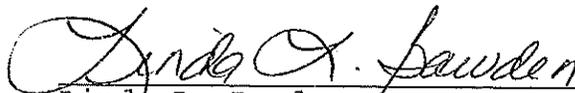


LAFAYETTE COUNTY

Nonmetallic Mining Reclamation Ordinance

Chapter 6-8

I, Linda L. Bawden, Clerk of the County of Lafayette, State of Wisconsin, do certify that this Ordinance was adopted by the Lafayette County Board of Supervisors at a meeting held on October 15, 2007.



Linda L. Bawden
Lafayette County Clerk

TABLE OF CONTENTS

SECTION	
6-8-1	TITLE..... 1
6-8-2	PURPOSE..... 1
6-8-3	STATUTORY AUTHORITY..... 1
6-8-4	RESTRICTIONS ADOPTED UNDER OTHER AUTHORITY..... 1
6-8-5	INTERPRETATION..... 1
6-8-6	SEVERABILITY..... 2
6-8-7	APPLICABILITY..... 2
6-8-7.1	OVERALL APPLICABILITY..... 2
6-8-7.2	EXCEPTIONS..... 2
6-8-8	ADMINISTRATION..... 2
6-8-9	EFFECTIVE DATE..... 2
6-8-10	DEFINITIONS..... 3
PART 11 – STANDARDS	
6-8-11	STANDARDS..... 3
PART III – PERMITTING	
6-8-12	NONMETALLIC MINING RECLAMATION PERMIT APPLICATION..... 3
6-8-12.1	REQUIRED SUBMITTAL..... 3
6-8-12.2	NEW MINES..... 3
6-8-12.3	EXISTING MINES..... 4
6-8-13	RECLAMATION PLAN..... 4
6-8-13.1	RECLAMATION PLAN REQUIREMENTS..... 4
6-8-13.2	EXISTING MINES..... 4
6-8-13.3	NEW MINES..... 4
6-8-13.4	EXISTING PLANS AND APPROVALS..... 4
6-8-13.5	APPROVAL OF RECLAMATION PLAN..... 4
6-8-14	FINANCIAL ASSURANCE..... 5
6-8-14.1	FINANCIAL ASSURANCE REQUIREMENTS..... 5
6-8-14.2	EXISTING MINES..... 5
6-8-14.3	NEW MINES..... 5
6-8-14.4	PUBLIC NONMETALLIC MINING..... 5

6-8-15	PUBLIC NOTICE AND RIGHT OF HEARING.....	5
6-8-15.1	NEW MINES.....	5
6-8-15.2	EXISTING MINES.....	6
6-8-15.3	LOCAL TRANSPORTATION-RELATED MINES.....	6
6-8-16	ISSUANCE OF A NONMETALLIC MINING RECLAMATION PERMIT.....	6
6-8-16.1	PERMIT REQUIRED.....	6
6-8-16.2	AUTOMATIC PERMIT FOR EXISTING MINES.....	6
6-8-16.3	EVALUATION OF FOLLOW-UP SUBMITTALS FOR EXISTING MINES.....	6
6-8-16.4	PERMIT ISSUANCE FOR NEW MINES.....	6
6-8-16.5	AUTOMATIC PERMIT FOR LOCAL TRANSPORTATION-RELATED MINES.....	7
6-8-16.6	EXPEDITED REVIEW.....	7
6-8-16.7	PERMIT CONDITIONS.....	7
6-8-17	PERMIT DENIAL.....	7
6-8-18	ALTERNATIVE REQUIREMENTS.....	7
6-8-18.1	SCOPE OF ALTERNATIVE REQUIREMENTS APPROVABLE.....	7
6-8-18.2	PROCEDURES.....	8
6-8-18.3	TRANSMITTAL OF DECISION ON REQUEST FOR ALTERNATE REQUIREMENTS.....	8
6-8-18.4	NOTICE TO WISCONSIN DEPARTMENT OF NATURAL RESOURCES..	8
6-8-19	PERMIT DURATION.....	8
6-8-20	PERMIT TRANSFER.....	8
6-8-21	PREVIOUSLY PERMITTED SITES.....	8
6-8-22	REVIEW.....	8

PART IV – ADMINISTRATION

6-8-23	PERMIT MODIFICATION.....	9
6-8-23.1	BY LAFAYETTE COUNTY.....	9
6-8-23.2	AT THE OPERATOR'S OPTION.....	9
6-8-23.3	REQUIRED BY THE OPERATOR.....	9
6-8-23.4	REVIEW.....	9
6-8-24	PERMIT SUSPENSION OR REVOCATION.....	9
6-8-24.1	GROUND.....	9
6-8-24.2	PROCEDURES.....	10
6-8-24.3	CONSEQUENCES.....	10
6-8-25	ANNUAL OPERATOR REPORTING.....	10
6-8-25.1	CONTENTS AND DEADLINE.....	10
6-8-25.2	INSPECTION IF LIEU OF REPORT.....	10
6-8-25.3	RETENTION OF ANNUAL REPORTS.....	10

6-8-26	PLAN REVIEW FEES.....	10
6-8-26.1	AMOUNT AND APPLICABILITY.....	10
6-8-26.2	EXPEDITED PLAN REVIEW FEE.....	11
6-8-26.3	RELATION TO ANNUAL FEE.....	11
6-8-27	ANNUAL FEES.....	11
6-8-27.1	AREAS SUBJECT TO FEES, PROCEDURES AND DEADLINE.....	11
6-8-27.2	WISCONSIN DEPARTMENT OF NATURAL RESOURCES SHARE OF FEE.....	11
6-8-27.3	LAFAYETTE COUNTY'S SHARE OF FEE.....	12
6-8-27.4	REDUCED FEE FOR INACTIVE MINES.....	12
6-8-28	REGULATORY REPORTING AND DOCUMENTATION.....	12
6-8-28.1	REPORTING.....	12
6-8-28.2	DOCUMENTATION.....	12
6-8-29	COMPLETED RECLAMATION – REPORTING, CERTIFICATION AND EFFECT.....	12
6-8-29.1	REPORTING.....	12
6-8-29.2	REPORTING OF INTERIM RECLAMATION.....	12
6-8-29.3	CERTIFICATION OF COMPLETED RECLAMATION.....	13
6-8-29.4	EFFECT OF COMPLETED RECLAMATION.....	13
6-8-29.5	EFFECT OF INACTION FOLLOWING REPORT OF COMPLETED RECLAMATION.....	13
6-8-30	PERMIT TERMINATION.....	13

PART V – ENFORCEMENT

6-8-31	RIGHT OF ENTRY AND INSPECTION.....	13
6-8-32	ORDERS AND CITATIONS.....	14
6-8-32.1	ENFORCEMENT ORDERS.....	14
6-8-32.2	SPECIAL ORDERS.....	14
6-8-32.3	REVIEW OF ORDERS.....	14
6-8-32.4	CITATIONS.....	15
6-8-32.5	ENFORCEMENT.....	15
6-8-33	PENALTIES.....	15

SECTION

PART I – GENERAL

6-8-1 TITLE

Nonmetallic mining reclamation ordinance for the County of Lafayette, Wisconsin.

6-8-2 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 Lafayette County, Wisconsin after the effective date of this chapter, in compliance with the provisions of Chapter NR 135 of the Wisconsin Administrative Code and with the provisions of Subchapter I of Chapter 295 of the Wisconsin Statutes.

6-8-3 STATUTORY AUTHORITY

This chapter is adopted under the authority of Section 295.13(1), Wisconsin Statutes, Section NR 135.32 of the Wisconsin Administrative Code, and Chapter 59.51 of the, Wisconsin Statutes.

6-8-4 RESTRICTIONS ADOPTED UNDER OTHER AUTHORITY

The purpose of this chapter is to adopt and implement the uniform statewide standards for nonmetallic mining required by Section 295.12(1)(a), Wisconsin Statutes and contained in Chapter NR 135, Wisconsin Administrative Code. It is not intended that this chapter repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits not concerning nonmetallic mining reclamation previously adopted pursuant to other Wisconsin law.

6-8-5 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 Subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin Administrative Code. 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 Chapter NR 135, Wisconsin Administrative Code, and where the provision is unclear, the provision shall be interpreted to be consistent with the Wisconsin Statutes and the provisions of Chapter NR 135, Wisconsin Administrative Code.

6-8-6 **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.

6-8-7 **APPLICABILITY**

6-8-7.1 **OVERALL APPLICABILITY**

The requirements of this chapter apply to all operators of nonmetallic mining sites within the County of Lafayette operating on or commencing to operate after August 1, 2001 and as provided in Sections NR 135.02(1) and (2), Wisconsin Administrative Code and except where exempted in Sub. 7.20; and except for nonmetallic mining sites located in a city, village or town within Lafayette County that has adopted an ordinance pursuant to Section 295.14, Wisconsin Statutes, and Section NR 135.32(2), Wisconsin Administrative Code.

6-8-7.2 **EXCEPTIONS**

This chapter does not apply to the exempt activities listed in Section NR 135.02(3) of the Wisconsin Administrative Code.

6-8-8 **ADMINISTRATION**

The provisions of this chapter shall be administered under the direction of the Planning and Zoning Committee of the Lafayette County Board of Supervisors in conjunction with the Office of the Zoning Administrator for Lafayette County.

6-8-9 **EFFECTIVE DATE**

The provisions of this chapter shall take effect on June 1, 2001.

6-9-10 **DEFINITIONS**

All definitions for the purposes of this chapter are those contained in Section NR 135.03 of the Wisconsin Administrative Code and are hereby incorporated as part of this chapter by reference.

PART II - STANDARDS

6-8-11 **STANDARDS**

All nonmetallic mining sites subject to this chapter shall be reclaimed in conformance with the standards contained in Subchapter II of Chapter NR 135, Wisconsin Administrative Code.

PART III - PERMITTING

6-8-12 **NONMETALLIC MINING RECLAMATION PERMIT APPLICATION**

6-8-12.1 **REQUIRED SUBMITTAL**

The operator of all nonmetallic mining sites that operate on or after August 1, 2001, shall apply for a reclamation permit from Lafayette County. All reclamation permit applications under this section shall be accompanied by the information required by Section NR 135.18(3), Wisconsin Administrative Code, as from time to time amended, and the submittals required under Subchapter 6-8-12 no later than August 1, 2001 to Lafayette County. All permit applications as well as the accompanying information shall be submitted to the Lafayette County Planning and Zoning Office.

6-8-12.2 **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 Subchapter 6-8-12.1 shall submit an application that meets the requirements of Sections NR 135.18(2), Wisconsin Administrative Code and the submittals required under subchapter 6-8-12 to Lafayette County Planning and Zoning prior to beginning operations. This application shall be accompanied by a plan review fee as specified in Section 6-8-26.

6-8-12.3 **EXISTING MINES**

The operator of any existing nonmetallic mine shall apply for an automatic reclamation permit from the Lafayette County Planning and Zoning Office, by providing the information required by Section NR 135.18(1) of the Wisconsin Administrative Code and the submittals required under Sub. 12.10 no later than August 1, 2001 to the Lafayette County Planning and Zoning Office.

6-8-13 **RECLAMATION PLAN**

6-8-13.1 **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 Section NR 135.19, Wisconsin Administrative Code.

6-8-13.2 **EXISTING MINES**

The operator of any nonmetallic mining site that submits an automatic permit application in conformance with subchapter 6-8-12.2 shall submit the reclamation plan required by subchapter 6-8-13.1 within a 1 to 3 year period.

6-8-13.3 **NEW MINES**

The operator of any nonmetallic mining site that applies for a permit in conformance with subchapter 6-8-12.3 shall submit the reclamation plan required by subchapter 6-8-13.1 with its application for a reclamation permit.

6-8-13.4 **EXISTING PLANS AND APPROVALS**

To avoid duplication of effort, the reclamation plan required by subchapter 6-8-13.1 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 subchapter 6-8-12.2 shall satisfy the requirements of subchapter 6-8-13.1 if they meet the requirements of Section NR 135.21(1)(d), Wisconsin Administrative Code.

6-8-13.5 **APPROVAL OF RECLAMATION PLAN**

Lafayette County shall approve, conditionally approve or deny the reclamation plan submitted under this section in writing as part of permit issuance pursuant to subchapter 6-8-16.2 for existing mines and subchapter 6-8-16.4 for new mines. Conditional approvals of reclamation plans shall be made according to subchapter 6-8-16.7, and denials of reclamation plans made according to Section 6-8-17. Once

approved by Lafayette County under this chapter, the operator shall keep a copy of the reclamation plan required by this section at the mine site or, if not practicable, at the operator's nearest office or place of business.

6-8-14 FINANCIAL ASSURANCE

6-8-14.1 FINANCIAL ASSURANCE REQUIREMENTS

All operators of nonmetallic mining sites in Lafayette County shall prepare and submit a proof of financial assurance of successful reclamation that meets the requirements of Section 135.40, Wisconsin Administrative Code.

6-8-14.2 EXISTING MINES

The operator of any nonmetallic mining site that submits an automatic permit application in conformance with subchapter 6-8-12.2 shall submit the proof of financial assurance required by subchapter 6-8-14.1 within thirty (30) days of submitting the permit application.

6-8-14.3 NEW MINES

The operator of any nonmetallic mining site that applies for a reclamation permit in conformance with subchapter 6-8-12.3 shall submit the proof of financial assurance required by subchapter 6-8-14.1 as specified in the reclamation permit issued to it under this chapter.

6-8-14.4 PUBLIC NONMETALLIC MINING

The financial assurance requirements of this section do not apply to nonmetallic mining conducted by the State of Wisconsin, a state agency, board, commission or department, or a municipality.

6-8-15 PUBLIC NOTICE AND RIGHT OF HEARING

6-8-15.1 NEW MINES

Lafayette County shall provide public notice and the opportunity for a public information hearing as set forth in Sections NR 135.20(1) and (2), Wisconsin Administrative Code for any nonmetallic mining site for which a complete reclamation permit application that satisfies subchapter 6-8-12.3 is received.

6-8-15.2 **EXISTING MINES**

No public notice or information hearing is required on an application for a reclamation permit for an existing mine that satisfies subchapter 6-8.12.2, except as provided in Section NR 135.20(4)(c), Wisconsin Administrative Code.

6-8-15.3 **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 subchapter 6-8-16.5.

6-8-16 **ISSUANCE OF A NONMETALLIC MINING RECLAMATION PERMIT**

6-8-16.1 **PERMIT REQUIRED**

Each operator of a nonmetallic mining site in Lafayette County 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 6-8-7.2. No person may engage in nonmetallic mining or nonmetallic mining reclamation after September 1, 2001 without a reclamation permit issued pursuant to this chapter.

6-8-16.2 **AUTOMATIC PERMIT FOR EXISTING MINES**

Lafayette County shall issue an automatic reclamation permit to the operator of any nonmetallic mining site which operator submits an application meeting the requirements of 6-8-12.2 as set forth in Section 135.21(1), Wisconsin Administrative Code. The automatic permit shall be issued within 30 days of such application.

6-8-16.3 **EVALUATION OF FOLLOW-UP SUBMITTALS FOR EXISTING MINES**

Mines covered by automatic permits issued under 6-8-16.2 shall submit a reclamation plan in accordance with subchapter 6-8-13.2 and proof of financial assurance in accordance with subchapter 6-8-14.2 by the deadlines in those sections. Reasonable extensions to these deadlines may be granted in writing by Lafayette County where extenuating circumstances exist. The follow-up submittals required by this subsection shall be evaluated using the criteria and procedures in Section NR 135.21(1)(d), (e) and (f) of the Wisconsin Administrative Code.

6-8-16.4 **PERMIT ISSUANCE FOR NEW MINES**

Applications for reclamation permits for nonmetallic mining sites not permitted under subchapter 6-8-16.2 that satisfy subchapter 6-8-12.3 shall be issued a reclamation permit or otherwise acted on as provided in Section NR 135.21(2),

Wisconsin Administrative Code. The permit shall require compliance with a reclamation plan submitted by the applicant that conforms with subchapter 6-8-13.3, and provision by the applicant of financial assurance that conforms with subchapter 6-8-14.3 payable to Lafayette County prior to beginning or continuing any mining operations.

6-8-16.5 AUTOMATIC PERMIT FOR LOCAL TRANSPORTATION-RELATED MINES

Lafayette County shall issue an automatic permit under this subsection for any borrow site operated to provide materials for a locally-administered transportation project that meets the criteria in Section NR 135.23(1)(a), Wisconsin Administrative Code. This automatic permit shall be issued according to the provisions of Sections NR 135.23(1)(b) through (j), Wisconsin Administrative Code.

6-8-16.6 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 subchapter 6-8-25.2. The expedited review shall be carried out according to the provisions of Section NR 135.23(2), Wisconsin Administrative Code. Such expedited review shall not waive, shorten or otherwise affect the public notice and right of hearing pursuant to Section 6-8-15.

6-8-16.7 PERMIT CONDITIONS

Permits issued under this section may include conditions as provided in Section NR 135.21(3), Wisconsin Administrative Code. One required condition shall be that new mines shall obtain financial assurance prior to beginning mining pursuant to Section NR 135.40, Wisconsin Administrative Code.

6-8-17 PERMIT DENIAL

An application for a nonmetallic mining reclamation permit shall be denied if any of the factors specified in Section NR 135.22, Wisconsin Administrative Code exist.

6-8-18 ALTERNATIVE REQUIREMENTS

6-8-18.1 SCOPE OF ALTERNATIVE REQUIREMENTS APPROVABLE

An operator of a nonmetallic mining site may request an alternative requirement to any reclamation standard established in Section 6-8-11. Such a request may be made only on the basis of the criteria set forth in Section NR 135.26(1), Wisconsin Administrative Code.

6-8-18.2 **PROCEDURES**

The operator of a nonmetallic mining site requesting an alternative requirement in subchapter 6-8-18.1 shall demonstrate all criteria in Section NR 135.26(1), Wisconsin Administrative Code. This shall be submitted in writing to the Lafayette County Planning and Zoning Administrator, 627 Washington Street, Darlington, Wisconsin 53530.

6-8-18.3 **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.

6-8-18.4 **NOTICE TO WISCONSIN DEPARTMENT OF NATURAL RESOURCES**

All notices required shall be provided by Lafayette County to the Wisconsin Department of Natural Resources as provided in Section NR 135.26(3)(a) of the Wisconsin Administrative Code.

6-8-19 **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 subchapter 6-8-32.2, or as limited under Section NR 135.27, Wisconsin Administrative Code where the mine operator is not the landowner.

6-8-20 **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 Section NR 135.28, Wisconsin Administrative Code.

6-8-21 **PREVIOUSLY PERMITTED SITES**

For any nonmetallic mining site which had a reclamation permit previously issued pursuant to Chapter NR 135, Wisconsin Administrative Code that becomes subject to reclamation permitting authority of Lafayette County the previously-issued municipal reclamation permit's terms and conditions shall remain in force until they can be modified by Lafayette County pursuant to subchapter 6-8-23.1.

6-8-22 **REVIEW**

Any permitting decision or action made by Lafayette County under this chapter may be reviewed as set forth in Section NR 135.30, Wisconsin Administrative Code.

PART IV - ADMINISTRATION

6-8-23 PERMIT MODIFICATION

6-8-23.1 BY LAFAYETTE COUNTY

A nonmetallic mining reclamation permit issued under this chapter may be modified by Lafayette County 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 subchapter 6-8-32 and as provided in Section NR 135.24(1), Wisconsin Administrative Code.

6-8-23.2 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 submitting a written application for such modification to the office of the Lafayette County Planning and Zoning Administrator. The application for permit or plan modification shall be acted on using the standards and procedures of this chapter.

6-8-23.3 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 Section NR 135.27, Wisconsin Administrative Code. Such application for permit modification shall be acted on using the standards and procedures of this chapter.

6-8-23.4 REVIEW

All actions on permit modifications requested or initiated under this section are subject to review under Section 6-8-22.

6-8-24 PERMIT SUSPENSION OR REVOCATION

6-8-24.1 GROUNDS

Lafayette County may suspend or revoke a nonmetallic mining reclamation permit issued pursuant to this chapter if it finds any of the grounds listed in Section NR 135.25(1), Wisconsin Administrative Code.

6-8-24.2 **PROCEDURES**

If Lafayette County finds grounds for suspending or revoking a nonmetallic mining reclamation permit set forth in subchapter 6-8-24.1, it may issue a special order suspending or revoking such permit as set forth in subchapter 6-8-32.2.

6-8-24.3 **CONSEQUENCES**

The consequences of a reclamation permit suspension or revocation order under subchapter 6-8-24.2 shall be set forth in Sections NR 135.25(2) and (3), Wisconsin Administrative Code.

6-8-25 **ANNUAL OPERATOR REPORTING**

6-8-25.1 **CONTENTS AND DEADLINE**

Annual reports shall be submitted by the operators of nonmetallic mining sites that satisfy the requirements of Section 135.36, Wisconsin Administrative Code. 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 the Lafayette County Board of Supervisors. Annual reports shall be submitted until reclamation at each nonmetallic mining site is certified as complete under subchapter 6-8-29.

6-8-25.2 **INSPECTION IN LIEU OF REPORT**

Lafayette County may, at its discretion, obtain the information required in subchapter 6-8-25.1 by written documentation of an inspection it completes during a calendar year, as set forth in Section NR 135.36(4), Wisconsin Administrative Code.

6-8-25.3 **RETENTION OF ANNUAL REPORTS**

Annual reports submitted under this section or inspection records that replace them shall be retained by Lafayette County for at least ten (10) years after the calendar year to which they apply. 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 Chapter NR 135, Wisconsin Administrative Code.

6-8-26 **PLAN REVIEW FEES**

6-8-26.1 **AMOUNT AND APPLICABILITY**

A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under subchapter 6-8-12.3 shall submit a non-refundable plan review fee established in accordance with a fee schedule adopted by

Lafayette County on an annual basis. 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 subchapter 6-8-12.2 or for any local transportation-related mine issued an automatic permit under subchapter 6-8-16.5. A separate plan review fee shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to Section 6-8-23.

6-8-26.2 EXPEDITED PLAN REVIEW FEE

A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under subchapter 6-8-12.3 may obtain expedited reclamation plan review by paying the fee established in accordance with a fee schedule adopted by Lafayette County on an annual basis. Such fee shall be in addition to that required in subchapter 6-8-26.1.

6-8-26.3 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 Section 6-8-27.

6-8-27 ANNUAL FEES

6-8-27.1 AREAS SUBJECT TO FEES, PROCEDURES AND DEADLINE

Operators of all nonmetallic mining sites subject to reclamation permits issued under this chapter shall pay annual fees to Lafayette County. Fees paid under this section shall include both a share for the Wisconsin Department of Natural Resources under subchapter 6-8-27.2 and a share for Lafayette County under subchapter 6-8-27.3 that equals as closely as possible the costs of examination and approval of nonmetallic mining reclamation plans and the inspection of nonmetallic mining reclamation sites.

These fees shall be calculated based on amount of un-reclaimed acres of each site, as defined in Section NR 135.39(1), Wisconsin Administrative Code and according to its provisions. Such fees apply to a calendar year or any part of a year in which nonmetallic mining takes place, under final reclamation is certified as complete under Section 6-8-29. Fees shall be paid no later than December 31 before the year for which they apply.

6-8-27.2 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 Section NR 135.39(3), Wisconsin Administrative Code. 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 \$15.00.

6-8-27.3 LAFAYETTE COUNTY'S SHARE OF FEE

Fees paid under this section shall also include an annual fee due to Lafayette County which shall be established in accordance with a fee schedule adopted by Lafayette County on an annual basis.

6-8-27.4 REDUCED FEE FOR INACTIVE MINES

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.

6-8-28 REGULATORY REPORTING AND DOCUMENTATION

6-8-28.1 REPORTING

Lafayette County shall send an annual report to the Wisconsin Department of Natural Resources including the information required by Section NR 135.37, Wisconsin Administrative Code.

6-8-28.2 DOCUMENTATION

Lafayette County shall, to the best of its ability, maintain the information set forth in Section NR 135.47(3), Wisconsin Administrative Code, and make available to the Wisconsin Department of Natural Resources for that agency's audit of Lafayette County's reclamation program pursuant to Section NR 135.47, Wisconsin Administrative Code.

6-8-29 COMPLETED RECLAMATION - REPORTING, CERTIFICATION AND EFFECT

6-8-29.1 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 Chapter NR 135, Wisconsin Administrative Code.

6-8-29.2 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 Chapter NR 135, Wisconsin Administrative Code. Reporting of interim reclamation shall be done according to the procedures in subchapter 6-8-29.1.

6-8-29.3 **CERTIFICATION OF COMPLETED RECLAMATION**

Lafayette County shall inspect a nonmetallic mining site for which reporting of reclamation or interim reclamation has been submitted pursuant to this subchapter within 60 days of receipt, and make a determination in writing in accordance with Section NR 135.40(7)(c), Wisconsin Administrative Code. If it is determined that interim or final reclamation is complete, including re-vegetation as specified in a plan that conforms with Section 6-8-13, Lafayette County shall issue the mine operator a written certificate of completion.

6-8-29.4 **EFFECT OF COMPLETED RECLAMATION**

If reclamation is certified by Lafayette County as complete under subchapter 6-8-29.3 for part or all of a nonmetallic mining site, then:

6-8-29.4A No fee shall be assessed under Section 6-8-27 for the area so certified.

6-8-29.4B The financial assurance required by Section 6-8-14 shall be released.

6-8-29.4C For sites which are reported as interim reclaimed under subsection 29.20 and so certified under subsection 29.30, financial assurance for reclaiming the certified area shall be reduced.

6-8-29.5 **EFFECT OF INACTION FOLLOWING REPORT OF COMPLETED RECLAMATION**

If no written response as required by subchapter 6-29.3 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 Lafayette County for it under Section 6-8-27 shall be refunded.

6-8-30 **PERMIT TERMINATION**

When all final reclamation procedures as required by a reclamation plan conforming to Section 6-8-13 and required by this chapter are certified as complete pursuant to Section 6-8-28, Lafayette County shall issue a written statement to the operator of the nonmetallic mining site, thereby terminating the reclamation permit.

PART V - ENFORCEMENT

6-8-31 **RIGHT OF ENTRY AND INSPECTION**

For the purpose of ascertaining compliance with the provisions of Subchapter I of

Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, or this chapter, any authorized officer, agent, employee or representative of Lafayette County may inspect any nonmetallic mining site subject to this chapter as provided in Section 295.17(1), Wisconsin Statutes and Section NR 135.42, Wisconsin Administrative Code.

6-8-32 ORDERS AND CITATIONS

6-8-32.1 ENFORCEMENT ORDERS

Lafayette County may issue orders as set forth in Section 295.19(1)(a), Wisconsin Statutes to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by Section 6-8-13 and a permit issued under this chapter. A violation of this chapter, an order or permit issued pursuant to this chapter or reclamation plan required by Section 6-8-13 and a permit issued under this chapter shall be considered a violation of Subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin Administrative Code.

6-8-32.2 SPECIAL ORDERS

Lafayette County may issue a special order as set forth in Section 295.19(1)(b) and (c), Wisconsin Statutes suspending or revoking a nonmetallic mining reclamation permit pursuant to Section 6-8-24, or directing an operator to immediately cease an activity regulated under Subchapter I of Chapter 295, Wisconsin Statute, Chapter NR 135, Wisconsin Administrative Code or this Chapter until the necessary plan approval is obtained.

6-8-32.3 REVIEW OF ORDERS

An order issued under subchapter 6-8-32.1 or subchapter 6-8-32.2 may be reviewed as provided in Section NR 135.43(2), Wisconsin Administrative Code.

6-8-32.4 CITATIONS

Lafayette County may issue a citation under s. 66.119 of the Wisconsin Statutes to collect forfeitures or require any action needed to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by Section 6-8-13 and a permit issued under this chapter. The issuance of a citation under this subchapter shall not preclude Lafayette County from proceeding under any other ordinance, including but not limited to its Zoning Ordinances, or laws relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter not precluded the issuance of a citation under this subsection.

6-8-32.5 **ENFORCEMENT**

Lafayette County may submit any order issued under Section 6-8-32 to the district attorney, the corporation counsel, or the office of the Wisconsin Department of Justice for enforcement as provided in Section 295.19(1)(d), Wisconsin Statutes.

6-8-33 **PENALTIES**

Any violation of Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by Section 6-8-13 and a permit issued under this chapter may result in forfeitures as provided in Section 295.19(3), Wisconsin Statutes.