

## **CHAPTER 19 NONMETALLIC MINE EXPLORATION**

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### **19.01 Finding.**

The development of drill holes for the purposes of nonmetallic mining exploration can provide pathways for contaminants to groundwater and pose other health and safety issues if not properly abandoned.

### **19.02 Purpose.**

The purpose of this Chapter is to provide minimum standards for the abandonment of nonmetallic mining exploration borings.

### **19.03 Authority.**

This Chapter is adopted by the powers granted to the Town of Spring Green by the Town's adoption of Village powers under Wis. Stat. §§ 60.10 and 61.34, its authority under §66.0415, and other authority under the statutes. Any amendment, repeal or recreation of the statutes relating to this Chapter made after the effective date of this Chapter is incorporated into this Chapter by reference on the effective date of the amendment, repeal or recreation.

### **19.04 Applicability and Scope.**

This Chapter shall apply to all nonmetallic mining exploration activities within the Town of Spring Green involving the drilling of one or more borings to a depth of 10 feet or more.

### **19.05 Definitions.**

- (1) Abandonment. The permanent reclamation and filling or sealing of a drill hole in accordance with the procedures specified in this Chapter.

- (2) Drill hole. A circular hole deeper than it is wide, constructed in earth material for the purpose of obtaining geologic or groundwater related data. Drill holes are also referred to as boreholes.
- (3) Exploration. The geologic examination from the surface of an area by core, rotary, percussion or other drilling, where the diameter of the hole does not exceed 18 inches, for the purpose of assessing the nature of nonmetallic minerals or establishing the nature of a known nonmetallic mineral deposit and associated activities such as clearing and preparing sites or constructing roads for drilling.
- (4) Nonmetallic minerals. A product, commodity or material consisting principally of naturally occurring, organic, inorganic, nonmetallic and/or non-renewable material. Nonmetallic minerals include but are not limited to stone, rock, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat and talc.
- (5) Operator. Any person who is exploring for non-metallic minerals by drilling boreholes within the Town whether individually, jointly or through subsidiaries, agents, employees contractors or subcontractors.

#### **19.06 Application for an exploration license.**

- (1) No person or entity may engage in nonmetallic mineral exploration without securing an exploration license from the Town of Spring Green Town Board.
- (2) The application shall include the following:
  - (a) The name, address, phone number(s), and e-mail address of the operator of the nonmetallic mining exploration operation.
  - (b) The name, address, phone number(s), and e-mail address of all owners or lessors of the land on which the exploration operation will occur. All owners and lessors shall provide written consent for the exploration plan.
  - (c) Written proof that the owner has consented to the exploration activity and inspections by the Town as set forth in this Chapter.
  - (d) A site location map with aerial imagery, parcel boundaries and parcel identification number(s) of the property on which the nonmetallic mining exploration operation will be located and locations of planned drill holes.
  - (e) Dates of the planned commencement and cessation of the operation.

- (f) Description of the number of drill holes anticipated to be placed.
- (g) Application Fee. A non-refundable application fee shall be charged for each application. Additional bonding will apply if a Driveway Construction Plan is required. Fee amounts are determined by a resolution of the Town Board and specified in the Town's Fee Schedule.
- (h) A plan for the drill hole abandonment.

**19.07 License Term and Scope.**

- (1) An operator license will be valid for six months from the date of issuance.
- (2) An operator wishing to renew an exploration license shall file an annual renewal application with the Town prior to the expiration of the exploration license.
- (3) A license granted under this Ordinance only applies to the parcels identified in the application.

**19.08 License Requirements.**

- (1) Notice procedure
  - (a) The operator shall notify the Town of the operator's intent to drill on a parcel at least 10 days in advance of the commencement of drilling. The notice of intent to drill shall state the number of expected drill holes to be drilled, the location of the drill holes and the legal description of the affected parcel.
  - (b) A notice of intent to drill shall remain in effect for six months commencing on the date of receipt of the notice by the Town. Six months after the receipt of the notice, the operator shall resubmit a notice of intent to drill on that parcel if the operator wishes to continue exploration on the parcel.
  - (c) The operator shall give the Town at least 24 hours advance notice of the operator's intent to fill a drill hole. The 24-hour requirement may be reduced by the Town.
- (2) Inspections.
  - (a) Any duly authorized officer, employee or representative of the Town may enter and inspect any property, premises or place on or at which

any exploration is being performed at any reasonable time for the purpose of ascertaining the state of compliance with this chapter.

- (b) No operator may refuse entry or access to any authorized representative of the Town who requests entry for purposes of inspection and who presents appropriate credentials.
  - (c) No person may obstruct, hamper or interfere with any such inspection.
- (3) Drill hole Abandonment
- (a) All drill holes shall be abandoned in accordance with the methods and materials set forth in Wis. Admin Code § NR 812.26(7) within 3 working days after its use has been discontinued.

### **19.09 Reports.**

Within 10 days after completion of permanent abandonment of a drill hole the operator shall file exploration abandonment reports with the Town certifying that the drill hole was abandoned in accordance with this Chapter. All abandonment reports shall be signed by an authorized representative of the operator attesting to the accuracy of the information contained therein.

### **19.10 Enforcement.**

The Town, or its designee, shall provide written notice, by regular mail, of a violation of this chapter and setting forth, if applicable, the time in which the violator shall have to come into compliance with the terms of this chapter. Any person that fails to comply with the provisions of this chapter shall pay a forfeiture, as set forth in Chapter 1, Appendix A of the Town of Spring Green Code of Ordinances, plus all applicable surcharges, assessments and costs for each violation, including attorney fees if recoverable. Each day a violation exists or continues, constitutes a separate offense under this chapter. In addition, the Town may seek injunctive relief from a court to enjoin further violations.