

CHAPTER 24

NONMETALLIC MINING RECLAMATION

24.01 Purpose. The purpose of this chapter is to ensure the effective reclamation of nonmetallic mining sites on which nonmetallic mining takes place and to ensure the end use of a nonmetallic mine is consistent with the Comprehensive Plan for Wabasha County.

24.02 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.

24.03 Definitions. In this chapter:

- (1) **Board of Adjustment.** A Board established pursuant to Chapter 394.27 Minn. Stats.
- (2) **Department.** The County Planning and Zoning Department.
- (3) **Enlargement.** Any vertical or horizontal increase beyond dimensions of the original application for the project site.
- (4) **Environmental Pollution.** The contaminating or rendering unclean or impure the air, land, or waters of the State or making the same injurious to public health, harmful for commercial or recreational use or deleterious to animal or plant life.
- (5) **Highwall.** A vertical or nearly vertical face in solid rock or a slope of consolidated or unconsolidated material that exceeds 3:1.
- (6) **Licensed Professional Geoscientist.** A person who is qualified by licensure or certification under Chapter 326.02 to Chapter 326.15 Min. Stats to practice professional geoscience.
- (7) **Modification.** Any vertical or horizontal decrease within the dimensions of the original application for the project site.
- (8) **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.
- (9) **Nonmetallic Mining.** Operations or activities for the extraction from the earth of mineral aggregates and nonmetallic minerals, and related operations or activities, including but not limited to excavation, grading, or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes, including but not limited to stockpiling, crushing, screening, scalping, dewatering, and blending.

- (10) Nonmetallic Mining Reclamation or Reclamation. The rehabilitation of a nonmetallic mining site to achieve a land use specified in an approved nonmetallic mining reclamation plan, including removal or reuse of nonmetallic mine refuse, grading of the nonmetallic mine site, removal, storage and replacement of topsoil, stabilization of soil conditions, reestablishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution and if practicable the restoration of plant, fish and wildlife habitat.
- (11) Nonmetallic Mining Refuse. Waste soil, rock, mineral, liquid, vegetation and other waste material resulting from a nonmetallic mine operation. This term does not include merchantable by-products resulting directly from or displaced by the nonmetallic mine operation that are to be removed from the nonmetallic mine prior to completion of the reclamation of the mine or incorporated into the post mine land use specified in the approved reclamation plan.
- (12) Nonmetallic Mining Site, Project Site, or Site. The location where a nonmetallic mining operation is proposed or conducted including all surface areas from which minerals are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited and areas disturbed by the nonmetallic mining operation and by activities including, but not limited to, the construction or improvement of roads or haulage ways.
- (13) Operator. Any person or business entity engaged in nonmetallic mining who/which applies for or holds a nonmetallic mine reclamation permit issued under a nonmetallic mine reclamation ordinance whether individually, jointly, or through subsidiaries, agents, employees, contractors, or subcontractors.
- (14) Permit. Any permit which may be required under this chapter of an operator as a condition precedent to commencing or continuing nonmetallic mining at a project site.
- (15) Person. An individual operator, corporation, limited liability company, partnership, association, municipality, interstate agency, state agency or federal agency.
- (16) Planning Commission. The Wabasha County Planning Commission.
- (17) Professional Engineer. A person who is qualified by licensure or certification under Chapter 326.02 to Chapter 326.15 Min. Stats to practice professional engineering.
- (18) Qualified Natural Resources Professional. A person who by training and experience can make natural resources recommendations. Examples include foresters, soil scientists, hydrologists, forest engineers, ecologists, fishery and wildlife biologists, or technically trained specialists in such fields.

- (19) Replacement of Topsoil. The replacement or redistribution of topsoil or topsoil substitute material to all areas where topsoil was actually removed or affected by nonmetallic mining conducted under this chapter, unless the reclamation plan, approved pursuant to this chapter, provides otherwise, for the purposes of providing adequate vegetative cover and stabilization of soil conditions needed to achieve the approved post mining land use and as required by the reclamation plan.
- (20) Topsoil. That material (normally the A and upper part of the B horizon) which, based upon the official national cooperative soil survey, is acceptable for respreading on the surface of regraded areas to provide a medium which sustains a dense plant growth and soil stability needed to achieve the approved post mining land use specified in the reclamation plan approved under this chapter.
- (21) Topsoil Substitute. Soil or other unconsolidated material either used alone or mixed with other beneficial materials and which can provide the plant growth, site stability and other attributes necessary to meet the success standards approved in the reclamation plan.
- (22) Unreclaimed Acre or Unreclaimed Acres. Those unreclaimed areas in which nonmetallic mining has occurred after issuance of a reclamation permit per this chapter and are not yet certified as reclaimed under 24.10(1)(c).

24.04 Applicability.

- (1) This chapter is applicable in the unincorporated areas of the County for any new nonmetallic mine, the expansion of a previously permitted nonmetallic mine, or a nonconforming nonmetallic mine required to comply with the provisions of the Wabasha County Zoning Ordinance.
- (2) It is the responsibility of the operator to obtain all applicable local, state, and federal permits or approvals.

24.05 Exempt Activities. This chapter does not apply to the following activities:

- (1) Excavations or grading by a person solely for domestic use at his residence or farm.
- (2) Excavation or grading conducted for highway construction purposes within the highway or railroad right-of-way, excavation or grading done for highway safety.
- (3) Preparing a construction site for a project which has been issued a building or zoning permit and/or is consistent with applicable zoning ordinances or restoring land following a flood or natural disaster.
- (4) Excavations for building construction purposes on the construction site for a project which has been issued a building and/or zoning permit.
- (5) Any activities conducted at a solid or hazardous waste disposal site required to prepare, operate or close a solid waste disposal facility.

24.06 Permits. Upon the effective date of this chapter, no new nonmetallic mine, the expansion of a previously permitted nonmetallic mine, or the expansion of a nonconforming nonmetallic mine shall commence prior to obtaining a nonmetallic mining reclamation permit.

- (1) The application for a permit shall be submitted to the department on forms provided by the department. The application for a mining reclamation permit shall be signed and dated by the applicant and shall be accompanied by information which shall include, but not be limited to, the following:
 - (a) The name and address of the operator.
 - (b) A signed copy of the lease or a letter signed by the owner(s) of record which authorizes the operator to enter upon the lessor's land for the purpose of mining as defined in this chapter. The expiration date of the lease or agreement shall clearly be indicated thereon.
 - (c) A legal description and general location map of the tracts of land to be involved and affected by the proposed operation and the approximate total number of acres involved.
 - (d) A description of the nature of the deposit and the mining methods that will be used to extract and process the material.
 - (e) The elevation of observed or estimated groundwater as determined by existing hydrogeological information, in relation to the site elevation reference point. In specific instances where the existing hydrogeologic information is insufficient for purposes of the reclamation plan, the applicant may supplement such information with the opinion from a professional hydrologist.
 - (f) The mine operator shall have a survey performed by a qualified natural resources professional for the biological resources, cultural resources, plant communities and wildlife use at and adjacent to the proposed or operating mine site.
 - (g) A general map which shall be drawn at a scale of no less than 1 inch equals 200 feet and shall include the following:
 1. The extent of the deposit and the property boundaries of the operator's owned or leased land and the location of other owners' property boundaries at the point where they abut the boundary of the project site.
 2. Topography of affected lands at contour intervals no wider than ten (10) feet.
 3. Location and names of all streams, lakes, other water features and roads on or within 300 feet of the project site.
 4. Location of all man made features on or adjacent to the site and the purpose for which each man made feature and the adjoining land is used.
 5. Boundaries of previous excavations, stockpiles, sediment basins, wash plants or other land previously affected by nonmetallic mining on the site.
 6. Location and description of mining site boundary stakes which delineate the permit area and a permanent reference point.
 7. Location of phase boundary stakes if the site will be mined in phases.
 - (h) A reclamation plan, which shall be drafted by a qualified natural resources professional (as defined in this ordinance), shall have all horizontal and vertical

measurements referenced to a permanent reference point. The reclamation plan, including maps, information about the site, a description of the proposed reclamation and post mine land use including methods and procedures to be used and a proposed timetable for completion of various stages of reclamation of the nonmetallic mining site, including provisions for interim reclamation, shall be provided as follows:

1. Five copies of a plan of the proposed reclamation, including erosion control practices necessary during reclamation, final slope angles, high wall reduction, benching, terracing and other structural slope stabilization measures including a description of anticipated topography, water impoundments, artificial lakes and anticipated post mining land use. Site specific engineering analysis performed by a professional engineer shall be required for slopes steeper than 3 foot horizontal:1 foot vertical.
 2. Description of the volume of topsoil or topsoil substitute and other earth materials that will be necessary to complete the proposed reclamation, and the methods for stripping, storage, stabilization, reapplication and conservation methods that will be used during replacement. If off-site material will be used in site reclamation, a description of the source, nature and volume of material.
 3. Description of plans for disposition of man made features and related facilities after cessation of mining unless they serve to support the post mine land use.
 4. The estimated cost of reclamation for each stage of the project or the entire site if staging is not planned.
 5. A seeding plan which shall include methods of seed bed preparation, seeding rates, mulching, netting and/or other techniques needed to accomplish soil and slope stabilization.
 6. A timetable of the commencement, duration, and cessation of reclamation activities.
 7. Quantifiable standards for revegetation adequate to show that a suitable stand of vegetation has been established which will support the post mine land use. Standards for revegetation may be based on the percent of vegetative cover, productivity, plant density, diversity or other applicable measures.
 8. A description of how the reclamation plan addresses the long-term safety of the reclaimed mining site. The description shall include a discussion of site-specific safety measures to be implemented at the site and include measures that address public safety with regard to adjacent land uses.
- (i) Certification of Reclamation Plan. The operator shall provide a signed certification that reclamation will be carried out in accordance with the reclamation plan. The landowner or lessor, if different from the operator, shall also provide signed certification that they concur with the reclamation plan and will allow its implementation.
- (j) Other Information. The County may require the submittal of such other information as may be necessary to determine the feasibility of the proposed reclamation.

- (2) All nonmetallic mining sites subject to this chapter shall be reclaimed in conformance with the standards contained below:
- (a) General Standards.
 - 1. Nonmetallic mining refuse shall be reused in accordance with a reclamation plan. Other solid waste shall be disposed of in accordance with applicable rules of the Wabasha County Solid Waste Ordinance.
 - 2. Nonmetallic mining reclamation shall be conducted, to the extent practicable, to minimize the area disturbed by nonmetallic mining and to provide for reclamation of portions of the site while nonmetallic mining continues on other portions of the site.
 - 3. All nonmetallic mining sites shall be reclaimed in a manner so as to comply with federal, state and local regulations governing public health safety and welfare.
 - 4. When the land use required by the reclamation plan approved pursuant to this chapter requires plant, fish or wildlife habitat, it shall be restored, to the extent practicable, to a condition at least as suitable as that which existed before the lands were affected by nonmetallic mining operations.
 - 5. Reclamation of nonmetallic mining sites shall comply with any other applicable federal, state and local laws including those related to environmental protection, zoning or land use control.
 - (b) Before disturbing the surface of a nonmetallic mining site and removal of topsoil, all necessary measures for diversion and drainage of runoff from the site to prevent pollution of waters of the state shall be installed in accordance with the reclamation plans approved pursuant to this chapter. Diverted or channelized runoff resulting from reclamation may not adversely affect neighboring properties.
 - (c) Groundwater Protection.
 - 1. A nonmetallic mining site shall be reclaimed in a manner to protect ground quantity so as to not cause a permanent lowering of the water table that could adversely impact area hydrology, springs, or any karst formations.
 - 2. Nonmetallic mining reclamation shall be conducted in a manner which does not cause groundwater quality standards for the state of Minnesota to be exceeded at the point of standards application.
 - (d) Topsoil Management
 - 1. Removal. Topsoil and topsoil substitute shall be provided as specified in the reclamation plan approved pursuant to this chapter in order to achieve reclamation to the approved post mining land use. Removal of on-site topsoil and topsoil substitute material, when specified in the reclamation plan, shall be performed prior to any mining activity associated with any specific phase of the mining operation. Topsoil and overburden must remain at the project site in order to be used for reclamation.
 - 2. Volume. The operator shall obtain the volume required to perform final reclamation by removal of onsite topsoil or topsoil substitute material or by obtaining topsoil or substitute material as needed to make up the volume of

topsoil as specified in the reclamation plan approved pursuant to this chapter.

3. Storage. Once removed, topsoil or topsoil substitute material shall, as required by the reclamation plan approved pursuant to this chapter, either be used in contemporaneous reclamation or stored in an environmentally acceptable manner. The location of stockpiled topsoil or topsoil substitute material shall be chosen to protect the material from erosion or further disturbances or contamination. Runoff water shall be diverted around all locations in which topsoil or topsoil substitute material is stockpiled.
- (e) Final Grading and Slopes.
1. All areas affected by mining shall be addressed in the reclamation plan approved pursuant to this chapter to provide that a stable and safe condition consistent with the post mining land use is achieved. The reclamation plan may:
 - a. Designate highwalls or other un-mined and undisturbed natural solid bedrock as stable and safe and not in need of reclamation or
 - b. Designate other areas affected by mining including slopes comprised of unconsolidated materials that exceed a 3:1 slope, whether or not graded, as stable and safe.
 - c. For slopes designated under b. the regulatory authority shall require that either a site specific engineering analysis performed by a registered professional engineer to demonstrate that an acceptable slope stability factor is attainable at a steeper slope.
 2. Final reclaimed slopes covered by topsoil or topsoil substitute material may not be steeper than a 3:1 horizontal to vertical incline unless stable slopes can be demonstrated based on site-specific engineering analysis performed by a registered professional engineer. All areas in the nonmetallic mine site where topsoil or topsoil substitute is to be reapplied shall be graded or otherwise prepared prior to topsoil or topsoil substitute material redistribution to provide the optimum adherence between the topsoil or topsoil substitute material and the underlying material.
 3. When the approved post-mining land use includes a body of water, the approved final grade at the edge of a body of water shall extend vertically 6 feet below the lowest seasonal water level. A slope no steeper than 3:1 shall be created at a designated location or locations, depending on the size of the water body to allow for a safe exit.
- (f) Topsoil or topsoil substitute material shall be redistributed in accordance with the reclamation plan approved pursuant to this chapter in a manner which minimizes compaction and prevents erosion. Topsoil or topsoil substitute material shall be uniformly redistributed except where uniform redistribution is undesirable. Topsoil or topsoil substitute material redistribution may not be performed during or immediately after a precipitation event until the soils have sufficiently dried.
- (g) Except for permanent roads or similar surfaces identified in the reclamation plan approved pursuant to this chapter, all surfaces affected by nonmetallic mining shall be reclaimed and stabilized by revegetation or other means. Revegetation

and site stabilization shall be in accordance with the approved reclamation plan and shall be performed as soon as practicable after mining activity has permanently ceased in any part of the mine site.

- (i) Assessing Completion of Successful Reclamation.
 - 1. The criteria for assessing when reclamation is complete and, therefore, when the financial assurance may be released shall be specified in the reclamation plan approved pursuant to this chapter. Criteria to evaluate reclamation success shall be quantifiable.
 - 2. Compliance with the revegetation success standards in the approved reclamation plan shall be determined by:
 - a. On-site inspections by department staff.
 - b. Reports presenting results obtained during reclamation evaluations including summarized data on revegetation, photo documentation or other evidence that the criteria approved in the reclamation plan to ascertain success have been met.
 - c. A combination of inspections or reports.
 - 3. In those cases where the post mining land use specified in the reclamation plan requires a return of the mining site to a pre-mining condition, the operator shall obtain baseline data on the existing plant community for use in the evaluation of reclamation success pursuant to this section.
 - 4. Revegetation success may be determined by:
 - a. Comparison to an appropriate reference area.
 - b. Comparison to baseline data acquired at the mining site prior to its being affected by mining.
 - c. Comparison to an approved alternate technical standard.
 - (j) Intermittent mining may be conducted provided that the possibility of intermittent cessation of operations is addressed in an operator's reclamation permit, no environmental pollution or erosion of sediments is occurring, and financial assurance for reclamation pursuant to this chapter is maintained covering all remaining portions of the site that have been affected by nonmetallic mining and that have not been reclaimed.
 - (k) During the period of site reclamation, after the operator has stated that reclamation is complete, but prior to release of financial assurance, the operator shall perform any maintenance necessary to prevent erosion, sedimentation or environmental pollution, comply with the standards of this subchapter, or to meet the goals specified in the reclamation plan approved pursuant to this chapter.
- (3) Standards Applied to All Permits.
- (a) The filing of an application shall grant the department the right of access onto the site and contiguous lands owned or leased by the applicant for any purposes relative to this chapter.
 - (b) All excavation and phase boundaries shall be staked or otherwise marked and the operator shall notify the department that the site is staked at least 2 workdays prior to commencing operations on a site. Stakes shall be made of steel, fiberglass or other material acceptable to the department. Stakes may be

removed after reclamation is completed and accepted. Painted wood lath may be used for operations of six months or less. Staking may be waived with department approval if an operation boundary is the same as an existing fence line or other easily identifiable feature.

- (c) The operator shall comply with contemporaneous and final reclamation plans for the site.
 - (d) The operator shall notify the department in writing that interim or final reclamation has been completed. The notice may include documentation that the quantifiable standard for revegetation contained in the reclamation plan has been met. All stages within a site shall also comply with the notification requirements above. When a stage is complete, the operator shall notify the department for approval of the reclamation before entering the next stage.
 - (e) Unless permitted under State and/or Federal authority, no solid or hazardous waste shall be stored, buried, or deposited in or on any nonmetallic mining site.
 - (f) The County Board of Commissioners may apply such other requirements as are reasonably necessary to ensure progressive and final reclamation in a manner consistent with this chapter and to limit environmental pollution including but not limited to the financial assurance provisions of this chapter.
- (4) Public Notice and Right of Hearing
- (a) Public Notice
 - 1. The department shall publish a public notice of application as soon as reasonable upon the receipt of a complete application for a nonmetallic mine reclamation permit.
 - 2. The notice shall be published in a newspaper of general circulation in the area concerned and in the official newspaper of the County at least ten days before a scheduled hearing. The notice shall contain the following:
 - a. The reason for the public hearing.
 - b. The opportunity for a public hearing pursuant to this section.
 - c. The location at which the public may review the application.
 - 3. Copies of the notice shall be forwarded by the department to the clerk of the municipality in which the proposed site is located and owners of land within $\frac{1}{4}$ mile of the boundaries of the parcel or parcels of land on which the proposed site is located.
- (5) The Planning Commission will consider complete applications and the County Board shall have final authority to approve, disapprove, or modify.
- (a) In considering a reclamation permit, the Planning Commission shall apply the following:
 - 1. Whether the end use will be consistent with the Wabasha County Comprehensive Plan.
 - 2. Whether the end use will be injurious to the use and enjoyment of other property owners or would diminish and impair property values in the immediate vicinity.
 - 3. Whether adequate soil erosion control measures are being provided.

4. Whether groundwater quality and quantity will be adversely affected in the immediate vicinity.
 5. Whether other factors bearing on the public health, safety, and general welfare would arise from the granting of the permit.
- (b) Permit Duration
1. A nonmetallic mine reclamation permit issued under this chapter shall last through the operation and reclamation of the mining site, unless suspended or revoked pursuant to this chapter.
 2. If the mine operator is not the landowner, the reclamation permit duration shall not exceed the duration of the mine lease unless the lease is renewed or the permit is transferred to a subsequent lessee pursuant to this chapter.
- (c) When all final reclamation required by a reclamation plan conforming to this chapter is certified as complete per the Wabasha County Board of Commissioners, the department shall issue a written statement to the operator of the nonmetallic mining site, thereby terminating the reclamation permit.

24.07 Project Site Modification or Enlargement and Transfer of Permit.

- (1) Permit Modification.
 - (a) If the department finds that, because of changing conditions, the nonmetallic mining site no longer is in compliance with this chapter it shall issue an order to modify the permit. This modifying order may require the operator to amend or submit new application information, financial assurance or other information to ensure compliance with this chapter.
 - (b) If an operator wishes to modify a permit or application, the operator shall submit a written request for a permit modification and supporting information which documents that the modification will comply with this chapter.
 - (c) The operator of a nonmetallic mine that holds a reclamation permit issued under this chapter shall request a modification of such permit if changes occur to the area to be mined, the nature of the planned reclamation, or other aspects of mining required by the reclamation plan approved pursuant to this chapter. Such application for permit modification shall be acted on using the standards and procedures of this chapter.

- (2) Transfer of Permit. When one operator succeeds to the interest of another in an uncompleted site, the Wabasha County Board of Commissioners shall release the first operator of the responsibilities imposed by the permit only if:
 - (a) Both operators are in compliance with the requirements and standards of this chapter.
 - (b) The new operator assumes the responsibility of the former operator to complete the reclamation of the entire project site by a written, witnessed document.
 - (c) The new operator posts financial assurance pursuant to this chapter.

- (3) Site Enlargement. Any proposed enlargement shall be considered by the Planning Commission, subject to the standards and procedures of this chapter.

24.08 Fees.

- (1) Application and Annual Extension Fee.
 - (a) An application for a permit shall be accompanied by a fee established by the Wabasha County Board. Each successive year, on or before January 31st, a fee established by the Wabasha County Board of Commissioners shall be submitted for each unreclaimed acre rounded to the nearest whole acre not released pursuant to this chapter.

24.09 Financial Assurance.

- (1) The County Board shall determine the initial required financial assurance level of the project site. Following approval of the permit, and as a condition of the permit, except for governmental units, the County shall require financial assurance to be filed with the County Treasurer equal to 110% of the estimated cost of fulfilling reclamation. Upon notification of the required financial assurance levels by the County Board, but prior to commencing nonmetallic mining, the operator shall file with Wabasha County said financial assurance conditioned on faithful performance of all requirements of this chapter, and the permit. Upon notification by the Wabasha County Environmental Services Department of financial assurance or deposit approval and conformance with permit conditions, the operator may commence nonmetallic mining and reclamation operations.
- (2) Cash and Bond Requirements.
 - (a) An operator shall post a bond, cash deposits, irrevocable letters of credit or other security, in such form and sum as the County Board may require covering the cost of reclamation of the property.
 - (b) Bonds shall be issued by a surety company licensed to do business in this state.
 - (c) Each bond shall provide that the bond shall not be canceled by the surety, except after not less than 90 days notice to the department, in writing, by registered or certified mail. Not less than 30 days prior to the expiration of the 90 day notice of cancellation, the operator must deliver to Wabasha County a replacement bond or approved alternate financial assurance in absence of which all nonmetallic mining shall cease.
 - (d) The bond shall be payable to "Wabasha County, Minnesota".
 - (e) Bonds may be provided to Wabasha County for stages of phases of a site, but in no instance shall the bond be for an area less than 1 acre. Nonmetallic mining shall be limited to the phases which have bonds approved for them.
- (3) Financial Assurance Re-evaluation.
 - (a) The County Board may reevaluate and adjust accordingly the amount of the project financial assurance. Reclaimed areas may be released from the financial assurance and the amount of the financial assurance may be lowered proportionately.
 - (b) The operator shall notify the department in writing at the time he or she determines that reclamation of a portion of the site or the entire site is complete.
 - (c) The department shall notify the operator in writing within 60 days of receipt of the notification whether or not the reclamation is complete as determined by the

County Board for all or part of the mine or if weather conditions or snow cover make a determination impractical.

- (4) Financial Assurance Release. The County Board shall release the operator's financial assurance if it finds, after inspection of the project site and review of documentation provided by the operator, that the operator has fully carried out and completed reclamation of the project site in accordance with the reclamation plan, and has otherwise complied with this chapter. Completion of reclamation shall be determined pursuant to the procedures listed in this chapter.
- (5) Financial assurance shall provide that it may not be canceled by the surety or other holder or issuer except after not less than a 90 day notice to Wabasha County in writing by registered or certified mail. Not less than 30 days prior to the expiration of the 90 day notice of cancellation, the operator shall deliver to Wabasha County a replacement financial assurance. In the absence of this replacement financial assurance, all mining shall cease until the time it is delivered and in effect.
- (6) The operator of a nonmetallic mining site shall notify Wabasha County by certified mail of the commencement of voluntary or involuntary proceedings under bankruptcy code, 11USC, et seq., naming the operator as a debtor, within 10 days of commencement of the proceeding.

24.10 Administrator and Enforcement.

- (1) Inspections
 - (a) The department administrator or designee may enter the premises of a nonmetallic mining site in the performance of their official duties or pursuant to a special inspection warrant in order to inspect those premises and to ascertain compliance with this chapter and permit or to investigate an alleged violation.
 - (b) Each active project site shall be inspected by department personnel at least once annually to ensure that the site is in conformance with the operator's permit and shall make a report of the inspection. The report of the inspection may contain a map or diagram which illustrates the area that has been affected by nonmetallic mining, the area that has been reclaimed and the unreclaimed area and shall document any activity that is inconsistent with the terms of the permit for the site. The operator shall be provided a copy of the information obtained during the inspection. The department may, at its discretion, substitute the information obtained in this inspection for the annual operator reporting requirement contained in 24.11 provided the operator submits the certification specified in 24.11(1)(g) to the department within 30 days of receipt of the inspection report.
 - (c) The department shall inspect a nonmetallic mining site for which an operator has submitted a report under 24.06(3)(e) of the completion of reclamation or interim reclamation within 60 days of receipt of the report and make a determination in writing. If it is determined that interim or final reclamation is complete, including revegetation meeting the quantifiable standard as specified in the reclamation plan approved under 24.06(1)(h), Wabasha County shall issue the mine operator a written certification of completion.

- (2) Enforcement.
 - (a) The County Board of Commissioners may issue orders to enforce this chapter.
- (3) Waiver of Liability.
 - (a) In carrying out any of the provisions of this chapter or in exercising any power or authority granted to them thereby, there shall be no personal liability upon the department, its agents and employees.
 - (b) In such matters, it is understood that they act as agents and representatives of the County.
 - (c) In performing their duties, department staff, in so far as practical, shall conform to safety rules governing mining sites.

24.11 Annual Operator Reporting. Annual operating reports that satisfy the requirements of this section shall be submitted to the Wabasha County Planning and Zoning Department by the operator of nonmetallic mining sites.

- (1) Contents. The annual report shall include the following:
 - (a) The name and address of the operator.
 - (b) The parcel identification number.
 - (c) The Nonmetallic Mine Reclamation Permit number.
 - (d) The acreage currently affected by nonmetallic mining and not yet reclaimed.
 - (e) The amount of acreage that has been reclaimed to date, on a permanent basis and the amount reclaimed on an interim basis.
 - (f) A plan, map or diagram, drawn to scale, accurately showing the acreage described in pars. (d) and (e).
 - (g) The following certification signed by the operator: “I certify that this information is true and accurate, and that the nonmetallic mining site described herein complies with all conditions of the applicable nonmetallic mine reclamation permit.”
- (2) Deadline. The annual report shall cover the activities for a calendar year and be submitted by January 31st for the year prior.
- (3) When Reporting May End. Annual reports shall be submitted by an operator for all active and intermittent mining sites to the department for each calendar year until the nonmetallic mine reclamation is complete and a notice as specified in 24.06(3)(e) is filed with the department.