

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1506

S.P. 522

In Senate, March 29, 2005

An Act To Update the Laws Governing Borrow Pits and Quarries

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.
Reference to the Committee on Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator NASS of York.
Cosponsored by Representative KOFFMAN of Bar Harbor and
Senator: MITCHELL of Kennebec, Representative: LERMAN of Augusta.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 38 MRSA §484-B** is enacted to read:

6 **§484-B. Additional standards for quarries and excavations**

8 In addition to other standards required by or pursuant to
10 this article, a quarry or an excavation for borrow, clay, topsoil
12 or silt that is licensed pursuant to this article, regardless of
14 the date of licensing, must meet the following minimum standards
16 concerning dust control and spill prevention.

18 **1. Spill prevention.** Refueling operations, oil changes and
20 other maintenance activities requiring the handling of fuels,
22 petroleum products, hydraulic fluids and other on-site activity
24 involving the storage or use of products that, if spilled, may
26 contaminate groundwater, must be conducted in accordance with the
28 department's spill prevention, control and countermeasures plan.
30 Petroleum products and other substances that may contaminate
32 groundwater must be stored and handled over impervious surfaces
that are designed to contain spills. The spill prevention,
control and countermeasures plan must be posted at the site.

34 **2. Dust control.** Dust generated by activities at an
36 excavation site, including dust associated with traffic to and
38 from the excavation site, must be controlled by sweeping, paving,
40 watering or other best management practices for control of
42 fugitive emissions. Dust control methods may include the
44 application of calcium chloride, as long as the manufacturer's
46 guidelines are followed. Visible emissions from a fugitive
48 emission source may not exceed an opacity of 20% for more than 5
minutes in any one-hour period.

The department may require that a quarry or excavation take
additional measures or provide additional information when
necessary to meet the standards for development set forth in
section 484.

38 **Sec. 2. 38 MRSA §490-A, sub-§5-A,** as enacted by PL 1995, c.
40 700, §18, is amended to read:

42 **5-A. Reclamation.** "Reclamation" means the rehabilitation
44 of the area of land affected by mining, including, but not
46 limited to, the stabilization of slopes and creation of safety
48 benches, the planting of forests, the seeding of grasses and
legumes for grazing purposes, the planting of crops for harvest
and, the enhancement of wildlife and aquatic habitat and aquatic
resources and the development of the site for residential,
commercial, recreational or industrial use.

2 **Sec. 3. 38 MRSA §490-C, first ¶**, as amended by PL 1995, c. 700,
§23, is further amended to read:

4
6 Except as provided in section 484-A, a person intending to
8 create or operate an excavation under this article must file a
10 notice of intent to comply before the total area of excavation on
12 the parcel equals 5 or more acres excavated since January 1,
14 1970. Both reclaimed and unreclaimed areas are added together in
16 determining whether this 5-acre threshold is met. A notice filed
18 under this section must be complete, submitted on forms approved
20 by the department and mailed to the municipality, the department,
22 the Maine Historic Preservation Commission and each abutting
24 property owner. The notice that is mailed to the municipality
26 and each abutting property owner must be mailed at least 7 days
prior to filing the notice of intent to comply with the
regulator. The notice that is mailed to the regulator must be
sent by certified mail, return receipt requested. Upon receiving
the postal receipt, the owner or operator may commence
operation. The municipality where the proposed excavation is
located may submit comments to the department if the proposed
excavation may pose an unreasonable adverse impact under the
standards in section 490-D. Within 30 days of receipt of the
notice of intent to comply, the department must respond to the
comments made by the municipality. Abutting property owners, the
Maine Historic Preservation Commission or other interested
persons may submit comments directly to the department.

28 **Sec. 4. 38 MRSA §490-D, sub-§§6-A, 7 and 8**, as amended by PL
30 1995, c. 700, §24, are further amended to read:

32 **6-A. Public and private roads.** A natural buffer strip must
34 be maintained between the working edge of an excavation and a
road or right-of-way as follows.

36 A. A natural buffer strip at least 150 feet wide must be
38 maintained between the working edge of an excavation and a
road designated as a scenic highway by the Department of
Transportation.

40 B. A natural buffer strip at least 100 feet wide must be
42 maintained between the working edge of an excavation and any
44 public road not designated as a scenic highway by the
46 Department of Transportation. A natural buffer strip at
48 least 25 feet wide must be maintained between the working
edge of a topsoil excavation and any public road not
designated as a scenic highway by the Department of
Transportation. A natural buffer strip at least 50 feet
wide must be maintained between the working edge of an
excavation and any right-of-way that does not contain a

2 road. The width of a natural buffer strip adjacent to a
3 public road or right-of-way may be reduced if there is a
4 public entity or entities with authority to grant permission
5 and the applicant receives permission from each authority in
6 writing.

7 C. A natural buffer strip at least 50 feet wide must be
8 maintained between the working edge of an excavation and any
9 private road or right-of-way. If a private road is
10 contained within a wider right-of-way, the buffer is
11 measured from the edge of the right-of-way. The width of
12 the natural buffer strip adjacent to a private road may be
13 reduced if the applicant receives written permission from
14 the person or persons having a right-of-way over the private
15 road.

16 Except for paragraph B, the department may not grant a variance
17 from the provisions of this subsection. The department may grant
18 a variance from paragraph B, ~~provided that~~ if the variance will
19 not result in the natural buffer strip being reduced to less than
20 50 feet between the working edge of the excavation and any road
21 or right-of-way, whichever is farther from the excavation, and
22 ~~provided that~~ if the owner or operator installs visual screening
23 and safety measures as required by the department.

24 A distance specified in this subsection is measured from the
25 outside edge of the shoulder of the road or edge of the
26 right-of-way unless otherwise specifically provided.

27 **7. Property boundary.** A natural buffer strip at least 50
28 feet wide must be maintained between any excavation and any
29 property boundary. A natural buffer strip at least 25 feet wide
30 must be maintained between any topsoil excavation and a property
31 boundary. These distances may be reduced to not less than 10
32 feet with the written permission of the affected property owner
33 or owners, except that the distance may not be reduced to less
34 than 25 feet from the boundary of a cemetery or burial ground.
35 The buffer strip between excavations owned by abutting owners may
36 be eliminated with the abutter's written permission, provided the
37 elimination of this buffer strip does not increase the runoff
38 from either excavation across the property boundary. Any written
39 permission to reduce a buffer must provide that it remains in
40 effect until mining ceases and must be recorded in the registry
41 of deeds. All property boundaries must be identified in the
42 field by markings such as metal posts, stakes, flagging or blazed
43 trees. The department may not grant a variance from the
44 provisions of this subsection.

45 **8. Erosion and sedimentation control.** All reclaimed and
46 unreclaimed areas, except for access roads, must be naturally
47

internally drained at all times unless a variance is obtained from the department.

A. The area of a working pit may not exceed 10 acres.

B. Stockpiles consisting of topsoil to be used for reclamation must be seeded, mulched or otherwise temporarily stabilized.

C. Sediment may not leave the parcel or enter a protected natural resource.

D. Grubbed areas not internally drained must be stabilized.

E. Erosion and sedimentation control for access roads must be conducted in accordance with the department's best management practices for erosion and sedimentation control. Areas that are not naturally internally drained must meet the erosion and sedimentation control standards of section 420-C.

The department may grant a variance from this subsection, except for paragraphs C, D and E. Areas are not considered "naturally internally drained" if surface discharge is impeded through the use of structures such as detention ponds, retention ponds and undersized culverts.

Sec. 5. 38 MRSA §490-D, sub-§9, as amended by PL 1995, c. 700, §24, is repealed and the following enacted in its place:

9. Water quality protection and storm water management.
Standards of the laws governing storm water management and waste discharge must be met as provided in this subsection.

A. An area that is not naturally internally drained must meet storm water standards adopted pursuant to section 420-D if the total area requiring such a variance on the parcel would be of sufficient size to require a storm water management permit but for the exception from storm water management permitting requirements for certain excavations in section 420-D, subsection 5. A storm water management permit is not required.

B. A waste discharge must meet standards and obtain authorization if required pursuant to section 413.

Sec. 6. 38 MRSA §490-D, sub-§13, as amended by PL 1995, c. 700, §24, is further amended to read:

2 **13. Dust.** Dust generated by activities at the excavation
4 site, including dust associated with traffic to and from the
6 excavation site, must be controlled by sweeping, paving, watering
8 or other best management practices for control of fugitive
10 emissions. Dust control methods may include the application of
12 calcium chloride, providing the manufacturer's labeling
14 guidelines are followed. The department may not grant a variance
16 from the provisions of this subsection. Visible emissions from a
18 fugitive emission source may not exceed an opacity of 20% for
20 more than 5 minutes in any one-hour period.

22 **Sec. 7. 38 MRSA §490-N** is enacted to read:

24 **§490-N. Release**

26 The department may grant a release from the requirements of
28 this article to the owner or operator or a transferee after
30 reclamation of the affected area as determined by the
32 department. The department shall inspect the site before making
34 this determination. The release will terminate if any further
36 excavation on the parcel for borrow, clay, topsoil or silt is
38 proposed by the owner or operator or a transferee. A person
40 proposing further excavation on the parcel must file a notice of
42 intent to comply pursuant to section 490-C and comply with all
44 requirements of this article. Payment of the annual fee under
46 section 490-J will resume in the year when the further excavation
48 begins.

50 **Sec. 8. 38 MRSA §490-W, sub-§18**, as enacted by PL 1995, c.
700, §35, is amended to read:

18. Reclamation. "Reclamation" means the rehabilitation of
the area of land affected by mining, including, but not limited
to, the stabilization of slopes and creation of safety benches,
the planting of forests, the seeding of grasses and legumes for
grazing purposes, the planting of crops for harvest and, the
enhancement of wildlife and aquatic habitat and aquatic resources
and the development of the site for residential, commercial,
recreational or industrial use. "Reclamation" does not include
the filling in of pits and the filling or sealing of shafts and
underground workings with solid materials unless necessary for
the protection of groundwater or for reasons of safety.

Sec. 9. 38 MRSA §490-Y, first ¶, as amended by PL 1997, c. 364,
§22, is further amended to read:

 Except as provided in section 484-A, a person intending to
create or operate a quarry under this article must file a notice
of intent to comply before the total area of excavation of rock
or overburden on the parcel exceeds one acre. Both reclaimed and

2 unreclaimed areas are added together in determining whether this
one-acre threshold is exceeded. A notice filed under this
4 section must be complete, submitted on forms approved by the
department and mailed to the municipality where the quarry is
6 located, the department, the Maine Historic Preservation
Commission and each abutting property owner. The notice that is
8 mailed to the municipality and each abutting property owner must
be mailed at least 7 days before the notice of intent to comply
10 is filed with the regulator. The notice that is mailed to the
department must be sent by certified mail, return receipt
12 requested. Upon receiving the postal receipt, the owner or
operator may commence operation of the quarry. The municipality
14 where the proposed quarry is located may submit comments to the
department if the proposed quarry may pose an unreasonable
16 adverse impact under the standards in section 490-Z. Within 30
days of receipt of the notice of intent to comply, the department
18 shall respond to the comments made by the municipality. Abutting
property owners, the Maine Historic Preservation Commission or
other interested persons may submit comments directly to the
20 department.

22 **Sec. 10. 38 MRSA §490-Z, sub-§3,** as enacted by PL 1995, c.
700, §35, is amended to read:

24 **3. Groundwater protection.** To ensure adequate groundwater
26 protection, the following setback requirements must be met.

28 A. A 200-foot separation must be maintained between an
excavation and a private drinking water supply that is point
30 driven or dug and was in existence prior to the excavation.

32 B. A 100-foot separation must be maintained between an
excavation and a private drinking water supply that is
34 drilled into saturated bedrock and was in existence prior to
the excavation.

36 C. Separation must be maintained between an excavation and
38 a public drinking water source as follows:

40 (1) For systems serving a population of 500 persons or
less, the minimum separation must be 300 feet;

42 (2) For systems serving a population of 501 persons up
44 to 1,000 persons, the separation must be 500 feet;

46 (3) For systems serving a population of more than
1,000 persons, the separation must be 1,000 feet; and

48 (4) For any system that holds a valid filtration
50 waiver in accordance with the federal Safe Drinking

2 Water Act, 42 United States Code, Sections 300f to
300j-26 (1988), the separation must be 1,000 feet.

4 D. Refueling operations, oil changes, other maintenance
5 activities requiring the handling of fuels, petroleum
6 products and hydraulic fluids and other on-site activity
7 involving storage or use of products that, if spilled, may
8 contaminate groundwater, must be conducted in accordance
9 with the department's spill prevention, control and
10 countermeasures plan. Petroleum products and other
11 substances that may contaminate groundwater must be stored
12 and handled over impervious surfaces that are designed to
13 contain spills. The spill prevention, control and
14 countermeasures plan must be posted at the site.

16 E. In the event of excavation below the seasonal high water
17 table, a 300-foot separation must be maintained between the
18 limit of excavation and any predevelopment private drinking
19 water supply and a 1000-foot separation must be maintained
20 between the limit of excavation and any public drinking
21 water source or area previously designated for potential use
22 as a public drinking water source by a municipality or
23 private water company.

24 The department may grant a variance from the provisions of
25 paragraph C upon consultation with the person or entity that
26 controls the public drinking water supply affected by the
27 excavation. The department may not grant a waiver from the
28 provisions of paragraph A, B or D.

30 Excavation below the seasonal high water table ~~of an area~~
31 ~~previously designated for potential use as a public drinking~~
32 ~~water source by a municipality or private water company~~ is
33 prohibited. The department may grant a variance allowing
34 excavation below the seasonal high water table if the applicant
35 demonstrates that the yield of groundwater flow to protected
36 waters or wetlands or public drinking water sources or private
37 drinking water supplies will not be adversely affected by the
38 excavation.

40 In the event of excavation below the seasonal high water table,
41 the operator of a mining activity that affects by excavation
42 activities a public drinking water source or private drinking
43 water supply by contamination, interruption or diminution must
44 restore or replace the affected water supply with an alternate
45 source of water, adequate in quantity and quality for the purpose
46 served by the supply. This provision is not intended to replace
47 any independent action that a person may have whose water supply
48 is affected by a mining activity.

50

2 **Sec. 11. 38 MRSA §490-Z, sub-§§6, 7 and 8,** as enacted by PL
1995, c. 700, §35, is amended to read:

4 **6. Roads.** A natural buffer strip must be maintained
6 between the working edge of an excavation and a road or
right-of-way as follows.

8 A. A natural buffer strip at least 150 feet wide must be
10 maintained between the working edge of an excavation and a
road designated as a scenic highway by the Department of
Transportation.

12 B. A natural buffer strip at least 100 feet wide must be
14 maintained between the working edge of the excavation and
any other public road. A natural buffer strip at least 50
16 feet wide must be maintained between the working edge of an
excavation and any public right-of-way that does not contain
18 a road. The width of a natural buffer strip adjacent to a
public road or right-of-way may be reduced if there is a
20 public entity or entities with authority to grant permission
and the applicant receives permission from each authority in
22 writing.

24 C. A natural buffer strip at least 50 feet wide must be
26 maintained between the working edge of an excavation and a
private road or a right-of-way. If a private road is
28 contained within a wider right-of-way, the buffer is
measured from the edge of the right-of-way. The width of
30 the natural buffer strip adjacent to a private road may be
reduced if the applicant receives written permission from
the persons having a right-of-way over the private road.

32 The department may not grant a variance from the provisions of
34 paragraph A or C. The department may grant a variance from
paragraph B if the variance does not result in the natural buffer
36 strip being reduced to less than 50 feet between the working edge
of the excavation and any road or right-of-way, whichever is
38 farther from the excavation, and if the owner or operator
installs visual screening and safety measures as required by the
40 department.

42 A distance specified in this subsection is measured from the
outside edge of the shoulder of the road or edge of the
44 right-of-way unless otherwise specifically provided.

46 **7. Property boundary.** A natural buffer strip at least 100
feet wide must be maintained between an excavation and any
48 property boundary. This distance may be reduced to 10 feet with
the written permission of the affected abutting property owner or
50 owners, except that the distance may not be reduced to less than
25 feet from the boundary of a cemetery or burial ground. The

2 natural buffer strip between quarries owned by abutting owners
3 may be eliminated with the abutter's written permission if the
4 elimination of this natural buffer strip does not increase the
5 runoff from either excavation across the property boundary. Any
6 written permission to reduce a buffer must provide that it
7 remains in effect until mining ceases and must be recorded in the
8 registry of deeds. All property boundaries must be identified in
9 the field by markings such as metal posts, stakes, flagging or
10 blazed trees. The department may not grant a variance from the
11 provisions of this subsection.

12 **8. Erosion and sedimentation control.** All reclaimed and
13 unreclaimed areas, except for access roads, must be naturally
14 internally drained at all times unless a variance is obtained
15 from the department. Stockpiles consisting of topsoil to be used
16 for reclamation must be seeded, mulched or otherwise temporarily
17 stabilized.

18 A. Sediment may not leave the parcel or enter a protected
19 natural resource.

22 B. Grubbed areas not internally drained must be stabilized.

24 C. Erosion and sedimentation control for access roads must
25 be conducted in accordance with the department's best
26 management practices for erosion and sedimentation control.
27 Areas that are not naturally internally drained must meet
28 the standards of section 420-C.

30 The department may not grant a variance from the provisions of
31 paragraph A, B or C. Areas are not considered "naturally
32 internally drained" if surface discharge is impeded through the
33 use of structures such as detention ponds, retention ponds and
34 undersized culverts.

36 **Sec. 12. 38 MRSA §490-Z, sub-§9,** as enacted by PL 1995, c.
37 700, §35, is repealed and the following enacted in its place:

38 **9. Water quality protection and storm water management.**
39 Standards of the laws governing storm water management and waste
40 discharge must be met as provided in this subsection.

42 A. An area that is not naturally internally drained must
43 meet storm water standards adopted pursuant to section 420-D
44 if the total area requiring such a variance on the parcel
45 would be of sufficient size to require a storm water
46 management permit but for the exception from storm water
47 management permitting requirements for certain excavations
48 in section 420-D, subsection 5. A storm water management
49 permit is not required.

2 B. A waste discharge must meet standards and obtain
3 authorization if required pursuant to section 413.

4

5 **Sec. 13. 38 MRSA §490-Z, sub-§12**, as enacted by PL 1995, c.
6 700, §35, is amended to read:

7 **12. Dust.** Dust generated by activities at a quarry,
8 including dust associated with traffic to and from a quarry, must
9 be controlled by sweeping, paving, watering or other best
10 management practices for control of fugitive emissions. Dust
11 control methods may include calcium chloride as long as the
12 manufacturer's labeling guidelines are followed. The department
13 may not grant a variance from the provisions of this subsection.
14 Visible emissions from a fugitive emission source may not exceed
15 an opacity of 20% for more than 5 minutes in any one-hour period.

16
17 **Sec. 14. 38 MRSA §490-Z, sub-§14, ¶F**, as enacted by PL 1995, c.
18 700, §35, is amended to read:

19

20 F. A preblast survey is required for all production
21 blasting and must extend a minimum radius of 2000-feet 1/2
22 mile from the blast site. The preblast survey must document
23 any preexisting damage to structures and buildings and any
24 other physical features within the survey radius that could
25 reasonably be affected by blasting. Assessment of features
26 such as pipes, cables, transmission lines and wells and
27 other water supply systems must be limited to surface
28 conditions and other readily available data, such as well
29 yield and water quality. The preblast survey must be
30 conducted prior to the initiation of blasting at the
31 operation. The owner or operator shall retain a copy of all
32 preblast surveys for at least one year from the date of the
33 last blast on the development site.

34
35 (1) The owner or operator is not required to conduct a
36 preblast survey if the department determines that no
37 protected natural resource within the limits of the
38 otherwise required survey is likely to be affected by
39 blasting and production blasting will not occur within
40 2000 feet of any building not owned or under the
41 control of the developer.

42
43 (2) The owner or operator is not required to conduct a
44 preblast survey on properties for which the owner or
45 operator documents the rejection of an offer by
46 registered letter, return receipt requested, to conduct
47 a preblast survey. Any person owning a building within
48 a preblast survey radius may voluntarily waive the
49 right to a survey.

50

2 (3) The owner or operator is not required to conduct a
4 preblast survey if the owner or operator agrees to
6 design all blasts so that the weight of explosives per
8 8 millisecond or greater delay does not exceed that
10 determined by the equation $W=(D/Ds)^2$, where W is the
12 maximum allowable weight of explosives per delay of 8
14 milliseconds or greater, D is the shortest distance
16 between any area to be blasted and any inhabitable
18 structure not owned or controlled by the developer and
20 Ds equals 70 ft./ $(lb.)^{1/2}$.

22 **Sec. 15. 38 MRSA §490-FF** is enacted to read:

24 **§490-FF. Release**

26 The department may grant a release from the requirements of
28 this article to the owner or operator or a transferee after
30 reclamation of the affected area as determined by the
32 department. The department shall inspect the site before making
34 this determination. The release will terminate if any further
36 excavation on the parcel is proposed by the owner or operator or
38 a transferee. A person proposing further excavation on the
40 parcel must file a notice of intent to comply pursuant to section
42 490-Y and comply with all requirements of this article. Payment
44 of the annual fee under section 490-EE will resume in the year
46 when the further excavation begins.

48 **SUMMARY**

32 This bill amends the laws administered by the Department of
34 Environmental Protection governing borrow pits and quarries. The
36 "borrow pit law" regulates excavations for borrow, clay, topsoil
38 or silt.

40 1. It adds additional standards for quarries and
42 excavations for borrow, clay, topsoil or silt. The standards
44 require a spill prevention, control and countermeasures plan and
46 address dust control.

48 2. It clarifies that reclamation of the land affected by
mining may include development of the site for residential,
commercial, recreational or industrial use pursuant to the borrow
pit law.

3. It provides that comments submitted in relation to a
notification under the borrow pit law may be submitted directly
to the department.

2 4. It amends the standards in the laws governing borrow
pits regarding roads, rights-of-way and natural buffer strips to
4 provide that a natural buffer at least 50 feet wide must be
maintained between the working edge of an excavation and any
6 public right-of-way that does not contain a road. It also
provides that when a variance is allowed from the public road
8 standard, it may not result in a natural buffer strip of less
than 50 feet between the working edge of the excavation and any
10 road or right-of-way, whichever is farther from the excavation.
The buffer along a public road other than a scenic highway may be
12 reduced if there is a public entity or entities with authority to
grant permission and the applicant receives permission in writing
14 from each authority.

16 5. It provides that any written permission to reduce a
buffer from a property line in the laws governing borrow pits
18 must remain in effect until mining ceases and must be recorded in
the registry of deeds.

20 6. It amends the erosion and sedimentation standard in the
laws governing borrow pits to provide that areas that are not
22 naturally internally drained must meet the standards of the laws
governing erosion and sedimentation control in the Maine Revised
24 Statutes, Title 38, section 420-C.

26 7. It repeals and replaces the existing surface water
protection and storm water standards in the laws governing borrow
28 pits. The new provision clarifies when the storm water standards
of Title 38, section 420-D must be met in regard to externally
30 drained areas. It also indicates that a waste discharge must
meet standards and obtain authorization pursuant to Title 38,
32 section 413 if required.

34 8. It adds a numeric standard for fugitive dust emissions
36 to the laws governing borrow pits.

38 9. It authorizes the department to grant a release from
requirements of the borrow pit law after reclamation of the
40 affected area. The department would be required to inspect the
site before the release, and the release would terminate if any
42 further excavation was proposed on the parcel for borrow, clay,
topsoil or silt.

44 10. It clarifies that reclamation of the land affected by
46 mining may include development of the site for residential,
commercial, recreational or industrial use under the quarry law.

48 11. It provides that comments submitted in relation to a

2 notification under the quarry law may be submitted directly to
the department.

4 12. It provides that all excavations below the seasonal
high water table require a variance from the department by
6 removing limiting language under the quarry law.

8 13. It amends the standard of the quarry law standard
addressing roads, rights-of-way and natural buffer strips to
10 provide that a natural buffer at least 50 feet wide must be
maintained between the working edge of an excavation and any
12 public easement that does not contain a road. It also provides
that when a variance is allowed from the public road standard, it
14 may not result in a natural buffer strip of less than 50 feet
between the working edge of the excavation and any road or
16 right-of-way, whichever is farther from the excavation. The
buffer along a public road other than a scenic highway may be
18 reduced if there is a public entity or entities with authority to
grant permission and the applicant receives permission in writing
20 from each authority.

22 14. It provides that any written permission to reduce a
buffer from a property line under the laws governing quarries
24 must remain in effect until mining ceases and must be recorded in
the registry of deeds.

26 15. It amends the erosion and sedimentation standard in the
quarry law to provide that areas that are not naturally
28 internally drained must meet the standards of the laws governing
erosion and sedimentation control in Title 38, section 420-C.
30

32 16. It repeals and replaces the existing surface water
protection and storm water standard in the quarry law to clarify
34 when the standards of storm water management must be met in
regard to externally drained areas and when a discharge must meet
36 standards and obtain authorization pursuant to the laws governing
waste discharge if required.

38 17. It adds a numeric standard for fugitive dust emissions
40 in the laws governing quarries.

42 18. It changes the range for a preblast survey from 2000
feet to 1/2 mile, consistent with federal requirements.
44

46 19. It authorizes the department to grant a release from
requirements of the quarry law after reclamation of the affected
area. The department would be required to inspect the site
48 before the release, and the release would terminate if any
further excavation was proposed on the parcel.