

MAINE STATE LEGISLATURE

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Minority

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ROFS

L.D. 1302

Date: 5/31/13

Minority

(Filing No. H-305)

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ENVIRONMENT AND NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "B" to H.P. 929, L.D. 1302, Bill, "An Act To Amend the Maine Metallic Mineral Mining Act To Protect Water Quality"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 38 MRSA §490-OO, sub-§2, as enacted by PL 2011, c. 653, §23 and affected by §33, is amended to read:

2. Application procedure. An application for a mining permit must be submitted to the department in a format to be developed by the department. In accordance with section 344-A, the commissioner may enter into agreements with individuals, partnerships, firms and corporations outside the department to review applications or portions of applications submitted to the department under this article. The application must include the following:

A. The fees established in section 352. All costs incurred by the department in processing an application must be paid for by the applicant;

B. An environmental impact assessment for the proposed mining operation that describes the natural and artificial features, including, but not limited to, groundwater and surface water quality, flora, fauna, hydrology, geology and geochemistry and baseline conditions for those features in the proposed mining area and affected area that may be affected by the mining operation and the potential impacts on those features from the proposed mining operation. The environmental impact assessment must define the mining area and the affected area and address practicable alternatives to address impacts to the mining area and potential impacts to the affected area. The department shall review the environmental impact assessment and may approve, reject or require modifications to the assessment;

C. An environmental protection, reclamation and closure plan for the proposed mining operation, including beneficiation operations, that will reasonably avoid, minimize and mitigate the actual and potential adverse impacts on natural resources, the environment and public health and safety within the mining area and the affected

COMMITTEE AMENDMENT

1 area. The plan must address unique issues associated with mining and must include,
2 but not be limited to, the following:

- 3 (1) A description of materials, methods and techniques that will be used;
- 4 (2) Information that demonstrates that the methods, materials and techniques
5 proposed to be used are capable of accomplishing their stated objectives in
6 protecting the environment and public health. The required information may
7 consist of results of actual testing, modeling, documentation by credible
8 independent testing and certification organizations or documented applications in
9 similar uses and settings;
- 10 (3) Plans and schedules for interim and final reclamation of the mining area and
11 the affected area following cessation of mining operations and plans and
12 schedules for measures taken during suspension of operations, including
13 contemporaneous reclamation, to the extent practicable;
- 14 (4) A description of the geochemistry of the ore, waste rock, overburden,
15 peripheral rock, spent leach material and tailings, including characterization of
16 leachability, reactivity and acid-forming characteristics;
- 17 (5) A mining operations closure plan that demonstrates to the satisfaction of the
18 department that applicable environmental requirements, including applicable
19 water quality standards, will be met without perpetual active water treatment for
20 any water discharged from the site. For purposes of this subparagraph, "perpetual
21 active water treatment" means active water treatment for more than 30 years after
22 closure;
- 23 (6) ~~Provisions~~ A waste rock management plan that includes provisions for the
24 prevention, control and monitoring of acid-forming waste products and other
25 waste products from the mining process in accordance with standards in
26 subsection 4, paragraphs D and E;
- 27 (7) Storm water and surface water management provisions;
- 28 (8) A water quality monitoring plan;
- 29 (9) A description of the wastewater discharge management plan;
- 30 (10) A description of any tailings impoundment and the methods, materials and
31 techniques to be used;
- 32 (11) A plan for the storage of hazardous materials; and
- 33 (12) An estimate of costs for reclamation, closure and environmental protection.

34 D. A contingency plan that includes an assessment of the risk to the environment and
35 public health and safety associated with potential significant incidents or failures
36 related to the mining operation and describes the metallic mineral operator's
37 notification and response plans. When the application is accepted as complete for
38 processing by the department, the applicant shall provide a copy of the contingency
39 plan to each municipality in which the mining area and affected area may be located
40 or, in the unorganized territory, to the county commissioners for each county in

1 which the mining area or affected area may be located. The department may require
2 amendments to the contingency plan;

3 E. Financial assurance as described in section 490-RR; and

4 F. A list of other state and federal permits or approvals anticipated by the applicant
5 to be required.

6 **Sec. 2. Effective date.** This Act takes effect June 1, 2014.'

7 **SUMMARY**

8 This amendment is the minority report of the committee and replaces the bill. The
9 amendment authorizes the Department of Environmental Protection to use outside parties
10 to review applications for mining permits. It requires an applicant to submit a mining
11 operations closure plan that demonstrates to the satisfaction of the department that
12 applicable environmental requirements will be met without requiring more than 30 years
13 of active water treatment for water discharged from the site. It specifies that a waste rock
14 management plan must be submitted with an application.

FISCAL NOTE REQUIRED
(See attached)



126th MAINE LEGISLATURE

LD 1302

LR 1356(03)

An Act To Amend the Maine Metallic Mineral Mining Act To Protect Water Quality

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Environment and Natural Resources

Fiscal Note Required: Yes

B(H-305)

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs incurred by the Department of Environmental Protection from rulemaking efforts and from any approval requirements related to mining operations can be absorbed within existing budgeted resources.