



## **131st MAINE LEGISLATURE**

## FIRST REGULAR SESSION-2023

**Legislative Document** 

No. 1363

H.P. 877

House of Representatives, March 28, 2023

## An Act to Support Extraction of Common Minerals by Amending the Maine Metallic Mineral Mining Act

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative LANDRY of Farmington. Cosponsored by Senator BRENNER of Cumberland and Representatives: FAULKINGHAM of Winter Harbor, JAVNER of Chester, O'CONNELL of Brewer, PERRY of Bangor, SOBOLESKI of Phillips, THERIAULT of Fort Kent, ZEIGLER of Montville, Senator: FARRIN of Somerset.

1	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 38 MRSA §490-MM, sub-§3-A is enacted to read:
3 4 5	<b>3-A.</b> Cement. "Cement" means any of various calcined mixtures of clay and limestone, which can be mixed with water and used as an ingredient in making mortar or concrete.
6 7	Sec. 2. 38 MRSA §490-MM, sub-§8, as enacted by PL 2011, c. 653, §23 and affected by §33, is amended to read:
8 9 10 11 12	<b>8.</b> Metallic mineral. "Metallic mineral" means any <u>mineral</u> , ore or <u>excavated</u> material to be excavated from the natural deposits on or in the earth for its metallic mineral content to be used for commercial or industrial purposes. "Metallic mineral" does not include thorium or uranium that has metal or a metalloid element as its economically valuable constituent, regardless of the chemical end product of the metal or metalloid element.
13 14	Sec. 3. 38 MRSA §490-MM, sub-§11, as enacted by PL 2011, c. 653, §23 and affected by §33, is amended to read:
15 16 17 18 19 20 21	11. Mining. "Mining," "mining operation" or "mining activity" means activities, facilities or processes necessary for the extraction or removal of metallic minerals or overburden or for the preparation, washing, cleaning or other treatment of metallic minerals and includes the bulk sampling, advanced exploration, extraction or beneficiation of metallic minerals as well as waste storage and other stockpiles and reclamation activities, but does not include exploration. "Mining," "mining operation" or "mining activity" does not include calcium carbonate or limestone extraction or beneficiation to produce cement.
22 23	<b>Sec. 4. 38 MRSA §490-OO, sub-§4, ¶D,</b> as amended by PL 2017, c. 142, §7, is further amended by amending the first blocked paragraph to read:
24 25 26 27 28 29 30 31	In determining compliance with this standard, the department shall require groundwater monitoring consistent with the standards established pursuant to section 490-QQ, subsection 3, except that facilities that crush and mechanically sort material excavated from an open-pit mining operation that has a permit in good standing under this article are exempt from the requirements of section 490-QQ as long as the crushing, sorting, storage, loading and unloading of the material takes place in a building or shelter that prevents rain, snow, snowmelt, ice melt and runoff from commingling with the material.
32 33	<b>Sec. 5. 38 MRSA §490-OO, sub-§4, ¶O,</b> as enacted by PL 2017, c. 142, §8, is amended to read:
34 35 36 37 38	O. The mining operation will not use open-pit mining, except that the mining operation may use open-pit mining if the mining operation will only generate mine waste that does not have the potential to create acid rock drainage, alkali rock drainage or metal mine drainage, or does not violate water quality standards other than sedimentation and turbidity.
39	Sec. 6. 38 MRSA §490-QQ, sub-§4, ¶E is enacted to read:
40	E. For the reclamation of the open-pit area of an open-pit mining operation:

1 2 3 4 5	(1) Highwalls or quarry faces must be treated in such a manner as to leave them in a condition that minimizes the possibility of rock falls, slope failures and collapse. A highwall that is loose must be controlled by the use of blasting or scaling, the use of safety benches, the use of flatter slopes or reduced face heights or the use of benching near the top of the face or rounding the edge of the face;
6 7 8	(2) Topsoil that is stripped or removed must be stockpiled and stabilized adequately for use in reclaiming disturbed lands appropriately to the approved final land use;
9 10 11	(3) Native vegetation appropriate to the approved final land use must be established on all affected land, including safety benches, except for quarry walls and flooded areas;
12 13	(4) Safe ingress and egress to water bodies must be provided for people and wildlife after reclamation;
14 15 16 17	(5) Intermittent and perennial streams diverted during mining activity must be returned to original channels or, if the original channel has been disturbed or destroyed, to a reconstructed channel having grades, pools, substrate, floodplains and meanders comparable to baseline conditions; and
18 19	(6) The actively mined, not reclaimed portion of the open pit may not exceed 100 acres at any one time.
20 21	The department shall adopt rules establishing additional standards for the reclamation of the open-pit area of an open-pit mining operation.
22	SUMMARY
23 24 25 26 27 28 29 30	This bill amends the definition of "metallic mineral" in the Maine Metallic Mineral Mining Act. It provides that mining does not include calcium carbonate or limestone extraction or beneficiation to produce cement. It provides that permitted facilities that crush and mechanically sort material excavated from an open-pit mining operation are exempt from the performance, operation and reclamation standards in the Maine Metallic Mineral Mining Act under certain conditions. It allows the use of open-pit mining if certain conditions are met and establishes standards for the reclamation of the open-pit area of an open-pit mining operation.