

MAINE STATE LEGISLATURE

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RULES AND REGULATIONS
OF
MAINE MINING COMMISSION

SECTION I - POLICY

The Mining - Conservation and Rehabilitation of Land Act of 1969 provides for the reclamation of lands affected by mining operations. It is the goal of the Maine Mining Commission to encourage the prudent development of mineral resources; to provide for the reclamation of affected lands and to encourage their productive use; to enhance management and appropriate use of all the natural resources of such areas for compatible multiple purposes; and to protect the health, safety, and general welfare of the people, as well as the natural beauty and environmental values.

The Commission is prepared to offer suggestions and planning assistance to the operator, if requested. In some cases, simpler and less expensive reclamation methods unknown to the operator might be suggested by the Commission.

SECTION II - AUTHORITY

These rules and regulations are issued pursuant to the "Mining - Conservation and Rehabilitation of Land Act", Title 10, Chapter 472, M.R.S.A. 1969, hereafter referred to as the "Act".

SECTION III - EFFECTIVE DATE

These rules and regulations shall be effective from and after June 1, 1971.

SECTION IV - DEFINITIONS

1. Area of land affected. "Area of land affected" or "affected land" means the area of land from which overburden is to be removed or upon which overburden, product or byproduct is to be deposited or will by natural forces be deposited, and shall include all lands to be excavated or cleared of vegetation in the operation.

2. Commission. "Commission" means the Maine Mining Commission.

3. Director. "Director" means the Director of the Maine Mining Commission.

4. Exploration. "Exploration" means any geological, geochemical, geophysical or other prospecting, investigation, work or activity to determine the existence, nature, quality and quantity of product, by any surface or underground methods and with any equipment, tools, drills or machinery.

5. Mining plan. "Mining plan" means the physical characteristics of the proposed shaft, drift, cut or open pit; the proposed locations for the placing or handling of overburden; the manner in which water is to be controlled and other acts to be performed by the operator in the process of uncovering and removing the product. The mining plan shall include the plan and time schedule for reclamation.

6. Mining. "Mining" means the breaking of the surface soil in order to facilitate or accomplish the extraction or removal of clay, peat, stone, minerals, ores, topsoils or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of product, except exploration as defined; and the preparation, washing, cleaning or other treatment of such product so as to make it suitable for commercial, industrial or construction use, but shall not include excavation or grading preliminary to a construction project, nor shall it include sand, gravel or borrow operations.

7. Operation. "Operation" means all of the premises, facilities, roads and plant used in the process of producing or concentrating a product from a mine, or removing overburden for the purpose of determining the location, quality or quantity of a product in a manner not in compliance with rules and regulations for exploration as set forth by the Commission.

8. Operator. "Operator" means a person named as such in the mining plan and a person engaged in mining who removes or intends to remove more than one thousand (1,000) cubic yards of product from the earth by mining within twelve successive calendar months or who removes overburden for the purpose of determining the location, quality or quantity of a product in a manner not in compliance with the rules and regulations for exploration as set forth by the Commission.

9. Overburden. "Overburden" means earth and other materials naturally lying over the product to be mined.

10. Person. "Person" shall include governmental and quasi-governmental entities.

11. Product. "Product" means clay, peat, stone, minerals, ores, topsoils or other solid matter.

12. Reclamation. "Reclamation" means the rehabilitation of the area of land affected by mining under a plan approved by the

Commission, but not including the filling in of pits, shafts and underground workings.

SECTION V - EXCEPTIONS

With certain exceptions cited below, every operator engaged in a mining operation shall be required to provide for the reclamation of land affected by the mining operation subsequent to October 1, 1969.

The following mining operations are specifically exempted from compliance with these rules and regulations:

Sand, gravel, and borrow operations.

Excavation or grading preliminary to a construction project.

Any mining operation which removes less than one thousand (1,000) cubic yards of product within twelve successive calendar months.

The following mining operations are partially exempted from compliance with these rules and regulations as follows:

Exploration: No registration, operator's bond or mining plan is required.

Surface quarries: Registration, a mining plan and an operator's bond are required but no reclamation is necessary; however the Commission may require revegetation to screen the quarries from public view, and plans for appropriate safety measures.

SECTION VI - EXPLORATION

In the event of any disturbance of the land surface caused by exploration the operator shall grade and revegetate said surface in a manner acceptable to the Commission.

SECTION VII - REGISTRATION, MINING PLAN AND BONDING

Except as noted above, the following procedures are required of all operators in connection with each operation:

1. Registration by the operator.
2. Filing of a mining plan.
3. Filing of a performance bond.
4. Filing of a request for partial or complete bond release.

All forms, plans, maps, specifications and other documents required to be filed or submitted under these rules and regulations shall be deemed so filed or submitted when received at the office of the Commission, State House, Augusta, Maine 04330. If desired, forms may be obtained from the Director.

A. REGISTRATION

Each operator must register with the Commission. The following information is required on each registration:

1. Name and local address of operator.
2. Name and address of operation.
3. Name and address of owner or owners of operation, if other than operator.
4. Name and address of owner or owners of land affected, if other than operator.
5. Product or products to be mined.
6. Name and address of individual with official authority to represent operator, if other than operator.
7. Date of registration.
8. Signature of registrant and title or position with operator.

Upon proper registration, the Commission will assign the operation a permanent registration number, and will provide the operator with instructions and model forms for submitting a mining plan.

An operator need register only once for each operation. However, the Commission must be notified within 30 days of any changes in information provided on the initial registration form. If an operation is to be sold or leased, the Commission must be notified by the registered operator, and the new operator must submit a new registration.

B. MINING PLAN

The purpose of a mining plan is to inform the Commission of the aspects of the proposed mining operation which have a bearing on the reclamation and rehabilitation of the affected land. Detailed plans and schedules for reclamation and rehabilitation must be provided in order for the Commission to determine if adequate and acceptable steps toward reclamation and rehabilitation will be taken by the operator.

Each operator is required to submit two signed copies of a mining plan as set forth in these rules and regulations. No operator shall engage in mining without first having obtained Commission approval of his mining plan.

The mining plan shall be accompanied by a fee of \$50. plus \$25. for each acre or fraction thereof of the affected area, but not to exceed a total of \$500.

A mining plan may be amended by filing with the Commission such of the information required hereinbelow in an original mining plan as will clearly indicate the nature of the amendment(s). Any such amendment(s) must be approved by the Commission.

The mining plan shall contain the following information in the order indicated. Any request(s) for variances shall be submitted to, and will be acted upon by the Director in his discretion.

1. General Information

- a. Assigned registration number.
- b. Operator's name and Maine address.
- c. Name of local management official or individual who may be contacted regarding registration, mining plans, bonds, and all other documents.
- d. Product or products to be mined.
- e. Acreage of land to be affected.
- f. Location on index map: A United States Geological Survey topographic map at the scale of one inch equals one mile is required as a base on which shall be outlined in red the location of the area covered by the mining plan.

- g. Current land use of the affected area covered by the mining plan, and land use of adjacent areas, both current and proposed.
- h. Proposed land use of the affected area covered by the mining plan upon completion of reclamation and rehabilitation.

2. Mining Plan Map

A plan map or maps shall be provided identifying the following features at a scale sufficient to show details and, in any event, a scale at least as detailed as one inch equals one hundred feet.

- a. North arrow.
- b. Scale.
- c. Registration number.
- d. Name of operator.
- e. Name of county and town.
- f. Topographic contours.
- g. Date prepared.
- h. All roads and trails.
- i. Culture, including buildings, fences, pipelines, powerlines, cemeteries, railroads, and other man-made features.
- j. All bodies of water, including location of all lakes, dams, ponds, rivers, streams, springs, estuaries, oceans, and swamps. If these water bodies have names, they shall be noted. If the mining operation will affect waters not shown on the plan map, the distance to the water from the operation shall be shown on the map.
- k. Areas to be affected outlined and colored in red and permanently numbered.
- l. A legend showing the symbols and colors used on the map.

3. Description of Change of Affected Land

With reference to areas outlined and colored in red on the plan map, proposed changes for each affected area shall be described. The description shall include as much information as possible about the present land condition and as much information as possible about the land after it is affected but prior to reclamation. The description shall include but not be limited to:

- a. Present land condition
 - (1) Vegetation
 - (2) Soil and/or rock type
 - (3) Slope and nature of surface
 - (4) Land use
 - (5) Surface drainage
 - (6) Water table
- b. Anticipated land condition after being affected
 - (1) Vegetation
 - (2) Soil and/or rock type
 - (3) Slope and nature of surface
 - (4) Description of material added or removed
 - (5) Changes in drainage
 - (6) Public visibility
- c. Land condition following proposed reclamation
 - (1) Vegetation
 - (2) Soil and/or rock type
 - (3) Slope and nature of surface
 - (4) Drainage pattern
 - (5) Depth and size of permanent water bodies, if any
 - (6) Public visibility

4. Specific Reclamation Plan and Schedule

With reference to the areas outlined and colored in red on the plan map, specific plans for reclamation and rehabilitation of each affected area shall be described, together with planned scheduling. The intent of the Commission is to insure that an approved permanent vegetative cover is established where possible on affected land, and that the condition in which the land is left is not conducive to erosion or pollution.

a. Grading and Revegetation.

One of the following grading and revegetation requirements shall be followed unless adverse or special conditions require alternate plans and such are approved by the Commission. Grading of affected areas shall be adequate to protect against erosion and shall be compatible with the selected land use and vegetative cover.

- (1) Clean Tilled Row Crops: No permanent ground cover shall be required if affected area is used for clean tilled row crops the first growing season following mining, and soil conditions, including soil fertility and pH, are such as to support agronomic crops.
- (2) Pasture or Hay Lands: An approved, permanent ground cover (at least 70% coverage) suitable for grazing or hay, shall be established during the first growing season following grading on the affected area. All reasonable efforts shall be made by the operator to maintain a normal state of development until reclamation is achieved.
- (3) Forestry: An approved cover of trees shall be established on the affected areas. The character and nature of the overburden (soil fertility, pH, drainage, etc.) shall indicate that same will properly support growth of the species selected for planting. On lands where tree crops are planted a minimum of seven hundred and fifty (750) uniformly distributed trees per acre shall be established. No fail spots larger than one-fourth acre in size will be permitted.
- (4) Special Land Use Projects: Affected areas that are to be developed for selected purposes such as recreational (including wildlife), residential, industrial or other special uses shall have a permanent cover necessary for said specific use and acceptable to the Director.

- b. Plans for Debris and Refuse Disposal Following Mining: A statement shall be included as to what disposition will be made of debris and refuse which may appear on the affected area. It is the operator's responsibility to dispose completely of all refuse.
- c. Safety Precautions: Reclaimed and rehabilitated affected areas shall, if necessary, be treated so as to minimize the danger of personal injury arising out of the mining operation. Such treatment shall include but not be limited to scaling of steep rock walls, filling or capping of shafts and fencing of dangerous areas.
- d. Reclamation Cost and Scheduling: A time schedule of anticipated reclamation shall be provided in the mining plan, including the approximate dates and time interval each of the numbered areas outlined and colored in red on the plan map will be mined or affected. Also, the approximate dates of anticipated beginning and completion of reclamation of each of the affected areas shall be included. The anticipated total reclamation cost shall be furnished as part of this schedule. If reclamation is to be performed in stages, each stage shall be so indicated and time schedule and costs apportioned to the appropriate stages.

C. BONDING

1. Bond

Upon approval of the mining plan by the Commission, the Director will determine, in accordance with the Act, the amount of the surety bond required to be filed by the operator and will so notify the operator. The operator shall thereupon file with the Commission a good and sufficient surety bond executed by a surety company authorized to transact business in Maine. The operator may file, in lieu of such surety bond, a personal bond secured by cash deposits or such other securities as are denominated legal investments for Maine savings banks. Either such bond shall be on a form prescribed by the Commission or approved by the Commission, shall be payable to the State of Maine, and shall be conditioned upon the faithful performance of the requirements set forth in the Act and these rules and regulations.

2. Bond Release

Upon completion and Commission approval of reclamation of a portion or the whole of the area of affected land, the Commission will, on request, release the bond and/or other security which was filed for said portion or whole of such operation, as the case may be. In the case of a partial release, the remaining amount of the bond, or additional portions thereof, will not be released until further or complete reclamation is accomplished according to the Act and these rules and regulations.

SECTION VIII - CONFIDENTIALITY OF INFORMATION

Except as otherwise provided by law, any information relating to confidential mining methods or related processes obtained by the Commission or its employees while carrying out the provisions of these rules and regulations shall be kept confidential. No confidential information regarding an operator's mine will be released to others unless and until written approval to release is obtained from the operator.

SECTION IX - FIELD VISITS

When a Commission representative wishes to visit an area which is the subject of an existing approval or filing, he shall contact the operator's office, make known his intentions and invite company management or his representatives to accompany him during the field visit. In event responsible company management is not available or is unable to accompany him, the Commission representative may proceed with the field visit, having due regard for normal safety precautions.

By order of the Maine Mining Commission these rules and regulations are hereby adopted and shall be in force and effect as of the date specified in Section III.

MAINE MINING COMMISSION

Richard B. Anderson
Richard B. Anderson, Chairman

March 8, 1971
(date)

A TRUE COPY

A T T E S T:

John A. Buder
Director
Maine Mining Commission

APPROVED:

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March 19, 1971
(date)

Received and filed in the Office of the Secretary of
State March 22, 1971
(date)

Joseph V. Edgar
Secretary of State