

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

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

Sec. 1. 38 MRSA §490-MM, sub-§3-A is enacted to read:

3-A. 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.

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. Metallic mineral. "Metallic mineral" means any mineral, ore or excavated 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. For the purposes of clarification, spodumene is a metallic mineral. The Legislature may further clarify additional minerals as metallic minerals as the need arises.

Sec. 3. 38 MRSA §490-MM, sub-§11, as enacted by PL 2011, c. 653, §23 and affected by §33, is amended to read:

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, provided that the limestone beneficiation does not involve chemical flotation.

Sec. 4. 38 MRSA §490-OO, sub-§4, ¶D, as amended by PL 2017, c. 142, §7, is further amended by amending the first blocked paragraph to read:

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. However, nothing in this section is intended to regulate independently owned rock crushing and sorting facilities that are not part of a mining operation. Such facilities may accept metallic mineral ore from an open-pit mining operation with a permit in good standing under this article for crushing and sorting without performing groundwater monitoring pursuant to 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.

Sec. 5. 38 MRSA §490-OO, sub-§4, ¶O, as enacted by PL 2017, c. 142, §8, is amended to read:

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 containing toxic metals at levels that violate water quality criteria adopted pursuant to section 420, or ~~does not~~ violate water quality standards other than those for sedimentation and turbidity.

The Department shall adopt major substantive rules governing the characterization necessary to determine whether a deposit would qualify for permitting as an open-pit mine and best practices for mining using open-pit methods.

Sec. 6. 38 MRSA §490-QQ, sub-§4, ¶E is enacted to read:

E. For the reclamation of the open-pit area of an open-pit mining operation:

(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;

(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;

(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;

(4) Safe ingress and egress to water bodies must be provided for people and wildlife after reclamation;

(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

(6) The actively mined, not reclaimed portion of the open pit may not exceed ~~400~~10 acres at any one time.

(7) The department shall adopt major substantive rules establishing additional standards for the reclamation of the open-pit area of an open-pit mining operation including the requirement for contemporaneous reclamation consistent with section 490-OO(C)(3);