

Rule-Making Fact Sheet

(5 MRSA §8057-A)

AGENCY: **MAINE LAND USE PLANNING COMMISSION,**
Department of Agriculture, Conservation & Forestry

NAME, ADDRESS, PHONE NUMBER, E-MAIL OF AGENCY CONTACT PERSON:

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CHAPTER NUMBER AND RULE TITLE:

Chapter 10, Land Use Districts and Standards

STATUTORY AUTHORITY: 12 M.R.S. § 685-A(3); § 685-A(7-A); and § 685-C(5)

DATE, TIME AND PLACE OF PUBLIC HEARING: *NA*

COMMENT DEADLINE: Written comments must be submitted on or prior to April 21, 2017;
Written rebuttal comments must be submitted on or prior to April 28, 2017.

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [*see* §8057-A(1)(A)&(C)]

The Land Use Planning Commission is seeking public comment on a citizen petition to amend Chapter 10 *Land Use Districts and Standards*, in order to allow portable rock crushing equipment by special exception in the in the Aquifer Protection (P-AR) Subdistrict. The proposal includes a set of criteria intended to protect the water resource that would have to be met for portable rock crushing to be allowed in the aquifer protection subdistrict. These criteria include provisions to reduce the risk of groundwater contamination from fuel or other hazardous liquids and to reduce the risk of surface water contamination from fine sediments.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? ___ YES X NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [*see* §8057-A(1)(B)&(D)]

If certain criteria intended to protect the water resources are met, then portable rock crushing equipment would be an allowed use within the aquifer protection subdistrict.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [*see* §§8057-A(1)(E) & 8063-B]

Consultations were conducted with DEP borrow pit mining coordinator, a borrow pit industry representative, and internally with knowledgeable LUPC staff. Staff reviewed borrow pit standards in statute (38 M.R.S. §§ 490-A to 490-D) and wellhead protection statute (38 M.R.S. §§ 1391-1399). Staff also reviewed environmental impact fact sheets compiled by agencies in other states, industry associations and environmental advocates.

ESTIMATED FISCAL IMPACT OF THE RULE: [*see* §8057-A(1)(C)]

There will be no measurable fiscal impact of these rule changes.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

[*see* §8057-A(2)(A)]

**INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED
AND HOW THEY WILL BE AFFECTED:** [*see* §8057-A(2)(B)]

BENEFITS OF THE RULE: [*see* §8057-A(2)(C)]

Note: If necessary, additional pages may be used.