

Final Final Extraction Draft

Ben, below are some changes we are considering making based on input from citizens who have put a lot of time and effort into helping us. We want your opinion on their validity and to make sure they say what is important and correct. The additional/changed language will be in yellow.

12.I.3.B.2. E. Location of all proposed access and egress roads, temporary and permanent structures, loading and parking areas.

Ok.

12.I.3.B.2. Remove Q and R as they are redundant. Re-letter S and T to Q and R.

Ok.

12.I.3.C. new language to read: A hydrogeologic study to determine the effects of the proposed activity on groundwater movement and quality within the general area is required for all pit expansions and all new pits. Additionally, an estimate of the elevation of the seasonal highwater table within the excavation site is required. This to be determined by monitoring wells, the number required to be decided by the Code Enforcement Officer. (I think the State DEP says 2 for every 10 acres so should we just say this?)

Yes, a concrete number is preferable to putting this on Craig.

12.I.4.1 (Second paragraph) The area of the working pit may not exceed ten (10) acres. Before any subsequent excavation can occur, restoration and reclamation of the denuded site must be completed and inspected by the CEO of Limington. The CEO shall submit a written report to the Selectboard and the Planning Board documenting the successful completion of all reclamation requirements. Stockpiles and permanent structures are excluded. (The last sentence is a DEP stipulation and is included for clarification because the question was raised at a Selectboard's public hearing.)

Ok.

12.I.5.A. Add this as the final sentence to that paragraph. All buffer strips/areas shall be maintained in accordance with 12.I.3.B.2.M.

12.I.5.B. If any standing water accumulates, the site shall be fenced in a manner adequate to keep children out. Measures shall be taken to prevent or halt the breeding of insects in compliance with Maine DEP, Maine Center for Disease Control, and Maine Board of Pesticides Management guidelines.

Ok.

12.I.5.D. Change the \$1,000,000 insurance currently required to \$2,000,000.

Ok.

12.I.5.K. Add a final sentence to this paragraph. No petroleum products may be used to mitigate dust or stabilize the roads.

12.1.7. The citizens want to add the following 2 paragraphs, but we want advice from you as it appears they are attempting to circumvent the grandfathering status of the current operations.

Operations established before the date of this revised Ordinance shall have their worked/denuded acreage noted in the record. Going forward, if that acreage is ~~above-expanded beyond~~ the Maine DEP's limit of ten (10) acres for a working pit, then they shall be required to rehabilitate an equal amount of denuded space before adding any new expansion in an unworked area.

Annual inspections will be phased in from the date of these approved Ordinance changes starting in the year after the last inspection by the Maine DEP. The CEO will identify that date with each owner or operator at their annual review.

The only way to implement the first paragraph is as amended. Remember that an expansion would trigger review of existing pits under these changes.

The second paragraph is not appropriate, given the grandfathered status of existing pits. The requirements in these amendments may only be "phased in" with a new or expanded pit.

12.1.8. You removed "2. Payment of ~~renewal~~ annual fees as established by the Limington CEO Fee Schedule." We felt this should be retained as the CEO currently has a fee schedule which would cover the cost of annual inspections.

Ok.

12.1.9. You removed the language here and replaced it with the very last sentence of your recommended changes. For ease of understanding by the applicants and the CEO we want to keep paragraphs 1, 2, 4, 5, and 7, including your last sentence mentioned above.

Ok.

In paragraph 4 which reads as follows we would make one change: (Craig calls them relicensing permits.)

The CEO may not issue a ~~renewal~~ relicensing permit until all fees have been paid and any violations have been rectified and confirmed in a *Letter of Compliance*.

I would like to keep renewal permit, as it differentiates this from a license, which is something typically issued and renewed by the municipal officers.

Ok.

12.I.5.N. Replace the existing paragraph with the following language which is from the DEP:

Refueling operations, oil changes and other maintenance activities requiring the handling of fuels, petroleum products, hydraulic fluids, and other on-site activity involving the storage or use of products that, if spilled, may contaminate groundwater, must be conducted in accordance with the Maine DEP spill prevention, control and countermeasures plan. Petroleum products and other substances that may contaminate groundwater must be stored and handled over impervious surfaces that are designed to contain spills. The spill prevention, control and countermeasures plan must be posted at the site.

Ok.

12.I.P.1. The citizens question the use of the words "inorganic materials" and ask such as what? They go on to say: "We don't want gravel pits to become landfills." Do we just remove the phrase "or, in case of inorganic materials"?

Yes, removing this is fine.

12.I.Q. You referenced 38 M.R.S. Statute 490-Z, as amended in your new language which we will use. The citizens say the DEP says it should be 490-D as 490-Z is for quarries and we have no blasting in Limington, or should we site both 490-D and 490-Z?

I stand corrected. Replace 490-Z with 490-D, although I would note that these sections have identical standards for setbacks from private drinking water supplies.

12.I.R. The citizens suggested replacing your language with the following language from DEP, M.R.S. Title 38 Statute 490-D. The PB has no problem with this unless you disagree. They eliminated your reference to a variance but we could add that in.

Excavation may not occur within five (5) feet of the seasonal high water table. A benchmark sufficient to verify the location of the seasonal high water table must be established and at least one test pit or monitoring well must be established on each five (5) acres of unreclaimed land.

Ok.

12.I.S. Consistent with the hydrogeological survey ~~annually~~ submitted by the operator, the extraction site may not be found to adversely affect any public or private drinking water source. In the event that excavation causes contamination, interruption or diminution of drinking water to abutting residents, the operator must restore or replace the affected water supply with an alternate source of water, adequate in quantity and quality for the purpose served by the supply.

The PB is OK with this last sentence if it's OK with you. We removed the word "annually" as we are not going to require an annual hydro study, just one when they either expand a current pit or open a new one.

Ok.