

Comments on the 10/30 draft Mining Ordinance V2

Thank you again for the opportunity to comment on the second draft of the mining ordinance. These additional comments are provided after listening to the 11/6/25 Selectboard working session meeting on the topic:

Article 1, Section 2. Purpose –

- **There is an inconsistency between this draft and the adopted Alna Blasting ordinance:** This section should include a purpose of protecting the quality of life and enjoyment of residents' property. This concept is currently referenced only in Section 3, Findings. Note that the Blasting Ordinance includes this purpose in Section 1 (C)1 and 3.
- The ordinance should include a definition of “Lower Sheepscot River Wetland Complex” and use the same term and definition in Article 1 Section 2 (1) and in Article 1, Section 3 (A). Currently there are two different names used between these two sections and the term is not defined in the definitions section. The state focus area name/definition should be used.

Articles III. Applicability and V. Exemptions

- The Article III. Thresholds Criteria Section 1 and Article V Exempt Activities section are needlessly confusing and duplicative. It would be much clearer if there was a clear statement in Article III that “the ordinance applies to all mining and bedrock quarrying operations” similar to that in the Blasting Ordinance, and then merge the thresholds and exemptions into one exemption section. **As written, you have to go back and forth between Article III and Article V to figure out what is covered by the ordinance.**
- **Article III, Section 1(4) and Article V items (2) and (6)** are confusing. Assuming all non-commercial activities are exempt, the threshold/exemption of 2 acres would apply only to commercial activities. **Currently Alna regulates ALL commercial mining activities under the Site Plan Review Ordinance (SSPRO) (For example, Crooker applied for and received a permit under the SSPRO for a commercial gravel pit in 2003 before doing any gravel extraction in Alna.) An exemption of up to ½ acre could make sense to allow for new small gravel operations that sell on an intermittent basis, but new ongoing commercial operations over ½ acre should be required to get a permit and comply with the performance standards.**

- **Article V(5)** would exempt new bedrock quarrying on areas smaller than 1 acre. Bedrock quarrying, by its very nature, is more industrial and has a greater likelihood of harming the purposes intended to be protected in Article I. **Any new quarry should be required to get a permit. (And the Blasting Ordinance requires a permit for blasting over ½ acre so exempting an entire one acre quarry is inconsistent.)**

Article IV. Prohibited Activities (4)

- I believe Alna residents have consistently stated that they do not want a second large commercial mining operation in town. The Draft is unclear whether the 5 acre size limit is the overall limit of the operation or just the active pit at any one time. **To keep operations from moving endlessly across the landscape 5 acres at a time without the need for a permit, the limit should be a total of 5 acres.**

Article VI. Application

- **Section 1(A)(2) and (8) and Section 1(B)(3)** It is unclear what type of annual report is being referred to. An annual corporate report or filing with the Maine Secretary of State, for example, does not show whether or not the mining operation owned by that corporation has been used within the last two years. **The report referred to or other evidence should be documentation that shows substantial use of the mining operation.**
- **Section 1(A) (6)** This section applies to excavated areas “of more than two acres” but refers to 38 MRS Chapter Three, Article 7 which only applies to areas greater than 5 acres. It is unclear what documentation would be required for pits under 5 acres.
- **Section 2** Since new quarries over 1 acre are prohibited by Article IV(2), this Section should read either “No new quarries of up to 1 acre...”, or preferably, to be consistent with suggested Article V(5) mentioned above, “all new quarries must obtain a permit prior to operation.”
- **Section (3)(B)** Please consider requiring notice to residents within 5,000 feet of a mining operation, as mining operations can be much more persistent, longer and more frequent than one time blasting events.
- **Section 3(E)** Site visits should also be required for expansions, i.e. “The Board shall conduct a site visit for any new mining or bedrock quarrying application or for any expansion of an existing mining or bedrock quarrying application.”

Article VII. Performance Standards

- **Section 1** refers to the state standards for pits between 2 and 5 acres, but the state standards referred to are minimal. Section 490-M (which applies only to clay topsoil or silt) requires only that erosion control measures be used and vegetative cover be established after final grading (which could be years away.) Section 3105 (which applies to sand or gravel pits) requires only that the cut bank in the pit “not exceed a horizontal to vertical ratio of 2:1.”

There are no standards addressing erosion control, reclamation, noise, dust, hours of operation, etc. All mining operations under 5 acres should comply with the performance standards in Section 2.

- **Section 2** The title of this section should include expansions: “Standards for New or Expanded Bedrock Quarrying and Mining Operations.”
- **Section 2** This section should read something like: “All quarries or mining operations requiring a permit must comply with the following performance standards”
- **Section 2(A) – (Z)** Applicability of the standards – Because there is a general applicability statement at the beginning of Section 2 (which also needs to include “expanded”), it is unnecessary to include the statement “This standard applies to any new bedrock quarrying or mining operation” at the end of each standard. Those redundant statements should be deleted.
- **Section 2(D)** To honor the purpose of the ordinance as a primary set of goals, the hours of operation should be limited to 7a – 5p, Monday – Friday with the option of occasional Saturdays with authorization by the CEO in order to limit the adverse impacts on town residents.

Article IX. Compliance

- **Section 1(D)** New or expanded bedrock quarry or mining operations are required to renew their permit after 5 years. **Existing operations should also be on a five year renewal schedule starting at the adoption of this ordinance.**

One of the wisest requirements the Town (actually through Topsham’s blasting ordinance) placed on Crooker was a permit renewal cycle that allows regular review for blasting. This is one of the only ways the town has a say in Crooker’s operations or other commercial operations to protect the Town and its residents.

Thank you again for the opportunity to comment on this ordinance. I will continue to send comments as versions and the process evolve.

Jeff Philbrick