

Comments on the 2/4/26 administrative draft Mining Ordinance

Additions and/or changes to draft mining ordinance:

Article III. APPLICABILITY

SECTION 2 - Prohibited Activities:

- **There should be a maximum size of affected land for all mining operations, like there is a maximum size limit for quarries.** Alna residents have consistently stated that they do not want another (or a larger) mining operation in town, and want to maintain the status quo. **Please add to Section 2. Prohibited Activities:**
 - Mining Operations on affected land of more than 8 (eight) acres.
- **Item E: The maximum size of the working pit is too large at 5 acres.** Alna residents have consistently stated that they do not want another (or a larger) mining operation in town, and want to maintain the status quo. A 5-acre working pit is the equivalent of two and a half Alna +house lots – that is a huge excavation and implies a large operation that is much bigger than 5 acres. While Maine DEP has a maximum working pit size of 5 acres for large operations, the Town of Alna can and should have a smaller size to prevent large mining operations in town. **The maximum size of the working pit should be reduced to 2 acres or less:**
 - E. Mining operations with a working pit of more than two (2) acres.

Article IV. EXISTING BEDROCK QUARRYING AND MINING OPERATIONS

SECTION 1. Registration of Existing Operations

- **Item (A)(7):** This item is missing a requirement for the size in acreage of the operation on the site plan, which is the most important part of establishing a baseline upon which to measure changes to a mining operation in the future, such as expansion, alteration, etc.
- **Item (A)(5):** The words “A statement signed under oath or affirmation” are missing from the second sentence “For mining operations that are not subject to any state or municipal permitting or reporting requirements”.....it just says, “registrants shall submit a signed statement”. **This language should be the same for both sentences, and should be a statement signed under oath.**
- **Item (B):** This is missing the word **permit** in sentence “If the registration application is found complete, the Town Clerk must approve the registration application by issuing the registrant

a **permit and** registration number,...”. It is important to note that this process doesn’t just provide a registration number, but a permit as well.

- **Item (B): Town Clerk Completeness Determination. The Town Clerk is not trained or equipped for land use permitting activities or decisions and this role should be changed to the CEO or Planning Board, who has the training, experience and jurisdiction in land use ordinances. Having the Town Clerk perform this function will subject the town to increased legal exposure.**

SECTION 2. Evidentiary Hearing Determination of Existing Operation

- **Item (E):** This is also missing the word **permit** in sentence “The Board must issue a written **permit** decision...”. It is important to note that this process doesn’t just provide a decision, but a permit as well. Please correct this omission.

Article V. NEW OPERATIONS, RESUMPTION OF ABANDONED OPERATIONS, AND EXPANSION of NEW OR EXISTING OPERATIONS

SECTION 2. Application Requirements E. A site plan, drawn to scale

It was noted at prior Crooker site visits that they are bringing in materials from other locations to Alna, such as asphalt reclaim – a petroleum product, and storing it on the ground, uncovered. Section 2. Applications Requirements (E) should include an additional item similar to (E)16. That would say something like:

- **The proposed temporary and/or permanent location of product material or ingredient storage areas for anything brought to the site that was not extracted from the site.**

Article VI. PERFORMANCE STANDARDS

SECTION 3. Standards Applicable to Expansions of New or Existing Operations.

A one-time expansion allowance slipped into the latest draft without selectboard or public discussion. This provision would allow Crooker a free, permit-less expansion of up to 25% at any time (something close to 10 acres!) without oversight, scrutiny, or review. This is completely unacceptable and is against the stated goals of the ad hoc committee and wishes of the residents of Alna. **At a minimum, this free one-time expansion should be limited to something like one or two acres.**

Drafting errors and/or inconsistencies for correction in next draft:

The following items were likely inadvertently omitted or are inconsistent from one section to another in the draft and should be corrected.

- Article IX – DEFINITIONS

Abandonment : **This definition still contains the word commercial which should be removed**, as the distinction between commercial and non-commercial operations has been removed from the ordinance.

- Article VI - PERFORMANCE STANDARDS.

- I notice inconsistency in the slope requirements between Section 1(B) noted as 3 to 1 slope and Section 1(H) which is noted as 2.5 to 1. Both sentences should say 3:1 as that is more protective to the community.

- Article I – TITLE, PURPOSE & FINDINGS. Section 2. Purpose has been mostly deleted and should be kept in the ordinance, because it explains the intent of the ordinance at the time in history that it was created and describes the reasons for enactment.

- Notifications to town email list and posting at usual places was deleted in the following places and should be added back in:

- Article IV. Section 2(C)2 Newspaper Notice
- Article IV. Section 2(D) Site Visit
- Article V. Section 4(E) Site Visits

Why would we want to reduce transparency and communications to town residents by removing notices from our town email list and from posting at the Town Office and Post Office?

- The MDEP Erosion and Sediment Control Manual is listed inconsistently between Article V. Section 2(I) where it is listed as the latest revision and Article VI Section 1(I). Erosion and Sedimentation Control where it is listed as two items: The 2016 BMPs and as the 2014 Guide for Contractors. **We should use the “latest revision” for both sections to avoid confusion in the future when the DEP manual is updated (which does happen from time to time).**

Thank you again for the opportunity to comment on this ordinance.

Jeff Philbrick