

**Department of Environmental Protection
Chapter 380: Long-Term Construction Projects
Under the Site Location of Development Act
Basis Statement and Response to Comments
December 10, 2015**

The Department is repealing and replacing the existing Chapter 380 Planning Permit rule with a new rule describing the requirements associated with long-term construction projects permitted under the Site Location of Development Act (“Site Law”).

The proposed new rule also provides a process for a development issued a planning permit under the original Chapter 380 Planning Permit rule to receive approval under the new Chapter 380 Long-Term Construction Projects rule.

The Department posted the rule for public comment on September 23, 2015, and held a public hearing on October 15, 2015. The comment period ended October 26, 2015 at 5:00 pm. No persons commented at the public hearing and one person submitted written comments. Written comments were received from the following person:

Roland Arsenault, Catalyst Paper

In addition to any changes detailed below, the Department made other non-substantive changes after consultation with the Maine Office of Attorney General.

Comments and Responses

Comments below are grouped according to topic, and may be abbreviated, paraphrased, and/or consolidated. In some cases, typographical or other minor errors in comments may have been corrected.

1. Comment: The commenter seeks to clarify that the proposed Chapter 380 does not apply to the expansion of existing solid waste facilities, which they argue are already sufficiently regulated pursuant to the Solid Waste Management Act. The commenter suggests the following underlined addition to Section 2(A).

A long-term construction project that is not anticipated to be completed within ten years typically occupies large areas of land that will be developed over a significant period of time, such as large-scale mixed-use developments, airports, schools or postsecondary institutions and ski resorts. Long term construction projects do not include solid waste facilities regulated pursuant to the Maine Solid Waste Management Rules, 06-096 Chapter 400 et seq.

Response: Landfills are already exempted elsewhere in the Department’s rules and the Site Location of Development Act; to include only select exemptions within Chapter 380 could result in confusion, while listing all exemptions within the Chapter would be impractical. No changes were made as a result of this comment.