

**MAINE LAND USE PLANNING COMMISSION**

**Proposed Rule Revisions: Aquifer Protection Subdistrict  
Allowed Uses – Portable Rock Crushing**

*March 9, 2017*

The following amendments propose changes to Chapter 10, Land Use Districts and Standards for Areas within the Jurisdiction of the Maine Land Use Planning Commission. This document only includes relevant sections of Chapter 10 and indicates additions in underline and deletions with a ~~strikethrough~~.

---

---

**10.23 DEFINITIONS**

---

---

**168. Public Drinking Water Source:**

Any groundwater well or any surface water source that directly or indirectly serves a water distribution system that has at least 15 service connections or regularly services an average of at least 25 individuals daily at least 60 days of the year (38 M.R.S. §490-A).\*

**199. Sole Source Aquifer**

An aquifer that supplies at least 50 percent of the drinking water for its service area and for which there is no reasonably available alternative drinking water sources should the aquifer become contaminated.\*

*\*All subsequent definitions will be re-numbered.*

---

---

## 10.23 PROTECTION SUBDISTRICTS (P-AR)

---

---

From Chapter 10.23,B,3,d (P-AR):

**a. Special Exceptions**

The following uses, and related accessory structures, may be allowed within P-AR subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Docking structures: New or expanded permanent docking structures;
- (2) Draining, dredging, or alteration of the water table or water level for purposes other than mineral extraction;
- (3) Filling and grading, that is not in conformance with the standards of Section 10.27,F;
- (4) Home occupations: Major home occupations in the following plantations and townships provided there is no suitable or reasonably available location in a development subdistrict:
  - Dallas Plantation,
  - Rangeley Plantation, and
  - Sandy River Plantation;
- (5) Mineral exploration activities: Level B mineral exploration activities;
- (6) Road projects: Level C road projects;
- (7) Trailered ramps: Commercial, private and public trailered ramps; and
- (8) Water-access ways.

The following use, and related accessory structures, may be allowed within P-AR subdistricts as a special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. § 685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; (b) the use will not pose an unreasonable risk to a valuable groundwater resource; (c) the P-AR subdistrict in which the use is proposed does not protect a sole source aquifer; and (d) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (9) Portable rock crushing equipment provided that:
  - (a) The seasonal high water table elevation is at least 5 feet below the surface in the area within 50 feet of the portable rock crusher, as determined by a test pit or monitoring well;
  - (b) An impermeable spill containment pad or container sufficient to accommodate the maximum capacity of fluids contained in the motor and fuel tank is installed under the fuel tank, motor, and refueling area;

- (c) The borrow pit is internally drained and appropriate steps are taken to prevent any water produced during mineral washing or processing from contaminating surface water resources;
- (d) No storage of fuel or other hazardous materials occurs in the P-AR subdistrict;
- (e) No washing of equipment occurs in the P-AR subdistrict;
- (f) Operations are conducted in accordance with a Commission approved spill prevention, control and countermeasures plan. A copy of the plan and an adequately stocked oil and hazardous materials spill response kit are kept on site; and
- (g) The portable rock crushing equipment is setback from existing drinking water sources at least:
  - (i) 100 feet from a bedrock private drinking water well;
  - (ii) 200 feet from a point driven or dug private drinking water well;
  - (iii) 300 feet from a public drinking water source serving 500 or fewer people;
  - (iv) 500 feet from a public drinking water source serving between 501 and 1,000 people;
  - (v) 1,000 feet from a public drinking water source serving more than 1,000 people; and
  - (vi) 1,000 feet from a public drinking water source with a valid filtration waver issued by the EPA in accordance with the Safe Drinking Water Act;