

**Town of Washington
Mining Ordinance Compliance Report**

File Name _____
 Property Owner _____
 Locaton _____
 Map _____ Lot size _____
 Lot _____ Active area _____
 Date _____

Type of Inspecon Report _____

Fee Paid yes/No _____ Amount _____

Performance Standards in Title 38, Subchapter 1, Article 7, 3 §490-D.

1. Significant wildlife habitat. Affected land may not be located in a significant wildlife habitat, as defined in section 480-B, or in an area listed pursuant to the Natural Areas Program, Title 12, section 544.

Status (in Compliance, Not in Compliance or Not Applicable)

Observations:

2. Solid waste. Solid waste, including stumps, wood waste and land-clearing debris generated on the affected land must be disposed of in accordance with chapter 13, including any rules adopted to implement those laws

Status (in Compliance, Not in Compliance or Not Applicable)

Observations:

3. Groundwater protection. Excavation may not occur within 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 5 acres of unreclaimed land. See *provisions of §490-D* for additional details

Status (in Compliance, Not in Compliance or Not Applicable)

Observations:

4. Natural buffer strip. Existing vegetation within a natural buffer strip may not be removed. If vegetation within the natural buffer strip has been removed or disturbed by the excavation or activities related to the excavation before submission of a notice of intent to comply, that vegetation must be reestablished as soon as practicable after filing the notice of intent to comply. The department may not grant a variance from the provisions of this subsection.

Status (in Compliance, Not in Compliance or Not Applicable)

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5-A. Protected natural resources. A natural buffer strip must be maintained between the working edge of an excavation and a river, stream, brook, great pond or coastal wetland as defined in section 480-B. A natural buffer strip must also be maintained between the working edge of an excavation and certain freshwater wetlands as defined in section 480-B and having the characteristics listed in paragraph B. Excavation activities conducted within 100 feet of a protected natural resource must comply with the applicable permit requirement under article 5-A. The width requirements for natural buffer strips are as follows.

A. A natural buffer strip at least 100 feet wide must be maintained between the working edge of the excavation and the normal high water line of a great pond classified as GPA, a river flowing to a great pond classified as GPA or a segment of the Kennebec River identified in Title 12, section 403, subsection 7.

Status (in Compliance, Not in Compliance or Not Applicable)
Observations:

B. A natural buffer strip at least 75 feet wide must be maintained between the working edge of the excavation and any other water body, river, stream, brook, coastal wetland or significant wildlife habitat contained within a freshwater wetland or a freshwater wetland consisting of or containing:

1) Under normal

circumstances, at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water, except for artificial ponds or impoundments; or

(2) Peat lands dominated by shrubs, sedges and sphagnum moss.

Status (in Compliance, Not in Compliance or Not Applicable)
Observations:

C. For purposes of this subsection, the width of a natural buffer strip is measured from the upland edge of floodplain wetlands; if no floodplain wetlands are present, the width of the natural buffer strip is measured from the normal high water mark of a great pond, river, stream or brook or the upland edge of a freshwater or coastal wetland.

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6-A. Public and private roads. A natural buffer strip must be maintained between the working edge of an excavation and a road or right-of-way as follows.

A. A natural buffer strip at least 150 feet wide must be maintained between the working edge of an excavation and a road designated as a scenic highway by the Department of Transportation.

B. A natural buffer strip at least 100 feet wide must be maintained between the working edge of an excavation and any public road not designated as a scenic highway by the Department of Transportation. A natural buffer strip at least 25 feet wide must be maintained between the working edge of a topsoil excavation and any public road not designated as a scenic highway by the Department of Transportation. A natural buffer strip at least 50 feet wide must be maintained between the working edge of an excavation and any public right-of-way that does not contain a road. The width of a natural buffer strip adjacent to a public road or right-of-way may be reduced if there is a public entity or entities with authority to grant permission and the applicant receives permission from each authority in writing.

C. A natural buffer strip at least 50 feet wide must be maintained between the working edge of an excavation and any private road or right-of-way. If a private road is contained within a wider right-of-way, the buffer is measured from the edge of the right-of-way. The width of the natural buffer strip adjacent to a private road may be reduced if the applicant receives written permission from the person or persons having a right-of-way over the private road.

Status (in Compliance, Not in Compliance or Not Applicable)
Observations:

7. Property boundary. A natural buffer strip at least 50 feet wide must be maintained between any excavation and any property boundary. A natural buffer strip at least 25 feet wide must be maintained between any topsoil excavation and a property boundary. These distances may be reduced to not less than 10 feet with the written permission of the affected property owner or owners, except that the distance may not be reduced to less than 25 feet from the boundary of a cemetery or burial ground. The buffer strip between excavations owned by abutting owners may be eliminated with the abutter's written permission, provided the elimination of this buffer strip does not increase the runoff from either excavation across the property boundary. Any written permission to reduce a buffer must provide that it remains in effect until mining ceases and must be recorded in the registry of deeds. All property boundaries must be identified in the field by markings such as metal posts, stakes, flagging or blazed trees.

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8. Erosion and sedimentation control. A working pit must be naturally internally drained at all times unless a variance is obtained from the department.

- A. The area of a working pit may not exceed 10 acres.
- B. Stockpiles consisting of topsoil to be used for reclamation must be seeded, mulched or otherwise temporarily stabilized.
- C. Sediment may not leave the parcel or enter a protected natural resource.
- D. Grubbed areas not internally drained must be stabilized.
- E. Erosion and sedimentation control for access roads must be conducted in accordance with the department's best management practices for erosion and sedimentation control.
- F. All areas other than a working pit area that are not naturally internally drained must meet the erosion and sedimentation control standards of section 420-C.

Status (in Compliance, Not in Compliance or Not Applicable)
Observations:

9. Water quality protection and storm water management. Standards of the laws governing storm water management and waste discharge must be met as provided in this subsection.

- A. A variance must be obtained and storm water standards adopted pursuant to section 420-D must be met for any part of a project, other than the working pit area, that is not naturally internally drained if that part of the project would require a storm water management permit pursuant to section 420-D but for the exception for certain excavations in section 420-D, subsection 5. A storm water management permit pursuant to section 420-D is not required.
- B. A waste discharge must meet standards and obtain authorization if required pursuant to section 413.

Status (in Compliance, Not in Compliance or Not Applicable)
Observations:

10. Stockpiles

Status (in Compliance, Not in Compliance or Not Applicable)
Observations:

11. Traffic. The following provisions govern traffic.

- A. [T. 38, §490-D, sub-§11, ¶ A (RP).]
- B. Any excavation activity that generates 100 or more passenger car equivalents at peak hour must comply with the applicable permit requirements under Title 23, section 704-A.

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Observations:

12. Noise. Noise levels may not exceed applicable noise limits in rules adopted by the board.

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Observations:

13. Dust. Dust generated by activities at the excavation site, including dust associated with traffic to and from the excavation site, must be controlled by sweeping, paving, watering or other best management practices for control of fugitive emissions. Dust control methods may include the application of calcium chloride, providing the manufacturer's labeling guidelines are followed. The department may not grant a variance from the provisions of this subsection. Visible emissions from a fugitive emission source may not exceed an opacity of 20% for more than 5 minutes in any one-hour period.

Status (in Compliance, Not in Compliance or Not Applicable)

Observations:

14. Reclamation. Except as provided in subsection 15, the affected land must be restored to a condition that is similar to or compatible with the conditions that existed before excavation. Reclamation should be conducted in accordance with the department's best management practices for erosion and sediment control, and must include:

A. Regrading side slopes to a slope no steeper than 2 1/2 horizontal feet for each vertical foot;

Status (in Compliance, Not in Compliance or Not Applicable)

Observations:

B. Establishing a vegetative cover by seeding within one year of the completion of excavation. Vegetative cover is acceptable if, within one year of seeding:

- (1) The planting of trees and shrubs results in a permanent stand or a stand capable of regeneration and succession, sufficient to ensure a 75% survival rate; and
- (2) The planting of all materials results in permanent 90% ground coverage;

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Observations:

C. Removing all structures and, once no longer in use, reclaiming all access roads, haul roads and other support roads;

Status (in Compliance, Not in Compliance or Not Applicable)

Observations:

D. Reclaiming all affected lands within 2 years after final grading; and

Status (in Compliance, Not in Compliance or Not Applicable)

Observations:

E. Stockpiling soil that is stripped or removed for use in reclaiming disturbed land areas.

Status (in Compliance, Not in Compliance or Not Applicable)

Observations:

General Notes:

Conditions attached to permit by the Planning Board