



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

TESTIMONY OF

Melanie Loyzim, Deputy Commissioner

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING IN OPPOSITION TO L.D.s 160, 253, 254, 580, 685 and 820:

**L.D. 160, An Act To Prohibit the Mining of Massive Sulfide Ore Deposits under the
Maine Metallic Mineral Mining Act
Sponsored by Representative Robert Duchesne**

**L.D. 253, An Act To Repeal the Maine Metallic Mineral Mining Act
and**

**L.D. 254, An Act To Implement a Moratorium on Metallic Mineral Mining
and**

**L.D. 685, An Act To Establish the Mining Advisory Panel
Sponsored by Representative Ralph Chapman**

**L.D. 580, An Act To Modify the Mining Laws"
Sponsored by Senator Thomas Saviello**

**L.D. 820, An Act To Protect Maine's Clean Water and Taxpayers from Mining
Pollution
Sponsored by Senator Everett Carson**

AND

SPEAKING IN SUPPORT OF L.D. 395

**Resolve, Regarding Legislative Review of Chapter 200: Metallic Mineral
Exploration, Advanced Exploration and Mining, a Major Substantive Rule of the
Department of Environmental Protection**

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

**BEFORE THE JOINT STANDING COMMITTEE
ON
ENVIRONMENT AND NATURAL RESOURCES**

DATE OF HEARING:

March 20, 2017

Senator Saviello, Representative Tucker, and members of the ENR Committee, I am Melanie Loyzim, Deputy Commissioner of the Department of Environmental Protection, speaking in opposition to L.D.s 160, 253, 254, 580, 685 and 820, and in support of L.D. 395, approving the Board of Environmental Protection's Chapter 200 rule for Exploration, Advanced Exploration and Metallic Mineral Mining.

The proposed rule, Chapter 200, that is before you in L.D. 395 is the result of more than 3 years of rule development work by the Department, the Board of Environmental Protection, this committee, and many interested parties. When the Department requested in August 2016 that the Board of Environmental Protection once again consider changes to their rule for Metallic Mineral Exploration, Advanced Exploration and Mining, the Department proposed to work forward from the last version of the rule. That version was analyzed at length by this Committee in 2015, and through the vehicle of L.D. 750, this Committee provided the Department with a long, specific list of changes. Rather than throwing the baby out with the bathwater, the Department incorporated those changes, then reviewed previous criticisms of the rule and made more changes to address those. Then, through the Board's hearing and deliberative process, more requirements were added including an independent on-site inspector.

We believe that the rule submitted to you for consideration now is comprehensive and very protective of public health and the environment. I know it is a beast to read through, but if you take the time to do so you will see the layer upon layer of

requirements that must be satisfied to obtain a permit to mine, and then all the additional layers of requirements for ongoing operations, closure, and post-closure. If an applicant for a permit cannot satisfy those requirements, they will not get a permit. If they do not comply with their permit, they can lose it and must pay whatever it costs to return their site to its original condition.

As part of the major substantive rulemaking submission, the Board of Environmental Protection provided a summary of commenters' remaining concerns that the Board could not resolve without conflicting with the Mining Act. These included mining in floodplains and flood hazard areas, mining on public lands, and exemptions from groundwater standards in mining areas. Senator Saviello's bill, L.D. 580, would provide you with a vehicle to address those concerns, although his concept draft goes beyond those matters and would effectively prohibit mining altogether if you do not approve our proposed rule this session.

While we debate what should be allowed or required in law and rule, we have some pieces of the old rule still in effect (while other parts were nullified by the 2012 Mining Act). Legislation that would perpetuate that situation leaves us with inadequate environmental protections. Legislation banning mining altogether will create uncertainty for other resource extraction industries in the state. If you take gravel from an area with a massive sulfide deposit, how long before that is banned too? I would assert that the best course forward is to help us all finish making Chapter 200 a strong tool for ensuring that only responsible, compliant metallic mining operations may be permitted where they will not adversely impact Maine's important natural resources and citizens.

Thank you for the opportunity to provide you with our comments, and I would be happy to answer any questions you may have.