

## 38 §490-A. DEFINITIONS

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As used in this article, unless the context otherwise indicates, the following terms have the following meanings. [1993, c. 350, §5 (NEW).]

**1. Affected land.** "Affected land" means reclaimed and unreclaimed land, land that has or will have the overburden removed, land on which stumps, spoil or other solid waste has or will be deposited and storage areas or other land, except natural buffer strips, that will be or has been used in connection with the excavation.

[ 1995, c. 700, §13 (AMD) .]

**1-A. Excavation.** "Excavation" means an excavation for borrow, topsoil, clay or silt, whether alone or in combination.

[ 1995, c. 700, §14 (NEW) .]

**2. Medium borrow pit.** "Medium borrow pit" means a borrow pit that has a total reclaimed and unreclaimed area from 5 to 30 acres and that has:

A. Except as otherwise provided, a working pit not larger than 10 acres; and [1993, c. 350, §5 (NEW) .]

B. Natural internal drainage in all reclaimed and unreclaimed areas. [1993, c. 350, §5 (NEW) .]

[ 1993, c. 350, §5 (NEW) .]

**2-A. Natural buffer strip.** "Natural buffer strip" means an undisturbed area or belt of land that is covered with trees or other vegetation.

[ 1993, c. 1, §124 (RNU) .]

**2-B. Naturally internally drained.** "Naturally internally drained" means areas of a site that, as a result of the predevelopment topography and interim and final topography produced during development of the site, are and will remain at all times over the course of the development graded so that neither eroded materials nor runoff either crosses the property boundary or enters a protected natural resource, natural buffer strip or other protected area. Areas that rely on man-made structures, including but not limited to berms, dikes, basins or undersized culverts, in order to maintain internal drainage are not considered naturally internally drained.

[ 1995, c. 700, §15 (NEW) .]

**2-C. Overburden.** "Overburden" means earth and other materials naturally lying over the product to be removed.

[ 1995, c. 700, §15 (NEW) .]

**2-D. Owner or operator.** "Owner" or "operator" means the owner or operator of an excavation.

[ 1995, c. 700, §15 (NEW) .]

**2-E. Passenger car equivalents at peak hour.** "Passenger car equivalents at peak hour" means the number of passenger cars, or, in the case of nonpassenger vehicles, the number of passenger cars that would be displaced by nonpassenger vehicles, that pass through an intersection or on a roadway under prevailing

roadway and traffic conditions at that hour of the day during which the traffic volume generated by the development is higher than the volume during any other hour of the day. For purposes of this article, one tractor-trailer combination is the equivalent of 2 passenger cars.

[ 1995, c. 700, §15 (NEW) . ]

**2-F. Primary sand and gravel recharge area.** "Primary sand and gravel recharge area" means the surface directly overlying sand and gravel formations that provides direct replenishment of groundwater in sand and gravel fractured bedrock aquifers. The term does not include areas overlying formations that have been identified as unsaturated and are not contiguous with saturated formations.

[ 1995, c. 700, §15 (NEW) . ]

**3. Private drinking water supply.** "Private drinking water supply" means a surface water supply, a dug well, a spring or a hole drilled, driven or bored into the earth that is used to extract drinking water for human consumption and that is not part of a public drinking water supply.

[ 1995, c. 700, §16 (AMD) . ]

**4. Protected natural resource.** "Protected natural resource" has the same meaning as in section 480-B, subsection 8.

[ 1993, c. 350, §5 (NEW) . ]

**5. Public drinking water source.** "Public drinking water source" means 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.

[ 1995, c. 700, §17 (AMD) . ]

**5-A. Reclamation.** "Reclamation" means the rehabilitation of the area of land affected by mining, including, but not limited to, the stabilization of slopes and creation of safety benches, the planting of forests, the seeding of grasses and legumes for grazing purposes, the planting of crops for harvest, the enhancement of wildlife and aquatic habitat and aquatic resources and the development of the site for residential, commercial, recreational or industrial use.

[ 2005, c. 158, §2 (AMD) . ]

**6. Regulator.** "Regulator" means:

A. For an excavation located wholly within a municipality that is registered under section 490-I to enforce this article, the municipality; and [1995, c. 700, §19 (AMD) . ]

B. For all other excavations, the Department of Environmental Protection. [1995, c. 700, §19 (AMD) . ]

[ 1995, c. 700, §19 (AMD) . ]

**6-A. Significant sand and gravel aquifer.** "Significant sand and gravel aquifer" means a deposit of ice-contact and glacial outwash sediment that stores and transmits significant quantities of recoverable water. Significant sand and gravel aquifers are typically located in stratified drift deposits such as eskers, glaciomarine deltas, kames, kame terraces and outwash plains.

[ 1995, c. 700, §20 (NEW) . ]

**6-B. Silt or clay.** "Silt" or "clay" means a material that consists of particles of such a size that 45% or more of the fraction of those particles able to pass through a 3-inch sieve pass through the United States Standard Number 200 sieve, or a material that exhibits similar erosion potential, difficulty of stabilization or runoff based upon its gradation, plasticity, permeability or other relevant criteria.

[ 1995, c. 700, §20 (NEW) . ]

**6-C. Topsoil.** "Topsoil" means the top layer of soil that is predominantly fertile and ordinarily moved in tillage or the equivalent of such a layer in uncultivated soils.

[ 1995, c. 700, §20 (NEW) . ]

**7. Working pit.** "Working pit" means the extraction area, including side slopes, of an excavation for borrow, clay, silt or topsoil. "Working pit" does not include a stockpile area or an area that has a permanent fixed structure such as an office building, permanent processing facility or fixed fuel storage structure.

[ 1995, c. 700, §21 (RPR) . ]

#### SECTION HISTORY

1993, c. 350, §5 (NEW). 1993, c. 383, §29 (NEW). RR 1993, c. 1, §122 (COR). RR 1993, c. 1, §124 (COR). 1995, c. 287, §6 (AMD). 1995, c. 700, §§13-21 (AMD). 2005, c. 158, §2 (AMD).

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