

### §489-C. Rescission

The commissioner shall rescind a permit upon request and application of the permittee if no outstanding permit violation exists, the development is not continued or completed and the following requirements are met: [PL 1995, c. 493, §9 (AMD).]

**1. Development other than a subdivision.** For a development other than a subdivision as defined at the time of permit issuance:

A. The permittee has not constructed or caused to be constructed, or operated or caused to be operated, the development; or [PL 2025, c. 49, §1 (NEW).]

B. The development has been fully decommissioned to the department's satisfaction; [PL 2025, c. 49, §1 (NEW).]

[PL 2025, c. 49, §1 (RPR).]

**2. Subdivision.** If the development is a subdivision, the permittee has not sold or leased or caused to be sold or leased more than 4 lots; or  
[PL 1995, c. 493, §9 (AMD).]

**3. Reclamation following borrow, clay or topsoil mining.** If the permittee has constructed or caused to be constructed, or operated or caused to be operated a development consisting of an excavation of more than 5 acres of land for borrow, topsoil, clay or silt, whether alone or in combination, and the department determines that:

A. The affected area has been successfully reclaimed; [PL 1995, c. 493, §9 (NEW).]

B. There are not continuing requirements; and [PL 1995, c. 493, §9 (NEW).]

C. There will be no additional mining for borrow, clay or topsoil by the permittee or any transferee at any time as provided by deed covenants enforceable by the department. [RR 1995, c. 2, §99 (COR).]

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A rescission is considered a minor revision. [PL 1993, c. 383, §29 (NEW).]

For the purposes of this section, "fully decommissioned" means all aboveground and belowground components of a development have been physically removed, the site has been restored to preconstruction grade, any previously vegetated areas have been revegetated with native vegetation similar to nearby native vegetation and all waste has been recycled or disposed of at a facility authorized to accept the materials for recycling or disposal. [PL 2025, c. 49, §2 (NEW).]

#### SECTION HISTORY

RR 1993, c. 1, §122 (RNU). PL 1993, c. 383, §29 (NEW). PL 1995, c. 493, §9 (AMD). RR 1995, c. 2, §99 (COR). PL 2025, c. 49, §§1, 2 (AMD).

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