

**§490-B. Applicability**

Sections 490-A to 490-K apply to any excavation for borrow, clay, topsoil or silt, whether alone or in combination, including reclaimed and unreclaimed areas, if the total excavated area on a parcel is 5 or more acres or the total excavated area on adjacent parcels under a common owner or operator is 5 or more acres. Section 490-M applies to a total excavated area of less than 5 acres. This article applies if the excavation is located in whole or in part within an organized area of this State. [PL 2007, c. 297, §3 (AMD).]

A person in possession of a valid site location of development permit for a borrow pit or topsoil, clay or silt mining operation shall operate that pit or operation in compliance with the terms and conditions of the permit. Any modification of the permit must be in conformance with section 484. A person with a permit under article 6 may file a notice of intent to comply under this article. The permit issued under article 6 lapses as of the date a complete notice of intent is filed with the department. If the permittee chooses to substitute a notification pursuant to this article, all terms and conditions that applied to the permit issued pursuant to article 6 are incorporated into the notification approved pursuant to this article. [PL 1995, c. 700, §22 (NEW).]

This article does not apply to: [PL 1995, c. 700, §22 (RPR).]

**1. Site law pits.**

[PL 1995, c. 700, §22 (RP).]

**2. Maine Land Use Planning Commission pits.** An excavation wholly within the jurisdiction of the Maine Land Use Planning Commission;

[PL 1995, c. 700, §22 (RPR); PL 2011, c. 682, §38 (REV).]

**3. Other mining operations.**

[PL 1995, c. 700, §22 (RP).]

**4. Excavations reviewed under laws regarding the protection of natural resources.** An excavation to the extent that it is located in a protected natural resource and requires a permit under the laws regarding the protection of natural resources in article 5-A; or

[PL 1995, c. 700, §22 (NEW).]

**5. Grading preliminary to construction.** An excavation or grading preliminary to a construction project unless it is intended to circumvent this article.

[PL 1995, c. 700, §22 (NEW).]

**SECTION HISTORY**

PL 1993, c. 350, §5 (NEW). PL 1995, c. 700, §22 (RPR). PL 2007, c. 297, §3 (AMD). PL 2011, c. 682, §38 (REV).

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