

**§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.** The permittee has not constructed or caused to be constructed, or operated or caused to be operated, a development other than a subdivision as defined at the time of permit issuance; [PL 1995, c. 493, §9 (AMD).]

**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).]

[RR 1995, c. 2, §99 (COR).]

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

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