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DEPARTMENT OF ENVIRONMENTAL PROTECTION



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**TESTIMONY OF
ROB WOOD, DIRECTOR, BUREAU OF LAND RESOURCES
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

SPEAKING IN OPPOSITION TO L.D. 1073

**AN ACT TO AMEND PROVISIONS OF THE MAINE METALLIC MINERAL MINING
ACT TO ADVANCE HEALTH EQUITY AND IMPROVE THE WELL-BEING OF
VULNERABLE POPULATIONS**

PRESENTED BY REP. RANA

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

DATE OF HEARING:

MARCH 24, 2025

Senator Tepler, Representative Doudera, and members of the Committee, my name is Rob Wood and I am the Director of the Bureau of Land Resources at the Department of Environmental Protection. I am speaking in opposition to L.D. 1073.

Maine's Metallic Mining Act and the Department's major substantive rule for its implementation are often characterized as the most environmentally protective approach to regulating metallic mineral mining in the country, other than a total prohibition.

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L.D. 1073 would significantly expand the scope of the Metallic Mineral Mining Act, in part by adding smelting and refining to the list of activities regulated by the Act. The Metallic Mineral Mining Act and the Department's Chapter 200 rules are designed to provide comprehensive regulation of exploration, extraction, and preparation, including beneficiation, of metallic minerals. Smelting and refining are fundamentally different types of activities, more akin to those taking place at a manufacturing facility. Bringing these activities under the umbrella of Chapter 200 would require a substantial rulemaking effort from the Department. The Department believes this effort would be redundant; a proposed smelting and refining facility would already be subject to a wide range of federal and state laws and rules. The facility would require an air emissions license, a Site Law license, and potentially licenses for wastewater discharge, hazardous waste treatment, natural resource alterations, and more depending on the specifics of the proposed facility. Each of those licensing processes has its own opportunities for public involvement. If the Department were to add smelting and refining to the Chapter 200 rules, it would not change the environmental standards for those activities but it would consolidate the public engagement processes.

Several other provisions in L.D. 1073 would require significant Department rulemaking efforts, including but not limited to the requirement for the Department to review and approve methods for human health impact assessment and risk assessment modeling; the requirement for the Department to establish rules for air quality monitoring for mining operations; and the requirement for the Department to establish setbacks around metallic mining activities.

L.D. 1073 would add a requirement for a human health impact assessment and exposure modeling that is not currently conducted for any other license applications reviewed by the Department, and is beyond the Department's expertise. The Department relies on public health experts at the Maine Center for Disease Control when exposure risk assessments for contaminated sites are needed. The Department does not pre-emptively contemplate all potential risks from a regulated activity, but, rather, establishes enforceable standards to minimize such risks.

L.D. 1073 would also require applicants to provide some population health data that is not publicly available. It will be equally challenging for the Department to verify this data. Depending on the geographic area and size of the population included in the baseline data, it may also be hard to find any changes occurring over time among the selected variables that could be causally linked to the mining operation. In general, this would add a significant new element to the mining permitting and monitoring process that the Department is not well-equipped to absorb.

Thank you for the opportunity to testify before you today. I would be happy to answer any questions from the Committee, both now and at the work session.