Maine Department of Environmental Protection
November 21, 2011

BASIS STATEMENT

Chapter 378: Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay & Silt and the Performance Standards for the Storage of Petroleum Products

As required by PL 2011 Chapter 26, the Department of Environmental Protection is directed to amend its rules *Chapter 378 Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and the Performance Standards for the Storage of Petroleum Products*, 06-096 CMR 378 to allow licensed mining operation to store of a small amount of diesel fuel on significant sand and gravel aquifers mapped by Maine Geological Survey. Specifically, the amendment would allow for up to 2 above ground diesel fuel tanks, in a single location on a parcel of property with an aggregate capacity not to exceed 1,100 gallons without the currently required variance required under department rules. In addition, the proposed rule ensures consistency between department programs.

Proposed amendments to Chapter 378 were posted for public comment on October 12, 2011. A public hearing was held on November 3, 2011, followed by a written comment period ending on November 14, 2011.

LIST OF COMMENTERS

Edward Johnston **Maine Aggregate Association**

Specifically, Maine Aggregate Association supported the rules. No significant changes were made to the rule in response to comments.