



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



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**TESTIMONY OF MELANIE LOYZIM, DEPUTY COMMISSIONER  
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**September 15, 2016**

Good morning, Chairman Parker and members of the Board. I am Melanie Loyzim, Deputy Commissioner of the Department of Environmental Protection.

We have requested that you consider changes to Chapter 200, the Department's rule for metallic mineral mining. Jeff Crawford and Mark Stebbins will present to you today a summary of the changes we have proposed and the statutory framework that has guided our proposal.

Before they get started I would just like to remind the Board, and the audience, of the reason we have brought this before the Board – again.

We have a rule for mining activities that is currently in effect – the current version of Chapter 200. Someone could apply today for a permit to mine under that rule. However, in 2012 the legislature changed the law that authorized our environmental standards for metallic mineral mining, so many elements of our rule no longer line up with the law. Some were completely overridden, leaving us with big gaps.

We understand that many people object to what is in the law – allowing contamination in mining areas, allowing mining to occur in floodplains. The legislature will be back in session in January, so you can take that up with them then. Just as many times as the legislature has rejected our proposed changes to Chapter 200, they have also decided NOT to change the law. In the meanwhile, we have to work with the law that is on the books. That law conflicts with our rule, and leaves a lot of room for agency discretion if we get a permit application and don't have clear standards to apply.

I would argue that the rule changes we are proposing ARE more protective of Maine's environment than our current situation. Leaving our rules as they are is not a positive environmental outcome.

We are asking to put environmental protection standards into our rule that don't exist right now. If they are not adopted, and are not codified into a rule, then all we have are the more generic provisions in statute. If someone comes in tomorrow looking for a permit, we do not have specific standards to hold them to.

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I would ask the stakeholders participating in this process, to please look at the rule language we have proposed. In your comments, please think about how we could change that language to address your concerns, and suggest specific changes. We all have the opportunity right now to make our rule better. Remember, the rule exists, not adopting changes does not make the rule go away. This has nothing to do with changing the law; there's an entirely different forum for that at the legislature. Here, before you – the Board – is only the question of what Chapter 200 should say, within the parameters established in the 2012 Mining Act.