



FEB - 1 2007

Ms. Kathleen Leyden
 Director
 Maine Coastal Program
 State Planning Office
 State House Station 38
 184 State Street
 Augusta, ME 04333-0038

Dear Ms. *Kathleen* Leyden:

Thank you for your October 3, 2006, request to incorporate changes to the Maine Coastal Program based on public laws enacted by the 122nd Maine Legislature during its Second Regular Session, from January 4 to May 24, 2006. You requested that changes to the rules described below be incorporated as routine program changes (RPCs) pursuant to Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. part 923, subpart H, and Office of Ocean and Coastal Resource Management (OCRM) Program Change Guidance (July 1996). OCRM received the request October 4, 2006, and OCRM's decision deadline was extended until February 1, 2007.

Based on our review of your submission, we concur with your determination that the changes to sections noted below are RPCs and we approve the incorporation of the changes as enforceable policies of the Maine Coastal Program (MCMP). Federal Consistency will apply to the approved enforceable policy changes only after you publish notice of this approval pursuant to 15 C.F.R. section 923.84(b)(4). Please include in the public notice the list of changes to enforceable policies provided in this letter, and please send a copy of the notice to OCRM.

CHANGES APPROVED

<i>Name/Description of State Law/Regulation/Policy Added or Removed from CMP (all sections are added to CMP unless noted otherwise)</i>	<i>State Legal Citation</i>	<i>Date Effective in State</i>
Maine Endangered Species Act: Clarifies prohibition pertaining to possessing, selling or transporting endangered or threatened species to include parts of species.	Ch. 477, sec. 23. Amends 12 MRSA §12808, sub-§1-A, ¶C	03-08-2006
Aboveground Oil Storage Facilities and Groundwater Protection: Extends regulation of aboveground storage tanks to include underground piping that stores motor fuel.	Ch. 491. Amends 38 MRSA §§563 and 570-K, sub-§3	08-23-2006
*Marine Resources Administrative Rules: Authorizes DMR Commissioner to adopt commercial fishing safety rules.	Ch. 492, sec. 5. Enacts 12 MRSA §6176	08-23-2006
Mercury-added products and services: Bans sale of and products that contain mercury-added button cell batteries.	Ch. 509, sections 1 and 2. Enacts 38 MRSA §1661, sub-§2-A and 38 MRSA §1661-C, sub-§9	08-23-2006



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Coastal Sand Dune Rules: Clarifies emergency actions to be taken without permit, provides standards of permit by rule for repair of structure to increase protection of dune vegetation, sand resources and to prohibit replacement structures to be larger than original structure.	Ch. 548. Repeals 38 MRSA §480-E, sub-§9 and Amends 38 MRSA §480-W	04-06-2006
*Maine Hazardous Waste Fund/Hazardous Waste and Waste Oil: Adjusts fees for transport and disposal of hazardous waste.	Ch. 549, sections 1-6. Amends 38 MRSA §§1319-I and 1319-O	08-23-2006
Mercury-added products and services: Requires manufacturers of mercury-added thermostats to provide for collection and recycling of these products. Bans sale of non-compliant thermostats.	Ch. 558. Enacts 38 MRSA §1665-B	08-23-2006
<p data-bbox="215 749 711 833">Department of Environmental Protection Omnibus Bill: Administrative changes to various statutes administered by DEP.</p> <p data-bbox="215 863 711 947">Regulation of Invasive Species Removes rulemaking requirement related to the identification of invasive aquatic species.</p> <p data-bbox="215 976 711 1060">Erosion and Sediment Control Requires all quarry and gravel pits to meet the standards for erosion and sediment control.</p> <p data-bbox="215 1089 711 1173">Definition of Working Pit Adds definition of "working pit" to gravel pit law.</p> <p data-bbox="215 1203 711 1323">Oil Pollution Authorizes the use of the Maine Coastal and Inland Surface Oil Clean-Up Fund for research purposes.</p> <p data-bbox="215 1352 711 1465">Exemptions Specifies when exemptions from setback requirements for underground storage tanks apply.</p>	<p data-bbox="716 749 1105 854">Ch. 561.</p> <p data-bbox="716 863 1105 926">Amends 38 MRSA §410-N, sub-§1, ¶B;</p> <p data-bbox="716 976 1105 1039">Amends 38 MRSA §490-D, sub-§8; Enacts 38 MRSA §490-W, sub-§24;</p> <p data-bbox="716 1068 1105 1131">Amends 38 MRSA §490-Z, sub-§8; Amends 39 MRSA §551, sub-§1-B;</p> <p data-bbox="716 1161 1105 1224">Amends 38 MRSA §563-C, sub-§2; Amends 38 MRSA §1310-B, sub-§2;</p> <p data-bbox="716 1274 1105 1358">Amends 38 MRSA §1610, sub-§6; Amends 38 MRSA §1665-A, sub-§5, ¶B; and amends PL 2003, c.227, §9.</p>	08-23-2006
Site Location and Development Law: Corrects a cross-reference in an existing exemption for agricultural-related events license by Maine's agricultural department.	Ch. 563. Amends 38 MRSA §488, sub-§23	08-23-2006
Hazardous Air Pollutant Standards: Amends state air quality and hazardous waste laws to reduce existing mercury emission standard.	Ch. 590. Amends 38 MRSA §585-B, sub-§5; Enacts 38 MRSA §585-B, sub-§6, and Amends 38 MRSA §1310-B, sub-§2.	08-23-2006

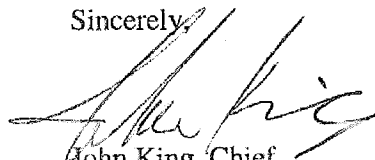
Natural Resources Protection Act (NRPA): Requires projects undergoing Tier 1 wetland review to meet habitat standards, lowers threshold for amount of wetland impact that triggers wetland compensation, and allows DEP to consider wetland compensation proposals in context of biophysical region.	Ch. 592. Amends 38 MRSA §480-X, sub-§2 and sub-§6, ¶B; 38 MRSA §480-X; 38 MRSA §480-Z, 4th ¶; and 38 MRSA §480Z, sub-§3, ¶A.	08-23-2006
Stormwater Management Law: Amends requirements to enable more efficient administration of law by DEP.	Ch. 602, sections 1-3, 5-6. Amends 38 MRSA §353-B, sub-§2, ¶A; 38 MRSA §420-D, sub-§5; 38 MRSA §420-D, sub-§7, ¶C; 38 MRSA §485-A, sub-§1-C; 38 MRSA §490-E, 2 nd ¶; and 38 MRSA §490-CC, 1st ¶.	08-23-2006
Solid Waste Management Rules: Clarifies existing state solid waste law to exempt publicly owned solid waste landfills from the definition of "commercial waste disposal facility."	Ch. 612. Enacts 38 MRSA §1303-C, sub-§1-B; Amends 38 MRSA §1303-C, sub-§6 and 38 MRSA §1310-Q	08-23-2006
Waste Management Law: Limits amount of wood from construction and demolition debris that may be substituted for conventional fuel in a boiler.	Ch. 617. Enacts 38 MRSA §1306, sub-§6.	05-02-2006
Changes marked with an asterisk (*) are incorporated into the MCMP, but do not contain enforceable policies that can be used for Federal Consistency.		

PUBLIC AND FEDERAL AGENCY COMMENTS

OCRM received no comments on this RPC submission.

Thank you for your cooperation in this review. Please contact Betsy Nicholson at (603) 862-1205 if you have any questions.

Sincerely,



John King, Chief
Coastal Programs Division