



NOV 28 1989

Mr. Richard Silkman
Director, Maine State Planning Office
184 State House Street
Augusta, Maine 04333

Dear Mr. Silkman:

This letter is in response to yours of October 25, 1989, in which you transmitted your routine program implementation "Resubmission Document" to this office. We have completed our review of all of the changes to the Maine Coastal Management Program (MeCMP) core authorities which were included under your original submittal received on August 22, 1989 along with the resubmission document. The Office of Ocean and Coastal Resource Management conducted its review of these changes according to the provisions stated under 15 CFR 923.80 - .84. Our comments on the changes are noted below.

Based upon our review, we find that the following changes are minor in scope in that they do not affect the criteria stated at 15 CFR 923.80 relating to program amendments. For this reason, we concur with your request to approve the following changes as routine program implementation action. The numbers below refer to your submittal:

2. Protection & Improvement of Waters Act (Title 38, Sections 361-367, 371A-372m, 411-455)
- 3a. Alteration of Coastal Wetlands Law (Title 38, Sections 471-478)
- 4a. Mandatory Shoreland Zoning & Subdivision Law (Title 38, Section 435-446)
- 5a. Land Use Regulation Law (Title 12, Section 681-689)
6. Subdivision Law (Title 30, Section 4956)
- 7a. Site Location of Development Law (Title 38, Section 481-485, 488-490)
8. Protection & Improvement of Air Law (Title 38, Sections 581-611)
- 9a. Maine Hazardous Waste, Spillage & Solid Waste Management Act (Title 38, Sections 1301-1310B)
- 10a. Alteration of Rivers, Streams and Brooks Law (Title 38, Sections 425-431)
- 11a. Oil Discharge and Prevention and Pollution Control Law
- 12a. Marine Resources Law (Title 12, Sections 6171-6192)
14. Maine Rivers Act (12 MRSA 403)
17. Hazardous Matter Control Law (38 MRSA 1317-1319A)
20. Natural Resources Protection Act (38 MRSA 480A-480B)



During the required public comment period for these changes we received no written comments objecting to the incorporation of these changes into the MeCMP. On the date you publish the notice on the changes required by 15 CFR 923.84(b)(2), Federal Consistency will apply to the above noted changes.

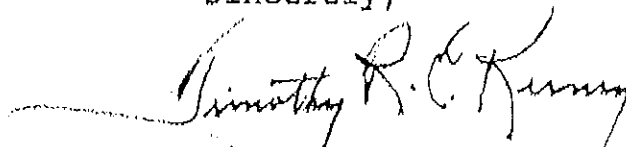
The one change we can not concur with regards the Hazardous Waste, Septage & Solid Waste Management regulations. We share your concern about the importance of protecting the public from health and safety risks of hazardous waste and thus have approved changes to the Act you have requested. After fifteen years of overseeing coastal programs, however, we have found that when the laws provide adequate policy direction, as in this case, it is not advisable to include exceptionally detailed and highly technical regulations which make the program unnecessarily complex. We therefore believe that, as a matter of policy, these regulations should not be included in the MeCMP.

In any event, based on your submittal, we cannot concur that these regulations are a routine program implementation because your analysis does not adequately describe the impact of these highly technical regulations on the enforceable policies of the MeCMP. I have asked my staff to meet with you to discuss our policy about highly technical regulations and the type of analysis your office would need to prepare to enable us to process such changes.

The future submittal process described on page 5 of your submittal is acceptable. Please ensure that the submittal changes are more readable. It would help if copies are not reduced in photocopying.

We appreciate your response to our previous questions. I believe that your proposal to process future changes in a timely manner will lead to a more efficient operation of the Federal Consistency provisions of your coastal program.

Sincerely,



Timothy R.E. Keeney
Director