



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Silver Spring, Maryland 20910

January 9, 2007

Mr. Andrew Zemba
Pennsylvania Department of Environmental Protection
Water Planning Office
Post Office Box 2063
400 Market Street, 2nd Floor
Harrisburg, Pennsylvania 17105-2063

Dear Mr. Zemba:

Thank you for the Pennsylvania Department of Environmental Protection's October 31, 2006, request that the following changes be incorporated into the Pennsylvania Coastal Management Program (PACMP): expansion of the Pennsylvania Coastal Zone Boundary; deletion of the inventory of Geographic Areas of Particular Concern (GAPCs) from the CMP document and change in process for designating GAPCs; revised federal consistency review process (including interstate consistency); reorganization of lead agency; and regulatory changes made in 2002-03. You requested that these changes 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 on October 31, 2006, and OCRM received clarification on the PACMP's review of the development of or changes to Nationwide Permits, State Programmatic General Permits, and Regional Permits on December 5, 2006. OCRM's decision deadline was extended until January 9, 2007.

Based on our review of your submission, we concur that the changes described in the enclosed table are RPCs and we approve the incorporation of the changes as enforceable policies and other enforceable elements of the PACMP. Federal Consistency will apply to the approved changes only after you publish notice of this approval pursuant to 15 C.F.R. part 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.

SECTIONS APPROVED

See enclosed list of the enforceable policies and other enforceable elements incorporated as changes to the PACMP.

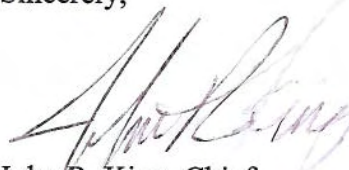


PUBLIC AND FEDERAL AGENCY COMMENTS

The U.S. Army Corps of Engineers, Buffalo District, submitted comments on this request, and those comments and OCRM's response is enclosed for your reference.

Thank you for your cooperation in this review. Please contact Joshua Lott at (301) 713-3155, extension 178, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. King". The signature is fluid and cursive, written over a light blue horizontal line.

John R. King, Chief
Coastal Programs Division

Enclosures:

Policies and other Program Elements Approved and Incorporated into the PACMP
Comments from the U.S. Army Corps of Engineers, Buffalo District, and OCRM's response to those comments

Name/Description of Commonwealth Law/Regulation/ Policy Added or Removed from CMP	Commonwealth Legal Citation	Date Adopted by Commonwealth	Date Effective in Commonwealth
Commonwealth Regulatory Changes			
Hazardous Waste Management: codification of the Commonwealth's Solid Waste Management Act (SWMA) requirements that differ from or are broader than the federal requirements incorporated by reference; clarification of ambiguous requirements; clarification of manifesting requirements; and correction of typographical errors.	25 PA CODE Chapters 250a-265a, 270a	Sept. 17, 2002	Dec. 14, 2002
Safe Drinking Water: incorporate new federal EPA primacy requirements into the Department's Safe Drinking Water regulations, establish new requirements for community water systems to prepare and provide to their customers an annual consumer confidence report, add major revisions to the public notification requirements, revise the regulation of lead and copper to improve implementation, and correct minor deficiencies in Chapter 109 to retain primary enforcement authority (primacy) and to clarify existing requirements.	25 PA CODE Chapter 109	May 22, 2002	Aug. 10, 2002
Fishing and Boating: addition of <i>Alasmidonta heterodon</i> (dwarf wedgemussel) to list of Pennsylvania's endangered species	58 PA CODE Chapter 75	July 19, 2003	July 19, 2003
Injurious Nonnative Species: addition of several species of fish and mussels covered by regulations on the propagation and introduction of fish into Commonwealth waters, and regulations on the possession and transportation of live fish into the Commonwealth.	58 PA CODE Chapters 71, 73	Sept. 6, 2003	Sept. 6, 2003
Regulatory Changes Required under the Federal Clean Air and Clean Water Acts			
Great Lakes Initiative: incorporation of federal requirements concerning prohibitions and phasing out of mixing zones for bioaccumulative chemicals of concern (BCCs) in waters of the Great Lakes System.	25 PA CODE Chapter 93	Sept. 17, 2002	Dec. 14, 2002
Water Quality Standards: technical correction to correct previous error in classifying sulfate and chloride water quality criteria	25 PA CODE Chapter 96	Sept. 17, 2002	Dec. 14, 2002
Heavy-Duty Diesel (HDD) Emissions Control Program: The amendment to § 121.1 (relating to definitions) includes the terms and phrases applicable to a new Heavy-Duty Diesel Emissions Control Program. These definitions include "heavy-duty diesel engine" and "heavy-duty diesel vehicle."	25 PA CODE Chapter 121	Mar. 19, 2002	May 11, 2002

Name/Description of Commonwealth Law/Regulation/ Policy Added or Removed from CMP	Commonwealth Legal Citation	Date Adopted by Commonwealth	Date Effective in Commonwealth
CMP Boundary, Organization, and Federal Consistency Procedures			
Boundary Change/Addition of Geographic Area of Particular Concern (GAPC): approximately 2,283 acres of Fairmount Park in Philadelphia added to the coastal zone and designated as a Recreational, Historical, and Cultural GAPC.	Page II-1-9 of the PACMP Document	N/A	Upon publication of public notice of OCRM's approval of this RPC
Deletion of "Inventory of GAPCs" in Program Document and change in procedure to nominate and designate GAPCs	Page II-3-8 of the PACMP Document	N/A	Upon publication of public notice of OCRM's approval of this RPC
Program Organization Change: Renaming the Office of River Basin Cooperation to the Water Planning Office and integration of program activities	N/A	Sept. 2003	Sept. 2003
Update of CZMP's Federal Consistency Review Process: Incorporation of the 2001 regulatory revisions to 15 CFR Part 930 into the PACMP's federal consistency review requirements.	Chapter 5 of the PACMP Document	N/A	Upon publication of public notice of OCRM's approval of this RPC
Interstate Consistency			
Interstate Consistency Boundary: The area extends from the Ohio/Pennsylvania border approximately three miles westward to the northern terminus of Lake Erie Street in the City of Conneaut, Ohio. The area extends from the Ordinary High Water Mark lakeward to the United States/Canadian border in Lake Erie	A new subsection of Chapter 5 of the PACMP Document	N/A	Upon publication of public notice of OCRM's approval of this RPC
Federal Agency Activities: Shore protection and dredging and disposal of dredge or fill material activities conducted by the USACE and Department of Homeland Security, U.S. Coast Guard, under the Rivers and Harbors Act (33 USC 1), Water Resources Development Act (42 USC 1962 d-5, d5e, d5f), Marine Protection, Research and Sanctuaries Act (33 USC 1413), and Federal Water Pollution Control Act (33 USC 1344).			
Federal License and Permit Activities: USACE permits authorized under Sections 9, 10, 11, and 14 of the Rivers and Harbors Act (33 USC 401, et seq.) and Section 404 of the Federal Clean Water Act (33 USC 1344)			
Development of, or amendments to, Nationwide Permits, State Programmatic General Permits, and Regional Permits by the USACE: Specific permits that address the activities cited above will be reviewed. Including, but not limited to, the following Nationwide Permits (NWPs): NWP # 3 Maintenance; NWP #13 Bank Stabilization; NWP #19 Minor			

Name/Description of Commonwealth Law/Regulation/ Policy Added or Removed from CMP	Commonwealth Legal Citation	Date Adopted by Commonwealth	Date Effective in Commonwealth
Dredging; NWP # 35 Maintenance Dredging; and NWP #36 Boat Ramps.			