

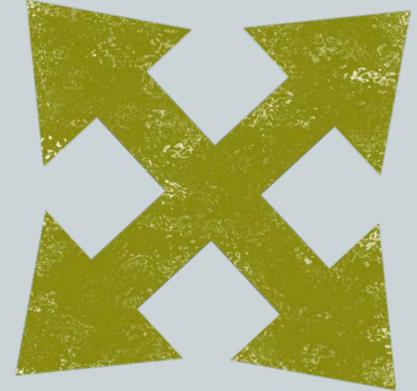
Topic #6: Cross-Cutting Issues

Preliminary Recommendations

What are Cross-Cutting Issues?

There are a number of issues that are relevant to the other five Topic areas. These “cross-cutting issues” include:

- Definition of “Project Site”
- Definition of “Useful Life”
- Permit Duration, Modification, Renewal, and Revocation
- Permit Monitoring and Reporting Post-Approval



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What did the Regulatory Advisory Committee recommend?



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Definition of “Project Site”

The Committee recommended that “Project Site” refer to the physical location of a facility that is subject to a conversion permit. A project site may consist of one or more tax parcels or parts of one or more tax parcels. A final project site boundary should be defined in a permit (and the preliminary project site boundary in a permit application). If not defined in a permit, the project site boundary is the footprint of the heavy industry use site where the facility is located.

Definition of “Useful Life”

The Committee recommended that “useful life” be the period of time that a conversion permit applicant expects to operate the permitted facility. This period is assumed to be 30 years unless the DNREC Secretary allows otherwise.

Permit Duration

The Committee recommended that conversion permit duration (for both the initial permit and any renewed permit) be 20 years.



Aerial view of the Delaware City Refinery in the 1950s. Photo from the Delaware Public Archives.

Topic #6: Cross-Cutting Issues

Preliminary Recommendations (cont.)

What did the Regulatory Advisory Committee recommend? (cont.)

Permit Modification

The Committee recommended that conversion permit modifications fall into two categories:

Minor modifications – “Administrative changes” to a permit, such as spelling and grammar corrections or permittee name changes. Minor modifications would not require public notice.

Major modifications – Changes that affect major permit requirements, such as the transfer of a conversion permit from one owner to another. Major modifications would require public notice and review.



Permit Renewal

The Committee recommended that applications for conversion permit renewal be submitted at least 180 days before permit expiration. If a permit renewal application is submitted to DNREC in that timeframe, the current permit remains active until DNREC processes the renewal application.

Compared with the initial permit application, the Committee recommended renewal process be streamlined and focused on offsets, financial assurance, sea level rise and coastal storm plans, and the permittee’s compliance record. All things being equal to the initial permit, permits would likely be renewed.

How did the Committee come up with its preliminary recommendations?

While discussing Topics #1-5, the Regulatory Advisory Committee determined that certain issues merited being discussed on their own, given their cross-cutting relevance to the five Topics. The Committee outlined these issues in December 2018, deliberated them over two meetings, and made preliminary recommendations in January and February 2019.

Permit Revocation

The Committee recommended the DNREC Secretary consider revoking a permit for significant or repeated violations, including:

- Failure to complete or maintain an offset or financial assurance
- Denying DNREC access to the project site or to permit-related site records
- Making a false statement in the permit application or other permit-related document, such as a report

Topic #6: Cross-Cutting Issues

Preliminary Recommendations (cont.)

What did the Regulatory Advisory Committee recommend? (cont.)

Permit Monitoring and Reporting Post-Approval

The Committee recommended these monitoring and reporting requirements:

For Topic #2: Plan for Potential Impacts of Sea Level Rise and Coastal Storms

Permittees should update this site plan at least every 10 years.

For Topic #3: Environmental Impacts and Offsets

Permittees should provide a monitoring schedule that describes the process for 3rd-party verification of offset project operation and completion.

For Topic #4: Financial Assurance

Permittees should submit an annual report to DNREC, providing evidence that the financial assurance required by the conversion permit is still in effect and that every measure has been taken to ensure it will remain in effect through the duration of the permit. The report should be submitted within 10 days of the anniversary date of the permit issuance.



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For Topic #5: Bulk Product Transfer Facilities

Permittees should submit an annual report, as indicated in the Topic #5 recommendations.

For Site Inspections

DNREC should be allowed access to the project site at reasonable times and on a regular basis, with reasonable times generally meaning operating hours.

For the full set of the Committee's preliminary recommendations on cross-cutting issues, please see the Preliminary Recommendations Packet.