

**COASTAL ZONE CONVERSION PERMIT ACT REGULATORY ADVISORY COMMITTEE MEETING #2
JULY 12, 2018
MEETING SUMMARY**

APPROVED BY THE CZCPA RAC ON AUGUST 21, 2018

Disclaimer: This meeting summary was prepared by the Consensus Building Institute (CBI), a non-profit entity contracted by DNREC to facilitate CZCPA RAC meetings and draft meeting summaries. This summary is not intended to be a meeting transcript. Rather, it focuses on the main points covered during the meeting without attribution.

MEETING IN BRIEF

At its July 12, 2018 meeting, the Coastal Zone Conversion Permit Act (CZCPA) Regulatory Advisory Committee (RAC) discussed background information and RAC processes related to its charge to advise the Delaware Department of Natural Resources and Environmental Control (DNREC) on drafting regulations to implement the CZCPA. The RAC reviewed and approved the meeting summary from its June 14 meeting and the revisions made to the Procedures for RAC Operations document. The RAC heard presentations on the 14 heavy industry use sites referred to in the CZCPA, the framework for updating the current regulations, key issues the RAC and its Work Groups will need to address, and a concept plan for community engagement. The RAC discussed and provided feedback on each of these topics. The meeting closed with a brief discussion of next steps and information about the formation of RAC Work Groups. The meeting also provided an opportunity for the public to comment on topics being discussed by the RAC. A list of meeting participants is attached to the end of this summary. Presentation slides are available at de.gov/czcparac.

ACTION ITEMS

| Who | What |
|-------------|--|
| RAC members | <ul style="list-style-type: none"> • Reply to emails from Ian Yue (DNREC) re: providing suggestions for community engagement contacts, suggestions for technical experts to serve on Work Groups, additional key issues (as appropriate) for the RAC and Work Groups to consider, requests for information on any of the 14 heavy use industry sites, and any additional logistical information. |
| DNREC | <ul style="list-style-type: none"> • Post all presentation slides and background materials to the CZCPA RAC webpage at de.gov/czcparac. • Finalize contract(s) with Work Group consultants. • Before next meeting, distribute the following materials requested by the RAC: fact sheets for each of the 14 heavy industry use sites, employment data at each of the 14 heavy industry use sites (where available), information about which sites are in the floodplain, updates on community engagement, draft charges for the four Work Groups (including goals and timeline); draft presentations and documents (or annotated agenda/outline, when such presentations and documents cannot be made available) for the August 21 meeting. • Compile RAC member suggestions for individuals and organizations to include in the community engagement process. • Determine feasibility and logistics of a tour of some of the 14 sites. • Distribute draft July 12 meeting summary to RAC for review (will finalize at August 21 meeting). • Send calendar invitations for RAC meetings through December 2018. • Review New Jersey’s Coastal Area Facility Review Act. |

| | |
|-----|---|
| | <ul style="list-style-type: none"> • With CBI, develop draft agenda for August 21 meeting. |
| CBI | <ul style="list-style-type: none"> • Prepare draft meeting summary. • Draft agenda for August 21 meeting. |

UPCOMING MEETINGS AND EVENTS

| Event | Date | Venue |
|----------------|---------------------------|-------|
| RAC Meeting #3 | Tuesday, Aug. 21, 2018 | TBD |
| RAC Meeting #4 | Wednesday, Sept. 12, 2018 | TBD |
| RAC Meeting #5 | Tuesday, Oct. 9, 2018 | TBD |
| RAC Meeting #6 | Wednesday, Nov. 7, 2018 | TBD |
| RAC Meeting #7 | Tuesday, Dec. 11, 2018 | TBD |

DISCUSSION

Below is a summary of key topics discussed during the meeting. All presentation slides are available at de.gov/czcparac.

RAC Business

Patrick Field (CBI) reviewed the revisions made to the Procedures for RAC Operations document based on feedback from RAC members at the June 14 meeting. There were no additional changes and the RAC adopted the document. The June 14 meeting summary was also approved by the RAC with no changes. A RAC member re-emphasized that the RAC should receive information about the agenda and draft materials at least three business days in advance of a meeting. DNREC clarified that a quorum of the RAC will be defined as greater than half of the RAC members (or their alternates) present.

14 Heavy Industry Use Sites

DNREC Division of Waste and Hazardous Substances staff members reviewed the history and current status of the 14 heavy industry use sites in the Coastal Zone (CZ).

For each site, staff reviewed its owner, facility type, operation status, past and current infrastructure, and current site conditions. Five of the 14 sites are vacant, and, of those, only four would likely have heavy industry development. Operating heavy industry sites may also apply for a conversion permit (CP). Details on each site can be found in the presentation slides and in the “Remediation Status Baseline Report on Existing Heavy Industry Use Sites.”¹

DNREC emphasized that the RAC should provide guidance on the economic effect and environmental impact baseline DNREC should use to evaluate permit applications (e.g., current use, past use). Therefore, understanding the remediation and development details of each site is less important than understanding that the sites have different levels of activity and planning how best to develop regulations for all sites. Comments or questions posed by the RAC in relation to this topic are summarized below, grouped by site. Each question is underlined, followed by an answer, if offered.

General comments

- I want to better understand the potential impacts of these chemicals from an environmental and public health perspective. I want to understand what the scale of risk is and be able to put each site in perspective as we consider making recommendations for new regulations.
- All of these sites have some remediation needs. Clean-up requirements are based on future site use and risk levels. If a new business comes in, it can help pay for more comprehensive evaluations of a site and develop a Remedial Action Plan.

¹ Report is available at de.gov/czcparac.

- Could the RAC see employment data and source data for these 14 sites? There is employment data in the background report and DNREC will identify sources and dates of such data.²
- Are any of the 14 sites in the Delaware River floodplain? DNREC can provide that information. Not all sites are in the floodplain.
- Is there any existing state or federal regulation or law that requires development on these sites to take sea level rise (SLR) into account? The CZCPA is the only regulatory driver of this planning. In general, counties are responsible for enforcing the relevant Federal Emergency Management Agency (FEMA) regulations. Counties use FEMA flood maps but these are based on historic events and have not been adjusted for SLR or future land use conditions. There have been recent discussions at the federal level about how to revise these maps. New Castle County's Unified Development Code (UDC) does not currently take SLR into account.
- What additional approvals or permits would a company need to obtain from a regulatory entity to develop one of these sites? DNREC has a number of regulatory permits that a developer may need to acquire in addition to either a "standard" Coastal Zone Permit (CZP) or CP. Any development would also go through a county's land development process (e.g., New Castle County UDC). The county would require an exploratory plan and other documentation.
- Would a new dock require a company to go through the CP process? It depends on (1) if the company wants to do bulk product transport (BPT) and (2) if the site had a dock before 1971. Only BPT dock facilities require a CP; a site is allowed to have a dock for non-BPT uses, although an applicant may be required to apply for relevant permits. DNREC believes that most of the waterfront sites probably had a dock before 1971 and most companies would be able to substantiate this fact. While there is no specific guidance on how DNREC should determine if a dock existed before 1971, aerial photography from this time period³ and facility records could be used as evidence to prove a dock existed. The burden of proof, however, remains on the applicant to demonstrate the existence of a dock, not the State.
- Where can I find more information on these sites? DNREC can generate fact sheets for each of the 14 sites. Moreover, if RAC members have specific questions about a site, DNREC can write down the question and get answers back to the RAC.

Chloromone

- What is being made at this site and is there existing contamination? This site makes chlorine. There is no contamination investigation at this site because no releases were found when the aboveground storage tanks were removed. The site was in compliance during the 2017 inspection.

Citi Steel

- One of the seven operable units is being turned into a train station; the other six units are awaiting redevelopment.
- Would a warehouse or distribution center at this site require a CP? It may not require a CZP or a CP depending on the proposed activity.

² Post meeting, DNREC determined that employment data for some of the sites was actually provided in the summary tables of the "Background Information on Existing Heavy Industry Use Sites" document, not in the "Remediation Status Baseline Report on Existing Heavy Industry Use Sites." Both documents are available at de.gov/czcpa.

³ Aerial photographs are thought to have been taken around 1968.

- They used to bury sealed, steel drums when this site was in operation. Were the drums ever removed? The details of this project are publically available online. DNREC will also follow up on this question to get an answer.

Star Enterprise

- Motiva Enterprises is the party responsible for the corrective action remediation on this site.

DuPont Edgemoor

- There were former settling ponds on the northern part of the facility that were closed in place. What were these settling ponds used for? Were they remediated at all? The company used to discharge wastewater to settling ponds before discharging wastewater to the river. The ponds were capped and have ongoing monitoring activity.
- Will no further clean-up happen if this site remains vacant? The remedy responds to the risk drivers. The clean-up remedy was designed to stabilize existing contaminants and for the expected use of the property. Our data tells us there is no immediate risk from the site to environmental and public health. We know the site is secured and people do not visit it. If workers started to visit the site, the risk may increase, and we would need to address that. A new remedy may be required if a company wanted to changed the planned site use. Because of this planned use, DNREC is not remediating the site to the residential standard.
- If the site were redeveloped, would the company need to apply for a CP and other permits? What would be the timeline? The list and timeline of state and federal permits would depend on the planned use and project specifications. A container port would not need a CP or CZP but may require other permits. A BPT port would require a CP.

Delaware Storage and Pipeline

- Delaware Storage and Pipeline has eight regulated tanks on site that are in compliance with DNREC regulations. There is a plan to add more tanks to the existing footprint of the site, which would require a standard CZP, not a CP.

Formosa Plastics

- No site-specific questions or comments were raised for this site beyond the information provided on the presentation slides.

General Chemical

- The vast majority of the site has been demolished and leveled. The site consists of a north and south parcel; the northern part of the south parcel is being developed as a rail yard. The rail yard will be used for on-loading and off-loading of product for a future company.
- What environmental investigations have been conducted on this site? Investigations have been conducted on the entire site. They have identified contaminants and a remedial decision was made for part of the property. A complicating factor is groundwater contamination from Honeywell, flowing from the north side of the site towards the river.
- Are there plans to improve access to this site across Route 13? We do not know at this time.

Kaneka Delaware

- No site-specific questions or comments were raised for this site beyond the information provided on the presentation slides.

Oxy Chemicals

- No site-specific questions or comments were raised for this site beyond the information provided on the presentation slides.

Ocean Port Industries

- No site-specific questions or comments were raised for this site beyond the information provided on the presentation slides.

Port of Wilmington

- Is this site exempt under CZA permitting for BPT? It is exempt from BPT provisions within its existing footprint.

Standard Chlorine

- The company that owned this site abandoned it overnight. This abandonment incident is part of the reason the CZCPA requires financial assurance for CPs.

Sun Oil

- Are the underground storage tanks on the Pennsylvania side of the site being remediated? Work is happening on the Pennsylvania side, but no associated remediation is being done on the Delaware side. The U.S. Environmental Protection Agency (USEPA) leads this remediation, and DNREC reviews documents that are related to the Delaware parcel. A groundwater well network on the Delaware parcel monitors for any migrating contamination.
- Will the Mariner 2 development affect flaring at this site? All future flaring will occur on the Pennsylvania side. The current flaring in Delaware will cease in early 2019.

Uniqema

- Croda, one of the property owners of the site, has an agreement with Artesian Water Company to address some groundwater contamination from the site.

First Draft “Table of Contents” of Regulations

Dirk Durstein (Delaware Department of Justice (DOJ)) presented an outline of the existing regulations indicating where DOJ expects sections will need to be changed, eliminated, or modified to account for the statutory requirements of the CZCPA. Mr. Durstein noted three issues:

1. Status decisions for CPs will be important (i.e., does a particular site and a particular proposed change require a CP, a standard CZP, or no CZP at all?).
2. The regulations may require a new section (e.g., a new Section 10) to describe the requirements of a CP if the existing regulatory language cannot fully incorporate the statutory requirements of the CZCPA.
3. The RAC will need to provide advice on whether and where the regulatory language about “abandoned uses” (Section 12 of the current CZA regulations) should be incorporated into the new regulations, given that the CZCPA mandates removal of Section 12 of the current CZA regulations upon promulgation of the new CZA regulations.

DNREC’s goal is for the RAC to identify early in the process the sections the group will need to address in their recommendations. Early guidance from the RAC will allow DOJ to produce draft regulations in advance of its April 2019 deadline, giving the RAC time to review the draft regulations and provide feedback.

Below are the questions posed by the RAC in relation to this topic? Each question is underlined followed by an answer, if offered.

- How can we prioritize sections to focus on? Work Groups can help fill in Section 10 (specific details about CP requirements), and this should help us determine where else the regulations need to be edited.
- It is important for the RAC to overlap its Work Plan timeline with these sections.
- We should consider utilizing different discussion formats to generate our recommendations.
- How can we start teasing out metrics early in this process?

Work Groups

Andrea Kreiner (DNREC) introduced the RAC Work Group process. Work Groups will meet at least monthly from August to December 2018. They will provide the RAC with technically viable options (regulatory approach and language, where appropriate) in four areas: economic effect, environmental impact, risk evaluation and financial assurance, and offsets. Work Groups are not tasked with making recommendations to the RAC about the best option to choose – this is the RAC’s responsibility. Consultants will help each Work Group by conducting research, providing technical expertise and guidance to Work Group members, preparing Work Group outputs, and providing technical expertise to the RAC. Work Group members will be identified for their technical or professional expertise in a specific area and each Work Group should have members with a mix of relevant experiences and interests. RAC members and alternates with relevant expertise and available time may serve on Work Groups, but RAC members can attend any Work Group meeting if they are interested. DNREC is in the final stages of negotiating contracts with consultants to support the Work Groups and identifying individuals to serve on them. The agency welcomes suggestions of qualified individuals to serve on a Work Group.

Below are the comments and questions posed by the RAC, grouped by topic. Each question is underlined followed by an answer, if offered.

General comments and questions

- Suggested members: private sector, tourism sector, organizations that have conducted research on these topics (e.g., Union of Concerned Scientists), relevant individuals from Pennsylvania, regional emergency management agency.
- The list of Work Group members has a lot of state agency staff. Do we really need all of them? Agency staff membership may decrease as the Work Groups get into their work and issues are more defined.

Economic Effect Work Group

- Suggested members: state-level economic development agency, chambers of commerce, University of Delaware’s Institute for Public Administration, Commercial Industrial Realty Council, Office of Management and Budget’s Finance Office, American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), commercial banking sector, bonding and commercial loan portfolio sector.

Environmental Impact Work Group

- Suggested members: Division of Watershed Stewardship, Center for Inland Bays, professionals with wetlands expertise, Delaware Department of Health and Social Services.

Risk Evaluation and Financial Assurance Work Group

- Suggested members: Financial Assistance Branch, under/aboveground tank insurance provider, re-insurers (e.g., Zurich), in-house attorneys for self-insuring companies, attorneys with expertise in pollution assurance.
- We should rename this group “Risk evaluation and financial assurance”.

Offsets Work Group

- Suggested members: technical firms that have helped prepare past CZP applications, National Oceanic and Atmospheric Administration, Regional Greenhouse Gas Initiative.

RAC Scope of Work: Key Issues

Andrea Kreiner (DNREC) presented an overview of the issues DNREC expects the RAC to address in its final recommendations. There are nine key issues where DNREC needs guidance:

- Definitions
- Evaluating and balancing economic effect and environmental impact (including determining the appropriate baseline from which to assess economic effect and environmental impact)
- Requirements for financial assurance
- Foundations of the offset program
- Reporting requirements
- Community engagement
- Bulk product transport
- Sea level rise and coastal storms
- Conversion Permit application process

For each issue type, DNREC has generated a draft list of key questions for Work Groups and the RAC to consider or answer (e.g., “How is ‘more than offset’ defined?”). The agency expects the RAC to consider, as a full group, the issues of BPT and SLR and coastal storms; other issues will be addressed first in Work Groups and then brought to the RAC.

During this meeting session, the RAC provided feedback on the issues to DNREC to in two ways: a group discussion and individual suggestions via written ideas on “sticky notes” posted under each Key Issues topic. The combined comments and questions posed by the RAC are attached in Appendix B.

Community Engagement

Ian Yue (DNREC) presented DNREC’s community engagement concept plan. The concept plan incorporates feedback the RAC provided at the June 14 meeting. DNREC re-stated the three agreed-upon Community Engagement Goals with regards to the regulatory development process: helping communities near the 14 sites become aware of the development of the CP program, engaging communities to learn of their interests and concerns regarding potential development at these sites, and gathering input from these communities to inform both the RAC and DNREC in the regulatory development process. The concept plan seeks to achieve these goals through three actions:

1. Create resources outlining the RAC’s goals, roadmap, and milestones.
2. Compile a list of community organizations with whom the RAC/DNREC should engage.
3. Pursue two rounds of community engagement (which would complement the topics and timelines of the Public Workshops).

DNREC noted that it welcomes suggestions and contact information for individuals, organizations, and communities it should reach out to. After submitting names of individuals and organizations to DNREC

staff on index cards, the RAC discussed the overall approach of the concept plan and made suggestions for implementing it:

- The RAC could invite local elected officials and relevant community leaders to participate in the site tour of heavy industry use sites.
- Large summer events are a key time to build the visibility of the RAC and its work. Delaware City and Claymont have upcoming events.
- DNREC should meet with community members in each of the three main areas where the 14 sites are located. Opinions and situations vary site to site and area to area.
- It is important to build public knowledge about this process so that people and communities are ready to engage with it at the Public Workshops. A short document describing the process' goals, and ways to participate in the process, could be useful.
- DNREC should take advantage of existing meetings to engage with the public (e.g., elected official coffee meetings, civic association meetings).

Next Steps

Patrick Field (CBI) reviewed the next steps in the RAC process and announced the meeting calendar through December 2018 (see page 2 of this meeting summary). The next RAC meeting will be held on August 21, 2018 (location and time TBD). It will focus on the key issues of BPT and planning for potential impacts of SLR and coastal storms and provide more detailed information about the regulatory process for remediating contaminated sites. Based on RAC feedback at the July 12 meeting, DNREC will start implementing community engagement, as presented in the concept plan, and update the timeline, as necessary.

This RAC meeting, and all upcoming RAC and Work Group meetings, was and will be open to the public. Before the next meeting, RAC members, DNREC, and CBI should plan to complete the action items detailed on page one of this summary.

Public Comment

Below is a summary of questions and remarks offered during the public comment session.

David DeCaro (Chesapeake Utilities): DNREC should look to New Jersey's Coastal Area Facility Review Act as an example of another permitting programs like this one. The New Jersey Department of Environmental Protection is the lead agency.

Douglas Janiec (Sovereign Consulting, Inc.): This process is not as complicated as it looks; we already have agencies looking at a lot of these issues and requiring offsets/mitigation. We shouldn't see a net loss or loss of function of these properties with these statutory changes. An offset/mitigation waiver from a permitting agency, however, may trigger an offset. I think economics is the biggest question the RAC will address but a lot of this work is covered by existing programs that ensure the state's interest. This work here is about identifying situations where issues are not already covered by other programs. Terrestrial ecology is a good example of this. I think we already have a sense of some guidance and options for some of these issues. We are really looking for regulatory gaps, and we can cite other regulations for pieces that are already addressed. This could take the form of a checklist. The RAC should just work on the gaps, and we won't have programmatic conflicts.

Adjournment

The Chair, Justice Randy J. Holland, adjourned the RAC at approximately 4 PM.

APPENDIX A: PARTICIPANT LIST

RAC members (and designated alternates sitting in for RAC members)

| Name | Affiliation |
|--|--|
| Jennifer Adkins | Partnership for Delaware Estuary |
| Neeraj Batta | Batta Environmental |
| Brenna Goggin | Delaware Nature Society |
| Michael Hackendorn | Delaware Building and Construction Trades Council |
| Ronald Handy, Sr. | Boys & Girls Club of Delaware |
| Ronald “Kimoko” Harris (Designated Alternate for William Ashe) | International Longshoreman’s Association 1883 |
| S. Douglas Hokuf, Jr. | New Castle County |
| Hon. Randy J. Holland | Chair, CZCPA RAC |
| Tim Konkus | Delaware City Marina and Main Street Delaware City, Inc. |
| Tim Lucas (Designated Alternate for Herb Inden) | City of Wilmington |
| James Maravelias | AFL-CIO |
| Jerry Medd | Pilots’ Association for the Bay and River Delaware |
| Jeffrey Richardson | Imani Energy |
| Frances West (Designated Alternate for V. Eugene McCoy, Jr.) | Council of Civic Organizations of Brandywine Hundred, Inc. |
| Robert Whetzel | Richards, Layton & Finger |
| Delores Whildin | Resident of Claymont |
| Marian Young | BrightFields, Inc. |

DNREC staff and other state employees

| Name | Affiliation |
|--------------------|--------------------|
| James Brunswick | Delaware DNREC |
| Eileen Butler | Delaware DNREC |
| Charles Doordan | Delaware DNREC |
| Dirk Durstein | Delaware DOJ |
| Judy Jordan | Delaware DNREC |
| Todd Keyser | Delaware DNREC |
| Andrea Kreiner | Delaware DNREC |
| Susan Love | Delaware DNREC |
| Angela Marconi | Delaware DNREC |
| Lori Spagnolo | Delaware DNREC |
| Jill Williams-Hall | Delaware DNREC |
| Ian Yue | Delaware DNREC |

Facilitation team

| Name | Affiliation |
|-----------------|------------------------------|
| Patrick Field | Consensus Building Institute |
| Rebecca Gilbert | Consensus Building Institute |

Members of the public (including designated alternates not sitting in for RAC members)

| Name | Affiliation |
|--|------------------------------|
| David DeCaro | Chesapeake Utilities |
| Simeon Hahn | NOAA |
| Stephanie Herron | Sierra Club |
| Douglas Janiec | Sovereign Consulting, Inc. |
| Kenneth Kristl | Widener Environmental Clinic |
| Paul Morrill | The Committee of 100 |
| Mary Peck (Designated Alternate for Brenna Goggin) | Delaware Nature Society |
| Angelique Rodriguez | Delaware LECET |
| Martin Willis | Self |
| Mark Wolanski (Designated Alternate for S. Douglas Hokuf, Jr.) | New Castle County |

APPENDIX B: ADDITIONAL COMMENTS AND QUESTIONS ON KEY ISSUES PROVIDED BY RAC MEMBERS

Note: This appendix lists comments and questions RAC members provided to DNREC on “sticky notes” during a group brainstorming exercise used in the RAC Scope of Work: Key Issues meeting session.

General

- Questions related to enforcement – is a separate enforcement section/group needed?
- Define by industry “small business”.

Economic effect

- Should DNREC use different metrics for projects of different scales or should it use a common scale? Small-scale projects – possibly in an industrial park – may be viable but may require different metrics and external resources to address contamination present. The state may want to consider if it wants to allow different-sized businesses to apply for CPs. These regulations should be applicable to a range of business.
- Where could these regulations include incentives as well as mandates? Any incentives, however, should be carefully vetted to ensure the state receives a good return on its funds.
- Should DNREC require information from permit applicants on:
 - Wage rates in addition to the number of jobs a new project will generate?
 - The number of Delaware residents employed by a project and if the company is recruiting at Delaware vocational schools?
 - Potential ancillary benefits of these projects (e.g., access to the river, trails, solar installations)?
 - Property value appreciation and implications for the tax base?
 - Economic effect under different scenarios?
- I would like to see calculations of the impact of a project on: construction jobs, full-time jobs, any spin-off jobs from a facility, and revenue to state of Delaware.
- Economic impact of a project: self-reporting versus review of payroll and the 1099s of project.
- Does the economic plan allow for bonus points if an expansion of staff were to occur?
- Maximum jobs.
- Facility life cycle (how many years?)
- Community improvement; good neighbor; employees local to uplift the state, neighborhoods, schools, non-profits.
- The cost-benefit analysis needs to be at the local (county) level, not just the state.
- Don’t make it an either/or choice of baseline. Compare the economics of the incoming businesses with both current site conditions and peak past manufacturing impact (on the big positive side).
- Percentage of local hire beyond beginning phase.
- Assess the economic impact of pollution – health cost escalation, loss of business.
- Will they have a workforce development plan (e.g., vocational-technical, college or trainings)?
- Include workforce diversification goals.
- Does the state provide incentives in clean-up of sites for small business?

Environmental impact

- DNREC should be looking at the net environmental impact; not all changes would generate an environmental “impact.” There are benefits to cleaning up these 14 sites funded by new money and backed up by a good financial assurance package. The Delaware brownfields matching program has

seen excellent returns but clean up on many of these sites is currently financed by the state. The goal of the legislation was to bring in industry that has the resources to remediate these sites further. The net environmental impacts help DNREC determine the scale of the offset.

- What is the appropriate scale for this calculation to ensure the process to redevelop a site is not overly burdensome?
- Should DNREC require information from permit applicants on the environmental impact under different scenarios?
- Impact to who (people) and what (species, habitat).
- Utilize the Environmental Impact workforce to incorporate guidelines for green business development.
- Environmental impact assessment, due diligence at property transfer: Comprehensive Remedial Investigation/Feasibility Study (RI/FS) of existing soil/groundwater/surface water/sediment to understand type, occurrence, and migration of existing contaminants and to apportion legal and financial responsibility between buyer and seller. It's not good enough to only investigate/sample through the RCRA program.
- Are the environmental impacts considered just for "normal operating" or do they take into account malfunctions? Storms? Power outages?
- How should DNREC factor in risk (new and future conditions)?
- Standards for material(s) to be used?
- Qualifications of bidders (credentials)?
- How does voluntary site clean-up score in comparison to negative environmental impacts?
- What regulations currently cover terrestrial ecology? Any?
- Have a percentage of reduction of negative environmental impact projections with a plan.

Risk evaluation and financial assurance

- What is an appropriate financial assurance requirement that will not turn off potential applicants?
- Put down every crazy worst case scenario so there are none left in anyone's mind. Then group them into like-type groups and evaluate financial assurance by group.
- Get from the risk management and insurance professionals a list of risk "buckets" to set up a framework for discussion and for financial assurance planning/estimating.
- Environmental insurance professionals at big firms could serve as technical resources to the RAC.
- If Delaware is going to open up our CZ and allow heavy industry back into these 14 sites, then incoming companies need to provide financial bonds or other demonstration of financial capability to pay for any leaks, spills or other accidents or impacts so that the state and its citizens do not have to bear these costs.
- Is it possible to be thinking of all possible worst case scenarios and not totally alienate incoming corporations?
- Could long-term assurance be created (for long after the permit expires), such as a pay-in/per year "dues," that could create something like an endowment to fund long-term monitoring and clean-up efforts?
- Should financial assurance include covering not just "the cost of doing business" but also environmental and economic impacts from a catastrophic weather/climate event?

Offsets

- How should DNREC incorporate offset projects for other programs into the CP offset calculation? Should one offset be allowed to satisfy the requirements for two different permits (e.g., county permit, another DNREC permit)?
- Should DNREC require offsets to benefit the people and places that are impacted by a project?
- How should DNREC balance offsets and hurdles to redevelopment?
- Does voluntary site clean-up score any offset points?
- Are the offsets interchangeable?
- Offsets should address community concerns (i.e., traffic).
- Do we only consider offsets for current conditions or should we include conditions that could occur (sea level rise (SLR), storms, land use changes, etc.)?
- If offsets are required from other permits, should those count as offsets from CZCPA? Can that count as “more than offset” then?
- How closely should offsets match impacts?
- Offsets might include wastewater recycling systems to (1) minimize discharge and (2) contain discharge during times of power loss, flooding, storms, etc.
- Incremental remedial/clean-up of soil, groundwater surface water, and sediment (of historic contaminants).
- How can we ensure that offsets are equitable? Direct benefits to impacted communities.
- Should offset applications be evaluated by a board comprised of independent professional experts (e.g., New Castle County has a Resource Protection Area Technical Advisory Committee (RPATAC))?
- Given that offsets need to be annual, should there be a permit expiration and renewal process? Or at the very least should DNREC have the ability to cancel permits that don’t meet offsets?
- Qualifications of bidders (credentials)?
- Do we have to use the word “offsets” for conversion permits? Can we change the word to enhancements or something else?
- Eradication of invasive species and planting and maintenance of native trees and plants.

Sea level rise and coastal storms

- Does DNREC or USEPA have a template for a SLR plan?
- SLR plan: not only for the water’s edge but for all connecting streams and pipes that may be at risk of inundation.
- Who in Delaware has the expertise to write the SLR and coastal storms plan?
- What models of SLR are we using (0.5m, 1m, 1.5m over 100 years)?
- Are storm surges included?
- Are impacts from coastal storms included?
- What is an adequate SLR plan?
- What happens to the plan after the application? Does it need to be updated?
- Does a SLR plan include extreme rain events – 8-9 inches with one storm? Not just looking at rising sea levels but also account for flooding by prolonged storms.

Conversion Permit application process

- The RAC should provide recommendations to DNREC about whether the agency should allow permit application modifications (e.g., a company wants to modify their project’s footprint, a company wants to present an improved financial assurance package). Many permits under the

Resource Conservation and Recovery Act (RCRA) and the National Pollutant Discharge Elimination System (NPDES) allow modifications but Coastal Zone permits do not, even if the change would be environmentally beneficial.

- Should there be a “fast track” application process based on preliminary screening of submitting applications? What would be the criteria and process to fast track?
- How long will the process take from beginning to end?
- Should CPs have an expiration date and/or a decommissioning plan requirement?
- Ask of applicants:
 - Where else have you sought a permit? Did you get it? Were there problems?
 - Credentials of key personnel (i.e., CV, education, experience, honors, awards)
 - Do you have experience building a previous project in the Coastal Zone? Were you successful? Did you encounter problems?
- Are there other models for this permitting program? No, the CZA is unique in the U.S. There are pieces of the CZA, however, that have been implemented elsewhere. DNREC has asked the technical consultants to research models the agency might draw on.
- How can DNREC ensure redevelopment contractors have the right credentials? Engineers and geologists have standardized certifications. DNREC will not be certifying the project bidders; it will be evaluating the applicant’s project.