

Cross-Cutting Issues
Proposals for Regulatory Approaches
For RAC Discussion and Consideration
January 22, 2019

Definition of “Site”

“**Site**” means the physical location on the earth at which a permitted facility operates, or the location where a facility that is the subject of an application will operate. A site may comprise an entire tax parcel or parcels, or part of any tax parcel(s), however, its preliminary boundary shall be defined prior to the issuance of a permit, in the application for a permit, and its final boundary after a permit is granted by the Secretary, in the permit. For nonconforming uses, if a site’s boundary is not defined in a permit, the boundary is the footprint in Appendix B of these regulations.

Definition of “Useful Life”

“**Useful Life**” means the period of time that an applicant or permittee expects to operate a facility that requires a coastal zone conversion permit. The useful life equals thirty (30) years unless the Secretary allows an application for or issues a permit for a different time period.

Permit Amendments and Duration

Duration: 10 years

The Secretary may in his or her discretion issue a permit for a lesser duration and may grant an extension of a permit term for a period of no more than ninety (90) days.

Renewal: Allowed. Application needs to be submitted no fewer than 150 days prior to expiration.

Modification: Allowed. If the Secretary grants a request for modification, only the conditions subject to modification are reopened.

Minor Modification

For administrative changes, without public notice. Administrative changes include: corrections of spelling or grammatical errors, a change in only the name of the owner or operator of a permittee or other administrative matters that do not affect the substantive requirements prescribed by the permit.

Major Modification

Public notice required for a major modification, which affects the substantive requirements prescribed by the permit. A modification of the ownership or operating entity in a permit shall be granted only in the event that the prospective permittee satisfies all the applicable requirements under these regulations.

Permit Monitoring and Reporting Post-Approval

Offsets

Applicant will need to provide a monitoring schedule that describes a process for 3rd party verification of offset project operation and completion.

Financial Assurance

A conversion permittee shall annually, within ten (10) days of the anniversary date of issuance of its permit, submit to the Department evidence that the financial assurance required by the permit is in effect in the amount required by the permit and that the permittee has taken all necessary measures to ensure that the financial assurance will remain in effect throughout the duration of the permit.

Bulk Transfer

Permittee submits annual report (as previously recommended by RAC)

Site Inspections

Access allowed to the site at reasonable times.