

**COASTAL ZONE CONVERSION PERMIT ACT REGULATORY ADVISORY COMMITTEE MEETING #9
FEBRUARY 19, 2019**

APPROVED BY THE CZCPA RAC ON MARCH 12, 2019

Disclaimer: This meeting summary was prepared by the Consensus Building Institute (CBI), a non-profit entity contracted by the Delaware Department of Natural Resources and Environmental Control (DNREC) to facilitate the Coastal Zone Conversion Permit Act (CZCPA) Regulatory Advisory Committee (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 February 19, 2019 meeting, the CZCPA RAC discussed key issues related to its charge to advise DNREC on drafting regulations to implement the CZCPA. The RAC reviewed and approved the meeting summary from its January 22 meeting and made recommendations on three outstanding cross-cutting issues. DNREC staff also updated the RAC on its finalized plans for the Open Houses. The meeting closed with a brief discussion of next steps. The meeting also provided an opportunity for the public to comment on the topics being discussed by the RAC. A list of meeting participants is attached to the end of this summary in Appendix A. Presentation slides are available at de.gov/czcpa.

ACTION ITEMS

Who	What
RAC members	<ul style="list-style-type: none"> • Complete the poll DNREC sends out to indicate availability for a re-scheduled RAC meeting in April. • RSVP for the Open Houses to Ian Yue. • Assist DNREC staff in spreading the word about Open House timing, location, format, and materials.
DNREC/DOJ	<ul style="list-style-type: none"> • Post all presentation slides, background materials, and the approved January 22 meeting summary to the CZCPA RAC webpage at de.gov/czcpa. • Prepare all approved recommendations for transmittal to the Secretary from the Chair. • Distribute draft February 19 meeting summary to RAC for review (will finalize at March 12 meeting). • With CBI, develop draft agenda for March 12 meeting.
CBI	<ul style="list-style-type: none"> • Prepare draft meeting summary. • Prepare draft Open House summary.

UPCOMING MEETINGS AND EVENTS

Event	Date	Venue
Open House	Monday, February 25, 2019, 5:00-8:00pm	Claymont Community Center, 3301 Green St, Claymont, DE 19703
Open House	Tuesday February 26, 2019, 5:00-8:00pm	Delaware City Fire Hall, 815 5 th Street, Delaware City, DE 19706
Open House	Wednesday February 27, 2019, 5:00-8:00pm	Elbert-Palmer Elementary School, 1210 Lobdell Street, Wilmington, DE 19801
RAC Meeting #10	Tuesday, March 12, 2019, 9:00am-5:00pm	Buena Vista Conference Center (Buck Library), 661 S. DuPont Hwy, New Castle, DE 19720

RAC Meeting #11	April 16, 2019, 9:00am-5:00pm	Buena Vista Conference Center (Buck Library), 661 S. DuPont Hwy, New Castle, DE 19720
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The most detailed and up-to-date information on upcoming CZCPA meetings and events is posted on the Delaware Public Meeting Calendar at <https://de.gov/czcpcameetings>.

DISCUSSION

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

RAC Business

The January 22 meeting summary was approved by the RAC with no changes.

Cross-Cutting Issues: Recommendation Development Phase

Presentation

Andrea Kreiner, DNREC, reiterated the cross-cutting issues raised at the January 22 meeting for which there were no RAC recommendations made (see Appendix B¹). DNREC then presented options for the RAC to consider, available at de.gov/czcpcparac, for the following issues:

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

Discussion

RAC members discussed these three issues. The comments below are from RAC members unless otherwise specified:

On the definition of “project site”

- Have any of the 14 owners of the parcels opted into the CZCPA or was this just put upon them? Have they consented to this or did the Act force them to take part?
 - DNREC Response: If site owners do not want to participate, they do not have to. They only fall under these regulations if they want to add a new bulk product transfer facility or heavy industry use (HIU). The permit application is an affirmative action by an applicant.
 - It is fair to say that some of the owners of some of the sites were keenly interested as the legislation went forward. Not sure I understand what it would mean to “opt in” as the statute is not designed to do that.
- I am opposed to subdividing any of the 14 HIU sites.
 - DNREC Response: There is nothing in the statute or other state law that currently prohibits the 14 parcels from subdividing.

On permit monitoring and reporting post-approval

- The financial assurance options look consistent with what we’ve talked about. We should note that financial assurers (e.g., insurance companies) may check-in and update the financial assurance on different timescales depending on the instrument.
- If we have reporting and verification requirements, do we actually need permit renewals? These requirements make it seem like we are building renewals into the permit.

¹ Appendix B reflects the editing suggestions made during the RAC’s discussions.

- DNREC Response: These requirements are not re-evaluation measures but rather verifications that permittees have what they say they have. The original permit fee is also not going to cover the State's costs of on-going monitoring indefinitely so there are practical matters to consider with respect to what it will cost to administer the program.
- With respect to bulk product transfer (BPT), when a permittee submits an annual report, will this be a streamlined process?
 - DNREC Response: The annual report is checking in on compliance. It is expected that a BPT report would be a streamlined process. If there are no changes, it should be a form to fill out and send to DNREC illustrating that they have been in compliance.
- I'm worried about the lack of environmental controls in place right now. It is upsetting to see monitoring not being attended to currently.
 - DNREC Response: The monitoring plans for the operation you are concerned about do not fall under this program. A Coastal Zone Act (CZA) permit is the initial permit, and, once granted, there are other permits that will follow. This program has control of offsets for new uses, not the emissions, which would be under the purview of either the Division of Water or Division of Air Quality. The issues you are raising are important but not something these regulations can address.
- Looking at historical information, and noting capacity issues: Do you feel comfortable with DNREC's capacity to do monitoring and verification? It seems like DNREC's regimen for doing site reviews is not robust or aggressive enough. Can we address this more stringently?
 - DNREC Response: We will be hiring another staff member soon and will have two additional full-time staff fully dedicated to the CZA program. DNREC does not expect an application on every one of the 14 sites and certainly not all at once. DNREC is comfortable with capacity levels to implement this program. However, if we find that we need more staff, we will request more.
- There seems to be a softness in the proposed language with regards to offsets, in particular, on health impacts. You can retroactively address environmental impacts through offsets, but you cannot retroactively address the fact that people may have gotten ill from emissions.
 - DNREC Response: When someone applies for a conversion permit, we ask the permittee to note the full scope of impacts: emissions, spills, malfunctions, etc. This information is run by other DNREC Divisions (e.g., Division of Air Quality, Division of Water) to see if the permittee's stated impact values seem right. The process to determine impacts is thorough. Ultimately, under a conversion permit, the CZA program will have purview over offsets, but emissions are the purview of other DNREC Divisions. Those Divisions do look at emissions on a regular basis and can address issues there. What we can focus on is making sure the offset is as local as possible, benefitting the affected community while also addressing the impact.
 - Facilitator Clarification: What is the ability to change an offset to adhere to concerns a community may raise after the fact?
 - DNREC Response: Once a permit has been issued, unless impacts change, offsets will be as they were permitted. Thus, the value of a limited permit duration is to provide a periodic review and reset.
- RAC members expressed concern over the language and scope of "reasonable times" to access a site for inspection.
 - DNREC Response: The language here is meant to convey that DNREC will not be requesting access to the site at unreasonable times for site inspection purposes. We

should note that DNREC does have broader statutory authority to access a site at any time for emergency response purposes.

On permit duration, renewal, and revocation

Permit Duration

Prior to open discussion, DNREC and the DOJ offered some general commentary on the decision-making process behind the three permit duration options presented to the RAC. The options were: 1) Permit duration of 15 or 20 years; 2) Permit duration equal to the “Useful Life,” as defined by the RAC’s preliminary recommendation (30 years, unless otherwise determined by the DNREC Secretary); 3) Permit duration at the discretion of the Secretary, with parameters (e.g., “not less than five years nor more than twenty years”).

- DNREC Comment: We’ve revisited existing CZA permits and have found that the original permits don’t always line up with current conditions. Also, while the CZA does have characteristics of a land use permit, there are also other requirements from the statute that are environmental in nature (e.g., offsets, financial assurance). Conversion permits will likely address very large facilities that will be in place for a while, so we feel it doesn’t make sense for permits to be issued once and remain in place for perpetuity. There may be changing conditions over time, such as sea level rise, what happens around a site, or changes in financial assurances.

The corresponding RAC discussion followed:

- The challenge here is that a conversion permit is a hybrid of a building and construction permit (or a zoning approval), for which approval is forever, and an approval of operations, which requires review over time. We should keep these two characteristics in mind when deciding on permit duration. Also, air permits, while shorter in duration, still allow for continuous operations. The more certainty there is for a renewal process, the more comfort applicants will have with permit durations of certain time periods.
 - DOJ Response: Permit renewals in the CZA program do not currently exist. However, related renewal provisions for other permits tend to be simple and predictable if there is no significant change at the end of a permit term. If there are no anticipated changes, the renewal process should go smoothly, unless there have been violations or changes. It is impossible to give complete assurance that renewal will be automatic. Nonetheless, for good corporate citizens who have been diligent with their permits, renewal is more than likely.
 - DNREC Response: Permit amendments (addressed at the last RAC meeting) are also relevant here. In addition, we should note that unknowns in the permit process will necessitate evaluation. For example, an offset may need to be looked at to see if it is doing its job.
- What are the air and water permit durations?
 - DNREC Response: Air is five years, but permit renewal is streamlined to be continuous if there are not any changes. Water permit renewals are structured similarly.

Permit Renewal

- Could DNREC provide clarification on renewal and what it would involve? I would assume and hope this would be a straightforward process, if not much in the site operations has changed.
 - DNREC Response: The thought process is that permit renewal would be more streamlined. We would look at things like previous compliance. DNREC would verify whether operations were as indicated by the permittee and that permit conditions were followed. If this is the case, the permit would likely be renewed under the same terms.

- DNREC would not be evaluating whether or not the operation can exist because that would have already been determined in the initial permit application.
- We ought to specify what the renewal term should be. If looking at a 20-year initial term, 10-year renewal strikes me as reasonable, as it ties into sea level rise (SLR) planning.
 - DNREC Response: It seems to make sense that renewal would be for the same period of time as the initial permit. Though, of course, the renewed permit duration may need to be adjusted, given that the original permit duration accounts for time to prepare the site and construct the facility before operations begin.
 - RAC Members expressed contrasting views on the use of the word “streamlined” when discussing the parameters for renewal. Some felt that it implied a deficit of rigor in the process while others expressed that it indicated an efficient process, with the notion that permittees in good standing would not be slowed down.
 - DNREC Response: For the purpose of the recommendation, DNREC will acquiesce to whatever wording the RAC is comfortable with recommending. The overall point of this language is that it would allow for renewals to be processed more smoothly if the renewal does not raise issues and if the permittee is operating as indicated in the original permit.
 - I’m concerned about changes in production processes or operations being put into the renewal category. The scope of these revisions should possibly trigger a new permit application, not just a streamlined permit renewal.
 - I think we are overcomplicating things. Renewal processes should always be streamlined and looking back on historical changes, particularly those that would not warrant any kind of amendment. For major changes, the applicant will likely need to make major modifications via permit amendment.
 - I can think of several scenarios in which a permittee goes in for permit renewal and comes up against an issue that keeps them from getting their permit renewed within the 150-day timeline. Is there allowance for the DNREC Secretary to issue a temporary, conditional, or probationary permit in these types of situations? Also, could there be a scenario in which DNREC does not respond to a permit renewal request within the 150-day timeframe?
 - DNREC Response: The permit continues during the renewal process, as long as the process has been *started*. DNREC may need to consider looking at this, as we are unsure this stipulation is covered by other regulatory language.
 - Is there a reason for proposing a renewal timeframe of 150 days before permit expiration vs. 180 days? It seems like six months or 180 days is a more standard time period.
 - DNREC Response: The idea behind 150 days was simply to give DNREC enough time to process a permit renewal application and not get into a situation where we run out of time. We have no problem with a 180-day timeframe.

Permit Revocation

Prior to open discussion, DNREC presented three options on permit revocation for RAC discussion. They were as follows:

1. The Secretary could revoke a permit fully at his discretion.
2. The Secretary may revoke a permit for non-compliance with terms or conditions, or due to permit violations.
3. The Secretary may revoke a permit for egregious violations, such as:
 - a. A lapse in financial assurance,
 - b. Failure to complete or maintain an offset,

- c. Denial of access by the Department to the permitted site or records related to or required to be kept by a permittee,
- d. Making any false statement, representation or certification in an application, record, report, plan or other document filed or required to be maintained by the permit, or
- e. Other

Corresponding RAC discussion followed:

- In the original CZA, the DNREC Secretary could revoke the grandfathered status of the 14 sites. Does this authority still exist? I wanted to confirm.
 - DNREC Response: We assume this to be the case, as this condition was not taken out with the amendments to the CZA.
- History denotes that Option 3 is usually what revocation represents, though egregious may be too strong of a word
 - DNREC Response: We could replace “egregious” with “repeated” or “significant”.

Decisions

The RAC reached near consensus (with one dissenting vote) on the following recommendation:

- **Preliminary Recommendation regarding Definition of “Project Site”**
 - “Project Site” means the physical location at which a permitted facility operates or the location where a proposed project, that is the subject of a conversion permit application, will operate. A project site may comprise an entire tax parcel, or parcels, or part(s) 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, shall be defined in the permit. For nonconforming uses, if a project site’s boundary is not defined in a permit, the boundary is the footprint in Appendix B of the Regulations Governing Delaware’s Coastal Zone.

Furthermore, the RAC came to consensus and made recommendations on the following issues:

- **Preliminary Recommendation regarding Permit Monitoring and Reporting Post-Approval**
 - For Offsets: Applicant should provide a monitoring schedule that describes a process for 3rd party verification of offset project operation and completion.
 - For Financial Assurance: A conversion permittee should annually, within ten (10) days of the anniversary date of issuance of its permit, submit to DNREC 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.
 - For Bulk Product Transfer: The permittee should submit an annual report (as previously recommended by the RAC).
 - For Site Inspections: DNREC access should be allowed to the site at reasonable times and on a regular basis, with reasonable times generally meaning operating hours.
 - For Site Plans for Sea Level Rise and Coastal Storm Impacts: At least every 10 years, the permittee should update their Sea Level Rise and Coastal Storm Plan for the project site.
- **Preliminary Recommendation regarding Permit Duration**
 - Conversion permit duration (both for the initial permit and any renewed permit) should be 20 years.
- **Preliminary Recommendation regarding Permit Renewal**
 - Conversion permit renewal should be allowed. The application for permit renewal should be submitted no fewer than 180 days prior to expiration. So long as there is a timely

- renewal application, the permit should continue until the renewal application is acted upon by DNREC.
- The renewal process should be streamlined, as compared to the original application, and focused on offsets, financial assurance, and sea level rise and coastal storm planning and should take into account the applicant's compliance record. The RAC recommends that, all things being equal, there is the presumption that the permit would be renewed.
 - **Preliminary Recommendation regarding Permit Revocation:**
 - The Secretary may revoke a permit for significant or repeated violations, such as:
 - a lapse in financial assurance;
 - failure to complete or maintain an offset;
 - denial of DNREC access to the permitted site or to records related to (or required to be kept by) a permittee;
 - making any false statement, representation, or certification in an application, record, report, plan, or other document filed (or required to be maintained by) the permit; or
 - other.

Community Outreach and Public Engagement Update

Ian Yue (DNREC) provided an update on DNREC's community engagement activities for the conversion permit regulatory development process. Per the recommendation of the RAC at the January 22 meeting, three Open Houses will be held in February 2019 from 5pm to 8pm: one in Claymont, one Delaware City, and one in Wilmington. Ian reiterated that the goal of these Open Houses is to provide opportunities for members of the public to engage with the topics the RAC has been discussing and deliberating and give feedback on the RAC's preliminary recommendations. The Open Houses will include an overview presentation of the process, now in video form (per the recommendation of the RAC), as well as information stations staffed by DNREC employees. The information stations will contain details on the overall regulatory development process and the RAC's preliminary recommendations. DNREC also added an information station for cross-cutting issues. During and after the Open Houses, the public will be able to provide focused, written feedback that can inform future RAC discussions and recommendations. Feedback gathered during earlier community meetings was used to inform the materials and presentations that will be used at the Open Houses.

Ian reviewed DNREC's Open House outreach efforts to date, which have included: distribution of public notices and press releases; emails to our coastal zone listserv, press outlets, community groups, and legislators who have one (or more) of the 14 sites in their districts; and, per the RAC's recommendation, the creation of Facebook events for each Open House. RAC members were encouraged to attend the Open Houses and assist DNREC staff in pre-Open House outreach efforts.

DNREC posted all of the Open House materials (including the video presentation, informational posters, and paper handouts) on a dedicated web page on the DNREC website:

<https://dnrec.alpha.delaware.gov/coastal-zone-act/conversion-permits/open-houses/>

RAC members had the following questions:

- Did you reach out to all the members of the Work Groups regarding the Open Houses?
 - DNREC Response: We will make sure that all Work Group members are notified.
- What about the people who participated in the 2017 public workshops on the CZCPA? Have they been notified of these Open House?
 - DNREC Response: They are captured in the CZA program listserv. Everyone who

attended these public workshops were asked to join the listserv to receive further alerts and updates on the regulatory development process.

- Has the Delaware Prosperity Partnership been informed?
 - DNREC Response: DNREC has been working with the Division of Small Business on issues related to the CZCPA and regulation development.

Next Steps

Patrick Field (CBI) reviewed the next steps in the RAC process and action items (listed on page 1). The Open Houses will be held February 25-27, and the next RAC meeting will be held on March 12, 2019. At that meeting, subject to feedback given by the public at the Open Houses, the goal is for the RAC to finalize recommendations to DNREC. Between March and April, the RAC final report will be written and will summarize the process as well as detail the final recommendations. Additionally, DNREC has been working on drafting regulations based on the RAC's preliminary recommendations. DNREC also indicated that they met with the Coastal Zone Industrial Control Board (CZICB) about the Board's role in the regulation development process. The CZICB was open to the idea of holding a joint public hearing with DNREC on the draft regulations and then meeting publicly again (perhaps the same day) to hold a vote on the draft regulations. DNREC also noted that this public hearing (and others, if scheduled), along with public comments received, could result in DNREC making changes to the draft regulations. DNREC hopes to be able share draft regulations at the April RAC meeting.

Per the request of the RAC, the April meeting will be rescheduled to maximize attendance of RAC members.

Public Comment

Donald Frisco (Private Citizen):

- I wanted to speak on the recent incidents at Croda and the PBF Refinery. I have lived in New Castle County since 1959 and have seen a lot of industrial disasters. Therefore, I am an opponent of the changes to the Coastal Zone Act. That aside, you have taken a lot of the wind out of my sails for some of the comments I planned to make this morning because of the comprehensive nature of your deliberations here. Based on a Delaware News Journal article I read, the General Chemical site up in Claymont had its first interested parties organized into an LLC. LLCs have emerged as "get out of jail free" cards because, let's face it, all of these sites with problems were foisted upon us [the Delaware public] by well-funded, long-term companies. Now we are opening up the ballpark for someone who is an entrepreneur. I would really like the RAC to pay attention to the financial assurance language you use because I do not want to end up having to put taxpayer dollars into the hands of a fly-by-night organization that will pollute the environment, and then require state and federal money for cleanup. We need to pay extreme caution to the financial assurance clauses you present to the Secretary because therein lies an open playing field, and I do not want to see it abused by people who are not suited to buy, develop, and operate these particular sites.

Vincent Ascione (Delaware Building and Construction Trades Council and IUOE Local #542):

- One year ago, I worked on two superfund sites in Delaware. I have a question regarding the revocation clause: I did not see anything in reference to safety for personnel and surrounding residents. I know this is hypothetical, but preparation is crucial, and standard operating procedures for safety-on-site plans should be in place. First responders respond to emergencies in the middle of the night. There are federal laws also that also play into this Committee's concerns.

I think that being out there and repairing these sites so that pollutants do not leak down, taking damaged areas and revitalizing them with new projects, is a good thing. The RAC seems to be doing good work. Preparation to protect everyone in the area is good for the economy. Safety is key, especially for people working at these new businesses, who are closest to the products being produced.

Adjournment

The RAC Chair, Justice Randy J. Holland, adjourned the RAC at approximately 11:30 am.

APPENDIX A: PARTICIPANT LIST

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

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.
Larry Lambert	Claymont Renaissance Development Corporation
Tim Lucas (Designated Alternate for Herb Inden)	City of Wilmington
James Maravelias	AFL-CIO
Jerry Medd	Pilots’ Association for the Bay and River Delaware
Joshua Moody (Designated Alternate for Jennifer Adkins)	Partnership for Delaware Estuary
Jeffrey Richardson	Imani Energy
Robert Whetzel	Richards, Layton & Finger
Delores Whildin	Resident of Claymont
Marian Young	BrightFields, Inc.

DNREC staff and other state employees

Sierra Davis	Delaware DNREC
Dirk Durstein	Delaware DOJ
Judy Jordan	Delaware DNREC
Andrea Kreiner	Delaware DNREC
Bob Scarborough	Delaware DNREC
Jameson Tweedie	Delaware DOJ
Ian Yue	Delaware DNREC

Facilitation team

Patrick Field	Consensus Building Institute
Sofia Soto Reyes	Consensus Building Institute

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

Vincent Ascione	Delaware Building and Construction Trades Council and IUOE Local #542
Matthew Brill	Self
Donald Frisco	Delaware Resident
Tom Godlewski	Delaware City Refinery
Ivone P. Marvel	Delaware Resident
Mary Peck (Designated Alternate for Brenna Goggin)	Delaware Nature Society
Angelique Rodriguez	Delaware LECET
Mike Teichman	Parkowski, Guerke & Swayze

APPENDIX B: RAC PRELIMINARY RECOMMENDATIONS ON CROSS-CUTTING ISSUES DISCUSSED AT THE FEBRUARY RAC MEETING

Preliminary Recommendation regarding Definition of “Site”

“Project Site” means the physical location at which a permitted facility operates or the location where a proposed project, that is the subject of a conversion permit application, will operate. A project site may comprise an entire tax parcel, or parcels, or part(s) 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, shall be defined in the permit. For nonconforming uses, if a project site’s boundary is not defined in a permit, the boundary is the footprint in Appendix B of the Regulations Governing Delaware’s Coastal Zone.

Preliminary Recommendation regarding Permit Duration

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Preliminary Recommendation regarding Permit Renewal

Conversion permit renewal should be allowed. The application for permit renewal should be submitted no fewer than 180 days prior to expiration. So long as there is a timely renewal application, the permit should continue until the renewal application is acted upon by DNREC.

The renewal process should be streamlined, as compared to the original application, and focused on offsets, financial assurance, and sea level rise and coastal storm planning and should take into account the applicant’s compliance record. The RAC recommends that, all things being equal, there is the presumption that the permit would be renewed.

Preliminary Recommendation regarding Permit Revocation

The Secretary may revoke a permit for significant or repeated violations, such as:

- a lapse in financial assurance;
- failure to complete or maintain an offset;
- denial of DNREC access to the permitted site or to records related to (or required to be kept by) a permittee;
- making any false statement, representation, or certification in an application, record, report, plan, or other document filed (or required to be maintained by) the permit; or
- other.

Preliminary Recommendation regarding Permit Monitoring and Reporting Post-Approval

For Offsets: Applicant should provide a monitoring schedule that describes a process for 3rd party verification of offset project operation and completion.

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For Bulk Product Transfer: The permittee should submit an annual report (as previously recommended by RAC)

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

For Site Plans for Sea Level Rise and Coastal Storm Impacts: At least every 10 years, the permittee should update their Sea Level Rise and Coastal Storm Plan for the project site.