



APPROVED BY ALM

DATE 9/28/17

START ACTION NOTICE # 2017-17

1. TYPE OF ACTION:

Amend 7 DE Admin. Code 101, *Regulations Governing Delaware's Coastal Zone*.

2. PURPOSE OF ACTION:

On August 2, 2017, Governor John Carney signed into law House Bill 190, the Coastal Zone Conversion Permit Act. This Act established a procedure to allow for the productive reuse of the 14 existing sites of heavy industry use within the coastal zone. Specifically, the Act allows for the issuance of a Conversion Permit that would allow for the construction and operation of an alternative or additional heavy industry use at any of 14 existing heavy industry use sites in the Coastal Zone. It also allows for the issuance of a Conversion Permit for bulk transfer of products produced within or destined for a facility within the Coastal Zone, and for the bulk transfer of agricultural products without regard to origin or destination. Prior to the signing of this bill, all heavy industry and bulk product transfer activities not in operation in 1971 were prohibited in the state's Coastal Zone.

The Act directs the Department of Natural Resources and Environmental Control (DNREC) to promulgate revised Regulations Governing Delaware's Coastal Zone consistent with the Act by October 1, 2019. New regulations must also be approved by the Coastal Zone Industrial Control Board, after a hearing, pursuant to 7 Del.C. §7005(b) and (c).

To comply with this requirement, the Office of the Secretary (OTS) is proposing to amend 7 DE Admin. Code 101, *Regulations Governing Delaware's Coastal Zone*, to be consistent with House Bill 190, the Coastal Zone Conversion Permit Act (81 Del. Laws Ch. 120).

3. STATUTORY BASIS:

7 Del.C. Chapter 70, Coastal Zone Act

4. IS THIS PROPOSED REGULATORY ACTION REQUIRED AS A RESULT OF FEDERAL STATUTE OR REGULATION? IF SO, PROVIDE LINK TO FEDERAL MANDATE.

No

5. DATE OF MOST RECENT REVIEW/AMENDMENT:

(Please indicate if review was pursuant to EO-36 OR HB 147)

Date of last amendment: October 1, 2001

6. LIKELY AFFECTED PUBLIC:

Revised regulations will apply to anyone seeking to develop a heavy industrial use or conduct bulk product transfer on any of the 14 existing sites of heavy industry use within the Coastal Zone, as well as members of the public potentially affected by such facilities.

7. PROPOSED SCHEDULE OF ACTIVITIES:

Stakeholder Interviews:	October – November, 2017
Regulatory Advisory Committee Meetings:	December, 2017 – completion
Public Workshops:	March, 2018 (multiple locations) September, 2018 (multiple locations)
Public Hearing:	January, 2019
Effective Date:	October 1, 2019, as required by HB 190

8. REVIEW COMMITTEE:


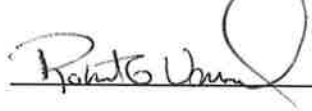
A Regulatory Advisory Committee will be formed to assist the OTS with drafting the revised regulations. The Advisory Committee will also provide recommendations and feedback to the OTS regarding the public outreach and engagement efforts. All Regulatory Advisory Committee meetings will be posted on the state's Public Meeting Calendar and a website and list-serv will be established to help ensure an open and transparent regulatory development process.

9. RESPONSIBLE STAFF MEMBER:

(name, physical address, phone and fax numbers, and e-mail address)

Kevin F. Coyle, AICP CEP  
Division of Energy and Climate  
100 W. Water Street, Suite 5A  
Dover, DE 19904  
Phone: 302-735-3480  
Fax: 302-739-1840  
[Kevin.Coyle@state.de.us](mailto:Kevin.Coyle@state.de.us)

10. APPROVALS:

	
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Kevin Coyle	Robert Underwood
Responsible Staff Member	Acting Director
	Division of Energy and Climate
Date	Date
28 SEP 17	9-28-17

(Rev. March 2017)