

**In The Matter Of:**

*DNREC*

---

*Coastal Zone Permit Application*

*July 16, 2019*

---

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DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL  
OF THE STATE OF DELAWARE

RE: Coastal Zone Permit Application: )  
Veolia North America Regeneration )  
Services, LLC - Red Lion Facility )  
Public Hearing )

.. . . . .

DNREC  
391 Lukens Drive  
New Castle, Delaware 19720

Tuesday, July 16, 2019  
6:00 p.m.

.. . . . .

BEFORE: Lisa Vest, Hearing Officer

-- Transcript of Proceedings --

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1 MS. VEST: I want to thank  
2 everybody for coming this evening. We are  
3 going to go ahead and begin these  
4 proceedings.

5 Thank you for taking your time out  
6 of your busy schedules to be here. The date  
7 is Tuesday, July 16, 2019, and this is the  
8 public hearing to provide a formal platform  
9 for DNREC to receive public comment on the  
10 pending Coastal Zone permit application of  
11 Veolia -- am I saying that properly?

12 MR. BARTLETT: Yes.

13 MS. VEST: -- Veolia North America  
14 Regeneration Services, LLC, for its Red Lion  
15 facility.

16 For those of you who may not know  
17 me, my name is Lisa Vest. And DNREC  
18 Secretary Garvin has assigned me to be the  
19 hearing officer for tonight's proceedings.

20 If anybody possibly missed it,  
21 there are some sign-up sheets when you come  
22 in. I would ask if you would sign in on the  
23 sign-in sheets if you haven't already done  
24 so.



1           Those persons wishing to offer  
2 formal comment for the record will be given  
3 an opportunity to do so following the brief  
4 presentations to be given by both DNREC and  
5 the applicant this evening.

6           Even if you do not wish to offer  
7 comment, it's important that we have a record  
8 of who is here tonight. So thanks again in  
9 advance if you have not already done that.

10           With regard to the comments wishing  
11 to be offered at tonight's hearing, there  
12 are, as is the case for all of our hearings,  
13 formal protocols which must be adhered to for  
14 the evening.

15           Please be advised of the following  
16 rules which are in place for tonight's  
17 meeting:

18           Consistent with all of our public  
19 hearings held by DNREC, all comment received  
20 must be limited solely to the subject matter  
21 of tonight's hearing, which, again, is  
22 Veolia's Coastal Zone application currently  
23 pending before the Department at this time.

24           As is DNREC's policy at all formal



1           hearings such as this, each person wishing to  
2           offer comment tonight is asked to do so in as  
3           precise a manner as possible.

4                     In order to treat everyone equally,  
5           each person will be granted a total of three  
6           minutes of time in which to offer comment.

7                     For the record, there is no  
8           yielding of time from one commenter to  
9           another, again to ensure fairness and quality  
10          for each person offering comment.

11                    Consistent with DNREC's policy at  
12          its hearings and pursuant to current Delaware  
13          law, all persons wishing to offer verbal  
14          comment tonight at the public hearing must be  
15          physically present in order to be recognized.

16                    Any commenter who is physically  
17          present here at tonight's hearing will be  
18          permitted to read into the record any written  
19          comments they have brought.

20                    There is only one authentic record  
21          of this formal proceeding tonight, and it is  
22          the official court reporter's written  
23          transcript. She will be preparing a verbatim  
24          transcript of all testimony given at



1           tonight's hearing.

2                     Please remember that she can only  
3 hear and accurately describe one voice at a  
4 time.

5                     If there are any members of the  
6 media or news here -- I don't believe they  
7 are -- but you are certainly not prohibited  
8 from audio or visual recording of this  
9 matter.

10                    We do ask, however, that any  
11 equipment being used to record is done in  
12 such a way that is unobtrusive and does not  
13 interfere with the ability of others to see  
14 and hear tonight's matter.

15                    Whether listening or speaking, we  
16 do ask that everyone here tonight be  
17 respectful and considerate of all comment  
18 offered with regards to this pending permit  
19 application, even though some comment may, in  
20 fact, be different in opinion from your own.

21                    At this time I would also ask that  
22 all cell phones either be muted or turned off  
23 for the duration of time so as to avoid any  
24 disruption.



1           The statutory purpose of tonight's  
2 proceeding is to allow citizens to offer  
3 comment on this permit application of Veolia.

4           A record consisting of the  
5 transcript of verbal comments given tonight  
6 and the written comments that may have been  
7 received by e-mail, all exhibits, and  
8 ultimately the Hearing Officer's Report, will  
9 thoroughly be reviewed by DNREC prior to any  
10 decision being made in this matter.

11           Myself and other DNREC staff  
12 members are present to facilitate public  
13 comment but not to participate in these  
14 proceedings.

15           Also, there is no Q and A session  
16 permitted during the course of tonight's  
17 hearing.

18           Lastly, it is very important to  
19 note on the record that no decision has been  
20 made, nor will any decision be made tonight,  
21 with regard to this pending application.

22           Again, the purpose of tonight's  
23 hearing is to provide a formal platform for  
24 the public to come and offer comment



1 specifically related to this permit  
2 application and for such comment to be  
3 formally incorporated into the hearing record  
4 being generated in this matter.

5 That being said, we are going to  
6 begin with the Department that has a brief  
7 presentation about how we got here tonight  
8 and how the application has been handled  
9 administratively.

10 We also will have a presentation  
11 made by the applicant, Veolia. And following  
12 that, we will then open the floor to comment.

13 That being said, I will turn the  
14 floor over to you, Department staff.

15 MS. JORDAN: Thank you, Lisa.

16 Good evening. My name is Judy  
17 Jordan. I am the Coastal Zone Program  
18 Manager for the Department of Natural  
19 Resources and Environmental Control.

20 As Lisa mentioned, the purpose of  
21 the hearing tonight is to present and request  
22 public comments on the Veolia application for  
23 a Coastal Zone permit.

24 The applicant currently operates a



1 sulfuric acid regeneration facility at this  
2 location, which I'm going to get up and show  
3 you and point here. This location here.

4 (Pointing) It is on property that's leased  
5 from the Delaware City Refinery.

6 That site is a non-conforming use  
7 under the Coastal Zone Act. And the facility  
8 currently has a CZA permit -- it's number  
9 406 -- which was originally issued to DuPont  
10 in 2003. It was transferred to Veolia in  
11 2016.

12 The permit contains a maximum  
13 production limit of 550 tons per day.

14 Veolia is seeking to increase  
15 production to 750 tons per day.

16 The permit actually contains a  
17 production limit of 550 tons per day. And  
18 there is no opportunity to modify that permit  
19 under the Coastal Zone Act; so the only way  
20 that an increase in production can be  
21 permitted under the regulations is for a new  
22 permit to be issued.

23 If the permit weren't issued by the  
24 Secretary, then the current permit still



1 remains in effect. They would still be able  
2 to continue production at the current limits.

3 Again, as Lisa mentioned, the  
4 purpose right now is just to obtain public  
5 comments on the application, and no decision  
6 has been made yet.

7 The permit application was  
8 submitted to the Department and posted on  
9 April 28, 2019.

10 The facility is requesting this  
11 increased production without altering the  
12 physical plant. The increase would be  
13 accomplished with existing equipment.

14 Since no construction is requested,  
15 there would be no disturbance of soil,  
16 wetlands, flora or fauna, or aesthetics as a  
17 result of this project.

18 The project would not result in  
19 land or water pollution, and solid waste  
20 would continue to be disposed of in  
21 accordance with the regulations.

22 There would be an environmental  
23 impact in the form of increased air  
24 emissions.



1                   This table shows the air emissions  
2                   that would result from the project. And if  
3                   the permit were granted, these emissions  
4                   would have to be offset.

5                   Veolia proposes to offset the  
6                   increased air emissions with emission  
7                   reduction credits from Formosa Plastics  
8                   Corporation. Formosa submitted a request for  
9                   certification, and the Department's Division  
10                  of Air Quality certified the request for  
11                  credits.

12                  The Department considers the  
13                  application to be administratively complete.  
14                  It has been posted for public comment.

15                  And based on our assessment and  
16                  review of the public comments we receive, the  
17                  Secretary will make a decision whether to  
18                  issue or deny the permit.

19                  At this time I would like to offer  
20                  a number of exhibits.

21                  MS. VEST: Proceed.

22                  MS. JORDAN: The first is the  
23                  application for the Coastal Zone Act permit.

24                  Exhibit 2 is the letter application



1 from Formosa Plastics to Angela Marconi of  
2 the Division of Air Quality. (Handing) I'm  
3 sorry. That's the wrong thing. There you  
4 go.

5 Exhibit Number 3 is a notice of  
6 publication announcing the receipt of the  
7 Coastal Zone permit application. This is  
8 with the News Journal.

9 Exhibit 4, notice of publication  
10 with Delaware State News.

11 Exhibit 5, copy of the public  
12 notice that was e-mailed to the list of  
13 interested parties for Coastal Zone issues.

14 Exhibit 6, e-mail from Jason Sunde  
15 to Judy Jordan stating that no comments --  
16 they have no comments on the application from  
17 the Solid and Hazardous Waste Management  
18 Section.

19 Exhibit 7 is a letter from Angela  
20 Marconi of the Division of Air Quality to  
21 Formosa Plastics Corporation certifying  
22 emission reduction credits.

23 Exhibit 8 is an addendum from  
24 Veolia. It's a revised Table 5.3 to the



1 permit application.

2 Exhibit 9 is a notice of  
3 publication announcing this public hearing in  
4 the News Journal.

5 Exhibit 10 is the same announcement  
6 in the Delaware State News.

7 Exhibit 11, copy of the public  
8 notice e-mailed to the list of interested  
9 parties for Coastal Zone issues.

10 Twelve is a notice of public  
11 hearing as it appeared on DNREC's website on  
12 June 23, 2019.

13 Exhibit 13, notice of public  
14 hearing as it appeared on the Delaware Public  
15 Meeting Calendar, June 24, 2019.

16 Exhibit 14, the Secretary's  
17 Assessment Report signed on June 30, 2019.

18 And, finally, a copy of the Power  
19 Point presentation that I just made.

20 That concludes the Department's  
21 presentation.

22 MS. VEST: Okay. Thank you, Judy.

23 Let the record reflect that Department  
24 Exhibits 1 through 15, as identified just now



1 by responsible staff, are hereby entered into  
2 the formal hearing record.

3 Is the applicant ready to do their  
4 presentation?

5 MR. FRATTARELLI: Okay. So good  
6 evening, everyone. Welcome, and thank you  
7 for coming tonight.

8 My name is Dan Frattarelli. I'm  
9 the plant manager at the Veolia Red Lion  
10 facilities.

11 I want to give just a brief  
12 overview and background. Actually, Judy  
13 covered a lot of background about the Red  
14 Lion facility itself.

15 I would like to give a little bit  
16 of background and then ask the rest of the  
17 team to come up and give a presentation on  
18 the details of the application, itself.

19 Starting off, I would like to  
20 introduce the folks who are here with me. So  
21 from Veolia we have Ed Bartlett. Ed  
22 Bartlett, raise your hand.

23 Denise Kopco, Matt Farmer, Sally  
24 Darling.



1                   And then also with me as some  
2 consultants that worked on the application  
3 for us, from AECOM we have Scott Anderson and  
4 Marjorie Zeff.

5                   And from Fox Rothschild we have  
6 Courtney Emerson and Sharon Morgan.

7                   So the Red Lion facility is a spent  
8 sulfuric acid regeneration facility. We take  
9 spent acid, regenerate it into fresh acid,  
10 and then sell that to our customers.

11                  We are a 24/7 operation around the  
12 clock with a continuous process.

13                  And Veolia has been the operator of  
14 the facility since 2016.

15                  In addition to that, I just want to  
16 talk about our shipping. We bring product  
17 into and out of the facility, product and  
18 materials into and out of the facility. We  
19 have the capability to ship by rail, by  
20 truck, and by pipeline.

21                  So a lot of the other things I was  
22 going to talk about, Judy already mentioned,  
23 so I won't.

24                  So at this point I will turn it



1 over to Sharon to talk a little bit more in  
2 detail about our application.

3 MS. MORGAN: Good evening,  
4 everyone. My name is Sharon Morgan. I'm  
5 with Fox Rothschild, and I represent Veolia  
6 in connection with this application.

7 And, again, we will probably touch  
8 upon some of the things that Judy has already  
9 covered.

10 So Veolia is currently operating  
11 under an existing Coastal Zone permit that  
12 was issued in 2003.

13 This isn't a construction project.  
14 It does not involve building anything or  
15 adding equipment.

16 The plant was designed and built to  
17 accommodate the proposed throughput.

18 The reason we are here is because  
19 there is no procedure for modifying the  
20 existing permit to increase the production  
21 limit.

22 Veolia seeks to increase the  
23 maximum throughput from 550 tons to 750 tons  
24 per day.



1           Again, no new construction, no new  
2           equipment, no new uses or processes.

3           The plant was designed and built to  
4           accommodate the daily production limit  
5           increase. That's the basis for our  
6           application.

7           Here is a different map, but we put  
8           this here to give everybody a sense of where  
9           the facility is located, which is indicated  
10          by the star there in the middle.

11          To the east, to the right of the  
12          star, is the Delaware River.

13          To the west, to the left, you have  
14          Route 1 and Route 13.

15          Down on the right-hand corner is  
16          Delaware City outlined in black line.

17          And then the facility, itself, is  
18          outside of the city limits in New Castle  
19          County.

20          And to give you a sense of the  
21          scale of this, there is a one-mile legend up  
22          on the screen, as well.

23          Here is another view of the plant,  
24          which you can see the top of the screen on



1 top, the image there, a little bit north of  
2 the Delaware City Refinery, off to the right  
3 there.

4 And then this image also reflects  
5 Formosa Plastics, which is the, you know,  
6 part of our offset proposal, which Judy  
7 touched upon and which we will discuss a  
8 little bit more.

9 And, again, to give you a sense of  
10 the distances here, the distance legend is up  
11 there on the left-hand corner.

12 Veolia undertook some outreach  
13 efforts with the community in connection with  
14 this application. And Marjorie Zeff from  
15 AECOM will be telling us about that.

16 MS. ZEFF: Thank you, Sharon.

17 We solicited community feedback  
18 before we filed our application and during  
19 the application process.

20 The parties we reached out to  
21 include those listed on this slide.

22 We reached out to Delaware City as  
23 a neighboring municipality.

24 As stated earlier, the facility is



1 located in New Castle County outside the  
2 limits of Delaware City.

3 The comments we received were  
4 focused on how the project will affect land  
5 use and also air emissions.

6 We have explained that the proposed  
7 project does not involve any new development  
8 or the addition of any new equipment. We  
9 also explained that the resulting air  
10 emissions will remain at or within the  
11 current existing air quality permit  
12 emissions, emission limits.

13 We received one question about the  
14 potential for increasing trucking and the  
15 rail shipments. And we explained that this  
16 was possible, but that the impact would be  
17 minimum.

18 The maximum potential increase is  
19 estimated to be three additional trucks per  
20 day and one additional railcar to the  
21 existing rail line per day.

22 MS. MORGAN: DNREC's Secretary  
23 signed an assessment on June 30, 2019,  
24 finding Veolia's application to be



1           administratively complete and sufficient to  
2           proceeding to public hearing.

3                       It addressed the six factors that  
4           are up on the screen. And these factors are  
5           also addressed in Veolia's application which  
6           has been made part of the record, and Judy  
7           also did a nice job of touching upon them.

8                       Because the facility was designed  
9           and built to accommodate the proposed  
10          production limit increase, the only  
11          environmental impact at issue here is air  
12          quality.

13                      The forecasted increased emissions  
14          still fall within Veolia's Title 5 air  
15          permit, and our application proposes a  
16          project to more than offset these emissions.  
17          And we will discuss that in more detail  
18          shortly.

19                      The other environmental impacts  
20          categories that are up on the screen aren't  
21          affected.

22                      Further, there is no supporting  
23          facility requirement, no affect on aesthetics  
24          on neighboring land uses. And the project is



1 compatible with the comprehensive plan.

2 Regarding economic affects, the  
3 benefit of this project is the increased  
4 efficiency of the plant and process.

5 In short, once approved, Red Lion  
6 will be able to regenerate more spent acid  
7 and sulfur material.

8 This translates to minimizing the  
9 use of natural resources.

10 It translates to adding stability  
11 of the current employee positions by reducing  
12 the need for a customer having to buy new  
13 material from other sources.

14 This slide shows the emissions  
15 forecasted as part of the project and  
16 compares them to actual emissions from the  
17 facility in 2017. And that's the first  
18 column after constituent.

19 And it also compares them to limits  
20 of Veolia's Title 5 permit, which was just  
21 renewed on June 3, 2019 on the existing  
22 limits.

23 So the limits in the right-hand  
24 column remain unchanged.



1                   As you can see, the forecasted  
2                   emissions fall within the Title 5 permit  
3                   limits.

4                   Note that the forecasted emissions  
5                   is at the highest estimate. It's based upon  
6                   750 tons per day production, 365 days a year.

7                   Because of the forecasted emissions  
8                   associated with the project, the Coastal Zone  
9                   Program guidelines call for those emissions  
10                  to be offset at a ratio of 1.3 to 1.

11                  Following that guideline, Veolia is proposing  
12                  to provide roughly 30 percent more than our  
13                  forecasted maximum capability.

14                  The second column in the chart  
15                  that's up on the screen depicts the  
16                  forecasted emission increases for each of the  
17                  listed constituents.

18                  And the column to the right sets  
19                  forth the 1.3 to 1 calculation of each  
20                  constituent, which totals 41.13 tons per  
21                  year.

22                  Veolia's proposed offset is more  
23                  than the 41. It's rounded up to 42 tons per  
24                  year.



1                   We note that, because we are using  
2                   the highest estimate, we are, in turn,  
3                   providing -- proposing to provide a higher  
4                   number of offsets.

5                   Through agreement between Veolia  
6                   and Formosa, an application was filed on  
7                   April 15th of this year by Formosa Plastics  
8                   Corporation with DNREC's Division of Air  
9                   Quality to certify emission reductions  
10                  resulting from Formosa's September 2018  
11                  shutdown of its facility in Delaware City.

12                  And by letter of May 24th of this  
13                  year from the Division of Air Quality, DNREC  
14                  certified emission reduction credits for VOCs  
15                  and for NOx.

16                  And you can see those first two  
17                  constituents, VOC and NOx, they are on the  
18                  first two lines of the chart that's up on the  
19                  screen.

20                  The Division of Air Quality does  
21                  not require air emission offsets for the  
22                  other constituents that are listed in this  
23                  chart, but the Coastal Zone Program requires  
24                  applicants to more than offset these other



1 air emissions.

2 The offsetting emissions being  
3 acquired from the retiring Formosa facility  
4 are more than enough to meet the 1.3 to 1  
5 ratio, more than offset standard of the  
6 Coastal Zone Program.

7 Per the Secretary Assessment, the  
8 Division of Air Quality has agreed to track  
9 all of the emissions and the Coastal Zone  
10 Program offsets to make sure that they are  
11 properly credited and eliminated.

12 And at this point I would like to  
13 move for five exhibits onto the record.

14 MS. VEST: Proceed.

15 MS. MORGAN: Exhibit 1 is the  
16 April 15, 2019 Formosa Plastics' application  
17 to certification of emission reduction.

18 Exhibit Number 2 is a May 24, 2019  
19 DNREC letter certifying the ERCs.

20 Exhibit Number 3 is a June 3, 2019  
21 DNREC approval of Veolia's Title 5 permit  
22 renewal.

23 And Exhibit Number 4 is the June 3,  
24 2019 DNREC final operating permit under 7



1 Delaware Administrative Code 1130.

2 Exhibit Number 5 is a hard copy of  
3 the Power Point presentation that I have just  
4 presented. (Handing)

5 MS. VEST: Is this the same thing  
6 that I have?

7 MS. MORGAN: You have it?

8 MS. VEST: I am good.

9 MS. MORGAN: You have the --

10 MS. VEST: I have the Power Point,  
11 yes. Does that conclude the applicant's  
12 comments -- or presentation, rather?

13 MS. MORGAN: It does.

14 MS. VEST: Thank you. Let the  
15 record reflect that Exhibits 1 through 5  
16 identified just now by the applicant are  
17 formally entered into the hearing record as  
18 such identified. And thank you for that  
19 presentation.

20 At this point I am going to go  
21 ahead and open the floor for comment. I'm  
22 just going to be going in the order as people  
23 signed in. Marjorie Zeff?

24 MS. ZEFF: That's me.



1 MS. VEST: That was you. Okay. I  
2 just wanted to make sure.

3 Martin Willis, you are up, sir.

4 MR. WILLIS: My name is Martin  
5 Willis. I live in New Castle, Delaware.

6 I think the Secretary should  
7 approve Veolia's Red Lion Coastal Zone permit  
8 application. But I do have some criticism.

9 I don't like the offset proposal of  
10 Veolia taking Formosa's emissions reduction  
11 because of the September 18th shutdown of  
12 that plant.

13 I totally understand that even with  
14 the increased production from 550 pounds  
15 per -- tons per day to 750 tons per day, the  
16 Red Lion plant will still be under its Title  
17 5 permit limits.

18 But in reading the Red Lion permit  
19 application, the emissions calculations for  
20 the emission point two, the process air  
21 heater, the operation hours for 2017 were a  
22 total of 5,563 hours over a period of 246  
23 days of operation.

24 With the forecast of operation



1 going to increase to 550 tons per day to  
2 750 tons, the process air heater would now be  
3 in operation 365 days for 8,200 hours of  
4 operation.

5 The daily emissions of sulfuric  
6 acid mist will increase daily by 46 percent.  
7 And its NOx emissions will also daily  
8 increase by the same, 46 percent.

9 The reason I'm concerned about the  
10 process air heater is twofold.

11 Number one, the air heater has been  
12 used for only eight months out of the year.  
13 Now, with the new emission control -- with no  
14 new emission controls or any refitting, it  
15 will run year round.

16 How long do we realistically  
17 believe that a process equipment 15 years  
18 running will be able to handle the increase  
19 and be reliable?

20 Second, Formosa, according to  
21 Veolia's application, had no recorded  
22 emissions of sulfuric acid mist, so how will  
23 that be offset?

24 Now, the reason I bring up Veolia's



1 NOx emissions is because in Attachment C of  
2 the application, supporting calculations for  
3 increased production by 750 tons per day, at  
4 the bottom, Table 352 is the following,  
5 quote: Note the calculated 750 tons per day,  
6 360 tons five days per year, is 28 tons per  
7 year of NOx.

8 Red Lion's Title 5 permit is for a  
9 total of 22 tons per year for only a 12-month  
10 period as required by the current Title 5 air  
11 permit.

12 I would like to know, with no new  
13 equipment and the Title 5 permit limits of  
14 22 tons, how will you subtract those twenty  
15 -- that 6-ton limit?

16 Again, my question is with the  
17 Formosa plant, what would your plan be for an  
18 offset? If Formosa had not shut down its  
19 operations, what would have been your Plan B?

20 Also, I don't like the fact that  
21 the Department is going to allow a facility  
22 to use a plant that's closed down.

23 Within months, we will have DP&L  
24 come up, and their Coastal Zone Act



1 application will be submitted.

2 Will they use Oxy Chemical's plant  
3 being shut down or the nearby facilities  
4 around Edgemoor?

5 Will they use DuPont's Edgemoor  
6 plant as being shut down?

7 And then, after we open this  
8 Pandora's box of allowing places to use  
9 abandoned facilities, will Sunoco use the  
10 Citisteel and General Chemical's abandonment  
11 as their offset proposal? Thank you.

12 MS. VEST: Thank you, Mr. Willis.  
13 Mark Martell? He left? All right. Well, is  
14 there anybody out in the hallway?

15 DNREC OFFICER: No.

16 MS. VEST: Let the record reflect  
17 that Mr. Martell signed in from the Audubon  
18 Society, said he wished to speak, but he  
19 appears to have left.

20 So, that being the case, I don't  
21 think he will be able to make his comment.

22 Is there anyone else other than  
23 Mr. Willis and Mr. Martell, who apparently is  
24 no longer here, that wishes to offer any



1 additional comment on the record?

2 That being the case, I want to  
3 thank both the Department and the applicant  
4 for their presentations.

5 The exhibits have been  
6 appropriately marked.

7 At this point I do want to make one  
8 slight note within the record.

9 Pursuant to Delaware law, the DNREC  
10 Secretary has 90 days from the date of the  
11 Secretary's Assessment Report with which to  
12 make a decision.

13 Part of the exhibit package filed  
14 by the Department was that report which the  
15 Secretary signed and dated on June 30, 2019.

16 So Secretary Garvin will be making  
17 a decision on this matter on or before  
18 September 30, 2019.

19 So there is a bit of a timeline.  
20 And that is not just solely for this matter,  
21 but it is the case with all Coastal Zone  
22 matters.

23 I'm just going to wait a couple  
24 seconds, because I can hear somebody coming



1 back in. All right.

2 MR. MARTELL: Mark and I will not  
3 be testifying.

4 MS. VEST: Okay. Thank you, sir.  
5 I just want today make sure before I --

6 MR. MARTELL: Yes, we were having a  
7 big powwow.

8 MS. VEST: Okay. Not a problem.  
9 Thank you for coming back.

10 MR. MARTELL: You are welcome.

11 MS. VEST: There being no  
12 additional testimony to be offered tonight,  
13 I'm going to be closing the record for  
14 comment.

15 And, again, the Secretary will make  
16 a decision pursuant to current Delaware law  
17 on or before September 30, 2019.

18 I want to thank everybody for  
19 coming. This meeting is adjourned.

20 (Concluded at 6:33 p.m.)

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CERTIFICATE

I, Lorena J. Hartnett, a Notary Public and Registered Professional Reporter, do hereby certify that the foregoing is an accurate and complete transcription of the proceeding held at the time and place stated herein, and that the said proceeding was recorded by me and then reduced to typewriting under my direction, and constitutes a true record of the testimony given by said witnesses.

I further certify that I am not a relative, employee, or attorney of any of the parties or a relative or employee of either counsel, and that I am in no way interested directly or indirectly in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office on this 18th day of July 2019.



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Lorena J. Hartnett  
Registered Professional Reporter

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