

**In The Matter Of:**

*Department of Natural Resources & Environmental Control  
Coastal Zone Permit Application*

---

*Hearing  
November 19, 2019*

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

RE: Coastal Zone Permit Application, )  
Delaware Storage and Pipeline Company )  
Jet Fuel Additive Project )  
Public Hearing )

.. . . . .

DNREC Richardson & Robbins Building  
89 Kings Highway  
Dover, Delaware 19901

Tuesday, November 19, 2019  
6:00 p.m.

.. . . . .

BEFORE: Theresa Newman, Hearing Officer

-- Transcript of Proceedings --

WILCOX & FETZER  
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1 MS. NEWMAN: It is now 6:00 p.m.,  
2 and we are going to start the hearing.

3 The date is now November 19, 2019,  
4 and we are here this evening to provide a  
5 formal platform for the State of Delaware's  
6 Department of Natural Resources and  
7 Environmental Control to receive public  
8 comment on the pending application submitted  
9 by Delaware Storage and Pipeline Company for  
10 a Coastal Zone permit to allow changes to its  
11 facilities on Port Mahon Road east of Dover.

12 My name is Theresa Newman, and  
13 Secretary Garvin has appointed me to serve as  
14 a hearing officer for tonight's formal  
15 proceeding.

16 If you have not already done so,  
17 please sign in in the back of the room and  
18 indicate whether or not you would like to  
19 submit comment for tonight's hearing.

20 Those persons wishing to provide  
21 formal comment for the record will be given  
22 an opportunity to do so with a brief  
23 presentation -- after a brief presentation  
24 given by both the Department and applicants,



1 and you will be recognized by the hearing  
2 officer accordingly at that time.

3 Even if you do not wish to make  
4 comment, it is important that we have an  
5 accurate record of tonight's attendance, so  
6 please sign in if you haven't already done  
7 so.

8 At the conclusion of the  
9 introductory remarks, I will be turning it  
10 over to Department staff, who will be making  
11 a formal presentation to help everyone  
12 understand the scope of tonight's hearing on  
13 the pending application currently before the  
14 Secretary in this matter.

15 There will also be a brief  
16 presentation from tonight given by the  
17 applicant.

18 Following those presentations, we  
19 will begin to accept comment for the record  
20 for the hearing tonight that we have  
21 indicated, if you desire to do so.

22 The order of the commenters will be  
23 taken directly from the sign-in sheet, and  
24 there will be no particular order.



1 With regards to public comment  
2 wishing to be offered tonight, there are, as  
3 is always, DNREC public hearing formal  
4 protocols which must be adhered to at this  
5 hearing this evening.

6 Please be advised of the following  
7 rules which are in place for tonight's formal  
8 hearing:

9 Consistent with all public hearings  
10 held by DNREC, all comment must be limited  
11 solely to the subject matter of tonight's  
12 hearing, which, again, is the pending  
13 application submitted to the Department,  
14 Division of Climate, Coastal and Energy, by  
15 Delaware Storage and Pipeline Company.

16 Pursuant to the subject matter of  
17 this hearing, all comments pertinent to the  
18 aforementioned application will be  
19 incorporated into the formal hearing  
20 generated in this matter.

21 As is DNREC's formal hearing  
22 policy, each person wishing to offer comment  
23 tonight is asked to do so in a precise  
24 manner.



1           In order to treat everyone equally  
2 tonight, each person will be granted a total  
3 of three minutes of time to offer comment.

4           To facilitate that protocol and to  
5 ensure fairness, there will be a visual timer  
6 in place tonight to help everyone be aware of  
7 their time remaining while commenting.

8           There will be absolutely no  
9 yielding of time from one commenter to  
10 another.

11           If you have already submitted  
12 comment to me via e-mail prior to tonight's  
13 hearing, that information is in the hearing  
14 record.

15           And please keep in mind the time  
16 restraints. It is not necessary to offer the  
17 same comment verbally at this formal  
18 proceeding.

19           Consistent with DNREC policy, at  
20 its public hearing and pursuant to the  
21 current Delaware law, all persons wishing to  
22 offer verbal comment at tonight's hearing  
23 must be physically present tonight in order  
24 to be recognized to offer a comment for



1 inclusion into the hearing record.

2 Any commenter who is physically  
3 present here at tonight's hearing will be  
4 permitted to read into the record the  
5 comments of someone who is absent, provided  
6 that the commenter who is present here  
7 tonight fully identifies the absent person by  
8 their name at the time such comment is  
9 offered.

10 In that instance, the speaker who  
11 is physically present here will only be given  
12 three minutes total to provide comment.

13 No one will be granted additional  
14 time to their own views after verbally  
15 entering the remarks of someone else into the  
16 record.

17 There is only one authenticated  
18 record of this formal proceeding tonight, and  
19 it is the official court reporter's verbatim  
20 transcript.

21 Please remember that a verbatim  
22 transcript is being created to memorialize  
23 tonight's formal hearing by the court  
24 reporter.





1           She can only hear and accurately  
2 transcribe one voice at a time. In order to  
3 ensure accuracy of this transcript, please do  
4 not speak while another person speaking, and  
5 do not call out from the audience for any  
6 reason.

7           Whether listening or speaking, we  
8 ask that everyone be respectful and  
9 considerate of all comment offered tonight,  
10 even though some comment may differ in  
11 opinion from your own.

12           Additionally, I would like to ask  
13 that all cell phones be muted and turned off  
14 for the duration of the proceeding as to  
15 avoid any disruption in the hearing.

16           The statutory purpose of tonight's  
17 hearing is to allow citizens to offer comment  
18 on the pending permit application request  
19 from Delaware Storage and Pipeline Company.

20           And the record, consisting of the  
21 transcript of verbatim comments given  
22 tonight, all written comments, all exhibits,  
23 and my report will be reviewed by the  
24 Secretary.



1           The Secretary will ultimately issue  
2           an order following that review process  
3           containing his decision on the application  
4           and the reasons therefore.

5           Myself and other DNREC staff  
6           members are present to facilitate public  
7           comment, not to participate in the  
8           proceedings.

9           There will be no question and  
10          answer session permitted during the course of  
11          tonight's formal proceeding.

12          Lastly, it's important to note that  
13          no decision has already been made by the  
14          Department, nor will any decision be made  
15          tonight with regard to the permit application  
16          submitted to the Department by the applicant.

17          So, with that being said, I will  
18          hand it over to you, Erin.

19          MS. WILSON: Good evening, ladies  
20          and gentlemen. My name is Erin Wilson. I'm  
21          an environmental scientist in the Division of  
22          Climate, Coastal, and Energy with the  
23          Department of Natural Resources and  
24          Environmental Control.



1           The purpose of tonight's hearing is  
2           to review the Delaware Storage and Pipeline  
3           Company (DSPC) application for a Coastal Zone  
4           permit to construct a storage building and a  
5           horizontal tank and undergo a process change  
6           in jet chemicals and jet fuels supplied to  
7           the Dover Air Force Base at its facility at  
8           987 Port Mahon Road east of Dover.

9           DSPC is a facility that was in  
10          operation on June 28, 1971, and was  
11          grandfathered into the Coastal Zone Act, the  
12          CZA.

13          There are no existing CZA permits  
14          for this facility.

15          DSPC submitted a request for status  
16          decision in July of 2018 to determine if a  
17          CZA permit would be necessary for the  
18          proposed activity. And the Secretary  
19          determined in October of 2019 that it would.

20          DSPC submitted an initial  
21          application for a CZA permit in May 2019.  
22          However, the CZA program requested more  
23          information regarding staff abilities to  
24          carry out the new process on site and further



1 justification of the offset proposal.

2 DSPC submitted a FOIA request for  
3 confidentiality to keep certain site  
4 operations' documentation private on  
5 October 9, 2019 for the purpose of national  
6 security and submitted a revised application  
7 and offset proposal on October 15, 2019.

8 The Secretary approved the request  
9 for confidentiality and declared the  
10 application administratively complete on  
11 October 25, 2019.

12 The application was noticed and  
13 made available for public comment on  
14 October 30, 2019.

15 The CZA program reviewed the  
16 impacts of the proposed activity and found  
17 that the chemicals proposed to be blended on  
18 site are the same chemicals that are present  
19 in the jet fuel currently delivered, and they  
20 are regulated to meet North Atlantic Treaty  
21 organization standards.

22 Additionally, the proposed  
23 construction would add less than 5,000 square  
24 feet of impervious surface with negligible



1 impacts to stormwater runoff.

2 The proposed activity would  
3 generate approximately 3.68 pounds per year  
4 of air emissions from the icing inhibitor  
5 additive and increased truck activity within  
6 the Coastal Zone.

7 The regulations governing  
8 Delaware's Coastal Zone require an  
9 application for a Coastal Zone Act permit, to  
10 include an offset proposal for any activity  
11 that could result in any negative  
12 environmental impacts to the Coastal Zone.

13 The offset proposal must more than  
14 offset the negative environmental impacts  
15 associated with the proposed project.

16 As its offset proposal, DSPC is  
17 proposing a \$1,000 donation to Kent County  
18 Conservancy for a land conservation in the  
19 Coastal Zone in Kent County.

20 DSPC did a study which estimated an  
21 average of 103.9 pounds per acre of relevant  
22 pollutants that are removed by forests  
23 annually. And recent easements in Kent  
24 County to preserve forestland average a value



1 of \$3,583.40 per acre.

2 Therefore, the donation could be  
3 used to acquire 0.28 acres of forestland and  
4 result in the removal of approximately  
5 29 pounds of air pollutants annually, thereby  
6 more than offsetting the facility's negative  
7 environmental impact.

8 We are here tonight to solicit  
9 public comment on the DSPC CZA permit  
10 application.

11 No decision on the permit  
12 application will be made tonight.

13 The secretary of DNREC will make a  
14 decision once the record has been closed and  
15 reviewed.

16 I would now like to read in a list  
17 of DNREC exhibits.

18 Exhibit 1: FOIA request for  
19 confidentiality dated and received October 9,  
20 2019 and DNREC's approval.

21 Exhibit 2: Application for Coastal  
22 Zone Act, CZA, permit dated and received  
23 October 15, 2019.

24 Exhibit 3: Secretary's Assessment



1 Report dated October 17th and signed  
2 October 25, 2019.

3 Exhibit 4: Public notice  
4 announcing the public hearing and receipt and  
5 availability of the CZA permit application  
6 from the News Journal dated October 30, 2019.

7 Exhibit 5: Public notice  
8 announcing the public hearing and receipt and  
9 availability of the CZA permit application  
10 from the Delaware State News, dated  
11 October 30, 2019.

12 Exhibit 6: Public notice  
13 announcing the public hearing and receipt and  
14 availability of the CZA permit application as  
15 e-mailed to a list of interested parties for  
16 Coastal Zone issues, dated October 30, 2019.

17 Exhibit 7: Notice of the public  
18 hearing as it appeared on DNREC's website on  
19 October 30, 2019.

20 Exhibit 8: Notice of public  
21 hearing as it appeared on the Delaware Public  
22 Meeting Calendar on October 30, 2019.

23 And Exhibit 9: The Power Point  
24 presentation given by myself, Erin Wilson, at



1 the hearing on November 19, 2019.

2 MS. NEWMAN: Thank you. For the  
3 record, I would like to mark Department  
4 Exhibits 1 through 9 as identified by the  
5 Department staff, Erin Wilson.

6 Is that all you have, Erin, for  
7 your presentation?

8 MS. WILSON: Yes. That concludes  
9 DNREC's reading of the list of exhibits,  
10 Madam Hearing Officer.

11 MS. NEWMAN: For Delaware Storage  
12 and Pipeline, who will be presenting?

13 MR. DENAULT: Charles Denault.

14 MS. NEWMAN: Charles, if would you  
15 like to begin your presentation, you may.

16 MR. DENAULT: I need glasses for  
17 this.

18 My name is Charles Denault. I'm  
19 the president of Delaware Storage and  
20 Pipeline Company.

21 I am here to present for Delaware  
22 Storage and Pipeline our application to the  
23 Coastal Zone permit and share a little bit  
24 about us.





1                   We have been supplying jet fuel to  
2                   the Dover Air Force Base since 1960. The jet  
3                   fuel is delivered to the facility by barge at  
4                   a dock at Port Mahon, and then is transferred  
5                   to the terminal by pipeline, where it is  
6                   stored in above-ground tanks, and then it is  
7                   transferred by pipeline to Dover Air Force  
8                   Base.

9                   The Department of Defense, who we  
10                  work for, is now requiring both facilities to  
11                  supply jet fuel to develop capability to  
12                  introduce additives.

13                 Presently -- or not presently --  
14                 yes, presently at this facility we receive  
15                 what's called JP8, which is the NATO jet  
16                 fuel, additized at a different location, and  
17                 it comes to us by on barge with the additives  
18                 in it.

19                 The government, to increase their  
20                 supply chain, would like to be able to buy  
21                 Jet A, which is a commercial-grade jet fuel,  
22                 and put the additives in at the facility.  
23                 This would allow them to buy the jet fuel  
24                 pretty much on the open market.



1                   We would need to be able to  
2                   introduce the icing inhibitor,  
3                   anti-statication, and corrosion inhibitor.

4                   To do this, we would need a  
5                   12,000-gallon tank for the what's called  
6                   FSII, is the anti-icing inhibitor.

7                   We would need two small tanks for  
8                   the corrosion inhibitor and the anti-static  
9                   agent.

10                  We would like to put the 250-gallon  
11                  small tanks in a building, because it just  
12                  keeps them out of the weather, it's easier  
13                  for the people to work with it, and, you  
14                  know, it just provides a more manageable  
15                  environment.

16                  The 12,000-gallon tank, even though  
17                  it will be placed inside the dike area, we  
18                  have gone with a double-wall tank, because we  
19                  just, from an environmental safety  
20                  standpoint, that's a standard that we have  
21                  applied for these applications.

22                  We will have, in addition to a very  
23                  small building and the tank, we are going to  
24                  have about 3,885 square feet of impervious



1 surface, which would give us the tank pad and  
2 also a little apron around the building and  
3 in front of the building.

4 The additives are injected. It's a  
5 gravity-fed system. The totes are actually  
6 placed slightly higher than the pipelines at  
7 the terminal.

8 If you notice on this tank, which  
9 is at a sister facility, it's got that high  
10 base; so it's, again, it's a little bit  
11 higher than the pipelines that are nearby.  
12 And everything is gravity-fed. There is no  
13 pipe -- there is no pumps in this system.

14 The injection is done through a  
15 device that is made exactly for this purpose.  
16 It is powered by the fuel going through it.

17 So, as the barge is pumping off, it  
18 turns a venturi inside of the meter -- or  
19 the -- it creates basically a liquid pump,  
20 and then that injects the different additives  
21 at the exact rate it needs to be injected at.

22 This is a building that is very  
23 similar to the one we would like to build.  
24 And these are what I mentioned, 250-gallon



1           totes. This is exactly what they are.

2                     Air emissions is estimated to be  
3           1.23 pounds per year from the ice inhibitor  
4           tank filling.

5                     The exhaust emissions from delivery  
6           trucks is expected to be approximately  
7           2.46 pounds, with the total annual air  
8           emissions estimated at 3.69 pounds.

9                     Stormwater, we are adding the 3,885  
10          square feet of impervious surface, but we  
11          will be managing it on site, and it will  
12          infiltrate on site. It will not be  
13          discharged or collected.

14                    We will be distributing less than  
15          5,000 square feet, and expect to have  
16          absolutely minimum any waste from this  
17          process.

18                    And that's my report.

19                    MS. NEWMAN: Okay. Great. Do you  
20          have a copy of your presentation that you  
21          would like to enter into the record?

22                    MR. DENAULT: I do. As an exhibit,  
23          I have a Delaware Storage and Pipeline  
24          Company Jet Fuel Additive Project, Coastal



1 Zone Permit Application. (Handing)

2 MS. NEWMAN: Great. Thank you.

3 MR. DENAULT: Thank you.

4 MS. NEWMAN: Please let the record  
5 reflect Applicant's Exhibit 1 as provided by  
6 the applicant.

7 Is there anything else?

8 MR. DENAULT: And that is it for  
9 me. I don't know how to shut this off, so I  
10 will leave it to you.

11 MS. NEWMAN: That's okay.

12 As the applicant has no further  
13 comments they wish to make, I will now open  
14 the floor up to public comment by calling on  
15 those individuals who have signed in.

16 I have one member of the audience  
17 that I recognize. So, Mr. Willis, do you  
18 have a comment that you would like to  
19 provide?

20 MR. WILLIS: Um, no, I'm good.

21 MS. NEWMAN: No? Okay. Is there  
22 anything else you would like to add?

23 MS. WILSON: No.

24 MS. NEWMAN: No public comment. We



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will go ahead, and we will close out the  
record at 6:19. Thank you.

(The proceedings were concluded at 6:19  
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 26th day of November 2019.



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Lorena J. Hartnett  
Registered Professional Reporter

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