

Hello Mrs Lisa Vest Public Hearing Officer

Mrs. Vest, my name is Martin C. Willis and I reside in New Castle, Delaware. Ms. Vest I wish to express in writing my personal comments, recommendations, rejections and perceptive on the proposed amendments to the Regulations Governing Delaware Coastal Zone

Mrs. Vest, as a result of carefully reading the entire Draft Regulations, attending whenever possible Regulatory Advisory Committee meeting and workshops. And my participation in Off-set working group. I have to admit the proposed amendments are plausible, sensible and valid. With that said please do not take my analysis of the Draft Regulation as nitpicking.

looking for small unimportant errors in order to criticize the unnecessarily

Mrs. Vest in Section 3.0

Definitions the propose amendments put forward for consideration are 13 New Definitions and the installation of the definition Catastrophic Incident is unconditionally unsuitable or appropriate for the Regulations Governing Delaware's Coastal Zone Ms Vest the definition Catastrophic Incident as found in the Draft Regulations appear as the following

Catastrophic Incident: means any occurrence that causes an unplanned shut down or process upset that causes an unplanned release of a "hazardous substance" as defined in the "Comprehensive Environmental Response

Compensation and Liability Act
Section 101(14), or hydrocarbon
whether the occurrence is natural,
such as extreme weather, or resulting
from human action, such as error
terrorism, vandalism or other causes

Mrs. Vest from my point of view
the definition of Catastrophic Incident
does it even fit the criteria to be
included in the eventual final Regulations
Governing Delaware's Coastal Zone
Because in the entire Draft of the
Proposed Regulations the only
Machiavellian insertion that I could
find is on page 2 Section 3.0
Definitions. Nowhere, not in or
any place else in the 27 pages
of the Draft Regulations is there
any indication, mention or reference
to "Catastrophic Incident"

Mrs. Vest, what is the basis

for keeping the "Catastrophic Incident" definition in the final edition of the Regulations. What argument or thesis can be put forward to prove that such a inflammatory definition should stay when there is no instance or anything alluding to a "Catastrophic Incident" in the proposed Draft Regulation. Mrs Vest I like to put in the record for consideration the definition "Catastrophic Incident" be expunge from Section 3.0 Definitions

Mrs Vest, I also could only find the word Exposed (which has a new definition) only in Section 3.0 Definitions on page 3 in the Draft of the Proposed Regulation. Because of this fact Exposed and therefore it Definitions should also be delete from the final edition

The phrase "Environmental Damage" only appears once (outside section 3.0 Definitions) in Section 8.4.4.1.1 on page 8 of the Draft Regulations. The word Pollution doesn't appear (outside Section 3.0 Definitions) at all anywhere in the proposed amendments. Ironically the word Pollutant appears 6 times once in Section 8.4.4.1.2, once in Section 9.1.3, three in Section 9.1.5 and once in Section 9.2.10. Mrs Vest in my humble opinion Pollutant should have a Definition in Section 3.0 instead of Pollution.

Mrs Vest, I honestly think there should be a review & formal assessment of all of the 13 New Definitions with scrutiny placed on "Environmental Damage" "Pollution" and the complete elimination of the Definitions "Catastrophic Incident" & "Exposed".

Moving on to Section 4.0 Prohibited Uses

Section 4.1.6: A heavy industry use at a location that is not within the footprint of a non-conforming use as depicted in Appendix B of these regulations

Mrs. Vest Appendix B in the propose Draft Regulation has to update and not use any of the outdated Aerial photos or business entity names from May 11, 1999. Almost all of the Aerial pictures of the 14 footprint has change in the last 20 years and by my count 8 of 14 go under a different business name. I truly understand it may not be possible to update any of the Aerial photographs before Oct 1, 2019. But Corde for example should be not label as Unigems

And The Delaware City Refinery
should be label in Appendix B
instead of Star Enterprise

Mrs Vest forward to Section 5.0
Uses not Regulated

Section 5.1.10: Bulk product
transfer operations at dock
facilities owned by the Diamond
State Port Corp. (DSPC) or its
successors or acquired by
the DSPC or its successor at any
time in the future and which are
located within the Port of Wilmington
as shown in Appendix B

Mrs Vest, the final Regulations
should acknowledge that the time
in the future is right now and The
Gulftainer Corp has acquire the
exclusive rights to operate and

develop the Port of Wilmington for the next 50 years and Section 5.1.10 should include this fact now and in the future

Section 6.0

Uses Requiring a Permit

Section 6.1.1: The construction of pipelines or docking facilities serving as offshore bulk product transfer facilities if such facilities serve only one on shore manufacturing or other facility. To be permissible under these regulations the materials transferred through the pipeline or docking facilities must be used as a raw material in the manufacture of other products or must be finished being transported for delivery

Miss. Vest, to me this is the

most consequential proposal that I would like to advocate and publicly recommend. And that is to remove the words "Only One" from Section 6.1.1. Mrs Vest not to be overcritical or trivial but the provision of serve "Only One" on any on-shore manufacturing or other facility is limiting and putting handcuffs on any modern day pipeline or docking facilities. The whole exercise of asking for public comment on the proposed amendments to the Draft Regulations is to maybe find a fresh perspective with creative thinking. Mrs. Vest, in my humble opinion to remove the "Only One" hurdle from Section 6.1.1 will be significant, compelling and most of all effective. Why restrict and set the limit to "Only One" why in 2019 tie the hands of anyone wanting to convert one of the half dozen Abandoned Industrial Brownfield

that litter Delaware's Coastal Zone

Mrs. Vast in Section 8.0

Permitting there is no practical
rhyme or reason for Section 8.2.2

Section 8.2.2: An assessment
of the project potential impact
on the Coastal Zone environmental
goals and indicators are made
publicly available. Coastal Zone
environmental goals and indicators
may be developed by the Department
after promulgation of these
regulations and used for assessing
applications and determining the
long-term environmental quality
of the Coastal Zone. In the absence
of goals and indicators, applicants
must meet all other requirements
of this section

Mrs. Vast, with all due respect

- There will never be any Coastal Zone environmental goals and indicators

Mrs. Vest all one has to do is forward the Draft Regulations Appendix "C" DNREC Guidance for Implementation of the Regulations Governing Delaware's Coastal Zone. Section 3.0

Environmental Goals and Indicators is totally withdrawn and replace with the propose amendment Revisions under the Coastal Zone Conversion Permit Act and Mrs. Vest Appendix "C" Section 3.4 is the following in "new" proposed amendment to the Regulations Governing Delaware's Coastal Zone

Section 3.4

In 1999 the Department and its advisors intended to use environmental indicators yet to

be developed, to guide the identification and evaluation of environmental offsets.

However after the Environmental Indicator Technical Advisory Comm.tee deliberated the members concluded that the resources needed to launch and operate an indicators program would exceed those available to the Department. The General Assembly was silent on the issue of indicators in the CZCPA. The majority of references to indicators have therefore been removed from this guidance although some provision remain in the regulations and this guidance in case the resources become available and the Secretary chooses to resume developing the program in the future

Mrs. Vest, if you look again

to Section 8.2.2 it's inception begins with the following "An assessment of the project potential impact on the Coastal Zone environmental goals and indicators" and ends with "In the absence of goals and indicators applicants must meet all other requirements of this section".

Mrs. Vest how can anyone make a assessment when the Draft of the Proposed Regulations doesn't have any goals or indicators. Therefore base on Section 8.2.2 own account and Appendix C. Section 3.4. Anyone would arrive at a judgment by reasoning there is no need to include the propose amendment Section 8.2.2 in the final edition of The Regulations Governing Delaware Coastal Zone

Mrs. Vest the omission of

In state local hiring in the propose amendment Section 8.3.1 is a oversight that need to be correct and rectify

Section 8.3.1

An Economic Effects Analysis shall be submitted with the permit application and shall contain, at a minimum, an analysis of each of the following elements for the proposed project

Section 8.3.1.1

The number of jobs created, their classification as part time or full time and temporary or permanent and their wages and salaries

Section 8.3.1.2

The amount of tax revenues that will accrue to state and local government of the proposed Project, including property, gross

receipts, personal and any others

Mrs Vest basically all that asking for can be found in Section 8.3.2.5 (For Conversion Permits)

A description of any local hiring or purchasing preferences investments in community benefit agreements work force development or educational programs that the applicant has implemented

Mrs. Vest I believe that Section 8.3.1 should have language that is straight forward and easy to understand for example? What is the estimate cost of the proposed on site construction. Roughly calculated what will be the number of local hire on site construction jobs. And what is the approximate length of construction

The economic consideration and scrutiny found in Section 8.3.2.5 for Conversion permits should be apply for every Coastal Zone Act Permit. Not just the sporadically used Coastal Zone Act Conversion Permits. My Community has seen far too many on site construction jobs come into Delaware's Coastal Zone and not experience any of economic benefits.

Section 8.6 Permits

Section 8.6.1. Permits Duration

Any permit granted under these regulations shall be issue for no longer than 20 years. The Secretary may in his or her discretion issue a permit for lesser duration and may grant an extension of a permit term for a period of no more than 180 days.

pg 17
Ms Vest, I like to propose that all Coastal Zone Permits be a specific and fixed duration of 20 years. NO alternative or substitutes. Please keep all Coastal Zone Act Permits the same and standard

Section 8.6.3.1

Minor Modification The Secretary may modify a permit without public notice for administrative changes including corrections of spelling or grammatical errors, a change in only the name of the permittee or other administrative matters that do not affect the ownership control of the operations or other substantive requirements prescribed by the permit

Ms. Vest I like to make a recommendation that Section 8.6.3.1

be stricken in it's entirety. Any
content modification (no matter how
small) to a Coastal Zone Permit
shall be made publicly known!

Thank you
MARTIN C. WILLIS

107

Arnell Ct

New Castle De

19720

(302) 290-9013