



In photo: At this week's bill signing ceremony at the former General Chemical company in Claymont where Governor Carney signed legislation modernizing the Coastal Zone Act - HB 190.

NEWS:

Coastal Zone Act Reform Promises New Jobs While Safeguarding the Environment

AUGUST 4, 2017 – Despite an often acrimonious legislative session, a bipartisan coalition of legislators and Gov. John Carney were able to agree on a controversial proposal designed to spark economic development in Delaware's Coast Zone.

Gov. Carney signed into law Wednesday legislation that will loosen restrictions on 14 designated properties within the protection zone, allowing them to be re-purposed for heavy industrial uses. Most of the sites are located in industrial areas of northern New Castle County. None of the venues are south of Dover.

Enacted in 1971, the Coastal Zone Act barred heavy industrial operations in a region extending along the state's eastern shoreline. However, it allowed existing industrial

uses to continue under strict rules limiting changes. While the act has successfully preserved the integrity of the state's coastal environment, some critics noted that its provisions have had a chilling effect on the redevelopment of brownfields within the zone.

Sponsored by State Rep. Edward Osienski, D-Newark, and supported by Gov. Carney, the Coastal Zone Conversion Permit Act (House Bill 190, as amended) enacted Wednesday will allow state environmental officials to issue permits to the owner or prospective buyer of an existing heavy industrial site the flexibility to use it for an alternative or additional heavy industrial operation.

Proponents of the bill say the 46-year-old Coastal Zone Act needed tweaking. During debate on House Bill 190 on the House floor, a Delaware Economic Development Office official testified that the agency fielded dozens of inquiries in recent years from companies interested in existing industrial property within the Coastal Zone, but all those potential suitors lost interest when they discovered the law's inflexibility.

Industrial jobs have declined in The First State over the last 15 years. Such employment is viewed at a premium because it tends to provide relatively high-income positions with good benefits.

Some environmental groups opposed Coastal Zone Conversion Permit Act, including the Delaware Chapter of the Sierra Club, which maintained in talking points it distributed that the legislation "fundamentally changes the Coastal Zone Act and is contrary to the original legislative intent of the act."

State Rep. Ron Gray, R-Selbyville, one of the new law's prime sponsors, takes issue with that characterization. "Let's be clear, the protections for the vast majority of the Coastal Zone will remain in place and unaffected. This law will impact only 14 specific properties, all of which have either been the site of past industrial activity or are still hosting it. This legislation will appropriately channel development to sites which are best situated to support these types of operations."

Rep. Gray and other backers also note that any new venture will need to comply with all present environmental protection laws - statutes and regulations that are far more stringent than those in place when the Coastal Zone Act was enacted nearly five decades ago.

There was broad, bipartisan support for House Bill 190, but it did not pass without some dissent. It cleared the House of Representatives, 34 to 7, and the Senate, 18 to 2.

The bill was heavily amended before passage. One of the changes now requires that those applying for a permit must submit a concept plan for containing and remediating any environmental contamination at the site. Another addition clarifies that the new owners, operators, or prospective purchasers of a permitted property are responsible for

covering the ongoing costs of environmental compliance relating to pre-existing contamination.

A third amendment requires state environmental and economic development officials to issue detailed reports every two years on the comprehensive economic impacts and environmental effects of the act.

"Lawmakers sometimes get criticized for seeing the world in stark, polarizing terms that frustrate consensus and workable solutions," said State Rep. Charles Postles, R-Milford, one of the law's co-sponsors.

"This legislation is the essence of compromise. Democrats and Republicans were able to come together on this because both sides of the aisle saw its promise. It provides some common sense flexibility, allowing for the clean-up and re-use of industrial brownfields in a way that will lead to the creation of new, quality jobs, while maintaining a commitment to environmental protection."

Additional co-sponsors of the legislation included: State Reps. Ruth Briggs King, R-Georgetown; Rich Collins, R-Millsboro; Tim Dukes, R-Laurel; Deborah Hudson, R-Fairthorne; Harvey Kenton, R-Milford; Bobby Outten, R-Harrington; Dan Short, R-Seaford; Jeff Spiegelman, R-Clayton; Dave Wilson, R-Cedar Creek Hundred; and Lyndon Yearick, R-Dover South.



At the bill signing Wednesday, from right: Rep. Charles Postles, Senator Jack Walsh, NCC Councilman John Cartier, and Lt. Gov. Bethany Hall-Long