



# Offsets and the Coastal Zone Act

Presentation to Delaware Nature Society – November 24, 2009

# Coastal Zone regulations

The law passed in June 1971, but lobbyists fought efforts to adopt regulations

The first regulations were developed under Secretary Toby Clark's watch and adopted in 1993, but were challenged and overturned by Chancery Court

Governor Carper reached a compromise with the business community and regulations were finally adopted in 1999 – 27 years later



*“Business lobbyists didn't want comprehensive guidelines. They wanted each application for a permit considered on its specific merits.”*

**- Former Governor Peterson**

# Activity since 1999

**31 status decisions – is the activity able to be permitted under the Coastal Zone Act?**

**25 permits issued**

**2 applications pending**

- **Mountaire Resource Recovery Facility in Millsboro**
- **Wandendale Regional Wastewater Treatment and Disposal Facility (Tidewater) – Inland Bays**

# The offset requirement

## Coastal Zone regulations – Section I

Any Coastal Zone application shall contain an offset proposal if it results in negative environmental impacts

The proposal must more than offset the negative impacts associated with the project or activity

1.3x offset  
corresponds with  
EPA air emissions  
offset ratios

*Partial calculations  
from MAGCO*

Pollutant	Current Operation	Proposed Operation	Overall Impact (Difference between current and proposed)	Offsets Required (1.3x)
	Tons/year			
PM	2.51	5.93	3.42	4.44
CO	0.57	6.25	5.60	7.38
NOx	3.41	3.75	0.34	0.44
SOx	0.02	0.01	-0.01	-0.01
HC	0.09	0.25	0.16	0.21
<b>Total</b>	6.60	16.20	9.60	12.48

# More on the offset requirement

Preference to projects within the Coastal Zone . . .

. . . In the same environmental medium as the source of degradation

. . . That occur at the same site as the proposed activity

. . . And that occur simultaneously with the proposed activity requiring the permit



Valero tank farm

**Offsets should be well defined and contain measurable goals or accomplishments that can be audited by the department.**

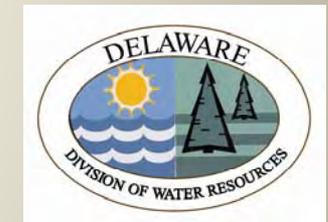
**An application is not considered complete until the offset has been vetted and preliminarily accepted.**

# Offset review committee

Members represent all divisions and many programs across environmental media.

Committee formerly chaired by Dr. Harry Otto, director of DNREC's lab.

Members are notified of an incoming application and asked to review the proposed application and offset proposal within a certain time frame.



# Common offsets

## AIR

Purchase of banked air credits from DEDO

Conversion from fuel oil to cleaner fuel source

Modernize manufacturing techniques

Don't idle trucks

Plant native trees



# Common offsets

## WATER

Donation of wetlands

Restoration of wetlands

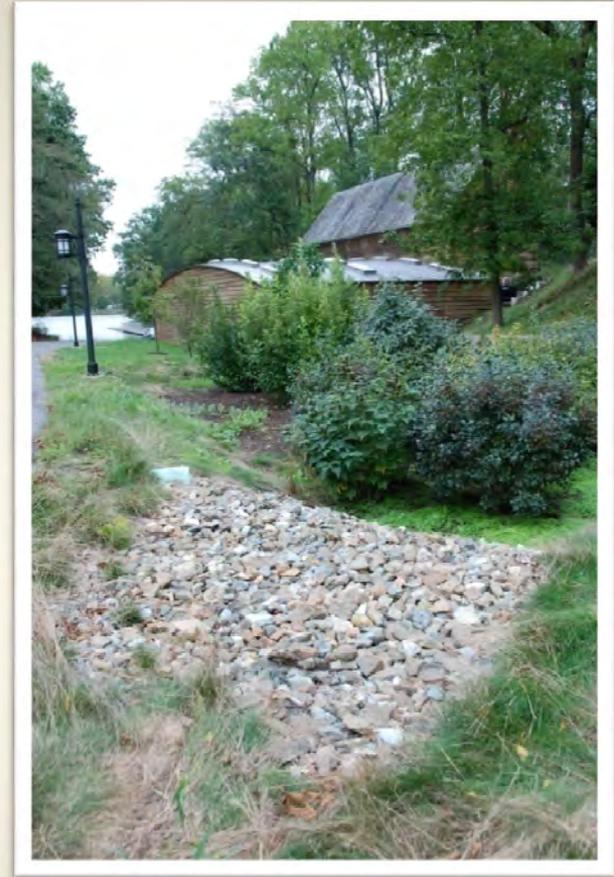
Green-technology stormwater practices

Water conservation

Treatment plant upgrades

Buffers

Spray as “beneficial re-use” and “aquifer recharge”



Rain garden

# Common offsets

## SOLID WASTE

Recycling of specific materials – cardboard, light bulbs, scrap steel, office waste

Removing hazardous and non-hazardous waste from Coastal Zone



# Common offsets

## COMMUNITY PROJECTS

Donation of new HVAC system to city

Donation to school for conversion of hot water heating system

Donation to tree maintenance fund

Donation to community restoration projects



# Offset challenges

Ground-truthing offset proposals

De minimis nature of many environmental impacts

Monitoring and accountability

Legal basis for offsets

Existing vs. new uses

We are working to  
make the CZA website  
more user-friendly

