

APPLICATION FOR A COASTAL ZONE ACT PERMIT

**State of Delaware
Department of Natural Resources & Environmental Control
Office of the Secretary**

Date of submission
Project name: **Offload and storage of potash**
Applicant's name: **Oceanport LLC**

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Permit Application Instructions

1. Complete all parts of the application. For sections which are not applicable to your project, do not leave blank; present a statement that clearly states why the section is not applicable to your project.
2. Because all applicants' projects are different, this word document template will provide you flexibility for needed space to answer the questions. Please insert additional lines for text where needed for your application. If appropriate, attach extra pages referencing each answer by the corresponding section and question number.
3. Submit eight complete hard copies of the permit application to:

Office of the Secretary
Department of Natural Resources & Environmental Control
State of Delaware
89 Kings Highway
Dover, DE 19901

In addition to the eight hard copies, submit a complete electronic "pdf" copy of the permit application and a copy of the Offset Matrix in Microsoft Word format on cd-rom.

4. Comply, if required, or as requested by the DNREC Secretary, with [7 Delaware Code, Chapter 79, Section 7902](#). If requested, but not completed, your application will not be considered administratively complete until this form is reviewed.
5. Be sure to include your permit application fee of \$3,000; otherwise the application will not be considered administratively complete. Make checks payable to the "State of Delaware."
6. Be advised that the application for a Delaware Coastal Zone Act Permit is a public document, which may be displayed at DNREC offices, public libraries, and the web, among others. If this application requires you to place confidential information or data in the application to make it administratively complete, note the Delaware Freedom of Information Act ([29 Delaware Code, Chapter 100](#)) and [DNREC's Freedom of Information Act Regulation](#), Section 6 (Requests for Confidentiality), for the proper procedure in requesting confidentiality.

Note: This application template was last revised by DNREC on January 30, 2008. Please discard any previous versions.

PART 1

CERTIFICATION BY APPLICANT

Under the penalty of perjury pursuant to 11 Delaware Code §1221-1235, I hereby certify that all the information contained in this Delaware Coastal Zone Act Permit Application and in any attachments is true and complete to the best of my belief.

I hereby acknowledge that any falsification or withholding of information will be grounds for denial of a Coastal Zone Permit.

I also hereby acknowledge that all information in this application will be public information subject to the Delaware Freedom of Information Act, except for clearly identified proprietary information agreed to by the Secretary of the Department of Natural Resources & Environmental Control.

Lisa Stapleford

Print Name of Applicant

Signature of Applicant

Vice President

Title

Date

PART 2

APPLICANT INFORMATION AND SITE IDENTIFICATION

2.1 Identification of the applicant:

Company Name: **Oceanport LLC**
Address: **6200 Philadelphia Pike, Claymont, DE 19703**
Telephone: **302-792-2212**
Fax: **302-792-1174**

2.2 Primary contact: Please list the name, phone number and email of a preferred contact within your company in case the DNREC needs to contact you regarding this permit application.

Lisa Stapleford, **302-792-2212**, **bulksalt@aol.com**

2.3 Authorized agent (if any):

Name: **Robert H. MacPherson**
Address: **6833 Americana Drive, St. Petersburg, FL 33702**
Telephone: **727-323-0405**

If you have an authorized agent for this permit application process, provide written authorization from client for being the authorized agent.

See below

Project property location (street address):
6200 Philadelphia Pike, Claymont, DE 19703

2.5 In a separate attachment, provide a general map of appropriate scale to clearly show the project site.

See Attachment 1

2.6 Is the applicant claiming confidentiality in any section of their application?

YES

NO

If yes, see instructions on page 3.

PART 3

PROJECT SUMMARY

Provide a one-page summary describing the proposed project. Include a brief quantitative description of the anticipated environmental impacts, and how the Environmental Offset Proposal will “clearly and demonstrably” more than offset any negative impacts.

The project would bring in potash (Muriate of Potash) from vessels by clam bucket with sealed lip. The product is in dry, small pellet form and will be stored in an existing storage tank modified to safely hold the product. No dust is expected to be present in the off loading and transport to the storage vessel. Initial delivery of the product is anticipated at approximately 7,000 tons. the product is used as a fertilizer.

See Attachment 3 - Material safety Data Sheet for Hazard identification; first aid measures; fire fighting measures; accidental release measures; handling and storage; exposure controls/personal protection; physical and chemical properties; stability and reactivity' toxicological and ecological information; disposal considerations; transportation information; regulatory and other information.

PART 4

**PROJECT PROPERTY RECORD AND
EVIDENCE OF LOCAL ZONING AND PLANNING APPROVAL**

PROJECT PROPERTY RECORD

4.1 Name and address of project premises owner(s) of record:

**Evergreen Property Holdings, LLC
6200 Philadelphia Pike
Claymont, DE 19703**

4.2 Name and address of project premises equitable owner(s):

N/A

4.3 Name and address of lessee(s):

**Oceanport LLC
6200 Philadelphia Pike
P.O. Box 608
Claymont, DE 19703**

4.4 Is the project premises under option by permit applicant?

No

4.5 What is the present zoning of the land for this entire project site?

**Heavy industrial zoning district
See letter from New Castle County Land Planning Department below.**

EVIDENCE OF LOCAL ZONING AND PLANNING APPROVAL

I, _____, for ____New Castle County_____
(Name of County, City of Town)

do hereby affirm that the project proposed by_ Oceanport LLC_____
(Name of Applicant)

located at 6200 Philadelphia Pike , Claymont, DE_____, in
(Address)

the _____ zoning district is in
full compliance with the zoning code as it applies to this project.

The above named applicant’s project is in compliance with the adopted comprehensive development plan for the geographic area within which the project will be located.

(Signature)

(Title)

(Date)

This part is essential for a complete Coastal Zone Act Permit Application. No application will be considered administratively complete without it. While the applicant is strongly advised to use this form, the local zoning jurisdiction may utilize a different form or document to demonstrate “evidence of local zoning approval,” provided such documents are signed and dated by the proper official.

PART 5

PROJECT OPERATIONS

5.1 Describe the characteristics of the manufactured product and all the process and/or assembly operations utilized by the proposed project. Include in the description (use attachments if necessary):

- a. the raw materials, intermediate products, by-products and final products and characteristics of each. Review any materials' risk of carcinogenicity, toxicity, mutagenicity and/or the potential to contribute to the formation of smog. Provide material safety data sheets (MSDS) if available;

The product (potash) comes in final product form. Process operations include transferring the product from the arriving vessel by clam shell bucket with a sealed lip and transporting the product to the storage vessel. A Material Safety Data Sheet is contained in Appendix 3.

- b. the step-by-step procedures or processes for manufacturing and/or assembling the product(s). Provide a flow diagram to illustrate procedures;

The product requires no manufacturing or assembly

- c. the nature of the materials mentioned above in 4.1(a) as to whether or not the materials require special means of storage or handling;

The product will be stored on the premises in a dry location. Movement of the product from the vessel to the storage site will be controlled to avoid the generation of dust.

- d. list the machinery (new and/or existing) to be utilized by this project;

sealed lip clam shell bucket/ closed conveyor system

- e. list any new buildings or other facilities to be utilized;

No new buildings or other facilities will be utilized. Storage will be in an existing storage tank retrofitted to safely hold the product.

- f. list the size and contents of any anticipated aboveground or underground storage tank systems that may be constructed or utilized in support of facility operations;

The present plan is to utilize tank 30841 which was previously used to store petroleum products. This tank, with 14,695 barrel capacity, 52' diameter X 40' high, welded steel plate with cone roof, flat bottom, concrete ring foundation, steel stairs, installed in 1966, will be modified to hold the dry potash product. The tank is in full compliance with Delaware's above ground storage act

if this project represents an increase or decrease in production at an already existing facility, what will be the new rate of maximum production?

N/A

- h. if this project represents a totally new facility at a new or existing site, what will be the maximum production rate?

No production of this product will occur at this facility

- 5.2 Describe daily hours of plant operations and the number of operating shifts.

Hours of plant operations vary according to the schedule of arriving vessels.

- 5.3 Provide a site plan of this project with:

See attachment 4.

- a. a north arrow;
- b. a scale of not less than one inch to 200 feet;
- c. identity of the person responsible for the plan, including any licenses and their numbers;

Lisa Stapleford, Vice president of Oceanport LLC will be responsible for oversight of this project.

- d. the acreage of the applicant's entire property and acreage of the proposed project;

The Oceanport site consists of 47 acres - 54 acres with subaqueous lands included. Acreage utilized by the proposed project is approximately 1/3 of an acre.

- e. property lines of entire property;

See attachment 4

- f. lines designating the proposed project area for which application is being made, clearly distinguished from present facilities and operating areas (if any);

See attachment 4

- g. existing and proposed roads, railroads, parking and loading areas, piers, wharfs, and other transportation facilities;

See attachment 4

- h. existing water bodies and wetlands and proposed dredge and fill areas, and;

See attachment 4

- i. existing and proposed drainage ways, gas, electric, sewer, water, roads, and other rights-of-way.

See attachment 4

5.4 How many acres of land in total are required for this proposed project?

Existing/ currently utilized/ developed land: _____**47**_____ acres.

New land: _____**Zero**_____ acres.

5.5 Has the property been involved with a state or federal site cleanup program such as Superfund, Brownfields, HSCA Voluntary Cleanup Program, RCRA Corrective Action, Aboveground or Underground Storage Tank Cleanup Programs? If so please specify which program.

RCRA Corrective action. One above ground tank leak

- 5.6 With regards to environmental cleanup actions, has a Uniform Environmental Covenant, Final Plan of Remedial Action, or no further action letter been issued by the Department? If so are the planned construction activities consistent with the requirements or conditions stated in these documents?

Yes to both questions Oceanport LLC is in full compliance with DNREC's Above Ground Storage Tank Act program.

PART 6A

ENVIRONMENTAL IMPACTS

Air Quality - NONE

- 6.1 Describe project emissions (new, as well as any increase or decrease over current emissions) by type and amount under maximum operating conditions:

Pollutant	Existing Emissions		Net Increase/Decrease		New Total Emissions		Percent Change (compare tons/year)
	Lbs/day	Tons/year	Lbs/day	Tons/year	Lbs/day	Tons/year	

- 6.2 Describe how the above emissions change in the event of a mechanical malfunction or human error.

N/A

- 6.3 Describe any pollution control measures to be utilized to control emissions to the levels cited above in 5.1.

N/A

- 6.4 Show evidence that applicant has, or will have, the ability to maintain and utilize this equipment listed in 5.3 in a consistently proper and efficient manner. (For example, provide college transcripts and/or records of training courses and summary of experience with this pollution control equipment of person(s) responsible for pollution control equipment, and/or provide copies of contracts with pollution control firms to be responsible for maintaining and utilizing this equipment. **N/A**

Water Quality

6.5 Describe wastewater discharge (new, as well as any increase or decrease over current discharge levels) due to project operations: **NONE**

Pollutant	Current Discharge Concentration (ppm)	New or Changed Discharge Concentration (ppm)	Current Discharge		Net Increase/Decrease		New Total Emissions	
			<i>Lbs/day</i>	<i>Tons/year</i>	<i>Lbs/day</i>	<i>Tons/year</i>	<i>Lbs/day</i>	<i>Tons/year</i>

6.6 Describe the current method of employee sanitary wastewater disposal and any proposed changes to that system due to this proposed project.

To public sewage disposal system. No changes due to this proposed project

6.7 Identify the number, location, and name of receiving water outfall(s) of any and all process wastewater discharge (new or current) affected by this proposed project. Provide NPDES Permit Numbers for each discharge affected.

N/A

6.8 If any effluent is discharged into a public sewer system, is there any pretreatment program? If so, describe the program.

N/A

6.9 Storm water: **N/A**

- a. Identify the number, location, and name of receiving waters of storm water discharges. Provide permit number for each discharge.
- b. Describe the sources of storm water run-off (roofs, storage piles, parking lots, etc).
- c. Describe the amount of storm water run-off increase over current levels that will result from the proposed project.

- d. Describe any pollutants likely to be in the storm water.
 - e. Describe any pollution control device(s) or management technique(s) to be used to reduce the amount of storm water generated, and devices to improve the quality of the storm water run-off prior to discharge.
 - f. Describe any new or improved storm water drainage system required to safely carry off storm water without flooding project site or neighboring areas down gradient.
- 6.10 Will this project use a new water intake device, or increase the use (flow) from an existing intake device?
- YES
NO
- If yes, state:
- a. the volume of water to be withdrawn, and;
 - b. describe what will be done to prevent entrainment and/or entrapment of aquatic life by the intake device.
- 6.11 Will this proposed project result in a thermal discharge of water, or an increase in the flow or temperature of a current thermal discharge?
- YES
NO
- If yes, state:
- a. the volume of the new flow or increase from the existing thermal discharge, both in flow and amount of heat;
 - b. how warm will the water be when it is discharged into a receiving waterway, discharge canal, or ditch, and what will be the difference in discharge temperature and ambient temperature (delta T) at various seasons of the year after all cooling water mechanisms have been applied to the hot water?
 - c. the equipment and/or management techniques that will be used to reduce the thermal load of the discharge water.

6.12 Will any proposed new discharge or change in existing discharge cause, or have potential to cause, or contribute to, the exceedence of applicable criteria appearing in the [“State of Delaware Surface Water Quality Standards”](#)?

YES

NO

If yes, explain:

6.13 Describe any oils discharged to surface waters due to this proposed project.

None

6.14 Describe any settleable or floating solid wastes discharged to surface waters due to this project.

None

6.15 Show evidence that the applicant has, or will have, the ability to maintain and utilize any water pollution control equipment listed in questions 5.5 through 5.14 in a consistently proper and efficient manner. (For example, provide operator license numbers, college transcripts and/or training courses and summary of prior experience with this pollution control equipment of person(s) responsible for pollution control equipment, and/or provide copies of contracts with pollution control firms.)

N/A

6.16 Estimate the amount of water to be used for each specified purpose including cooling water. State daily and maximum water use in the unit of gallons per day for each purpose and source of water. State if water use will vary with the seasons, time of day, or other factors.

N/A

6.17 Identify the source of water needed for the proposed project, including potable water supplies.

No water needed for project. Potable water comes through public water supply system.

6.18 Are wells going to be used?

YES

NO

If yes:

- a. Identify the aquifer to be pumped and the depth, size and pumping capacity of the wells.
- b. Has a permit been applied for to do this?
- c. How close is the proposed well(s) to any well(s) on adjacent lands?

Solid Waste

6.19 Will this project result in the generation of any solid waste?

YES

NO

If yes, describe each type and volume of any solid waste (including biowastes) generated by this project, and the means used to transport, store, and dispose of the waste(s).

6.20 Will there be any on-site recycling, re-use, or reclamation of solid wastes generated by this project?

YES

NO

If yes, describe:

6.21 Will any waste material generated by this project be destroyed on-site?

YES

NO

If yes, how will that be done?

Hazardous Waste

6.22 Will this proposed project result in the generation of any hazardous waste as defined by the [“Delaware Regulations Governing Hazardous Waste”](#)?

YES

NO

If yes, identify each hazardous waste, its amount, and how it is generated:

6.23 Describe the transport of any hazardous waste and list the permitted hazardous waste haulers that will be utilized.

N/A

6.24 Will the proposed project cause the applicant to store, treat, and/or dispose of hazardous waste?

YES

NO

If yes, describe:

6.25 Does the applicant currently generate any hazardous waste at this site?

YES

NO

If yes, describe:

Habitat Protection

6.26 What is the current use of the land that is to be used for the proposed project?

Heavy Industrial Use

6.27 Will the proposed project result in the loss of any wetland habitat?

YES

NO

If yes, describe:

6.28 Will any wastewater and/or storm water be discharged into a wetland?

YES

NO

If yes, will the discharge water be of the same salinity as the receiving wetlands?

6.29 Will the proposed project result in the loss of any undisturbed natural habitat or public use of tidal waters?

YES

NO

If yes, how many acres?

6.30 Do threatened or endangered species (as defined by the DNREC and/or the Federal Endangered Species Act) exist at the site of the proposed project, or immediately adjacent to it?

YES

NO

Not to the applicant's knowledge

If yes, list each species:

6.31 Will this proposed project have any effect on these threatened or endangered species (as defined by the DNREC and/or the Federal Endangered Species Act).

YES

NO

This site is heavy industry use. From Oceanport's arrival in Delaware in 1986 to the present day, and throughout the company's many CZA applications, no threatened or endangered species have been reported to exist in the area of the site.

If yes, explain:

6.32 What assurances can be made that no threatened or endangered species exist on the proposed project site?

See 6.31 above

- 6.33 Describe any filling, dredging, or draining that may affect nearby wetlands or waterways.

No filling, dredging or draining will occur in this project.

- 6.34 If dredging is proposed, how much will occur and where will the dredged materials go for disposal?

N/A

Other Environmental Effects

- 6.35 Describe any noticeable effects of the proposed project site including: heat, glare, noise, vibration, radiation, electromagnetic interference, odors, and other effects.

No adverse effects are anticipated

- 6.36 Describe what will be done to minimize and monitor such effects.

N/A

- 6.37 Describe any effect this proposed project will have on public access to tidal waters.

None

- 6.38 Provide a thorough scenario of the proposed project's potential to pollute should a major equipment malfunction or human error occur, including a description of backup controls, backup power, and safety provisions planned for this project to minimize any such accidents.

The proposed project's potential to pollute should a major equipment malfunction or human error is remote.

- 6.39 Describe how the air, water, solid and hazardous waste streams, emissions, or discharge change in the event of a major mechanical malfunction or human error.

See 6.38 above

PART 6B

ENVIRONMENTAL OFFSET PROPOSAL REDUCTION CLAIM

Is applicant claiming the right to have a reduced offset proposal due to past voluntary improvements as defined in the “Regulations Governing Delaware’s Coastal Zone”?

YES

NO

If yes, provide an attachment to the application presenting sufficient tangible documentation to support your claim.

PART 6C

ENVIRONMENTAL OFFSET PROPOSAL

If the applicant or the Department finds that an Environmental Offset Proposal is required, the proposed offset project shall include all the information needed to clearly establish:

- A. A qualitative and quantitative description of how the offset project will “*clearly and demonstrably*” more than offset the negative impacts from the proposed project.
- B. How and in what period of time the offset project will be carried out.
- C. What the environmental benefits will be and when they will be achieved.
- D. What scientific evidence there is concerning the efficacy of the offset project in producing its intended results.
- E. How the success or failure of the offset project will be measured in both the short and long term.
- F. What, if any, negative impacts are associated with the offset project.
- G. How the offset will impact the attainment of the Department’s environmental goals for the Coastal Zone and the environmental indicators used to assess long-term environmental quality within the Coastal Zone.

Additional Offset Proposal Information for the Applicant

1. The offset proposals must “*clearly and demonstrably*”¹ more than offset any new pollution from the applicant’s proposed project. The applicant can claim (with documentation) evidence of past voluntary environmental investments (as defined in the Regulations) implemented prior to the time of application. Where the Department concurs with the applicant that such has occurred, the positive environmental improvement of the offset proposal against the new negative impact can be somewhat reduced.
2. The applicant must complete the Coastal Zone Environmental Impact Offset Matrix. This matrix can be found on the CZA web page (<http://www.dnrec.delaware.gov/Admin/CZA/CZAHome.htm>, or by clicking on [this link](#). On page one, the applicant must list all environmental impacts in the column labeled “Describe Environmental Impacts.” In the column to the immediate right, the applicant should reference the page number of the application or attachment which documents each impact listed. In the “Describe Environmental Offset Proposal” column, applicant must state what action is offsetting the impact. The offset action shall be referenced by page number in the column to the right to show how the offset will work. The applicant shall not utilize the far right column. *Please ensure the matrix is complete, detailed, and as specific as possible, given the allotted space. Also, thoroughly proof-read to ensure there are no spelling or grammatical errors.* The applicant must submit a completed matrix both in hardcopy and electronic form.
3. Please note: the entire offset proposal, including the matrix, shall be available to the public, as well as the evidence of past voluntary environmental enhancements.

¹ For purposes of this requirement, the DNREC will interpret the phrase “clearly and demonstrably” to mean an offset proposal that is obviously so beneficial without detailed technical argument or debate. The positive environmental benefits must be obviously more beneficial to the environment than the new pollution that minimal technical review is required by the Department and the public to confirm such. The total project must have a positive environmental impact. The burden of proof is on the applicant.

PART 7

ECONOMIC EFFECTS

Construction

- 7.1 Estimate the total number of workers for project construction and the number to be hired in Delaware.

No new construction is part of this project with the exception of minor modifications to the storage vessel.

- 7.2 Estimate the weekly construction payroll.

Undetermined at this time for the tank modifications.

- 7.3 Estimate the value of construction supplies and services to be purchased in Delaware.

Undetermined at this time

- 7.4 State the expected dates of construction initiation and completion.

Undetermined at this time

- 7.5 Estimate the economic impact from the loss of natural habitat, or any adverse economic effects from degraded water or air quality from the project on individuals who are directly or indirectly dependent on that habitat or air or water quality (e.g. commercial fishermen, waterfowl guides, trappers, fishing guides, charter or head boat operators, and bait and tackle dealers).

None

Operations

7.6 State the number of new employees to be hired as a direct result of this proposed project and how many of them will be existing Delaware residents and how many will be transferred in from other states.

No new employees are expected to be hired for this project.

7.7 If employment attributable to the proposed project will vary on a seasonal or periodic basis, explain the variation and estimate the number of employees involved.

Employment will not vary on a seasonal basis.

7.8 Estimate the percent distribution of annual wages and salaries (based on regular working hours) for employees attributable to this project:

<u>Wage/salary</u>	<u>Percent of employees</u>
<\$10,000	
\$10,000-14,999	
\$15,000-24,999	
\$25,000-34,999	See 7.6
\$35,000-49,999	
\$50,000-64,999	
\$65,000-74,999	
\$75,000-99,999	
>\$100,000	

7.9 Estimate the annual taxes to be paid in Delaware attributable to this proposed project:

State personal income taxes:	\$		
State corporate income taxes	\$	See 7.6	
County and school district taxes:	\$		\$
Municipal taxes:			

PART 8

SUPPORTING FACILITIES REQUIREMENTS

Describe the number and type of new supporting facilities and services that will be required as a result of the proposed project, including, but not limited to:

- a. Roads **NONE**
- b. Bridges **NONE**
- c. Piers and/or docks **NONE**
- d. Railroads **NONE**
- e. Microwave towers **NONE**
- f. Special fire protection services not now available **NONE**
- g. Traffic signals **NONE**
- h. Sewer expansion **NONE**
- i. Energy related facilities expansion **NONE**
- j. Pipelines **NONE**

PART 9

AESTHETIC EFFECTS

- 9.1 Describe whether the proposed project will be located on a site readily visible from a public road, residential area, public park, or other public meeting place (such as schools or cultural centers).

The offloading operation or transfer to the storage site will not be visible from a public road, residential area, public park, or other public meeting place such as schools or cultural centers.

- 9.2 Is the project site location within a half mile of a place of historic or scenic value?

In a 2003 CZA permit application by Oceanport LLC, the Delaware Division of Historical and Cultural Affairs determined that nine "Properties of State Significance" were located within a 1/2 mile of the front door of the Oceanport facility. In addition, that same report found that the Thomas Robinson House (N-450) on the *Delaware National Register of Properties* and marked on the Marcus Hook Quadrangle is located within a 1/2 mile of the Oceanport facility. It was determined that none of those properties would be affected in any way by the project approved in the 2003 application - a project larger and more complex than the project described in this application.

- 9.3 Describe any planned attempt to make the proposed facility aesthetically compatible with its neighboring land uses. Include schematic plans and/or drawings of the proposed project after it is complete, including any landscaping and screening.

NONE

Neighboring land uses are in a heavy industry use area. The nearest off site non heavy industry use is the Thomas Robinson House (N-450 in the *Delaware National Register of Properties* and marked in the Marcus Hook Quadrangle - located within a half a mile of the Oceanport facility. No part of this property would be affected

PART 10
EFFECTS ON NEIGHBORING LAND USES

10.1 How close is the nearest year-round residence to the site of this proposed project?

Approximately one half mile from the proposed project site.

10.2 Will this proposed project interfere with the public's use of existing public or private recreational facilities or resources?

No

10.3 Will the proposed project utilize or interfere with agricultural areas?

No

10.4 Is there any possibility that the proposed project could interfere with a nearby existing business, commercial or manufacturing use?

No

END OF APPLICATION

ATTACHEMENTS TO FOLLOW

Attachment 1 General Map

Attachment 2 Material Safety data Sheet - Muriate of Potash

Attachment 3 Site Plan