

Secretary's Order No.: **2006-E-0012**

RE: Proposed Amendments (2006) to the  
Delaware Regulations Governing the Green Energy Program

Date of Issuance: March 14, 2006

Effective Date of the Amendment: April 11, 2006

I. **Background**

On March 1, 2006 a public hearing was held in the DNREC Energy Office, located at 146 S. Governors Avenue, Dover, Delaware, to receive comment on the Department's proposed amendments to the Delaware Regulations Governing the Green Energy Program. The purpose of these amendments is to modify the existing regulation relating to the Green Energy Fund.

Senate Bill 44 passed by the General Assembly and signed into law by Governor Minner in July of 2005 expands the definition of "renewable and alternative energy technologies" to include biodiesel manufacturing facilities. This recent legislative change also allows grants to be given for biodiesel technology demonstration projects.

No members of the public attended this hearing on March 1, 2006, nor were any comments received by the Department concerning these proposed amendments, either prior to or subsequent to the actual hearing date. Proper notice of the hearing was provided as required by law.

After the hearing, the Hearing Officer prepared her report and recommendation in the form of a report to the Secretary dated March 13, 2006, and that Hearing Officer's Report is expressly incorporated herein by reference.

II. **Findings and Conclusions**

All of the findings and conclusions contained in the Hearing Officer's Report dated March 13, 2006 are expressly incorporated herein and explicitly adopted as the findings and conclusions of the Secretary.

III. **Order**

In view of the above, I hereby order that the proposed amendments to the Delaware Regulations Governing the Green Energy Program be promulgated and implemented in the manner and form provided for by law pursuant to the changes proposed prior to the hearing, and as recommended in the Hearing Officer's memorandum.

IV. **Reasons**

Adopting the proposed amendments to the Delaware Regulations Governing the Green Energy Program will be beneficial to the State of Delaware, in that these amendments will add consistency and/or clarification to the existing regulations. More importantly, the adoption of these amendments will bring the existing regulation in line with the aforementioned recent legislative changes, in furtherance of the policy and purposes of 7 Del. C., Ch. 60.

/s/ John A. Hughes  
John A. Hughes  
Secretary