

June 28, 2023

The Honorable Kendra Johnson  
Delaware House of Representatives  
411 Legislative Avenue  
Dover, DE 19901

Dear Representative Johnson:

I am writing this letter on behalf of our members in opposition to House Bill 248. We recognize the intent of the legislation to protect underserved communities and give them more time to provide feedback into the permitting process. That said, our members are committed to doing their part to protect the environment and to being good neighbors of the communities which they serve. We also value public participation in the decision-making process to allow all stakeholders the opportunity to provide input – and we note with concern the timing of which this bill was introduced. We hope you and the General Assembly will give the business community and all stakeholders sufficient time to provide valuable feedback on this bill as is the intention and spirit embodied within this legislation.

This bill represents a major change in how Delaware conducts its permitting process and could impact renewals, modifications, and new permits alike. The State Chamber has worked hard alongside other stakeholders to support legislation which streamlines the permitting process, allowing for continued economic development without compromising public participation or putting public health and safety at risk. We acknowledge the General Assembly's efforts and support to achieve this – and we note with appreciation the passage of HB102 and HB104 which was signed by the Governor this month. However, this bill runs contrary to the collaborative work of the "Ready in Six" legislation that worked to take an incredibly inclusive, mindful, and holistic approach to resolving the many time-consuming regulatory barriers to commercial development in Delaware.

This bill could place Delaware at significant disadvantage by adding additional time to the permitting process, prior to an application even being submitted, while also giving DNREC broad new regulatory authority by allowing them to define projects that qualify for review. In addition, the 3-mile radius will offer significant impact and overlap of communities in the northern portions of our state that are not underserved and may disrupt development opportunities. Lastly, the bill does not address the increased cost it would create for the applicant or mention the cost DNREC would incur during the implementation process.

Due to the significant impact this bill will have on the business community and our state, and the concerns expressed by our members, we kindly request that you hold off on moving forward with this legislation and continue this discussion post-session. Legislation as significant as this deserves time for review and feedback from the business community, environmental groups, organized labor, among others.

Thank you for the opportunity to share our concerns and we hope you and the General Assembly will take our feedback into consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Quaranta". The signature is fluid and cursive, with a large initial "M" and "Q".

Michael J. Quaranta  
President

CC: Speaker Peter Schwartzkopf, House Leader Valerie Longhurst, Senate Leader Bryan Townsend, and Representative Debra Heffernan