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These critical decisions, which the proposed amendments impact, directly affect the quality of our environment, our drinking water, our air quality, the diversity and health of the Delaware River, its species, habitats, ecosystems, tributaries and communities throughout the entire magnificent Delaware River Watershed. We cannot effectively take part and influence outcomes if the decision making process is not open and interactive, with all important decisions and the underlying information about them fully disclosed and available for review and comment. We also have advocated for the DRBC Commissioners to be hands-on involved and engaged with the decisions that are made as these representatives of our elected government are accessible to us, as members of the public, and they are required to respect our rights and protect the environment for the public good. That is not what this rule making proposes to do. In fact, it does the opposite in almost all of its proposed sections.

The Executive Director is given far too much authority over many crucial decisions and these are made behind closed doors, without the public and without a vote by the DRBC Commissioners. These include: the power to decide whether or not a change to a project is "material" (if it is "materials" it would open up for more robust review); and decisions about the submission of applications for projects, what is required in an application and when an application is complete; the extension for some permits for as many as 5 additional years.

The amendments further grant extension of permits without an expiration date favored status, such as the Gibbstown LNG Export terminal docket. The Executive Director is being invested with exclusive authority regarding extension of permits that removes public input completely and relieves the Commissioners of their responsibility to review and approve extensions. This legitimizes the behind-the-scenes decision making that undermines government accountability and public trust.

A low bar for the extension of existing projects that haven't been built is also being set by this proposed set of amendments. \$1M is set as a "minimum" amount expended to decide if a project has been sufficiently invested in, and even that value can be disregarded under certain circumstances. No foundation is provided for this amount and no substantive explanation of what "substantial funds in relation to a project" really means. And, the Executive Director has the power to decide if the amount expended is substantial.

It would also seem that these amendments are an attempt to intimidate the public so they won't litigate a project. They are allowing the sponsors of a project to claim that litigation by opposing parties is an excuse that can be used to explain why they haven't built or spent sufficient funds on a project that they want extended.

Additionally, when carefully reviewed it's obvious that the subjective and value-loaded term "Material Change" and "Materially" are used throughout the proposed rule making – yet no clear definition is available, only a bureaucratic explanation. This terminology is not easily understandable and clouds objectivity in decision making. It allows for varying interpretations for different projects, which is unfair, including unjust for the public who must live every day with the decisions that are made.

Equally alarming is the removal of all references to the federal Freedom of Information Act from the rules as well as the setting up an alternative DRBC-centric system that leaves many aspects unaddressed or in the hands of the Executive Director, such as forms, reason for denial, and how costs will be assessed fairly, including if a waiver of fees can be requested like other agencies allow. The DRBC must provide a prescribed public access system that is clear, user-friendly, and affordable to assure public access to public records. The public needs something concrete to rely on. And it's proposed that the Executive Director determines whether or not to disclose requested information, deciding unilaterally if a disclosure is in the public interest! This invests unfair control over the information in an administrator who may not even be qualified to make such legally important decisions. The public needs to take part in DRBC decisions but without access to information, we can't do that effectively. Information is power and we have a right to it!