

## Jeanne Jordan

I am opposed to this change for several important reasons. I live within a mile of the Delaware River. I am concerned about every aspect of the river and how the DRBC oversees the river. I have participated in hearings in the past and listened to them. I do not have as much confidence in the commission as I would like to have... and I believe these changes would make things worse.

First, Administrative Staff decision making cuts out the public. The Executive Director would be given far too much authority over important decisions and make them behind closed doors, without the public input and without a vote by the DRBC Commissioners. Unacceptable!

Secondly, key permits should not be given a pass. Extension of Permits without an expiration date, such as the Gibbstown LNG Export terminal docket, should not be given willy nilly. The Executive Director would be given being exclusive authority regarding extension of permits that removes public input completely and relieves the Commissioners of their responsibility to review and approve extensions. This would legitimize the behind closed doors decision making that undermines government accountability and public trust. Unacceptable!

Thirdly, I do not want to see a low bar for the extension of existing projects that haven't been built. \$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. Unacceptable!

Fourthly, these proposed changes would intimidate the public so they won't litigate a project. The Commissionin would be 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. Unacceptable!

Fifth Concern, 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, especially those of us who live close to the Delaware River. UNACCEPTABLE.

Lastly, it is ridiculous that DRBC is removing all references to the federal Freedom of Information Act from its rules and is 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.) It is imperative that the DRBC provide a prescribed public access system that is clear, user-friendly, and affordable to assure public access to public records. We, the public need something concrete to rely on. The proposal that the Executive Director determines whether or not to disclose requested information, deciding unilaterally if a disclosure is in the public interest is totally against 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. Unacceptable.

In conclusion, we have the right to any and ALL information regarding the Delaware River and rule changes which undermine transparency would move the DRBC in the WRONG direction! The proposed changes are NOT what the public wants. Reconsider please.