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Let's take a look at the proposed rulemaking from the perspective of the public. Using an example of how rules such as those prepared by DRBC today directly affect the decisions that are made by DRBC and the public's ability to be part of the decision-making process.

On September 8, 2022, the DRBC Commissioners voted to affirm an approval given covertly the prior June by Executive Director Steve Tambini to extend the permit for the popularly opposed Gibbstown liquefied natural gas export terminal on the Delaware River. DRN, Delaware Riverkeeper Network, uncovered that staff approval through a Freedom of Information Act request. Without the FOIA, the public would have been none the wiser of the permit extension because DRBC believes their regulations don't require public notice, an opportunity for public comment, nor even a vote by the Commissioners on such permit extensions.

The Commissioners are the governors of the four states and also President Biden represented by the Army Corps of Engineers. They are supposed to be where the buck stops at DRBC, not administrative staff. The revelation of the behind the scenes approval shocked the public and shook the public trust in DRBC's decision-making. It set off protest demanding their approval be rescinded, that there be full public disclosure that a public hearing be held and that any final determination be voted on by the Commissioners. But the only subsequent action taken was the Commissioner vote, which did not allow for any public comment or participation. They simply rubber stamped the Executive Director's secret approval.

Now we're being asked to allow DRBC to carve in stone this bad process with a couple little changes. And this empowers the Executive Director to decide for permit, like the Gibbstown LNG extension, should be extended or and as a matter of fact it's even worse it can be extended for five years rather than three. There would be no public participation, not even any public notification, until after the ED's decision, when it would be perfunctorily announced at the next DRBC public meeting. This kind of back-room decision-making should be overthrown, not memorialized into regulations.

There are many other provisions in these proposed rules that we oppose. DRN will be submitting written comment and speaking at tonight's hearing as well. Overall, far too much authority is being invested in the Executive Director to act unilaterally and behind the public's back. We are being removed from participating in these important decisions that affect us all so directly. And the Commissioners are removed from the action as well, not even voting on some of the most critical permit extensions. The Commissioners are supposed to represent us as elected officials who are responsible for putting the public good and the environment first, not special interests. They should be the final arbiters. For the sake of government transparency and robust opportunities for public participation, we oppose all changes that shut the public out, that restrict public access to information, and remove the Commissioners from project and policy decisions. Thank you for the

opportunity to speak here today.