SPONSOR: Rep. Bush & Rep. Dorsey Walker & Rep. Michael Smith & Sen. Walsh
Reps. Griffith, K. Johnson, Longhurst, Osienski, Schwartzkopf, D. Short, K. Williams, Yearick; Sens. Buckson, Mantzavinos, Paradee, Pettyjohn, Poore

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 101

AN ACT TO AMEND TITLES 7 AND 17 OF THE DELAWARE CODE RELATING TO EXPEDITED REVIEW OF DEVELOPMENT-RELATED PERMIT APPLICATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 1, Title 17 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 146A. Expedited review process.

(a) By January 1, 2024, the Department shall develop an expedited process for entrance plan reviews.

(b) The expedited review process under subsection (a) will operate as follows:

(1) The Department shall maintain a list of pre-approved private consultants who may be engaged for entrance plan reviews. The Department shall develop policies and procedures to protect against conflicts of interest.

(2) A developer who submits an entrance plan for expedited review must pay the cost of the private consultant.

(3) An expedited review must be completed within 10 business days.

(c) The Department may promulgate rules and regulations as necessary for the implementation of this section.

Section 2. Amend Chapter 40, Title 7 by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4006. State management program.

(j) By January 1, 2024, the Department shall develop an expedited process for sediment and stormwater plans.

(1) The Department shall maintain a list of pre-approved private consultants who may be engaged for sediment and stormwater plan reviews. The Department shall develop policies and procedures to protect against conflicts of interest.

(2) The expedited process must be made available regardless of whether the Department is directly responsible for construction review or has delegated that authority to another agency.

(3) A developer who submits a stormwater and sediment plan for expedited review must pay the cost of the private consultant.

(4) An expedited review must be completed within 10 business days.

SYNOPSIS

This Act directs DelDOT and DNREC to develop a program to allow for the expedited review of entrance plans and stormwater and sediment plans associated with new development. Under this process a consultant pre-approved by DelDOT and/or DNREC would conduct the review and the costs would be paid directly by the developer. The state agencies are charged with developing policies and procedures to protect against potential conflicts of interest in the use of private consultants.