



SPONSOR: Rep. Kowalko

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 3
TO
HOUSE BILL NO. 184

AMEND House Bill No. 184 after line 90 by inserting the following:

“Section 2. Amend § 6003, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6003. Permit — Required.

(c) The Secretary shall grant or deny a permit required by subsection (a) or (b) of this section in accordance with duly promulgated regulations and:

(1) No permit may be granted unless the county or municipality having jurisdiction has first approved the activity by zoning procedures provided by law; and

(2) No permit may be granted to any ~~incinerator~~ incinerator, gasification facility, or pyrolysis facility unless:

a. The property on which the ~~incinerator~~ incinerator, gasification facility, or pyrolysis facility is or would be located is within an area which is zoned for heavy industrial activity and shall be subject to such process rules, regulations or ordinances as the county, municipality or other government entity shall require by law, such as a conditional use, so that conditions may be applied regarding the health, safety and welfare of the citizens within the jurisdiction; and

b. Every point on the property boundary line of the property on which the ~~incinerator~~ incinerator, gasification facility, or pyrolysis facility is or would be located is:

1. At least 3 miles from every point on the property boundary line of any residence;

2. At least 3 miles from every point on the property boundary line of any residential community; and

3. At least 3 miles from every point on the property boundary line of any church, school, park, or hospital.

(i) No county, municipality or other governmental entity shall issue any building, placement, storage or occupancy permit or license to any person intending to operate an ~~incinerator~~ incinerator, gasification facility, or pyrolysis facility unless:

24 (1) The property on which the ~~incinerator~~ incinerator, gasification facility, or pyrolysis facility is or would be
25 located is within an area which is zoned for heavy industrial activity and shall be subject to such process rules,
26 regulations or ordinances as the county, municipality or other government entity shall require by law, such as a
27 conditional use, so that conditions may be applied regarding the health, safety and welfare of the citizens within the
28 jurisdiction; and

29 (2) Every point on the property boundary line of the property on which the ~~incinerator~~ incinerator, gasification
30 facility, or pyrolysis facility is or would be located is:

- 31 a. At least 3 miles from every point on the property boundary line of any residence;
- 32 b. At least 3 miles from every point on the property boundary line of any residential community; and
- 33 c. At least 3 miles from every point on the property boundary line of any church, school, park or
34 hospital.”.

SYNOPSIS

This Amendment adds gasification and pyrolysis facilities to the types of structures or facilities for which the Department of Natural Resources and Environmental Control and a county, municipality, or other governmental entity may not issue a permit unless it is located in an area zoned for heavy industry and is at least 3 miles from every point on the property boundary line of a residence, residential community, and church, school, park, and hospital.