



Debra Heffernan
STATE REPRESENTATIVE
6th District

HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE
19901

COMMITTEES
Natural Resource & Energy, Chair
Capital Infrastructure, Co-Chair
Agriculture
Health & Human Development
Veteran Affairs

House Natural Resources & Energy Committee Meeting Minutes

6.11.24

House Committee Recording

Chair Heffernan called the meeting to order at 10:13 a.m.

Members present:

Rep. Heffernan, Chair

Rep. Phillips, Vice Chair

Rep. Baumbach

Rep. Collins

Rep. Gray

Rep. Griffith

Rep. Harris

Rep. Hilovsky

Rep. Lambert

Rep. Postles

Chair Heffernan introduced **SB 265 with SA 1 and SA 2, AN ACT TO AMEND TITLES 17, 26, AND 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE ENERGY SOLUTIONS ACT OF 2024**. *Time Stamp: 10:16 a.m.*

SB 265, sponsored by Chair Heffernan, positions the state of Delaware to meet the net zero goals of the Climate Change Solutions Act of 2023. It establishes a multi-step process to connect large

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renewable energy resources to power grids. The State Energy Office (SEO) will be able to solicit offshore wind with approval from the Public Service Commission (PSC). Solicited offshore wind contracts would need to have a bid price at or below 110 percent of the Delaware Benchmark Price. No deal will be conducted if it does not match these criteria.

Additionally, SB 265 addresses building infrastructure to connect offshore winds to the electric grid. As amended, Delaware offshore wind procurement deals would require at least one other power purchaser like another state, an electric co-op, a municipality, an industrial facility, a business, or a non-profit. This both strengthens potential bids and ensures that costs are spread across multiple rate-payer groups.

Rep. Baumbach thanked Chair Heffernan for the bill. He stated that the approach of accepting external bids to bring wind power to the state has proven effective in neighboring states. Rep. Baumbach noted that the development of this bill has been a long and detailed process and that it now reflects the interests of all involved. Chair Heffernan added that the development of the bill began in 2018 and has had multiple expert reports conducted, calling it a “slow and steady process”.

Rep. Hilovsky asked about the impact on ratepayers. He shared concerns about offshore wind being inefficient and expensive and worried that consumers may be burdened by the expense. Chair Heffernan answered that SB 265 includes multiple safeguards against high costs: tying the bid price to the Delaware Benchmark Price and requiring multiple ratepayers. Rep. Hilovsky acknowledged that the first-year price would be constrained to 110 percent of the Delaware Benchmark Price but expressed worries about an annually increasing premium making the cost too high in the long-term. Chair Heffernan responded that the bill’s safeguards would prevent deals that would lead to excessive costs.

Rep. Collins reiterated the concern about increases from the Delaware Benchmark Price in subsequent years. Then, he expressed concern about heavy construction on the coast in Delaware, which he does not believe to be worth the energy that would be generated. He also worried that non-Delawareans would be the ones to profit most from these potential deals. Chair Heffernan noted that offshore construction for other states is already visible in Delaware, but those projects do not directly benefit Delawareans as projects resulting from SB 265 would. Further, she shared that in her view, the sight of windmills is a positive reminder of the money and energy generated.

Rep. Gray also shared concerns about the appearance and effectiveness of offshore windmills. He stated that he is supportive of renewable energy but would prefer to wait and consider other options.

Chair Heffernan opened the floor for public comment.

The following members of the public voiced support for the bill: John Irwin, Co-Chair of the Sierra Club Climate and Energy Committee; Frank Burns, People for Offshore Wind Energy Resources (POWER); Dustyn Thompson, Director of the Sierra Club Delaware Chapter; Mary Douglas, League of Women Voters; Mark Nardone, Delaware Nature Society; Bill McMurray; Peggy Schultz, POWER and League of Women Voters; Marissa McClenton, Environmental

Justice Associate Organizer, Sierra Club Delaware Chapter; Jelani Bryant, POWER; Tom Brett; Sue Botnick, Sierra Club Delaware Chapter; Emily Knearl, Nature Conservancy in Delaware; Sveta Arya; Caroline Fletcher, Legislative Affairs Specialist, Mid-Atlantic Renewable Energy Coalition (MAREC) Action; Charlie Garlow, Former President of the Delaware Electric Vehicle Association; Greg McCulley; Jeffery Richardson; Jay Cooperson; Coralie Pride.

The following members of the public voiced opposition to the bill: Dave Stevenson, Caesar Rodney Institute.

A motion was made by Rep. Griffith and seconded by Rep. Harris to release SB 265 with SA 1 and SA 2 from committee. Yes = 6 (Baumbach, Harris, Griffith, Heffernan, Lambert, Phillips), No = 4 (Collins, Gray, Hilovsky, Postles). The bill was walked for additional signatures and released from committee with a F=5, M=4, U=0 vote.

Chair Heffernan introduced **HS 1 for HB 248, AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO PRE-PERMIT COMMUNITY OUTREACH IN UNDERSERVED COMMUNITIES.** *Time Stamp: 11:21 a.m.*

HS 1 for HB 248, sponsored by Rep. Johnson, would prioritize engagement of underserved communities in the permitting process by standardizing permit applicant interaction, information distribution, and transparency. This would help community members be fully informed about the impacts of potential projects in their neighborhoods and would make industry professionals responsible for understanding the communities where they intend to bring these projects.

Rep. Johnson explained that HS 1 would require applicants for a substantially modified permit in an underserved community to develop a community outreach plan. The plan must identify a community liaison, schedule community meetings within three miles of the community, provide a written overview, and publish meeting notices online and in a newspaper, as well as in the predominant non-English language if applicable. Written and oral materials must be accurate, free of technical terms, and in plain language. Underserved communities are areas where the percentage at poverty level is greater than the state average. Rep. Johnson added that applicants would be required to provide the Department of Natural Resources and Environmental Control (DNREC) an underserved community outreach report, with specific requirements for what information is included. All costs incurred with these new requirements are to be paid by the applicant.

Rep. Baumbach thanked Rep. Johnson for bringing this bill forward.

Rep. Lambert expressed support for the bill and shared that he looks forward to communities being able to directly engage in projects the future.

Rep. Collins asked about how DNREC determines and enforces pollution prevention. Matt Ritter of DNREC answered that DNREC has review and enforcement processes to ensure that approved permits meet regulations. Rep. Collins then asked about current avenues for community engagement. Mr. Ritter replied that DNREC currently has a public notice process, but a public hearing in which community members could make public comments would need to

be requested. Rep. Collins asked if Mr. Ritter believes there is an issue of permit violations currently. Mr. Ritter clarified that violations are properly addressed, but this bill is more focused on ensuring open communication and transparency in the permitting process.

Rep. Collins went on to express concerns about this bill restricting economic growth and investment in communities.

Rep. Hilovsky asked how long the permit application process would take after the underserved community outreach report is delivered. Rep. Johnson responded that DNREC must approve, reject, or request modifications to the plan within 30 days of it being submitted. She explained that this bill is focused specifically on the underserved community outreach plan and does not include language on the timeline of permit approval generally.

Vice Chair Phillips shared support for this bill, noting that the bill will simultaneously promote growth in the state and ensure vulnerable community members have a voice.

Chair Heffernan asked about the environmental mapping tool referenced in the bill. Mr. Ritter stated that the mapping tool was built on a Delaware Department of Transportation (DelDOT) equity focus area analysis and utilized limited English proficiency information from the census. He clarified that although this is not found elsewhere in Delaware Code, it is an existing tool.

Chair Heffernan also asked how the three-mile radius for community meetings was decided. Rep. Johnson answered that this radius was based on the Environmental Protection Agency (EPA) environmental justice screen analysis for proximity. Mr. Ritter further explained that emissions can travel beyond the communities where they occur, which is why this radius was chosen.

Rep. Postles asked for an approximate percentage of land in Delaware that would fall within the three-mile radiuses for these permits. Mr. Ritter replied that permits may be throughout the entire state, but DNREC's regulatory process will determine which projects qualify. Rep. Postles asked whether projects not in underserved communities would be required to fulfill the community outreach process defined in this bill and Rep. Johnson answered that they would not be. Rep. Postles added that he believed the three-mile radius is excessive.

Rep. Lambert mentioned that the environmental justice screening tool geospatially targets neighborhoods, meaning that it precisely identifies impacted communities.

Rep. Collins shared concerns that this bill would create a new type of zoning, establishing an underserved community as a new entity. Mr. Ritter answered that tools identifying underserved communities are not codifying them as such but are resources to help understand them. Rep. Collins worried that this bill would establish rights for underserved communities that other communities do not have. Mr. Ritter expressed that requests for public hearings are typically based on a lack of information, which this bill intends to address.

Rep. Hilovsky reiterated his previous question about the timeline for the permit approval process after an underserved community outreach report is delivered. Mr. Ritter emphasized that there is no information in HS 1 for HB 248 regarding the overall timeline. He stated that the length of the approval process depends on the complexity of the permit and whether there is a public hearing.

Chair Heffernan clarified that the focus of this bill is specifically community engagement, not the other components of DNREC review.

Chair Heffernan opened the floor for public comment.

The following members of the public voiced support for the bill: Bill McMurray; Jeffery Richardson.

The following members of the public voiced opposition to the bill: Tyler Micik, Delaware State Chamber of Commerce; Crystal Timmons-Bryant, American Council of Engineering Companies (ACEC) Delaware; C. Scott Kidner, Central Delaware Chamber of Commerce; Grayson Middleton, Delmarva Chicken Association; Joe Fitzgerald, New Castle County Chamber of Commerce; Elizabeth Keller, Executive Director of the Committee of 100; Lee Karras, CEO of Noramco; Josh Young, Executive Director of the Chemical Industry Council of Delaware.

A motion was made by Rep. Lambert and seconded by Rep. Phillips to release HS 1 for HB 248 from committee, motion carried. Yes = 4 (Griffith, Lambert, Heffernan, Phillips), No = 4 (Collins, Gray, Hilovsky, Postles). The bill was walked for additional signatures and released from committee with a F=3, M=5, U=0 vote.

Chair Heffernan introduced **HB 431, AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE USE AND REGULATION OF LIVE BAIT IN TIDAL AND NONTIDAL WATERS OF THE STATE.** *Time Stamp: 12:13 p.m.*

HB 431, sponsored by Vice Chair Phillips, would require DNREC to determine which species of live bait may be harvested, imported, transported, sold, or used in the tidal and non-tidal waters of Delaware.

Rep. Collins asked what types of problematic live bait are currently being sold in Delaware. John Clark, Fisheries Administrator for DNREC Division of Fish and Wildlife, responded that DNREC does not currently monitor this, but noted concerns about juvenile Asian carp as an example. He explained that this bill would extend the authority that DNREC has on food and game fish to regulate when a threat is observed. Further, Mr. Clark assured Rep. Collins that DNREC would proceed with caution in regulating.

Rep. Collins sought clarification about whether regulation regarding the use of bait is excluded as an option under current law. Mr. Clark answered that current law is not typically used regarding bait. Additionally, existing law only applies to tidal waters, but HB 431 would apply to both tidal and non-tidal waters. Rep. Collins asked that DNREC research and inform the public before enacting regulations, to which Mr. Clark responded that DNREC always brings regulation before appropriate councils.

Chair Heffernan opened the floor for public comment.

The following members of the public voiced support for the bill: Amanda Hansen, Upstream Policies; Bill McMurray.

No members of the public voiced opposition to the bill.

A motion was made by Rep. Griffith and seconded by Rep. Phillips to release HB 431 from committee, motion carried. Yes = 5 (Griffith, Gray, Heffernan, Hilovsky, Phillips), No = 1 (Postles). The bill was walked for additional signatures and released from committee with a F=3, M=6, U=0 vote.

Chair Heffernan adjourned the meeting at 12:23 p.m.

Respectfully submitted by:

Emma Crowell

Attendance List:

- John Irwin, Co-Chair of the Sierra Club Climate and Energy Committee
- Frank Burns, People for Offshore Wind Energy Resources (POWER)
- Dustyn Thompson, Director of the Sierra Club Delaware Chapter
- Mary Douglas, League of Women Voters
- Mark Nardone, Delaware Nature Society
- Bill McMurray
- Peggy Schultz, POWER and League of Women Voters
- Marissa McClenton, Environmental Justice Associate Organizer, Sierra Club Delaware Chapter
- Jelani Bryant, POWER
- Tom Brett
- Sue Botnick, Sierra Club Delaware Chapter
- Emily Knearl, Nature Conservancy in Delaware
- Sveta Arya
- Caroline Fletcher, Legislative Affairs Specialist, Mid-Atlantic Renewable Energy Coalition (MAREC) Action
- Charlie Garlow, Former President of the Delaware Electric Vehicle Association
- Greg McCulley
- Jeffery Richardson
- Jay Cooperson
- Coralie Pride
- Dave Stevenson, Caesar Rodney Institute
- Tyler Micik, Delaware State Chamber of Commerce
- Crystal Timmons-Bryant, American Council of Engineering Companies (ACEC) Delaware
- C. Scott Kidner, Central Delaware Chamber of Commerce
- Grayson Middleton, Delmarva Chicken Association

- Joe Fitzgerald, New Castle County Chamber of Commerce
- Elizabeth Keller, Executive Director of the Committee of 100
- Lee Karras, CEO of Noramco
- Josh Young, Executive Director of the Chemical Industry Council of Delaware
- Amanda Hansen, Upstream Policies

Testimony in Favor of SB 265 -- June 11, 2024

To the Members of the House Natural Resources & Energy Committee:

My name is Anna Quisel. I am a retired M.D, a family physician. On behalf of the Mid-Atlantic Alliance for Health and Climate, a group of physicians, nurses and health allies, I would like to share some of the adverse health impacts from our current main source of electrical power in Delaware, fossil fuel combustion - mainly natural gas and a hopefully soon-to-be-ended amount of coal.¹ Delaware houses or is downwind from these power plants, so using fossil fuels for electricity means that Delawareans breathe the consequences of our power choices.

Our shift away from the dirtiest fuels has helped. In the 20 years that Delaware has shifted from getting almost 50% of our electricity from coal, to now getting most of our electricity from methane. A recent report showed that rates of childhood asthma fell by a third as regional power generation shifted away from coal.² Cleaning our air makes a real difference.

So haven't we done enough? Isn't natural gas "clean-burning"? Unfortunately tests show that this leaky fuel is contaminated with cancer-causing chemicals especially benzene and toluene.³ When natural gas is burned for power, dangerous nano-particles are released⁴ and normal atmospheric nitrogen is transformed into hazardous nitrogen oxides.⁵ Tiny particles from natural gas combustion penetrate deep into our lungs and then into our arteries and are transported throughout our entire bodies leading to strokes, heart attacks, cancer, cognitive dysfunction and more.⁶ Additionally, nitrogen oxides are the underlying cause for many cases of asthma.⁷ Calculations show a single off-shore wind project with a life of 25 years will replace enough natural gas emissions to result in a huge \$3.2 billion in health savings.⁸

Offshore wind will improve health in Delaware and the sooner the better. For the health of Delawareans, please vote in favor of SB 265. Thank you for hearing me today.

¹ U.S. Energy Information Administration—EIA - *Independent Statistics and Analysis*. (n.d.). Retrieved April 24, 2024, from <https://www.eia.gov/state/analysis.php?sid=DE>

² Frey, S. M., Rowe, R. K., & Halterman, J. S. (2023). The prevalence of childhood asthma: Interpreting falling rates in the context of shifting measurement and the COVID-19 pandemic. *Current Opinion in Pulmonary Medicine*, 29(3), 197–201. <https://doi.org/10.1097/MCP.0000000000000959>

³ PSE Healthy Energy - *Natural Gas and Human Health: Reheating an Old Debate*. (2023, December 8). PSE Healthy Energy.

<https://www.psehealthyenergy.org/natural-gas-and-human-health-reheating-an-old-debate/>

⁴ Minutolo, P., Sgro, L., Costagliola, M. A., Prati, M. V., Sirignano, M., & D'Anna, A. (2010). *Ultrafine Particle Emission from Combustion Devices Burning Natural Gas*. 22, 239–244.

<https://doi.org/10.3303/CET1022039>

⁵ PSE Healthy Energy - *Natural Gas and Human Health: Reheating an Old Debate*. (2023, December 8). PSE Healthy Energy.

<https://www.psehealthyenergy.org/natural-gas-and-human-health-reheating-an-old-debate/>

⁶ Beil, L. (2017). The list of diseases linked to air pollution is growing. *Science News*.

<https://www.sciencenews.org/article/list-diseases-linked-air-pollution-growing>

⁷ PSE Healthy Energy - *Natural Gas and Human Health: Reheating an Old Debate*. (2023, December 8). PSE Healthy Energy

⁸ Walter Willett personal communication, April 23, 2024.



June 11th, 2024

Delaware General Assembly
House Natural Resources & Energy Committee
Senate Bill 265: *Delaware Energy Solutions Act of 2024*

Oceantic Network Support of Senate Bill 265: *Delaware Energy Solutions Act of 2024*

Chair Heffernen, Vice-Chair Phillips, and House Natural Resources & Energy Committee Members:

The Oceantic Network applauds Delaware’s commitment to the development of offshore wind and advancing to the decarbonization goals outlined in the *Climate Change Solutions Act of 2023*. Senate Bill 265, or more commonly referred to as the *Delaware Energy Solutions Act of 2024*, allows up to 1,200 megawatts of (MW) procurement, encourages regional cooperation, and importantly includes provisions that will allow for streamlined development of onshore transmission, thus building a stronger regional market the state will benefit from.

Delaware has always led on offshore wind and played an integral connector of the industry, and with passage of this legislation, will join its East Coast states, from North Carolina to Maine, as an active participant in the market and supply chain. The Network thanks Senator Hansen for convening a thoughtful approach to offshore wind development, local community groups who have worked tirelessly advocating for offshore wind, and Governor Carney who importantly voiced his support for this bill. If signed into law, the Network encourages his administration to work swiftly in implementation of the legislation.

The Oceantic Network (the Network) is a 501(c)(3) non-profit dedicated to advancing the offshore wind industry and its supply chain through policy, research, resources, and educational trainings. Since 2013, the Network has brought together business and government, both domestically and internationally, to educate and to prepare companies and small businesses to enter the offshore wind market. The Network uses the voice of its members to educate and support federal, state, and local policies to advance the development of the U.S. offshore wind industry. The Network empowers its members with the education, tools, and connections necessary to participate in this booming industry. Our membership includes the entirety of the U.S. offshore wind supply chain, from international developers and state agencies to community colleges and local marine service providers, including many Delaware businesses and institutions.

Offshore wind is moving forward in the United States and creating jobs; passage of Senate Bill 265 will ensure the state is capturing more of the economic development sparked by offshore wind. Earlier this year, the U.S. celebrated final construction of its first utility-scale project off the New England Coast called South Fork Wind. Despite the modest project size – 132 MW – the Network estimates employers hired thousands in manufacturing, shipbuilding, engineering, and construction activities supporting development, and hundreds of jobs will grow over the decades supporting maintenance.¹ Today, more than 4,000 MW is under active installation, and approximately another 10,000 MW fully permitted for construction. With passage of Senate Bill 265, Delaware will join other states in authorizing the procurement of more than 45,000 MW.² Offshore wind is working in the United States.

¹ Oceantic Network, Building South Fork Wind, 6/6/24

² Oceantic Network Q1 Quarterly Market Report



Delaware is also already an active participant in the supply chain. Delaware residents may have already witness large steel canisters sailing up the Delaware River, aided by local pilots, for final fabrication in New Jersey. These maritime jobs will only grow as a major wind port finishes construction in the Delaware Bay, and Maryland and New Jersey's first projects come to life. The University of Delaware, which has been an historic, global leader in offshore wind policy and today provides the industry with well-trained graduates actively making a mark on the industry. Headquartered in Delmar, Crystal Steel Fabricators emerged as an early and important steel provider with components coming out of its Eastern Shore facility in Federalsburg. Finally, the author of this paper is a Wilmington resident himself.

Benefits will begin directly flowing to the state. Last winter Governor Carney opened negotiations with a Maryland developer that would result in at least \$240 million in grid upgrades and dredging work, creating scores of union jobs, and lowering residual utility bills. An important provision in Senate Bill 265 will open the door for more projects an energy hub, leading to even more jobs and ratepayer benefits.³

Senate Bill 265 authorizes the state to procure up to 1,200 MW of offshore wind through a process that offers the state needed flexibility and advances regional coordination as a core principle. The entire regional industry is greatly strengthened by Delaware's active participation in the offshore wind industry and policymakers are wisely incorporating into the procurement process; as a result, Delaware should see greater economic benefits and diminished ratepayer impacts. The Network encourages Delaware to work closely with Maryland and New Jersey, both actively advancing their offshore wind markets, to coordinate their procurement processes. The Network echoes specific considerations made by industry allies MAREC Action and American Clean Power in creating more price certainty for industry to ensure projects are healthy and deliverable. The Network further celebrates included onshore transmission provisions that will greatly strengthen the Mid-Atlantic market and will allow Delaware to emerge as a regional cornerstone of the industry, which will directly lead to economic benefits for Delawareans.

The details outlined in this bill are essential, not only for the state of Delaware, but for the regional market as a whole. Senate Bill 265 passing will be pivotal for steadying procurement practices, securing transmission, creating regional coordination, supplying the state with jobs, and the Oceantic Network strongly advocates for its passing.

Very truly yours,

/s/ Sam Salustro

Sam Salustro
Senior Vice President of Policy and External Affairs

³ Delaware News Journal, 1/10/14



June 11, 2024

MAREC Action and American Clean Power comments on SB 265- SUPPORT

Chair Heffernan, Vice-Chair Phillips, and House Natural Resources & Energy Committee Members,

MAREC Action (informally, “Mid-Atlantic Renewable Energy Coalition”) and the **American Clean Power Association support SB 265 and encourages its passage**. MAREC Action is a non-profit advocacy organization representing over 45 utility-scale solar, battery storage, and land-based and offshore wind developers and manufacturers dedicated to the growth and development of renewable energy in Delaware and across the PJM grid region. The American Clean Power Association (ACP) is the leading voice of today’s multi-tech clean energy industry, representing over 800 energy storage, wind, utility-scale solar, clean hydrogen and transmission companies. The offshore wind developers we represent applaud Delaware’s leadership in introducing this legislation to create an offshore wind procurement, and we look forward to working together to ensure that Delaware can realize the benefits of offshore wind.

As a large-scale clean energy source, offshore wind is vital to ensuring Delaware can meet its Renewable Energy Portfolio Standard of 40% by 2035 and to meet growing energy demands of the 21st century. While all energy industries, including offshore wind, have faced some hurdles in recent years due to the unprecedented combination of inflation, raising interest rates, and supply chain challenges—the fundamental value of offshore wind remains. Offshore wind is ideally located to address our growing energy needs, as approximately 80% of the U.S. population lives within 200 miles of the coast. Wind resources are stronger and more consistent at sea, making offshore wind a reliable, predictable source of power. If SB 265 passes, Delaware will join every other East Coast state from Maine to North Carolina that have set offshore wind procurement targets and signaled their commitment to this growing industry.

SB 265 establishes a competitive procurement process for offshore wind, comparable to what has worked well in other states, including Maryland and New Jersey. By requiring offshore wind developers to compete with one another, Delawareans can be confident that they are receiving the best possible price for offshore wind. SB 265 also includes a price cap for offshore wind bids called the Delaware Benchmark Price, which is calculated as 110% of the average price Delmarva Power has paid for energy and renewable energy compliance over the three prior years. While we are concerned that this price cap may be too low to result in viable bids, we understand Delaware’s desire to balance the ratepayer impacts of offshore wind with the climate, workforce development, and local investment benefits that come with it. We encourage the State Energy Office to take a flexible approach to its calculation of the Delaware Benchmark Price, so that the price cap may better reflect the market realities for bringing new energy generation online in the current inflationary economic conditions. This includes ensuring the inputs used to calculate the Benchmark Price are adjusted for inflation. We would also encourage the Committee to consider allowing the 2% per year price escalator currently in the



legislation to be up to 3%, as was allowed in the recent Rhode Island solicitation, or have the price escalator tied to inflation.

MAREC Action and ACP applaud that SB 265 allows DE to coordinate with other states on its offshore wind procurement, as this can allow for larger-scale procurements and more market certainty. Additionally, SB 265 was amended in the Senate to require an additional offtaker besides Delmarva Power, and collaborating with another state for the procurement would fulfill this requirement. We encourage Delaware to coordinate with its neighboring states, especially Maryland, to ensure the successful future of offshore wind in the region.

We appreciate the inclusion of language in SB 265 to help facilitate the interconnection of renewable energy projects to the grid by allowing private renewable energy generators to use state-owned right of ways for their transmission infrastructure. This practice has been allowed in other states, including Delaware's neighbor New Jersey, to help meet clean energy goals. This language is crucial to facilitating the interconnection of both offshore wind projects and utility-scale solar projects in the state.

Our offshore wind member companies prioritize building relationships with organized labor for their projects in other states and are committed to doing the same in Delaware. Developers are eager to satisfy the prevailing wage and apprenticeship requirements of President Biden's landmark Inflation Reduction Act, which awards greater tax incentives to clean energy companies that create family-sustaining jobs, and SB 265 was amended in the Senate to require the use of project labor agreements for Delaware offshore wind projects. Nationwide, the offshore wind industry is expected to create almost 80,000 jobs by 2030¹, and SB 265 will ensure that Delawareans are not left out of that economic opportunity.

In closing, we thank Senator Hansen, the Delaware Legislature, and the Carney Administration for their thoughtful approach to offshore wind procurement. MAREC Action respectfully requests your consideration of our suggested amendments and your support for SB 265, and we thank you for your consideration.

Caroline Fletcher
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¹ <https://www.energy.gov/articles/energy-secretary-granholm-announces-ambitious-new-30gw-offshore-wind-deployment-target>

My name is John Irwin, I live in New Castle County and appreciate this chance to speak.

I'm here to urge you to move this bill forward out of committee.

There are many reasons requesting bids for generating clean energy is a good idea for Delaware and our chances to slow down the climate changes costing more and more billions each year. You will hear many of them today.

It is also a safe and reasonable thing to do.

- It's safe because as a request for proposals it doesn't commit us to accepting anything that we
- are not happy with, that does not meet the criteria we, through the State Energy Office and
- this bill, will decide upon.
- We have criteria setting boundaries around the price of energy we will accept. We have
- consultation with qualified parties like the Renewable Energy Task Force and the Public Service
- Commission.
- There will be a public process to determine if the solicitation is in the public interest.
- There will be review of a successful bid and the contract to ensure it meets the requirements by the PSC.
- It will be reviewed to make sure the price is competitive with other new renewable energy sources or carbon-free energy projects in our region.

It is reasonable to look for an offshore wind solution to our need to rapidly transition our electricity sources to clean, carbon-free energy.

- We are a coastal state with steady reliable wind over the ocean within reach.
- We would be the last of the states between Maine and North Carolina to begin this solicitation process. We are not rushing into anything. And we can join up with other states in a project if that becomes our best option.
- Offshore wind has been developed in Europe for many years already. And is being planned around the world. China leads the world in offshore wind with nearly half the installed capacity worldwide.

This bill is safe and reasonable to pass out of committee.

- There are many protections to ensure that only a project we like is accepted.
- Offshore wind is the best and maybe only way to meet the greenhouse gas emissions reductions we committed to last year.
- Wind is a free energy source that is non polluting, won't ever run out, can't be withheld by a hostile supplier, with a contract price that will be known for decades into the future. It would be something that we could plan for.

Thank you and please move SB265 ahead out of committee.

Dear Natural Resources Committee Members (Delaware House of Representatives),

Burning fossil fuels to power our homes, vehicles, and industries sickens and kills Americans – and costs us hundreds of billions of dollars.

To save lives and money, we must transition to cleaner power sources, such as offshore wind, as rapidly as possible. That transition is now within reach in Delaware—if the Delaware House of Representatives can muster the wisdom and political will to seize it.

According to a report by the Natural Resources Defense Council, the consumption of fossil fuels—such as coal, oil, and gas—causes more than \$820 billion worth of damage to human health in the United States each year.

That expense doesn't just fall on the sick. It affects everyone through higher insurance premiums, taxes, lost productivity, and other indirect means.

The \$820 billion figure includes the cost of treating illnesses such as asthma and cancer, among others, which fossil fuel-related air pollution can cause. It also includes the statistical value of the tens of thousands of American lives lost annually to fossil fuel-related illnesses.

The \$820 billion figure does not cover the health costs of fossil fuel-driven climate change, which exacerbates heat-induced ailments and the spread of infectious diseases. But, when one adds the health impacts of climate change, the human cost of fossil fuel use in America boggles the mind.

For comparison, the president has requested the United States spend \$850 billion on the nation's military defense in the coming year.

In short, pumping millions of tons of fossil fuel exhaust—which contains particulate matter, nitrogen oxides, hydrocarbons, greenhouse gasses, and other poisons—into the atmosphere is hugely costly in terms of lives and money. Switching to cleaner power sources, especially offshore wind, would reduce those emissions.

This is where fossil fuel apologists correctly point out that building cleaner energy infrastructure also comes with costs but incorrectly imply that those costs are similar to what fossil fuel consumption brings.

For example, over its lifetime, the average offshore wind turbine generates about 11 grams of CO₂ emission per kilowatt-hour of electricity produced, but natural gas-powered facilities generate about 450 grams of CO₂ per kWh, and coal-powered facilities generate a whopping 1,000 grams of CO₂ per kWh, according to an analysis for Forbes Magazine.

So, despite the reality that nothing is perfect, stark differences matter, and cleaner power is better for our health.

Far better.

According to Yale University's accounting, immediately switching to cleaner power sources could save more than 1,300 lives and nearly \$12 billion in Delaware by 2050.

The Delaware General Assembly set this course in 2023 with the passage of the Climate Change Solutions Act, setting a goal of reducing greenhouse gas emissions to net zero by 2050, and has already taken necessary steps in that direction.

Now is the time to take another one.

I call upon the House Natural Resources Committee and the full Delaware House of Representatives to follow the Delaware Senate, pass the Delaware Energy Solutions Act of 2024 as soon as possible, and authorize the state to buy electricity from offshore wind farms.

Our health would thank you.

Onward,

Greg Layton

9052 Willow Grove Road

Camden-Wyoming, DE 19934

(302) 423-9832

Dear Members of the Delaware House of Representatives,

The ACLU of Delaware opposes HB 265 and asks the House of Representatives to vote no on this bill. HB 265 raises significant concerns around privacy, surveillance, and the First Amendment. The bill proposes to “card” all people who access websites with content deemed “material harmful to minors.”

This age-verification law is like legislation passed in Texas and Arkansas that federal courts found unconstitutional. This bill will require both minors and adults to surrender their anonymity when accessing online content. It will have a chilling effect on people accessing certain sites or desired information because of fear of data misuse or inability to access information anonymously.

This bill gives businesses broad discretion on how they verify age. However, common methods include uploading a driver’s license or state ID, facial recognition technology, or private transactional data such as a credit card. Anyone without the required ID would thereby be unable to access certain sites.

Forcing everyone to identify themselves to access lawfully protected content online imposes an unconstitutional burden on access to protected speech and burdens users who do not have identification, wish to exercise their right to anonymity, or otherwise are concerned about privacy and security.

Courts have consistently invalidated laws like this legislation, in large part because of the significant burden verification imposes on all users. There are many alternatives available such as policies enabling or encouraging users (or their parents) to control their own access to information, whether through user-installed devices and filters or affirmative requests to third party companies.

We can make the internet safer without sacrificing the privacy and constitutional rights of all Delawareans.

Respectfully,

John

--

John Reynolds • he|him

Deputy Policy & Advocacy Director

American Civil Liberties Union of Delaware

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Dear Members of the Committee,

My name is Ken Reynolds, owner of Red Mill Tackle.

I want to comment on House Bill 431 in the House Committee of Natural Resources and Energy meeting on 6/6/24.

I wish to express my support of said bill, which aims to grant authority to DNREC to regulate the use of live baitfish. This regulation is important for many reasons.

Unregulated use of live baitfish can pose significant if not disastrous effects on Delaware freshwater eco systems.

The introduction of invasive species and the spread of diseases can be devastating on native species and some species already in decline. I believe that establishing guidelines can insure the protection of native species.

In conclusion , I urge the committee to approve this vital bill. Grant DNREC the authority to regulate the use of live bait fish.

Thank You for Your Attention.

Ken Reynolds

Owner: Red Mill Tackle

Dear Members of the House Committee on Natural Resources & Energy,

I am writing as a concerned citizen to show my support for House Bill 431 that would give DNREC the power to regulate the use of live baitfish. I believe this is really important for a few reasons:

First, invasive species are a huge problem for our freshwater environments. 87% of invasive fish in Delaware show up in our freshwater. When people use live baitfish for fishing, it can bring these invasive species into our waters, negatively impacting our local ecosystems. Second, these baitfish can carry diseases that can harm native fish and other aquatic life. If DNREC can regulate live baitfish, it would help stop the spread of these diseases and keep our waterways healthier.

Finally, by supporting this bill, we can protect our environment and our local ecosystems.

I hope you will consider endorsing this bill. It's an important step towards taking care of our natural resources here in Delaware.

Thank you for your time.

Sincerely,

Denise Van Deroef

114 W Cobblefield Court

Newark, DE 19713