



**Debra Heffernan**  
STATE REPRESENTATIVE  
6th District

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

COMMITTEES  
Capital Infrastructure, Co-Chair  
Agriculture  
Health & Human Development  
Natural Resources & Energy, Chair  
Veterans Affairs  
Transportation

## House Natural Resources & Energy Committee Minutes

6.11.25

### House Committee Recording

Chair Debra Heffernan called the meeting to order at 4:09 a.m..

Members present:

Rep. Heffernan, Chair  
Rep. Phillips, Vice-Chair  
Rep. Burns  
Rep. Bush  
Rep. Carson  
Rep. Collins  
Rep. Gray  
Rep. Griffith  
Rep. Harris  
Rep. Hilovsky  
Rep. Lambert  
Rep. Postles  
Rep. Snyder-Hall  
Rep. Vanderwende

Chair Heffernan introduced Agenda Item No. 4: **SJR 4 DIRECTING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO COMMISSION AN ARCHITECTURAL STUDY OF KINGSTON-UPON HULL.** *Time Stamp: 4:12*

SJR 4, sponsored by Sen. Hoffner and Rep. Harris, would direct the Department of Natural Resources and Environmental Control to obtain an architectural report of Kingston-upon Hull, believed to be the third-oldest structure in the state, to consider estimated costs to either restore or stabilize the property. The resolution further directs the Department to consider future use of the property and recommend a course of action for the property.

Chair Heffernan sought clarification on whether the resolution would recommend a study. Rep. Harris answered in the affirmative.

Chair Heffernan opened the floor for public comment. *Time Stamp: 4:14*

A motion was made by Rep. Carson and seconded by Rep. Burns to release SJR 4 from committee; motion carried. Yes = 10 (Burns, Carson, Collins, Gray, Griffith, Harris, Heffernan,

Phillips, Postles, Vanderwende); No = 0; Absent = 4 (Bush, Hilovsky, Lambert, Snyder-Hall). The bill was released from committee with a F=1, M=9, U=0 vote.

Chair Heffernan introduced Agenda Item No. 1: **HB 189 AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE MIGRATORY BIRD.** *Time Stamp: 4:17*

HB 189, sponsored by Vice Chair Phillips, would designate the Red Knot as the State migratory bird.

Chair Heffernan opened the floor for public comment. *Time Stamp: 4:18*

Member of the public, Mark Nardone of the Delaware Nature Society, voiced their support for this legislation.

A motion was made by Rep. Carson and seconded by Rep. Bush to release HB 189 from committee; motion carried. Yes = 9 (Burns, Carson, Collins, Gray, Griffith, Heffernan, Phillips, Postles, Vanderwende); No = 0; Absent = 5 (Bush, Harris, Hilovsky, Lambert, Snyder-Hall). The bill was released from committee with a F=0, M=9, U=0 vote.

Chair Heffernan introduced Agenda Item No. 2: **SB 148 AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DESIGNATION OF A STATE DRAGONFLY.** *Time Stamp: 4:21*

SB 148, sponsored by Sen. Hansen and Rep. Phillips, designates the Blue Dasher as the official dragonfly for the State of Delaware as chosen by Delaware students.

Chair Heffernan opened the floor for public comment. *Time Stamp: 4:23*

Member of the public Mark Nardone of the Delaware Nature Society voiced their support for this legislation.

A motion was made by Rep. Bush and seconded by Rep. Carson to release SB 148 from committee; motion carried. Yes = 9 (Burns, Carson, Collins, Gray, Griffith, Heffernan, Lambert, Phillips, Postles, Vanderwende); No = 0; Absent = 5 (Bush, Harris, Hilovsky, Snyder-Hall). The bill was released from committee with a F=2, M=8, U=0 vote.

Chair Heffernan introduced Agenda Item No. 6: **HB 175 w/ HA 1 AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL FEES AND ASSESSMENT AND TO AUTHORIZE AND APPROVE VARIOUS DNREC FEES AND ASSESSMENTS.** *Time Stamp: 4:26*

HB 175 w/ HA 1, sponsored by Chair Heffernan, would update certain statutory fees in Title 7 and establish or update certain permit and licensing fees found in 68 Del. Laws Ch. 86 (1991). These are fees charged for regulatory activities within the Department of Natural Resources and

Environmental Control (DNREC) divisions of Air Quality, Waste and Hazardous Substances, Water, and Watershed Stewardship, most of which have not changed or been updated since 1991. The intent of the increased and new fees is to bring revenue generated by fees more in line with the cost of the regulatory programs and activities they support, including the cost of employees who work in those areas. Chair Heffernan stated that this bill would help more fully fund DNREC, thereby lessening the burden on taxpayers.

Rep. Collins expressed his concern that the model of funding that relies on fees utilized by DNREC is flawed. Rep. Collins suggested that funding for DNREC be paid out of the General Fund. Chair Heffernan responded that this bill is more responsive to taxpayers, as the users of DNREC's resources pay, rather than the taxpayer. Rep. Collins clarified that employees' salaries should be taken out of the General Fund and fees be utilized for other expenses. Rep. Collins stated that the mission of DNREC is to provide clean water, air, and environment to all Delawareans, not just the users.

Chair Heffernan opened the floor for public comment. *Time Stamp: 4:32*

Members of the public Mary Douglass of the Delaware League of Women Voters, Marissa McClinton of the Sierra Club Delaware Chapter, Mike Quaranta of the Delaware State Chamber of Commerce, Joe Fitzgerald of the New Castle County Chamber of Commerce, Shweta Arya of the Mid-Atlantic Alliance on Climate and Health, Executive Director of the Committee of 100 Matt Dougherty, Emily Knearl of The Nature Conservancy, and Mark Nardone of the Delaware Nature Society, and Julie Wenger of the Delaware Food Industry Council, voiced their support for this legislation.

Members of the public President of Tidewater Utilities Bruce Patrick expressed concerns regarding this legislation.

Rep. Gray asked Secretary of DNREC Greg Patterson if this legislation would help keep employees longer in positions. Secretary Patterson answered in the affirmative, stating that this increased revenue will allow DNREC to fill positions that have been vacant because they did not have these revenues. The Secretary explained that they will be able to petition for higher salaries for employees with the increased revenue, which would incentivize employee retention.

Rep. Collins inquired on why the Department has not asked the Joint Finance Committee for an increased budget, especially because half of DNREC's employees are paid by the fees. Secretary Patterson answered that relying on fees to pay employees allows the Joint Finance Committee to allocate funds elsewhere, and state departments have followed this trajectory in recent years.

A motion was made by Rep. Burns and seconded by Rep. Lambert to release HB 175 w/ HA 1 from committee; motion carried. Yes = 8 (Burns, Bush, Carson, Griffith, Heffernan, Lambert, Phillips, Snyder-Hall); No = 5 (Collins, Gray, Hilovsky, Postles, Vanderwende) ; Absent = 1 (Harris). The bill was released from committee with a F=5, M=3, U=0 vote.

Chair Heffernan introduced Agenda Item No. 3: **HJR 3 w/ HA 1 DIRECTING ALL ELECTRIC UTILITIES IN DELAWARE TO PARTICIPATE IN AN ANALYSIS OF THE POTENTIAL FOR ADOPTION OF GRID-ENHANCING TECHNOLOGIES, INCLUDING BENEFITS, COST BURDENS AND COST SHIFTING, FEASIBILITY AND BARRIERS TO ADOPTION UNDERTAKEN BY THE DNREC STATE ENERGY OFFICE AND THE DELAWARE SUSTAINABLE ENERGY UTILITY.** *Time Stamp: 4:56*

HJR 3 w/ HA 1, sponsored by Rep. Burns, directs the DNREC State Energy Office (DNREC SEO) and the Delaware Sustainable Energy Utility (DESEU) to conduct a comprehensive cost-benefit analysis of Grid-enhancing technologies (GETs) across all electric utilities in Delaware. Rep. Burns stated that GETs are proficient tools to increase power grid capacity without the need for new transmission lines. Studies demonstrate that these innovations can double renewable energy integration, create hundreds of thousands of jobs, and significantly expand interzonal transmission capacity. Rep. Burns expressed that GETs increase the reliability of the grid and can ease congestion, which leads to power shortages and higher consumer prices.

Rep. Carson expressed his support for the bill.

Rep. Heffernan inquired if there was a fiscal note associated with the bill. Rep. Burns answered no, the study would be completely funded by the DESEU and Department of Energy budgets.

Rep. Collins expressed his support for the bill, provided the study's results are not predetermined. Rep. Burns responded that the intention is to take an open-minded approach, and the study is not aimed at promoting any particular technology.

Chair Heffernan opened the floor for public comment. *Time Stamp: 5:01*

Members of the public Lisa Oberdorf, State Affairs Manager for Delmarva Power, (5:01) and Peggy Schultz of the Delaware League of Women Voters, voiced their support for this legislation.

A motion was made by Rep. Griffith and seconded by Rep. Phillips to release HJR 3 w/ HA 1 from committee; motion carried. Yes = 13 (Burns, Bush, Carson, Collins, Gray, Griffith, Heffernan, Hilovsky, Lambert, Phillips, Postles, Snyder-Hall, Vanderwende); No = 0; Absent = 1 (Harris). The bill was released from committee with a F=1, M=11, U=0 vote.

Chair Heffernan introduced Agenda Item No. 5: **SCR 18 w/ HA 1 CREATING A TASK FORCE TO STUDY NUCLEAR ENERGY IN DELAWARE.** *Time Stamp: 5:05*

SCR 18 w/ HA 1, sponsored by Sen. Richardson and Rep. Hilovsky, would establish the Delaware Nuclear Energy Feasibility Task Force to examine the feasibility, economic impact, regulatory considerations, energy reliability, and environmental implications of deploying Small Modular Reactors (SMRs) in Delaware.

Rep. Burns expressed his support of an objective study that considers the safety, disposal of waste, and other similar issues involved in the deployment of Small Modular Reactors. Rep. Burns raised concerns that this bill may indicate that the goal is to utilize nuclear energy in the future. Rep. Burns asked for clarification on who would be involved in the task force. Rep. Hilovsky explained that there would be 25 members comprised of Senators, Representatives, Secretary of DNREC Greg Patterson, Department of Health and Social Services, Office of State Planning and Coordination, the Director of Energy Management, a Public Service Commission, a public advocate, Chair of Governors Energy Advisory Council, Executive Director of League of Local Governments, Chair of Delaware Workforce Development Board, Chair of Justice Forty Oversight Committee, President of DELMARVA Power, President of Delaware Electric Co-op, and President of Municipal Electric Corporation. Rep. Burns asked if anyone on the Commission has expertise in nuclear power. Rep. Hilovsky answered that eight members would be appointed by the governor, including an expert in energy production, transmission, or distribution, preferably from a company with experience in nuclear power grid management. Rep. Burns requested that a scientist or physicist with nuclear power generation expertise be included. Rep. Hilovsky agreed with the request and asserted that such an expert would be added.

Rep. Griffith appreciated the inclusion of a member of a public advocacy group.

Rep. Carson expressed his appreciation for the bill.

Rep. Gray sought to clarify that specific language in the bill addressed Rep. Burns' concern, specifically "an expert in energy production, transmission, or distribution". Rep. Burns clarified that the utilization of "or" did not guarantee that an expert in nuclear power generation would be included.

Rep. Postles asked if this task force would study Generation 4 technology. Rep. Hilovsky expressed his willingness to introduce an amendment that would ensure this study.

Chair Heffernan asked if the bill stipulates who would staff the task force. Rep. Hilovsky answered in the affirmative.

Chair Heffernan inquired if the task force would study the impact on the waste from a nuclear power plant. Rep. Hilovsky answered in the affirmative.

Chair Heffernan opened the floor for public comment. *Time Stamp: 5:18*

Member of the public, Chapter Director of the Sierra Club Delaware Chapter, Dustyn Thompson, expressed their concerns regarding this legislation.

Member of the public, retired nuclear professional Chris Kerr, voiced their support for this legislation.

Chair Heffernan sought clarification regarding the language of the bill that indicates the General Assembly provides the staffing of the Task Force, in particular, who would staff the Task Force. Rep. Hilovsky answered that he is unsure and assumptions were made that this Task Force would

follow the processes of other task forces. Rep. Carson provided that historically the caucus that introduces a bill is responsible for staffing the task force. Rep. Hilovsky agreed with Rep. Carson.

A motion was made by Rep. Collins and seconded by Rep. Vanderwende to release SCR 18 w/ HA 1 from committee; motion carried. Yes =13 (Burns, Bush, Carson, Collins, Gray, Griffith, Heffernan, Hilovsky, Lambert, Phillips, Postles, Snyder-Hall, Vanderwende); No = 0; Absent = 1 (Harris). The bill was released from committee with a F=0, M=12, U=0 vote.

Chair Heffernan introduced Agenda Item No. 7: **HB 210 w/ HA 1 AN ACT TO AMEND TITLES 3, 7, AND 16 OF THE DELAWARE CODE RELATING TO THE ENVIRONMENT.** *Time Stamp: 5:28*

HB 210 w/ HA 1, sponsored by Rep. Lambert, seeks to update the fine structure for major commercial polluters. In addition, this Act increases the amount of penalty funds directed to communities near facilities with violations. In summary, this Act imposes higher fines for violations of the following chapters: Chapter 22 of Title 3, relating to nutrient management programs; Chapter 60 of Title 7, relating to environmental control; Chapter 62 of Title 7, relating to oil pollution liability; Chapter 63 of Title 7, relating to hazardous waste management; Chapter 71 of Title 7, relating to noise control and abatement; Chapter 79 of Title 7, relating to chronic violator status; Chapter 91 of Title 7, relating to the Hazardous Substances Cleanup Act; and Chapter 13 of Title 16, relating to stream pollution. In addition, 40 percent, rather than 25 percent, of the civil and administrative funds collected under various environmental regulatory chapters will be appropriated to the Community Environmental Project Fund under § 6042 of Title 7. The Fund will give priority to community environmental projects located within a 2-mile radius of the violation or infraction. This Act adds to the fund 40% of the fines collected for oil pollution and noise control and abatement violations, under Chapter 62 and Chapter 71 of Title 7. This Act further allows DNREC to appeal a decision by the Environmental Appeals Board relating to chronic violator status.

Rep. Carson inquired if the Delaware Farm Bureau supports the bill. Rep. Lambert answered that the Delaware Farm Bureau is housed under the Nutrient Management Commission, which supports the bill. Rep. Carson asked if they have received a formal sign-off from the Department of Agriculture. Rep. Lambert answered in the negative.

Rep. Griffith asked if Rep. Lambert would be willing to talk to the Farm Bureau. Rep. Lambert answered in the affirmative.

Rep. Postles raised concerns regarding the inclusion of the Nutrient Management Commission as they typically do not manage heavy industry use. Rep. Lambert expressed that DNREC manages large concentrated animal farming operations (CAFO) of 125,000 chickens or more, and the Nutrient Management Commission only manages farms larger than 10 acres or more than 2,667 chickens. Rep. Lambert stated that excluding farms managed by the Nutrient Management Commission would leave a gap of 1,000 farms, many of which are medium or small CAFO. Rep. Lambert stated that the Nutrient Management Commission agreed that the fines are low. Rep. Postles expressed that CAFO that do not meet the 125,000 threshold are a fairly small level of

production, and a fine of up to \$40,000 may be half of the operations' gross income for the year. Rep. Lambert explained that the Commission would not be required to administer a fine that high for smaller farms, as the bill allows discretion in administering fines. Rep. Postles reiterated his objection to grouping small producers with multi-million dollar farms. Rep. Lambert expressed that these fines may not be updated for another quarter of a century and may be adequate by the time they are updated.

Chair Heffernan inquired if DNREC could utilize their discretion to help the producers or farms remediate the issue that is causing the fines. Rep. Lambert answered that DNREC is more concerned with compliance, with an outlier being farms covered under the Nutrient Management Commission.

Rep. Vanderwende expressed concern that including agriculture in this bill oversteps as there is typically only one problem every few years in the agriculture community. Rep. Vanderwende expressed further concern that the Commission in the future may fine a smaller farm \$40,000.

Vice Chair Phillips shared that she has spoken with farmers who are impacted by pollution as a result of both their work conditions and the polluted condition of their homes.

Rep. Collins expressed concern that the tone of the bill is punitive and believes that people are already paying high prices for environmental regulations, but expressed his support for some increase in the fines. Rep. Lambert stated his willingness to continue conversations with committee members and the Farm Bureau regarding these concerns.

Rep. Carson stated that he is uncomfortable releasing the bill without input from the Farm Bureau.

Chair Heffernan requested a commitment from Rep. Lambert to work with the Farm Bureau and the Department of Agriculture prior to the bill reaching the floor. Rep. Lambert expressed his commitment.

Rep. Carson sought clarification on the impact this bill would have on farmers below the canal. Dave Marvel of the Delaware Farm Bureau answered that it would depend on whether the fines were always implemented properly. Rep. Carson asked if all farmers who spray their own pesticides are trained and Nutrient Management certified. Dave Marvel answered in the affirmative. Rep. Carson sought confirmation that all such companies are completely certified. Mr. Marvel answered in the affirmative.

Rep. Phillips stated that if such companies are completely certified and follow proper procedures, they would not be found in violation by the Nutrient Management Commission. Dave Marvel responded that the language of the bill leaves the door open.

Rep. Griffith asked how many farms the Farm Bureau represents. Mr. Marvel answered that the Farm Bureau represents approximately 1,400 farms. Rep. Griffith expressed concern that if farms shut down as a result of these fines, they may be sold and replaced with developments that have greater negative environmental impacts.

Rep. Bush sought confirmation that a violation may be committed by failing to file paperwork. Mr. Marvel answered in the affirmative and further expressed concerns regarding the discretionary implementation of fines.

Rep. Carson reiterated his concern regarding the lack of endorsement from the Farm Bureau and asked if Rep. Lambert would be willing to hold off on bringing the bill to the floor without such endorsement. Rep. Lambert expressed his willingness to meet with the Farm Bureau and expressed his concern regarding the Committee members' focus on the future level of reputability of the Commission.

Rep. Bush reiterated the position that Rep. Lambert consult with the Farm Bureau and Department of Agriculture. Rep. Lambert reiterated his intention to meet with the necessary parties.

Rep. Collins asked if Rep. Lambert would be willing to wait for release from committee until after the Farm Bureau and Department of Agriculture had endorsed the bill. Rep. Lambert expressed his willingness.

Rep. Collins noted that the administration of these penalties may be subject to potential future regulatory abuse. Rep. Collins asked if the sponsor would be willing to discuss the bill with him and DNREC.

Rep. Carson expressed concern that Rep. Lambert would be willing to discuss with DNREC when agriculture is the largest Delaware industry.

Rep. Gray commented that the agriculture community does not have many violations because they are not penalized to follow these regulations, but have worked together with the state towards these goals, and implementing such a fine structure.

Rep. Burns asked if the Nutrient Management Commission currently has discretion over the amount of a fine. Rep. Lambert answered in the affirmative. Rep. Burns sought clarification that this bill would not change whether or not the Commission has discretion, it increases the cap on the amount that they may potentially fine. Rep. Lambert answered in the affirmative.

Vice Chair Phillips opened the floor for public comment. *Time Stamp: 6:28*

Members of the public Marissa McClinton of the Sierra Club Delaware Chapter, Greg Layton of the Vice Chair of the Sierra Club Delaware Chapter, Chapter Director of the Sierra Club Delaware Chapter Dustyn Thompson, Becca Cotto of the YWCA Delaware voiced their support, Emily Knearl of the The Nature Conservancy, Robbie Anstett of the Delaware Concerned Residents for Environmental Justice, and Peggy Schultz of the Delaware League of Women Voters, for this legislation.

Members of the public, Sydnie Grossnickle of the Delaware Farm Bureau, Mike Quaranta of the Delaware State Chamber of Commerce, and Scott Kidner of the Central Delaware Chamber of Commerce voiced their opposition to this legislation.

Members of the public, Grayson Middleton of the Delmarva Chicken Association, David Marvel of the Delaware Farm Bureau, and Joe Fitzgerald of the New Castle County Chamber of Commerce, raised concerns regarding this legislation.

A motion was made by Rep. Carson and seconded by Rep. Collins to table HB 210 w/ HA 1; motion failed. Yes = 6 (Carson, Collins, Gray, Hilovsky, Postles, Vanderwende); No = 6 (Burns, Griffith, Heffernan, Lambert, Phillips, Snyder-Hall); Not Voting = 1 (Bush); Absent = 1 (Harris).

A motion was made by Vice Chair Phillips and seconded by Rep. Burns to release HB 210 w/ HA 1 from committee; the Chair offered the bill for signatures for committee members not present. Yes = 7 (Burns, Bush, Griffith, Heffernan, Lambert, Phillips, Snyder-Hall); No = 6 (Carson, Collins, Gray, Hilovsky, Postles, Vanderwende); Absent = 1 (Harris). The bill was later released from committee with a F=5, M=3, U=0 vote.

Chair Heffernan adjourned the meeting at 6:49 p.m.

Respectfully submitted by,  
Anna Squiers

#### **Attendance List**

- Mark Nardone, Delaware Nature Society
- Greg Patterson, Secretary of Department of Natural Resources and Environmental Control
- Mary Douglass, Delaware League of Women Voters
- Marissa McClenton, Sierra Club Delaware Chapter
- Bruce Patrick, President of Tidewater Utilities
- Mike Quaranta, Delaware State Chamber of Commerce
- Joe Fitzgerald, New Castle County Chamber of Commerce
- Shweta Arya, Mid-Atlantic Alliance on Climate and Health
- Matt Dougherty, Executive Director of the Committee of 100
- Emily Knearl, The Nature Conservancy
- Julie Wenger, Delaware Food Industry Council
- Lisa Oberdorf, Delmarva Power
- Peggy Schultz, Delaware League of Women Voters
- Doug Dennison, Department of Natural Resources and Environmental Control
- Chris Kerr, retired nuclear professional
- Dustyn Thompson, Chapter Director of the Sierra Club Delaware Chapter
- David Marvel, Delaware Farm Bureau
- Grayson Middleton, Delmarva Chicken Association
- Greg Layton, Vice Chair of the Sierra Club Delaware Chapter
- Syndie Grossnickle, Delaware Farm Bureau
- Scott Kidner, Central Delaware Chamber of Commerce

- Becca Cotto, YWCA Delaware
- Robbie Anstett, Delaware Concerned Residents for Environmental Justice
- Jerry Esposito, Tidewater, SEDAC, & Espo Enterprises



**Delaware State Farm Bureau**  
**3457 S. DuPont Highway**  
**Camden, DE 19934**

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defb.org

Date: June 11, 2025

To: Members of the House Natural Resources and Energy Committee

From: Sydnie Grossnickle, Delaware Farm Bureau

Re: HB 210 - Oppose

The Delaware Farm Bureau (DEFB) is a nonprofit, nonpartisan organization that serves as a unified voice for Delaware's farmers, agriculturalists, and allied industry members. DEFB's mission is to promote and protect Delaware agriculture through education and advocacy, ensuring a quality of life for farmers, their families, and consumers. On behalf of our membership, we are writing to express our strong opposition to House Bill 210 as written.

While we support responsible environmental stewardship, HB 210 as currently written poses unintended and disproportionate risks to Delaware's working family farms.

First, the "Whereas" clauses, intended to explain the bill's purpose, make no mention of agriculture. Instead, they focus on "commercial" and "heavy industrial polluters," indicating that farms were not considered stakeholders in the development of this bill.

Second, despite the stated goal of addressing chronic violations, the provisions in Section 1 apply to any violation, regardless of severity or repetition. That means a single, isolated incident, such as nutrient runoff from a weather event, could expose a farmer to fines up to \$40,000 per day.

Currently, any person can file a complaint, even if they haven't suffered harm. Allowing HOAs, neighbors, or others to challenge long-established farming practices. We've already seen this tension in areas where development has encroached on farms. This bill could directly undermine State and County Right to Farm legislation, and roughly 40% of Delaware's farmland is in Ag Preservation, where farming practices are protected by statute. HB 210 may conflict with those protections and potentially raise constitutional concerns.

Even when a complaint is unjustified, farmers would be forced to incur significant legal fees to defend against the potential disproportionate fees which HB 210 would authorize, with no recourse to recover



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those costs.

Further, the bill is vague on the difference between a “separate” and “continuing” violation. That ambiguity could result in excessive penalties for what amounts to a single issue, potentially devastating these hard-working family farms.

Agriculture is our state’s top industry, and family farms are already subject to multiple layers of environmental regulation. We want to be partners in protecting our state’s land, water, and air, but this bill prioritizes punishment over partnership.

We urge this committee to oppose HB 210 in its current form or, at the very least, consider amendments that clearly distinguish agricultural operations from industrial polluters, focus enforcement on repeat, willful violations, and include compliance assistance to help farmers meet regulatory standards.

Thank you for your time and commitment to a thoughtful and balanced policy. If you have any questions, please feel free to contact me at [sydnie.grossnickle@defb.org](mailto:sydnie.grossnickle@defb.org) or (301) 693-4920. Thank you.

Sincerely,

Sydnie Grossnickle  
Government Affairs Coordinator  
Delaware Farm Bureau

June 13, 2025

Members, House Natural Resources & Energy Committee  
Delaware General Assembly

**RE: Please Issue a Favorable Report on HB 210, the “Pollution Accountability Act”**

Chair and Committee Members,

On behalf of the Center for Engagement, Environmental Justice, and Health INpowering Communities (CEEJH INC) and the rural Delawarean residents we serve as Co-Directors of the Mid-Atlantic Justice Coalition, I, Dr. Sacoby M. Wilson, am writing in strong support of HB 210. I am an environmental health scientist with experience spanning more than 25 years in the areas of exposure science, environmental justice, environmental health disparities, community-engaged research, including community-based participatory research (CBPR), community science, and community-owned and managed research (COMR), and air quality studies including building hyperlocal air quality monitoring networks, Geographic Information Systems (GIS) including developing environmental justice screening and mapping (EJSM) tools, built environment, climate change, industrial animal production, climate change, community resiliency, and sustainability. I am also a professor with the Department of Global Environmental and Occupational Health (GEOH), School of Public Health, University of Maryland-College Park. I work primarily with community-based organizations to study and address environmental justice and health issues and translate research into action. I have been and continue to mentor students for more than 20 years.

Delaware, though one of the smallest U.S. states, has a disproportionately large concentration of industrial and chemical facilities, particularly in New Castle County.<sup>1</sup> The state's economic history is deeply tied to the petrochemical and heavy manufacturing sectors, anchored for decades by companies like DuPont, Chemours, and other industrial giants.<sup>1</sup> As a result, Delaware's densely populated corridor—especially areas along the Route 9 corridor—has evolved into a landscape marked by legacy pollution, high cumulative emissions, and persistent environmental health risks. This has led to well-documented extreme events and disasters. For example, the Croda Atlas Point chemical plant located in New Castle, Delaware, near the Delaware Memorial Bridge exploded on November 25, 2018. This facility produces ethylene oxide, a highly flammable and toxic chemical used in the manufacture of antifreeze, detergents, and other industrial products. The plant is located adjacent to predominantly Black and low-income communities who expressed concern about the lack of warning and transparency surrounding the incident, prompting the need for fines and local reinvestment. Despite Croda's claims that the plant was operating safely, community members and EJ advocates criticized the delayed public communication, calling for greater corporate accountability and more stringent safety regulations. DNREC launched an investigation and ultimately fined Croda \$246,000 for violations related to the explosion. The facility received federal attention when the EPA also cited the facility for Clean Air Act violations following the incident. This should serve as a baseline reference to the extent of fines that facilities should receive for disasters similar in magnitude. The Croda disaster prompted renewed calls for cumulative impact assessments in permitting decisions, improved emergency response protocols, greater community participation in environmental decision-making and fine determination, and the development and use of tools like Mid-Atlantic EJSCREEN to identify and protect overburdened Delaware communities. Delaware has also experienced

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<sup>1</sup> Jayanthi, V. (2021, April 22). Warning: Hazards ahead (and already here in Delaware). ArcGIS StoryMaps. <https://storymaps.arcgis.com/stories/e8f1c3cf0acb4c56b232de66afa9eb30>

a significant expansion of industrial chicken farms, with 324 industrial-scale facilities and 20 processing plants statewide. Recent research shows these operations are spatially concentrated, creating environmental justice concerns. A study demonstrated that Black-majority and economically disadvantaged areas are significantly more likely to host concentrated animal feeding operations (CAFO) facilities.<sup>2</sup> These findings echo long-standing concerns about regulatory neglect, where the environmental impacts of industrial chicken farms disproportionately impact already marginalized populations. Studies reveal that communities living near CAFOs have higher levels of soil and water contamination.<sup>3,4</sup> Human exposure to such pollution can lead to acute or chronic asthma and gastrointestinal issues such as abdominal pain, diarrhea, and vomiting.<sup>5,6,7</sup> More specifically, when not contained within “pits,” animal waste also exposes humans to chemical agents such as particulate matter, volatile organic compounds, ammonia, and hydrogen sulfide.<sup>8</sup> Perhaps the most significant CAFO-related environmental health disaster in Delaware involved Mountaire Farms, one of the largest poultry processors in the U.S. Located in Millsboro, Sussex County, the facility was found to have sprayed thousands of gallons of improperly treated wastewater from poultry processing on nearby fields—overloading the soil and contaminating groundwater with nitrates, ammonia, and pathogens.<sup>9</sup> In 2017, residents filed a class-action lawsuit against Mountaire, alleging that the company had poisoned local drinking water wells. Many residents were forced to use bottled water. DNREC fined the company and ordered remediation, but critics say enforcement was weak and failed to prevent long-term harm.

Given the recent rollback of environmental justice protections under the new Executive Orders, it is now more important than ever for Delaware to codify a law that holds commercial polluters accountable for discharging harmful materials into the air and water of nearby communities. While penalties are not the end solution, they present a pathway to a more just state. Penalties have not kept pace with inflation or the true cost of environmental and public health harm. For example, the current \$1,000 minimum and \$10,000 maximum daily fines for violations such as nutrient pollution or confined animal feeding operations (CAFOs) have not been updated in over 30 years, despite significant increases in the cost of living, environmental remediation, and the scale of industrial agriculture.<sup>10</sup> Adjusted for inflation, a \$10,000 penalty set in the early 1990s would need to be over \$22,000 today just to maintain equivalent economic deterrence. Meanwhile, the true cost of nutrient pollution—including toxic algal blooms, groundwater contamination, and dead zones in waterways—can run into millions of dollars in damages to ecosystems, fisheries, and public infrastructure.<sup>11</sup>

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<sup>2</sup> Galarraga, J., Khanjar, N., Berman, I., Hall, J., Edwards, C., Bara-Garcia, S., ... & Wilson, S. (2022). Environmental injustice and industrial chicken farming in Delaware. *NEW SOLUTIONS: A Journal of Environmental and Occupational Health Policy*, 31(4), 441-451.

<sup>3</sup> Wing, S., Horton, R. A., & Rose, K. M. (2013). Air pollution from industrial swine operations and blood pressure of neighboring residents. *Environmental Health Perspectives*, 121(1), 92-96.

<sup>4</sup> Liu, X., Zhang, W., Hu, Y., Hu, E., Xie, X., Wang, L., & Cheng, H. (2015). Arsenic pollution of agricultural soils by concentrated animal feeding operations (CAFOs). *Chemosphere*, 119, 273-281.

<sup>5</sup> Langley, R. L. (2011). Consequences of respiratory exposures in the farm environment. *North Carolina medical journal*, 72(6), 477-480.

<sup>6</sup> Heederik, D., Sigsgaard, T., Thorne, P. S., Kline, J. N., Avery, R., Bønløkke, J. H., ... & Merchant, J. A. (2007). Health effects of airborne exposures from concentrated animal feeding operations. *Environmental health perspectives*, 115(2), 298-302.

<sup>7</sup> Von Essen, S. G., & Auvermann, B. W. (2005). Health effects from breathing air near CAFOs for feeder cattle or hogs. *Journal of agromedicine*, 10(4), 55-64.

<sup>8</sup> Mitloehner, F. M., & Calvo, M. S. (2008). Worker health and safety in concentrated animal feeding operations. *Journal of agricultural safety and health*, 14(2), 163-187.

<sup>9</sup> Baskin-Graves, L., Mullen, H., Aber, A., Sinisterra, J., Ayub, K., Amaya-Fuentes, R., & Wilson, S. (2019). Rapid health impact assessment of a proposed poultry processing plant in Millsboro, Delaware. *International journal of environmental research and public health*, 16(18), 3429.

<sup>10</sup> Delaware House Democrats. (2025, June). Lambert Pollution Accountability Act Would Increase Penalties for Pollution Violations. <https://housedems.delaware.gov/2025/06/05/lambert-pollution-accountability-act-would-increase-penalties-for-pollution-violations/>

<sup>11</sup> National Research Council, Commission on Geosciences, Resources, Water Science, Technology Board, Ocean Studies Board, ... & Management of Coastal Eutrophication. (2000). *Clean coastal waters: understanding and reducing the effects of nutrient pollution*. National Academies Press.

Since 2014, DNREC has accumulated a backlog of hundreds of CAFO permits —illustrating systemic understaffing and weak deterrence for violators.<sup>12</sup> Today 97.5 % of Delaware’s streams and 100 % of our estuaries are listed as impaired for nutrients and bacteria.<sup>13</sup> Simply put, and reflecting the testimony of allies such as SESH/SHEN, many rural families on private wells cannot rely on safe drinking water, which should be a fundamental right to Delawareans. Asthma, COPD, and other respiratory illnesses track closely with neighborhood proximity to large barns and manure handling.<sup>14,15</sup> Across the country in states (California, Massachusetts, Washington, New Jersey, New York, Minnesota, and Colorado) that have passed strong protection against pollution, successful laws began with community leadership and contain a systematic process to triage CAFO permits to ensure that public health needs are met swiftly. California – SB 1383 (2016) took a climate-focused approach. SB 1383 mandates a 40% reduction in methane emissions from the dairy and livestock industry by 2030. It targets manure management systems, requiring adopting emission-reduction technologies at large operations. Minnesota requires environmental assessments for large-scale CAFOs, and public comment is mandatory. The Minnesota Pollution Control Agency (MPCA) requires air modeling or ambient monitoring for hydrogen sulfide, ammonia, and PM, particularly where communities raise concerns. In Washington State, CAFOs must develop and implement Nutrient Management Plans (NMPs) which outline how manure and other nutrients will be managed to prevent pollution. These plans should include requirements for manure storage, land application rates, and nutrient testing. In Washington State, current CAFO permits require groundwater monitoring, especially in areas vulnerable to nitrate contamination, to assess the potential for pollution from manure storage and application sites.

The Mid-Atlantic Justice Coalition (MAJC) — a coalition of impacted communities and seasoned advocates — is driving similar efforts in Maryland.<sup>16</sup> MD EJSCREEN, for example, has been used to identify overburdened communities and prevent the incorporation of facilities such as busyard terminals into communities such as Cheverly, Fairmount Heights, and Seat Pleasant.<sup>17</sup> Additionally, MD EJSCREEN identified environmentally-burdened communities, such as Turner Station in Dundalk, Maryland to receive funding from the 2022 EPA American Rescue Plan (ARP) for hyperlocal air quality monitoring efforts. CEEJH has been working with this community since receipt of funds to develop, maintain, and disseminate data from the network, and work with the Maryland Department of the Environment (MDE) to implement pollution mitigation strategies.<sup>18</sup> Building on this momentum, the Mid-Atlantic EJSCREEN tool—an expanded environmental justice mapping and screening platform covering Maryland, Delaware, Pennsylvania, Virginia, West Virginia, and Washington, DC—is now being used to inform regional policy, funding, and permitting decisions. In Delaware, the tool has helped highlight the disproportionate pollution burdens faced by low-income communities in Sussex and Kent Counties, including those near industrial poultry operations and highway corridors.

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<sup>12</sup> EPA. (2013). STATE REVIEW FRAMEWORK . Environmental Protection Agency. <https://www.epa.gov/sites/default/files/2015-09/documents/srf-rd3-rev-de.pdf>

<sup>13</sup> Read, Z. (2022, March 18). Delaware’s rivers and streams are the most polluted in the U.S., New Report says. WHY. <https://why.org/articles/delawares-rivers-and-streams-pollution-environmental-integrity-project-water-safety/>

<sup>14</sup> Smit, L. A., Hooiveld, M., van der Sman-de Beer, F., Opstal-van Winden, A. W., Beekhuizen, J., Wouters, I. M., ... & Heederik, D. (2014). Air pollution from livestock farms, and asthma, allergic rhinitis and COPD among neighbouring residents. *Occupational and Environmental Medicine*, 71(2), 134-140.

<sup>15</sup> Schultz, A. A., Peppard, P., Gangnon, R. E., & Malecki, K. M. (2019). Residential proximity to concentrated animal feeding operations and allergic and respiratory disease. *Environment international*, 130, 104911.

<sup>16</sup> MAJC. (2022). Mid-Atlantic Justice Coalition. <https://www.midatlanticjustice.org/>

<sup>17</sup> Williams, E., Polsky, D., Archer, J. M. J., Rodriguez, A., Han, R., Stewart, K., & Wilson, S. (2022). MD EJSCREEN v2. 0: Visualizing Overburdening of Environmental Justice Issues Using the Updated Maryland Environmental Justice Screening Tool. *Environmental Justice*, 15(6), 385-401.

<sup>18</sup> EPA. (2022). Biden-Harris Administration Announces Nearly \$500,000 for Community Air Pollution Monitoring Project in Maryland (Updated). <https://www.epa.gov/newsreleases/biden-harris-administration-announces-nearly-500000-community-air-pollution-monitoring>

Within the context of HB 210, it does not impose automatic penalties. DNREC retains full discretion to assess fines “up to” the cap, considering intent, gravity, and history. Only chronic or egregious violators—not farmers who make and correct minor errors—would ever approach that ceiling. Current law already sets daily fines; HB 210 merely updates the schedule. DNREC historically provides corrective-action windows before assessing penalties, especially where a producer can show good-faith efforts. Overburdened communities, those bearing the brunt of the pollution, are finally consulted, as reflected in HB 210’s 40% reinvestment to local mitigation projects. This is on par with former President Joe Biden’s Justice40 Initiative, where 40% of federal investments go towards disadvantaged communities.<sup>19</sup> This gives Delaware the opportunity to serve as a role model for addressing rural environmental justice and health issues. When violations occur, residents should not shoulder the downstream expense of contaminated wells, emergency bottled-water deliveries, or pediatric inhalers.

In terms of fiscal fairness and accountability, Delaware taxpayers already subsidize the industry through cost-share programs for nutrient-management plans and manure transport. HB 210 ensures pollution costs are internalized by corporate integrators. To sharpen penalty calibration, we respectfully ask DNREC to provide the Committee with all monitoring reports and reviews related to poultry operations and NMPs between 2020-2024. We also request that DNREC provide the Committee with all violations issued, and if any fines were collected, the amount in fines, and what funding those fines supported. Transparent numbers will confirm what families already know: what we are doing now is not working.

To close, HB 210 balances agricultural prosperity with public-health protection, modernizes outdated penalties, and finally directs a fairer share of fine revenue back into the neighborhoods that bear the burden. We urge the Committee to release the bill with a favorable recommendation. Thank you for your consideration and for championing the right of every Delawarean to breathe clean air and drink safe water.

Respectfully,

Sacoby M. Wilson, Executive Director

Center for Engagement, Environmental Justice, and Health INpowering Communities

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<sup>19</sup> Walls, M., Hines, S., & Ruggles, L. (2024). Implementation of Justice40: Challenges, opportunities, and a status update. RFF Report.



Dear Members of the Committee,

Delaware Nature Society strongly supports House Bill 210 to increase civil penalties and seek administrative penalties against major commercial polluters and those that chronically violate the conditions of their permits.

Pollution permits are designed to safeguard public health through protection of our air, soil and water. Toxic releases of the kind we've seen recently and chronic violations of permit limits pose a serious risk to humans, as well as wildlife and its habitat.

The current penalties for violations simply are not high enough to be a significant deterrent or to compel polluters to update their technologies and modify their practices. It is our hope that this legislation changes that.

We understand that pollution drifts on air currents and spreads through our water, but they most directly and most often impact our most vulnerable residents: the low-income neighbors of polluting facilities. We know they already suffer worse health than the population overall. This, in a word, is unfair.

We therefore commend the sponsor for considering them by providing a greater portion of the fine revenue to environmental projects near the violation or infraction. We appreciate that true equity is a major consideration of this act.

Mark Nardone

Director of Advocacy, Delaware Nature Society

[Mark.Nardone@DelNature.org](mailto:Mark.Nardone@DelNature.org)

302.413.5057 O 302.500.2559 M



June 11, 2025

To: Members of the House Committee on Natural Resources and Energy  
From: Delaware Concerned Residents for Environmental Justice (% Dora Williams)  
Re: Support for House Bill 210 - Pollution Accountability in Delaware

Dear Chair Heffernan and Members of the House Natural Resources Committee,

When pollution is released, it's almost always facility workers and fence-line communities—most often low-income communities and communities of color—who are harmed first and worst. This is because polluting facilities and land uses are disproportionately located in these Environmental Justice Communities. These harms are not abstract; they're lived realities for residents who breathe the air, drink the water, and raise our families in the shadow of industry. They are manifested in our health and quality of life.

Communities need—and government agencies have a responsibility to prioritize—preventing pollution in the first place. But when companies fall short, they also need to be held accountable. When pollution permits and emissions limits are violated, even one-time violations can have devastating impacts, particularly for those workers who are most exposed and nearby residents who may have underlying health conditions. Pollution also disproportionately impacts children, whose young bodies are still developing and less equipped to handle spurts of pollution. **The fines and fees that are imposed when a facility or other entity violates pollution permits MUST be commensurate with the impact, length, and frequency of the pollution incident.**

In most cases fines for environmental violations in Delaware have not been updated in many decades AND they aren't even tied to inflation. This is unacceptable. Anyone who's been to the grocery store knows that things don't cost what they used to. If our communities are buying groceries, prescriptions and other necessities using 2025 dollars, there is no excuse for polluters to be paying the same cost as they were in the 1970s. This results in the financial cost of pollution incidents being just “the cost of doing business” and without these fines being more substantial the polluter has little financial incentive to invest in upgrading to prevent future incidents. **Delawareans deserve better.**

Members of Delaware Concerned Residents for Environmental Justice (DCR4EJ) have long called for transparency, accountability, and reinvestment as essential elements of Environmental Justice. In recent months, we've seen renewed attention to policies that reflect what our communities have voiced for years: accountability and redress must follow harm. This principle must guide how the state addresses cumulative environmental burdens as well as individual pollution events and permit violations. **When a pollution violation occurs and a fine is**

[Delaware Concerned Residents for Environmental Justice Website](#) | [Facebook page](#)

**imposed, the money from that fine should be reinvested in health, environmental and community benefitting projects within the same communities when the pollution harm occurred.**

We are grateful for the work of the Justice40 Oversight Committee and Rep. Larry Lambert's leadership in uplifting community wisdom through listening sessions across Delaware, which many of our members participated in. These sessions reflect a model of public engagement grounded in the values of Environmental Justice. Out of those sessions came important and actionable community-led solutions. The proposed revisiting of fee structure for pollution violations to make the fines more in-line with the harms caused by the violation is one of those solutions.

As these policy conversations continue, we urge decision-makers to prioritize solutions shaped by the residents living closest to the harm. Passing HB210 means that, within the DNREC Secretary's discretion, polluters will come one step further to paying the same costs as everyone else. Every community deserves clean air, safe water, access to green space, and the power to shape what a healthy, safe and thriving community looks like to them. HB210 is a good step to get Delaware moving in the direction of that reality.

Sincerely,

Dora Williams

*Community Advocate and Resident in Route 9 Corridor*

On behalf of the Delaware Concerned Residents for Environmental Justice

June 11, 2025

Members, House Natural Resources & Energy Committee  
Delaware General Assembly

**RE: Please Issue a Favorable Report on HB 210, the “Pollution Accountability Act”**

Chair and Committee Members,

On behalf of Sussex Health & Environmental Network (SHEN) and the rural residents we serve throughout Sussex County, I write in strong support of HB 210.

**Why HB 210 Is Needed Now**

Penalties have not kept pace with inflation or the true cost of harm. HB 210 merely updates fines that have remained static for decades, raising the minimum penalty for a CAFO or nutrient-management violation from \$1,000 to \$5,000 and the maximum daily ceiling from \$10,000 to \$40,000.

Since 2014 DNREC has accumulated a backlog of hundreds of CAFO permits —illustrating systemic understaffing and weak deterrence for violators.

Public-health stakes are high. Today 97.5 % of Delaware’s streams and 100 % of our estuaries are listed as impaired for nutrients and bacteria; many rural families on private wells cannot pour a safe glass of water. Asthma, COPD, and other respiratory illnesses track closely with neighborhood proximity to large barns and manure handling.

HB 210 does not impose automatic penalties. DNREC retains full discretion to assess fines “up to” the cap, considering intent, gravity, and history. Only chronic or egregious violators—not farmers who make and correct minor errors—would ever approach that ceiling.

Current law already sets daily fines; HB 210 merely updates the schedule. DNREC historically provides corrective-action windows before assessing penalties, especially where a producer can show good-faith efforts.

Overburdened communities, those bearing the brunt of the pollution, are finally consulted, as reflected in HB 210’s 40% reinvestment to local mitigation projects. When violations occur, residents should not shoulder the downstream expense of contaminated wells, emergency bottled-water deliveries, or pediatric inhalers.

**Fiscal Fairness & Accountability**

Delaware taxpayers already subsidize the industry through cost-share programs for nutrient-management plans and manure transport. HB 210 ensures pollution costs are internalized.

**Data Request**

To sharpen penalty calibration, SHEN respectfully asks DNREC to provide the Committee with:

- All monitoring reports and reviews related to poultry operations and NMPs between 2020-2024, and
- All violations issued, and
- if any fines were collected, how much were the fines, and
- What funding have those fines supported

Transparent numbers will confirm what families already know: what we are doing now is not working.

**Conclusion**

HB 210 balances agricultural prosperity with public-health protection, modernizes outdated penalties, and finally directs a fairer share of fine revenue back into the neighborhoods that bear the burden. We urge the Committee to release the bill with a favorable recommendation.

Thank you for your consideration and for championing the right of every Delawarean to breathe clean air and drink safe water. I welcome questions at any time.

Respectfully,

Maria Payan

Executive Director, Sussex Health & Environmental Network



*People. Process. Place.*

Date: June 11, 2025

To: Members of the House Committee on Natural Resources and Energy

From: Roby Anstett, Community Partnerships Liaison

Re: Community Perspective on Environmental Accountability in Overburdened Communities

Dear Chair Heffernan and the Natural Resources Committee,

For decades, Claymont has borne the weight of cumulative pollution: highways choking our air with diesel exhaust, smokestacks shadowing our neighborhoods, and rail yards cutting through our residential blocks. These lived realities aren't just background noise—they're environmental burdens for the families who call Claymont home.

In recent months, we've seen growing attention to policies that aim to hold polluters accountable and reinvest in impacted communities. These conversations echo what communities like ours have long voiced: repair must follow harm.

We commend the work of the Justice40 Oversight Committee, particularly Rep. Larry Lambert's leadership in hosting listening sessions across all three counties. These sessions modeled what meaningful public engagement should look like—centering local knowledge, lived experience, and the wisdom of overburdened communities in environmental decision-making.

As we continue to uplift transparency, reinvestment, and equity, we hope Delaware's decision-makers prioritize solutions shaped with and by impacted residents. Every community deserves clean air, water, green space, and the power to lead repair where harm occurs.

We would welcome the opportunity to host members of the committee in Claymont for a community-grounded conversation, and invite you to hold a future meeting in our community to hear directly from residents living at the fenceline of hazardous emissions.

Sincerely,

A handwritten signature in black ink that reads "Roby Anstett".

Robert "Roby" Anstett

*Community Partnerships Liaison*

On behalf of the Claymont Coalition for Environmental Justice

Email: [robyanstett@gmail.com](mailto:robyanstett@gmail.com)

Dear Members of the House Natural Resources & Environment Committee,

On behalf of the Sierra Club Delaware Chapter, we would like to voice our support for the Pollution Accountability Act, House Bill 210. For far too long, industrial facilities have treated permit violations that result from uncontrolled emissions as a cost of doing business. The current fines sometimes hardly cover the cost of DNREC addressing these violations, and has led to many polluters slipping through the cracks. These frequent violations steadily erode the trust between community members, industries, and DNREC. The Pollution Accountability Act, House Bill 210, helps to address that erosion of trust and is a step in the right direction towards a cleaner future.

The Pollution Accountability Act modernizes fines and fees for programs like nutrient management, oil pollution, hazardous waste, noise control, stream pollution, and environmental control. It also provides clarity into what the consequences are of being a “chronic violator” who has multiple similar violations within a 10-year period. With some of these fines not being updated since the 1990s, it has created a dynamic where DNREC is unprepared and underfunded to adequately remediate and address the harm done by these permit violations.

With a new DNREC Administration, we have a chance to ensure that the agency is going to use all of the tools in their toolbox to control polluters. In order for this to work, the tools that they have at their disposal have to be sufficient enough to cover the rising costs of bringing companies into compliance and addressing the harm that is being done.

There is a lot of work that needs to be done to improve our permitting process in order to protect our most vulnerable communities and citizens. This is going to require collaboration between DNREC, the State of Delaware, companies, and community members to ensure that these kinds of violations no longer become a cost of doing business. It is crucial that we address the root cause of the permit violations in addition to seeking consequences that are strong enough to effectively deter companies from ignoring risk abatement and safety protocols.

The communities that suffer as a result of chemical releases and permit violations deserve remediation and restoration. The Pollution Accountability Act increases the amount of money redirected from several environmental regulatory chapters, from 25% to 40%, and transfers this money into the Community Environmental Projects Fund that funds organizations within a 2 mile radius of the violation.

There is no doubt that business and industry is a crucial part of Delaware’s economy and history. What we cannot accept, though, is the continued pattern of negligence and refusal to address community concerns by these same industries just because they can easily afford the fines and know that DNREC isn’t equipped to fight them. We deserve clean air, clean water, and clean land in Delaware and we believe that the Pollution Accountability Act is a significant move in the right direction.

Thank you for your consideration,  
Dustyn Thompson  
Chapter Director  
Sierra Club Delaware Chapter



**SIERRA CLUB**  
DELAWARE CHAPTER

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Thank you for your consideration,  
Dustyn Thompson  
Chapter Director  
Sierra Club Delaware Chapter



**SIERRA CLUB**  
DELAWARE CHAPTER

As a Delaware resident and interested person in our environment, I urge you to back the Pollution Accountability Act. This is an important step in helping our environment, and making law breakers accountable for pollution, by fining them and making them contribute to The Community Environmental Project Fund.

We all need to worry about the long term effects of pollution.

Sincerely,

Mrs. Susan Campbell  
34224 Tabernacle Lane  
Selbyville, DE 19975

House Natural Resources & Energy Committee,

My name is Matt Jarrell from Newark, DE. I am commenting in favor of HB 210. This legislation will discourage commercial pollution with increased fines for violations. It also uses a larger percentage of the funds collected from environmental chapters to be used for environmental projects for affected communities. For these reasons I support HB 210.

Thanks for your consideration,  
Matt