



October 17, 2023

Submitted electronically to: [landuse@newcastlede.gov](mailto:landuse@newcastlede.gov)

Karen Peterson, Planning Board Chair  
Charuni Patibanda, Land Use General Manager  
New Castle County  
Land Use and Planning Board  
Delaware

**Re: NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND PLANNING BOARD; [App. 2023-0325-Z](#): *Comprehensive Rezoning*. (Ord. 23-083) Comprehensive Rezoning to revise the New Castle County Zoning Maps pursuant to New Castle County Code, Chapter 40 ("Unified Development Code"), Article 31 ("Procedures and Administration"), Section 40.31.113 ("Exploratory Plan Review Stage").**

**Specifically: RED LION HUNDRED: 10-049.00-073 (0 River Rd, Delaware City Refining Co), 10-049.00-074 (1042 S Dupont Hwy, Stockton Dev Co), 12-002.00-024 (0 S Dupont Hwy), 12-006.00-041 (1535 Red Lion Rd, Harris Subdivision), 12-007.00-020 (4120 Wrangle Hill Rd, Bear Babe Ruth Kodiak Park), 12-013.00-081 (4110 Wrangle Hill Rd, Bear Babe Ruth Kodiak Park), 12-021.00-003 (4667 Wrangle Hill Rd, Delaware City Refining Co), 12-036.00-001 (0 Biggs Ln, Union Carbide Corp), 13-004.00-001 (309 Port Penn Rd, Union Carbide Corp);**

**NEW CASTLE HUNDRED: 10-015.00-004 (2162 New Castle Ave), 10-017.00-003 (251 Churchmans Rd, Churchmans Office Complex), 10-030.00-046 (0 River Rd), 10-035.00-002 (300 S Dupont Hwy), 10-035.00-056 (790 Grantham Ln, Dellaversano Subdivision), 10-045.00-011(1345 River Rd), 10-045.00-012 (0 River Rd), 10-049.00-073 (0 River Rd, Delaware City Refining Co), 10-049.00-074 (1042 S Dupont Hwy, Stockton Dev Co), 10-050.00-007 (1421 River Rd, Tall Subdivision), 10-050.00-008 (0 River Rd), 10-050.00-009 (0 River Rd), 10-050.00-011 (1493 River Rd, Red Lion Energy Center), 10-050.00-012 (1545 River Rd, Getty Refining & Marketing Co), 10-050.00-013 (1426 River Rd, Tall Subdivision)**

Dear Chair Peterson, General Manager Patibanda, and Land Use and Planning Board,

Delaware Riverkeeper Network (DRN) respectfully submits this comment in opposition to the approval of the comprehensive rezoning of the parcels referenced above that belong to the Delaware City Refining Company or other owners for a related use, as described herein. We submit this comment on behalf of DRN's more than 26,000 members, many of whom live and/or work in Delaware and the region.

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We protest any action being taken by the New Castle County Planning Board at this time on these applications based on 3 main issues:

1. Lack of transparency

The public has no information about why the parcels are being considered for comprehensive rezoning. The planned future use of the parcels is not explained, the timing of the new uses, and how the planned uses would impact the public and public health and safety is not disclosed. We understand that Charuni Patibanda, New Castle County Land Use General Manager, has stated that the rezoning is related to a proposed Hydrogen Hub project. DRN is aware of the recent federal government announcement that Delaware and the refinery are part of the proposed MACH2 Hydrogen Hub.

Delaware Riverkeeper Network nor members of the general public have access to any specific information about this Hydrogen Hub project that would assist in forming a substantive comment on its rezoning. If this is part of the new U.S. Department of Energy's Office of Clean Energy Demonstrations (OCED)<sup>1</sup>, it is especially egregious that there is no community involvement, public disclosure, or any attempt to fulfill what President Biden has promised with the start of the Hydrogen Hub process – a robust, inclusive, and interactive community involvement effort that includes all communities that could be impacted, including environmental justice communities. The lack of public information and involvement demands that the consideration for rezoning be halted until this can be remedied with appropriate actions and the process opened up as the Biden Administration has so diligently expressed would be the case with the various sites and components of the proposed Hydrogen Hubs. As stated by OCED:

**“Community Engagement**

OCED is committed to meaningful two-way engagement with host communities and project performers throughout the demonstration project lifecycle. We will work to be as inclusive as possible of all stakeholders at the local community level, with particular regard for those most impacted by our projects.”<sup>2</sup>

See the extensive materials describing community engagement and environmental justice from OCED here: <https://www.energy.gov/oced/communities-jobs-and-justice>

2. Premature action

The Hydrogen Hubs have not received funding yet. The October 13 announcement by the Biden Administration was the first phase of a multi-phased process, as described by OCED in briefings held yesterday, October 16.<sup>3</sup> It is stated in OCED's “Get Involved” matrix that funding awards will be dependent on certain requirements being met by each Hydrogen Hub, including MACH2 over the coming months.<sup>4</sup> It was stated by Todd Shrader of OCED at the briefings that the timeline for each hub will be different, depending on the specifics of that Hub. There was no specific timeline for funding in the MACH2 briefing. It was also clearly and

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<sup>1</sup> <https://www.energy.gov/oced/about-us>

<sup>2</sup> <https://www.energy.gov/oced/communities-jobs-and-justice>

<sup>3</sup> <https://www.energy.gov/oced/h2hubs-local-engagement-opportunities>

<sup>4</sup> <https://www.energy.gov/oced/h2hubs-local-engagement-opportunities>

repeatedly stated that a Hub may receive a “no-go” or “go” at several points in the phased process of review by OCED and that funding was NOT guaranteed at this time for any of the Hubs. One of the key elements that was stressed by the OCED presenters was community engagement as a “must” for being successful in securing funding. Certainly, without committed funding and because of the potential for MACH2 not being funded, it is premature for the Board to consider taking action on comprehensive rezoning requests of the Refinery parcels or any other New Castle County properties being considered for Hydrogen Hub sites.

3. Unknown/undisclosed environmental impacts

Without any information about the environmental impacts of the use of the parcels being considered, DRN objects to the comprehensive rezoning of any of the prospective Hydrogen Hub parcels. The rezoning will confer use by right to the parcel owner(s) without the substantive review process that would be required otherwise. This lack of knowledge undermines the planning process and the goals of the Board and the State of Delaware to protect the environment and communities through the County Planning Board’s decision making.

In conclusion, DRN requests that no action be taken on the requests for rezoning of the above referenced parcels. If any action is taken, DRN requests that the application(s) be denied.

Thank you for the opportunity to comment on this important action under consideration by the New Castle County Department of Land Use and Planning Board.

Respectfully submitted,



Maya van Rossum  
the Delaware Riverkeeper

Tracy Carluccio  
Deputy Director