



Delaware River Basin Commission

25 Cosey Road

PO Box 7360

West Trenton, New Jersey

08628-0360

Phone: (609) 883-9500 Fax: (609) 883-9522

Web Site: <http://www.drbc.gov>

Steven J. Tambini, P.E.
Executive Director

August 15, 2022

Via Email to: keeper@delawariverkeeper.org
tracy@delawariverkeeper.org

Maya K. van Rossum
Tracy Carluccio
Delaware Riverkeeper Network
925 Canal Street, Suite 3701
Bristol, PA 19007

Re: DRBC Docket No. D-2017-009-2

Dear Ms. van Rossum and Ms. Carluccio:

I am in receipt of your letters dated July 27, 2022 and August 12, 2022, objecting to the extension of Delaware River Basin Commission (DRBC or Commission) Docket No. D-2017-009-2. I have conferred with the designated alternate Commissioners and Counsel concerning this response.

On June 2, 2022, Delaware River Partners (DRP) made a request to extend the 3-year expiration period set forth in 18 C.F.R. § 401.41(a) due to DRP's expenditure of substantial funds for the Gibbstown Logistics Center Dock 2 project. In its June 2 letter, DRP represented that it had expended the substantial sum of \$1,798,766. My letter acknowledged that DRP is entitled to the extension provided by Section 401.41(a) of the Commission's Rules of Practice and Procedure which provides as follows:

Approval by the Commission under this part shall expire three years from the date of Commission action unless prior thereto the sponsor has expended substantial funds (in relation to the cost of the project) in reliance upon such approval. An approval may be extended or renewed by the Commission upon application.

In light of your objections, it would be beneficial for the Commissioners to consider the circumstances of the project, the June 2, 2022 request, and the funds expended to date in relation to the cost of the project. I will request that this matter be considered during the Commission's September business meeting.

DRP's request for an extension and the Commission's consideration of that request does not necessitate a public hearing. Section 14.4(b) of the Compact requires a hearing in limited circumstances, none of which apply here. Section 401.5 of the Commission's regulations implementing Section 3.8 of the Compact provides for a public hearing following staff review of each "project application." Where, as here, a request for an extension under Section 401.41(a) does not seek to modify the project or docket conditions, I do not consider the request to be a "project application" for purposes of the hearing rule.

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If you would like to make a written submission to the Commissioners for their consideration, please send your submission to Commission Secretary Pamela Bush, with a copy to DRP's counsel, within 10 days of receipt of this letter. I request a response from DRP be submitted to Ms. Bush, with a copy to you, within ten days of your submission, to include a current estimate of the cost of the project and a statement of the amount of project costs expended after issuance of the docket.

Sincerely,

A handwritten signature in black ink, appearing to read "Stambini", with a large, stylized initial "S" that loops around the first part of the name.

Steven J. Tambini
Executive Director

c: DRBC Commissioners
Pamela M. Bush, Commission Secretary
Kenneth J. Warren, Commission General Counsel
Harry Alexander, CEO, Repauno Port & Rail Terminal
Kathleen Campbell, Esq.
Michael Dillon, Esq.