



# Environmental Permitting Public Hearings

## How does a hearing get scheduled?

### Permit application submission

Application is received, reviewed and deemed administratively complete by Division staff.

### Public notice issuance

The Department publishes a public notice in Delaware newspapers and online to advise the public that the permit application has been deemed administratively complete, and to invite the public to submit comments, questions, and a request for a hearing should they wish to do so.

### Evaluation of hearing request

The request is evaluated with discussions between the requesting individual and the Permitting Division, a process that may require additional review. If the hearing request is deemed meritorious, the Department begins preparations for a hearing.



## What should I know about the hearing scheduling process?

### Hearing date secured

A Hearing Officer is assigned and a hearing date is secured. Work begins on the creation of the DNREC hearing webpage, allowing the public to view information about the permit application, exhibits, comments and other relevant materials.

### Public notice is published to advise public of hearing date

The Department issues public notice of the upcoming hearing date. The hearing record is opened to accept comments from the public at this time. Written comments are immediately incorporated into the hearing record upon receipt. Comments cannot be withdrawn or retracted after submittal.

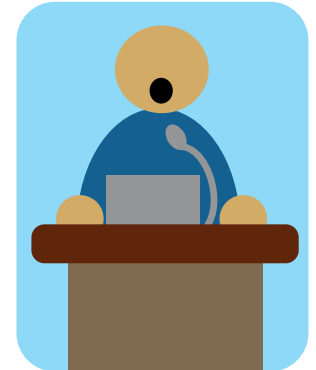
### Division begins hearing preparations

Responsible staff person schedules a court reporter, interpreter (if necessary), prepares Department exhibits for inclusion into the hearing record and prepares Department's presentation for the public hearing.

## What happens at/after a public hearing?

### Public hearing is held

During the hearing, the Department and applicant may provide presentations and expert testimony and submit exhibits into the record. Pre-registered members of the public provide live comments. While information is provided by the Department and the applicant at the hearing, there is no opportunity for discussions or questions at that time.



### Following the public hearing

The record remains open for a minimum of 15 days following the hearing to receive written comments. Comments submitted to DNREC, including any personal information that is in the body of the submission, will be posted to the DNREC hearings page and may also be made available for in-person viewing.

### Comments are reviewed

After the comment period closes, Division staff review all submitted comments and, if necessary, prepare a Technical Response Memo (TRM) to address public concerns which is then incorporated into the hearing record. The Permitting Division provides recommendations for approval or denial of a permit along with the scientific rationale behind the decision. The TRM is made available to the public after the Secretary issues a final decision.

### Hearing Officer's Report is prepared

After receiving the Division's responses to public concerns, the Hearing Officer prepares their Report for the Secretary's consideration. This Report summarizes the hearing record and provides recommendations to the Secretary based on the compiled record.

### Secretary review and decision

The DNREC Secretary thoroughly reviews the entire hearing record and renders a decision, documented in a Secretary's Order. The finalized Secretary's Order is posted on the DNREC website, along with the Hearing Officer's Report, and transcript of the public hearing, all accessible at [de.gov/dnrechearings](https://de.gov/dnrechearings).