



STATE OF DELAWARE  
**DEPARTMENT OF NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROL**

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OFFICE OF THE  
SECRETARY

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**Secretary's Order No: 2025-OTS-0034**

**RE: FINAL EXEMPT ORDER: 8 DE Admin. Code 900:**  
***Policies and Procedures Regarding FOIA Requests***

**Date of Issuance: November 10, 2025**

**Effective Date: December 11, 2025**

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC") pursuant to 29 **Del.C.** §10113(b)(4), the Department hereby revises Section 900 of Title 8 of the Delaware Administrative Code to update contact information and a regulatory citation, and to ensure consistency with the requirements set forth in the current edition of the *Delaware Administrative Code Drafting and Style Manual*. This action is a result of the 2025 Regulatory Review conducted in accordance with 29 **Del.C.** §10407.

**Findings of Fact**

Based on Delaware law, I make the following findings of fact:

1. The proposed regulation is not in conflict with Delaware law; and
2. The proposed regulation is an appropriate exercise of the Department's responsibilities and authority.

### **Decision and Order Concerning the Regulation**

**NOW THEREFORE**, under the above-described statutory authority, and for the reasons set forth above, I hereby ORDER that the revisions to 8 DE Admin. Code 900: *Policies and Procedures Regarding FOIA Requests*, be adopted and promulgated as follows, to wit:

1. Section 3.1.1 shall be modified by removing the fax machine as a means to submit a request.
2. Section 3.2.1 shall be modified by updating the email address for submitting requests and removing the fax number.
3. Section 3.3.2 shall be modified by replacing the term “agency” with “public body” to ensure inclusivity of boards and commissions that may hold records.
4. Section 3.3.3 shall be modified by removing internal statutory citation references and by adding the requirement to track “whether documents were made available,” as required by statute.
5. Section 3.6.1 shall be modified by replacing “public body” with “custodian” to align with statutory terminology.

The effective date of this Order is ten (10) days from the date of its publication in the Delaware Register of Regulations, in accordance with 29 **Del.C.** §10118(g).

/s/Gregory Patterson

Gregory Patterson  
Secretary