



A Brief Guide to Delaware's Environmental Permitting Process

The [Delaware Department of Natural Resources and Environmental Control \(DNREC\)](#) is an executive state agency with the responsibility to protect both the environment of Delaware and the health of our residents. When certain types of commercial or industrial facilities want to open or change their operations in Delaware, they must obtain a permit (or permits) from DNREC for potentially polluting activities.

Facilities submit permit applications to DNREC and they are reviewed by subject-matter experts to determine whether the proposal may be permitted under state or federal laws and regulations. The laws and regulations are meant to ensure that both public health and the environment are protected.

DNREC does not advocate for or against any permit. The DNREC Secretary makes the final decision as to whether a permit will be granted. The Secretary relies on information submitted with the permit application, reviews of the application performed by DNREC's subject-matter experts, and comments received from the public during the permit process.

It is important for DNREC to hear opinions from neighbors of a proposed activity, and other members of the public. These opinions can be in support of the project or opposed to the project.

DNREC's permit process and how to participate in it:

1. DNREC publishes legal notices in Delaware newspapers and online to make the public aware of applications, permitting matters, and other actions taken by the Department. DNREC notices are found at de.gov/dnrecnotices. You can subscribe to automatically receive DNREC notices by email subscription here: dnrec.alpha.delaware.gov/subscribe/. Some application materials are posted online; others are available for review by appointment.
2. Once a permit application has been reviewed and determined to be complete, the application is publicly noticed. At this time, DNREC may choose to hold a Community Information Meeting offering members of the public the opportunity to ask questions regarding the application before submitting comments. At a Community Information Meeting, DNREC may provide information and questions may be asked about information contained in the permit application. Nothing in a Community Information Meeting is part of the official record for the permit application. Such meetings are posted on the State's Public Meeting Calendar (publicmeetings.delaware.gov/) and on the DNREC Calendar of Events (de.gov/dnrecmeetings).



3. For some permit applications, a Public Hearing may be held to allow the public to hear the details of specific permitting matters and to submit comments. If a resident wants to request a public hearing, they should contact the Department to make an official request for a public hearing. The request must be made in the time frame specified in the public notice and must contain a reasoned statement of the permit's probable impact. If a hearing is not requested, the permit can be issued without a hearing. A formal Public Hearing differs from a Community Information Session; DNREC staff cannot answer questions at a hearing, and the applicant does not engage in discussion with the public at the hearing. Those who want to offer comments during the hearing must pre-register. Find information on DNREC Public Hearings, Public Comment Protocols, and Public Comment Registration at: de.gov/dnrechearings.
4. Following the Public Hearing, written public comments are accepted for at least 15 days. This length of time may be extended further, should circumstances require. This time allows people to submit comments based upon what they learn at the hearing. All relevant public comments, whether verbal in the Public Hearing or in writing before or after the hearing, have the same weight and will be considered equally by the Secretary.
5. After the close of the public comment period, DNREC subject-matter experts review the comments and provide technical responses to those comments in a Technical Response Memorandum. This document is provided to the Hearing Officer, who makes a recommendation to the Secretary based on the complete Hearing Record.
6. After review of the entire Hearing Record, the DNREC Secretary makes a decision whether to approve or deny the permit. This decision, and the reasons for it, is formally announced through a Secretary's Order published on the DNREC website (de.gov/dnrecorders). If the permit is issued, the Order may include special conditions or restrictions needed to protect public health and the environment.
7. Each Public Hearing has its own web page, found at de.gov/dnrechearings, that includes the full hearing record – the application, the hearing transcript, exhibits, all public comments, the Technical Response Memo, the Hearing Officer's Report, and the Secretary's Order. Many issued permits may also be posted online, by the permitting programs, or are available for in-person public review.

A transparent process, the sharing of information and taking public comment, is fundamental to DNREC's permit process, and DNREC is taking new steps to help Delawareans take part in determining how Delaware's environmental laws and regulations affect them.

Disclaimer: This document is intended to provide information regarding the DNREC permit process and does not capture all aspects of it or create any legal obligations. The legal requirements for the DNREC permit process can be found in Delaware's state laws and regulations.