



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL  
DIVISION OF WATERSHED STEWARDSHIP  
89 Kings Highway  
DOVER, DELAWARE 19901

PHONE: (302) 739-9921  
FAX: (302) 739-6724

**2.05.1**  
**Sediment and Stormwater Variance Request**

Pursuant to 7 *Del. C.* § 6011 and 7 *Del. Admin. C.* §5101-1.5 of the Sediment and Stormwater Regulations, the Department of Natural Resources and Environmental Control (Department) will accept, review and render decisions on applications for a variance from the provisions of the Regulations.

The applicant hereby submits to the Sediment and Stormwater Program a request for a variance to be considered by the Secretary of the Department. The Secretary's decision on the requested variance shall be published and the decision shall be effective immediately. Any person whose interests are substantially affected may appeal to the Environmental Appeals Board within 15 days of publication of the Secretary's decision. The variance shall be effective from the date of its approval until a final plan is approved unless the nature and scope of the project for which it was granted has changed.

Project Name: \_\_\_\_\_

Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_ Phone: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Contact Person Name (if different than owner): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_ Phone: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

FOR OFFICE USE

Sediment and Stormwater Program Findings:

Sediment and Stormwater Program Recommendation

Variance Request:

- Recommended for Approval
- Recommended for Denial

Signed by: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Secretary's Decision:

Variance Request:

- Approved
- Denied

Signed by: \_\_\_\_\_ Date: \_\_\_\_\_

David Small, DNREC Secretary



f. Pursuant to 7 *Del. C.* § 6011, provide responses and explain how the following will be met. Responses must be provided for all items.

(1) Good faith efforts have been made to comply with this chapter;

(2) The person applying is unable to comply with this chapter because the necessary technology or other alternative methods of control are not available or have not been available for a sufficient period of time or the financial cost of compliance by using available technology is disproportionately high with respect to the benefits which continued operation would bestow on the lives, health, safety and welfare of the occupants of this State and the effects of the variance would not substantially and adversely affect the policy and purposes of this chapter;

(3) Any available alternative operating procedure or interim control measures are being or will be used to reduce the impact of such source on the lives, health, safety and/or welfare of the occupants of this State; and

(4) The continued operation of such source is necessary to national security or to the lives, health, safety or welfare of the occupants of this State.

**NOTE: Applicant will be responsible for the cost of publishing the variance request and the Department's decision on the variance. Submit \$500.00 to cover these costs with this variance request.**

Amount submitted: \_\_\_\_\_

Check # \_\_\_\_\_

Please make checks payable to DNREC Division of Watershed Stewardship.

Credit Card Information (Visa, Mastercard, Discover accepted)

Credit Card Number: \_\_\_\_\_

Exp. Date: \_\_\_\_\_ Security Code (last 3 digits on signature side of card): \_\_\_\_\_

Name on credit card: \_\_\_\_\_

Billing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_