



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
DIVISION OF WATERSHED STEWARDSHIP

89 Kings Highway
DOVER, DELAWARE 19901

OFFICE OF THE
DIRECTOR

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

2.05.2

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 of *Delaware Sediment and Stormwater Regulations* 3.6 Expiration of Plan Approval to allow for a previously approved and expired plan to have its approval extended based on the requirements of the previous *Delaware Sediment and Stormwater Regulations*. This variance request will 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: _____

Plan Approval Date: _____ Plan Expiration Date: _____

Sediment and Stormwater Approval Agency: _____

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

Applicant shall supply responses for the following to support this variance request:

- a. How would compliance with the requirements the ~~revised-current~~ *Delaware Sediment and Stormwater Regulations* (~~effective January 1, 2014~~) affect this project with respect to implementation of stormwater best management practices (BMPs)? List Green Technology BMPs proposed under the previously approved plan. If none, provide justification.
- b. How would compliance with the requirements the ~~revised-current~~ *Delaware Sediment and Stormwater Regulations* (~~effective January 1, 2014~~) affect this project with respect to project timing? Provide a projected construction start date for the project if the variance is granted.
- c. How will the performance standards of the current *Delaware Sediment and Stormwater Regulations* be satisfied if the variance is granted?
- d. Provide a comparison of the cost of compliance with the current *Delaware Sediment and Stormwater Regulations* to the cost of implementation of the measures proposed in this variance request.
- e. Pursuant to 7 *Del. C.* § 6011, provide responses and explain how the following will be met. ~~If an item does not apply to this particular variance request, please state so.~~ 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.

Submit the following documents:

- Last approved Sediment and Stormwater Management plan for the project, bearing the Department or delegated agency approval stamp.
- Record Plan for the project

FOR OFFICE USE

Sediment and Stormwater Program Recommendation

~~Variance Request:~~

- ~~Recommended for Approval~~
- ~~Recommended for Denial~~

Signed by: _____ Date: _____

Printed Name: _____

~~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.~~

~~Variance Request:~~

- ~~Approved~~
- ~~Denied~~

Signed by: _____ Date: _____

David Small, DNREC Secretary

NOTE: Applicant will be responsible for the cost of publishing the variance request and the Department's decision on the variance. Submit ~~\$400.00~~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: _____