

## **DELAWARE**

### **How Does Delaware Define Environmental Justice and Environmental Justice Communities?**

#### **Environmental Justice Definitions:**

The Delaware Department of Natural Resources and Environmental Control (DNREC) defines environmental justice as “ ... seek[ing] equity for minority and low-income communities that may be disproportionately exposed – and vulnerable – to adverse environmental impacts. Simply put, practicing environmental justice ensures that everyone has an equal seat at the table where decisions are made.”<sup>1</sup>

#### **Environmental Justice Mapping Tools:**

N/A.

### **How Does Delaware Consider Environmental Justice in its Substantive Actions<sup>2</sup>?**

#### **Environmental Justice as a Policy of the Environmental Agency or Across All Agencies:**

N/A.

#### **Consideration of Environmental Justice in Permitting:**

N/A.

#### **Consideration of Environmental Justice in Enforcement:**

N/A.

#### **Consideration of Environmental Justice in Land Use:**

N/A.

#### **State Environmental Policy Act “Mini-NEPA”:**

N/A.

#### **Dedicated Funding to Environmental Justice Communities:**

N/A.

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<sup>1</sup> DNREC, *Environmental Justice*, <https://dnrec.alpha.delaware.gov/environmental-justice/> (last visited June 28, 2022).

<sup>2</sup> Substantive is defined as governing the original rights and obligations of individuals. Cornell L. Sch., LII, *Wex Legal Encyclopedia*, [https://www.law.cornell.edu/wex/substantive\\_law](https://www.law.cornell.edu/wex/substantive_law) (last visited June 28, 2022).

Consideration of Cumulative Impacts:

N/A.

Prohibitions on Disparate Impact Discrimination:

N/A.

Established Environmental Rights:

N/A.

**How Does Delaware Address Environmental Justice in its Procedures<sup>3</sup>?**

Environmental Justice as Part of Environmental Agency's Mission:

N/A.

Environmental Justice as Part of Other Agency's Mission:

A 2019 report mentions that the Delaware Department of Transportation (DelDOT) will follow all federal guidance on environmental justice in its public participation efforts and according to Title VI.<sup>4</sup> DelDOT's Title VI coordinator is:

Wendy B. Henry  
CPPO – Title VI Coordinator  
800 Bay Road  
Dover, DE 19901  
302-760-2555  
[Wendy.henry@delaware.gov](mailto:Wendy.henry@delaware.gov)

For the Delaware Transit Corporation, a Title VI complaint (available in both [English](#) and [Spanish](#)) may be submitted to:<sup>5</sup>

Customer Relations/Title VI  
Delaware Transit Corporation  
119 Lower Beech Street, Suite 100  
Wilmington, DE 19805

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<sup>3</sup> Procedural is defined as rules and the methods used to ensure the rights of individuals. Cornell L. Sch., LII, *Wex Legal Encyclopedia*, [https://www.law.cornell.edu/wex/procedural\\_law](https://www.law.cornell.edu/wex/procedural_law) (last visited June 28, 2022).

<sup>4</sup> DelDOT, *Title VI Compliance Review* (2019), <https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/regulations-and-guidance/civil-rights-ada/132876/delDOT-final-title-vi-review-report-2019.pdf> (last visited June 28, 2022).

<sup>5</sup> DART, *Del. Transit Corporation's Title VI Complaint Process*, <https://www.dartfirststate.com/titlevi/TitleviReporting.shtml> (last visited June 28, 2022).

Phone: 800-652-3278 option 2  
[dotdtcweb@delaware.gov](mailto:dotdtcweb@delaware.gov)  
[www.dartfirststate.com](http://www.dartfirststate.com)

Processes and Procedures (including Title VI):

- Non-Discrimination Policy:

N/A.

- Grievance Procedures:

N/A.

- Enhanced Public Participation and Information Access:

There is a Delaware Environmental Justice Community Partnership (DEJCP) which is a public-private consortium of groups working together to prevent, reduce, and eliminate environmental and social injustices.<sup>6</sup> They also run the Community Housing Empowerment Connection (CHEC).<sup>7</sup>

- Language Access:

There are four factors that a Delaware agency must determine when deciding whether to invest in translation of materials for LEP persons. (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient. (2) The frequency with which LEP persons come into contact with the program. (3) The nature and importance of the program, activity, or service provided by the program to people's lives. (4) The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.<sup>8</sup>

Although a 2016 report from the Delaware State Housing Authority (DHSA) identified weaknesses in translation services and non-intuitive websites for Limited English Proficiency (LEP) persons and recommended an update to the website,<sup>9</sup> the website is still difficult to access for LEP persons.<sup>10</sup> Once someone finds the translate link at the bottom of the webpage there are 8 languages available.<sup>11</sup>

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<sup>6</sup> DEJCP, <http://www.checinc.org/the-delaware-environmental-justice-community-partnership-dejcp1.html> (last visited June 28, 2022).

<sup>7</sup> *Id.*

<sup>8</sup> DelDOT, *Title VI Compliance Review* (2019), <https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/regulations-and-guidance/civil-rights-ada/132876/deldot-final-title-vi-review-report-2019.pdf> (last visited June 28, 2022). These same factors were listed in the DHSA report.

<sup>9</sup> DHSA, *Language Access Plans for Persons With Limited English Proficiency* [http://www.destatehousing.com/FormsAndInformation/Publications/lep\\_plan.pdf](http://www.destatehousing.com/FormsAndInformation/Publications/lep_plan.pdf) (last visited June 28, 2022).

<sup>10</sup> DHSA, <http://www.destatehousing.com> (last visited June 28, 2022).

<sup>11</sup> Del., *Translation Services*, <https://delaware.gov/help/translate.shtml> (last visited June 28, 2022).

The Delaware Judiciary also has a Language Access Plan.<sup>12</sup>

- Consultation with Indigenous Communities and Tribal Nations:

N/A.

Governmental Environmental Justice Structures, Positions, and Funding Streams:

- Environmental Justice Coordinating Agency:

N/A.

- Environmental Justice Coordinator:

N/A.

- Environmental Justice Advisory Board:

DNREC has a Community Involvement Advisory Council (CIAC) established by [29 Del. C. § 8016A](#).<sup>13</sup> The council works to increase community participation and the flow of information between communities and the DNREC.<sup>14</sup> They serve in an advisory capacity to the secretary of the department.<sup>15</sup> The council may be contacted via:

Lisa Myura  
Administrative Assistant  
DNREC Office of Community Services  
23530 Campbell Circle  
Georgetown, DE 19947  
302-739-9401  
[lisa.myura@delaware.gov](mailto:lisa.myura@delaware.gov)

There is also a Community Ombudsman who serves as lead staff for CIAC.<sup>16</sup> This person serves as an advocate and liaison for communities and helps them to gather information about the environment and other departmental programs.<sup>17</sup> Currently the Community Ombudsman is:

James Brunswick  
Community Ombudsman

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<sup>12</sup> Del. Courts, Del. Judiciary Language Access Plan (2021), <https://courts.delaware.gov/forms/download.aspx?id=64928> (last visited June 28, 2022).

<sup>13</sup> DNREC, *Community Involvement Advisory Council*, <https://dnrec.alpha.delaware.gov/community-services/advisory-council/> (last visited June 28, 2022).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> DNREC, *Community Ombudsman*, <https://dnrec.alpha.delaware.gov/community-services/community-ombudsman/> (last visited June 28, 2022).

<sup>17</sup> *Id.*

391 Lukens Dr.  
New Castle, DE 19720  
302-739-9040  
[james.brunswick@delaware.gov](mailto:james.brunswick@delaware.gov)

Lastly, persons who are “substantially affected by any action of the Secretary” (of DNREC) may file an appeal to the Environmental Appeals Board.<sup>18</sup> The Board is made up of seven Delaware residents (appointed by the governor).<sup>19</sup> Persons may then appeal decisions by the Board to the Delaware Superior Court.<sup>20</sup>

- *Funding for Environmental Justice:*

There is a Community Environmental Project Fund (CEPF) that “provides money to support the restoration of the environment in communities that were damaged by environmental pollution.”<sup>21</sup> The awards are determined by DNREC with input from CIAC.<sup>22</sup> The projects must either mitigate pollution, enhance the environment, or create recreational opportunities.<sup>23</sup>

Although DNREC has a section of its website dedicated to environmental justice,<sup>24</sup> many of the programs are old and do not seem to be updated regularly. Further, many of the links within the environmental justice page link to other funds or councils that, although good, do not focus on or consider environmental justice in their work.<sup>25</sup>

### **Additional Delaware Environmental Justice Provisions?**

N/A.

### **Delaware Environmental Justice Contacts?**

James Brunswick  
Community Ombudsman  
391 Lukens Dr.  
New Castle, DE 19720  
302-739-9040  
[james.brunswick@delaware.gov](mailto:james.brunswick@delaware.gov)

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<sup>18</sup> DNREC, *Environmental Appeals Board*, <https://dnrec.alpha.delaware.gov/environmental-appeals-board/> (last visited June 28, 2022).

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> DNREC, *Community Environmental Project Fund*, <https://dnrec.alpha.delaware.gov/community-services/environmental-project-fund/> (last visited June 28, 2022).

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> DNREC, *Environmental Justice*, <https://dnrec.alpha.delaware.gov/environmental-justice/> (last visited June 28, 2022).

<sup>25</sup> *Id.*

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Wilmington, DE 19805  
Phone: 800-652-3278 option 2  
Email: [dotdtcweb@delaware.gov](mailto:dotdtcweb@delaware.gov)  
Web: [www.dartfirststate.com](http://www.dartfirststate.com)

Wendy B. Henry  
CPPO – Title VI Coordinator  
800 Bay Road  
Dover, DE 19901  
302-760-2555  
[Wendy.henry@delaware.gov](mailto:Wendy.henry@delaware.gov)

## **Where to Find Delaware Environmental Justice Laws, Policies, and Tools?**

### Constitutional Provisions:

N/A.

### Executive Orders:

N/A.

### Legislation and Statutes:

- [7 Del. C. §§ 6007-6009](#) – Establishes the Environmental Appeals Board and the process for appeals to it and from it.
- [7 Del. C. § 6042](#) – Establishes the CEPF which is a fund for Community Environmental Projects.
- [29 Del. C. § 8016A](#) – Establishes an Advisory Council made up of community members, non-profit organizations, and environmental groups to consider public participation, disparate impacts, etc.

Regulations:

N/A.

Policies/Guidance:

N/A.

Mapping Tools:

N/A.

Other:

N/A.